

(b) (6), (b) (7)(C) (JMD)

From: (b) (6), (b) (7)(C) (JMD)
Sent: Monday, August 26, 2019 5:32 PM
To: DuCharme, Seth (OAG)
Subject: List

(b) (5), (b) (6)

(b) (5)

(b)(5); (b)(6); (b)(3) - 10 USC § 424 per DIA (b)(6)

(b) (6), (b) (7)(C) (JMD)

From: (b) (6), (b) (7)(C) JMD
Sent: Thursday, May 30, 2019 1:44 PM
To: DuCharme, Seth (OAG)
Subject: Fwd: Did Brits warn about Steele's credibility, before Mueller's probe? Congress has evidence | TheHill

Sent from my iPhone

Begin forwarded message:

From: "Durham, John (USACT)" <(b) (6), (b) (7)(C)>
Date: May 30, 2019 at 12:26:12 PM EDT
To: "(b) (6), (b) (7)(C) (USACT)" (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), (JMD)"
(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
Subject: Did Brits warn about Steele's credibility, before Mueller's probe? Congress has evidence | TheHill

FYI!

<https://thehill.com/opinion/white-house/446050-did-brits-warn-about-steeles-credibility-before-muellers-probe-congress>

Sent from my iPhone

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Thursday, May 30, 2019 1:44 PM
To: Durham, John (USACT)
Subject: Fwd: JD's new person

FYSA

Sent from my iPhone

Begin forwarded message:

From: "Wilkinson, Monty (JMD)" (b) (6)
Date: May 30, 2019 at 11:42:25 AM EDT
To: "Allen, Michael (JMD DAAG)" (b) (6), "DuCharme, Seth (OAG)" (b) (6)
Subject: RE: JD's new person

I just reached out to EOUSA and SEPS to get a little more information. I will circle back shortly.

-----Original Message-----

From: Allen, Michael (JMD DAAG) (b) (6)
Sent: Thursday, May 30, 2019 11:34 AM
To: DuCharme, Seth (OAG) <(b) (6)> Wilkinson, Monty (JMD) (b) (6)
Subject: RE: JD's new person

Seth

I'm adding Monty Wilkinson who oversees SEPS, I think this is being handled out of EOUSA first.

Mike

-----Original Message-----

From: DuCharme, Seth (OAG) (b) (6)
Sent: Thursday, May 30, 2019 9:59 AM
To: Allen, Michael (JMD DAAG) (b) (6) >
Subject: JD's new person

Mike, do you know who I can talk to in order to expedite (b) (6), (b) (7)(C) clearances?

He's a former (b) (6), (b) (7)(C) employee.

Thanks

THANKS,
Seth

Sent from my iPhone

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Tuesday, May 28, 2019 6:06 PM
To: (b) (6), (b) (7)(C)
Cc: Durham, John (USACT)
Subject: Re: We're going to be with BB for a while. 6:00ish?

I'm still here but moving towards food. Call my cell as needed.

Sent from my iPhone

> On May 28, 2019, at 5:27 PM, (b) (6), (b) (7)(C)) (b) (6), (b) (7)(C)
wrote:
>
> Seth is trying to take off soon but gave me a quick rundown. Are you guys at EOUSA?
>
>
>> On May 28, 2019, at 4:30 PM, Durham, John (USACT) (b) (6), (b) (7)(C) > wrote:
>>
>>
>>
>> Sent from my iPhone

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Tuesday, May 28, 2019 2:57 PM
To: Durham, John (USACT)
Subject: Re: Fort Meade

Maybe we can do it - still trying,
I found an exception

Sent from my iPhone

> On May 28, 2019, at 2:54 PM, DuCharme, Seth (OAG) <(b) (6)> wrote:
>
>
> Too far for motor pool so our options are taxi/car service or rental car.
>
> Sent from my iPhone

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Wednesday, May 22, 2019 10:18 AM
To: Durham, John (USACT); (b) (6), (b) (7)(C) (USACT)
Subject: FW: POC

In re NSA ...

From: Gerstell, Glenn S. (b)(3) - 50 U.S.C. § 402
Sent: Wednesday, May 22, 2019 10:16 AM
To: DuCharme, Seth (OAG) (b) (6)
Cc: (b)(3) - 50 U.S.C. § 402
Subject: RE: POC

Seth:

Thanks for your email and it was good to meet you as well.

We suggest that (b)(3) - 50 U.S.C. § 402, Assistant General Counsel for Litigation, be the NSA point of contact for John. I understand from (b)(3) - 50 U.S.C. § 402 that he's worked with John on some prior matters. (b)(3) - 50 U.S.C. § 402 phone is (b)(3) - 50 U.S.C. § 402 and his email is above.

Hope to see you again soon,

Glenn



GLENN S. GERSTELL
GENERAL COUNSEL
NATIONAL SECURITY AGENCY
(b)(3) - 50 U.S.C. § 402

From: DuCharme, Seth (OAG) <(b) (6)>
Sent: Tuesday, May 21, 2019 3:17 PM
To: Gerstell, Glenn S. <(b)(3) - 50 U.S.C. § 402>
Subject: [Non-DoD Source] POC

Glenn,

It was a pleasure meeting you today. I look forward to working with you.

I had a pleasure meeting you today. I look forward to working with you.

Please let me know if you would like to be the primary POC for John's team, or if we should refer him to someone else at the Fort.

I know you have a great team at OGC litigation, just let me know if I should steer John in that direction or elsewhere.

Please also let me know if further conversation would be helpful.

Best regards,
Seth

Seth D. DuCharme
Counselor to the Attorney General
U.S. Department of Justice

(b) (6)

Durham, John (USACT)

From: Durham, John (USACT)
Sent: Wednesday, May 22, 2019 10:14 AM
To: DuCharme, Seth (OAG)
Cc: (b) (6), (b) (7)(C) (USACT)
Subject: Re: this afternoon

We're meeting w/ FBI folks at 2:00 to go over additional records requests/production and then (b) (6), (b) (7)(C) has a 5:30 flight. We can check about changing her flight if need be. What's up?

Sent from my iPhone

On May 22, 2019, at 10:08 AM, DuCharme, Seth (OAG) <(b) (6)> mailed (b) (6) <(b) (6)> > wrote:

Are you able to be over here later this afternoon?

Seth D. DuCharme
Counselor to the Attorney General
U.S. Department of Justice

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Tuesday, May 21, 2019 10:19 AM
To: Durham, John (USACT); (b) (6), (b) (7)(C)(USACT)
Subject: List

Got your voice mail

Can you email me the list of things you need from the Fort?

Please use appropriate system,
Thanks

Sent from my iPhone

(b) (6), (b) (7)(C) JMD)

From: (b) (6), (b) (7)(C) (JMD)
Sent: Thursday, May 16, 2019 8:03 AM
To: Allen, Michael L. (JMD); Wilkinson, Monty (JMD); Sassok, Evie (JMD); Greer, Christopher M. (JMD); DuCharme, Seth (OAG)
Cc: (b) (6), (b) (7)(C) (USACT); (b) (6), (b) (7)(C) USACT); Durham, John (USACT); (b) (6), (b) (7)(C) (USACT)
Subject: Additional Staff on-boarding 5/28
Attachments: Resume - (b) (6), (b) (7)(C) .docx

Joining John Durham's team on Tuesday, 5/28/2019 will be (b) (6), (b) (7)(C), whose resume is attached to this notice. (b) (6), (b) (7)(C) is a current federal annuitant and is also a former contract investigator with the USAO in (b) (6), (b) (7)(C).

We will be trying to expeditiously bring (b) (6), (b) (7)(C) on-board with an interim clearance, if necessary, and logical access to J-Con systems, as well as physical access to our 2Con office space.

(b) (6), (b) (7)(C) current personal web mail account is (b) (6); his personal cell is (b) (6). I will be bringing (b) (6), (b) (7)(C) around in his first week for introductions and to complete all of his necessary paperwork and on-boarding responsibilities. Thank you.

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Friday, May 10, 2019 8:49 AM
To: Allen, Michael (JMD DAAG)
Cc: Durham, John (USACT); (b) (6), (b) (7)(C) (USACT)
Subject: new team member

Mike, (b) (6), (b) (7)(C) is an AUSA (b) (6), (b) (7)(C) who is prepared to commit 2-3 days a week to John and (b) (6), (b) (7)(C) assignment. As soon as we bring him on, there's work for him to do.

I haven't spoken to their US Attorney about it yet, but he's been approved up to his section chief level to help out.

Because he's currently an AUSA with security clearances in place, is there any reason John and (b) (6), (b) (7)(C) couldn't start tasking him immediately assuming his office concurs?

Thanks,
Seth

Seth D. DuCharme
Counselor to the Attorney General
U.S. Department of Justice

(b) (6), (b) (7)(C) (USACT)

From: (b) (6), (b) (7)(C) (USACT)
Sent: Wednesday, May 8, 2019 2:03 PM
To: DuCharme, Seth (OAG)
Cc: Durham, John (USACT)
Subject: Re: Meeting on the 20th

Thank you.

Sent from my iPhone

On May 8, 2019, at 12:18 PM, DuCharme, Seth (OAG) <(b) (6)>mailto:(b) (6) wrote:

LES//FOUO

The person I have been talking to out west is going to be in DC on May 20th and agreed to meet with you that morning. I also got additional details that I can pass along in advance of that meeting.

Seth D. DuCharme
Counselor to the Attorney General
U.S. Department of Justice

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Wednesday, May 8, 2019 10:50 AM
To: (b) (6), (b) (7)(C) (USACT); Durham, John (USACT)
Subject: Comey team may have used confidential sources prematurely, ex-FBI intel official says

<https://www.washingtonexaminer.com/news/comey-team-may-have-used-confidential-sources-prematurely-ex-fbi-intel-official-says>

Sent from my iPhone

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Wednesday, May 8, 2019 9:43 AM
To: (b) (6), (b) (7)(C) (USACT)
Subject: RE: Follow up on Saint Louis documents

I emailed Wilson, will let you know what happens.

-----Original Message-----

From: (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C)
Sent: Wednesday, May 8, 2019 9:30 AM
To: DuCharme, Seth (OAG) <(b) (6)>
Subject: Re: Follow up on Saint Louis documents

Thanks. Let me know a good time for a call today.

Sent from my iPhone

> On May 8, 2019, at 8:23 AM, DuCharme, Seth (OAG) <(b) (6)> wrote:

>

> I'll reach out to him

>

> Sent from my iPhone

>

>> On May 7, 2019, at 10:26 PM, (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C) wrote:

>>

>> Seth: I am following up on our discussion of transporting classified

>> documents from St. Louis to DC. (b) (6), (b) (7)(C) per EOUSA of EOUSA, see below, is telling St Louis (b) (6), (b) (7)(C))

that it will cost \$5.50/lb to have the documents transported and is not being very responsive as to timing. There are approximately 30 binders and the transportation cost at the suggested price will be very significant. I don't believe (b) (6), (b) (7)(C) has any idea about the purpose of the transport and who is asking for it. I am happy to reach out to him and explain the situation but it may mean more coming from you. If timing and cost cannot be altered, the fallback will be to ask the FBI to have two agents from St. Louis drive the documents to DC. Happy to discuss in more detail and thanks.

(b) (6), (b) (7)(C) Contact info:

>> (b) (6), (b) (7)(C) per EOUSA

>> JCON-S/TS and COMSEC Program Manager

>> EOUSA

>> Off (b) (6), (b) (7)(C) per EOUSA

>> Cell: (b) (6), (b) (7)(C) per EOUSA

>>

>>

>> Sent from my iPhone

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Wednesday, May 8, 2019 9:33 AM
To: (b) (6), (b) (7)(C) (USACT)
Subject: RE: Follow up on Saint Louis documents

Now is good if that works for you (b) (6)

-----Original Message-----

From: (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C)
Sent: Wednesday, May 8, 2019 9:30 AM
To: DuCharme, Seth (OAG) <(b) (6)>
Subject: Re: Follow up on Saint Louis documents

Duplicative Records

(b) (6), (b) (7)(C) (USACT)

From: (b) (6), (b) (7)(C) (USACT)
Sent: Tuesday, May 7, 2019 2:07 PM
To: DuCharme, Seth (OAG)
Subject: Re: time to talk today

Calling you now.

Sent from my iPhone

> On May 7, 2019, at 1:05 PM, DuCharme, Seth (OAG) <(b) (6)> wrote:

>

> Just tried you. What's a good number?

>

> Sent from my iPhone

>

>> On May 7, 2019, at 1:39 PM, (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C) wrote:

>>

>> I am in St Louis and can speak at your convenience. Just let me know. Thanks

>>

>> Sent from my iPhone

>>

>> On May 7, 2019, at 9:13 AM, DuCharme, Seth (OAG) (b) (6)

>> > wrote:

>>

>> Please let me know when's a good time to catch up, thanks

>>

>> Seth D. DuCharme

>> Counselor to the Attorney General

>> U.S. Department of Justice

>>

(b) (6), (b) (7)(C) USACT

From: (b) (6), (b) (7)(C) (USACT)
Sent: Friday, May 3, 2019 11:01 AM
To: DuCharme, Seth (OAG)
Cc: Durham, John (USACT)
Subject: Re: catching up

Ok. (b) (6), (b) (7)(C). Thanks

Sent from my iPhone

> On May 3, 2019, at 10:57 AM, DuCharme, Seth (OAG) <(b) (6)> wrote:

>
> (b) (6), (b) (7)(C) I will call your cell and then try to conference in John

> Sent from my iPhone

>> On May 3, 2019, at 10:14 AM, (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C) > wrote:

>> 11:00 works for me. Just landing at Bradley. Can you conference me in or send a call-in number?

Thanks

>> Sent from my iPhone

>> On May 3, 2019, at 9:56 AM, Durham, John (USACT) (b) (6), (b) (7)(C)

>> > wrote:

>> Seth-
>> Just finishing up w/ EARS Exit Review. How about 11:00?

>> From: DuCharme, Seth (OAG) <(b) (6)>mailto:(b) (6)>>

>> Sent: Friday, May 03, 2019 8:57 AM

>> To: Durham, John (USACT) (b) (6), (b) (7)(C) >; (b) (6), (b) (7)(C)

>> (USACT) (b) (6), (b) (7)(C) >

>> Subject: catching up

>> Any time to talk briefly today?

>> Also:

>>
>> <https://www.nytimes.com/2019/05/02/us/politics/fbi-government-investigator-trump.html>
>>
>>

Durham, John (USACT)

From: Durham, John (USACT)
Sent: Tuesday, April 30, 2019 7:27 PM
To: DuCharme, Seth (OAG)
Subject: Re: contact info

Seth-
(b) (6), (b) (7)(C) and I will check our (b) (6), (b) (7)(C) in the morning.
JHD

Sent from my iPhone

On Apr 30, 2019, at 12:40 PM, DuCharme, Seth (OAG) <(b) (6)> mail (b) (6)
> wrote:

I sent you both emails from my OAG (b) (6)

I also have (b) (6)

When you get a chance, please let me know if they came through ok, and please send a PDF of the list of transcripts (or I can find a way to get a hard copy).

Thanks. See you soon.

Seth D. DuCharme
Counselor to the Attorney General
U.S. Department of Justice

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Monday, April 29, 2019 9:55 AM
To: (b) (6), (b) (7)(C) USACT); Durham, John (USACT)
Subject: RE: Document Production Index 022619.pdf - Reading Room Materials

Yes, I believe the reading room is the one that OLA has available.

I will try to get my (b) (6) accounts set up this week in re transmission of any classified info in the transcript list.

Thanks

From: (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C) >
Sent: Monday, April 29, 2019 9:51 AM
To: DuCharme, Seth (OAG) (b) (6) Durham, John (USACT) (b) (6), (b) (7)(C)
Subject: RE: Document Production Index 022619.pdf - Reading Room Materials

Seth: Thanks for the note. By reading room, do you mean what David Lasseter/OLA has available?

I will send you a PDF of the list of transcripts tomorrow as the list is in DC. Given that one page of the list sets out transcripts that are classified, I will just pdf you a partial list and we can discuss how best to send the classified portion by secure means.

Thanks and let us know if you want to have a call sometime today. (b) (6), (b) (7)(C)

From: DuCharme, Seth (OAG) <(b) (6)>
Sent: Monday, April 29, 2019 9:09 AM
To: Durham, John (USACT) (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C)
Subject: Document Production Index 022619.pdf - Reading Room Materials

Attached is a list of the items we have in our reading room, which I thought you might find useful.

When you get a chance, can you send me a PDF of the list of transcripts we got from Ed?

Also, got some assistance from OGA this morning that may be helpful.

Thanks,
Seth

Durham, John (USACT)

From: Durham, John (USACT)
Sent: Wednesday, April 24, 2019 8:21 AM
To: (b) (6), (b) (7)(C) (USACT); (b) (6), (b) (7)(C) (OGC) (FBI);
(b) (6), (b) (7)(C)

<https://twitter.com/realdonaldtrump/status/1121006942502182913?s=12>
Sent from my iPhone

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Tuesday, April 23, 2019 11:48 AM
To: (b) (6), (b) (7)(C) (OGC) (FBI)
Cc: Durham, John (USACT) (b) (6), (b) (7)(C) (USACT)
Subject: Re: DOJ

Thanks, (b) (6), (b) (7)(C). Technically the detail is to the USAO, but I think that's fine. It's not a detail to OAG specifically but rather a detail in support of John's assignment.

Sent from my iPhone

> On Apr 23, 2019, at 11:42 AM, (b) (6), (b) (7)(C), (b) (7)(E) per FBI wrote:

>

> John,

>

> (b) (6), (b) (7)(C), (b) (7)(E) per FBI In discussions with my Deputy General Counsel, (b) (6), (b) (7)(C), (b) (7)(E) per FBI

> . I do have a few things to clean up, but please let me know when you want to meet next. I am good except for Wednesday morning and Friday afternoon.

>

> Regards,

>

(b) (6), (b) (7)(C)

>

>

>

> -----Original Message-----

> From: Durham, John (USACT) [mailto:(b) (6), (b) (7)(C)]

> Sent: Monday, April 22, 2019 5:32 PM

> To: (b) (6), (b) (7)(C), (b) (7)(E) per FBI

> Subject: Re: DOJ

>

(b) (6), (b) (7)(C)

> Great. Thank you for getting back to me so quickly. Hopefully we can get working together soon.

(b) (6), (b) (7)(C) and I will be in DC through late Thursday afternoon.

> JHD

>

> Sent from my iPhone

>
>> On Apr 22, 2019, at 5:09 PM, (b)(6),(b)(7)(C), (b)(7)(E) per FBI wrote:
>>
>> John,
>>
>> I will be speaking to Dawn Browning. She is out today but I have requested time with her tomorrow.

>>
(b) (6), (b) (7)(C)

>>
>> -----Original Message-----
>> From: (b) (6), (b) (7)(C) (USACT (b) (6), (b) (7)(C)] On Behalf Of Durham, John (USACT)
>> Sent: Monday, April 22, 2019 4:02 PM
>> To: (b)(6),(b)(7)(C), (b)(7)(E) per FBI Durham, John (USACT)
(b) (6), (b) (7)(C)
>> Cc: (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C); DuCharme, Seth (OAG) (JMD)
(b) (6)
>> Subject: RE: DOJ

>>
(b) (6), (b) (7)(C)

>>
>> Understood. Who will be talking to Ms. Browning, you or Dana?
>>
>> John

>>
>> -----Original Message-----
>> From: (b)(6),(b)(7)(C), (b)(7)(E) per FBI
>> Sent: Monday, April 22, 2019 12:01 PM
>> To: Durham, John (USACT) (b) (6), (b) (7)(C)
>> Cc: (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C); DuCharme, Seth (OAG) (JMD)
<(b) (6)
>> Subject: RE: DOJ

>>
>> John,
>>
>> I just met with Dana Boente, and he has approved my working with you, Seth, and (b)(6),(b)(7)(C) He wants, however, to make sure it is OK with my Deputy General Counsel, Dawn Browning, who works for Dana. As Dana has approved it, it should not be a problem.

>>
>> Regards,

>>
(b) (6), (b) (7)(C)

>>
>> -----Original Message-----
>> From: Durham, John (USACT) (b) (6), (b) (7)(C)

>> From: [REDACTED], (b) (6), (b) (7)(C)
>> Sent: Thursday, April 18, 2019 2:21 PM
>> To: (b)(6),(b)(7)(C), (b)(7)(E) per FBI
>> Cc: (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C) DuCharme, Seth (OAG) (JMD)
<(b) (6)>
>> Subject: RE: DOJ

>>
(b) (6), (b) (7)(C)

>> I have. I don't perceive any problems, Dana just has to touch a few bases before giving us the formal "yes." Regarding timing, he was flying home this morning/afternoon for the weekend so it may be that we won't hear back until Monday or Tuesday.

>> Have blessed Passover.

>> JHD

>>

>> -----Original Message-----

>> From: (b)(6),(b)(7)(C), (b)(7)(E) per FBI
>> Sent: Thursday, April 18, 2019 1:47 PM
>> To: Durham, John (USACT) (b) (6), (b) (7)(C) >
>> Subject: DOJ

>>

>> John,

>>

>> Have you had a chance to speak to Dana? I will be out of the office this afternoon and Friday-back on Monday.

>>

>> Regards,

>>

(b) (6), (b) (7)(C)

>> Cell (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) (USACT)

From: (b) (6), (b) (7)(C) USACT
Sent: Friday, April 19, 2019 8:13 PM
To: Lasseter, David F. (OLA)
Cc: DuCharme, Seth (OAG); Durham, John (USACT)
Subject: Re: Follow up

Ok. We can connect early next week. Again, we appreciate your assistance and fully understand you had a very busy week.

Sent from my iPhone

> On Apr 19, 2019, at 7:55 PM, Lasseter, David F. (OLA) (b) (6) wrote:

>

> Nobody was given all transcripts. I would be interested to know told you that. The Committee would not give the Department or Bureau transcripts of, say, Glen Simpson or any non Department or former Department personnel. There are in fact more than six transcripts but we do not have all of them. I can possibly acquire some of the others but have not had a chance to engage with them this week. Been pretty swamped with the report.

>

>

> David F. Lasseter

>

>> On Apr 19, 2019, at 17:55 (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C) > wrote:

>>

>> Thanks very much. Just to make sure that I am correctly following. Did you receive the January 2 letter and it had only the 6 transcripts you referenced or did you obtain the 6 transcripts through another route? I ask only because we were lead to understand that more than 6 transcripts were sent with this January 2 letter. (b) (6), (b) (7)(C)

>>

>> Sent from my iPhone

>>

>> On Apr 19, 2019, at 5:04 PM, Lasseter, David F. (OLA) (b) (6)

(b) (6) wrote:

>>

>> (b) (6), (b) (7)(C) —good afternoon. I have 6 transcripts related to current (or current at the time of the interview) Department personnel. We did not receive the transcripts of former Department personnel or non-Department personnel. We can make copies of those transcripts we possess for you on Monday. Just let me know when you are dropping by my office.

>>

>> Thanks and enjoy the weekend,

>> David

>>

>>

>> David F. Lasseter

>>

>> On Apr 19, 2019, at 16:09, (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C)

wrote:

>>

>> David: Thanks again for taking the time to meet with us on Monday. I have what I hope is an easy follow-up question. Attached is a letter from House Judiciary dated January 2, 2019. We understand that various sections within the Department received the letter and attached transcripts. Did OLA receive a copy? If so, could you forward the transcripts that accompanied the letter? If you received the transcripts on a disk or just not by email, I would be happy to stop by on Monday and discuss how best to get a copies of them. Thank you (b) (6), (b) (7)(C)

>> <Transcript letter.pdf>

U.S. House of Representatives
Committee on the Judiciary

Washington, DC 20515-6216
One Hundred Fifteenth Congress

January 2, 2019

To all recipients of transcripts:

The House Judiciary Committee and House Oversight and Government Reform Committee jointly conducted interviews of multiple witnesses during an investigation into events transpiring through the 2016 Presidential election and beyond. Members and staff conducted these interviews in confidential settings behind closed doors, customary for investigations where it is crucial to obtain facts unvarnished by prior harmonizing of witness testimony. We conducted the interviews in such a way to avail agency and private counsels representing the various witnesses, primarily from the Department of Justice and the FBI, with an opportunity to offer objections for various reasons, whether in real time or shortly before the transcripts went to print. In fact, agency lawyers (and many witnesses) did object to providing answers to some questions on the grounds that responses called for possible release of classified information.

The Committees did, and continue to honor, requests to either terminate a line of questioning because of the potential for classified information to enter the public record, or redact information that may have unintentionally entered into an unclassified forum. We are fully cognizant of the need to ensure classified information remains securely stored and discussed in the proper manner and arena. To that very end, one interview had to move to a classified setting, resulting in a classified transcript only available for viewing by those with a relevant clearance and need to know.

We have provided the transcripts to the agencies for review and redaction of any unintentionally divulged classified information. While classified information should not be present in these transcripts because they were conducted in unclassified settings, out of an abundance of caution and protection of national security, please treat these transcripts in a sensitive manner and refrain from releasing them to the public until the agencies have completed their reviews.

Thank you for honoring this important request to ensure necessary scrutiny is given to all the transcripts.

Sincerely,



Bob Goodlatte
Chairman

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Thursday, April 18, 2019 4:26 PM
To: Durham, John (USACT)
Cc: (b) (6), (b) (7)(C) (USACT)
Subject: Re: DOJ

Good for me thanks I'll stand by at (b) (6), (b) (7)(C)

Sent from my iPhone

> On Apr 18, 2019, at 4:25 PM, Durham, John (USACT) (b) (6), (b) (7)(C) > wrote:

>

> 4:45?

>

> -----Original Message-----

> From: (b) (6), (b) (7)(C) USACT (b) (6), (b) (7)(C)

> Sent: Thursday, April 18, 2019 3:28 PM

> To: DuCharme, Seth (OAG) <(b) (6)>

> Cc: Durham, John (USACT) (b) (6), (b) (7)(C)

> Subject: Re: DOJ

>

> I am available except 4-4:30; thanks

>

> Sent from my iPhone

>

>> On Apr 18, 2019, at 2:46 PM, DuCharme, Seth (OAG) <(b) (6)> wrote:

>>

>> I have some further guidance on the mechanics of the detail, just let me know when you are free for a call.

>>

>> -----Original Message-----

>> From: Durham, John (USACT) (b) (6), (b) (7)(C)

>> Sent: Thursday, April 18, 2019 2:21 PM

>> To: (b)(6),(b)(7)(C), (b)(7)(E) per FBI

>> Cc: (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C) >; DuCharme, Seth (OAG)

<(b) (6)>

>> Subject: RE: DOJ

>>

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Thursday, April 18, 2019 1:11 PM
To: (b) (6), (b) (7)(C) USACT
Cc: Durham, John (USACT)
Subject: Re: Offer of assistance

I'm flexible now for rest of day - what works for you?

Sent from my iPhone

On Apr 18, 2019, at 11:27 AM, (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C) > wrote:

No problem.

From: DuCharme, Seth (OAG) <(b) (6)>
Sent: Thursday, April 18, 2019 11:24 AM
To: (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C) >; Durham, John (USACT) <(b) (6), (b) (7)(C)>
Subject: RE: Offer of assistance

I need to push our call back a little – will email you as soon as I free up.

From: (b) (6), (b) (7)(C) (USACT) <(b) (6), (b) (7)(C)>
Sent: Thursday, April 18, 2019 10:59 AM
To: DuCharme, Seth (OAG) <(b) (6)> Durham, John (USACT) <(b) (6), (b) (7)(C)>
Subject: RE: Offer of assistance

I am available after 11:30 today (talking to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) at 11) but just not 1-2.
Thanks

From: DuCharme, Seth (OAG) <(b) (6)>
Sent: Thursday, April 18, 2019 10:31 AM
To: Durham, John (USACT) (b) (6), (b) (7)(C) > (b) (6), (b) (7)(C) (USACT) <(b) (6), (b) (7)(C)>
Subject: Fwd: Offer of assistance

FYI, and please let me know if there's a good time for a call.

We should carefully consider whether this would add additional value to your team.

Sent from my iPhone

Begin forwarded message:

From: "Rabbitt, Brian (OAG)" (b) (6)
Sent: April 18, 2019, at 10:10:37 AM EDT

Date: April 18, 2019 at 10:18:37 AM EDT

To: "DuCharme, Seth (OAG)" <(b) (6)>

Subject: Fwd: Offer of assistance

Sent from my iPhone

Begin forwarded message:

From: (b)(6), (b)(7)(C), and (b)(7)(F) per DEA

Date: April 18, 2019 at 10:16:59 AM EDT

To: "Rabbitt, Brian (OAG)" <(b) (6)>

Subject: Offer of assistance

Dear Mr. Rabbitt,

(b)(6), (b)(7)(C), and (b)(7)(F) per DEA

Sincerely,

(b)(6), (b)(7)(C), and (b)(7)(F) per DEA

Durham, John (USACT)

From: Durham, John (USACT)
Sent: Wednesday, April 17, 2019 1:30 PM
To: DuCharme, Seth (OAG)
Subject: Re: Jeff is around so come by whenever you get here

(b) (6), (b) (7)(C) is here. What's your status?

Sent from my iPhone

> On Apr 16, 2019, at 4:54 PM, DuCharme, Seth (OAG) <(b) (6)> wrote:

>

> Also I have the disk I need to give you tonight. Are you planning to come back or do I need to head out there?

>

> Sent from my iPhone

>

>> On Apr 16, 2019, at 4:37 PM, (b) (6), (b) (7)(C) (USACT (b) (6), (b) (7)(C)) <> wrote:

>>

>> Seth: We are still at 2Con in tech world. Would Jeff be available at 5:30 or 6 or some time tomorrow? Thanks

>>

>> Sent from my iPhone

>>

>>> On Apr 16, 2019, at 4:00 PM, DuCharme, Seth (OAG) <(b) (6)> wrote:

>>>

>>> He showed up early

>>>

>>> Sent from my iPhone

Jensen, Jeff (USAMOE)

From: Jensen, Jeff (USAMOE)
Sent: Wednesday, April 17, 2019 9:22 AM
To: DuCharme, Seth (OAG)
Cc: Durham, John (USACT); (b) (6), (b) (7)(C) (USACT)
Subject: Re: Meeting today

11:15 sounds great.

Sent from my iPhone

> On Apr 17, 2019, at 9:18 AM, DuCharme, Seth (OAG) <(b) (6)> wrote:

>

> How's 11:15? I don't want to drag you away from the Tax department meeting, but that time frame works for us if it works for you.

>

>

>

> Sent from my iPhone

>

>> On Apr 17, 2019, at 8:47 AM, Jensen, Jeff (USAMOE) (b) (6) > wrote:

>>

>> I can step out of the AGAC meetings whenever you would like to meet. I am scheduled to fly out tonight at 6:30 but can change easily.

>>

>> Sent from my iPhone

>>

>> On Apr 17, 2019, at 8:41 AM, DuCharme, Seth (OAG) <(b) (6)>mailto:sducharme@jmd.usdoj.gov>> wrote:

>>

>> Starting a new chain to see when everyone (or some subset of us) might be available today.

>>

>>

>>

>> Seth D. DuCharme

>> Counselor to the Attorney General

>> U.S. Department of Justice

>>

Durham, John (USACT)

From: Durham, John (USACT)
Sent: Tuesday, April 16, 2019 5:58 PM
To: (b) (6), (b) (7)(C), (USACT); DuCharme, Seth (OAG)
Subject: Fwd: Meeting
Attachments: resume.19.doc; ATT00001.htm

FYI

Sent from my iPhone

Begin forwarded message:

From: (b)(6),(b)(7)(C), (b)(7)(E) per FBI >
Date: April 16, 2019 at 5:33:53 PM EDT
To: "Durham, John (USACT)" (b) (6), (b) (7)(C)
Subject: RE: Meeting

John,
Attached is my resume. It's a bit dusty as I have not updated it in a while.

(b) (6), (b) (7)(C)

Work (b)(6),(b)(7)(C), (b)(7)(E) per FBI

Work cell (b)(6),(b)(7)(C), (b)(7)(E) per FBI

-----Original Message-----

From: Durham, John (USACT) (b) (6), (b) (7)(C)
Sent: Tuesday, April 16, 2019 2:57 PM
To: (b)(6),(b)(7)(C), (b)(7)(E) per FBI
Subject: Meeting

(b) (6), (b) (7)(C)

Dana Boente let us know you are available to talk with us tomorrow. What would be a convenient time to meet? Thanks very much.

JHD

Sent from my iPhone

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Tuesday, April 16, 2019 4:55 PM
To: (b) (6), (b) (7)(C) (USACT)
Cc: Durham, John (USACT)
Subject: Re: Jeff is around so come by whenever you get here

Also I have the disk I need to give you tonight. Are you planning to come back or do I need to head out there?

Sent from my iPhone

> On Apr 16, 2019, at 4:37 PM, (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C) wrote:

Duplicative Records

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Tuesday, April 16, 2019 4:54 PM
To: (b) (6), (b) (7)(C) (USACT)
Cc: Durham, John (USACT)
Subject: Re: Jeff is around so come by whenever you get here

Call when you can I can give you a preview

(b) (6)

Sent from my iPhone

> On Apr 16, 2019, at 4:37 PM, (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C) wrote:

Duplicative Records

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Tuesday, April 16, 2019 4:50 PM
To: (b) (6), (b) (7)(C) (USACT)
Cc: Durham, John (USACT)
Subject: Re: Jeff is around so come by whenever you get here.

Let's pick a time tomorrow

Sent from my iPhone

> On Apr 16, 2019, at 4:37 PM, (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C) wrote:

Duplicative Records

(b) (6), (b) (7)(C) (USACT)

From: (b) (6), (b) (7)(C) (USACT)
Sent: Tuesday, April 16, 2019 2:36 PM
To: Evans, Stuart (NSD)
Cc: Durham, John (USACT); DuCharme, Seth (OAG)
Subject: Re: FISA application

Ok if we come up in about 5-10 minutes to pick up copies of the materials we discussed? Thanks

Sent from my iPhone

> On Apr 16, 2019, at 8:51 AM, Evans, Stuart (NSD) (b)(6),(b)(7)(C) per NSD > wrote:
>
> Either of those times is fine. I'll be here. Feel free just come up whenever you get here.

> -----Original Message-----

> From: Durham, John (USACT) (b) (6), (b) (7)(C)
> Sent: Tuesday, April 16, 2019 8:46 AM
> To: DuCharme, Seth (OAG) <(b) (6)>
> Cc: Evans, Stuart (NSD) <(b)(6),(b)(7)(C) per NSD>; (b) (6), (b) (7)(C) (USACT)
> (b) (6), (b) (7)(C) >
> Subject: Re: FISA application

> 9:15? 9:30?

> Sent from my iPhone

> On Apr 16, 2019, at 8:11 AM, DuCharme, Seth (OAG) <(b) (6)>
> wrote:

> I defer to John - they have a meeting over here at 10:30, but are planning to get here early, so I think before or after the 10:30 would probably be good

> I probably won't be attending, so I'll leave it to you all to see what works.

> From: Evans, Stuart (NSD) (b)(6),(b)(7)(C) per NSD
> Sent: Tuesday, April 16, 2019 8:12 AM
> To: DuCharme, Seth (OAG) <(b) (6)> mailto:(b) (6)
> Cc: Durham, John (USACT) <(b) (6), (b) (7)(C)>; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C)

> Subject: Re: FISA application

>

> What time did you have in mind?

> Sent from my iPhone

>

> On Apr 16, 2019, at 8:06 AM, DuCharme, Seth (OAG) (b) (6)

wrote:

> Stu,

>

> John and (b) (6), (b) (7)(C) are working on a sensitive inquiry that relates to some work that John Huber and Mike Horowitz have been involved in.

>

> John and (b) (6), (b) (7)(C) are in the building today and may need access to some OI materials. Are you free to meet with them at some point this morning?

>

> Thanks,

> Seth

>

> Seth D. DuCharme

> Counselor to the Attorney General

> U.S. Department of Justice

>

Jensen, Jeff (USAMOE)

From: Jensen, Jeff (USAMOE)
Sent: Tuesday, April 16, 2019 12:23 PM
To: DuCharme, Seth (OAG)
Cc: Durham, John (USACT); Shea, Timothy (OAG)
Subject: Re: Time to talk

Thank you.

Sent from my iPhone

> On Apr 16, 2019, at 11:56 AM, DuCharme, Seth (OAG) <(b) (6)> wrote:

>

> Great let's plan to meet in 5127 at 4pm thanks

>

>

> Sent from my iPhone

>

>> On Apr 16, 2019, at 9:47 AM, Jensen, Jeff (USAMOE) <(b) (6), (b) (7)(C)> wrote:

>>

>> 4:00 is great.

>>

>> Sent from my iPhone

>>

>>> On Apr 16, 2019, at 9:43 AM, DuCharme, Seth (OAG) <(b) (6)> wrote:

>>>

>>> Thanks - is 4pm too late? I don't want to pull you away from AGAC matters, so we can be flexible, but if 4:00 works, maybe we can do about a half hour with John and a half hour with Tim (maybe less, as needed).

>>>

>>> -----Original Message-----

>>> From: Jensen, Jeff (USAMOE) <(b) (6), (b) (7)(C)>

>>> Sent: Tuesday, April 16, 2019 9:41 AM

Duplicative Records

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Tuesday, April 16, 2019 11:57 AM
To: (b) (6), (b) (7)(C) (USACT)
Cc: Durham, John (USACT)
Subject: Re: Schedule

Yes heading down

Sent from my iPhone

> On Apr 16, 2019, at 11:44 AM, (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C) wrote:

>
> Are you available to meet now in the cafeteria? We will be there.

>
> Sent from my iPhone

>
>> On Apr 16, 2019, at 11:01 AM, DuCharme, Seth (OAG) (b) (6) wrote:

>>
>> Thanks want to meet for quick lunch before FBI?

>>
>> Sent from my iPhone

>>
>>> On Apr 16, 2019, at 10:24 AM, (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C) > wrote:

>>>
>>> We met with Stu and are now going to meet with Lasseter. We will try to connect with you after that meeting. Thanks

>>>
>>> Sent from my iPhone

Shea, Timothy (OAG)

From: Shea, Timothy (OAG)
Sent: Tuesday, April 16, 2019 9:53 AM
To: Jensen, Jeff (USAMOE); DuCharme, Seth (OAG)
Cc: Durham, John (USACT)
Subject: RE: Time to talk

430 works best for me, maybe earlier.

Tim

-----Original Message-----

From: Jensen, Jeff (USAMOE) (b) (6), (b) (7)(C)
Sent: Tuesday, April 16, 2019 9:45 AM
To: DuCharme, Seth (OAG) <(b) (6)>
Cc: Durham, John (USACT) (b) (6), (b) (7)(C); Shea, Timothy (OAG) (b) (6)
Subject: Re: Time to talk

Duplicative Records

Durham, John (USACT)

From: Durham, John (USACT)
Sent: Monday, April 15, 2019 9:06 PM
To: (b) (6), (b) (7)(C), (USACT); (b)(6) Seth DuCharme email
Subject: The Wall Street Journal: Opinion: Mueller Exposes Spy Chiefs

FYI

Opinion: Mueller Exposes Spy Chiefs
Did our intel leaders have any evidence when they pushed the Russia collusion line?

Read in The Wall Street Journal: <https://apple.news/AtJekJoe5QO2pYibmv55Ucg>

Shared from Apple News<<https://www.apple.com/news>>

Sent from my iPhone

(b) (6), (b) (7)(C) (USACT)

From: (b) (6), (b) (7)(C) (USACT)
Sent: Friday, April 12, 2019 9:01 PM
To: DuCharme, Seth (OAG)
Cc: Durham, John (USACT)
Subject: Re: Dave Bowdich

Thanks.

Sent from my iPhone

On Apr 12, 2019, at 8:50 PM, DuCharme, Seth (OAG) <(b) (6) (b) (6)>
<(b) (6)> wrote:

Thanks - where are we meeting?

Sent from my iPhone

On Apr 12, 2019, at 7:44 PM, Durham, John (USACT) <(b) (6), (b) (7)(C)>
<(b) (6)> >> wrote:

(b) (6), (b) (7)(C) /Seth-

I just spoke with Dave Bowdich. He's planning to move some things so he can meet on Tuesday from 11:30-1:00. I'll call (b) (6), (b) (7)(C) to let him know as well (since I don't yet have his new email address.) JHD

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Friday, April 12, 2019 2:28 PM
To: Durham, John (USACT)
Cc: (b) (6), (b) (7)(C) USACT
Subject: logistics

John, did you want to have our meeting with Huber at 2CON?

What about the one with DD Bowdich?

Thanks,
Seth

Seth D. DuCharme
Counselor to the Attorney General
U.S. Department of Justice

(b) (6), (b) (7)(C) (USACT)

From: (b) (6), (b) (7)(C) (USACT)
Sent: Friday, April 12, 2019 10:32 AM
To: DuCharme, Seth (OAG)
Cc: Durham, John (USACT)
Subject: RE: Logistics for new project
Attachments: Lisa Page interview Day 2.pdf; Lisa Page interview Day 1.pdf

Thanks Seth. As discussed, enclosed are the Page transcripts. Also attached is a link to a Washington Post article that has a fairly good timeline.

My cell phone is 2 (b) (6), (b) (7)(C) and office is 2 (b) (6), (b) (7)(C). (b) (6), (b) (7)(C)

https://www.washingtonpost.com/graphics/2018/politics/steele-timeline/?utm_term=.1ab772fb591a

-----Original Message-----

From: DuCharme, Seth (OAG) <(b) (6)>
Sent: Friday, April 12, 2019 10:03 AM
To: (b) (6), (b) (7)(C) (USACT) <(b) (6), (b) (7)(C)>
Cc: Durham, John (USACT) (b) (6), (b) (7)(C)
Subject: RE: Logistics for new project

Duplicative Records

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Thursday, April 11, 2019 3:40 PM
To: Durham, John (USACT)
Subject: Re: Sample (b) (5)

Thanks very much I'll talk to you soon.

Sent from my iPhone

On Apr 11, 2019, at 3:28 PM, Durham, John (USACT) (b) (6), (b) (7)(C) > wrote:

Seth –

Attached are (b) (5)

[Redacted content]

JHD

(b) (5)

O'Callaghan, Edward C. (ODAG)

From: O'Callaghan, Edward C. (ODAG)
Sent: Tuesday, August 6, 2019 12:02 PM
To: Durham, John (USACT)
Subject: RE: (b) (6), (b) (7)(C)

I'm in my office. If you come when you are free we can walk around to ODAG scif to discuss. Thanks.

Edward C. O'Callaghan

(b) (6)

From: Durham, John (USACT) (b) (6), (b) (7)(C) >
Sent: Tuesday, August 6, 2019 11:23 AM
To: O'Callaghan, Edward C. (ODAG) <(b) (6)>
Subject: Re: (b) (6), (b) (7)(C)

I'll be at Main Justice and will stop by or meet you wherever it makes sense to meet.

Sent from my iPhone

On Aug 6, 2019, at 11:20 AM, O'Callaghan, Edward C. (ODAG) <(b) (6)> wrote:

Let's try 12:30. Can I call your secure line? Will be on with Brad

Edward C. O'Callaghan

(b) (6)

From: Durham, John (USACT) (b) (6), (b) (7)(C) >
Sent: Tuesday, August 6, 2019 11:18 AM
To: O'Callaghan, Edward C. (ODAG) <(b) (6)>
Subject: (b) (6), (b) (7)(C)

Would 12:15 or 12:30 work? If not, give us some times that work for you.

Sent from my iPhone

On Aug 6, 2019, at 10:19 AM, O'Callaghan, Edward C. (ODAG) (b) (6) wrote:

Duplicative Records

O'Callaghan, Edward C. (ODAG)

From: O'Callaghan, Edward C. (ODAG)
Sent: Tuesday, August 6, 2019 11:25 AM
To: Durham, John (USACT)
Subject: Re: (b) (6), (b) (7)(C)

Ok.

Edward C. O'Callaghan

(b) (6)

On Aug 6, 2019, at 11:23 AM, Durham, John (USACT) (b) (6), (b) (7)(C) > wrote:

Duplicative Records

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Saturday, August 3, 2019 3:51 PM
To: O'Callaghan, Edward C. (ODAG)
Subject: RE: (b) (6), (b) (7)(C)

Thanks Ed. Good to cross paths with you again. (b) (6), (b) (7)(C)

). Hope to see you sometime in DC.

(b) (6), (b) (7)(C)

From: O'Callaghan, Edward C. (ODAG) (b) (6)
Sent: Friday, August 2, 2019 3:38 PM
To: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) >; (b) (6), (b) (7)(C)(USACT)
(b) (6), (b) (7)(C) >; DuCharme, Seth (OAG) (b) (6)
Subject: RE: (b) (6), (b) (7)(C)

Duplicative Records

Chat with John Durham

8/31/2019 10:54:57 AM - 6/29/2020 8:47:29 AM

Export Details:

Device Name Barr OAG 2/10/21

Device ID (b) (6)

Backup Date Wednesday, February 10, 2021 10:25 AM

Backup Directo (b) (6)

iOS 14.1

Current Time Zone (UTC-05:00) Eastern Time (US & Canada)

Created with iExplorer v4.4.2.0

Participants:

+ (b) (6), (b) (7)(C) John Durham

Saturday, August 31, 2019

Me

John. Strong suggest yo (b) (6), (b) (7)(C) download McCathy's new book and read over weekend. A lot of interesting things.

10:54 AM

John Durham

We're both finishing it up this weekend. Chapter 2 is quite the survey of things Ukrainian (although it is not as comprehensive in its sourcing). We have a very interesting interviewed schedule for this Wednesday re the subject matter we touched on during our last phone call. (I see you're really relaxing during your brief time off!)

10:58 AM

Me

Having fun.

10:59 AM

Tuesday, September 24, 2019

Me

Call me ASAP

9:48 AM

John Durham

Do you have a minute for quick call. Durham

9:13 PM

New Message

Cancel

Member of Review Team Cell Phone

To: Seth Ducharme

iMessage

Sep 11, 2019, 2:10 PM

He's coming first thing in the morning so you're idea makes sense of maybe identifying some files to direct him to

Ok thanks

Oct 12, 2019, 5:06 PM

Sorry to miss your call.
Assuming you got John or

(b) (6), (b) (7)(C)?

COMMITTEE ON THE JUDICIARY,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: LISA PAGE DAY 2

Monday, July 16, 2018

Washington, D.C.

The above matter was held in Room 2141, Rayburn House Office
Building, commencing at 11:02 a.m.

Mr. Baker. Okay. The time is 1 minute past 11:00 a.m. on July 16th, continuing from Friday's session of the transcribed interview of former FBI attorney Lisa Page.

EXAMINATION

BY MR. BAKER:

Q Good morning, Ms. Page, and thank you for agreeing to come back for a second session of questioning. A lot of ground was covered on Friday, so I want to clean up a couple of areas that I had questions on. So I might jump around a little bit. I'm going to try not to be repetitive from what you've already answered.

But I wanted to clarify, at a very basic level, sometimes in the media's reporting you've been referred to as an FBI agent. In the truest sense of the word, as an agent relates to a principal, you are an agent of the government. But in FBI parlance, is it correct to say that you're not an 1811 series investigator special agent?

A I am not.

Q You are, in fact, an attorney and were assigned to the General Counsel's Office.

A That's correct.

Q Okay.

You started to get into a little bit on Friday and you articulated the best you could that I think you opened the door as to the different types of investigations or how an investigation is opened. It's my understanding there's three basic types of investigations: There's an assessment. Then it moves to predicated investigations,

where you then have preliminary investigation and you have a full investigation. Is that correct?

A That's correct.

Q And my understanding of the different types of investigations is, on one end of the spectrum, it's how that case is opened, how maybe credible the information is or how vague the information is. And then on the other end of the spectrum, it's what type of investigative techniques can be employed in that type of investigation. And

A I wouldn't agree with respect to the substance of the information. It's not whether it's vague or credible or not. It's really an assessment and, again, I don't have the standards in front of me, but each level of, sort of, investigative permission affords different levels of tools available.

And so, to the extent you have more information or to the extent the information comes from a particularly credible source, it means that you can open a full investigation and but really the distinctions between certainly between a preliminary investigation and a full are a little bit of dancing on the head of a pin. I mean, these are very, sort of, nuanced, subtle. Any credible allegation is sufficient for the FBI to open an investigation and take action for to sort of generalize broadly.

Q But the assessment would be kind of the lower, a very initial the information maybe not even relating to a violation of criminal law or national security; it could be proactively to

prevent or to develop information about something the FBI is tasked to investigate?

A That's correct. I don't really want to I would hesitate to go down this path too carefully because there are multiple different types of assessments and different divisions have actually different authorities with respect to assessment, and I am by no means an expert on that. So without having the DIOG in front of me, I would not really be comfortable

Q Sure.

A answering specific questions about

Q Sure.

A what we can do at what level.

Q But at a very basic level, the assessment is kind of the lower tier. You're limited in the types of investigative techniques you can use in the assessment when you compare that to one of the predicated types, either the PI or the full.

A That is correct.

Q Okay. When you're talking about a PI or a full, I talked briefly about, you know, the one standard to open on the one end, and then the other end, when you have a PI or a full that's properly opened, those are the types of investigations where you can use the more sophisticated investigative techniques. Is that correct?

A They're not always sophisticated, but you can use more tools.

Q Certainly more than you could in the assessment.

A That's correct.

COMMITTEE SENSITIVE

Q And then one of the most sophisticated techniques would be a court ordered Title III or a FISC ordered FISA?

A That's correct.

Q And those techniques, even though they're authorized by the FBI's manual of that deals with compliance I believe it's referred to as the DIOG, domestic investigative operations guidelines, even though you're working with a validly opened, predicated investigation, when you get to those really extreme, sensitive techniques, the ones that are really intrusive, it's not just the FBI that decides or somebody in the FBI that decides, hey, we're going to use this technique. Is that correct?

A That's correct. With respect to both of the two you describe, both the Title 3 wiretap and a FISC order, not only do you have vast approvals within the FBI itself, both of those tools require high level approval at the Justice Department. And, of course, with respect to a FISA order, the Attorney General, the Deputy Attorney General, him or herself, has to approve that.

Q Okay. And then so, not only are there multiple approval levels for those type of techniques within the FBI, the Department of Justice also has approval requirements for that at the highest levels, but also there's court approval required for those. Is that not correct?

A Of course.

Q So it's fair to say that not one person in the FBI decides, hey, we're going to do this sophisticated technique, electronic

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

surveillance of some sort, in a vacuum. There are levels outside the FBI and even outside the executive branch.

A That's correct. Certainly, the more intrusive the technique becomes, the greater supervision over that technique that the FBI has and the more approval levels, both within and outside the Department, will fall.

Q There are in many places in the FBI, I believe, opportunities for people that believe that compliance is not being adhered to there's many opportunities for people to report compliance concerns. And I believe this DIOG that we referenced has specific requirements for a supervisor that opens a case, if he's concerned the compliance isn't being met, there's opportunities to report if you believe that something is not being adhered to, either in the opening, the reporting, or the use of techniques in an investigation. Is that correct?

A That's correct.

Q If you can I don't think this would be classified; if it's not, don't answer what is an IOB violation?

A It's not that it's classified; it's that I don't want to misspeak.

Essentially, if there is a compliance violation associated with the activity that the FBI conducts while wearing its intelligence community hat, so it would presumably be classified, but it would be in the conduct of not a criminal investigation but a classified investigation, to the extent there's an error, for example, an

COMMITTEE SENSITIVE

overproduction, you know, we this is just for example's sake: We issue a national security letter. We receive back information which is beyond that which we're permitted to obtain pursuant to a national security letter. If that were to be uploaded into our, sort of, primary database, that would be an overproduction, and that would need to be required to the IOB.

So it doesn't necessarily speak to the severity or the nature of the compliance incident, but compliance incidents involving the activity we conduct on the intelligence side, on the classified side of the work we do is reported to the IOB and often to other entities depending on whether it pertained to a FISA order or something else.

Q Thank you. That's very helpful.

So, outside the confines of any particular investigation, there is a mechanism and there are people responsible to receive and look into compliance issues.

A Oh, yes.

Q Okay. During your employment with the FBI, specifically your role with Midterm or the Russia investigation, are you aware of any compliance issues that were raised or even to the level of an IOB violation?

A Not during the period of time in which I was on either investigation, no.

Q Had you heard about

A I have since heard can I consult with counsel? I'm sorry.

Q Absolutely.

[Discussion off the record.]

Ms. Page. Thank you. Upon consultation with FBI counsel, I'm either I'm not sure whether the answer would call for a classified answer or whether I would be permitted to answer the question fully. But I can say, during the period of time that I was involved in both the Clinton email investigation and the Russia investigation, I am not aware of any compliance incident or event requiring reporting to the IOB.

BY MR. BAKER:

Q Okay. So, during your tenure or at another time, there without the specifics of the violation, the mechanisms for reporting compliance issues, including IOB violations, was not stymied, stifled

A Oh, no, no. They exist. Yes.

Q Okay. And they would be complied with, as far as you know.

A Yes.

Q Okay. The FBI

A I guess I would note, too, that the Department of Justice plays a significant oversight role with respect to what gets reported to the IOB or to the FISC. And so, again, it's not an issue that exists solely within the FBI's purview to determine but is often identified by the Department of Justice and then the FBI would follow up with an IOB or other notification as appropriate.

Q And would it be correct to say, in addition to that mechanism, the FBI has their own internal audits of those techniques. The

National Security Law Branch and others, the Inspection Division, conducts random inspections of the files that were used to utilize those sophisticated techniques.

A That is correct, yes.

Q Okay.

The FBI, by its very motto, "Fidelity, Bravery, Integrity," subscribes to very high ideals. They also have a core value a list of core values that certainly is not intended to be exhaustive, but what they indicate in the fewest words possible to sort of be the essence and the heart of the FBI: rigorous obedience to the Constitution of the United States; respect for the dignity of all those we protect; compassion, fairness, uncompromising personal integrity and institutional integrity; accountability by accepting responsibility for our actions and decisions and their consequences; leadership by example, both personal and professional.

Do you believe that everyone, to the best of your knowledge, associated with Midyear Exam and the Russian investigation upheld the FBI's core values?

A I think so, yes.

Q And do you believe based on your experience as an attorney and your role of an attorney, if I'm not mistaken, would be to advise the investigators and other members of the team on legal issues, what they could, what they couldn't do, and potentially compliance issues as well.

A So that is the role of an attorney. I wouldn't agree that

that was necessarily my role, because I was not on the team as I described, I think, on Friday, I was not on the team in the same way that the other, sort of, members of the investigative team were. I was really just I was supporting the Deputy Director, so I was, in a way, a liaison between the team and, sort of, executive management at the FBI.

So I wouldn't say that my role certainly in any day to day capacity was to provide legal advice to the team.

Q So, in your role as a liaison from the Deputy's office to the Midyear team, what was your role as a liaison? Did you attend meetings? You relayed information back?

A I did. Both of those things. As I think I described on Friday, part of the value that I tried to add to the Deputy Director's office was to ensure that he had the most complete information possible at all times. And so I definitely stayed abreast of the investigative activity. To the extent there were disagreements or frustrations with the Department or areas where there might be a disagreement or other issue might ultimately rise to the Deputy Director's level, I tried to stay abreast of those as well, keep him sufficiently informed.

Q And while you were assigned attorney adviser, special assistant, what was your title in the Deputy's office as an OGC rep?

A Counsel or special counsel to the Deputy Director.

Q Were you still? I mean, you're answering to the Deputy. You're still a part of OGC technically, though, right?

A Yes. I am a part of OGC. I'm still a lawyer. I'm still, you know, to the extent relevant, covered by the attorney client

privilege. But my role is to support the Deputy Director. But, to that end, I was in regular, if not daily, contact with the general counsel to sort of ensure that our efforts and information was in sync.

Q But you're not giving legal advice to the Deputy per se.

A We're sort of splitting hairs. I may have been, depending on the issue. My role was not necessarily to tell him, this is permissible, this is impermissible. That is really what OGC was there to do. He might ask me, you know, what do you think, and certainly that might result in the conveyance of legal advice. But he has an entire division devoted to that type of activity. I was there more to help him make decisions and, sort of, apply judgment to what it was we were looking at.

I also, because of the unique position, had a macro view of the entire organization. And so I sort of tried to help connect dots that may have seemed otherwise disparate but might ultimately have a relevance with respect to whatever particular issue was in front of us, not just in the Clinton investigation.

Q And if something came your way in this assignment that related to legal advice, you certainly had the resources of the General Counsel's Office to reach out to or to incorporate in a decision on whatever the legal issue might be.

A That's correct. And, in fact, that is what I did. So, to the extent just as an example, if the Deputy Director was reviewing a FISA and he had a question about the sufficiency of the probable cause, he might ask me my opinion, and I might give it, but, at the end of

the day, it would not stop there. We would return it to the General Counsel's Office. He would consult with Mr. Baker or the deputy general counsel or whomever had the substantive information necessary and would get the, sort of, final legal determination from the Office of General Counsel.

Q So the way the General Counsel's Office is set up, it's not a lot of general practitioners. It sounds like there's a lot of very specific specialists. You have national security law people that would know answers to FISA type questions. You have criminal lawyers that would maybe know answers to just general investigative techniques.

So you would kind of coordinate where a particular question that the Deputy might have might be properly referred to in the General Counsel's Office.

A That's exactly right, yes, and to other divisions as well. To the extent it was not a legal question that came up but simply, you know, the Deputy wants more information about this operational plan, I might also reach back into a substantive division to pass that information along.

Q Okay.

You mentioned in your role as a liaison you would go to a lot of meetings, frequent meetings, and report back to the Deputy. Was there disagreement, dissension at these meetings on any particular path to take, either investigatively or prosecuting?

We talked a little bit Friday about the decision to or to not charge in specific statutes. There was this issue of Mr. Comey

drafting this press release and then releasing doing the press release and then letters to Congress.

Was there dissension in meetings about any of these controversial topics, or was everybody, yes, we agree with this? How did that work?

A That's a very broad question. If you are talking specifically about the Clinton email investigation

Q Okay.

A Is that

Q For now.

A Okay. So certainly there are, you know, 8 or 10 of us who made up sort of the core group of people who met with Director Comey. There was I wouldn't say dissension, but there was the benefit of that group and the comfort that we all with each other, and, in fact, the kind of culture and environment that Director Comey tried to foster absolutely allowed for disagreement, and we were all quite comfortable, I think, expressing our views.

And to the extent somebody said we should take X step and somebody disagreed, it was entirely common for that group of individuals to openly disagree with one another, to do so in front of the Director, in the hopes that the best answer would sort of rise to the top.

Q And is that how it ultimately was decided? Is that how a decision was decided? There was discussion, there was consensus, the best decision rose to the top? Was there ever a vote and just simple majority

A This is the FBI. It's not a majority rule. The Director

would make an ultimate decision. So, no, I am not aware of anything ever being based on majority vote. It's the Director's he leads the organization. He's the one who'd ultimately be accountable for those decisions.

But the people that I worked with and that group of people who would regularly meet with the Director all unquestionably felt free to voice their views.

Q Do you recall Director Comey ever taking a position that was contrary to the consensus of the group?

A I wouldn't say "consensus." I don't think that that's a fair statement. I was not present for the meeting in October when he decided to send to notify Congress of his decision to reopen the Clinton email investigation, but I am aware that there was disagreement among the team. There was not a consensus that everybody agreed it should be done. People had different views about whether we should and whether we shouldn't and the timing of it if we did in the first place. And ultimately it was Director Comey's decision to make.

Q Okay. Thank you.

BY MR. SOMERS:

Q Could we back up for a second? Art asked a pretty compound question. Was there dissent, disagreement, however you would characterize it, with investigative techniques on the Midyear Exam?

A Investigative techniques? That's a really broad question.

Q Whether a search warrant should be used?

A Oh. So this was before I was involved in the investigation,

but it's my understanding it's not a disagreement within the FBI, but there were lots and lots and lots of disagreements between the FBI and the Department.

Generally, I can't think of anything in particular that would have been FBI specific with respect to, like, this agent wants to take step X and this agent somebody else wants to take step Y.

But, certainly, my understanding is, at the outset of the investigation again, I was not personally involved, but there was a great deal of discussion between the FBI and the Department with respect to whether to proceed, obtain the server which housed the bulk of Secretary Clinton's emails, pursuant to consent or pursuant to a subpoena or other compulsory process.

Q And was that dissent between the FBI and the Department?

A That's correct. Yes.

Q And what was the FBI's preference?

A To obtain it pursuant to compulsory process.

Q The server?

A I'm sorry?

Q The server?

A The server, yes. Sorry.

Q And how about were there any other disagreements between the Department and the

A Oh, my gosh. I mean

Q FBI on investigative techniques?

A Yes, all the time. In a vacuum, it's hard to just come up

with them off the top of my head.

Q Was the FBI being told that it couldn't use certain investigative techniques by the Department?

A "It couldn't use." Not I'm trying to think of specific examples. I'm sorry. Not that to the extent there would be a disagreement, I don't think it would ever be quite that strident. I think it would be the view of the Department that it was strategically advantageous.

Oh. Well, so here is an example. We had but this is not about the type of process to obtain, but there were, I think, months of disagreement with respect to obtaining the Mills and Samuelson laptops.

So Heather Mills and Cheryl Mills and Heather Samuelson were both lawyers who engaged in the sorting. Once it had been identified that Secretary Clinton had these emails I'm guessing it's pursuant to the FOIA request, but I don't really know she well, our understanding is that she asked her two lawyers to take the bulk of the 60,000 emails and to sort out those which were work related from those which were personal and to produce the work related ones to the State Department.

They did so. That 30,000 is sort of the bulk of the emails that we relied on in order to do the investigative technique, although we found other emails a jillion other places.

We, the FBI, felt very strongly that we had to acquire and attempt to review the content of the Mills and Samuelson laptops because, to the extent the other 30,000 existed anywhere, that is the best place

that they may have existed. And notwithstanding the fact that they had been deleted, you know, we wanted at least to take a shot at using, you know, forensic recovery tools in order to try to ensure that, in fact, the sorting that occurred between or by Mills and Samuelson was done correctly and

Q Sorry.

A No, that's okay.

Q It was is that for lack of a better term, is it usual to rely on the target of an investigation to provide evidence against the target?

A Well, that happens. That's not uncommon. I mean, in white collar cases in particular, issuing subpoenas to the target, even though particularly if it's, like, a corporate target, that's certainly a way to do it.

You're misunderstanding a little bit, though, because that sort and all of that activity took place before there was a criminal investigation. So that activity is what the testimony that we received, the, sort of, evidence we received, is that the State Department reaches out to Secretary Clinton when they discover, "We don't have your emails on a State Department system. Do you have your emails?" And the answer is, "Yes." And the State Department, rather than the State Department itself conducting that analysis of whether or not there was or whether these emails were work related or not, deferred to Secretary Clinton to do that.

So this long precedes any FBI investigation or any FBI

involvement.

BY MR. BREITENBACH:

Q But didn't you say that months went by before you made the determination as to whether to access those laptops

A No. I'm sorry.

Q though consent or through

A Yes.

Q compulsory process?

A But that's so we have to we're talking about two different events here.

Back in 2013 I don't remember when this is before there was any FBI investigation. When there is first an inquiry by the State Department into why do we have no Secretary Clinton emails that go to Secretary Clinton herself, that precipitates Mills and Samuelson conducting this sorting activity and producing to the State Department, here are the emails which are work related. Produce them to FOIA, produce them to Congress, wherever they went. I have no idea. We had nothing to do with this we, the FBI.

Skip ahead to February/March of 2016, right? The criminal investigation has now been open for 6 or 7 months. We discover that we discover these facts, right? These facts were not known to us. We don't know how she first did the sorting for the State Department. We discover these facts.

We go to the Department and say: We need to get these laptops. We need to try to get in them and review them and see if, in fact, there

are other emails which either are work related or, potentially what we were really looking for other emails which would speak to, you know, give some indicia of her intent with respect to why she set up this server and whether it was intended to mishandle classified and all of that.

That back and forth starting February/March ish of 2016 and going through, I'd say, June of 2016 is the disagreement I was referring to. So that's a disagreement between us, the FBI, and the DOJ with respect to why we needed to get these laptops and how to get these laptops.

And what the FBI believed and there's copious texts about this because it was a, sort of, ongoing argument was that we had to at least attempt to get them. Even if we were unsuccessful, even if a court determined that they were attorney client work product or opinion work product, which is what the Department was concerned about, we couldn't credibly close the investigation without having tried to get into these laptops and to have reviewed see if any additional emails could be recovered and to question Mills and Samuelson about how they engaged in that sort in order to see whether it seemed righteous and, you know, proper or whether there was anything, kind of, nefarious or questionable about it.

The Department's view for months was that we would not be able to get into them, a court would not, sort of, grant us access, so we shouldn't bother trying. And that was a source of I wouldn't say constant conflict but regular conflict every time it came up. Because

quite early on we started pushing the Department to reach out to Mills' lawyer and Mills and Samuelson's lawyer to sort of start the process of trying to get into these laptops, and the Department was very reluctant to do so for the reasons that I've described.

Q So you had the opportunity, then, conceivably, to execute a search warrant if you're using the timetable you had mentioned back in February of 2016. You could have executed a search warrant and obtained those

A Well, not without the Department, right? The Department has to we cannot on our own, the FBI cannot execute a search warrant without approval from the Justice Department.

Q So was the Department pushing back on obtaining compulsory process to obtain those laptops? Because months, you say, go by. I mean, in your timetable from February to June, what is that

A Ish. Let me just be

Q 4 to 5 months? Four or 5 months passes before you are able to gain access to those laptops.

A To the best of my recollection, yes. It's either February or March. I just want to put a little bit of hedge in it, because I'm not 100 percent certain.

But I know that the conversations about whether to obtain the laptops and how to obtain the laptops is one that is ongoing. It is one that ultimately rises to the head of the OEO, the Office of Enforcement Operations, which is the unit at the Justice Department who would have to approve a warrant on a lawyer because, of course,

these were all lawyer laptops. It rose to that individual, it rose to George Toscas, over the course of this 3 months or so.

But, yes, there was an ongoing disagreement about whether there was utility to obtain the laptops and, if so, how to obtain them.

Q So, in your experience, what may happen when a subject of an investigation is aware that the FBI is attempting to obtain evidence yet the FBI does not obtain it and months pass? What are the possibilities?

A Obviously, there's the risk of destruction of evidence. I will note, however, that it's my recollection that those laptops had been sequestered by Mills and Samuelson's lawyer. So it's not I don't believe that they were in the possession of Mills and Samuelson once we, sort of, started raising this question with the Department. It's my recollection that the Department informed Mills and Samuelson's lawyer that we had an interest in these and that she took possession of them.

Q So destruction of evidence. Can you imagine any other possibilities if you fail to obtain the evidence and the subject is aware of it?

Ms. Jeffress. I'm not sure what the question is.

Ms. Page. Yeah, I'm not sure. I'm sorry.

BY MR. BREITENBACH:

Q Any other possibilities in the in terms of a subject being aware that evidence is attempting to be obtained by the FBI yet the FBI does not obtain that compulsory.

A I think destruction of evidence is the big one.

Q And you were never aware that destruction of evidence occurred?

A Not to my knowledge, no.

Q Thank you.

BY MR. SOMERS:

Q Okay. Then the second part of Art's question was disagreement about prosecutive techniques between the FBI and DOJ. Were there any disagreements about techniques for prosecution?

A No, because nobody thought that the evidence could sustain a prosecution. So

Q What about, sort of I guess, what about impaneling a grand jury? Was there disagreement about whether a grand jury should be impaneled?

A A grand jury was impaneled.

Q But was there disagreement prior to the impaneling about timing?

A Oh. I'm not aware.

Q What about discussion about the statutes that should be charged or could be charged?

A No, I don't think so. I mean, it was always fairly self evident that we were looking at mishandling statutes. And, again, the evidence was just never there to sufficiently support, really, a prosecution. I mean, I think they even looked at Federal Records Act violations they, meaning the Department and there

was never sufficient evidence to support any criminal prosecution under any statute.

Mr. Breitenbach. Was a grand jury impaneled for the purposes of the email investigation?

Ms. Page. Yes. That's my understanding.

Mr. Breitenbach. Okay.

Ms. Page. I'm sorry. Can I consult with counsel for a second?

Mr. Breitenbach. Yes.

[Discussion off the record.]

Ms. Page. Sorry.

Mr. Breitenbach. Are you aware of whether evidence was ever presented to the grand jury in terms of adjudicating a decision?

Ms. Page. Well, wait. "In terms of adjudicating a decision."
Are you

Ms. Bessee. Can I address?

So I will instruct her not to answer any questions that go into the process of the grand jury.

He can rephrase the question, but if it goes into the process of the grand jury, you will not be able to answer.

Ms. Page. Well, why don't I answer I can't speak to whether any what activity was conducted before the grand jury. I can answer that no case was presented to the grand jury because that would have been an abuse of the grand jury.

The Department is required to at least believe that you have probable cause in order probable cause that a crime has been

committed. I'm sorry, that's not true. The Department's rules require that to present a case before the grand jury you have to have a reasonable belief that the case can be proven beyond a reasonable doubt. And we did not have that belief with respect to the Clinton email investigation.

And so we would not have put the case before the grand jury, essentially presented all of the evidence that we had collected to date, because, it's my I assessment although, again, this is just me, personally, talking based on my prior experience as a prosecutor, not with respect to what was conducted in this investigation. But it's my assessment that that would've been an inappropriate use of grand jury, because the prosecutors putting in that evidence would not have believed that there was a crime to be charged.

Does that make sense? That was a little bit tortured.

BY MR. BREITENBACH:

Q Yes. But, as the FBI, did you make a recommendation or not as to whether to present it to a grand jury?

A I don't know.

Q So it would've been the Department

A So let me clarify one thing. The grand jury was used to obtain evidence. Right? So there are certain things, for example, like a subpoena of records, which would require the impaneling of a grand jury and using tools before the grand jury in order to obtain evidence. That occurred.

I am not, both substantively and also on advice of FBI counsel,

in a position to discuss what type of evidence was obtained by the grand jury.

What I can say is that I do not believe there was ever any disagreement with respect to whether we needed to ask the grand jury to return an indictment. It would have been inappropriate to have presented all of the evidence collected, whether by grand jury subpoena or any other tool consent, search warrants, testimony, you know, of other witness, interviews of witnesses. It would not have been appropriate to ask the grand jurors to return an indictment or to review the weight of the evidence where we did not believe that that case was prosecutable.

Q But was that the FBI's decision to make?

A No, it was the Department's decision to make. It was the decision made by the Department.

Q At the end of the day, you're saying it was the decision of the Department

A Yes.

Q prosecutors not to present this to the grand jury for an indictment.

A That is correct, yes.

Q Thank you.

BY MR. PARMITER:

Q Can I ask a couple of additional questions regarding, sort of, the internal discussions and what was discussed?

Was there ever, in your experience, any discussion at any of the

meetings involving Midyear about whether the act of setting up the server itself was problematic or whether that showed any level of intent?

A I don't know.

Q But you were never you never experienced anything like that.

A I don't recall being present for a conversation like that. But, also, to the extent it may have occurred this investigation was opened in July of 2015. I don't become involved in it until February of 2016. So, to the extent there were questions about that, they may have been resolved before I was involved.

Q Okay.

How often, in your experience, does the FBI Director or the Deputy Director in the course of their ordinary duties access or review or, you know, have dealings with classified information?

A Every single day.

Q Every day. Okay. So what by being on a private server, would you agree classified information is not in its proper place?

A By being on any unclassified system, whether private or government, classified information should not have traversed it. That's correct.

Q So, given your answers to both of those questions, do you think that, you know, assuming the Deputy Director or the Director had set up a private server of their own, just hypothetically, to, you know, transact government business, all of their business, would you say it

would be inevitable that classified information would pass over that server?

A No, sir. So, at the FBI and at the State Department, we have three separate systems for each level of classification. So whether that system existed at the State Department or whether it existed on somebody's private server, inevitably if there was if it was somebody's private server, lots of unclassified government business would traverse that system in the same way it does for, you know, the FBI's unclassified system or the State Department's unclassified system, but there's nothing inevitable about whether or if classified information would traverse that unclassified system.

That certainly may happen occasionally on the FBI system, on an unclassified FBI run system. It's called a spill. It's an inadvertent, sort of, passage of classified information on a system in which it doesn't belong. But the same is true if you're dealing with Top Secret information and it traverses the Secret side; that's also a spill.

So it's sort of indistinguishable whether the system itself is classified or unclassified, only in that it's not authorized to handle classified information.

Q So would you so, okay. So is your answer is that if, you know, a Cabinet Secretary or the FBI Director was using a private server to conduct all of their business that it's not inevitable that classified information would pass through that server?

A If they were using it to conduct every single thing they did.

But it's not my understanding is that the Secret side was used for Secret business and the TS side was used for TS business. So if every single thing they did

Q That's at the FBI, though, correct?

A Even at the State Department, it's my understanding. I mean, it was a much more cumbersome system, in part because the principals are constantly all over the world so the access to these other classified systems is less readily available and so it's, sort of, more cumbersome, it's, sort of, harder.

But if the question is, if every single thing that the FBI Director if all of the FBI Director's business was conducted on an unclassified system, whether FBI run or privately run, then, yes, it is true, there would be classified information there.

But those facts as you presented them are not my understanding of what occurred, obviously, either at the FBI or at the State Department.

Mr. Meadows. Can I ask one clarifying question, Lisa?

It appears, based on documents that we have, that there was a conscious decision in the MYE to go down one avenue in terms of prosecution or potential prosecution, and that is with the retention of classified information on a private server, not the disclosure of classified information.

And, based on the documents we have, it looks like everybody focused on the retention but no one ever pursued the disclosure. Why was that made?

Ms. Page. I

Mr. Meadows. And would you agree with that characterization?

Ms. Page. I'm not positive. That's the thing that I hesitated about. So I'm not sure that I those were really activities that would have been handled at a lower level than I was involved in. These would have been the discussions

Mr. Meadows. Right. In most of the documents, the caselaw that they were looking at only dealt with retention, which, actually, disclosure is a bigger deal from a national security threat. And yet it didn't appear that anybody looked at that, based on the documents we've reviewed.

Ms. Page. So my guess and this is I'm speculating here just based on my knowledge of what the statutes require is that disclosure requires intent. And so, particularly when we charge disclosure cases, it's often in the context, for example, of a media leak. Right? It's somebody who had possession of the information and disclosed it to somebody who was not authorized to have it. That's what those disclosure cases look like.

And what was occurring on Secretary Clinton's server is all people who were righteously entitled to the information and who had a need to know it and who were using that information in the execution of their duties, but it was occurring on a system that wasn't appropriate for it. So I think that's why the focus was on retention.

Mr. Meadows. And one more, and then I'll yield back.

We have information from the inspector general of the

intelligence community that, I guess, initiated this entire investigation they were the ones that came before you that there were anomalies that would suggest that there was copies of every email going to a third party.

And I know you heard that in the hearing the other day, but we've had substantial conversations with them. Is this news to you today?

Ms. Page. It is. When I heard it in the hearing, it was maybe I had heard it one other time just with respect to, like, news things, but it was completely baffling to me.

Mr. Meadows. Yeah. So

Ms. Page. I don't understand at all what that's a reference to. I do know that we gave the server again, I'm not a technical person, so this is going to be a little bit tortured here

Mr. Meadows. Right.

Ms. Page. but that we took exhaustive efforts to look at whether there were any other intrusions, whether there was any exfiltration

Mr. Meadows. And you're saying they found none.

Ms. Page. Correct whether there was any exfiltration of data and

Mr. Meadows. Well, we know that some but it was basically in the IG's report on how that came to pass.

So, I guess, why would the investigative team not have had multiple interviews with (b)(6), (b)(7)(C) per FBI, who brought it to the FBI's attention originally?

Ms. Page. I

Mr. Meadows. Because, according to the IG, you never interviewed him and never interviewed them other than the initial conversation that brought it. Why would that have

Ms. Page. So I can't speak to that, because I don't know whether he I'm relying on your representation that he was not interviewed, but I also don't know whether he ever came to the FBI during the pendency of the investigation and provided that allegation. If he had

Mr. Meadows. Well, that was the whole reason it was opened up, is my understanding, was him coming. They get it, they come to the FBI. And so you're saying that's not the case?

Ms. Page. I don't I am really trying

Mr. Meadows. Or that's not your understanding?

Ms. Page. That's not my understanding.

Mr. Meadows. So how did this whole MYE start if it wasn't from the

Ms. Page. No, no.

Mr. Meadows. inspector

Ms. Page. So my understanding and this is I am way out on a limb here, because this is not stuff I was involved in. But my understanding is that the IC IG did refer the existence of the server to the FBI, but that was because of the existence of classified information on that server, not because of any anomalous activity, not because of potential intrusion activity. Because it's not my understanding that the IC IG conducted any sort of forensic analysis

like that.

My understanding is that, once it was made evident during the course of, I think, the FOIA production or maybe the production to Congress that there was some classified information which existed on a private email server, it got referred to the IC IG for those purposes, not related to intrusive activity.

Mr. Meadows. So what you're telling me, it would surprise you to know today that, if there were anomalies, that the inspector general's forensic team found those before it was referred to the FBI?

Ms. Page. That's correct. I'm not sure

Mr. Meadows. Would that if that is indeed the fact, would that be a major concern to you?

Ms. Page. It would be a concern that we didn't know that or that that wasn't part of what they told us when they made the referral, but less so, sir, honestly because our forensic investigators are so phenomenal that, notwithstanding whatever the IC IG may or may not have conveyed, I know we looked extensively at this question.

Because that was a serious question. And to the extent that a foreign government or even a criminal outlet had had access to Secretary Clinton's private email server, that would have been something we cared very much about. And it's my understanding that there was no evidence that would have supported that kind of conclusion.

Mr. Meadows. I yield back.

BY MR. BAKER:

Q Regardless of how phenomenal forensic investigators might

be, is it still possible that an extremely sophisticated foreign intelligence service could penetrate a server, could extract documents, could do a number of things without leaving a single forensic footprint?

A It's pretty I mean, everything is possible, but it's unlikely. I think Friday's indictments are revelatory of that. You don't get better than the GRU, and yet we have identified by name the people involved in the DNC hacking. So I think it's quite unlikely.

Q Okay.

Are you following up on what the Congressman was saying, are you familiar with a private entity, privately financed, using private forensic resources, for lack of a better word, went looking for some of the emails from Secretary Clinton's server, her network, and, in fact, found at least one document on a foreign server?

A I don't know what you're referring to, no.

Q Okay.

Mr. Breitenbach. We were produced information indicating that Mr. Strzok had indicated in an email that at least one Secret email was accessed by a foreign party. Are you aware of that?

Ms. Page. That may be true. I'm just not personally aware of that.

BY MR. PARMITER:

Q I believe on Friday, in discussing the statute that you were discussing, I believe, with Congressman Ratcliffe it was 793(f) of Title 18 you had said that that statute was deemed by DOJ to be

unconstitutionally vague. Is that correct?

A No. The "gross negligence" that the "gross negligence" standard in 793(f), it was their assessment that it was unconstitutionally vague, yes.

Q Were you involved in discussions about, you know, its vagueness?

A I don't believe I was, no.

Q Do you have any idea of why they believed it was unconstitutionally vague?

A I mean, I presume they looked at caselaw in which it had been applied. I really don't know. I mean, I'm I am confident that it was based on their own, sort of, research in consultation with others, but I don't have personal knowledge about what the Department did in order to come to that conclusion.

Q Okay.

Speaking of so did you do or did the OGC do their own evaluation of the statute, or did you just rely on DOJ's assessment?

A I don't know. I did not.

Q Okay.

A I can tell you that.

Q Speaking of caselaw, are you aware whether or not that statute has been used in military prosecutions or the frequency with which it was used in civilian prosecutions? I know you had said once in 99 years, but

A I think that there this is straining my memory now, but

COMMITTEE SENSITIVE

I think that there may have been one UCMJ, Uniform Court of Military Justice

Q Code of

A Code of Military Justice thank you one UCMJ case in which it was charged, but, again, if my memory serves so I may get this wrong, but if my memory serves, the defendant in that case had actually engaged in far more nefarious and suspicious activity, and so it was a plea down to that, right? So if you're pleading to something, then you don't really need to worry about I mean, if it's unconstitutional, it's still unconstitutional.

But it was not the case again, my recollection is that it was somebody who had a hoard of classified information and then, when confronted, tried to destroy the classified information sort of, again, the indicia of knowledge and criminal intent that you will sometimes see.

So, if I'm not mistaken, there was one UCMJ case, but I think that's it.

Q So, speaking of a hoard of classified information, do you mean information that had been that was hard copies of physical documents?

A Hard copies and I think even, like if I'm remembering right, and I could be mixing this up with another case, but, like, a thumb drive of classified information that they were not authorized to have. So both hard copy and digital classified documents.

Q Do you believe

COMMITTEE SENSITIVE

[Phone ringing.]

Ms. Page. Go ahead, please.

BY MR. PARMITER:

Q Just, you know, your own perspective on this, do you believe that what would be more vulnerable, classified material on a computer server where it's not supposed to be or hard copies of classified material at someone's house?

A Well, if you're talking about more vulnerable to a cyber attack, then obviously you need a computer in order for that to occur.

Q Okay.

Do you sort of, going further down the line of, you know, whether 793(f) in particular and the "gross negligence" standard in particular are unconstitutionally vague, I mean, do you think that DOJ views that as sort of a dead statute that won't be charged anymore?

A I do.

Q Are you aware whether or not

A I mean, just the "gross negligence" part of it. I don't have it in front of me to but and, as I said last week, I'm by no means an expert.

Thank you. Go ahead.

Q So are you aware of whether or not the Bureau ever sought or obtained any sort of compulsory process, whether it's a search warrant or something else, on the basis of 793(f) in particular?

A I think so, but that would not have to have been the "gross negligence" prong. I think they could have relied on the second prong

of

Q On (f)2 right there

A Right.

Q as opposed to (f)1?

A Yeah. And, again, I don't know what basis I shouldn't have answered that question. I am speaking out of turn. I do not know what statutes were alleged to the extent the Department sought compulsory process. I have no idea, so I shouldn't answer that.

Q Okay.

BY MR. BREITENBACH:

Q If we were to tell you, though, that the search warrant was predicated on 793, is that something that would be normal, to base a search warrant and predicate a search warrant on a statute that the Bureau is being told is unconstitutional?

A You're misunderstanding. So 793(f) has two parts to it. The second part so the first is, okay, whoever being entrusted with having lawful possession or control of any document relating to the national defense, one, through gross negligence permits it to be removed or, two, having knowledge of the same, that it has been illegally removed, shall be fined blah, blah, blah, blah, blah.

So there would be nothing inappropriate for them to rely on the second prong of 793(f), which is regularly charged and is a perfectly common statute with respect to mishandling cases. There would be nothing inappropriate with respect to relying on the second prong of 793(f), in my view.

COMMITTEE SENSITIVE

Q What are some of the factors that might rise to the level of "gross negligence," in your opinion?

A I don't know. I have done absolutely no research or review of this. I'm not in a position to answer that.

Q Did Mr. McCabe ever ask you that as his lawyer?

A He did not.

Q Do you know whether Mr. Baker ever conducted any independent analysis on the factors that might have met a "gross negligence" charge?

A I don't know.

But, at the end of the day, this is the Department's determination. I mean, it is up to the Department to determine whether or not we have sufficient evidence to charge a case. So, even hypothetically, to the extent the FBI thought, you know, we have infinite evidence to support charge A, if the Department disagrees, the Department is going to have the final determination because they are the prosecutors. So

Q But if the FBI is not aware of the particular factors that might be available in meeting that standard, then how would it know whether to recommend to the Department to obtain any type of prosecution based on that standard?

A I mean, the FBI has to necessarily has to rely on the Department's assessment of what's legally supportable under the law. So there's nothing inappropriate about that sort of reliance.

I'm not saying that no research was conducted. I'm saying that I personally didn't do any. And to the extent it was conducted, I'm

COMMITTEE SENSITIVE

just not aware of it as I sit here today.

Mr. Meadows. So let me ask you a clarifying question. Because I think this was an unusual case where Loretta Lynch, the AG, said that she was going to be independent of it and that she was going to leave it up to the FBI.

So, if you did no research and from a "grossly negligent" standpoint, how would you make the decision to prosecute or not if she was being independent of that?

Ms. Page. So, sir, I think that what she said was that she was going to leave it up to the career prosecutors, not up to the FBI. So, when she did her, kind of, half recusal, she said that she was going to defer to the recommendations of the career prosecutors in the case.

Mr. Meadows. So what you're saying is that she halfway recused herself but not really because there was other DOJ officials that were weighing in on that?

Ms. Page. I'm sorry, I should have been more clear. I can't speak to the recusal and whether it was appropriate or inappropriate or necessary

Mr. Meadows. No, but your characterization

Ms. Page. Oh, okay.

Mr. Meadows. And I agree it's a half recusal. Because, at this point so are you saying that it was prosecutors at DOJ that made the decision on the "grossly negligent" versus "extremely careless" narrative?

Ms. Page. No.

Mr. Meadows. Or was that the FBI?

Ms. Page. No, no, no. So, I'm sorry, I understand your question now.

With respect to whether a charge could be sustained under the "gross negligence" statute, that's a determination made by the Department.

With respect to Mr. Comey's July 5th statement, when he in his first draft of the statement back in May, he used the word "gross negligence." I don't know whether he used it intending to rely on its legal definition or not.

With respect to the statement, we, the FBI, felt like it would be confusing and misleading to use the word "gross negligence" when the information that we had received from the Department was that there was no charge sustainable under the "gross negligence" statute. And so we, the FBI, omitted the "gross negligence" words in his press conference statement and moved up the paragraph that already contained the "extremely careless" language into a different spot in his speech.

Mr. Meadows. So, Lisa, why would you change that within 2 days of you know, you admitted the other day, on I think it was May the 4th, where you said now there was real pressure to get the politics out of it. And then we know within days that it was changed in what we call the exoneration letter. So why would that have changed at that particular point? Do you see how it looks bad?

Ms. Page. I do. But so it's the that's just when we had we, the whole team, had received the draft. Right? So the

Director and I don't remember the exact date

Mr. Meadows. But you received the draft before the text message that says, oh, my gosh, now he's the nominee. And so you had actually received it. We've got documents

Ms. Page. Is that right? I just don't remember the dates exactly, sir.

Mr. Meadows. And so receiving it was not after that. You got that, and then all of a sudden within 48 hours it's changed. And as a reasonable person, you look, well, there's this statement and then all of a sudden it was changed. And you're saying that that had nothing to do with it?

Ms. Page. Yeah, I don't I'm not sure I'm totally following you, sir. I'm sorry.

Mr. Meadows. Okay. Well, I'll be clear

Ms. Page. I'm sorry.

Mr. Meadows. because I want you to follow.

Ms. Page. Yeah, yeah, yeah.

Mr. Meadows. And you know that I've appreciated your willingness to help.

When you said that we had to get politics out of it and you changed

Ms. Page. The pressure. I think what I said was that

Mr. Meadows. the pressure ramped up.

Ms. Page. now that it was a two person race I'm going to try to find the text itself. But now that it was a two person race,

the pressure to finish it had sort of increased.

Mr. Meadows. Right. So the memo was May 2nd.

Ms. Page. Okay.

Mr. Meadows. Your text message that we've got to clear this up was May 4.

Ms. Page. Okay.

Mr. Meadows. And then we know it was changed by May 6. And that's a real problematic timeframe that would indicate that all of a sudden we've got to get this cloud from over, you know

Ms. Page. Oh, I see.

Mr. Meadows. Hillary Clinton and we better change and it's just it looks suspicious.

Ms. Page. I see what you're saying, sir. I don't know if this is reassuring at all, but the decision to change the statement, to omit the "gross negligence" language from the statement, was actually not either me or Pete's recommendation. It was another lawyer. I don't know if this is any consolation, but

Mr. Meadows. Yeah. We've got the email chains. So who was the other lawyer?

Ms. Page. I'm

Mr. Meadows. That's a closed case. You should be able to tell us.

Ms. Page. I have been told by the FBI that people, other than myself, who are GS 15s, we're not, sort of, providing that.

Mr. Meadows. So you're saying this is someone lower than a GS 15

that made that kind of decision?

Ms. Page. Well, it's not a decision; it's just legal advice, right? So there were a group of us

Mr. Meadows. You're saying someone lower than a GS 15 make a legal decision

Ms. Page. No. It was a GS 15. It's not lower than. It was a GS 15. So we had received

Mr. Meadows. So was it (b)(6), (b)(7)(C), per FBI?

Ms. Page. We had received the draft of the statement. A group of us had gotten together in order to consolidate our comments so that we were not providing back to the chief of staff to the Director four separate drafts that they had to now reconcile.

Mr. Meadows. Right.

Ms. Page. So the four of us got together. We were sort of reviewing it, sort of, step by step. And the recommendation was: I don't think that we should use this phrase, "gross negligence," because it has an actual legal term.

And it was our collective understanding that the Department did not think that and we agreed that there was not sufficient evidence to support both "gross negligence" and that, more importantly, it was not a sustainable statute because it was unconstitutionally vague and never charged.

And so we, really, sort of, as a collective but on recommendation of counsel, removed that language and moved up the "extremely careless" paragraph.

Mr. Ratcliffe. Ms. Page, let me ask you a question. How well do you know Jim Comey?

Ms. Page. How well do I know Jim Comey?

Mr. Ratcliffe. Yeah.

Ms. Page. I mean, he's not my personal friend, but I've been in a lot of meetings with him.

Mr. Ratcliffe. Did any of the other folks that you're referencing in connection with making the change have more prosecutorial experience than Jim Comey?

Ms. Page. No.

Mr. Ratcliffe. As someone that knows Jim Comey, is he a person that chooses his words carefully?

Ms. Page. He is, yeah. But I

Mr. Ratcliffe. Would he throw around a term like "gross negligence" not really meaning gross negligence?

Ms. Page. In this case, I actually think so, sir, but only because it's a term that obviously he was familiar with in the statute, but as DAG I am certain he would not have ever seen such a case. And the truth of the matter is 793(f) is not necessarily a particularly controversial statute; it's one that's used with some regularity. And so I'm not sure, as I sit here today, how familiar with the detail and the specifics of 793(f) he would have been.

So my guess is he's trying to use a term that makes sense, that has sort of a commonsense feel to it, which "gross negligence" does and obviously appears in the statute. But it was sort of our assessment

that to use that phrase, because it does have a legal meaning, but then to not charge gross negligence, as we knew it was not supportable, would just be confusing.

Mr. Ratcliffe. But you knew it was not supportable because the Department of Justice told you that it wouldn't be supportable.

Ms. Page. That's correct, sir.

Mr. Ratcliffe. So you accepted that as the basis for which you wanted to make that change?

Ms. Page. That's correct.

Mr. Meadows. I think we're out of time, but one last question real quickly.

So you made that determination without having interviewed the last 17 witnesses and Ms. Clinton?

Ms. Page. Yes, sir, because the legal determination wouldn't have been affected by the factual the facts, sort of, that may have come out of those investigations, right?

So let's assume things are going swimmingly and, in fact, all 17 of those witnesses admit, "We did it, it was on purpose, we totally wanted to mishandle classified information," gross negligence would still have been off the table because of the Department's assessment that it was vague. We would have other crimes to now charge, but gross negligence would not have been among them.

Mr. Meadows. Thank you.

[Recess.]

[12:10 p.m.]

Ms. Kim. We'll go back on the record. The time is 12:10.

Thank you for being here, Ms. Page.

EXAMINATION

BY MS. KIM:

Q Where you left off that discussion with Mr. Meadows, I just want to read you back testimony that you gave last week and see if that is responsive to the question.

So you said it was the FBI team's understanding that, quote, "we neither had sufficient evidence to charge gross negligence nor had it ever been done because the Department viewed it as constitutionally vague."

Is that correct?

A That's correct.

Q And so you said that: When we saw the term gross negligence in the Director's statements, we were concerned that it would be confusing to leave it in there because it was our understanding that we did not have sufficient evidence nor the sort of constitutional basis to charge gross negligence.

Is that correct?

A Correct.

Q And so you said what you actually did was you didn't change the language. You and this is me directly quoting you. "We didn't actually change gross negligence to extremely careless. We removed the gross negligence language."

Extremely careless had already appeared in that draft, so it was Director Comey's language, was it not?

A That's correct.

Q And we moved that draft up earlier we moved that paragraph earlier in the draft.

So it was not a substitution. It was simply an omission of the phrase gross negligence because the legal team believed it would be confusing.

Is that correct?

A That's correct.

Q Thank you.

Ms. Page, there have been some other representations made about your testimony last week already in the press.

I think one representation that has been made to the press is that there was an inconsistency in the way that you read a text versus the way that Mr. Strzok explained the text.

I would like to read your testimony about that text to you. The text I'm talking about is the "menace" text?

A Okay.

Q So you stated when you were confronted with the text: "Well, I'm not certain, to be honest with you. I think it's Donald Trump, but the reason I'm hesitating is because this is so close in time to the opening of the Russia investigation that the concern that we all had was there was a member of his campaign colluding with Russia was so great that I'm not I'm not 100 percent positive that I can split

those."

Do you recognize that as your testimony from last week?

A Yes.

Q Mr. Strzok, when asked about that same text, stated: "Sir, my understanding of the word 'menace' and the use of 'menace' was the broad context of the Government of Russia's attempts to interfere with our election. To the extent those allegations involved credible information that members of the Trump campaign might be actively colluding, I see that as a broad effort by the Government of Russia. So I don't think you can tease it apart, sir, but it is inaccurate to say that it just meant Mr. Trump."

Given those two statements, would you agree with the characterization that those two were incompatible statements?

A So I think that we're trying to say the same thing. He probably said it more artfully. But, again, because this text is coming so close in time and it involved my both feeling about my personal distaste for Donald Trump as a person, but also my now concern because of the predication we had received which would open the investigation, I think that what we are saying essentially is consistent.

And ultimately, it's his you know, this is sort of whatever I intended may not have been ultimately what he perceived. So it's hard to say that there is an absolute truth with respect to that that statement.

I guess the other thing I would say well, I guess that's sufficient.

Q And, Ms. Page, I think in beginning that colloquy on Friday, you said you weren't certain. So that suggests to me that maybe you don't remember precisely what you intended.

Is that correct?

A I do not. And I think I also said that I'm clearly referring to an article or an op ed that, I guess was about other GOP leaders who weren't standing up to the President and my frustration about that.

So I don't know to the extent that that was also informing what I was thinking about, but I have, as I sit here today, can't tell you concretely because it was just a sort of flash in time.

Q Understood. Thank you.

And then one more thing. You were asked on Friday again about the Christopher Steele dossier and how it came to the FBI.

I believe you claimed that you were not really involved with how the dossier came to the FBI so you weren't clear on its providence. Is that correct?

A No, that is not correct. I am very clear about its providence.

Q Oh, you're very clear about its providence?

A How we received the reports from Christopher Steele, yes, I am very clear about how we received those.

Q Certainly. So are you also clear then as to whether Bruce Ohr gave those dossiers to the FBI?

A This is in the category of things that I can't answer.

What I can say is when we first received the set of reports that are commonly referred to as the dossier, that initial our having obtained those documents initially, did not come from Bruce Ohr. They came from Christopher Steele through his handler to the FBI.

Q Understood. Thank you.

BY MS. HARIHARAN:

Q I just want to good morning.

A Good morning. Please go ahead. I'm sorry.

Q I just want to go back quickly to the discussion about the differences between the DOJ and the FBI on compulsory process and just general legal or investigative differences that may have existed during the Midyear investigation.

So generally speaking, when there were disagreements between the FBI and DOJ on how to seek evidence, what was the DOJ's position, as far as you can characterize? Like in the sense would the FBI generally want to pursue a more aggressive stance and DOJ was more conservative, and is that common in investigations overall?

A Yes. That is true with respect to this investigation. I think that even the IG found that the FBI consistently wanted to take more aggressive steps in the Clinton investigation.

It's hard to characterize, you know, two enormous institutions of many tens of thousands of people monolithically. But certainly in the counterintelligence realm, the Department tends to be quite cautious and quite conservative.

Q And in the case of the Midyear investigation, do you think

the career prosecutors that disagreed on pursuing a more aggressive stance, this was based on legitimate legal differences of opinion or was it something on a was there a political bias involved or

A I'm not aware of any political bias.

Q In the inspector general's report, on page 79, I'm just going to quickly read the quote. Quote: "Despite the public perception that the Midyear investigation did not use a grand jury and instead relied exclusively on consent, we found that agents and prosecutors did use grand jury subpoenas and other compulsory process to gain access to documentary and digital evidence. According to the documents we reviewed, at least 56 grand jury subpoenas were issued, 5 court orders were obtained pursuant to 18 USC 2703(d) orders, and 3 search warrants were granted," end quote.

Were you part of any of the decisions to issue one of the 56 grand jury subpoenas?

A I was not, no.

Q Or the 2703(d) orders?

A No.

Q Were you part of any of the decisions to issue the search warrants?

A I don't think so.

Q Generally speaking, can you speak to why the FBI advocated for the use of compulsory process in this case?

A I can't really

Q Or before.

A Yeah, I can't answer that question in the abstract. So, I mean, if there's a specific example you want me to speak to, I can try, but

Q So, again, it's just we're trying to understand what the difference between DOJ's approach to the case versus the FBI's approach. And so, again, in your experience, was the differences based on legitimate legal arguments or a strategic argument?

A I'm sure that's true, yes.

BY MS. KIM:

Q So let's take from the abstract to the specific. So I think you were talking about the culling laptops and the server, the decision whether to pursue those through compulsory process or to obtain those through consent agreements.

In your interactions with Department of Justice personnel, were their arguments that those should be pursued through consent processes governed by what you saw as differences of opinion from you that were legitimate and grounded in legal justification?

A Yeah, I would say so. We what I personally found frustrating is the Department would sort of make a determination that part of the argument was that we would not be able to obtain the laptops pursuant to compulsory process, which I as to my own personal experience disagreed with. I thought that we would be able to. Maybe there might be strategic reasons not to, there might be other reasons not to.

But I disagreed sort of foundationally that it would not be

available to us because we would not be able to make out the standard, or to be able to pierce attorney client privilege, or more likely, in my view, there was a disagreement about whether it was the sorting activity conducted by Mills and Samuelson was opinion work product, which is quite protected under the law, versus some other privilege.

And so the frustration was in their sort of unwillingness to explain their reasoning. They sort of, for many for some time simply stated, as a matter of course: We can't, and we won't be able to.

And it was my view that that was not the case. And I did my own research with respect to that topic because I was frustrated. And so we had sort of an ongoing back and forth about that.

But, yes, it was grounded in, you know, legal disagreement ultimately.

Q And was it the subject of rigorous and vigorous debate?

A Yes.

Q Extensive debate where you were free to express your point of view?

A Yes.

Q And extensive debate where the DOJ did eventually express its point of view about its strategic justifications?

A Yes.

Q And do you have any reason or evidence to believe that those strategic decisions were based on improper considerations, including political bias?

A No, I do not. I have no reason to believe that.

Ms. Hariharan. Did any of the senior political leaders of the DOJ intervene at all in the decision to seek or not seek compulsory process?

Ms. Page. With respect to that decision, yes.

So this was very much a we were at very much a standstill for a considerable amount of time. And it's my understanding I know for sure that Mr. McCabe had multiple conversations with George Toscas on the topic because we all, including up through the Director, just agreed that we could not credibly end this investigation without having attempted to obtain those laptops and search them.

And we were sort of not making progress trying to explain or convince the Department prosecutors, the line prosecutors involved in the investigation, of this feeling. And even though we kept invoking the Director, and we would sort of say, like, we are not going to close this thing until we have tried to get this, they didn't see it as useful.

They didn't think it was going to change the outcome of the investigation, which we agreed with. We didn't have a reason to think it would change the outcome of the investigation.

It wasn't about thinking that for sure there would be different evidence in those laptops. It was about our credibility to be able to say that we ran down every sort of necessary investigative lead.

And so because we had sort of reached a stalemate a number of times on this discussion, I know that it was elevated to certainly the Deputy Director and George Toscas.

If I'm not mistaken, I think that even the Director may have had a conversation with Sally Yates, the DAG, about it, but I'm not positive. If it occurred it's in the IG report, but I don't recall exactly.

BY MS. KIM:

Q So that call seems to be DOJ expressing at the highest or excuse me the FBI expressing at its highest levels the decision to pursue a certain investigative step and convincing the Department to come along with the FBI's reasoning. Is that accurate?

A Not its legal reasoning, but its strategic reasoning, yes.

Q That's yes. Thank you.

Are you aware of any instances where it went the other way, where the FBI wanted to take strident action but a senior political official at the DOJ had to talk the FBI down in the Clinton email case?

Let me try to let me try you look puzzled, so I mean

A Yeah, I

Q Let the record reflect you look puzzled.

A Okay.

Q Let me try to explain a little bit more clearly what I mean.

I think the concern here is that there was a Democratically led political DOJ in charge of an investigation where a prominent Democrat was the subject and target.

Are you aware of any instances where senior political leaders at the Department of Justice intervened to counsel or order the FBI to not seek a compulsory process?

A No, not to my knowledge.

Q So you are not aware of Loretta Lynch or Sally Yates intervening to stop the FBI?

A No, not to my knowledge.

BY MS. HARIHARAN:

Q Okay. So I just want to move on to just sort of general questions about the FBI's investigative techniques. And I know some of these this was somewhat addressed earlier, but just to clarify a couple things.

On May 18th, 2018, President Trump tweeted, quote: "Apparently the DOJ put a spy in the Trump campaign. This has never been done before. And by any means necessary, they're out to frame Donald Trump for crimes he didn't commit," end quote.

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

A No.

Q Does the FBI place spies in U.S. political campaigns?

A Not the current FBI.

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

A No.

Q In your experience and this goes back a little bit to our discussion on Friday about contacts with human informants does the FBI use spies in any of its investigative techniques?

A We call them sources. They're not spies exactly, but

Q Can you, as much as again, understanding you were not a counterintelligence official can you explain for the record the difference between a human informant as the FBI specifically uses that term and sort of the layman term that is often used in the media of a spy?

A The spy is somebody acting on behalf of a foreign government in order to collect intelligence against that government.

So, you know, a spy is commonly, you know, discussed with respect to like an individual who is acting on behalf of a foreign government say, like Russia or China or, you knows, Iran and is in the United States trying to collect information in order to advance its country's goals.

A confidential human source is somebody who has access to information which may be relevant to an FBI investigation or may, him or herself, have engaged in criminal activity and has agreed to cooperate with the government and collect additional information with respect to the criminal activity he or her was he or she was engaged in.

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

A My personally? Not to my knowledge.

Q Have you ever been involved in a DOJ or FBI investigation conducted for political purposes?

A Never.

Q Have you ever been involved in a DOJ or FBI investigation that attempted to frame U.S. citizens for crimes they did not commit?

A No, ma'am.

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

A No.

Q Are you aware of any instances where the FBI and DOJ manufactured evidence in order to obtain a FISA warrant?

A Never.

Q Are you aware of the FISA court ever approving an FBI or DOJ warrant that was not based on credible or sufficient evidence, in your experience?

A No, not to my knowledge.

Q Are you aware of any attempts by the FBI or DOJ to intentionally mislead FISA court judges in an application for a FISA warrant by either omitting evidence or manufacturing evidence?

A No, ma'am.

Q Are you aware of any instances at the FBI and DOJ of an investigation failing to follow proper procedures to obtain a FISA warrant?

A No.

Q I'm going to quote the President when I say this. On May 20th, 2018 he tweeted: "I hereby demand and will do so officially tomorrow that the Department of Justice look into whether or not the FBI/DOJ infiltrated or surveilled the Trump campaign for political

COMMITTEE SENSITIVE

purposes and if any such demands or requests were made by people within the Obama Administration!", exclamation point, end quote.

Does the FBI conduct investigations to frame U.S. citizens for crimes they did not commit?

A No, ma'am.

Q Then at a political rally on May 29th, 2018, the President again stated, quote: "So how do you like the fact they had people infiltrating our campaign?" end quote.

Did the FBI or DOJ ever investigate the Trump campaign for, quote, "political purposes"?

A No.

Q Did the FBI or DOJ ever, quote, "infiltrate or surveil," end quote, the Trump campaign?

A No.

Q To your knowledge, did President Obama or anyone in his White House ever, quote, "demand or request," end quote, that the DOJ or FBI, again, quote, "infiltrate or surveil," end quote, the Trump campaign for, quote, "political purposes"?

A No, ma'am.

Mr. Krishnamoorthi. I just have a couple of quick questions for you.

First of all, I know that we covered this a little bit, I think, on Friday, but can you talk a little bit about your role on the Clinton investigation? How did you view it? And what was kind of the limitations on your authority?

COMMITTEE SENSITIVE

Ms. Page. So, as I have tried to describe, I'm not on the team with respect to so the team is comprised of the following: case agents, like line agents who are doing sort of the day to day investigative activity, line analysts engaged in the same activity, a supervisor, forensic people, I think a forensic accountant, cyber people, support staff, and then, up the chain, sort of more senior FBI agents supervising the investigation.

I am none of those people lawyers, of course I am none of those people. My job was to support the Deputy Director in all the activity that the Deputy Director supervised.

So we're talking today just about the Clinton investigation and the Russia investigation, but, of course, I assisted the deputy with all of the responsibilities, save for limited ones like HR and budget and sort of personnel type matters, all of the activities for which he was responsible. So that would be any number of investigations at any given time.

And with each of those I played both sort of a sounding board type of role, to sort of discuss my opinion or his view as to what particular step we should take or whether we should, you know, brief the White House or Congress or X activity or Y activity.

So at a very high level kind of macro decisionmaking on all manner of activity, but also to stay kind of with my ear to the ground on the topics that would sort of come before him.

So, for example, if there was a meeting that was going to be held about a particular cyber operation or some type of activity, I might

reach out to the program managers who were responsible for that activity in order to get a sense of what this is, why is it coming to the deputy, is there a conflict, is there a disagreement

Mr. Krishnamoorthi. Got it.

Ms. Page. you know, was he going to be deciding something, so that we had a little bit of preparedness for the topic that was coming to him.

Mr. Krishnamoorthi. Got it.

So just so I understand it, basically you don't have any supervisory role

Mr. Page. No, sir.

Mr. Krishnamoorthi. with regards to this investigation? You're not a member of the team on this investigation, correct?

Ms. Page. That's correct.

Mr. Krishnamoorthi. You don't have a supervisory role, certainly.

Ms. Page. I do not have a supervisory role or a decisionmaking role.

Mr. Krishnamoorthi. And what percentage of your overall time was spent on this investigation?

Ms. Page. Oh, my goodness.

Mr. Krishnamoorthi. If you just had to ballpark it. Probably a minimal amount, wouldn't you say?

Ms. Page. No, it wasn't minimal, but it wasn't the majority either. Gosh, I really I have I cannot speculate

Mr. Krishnamoorthi. So less than 50 percent of your time.

Ms. Page. Yes, that's the fair.

Mr. Krishnamoorthi. Okay. So let's say, let's say that you had these political views expressed in your text messages and you can see why people would be concerned about that. And let's say you wanted to railroad this investigation a certain way.

Ms. Page. The Clinton investigation.

Mr. Krishnamoorthi. The Clinton investigation in a certain say, and you wanted your political views to actually translate into biased actions. It seems to me that you had no opportunity or ability to do that because you had no supervisory role on this investigation team, you weren't a member of this team. Even if you wanted to, you'd have to go through your Deputy Director McCabe to do anything in terms of taking action. Is that right?

Ms. Page. That's fair, sir. I guess

Mr. Krishnamoorthi. So go ahead.

Ms. Page. I guess the other thing I would flag is that I think I mean, obviously you, the public, many have tens of thousands of my texts. I think there are, I don't know, maybe two or three total in which there's anything favorable said about Hillary Clinton at all.

And the note the fact that before July 28th when we received the predicated information for the Russia investigation, the fact that I didn't care for Donald Trump is not particularly relevant to me with respect to the investigation we were conducting on Hillary Clinton.

The two of them had nothing to you know, my opinions on him

had nothing to do with whether or not she in fact handled mishandled classified information.

You know, I don't I don't what's been frustrating and what has sort of strained credulity to me is that the sort of pejorative texts about Donald Trump that I make before July 28th are just my feeling about him personally and don't really have any bearing with respect to how I feel about Secretary Clinton.

So it just anyway, it just strikes me as how I feel about Donald Trump doesn't really have any bearing with respect to whether or not Secretary Clinton mishandled information. And the reality is, as I've sort of said, I wasn't particularly fond or favorable toward Secretary Clinton.

And during the course of the investigation, you know, as we've discussed a number of times, both Pete and I were regularly the people advocating for the most aggressive course of action with respect to the Clinton investigation.

Mr. Krishnamoorthi. And what would be, in your view, kind of the best example that would show that you took that type of approach?

Ms. Page. It was true certainly with respect to the laptops that we've discussed. I mean, we were we were sort of adamantly fought the need to get those laptops, which Secretary Clinton's people were adamantly fighting us sort of not to obtain, and the Department did not want us to obtain those.

Let me I'll have to think about other examples, but there's, I think, two or three that at least I discussed with the IG in the

past, that where we sort of disagreed with the Department. And it was Pete and I sort of advocating the more aggressive position against Secretary Clinton.

Mr. Krishnamoorthi. Got it. Okay. If you guys want to take it. Thank you.

Ms. Page. You're welcome.

BY MS. KIM:

Q Ms. Page, Republicans have repeatedly raised questions about why the FBI did not provide the Trump campaign with a defensive briefing about Russians attempt to infiltrate the campaign.

We understand from public reportings that senior officials from the FBI gave a high level counterintelligence briefing to the Trump campaign after he became the presumptive Republican nominee in July 2016.

In that briefing we also know that FBI officials reportedly warned the Trump campaign about potential threats from foreign spies and instructed the Trump campaign to inform the FBI about any suspicious overtures.

Did you have any involvement in giving these briefings to the Trump campaign?

A I was not present for the briefings to the Trump campaign, no.

Q Did you receive readouts from the briefings?

A I did.

Q Is it true that senior FBI officials warned the Trump

COMMITTEE SENSITIVE

campaign as early as July 2016 that Russians would try to infiltrate the Trump campaign?

A I don't recall that specifically, but I don't have any reason to disagree with you.

Q Would the briefing have touched on how the campaign should react to offers from foreign nations to interfere in our elections?

A I don't think a briefing would have been that specific. I think we would have as is the case in a typical defensive brief I think that we would have flagged if you encounter activity which you believe is suspicious, particularly from threat countries, that they should notify the FBI.

Q To your knowledge, did the Trump campaign report any contacts with foreign officials during this briefing?

A I'm not sure.

Q So are you aware of the Trump campaign reporting contacts between George Papadopoulos and Russian officials?

A Oh, no, I don't believe that occurred.

Q Do you recall the Trump campaign reporting the June 2016 Trump Tower meeting with senior campaign officials including Donald Trump Jr., Jared Kushner, and Paul Manafort?

Mr. Bessee. So I will sorry I will instruct the witness not to answer anything that goes into the special counsel's equities and the ongoing criminal investigation. So that would impact that particular

Ms. Kim. Thank you.

COMMITTEE SENSITIVE

Ms. Page. Thank you. Sorry.

Ms. Kim. Two weeks after this briefing, on August 3rd, 2016, Donald Trump Jr. reportedly met at Trump Tower with an emissary who told Donald Trump Jr. that the princes who led Saudi Arabia and the United Emirates were eager to help his father win election as President.

To your knowledge, did Donald Trump Jr. report this offer from the Saudis and the Emiratis to the FBI?

Mr. Bessee. Again, anything that goes into the ongoing criminal investigation or anything that impacts that, the witness will not respond to will not be able to respond to those questions.

Ms. Kim. Thank you.

BY MS. KIM:

Q Ms. Page, can you explain generally the national security implications for a political campaign concealing or failing to report foreign contacts of offers to interfere in our election?

A Well, this is I'm not sure it's a commonplace occurrence. But speaking generally, an effort to affect an American election is obviously a quite serious one, regardless of voting and the democratic process is obviously sort of a foundational backbone to what makes America America.

So any effort by a foreign power to intercede or intervene in any way is of grave concern. It would be even more so if it was in fact true that a political campaign was working with a foreign power in order to affect an American election.

Q And again to your knowledge, a defensive briefing of this nature would have involved general instruction to report outreach from target foreign countries to the FBI?

A I'm sorry, I don't I have to take issue with the nature of your question.

You're suggesting that a defensive briefing with respect to an involvement or an intrusion into the American election may have taken place and I don't think I have answered that question.

What I have answered is that I am aware that a defensive briefing with respect to foreign powers and what foreign powers may how foreign powers may try to contact you collective your campaign collectively, now that you are the presumptive candidate, and how you should handle that.

But I don't think I have answered a question with respect to a defensive briefing about interference in an American election.

Q That is fair. Thank you for clarifying.

And in a general defensive briefing about general foreign threats, is there a general guidance given that foreign threats should be reported to the FBI?

A Yes.

Q Thank you.

I think that leads us to leads us well to the question of why the FBI, particularly the counterintelligence officials at the FBI who were working both on the Midyear investigation and on the Russia collusion investigation, were prioritizing the Russia collusion

investigation in the September/October timeframe.

The inspector general's report was not favorable to Mr. Strzok in this regard. It characterized his prioritization of the Russia collusion investigation as perhaps indicative of some kind of political bias.

I think you were there. You saw Mr. Strzok's workload. And you were intimately familiar with both investigations.

Do you have a general response to that finding by the inspector general?

A I do. I am honestly baffled that they would find such a thing. And I do believe that they did the best they could to conduct that investigation fairly. And I cannot understand, particularly in light of what I know I said to them, I cannot understand how they could reach that conclusion.

What we were dealing with at the outset was this is now, you know, October. This is a month before the election. And I can't speak to whether we were any closer to determining whether there was in fact collusion, because I'm precluded from doing so right now, but we are still looking very seriously at whether our most threatening, most hostile foreign power was engaged in was working with an American political candidate or members of that candidate's team to affect the outcome of an American election.

It is an unheard of investigation, in the first place, in the counterintelligence realm. Russians engage in all manner of nefarious activity, but this was a new height in terms of brazenness if

true in terms of brazenness.

And with respect to how threatening that would be again, if it were true the notion that there might be more emails that have not previously been seen that existed on Hillary Clinton's email server just simply don't even enter into the realm of the same room of seriousness.

The Clinton investigation involved activities that had taken place 3 years prior. It's an entirely historical investigation. Even if even if there had been dispositive evidence which revealed I don't know what even there, which would be a very serious allegation, in my assessment, and I think in the assessment of the Counterintelligence Division, they still don't even come close to the threat posed if Russia had co opted a member of a political campaign.

So that alone is really baffling to me, that they equated the sort of two investigations.

Furthermore and this is based on my own personal knowledge almost as soon as we discovered that there may be these additional emails, that was a sign to people who were not involved in the Russia investigation.

So it would not have been Pete's responsibility in the first place to have engaged and conducted that investigation. He's the lead of it. He's not the one who's going to go to New York. He's not the one who's going to, like, do the forensics on it, like.

And so it made, in my mind, perfect sense what he did, because he called on people who had been on the Clinton investigation, who were

not on the Russia investigation, to follow up and find out what the facts were, whether it was worth our while.

Because I will say, it's not as though every time there was any allegation that there might be a new email that lives, you know, in Peoria, not every one of those was necessitated investigative activity.

The only reason that this one ultimately got our attention, and this only occurred, to my recollection, later in October, is because of the volume of the emails which potentially existed on Mr. Weiner's laptop.

At the time that we first got the information, I'm not aware of that having been told to us. I don't recall in late September, early October, when I first found out by the Weiner laptop, I don't recall being told that it was, you know, tens of thousands of Hillary Clinton and Huma emails.

We knew that there were many tens of thousands, if not hundreds of thousands of emails on Mr. Weiner's laptop, but it's not my recollection is that it's not until later into October do we actually learn that, no, no, these actually might be relevant and from a relevant timeframe.

Ms. Hariharan. Can you describe the extent of the overlap between folks who were on the MYE team and folks who were on the Trump Russia team? Because, you know, it's reported as if they are the same.

Ms. Page. They are not the same. What is the same are the sort

of senior people. And that makes sense because there are fewer people who are in a senior position who could supervise the investigation.

So you have to understand, like, for example, in the Counterintelligence Division, there are three DADs, there are three deputy assistant directors, one of whom is analyst, so not an agent, not somebody who you would expect to run an investigation, and then there are two other ones. One was Pete and one I'm not sure when it was filled, but was open for a short period of time.

So with respect to the personnel writ large, almost everyone below Pete and Jon Moffa in the Counterintelligence Division in terms of the agents who were working on the Russia investigation, almost all of them I think all of them, in fact are different from the line level agents and analysts who worked on the Clinton investigation.

And this was in part, too, because everybody was exhausted. We had worked incredibly hard and as fast as we possibly could on the Clinton investigation. And the truth of the matter was, those of us who were on Clinton and who stayed over for Russia all just really couldn't believe ourselves that we had to sort of gear up again, you know, 3 weeks after being finally done with Clinton and finally being able to get back to all of our day jobs, that we were sort of gearing back up again.

So it's only really it's the people that met with Jim Comey. Those are the only people that were really the same with respect to both teams. So it's the same general counsel, the same deputy general

counsel, me, Mr. McCabe, Dave Bowdich.

The EAD for National Security Branch changed, but that was just because of regular personnel turnover. Bill Priestap was the same. Pete was the same. Jon Moffa was the same.

But other than that, all of the rest of the personnel were, to the best of my knowledge there could have been one or two but all of the rest of the personnel on the Clinton team and the Russia team were different.

BY MS. KIM:

Q Was there anything about the timeframe in which the Weiner laptop was processed that seemed unusual to you? So that's to say, would it have been unusual for imaging and processing that kind of data to take more than a few weeks?

A No, it happens all the time. And especially with a laptop that was as voluminous as Mr. Weiner's was, the forensic work and the processing and the imaging regularly crashes and stops and has to be done again.

I don't know precisely how long it took, but the notion that it took a week or 2 as being unusual particularly, because it was not a priority the case for the New York field office I should let me take that back.

There was nothing about it that necessitated an exigency to the New York field office. This was a potential child exploitation case but, again, I don't think that there was an allegation that there was ongoing exploitation.

And so I don't know how the New York field office chose to prioritize it with respect to all of the other work that they were doing, but there's nothing about it, to me, that stands out as necessitating, you know, an emergency, you know, imaging.

Q Did you personally observe any evidence suggesting that Mr. Strzok was prioritizing the Russia investigation at the cost of the Hillary Clinton email investigation reopening?

A Well, I mean the answer is we were prioritizing the Russia investigation because it was more important and more serious. But I wouldn't say that it was a zero sum issue because he didn't neglect the Clinton investigation. He assigned it to the people who would appropriately have to handle it.

Q Yes. Are you aware of any evidence that Mr. Strzok or anyone on the Midyear investigation team was trying to bury the existence of the Weiner laptop or the data found therefrom?

A No, not at all.

Ms. Hariharan. Are you aware of any evidence that Mr. Strzok prioritized because of his political biases or was it because of just how serious the Russia investigation and how grave a threat it was?

Ms. Page. It's the latter. It's because the Russia investigation was a serious threat to the national security. Whether there are additional classified emails on a laptop that didn't belong to Secretary Clinton just, in my view, did not rank in the same way.

BY MS. KIM:

Q And I just want to be clear of the nomenclature. When we

talk about the Russia collusion investigation in this timeframe, candidate Donald Trump is not the subject of that investigation. Is that correct?

A That's correct.

Q I believe that's what Director Comey has publicly stated.

A That's correct. He was not a subject of the investigation. The investigation was very narrowly tailored in order to simply attempt to answer the question of who might if true, if the predication was true, and that Russia had offered to assist the Trump campaign with the release of information damaging to Hillary Clinton who might have been in a position to accept that offer, if true.

So it was a very narrowly scoped, very discrete investigation, because we understood the gravity of what it was we were looking at, and we were not going to take a more extreme step than we felt we could justify.

Ms. Kim. I think we're okay going off the record at this point for a lunch break until 1:30.

Thank you.

[Recess.]

[1:30 p.m.]

Mr. Parmiter. Let's go back on the record. The time is 1:30 p.m.

BY MR. PARMITER:

Q And, Ms. Page, I just had a couple of followup questions from things that were discussed in the first hour.

You had mentioned that charges it had been determined that charges were not sustainable under 793(f)(1) in particular. I'm just curious whether there are elements of that statute that were not satisfied in the case or was it just the gross negligence issue

A I think

Q that led to that conclusion?

A Sorry.

I think that it was both. But honestly, I'm not positive as I sit here today. Because if the statute is unconstitutional, it doesn't matter if you have all the evidence in the world, you can't bring that case.

So I think that I have said and I think that the minority staff read back to me a comment that it was both insufficient evidence and unconstitutionally vague. And I guess I'm not certain about the first point, about insufficient evidence, because it doesn't really ultimately matter what the evidence shows if the statute is is not constitutional.

Q Okay. But, I mean, would you agree that, you know, the Secretary of State is someone who's lawfully entrusted with classified information and that a private server is not the place if classified

information is stored on anything other than a classified server or system, it would be out of its proper place?

A That is correct, sir.

Q Okay. To your knowledge and in your experience, did DOJ ever inform you of any other statutes that are unconstitutionally vague?

A In the history of my being at the FBI and DOJ?

Q Do you recall any

A I'm not positive, to be honest with you. I mean, the truth of the matter is the counterespionage section at the Department, as I think I've said, is just conservative by nature and cautious by nature, very much to the frustration of the FBI.

And I've certainly been present with a number of meetings in which they didn't want to prosecute or they didn't want to bring charges on totally unrelated investigations, but didn't couldn't necessarily articulate what was insufficient about the evidence or so, I mean, this is I guess what I'm trying to say is this is a little it's a somewhat institutional fact as well. But whether other statutes were vague, I just don't remember.

Q Okay.

BY MR. SOMERS:

Q Do you remember any discussion of whether the Logan Act could be charged?

A With respect to Secretary Clinton?

Q With respect to anybody.

A On the Clinton investigation, I don't remember a discussion

of the Logan Act.

Q On the Russia investigation?

A I am privy to conversations about the Logan Act in the Russia investigation.

Q Was it allowed to be charged?

A I don't think it's been charged.

Q My question is whether you were told that the gross negligence part of

A Oh, I see what you're saying.

Q 793 could not be charged. I'm asking whether you were told

A Yes.

Q that the Logan Act could or could not be charged.

A So I okay, so let me see how I can answer this.

There were discussions about the Logan Act with the Department and similar concerns, not about the constitutionality of the statute, but about the age and the lack of use of the Logan Act. I did participate in conversations with the Department about it being an untested statute and a very, very old one, and so there being substantial litigation risk, not unlike, although this comparison was never made, but not unlike the gross negligence statute.

This would this would be a a risk, a strategic and litigation risk, to charge a statute that had not sort of been well tested.

Q But the gross negligence part of 793, that was a clearly it couldn't be charged versus a I think you just described it as a

litigation risk with respect to the Logan Act?

A With respect to gross negligence, that is correct, sir. I'm sorry, that it could not be charged or should not be charged, because it was I think it's both. It was not constitutional but also untested, which goes to the question about its constitutionality, I think. So I think they're somewhat intermingled, those two, with respect to gross negligence.

Mr. Parmiter. Mr. Meadows.

Mr. Meadows. Thank you.

Lisa, I'm going to go over a few text messages. None of them are personal. And so I just want to really try to get some clarification from you.

I probably have read more text messages that have been published and nonpublished, and even on some of the redacted words that originally were redacted that you may be able to help me get a good understanding of what's there.

So early on, in August well, first off, is there a difference, from an FBI's perspective, of a confidential human source and a confidential informant? Because I read the FBI manual, and it seems like one gets treated one way and another gets but from your perspective, they're one and the same?

Ms. Page. I the term that we use for it is a confidential human source. A more, I guess, layman term would be an informant. But to my knowledge there is no distinction with respect to the rules which govern a source's activity. These are one and the same.

Mr. Meadows. Because one of the things I was reading indicated that I guess when we have confidential human sources that we pay there's a whole litany of things that the FBI and DOJ have to go through on those confidential human sources that we actually pay.

Are you aware of that?

Ms. Page. I think there are I'm not sure there I'm not sure about that, sir. There are certainly rules with respect to paying a source, but the with respect to opening a source and how you handle a source and the admonitions that you provide a source, those are the same regardless of whether a source is paid or not.

Mr. Meadows. Okay. In a text message back and forth between you and Peter Strzok shortly after he returned from London, there was an article that came out and it was "Inside the Failing Mission to Save Donald Trump From Himself."

And in the redacted portion, it says: But see, this article so rings true that then I think that the confidential human source was [redacted] is wrong is [redacted].

Were you aware of any time where you felt like you questioned the confidential human source, as this text would indicate?

Ms. Page. Can you, do you mind, could you

Mr. Meadows. Yes. It would have been on the August 13th of 2016, at 13:22:29, or 27, I guess. You're going back and forth talking about 302s with the State Department and

Ms. Page. So are we talking about Clinton then it sounds like?
August

Mr. Meadows. Well, I don't the Clinton investigation would have been over with at that point.

Ms. Page. That's true. I'm sorry, sir, the date again?

Mr. Meadows. It would have been August 13th of 2016. It was about 2 weeks after Russia opened.

Ms. Page. Okay.

Mr. Meadows. Russia opens. Peter Strzok travels to London. Peter Strzok does an interview, comes back. And you're going back and forth, apparently mad because the State Department says, you know

Ms. Page. So we're talking about two different things. So the State let me just take a second and look at this.

So there's no debate. So this is me. I'm sorry, so a couple texts up, this is Pete: Hey, read the email I just sent. I did not include OPA or OCI in the distro. I'm responding, I don't know what the email is, but: There's no debate. I'm going to forward to Kortan. God, it makes me want to tell State to go F it.

So we're talking about Clinton now. And what I suspect we're talking about is needing you know, there's still things that we need. I don't know whether it's whether we're producing in FOIA or what we're talking about. But there, I think

Mr. Meadows. Then you switch, I guess, to the confidential human source.

Ms. Page. Yes, I think that's right. So then: Yep, you think we would have you think we should have commented if only to rebut State's expectation of interagency coordination crap.

I think that there was like a press conference or something that we were pissed about that State was essentially saying, like, maligning the FBI. This is normal interagency, you know, kind of

Mr. Meadows. Right, right.

Ms. Page. So the same thing with the next one.

Mr. Meadows. So it is right after that where you talk about not believing the confidential human source, or believing that

Ms. Page. Is that what that so I don't know what that

Mr. Meadows. Yeah. In the redacted, it says, I think and I'll give you the redaction that the CHS is wrong, the other redacted word.

So I guess the question becomes is, at any point did you question whether the confidential human source was wrong, as this text message would indicate?

Ms. Page. So I think we're constantly questioning ourselves, actually. I don't know

Mr. Meadows. This would have been very early on. So you've had (b)(7)(D), (7)(E) per FBI, and almost immediately you're questioning whether they are right or wrong.

Ms. Page. So I think that's exactly what you want us to be doing, right? So I don't know what this article says and I don't know what is prompting the thinking, but we constantly want to be testing our own assumptions and testing the veracity of the source.

Now (b)(7)(D), (7)(E) per FBI, with respect to (b)(7)(D), (7)(E) per FBI. So it's not a matter of is the source

lying to us or not, right. That was sort of not in question with respect to

Mr. Meadows. Just that they had made the wrong assumption.

Ms. Page. Or that the person providing the information to the source, are they telling the truth or not, right? Are they puffing, are they exaggerating, or is the statement made by the individual true.

Mr. Meadows. So typically

Ms. Page. That's the question that we're trying to answer. And so

Mr. Meadows. Right. So there was some question back and forth at this particular point between you and Peter Strzok on whether the confidential human source was accurate. And in doing that, how do you follow up and figure out whether they're accurate or not?

Ms. Page. That's the investigation, sir. That's precisely what the investigation was designed to do. And so the entire objective and I really do hope to convince you guys that we did things the way that the American people would want us to do them.

We get this predication that suggests Russia is trying to work with someone in the Trump campaign, and we take these very discrete steps to figure out is this true and, if so, who could be in a position to have received this information.

And so but we're constantly challenging our own assumptions. And so we're taking investigative steps in order to try to figure out, okay, who would have been in a position, who's traveling to Russia, who might have these relationships such that they would be on the

receiving end, right? A Russian can't just like [sound of knocking] knock on the door of any old stranger and say, hi

Mr. Meadows. Let's hope not.

Ms. Page. I would hope, right? That's unlikely to be productive. So you look to see are there people or are there incidents which would suggest that there would be a more willing audience or a more receptive audience.

And so, again, not knowing what I was thinking at the time or what the article says, it wouldn't strike me as inappropriate at all, in fact, quite the contrary. We are constantly, is this all just puffery or is this real?

Mr. Meadows. So was this the only time that you feel like you questioned a confidential human source in the investigation in terms of whether they were right or wrong? Was this a single time?

Ms. Page. I can't remember any other particular time, but I didn't remember this one so

Mr. Meadows. But you're saying that it normally happens on a pretty regular basis, so you go back and forth. So this would not be out of the norm to say, well, is he right, is he wrong, or is she right or is she wrong?

Ms. Page. That is the point of the investigation, to try to get to the bottom of it, sir.

Mr. Meadows. So let me go a little bit further then. In looking at this review, very early on, without getting into the specifics of the actual investigation, there were a number of briefings that were

occurring. How many Crossfire Hurricane briefings were you involved with?

Ms. Page. Briefings for whom, sir? I'm sorry.

Mr. Meadows. Well, how many briefings were you involved with that were outside the that had outside players beyond the FBI or DOJ?

Ms. Page. None.

Mr. Meadows. All right. So there were never any briefings that you attended where there was other intelligence officials part of the briefing outside the FBI and DOJ?

Ms. Page. Not about the Crossfire investigation, sir. So there's two things operating at this time. I certainly participated in preparation sessions for the Director when the Director would either be going to the White House or maybe have a call

Mr. Meadows. Right. We've got that. I think we've talked about that before, because I think early on, August 5th, there's maybe the first original what we called at that time the Russia investigation briefing that happened. Peter Strzok comes back from London, makes it just in time for you to have that. There's a briefing that occurs on August 8th.

And then there's a briefing with Denis McDonough at the White House where Jonathan Moffa and others attended. Were you aware of that?

Ms. Page. I'm sure you're right. I was aware of the briefings that were occurring at the White House. But those were not about the

Crossfire. To the best of my knowledge, those were not

Mr. Meadows. So they had nothing to do with any potential collusion between Russia and the Trump campaign? That was never mentioned?

Ms. Page. Not to my knowledge. It was always about the Russian active measures effort.

Mr. Meadows. All right. And so if that's, indeed, the case, at some point it changed. At some point, there were other people outside the FBI and DOJ that were involved with that. And so I'm going to direct your attention a little bit later.

Because on August the 25th, there's a text message going back and forth where I think it talks about the fact, you know, what are you doing after and it's redacted the CH brief. And it's August 25th at 19:30:56.

Ms. Page. I see that. But mine's redacted. What does it say?

Mr. Meadows. Yeah, yours is redacted. But it says: What are you doing after the CH brief? And so that CH brief you're saying was an internal brief within the DOJ and FBI?

Ms. Page. Oh, yes, within, to the best of my knowledge.

Mr. Meadows. Because it's the same day that Director Brennan is briefing Harry Reid, is why I ask. And so what you're saying is you were unaware that Director Brennan was briefing Harry Reid that same day?

Ms. Page. I had no knowledge of that, no.

Mr. Meadows. Okay. All right. So if you're looking at a brief,

typically who would you brief?

Ms. Page. So we had regular updates for the Director and the Deputy Director. I'd say certainly every 2 weeks, but possibly even more frequently. We had sort of standing sort of update meeting for either the deputy

Mr. Meadows. Similar to you did during the MYE

Ms. Page. Correct.

Mr. Meadows. and you're doing that now. And so you do those. And those briefings were intended for the Director or the Deputy Director to do what?

Ms. Page. To stay abreast of what we had found to the extent we it allowed for a regular tempo, so that if we had a question about an investigative step or really just to sort of stay abreast of what we were doing and what we were learning.

Mr. Meadows. So because of the critical nature, you know, as you characterized it earlier, you believe that this was more important than the MYE in terms of its potential.

When you were doing those briefings with the Director and the Deputy Director and the minority were talking about the defensive briefings to my knowledge, and it's been we've looked to try to find anything other than what I would say the normal defensive briefing that you do for candidates, where you say, by the way be careful, change your passwords, you know, this is what you look for.

Did any of that brief that you ever did for the Deputy Director or Director end up in a detailed defensive briefing for at that point

candidate Trump?

Ms. Page. I don't believe so.

Mr. Meadows. And if it were critical, especially in light of some of the individuals and because Donald Trump was not a subject of your investigation, and you were taking it seriously, who would have made the decision not to do a defensive briefing, to say, "Hey, by the way, you may have someone that's really getting contacted by a foreign entity and you may want to be aware of it"? Who would have made the decision to either tell the candidate or not tell the candidate?

Ms. Page. That's a good question. I don't recall it ever coming up.

Mr. Meadows. So you're telling me it never came up to something this important, it never came up to tell the potential candidate that they might have a problem with somebody talking to the Russians?

Ms. Page. So that's right, sir, but that's because we didn't know what we had. So typically, when we have a defensive brief, we have pretty unassailable evidence. We have sensitive sources that I'm not going to go into here.

Mr. Meadows. Right, and I don't want you to.

Ms. Page. No, no, no, I won't, but

Mr. Meadows. Because it's been characterized sometimes that I do, and I don't want you to go into that. I guess

Ms. Page. No, but

Mr. Meadows. So you're saying you didn't have a conclusion. You

didn't have a specific

Ms. Page. Right. So typically what would happen is if we had much more unassailable evidence or much more frequently is you would have an individual who was already known to the United States Government as suspicious in some way and associated with a hostile foreign government.

So we already know that, you know, Joe is of a concern to us. Once we see Joe starting to reach out to a Member of Congress or starting to reach out to a candidate, you know, to the extent we know what Joe is saying or what Joe might be doing, that's when we would probably flag for that individual: You need to be aware that so and so may not be what they seem.

In this case, we don't know what we have. So it's not to say that we never would have gotten to a place where we might have done that, depending on how what the evidence demonstrated, but certainly at this stage, but even later in the investigation, my personal view is I don't think that it would have been appropriate to do.

Mr. Meadows. So under your personal opinion, there was never enough evidence to do a defensive briefing with specific targets? And I don't want to put words in your mouth and I see you smiling, so I don't but that's what I'm getting to.

I mean, at some point you have to have enough "there" there, I guess, to quote someone else, to be able to suggest that there would be a defensive briefing, and you're saying that that defensive briefing never took place because of a lack of specificity.

Ms. Page. No, not exactly, sir. You would want to know for sure what you had in front of you.

Mr. Meadows. So you wouldn't want to falsely accuse somebody?

Ms. Page. You wouldn't want to well, you would want to know you would want to be able to say: We believe that so and so is, you know, an agent of a foreign power or we believe that so and so may be working with, you know, a hostile foreign source.

Mr. Meadows. And so that did not happen prior to November 8th of 2016 at least, because you would have done a defensive briefing, based on

Ms. Page. Not there's no no, sir. There's no hard and fast rule. I don't I don't I don't want to leave the impression that once you meet X criteria a defensive briefing occurs. This is fluid and happens at the sort of discretion and judgment of senior counterintelligence officials and, frankly, the deputy or the Director himself with respect to certain high level individuals.

It's I'm I'm I'm a little constrained. I feel a little constrained in terms of what I can say. Let's try to speak hypothetically.

One of two things might lead you not to conduct multiple things might lead you not to conduct a defensive briefing. One of them might be insufficient evidence.

Mr. Meadows. Which is what you said at least at this date, you had insufficient

Ms. Page. Certainly in August, I would agree with that. A

COMMITTEE SENSITIVE

couple weeks in, we don't know what we have. I think that that's fair.

On the opposite spectrum, it might be inappropriate for investigative reasons to provide a defensive brief.

Mr. Meadows. But that would only be if Donald Trump was the subject of your investigation.

Ms. Page. No, sir.

Mr. Meadows. I mean, at what point so I guess take it from my standpoint. As a Member of Congress, if I'm inadvertently having contact with somebody, of which I have contact with Russian diplomats on a weekly basis many times, and I assume every one of them want to do us harm. I mean, so

Ms. Page. You should, sir.

Mr. Meadows. for the record

Ms. Page. I agree with you totally.

Mr. Meadows. I want to make sure that I assume every one of them wants to do harm to us.

Ms. Page. Yes.

Mr. Meadows. So in doing that, at what point would you reach out and say, you know, Mark, by the way, you may want to be this I mean

Ms. Page. So the reason I am trying to tread lightly here is I don't think that Donald Trump would need to be the subject of the investigation in order for us to make a decision that a defensive briefing is not appropriate.

But there are certainly gradations shy of subject which, if

COMMITTEE SENSITIVE

true and I'm not suggesting that they are true but if hypothetically, and I truly mean this in the hypothetical, if we thought that Donald Trump is not the subject, we're not suggesting that he's the person in touch with Russia, but maybe the evidence suggests that he knows that his people are in touch with Russia.

Mr. Meadows. But to be clear for the record, there was no evidence that suggested that.

Ms. Page. I am not speaking with respect to the evidence at all.

Mr. Meadows. I just want to make sure we're clear for the record.

Ms. Page. I am making no statement with respect to the evidence we had. I am speaking hypothetically.

Mr. Meadows. So let me go back, because one thing gets really concerning. So you give a brief on August the 25th. Director Brennan is giving a brief. It's not a Gang of Eight brief. It is a one on one, from what we can tell, a one on one briefing with Harry Reid at that point.

And it becomes apparent, based on your text messages and based on Director Comey's emails, that you all are aware that that conversation took place.

Were you aware that Director Brennan had a briefing with Harry Reid and that you expected a letter from Harry Reid?

Ms. Page. I take your word that I was.

Mr. Meadows. Well, no, I don't want you to take my word.

Ms. Page. I just don't I remember Harry Reid sending a letter, like I remember that happening sometime during the course of this

investigation. But I do not have any recollection if I knew we had regular Crossfire briefs of the entire team for the Director. I do not recall the Director telling us that Brennan was planning to brief Harry Reid that day and

Mr. Meadows. No, no, I'm not saying that he knew that he was planning to brief him, but that once he briefed him, because it appears that certain elements of what is now referred to as the dossier were communicated to Harry Reid, based on that letter, because

Ms. Page. I have no knowledge of that. We didn't have the reports yet.

Mr. Meadows. So and I know. According to other testimony, apparently you didn't actually physically get the documents until mid September. Is that correct?

Ms. Page. That is correct, sir.

Mr. Meadows. So on August

Ms. Page. Not just physically. Even electronically, like

Mr. Meadows. So on August 30th but you were aware of it prior to that?

Ms. Page. No, sir. No, sir.

Mr. Meadows. So what you're saying is, is that you had no knowledge of these potential unverified memos prior to the middle part of September in your investigation?

Ms. Page. That is correct, sir.

Mr. Meadows. Okay. So on August 30th, you and Peter are going back and forth, and you go, "Here we go." If you'll look at 9:44:50

COMMITTEE SENSITIVE

on August the 30th, you go, "Here we go." And it's referencing "Harry Reid Cites Evidence of Russian Tampering in the U.S. Vote and Seeks FBI."

Now, what happens is, and what I guess gives me a little bit of concern is, if you drop down, that if you drop down to the same day, August 30th, 9:45, it says: "The D" which I assume means Director "said at the a.m. brief that Reid had called him and told him that he would be sending the letter."

Ms. Page. Okay.

Mr. Meadows. So you get a brief that says, well, we got the letter, but it's almost like it's a coordinated effort between Harry Reid and the FBI Director, because obviously, he's briefing you.

Ms. Page. I I don't see so, again, this is just my personal experience. We just don't really deal with the Hill that much.

Mr. Meadows. No, I know you don't, but

Ms. Page. No, no, no, but even the

Mr. Meadows. So what you're saying is you don't recall ever being briefed that a letter was coming from Harry Reid?

Ms. Page. Not until this is the morning brief that this is a reference to, so I must have attended the morning brief. And so this is me just saying, yeah, the Director said we're going to be getting a letter. But no, I'm not aware

Mr. Meadows. Well, indeed, you did get a letter that got published very quickly in The New York Times, and that was kind of the start of much of that.

COMMITTEE SENSITIVE

You know, here's the other concern, because I guess Peter Strzok sends an email to Bill Priestap that same day, with you carbon copied, and it says: "Unfortunately, this will politicize things but was unavoidable, I suppose."

So, I mean, obviously it's going back and forth.

Ms. Page. So my view on that is exactly what the FBI always is, which is, no offense, politicians are involved, right? Like

Mr. Meadows. None taken.

Ms. Page. We want to do this in secret. We want to do this the way we do it. I don't know what Harry Reid was told or why or what the purpose of Brennan you know, this is way out of my pay grade. But like that's not how we want to proceed. We do things effectively when they're in secret. And so I think that that, you know, it's unavoidable, I guess, is, you know, well, these things happen, but not on our watch.

Mr. Meadows. Okay. So let's taking you at your word, then I guess what concern I have is why would Director Brennan be aware of things that the FBI was not aware of at this particular point when it actually would potentially involve, according to Peter Strzok's word on January 10th of 2017, an unverified salacious set of memos?

Ms. Page. So I don't understand why you're saying this whatever is in the whatever occurs between Brennan and Reid, I don't understand what the relationship to the dossier is. That's what I'm not following.

Mr. Meadows. So the dossier apparently was mentioned. In fact,

we have documents that would suggest that in that briefing the dossier was mentioned to Harry Reid and then obviously we're going to have to have conversations. Does that surprise you

Ms. Page. Totally surprises me.

Mr. Meadows. that Director Brennan would be aware of

Ms. Page. Yes, sir. Because with all due honesty, if Director Brennan so we got that informatio (b)(3), (b)(7)(D), (7)(E) per FBI

(b)(3), (b)(7)(D), (7)(E) per FBI

Mr. Meadows. We do know there are multiple sources.

Ms. Page. I do know that. I do know that the information ultimately found its way lots of different places, certainly in October of 2016. But if the CIA as early as August, in fact, had those same reports, I am not aware of I'm not aware of that an (b)(3), (b)(7)(D), (7)(E) per FBI

[REDACTED]

Mr. Meadows. So you say "our source." Is your source, is that because he was working for you?

Ms. Page. No, sir.

Mr. Meadows. Well, I mean, how could he be is he exclusively your source?

Ms. Page. I don't know. If the CIA has had Mr. Steele open as a source, I would not know that.

Mr. Meadows. So if we're talking about sources and we're looking at sources, were you aware at the point that there was ongoing

communication with other players, i.e., Fusion GPS and others, as it relates to this confidential human source?

Ms. Page. I didn't follow your question, sir. Are you asking was I

Mr. Meadows. Were you aware that Christopher Steele had conversations or multiple conversations with Fusion GPS and others outside of just working special intel for you?

Ms. Page. No, no, no. So let me try to be more clear.

As of August of 2016, I don't know who Christopher Steele is. I don't know that he's an FBI source. I don't know what he does. I have never heard of him in all of my life. So let me just sort of be clear.

When the FBI first receives the reports that are known as the dossier from an FBI agent who is Christopher Steele's handler in September of 2016

Mr. Meadows. Right.

Ms. Page. at that time, we do not know who we don't know why these reports have been generated. We don't know for what purpose. We don't know we know that this is a reliable source who has previously reported on other things. We know who he I don't know who he is personally. We know his history

Mr. Meadows. Right.

Ms. Page. such that we know him to be reliable. And I think we know that he's a former intel person.

But we do not know, to the best of my recollection, why these reports have been generated, what they're for, what they're why they

have sort of come to us, other than here's a reliable source and here are some things that he has gathered.

Certainly between

Mr. Meadows. So you don't know whether it's a coordinated effort to get you those documents or not at that point in September?

Ms. Page. Coordinated by whom, sir?

Mr. Meadows. Anybody, other than a confidential human source saying, "Listen, I've got reason to be concerned and bring it to you."

(b)(3), (b)(7)(E) per FBI It could have been coordinated by Fusion GPS. You don't know.

Ms. Page. At the time that we received the documentation, no. What we have is the preexisting relationship with the source and the reliability of his prior reporting.

Mr. Meadows. Okay. So on October 16th and 19th, there's a couple of text messages. I want to read them to you, because it's actually text messages between you you won't have them in your book.

Ms. Page. Oh, okay.

Mr. Meadows. Because I actually got these from a different source. And so I'm asking you to see if you remember those so you can help authentic them. But apparently it's a text message between you and Mr. McCabe.

Ms. Page. Okay.

Mr. Meadows. And it says: "Just called. Apparently the DAG now wants to be there and the White House wants DOJ to host. So we're setting up a time now. We very much need to get Cohen's view" which

we believe is probably Deputy Director of the CIA Cohen, David Cohen "before we meet with her" and by the "her," I think it's Sally Yates at that point, we're trying to put this all together. "Better have him weigh in before this meeting. We need to speak with one voice if that is, in fact, the case." That is October 14th.

And then on October 19th, it says: "Hey, can you give me a call when you get out. Meeting with the White House counsel is finally set up and I want to talk about the timing things."

Is that

Ms. Page. Are those about Russia?

Mr. Meadows. That was my question.

Ms. Page. Oh, I'm not sure, sir. I'm not certain that it is, to be honest with you, but I'm not sure.

Mr. Meadows. All right. Because it's just a couple of days before the FISA application.

Ms. Page. Oh. There would be no need to go to the White House or give any sort of briefing about the FISA. So if that's the timing concern, I don't think that it's related, would be my guess.

Mr. Meadows. All right. So, as we look at this, one of the concerns that I have is that there seemed to be a whole lot of chatter back and forth in terms of between the FBI and the DOJ being at odds in terms of and by "odds" what I mean is, you know, I guess pushing back against George Toscas and some of the others in terms of some of the opinions, based on text messages and emails.

Ms. Page. On Russia?

Mr. Meadows. On Russia.

Ms. Page. I don't know that I agree with that assessment. The only source of frustration, really the only source of frustration that I can recall, at least in the time that I was most heavily involved in the Russia investigation so this is from August to really the end of the year, till December of 2016 was the sort of speed or lack thereof with respect to getting the FISA initiated. I mean, that was a source of frustration. But I don't recall other other controversies or other disagreements or other issues.

Mr. Meadows. Yeah, because I think and the reason why these dates on the other text messages that I ask are critical, because there's an email from Peter Strzok to you on October the 14th. And that's where, you know, we've got to keep the pressure, hurry the F up and

Ms. Page. Yeah, right. And that was definitely happening, but the White House doesn't have anything to do with that.

Mr. Meadows. And so the Stu, I haven't heard back from Stu, is that Stu Evans who

Ms. Page. That is correct.

Mr. Meadows. So why was there a push for a FISA warrant coming from you guys and potentially less than expeditious on the I mean, what's your perception of why that was? Obviously, it was important enough for Peter to send you an email.

Ms. Page. Well, we sent a lot of emails.

(b)(7)(E) per FBI

(b)(7)(E) per FBI

But separate from that, this again goes to kind of cultural differences between us and DOJ. So DOJ is necessarily going to be a little more handwringing and a little more apprehensive and a little more cautious.

Mr. Meadows. And why is that?

Ms. Page. Just the institutional differences between us, honestly. I mean, we're the investigators, we're hard charging.

Mr. Meadows. The fact that they were opening up a FISA warrant on a U.S. citizen that might be attached to a

Ms. Page. Well, almost all FISA warrants are on U.S. citizens.

Mr. Meadows. That's correct, but that might you didn't let me finish

Ms. Page. Oh, I'm sorry.

Mr. Meadows. That might be attached to a Presidential campaign.

Ms. Page. Well, he was no longer with the Presidential campaign. But your point is taken. Certainly, this was one that, if leaked, was going to get attention.

And so I'm not necessarily even criticizing them for their handwringing. I'm just saying we had an operational reason that we wanted to get this thing up quickly with respect to the subject himself, and the Department is always going to operate with less alacrity.

Mr. Meadows. So is Stu Evans, is that his primary responsibility, was processing FISAs?

Ms. Page. So he is the head of the Office of Intelligence. The

COMMITTEE SENSITIVE

Office of Intelligence is the organization within the Department that writes the FISAs, that takes them to court. So he is the he's a DAAG, a deputy assistant Attorney General, and he is the person in charge of the entire FISA process for the Department.

Mr. Meadows. So I guess the question and this is my last series of questions I guess the question I would have then is, going back to August 10th, there's text messages back and forth between you and Peter that would say, I remember what it was, Toscas already told Stu Evans everything. Sally called to set up a meeting. You already knew about the campaign individual. So there's conversations happening on August the 10th already

Ms. Page. But that's not about a FISA. That's not about a FISA at that point, I don't think.

Mr. Meadows. But it was about the campaign, because it's redacted.

Ms. Page. Right.

Mr. Meadows. I mean, it was redacted.

Ms. Page. So what that reflects, because I remember that, because we were we were so concerned about the fact that we were opening this investigation and we were so concerned about leaks that we were literally individually making decisions about who to tell and who not to tell, because we were trying to keep it so closely held.

We had told George Toscas, because he's sort of the senior most career person in the National Security Division.

None of us had told Stu Evans, and I don't think any of us intended

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

to tell Stu Evans until which time we would actually need something from him. And so that text is a reflection of frustration, that like, great, George told Stu. That's not what we would have done, because we were trying to keep it so close hold.

So I don't think it has anything to do with an actual FISA. It was more that more people are learning about this investigation and we are trying to keep it as tight as possible.

Mr. Meadows. And so what you're saying is when the Director briefed the White House 2 days prior to that, on August the 8th, or prepared for it, actually briefed him on the 10th, that it had nothing to do with any campaign. Even though George Toscas and Stu Evans knew about it, it had I mean, there was no mention of this at all at any time?

Ms. Page. Sir, I would be shocked. I would truly be stunned to discover that the Director had briefed the President on the substance of our investigation or even the existence of our investigation. I would be I can't say it didn't happen, I wasn't there, but I would be stunned to discover that. That is just not how we

Mr. Meadows. So when did it happen? Ultimately never?

Ms. Page. I don't know. I honestly don't know. And to be honest with you, I guess I should clarify.

I think it's entirely possible that the Director himself never briefed the White House about this. He just did not have that kind of not relationship, that's not the right word. That's just not how he viewed us institutionally. I cannot speak to whether the

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Department ever briefed the White House about it.

Mr. Meadows. I'll yield to John.

Mr. Ratcliffe. Ms. Page, I do want to follow this line of questioning about the FISA application and try and determine when you were first aware of or there was a discussion of a possibility of a FISA warrant in connection with the Trump Russia matter from a timing perspective. Do you recall?

Ms. Page. Maybe a month before we got it, possibly. I'm not positive.

Mr. Ratcliffe. Okay. So the dates, the date of the FISA application, October 21st of 2016.

The reason I'm trying to find out is we know that the predicated information that opened it was July 31st. We know on August 8th, we've talked about the text message about stopping Donald Trump, a text message that involved the lead investigative agent.

So I'm wondering, do you know whether or not there had been any discussion of a FISA applications by that time?

Ms. Page. No way. You have to understand, sir, it takes a lot to get a FISA.

Mr. Ratcliffe. I know. I'm just trying I'm trying to dive in on where it is.

So on we know that there was the first interview conducted, based on your prior testimony, sometime before August 11th of 2016. Do you know if there was any discussion of a FISA application before or after or before that?

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Ms. Page. Not to my knowledge.

Mr. Ratcliffe. Okay. With respect to you talked earlier about testing the information from confidential human sources. If a confidential human source has a conversation with the subject of surveillance that would undermine the presence I mean, the premise that anyone associated with the Trump campaign either was colluding or would be willing to collude with the Russians, is that the type of disclosure that would have to be made to the FISC?

Ms. Page. No, sir. What do you mean? We don't have a

Mr. Ratcliffe. Do Brady/Giglio disclosure requirements apply to the FISA court?

Ms. Page. Oh, sorry. Yeah, sure. I mean, we have a duty of candor to the court.

Mr. Ratcliffe. Duty of candor.

Ms. Page. So certainly to the extent we were to find reliable information that we thought undermined a FISA application, we would inform the court of that information.

Mr. Ratcliffe. Supposed to inform the court?

Ms. Page. To the best of my knowledge, sir, we would inform the court.

Mr. Ratcliffe. No, I'm just saying the obligation is you can't speak to whether it was or it wasn't.

Ms. Page. I don't know what you're talking about. I thought if

Mr. Ratcliffe. I'm not getting into any of the specific content

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

of it. I just want to know

Ms. Page. If in all cases

Mr. Ratcliffe. If there is exculpatory or

Ms. Page. if the FBI discovers, you know, reliable information which it believes to be exculpatory or somehow affect the probable cause of the FISA warrant, I would expect that we would provide that to the court, yes, sir.

Mr. Ratcliffe. That's my question.

Ms. Page. Yes.

Mr. Ratcliffe. Because there would be an obligation to do that.

Ms. Page. I think so. I'm not nearly as well versed in the FISA rules. But I would just I would presume that we would, because that's how we generally operate.

Mr. Ratcliffe. And you know that Brady/Giglio disclosure requirements would apply in the FISA court?

Ms. Page. So Brady really doesn't I don't really want to be so legalistic but Brady is a right of a criminal defendant. So what I'm saying is I have no idea if it is absolutely obligatory. What I am saying is I believe that that is would be the practice of the Department and the FBI to be fully candid.

Mr. Ratcliffe. And should have been done if there was any exculpatory information.

Ms. Page. I think that that's what we would do. I believe so, sir.

Mr. Ratcliffe. Okay, great.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

On Friday, Congressman Jordan asked you about the trip that you took to London in December of 2016 with Peter Strzok and three others. I don't know if he asked you the purpose of that trip. Can you tell us the purpose of the trip?

Ms. Page. I cannot, sir.

Mr. Ratcliffe. Why not?

Ms. Page. On advice of FBI counsel, because it would get into the investigative steps we took.

Mr. Ratcliffe. Investigative steps related to the

Ms. Page. The Russia investigation.

Mr. Ratcliffe. Russia investigation?

Ms. Page. Yes, sir.

Mr. Ratcliffe. Okay. Mr. Jordan also asked you about and you reviewed with him the January 10 email that you were on with Mr. Strzok talking about the different versions of the Steele dossier involving David Corn and Glenn Simpson and others. Do you recall that?

Ms. Page. I do, sir.

Mr. Ratcliffe. Okay. That was around the same time as the first of Jim Comey's now somewhat infamous memos of his conversations with both President elect Trump and then President Trump. When did you first become aware of the Comey memos?

Ms. Page. I was aware of them as they were in real time. I was aware of almost all of them in real time.

Mr. Ratcliffe. Okay. So you were aware of them before they became leaked to The New York Times by Daniel Richman?

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Ms. Page. I was aware of them. I reviewed most of them. I can't say all. I reviewed most of them within a day or on the same day that they were created.

Mr. Ratcliffe. Would Peter Strzok have been I'm sorry. Would well, let me ask that. Would Peter Strzok have been aware of those?

Ms. Page. No, sir.

Mr. Ratcliffe. Would Andrew McCabe have been aware of those?

Ms. Page. Yes, sir. I don't know whether Peter Strzok was aware of them or not. I did not provide them to him so

Mr. Ratcliffe. Okay. But Andrew McCabe would have been?

Ms. Page. Yes, sir.

Mr. Ratcliffe. Okay. And was that the fact that you would have been aware of them, were there discussions about opening an obstruction of justice case or any other case against Donald Trump prior to the firing of Jim Comey on May 9th of 2017, as reflected in the Comey memos?

Ms. Bessee. Congressman, to the extent that goes into the equities of the ongoing investigation that the special counsel is now conducting, I will instruct the witness not to answer.

Mr. Ratcliffe. Yeah, I don't want to go into what the special counsel, whether or not they are going to do it, but I think it's a fair I think it's a very fair question, Cecilia, because the former Director of the FBI has talked about it. He's talked about it a lot. He's given interviews about it. He has gone on TV about it. He has

COMMITTEE SENSITIVE

written books about it.

And he has said explicitly publicly in a congressional hearing that he wanted a special counsel to be appointed for that purpose, to investigate Donald Trump for obstruction of justice.

So I think asking her about it at this point is a very fair request.

Ms. Bessee. To the extent that it doesn't go into what the special counsel is looking at or their gathering of evidence, I understand, Congressman, that former Director Comey has talked about the memos and has talked about whether there should be an investigation. So I just want

Mr. Ratcliffe. I don't want any of the details. I just want to know whether there was a discussion about the possibility of opening that prior to the firing of the Director.

Ms. Page. Obstruction of justice was not a topic of conversation during the timeframe you have described.

Mr. Ratcliffe. Okay. Then

Ms. Page. I think. One second, sir.

[Discussion off the record.]

Ms. Page. Sir, I need to I need to take back my prior statement.

Mr. Ratcliffe. Which one?

Ms. Page. Whatever the last thing I just said was. Sorry. That there were no discussions of obstruction, yeah. That is I need to take that statement back.

Mr. Ratcliffe. So there were?

COMMITTEE SENSITIVE

Ms. Page. Well, I think that I can't answer this question without getting into matters which are substantively before the special counsel at this time.

Mr. Ratcliffe. Well, I think you've just answered it by not answering it.

Was Andy McCabe privy to those same conversations?

Ms. Page. I can't answer this substantively, sir. I'm sorry.

Mr. Ratcliffe. Well, were these related to some charges, whether obstruction or other charges, potentially against Donald Trump?

Ms. Page. I can't I can't answer that question, sir, without getting into the substance of matters that are now before the special counsel.

Mr. Ratcliffe. Again, I think you're answering it by not answering it.

Did you have knowledge about Daniel Richman's special role for Director Comey?

Ms. Page. What do you mean, sir?

Mr. Ratcliffe. Did you know that he or when, I guess, did you learn that he was the source through which Director Comey would communicate information to the press?

Ms. Page. I learned that publicly, when it became publicly known.

Mr. Ratcliffe. But not before that?

Ms. Page. I don't believe so.

Mr. Ratcliffe. Did you have interactions with Daniel Richman?

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Ms. Page. I had one interaction with him, but with respect to a going dark sort of broad legislative interest, but that's it. That was many months prior.

Mr. Ratcliffe. Okay. So back to these Comey memos. You had conversations about the Comey memos with Andy McCabe. Did you have conversations about them with Jim Comey?

Ms. Page. I think once. I think there was one time so, again, I guess I should make be more clear. We didn't talk about the Comey memos as a set, like the Comey memos. If Comey were to have a meeting that concerned him, he might come back and inform, for example, Mr. McCabe about them.

There was one time I believe in which I was part of a small group in which he came back and reported back the details of a particular meeting. Those ultimately made their way into the memos.

So I was present for at least one, possibly more, I just don't know for sure, readouts of a meeting that he would have just had with the President, Donald Trump, and then subsequently read the memos that he created about each of these meetings.

Mr. Ratcliffe. What was it about Donald Trump that created a practice that Director Comey told us didn't exist with President Obama?

Ms. Page. I can't speak for Director Comey, sir.

Mr. Ratcliffe. Did this process of the FBI Director sharing information with others in the FBI about his conversations, giving readouts of his conversations with the President, was that a standard practice?

COMMITTEE SENSITIVE

Ms. Page. That's not unusual, if there was a need to share what had happened. He certainly did that with respect to President Obama as well.

Mr. Ratcliffe. But never documented it in a memo form?

Ms. Page. I think that's his representation.

Mr. Ratcliffe. So you said

Ms. Page. But I think he also answered, at least in his open testimony, that it was about the nature of the person. So I can't that's those are his words, but I can't speak beyond that.

Mr. Ratcliffe. I might come back to that, but I want to move on to this now infamous tarmac meeting and at least get started in asking you about that.

To refresh your recollection from a timing standpoint, the meeting occurred on June the 27th of 2016 between former President Clinton and Loretta Lynch.

I want to ask you about an email on June the 30th of 2016 that Peter Strzok texted to you, if you'd look at that.

Ms. Page. June 30th, you said?

Mr. Ratcliffe. June 30th. We're 3 days after the tarmac meeting.

Ms. Page. Okay.

Mr. Ratcliffe. It says: Oh my God, he I think speaking about Bill Priestap Oh, my God, he is spinning about the tarmac meeting. Viewed in conjunction with [redacted] wants to meet at 4, have us bring lists of what we would do in ordinary circumstance, paren, easy,

COMMITTEE SENSITIVE

referred to PC, and in this circumstance, paren, easy, referred to the seventh floor.

Do you see that?

Ms. Page. I do.

Mr. Ratcliffe. Okay. Let's first of all, is Bill, is that Bill Priestap?

Ms. Page. I'm sure it is, yes.

Mr. Ratcliffe. Okay. Do you know what redacted is?

Ms. Page. I don't.

Mr. Ratcliffe. Okay. Do you know what PC is?

Ms. Page. Public corruption

Mr. Ratcliffe. Public corruption.

Ms. Page. is my guess.

Mr. Ratcliffe. It's my guess, too. So

Ms. Page. I mean, this I think is sort of a snarky text, right? So my guess is he's spinning in conjunction with the maybe that is like the statement, because we know that we're we're planning to do the public announcement is sort of imminent. I'm speculating there, because I have no idea what's under the redaction.

But I think this is mostly us just being a little unkind with respect to Bill Clinton Bill Clinton Bill Priestap, because he he was a worrier. And so I think that this is more snarky, right? There's nothing for us to do with respect to this.

Mr. Ratcliffe. Okay. But I'm trying to find out whether this is a big deal or not. You know, the Attorney General referred to the

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

meeting as something she admitted cast a shadow over the integrity of the Department. It's the reason for what you referred to earlier as a quasi recusal or halfway recusal. It is something that Director Comey referred to as a game changer and told the IG that it tipped the scales with respect to holding a public announcement. It sounds like Bill Priestap is spinning about it.

Was it a big deal or not?

Ms. Page. To be honest with you, sir, and I'm speaking for myself, it was a boneheaded move, certainly. But I guess investigatively, I don't see it as a particularly big deal, because absolutely every single person on the Midyear investigation, both at the FBI and the Department, had concluded that there was no prosecution to be had here.

So it's not as though the meeting with Bill Clinton, even no matter what was said, even taken in the worst possible light, the evidence is what the evidence is. So there's no way to have sort of changed it.

Mr. Ratcliffe. Right.

Ms. Page. So even if, in fact, everyone's worst possible nightmare about what may have transpired on that plane is all true, it still doesn't change whether there's a viable prosecution.

Mr. Ratcliffe. Right.

Ms. Page. So, again, in my view, it's bad judgment and misguided, but not actually impactful of anything in particular.

Mr. Ratcliffe. Okay. So I'm going to come back to this one,

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

because I think we're about out of time. But you just said, and you said this yesterday or on Friday, but that it was not a big deal. Boneheaded but not a big deal investigatively, because every person involved with the Midyear had concluded that she wasn't going to be charged. Is that right?

Ms. Page. That's correct, sir.

Mr. Ratcliffe. Okay. So if I asked you the question, was the decision made not to charge Hillary Clinton with the mishandling of classified information before or after her July 2nd, 2016, interview, the answer is what?

Ms. Page. The answer is before her July 2nd interview we had not seen evidence sufficient to charge her with a crime.

Mr. Ratcliffe. Okay.

Ms. Page. If something had changed in the July 2nd interview, then that would have all changed things. But short of an admission in that interview, there was nothing that any of us, whether at the Department or the FBI, could have anticipated that would have changed that conclusion, short of an admission or something happening

Mr. Ratcliffe. But your answer was before the decision had been made before, that everyone had concluded.

Ms. Page. Well, you're putting words in my mouth a little bit.

Mr. Ratcliffe. These are your words.

Ms. Page. No, I'm agreeing with what I'm saying is a decision isn't final until it's final. So there was no final decision before July 2nd. But before July 2nd

COMMITTEE SENSITIVE

Mr. Ratcliffe. Okay.

Ms. Page. it was the consensus of the investigative team, both at the Department and at the FBI, that there was not sufficient evidence to charge her with a crime.

Mr. Ratcliffe. Okay. So where we're going to leave off is that the decision had been made before, but the final, final decision was made after is what you're saying, to use your words.

Ms. Page. The decision isn't final until it's final.

Mr. Ratcliffe. Okay. We'll pick up with that when we come back.

Thank you.

[Recess.]

[2:36 p.m.]

Mr. Swalwell. Back on the record.

Thank you, Ms. Page, again for spending the morning and afternoon with us. I only have a few questions. Our counsel may have some, and I understand Mr. Cummings might be coming in today.

So, again, I first just want to say that, today, our President, on foreign soil, insulted the men and women of the FBI. I'm sorry that here in Congress that you're also seeing leaders of our country insult the work that you do.

But I do think there are some fair questions, and I want to get just to some of those.

Do you regret, like, some of the messages you sent or the way that you framed some of those texts? And if you could just talk about that.

Ms. Page. I do. I think that this has been an incredibly humbling experience. Obviously, these were messages sent to somebody close to me whom I intended to be private, and I think that there are few people on this planet who would want their private messages released publicly, regardless of what they said.

I think I'm entitled to the views that I'm entitled to, and I'm entitled to express those views both publicly and privately. But I would have made different decisions had I thought about what the possible repercussions could have been.

I can't do it over again. I can only learn from it.

Mr. Swalwell. Did you ever were you ever part of a criminal prosecution where you so detested the defendant because of what they

COMMITTEE SENSITIVE

did or who they hurt and you had to set aside those feelings and just stick to the four corners of the evidence?

Ms. Page. So I actually spoke about this at length on Friday, Mr. Swalwell. In fact, not just me but I think I can speak for many people at the FBI and the Department that we often loathe the subject of our investigations. And we generally do not look kindly on criminals in general and reserve plenty of harsh language for the people that we investigate.

But we, regardless and in every instance, put our personal feelings, both about them individually or the criminal activity that they are accused of, we always put it aside and conduct investigations independently and fairly.

Mr. Swalwell. Did you ever have an investigation where you received exculpatory evidence and, you know, you've got a bad guy and you really want to make sure that justice is done and then you get the evidence and you're like, crap, like, if I turn this over, it's going to make the case harder, if I keep it and I don't tell anyone, we've got a better chance of a conviction, but I know what it means if I don't turn it over? Have you ever had to make those decisions as a prosecutor?

Ms. Page. So they're not usually quite as stark, but, absolutely, you often have information which could be exculpatory or certainly could just simply be damaging to your case, and it is your obligation as a prosecutor, it is your obligation to the fairness to the defendant and the fairness in the system, to turn that information

COMMITTEE SENSITIVE

over.

So that is something that happens regularly, and it is a part of our being, it's a part of our identity and the roles that we abide by in order to

Mr. Swalwell. Regardless of how you feel about the defendant.

Ms. Page. Of course.

Mr. Swalwell. In the Clinton case, were you the sole lawyer making decisions about the direction of the case?

Ms. Page. I was not making decisions about the direction of the case at all. I was a lawyer supporting the Deputy Director. We had multiple lawyers in OGC who supported the investigation, and, of course, it was run by prosecutors at the Department.

Mr. Swalwell. How many lawyers could you estimate were involved in the Clinton case

Ms. Page. So there were

Mr. Swalwell. on the on your side.

Ms. Page. On the FBI side, there were two primary lawyers who were involved. There was a lawyer who was involved on the filter team. And then there were five prosecutors who had either regular or semiregular involvement at the Department, and then their management.

Mr. Swalwell. And on the decision to open the Russia investigation, how many lawyers were involved in that decision?

Ms. Page. The decision to open the investigation? I mean, the general counsel was involved, the deputy general counsel was involved. At least, probably the decision to open? I'm not sure myself.

COMMITTEE SENSITIVE

Mr. Swalwell. Is it fair to say you were not

Ms. Page. No, no.

Mr. Swalwell. the person or lawyer that

Ms. Page. No.

Mr. Swalwell. signed off?

Ms. Page. I did not make any decisions with respect to opening the Russia investigation.

Mr. Swalwell. Can you speak to well, Bob Mueller. How long did you work with Mr. Mueller?

Ms. Page. So I went over for a 45 day detail.

Mr. Swalwell. Oh, I just mean in your career.

Ms. Page. Oh. So I didn't have I had limited interaction with Mr. Mueller when he was the Director of the FBI.

Mr. Swalwell. In your limited interaction and the discussion you had with colleagues, can you speak to his character for truthfulness and integrity?

Ms. Page. He is unassailable on those grounds. He is an unbelievably upstanding, honest, rule following, hard charging, thoughtful, fair individual.

Mr. Swalwell. And with respect to other lawyers and agents on the special counsel's team, are those individuals that you had worked with in some

Ms. Page. Yes.

Mr. Swalwell. manner?

Ms. Page. Some of them, yes, sir.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Mr. Swalwell. And is there anyone on that team that you have concerns about their integrity, their character for truthfulness?

Ms. Page. No, sir. And, in fact, at least two of them I've worked quite closely with, and I know both to be incredibly bright, incredibly fair, honest, brilliant prosecutors.

Mr. Swalwell. And did you observe during the time on the team any, you know, cafeteria talk, any prejudging of the direction of the Russia investigation?

Ms. Page. No, sir.

Mr. Swalwell. I don't have anything else. I'll defer back to counsel.

Thank you, Ms. Page.

Ms. Page. You're welcome.

BY MS. KIM:

Q Thank you, Ms. Page.

I'd like to ask you about several FBI employees who are mentioned in the inspector general's report. To the extent that it asks about things of which you have no knowledge, please let me know.

This, as you will see, will turn out to be a process of elimination. To be totally candid with you, there is an individual, (b)(6), (b)(7)(C) per FBI whose name has been repeatedly brought up in connection with these aliases. And I just want to confirm whether you can identify (b)(6), (b)(7)(C) per FBI as any of the aliases named in the inspector general's report.

A I think you need to ask that question more specifically.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Q Yes. Exactly. And so I will attempt to do so.

A Okay.

Q The inspector general's report discussed instant messages between two FBI agents, agent 1 and agent 5. The two were in a preexisting romantic relationship.

As I understand it (b)(6), (b)(7)(C) per FBI is not an FBI agent. Is that correct?

A That is correct.

Q So do you have any reason to believe that (b)(6), (b)(7)(C) per FBI is agent 1 or agent 5?

A I know who agent 1 and agent 5 are, and (b)(6), (b)(7)(C) per FBI is not agent 1 or agent 5.

Q Thank you.

The inspector general's report also discusses FBI attorney 2 as an individual who sent instant messages of what the inspector general called a political nature. That attorney, FBI attorney 2, is referred to throughout with male pronouns.

Do you know if the FBI attorney 2 is (b)(6), (b)(7)(C) per FBI?

A I also know who FBI Attorney General 2 is, and FBI attorney 2 is not (b)(6), (b)(7)(C) per FBI.

Q Thank you.

Ms. Shen. Okay, Ms. Page, I'm going to introduce a few text messages in which it appears that you and Mr. Strzok are discussing the Russians and, sort of, their attempts at espionage and just kind of ask some of the context behind it.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

[Page Exhibit No. 9

Was marked for identification.]

BY MS. SHEN:

Q So, for exhibit 9, I believe, if you can direct your attention to the bottom of the page. So I'm looking at the second to last text on July 18th at 10:54.

Okay. So that text reads and I believe this text is sent from you

A Oh, no, I don't think so.

Q Oh, I'm sorry. The first text is

A Yeah.

Q Sorry. The first text is sent by Mr. Strzok, and it reads: And fuck the cheating motherfucking Russians. Bastards. I hate them. I'm sorry. I'm sorry.

And in response, you write: I'm sorry. Me too.

Ms. Page, do you recall sending that text?

A The "me too"? Yeah.

Q The "me too," yes. And do you recall under what circumstances that exchange was sent? Was there any particular context or issue that it was responding to?

A I honestly don't remember. But I do always hate the Russians, so

Q Okay.

Has Mr. Strzok ever communicated to you in other instances his hatred for the Russians?

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

A Uh huh, yes. I mean, most everybody who works counterintelligence at the FBI has pretty strong feelings about the Russian Federation. So this is not an unusually held view.

Q Okay. So, generally speaking, at the FBI, you've heard other instances across the agency where agents or officials have expressed their hatred for the Russians as well?

A Russia poses the most severe existential threat to Western democracy in the world. So for those of us who care about democracy and for those of us who think America is great, we have pretty strong feelings about the Russians.

Q Okay. Thank you.

[Page Exhibit No. 10

Was marked for identification.]

BY MS. SHEN:

Q I'd now like to introduce another text message from July 31st, 2016, as exhibit 10. And if you can direct your attention to the top of the page this time I'm sorry, let me correct that. The first text message would be July 30th, 2016.

A Uh huh.

Q So I believe that first text message is from you, correct?

A That's right, yes.

Q So a portion redacted. So ends the sentence: Hate them. I think they're probably the worst. Very little I find redeeming about this even in history. A couple of good writers and artists I guess.

And then redaction.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

In response to that, Mr. Strzok responds, with a redaction: Fucking conniving, cheating savages at statecraft, athletics, you name it. I'm glad on I'm Team USA.

Okay. Ms. Page, do you recall writing those texts?

A I do.

Q Okay. And do you recall any particular context those texts were made around?

A I don't.

Q So

A I mean, this is we've just opened or, you know, we're about to open the Russia investigation, so it is very much, you know, on the forefront of all of our minds. So it would not surprise me if it's a reflection of that. But, as I said, this is an enduring sentiment for people who are in the intelligence community.

Q Well, in the intelligence community, I imagine there are you know, there are countries other than Russia who engage in espionage efforts. And so

A There are countries other than Russia who engage in espionage efforts, but there are probably no other countries who are more singularly focused on the destruction of Western ideals around the world.

So it's true, other countries engage in espionage, and other countries steal, and other countries lie. But I wouldn't say that other countries do it the way that Russia does it and have as a goal, sort of, creating factions within the Western alliance in order to,

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

you know, ascend to dominance the way that Russia does.

Q So would it be fair to say that Russia's espionage efforts are just far more of a threat to the U.S. national security than some other countries' espionage efforts?

A They are one of our most pernicious and dangerous threats.

Q Okay.

In Mr. Strzok's text, he refers to them as, quote, "cheating." We're in an unclassified setting, so I wouldn't want to go there, but can you describe some examples of what he may be referring to or just generally what Russia has done to be cheating?

A Well, I mean, look at the doping scandals in the Olympic Committee stuff. Look at the effort to get the World Cup in Russia that was just recently completed. I mean, they cheat.

Q And in terms of statecraft, again, in unclassified setting, are there certain examples of Russian statecraft that you find, you know, particularly egregious?

A I mean, not beyond what I've already, sort of, attempted to describe.

Q And then the last comment, Mr. Strzok, he says: I'm glad I'm on Team USA.

Would you agree that, for example, investigating the Russians for their attempts to interfere with the U.S. election would be an example of being on Team USA?

A Right. I mean, this is just being proud about being Americans. Right? We want to spread American values and American

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

democracy around the world, and we think that we live in the best country in the world. And so this is simply a statement of pride and one that is in contrast to the way that the Russian Federation operates.

Q So, last Friday, the special counsel's investigation, it became public that they indicted 12 members of the Russian military intelligence, the GRU. Are you familiar with the report?

A I read about it, yes.

Q Okay. The GRU, they are Russian military intelligence, which means President Putin would be in charge of them. Is that correct?

A That's my understanding.

Q And so any attempts that the Russian military intelligence would have of interfering with the U.S. Presidential election, President Putin would be aware of that. Do you believe that to be true?

A Ask me that question again, please.

Q Okay. Sorry. I'll rephrase. Would President Vladimir Putin be aware of any attempts the GRU had in interfering with the U.S. Presidential election?

A I'm President Putin is the President of his country and certainly is in charge of his intelligence apparatus.

Q Okay.

A I don't want to answer that question with more specificity.

Q Fair enough. I think the point I'm just

A Okay.

Q getting at is that, as the President of Russia, he would

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

be the head of the Russian military intelligence.

A I would agree with that.

Q Okay.

So, actually, just earlier today, reports have come out from President Trump's meeting, summit with President Putin, and I'm just going to read to you from a Washington Post article from 12:49 p.m. today.

So the title of the article is "Putin Again Denies Russian Interference in the 2016 U.S. Election. Trump Calls Probe a Disaster for Our Country."

So the article reads: After Putin said his government played no role in trying to sabotage the U.S. election, Trump offered no pushback and went on to condemn the Justice Department's investigation of Russian interference as, quote, a disaster for our country.

Ms. Page, do you believe that the Justice Department's investigation of Russian interference is a disaster for our country?

A I do not.

Q Okay.

So it goes on to say: Putin insisted publicly that the, quote, Russian state has never interfered and is not going to interfere in internal American affairs, unquote. And Trump declined to dispute these assertions, instead saying that Putin, quote, has an interesting idea, unquote, about the issue of interference.

Now, Ms. Page, it is my understanding that the U.S. intelligence community unanimously concluded that the Russian state did attempt to

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

interfere in the U.S. 2016 Presidential election. Is that also your understanding?

A Yes, it is.

Q Okay. And, Ms. Page, are you inclined to believe Putin's denial that Russia ever interfered, or are you inclined to believe in the U.S. intelligence community's assessment?

A As a part of the as a former part of the U.S. intelligence community, I will go with the intelligence community assessment.

Q Okay. Thank you.

Later in the article, it also says: Trump says that he holds, quote, both countries responsible, unquote, for the frayed relations between the two nations and attacked Special Counsel Robert S. Mueller III's investigation.

Ms. Page, do you believe that the United States is responsible for the frayed relations between the United States and Russia?

A Well, we're responsible to the extent we're not going to accept their meddling in a U.S. election. I suppose so.

Q Okay. Well, would you blame Robert Mueller's investigation for frayed relations with Russia?

A No.

Q Okay.

And this is the last one, I promise. The article also goes on to say: In response to the questions, Trump said that both countries were to blame for the deterioration of relations. Quote, I do feel that we have both made mistakes. He added that, quote, there was no

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

collusion, unquote, between his campaign and Russia, and he lamented that the special counsel's investigation into the matter has had an impact on U.S. Russian relations. Quote, I think the probe has been a disaster for our country, unquote. He said, quote, it's ridiculous, what's going on with the probe, unquote.

Ms. Page, are you aware of anything ridiculous going on in Special Counsel Mueller's probe?

A No.

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

BY MS. KIM:

Q I think this might be the last tranche of questions I have for you, Ms. Page. I'd like to ask you about Director Comey.

You spoke earlier in general terms about Special Counsel Mueller. Can you explain to me how long you worked in proximity with Director Comey?

A So it would cover the span of time that I worked for Deputy Director McCabe. So, prior to February 2016, I certainly had interactions with Mr. Comey, but, once I started working for Mr. McCabe in the context of Mr. McCabe being Deputy Director, my interactions with Mr. Comey became far more frequent.

Q And can you describe for me Mr. Comey's general character and honesty as you understood them?

A He is a man of enormous integrity. I am a better lawyer and a better person for having, sort of, learned from his examples. He is obviously an extraordinary communicator, but he's also just a very

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

good person and is thoughtful about how to approach problems and is a man of unassailable integrity, in my view.

Q To your knowledge, has Director Comey ever lied to you?

A No.

Q Are you personally aware of any instances where Director Comey was shown to have lied or been knowingly untruthful?

A Never.

Q Overall, 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 No, not at all.

Q Have you followed the recent press coverage of Director Comey's public descriptions of his meetings with President Trump?

A Yes.

Q And you said you had usually you had you have firsthand knowledge of Director Comey's memoranda that he kept to document those meetings. Is that correct?

A So I either in one or two instances was present for his initial retelling of the meeting, and in most other instances I was provided with his memo to review in real time, like, shortly after his production of those memos.

Q Have you noted any discrepancies between Director Comey's contemporaneous recollections of the facts on one hand and his public representation of those facts on the other hand?

A No.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Q Are you generally familiar with Director Comey's testimony to the Senate Intelligence Committee about his interactions with President Trump?

A I am.

Q Do you have any reason to believe that Director Comey did not I'm sorry, let me put that in the affirmative. Do you believe that Director Comey accurately shared with Senate Intelligence Committee his memory of his interactions with President Trump?

A Absolutely, yes.

Q I imagine you are fairly familiar with the inspector general's report. Is that correct?

A I have not read it all. I hope to never do so. But I am familiar with parts of it, yes.

Q On June 16th, President Trump tweeted: The IG report totally destroys James Comey and all of his minions, including the great lovers Peter Strzok and Lisa Page, who started the disgraceful witch hunt against so many innocent people. It will go down as a dark and dangerous period in American history.

To your knowledge, did the inspector general's report contain any information discrediting the special counsel's probe?

A No.

Q And are you aware of the inspector general's report destroying anything about Director Comey's ability to testify as a witness in the special counsel's probe?

A No.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Ms. Kim. I think that ends our questioning for this round.
Thank you.

[Recess.]

Mr. Ratcliffe. All right. Back on the record.

So, Ms. Page, when we left off, I was asking you well, I asked you a question based on the answer that you'd given, and I asked you whether a decision had been made to charge Hillary Clinton not to charge Hillary Clinton before or after her July 2nd, 2016, interview. And your first answer was before. You said something to the effect of, because every person I'm paraphrasing because virtually every person on the Midyear Exam team had concluded that she wasn't going to be charged.

And then

[Phone ringing.]

Mr. Meadows. You can tell a lot about a man by his ringtone.

Ms. Page. Will it say "boing, boing" on the transcript?

Mr. Ratcliffe. But then, in fairness to you, Ms. Page, you qualified that a little bit and said, well, a final final decision was made after. I want to give you a chance to be clear.

Ms. Page. So the word and I don't mean to be overly lawyerly, but it comes naturally, so forgive me. The word "decision" suggests the finality. And my only point is that before the July 2nd interview the uniform view was that there was not sufficient evidence to bring any charges against Hillary Clinton. That's not a final decision, because it's not a final decision. But to that point, there was

COMMITTEE SENSITIVE

insufficient evidence to charge her with any crime. And that was uniformly agreed to by both the FBI individuals involved and the DOJ individuals involved.

But that, certainly, in the event, unlikely was our estimation, but in the event that there was some admission or some other revelation which changed our assessment, we were all open to that possibility.

Mr. Ratcliffe. Right. But you talked about you started your answer before about, "to be candid," and I think that's an important word, because "candor" has a specific meaning when you're talking about an FBI agent, right? Candor and lack of candor?

Ms. Page. Everybody at the Department has an obligation to candor, yes.

Mr. Ratcliffe. Right. And you gave a very long explanation for, you know, the decision and before, and you made reference to the discussions. We know this went all the way back to a memo at least, a memo drafted by Director Comey on May the 2nd of 2016. And there were multiple drafts and a lot of conversation. All of that, right?

Ms. Page. That's correct.

Mr. Ratcliffe. What is a lack of candor for what does that mean in the context of anyone associated with the FBI when they're talking to an investigator?

Ms. Page. That they're being untruthful?

Mr. Ratcliffe. A lack of candor?

Ms. Page. Yeah. A lack of candor means that they're being untruthful.

Mr. Ratcliffe. Oh, untruthful. I thought you said being truthful.

Ms. Page. Oh, no. Sorry.

Mr. Ratcliffe. I'm sorry. I misheard you.

Ms. Page. That's okay. That's okay. Yeah.

Mr. Ratcliffe. Or that they're leaving out material facts, right? Only telling part of the story?

Ms. Page. Sure. Yes.

Mr. Ratcliffe. Okay. Okay.

The reason I ask is I asked that same question that I asked of you, that you gave a very long explanation, went into great detail about a great many factors that impacted it, I asked that same question to Director Comey under oath, did you make the decision before or after, and his answer was after.

He didn't explain it at all. He didn't qualify it at all. He didn't give any context to it. He didn't discuss number of decisions. He didn't say, well, we made it after but everyone had concluded long before.

Do you have any reason to give me any explanation or justification for why Director Comey wouldn't have given that information to congressional investigators or while under oath to Members of Congress?

Ms. Page. I don't know, sir.

Mr. Ratcliffe. Okay.

Ms. Page. I can't answer that.

Mr. Ratcliffe. We were talking about the tarmac meeting, as

COMMITTEE SENSITIVE

well. And I was asking you about this email on June the 30th of 2016 that related to Bill Priestap. And you gave me the context that it was, to use your words, of being a little bit unkind.

But I did want to ask, the reference to what we would do in ordinary circumstance, in parentheses Peter Strzok says, "Easy, refer to PC," which you and I both think is "public corruption." Was he making a joke there? I'm just trying to find out

Ms. Page. Yeah. I mean, I think that you have to take this whole text in the, sort of, somewhat snarky tone in which it's intended. Because there's nothing to do, right? Like, as I sort of described already, the investigation is what the investigation is. It is virtually over. We have seen what the evidence fails to, sort of, demonstrate.

And so I think, as I said and I'm certainly not, sort of, proud of this, but I think that it's more a reflection of, "Oh, gosh, he's worrying again"

Mr. Ratcliffe. Right.

Ms. Page. and this is, sort of, not a basis to be worried about. And so I think that's why you have the, like

Mr. Ratcliffe. Right. And all

Ms. Page. flippant responses at the end.

Mr. Ratcliffe. Okay. And all of that is somewhat reinforced by the text message that we've talked about before that you sent the next day on July 1st about: She's not exactly a profile in courage because she knows that Hillary Clinton is not going to be charged.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Ms. Page. Right. I think they're of a kind.

Mr. Ratcliffe. Yeah.

But, nevertheless, this tarmac meeting, obviously it generated a lot of attention. And, again, the reason that the Director said that he did the unprecedented step of acting as investigator and prosecutor on July the 5th and, she said, cast a shadow.

The day after you sent the profile in courage text message was July 2nd, which was the interview of Hillary Clinton, correct?

Ms. Page. This says the 1st here, but I take you at

Mr. Ratcliffe. Yeah, I think

Ms. Page. that you have you know, I know some of them are in UTC and some of them aren't, so I yeah.

Mr. Ratcliffe. I'll represent to you that it occurred on Saturday, July the 2nd of 2016.

Ms. Page. Okay.

Mr. Ratcliffe. And I've only got one copy of this, but I've got a document I want to show you and just it's essentially, I think you'd call it an LHM, or a letterhead memorandum, which is a summary of supposed to be a summary of the interview based on the 302s of the people that were in the room.

Ms. Page. It's a summary of, sort of, the investigation, of, sort of, all the investigative steps and what we found.

Mr. Ratcliffe. Yeah. But specifically in connection with her interview on July the 2nd of 2016.

Ms. Page. Okay.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Mr. Ratcliffe. Yeah. Well, I mean, you look at did you play a role in preparing that?

Ms. Page. I

Mr. Ratcliffe. Because there were some text messages, I thought, where you

Ms. Page. Yeah. So I did not play a role in preparing it. We went through, like, 52 billion drafts of this thing, like, from "a" to "the" to, you know, like, all kinds of changes, because we wanted to be as perfect as we could get it. So I am certain I am on a jillion drafts as well. I am not positive I ever read the entire thing. I started to a couple of times, but other things

Mr. Ratcliffe. Okay. Well, I went through it, and I read it a couple times, and I'll represent to you that the word "tarmac" doesn't appear in there or "Loretta Lynch" doesn't appear in there. And I

Ms. Page. That makes sense to me.

Mr. Ratcliffe. It does?

Ms. Page. That's not yes. So, I mean, I believe you. I have no way to disagree with you. But those were not investigative steps. This was not designed to, sort of, be every single thing that happened during the course of the Clinton email investigation. This is designed to be an assessment of what the FBI did and what the FBI found. And the tarmac incident doesn't really play a role with respect to those two things.

Mr. Ratcliffe. So and that's your opinion. You're entitled to it. I just want to be clear, though. So, if a meeting took place

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

5 days before the interview that everyone in the country is talking about, in terms of it being inappropriate, casting a shadow, calling for a quasi recusal, that involves the husband of the subject of the investigation and the boss of five people from the Department of Justice that are in the room, you think it's not unusual that someone wouldn't ask a question of the subject of the investigation about that meeting that had occurred 5 days before in public view?

Ms. Page. Well, so that's not what you asked me. You asked me why it wasn't in here. And so that's, sort of, my reflection of why that statement isn't in here.

With respect to why they didn't ask her you're asking why the prosecutors didn't ask her a question in the interview? I can't answer that except that Mr. it kind of goes to the point I was making earlier. If we were close to charging her and then suddenly this tarmac meeting happens and now we are not going to charge her, then I agree with you, and then we have a serious controversy on our hands.

But I guess I just don't I fully understand and remember and appreciate the firestorm it created. I completely agree with you on that. But if there was 0.0 percent evidence the day before the tarmac meeting and there's 0.0 percent evidence the day after the tarmac meeting, it doesn't change anything. It's a terrible optic, but it doesn't change the outcome of the investigation.

So I was not a part of a decision to ask or not ask. I didn't review the outlines with respect to whether to ask or not ask. I don't know who made the decision whether to ask or not ask. I'm just saying,

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

in my opinion, it's not that weird to me. I'm not sure what you would get out of that question.

Mr. Ratcliffe. Well, I guess

Ms. Page. Because there still wasn't sufficient evidence to charge her.

Mr. Ratcliffe. what you'd get if the stated premise that everyone seems to have given is that she's not going to be charged unless she lies in her interview, she can't lie if she isn't asked the questions.

Ms. Page. But she wasn't at this meeting. Her husband was.

Mr. Ratcliffe. I

Ms. Page. Right? So what is

Mr. Ratcliffe. I guess you could confirm that if you asked her, just like you could confirm what they talked about and whether or not there was any number of discussions.

Anyway, you're entitled to your opinion. I just wanted to ask you about it because I'd seen something in these text messages that indicate that you were involved in this.

And do you recall some text messages with Agent Strzok about some of the 302s being inflammatory and not letting Congress have those?

Ms. Page. Yes.

Mr. Ratcliffe. Okay. What do you recall about that?

Ms. Page. So that was when we were starting our production of the materials that Congress had requested. So it's not so much and, ultimately, they were all turned over anyway. They were emails which

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

were or emails, excuse me. They were 302s which were didn't ultimately speak to any of the evidence that we found. They were inflammatory, they were certainly

Mr. Ratcliffe. What do you recall about them? How were they inflammatory? Because I don't know that they have been turned over.

Ms. Page. So one is the quid pro quo. I mean, that we've gone that's gone, sort of, to the end of the Earth, the Brian what was his last name? McCauley maybe?

So this was the claim sorry. I haven't thought about this in a while, so I don't want to get this wrong. So this was the claim that, very early in the Clinton in the shortly after opening the investigation no. Sorry. Before that. Sorry, let me think about this for a second.

When the State Department was first, I think, complying with either their FOIA or something and had first determined that there may be classified information among the emails which had been collected, there was an allegation that Patrick Kennedy, who was then the Under Secretary for Management, I think, at the State Department, had reached out to Brian McCauley, I think is his last name but I could be getting it wrong who was an executive in our International Operations Division, and had essentially the allegation was that if McCauley could get the classification of this particular document changed, that the FBI could get the legat spots that they wanted at certain embassies or something like that. I don't I might be getting some of this wrong.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

And so that had been investigated. I think both individuals had been interviewed by the FBI. The classification of the document never changed. The legat spots were never granted. And so it was sort of a wash.

So the point was we were trying to prioritize the 302s and the documents which actually went to the underlying decision not to prosecute. Those were not those. And so, in terms of having limited resources and trying to prioritize the things which would be most salient to Congress' review of our investigation, the McCauley stuff there was something else; I can't remember now what it is. But the, sort of, sideshow things that didn't actually affect what the outcome was or what the evidence was in the investigation were, sort of, deprioritized.

So, I mean, that's all that's meant to reflect, ultimately. It's obviously a text message, so it doesn't have all of that context and background, but that's what that's a reflection of.

COMMITTEE SENSITIVE

[3:11 p.m.]

Mr. Ratcliffe. Okay. I want to go back the Comey memos that we were talking about. And you were relating sort of the process that you and Andy McCabe and others, apparently, would have a conversation with Director Comey about the material and what became his memos as a readout.

Did I miss anyone besides you and Andy McCabe?

Ms. Page. It's a very small number.

Mr. Ratcliffe. Okay. Who else can you think of?

Ms. Page. I think the Director's testimony was Jim Rybicki and this is from memory, so it's in some hearing transcript somewhere Jim Rybicki, Mr. McCabe, Mr. Ghattas, maybe Mr. Bowdich, and myself.

There may have been one or two other times in which one or two other people may have been aware of a particular hearing a readout of a particular memo I'm sorry; let me correct one thing. The one exception to the list I just provided was that Mr. Comey did brief his senior Crossfire Hurricane team of the meeting in early January when he's there with Clapper and Brennan and the rest of the Admiral Rogers, and the head of the the leaders of the intelligence community briefing him on the intelligence community's assessment of the Russian interference and the Russia active measures report.

The memo that he drafted following that meeting, in which he also is that public? let me stop there the memo that he drafted, he did brief the sort of senior Crossfire team of the events.

COMMITTEE SENSITIVE

We had talked about it in advance of that meeting, and he gave a readout of, you know, a debrief following that meeting. So that's the only exception in terms of the Comey memos that had a more expanded personnel list, to my knowledge.

Mr. Ratcliffe. Okay. And so was the discussion before you had talked about, and you said, when, you know, when we talk about concerns that the Director had were those concerns about the topics that the President was talking about, or were they concerns about the President?

Ms. Page. I don't know what you're talking about. I'm sorry. What do you mean? What concerns I had?

Mr. Ratcliffe. Giving the answer, you said he would bring us together to talk about from his meetings with the President concerns that came about.

And I'm wondering were they concerns about topics that the President was talking about, or was the concern the President?

Ms. Page. Well, I only recall being I think I was only present for one other than the January one about the ICA, I think I was only present for one meeting in which he kind of had described what had just transpired. I don't remember which one that was of the memos that I've read and was privy to. I just don't remember which particular one I was present for. I just remember being present for one of them.

Mr. Ratcliffe. Okay. Well, do you remember I asked you before about an obstruction of justice as a topic, and you gave an answer, and then you came back and said: I need to take my answer back.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Ms. Page. That answer back, yeah.

Mr. Ratcliffe. But generally talked about certain matters, I guess. Let me ask you this: I asked you the other day about a text message that Peter Strzok sent you the day that Jim Comey got fired where he said: And we need to open the case we've been waiting on now while Andy is acting.

And you explained: It didn't have anything to do with when Andy was acting, but the case we were waiting on.

Is that the same information that's reflected in some of the Comey memos?

Ms. Page. Just a moment, please.

[Discussion off the record.]

Ms. Page. Mr. Ratcliffe, I'm sure this is going to be an unsatisfying answer, but I have reviewed all the Comey memos, as I said, I have read most of them in real time, at the time that they were written. I don't have any basis to disagree with the claims made in the Comey memos, but with respect to what steps we may or may not have taken, based either on those claims or following the Director's firing, on advice of FBI counsel, I can't answer that at this time.

Mr. Ratcliffe. Okay. Your inability to answer tells me a lot. And what it tells me is inconsistent. And what I'm trying to get at, it is inconsistent with what Jim Comey has admitted that he told the President, I think, that he wasn't under investigation during that timeframe.

Maybe

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Ms. Page. That is not inconsistent, sir.

Mr. Ratcliffe. Okay. So he wasn't under investigation, but that doesn't mean there was a discussion going on about potential crimes involving the FBI Director's senior leadership team. That's what you're telling us?

Ms. Page. I am not telling you that. But the statement, if taken as a hypothetical, somebody could not be under investigation, but there still could be discussions about potential criminal activity, and that is totally consistent with FBI policies and would not be unusual with respect to any investigation.

Mr. Ratcliffe. Except the unusual part about memorializing it in memos that hadn't been done with other Presidents, right?

Ms. Page. I don't know what you're asking me. I'm sorry. How do you what?

Mr. Meadows. Well, let me follow up, if you don't mind.

Are you aware of any other time that Director Comey memorialized conversations with President Obama?

Ms. Page. I think he has testified that he did not do that. That's correct.

Mr. Meadows. Okay. And so did you not find it unique that he would be memorializing these conversations, and they weren't in totality of the all the conversations you had, but he memorialized these particular conversations. Did you not find that unique?

Ms. Page. I think that he did memorialize all of his conversations with

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Mr. Meadows. President elect.

Ms. Page. President elect or President Trump. I think that's been his testimony. I wouldn't have known that he did or didn't do it beforehand, to be honest with you. So I don't know that I can answer your question.

Mr. Ratcliffe. Did Director Comey have any conversations with you about the purpose behind him creating these memos?

Ms. Page. No.

Mr. Ratcliffe. Okay. Did Andy McCabe create any memos?

Ms. Page. Yes.

Mr. Ratcliffe. Tell us about those.

Ms. Page. I can't do that, sir.

Mr. Ratcliffe. Okay. Without I'm going to respect try and respect as much of this as I can, but given the fact that you've acknowledged that there were memos or at least a memo, I want to find out as much as I can about the timing and the circumstances of it, even if you won't disclose the content of it.

So, first of all, let me ask you, are you aware of the content of the memo or memos?

Ms. Page. I am.

Mr. Ratcliffe. Were you involved in the preparation of the memo or memos?

Ms. Page. I reviewed some of them, probably not all, but some of them, mostly for like spelling and typographical things before he finalized them.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Mr. Ratcliffe. Okay. You say "them," so there were multiple memos. Do you know approximately how many memos?

Ms. Page. Let's be more specific about memos with whom, if we could.

Mr. Ratcliffe. Memos with respect to President Trump.

Ms. Page. Just meetings with President Trump?

Mr. Ratcliffe. Just what?

Ms. Page. Just meetings with President Trump?

Mr. Ratcliffe. Meetings, conversations, interactions, communications.

Ms. Page. With the President?

Mr. Ratcliffe. With President Trump?

Ms. Page. There's a very small number. I'm not certain, but one or two. I'm not certain.

Mr. Ratcliffe. And can you tell me anything about the timing of those memos? When they were created and the circumstances under which they were created, without getting into the content?

Ms. Page. With respect to those one or two, to the best of my recollection, he would have created them shortly in time following whatever interaction he may have had.

Mr. Ratcliffe. And was it his interaction necessarily or could it have been memos about I'm trying to find out, again, the timing of this. Is this sort of related to the firing of Jim Comey or other events?

Ms. Page. I'm sorry. Ask me that question again.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Mr. Ratcliffe. I'm just trying to determine the context of now what I'm going to refer to as the McCabe memos and when they were created and what the circumstances of the McCabe memos were.

So can you give me a when was the first McCabe memo created, if you can give me the general timeframe and the circumstances under which it was created.

Ms. Page. I honestly, I could not guess at a date. I do not think that the Deputy Director had any interactions with the President of the United States until after he became the Acting Director.

Mr. Ratcliffe. Okay.

Ms. Page. But that is my I am speculating about that, as I sit here today.

Mr. Ratcliffe. Okay. You're not certain about that.

Do you know whether or not there were any McCabe memos during the Obama Administration?

Ms. Page. Not to my knowledge I'm sorry. Memorializing interaction with President Obama?

Mr. Ratcliffe. Yes.

Ms. Page. No, not to my knowledge.

Mr. Ratcliffe. Okay. What's your understanding of why Deputy Director or Acting Director McCabe generated a memo or memos memorializing his interactions with President Trump?

Ms. Page. I'm not really crazy about speaking for them. I would say, in general, that an FBI agent memorializes the substance of a conversation when he thinks there is a reason to memorialize it, whether

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

it is the substance, whether it is the circumstances of the meeting, whether it is the nature of the interaction.

We write something down when it seems worth writing down.

Mr. Ratcliffe. Were the McCabe memos ever disclosed outside the FBI, to your knowledge?

Ms. Page. Not outside the Department, to my knowledge.

Mr. Ratcliffe. Would the special counsel have access to the McCabe memos?

Ms. Page. I yes.

Mr. Ratcliffe. Would the McCabe memos be relevant to the matters that the special counsel is investigating?

Ms. Page. Yes.

Mr. Ratcliffe. You mentioned that there were other memos that I'm not sure I understood. These ones that we're talking about related to his interactions with the President, but you intimated that there were other McCabe memos that were responsive to my first overarching question.

Can you tell me what those memos relate to? How you would characterize those?

Ms. Page. Mr. McCabe memorialized certain interactions with either White House personnel or others when there was something noteworthy to memorialize, sir.

Mr. Ratcliffe. Did either Deputy Director McCabe or Acting Director McCabe, whatever capacity, did he discuss the memos, to your knowledge with Jim Comey?

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Ms. Page. Certainly, the ones that were written before the Director was fired, I would expect so. He would not have discussed them, any memos that he drafted after the Director was fired because the Director was no longer a government employee.

Mr. Ratcliffe. Based on public reports, Acting Director McCabe interviewed with President Trump for the position of Director of the FBI on or about May 18th of 2017.

Do you know if first of all, do you know if Acting Director McCabe discussed the McCabe memos or the Comey memos or disclosed the existence of either to President Trump in that interview?

Ms. Page. I, I don't think I don't know.

Mr. Ratcliffe. Did you have a conversation with Acting Director McCabe about his interview with the President?

Ms. Page. I did.

Mr. Ratcliffe. His interview for the position of FBI Director?

Ms. Page. Yes.

Mr. Ratcliffe. What generally did he relate to you about the interview that you may recall?

Ms. Page. I'm sorry, sir. I'm not going to go into the details of those conversations at this time.

Mr. Ratcliffe. For what stated reason?

Ms. Page. Because I have no idea what among the memos that Mr. McCabe drafted is of investigative utility or not to the special counsel, and so because I have no knowledge of that, I can't start parsing some parts of the content and versus others.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Mr. Baker. When Mr. McCabe was just regular Deputy Director, did he ever keep any memos from conversations or interactions he had with Director Comey?

Ms. Page. He did not keep memos, but he obviously took notes, you know, during the course of his duties.

Mr. Baker. Okay.

Mr. Meadows. Let me, Lisa, may I do a followup from previously? When we talked about the dossier's existence came into your knowledge in mid September, it's, I think, been reported, but also during testimony, that there was a number of different versions of different memos, I guess, that became aware that the FBI became aware of. Is that correct?

Ms. Page. Not memos but of the reports that are called the dossier.

Mr. Meadows. Yeah.

Ms. Page. Yeah, I'm

Mr. Meadows. Yeah, I'm not following up on his.

Ms. Page. Okay.

Mr. Meadows. But as we now know is the dossier because it had a number of different reports there.

Ms. Page. My understanding is that, if there are I'm going to make this up if there are 20 reports that the FBI received from Christopher Steele, I've completely made that number up

Mr. Meadows. Right.

Ms. Page. I'm just using it for example's sake.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

If there are 20 reports that the FBI received from Christopher Steele at various times and from various individuals, people, other government employees, wherever, the FBI has received certain subsets of that 20.

So, from one person, we might have received 11; from another person, we might have received 14. I'm again, I'm just doing this for example's sake but, yes, it is my understanding that the FBI has received from various sources not confidential human sources but from various places

Mr. Meadows. Right.

Ms. Page. varied subsets of the, quote unquote, "dossier."

Mr. Meadows. So, when that happened, and we started to look at that, and obviously, you've got mid September through the third week in October when a FISA application is actually issued on Carter Page, did you receive multiple sources between the mid September, or were the multiple sources after the original FISA application?

Ms. Page. I think after.

Mr. Meadows. Okay. So did you communicate that or was that outlined in the followup FISA applications that you might have gotten additional

Ms. Page. I'm not sure that's my point I'm not sure any were additional.

Mr. Meadows. Right, but as a subset, but they were different. So, I mean here is

Ms. Page. No, that's

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Mr. Meadows. So what you're saying is they were all consistent; it just was part it

Ms. Page. Duplicative. Right so

Mr. Meadows. Let's say there were 16 different items, you might have gotten 11 from this source and 10 from this, but they were all consistent is what you're saying?

Ms. Page. That's my recollection, yes.

Mr. Meadows. All right.

Ms. Page. So it's not as though, if we had 20, and Joe Smith provided us with 11, all 11 were within the 20 we had. It is not as though one of them was new to us out of the original 20. That's my

Mr. Meadows. Right.

Ms. Page. I guess I should hedge this, though, because I'm not looking at any of these. That's my understanding based on what had been briefed to Director Comey or otherwise. I never looked at any of the nonofficial sources

Mr. Meadows. Right.

Ms. Page. of the dossier.

We got the set of the reports that we got from Christopher Steele, our confidential human source. That was sort of the authoritative set that we cared about.

To the extent we got chunks or subsets from other people, we collected them, but

Mr. Meadows. At what point did you start to get concerned that there may be some potential credibility issues as it relates to who

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

may have paid for the work? Did you ever?

Ms. Page. Me

Mr. Meadows. I mean, because we know that, on January 10th of 2017, they were still, according to Peter Strzok's email to you and others, that they were unverified still at that particular point.

Ms. Page. So, let's let there's a lot

Mr. Meadows. January 10th.

Ms. Page. There's a lot packed in there, though. So, to your first question, when did I get concerned?

I'm not sure that I ever actually had a concern. And the reason is that, with respect to the certainly the first FISA I think we had an understanding that Steele had first been engaged by a Republican opposition but by I'm not going to be able to describe it better, and I hope I'm not

Mr. Meadows. Somebody opposite of Trump.

Ms. Page. Exactly. By a Republican who is seeking opposition research. And then, after that person had dropped out I didn't know who but after that had sort of fallen away, that the engagement continued for the Democrats.

So that was sort of a wash, as far as I'm concerned. There wasn't, in my view, a political motive that affected the

Mr. Meadows. No, the one political narrative is that they were all against Donald Trump. That would be the consistent theme there.

Ms. Page. Right.

Mr. Meadows. Whether it was for Marco Rubio or Ted Cruz, they

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

were all consistently against Donald Trump.

Ms. Page. That's right. But because of the person that Christopher Steele was and the both his

Mr. Meadows. Because he was credible from before when you worked with him.

Ms. Page. Exactly. And this was not a source of consternation, in my view.

Mr. Meadows. So let me drill down. And specifically, Mike Cordon and media contacts, potential media contacts, at what point did that become a concern as it relates to Christopher Steele and some of the communication that was not just a couple? It seemed to be widespread.

Ms. Page. Right. So we were very concerned about the existence and the content of Steele's reporting leaking. We were very concerned about.

Mr. Meadows. In fact, did you not verify that he had leaked? I mean, today, if you were to

Ms. Page. Let me hold on. I'm sorry. One second.

Mr. Meadows. Go ahead. Sorry.

Ms. Page. No, no. At some point, December ish, I think, maybe well, maybe earlier than that, maybe November. Mike Cordon, the head of our Public Affairs Office, does start to inform the team that there are more outlets asking him about this.

Do you have it?

What is it?

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Have you heard of this?

Because the existence of these reports is starting to sort of circulate in Washington circles. And I remember the team discussing, as a collective sort of saying, like, how our singular focus was to not confirm that we had them because then we knew that the press couldn't necessarily report on the substance of the allegations because they were so inflammatory.

Mr. Meadows. Right.

Ms. Page. But if they wanted to report in a way that would be less inflammatory, they could simply say: The FBI has reports that say blahbadee, blahbadee, blah.

So our single focus was to make sure they could not do that.

And with some regularity Cordon would inform us that this news outlet or that news outlet had asked him: Do you have these? Do you know about them?

And we just had a resolute "no comment" because we did not want to allow the opportunity that we did have these to even allow that to be the news story.

So

Mr. Meadows. So was Mike Cordon's acknowledgment that this potentially could have been happening with Christopher Steele, was that part of the decision to not reimburse Christopher Steele, as has been reported, or pay him for part of the work as a confidential human source?

Ms. Page. I don't know what you're talking about. I'm sorry. Mike so Christopher Steele was never he came to us and gave us

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

this information. We didn't, we didn't

Mr. Meadows. So there was never an indication to reimburse him for his expenses or anything else.

Ms. Page. No, no, we reimbursed him for his

Mr. Meadows. Pay him for his time?

Ms. Page. his travel expenses.

Mr. Meadows. Pay him for his time?

Ms. Page. No, not to my knowledge.

Mr. Meadows. I can see my colleague from Texas getting anxious, so I'm going to yield back.

Ms. Page. I was going to say one other thing. One of the other things you said sort of unverified, salacious. And so that's true, and I can't get into sort of the substance of what we did, but immediately, I mean as soon as we received the reporting from Steele in mid September, we set about trying to prove or disprove every single factual statement in the dossier.

And so, and we had line level analysts who are super experts on Russia, try to pick apart each statement and either try to prove its veracity or prove its inaccuracy. And to the best of my knowledge, we were never able to disprove any statement in it. So we were never able to say: There's a claim about X, and that is untrue.

There are some statements for which we have never been able to confirm or deny its veracity. But there are no statements contained in the at least at the last time that the review is done, which is now many months ago that we were able to demonstrate or show were

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

demonstrably false.

Mr. Ratcliffe. Ms. Page, are you talking about the Woods file?

Ms. Page. No. The Woods file is a document that accompanies a FISA, which provides the basis for each statement contained therein.

Mr. Ratcliffe. Right. I've seen it.

Ms. Page. Okay.

Mr. Ratcliffe. But I

Ms. Page. I'm not talking about the Woods file. I'm talking about a separate effort that was undertaken in order to try to verify for investigative purposes, not for purposes of the FISA, but a separate effort undertaken to try to validate the allegations contained within the Steele reporting.

Mr. Ratcliffe. Okay. So what would that, what was the name maybe I missed it. What was the name of that document?

Ms. Page. There's no name.

Mr. Ratcliffe. If I were trying to locate that or ask for it to be produced, what would I be asking for?

Ms. Page. I mean, the efforts to validate the Steele reporting? I don't know. It's not like a document. I mean, it is not a

Mr. Meadows. I guess what he's saying is we have not seen these documents yet. We've made multiple requests. So I guess how can you help us home in on where those requests may or may not be?

Mr. Ratcliffe. And the reason I mentioned the Woods file is because I have seen the Woods file because I've wanted

Ms. Page. The Woods file is different.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Mr. Ratcliffe. And I understand that, but I thought maybe you were talking about it without naming it. So, if there's another document out there that attempts to do something similar, it sounds like

Ms. Page. No, I don't it is not that similar. Every single FISA that goes to the FISC has a Woods file.

Mr. Ratcliffe. Right.

Ms. Page. No matter the topic, no matter the subject, no matter the threat.

The Woods file is part of the FISA process which is designed to demonstrate that we have done due diligence with respect to the facts supporting the FISA application. This is a sort of separate effort that investigative team undertook.

Mr. Ratcliffe. Okay. Ms. Page, I have to I've had a chance to ask you questions over the last Friday and again today. I know I've asked you some tough questions, but I want to get on the record, have I been discourteous to you at all?

Ms. Page. No, sir.

Mr. Ratcliffe. Have I given you the full opportunity to answer or explain your answers?

Ms. Page. Yes, sir.

Mr. Ratcliffe. And have I generally been fair in my questioning?

Ms. Page. Yes.

Mr. Ratcliffe. Believe it or not, I'm asking that believe it or not some folks might misrepresent how we conduct ourselves in here,

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

and I want to get that on the record.

So I thank you for your time.

Mr. Meadows. And I'm the gentleman from Boston has a couple of questions for me, and you'll tell by his accent very quickly.

Mr. Brebbia. Hi. I'm Sean Brebbia, Oversight and Government Reform, Majority.

Ms. Page. Sean?

Mr. Brebbia. Brebbia. B R E B B I A.

BY MR. BREBBIA:

Q I show you an email between you and Peter Strzok from October 18, 2016.

A I just want to take a second to start from the beginning and look at it.

Q Sure. Please do.

A Okay.

Q Just beginning very basically, can you tell us a little bit about what's being discussed here? The subject is (b)(7)(E) per FBI.

A Am I allowed to I'm sorry. One second, please.

Ms. Bessee. May we confer?

Mr. Brebbia. Sure.

[Discussion off the record.]

Ms. Page. So I don't I can't I believe that I can answer the question. I don't believe I can answer the question in an unclassified setting.

Mr. Brebbia. Okay.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Mr. Somers. But you could answer the question in a classified setting?

Ms. Page. Yes.

Mr. Brebbia. And FBI.

BY MR. BREBBIA:

Q Okay. Couple more. In this email, there's mention of "they" editing a document. Subject of the email is "R [REDACTED]." [REDACTED]

The document that's being discussed, did th [REDACTED] have any involvement with preparing that document?

A There's no way I can answer that. I can't answer that it in this. I'm sorry.

Q How about anyone at the White House? Anyone at the White House have involvement in drafting that document?

A I can say, generally, I am not aware of the White House ever in my personal knowledge, I've never been a part of any FISA in which the White House has been involved?

Q And how about knowledge? Is there at the White House anyone in the White House have knowledge of that document?

A Not to my knowledge.

Q It probably makes more sense to take this up in classified setting?

A I think so, sir.

Mr. Parmiter. Could I ask just a couple of followup questions to some of the things you talked about with Mr. Ratcliffe?

You referred to a separate effort that was not the Woods file to

COMMITTEE SENSITIVE

validate allegations in the Steele reporting. I'm just kind of curious as to the timeframe.

When did that sort of separate effort begin to corroborate the Steele reporting, and when did it end?

Ms. Page. It began immediately upon receiving the Steele reporting. And I do not know when it ended.

BY MR. BAKER:

Q And what steps were taken to validate or refute any of the points made in the document?

A I can't go into more detail about the specific efforts that were taken, other than that herculean efforts were taken to try to prove and or disprove or corroborate in any way the statements contained in the Steele reporting.

Q Okay. Let's take the Steele reporting out of it.

If you were trying to validate points made in information given from another source, would it be fair to say one of the techniques to validate or disprove would be to task other sources?

A (b)(7)(E) per FBI [REDACTED]

Q So would you do everything and anything that's authorized,

but that could include tasking other human sources to

A Well, yes I guess it could, but think about really what you're saying. If I have a document that says, "On January 25th of 2013, Joe Smith and Sally Jones were at a restaurant," (b)(7)(E) per FBI that's a historical event. (b)(7)(E) per FBI

Q But if you have a source that owned the restaurant. I mean, you could have a source that

A If yo (b)(7)(E) per FBI

And then you would get whatever answer then, certainly.

But more likely, I mean, so maybe you woul (b)(7)(E) per FBI I mean, I'm making this up, obviously, but the more expeditious and likely investigative steps would be to look at what i (b)(7)(E) per FBI

Q Okay.

A And that would at least make that statement more likely to be true or less likely to be true, depending on what you find.

Q Okay. Thank you.

BY MR. BREITENBACH:

Q You had indicated on Friday that there was an investigator who had been brought over to the Special Counsel's Office prior to Mr. Strzok being employed, but that that person was not a good fit?

COMMITTEE SENSITIVE

A That's correct.

Q Who was that person?

A I think his name was John Brown.

Q And why do you think that the special counsel deemed him Mr. John Brown, you said?

A I think that's his name, yeah.

Q Why do you think the special counsel deemed him not to be a good fit?

A You would have to ask the special counsel.

Q So you're not aware of why he might have been removed

A I'm not going to speculate.

Q from the team?

A No.

Q Why did you leave the Special Counsel's Office?

A I talked about this at length on Friday. When Mr. Mueller first asked me to join, I was quite hesitant to do so. It had been an incredibly intense 2 years, and I have very young children at home. And I wanted to be a better parent to them. And so I originally demurred, and Mr. McCabe encouraged me to go and help out. And so as a sort of compromise position, I talked with Mr. Mueller about coming over for 45 days to sort of help them stand up their effort and that we would sort of reassess at the end of those 45 days.

And, ultimately, I knew I know what a Bob Mueller operation looks like, and I know the intensity and the rigor and the incredibly hard work that is required. And I was just ready to sort of make a

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

change in my personal life. And so I left after the 45 days and returned to the FBI.

Q Okay. And also in your testimony on Friday, you had that indicated you had made some statement indicating that we had access to all of your emails, texts, communications?

A I mean, this is my presumption. There's not a whole lot of secrets out there left on me.

Q Are you aware whether there was any preservation order ever issued with respect to any of your communications?

A Preservation by whom and for what?

Q That's what I'm asking. Maybe from Special Counsel's Office, the FBI, by

A I mean the FBI, to the best of my knowledge, preserves everything. And I'm certain there have been preservation orders that the FBI has sort of announced, but I'm not even there anymore. So I don't have access to any of the stuff before you in the first place.

Q We understand you communicated through other devices, other accounts, including iMessage and Gmail. Has there been any effort to access any of those communications?

A Well, I don't have any iMessages. We communicated using our personal devices for personal purposes. We very infrequently used those devices for work purposes. And

Q I'm sorry. I missed that.

A We very infrequently used our personal devices for work purposes.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Q Have you turned over those messages that were work related?

A There are no work related messages in my personal accounts.

Q But you indicated you "infrequently," meaning, at some point, you did communicate regarding work related purposes over personal devices?

A I am sure that I have. I never retained those. And unless they were a record requiring, you know, sending it back through the FBI system, there's no need to retain those.

Q And neither the FBI nor the special counsel has ever attempted or requested your communications over personal devices or personal accounts?

A One moment, please.

[Discussion off the record.]

Ms. Page. So there is my understanding is that there is some FOIA litigation, either at the Department or the FBI for which my personal accounts I'm sorry for which work related material on my personal accounts have been requested to be preserved, but I do not have any such material to preserve.

BY MR. BREITENBACH:

Q You indicated previously that the importance that you placed on the Russia investigation over the Clinton email investigation in terms of the effect you believed it might have on national security.

Are you aware whether there was ever any similar targeting of the Hillary Clinton campaign by any foreign intelligence service?

A No, not that I'm aware. And just to be clear about your

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

question, that answer was given with respect to, once we were in October and we had the sort of ongoing Russia investigation and we had the potential additional emails that may have existed on the Weiner laptop.

So I just want to make sure we're talking about it's not as though, other than in that one particular month, the two investigations never overlapped such that we had to do a weighing or balancing of the two investigations.

Q Serving as counsel to Mr. McCabe, the number two at the FBI, is that the kind of information that you might learn of with respect to whether another.

A If there had been a serious attempt by a foreign power to by a threatening foreign power to work with members of the Clinton campaign, I would have expected to know about it, yes.

Q Okay. Thank you.

BY MR. SOMERS:

Q You mentioned the name John Brown a few minutes ago. Can you just clarify where he is, what his job is?

A I have no idea what his job is right now.

Q No. Was at the time. Sorry.

A So, when the special counsel first stood up and they were looking to staff that effort, they the FBI, I think, originally wanted to put somebody other than Pete on it so that Pete could kind of go back to his day job, as I think I described in some depth on Friday.

And so the person that they originally sought to fill the kind of lead FBI role on the special counsel was an individual named John

COMMITTEE SENSITIVE

Brown.

Q National Security Division? Counterintelligence?

A I think a Cyber SAIC.

Mr. Somers. I think we're out of time for this round.

[4:07 p.m.]

Ms. Kim. We're back on the record. It is 4:07.

BY MS. KIM.

Q Ms. Page, the email that you discussed with the majority about the **(b)(7)(E) per FBI** has been used as an exhibit for a news article that came out on July 6th, 2018, from The Hill entitled "Memos Detail FBI's Hurry the F Up to Probe Trump Campaign." Are you familiar with that article?

A I'm sorry, can you step just a little bit further from the mike? It's a little bit yeah.

Q Does this help?

A Yeah. Sorry. So say that all over again, please.

Q Yes. The **(b)(7)(E) per FBI** email that you reviewed with the majority was used in an article from The Hill by opinion contributor John Solomon about how the FBI allegedly kept hurry the F up pressure on the Trump campaign probe. Are you familiar with that article?

A I am familiar with that article, yes.

Q The thesis question from that article, third paragraph of that article I'll read to you is: The question that lingers unanswered is, did those sentiments, meaning anti Trump sentiments, affect official actions?

A Right.

Q So, insofar as you can tell us in an unclassified setting, did the **(b)(7)(E) per FBI** process reflect any political biases or other improper motives?

COMMITTEE SENSITIVE

A No. As I as I think I discussed earlier I probably shouldn't have discussed earlier in that setting. Okay, never mind.

No, there were no no political interest or bias which affected the Carter Page FISA.

Q Did it reflect any undue haste on the part of the FBI in an attempt to try to stop Donald Trump from becoming elected President?

A No, not at all.

BY MS. HARIHARAN:

Q Also a part of the article is they cite Peter Strzok's testimony from when he met with us in the transcribed interview where he said, quote, in response to Mr. Gowdy's question of whether he was involved in the preparation of the affidavit in support of that FISA, he said, quote: "I can tell you that I was aware of the FISA application, but I did not participate in its preparation."

And then, when asked again, he wrote excuse me, he said: I did not provide information. I did speak with people who were preparing it.

So, referring back to the emails that the majority showed you, was that Peter Strzok acting in his capacity as a supervisor for those responsible for the FISA application?

A That's correct. So speaking more generally, a person in a DAD role does not have any role in the FISA process. It's a very sort of regimented process that goes back and forth from the Department to the FBI. At no time does a DAD need to approve it or read it or write it or provide intelligence toward it.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

To the extent Pete was involved, it was because he was to the extent Pete was knowledgeable that it was happening, it's because he was in charge of the Crossfire investigation. But he that's consistent with my understanding and recollection. He did not have a role in the drafting or the sort of approval of the FISA.

Q So just to be clear, he was not one of the individuals involved in sort of the preparation of the factual

A That's correct.

Q Okay. And then, to the best of your knowledge, then was his testimony accurate?

A That's correct, yes.

Q Thank you.

Mr. Cohen. Ms. Page, I'm sorry, I've missed your testimony on Friday and this morning, so there might be things that are repetitious. I believe I'm correct that you've said that even if people had political perspectives, and some people were anti Hillary and some people thought Bernie was beyond the burn, et cetera, that none of those biases affected any of the actions of Mr. Strzok or of you or anybody else within the Mueller special counsel investigation.

Ms. Page. That's correct, sir.

Mr. Cohen. Anything in the FISA applications that you know of that was not dealt with according to procedures and

Ms. Page. No, sir.

Mr. Cohen. No nefarious activity?

Ms. Page. No, sir.

COMMITTEE SENSITIVE

Mr. Cohen. And wasn't there some information that if you went too far in giving the court the court was given information, I believe, about the fact that somebody might have paid for the dossier, but that if they went too far, they might be outing sources or going beyond what is legitimate activity?

Ms. Page. Sir, I'm not sure I can answer that question in this setting.

Mr. Cohen. And I'm not sure if I asked it right.

Ms. Page. No, I understand your question. I'm just not sure I'm really not sure what's been classified and what remains classified and what's been declassified. So I'm not I'm not comfortable answering that in this setting.

Mr. Cohen. And then you were asked about Mr. McCabe's memos and Mr. Comey's and the fact that he made some notes about his conversations with President Trump, and to the best of your knowledge he didn't do this with any other Presidents. Is that correct?

Ms. Page. I think that's been his testimony, yes, sir.

Mr. Cohen. Do you think in your history as an attorney, your knowledge as a human being, that the degree of the the reputation a person has for truth and veracity might have something to do with the likelihood of somebody making a memo about their conversation with them?

Ms. Page. I agree with you, sir.

Mr. Cohen. So he wouldn't if he had talked to Abraham Lincoln, he wouldn't have had to make a memo, honest Abe.

How long were you involved with the FBI?

Ms. Page. I was I worked at the FBI for about 6 years.

Mr. Cohen. And this was how many years were you there during Comey's directorship?

Ms. Page. For all of his directorship. So for the 3 1/2 years that Director Comey was there, I was also an employee.

Mr. Cohen. And were you there after he was fired too?

Ms. Page. I was.

Mr. Cohen. Would you say the morale at the FBI went up or down after he left?

Ms. Page. We were devastated by his firing, sir.

Mr. Cohen. He was generally respected by members of the FBI?

Ms. Page. He was respected and well liked, and people believed in his vision for the FBI.

Mr. Cohen. You were never there during the time Mueller was there, were you?

Ms. Page. I was for about the first year, year and a half of Mr. Mueller's tenure.

Mr. Cohen. Do you know what his reputation is among members of the Bureau for honesty and for diligence and for, you know, hard work and caring about America?

Ms. Page. He his reputation for all of those things is strong. He is regarded as very demanding, but also completely honest, you know, with integrity that is really unparalleled.

Mr. Cohen. And a lot of the work that Peter Strzok had done at

COMMITTEE SENSITIVE

the FBI, particularly back in 2010, when he outed I think it was as many as 10 Russian spies, was a lot of his work centered in counterintelligence on Russia?

Ms. Page. His entire career has been in the Counterintelligence Division. So his full 20 years at the FBI has been almost exclusively doing either counterintelligence or espionage cases, right. So counterintelligence is our effort to counter foreign adversaries here collecting against us. Espionage cases involve U.S. persons who have decided to turn

Mr. Cohen. Join another team.

Ms. Page. and work for a foreign power.

Mr. Cohen. Yeah. Maybe go and sit next to Putin and say nice things to him, that kind of stuff.

Would you say that if he had a driving force in his life and something that he was most concerned about that it was protecting America and our country from Russian influence?

Ms. Page. That is he is a patriot, first and foremost, and he has devoted his entire life to defending the national security of the United States. And Russia poses probably the most pernicious threat to Western ideals and Western democracy. So, yes.

Mr. Cohen. I don't think I have anything else. Thank you. And I'm not going to offer you suggest you should get a Purple Heart even though I'll probably be described as sexist for not doing it.

Mr. Cummings. Thank you very much.

Ms. Page, I thank you for being here. And I know it's not the

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

most pleasant moment in your life.

During his testimony the other day, Agent Strzok said something to this effect: That while he may have had his own personal opinions about Hillary Clinton and even his own opinions about Donald Trump, that it did not impact his the investigation. In other words, when he was deliberating with his colleagues, it did not affect that.

Do you believe that?

Ms. Page. Yes, sir.

Mr. Cummings. And why do you say that?

Ms. Page. Because I was present for all of the investigative steps and for the decisionmaking that occurred on both investigations. And so I know the discussions that went on around them. I know the reasons behind the steps that we took.

Certainly, with respect to the Clinton investigation, there was not a single investigative step at all, under any circumstances, other than the July 5th statement made by the Director, that wasn't done either in conjunction with or at the direction of the Justice Department.

So there is no room for bias, to the extent it even exists in the first place, to have influenced official acts, because every single act was taken in coordination with a half dozen to a dozen or more people.

Mr. Cummings. Can you understand and I asked the same question of Mr. Strzok, Agent Strzok. And I practiced law many years. But can you understand why people might think when they read the texts

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

that it would be almost impossible not to interject that, those thoughts, into the discussion?

Ms. Page. I do understand that, sir. But I do think that we do not give up our right to have a view as to who is most qualified to be President of the United States simply because we work for the FBI or even because we are working on an investigation involving one or the other of them.

And these were our personal views. They were views, particularly before July 28th, which entirely reflected our view of the dignity befitting the White House, of the decorum and the way one holds one's self. I don't see how that is relevant at all to whether Hillary Clinton mishandled classified information 3 years ago.

And after July 28th, we were now concerned about whether there was a foreign adversary trying to work with a Presidential campaign. And so I think that the concern there is both understandable and recognizable.

I guess the other thing I would say, sir, is that and I've said this a number of times in response to other questions we don't often like the people we investigate. And that is true whether we are investigating a pedophile or a fraudster or a terrorist or a drug dealer. We don't like criminals. We don't like people who we think are criminals.

And that does not ever under any circumstances pervade the activity that an FBI agent or an FBI lawyer or a DOJ prosecutor engage in. We are not driven by political motivations. We are driven by a

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

search for the truth. This is who we are as FBI employees. It is absolutely what pervades our every decisionmaking.

And if at any opportunity we saw somebody acting in a different way, we would not tolerate it. It's just not the way we operate.

Mr. Cummings. You said something a moment ago in I think it was answering one of Congressman Cohen's questions, and I don't remember the exact words. I tried to jot it down. But you were talking about Russia and the threat of Russia. I forget the words you used. You said Russia was the greatest can you elaborate on that, please?

Ms. Page. So it is my personal view that Russia poses probably the most the greatest threat certainly to Western ideals of any of our foreign adversaries. And we have vast foreign adversaries. But even the threats that are posed by China or by Iran or North Korea or others doesn't speak to sort of the core of Western democracy, right?

You have you have in the Russian Federation and in President Putin himself, you have an individual whose aim is to disrupt the Western alliance and whose aim is to make Western democracy more fractious and in order to weaken our ability, America's ability and the West's ability, to spread our democratic ideals. I mean, that's the goal, is to make us less of a moral authority to spread democratic values.

And I happen to think that this is the best country on the planet and that our values are universal values that can and should be spread across the globe. And that is not a view that is shared by Russia.

And so every effort to sow discord, to make us fractious, to harm

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

the Western and American way of life is a win for the Russian Federation. It is a win for President Putin.

So it is my opinion I am certainly not the world expert on it but it is my opinion that with respect to Western ideals and who it is and what it is we stand for as Americans, Russia poses the most dangerous threat to that way of life.

Mr. Cummings. Are you aware of any FBI investigations motivated by political bias?

Ms. Page. Never, sir. No.

Mr. Cummings. You never saw signs of that when you were there?

Ms. Page. No.

Mr. Cummings. Are you aware of any Justice Department investigations motivated by political bias?

Ms. Page. Not that I'm aware of, no.

Ms. Page. On February 2nd, 2018, President Trump tweeted, and I quote: "The top leadership and investigators of the FBI and the Justice Department have politicized the sacred investigative process in favor of Democrats against Republicans, something which would have been unthinkable just a short time ago. Rank and file are great people," end of quote.

Do you agree that, quote, "the top leadership and investigators of the FBI and the Justice Department have politicized the sacred investigative process in favor of Democrats and against Republicans," and can you explain why you feel whatever you feel?

Ms. Page. No, sir, that's not been my experience. My experience

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

is as I've described it, which is that every person to a person, there are 36,500 of us, and we all care about doing things the right way.

That is the reason that we have the authority that we have as the FBI to show up at your door in the middle of the night and to knock on it and to hope that you open. And the reason that we are able to do that is because we have a reputation for honesty and integrity.

And if we cannot continue to do that, if people question our motives and people question why we are showing up at their door in the middle of the night, we are all unquestionably less safe because of it.

Mr. Cummings. Tell me, why did you become an FBI agent?

Ms. Page. So I've been a lawyer, sir, for the last 12 years. I am one of those nerdy kids who at 14 knew I wanted to be a lawyer, knew I wanted to serve be a public servant. I went to a public school for law school in order to have less debt and lived at home so that I could not sort of take the route of a private sector job, because I have always wanted to serve my country.

Mr. Cummings. I take it this has been a very painful experience.

Ms. Page. It has, sir.

Mr. Cummings. Do you want me to pause for a minute?

Ms. Page. I'm fine.

Mr. Cummings. Throughout your career at the FBI and DOJ, are you aware of any instances of the FBI and the Justice Department conducting investigations in favor of any party and against another?

Ms. Page. No, sir.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Mr. Cummings. On May 22nd, 2018, Republican Members of Congress introduced House Resolution 907. In that, they were requesting that the Attorney General appoint a second special counsel to investigate misconduct at DOJ and the FBI.

At the bottom of the first page, the resolution asserts the following: "Whereas, there is an urgent need for the appointment 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," end of quote.

Ms. Page, do you think that there was inherent bias at the highest levels of DOJ and FBI regarding FISA abuse?

Ms. Page. No, sir, there has not been.

Mr. Cummings. 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?

Ms. Page. No, sir.

Mr. Cummings. 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?

Ms. Page. Sir, no. The actions that we took in that investigation, at least in the time that I've been present for it, are exactly what you want the FBI to do when confronted with the risk that

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

a member of a Presidential campaign may be working in coordination with the Russians.

There is no at the outset of an investigation, we cannot tell you definitively what is happening.

But the notion that we should not have opened the investigation, that we should not have looked into whether or not this is a truthful or accurate allegation is just mind boggling to me. It is precisely what you want your FBI to do, investigate counterintelligence threats to this Nation.

It doesn't mean that anybody has done anything wrong, not at the outset. It means that we need to look. And that's what we did.

Mr. Cummings. 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?

Ms. Page. No, sir.

Mr. Cummings. Are you aware of any actions ever taken to personally target Donald Trump at the highest levels of the Department of Justice or the FBI?

Ms. Page. No.

Mr. Cummings. Is there any evidence that any FBI or Department of Justice official took any actions biased in favor of Clinton or biased against Trump?

Ms. Page. No, sir.

Mr. Cummings. Not James Comey?

Ms. Page. No.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Mr. Cummings. Andrew McCabe?

Ms. Page. No.

Mr. Cummings. Peter Strzok?

Ms. Page. No.

Mr. Cummings. Loretta Lynch?

Ms. Page. Not that I'm aware of.

Mr. Cummings. Sally Yates?

Ms. Page. Again, same answer.

Mr. Cummings. I'm sorry?

Ms. Page. Same answer.

Mr. Cummings. Rod Rosenstein?

Ms. Page. No.

Mr. Cummings. And Robert Mueller?

Ms. Page. No, sir.

Mr. Cummings. Is there any evidence that President Obama ordered any investigative activity that was biased in favor of Clinton or biased against Trump?

Ms. Page. No, sir.

Mr. Cummings. Is there any evidence that President Obama ordered a wiretap of Donald Trump or the Trump campaign?

Ms. Page. There is no evidence of that at all, sir.

Mr. Cummings. None?

Ms. Page. None.

Mr. Cummings. I take it there was some time spent trying to figure out whether there was truth to that.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Ms. Page. At the Department, certainly, yes, sir.

Mr. Cummings. On December 3rd, 2017, the President tweeted, quote: "After years of Comey with the phony and dishonest Clinton investigation and more running the FBI, its reputation is in tatters, worst in history, but fear not, we will bring it back to greatness," end of quote.

Let me ask you something. I want to go back to something that Congressman Cohen asked you. He asked you about a certain period where and he was asking you about the morale. And you said and I'm not I don't remember the exact words. But can you describe, you know, when you I'm sure you all saw these tweets. And when you get things like that, read stuff like that, how do you think it affected the morale?

Ms. Page. I will just say, sir, that that is not consistent with my feeling about Director Comey or anybody that I know or that I've spoken to about how we held Director Comey. He was widely liked. He was respected. I don't know whether he would want to work with me ever again, but I would work for him anywhere he went any time in my life. He is a man of extraordinary intelligence and integrity, and it was a total pleasure to learn from him.

Mr. Cummings. Do you agree with the President's statement that the FBI's reputation is in tatters and is the worst is the worst in history?

Ms. Page. Well, it is now.

Mr. Cummings. And why do you say that?

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Ms. Page. Because we continue to be a political punching bag. Because some private texts about our personal opinions continue to be used to as a broad brush to describe the entire activity of 36,500 individuals. Because we have been caught up in a place that we never could have possibly imagined, because all of us did the job that was asked of us.

Mr. Cummings. Is that painful?

Ms. Page. It's horrendous, sir.

Mr. Cummings. Does it make your job harder to do?

Ms. Page. Yes, it does.

Mr. Cummings. How so?

Ms. Page. Well, it's the very point that I was making. If we cannot be trusted to call on you, if we cannot be trusted to protect confidential human sources, then we need to get out of the law enforcement business. Because if we cannot be trusted to keep secrets, if we cannot be trusted to believe that what we do we do for the right reasons, then we have a very big problem in this country.

Mr. Cummings. Do you agree with the President's characterization that the Clinton investigation was, quote, "phony and dishonest"?

Ms. Page. I would welcome the President to point out what we should have done differently in that investigation, what the evidence would have shown, how we would have prosecuted beyond a reasonable doubt, given the evidence before us. I would welcome a conversation with President Trump about that.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

I am really tired of hearing all of the things that we should have done with nobody actually demonstrating to me why that would have resulted in a different conclusion with respect to the prosecution of Mrs. Clinton.

Mr. Cummings. In your opinion, what kind of impact do statements like this have on the morale

Ms. Page. They're demoralizing.

Mr. Cummings. of the rank and file?

Ms. Page. They're demoralizing, sir.

Mr. Cummings. And what is the impact of statements like these on the public's confidence in the FBI and how does that impact our national security?

Ms. Page. I'm not sure I can expand on that further than I already have, sir.

Mr. Cummings. Let me say this. I don't have anything else, but again, I think I just want to defend the truth. And were you about to say something?

Ms. Page. I was going to say, so do I, sir.

Mr. Cummings. And I believe that. I believe that. And I think what I've been trying to get to is the bottom line.

You know, when I listen to some of the questioning, I try to figure out where are we going with all of this. And it seems to me when you told me and this body, this group of people, about your feelings with regard to Russia, it makes it even more urgent that we get to the bottom line or we won't have a democracy.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

And I want to thank you for your service. Going through difficult times is difficult, but in the end I think if you survive it you come out a stronger person.

Ms. Page. Let's hope so.

Mr. Cummings. And I want to I do thank you for your service and thank you for your testimony.

Ms. Page. Thank you.

Mr. Cummings. All right.

[Recess.]

Mr. Parmiter. Let's go back on the record. It's 4:43 p.m.

BY MR. PARMITER:

Q Ms. Page, I appreciate you bearing with us. It's been a long day. We just have a couple more questions to ask.

A No problem.

Q Are you aware whether during the investigation, the MYE investigation, there was any evidence that Secretary Clinton or someone on her behalf had transmitted classified material other than by email?

A How do you mean?

Q For example

A Like a text or something or

Q by fax.

A Oh.

Q Or, you know, either Ms. Clinton herself or someone on her behalf.

A I don't know. I'm sorry.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Q So you wouldn't know whether or not she directed someone to do so?

A None of this is ringing a bell. I'm not saying that someone wouldn't have that information. I just none of this sounds familiar to me.

Q Okay. Are you generally familiar with something called the President's Daily Brief?

A I am.

Q And is that document generally classified?

A It is.

Q At what level is it classified?

A It depends on the reporting contained therein, but it is certainly a highly restricted document that, broadly speaking, is classified at the TS level.

Q And would be inappropriate to transmit via fax or unclassified email or to anybody who is not otherwise authorized to view it, correct?

A It could it could go over secure fax. It would depend on what system you were talking about. But in general, yes.

Q Okay. Let me ask you a couple of followup questions also about meetings that were held at the Bureau regarding the Midyear Exam after the case had wrapped.

Did you attend any meetings at the FBI in 2018 regarding the Midyear Exam investigation?

A In all of 2018? Oh, yeah, all the time. Yes. Oh, 2018?

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Oh, I'm sorry. I'm sorry. No, I don't think so. No.

Q When did you leave the Bureau? Do you recall the date?

A May 4th of this year.

Q So I'm not going to I'm just going to show you an email that has been produced by the Bureau.

A Oh, oh, oh, oh. I'm sorry. Yes. So this I can explain. Sorry. Oh, no, what is this? So sorry.

When you talked about meetings at at FBI, I'm thinking about meetings with the Director about the investigation. I sort of managed or sort of ran point, coordinated, I don't know what the right word is, an effort to try to stay on top, however unsuccessfully, of all of the various oh, wait. I am gone at this point. Sorry. That's weird.

Q Right. So this email, just for the record, is a May 17th, 2018, email to a number of folks at the Bureau, including, well, you, even though you had left by this time, correct?

A Right. So my guess is that somebody just cancelled the let me take a step back.

For some period of time, although I was not involved in this after probably May of 2017, for some period of time starting in maybe the winter of 2016 through probably May of 2017, I tried to assist with the coordination within the Office of Congressional Affairs to sort of stay on top of the myriad requests coming from all the different committees for documents and for letters and sort of the congressional response and all of that.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

And so I wasn't in charge of any of it. I just tried to convene a meeting weekly so as to try to not let disparate the disparate people who were responsible for, well, this person's responsible for this portfolio and this one has HPSCI and this one has HOCR and this one, right, so that we were all talking with one voice, we all knew what requests had come in, the responses were consistent, right, we were producing the right stuff to the right committees.

So for a period of time, like I said, probably from Decemberish 2016 through May 2017, I sort of led that effort. That's what this is a I think there was a sort of standing Midyear meeting that was once a week.

I don't know whether this is whether this reflects that, to be honest with you. I just don't know. It seems like it. It's the right personnel who would have been involved in that.

But by the date of this email, which is May 17th, 2018, I was not an FBI employee.

Q Okay. Well, would you say that this is canceling a meeting series?

A That's what it might be, yeah. So

Q And to your knowledge

A And maybe it happened automatically. Like when they disabled my account, right, after leaving, it's possible that yeah, but this would have exactly.

So the message contained here could have been whatever the last time I sent a cancellation. You know, sometimes Outlook saves that

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

last message, because obviously there's no way for me to have typed this when I'm no longer an employee.

Q Correct. So but, as far as you recall, had any meetings of this MYE followup team taken place in 2018?

A No, not to my knowledge. The effort has now been after I left for special counsel, I never picked it back up. And so, to the best of my knowledge, it was people in OCA who have been responsible for convening meetings for congressional response, to the extent ones are happening. I just don't know. I don't have knowledge of it anymore.

Q Okay. And that would have been when you left for special counsel in May of 2017?

A Correct. Correct. I never took my point is when I came back from special counsel, I never took it back up.

Mr. Somers. Since we're at the close of the interview, just to completely switch subjects possibly.

Mr. Meadows. Before you close out, Lisa, you have mentioned that you worked for Andy McCabe. You were probably the closest individual, professionally speaking, that he interacted with. Is that correct?

Ms. Page. Certainly maybe one or two people might be equally close. But yes, I would say we were quite close professionally.

Mr. Meadows. So one of the things that I guess that I'm trying to put my arms around is, you know, as you hear different things communicated by different people, and we've had the opportunity to interview Mr. McCabe previously, but it appears that he, you know, lied

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

to the FBI, lied to the IG, was caught in that, admitted it, and then kind of walked it back as it related to, you know, just some of the story of sharing with The Wall Street Journal, some of the conversation with Matt Axelrod.

How do you I mean, would you characterize that as something that you saw typically over your professional career?

Ms. Page. I am constrained in what I can answer in light of other ongoing investigations, but I can say that I have never seen Andy lie, ever, under any circumstances. I have never seen Andy do anything other than make the right decision and often the hard decision, even when it has been personally unpopular or professionally unpopular.

I have consistently seen him make hard decisions because they were the right thing to do. I have consistently seen him be the fly in the ointment in the NSC under President Obama or in this administration because it was the right thing to do.

The findings of the inspector general are entirely inconsistent with the man I know and have worked very closely with for the last 4 years of my career. And I cannot I simply don't agree with those conclusions, sir.

Mr. Meadows. So and I thought that that's where you would go. And I guess my question is as it relates to some of the factual things that have now at least come out and been reported.

So do you see this as more of and at odds with Director Comey and Andy McCabe? I mean, where is the conflict? Because, I mean, both of them can't be telling the truth. And obviously memos that you were

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

talking about earlier tangentially may or may not relate.

Ms. Page. So I really I really can't answer substantively, because it's the subject of other ongoing activity.

Mr. Meadows. So would it be fair to characterize that you believe someone else is not telling the truth?

Ms. Page. No. I actually I am you'll be surprised to know that I develop strong feelings about things. And I am actually quite confident, although I've spoken to neither Mr. McCabe nor Mr. Comey about this, I have a strong feeling that I understand where the disconnect happened with respect to what Director Comey thought they were talking about and with respect to what Mr. McCabe was talking about.

Mr. Meadows. So you think it may be just a big misunderstanding?

Ms. Page. I do, sir. I do.

Mr. Meadows. It's a pretty big one and you might and so I guess where does you know, I mentioned earlier Mike Kortan. Where does he come into all this? Because all of a sudden

Ms. Page. Yeah.

Mr. Meadows. And what is troubling with me is knowing that there are a number of unauthorized disclosures that happened

Ms. Page. I disagree.

Mr. Meadows. Hold on. That happened in Congress and happens at times in other agencies.

Knowing that, as we've been involved in this, that the FBI or specifically DOJ has done a very good job of putting a narrative out

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

there that sometimes is not based on truth, I guess the question I have is, what role did Mike Kortan, Director Comey, Andy McCabe play in the matter that we have where we have to question a high ranking FBI official that has now retired?

Ms. Page. Yes. I really want to answer that question, because it is as good one. Give me a moment, please.

[Discussion off the record.]

Ms. Page. Mr. Meadows, I agree with you that it is curious that there is no reference in the IG report at all to Mr. Kortan, particularly in light of what I reported, which is that both interactions with the reporter were done with Mr. Kortan, in coordination with Mr. Kortan and with Mr. Kortan at my side. So I cannot explain why there is no there is no reference to Mr. Kortan in any testimony, if he did give any, in the IG report.

Mr. Meadows. So would it be prudent for this committee to have Mr. Kortan come and testify to perhaps add some clarity in terms of what he said, didn't say?

Ms. Page. I think that the U.S. Attorney's Office is probably adequately equipped to answer that question sufficiently, sir.

Mr. Meadows. All right.

Ms. Page. Particularly, honestly, it's so tangential to

Mr. Meadows. The core issue.

Ms. Page. Right.

Mr. Meadows. Okay. So there seemed to be great consternation and that's me characterizing the decision to

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

recuse himself, Mr. McCabe's decision to recuse himself in the final days of, I guess, when we reopened the MYE. It was apparent that he did not necessarily agree with that decision to recuse. Would you agree with that?

Ms. Page. I would agree with that, and I agreed with him. I did not think there was a basis to recuse.

Mr. Meadows. So was it that he was encouraged to recuse because of the appearance? Or why do you think he was encouraged to recuse himself? I mean, I've read a lot of back and forth as it relates to that, and it's still an unanswered question for me.

Ms. Page. I know the IG report has an entire chapter on this. I haven't read it. That was ultimately what Director Comey asked him to do, and so

Mr. Meadows. But I guess did Director Comey ever tell him or you why he asked him to recuse himself?

Ms. Page. I have never spoken to Director Comey about it. He did Director Comey did speak to Mr. McCabe about it, obviously, because he instructed him ultimately to or asked that he ultimately Director Comey asked that Andy ultimately recuse. And I believe it's based on a sort of appearance, but I just I simply think that was misguided and ill timed.

Mr. Meadows. So the reason why I ask is because you have now you have an Andy McCabe that recused himself, you have an Andy McCabe that's been accused of lying several times to different people within the Department. And what you're saying, that those are two unrelated

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

events?

Ms. Page. Oh, wholly, yes.

Mr. Meadows. And so one is perception; the other is perhaps more a direct action of Mr. McCabe?

Ms. Page. I guess so, yeah.

Mr. Meadows. All right. Yield back.

And for the record, I want to thank you for being cooperative. I want to thank you for doing the very best to answer as many questions as possible. And I think I speak on behalf of the entire committee, that your willingness to share transparently has served you well and has certainly served this country well.

Ms. Page. Thank you, sir.

BY MR. BAKER:

Q Did you say Mr. Kortan was present at your side when you were having discussions with The Wall Street Journal?

A Correct.

Q And Mr. Kortan's position at the FBI was what?

A He was the head of our Public Affairs.

Q He's an assistant director of the Public Affairs Office?

A Correct.

Q So did you, by the fact he was present, believe that this was an authorized and approved

A It was an authorized. This is why we didn't get to it, but it was 100 percent an authorized disclosure. I mean, the whole premise behind the IG report in the first place I take issue with,

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

because I was authorized by Deputy Director McCabe and by Mike Kortan to engage with the reporter on this topic.

And so, you know, the IG has come up with a different conclusion with respect to McCabe's inherent authority to authorize it in the first place, but I simply disagree with that.

Q So you believed it was authorized?

A Yes. It was authorized, as far as I'm concerned.

Q You indicated in a previous round when there was a discussion about McCabe memos that Deputy Director McCabe had made some memos of his own. I had asked whether he had ever made any memos regarding his conversations or interactions with Director Comey, and you said, well, he took notes.

I was referring to any kind of documentation he made for proof or clarity later on as to what he was told, not just taskings.

A Got it. No, I am not aware of him ever having taken a memo as you have just described it with respect to his engagement with Director Comey. I just wanted to clarify that like every single day he likely was taking notes with respect to his interactions with Director Comey in the course of his official duties.

Q And did you have conversations with Mr. McCabe that made you believe that he thought Director Comey instructed him or wanted him to have these conversations with The Wall Street Journal, even though there weren't memos to that effect or notes to that effect?

A I'm sorry, ask me that question one more time.

Q Did you ever have a conversation with Mr. McCabe about the

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

whole Wall Street Journal issue regarding whether the Director knew about it?

A Oh, no, we did not have any conversations about that. But the Director need not have known about it. The deputy had his own inherent authority to engage with the media.

So it's not something my point is, it's not something he necessarily would have needed to seek the Director's authority or approval for.

Q Okay. Is Mr. Kortan still employed with the FBI?

A No, he's not.

Q And do you know why he left?

A Because he was long eligible to retire.

Q So he just retired?

A Yes.

Q Okay. One final question on an unrelated topic.

You had indicated your role as an assistant to Mr. McCabe was to go to different meetings and sort of bridge back what had happened in these meetings or something like that.

A Yeah.

Q Are you aware of any meetings or did you hear discussion about the sophistication level of Secretary Clinton as it related to handling of classified information or emails and communications in general, that she either was or was not sophisticated, and that would have been part of the discussion regarding charging?

A I I'm not sure if I can tie it to your last statement.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

It's possible. But I was a part of I was a part of the sort of general briefings that the Director or the Deputy Director had as we gathered more evidence in the Clinton investigation.

And I don't remember whether it came out of Secretary Clinton's interview or interviews with some of her senior staff or both.

But yes, we did come to learn that Secretary Clinton was not particularly sophisticated when it came to technology and the use of computers. I mean, she was not a sophisticated cyber user.

Q Was there ever any evidence or any dissent in opposition to that view?

A Oh, not to my knowledge, no.

Q You had mentioned earlier that Mr. Priestap

Mr. Somers. Can I ask one question?

Mr. Baker. Sure.

BY MR. SOMERS:

Q What about her sophistication in terms of knowledge of classification and what classified documents looked like?

A She had that knowledge. Yeah. I don't

Q Well, because in her the 302 of her interview, for instance, she says that she did not wasn't aware of what the C in parentheses at the beginning of a paragraph meant.

A Yeah. I mean, that's not that doesn't shock me. I mean, without the without the rest of the sort of header and footer and cover page.

Should she have? Yeah, probably. But like on a single line

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

randomly in the middle of an email, I don't find that terribly offensive to my sensibilities, but

Q I'm just bringing that out as an example of whether what you saw as her level of understanding of markings on documents and things.

A No, I think she I have no personal knowledge of this, but given her history in government and her position, I would expect her to have had, you know, some sophistication with respect to classification.

Mr. Parmiter. On what did you base the conclusion that she was not particularly technologically sophisticated?

Ms. Page. I think both based on her statements about her understanding on how a server works and my understanding and I never read her 302, but my understanding is at least I don't think I did is based on what was briefed to the deputy and the Director, was like as technical questions were asked of her, she lacked the ability to answer them, as well as other people who were interviewed sort of had consistent statements with respect to her technical sophistication.

BY MR. BAKER:

Q Are defensive briefings just for Members of Congress, or would Cabinet secretaries also get them if they were potentially targeted?

A Oh, certainly. I mean, any a defensive briefing would go to any person in a position to have sensitive national secrets and/or

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

interactions or exposures with people from foreign countries.

Q Do you know if Secretary Clinton had any in her role as Secretary of State?

A Defensive briefings?

Q Yes.

A I have no idea, sir.

Q Is it likely that she could have?

A Entirely plausible, sir. But it would again, like there's a difference between a general CI brief, which is you're traveling to this country, beware of these things, versus, you know, we understand that Joe Smith has reached out to you to schedule a meeting, you should be aware that intelligence suggests that Joe Smith is blah, blah, blah.

Q So

A That's the latter is a defensive briefing.

Q Sure. In addition to the specifics of who might be trying to do something to you as the Congressperson or the Cabinet member, is there a boilerplate that would almost go with any defensive briefing as to the how a hostile actor might try to exploit your position, exploit a meeting?

A I would expect so, but I don't have personal knowledge of it.

Q Would you guess if there was that part of that would be that email communications and communications in general and weaknesses in networks would be an area for exploitation?

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

A I'm not really sure. You know, that might go to a broader CI briefing, a broader counterintelligence briefing, a warning about spear phishing, a warning about, you know, how cyber networks might be compromised.

But in a defensive briefing, to the best of my knowledge, in a defensive briefing it is usually much more specific and pointed information that we have.

So general CI brief, sure, you might talk about how different foreign actors use different tools or vectors to do their work. But if you were conducting a defensive briefing, in my view, it's more likely that it would be specific and sort of narrowly described to the specific threat or risk that you're briefing on.

Q So you don't know if someone who received a lot of defensive briefings would have their sophistication of weaknesses in email and servers enhanced by being told such a thing in defensive briefings?

A No, I don't know. I don't know.

Q Finally, you'd mentioned earlier that Mr. Priestap was AD Priestap was kind of a worrier. What was his relationship with Mr. Strzok? I know he would be Mr. Strzok's boss at the time that he's the AD.

A Yes. They were very close.

Q Very close.

A They professionally. I mean, they both had a lot of respect for each other. Both have had long careers in the Counterintelligence Division. And so both respect each other's

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

instincts and knowledge and experience working CI targets. So they had a very strong professional relationship.

Q So no work tensions or

A No, sir.

Q issues about decisions made?

A No, no. No, sir.

Q Okay, thank you.

Mr. Somers. I'd like to ask you about an email chain. There's only one email on the chain in particular, but you can take a look at that document. I'm mostly interested in the email from Peter Strzok to you at 7:10 p.m.

Ms. Page. One second.

Mr. Somers. That email says: We need all of their names to scrub and we should give them ours for the same purpose.

My first question is, who is "their" and "them," to your knowledge?

Ms. Jeffress. It's a long article. Do you know which part of the article this relates to?

Mr. Somers. I don't know which part of the article in particular it relates to. I'm just looking at the email from Strzok to Ms. Page, and it looks like

Ms. Page. I don't

Mr. Somers. she understood at the time, at least, what that was.

Ms. Page. I'm not sure. I'm sorry.

COMMITTEE SENSITIVE

Mr. Somers. Okay. What about "scrub"?

[5:13 p.m.]

Ms. Page. I don't know what we're referring to, but that's usually a "let's see if we have any information in our holdings relating to these individuals." But I don't know which individuals we're talking about here.

BY MR. SOMERS:

Q Well, I took "their" and "them" one question on this "their" and "them" to mean another agency and not I took it to be a list of their names. Could that not be the people in the article, not names of people in the article. I took it to be an agency or a subagency.

A Oh, I don't I would have taken it to mean something in the article, but I don't I don't remember this particular email as I sit here today.

Q If you look up to the second email from the top: That's what Bill said. I suggested we need to exchange our entire list.

A I'm not positive, sir. I'm sorry.

Q Okay. All right.

Mr. Somers. I think that's all we have for this. All right. So I think that will conclude our interview. And I want to thank you again for appearing both on Friday and again today. And that'll close the interview.

Ms. Page. Thank you.

[Whereupon, at 5:14 p.m., the interview was concluded.]

Certificate of Deponent/Interviewee

I have read the foregoing pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

INTERVIEW OF: TRISHA B. ANDERSON

Friday, August 31, 2018

Washington, D.C.

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

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

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

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

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

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

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

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

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

5 Mr. (6)(6), (b)(7)(C) per FBI FBI, Office of the General
6 Counsel.

7 M (6)(6), (b)(7)(C) per FBI Associate General Counsel,
8 FBI, OGC.

9 Mr. (6)(6), (b)(7)(C) per FBI Associate General Counsel,
10 FBI, OGC.

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

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

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

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

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

21 Mr. (6)(6), (b)(7)(C) per FBI FBI Congressional Affairs.

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

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

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

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

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

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

20 Ms. Anderson. Yes, I do.

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

1 and you are appearing today with counsel.

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

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

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

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

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

21 Ms. Anderson. Yes, I do.

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

24 Ms. Anderson. Yes.

25 Mr. Parmiter. Witnesses who knowingly provide false

COMMITTEE SENSITIVE

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

4 Ms. Anderson. Yes.

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

7 Ms. Anderson. No.

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

17 Do you have any questions before we begin?

18 Ms. Anderson. No, I do not.

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

21 EXAMINATION

22 BY MR. BAKER:

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

25 A That is correct.

COMMITTEE SENSITIVE

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

3 A That's right.

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

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

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

11 A For a short period of time, yes.

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

13 A Roughly the month of January 2018.

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

17 A For that month, yes.

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

21 A There are three.

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

24 A That is correct.

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

1 Security Law Branch?

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

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

7 A That is correct.

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

9 A Three years.

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

12 A At the Treasury Department.

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

16 A My whole tenure at the FBI?

17 Q At the FBI.

18 A That is correct.

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

23 A Yes.

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

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

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

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

7 A At a supervisory level, yes.

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

12 A That is correct. That is correct.

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

17 A That is correct.

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

24 A That's exactly right.

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

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

3 A That's right.

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

7 A That's right.

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

11 A He reported to the Deputy Director.

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

14 A That is correct.

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

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

18 Q Okay.

19 A And then it became Andy McCabe.

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

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

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

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

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

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

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

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

17 Mr. (b)(6), (b)(7)(C) per FBI That is correct.

18 BY MR. BAKER:

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

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

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

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

5 A That is correct.

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

8 A That is correct.

9 Q Okay. Were any of these agent attorneys?

10 A No.

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

13 A They had other responsibilities.

14 Q Other responsibilities.

15 A In particular, the Unit Chief did.

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

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

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

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

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

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

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

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

24 A That is correct.

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

1 you're allowed in your --

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

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

6 A That is correct.

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

9 A That's right.

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

12 A That's right.

13 Q But she physically sat somewhere else?

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

16 Q Okay.

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

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

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

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

1 A That is correct.

2 Q And they were done by whom?

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

4 Q Okay. So --

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

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

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

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

21 A That is correct.

22 Q -- to her superiors for your consideration?

23 A That's right.

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

1 A That's right.

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

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

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

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

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

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

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

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

6 A That's right.

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

10 A That is correct.

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

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

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

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

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

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

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

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

24 A No.

25 Q -- to include other people? Okay.

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

2 Q So how did you come to know or learn about Midyear
3 Exam? When did you learn it was open? How were you told --
4 Mr. Breitenbach. Actually Mr. Baker, can I just step in
5 real quick?

6 BY MR. BREITENBACH:

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

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

13 Q Okay.

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

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

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

23 Q Okay.

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

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

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

7 Q And who was that Unit Chief?

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

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

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

12 BY MR. BREITENBACH:

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

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

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

19 A That's right.

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

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

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

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

9 A Yes, she was a member of --

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 A That is correct.

16 Q Okay, thank you.

17 BY MR. BAKER:

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

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

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

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

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

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

21 A That is correct.

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

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

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

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

4 BY MR. BAKER:

5 Q And then who would have been the AD?

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

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

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

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

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

3 Q What had you heard about the concerns?

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

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

11 A My understanding was that he was aware.

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

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

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

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

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

4 A Yes. Lisa was a terrific lawyer.

5 Q Okay. And you got along with her?

6 A I did.

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

13 A The meetings with Director Comey?

14 Q Yes.

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

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

19 A Yes, from time to time I did.

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

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

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

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

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

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

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

1 lawyer?

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

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

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

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

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

19 Ms. Anderson. So I never --

20 M (b)(6), (b)(7)(C) per FBI Ms. Anderson, before you answer. For this
21 line of questioning for today, our understanding of the
22 Department's position as of right now is that if you know
23 someone not to be an SESer at the Department of Justice that
24 you discuss that person but not identify them by name.

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

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

5 BY MR. BAKER:

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

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

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

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

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

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

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

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

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

1 she have interacted with at the Department?

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

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

7 A That's right.

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

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

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

19 A Not being heeded by whom?

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

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

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

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

9 A I don't recall there being anything.

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

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

19 However, from what I saw and from wh (b)(6), (b)(7)(C) per FBI -- I'm
20 sorry, from what Attorney No. 1 told me, it fell within the
21 ambit of the natural type of tension that arises in any case
22 between prosecutors and investigative personnel.

23 Q Have you ever been a prosecutor?

24 A No, I have not.

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

1 you are aware of or maybe worked with prosecutors?

2 A That is correct.

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

7 A That is correct.

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

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

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

24 A Sometimes, yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 A My recollection is from the IG report.

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

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

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

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

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

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

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

21 A That is correct.

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

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

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

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

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

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

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

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

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

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

7 A I have no idea.

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

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

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

16 BY MR. BREITENBACH:

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

19 A No, I don't know.

20 Q But you are --

21 A Is there something specific --

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

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

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

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

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

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

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

24 Q Okay, thank you.

25 A The inspection division within the FBI handles a

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

3 BY MR. BAKER:

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

6 A That is correct.

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

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

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

19 A From his counsel, yes.

20 Q And who was the counsel?

21 A I don't recall --

22 Mr. Herrington. Is that person an SES?

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

1 BY MR. BAKER:

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

4 A That is correct.

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

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

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

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

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

22 A That is correct.

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

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

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

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

8 A That is correct.

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

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

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

19 A That is correct.

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

23 A Right.

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

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

6 A I was not aware of any such concerns.

7 BY MR. BREITENBACH:

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

12 A No.

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

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

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

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

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

1 A I don't know.

2 Q You don't know?

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

5 Mr. Breitenbach. Correct.

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

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

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

13 BY MR. BREITENBACH:

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

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

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

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

23 Mr. Breitenbach. Yes, sir.

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

1 Ms. Anderson. No.

2 BY MR. BREITENBACH:

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

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

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

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [10:58 a.m.]

2 Ms. Anderson. Could you repeat your question?

3 BY MR. BREITENBACH:

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

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

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

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

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

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

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

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

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

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

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

24 A I have no idea.

25 Q All right. Thank you.

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

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

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

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

10 BY MR. PARMITER:

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

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

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

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

19 A An email exchange.

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

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

24 A Yes.

25 Q And Jim would be Jim Baker?

1 A I assume so.

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

3 A I presume so.

4 Q Okay.

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

8 A Yes.

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

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

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

15 A Yeah, that's among the reasons.

16 Q What are some of the other reasons?

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

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

22 A No.

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

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

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

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

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

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

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

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

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

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

8 A That's correct.

9 Q Okay.

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

12 A I believe it was Associate Deputy Attorney General.

13 Q Okay. And Mr. Trainor?

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

16 Q Okay.

17 BY MR. BAKER:

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

20 A Yes, I did.

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

23 A Yes, I was.

24 Q Were you also given a polygraph exam?

25 A Yes, I was.

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

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

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

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

15 Q Okay.

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

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

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

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

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

9 A That's correct.

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

14 A No.

15 Q Thank you.

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

18 [Recess.]

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

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

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

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

3 Ms. Anderson. Okay.

4 EXAMINATION

5 BY MS. KIM:

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

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

10 A I read it. Yes.

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

15 A Yes.

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

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

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

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

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

1 the allegations in that classified matter remain unverified.

2 Is that also your understanding?

3 A Yes.

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

6 A No.

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

9 A Not that I'm aware of.

10 Q Did George Toscas?

11 A Not that I'm aware of.

12 Q Did Stu Evans?

13 A Not that I'm aware of.

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

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

22 Q He did so voluntarily. Is that correct?

23 A Uh --

24 Q Sorry. Let me be more precise with that question.

25 The Inspector General's report represents that

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

4 A That's my understanding, yes.

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

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

9 Q Thank you.

10 BY MR. MORGAN:

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

15 A None.

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

19 A That's correct.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 A No.

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

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

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

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

6 A No.

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

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

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

19 A No.

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

23 A No.

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

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

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

7 A No.

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

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

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

18 A No.

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

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

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

1 A No.

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

5 A I did not.

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

8 A Yes.

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

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

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

18 A Not to my knowledge.

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

22 A Not to my knowledge.

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

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

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

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

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

10 A No.

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

13 A Yes.

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

17 A Yes.

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

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

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

1 any kind of improper --

2 A No.

3 Q -- behavior? Thank you.

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

7 A I was not an investigator.

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

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

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

17 A No.

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

20 A Okay.

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

1 successful?

2 A Could you say that again?

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

7 A In my experience, yes.

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

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

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

18 A Yes.

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

21 A Yes.

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

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

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

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

11 A No.

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

14 A Yes.

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

17 A Which emails are you referring to?

18 Ms. Kim. The emails on the server.

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

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

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

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

10 Ms. Kim. That's correct.

11 Mr. Morgan. Correct.

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

14 BY MR. MORGAN:

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

17 A No.

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

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

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

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

4 A No.

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

7 A No.

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

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

22 A Yes.

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

1 A Uh-huh.

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

5 A No.

6 Q Again --

7 A Evidence --

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

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

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

14 A No.

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

18 A No.

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

24 Is that your understanding?

25 A That was consistent with my experience, yes.

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

4 A Yes.

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

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

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

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

16 A The FBI team, yes.

17 Q Correct.

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

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

23 Q And why is that?

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

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

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

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

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

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

18 Q As a general matter.

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

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

1 A Yes.

2 Q Why is that, in your experience?

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

8 Q Yes.

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

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

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

16 BY MS. KIM:

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

19 A Okay.

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

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

25 Q At the point where the Justice Department and the

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

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

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

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

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

18 BY MS. KIM:

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

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

25 Q When there were disagreements between the FBI and

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

4 A Yes.

5 Q -- the Justice Department and the FBI?

6 A Yes.

7 BY MR. MORGAN:

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

10 A No.

11 Q -- or any other improper considerations?

12 A No.

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

16 A I was not aware of any such circumstances.

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

20 A Not to my knowledge.

21 Q What about Deputy Attorney General Sally Yates?

22 A Not to my knowledge.

23 Q Matt Axelrod?

24 A Not to my knowledge.

25 Q John Carlin?

1 A Not to my knowledge.

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

4 A No.

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

8 A Yes.

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

12 A Yes.

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

17 A Yes.

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

21 A Yes.

22 Q -- not because of any political bias?

23 A Correct.

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

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

6 Who drafted the statement initially, to your knowledge?

7 A The former Director, Mr. Comey.

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

10 A The former Director.

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

14 A No.

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

18 A No.

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

21 A I am not aware of anyone else.

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

24 A Yes.

25 Q Do you recall any member of the team expressing

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

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

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

6 Mr. Morgan. The final wording.

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

8 BY MR. MORGAN:

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

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

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

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

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

25 A No.

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

4 A No.

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

8 A Correct.

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

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

14 BY MR. MORGAN:

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

20 A Okay.

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

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

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

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

10 Q Do you know why?

11 A Why --

12 Q Why did they?

13 A Why did they make the recommendation?

14 Q Correct.

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

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

21 A I'm sorry. Say that again.

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

25 A No.

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

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

7 Q Were any attorneys under your supervision involved?

8 A Yes.

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

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

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

18 A Correct.

19 Q That was Director Comey, correct?

20 A Correct.

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

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

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

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

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

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

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

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

19 A Yes.

20 Q And the Justice Department --

21 A That's my understanding, yes.

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

1 A That's my understanding, yes.

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

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

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

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

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

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

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

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

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

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

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

10 A No.

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

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

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

21 A That's correct.

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

1 A Not to my knowledge.

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

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

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

16 A Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

13 Is this conclusion consistent with your experience?

14 A Yes.

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

18 A No.

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

23 A No.

24 Q Was your opinion influenced by political bias?

25 A No.

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

2 A Yes.

3 BY MS. KIM:

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

12 Did you work on that investigation?

13 A Yes.

14 Q What was your role in that investigation?

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

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

20 A In late July of 2016.

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

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

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

1 questions about the FBI's investigative techniques.

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

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

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

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

12 A No.

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

16 A No.

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

20 A Not to my knowledge.

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

23 A No.

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

1 crime that he or she did not commit?

2 A No.

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

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

11 A Not to my knowledge.

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

14 A No.

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

18 A No.

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

22 A No.

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

1 A No.

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

6 A No.

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

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

14 Q And when --

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

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

21 A No.

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

25 A No.

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

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

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

7 A Yes, among other things.

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

11 A Yes.

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

16 A Correct.

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

20 A No.

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

25 A Not to my knowledge.

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

4 A They would've declined to participate.

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

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

10 A Not to my knowledge.

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

13 A No.

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

16 A No.

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

20 A No.

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

24 A No.

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

1 open that investigation. Is that right?

2 A Correct.

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

6 A No.

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

10 A No.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [12:09 a.m.]

2 BY MS. KIM:

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

6 A Yes.

7 Q Why?

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

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

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

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

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

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

6 A No, I did not.

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

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

10 Q And how would you describe that content?

11 A My --

12 M (b)(6), (b)(7)(C) per FBI May we confer with the witness for just a
13 quick moment? Thank you.

14 [Discussion off the record.]

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

22 BY MS. KIM:

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

1 A I don't know.

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

5 A Not necessarily.

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

9 A Not to my knowledge.

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

15 A Not to my knowledge.

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

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

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

23 A Not to my knowledge.

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

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

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

7 A I don't know.

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

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

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

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

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

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

4 A Could you state your question again?

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

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

11 Ms. Anderson. It could, yes.

12 BY MS. KIM:

13 Q Thank you.

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

17 A Correct.

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

20 A Yes.

21 Q Was Peter Strzok?

22 A Yes.

23 Q Was Lisa Page?

24 A Yes.

25 Q Was Andrew McCabe?

1 A Yes.

2 Q Was Jim Comey?

3 A Yes.

4 Q Was Jim Baker?

5 A Yes.

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

9 A Yes.

10 Q Was Loretta Lynch?

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

13 Q Was Sally Yates?

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

15 Q Was John Carlin?

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

18 Q Thank you.

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

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

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

COMMITTEE SENSITIVE

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

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

5 A It was probably slightly more than 10.

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

9 A No.

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

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

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

21 A I don't know.

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

25 A Not to my knowledge.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

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

3 A No.

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

6 A No.

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

10 A No.

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

15 A No.

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

17 A No.

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

20 A No.

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

23 A No.

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

COMMITTEE SENSITIVE

1 on June 8th, 2017?

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

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

8 A I don't recall, but --

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

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

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

20 M (b)(6), (b)(7)(C) per FBI May we confer with the witness, please?

21 Ms. Kim. Yes, please.

22 Mr (b)(6), (b)(7)(C) per FBI Thank you.

23 [Discussion off the record.]

24 Mr (b)(6), (b)(7)(C) per FBI Thank you. The FBI is instructing the
25 witness not to answer the last question asked or any other

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

4 Thank you.

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

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

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

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

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

COMMITTEE SENSITIVE

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

3 Ms. Kim. Thank you.

4 BY MS. KIM:

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

8 A His oral or written --

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

11 Mr. Herrington. The facts --

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

13 Mr. Herrington. The Russia investigation or --

14 BY MS. KIM:

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

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

21 Q Yes.

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

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

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

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

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

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

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

14 [Recess.]

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

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

COMMITTEE SENSITIVE

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

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

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

12 BY MR. BAKER:

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

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

22 A That is correct.

23 Q Could you elaborate on what those parts were?

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

1 one that I remember sitting here today, though.

2 Q And what is that?

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

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

13 Ms. Anderson. That is correct.

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

15 Ms. Anderson. That is correct.

16 BY MR. BAKER:

17 Q Would you clarify that for us?

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

COMMITTEE SENSITIVE

1 overblown.

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

5 A Correct.

6 Q -- just somehow affecting the election?

7 A Correct.

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

11 A No.

12 Q Okay. Just other statements of --

13 A Concerning the investigation.

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

16 A No.

17 Q Okay. In your role --

18 BY MR. BREITENBACH:

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

21 A No, I did not.

22 BY MR. BAKER:

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

COMMITTEE SENSITIVE

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

3 A Yes, they were.

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

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

11 Q And that's below the SES level?

12 A Below the SES level, that is correct.

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

15 A Correct.

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

18 A No.

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

21 A Correct.

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

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

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

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

14 A That is correct.

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

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

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

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

25 Q Correct.

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

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

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

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

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

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

23 A Correct.

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

1 A Correct.

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

6 A Yes.

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

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

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

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

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

1 be a reason for someone to be discontinued?

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

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

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

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

24 A I believe that is correct.

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

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

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

8 A No.

9 Q Any OGC employees?

10 A No.

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

20 A No.

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

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

3 A Yes, generally speaking.

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

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

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

10 A Yes.

11 Q And what is a climate survey?

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

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

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

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

1 properly given out, that sort of thing?

2 A That's my understanding.

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

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

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

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

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

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

19 Q And the office being the branch?

20 A No, the Office of General Counsel.

21 Q The whole Office of General Counsel?

22 A Yeah, uh-huh.

23 Q Okay.

24 BY MR. PARMITER:

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

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

4 A That is correct.

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

7 A Correct.

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

10 A No.

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

13 A No.

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

17 A That's my understanding.

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

21 A I never met with him, no.

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

24 A I don't know.

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

COMMITTEE SENSITIVE

1 the phone or anything like that?

2 A No.

3 Q Maybe not meet with him?

4 A No.

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

7 A I don't know.

8 BY MR. BAKER:

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

14 A No.

15 BY MR. PARMITER:

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

22 A Correct.

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

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

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

4 A That's my recollection, yes.

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

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

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

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

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

23 BY MR. BREITENBACH:

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

COMMITTEE SENSITIVE

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

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

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

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

23 A Not specifically, no.

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

1 investigative team --

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

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

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

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

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

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

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

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

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

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

8 A Which search warrant affidavit?

9 Q Any search warrant affidavit in the Midyear Exam.

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

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

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

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

25 Q Not hypothetically, but were you?

COMMITTEE SENSITIVE

1 A No, I'm speaking actually. So I don't recall the
2 mechanics of what happened with the search warrant affidavit
3 that we obtained for one of the servers. I do recall with
4 respect to the search warrant affidavit for the Weiner laptop
5 that that search warrant affidavit was circulated by email
6 and that Mr. Baker and I were both on distributions for that,
7 that search warrant affidavit.

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

15 Q Okay. I guess I'm trying to understand the timing,
16 too, with regard to decisions made to obtain legal process,
17 based on predication of the statute that the Department, at
18 the very least, was indicating had some level of
19 constitutional vagueness to it.

20 So at what point did you learn, or do you believe that
21 your attorneys learned, that there was a vagueness, a
22 constitutional question with regard to the Department with
23 regard to the gross negligence statute?

24 A I don't know. I don't know at what point the
25 attorney working for me understood that. She may have

COMMITTEE SENSITIVE

1 already known, because she was an experienced
2 counterintelligence lawyer within the FBI, and she had a lot
3 of experience with those particular statutes. In other
4 words, she may not have learned it in connection with the
5 Midyear Exam case, but with a prior case.

6 Q Would the attorney on the case have reviewed the
7 predication prior to whatever agent who is the affiant on the
8 application, would they have -- would the attorney have
9 reviewed the legal predication prior to submission of the
10 application?

11 A Sorry, prior to?

12 Q Submission of the application.

13 A Are you talking about a particular circumstance, or
14 in general?

15 Q On either of the two search warrants.

16 A I presume that -- I mean, it was in the search
17 warrant affidavit, so I presume it would have been reviewed
18 by -- by the attorney who -- at least with respect to the
19 Weiner laptop, you know, I know she was involved in the
20 review. She forwarded -- as I mentioned, there was an email
21 in which she sent the search warrant affidavit to me and to
22 Jim Baker. So, yes --

23 Q I guess if -- what I'm trying to understand is, if
24 there was a real problem with regard to the particular
25 statute in either the FBI's legal analysis, or the

COMMITTEE SENSITIVE

1 Department's legal analysis, with respect to that particular
2 statute, why are FBI agents submitting affidavits that are
3 relying upon a particular statute that has real potential
4 legal problems, according to the DOJ analysis?

5 A So, as I explained before, there are potentially
6 specific prosecutions that could theoretically be brought
7 that might result in constitutional concerns. However, the
8 statute is not constitutionally invalid on its face and there
9 are many prosecutions that could be brought, theoretically,
10 where intent is proven that would not pose constitutional
11 problems.

12 So, for example, in this particular case, had we had
13 evidence of intent, it's theoretically possible that we could
14 have brought a prosecution, might have brought a prosecution
15 under that statute. I'm not saying that's, you know, what
16 would have happened necessarily, but the statute is not -- it
17 is not the Department's view, as I understand it, the statute
18 is invalid for constitutional reasons in every circumstance.

19 Q Did you believe that the statute required intent?

20 A That was my understanding of the Department's
21 interpretation, yes.

22 Q Knowledge would not have been -- knowledge of the
23 fact that passage of classified information over unsecure
24 means would not have been one of the elements of an offense
25 under 793?

COMMITTEE SENSITIVE

1 A So I don't know. I'm not an expert in this area.
2 I was not the lead lawyer on this case.

3 Q But I think you had testified previously that you
4 consider yourself a national security expert. And this
5 particular investigation is going through the
6 Counterintelligence Division, as you indicated. And
7 mishandling investigations, to my knowledge, are not few and
8 far between, that the Department and the FBI are relatively
9 accustomed to these types of investigations.

10 So what I'm trying to understand is, if you have a
11 statute that is often used by the FBI, you and your
12 attorneys, I would think, would be relatively knowledgeable
13 about the use of that particular statute.

14 A So, as I testified, 793(f) has never been used, to
15 my understanding. In fact, I'm not sure it was my testimony,
16 but I think I agreed in response to a question that Mr. Baker
17 asked me. So 793(f) has never been used before.

18 Q Are you aware of other --

19 A I really don't know how many occasions the issue
20 has ever come up where there could be a fact pattern that was
21 discussed and considered. But more broadly, my job
22 responsibilities included overseeing the legal support to
23 the -- to -- legal advice provided to the FBI on all
24 counterterrorism investigations, counterintelligence
25 investigations, and cyber investigations.

1 And so no, I was not an expert on -- on the specific
2 category of mishandling violations or the particular statutes
3 at issue. That was not my job. My job was to oversee those
4 lawyers, those experts who handled those issues. And one of
5 those experts was the lawyer who worked for me on that -- on
6 the Midyear Exam case.

7 Q So are statutes only good if they are used?

8 A I don't know what that means.

9 Q You just indicated that the statute had never been
10 used. So does that, the fact that the statute -- and I am
11 not stipulating to that. But in the FBI's analysis, I
12 presume, the statute that you are referring to in terms of
13 gross negligence had never been used. So what I am asking
14 is, does that mean that statutes that are never used are no
15 longer good law?

16 A No, not at all. That's not -- I was just trying
17 to -- you had -- I thought you had misinterpreted what I had
18 said in your question, and I was trying to --

19 Q No. I think if part of the legal reasoning as to
20 why the gross negligence statute was not used in terms of a
21 potential prosecution of Mrs. Clinton, if one of the -- if
22 part of that rationale was that it had never been used, then,
23 by extension, one might presume that other statutes that are
24 on the books, if they aren't being used, should not be ever
25 considered as predication for a prosecution.

COMMITTEE SENSITIVE

1 A That's not -- that was not the intent of my
2 statement.

3 Mr. Herrington. That was just a speech. It wasn't a
4 question, so --

5 Mr. Breitenbach. It's not a speech.

6 Mr. Herrington. It was a speech.

7 Mr. Breitenbach. No, it's not a speech.

8 BY MR. BREITENBACH:

9 Q If part of the rationale of not using gross
10 negligence as an element of the prosecution in Mrs. Clinton
11 was that the statute had never been used, then I'm trying to
12 understand. The reasoning is simply because the statute has
13 not been used. So --

14 Mr. Herrington. But the problem is that the witness has
15 testified that she did not undertake that analysis. So she
16 can't answer that question.

17 BY MR. BREITENBACH:

18 Q Okay. So, as the top lawyer for the National
19 Security Law Branch, did you feel that it was, according to
20 your attorney, having not made that analysis --

21 Mr. Herrington. No, it's according to her testimony,
22 sir.

23 BY MR. BREITENBACH:

24 Q Okay. According to your testimony, that you had
25 not made the analysis on the gross negligence statute, that

COMMITTEE SENSITIVE

1 you relied upon whom?

2 A I deferred to the DOJ prosecutors and to the
3 attorney who worked for me. But what my testimony earlier
4 was in terms of the factors about -- that we considered,
5 there were three. It wasn't -- I identified three specific
6 factors in my testimony, and it was the combination of those
7 three.

8 I didn't say that it was any one by itself. I'm not
9 telling you that we had a circumstance before us where the
10 only -- the only factor pointing against prosecution was
11 simply that the statute had never been used before.

12 Q Right. And the other two factors were
13 constitutional vagueness, and what was the third factor?

14 A What was the third one?

15 Q I think for Congress to learn that particular
16 statutes on the books that are still good law are being
17 interpreted by the FBI as essentially not good law any
18 longer --

19 A That was not my testimony.

20 Q Okay. Do you envision 793(f) ever being used to
21 prosecute someone?

22 A That would not be my role. I'm not a prosecutor.
23 As a lawyer, I could tell you that --

24 Q Which -- I'm sorry.

25 A The fact that it's -- it could be constitutionally

1 invalid in particular applications, in particular
2 circumstances, does not necessarily mean that it's
3 constitutionally invalid in every case. And so conceivably
4 there could be a fact pattern that would not implicate those
5 same constitutional concerns. But that question was not
6 before us in this particular case.

7 Q So a constitutionally invalid statute could still
8 be constitutionally applied?

9 A That is correct. There is a difference between
10 statutes that are facially unconstitutional and those that
11 are unconstitutional in their application.

12 Q So what was your understanding in this particular
13 case why 793(f) was constitutionally invalid?

14 A There was no evidence of intent. And you're a
15 little bit overstating it, too. I don't know that there --
16 the Department --

17 Q I was only using your phrase.

18 A That's not what I said. My understanding was that
19 there were constitutional concerns. There has never been a
20 court ruling on this issue. I don't know how definitive the
21 Department's views are on this issue. But there were
22 constitutional concerns that would have been raised by a
23 circumstance where a prosecution was brought where there was
24 not evidence of intent. That's my understanding of the
25 Department's views.

COMMITTEE SENSITIVE

1 Q What are some of the factors that would rise to --
2 would have, I'm sorry, rise to the level of intent with
3 regard to this particular statute?

4 A I don't know. I'm not an expert on this statute.
5 I'm also not a prosecutor. So you'd have to ask the
6 Department about that question.

7 Q Well, I think you said -- you did testify earlier
8 that there was no smoking gun evidence as to Secretary
9 Clinton's intent. So what would have -- what would you have
10 considered smoking gun evidence with regard to her intent?

11 If you said that there was no smoking gun evidence, what
12 would have been that smoking gun evidence with regard to her
13 intent? What are some of the factors that might have shown
14 that smoking gun evidence? Might the -- might the number of
15 classified emails potentially have gone to showing intent?

16 Mr. Herrington. That's a very different question. Are
17 asking what a smoking gun -- which question are you asking,
18 the first one?

19 BY MR. BREITENBACH:

20 Q I think it all falls within the smoking gun. What
21 are the factors that might have been considered within the
22 so-called smoking gun rubric?

23 A An email that the Secretary sent saying, I set up
24 this server for the purpose of sending unclassified
25 information for my convenience, even though I know it's not a

COMMITTEE SENSITIVE

1 secure system. That's an example.

2 Q My second question then, what about the number or
3 the frequency with which someone is emailing classified
4 information over an unsecure means, would that be considered
5 an element of proving intent?

6 A I don't think so, in a circumstance where we --
7 there was no evidence that there was any knowledge that the
8 information was classified. And so, in that kind of
9 circumstance, where there isn't knowledge that the
10 information, no matter how voluminous, is classified, it's
11 not a very powerful argument that it goes to intent.

12 Q We now know that Secretary Clinton did send
13 classified information up to the Special Access Program
14 level. Are you aware what Special Access Programs are?

15 A Yes.

16 Q Could you explain what your understanding of a
17 Special Access Program is?

18 A Not in this setting.

19 Q Would -- should a Secretary of State understand
20 what information is classified or not?

21 A I'm not the sort of person who would be in a
22 position to make that judgment about what a Cabinet-level
23 person should or shouldn't know about classification. My
24 understanding was that the Secretary generally testified in
25 her interview to the FBI that she relied on the judgment of

1 others who staffed her to ensure that information that was
2 received by her was appropriate for the setting in which it
3 was transmitted.

4 Q Okay. What I'm trying to understand, too, is,
5 still going back to the 793 gross negligence offense, I
6 proposed that frequency of emails could be considered an
7 element of the offense. And now what I'm proposing is, and
8 I'm asking you, could the sensitivity of emails also be
9 considered an element of an offense when considering intent,
10 or even gross negligence?

11 A I don't know. In this particular circumstance,
12 our -- the testimony of these witnesses was that they
13 believed that there was -- they did not believe the
14 information to be classified. They believed themselves to be
15 talking around the classified information and, therefore, not
16 to actually be transmitting any classified information. So
17 the facts that you're presenting were simply not present in
18 this particular case.

19 Q What would you advise, as a prior FBI attorney,
20 what would you advise if you, in fact, knew that information
21 was not only classified at an extremely sensitive level, but
22 also was -- you also were aware of the frequency of the
23 emails? What would your advice be if you actually had
24 knowledge, as the attorney on a case, where you saw both of
25 those elements, the frequency and the severity of the

COMMITTEE SENSITIVE

1 classified information, in terms of that kind of information
2 passing over an unsecured server?

3 Mr. Herrington. What would your advice be to whom?

4 BY MR. BREITENBACH:

5 Q To your client, which is essentially the Bureau
6 itself.

7 A I would never be in that circumstance. I was not
8 the kind of -- I was not at the level within the FBI General
9 Counsel's Office where I ever would have been providing
10 advice to an operational division about whether the elements
11 of a particular statute were or were not met.

12 Specifically, in sort of complicated circumstances like
13 the one you're proposing here, it just simply would not have
14 been within the parameters of my responsibility, and I
15 don't -- I have never given advice on that particular issue
16 before.

17 Q But you were part of the executive team where the
18 decision was made to change gross negligence to extreme
19 carelessness. So you are involved in the decision-making, at
20 least from a supervisory level, with regard to a change from
21 a phrase that is legally meaningful to a phrase that is not
22 legally meaningful.

23 A These are two different questions. What -- those
24 are two different questions.

25 Q Well, you were involved on the executive team where

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

1 that change was made. So I'm trying to understand. If you
2 were involved in that decision-making, do you believe that
3 you should have known what the difference was between gross
4 negligence and extreme carelessness?

5 A Sitting here today, I don't know exactly what the
6 precise difference is between extremely careless and gross
7 negligence. Extremely careless is not a legal term of art.

8 Q Correct. But the nonlegal term of art of extreme
9 carelessness was used rather than the legal term of art of
10 gross negligence, which would have been legally culpable.

11 So you were on the executive team that approved -- you
12 know, relied upon that change that Director Comey himself
13 eventually delivered as part of the final exoneration
14 statement. So if -- as the head national security lawyer for
15 the FBI, do you believe that you should have been aware of
16 the difference between extreme carelessness and gross
17 negligence?

18 A No, I don't. There are different ways that people
19 could interpret that, and Director Comey understood it in one
20 way. And obviously, the use of the phrase "extremely
21 careless" has been open to interpretation and confusion after
22 the fact. So, perhaps, that issue is something we should
23 have more carefully considered, we as a group. I'm not
24 saying, you know, there was anything that I did incorrectly
25 here, but -- so I don't know that there is a single meaning

COMMITTEE SENSITIVE

1 of extremely careless. And, you know, you're sort of
2 suggesting that there's some sort of discrete delta between
3 grossly negligent and extremely careless that's susceptible
4 to some sort of legal judgment. But I don't believe that
5 that's -- that's the case. I think the real concern here was
6 that the phrase "extremely careless" was -- has been subject
7 to several competing interpretations and confusion.

8 Q It's competing, because it has no legal effect,
9 whereas gross negligence does. So I'm not suggesting you
10 should have spent more time on understanding this, but what I
11 am saying is -- what I am asking is, with regard to the
12 definition itself of gross negligence, you saw it in one
13 draft of the statement, and then you see it -- you don't see
14 it in another draft, including the final statement of
15 Mr. Comey's, and --

16 A Correct. I had been advised by --

17 Q Real quick, let me just finish the question.

18 So you see it in a draft; you don't see it in the final
19 version. The exoneration of Mrs. Clinton with respect to
20 this investigation stems, it seems, on whether she met the --
21 her activity met the definition of gross negligence in the
22 first draft, but "extreme carelessness" is eventually used.
23 So the entire nonprosecution of Mrs. Clinton seems to revolve
24 around the decision to change that phrase.

25 A I would disagree with that characterization. So

COMMITTEE SENSITIVE

1 the decision not to prosecute Secretary Clinton rests on the
2 absence of evidence of intent in this case. We had been
3 advised --

4 Q Even though intent is not gross negligence. You
5 have negligence and willfulness in the law?

6 A So we had been advised by the Department of Justice
7 that they would interpret that provision, that reference to
8 gross negligence in this particular context to require some
9 evidence of intent. And there was a unanimous view within
10 the FBI team that was involved and knowledgeable about the
11 evidence in this case that there was no such evidence of
12 criminal intent in this particular matter.

13 Q But was there evidence of negligence? Because I
14 think you would agree with me that negligence is different
15 than intent.

16
17
18
19
20
21
22
23
24
25

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

1 [1:50 p.m.]

2 Ms. Anderson. That's correct. I don't know the answer
3 to your question whether there was evidence of negligence or
4 not. It was not a question that was presented because of
5 that interpretation that had been made by the Department of
6 Justice and therefore one that was not focused on.

7 BY MR. BREITENBACH:

8 Q So there was no review as to whether there was
9 negligence in this case?

10 A It was legally irrelevant because the Department of
11 Justice would not have brought a prosecution in a
12 circumstance in which there was simply negligence.

13 Q Was that a unanimous view inside the FBI to --

14 A About what?

15 Q That it was irrelevant because the Department had
16 already determined that gross negligence had constitutional
17 problems and --

18 A I don't know if that was a unanimous view.

19 Q Was that your view?

20 A You're -- was that my view --

21 Q Did you --

22 A At the time? I don't know because it didn't come
23 up. It wasn't a question that we focused upon because there
24 was a absence of evidence of intent in this case, and we
25 understood that there would not be a prosecution, there would

COMMITTEE SENSITIVE

1 not be a prosecution brought by the Department unless there
2 was some evidence of intent, and that evidence was missing
3 here.

4 Q Did you agree with the irrelevance of the gross
5 negligence statute?

6 A I am telling you sitting here today that I do
7 believe that it would have been irrelevant because, because
8 of the view of the Department about the circumstances under
9 which prosecutions could be brought under that statute.

10 Q Did the FBI have any independent duty to determine
11 whether a particular statute was relevant or not in the
12 prosecution?

13 A I didn't say the statute was irrelevant in the
14 case. I am not sure what you are asking.

15 Q I am asking did the FBI have, you're saying that
16 the Department of Justice made a decision that intent was
17 required, even though we have a statute on the books that
18 does not require intent that requires gross negligence.
19 Gross negligence is different than willfulness and
20 intentional conduct.

21 So my question is, did the FBI have an independent duty
22 to determine whether a statute that is still on the books and
23 good law with regard to gross negligence could have been an
24 element of an offense that could have been investigated and
25 eventually prosecuted rather than a whole separate statute

1 that was the only statute that the department was looking at
2 in terms of a potential prosecution.

3 Mr. Herrington. If you know.

4 Ms. Anderson. I don't know even know what your question
5 is. I am sorry. I haven't been able to follow your
6 question?

7 BY MR. BREITENBACH:

8 Q I'm sorry, and that's probably my fault.

9 There are two mishandling statutes that we're
10 discussing, one involving intent and one involving gross
11 negligence. You have testified that the Department had made
12 a determination that it would only, that this particular case
13 could only be prosecuted, if at all, based on the statute
14 pertaining to intent. Is that correct?

15 A No. I don't think that's what I'm saying. I'm not
16 saying that. That was not my understanding. My
17 understanding is that 7, in the right circumstance and, let
18 me back up. I am not DOJ, I'm not a prosecutor. I was not
19 one of the prosecutors on this particular case, so I don't
20 want to speak with any, I don't want to speak about what
21 their views were or were not. But what you just articulated
22 is not consistent with what my understanding of DOJ's views
23 was.

24 Regardless of which provision was at issue, my
25 understanding was that DOJ believed that there had to be

1 evidence of intent whether you bring it under 793 D was it or
2 793 F.

3 Q Were you aware that there was a statute on the
4 books that related to negligence?

5 A Negligence or gross negligence?

6 Q Gross negligence in handling of classified
7 information.

8 A Yes. I was aware of the existence of 793 F.

9 Q Did you ever propose to any of the prosecutors with
10 whom the FBI was engaged with in this investigation that
11 there was a gross negligence statute that may pertain to this
12 fact pattern with regard to Mrs. Clinton?

13 A No, it was no secret. Everybody knew what the
14 basic range of statutes were that we were considering.

15 Q Okay. I think that's all I have.

16 Mr. Baker. I want to go back just briefly to some
17 questioning I did earlier. And I was just trying to find out
18 that there was an atmosphere of openness and candor in OGC,
19 so dissenting voices would be heard, because I got the
20 impression from earlier testimony you gave that while there
21 were differences of opinions on various aspects of the case,
22 it sounds to me like there was a point eventually in all the
23 issues where there was some consensus had, there were
24 certainly people whose opinions were accepted and that is
25 what moved forward, and there were those that didn't have the

1 prevailing view but it sounds like -- and from other
2 testimony I've heard -- other people that maybe didn't have
3 the prevailing opinion came around eventually and understood,
4 and I've heard from people that way after the fact
5 appreciated a view that dominated the day better than they
6 did because of what the results of that strategy ultimately
7 were.

8 I want to introduce an email, I guess this is majority
9 Exhibit 2. It references you on line 3.

10 [Anderson Exhibit No. 2
11 was marked for identification.]

12 BY MR. BAKER:

13 Q It starts out: I'm glad you're doing it, keep the
14 pressure on. I think his special assistant is the best
15 option. Actually -- and there's some redaction -- special is
16 the best option, he's number 2.

17 Yeah, pretty demoralized by the whole thing. Not sure
18 if Trisha will be there or not. Kind of hoping not, I can be
19 more frank if she's not.

20 I might possibly maybe doubtful work for you someday, I
21 might possibly maybe doubtful work for you someday, but
22 definitely not as your special assistant.

23 Don't think she would be, right?

24 Well I sort of invited it last time only because I want
25 this resolved and it's clear Jim won't decide without her.

1 Understandably, but still.

2 She's not formally on the invite so she or Jim would
3 have to remember.

4 Then she won't be there.

5 Do you have any idea what this is about?

6 A No.

7 Q It sounds to me that back earlier in today's
8 session we talked about an employee that I thought had the
9 issue with what their title would be, special assistant
10 versus special counsel. I thought that's what this was about
11 but I'm somewhat concerned if there is a lawyer in OGC that's
12 afraid to have a conversation or be in the room with a deputy
13 general counsel that maybe there could be instances where
14 legal advice and similar advice is stifled because of this
15 reluctance, but you're not familiar with what this might be?

16 A No and you are sort of assuming that it refers to a
17 legal discussion.

18 Q No. I think it refers to a title discussion as to
19 whether someone will be called a special assistant or a
20 special counsel. But I am concerned that if there's a
21 concern on this or other employees' parts about other lawyers
22 being in the room that the same circumstance could exist if
23 there is a discussion about legal matters and maybe someone
24 feels if others are in the room they can't be candid with a
25 legal opinion.

COMMITTEE SENSITIVE

1 A I have no idea what this pertains to.

2 Q Okay.

3 A But there could be many circumstances in which
4 somebody might be more frank if a supervisor is not in the
5 room.

6 Q Okay.

7 A I have no idea what this is.

8 Q Okay. And then going back to the most recent
9 discussion about various statutes and various charges without
10 regard to any particular case, without regard to any
11 particular facts, it's my understanding prior to your work at
12 the bureau and prior to your work at Treasury you were at the
13 department in the DAG's office and also in the office of
14 legal policy or legal counsel?

15 A Legal counsel.

16 Q In any of your legal experiences, and most of yours
17 it seems too me have been national security focused. Were
18 you aware just in general terms that the totality of
19 espionage statutes might not be up to date with current facts
20 in trade craft and whatnot?

21 A Yes.

22 Q And what is the basis of that understanding?

23 A I have seen legislative proposals prepared within
24 the Department of Justice over time that would address
25 various issues that have come up.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

1 Q And the issues would be deficiencies in current law
2 or -- what would the deficiencies be?

3 A I don't remember with any precision, but my
4 understanding is that there have been working groups that
5 have been convened that have studied the question whether
6 there is a need to sort of modernize if you will the
7 espionage statutes.

8 Q Do you know if that was ever advanced out of the
9 Department in some sort of proposal that was actually
10 advanced on the Hill or?

11 A I don't know.

12 Q But you believe that there, you don't recall any
13 specifics about what the deficiencies were?

14 A No, I do not.

15 Q But would it be fair to say the totality of the
16 espionage statutes needed maybe some revision?

17 A Yes. That's my understanding.

18 Q Okay, well, you mentioned a working group. Was
19 this something in your more recent times at the FBI?

20 A No. It was earlier. I was aware of a
21 recommendation that was made to David Kris at some point in
22 time that resulted in a memo to him and some proposals being
23 put together, and then those proposals then formed the basis
24 of discussions that recurred over time, so it's over the last
25 to my knowledge 7- to 8-year period of time that there have

COMMITTEE SENSITIVE

1 been discussions within the Department about a need to
2 modernize those statutes.

3 Q Do you know if the FBI would have been involved in
4 those discussions or the working group?

5 A Yes, I believe there were FBI legal personnel
6 involved in some of those discussion. I was not personally
7 involved in them. I just at some point became aware of these
8 proposals.

9 Q One of your attorneys, I think it is the attorney 1
10 that the IG references, that person I think you've testified
11 is fairly well versed in national security law?

12 A Yes and specifically in counterintelligence.

13 Q In counterintelligence. So would they have been
14 involved in that working group?

15 A I don't know to a certainty but possibly. There is
16 another attorney who is involved who frequently has been
17 involved in mishandling cases who might have also been
18 involved.

19 Q Do you know in the aftermath of the Midyear
20 investigation has there been any discussion that you are
21 aware of either at the Department or the FBI of revitalizing
22 this working group or discussion about modernizing the
23 statutes?

24 A Not to my knowledge.

25 Q And then a final question on charging. I

1 understand you're not the prosecutor and these would not
2 necessarily have been conversations you would have had, are
3 you aware of any discussion about a Federal Records Act or a
4 similar violation outside of espionage like I think it's
5 2071?

6 A Yes.

7 Q Was there a discussion about that as a viable
8 charge?

9 A At some point it came up. I don't remember the
10 specifics of the discussion, but, yeah had there been, we
11 certainly would have looked for evidence of a violation of
12 that criminal provision.

13 Q So would it be fair to say the reason that was not
14 pursued would be consistent with your testimony in the other
15 charges that the facts didn't lead to that?

16 A The facts did not support it no.

17 Q And that was a decision that was made by DOJ
18 prosecutors?

19 A Ultimately at the end of the day yes.

20 Q But your attorneys or FBI attorneys elsewhere in
21 the Bureau would have had some input into that?

22 A That is correct.

23 BY MR. PARMITER:

24 Q I think we just have another minute or two but just
25 to ask a followup question to that line of questioning, my

1 colleague just referred to the criminal provision in the
2 Federal Records Act, another statute that we have discussed
3 in this context has been like the mishandling statute, 1924
4 in title 18. Do you recall any discussions about that
5 provision?

6 A Not specifically but there too there's an intent, a
7 specific intent -- I am sorry not specific intent, an
8 explicit intent requirement in that.

9 Q There's a knowingly requirement in that statute.

10 A Correct.

11 Q So would it be fair to say that that was the issue
12 you were bumping into that you know with the Federal Record
13 Act charge with the 1924 potential charge and with the
14 espionage act it was always there was an issue of intent?

15 A Correct.

16 Q And that there wasn't specific evidence that showed
17 that Secretary Clinton or anybody around her showed the
18 requisite level of intent?

19 A Correct.

20 Q Because there was no smoking gun evidence that they
21 had set up the server purposefully to transmit classified
22 information or for convenience or there wasn't an email that
23 I think you said there wasn't -- one example of that would be
24 an example email saying that she set up the server for
25 convenience?

COMMITTEE SENSITIVE

1 A Right.

2 Q Those were the sort os of pieces of evidence that
3 bureau was looking for in this case?

4 A Correct.

5 Q I think we are out of time.

6 [Recess.]

7 BY MS. KIM:

8 Q We are now back on the record. It is 2:15.

9 Ms. Anderson, I'd like to go back to the discussion of
10 gross negligence that you were engaging in with our majority.

11 The DOJ lawyers who were working as prosecutors on the
12 Midyear exam case are national security lawyers who have
13 litigated hundreds of cases relating to the mishandling of
14 classified information, is that correct?

15 A Yes.

16 Q Are you aware of those DOJ prosecutors departing
17 from their standard practice in interpreting the law relating
18 to the mishandling of classified information in the Midyear
19 exam?

20 A No.

21 Q We understand that Director Comey out of an
22 abundance of caution asked for I believe 20 years of cases
23 regarding the mishandling of classified information just to
24 confirm the Department of Justice's research in this regard.

25 Are you familiar with Director Comey's request for those

COMMITTEE SENSITIVE

1 cases?

2 A Yes.

3 Q And after reviewing those cases, did any lawyer in
4 the Office of the General Counsel come up with a contrary
5 interpretation to the Department of Justice?

6 A No.

7 Q Thank you. The Federal Bureau of Investigation's
8 lawyers have clarified that we may ask you general questions
9 about your discussions with Director Comey's -- your
10 direction with Director Comey about his contemporaneous
11 interactions with President Trump, so I will try to phrase
12 the questions in the most general way possible.

13 Are you generally familiar with Director Comey's
14 testimony before the Senate Select Committee on Intelligence
15 on June 8, 2017?

16 A Yes.

17 Q And are you also generally familiar with Director
18 Comey's descriptions about his meetings with President Trump
19 in his book, A Higher Loyalty?

20 A Yes.

21 Q And did Director Comey or others share
22 contemporaneous details about his conversations with
23 President Trump with you around the time those discussions
24 occurred?

25 A Some of those discussions yes.

1 Q And did you generally find that for the discussions
2 of which you had direct knowledge that Director Comey's
3 descriptions in his testimony and in his book were consistent
4 with the contemporaneous descriptions that you received?

5 A Yes, they were consistent with the contemporaneous
6 descriptions that Director Comey gave to us.

7 Q And do you have any reason to believe that Director
8 Comey did not accurately share with the Senate Intelligence
9 Committee his memory of his interactions with President
10 Trump?

11 A No.

12 BY MR. MORGAN:

13 Q Ms. Anderson, I would like to switch gears a little
14 bit and discuss the time period roughly September, October,
15 2016 when the FBI came into possession of the, the Wiener
16 laptop through an unrelated investigation unrelated to the
17 Midyear exam.

18 According to the IG report, an attorney under your
19 supervision named in the report as FBI attorney 1 we have
20 discussed briefed you on the September 29th conference call
21 between the New York field office and members of the Midyear
22 investigative team regarding the discovery of potential
23 evidence on the laptop from the Anthony Weiner investigation.

24 Was this when you first learned of the existence of the
25 laptop?

COMMITTEE SENSITIVE

1 A Yes.

2 Q What do you recall of this discussion regarding
3 that call?

4 A I don't remember much other than the fact that
5 there were materials associated with Huma Abedine that may
6 have been identified on the laptop.

7 Q What role if any did FBI attorneys play in
8 following up with the New York field office to discuss the
9 status of the data that was being processed on the Weiner
10 laptop?

11 A I don't think we played any role, but I don't know
12 to a certainty.

13 Q Would it be the responsibility of attorneys under
14 your supervision to follow up with the New York field office
15 regarding the data discovered on the laptop?

16 A I don't believe so.

17 Q Did you have any other involvement between the time
18 you were briefed on the September 29th conference call and
19 when Director Comey was briefed on the Weiner laptop on
20 October 27, 2016?

21 A I don't believe so with the one caveat that I think
22 there may have been a meeting that occurred with Andy McCabe
23 immediately prior to the meeting with Director Comey, and so
24 I believe that was the next, that meeting that was
25 immediately preceding the one with Director Comey was the

COMMITTEE SENSITIVE

1 next time that I had any involvement in the issue.

2 Q Okay. On October 27, 2016, the FBI Midyear Exam
3 team briefed Director Comey about the emails on the Weiner
4 laptop. Were you in that meeting?

5 A Yes.

6 Q What was discussed in that meeting, broadly
7 speaking the topics that were discussed?

8 A Broadly speaking, there was a description given to
9 former Director Comey about what was known about what was on
10 the laptop. There was a discussion about the path forward,
11 about obtaining a search warrant in order to review
12 materials, and I believe there was a discussion about, about
13 if a search warrant were obtained what if any public
14 statements or other statements outside the FBI might be made
15 about it.

16 Q What was your personal opinion on whether the
17 existence of the emails should be made public?

18 A Personal opinion at the time then?

19 Q Correct.

20 A Well, I was concerned that the disclosure of what
21 we had was -- could be viewed as affecting the outcome of the
22 election. I wasn't competent to know one way or another
23 whether it would, in fact, have such an effect. But I was
24 concerned that we certainly would be perceived as having that
25 effect. And I was especially concerned because we had no

1 idea whether what we were -- whether the emails that were
2 identified on the Weiner laptop were relevant, would be
3 material. In fact, it seemed quite unlikely to us that there
4 would be any materiality to those emails.

5 And so I was concerned that, that there wasn't, there
6 wasn't any form of a public statement that we could make that
7 would not overinflate or overrepresent the significance of
8 those emails in a way that would be unfair to an uncharged
9 subject.

10 Ms. Kim. I would like to discuss with you in some
11 specificity what you said at that meeting.

12 Director Comey's book and Director Comey's testimony
13 before the IG describes your statement in some detail. I
14 will quote to you from his book:

15 As we were arriving at this decision, one of the lawyers
16 on the team asked a searing question. She was a brilliant
17 and quiet person whom I sometimes had to invite into the
18 conversation. Should you consider that what you are about to
19 do may help elect Donald Trump for President, she asked.

20 Is that the portion of the book describing you that you
21 described to our majority colleagues earlier as being
22 inaccurate?

23 Ms. Anderson. Correct.

24 Mr. Herrington. Except for the statement as to
25 brilliant.

1 BY MS. KIM:

2 Q I would like to introduce into the Record the
3 Inspector General's report discussing this portion of
4 Director Comey's recollection. I believing we are up to
5 Exhibit 5, is that correct? Exhibit 4. Thank you.

6 [Anderson Exhibit No. 4
7 was marked for identification.]

8 Ms. Anderson. Can I have a copy of it? Thank you.

9 BY MS. KIM:

10 Q I am so sorry.

11 On the first page of the section I have given to you,
12 Director Comey has a long block quote. I will direct you to
13 about the middle of that block quote. He is describing in
14 your statement, and he says: And then I think she spoke
15 herself and said, how do you think about the fact that you
16 might be helping elect Donald Trump?

17 Is Director Comey representing what he remembers as your
18 statement in that meeting?

19 A I assume he is representing what his recollection
20 is.

21 Q If you go down to the second block quote on that
22 page, it is a block quote from you.

23 You stated: I do remember saying more explicitly to Jim
24 Baker that I was worried that what we were going to do, what
25 we were doing was going to have an impact on the election.

1 Was that appropriate for the Bureau? Was that, you know, I
2 was concerned about that for, you know, for us as an
3 institution.

4 Is that a correct statement of what you told the
5 Inspector General?

6 A Yes.

7 Q So I want to be very clear. At any point in this
8 discussion, were you ever expressing a personal political
9 preference for one candidate or another?

10 A No.

11 Q Were you expressing an institutional concern that
12 the FBI's actions could end up having an impact on the
13 outcome of a political race?

14 A Yes, or that we could be perceived as having had
15 such an effect.

16 Q And why did that effect or the perception of such
17 an impact concern you?

18 A It was not -- obviously, at the Department of
19 Justice, both as a matter of policy and tradition the
20 Department strives not to have any impact on electoral
21 politics, and so I was concerned that there would be a
22 perception that making any sort of statement whether it be to
23 Congress or to any other audience might have that impact or
24 might be perceived as having that impact.

25 And I tied my concern in my mind -- I am sorry let me

1 restate that. In my mind, my concern was tied particularly
2 to this idea that what we had was so uncertain at that point.
3 We had no idea whether what had been identified on the
4 laptops was material. We hadn't reviewed it. It was quite
5 unlikely based on all of the investigative work that we had
6 done at that point that there would be anything material that
7 we would uncover, and it would take a truly remarkable
8 situation for there to be any evidence that would alter our
9 assessment of the case at that point in time.

10 And so, in other words, you know, those two
11 considerations were tied together. It seemed especially
12 concerning in a context in which we had no idea whether there
13 was any significance at that point to what we had identified.

14 Q It seems your concerns would have applied with
15 equal force had the FBI also been considering an overt
16 investigative step or a public announcement regarding the
17 investigation into Russian collusion, is that correct?

18 A Correct.

19 Q So I just want to be crystal clear --

20 Mr. Herrington. Well, would both of the concerns you
21 articulated apply to that? Or were you more generally
22 concerned about impacting an election?

23 Ms. Anderson. Yes. Let me rephrase, my more general
24 concern about impacting the outcome of an election.

25 BY MS. KIM:

COMMITTEE SENSITIVE

1 Q Thank you. I thank you for your precision. That
2 is correct.

3 So you were again generally expressing an institutional
4 concern that the FBI's actions could end up having an impact
5 or being perceived as having an impact on the outcome of a
6 political race?

7 A Correct.

8 Q Did the team ever discuss the DOJ's election
9 sensitivity policy?

10 A I think it came up at some point, but I don't have
11 a particularly precise memory as to when and the particulars
12 of what was discussed.

13 BY MR. MORGAN:

14 Q According to the IG, you said you ultimately agreed
15 that Comey needed to supplement his testimony to Congress
16 because it quote "was such a significant issue" end quote and
17 that quote "it would have been misleading by omission" end
18 quote, and that even though Comey did not explicitly tell
19 Congress he would update them it was quote "implied" end
20 quote in his quote "his testimony overall" end quote.

21 Did you agree with Director Comey's decision to send the
22 letter to Congress on October 28, 2016?

23 A It is hard to say whether I agreed or disagreed,
24 but at the end of the day I found it very difficult to second
25 guess what Director Comey articulated to us, and he has said

COMMITTEE SENSITIVE

1 publicly since then that had, he had he not disclosed the
2 information, that it would have been misleading by omission,
3 and he preferred to be in a world in which he had disclosed
4 the information prior to the election rather than being
5 accused after the fact of having hid it.

6 Q What effect did you expect the letter would have on
7 Hillary Clinton's electoral prospects?

8 A I didn't know. I'm no electoral expert, and I
9 don't, in fact, follow politics all that closely.

10 Q Would you agree, though, that you thought the
11 letter should be sent -- I know that -- would you agree that
12 the letter, at the time, even it would have the -- it could
13 potentially have a harmful impact -- it would have an impact
14 on the election, I should say.

15 A I'm sorry. Say that again.

16 Q Strike that. Let me rephrase. I would say that,
17 based on your concerns, you were concerned the letter would
18 have an impact on the election, correct?

19 A Yeah, I wasn't certain. It certainly --

20 Q I'm sorry, strike that. No. You weren't -- I
21 mischaracterized your concerns. Let me move on to another
22 question.

23 Can you describe the process through which Director
24 Comey's October 28, 2016, letter to Congress was drafted and
25 edited?

1 A Sure. So and my recollection is a little bit
2 unclear because we focused on two letters so close in time,
3 and so my recollection of the drafting process with respect
4 to the October 28th letter and my recollection with respect
5 to the drafting process for the November 6th letter is not,
6 those two memories are not particularly distinct. I think we
7 engaged in similar -- actually let me take a step back.

8 For the October 28th letter, there was a draft that was
9 produced, a first draft that was produced by a group of
10 people that did not include me. I do believe it included
11 Pete and the attorney who worked for me. That draft was
12 circulated on email I believe during the evening, and it was,
13 I think, predicated on an understanding that there would be
14 in person discussion the next day.

15 So that draft must have been circulated on October 27th,
16 the evening of October 27th. And then there were in person
17 discussions with Director Comey about the content of the
18 letter on the 28th. And I believe that letter was all but
19 final by the conclusion of that meeting with former Director
20 Comey, although there may have been a few tweaks that were
21 made after that meeting.

22 Q So you said that -- so Mr. Strzok did participate
23 in the drafting of the letter, is that correct?

24 A That is correct.

25 Q You are aware of what exactly his role was in that

1 drafting process?

2 A I believe he provided input to that initial draft,
3 and he was a part of the oral discussion with former Director
4 Comey that occurred on the 28th.

5 Q Did Lisa Page participate to your knowledge?

6 A I don't remember.

7 Q Did anyone on the Midyear team ultimately disagree
8 with Director Comey's decision to send the letter?

9 A I don't know. As I mentioned, it was difficult to
10 second guess former Director Comey's assessment that it was
11 better to ultimately to disclose the information rather than
12 be accused after the fact of having concealed it by not
13 making a statement.

14 Q Did any information discovered in reviewing Anthony
15 Weiner's laptop change your opinion of whether Hillary
16 Clinton should be prosecuted?

17 A No.

18 Q So, I want to turn to a couple other questions
19 regarding what we kind of have offhanded call or describe as
20 the Trump Russia investigation.

21 The Inspector General's report found that the FBI,
22 particularly Special Agent Peter Strzok, placed a high
23 priority on the Trump Russia investigation in the fall of
24 2016. However, the report concluded that quote "we do not
25 have the confidence that Strzok's decision to prioritize the

COMMITTEE SENSITIVE

1 Russian investigation over following up the Midyear related
2 investigative lead was free from bias" end quote.

3 What is your reaction to this conclusion?

4 A What do you mean?

5 Q Do you -- well, do you agree with the conclusion in
6 the IG report? Or do you have knowledge -- do you have
7 sufficient knowledge to form an opinion?

8 A I'm sorry. Could you just repeat the question? I
9 just lost your emphasis.

10 Q Certainly. The report concluded -- sorry. Let me
11 read the entire quote again to you from the IG report. The
12 report found that the FBI, particularly Special Agent Peter
13 Strzok placed a high priority on the Trump Russia
14 investigation in the fall of 2016.

15 Would you agree with that?

16 A Yes.

17 Q However, the report concluded that we did not have,
18 meaning the IG, did not have confidence that Strzok's
19 decision to prioritize the Russia investigation over
20 following up on the Midyear related investigative lead was
21 free from bias.

22 Do you agree with that conclusion?

23 A That they didn't have evidence?

24 Q I'm sorry. Do you -- strike that.

25 To your knowledge do you believe that Peter Strzok --

COMMITTEE SENSITIVE

1 Peter Strzok's decision to prioritize the Russia
2 investigation was based on any form of improper consideration
3 including political bias?

4 A No.

5 Q To your knowledge, was the FBI's decision to
6 prioritize, the FBI generally to prioritize the Russian
7 investigation free from political bias?

8 A Yes.

9 Q Do you have any evidence that Special Agent
10 Strzok's decision to prioritize the Russia investigation was
11 due to any political bias?

12 A No.

13 Q Can you generally explain to us why the FBI counter
14 intelligence team prioritized the Russia investigation in
15 September and October of 2016?

16 A It was -- the allegations that had come to us were
17 very significant in terms of the level of threat to our
18 national security. It represented a level of effort by the
19 Russians that surprised us, and it was something that we felt
20 we had an obligation to pursue -- to pursue with vigor.

21 Q Were you personally working on the Trump Russia
22 investigation in September of 2016?

23 A Not on the investigation per se, but I did have a
24 role in the same way I described earlier that I was involved
25 within the legal chain of command at a supervisory level.

1 Q Were many of the Midyear team members working on
2 the Trump Russia investigation in September of 2016?

3 A I don't believe the investigative or analytical
4 personnel were the same, but at a supervisory level there was
5 a great deal of similarity between the personnel involved.

6 Q Do you believe that the Trump Russia investigation
7 team hoped to influence the election with the result --
8 pardon me -- with the results of the investigation?

9 A No.

10 Q Do you believe that they were prioritizing the
11 investigation because of the magnitude of the threat --

12 A Yes.

13 Q That you just described?

14 A Yes.

15 Q So it's fair to say then that the Russia
16 investigation was one with or is one with exceptional
17 national security importance?

18 A Absolutely.

19 Q How did the Russia investigation national security
20 importance compare to the importance of potentially reviewing
21 more emails in the Hillary Clinton investigation?

22 A I'm not sure there was such a comparison made
23 necessarily, but one represented an ongoing threat by a
24 hostile foreign actor, and the other simply represented an
25 investigative lead in a case where it was unlikely that lead

COMMITTEE SENSITIVE

1 was likely to alter the outcome.

2 And one thing I do want to clarify insofar as my answers
3 may have accepted the assumption that there was some sort of
4 formal prioritization of the Russia matter over the Clinton
5 email investigation, there was to my knowledge no such formal
6 prioritization. There was an understanding that the Russia
7 investigation was important, and there was a lot of time
8 devoted to that particular investigation, but I'm not aware
9 that there was any sort of formal prioritization of one over
10 the other.

11 BY MS. KIM:

12 Q Are you aware of any evidence that Peter Strzok
13 tried to back burner or bury the contents of the Anthony
14 Weiner laptop?

15 A No.

16 Q Are you aware of any evidence suggesting that
17 anyone on the Midyear team sought to delay the review of
18 those emails or back burner that investigation?

19 A No.

20 BY MR. MORGAN:

21 Q How frequently does the FBI investigate possible
22 mishandling of classified information?

23 A I don't know.

24 Q So I am going to ask you, to press you a little bit
25 on this. Would you say that there is, that there have been a

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

1 number of cases? Is it very infrequent? Is it -- are these
2 routine? Are there routine cases even involving mishandling
3 of classified information in terms of number or --

4 A I wouldn't characterize -- yeah.

5 Q I know you don't know the exact number. I know I'm
6 asking -- but it is not unusual for them to investigate cases
7 of those --

8 A Correct and it is not infrequent.

9 Q By contrast how frequently does the FBI investigate
10 possible collusion between a major party Presidential
11 candidate and a hostile foreign power?

12 A I'm not aware of any analogous circumstance.

13 Q How frequently does the FBI investigate threats
14 that could undermine the integrity of the American
15 Presidential election?

16 A So this wasn't unique. There have been other --
17 the Russian interference efforts that occurred with respect
18 to the 2016 election were not unique in our history. There
19 have been other, other Russian and foreign power efforts to
20 intervene in our democratic process throughout history. They
21 have taken different forms.

22 It just simply, this was an unusual set of circumstances
23 here, and I am not aware of any analogous circumstance where
24 there has been an investigation of potential linkages between
25 a major party candidates, personnel, and a foreign power.

COMMITTEE SENSITIVE

1 But there have been over time other foreign power efforts to
2 interfere in our elections, and it is my presumption that the
3 FBI has investigated those efforts over time.

4 Q Would you say though that this was unique? You had
5 previously just described a threat of this -- posed by this
6 particular instance. Would you say that it was unique then
7 in its magnitude and its significance?

8 A I would say it was unique in its intensity
9 certainly and its level of success as well so the thing that
10 differentiated -- among the things that differentiated this
11 particular effort by Russia as compared to historical efforts
12 they had engaged in was of course the advent of social media
13 and the ability of Russian actors to use that platform to
14 proliferate messages that would be, that would further their
15 objectives of sowing dissension and discord.

16 And then there were other, you know, the hacking and
17 release of emails was something that we had not previously
18 seen before. And I guess the other thing that we saw was
19 evidence of very high level approvals within the Russian
20 Government of this ongoing campaign. There may have been
21 other unique features, but the level I would say overall the
22 level of intensity of the Russian effort to interfere with
23 our election was at least to my understanding without
24 precedent.

25 Q Thank you. I'm going to turn now to just a few

1 brief questions about the FBI, INSD internal file review if
2 you are familiar with that.

3 A I am actually not. I have never seen the document
4 before.

5 Q Let me --

6 BY MS. KIM:

7 Q So we understand that in the Inspector General's
8 report Jim Baker is quoted as saying that he asked the review
9 team to examine the internal files of the Midyear exam
10 investigation. Were you involved at all in initiating that
11 file review?

12 A No. I was on maternity leave at the time.

13 Q The Midyear exams did undergo a file review. The
14 file review team's conclusion is quoted on page 142 of the IG
15 report. It concludes that the file review did not find any
16 substantial or significant areas of investigative oversight
17 based on the stated goals of the investigations. It found
18 that the investigative team conducted a thorough
19 investigation within the constraints imposed by the Justice
20 Department.

21 Are those conclusions consistent with your experience of
22 the Midyear case?

23 A Yes.

24 Q Are you familiar with the Inspector General's
25 report?

COMMITTEE SENSITIVE

1 A Yes.

2 Q The Inspector General's report also concludes that
3 there were no improper considerations influencing the
4 specific investigative steps taken in the Midyear
5 investigation, is that correct?

6 A Yes.

7 Q Are the Inspector General's conclusions consistent
8 with your experience on the case?

9 A Yes.

10 BY MR. MORGAN:

11 Q And I would like to turn just generally to some
12 questions about the attacks on the Department of Justice's
13 and morale at the FBI while you were still there.

14 I'm sure you're aware that there has been a litany of
15 attacks from the highest levels of government accusing the
16 FBI and the Department of Justice of conducting
17 investigations driven by political bias instead of just the
18 facts and the rule of law. Are you aware of these attacks,
19 Ms. Anderson?

20 A Yes.

21 Q During your tenure at the FBI and DOJ, have you
22 been aware of any FBI investigation motivated by political
23 bias?

24 A No.

25 Q During your time at the FBI and DOJ, are you aware

COMMITTEE SENSITIVE

1 of any Justice Department investigations motivated by
2 political bias?

3 A No.

4 Q On May 22, 2018, Republican Members of Congress
5 introduced House Resolution 907 requesting that the Attorney
6 General appoint a second special counsel to investigate
7 misconduct at DOJ and the FBI which I believe that we
8 discussed previously.

9 That resolution alleged quote "whereas there is an
10 urgent need for the employment of a second special counsel in
11 light of evidence that raises critical concerns about
12 decisions, activities, and inherent bias displayed at the
13 highest levels of the Department of Justice and the Federal
14 Bureau of Investigation regarding FISA abuse, how and why the
15 Hillary Clinton email probe ended, and how and why the Donald
16 Trump Russia probe began."

17 At the FBI, what was your role in the FISA application
18 approval process?

19 A I supervised attorneys who were involved in that
20 application -- in the development of that application.

21 Q So you have some knowledge then of the process?

22 A Of the general process, yes.

23 Q Yes. Are you aware of any inherent bias at the
24 highest levels of DOJ and the FBI regarding FISA abuse as is
25 alleged?

1 A No.

2 Q Is there any evidence of inherent bias displayed at
3 the highest levels of DOJ and the FBI regarding how and why
4 the Hillary Clinton email probe ended?

5 A No.

6 Q To your knowledge, is there any evidence of
7 inherent bias displayed at the highest levels of the DOJ and
8 the FBI against Donald Trump as part of the Trump Russia
9 probe?

10 A No.

11 Q Are you aware of any actions ever taken to damage
12 the Trump campaign at the highest levels of the Department of
13 Justice or the FBI?

14 A No.

15 Q Are you aware of any actions ever taken to
16 personally target Donald Trump at the highest levels at the
17 Department of Justice or the FBI?

18 A No.

19 Q Is there any evidence that any FBI or Department of
20 Justice, or are you aware of any evidence that any FBI or
21 Department of Justice official took any actions biased in
22 favor of Clinton or biased against Trump.

23 A No.

24 Q Are you aware of James Comey ever taking such
25 action?

1 A No.

2 Q Andrew McCabe?

3 A No.

4 Q Are you aware of Lisa Page ever taking such action?

5 A No.

6 Q Are you aware of Loretta Lynch?

7 A No.

8 Q What about Sally Yates?

9 A No.

10 Q Are you aware of any action taken by Deputy
11 Attorney General Rob Rosenstein?

12 A No.

13 Q Are you aware of any action taken by Special
14 Counsel Robert Muller?

15 A No.

16 Q Are you aware of any evidence or is there any
17 evidence that President Obama ordered any investigative
18 activity that was biased in favor of Hillary Clinton or
19 biased against Donald Trump?

20 A No.

21 Q Are you aware of any evidence that President Obama
22 ordered a wiretap of Donald Trump or the Trump campaign?

23 A No.

24 Q Are you aware of any conspiracy against Donald
25 Trump or the Trump campaign involving anyone from the FBI or

COMMITTEE SENSITIVE

1 Department of Justice or President Obama?

2 A No.

3 Q Many of us have been troubled by the escalating
4 attacks against the Department of Justice and the FBI,
5 attacks against the independence of other institutions, the
6 integrity of their employees, and the legitimacy of the DOJ's
7 and FBI's investigations so I want to talk to you about some
8 statements in that vein and get your reaction.

9 On December 3rd, 2017, the President tweeted quote after
10 years of Comey with the phony and dishonest Clinton
11 investigation and more, running -- ruining -- running the
12 FBI, its reputation is in tatters, worse in history. But
13 fear not we will bring it back to greatness end quote.

14 Do you agree with the President's statement that the
15 FBI's reputation is in tatters and is the worst in history?

16 A No.

17 Q Do you agree with the President's characterization
18 the Clinton investigation was phony and dishonest?

19 A No.

20 Q In your opinion, what kind of impact do statements
21 like this have on the morale of rank and file FBI agents?

22 A They can't --

23 Q No I'm sorry please.

24 A Finish your question please.

25 Q FBI agents and other FBI personnel?

COMMITTEE SENSITIVE

1 A Certainly statements like that can have a
2 demoralizing effect on the workforce.

3 Q Why would they have a demoralizing effect on the
4 workforce, in your opinion?

5 A Because it undercuts the credibility and validity
6 of the work that they are doing.

7 Q Is that central to the work that you do? The work
8 the FBI does I should say?

9 A Certainly one of the things that is central to the
10 FBI and its ability to investigate and contribute to
11 successful prosecutions is maintaining the credibility and
12 the trust of the American people in FBI personnel when they
13 testify in court, when they take investigative action. And
14 so that is important to our successful perceived mission.

15 Q Touching on your response there, what do you think
16 the impact of statements like these is on the public's
17 confidence in the FBI, and how do you think that impacts our
18 national security?

19 A That's a hard question. I'm not sure I am
20 competent to assess the full impact, but it is something that
21 I am concern about as a citizen, that it has weakened our
22 institutions, that it has weakened the bonds of trust that
23 the American people have in their institutions and the
24 Department of Justice and the FBI and that all of that trust
25 is important to the pursuit of our, of successful

1 prosecutions and national security and other types of cases.

2 It's moreover concerning the impact that these types of
3 statements has had on the ability of the FBI to recruit and
4 maintain human sources which obviously are a key building
5 block of FBI investigations, including national security
6 investigations. And so I am concerned from a long-term
7 perspective about the impact that this pattern of statements
8 about the FBI could have on the ability of the institutions
9 to successfully perform their missions.

10 Q At a White House press briefing the day after
11 Director Comey was fired, Sarah Huckabee Sanders said the
12 termination happened because and I quote, "most importantly
13 the rank and file of the FBI had lost confidence in their
14 director" end quote.

15 Looking back on the lead up to Director Comey's
16 dismissal, do you agree with Ms. Sanders that the rank and
17 file of FBI had lost confidence in Director Comey?

18 A I personally did not perceive that to be the case.

19 Q What was your reaction when you learned that
20 Director Comey had been fired?

21 A I was shocked.

22 Q And was that reaction shared by FBI agents that you
23 spoke to regarding the firing of Director Comey?

24 A I didn't speak to any agents. I was on maternity
25 leave.

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

1 under Director Comey?

2 A I didn't believe so.

3 Q Why is that, or why do you disagree then?

4 A I believe the FBI is a great institution. It was
5 great under Director Comey. The men and women who work at
6 the FBI serve their country honorably, and they do their jobs
7 with a great deal of distinction.

8 Q Following the Inspector General's report, President
9 Trump has stated and I will quote again, "I think Comey was
10 the ringleader of this whole you know den of thieves, they
11 were plotting against my election" end quote.

12 Do you have any reason to believe the FBI is a den of
13 thieves?

14 A No.

15 Q Do you personally -- did you personally witness
16 anyone at the FBI attempting to plot against Donald Trump's
17 election?

18 A No.

19 BY MS. KIM:

20 Q Ms. Anderson, there has been a great deal of
21 interest in the media in our joint investigation around the
22 FISA process. I think it would be helpful to get your
23 purchase on how that process actually works.

24 Do you agree that the government is required to meet a
25 high burden of proof when seeking a FISA warrant from the

1 FISA court?

2 A Yes.

3 Q Is it fair to say that the Justice Department's own
4 internal review process for applications is also extremely
5 rigorous?

6 A Yes.

7 Q Do FISA warrants require considerable review prior
8 to approval?

9 A Yes.

10 Q And is the level of scrutiny both internally at the
11 Justice Department and before the FISA court even higher when
12 the government is seeking a warrant to surveil a U.S. person?

13 A Maybe as a practical matter that might be correct,
14 although formally there is no difference in the treatment of
15 non-U.S. persons and U.S. persons, they are both treated with
16 a great degree of rigor.

17 Q With a very high level of rigor.

18 A Correct.

19 Q I understand that the FBI conducts its own
20 investigation about whether there is enough evidence to be
21 outlined in an affidavit in an application for a FISA warrant
22 and that package goes through the approval process of the
23 FBI's chain of command, is that correct?

24 A Yes.

25 Q Who in the FBI's chain of command would review that

1 packet?

2 A I don't know sitting here the particulars of
3 exactly who approves that package before it goes over to the
4 FBI. It was not something that was within my area of
5 responsibility.

6 Mr. Herrington. Before it goes over to the DOJ.

7 Ms. Anderson. I am sorry before it goes over to DOJ.
8 It was not within my area of responsibility. I was not one
9 of the approvers in the chain of command.

10 BY MS. KIM:

11 Q Are you aware of any circumstance where FBI
12 investigators could rush an application process through
13 without giving it sufficient level of scrutiny in an attempt
14 to bypass the FBI's own high internal standards?

15 A No. There are FISA applications that are
16 expedited, but there are particular procedures that apply to
17 those applications, and they are simply designed to literally
18 as they are described expedite the process.

19 Q Is part of the internal review process at the FBI
20 to ensure that the FISA application is supported by credible
21 evidence, and why is it important that a FISA application is
22 supported by credible evidence?

23 A It is important because we are talking about
24 national security-related surveillance in the context in
25 which the government is applying ex parte for the

1 surveillance warrant. There are certain allowances within
2 FISA that are, that differ from the criminal standpoint, and
3 there's some possibility that or a likelihood that the
4 warrant will never have the opportunity to be challenged
5 because many of the national security warrants are never used
6 in a criminal prosecution and will never see the light of
7 day.

8 Q There has been active speculation that the FBI
9 failed to follow its applicable standards in applying for
10 Carter Page's FISA warrant. I would like to ask you some
11 general questions.

12 In a FISA application, does the FBI typically include
13 all of the information it has about an individual or a
14 source? Or does it cull that information to include only
15 facts relevant to the court's determination on the merits of
16 that application?

17

18

19

20

21

22

23

24

25

1 [2:59 p.m.]

2 Ms. Anderson. It culls the information to that which is
3 relevant to the merits of the application. But it comes
4 pretty close to almost all the information that we have, is
5 what it seems, with respect to our FISA applications.

6 BY MS. KIM:

7 Q Is it possible to give the FISA court a highly
8 accurate set of facts about a source without including every
9 individual fact that the FBI knows about a source?

10 A Yes.

11 Q There has been a great deal of fixation on specific
12 minutiae that political actors have found relevant to make
13 important about Carter Page's FISA application.

14 Do you have a personal response to the attack that the
15 FBI somehow abused the FISA process or committed illegalities
16 by not disclosing all of the very specific minutiae to the
17 FISA court about Bruce Ohr, about Christopher Steele?

18 A About Bruce Ohr? What about Bruce Ohr?

19 Q I think the allegations are that Bruce Ohr's
20 biography was somehow relevant to the Carter Page FISA
21 application.

22 A I don't believe it was relevant in any way. I also
23 don't think -- yeah, I don't think it was relevant. I'm not
24 aware of any sense in which it was relevant.

25 Q Have you ever been a part of any FISA application

1 process where the FBI sought to hide, bury, or omit material
2 facts from the FISA court?

3 A No.

4 Mr. Herrington. Could I take a 5-minute break?

5 Ms. Kim. Yes.

6 [Recess.]

7 Ms. Kim. We're back on the record. It's 3:04 p.m.

8 BY MS. KIM:

9 Q Were you part of the FISA application review
10 process for the FISA applications regarding Carter Page?

11 A I was involved at a supervisory level within the
12 legal chain of command.

13 Q Did you observe any improper considerations,
14 including political bias, affecting that process?

15 A No.

16 Q Did you observe any improprieties in that process
17 that would have required subsequent disclosures to the FISA
18 court about content that the FBI had omitted?

19 Ms. Anderson. I need to confer --

20 M (b)(6), (b)(7)(C) per FBI May we confer?

21 Ms. Kim. Yes.

22 Mr. (b)(6), (b)(7)(C) per FBI Thank you.

23 Ms. Anderson. -- with FBI counsel about classification.

24 [Discussion off the record.]

25 Ms. Anderson. I've been advised by the FBI lawyers that

1 I can't answer that question in an unclassified setting.

2 BY MS. KIM:

3 Q Thank you.

4 In the Carter Page FISA warrant process, are you aware
5 of any attempts by the DOJ or the FBI to intentionally
6 mislead the FISA court?

7 A No.

8 Q Are you aware of any efforts to omit evidence or
9 manufacture evidence deliberately?

10 A No.

11 Q Are you aware of any instances regarding the Carter
12 Page FISA application of the FBI failing to follow all of its
13 proper procedures in obtaining a FISA warrant?

14 A No.

15 Q Are you aware of any effort by the FBI to seek a
16 FISA warrant for Carter Page that was not based on credible
17 and sufficient evidence?

18 A No.

19 M (b)(6), (b)(7)(C) per FBI
20 Counsel, you may be done with this line of
21 questioning.

22 I would just ask the witness, while you're discussing
23 questions that pertain to FISA applications or the FISA
24 process, just to give us a moment to think about the question
25 just in case we do need to ask to confer.

Ms. Anderson. Sure.

1 Mr. (b)(6), (b)(7)(C) per FBI Thank you.

2 Ms. Kim. Thank you. Actually, I believe that concludes
3 our round of questioning.

4 Mr. (b)(6), (b)(7)(C) per FBI Well, then I'm too late, but thank you for
5 your consideration.

6 Ms. Kim. Thank you, sir.

7 [Recess.]

8 Mr. Baker. Back on the record at 3:11.

9 I'll start with a random question. I have an email here
10 that I will introduce as majority exhibit 3, I think.

11 [Anderson Exhibit No. 3
12 was marked for identification.]

13 BY MR. BAKER:

14 Q It's an email chain. It's ultimately from you. It
15 looks like there's some folks that have done some research at
16 someone's request on the standards for appointing a special
17 prosecutor. And then it looks like it's sent to you.

18 You thank the person and then say, "Could you please
19 follow up with" -- redacted -- "to get more detail about what
20 she found on the conflict of interest component? Anything
21 about whether there is usually an actual conflict, or have
22 special prosecutors been appointed due to an appearance of
23 conflict (or out of an abundance of caution)?"

24 What is that about, if you recall?

25 A I don't recall. I didn't remember this email chain

1 until I saw it in the production, the portion of the
2 production that was given to me by the FBI for review.

3 Q Okay. But you have no recollection of what it
4 relates to?

5 A No, although I do understand that in the IG report
6 there's information that FBI Attorney 1 did testify to the IG
7 that there had been an intern within NSLB who was asked to
8 look into this issue in connection with the Midyear case.

9 Q Okay.

10 A But this would've been from around the time of the
11 opening of the case, and I don't recall any of the
12 circumstances or reasons why this research would've been
13 done.

14 Q Okay. You don't recall anything about a conflict
15 of interest that came up in discussions about the case? I
16 mean, this does seem pretty early in the process.

17 A It does. I don't recall the circumstances that
18 generated this request for research.

19 Q Okay.

20 It was widely reported, various conflicts that former
21 Deputy Director McCabe had. Was there any conflict of any
22 employees in your National Security Law Branch that required
23 consultation with the Office of Integrity Compliance or
24 anything like that?

25 A No.

1 Q Okay.

2 You've talked a little bit about -- or discussion has
3 been had a little bit about the FISA process. I want to be
4 clear on what your branch and your specific role in FISA
5 would be. It's my understanding -- and I'm somewhat more
6 familiar with FISAs that originate from a field office.

7 A Uh-huh.

8 Q Where did this, the original FISA in the Russia
9 case, where did that originate from? Was that something that
10 was done at the headquarter level, or was it done from
11 Washington field? I'm a little confused. I know there's a
12 cross-pollination of resources, agents pulled from the field
13 office, and I'm just curious where the FISA physically
14 originated from.

15 A So I don't know the answer to that question.

16 Q Okay. What would be your role in any FISA as far
17 as approval or looking at -- any FISA. No specific case, no
18 specific facts.

19 A So I typically would not be involved in the minutia
20 of the development of a FISA. Rather, I would expect to be
21 informed about or be brought in to be consulted about FISAs
22 that involve controversial legal issues or fact patterns that
23 present difficult calls about probable cause.

24 So that's one aspect in which I would -- I was involved
25 and how I viewed my responsibilities with respect to the FISA

1 process.

2 Another area was with respect to all FISAs going
3 through, before they went to the Director, there was an
4 expectation that there would be an SES-level approver of the
5 FISA. Sometimes that could be me, but oftentimes it was one
6 of my two section chiefs. But if I was the only SES person
7 in the office, that would mean I would be responsible for
8 reviewing the FISA package before it went to the Director.

9 And then, third, within my branch, we had responsibility
10 for the logistical processing of the FISAs for the entire
11 Bureau. And so I had a support unit who handled the
12 logistics of the process: getting the signatures by
13 executives, walking them over to DOJ, handling the orders
14 once they came back from the FISA court, uploading them into
15 the system, that sort of work.

16 Q So a FISA package, is it presented to you and also
17 simultaneously presented to others that are also approving or
18 looking at aspects of it, or does it follow a linear path?

19 A It follows a linear path. There is a system called
20 FISAMS within the Bureau that tracks in a linear fashion all
21 the approvals on a FISA. I'm not part of that approval
22 chain, but I or another SESer in my branch is the final
23 approver on hard copy before a FISA goes to the Director or
24 Deputy Director for signature.

25 Q And that is the next stop after it would leave

1 National Security Law Branch; it would go to the Director or
2 Deputy --

3 A Correct.

4 Q -- Director? The Director.

5 A The Director unless he was unavailable, in which
6 case it would go to the Deputy Director.

7 Q So this FISA management system you reference,
8 someone that gets it would not do whatever they do unless the
9 person below them has done what they do. It follows this
10 linear path.

11 A Correct.

12 Q Okay.

13 You mentioned earlier -- someone had a question about
14 the FISA court, and I think you said something to the effect
15 that it wouldn't be unusual for supplemental information to
16 be provided to the court when a FISA warrant had been
17 presented to the court if there was something learned by the
18 FBI that needed clarification or a supplement. I thought you
19 said there would be a mechanism --

20 A Correct.

21 Q -- to provide additional information.

22 A Correct.

23 Q Do you know if any additional information, either
24 supplemental or for clarification, was provided to the court
25 for any of the FISAs in the Russia case?

COMMITTEE SENSITIVE

1 A This question raises the same classification issue
2 that was raised by the question a few moments ago by the
3 minority staff. And so, based on my consultation with the
4 FBI lawyers, I'm not able to answer that question in this
5 unclassified setting.

6 Q Okay. Going back to not to a particular case or
7 particular facts, it would be part of the general practice or
8 possibility in dealing with a FISA that you would go back to
9 the FISA court with new information in the interest of being
10 candid with the court?

11 A Yes, if it met a certain threshold. That's
12 correct.

13 Q Okay.

14 What is a Woods file?

15 A A Woods file is a file of documents that's
16 maintained to support the accuracy of every individual fact
17 that's contained in a FISA application.

18 Q So this is a file. Any fact that is presented in
19 the application, this file documents the source of that
20 individual fact?

21 A That's correct.

22 Q And it would probably be more robust than the
23 actual application. My understanding would be the
24 application is asserting the fact but it might not have every
25 detail about the fact or where the fact came from, where the

COMMITTEE SENSITIVE

1 Woods file would have all of that as a repository.

2 A That could be the case, yes.

3 Q And a Woods file is mandatory?

4 A Correct.

5 Q And a Woods file gets its name from -- why is it
6 called a Woods file?

7 A (6)(6), (b)(7)(C) per FBI in NSD. I'm sorry. Non-SES.

8 There's --

9 Mr. Herrington. A former colleague.

10 Ms. Anderson. A former colleague at the Department of
11 Justice drafted the form, and so the form derives from the
12 individual's name.

13 BY MR. BAKER:

14 Q And did the form and the practice of a file result
15 from an issue with FISAs?

16 A Yes, that's my understanding. It precedes my time
17 at the FBI, but I understood there was a pattern of some
18 incidents of omissions that were of concern to the FISA court
19 that resulted in former Director Mueller actually appearing
20 before the FISA court. And the practices were the result of
21 reforms that were made jointly between the FBI and DOJ in
22 order to ensure that we were meeting the standard of accuracy
23 with greater precision.

24 Q So it goes towards making more sure that the
25 presentations to the court are accurate?

COMMITTEE SENSITIVE

1 A Absolutely. It's designed to discipline agents
2 when they are drafting and reviewing affidavits to ensure
3 that each of the facts contained in that affidavit are, in
4 fact, accurate, because they must maintain that file of
5 documents supporting that accuracy.

6 Q Are you aware of any, for lack of a better term,
7 compliance audits that the FBI does on Woods files to make
8 sure that agents that are submitting these applications are,
9 in fact, maintaining an accurate Woods file?

10 A Yes. There is a sampling of FISA applications that
11 are reviewed in the course of the field office oversight
12 reviews that are conducted by Department of Justice and FBI
13 OGC personnel.

14 Q And would it be fair to say the reason those audits
15 occur were similar to the reasons that the Woods files began,
16 to ensure accuracy to the court?

17 A That's among the reasons those oversight reviews
18 are conducted. They are designed to assess and ensure
19 appropriateness in the administration of FISA and other
20 national security tools overall. The review of the Woods
21 files and FISA applications for accuracy is just one piece of
22 what's looked at.

23 Q Those teams that go out and do these audits, does
24 anyone from the National Security Law Branch participate?

25 A Yes, I believe everybody participates. In fact, it

COMMITTEE SENSITIVE

1 may be mandatory within our branch, or it was mandatory at
2 one time. Lawyers go to those field office reviews in order
3 to work with agents and analysts in talking to DOJ and in
4 reviewing the actions that they've taken.

5 Q And what would be an outcome of a Woods file audit?
6 What are the possible outcomes?

7 It's my understanding in a regular inspection at the
8 FBI, when a field office is inspected, at least under an old
9 way, you could get a rating of effective, effective but
10 inefficient, and maybe another variation.

11 What possible outcomes of rating or assessment to
12 determine your compliance with a Woods file would there be?

13 A I don't believe that would be the outcome. Rather,
14 if there were any compliance issues that were identified,
15 they would be handled either through, if it was appropriate,
16 a notice to the court or inclusion in one of our regular
17 reports that go to the court.

18 Q Are you familiar with any Woods file audits where
19 there were significant issues of noncompliance?

20 A I was not aware of any significant accuracy issues
21 during my time at the FBI and certainly no intentional
22 omissions or misstatements.

23 Q Had you ever heard of any issues prior to your time
24 at the FBI where there were -- my term -- a bad Woods file
25 audit that was reported up through the chain because it was

1 deemed to be so out of compliance?

2 A Just the pattern of incidents that I referred to
3 earlier in my testimony that resulted in former Director
4 Mueller, as I understand, having to testify before the FISA
5 court or talk to the FISA court in some fashion.

6 Q And, if you heard, what was Mr. Mueller's response
7 when he was made aware of noncompliance issues and he's the
8 one that has to go before the court to talk about them?

9 A My understanding is that he committed to the court
10 to address the problem and then that the series of reforms
11 that we implemented, including the use of the Woods form,
12 were the direct result of his engagement before the FISA
13 court.

14 Q So would it be fair to say he, as the then-leader
15 of the FBI, took compliance with the Woods file and
16 compliance with accuracy in presentations to the FISA court
17 seriously?

18 A Yes, he did; Director Comey did. All the people
19 that I witnessed participate in the FISA process all did as
20 well.

21 Q Okay.

22 Changing gears slightly, you mentioned earlier some of
23 the people you did or didn't deal with at the Department
24 based on your role. Did you know Bruce Ohr?

25 A I did.

COMMITTEE SENSITIVE

1 Q And in what capacity did you know him?

2 A I knew him from my time in the DAG's office. I was
3 aware that he was a longtime career individual in the
4 Criminal Division with responsibility for organized crime.
5 And I may have had a couple of meetings with him when I was
6 in the DAG's office, but I did not have any interaction with
7 him when I was at the FBI.

8 Q Okay. So your knowledge of Mr. Ohr was in a
9 previous work capacity when you were at the Department.

10 A That's correct.

11 Q And you had no dealings with him in an official
12 capacity while you were at the Bureau?

13 A Correct.

14 Q Did you ever socialize with him in a social
15 capacity?

16 A No.

17 Q Did your branch get any information that ultimately
18 came from Mr. Ohr that you're aware of that you were asked to
19 review or assess or do anything with?

20 A Not contemporaneous with the investigation.

21 Q What would it be related to? Did you get it
22 earlier or after the -- you said "contemporaneous." Did it
23 relate to the investigation?

24 A At some point, I -- let me pause here. I'd like to
25 consult with my FBI colleagues about classification.

COMMITTEE SENSITIVE

1 Q Sure.

2 [Discussion off the record.]

3 Ms. Anderson. Thank you for that opportunity to
4 consult. I'm sorry, could you repeat your question just so I
5 can be accurate?

6 BY MR. BAKER:

7 Q In your capacity, did you receive any information
8 that generated, again, with Mr. Ohr that you reviewed or
9 looked at or analyzed, whatever?

10 A Yeah, so at some point I received the 302s, the
11 written summaries of the interviews that FBI personnel
12 conducted with Mr. Ohr about his interactions with
13 Christopher Steele. But it was not contemporaneous with the
14 drafting of those 302s; it was much later.

15 Q How much later? It's my understanding those 302s,
16 some were in the vicinity of end of 2016 --

17 A That's correct.

18 Q -- early months of 2017.

19 A So I received them in the course of the oversight
20 process. So I believe the first time I reviewed them was
21 probably after the House Permanent Select Committee on
22 Intelligence produced its memo on the Carter Page FISAs. I
23 believe there was a reference in that memo to statements that
24 Mr. Steele made to Bruce Ohr that were documented in our
25 302s. And that was the first time I received those 302s and

1 reviewed them.

2 Q What were you asked to review them about? What
3 were you looking for? You say it generated from something
4 that occurred in HPSCI, the House Intelligence Committee?

5 A Correct. I had not previously been aware of the
6 statements that were documented in those 302s about Mr. Ohr's
7 perceptions of Chris Steele's motivations, and so I read
8 those 302s for the first time in connection with that, the
9 release of that memo.

10 Q And that was the extent of materials relating to
11 Ohr that you reviewed?

12 A Yes, that's correct.

13 Q Did you ever review information about Christopher
14 Steele from any source?

15 A I don't remember reviewing any other documents
16 relating to Christopher Steele.

17 Q Were you in any discussions or were your attorneys
18 in any discussions relating to information that Mr. Steele
19 provided or about Mr. Steele?

20 A Yes.

21 Q And what were they?

22 A There were meetings with Mr. McCabe about the
23 Russia investigation that involved discussions of the various
24 reports that were generated by Chris Steele that we had
25 received, both with respect to the content of the reports as

COMMITTEE SENSITIVE

1 well as what we had learned about Christopher -- we, I'm
2 sorry, the FBI investigative team had learned about facts
3 that might bear on his credibility as a source.

4 Q And what were those facts? You had mentioned the
5 contents. More specifically, what were these discussions
6 about? But start with the credibility issues.

7 M (b)(6), (b)(7)(C) per FBI I'm sorry. May we consult with the
8 witness, please?

9 [Discussion off the record.]

10 M (b)(6), (b)(7)(C) per FBI Thank you for that opportunity.

11 Because these questions pertain to matters that are
12 being looked at by the special counsel and its investigation,
13 we will instruct the witness not to answer.

14 Mr. Baker. Okay.

15 Rewind just a second before that question was asked.
16 Was your role in the FISA process for the Russia
17 investigation different than what your normal role is in a
18 FISA matter?

19 Ms. Anderson. No.

20 Mr. Baker. Okay.

21 BY MR. BREBBIA:

22 Q Can I follow up a little bit on those Ohr
23 questions?

24 Prior to reviewing the -- I know you say
25 contemporaneously, but prior to reviewing the 302s, were you

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

1 aware that Bruce Ohr was coming and meeting with people in
2 the FBI?

3 A I was not aware that he had met with FBI personnel
4 on multiple occasions. The only meeting of which I was aware
5 was I did have a general understanding that he had met with
6 Mr. McCabe on one brief occasion. But I was not aware of the
7 meetings that were documented in the 302s that I believe are
8 in the Reading Room.

9 Q And I'm curious, after reviewing the 302s, is it
10 regular practice for FBI to fill out 302s after speaking with
11 a Department of Justice attorney?

12 A No, but my understanding of why the 302s was
13 generated here was that they were speaking with a Justice
14 Department attorney about his interactions with an individual
15 who had been a source for the FBI.

16 Q So would you agree they were speaking with Bruce
17 Ohr in his capacity as a fact witness, not as a Department of
18 Justice attorney?

19 A I believe that's the way they would've looked at
20 it, yes. In other words, 302s are used for
21 evidence-collecting purposes and not to memorialize general
22 conversations that occur between DOJ attorneys and FBI
23 personnel. And so it's in that vein that I presume the 302s
24 were generated.

25 Q Did you ever meet with Bruce Ohr yourself?

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

1 A Not in my capacity at the FBI.

2 Q The committee has learned that, after Christopher
3 Steele was terminated as a confidential source, Mr. Steele
4 continued to meet with DOJ Attorney Bruce Ohr. Bruce Ohr
5 would then meet with the FBI and relay those findings.

6 Given your position with the FBI, do you have any
7 thoughts on continuing to meet with a terminated confidential
8 human source?

9 A I'm sorry. So you're asserting that the FBI
10 continued to meet with Christopher Steele?

11 Q Continued to meet with Bruce Ohr to receive
12 information from Christopher Steele after Christopher Steele
13 had been terminated as a confidential human source. Do you
14 have any views on that practice?

15 A Well, I'd be hesitant to provide views on I think
16 what you're asserting was happening, because my understanding
17 based on my reading of the 302s -- and, obviously, I don't
18 have those in front of me. But my recollection of the 302s
19 was that they reported on conversations or impressions that
20 Bruce Ohr had of Christopher Steele, not -- in other words,
21 they didn't reflect ongoing tasking, if you will, or anything
22 like that by Bruce Ohr of Christopher Steele. But the
23 information related more generally -- the information that
24 was reported in those 302s related more generally to Bruce
25 Ohr's impression of Chris Steele's credibility and his

COMMITTEE SENSITIVE

1 motivations.

2 Q Thank you.

3 Mr. Baker. Did you ever have occasion to meet or
4 otherwise work with an individual name (6)(6), (b)(7)(C) per FBI

5 Ms. Anderson. No.

6 BY MR. BREITENBACH:

7 Q You had mentioned earlier that all FISAs have to be
8 signed off, have an approver at an SES level. In OGC? Or is
9 that anywhere inside the FBI?

10 A In NSLB, in my particular branch.

11 Q In NSLB?

12 A Yeah. Uh-huh.

13 Q Okay. Who was that SES approver for the Carter
14 Page FISA?

15 A My best recollection is that I was for the
16 initiation.

17 Q Can you explain some of the process that you
18 engaged in in reviewing the FISA prior to you approving it to
19 go on to, I presume, the Director?

20 A Correct. My approval at that point was more
21 administrative in nature -- in other words, filling the
22 signature line. But all necessary approvals, including up
23 through and including the leadership of the FBI and the
24 leadership of the Department, by the time I put that
25 signature on the cover page had already been obtained.

COMMITTEE SENSITIVE

1 Q And what do you believe you are approving at that
2 moment? You mentioned it's an administrative approval. What
3 does that mean? Versus a substantive approval?

4 A Well, in this particular case, because there were
5 very high-level discussions that occurred about the FISA,
6 what I'm saying is the FISA essentially had already been
7 well-vetted all the way up through at least the Deputy
8 Director level on our side and through the DAG on the DOJ
9 side. And so my approval at that point was really purely
10 administrative in nature. In other words, the substantive
11 issues -- the FISA had already substantively been approved by
12 people much higher than me in the chain of command.

13 But, typically, the review by an SESer within FBI OGC,
14 it happens on a very short timeframe. In other words, those
15 SESers often will get a stack of FISAs that are -- it could
16 be 10, could be 15, could be 5 -- you know, perhaps, the
17 morning they're obligated to go to the Director or the night
18 before. There's not a lot of opportunity for substantive
19 review.

20 But it is sort of a backstop, if you will, a check to
21 ensure that we agree that there's probable cause, that all of
22 the essential elements of the application are met, that the
23 Woods form is completed, that the source checks, the asset
24 checks have been done, that the affidavit -- the verification
25 page has been signed by the agent with authority to sign it,

COMMITTEE SENSITIVE

1 those types of issues.

2 There were circumstances where I might look more
3 substantively at something based on what I saw in a cover
4 note summary of the FISA, but that was fairly rare. At that
5 point in the process, the FISA had already been very
6 well-vetted both on the FBI and the DOJ side. And so the
7 function of that SES signature was really to ensure sort of a
8 last check in the process to ensure that all necessary
9 elements of the FISA package were present and that it met the
10 basic requirements of probable cause.

11 Q Does that mean you read the FISA --

12 A No.

13 Q -- application?

14 A No. Unless there were an issue that was identified
15 by the cover note. So there typically would be a cover note
16 that would summarize the FISA. That cover note is generated
17 by DOJ. And because of the time pressures involved and the
18 sort of very-last-stop-in-the-process nature of the review,
19 the SES review, that's done, I wouldn't read a FISA unless
20 there were some sort of issue that was identified based on
21 the cover note.

22 Q You are, though, reviewing for the sufficiency of
23 probable cause --

24 A After many people have reviewed that assessment.
25 And so, as I mentioned, this was essentially a backstop to

COMMITTEE SENSITIVE

1 all of the other processes and the rigor that had been
2 applied by DOJ attorneys and by FBI investigative and legal
3 personnel.

4 Q Okay. So you did not read the FISA, but you
5 would've been familiar then with at least part of the FISA
6 with regard to the legal predication for probable cause in
7 the FISA in order to be able to sign it?

8 A I would be familiar based on the cover note, yes.

9 Q On the cover note. Okay. So --

10 A In the case of the Carter Page FISA, I was
11 generally familiar with the facts of the application --

12 Q Okay.

13 A -- before I signed that cover note.

14 Q Okay. So were you ever concerned that, in signing
15 an application, any FISA application, approving it, that your
16 administrative approval could be considered a substantive
17 approval for the application itself, including the
18 substantive facts, the probable cause determination, the
19 predication, the -- whatever sources may have been used?

20 I'm having a little trouble with understanding an
21 administrative approval versus a substantive approval. Is
22 the Director making a substantive approval following your
23 administrative approval?

24 A So, yes, I would characterize the approval of the
25 Director as being substantive in nature. I'm using

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

1 "administrative" in this context to indicate here, as I
2 described, that there were individuals, all the way up to the
3 Deputy Director and the Deputy Attorney General on the DOJ
4 side, who had essentially given their approval to the FISA
5 before it got to that step in the process.

6 That part of it was unusual, and so I didn't consider my
7 review at that point in the process to be substantive in
8 nature. In other words, there were smart lawyers, high-level
9 people on both sides of the street who had reviewed and
10 signed off on the application, the details of the
11 application. And so I was simply signaling, yes, this
12 package is ready to go forward.

13 Q So, in signaling that, in terms of a probable cause
14 determination, can you just explain, in terms of going up on
15 a FISA on Carter Page, what are the elements that would be
16 necessary in order to do so?

17 A I don't have the FISA statute in front of me here,
18 but, essentially, Carter Page -- there would need to be
19 probable cause that he was an agent of a foreign power and
20 that he was about to use or using the facilities that were
21 identified in the package. Those are the essential elements
22 required by the statute.

23 And I don't recall offhand the particular prong of that
24 agent-of-a-foreign-power requirement under which we pled
25 Carter Page, but I believe that is reflected in the Carter

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

1 Page applications that were released through the FOIA process
2 and to which you all have access through the Reading Room.

3 Q And because he is a U.S. person, is there any
4 additional aspect that is required if you're going up on a
5 FISA on a U.S. person?

6 A Not that I recall, but it does affect the frequency
7 of the renewals that are required.

8 Q Okay. So, because you are signing off and
9 approving the FISA, is it incumbent upon an approver to
10 understand the legal parameters, or is it necessary only to
11 have a management decision that particular processes have
12 been followed? In other words, you, as an approver, are you
13 looking to see whether particular processes have been
14 followed or whether there is legal sufficiency for obtaining
15 the FISA?

16 A I would say, in the regular case, I would say my
17 review includes both. However, with respect to the first
18 judgment about legal sufficiency, it would be with a great
19 degree of deference to the many lawyers who have reviewed
20 that application before me -- in other words, to the various
21 layers of review both on the FBI and on the DOJ side that
22 preceded me.

23 In this particular case, I'm drawing a distinction
24 because my boss and my boss' boss had already reviewed and
25 approved this application. And, in fact, the Deputy Attorney

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

1 General, who had the authority to sign the application, to be
2 the substantive approver on the FISA application itself, had
3 approved the application. And that typically would not have
4 been the case before I did that. Before, I would usually
5 sign the cover note on the FISA application.

6 So this one was handled a little bit differently in that
7 sense, in that it received very high-level review and
8 approvals -- informal, oral approvals -- before it ever came
9 to me for signature. And so, in this particular case, I
10 wouldn't view it as my role to second-guess that substantive
11 approval that had already been given by the Deputy Director
12 and by the Deputy Attorney General in this particular
13 instance.

14 Q Would it make sense if you were to hear that, when
15 dealing with a U.S. person, in addition to showing probable
16 cause that that person is an agent of a foreign power or a
17 foreign power, that that U.S. person also would need to be
18 engaged or have engaged in criminal activity?

19 A I don't remember the -- there are five prongs of
20 FISA under which individuals can be pled as agents of a
21 foreign power, and, sitting here today, I can't tell you
22 precisely what I remember about the statute.

23 I mean, I believe that the way we pled Carter Page did
24 involve -- was under the aiding-and-abetting prong that does
25 involve a reference to probable cause that he aided and

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

1 abetted -- and I can't remember the precise statutory
2 formulation, but activity that does involve criminal
3 activity.

4 Q Okay.

5 Changing subjects here, were you ever aware whether
6 Hillary Clinton's campaign or Mrs. Clinton herself was ever
7 directly targeted by a foreign power?

8 A I don't think I can answer that question in this
9 setting.

10 M (b)(6), (b)(7)(C) per FBI May we consult before the witness
11 responds?

12 Ms. Anderson. Well, I'll tell you, based on my
13 knowledge at the FBI, I don't believe I can answer that
14 question in this setting.

15 BY MR. BREITENBACH:

16 Q Were you ever aware whether any of Secretary
17 Clinton's emails were accessed by a foreign party?

18 A I was not aware of any evidence that her emails
19 were accessed by a foreign power.

20 Q If you had been made aware that any of her emails
21 had been accessed by a foreign power or foreign party, would
22 that have in any way colored your own interpretation of the
23 facts and the law as you eventually acceded to with regard to
24 the FBI's overall decision?

25 A So I don't know the answer to that question. It

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

1 might have affected the extent to which we conducted a damage
2 assessment of the information that had been compromised, for
3 example, by a foreign power. So it might've affected the
4 process and the steps that we took. But I'm not sure that it
5 would've affected our substantive assessment of the evidence
6 in the case as it applied to the criminal statutes in
7 question.

8 Q Have you seen any recent stories indicating --
9 there was a recent story, I should say, indicating that the
10 Chinese had potentially received ongoing access to Secretary
11 Clinton's emails. Did you have any knowledge as to that
12 particular accusation or allegation?

13 A No.

14 Q It has also been publicly speculated that
15 Mr. McCabe had memos that he memorialized. Are you aware
16 whether that is the case?

17 A Yes.

18 Q Have you read those memos?

19 A Yes.

20 Q What is the general subject -- or is there a
21 general subject for those particular memos?

22 M (b)(6), (b)(7)(C) per FBI May we consult with the witness before she
23 responds?

24 Mr. Breitenbach. Yes.

25 [Discussion off the record.]

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

1 Mr. (b)(6), (b)(7)(C) per FBI Because that question would require
2 addressing matters that are within the purview of the special
3 counsel investigation, we will instruct the witness not to
4 answer.

5 BY MR. BREITENBACH:

6 Q Well, without getting into the substance of the
7 memos, were you aware contemporaneously that Mr. McCabe was
8 keeping particular memos?

9 A No, I was not.

10 Q At what point did you become aware of the memos?

11 A I believe I first learned about them at some point
12 when I was Acting General Counsel, which would have been in
13 January of 2018.

14 Q And are you aware of other individuals who also
15 were aware of the memos? And who were they?

16 A I understand Lisa Page was aware of the memos.
17 Obviously, Andy McCabe. I understand the Special Counsel's
18 Office has access to those memos now. And I believe
19 Mr. Priestap may also have been aware of them.

20 Q And are you aware of the number of memos?

21 Mr. (b)(6), (b)(7)(C) per FBI We're going to give the same instruction
22 to the witness for that question.

23 I'm sorry. Did you ask if she's aware?

24 You may answer --

25 Mr. Breitenbach. Is she aware of the number of memos.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

1 Ms. Anderson. I don't recall.

2 Mr. Breitenbach. You don't recall.

3 Ms. Anderson. No.

4 Mr. Baker. You became aware of them based on your
5 capacity as the Acting General Counsel?

6 Ms. Anderson. I believe that's correct.

7 BY MR. BREITENBACH:

8 Q Do you know why you were made aware of the memos?

9 A I recall having a discussion with Andy McCabe about
10 them sometime during that month, but I don't recall the
11 reason for that discussion.

12 Q Did he seek your guidance?

13 A I don't recall the nature of the discussion that we
14 had.

15 Q Do you recall the situation in which you and
16 Mr. McCabe had a discussion regarding the memos?

17 A No. It was in his office.

18 Q Okay.

19 One more change of subject. You previously indicated in
20 the prior round that you were shocked by the firing of
21 Director Comey. More recently, what were your thoughts with
22 regard to the firing of Mr. Strzok?

23 A I thought it was very sad, everything that's
24 happened with respect to Pete. He was an excellent agent.
25 He was one of the smartest people I've worked with. He was a

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

1 great colleague. And I know he had dedicated his life to the
2 FBI and to public service more generally.

3 And so I think it's tragic what's happened with respect
4 to him and the publicity that he has attracted; the fact that
5 his family, obviously, is going through some difficulty with
6 respect to all of this; and now that, obviously, there's a
7 professional aspect of this for him as well. So, from a
8 human perspective, it's very sad.

9 Q Did his actions that resulted in his firing, in
10 your opinion, harm the Bureau's reputation?

11 A Yes. The revelation of the text messages obviously
12 was damaging to the reputation of the FBI. None of us were
13 aware, I was not aware, those that I worked with were not
14 aware of the text messages at the time they were being sent.
15 As I mentioned before in my testimony, we were not aware of
16 the affair. It was deeply disappointing to the team that two
17 colleagues that we had worked so closely with on this
18 investigation that was so important to the Bureau and so
19 sensitive, that they had engaged in these text messages.

20 BY MR. BAKER:

21 Q It was widely reported that the reason for
22 Mr. McCabe's termination, I believe, was lack of candor. Do
23 you know what Mr. Strzok was actually terminated for, what
24 your understanding, what your belief was?

25 A I don't know. It's postdated my time at the FBI.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

1 Q Okay.

2 You had mentioned a little while ago, as part of the
3 FISA process, something you referred to as a source check and
4 an asset check was done, or would be done. What are those?

5 A One and the same. So it's an asset check. There
6 are a set of queries that are run of databases in order to
7 assess whether or not the FISA target is or has been a source
8 for the FBI. It's not disqualifying for the FBI to surveil a
9 source or former source, but it's something that we need to
10 know in putting together the FISA package. And so those
11 asset checks or source checks are run.

12 Q And I'm assuming there was no issue with it,
13 because it kept moving along?

14 A You mean for the Carter Page FISA?

15 Q Yes.

16 A Correct.

17 Q Okay.

18 I'm curious, in the discussions you were having with my
19 colleague Mr. Breitenbach, who is the last person in this
20 FISA process that actually reads the whole package rather
21 than just an administrative part of it? Does the Director
22 actually read the whole thing before he signs off on it?

23 A No, I would not presume so. The Director might on
24 any particular day receive a stack of as many as 15, 17, 20
25 FISAs. That's sort of the outer range of how many the

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

1 Director could receive. And they're very thick. It's not
2 unusual for the Director to receive a stack this tall. I'm
3 indicating about a foot and a half between my hands here, for
4 the benefit of the reporter. And so that, obviously, is not
5 commensurate with the 20 minutes the Director has in his
6 schedule for review and approval of the FISAs.

7 And so he does rely heavily on the process, on the rigor
8 of the process, both on the FBI side and on the DOJ side, as
9 well as on the cover note that is generated by a DOJ lawyer
10 who has read and been involved in the drafting of that FISA
11 application. And so, yes, the Director or Deputy Director,
12 if he signs the FISA, you know, relies on others.

13 I don't know precisely who is sort of the highest-level
14 person who does, you know, review and read every FISA
15 application. I know many of them are reviewed and read by
16 Stuart Evans, who is the Deputy Assistant Attorney General
17 who oversees the FISA process on the DOJ side. And there are
18 many attorneys who report to him, but I'm not quite sure
19 within that chain of command who, to a certainty, would have
20 read every single FISA application that goes through.

21 Q At the FBI, do you know who that would be?
22 Obviously, someone below you. Like, if it's coming from the
23 field, would the Chief Division Counsel be someone that would
24 read it? The supervisor of the agent that's submitting it?
25 I'm just curious, where down in the chain does the final

COMMITTEE SENSITIVE

1 thing last get read?

2 A Well, more importantly is on the DOJ side,
3 obviously. They're the drafters, and there are counsel who
4 submit the application to the FISA court and ultimately have
5 responsibility for the application. I know, you know, our
6 line attorneys obviously read the FISA applications.
7 Occasionally, unit chiefs will read them as well.

8 I will read FISA applications if they're flagged for me
9 as raising novel or controversial issues. As I mentioned, if
10 there's something that I see in my review of the cover note
11 on that morning, the morning immediately before it goes to
12 the Director, I'll flip to the relevant portions of the
13 application or even read the whole thing in its entirety.
14 But, typically, that would not be the case.

15 Q And you said just a minute ago -- I thought you
16 said that the Director has 20 minutes set aside to review all
17 the FISAs?

18 A Approximately, yes.

19 Q That's a real number?

20 A It's not set in stone, and so we do have a process
21 in place by which the Deputy Director or Director often will
22 get a heads-up about the number -- there's an email that goes
23 out every evening that indicates the number of FISAs that are
24 ready for the Director's signature by the next morning.

25 And it is important, in most cases, that those FISAs, as

COMMITTEE SENSITIVE

1 long as the Director is comfortable with them, do get signed
2 in a timely fashion, because on the other side of the street
3 we've got either the Attorney General or the Deputy Attorney
4 General or the AAG for the National Security Division lined
5 up at a particular time to sign the FISA. And the FISA court
6 already has a read copy of the application and it's been
7 docketed for that week, and so we'd have to pull it off the
8 docket if it were not to go forward. And so it is fairly
9 important that those FISAs that are presented to the Director
10 get signed on that particular day.

11 Q Would it also be true that if it sat at any one
12 particular place too long -- because it sounds like there's a
13 lot of stops that this package makes -- if it sits too long
14 at any one location, the information in it gets stale and has
15 to be --

16 A That's correct. That's correct.

17 Q It'd be just like on the criminal side of the
18 house. If you're doing a Title 3 application, if you sit too
19 long at any one stage, you've got to go back and refresh the
20 probable cause?

21 A That's correct.

22 Q You had also indicated that this one was different
23 in that it came -- when it hit your desk, some of the
24 top-level executives, specifically the Deputy Attorney
25 General and maybe I think you said the Director, had already

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

1 signed off on it or had already reviewed it --

2 A That's correct.

3 Q -- and that was not the normal course.

4 A That's correct.

5 Q Why was this one different?

6 A The sensitivity level of this particular FISA
7 resulted in lots of very high-level attention both within the
8 FBI and DOJ.

9 The General Counsel, for example, who is the former head
10 of what was known at the time as OIPR, the office within the
11 Department of Justice that has responsibility for all of the
12 FISA applications -- he's the former head of that office --
13 he personally reviewed and made edits to the FISA, for
14 example.

15 The Deputy Director was involved in reviewing the FISA
16 line by line. The Deputy Attorney General over on the DOJ
17 side of the street was similarly involved, as I understood,
18 reviewing the FISA application line by line.

19 Q And when he was still on the rolls at the FBI,
20 Mr. Baker as the General Counsel was also in this process?
21 He would --

22 A That's the individual to whom I was referring a
23 moment ago.

24 Q Okay.

25 A Jim was the former head --

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

1 Q The former -- okay.

2 A OIPR.

3 Q Okay.

4 A And so he was extremely familiar with the FISA
5 process. He's one of -- I would say, one of the
6 government's -- well, no longer with the government -- one of
7 the Nation's leading experts on FISA. And his experience
8 with that office led him to be one of the best people you
9 could possibly consult about what was contained within the
10 FISA application.

11 And so he read it. The Deputy Director read it, as I
12 understood. The Deputy Attorney General read it.

13 Q So I would assume when James Baker was at his desk
14 and a FISA's passing through him, based on his experience in
15 OIPR, people above him that are doing these administrative
16 sign-offs or whatever, if Jim Baker's looked at it, I'm
17 assuming there's a lot of confidence by the people above him
18 because he does have such an expertise in FISAs. Is that
19 correct?

20 A I would not say that this was a circumstance where
21 there was any deference given to Jim Baker. In other words,
22 when Andy McCabe looked at it, certainly when Sally Yates
23 looked at it, I don't believe they were simply relying on the
24 judgment of Jim Baker having reviewed the application. My
25 understanding and my impression at the time was that they

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

1 very much gave it their own de novo independent review and
2 that, you know, it was very carefully reviewed by those
3 individuals.

4 Q Would it be fair to say having James Baker as the
5 General Counsel brought with it an expertise in this
6 particular area of the law, based on his --

7 A It did, but I'm not even sure those officials were
8 aware that Jim Baker had personally reviewed the FISA
9 application.

10 Q Okay.

11 And you had indicated that -- when I asked why this was
12 different, you said because of the sensitivity. Why, in your
13 opinion, was this sensitive?

14 A We understood, because of who Carter Page was, that
15 people would second-guess the appropriateness of submitting
16 the FISA application, and so we were taking extra care with
17 the application itself.

18 Q Okay. That's all I have.

19 BY MR. BREITENBACH:

20 Q You indicated that you do personally read
21 controversial FISAs, and you've indicated that there's all
22 these sensitivities with this particular one, but you chose
23 not to read this FISA --

24 A I'm sorry, that's not correct. I did read this
25 FISA.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

1 Q You did read this FISA?

2 A Not on the morning when I signed the application,
3 no, I did not --

4 Q Okay.

5 A -- but I read it at an earlier point in the
6 process.

7 Q Okay. Thank you.

8 In terms of renewals, do renewals also require a similar
9 sign-off by an SESer?

10 A Correct.

11 Q And with this particular FISA, were you also the
12 official that was signing off on the renewals?

13 A I don't recall.

14 Q You previously indicated in a prior round that
15 there, to your knowledge, was never a spy that was placed on
16 the Trump campaign or anywhere in the Trump orbit. What's
17 your definition of a spy?

18 Let me make it easier. Does a spy, in your mind,
19 include a human confidential source?

20 A No.

21 Q Does a spy include an undercover FBI employee?

22 A I don't know.

23 Q So by saying that you -- I mean, you answered "no"
24 to the question was there ever a spy placed --

25 A Right, so for two reasons.

COMMITTEE SENSITIVE

1 Q Sure.

2 A First, the word "spy" did not seem commensurate
3 with what I understood had been done in this particular case.

4 And the other thing was the verb, the use of the verb
5 "place" a spy or "place" a source within a campaign. To my
6 knowledge, the FBI did not place anybody within a campaign
7 but, rather, relied upon its network of sources, some of whom
8 already had campaign contacts, including the source that has
9 been discussed in the media at some length beyond Christopher
10 Steele.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [4:04 p.m.]

2 BY MR. BREITENBACH:

3 Q If I could circle back, we had talked before about
4 the 302s being filled out with Bruce Ohr. Was Sally Yates
5 made aware that one of the attorneys at the Department of
6 Justice was being interviewed by the FBI in this matter, in
7 the matter he was being interviewed about?

8 A I don't know. I've seen reporting to the effect
9 that she was not aware, but I don't know.

10 Mr. Herrington. But do you have any --

11 Ms. Anderson. No, I do not have any personal knowledge.

12 Mr. Herrington. -- on the job knowledge --

13 Ms. Anderson. No, I do not. I do not.

14 BY MR. BREITENBACH:

15 Q Did you participate in any discussions about
16 whether or not she should be made aware?

17 A No.

18 Q Were there any discussions in the General Counsel's
19 Office about speaking to Bruce Ohr to receive information
20 from a confidential source?

21 A No. But remember, I also testified that earlier
22 that I had no awareness of the meetings that were taking
23 place between FBI personnel and Bruce Ohr except for that one
24 meeting that I understood occurred, that I understood was a
25 very high-level meeting between Bruce Ohr and Andy McCabe.

COMMITTEE SENSITIVE

1 Q Okay. So, to be clear, other than that one meeting
2 with McCabe, you were unaware of any additional meetings
3 between Bruce Ohr and anyone at the FBI.

4 A That's correct, until some of the information from
5 those meetings was referenced in the HPSCI majority memo that
6 was released in late winter 2018.

7 Q Okay. Thanks.

8 A Yep.

9 BY MR. BREBBIA:

10 Q One final question. Former General Counsel Andrew
11 Weisman of the FBI, now on the special counsel team, do you
12 know whether he had any involvement or any awareness of
13 either the Midyear Exam or the Russia investigation,
14 including the Carter Page FISA?

15 A I'm sorry. Say that again. I missed the last part
16 of your question.

17 Q Are you aware whether he had any knowledge of
18 either the Midyear Exam or the Carter Page FISA and the
19 Russia investigation generally?

20 A Before the special counsel office was stood up
21 or --

22 Q Yes.

23 A No, I don't know.

24 Q You don't know. Okay. Thank you.

25 Mr. Baker. It's been a long day. We've asked you a lot

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

1 of questions, and I indicated earlier the process lends
2 itself to duplicity. You have been very gracious in
3 answering and reanswering things.

4 Is there anything you would like to tell us? Well, no,
5 let me rephrase that -- anything you would like to say
6 about -- I mean, are you of the opinion that in both cases,
7 the Russia case and Midyear, that everything was done that
8 would normally be done in those cases? Other than the way
9 things are handled in sensitive circumstances, which you've
10 alluded to, was everything done that could be done or should
11 be done?

12 Ms. Anderson. Yes. Both cases were handled, in my
13 opinion, in a professional, by-the-book, competent, and
14 thorough way.

15 Mr. Baker. Anything else you'd like to add for the
16 record?

17 Ms. Anderson. No.

18 Mr. (b)(6), (b)(7)(C) per FBI Before we -- I believe it appears you may
19 be about to adjourn. May we consult with the witness for
20 just, I think, a very quick moment?

21 Mr. Baker. The minority is going to --

22 Mr. (b)(6), (b)(7)(C) per FBI Okay. Well, we can do it during a break
23 then, I think. Thank you.

24 [Recess.]

25 Ms. Kim. We'll go back on the record. It is 4:08 p.m.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

1 BY MS. KIM:

2 Q Ms. Anderson, in the last round, the majority asked
3 you if Mr. Bruce Ohr was a fact witness for the Russia
4 collusion case. I'd like to revisit that representation.

5 A Okay.

6 Q As far as we understand, Mr. Ohr's role was --
7 sorry. Strike that, please.

8 As far as you understand, was Mr. Ohr ever specifically
9 tasked by the FBI with contacting Christopher Steele?

10 A No.

11 And if I could clarify, I don't believe myself to have
12 accepted a premise that he was a fact witness. I think what
13 my testimony related to was the purpose for which a 302 is
14 documented, and it's typically to record evidence or
15 potential evidence. And so I wouldn't consider somebody to
16 have been a fact witness simply because a conversation
17 they've had with the FBI has been documented in a 302.

18 Q So you understood his role as providing information
19 to the FBI but not necessarily in the capacity of a fact
20 witness.

21 A Correct. I think that might be a little strong or
22 inaccurate here.

23 Q Excellent.

24 Are you aware of Mr. Ohr having any official
25 responsibility in the Russia collusion probe?

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

1 A No.

2 Q Are you aware of Mr. Ohr making any investigative
3 decisions --

4 A No.

5 Q -- in the Russia conclusion probe?

6 After the FBI terminated Mr. Steele as a source in
7 November of 2016, did the FBI task Mr. Ohr with the
8 responsibility of continuing to meet with Mr. Steele to
9 obtain information?

10 A Not to my knowledge.

11 Q So, to your knowledge, when Mr. Ohr continued to
12 convey information to the FBI, that was Mr. Ohr voluntarily
13 providing information to the FBI that he was receiving from
14 Mr. Steele.

15 A Correct. And, you know, some of what's in the
16 302s, at least to the best of my recollection sitting here
17 today, was that information that Bruce Ohr was providing to
18 the FBI reflected prior information he had obtained from
19 Mr. Steele. I don't know whether or not Mr. Ohr continued
20 meeting with Christopher Steele after the source relationship
21 was terminated.

22 Q Excellent.

23 Ms. Kim. I think that will conclude our questioning for
24 the day. The time is 4:10.

25 [Whereupon, at 4:10 p.m., the interview was concluded.]

COMMITTEE SENSITIVE

COMMITTEE ON THE JUDICIARY,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: LISA PAGE

Friday, July 13, 2018

Washington, D.C.

The above matter was held in Room 2141, Rayburn House Office Building, commencing at 1:40 p.m.

Mr. Somers. Let's go on the record.

Good afternoon. This is a transcribed interview of Lisa Page, a former assistant general counsel at the Federal Bureau of Investigation. 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 and the last position she held at the FBI for the record?

Ms. Page. Lisa Page. I have always been an assistant general counsel at the FBI, but the last informal role I held was as special counsel to the Deputy Director of the FBI.

Mr. Somers. Thank you. I want to thank you for appearing here today. My name is Zachary Somers, and I am the majority general counsel on 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. Baker. Arthur Baker, investigative counsel, House Judiciary Committee majority staff.

Mr. Parmiter. Robert Parmiter, chief counsel for crime and terrorism, House Judiciary majority staff.

Mr. Breitenbach. Ryan Breitenbach, senior counsel, House Judiciary majority.

Mr. Gowdy. Trey Gowdy, South Carolina.

Ms. Jackson Lee. Sheila Jackson Lee, Houston, Texas, Judiciary Committee.

Mr. Ratcliffe. John Ratcliffe, Texas.

Mr. Jordan. Jim Jordan, district, Ohio.

(b)(6),(b)(7)(C) per FBI associate general counsel, FBI.

(b)(6),(b)(7)(C) per FBI associate general counsel FBI.

Ms. Bessee. Cecilia Bessee, acting deputy general counsel FBI.

(b)(6),(b)(7)(C) per FBI counsel for Lisa Page.

Ms. Kim. Janet Kim, House Oversight Committee minority staff.

Mr. Hiller. Aaron Hiller, House Judiciary Committee.

Ms. Hariharan. Arya Hariharan, House Judiciary Committee.

Ms. Adamu. Marta Adamu, OGR majority.

Ms. Wasz-Pipen. Lyla Wasz-Pipen, House Judiciary minority.

Ms. Sachsman Grooms. Susanne Sachsman Grooms, House Oversight minority.

Mr. Apelbaum. Perry Apelbaum, House Judiciary Committee majority.

Mr. Nadler. Jerry Nadler, vice ranking member of Judiciary Committee.

Mr. Raskin. Jamie Raskin, Judiciary Committee.

(b)(6),(b)(7)(C) per FBI FBI congressional affairs.

Mr. Krishnamoorthi. Raja Krishnamoorthi, Illinois, Oversight.

Chairman Goodlatte. Bob Goodlatte, Virginia, Chairman of House Judiciary Committee.

Mr. Biggs. Andrew Biggs, Judiciary Committee.

Mr. Buddharaju. Anudeep Buddharaju, House Oversight majority.

Ms. Green. Megan Green, House Oversight majority.

Mr. Gohmert. Louie Gohmert.

Mr. Perry. Scott Perry, Pennsylvania, Fifth District.

Mr. Gaetz. Matt Gaetz, Florida, House Judiciary Committee.

Mr. Somers. The Federal Rules of Civil Procedure do not apply in this setting, but there are some guidelines that we'll 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 the opportunity to ask questions for an equal period of time.

We usually go back and forth in this manner until there are no more questions and the interview is over. However, given our late start time today and the witness' willingness to reappear to resume this interview on Monday, our plan is to do two rounds for the majority and two rounds for the minority today, and we'll pick up again on Monday.

Mr. Jeffress. Just to be clear, we're willing to stay all afternoon this afternoon if we could finish today and would prefer that.

Mr. Somers. Okay. We'll see where we get at the end of the first two rounds.

Although a subpoena was issued for Ms. Page's appearance, Ms. Page, through her attorney, has agreed that we'll proceed with today's session as a voluntary transcribed interview. We anticipate that our questions will receive complete responses. To the extent that Ms. Page declines to answer our questions or if counsel instructs her

not to answer, we will consider whether we need to proceed under our subpoena.

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. 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 our questions. Do you understand that?

Ms. Page. I do.

Mr. Somers. So that the reporter can take down a clear record, we will try to do our best to limit the number of Members and staff directing questions at you during any given hour to just those Members and staff whose turn it is. 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 with counsel today. Could counsel please state her name for the record?

Mr. Jeffress. Amy Jeffress.

Mr. Somers. We want you to ask 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, it is best not to guess. Please give us your best recollection, and it is okay to tell us if you learned the 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 response to the question.

Ms. Page, 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. Page. I do.

Mr. Somers. This also applies to questions posed by congressional staff in an interview. Do you understand this?

Ms. Page. I do.

Mr. Somers. Witnesses who knowingly provide false testimony could be subject to criminal prosecution for perjury or for making false statements. Do you understand this?

Ms. Page. I do.

Mr. Somers. Is there any reason that you are unable to provide truthful answers to our questions today?

Ms. Page. There is not.

Mr. Somers. Finally, I'd like to note that, as chairman of the Judiciary Committee 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 Chairman 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's the end of my preamble. Do you have any questions before we begin?

Mr. Jeffress. I would just like to state on -- with respect to your last point, that if we understand that confidentiality has been violated by any media reports of what takes place today, we will consider ourselves to be released from that confidentiality provision and hope you understand that.

Mr. Somers. Okay. The time is now 1:45, and we'll get started with our first round of questions.

Mr. Gowdy. Good afternoon, Ms. Page. My name is Trey Gowdy. I'm from South Carolina. I'm on the Judiciary and Oversight Committee. I want to ask you about some texts that have been attributed to you, but I want to give you an opportunity to follow along as we identify them. I'm going to try to do it by date, but one thing that I have learned in the course of this investigation is sometimes the dates don't sync up. So, if there's ambiguity about the date, then I'll give you the first phrase of that text, that way your attorney can identify it.

Ms. Page. Do you have a --

Mr. Gowdy. I want to start with one dated November 1, 2015. It's a text that you sent to Special Agent Peter Strzok: And I hope Paul Ryan fails and crashes in a blaze of glory.

Do you recall that text?

Ms. Page. I do not.

Mr. Gowdy. Do you dispute that you sent that text?

Ms. Page. Not at all.

Mr. Gowdy. What did you mean by "fails"?

Ms. Page. I don't recall the text, sir.

Mr. Gowdy. Could you review it and see if that refreshes your recollection?

Ms. Page. If you can give me the text in the context surrounding it, that would help, yes, please.

Mr. Gowdy. Sure.

Ms. Page. I don't know. I don't know. Sorry. My guess is I was watching the news about something. And I don't know what was happening in November of 2015, but my suspicion is there was some policy issue that I disagreed with, and that was my statement. But I really do not know.

Mr. Gowdy. Would it refresh your recollection to know that that was 2 days after he became Speaker of the House?

Ms. Page. Certainly.

Mr. Gowdy. And when you wrote "fails," what did you mean by "fails"?

Ms. Page. I couldn't tell you.

Mr. Gowdy. Out of the universe of options of what you could have meant by "fails"?

Ms. Page. I don't know precisely what I was thinking about, sir. I presume -- I really don't know. I can't take a guess at it. If there was a particular policy proposal or a particular objective that he had as Speaker, if there was something about a statement or a speech or

something that he was saying that I was referring to, but I don't have the context for the rest of it, so I'm sorry.

Mr. Gowdy. How about "crashes in a blaze of glory"? What'd you mean by that?

Ms. Page. I don't have a better answer, sir. I'm sorry. I just don't recall precisely what I was referring to.

Mr. Gowdy. All right. How about we move to February 24 of 2016? And, again, my date may be different -- wouldn't be different by more than a day than yours.

Ms. Page. February 24, 2016? I'm sorry.

Mr. Gowdy. February 24, 2016, is a page that you would have sent to Special Agent Peter Strzok, and it begins, "One more thing." I'll wait until your counsel lets me know if she's got that pulled up.

Ms. Page. Oh, she's not pulling them up. I'm sorry.

Mr. Gowdy. You're not pulling them up?

Mr. Jeffress. I'm taking notes.

Mr. Gowdy. You don't have -- do you have a book of the text -- of your text?

Ms. Page. I do not, no.

Mr. Gowdy. Well, why don't we stop for a minute and let that happen so we're not --

Ms. Page. Thank you. That would be helpful. Okay.

Mr. Gowdy. February 24, 2016, a page that begins, "One more thing."

Ms. Page. Ah, yep. I see it. Yes.

Mr. Gowdy. Could you read that for us?

Ms. Page. Sure: One more thing. She might be our next President. The last thing you need us going in there loaded for bear. You think she's going to remember or care that it was more DOJ than FBI?

Mr. Gowdy. Who would be the "she" in the "she might be President"?

Ms. Page. Hillary Clinton.

Mr. Gowdy. What did you mean by "the last thing you need us going in there loaded for bear"?

Ms. Page. So, as I discussed at length in the IG report, there's a great deal of context here that needs to put this in context. And, in fact, there are easily a half dozen emails and other text messages all sort of surrounding this timeframe.

Pretty early on or actually right around this time in the investigation, almost every interview had been conducted the way FBI interviews are regularly conducted, with two agents, maybe a prosecutor or two, but it -- generally two agents and one or two prosecutors.

And as soon as the planning started to begin to interview some of the more high-profile witness, not just Mrs. Clinton but also Huma Abedin, Cheryl Mills, Jake Sullivan, and her sort of core team, the Department wanted to change the sort of structure and the number of people who were involved.

And the FBI did not agree with that. We thought this is the way we normally do things. This is the way we -- this is the way -- as

you well know, sir, as a prosecutor. I was a prosecutor for 6 years as well -- a more effective interview is conducted with a smaller group, and you build a better rapport, not -- this lovely body notwithstanding.

And so we felt strongly that there should only -- we should maintain the same procedure that we had maintained, which was two prosecutors, two agents, and this represents kind of the middle of a fight that had been happening preceding this date and following this date about how many personnel should be present for these high-profile interviews.

Mr. Gowdy. Who specifically at the Department advocated for a different way of interviewing what you refer to as high profile?

Ms. Page. David Laufman. David Laufman.

Mr. Gowdy. Anyone else?

Ms. Page. No, not to my knowledge.

Mr. Gowdy. And if I understood the context of your answers, at least someone at the Bureau, maybe you, but someone at the Bureau questioned why you would treat some witnesses differently from the way you treated other witnesses?

Ms. Page. No. Actually, the whole team. To the best of my knowledge, everybody at the FBI felt that we should proceed with the higher profile interviews, including for Mrs. Clinton, in the same way that we always had.

David Laufman felt strongly that he needed to be present for these higher profile interviews. And so that then cascaded: Well, if he's

going to be there, should we have Pete or someone else sort of higher ranking than the sort of line agents and line prosecutors who were conducting the investigation.

And then, once we started talking about including David, then the U.S. Attorney's Office also wanted to participate in the interviews, although they had participated in virtually none by that point. And so then the U.S. Attorney's Office was pushing to have the AUSAs, who were participating in the Clinton investigation, also participate.

And so now, all of a sudden, we were going from our standard two and two to this burgeoning number of people. And this text reflects my frustration that we should be doing things the way we always do things, and that we should not kowtow to the Department's desire to add people who are not necessary and who were not necessarily going to add value to these interviews.

Mr. Gowdy. How many interviews were conducted in the way that you think would have been different from an operational norm?

Ms. Page. I don't know for sure. I'd say a half dozen or less, but I am just sort of guessing.

Mr. Gowdy. Of the half dozen or less, did you send text or emails worried about the perception of treating that interview differently, or was it just the one when you referred to she might be our President?

Ms. Page. No. This was an argument that pertained to all of them ultimately. So this was not unique to her. Again, this is just sort of a sort of snippet in time, but we had multiple -- and I think it's reflected either in other texts or in other emails -- multiple

conversations and lots of back and forth and a great deal of frustration in which I was largely advocating the team's interest to keep it at two and two with the Deputy Director.

And George Toscas from the Justice Department was advocating for why he felt David Laufman should be there, and now the U.S. Attorney's Office is a partner, and so we need the two prosecutors who are actually doing all the work because they're the ones who have the substantive knowledge. But if David Laufman comes, how do we now exclude a higher ranking, you know, senior AUSA from the eastern district of Virginia who's involved.

And so it was sort of a back and forth that continued for possibly a week on this topic. And it pertained -- again, it was -- it came up first in the context of scheduling Jake Sullivan's interview, is my recollection, although I'm not positive. But I think he was the first one. And that's what sort of triggered the larger discussion.

Mr. Gowdy. All right. Two questions, but I'll let you take them in order. I wrote down David Laufman's name and then you introduced a name George Toscas.

Ms. Page. Yes.

Mr. Gowdy. Was it Laufman or Toscas that was advocating for the interviews to be done differently?

Ms. Page. I'm sorry. I should be more clear. It was Laufman. My understanding is that it was David Laufman who was the section chief of the -- then it was called the counterespionage section at the Justice Department. He was the -- he was the one who first said: I feel like

I need to be there.

George Toscas is his boss, and so David Laufman was a low enough -- was of a rank -- as you well know, the FBI is quite hierarchical. And so Dave Laufman was of a rank that he would not have been calling the Deputy Director to advocate for his position personally.

So he went to his boss, George Toscas, whom Andy McCabe has had a long relationship with because George has done counterterrorism and Andy did counterterrorism. And so David went to his boss, George Toscas, to further advocate for the position that the Department was -- that David Laufman wanted to take for two -- for, excuse me, for a greater number of prosecutors.

Mr. Gowdy. For those of us who might be inclined to side with your position that you should treat all interviews the same, what was the argument that you should treat certain interviews differently?

Ms. Page. Well, the one David posited, and this is -- I did not hear it personally, so this is secondhand to me. But what I understood David's argument was, was that he was the section chief over this investigation, so he was sort of the -- ostensibly the person running it, although he did not really have day-to-day involvement in the investigative activity, and that he would one day be in the room with Loretta Lynch and she would turn to him and sort of ask his view on the sort of credibility of the witnesses and otherwise and that he felt it was -- he had a responsibility to be present in order to be able to answer -- answer whatever questions were expected of him by

senior-level people at the Justice Department.

Mr. Gowdy. And so the text -- I don't know if it's right after that. It's also dated February 24 -- from you to, I guess, then-Deputy Director McCabe and another of your employee -- begins having a larger number. You see that one?

Ms. Page. I don't because I'm guessing it's probably on another set. If you wouldn't mind reading -- I know it just changes by like one or two lines, so if you wouldn't mind just reading it, sir.

Mr. Gowdy. Having a larger number in the room is not operationally necessary and that this is as much about reputational protection as anything.

Ms. Page. Got it. Yes.

Mr. Gowdy. Can you see how someone might read that text to be that the interview itself was kind of perfunctory and the interview itself was about reputational protection?

Ms. Page. I don't see it that way, sir, no.

Mr. Gowdy. How do you see it?

Ms. Page. Well, in part because I make the reference to sort of operational necessity, that doesn't go at all to the perfunctory nature. And this wasn't -- this argument, although here we are just talking about Hillary Clinton, this is just a snapshot of this one particular text. The broader argument was with respect to all of the sort of higher profile witnesses, and so what the -- what we're arguing is let's be reasonable here. I don't -- there's no operational necessity for it, and, furthermore, it's not the right optic. It's

now how we do things. It's not an optic because she's going to be President. It's an optic because we, the FBI, don't really like to come marching in, you know, loaded for bear or guns blazing or any other sort of turn of phrase that you want to use where it's not operationally necessary.

So, if you're executing a search warrant, you're going to come with a bunch of dudes. If you're trying to conduct an interview, it's not really appropriate to come with an army full of -- notwithstanding my friends here -- an army full of lawyers and agents.

Mr. Gowdy. Drawing on your background as prosecutor and as counsel for the Bureau, what is operationally necessary about having other potential fact witnesses attend an interview?

Ms. Page. I do not know. I would agree with you that it is not typically appropriate or operationally necessary to have fact witnesses attend the interview.

Mr. Gowdy. Do you know whether any potential fact witnesses attended the interview -- we'll start with Secretary Clinton?

Ms. Page. It's my understanding that both Cheryl Mills and, I think, Heather Samuelson attended her interview.

Mr. Gowdy. Who made the decision to allow them to be present?

Ms. Page. Somebody at the Department. I do not know whom.

Mr. Gowdy. And when you say the Department, you're distinguishing the Department from the Bureau?

Ms. Page. Yes. I'm sorry. I will always call the Bureau the FBI or the Bureau, and the Department the Justice Department or the

Department.

Mr. Gowdy. Were potential fact witnesses allowed to sit in in any of the other universe of interviews where things were done differently?

Ms. Page. Not to my knowledge.

Mr. Gowdy. So the best of your knowledge, it was only her interview where potential fact witnesses were allowed to sit in?

Ms. Page. That's correct.

Mr. Gowdy. Now, as a former prosecutor, I am sure that struck you as being highly irregular?

Ms. Page. We all at the FBI disagreed with it. And I recall both lawyers for the FBI calling to -- calling over to the prosecutors, and I am certain that Pete called over to the prosecutors to say, "This is BS," I'm sure is probably how he would have phrased it, like why are they attending. And the answer that we received back was that they did not have the -- they didn't see a legal basis to exclude them from the interview because Secretary Clinton was representing them as her lawyers.

Mr. Gowdy. Had she been interviewed in a compulsory setting, would she have been allowed to have fact witnesses present?

Ms. Page. I don't think that makes a difference. Well, I'm sorry. Do you mean like in a grand jury?

Mr. Gowdy. Yeah, like a grand jury.

Ms. Page. In a grand jury, she wouldn't have anybody present.

Mr. Gowdy. Right. Including your lawyer.

Ms. Page. She would not be permitted to have any lawyer present; that's correct.

Mr. Gowdy. Right.

Ms. Page. Right.

Mr. Gowdy. Do you know who at the Department would have made the decision to allow potential fact witnesses to be present?

Ms. Page. I do not, sir.

Mr. Gowdy. Who would be the universe of folks that would have the authority to do so?

Ms. Page. I presume -- so the reason I hesitate is because I don't know -- I know who the two line prosecutors were who we worked with regularly. I'm sorry. Oh. I worked with the two -- I know who the two line prosecutors were who were sort of responsible for the day-to-day investigative activity. I do not know whether they made those decisions on their own or whether they consulted their superiors, which would have been David Laufman and George Toscas again. I just don't know.

Mr. Gowdy. I want to go to March 3, 2016. Well, actually, let me ask you, Secretary Clinton was interviewed on July --

Ms. Page. I think 2nd, I believe so.

Mr. Gowdy. -- 2. Do you recall when Attorney General Lynch recused herself?

Ms. Page. Either right before or right after. I don't remember exactly.

Mr. Gowdy. Would she have been still making the decisions on the

case? Would she have still not been recused by the time these conversations take -- took place about who could and could not be present?

Ms. Page. Oh, oh, oh. So -- well, two things. I guess, first, I am not sure she ever formally recused herself. She sort of, I think, did a half step, which I think she's been criticized for, which was that she didn't fully sort of step away from the investigation following the tarmac incident. She said that she would defer to the sort of judgment of the career prosecutors. So I don't -- I wouldn't -- we can call that a recusal if that's how you want to frame it, but I don't know that that legally would be considered one.

I really do not know. This case was unusual in that most of the high-profile matters that I have been a part of during my services as Mr. McCabe's counsel required fairly regular meetings with high-level Justice Department officials and so it was not uncommon to be briefing the Attorney General, and certainly more likely the Deputy Attorney General or the PADAG about the status of certain investigations.

And in this investigation, I do not believe that the FBI ever provided a substantive briefing other than very, very early in the investigation before I was working for the Deputy Director and before Andy McCabe was the Deputy Director.

So I actually can't answer any questions substantively with respect to what kind of briefings and what Loretta Lynch or Sally Yates or other high-level Justice Department officials knew and when because we were not really privy at all to what sort of briefings and who was

delivering them and what the substance was of them.

Mr. Gowdy. I'm going based on memory here because I don't have the text in front of me, and if you don't recall it, then we'll get somebody to pull it up for us. But I have in the vague recesses of my memory a text you either sent or received that referred to Loretta Lynch as something other than a profile in courage.

Ms. Page. Yep, I remember that one.

Mr. Gowdy. Would that have been in connection with her decision to recuse herself?

Ms. Page. Right. So that was in -- that was in response to the tarmac episode. And as I said, also from memory, so this may be off a little bit, but my recollection is that she represented publicly that she would defer to the judgments or the recommendations of the career prosecutors. And I think my text said something to the effect of: It's a real profile in courage since she knows no charges would be brought.

At this point, this is late -- or early July, and so that does represent a presumption on my part. I do not have knowledge, actual personal knowledge that she knew no -- knew charges -- that she knew no charges would be brought. But every single person on the team, whether FBI or DOJ, knew far earlier than July that we were not going to be able to make out sufficient evidence to charge a crime. And so that was my supposition, but I don't actually know that she knew that.

Mr. Gowdy. I think one thing that folks sometimes struggle with is when that conclusion is reached and how many interviews are left

to be conducted before that interview is reached, and in particular, how many substantive interviews are left, like, for instance, including the subject.

Ms. Page. Uh-huh.

Mr. Gowdy. So how could you know before you talk to the subject that the subject would not say something inculpatory during the interview?

Ms. Page. Chairman, I certainly take your point. I imagine you've probably had this experience too. At a certain point, when you have examined exhaustively every sort of avenue that you can with respect to available evidence, right, there's only -- if you have found nothing beyond testimony, right, beyond somebody saying, yes, I did this wrong or no, I didn't do this, it's challenging to be able to then confront a witness and try to -- despite whether you think that there was -- let me take a step back.

So the primary look in this investigation was mishandling of classified information, right. And so what we were looking for in particular was some indicia of knowledge that she knew these particular communications shouldn't be traversing the server she set up, that they were, in fact, classified, that there was a sort of purposeful -- or, you know, an intent to mishandle classified information.

And so, when -- by the point -- and I can't give you a precise date but, you know, March, April, Mayish, right, in the sort of early spring, when the bulk of -- the bulk of the investigative activity with respect to forensics, with respect to interviews of people who set up

the servers, like all of the people who you might think are not so closely connected to Secretary Clinton, that if there was something nefarious there, you might actually be able to find it, by that point, we simply did not see anything.

And so she's a very sophisticated woman. Cheryl Mills, Jake Sullivan, these are very smart, very savvy, you know, Washington players. They will all have highly competent counsel. So I don't think there was a strong expectation that the witness interviews were going to provide contrary evidence that we had uncovered -- evidence contrary to what we had uncovered to date.

Certainly, it's possible. It doesn't mean that it's not possible. But without being able to take a document and say, "Ma'am, how do you explain this, you know, this suggests X, how can you possibly say that this was the problem," there wasn't a strong expectation that the interviews were going to change the sense of the team, which was that there would not be a prosecutable case.

Mr. Gowdy. What element, in your judgment, was missing from making the case potentially prosecutable?

Ms. Page. Well, I am not super comfortable without looking at a statute right now. I'm sorry. I don't know if somebody has it, only because I don't want to misspeak. But I can say broadly: I think we all agreed -- rock on. Nice work. Thank you. One second, please.

Is it F? I can't remember.

Mr. Parmiter. Yes, F.

Ms. Page. So I should also say, I don't sort of formally work

in counterintelligence. I was -- when I was a prosecutor I did organized crime work so I did not do national security work. And so I am, like the further -- I am a lawyer, but I am not an expert in this area at all. But --

Mr. Gowdy. Well, I may -- can ask you a question that will make it easier.

Ms. Page. Sure. Thank you.

Mr. Gowdy. Director Comey said what was missing was intent.

Ms. Page. Right.

Mr. Gowdy. IG Horowitz said what was missing, in his judgment, was knowledge. And it strikes me both of those would be of interest when you're interviewing the subject. The subject might actually be uniquely well positioned to address those two missing elements. So does it refresh your recollection at all that it might have been intent or knowledge?

Ms. Page. I think both are absolutely the case, but, again, it goes back to the point I made earlier, which is she will also know that intent and knowledge are the sort of two critical elements in order to prove this case. And to the extent that she at least knew all of the emails that were, you know, produced from her server -- and, you know, I have no idea what sort of defense work her -- she and her team at Williams & Connolly were doing, but these are fairly sophisticated attorneys, and so it's absolutely the case that a witness might say something that would speak to intent or knowledge.

But the general thinking was that this witness was going to be

sufficiently well prepared, that an error to the -- I mean, again, I can't say whether she had the intent or not. I have no evidence. I cannot point to any particular -- so I don't want to be unfair to the Secretary either.

I cannot point to anything with respect to what the team uncovered that spoke to her having an intent to mishandle classified information. I think it was not smart, but I don't think that it was -- it's my personal opinion, I don't -- I can understand why the judgment of the team was that this was not a prosecutable case.

And I guess, if I can just -- we didn't really do any background, but if I can do one tiny second on that.

I stand in an awkward position with respect to this investigation because I'm not formally on the team, the Midyear team, with the investigative people who are looking at the evidence every day and meeting every day on their -- you know, to team up and see what the next steps are. So I'm -- I don't have the sort of substantive knowledge that Pete or the other agents or the other attorneys or Jon Moffa (ph) would have because I'm not involved in the day-to-day decisionmaking; I'm not involved in the day-to-day uncovering of evidence. I am not reading every 302. I'm actually not reading hardly any 302s. I'm working for the Deputy Director. And so what the information that I have that I'm sharing now is largely information that's -- that I'm gleaning from meetings with the Deputy Director or the Director, you know, sort of the weekly or whatever tempo we were at at any period of time, updates that the Director and the Deputy

Director were receiving.

Mr. Gowdy. All right. I want to switch over to March of 2016. It's a text from you to Special Agent Peter Strzok.

Ms. Page. I'm sorry. What's the date, sir? March --

Mr. Gowdy. March 3rd, 2016.

Ms. Page. Okay.

Mr. Gowdy. "God. Trump is a loathsome human."

Ms. Page. I see that.

Mr. Gowdy. What did you mean by that?

Ms. Page. I don't recall.

Mr. Gowdy. What does the word "loathsome" mean?

Ms. Page. Well, obviously, I know what that means. But I guess my point, sir -- and let me look because I did have -- ah. So this helps. So what is occurring, my belief, is, is that we are watching a Republican debate, and so this is us watching and sort of texting each other during the course of the debate. And I have absolutely no idea what particular thing was uttered that I was responding to, but -- and this is also the one, I will say, that, you know, in which, you know, genitalia size is discussed. So I don't know whether that is a reflection of that or some other sort of shocking and outlandish thing that I thought did not fit the candidate for Presidency. But that is what that's a reflection of.

Mr. Gowdy. One day later on March the 4th, there is a text from you to Special Agent Strzok: Poor Kasich. He's the only sensible man up there.

What did you mean by "up there"?

Ms. Page. I think -- my guess is, on the podium with the other -- I am not sure the dates are right. I have no --

Mr. Gowdy. Could it have been a debate when he was the only one that, in your judgment, was sensible on a debate stage?

Ms. Page. Yes. That's my -- I don't know why the date is different, but you totally cannot rely on the dates the way these things get pulled. But, yeah, my guess is that it is -- they are all on the debate stage. This is a reflection of my saying, like, he's a sensible man, and this is a shame.

Mr. Gowdy. Let's flip to May of 2017, May the 9th of 2017. This is actually a text from Special Agent Strzok to you. And it begins: And we need.

Mr. Jeffress. Did you say 2017?

Mr. Gowdy. Yes, ma'am.

Ms. Page. Oh, sorry. May 8, you said, sir?

Mr. Gowdy. I have it down as the 9th, but it may well be the 8th. It begins, "And we need."

Ms. Page. May 9.

What am I missing here, Amy?

Okay. I don't have it. If you can read it to me.

No, it's not. This is the gap period, right, the December to May 17th or 18th or something like that.

It's not in this book, sir, but go ahead.

Mr. Gowdy. I'm happy to read it to you.

Ms. Page. Okay.

Mr. Gowdy. "And we need to open the case we've been waiting on now while Andy is acting."

Ms. Page. Yes.

Mr. Gowdy. Who is Andy?

Ms. Page. Andy is Mr. McCabe.

Mr. Gowdy. And this is, what, a day after Director Comey has been fired?

Ms. Page. That's correct.

Mr. Gowdy. What is the case that you could not open when Jim Comey was the Director but you might be able to since Andy is acting?

Ms. Page. You're misreading that text, sir.

Mr. Jeffress. Do you need to consult with FBI counsel?

Ms. Page. Yeah. Let me -- may I consult with counsel momentarily?

Mr. Jeffress. There may be instructions on whether or not she can discuss this case.

Mr. Gowdy. Okay.

[Discussion off the record.]

Ms. Page. Thank you, sir.

I've been instructed by FBI counsel that what I can say is the decision to open the case was not about who was occupying the Director's chair.

Mr. Gowdy. Pardon me? Sure.

Mr. Breitenbach. Can you inform us what the rationale is for a

former employee consulting an FBI lawyer on whether there is guidance on answering a question from Congress?

Ms. Bessee. Sure. The guidance is based on the fact that the information she is testifying about is related to FBI information, FBI investigations. And the information that she's also testifying about she has been privy to as an FBI employee. So it is not her personal information. She would not have gleaned that information but for the fact she was an FBI employee at the time and it involves FBI equities.

Mr. Breitenbach. Do you have any legal basis for making that decision?

Ms. Bessee. When FBI --

Mr. Breitenbach. Meaning, is there a regulation or a statute that you can point to on whether --

Ms. Bessee. I'm not sure I can point to a regulation or statute. But whether you are current or former FBI employee, as part of the process of becoming that employee, you sign -- you -- when you get your clearance you sign nondisclosures for the accesses that you get. And based on that, whether you're current or former FBI employee, you cannot -- and the Touhy rights as well.

Mr. Breitenbach. And the what?

Ms. Bessee. Touhy rights. The Touhy ex rel. Ragen case also refers to that. And I'd have to look at it to be able to quote to you. We can get that at some point, but that's what I can tell you right now.

Mr. Gowdy. If we start citing case law, you're going to lose most

of the Members of Congress.

Mr. Meadows. So, excuse me, Mr. Chairman, how long does this last? I guess, how long do you actually provide counsel to previous employees, I mean, in perpetuity?

Ms. Bessee. Yes. As long as it relates to FBI information and FBI cases.

Mr. Gowdy. All right. We'll try it again.

This is from Special Agent Strzok to you: And we need to open the case we've been waiting on while Andy is acting.

You, I think, if I understood your answer correctly, you've been authorized by the Bureau to tell us that that case was not contingent upon who the Director of the FBI was?

Ms. Page. That is correct.

Mr. Gowdy. Which you would have to have a lot of creativity to be able to read that text and reach that conclusion?

Ms. Page. I completely understand that. And if I was able to explain in more depth why the Director firing precipitated this text, I would.

Mr. Gowdy. Did it relate -- this is May of 2017. Did it relate in any way with the Russia investigation, the potential collusion between the Russian Government and/or others in the Trump campaign?

Ms. Page. Yes. I don't see what, I mean -- yes.

Mr. Gowdy. Well, then I'm sure you can appreciate the curiosity of not just Members of Congress but anyone wanting to know why something could not be done when Jim Comey was the Director, but yet the pathway

might be easier with Andy McCabe?

Ms. Page. Right. So it's not that it could not be done. So the next -- let me look at it more closely. Where was it, Amy?

Mr. Gowdy. I think it says: Waiting on.

Ms. Page. Oh, here it is. So it's not -- and this is a very important distinction. It's not that it could not have been done. The "waiting on" -- again, you have to understand that this is a -- was a -- this case had been a topic of discussion for some time. The "waiting on" was an indecision and a cautiousness on the part of the Bureau with respect to what to do, whether there was sufficient predication to open.

Mr. Gowdy. Why would Andy be less cautious than Comey?

Ms. Page. Sir, all I can tell you is that the occupant of the seat was irrelevant. I'm sorry.

Mr. Gowdy. Well, I got your answer, but just help me square it with the text: And we need to open the case we've been waiting on now while Andy is acting.

Was that a fear that someone other than McCabe would eventually be put into that slot?

Ms. Page. I'm sorry, sir. May I consult with counsel again?
[Discussion off the record.]

Ms. Page. Sir, I'm sorry. I've been instructed by FBI counsel that I cannot answer that question at this time.

Mr. Gowdy. Well, that leads at least some of us to conclude that it may have been an obstruction of justice case. And the fact that

Comey was actually fired would have, in some people's judgment, added to the salience of an obstruction of justice case. Can you say whether or not that's what it was?

Ms. Page. That's a reasonable inference, sir, but I cannot, sort of, confirm that that's what we are referring to.

Mr. Gowdy. Was there an active obstruction case going on at the time Comey was fired?

Ms. Page. I think that goes to the particular investigative interest that we had in the Russian collusion case starting at the end of July through this time period, and I can't answer that question at this time, sir.

Mr. Gowdy. I think Comey was actually fired on that day.

Ms. Page. He was fired on May 9th. But whether this text -- again, just given the UTC and the way these are translated, this is either the 9th or the 10th, would be my guess. But it was -- he was fired at night on the 9th, so --

Mr. Gowdy. So the firing of Jim Comey was the precipitating event as opposed to the occupant of the Director's office?

Ms. Page. Yes, that's correct.

Mr. Gowdy. Well, other than obstruction, what could it have been?

Ms. Page. I can't answer that, sir. I'm sorry.

Mr. Gowdy. Is there anything other than obstruction that it could have been?

Ms. Page. I can't answer.

Mr. Gowdy. Was it a bank fraud case?

Ms. Page. I really, actually, honestly, can't answer.

Mr. Gowdy. Well, on down, I think I see a text, "We need to lock in," and it's been redacted, "in a formal, chargeable way soon." You see that?

Ms. Page. I do, sir.

Mr. Gowdy. Who's the "we"?

Ms. Page. "We" is the FBI.

Mr. Gowdy. Now, does the Bureau consult with the Department or U.S. Attorney's Offices before it locks in charges?

Ms. Page. Yes, but that's not what this text says.

Mr. Gowdy. Well, no.

Ms. Page. Oh.

Mr. Gowdy. We're going to get to that in a second.

Ms. Page. Okay.

Mr. Gowdy. "We need to lock in," redacted, "in a formal, chargeable, way." Do you consult with the Department or U.S. Attorney's Offices before you charge someone, other than those who commit a crime in your presence?

Ms. Page. We cannot charge someone. We require assistance by an AUSA or the Department in order to bring charges.

Mr. Gowdy. All right. And this is before Special Counsel Mueller was appointed?

Ms. Page. Correct.

Mr. Gowdy. What U.S. Attorney's Office or division of the

Department were you working with on this case?

Ms. Page. The counterintelligence section. I believe the Eastern District of Virginia was also involved, but I'm really not certain. I'm pretty sure at this point they were, but I can't be 100 percent positive.

Mr. Gowdy. What's "a formal, chargeable way" as opposed to an informal, chargeable way?

Ms. Page. So I don't -- I don't -- that's not the turn of phrase that I read. What this is suggesting -- I don't actually know who we're talking about, to be honest with you, so I'm speculating a little bit because I don't remember what this text was about. But my suspicion is, we have either been interviewing some witness or have been getting kind of closer to some target, either we've already had interviews or we haven't. I just don't remember who we're talking about.

And so we are -- to me, we need to lock in so-and-so means like: Okay, we need to get them probably under oath like in a grand jury or, you know, with the 1001 admonition in advance of the interviews so that we have a chance to charge a false statement to the extent a false statement is made during the course of the interview.

And so what "a formal, chargeable way" means is -- and, again, I don't know who we're talking about, but rather than just have an FBI interview, which is maybe not with a -- not with the mindset toward wanting to be able to charge based on the interview, that what this is suggesting is, like, we need to start thinking about locking in whomever in a way that might be able to support charges.

Mr. Gowdy. Now, that portion of the text, is it from you or from Special Agent Strzok?

Ms. Page. I have no idea. I never know who this is.

Mr. Gowdy. I think it may be from you, but I stand to be corrected.

Ms. Page. I don't have any basis to challenge you, but honestly, they change each set of text and everything, so I'm really not certain. Let's see.

Mr. Gowdy. It begins, "We need to lock in."

Ms. Page. Yeah. Yeah. Yeah, it looks like it's me, yes.

Mr. Gowdy. All right. What would the purpose of that redaction be?

Ms. Page. Well, I didn't make it, so I don't know. My guess is that that represents an individual who is either a subject of the Russia investigation or otherwise a witness or something, and so, therefore, it's being redacted, but I don't know.

Mr. Gowdy. If you're talking about locking in someone's testimony, I guess what I'm trying to understand is, I could see if you said in a formal way, a formal setting, interview, grand jury. It's the word "chargeable" that I'm struggling with.

Ms. Page. So my suspicion, again -- and I don't know because I don't remember who we're talking about, but my suspicion is that we have somebody who we think is lying. Again, I'm just guessing. And so, to the extent we want to be able to charge them for lying, we need to lock them in in a formal way, in a way in which we will be able to

support those charges. But I am just speculating because I do not remember who we're talking about.

Mr. Gowdy. Is that response connected to his text, "And we need to open the case we've been waiting on"?

Ms. Page. No. No, it is not. That I am confident in.

Mr. Gowdy. How are you confident in that?

Ms. Page. Because -- I'm sorry. I don't know how to answer the question without going more into the content of the prior text, sir.

Mr. Gowdy. All right. I'm sure I'll have colleagues that will come back to that. I want to go to August 15, 2016. It's a text from Special Agent Peter Strzok to you. It begins, "I want to believe."

Ms. Page. August, I am sorry, 10?

Mr. Gowdy. I have it down as August 15.

Ms. Page. I'm sorry. I'm just not hearing you. Sorry.

Mr. Gowdy. "I want to believe" is how it begins.

Ms. Page. Yep.

Mr. Gowdy. I want to believe the path you threw out in Andy's office, dash, that there is no way he gets elected, dash, but I'm afraid we can't take that risk. It's like an insurance policy in the unlikely event you die before you're 40.

And that was Agent Strzok to you. Is that right?

Ms. Page. That's correct.

Mr. Gowdy. All right: I want to believe the path you threw out in Andy's office.

Did you understand the "you" to be you, Lisa Page?

Ms. Page. I'm sure that it is.

Mr. Gowdy. And Andy would be whom?

Ms. Page. Andy McCabe.

Mr. Gowdy. Is there any chance he could be any other Andy?

Ms. Page. No, I don't think so.

Mr. Gowdy. How long did this conversation last?

Ms. Page. I have no idea.

Mr. Gowdy. Do you recall anyone else being present?

Ms. Page. I imagine that there were. Typically a meeting -- Andy and I would have certainly had meetings individually, but because FBI is as hierarchical as it is, the way -- it would have been unusual for Pete, who at this point was probably still a section chief, to have been in a meeting without at least his superior, his boss, or even his boss' boss. That's just how we operate. We tend to bring the whole chain of command.

Mr. Gowdy. What do you make of the dash?

I want to believe the path you threw out in Andy's office, dash, that there is no way he gets elected.

What does that clause "that there is no way he gets elected" modify?

Ms. Page. So I'll be honest: I don't remember -- and this was -- I don't remember precisely this event or this meeting. And, in fact, I went back, and some time ago looked at a calendar and there was nothing on the calendar that there was sort of a formal meeting. But I know sort of the sentiment that this text is meant to reflect,

if I can explain that.

Mr. Gowdy. Sure. I just want you to keep in mind we are 15 days into a then-nascent counterintelligence investigation.

Ms. Page. Yes. Yes, I understand that.

Mr. Gowdy. If that helps put it in context.

Ms. Page. It definitely does. So, upon the opening of the crossfire hurricane investigation, we had a number of discussions up through and including the Director regularly in which we were trying to find an answer to the question, right, which is, is there someone associated with the campaign who is working with the Russians in order to obtain damaging information about Hillary Clinton. And given that it is August, we were very aware of the speed and the sensitivity that we needed to operate under.

And so we had sort of quite regular conversations about trying to balance getting the answer as quickly as possible, right, because if the answer is this is a guy just being puffery at a meeting with other people, great, then we don't need to worry about this, and we can all move on with our lives; if this is, in fact, the Russians have coopted an individual with, you know, maybe wittingly or unwittingly, that's incredibly grave, and we need to know that as quickly as possible.

And so what this text reflects is our sort of continuing check-in almost with respect to how quickly to operate, what types of tools to use, trying to be as quiet as possible about it because we knew so little about what -- whether this was true or not true or what was going to

come, because this is, as you said, so nascent in the investigation, and then ultimately trying to balance that against my view, in this case, which was we don't need to go at a total breakneck speed because so long as he doesn't become President, there isn't the same threat to national security, right.

So, by which, I mean if he is not elected, then, to the extent that the Russians were colluding with members of his team, we're still going to investigate that even without him being President, because any time the Russians do anything with a U.S. person, we care, and it's very serious to us. But if he becomes President, that totally changes the game because now he is the President of the United States. He's going to immediately start receiving classified briefings. He's going to be exposed to the most sensitive secrets imaginable. And if there is somebody on his team who wittingly or unwittingly is working with the Russians, that is super serious.

And so what this reflects is my saying, he's not going to be elected. So let's not burn -- I think this, in particular, was whether we use certain investigative methods which might be -- sorry. I'm trying to balance the instruction that I've given with respect to investigative step and -- but wanting to be forthcoming.

Mr. Gowdy. I think we know what you're getting at.

Ms. Page. Okay. Okay. So -- so, anyway, so this reflects: Let's be reasonable, let's not, you know, throw the kitchen sink at this because he's probably not going to be elected, and so then we don't have quite as horrific a national security threat than if we do if he

gets elected.

Mr. Gowdy. All right. I want you to hold that thought for a second.

Ms. Page. Okay.

Mr. Gowdy. The counterintelligence investigation was initiated on July 31.

Ms. Page. That's correct.

Mr. Gowdy. How many witness interviews were done between July 31 and August the 15th?

Ms. Page. I don't know that answer. I do know -- I mean, I'm allowed to say this now, right?

Ms. Bessee. Yes.

Ms. Page. Okay. Sorry. I know that there [REDACTED] I'm aware of [REDACTED] certainly between --

Mr. Gowdy. I'm aware of [REDACTED]. Are you aware of [REDACTED]

Ms. Page. I'm aware of [REDACTED], sir.

Mr. Gowdy. When is the [REDACTED]

Ms. Page. I'm not allowed --

Mr. Gowdy. What was the date?

Ms. Page. I'm not permitted to say, sir.

Mr. Gowdy. Was it [REDACTED]

Ms. Page. No, it was not. [REDACTED] but before -- I don't remember now, but [REDACTED], yes.

Oh, I don't know the date, sir. I'm sorry.

Mr. Gowdy. Chairman Goodlatte wanted to know why you can't

provide us with the date of that interview?

Ms. Page. I don't recall the precise date. I just -- my recollection is that there [REDACTED]

[REDACTED] I just don't know the date.

Mr. Gowdy. Was the interview done [REDACTED]

Ms. Page. Yes.

Mr. Gowdy. Are you aware of [REDACTED]

Ms. Page. Well, almost [REDACTED]
[REDACTED], so --

Mr. Gowdy. With respect to the origination of this case, are you aware of [REDACTED]?

Ms. Page. No. No.

Mr. Gowdy. So we're referring to [REDACTED]. It's just a question of [REDACTED]?

Ms. Page. My --

Mr. Gowdy. Let me ask you this: Was it -- is the [REDACTED]?

Ms. Page. [REDACTED]
[REDACTED]. I do not know if it [REDACTED]

[REDACTED]. I just don't know. There are --

Mr. Gowdy. Is it a [REDACTED]
[REDACTED]?

Ms. Bessee. I think we need to -- may we confer with our client, Mr. Chairman?

Mr. Gowdy. Sure.

[Discussion off the record.]

Ms. Page. Sir, I've been advised by FBI counsel that because that starts to get into [REDACTED] that question, sir.

Mr. Gowdy. Did the interview take place in the United States or somewhere else?

Ms. Page. I can't answer that, sir.

Mr. Gowdy. Why is where the interview took place protected?

Ms. Page. My guess is because [REDACTED]

Mr. Gowdy. Well, right now, we're within the United States and outside of the United States. Those are two pretty big categories.

Ms. Bessee. Mr. Chairman, I would instruct the -- I'm going to instruct her not to answer because it goes into sort of what's under the purview of the special counsel in terms of whether it's gathering, looking at the evidence they looked at, whether it's gathering evidence, whether it's talking to sources. That all goes into what investigative methods that the special counsel is looking at, so I will instruct her not to respond.

Mr. Gowdy. Well, I've tried to be really careful not to go into the substance of these interviews. I'm trying to establish a chronology. We have a conversation about an insurance policy on August 15, and Ms. Page has walked us through the analysis that there was a weighing and balancing of whether or not President Trump was likely to win. And I would like to engage in a weighing and balancing

of whether or not he was likely going to be inculcated in their investigation. So I don't know how I can do that without having some conversation about what information existed.

Ms. Bessee. And --

Mr. Gowdy. I mean, I didn't author this text. It's not mine. And if you're discussing -- and her answer clearly discussed whether -- his prospects for a successful campaign and whether or not he would be elected President. I think it's fair to discuss the prospects of a successful investigation.

Ms. Bessee. And while I understand what you're looking to get at, Mr. Chairman, it also still goes into what the special counsel -- in terms of what the special counsel is looking at in their investigation. They look at the evidence gathered, how evidence is gathered. All of that still impacts the special counsel --

Mr. Gowdy. How does the location of an interview impact Special Counsel Mueller's ability to investigate a matter?

Ms. Bessee. That -- I am responding in a way based on the guidance we received from the special counsel. There -- equities are involved here. So that would be something that you would have to discuss further. But based on the guidance we've been given by the special counsel, that would impact their investigation itself.

Mr. Gowdy. All right. I'm sure I'll have colleagues who will want to follow up on that. I think I'm about out of --

Mr. Parmiter. Can we just note for the record that the objection to these questions is contrary to what we understand to be House of

Representatives policy. So we would, you know, take issue with you not answering those questions, just to note for the record at this point. I'm sure we're going to run into this again.

Mr. Gowdy. I want the record --

Mr. Jeffress. What policy are you noting?

Mr. Parmiter. I'm speaking of discussions that have been held at the highest levels of this body over the last couple of days. I know we don't recognize, you know, testimonial privileges. You know, we're not asking questions that are substantive in nature that pertain to the ongoing investigation. As Chairman Gowdy just pointed out, we're asking about locations of interviews. We're asking about dates. We're asking about things like that. We're not asking substantive questions.

Mr. Gowdy. Just so the record is clear -- although it usually is, and you don't usually have to say "for the record," so I won't -- if witness Page's answer includes an analysis of the likelihood of a successful campaign, it is not unreasonable to also ask whether or not it was a factoring in of the likelihood of a successful investigation.

Ms. Page. Sir, my -- I'm sorry.

Mr. Gowdy. Pardon me?

Ms. Page. I was just going to clarify, if maybe it would help, my answer does not -- would not speak to an analysis with respect to -- the question, was it in the United States, or was it [REDACTED] doesn't speak to an analysis with the respect to the success or not of the Presidential campaign. I don't know if that helps at all, but --

Mr. Gowdy. No. What I was getting at is when we were going over the text of this insurance policy, I thought there was a debate as to whether or not he was likely to get elected.

Ms. Page. Well, the only reason that debate is relevant is because we, the team, again, like sort of through Director Comey, were trying to decide how aggressive or not aggressive, or do we burn sources or not burn sources or do we use X tools or Y tools, and all of that was based on the likelihood -- not based on the likelihood of success but was being weighed against the likelihood of success.

As I sort of explained, if he is not going to be President, then we don't need to burn longstanding sources and risk sort of the loss of future investigative outlets, not in this case, but in other Russia-related matters, in other --

Mr. Gowdy. I am with you. I followed that answer. But I am equally sure you can follow the analysis that if there is a paucity of evidence, that that also would influence your willingness to burn sources and use investigative techniques that are likely to be detected by people who are not our friends.

Ms. Page. I totally agree. But by this point, at, you know, the 15th, there -- it is at the -- literally the very beginning. So there is, in fact, a paucity of evidence because we are just starting down the path to figure out whether the predication is true or not true, and who might ultimately be somebody who, if true, would have been in a position to receive the information.

And so my only, sort of based on counsel's advice, hesitation to

answer the "where was it" question is that the answer would call for -- the answer would -- has the potential to reveal a substantive investigative equity.

Mr. Gowdy. Which I don't want to do. And I appreciate the fact that if you're talking about one witness, some could consider that to be a paucity of evidence on the 15th, which necessarily means there would be a paucity of evidence also on August the 9th.

And I'm looking at a text that you sent to Special Agent Strzok: Trump's not ever going to become President, right? Right?

And then the agent who originated this counterintelligence investigation who is a point of contact, who drafted the initiating document responding: No, no, he's not. We'll stop it.

Ms. Page. Right. Well, so, that's a different sort of context, which I'm happy to explain. The one thing I'll note, I just think it might maybe alleviate some concern, the reason that Pete opened it is that it was a Sunday. So the reason he's both the originator and like the approver is because it was a Sunday, and so there's nobody around.

Mr. Gowdy. July 31st was a Sunday; you are correct.

Ms. Page. And so he went in because we were like, holy cow, this is a big deal, and we're all very stressed about this. And so I think we learned about the case on a Friday or Thursday or Friday. I can't remember now. I can do the math, but -- I'm a lawyer.

Mr. Gowdy. 28th.

Ms. Page. Thanks.

Mr. Gowdy. You learned about it on the 28th.

Ms. Page. Right. Thank you.

And so, for what it's worth, there was just nobody else around, so -- but -- did you want me to speak to the other text?

Mr. Gowdy. Yeah. I mean, I think you understand what our concern is.

Ms. Page. I do.

Mr. Gowdy. I do understand weighing and balancing what investigative tools to use. That requires, in your judgment, an analysis of whether or not the candidate's likely to succeed. In my judgment, it also requires -- there was some conversation about whether or not he was going to prevail.

Ms. Page. I definitely agree with you, Chairman, but I don't want to leave the impression that that was sort of the factor. This is, again, just one single snapshot, one meeting of which we are having almost daily meetings, given the sort of seriousness of the threat. And so it's not accurate to say that the determining factor on what we did was whether or not Donald Trump is going to become President. You asked me what's the context for this text. That's the context for that particular text, but that's not the determining factor.

Mr. Gowdy. I did not mean to suggest --

Ms. Page. Okay.

Mr. Gowdy. -- that that was the singular factor that you were using. But by the same token, nor would you singularly rely on a CHS in a prosecution or investigation.

Ms. Page. No.

Mr. Gowdy. [REDACTED]

[REDACTED] So there's a paucity of evidence and there's a paucity in some people's minds of a successful campaign. And I'm looking at texts about insurance policies and stopping a Presidency.

Ms. Page. Right. So let me start with the first thing you said first. Which is the -- it's true you would -- it's very unlikely that you would [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[2:44 p.m.]

Ms. Page. It's more than sufficient to open an FBI investigation, because, of course, all you need, particularly to open a preliminary investigation -- although, I think this was opened as a full -- is an allegation, essentially.

So any kind of -- and I don't remember the exact standard, maybe one of my FBI friends can remind me -- but for a full you need an articulable -- oh, my God, I've been gone 2 months and I forget. Anyway, sorry, I digress, my apologies.

Regardless, at a week's time it is entirely common, particularly in a counterintelligence investigation, that you would only have -- you would have a small amount of evidence, certainly -- but opening an investigation based on [REDACTED]

Mr. Gowdy. We're out of time.

[Recess.]

Ms. Jackson Lee. We're back on the record.

Ms. Kim. We're back on the record. The time is 2:55.

Ms. Page, thank you for being here. My name is Janet Kim. I'm a counsel for Ranking Member Elijah Cummings for the House Oversight Committee.

Our members have some questions for you, and then we'll progress to questioning by the staff.

Ms. Page. Sure thing.

Ms. Jackson Lee. Thank you. And my only haste is because I have to catch a plane that does not wait.

Ms. Page. No problem.

Ms. Jackson Lee. And let me thank the staff very much, and Mr. Raskin, who will proceed afterwards.

Ms. Page, you watched, by any chance, the hearings yesterday that were televised --

Ms. Page. I did.

Ms. Jackson Lee. -- with Mr. Strzok?

Did you have anything that you disagreed with him on?

Ms. Page. Oh, gosh. I mean, that was a long hearing. So, no, not off the top of my head, no.

Ms. Jackson Lee. What is your thought about the representation of political bias that impacted the prioritization between the Clinton and the Russian investigation?

Ms. Page. So bias had nothing to do at all with respect to prioritization. If by what you mean is in October, so the Weiner laptop versus -- I mean, as I tried to describe with the majority interview, ma'am, there is simply no greater threat than what the Russians pose to the United States.

They are -- they have as an objective, as you well know, the sort of dismantling of the Western alliance and dilution of democratic ideals.

And so the notion that a Russian was offering assistance to a Presidential campaign was incredibly grave to all of us. And with all

due respect to the Clinton investigation, the possible mishandling of classified evidence 3 years prior, for which we had yet to see any evidence, and for which we didn't necessarily expect that, even with the sort of revelation of the Weiner laptop, there were certain things that ultimately made us interested.

But if you were weighing resources with respect to which poses a graver threat to national security, which is more, frankly, important, there is no doubt -- at least in mine or anybody else's mind that I know -- that the Russia investigation posed an incredible threat to national security, and whether we got into the Weiner laptop simply did not.

Ms. Jackson Lee. I'm sort of going to weave back and forth in a number of different questions.

Did you know Mr. Baker?

Ms. Page. Jim Baker?

Ms. Jackson Lee. Yes.

Ms. Page. Yes, I do.

Ms. Jackson Lee. Was he the source of the salacious dossier?

Ms. Page. The source? No, ma'am.

Ms. Jackson Lee. You can affirmatively say that he was not?

Ms. Page. Yes, I can.

Ms. Jackson Lee. You know that there's been representation by Republicans that he was?

Ms. Page. No, I did not.

Ms. Jackson Lee. And so you're saying that he was not?

Ms. Page. He was not, no.

Ms. Jackson Lee. You advised Mr. Comey during the presentation of his first statement about Mrs. Clinton?

Ms. Page. I was one of the members in the room, yeah, who discussed it with him, yes, ma'am.

Ms. Jackson Lee. Are you aware about the change in language to -- from gross to --

Ms. Page. Gross negligence to extremely careless?

Ms. Jackson Lee. Yes.

Ms. Page. I am, ma'am.

Ms. Jackson Lee. And what was the purpose of that?

Ms. Page. So that came relatively soon after he provided his original draft to the team to review. So this is, I suspect, sometime in May.

It was ultimately the conclusion of some very experienced counterintelligence lawyers, also in consultation with the Justice Department, that -- well, let me take a step back.

It was our understanding that we did not -- we neither had sufficient evidence to charge gross negligence, nor had it ever been done, because the Department viewed it as constitutionally vague. And so when we saw the term gross negligence in the Director's --

Ms. Jackson Lee. Statement.

Ms. Page. -- early draft, we were concerned that that would be confusing to leave it in there, because it was our understanding that we did not have sufficient evidence nor the sort of constitutional basis

to charge gross negligence.

And so what we actually did, we didn't actually change gross negligence to extremely careless, we removed the gross negligence language. Extremely careless had already appeared in that draft, and we moved that draft up earlier in the -- I'm sorry, moved that paragraph up earlier in the draft.

And so it looks like it was essentially a substitution, but, really, it was just an omission of the word gross negligence because we thought it would be confusing, because it has an actual legal term.

Ms. Jackson Lee. You had both two functioning attorney generals, Loretta Lynch and Deputy Attorney General Sally Yates. As counsel, why would you allow Mr. Comey, a police officer, to make that presentation? Did you not -- what did you counsel him?

Ms. Page. Honestly, we all felt that we were more credible than the Justice Department to close this investigation out. And so it was in genuinely good faith. And I honestly did not anticipate the criticism, although I understand the criticism as I sit here today.

Ms. Jackson Lee. Well, do you regret not counseling otherwise?

Ms. Page. I'm not sure, ma'am. We all in very good faith thought that the integrity of the FBI and the independence by which we operate would give greater confidence to the American people that this investigation was done fairly, because it was, and it was an amazing team, and they worked incredibly hard.

And the closer we got to sort of the intense political process, the less credible we felt--we, the whole team, really--felt that the

Justice Department, being led by Democrats, would be to essentially absolve the Democratic candidate.

And so the intent was really quite earnest and genuine. And so, while I appreciate the criticism, I really don't -- I don't know what I would do again. I mean --

Ms. Jackson Lee. Let me just give you this final question and then I'm going to go into another series of questions.

You're talking about two seasoned prosecutors, Ms. Lynch, Ms. Yates, could have even written their statement.

Ms. Page. It's not at all about their capability. They are both absolutely enormously capable. It's really about perception.

And so I think that the Director's view -- and again, I'm speaking for him, so it is an awkward position to be in because he's a pretty good speaker -- but the perception I think was that, look, she is -- she was so -- she is so loathed, she is a very polarizing figure, Secretary Clinton, and so we all knew it was 100 percent consistent and universal that she was -- there was not a prosecutable case.

And we, the FBI, thought that that message was more credible coming from the FBI, who is independent and is not a political sort of body, in the same way that the Justice Department is being headed by political appointees who have closer relationships with the White House.

Ms. Jackson Lee. Well, I think you have determined that that didn't work.

Ms. Page. It has not been fun, ma'am.

Ms. Jackson Lee. The perception of the FBI is lawenforcement inside the Justice Department, and the Director is not a Cabinet appointee. And so they are not considered equal to a Cabinet appointee.

Ms. Page. Agreed.

Ms. Jackson Lee. And in essence it is like a mayor and a chief of police in a higher level.

So what was intended for good did not turn out well. And so I was just wondering whether there was consultation to sort of vet what would have been the best approach.

Ms. Page. Yes, there was.

Ms. Jackson Lee. Would it not -- and I'll make this is the last one -- could you not perceive the Attorney General and the FBI Director standing together, Attorney General making the first announcement and the FBI Director then making a followup?

Ms. Page. We certainly could, and it was among the various things that we discussed.

With all due earnestness, I don't honestly have the sense that the Attorney General was ultimately disappointed, because it really did let the Justice Department off the hook.

Everybody talks about this as if this was the FBI investigation, and the truth of the matter is there was not a single step, other than the July 5th statement, there was not a single investigative step that we did not do in consultation with or at the direction of the Justice Department.

And so the reality is this has turned into the FBI investigation of Secretary Clinton, but it was, in fact, a joint investigation, as most are.

And so I certainly agree that the intent backfired, but it is my firm belief that it was done in good faith.

Ms. Jackson Lee. Let me quickly go to these questions.

Are FBI agents allowed to have personal political affiliations?

Ms. Page. Yes, they are.

Ms. Jackson Lee. When the FBI staffs a politically sensitive investigation -- for example, a public corruption case -- does the FBI consider the personal political persuasion of its agents in making those staffing decisions?

Ms. Page. Absolutely not. That would be highly inappropriate.

Ms. Jackson Lee. When the FBI puts together a team of investigators is the consideration ever, "I need a couple of Republicans or a couple of Democrats"?

Ms. Page. No, ma'am.

Ms. Jackson Lee. Does the FBI ask about the political affiliations of its own agents as they are employed or as they are promoted to another position?

Ms. Page. That's illegal and impermissible, ma'am.

Ms. Jackson Lee. In fact, it is explicitly forbidden for the FBI to ask about political affiliations when staffing investigations, correct?

Ms. Page. Correct.

Ms. Jackson Lee. How do FBI agents know not to let political bias interfere with their political work?

Ms. Page. Because it is our identity. It literally pervades everything we do. It is not -- and I appreciate that this maybe just is -- feels weird, because you are political people and sort of this is your identity, but both at the Justice Department, where I started my career, and at the FBI, where I ended my public service for now, duty and institutional value is paramount. That is what we all think about. And that is our -- what you feel personally or politically is irrelevant.

And if I might say one more thing. Many of us in law enforcement really dislike the subject of our investigations, right. We are not keen on pedophiles and fraudsters and spies and human traffickers. We, in fact, detest many of them.

And if you were to pull the text messages of agents investigating, you know, people who are engaged in child exploitation or human trafficking, I'm quite certain you would find quite harsh language. And that is fine.

What would be impermissible is to take that harsh language and to act in some way that was illegal or against the rules. And we don't do it. And if somebody did do it, they'd be crushed.

Ms. Jackson Lee. So the inspector general's report, which indicates although they were uncomfortable with the various engagements and texts, but their summary dealt with their lack of being able to discern bias, you are wholeheartedly saying that you were both

investigating the Clinton investigation, and if the Russian investigation had proceeded in full force, it was going on, that you could have likewise -- two different people were impacted by it -- you could have likewise been unbiased.

Ms. Page. Absolutely ma'am. And I would note --

Ms. Jackson Lee. Continuously unbiased?

Ms. Page. Unquestionably. I would note, too, in the inspector general report, that it specifically highlighted in multiple places that Pete and I, in particular, were consistently the most -- advocating most aggressively to take the most aggressive steps with respect to certain investigative steps with respect to Secretary Clinton.

Ms. Jackson Lee. In your time at the FBI and Justice Department, have you seen evidence of anybody applying political bias in the investigation of any subject matter?

Ms. Page. I have.

Ms. Jackson Lee. And in what instance?

Ms. Page. I'm aware of senior executives telling people on the Clinton team who are anti-Clinton that they had to get her, that they were counting on us to get her.

Ms. Jeffress. Can you clarify whether it was the senior investigator --

Ms. Page. I'm sorry.

Ms. Jeffress. The senior executives who were anti-Clinton or the people they were talking to.

Ms. Page. No, no.

So I am aware of senior FBI officials talking to subordinate FBI officials on the Hillary Clinton investigative team who unquestionably had anti-Hillary sentiment, but who also said: You have to get her or -- again, I don't have an exact quote -- but like we're counting on you, you know.

Ms. Jackson Lee. How would you respond to that? How would an investigator respond to that? That's their superior.

Ms. Page. My guess is they just probably parried and said: Just follow the facts, ma'am/sir. It's a challenging place to be put in, I would say.

Ms. Kim. I'm sorry, I just want to clarify.

The people with the bias, were they the senior executives or were they the people on the investigative team?

Ms. Page. Sorry. They were the senior executives.

Ms. Jackson Lee. Okay. Do you have their names?

Ms. Page. I do.

Ms. Jackson Lee. And what are they?

Ms. Page. My understanding, and I was never a personal witness to this, but this is what I've been told, was that at various times Sandy Kable (ph), who was an early executive on the case, as well as Randy Coleman, who at one point was the AD of the Counterintelligence Division, had both made comments to that effect.

Ms. Jackson Lee. Thank you.

Let me move quickly to the Russian investigation. And thank you very much for your patience.

And thank you, staff.

I just have some quick places that I wanted to finish at.

Let me indicate that in a Wall Street Journal article -- and, of course, it has been many places, but that's what I'm holding right now -- these are texts that might have been sent to you or were sent to you. And, of course, it's the F the cheating MF Russians -- he text in late July -- b-a-s-t-a-r-d-s, I hate them. That is from Peter Strzok.

Do you remember receiving that?

Ms. Page. Vaguely, yes.

Ms. Jackson Lee. What would you -- how would you explain that?

Ms. Page. The Russians are quite possibly our most threatening, most hostile, most fierce, and successful foreign adversary. This is a government that assassinates journalists and human rights activists and political dissidents and a government which has been humiliated by the success of America around the world, and whose singular objective is to weaken the Western alliance and to do so by cheating and stealing and lying and corruption, and to do so so as to regain prominence on the world stage. And so I really hate the Russians.

Ms. Jackson Lee. So a further one that said: F'ing, conniving, cheating savages at statecraft, athletics, you name it. I'm glad I'm on Team USA. That captures --

Ms. Page. That's it.

Ms. Jackson Lee. And would that motivate any bias in the investigation of a particular issue dealing with the Russians?

Ms. Page. No. As I sort of said earlier, we dislike a lot of the folks that we look at. And so while saying that I'm biased against Russia would sort of be funny, the question is ultimately, do you follow the rules? Does your feeling, does your sort of personal sentiment, ultimately impact the activities and the actions that you take. That, to me, is what a bias is.

Ms. Jackson Lee. I'm going to go quickly through these questions. Thank you.

We now know the Russian investigation began before the election, in July of 2016, but no news of that investigation regarding President Trump's campaign leaked out to the press. Were you aware of this investigation before the election?

Ms. Page. Yes, of course.

Ms. Jackson Lee. Did you leak that there was such an investigation?

Ms. Page. I did not.

Ms. Jackson Lee. Approximately how many FBI officials were aware of this investigation before the election?

Ms. Page. Oh, gosh, employees, sort of writ large, that's a very hard thing to say, because I don't know really the size of the team. But 30, 40.

Ms. Jackson Lee. And with those 30 or 40, did any leak come out before the election regarding the Russian investigation?

Ms. Page. Not my knowledge.

Ms. Jackson Lee. Would you attribute that to the rules of

protocol, but also the oath and the behavior of FBI agents?

Ms. Page. Both of those things, ma'am, but also a sense of fairness, because we did not know what we had. And it would have been highly inappropriate to -- while we all had had and still have incredibly damning information which could have been released, even without having the full picture, right, bits and pieces without the full context could certainly have been damning, but that's not fair. And that's not how the FBI operates.

Ms. Jackson Lee. Are you aware of any FBI officials leaking information about this investigation before the election?

Ms. Page. Not to my knowledge.

Ms. Jackson Lee. Did you make any disclosures about this investigation to the press or the public before election day?

Ms. Page. No, ma'am.

Ms. Jackson Lee. Why not?

Ms. Page. For the reasons I just said. It's both impermissible and would be patently unfair.

Ms. Jackson Lee. Thank you.

How do you think a disclosure to the press or to the public would have impacted Donald Trump's electoral prospects?

Ms. Page. That's not mine to speculate on, ma'am.

Ms. Jackson Lee. Well, on the basis of the information, would it have been damaging? Would have it have been major?

Ms. Page. I would -- yes, I would suspect so.

Ms. Jackson Lee. If someone at the FBI was trying to stop Donald

Trump from being elected President, yourself or Mr. Strzok or others, do you think they could have publicly disclosed that his campaign was under investigation for potentially colluding with Russian Government actors?

Ms. Page. That's what you would think.

Ms. Jackson Lee. You're saying yes?

Ms. Page. Yes, ma'am.

Ms. Jackson Lee. But to your knowledge, no one at the FBI did disclose this fact publicly, correct?

Ms. Page. No, ma'am.

Ms. Jackson Lee. Would you consider this strong evidence that there was not a deep state conspiracy at the FBI to stop Donald Trump from being selected -- elected?

Ms. Page. Yes, ma'am. That and the fact that this is an extraordinary conservative organization. So the notion that there's a deep state conspiracy about anything is laughable.

Ms. Jackson Lee. Okay. Let me give you two more. Any -- and strong evidence that you personally were not trying to stop Donald Trump from being elected President? You were not personally --

Ms. Page. I'm sorry. I didn't understand the question.

Ms. Jackson Lee. You were not personally trying to stop Donald Trump from being President?

Ms. Page. Oh, no.

Ms. Jackson Lee. Okay. So I would just match that with the actions of Director Comey in the fall of announcing that new operations

or new investigations for Mrs. Clinton. Do you see how they're juxtaposed together? Would you -- could you make the same argument there with that statement of Mr. Comey?

Ms. Page. I certainly understand that perception, you know. I happen to know Director Comey quite well. I have been in innumerable meetings with him over the course of my career. He's not a political person. There is absolutely not any doubt in my mind at all that his decision, whether you agree with it or not, was not done for political purposes, but was done because he felt that that was what he was obligated to do in light of his earlier statement closing the investigation so publicly.

Ms. Jackson Lee. Okay. And finally, did you remember the Director Comey decision to disclose in March 2017 the existence of an investigation into the Trump campaign? Do you remember that?

Ms. Page. Yes.

Ms. Jackson Lee. And do you know what led him to do so?

Ms. Page. I don't remember exactly. My recollection is that there were already -- there were lots of articles at this point about the Russian investigation, if I'm not mistaken. So it was increasingly -- there was sort of increasing attention in the news that there was a -- some sort of Russian collusion investigation going on.

And I can't really remember -- if there was a precipitating factor, I don't remember what it was. But I do know that we obviously went to the Justice Department. Dana Boente, current FBI general counsel, was, of course, the acting DAG at the time, and the decision

to do so was done in consultation with and with the permission of the Justice Department.

Ms. Jackson Lee. I know that there will be further questions pursuing this. Thank you so very much for your questions.

Ms. Page. You're welcome, ma'am.

Ms. Jackson Lee. I yield. Thank you.

Mr. Raskin. Ms. Page, when did you join the FBI?

Ms. Page. In 2012, September or October. I can't really remember right now.

Mr. Raskin. Before that, you were working where?

Ms. Page. I was a prosecutor at the Justice Department.

Mr. Raskin. Got you.

When did you become special counsel to the Andrew McCabe, the Deputy Director?

Ms. Page. Well, I was his special counsel first when he was the executive assistant director over the National Security Branch. So that would have been in approximately September of 2014.

He then was promoted to be the assistant director in charge of the Washington field office in -- about a year later, September 2015. And so when he became ADIC, I went back to working more line-type cases.

And then when he was promoted, he was promoted to associate -- associate Deputy Director? -- in, I think, August of '15. I have my dates wrong, I think. I'm sorry, I think I might be off by a -- yes, I'm sorry.

He becomes EAD in about July of 2013. I joined his team in

September of 2013. He becomes ADIC in September 2014. He becomes ADD September 2015. And then in February of 2016 he becomes the Deputy Director and he asks me to join his team as his special counsel.

Mr. Raskin. When were you staffed to the Midyear Exam investigation?

Ms. Page. So immediately. The investigation had already been ongoing. It had been opened the prior July. Mr. McCabe did not have any supervisory authority over it until he became the Deputy Director.

And so in February of 2016, when he became the Deputy Director, that's when I started getting substantively involved in the investigation.

Mr. Raskin. And what was your role?

Ms. Page. So I am his sort of counsel. And so in all things, both on the Clinton investigation, but in other matters as well, I served as both a sounding board with respect to, you know, assisting in his decisionmaking.

I think one of my more valuable contributions, or at least I hope, was sort of ensuring that he had the most complete and accurate information before he made decisions.

One unfortunate downside to the -- at least in my view -- the hierarchical nature of our organization is that it is -- the information flow, as it goes up the chain, is only as good as each of the links in that chain. And so it is sometimes the case, and also given the fact that our EADs and our ADs have such enormous jobs and they have such an extraordinary amount of responsibility, that they

can't possibly know everything they need to know.

And so I made it my job to know as much as I possibly could about the things that were going -- that were coming to the deputy so that I could provide effective counsel.

Mr. Raskin. Were there other Office of General Counsel attorneys who reported directly to Director -- Deputy Director McCabe?

Ms. Page. No, sir. Just the general counsel, Jim Baker.

Mr. Raskin. Got you.

Ms. Page. But no other line attorneys.

Mr. Raskin. Got you.

Okay. So I wanted to turn to the question of the fact that there were no leaks about the Trump-Russia investigation before the election.

Were there special steps undertaken to make sure that nothing went out or was it just the general background?

Ms. Page. No, I would say it's both. I mean, we all understood the extraordinary sensitivity of this case. And so we are always careful, obviously.

Mr. Raskin. Yeah.

Ms. Page. But we just were more careful. I don't -- I can't say that -- and perhaps there were, in fact, actual steps that were taken, although, as I sit here today, I can't think of any.

Mr. Raskin. Yeah.

Ms. Page. We just made sure that people who did not have a need to know did not know what we were investigating.

Mr. Raskin. So I'm just interested in how you reconciled, either

you personally or the office, reconciled taking precautions to make sure nothing leaked out about the Russia investigation with the posture that Director Comey had about the Clinton investigation.

Specifically, the original statements where he went into great detail discussing the case and what he viewed as her moral, if not legal, culpability.

Ms. Page. So I can't really speak to the latter question with respect to sort of the depth of detail that he went into, but what I can say, I think they are very different situations.

Secretary Clinton, the fact that Secretary Clinton's investigation was well-known and very public. That wasn't our doing, but it was from -- for quite some time it was known that she was under investigation.

So the notion that you would not have said anything when the investigation was closed is foolhardy, because of course the fact that we were closing it without prosecution is something that I certainly think she would have wanted to have done and was necessary.

As I said to Ms. Jackson Lee -- and I say this simply because I have personal knowledge of the discussions and the thinking behind making the statement -- it was genuinely done in an effort to ensure the American people that we had been independent and fair.

And I do think that he, and we, probably overestimated the credibility that we could carry by simply cloaking sort of the FBI mantle around: We did this, and we're the independent people, and we don't really care who's in power, and this is why.

And so I think the depth of his statement was very much meant to reassure, you know, here is what we did, here is why we did it, you know, here is what we found, so that the American people were confident that this was not a politically motivated investigation one way or the other, and --

Mr. Raskin. So then were you surprised by the level of political reaction that --

Ms. Page. I personally was, but I'm not a political person, so maybe I shouldn't have been.

Mr. Raskin. Well, do you think that then the decision in October to go ahead and make another statement several, I guess, days before the election was an attempt to compensate for the original decision to go forward with that --

Ms. Page. No, I don't. I think that a couple -- I mean, and these are just my personal views, I think there were a couple things were operating.

I do think that the fact that we were going to execute a search warrant, I do -- this is, again, my view, and I can't speak for Director Comey or others, I do think the fact that we were going to execute a search warrant and that it was going to be executed in New York, necessarily played a factor in the decisionmaking.

We were going to to have less ability to keep it quiet. We were very good during the Clinton investigation, and we were very good during Russia, because it was our team. And we had picked the people purposely. Everybody understood the gravity of the situation. This is now executing a warrant in a different district and necessarily relying on a different field office to effectuate that warrant.

And so I do sincerely think there was a concern that the fact of the execution of the warrant would leak and that without the context of, again, Director Comey's explanation, it would be as unfair, if not more unfair, I can't make that calculation, but it would be as unfair to let that stand without further explanation because then the speculation could run wild about what it was, and why, and all of that.

And so I do think that that played a role in his decision to speak, to do it. Although I would say -- I'm sorry -- if I can say one more thing, I was not present for that meeting so I was not personally in the room during the course of the discussion in which the Director decided to send a letter to Congress.

So this is based on sort of my understanding both of subsequent meetings and from talking to others on the team.

Ms. Hariharan. Just to quickly clarify, are you referencing -- when you say another field office and team, the New York field office?

Ms. Page. Yes. Yes. That's where the Weiner laptop had originally -- the original warrant had been executed.

Mr. Raskin. Okay. I just have a few questions and then I'm going to excuse myself.

What kind of decisionmaking authority did you have with the MYE investigation?

Ms. Page. No decisionmaking authority. None, sir.

Mr. Raskin. Okay. So you were not in charge of scheduling the witness interviews?

Ms. Page. No, no.

Mr. Raskin. No? Or negotiating immunity agreements.

Ms. Page. I was not in charge of anything.

Mr. Raskin. Okay. Let's see, was this investigation designated as sensitive investigative matter?

Ms. Page. I'm sure that it was.

Mr. Raskin. Well, what is that?

Ms. Page. It just adds additional sort of notice requirements to the Justice Department, a SIM, as we call it, involves both sort of, you know -- I can't remember the particular categories. I can't believe the amount I've forgotten about the FBI already. I can't speak

to the specific categories, but in general, like, you know, political corruption-type case or SIMS.

Mr. Raskin. Did you play a role in designating it as such?

Ms. Page. Oh, no, no, that's just by policy. It's a perfunctory thing, to be honest with you. It doesn't really have a lot of meaning.

Mr. Raskin. Okay. And what's a headquarter special?

Ms. Page. That's not actually a thing. It's sort of a loose term. The difference is that with respect to the Midyear investigation, it was actually Mark Giuliano, the prior Deputy Director, decided that he wanted the case run out of headquarters as opposed to at a field office, which is where investigations are typically run.

And so it is my understanding that Giuliano and the then-counterintelligence director, which would have been Randy Coleman, decided to run it out of headquarters. In part to keep it close, I think, and to, you know, it does sort of keep fewer people in the hierarchy out of the investigation. Because when you have it in the field office you have whoever is running it, the case agent, all the way up through their chain, then you cross over to headquarters and then you have all the way up the headquarters chain.

Mr. Raskin. You mean it keeps more out of the --

Ms. Page. It keeps more people out of, sort of --

Mr. Raskin. Got you.

Ms. Page. -- the reporting chain.

Mr. Raskin. But, presumably, it would not change any

investigative decisions --

Ms. Page. It does not. It has no impact on that.

Mr. Raskin. Okay. All right. And was it the FBI's or the DOJ's decision to designate it an unknown subject? Do you know anything about that?

Ms. Page. I don't. That would have happened before I was involved in it at all, because it was opened in 2015. So that would have been -- it wouldn't have been Pete either. I don't remember who was leading it at the time, but I don't know who made that decision.

Mr. Raskin. Got you. What was your involvement briefing senior DOJ leadership?

Ms. Page. On Clinton?

Mr. Raskin. Yeah.

Ms. Page. To my understanding, it never happened or it only happened once.

Mr. Raskin. Once with?

Ms. Page. Before I was involved in the investigation. But I think Director Comey has talked about, I think in hearings, earlier on meeting with AG Lynch -- early in the investigation, maybe August of '15 or September of '15 to talk about it, and that's where the sort of famous, you know, call it a "matter" comes out of.

But to my understanding, that's the only briefing that ever occurs with respect to the Clinton investigation.

Mr. Raskin. Did any political appointee at DOJ issue orders on how to conduct the investigation?

Ms. Page. I don't know. I suspect so, but, again, this was very unusual, in the sense that we had almost no contact with the people who we normally have contact with at the Department.

Mr. Raskin. Yeah. Okay. Let me just ask you one final question, which has been troubling me from the beginning about the search for evidence of intent. And forgive me because I'm a law professor by training. And when people are using this phrase here, they're looking for evidence of intent of what?

Ms. Page. To mishandled classified information.

Mr. Raskin. Okay.

Ms. Page. So I think Director Comey, and I don't have his statement in front of me, but I think does sort of the best job of, in his July 5th statement, of distilling the types of mishandling cases that typically get charged. And sort of in general, you're talking about either extraordinary number of clearly marked classified documents or somebody who otherwise has a nefarious interest in having those documents. Like these are the types of intents that we tend to look at.

Mr. Raskin. Yeah.

Ms. Page. When somebody, you know inadvertently --

Mr. Raskin. You're looking for some kind of nefarious or corrupt intent to hide something?

Ms. Page. Correct, correct.

Mr. Raskin. Okay. So you're not looking for an intent to violate the law, but you're looking for an intent to do an act which

is in violation of the law's central command.

Ms. Page. That is correct.

Mr. Raskin. Got you. Okay. Thank you. And I'll turn it back to the staff now.

Ms. Kim. Thank you so much.

EXAMINATION

BY MS. KIM:

Q Ms. Page, I want to return to something that you just told Mr. Raskin. You said that you suspected that political appointees at DOJ may have issued orders on how to conduct the Midyear investigation?

A I guess that's not fair. I don't know. I sincerely do not know what kind of briefing schedule -- so this is what I, this is what I do know. I do know that at least John Carlin, for example, who is a political appointee was kept abreast of the sort of investigative activity that was going on. And the only reason I know this is because when there was conflicts between us and DOJ, John might call over to -- John Carlin might call over to Andy McCabe, and sort of make his team's pitch, and then Andy would, you know, sort of the back and forth would go on.

So it is clear that John had, was getting some sort of briefing, but he was not, it was, it never occurred by the FBI, which is, in my view, atypical.

Q So are you aware of who Mr. McCabe's direct counterpart on this investigation at DOJ was?

A So it would have been John. John Carlin is the person who

would have most -- he is not necessarily like -- we care about hierarchy at the FBI, so --

Q I understand?

A -- so he is not necessarily, like, on the same level, but to the extent there were -- when issues came up, it was either John Carlin or George Toscas who would have, who would have reached out to Mr. McCabe.

Q The reason I'm on this point is that numerous witnesses have confirmed to us that George Toscas, a career prosecutor, was in charge of the day-to-day operation of DOJ on this investigation. And that Carlin and other political folks above him had briefings certainly, so they had knowledge but didn't have input in the investigation.

Does that comport with your knowledge?

A I don't know.

Q So do you have -- put another way --

A I don't have --

Q Do you have any personal knowledge of John Carlin, Loretta Lynch, Sally Yates, or other political appointees at the DOJ issuing orders on how to conduct the Midyear investigation?

A I have no personal knowledge of that.

Q Thank you.

Ms. Hariharan. Hi. I'm Arya Hariharan. I work for Ranking Member Nadler of the Judiciary Committee. I just wanted to quickly before I hand it back to Janet, quickly followup on two names you mentioned when Congressman Jackson Lee was speaking.

Peter Strzok testified yesterday that the -- or when did he testify -- not yesterday.

[Discussion off the record.]

BY MS. HARIHARAN:

Q Peter Strzok when he met with us for 11 hours on June 27th, he said that the Midyear investigation had been opened out of the FBI headquarters by then-Assistant Director Coleman, and I believe at the time chief of counter espionage section Sandy Kable. Is that your understanding?

A That's my understanding, yes.

Q And so when you mentioned that they had expressed some anti-Hillary Clinton bias, can you give us a sense of when you heard that information or who told you?

A Pete told me. But when, I really -- they were no longer in, I guess, I do not -- yes, I know this for sure.

They were no longer in a position of authority over the Clinton investigation, right, so it was not, to my knowledge -- and I could be wrong about this -- but it was not while they occupied the roles of section chief or AD, which makes sense to me, because they no longer have any sort of supervision or authority over the course of the investigation.

And so the comment as was told to me was, as I sort of described already.

Q So just to be clear, when --

A But I don't remember -- I'm sorry -- but I don't remember

when they each respectively took different jobs.

Q So just to be clear, when Mr. Coleman and Mr. Kable made those statements, they were no longer -- they no longer had a supervisory role over the Clinton email investigation?

A To the best of my recollection, yes.

BY MS. KIM:

Q Ms. Page, I would like to turn back to the specific text messages.

I'm so sorry, actually, let's keep on this Coleman cable point for a second.

You said that you have heard it from Pete Strzok, is that right?

A That's correct.

Q Do you remember if Pete Strzok heard it directly from either Mr. Coleman or Mr. Kable?

A That's my understanding.

Q That he directly heard anti-Hillary Clinton sentiments from Mr. Kable and Mr. Coleman?

A I believe so, yes.

Q And what was the timeframe in which he heard these comments?

A I don't know. I don't recall at all. I just know it was -- my belief is that it would have occurred after both were -- neither was -- neither was in a position of authority over the investigation any longer.

Q But at this point Mr. Strzok was still involved in the Midyear investigation, is that correct?

A Correct. He was, whenever he started, I think August-ish, August, middle of August of 2015, he stayed on the investigation until its completion.

Q And during his time on the investigation, he was given instructions or encouragement from Mr. Kable and Mr. Coleman that the FBI should, quote, "get her," "her" being Hillary Clinton?

A I don't know if I would characterize that as instruction. I would characterize it as their sentiment. I don't know.

Q And are you aware of Mr. Kable or Mr. Coleman making similar remarks to other investigators of the Midyear team?

A It is possible they could have, to Jon Moffa, but I don't know.

Q So it is possible that Mr. Moffa was also given this encouragement by Mr. Kable and Mr. Coleman?

A I don't know. I know that during the course of the investigation, lots of different people on the team would get messages of distaste or dislike of Secretary Clinton. That's just -- who, when, by whom? I have no idea. But she is not a particularly well-liked figure among some corners. That's sort of a self evident statement, I suppose. And so, but I don't have any, I don't have any personal or more detailed information than that.

Q And you earlier made an observation that the FBI is generally a politically conservative organization.

Is it your observation that this political conservatism manifested itself in distaste or dislike of Secretary Clinton at the

FBI?

A I can't really speculate about that.

Q Okay. What is the basis for your understanding that the FBI, especially headquarters, is a politically conservative place?

A It is just, it is law enforcement. It just, that's just generally, I mean, I'm speaking in gross generalities, so I'm sort of uncomfortable treading in this ground right now. But in general, I think if you had to choose between left leaning or right leaning, the FBI as an organization is right leaning.

Again, I would stress unquestionably that I do not think that that impacts our work, right. What we are is apolitical, independent of the personally-held political views of any of its members. But if you were going to try to categorize it as an institution, it is a law enforcement organization. It is, generally speaking, more conservative.

Q And what about your understanding that members of of the Midyear team were receiving this external input from people not on the Midyear exam team that they should be getting her or they should --

A So I don't want you to make too much of this. This is sort of smack talk, right. I mean responded to the question that Ms. Jackson Lee asked because that was the truthful answer, if I ever heard of anybody in particular exerting sort of bias trying to direct the investigation. And that is the answer.

But with respect to sort of the talk that various members of the team might have sort of gotten or heard or whatever, it is just not,

again, atypical from investigating a particularly heinous, you know, child predator, and saying, like, you better crush that guy.

So, I don't want to make too much of it, because I don't want it taken out of context.

Q Certainly. And I just want to make it clear for the record then your statement about the smack talk specifically about the Midyear case is based on your general recollection of conversations with your colleagues on the Midyear team?

A That's correct.

Q Okay. And in fact, did that smack talk influence the actions taken by the investigators on the Midyear team?

A No.

Q So in your opinion there, was no political bias manifest in the investigative decisions made by the Midyear team?

A This was one of the proudest investigations I've been a part of. Everybody worked incredibly hard, incredibly independently, knowing every step would be sort of -- every investigative step would be scrutinized. And I can unequivocally say that no bias entered into any action that was taken. And I think that that's validated by the inspector general's report as well.

BY MS. SHEN:

Q Hi. My name is Valerie Shen, and I work for Ranking Member Cummings, Oversight Committee.

Just one quick followup. So, I believe just earlier you said that, you confirmed Mr. Strzok's testimony was that Assistant Director

Coleman and Section Chief Sandy Kable were part of opening the Clinton email investigation part of Washington headquarter staff, correct?

A That's correct.

Q And we just talked about how in no way would you believe that that would influence fair investigative decisions, as part of the official action despite the anti-Clinton sentiments that were communicated to you, is that correct as well?

A Yes, I think that's right, but can you ask that question again.

Q Sure. I'll rephrase. So despite being involved in the opening of the Secretary Clinton's email investigation and having --

A You're speaking of Mr. Coleman and Mr. Kable now?

Q Mr. Coleman and Mr. Kable.

A Okay.

Q And the -- what was communicated to you as their anti-Clinton sentiments that they expressed, you don't believe those sentiments would have impacted their official actions as part of her investigation?

A I don't think so, but I wasn't around in the -- I don't think so but I was not, I was not there at the beginning of the opening. So I don't have any personal knowledge of that either.

Q As a general matter, if FBI agents had expressed anti-sentiments against the target of their investigation or I guess the subject of their investigation, would you view that investigation as tainted?

A No, that's the point I keep trying to make, which is, like, we don't like a lot of the people we investigate. In fact, we mostly don't like the people we investigate.

We don't like drug dealers. We don't like pedophiles. We don't like fraudsters. We don't like spies. We don't like terrorists. I mean, we don't like them. Right? We are law enforcement, and so we mostly think they are gross and loathesome.

So the fact that in this case this is the, you know, either political people as opposed to pedophiles is mostly immaterial. We don't like people who commit crimes.

Q So, for example, some are making the allegation that Mr. Strzok, as he was part of the initiation of the Russia interference investigation, which was now been folded into the special counsel's investigation, is your sentiment the same for that, that Mr. Strzok's participation in the initiation of the special counsel's initial investigation and despite some of the anti-Trump views that he expressed on a personal basis should not taint the special counsel's investigation?

A I have no doubt in my mind. We are all entirely capable of holding personal political views and putting our duty to be fair and to follow the rules above all else. That is what defines the FBI.

Q Thank you.

BY MS. KIM:

Q Thank you. As I previewed earlier, I would like to return to the text messages that --

A I love the text messages.

Q -- you discussed with the majority earlier. As a general matter, when you communicate by text, do you generally spend a great deal of time perfecting your word choice?

A No. The only thing I really care about is spelling, because misspellings drive me nuts.

Q So are they quick ad hoc communications or are they designed to be precise communications --

A No.

Q -- into which intent should be read?

A They are quick and ad hoc.

Q Thank you. And to be clear, the inspector general did interview you about your text messages after that?

A Yes, I was interviewed by the inspector general eight times over, like, 36 hours about my text messages and an innumerable number of other topics.

Q So his conclusion that, quote, "our review did not find documentary or testimonial evidence that these political views directly affected the specific investigative decisions" unquote, was based on eight different interviews with you?

A That unquestionably, not just with me, but with virtually every single person who had any involvement whatsoever in the entire investigation, and an intense review of the investigative steps we in fact did take such that they could determine that there was no step which was as a result of bias.

Q Excellent. Thank you.

Earlier Mr. Gowdy discussed with you a text message in which you stated, quote, "he's not ever going to become President, right? Right." And Mr. Strzok responded, quote, "no, he's not, we'll stop it."

Do you remember that text?

A I do.

Q What was the context for your initial text to Mr. Strzok?

A So it is a week prior. I was incredibly upset by the candidate Trump's attack on the Khan family. I thought it very -- honestly it was very much that, it felt like that could have been my family.

[REDACTED] This is is a person who's, you know, very much to me the American dream, right. Somebody came here, raised their family here, his son volunteered to serve our country and was killed. And the notion that they were now being criticized, not just criticized but, you know, belittled and demeaned, I was incredibly bothered by, honestly.

I myself almost joined the military and instead decided to enter public service. And so I was really, really bothered by it. And the sort of lack of sort of both dignity and decency for a family who had lost a child, regardless as I have two young kids and I cannot imagine anything worse, but lost a child to, you know, in service to our country.

And so I was, I was upset. I was quite upset. And so honestly, I don't have a particular recollection of the text, but I think he was

just trying to comfort me.

Obviously, it is well known that we were in a relationship, and I think -- I don't remember what particularly prompted the, "he's not really going to become President." My guess, I think it was late at night, and so I think my, since there's practically nothing out there that's not known about me, I read like the news on my phone at night. And so my guess is that I had read something that sort of bothered me, and so I sort of shot out this flippant, like, this is not really going to happen, right?

And that this was just an attempt to just sort of comfort, although, it is sort of empty words but.

Q I'll note that you said empty words.

Mr. Strzok's text back to you has been interpreted by some as "we, the FBI, will stop Donald Trump from becoming President."

Can you give me your read on whether or not that's a plausible interpretation?

A I mean, that's just not us, number one, and number two, we didn't in fact. Right? We took no steps. We took no effort.

As we've already discussed, I think with the majority, we have and still have information which would have been damaging, particularly if the purpose was to insinuate. You don't have to have an actual -- as is well the case, you don't have to have an actual fact, you have to have an insinuation. You have to have something suggestive.

So you don't have to prove anything if what you're trying to do is undermine. And we took absolutely no step to do so.

Q Thank you. I would also like to turn to the August 15, 2016, text message that Mr. Strzok sent you. I think it is famously known as the insurance policy text?

A Oh, okay.

Q Can you explain how you understood Mr. Strzok's analogy to an insurance policy?

A So it is sort of similar to the question I was answering for Chairman Gowdy. He's making an analogy here so my suggestion is, let's not, you know, throw the baby out with the bath water, let's sort of be a little bit more cautious with respect to our investigative steps because if he's not President, this plays a less of a threat to our national security.

And he is saying, no, we have to, you know, do what we have to do in order to get to the bottom of this because it is like an insurance policy. There is no actual insurance policy. He is making an analogy. It is like an insurance policy in the unlikely event you die before you're 40.

I have insurance. I don't expect to die any time soon. I hope that I don't, but I have life insurance. Unlikely. I'm 38, but you get it in the unlikely event that you die young.

Q So to your knowledge did Mr. Strzok have an insurance policy to prevent Donald Trump from becoming President?

A No.

Q In fact, the FBI did have a potent way to affect its electoral chances by leaking the information out of context that the FBI had

gathered as part of the investigation, isn't that right?

A That's -- yes.

Q It would have been improper but that was at that time the FBI's disposal?

A Yes.

Q And to your knowledge, neither you nor Peter Strzok nor anyone else in the investigation leaked any of that information?

A Quite the contrary.

Q Thank you.

BY MS. HARIHARAN:

Q All right. So we only have a couple more minutes. I'm going to try and breeze through this. Some of these will seem kind of basic just because it is for the purpose of getting it clearly on the record.

A Sure.

Q So what is the FBI's policy with respect towards agents commenting publicly about an ongoing criminal investigation?

A So we're not permitted to.

Q And what are some of the possible negative consequences if that policy is violated?

A I mean, it's one, comes from fundamental fairness, but certainly during the investigative stage, you might foreclose investigative possibilities if the subject or witnesses or others are aware of the existence of the investigation.

Q So, I think it is fair to say that you're familiar with the IG's report on the FBI's handling of the Clinton investigation and the

fact that it was highly critical of the Department from departing from that -- excuse me, of Director Comey from departing from that protocol and commenting publicly about an ongoing criminal investigation?

A I am familiar with it.

Q So if you were to answer similar questions in a manner involving an ongoing criminal investigation, you are potentially then, one, violating the Department of Justice's policy, and would put yourself at risk for an IG investigation if you were still employed by the Bureau?

A That's true. Although, I would just sort of distinguish that when Director Comey spoke it was a closed investigation, so I don't think the analogy is quite perfect, but I understand your point.

Q To quickly go back to some of the questions that we heard earlier and that have been sort of floating around in both in our hearings and in other interviews, I want to go back to confidential human sources.

And when testifying before Congress the FBI Director Wray, he explained how important protecting confidential human sources are, quote, "the day we can't protect human sources is the day the American people start becoming less safe." End quote. Do you agree with Director Wray?

A That is it a, yes that is a -- yes.

Q So it's fair to say that when Director Wray was talking about revealing these sources, it would make America less safe. And I understand you were not in the counterintelligence division for that

long or --

A I've never been in the counterintelligence. I'm a lawyer.

Q Your general understanding, from working at the FBI, how dangerous would it be to reveal the identity of a confidential human source?

A I mean it is just, it is -- I cannot tell you how devastating it is to all of us, honestly.

Q And so --

A Sources are one of the back bones of our work and it is exactly -- we tell people come to us with your secrets and we will keep them secret and safe. And frankly worth noting we have done a pretty poor job of doing that and it makes me quite concerned about our ability to effectively protect America moving forward.

Q So this would also include perhaps a disclosure of their location or --

A To the extent their location would make the source identifiable, yes.

Q Or when perhaps they've met with the FBI?

A Yes.

Q Okay. And how does this affect the ability of the FBI to recruit or retain human sources?

A I mean, as I said, it is incredibly damning. It is a huge step to decide to come to the FBI and rat on someone else or share secret or sensitive or in the case of counterintelligence another country's secrets, right. I mean, that is an enormous ask that you make of

another person. And you do it in part, often not of, you know, sometimes it is a financial motivation, sometimes it is patriotic, there are variety of reasons that people choose to become sources but it's a heavy burden that we ask our sources to take and when we cannot protect their identities, I could certainly understand people hesitating before they came back to us.

Q All right. Thanks. I think we're going to go off the record now. It is 3:56.

[Recess.]

[3:56 p.m.]

Mr. Ratcliffe. Go back on the record at 3:56. Ms. Page I'm John Ratcliffe from Texas. We had a chance to meet before the start of your deposition here. I'm going to go back, try and get back to where Chairman Gowdy left off. We were talking about July 31st and the opening of the Russia collusion investigation. But before that, I want to cover a couple of things that I'm not sure anyone has asked.

First of all, I know there was some question about you getting access to FBI documents that delayed your appearance before our committee. Have you had access to all the documents you needed at the FBI?

Ms. Page. I cannot make the representation of all, and I don't mean any disrespect to my former FBI colleagues. But I have had access to documents. It cannot possibly be all of them, but I know they are trying their best.

Mr. Ratcliffe. Okay. I'm just trying to confirm on the record you don't feel like you're impaired in terms of your ability to answer questions?

Ms. Page. No, I don't think so. I have certainly not had the opportunity to review all of the ones that they have provided to me, but to the extent I can't answer, I will tell you.

Mr. Ratcliffe. Okay, great. Other than your lawyers, did you speak with anyone to prepare for this interview?

Ms. Page. No, sir.

Mr. Ratcliffe. All right. Did you watch Peter Strzok's

testimony yesterday?

Ms. Page. Most of it, sir.

Mr. Ratcliffe. Have you reviewed a transcript of Peter Strzok's prior testimony?

Ms. Page. No.

Mr. Ratcliffe. When was the last time you talked to Peter Strzok?

Ms. Page. We ran into each other when I was leaving the FBI on Tuesday night. He was coming into the FBI. And we were both with our counsels and were in the sort of vestibule of the FBI where people enter and leave. So it was sort of: Hey, how you doing? How do you think? Great, you know.

Mr. Ratcliffe. Just a passing meeting?

Ms. Page. Correct.

Mr. Ratcliffe. When was the last time you had a substantive conversation with him about anything?

Ms. Page. Oh, it's been a very long time.

Mr. Ratcliffe. Can you give me a timeframe? At least a year, more than a year?

Ms. Page. A substantive conversation about like the matters before us?

Mr. Ratcliffe. Yes.

Ms. Page. Yeah.

Mr. Ratcliffe. To the best of your recollection.

Ms. Page. Yeah. I don't know. A yearish, but I'm -- that's --

Mr. Ratcliffe. Okay, fair enough. I want to go back to one of

the things you said, and I wrote it down. We were talking about the Hillary Clinton email investigation, and you said: Everyone at the FBI and the DOJ involved knew far earlier than July that we were not going to be able to make the case against her.

Do you remember saying that?

Ms. Page. I do.

Mr. Ratcliffe. Okay. And you talked about the reason being that there was -- and I don't know if I got this exactly, but you said there was -- we couldn't find any indicia of knowledge that she knew that these shouldn't be traversing her server, evidence of intent, of an intent.

Ms. Page. That's mostly right, sir. It's really -- the problem really is, in a mishandling case, you have to sort of show that malign intent. And with respect to what she was doing, you know, her claim -- and was not one that we could ultimately rebut -- is: I didn't know it was classified; we were trying to execute our job.

You know, when we bring mishandling cases, it's people who are often hoarding classified documents, bringing them home when they're marked, and they know that they shouldn't. Often it's somebody who we suspect of spying that we simply can't make out a case of.

And the -- you know, the ability to prove -- like that would obviously be her defense. And the ability to prove beyond a reasonable doubt that she, in fact, you know, intended to handle classified information in a way that was not permissible was just not possible.

Mr. Ratcliffe. Okay. And that's -- I think, when you talk about

intent, that's certainly true under part of 18 793(f), but it sounds like you all just blew over gross negligence.

Ms. Page. We did not blow over gross negligence. We, in fact -- and, in fact, the Director -- because on its face, it did seem like, well, maybe there's a potential here for this to be the charge. And we had multiple conversations, multiple conversations with the Justice Department about charging gross negligence.

And the Justice Department's assessment was that it was both constitutionally vague, so that they did not actually feel that they could permissibly bring that charge, and also that it had either never been done or had only been done once like 99 years ago. And so they did not feel that they could sustain a charge.

And, in fact, one thing I will note is that the Director asked the Department to pull for him a record of every mishandling case that had been brought in the last like 30 years.

Mr. Ratcliffe. I saw that. I saw a series of emails about that. But my question, the question I had was: He requested all of those in the June 2016 timeframe. He wrote his memo, what we've referred to as the exoneration memo, on May 2nd of 2016. So he made the request to look at the cases to see the cases weeks after he'd already written a draft ruling out gross negligence.

Ms. Page. That's right. Well, no, no, no. So we should clarify a couple things. So the cases were about mishandling, not about gross negligence. So the 30 years back were really about like: Show me the types of mishandling cases that we do bring.

So it's true I think the Director had a sense already like, well, we can't make out garden variety 793(f). And so let me challenge my own views on this, could you please produce -- like let me see what kinds of cases we brought and sort of the facts that surrounded those cases. And so that's what that pull was.

Separately, you know, we had multiple conversations with the Justice Department about bringing a gross negligence charge. And that's, as I said, the advice that we got from the Department was that they did not think -- that it was constitutionally vague and not sustainable.

Mr. Ratcliffe. Okay. So let me if I can, I know I'm testing your memory, but when you say advice you got from the Department, you're making it sound like it was the Department that told you: You're not going to charge gross negligence because we're the prosecutors and we're telling you we're not going to --

Ms. Page. That is correct.

Mr. Ratcliffe. -- bring a case based on that. Who at the Department was telling you that?

Ms. Page. Richard Laufman is my understanding.

Mr. Ratcliffe. Okay.

Mr. Parmiter. Sorry, did you mean David Laufman?

Ms. Page. I'm sorry. Richard Scott. No, no, that's my fault.

Mr. Parmiter. Thank you.

Ms. Page. Sorry, sorry. Probably David Laufman too, but --

Mr. Ratcliffe. Okay. Have you still got those text messages in

front of you? If you turn to June 30th.

Ms. Page. I'm sorry. Which year, sir?

Mr. Ratcliffe. I'm sorry. June 30, 2016. I'm trying to get back to July where we left off. But there was one text message from Peter Strzok to you: Just left Bill -- I assume that's referring to Bill Priestap -- He changed President to another senior government official.

Ms. Page. Yep.

Mr. Ratcliffe. Do you see that?

Ms. Page. I do.

Mr. Ratcliffe. So, obviously, I know you didn't write that text. It was sent to you, but we've all noticed there were different drafts of that exoneration memo. It originally said the President. Then it said senior government official. And then it disappeared altogether.

Tell me what your recollection was about why that was important to take that out of the -- what ultimately became Jim Comey's July 5th public statement?

Ms. Page. I don't really recall. I don't remember a lot of attention spent on this. I think it was Bill's -- would you remind me what this was in reference to? Was this about --

Mr. Ratcliffe. This was in --

Ms. Page. No, I know that. But I just can't remember what the -- why Bill was concerned that highlighting the President or senior government official was sensitive, and I just -- I don't know if anybody has the -- if anybody has the July 5th statement.

Mr. Ratcliffe. I don't know. That's what --

Ms. Page. No, no. If --

Mr. Ratcliffe. That's what I'm trying to find out.

Ms. Page. If we can come back to it, if someone wants to pull the July 5th statement. I just want to see where it was in the statement, and that will help I think refresh my recollection.

Mr. Ratcliffe. Fair enough. We can do that.

All right. So getting back towards the start of the Russia investigation on July 31st, before that, on July 26th, you sent a text to Peter Strzok, July 26, 2016. You said: Yeah, it is pretty cool, blank.

It looks like: Blank just has to win now. I'm not going to lie. I got a flash of nervousness yesterday about Trump.

I assume that that's -- you're referring to Clinton has to win now.

Ms. Page. I'm sure that's right, but I just haven't found it yet. I'm sorry. July 26, you said? July. I'm in June, I'm sorry.

Mr. Ratcliffe. July 26, 2016.

Ms. Page. Do you have a page number that might get me to it faster? Like the DOJ production number, I don't know if you have it.

Mr. Ratcliffe. I don't. I have a summary of it.

Ms. Page. That's okay. Amy, can you help me find this? The "now she just has to win." I'm literally not seeing it. Yeah, it is pretty cool.

Mr. Ratcliffe. July 26.

COMMITTEE SENSITIVE

Ms. Page. Oh, I found it. I'm sorry. Oh, mine says 27th. I'm sorry. That's why.

Mr. Ratcliffe. Okay. Well, it may be the 27th.

Ms. Page. No, no, no. I don't -- that's fine.

Mr. Ratcliffe. What is the context of that, if you can recall?

Ms. Page. So I just take from the context here, we are watching Secretary Clinton receive the nomination.

Mr. Ratcliffe. Okay.

Ms. Page. He is -- I know he was sharing it with [REDACTED]

[REDACTED] And so it was I think sort of a particularly momentous moment that a woman was being nominated.

Mr. Ratcliffe. Okay. And I'm just -- I mean, I don't think it's any big secret. I'm trying to -- and I think you've made it clear. I mean, you wanted Hillary Clinton to win and nervousness about Donald Trump. You're not a fan of Donald Trump.

Ms. Page. That's true, except that I'm not really a fan of Hillary Clinton's either. Given -- truthfully. I mean, given a Trump-Clinton race, yes, I was supporting Clinton, but I was not a particularly big fan of hers.

Mr. Ratcliffe. Okay. So the response from Peter Strzok to your text is: We've got to get the memo and brief and case filing done.

Ms. Page. Uh-huh.

Mr. Ratcliffe. What does that relate to? What memo, what brief, what case filing?

Ms. Page. So I think that the memo is a reference to we -- we

COMMITTEE SENSITIVE

in the Department decided to write a closing LHM is what we call it, a letterhead memorandum.

Mr. Ratcliffe. Right, a summary of 302s.

Ms. Page. A summary of essentially the investigation. So, typically, when you close an investigation, you would do some sort of summary document.

Mr. Ratcliffe. Okay.

Ms. Page. But because this one was actually quite complicated from a forensic standpoint, you know, we had done an extraordinary amount of forensic investigation. And so we wanted to sort of put in one place: Here is what we did in -- you know, in an exhaustive way. And so it was a -- and we also wanted to be -- we wanted it to be like as error-free as humanly possible, because we understood that the case would get scrutinized. And so the -- I'm not sure what the brief is, to be honest with you. Oh. I'm not really positive. But the memo and -- I don't see the text, but was it memo, brief, and what?

Mr. Ratcliffe. I'm sorry. The case filing.

Ms. Page. Oh. I think that's just like closing it up. Like closing up the file. Like getting all those sort of i's dotted and t's crossed. But the memo I think is a reference to the LHM.

Mr. Ratcliffe. Okay. The date of this was July 26, July 27. It's also -- as we've talked about, this is right in the timeframe where you --

Ms. Page. We don't know about it yet.

Mr. Ratcliffe. The opening of the Russia investigation. You

don't know about it yet, because the date that you know about it is July 28.

Ms. Page. I think the 28th, correct.

Mr. Ratcliffe. Right. Okay. So that being the case, look at the text right before that on July 24. There's a series of texts, actually, between you and Peter Strzok where you talk about FISA Judge Contreras and the fact that he would have to recuse himself on espionage FISA cases, given his, quote, "his friend oversees them," end quote. What was the context of how that came up?

Ms. Page. I mean, that was just -- I didn't -- I knew that he had -- had been friends with Judge Contreras for some time. I didn't know that he was a FISC judge. I just knew that he was a judge on the D.C. District Court. And I had been on Wikipedia to sort of look for FISC judges for some reason, I don't remember why. And I saw him. And so -- although I don't have the text in front of me, but that I'm sort of exclaiming like, oh, I didn't know Rudy was a judge, right, or was on the FISC. And he said yeah. And I just thought like it would be neat to meet him because he -- I wanted to know his friends, he wanted to know mine. I mean, it was really more of a personal interest.

Mr. Ratcliffe. Okay.

Ms. Page. And, again, I don't have it in front of me, but my recollection is I asked like: Well, does he know what you do?

And he said: Well, he knows like I'm an agent, but I'm not sure that he has sort of detailed knowledge about the sort of types of work I do.

COMMITTEE SENSITIVE

And he expressed his concern that it would be inappropriate to know what he did because of the potential risk that a matter that Pete was supervising or for a matter for which he was seeking a FISA --

I mean, I should be more precise. In the position that Pete held, he actually doesn't really have any role at all in the FISA process, so -- but he would be supervising investigations for which a FISA might be sought.

Mr. Ratcliffe. Okay.

Ms. Page. And so his point was simply, you know, would this cause him to have to recuse if there was a matter on which I was on. And, again, you see me saying, I don't actually think so, but it was really just --

Mr. Ratcliffe. Okay. So is it your testimony that this exchange was not related to or prompted by a discussion about any potential FISA relating to the Russia investigation?

Ms. Page. Oh, no, no.

Mr. Ratcliffe. Okay. So that gets me back to where Chairman Gowdy left off on July 31st. And I want you to look at the text that Peter Strzok sent to you that says, quote: And damn, this feels momentous because this matters. The other one did too, but that was to ensure we didn't F something up. This matters because this MATTERS, in all caps, period. So super glad to be on this voyage with you, end quote. Do you see that?

Ms. Page. I do.

Mr. Ratcliffe. What do you recall about when you received that

COMMITTEE SENSITIVE

and --

Ms. Page. So this is -- we are now opening the Russia collusion investigation. And I agree wholly with the sentiment, to be honest with you. The Clinton investigation was whether she mishandled classified information. That's important. It matters, but it does not matter like a person associated with a Presidential campaign receiving and potentially accepting, which we didn't know, obviously, but the risk that somebody had received and accepted an offer of assistance from Russia, which I view as our sort of most treacherous adversary. So this one was a more significant, more concerning investigation and unquestionably one which was more threatening to our national security.

Mr. Ratcliffe. Okay. And I thought I heard you earlier, I thought I heard you say, in talking about this being on a Sunday, that it had just happened, and you were stressed.

Ms. Page. I think all of us were -- yes, I can -- I can confidently say that the very small group of us who knew about the predication were all very concerned.

Mr. Ratcliffe. Okay. So, as I read this, though, and I realize this is Peter Strzok, but when he says this matters because this matters, so super glad to be on this voyage with you, it doesn't sound like he's stressed. It sounds like he's happy. If you're super glad, he sounds like he's happy.

Ms. Page. That's a personal comment, sir.

Mr. Ratcliffe. What's that?

Ms. Page. That's a personal comment.

Mr. Ratcliffe. I don't know what you mean. Explain that to me.

Ms. Page. That's a reflection that, okay, the Midyear investigation is over, right. So he's going back to kind of his day job. I'm going back to my day job. And now we have a new investigation, which will necessarily involve regular contact.

Mr. Ratcliffe. Okay. So a week later, on August 6th, you texted Agent Strzok about the candidate Trump's criticism of the Khans, and you stated: Jesus, you should read this, and Trump should go F himself.

Ms. Page. Yes.

Mr. Ratcliffe. Okay. And his response to that was something and F Trump.

Ms. Page. Yes.

Mr. Ratcliffe. Okay. That same day, you sent a text to Peter Strzok that says: So this is not to take away from the unfairness of it all, but we are both deeply fortunate people and maybe you're meant to stay where you are because you're meant to protect the country from that menace.

Do you find that?

Ms. Page. I'm sorry. Is it on the 8th too? Yes, I see it.

Mr. Ratcliffe. On the 6th.

Ms. Page. Yes, I see it. Yes, I do. Yes, I do. I'm sorry. Yes, I see it.

Mr. Ratcliffe. So, when you said, "Maybe you're meant to stay where you are because you're meant to protect the country from that

menace," who is that menace?

Ms. Page. The menace is Donald Trump.

Mr. Ratcliffe. Okay. And so, if you're telling Peter Strzok that he's meant to protect the country from Donald Trump, who is a menace --

Ms. Page. Although --

Mr. Ratcliffe. I don't know how to read that other than you --

Ms. Page. No, no, no. Well, I think that it is, but I think it's in the context of -- well, I'm not certain, to be honest with you. I think it's Donald Trump. But the reason I'm hesitating is because this is so close in time to the opening of the Russia investigation that the concern that we all had that there was a member of his campaign colluding with Russia was so great that I'm not -- I'm not 100 percent positive that I can split those --

Mr. Ratcliffe. Well, I'll tell you why it's really important, because you're right; it is so close to the opening of the Russia investigation. And so, if a week after the Russia investigation is open, you and Agent Strzok are talking about protecting the country from a menace, if you're meaning it's Donald Trump, I don't know how to read that other than you have prejudged him.

Ms. Page. So you are misunderstanding, sir. I have -- at the time that we opened the investigation, I don't have any reason to believe that it is Donald Trump himself who was colluding with the Russians. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

There was absolutely no preconceived belief or feeling at all that it was Donald Trump himself. We took quite deliberate steps, and we were very judicious in deciding who we would open on and what criteria we would use in order to open those investigations in order to determine who might have been in a position to receive this offer, if it was even true.

Mr. Ratcliffe. Okay. Well, I appreciate that. But I'm not trying to put words in your mouth. These are your words, and so I'm asking you what they mean because this is really important. And the way I read this is an FBI lawyer a week after this case is opened is saying you, speaking to the FBI agent who is the lead investigator in this nascent investigation, you are meant to protect the country from that menace. And the only way an FBI agent can protect the country from a menace who is a Presidential candidate is to ensure that he doesn't become the President.

Ms. Page. I can understand the reading of that, sir. But what I am trying to tell you is that there is -- it is -- I understand that "menace" is a very loaded word, but this is a sort of singular flash in time.

I think the other thing that's important to understand is the meant to stay where you are is because he was considering putting in for another job. And so this is really in the context of a conversation

COMMITTEE SENSITIVE

we had for days or weeks about whether to seek a promotion to another job versus to sort of stay where he is. And the -- can I -- may I --

Mr. Ratcliffe. Yeah, sure you can.

Ms. Page. And the truth of the matter is, and I am quite confident that people who have worked counterintelligence would say this, Peter Strzok is the best counterintelligence agent in the FBI, certainly in a position of management.

And so the notion that he would take a different position and leave open a management position which would necessarily be filled by somebody less qualified is also reflected in that.

Mr. Ratcliffe. Okay. Are you finished?

Ms. Page. I am.

Mr. Ratcliffe. I didn't want to cut you off. I appreciate the context for the part about whether he's meant to stay where you are. I'm more concerned about you're meant to protect the country from that menace that you believe is Donald Trump, especially when it's followed up with the next text that you send to him on August 8th, Trump's not ever going to become President, right, right, to which he has responded, no, no, he's not, we'll stop it.

So you're meant to protect the country from the menace of Donald Trump. He's not going to become the President, right? No, we'll stop it.

And these texts are being exchanged with the lead investigative agent a week after he has opened the investigation into the Russia collusion matter.

COMMITTEE SENSITIVE

Ms. Page. I completely understand that. I will say sort of two things in response. The first is I know this person very well. And so, while I completely understand how, after the fact and with the little snippets that a text message represent, I understand wholly why you and others would interpret it that way. I sincerely do. But I know this person, and I know myself, and I know the sort of integrity and the investigative quality that we both bring to work. And that is ultimately what that represents.

And then certainly with respect to the "he's not going to become President, right," I don't know whether you were here when I was discussing it with the minority staff. But I was very deeply affected by the -- by the harshness and the cruelty that I felt that Donald Trump exhibited toward the Khans. I felt like it was there but for the grace of God go we. I am an immigrant -- [REDACTED] [REDACTED] the same as the Khans are. I very seriously considered joining the military before I decided to enter public service. And I was unbelievably appalled that anyone, let alone a Presidential candidate, would insult the family of a slain servicemember. It's inappropriate, and it's disgusting. And it remained with me for quite some time.

And so, yes, I sent the, you know -- and, again, I don't know whether -- as I said earlier, before I fall asleep, I sort of read; it's when I catch up on the news. And so my strong suspicion is that I was on my phone; I read something about it. I was upset and bothered, and so I made the "he's not really going to become President, right"

and "no, we'll stop it" was simply an attempt to comfort me.

Mr. Ratcliffe. Okay. Well, I can appreciate the emotion and opinion that you have regarding that event. I'm sure a lot of people in the country may have felt that way, but those people were not in a position to influence the outcome of an investigation. There was only one lead investigator in the country on this investigation, and the way this reads, you asked him whether or not -- well, you asked: Donald Trump's not ever going to become President, right?

And he responds: No, no, he's not, we'll stop it.

That sounds like a promise from someone who's in a position to keep a promise.

Ms. Page. And it's not. And I completely understand the interpretation, but I would also, frankly, point you to the fact that not a single action was taken that would evidence that we attempted to stop it. There was no leak of the investigation. As I've said multiple times, we had then and continue to have information which certainly would have been damaging, and particularly so during the run-up of a Presidential election. That's just not who we are.

And I understand that perhaps for people whose job is politics, it strains credulity that you would not be dominated or motivated by politics, but we are dominated and motivated by fidelity to our institution. And that is the FBI, and we do things the right way at the FBI.

Mr. Ratcliffe. Well, and I appreciate the explanation, and I hope you can appreciate the job that we all have, which is to ask you

COMMITTEE SENSITIVE

about the things that you said and the things that he said, and that you are two people at the center of a very important investigation that, unlike the rest of the country, were not in a position to influence the outcome.

Ms. Page. I do understand that, sir. But honestly, having a view, even a strongly held view, even a virulent view as to who would be best President does not mean that it makes me -- does not mean or make me biased in my work.

Mr. Ratcliffe. Let me move on to a text message on September 2nd of 2016. It's a series of texts that you exchanged with Agent Strzok. And at one point you text him: Yes, because POTUS wants to know everything we are doing.

Ms. Page. Oh, yeah. I don't see where it is, but I know what it is, yeah.

Mr. Ratcliffe. Okay. And do you know the context of what it is?

Ms. Page. It is. This is in the context of --

Mr. Ratcliffe. Well, first of all, so is POTUS, I'm assuming that's --

Ms. Page. President Obama.

Mr. Ratcliffe. -- President Obama, okay.

Ms. Page. Yes. So this is in the context of the -- take a step back. In August -- oh, this is going to call for a classified answer. I'm sorry. Can we --

Mr. Ratcliffe. Do you need to confer?

Ms. Page. I don't think this is a classified space.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Mr. Ratcliffe. Okay.

Ms. Page. Sorry.

Mr. Ratcliffe. It's not.

Ms. Page. I think I can answer it.

Mr. Ratcliffe. I'm just trying to clarify --

Ms. Page. It's not about the Midyear investigation, if that's the question. It has to do with Russia. It does not have to do with the Clinton investigation at all.

Mr. Ratcliffe. Okay. It does have to do with Russia, the Russia investigation?

Ms. Page. No, not the Russia investigation. It has to do with the broader look at Russian active measures.

Mr. Ratcliffe. Okay. All right.

All right. Let me move ahead to May 18th of 2017, which is, to put it in context, is either the day of or the day after Bob Mueller has been appointed special counsel.

Ms. Page. The day after, sir.

Mr. Ratcliffe. The day after. And Peter Strzok texted you and said, quote: For me and this case, I personally have a sense of unfinished business. I unleashed it with the MYE. Now I need to fix it and finish it.

COMMITTEE SENSITIVE

Ms. Page. I don't have it in this set. Can I -- sorry, I don't know why, but -- maybe I do. May 18th you said, right? Can I have one second, please?

Sorry about that.

Mr. Ratcliffe. Did you find it?

Ms. Page. I did, yes.

Mr. Ratcliffe. Okay. What is your recollection of the context of you receiving that text message?

Ms. Page. So it was -- I had been asked to join the Mueller team by that point, and he was probably the -- one of the likely candidates to join, to the extent he would bring sort of all the institutional knowledge of the investigation to date.

By the same token, my view was, if you are going to rise in the organization, you need to stay where you are and do your time. So the FBI is very hierarchical and very sort of box checky with respect to promotion. And that we had had, again, many conversations discussing whether he should join the team or whether he should sort of stay in place and then seek the next promotion.

And so the sort of -- there's a great deal of texts which sort of precede it, because I was also quite -- I was hesitant to join. In fact, I initially said that I did not want to join the team.

And so this is sort of one of the many reasons I think reflected in these texts about whether or not to join the team. And I do think that he felt -- we all felt a great deal of concern that when the director sent the October statements -- not the statement, the October

letters in the Hillary Clinton case, that we had affected the election.

And it's not because of who won or who didn't win, but because that is like the worst possible place for the FBI to be in. And I know all of my friends on the team, all the people that I talked to really continued to carry a lot of -- trauma is too strong a word. I can't really think of a better one right now. But just a lot of weight about whether we actually impacted an American election.

And so that is really what I think this is a reflection of. He very much participated -- you know, he participated in the decision to send the letter to Congress about the reopening of the Midyear investigation. And so I think that this is sort of a reflection of like just that.

Mr. Ratcliffe. Okay. Well, given the timing of it, though, the start of appointment of a special --

Ms. Page. Right. But that's because of the opportunity to essentially -- had Director Comey never been fired and a special counsel not been necessitated, he would have stayed as DAD in the Counterintelligence Division. He would have done it for another whatever, 6, 8, 10 months. He would have been eligible to be, you know, promoted to an SAC somewhere, and then he would have gone on his merry way.

The problem is, with the appointment of special counsel, now there is a new sort of job opportunity which is not career-enhancing, because it doesn't matter if it's high-profile or if it's like interesting, the FBI cares about box checks. So you do all you want on some special

project, if you have not done sufficient time in this box, the likelihood of you getting promoted is quite slim.

And so the only reason that, you know, he's confronted by this choice and the timing of the choice is because the director has been fired and DAG Rosenstein has appointed Bob Mueller as special counsel.

Mr. Ratcliffe. Okay. But, again, and I realize these aren't your words. I'm asking you, though, if you have any knowledge. It's -- given the timing and that Bob Mueller has been appointed special counsel and given the context that you've given that you thought that you may have affected the outcome, when Peter Strzok says, now I need to fix it and finish it, a person reading it might come to the conclusion the fix it means fix the outcome, change the outcome, stop Donald Trump, finish it.

Ms. Page. I understand that. I don't have a better -- I don't have a better explanation than the one I've given.

Mr. Ratcliffe. Okay. So that same day in the consideration of this, he texts you and says: "You and I both know the odds are nothing. If I thought it was likely, I'd be there, no question. I hesitate, in part, because of my gut sense and concern there's no big there there." What's he talking about?

Ms. Page. So I think this represents that even as far as May of 2017, we still couldn't answer the question -- sorry. Can I consult with counsel? I'm sorry, I need to consult with FBI counsel for a moment.

Mr. Ratcliffe. Okay.

[Discussion off the record.]

Mr. Ratcliffe. You said you still couldn't answer the question.

Ms. Page. So, yeah, I'm going to have to like rephrase my answer a little bit. It's a reflection of -- and I'm sorry, I'm not trying to be cagey. I'm just trying to stay within the confines that I've been given.

Mr. Ratcliffe. Well, let me ask you this: Do you know whether or not Peter Strzok was talking about the fact that, as the lead investigator of the Trump-Russia investigation, he didn't know -- or that he knew that the odds were nothing and that he had a concern that there was no big there there regarding any collusion between Trump and --

Ms. Page. No, I don't think so. I think it's a reflection of us still not knowing. I guess that's as good as I can answer. That it still existed, because we were -- it was still an active investigation. It still existed in the scope of possibility that there would be literally nothing, probably not nothing nothing, as we probably knew more than that by that point.

But in the scheme of the possible outcomes, the most serious one obviously being crimes serious enough to warrant impeachment; but on the other scale that, you know, maybe an unwitting person was, in fact, involved in the release of information, but it didn't ultimately touch any senior, you know, people in the administration or on the campaign.

And so the text just sort of reflects that spectrum. And I think the sort of unfinished business to me really just reflects who Pete

is, which is he's a leader. He cares about Russia in particular, it has in many ways dominated his career, and wanted to finish out the investigation, whatever the outcome.

Mr. Ratcliffe. Well, based on that answer, though, it does sound like, as the lead investigator, you took it to mean he was saying the odds are nothing and, as the best counterintelligence agent, he had a gut sense and concern that there's no big there there.

Ms. Page. I'm sorry, what's the question?

Mr. Ratcliffe. With respect to any collusion between the Trump campaign and Russia.

Ms. Page. Right. And so he is the best investigator. So if someone is going to find it, it's going to be him.

Mr. Ratcliffe. But at that point --

Ms. Page. That's not out of animus; that's out of I hate Russia.

Mr. Ratcliffe. But at least at that point, he had a concern that there wasn't anything there.

Ms. Page. I mean, we -- it was -- I'm sorry, I'm not supposed to talk about the sufficiency of evidence, so that's why I am weighing my words carefully.

Let me do it this way: Investigations are fluid, right? And so at various times leads are promising and leads fade away. And so I can't -- I can't answer more his sentiment with respect to this particular text, but certainly at this point the case had been ongoing. We didn't have an answer. That's obvious. And I think we all sort of went back and forth about like what -- what the answer was really

COMMITTEE SENSITIVE

going to be.

Mr. Ratcliffe. Okay. But in describing those terms, the lead agent said he had a gut sense and concern, a concern that there's no there there, a concern that I'm not going to find anything.

Ms. Page. Right. But that's --

Mr. Ratcliffe. Did he want to find something?

Ms. Page. No, no, no. That speaks to -- again, this is all in the context of do I stay or do I go, right? And so if this is going to fizzle out and be a nothing, then I shouldn't sort of sacrifice my sort of long-term career prospects. If it's going to end in impeachment, that's kind of a big deal. I mean, put aside who it is, put aside how we feel about it. You know, that's monumental. People who are on Watergate are still known as somebody who was on Watergate.

And so that's not sort of taken with respect to the, you know, feelings about Donald Trump. It's about being on an unbelievably kick ass team and being a part of, you know, something impressive. Sorry. I probably shouldn't have --

Mr. Ratcliffe. Four days later, another series of text messages are exchanged, and at one point Peter Strzok responded to a text from you and said: God, I suddenly want on this, you know why.

Ms. Page. Oh, lord. If you're asking me why, I have no idea. I'm sorry. We talked about this for days on end. So I really couldn't tell you what he was thinking in that particular moment.

Mr. Ratcliffe. Okay.

Ms. Page. Is there more context there? I don't --

COMMITTEE SENSITIVE

Mr. Ratcliffe. No, I don't. I'm just asking you. It sounds like he's saying, you know why I suddenly want on the Mueller investigation.

Ms. Page. I'm sure 18 months ago I did, but I have no idea right now.

Mr. Ratcliffe. Okay. One last question. What was the -- obviously, you left the Mueller investigation team at some point in time. Give me the circumstances about why.

Ms. Page. Sure. I -- so I participated in the first briefing for Bob Mueller upon sort of giving him an overview of like here's what we got. And at the end of the briefing, he went to Mr. McCabe, who at the time was the acting director, and said, who was that woman? And he said, that's Lisa, she works for me. And he said, I want her on the team. And Andy said, okay.

And so he came to me and said, Bob wants you to join the team. And I said, I don't want to. And he said, well, you don't say no to Bob Mueller. And I said, you know, one, Andy was acting director and so I wanted to sort of stay by his side; and, two, I have young children at home and the prior sort of 18 months working for Andy were the most fulfilling of my professional career, they were unbelievably demanding. And I --

Mr. Ratcliffe. Okay. So -- and these text messages -- so the point I'm really trying to get at, the text messages had not become public.

Ms. Page. No, no, no. I'm -- 30 seconds, I'm going to get there.

Mr. Ratcliffe. You bet.

Ms. Page. So I was very hesitant to join the Mueller team, because I had already worked two incredibly demanding years with Andy and I wanted a life back and I wanted to parent and be home and be around. And so I went to Bob Mueller to talk to him about it. And so, as a compromise, I offered a 45-day detail.

And so I joined his team for 45 days to sort of help them stand it up, with the understanding that he wanted me, he wanted me full time. He -- he, you know, thought I had something to add. But at the end of the 45 days, I just -- you know, I just -- despite, you know, it being an impressive crew that he assembled, wanted a life back.

Mr. Ratcliffe. Thank you.

Mr. Jordan. Thank you, John.

Ms. Page, I just want to understand some basics. Did you report directly to Mr. McCabe or did you report to Jim Baker and then had some kind of special arrangement? How did it work?

Ms. Page. I reported directly to Mr. McCabe. I stayed in close touch with Jim Baker. I mean, we worked together very, very closely, but I would say I considered --

Mr. Jordan. Was it a special arrangement? I mean, you're part of the general counsel, part of the FBI General Counsel Office, but it was a special arrangement where you worked directly for Mr. McCabe?

Ms. Page. Essentially, yes. I -- in the minority testimony, I had worked for Mr. McCabe when he was the Executive Assistant Director for the National Security Branch. So when he took that job on, it was

COMMITTEE SENSITIVE

shortly after the Snowden disclosures. Things were crazy busy, in terms of intelligence community reforms. And so he asked me at that time -- this is in September of 2013. He asked me to sort of join his -- his staff as counsel to kind of help support him through that, because it really fell in his bucket.

And so it was already an arrangement that we had had before. And so when Andy -- when Mr. McCabe became Deputy Director in February of 2016, he asked me to sort of join in the same kind of arrangement that we had had previously.

Mr. Jordan. And did that mean that your actual physical office was somewhere different from where the normal FBI General Counsel Office was?

Ms. Page. That is correct. It moved a jillion times, just because of the way space moves, but ultimately yes.

Mr. Jordan. Did you provide any information to reporters, journalists, or media personalities about anything related to the Trump-Russia investigation --

Ms. Page. No.

Mr. Jordan. -- in 2016, 2017, or 2018?

Ms. Page. No.

Mr. Jordan. Did you ever interact with the press?

Ms. Page. In my official capacity at the FBI? A couple of times, yes.

Mr. Jordan. And can you tell me who you interacted with and when those occurred?

COMMITTEE SENSITIVE

Ms. Page. So there's the one that's the subject of the IG investigation or the IG report about Mr. McCabe that I'm not -- I don't think I should get into here. It's a criminal referral now.

And then I was asked --

Mr. Jordan. So you can't -- are you saying you don't want to tell me when or who or neither?

Ms. Page. No, no. So it's the -- it's the -- it's the Devlin Barrett Washington Post in the late October timeframe.

Mr. Jordan. I know which within you're --

Ms. Page. Yeah, yeah. So, I mean, I was obviously involved in that. And then in early 2017, I was asked to -- so the Clinton case was sort of over and there were a number of outlets who were seeking to write like the comprehensive story of the Clinton case.

And so Mike Kortan, who is the head of public affairs, was engaging with a number of them to kind of figure out who would sort of tell the big story. And then there were a number of other outlets that were doing it anyway. And so I worked with Mike on, I don't know, two or three maybe Clinton stories.

Mr. Jordan. Did the press ever -- I'm sorry. Did the press ever approach you and give you any information?

Ms. Page. Not that I recall. I don't think so.

Mr. Jordan. Okay. I've just got a list of names I want to run past you and ask if you've communicated with any of these individuals.

Did you ever communicate with Christopher Steele?

Ms. Page. No.

Mr. Jordan. Richard Dearlove?

Ms. Page. I'm sorry, I didn't hear you, sir.

Mr. Jordan. Richard Dearlove.

Ms. Page. No.

Ms. Jeffress. Can we just consult for one moment?

[Discussion off the record.]

Ms. Jeffress. Go ahead.

Mr. Jordan. Joe Mifsud?

Ms. Page. I'm sorry?

Mr. Jordan. Joe Mifsud. Joseph Mifsud.

Ms. Page. Joseph Mifsud, no.

Mr. Jordan. Alexander Downer, have you ever talked with him?

Ms. Page. No.

Mr. Jordan. Have you ever talked with Glenn Simpson?

Ms. Page. No.

Mr. Jordan. Have you ever visited or talked with Nellie Ohr?

Ms. Page. Yes.

Mr. Jordan. Can you tell me about those conversations and when they took place?

Ms. Page. Yes. Bruce Ohr was my first boss at the Justice Department.

Mr. Jordan. I was asking you about Nellie, but you can talk about Bruce as well.

Ms. Page. I have to get to Bruce -- I have to get to Nellie through Bruce.

COMMITTEE SENSITIVE

Mr. Jordan. Got it, okay.

Ms. Page. Because the only time I've ever spoken to her was in the context of a summer barbecue that Bruce held for the office in, I don't know, 2011 maybe, summer of 2011.

Mr. Jordan. So were you pretty close with Bruce Ohr?

Ms. Page. No. He was my boss. It was for the whole office.

Mr. Jordan. Bruce Ohr had it for your office?

Ms. Page. So I was a prosecutor at the Justice Department from 2006 to 2012.

Mr. Jordan. Okay.

Ms. Page. And that entire -- for almost that entire time, at least until maybe early 2000 -- or middle of 2012, Bruce Ohr was my supervisor.

Mr. Jordan. Got it.

Ms. Page. He was the chief of the Organized Crime and Racketeering Section, and I was a line prosecutor. And so in the --

Mr. Jordan. You worked for Bruce Ohr for how long, again, I'm sorry, Ms. Page?

Ms. Page. He was in that position for I think 5 of the 6 years that I was there, I think.

Mr. Jordan. Okay.

Ms. Page. Maybe 5 and a half, I don't know. So in that -- in that context, he had -- you know, he would have like a summer barbecue for his --

Mr. Jordan. Got it.

COMMITTEE SENSITIVE

Ms. Page. -- staff and employees, and so I met Nellie at that.

Mr. Jordan. Okay. Did you ever talk with (b)(6), (b)(7)(C) per FBI?

Ms. Page. Who?

Mr. Jordan. (b)(6), (b)(7)(C) per FBI

Ms. Page. No.

Mr. Jordan. Did you ever communicate with Cindy Blumenthal?

Ms. Page. No.

Mr. Jordan. Okay. How about Victoria Newland in the State Department?

Ms. Page. No.

Mr. Jordan. All right. I want to ask you a little bit about travel. Did you travel much with your current -- with your time at the FBI working for Mr. McCabe, did you travel abroad much?

Ms. Page. No.

Mr. Jordan. Did you travel abroad any?

Ms. Page. Abroad, once.

Mr. Jordan. And where to?

Ms. Page. [REDACTED].

Mr. Jordan. And what were the dates of that travel?

Ms. Page. [REDACTED]

Mr. Jordan. And that was for official business?

Ms. Page. Yes.

Mr. Jordan. Can you tell me what you did in [REDACTED] while you were there in early [REDACTED]?

Ms. Page. I can't do that, sir. I'm sorry.

Mr. Jordan. Pardon?

Ms. Page. I can't -- on advice of FBI counsel, I can't go into that detail.

Mr. Jordan. You went to [REDACTED] in early [REDACTED]. Did anyone travel with you, anyone else from the FBI?

Ms. Page. Yes.

Mr. Jordan. Who? Did Bill Priestap?

Ms. Page. Bill Priestap did not.

Mr. Jordan. If you can tell me who. Want me to guess?

Ms. Page. So I'm trying to count the right number of people. It's either four or five others, but all are GS-15s or below so -- except for Pete. I'm sorry, Pete was there, but --

Mr. Jordan. Peter Strzok and then four or five others?

Ms. Page. No, no, no. Me, Pete, and three others, I believe.

Mr. Jordan. And can you give me their names?

Ms. Page. I cannot, sir.

Mr. Jordan. And why can't you?

Ms. Page. Because I've been instructed that GS-15s and below, we're not providing those names.

Mr. Jordan. Okay. And that was the only time you traveled to [REDACTED]?

Ms. Page. That is correct.

Mr. Jordan. All right. I want to just give you something that I brought up with Mr. -- with Mr. Strzok yesterday, if I could. This

is an email that you and he exchanged back and forth. If we can pass that down. I've got several copies there. I don't know if you've been labeling exhibits, if the staff has or whatever, so I don't know what number or letter this would be.

If you could just take a look at that, Ms. Page. Are you familiar with this email exchange from January 10th, 2017?

Ms. Page. I mean, I have no recollection of it, but I see it before me.

Mr. Jordan. Okay. So I just want to read what Agent Strzok sent to you. He says: Comparing now. The set is only identical to what McCain had. It has differences from what was given to us by Corn and Simpson. And the subject line is: BuzzFeed is about to publish the dossier.

Do you know who Mr. Corn or -- do you know who Corn and Simpson are?

Ms. Page. I'm sorry. I'm super confused from where we all landed on this yesterday, because it went round and round. Can FBI counsel tell me what the parameters are on this?

[Discussion off the record.]

Ms. Page. I'm sorry. I do know the names Corn and Simpson, yes.

Mr. Jordan. You know their first names?

Ms. Page. Glenn Simpson, David Corn.

Mr. Jordan. And that's who this is referring to, this email?

Ms. Page. Yes, I assume so.

Mr. Jordan. Okay. Can you just tell me, because I didn't quite

get this square yesterday. It looks to me like in this particular email that there are a couple versions of the dossier, at least parts of the dossier. There's the set that BuzzFeed is about to publish which, according to Mr. Strzok's email, is identical to what was given to the FBI by Mr. McCain, Mr. McCain's staff -- Senator McCain's staff, I should say. And then there's this other one that you're getting from David Corn and Glenn Simpson, which is the dossier, but different. Is that how you read it?

Ms. Page. I think so, but honestly, I didn't have a ton to do with it, so I don't -- that seems right to me, but I really don't know, because I wasn't really substantively involved with this.

Mr. Jordan. Have you read the dossier? Did you read the dossier while you were working on this case at the FBI?

Ms. Page. So let me -- I guess I just want to clarify. I know that the press has called the sort of set of reporting that -- that was released on Buzzfeed and other outlets the dossier. What we have are a set of reports from a source, obviously now well-known.

Mr. Jordan. Yes.

Ms. Page. So I did read some, but not all of the reports that we received from Christopher Steele.

Mr. Jordan. When was the -- when did you first read the reports from Christopher Steele?

Ms. Page. I think we got them on the team in mid -- in mid to late September. So --

Mr. Jordan. That's the first time you'd read them?

COMMITTEE SENSITIVE

Ms. Page. Yes.

Mr. Jordan. Mid to late September. Okay, thank you. I know we're out of time, but I did want to circle back with one. Do you communicate -- did you communicate with anyone at the State Department on any type of regular basis or on any basis in the course of this investigation?

Ms. Page. In the course of Russia or Midyear?

Mr. Jordan. Both, but mostly Russia is I guess what I'm focusing on.

Ms. Page. No, no on Russia. On Midyear, I had a couple of conversations, I don't know, I'd say three or fewer, where we were trying to get classification decisions out of the State Department in order to sort of finalize certain things. They were very slow in kind of going through the classifications needed so that for us to make an assessment about whether there was classified information or not.

And so I was on probably one or two or three at the absolute most conference calls with people at State, but that's the extent of it.

Mr. Jordan. And you don't recall the names of individuals you spoke with in?

Ms. Page. Not right now, no.

Mr. Jordan. Okay. I think we're out of time, but thank you, Ms. Page.

[Recess.]

COMMITTEE SENSITIVE

[5:20 p.m.]

Ms. Kim. We're going back on the record. The time is 5:20.

Ms. Page, I'd like to return to the text messages. For each one that I'll return to, I will try to introduce it as an exhibit.

So I think this is actually the first formal exhibit we're introducing in three rounds of questioning. So I'll mark as exhibit 1 a text message from July 21st, 2016.

[Page Exhibit No. 1

was marked for identification.]

BY MS. KIM:

Q It's about: I have no idea how destabilizing his Presidency would be.

So I'll direct you to the text, eight texts from the top. It's where you text Mr. Strzok an article link with the title, "Donald Trump Sets Conditions for Defending NATO Allies Against Attack." And you attached your personal comments, quote: "This is really shocking."

Can you explain this text?

A Yes. So I don't remember the article, but just based on the context of the -- on the message here, you know, it's essentially talking -- I mean, the sort of whole notion of the NATO alliance is an attack on one, it's an attack on all. And so the prospect of in any way diminishing or diluting that alliance is extraordinarily concerning. And so, obviously, I'm just quite shocked by the prospect of what I presume is explained in this article.

Q You spoke earlier about your general experience dealing with

COMMITTEE SENSITIVE

Russia, the country, as a threat. Can you explain in that context why the NATO alliance is important?

A I mean, the NATO alliance is one of the sort of primary forces which holds Russia in its sort of hegemonic-seeking, you know, pursuit of dominance in check.

Q So in your view, would it be a major diplomatic shift for a candidate to state that he would impose new conditions for defending NATO allies against attack?

A Yes, very much so.

Q So around 10 minutes after you sent that article, you texted Mr. Strzok another article link. It looks like it is entitled, "How Donald Trump Picked His Running Mate." And you also appended a personal comment here, quote: "This campaign is like watching a train wreck happen over and over and over again."

So let me just give you the context for that article. It was published on July 20th, 2016, in The New York Times. I think the most widely publicized excerpt from that article reads: Donald Trump wanted to make a senior adviser to John Kasich an offer nonetheless. Did John Kasich have any interest in being the most powerful Vice President in history? When Kasich's adviser asked how this would be the case, Donald Jr. explained that his father's Vice President would be in charge of domestic and foreign policy. Then what, the adviser asked, would Trump be in charge of? Quote, "Making America great again," unquote, was the casual reply.

Does it concern you that Donald Trump Jr. was offering Vice

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Presidential candidates the portfolio of domestic and foreign policy so the President could focus on making America great again?

A It represents a certainly different model for how the executive branch is typically run.

Q I think that's an accurate statement.

So then I think, let's turn back to your text exchange with Mr. Strzok. He responded to these articles, quote, "Trump is a disaster. I have no idea how destabilizing his Presidency would be."

Can you explain to me how you understand Mr. Strzok's text?

A I mean, I think it is in large part a reference back to the sort of conditions for defending NATO allies. As I said, I mean, NATO represents one of the sort of primary checks against Russian expansion of power. And so changing conditions for NATO is destabilizing to the world order, and I think that's entirely what his text message reflects.

Q So, again, what did you understand would be destabilized through Mr. Trump's potential Presidency?

A The world.

Q The world. Thank you.

[Page Exhibit No. 2

Was marked for identification.]

BY MS. KIM:

Q The next text that I'd like to discuss with you is what I'll introduce as exhibit 2. It's a March 3rd, 2016, text exchange. You talked about this briefly. It's from the evening of March 3rd, 2016, when FOX News hosted a Presidential primary debate with the four

COMMITTEE SENSITIVE

remaining candidates.

I'd like to read you a CNN article published about that debate.

A Okay.

Q It's entitled, "Republican Debate Turns Early." It was published the very next day, on March 4th, 2016. And it reads: Donald Trump opened the GOP debate here by boasting about the size of his genitals. He responded to recent comments from Marco Rubio in which the Florida Senator joked about the size of Trump's hands and said, you know what they say about men with small hands.

On the debate stage, Trump stretched his hands out for the audience to see, then insisted that the suggestion that, quote, "something else must be small," unquote, was false. Quote, "I guarantee you there's no problem," unquote, Trump said to howls from the audience at the FOX debate.

Do you remember this moment from the debate?

A I do.

Q And do you remember what your reaction was to this subject being discussed at a Presidential primary debate?

A I mean, it's just not the dignity befitting a candidate running for President. And to be clear, I am not a particularly prudish -- obviously, I use plenty of harsh language, but it's just beneath the dignity of the office.

Q So four texts down on the exhibit I gave to you as exhibit 2, you said, "God, Trump is a loathsome human."

Do you think this comment from Mr. Trump might have been part of

what you're responding to in saying he was loathsome?

A It certainly may have been. I don't know. I mean, we are essentially like live texting, for lack of a better description, and so I don't know whether it was that reference or some other thing that I found offensive. But it's entirely possible that it's that.

I think this might have also been the one where he like engaged in like personal name calling, and I'm just not a -- I'm not a fan of bullying. I think it -- I -- and so the notion that you would also have somebody who essentially bullies opponents, you know, disagreement is one thing.

So it could have been that, too, but I'm just speculating at this point.

Q Thank you.

I think there's a quote that we can discuss, engage with more directly that seems to be more directly on this topic.

So four texts from the bottom of the page, you said: Also, did you hear him make a comment about the size of his -- I'm assuming that is dick -- earlier? This man cannot be President?

Were you stating that you personally intended to take official actions to stop Donald Trump from becoming President?

A No.

Q Were you stating that the FBI should take official actions to sabotage Donald Trump's Presidential campaign?

A No.

Q What did you mean?

COMMITTEE SENSITIVE

A Well, and also to be clear, there is no investigation at this point.

Q That's correct.

A This is -- so there's -- there is nothing. Nothing exists. This is just a reflection of my personal, private opinion that this person does not have the fitness to hold this office.

Q And in clarification, you did not mean at this -- at this point, the Hillary Clinton investigation was open. Is that correct?

A That's correct, yes.

Q But you were not evincing any kind of determination to help Hillary Clinton at the cost of Donald Trump, were you?

A No. And at this point, Donald Trump is also not the candidate. And as I sort of stated earlier -- no. I'll just leave it there. No.

Q Thank you.

There has been much made of a comment from Mr. Strzok, I think four texts above that one. It's the one where Mr. Strzok wrote: God, Hillary should win 100 million to zero.

A Right. So that has to actually be taken in context of the prior text.

Q Yes.

A And so, I mean, this is not particularly kind, but we're just making fun of him, right, because he's calling the EPA, the Environmental Protection Agency, the Department of Environmental Protection.

COMMITTEE SENSITIVE

And so, yes, this is probably snobby and snarky of us, but it's simply like, great, the dude's running for President and he doesn't know what the name of one of his Cabinet agencies is.

And so the "she should win 100 million to one" is not like his personal view. It's just this guy doesn't know government. He doesn't know the name of an organization that he's going to be in charge of. This should be an easy defeat.

So it's not necessarily about like him personally. It's just -- I mean, I guess it is -- but it's a reflection of him not knowing the name of the EPA.

Q Got it. Thank you.

[Page Exhibit No. 3

Was marked for identification.]

BY MS. KIM:

Q I'd like to turn to a February 13th, 2016, text exchange. We'll introduce it as exhibit 3.

So the third text on this page is where you wrote Mr. Strzok, quote: "I'm no prude, but I'm really appalled by this. So you don't have to go looking, in case you hadn't heard, Trump called him the P word." I believe by "him" you're referring to Senator Cruz. "The man has no dignity or class. He simply cannot be President."

And in that text you said Mr. Strzok will link to a New York Times article from February 16th, 2016, entitled, "With a Slur for Ted Cruz, Donald Trump Further Alienates Voters."

Do you remember this text?

A I do.

Q Were you or are you a personal political supporter of Ted Cruz?

A No.

Q So when you wrote that you were appalled by Donald Trump calling Ted Cruz a vulgar name, were you expressing a personal political view or were you just expressing your anger at a Presidential candidate using a slur at a public rally?

A I mean, it's both a slur and it's a -- again, a slur sort of that's beneath the dignity of the office. I mean, my hope for all Presidential candidates, irrespective of party, is that it is somebody who you can have your children look up to and for whom you can simply say, even where you disagree, that this is a person who's doing their best and trying their best and is a good person. And I think that there is no place for slurs and just bullying, which is what this reflects.

Q Republicans have taken the quote "he simply cannot be President" out of context and use it to suggest that you intended to stop Mr. Trump from becoming President. Can you explain what you meant by "he simply cannot be President"?

A It's just my view that -- like how could we possibly -- again, we, as a country, not we, the FBI, that -- I would have had -- I wanted somebody whose demeanor and decorum I could be proud of.

Q And you were expressing that view that someone using polarizing and demeaning rhetoric against his opponents shouldn't

assume our Nation's highest office?

A That's correct.

Q And you were not expressing the desire or intent to take official action against Donald Trump?

A Well, there's not even -- yes, that's correct in all cases. But for what it's worth, there's not even an investigation open with respect to collusion in his campaign at this point.

Q Thank you.

I'll turn now to an August 6th, 2016, text message. This is the text message where you talk about "that menace."

So I think you mention this in passing, but I just want to explore a little bit more. In this exchange, front to back, you are discussing whether Mr. Strzok will be getting a promotion. Is that correct?

A Not getting a promotion, but sort of staying in place long enough in order to be eligible for a promotion.

Q Got it.

And if you look on the second page, I believe, the top message says: And maybe you're meant to stay where you are because you're meant to protect the country from that menace.

You were --

A Do you have that article that follows? I didn't actually notice ever that I'm referring to something.

Q Yes. The article is about -- it's an op-ed about how Trump's enablers will finally have to take a stand.

A No, I see that from the title. But do you have any idea what

the content is?

Q I believe it is talking about the fecklessness of the Republican Party in standing up to the candidate.

A Okay.

Q Would it be helpful to see that article to discuss this?

A No, it's okay. I just wasn't sure if it would sort of trigger any further memories about what I was really thinking. But it's not a big deal.

Q Okay. Well, if it helps, on Monday we can show you the article.

A Okay.

Q I think that's fine.

But, you know, I think you were coming on multiple interpretations of the word "menace," and I just wanted to give you an opportunity to state conclusively for us, did you mean the menace was Donald Trump? Was the menace the fact that Russian attempts at collusion could then result in access to the Oval Office? Can you explain to us a little bit what you mean?

A I really can't do a better job than I tried earlier, honestly. I don't -- I'll look at the article, maybe it will remind me of something, over the weekend.

But it's -- look, it's clear I was not particularly fond of him for all the reasons that I've already described.

But there is no question in my mind that the risk and the possibility that somebody -- like, look, in the -- not the very worst

case scenario, but in the middle worst case scenario you have someone affiliated with his campaign -- let's assume that the candidate himself is unaware, which is a perfectly reasonable assumption -- but you have somebody affiliated with his campaign who is working perhaps purposely with the Russian Government.

And that is an incredibly terrifying prospect, particularly if it was somebody close, particularly if it was somebody who might be -- who might take official position, you know.

So I don't -- I don't really have a better -- a better explanation at this point. I'm sorry.

Q No. That's very clarifying. Thank you.

The text two texts below that one says -- it's from Mr. Strzok -- it says: Thanks. It's absolutely true that we're both very fortunate. And, of course, I'll try to approach it that way. I just know it will be tough at times. I can protect our country at many levels.

I think this is still in the context of Mr. Strzok discussing whether he will pursue promotion or not. Can you explain what you meant Mr. Strzok to mean by protecting our country at many levels?

A So I'm not -- I mean, I'm not totally sure. I just -- I think that we are both kind of reflecting in general on how fortunate we are. We both have jobs that we absolutely loved with our whole heart, that literally both of us were the kind of people who never -- you know, occasionally have a bad day -- but like I have never not liked going to work. Like the FBI is an awesome place, and he feels the same way.

And so I think that this is just a reflection of like, there are no bad choices here. You know, there is no wrong move. You are good at what you do. You will do well wherever you are.

I don't -- I don't know that I see it as particularly tied to the Russia investigation. I just think it's like: You're going to do good. You're good at what you do. Like, he worries. He overthinks. And so I think that this is just a like, you know, an attempt to sort of -- there are no wrong choices here.

Q Yes. So that's whether he remains in his current position or he does something else to try to get a promotion?

A Correct.

Q At either level he would be doing something he loves?

A The country is winning because he is protecting it from foreign threats.

Q And in the next text you say: I know it will too, but it's just a job, it's not a reflection of your worth or quality or smarts.

Does that add any context to what you were talking about?

A Yes. So, right, we're both smart, hardworking people, but we both have a lot of self-doubt. And so this is a reflection of -- and not to intrude too much in his own personal business -- but this is a reflection of like: Do I put in for it? What if I don't get it? And like, you know, just like sort of the insecurity that comes, I think, with taking a chance at something that maybe is a little bit of a reach.

And so this is me just trying to sort of remind him that like a job is a job, you are good at what you do, it doesn't matter whether

you get this or not. You are still -- you know, it's not a reflection of your worth or your quality or your smarts.

Q That makes sense. Thank you.

[Page Exhibit No. 5

was marked for identification.]

BY MS. KIM:

Q I'd like to introduce a text message that I will label as exhibit 5. It is from May 3rd, 2016 -- May 4th, excuse me.

So on the evening of May 3rd, 2016, you and Mr. Strzok apparently texted about the events of the day, which was that Ted Cruz had dropped out of the Republican primary, which made Donald Trump the presumptive Republican candidate.

Sixth text from the bottom you wrote, quote, "And holy shit. Cruz just dropped out of the race. It's going to be a Clinton-Trump race. Unbelievable."

About a minute later Mr. Strzok responded, in the text second from last, "Now the pressure really starts to finish MYE."

Can you tell us what you understand this statement to mean?

A Yes. So the Director was -- you know, certainly by May, the Director was very clear that like he wanted this case finished as far out as possible from the sort of political process as possible. And so we knew equivocally, you know, he wanted it done before the conventions, you know, to the greatest extent possible. If it wasn't possible, it wasn't possible.

But he wanted us out of the political process. He wanted it done.

He wanted it resolved so that people could make their decision knowing what we had found with respect to her. Of course, we never in a million, zillion, jillion years could have anticipated that -- you know, what would come. But we -- he wanted us out of the sort of active political process that was happening.

And so now it's a two-party race, right? Before -- while there's still candidates and there's still primaries that are sort of going on, you know, it's obviously still the political process, but like now we have a contest.

And so it very much for the whole team kind of upped the pressure to like, we've got to get this -- like now we have a two-party race now. Like the pressure really increases to finish this investigation.

Q So the pressure comes from the fact that the general election campaign essentially started --

A Correct.

Q -- when Ted Cruz dropped out.

A Correct.

Q And can you also remind me of where the investigation was at this stage in May 2016? You stated earlier that in this timeframe --

A I mean, we had not seen sufficient evidence to be able to charge Secretary Clinton with anything at this point, and so the challenge was we still had investigative work to do. The work that was left was not necessarily of a kind that we thought was going to change the determination.

COMMITTEE SENSITIVE

But like nobody -- just to be clear, like nobody had a closed mind. This is not like the Pete and Lisa show about Hillary Clinton. This is every single -- there are four case agents, there are a slew of analysts, there are five prosecutors. I mean, so this is not -- this is the collective assessment of every person on the team.

And so we just were -- again, it was just a reflection that like we want out of this. So far there's not anything that's going to suggest that we are going to be able to charge her with anything, and so we've got to do this right but we've got to do this fast. So now like we need to close all the loose ends that are sort of hanging.

Q So you're not talking about pressure to stop taking valid investigative steps or pressure to come to a certain conclusion. Is that correct?

A No.

Q And you're not talking about pressure to curtail the investigation in any substantive way?

A No.

Q Did you ever feel that the FBI had to compromise on its investigative strategy because of the timing?

A No.

Q And in your view, did the FBI take all necessary and prudent steps it needed to in this investigation?

A Yes, definitely.

COMMITTEE SENSITIVE

[Page Exhibit No. 6

Was marked for identification.]

BY MS. KIM:

Q I'd like to direct you to the next text message, from July 1st, 2016. I'll mark it as exhibit 6.

So I believe you discussed this with the majority earlier. I'll direct you to the seventh text on the page, where Mr. Strzok wrote to you: "Holy cow, NYT breaking Apuzzo" -- I assume by "Lync" he means "Lynch" -- "will accept whatever rec D and career prosecutors make. No political appointee input."

Now, this text was several days after the June 27th meeting between Attorney General Loretta Lynch and former President Bill Clinton on the tarmac of the Phoenix Airport. To the best of your understanding, was this text about Loretta Lynch's announcement on July 1st that she would accept the recommendation of the FBI and the career prosecutors in this case?

A Definitely, yeah. Our phones are terrible, and they auto correct constantly, usually with fake words. So "Lync" is pretty good.

Q Mr. Strzok and you in this exchange both expressed displeasure about the timing of this announcement. So he wrote, two texts down from the one that I just referred to, he said: "Timing looks like hell. Will appear choreographed."

Can you explain what that concern was?

A Yeah. So we, the FBI, know that the Director is making a statement in 4 days. Obviously, the Justice Department doesn't know

COMMITTEE SENSITIVE

this. And so this is a reflection of us like, ugh, her -- number one, her saying this makes it look like -- you know, the whole purpose of us doing this on our own was to be independent and to show like we're not -- you know, we know the Justice Department agrees with us because we are lockstep every step of the way.

So it's not as though -- I guess that is a point I didn't really clarify earlier -- it's not as though we are usurping the role of the Justice Department in making a prosecutorial decision, because we know the Justice Department is going to agree not to prosecute, because we have worked in tandem with the Justice Department at every single step at every part of the investigation.

So it's not really fair -- yes, it's obviously atypical for him to have made the statement on his own, but I really disagree, especially at the time the sort of commentary that it was like a usurpation of a prosecutorial function, because he wasn't usurping anything.

Number one, he was saying, we -- you know, it's our recommendation that there's no prosecution. And, in fact, he was giving the Justice Department cover by saying no reasonable prosecutor would bring this case.

He is literally saying they're not being sleazy, political scumbags by not bringing this, me, Jim Comey, with all my, you know, in all my glory, I'm telling you no reasonable prosecutor would bring this case. I mean, it was really designed to insulate the Justice Department, not sort of usurp some righteous authority.

So back to your question, what he's saying is like, ugh, this makes

COMMITTEE SENSITIVE

it sound like we are in some way working with or working in tandem with respect to the July 5th statement, because, again, we know the statement's coming, the Justice Department doesn't. And so that's what that's a reflection of.

BY MS. KIM:

Q Earlier you were discussing with the majority the back and forth between DOJ and FBI about what statute to charge under. You just told me that no reasonable -- as Jim Comey said, no reasonable prosecutor would charge under this case. Do you remember if the Justice Department explicitly ordered or directed the FBI not to charge under the gross negligence statute?

A It doesn't really work that way. You're sort of framing it in too formal a way. We had multiple conversations about whether the facts and the evidence gathered to date was sufficient to make out a charge of gross negligence and, more importantly, to prove beyond a reasonable doubt that she was grossly negligent in her handling of classified material.

And the Justice Department's explanation was that both, A -- and, again, there might be more depth to this, but this is just all I know, but that it was -- that the statute was constitutionally vague and had only been charged once, either not at all or once in like 100 years. And I had a B, and I don't remember what it is now. But, more importantly, I think, you also have to be sort of reasonable and thoughtful about what we're talking about here.

You better have a super airtight case if you are about to charge a presidential candidate with anything, you know. It doesn't really matter what we're talking about. And so the prospect of bringing a charge even if potentially you had the elements, which I'm not certain that we did, but even if you had the elements on a statute that has

either never been tested or is -- the assessment of the Justice Department is that it is potentially an unconstitutional statute, which is why it hasn't been charged, that's just -- I mean, nobody would do that.

Q So I think that's helpful. I just want to understand then, so it wasn't the Justice Department giving any kind of formal or informal order to the FBI not to charge under gross negligence?

A But you're misunderstanding. We don't charge anything. The FBI does not bring charges.

Q Understood.

A So the FBI investigates a case and then refers it to the Justice Department for charges. So if something was going to be charged, it is the Justice Department who decides to charge that.

During the course of an investigation, the Justice Department might be advising the FBI that I think that we'll be able to make out a, you know, wire fraud case, so these are the types of evidence to look for. Or we might be able to make out a terrorism case and so we need to have the person say this or whatever.

But so, you know, that sort of back and forth consultation happens, but the FBI does not bring charges. The Justice Department brings charges, and it was the Justice Department's assessment that they did not have -- whether they had -- I don't know whether they had evidence or not of gross negligence but that gross negligence was not available as a statute to bring because it's -- of its constitutional vagueness and its untestedness in court.

Q I understand that. Let me try this another way maybe.

A Okay. Sorry.

Q So let's say it had been a 50/50 shot whether the gross negligence statute should or should not be applied. Let's say it was a closer question than the one that was at hand here.

A Okay. Based on the evidence?

Q Based -- maybe we're talking about a different statute that sometimes it's brought and sometimes it's not. In Jim Comey's opinion, in the opinion of Jim Baker, in your opinion, in the Office of OGC's opinion, it had been a sound statute to bring the case under.

A Okay.

Q But the Department of Justice had simply disagreed with the FBI. Does the FBI have the ability to recommend charges?

A The FBI has the ability to recommend charges.

Q Yes.

A The FBI has no ability to bring charges or to require or force charges to be brought, right. So just to like use a hypothetical so we're not talking about something confusing. We are investigating a wire fraud case -- wire fraud is not a good example. We're investigating a bank robbery. The FBI thinks that Susie is the bank robber. We're not great. It's -- the evidence is kind of close because Mary was there too, and they look pretty similar and whatever. There's other evidence that suggest it's Mary or Susie. We feel like it's Susie, we want Susie charged, we go to the Department, we lay out all the evidence. If the Department doesn't think they can prove that

Susie committed the bank robbery beyond a reasonable doubt, that case ain't getting brought, doesn't matter what the FBI does.

Q That makes sense. And I apologize for sending us into the fantasy land of hypotheticals.

A No. No. That's okay.

Q But let me just bring it back here. I think the allegation at hand is that the Department of Justice may have instructed the FBI that it had no intention of charging under a valid statute. Was that the case --

A Oh.

Q -- in the case of the gross negligence statute?

A No.

Q No.

A No. Sorry.

Q In fact, it was an antiquated statute not in use that the Department of Justice believed was constitutionally vague -- unconstitutionally vague. Is that correct?

A That's correct. Sorry.

Q Okay. No. No. That's all I wanted to say. I feel like earlier there was a colloquy where maybe questioners were left with the impression that the Justice Department had abandoned a valid bridge.

A Oh, no, no. I don't -- it is my view -- and, again, I'm speaking for the Justice Department, which is a dangerous thing to be doing. It is my belief that the Justice Department did not believe

that gross negligence was an available statute because they regarded it as unconstitutionally vague.

Q Understood. Thank you.

So returning then to this text message, when Mr. Strzok wrote to you that timing looks like hell, did he mean that the Department of Justice and the FBI were precoordinating about Director Comey's statement?

A They were not.

Q And you wrote about seven messages from the bottom of the page: Yeah, it's a real profile in courage since she knows no charges will be brought. Were you expressing the fact that Loretta Lynch had some kind of knowledge of the draft that Jim Comey was coming up with?

A No. No. No. This is not a reflection of the draft at all. This is, as I described, I think, with the majority earlier, this is a reflection of my presumption that at this late stage of the investigation where everybody on both sides knows that there are few, if any, investigative steps to take that surely the attorney general knows that there is going to be a recommendation for no prosecution in this matter.

And so I don't -- again, I don't have actual knowledge of that. It is a text message. It's not designed to be a full colloquy of my -- entirety of my knowledge. But it is just a reflection of that fact that we're at the end of the investigation. She knows nobody is going to be charged. So instead of just sort of -- well. I don't know -- that's enough, I think.

Q Sure. So did you mean -- to be totally clear, did you mean that AG Lynch had directed, ordered, or otherwise interfered with the FBI to order that no charges be brought against Hillary Clinton?

A No.

Q I'll introduce the next text.

[Page Exhibit No. 7

was marked for identification.]

BY MS. KIM:

Q It's Exhibit 7. August 5, 2016, text about a meeting. Let me direct you to about halfway down the page, a little below halfway down the page. Mr. Strzok wrote to you, quote: And hi. Went well. Best we could have expected other than, redacted, comma, quote, the White House is running this.

Next text you stated --

A Yep.

Q -- or, sorry, next text he stated, my answer, well maybe for you they are. And in response to these texts you wrote, yeah, whatever, re the White House comment. We've got emails that say otherwise. Do you remember what this meeting was about?

A I do. But a further explanation will call for classified information, so we should table that, please.

Q So any further discussion of this text will call for classified information?

A It is about -- again, like the last time, it is about the broader intelligence community's investigation of Russian active

measures.

Q And not about the specific Russian collusion investigation?

A Definitely not. I mean, that's a reflection of like the White House is running this. My answer, well, maybe for you they are, right. We are thinking about our counterintelligence investigation --

Q I see.

A -- which the White House isn't touching, right. I'm not sure the White House knows about it because that's not how the FBI works. They are talking about the broader Russian active measures sort of intelligence assessment and sort of work that was going on among the sort of large intelligence agencies, and so that's the sort of difference there.

Q Thank you. I think that's the level of detail we needed.

A Okay. Okay. Great.

Q And just to clarify, so then also the September 2, 2016, text -- I won't introduce this, but it's the one where I think Mr. Strzok was helping prepare Director Comey for his meeting with POTUS where POTUS wants to know everything we are doing. Again, that was about the broader IC effort --

A Yes.

Q -- not about the specific Russia collusion investigation?

A That's correct. Although I think it's me who said that, but, yes.

Q Thank you.

A And the "we" is like a collective we. Like, we FBI, other agencies, et cetera. I'm not sure it's -- it's the entire intelligence community, right.

Q Yes.

A The President wants to know what's up from all of us, not like what the FBI is doing.

Q Yeah. Got it. Thank you.

Let's return or let me introduce a text you've already seen before. I'll mark that one as Exhibit 8.

[Page Exhibit No. 8

Was marked for identification.]

BY MS. KIM:

Q It's the one about I unleashed it with MYE. Now I need to fix it and finish it.

If you could turn to the third page actually. So it's double-sided, so if you -- yes. On the third page, four texts down, Mr. Strzok wrote: Who gives an F? One more AD like, redacted, or whoever. An investigation leading to impeachment, question mark?

A Right.

Q Can you explain how you understood that text?

A Yeah. So this is all -- I mean, I hope that you have read the whole rest of the excruciating detail, only because you can see both of us are going back and forth about whether or not to join the Mueller team, which, as an aside, I will simply say, if we were desperate to take down Donald Trump, we would both be there and active and wouldn't

have hesitated at all.

And yet, all of these texts reflect a genuine sort of indecision about what was best for us individually, what was best for us in the context of our respective families, what was best for us professionally. I mean, like that is what these pages of texts all reflect for each of us and for different reasons, ultimately.

But, again, this is the sort of same thing. This is in the context of like -- again, and above you'll see -- if you don't mind, I would like to sort of go back a little bit --

Q Certainly.

A -- to the top of the page. This is me to him: You shouldn't take this on. I'm referring to joining the special counsel team, right. You shouldn't take this on. I promise you, I would tell you if you should. And then he's trying to convince me about why I should stay. And then he says: Why not, re me? He says the quote -- the text you just read. And I say, let's just talk about it later, but that doesn't work obviously.

But the point is, again, he's trying to sort of now give the counter point again, which is okay, so I become another -- you know, I stay in place to get my next promotion. And so now I become another AD, you know, the sort of assistant director, the head of a division, you know. Okay. That's fine. But as I described earlier, an investigation -- it doesn't say which may lead to impeachment. Obviously, we had no idea. There's no preconceived notion here. There's no determination because we've talked ad nauseam about the fact

that we still don't know what's going on at this point.

So, yes, it's a shorthand. The words which may or could or possibly should be there, but it's just a stupid text. And so an investigation leading to impeachment is simply saying like, that's a momentous thing. That doesn't happen a lot in American history. We're both nerds. We're both, you know, patriots. Being a part of something like that is cool. And in the same way that I said people who are on Watergate are still known as Watergate prosecutors whether they were, you know, the clerk who made the copies, like you're on Watergate. And so that is all that that is a reflection of.

Q Understood.

And then it's, in fact, shortly after that text that -- and I'm sorry to give you these like odd numbers. But six texts from the bottom, Mr. Strzok again is taking the other side now. So he's like: The odds could be nothing -- the odds are nothing. If I thought it was likely, there would be no -- I would be there no question. I hesitate in part because of my sense and concern there's no big "there" there.

I guess, taking those two together, do you take them to mean that he is inspecting the entire spectrum of different outcomes the case could have?

A Yes. This is -- this whole series of texts represents ambivalence for both of us, for a variety of reasons, including personal ones, which are obviously evident in here and so there's no reason to hide it. But, right, like we can't work closely on another case again.

I obviously want you -- I've already joined the team, but I obviously want you to do what's right for you.

I don't necessarily intend to stay, but, of course, I'm also torn, as I've already sort of described, because it is, you know, an enormous honor to be asked and to be a part of something sort of that's quite historic. On the other hand, I really want to go home and be a mom and sort of not be gone all the darn time.

And so the whole -- you have to keep it in the context of the entire series, which you actually have before you, which is like, yeah, I suppose that's right, but, God, we're a good team. Is that playing into your decision to your advice to me? And I'm saying, no, not at all. I just think we're both ready for a change truly.

You know, and then he goes to, well, then it's about the different realistic -- you know, this is just reflex ambivalence. This is not about wanting to get Donald Trump or -- I mean, it is purely our own sort of personal choices and what is best for us, and as friends, trying to support each other in weighing what is -- what would be best for each of us, both personally, professionally, and all the other things I already said.

Q Thank you for going through the text messages with me. I know that must not have been very pleasant.

A This is nothing.

Q No. You know, many of these texts have been used as political fodder or evidence accusing the FBI of being biased and corrupt, accusing you and Mr. Strzok personally of being bias and

corrupt. Can you just -- I'd like to give you the opportunity to directly respond to anything you think is missing for the record.

A Excuse me.

Q Let's go off the record.

[Recess.]

BY MS. KIM:

Q And, again, let me just explain myself. I understand this is very emotional. I understand this has been an extraordinarily public trial before the IG report even came out, and I am so sorry for everything you've gone through.

I would just like to give you the opportunity to put on the record anything that you would like to put on the record because I don't think you've been given that chance. I don't think that's an opportunity that people in your position get.

A No, it's not. This has been obviously the worst year of my life. I have unquestionably made mistakes, but those mistakes reflect my personal life and having bad judgment. But we have both been committed to the defense of this country for our entire careers, both of us.

So we have been caught up in politics, and I understand that that happens, and certainly, if I had this to do over again, I wouldn't write this shit down in my personal -- in a work-related text message. But we have not been treated fairly.

What matters is our actions. Our personal views, regardless of what they are, are irrelevant. What matters is what we do. And over

and over and over and over again, there is absolutely nothing that anyone can point to to suggest that we ever took any step that was inappropriate. And, in fact, with all fairness, you all have my every sentiment before you. It's not like we held back in here.

So if there was something to find, you have every single email we have ever exchanged. You have all of these text messages. There is nothing to find here. We did a good job on both cases, and we did it the way the American people would expect us to do it.

If you have more questions, you can go. It's fine. It's fine. Don't worry about the time let's just do it.

Q Off the record.

[Recess.]

BY MS. KIM:

Q I also want to give you a chance to respond to another allegation that was made extremely publicly yesterday. Republicans have been making the general point that an affair can be a blackmail risk, a national security risk, and have speculated about whether you and Mr. Strzok posed a national security risk because of the fact of your relationship could be used to coerce or blackmail you. Would you like to respond to that allegation?

A I mean, it is untrue because we have always put our country first. And so we are well trained. We can recognize an approach. Any attempt at compromise would not have been successful.

Q And, in fact, there was no such attempt at compromise?

A No.

Q Thank you.

BY MS. HARIHARAN:

Q Okay. So let's just go back a little bit to your time with the special counsel's investigation just, again, to clarify for the record. You had mentioned you were there for about roughly 45 days. As much as you can in this context, you know, generally describe your responsibilities on the team would be helpful.

A Yeah. So they were super fluid because the team didn't really exist. It was quite limited at that time. And so my -- I think -- I can't say that I had a formal role that was being discussed at length sort of if I was going to stay. I was having a number of conversations about what role I would take because I didn't necessarily want to be a prosecutor again, although that was available to me if I wanted to. And I went back and forth on that too, frankly.

But so largely, you know, I brought institutional knowledge with me, and I brought who and how the FBI works with me. Obviously, both Bob Mueller and Aaron Zebley also had sort of extensive FBI experience, but things change and people change, and sort of the getting things done at the Bureau piece of things, having worked for the Deputy Director and that's, you know, sort of what I helped him do as well.

I sort of largely played that facilitative role and, again, kind of helped bridge the -- excuse me, bridge the gap and transition between what we as a team knew and the evidence that we had gathered to date on the collusion investigation and sort of imparting that knowledge to the new special counsel team.

Q And in part, is it fair to say that, you know, since it had just started, no one really knows what they had, so what they needed in terms of personnel was still up for grabs?

A No. I wouldn't say it had just started, right, because it had been ongoing at this point for 8 or so months. But, yes, it was being consolidated in a way that was actually going to make it more efficient in some ways. And at this point, from the beginning of the year through the appointment of special counsel, the case had been somewhat bifurcated in an attempt to sort of relieve so much responsibility, in part, on Pete, because he was a DAD running these massive other national security programs and sort of, you know, responsible for this investigation, although not so much responsible for the day-to-day.

And so there was an effort to sort of split up the responsibility of the Russia collusion investigation from January until the appointment of Bob Mueller. And so while that might have lessened the workload, it also made for greater inefficiencies because now you have two people kind of working different targets but needing to sort of coordinate.

And so the point being is I'm not sure I helped necessarily with personnel so much as sort of these are the buckets as we see them. These are the sort of -- these are the subjects. These are the types of crimes. These are the sort of things that we're looking at and sort of help them stand that up.

Q So, I mean, so it's fair to say though that you

weren't -- didn't have like decisionmaking authority --

A No. No.

Q -- because it was still very -- even though it was still very fluid?

A I didn't have decisionmaking authority full stop.

Q Okay. So part of the reason for asking that is, you know, there have been accusations levied against both you and Mr. Strzok that your -- the perception of bias in your text messages has affected the outcome or -- and infected the Mueller investigation, and we just want to give you an opportunity to respond to that.

A Well, so it didn't. But I think it -- actually an important thing to note is that -- and I think it came up yesterday. Although, I don't really remember now -- initially Pete was not brought over as the senior executive to run the investigation. Another individual was, and that was not successful. It was not a good match with Mr. Mueller. He did not really have the sufficient counterintelligence background to be effective.

And so in part because I think Pete's superiors wanted him to stay in place, wanted him to sort of do his time in that so that he would be eligible for the next job and he could sort of move up the career ladder, and in part reflecting Pete's own desire, as I sort of talked about the ambivalence back and forth, he stayed at the FBI for, I don't know, about maybe the first month of the special counsel actually. And when the person that they brought over was just determined to not be the right fit, everybody resorted back to the logical conclusion, which

was to bring Pete back over to the special counsel.

BY MS. KIM:

Q Do you know the dates or the approximate dates when you joined and left the special counsel's investigation?

A So, yeah. He -- Mr. Mueller asked me to join on the 18th, so 18th or 19th-ish. And it was 45 -- I mean, maybe not to the day, but to the Friday or the Monday-ish, 45 days from there were my dates, so end of June or something like that.

Q And this may sound like an elementary point, but to your knowledge, has the special counsel's investigation had an outcome? Has it come to its conclusion?

A Well, they've had a lot of indictments, but I don't know what the outcome is. I don't know what a conclusion looks like, so I'm not really -- I can't really speculate as to that answer.

Q So what would you say to allegations that you or Mr. Strzok tainted the outcome of the special counsel's investigation?

A It hasn't happened yet.

Q I think that concludes our round of questioning for today. Thank you so much.

A You're welcome.

Mr. Somers. I think I just want to thank the witness for her appearance today. And I also want to -- we're going to hold this open and resume this transcribed interview on Monday. We believe that the start time will be 2:00, I think. But we want to keep the transcript open and just resume so I don't have to read the preamble all over again.

Mr. Jeffress. Can it be understood she has -- she must stop at 6:00 p.m., so could we start earlier given that or --

Mr. Somers. Let me take that back and see if we can start earlier.

Ms. Page. Maybe a little bit later, but not 11:00. I can't go until 10:00, and I can't go until like 8:00. I'll go but I just -- if we can start earlier, that would be better, if possible.

Mr. Somers. I'll take that back and see what we can do. Do you have a restriction on how early we can start?

Ms. Page. No.

Mr. Somers. I know we can't get the transcript of this until --

Mr. Jeffress. We just want it to exist. We don't need to review it. We can start whenever you all want to start.

Mr. Somers. I'll take that back and see what we can do.

And I'll just note to the Department, just because the chairman asked me to, that he continues to be frustrated by the assertion of the -- or not allowing the witness to answer questions about the beginnings of the Trump Russia investigation, that he believes it goes against the long established position of the House of Representatives that in congressional proceedings committees are not required to recognize unconstitutional privileges. I just want to note that for the record. I'm sure there will be continuing discussions between the chairman and the Department about these objections.

And with that, we'll stand in recess until Monday at a to-be-determined time.

[Whereupon, at 6:19 p.m., the interview was concluded to be

reconvened on Monday July 16, 2018.]

Certificate of Deponent/Interviewee

I have read the foregoing _____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date

COMMITTEE ON THE JUDICIARY,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: LISA PAGE - DAY 2

Monday, July 16, 2018

Washington, D.C.

The above matter was held in Room 2141, Rayburn House Office Building, commencing at 11:02 a.m.

Mr. Baker. Okay. The time is 1 minute past 11:00 a.m. on July 16th, continuing from Friday's session of the transcribed interview of former FBI attorney Lisa Page.

EXAMINATION

BY MR. BAKER:

Q Good morning, Ms. Page, and thank you for agreeing to come back for a second session of questioning. A lot of ground was covered on Friday, so I want to clean up a couple of areas that I had questions on. So I might jump around a little bit. I'm going to try not to be repetitive from what you've already answered.

But I wanted to clarify, at a very basic level, sometimes in the media's reporting you've been referred to as an FBI agent. In the truest sense of the word, as an agent relates to a principal, you are an agent of the government. But in FBI parlance, is it correct to say that you're not an 1811 series investigator special agent?

A I am not.

Q You are, in fact, an attorney and were assigned to the General Counsel's Office.

A That's correct.

Q Okay.

You started to get into a little bit on Friday and you articulated the best you could that -- I think you opened the door as to the different types of investigations or how an investigation is opened. It's my understanding there's three basic types of investigations: There's an assessment. Then it moves to predicated investigations,

where you then have preliminary investigation and you have a full investigation. Is that correct?

A That's correct.

Q And my understanding of the different types of investigations is, on one end of the spectrum, it's how that case is opened, how maybe credible the information is or how vague the information is. And then on the other end of the spectrum, it's what type of investigative techniques can be employed in that type of investigation. And --

A I wouldn't agree with respect to the substance of the information. It's not whether it's vague or credible or not. It's really an assessment -- and, again, I don't have the standards in front of me, but each level of, sort of, investigative permission affords different levels of tools available.

And so, to the extent you have more information or to the extent the information comes from a particularly credible source, it means that you can open a full investigation and -- but really the distinctions between -- certainly between a preliminary investigation and a full are a little bit of dancing on the head of a pin. I mean, these are very, sort of, nuanced, subtle. Any credible allegation is sufficient for the FBI to open an investigation and take action for -- to sort of generalize broadly.

Q But the assessment would be kind of the lower, a very initial -- the information maybe not even relating to a violation of criminal law or national security; it could be proactively -- to

prevent or to develop information about something the FBI is tasked to investigate?

A That's correct. I don't really want to -- I would hesitate to go down this path too carefully because there are multiple different types of assessments and different divisions have actually different authorities with respect to assessment, and I am by no means an expert on that. So without having the DIOG in front of me, I would not really be comfortable --

Q Sure.

A -- answering specific questions about --

Q Sure.

A -- what we can do at what level.

Q But at a very basic level, the assessment is kind of the lower tier. You're limited in the types of investigative techniques you can use in the assessment when you compare that to one of the predicated types, either the PI or the full.

A That is correct.

Q Okay. When you're talking about a PI or a full, I talked briefly about, you know, the one standard to open on the one end, and then the other end, when you have a PI or a full that's properly opened, those are the types of investigations where you can use the more sophisticated investigative techniques. Is that correct?

A They're not always sophisticated, but you can use more tools.

Q Certainly more than you could in the assessment.

A That's correct.

Q And then one of the most sophisticated techniques would be a court-ordered Title III or a FISC-ordered FISA?

A That's correct.

Q And those techniques, even though they're authorized by the FBI's manual of -- that deals with compliance -- I believe it's referred to as the DIQG, domestic investigative operations guidelines, even though you're working with a validly opened, predicated investigation, when you get to those really extreme, sensitive techniques, the ones that are really intrusive, it's not just the FBI that decides or somebody in the FBI that decides, hey, we're going to use this technique. Is that correct?

A That's correct. With respect to both of the two you describe, both the Title 3 wiretap and a FISC order, not only do you have vast approvals within the FBI itself, both of those tools require high-level approval at the Justice Department. And, of course, with respect to a FISA order, the Attorney General, the Deputy Attorney General, him or herself, has to approve that.

Q Okay. And then so, not only are there multiple approval levels for those type of techniques within the FBI, the Department of Justice also has approval requirements for that at the highest levels, but also there's court approval required for those. Is that not correct?

A Of course.

Q So it's fair to say that not one person in the FBI decides, hey, we're going to do this sophisticated technique, electronic

surveillance of some sort, in a vacuum. There are levels outside the FBI and even outside the executive branch.

A That's correct. Certainly, the more intrusive the technique becomes, the greater supervision over that technique that the FBI has and the more approval levels, both within and outside the Department, will fall.

Q There are in many places in the FBI, I believe, opportunities for people that believe that compliance is not being adhered to -- there's many opportunities for people to report compliance concerns. And I believe this DIOG that we referenced has specific requirements for a supervisor that opens a case, if he's concerned the compliance isn't being met, there's opportunities to report if you believe that something is not being adhered to, either in the opening, the reporting, or the use of techniques in an investigation. Is that correct?

A That's correct.

Q If you can -- I don't think this would be classified; if it's not, don't answer -- what is an IOB violation?

A It's not that it's classified; it's that I don't want to misspeak.

Essentially, if there is a compliance violation associated with the activity that the FBI conducts while wearing its intelligence community hat, so it would presumably be classified, but it would be in the conduct of not a criminal investigation but a classified investigation, to the extent there's an error, for example, an

overproduction, you know, we -- this is just for example's sake: We issue a national security letter. We receive back information which is beyond that which we're permitted to obtain pursuant to a national security letter. If that were to be uploaded into our, sort of, primary database, that would be an overproduction, and that would need to be required to the IOB.

So it doesn't necessarily speak to the severity or the nature of the compliance incident, but compliance incidents involving the activity we conduct on the intelligence side, on the classified side of the work we do is reported to the IOB and often to other entities depending on whether it pertained to a FISA order or something else.

Q Thank you. That's very helpful.

So, outside the confines of any particular investigation, there is a mechanism and there are people responsible to receive and look into compliance issues.

A Oh, yes.

Q Okay. During your employment with the FBI, specifically your role with Midterm or the Russia investigation, are you aware of any compliance issues that were raised or even to the level of an IOB violation?

A Not during the period of time in which I was on either investigation, no.

Q Had you heard about --

A I have since heard -- can I consult with counsel? I'm sorry.

Q Absolutely.

[Discussion off the record.]

Ms. Page. Thank you. Upon consultation with FBI counsel, I'm either -- I'm not sure whether the answer would call for a classified answer or whether I would be permitted to answer the question fully. But I can say, during the period of time that I was involved in both the Clinton email investigation and the Russia investigation, I am not aware of any compliance incident or event requiring reporting to the IOB.

BY MR. BAKER:

Q Okay. So, during your tenure or at another time, there -- without the specifics of the violation, the mechanisms for reporting compliance issues, including IOB violations, was not stymied, stifled --

A Oh, no, no. They exist. Yes.

Q Okay. And they would be complied with, as far as you know.

A Yes.

Q Okay. The FBI --

A I guess I would note, too, that the Department of Justice plays a significant oversight role with respect to what gets reported to the IOB or to the FISC. And so, again, it's not an issue that exists solely within the FBI's purview to determine but is often identified by the Department of Justice and then the FBI would follow up with an IOB or other notification as appropriate.

Q And would it be correct to say, in addition to that mechanism, the FBI has their own internal audits of those techniques. The

National Security Law Branch and others, the Inspection Division, conducts random inspections of the files that were used to utilize those sophisticated techniques.

A That is correct, yes.

Q Okay.

The FBI, by its very motto, "Fidelity, Bravery, Integrity," subscribes to very high ideals. They also have a core value -- a list of core values that certainly is not intended to be exhaustive, but what they indicate in the fewest words possible to sort of be the essence and the heart of the FBI: rigorous obedience to the Constitution of the United States; respect for the dignity of all those we protect; compassion, fairness, uncompromising personal integrity and institutional integrity; accountability by accepting responsibility for our actions and decisions and their consequences; leadership by example, both personal and professional.

Do you believe that everyone, to the best of your knowledge, associated with Midyear Exam and the Russian investigation upheld the FBI's core values?

A I think so, yes.

Q And do you believe based on your experience as an attorney -- and your role of an attorney, if I'm not mistaken, would be to advise the investigators and other members of the team on legal issues, what they could, what they couldn't do, and potentially compliance issues as well.

A So that is the role of an attorney. I wouldn't agree that

that was necessarily my role, because I was not on the -- as I described, I think, on Friday, I was not on the team in the same way that the other, sort of, members of the investigative team were. I was really -- I was supporting the Deputy Director, so I was, in a way, a liaison between the team and, sort of, executive management at the FBI.

So I wouldn't say that my role certainly in any day-to-day capacity was to provide legal advice to the team.

Q So, in your role as a liaison from the Deputy's office to the Midyear team, what was your role as a liaison? Did you attend meetings? You relayed information back?

A I did. Both of those things. As I think I described on Friday, part of the value that I tried to add to the Deputy Director's office was to ensure that he had the most complete information possible at all times. And so I definitely stayed abreast of the investigative activity. To the extent there were disagreements or frustrations with the Department or areas where there might -- where a disagreement or other issue might ultimately rise to the Deputy Director's level, I tried to stay abreast of those as well, keep him sufficiently informed.

Q And while you were assigned attorney adviser, special assistant, what was your title in the Deputy's office as an OGC rep?

A Counsel or special counsel to the Deputy Director.

Q Were you -- I mean, you're answering to the Deputy. You're still a part of OGC technically, though, right?

A Yes. I am a part of OGC. I'm still a lawyer. I'm still, you know, to the extent relevant, covered by the attorney-client

privilege. But my role is to support the Deputy Director. But, to that end, I was in regular, if not daily, contact with the general counsel to sort of ensure that our efforts and information was in sync.

Q But you're not giving legal advice to the Deputy per se.

A We're sort of splitting hairs. I may have been, depending on the issue. My role was not necessarily to tell him, this is permissible, this is impermissible. That is really what OGC was there to do. He might ask me, you know, what do you think, and certainly that might result in the conveyance of legal advice. But he has an entire division devoted to that type of activity. I was there more to help him make decisions and, sort of, apply judgment to what it was we were looking at.

I also, because of the unique position, had a macro view of the entire organization. And so I sort of tried to help connect dots that may have seemed otherwise disparate but might ultimately have a relevance with respect to whatever particular issue was in front of us, not just in the Clinton investigation.

Q And if something came your way in this assignment that related to legal advice, you certainly had the resources of the General Counsel's Office to reach out to or to incorporate in a decision on whatever the legal issue might be.

A That's correct. And, in fact, that is what I did. So, to the extent -- just as an example, if the Deputy Director was reviewing a FISA and he had a question about the sufficiency of the probable cause, he might ask me my opinion, and I might give it, but, at the end of

the day, it would not stop there. We would return it to the General Counsel's Office. He would consult with Mr. Baker or the deputy general counsel or whomever had the substantive information necessary and would get the, sort of, final legal determination from the Office of General Counsel.

Q So the way the General Counsel's Office is set up, it's not a lot of general practitioners. It sounds like there's a lot of very specific specialists. You have national security law people that would know answers to FISA-type questions. You have criminal lawyers that would maybe know answers to just general investigative techniques.

So you would kind of coordinate where a particular question that the Deputy might have might be properly referred to in the General Counsel's Office.

A That's exactly right, yes, and to other divisions as well. To the extent it was not a legal question that came up but simply, you know, the Deputy wants more information about this operational plan, I might also reach back into a substantive division to pass that information along.

Q Okay.

You mentioned in your role as a liaison you would go to a lot of meetings, frequent meetings, and report back to the Deputy. Was there disagreement, dissension at these meetings on any particular path to take, either investigatively or prosecuting?

We talked a little bit Friday about the decision to or to not charge in specific statutes. There was this issue of Mr. Comey

drafting this press release and then releasing -- doing the press release and then letters to Congress.

Was there dissension in meetings about any of these controversial topics, or was everybody, yes, we agree with this? How did that work?

A That's a very broad question. If you are talking specifically about the Clinton email investigation --

Q Okay.

A Is that --

Q For now.

A Okay. So certainly there are, you know, 8 or 10 of us who made up sort of the core group of people who met with Director Comey. There was -- I wouldn't say dissension, but there was the benefit of that group and the comfort that we all with each other, and, in fact, the kind of culture and environment that Director Comey tried to foster absolutely allowed for disagreement, and we were all quite comfortable, I think, expressing our views.

And to the extent somebody said we should take X step and somebody disagreed, it was entirely common for that group of individuals to openly disagree with one another, to do so in front of the Director, in the hopes that the best answer would sort of rise to the top.

Q And is that how it ultimately was decided? Is that how a decision was decided? There was discussion, there was consensus, the best decision rose to the top? Was there ever a vote and just simple majority --

A This is the FBI. It's not a majority rule. The Director

would make an ultimate decision. So, no, I am not aware of anything ever being based on majority vote. It's the Director's -- he leads the organization. He's the one who'd ultimately be accountable for those decisions.

But the people that I worked with and that group of people who would regularly meet with the Director all unquestionably felt free to voice their views.

Q Do you recall Director Comey ever taking a position that was contrary to the consensus of the group?

A I wouldn't say "consensus." I don't think that that's a fair statement. I was not present for the meeting in October when he decided to send -- to notify Congress of his decision to reopen the Clinton email investigation, but I am aware that there was disagreement among the team. There was not a consensus that everybody agreed it should be done. People had different views about whether we should and whether we shouldn't and the timing of it if we did in the first place. And ultimately it was Director Comey's decision to make.

Q Okay. Thank you.

BY MR. SOMERS:

Q Could we back up for a second? Art asked a pretty compound question. Was there dissent, disagreement, however you would characterize it, with investigative techniques on the Midyear Exam?

A Investigative techniques? That's a really broad question.

Q Whether a search warrant should be used?

A Oh. So this was before I was involved in the investigation,

but it's my understanding -- it's not a disagreement within the FBI, but there were lots and lots and lots of disagreements between the FBI and the Department.

Generally, I can't think of anything in particular that would have been FBI-specific with respect to, like, this agent wants to take step X and this agent -- somebody else wants to take step Y.

But, certainly, my understanding is, at the outset of the investigation -- again, I was not personally involved, but there was a great deal of discussion between the FBI and the Department with respect to whether to proceed, obtain the server which housed the bulk of Secretary Clinton's emails, pursuant to consent or pursuant to a subpoena or other compulsory process.

Q And was that dissent between the FBI and the Department?

A That's correct. Yes.

Q And what was the FBI's preference?

A To obtain it pursuant to compulsory process.

Q The server?

A I'm sorry?

Q The server?

A The server, yes. Sorry.

Q And how about -- were there any other disagreements between the Department and the --

A Oh, my gosh. I mean --

Q -- FBI on investigative techniques?

A Yes, all the time. In a vacuum, it's hard to just come up

with them off the top of my head.

Q Was the FBI being told that it couldn't use certain investigative techniques by the Department?

A "It couldn't use." Not -- I'm trying to think of specific examples. I'm sorry. Not that -- to the extent there would be a disagreement, I don't think it would ever be quite that strident. I think it would be the view of the Department that it was strategically advantageous.

Oh. Well, so here is an example. We had -- but this is not about the type of process to obtain, but there were, I think, months of disagreement with respect to obtaining the Mills and Samuelson laptops.

So Heather Mills and -- Cheryl Mills and Heather Samuelson were both lawyers who engaged in the sorting. Once it had been identified that Secretary Clinton had these emails -- I'm guessing it's pursuant to the FOIA request, but I don't really know -- she -- well, our understanding is that she asked her two lawyers to take the bulk of the 60,000 emails and to sort out those which were work-related from those which were personal and to produce the work-related ones to the State Department.

They did so. That 30,000 is sort of the bulk of the emails that we relied on in order to conduct the investigation, although we found other emails a jillion other places.

We, the FBI, felt very strongly that we had to acquire and attempt to review the content of the Mills and Samuelson laptops because, to the extent the other 30,000 existed anywhere, that is the best place

that they may have existed. And notwithstanding the fact that they had been deleted, you know, we wanted at least to take a shot at using, you know, forensic recovery tools in order to try to ensure that, in fact, the sorting that occurred between -- or by Mills and Samuelson was done correctly and --

Q Sorry.

A No, that's okay.

Q It was -- is that -- for lack of a better term, is it usual to rely on the target of an investigation to provide evidence against the target?

A Well, that happens. That's not uncommon. I mean, in white-collar cases in particular, issuing subpoenas to the target, even though -- particularly if it's, like, a corporate target, that's certainly a way to do it.

You're misunderstanding a little bit, though, because that sort and all of that activity took place before there was a criminal investigation. So that activity is what -- the testimony that we received, the, sort of, evidence we received, is that the State Department reaches out to Secretary Clinton when they discover, "We don't have your emails on a State Department system. Do you have your emails?" And the answer is, "Yes." And the State Department, rather than the State Department itself conducting that analysis of whether or not there was -- or whether these emails were work-related or not, deferred to Secretary Clinton to do that.

So this long precedes any FBI investigation or any FBI

involvement.

BY MR. BREITENBACH:

Q But didn't you say that months went by before you made the determination as to whether to access those laptops --

A No. I'm sorry.

Q -- though consent or through --

A Yes.

Q -- compulsory process?

A But that's -- so we have to -- we're talking about two different events here.

Back in 2013 -- I don't remember when -- this is before there was any FBI investigation. When there is first an inquiry by the State Department into why do we have no Secretary Clinton emails that go to Secretary Clinton herself, that precipitates Mills and Samuelson conducting this sorting activity and producing to the State Department, here are the emails which are work-related. Produce them to FOIA, produce them to Congress, wherever they went. I have no idea. We had nothing to do with this -- we, the FBI.

Skip ahead to February/March of 2016, right? The criminal investigation has now been open for 6 or 7 months. We discover that -- we discover these facts, right? These facts were not known to us. We don't know how she first did the sorting for the State Department. We discover these facts.

We go to the Department and say: We need to get these laptops. We need to try to get in them and review them and see if, in fact, there

are other emails which either are work-related or, potentially -- what we were really looking for -- other emails which would speak to, you know, give some indicia of her intent with respect to why she set up this server and whether it was intended to mishandle classified and all of that.

That back-and-forth starting February/March-ish of 2016 and going through, I'd say, June of 2016 is the disagreement I was referring to. So that's a disagreement between us, the FBI, and the DOJ with respect to why we needed to get these laptops and how to get these laptops.

And what the FBI believed -- and there's copious texts about this because it was a, sort of, ongoing argument -- was that we had to at least attempt to get them. Even if we were unsuccessful, even if a court determined that they were attorney-client work product or opinion work product, which is what the Department was concerned about, we couldn't credibly close the investigation without having tried to get into these laptops and to have reviewed -- see if any additional emails could be recovered and to question Mills and Samuelson about how they engaged in that sort in order to see whether it seemed righteous and, you know, proper or whether there was anything, kind of, nefarious or questionable about it.

The Department's view for months was that we would not be able to get into them, a court would not, sort of, grant us access, so we shouldn't bother trying. And that was a source of -- I wouldn't say constant conflict but regular conflict every time it came up. Because

quite early on we started pushing the Department to reach out to Mills' lawyer and -- Mills and Samuelson's lawyer to sort of start the process of trying to get into these laptops, and the Department was very reluctant to do so for the reasons that I've described.

Q So you had the opportunity, then, conceivably, to execute a search warrant -- if you're using the timetable you had mentioned -- back in February of 2016. You could have executed a search warrant and obtained those --

A Well, not without the Department, right? The Department has to -- we cannot on our own, the FBI cannot execute a search warrant without approval from the Justice Department.

Q So was the Department pushing back on obtaining compulsory process to obtain those laptops? Because months, you say, go by. I mean, in your timetable from February to June, what is that --

A Ish. Let me just be --

Q -- 4 to 5 months? Four or 5 months passes before you are able to gain access to those laptops.

A To the best of my recollection, yes. It's either February or March. I just want to put a little bit of hedge in it, because I'm not 100-percent certain.

But I know that the conversations about whether to obtain the laptops and how to obtain the laptops is one that is ongoing. It is one that ultimately rises to the head of the OEO, the Office of Enforcement Operations, which is the unit at the Justice Department who would have to approve a warrant on a lawyer -- because, of course,

these were all lawyer laptops. It rose to that individual, it rose to George Toscas, over the course of this 3 months or so.

But, yes, there was an ongoing disagreement about whether there was utility to obtain the laptops and, if so, how to obtain them.

Q So, in your experience, what may happen when a subject of an investigation is aware that the FBI is attempting to obtain evidence yet the FBI does not obtain it and months pass? What are the possibilities?

A Obviously, there's the risk of destruction of evidence. I will note, however, that it's my recollection that those laptops had been sequestered by Mills and Samuelson's lawyer. So it's not -- I don't believe that they were in the possession of Mills and Samuelson once we, sort of, started raising this question with the Department. It's my recollection that the Department informed Mills and Samuelson's lawyer that we had an interest in these and that she took possession of them.

Q So destruction of evidence. Can you imagine any other possibilities if you fail to obtain the evidence and the subject is aware of it?

Ms. Jeffress. I'm not sure what the question is.

Ms. Page. Yeah, I'm not sure. I'm sorry.

BY MR. BREITENBACH:

Q Any other possibilities in the -- in terms of a subject being aware that evidence is attempting to be obtained by the FBI yet the FBI does not obtain that compulsory.

A I think destruction of evidence is the big one.

Q And you were never aware that destruction of evidence occurred?

A Not to my knowledge, no.

Q Thank you.

BY MR. SOMERS:

Q Okay. Then the second part of Art's question was disagreement about prosecutive techniques between the FBI and DOJ. Were there any disagreements about techniques for prosecution?

A No, because nobody thought that the evidence could sustain a prosecution. So --

Q What about, sort of -- I guess, what about impaneling a grand jury? Was there disagreement about whether a grand jury should be impaneled?

A A grand jury was impaneled.

Q But was there disagreement prior to the impaneling about timing?

A Oh. I'm not aware.

Q What about discussion about the statutes that should be charged or could be charged?

A No, I don't think so. I mean, it was always fairly self-evident that we were looking at mishandling statutes. And, again, the evidence was just never there to sufficiently support, really, a prosecution. I mean, I think they even looked at Federal Records Act violations -- they, meaning the Department -- and there

was never sufficient evidence to support any criminal prosecution under any statute.

Mr. Breitenbach. Was a grand jury impaneled for the purposes of the email investigation?

Ms. Page. Yes. That's my understanding.

Mr. Breitenbach. Okay.

Ms. Page. I'm sorry. Can I consult with counsel for a second?

Mr. Breitenbach. Yes.

[Discussion off the record.]

Ms. Page. Sorry.

Mr. Breitenbach. Are you aware of whether evidence was ever presented to the grand jury in terms of adjudicating a decision?

Ms. Page. Well, wait. "In terms of adjudicating a decision." Are you --

Ms. Bessee. Can I address?

So I will instruct her not to answer any questions that go into the process of the grand jury.

He can rephrase the question, but if it goes into the process of the grand jury, you will not be able to answer.

Ms. Page. Well, why don't I answer -- I can't speak to whether any -- what activity was conducted before the grand jury. I can answer that no case was presented to the grand jury because that would have been an abuse of the grand jury.

The Department is required to at least believe that you have probable cause in order -- probable cause that a crime has been

committed. I'm sorry, that's not true. The Department's rules require that to present a case before the grand jury you have to have a reasonable belief that the case can be proven beyond a reasonable doubt. And we did not have that belief with respect to the Clinton email investigation.

And so we would not have put the case before the grand jury, essentially presented all of the evidence that we had collected to date, because, it's my I assessment -- although, again, this is just me, personally, talking based on my prior experience as a prosecutor, not with respect to what was conducted in this investigation. But it's my assessment that that would've been an inappropriate use of grand jury, because the prosecutors putting in that evidence would not have believed that there was a crime to be charged.

Does that make sense? That was a little bit tortured.

BY MR. BREITENBACH:

Q Yes. But, as the FBI, did you make a recommendation or not as to whether to present it to a grand jury?

A I don't know.

Q So it would've been the Department --

A So let me clarify one thing. The grand jury was used to obtain evidence. Right? So there are certain things, for example, like a subpoena of records, which would require the impaneling of a grand jury and using tools before the grand jury in order to obtain evidence. That occurred.

I am not, both substantively and also on advice of FBI counsel,

in a position to discuss what type of evidence was obtained by the grand jury.

What I can say is that I do not believe there was ever any disagreement with respect to whether we needed to ask the grand jury to return an indictment. It would have been inappropriate to have presented all of the evidence collected, whether by grand jury subpoena or any other tool -- consent, search warrants, testimony, you know, of other witness, interviews of witnesses. It would not have been appropriate to ask the grand jurors to return an indictment or to review the weight of the evidence where we did not believe that that case was prosecutable.

Q But was that the FBI's decision to make?

A No, it was the Department's decision to make. It was the decision made by the Department.

Q At the end of the day, you're saying it was the decision of the Department --

A Yes.

Q -- prosecutors not to present this to the grand jury for an indictment.

A That is correct, yes.

Q Thank you.

BY MR. PARMITER:

Q Can I ask a couple of additional questions regarding, sort of, the internal discussions and what was discussed?

Was there ever, in your experience, any discussion at any of the

meetings involving Midyear about whether the act of setting up the server itself was problematic or whether that showed any level of intent?

A I don't know.

Q But you were never -- you never experienced anything like that.

A I don't recall being present for a conversation like that. But, also, to the extent it may have occurred -- this investigation was opened in July of 2015. I don't become involved in it until February of 2016. So, to the extent there were questions about that, they may have been resolved before I was involved.

Q Okay.

How often, in your experience, does the FBI Director or the Deputy Director in the course of their ordinary duties access or review or, you know, have dealings with classified information?

A Every single day.

Q Every day. Okay. So what -- by being on a private server, would you agree classified information is not in its proper place?

A By being on any unclassified system, whether private or government, classified information should not have traversed it. That's correct.

Q So, given your answers to both of those questions, do you think that, you know, assuming the Deputy Director or the Director had set up a private server of their own, just hypothetically, to, you know, transact government business, all of their business, would you say it

would be inevitable that classified information would pass over that server?

A No, sir. So, at the FBI and at the State Department, we have three separate systems for each level of classification. So whether that system existed at the State Department or whether it existed on somebody's private server, inevitably if there was -- if it was somebody's private server, lots of unclassified government business would traverse that system in the same way it does for, you know, the FBI's unclassified system or the State Department's unclassified system, but there's nothing inevitable about whether or if classified information would traverse that unclassified system.

That certainly may happen occasionally on the FBI system, on an unclassified FBI-run system. It's called a spill. It's an inadvertent, sort of, passage of classified information on a system in which it doesn't belong. But the same is true if you're dealing with Top Secret information and it traverses the Secret side; that's also a spill.

So it's sort of indistinguishable whether the system itself is classified or unclassified, only in that it's not authorized to handle classified information.

Q So would you -- so, okay. So is your answer is that if, you know, a Cabinet Secretary or the FBI Director was using a private server to conduct all of their business that it's not inevitable that classified information would pass through that server?

A If they were using it to conduct every single thing they did.

But it's not -- my understanding is that the Secret side was used for Secret business and the TS side was used for TS business. So if every single thing they did --

Q That's at the FBI, though, correct?

A Even at the State Department, it's my understanding. I mean, it was a much more cumbersome system, in part because the principals are constantly all over the world so the access to these other classified systems is less readily available and so it's, sort of, more cumbersome, it's, sort of, harder.

But if the question is, if every single thing that the FBI Director -- if all of the FBI Director's business was conducted on an unclassified system, whether FBI-run or privately run, then, yes, it is true, there would be classified information there.

But those facts as you presented them are not my understanding of what occurred, obviously, either at the FBI or at the State Department.

Mr. Meadows. Can I ask one clarifying question, Lisa?

It appears, based on documents that we have, that there was a conscious decision in the MYE to go down one avenue in terms of prosecution or potential prosecution, and that is with the retention of classified information on a private server, not the disclosure of classified information.

And, based on the documents we have, it looks like everybody focused on the retention but no one ever pursued the disclosure. Why was that made?

Ms. Page. I --

Mr. Meadows. And would you agree with that characterization?

Ms. Page. I'm not positive. That's the thing that I hesitated about. So I'm not sure that I -- those were really activities that would have been handled at a lower level than I was involved in. These would have been the discussions --

Mr. Meadows. Right. In most of the documents, the caselaw that they were looking at only dealt with retention, which, actually, disclosure is a bigger deal from a national security threat. And yet it didn't appear that anybody looked at that, based on the documents we've reviewed.

Ms. Page. So my guess -- and this is -- I'm speculating here just based on my knowledge of what the statutes require -- is that disclosure requires intent. And so, particularly when we charge disclosure cases, it's often in the context, for example, of a media leak. Right? It's somebody who had possession of the information and disclosed it to somebody who was not authorized to have it. That's what those disclosure cases look like.

And what was occurring on Secretary Clinton's server is all people who were rightfully entitled to the information and who had a need to know it and who were using that information in the execution of their duties, but it was occurring on a system that wasn't appropriate for it. So I think that's why the focus was on retention.

Mr. Meadows. And one more, and then I'll yield back.

We have information from the inspector general of the

intelligence community that, I guess, initiated this entire investigation -- they were the ones that came before you -- that there were anomalies that would suggest that there was copies of every email going to a third party.

And I know you heard that in the hearing the other day, but we've had substantial conversations with them. Is this news to you today?

Ms. Page. It is. When I heard it in the hearing, it was -- maybe I had heard it one other time just with respect to, like, news things, but it was completely baffling to me.

Mr. Meadows. Yeah. So --

Ms. Page. I don't understand at all what that's a reference to. I do know that we gave the server -- again, I'm not a technical person, so this is going to be a little bit tortured here --

Mr. Meadows. Right.

Ms. Page. -- but that we took exhaustive efforts to look at whether there were any other intrusions, whether there was any exfiltration --

Mr. Meadows. And you're saying they found none.

Ms. Page. Correct -- whether there was any exfiltration of data and --

Mr. Meadows. Well, we know that some -- but it was basically in the IG's report on how that came to pass.

So, I guess, why would the investigative team not have had multiple interviews with [REDACTED] who brought it to the FBI's attention originally?

Ms. Page. I --

Mr. Meadows. Because, according to the IG, you never interviewed him and never interviewed them other than the initial conversation that brought it. Why would that have --

Ms. Page. So I can't speak to that, because I don't know whether he -- I'm relying on your representation that he was not interviewed, but I also don't know whether he ever came to the FBI during the pendency of the investigation and provided that allegation. If he had --

Mr. Meadows. Well, that was the whole reason it was opened up, is my understanding, was him coming. They get it, they come to the FBI. And so you're saying that's not the case?

Ms. Page. I don't -- I am really trying --

Mr. Meadows. Or that's not your understanding?

Ms. Page. That's not my understanding.

Mr. Meadows. So how did this whole MYE start if it wasn't from the --

Ms. Page. No, no.

Mr. Meadows. -- inspector --

Ms. Page. So my understanding -- and this is -- I am way out on a limb here, because this is not stuff I was involved in. But my understanding is that the IC IG did refer the existence of the server to the FBI, but that was because of the existence of classified information on that server, not because of any anomalous activity, not because of potential intrusion activity. Because it's not my understanding that the IC IG conducted any sort of forensic analysis

like that.

My understanding is that, once it was made evident during the course of, I think, the FOIA production or maybe the production to Congress that there was some classified information which existed on a private email server, it got referred to the IC IG for those purposes, not related to intrusive activity.

Mr. Meadows. So what you're telling me, it would surprise you to know today that, if there were anomalies, that the inspector general's forensic team found those before it was referred to the FBI?

Ms. Page. That's correct. I'm not sure --

Mr. Meadows. Would that -- if that is indeed the fact, would that be a major concern to you?

Ms. Page. It would be a concern that we didn't know that or that that wasn't part of what they told us when they made the referral, but less so, sir, honestly because our forensic investigators are so phenomenal that, notwithstanding whatever the IC IG may or may not have conveyed, I know we looked extensively at this question.

Because that was a serious question. And to the extent that a foreign government or even a criminal outlet had had access to Secretary Clinton's private email server, that would have been something we cared very much about. And it's my understanding that there was no evidence that would have supported that kind of conclusion.

Mr. Meadows. I yield back.

BY MR. BAKER:

Q Regardless of how phenomenal forensic investigators might

be, is it still possible that an extremely sophisticated foreign intelligence service could penetrate a server, could extract documents, could do a number of things without leaving a single forensic footprint?

A It's pretty -- I mean, everything is possible, but it's unlikely. I think Friday's indictments are revelatory of that. You don't get better than the GRU, and yet we have identified by name the people involved in the DNC hacking. So I think it's quite unlikely.

Q Okay.

Are you -- following up on what the Congressman was saying, are you familiar with a private entity, privately financed, using private forensic resources, for lack of a better word, went looking for some of the emails from Secretary Clinton's server, her network, and, in fact, found at least one document on a foreign server?

A I don't know what you're referring to, no.

Q Okay.

Mr. Breitenbach. We were produced information indicating that Mr. Strzok had indicated in an email that at least one Secret email was accessed by a foreign party. Are you aware of that?

Ms. Page. That may be true. I'm just not personally aware of that.

BY MR. PARMITER:

Q I believe on Friday, in discussing the statute that you were discussing, I believe, with Congressman Ratcliffe -- it was 793(f) of Title 18 -- you had said that that statute was deemed by DOJ to be

unconstitutionally vague. Is that correct?

A No. The "gross negligence" that -- the "gross negligence" standard in 793(f), it was their assessment that it was unconstitutionally vague, yes.

Q Were you involved in discussions about, you know, its vagueness?

A I don't believe I was, no.

Q Do you have any idea of why they believed it was unconstitutionally vague?

A I mean, I presume they looked at caselaw in which it had been applied. I really don't know. I mean, I'm -- I am confident that it was based on their own, sort of, research in consultation with others, but I don't have personal knowledge about what the Department did in order to come to that conclusion.

Q Okay.

Speaking of -- so did you do or did the OGC do their own evaluation of the statute, or did you just rely on DOJ's assessment?

A I don't know. I did not.

Q Okay.

A I can tell you that.

Q Speaking of caselaw, are you aware whether or not that statute has been used in military prosecutions or the frequency with which it was used in civilian prosecutions? I know you had said once in 99 years, but --

A I think that there -- this is straining my memory now, but

I think that there may have been one UCMJ, Uniform Court of Military Justice --

Q Code of --

A -- Code of Military Justice -- thank you -- one UCMJ case in which it was charged, but, again, if my memory serves -- so I may get this wrong, but if my memory serves, the defendant in that case had actually engaged in far more nefarious and suspicious activity, and so it was a plea down to that, right? So if you're pleading to something, then you don't really need to worry about -- I mean, if it's unconstitutional, it's still unconstitutional.

But it was not the case -- again, my recollection is that it was somebody who had a hoard of classified information and then, when confronted, tried to destroy the classified information -- sort of, again, the indicia of knowledge and criminal intent that you will sometimes see.

So, if I'm not mistaken, there was one UCMJ case, but I think that's it.

Q So, speaking of a hoard of classified information, do you mean information that had been -- that was hard copies of physical documents?

A Hard copies and I think even, like -- if I'm remembering right, and I could be mixing this up with another case, but, like, a thumb drive of classified information that they were not authorized to have. So both hard copy and digital classified documents.

Q Do you believe --

[Phone ringing.]

Ms. Page. Go ahead, please.

BY MR. PARMITER:

Q Just, you know, your own perspective on this, do you believe that -- what would be more vulnerable, classified material on a computer server where it's not supposed to be or hard copies of classified material at someone's house?

A Well, if you're talking about more vulnerable to a cyber attack, then obviously you need a computer in order for that to occur.

Q Okay.

Do you -- sort of, going further down the line of, you know, whether 793(f) in particular and the "gross negligence" standard in particular are unconstitutionally vague, I mean, do you think that DOJ views that as sort of a dead statute that won't be charged anymore?

A I do.

Q Are you aware whether or not --

A I mean, just the "gross negligence" part of it. I don't have it in front of me to -- but -- and, as I said last week, I'm by no means an expert.

Thank you. Go ahead.

Q So are you aware of whether or not the Bureau ever sought or obtained any sort of compulsory process, whether it's a search warrant or something else, on the basis of 793(f) in particular?

A I think so, but that would not have to have been the "gross negligence" prong. I think they could have relied on the second prong

of --

Q On (f)2 right there --

A Right.

Q -- as opposed to (f)1?

A Yeah. And, again, I don't know what basis -- I shouldn't have answered that question. I am speaking out of turn. I do not know what statutes were alleged to the extent the Department sought compulsory process. I have no idea, so I shouldn't answer that.

Q Okay.

BY MR. BREITENBACH:

Q If we were to tell you, though, that the search warrant was predicated on 793, is that something that would be normal, to base a search warrant and predicate a search warrant on a statute that the Bureau is being told is unconstitutional?

A You're misunderstanding. So 793(f) has two parts to it. The second part -- so the first is, okay, whoever being entrusted with having lawful possession or control of any document relating to the national defense, one, through gross negligence permits it to be removed or, two, having knowledge of the same, that it has been illegally removed, shall be fined -- blah, blah, blah, blah, blah.

So there would be nothing inappropriate for them to rely on the second prong of 793(f), which is regularly charged and is a perfectly common statute with respect to mishandling cases. There would be nothing inappropriate with respect to relying on the second prong of 793(f), in my view.

Q What are some of the factors that might rise to the level of "gross negligence," in your opinion?

A I don't know. I have done absolutely no research or review of this. I'm not in a position to answer that.

Q Did Mr. McCabe ever ask you that as his lawyer?

A He did not.

Q Do you know whether Mr. Baker ever conducted any independent analysis on the factors that might have met a "gross negligence" charge?

A I don't know.

But, at the end of the day, this is the Department's determination. I mean, it is up to the Department to determine whether or not we have sufficient evidence to charge a case. So, even hypothetically, to the extent the FBI thought, you know, we have infinite evidence to support charge A, if the Department disagrees, the Department is going to have the final determination because they are the prosecutors. So --

Q But if the FBI is not aware of the particular factors that might be available in meeting that standard, then how would it know whether to recommend to the Department to obtain any type of prosecution based on that standard?

A I mean, the FBI has to -- necessarily has to rely on the Department's assessment of what's legally supportable under the law. So there's nothing inappropriate about that sort of reliance.

I'm not saying that no research was conducted. I'm saying that I personally didn't do any. And to the extent it was conducted, I'm

just not aware of it as I sit here today.

Mr. Meadows. So let me ask you a clarifying question. Because I think this was an unusual case where Loretta Lynch, the AG, said that she was going to be independent of it and that she was going to leave it up to the FBI.

So, if you did no research and from a "grossly negligent" standpoint, how would you make the decision to prosecute or not if she was being independent of that?

Ms. Page. So, sir, I think that what she said was that she was going to leave it up to the career prosecutors, not up to the FBI. So, when she did her, kind of, half-recusal, she said that she was going to defer to the recommendations of the career prosecutors in the case.

Mr. Meadows. So what you're saying is that she halfway recused herself but not really because there was other DOJ officials that were weighing in on that?

Ms. Page. I'm sorry, I should have been more clear. I can't speak to the recusal and whether it was appropriate or inappropriate or necessary --

Mr. Meadows. No, but your characterization --

Ms. Page. Oh, okay.

Mr. Meadows. And I agree it's a half-recusal. Because, at this point -- so are you saying that it was prosecutors at DOJ that made the decision on the "grossly negligent" versus "extremely careless" narrative?

Ms. Page. No.

Mr. Meadows. Or was that the FBI?

Ms. Page. No, no, no. So, I'm sorry, I understand your question now.

With respect to whether a charge could be sustained under the "gross negligence" statute, that's a determination made by the Department.

With respect to Mr. Comey's July 5th statement, when he -- in his first draft of the statement back in May, he used the word "gross negligence." I don't know whether he used it intending to rely on its legal definition or not.

With respect to the statement, we, the FBI, felt like it would be confusing and misleading to use the word "gross negligence" when the information that we had received from the Department was that there was no charge sustainable under the "gross negligence" statute. And so we, the FBI, omitted the "gross negligence" words in his press conference statement and moved up the paragraph that already contained the "extremely careless" language into a different spot in his speech.

Mr. Meadows. So, Lisa, why would you change that within 2 days of -- you know, you admitted the other day, on I think it was May the 4th, where you said now there was real pressure to get the politics out of it. And then we know within days that it was changed in what we call the exoneration letter. So why would that have changed at that particular point? Do you see how it looks bad?

Ms. Page. I do. But -- so it's the -- that's just when we had -- we, the whole team, had received the draft. Right? So the

Director -- and I don't remember the exact date --

Mr. Meadows. But you received the draft before the text message that says, oh, my gosh, now he's the nominee. And so you had actually received it. We've got documents --

Ms. Page. Is that right? I just don't remember the dates exactly, sir.

Mr. Meadows. And so receiving -- it was not after that. You got that, and then all of a sudden within 48 hours it's changed. And as a reasonable person, you look, well, there's this statement and then all of a sudden it was changed. And you're saying that that had nothing to do with it?

Ms. Page. Yeah, I don't -- I'm not sure I'm totally following you, sir. I'm sorry.

Mr. Meadows. Okay. Well, I'll be clear --

Ms. Page. I'm sorry.

Mr. Meadows. -- because I want you to follow.

Ms. Page. Yeah, yeah, yeah.

Mr. Meadows. And you know that I've appreciated your willingness to help.

When you said that we had to get politics out of it and you changed --

Ms. Page. The pressure. I think what I said was that --

Mr. Meadows. -- the pressure ramped up.

Ms. Page. -- now that it was a two-person race -- I'm going to try to find the text itself. But now that it was a two-person race,

the pressure to finish it had sort of increased.

Mr. Meadows. Right. So the memo was May 2nd.

Ms. Page. Okay.

Mr. Meadows. Your text message that we've got to clear this up was May 4.

Ms. Page. Okay.

Mr. Meadows. And then we know it was changed by May 6. And that's a real problematic timeframe that would indicate that all of a sudden we've got to get this cloud from over, you know -- -

Ms. Page. Oh, I see.

Mr. Meadows. -- Hillary Clinton and we better change -- and it's just -- it looks suspicious.

Ms. Page. I see what you're saying, sir. I don't know if this is reassuring at all, but the decision to change the statement, to omit the "gross negligence" language from the statement, was actually not either me or Pete's recommendation. It was another lawyer. I don't know if this is any consolation, but --

Mr. Meadows. Yeah. We've got the email chains. So who was the other lawyer?

Ms. Page. I'm --

Mr. Meadows. That's a closed case. You should be able to tell us.

Ms. Page. I have been told by the FBI that people, other than myself, who are GS-15s, we're not, sort of, providing that.

Mr. Meadows. So you're saying this is someone lower than a GS-15

that made that kind of decision?

Ms. Page. Well, it's not a decision; it's just legal advice, right? So there were a group of us --

Mr. Meadows. You're saying someone lower than a GS-15 make a legal decision --

Ms. Page. No. It was a GS-15. It's not lower than. It was a GS-15. So we had received --

Mr. Meadows. So was it [REDACTED]?

Ms. Page. We had received the draft of the statement. A group of us had gotten together in order to consolidate our comments so that we were not providing back to the chief of staff to the Director four separate drafts that they had to now reconcile.

Mr. Meadows. Right.

Ms. Page. So the four of us got together. We were sort of reviewing it, sort of, step by step. And the recommendation was: I don't think that we should use this phrase, "gross negligence," because it has an actual legal term.

And it was our collective understanding that the Department did not think that -- and we agreed -- that there was not sufficient evidence to support both "gross negligence" and that, more importantly, it was not a sustainable statute because it was unconstitutionally vague and never charged.

And so we, really, sort of, as a collective but on recommendation of counsel, removed that language and moved up the "extremely careless" paragraph.

Mr. Ratcliffe. Ms. Page, let me ask you a question. How well do you know Jim Comey?

Ms. Page. How well do I know Jim Comey?

Mr. Ratcliffe. Yeah.

Ms. Page. I mean, he's not my personal friend, but I've been in a lot of meetings with him.

Mr. Ratcliffe. Did any of the other folks that you're referencing in connection with making the change have more prosecutorial experience than Jim Comey?

Ms. Page. No.

Mr. Ratcliffe. As someone that knows Jim Comey, is he a person that chooses his words carefully?

Ms. Page. He is, yeah. But I --

Mr. Ratcliffe. Would he throw around a term like "gross negligence" not really meaning gross negligence?

Ms. Page. In this case, I actually think so, sir, but only because it's a term that obviously he was familiar with in the statute, but as DAG I am certain he would not have ever seen such a case. And the truth of the matter is 793(f) is not necessarily a particularly controversial statute; it's one that's used with some regularity. And so I'm not sure, as I sit here today, how familiar with the detail and the specifics of 793(f) he would have been.

So my guess is he's trying to use a term that makes sense, that has sort of a commonsense feel to it, which "gross negligence" does and obviously appears in the statute. But it was sort of our assessment

that to use that phrase, because it does have a legal meaning, but then to not charge gross negligence, as we knew it was not supportable, would just be confusing.

Mr. Ratcliffe. But you knew it was not supportable because the Department of Justice told you that it wouldn't be supportable.

Ms. Page. That's correct, sir.

Mr. Ratcliffe. So you accepted that as the basis for which you wanted to make that change?

Ms. Page. That's correct.

Mr. Meadows. I think we're out of time, but one last question real quickly.

So you made that determination without having interviewed the last 17 witnesses and Ms. Clinton?

Ms. Page. Yes, sir, because the legal determination wouldn't have been affected by the factual -- the facts, sort of, that may have come out of those investigations, right?

So let's assume things are going swimmingly and, in fact, all 17 of those witnesses admit, "We did it, it was on purpose, we totally wanted to mishandle classified information," gross negligence would still have been off the table because of the Department's assessment that it was vague. We would have other crimes to now charge, but gross negligence would not have been among them.

Mr. Meadows. Thank you.

[Recess.]

[12:10 p.m.]

Ms. Kim. We'll go back on the record. The time is 12:10.

Thank you for being here, Ms. Page.

EXAMINATION

BY MS. KIM:

Q Where you left off that discussion with Mr. Meadows, I just want to read you back testimony that you gave last week and see if that is responsive to the question.

So you said it was the FBI team's understanding that, quote, "we neither had sufficient evidence to charge gross negligence nor had it ever been done because the Department viewed it as constitutionally vague."

Is that correct?

A That's correct.

Q And so you said that: When we saw the term gross negligence in the Director's statements, we were concerned that it would be confusing to leave it in there because it was our understanding that we did not have sufficient evidence nor the sort of constitutional basis to charge gross negligence.

Is that correct?

A Correct.

Q And so you said what you actually did was you didn't change the language. You -- and this is me directly quoting you. "We didn't actually change gross negligence to extremely careless. We removed the gross negligence language."

Extremely careless had already appeared in that draft, so it was Director Comey's language, was it not?

A That's correct.

Q And we moved that draft up earlier -- we moved that paragraph earlier in the draft.

So it was not a substitution. It was simply an omission of the phrase gross negligence because the legal team believed it would be confusing.

Is that correct?

A That's correct.

Q Thank you.

Ms. Page, there have been some other representations made about your testimony last week already in the press.

I think one representation that has been made to the press is that there was an inconsistency in the way that you read a text versus the way that Mr. Strzok explained the text.

I would like to read your testimony about that text to you. The text I'm talking about is the "menace" text?

A Okay.

Q So you stated when you were confronted with the text: "Well, I'm not certain, to be honest with you. I think it's Donald Trump, but the reason I'm hesitating is because this is so close in time to the opening of the Russia investigation that the concern that we all had was there was a member of his campaign colluding with Russia was so great that I'm not -- I'm not 100 percent positive that I can split

those."

Do you recognize that as your testimony from last week?

A Yes.

Q Mr. Strzok, when asked about that same text, stated: "Sir, my understanding of the word 'menace' and the use of 'menace' was the broad context of the Government of Russia's attempts to interfere with our election. To the extent those allegations involved credible information that members of the Trump campaign might be actively colluding, I see that as a broad effort by the Government of Russia. So I don't think you can tease it apart, sir, but it is inaccurate to say that it just meant Mr. Trump."

Given those two statements, would you agree with the characterization that those two were incompatible statements?

A So I think that we're trying to say the same thing. He probably said it more artfully. But, again, because this text is coming so close in time and it involved my both feeling about my personal distaste for Donald Trump as a person, but also my now concern because of the predication we had received which would open the investigation, I think that what we are saying essentially is consistent.

And ultimately, it's his -- you know, this is sort of -- whatever I intended may not have been ultimately what he perceived. So it's hard to say that there is an absolute truth with respect to that -- that statement.

I guess the other thing I would say -- well, I guess that's sufficient.

Q And, Ms. Page, I think in beginning that colloquy on Friday, you said you weren't certain. So that suggests to me that maybe you don't remember precisely what you intended.

Is that correct?

A I do not. And I think I also said that -- I'm clearly referring to an article or an op-ed that, I guess was about other GOP leaders who weren't standing up to the President and my frustration about that.

So I don't know to the extent that that was also informing what I was thinking about, but I have, as I sit here today, can't tell you concretely because it was just a sort of flash in time.

Q Understood. Thank you.

And then one more thing. You were asked on Friday again about the Christopher Steele dossier and how it came to the FBI.

I believe you claimed that you were not really involved with how the dossier came to the FBI so you weren't clear on its providence. Is that correct?

A No, that is not correct. I am very clear about its providence.

Q Oh, you're very clear about its providence?

A How we received the reports from Christopher Steele, yes, I am very clear about how we received those.

Q Certainly. So are you also clear then as to whether Bruce Ohr gave those dossiers to the FBI?

A This is in the category of things that I can't answer.

What I can say is when we first received the set of reports that are commonly referred to as the dossier, that initial -- our having obtained those documents initially, did not come from Bruce Ohr. They came from Christopher Steele through his handler to the FBI.

Q Understood. Thank you.

BY MS. HARIHARAN:

Q I just want to -- good morning.

A Good morning. Please go ahead. I'm sorry.

Q I just want to go back quickly to the discussion about the differences between the DOJ and the FBI on compulsory process and just general legal or investigative differences that may have existed during the Midyear investigation.

So generally speaking, when there were disagreements between the FBI and DOJ on how to seek evidence, what was the DOJ's position, as far as you can characterize? Like in the sense would the FBI generally want to pursue a more aggressive stance and DOJ was more conservative, and is that common in investigations overall?

A Yes. That is true with respect to this investigation. I think that even the IG found that the FBI consistently wanted to take more aggressive steps in the Clinton investigation.

It's hard to characterize, you know, two enormous institutions of many tens of thousands of people monolithically. But certainly in the counterintelligence realm, the Department tends to be quite cautious and quite conservative.

Q And in the case of the Midyear investigation, do you think

the career prosecutors that disagreed on pursuing a more aggressive stance, this was based on legitimate legal differences of opinion or was it something on a -- was there a political bias involved or --

A I'm not aware of any political bias.

Q In the inspector general's report, on page 79, I'm just going to quickly read the quote. Quote: "Despite the public perception that the Midyear investigation did not use a grand jury and instead relied exclusively on consent, we found that agents and prosecutors did use grand jury subpoenas and other compulsory process to gain access to documentary and digital evidence. According to the documents we reviewed, at least 56 grand jury subpoenas were issued, 5 court orders were obtained pursuant to 18 USC 2703(d) orders, and 3 search warrants were granted," end quote.

Were you part of any of the decisions to issue one of the 56 grand jury subpoenas?

A I was not, no.

Q Or the 2703(d) orders?

A No.

Q Were you part of any of the decisions to issue the search warrants?

A I don't think so.

Q Generally speaking, can you speak to why the FBI advocated for the use of compulsory process in this case?

A I can't really --

Q Or before.

A Yeah, I can't answer that question in the abstract. So, I mean, if there's a specific example you want me to speak to, I can try, but --

Q So, again, it's just -- we're trying to understand what the difference between DOJ's approach to the case versus the FBI's approach. And so, again, in your experience, was the differences based on legitimate legal arguments or a strategic argument?

A I'm sure that's true, yes.

BY MS. KIM:

Q So let's take from the abstract to the specific. So I think you were talking about the culling laptops and the server, the decision whether to pursue those through compulsory process or to obtain those through consent agreements.

In your interactions with Department of Justice personnel, were their arguments that those should be pursued through consent processes governed by what you saw as differences of opinion from you that were legitimate and grounded in legal justification?

A Yeah, I would say so. We -- what I personally found frustrating is the Department would sort of make a determination that -- part of the argument was that we would not be able to obtain the laptops pursuant to compulsory process, which I -- as to my own personal experience -- disagreed with. I thought that we would be able to. Maybe there might be strategic reasons not to, there might be other reasons not to.

But I disagreed sort of foundationally that it would not be

available to us because we would not be able to make out the standard, or to be able to pierce attorney-client privilege, or more likely, in my view, there was a disagreement about whether it was -- the sorting activity conducted by Mills and Samuelson was opinion work product, which is quite protected under the law, versus some other privilege.

And so the frustration was in their sort of unwillingness to explain their reasoning. They sort of, for many -- for some time -- simply stated, as a matter of course: We can't, and we won't be able to.

And it was my view that that was not the case. And I did my own research with respect to that topic because I was frustrated. And so we had sort of an ongoing back and forth about that.

But, yes, it was grounded in, you know, legal disagreement ultimately.

Q And was it the subject of rigorous and vigorous debate?

A Yes.

Q Extensive debate where you were free to express your point of view?

A Yes.

Q And extensive debate where the DOJ did eventually express its point of view about its strategic justifications?

A Yes.

Q And do you have any reason or evidence to believe that those strategic decisions were based on improper considerations, including political bias?

A No, I do not. I have no reason to believe that.

Ms. Hariharan. Did any of the senior political leaders of the DOJ intervene at all in the decision to seek or not seek compulsory process?

Ms. Page. With respect to that decision, yes.

So this was very much a -- we were at very much a standstill for a considerable amount of time. And it's my understanding -- I know for sure that Mr. McCabe had multiple conversations with George Toscas on the topic because we all, including up through the Director, just agreed that we could not credibly end this investigation without having attempted to obtain those laptops and search them.

And we were sort of not making progress trying to explain or convince the Department prosecutors, the line prosecutors involved in the investigation, of this feeling. And even though we kept invoking the Director, and we would sort of say, like, we are not going to close this thing until we have tried to get this, they didn't see it as useful.

They didn't think it was going to change the outcome of the investigation, which we agreed with. We didn't have a reason to think it would change the outcome of the investigation.

It wasn't about thinking that for sure there would be different evidence in those laptops. It was about our credibility to be able to say that we ran down every sort of necessary investigative lead.

And so because we had sort of reached a stalemate a number of times on this discussion, I know that it was elevated to certainly the Deputy Director and George Toscas.

If I'm not mistaken, I think that even the Director may have had a conversation with Sally Yates, the DAG, about it, but I'm not positive. If it occurred it's in the IG report, but I don't recall exactly.

BY MS. KIM:

Q So that call seems to be DOJ expressing at the highest -- or excuse me -- the FBI expressing at its highest levels the decision to pursue a certain investigative step and convincing the Department to come along with the FBI's reasoning. Is that accurate?

A Not its legal reasoning, but its strategic reasoning, yes.

Q That's -- yes. Thank you.

Are you aware of any instances where it went the other way, where the FBI wanted to take strident action but a senior political official at the DOJ had to talk the FBI down in the Clinton email case?

Let me try to -- let me try -- you look puzzled, so I mean --

A Yeah, I --

Q Let the record reflect you look puzzled.

A Okay.

Q Let me try to explain a little bit more clearly what I mean.

I think the concern here is that there was a Democratically led political DOJ in charge of an investigation where a prominent Democrat was the subject and target.

Are you aware of any instances where senior political leaders at the Department of Justice intervened to counsel or order the FBI to not seek a compulsory process?

A No, not to my knowledge.

Q So you are not aware of Loretta Lynch or Sally Yates intervening to stop the FBI?

A No, not to my knowledge.

BY MS. HARIHARAN:

Q Okay. So I just want to move on to just sort of general questions about the FBI's investigative techniques. And I know some of these -- this was somewhat addressed earlier, but just to clarify a couple things.

On May 18th, 2018, President Trump tweeted, quote: "Apparently the DOJ put a spy in the Trump campaign. This has never been done before. And by any means necessary, they're out to frame Donald Trump for crimes he didn't commit," end quote.

Are you aware of any information that would substantiate the President's claims that the DOJ put a spy in the Trump campaign?

A No.

Q Does the FBI place spies in U.S. political campaigns?

A Not the current FBI.

Q Are you aware of any information that would substantiate the President's claim that DOJ is out to frame him?

A No.

Q In your experience -- and this goes back a little bit to our discussion on Friday about contacts with human informants -- does the FBI use spies in any of its investigative techniques?

A We call them sources. They're not spies exactly, but --

Q Can you, as much as -- again, understanding you were not a counterintelligence official -- can you explain for the record the difference between a human informant as the FBI specifically uses that term and sort of the layman term that is often used in the media of a spy?

A The spy is somebody acting on behalf of a foreign government in order to collect intelligence against that government.

So, you know, a spy is commonly, you know, discussed with respect to like an individual who is acting on behalf of a foreign government -- say, like Russia or China or, who knows, Iran -- and is in the United States trying to collect information in order to advance its country's goals.

A confidential human source is somebody who has access to information which may be relevant to an FBI investigation or may, him or herself, have engaged in criminal activity and has agreed to cooperate with the government and collect additional information with respect to the criminal activity he or her was -- he or she was engaged in.

Q Have you been involved in any investigations where the FBI did not follow the established procedures on the use of confidential human informants?

A Me personally? Not to my knowledge.

Q Have you ever been involved in a DOJ or FBI investigation conducted for political purposes?

A Never.

Q Have you ever been involved in a DOJ or FBI investigation that attempted to frame U.S. citizens for crimes they did not commit?

A No, ma'am.

Q Have you been part of any investigation where the FBI or DOJ used politically biased, unverified sources to obtain a FISA warrant?

A No.

Q Are you aware of any instances where the FBI and DOJ manufactured evidence in order to obtain a FISA warrant?

A Never.

Q Are you aware of the FISA court ever approving an FBI or DOJ warrant that was not based on credible or sufficient evidence, in your experience?

A No, not to my knowledge.

Q Are you aware of any attempts by the FBI or DOJ to intentionally mislead FISA court judges in an application for a FISA warrant by either omitting evidence or manufacturing evidence?

A No, ma'am.

Q Are you aware of any instances at the FBI and DOJ of an investigation failing to follow proper procedures to obtain a FISA warrant?

A No.

Q I'm going to quote the President when I say this. On May 20th, 2018 he tweeted: "I hereby demand and will do so officially tomorrow that the Department of Justice look into whether or not the FBI/DOJ infiltrated or surveilled the Trump campaign for political

purposes and if any such demands or requests were made by people within the Obama Administration!", exclamation point, end quote.

Does the FBI conduct investigations to frame U.S. citizens for crimes they did not commit?

A No, ma'am.

Q Then at a political rally on May 29th, 2018, the President again stated, quote: "So how do you like the fact they had people infiltrating our campaign?" end quote.

Did the FBI or DOJ ever investigate the Trump campaign for, quote, "political purposes"?

A No.

Q Did the FBI or DOJ ever, quote, "infiltrate or surveil," end quote, the Trump campaign?

A No.

Q To your knowledge, did President Obama or anyone in his White House ever, quote, "demand or request," end quote, that the DOJ or FBI, again, quote, "infiltrate or surveil," end quote, the Trump campaign for, quote, "political purposes"?

A No, ma'am.

Mr. Krishnamoorthi. I just have a couple of quick questions for you.

First of all, I know that we covered this a little bit, I think, on Friday, but can you talk a little bit about your role on the Clinton investigation? How did you view it? And what was kind of the limitations on your authority?

Ms. Page. So, as I have tried to describe, I'm not on the team with respect to -- so the team is comprised of the following: case agents, like line agents who are doing sort of the day-to-day investigative activity, line analysts engaged in the same activity, a supervisor, forensic people, I think a forensic accountant, cyber people, support staff, and then, up the chain, sort of more senior FBI agents supervising the investigation.

I am none of those people -- lawyers, of course -- I am none of those people. My job was to support the Deputy Director in all the activity that the Deputy Director supervised.

So we're talking today just about the Clinton investigation and the Russia investigation, but, of course, I assisted the deputy with all of the responsibilities, save for limited ones like HR and budget and sort of personnel-type matters, all of the activities for which he was responsible. So that would be any number of investigations at any given time.

And with each of those I played both sort of a sounding board-type of role, to sort of discuss my opinion or his view as to what particular step we should take or whether we should, you know, brief the White House or Congress or X-activity or Y-activity.

So at a very high-level kind of macro-decisionmaking on all manner of activity, but also to stay kind of with my ear to the ground on the topics that would sort of come before him.

So, for example, if there was a meeting that was going to be held about a particular cyber operation or some type of activity, I might

reach out to the program managers who were responsible for that activity in order to get a sense of what this is, why is it coming to the deputy, is there a conflict, is there a disagreement --

Mr. Krishnamoorthi. Got it.

Ms. Page. -- you know, was he going to be deciding something, so that we had a little bit of preparedness for the topic that was coming to him.

Mr. Krishnamoorthi. Got it.

So just so I understand it, basically you don't have any supervisory role --

Mr. Page. No, sir.

Mr. Krishnamoorthi. -- with regards to this investigation? You're not a member of the team on this investigation, correct?

Ms. Page. That's correct.

Mr. Krishnamoorthi. You don't have a supervisory role, certainly.

Ms. Page. I do not have a supervisory role or a decisionmaking role.

Mr. Krishnamoorthi. And what percentage of your overall time was spent on this investigation?

Ms. Page. Oh, my goodness.

Mr. Krishnamoorthi. If you just had to ballpark it. Probably a minimal amount, wouldn't you say?

Ms. Page. No, it wasn't minimal, but it wasn't the majority either. Gosh, I really -- I have -- I cannot speculate --

Mr. Krishnamoorthi. So less than 50 percent of your time.

Ms. Page. Yes, that's fair.

Mr. Krishnamoorthi. Okay. So let's say, let's say that you had these political views expressed in your text messages -- and you can see why people would be concerned about that. And let's say you wanted to railroad this investigation a certain way.

Ms. Page. The Clinton investigation.

Mr. Krishnamoorthi. The Clinton investigation in a certain say, and you wanted your political views to actually translate into biased actions. It seems to me that you had no opportunity or ability to do that because you had no supervisory role on this investigation team, you weren't a member of this team. Even if you wanted to, you'd have to go through your Deputy Director McCabe to do anything in terms of taking action. Is that right?

Ms. Page. That's fair, sir. I guess --

Mr. Krishnamoorthi. So -- go ahead.

Ms. Page. I guess the other thing I would flag is that I think -- I mean, obviously you, the public, many have tens of thousands of my texts. I think there are, I don't know, maybe two or three total in which there's anything favorable said about Hillary Clinton at all.

And the note -- the fact that before July 28th when we received the predicated information for the Russia investigation, the fact that I didn't care for Donald Trump is not particularly relevant to me with respect to the investigation we were conducting on Hillary Clinton.

The two of them had nothing to -- you know, my opinions on him

had nothing to do with whether or not she in fact handled -- mishandled classified information.

You know, I don't -- I don't -- what's been frustrating and what has sort of strained credulity to me is that the sort of pejorative texts about Donald Trump that I make before July 28th are just my feeling about him personally and don't really have any bearing with respect to how I feel about Secretary Clinton.

So it just -- anyway, it just strikes me as how I feel about Donald Trump doesn't really have any bearing with respect to whether or not Secretary Clinton mishandled information. And the reality is, as I've sort of said, I wasn't particularly fond or favorable toward Secretary Clinton.

And during the course of the investigation, you know, as we've discussed a number of times, both Pete and I were regularly the people advocating for the most aggressive course of action with respect to the Clinton investigation.

Mr. Krishnamoorthi. And what would be, in your view, kind of the best example that would show that you took that type of approach?

Ms. Page. It was true certainly with respect to the laptops that we've discussed. I mean, we were -- we were -- sort of adamantly fought the need to get those laptops, which Secretary Clinton's people were adamantly fighting us sort of not to obtain, and the Department did not want us to obtain those.

Let me -- I'll have to think about other examples, but there's, I think, two or three that -- at least I discussed with the IG in the

past, that where we sort of disagreed with the Department. And it was Pete and I sort of advocating the more aggressive position against Secretary Clinton.

Mr. Krishnamoorthi. Got it. Okay. If you guys want to take it. Thank you.

Ms. Page. You're welcome.

BY MS. KIM:

Q Ms. Page, Republicans have repeatedly raised questions about why the FBI did not provide the Trump campaign with a defensive briefing about Russians attempt to infiltrate the campaign.

We understand from public reportings that senior officials from the FBI gave a high-level counterintelligence briefing to the Trump campaign after he became the presumptive Republican nominee in July 2016.

In that briefing we also know that FBI officials reportedly warned the Trump campaign about potential threats from foreign spies and instructed the Trump campaign to inform the FBI about any suspicious overtures.

Did you have any involvement in giving these briefings to the Trump campaign?

A I was not present for the briefings to the Trump campaign, no.

Q Did you receive readouts from the briefings?

A I did.

Q Is it true that senior FBI officials warned the Trump

campaign as early as July 2016 that Russians would try to infiltrate the Trump campaign?

A I don't recall that specifically, but I don't have any reason to disagree with you.

Q Would the briefing have touched on how the campaign should react to offers from foreign nations to interfere in our elections?

A I don't think a briefing would have been that specific. I think we would have -- as is the case in a typical defensive brief -- I think that we would have flagged if you encounter activity which you believe is suspicious, particularly from threat countries, that they should notify the FBI.

Q To your knowledge, did the Trump campaign report any contacts with foreign officials during this briefing?

A I'm not sure.

Q So are you aware of the Trump campaign reporting contacts between George Papadopoulos and Russian officials?

A Oh, no, I don't believe that occurred.

Q Do you recall the Trump campaign reporting the June 2016 Trump Tower meeting with senior campaign officials including Donald Trump Jr., Jared Kushner, and Paul Manafort?

Mr. Bessee. So I will -- sorry -- I will instruct the witness not to answer anything that goes into the special counsel's equities and the ongoing criminal investigation. So that would impact that particular --

Ms. Kim. Thank you.

Ms. Page. Thank you. Sorry.

Ms. Kim. Two weeks after this briefing, on August 3rd, 2016, Donald Trump Jr. reportedly met at Trump Tower with an emissary who told Donald Trump Jr. that the princes who led Saudi Arabia and the United Emirates were eager to help his father win election as President.

To your knowledge, did Donald Trump Jr. report this offer from the Saudis and the Emiratis to the FBI?

Mr. Bessee. Again, anything that goes into the ongoing criminal investigation or anything that impacts that, the witness will not respond to -- will not be able to respond to those questions.

Ms. Kim. Thank you.

BY MS. KIM:

Q Ms. Page, can you explain generally the national security implications for a political campaign concealing or failing to report foreign contacts or offers to interfere in our election?

A Well, this is -- I'm not sure it's a commonplace occurrence. But speaking generally, an effort to affect an American election is obviously a quite serious one, regardless of -- voting and the democratic process is obviously sort of a foundational backbone to what makes America America.

So any effort by a foreign power to intercede or intervene in any way is of grave concern. It would be even more so if it was in fact true that a political campaign was working with a foreign power in order to affect an American election.

Q And again to your knowledge, a defensive briefing of this nature would have involved general instruction to report outreach from target foreign countries to the FBI?

A I'm sorry, I don't -- I have to take issue with the nature of your question.

You're suggesting that a defensive briefing with respect to an involvement or an intrusion into the American election may have taken place and I don't think I have answered that question.

What I have answered is that I am aware that a defensive briefing with respect to foreign powers and what foreign powers may -- how foreign powers may try to contact you -- collective -- your campaign collectively, now that you are the presumptive candidate, and how you should handle that.

But I don't think I have answered a question with respect to a defensive briefing about interference in an American election.

Q That is fair. Thank you for clarifying.

And in a general defensive briefing about general foreign threats, is there a general guidance given that foreign threats should be reported to the FBI?

A Yes.

Q Thank you.

I think that leads us to -- leads us well to the question of why the FBI, particularly the counterintelligence officials at the FBI who were working both on the Midyear investigation and on the Russia collusion investigation, were prioritizing the Russia collusion

investigation in the September/October timeframe.

The inspector general's report was not favorable to Mr. Strzok in this regard. It characterized his prioritization of the Russia collusion investigation as perhaps indicative of some kind of political bias.

I think you were there. You saw Mr. Strzok's workload. And you were intimately familiar with both investigations.

Do you have a general response to that finding by the inspector general?

A I do. I am honestly baffled that they would find such a thing. And I do believe that they did the best they could to conduct that investigation fairly. And I cannot understand, particularly in light of what I know I said to them, I cannot understand how they could reach that conclusion.

What we were dealing with at the outset was -- this is now, you know, October. This is a month before the election. And I can't speak to whether we were any closer to determining whether there was in fact collusion, because I'm precluded from doing so right now, but we are still looking very seriously at whether our most threatening, most hostile foreign power was engaged in -- was working with an American political candidate or members of that candidate's team to affect the outcome of an American election.

It is an unheard-of investigation, in the first place, in the counterintelligence realm. Russians engage in all manner of nefarious activity, but this was a new height in terms of brazenness -- if

true -- in terms of brazenness.

And with respect to how threatening that would be -- again, if it were true -- the notion that there might be more emails that have not previously been seen that existed on Hillary Clinton's email server just simply don't even enter into the realm of the same room of seriousness.

The Clinton investigation involved activities that had taken place 3 years prior. It's an entirely historical investigation. Even if -- even if there had been dispositive evidence which revealed -- I don't know what -- even there, which would be a very serious allegation, in my assessment, and I think in the assessment of the Counterintelligence Division, they still don't even come close to the threat posed if Russia had co-opted a member of a political campaign.

So that alone is really baffling to me, that they equated the sort of two investigations.

Furthermore -- and this is based on my own personal knowledge -- almost as soon as we discovered that there may be these additional emails, that was assigned to people who were not involved in the Russia investigation.

So it would not have been Pete's responsibility in the first place to have engaged and conducted that investigation. He's the lead of it. He's not the one who's going to go to New York. He's not the one who's going to, like, do the forensics on it, like.

And so it made, in my mind, perfect sense what he did, because he called on people who had been on the Clinton investigation, who were

not on the Russia investigation, to follow up and find out what the facts were, whether it was worth our while.

Because I will say, it's not as though every time there was any allegation that there might be a new email that lives, you know, in Peoria, not every one of those was -- necessitated investigative activity.

The only reason that this one ultimately got our attention, and this only occurred, to my recollection, later in October, is because of the volume of the emails which potentially existed on Mr. Weiner's laptop.

At the time that we first got the information, I'm not aware of that having been told to us. I don't recall in late September, early October, when I first found out by the Weiner laptop, I don't recall being told that it was, you know, tens of thousands of Hillary Clinton and Huma emails.

We knew that there were many tens of thousands, if not hundreds of thousands of emails on Mr. Weiner's laptop, but it's not -- my recollection is that it's not until later into October do we actually learn that, no, no, these actually might be relevant and from a relevant timeframe.

Ms. Hariharan. Can you describe the extent of the overlap between folks who were on the MYE team and folks who were on the Trump-Russia team? Because, you know, it's reported as if they are the same.

Ms. Page. They are not the same. What is the same are the sort

of senior people. And that makes sense because there are fewer people who are in a senior position who could supervise the investigation.

So you have to understand, like, for example, in the Counterintelligence Division, there are three DADs, there are three deputy assistant directors, one of whom is analyst, so not an agent, not somebody who you would expect to run an investigation, and then there are two other ones. One was Pete and one -- I'm not sure when it was filled, but was open for a short period of time.

So with respect to the personnel writ large, almost everyone below Pete and Jon Moffa in the Counterintelligence Division in terms of the agents who were working on the Russia investigation, almost all of them -- I think all of them, in fact -- are different from the line-level agents and analysts who worked on the Clinton investigation.

And this was in part, too, because everybody was exhausted. We had worked incredibly hard and as fast as we possibly could on the Clinton investigation. And the truth of the matter was, those of us who were on Clinton and who stayed over for Russia all just really couldn't believe ourselves that we had to sort of gear up again, you know, 3 weeks after being finally done with Clinton and finally being able to get back to all of our day jobs, that we were sort of gearing back up again.

So it's only -- really it's the people that met with Jim Comey. Those are the only people that were really the same with respect to both teams. So it's the same general counsel, the same deputy general

counsel, me, Mr. McCabe, Dave Bowdich.

The EAD for National Security Branch changed, but that was just because of regular personnel turnover. Bill Priestap was the same. Pete was the same. Jon Moffa was the same.

But other than that, all of the rest of the personnel were, to the best of my knowledge -- there could have been one or two -- but all of the rest of the personnel on the Clinton team and the Russia team were different.

BY MS. KIM:

Q Was there anything about the timeframe in which the Weiner laptop was processed that seemed unusual to you? So that's to say, would it have been unusual for imaging and processing that kind of data to take more than a few weeks?

A No, it happens all the time. And especially with a laptop that was as voluminous as Mr. Weiner's was, the forensic work and the processing and the imaging regularly crashes and stops and has to be done again.

I don't know precisely how long it took, but the notion that it took a week or 2 as being unusual -- particularly, because it was not a priority the case for the New York field office -- I should -- let me take that back.

There was nothing about it that necessitated an exigency to the New York field office. This was a potential child exploitation case but, again, I don't think that there was an allegation that there was ongoing exploitation.

And so I don't know how the New York field office chose to prioritize it with respect to all of the other work that they were doing, but there's nothing about it, to me, that stands out as necessitating, you know, an emergency, you know, imaging.

Q Did you personally observe any evidence suggesting that Mr. Strzok was prioritizing the Russia investigation at the cost of the Hillary Clinton email investigation reopening?

A Well, I mean the answer is we were prioritizing the Russia investigation because it was more important and more serious. But I wouldn't say that it was a zero-sum issue because he didn't neglect the Clinton investigation. He assigned it to the people who would appropriately have to handle it.

Q Yes. Are you aware of any evidence that Mr. Strzok or anyone on the Midyear investigation team was trying to bury the existence of the Weiner laptop or the data found therefrom?

A No, not at all.

Ms. Hariharan. Are you aware of any evidence that Mr. Strzok prioritized because of his political biases or was it because of just how serious the Russia investigation and how grave a threat it was?

Ms. Page. It's the latter. It's because the Russia investigation was a serious threat to the national security. Whether there are additional classified emails on a laptop that didn't belong to Secretary Clinton just, in my view, did not rank in the same way.

BY MS. KIM:

Q And I just want to be clear of the nomenclature. When we

talk about the Russia collusion investigation in this timeframe, candidate Donald Trump is not the subject of that investigation. Is that correct?

A That's correct.

Q I believe that's what Director Comey has publicly stated.

A [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

So it was a very narrowly scoped, very discrete investigation, because we understood the gravity of what it was we were looking at, and we were not going to take a more extreme step than we felt we could justify.

Ms. Kim. I think we're okay going off the record at this point for a lunch break until 1:30.

Thank you.

[Recess.]

[1:30 p.m.]

Mr. Parmiter. Let's go back on the record. The time is 1:30 p.m.

BY MR. PARMITER:

Q And, Ms. Page, I just had a couple of followup questions from things that were discussed in the first hour.

You had mentioned that charges -- it had been determined that charges were not sustainable under 793(f)(1) in particular. I'm just curious whether there are elements of that statute that were not satisfied in the case or was it just the gross negligence issue --

A I think --

Q -- that led to that conclusion?

A Sorry.

I think that it was both. But honestly, I'm not positive as I sit here today. Because if the statute is unconstitutional, it doesn't matter if you have all the evidence in the world, you can't bring that case.

So I think that I have said -- and I think that the minority staff read back to me -- a comment that it was both insufficient evidence and unconstitutionally vague. And I guess I'm not certain about the first point, about insufficient evidence, because it doesn't really ultimately matter what the evidence shows if the statute is -- is not constitutional.

Q Okay. But, I mean, would you agree that, you know, the Secretary of State is someone who's lawfully entrusted with classified information and that a private server is not the place -- if classified

information is stored on anything other than a classified server or system, it would be out of its proper place?

A That is correct, sir.

Q Okay. To your knowledge and in your experience, did DOJ ever inform you of any other statutes that are unconstitutionally vague?

A In the history of my being at the FBI and DOJ?

Q Do you recall any --

A I'm not positive, to be honest with you. I mean, the truth of the matter is the counterespionage section at the Department, as I think I've said, is just conservative by nature and cautious by nature, very much to the frustration of the FBI.

And I've certainly been present with a number of meetings in which they didn't want to prosecute or they didn't want to bring charges on totally unrelated investigations, but didn't -- couldn't necessarily articulate what was insufficient about the evidence or -- so, I mean, this is -- I guess what I'm trying to say is this is a little -- it's a somewhat institutional fact as well. But whether other statutes were vague, I just don't remember.

Q Okay.

BY MR. SOMERS:

Q Do you remember any discussion of whether the Logan Act could be charged?

A With respect to Secretary Clinton?

Q With respect to anybody.

A On the Clinton investigation, I don't remember a discussion

of the Logan Act.

Q On the Russia investigation?

A I am privy to conversations about the Logan Act in the Russia investigation.

Q Was it allowed to be charged?

A I don't think it's been charged.

Q My question is whether -- you were told that the gross negligence part of --

A Oh, I see what you're saying.

Q -- 793 could not be charged. I'm asking whether you were told --

A Yes.

Q -- that the Logan Act could or could not be charged.

A So I -- okay, so let me see how I can answer this.

There were discussions about the Logan Act with the Department and similar concerns, not about the constitutionality of the statute, but about the age and the lack of use of the Logan Act. I did participate in conversations with the Department about it being an untested statute and a very, very old one, and so there being substantial litigation risk, not unlike, although this comparison was never made, but not unlike the gross negligence statute. This would -- this would be a -- a risk, a strategic and litigation risk, to charge a statute that had not sort of been well-tested.

Q But the gross negligence part of 793, that was a clearly it couldn't be charged versus a -- I think you just described it as a

litigation risk with respect to the Logan Act?

A With respect to gross negligence, that is correct, sir. I'm sorry, that it could not be charged or should not be charged, because it was -- I think it's both. It was not constitutional but also untested, which goes to the question about its constitutionality, I think. So I think they're somewhat intermingled, those two, with respect to gross negligence.

Mr. Parmiter. Mr. Meadows.

Mr. Meadows. Thank you.

Lisa, I'm going to go over a few text messages. None of them are personal. And so I just want to really try to get some clarification from you.

I probably have read more text messages that have been published and nonpublished, and even on some of the redacted words that originally were redacted that you may be able to help me get a good understanding of what's there.

So early on, in August -- well, first off, is there a difference, from an FBI's perspective, of a confidential human source and a confidential informant? Because I read the FBI manual, and it seems like one gets treated one way and another gets -- but from your perspective, they're one and the same?

Ms. Page. I -- the term that we use for it is a confidential human source. A more, I guess, layman term would be an informant. But to my knowledge there is no distinction with respect to the rules which govern a source's activity. These are one and the same.

Mr. Meadows. Because one of the things I was reading indicated that I guess when we have confidential human sources that we pay there's a whole litany of things that the FBI and DOJ have to go through on those confidential human sources that we actually pay.

Are you aware of that?

Ms. Page. I think there are -- I'm not sure there -- I'm not sure about that, sir. There are certainly rules with respect to paying a source, but the -- with respect to opening a source and how you handle a source and the admonitions that you provide a source, those are the same regardless of whether a source is paid or not.

Mr. Meadows. Okay. In a text message back and forth between you and Peter Strzok shortly after he returned [REDACTED], there was an article that came out and it was "Inside the Failing Mission to Save Donald Trump From Himself."

And in the redacted portion, it says: But see, this article so rings true that then I think that the confidential human source was [redacted] is wrong is [redacted].

Were you aware of any time where you felt like you questioned the confidential human source, as this text would indicate?

Ms. Page. Can you, do you mind, could you --

Mr. Meadows. Yes. It would have been on the August 13th of 2016, at 13:22:29, or 27, I guess. You're going back and forth talking about 302s with the State Department and --

Ms. Page. So are we talking about Clinton then it sounds like? August --

Mr. Meadows. Well, I don't -- the Clinton investigation would have been over with at that point.

Ms. Page. That's true. I'm sorry, sir, the date again?

Mr. Meadows. It would have been August 13th of 2016. It was about 2 weeks after Russia opened.

Ms. Page. Okay.

Mr. Meadows. Russia opens. Peter Strzok travels [REDACTED]. Peter Strzok [REDACTED]. And you're going back and forth, apparently mad because the State Department says, you know --

Ms. Page. So we're talking about two different things. So the State -- let me just take a second and look at this.

So there's no debate. So this is me. I'm sorry, so a couple texts up, this is Pete: Hey, read the email I just sent. I did not include OPA or OCI in the distro. I'm responding, I don't know what the email is, but: There's no debate. I'm going to forward to Kortan. God, it makes me want to tell State to go F it.

So we're talking about Clinton now. And what I suspect we're talking about is needing -- you know, there's still things that we need. I don't know whether it's -- whether we're producing in FOIA or what we're talking about. But there, I think --

Mr. Meadows. Then you switch, I guess, to the confidential human source.

Ms. Page. Yes, I think that's right. So then: Yep, you think we would have -- you think we should have commented if only to rebut State's expectation of interagency coordination crap.

I think that there was like a press conference or something that we were pissed about that State was essentially saying, like, maligning the FBI. This is normal interagency, you know, kind of --

Mr. Meadows. Right, right.

Ms. Page. So the same thing with the next one.

Mr. Meadows. So it is right after that where you talk about not believing the confidential human source, or believing that --

Ms. Page. Is that what that -- so I don't know what that --

Mr. Meadows. Yeah. In the redacted, it says, I think -- and I'll give you the redaction -- that [REDACTED], the other redacted word.

So I guess the question becomes is, at any point did you question whether [REDACTED], as this text message would indicate?

Ms. Page. So I think we're constantly questioning ourselves, actually. I don't know --

Mr. Meadows. This would have been very early on. So you've had [REDACTED], and almost immediately you're questioning whether [REDACTED].

Ms. Page. So I think that's exactly what you want us to be doing, right? So I don't know what this article says and I don't know what is prompting the thinking, but we constantly want to be testing our own assumptions and testing [REDACTED].

Now, [REDACTED], with respect to [REDACTED]. So it's not a matter of [REDACTED].

[REDACTED], right. That was sort of not in question with respect to --

Mr. Meadows. Just that they had made the wrong assumption.

Ms. Page. Or that [REDACTED]

[REDACTED], right? Are [REDACTED]
[REDACTED], or is the [REDACTED].

Mr. Meadows. So typically --

Ms. Page. That's the question that we're trying to answer. And so --

Mr. Meadows. Right. So there was some question back and forth at this particular point between you and Peter Strzok on whether [REDACTED]
[REDACTED]. And in doing that, how do you [REDACTED]?

Ms. Page. That's the investigation, sir. That's precisely what the investigation was designed to do. And so the entire objective -- and I really do hope to convince you guys that we did things the way that the American people would want us to do them.

We get this predication that suggests [REDACTED]
[REDACTED] and we take these very discrete steps to figure out is this true and, if so, who could be in a position to have received this information.

And so -- but we're constantly challenging our own assumptions. And so we're taking investigative steps in order to try to figure out, okay, [REDACTED]
[REDACTED]

[REDACTED]? A Russian can't just like [sound of knocking] knock on the door of any old stranger and say, hi --

Mr. Meadows. Let's hope not.

Ms. Page. I would hope, right? That's unlikely to be productive. So you look to see are there [REDACTED]

[REDACTED]

[REDACTED]

And so, again, not knowing what I was thinking at the time or what the article says, it wouldn't strike me as inappropriate at all, in fact, quite the contrary. We are constantly, is this all just puffery or is this real?

Mr. Meadows. So was this the only time that you feel like you

[REDACTED]

[REDACTED]? Was this a single time?

Ms. Page. I can't remember any other particular time, but I didn't remember this one so --

Mr. Meadows. But you're saying that it normally happens on a pretty regular basis, so you go back and forth. So this would not be out of the norm to say, well, [REDACTED]

[REDACTED]

Ms. Page. That is the point of the investigation, to try to get to the bottom of it, sir.

Mr. Meadows. So let me go a little bit further then. In looking at this review, very early on, without getting into the specifics of the actual investigation, there were a number of briefings that were

occurring. How many Crossfire Hurricane briefings were you involved with?

Ms. Page. Briefings for whom, sir? I'm sorry.

Mr. Meadows. Well, how many briefings were you involved with that were outside the -- that had outside players beyond the FBI or DOJ?

Ms. Page. None.

Mr. Meadows. All right. So there were never any briefings that you attended where there was other intelligence officials part of the briefing outside the FBI and DOJ?

Ms. Page. Not about the Crossfire investigation, sir. So there's two things operating at this time. I certainly participated in preparation sessions for the Director when the Director would either be going to the White House or maybe have a call --

Mr. Meadows. Right. We've got that. I think we've talked about that before, because I think early on, August 5th, there's maybe the first original what we called at that time the Russia investigation briefing that happened. Peter Strzok comes back [REDACTED], makes it just in time for you to have that. There's a briefing that occurs on August 8th.

And then there's a briefing with Denis McDonough at the White House where Jonathan Moffa and others attended. Were you aware of that?

Ms. Page. I'm sure you're right. I was aware of the briefings that were occurring at the White House. But those were not about the

Crossfire. To the best of my knowledge, those were not --

Mr. Meadows. So they had nothing to do with any potential collusion between Russia and the Trump campaign? That was never mentioned?

Ms. Page. Not to my knowledge. It was always about the Russian active measures effort.

Mr. Meadows. All right. And so if that's, indeed, the case, at some point it changed. At some point, there were other people outside the FBI and DOJ that were involved with that. And so I'm going to direct your attention a little bit later.

Because on August the 25th, there's a text message going back and forth where I think it talks about the fact, you know, what are you doing after -- and it's redacted -- the [REDACTED] brief. And it's August 25th at 19:30:56.

Ms. Page. I see that. But mine's redacted. What does it say?

Mr. Meadows. Yeah, yours is redacted. But it says: What are you doing after the [REDACTED] brief? And so that [REDACTED] brief you're saying was an internal brief within the DOJ and FBI?

Ms. Page. Oh, yes, within, to the best of my knowledge.

Mr. Meadows. Because it's the same day that Director Brennan is briefing Harry Reid, is why I ask. And so what you're saying is you were unaware that Director Brennan was briefing Harry Reid that same day?

Ms. Page. I had no knowledge of that, no.

Mr. Meadows. Okay. All right. So if you're looking at a brief,

typically who would you brief?

Ms. Page. So we had regular updates for the Director and the Deputy Director. I'd say certainly every 2 weeks, but possibly even more frequently. We had sort of standing sort of update meeting for either the deputy --

Mr. Meadows. Similar to you did during the MYE --

Ms. Page. Correct.

Mr. Meadows. -- and you're doing that now. And so you do those. And those briefings were intended for the Director or the Deputy Director to do what?

Ms. Page. To stay abreast of what we had found to the extent we -- it allowed for a regular tempo, so that if we had a question about an investigative step or really just to sort of stay abreast of what we were doing and what we were learning.

Mr. Meadows. So because of the critical nature, you know, as you characterized it earlier, you believe that this was more important than the MYE in terms of its potential.

When you were doing those briefings with the Director and the Deputy Director -- and the minority were talking about the defensive briefings -- to my knowledge, and it's been -- we've looked to try to find anything other than what I would say the normal defensive briefing that you do for candidates, where you say, by the way be careful, change your passwords, you know, this is what you look for.

Did any of that brief that you ever did for the Deputy Director or Director end up in a detailed defensive briefing for at that point

candidate Trump?

Ms. Page. I don't believe so.

Mr. Meadows. And if it were critical, especially in light of some of the individuals and because Donald Trump was not a subject of your investigation, and you were taking it seriously, who would have made the decision not to do a defensive briefing, to say, "Hey, by the way, you may have someone that's really getting contacted by a foreign entity and you may want to be aware of it"? Who would have made the decision to either tell the candidate or not tell the candidate?

Ms. Page. That's a good question. I don't recall it ever coming up.

Mr. Meadows. So you're telling me it never came up to -- something this important, it never came up to tell the potential candidate that they might have a problem with somebody talking to the Russians?

Ms. Page. So that's right, sir, but that's because we didn't know what we had. So typically, when we have a defensive brief, we have pretty unassailable evidence. [REDACTED]

Mr. Meadows. Right, and I don't want you to.

Ms. Page. No, no, no, I won't, but --

Mr. Meadows. Because it's been characterized sometimes that I do, and I don't want you to go into that. I guess --

Ms. Page. No, but --

Mr. Meadows. So you're saying you didn't have a conclusion. You

didn't have a specific --

Ms. Page. Right. So typically what would happen is if we had much more unassailable evidence -- or much more frequently is you would have an individual who was already known to the United States Government as suspicious in some way and associated with a hostile foreign government.

So we already know that, you know, Joe is of a concern to us. Once we see Joe starting to reach out to a Member of Congress or starting to reach out to a candidate, you know, to the extent we know what Joe is saying or what Joe might be doing, that's when we would probably flag for that individual: You need to be aware that so-and-so may not be what they seem.

In this case, we don't know what we have. So it's not to say that we never would have gotten to a place where we might have done that, depending on how -- what the evidence demonstrated, but certainly at this stage, but even later in the investigation, my personal view is I don't think that it would have been appropriate to do.

Mr. Meadows. So under your personal opinion, there was never enough evidence to do a defensive briefing with specific targets? And I don't want to put words in your mouth and I see you smiling, so I don't -- but that's what I'm getting to.

I mean, at some point you have to have enough "there" there, I guess, to quote someone else, to be able to suggest that there would be a defensive briefing, and you're saying that that defensive briefing never took place because of a lack of specificity.

Ms. Page. No, not exactly, sir. You would want to know for sure what you had in front of you.

Mr. Meadows. So you wouldn't want to falsely accuse somebody?

Ms. Page. You wouldn't want to -- well, you would want to know -- you would want to be able to say: We believe that so-and-so is, you know, an agent of a foreign power or we believe that so-and-so may be working with, you know, a hostile foreign source.

Mr. Meadows. And so that did not happen prior to November 8th of 2016 at least, because you would have done a defensive briefing, based on --

Ms. Page. Not -- there's no -- no, sir. There's no hard-and-fast rule. I don't -- I don't -- I don't want to leave the impression that once you meet X criteria a defensive briefing occurs. This is fluid and happens at the sort of discretion and judgment of senior counterintelligence officials and, frankly, the deputy or the Director himself with respect to certain high-level individuals.

It's -- I'm -- I'm -- I'm a little constrained. I feel a little constrained in terms of what I can say. Let's try to speak hypothetically.

One of two things might lead you not to conduct -- multiple things might lead you not to conduct a defensive briefing. One of them might be insufficient evidence.

Mr. Meadows. Which is what you said at least at this date, you had insufficient --

Ms. Page. Certainly in August, I would agree with that. A

couple weeks in, we don't know what we have. I think that that's fair.

On the opposite spectrum, it might be inappropriate for investigative reasons to provide a defensive brief.

Mr. Meadows. But that would only be if Donald Trump was the subject of your investigation.

Ms. Page. No, sir.

Mr. Meadows. I mean, at what point -- so I guess take it from my standpoint. As a Member of Congress, if I'm inadvertently having contact with somebody, of which I have contact with Russian diplomats on a weekly basis many times, and I assume every one of them want to do us harm. I mean, so --

Ms. Page. You should, sir.

Mr. Meadows. -- for the record --

Ms. Page. I agree with you totally.

Mr. Meadows. -- I want to make sure that I assume every one of them wants to do harm to us.

Ms. Page. Yes.

Mr. Meadows. So in doing that, at what point would you reach out and say, you know, Mark, by the way, you may want to be -- this -- I mean --

Ms. Page. So the reason I am trying to tread lightly here is I don't think that Donald Trump would need to be the subject of the investigation in order for us to make a decision that a defensive briefing is not appropriate.

But there are certainly gradations shy of subject which, if

true -- and I'm not suggesting that they are true -- but if hypothetically, and I truly mean this in the hypothetical, if we thought that Donald Trump is not the subject, we're not suggesting that he's the person in touch with Russia, but maybe the evidence suggests that he knows that his people are in touch with Russia.

Mr. Meadows. But to be clear for the record, there was no evidence that suggested that.

Ms. Page. I am not speaking with respect to the evidence at all.

Mr. Meadows. I just want to make sure we're clear for the record.

Ms. Page. I am making no statement with respect to the evidence we had. I am speaking hypothetically.

Mr. Meadows. So let me go back, because one thing gets really concerning. So you give a brief on August the 25th. Director Brennan is giving a brief. It's not a Gang of Eight brief. It is a one-on-one, from what we can tell, a one-on-one briefing with Harry Reid at that point.

And it becomes apparent, based on your text messages and based on Director Comey's emails, that you all are aware that that conversation took place.

Were you aware that Director Brennan had a briefing with Harry Reid and that you expected a letter from Harry Reid?

Ms. Page. I take your word that I was.

Mr. Meadows. Well, no, I don't want you to take my word.

Ms. Page. I just don't -- I remember Harry Reid sending a letter, like I remember that happening sometime during the course of this

investigation. But I do not have any recollection if I knew -- we had regular Crossfire briefs of the entire team for the Director. I do not recall the Director telling us that Brennan was planning to brief Harry Reid that day and --

Mr. Meadows. No, no, I'm not saying that he knew that he was planning to brief him, but that once he briefed him, because it appears that certain elements of what is now referred to as the dossier were communicated to Harry Reid, based on that letter, because --

Ms. Page. I have no knowledge of that. We didn't have the reports yet.

Mr. Meadows. So -- and I know. According to other testimony, apparently you didn't actually physically get the documents until mid-September. Is that correct?

Ms. Page. That is correct, sir.

Mr. Meadows. So on August --

Ms. Page. Not just physically. Even electronically, like --

Mr. Meadows. So on August 30th -- but you were aware of it prior to that?

Ms. Page. No, sir. No, sir.

Mr. Meadows. So what you're saying is, is that you had no knowledge of these potential unverified memos prior to the middle part of September in your investigation?

Ms. Page. That is correct, sir.

Mr. Meadows. Okay. So on August 30th, you and Peter are going back and forth, and you go, "Here we go." If you'll look at 9:44:50

COMMITTEE SENSITIVE

on August the 30th, you go, "Here we go." And it's referencing "Harry Reid Cites Evidence of Russian Tampering in the U.S. Vote and Seeks FBI."

Now, what happens is, and what I guess gives me a little bit of concern is, if you drop down, that if you drop down to the same day, August 30th, 9:45, it says: "The D" -- which I assume means Director -- "said at the a.m. brief that Reid had called him and told him that he would be sending the letter."

Ms. Page. Okay.

Mr. Meadows. So you get a brief that says, well, we got the letter, but it's almost like it's a coordinated effort between Harry Reid and the FBI Director, because obviously, he's briefing you.

Ms. Page. I -- I don't see -- so, again, this is just my personal experience. We just don't really deal with the Hill that much.

Mr. Meadows. No, I know you don't, but --

Ms. Page. No, no, no, but even the --

Mr. Meadows. So what you're saying is you don't recall ever being briefed that a letter was coming from Harry Reid?

Ms. Page. Not until -- this is the morning brief that this is a reference to, so I must have attended the morning brief. And so this is me just saying, yeah, the Director said we're going to be getting a letter. But no, I'm not aware --

Mr. Meadows. Well, indeed, you did get a letter that got published very quickly in The New York Times, and that was kind of the start of much of that.

COMMITTEE SENSITIVE

You know, here's the other concern, because I guess Peter Strzok sends an email to Bill Priestap that same day, with you carbon copied, and it says: "Unfortunately, this will politicize things but was unavoidable, I suppose."

So, I mean, obviously it's going back and forth.

Ms. Page. So my view on that is exactly what the FBI always is, which is, no offense, politicians are involved, right? Like --

Mr. Meadows. None taken.

Ms. Page. We want to do this in secret. We want to do this the way we do it. I don't know what Harry Reid was told or why or what the purpose of Brennan -- you know, this is way out of my pay grade. But like that's not how we want to proceed. We do things effectively when they're in secret. And so I think that that, you know, it's unavoidable, I guess, is, you know, well, these things happen, but not on our watch.

Mr. Meadows. Okay. So let's -- taking you at your word, then I guess what concern I have is why would Director Brennan be aware of things that the FBI was not aware of at this particular point when it actually would potentially involve, according to Peter Strzok's word on January 10th of 2017, an unverified salacious set of memos?

Ms. Page. So I don't understand why you're saying this -- whatever is in the -- whatever occurs between Brennan and Reid, I don't understand what the relationship to the dossier is. That's what I'm not following.

Mr. Meadows. So the dossier apparently was mentioned. In fact,

we have documents that would suggest that in that briefing the dossier was mentioned to Harry Reid and then obviously we're going to have to have conversations. Does that surprise you --

Ms. Page. Totally surprises me.

Mr. Meadows. -- that Director Brennan would be aware of --

Ms. Page. Yes, sir. Because with all due honesty, if Director Brennan -- so we got that information [REDACTED]

Mr. Meadows. We do know there are multiple sources.

Ms. Page. I do know that. I do know that the information ultimately found its way lots of different places, certainly in October of 2016. But if the CIA as early as August, in fact, had those same reports, I am not aware of -- I'm not aware of that and [REDACTED]

Mr. Meadows. So you say "our source." Is your source, is that because he was working for you?

Ms. Page. No, sir.

Mr. Meadows. Well, I mean, how could he be -- is he exclusively your source?

Ms. Page. I don't know. If the CIA has -- had Mr. Steele open as a source, I would not know that.

Mr. Meadows. So if we're talking about sources and we're looking at sources, were you aware at the point that there was ongoing

communication with other players, i.e., Fusion GPS and others, as it relates to this confidential human source?

Ms. Page. I didn't follow your question, sir. Are you asking was I --

Mr. Meadows. Were you aware that Christopher Steele had conversations or multiple conversations with Fusion GPS and others outside of just working special intel for you?

Ms. Page. No, no, no. So let me try to be more clear.

As of August of 2016, I don't know who Christopher Steele is. I don't know that he's an FBI source. I don't know what he does. I have never heard of him in all of my life. So let me just sort of be clear.

When the FBI first receives the reports that are known as the dossier from an FBI agent who is Christopher Steele's handler in September of 2016 --

Mr. Meadows. Right.

Ms. Page. -- at that time, we do not know who -- we don't know why these reports have been generated. We don't know for what purpose. We don't know -- we know that this is a reliable source who has previously reported on other things. We know who he -- I don't know who he is personally. We know his history --

Mr. Meadows. Right.

Ms. Page. -- such that we know him to be reliable. And I think we know that he's a former intel person.

But we do not know, to the best of my recollection, why these reports have been generated, what they're for, what they're -- why they

we believe is probably Deputy Director of the CIA Cohen, David Cohen -- "before we meet with her" -- and by the "her," I think it's Sally Yates at that point, we're trying to put this all together. "Better have him weigh in before this meeting. We need to speak with one voice if that is, in fact, the case." That is October 14th.

And then on October 19th, it says: "Hey, can you give me a call when you get out. Meeting with the White House counsel is finally set up and I want to talk about the timing things."

Is that --

Ms. Page. Are those about Russia?

Mr. Meadows. That was my question.

Ms. Page. Oh, I'm not sure, sir. I'm not certain that it is, to be honest with you, but I'm not sure.

Mr. Meadows. All right. Because it's just a couple of days before the FISA application.

Ms. Page. Oh. There would be no need to go to the White House or give any sort of briefing about the FISA. So if that's the timing concern, I don't think that it's related, would be my guess.

Mr. Meadows. All right. So, as we look at this, one of the concerns that I have is that there seemed to be a whole lot of chatter back and forth in terms of between the FBI and the DOJ being at odds in terms of -- and by "odds" what I mean is, you know, I guess pushing back against George Toscas and some of the others in terms of some of the opinions, based on text messages and emails.

Ms. Page. On Russia?

Mr. Meadows. On Russia.

Ms. Page. I don't know that I agree with that assessment. The only source of frustration, really the only source of frustration that I can recall, at least in the time that I was most heavily involved in the Russia investigation -- so this is from August to really the end of the year, till December of 2016 -- was the sort of speed or lack thereof with respect to getting the FISA initiated. I mean, that was a source of frustration. But I don't recall other -- other controversies or other disagreements or other issues.

Mr. Meadows. Yeah, because I think -- and the reason why these dates on the other text messages that I ask are critical, because there's an email from Peter Strzok to you on October the 14th. And that's where, you know, we've got to keep the pressure, hurry the F up and --


Ms. Page. Yeah, right. And that was definitely happening, but the White House doesn't have anything to do with that.

Mr. Meadows. And so the Stu, I haven't heard back from Stu, is that Stu Evans who --

Ms. Page. That is correct.

Mr. Meadows. So why was there a push for a FISA warrant coming from you guys and potentially less than expeditious on the -- I mean, what's your perception of why that was? Obviously, it was important enough for Peter to send you an email.

Ms. Page. Well, we sent a lot of emails.



[REDACTED]

But separate from that, this again goes to kind of cultural differences between us and DOJ. So DOJ is necessarily going to be a little more handwringing and a little more apprehensive and a little more cautious.

Mr. Meadows. And why is that?

Ms. Page. Just the institutional differences between us, honestly. I mean, we're the investigators, we're hard-charging.

Mr. Meadows. The fact that they were opening up a FISA warrant on a U.S. citizen that might be attached to a --

Ms. Page. Well, almost all FISA warrants are on U.S. citizens.

Mr. Meadows. That's correct, but that might -- you didn't let me finish --

Ms. Page. Oh, I'm sorry.

Mr. Meadows. That might be attached to a Presidential campaign.

Ms. Page. Well, he was no longer with the Presidential campaign. But your point is taken. Certainly, this was one that, if leaked, was going to get attention.

And so I'm not necessarily even criticizing them for their handwringing. I'm just saying we had an operational reason that we wanted to get this thing up quickly with respect to the subject himself, and the Department is always going to operate with less alacrity.

Mr. Meadows. So is Stu Evans, is that his primary responsibility, was processing FISAs?

Ms. Page. So he is the head of the Office of Intelligence. The

COMMITTEE SENSITIVE

Office of Intelligence is the organization within the Department that writes the FISAs, that takes them to court. So he is the -- he's a DAAG, a deputy assistant Attorney General, and he is the person in charge of the entire FISA process for the Department.

Mr. Meadows. So I guess the question -- and this is my last series of questions -- I guess the question I would have then is, going back to August 10th, there's text messages back and forth between you and Peter that would say, I remember what it was, Toscas already told Stu Evans everything. Sally called to set up a meeting. You already knew about the campaign individual. So there's conversations happening on August the 10th already --

Ms. Page. But that's not about a FISA. That's not about a FISA at that point, I don't think.

Mr. Meadows. But it was about the campaign, because it's redacted.

Ms. Page. Right.

Mr. Meadows. I mean, it was redacted.

Ms. Page. So what that reflects, because I remember that, because we were -- we were so concerned about the fact that we were opening this investigation and we were so concerned about leaks that we were literally individually making decisions about who to tell and who not to tell, because we were trying to keep it so closely held.

We had told George Toscas, because he's sort of the senior-most career person in the National Security Division.

None of us had told Stu Evans, and I don't think any of us intended

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

to tell Stu Evans until which time we would actually need something from him. And so that text is a reflection of frustration, that like, great, George told Stu. That's not what we would have done, because we were trying to keep it so close-hold.

So I don't think it has anything to do with an actual FISA. It was more that more people are learning about this investigation and we are trying to keep it as tight as possible.

Mr. Meadows. And so what you're saying is when the Director briefed the White House 2 days prior to that, on August the 8th, or prepared for it, actually briefed him on the 10th, that it had nothing to do with any campaign. Even though George Toscas and Stu Evans knew about it, it had -- I mean, there was no mention of this at all at any time?

Ms. Page. Sir, I would be shocked. I would truly be stunned to discover that the Director had briefed the President on the substance of our investigation or even the existence of our investigation. I would be -- I can't say it didn't happen, I wasn't there, but I would be stunned to discover that. That is just not how we --

Mr. Meadows. So when did it happen? Ultimately never?

Ms. Page. I don't know. I honestly don't know. And to be honest with you, I guess I should clarify.

I think it's entirely possible that the Director himself never briefed the White House about this. He just did not have that kind of -- not relationship, that's not the right word. That's just not how he viewed us institutionally. I cannot speak to whether the

COMMITTEE SENSITIVE

Department ever briefed the White House about it.

Mr. Meadows. I'll yield to John.

Mr. Ratcliffe. Ms. Page, I do want to follow this line of questioning about the FISA application and try and determine when you were first aware of or there was a discussion of a possibility of a FISA warrant in connection with the Trump-Russia matter from a timing perspective. Do you recall?

Ms. Page. Maybe a month before we got it, possibly. I'm not positive.

Mr. Ratcliffe. Okay. So the dates, the date of the FISA application, October 21st of 2016.

The reason I'm trying to find out is we know that the predicated information that opened it was July 31st. We know on August 8th, we've talked about the text message about stopping Donald Trump, a text message that involved the lead investigative agent.

So I'm wondering, do you know whether or not there had been any discussion of a FISA applications by that time?

Ms. Page. No way. You have to understand, sir, it takes a lot to get a FISA.

Mr. Ratcliffe. I know. I'm just trying -- I'm trying to dive in on where it is.

So on -- we know that there was the first interview conducted, based on your prior testimony, sometime before August 11th of 2016. Do you know if there was any discussion of a FISA application before or after -- or before that?

Ms. Page. Not to my knowledge.

Mr. Ratcliffe. Okay. With respect to -- you talked earlier about testing the information from confidential human sources. If a confidential human source has a conversation with the subject of surveillance that would undermine the premise -- I mean, the premise that anyone associated with the Trump campaign either was colluding or would be willing to collude with the Russians, is that the type of disclosure that would have to be made to the FISC?

Ms. Page. No, sir. What do you mean? We don't have a --

Mr. Ratcliffe. Do Brady/Giglio disclosure requirements apply to the FISA court?

Ms. Page. Oh, sorry. Yeah, sure. I mean, we have a duty of candor to the court.

Mr. Ratcliffe. Duty of candor.

Ms. Page. So certainly to the extent we were to find reliable information that we thought undermined a FISA application, we would inform the court of that information.

Mr. Ratcliffe. Supposed to inform the court?

Ms. Page. To the best of my knowledge, sir, we would inform the court.

Mr. Ratcliffe. No, I'm just saying the obligation is -- you can't speak to whether it was or it wasn't.

Ms. Page. I don't know what you're talking about. I thought -- if --

Mr. Ratcliffe. I'm not getting into any of the specific content

of it. I just want to know --

Ms. Page. If -- in all cases --

Mr. Ratcliffe. If there is exculpatory or --

Ms. Page. -- if the FBI discovers, you know, reliable information which it believes to be exculpatory or somehow affect the probable cause of the FISA warrant, I would expect that we would provide that to the court, yes, sir.

Mr. Ratcliffe. That's my question.

Ms. Page. Yes.

Mr. Ratcliffe. Because there would be an obligation to do that.

Ms. Page. I think so. I'm not nearly as well-versed in the FISA rules. But I would just -- I would presume that we would, because that's how we generally operate.

Mr. Ratcliffe. And you know that Brady/Giglio disclosure requirements would apply in the FISA court?

Ms. Page. So Brady really doesn't -- I don't really want to be so legalistic -- but Brady is a right of a criminal defendant. So what I'm saying is I have no idea if it is absolutely obligatory. What I am saying is I believe that that is -- would be the practice of the Department and the FBI to be fully candid.

Mr. Ratcliffe. And should have been done if there was any exculpatory information.

Ms. Page. I think that that's what we would do. I believe so, sir.

Mr. Ratcliffe. Okay, great.

On Friday, Congressman Jordan asked you about the trip that you took [REDACTED] with Peter Strzok and three others. I don't know if he asked you the purpose of that trip. Can you tell us the purpose of the trip?

Ms. Page. I cannot, sir.

Mr. Ratcliffe. Why not?

Ms. Page. On advice of FBI counsel, because it would get into the investigative steps we took.

Mr. Ratcliffe. Investigative steps related to the --

Ms. Page. The Russia investigation.

Mr. Ratcliffe. -- Russia investigation?

Ms. Page. Yes, sir.

Mr. Ratcliffe. Okay. Mr. Jordan also asked you about and you reviewed with him the January 10 email that you were on with Mr. Strzok talking about the different versions of the Steele dossier involving David Corn and Glenn Simpson and others. Do you recall that?

Ms. Page. I do, sir.

Mr. Ratcliffe. Okay. That was around the same time as the first of Jim Comey's now somewhat infamous memos of his conversations with both President-elect Trump and then President Trump. When did you first become aware of the Comey memos?

Ms. Page. I was aware of them as they were -- in real time. I was aware of almost all of them in real time.

Mr. Ratcliffe. Okay. So you were aware of them before they became leaked to The New York Times by Daniel Richman?

COMMITTEE SENSITIVE

Ms. Page. I was aware of them. I reviewed most of them. I can't say all. I reviewed most of them within a day or on the same day that they were created.

Mr. Ratcliffe. Would Peter Strzok have been -- I'm sorry. Would -- well, let me ask that. Would Peter Strzok have been aware of those?

Ms. Page. No, sir.

Mr. Ratcliffe. Would Andrew McCabe have been aware of those?

Ms. Page. Yes, sir. I don't know whether Peter Strzok was aware of them or not. I did not provide them to him so --

Mr. Ratcliffe. Okay. But Andrew McCabe would have been?

Ms. Page. Yes, sir.

Mr. Ratcliffe. Okay. And was that -- the fact that you would have been aware of them, were there discussions about opening an obstruction of justice case or any other case against Donald Trump prior to the firing of Jim Comey on May 9th of 2017, as reflected in the Comey memos?

Ms. Bessee. Congressman, to the extent that goes into the equities of the ongoing investigation that the special counsel is now conducting, I will instruct the witness not to answer.

Mr. Ratcliffe. Yeah, I don't want to go into what the special counsel, whether or not they are going to do it, but I think it's a fair -- I think it's a very fair question, Cecilia, because the former Director of the FBI has talked about it. He's talked about it a lot. He's given interviews about it. He has gone on TV about it. He has

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

written books about it.

And he has said explicitly publicly in a congressional hearing that he wanted a special counsel to be appointed for that purpose, to investigate Donald Trump for obstruction of justice.

So I think asking her about it at this point is a very fair request.

Ms. Bessee. To the extent that it doesn't go into what the special counsel is looking at or their gathering of evidence, I understand, Congressman, that former Director Comey has talked about the memos and has talked about whether there should be an investigation. So I just want --

Mr. Ratcliffe. I don't want any of the details. I just want to know whether there was a discussion about the possibility of opening that prior to the firing of the Director.

Ms. Page. Obstruction of justice was not a topic of conversation during the timeframe you have described.

Mr. Ratcliffe. Okay. Then --

Ms. Page. I think. One second, sir.

[Discussion off the record.]

Ms. Page. Sir, I need to -- I need to take back my prior statement.

Mr. Ratcliffe. Which one?

Ms. Page. Whatever the last thing I just said was. Sorry. That there were no discussions of obstruction, yeah. That is -- I need to take that statement back.

Mr. Ratcliffe. So there were?

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Ms. Page. Well, I think that I can't answer this question without getting into matters which are substantively before the special counsel at this time.

Mr. Ratcliffe. Well, I think you've just answered it by not answering it.

Was Andy McCabe privy to those same conversations?

Ms. Page. I can't answer this substantively, sir. I'm sorry.

Mr. Ratcliffe. Well, were these related to some charges, whether obstruction or other charges, potentially against Donald Trump?

Ms. Page. I can't -- I can't answer that question, sir, without getting into the substance of matters that are now before the special counsel.

Mr. Ratcliffe. Again, I think you're answering it by not answering it.

Did you have knowledge about Daniel Richman's special role for Director Comey?

Ms. Page. What do you mean, sir?

Mr. Ratcliffe. Did you know that he -- or when, I guess, did you learn that he was the source through which Director Comey would communicate information to the press?

Ms. Page. I learned that publicly, when it became publicly known.

Mr. Ratcliffe. But not before that?

Ms. Page. I don't believe so.

Mr. Ratcliffe. Did you have interactions with Daniel Richman?

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Ms. Page. I had one interaction with him, but with respect to a going dark sort of broad legislative interest, but that's it. That was many months prior.

Mr. Ratcliffe. Okay. So back to these Comey memos. You had conversations about the Comey memos with Andy McCabe. Did you have conversations about them with Jim Comey?

Ms. Page. I think once. I think there was one time -- so, again, I guess I should make -- be more clear. We didn't talk about the Comey memos as a set, like the Comey memos. If Comey were to have a meeting that concerned him, he might come back and inform, for example, Mr. McCabe about them.

There was one time I believe in which I was part of a small group in which he came back and reported back the details of a particular meeting. Those ultimately made their way into the memos.

So I was present for at least one, possibly more, I just don't know for sure, readouts of a meeting that he would have just had with the President, Donald Trump, and then subsequently read the memos that he created about each of these meetings.

Mr. Ratcliffe. What was it about Donald Trump that created a practice that Director Comey told us didn't exist with President Obama?

Ms. Page. I can't speak for Director Comey, sir.

Mr. Ratcliffe. Did this process of the FBI Director sharing information with others in the FBI about his conversations, giving readouts of his conversations with the President, was that a standard practice?

COMMITTEE SENSITIVE

Ms. Page. That's not unusual, if there was a need to share what had happened. He certainly did that with respect to President Obama as well.

Mr. Ratcliffe. But never documented it in a memo form?

Ms. Page. I think that's his representation.

Mr. Ratcliffe. So you said --

Ms. Page. But I think he also answered, at least in his open testimony, that it was about the nature of the person. So I can't -- that's -- those are his words, but I can't speak beyond that.

Mr. Ratcliffe. I might come back to that, but I want to move on to this now infamous tarmac meeting and at least get started in asking you about that.

To refresh your recollection from a timing standpoint, the meeting occurred on June the 27th of 2016 between former President Clinton and Loretta Lynch.

I want to ask you about an email on June the 30th of 2016 that Peter Strzok texted to you, if you'd look at that.

Ms. Page. June 30th, you said?

Mr. Ratcliffe. June 30th. We're 3 days after the tarmac meeting.

Ms. Page. Okay.

Mr. Ratcliffe. It says: Oh my God, he -- I think speaking about Bill Priestap -- Oh, my God, he is spinning about the tarmac meeting. Viewed in conjunction with [redacted] wants to meet at 4, have us bring lists of what we would do in ordinary circumstance, paren, easy,

referred to PC, and in this circumstance, paren, easy, referred to the seventh floor.

Do you see that?

Ms. Page. I do.

Mr. Ratcliffe. Okay. Let's -- first of all, is Bill, is that Bill Priestap?

Ms. Page. I'm sure it is, yes.

Mr. Ratcliffe. Okay. Do you know what redacted is?

Ms. Page. I don't.

Mr. Ratcliffe. Okay. Do you know what PC is?

Ms. Page. Public corruption --

Mr. Ratcliffe. Public corruption.

Ms. Page. -- is my guess.

Mr. Ratcliffe. It's my guess, too. So --

Ms. Page. I mean, this I think is sort of a snarky text, right? So my guess is he's spinning in conjunction with the -- maybe that is like the statement, because we know that we're -- we're planning to do the -- public announcement is sort of imminent. I'm speculating there, because I have no idea what's under the redaction.

But I think this is mostly us just being a little unkind with respect to Bill Clinton -- Bill Clinton -- Bill Priestap, because he -- he was a worrier. And so I think that this is more snarky, right? There's nothing for us to do with respect to this.

Mr. Ratcliffe. Okay. But I'm trying to find out whether this is a big deal or not. You know, the Attorney General referred to the

meeting as something she admitted cast a shadow over the integrity of the Department. It's the reason for what you referred to earlier as a quasi-recusal or halfway recusal. It is something that Director Comey referred to as a game-changer and told the IG that it tipped the scales with respect to holding a public announcement. It sounds like Bill Priestap is spinning about it.

Was it a big deal or not?

Ms. Page. To be honest with you, sir, and I'm speaking for myself, it was a boneheaded move, certainly. But I guess investigatively, I don't see it as a particularly big deal, because absolutely every single person on the Midyear investigation, both at the FBI and the Department, had concluded that there was no prosecution to be had here.

So it's not as though the meeting with Bill Clinton, even no matter what was said, even taken in the worst possible light, the evidence is what the evidence is. So there's no way to have sort of changed it.

Mr. Ratcliffe. Right.

Ms. Page. So even if, in fact, everyone's worst possible nightmare about what may have transpired on that plane is all true, it still doesn't change whether there's a viable prosecution.

Mr. Ratcliffe. Right.

Ms. Page. So, again, in my view, it's bad judgment and misguided, but not actually impactful of anything in particular.

Mr. Ratcliffe. Okay. So I'm going to come back to this one,

COMMITTEE SENSITIVE

because I think we're about out of time. But you just said, and you said this yesterday or on Friday, but that it was not a big deal. Boneheaded but not a big deal investigatively, because every person involved with the Midyear had concluded that she wasn't going to be charged. Is that right?

Ms. Page. That's correct, sir.

Mr. Ratcliffe. Okay. So if I asked you the question, was the decision made not to charge Hillary Clinton with the mishandling of classified information before or after her July 2nd, 2016, interview, the answer is what?

Ms. Page. The answer is before her July 2nd interview we had not seen evidence sufficient to charge her with a crime.

Mr. Ratcliffe. Okay.

Ms. Page. If something had changed in the July 2nd interview, then that would have all changed things. But short of an admission in that interview, there was nothing that any of us, whether at the Department or the FBI, could have anticipated that would have changed that conclusion, short of an admission or something happening --

Mr. Ratcliffe. But your answer was before the decision had been made before, that everyone had concluded.

Ms. Page. Well, you're putting words in my mouth a little bit.

Mr. Ratcliffe. These are your words.

Ms. Page. No, I'm agreeing with -- what I'm saying is a decision isn't final until it's final. So there was no final decision before July 2nd. But before July 2nd --

COMMITTEE SENSITIVE

Mr. Ratcliffe. Okay.

Ms. Page. -- it was the consensus of the investigative team, both at the Department and at the FBI, that there was not sufficient evidence to charge her with a crime.

Mr. Ratcliffe. Okay. So where we're going to leave off is that the decision had been made before, but the final, final decision was made after is what you're saying, to use your words.

Ms. Page. The decision isn't final until it's final.

Mr. Ratcliffe. Okay. We'll pick up with that when we come back.

Thank you.

[Recess.]

[2:36 p.m.]

Mr. Swalwell. Back on the record.

Thank you, Ms. Page, again for spending the morning and afternoon with us. I only have a few questions. Our counsel may have some, and I understand Mr. Cummings might be coming in today.

So, again, I first just want to say that, today, our President, on foreign soil, insulted the men and women of the FBI. I'm sorry that here in Congress that you're also seeing leaders of our country insult the work that you do.

But I do think there are some fair questions, and I want to get just to some of those.

Do you regret, like, some of the messages you sent or the way that you framed some of those texts? And if you could just talk about that.

Ms. Page. I do. I think that this has been an incredibly humbling experience. Obviously, these were messages sent to somebody close to me whom I intended to be private, and I think that there are few people on this planet who would want their private messages released publicly, regardless of what they said.

I think I'm entitled to the views that I'm entitled to, and I'm entitled to express those views both publicly and privately. But I would have made different decisions had I thought about what the possible repercussions could have been.

I can't do it over again. I can only learn from it.

Mr. Swalwell. Did you ever -- were you ever part of a criminal prosecution where you so detested the defendant because of what they

COMMITTEE SENSITIVE

did or who they hurt and you had to set aside those feelings and just stick to the four corners of the evidence?

Ms. Page. So I actually spoke about this at length on Friday, Mr. Swalwell. In fact, not just me but I think I can speak for many people at the FBI and the Department that we often loathe the subject of our investigations. And we generally do not look kindly on criminals in general and reserve plenty of harsh language for the people that we investigate.

But we, regardless and in every instance, put our personal feelings, both about them individually or the criminal activity that they are accused of, we always put it aside and conduct investigations independently and fairly.

Mr. Swalwell. Did you ever have an investigation where you received exculpatory evidence and, you know, you've got a bad guy and you really want to make sure that justice is done and then you get the evidence and you're like, crap, like, if I turn this over, it's going to make the case harder, if I keep it and I don't tell anyone, we've got a better chance of a conviction, but I know what it means if I don't turn it over? Have you ever had to make those decisions as a prosecutor?

Ms. Page. So they're not usually quite as stark, but, absolutely, you often have information which could be exculpatory or certainly could just simply be damaging to your case, and it is your obligation as a prosecutor, it is your obligation to the fairness to the defendant and the fairness in the system, to turn that information

COMMITTEE SENSITIVE

over.

So that is something that happens regularly, and it is a part of our being, it's a part of our identity and the roles that we abide by in order to --

Mr. Swalwell. Regardless of how you feel about the defendant.

Ms. Page. Of course.

Mr. Swalwell. In the Clinton case, were you the sole lawyer making decisions about the direction of the case?

Ms. Page. I was not making decisions about the direction of the case at all. I was a lawyer supporting the Deputy Director. We had multiple lawyers in OGC who supported the investigation, and, of course, it was run by prosecutors at the Department.

Mr. Swalwell. How many lawyers could you estimate were involved in the Clinton case --

Ms. Page. So there were --

Mr. Swalwell. -- on the -- on your side.

Ms. Page. On the FBI side, there were two primary lawyers who were involved. There was a lawyer who was involved on the filter team. And then there were five prosecutors who had either regular or semiregular involvement at the Department, and then their management.

Mr. Swalwell. And on the decision to open the Russia investigation, how many lawyers were involved in that decision?

Ms. Page. The decision to open the investigation? I mean, the general counsel was involved, the deputy general counsel was involved. At least, probably -- the decision to open? I'm not sure myself.

Mr. Swalwell. Is it fair to say you were not --

Ms. Page. No, no.

Mr. Swalwell. -- the person or lawyer that --

Ms. Page. No.

Mr. Swalwell. -- signed off?

Ms. Page. I did not make any decisions with respect to opening the Russia investigation.

Mr. Swalwell. Can you speak to -- well, Bob Mueller. How long did you work with Mr. Mueller?

Ms. Page. So I went over for a 45-day detail.

Mr. Swalwell. Oh, I just mean in your career.

Ms. Page. Oh. So I didn't have -- I had limited interaction with Mr. Mueller when he was the Director of the FBI.

Mr. Swalwell. In your limited interaction and the discussion you had with colleagues, can you speak to his character for truthfulness and integrity?

Ms. Page. He is unassailable on those grounds. He is an unbelievably upstanding, honest, rule-following, hard-charging, thoughtful, fair individual.

Mr. Swalwell. And with respect to other lawyers and agents on the special counsel's team, are those individuals that you had worked with in some --

Ms. Page. Yes.

Mr. Swalwell. -- manner?

Ms. Page. Some of them, yes, sir.

COMMITTEE SENSITIVE

Mr. Swalwell. And is there anyone on that team that you have concerns about their integrity, their character for truthfulness?

Ms. Page. No, sir. And, in fact, at least two of them I've worked quite closely with, and I know both to be incredibly bright, incredibly fair, honest, brilliant prosecutors.

Mr. Swalwell. And did you observe during the time on the team any, you know, cafeteria talk, any prejudging of the direction of the Russia investigation?

Ms. Page. No, sir.

Mr. Swalwell. I don't have anything else. I'll defer back to counsel.

Thank you, Ms. Page.

Ms. Page. You're welcome.

BY MS. KIM:

Q Thank you, Ms. Page.

I'd like to ask you about several FBI employees who are mentioned in the inspector general's report. To the extent that it asks about things of which you have no knowledge, please let me know.

This, as you will see, will turn out to be a process of elimination. To be totally candid with you, there is an individual, (b)(6), (b)(7)(C) per FBI whose name has been repeatedly brought up in connection with these aliases. And I just want to confirm whether you can identify (b)(6), (b)(7)(C) per FBI as any of the aliases named in the inspector general's report.

A I think you need to ask that question more specifically.

COMMITTEE SENSITIVE

Q Yes. Exactly. And so I will attempt to do so.

A Okay.

Q The inspector general's report discussed instant messages between two FBI agents, agent 1 and agent 5. The two were in a preexisting romantic relationship.

As I understand it, (b)(6), (b)(7)(C) per FBI is not an FBI agent. Is that correct?

A That is correct.

Q So do you have any reason to believe that (b)(6), (b)(7)(C) per FBI is agent 1 or agent 5?

A I know who agent 1 and agent 5 are, and (b)(6), (b)(7)(C) per FBI is not agent 1 or agent 5.

Q Thank you.

The inspector general's report also discusses FBI attorney 2 as an individual who sent instant messages of what the inspector general called a political nature. That attorney, FBI attorney 2, is referred to throughout with male pronouns.

Do you know if the FBI attorney 2 is (b)(6), (b)(7)(C) per FBI?

A I also know who FBI Attorney General 2 is, and FBI attorney 2 is not (b)(6), (b)(7)(C) per FBI.

Q Thank you.

Ms. Shen. Okay, Ms. Page, I'm going to introduce a few text messages in which it appears that you and Mr. Strzok are discussing the Russians and, sort of, their attempts at espionage and just kind of ask some of the context behind it.

COMMITTEE SENSITIVE

[Page Exhibit No. 9

Was marked for identification.]

BY MS. SHEN:

Q So, for exhibit 9, I believe, if you can direct your attention to the bottom of the page. So I'm looking at the second-to-last text on July 18th at 10:54.

Okay. So that text reads -- and I believe this text is sent from you --

A Oh, no, I don't think so.

Q Oh, I'm sorry. The first text is --

A Yeah.

Q Sorry. The first text is sent by Mr. Strzok, and it reads: And fuck the cheating motherfucking Russians. Bastards. I hate them.

I'm sorry. I'm sorry.

And in response, you write: I'm sorry. Me too.

Ms. Page, do you recall sending that text?

A The "me too"? Yeah.

Q The "me too," yes. And do you recall under what circumstances that exchange was sent? Was there any particular context or issue that it was responding to?

A I honestly don't remember. But I do always hate the Russians, so --

Q Okay.

Has Mr. Strzok ever communicated to you in other instances his hatred for the Russians?

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

A Uh-huh, yes. I mean, most everybody who works counterintelligence at the FBI has pretty strong feelings about the Russian Federation. So this is not an unusually held view.

Q Okay. So, generally speaking, at the FBI, you've heard other instances across the agency where agents or officials have expressed their hatred for the Russians as well?

A Russia poses the most severe existential threat to Western democracy in the world. So for those of us who care about democracy and for those of us who think America is great, we have pretty strong feelings about the Russians.

Q Okay. Thank you.

[Page Exhibit No. 10

Was marked for identification.]

BY MS. SHEN:

Q I'd now like to introduce another text message from July 31st, 2016, as exhibit 10. And if you can direct your attention to the top of the page this time -- I'm sorry, let me correct that. The first text message would be July 30th, 2016.

A Uh-huh.

Q So I believe that first text message is from you, correct?

A That's right, yes.

Q So a portion redacted. So ends the sentence: Hate them. I think they're probably the worst. Very little I find redeeming about this even in history. A couple of good writers and artists I guess. And then redaction.

COMMITTEE SENSITIVE

In response to that, Mr. Strzok responds, with a redaction: Fucking conniving, cheating savages at statecraft, athletics, you name it. I'm glad on I'm Team USA.

Okay. Ms. Page, do you recall writing those texts?

A I do.

Q Okay. And do you recall any particular context those texts were made around?

A I don't.

Q So --

A I mean, this is -- we've just opened -- or, you know, we're about to open the Russia investigation, so it is very much, you know, on the forefront of all of our minds. So it would not surprise me if it's a reflection of that. But, as I said, this is an enduring sentiment for people who are in the intelligence community.

Q Well, in the intelligence community, I imagine there are -- you know, there are countries other than Russia who engage in espionage efforts. And so --

A There are countries other than Russia who engage in espionage efforts, but there are probably no other countries who are more singularly focused on the destruction of Western ideals around the world.

So it's true, other countries engage in espionage, and other countries steal, and other countries lie. But I wouldn't say that other countries do it the way that Russia does it and have as a goal, sort of, creating factions within the Western alliance in order to,

COMMITTEE SENSITIVE

you know, ascend to dominance the way that Russia does.

Q So would it be fair to say that Russia's espionage efforts are just far more of a threat to the U.S. national security than some other countries' espionage efforts?

A They are one of our most pernicious and dangerous threats.

Q Okay.

In Mr. Strzok's text, he refers to them as, quote, "cheating." We're in an unclassified setting, so I wouldn't want to go there, but can you describe some examples of what he may be referring to or just generally what Russia has done to be cheating?

A Well, I mean, look at the doping scandals in the Olympic Committee stuff. Look at the effort to get the World Cup in Russia that was just recently completed. I mean, they cheat.

Q And in terms of statecraft, again, in unclassified setting, are there certain examples of Russian statecraft that you find, you know, particularly egregious?

A I mean, not beyond what I've already, sort of, attempted to describe.

Q And then the last comment, Mr. Strzok, he says: I'm glad I'm on Team USA.

Would you agree that, for example, investigating the Russians for their attempts to interfere with the U.S. election would be an example of being on Team USA?

A Right. I mean, this is just being proud about being Americans. Right? We want to spread American values and American

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

democracy around the world, and we think that we live in the best country in the world. And so this is simply a statement of pride and one that is in contrast to the way that the Russian Federation operates.

Q So, last Friday, the special counsel's investigation, it became public that they indicted 12 members of the Russian military intelligence, the GRU. Are you familiar with the report?

A I read about it, yes.

Q Okay. The GRU, they are Russian military intelligence, which means President Putin would be in charge of them. Is that correct?

A That's my understanding.

Q And so any attempts that the Russian military intelligence would have of interfering with the U.S. Presidential election, President Putin would be aware of that. Do you believe that to be true?

A Ask me that question again, please.

Q Okay. Sorry. I'll rephrase. Would President Vladimir Putin be aware of any attempts the GRU had in interfering with the U.S. Presidential election?

A I'm -- President Putin is the President of his country and certainly is in charge of his intelligence apparatus.

Q Okay.

A I don't want to answer that question with more specificity.

Q Fair enough. I think the point I'm just --

A Okay.

Q -- getting at is that, as the President of Russia, he would

COMMITTEE SENSITIVE

be the head of the Russian military intelligence.

A I would agree with that.

Q Okay.

So, actually, just earlier today, reports have come out from President Trump's meeting, summit with President Putin, and I'm just going to read to you from a Washington Post article from 12:49 p.m. today.

So the title of the article is "Putin Again Denies Russian Interference in the 2016 U.S. Election. Trump Calls Probe a Disaster for Our Country."

So the article reads: After Putin said his government played no role in trying to sabotage the U.S. election, Trump offered no pushback and went on to condemn the Justice Department's investigation of Russian interference as, quote, a disaster for our country.

Ms. Page, do you believe that the Justice Department's investigation of Russian interference is a disaster for our country?

A I do not.

Q Okay.

So it goes on to say: Putin insisted publicly that the, quote, Russian state has never interfered and is not going to interfere in internal American affairs, unquote. And Trump declined to dispute these assertions, instead saying that Putin, quote, has an interesting idea, unquote, about the issue of interference.

Now, Ms. Page, it is my understanding that the U.S. intelligence community unanimously concluded that the Russian state did attempt to

COMMITTEE SENSITIVE

interfere in the U.S. 2016 Presidential election. Is that also your understanding?

A Yes, it is.

Q Okay. And, Ms. Page, are you inclined to believe Putin's denial that Russia ever interfered, or are you inclined to believe in the U.S. intelligence community's assessment?

A As a part of the -- as a former part of the U.S. intelligence community, I will go with the intelligence community assessment.

Q Okay. Thank you.

Later in the article, it also says: Trump says that he holds, quote, both countries responsible, unquote, for the frayed relations between the two nations and attacked Special Counsel Robert S. Mueller III's investigation.

Ms. Page, do you believe that the United States is responsible for the frayed relations between the United States and Russia?

A Well, we're responsible to the extent we're not going to accept their meddling in a U.S. election. I suppose so.

Q Okay. Well, would you blame Robert Mueller's investigation for frayed relations with Russia?

A No.

Q Okay.

And this is the last one, I promise. The article also goes on to say: In response to the questions, Trump said that both countries were to blame for the deterioration of relations. Quote, I do feel that we have both made mistakes. He added that, quote, there was no

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

collusion, unquote, between his campaign and Russia, and he lamented that the special counsel's investigation into the matter has had an impact on U.S.-Russian relations. Quote, I think the probe has been a disaster for our country, unquote. He said, quote, it's ridiculous, what's going on with the probe, unquote.

Ms. Page, are you aware of anything ridiculous going on in Special Counsel Mueller's probe?

A No.

Q Okay. Thank you. I think that's all I have.

BY MS. KIM:

Q I think this might be the last tranche of questions I have for you, Ms. Page. I'd like to ask you about Director Comey.

You spoke earlier in general terms about Special Counsel Mueller. Can you explain to me how long you worked in proximity with Director Comey?

A So it would cover the span of time that I worked for Deputy Director McCabe. So, prior to February 2016, I certainly had interactions with Mr. Comey, but, once I started working for Mr. McCabe in the context of Mr. McCabe being Deputy Director, my interactions with Mr. Comey became far more frequent.

Q And can you describe for me Mr. Comey's general character and honesty as you understood them?

A He is a man of enormous integrity. I am a better lawyer and a better person for having, sort of, learned from his examples. He is obviously an extraordinary communicator, but he's also just a very

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

good person and is thoughtful about how to approach problems and is a man of unassailable integrity, in my view.

Q To your knowledge, has Director Comey ever lied to you?

A No.

Q Are you personally aware of any instances where Director Comey was shown to have lied or been knowingly untruthful?

A Never.

Q Overall, 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 No, not at all.

Q Have you followed the recent press coverage of Director Comey's public descriptions of his meetings with President Trump?

A Yes.

Q And you said you had -- usually you had -- you have firsthand knowledge of Director Comey's memoranda that he kept to document those meetings. Is that correct?

A So I either in one or two instances was present for his initial retelling of the meeting, and in most other instances I was provided with his memo to review in real-time, like, shortly after his production of those memos.

Q Have you noted any discrepancies between Director Comey's contemporaneous recollections of the facts on one hand and his public representation of those facts on the other hand?

A No.

COMMITTEE SENSITIVE

Q Are you generally familiar with Director Comey's testimony to the Senate Intelligence Committee about his interactions with President Trump?

A I am.

Q Do you have any reason to believe that Director Comey did not -- I'm sorry, let me put that in the affirmative. Do you believe that Director Comey accurately shared with Senate Intelligence Committee his memory of his interactions with President Trump?

A Absolutely, yes.

Q I imagine you are fairly familiar with the inspector general's report. Is that correct?

A I have not read it all. I hope to never do so. But I am familiar with parts of it, yes.

Q On June 16th, President Trump tweeted: The IG report totally destroys James Comey and all of his minions, including the great lovers Peter Strzok and Lisa Page, who started the disgraceful witch hunt against so many innocent people. It will go down as a dark and dangerous period in American history.

To your knowledge, did the inspector general's report contain any information discrediting the special counsel's probe?

A No.

Q And are you aware of the inspector general's report destroying anything about Director Comey's ability to testify as a witness in the special counsel's probe?

A No.

COMMITTEE SENSITIVE

Ms. Kim. I think that ends our questioning for this round.
Thank you.

[Recess.]

Mr. Ratcliffe. All right. Back on the record.

So, Ms. Page, when we left off, I was asking you -- well, I asked you a question based on the answer that you'd given, and I asked you whether a decision had been made to charge Hillary Clinton -- not to charge Hillary Clinton before or after her July 2nd, 2016, interview. And your first answer was before. You said something to the effect of, because every person -- I'm paraphrasing -- because virtually every person on the Midyear Exam team had concluded that she wasn't going to be charged.

And then --

[Phone ringing.]

Mr. Meadows. You can tell a lot about a man by his ringtone.

Ms. Page. Will it say "boing, boing" on the transcript?

Mr. Ratcliffe. But then, in fairness to you, Ms. Page, you qualified that a little bit and said, well, a final-final decision was made after. I want to give you a chance to be clear.

Ms. Page. So the word -- and I don't mean to be overly lawyerly, but it comes naturally, so forgive me. The word "decision" suggests the finality. And my only point is that before the July 2nd interview the uniform view was that there was not sufficient evidence to bring any charges against Hillary Clinton. That's not a final decision, because it's not a final decision. But to that point, there was

COMMITTEE SENSITIVE

insufficient evidence to charge her with any crime. And that was uniformly agreed to by both the FBI individuals involved and the DOJ individuals involved.

But that, certainly, in the event, unlikely was our estimation, but in the event that there was some admission or some other revelation which changed our assessment, we were all open to that possibility.

Mr. Ratcliffe. Right. But you talked about -- you started your answer before about, "to be candid," and I think that's an important word, because "candor" has a specific meaning when you're talking about an FBI agent, right? Candor and lack of candor?

Ms. Page. Everybody at the Department has an obligation to candor, yes.

Mr. Ratcliffe. Right. And you gave a very long explanation for, you know, the decision and before, and you made reference to the discussions. We know this went all the way back to a memo -- at least, a memo drafted by Director Comey on May the 2nd of 2016. And there were multiple drafts and a lot of conversation. All of that, right?

Ms. Page. That's correct.

Mr. Ratcliffe. What is a lack of candor for -- what does that mean in the context of anyone associated with the FBI when they're talking to an investigator?

Ms. Page. That they're being untruthful?

Mr. Ratcliffe. A lack of candor?

Ms. Page. Yeah. A lack of candor means that they're being untruthful.

Mr. Ratcliffe. Oh, untruthful. I thought you said being truthful.

Ms. Page. Oh, no. Sorry.

Mr. Ratcliffe. I'm sorry. I misheard you.

Ms. Page. That's okay. That's okay. Yeah.

Mr. Ratcliffe. Or that they're leaving out material facts, right? Only telling part of the story?

Ms. Page. Sure. Yes.

Mr. Ratcliffe. Okay. Okay.

The reason I ask is I asked that same question that I asked of you, that you gave a very long explanation, went into great detail about a great many factors that impacted it, I asked that same question to Director Comey under oath, did you make the decision before or after, and his answer was after.

He didn't explain it at all. He didn't qualify it at all. He didn't give any context to it. He didn't discuss number of decisions. He didn't say, well, we made it after but everyone had concluded long before.

Do you have any reason to give me any explanation or justification for why Director Comey wouldn't have given that information to congressional investigators or while under oath to Members of Congress?

Ms. Page. I don't know, sir.

Mr. Ratcliffe. Okay.

Ms. Page. I can't answer that.

Mr. Ratcliffe. We were talking about the tarmac meeting, as

COMMITTEE SENSITIVE

well. And I was asking you about this email on June the 30th of 2016 that related to Bill Priestap. And you gave me the context that it was, to use your words, of being a little bit unkind.

But I did want to ask, the reference to what we would do in ordinary circumstance, in parentheses Peter Strzok says, "Easy, refer to PC," which you and I both think is "public corruption." Was he making a joke there? I'm just trying to find out --

Ms. Page. Yeah. I mean, I think that you have to take this whole text in the, sort of, somewhat snarky tone in which it's intended. Because there's nothing to do, right? Like, as I sort of described already, the investigation is what the investigation is. It is virtually over. We have seen what the evidence fails to, sort of, demonstrate.

And so I think, as I said -- and I'm certainly not, sort of, proud of this, but I think that it's more a reflection of, "Oh, gosh, he's worrying again" --

Mr. Ratcliffe. Right.

Ms. Page. -- and this is, sort of, not a basis to be worried about. And so I think that's why you have the, like --

Mr. Ratcliffe. Right. And all --

Ms. Page. -- flippant responses at the end.

Mr. Ratcliffe. Okay. And all of that is somewhat reinforced by the text message that we've talked about before that you sent the next day on July 1st about: She's not exactly a profile in courage because she knows that Hillary Clinton is not going to be charged.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Ms. Page. Right. I think they're of a kind.

Mr. Ratcliffe. Yeah.

But, nevertheless, this tarmac meeting, obviously it generated a lot of attention. And, again, the reason that the Director said that he did the unprecedented step of acting as investigator and prosecutor on July the 5th and, she said, cast a shadow.

The day after you sent the profile-in-courage text message was July 2nd, which was the interview of Hillary Clinton, correct?

Ms. Page. This says the 1st here, but I take you at --

Mr. Ratcliffe. Yeah, I think --

Ms. Page. -- that you have -- you know, I know some of them are in UTC and some of them aren't, so I -- yeah.

Mr. Ratcliffe. I'll represent to you that it occurred on Saturday, July the 2nd of 2016.

Ms. Page. Okay.

Mr. Ratcliffe. And I've only got one copy of this, but I've got a document I want to show you and just -- it's essentially, I think you'd call it an LHM, or a letterhead memorandum, which is a summary of -- supposed to be a summary of the interview based on the 302s of the people that were in the room.

Ms. Page. It's a summary of, sort of, the investigation, of, sort of, all the investigative steps and what we found.

Mr. Ratcliffe. Yeah. But specifically in connection with her interview on July the 2nd of 2016.

Ms. Page. Okay.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Mr. Ratcliffe. Yeah. Well, I mean, you look at -- did you play a role in preparing that?

Ms. Page. I --

Mr. Ratcliffe. Because there were some text messages, I thought, where you --

Ms. Page. Yeah. So I did not play a role in preparing it. We went through, like, 52 billion drafts of this thing, like, from "a" to "the" to, you know, like, all kinds of changes, because we wanted to be as perfect as we could get it. So I am certain I am on a jillion drafts as well. I am not positive I ever read the entire thing. I started to a couple of times, but other things --

Mr. Ratcliffe. Okay. Well, I went through it, and I read it a couple times, and I'll represent to you that the word "tarmac" doesn't appear in there or "Loretta Lynch" doesn't appear in there. And I --

Ms. Page. That makes sense to me.

Mr. Ratcliffe. It does?

Ms. Page. That's not -- yes. So, I mean, I believe you. I have no way to disagree with you. But those were not investigative steps. This was not designed to, sort of, be every single thing that happened during the course of the Clinton email investigation. This is designed to be an assessment of what the FBI did and what the FBI found. And the tarmac incident doesn't really play a role with respect to those two things.

Mr. Ratcliffe. So -- and that's your opinion. You're entitled to it. I just want to be clear, though. So, if a meeting took place

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

5 days before the interview that everyone in the country is talking about, in terms of it being inappropriate, casting a shadow, calling for a quasi-recusal, that involves the husband of the subject of the investigation and the boss of five people from the Department of Justice that are in the room, you think it's not unusual that someone wouldn't ask a question of the subject of the investigation about that meeting that had occurred 5 days before in public view?

Ms. Page. Well, so that's not what you asked me. You asked me why it wasn't in here. And so that's, sort of, my reflection of why that statement isn't in here.

With respect to why they didn't ask her -- you're asking why the prosecutors didn't ask her a question in the interview? I can't answer that except that Mr. -- it kind of goes to the point I was making earlier. If we were close to charging her and then suddenly this tarmac meeting happens and now we are not going to charge her, then I agree with you, and then we have a serious controversy on our hands.

But I guess I just don't -- I fully understand and remember and appreciate the firestorm it created. I completely agree with you on that. But if there was 0.0 percent evidence the day before the tarmac meeting and there's 0.0 percent evidence the day after the tarmac meeting, it doesn't change anything. It's a terrible optic, but it doesn't change the outcome of the investigation.

So I was not a part of a decision to ask or not ask. I didn't review the outlines with respect to whether to ask or not ask. I don't know who made the decision whether to ask or not ask. I'm just saying,

COMMITTEE SENSITIVE

in my opinion, it's not that weird to me. I'm not sure what you would get out of that question.

Mr. Ratcliffe. Well, I guess --

Ms. Page. Because there still wasn't sufficient evidence to charge her.

Mr. Ratcliffe. -- what you'd get -- if the stated premise that everyone seems to have given is that she's not going to be charged unless she lies in her interview, she can't lie if she isn't asked the questions.

Ms. Page. But she wasn't at this meeting. Her husband was.

Mr. Ratcliffe. I --

Ms. Page. Right? So what is --

Mr. Ratcliffe. I guess you could confirm that if you asked her, just like you could confirm what they talked about and whether or not there was any number of discussions.

Anyway, you're entitled to your opinion. I just wanted to ask you about it because I'd seen something in these text messages that indicate that you were involved in this.

And do you recall some text messages with Agent Strzok about some of the 302s being inflammatory and not letting Congress have those?

Ms. Page. Yes.

Mr. Ratcliffe. Okay. What do you recall about that?

Ms. Page. So that was when we were starting our production of the materials that Congress had requested. So it's not so much -- and, ultimately, they were all turned over anyway. They were emails which

COMMITTEE SENSITIVE

were -- or emails, excuse me. They were 302s which were -- didn't ultimately speak to any of the evidence that we found. They were inflammatory, they were certainly --

Mr. Ratcliffe. What do you recall about them? How were they inflammatory? Because I don't know that they have been turned over.

Ms. Page. So one is the quid pro quo. I mean, that we've gone -- that's gone, sort of, to the end of the Earth, the Brian -- what was his last name? McCauley maybe?

So this was the claim -- sorry. I haven't thought about this in a while, so I don't want to get this wrong. So this was the claim that, very early in the Clinton -- in the -- shortly after opening the investigation -- no. Sorry. Before that. Sorry, let me think about this for a second.

When the State Department was first, I think, complying with either their FOIA or something and had first determined that there may be classified information among the emails which had been collected, there was an allegation that Patrick Kennedy, who was then the Under Secretary for Management, I think, at the State Department, had reached out to Brian McCauley, I think is his last name -- but I could be getting it wrong -- who was an executive in our International Operations Division, and had essentially -- the allegation was that if McCauley could get the classification of this particular document changed, that the FBI could get the legat spots that they wanted at certain embassies or something like that. I don't -- I might be getting some of this wrong.

COMMITTEE SENSITIVE

And so that had been investigated. I think both individuals had been interviewed by the FBI. The classification of the document never changed. The legat spots were never granted. And so it was sort of a wash.

So the point was we were trying to prioritize the 302s and the documents which actually went to the underlying decision not to prosecute. Those were not those. And so, in terms of having limited resources and trying to prioritize the things which would be most salient to Congress' review of our investigation, the McCauley stuff -- there was something else; I can't remember now what it is. But the, sort of, sideshow things that didn't actually affect what the outcome was or what the evidence was in the investigation were, sort of, deprioritized.

So, I mean, that's all that's meant to reflect, ultimately. It's obviously a text message, so it doesn't have all of that context and background, but that's what that's a reflection of.

COMMITTEE SENSITIVE

[3:11 p.m.]

Mr. Ratcliffe. Okay. I want to go back the Comey memos that we were talking about. And you were relating sort of the process that you and Andy McCabe and others, apparently, would have a conversation with Director Comey about the material and what became his memos as a readout.

Did I miss anyone besides you and Andy McCabe?

Ms. Page. It's a very small number.

Mr. Ratcliffe. Okay. Who else can you think of?

Ms. Page. I think the Director's testimony was Jim Rybicki -- and this is from memory, so it's in some hearing transcript somewhere -- Jim Rybicki, Mr. McCabe, Mr. Ghattas, maybe Mr. Bowdich, and myself.

There may have been one or two other times in which one or two other people may have been aware of a particular -- hearing a readout of a particular memo -- I'm sorry; let me correct one thing. The one exception to the list I just provided was that Mr. Comey did brief his senior Crossfire Hurricane team of the meeting in early January when he's there with Clapper and Brennan and the rest of the -- Admiral Rogers, and the head of the -- the leaders of the intelligence community briefing him on the intelligence community's assessment of the Russian interference and the Russia active measures report.

The memo that he drafted following that meeting, in which he also -- is that public? -- let me stop there -- the memo that he drafted, he did brief the sort of senior Crossfire team of the events.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

We had talked about it in advance of that meeting, and he gave a readout of, you know, a debrief following that meeting. So that's the only exception in terms of the Comey memos that had a more expanded personnel list, to my knowledge.

Mr. Ratcliffe. Okay. And so was the discussion -- before you had talked about, and you said, when, you know, when we talk about concerns that the Director had -- were those concerns about the topics that the President was talking about, or were they concerns about the President?

Ms. Page. I don't know what you're talking about. I'm sorry. What do you mean? What concerns I had?

Mr. Ratcliffe. Giving the answer, you said he would bring us together to talk about -- from his meetings with the President -- concerns that came about.

And I'm wondering were they concerns about topics that the President was talking about, or was the concern the President?

Ms. Page. Well, I only recall being -- I think I was only present for one -- other than the January one about the ICA, I think I was only present for one meeting in which he kind of had described what had just transpired. I don't remember which one that was of the memos that I've read and was privy to. I just don't remember which particular one I was present for. I just remember being present for one of them.

Mr. Ratcliffe. Okay. Well, do you remember I asked you before about an obstruction of justice as a topic, and you gave an answer, and then you came back and said: I need to take my answer back.

COMMITTEE SENSITIVE

Ms. Page. That answer back, yeah.

Mr. Ratcliffe. But generally talked about certain matters, I guess. Let me ask you this: I asked you the other day about a text message that Peter Strzok sent you the day that Jim Comey got fired where he said: And we need to open the case we've been waiting on now while Andy is acting.

And you explained: It didn't have anything to do with when Andy was acting, but the case we were waiting on.

Is that the same information that's reflected in some of the Comey memos?18Usc924c@@

Ms. Page. Just a moment, please.

[Discussion off the record.]

Ms. Page. Mr. Ratcliffe, I'm sure this is going to be an unsatisfying answer, but I have reviewed all the Comey memos, as I said, I have read most of them in real time, at the time that they were written. I don't have any basis to disagree with the claims made in the Comey memos, but with respect to what steps we may or may not have taken, based either on those claims or following the Director's firing, on advice of FBI counsel, I can't answer that at this time.

Mr. Ratcliffe. Okay. Your inability to answer tells me a lot. And what it tells me is inconsistent. And what I'm trying to get at, it is inconsistent with what Jim Comey has admitted that he told the President, I think, that he wasn't under investigation during that timeframe.

Maybe --

Ms. Page. That is not inconsistent, sir.

Mr. Ratcliffe. Okay. So he wasn't under investigation, but that doesn't mean there was a discussion going on about potential crimes involving the FBI Director's senior leadership team. That's what you're telling us?

Ms. Page. I am not telling you that. But the statement, if taken as a hypothetical, somebody could not be under investigation, but there still could be discussions about potential criminal activity, and that is totally consistent with FBI policies and would not be unusual with respect to any investigation.

Mr. Ratcliffe. Except the unusual part about memorializing it in memos that hadn't been done with other Presidents, right?

Ms. Page. I don't know what you're asking me. I'm sorry. How do you -- what?

Mr. Meadows. Well, let me follow up, if you don't mind.

Are you aware of any other time that Director Comey memorialized conversations with President Obama?

Ms. Page. I think he has testified that he did not do that. That's correct.

Mr. Meadows. Okay. And so did you not find it unique that he would be memorializing these conversations, and they weren't in totality of the all the conversations you had, but he memorialized these particular conversations. Did you not find that unique?

Ms. Page. I think that he did memorialize all of his conversations with --

COMMITTEE SENSITIVE

Mr. Meadows. President-elect.

Ms. Page. President-elect or President Trump. I think that's been his testimony. I wouldn't have known that he did or didn't do it beforehand, to be honest with you. So I don't know that I can answer your question.

Mr. Ratcliffe. Did Director Comey have any conversations with you about the purpose behind him creating these memos?

Ms. Page. No.

Mr. Ratcliffe. Okay. Did Andy McCabe create any memos?

Ms. Page. Yes.

Mr. Ratcliffe. Tell us about those.

Ms. Page. I can't do that, sir.

Mr. Ratcliffe. Okay. Without -- I'm going to respect -- try and respect as much of this as I can, but given the fact that you've acknowledged that there were memos or at least a memo, I want to find out as much as I can about the timing and the circumstances of it, even if you won't disclose the content of it.

So, first of all, let me ask you, are you aware of the content of the memo or memos?

Ms. Page. I am.

Mr. Ratcliffe. Were you involved in the preparation of the memo or memos?

Ms. Page. I reviewed some of them, probably not all, but some of them, mostly for like spelling and typographical things before he finalized them.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Mr. Ratcliffe. Okay. You say "them," so there were multiple memos. Do you know approximately how many memos?

Ms. Page. Let's be more specific about memos with whom, if we could.

Mr. Ratcliffe. Memos with respect to President Trump.

Ms. Page. Just meetings with President Trump?

Mr. Ratcliffe. Just what?

Ms. Page. Just meetings with President Trump?

Mr. Ratcliffe. Meetings, conversations, interactions, communications.

Ms. Page. With the President?

Mr. Ratcliffe. With President Trump?

Ms. Page. There's a very small number. I'm not certain, but one or two. I'm not certain.

Mr. Ratcliffe. And can you tell me anything about the timing of those memos? When they were created and the circumstances under which they were created, without getting into the content?

Ms. Page. With respect to those one or two, to the best of my recollection, he would have created them shortly in time following whatever interaction he may have had.

Mr. Ratcliffe. And was it his interaction necessarily or could it have been memos about -- I'm trying to find out, again, the timing of this. Is this sort of related to the firing of Jim Comey or other events?

Ms. Page. I'm sorry. Ask me that question again.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Mr. Ratcliffe. I'm just trying to determine the context of now what I'm going to refer to as the McCabe memos and when they were created and what the circumstances of the McCabe memos were.

So can you give me a -- when was the first McCabe memo created, if you can give me the general timeframe and the circumstances under which it was created.

Ms. Page. I honestly, I could not guess at a date. I do not think that the Deputy Director had any interactions with the President of the United States until after he became the Acting Director.

Mr. Ratcliffe. Okay.

Ms. Page. But that is my -- I am speculating about that, as I sit here today.

Mr. Ratcliffe. Okay. You're not certain about that.

Do you know whether or not there were any McCabe memos during the Obama Administration?

Ms. Page. Not to my knowledge -- I'm sorry. Memorializing interaction with President Obama?

Mr. Ratcliffe. Yes.

Ms. Page. No, not to my knowledge.

Mr. Ratcliffe. Okay. What's your understanding of why Deputy Director or Acting Director McCabe generated a memo or memos memorializing his interactions with President Trump?

Ms. Page. I'm not really crazy about speaking for them. I would say, in general, that an FBI agent memorializes the substance of a conversation when he thinks there is a reason to memorialize it, whether

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

it is the substance, whether it is the circumstances of the meeting, whether it is the nature of the interaction.

We write something down when it seems worth writing down.

Mr. Ratcliffe. Were the McCabe memos ever disclosed outside the FBI, to your knowledge?

Ms. Page. Not outside the Department, to my knowledge.

Mr. Ratcliffe. Would the special counsel have access to the McCabe memos?

Ms. Page. I -- yes.

Mr. Ratcliffe. Would the McCabe memos be relevant to the matters that the special counsel is investigating?

Ms. Page. Yes.

Mr. Ratcliffe. You mentioned that there were other memos that -- I'm not sure I understood. These ones that we're talking about related to his interactions with the President, but you intimated that there were other McCabe memos that were responsive to my first overarching question.

Can you tell me what those memos relate to? How you would characterize those?

Ms. Page. Mr. McCabe memorialized certain interactions with either White House personnel or others when there was something noteworthy to memorialize, sir.

Mr. Ratcliffe. Did either Deputy Director McCabe or Acting Director McCabe, whatever capacity, did he discuss the memos, to your knowledge with Jim Comey?

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Ms. Page. Certainly, the ones that were written before the Director was fired, I would expect so. He would not have discussed them, any memos that he drafted after the Director was fired because the Director was no longer a government employee.

Mr. Ratcliffe. Based on public reports, Acting Director McCabe interviewed with President Trump for the position of Director of the FBI on or about May 18th of 2017.

Do you know if -- first of all, do you know if Acting Director McCabe discussed the McCabe memos or the Comey memos or disclosed the existence of either to President Trump in that interview?

Ms. Page. I, I don't think -- I don't know.

Mr. Ratcliffe. Did you have a conversation with Acting Director McCabe about his interview with the President?

Ms. Page. I did.

Mr. Ratcliffe. His interview for the position of FBI Director?

Ms. Page. Yes.

Mr. Ratcliffe. What generally did he relate to you about the interview that you may recall?

Ms. Page. I'm sorry, sir. I'm not going to go into the details of those conversations at this time.

Mr. Ratcliffe. For what stated reason?

Ms. Page. Because I have no idea what among the memos that Mr. McCabe drafted is of investigative utility or not to the special counsel, and so because I have no knowledge of that, I can't start parsing some parts of the content and -- versus others.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Mr. Baker. When Mr. McCabe was just regular Deputy Director, did he ever keep any memos from conversations or interactions he had with Director Comey?

Ms. Page. He did not keep memos, but he obviously took notes, you know, during the course of his duties.

Mr. Baker. Okay.

Mr. Meadows. Let me, Lisa, may I do a followup from previously? When we talked about the dossier's existence came into your knowledge in mid-September, it's, I think, been reported, but also during testimony, that there was a number of different versions of different memos, I guess, that became aware -- that the FBI became aware of. Is that correct?

Ms. Page. Not memos but of the reports that are called the dossier.

Mr. Meadows. Yeah.

Ms. Page. Yeah, I'm --

Mr. Meadows. Yeah, I'm not following up on his.

Ms. Page. Okay.

Mr. Meadows. But as we now know is the dossier because it had a number of different reports there.

Ms. Page. My understanding is that, if there are -- I'm going to make this up -- if there are 20 reports that the FBI received from Christopher Steele, I've completely made that number up --

Mr. Meadows. Right.

Ms. Page. -- I'm just using it for example's sake.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

If there are 20 reports that the FBI received from Christopher Steele at various times and from various individuals, people, other government employees, wherever, the FBI has received certain subsets of that 20.

So, from one person, we might have received 11; from another person, we might have received 14. I'm -- again, I'm just doing this for example's sake -- but, yes, it is my understanding that the FBI has received from various sources -- not confidential human sources -- but from various places --

Mr. Meadows. Right.

Ms. Page. -- varied subsets of the, quote-unquote, "dossier."

Mr. Meadows. So, when that happened, and we started to look at that, and obviously, you've got mid-September through the third week in October when a FISA application is actually issued on Carter Page, did you receive multiple sources between the mid-September, or were the multiple sources after the original FISA application?

Ms. Page. I think after.

Mr. Meadows. Okay. So did you communicate that or was that outlined in the followup FISA applications that you might have gotten additional --

Ms. Page. I'm not sure -- that's my point -- I'm not sure any were additional.

Mr. Meadows. Right, but as a subset, but they were different. So, I mean -- here is --

Ms. Page. No, that's --

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Mr. Meadows. So what you're saying is they were all consistent; it just was part it --

Ms. Page. Duplicative. Right so --

Mr. Meadows. Let's say there were 16 different items, you might have gotten 11 from this source and 10 from this, but they were all consistent is what you're saying?

Ms. Page. That's my recollection, yes.

Mr. Meadows. All right.

Ms. Page. So it's not as though, if we had 20, and Joe Smith provided us with 11, all 11 were within the 20 we had. It is not as though one of them was new to us out of the original 20. That's my --

Mr. Meadows. Right.

Ms. Page. I guess I should hedge this, though, because I'm not looking at any of these. That's my understanding based on what had been briefed to Director Comey or otherwise. I never looked at any of the nonofficial sources--

Mr. Meadows. Right.

Ms. Page. -- of the dossier.

We got the set of the reports that we got from Christopher Steele, our confidential human source. That was sort of the authoritative set that we cared about.

To the extent we got chunks or subsets from other people, we collected them, but --

Mr. Meadows. At what point did you start to get concerned that there may be some potential credibility issues as it relates to who

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

may have paid for the work? Did you ever?

Ms. Page. Me --

Mr. Meadows. I mean, because we know that, on January 10th of 2017, they were still, according to Peter Strzok's email to you and others, that they were unverified still at that particular point.

Ms. Page. So, let's -- let -- there's a lot --

Mr. Meadows. January 10th.

Ms. Page. There's a lot packed in there, though. So, to your first question, when did I get concerned?

I'm not sure that I ever actually had a concern. And the reason is that, with respect to the -- certainly the first FISA -- I think we had an understanding that Steele had first been engaged by a Republican opposition but by -- I'm not going to be able to describe it better, and I hope I'm not --

Mr. Meadows. Somebody opposite of Trump.

Ms. Page. Exactly. By a Republican who is seeking opposition research. And then, after that person had dropped out -- I didn't know who -- but after that had sort of fallen away, that the engagement continued for the Democrats.

So that was sort of a wash, as far as I'm concerned. There wasn't, in my view, a political motive that affected the --

Mr. Meadows. No, the one political narrative is that they were all against Donald Trump. That would be the consistent theme there.

Ms. Page. Right.

Mr. Meadows. Whether it was for Marco Rubio or Ted Cruz, they

COMMITTEE SENSITIVE

were all consistently against Donald Trump.

Ms. Page. That's right. But because of the person that Christopher Steele was and the -- both his --

Mr. Meadows. Because he was credible from before when you worked with him.

Ms. Page. Exactly. And this was not a source of consternation, in my view.

Mr. Meadows. So let me drill down. And specifically, Mike Kortan and media contacts, potential media contacts, at what point did that become a concern as it relates to Christopher Steele and some of the communication that was not just a couple? It seemed to be widespread.

Ms. Page. Right. So we were very concerned about the existence and the content of Steele's reporting leaking. We were very concerned about.

Mr. Meadows. In fact, did you not verify that he had leaked? I mean, today, if you were to --

Ms. Page. Let me -- hold on. I'm sorry. One second.

Mr. Meadows. Go ahead. Sorry.

Ms. Page. No, no. At some point, December-ish, I think, maybe -- well, maybe earlier than that, maybe November. Mike Kortan, the head of our Public Affairs Office, does start to inform the team that there are more outlets asking him about this.

Do you have it?

What is it?

COMMITTEE SENSITIVE

Have you heard of this?

Because the existence of these reports is starting to sort of circulate in Washington circles. And I remember the team discussing, as a collective sort of saying, like, how our singular focus was to not confirm that we had them because then we knew that the press couldn't necessarily report on the substance of the allegations because they were so inflammatory.

Mr. Meadows. Right.

Ms. Page. But if they wanted to report in a way that would be less inflammatory, they could simply say: The FBI has reports that say blahbadee, blahbadee, blah.

So our single focus was to make sure they could not do that.

And with some regularity Kortan would inform us that this news outlet or that news outlet had asked him: Do you have these? Do you know about them?

And we just had a resolute "no comment" because we did not want to allow the opportunity that we did have these to even allow that to be the news story.

So --

Mr. Meadows. So was Mike Kortan's acknowledgment that this potentially could have been happening with Christopher Steele, was that part of the decision to not reimburse Christopher Steele, as has been reported, or pay him for part of the work as a confidential human source?

Ms. Page. I don't know what you're talking about. I'm sorry. Mike -- so Christopher Steele was never -- he came to us and gave us

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

this information. We didn't, we didn't --

Mr. Meadows. So there was never an indication to reimburse him for his expenses or anything else.

Ms. Page. No, no, we reimbursed him for his --

Mr. Meadows. Pay him for his time?

Ms. Page. -- his travel expenses.

Mr. Meadows. Pay him for his time?

Ms. Page. No, not to my knowledge.

Mr. Meadows. I can see my colleague from Texas getting anxious, so I'm going to yield back.

Ms. Page. I was going to say one other thing. One of the other things you said sort of unverified, salacious. And so that's true, and I can't get into sort of the substance of what we did, but immediately, I mean as soon as we received the reporting from Steele in mid-September, we set about trying to prove or disprove every single factual statement in the dossier.

And so, and we had line level analysts who are super experts on Russia, try to pick apart each statement and either try to prove its veracity or prove its inaccuracy. And to the best of my knowledge, we were never able to disprove any statement in it. So we were never able to say: There's a claim about X, and that is untrue.

There are some statements for which we have never been able to confirm or deny its veracity. But there are no statements contained in the -- at least at the last time that the review is done, which is now many months ago -- that we were able to demonstrate or show were

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

demonstrably false.

Mr. Ratcliffe. Ms. Page, are you talking about the Woods file?

Ms. Page. No. The Woods file is a document that accompanies a FISA, which provides the basis for each statement contained therein.

Mr. Ratcliffe. Right. I've seen it.

Ms. Page. Okay.

Mr. Ratcliffe. But I --

Ms. Page. I'm not talking about the Woods file. I'm talking about a separate effort that was undertaken in order to try to verify for investigative purposes, not for purposes of the FISA, but a separate effort undertaken to try to validate the allegations contained within the Steele reporting.

Mr. Ratcliffe. Okay. So what would that, what was the name -- maybe I missed it. What was the name of that document?

Ms. Page. There's no name.

Mr. Ratcliffe. If I were trying to locate that or ask for it to be produced, what would I be asking for?

Ms. Page. I mean, the efforts to validate the Steele reporting? I don't know. It's not like a document. I mean, it is not a --

Mr. Meadows. I guess what he's saying is we have not seen these documents yet. We've made multiple requests. So I guess how can you help us home in on where those requests may or may not be?

Mr. Ratcliffe. And the reason I mentioned the Woods file is because I have seen the Woods file because I've wanted --

Ms. Page. The Woods file is different.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Mr. Ratcliffe. And I understand that, but I thought maybe you were talking about it without naming it. So, if there's another document out there that attempts to do something similar, it sounds like --

Ms. Page. No, I don't -- it is not that similar. Every single FISA that goes to the FISC has a Woods file.

Mr. Ratcliffe. Right.

Ms. Page. No matter the topic, no matter the subject, no matter the threat.

The Woods file is part of the FISA process which is designed to demonstrate that we have done due diligence with respect to the facts supporting the FISA application. This is a sort of separate effort that investigative team undertook.

Mr. Ratcliffe. Okay. Ms. Page, I have to -- I've had a chance to ask you questions over the last Friday and again today. I know I've asked you some tough questions, but I want to get on the record, have I been discourteous to you at all?

Ms. Page. No, sir.

Mr. Ratcliffe. Have I given you the full opportunity to answer or explain your answers?

Ms. Page. Yes, sir.

Mr. Ratcliffe. And have I generally been fair in my questioning?

Ms. Page. Yes.

Mr. Ratcliffe. Believe it or not, I'm asking that -- believe it or not some folks might misrepresent how we conduct ourselves in here,

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

and I want to get that on the record.

So I thank you for your time.

Mr. Meadows. And I'm -- the gentleman from Boston has a couple of questions for me, and you'll tell by his accent very quickly.

Mr. Brebbia. Hi. I'm Sean Brebbia, Oversight and Government Reform, Majority.

Ms. Page. Sean?

Mr. Brebbia. Brebbia. B-R-E-B-B-I-A.

BY MR. BREBBIA:

Q I show you an email between you and Peter Strzok from October 18, 2016.

A I just want to take a second to start from the beginning and look at it.

Q Sure. Please do.

A Okay.

Q Just beginning very basically, can you tell us a little bit about what's being discussed here? The subject is [REDACTED].

A Am I allowed to -- I'm sorry. One second, please.

Ms. Bessee. May we confer?

Mr. Brebbia. Sure.

[Discussion off the record.]

Ms. Page. So I don't -- I can't -- I believe that I can answer the question. I don't believe I can answer the question in an unclassified setting.

Mr. Brebbia. Okay.

COMMITTEE SENSITIVE

Mr. Somers. But you could answer the question in a classified setting?

Ms. Page. Yes.

Mr. Brebbia. And FBI.

BY MR. BREBBIA:

Q Okay. Couple more. In this email, there's mention of "they" editing a document. Subject of the email is "Re [REDACTED]."

The document that's being discussed, did the [REDACTED] have any involvement with preparing that document?

A There's no way I can answer that. I can't answer that it in this. I'm sorry.

Q How about anyone at the White House? Anyone at the White House have involvement in drafting that document?

A I can say, generally, I am not aware of the White House ever -- in my personal knowledge, I've never been a part of any FISA in which the White House has been involved?

Q And how about knowledge? Is there at the White House -- anyone in the White House have knowledge of that document?

A Not to my knowledge.

Q It probably makes more sense to take this up in classified setting?

A I think so, sir.

Mr. Parmiter. Could I ask just a couple of followup questions to some of the things you talked about with Mr. Ratcliffe?

You referred to a separate effort that was not the Woods file to

validate allegations in the Steele reporting. I'm just kind of curious as to the timeframe.

When did that sort of separate effort begin to corroborate the Steele reporting, and when did it end?

Ms. Page. It began immediately upon receiving the Steele reporting. And I do not know when it ended.

BY MR. BAKER:

Q And what steps were taken to validate or refute any of the points made in the document?

A I can't go into more detail about the specific efforts that were taken, other than that herculean efforts were taken to try to prove and -- or disprove or corroborate in any way the statements contained in the Steele reporting.

Q Okay. Let's take the Steele reporting out of it.

If you were trying to validate points made in information given from another source, would it be fair to say one of the techniques to validate or disprove would be to task other sources?

A

[REDACTED]

Q So would you do everything and anything that's authorized,

COMMITTEE SENSITIVE

but that could include tasking other human sources to --

A Well, yes I guess it could, but think about really what you're saying. If I have a document that says, "On January 25th of 2013, Joe Smith and Sally Jones were at a restaurant," [REDACTED] that's a historical event. [REDACTED]

Q But if you have a source that owned the restaurant. I mean, you could have a source that --

A If you [REDACTED]

And then you would get whatever answer then, certainly.

But more likely, I mean, so maybe you would [REDACTED]

[REDACTED]. I mean, I'm making this up, obviously, but the more expeditious and likely investigative steps would be to look at what is [REDACTED]

Q Okay.

A And that would at least make that statement more likely to be true or less likely to be true, depending on what you find.

Q Okay. Thank you.

BY MR. BREITENBACH:

Q You had indicated on Friday that there was an investigator who had been brought over to the Special Counsel's Office prior to Mr. Strzok being employed, but that that person was not a good fit?

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

A That's correct.

Q Who was that person?

A I think his name was John Brown.

Q And why do you think that the special counsel deemed him -- Mr. John Brown, you said?

A I think that's his name, yeah.

Q Why do you think the special counsel deemed him not to be a good fit?

A You would have to ask the special counsel.

Q So you're not aware of why he might have been removed --

A I'm not going to speculate.

Q -- from the team?

A No.

Q Why did you leave the Special Counsel's Office?

A I talked about this at length on Friday. When Mr. Mueller first asked me to join, I was quite hesitant to do so. It had been an incredibly intense 2 years, and I have very young children at home. And I wanted to be a better parent to them. And so I originally demurred, and Mr. McCabe encouraged me to go and help out. And so as a sort of compromise position, I talked with Mr. Mueller about coming over for 45 days to sort of help them stand up their effort and that we would sort of reassess at the end of those 45 days.

And, ultimately, I knew -- I know what a Bob Mueller operation looks like, and I know the intensity and the rigor and the incredibly hard work that is required. And I was just ready to sort of make a

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

change in my personal life. And so I left after the 45 days and returned to the FBI.

Q Okay. And also in your testimony on Friday, you had that indicated -- you had made some statement indicating that we had access to all of your emails, texts, communications?

A I mean, this is my presumption. There's not a whole lot of secrets out there left on me.

Q Are you aware whether there was any preservation order ever issued with respect to any of your communications?

A Preservation by whom and for what?

Q That's what I'm asking. Maybe from Special Counsel's Office, the FBI, by --

A I mean the FBI, to the best of my knowledge, preserves everything. And I'm certain there have been preservation orders that the FBI has sort of announced, but I'm not even there anymore. So I don't have access to any of the stuff before you in the first place.

Q We understand you communicated through other devices, other accounts, including iMessage and Gmail. Has there been any effort to access any of those communications?

A Well, I don't have any iMessages. We communicated using our personal devices for personal purposes. We very infrequently used those devices for work purposes. And --

Q I'm sorry. I missed that.

A We very infrequently used our personal devices for work purposes.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Q Have you turned over those messages that were work-related?

A There are no work-related messages in my personal accounts.

Q But you indicated you "infrequently," meaning, at some point, you did communicate regarding work-related purposes over personal devices?

A I am sure that I have. I never retained those. And unless they were a record requiring, you know, sending it back through the FBI system, there's no need to retain those.

Q And neither the FBI nor the special counsel has ever attempted or requested your communications over personal devices or personal accounts?

A One moment, please.

[Discussion off the record.]

Ms. Page. So there is -- my understanding is that there is some FOIA litigation, either at the Department or the FBI for which my personal accounts -- I'm sorry -- for which work-related material on my personal accounts have been requested to be preserved, but I do not have any such material to preserve.

BY MR. BREITENBACH:

Q You indicated previously that the importance that you placed on the Russia investigation over the Clinton email investigation in terms of the effect you believed it might have on national security.

Are you aware whether there was ever any similar targeting of the Hillary Clinton campaign by any foreign intelligence service?

A No, not that I'm aware. And just to be clear about your

COMMITTEE SENSITIVE

question, that answer was given with respect to, once we were in October and we had the sort of ongoing Russia investigation and we had the potential additional emails that may have existed on the Weiner laptop.

So I just want to make sure we're talking about -- it's not as though, other than in that one particular month, the two investigations never overlapped such that we had to do a weighing or balancing of the two investigations.

Q Serving as counsel to Mr. McCabe, the number two at the FBI, is that the kind of information that you might learn of with respect to whether another.

A If there had been a serious attempt by a foreign power to -- by a threatening foreign power to work with members of the Clinton campaign, I would have expected to know about it, yes.

Q Okay. Thank you.

BY MR. SOMERS:

Q You mentioned the name John Brown a few minutes ago. Can you just clarify where he is, what his job is?

A I have no idea what his job is right now.

Q No. Was at the time. Sorry.

A So, when the special counsel first stood up and they were looking to staff that effort, they -- the FBI, I think, originally wanted to put somebody other than Pete on it so that Pete could kind of go back to his day job, as I think I described in some depth on Friday.

And so the person that they originally sought to fill the kind of lead FBI role on the special counsel was an individual named John

Brown.

Q National Security Division? Counterintelligence?

A I think a Cyber SAC.

Mr. Somers. I think we're out of time for this round.

[4:07 p.m.]

Ms. Kim. We're back on the record. It is 4:07.

BY MS. KIM.

Q Ms. Page, the email that you discussed with the majority about the [REDACTED] has been used as an exhibit for a news article that came out on July 6th, 2018, from The Hill entitled "Memos Detail FBI's Hurry the F Up to Probe Trump Campaign." Are you familiar with that article?

A I'm sorry, can you step just a little bit further from the mike? It's a little bit -- yeah.

Q Does this help?

A Yeah. Sorry. So say that all over again, please.

Q Yes. The [REDACTED] email that you reviewed with the majority was used in an article from The Hill by opinion contributor John Solomon about how the FBI allegedly kept hurry the F up pressure on the Trump campaign probe. Are you familiar with that article?

A I am familiar with that article, yes.

Q The thesis question from that article, third paragraph of that article I'll read to you is: The question that lingers unanswered is, did those sentiments, meaning anti-Trump sentiments, affect official actions?

A Right.

Q So, insofar as you can tell us in an unclassified setting, did the [REDACTED] process reflect any political biases or other improper motives?

COMMITTEE SENSITIVE

A No. As I -- as I think I discussed earlier -- I probably shouldn't have discussed earlier in that setting. Okay, never mind.

No, there were no -- no political interest or bias which affected the Carter Page FISA.

Q Did it reflect any undue haste on the part of the FBI in an attempt to try to stop Donald Trump from becoming elected President?

A No, not at all.

BY MS. HARIHARAN:

Q Also a part of the article is they cite Peter Strzok's testimony from when he met with us in the transcribed interview where he said, quote, in response to Mr. Gowdy's question of whether he was involved in the preparation of the affidavit in support of that FISA, he said, quote: "I can tell you that I was aware of the FISA application, but I did not participate in its preparation."

And then, when asked again, he wrote -- excuse me, he said: I did not provide information. I did speak with people who were preparing it.

So, referring back to the emails that the majority showed you, was that Peter Strzok acting in his capacity as a supervisor for those responsible for the FISA application?

A That's correct. So speaking more generally, a person in a DAD role does not have any role in the FISA process. It's a very sort of regimented process that goes back and forth from the Department to the FBI. At no time does a DAD need to approve it or read it or write it or provide intelligence toward it.

COMMITTEE SENSITIVE

To the extent Pete was involved, it was because he was -- to the extent Pete was knowledgeable that it was happening, it's because he was in charge of the Crossfire investigation. But he -- that's consistent with my understanding and recollection. He did not have a role in the drafting or the sort of approval of the FISA.

Q So just to be clear, he was not one of the individuals involved in sort of the preparation of the factual --

A That's correct.

Q Okay. And then, to the best of your knowledge, then was his testimony accurate?

A That's correct, yes.

Q Thank you.

Mr. Cohen. Ms. Page, I'm sorry, I've missed your testimony on Friday and this morning, so there might be things that are repetitious. I believe I'm correct that you've said that even if people had political perspectives, and some people were anti-Hillary and some people thought Bernie was beyond the burn, et cetera, that none of those biases affected any of the actions of Mr. Strzok or of you or anybody else within the Mueller special counsel investigation.

Ms. Page. That's correct, sir.

Mr. Cohen. Anything in the FISA applications that you know of that was not dealt with according to procedures and --

Ms. Page. No, sir.

Mr. Cohen. No nefarious activity?

Ms. Page. No, sir.

Mr. Cohen. And wasn't there some information that if you went too far in giving the court -- the court was given information, I believe, about the fact that somebody might have paid for the dossier, but that if they went too far, they might be outing sources or going beyond what is legitimate activity?

Ms. Page. Sir, I'm not sure I can answer that question in this setting.

Mr. Cohen. And I'm not sure if I asked it right.

Ms. Page. No, I understand your question. I'm just not sure -- I'm really not sure what's been classified and -- what remains classified and what's been declassified. So I'm not -- I'm not comfortable answering that in this setting.

Mr. Cohen. And then you were asked about Mr. McCabe's memos and Mr. Comey's and the fact that he made some notes about his conversations with President Trump, and to the best of your knowledge he didn't do this with any other Presidents. Is that correct?

Ms. Page. I think that's been his testimony, yes, sir.

Mr. Cohen. Do you think in your history as an attorney, your knowledge as a human being, that the degree of the -- the reputation a person has for truth and veracity might have something to do with the likelihood of somebody making a memo about their conversation with them?

Ms. Page. I agree with you, sir.

Mr. Cohen. So he wouldn't -- if he had talked to Abraham Lincoln, he wouldn't have had to make a memo, honest Abe.

How long were you involved with the FBI?

Ms. Page. I was -- I worked at the FBI for about 6 years.

Mr. Cohen. And this was -- how many years were you there during Comey's directorship?

Ms. Page. For all of his directorship. So for the 3-1/2 years that Director Comey was there, I was also an employee.

Mr. Cohen. And were you there after he was fired too?

Ms. Page. I was.

Mr. Cohen. Would you say the morale at the FBI went up or down after he left?

Ms. Page. We were devastated by his firing, sir.

Mr. Cohen. He was generally respected by members of the FBI?

Ms. Page. He was respected and well-liked, and people believed in his vision for the FBI.

Mr. Cohen. You were never there during the time Mueller was there, were you?

Ms. Page. I was for about the first year, year and a half of Mr. Mueller's tenure.

Mr. Cohen. Do you know what his reputation is among members of the Bureau for honesty and for diligence and for, you know, hard work and caring about America?

Ms. Page. He -- his reputation for all of those things is strong. He is regarded as very demanding, but also completely honest, you know, with integrity that is really unparalleled.

Mr. Cohen. And a lot of the work that Peter Strzok had done at

the FBI, particularly back in 2010, when he outed I think it was as many as 10 Russian spies, was a lot of his work centered in counterintelligence on Russia?

Ms. Page. His entire career has been in the Counterintelligence Division. So his full 20 years at the FBI has been almost exclusively doing either counterintelligence or espionage cases, right. So counterintelligence is our effort to counter foreign adversaries here collecting against us. Espionage cases involve U.S. persons who have decided to turn --

Mr. Cohen. Join another team.

Ms. Page. -- and work for a foreign power.

Mr. Cohen. Yeah. Maybe go and sit next to Putin and say nice things to him, that kind of stuff.

Would you say that if he had a driving force in his life and something that he was most concerned about that it was protecting America and our country from Russian influence?

Ms. Page. That is -- he is a patriot, first and foremost, and he has devoted his entire life to defending the national security of the United States. And Russia poses probably the most pernicious threat to Western ideals and Western democracy. So, yes.

Mr. Cohen. I don't think I have anything else. Thank you. And I'm not going to offer you -- suggest you should get a Purple Heart even though I'll probably be described as sexist for not doing it.

Mr. Cummings. Thank you very much.

Ms. Page, I thank you for being here. And I know it's not the

most pleasant moment in your life.

During his testimony the other day, Agent Strzok said something to this effect: That while he may have had his own personal opinions about Hillary Clinton and even his own opinions about Donald Trump, that it did not impact his -- the investigation. In other words, when he was deliberating with his colleagues, it did not affect that.

Do you believe that?

Ms. Page. Yes, sir.

Mr. Cummings. And why do you say that?

Ms. Page. Because I was present for all of the investigative steps and for the decisionmaking that occurred on both investigations. And so I know the discussions that went on around them. I know the reasons behind the steps that we took.

Certainly, with respect to the Clinton investigation, there was not a single investigative step at all, under any circumstances, other than the July 5th statement made by the Director, that wasn't done either in conjunction with or at the direction of the Justice Department.

So there is no room for bias, to the extent it even exists in the first place, to have influenced official acts, because every single act was taken in coordination with a half dozen to a dozen or more people.

Mr. Cummings. Can you understand -- and I asked the same question of Mr. Strzok, Agent Strzok. And I practiced law many years. But can you understand why people might think when they read the texts

that it would be almost impossible not to interject that, those thoughts, into the discussion?

Ms. Page. I do understand that, sir. But I do think that we do not give up our right to have a view as to who is most qualified to be President of the United States simply because we work for the FBI or even because we are working on an investigation involving one or the other of them.

And these were our personal views. They were views, particularly before July 28th, which entirely reflected our view of the dignity befitting the White House, of the decorum and the way one holds one's self. I don't see how that is relevant at all to whether Hillary Clinton mishandled classified information 3 years prior.

And after July 28th, we were now concerned about whether there was a foreign adversary trying to work with a Presidential campaign. And so I think that the concern there is both understandable and recognizable.

I guess the other thing I would say, sir, is that -- and I've said this a number of times in response to other questions -- we don't often like the people we investigate. And that is true whether we are investigating a pedophile or a fraudster or a terrorist or a drug dealer. We don't like criminals. We don't like people who we think are criminals.

And that does not ever under any circumstances pervade the activity that an FBI agent or an FBI lawyer or a DOJ prosecutor engage in. We are not driven by political motivations. We are driven by a

search for the truth. This is who we are as FBI employees. It is absolutely what pervades our every decisionmaking.

And if at any opportunity we saw somebody acting in a different way, we would not tolerate it. It's just not the way we operate.

Mr. Cummings. You said something a moment ago in I think it was answering one of Congressman Cohen's questions, and I don't remember the exact words. I tried to jot it down. But you were talking about Russia and the threat of Russia. I forget the words you used. You said Russia was the greatest -- can you elaborate on that, please?

Ms. Page. So it is my personal view that Russia poses probably the most -- the greatest threat certainly to Western ideals of any of our foreign adversaries. And we have vast foreign adversaries. But even the threats that are posed by China or by Iran or North Korea or others doesn't speak to sort of the core of Western democracy, right?

You have -- you have -- in the Russian Federation and in President Putin himself, you have an individual whose aim is to disrupt the Western alliance and whose aim is to make Western democracy more fractious and in order to weaken our ability, America's ability and the West's ability, to spread our democratic ideals. I mean, that's the goal, is to make us less of a moral authority to spread democratic values.

And I happen to think that this is the best country on the planet and that our values are universal values that can and should be spread across the globe. And that is not a view that is shared by Russia.

And so every effort to sow discord, to make us fractious, to harm

the Western and American way of life is a win for the Russian Federation. It is a win for President Putin.

So it is my opinion -- I am certainly not the world expert on it -- but it is my opinion that with respect to Western ideals and who it is and what it is we stand for as Americans, Russia poses the most dangerous threat to that way of life.

Mr. Cummings. Are you aware of any FBI investigations motivated by political bias?

Ms. Page. Never, sir. No.

Mr. Cummings. You never saw signs of that when you were there?

Ms. Page. No.

Mr. Cummings. Are you aware of any Justice Department investigations motivated by political bias?

Ms. Page. Not that I'm aware of, no.

Ms. Page. On February 2nd, 2018, President Trump tweeted, and I quote: "The top leadership and investigators of the FBI and the Justice Department have politicized the sacred investigative process in favor of Democrats against Republicans, something which would have been unthinkable just a short time ago. Rank and file are great people," end of quote.

Do you agree that, quote, "the top leadership and investigators of the FBI and the Justice Department have politicized the sacred investigative process in favor of Democrats and against Republicans," and can you explain why you feel whatever you feel?

Ms. Page. No, sir, that's not been my experience. My experience

is as I've described it, which is that every person to a person, there are 36,500 of us, and we all care about doing things the right way.

That is the reason that we have the authority that we have as the FBI to show up at your door in the middle of the night and to knock on it and to hope that you open. And the reason that we are able to do that is because we have a reputation for honesty and integrity.

And if we cannot continue to do that, if people question our motives and people question why we are showing up at their door in the middle of the night, we are all unquestionably less safe because of it.

Mr. Cummings. Tell me, why did you become an FBI agent?

Ms. Page. So I've been a lawyer, sir, for the last 12 years. I am one of those nerdy kids who at 14 knew I wanted to be a lawyer, knew I wanted to serve -- be a public servant. I went to a public school for law school in order to have less debt and lived at home so that I could not sort of take the route of a private sector job, because I have always wanted to serve my country.

Mr. Cummings. I take it this has been a very painful experience.

Ms. Page. It has, sir.

Mr. Cummings. Do you want me to pause for a minute?

Ms. Page. I'm fine.

Mr. Cummings. Throughout your career at the FBI and DOJ, are you aware of any instances of the FBI and the Justice Department conducting investigations in favor of any party and against another?

Ms. Page. No, sir.

Mr. Cummings. On May 22nd, 2018, Republican Members of Congress introduced House Resolution 907. In that, they were requesting that the Attorney General appoint a second special counsel to investigate misconduct at DOJ and the FBI.

At the bottom of the first page, the resolution asserts the following: "Whereas, there is an urgent need for the appointment 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," end of quote.

Ms. Page, do you think that there was inherent bias at the highest levels of DOJ and FBI regarding FISA abuse?

Ms. Page. No, sir, there has not been.

Mr. Cummings. 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?

Ms. Page. No, sir.

Mr. Cummings. 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?

Ms. Page. Sir, no. The actions that we took in that investigation, at least in the time that I've been present for it, are exactly what you want the FBI to do when confronted with the risk that

a member of a Presidential campaign may be working in coordination with the Russians.

There is no -- at the outset of an investigation, we cannot tell you definitively what is happening.

But the notion that we should not have opened the investigation, that we should not have looked into whether or not this is a truthful or accurate allegation is just mind-boggling to me. It is precisely what you want your FBI to do, investigate counterintelligence threats to this Nation.

It doesn't mean that anybody has done anything wrong, not at the outset. It means that we need to look. And that's what we did.

Mr. Cummings. 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?

Ms. Page. No, sir.

Mr. Cummings. Are you aware of any actions ever taken to personally target Donald Trump at the highest levels of the Department of Justice or the FBI?

Ms. Page. No.

Mr. Cummings. Is there any evidence that any FBI or Department of Justice official took any actions biased in favor of Clinton or biased against Trump?

Ms. Page. No, sir.

Mr. Cummings. Not James Comey?

Ms. Page. No.

COMMITTEE SENSITIVE

Mr. Cummings. Andrew McCabe?

Ms. Page. No.

Mr. Cummings. Peter Strzok?

Ms. Page. No.

Mr. Cummings. Loretta Lynch?

Ms. Page. Not that I'm aware of.

Mr. Cummings. Sally Yates?

Ms. Page. Again, same answer.

Mr. Cummings. I'm sorry?

Ms. Page. Same answer.

Mr. Cummings. Rod Rosenstein?

Ms. Page. No.

Mr. Cummings. And Robert Mueller?

Ms. Page. No, sir.

Mr. Cummings. Is there any evidence that President Obama ordered any investigative activity that was biased in favor of Clinton or biased against Trump?

Ms. Page. No, sir.

Mr. Cummings. Is there any evidence that President Obama ordered a wiretap of Donald Trump or the Trump campaign?

Ms. Page. There is no evidence of that at all, sir.

Mr. Cummings. None?

Ms. Page. None.

Mr. Cummings. I take it there was some time spent trying to figure out whether there was truth to that.

COMMITTEE SENSITIVE

Ms. Page. At the Department, certainly, yes, sir.

Mr. Cummings. On December 3rd, 2017, the President tweeted, quote: "After years of Comey with the phony and dishonest Clinton investigation and more running the FBI, its reputation is in tatters, worst in history, but fear not, we will bring it back to greatness," end of quote.

Let me ask you something. I want to go back to something that Congressman Cohen asked you. He asked you about a certain period where -- and he was asking you about the morale. And you said -- and I'm not -- I don't remember the exact words. But can you describe, you know, when you -- I'm sure you all saw these tweets. And when you get things like that, read stuff like that, how do you think it affected the morale?

Ms. Page. I will just say, sir, that that is not consistent with my feeling about Director Comey or anybody that I know or that I've spoken to about how we held Director Comey. He was widely liked. He was respected. I don't know whether he would want to work with me ever again, but I would work for him anywhere he went any time in my life. He is a man of extraordinary intelligence and integrity, and it was a total pleasure to learn from him.

Mr. Cummings. Do you agree with the President's statement that the FBI's reputation is in tatters and is the worst -- is the worst in history?

Ms. Page. Well, it is now.

Mr. Cummings. And why do you say that?

Ms. Page. Because we continue to be a political punching bag. Because some private texts about our personal opinions continue to be used to -- as a broad brush to describe the entire activity of 36,500 individuals. Because we have been caught up in a place that we never could have possibly imagined, because all of us did the job that was asked of us.

Mr. Cummings. Is that painful?

Ms. Page. It's horrendous, sir.

Mr. Cummings. Does it make your job harder to do?

Ms. Page. Yes, it does.

Mr. Cummings. How so?

Ms. Page. Well, it's the very point that I was making. If we cannot be trusted to call on you, if we cannot be trusted to protect confidential human sources, then we need to get out of the law enforcement business. Because if we cannot be trusted to keep secrets, if we cannot be trusted to -- to believe that what we do we do for the right reasons, then we have a very big problem in this country.

Mr. Cummings. Do you agree with the President's characterization that the Clinton investigation was, quote, "phony and dishonest"?

Ms. Page. I would welcome the President to point out what we should have done differently in that investigation, what the evidence would have shown, how we would have prosecuted beyond a reasonable doubt, given the evidence before us. I would welcome a conversation with President Trump about that.

I am really tired of hearing all of the things that we should have done with nobody actually demonstrating to me why that would have resulted in a different conclusion with respect to the prosecution of Mrs. Clinton.

Mr. Cummings. In your opinion, what kind of impact do statements like this have on the morale --

Ms. Page. They're demoralizing.

Mr. Cummings. -- of the rank and file?

Ms. Page. They're demoralizing, sir.

Mr. Cummings. And what is the impact of statements like these on the public's confidence in the FBI and how does that impact our national security?

Ms. Page. I'm not sure I can expand on that further than I already have, sir.

Mr. Cummings. Let me say this. I don't have anything else, but again, I think I just want to defend the truth. And -- were you about to say something?

Ms. Page. I was going to say, so do I, sir.

Mr. Cummings. And I believe that. I believe that. And I think what I've been trying to get to is the bottom line.

You know, when I listen to some of the questioning, I try to figure out where are we going with all of this. And it seems to me when you told me and this body, this group of people, about your feelings with regard to Russia, it makes it even more urgent that we get to the bottom line or we won't have a democracy.

And I want to thank you for your service. Going through difficult times is difficult, but in the end I think if you survive it you come out a stronger person.

Ms. Page. Let's hope so.

Mr. Cummings. And I want to -- I do thank you for your service and thank you for your testimony.

Ms. Page. Thank you.

Mr. Cummings. All right.

[Recess.]

Mr. Parmiter. Let's go back on the record. It's 4:43 p.m.

BY MR. PARMITER:

Q Ms. Page, I appreciate you bearing with us. It's been a long day. We just have a couple more questions to ask.

A No problem.

Q Are you aware whether during the investigation, the MYE investigation, there was any evidence that Secretary Clinton or someone on her behalf had transmitted classified material other than by email?

A How do you mean?

Q For example --

A Like a text or something or --

Q -- by fax.

A Oh.

Q Or, you know, either Ms. Clinton herself or someone on her behalf.

A I don't know. I'm sorry.

COMMITTEE SENSITIVE

Q So you wouldn't know whether or not she directed someone to do so?

A None of this is ringing a bell. I'm not saying that someone wouldn't have that information. I just -- none of this sounds familiar to me.

Q Okay. Are you generally familiar with something called the President's Daily Brief?

A I am.

Q And is that document generally classified?

A It is.

Q At what level is it classified?

A It depends on the reporting contained therein, but it is certainly a highly restricted document that, broadly speaking, is classified at the TS level.

Q And would be inappropriate to transmit via fax or unclassified email or to anybody who is not otherwise authorized to view it, correct?

A It could -- it could go over secure fax. It would depend on what system you were talking about. But in general, yes.

Q Okay. Let me ask you a couple of followup questions also about meetings that were held at the Bureau regarding the Midyear Exam after the case had wrapped.

Did you attend any meetings at the FBI in 2018 regarding the Midyear Exam investigation?

A In all of 2018? Oh, yeah, all the time. Yes. Oh, 2018?

COMMITTEE SENSITIVE

Oh, I'm sorry. I'm sorry. No, I don't think so. No.

Q When did you leave the Bureau? Do you recall the date?

A May 4th of this year.

Q So I'm not going to -- I'm just going to show you an email that has been produced by the Bureau.

A Oh, oh, oh, oh. I'm sorry. Yes. So this I can explain. Sorry. Oh, no, what is this? So -- sorry.

When you talked about meetings at -- at FBI, I'm thinking about meetings with the Director about the investigation. I sort of managed or sort of ran point, coordinated, I don't know what the right word is, an effort to try to stay on top, however unsuccessfully, of all of the various -- oh, wait. I am gone at this point. Sorry. That's weird.

Q Right. So this email, just for the record, is a May 17th, 2018, email to a number of folks at the Bureau, including, well, you, even though you had left by this time, correct?

A Right. So my guess is that somebody just cancelled the -- let me take a step back.

For some period of time, although I was not involved in this after probably May of 2017, for some period of time starting in maybe the winter of 2016 through probably May of 2017, I tried to assist with the coordination within the Office of Congressional Affairs to sort of stay on top of the myriad requests coming from all the different committees for documents and for letters and sort of the congressional response and all of that.

And so I wasn't in charge of any of it. I just tried to convene a meeting weekly so as to try to not let disparate -- the disparate people who were responsible for, well, this person's responsible for this portfolio and this one has HPSCI and this one has HOCR and this one, right, so that we were all talking with one voice, we all knew what requests had come in, the responses were consistent, right, we were producing the right stuff to the right committees.

So for a period of time, like I said, probably from Decemberish 2016 through May 2017, I sort of led that effort. That's what this is a -- I think there was a sort of standing Midyear meeting that was once a week.

I don't know whether this is -- whether this reflects that, to be honest with you. I just don't know. It seems like it. It's the right personnel who would have been involved in that.

But by the date of this email, which is May 17th, 2018, I was not an FBI employee.

Q Okay. Well, would you say that this is canceling a meeting series?

A That's what it might be, yeah. So --

Q And to your knowledge --

A And maybe it happened automatically. Like when they disabled my account, right, after leaving, it's possible that -- yeah, but this would have -- exactly.

So the message contained here could have been whatever the last time I sent a cancellation. You know, sometimes Outlook saves that

last message, because obviously there's no way for me to have typed this when I'm no longer an employee.

Q Correct. So -- but, as far as you recall, had any meetings of this MYE followup team taken place in 2018?

A No, not to my knowledge. The effort has now been -- after I left for special counsel, I never picked it back up. And so, to the best of my knowledge, it was people in OCA who have been responsible for convening meetings for congressional response, to the extent ones are happening. I just don't know. I don't have knowledge of it anymore.

Q Okay. And that would have been when you left for special counsel in May of 2017?

A Correct. Correct. I never took -- my point is when I came back from special counsel, I never took it back up.

Mr. Somers. Since we're at the close of the interview, just to completely switch subjects possibly.

Mr. Meadows. Before you close out, Lisa, you have mentioned that you worked for Andy McCabe. You were probably the closest individual, professionally speaking, that he interacted with. Is that correct?

Ms. Page. Certainly -- maybe one or two people might be equally close. But yes, I would say we were quite close professionally.

Mr. Meadows. So one of the things that I guess that I'm trying to put my arms around is, you know, as you hear different things communicated by different people, and we've had the opportunity to interview Mr. McCabe previously, but it appears that he, you know, lied

to the FBI, lied to the IG, was caught in that, admitted it, and then kind of walked it back as it related to, you know, just some of the story of sharing with The Wall Street Journal, some of the conversation with Matt Axelrod.

How do you -- I mean, would you characterize that as something that you saw typically over your professional career?

Ms. Page. I am constrained in what I can answer in light of other ongoing investigations, but I can say that I have never seen Andy lie, ever, under any circumstances. I have never seen Andy do anything other than make the right decision and often the hard decision, even when it has been personally unpopular or professionally unpopular.

I have consistently seen him make hard decisions because they were the right thing to do. I have consistently seen him be the fly in the ointment in the NSC under President Obama or in this administration because it was the right thing to do.

The findings of the inspector general are entirely inconsistent with the man I know and have worked very closely with for the last 4 years of my career. And I cannot -- I simply don't agree with those conclusions, sir.

Mr. Meadows. So -- and I thought that that's where you would go. And I guess my question is as it relates to some of the factual things that have now at least come out and been reported.

So do you see this as more of and at odds with Director Comey and Andy McCabe? I mean, where is the conflict? Because, I mean, both of them can't be telling the truth. And obviously memos that you were

talking about earlier tangentially may or may not relate.

Ms. Page. So I really -- I really can't answer substantively, because it's the subject of other ongoing activity.

Mr. Meadows. So would it be fair to characterize that you believe someone else is not telling the truth?

Ms. Page. No. I actually -- I am -- you'll be surprised to know that I develop strong feelings about things. And I am actually quite confident, although I've spoken to neither Mr. McCabe nor Mr. Comey about this, I have a strong feeling that I understand where the disconnect happened with respect to what Director Comey thought they were talking about and with respect to what Mr. McCabe was talking about.

Mr. Meadows. So you think it may be just a big misunderstanding?

Ms. Page. I do, sir. I do.

Mr. Meadows. It's a pretty big one and you might -- and so I guess where does -- you know, I mentioned earlier Mike Kortan. Where does he come into all this? Because all of a sudden --

Ms. Page. Yeah.

Mr. Meadows. And what is troubling with me is knowing that there are a number of unauthorized disclosures that happened --

Ms. Page. I disagree.

Mr. Meadows. Hold on. That happened in Congress and happens at times in other agencies.

Knowing that, as we've been involved in this, that the FBI or specifically DOJ has done a very good job of putting a narrative out

COMMITTEE SENSITIVE

there that sometimes is not based on truth, I guess the question I have is, what role did Mike Kortan, Director Comey, Andy McCabe play in the matter that we have where we have to question a high-ranking FBI official that has now retired?

Ms. Page. Yes. I really want to answer that question, because it is as good one. Give me a moment, please.

[Discussion off the record.]

Ms. Page. Mr. Meadows, I agree with you that it is curious that there is no reference in the IG report at all to Mr. Kortan, particularly in light of what I reported, which is that both interactions with the reporter were done with Mr. Kortan, in coordination with Mr. Kortan and with Mr. Kortan at my side. So I cannot explain why there is no -- there is no reference to Mr. Kortan in any testimony, if he did give any, in the IG report.

Mr. Meadows. So would it be prudent for this committee to have Mr. Kortan come and testify to perhaps add some clarity in terms of what he said, didn't say?

Ms. Page. I think that the U.S. Attorney's Office is probably adequately equipped to answer that question sufficiently, sir.

Mr. Meadows. All right.

Ms. Page. Particularly, honestly, it's so tangential to --

Mr. Meadows. The core issue.

Ms. Page. Right.

Mr. Meadows. Okay. So there seemed to be great consternation -- and that's me characterizing -- the decision to

COMMITTEE SENSITIVE

recuse himself, Mr. McCabe's decision to recuse himself in the final days of, I guess, when we reopened the MYE. It was apparent that he did not necessarily agree with that decision to recuse. Would you agree with that?

Ms. Page. I would agree with that, and I agreed with him. I did not think there was a basis to recuse.

Mr. Meadows. So was it that he was encouraged to recuse because of the appearance? Or why do you think he was encouraged to recuse himself? I mean, I've read a lot of back-and-forth as it relates to that, and it's still an unanswered question for me.

Ms. Page. I know the IG report has an entire chapter on this. I haven't read it. That was ultimately what Director Comey asked him to do, and so --

Mr. Meadows. But I guess did Director Comey ever tell him or you why he asked him to recuse himself?

Ms. Page. I have never spoken to Director Comey about it. He did -- Director Comey did speak to Mr. McCabe about it, obviously, because he instructed him ultimately to -- or asked that he ultimately -- Director Comey asked that Andy ultimately recuse. And I believe it's based on a sort of appearance, but I just -- I simply think that was misguided and ill-timed.

Mr. Meadows. So the reason why I ask is because you have -- now you have an Andy McCabe that recused himself, you have an Andy McCabe that's been accused of lying several times to different people within the Department. And what you're saying, that those are two unrelated

events?

Ms. Page. Oh, wholly, yes.

Mr. Meadows. And so one is perception; the other is perhaps more a direct action of Mr. McCabe?

Ms. Page. I guess so, yeah.

Mr. Meadows. All right. Yield back.

And for the record, I want to thank you for being cooperative. I want to thank you for doing the very best to answer as many questions as possible. And I think I speak on behalf of the entire committee, that your willingness to share transparently has served you well and has certainly served this country well.

Ms. Page. Thank you, sir.

BY MR. BAKER:

Q Did you say Mr. Kortan was present at your side when you were having discussions with The Wall Street Journal?

A Correct.

Q And Mr. Kortan's position at the FBI was what?

A He was the head of our Public Affairs.

Q He's an assistant director of the Public Affairs Office?

A Correct.

Q So did you, by the fact he was present, believe that this was an authorized and approved --

A It was an authorized. This is why -- we didn't get to it, but it was 100 percent an authorized disclosure. I mean, the whole premise behind the IG report in the first place I take issue with,

because I was authorized by Deputy Director McCabe and by Mike Kortan to engage with the reporter on this topic.

And so, you know, the IG has come up with a different conclusion with respect to McCabe's inherent authority to authorize it in the first place, but I simply disagree with that.

Q So you believed it was authorized?

A Yes. It was authorized, as far as I'm concerned.

Q You indicated in a previous round when there was a discussion about McCabe memos that Deputy Director McCabe had made some memos of his own. I had asked whether he had ever made any memos regarding his conversations or interactions with Director Comey, and you said, well, he took notes.

I was referring to any kind of documentation he made for proof or clarity later on as to what he was told, not just taskings.

A Got it. No, I am not aware of him ever having taken a memo as you have just described it with respect to his engagement with Director Comey. I just wanted to clarify that like every single day he likely was taking notes with respect to his interactions with Director Comey in the course of his official duties.

Q And did you have conversations with Mr. McCabe that made you believe that he thought Director Comey instructed him or wanted him to have these conversations with The Wall Street Journal, even though there weren't memos to that effect or notes to that effect?

A I'm sorry, ask me that question one more time.

Q Did you ever have a conversation with Mr. McCabe about the

whole Wall Street Journal issue regarding whether the Director knew about it?

A Oh, no, we did not have any conversations about that. But the Director need not have known about it. The deputy had his own inherent authority to engage with the media.

So it's not something -- my point is, it's not something he necessarily would have needed to seek the Director's authority or approval for.

Q Okay. Is Mr. Kortan still employed with the FBI?

A No, he's not.

Q And do you know why he left?

A Because he was long eligible to retire.

Q So he just retired?

A Yes.

Q Okay. One final question on an unrelated topic.

You had indicated your role as an assistant to Mr. McCabe was to go to different meetings and sort of bridge back what had happened in these meetings or something like that.

A Yeah.

Q Are you aware of any meetings or did you hear discussion about the sophistication level of Secretary Clinton as it related to handling of classified information or emails and communications in general, that she either was or was not sophisticated, and that would have been part of the discussion regarding charging?

A I -- I'm not sure if I can tie it to your last statement.

COMMITTEE SENSITIVE

It's possible. But I was a part of -- I was a part of the sort of general briefings that the Director or the Deputy Director had as we gathered more evidence in the Clinton investigation.

And I don't remember whether it came out of Secretary Clinton's interview or interviews with some of her senior staff or both.

But yes, we did come to learn that Secretary Clinton was not particularly sophisticated when it came to technology and the use of computers. I mean, she was not a sophisticated cyber user.

Q Was there ever any evidence or any dissent in opposition to that view?

A Oh, not to my knowledge, no.

Q You had mentioned earlier that Mr. Priestap --

Mr. Somers. Can I ask one question?

Mr. Baker. Sure.

BY MR. SOMERS:

Q What about her sophistication in terms of knowledge of classification and what classified documents looked like?

A She had that knowledge. Yeah. I don't --

Q Well, because in her -- the 302 of her interview, for instance, she says that she did not -- wasn't aware of what the C in parentheses at the beginning of a paragraph meant.

A Yeah. I mean, that's not -- that doesn't shock me. I mean, without the -- without the rest of the sort of header and footer and cover page.

Should she have? Yeah, probably. But like on a single line

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

randomly in the middle of an email, I don't find that terribly offensive to my sensibilities, but --

Q I'm just bringing that out as an example of whether -- what you saw as her level of understanding of markings on documents and things.

A No, I think she -- I have no personal knowledge of this, but given her history in government and her position, I would expect her to have had, you know, some sophistication with respect to classification.

Mr. Parmiter. On what did you base the conclusion that she was not particularly technologically sophisticated?

Ms. Page. I think both based on her statements about her understanding on how a server works and my understanding -- and I never read her 302, but my understanding is -- at least I don't think I did -- is based on what was briefed to the deputy and the Director, was like as technical questions were asked of her, she lacked the ability to answer them, as well as other people who were interviewed sort of had consistent statements with respect to her technical sophistication.

BY MR. BAKER:

Q Are defensive briefings just for Members of Congress, or would Cabinet secretaries also get them if they were potentially targeted?

A Oh, certainly. I mean, any -- a defensive briefing would go to any person in a position to have sensitive national secrets and/or

COMMITTEE SENSITIVE

interactions or exposure with people from foreign countries.

Q Do you know if Secretary Clinton had any in her role as Secretary of State?

A Defensive briefings?

Q Yes.

A I have no idea, sir.

Q Is it likely that she could have?

A Entirely plausible, sir. But it would -- again, like there's a difference between a general CI brief, which is you're traveling to this country, beware of these things, versus, you know, we understand that Joe Smith has reached out to you to schedule a meeting, you should be aware that intelligence suggests that Joe Smith is blah, blah, blah.

Q So --

A That's -- the latter is a defensive briefing.

Q Sure. In addition to the specifics of who might be trying to do something to you as the Congressperson or the Cabinet member, is there a boilerplate that would almost go with any defensive briefing as to the how a hostile actor might try to exploit your position, exploit a meeting?

A I would expect so, but I don't have personal knowledge of it.

Q Would you guess if there was that part of that would be that email communications and communications in general and weaknesses in networks would be an area for exploitation?

A I'm not really sure. You know, that might go to a broader CI briefing, a broader counterintelligence briefing, a warning about spear phishing, a warning about, you know, how cyber networks might be compromised.

But in a defensive briefing, to the best of my knowledge, in a defensive briefing it is usually much more specific and pointed information that we have.

So general CI brief, sure, you might talk about how different foreign actors use different tools or vectors to do their work. But if you were conducting a defensive briefing, in my view, it's more likely that it would be specific and sort of narrowly described to the specific threat or risk that you're briefing on.

Q So you don't know if someone who received a lot of defensive briefings would have their sophistication or weaknesses in email and servers enhanced by being told such a thing in defensive briefings?

A No, I don't know. I don't know.

Q Finally, you'd mentioned earlier that Mr. Priestap was -- AD Priestap was kind of a worrier. What was his relationship with Mr. Strzok? I know he would be Mr. Strzok's boss at the time that he's the AD.

A Yes. They were very close.

Q Very close.

A They -- professionally. I mean, they both had a lot of respect for each other. Both have had long careers in the Counterintelligence Division. And so both respect each other's

instincts and knowledge and experience working CI targets. So they had a very strong professional relationship.

Q So no work tensions or --

A No, sir.

Q -- issues about decisions made?

A No, no. No, sir.

Q Okay, thank you.

Mr. Somers. I'd like to ask you about an email chain. There's only one email on the chain in particular, but you can take a look at that document. I'm mostly interested in the email from Peter Strzok to you at 7:10 p.m.

Ms. Page. One second.

Mr. Somers. That email says: We need all of their names to scrub and we should give them ours for the same purpose.

My first question is, who is "their" and "them," to your knowledge?

Ms. Jeffress. It's a long article. Do you know which part of the article this relates to?

Mr. Somers. I don't know which part of the article in particular it relates to. I'm just looking at the email from Strzok to Ms. Page, and it looks like --

Ms. Page. I don't --

Mr. Somers. -- she understood at the time, at least, what that was.

Ms. Page. I'm not sure. I'm sorry.

Mr. Somers. Okay. What about "scrub"?

[5:13 p.m.]

Ms. Page. I don't know what we're referring to, but that's usually a "let's see if we have any information in our holdings relating to these individuals." But I don't know which individuals we're talking about here.

BY MR. SOMERS:

Q Well, I took "their" and "them" -- one question on this -- "their" and "them" to mean another agency and not -- I took it to be a list of their names. Could that -- not the people in the article, not names of people in the article. I took it to be an agency or a subagency.

A Oh, I don't -- I would have taken it to mean something in the article, but I don't -- I don't remember this particular email as I sit here today.

Q If you look up to the second email from the top: That's what Bill said. I suggested we need to exchange our entire list.

A I'm not positive, sir. I'm sorry.

Q Okay. All right.

Mr. Somers. I think that's all we have for this. All right. So I think that will conclude our interview. And I want to thank you again for appearing both on Friday and again today. And that'll close the interview.

Ms. Page. Thank you.

[Whereupon, at 5:14 p.m., the interview was concluded.]

Certificate of Deponent/Interviewee

I have read the foregoing _____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date