STAFF INTERVIEW OF JONATHAN MOFFA

September 9, 2020

United States Senate
Judiciary Committee
Washington, D.C.

The interview commenced at 9:39 a.m. in Room SVC-212-10, Senate Visitors Center.

Present: Arthur Radford Baker, Alex T. Haskell, Lee Holmes, Heather Sawyer, Zachary N. Somers, and Sara Zdeb, Committee Professional Staff; Christopher R. Landrigan, on behalf of the witness; [redacted] and [redacted], U.S. Department of Justice; and [redacted], [redacted], [redacted], and [redacted], Federal Bureau of Investigation.
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PROCEEDINGS

Mr. Somers. This is the transcribed interview of Jonathan Moffa. Chairman Graham requested this interview as part of an investigation by the Senate Judiciary Committee into matters related to the Justice Department’s and the Federal Bureau of Investigation’s handling of the Crossfire Hurricane investigation, including the applications for and the renewals of the Foreign Intelligence Surveillance Act warrant on Carter Page.

Would the witness please state his name and current position at the FBI for the record?

Mr. Moffa. My name is Jonathan Moffa. I’m a Deputy Assistant Director at the FBI.

Mr. Somers. On behalf of Chairman Graham, I want to thank you for appearing today and we appreciate your willingness to appear voluntarily.

My name’s Zachary Somers. I’m the Chief Investigative Counsel for the majority staff on the Senate Judiciary Committee. I’d now like to ask everyone else other than your personal attorney, who I’ll get to in a few moments, to introduce themselves for the record.

Mr. Ventura. Christopher Ventura, Senate Judiciary, Majority.

Mr. Baker. Arthur Baker, Senate Judiciary Majority, Senior Investigative Counsel, Chairman Lindsey Graham.
Mr. Haskell. Alex Haskell, Counsel for Ranking Member Feinstein on the Judiciary Committee.

Ms. Zdeb. Sarah Zdeb, Senior Counsel for Ranking Member Feinstein on the Judiciary Committee.

Mr. Somers. The Federal Rules of Civil Procedure do not apply in this setting, but there are some guidelines that we follow that I’d like to 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 will go back and forth in this manner until there are no more questions and the interview is over.

Typically, we take a short break at the end of each
hour of questioning, but please let us know if you need a break apart from that.

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

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

Mr. Moffa. I do.

Mr. Somers. So that the reporter can take down a clear record, it is important that we don’t talk over one another or interrupt each other if we can help it.

The committee encourages witnesses who appear for transcribed interviews to freely consult with counsel if they so choose, and you are appearing today with counsel. Could counsel please state his name for the record?

Mr. Landrigan. Yes. Christopher Landrigan.

Mr. Somers. We want you to answer our questions in the most complete and truthful manner possible, so we will take our time. If you have any questions or if you do not understand one of our questions, please let us know. If you honestly don’t know the answer to a question or do not
remember it, it is best not to guess. Please give us your best recollection. 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 answer to the question.

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?

Mr. Moffa. I do.

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

Mr. Moffa. I do.

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

Mr. Moffa. I do.

Mr. Somers. Is there any reason you’re unable to provide truthful answers to today’s questions?

Mr. Moffa. No.

Mr. Somers. Finally, we ask that you not speak about what we discuss in this interview with anyone outside of who
is here in the room today, in order to preserve the integrity of our investigation.

That is the end of my preamble. Do you have any questions before we begin?

Mr. Moffa. No.

Mr. Somers. It’s now 9:45 and we’ll begin our first round of questioning.

Mr. Moffa, have you had a chance to read or review the IGG’s December 20, ‘19, report on the Crossfire Hurricane investigation and the Carter Page FISA applications?

Mr. Moffa. I haven’t read it since December 20, ’19, but when it came out I read it.

Mr. Somers. For the record, do you know if you’re the person identified as either the section chief of CD’s Counterintelligence and Analysis Section 1 and-or the intel section chief in the IGG’s FISA report?

Mr. Moffa. If you say that’s the exact language used, then yes. I don’t remember the exact language.

Mr. Somers. Other than your personal attorney and the attorneys here for FBI and DOJ, did you speak with anybody in preparation for today’s interview?

Mr. Moffa. No.

Mr. Somers. The FBI’s Crossfire Hurricane investigation officially began on July 31, 2016, with the opening EC. What was your position at the FBI on July 31
of 2016?

Mr. Moffa. I was section chief of the Counterintelligence Analysis Section 1.

Mr. Somers. During the time you were assigned to Crossfire Hurricane, did that position change or was it constant throughout?

Mr. Moffa. During the time I was assigned to Crossfire Hurricane that position was constant.

Mr. Somers. What’s your current position at the FBI?

Mr. Moffa. Currently I’m the Deputy Assistant Director of our Office of the Chief Information Officer.

Mr. Somers. When did you assume that role?

Mr. Moffa. I assumed that role -- I don't know the exact month, in 2018.

Mr. Somers. So you were Intel Section Chief up until you took that role, or was there another?

Mr. Moffa. No, there was a job in between that.

Mr. Somers. What was that?

Mr. Moffa. The Deputy Assistant Director over our Digital Transformation Office, in between.

Mr. Somers. And about what time period did you hold that position?

Mr. Moffa. Again, don’t know the exact month, but it was the spring of 2017 until roughly the summer of 2018, when I assumed my current position.
Mr. Baker. So up until 2017 when you transitioned to that Digital --

Mr. Moffa. Transformation Office.

Mr. Baker. -- your entire career up to that point had been doing what?

Mr. Moffa. It was as a counterintelligence analyst or manage of analysts.

Mr. Baker. So it had been counterintelligence work. And if I recall correctly, is it correct that your entire work history was predominantly at the FBI?

Mr. Moffa. Correct, absolutely.

Mr. Baker. You came to the Bureau initially how?

Mr. Moffa. I began in 1997 under a scholarship program as a student trainee. So I essentially went straight from high school into the FBI.

Mr. Baker. So the bulk of your work with the Bureau has been in the counterintelligence world --

Mr. Moffa. That’s right.

Mr. Baker. -- and the predominant part of that has been in some sort of analysis?

Mr. Moffa. Yes, absolutely. My entire career was as an intelligence analyst and my subject matter expertise is in counterintelligence throughout that whole period.

Mr. Baker. How or why the transition to Chief Information Officer?
Mr. Moffa. The transition was to the Digital Transformation Office. I became aware of a promotional opportunity. I applied for and interviewed for it and was selected.

Mr. Baker. So it was for promotion, career development purposes?

Mr. Moffa. That’s correct.

Mr. Baker. Thank you.

Mr. Somers. I understand from reading the IGG’s report you were pretty much on Crossfire Hurricane from its inception and then -- so I assume when you took the job at the Digital Transformation Office, that’s when your involvement in Crossfire Hurricane ended; is that correct?

Mr. Moffa. That’s correct.

Mr. Somers. Did you have any involvement in Crossfire Hurricane after that transition?

Mr. Moffa. No.

Mr. Somers. Did you have any involvement with Special Counsel Mueller’s team?

Mr. Moffa. I didn’t, other than an initial briefing to the team, because Mueller’s team was starting right as I was transitioning off. I was never on the team or otherwise a part of their team.

Mr. Somers. So there wasn’t much of a gap, if any, between when you rotated off Crossfire Hurricane and when
Special Counsel Mueller basically took over the investigation?

Mr. Moffa. Again, I couldn’t speculate as to the exact dates, but I conducted an initial briefing for the Mueller team and that was one of the final involvements I had in anything to do with Crossfire Hurricane. So whatever that timing is, that’s when that occurred.

Mr. Somers. Do you know why you were assigned to the Crossfire Hurricane?

Mr. Moffa. Yes. It falls directly within the responsibilities of the position that I was in, the Section Chief of the Counterintelligence Analysis Section. That executive analyst leader would lead a team that would work an investigation like that from an analytic perspective.

Mr. Somers. What were those responsibilities?

Mr. Moffa. Of that position?

Mr. Somers. Yes.

Mr. Moffa. Essentially --

Mr. Somers. As they relate to why you would have been on Crossfire Hurricane?

Mr. Moffa. That section chief position is responsible for a series of analytical units that cover a variety of country threats from a counterintelligence perspective, to include Russia.

Mr. Baker. You said something to the effect that you
were supervising or working from, I think, an analysis perspective. What other perspective would other team members be working from?

Mr. Moffa. The other half of the Crossfire Hurricane team was working from an operational and investigative perspective, so making operational and investigative decisions and conducting those operations, versus the analytic team supporting those operations.

Mr. Baker. In rank, I think you were a section chief. Is your counterpart doing these operations and investigation things, are they took a section chief?

Mr. Moffa. Up the chain of command, yes, there was an operational section chief who was assigned as well as a counterpart, and then there were lower-ranking managers on both of our teams who were on a more day-to-day working level basis on the team.

Mr. Baker. So the intelligence operational section chiefs or managers would have, I’m guessing, special agents or supervisory special agents beneath them, and then you from the analytical side would have analysts or supervisory analysts or both below you?

Mr. Moffa. In a general sense, that’s right. I wouldn’t call it intelligence operations. The operational side had agent managers of those operational investigative personnel. And I had a supervisory intelligence analyst
underneath me as part of the analytic half of this.

Mr. Baker. As far as rank and, for lack of a better word, power, you’re equals, the section chief over the operations and you as section chief over analysts? You’re equals in contributing to the mission, the goal, whatever that is or was, and you’re equal in the eyes of whoever’s above you?

Mr. Moffa. Correct. In terms of rank we’re the same. Our responsibilities are different.

Mr. Baker. Okay, but you’re coming together for a common goal?

Mr. Moffa. Correct.

Mr. Baker. You’re providing expertise and information from one part and the agents are doing another part, and it’s being funneled to the people that look at that and make other decisions?

Mr. Moffa. We had very distinct functions, but those functions worked together to facilitate the investigation.

Mr. Baker. And you’re both reporting to whom?

Mr. Moffa. For purposes of Crossfire Hurricane I was reporting directly to AD Bill Priestap.

Mr. Baker. Thank you.

Mr. Somers. Who would you usually report to?

Mr. Moffa. A Deputy Assistant Director over the Intelligence Branch within Counterintelligence Division.
Mr. Somers. Then you said -- I just want to make sure I have this correctly or at least a correct understanding of it -- that it’s because this investigation involved Russia and Russia was in your section’s analytical responsibility, that’s why essentially you were assigned to Crossfire Hurricane?

Mr. Moffa. Correct. My section on a normal day-to-day basis had [redacted] fully dedicated to [redacted], [redacted], and I was the executive manager of them before Crossfire Hurricane and after.

Mr. Baker. So you would be in that particular specialty a subject matter expert for that country?

Mr. Moffa. I wouldn’t consider myself that. As an executive manager, my job is to manage teams of analyst subject matter experts. So I would not expect anyone sitting in that chair then or now to have full-blown subject matter expertise in every one of those country programs. We’re talking the entirety of the world other than China was the responsibility of that section from a counterintelligence analysis perspective.

Mr. Baker. But the entity that you’re supervising would have subject matter experts --

Mr. Moffa. That’s correct.

Mr. Baker. -- that you could draw upon --
Mr. Moffa. Absolutely.

Mr. Baker. - and report or produce whatever their product is to your chain of command --

Mr. Moffa. That’s correct.

Mr. Baker. -- or the intelligence community at large if it’s something that’s a bigger, broader issue?

Mr. Moffa. That’s exactly right. There’s teams of subject matter expert analysts within the units and I’m managing them at an executive level.

Mr. Baker. Thank you.

Mr. Somers. On the operational side of things, so there was a section -- was there an equivalent operational section that supplied the agents for the investigation?

Mr. Moffa. In Counterintelligence at the time, there was the counterintelligence operational threat program, so it’s the Russian operational program, and then there’s the counter-espionage program. There were two different operational groups with those focuses, both of which would work elements of Russia.

Mr. Somers. To your knowledge, were the agents on the investigation drawn from the Russia counterintelligence operations side?

Mr. Moffa. To my knowledge the agents at the working level came from field offices and did have that background in Russian counterintelligence. I believe my executive
counterpart came from the counter-espionage side as the manager.

Mr. Somers. Did you help select the analysts or any other team members for the Crossfire Hurricane investigation?

Mr. Moffa. I don’t have a specific recollection of picking the names out, but I was involved in the selection process for the analysts. I was not involved in the selection of the operational personnel.

Mr. Somers. Did the analysts that were on the investigation, did they come from the section you headed or did they come from elsewhere, or was it a combination?

Mr. Moffa. They came from -- no, they came from my Russia unit.

Mr. Baker. When you say you were involved in the selection process for the analysts, what exactly was the process? Was there just a huddle between managers -- this guy’s good, that gal’s good? Or was there a formal posting? Did you query databases for expertise?

Mr. Moffa. There was no formal posting. I don't recall the specific details of the conversations I had with whom. It was a discussion amongst the management, my normal management team of Russia analysis. We were also simultaneously having to support the broader Russian election threat investigations and threats. So we had this
like a subset of my Russian analytic team to support Crossfire Hurricane while the other Russian analysts supported the broader counterintelligence and Russia program.

So the conversations surrounded who had the right expertise and availability to do that.

Mr. Somers. Do you recall how many analysts you assigned?

Mr. Moffa. I couldn’t give you exact number. I just don’t remember.

Mr. Somers. Like a handful or more than that? Are we talking four or five, ten? Any ballpark you can give us?

Mr. Moffa. Less than ten, but I don’t remember the exact number.

Mr. Somers. When they were assigned, was that basically their task? They may have done some minor things, but I mean was that their job, was to do Crossfire Hurricane?

Mr. Moffa. Yes, for at least that initial period pre-election, those analysts were fully dedicated to that team.

Mr. Baker. This selection was, I think I heard you say, based on an expertise that these people had. So is it fair to say that the people that were selected for this were viewed as top performers, top people in their subject matter? I think I’m familiar in some Bureau selections
where there are some special projects, some special case,
where a supervisor gets a call. Hey, you’ve got to give us
a body for this special that we’re doing or whatever, and
you kind of get whatever comes out of the gumball machine.
You don’t have, as the person standing up this special
thing, you don’t have much input as to who you get. You get
something. Was that the case in this? Or you got who you
wanted, more or less?

Mr. Moffa. no, I wouldn’t describe it as that at all.
I think it was a deliberate conversation amongst the
management team about who had certainly the skills and
ability and talent to do the job, but also understanding
that we couldn’t take every subject matter expert off of the
broader Russian program at the same time and dedicate it to
this.

So it was striking that balance and picking the right
team who we felt had those skills and abilities. So I would
absolutely say it was us deliberately picking people we
thought were successful. The supervisory intelligence
analyst I picked is a true absolute subject matter expert in
Russia, the best qualified person I could think of who
worked for me, who could lead that team.

Mr. Baker. When it’s all said and done and the
selections are made, I guess really I mean on both the agent
side and the analyst side, but you’re going to be more
knowledgeable about the analyst side, were you able to kind
of sit back, look at the team you’ve assembled, and have
confidence that when the analytical work, when the
investigation really kicked into high gear, you had a team
of performers?

Mr. Moffa. I do. I can’t speak to the operational
side because they didn’t work for me, but I felt good about
the analytic team we had dedicated to it, yes.

Mr. Baker. Thank you.

Mr. Somers. This is pretty well laid out in the IG
report, but I want to make sure you have the same
understanding as what the IG report lays out. So as I
understand it, there were analysts, there was a supervisory
intel analyst, and then there was you sort of on the analyst
side of the chain; is that roughly correct?

Mr. Moffa. That’s roughly correct, yes.

Mr. Somers. On the operational side, there was an SSA
that was basically at the equivalent level of the
supervisory intel analysts, and then he would have had
agents under him; is that your general understanding?

Mr. Moffa. That’s correct.

Mr. Somers. And that SSA then reported to Pete
Strzok, is that your understanding?

Mr. Moffa. That’s correct.

Mr. Somers. And a supervisory intel analyst obviously
reported to you. So were you and Pete Strzok on the same
level in this investigation?

Mr. Moffa. We were initially. I believe Pete was
promoted sometime in the fall. I don't know the exact date.
And at that point he outranked me as a Deputy Assistant
Director. In the initial period, I believe he was a section
chief, so we would have been of equal rank.

Mr. Somers. But when he took over, I think it was
September 4th of 2016 when he took over as a DAD. I’m just
wondering, chain of command-wise, does that put him above
you? Or was there a different DAD that was above you?

Mr. Moffa. He would not be above me from a managerial
control aspect. I reported directly to Bill Priestap and my
normal Deputy Assistant Director. I didn’t report to Pete.
He did outrank me in terms of just executive rank in the
FBI.

Mr. Baker. Who was your normal Deputy Assistant
Director?

Mr. Moffa. Dina Corsi.

Mr. Somers. What was Dina Corsi’s involvement in
Crossfire Hurricane?

Mr. Moffa. She had minimal involvement in Crossfire
Hurricane, but she was -- I essentially reported to her
directly for that broader analytic support to the Russia
program and to the Russian election issue that was under way
at the time.

Mr. Somers. But for Crossfire Hurricane you reported
to Bill Priestap?

Mr. Moffa. That’s the most accurate way of describing
it. I reported directly to Bill Priestap.

Mr. Baker. You’ve indicated you were around working in
the FBI’s counterintelligence apparatus for a good part of
your Bureau career. Did you know Mr. Strzok before this
particular case?

Mr. Moffa. I did, especially working counter-espionage
cases. He had been a counter-espionage agent, a manager of
counter-espionage cases at WFO. So we had definitely
interacted before.

Mr. Baker. So you knew him from Washington Field
Office?

Mr. Moffa. I knew him from Washington Field Office and
we worked together in a counter-espionage unit at
headquarters at one point as well.

Mr. Baker. Was the relationship more professional or -
-

Mr. Moffa. Yes, I think it was certainly professional.
I’d consider us work friends. We would talk outside of work
occasionally. But the classic kind of work friend
relationship.

Mr. Baker. And how about Mr. Priestap? You knew him
before this case?

Mr. Moffa. I knew him very little before he became the AD of Counterintelligence Division. I knew of him and I had met him a few times, but really my relationship with AD Priestap was once he began as the AD of the division.

Mr. Baker. And once he was the AD of the division, is he someone you had frequent contact with?

Mr. Moffa. Yes.

Mr. Baker. More so than Mr. Strzok during the case?

Mr. Moffa. No, I would say it’s about equal. I mean, every day, just about every day, we were talking -- I was talking to both of them about some aspect of whether it was Crossfire Hurricane or the broader Russian issue during this period.

Mr. Somers. In terms of -- I’m trying to understand the reporting chain. Another individual we’ve interviewed, his name is Steven Laycock. He was also a section chief, is that correct?

Mr. Moffa. That’s correct.

Mr. Somers. And he handled -- his section had Russia specifically in it, correct?

Mr. Moffa. Correct. That’s my section chief counterpart for Russia operations, the broader Russia operations.

Before we go too much further, I just
want to clarify. We are in an unclassified setting?

Mr. Somers. That’s correct.

Generally, I’m just trying to understand. Apart from Crossfire Hurricane, the section that Steven Laycock headed had Russia the country specifically in it. The section that Pete Strzok handled, what did that cover?

Mr. Moffa. They managed counter-espionage cases specifically.

Mr. Somers. So how much involvement did Steven Laycock’s section have in Crossfire Hurricane specifically?

Mr. Moffa. Again, very little involvement in Crossfire Hurricane. But they were the main operational section for the broader Russian election counterintelligence issue.

Mr. Somers. Just generally, what was -- I don’t want to get into anything classified, but if you could just give a general characterization of what the broader Russia investigation you referred to a few times was?

Mr. Moffa. Sure. Really, in an election the Counterintelligence Division takes a look at what our foreign adversaries from a counterintelligence perspective are going to do to target the election. In this particular election, following the DNC hack and all that was coming out publicly, obviously there was some heightened awareness of the Russian election threat. So it was looking at the activities of Russian intelligence actors and the broader
threat as it pertained to their targeting of the election.

Mr. Somers. Just to switch tracks briefly here, how many FISA applications have you worked on in your career?

Mr. Moffa. I couldn’t give you the number.

Mr. Somers. Because it’s high or --

Mr. Moffa. I’ve worked on a number of them. I have absolutely no idea what that number would be. To be clear, I worked on them as an analyst, not as an analyst manager.

Mr. Somers. What does that consist of, that working on? What has generally been your involvement in FISA applications?

Mr. Moffa. On FISA applications it would be, if I’m providing analytic support to a case, meaning I’m conducting research in support of the investigators who are looking at a subject, I would generally be aware they were seeking a FISA. Intel products that I authored or facts that I would analyze could potentially go to those investigators for their evaluation and their work with OGC and the lawyers at DOJ for inclusion.

So that would really be my involvement. It would be if there’s analytic information or research that could help the investigators apply for a package in consultation with the legal side.

Mr. Somers. Did you in that capacity review the actual application, the actual words that were in the
application?

Mr. Moffa. In that capacity, it would be much more likely I would read at least parts of them. I can’t say I would read every single page, all the legalese especially. But there were times where, sure, you would potentially read those sections that related to a threat actor that you are a subject matter expert on, for example, and render an opinion.

Mr. Baker. You or your analysts, your involvement in the FISA process, does it come after the FISA application or the package starts its movement through headquarters, or can an agent in the field reach out to an analytical component and nail down some facts that early on?

Mr. Moffa. It can really happen at any one of those stages. It could be before the decision to formally go for a FISA has been made. It could be conversations happening between analysts and investigators about the nature of the threat that we’re seeing in the investigation. And then later on, it could be that back and forth as they try to nail down certain facts or information that’s included, sure.

As a working-level analyst, that would be the kind of range of their involvement.

Mr. Baker. So the fact nailing down I guess is what I’m really interested in. That could happen at either
stage, too?

Mr. Moffa. Sure, I think so.

Mr. Baker. Okay. Thank you.

Mr. Somers. You served as an analyst?

Mr. Moffa. Yes.

Mr. Somers. You served as a supervisory intel analyst?

Mr. Moffa. I served as -- it’s supervisory intel analyst unit chief. That’s the official position.

Mr. Somers. Unit chief. And then as a section chief during Crossfire Hurricane. What was your role in FISAs generally as the section chief, as that section chief?

Mr. Moffa. No role whatsoever. I wasn’t involved in the drafting. I wasn’t involved in the approval. I was generally aware if FISAs were being sought, and for me that’s more for my situational awareness in the sense of, if a FISA goes live there’s intel coming in and I have to be able to resource review of that kind of intelligence from an analytic perspective and understand to some degree the intelligence gaps the FISA’s answering.

But in terms of the process of generating it, I’m not involved.

Mr. Somers. Just backing up to your previous life as an analyst, if you were an analyst, as you described the work you had on a FISA, would you also be looking at the
data or whatever that’s coming in as a result of the FISA?
Or do you kind of shift off once the FISAs been applied for?

Mr. Moffa. No, it’s entirely possible that the
proceeds of the FISA, any kind of captured communications
for example, the analysts could absolutely be going through
those, in fact most often would be.

Mr. Somers. Are you familiar with the Woods
procedures?

Mr. Moffa. I’m generally familiar with them, but again
I’m not responsible for production of FISAs, so I can’t tell
you I’m intimately familiar with all of the policies and
actions of it.

Mr. Somers. What was your role as an analyst -- I’m
just trying to understand FBI analyst’s roles more
generally. What’s the role of an analyst in the Woods
procedure?

Mr. Moffa. There’s really no role, other than if an
analyst’s product is going to be included a copy of it needs
to be in the Woods file.

Mr. Baker. So an analyst’s product could be the basis
for an assertion in a FISA and therefore that product
created by the analytical component should be in the Woods
file?

Mr. Moffa. With factual research contained within an
analytic product. Maybe not their judgment as much as a
salient fact that’s used. If they’re citing an analytic
product as a source of that, that should be in the Woods
file, correct.

Mr. Baker. And would analysts be available for, for
lack of a better word, a consultation with an agent trying
to put something together? The agent’s trying to nail down
a fact. Can they come to an analytical part of the FBI and
say, Hey, I myself am not aware of this; there’s some vague
reporting on whatever it is; do you, with your analytical
skills and a more broader perspective -- can you help me
nail down this fact? Is that something you’d do or your
people do?

Mr. Moffa. I wouldn’t do that as an executive or
manager of analysts. But certainly a working-level analyst
would be able to answer some of those questions for the
investigators, sure.

Mr. Baker. Would you say that that ability to answer
those types of questions, it’s not just a nicety that exists
in the FBI if somebody wants to use that? In the modern
FBI, my understanding is post-9-11 Director Mueller really
raised the profile of the analytical component of the FBI,
career enhancement things for career tracking.

Would it be fair to say that it’s not just a nicety
that there is this analytical component; people are using
that for the things we’ve discussed here, to nail down
facts, to document things that they’re asserting in FISA or just regular Title 3 affidavits, that your expertise and the people that have that expertise in the Bureau, they’re truly a part of the sophisticated techniques and it’s a vital resource, not just something that sits somewhere in a room somewhere and is somewhere on a directory?

Mr. Moffa. Yes. Not having been at that working level for a while, I couldn’t tell you exactly to the degree that happened. But generally, it’s a merged operational intelligence team working together. Operators, agents who are applying for FISA, absolutely know who their analytic counterparts are. They could go to them at any time if they have questions about facts or research or an analytic product they’re looking at. I think they’re absolutely available for that and it would certainly be something that wouldn’t be out of the ordinary if they were to reach out to do that as they prepared a FISA.

Mr. Baker. It’s my understanding, my belief, that there’s such an importance put on the analytical component that the integration, for lack of a better word, between or with the agents and the analysts starts very early in both of their careers, like at Quantico, the basic training for both, begins together at the FBI Academy; is that correct?

Mr. Moffa. That is correct.

Mr. Baker. And in your opinion, does that importance
of working together, sharing information, and again back to
putting an emphasis on what you do, does that in your
opinion exist after training and throughout the
investigative process as an agent, a new analyst, progresses
through their career?

Mr. Moffa. Again, I can’t speak to the entire Bureau, but what I saw in Counterintelligence, the analytic personnel are very much embedded directly with our operational counterparts, for that reason, whether it’s on a squad in a field office or even at headquarters. My teams were physically seated with their operational counterparts, so that interaction could happen on a day to day basis.

Mr. Baker. Thank you.

Mr. Somers. Was that true for Crossfire Hurricane?

Mr. Moffa. It was.

Mr. Somers. Just on the -- obviously they had different reporting chains, but just to look at Crossfire Hurricane, could a case agent, for instance, go just task an analyst with, Hey, I need some more on X, and that’s how it would work? Or would the agent have to go to the supervisory intel analyst and have him task?

Do you know how that day to day basis worked?

Mr. Moffa. I wasn’t sitting with that team on a day to day basis, so I can’t tell you how that happened. But in a general sense, it depends on the ask. If it’s a reasonable
working-level ask, that’s the reason we’re embedding them
together, so that those teams could work together seamlessly
in exactly the way you described.

If the ask is for substantial portions of that
analyst’s time, like in terms of expenditure of the resource
of that analyst, we would expect him to come through the
analyst’s manager. So that applies to every team, and I
would say to include Crossfire Hurricane, although I wasn’t
sitting with them, so I couldn’t tell you precisely.

Mr. Somers. This is something that hasn’t occurred to
me that much prior to this. Maybe you don’t know the
answer, but you talked about sitting with. If you could
give me kind of a picture, like a physical picture? You had
agents, obviously, come from the field to headquarters, is
my understanding. So they were all sitting in Hoover.

But your analysts were application headquarters
analysts, is that correct?

Mr. Moffa. Yes.

Mr. Somers. So did they -- where were they all
physically sitting in Hoover?

Mr. Moffa. We -- and I’m using the royal “we” here.
The division acquired a space, a single space, and my
analysts moved from their normal desks into that space and
the agents from the field sat in that same space. They were
physically in one room.
Mr. Somers. Including the supervisors?

Mr. Moffa. Including the supervisors.

Mr. Somers. So the SSA --

Mr. Moffa. And the SIA.

Mr. Somers. -- and the SIA both moved to that physical space?

Mr. Moffa. With the teams, yes.

Mr. Somers. But you and Mr. Strzok did not? You stayed elsewhere.

Mr. Moffa. Again just to describe my job, I have over a hundred personnel assigned to me, working really a global set of threat actors. My full-time job was not to manage Crossfire Hurricane.

Mr. Somers. I’m just trying to get a picture.

Mr. Moffa. So I sat separately from the team.

Mr. Baker. I just want to be clear, because we’ve talked mostly about agents coming to analysts or agents being helped by analysts, supporting facts or assertions. I think you alluded to in terms of products that analysts can produce. The analysts can generate information that maybe the Bureau wasn’t focused on before and that could in turn initiate an investigation to be opened totally based on the analytical product that highlighted something that maybe wasn’t known to the Bureau?

Mr. Moffa. Correct. That happened.
Mr. Baker. Thank you.

Mr. Somers. As I understand it from reading the IGG’s report, you were involved in Crossfire Hurricane from the inception; is that correct?

Mr. Moffa. It’s hard to define what that exactly means, but I was aware of it and I was staffing it with my analytic teams from the beginning.

Mr. Somers. From the beginning. The IG report indicates that from July -- this is on page 52, for instance; I’m sure this appears more than once in the IGG’s report. From July 28th to July 31st of 2016, officials of the FBI headquarters discussed the friendly foreign government information and whether it warranted opening a counterintelligence investigation.

My understanding from the IG report is you were involved in those discussions in that time period; is that correct?

Mr. Moffa. I was present for the discussions.

Mr. Somers. How did you become aware of this friendly foreign government information?

Mr. Moffa. I received it via email along with a few others from the division. It literally came to me in my email.

Mr. Somers. The information that you got, is that like -- I don't know how familiar -- you were certainly
familiar with it at some point in time. But there’s the opening EC in the Crossfire Hurricane investigation that’s been declassified. And it largely seems to be to me -- you can recharacterize what I’m saying, but from my read of it -- it largely is an email embedded within an opening communication.

Is that what you received, an email basically with the factual scenario from the friendly foreign government?

Mr. Moffa. That’s right. I received an email that contained essentially that reporting, which then served as the basis for the opening of the case, that’s right.

Mr. Somers. Do you recall who sent you that email?

Mr. Moffa. I received it from --

Mr. Moffa. If you have to give names --

Mr. Moffa. No, this was a section chief name. Charles McGonigal, who was in the division at the time.

Mr. Somers. I’m sorry. He was where?

Mr. Moffa. He was a section chief within Counterintelligence Division, on the operational side.

Mr. Somers. Do you know where he got it from?

Mr. Moffa. I believe -- I don't know. I couldn’t speculate without looking at the chain of emails.

Mr. Somers. Did his responsibilities include Russia?

Mr. Moffa. I also couldn’t speculate to that. I believe he ran our cyber coordination section, and I don't
know if they had Russian responsibilities or not.

Mr. Somers. Do you recall sort of the lead-in? Like, Hey, we got this information? Why were you being -- do you recall why you were being alerted to this information?

Mr. Moffa. It would make sense to come to me, again, because I’m in charge of the Russian counterintelligence analysis program and it dealt with the Russian threat. He sent it to essentially the ops and intel halves of that equation, the operational counterpart, Steve Laycock, and me. That’s my recollection.

Mr. Somers. Do you recall if Pete Strzok was on that initial email?

Mr. Moffa. I don't recall that.

Mr. Somers. You don’t recall whether he was?

Mr. Moffa. I don't recall.

Mr. Somers. How did it then broaden out, to the best of your recollection, from coming to you and Steve Laycock, and then it obviously broadened out? From the IG report, there were numerous people involved in those discussions over that three or four-day window there.

Do you recall how --

Mr. Moffa. I don't recall specifically. I know I forwarded it up my chain of command. I don’t remember who I sent it to specifically.

Mr. Somers. Were there meetings over that four-day
window, July 28th to July 31st?

Mr. Moffa. Again, I couldn’t tell you specifically how
many or what day. But I recall being part of the
conversations about that email and what it contained over
generally that period.

Mr. Somers. What generally were those conversations?

Mr. Moffa. The conversations, although I have to
clarify -- they’re not asking my opinion as the analyst
manager necessarily. But I was around conversations about
whether to open a case, how to open a case, and how to
proceed with that information going forward.

Mr. Somers. What’s your -- ultimately, obviously, a
case is decided to be opened. It’s opened on July 31st. I
think the IG report indicates that you had some input on the
-- or if not, we have emails that indicate you had some
input on the opening of the EC. Do you recall what your
input was?

Mr. Moffa. I don't recall that.

Mr. Somers. Do you recall having input on the actual
document?

Mr. Moffa. No, I don't recall that.

Mr. Baker. Who picked the codename of the case?

Mr. Moffa. Who picked the codename? I don't recall
that either.

Mr. Baker. Is there a system for codenames?
Mr. Moffa. There is a system or there was a system, I should say. In the earlier days of my career, I remember there was a way you could actually query a system and you’d get back a set of codenames that were generated, that case agents, the operational side, could choose from.

I don’t know how this one was generated, other than what I’ve read.

Mr. Baker. So the process you described, it was randomly generated. Maybe you got a few choices and then the case agent could select from those choices?

Mr. Moffa. Correct. I couldn’t tell you at what era of the Bureau that may have stopped. But earlier in my career that’s exactly the way it would work. You’d get a list of three or four codenames and those were available and you could choose from them.

Mr. Baker. But you think that process stopped and some other process came to be?

Mr. Moffa. I couldn’t even tell you that. It could still be in place. I wouldn’t know. I just haven’t worked at that level or on cases like that for a long time.

Mr. Baker. Do you recall, with the process you’re describing, the randomly generated choices, could a case agent come up with a codename on their own that they wanted and do some administrative thing to override the selections that the computer made?
Mr. Moffa. My memory, again going back more than a
decade, generally was you could, but you had to determine
first positively if there was another case with that exact
same codename. That makes sense. You wouldn’t want to have
two cases codenamed the exact same thing because it could
create lack of clarity.

Mr. Baker. So if someone picks their own codename,
assuming it’s with whatever the Bureau protocol for doing
that is, do you know if it’s habit or more often than not
that there’s some meaning to the codename relative to the
case, or not necessarily?

Mr. Moffa. I couldn’t tell you how prevalent that is.
I’m sure it happens.

Mr. Baker. I’m told or I’ve read somewhere that this
particular codename was chosen by one of the Crossfire teams
and it comes from a Rolling Stones song. Have you heard
that?

Mr. Moffa. I read the same thing. I don’t recall
there being conversations that I was a party to about that
at the time, though.

Mr. Baker. So there wasn’t a big discussion that you
are aware of of what to name the case?

Mr. Moffa. I don’t remember being a part of any
discussion about what the codename is.

Mr. Baker. What’s the purpose of a codename?
Mr. Moffa. The purpose of the codename I think in a rough sense is to be able to refer to an investigation or series of investigations in a way that doesn’t directly identify the subject or purpose of that investigation.

Mr. Moffa. So if you were to pass somebody in the hallway in a non-SCIF setting and they were involved in some of the cases you’re involved in, but you needed to see them about a particular matter, you could reference the codename and then they would know what it is you’re talking about, as opposed to five other cases that you both might be working on?

Mr. Moffa. That’s correct. It’s essentially an operational security measure. It adds obfuscation to those who are not read into the case for what the purpose of the case is.

Mr. Baker. Thank you.

Mr. Somers. What was your understanding at the beginning of what the predication was for opening Crossfire Hurricane?

Mr. Moffa. My understanding of what the predication was?

Mr. Somers. Yes.

Mr. Moffa. I believe the predication was based largely on that information received from the friendly foreign government about the fact that a member of the Trump
organization -- and that term was used -- that may not be the exact wording used, but it wasn’t a specific named individual -- may have received information from Russia helpful to the campaign and harmful to the opponent.

Mr. Somers. How did your previous -- you had been working on Russian election interference generally in the 2016 election prior to receiving this friendly foreign government information; is that correct?

Mr. Moffa. Sure. In the run-up to the election, we began earlier in the year starting to look at that sort of issue, yes.

Mr. Somers. How did that play into opening Crossfire Hurricane?

Mr. Moffa. I think the context of that moment in July was a really important one. This was after the events involving the DNC and separate intelligence we were starting to review related to what the Russians were doing to target the election. So this to me fits into the background of all of that at the time.

So my impression of the predating material is informed by what’s happening in the broader Russian election threat context at the time.

Mr. Somers. What do you recall -- what were you looking for generally as you opened Crossfire Hurricane?

What were you going to investigate?
Mr. Moffa. Again, I have to clarify. I’m not involved in the opening. Part of why I’m clarifying that is there may be a set of operational considerations my counterparts had that I’m not privy to.

To me, from my personal perspective at the moment, understanding the context of the broader threat happening around it and the nature of that information, in my personal opinion it made sense to open a case. But to clarify again, I’m not being asked for my formal opinion. It’s not within my responsibility, authority, expertise to really make a judgment on that.

Mr. Somers. What was your understanding of what the team was going to -- you launched this investigation, Crossfire Hurricane. You’re starting to put together, I assume, in these early days a team for Crossfire Hurricane. What were they to investigate?

Mr. Moffa. It was to identify the potential unknown actor, and I’m using that word deliberately, “potential unknown actor,” who may have received this information from the Russian government. Because that person was unknown, the team was opening a series of cases on individuals what could fit the description, essentially, someone who could have received that information from the Russians.

Mr. Somers. I think in the IG report it indicates that, on page 59, it says. “Strzok, the intel section
chief” -- that’s you -- “the supervisory intel analyst, and

case agent 2 told the Office of Inspector General that,

based on this information” -- “this information” being the

friendly foreign government information -- “the initial

investigative objective of Crossfire Hurricane was to
determine which individuals associated with the Trump
campaign may have been in a position to have received the
alleged offer of assistance from Russia.”

So that’s what you were looking at, to see who was in

position?

Mr. Moffa. That’s right, somebody that would have had

the access or opportunity to receive that sort of suggestion

for Russia.

Mr. Somers. Why look specifically at that, versus

just someone who had the access to the campaign to carry

out? Did you need -- I guess what I’m asking is, did you

need a preexisting relationship with Russia in order to get

this information to the campaign?

Mr. Moffa. Again, you’d have to ask -- in terms of the

actual legal sufficiency of opening cases, you’d have to ask

somebody else. To me --

Mr. Somers. I’m just asking what you were looking

for.

Mr. Moffa. To me, from a personal reasonableness

perspective, I think it made sense to first look to see if
there were individuals who had preexisting ties to Russia or
the kind of opportunity that would make that sort of
suggestion being made possible. So I think that’s where the
team focused initially, on identifying people who fit into
that category.

Mr. Somers. You settled on -- not you. The team, the
FBI, settled on four individuals that seemed to fit that?
Is that what they were? They were in the position to have
received information; is that a fair characterization?

Mr. Moffa. I think it’s a fair characterization, based
on their background and their connections, preexisting ties
to Russia, and their association with the campaign. That’s
my understanding of the reason our operational team chose to
open the cases on them.

Mr. Somers. Obviously, George Papadopoulos is named
in the opening EC. So he obviously would be -- would seem
to be an obvious target. How did you arrive at the others?
What type of -- in terms of investigative methods, not in
terms of the specific individuals? Like what did you do
between -- I think the other cases were opened -- three
others were opened on August 10th of 2016 and then the case
against General Flynn was opened on August 16th.

I’m trying to understand between, let’s say, July 31st
and August 16th what went on investigatively to identify
those four individuals.
Mr. Moffa. Because I’m not sitting there at the working level with the team, I couldn’t tell you exactly what was done. I can speak a little bit to the fact that my analysts are doing research on who are the sort of named, known members of the Trump campaign at the time and then looking in our indices, for example, for preexisting cases or information that might suggest the sort of Russia ties that I’ve been talking about, the context that might make one person a more likely candidate for this investigation than someone else.

So from our half of it in terms of the analytic side, we were starting to just pull together that kind of information and research.

Mr. Baker. Where is that information and research going once your team is pulling it?

Mr. Moffa. My time was writing a series of documents to capture that, and those were being provided to the operational team.

Mr. Baker. That’s the agent --

Mr. Moffa. The agent side, right. And that informs their choices about which cases they chose to open.

Mr. Baker. It’s my understanding that with the choice that they could make about which cases to open and I think by extension which techniques or investigative methods to apply, that was pretty much in their domain to decide at the
SSA level, I think. Is that your understanding?

Mr. Moffa. It is. That’s my understanding, too. In conjunction with conversation and review by our Office of General Counsel.

Mr. Baker. That’s a good point, the Office of General Counsel. You indicated a minute ago, to a question Mr. Somers asked, that it wouldn’t be your role to say the legal sufficiency of it.

Mr. Moffa. That’s right.

Mr. Baker. So whose job is it to determine if there’s legal sufficiency to do whatever is being considered?

Mr. Moffa. There are essentially support units within our Office of General Counsel who have lawyers focused on national security threats and cases, and they work really closely, hand in hand really, with our operational teams to give that exact sort of judgment about do we have that legal sufficiency for a case and, if so, what kind of case should be opened and what other administrative stipulations need to be implemented related to it based on those facts.

That’s something that our OGC works directly with the operational side. And in the field, the chief division counsel, essentially the OGC equivalent in the field, would do the same.

Mr. Baker. These OGC people that would be providing guidance on opening techniques or whatever, would this be
where the operational people that would be the ones most likely needing that service -- would they just call over to the general counsel’s office and somebody picks up the phone and they say, hey, I need some legal advice? Or is there somebody specifically assigned to this Crossfire Hurricane team as the legal liaison?

Mr. Moffa. There was an Office of General Counsel unit chief who was essentially assigned from the beginning, in the same kind of way I’d describe other managers. It’s not that they’re necessarily doing just that all day, but associated really from the beginning. It was the same general counsel unit chief who really supported at least half of the counterintelligence programs on a normal basis. It wasn’t a new or different general counsel attorney. It was essentially the attorney -- one of the attorneys that regularly supported Counterintelligence Division.

Mr. Baker. I would think -- correct me if I’m wrong -- that you would need continuity just because of the nature of assembling. Just in a FISA alone, you’ve got information coming in, I understand, from a lot of different places. You couldn’t get legal advice randomly from ten different lawyers every time you needed something. You would have to have somebody assigned to it.

Mr. Moffa. Well, yes, I think having continuity is helpful. But there are a lot of attorneys, so it isn’t just
one attorney for all cases in the division. Obviously, there’s a number of attorneys supporting the division.

But the general counsel is a foreground part of opening cases and then pursuing advanced techniques. They’re very much involved and engaged directly with our operational teams.

Mr. Baker. Who primarily liaised with the operational team from the general counsel’s office for this case?

Mr. Moffa. The person is at the GS-15 level. My understanding is I’m not supposed to discuss their names.

Mr. Somers. Are you referring to the OGC unit chief?

Mr. Moffa. I wouldn’t be able to -- that’s one of the hardest parts of people asking questions about the IG report, is the whole nomenclature of their numbering. But I know that person is referenced in the IG report, yes.

Mr. Somers. It is a unit chief?

Mr. Moffa. Unit chief, correct.

Mr. Somers. And is that unit chief someone you worked with, would you characterize it as regularly?

Mr. Moffa. Yes.

Mr. Somers. Apart from Crossfire Hurricane?

Mr. Moffa. Again, in a different capacity. As an analyst, I’m working with them in a different way than the operational counterparts are. But certainly somebody I’m very familiar with who is very much a fixture really in the
division and supporting the division’s investigation.

   Mr. Baker. You say “very much a fixture.” Is that person a fixture or their prevalence in counterintelligence matters in your opinion, is it based on their expertise in that particular area?

   Mr. Moffa. Absolutely, years and years of expertise in national security investigations, but specifically counterintelligence investigations. A really valued adviser in that regard.

   Mr. Baker. Your verbal response underscored “absolutely.” It’s your opinion that this person’s top of their game?

   Mr. Moffa. Yes. I continue to think really highly of that person.

   Mr. Baker. Thank you.

   Mr. Somers. And that unit chief had a, for lack of a better term, a line attorney below her that primarily, at least from the IG report, worked on the case. Do you know that -- I’m not asking for the name, but do you know who I’m referring to?

   Mr. Moffa. I believe I do, yes.

   Mr. Somers. Was that someone you’d worked with previously?

   Mr. Moffa. Much less so. Maybe a few investigations, a handful that I was aware of. But again, that person I
would have become aware of when I was an analyst manager; and as an analyst manager I’m much less involved in the day to day workings of these cases. But I was certainly familiar with that person, but much less so than the unit chief.

Mr. Somers. Getting back to what I was asking you about a moment ago, I’ll just read you this from the IG report. “The Department was first notified about the opening of Crossfire Hurricane on August 2nd” — “the Department” being the Department of Justice -- “on August 2nd, 2016, when Priestap and the intel section chief” — that’s you — “briefed several representatives from NSD.” Do you recall that briefing?

Mr. Moffa. I recall --

Mr. Somers. Or a very early briefing?

Mr. Moffa. I recall an early briefing and it was a regular set of briefings of DOJ executive management that involved conversations about Crossfire Hurricane and the broader Russia election context.

Mr. Somers. Do you recall that David Loffman was in that briefing?

Mr. Moffa. I recall that, yes.

Mr. Somers. According to Loffman and his contemporaneous notes of the briefing, FBI officials described FFG information and the four individuals the FBI
had identified through its initial investigative work who were members of the campaign and had ties to Russia.

I guess -- and I don't know if you’d know this because you weren’t a hands-on analyst in this, but you did do the briefing. So you opened the case on July 31st and on August 2nd you’ve already identified four individuals. To me that seems kind of quick. But could you --

Mr. Moffa. I wouldn’t necessarily agree with that characterization. The purpose of the investigation is to determine if there is a threat. So I think what the team did there was identify some initial candidates for investigation and, again, having been evaluated for legal sufficiency and all that goes into the administrative side of opening a case, it was I think the Bureau in an immediate way getting into that phase of determining whether you could rule in or out any of those candidates.

So to me waiting doesn’t necessarily help you answer that question any faster. So I wouldn’t find it strange or odd or a problem that cases were opened quickly. So that’s my opinion of the opening of those four.

As far as the briefing to DOJ, I can’t tell you who actually spoke during the briefing to provide it. I just don’t recall that.

Mr. Somers. Of course, not asking you for any names or anything like that. These four individuals are
identified on August 2nd, which I would characterize as quick, you would disagree with. That’s fine. At any time were other -- and I’m not asking you for names or anything. These four were identified on August 2nd. They’re also the four that seemed to carry through the entire investigation. Were cases considered to be opened or other people investigated other than these four? Again, I’m not asking to say “John Smith.”

Mr. Moffa. I can say generally yes. I wouldn’t want to get into the specifics.

Mr. Somers. That’s fine.

Mr. Baker. Were any cases opened that were closed quickly, that didn’t survive like the ones that are more commonly --

Mr. Moffa. I just don’t recall that. I’m sorry, I just don’t remember.

Mr. Baker. Mr. Somers asked about the quickness of cases being opened. It could be closed quickly --

Mr. Moffa. Absolutely.

Mr. Baker. -- if resources were put to them and it turned out to be a dead end?

Mr. Moffa. Or if you quickly determined that the predication for that case, the allegation essentially you’re looking into, you could substantiate that it’s not true and that person’s not a good candidate for investigation, you
can close it quickly, absolutely.

Mr. Baker. But you don’t recall in this case if there were any opened and then quickly closed?

Mr. Moffa. Yes, I just don’t recall it. It doesn’t mean that there weren’t.

Mr. Somers. Then of the four individuals, I think General Flynn and Paul Manafort had pretty clear connections to the Trump campaign. What was your understanding, though, at the time of who George Papadopoulos was, for instance?

Mr. Moffa. All I can tell you is what I personally remember in those early days was some initial information that he was in some way associated with the Trump foreign policy team. I don't know more really than that. Subsequently I learned a few biographical details about him. But I believe there was open source reporting where he was openly being identified by the campaign as a member of that team.

Mr. Somers. The same question for Carter Page. What was your early understanding of who Carter Page was?

Mr. Moffa. Carter Page, again I learned about him once this case began. same kind of identification publicly as a member of the Trump campaign team in that time frame. But then I subsequently became aware of additional information within the Bureau’s own holdings about Carter Page.

Mr. Baker. What do you mean when you say “within the
Bureau’s own holdings”?

Mr. Moffa. I just don’t know what the classification part of that is.

Mr. Baker. In general terms, it sounds like --

Mr. Moffa. Other investigative information.

Mr. Baker. That’s housed somewhere in the FBI?

Mr. Moffa. Correct.

Mr. Baker. Maybe previous contacts, previous dealings, previous cases?

Mr. Moffa. Sure, that type of thing, yes.

Mr. Somers. What was your early understanding of how either -- well, let’s take them individually -- how George Papadopoulos could possibly influence the campaign? You said you were investigating -- you had friendly foreign government information that Russia may try to influence or help the Trump campaign. What was your understanding of how George Papadopoulos could facilitate that?

Mr. Moffa. Especially early on, it was very unclear who played what role in the campaign and what connection they might have. So at that time -- I think it’s important to contextualize in the time period -- just again my own personal recollection, there was just a lot of unknown about it.

So back then I couldn’t have told you anything about the level of threat or involvement I thought any one of
those subjects posed. We just hadn’t collected enough
information yet for me to be able to say.

Mr. Somers. So what did you do to collect information
on George Papadopoulos or Carter Page?

Mr. Moffa. Again, I can only speak to what my analysts
did. They did the kind of research that I’ve been talking
about, whether it’s research in U.S. intelligence community
information, FBI information, or open source information,
trying to collect as many known facts as we have, and then
to help define intelligence gaps that the operational team
could use to shape their operations and investigations to
try to answer.

Mr. Baker. Some of that research would be done from
these FBI holdings that we’ve briefly talked about?

Mr. Moffa. Correct. So within our own case file
system, doing research, or looking at reporting coming from
U.S. intelligence community sources. I’m not saying here
definitively one way or the other about any of these
subjects whether there was or wasn’t anything there, but
that’s the sort of research my team was doing.

Mr. Baker. I’m just curious. In the in-house
research, for lack of a better term, these FBI holdings, in
your experience -- and it doesn’t have to be related to this
case -- in your long time doing analytical work, is there an
issue, has there ever been an issue, with there being
holdings in the FBI that are hard to fine? One part of the
FBI has information that the other part needs, but it’s not
really known to that part. I’d just be curious, your
comment on that?

Mr. Moffa. Certainly that’s happened before. And as
the volume of data increases, the challenges of that have
increased for the Bureau. But sometimes it’s deliberate in
the sense of there’s exceptionally sensitive information
that’s not populated in a searchable system, for example,
that’s required by the U.S. intelligence community to be
held separately or in hard copy. That information by
default of its nature is harder to identify and then
connect.

That’s why to the greatest extent possible the Bureau
has really put an emphasis on trying to increase information
sharing across, so that those exceptions are minimized to
the greatest degree possible.

Mr. Baker. Just at a very high, high, high level, what
is put in place to assure -- I understand what you’re saying
about information that by its nature has to be
compartmented. But aside from that, what has the Bureau
done to make sure that the guy sitting on the left that
needs information that the guy on the right has doesn’t miss
that he’s got it because it’s not recorded somewhere in
between?
Mr. Moffa. Again, it wouldn’t be within my lane of responsibility to do this, but there has been emphasis, just in my opinion and what I’ve seen, on unrestricting cases, for example. So instead of opening a case that’s restricted to a very small subset of people, the Bureau has tried to minimize the number of times that happens, so that that case information is available in our case system for analysts to see across.

So it can still happen, but it needs some level of additional approval for that to happen.

Mr. Somers. Sticking on Page and Papadopoulos, the IG report indicates that, obviously, we did get the FISA coverage on Carter Page. It also indicates, though, that FISA coverage was considered for George Papadopoulos; is that correct?

Mr. Moffa. My recollection is it was discussed, yes.

Mr. Somers. It was discussed. And I think on page 128 of the IG report it indicates that. “The intel section chief and Strzok” -- you being the “intel section chief” -- agreed that there was not sufficient basis for FISA surveillance targeting Page” -- I’m sorry -- “targeting Papadopoulos.”

Is that your recollection?

Mr. Moffa. I don’t remember that. I remember reading that in the IG report.
Mr. Somers. It says -- this is the same page, 128.

"Instant Messages also show that the intel section chief and Strzok were much more interested in pursuing the request for FISA coverage targeting Page." Do you recall that?

Mr. Moffa. Again, I remember reading that in the IG report.

Mr. Somers. So your recollection -- you don’t have a recollection of thinking that there wasn’t a sufficient basis for seeking FISA coverage on Papadopoulos?

Mr. Moffa. I don’t recall that specifically, no.

Mr. Somers. What was your level of interest in getting FISA coverage on Carter Page?

Mr. Moffa. Again -- and I had sort of a luxury here again as an analyst manager.

Mr. Moffa. Let me clarify the question. On Carter Page?

Mr. Somers. Yes.

Mr. Moffa. On Carter Page, got it. As an analyst manager, really our job is to define intel gaps for an investigation or a threat question and then to seek those answers. It is not to define, again, legal sufficiency or operational wisdom of pursuing any certain technique.

So when I say that I have greater interest in Carter Page, I believe there is a greater chance that intelligence flowing from a FISA on Carter Page could answer our key
intelligence questions than a FISA on, for the example given in the IG report, Papadopoulos.

Mr. Somers. Why is that?

Mr. Moffa. Given, again, some of the preexisting ties and other information I was aware of at the time related to his history.

Mr. Somers. So it wasn’t just that it would be that probable cause was clearer on Carter Page. You actually thought there was a better intelligence-gathering opportunity?

Mr. Moffa. I’m not qualified, nor was I ever or ever have been asked, to rule on probable cause. My interest and involvement and that of my team is to say. Where are the most beneficial avenues to collect information that answered those intelligence gaps. And if the key question here was is someone receiving information from the Russians about the campaign, what are those avenues where that question could be answered, where that intelligence flowing across could answer that question?

If you’re doing a comparative between a Papadopoulos and a Page, for example, Page is a more fruitful potential source for that information than Papadopoulos.

Mr. Somers. Why?

Mr. Moffa. Given the background and history of both people.
Mr. Baker. You’re looking at a holistic approach to person A and person B cause and you’re making an informed decision more likely than not, based on things you’ve looked at -- maybe this person’s traveling more, or this person has known contacts with people as opposed to this person -- you’re making an educated and informed guess that probably the resources are better spent on person A?

Mr. Moffa. Yes, to the extent I’m making that judgment in that moment, it is exactly that. It is understanding which of these people potentially -- which of these people, if an advanced technique is used, could potentially generate intelligence that would better answer the intelligence questions that my team is interested in having answered.

It is not the legal sufficiency, appropriateness, operational benefit. That’s the call of others. Analysts, like I said, have this privileged opinion -- privileged position in a way of saying. In a perfect world, if we could get this, this, and this, that would be great, because we think there is potential intelligence of value there. It doesn’t mean that we can, and that’s the judgment of the operational side and the legal side.

Mr. Somers. I understand what you’re saying about Papadopoulos. I’m just trying to reconcile that with the fact that, the opening EC, the information was given -- I’m sorry. I understand what you were saying about Page in
terms of why you wanted to get the FISA on Page. I’m just not understanding why, when the opening EC, for instance, involves communications with Papadopoulos, why he’s not of equal interest for FISA coverage, when it seems like the investigation’s predicated on information given to him.

Mr. Moffa. It doesn’t say that, though. If you read the words in that predication, he’s relaying that somebody received information from Russia. He doesn’t say that he did. So to me you’re still then back to who are these people, what are their connections, what’s their history.

Again, my personal opinion from the moment and the thinking, Papadopoulos doesn’t say “I received it.” He says “We received it,” royal “we.” So to me, that’s a judgment that you have to factor in when you look at somebody’s background. Is this person more likely to have received it personally or is this person, and why?

I think there are facts you can look at that might suggest one is more likely than the other.

Mr. Somers. Do you recall if you investigated Joseph Mifsud in terms of that? That’s the person that allegedly gave the information to Papadopoulos.

Mr. Moffa. Well, I don’t investigate anything.

Mr. Somers. I’m sorry.

Mr. Moffa. I want to be really clear about my role in it. I defer to --
Mr. Somers. I mean the team. You will catch me several times probably throughout this saying “you” when what I really mean to say is the Crossfire Hurricane team.

I probably used the wrong term by saying “investigate.”

I guess what I’m asking was if they looked into who Joseph Mifsud was, examined Joseph Mifsud, since he was the one that allegedly gave Papadopoulos the information that launched the investigation.

(Witness confers with counsel.)

Could you rephrase that question so that he does not have to answer who is the subject of an investigation.

Mr. Somers. The opening EC in this case says that Papadopoulos received some information regarding efforts to -- for Russia to influence in some way or help the Trump campaign. He obviously received that information from somewhere. There’s been an allegation that it was from a particular individual, and I’m just trying to generally understand whether the FBI, the Crossfire Hurricane team, looked into that individual who allegedly provided Papadopoulos with information.

Mr. Moffa. What I’ll say is, as individuals who potentially could have played a role in either the receipt or use of that kind of information became known to us, we looked into them. That’s the best way of saying it. So
without confirming anybody specifically, as people became identified to the team the team would look into them.

Mr. Somers. I think we’re at a time for our hour, so we’ll take a short break now before we turn it over to the Minority.

(Recess from 11:47 a.m. to 11:57 a.m.)

Mr. Haskell. Mr. Moffa, are you ready to begin?

Mr. Moffa. I’m ready.

Mr. Haskell. Thank you for being here and for your many years of service to the FBI. Again, I’m Alex Haskell with Ranking Member Feinstein’s staff. My colleagues Sara Zdeb and Heather Sawyer are with me and may ask you some questions as well.

As you know, the Inspector General issued a 400-plus page report in December of last year titled “Review of Four FISA Applications and Other Aspects of the FBI’s Crossfire Hurricane Investigation.” The report detailed the results of the IGG’s two-year investigation into the same topics that we’re addressing here today.

According to the report, the IG examined more than a million documents and interviewed more than a hundred witnesses, including Christopher Steele and numerous current and former government employees in that process.

Did you cooperate with the IG investigation?

Mr. Moffa. I did.
Mr. Haskell. Were you interviewed as part of that investigation?

Mr. Moffa. I was.

Mr. Haskell. Once, twice? How many times were you interviewed?

Mr. Moffa. I believe twice.

Mr. Haskell. Twice. During your interviews did you provide complete, truthful answers to the questions that the IG asked you?

Mr. Moffa. I did.

Mr. Haskell. Did you or the Justice Department, the FBI, provide the IG with documents related to your involvement with Crossfire Hurricane?

Mr. Moffa. I don’t remember if I provided them directly, but I know the FBI provided documents to them, yes.

Mr. Haskell. Did the IG ever complain that it needed more information from you?

Mr. Moffa. I’m not aware of that, no.

Mr. Haskell. Did the IG ever complaint that it didn’t get documents pertaining to your involvement with Crossfire Hurricane?

Mr. Moffa. No.

Mr. Haskell. Did you have the opportunity to review the IG report or at least the portions that you were -- that
your name or your moniker appears in, before it was finalized and published?

Mr. Moffa. I did.

Mr. Haskell. Did you provide any comments on that draft?

Mr. Moffa. I don't recall providing any comments specific to -- well, that's not true. I don't recall, is the answer, specifically what comments I provided.

Mr. Haskell. Okay. Recognizing that different witnesses may have different recollections or interpretations of certain events that are covered in the report, does the report accurately reflect the testimony that you provided to the IGG?

Mr. Moffa. I would have to re-review each section where “intel section chief” is mentioned to really be able to answer that. The word choice sometimes in those reports doesn’t to me accurately reflect kind of the nuance, and so I’d have to review each and comment to be able to say.

Mr. Haskell. To be I guess a little bit more specific, you interviewed with the IGG, you provided your own words characterizing certain events. Did the report -- do you recall whether the report misrepresented in any way your words, your testimony?

Mr. Moffa. I wouldn’t go so far as to say that it misrepresented any of my testimony.
Mr. Haskell. Now, your interactions with the IG were not your only interactions on this set of issues. With regard to being interviewed, you were also interviewed for around six hours in August of 2018 as part of an investigation by the House Judiciary and Oversight Committees; is that correct?

Mr. Moffa. I don’t remember the exact time frame, but the amount of time seems right, and I was interviewed by the House, yes.

Mr. Haskell. As is true today, did you appear and answer questions voluntarily at that House interview?

Mr. Moffa. I did.

Mr. Haskell. Did you provide the House committees with truthful, complete answers to the questions asked?

Mr. Moffa. I did.

Mr. Haskell. Just to put a slightly finer point on it, House Republicans didn’t seek to subpoena or hold you in contempt for failing to cooperate with them, did they?

Mr. Moffa. They did not.

Mr. Haskell. Have you been interviewed by any other Congressional committees in connection with the Crossfire Hurricane investigation?

Mr. Moffa. I don’t believe so, no.

Mr. Haskell. In total between the IG testimony and the House testimony, which I believe was on August 24, 2018,
approximately how many hours, days, have you spent providing testimony on these issues?

Mr. Moffa. I don't know that I could tally it all up, but it's tens of hours.

Mr. Haskell. Turning to the Crossfire Hurricane investigation itself, you told the IG that after the FBI learned from a friendly foreign government, FFG, that George Papadopoulos had told a foreign official about this Russian offer to help the Trump campaign by releasing hacked emails damaging to Hillary Clinton, in your words in the IG report on page 54, quote, “No one disagreed with opening a counterintelligence investigation.”

You also said that, quote, “In the context, what was occurring with the DNC hacks and the release of the DNC emails, there was a possibility that the Russians reached out to a campaign to offer their assistance, and the FBI needed to investigate the allegation.”

I know you’ve discussed this a little bit with my colleagues, but can you elaborate on that? Why did the FBI have a need or, in legal terms, a predicate to investigate that allegation?

Mr. Moffa. Well, again, I can’t speak to predicate. That's not my expertise. But what I can speak to is my personal judgment of the time, which is an allegation of that sort, in the environmental context of what was
happening after the DNC hack, my personal belief is it would have been irresponsible not to investigate it as the FBI, given the credibility of the friendly foreign government threat it.

Mr. Haskell. Bill Priestap, who was the one who opened the Crossfire Hurricane investigation -- as you told my colleagues, you were involved in early discussions, but you did not open it and it was he who made the decision to open it -- Priestap told the IG that, quote, "The combination of FFG information and the FBI's ongoing cyber intrusion investigation of the DNC hacks created a counterintelligence concern that the FBI was obligated to investigate."

Do you have any reason to dispute Priestap's explanation for why he chose to open the investigation?

Mr. Moffa. No.

Mr. Haskell. As I said, Priestap said that this situation created a, quote, "counterintelligence concern that the FBI was obligated to investigate." Do you understand what Priestap meant when he said, quote, "counterintelligence concern"?

Mr. Moffa. I do.

Mr. Haskell. What's your understanding of what he meant?

Mr. Moffa. I don't think I can speculate as to what
1  Bill Priestap would say. I can tell you what I believe the
counterintelligence concern was.

   Mr. Haskell. Yes.

   Mr. Moffa. I believe it’s raising the specter of a
foreign power interfering in an important American
democratic process, which is a counterintelligence concern.

   Mr. Haskell. To circle back to what you said earlier,
you had this greater Russian interference investigation that
was ongoing, and I believe you said that that heightened the
concern when you received this information from an FFG. To
talk about some specific events that were part of the
greater Russian interference operation in advance of you
receiving, the FBI receiving FFG information, in March and
May 2016 FBI field offices identified a spear phishing
campaign by the GRU targeting email addresses associated
with the DNC and the Clinton campaign, along with efforts to
place malware on DNC and DCCC computer networks.

   Did that create a counterintelligence concern?

   Mr. Moffa. Yes. I don’t remember the specifics of any
of that here five years later, so I couldn’t tell you that.
But again, a foreign power actively interfering in U.S.
political process to me is a counterintelligence concern.

   Mr. Haskell. Are there any further specifics that you
could offer about why a foreign power putting malware on an
American political party’s technology infrastructure and
attempting to hack their emails, why that would create a
counterintelligence concern specifically?

Mr. Moffa. Classic counterintelligence concern
involves a foreign power collecting information, information
they may be able to use to their benefit, to the detriment
of the United States. In past times going back decades,
they may collect information one way, from people, spies,
tapping telephone calls. In the modern context, that
includes cyber intrusion as a vector for collecting
intelligence information.

So the type of activity you’re describing, conducted by
a foreign power, could provide that vector for intelligence
collection by that foreign power.

Mr. Haskell. Specifically, that sort of operation as
to the technological infrastructure of an American political
party could provide -- would provide a counterintelligence
concern vis a vis an election of what sort specifically in
that circumstance?

Mr. Moffa. Again, not knowing the specifics of that
circumstance, but in general if a foreign power were to
conduct that sort of collection on a political actor and
then use that information to in any way influence or disrupt
that political process, that’s the counterintelligence
concern in my view.

Mr. Haskell. And in fact that is what happened. On
July 22, 2016, WikiLeaks published 20,000 emails that had been stolen from the DNC by Russia. This was six days before the FBI learned the FFG information that the Trump campaign may have had advanced knowledge of Russia’s plan to release stolen emails.

Now, when those emails were released, I know you’ve talked about it generally, but can you provide a little bit more detail on why that would present a counterintelligence concern?

Mr. Moffa. I don't know a different way to phrase it, but any sort of collected intelligence information by a foreign power that’s publicly released to have an effect on an American process to me is a counterintelligence concern, and I would put that sort of release in that same category.

Mr. Haskell. A few days after that July 22nd release, on July 27th, then-candidate Trump said at a press conference, quote. “Russia, if you’re listening, I hope you’re able to find Hillary Clinton’s emails.” Special Counsel Mueller later on uncovered that Russia attempted to hack Clinton’s server for the first time that same day, later that same day, after this call from President Trump.

Does that statement, in the context that we’ve been discussing, five days after WikiLeaks published 20,000 emails believed to be stolen by Russia, confirmed to be stolen by Russia, does that statement by a candidate in and
of itself raise counterintelligence concerns?

Mr. Haskell. I’d be less concerned with the statement and more concerned with the action of a foreign power to do exactly that. Any foreign power attempting to collect information from U.S. entities or political parties for their benefit and the detriment of the United States is a counterintelligence concern.

Mr. Haskell. Another aspect of the Russian operations included attacks on state election systems that the FBI became aware of in March and August 2016. Now, recognizing, as with the other statements, you might not recall the exact circumstances of the FBI receiving that information, the Mueller report, pages 49 and 50, confirmed that the FBI became aware of such actions in March and August 2016.

Now, the actions included confirmed access into elements of multiple state or local electoral boards using, quote, “tactics, techniques, and procedures associated with the Russian state-sponsored actors.”

Now, we talked about actions targeting an American political party. How about actions targeting election infrastructure. Can you outline the counterintelligence concern there?

Mr. Moffa. Certainly. It’s very similar. I don’t think the target has to be federal or a political party to potentially pose a great threat to the U.S. political
processes, and certainly state election boards would fit that category where, if a foreign power were to be targeting them via cyber or any other means, it poses a counterintelligence concern for what they would do with that information and any impact it might have.

Mr. Haskell. Thank you.

Turning back to the information that the FBI received about what George Papadopoulos had told a foreign official, as I said before, that information has been described as having come from an FFG, a friendly foreign government. What does that term signify as a general matter, “FFG”?

Mr. Moffa. A friendly foreign government would be a foreign government that works in partnership with the United States more broadly, but in the Bureau’s context supports the FBI in its investigations and is a partner in some of them even. So a friendly foreign government would be a government who is sharing information or cooperating with the FBI in advance of its investigations and operations.

Mr. Haskell. Would it be fair to describe one quality of an FFG being an ally, that there’s some level of trust between our government and their government?

Mr. Moffa. Yes, I would say that.

Mr. Haskell. Is it fair to say that an FFG and the officials that are members of an FFG, as was the case here with the individuals who provided the information, what
Papadopoulos had said, is it fair to say that that type of individual would not be suspected of fabricating information to harm the U.S.?

Mr. Moffa. I come from a -- as a counterintelligence professional and an analyst, I always come from a skeptical place no matter who’s providing information. I think it is less likely that a friendly foreign government would be deliberately providing information to the detriment of the United States. I think it can be viewed as less detrimental. I think I would certainly not trust on face value any information coming from an outside source.

Mr. Haskell. Understood. But the fact that this information came from an FFG, from an FFG official, you would regard that the FBI’s need to take the information seriously, that was a factor?

Mr. Moffa. I think it’s a factor. It lends it additional credibility, given that it’s coming from a friendly foreign government, that’s right.

Mr. Haskell. Although the FBI didn’t learn of that information until late July 2016, Papadopoulos had been told in April 2016 of Russia’s willingness to release dirt on Hillary Clinton in the form of thousands of emails, confirmed by the Mueller investigation. That’s on page 81 of the Mueller report.

Did Papadopoulos report Russia’s apparent offer of help
to the FBI when he received it in April 2016, to your knowledge?

Mr. Moffa. Not to my knowledge.

Mr. Haskell. Did he come forward to the FBI in July 2016 after WikiLeaks began doing what Papadopoulos had been told the Russian government would do, release thousands of emails damaging to Clinton?

Mr. Moffa. I don’t believe he came to the FBI in July 2016, no.

Mr. Haskell. To your knowledge, did Papadopoulos ever come forward proactively to report what he had been told about Russia’s willingness to help the Trump campaign and harm Hillary Clinton?

Mr. Moffa. Not to my personal knowledge, no.

Mr. Haskell. Would you agree that the fact that Papadopoulos learned of Russia’s willingness to harm Clinton by releasing thousands of emails, saw that release happen, and still didn’t come forward, itself raises any sort of counterintelligence concern that would weigh in on whether the FIB should investigate?

Mr. Moffa. I would refer to that context I was discussing earlier, where the events that were occurring in July and then receiving that information that seemingly described a similar potential situation that was received much earlier in April, to me adds to that context that made
investigation and predication important.

Mr. Haskell. So the fact that the information had been received in April months earlier and it was just coming to the FBI’s attention at this point was a factor?

Mr. Moffa. To me, the fact that information suggesting what then appears to have later started to happen in July had been received in April, that to me played into my personal belief that the context around the predication, plus the predication itself, predicing information itself, required us to investigate.

Mr. Haskell. In fact, FBI Director Wray has testified before the Judiciary Committee that, quote, “Any threat or effort to interfere with our election from any nation-state or any non-state actor is the kind of thing the FBI would want to know.” I assume you agree with Director Wray that people should inform the FBI if they learn of information suggesting that a foreign government may be attempting to interfere in our election?

Mr. Moffa. I agree.

Mr. Haskell. Is that because it would -- it helps the FBI investigate, potentially stop, election interference?

Mr. Moffa. Yes.

Mr. Haskell. According to the IG report, the foreign official who reported what Papadopoulos had told him was not aware of who else Papadopoulos had informed about Russia’s
offer to the Trump campaign. So we know that Papadopoulos was aware of it, but it wasn’t clear who else in the Trump campaign had that information as well.

This was one of the primary goals of the initial stages of Crossfire Hurricane, as you said, to determine who else on the campaign, if anyone, knew of Russia’s offer to assist the Trump campaign; is that correct?

Mr. Moffa. Yes.

Mr. Haskell. After a three-year investigation, the Senate Intelligence Committee recently issued a bipartisan report, and one of the findings in that bipartisan report, although they weren’t able to confirm exactly who Papadopoulos spoke with, the committee concluded, quote. “It is implausible that Papadopoulos did not share the offer with other members of the Trump campaign.”

Do you have any evidence to dispute that finding?

Mr. Moffa. I don’t know of any information and I can’t speculate. I have no idea if he shared it with others.

Mr. Haskell. Despite everything that we’ve just discussed in terms of the ongoing Russian interference operation and then receiving information from the FFG and everything around that, some have continued to express the view that there was no there there, meaning no basis to investigate the Trump campaign’s ties to Russia. They make that argument relying in part on the fact that Special
Counsel Mueller did not ultimately charge anyone affiliated with the Trump campaign with conspiring with Russia.

As a general matter, does the FBI require agents to have an expectation that they will find and be able to prove wrongdoing in order to open a counterintelligence investigation?

Mr. Moffa. Again, I’m not a lawyer or an operator, and so I’m not qualified to in detail describe the expectation for that kind of legal sufficiency of the case. You certainly do not have to have the answer to the case before you open it. That’s the point of the investigation.

Mr. Haskell. Understand. Let me try to phrase it a little bit differently, with complete understanding that you can’t opine on the legal sufficiency question. If there was a requirement that before the FBI and you as an analyst and a supervisor of analysts could look into something, to open and conduct an investigation, if there was a requirement that there be some degree of certainty or, even less so, a high expectation that a crime would be charged at the end, if that was a requirement, would that inhibit the FBI’s ability to look into and potentially stop wrongdoing?

Mr. Moffa. Just to clarify, you’re asking specifically if certain knowledge of prosecution was a requirement before even opening the case?

Mr. Haskell. Yes.
Mr. Moffa. That’s what you’re asking?

Mr. Haskell. Yes, or an extremely high degree of expectation that the result would be a criminal charge.

Mr. Moffa. I can just say in general, the FBI opens many cases in which criminal prosecution is not necessarily the end goal from the beginning.

Mr. Haskell. You told the IGG, and I believe my colleague quoted from this section of the report earlier, that the initial investigative objective of Crossfire Hurricane was to determine which individuals associated with the Trump campaign may have been in a position to have received the alleged offer of assistance from Russia.

And in August 2016, as was discussed, the Crossfire Hurricane team opened individual cases on Papadopoulos, on Carter Page, on Paul Manafort, and on Michael Flynn. The opening EC foreign the Papadopoulos investigation noted that the Trump campaign may have advance knowledge that Russia had stolen emails and planned to release them to harm Hillary Clinton, and said that Papadopoulos, quote, “made statements indicating that he is knowledgeable that the Russians made a suggestion to the Trump team that they could assist the Trump campaign with an anonymous release of information during the campaign that would be damaging to the Clinton campaign.”

Could you explain why the statements that Papadopoulos
had made to the FFG made him specifically among the
individuals that was concerning to the FBI?

Mr. Moffa. I think the fact that he is essentially the
one person most known to be aware of this possible
suggestion being made alone makes him worthy of being
investigated for that knowledge.

Mr. Haskell. Turning to Paul Manafort and the opening
EC for Manafort, it noted again that the Trump campaign may
have had advance knowledge that Russia had stolen emails,
planned to release them to damage Hillary Clinton, and said
that Manafort, quote, “was designated the delegate process
and convention manager for the Trump campaign, was promoted
to campaign manager for the Trump campaign, and had
extensive ties to pro-Russian entities of the Ukrainian
government.”

Now, I know you said more generally earlier that
analyst teams would look into people who had certain
characteristics in determining who to open an investigation
into. But can you just touch on specifically why the fact
that Manafort had been promoted to campaign manager and had
extensive ties to pro-Russian entities of the Ukrainian
government would bear on picking somebody like Manafort?

Mr. Moffa. Again, not being responsible or my team
being responsible for opening the case, I can’t tell you to
what degree it bore on opening. But I can tell you, based
on my impression of the facts, that his background and those ties are the sort of thing we would find noteworthy from an analytic perspective as suggesting somebody possibly to be in a greater position to receive that suggestion from Russia than someone else.

Mr. Haskell. Turning to Carter Page, that EC said that Page was a senior foreign policy adviser for the campaign, had extensive ties to various Russian-owned entities, and had traveled to Russia as recently as July 2016. It also stated that he was the subject of an ongoing counterintelligence investigation assigned to the FBI’s New York field office.

Now, I imagine your answer is probably similar for Page as it was for Manafort. But to make sure I cover my bases here, why would the fact that Page was a senior policy adviser for the Trump campaign, had extensive ties to various Russian-owned entities, and had traveled to Russia as recently as July 2016 make him a concern to the FBI?

Mr. Moffa. The exact same answer. From our analytic perspective, that kind of information, once known, would put Page in that category of individual in our view who could have greater potential for being in a position to receive the sort of suggestion from Russia that the predication discussed.

Mr. Haskell. Sitting here today, do you believe it
was reasonable for the FBI to be concerned that some members of the Trump campaign at that time, whether it be Papadopoulos, Manafort, Page, Flynn, Trump himself, among others, may have had knowledge of Russia’s election interference activities?

Mr. Moffa. I think it’s reasonable, sitting here today still, to investigate an allegation that Russia was potentially providing a campaign with information that was helpful to them and harmful to another, yes.

(Pause.)

Ms. Sawyer. I just had a couple questions about a segment in the Special Counsel report. It’s on page 13, the last paragraph, and it says. “From its inception, the office’ -- meaning the Special Counsel’s Office -- “recognized that its investigation could identify foreign intelligence and counterintelligence information relevant to the FBI’s broader national security mission. FBI personnel who assisted the office established procedures to identify and convey such information to the FBI. The FBI’s Counterintelligence Division met with the office regularly for that purpose for most of the office’s tenure.”

Were you aware of those meetings?

Mr. Moffa. I wasn’t a part of the Counterintelligence Division after the Special Counsel was stood up. So no, not personally.
Ms. Sawyer. It goes on to say -- so you were not aware whether those meetings ever took place, who was involved in those, what was conveyed?

Mr. Moffa. I’m not, no.

Ms. Sawyer. It goes on to say. “For more than the past year, the FBI also embedded personnel at the office who did not work on the Special Counsel’s investigation, but whose purpose was to review the results of the investigation and to send in writing summaries of foreign intelligence and counterintelligence information to FBI Headquarters and FBI field offices.”

Did you ever see any of those summaries?

Mr. Moffa. Again, I wasn’t in the Counterintelligence Division after the Special Counsel stood up, so I’m not aware of how they shared information or what they shared.

Ms. Sawyer. And you don’t know who else, if anyone, ever received those summaries?

Mr. Moffa. I don’t.

Ms. Sawyer. Are you aware of whether or not Special Counsel Mueller undertook any investigation into the counterintelligence concerns that may have been raised by contacts between individuals associated with the Trump campaign and Russia?

Mr. Moffa. My knowledge of what the Mueller team investigated really stops at the handoff point for me, which
was the spring of 2017. So I’m not aware of anything they
investigated, really, after that time.

Ms. Sawyer. During the time that you were involved
with Crossfire Hurricane, was that -- would you have
classified that as a counterintelligence investigation, a
criminal investigation, both?

Mr. Moffa. I would consider it a counterintelligence
investigation, but counterintelligence investigations,
certainly counter-espionage investigations, for example, can
very much have a criminal element, a prosecutive element to
them.

Ms. Sawyer. Going in, you don’t know whether or not
that will be the case, what you’re going to find?

Mr. Moffa. Correct.

Ms. Sawyer. In this particular instance, did you ever
get the sense that someone did have a predetermined result
in mind and that they were trying to find the facts to fit
their predetermined narrative?

Mr. Moffa. No.

Ms. Sawyer. Thank you.

Mr. Haskell. That’s all we have for this round.

Mr. Somers. Do you want to take a break?

Mr. Moffa. I’m fine if you guys want to just go.

Mr. Somers. Let’s take a break.

(Recess from 11:18 a.m. to 11:28 a.m.)
Mr. Somers. It’s now 11:28 and we’ll go back on the record.

When we broke before, we were talking about potential FISA coverage that wasn’t sought. Just two quick questions on that. Was FISA coverage ever considered for Michael Flynn?

Mr. Moffa. I don't recall that specifically.

Mr. Somers. How about Paul Manafort?

Mr. Moffa. Again, I don't recall specific conversations. It doesn’t mean they didn’t happen. I just don’t remember.

Mr. Somers. To your awareness, neither Paul Manafort nor Michael Flynn were considered for FISA coverage?

Mr. Moffa. I’m not saying that. I’m saying I don't recall if they were.

Mr. Somers. You don’t recall.

Do you recall any discussion of whether to give the Trump campaign a defensive briefing?

Mr. Moffa. I don't recall a conversation about that, either.

Mr. Somers. When did you first see any of the reports that comprise what has become known as the Steele dossier?

Mr. Moffa. I believe it was September 2016.

Mr. Somers. You think you saw them basically at the inception of when they came in?
Mr. Moffa. Yes, absolutely. I didn’t know that that was when.

Mr. Somers. That was September 19, 2016, is when the IG report indicates that the team finally received the reports. And you think you would have seen them right around that time?

Mr. Moffa. Yes, relatively soon after that time. I can’t tell you it was exactly on September 19th.

Mr. Somers. Just to get you to comment on the importance of something. SSA-1 sent an email to Steele’s handling agent and others stating that. “Our team is very interested in obtaining a source symbol, number/source characterization statement and specifics on veracity of past reporting, motivations, last validation, how long on the books, how much paid, etcetera.”

Why is that type of information important to be known about a confidential human source?

Mr. Moffa. Again, there are operational considerations with the source I won’t comment on, because that’s not my half of the equation. From an analytic perspective, those sorts of things lend some characterization to the credibility and access of the source, and understanding that helps you contextualize the reporting you’re getting from that source.

Mr. Somers. What was your understanding of Steele’s
credibility, reliability, in the early -- well, when you
received the information and going forward?

Mr. Moffa. In September 2019, my understanding was
that Steele had provided credible reporting previously that
had supported criminal investigations and was, without
giving specific characterization, was generally of some
reliability and past reporting history to the Bureau.

Mr. Somers. Where were you gaining that
understanding?

Mr. Moffa. I learned that from my team, from the
supervisory intelligence analyst.

Mr. Somers. From the analyst side?

Mr. Moffa. Correct.

Mr. Baker. Did your team express any concern or did
you hear of any concern elsewhere in the Bureau about the
length of time it was taking the Christopher Steele
reporting to come from the handling agent down to the team?

Mr. Moffa. At the time, I was not aware of any delay
in it reaching us. I just remember it being there in
September. I learned about the path it traveled to get to
us, and I couldn’t recount it for you again today, from the
IG report. I wasn’t aware of it at the time.

Mr. Baker. So, being aware of it now, did you lose any
advantage of not being able to exploit the information from
an analytical standpoint because of the delay?
Mr. Moffa. I just couldn’t say specifically, but we certainly weren’t able to begin looking at it earlier because we didn’t get it until September.

Mr. Baker. Thank you.

Mr. Somers. From the analytical side, what was your understanding of the efforts of the Crossfire Hurricane team to corroborate -- well, let’s start, one, with just Steele himself as a reliable, credible person?

Mr. Moffa. Both the operational and analytical teams spent time trying to understand who Steele was and what his background was, but then also to the extent possible to try to identify the source network that Steele leveraged to acquire the information. That’s really the gist of the effort, is understanding him, his reporting history, and then what his sub-source network looked like.

Mr. Somers. What type of things did analysts do or did they, I should say, did they do to come to those understandings?

Mr. Moffa. Again, the same kind of research we discussed in the earlier session about references to Steele and-or any of his sub-sources in the intelligence holdings of the FBI or the U.S. intelligence community, to include even open source research to try to determine what was publicly available about him.

Mr. Somers. Then what about corroboration from the
analysts’ side, specifically for the allegations in the
Steele reporting, not Steele himself, but what the meat of
the reporting?

Mr. Moffa. The Crossfire analytic team created
something that’s been referred to as “The Factrix,” but it’s
essentially a document whereby the team took the salient
facts contained within the Steele reporting and broke them
out in spreadsheet fashion, so that each could be
researched. Then as information and intelligence was gained
that could either corroborate, refute, or otherwise inform
the understanding of each of those facts from the Steele
reporting — that was a living, breathing document that
never really was produced as a final document. It was a way
to capture and organize the understanding of the salient
facts from that reporting.

Mr. Somers. Do you know when that document started?
Mr. Moffa. I don't know exactly when it started, no.
Mr. Somers. Was it prior, do you know, prior to the
first Carter Page FISA application?
Mr. Moffa. I couldn’t tell you. I don't recall
exactly when it began.

Mr. Somers. But that was a document that you would
have had or had access to?

Mr. Moffa. If I had asked for it, I would have had
access to it. I was occasionally provided a copy of it.
But the working-level team, the supervisory intelligence analyst, the analyst team, and then the operational team had daily routine, any time they wanted it, access to it, yes.

Mr. Somers. From that document or just your general recollection, what was the level of corroboration of the allegations in the Steele dossier?

Mr. Moffa. I can only speak to my understanding as of that moment in time in the spring of 2017 when I left, because again it’s a living document. My hope and assumption is it continued in a way and was continued to be researched.

There was, I’d say, factual corroboration of certain facts within the Steele reporting, but those are not necessarily facts that were substantial to the allegation or the predication of Crossfire Hurricane. They are things that were known that were accurately conveyed in the Steele reporting. I’m not suggesting it was corroboration of allegations made in the Steele reporting.

Mr. Somers. And this is a document that was put together by both the agent side and the analyst side?

Mr. Moffa. I think the document itself was primarily created by the analytic side, but it’s in collaboration with the operational side. Information is being exchanged both ways to inform it. But I think the actual writing of the document was done by the analytic team.
Mr. Somers. Do you know if this document was prepared in conjunction with the Woods process?

Mr. Moffa. I don't know anything about its connection to the Woods process. I'm not involved in -- I wasn't involved in it, so I couldn't say.

Mr. Somers. What was your understanding of who Christopher Steele was in the fall of 2016?

Mr. Moffa. I had very -- I had a very sort of undetailed understanding of that. But he was essentially a former intelligence officer who ran a competitive business intelligence firm and he essentially obtained information from sub-sources for clients in exchange for money. And that was sort of the extent of my knowledge of him in the fall.

Mr. Somers. What was your understanding in the fall of 2016 about how Steele was collecting information that appeared in the Steele dossier?

Mr. Moffa. Again, in a rudimentary way I understood that Steele operated sub-sources of information with access to details, and he collected that information from them and consolidated it into reports, and those reports are what he provided to his client.

Mr. Somers. Was it your understanding that Steele actually directly interacted with the sub-sources?

Mr. Moffa. I don't know if I knew that in September
2016. I’m not sure I knew that.

Mr. Baker. From an analyst’s standpoint, if you’re dealing with information being received by a network of sub-sources, does that present any difficulty in what you do as an analyst in verifying the information?

Mr. Moffa. Yes, I think it does. It increases the complexity of the work you have to do to understand the reliability of that information, because while your source himself may be reliable and believe everything that he or she is providing to you, if one of those sub-sources is unreliable potentially your source could be genuinely believing they’re giving you good information and it could end up not being. So to me it just fed the understanding I had throughout this period that we had to have healthy skepticism of this reporting and we needed to independently try to verify and corroborate the facts within it.

Mr. Baker. Does that whole network with sub-sources, does it ever create a situation where you as an analyst, you as the skeptic probing and trying to find truth or to be able to validate credibility, are you ever just unable to do it because of that network?

Mr. Moffa. Sure. I think there are definitely times where a piece of information that’s in reporting can’t be independently verified or -- a better way of saying it, because you don’t want to say “never,” but has not been --
there is no additional information to corroborate independently. That happens, sure. And I think the fact that there’s multiple sub-sources to me increases the challenge of that.

Mr. Baker. So when you hit that, for lack of a better term, brick wall where you can’t independently validate the information, what do you do with the information? Do you still use it in some context? Do you throw it away? Do you task other analysts to find -- to just keep digging?

Mr. Moffa. I think again, that’s why I described this Factrix as a living document. I don’t think you declare it’s over and you shelve it. It stays alive as an open question, and you’re constantly attempting, and your team should be, constantly attempting to be aware of information that could potentially corroborate that down the road. It may be months later, it may be years later.

But I also think -- and I feel like we did this in this case – the analytic team can make suggestions for the operational team to potentially conduct additional investigations, potentially further identify sub-sources or collect information about those sub-sources, that could in a more proactive way attempt to close some of those gaps.

So I think we did both. I think we kept open the questions around certain pieces of reporting we couldn’t corroborate in that moment; and I think we also encouraged
our operational counterparts to conduct additional investigations and operations to more proactively try to probe into those areas. That’s what I felt my team was doing.

Mr. Baker. The operational counterparts, they would know that, in a particular fact attributed to a sub-source, that there is real problems in corroborating it. So they’re not running with that, not knowing that their analytical counterparts are having serious difficulty in verifying it?

Mr. Moffa. I can’t say that in every instance, but in this instance I’m absolutely confident that the operational team associated with Crossfire Hurricane knew about this document, had access to it, and at any moment would know sort of the state of corroboration of any of it, both from the Factrix itself, but also because they’re in direct access to the facts themselves in the same way my analysts are. It’s not that my analysts know something that they don’t. It just wasn’t that sort of environment.

So in this situation, my expectation would be that they would have access to that, they would know what’s corroborated and what isn’t, and they’d act accordingly.

Mr. Baker. If your analysts knew that your operational counterparts were starting to move forward on a sophisticated investigative technique, i.e., a FISA, and that some of that sub-source information was going to be
used that the analysts had not been able to verify or deep
dive on, would there be a hotline to say, whoa, you can’t;
you have to hold off on this because we’re not there yet?

Mr. Moffa. In a general sense, I would expect an
analyst who’s aware that a fact that hasn’t been
corroborated is being mischaracterized or misused to say
something, I think all FBI employees have an obligation to
say something in a situation like that when they see it.
But I would distinguish between responsibility -- analysts
don’t write FISAs, they don’t approve it, they don’t sign
off on Woods files, they don’t create them. It’s really the
obligation of the agents and the operational personnel and
the legal personnel, who are building those FISA packages
and they understand what facts are being used in how they’re
characterized, to ask the right questions.

So I guess I’m drawing the distinction between, if
someone was positively aware of a problem like that I would
expect them to say something absolutely, but I don’t believe
it’s the analyst’s role to be scrubbing those applications
for that kind of accuracy. That’s just not the work that we
do.

Mr. Baker. But to your first part of that, where if
there was an issue you would expect the analyst to be
proactive, to the best of your knowledge in Crossfire
Hurricane if those situations presented themselves that
responsibility that you believe the analyst would have was executed --

Mr. Moffa. I’m just not aware of a time when that happened. Again, it’s because of my position in the case. I’m not there on the working level. So there could have been a hundred conversations on any given day as that part of it was being conducted. I just wouldn’t be aware of them, so I can’t say. I’m not aware of it from my level, but that doesn’t mean it didn’t happen.

Mr. Baker. Sure. In the last round, in response to questioning by our Democratic colleagues, I believe you said something to the effect -- and I think it was relating to the friendly foreign government information -- I think you said something to the effect that you wouldn’t trust info coming from an outside source. I wanted you to clarify what you meant by “source”? Is it just the origin of information coming in or does it have the specialized law enforcement meaning of a source?

Mr. Moffa. Well, it’s probably an inartful way of describing it. I guess what I’m trying to suggest is every source has its own motivation and inherent reliability, and you have to be aware of that. Nothing should be viewed as essentially bulletproof or 100 percent.

So I think a friendly foreign government is much further towards the scale of credible and reliable and less
likely to be providing information for some malicious purpose. But then other sources you maybe would put in a different category than that; and your skepticism and your desire to dig into the facts of that reporting should adjust accordingly based on that understanding.

Mr. Baker. Would it be fair to say, using the analogy you used, “to adjust accordingly,” would there from an analytical standpoint, would there always be a degree of skepticism about information coming in regardless of where it’s coming from?

Mr. Moffa. Yes. I don't know if it’s a hard and fast rule for every analyst, but it is my rule. As an analyst, I think you always have to have some skepticism. I think that’s healthy. I think it fuels the important desire to factually support any assessment that you make as an analyst. I think that’s what we’re always looking to do, is corroborate and build a factual body of evidence to underscore our analytic assessment of a situation or a threat.

Mr. Baker. Are there ever situations where you or your team as analysts and your skepticism, healthy as it may be, you get overrun by the operational side and skepticism really isn’t played out to the farthest point that it could be to verify or not verify and the operational people run with something despite your skepticism?
Mr. Moffa. Well, I wouldn’t necessarily say that that’s done outside the bounds of what’s appropriate, because I think we’re hitting into that issue of what is legally sufficient for probable cause for a FISA. That may be different than continuing analytic skepticism of the solidity of reporting or with the reliability of a source.

I could absolutely see scenarios where to meet the legal requirements the current state of something is perfectly reasonable or appropriate to be used once it’s been properly reviewed by the legal side, but we still have some skepticism about it, as long as it’s characterized in a way that meets that legal sufficiency and PC standard. So I think you can live in both worlds at the same time, I guess is what I’m saying.

So I would not expect and I have no examples of an ops side purposely disregarding skepticism and shoehorning facts into something in a way to get a FISA package. I have nothing like that to suggest. But it doesn’t mean that every analytic question is satisfied for something to be appropriate for use in a FISA, if it meets that PC and legal standard, which again I’m not the right person to ask about.

Mr. Baker. I think you’ve explained this, but I want to be clear. Even though the skepticism might still survive, the operational side has taken something and continued with it, but there still may be some skepticism in
the analytical side. I think I understand you to say that it’s a living document, it’s a living event. Is that skepticism still being analyzed to see if it even diminishes further, stays the same, or, whoa, we’re more skeptical now than we were before?

Mr. Moffa. I think so. When I say “living,” I mean it not just in the terms of the document. It’s the effort to understand the body of this reporting, to understand the allegations and the facts involved. I guess when I’m using that term “living” I’m saying that isn’t a static thing. You don’t do that once and then set it aside. That’s an effort that is ongoing. Throughout an investigation you should be constantly reevaluating that based on information that’s becoming available later, that wasn’t available when you started.

Mr. Baker. And if that constant reevaluation results in more skepticism, the operational people are going to know that?

Mr. Moffa. They should know that, and in this case I’d be confident they did know.

Mr. Baker. Thank you.

Mr. Somers. Should the skepticism have remained high or at the appropriate level even though Christopher Steele was a former British intelligence officer?

Mr. Moffa. Yes.
Mr. Somers. Do you think it did remain high?

Mr. Moffa. It did for me. I believe it did for my analytic team, yes.

Mr. Somers. Were you aware that Steele, for Steele’s election dossier, that he had a primary sub-source of information?

Mr. Moffa. I am.

Mr. Somers. When did you become aware of that?

Mr. Moffa. I couldn’t tell you the exact time frame. I’m sorry.

Mr. Somers. But was it at the outset or did you gain that understanding later? Was it on you receiving the dossier?

Mr. Moffa. I wouldn’t say it was on day one of receiving the dossier. At some point, though, our understanding grew of how he collected information. And part of that understanding I recall was that there was a primary sub-source.

Mr. Somers. Then you spoke about this some, but I think it was more general than specific to Steele’s primary sub-source, but what’s the -- I think you said Steele could be the most reliable person in the world, but when he’s relying on sub-sources their reliability matters, too; is that correct?

Mr. Moffa. That’s correct.
Mr. Somers. If Steele was relying on -- I’ll just read from the IGG’s report so we’re both on the same page here. What I’m thinking of, on page Roman v. of the IG report it says. “Steele himself was not the originating source of any of the factual information in his reporting. Steele instead relied on a primary sub-source for information, who used his/her network foreign sub-sources to gather information that was then passed to Steele.”

Would the primary sub-source’s reliability and credibility be pretty important in this situation?

Mr. Moffa. Yes, I would agree.

Mr. Somers. So was identifying the primary sub-source a big goal in the fall of 2016?

Mr. Moffa. Yes, I would say it was. For the purposes of understanding Steele and his reporting, identifying any of the sub-sources was important.

Mr. Moffa. The primary sub-source, though, given that he was the gatherer of information, did he stand above some foreign the other sources, sub-sources?

Mr. Moffa. I would say he was an important piece of that, for sure.

Mr. Somers. Did you become aware when the FBI located and identified the primary sub-source? Were you informed, basically?

Mr. Moffa. Yes.
Mr. Somers. Once he was identified, did interviewing the primary sub-source become an important goal of the investigation?

Mr. Moffa. Yes, I think an interview of the primary sub-source was important.

Mr. Somers. Was the interview of the primary sub-source something that was discussed amongst the Crossfire Hurricane team, or was this like a big secret that this guy was identified and was going to be interviewed?

Mr. Moffa. No, it was discussed amongst our team.

Mr. Somers. Do you recall who it was discussed among?

Mr. Moffa. I’d have to name specific members of the team.

Mr. Somers. How about above -- was it discussed with -- was Pete Strzok involved in those conversations?

Mr. Moffa. He would be.

Mr. Somers. Bill Priestap?

Mr. Moffa. Yes.

Mr. Somers. Andy McCabe?

Mr. Moffa. I couldn’t say. I can’t recall.

Mr. Somers. You can’t recall whether he was in a meeting where this was discussed?

Mr. Moffa. I just don’t recall specifically.

Mr. Somers. Was the unit chief in the general counsel’s office aware the primary sub-source was
interviewed?

Mr. Moffa. Yes.

Mr. Somers. Do you know if the General Counsel, Jim Baker, was aware?

Mr. Moffa. For McCabe and the General Counsel, I just don’t recall. At some point, they for sure would have been aware. I can’t tell you when, like within the time frame of that interview, before, during, after. I don't know when they became aware. They would have ultimately become aware, though, yes.

Mr. Somers. What about the Director, Comey?

Mr. Moffa. Yes.

Mr. Somers. What were you -- you knew about the interview before the interview happened?

Mr. Moffa. I did.

Mr. Somers. What were you told about the interview after it occurred?

Mr. Moffa. I received a summation of the interview high points and more or less it was briefed to me by the supervisory intelligence analyst.

Mr. Somers. Was that a written summation?

Mr. Moffa. It was a written summation, but then I received an oral readout of it as well.

Mr. Somers. Did you ever review any of the 302s of the interview?
Mr. Moffa. I don't recall reviewing the 302s specifically, no.

Mr. Somers. Do you recall reviewing -- the 302s were then combined into a 57-page-long document. Do you recall reviewing that?

Mr. Moffa. I don't recall reviewing that, no.

Mr. Somers. Do you recall whether that was sent to you and you didn’t review it or you just have no --

Mr. Moffa. It’s possible it was sent to me, but I didn’t review it.

Mr. Somers. I’ll give you the benefit of reading it before I ask you the question. “Senior CD officials overseeing the Crossfire Hurricane” -- this is from the IG report -- “the Crossfire Hurricane investigation, including Priestap, Strzok, the intel section chief” -- which is you -- “and CD DAD Jennifer Boone, told us that they did not recall being advised that the information from the primary sub-source significantly differed from the information in Steele’s reporting.”

Is that still your testimony?

Mr. Moffa. Yes, that’s accurate.

Mr. Somers. So what was the gist of what you were told, then?

Mr. Moffa. Again just trying to remember back four or five years, generally I believe we received some additional
insight about the sub-source network beneath that primary sub-source that was helpful in further identifying those sub-sources. Beyond that, at this point I just couldn’t tell you what I recall about the overview of the briefing. Some of the administrative details about how it was done, that sort of thing, but that’s it. I just don’t recall the specifics.

Mr. Baker. As you learned information, either then or in hindsight from other reporting, about what this interview with the primary sub-source resulted, what did that do to whatever your level of skepticism on Christopher Steele was?

Mr. Moffa. I think a better way of putting it for me is it redoubled what in my mind should have been increased emphasis on operationally and investigatively pursuing that sub-source network to generate further corroboration or an ability to refute the reliability of it.

Mr. Baker. Increased emphasis on pursuing that network?

Mr. Moffa. In my mind, I felt like that was an increasingly important step as we learned more. And frankly, by identifying more of that sub-source network that sort of investigation and operation became possible, because we knew who those individuals were.

Mr. Baker. But you had that concern before the network was identified?
Mr. Moffa. We had that concern before the network was identified, but it was hard to do that if you didn’t know who the people were. And I think as time went on and post sub-source interview we had a better sense of who those people within that sub-source network were, and I had a personal belief that we should in a greater way operationally investigatively work to target and learn more about those sub-sources.

Mr. Baker. Did you express that belief to anyone on the operations side?

Mr. Moffa. I did.

Mr. Baker. Who did you express it to?

Mr. Moffa. AD Priestap, DAD Boone, members of the operational team, I would imagine Mr. Strzok. I can’t tell you beyond that. I just know those people for sure.

Mr. Baker. What was their response to your concerns?

Mr. Moffa. I felt at certain points -- I certainly believe they heard me. I don't know that I saw the sort of strategic change in direction of some of the investigation to the degree I would have wanted.

Mr. Somers. But the context that you’re talking about here, as you just said, you weren’t aware of the inconsistency between --

Mr. Moffa. No.

Mr. Somers. -- the primary sub-source and Steele’s
Mr. Moffa. I wasn’t.

Mr. Somers. So your focus coming out of what you’re told about the interview is. Hey, we’ve learned about more sub-sources; let’s go investigate those sub-sources?

Mr. Moffa. Yes. To me, right, I have a preexisting skepticism of all of it. From an analytic perspective, we have certain intelligence gaps we want answered, and that’s kind of where my focus was. Since I didn’t approve, write, authorize -- I actually don’t even know what facts are in the FISA -- I’m not thinking about how it relates to changes in accuracy for what might be used in a FISA. For me the focus here is really just further understanding the sub-source network, its reliability, and what that tells us about answers to our intelligence gaps. That’s my focus, and that’s because of my role.

Mr. Somers. Do you recall if you were told that the primary sub-source was truthful and cooperative?

Mr. Moffa. I don't recall hearing that specifically.

Mr. Somers. Just for a little more context here just so we’re on the same page about what the IG report found, on page 188 of the IG report one of the Washington Field Office agents that interviewed the primary sub-source came back with this information that he reported to the IG eventually. According to that agent, Steele’s -- what the primary sub-
source told him. “Steele’s primary sub-source was giving
Steele information that was based on conversation with
friends over beers; that the primary sub-source
categorized information he gave Steele as word of mouth
and hearsay; that his primary sub-source told the FBI that
the information was intended to be taken with, quote, ‘a
grain of salt’; and that the corroboration was zero.”

With statements like that, would your focus maybe have
been different than figuring out who the sub-sources were?

Mr. Moffa. I still think -- I still think, given the
allegations in that reporting, the context of the moment and
the environment and what’s happening, we still have to
pursue that.

Mr. Somers. Do you think you should have been told
information like that, though?

Mr. Moffa. I don't know what benefit me knowing it
necessarily would have had, given that my perspective is we
should be aggressively investigating all the sub-sources and
Steele to be able to independently corroborate the facts.
It doesn’t change that stance in my mind.

It’s a totally separate question for separate people
about how that information would then impact things like
FISA applications. From my chair, my belief is the same
whether I hear that or not.

Mr. Somers. What about the other chairs in the chain
-- Strzok, Prietap, and up? Should they have been made aware of the significant discrepancies between the primary sub-source’s interview and what Steele was reporting?

Sorry. Are you asking his opinion about that or are you asking him a policy question?

Mr. Somers. I’m asking his opinion. He just said he didn’t think he needed to know. I’m asking him whether he thinks others should have known.

Mr. Moffa. I think to the extent that that information provided a problem for things like a FISA application, I think it should have been known. But I can’t tell you whether it was or not. I just don’t know. I don't know the knowledge of the people on the operational side of that information.

Mr. Somers. But you do think it should have been?

Mr. Moffa. I think as an FBI employee you should be conscious of anything that is inaccurate that’s going into a legal document, period.

Mr. Baker. Are you familiar with other cases -- forget Crossfire Hurricane -- where that information would have been hot-lined or conveyed to the people that Mr. Somers just identified?

Mr. Moffa. I’m not sure I understand the question.

Sorry.

Mr. Baker. You indicate it should be in your view.
Are you familiar with other cases where conflicting information was sent up the proper chain?

Mr. Moffa. No, I’m not aware of other cases. And in this case the operational team had this information. They had it in their possession. So I don’t believe it’s a matter of it needing to be hot-lined anywhere. They collected it and had it.

Mr. Somers. Did you become aware that the primary sub-source was actually a contract employee of Orbis, Steele’s business intelligence firm?

Mr. Moffa. I don't know that I know that.

Mr. Somers. Were you aware the primary sub-source was a U.S.-based person?

Mr. Moffa. I don't know that I know they were U.S.-based. I know there was -- I know at one point that person was in the United States. I don't know that I could tell you I knew that they were here permanently.

Mr. Somers. Were you under the impression that they were based in Russia?

Mr. Moffa. No. I’m not under any impression. I don't know that I knew exactly where they were based, or I don't recall knowing exactly where they were based.

Mr. Baker. I want to back up just a second. You had indicated in your desire to have some push or some priority given to identifying the sub-source network, you had
expressed your concerns, I believe, to AD Priestap, I think you said Jennifer Boone, and some others. I got the impression that your message was received kind of coolly. Is that a misimpression on my part?

Mr. Moffa. I don't know that I'd say coolly. I think you’d have to ask our operational team why they believed their priority for any given investigative or operational action was. I didn’t see a tremendous refocusing of operational effort overseas towards identifying some of those sub-sources, and that’s something I thought was of value.

That’s a difference of opinion and those sorts of things happen in these cases. That was my perspective. They may have had very good operational investigative reasons not to make that adjustment. That’s my perspective.

Mr. Somers. If it was of value, if you had known this information about the discrepancy between the primary sub-source and Steele, would it become of even more value to evaluate the sub-sources at that point?

Mr. Moffa. I think for me there’s just a consistent need to do it. I don't know that that information changes my opinion about it. I think the information and the allegations in it are important, they’re important in the moment of the 2016 elections, and we should -- and again, some of this is the luxury of being an analyst. It’s easy
for me to say “You should go over there and try to find us
the answer to these questions.” I’m not the one who has to
then plan and resource and determine the legal ability of
the Bureau to do that.

So I’m speaking from somewhat of an advantaged position
and saying. I have this skepticism of the reporting; I’d
like to know more, as much as humanly possible, about the
sub-sources to answer these intelligence gaps. And I
believed the answers laid overseas with some of these sub-
source actors and I desired personally for the operations of
the Bureau to turn some attention that way. That’s again
the privilege of my position, not having to then effect that
operationally.

Mr. Baker. Were your concerns given to the executives
in a group setting? Did you meet with them individually at
some time?

Mr. Moffa. There were just a number of conversations,
I’d say in both settings. We had a number of group meetings
where my team was providing information that I felt
suggested overseas targets, for example, that we thought
could help further resolve some of the questions, not just
about Steele, but about the Russian election issue in
general.

So that was conveyed in group settings. It was
conveyed in individual conversations. I couldn’t tell you
exactly how many or when. But I felt like I was pretty clear about my position on that.

    Mr. Baker. Let’s just focus at the top of the pyramid. If you can recall, what was Mr. Priestap response to your concerns?

    Mr. Moffa. I can’t recall specifically. Bill I would say fostered an environment, though, where we felt pretty free to express ourselves. So I never felt like I couldn’t render that opinion. And I felt like it was heard. For whatever reason, my personal belief is that sort of more focused adjustment in that direction just didn’t occur. But I don’t know what his personal thoughts were on my opinion about it.

    Mr. Somers. Would he have had to approve an adjustment? I’m just trying to understand the chain here. There’s some indications that, in the IG report, that SSA-1 and the supervisory intel analyst could do tasking and figure things out like this. But you’re indicating that this came up in meetings with AD Priestap, so I’m trying to understand, for what you’re talking about, shifting some more resources, operations overseas to look at these sub-source, for instance, who would have had to say yes to that?

    Mr. Moffa. I’m having conversations with the people I named because at my level I’m not necessarily talking to the working-level investigative team. But that kind of change
absolutely could have started at the lower level, at the SSA level. It would have been known then to the higher level, the executive management in the division; and if they didn’t support it, obviously they’d have a chance to suggest otherwise. But it doesn’t preclude those lower working-levels from making that change.

Mr. Somers. Were those lower working-levels, or at least SSA-1 and the supervisory intel analyst, were they in these meetings where you were expressing these opinions?

Mr. Moffa. We’re mixing time periods a little bit here. There’s the pre-election period and the post-election period. What I’m suggesting I would cabin in my mind more to the post-election period, where there’s different operational personnel in place on the Crossfire team.

Mr. Somers. But are those operational personnel -- whichever supervisory special agent at that point in time was in charge of the operational side and whichever analyst was in charge of the analytical side, were they in these meetings that we’re discussing?

Mr. Moffa. Yes. Some of the meetings that I’m thinking of, these group meetings we were having, they were absolutely present, yes.

Mr. Baker. Did you get any frustration expressed by the analysts underneath you that there hadn’t been this change of focus?
Mr. Moffa. I don't recall that. To me, this was more me, at sort of a more strategic executive level, sort of expressing that concern. I can't recall if the individual analysts shared that with me.

Mr. Somers. Do you recall -- the primary sub-source is interviewed for three days in January. He’s interviewed again in March, and I believe again in April, or it could have been May. But anyhow, he’s interviewed two additional times. Do you recall why the need to continue to interview him about the same subject?

Mr. Moffa. I don't recall the reason for that, no.

Mr. Somers. Backing up, I think we got into the how. I think we discussed the how the Steele reporting was collected through a primary sub-source. What was your understanding, let’s say start pre-election, and we can go post-election after that -- what’s your understanding of the why Steele was doing what he was doing? We’ll start pre-election.

Mr. Moffa. Pre-election, my understanding at that time period was that a client had hired him to collect essentially opposition research. My recollection of that time is we didn’t know who that client was. Then in the course of collecting that opposition research, Steele recognized the allegations laid out within it about Russian activity and then decided to provide that to the Bureau.
Mr. Somers. When did you learn who the ultimate client was?

Mr. Moffa. To this day, I’m not entirely clear on who the client was and when. Just at the time I certainly wasn’t clear on it; and even now, four or five years later, I know that some understanding of that developed over time, but I would do a bad job of relaying it right now.

Mr. Somers. There’s a footnote in the IG report about regarding information about who Steele’s client was. There was some information received on August 2, 2016, according to the IG report, about who Steele’s client was. I’ll just read this. This is footnote 223 on page 98. It says:

“An FBI agent from another FBI field office sent an email to his supervisor stating that he had recently been contacted by a former CHS who was contacted recently by a colleague who runs an investigative firm. The firm had been hired by two entities, the Democratic National Committee as well as another individual not named, to explore Donald J. Trump’s longstanding ties to Russian entities.”

That investigative firm is Fusion GPS. That’s an email on August 2nd. Then the IG report goes on to say that:

“On or about August 2, 2016, this information was shared by a CD supervisor with the section chief of CD’s Counterintelligence Analysis Section 1 intel section chief” -- that being you. So I’ll start the sentence over and I’ll
just substitute that out. “On or about August 2, 2016, this
information was shared with you, who then provided it that
day to members of the Crossfire Hurricane team, then-section
chief Peter Strzok, SSA-1, and the supervisory intel
analyst.”

Do you have any recollection of this email chain?

Mr. Moffa. I don’t have a recollection of the email
chain, but it predates getting the Steele reporting. So at
the time, the context of receiving it would have been really
different. So I did exactly what I would have done today,
which is forward it on to the operational side.

Mr. Somers. The connection just wasn’t made because
of the time frame?

Mr. Moffa. For me personally, my job is not to make
the connection. It’s to send it to the team to look into,
and that’s what I did. But my understanding is that at the
time that email’s coming we, we CD, we don’t even have the
Steele reports yet.

Mr. Somers. And you just don’t recall the connection
being made after, at a later date?

Mr. Moffa. I don't recall. It may have been. I just
don’t recall.

Mr. Somers. But you do recall sending the email on?

Mr. Moffa. I don’t.

Mr. Somers. I think you testified to this earlier,
but you, among others, including Strzok and Priestap, told
the IG that you did not play a role in the preparation or
approval of the Carter Page FISA application. That’s
correct?

Mr. Moffa. That’s correct.

Mr. Somers. Did you supervise individuals who played
a role in the preparation or approval of the Carter Page
FISA application?

Mr. Moffa. No. The characterization of that I think I
provided previously as well. My analytic team is embedded
with that operational team. If that team needed information
to support the FISA, they could have at any point been
asking or working with my analysts. But my analytic team
doesn’t have any formal role in the preparation or
authorization or review of the FISA.

Mr. Somers. Do you know if your analytical, if anyone
on your analytical team actually reviewed the FISA, though,
before it was submitted? Or is that totally --

Mr. Moffa. My recollection is that the supervisory
intelligence analyst would have reviewed the FISA. But I
don't know the degree of detail and I don't know for what
purpose.

Mr. Somers. Just in your general knowledge of FISA,
the FISA process, from being the analyst actually, if you’re
given a FISA or parts of a FISA and there’s something wrong
that you see from an analytical perspective, is it your obligation to raise that?

Mr. Moffa. I would have the expectation that one of my analysts would raise it, yes.

Mr. Somers. Have you ever in any context raised an objection to something you saw in a FISA?

Mr. Moffa. I couldn’t tell you specifically, just given the number of FISAs I worked on and the length of time since I worked on them. But I certainly would have had that expectation for myself as a working-level analyst as well.

Mr. Somers. I guess I’m asking sort of a relationship question between. It seems to me, just reading the process, you have the case agent and supervisory special agent 1 who, at least for the first Carter Page FISA application, seemed to be the primary FBI agents involved in it. And it’s then passed off to a headquarters program manager. So they’re kind of on that side of it.

What’s the relationship, though, if an analyst says “Hey, guys, I see a problem with paragraph 15 of the FISA application”? Is that a comfortable role for an analyst to be in or is that an uncomfortable spot?

Mr. Moffa. I don’t think that’s uncomfortable at all. Honestly, I think the Bureau culture is such that there is that expectation that if you see something that’s fundamentally inaccurate and you’re aware of it, you can
feel comfortable to bring that up to really anybody within the chain of preparation for the FISA. So it could be an OGC attorney, it could be the case agent, it could be the squad supervisor.

I believe for this case specifically, I believe the communication culture around that team was such that I don’t have any belief that any of the analysts would have had a fear of raising a concern if they noticed it.

Mr. Somers. Do you think there was any culture of fear generally around the team of raising issues, concerns?

Mr. Moffa. I don’t.

Mr. Somers. You wouldn’t have gotten slapped down if you said “Hey, this is wrong”?

Mr. Moffa. No. Certainly my team I don’t believe had that sort of sense at all. In fact, I talked to them frequently about concerns they had and I felt like it was a really open conversation. So I just don’t have that impression from my perspective.

Mr. Somers. There wasn’t a pressure to obtain certain results?

Mr. Moffa. No.

Mr. Somers. From your perspective?

Mr. Moffa. Not any specific result. In terms of certain results, it was to investigate this well and comprehensively, but not to achieve a certain end of the
investigation necessarily.

Mr. Somers. Was there a lot of pressure to get the FISA application on Carter Page submitted?

Mr. Moffa. Again, I don’t think I can speak to that, just because from my half of the investigation that’s not -- that just wasn’t our focus. Our job was, once that FISA became available and the material was available, my analysts needed to review it for answers to those intelligence gaps. But getting it part of it is the operational side’s concern. So I just can’t speak to pressure about that.

Mr. Somers. Did you have any awareness that Carter Page had a previous relationship with another government intelligence agency?

Mr. Moffa. I did not.

Mr. Baker. Are you aware -- you just talked about this a second ago. Are you aware of anybody either on your team or on the operational team leaving Crossfire Hurricane team out of frustration or when their 90 days was up they said “Enough; I’m out of here”?

Mr. Moffa. No. I don’t believe anybody on my team left, but I don’t necessarily have as much insight into the operational side. So not to my knowledge.

Mr. Somers. I’m going to switch to a couple more topics here in our remaining about 15 minutes we’ve got in this round. One thing that’s mentioned a few times in the
IG report -- I’ll just read it to you. “Multiple witnesses told the OIG that they were very concerned about preventing leaks regarding the nature and existence of the Crossfire Hurricane investigation. Priestap said that, in an effort to prevent leaks, the investigation team was kept to a small group to try to control information from getting out.”

Is leaking in general a problem at the FBI?

Mr. Moffa. I don’t believe leaking in general is a problem at the FBI. I do think leaks when they happen are harmful to investigations.

Mr. Somers. Then as a result of trying to prevent these leaks, I think it’s pretty clear in the IG report -- and you can certainly disagree with me if you do -- that that’s why the case was sort of consolidated at headquarters. Is that your understanding of why headquarters ran it instead of, for instance, Washington Field or a different field office?

Mr. Moffa. I think one of the factors in my mind of why the choice -- again, I didn’t make this choice, but why the choice -- was made to run it at headquarters would be operational security.

Mr. Somers. But it did present challenges, I think the IG report indicates, to run it out of headquarters instead of running it out of the field; is that correct?

Mr. Moffa. You’d have to speak to the operational side
about that, about what specifically the challenges were.

Mr. Somers. What about from the analytical side?

Mr. Moffa. From the analytical side, I don’t believe it really presented any challenges. I was using my Russia expert analysts to work on a Russia case. It’s not that different than our investigative support to other cases.

Mr. Somers. Except to the extent maybe they couldn’t -- and you can disagree with me -- but to the extent that maybe they didn’t get as much to analyze or as quickly to analyze. The operational concerns -- and I’ll back up and ask you the question again, but according to the IG report running it out of headquarters presented multiple challenges, such as difficulties in obtaining needed investigative resources, including surveillance teams, electronic evidence storage, technically trained agents, and other investigative assets standard in field offices to support investigations.

Obviously, that’s all at the operational side. But you do get the product that is the result of all those investigative techniques. Did that present any challenges that you weren’t getting product?

Mr. Moffa. Look, I think at the end of the day our obligation was if there was information available and our analytic team needed to review it we would review it. And if there was more, we would have reviewed more. If there
was less, we would have reviewed less.

I think the challenge of the collection side of it, I’d really have to leave it to my operational counterparts to discuss how it being at headquarters impacted that.

Mr. Somers. Another subject. Do you recall attending a meeting on August 10, 2016, at the White House with the chief of staff and the President?

Mr. Moffa. What year?

Mr. Somers. August 10, 2016.

Mr. Moffa. No, I don’t recall attending that at all.

Mr. Somers. Switching subjects again. The intelligence community assessment of the 2016 election, do you recall working on that?

Mr. Moffa. I do.

Mr. Somers. What was your role?

Mr. Moffa. Again, I’m in that executive analyst manager role. So in some respects I am interfacing with the intelligence community at my level. Then I’m managing, again, analysts who are actually sitting on the drafting team of that assessment and an SIA who’s managing those analysts.

Mr. Baker. What’s an SIA?

Mr. Moffa. Supervisory intelligence analyst.

Mr. Somers. Is that the same supervisory intelligence analyst that was also doing the Crossfire Hurricane
investigation?

Mr. Moffa. It is.

Mr. Somers. But he was also involved in this intelligence community assessment?

Mr. Moffa. He was.

Mr. Somers. Was the main thrust of that getting some version of the Steele reporting included in the ICA; is that correct?

Mr. Moffa. I’m sorry?

Mr. Somers. Was the main effort that you were involved in with regards to the intelligence community assessment, was that getting the Steele reporting --

Mr. Moffa. I wouldn’t describe that as the main thrust of my effort at all. Again, this to me speaks to the broader Russian election issue that my analysts were also supporting, my other analysts, [REDACTED].

The ICA as I understand it was a directive from the President to have the key intel agencies push as much material about the election threat and what happened into the middle of the table for a joint team to review that material and publish as comprehensive an assessment as possible as to what happened there. So there’s much more that went into that from the Bureau’s end than just the Steele reporting. Whether it included the Steele reporting is kind of a subset of what I had to help manage as we wrote
that ICA, but there’s much more that I was involved in on
the broader assessment.

Mr. Baker. As far as Mr. Somers is asking about the
Steele reporting, were there issues in where in the report
to put the Steele information?

Mr. Moffa. There was a lot of discussion about it. I
felt it should be at least provided into the drafting team,
because I felt like the directive was to be inclusive in
terms of what we provided. The debate with the drafting
team of the other agency was really where and how could it
be reflected, and ultimately it was included in an appendix,
and the FBI supported that ultimately. But I think there
was some back and forth about it.

Mr. Baker. Before the back and forth and ultimately
agreeing to put it in the appendix, what were the concerns
of putting it in the appendix versus the main body of the
report?

Mr. Moffa. For us, I think initially we wanted it at
least considered to be included in the body, but properly
characterized, like other reporting. I think part of it in
my mind was we weren’t necessarily taking other agencies’
intelligence and putting it through the same wringer of
deciding does it go in an appendix or not. So we were sort
of being questioned on that and felt the need to at least
discuss it with the other agency.
But then ultimately, I was fine with it going in the appendix. I felt like we met the spirit of what the President had asked us to do, which was to provide what we had and then to capture that in the right way, the right context. Given the nature of the reporting, having it set off, to me I have no concerns about where it ended up.

Mr. Baker. Was it common for the other agency in similar situations to decide where Bureau intelligence would go in such a report?

Mr. Moffa. I don't know. I haven’t written or been involved in the writing of many joint products at this scale with that other agency. But I felt like that -- I felt like that debate -- well, I felt like at the time, I felt like that debate had to happen. Then, like I said, sitting here today and back then, I was fine with how it ended up.

If it had been excluded I would have had a problem with it, I think, because I felt like that didn’t meet the spirit of what the President had asked us to do with that paper.

Mr. Baker. So it touches the base and the spirit of what the President wanted, but it also sounds to me like the fact it was put in the appendix for all the reasons that maybe in the appendix doesn’t highlight it the way it should, it sounds like this other agency maybe had the same degree of skepticism that you had and put it where they felt it should be?
Mr. Moffa. I don’t think that’s an unfair characterization, in that the other agency viewed it with skepticism and we talked about. I did as well. What I didn’t want to do and what I didn’t want it to be perceived as is we’re burying it or otherwise excluding it from view. To me, I thought it was important, again given the nature of what I believed the assignment was, that it’s put out in the open. It just has to be characterized and positioned the right way so that the credibility of it isn’t overemphasized.

I think we ended up, I believe, in a good compromise there, where it ended up in the appendix in a way that is not invisible. It’s in there in a way that I felt was consistent with what the directive of the paper was.

But the debate over that is not an uncommon analytic debate over how things are phrased, positioned, in a paper like that, an important paper.

Mr. Somers. What did you make -- I think it indicates in the IG report, and I think we don’t have to say “the other agency”; it says “the CIA” in the IG report. “The intel section chief stated that the CIA viewed it as, quote, ‘Internet rumor.’” Do you know where the CIA was getting that, that take on it, from?

Mr. Moffa. No. I think there are certain aspects of the Steele reporting that are potentially viewed as more
salacious than others. So the point I was trying to make in that moment to the other agency is not everything in that reporting has to do with that sort of salacious side of it. So some of our discussion was about are there elements of this that are consistent with other intelligence, understanding that there are other elements of it which are not corroborated with other intelligence and could be viewed as Internet rumor.

I think what I’m saying there is at first glance I think they waved a wand over all of it and suggested it was Internet rumor, and I was suggesting a kind of more nuanced view of. You can’t necessarily look at every single piece of it in the same light. Some of it may be, but some of it maybe isn’t, and we should evaluate that.

That’s what I believe ended up happening in the appendix, if you look at it.

Mr. Somers. But it was still, even the appendix or the characterization that was included in the ICA, was that it was -- the reference was to it being, quote, “limited corroboration” of Steele’s reporting. So you’re not saying it was any more than corroborated in a very limited way?

Mr. Moffa. No, that’s exactly what I’m saying. I’m saying that there are limited facts within the full body of that reporting, and I’m not suggesting those facts are the same facts that are necessarily the more salacious
allegations contained within it. But it would be inaccurate
to say that it’s completely uncorroborated. But there’s
limited corroboration. And that’s -- if you read the
appendix, that’s actually what it says. It lays that out
with some factual support.

Mr. Somers. It also says in the IG report on 179 that
you said that the corroboration of certain facts, as well as
the thrust of the reporting regarding Russia’s actions to
disrupt the election and caused discord in the western
alliance, that was part of the corroboration. Isn’t that
kind of generally known, that Russia wants to cause discord
in the western alliance? Does that actually corroborate
Steele reporting?

Mr. Moffa. The point of that statement in my mind is
there is independent intelligence that is generally
consistent with what Steele reported related to the broader
Russian election issue. So what you can’t say is it’s
completely unsupported and uncorroborated in other
intelligence. There is some corroboration.

Again, I’m not necessarily referring to any of the sort
of more specific allegations in it that have not been
corroborated, because, remember, the ICA is much broader
than Crossfire Hurricane-related. It’s about Russia,
Russia’s attempts to influence the election. If you look at
the full body of the Steele reporting, some of that
information is consistent with other information in the intelligence community. And that’s what the appendix said.

Mr. Somers. Is this the first election that Russia has tried to disrupt?

Mr. Moffa. It is not.

Mr. Somers. Is this the first time that Russia has tried to cause discord in the western alliance?

Mr. Moffa. I don't know that I could say that, but I know it’s not the first election that Russia has targeted.

Mr. Somers. I’ve only got about two minutes here. I think it’s probably better for us just to break now instead of trying to jam something in here.

Mr. Baker. I can take just one minute --

Mr. Somers. Go ahead.

Mr. Baker. -- to just clean something up. We talked earlier, way earlier, about some of the different things that the analytical part of the Bureau does. But we didn’t specifically talk about this. Would one of the things that an analytical person, an analyst or an analytical unit, could prepare or help prepare, would be used for formulating talking points for briefings specifically to a Congressional committee?

Mr. Moffa. I can’t say that’s a formal defined role, but I could certainly see a scenario where that could happen, sure.
Mr. Baker. What would -- hypothetically, what would their role in formulating such talking points be?

Mr. Moffa. I think the reason I’m saying I think I could see them doing it is analysts are generally very good writers. I think they’re trained to take volumes of information and succinctly get to the point. I think that’s kind of what you’re doing with talking points. You’re taking a body of information and you’re trying to pull out the most important points, characterize it the right way, and write it up. That’s what I could see an analyst doing in that scenario, is kind of getting a solid written product that someone could use for their testimony.

Mr. Baker. And even if it’s not the analyst preparing the written product, are you aware of instances where their knowledge would be drawn upon by others that might be preparing the written product for whoever the briefer might be?

Mr. Moffa. I think that’s accurate, especially if part of testimony would be, for example, is characterizing a threat, some of that subject matter expertise I would assume would be drawn up into those talking points so it could be reflected.

Mr. Baker. And would that work be reviewed? If a lower-level analyst is called upon to either write something or to provide information that someone else is writing, is
their product or knowledge going out of the analytical division, is that reviewed up the analytical chain, or do they have free rein to provide it to whoever’s ever asking?

Mr. Moffa. They would obviously -- if, say for example, the Assistant Director asked for it directly, they would have the ability to hand it to the Assistant Director. But the normal chain of command would say it would come up through the unit to the section chief, through the DAD, up to the AD, through those different steps.

That would be a normal business practice. But it doesn’t mean that it doesn’t happen differently than that, certainly when there’s urgency or other circumstances impacting it.

Mr. Somers. I think we can take a break now.

Mr. Moffa. Take a break.

(Whereupon, at 12:27 p.m., the interview was recessed, to reconvene at 1:22 p.m. the same day.)
AFTERNOON SESSION

(1:22 p.m.)

Mr. Haskell. It’s 1:22 and we’re going back on the record.

Mr. Moffa, I just want to follow up on a few topics that have been touched on briefly at times today. My colleague Ms. Sawyer had asked you if anybody had a predetermined objective for the Crossfire Hurricane investigation. You said you never saw anything like that. You told Mr. Somers that there was no pressure to obtain a certain result. That jives with the Inspector General’s finding, after a two-year investigation, that there was no documentary or testimonial evidence of bias impacting the FBI’s work on Crossfire Hurricane.

Nonetheless, there continue to be allegations that there was tons of bias. Did political bias impact any of your actions in connection with Crossfire Hurricane?

Mr. Moffa. No.

Mr. Haskell. Do you have any evidence that political bias otherwise impacted the FBI’s work on Crossfire Hurricane?

Mr. Moffa. No.

Mr. Haskell. It has been alleged that the FBI engaged in, quote, “a massive criminal conspiracy over time to defraud the FISA Court.” Do you have any evidence that the
FBI engaged in a massive criminal conspiracy over time to defraud the FISA Court?

Mr. Moffa. No.

Mr. Haskell. It’s also been alleged that the FBI, quote, “purposely used the power of the Federal Government to raise a political war against a presidential candidate they despised.” Do you have any evidence of that, that the FBI -- that FBI agents purposely used the power of the Federal Government to wage a political war against then-candidate Donald Trump?

Mr. Moffa. No.

Mr. Haskell. Do you have any evidence that the FBI was attempting a coup against President Trump, which has also been alleged?

Mr. Moffa. No.

Mr. Haskell. What about any evidence that the Crossfire Hurricane investigation was a hoax or a witch hunt intended to hurt Trump politically?

Mr. Moffa. No.

Mr. Haskell. Was it your goal to hurt Trump politically?

Mr. Moffa. No.

Mr. Haskell. What was your goal in the Crossfire Hurricane investigation?

Mr. Moffa. My goal was to manage the analytic team and
its support to the investigation, which was seeking to identify any information that could substantiate or refute the initial allegation for the case.

   Mr. Haskell. Do you have any evidence that part of your goal or anybody else’s goal was a, quote, “deep state effort to take down President Trump”?

   Mr. Moffa. No.

   Mr. Haskell. There have also been allegations that the purpose of Crossfire Hurricane was to, quote, “change or nullify the results of the 2016 election.” Was that your goal personally?

   Mr. Moffa. No.

   Mr. Haskell. Do you have any evidence that it was anybody else’s goal?

   Mr. Moffa. No.

   Mr. Haskell. There have also been allegations that Crossfire Hurricane was composed of, quote, “people who hated Trump” and, quote, “had an agenda to destroy him before he was elected and after he was elected.” You were involved in the selection of members of the Crossfire Hurricane team along with Peter Strzok and SSA-1, as identified in the IG report. Did you consider how individuals felt about President Trump when you were selecting members of the team?

   Mr. Moffa. I didn’t consider that and I wouldn’t know
their political leanings.

Mr. Haskell. So you did not consider their political affiliation in any way?

Mr. Moffa. I did not.

Mr. Haskell. In fact, it would have been illegal for you to do so, correct? The Civil Service Reform Act prohibits FBI management from using political affiliation to make personnel decisions.

Mr. Haskell. That sounds right. I don't know the specific law you’re citing, but correct.

Mr. Haskell. But to be clear, notwithstanding your lack of knowledge of the specific law, that is not something you did or would do?

Mr. Moffa. That’s right.

Mr. Haskell. The IG report documents several steps that the FBI took to ensure that the counterintelligence investigation did not impact the 2016 election. According to the IG report, quote, “Multiple witnesses told OIG that they were concerned about preventing leaks regarding the nature and existence of Crossfire Hurricane.”

You said earlier that leaks can be harmful, and the IG report found that individuals found that that was the case as the Crossfire Hurricane. Why was it so important to keep the nature and existence of Crossfire Hurricane private?

Mr. Moffa. Well, I think, like any counterintelligence
investigation, to be able to obtain the needed facts and to
cut down on the possibility that actors who may be
conducting something that’s a threat to national security
could get forewarning of our investigation and change their
behavior in a way that would prevent us from discovering it
or manipulate or destroy evidence that we might need.

I wouldn’t put this in a different category, other than
to say all of our counterintelligence investigations need
that sort of operational security for us to be effective.

Mr. Haskell. In your view, was there any added or
heightened level of sensitivity, given that there was an
upcoming election and some had expressed that that was cause
to keep things especially tightly held to ensure that there
was no effect on the election?

Mr. Moffa. In my personal role, I wasn’t hyperfocused
on that particular point, just because my job was different.
It was to manage the analytic team. But I can completely
understand why up the chain the FBI management made the
choice to conduct the case in this way and had that as a
consideration. It doesn’t escape me that that would be a
factor for them.

Mr. Haskell. And it doesn’t escape the Office of
Inspector General either. In their Midyear investigation
report, they wrote -- they recommended that “the Department
consider providing guidance to agents and prosecutors
concerning the taking of overt investigative steps, indictments, public announcements, or other actions that could impact an election.”

Formal guidance to that effect was not in place during Crossfire Hurricane. It’s just a recommendation of the IGG. But in your view, did the Crossfire Hurricane team nonetheless take steps to avoid taking overt actions that could impact the investigation or the election in any way?

Mr. Moffa. All I can say is from my personal recollection I’m not aware of any actions that the operational side took that could have heightened awareness of the investigation. But you’d have to ask them specifically what they implemented operationally to obfuscate the case.

Mr. Haskell. Thank you.

The existence of Crossfire Hurricane remained private until months after the election, when, in March 2017, FBI Director Comey disclosed it to Congress. So it appears from that that steps that you and other members of the team took to keep Crossfire Hurricane a secret, whether that was due to the election context or just due to serving the same role that you would on any investigation, were successful. The investigation did not become known until after the election. Is that your understanding?

Mr. Moffa. My understanding is that it did not become
known publicly until after the election, that’s right.

Mr. Haskell. If the investigation had been publicly
known before the election, might that have harmed the
President, President Trump’s campaign, in any way?

Mr. Moffa. I couldn’t speculate on that.

Mr. Haskell. Moving on to a different topic, I want
to follow up on the questions that you were asked about the
Steele dossier and the role it played in the Carter Page
FISAs and the investigation generally. First, to put
Steele’s reporting in context, Crossfire Hurricane was
opened, as you know, on July 31, 2016. The IG determined
that the Crossfire Hurricane team didn’t even become aware
of Steele’s reporting until September 19th and that, quote,
“the Steele dossier played no role in the opening of
Crossfire Hurricane.” Page 352, note 45.

Are you aware of any evidence that disputes that
finding?

Mr. Moffa. No.

Mr. Haskell. When IG Horowitz testified before our
committee about the report last December, he said that the
Carter Page FISA the errors related to Christopher Steele
did not call into question, quote, “any part of the Special
Counsel report” -- of course, Special Counsel Mueller.

Are you aware of any evidence that disputes Horowitz’s
testimony that the Carter Page FISA errors do not call into
question any part of Special Counsel Mueller’s report?

Mr. Moffa. I just want to qualify to say I never read the Special Counsel’s report.

Mr. Haskell. Okay. But you’re not aware --

Mr. Moffa. I’m not aware of anything.

Mr. Haskell. -- of any evidence that would dispute the findings?

Mr. Moffa. Right.

Mr. Haskell. As part of this ongoing investigation that the committee’s conducting, former Deputy Attorney General Rod Rosenstein came before us. Rosenstein supervised the Mueller investigation and when Senator Feinstein asked him at that hearing to identify which findings in Special Counsel Mueller ‘s 448-page report rely on information from the Steele dossier, Mr. Rosenstein said, quote, “I don’t believe there is any such information.”

Now, with the understanding that you have not reviewed every page of the Mueller report, do you have any evidence that contradicts DAG Rosenstein’s testimony?

Mr. Moffa. Not personally, no.

Mr. Haskell. He also testified that none of the 199 criminal counts resulting from the Special Counsel investigation relied on information obtained from Steele. Do you have any basis to disagree with that?

Mr. Moffa. No.
Mr. Haskell. With regard to Steele, you were asked earlier about the why, why was he doing what he was doing. There have been allegations raised about his motivations. You told House investigators when you were interviewed in 2018 that, quote, “Sources have different motivations and actions, and it’s a balancing act of how that impacts credibility, and there’s no hard and fast rule that you can always kind of hue to.”

Can you elaborate on that?

Mr. Moffa. I think what I’m saying there is all sources are motivated differently and there’s no exact calculation of that motivation being for maybe purposes the government wouldn’t want automatically excluding some of their reporting being relevant or timely. So I guess what I’m trying to say there is there’s no exact science or formula to it. It’s about understanding that motivation, understanding how that may characterize or color the credibility of a source, and then evaluating the information coming from that source fairly throughout that process, with that context in mind.

But that’s not an exact science, I think is what I’m trying to say.

Mr. Haskell. Okay. Based on what you’ve just said, is it fair for me to say that a source’s motivation or biases do not automatically render any information he or she
provides false or unreliable or not credible?

Mr. Moffa. Yes.

Mr. Haskell. You’ve been with the FBI for more than 20 years. What impact would the inability for the FBI to rely on any source who has demonstrated a motivation or bias have on the FBI’s ability to do its work?

Mr. Moffa. We would not be able to use sources. Every source has some degree of motivation or bias, and so sources are an important part of how we collect intelligence and information to support our cases and protect America. I think if you exclude automatically those sources that maybe have motivations that are less than horrible you potentially exclude a bunch of intelligence that could be used to protect America.

Mr. Haskell. The IG asked Christopher Steele about a characterization of him as being desperate for Donald Trump not to win, and he said that he was concerned that Trump was a national security risk and had no particular animus against him otherwise. Do you have any basis to dispute Steele’s characterization of his own motives?

Mr. Moffa. I wouldn’t have any information about his feeling in that regard in either direction. I just don’t know.

Mr. Haskell. Thank you.

Shifting gears again to confidential human sources,
CHS’s, you told OIG that you viewed CHS’s as, quote, “one of the best avenues to potentially get some meat on the bones of the allegations that came through that started Crossfire Hurricane, to get somebody talking about what that reality was, even if the reality was this guy Papadopoulos knows nothing or this is what happened that actually explains that predication. It was one of those few avenues available to us in that moment where you could start to get some clarity around that initial predicating allegation really of the IG report.

Mr. Haskell. Is it fair to say that the purpose of your use, the FBI’s use, of CHS’s in Crossfire Hurricane was to corroborate or to dispel allegations that the Trump campaign was involved in Russia’s ongoing interference efforts?

Mr. Moffa. Again, I can’t speak to my operational counterpart, but my personal understanding of that was that.

Mr. Haskell. So it’s to corroborate or to dispel and move on?

Mr. Moffa. Correct.

Mr. Haskell. Beyond Crossfire Hurricane, have you found CHS’s to be a valuable tool for corroborating or dispelling allegations during the course of your 20-plus years at the FBI?

Mr. Moffa. Yes.
Mr. Haskell. More generally, is it fair to say that in your experience CHS’s have played an important role in your work in investigating national security threats?

Mr. Moffa. In investigations I’ve been a part of?

Mr. Haskell. Yes.

Mr. Moffa. Yes.

Mr. Haskell. Yes, in your experience.

I’ve always understood sources and methods to be things that the FBI vigorously protects. Is that correct?

Mr. Moffa. Correct.

Mr. Haskell. Why is it important to protect sources?

Mr. Moffa. Well, I would say the protection of sources is directly connected to your ability to recruit, run, and obtain information from other sources. If an organization were to develop a reputation for not treating their sources well or endangering their sources, it would to me seriously compromise that organization’s ability you to generate information from those sources in the future.

So not only is it the right thing to do in dealing with human beings and protecting them, but it’s also critical to keeping that avenue of intelligence open for your organization.

Mr. Haskell. Following up on what you just said about being the right thing to do to protect individuals, are the risks to individuals with regard to the public disclosure of
who they are, are they amplified when you’re dealing with a
source related to a place like -- in a place like Russia?

Mr. Moffa. Yes, I’d say any source in a threat country
faces a greater risk if their CHS relationship with the FBI
or any U.S. intelligence service is publicly known.

Mr. Haskell. Are you aware that DOJ recently
declassified the FBI’s memo summarizing a January 2017
interview with Steele’s primary sub-source, and that shortly
after that memo was posted on our committee’s website a
blogger deduced and RT widely publicized the source’s
identity?

Mr. Moffa. No, I’m not aware of that.

Mr. Haskell. What are the possible consequences of
exposing the primary source -- sub-source’s identity?

Mr. Moffa. I don't know that I can speak to the
primary sub-source specifically, given that I don't know the
circumstances of that person. But the risks associated with
disclosing any source are their personal safety, certainly
their career, reputation, all the things that matter to
sources. Again, protecting them from those risks is
directly connected to our ability to recruit and use sources
in the future.

Mr. Haskell. There have also been efforts to identify
who the primary sub-source’s sources are based on the
publication of that document. Would those same concerns
apply to the primary sub-source’s sources?

Mr. Moffa. Yes, I think they would.

Mr. Haskell. Are you aware that on page 42 of that memo I mentioned, that was released publicly, which is a summary of the interview, the FBI’s interview with the primary sub-source -- and I’ll just read from it, quote.

“The primary sub-source commented that, unless his name goes public, he is fine when it comes to his source network. He doesn’t believe he can travel (REDACTED). He feels that he would be in danger, as he put it, (REDACTED).”

So I read this as the primary sub-source talking personally about himself the way you’re talking about sources generally, that if his name is disclosed he could be put in danger. Is that your same reading?

Mr. Moffa. Not having read that document, but hearing your description, I think that would be consistent with what I’m saying, yes.

A few follow-up questions on that. If the individual who does end up getting exposed is currently still a source for the FBI or the government, does the fact that they’ve been publicly identified then compromise their ability to be useful to the FBI?

Mr. Moffa. Again not having deep, unlimited expertise in this area, I would say it’s possible it would compromise their ability to report the same streams of intelligence
they would be reporting before they were exposed publicly.

Ms. Sawyer. Well, certainly if the folks who were reporting to them learned that they were reporting to the U.S. Government, they might be more reluctant to share information with that particular source; is that not correct?

Mr. Moffa. Yes, I agree.

Ms. Sawyer. Certainly that individual themselves might be reluctant, if not outright unwilling, to work with the U.S. Government going forward. Wouldn’t that be another risk?

Mr. Moffa. I agree.

Ms. Sawyer. When you were talking to our colleagues in the last hour, you were talking about the need to make a determination as to reliability and credibility of sources and sub-sources. What role does the need to also determine a source’s potential access to the information that they’re saying they have play?

Mr. Moffa. It plays a significant role in understanding the credibility, because if a source is known to not have access to the type of information being reported that can be a sign that the information itself is being fabricated or otherwise can’t be trusted.

Ms. Sawyer. So for example, if you learn that the person who said anything about Carter Page had no possible
access to sources in the Russian government, to information from the Russian government, that would substantially downgrade your ability to rely on them?

Mr. Moffa. That would be an important fact to know, but you’d also have to understand if that person had second-tier or third-tier access to that information and draw the distinction between direct access and access through others.

Ms. Sawyer. If you did assess that there had been direct access, would that conversely bolster your ability to rely on the information?

Mr. Moffa. In a general sense it would, because that person is reporting something they’ve learned first-hand.

Ms. Sawyer. My colleague Mr. Haskell referred you to the document that was produced by the Justice Department and posted on the committee’s website. It does talk, with some redactions, about not just the primary sub-source, but that sub-source’s sources. And on page 19 of that document it speaks to Source 5, who was one of the main sources for information on Carter Page during his trip to Moscow in July of 2016. It says the following, among other things. “She has ties to the (REDACTION) as well as ties to the Russian intelligence and security services.”

Did you have or did any of your analysts raise questions about the access that Source 5 had to information she was reporting up through the primary sub-source?
Mr. Moffa. I can’t speak to Source 5 because I don’t know who that is and I haven’t read the document you’re referring to. But what I’ll say, and refer to my earlier testimony. That’s the kind of sort of overseas operational and investigative work that I was talking about, where I believe a greater emphasis on pursuing better understanding of those sub-sources and their access would help clarify and either further support or refute the credibility of the reporting in general.

Ms. Sawyer. Are you aware of whether or not there was an effort to learn more about Source 5?

Mr. Moffa. I just don’t know who Source 5 is, so I’m sorry; I can’t say.

Ms. Sawyer. So you don’t know? It’s possible that there was?

Mr. Moffa. It’s possible. I’m just saying I don’t -- I don’t recognize Source 5 and I can’t tell you for certain.

Ms. Sawyer. Do you know anything about any of the other sources and the efforts that might have been made to do additional investigative work to find out about their access and therefore their credibility and reliability?

Mr. Moffa. I can’t speak to what was done investigatively for each of them because I just don’t know. I will say analytically we expended effort, my team expended effort, to better understand them, who they were, what was
available in terms of information about them as they were
being identified, for exactly in part the purpose you’re
saying, which is what is their access to information.

So while I can’t tell you the specifics of which sub-
source, that’s the general idea of what the analytic team at
least, which is the part I can speak to, was trying to do.
further ascertain whether they had that sort of credible
access to the type of information that was being reported
through the sub-source.

Ms. Sawyer. Understanding that you don’t remember
specifcs, do you recall if at any point while you were
still working on Crossfire Hurricane and before it went to
the Special Counsel, whether any of your analysts came to
the determination that the sources, the primary sub-source’s
sources, simply did not have the access that would have
allowed them to report on the information they had been
reporting?

Mr. Moffa. I don’t remember that definitive of a
judgment being made before I left the team.

Ms. Sawyer. I think that’s all I have.

Mr. Haskell. I think that’s it for this round for us.

Thank you.

Mr. Moffa. Thank you.

Mr. Somers. Short break.

(Recess from 1:45 p.m. to 1:53 p.m.)
Mr. Somers. It’s now 1:53. Back on the record.

You were talking last round a little bit about the use of confidential human sources, and I think the quote that was read back to you from the IG report was your quote, was. “Confidential human sources are one of the best avenues to potentially get some meat on the bones of the allegations that came through that started this case.”

So I guess that means you would task confidential human sources with talking to a Carter Page, who has talked to a confidential human source -- not you would task. The FBI would task, I’m sorry. I make my usual error of saying “you.”

The Crossfire Hurricane team would task a confidential human source with talking with Carter Page or George Papadopoulos, and the goal of that, would it be fair to say, would be to see what they’d say about some of the allegations?

Mr. Moffa. I don’t know if -- it’s not those two individuals specifically, but the idea would be that a CHS could interact with some of the subjects or others and pretty directly potentially look into the allegations by talking to those people and then not compromise the FBI’s investigative interest in the process.

But again, from my perspective I saw it as a potential avenue of intelligence to answer our gaps. The question of
again the operational wisdom of doing that and operational
security of that was for the investigative side to
determine.

Mr. Somers. What happens -- we’ve been given,
provided by the FBI, with some of the transcripts of
confidential human sources speaking with Page and
Papadopoulos. But at the time what happens with -- Carter
Page is recorded by a confidential human source and a tape
is generated. What goes on after that, after the
interaction?

Mr. Moffa. Well, whether it’s a recording or a
transcript, the proceeds of that engagement are reviewed by
the team. And by “the team” I mean both sides, the analytic
team and the operational team.

Mr. Somers. And is a summary document generated or is
it just left in the raw form of a transcript?

Mr. Moffa. I really can’t speak to that. I think at
times maybe there’s a summary document and other times maybe
there isn’t.

Mr. Somers. So sometimes when you look at a
transcript, from your background as an analyst, a summary
will be generated; and other times it will just be left raw
in the transcript?

Mr. Moffa. Yes, I think that’s right.

Mr. Somers. What would be the factors that would
differentiate between whether something was summarized or pulled out and just left? Is it the use of what’s on the transcript or is it something else?

Mr. Moffa. I just think it would be need. If the people who need to know the information on the transcript have read the whole transcript, there might not be a need for a summary. And if that information had to be shared with others who don’t have the time or interest in reading the full transcript, you’d write a summary.

Mr. Somers. How would it be shared? Let’s say Carter Page said something that relates to an allegation made against him by the Steele dossier, for instance. Speaking generally, where does that information go at that point within the Crossfire Hurricane investigation?

Mr. Moffa. I can’t speak to that specifically, but both the operational and analytic teams are reviewing that transcript. So they have it. Then the question is, do they need to do something with that information, whether it’s advise up the chain or some other purpose. I just don’t know what that would be.

Mr. Somers. You don’t know what happens?

Mr. Moffa. I don't know what that would be specifically, given what the needs of that moment are. It could be that they had to do something with it, so it would be disseminated further. Or if not, if it’s just for the
background and understanding of the team, it might stay with
them.

      Mr. Somers. And it’s analyzed -- “analyzed” is
probably the wrong word since that’s leading into my
question.

      It’s looked at by both the analysts and the agents?

      Mr. Moffa. I’m generalizing. I can’t tell you
specifically for any particular CHS operation. But
generally, that transcript would be looked at by both the
analytic team and the operational team to see what was said
and if anybody picks out anything in it that’s of substance.

      Mr. Somers. And would something that contradicts an
allegation made against Page, for instance -- I’m not
thinking of anything specifically.

      Mr. Moffa. It should be recognized and understood.
Then there’s a variety of things that might need to be done
with that. If you’re putting together a FISA, there’d be
something you would need to do with it. If it’s just for
notification up the chain, they would do something different
with it. It just depends what the purpose is.

      Mr. Somers. But it’s pulled out? It’s not just left
in the transcript. It’s pulled out in some way, either
orally or in a written document generally?

      Mr. Moffa. I’d go back to my previous statement, that
if there’s something that’s developed that revealed an
inaccuracy or a factual inaccuracy, my expectation would be that the right responsible people would recognize that and do the right thing with it. That thing could be a number of uses depending on what is underway at the moment.

It shouldn’t be ignored, I guess is what I’m saying, in my mind.

Mr. Somers. But it could be discounted?

Mr. Moffa. It could be discounted as the individual speaking to the CHS potentially being less than honest, sure. That’s possible.

Mr. Somers. You spoke about, as I started this off with, CHS’s being one of the best avenues to potentially get some meat on the bones, and your quote goes on. One of the case agents characterized -- he may also agree with your assessment, but -- “Using CHS’s can be an effective tool for quickly obtaining information such as telephone numbers and email addresses of the named subjects.”

Which also could be true. But that’s not what you mean by putting meat on the bones. You don’t mean collecting email addresses and phone numbers?

Mr. Moffa. I mean, that’s a byproduct benefit potentially, is to get that kind of clarification information. But what I’m referring to there is, again as an analyst, when I look at what are those potential vectors of learning the intelligence needed to answer this question,
having access to people who may know the answer and getting
them to share that is potentially one of the best and
quickest ways to put meat on the bones of that allegation.

But it doesn’t mean that you can’t derive other
benefit, which is what I think that agent’s suggesting.

Mr. Somers. But those are two different things, is
all.

Mr. Moffa. Yes, I think they are. I think there’s
ways CHS’s can help you sort of in the nuts and bolts of an
investigation, and then I think CHS’s can help you a report
the fundamental question of your investigation. I think
there’s a full range of things CHS’s can answer.

Mr. Somers. Switching around here a bit, did you
consider the possibility that what Steele was reporting was
Russian disinformation that was fed to him?

Mr. Moffa. It was one of the potential options for
what the information was. I don’t think it changes, again,
what we were doing, which was trying to find independent
intelligence or other corroborating information to either
positively confirm or refute the facts in it.

If we looked at certain information that suggested it
was Russian disinformation, then that’s what it would tell
us. If we looked at other information that just positively
confirmed it was a false piece of reporting, that’s what it
would confirm. I don't know that it changes -- in my mind,
it didn’t change the approach. It was one of the potential possibilities for this reporting in my mind.

Mr. Somers. In your mind -- and when I say “you” this time I’m actually referring to you, versus the team -- did you ever come to a conclusion that what Steele was reporting was not Russian disinformation?

Mr. Moffa. No. To me, when I left the investigation in the spring of 2017, all possibilities for Steele and his reporting were still on the table in my mind.

Mr. Baker. What kind of weight is a newspaper article or news reporting of information that a source is reporting? What kind of weight do you give that in verifying or giving credibility to what the source is coming in with?

Mr. Moffa. It depends a little bit on the circumstances. But the temporal aspect is important. So if something’s publicly known before a source reports it to you, then it doesn’t provide much in terms of validation of the reporting because the source may have seen it publicly and then just told you about it.

If a source reports something and then it’s not publicly known until long after the source reported it, that open source reporting could potentially add some degree of credibility to the statement. But in no case would you want to take open source information and use that in a sole way to either validate or corroborate. It’s potentially
relevant, but it’s just a factor in that.

There are obviously very simple facts that are widely
known publicly that may be true. But the question is just
can the source have reported that based on the source’s own
view of that same public information.

Mr. Baker. And it’s possible the source could have
been the reporter of both, what’s coming in --

Mr. Moffa. Certainly.

Mr. Baker. -- the news media and what’s coming into
the FBI in this case?

Mr. Moffa. It’s very difficult to know how things
emerge publicly, and so that’s a possibility, sure.

Mr. Baker. And that’s all part of this ongoing living
event that intelligence is in your world?

Mr. Moffa. In my view, in terms of what we were
attempting to do here, absolutely. So a public fact could
be a starting point and then you continue to build that out
further as time went on.

Mr. Baker. You indicated earlier that -- we talked a
little bit earlier about information coming in from friendly
foreign governments and you, with your -- my words -- kind
of skeptical hat on, some stuff needs to be looked at
deeper, whatever, and there’s a continuum and it goes back
and forth, with new information coming in.

Are any of your units or intelligence units in the FBI,
are any of their products shared with friendly foreign governments?

Mr. Moffa. Yes.

Mr. Baker. Do you know if the Steele reporting was shared with a friendly foreign government?

Mr. Moffa. I don't know that. No, I don't know that.

Mr. Baker. Do you know if any product generated from the Steele reporting was shared with a friendly foreign government?

Mr. Moffa. I don't know that either.

Mr. Baker. Thank you.

Mr. Somers. Lost my train of thought. I was going to follow up Art there.

Switching topics here. Were you involved in the decision to send Supervisory Special Agent 1 to take part in a strategic intelligence briefing of the Trump campaign on – the briefing that occurred on August 17 of 2016?

Mr. Moffa. I was informed of the decision. I wasn’t part of the decision-making on it.

Mr. Somers. Do you know why that particular agent was chosen to take part in the briefing?

Mr. Moffa. I think you’d have to ask those that decided. I actually don’t know exactly who did. I know AD Priestap was a part of those conversations and up the chain. I would imagine it’s both SSA-1 has substantial expertise in
counterintelligence -- he’s a very, very good agent, very
experienced agent -- but also my understanding now is
certainly that it was due to his being part of the
Crossfire Hurricane team as well.

Mr. Somers. So were you involved in any discussions
about whether this was a good idea, what was -- I’m sorry.
Was that a no? You shook your head.

Mr. Moffa. I don't recall any conversation I was a
part of where the merits or wisdom of sending someone from
the team were discussed.

Mr. Somers. But you were involved in, I guess the IG
report calls it, mock briefings, some sort of preparation
for SSA-1, his taking part in the briefing; is that correct?

Mr. Moffa. That’s right. To be honest, I think most
of my input in that, though, had to do more with my normal
job in terms of counterintelligence analysis, because he had
to deliver a more general counterintelligence briefing and
my analytic section covers a number of the different threat
actors that were going to be discussed at that briefing.

Mr. Somers. More the meat of what he actually said
versus the observational that he was sent there to do?

Mr. Moffa. That’s right. My recollection is that was
really what I was contributing to that, is how would you
actually present the counterintelligence threat in that
context. He, as the operational side, he would be the one
responsible, along with Strzok and the rest of the
operational team, for any other alternate goals of that.

Mr. Somers. What did these mock -- I’m just kind of
curious as to what a mock briefing consisted of.

Mr. Moffa. I wouldn’t really call it a mock briefing.
I’d call it more of a dry run of the presentation he was
planning to give at that briefing.

Mr. Somers. Did you speak with SSA-1 after the
strategic intelligence briefing?

Mr. Moffa. I don't recall if I spoke with him after or
if I just heard about it after. It’s possible. I just
don’t recall.

Mr. Somers. Do you recall what the take on the
briefing was?

Mr. Moffa. Again, I don't recall specifics. I
remember him relaying impressions of the different actors
who were in the room.

Mr. Somers. Do you recall generally what those
impressions were?

Mr. Moffa. I don’t, actually. There were particular
topics that were coming up in the briefing that he was
reflecting certain people conveyed interest in. But I just
can’t remember what they were now.

Mr. Baker. Do you understand that to be a reason that
SSA-1 was selected to do the briefing, was there was
information about some of the other participants that he was
going to observe and make assessments about?

   Mr. Moffa. I don’t think I was told that explicitly,
but it was pretty clear to me that that was one positive
benefit of SSA-1 going, in addition to his
counterintelligence expertise, is he’d be able to identify
information of value about the people in that room that
others maybe couldn’t.

   Mr. Baker. Now, is that based on any extra expertise
he has in behavioral analysis, or was that just being an
agent that’s done interviews and observed people in
interview-type settings?

   Mr. Moffa. I don't know that I know that much about
his background otherwise, but I just know he’s a very
experienced counterintelligence agent who’s done a lot of
work on espionage and counterintelligence cases. So I think
that was -- that’s where I’m coming from with that, that he
would have that kind of experience to be able to pick up on
important information in the nuances of those interactions.

   Mr. Baker. With the goal being to come out -- in
addition to the goal of providing the counterintelligence
briefing part of it, but the other goal of coming out with
some observations and maybe things to formulate in future
contacts with some of those participants to the briefing,
were you made aware of or did you subsequently learn or ever
have reason to believe that that briefing when it was
actually presented was electronically recorded in any way?

Mr. Moffa. I don't know anything about that, no. I
don't recall ever hearing about that or knowing that.

Mr. Somers. Do you recall anyone raising concerns
about using the strategy intelligence briefing for the
purpose of observing Flynn and Trump and Chris Christie?

Mr. Moffa. No, I have no recollection of anybody
raising any concerns about that.

Mr. Somers. The FBI opened their investigation of
General Flynn on August 16th of 2016. Let’s just start with
prior to the election time frame; what was your involvement,
if any, with the analytical side of the Flynn investigation?

Mr. Moffa. I don’t think it’s any different than the
other cases or Crossfire Hurricane as a whole. My analysts
were conducting research and supporting the needs of the
investigation, whatever that might mean. So I can’t speak
to the day to day analytic interaction between the
investigative team on any one of those cases. I’m just able
to speak in an overall sense about the type of work they
did, that kind of research and analyst.

Mr. Somers. Did that change after the election time
period?

Mr. Moffa. No. I mean, in my mind that’s the goal and
role of the analytic team throughout. The cases may change.
Some new ones may open, others may close. But our work is essentially the same. It’s to fill that analytic need within all of the different investigations, no one being exceptional to the others.

Mr. Somers. Do you recall what was being looked for with General Flynn? I believe the predication for opening an investigation on him was the Foreign Agents Registration Act. But do you recall what type of information was being analyzed, looked at?

Mr. Moffa. I don’t. I recall, as we talked about earlier in the day, he being one of those people who were part of the campaign who had ties to Russian actors in a way that suggested they were potentially a more likely fit for the predicating information. But I don't recall specifically what distinguished him from the others, other than that sort of background and ties to Russia.

Mr. Somers. How many FARA cases have you been involved in?

Mr. Moffa. I’ve been involved in a few. I wouldn’t -- I can’t put a number on it, but more than two or three during my time in the Counter-Espionage Section.

Mr. Somers. Did the Flynn investigation at some point in December of 2016 evolve away from being a FARA investigation?

Mr. Moffa. I just don’t recall. I wasn’t following
the investigation at that level that closely.

Mr. Somers. Do you recall a time when the decision was made to potentially close the Flynn investigation around December or early January, December 2016 or early January 2017?

Mr. Moffa. I don’t specifically recall that. I couldn’t tell you when it was closed.

Mr. Somers. But you don’t recall discussions about closing the case?

Mr. Moffa. I really don’t, no.

Mr. Baker. Would you’re -- and it doesn’t have to be in the context of Crossfire Hurricane. Would your intelligence apparatus be consulted when a case was considered or was being considered to be closed, just to make sure there’s no other intelligence information that would justify keeping it open?

Mr. Moffa. I don't know if it would be a specific defined event as. We’re going to check in with the analyst team one more time before closing. I think the reality is that team’s working closely with the investigative team throughout and during, and if there was information that was coming from the analyst team that would suggest to the ops team that they needed to keep the case open, they would know that and they would do it.

I don't know that there is necessarily, like I said,
that defined a moment where you check in one last time, 
especially with a team as embedded as this team was. 
They’re working together every day, so if the analysts had 
information that would suggest the case needed to continue I 
would have every belief that the operational team making the 
decision about opening or closing would know that.

Mr. Baker. So you’re not aware -- again, it doesn’t 
have to be in this case. You’re not aware of a situation 
where a decision’s made to close a case and some analyst 
says “Oh wow, I wish I knew they were thinking of closing it 
because I have this new information”?

Mr. Moffa. I couldn’t tell you that’s never happened 
in the history of the Bureau. But I’m not aware of any 
instance where that happened.

Mr. Baker. And certainly not aware, you’re saying, of 
any instance of it happening in Crossfire Hurricane?

Mr. Moffa. Agreed, yes. I’m not aware of any instance 
where the case was closed. I don’t recall any event like 
that, where the analyst had something where the ops side 
didn’t know it and didn’t consider in that decision.

Mr. Baker. Thank you.

Mr. Somers. Do you recall the issue of General Flynn 
having conversations with Russian Ambassador Kislyak 
becoming an issue as part of the investigation?

Mr. Moffa. I recall that.
Mr. Somers. What’s your recollection of how that arose?

Mr. Moffa. Can I check in?

Mr. Somers. Yes.

(Witness confers with counsel.)

Mr. Moffa. I think if you rephrase it I can answer it. But I’m a little concerned about dipping into the classified side.

Mr. Somers. Go ahead.

Mr. Moffa. Are you asking me how I became aware of it?

Mr. Somers. One, how did you become aware of it, yes.

Mr. Moffa. I can’t recall specifically who told me about it, but it was either the SIA who worked for me or another member of the team.

Mr. Somers. And do you recall why you were alerted to these particular conversations, generally? Some of this has been declassified. I’m not looking for anything really specific.

Mr. Moffa. Yes, I get it.

Mr. Somers. But generally what was the concern about these conversations?

Mr. Moffa. I think they were relevant conversations to the underlying idea of the case and the contact between Flynn and the Russians. So it’s the kind of event that I would expect, again given the context of what’s happening on
the Russia program, to be made aware of.

Mr. Somers. Do you recall if there was concern there was anything illegal about these conversations?

Mr. Moffa. I remember there being discussions about that, yes.

Mr. Somers. What would be illegal about these conversations?

Mr. Moffa. Again, I’m the wrong person to --

Mr. Somers. What was discussed about it?

Mr. Moffa. I remember there being discussions with the lawyers in the room and the operational counterparts about the potential legality of it. I can’t tell you what specifically about it is illegal or why.

Mr. Somers. Do you recall the Logan Act being discussed?

Mr. Baker. I remember that term, yes.

Mr. Somers. Just the term? Do you know anything about the Logan Act?

Mr. Moffa. I know very little about the Logan Act. I may have known more back then. I couldn’t even tell you right now exactly what it entails.

Mr. Somers. Have you ever worked on a Logan Act case outside of the Flynn situation?

Mr. Moffa. I have not.

Mr. Somers. Were you aware the Department of Justice
has never prosecuted a Logan Act case?

Mr. Moffa. No, I’m not aware.

Mr. Somers. Do you recall any discussions about whether the Logan Act was actually a criminal violation that would seriously be considered to be used against Flynn?

Mr. Moffa. I recall there being conversations for which I’m in the room and the Logan Act being discussed. But I couldn’t tell you specifically what nuance around the Logan Act was being talked about. It isn’t my lane, so it’s not something I really know a lot on.

Mr. Somers. Are you aware that at least some officials at DOJ considered Flynn speaking with Kislyak to be, quote, “pretty common,” a pretty common thing for an incoming administration to be talking to a foreign government?

Mr. Moffa. No, I’m not familiar with that specific statement

Mr. Somers. You don’t recall that being brought up at meetings that you attended?

Mr. Moffa. I don't recall that.

Mr. Somers. Mary McCord, who was in NSD at the time, testified to the House Permanent Select Committee on Intelligence that. “It’s probably pretty common for incoming officials to reach out to who their counterparts are in advance of the transition to just sort of say ‘We
want to start developing a relationship.’”

I guess my question is. Was anyone dismissive in any of the meetings? Hey, this is no big deal; he’s having a conversation?

Mr. Moffa. I don't recall any kind of conversation like that.

Mr. Somers. Were you ever involved in an investigation in previous administrations where an incoming administration was speaking to a foreign government?

Mr. Moffa. No.

Mr. Somers. Do you recall -- I don’t want you to get into classified information here, but is there anything unclassified you can say about like what specifically it was about these conversations that merited investigation?

Mr. Moffa. I don't know that I can speak to the specifics of the conversation. But again in a general sense, I think it showed collaboration at the higher levels of the Russian government, which again would be consistent with someone who potentially could match the description of someone who received the suggestion that led to the predication. So in my mind it’s further reinforcing the possibility that, at least from the case that we’re investigating there, the FBI’s investigating there, that Flynn is a more reasonable subject to have been involved in what was described in the predication than others.
Mr. Somers. Wouldn’t it also be reasonable for the incoming national security adviser to the President of the United States to have a discussion with the Russian ambassador?

Mr. Moffa. I couldn’t speak to that. But it also -- to me it’s relevant in the context I just laid out as well. Maybe that’s true, but I wouldn’t be able to say. But I think it’s also true in the context I just described. Maybe it’s both.

Mr. Somers. But you don’t recall anyone saying “Hey, the guys the incoming national security adviser; what’s the big deal?”

Mr. Moffa. I don’t remember that.

Mr. Somers. What was your involvement, if any, in preparation for an interview of General Flynn in early -- an interview that occurred on January 24th of 2017? Prior to the interview, were you consulted at all about the interview, involved? Were you consulted at all about it?

Mr. Moffa. I remember knowing that the interview was being planned. I remember being in meetings with Deputy Director McCabe and others where it was being discussed. I don’t remember personally being engaged to provide any input in advance of that. I just remember being there and being aware that it was going to occur.

Mr. Somers. Do you recall why people thought it was
important to interview General Flynn at that point in time?

Mr. Moffa. I don't recall specifically.

Mr. Baker. You said you were in a room or interview prep session with McCabe and others. Who were the others?

Mr. Moffa. Pete Strzok for sure. I’m trying to remember. Bill Priestap at least in one of the meetings I’m thinking of. I couldn’t tell you the others.

Mr. Baker. And they were all in favor of doing this interview?

Mr. Moffa. Yes, I don’t remember -- I don't recall any kind of statement from anybody that doing the interview was the wrong choice.

Mr. Somers. Do you recall any discussion about how to go about the interview in terms of whether White House counsel should have been notified of the interview?

Mr. Moffa. I have no recollection of any of those conversations.

Mr. Somers. Do you recall any conversation about whether Flynn should be warned during or ahead of the interview that lying to federal agents is a violation of 18 U.S.C. 1,001?

Mr. Moffa. I just don’t remember.

Mr. Baker. Did your team prepare any materials at all for the interview;

Mr. Moffa. I don’t remember, but at that point my team
would have prepared some materials about Flynn since that case had been ongoing for some time. I can’t tell you if we prepared, the analytic team, prepared anything specific for the interview.

Mr. Baker. What they did prepare, what was used -- what was done with that? How was that used?

Mr. Moffa. It was provided to the investigative team, the operational team. It’s the sort of background material on who the person is and what their contacts are and that sort of information. How the operational team factored that into their decision-making, you’d have to ask them. But that’s the purpose of it. It’s to provide information and context about a subject, and then the operational team takes that and uses it to inform their decisions about what to do.

Mr. Baker. So the operational team would have already had this. So if the operational team was involved in any way with the interview, they would have had the products to use however they saw fit, because they already had them from just the normal flow of your products?

Mr. Moffa. That’s correct. I’m confident they had -- whatever materials my team had prepared on Flynn, I’m confident the operational team had it in advance of that interview.

Mr. Baker. Do you have any reason to believe they used any of your materials for preparation for the interview?
Mr. Moffa. I don’t have any information about that. I don’t know.

Mr. Somers. Do you recall what the purpose of the interview was?

Mr. Moffa. As my recollection, it was to -- well, actually I shouldn’t say that. I actually don’t recall specifically what the purpose of the interview was. My assumption would have been what I’d be telling and I don’t want to do that.

Mr. Somers. Do you recall any discussion about whether one of the purposes of the interview was to see if Flynn lied?

Mr. Moffa. I just don’t recall it getting framed that way.

Mr. Baker. I’d be interested in hearing your assumption. You just don’t want to say it? You’re an intelligence professional. You’ve been in the Bureau your whole work career. I’d put great weight on what you say and would love to hear what you think about it.

Mr. Moffa. To me, it’s clear that part of the purpose of the interview was to get to the root of the conversation between Flynn and those Russians and the purpose of it. I don’t know beyond that, what other goals of that conversation are. But to me it was to address that issue.

Mr. Baker. Were they successful in that?
Mr. Moffa. Again, I’m speculating in a way I’m uncomfortable with, not knowing exactly what the operational goal of that interview. I think I’m just out of my lane.

Mr. Somers. What was the read-out after the interview that you received?

Mr. Moffa. My recollection is the read-out was that Flynn did not admit to the contact with the Russians.

Mr. Somers. Was the read-out that he lied? Was the read-out that he did not admit to the contact?

Mr. Moffa. I don’t remember that nuance or distinction and I wouldn’t do a good job of picking up on it, not being a lawyer. But it was that he did not admit to that contact. That’s what I recall.

Mr. Somers. What was the format of the read-out? Are we talking a meeting?

Mr. Moffa. Exactly. It was a meeting I recall being in with, again, with Deputy Director McCabe, Strzok for sure, AD Priestap. I just can’t remember the other people in the room. A similar group as that pre-meeting I referred to earlier.

Mr. Somers. Now, was the discussion coming out of the meeting “Hey, we need to get this guy prosecuted, get him charged”?

Mr. Moffa. I don’t remember that at all.

Mr. Baker. In the pre-meeting, was there even just a
strategy discussion? If the interview goes this way, then we as the interviewing team go this way; and if it goes another way, we have a contingency plan?

Mr. Moffa. Yes, I have a general recollection that’s the type of thing discussed in that first meeting. Just again, because it’s just not my job, I can’t tell you exactly what that strategy was or how it played out. But that’s a general sense of what that pre-meeting was about.

Mr. Baker. Do you remember generally what the strategy was?

Mr. Moffa. I don’t, really.

Mr. Baker. Okay.

Mr. Somers. How many meetings, debriefings, did you participate in approximately after the Flynn interview? Was it a one-time thing?

Mr. Moffa. I just remember that one, that one meeting following the Flynn interview, where I gave you the general sense of what I recall from it.

Mr. Somers. Mr. Priestap was in that meeting?

Mr. Moffa. I believe he was.

Mr. Somers. Deputy Director McCabe?

Mr. Moffa. Deputy Director McCabe definitely was.

Mr. Somers. And then I assume, since it was a meeting about the interview, that SSA-1 and Mr. Strzok were in the meeting?
Mr. Moffa. I believe so, yes.

Mr. Somers. Was Lisa Page in the meeting?

Mr. Moffa. I don’t remember.

Mr. Somers. Did you ever get the impression that Mr. Strzok and-or SSA-1 felt that Flynn was being truthful or that he did not lie, whichever way you want?

Mr. Moffa. I don’t remember it being characterized as “lie.” I just remember the characterization as he did not admit to the contact.

Mr. Somers. Just switching over just in terms of what we were talking a little bit, switching subjects here to some of the individuals involved overall in the Crossfire Hurricane investigation. Let’s just start with, and I’ll just ask you to comment on this. Do you know why Pete Strzok referred in an email to you, Lisa Page, and the FBI unit chief that we discussed earlier as “the magnificent three”?

Mr. Moffa. No. You’d have to ask him.

Mr. Somers. Did the three of you, the three of you I guess along with Mr. Strzok, work very closely on this investigation? Or do you think it’s a more general comment?

Mr. Moffa. I think Mr. Strzok thought very highly of the three of us and I think that’s why he made that comment.

Mr. Somers. You don’t think it relates specifically to Crossfire Hurricane?
Mr. Moffa. No.

Mr. Baker. Had you ever been called part of the “magnificent three” before the email?

Mr. Moffa. No.

Mr. Baker. So the email’s the first time you were aware that you’ve ever been referred to as part of the “magnificent three”?

Mr. Moffa. Yes, and I have not been referred to that way since.

Mr. Somers. Until today.

How regularly did you and Peter Strzok interact on the Crossfire Hurricane investigation?

Mr. Moffa. Every day.

Mr. Somers. Multiple times a day, or was it like a daily meeting?

Mr. Moffa. No. I would say multiple times a day. And it’s not necessarily like a regularly scheduled meeting, although there were those. Just throughout the day we’d check in about it. So it could be once a day, it could be multiple times a day. It just depends.

Mr. Somers. It just occurs to me, I asked you earlier about who was in the room where they put the agents and the analysts together. Were any OGC attorneys put into that room or did they remain at --

Mr. Moffa. They absolutely had access to the room.
They could come and go freely to it. I can’t tell you they were sitting down there full-time. I don't know that.

Mr. Somers. How regularly did you interact with Lisa Page on Crossfire Hurricane?

Mr. Moffa. Less frequently than Pete Strzok. Definitely several times a week, but not necessarily every day.

Mr. Somers. What did you understand her role to be on Crossfire Hurricane?

Mr. Moffa. I understood her to be the representative essentially of Deputy Director McCabe and his office. I perceived her role to be to keep him informed about the case and the way it was going, and then, in a reverse direction, to keep us informed of the Deputy Director’s wishes as it pertained to the case in real time. So she was sort of like the emissary between the Deputy Director and the team.

Mr. Baker. Was there any concern that information she took from the team back up to the Deputy Director’s office were things that should have been gone up through the chain of command and there were people cut out in that chain that maybe needed to know some things that were going from your team directly to the Deputy?

Mr. Moffa. Yes, that was definitely concern about that.

Mr. Baker. Could you elaborate on that?
Mr. Moffa. Yes. And it was made known to me by AD Priestap. There was concern at the executive assistant director certainly above AD Priestap about exactly that, that information was flowing directly to the Deputy Director without going through the proper chain of command. It was just a known problem of that relationship, that arrangement, of Lisa being that connected to the working level.

Mr. Baker. Who was the EAD you referenced?

Mr. Moffa. I’d have to refer to the transition time, but at one point it was Michael Steinbach and then at another point I believe it was Carl Gaddis.

Mr. Baker. So under this model where Lisa Page is potentially bypassing the chain of command, two senior employees, an AD and an EAD, both I believe agents, are being cut out of some of the information that’s going right to the Deputy Director?

Mr. Moffa. At times, yes.

Mr. Baker. Would you believe that to be problematic?

Mr. Moffa. I would.

Mr. Baker. And how so?

Mr. Moffa. I believe that the chain of command exists for a reason. I think it helps keep those other executives who are in charge of the division and the National Security Branch fully informed. I think people rise those positions because of their judgment and understanding of the context
of decision-making, and I think it prevents them from being able to do that in a way that serves, frankly, the deputy better. Those layers of management are there in my mind to ensure the right decisions are made at the right level, and it short-circuits that.

Mr. Baker. Are you aware from your own personal experience or in any conversations you had with AD Priestap or whoever was in the EAD seat at the time of any negative consequence that happened because of them being bypassed?

Mr. Moffa. No, I’m not aware of any specific incident or event or decision that was negatively impacted. I’m just aware that that conversation about that exact concern was happening at the AD and EAD level.

Mr. Baker. In your conversations with Mr. Priestap or the EAD, were you aware of anybody’s thoughts or intention to remove Mr. Strzok from the team?

Mr. Moffa. I know that at one point AD Priestap was looking to change Pete’s role on the case. I believe it was in part due to the concerns around Lisa Page and that relationship. It was also due to, I believe -- and I believe it because he told me -- his desire to get the investigation of foreign influence activity into a kind of more normalized state, get away from a small dedicated team and start to integrate it more with the normal Counterintelligence Division. That’s in the from winter
going into 2017 time frame, when a new operational team was
brought in; and in that time frame is when then-DAD Strzok’s
role changed one case.

Mr. Baker. When you said DAD Strzok and that
relationship, you’re talking about the relationship between
him and Ms. Page?

Mr. Moffa. Right, correct.

Mr. Baker. What was your reaction -- I don’t want to
spend a lot of time on this for sure. But what was your
reaction when the famous texts came out?

Mr. Moffa. I was incredibly disappointed. I was
disappointed for them as people. I was more so disappointed
because I feared the impact it would have on the perception
of the work of a group of people that I think really highly
of. I believe my team did really good work and I believe
that it was tainted unfairly, given the nature of their
communications. I think that’s really disappointing.

Mr. Baker. You’re a career counterintelligence
professional. Any problems in your opinion or any
regulations in the Bureau violated by having such an affair,
a relationship?

Mr. Moffa. I think affairs can fall into that category
of exploitable behavior. They’re a lot less exploitable
when the entire world knows about them. So I think there
was maybe a period there where it could have been viewed as
an exploitable fact that could be taken advantage of by a foreign intelligence service, not that I have any indication that’s the case. Certainly once it’s public that’s not something that is a concern any more.

Just the whole thing’s disappointing in my mind, is the best word I can use.

Mr. Baker. Thank you.

Mr. Somers. You spoke just a moment ago about Priestap’s desire to possibly remove Strzok from Crossfire Hurricane and get him focusing on other things. You said that you’re aware of that because you had a conversation with Priestap about it?

Mr. Moffa. I did.

Mr. Somers. Do you know why he didn’t remove Strzok?

Mr. Moffa. I don’t. I know he was having those conversations up his management chain with the EAD. He did change then-DAD Strzok’s role and I don't know the exact date, but it was in the winter, towards the beginning of 2017, and brought in a new operational team to really manage operationally Crossfire Hurricane. So that changeover did happen.

I know DAD Strzok stayed involved on some cases, sort of tangentially involved in that. But his role did change. So it did happen. I don't know if it happened long after the conversation I’m remembering or not.
Mr. Somers. But you don’t recall in that conversation whether Priestap expressed any, “Hey, I want to move him, but McCabe, Deputy Director McCabe, won’t let me”? 

Mr. Moffa. I don’t remember him ever specifically saying that to me.

Mr. Somers. You were talking earlier about Page, Lisa Page, being able to bypass the chain of command going up, around potentially Priestap or Steinbach or Gaddis or whoever. What about -- and you said that was concerning -- any concerns the other way? You said, you also said, that Page was in these meetings to speak for the DD, but of course someone speaking for the DD is not the same thing as the Deputy Director being there. Was there any concern expressed that, hey, she’s kind of coming in and saying this is what McCabe thinks and we don’t really know that that’s the case?

Mr. Moffa. Well, to clarify, we would never -- I don’t believe the team had ever taken operational investigative actions simply on Lisa Page saying the DD said do it. That’s just not how it works. There’s enough layers of management in between and the way the decisions were made, I feel very comfortable the right people would have weighed in and McCabe would have had a chance to refute that if that wasn’t true. So it’s not as serious as that.

I think at the end of the day I took it as insight.
Insight into the needs and the desire of the Deputy Director is a valuable thing to have as you’re preparing information to go up the chain, for example, for my analytic team to know what he’s interested in hearing about, to be able to vector in on that a little more closely, because Lisa was there to tell us he’d be interested in these facts versus others. That’s a helpful fact.

So I hope I’m making that distinction. It’s not the kind of insight where she would give orders on his behalf and we would just execute them. But you would gain insight into sort of his mindset and what he wanted or needed to hear, which would be helpful.

Mr. Somers. But that’s not -- you can take issue with my characterization. That’s not the normal way. Wouldn’t it normally go Deputy Director to -- you said normally it would go the other way.

Mr. Moffa. Yes.

Mr. Somers. Deputy Director to, let’s say, Steinbach for instance, to Priestap, to the team. And now we’re bypassing Steinbach and Priestap and getting it directly from Lisa Page. Is that at least not the normal way?

Mr. Moffa. You’re right. Normally the way that would work is the Deputy Director -- not that the Deputy Director can’t communicate directly. But generally the Deputy Director would communicate through his subordinate
executives and that would come down to the team.

Mr. Somers. Now, Lisa Page is an attorney and I believe was technically in the Office of General Counsel. Was she providing any legal advice as part of these discussions?

Mr. Moffa. She would provide opinions -- this is my recollection -- but not the actual legal guidance that would guide decisions. That was the unit chief from OGC who was associated with that.

Mr. Somers. But she’d comment on legal things?

Mr. Moffa. She would comment on legal things, that’s right.

Mr. Baker. It seems to me if those texts were never in existence a lot of the public perception and figuring out who So-and-So is in redacted versions and what certain things meant that people candidly texted between people that they thought would never see the light of day but those two people -- do you have any reason to believe that there was too long of a delay or never an effort to tell those two people to knock it off? And even if there wasn’t a decision to remove Mr. Strzok, do you think there was anybody that should have said “We know you’re having this relationship; you’re counterintelligence professionals; this is probably the biggest case that has come down through the Bureau in a very, very long time; knock it off”? 
But it seems to me they were allowed to continue and remain in place for a long time.

Mr. Moffa. I don’t think anyone -- I certainly didn’t know about the texts. That’s an after-the-fact realization, that there’s this flood of communications. I personally didn’t know about their romantic relationship. I found out about that from the news when the story broke.

I know there were conversations with both Lisa and Pete Strzok about their relationship being problematic. I know they were told that. I can’t speak to why a more decisive move wasn’t made to either separate them from a functional working relationship or from the case. I just don’t know why the choice was made not to do that.

Mr. Baker. In your view whose choice should that have been to make that?

Mr. Moffa. I think it should have been raised by AD Priestap and the EAD for NSD; and the Deputy Director, who directly was the rating official for Lisa Page, he should have made that call in my view.

Mr. Baker. And you have no reason to believe that the hue and cry came from any of those people in the chain that you just named?

Mr. Moffa. The hue and the cry? I’m sorry, I’m not understanding.

Mr. Baker. You don’t have any reason to believe that
the recommendation to approach them or tell them to knock it off was actually made to anyone by anyone?

   Mr. Moffa. I believe they did have conversations directly with the two, based on my discussion with Bill Priestap. I believe they were spoken to about the problem. I don't know if there was the conversation with McCabe, for example, to say: We need you to remove her from the case or, frankly, to have Pete stop interacting with her out of the working relationship. That’s the part I don't know about.

   I know they know, from my conversations with Bill, that their relationship was being perceived as a problem.

   Mr. Baker. And where you sat at your rank, did you believe it was a problem once you were aware that it was in existence?

   Mr. Moffa. I think any time that the higher executive management of your branch is unhappy with the working relationship and it’s proving problematic to them, you need to take note of that and address it. So from my rank, it wasn’t impacting my work negatively, but any perception that our bosses had that something was inappropriate or wasn’t happening in a way that they wanted I would want addressed, because you’re trying to do the right thing by your boss.

   Mr. Baker. So it sounds like it was taken note of, but nothing was really done about it?

   Mr. Moffa. That’s one way of saying it. It was not an
unknown problem. It was a problem that I believe was made known to Pete and Lisa and know it was known to my Assistant Director, and he advised me it was known to the EAD of the National Security Branch. So it’s a known problem. If it wasn’t addressed, I can’t speak to why it wasn’t.

When you talk about problem, are you talking about a communications problem or are you suggesting that senior management knew about the relationship?

Mr. Moffa. I have no information that it’s specific to the relationship, the romantic relationship. I’m talking about the interaction problem, the cutting out of pieces of the chain of command, the relationship in that sense, not the romantic side. I don’t know anything about that or what was known about that.

Mr. Baker. Thank you.

Mr. Somers. Another individual whose name has come up, Bruce Orr. What was your understanding of what Bruce Orr’s role was in all of this, at the time?

Mr. Moffa. At the time, yes. At the time I knew absolutely very little about Bruce Orr. As I started to hear the name, my understanding was that Lisa Page had worked with Orr in some previous position at DOJ and so there was like a preexisting relationship there. Then I came to learn that Orr also had a relationship with Steele.

There were a number of conversations that I know
occurred with Orr outside my presence where they discussed Steele as a topic. So that was really all I knew. I knew he was a DOJ official. I know he’d worked with Lisa previously. And I know, based on his work I believe in organized crime, he had some preexisting relationship with Steele.

Mr. Somers. And you were in one meeting with Bruce Orr?

Mr. Moffa. I was in one meeting. I was really an afterthought. I remember literally getting a phone call in the hallway to come down to a meeting without knowing who was in the meeting. And I sat down late. It was already in progress, and I didn’t even know who Orr was. At the time I think I wrote down “DOJ guy.” I later found out it was Bruce Orr. So it wasn’t the kind of meeting where I had a deep understanding of who we were meeting with. I just literally walked into it in progress.

Mr. Somers. Another individual we spoke about in the beginning, just to follow up on, the supervisory intel analyst. You said you assigned him to Crossfire Hurricane, but it was because it was kind of a natural role. What can you say about his reputation or work ethic or any characterization along those lines of the supervisory intel analyst?

Mr. Moffa. I think tremendously highly of him. He is
a true subject matter expert in Russia, in
counterintelligence; academic background. I honestly
couldn’t think of a better supervisor of analysts that I had
who would be better positioned to manage this team and to
provide his expertise to the case.

Mr. Somers. Is he a detail-oriented individual?

Mr. Moffa. He’s very detail-oriented, very
conscientious, very responsible -- all the reasons I
selected him.

Mr. Somers. You said earlier you were not a Russia
expert. Would you consider the supervisory intel analyst a
Russia expert?

Mr. Moffa. I would.

Mr. Somers. Does he speak Russian?

Mr. Moffa. I don’t know that.

Mr. Somers. I’ve just got a few moments left here. I
asked you, the first question I asked you, was whether you
read or reviewed the IG report, and you indicated you had at
one point in time. In the IG report the Inspector General’s
Office identified 17 significant errors and omissions in the
Carter Page FISA process. Do you generally recall those
errors?

Mr. Moffa. I don’t recall the errors specifically. I
remember the discussion of 17 errors.

Mr. Somers. Do you recall having any issue with
saying that’s not an error when you read them?

Mr. Moffa. I remember not feeling qualified to make that judgment without going back through and reviewing the FISA against the IG report.

Mr. Somers. Did you find them troubling? Did you find the IG report troubling?

Mr. Moffa. I wouldn’t say “troubling” is the word. I saw things in the IG report that I did not know and I don’t know that I expected to see them.

Mr. Somers. What do you mean by you didn’t expect to see them?

Mr. Moffa. I just wasn’t expecting to have not known about some of that.

Mr. Baker. Specifically what?

Mr. Somers. The FISA inaccuracies. It’s just not something I was aware of at the time. Again, I think a lot of that has to do with my role. I didn’t review the FISA. I wasn’t in the supervisory chain for it. I didn’t approve it. So I wasn’t aware of what facts were in there. But just knowing some of the people involved, I think I was surprised to see that quantity of errors discussed by the IGG.

Mr. Baker. When you say knowing the people involved, is that because you had a high opinion of the people, as more professional than what these errors would allude to?
Mr. Moffa. That’s right.

Mr. Somers. Is that surprising -- it’s been surprising to us -- I’m not supposed to testify here -- that this was a hand-picked team, correct, the Crossfire Hurricane team?

Mr. Moffa. It was picked, sure.

Mr. Somers. And these were agents and analysts people wanted on the team, that had some expertise; is that correct?

Mr. Moffa. Yes, absolutely. Again, I would clarify that the analytic team’s not working on the FISA, but the agents on the operational side were experienced agents.

Mr. Somers. So you wouldn’t expect from these agents, then, is that what you’re saying, to see what the IGG’s Office uncovered?

Mr. Moffa. I guess that’s what I’m saying, without affirming that I think all 17 of those are true inaccuracies or factual problems, probably because I just don’t know. Just I had a higher expectation, given the quality of that team, that’s all.

Mr. Somers. Is there anything in particular, any of the errors, that sticks out to you as being more egregious than others or something that was particularly discussed and then it surprises that that shows up as an error because we discussed that a million times during the investigation?
Mr. Moffa. I just have very little memory or recollection of what the specific errors are, because I didn’t see the FISA on the front end. So I didn’t know what facts were going into it; and I don’t recall specifically what the IG report laid out as being a problem. So no one of them jumps out at me. To me it’s just the collective sense that there were that many errors, is what I’m reflecting, not anything specific.

Mr. Somers. Are you aware of anything the IG did not uncover as an error?

Mr. Moffa. No.

Mr. Somers. Any problems the IG didn’t uncover with Crossfire Hurricane itself generally?

Mr. Moffa. No, not that I’m aware of.

Mr. Baker. With your whole career being in counterintelligence and this being a very big case, in hindsight now, knowing what you know now, are you proud and glad you were on this case or is it something maybe you wish you would have been doing something else?

Mr. Moffa. Well, I can say that I’m proud that I worked on it. I think there’s a host of men and women who supported this case who ideally are never recognized publicly, but who did great work and did it for the right reasons and worked incredibly hard in a really stressful time. So I won’t ever say that I’m not proud to have led
them and to have worked with them.

I’m proud of my own contributions to it. I think at a time when others were really faltering, I didn’t; and I did the right thing the right way, in a way that I think our current Director is really emphasizing now. So I can’t say I regret it in that sense. I think it’s been extremely unpleasant in the last four years since this case, some of what has happened publicly, and it’s just been generally disappointing. So from that respect, I guess I could go either way on whether having been a part of it was a good thing or a bad thing. But I can’t say that I’m not proud of the work that I did and that my team did.

Mr. Baker. You say things that have happened publicly. Could you elaborate on that, please?

Mr. Moffa. Well, yes. I think when you see your own name in the press for the first time that can be a shocking thing. I didn’t join the FBI for that reason. And not having any ability to correct what I believe are serious factual inaccuracies made about you and your work, having no real voice to do that, and having to talk to your family about those things, are all things nobody expects when they take a civil service job and try to do the right thing.

That’s super-unfortunate and unpleasant and something I hope doesn’t happen to anyone else. But that’s what happened.
Mr. Baker. At the same time, you expressed that you did have some disappointment in the work of your colleagues as well.

Mr. Moffa. Certainly. There’s just no question that those tactics and the impact that had on the perception of the work of really good people who worked really hard has been intensely negative. So I’m absolutely disappointed in them.

Mr. Baker. Thank you.

Mr. Somers. I think that’s all we -- that’s definitely all we have for this round. It’s probably all we have, but we’ll just reserve in case you all --

Mr. Baker. I’ll just add, you’ve done a long career and I think for a noble purpose, and I appreciate you coming out and testifying about this and being interviewed yet one more time. I really do appreciate it. And it helps us with the work we do as an oversight entity of the FBI. So my hat’s off to you and to the men and women of the FBI that do the right thing every day.

Mr. Moffa. I really appreciate you saying that. Thank you.

Mr. Baker. Thank you.

(Recess from 2:50 p.m. to 3:03 p.m.)

Mr. Haskell. Mr. Moffa, you were asked about the August 2016 strategic intelligence briefing given to
candidate Trump and also to candidate Clinton. At the time
of those briefings, the FBI was conducting a
counterintelligence investigation in which Michael Flynn was
a target; is that correct?

Mr. Moffa. I believe so, yes.

Mr. Haskell. You had said, when asked about that
briefing, that the purpose of the individual referred to as
SSA-1 in the IG report was there was to get, quote,
“impressions of reactions of people in the room,” and that
there was a positive benefit to him being able to identify
information of value.

That’s similar to what FBI General Counsel Jim Baker
told the IGG, that, quote, “The benefit of having SSA-1 at
the briefing was to pick up any statements by the attendees
that might have relevance to the Crossfire Hurricane
investigation.” Baker continued that, quote, “If somebody
said something, you want someone in the room who knew enough
about the investigation that they would be able to
understand the significance of something or some type of
statement, whereas a regular briefer who didn’t know
anything about might just let it go and it might not even
register with them.” So that’s the reason to have SSA-1
there.

Is that the understanding that you share as to why SSA-
1 was tasked with being at that briefing?
Mr. Moffa. I don’t remember explicitly having that laid out to me as the advantage, but just from my own understanding of the situation that would be the benefit of it.

Mr. Haskell. So in your many years of experience in the FBI, that would make sense?

Mr. Moffa. Right.

Mr. Haskell. SSA-1 told the IG that the briefing he gave to Trump, Flynn, and Governor Chris Christie, quote, “was not tailored to serve the investigative interests of Crossfire Hurricane.” Do you have any reason to dispute that statement?

Mr. Moffa. No, and that’s what I referred to earlier where those prep sessions, it was really about the broader counterintelligence message of the briefing.

Mr. Haskell. And by “not tailored to serve the investigative interests,” do you take that to mean that, to the extent that the FBI gathered intelligence at the briefing, it did so passively? To your knowledge, SSA-1 wasn’t there to say certain things or do certain things in order to elicit evidence?

Mr. Moffa. I think that’s right.

Mr. Haskell. In other words, the FBI gave the briefing to the Trump campaign as it would to any other campaign, but it had the extra purpose of listening and
watching for the things we discussed?

Mr. Moffa. I believe so, yes.

Mr. Haskell. In fact, the FBI gave that exact same briefing to the Clinton campaign ten days later, as is typical of situations where the FBI is briefing existing campaigns on counterintelligence and other threats. I’ll make that a fact that’s detailed in the EGG report.

Do you have any basis to dispute SSA-1’s explanation for why the FBI treated the Trump briefing differently than the other briefings, including the one that was given to the Clinton campaign?

Mr. Moffa. I have no basis to dispute that.

Mr. Haskell. To put it differently, the only difference in the FBI’s treatment of the Trump and Clinton briefings, which was to have SSA-1 passively assess Flynn’s reaction during the Trump briefing, was because there was a counterintelligence investigation involving one campaign, the Trump campaign, but not the other campaign, the Clinton campaign? To rephrase, the difference in the purpose of SSA-1’s attendance at the two briefings was based on the fact that there was an ongoing counterintelligence investigation into one campaign, but not the other campaign?

Mr. Moffa. Again, I wasn’t party to the conversations about why SSA-1 was selected to go. Again, my impression is similar to what GC Baker said. He was there to pick up on
any of that sort of nuanced information that might come out about the subjects of the case.

Mr. Haskell. Moving on, I just want to follow up on the question that was asked about the Steele dossier being potentially part of a Russian disinformation effort. I believe you said that you never came to a conclusion one way or the other as to whether it was Russian disinformation. But an FBI memorandum prepared for a December 17 Congressional briefing said that by the time the Crossfire Hurricane investigation was transferred to Special Counsel Mueller in May 2017, the FBI did not assess it likely that Steele’s election reporting was generated in connection to a Russian disinformation campaign. And Priestap told the IG that the FBI didn’t have any indication whatsoever by May 2017 that the Russians were running a disinformation campaign through the Steele election reporting.

So I just want to clarify that, while you personally might not have reached a conclusion one way or the other, do you have any evidence to dispute what Mr. Priestap said?

Mr. Moffa. No, I don’t have any evidence to dispute it, and that appears to me to be his assessment of the situation. For me it was an open question when we passed the wand to the Mueller team.

Mr. Haskell. But just to follow up on that, what Priestap told the IG is that the FBI didn’t have any
indication whatsoever by May 2017. So at least Priestap’s characterization is not just of him personally, but of the FBI generally.

Mr. Moffa. Okay. I mean, I don’t have any information to suggest there was information indicating that it was Russian disinformation. So to me it was an open question. For him it could have been a more certain answer.

Mr. Haskell. Moving on to Michael Flynn, we had talked earlier about the opening EC’s for the individual investigations for Manafort, Papadopoulos, and Page. For Flynn, the opening EC said that, quote, “He may wittingly or unwittingly be involved in activity on behalf of the Russian Federation which may constitute a crime or threat to the national security.” It noted that Flynn was an adviser to Trump, had various ties to state-affiliated entities of Russia, and had previously traveled to Russia.

I’ll ask the same question that I asked in connection with the other EC’s earlier, with the expectation that I’ll likely receive the same answer. But why was that a counterintelligence concern to the FBI?

Mr. Moffa. Similar to my other answers, any time an official associated with a political campaign potentially has ties to a foreign power, threat power, there’s a potential counterintelligence concern there. So Flynn, like the other subjects, if they were taking direction or control
from a foreign power, that’s a counterintelligence issue.

Mr. Haskell. So just to clarify, the investigation that was opened into Flynn was a counterintelligence investigation?

Mr. Moffa. I don't recall specifically what the exact investigation was that was opened, whether it was a counterintelligence violation or FARA or something else. I just don’t remember.

Mr. Haskell. Do you have any recollection that at the time it was opened it was a FARA case?

Mr. Moffa. I just don’t remember.

Mr. Haskell. Would you characterize the Page, Papadopoulos, Manafort investigations as, and the investigation at large, the Crossfire Hurricane investigation at large, as a counterintelligence investigation?

Mr. Moffa. They were counterintelligence investigations.

Mr. Haskell. Okay, they were counterintelligence investigations.

Do you recall at that time when the investigations were opened discussions of the Logan Act?

Mr. Moffa. I don’t remember at the beginning. In the July time frame when the cases were opened, I don’t remember any discussion of the Logan Act. I only remember it in the
context of the Flynn interviews towards the end of the year.

Mr. Haskell. But through that we can deduce that when
the Flynn investigation was opened, you might not be certain
it was a counterintelligence investigation, but it was not a
Logan Act investigation?

Mr. Moffa. I’m not aware that it was, no.

Mr. Haskell. Former Acting Attorney General Sally
Yates recently testified in front of the committee as part
of this investigation, and she was asked about the interview
that was conducted of Flynn in January. She said. “I would
be hard-pressed to be able to think of an interview that
would have been more material at this point of a
counterintelligence investigation that the FBI was
conducting, to try to be able to get to the bottom of
whether there were any individuals, U.S. citizens and those
associated with the Trump campaign who were working with the
Russians. So the materiality of this was squarely right on
point. We had a national security adviser, after the
Russians had attempted to put a thumb on the scale of our
election, who when he spoke with the Russian ambassador,
rather than tell him ‘Stay out of our elections; keep your
nose and your paws out of it,’ even if they wanted a reset,
but to rebuke him, and to let him know that they will not
tolerate their country trying to intervene and pick our
President. Not only did he” — meaning Flynn -- “not do
that, he was making nice with them.”

That was former Acting Attorney General Yates’s characterization of why the Flynn interview occurred, that after the phone call between Flynn and Kislyak it raised a clear counterintelligence concern that needed to be investigated as part of the ongoing counterintelligence investigation. Do you have any reason to dispute that?

Mr. Moffa. I wouldn’t affirm that characterization necessarily from my view, just in my memory of what happened there. But in the sense that it discusses the essence of the interview is material to understanding the nature of Flynn’s relationship with the Russians and those conversations, yes, it was material in that sense.

Mr. Haskell. Thank you.

Ms. Sawyer. I think when you were asked by our colleagues how you first learned about Lieutenant General Flynn’s conversations with Ambassador Kislyak you indicated that the SIA or someone else on your team had brought it to your attention. Do you recall roughly when that happened?

Mr. Moffa. I don’t. Sorry.

Ms. Sawyer. So it would have been some time after December 29th when the conversation particular to sanctions -- there were more than one conversation, but I’m just talking about the conversation relative to U.S. sanctions.

Mr. Moffa. That time frame sounds right, but I just
don’t know the exact time frame.

Ms. Sawyer. Did you see the transcript of Lieutenant
General Flynn’s conversation with Ambassador Kislyak at that
time?

Mr. Moffa. Yes, I saw. I’ve seen the transcripts,
yes.

Ms. Sawyer. And you think certainly the first time
you may have seen it would have been shortly after it was
brought to your attention?

Mr. Moffa. I believe so, yes.

Ms. Sawyer. And that would have been before
Lieutenant General Flynn was interviewed by the FBI about
his conversation with Ambassador Kislyak?

Mr. Moffa. Yes.

Ms. Sawyer. Do you recall what your impression of
that conversation was?

Mr. Moffa. I want to be careful here to try not to
veer into any classified lanes. My impression was that the
conversations explained the Russian reaction to the
sanctions.

Ms. Sawyer. How so?

Mr. Moffa. In that the lack of a response could be
explained by that conversation.

Ms. Sawyer. So my recollection at the time, and I
think as was reported at the time, Vladimir Putin did say
publicly, immediately after imposition of the sanctions, that there would be retaliation. Do you recall that?

Mr. Moffa. I don't recall that specifically, no.

Ms. Sawyer. Was the FBI expecting there to be some reaction from Russia?

Mr. Moffa. I think we generally expect reaction when we take an affirmative action against Russia.

Ms. Sawyer. So this would not have been any different than that? You would have been expecting, since affirmative action was taken, that Russia would respond?

Mr. Moffa. I expected that, yes.

Ms. Sawyer. And in fact Russia did not respond to the sanctions; is that correct?

Mr. Moffa. That’s my recollection.

Ms. Sawyer. So what you’re telling us is that when you saw the transcript of a conversation between Lieutenant General Flynn and Ambassador Kislyak, it explained to you why Russia did not respond to sanctions?

Mr. Moffa. That’s correct.

Ms. Sawyer. One of the counterintelligence concerns that you already identified for us today is when either a U.S. person and presumably a hostile foreign government may be taking direction, taking direction or be control of Russia. Did that raise any concerns about that potential when you saw the transcript, that either Flynn was working
closely and taking direction from Russia or vice versa, that
Russia had a close relationship with Flynn and was taking
direction from him?

Mr. Moffa. Well, this is where I do think we’re in
kind of difficult space in assessing that, just given the
role that Flynn was going to be entering into. I don't know
that I could say it’s directly reflective of that kind of
control. In my mind, it just explained the lack of a
response. I don't know that it spoke directly to one way or
the other necessarily whether he’s under some kind of
control or direction of the Russians.

Ms. Sawyer. Did you know at the time whether or not
Lieutenant General Flynn was acting on behalf of the
incoming administration or on his own?

Mr. Moffa. I don't know that then and I don’t know
that now.

Ms. Sawyer. Would that have been something that would
have made a difference in terms of the counterintelligence
concerns that this could have raised, whether he was acting
on his own as a rogue agent or whether he was acting with
the knowledge and blessing of the incoming administration?

Mr. Moffa. I don't know that that would have made a
functional difference for me. To me personally, the
conversations just reflected the nature of that close
relationship he had with Russia and, thinking back to the
predication and what that means as a subject for him, being a more likely candidate to have been in a position to receive that initial information, that’s the context in which I’m thinking of it. It’s confirmation of the connection to Russia. I wasn’t necessarily dissecting it in terms of the context you’re talking about.

Ms. Sawyer. Got it. So it’s confirmation, if I could just rephrase it slightly, of the connection, meaning the relationship that Michael Flynn had with a senior official in the Russian government?

Mr. Moffa. Correct. It’s reflective that that relationship exists. It’s not to me necessarily reflective of control by the Russians.

Ms. Sawyer. But that the possibility for there to have been control or even, aside from this particular conversation, that information could have passed from Mr. Flynn to the Russians or vice versa over the course of the campaign?

Mr. Moffa. Sure. That possibility still existed in my mind.

Ms. Sawyer. I just do want to explore, because I am a little surprised at your answer that it might not have been of concern as to whether or not an incoming national security adviser was acting independent, as a rogue agent, in negotiating with Russia.
So did it not occur to anyone that that would be a national security and counterintelligence risk if the incoming national security adviser had reached out and tried to make a deal with Russia and gotten Russia to respond on his own, without anyone in the White House knowing that?

Mr. Moffa. I don't know that that’s the case, that nobody in the White House knew about it. And I think the fact that he’s in that position of incoming national security adviser does color it. I’m not saying it’s of no concern. I think there’s a concern there and I think that’s reflective of the actions taken to investigate it.

But I don’t think it’s a random U.S. citizen doing the deed here. It’s an incoming national security adviser. Maybe it’s a violation of the decorum of that sort of transition potentially. Or it could be reflective of a greater national security concern. I think it runs that spectrum.

Ms. Sawyer. In fact, on January 15th, 2017, Vice President-elect Pence was asked on Face the Nation whether or not Michael Flynn had spoken with Ambassador Kislyak about U.S. sanctions. And Vice President-elect Pence at the time said no, he had not, that Michael Flynn had assured him that he had not, or at least had told him that he had not spoken with the ambassador about sanctions.

Do you recall that happening?
Mr. Moffa. I vaguely recall that, yes.

Ms. Sawyer. Would that have raised a counterintelligence concern?

Mr. Moffa. I think it’s a continuing counterintelligence concern, but that would seemingly suggest a greater counterintelligence concern, yes.

Ms. Sawyer. Can you just explain why that is the case?

Mr. Moffa. Given that it wasn’t a sanctioned set of communications by the incoming administration.

Ms. Sawyer. Or at least might not have been. It’s possible that Vice President Pence didn’t know, but other people did know, correct?

Mr. Moffa. Correct. I have no knowledge of who knew.

Ms. Sawyer. So certainly in the spectrum of potential concerns, one potential concern was that no one in the White House knew. Another potential was some people in the White House knew, correct?

Mr. Moffa. Correct, there could be that range.

Ms. Sawyer. But it certainly would be true that Russia would have known at the time that Ambassador Kislyak and Michael Flynn had discussed U.S. sanctions; is that a fair statement?

Mr. Moffa. Some element of Russian officials would know. I have no knowledge of who, other than Kislyak.
Ms. Sawyer. And then potentially they would have seen that the Vice President had stood up in national TV and had said that Michael Flynn had told him that he had never spoken with Ambassador Kislyak about sanctions. Sally Yates described that potential that maybe then Michael Flynn was subject to blackmail.

Would you agree that if Flynn had never told anyone in the White House that he had spoken to Russia and Russia knew it, that he was potentially subject to blackmail?

Mr. Moffa. I think that’s possible, but I have no idea if that was a credible threat at the time. I don't know. It’s possible.

Ms. Sawyer. Well, wouldn’t the FBI have wanted to know at the time whether that was a credible threat?

Mr. Moffa. I think that’s why the FBI was investigating the set of communications with Flynn. It was to further understand the nature of them and the context of them.

Ms. Sawyer. And one way and probably the best way to do that would be to ask Mr. Flynn himself whether or not he had spoken with Kislyak, wouldn’t it be?

Mr. Moffa. That’s certainly in my mind what the goal of the interview was.

Ms. Sawyer. Did anyone ever articulate that they had a different goal, that they were simply trying to set up Mr.
Flynn?

Mr. Moffa. I don't recall that ever being part of the conversation, no.

Ms. Sawyer. Did you ever hear anyone claim that they were seeking to entrap Mr. Flynn to get him to lie to them?

Mr. Moffa. No.

Mr. Haskell. Shifting gears, just a few more quick follow-ups and then we’ll be done. You were asked a bunch of questions about Lisa Page and Peter Strzok. One of the concerns that you discussed -- you discussed being aware of a concern that that relationship or the situation would lead to some communications outside the chain of command. I just want to clarify. Are you aware of any instance of that concern being founded, of there being a communication outside the chain of command?

Mr. Moffa. I can’t think of anything specific at this point, four or five years later. But there’s just no doubt in my mind that at times Lisa was conveying information to Deputy Director McCabe before the entire National Security Branch chain of command was aware of it. I can’t think specifically of an instance, though, that I can point to you with a specific example.

Mr. Haskell. Turning to a statement in the IG report on page 67, it says. “With respect to Strzok, witnesses told us that, while he approved the team’s investigative
decisions during the time he was in the supervisory chain of
cmd for the investigation, he did not unilaterally make
any decisions or override any proposed investigative steps.
Priestap, in addition to telling us that it was his decision
to initiate the investigation, told us that to his knowledge
Strzok was not the primary or sole decision maker on any
investigative steps in Crossfire Hurricane.”

Do you have any evidence to dispute that finding?

Mr. Moffa. No.

Mr. Haskell. You talked about the text messages
between Strzok and Page and you talked about being
disappointed. You described that it was the impact on the
perception of work of good people who did good work that
disappointed you. Would you -- would you say that that
perception would be unfair to the people who worked on this
investigation?

Mr. Moffa. I would. I think it’s been painted in a
light as being a completely politically motivated
investigation and I know that to not be the case.

Mr. Haskell. What you just said, you know that to not
be the case, is the same finding of the two-year long
Inspector General investigation, that the investigation and
the decisions made during It were not motivated by political
bias; is that correct?

Mr. Moffa. That’s correct.
Mr. Haskell. Is it your concern that the more things like the Strzok and Page texts are amplified, the more negative effect it has on the perception of the good work that you and your colleagues at the FBI did?

Mr. Moffa. I think that’s true, and I think it extends more broadly to the work of the FBI in general. And that’s potentially even more concerning, that there’s a perception that the FBI conducts investigations in a politically motivated way. And that’s just never been my experience in 20-plus years in the organization.

Mr. Haskell. So, following up on that, I take that to mean that there are dangers to highlighting instances that are not characteristic of the work that’s done at the FBI, but that nonetheless affect the public perception?

Mr. Moffa. I think that’s right, but I don’t want to diminish, again, my disappointment in those text messages. I think they should have known better and they shouldn’t have been sent. But I also think that overindexing on that aspect to create the impression that the FBI’s a politically motivated organization is damaging to the FBI and its ability to protect America.

Mr. Haskell. Do you have concerns that it also damages the FBI’s ability to retain good people and to recruit good people?

Mr. Moffa. I don't know that I could speculate on
that. But I don’t think it helps the perception of the organization, and that could extend to a number of different aspects of the organization’s ability to do its work, to include recruiting.

Mr. Haskell. Shifting to the FISA errors that were identified in the IG report, which you were asked some questions about, I know that you didn’t play a role in the preparation or approval of the Page FISA applications, but I think it’s important to put those errors in context. Only 14 pages of the 448-page Mueller report addressed Carter Page. In December of last year, when Inspector General Horowitz testified before our committee, he stated that the errors do not call into question, quote, “any part of the Special Counsel’s report.”

Do you have any evidence that the Page FISA errors call into question any of Special Counsel Mueller’s findings?

Mr. Moffa. No. But I also don’t have deep knowledge of Special Counsel Mueller’s findings.

Mr. Haskell. Okay, fair.

The Inspector General recommended a number of corrective the actions that you may have familiarity with, including changes to Woods forms and the FISA request form designed to ensure that OI receives all relevant information, including CHS information, needed to prepare FISA applications.
Director Wray accepted and agreed to implement all of
the IGG’s recommended corrective actions and I believe has
already implemented the bulk of them.

Do you have any reason to believe that the FBI is not
taking appropriate steps in response to the IGG’s report?

Mr. Moffa. No.

Mr. Haskell. Do you have any reason to believe that
the corrective actions that the IG recommended and that the
FBI is now taking will not adequately address the errors
that the IG identified?

Mr. Moffa. No.

Mr. Haskell. Do you have any additional
recommendations beyond what the IG recommended?

Mr. Moffa. No.

Mr. Haskell. You were also asked several questions
about Bruce Orr. You worked on the Crossfire Hurricane
investigation. Bruce Orr had no decision-making role on
that investigation, is that correct?

Mr. Moffa. That’s correct.

Mr. Haskell. To your knowledge, he had no role in the
Special Counsel’s investigation, to your knowledge?

Mr. Moffa. I have no knowledge of that, no.

Mr. Haskell. According to the IG report, Orr said
that it was both his duty as a citizen and a Department
employee to provide the FBI with information from Steele.
Do you have any evidence to dispute Orr’s characterization of his own motivation?

Mr. Moffa. I just don’t know Orr, so I wouldn’t feel comfortable affirming or otherwise refuting his characterization. I know nothing about him.

Mr. Haskell. But you don’t have any evidence --

Mr. Moffa. I have no evidence to the contrary, that’s true.

Ms. Sawyer. Just a quick follow-up. I know when my colleague was asking you about the concerns that the chain of command was not being respected in the usual way because Pete Strzok might pass information to Lisa Page that would then get to the Deputy Director before or maybe at the same time it was getting to the AD Priestap or the person serving as the EAD.

You said you had no doubt -- you didn’t have specific examples, but you had no doubt in your mind that it probably happened. Do you know of any examples where information was passed to the Deputy Director that didn’t go to the rest of the team?

Mr. Moffa. That didn’t go to the rest of the team or the rest of the chain of command?

Ms. Sawyer. The chain of command.

Mr. Moffa. Well, there were -- Pete Strzok would have conversations with Deputy Director McCabe that I wasn’t a
party to and I don’t believe AD Priestap or the EAD were a party to. So I do think there were times when they interacted directly that the chain of command wasn’t there. So I know of instances there’s the possibility information is being exchanged.

Ms. Sawyer. Can you cite any examples where decisions were made based on information that may have been passed? Because there has been, obviously, tremendous examination and criticism of Ms. Page, Mr. Strzok, Mr. McCabe. So from my perspective it would be important to know if there’s any concrete decision-making that you believe was influenced by some sharing of information that didn’t follow the usual chain of command.

Mr. Moffa. I just don’t have any specific examples of that. It’s possible that it could have happened, but I just wouldn’t be aware that it derived from one of those private conversations. I just don’t know.

Mr. Haskell. I think that’s it from us. Thank you very much for your time and for your service to the FBI and to the country.

Mr. Moffa. Thank you. I appreciate it.

Mr. Somers. We don’t have anything else. So we just thank you again for coming in and bearing with Art and I for a second interview. We talked to you a couple years ago about Mid-Year and a little bit about this before we had the
benefit of the Horowitz IG report. But we thank you for
bearing with us again and for your time today.

MR. Moffa. Thank you. I appreciate it.

(Whereupon, at 3:33 p.m., the interview was concluded.)
ERRATA
Notice Date:
Deposition Date: September 9, 2020
Deponent: Jonathan Moffa
Case Name:

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...
Notice Date:

Deposition Date: September 9 2020

Deponent: Jonathan Moffa

Case Name: Senate Judiciary Committee

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