

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.

P R O C E E D I N G S

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

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

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

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

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

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

24 Mr. Baker. Arthur Baker, Senate Judiciary Majority,
25 Senior Investigative Counsel, Chairman Lindsey Graham.

1 Mr. Haskell. Alex Haskell, Counsel for Ranking Member
2 Feinstein on the Judiciary Committee.

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

5 [REDACTED]. [REDACTED], Department of Justice
6 Office of Legislative Affairs.

7 [REDACTED]. [REDACTED], Department of Justice, Office
8 of Legislative Affairs, Department of Justice.

9 [REDACTED]. [REDACTED], Office of
10 Congressional Affairs, FBI.

11 [REDACTED]. [REDACTED], Office of Legislative
12 Affairs.

13 [REDACTED]. [REDACTED], Office of General Counsel,
14 FBI.

15 [REDACTED]. [REDACTED], FBI OGC.

16 [REDACTED]. [REDACTED], FBI OGC.

17 Mr. Somers. The Federal Rules of Civil Procedure do
18 not apply in this setting, but there are some guidelines
19 that we follow that I'd like to go over. Our questioning
20 will proceed in rounds. The majority will ask questions
21 first for an hour and then the minority will have the
22 opportunity to ask questions for an equal period of time.
23 We will go back and forth in this manner until there are no
24 more questions and the interview is over.

25 Typically, we take a short break at the end of each

1 hour of questioning, but please let us know if you need a
2 break apart from that.

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

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

12 Mr. Moffa. I do.

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

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

20 Mr. Landrigan. Yes. Christopher Landrigan.

21 Mr. Somers. We want you to answer our questions in the
22 most complete and truthful manner possible, so we will take
23 our time. If you have any questions or if you do not
24 understand one of our questions, please let us know. If you
25 honestly don't know the answer to a question or do not

1 remember it, it is best not to guess. Please give us your
2 best recollection. It is okay to tell us if you learned the
3 information from someone else.

4 If there are things you don't know or can't remember,
5 just say so and please inform us who, to the best of your
6 knowledge, might be able to provide a more complete answer
7 to the question.

8 You should also understand that, although this
9 interview is not under oath, you are required by law to
10 answer questions from Congress truthfully. Do you
11 understand that?

12 Mr. Moffa. I do.

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

16 Mr. Moffa. I do.

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

20 Mr. Moffa. I do.

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

23 Mr. Moffa. No.

24 Mr. Somers. Finally, we ask that you not speak about
25 what we discuss in this interview with anyone outside of who

1 is here in the room today, in order to preserve the
2 integrity of our investigation.

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

5 Mr. Moffa. No.

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

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

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

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

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

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

22 Mr. Moffa. No.

23 Mr. Somers. The FBI's Crossfire Hurricane

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24 investigation officially began on July 31 , 2016, with the

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25 opening EC. What was your position at the FBI on July 31

1 of 2016?

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

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

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

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

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

12 Mr. Somers. When did you assume that role?

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

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

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

18 Mr. Somers. What was that?

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

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

23 Mr. Moffa. Again, don't know the exact month, but it
24 was the spring of 2017 until roughly the summer of 2018,
25 when I assumed my current position.

1 Mr. Baker. So up until 2017 when you transitioned to
2 that Digital --

3 Mr. Moffa. Transformation Office.

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

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

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

11 Mr. Moffa. Correct, absolutely.

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

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

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

18 Mr. Moffa. That's right.

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

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

24 Mr. Baker. How or why the transition to Chief
25 Information Officer?

1 Mr. Moffa. The transition was to the Digital
2 Transformation Office. I became aware of a promotional
3 opportunity. I applied for and interviewed for it and was
4 selected.

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

7 Mr. Moffa. That's correct.

8 Mr. Baker. Thank you.

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

14 Mr. Moffa. That's correct.

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

17 Mr. Moffa. No.

18 Mr. Somers. Did you have any involvement with Special
19 Counsel Mueller's team?

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

24 Mr. Somers. So there wasn't much of a gap, if any,
25 between when you rotated off Crossfire Hurricane and when

1 Special Counsel Mueller basically took over the
2 investigation?

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

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

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

15 Mr. Somers. What were those responsibilities?

16 Mr. Moffa. Of that position?

17 Mr. Somers. Yes.

18 Mr. Moffa. Essentially --

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

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

25 Mr. Baker. You said something to the effect that you

1 were supervising or working from, I think, an analysis
2 perspective. What other perspective would other team
3 members be working from?

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

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

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

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

22 Mr. Moffa. In a general sense, that's right. I
23 wouldn't call it intelligence operations. The operational
24 side had agent managers of those operational investigative
25 personnel. And I had a supervisory intelligence analyst

1 underneath me as part of the analytic half of this.

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

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

10 Mr. Baker. Okay, but you're coming together for a
11 common goal?

12 Mr. Moffa. Correct.

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

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

19 Mr. Baker. And you're both reporting to whom?

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

22 Mr. Baker. Thank you.

23 Mr. Somers. Who would you usually report to?

24 Mr. Moffa. A Deputy Assistant Director over the
25 Intelligence Branch within Counterintelligence Division.

1 Mr. Somers. Then you said -- I just want to make sure
2 I have this correctly or at least a correct understanding of
3 it -- that it's because this investigation involved Russia
4 and Russia was in your section's analytical responsibility,
5 that's why essentially you were assigned to Crossfire
6 Hurricane?

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

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

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

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

24 Mr. Moffa. That's correct.

25 Mr. Baker. -- that you could draw upon --

1 Mr. Moffa. Absolutely.

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

4 Mr. Moffa. That's correct.

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

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

10 Mr. Baker. Thank you.

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

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

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

23 Mr. Moffa. To my knowledge the agents at the working
24 level came from field offices and did have that background
25 in Russian counterintelligence. I believe my executive

1 counterpart came from the counter-espionage side as the
2 manager.

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

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

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

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

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

20 Mr. Moffa. There was no formal posting. I don't
21 recall the specific details of the conversations I had with
22 whom. It was a discussion amongst the management, my normal
23 management team of Russia analysis. We were also
24 simultaneously having to support the broader Russian
25 election threat investigations and threats. So we had this

1 like a subset of my Russian analytic team to support
2 Crossfire Hurricane while the other Russian analysts
3 supported the broader counterintelligence and Russia
4 program.

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

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

9 Mr. Moffa. I couldn't give you exact number. I just
10 don't remember.

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

13 Mr. Moffa. Less than ten, but I don't remember the
14 exact number.

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

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

21 Mr. Baker. This selection was, I think I heard you
22 say, based on an expertise that these people had. So is it
23 fair to say that the people that were selected for this were
24 viewed as top performers, top people in their subject
25 matter? I think I'm familiar in some Bureau selections

1 where there are some special projects, some special case,
2 where a supervisor gets a call. Hey, you've got to give us
3 a body for this special that we're doing or whatever, and
4 you kind of get whatever comes out of the gumball machine.
5 You don't have, as the person standing up this special
6 thing, you don't have much input as to who you get. You get
7 something. Was that the case in this? Or you got who you
8 wanted, more or less?

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

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

23 Mr. Baker. When it's all said and done and the
24 selections are made, I guess really I mean on both the agent
25 side and the analyst side, but you're going to be more

1 knowledgeable about the analyst side, were you able to kind
2 of sit back, look at the team you've assembled, and have
3 confidence that when the analytical work, when the
4 investigation really kicked into high gear, you had a team
5 of performers?

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

9 Mr. Baker. Thank you.

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

16 Mr. Moffa. That's roughly correct, yes.

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

21 Mr. Moffa. That's correct.

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

24 Mr. Moffa. That's correct.

25 Mr. Somers. And a supervisory intel analyst obviously

1 reported to you. So were you and Pete Strzok on the same
2 level in this investigation?

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

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

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

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

19 Mr. Moffa. Dina Corsi.

20 Mr. Somers. What was Dina Corsi's involvement in
21 Crossfire Hurricane?

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

1 at the time.

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

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

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

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

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

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

19 Mr. Baker. Was the relationship more professional or -
20 -

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

25 Mr. Baker. And how about Mr. Priestap? You knew him

1 before this case?

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

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

8 Mr. Moffa. Yes.

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

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

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

19 Mr. Moffa. That's correct.

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

22 Mr. Moffa. Correct. That's my section chief
23 counterpart for Russia operations, the broader Russia
24 operations.

25 [REDACTED]. Before we go too much further, I just

1 want to clarify. We are in an unclassified setting?

2 Mr. Somers. That's correct.

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

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

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

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

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

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

1 threat as it pertained to their targeting of the election.

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

4 Mr. Moffa. I couldn't give you the number.

5 Mr. Somers. Because it's high or --

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

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

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

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

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

1 application?

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

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

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

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

24 Mr. Baker. So the fact nailing down I guess is what
25 I'm really interested in. That could happen at either

1 stage, too?

2 Mr. Moffa. Sure, I think so.

3 Mr. Baker. Okay. Thank you.

4 Mr. Somers. You served as an analyst?

5 Mr. Moffa. Yes.

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

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

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

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

21 But in terms of the process of generating it, I'm not
22 involved.

23 Mr. Somers. Just backing up to your previous life as
24 an analyst, if you were an analyst, as you described the
25 work you had on a FISA, would you also be looking at the

1 data or whatever that's coming in as a result of the FISA?
2 Or do you kind of shift off once the FISAs been applied for?

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

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

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

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

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

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

24 Mr. Moffa. With factual research contained within an
25 analytic product. Maybe not their judgment as much as a

1 salient fact that's used. If they're citing an analytic
2 product as a source of that, that should be in the Woods
3 file, correct.

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

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

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

23 Would it be fair to say that it's not just a nicety
24 that there is this analytical component; people are using
25 that for the things we've discussed here, to nail down

1 facts, to document things that they're asserting in FISA or
2 just regular Title 3 affidavits, that your expertise and the
3 people that have that expertise in the Bureau, they're truly
4 a part of the sophisticated techniques and it's a vital
5 resource, not just something that sits somewhere in a room
6 somewhere and is somewhere on a directory?

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

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

24 Mr. Moffa. That is correct.

25 Mr. Baker. And in your opinion, does that importance

1 of working together, sharing information, and again back to
2 putting an emphasis on what you do, does that in your
3 opinion exist after training and throughout the
4 investigative process as an agent, a new analyst, progresses
5 through their career?

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

13 Mr. Baker. Thank you.

14 Mr. Somers. Was that true for Crossfire Hurricane?

15 Mr. Moffa. It was.

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

22 Do you know how that day to day basis worked?

23 Mr. Moffa. I wasn't sitting with that team on a day to
24 day basis, so I can't tell you how that happened. But in a
25 general sense, it depends on the ask. If it's a reasonable

1 working-level ask, that's the reason we're embedding them
2 together, so that those teams could work together seamlessly
3 in exactly the way you described.

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

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

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

18 Mr. Moffa. Yes.

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

21 Mr. Moffa. We -- and I'm using the royal "we" here.
22 The division acquired a space, a single space, and my
23 analysts moved from their normal desks into that space and
24 the agents from the field sat in that same space. They were
25 physically in one room.

1 Mr. Somers. Including the supervisors?

2 Mr. Moffa. Including the supervisors.

3 Mr. Somers. So the SSA --

4 Mr. Moffa. And the SIA.

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

7 Mr. Moffa. With the teams, yes.

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

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

14 Mr. Somers. I'm just trying to get a picture.

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

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

25 Mr. Moffa. Correct. That happened.

1 Mr. Baker. Thank you.

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

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

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

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

18 Mr. Moffa. I was present for the discussions.

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

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

24 Mr. Somers. The information that you got, is that
25 like -- I don't know how familiar -- you were certainly

1 familiar with it at some point in time. But there's the
2 opening EC in the Crossfire Hurricane investigation that's
3 been declassified. And it largely seems to be to me -- you
4 can recharacterize what I'm saying, but from my read of it -
5 - it largely is an email embedded within an opening
6 communication.

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

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

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

13 Mr. Moffa. I received it from --

14 [REDACTED]. If you have to give names --

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

17 Mr. Somers. I'm sorry. He was where?

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

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

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

23 Mr. Somers. Did his responsibilities include Russia?

24 Mr. Moffa. I also couldn't speculate to that. I
25 believe he ran our cyber coordination section, and I don't

1 know if they had Russian responsibilities or not.

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

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

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

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

14 Mr. Somers. You don't recall whether he was?

15 Mr. Moffa. I don't recall.

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

21 Do you recall how --

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

25 Mr. Somers. Were there meetings over that four-day

1 window, July 28th to July 31st?

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

6 Mr. Somers. What generally were those conversations?

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

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

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

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

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

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

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

25 Mr. Baker. Is there a system for codenames?

1 Mr. Moffa. There is a system or there was a system, I
2 should say. In the earlier days of my career, I remember
3 there was a way you could actually query a system and you'd
4 get back a set of codenames that were generated, that case
5 agents, the operational side, could choose from.

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

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

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

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

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

21 Mr. Baker. Do you recall, with the process you're
22 describing, the randomly generated choices, could a case
23 agent come up with a codename on their own that they wanted
24 and do some administrative thing to override the selections
25 that the computer made?

1 Mr. Moffa. My memory, again going back more than a
2 decade, generally was you could, but you had to determine
3 first positively if there was another case with that exact
4 same codename. That makes sense. You wouldn't want to have
5 two cases codenamed the exact same thing because it could
6 create lack of clarity.

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

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

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

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

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

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

25 Mr. Baker. What's the purpose of a codename?

1 Mr. Moffa. The purpose of the codename I think in a
2 rough sense is to be able to refer to an investigation or
3 series of investigations in a way that doesn't directly
4 identify the subject or purpose of that investigation.

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

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

16 Mr. Baker. Thank you.

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

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

22 Mr. Somers. Yes.

23 Mr. Moffa. I believe the predication was based largely
24 on that information received from the friendly foreign
25 government about the fact that a member of the Trump

1 organization -- and that term was used -- that may not be
2 the exact wording used, but it wasn't a specific named
3 individual -- may have received information from Russia
4 helpful to the campaign and harmful to the opponent.

5 Mr. Somers. How did your previous -- you had been
6 working on Russian election interference generally in the
7 2016 election prior to receiving this friendly foreign
8 government information; is that correct?

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

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

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

20 So my impression of the predicating material is
21 informed by what's happening in the broader Russian election
22 threat context at the time.

23 Mr. Somers. What do you recall -- what were you
24 looking for generally as you opened Crossfire Hurricane?
25 What were you going to investigate?

1 Mr. Moffa. Again, I have to clarify. I'm not involved
2 in the opening. Part of why I'm clarifying that is there
3 may be a set of operational considerations my counterparts
4 had that I'm not privy to.

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

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

17 Mr. Moffa. It was to identify the potential unknown
18 actor, and I'm using that word deliberately, "potential
19 unknown actor," who may have received this information from
20 the Russian government. Because that person was unknown,
21 the team was opening a series of cases on individuals what
22 could fit the description, essentially, someone who could
23 have received that information from the Russians.

24 Mr. Somers. I think in the IG report it indicates
25 that, on page 59, it says. "Strzok, the intel section

1 chief" -- that's you -- "the supervisory intel analyst, and
2 case agent 2 told the Office of Inspector General that,
3 based on this information" -- "this information" being the
4 friendly foreign government information -- "the initial
5 investigative objective of Crossfire Hurricane was to
6 determine which individuals associated with the Trump
7 campaign may have been in a position to have received the
8 alleged offer of assistance from Russia."

9 So that's what you were looking at, to see who was in
10 position?

11 Mr. Moffa. That's right, somebody that would have had
12 the access or opportunity to receive that sort of suggestion
13 for Russia.

14 Mr. Somers. Why look specifically at that, versus
15 just someone who had the access to the campaign to carry
16 out? Did you need -- I guess what I'm asking is, did you
17 need a preexisting relationship with Russia in order to get
18 this information to the campaign?

19 Mr. Moffa. Again, you'd have to ask -- in terms of the
20 actual legal sufficiency of opening cases, you'd have to ask
21 somebody else. To me --

22 Mr. Somers. I'm just asking what you were looking
23 for.

24 Mr. Moffa. To me, from a personal reasonableness
25 perspective, I think it made sense to first look to see if

1 there were individuals who had preexisting ties to Russia or
2 the kind of opportunity that would make that sort of
3 suggestion being made possible. So I think that's where the
4 team focused initially, on identifying people who fit into
5 that category.

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

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

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

23 I'm trying to understand between, let's say, July 31st
24 and August 16th what went on investigatively to identify
25 those four individuals.

1 Mr. Moffa. Because I'm not sitting there at the
2 working level with the team, I couldn't tell you exactly
3 what was done. I can speak a little bit to the fact that my
4 analysts are doing research on who are the sort of named,
5 known members of the Trump campaign at the time and then
6 looking in our indices, for example, for preexisting cases
7 or information that might suggest the sort of Russia ties
8 that I've been talking about, the context that might make
9 one person a more likely candidate for this investigation
10 than someone else.

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

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

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

19 Mr. Baker. That's the agent --

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

22 Mr. Baker. It's my understanding that with the choice
23 that they could make about which cases to open and I think
24 by extension which techniques or investigative methods to
25 apply, that was pretty much in their domain to decide at the

1 SSA level, I think. Is that your understanding?

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

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

9 Mr. Moffa. That's right.

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

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

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

24 Mr. Baker. These OGC people that would be providing
25 guidance on opening techniques or whatever, would this be

1 where the operational people that would be the ones most
2 likely needing that service -- would they just call over to
3 the general counsel's office and somebody picks up the phone
4 and they say, hey, I need some legal advice? Or is there
5 somebody specifically assigned to this Crossfire Hurricane
6 team as the legal liaison?

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

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

24 Mr. Moffa. Well, yes, I think having continuity is
25 helpful. But there are a lot of attorneys, so it isn't just

1 one attorney for all cases in the division. Obviously,
2 there's a number of attorneys supporting the division.

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

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

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

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

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

16 Mr. Somers. It is a unit chief?

17 Mr. Moffa. Unit chief, correct.

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

20 Mr. Moffa. Yes.

21 Mr. Somers. Apart from Crossfire Hurricane?

22 Mr. Moffa. Again, in a different capacity. As an
23 analyst, I'm working with them in a different way than the
24 operational counterparts are. But certainly somebody I'm
25 very familiar with who is very much a fixture really in the

1 division and supporting the division's investigation.

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

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

10 Mr. Baker. Your verbal response underscored
11 "absolutely." It's your opinion that this person's top of
12 their game?

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

15 Mr. Baker. Thank you.

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

21 Mr. Moffa. I believe I do, yes.

22 Mr. Somers. Was that someone you'd worked with
23 previously?

24 Mr. Moffa. Much less so. Maybe a few investigations,
25 a handful that I was aware of. But again, that person I

1 would have become aware of when I was an analyst manager;
2 and as an analyst manager I'm much less involved in the day
3 to day workings of these cases. But I was certainly
4 familiar with that person, but much less so than the unit
5 chief.

6 Mr. Somers. Getting back to what I was asking you
7 about a moment ago, I'll just read you this from the IG
8 report. "The Department was first notified about the
9 opening of Crossfire Hurricane on August 2nd" -- "the
10 Department" being the Department of Justice -- "on August
11 2nd, 2016, when Priestap and the intel section chief" --
12 that's you -- "briefed several representatives from NSD."
13 Do you recall that briefing?

14 Mr. Moffa. I recall --

15 Mr. Somers. Or a very early briefing?

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

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

22 Mr. Moffa. I recall that, yes.

23 Mr. Somers. According to Loffman and his
24 contemporaneous notes of the briefing, FBI officials
25 described FFG information and the four individuals the FBI

1 had identified through its initial investigative work who
2 were members of the campaign and had ties to Russia.

3 I guess -- and I don't know if you'd know this because
4 you weren't a hands-on analyst in this, but you did do the
5 briefing. So you opened the case on July 31st and on August
6 2nd you've already identified four individuals. To me that
7 seems kind of quick. But could you --

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

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

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

24 Mr. Somers. Of course, not asking you for any names
25 or anything like that. These four individuals are

1 identified on August 2nd, which I would characterize as
2 quick, you would disagree with. That's fine. At any time
3 were other -- and I'm not asking you for names or anything.
4 These four were identified on August 2nd. They're also the
5 four that seemed to carry through the entire investigation.
6 Were cases considered to be opened or other people
7 investigated other than these four? Again, I'm not asking
8 to say "John Smith."

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

11 Mr. Somers. That's fine.

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

15 Mr. Moffa. I just don't recall that. I'm sorry, I
16 just don't remember.

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

19 Mr. Moffa. Absolutely.

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

22 Mr. Moffa. Or if you quickly determined that the
23 predication for that case, the allegation essentially you're
24 looking into, you could substantiate that it's not true and
25 that person's not a good candidate for investigation, you

1 can close it quickly, absolutely.

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

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

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

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

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

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

25 Mr. Baker. What do you mean when you say "within the

1 Bureau's own holdings"?

2 Mr. Moffa. I just don't know what the classification
3 part of that is.

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

5 Mr. Moffa. Other investigative information.

6 Mr. Baker. That's housed somewhere in the FBI?

7 Mr. Moffa. Correct.

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

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

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

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

24 So back then I couldn't have told you anything about
25 the level of threat or involvement I thought any one of

1 those subjects posed. We just hadn't collected enough
2 information yet for me to be able to say.

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

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

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

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

21 Mr. Baker. I'm just curious. In the in-house
22 research, for lack of a better term, these FBI holdings, in
23 your experience -- and it doesn't have to be related to this
24 case -- in your long time doing analytical work, is there an
25 issue, has there ever been an issue, with there being

1 holdings in the FBI that are hard to fine? One part of the
2 FBI has information that the other part needs, but it's not
3 really known to that part. I'd just be curious, your
4 comment on that?

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

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

18 Mr. Baker. Just at a very high, high, high level, what
19 is put in place to assure -- I understand what you're saying
20 about information that by its nature has to be
21 compartmented. But aside from that, what has the Bureau
22 done to make sure that the guy sitting on the left that
23 needs information that the guy on the right has doesn't miss
24 that he's got it because it's not recorded somewhere in
25 between?

1 Mr. Moffa. Again, it wouldn't be within my lane of
2 responsibility to do this, but there has been emphasis, just
3 in my opinion and what I've seen, on unrestricting cases,
4 for example. So instead of opening a case that's restricted
5 to a very small subset of people, the Bureau has tried to
6 minimize the number of times that happens, so that that case
7 information is available in our case system for analysts to
8 see across.

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

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

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

17 Mr. Somers. It was discussed. And I think on page
18 128 of the IG report it indicates that. "The intel section
19 chief and Strzok" -- you being the "intel section chief" --
20 agreed that there was not sufficient basis for FISA
21 surveillance targeting Page" -- I'm sorry -- "targeting
22 Papadopoulos."

23 Is that your recollection?

24 Mr. Moffa. I don't remember that. I remember reading
25 that in the IG report.

1 Mr. Somers. It says -- this is the same page, 128.
2 "Instant Messages also show that the intel section chief and
3 Strzok were much more interested in pursuing the request for
4 FISA coverage targeting Page." Do you recall that?

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

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

10 Mr. Moffa. I don't recall that specifically, no.

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

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

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

17 Mr. Somers. Yes.

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

23 So when I say that I have greater interest in Carter
24 Page, I believe there is a greater chance that intelligence
25 flowing from a FISA on Carter Page could answer our key

1 intelligence questions than a FISA on, for the example given
2 in the IG report, Papadopoulos.

3 Mr. Somers. Why is that?

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

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

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

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

23 Mr. Somers. Why?

24 Mr. Moffa. Given the background and history of both
25 people.

1 Mr. Baker. You're looking at a holistic approach to
2 person A and person B cause and you're making an informed
3 decision more likely than not, based on things you've looked
4 at -- maybe this person's traveling more, or this person has
5 known contacts with people as opposed to this person --
6 you're making an educated and informed guess that probably
7 the resources are better spent on person A?

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

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

22 Mr. Somers. I understand what you're saying about
23 Papadopoulos. I'm just trying to reconcile that with the
24 fact that, the opening EC, the information was given -- I'm
25 sorry. I understand what you were saying about Page in

1 terms of why you wanted to get the FISA on Page. I'm just
2 not understanding why, when the opening EC, for instance,
3 involves communications with Papadopoulos, why he's not of
4 equal interest for FISA coverage, when it seems like the
5 investigation's predicated on information given to him.

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

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

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

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

22 Mr. Moffa. Well, I don't investigate anything.

23 Mr. Somers. I'm sorry.

24 Mr. Moffa. I want to be really clear about my role in
25 it. I defer to --

1 Mr. Somers. I mean the team. You will catch me
2 several times probably throughout this saying "you" when
3 what I really mean to say is the Crossfire Hurricane team.

4 I probably used the wrong term by saying "investigate."
5 I guess what I'm asking was if they looked into who Joseph
6 Mifsud was, examined Joseph Mifsud, since he was the one
7 that allegedly gave Papadopoulos the information that
8 launched the investigation.

9 (Witness confers with counsel.)

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

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

22 Mr. Moffa. What I'll say is, as individuals who
23 potentially could have played a role in either the receipt
24 or use of that kind of information became known to us, we
25 looked into them. That's the best way of saying it. So

1 without confirming anybody specifically, as people became
2 identified to the team the team would look into them.

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

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

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

8 Mr. Moffa. I'm ready.

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

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

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

24 Did you cooperate with the IG investigation?

25 Mr. Moffa. I did.

1 Mr. Haskell. Were you interviewed as part of that
2 investigation?

3 Mr. Moffa. I was.

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

6 Mr. Moffa. I believe twice.

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

10 Mr. Moffa. I did.

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

14 Mr. Moffa. I don't remember if I provided them
15 directly, but I know the FBI provided documents to them,
16 yes.

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

19 Mr. Moffa. I'm not aware of that, no.

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

23 Mr. Moffa. No.

24 Mr. Haskell. Did you have the opportunity to review
25 the IG report or at least the portions that you were -- that

1 your name or your moniker appears in, before it was
2 finalized and published?

3 Mr. Moffa. I did.

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

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

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

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

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

24 Mr. Moffa. I wouldn't go so far as to say that it
25 misrepresented any of my testimony.

1 Mr. Haskell. Now, your interactions with the IG were
2 not your only interactions on this set of issues. With
3 regard to being interviewed, you were also interviewed for
4 around six hours in August of 2018 as part of an
5 investigation by the House Judiciary and Oversight
6 Committees; is that correct?

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

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

12 Mr. Moffa. I did.

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

15 Mr. Moffa. I did.

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

19 Mr. Moffa. They did not.

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

23 Mr. Moffa. I don't believe so, no.

24 Mr. Haskell. In total between the IG testimony and
25 the House testimony, which I believe was on August 24, 2018,

1 approximately how many hours, days, have you spent providing
2 testimony on these issues?

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

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

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

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

22 Mr. Moffa. Well, again, I can't speak to predicate.
23 That's not my expertise. But what I can speak to is my
24 personal judgment of the time, which is an allegation of
25 that sort, in the environmental context of what was

1 happening after the DNC hack, my personal belief is it would
2 have been irresponsible not to investigate it as the FBI,
3 given the credibility of the friendly foreign government
4 threat it.

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

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

15 Mr. Moffa. No.

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

21

22 Mr. Moffa. I do.

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

25 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
2 counterintelligence concern was.

3 Mr. Haskell. Yes.

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

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

18 Did that create a counterintelligence concern?

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

23 Mr. Haskell. Are there any further specifics that you
24 could offer about why a foreign power putting malware on an
25 American political party's technology infrastructure and

1 attempting to hack their emails, why that would create a
2 counterintelligence concern specifically?

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

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

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

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

25 Mr. Haskell. And in fact that is what happened. On

1 July 22, 2016, WikiLeaks published 20,000 emails that had
2 been stolen from the DNC by Russia. This was six days
3 before the FBI learned the FFG information that the Trump
4 campaign may have had advanced knowledge of Russia's plan to
5 release stolen emails.

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

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

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

22 Does that statement, in the context that we've been
23 discussing, five days after WikiLeaks published 20,000
24 emails believed to be stolen by Russia, confirmed to be
25 stolen by Russia, does that statement by a candidate in and

1 of itself raise counterintelligence concerns?

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

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

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

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

23 Mr. Moffa. Certainly. It's very similar. I don't
24 think the target has to be federal or a political party to
25 potentially pose a great threat to the U.S. political

1 processes, and certainly state election boards would fit
2 that category where, if a foreign power were to be targeting
3 them via cyber or any other means, it poses a
4 counterintelligence concern for what they would do with that
5 information and any impact it might have.

6 Mr. Haskell. Thank you.

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

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

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

22 Mr. Moffa. Yes, I would say that.

23 Mr. Haskell. Is it fair to say that an FFG and the
24 officials that are members of an FFG, as was the case here
25 with the individuals who provided the information, what

1 Papadopoulos had said, is it fair to say that that type of
2 individual would not be suspected of fabricating information
3 to harm the U.S.?

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

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

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

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

25 Did Papadopoulos report Russia's apparent offer of help

1 to the FBI when he received it in April 2016, to your
2 knowledge?

3 Mr. Moffa. Not to my knowledge.

4 Mr. Haskell. Did he come forward to the FBI in July
5 2016 after WikiLeaks began doing what Papadopoulos had been
6 told the Russian government would do, release thousands of
7 emails damaging to Clinton?

8 Mr. Moffa. I don't believe he came to the FBI in July
9 2016, no.

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

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

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

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

1 investigation and predication important.

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

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

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

19 Mr. Moffa. I agree.

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

22 Mr. Moffa. Yes.

23 Mr. Haskell. According to the IG report, the foreign
24 official who reported what Papadopoulos had told him was not
25 aware of who else Papadopoulos had informed about Russia's

1 offer to the Trump campaign. So we know that Papadopoulos
2 was aware of it, but it wasn't clear who else in the Trump
3 campaign had that information as well.

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

8 Mr. Moffa. Yes.

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

16 Do you have any evidence to dispute that finding?

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

19 Mr. Haskell. Despite everything that we've just
20 discussed in terms of the ongoing Russian interference
21 operation and then receiving information from the FFG and
22 everything around that, some have continued to express the
23 view that there was no there there, meaning no basis to
24 investigate the Trump campaign's ties to Russia. They make
25 that argument relying in part on the fact that Special

1 Counsel Mueller did not ultimately charge anyone affiliated
2 with the Trump campaign with conspiring with Russia.

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

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

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

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

25 Mr. Haskell. Yes.

1 Mr. Moffa. That's what you're asking?

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

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

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

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

25 Could you explain why the statements that Papadopoulos

1 had made to the FFG made him specifically among the
2 individuals that was concerning to the FBI?

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

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

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

23 Mr. Moffa. Again, not being responsible or my team
24 being responsible for opening the case, I can't tell you to
25 what degree it bore on opening. But I can tell you, based

1 on my impression of the facts, that his background and those
2 ties are the sort of thing we would find noteworthy from an
3 analytic perspective as suggesting somebody possibly to be
4 in a greater position to receive that suggestion from Russia
5 than someone else.

6 Mr. Haskell. Turning to Carter Page, that EC said
7 that Page was a senior foreign policy adviser for the
8 campaign, had extensive ties to various Russian-owned
9 entities, and had traveled to Russia as recently as July
10 2016. It also stated that he was the subject of an ongoing
11 counterintelligence investigation assigned to the FBI's New
12 York field office.

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

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

25 Mr. Haskell. Sitting here today, do you believe it

1 was reasonable for the FBI to be concerned that some members
2 of the Trump campaign at that time, whether it be
3 Papadopoulos, Manafort, Page, Flynn, Trump himself, among
4 others, may have had knowledge of Russia's election
5 interference activities?

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

10 (Pause.)

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

22 Were you aware of those meetings?

23 Mr. Moffa. I wasn't a part of the Counterintelligence
24 Division after the Special Counsel was stood up. So no, not
25 personally.

1 Ms. Sawyer. It goes on to say -- so you were not
2 aware whether those meetings ever took place, who was
3 involved in those, what was conveyed?

4 Mr. Moffa. I'm not, no.

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

12 Did you ever see any of those summaries?

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

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

18 Mr. Moffa. I don't.

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

24 Mr. Moffa. My knowledge of what the Mueller team
25 investigated really stops at the handoff point for me, which

1 was the spring of 2017. So I'm not aware of anything they
2 investigated, really, after that time.

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

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

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

14 Mr. Moffa. Correct.

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

19 Mr. Moffa. No.

20 Ms. Sawyer. Thank you.

21 Mr. Haskell. That's all we have for this round.

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

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

24 Mr. Somers. Let's take a break.

25 (Recess from 11:18 a.m. to 11:28 a.m.)

1 Mr. Somers. It's now 11:28 and we'll go back on the
2 record.

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

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

8 Mr. Somers. How about Paul Manafort?

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

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

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

16 Mr. Somers. You don't recall.

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

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

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

23 Mr. Moffa. I believe it was September 2016.

24 Mr. Somers. You think you saw them basically at the
25 inception of when they came in?

1 Mr. Moffa. Yes, absolutely. I didn't know that that
2 was when.

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

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

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

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

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

25 Mr. Somers. What was your understanding of Steele's

1 credibility, reliability, in the early -- well, when you
2 received the information and going forward?

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

8 Mr. Somers. Where were you gaining that
9 understanding?

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

12 Mr. Somers. From the analyst side?

13 Mr. Moffa. Correct.

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

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

23 Mr. Baker. So, being aware of it now, did you lose any
24 advantage of not being able to exploit the information from
25 an analytical standpoint because of the delay?

1 Mr. Moffa. I just couldn't say specifically, but we
2 certainly weren't able to begin looking at it earlier
3 because we didn't get it until September.

4 Mr. Baker. Thank you.

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

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

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

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

25 Mr. Somers. Then what about corroboration from the

1 analysts' side, specifically for the allegations in the
2 Steele reporting, not Steele himself, but what the meat of
3 the reporting?

4 Mr. Moffa. The Crossfire analytic team created
5 something that's been referred to as "The Factrix," but it's
6 essentially a document whereby the team took the salient
7 facts contained within the Steele reporting and broke them
8 out in spreadsheet fashion, so that each could be
9 researched. Then as information and intelligence was gained
10 that could either corroborate, refute, or otherwise inform
11 the understanding of each of those facts from the Steele
12 reporting -- that was a living, breathing document that
13 never really was produced as a final document. It was a way
14 to capture and organize the understanding of the salient
15 facts from that reporting.

16 Mr. Somers. Do you know when that document started?

17 Mr. Moffa. I don't know exactly when it started, no.

18 Mr. Somers. Was it prior, do you know, prior to the
19 first Carter Page FISA application?

20 Mr. Moffa. I couldn't tell you. I don't recall
21 exactly when it began.

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

24 Mr. Moffa. If I had asked for it, I would have had
25 access to it. I was occasionally provided a copy of it.

1 But the working-level team, the supervisory intelligence
2 analyst, the analyst team, and then the operational team had
3 daily routine, any time they wanted it, access to it, yes.

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

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

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

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

21 Mr. Moffa. I think the document itself was primarily
22 created by the analytic side, but it's in collaboration with
23 the operational side. Information is being exchanged both
24 ways to inform it. But I think the actual writing of the
25 document was done by the analytic team.

1 Mr. Somers. Do you know if this document was prepared
2 in conjunction with the Woods process?

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

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

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

15 Mr. Somers. What was your understanding in the fall
16 2016 about how Steele was collecting information that
17 appeared in the Steele dossier?

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

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

25 Mr. Moffa. I don't know if I knew that in September

1 2016. I'm not sure I knew that.

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

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

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

22 Mr. Moffa. Sure. I think there are definitely times
23 where a piece of information that's in reporting can't be
24 independently verified or -- a better way of saying it,
25 because you don't want to say "never," but has not been --

1 there is no additional information to corroborate
2 independently. That happens, sure. And I think the fact
3 that there's multiple sub-sources to me increases the
4 challenge of that.

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

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

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

23 So I think we did both. I think we kept open the
24 questions around certain pieces of reporting we couldn't
25 corroborate in that moment; and I think we also encouraged

1 our operational counterparts to conduct additional
2 investigations and operations to more proactively try to
3 probe into those areas. That's what I felt my team was
4 doing.

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

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

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

22 Mr. Baker. If your analysts knew that your operational
23 counterparts were starting to move forward on a
24 sophisticated investigative technique, i.e., a FISA, and
25 that some of that sub-source information was going to be

1 used that the analysts had not been able to verify or deep
2 dive on, would there be a hotline to say, whoa, you can't;
3 you have to hold off on this because we're not there yet?

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

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

22 Mr. Baker. But to your first part of that, where if
23 there was an issue you would expect the analyst to be
24 proactive, to the best of your knowledge in Crossfire
25 Hurricane if those situations presented themselves that

1 responsibility that you believe the analyst would have was
2 executed --

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

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

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

24 So I think a friendly foreign government is much
25 further towards the scale of credible and reliable and less

1 likely to be providing information for some malicious
2 purpose. But then other sources you maybe would put in a
3 different category than that; and your skepticism and your
4 desire to dig into the facts of that reporting should adjust
5 accordingly based on that understanding.

6 Mr. Baker. Would it be fair to say, using the analogy
7 you used, "to adjust accordingly," would there from an
8 analytical standpoint, would there always be a degree of
9 skepticism about information coming in regardless of where
10 it's coming from?

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

20 Mr. Baker. Are there ever situations where you or your
21 team as analysts and your skepticism, healthy as it may be,
22 you get overrun by the operational side and skepticism
23 really isn't played out to the farthest point that it could
24 be to verify or not verify and the operational people run
25 with something despite your skepticism?

1 Mr. Moffa. Well, I wouldn't necessarily say that
2 that's done outside the bounds of what's appropriate,
3 because I think we're hitting into that issue of what is
4 legally sufficient for probable cause for a FISA. That may
5 be different than continuing analytic skepticism of the
6 solidity of reporting or with the reliability of a source.

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

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

22 Mr. Baker. I think you've explained this, but I want
23 to be clear. Even though the skepticism might still
24 survive, the operational side has taken something and
25 continued with it, but there still may be some skepticism in

1 the analytical side. I think I understand you to say that
2 it's a living document, it's a living event. Is that
3 skepticism still being analyzed to see if it even diminishes
4 further, stays the same, or, whoa, we're more skeptical now
5 than we were before?

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

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

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

21 Mr. Baker. Thank you.

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

25 Mr. Moffa. Yes.

1 Mr. Somers. Do you think it did remain high?

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

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

7 Mr. Moffa. I am.

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

9 Mr. Moffa. I couldn't tell you the exact time frame.
10 I'm sorry.

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

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

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

25 Mr. Moffa. That's correct.

1 Mr. Somers. If Steele was relying on -- I'll just
2 read from the IGG's report so we're both on the same page
3 here. What I'm thinking of, on page Roman v. of the IG
4 report it says. "Steele himself was not the originating
5 source of any of the factual information in his reporting.
6 Steele instead relied on a primary sub-source for
7 information, who used his/her network foreign sub-sources to
8 gather information that was then passed to Steele."

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

11 Mr. Moffa. Yes, I would agree.

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

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

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

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

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

25 Mr. Moffa. Yes.

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

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

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

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

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

12 Mr. Moffa. I'd have to name specific members of the
13 team.

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

16 Mr. Moffa. He would be.

17 Mr. Somers. Bill Priestap?

18 Mr. Moffa. Yes.

19 Mr. Somers. Andy McCabe?

20 Mr. Moffa. I couldn't say. I can't recall.

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

23 Mr. Moffa. I just don't recall specifically.

24 Mr. Somers. Was the unit chief in the general
25 counsel's office aware the primary sub-source was

1 interviewed?

2 Mr. Moffa. Yes.

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

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

11 Mr. Somers. What about the Director, Comey?

12 Mr. Moffa. Yes.

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

15 Mr. Moffa. I did.

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

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

21 Mr. Somers. Was that a written summation?

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

24 Mr. Somers. Did you ever review any of the 302s of
25 the interview?

1 Mr. Moffa. I don't recall reviewing the 302s
2 specifically, no.

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

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

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

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

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

20 Is that still your testimony?

21 Mr. Moffa. Yes, that's accurate.

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

24 Mr. Moffa. Again just trying to remember back four or
25 five years, generally I believe we received some additional

1 insight about the sub-source network beneath that primary
2 sub-source that was helpful in further identifying those
3 sub-sources. Beyond that, at this point I just couldn't
4 tell you what I recall about the overview of the briefing.
5 Some of the administrative details about how it was done,
6 that sort of thing, but that's it. I just don't recall the
7 specifics.

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

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

17 Mr. Baker. Increased emphasis on pursuing that
18 network?

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

24 Mr. Baker. But you had that concern before the network
25 was identified?

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

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

11 Mr. Moffa. I did.

12 Mr. Baker. Who did you express it to?

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

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

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

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

24 Mr. Moffa. No.

25 Mr. Somers. -- the primary sub-source and Steele's

1 reporting?

2 Mr. Moffa. I wasn't.

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

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

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

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

20 Mr. Somers. Just for a little more context here just
21 so we're on the same page about what the IG report found, on
22 page 188 of the IG report one of the Washington Field Office
23 agents that interviewed the primary sub-source came back
24 with this information that he reported to the IG eventually.
25 According to that agent, Steele's -- what the primary sub-

1 source told him. "Steele's primary sub-source was giving
2 Steele information that was based on conversation with
3 friends over beers; that the primary sub-source
4 characterized information he gave Steele as word of mouth
5 and hearsay; that his primary sub-source told the FBI that
6 the information was intended to be taken with, quote, 'a
7 grain of salt'; and that the corroboration was zero."

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

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

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

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

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

25 Mr. Somers. What about the other chairs in the chain

1 -- Strzok, Priestap, and up? Should they have been made
2 aware of the significant discrepancies between the primary
3 sub-source's interview and what Steele was reporting?

4 [REDACTED]. Sorry. Are you asking his opinion about that
5 or are you asking him a policy question?

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

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

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

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

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

23 Mr. Moffa. I'm not sure I understand the question.
24 Sorry.

25 Mr. Baker. You indicate it should be in your view.

1 Are you familiar with other cases where conflicting
2 information was sent up the proper chain?

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

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

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

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

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

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

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

23 Mr. Baker. I want to back up just a second. You had
24 indicated in your desire to have some push or some priority
25 given to identifying the sub-source network, you had

1 expressed your concerns, I believe, to AD Priestap, I think
2 you said Jennifer Boone, and some others. I got the
3 impression that your message was received kind of coolly.
4 Is that a misimpression on my part?

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

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

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

20 Mr. Moffa. I think for me there's just a consistent
21 need to do it. I don't know that that information changes
22 my opinion about it. I think the information and the
23 allegations in it are important, they're important in the
24 moment of the 2016 elections, and we should -- and again,
25 some of this is the luxury of being an analyst. It's easy

1 for me to say "You should go over there and try to find us
2 the answer to these questions." I'm not the one who has to
3 then plan and resource and determine the legal ability of
4 the Bureau to do that.

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

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

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

24 So that was conveyed in group settings. It was
25 conveyed in individual conversations. I couldn't tell you

1 exactly how many or when. But I felt like I was pretty
2 clear about my position on that.

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

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

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

23 Mr. Moffa. I'm having conversations with the people I
24 named because at my level I'm not necessarily talking to the
25 working-level investigative team. But that kind of change

1 absolutely could have started at the lower level, at the SSA
2 level. It would have been known then to the higher level,
3 the executive management in the division; and if they didn't
4 support it, obviously they'd have a chance to suggest
5 otherwise. But it doesn't preclude those lower working-
6 levels from making that change.

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

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

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

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

23 Mr. Baker. Did you get any frustration expressed by
24 the analysts underneath you that there hadn't been this
25 change of focus?

1 Mr. Moffa. I don't recall that. To me, this was more
2 me, at sort of a more strategic executive level, sort of
3 expressing that concern. I can't recall if the individual
4 analysts shared that with me.

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

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

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

19 Mr. Moffa. Pre-election, my understanding at that time
20 period was that a client had hired him to collect
21 essentially opposition research. My recollection of that
22 time is we didn't know who that client was. Then in the
23 course of collecting that opposition research, Steele
24 recognized the allegations laid out within it about Russian
25 activity and then decided to provide that to the Bureau.

1 Mr. Somers. When did you learn who the ultimate
2 client was?

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

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

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

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

22 "On or about August 2, 2016, this information was
23 shared by a CD supervisor with the section chief of CD's
24 Counterintelligence Analysis Section 1 intel section chief"
25 -- that being you. So I'll start the sentence over and I'll

1 just substitute that out. "On or about August 2, 2016, this
2 information was shared with you, who then provided it that
3 day to members of the Crossfire Hurricane team, then-section
4 chief Peter Strzok, SSA-1, and the supervisory intel
5 analyst."

6 Do you have any recollection of this email chain?

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

12 Mr. Somers. The connection just wasn't made because
13 of the time frame?

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

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

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

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

24 Mr. Moffa. I don't.

25 Mr. Somers. I think you testified to this earlier,

1 but you, among others, including Strzok and Priestap, told
2 the IG that you did not play a role in the preparation or
3 approval of the Carter Page FISA application. That's
4 correct?

5 Mr. Moffa. That's correct.

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

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

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

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

23 Mr. Somers. Just in your general knowledge of FISA,
24 the FISA process, from being the analyst actually, if you're
25 given a FISA or parts of a FISA and there's something wrong

1 that you see from an analytical perspective, is it your
2 obligation to raise that?

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

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

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

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

18 What's the relationship, though, if an analyst says
19 "Hey, guys, I see a problem with paragraph 15 of the FISA
20 application"? Is that a comfortable role for an analyst to
21 be in or is that an uncomfortable spot?

22 Mr. Moffa. I don't think that's uncomfortable at all.
23 Honestly, I think the Bureau culture is such that there is
24 that expectation that if you see something that's
25 fundamentally inaccurate and you're aware of it, you can

1 feel comfortable to bring that up to really anybody within
2 the chain of preparation for the FISA. So it could be an
3 OGC attorney, it could be the case agent, it could be the
4 squad supervisor.

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

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

11 Mr. Moffa. I don't.

12 Mr. Somers. You wouldn't have gotten slapped down if
13 you said "Hey, this is wrong"?

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

19 Mr. Somers. There wasn't a pressure to obtain certain
20 results?

21 Mr. Moffa. No.

22 Mr. Somers. From your perspective?

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

1 investigation necessarily.

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

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

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

14 Mr. Moffa. I did not.

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

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

23 Mr. Somers. I'm going to switch to a couple more
24 topics here in our remaining about 15 minutes we've got in
25 this round. One thing that's mentioned a few times in the

1 IG report -- I'll just read it to you. "Multiple witnesses
2 told the OIG that they were very concerned about preventing
3 leaks regarding the nature and existence of the Crossfire
4 Hurricane investigation. Priestap said that, in an effort
5 to prevent leaks, the investigation team was kept to a small
6 group to try to control information from getting out."

7 Is leaking in general a problem at the FBI?

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

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

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

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

25 Mr. Moffa. You'd have to speak to the operational side

1 about that, about what specifically the challenges were.

2 Mr. Somers. What about from the analytical side?

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

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

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

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

1 was less, we would have reviewed less.

2 I think the challenge of the collection side of it, I'd
3 really have to leave it to my operational counterparts to
4 discuss how it being t headquarters impacted that.

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

8 Mr. Moffa. What year?

9 Mr. Somers. August 10, 2016.

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

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

14 Mr. Moffa. I do.

15 Mr. Somers. What was your role?

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

22 Mr. Baker. What's an SIA?

23 Mr. Moffa. Supervisory intelligence analyst.

24 Mr. Somers. Is that the same supervisory intelligence
25 analyst that was also doing the Crossfire Hurricane

1 investigation?

2 Mr. Moffa. It is.

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

5 Mr. Moffa. He was.

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

9 Mr. Moffa. I'm sorry?

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

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

17 The ICA as I understand it was a directive from the
18 President to have the key intel agencies push as much
19 material about the election threat and what happened into
20 the middle of the table for a joint team to review that
21 material and publish as comprehensive an assessment as
22 possible as to what happened there. So there's much more
23 that went into that from the Bureau's end than just the
24 Steele reporting. Whether it included the Steele reporting
25 is kind of a subset of what I had to help manage as we wrote

1 that ICA, but there's much more that I was involved in on
2 the broader assessment.

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

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

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

18 Mr. Moffa. For us, I think initially we wanted it at
19 least considered to be included in the body, but properly
20 characterized, like other reporting. I think part of it in
21 my mind was we weren't necessarily taking other agencies'
22 intelligence and putting it through the same wringer of
23 deciding does it go in an appendix or not. So we were sort
24 of being questioned on that and felt the need to at least
25 discuss it with the other agency.

1 But then ultimately, I was fine with it going in the
2 appendix. I felt like we met the spirit of what the
3 President had asked us to do, which was to provide what we
4 had and then to capture that in the right way, the right
5 context. Given the nature of the reporting, having it set
6 off, to me I have no concerns about where it ended up.

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

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

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

19 Mr. Baker. So it touches the base and the spirit of
20 what the President wanted, but it also sounds to me like the
21 fact it was put in the appendix for all the reasons that
22 maybe in the appendix doesn't highlight it the way it
23 should, it sounds like this other agency maybe had the same
24 degree of skepticism that you had and put it where they felt
25 it should be?

1 Mr. Moffa. I don't think that's an unfair
2 characterization, in that the other agency viewed it with
3 skepticism and we talked about. I did as well. What I
4 didn't want to do and what I didn't want it to be perceived
5 as is we're burying it or otherwise excluding it from view.
6 To me, I thought it was important, again given the nature of
7 what I believed the assignment was, that it's put out in the
8 open. It just has to be characterized and positioned the
9 right way so that the credibility of it isn't
10 overemphasized.

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

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

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

24 Mr. Moffa. No. I think there are certain aspects of
25 the Steele reporting that are potentially viewed as more

1 salacious than others. So the point I was trying to make in
2 that moment to the other agency is not everything in that
3 reporting has to do with that sort of salacious side of it.
4 So some of our discussion was about are there elements of
5 this that are consistent with other intelligence,
6 understanding that there are other elements of it which are
7 not corroborated with other intelligence and could be viewed
8 as Internet rumor.

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

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

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

22 Mr. Moffa. No, that's exactly what I'm saying. I'm
23 saying that there are limited facts within the full body of
24 that reporting, and I'm not suggesting those facts are the
25 same facts that are necessarily the more salacious

1 allegations contained within it. But it would be inaccurate
2 to say that it's completely uncorroborated. But there's
3 limited corroboration. And that's -- if you read the
4 appendix, that's actually what it says. It lays that out
5 with some factual support.

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

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

20 Again, I'm not necessarily referring to any of the sort
21 of more specific allegations in it that have not been
22 corroborated, because, remember, the ICA is much broader
23 than Crossfire Hurricane-related. It's about Russia,
24 Russia's attempts to influence the election. If you look at
25 the full body of the Steele reporting, some of that

1 information is consistent with other information in the
2 intelligence community. And that's what the appendix said.

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

5 Mr. Moffa. It is not.

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

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

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

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

14 Mr. Somers. Go ahead.

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

23 Mr. Moffa. I can't say that's a formal defined role,
24 but I could certainly see a scenario where that could
25 happen, sure.

1 Mr. Baker. What would -- hypothetically, what would
2 their role in formulating such talking points be?

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

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

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

23 Mr. Baker. And would that work be reviewed? If a
24 lower-level analyst is called upon to either write something
25 or to provide information that someone else is writing, is

1 their product or knowledge going out of the analytical
2 division, is that reviewed up the analytical chain, or do
3 they have free rein to provide it to who's ever asking?

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

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

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

15 Mr. Moffa. Take a break.

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

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AFTERNOON SESSION

(1:22 p.m.)

1
2
3 Mr. Haskell. It's 1:22 and we're going back on the
4 record.

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

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

18 Mr. Moffa. No.

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

22 Mr. Moffa. No.

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

1 FBI engaged in a massive criminal conspiracy over time to
2 defraud the FISA Court?

3 Mr. Moffa. No.

4 Mr. Haskell. It's also been alleged that the FBI,
5 quote, "purposely used the power of the Federal Government
6 to raise a political war against a presidential candidate
7 they despised." Do you have any evidence of that, that the
8 FBI -- that FBI agents purposely used the power of the
9 Federal Government to wage a political war against then-
10 candidate Donald Trump?

11 Mr. Moffa. No.

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

15 Mr. Moffa. No.

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

19 Mr. Moffa. No.

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

22 Mr. Moffa. No.

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

25 Mr. Moffa. My goal was to manage the analytic team and

1 its support to the investigation, which was seeking to
2 identify any information that could substantiate or refute
3 the initial allegation for the case.

4 Mr. Haskell. Do you have any evidence that part of
5 your goal or anybody else's goal was a, quote, "deep state
6 effort to take down President Trump"?

7 Mr. Moffa. No.

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

12 Mr. Moffa. No.

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

15 Mr. Moffa. No.

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

25 Mr. Moffa. I didn't consider that and I wouldn't know

1 their political leanings.

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

4 Mr. Moffa. I did not.

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

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

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

14 Mr. Moffa. That's right.

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

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

25 Mr. Moffa. Well, I think, like any counterintelligence

1 investigation, to be able to obtain the needed facts and to
2 cut down on the possibility that actors who may be
3 conducting something that's a threat to national security
4 could get forewarning of our investigation and change their
5 behavior in a way that would prevent us from discovering it
6 or manipulate or destroy evidence that we might need.

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

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

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

22 Mr. Haskell. And it doesn't escape the Office of
23 Inspector General either. In their Midyear investigation
24 report, they wrote -- they recommended that "the Department
25 consider providing guidance to agents and prosecutors

1 concerning the taking of overt investigative steps,
2 indictments, public announcements, or other actions that
3 could impact an election."

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

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

15 Mr. Haskell. Thank you.

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

25 Mr. Moffa. My understanding is that it did not become

1 known publicly until after the election, that's right.

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

5 Mr. Moffa. I couldn't speculate on that.

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

16 Are you aware of any evidence that disputes that
17 finding?

18 Mr. Moffa. No.

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

24 Are you aware of any evidence that disputes Horowitz's
25 testimony that the Carter Page FISA errors do not call into

1 question any part of Special Counsel Mueller's report?

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

4 Mr. Haskell. Okay. But you're not aware --

5 Mr. Moffa. I'm not aware of anything.

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

8 Mr. Moffa. Right.

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

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

20 Mr. Moffa. Not personally, no.

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

25 Mr. Moffa. No.

1 Mr. Haskell. With regard to Steele, you were asked
2 earlier about the why, why was he doing what he was doing.
3 There have been allegations raised about his motivations.
4 You told House investigators when you were interviewed in
5 2018 that, quote, "Sources have different motivations and
6 actions, and it's a balancing act of how that impacts
7 credibility, and there's no hard and fast rule that you can
8 always kind of hue to."

9 Can you elaborate on that?

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

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

23 Mr. Haskell. Okay. Based on what you've just said,
24 is it fair for me to say that a source's motivation or
25 biases do not automatically render any information he or she

1 provides false or unreliable or not credible?

2 Mr. Moffa. Yes.

3 Mr. Haskell. You've been with the FBI for more than
4 20 years. What impact would the inability for the FBI to
5 rely on any source who has demonstrated a motivation or bias
6 have on the FBI's ability to do its work?

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

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

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

24 Mr. Haskell. Thank you.

25 Shifting gears again to confidential human sources,

1 CHS's, you told OIG that you viewed CHS's as, quote, "one of
2 the best avenues to potentially get some meat on the bones
3 of the allegations that came through that started Crossfire
4 Hurricane, to get somebody talking about what that reality
5 was, even if the reality was this guy Papadopoulos knows
6 nothing or this is what happened that actually explains that
7 predication. It was one of those few avenues available to
8 us in that moment where you could start to get some clarity
9 around that initial predicating allegation really of the IG
10 report.

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

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

18 Mr. Haskell. So it's to corroborate or to dispel and
19 move on?

20 Mr. Moffa. Correct.

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

25 Mr. Moffa. Yes.

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

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

5 Mr. Haskell. Yes.

6 Mr. Moffa. Yes.

7 Mr. Haskell. Yes, in your experience.

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

10 Mr. Moffa. Correct.

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

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

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

23 Mr. Haskell. Following up on what you just said about
24 being the right thing to do to protect individuals, are the
25 risks to individuals with regard to the public disclosure of

1 who they are, are they amplified when you're dealing with a
2 source related to a place like -- in a place like Russia?

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

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

12 Mr. Moffa. No, I'm not aware of that.

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

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

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

1 apply to the primary sub-source's sources?

2 Mr. Moffa. Yes, I think they would.

3 Mr. Haskell. Are you aware that on page 42 of that
4 memo I mentioned, that was released publicly, which is a
5 summary of the interview, the FBI's interview with the
6 primary sub-source -- and I'll just read from it, quote.
7 "The primary sub-source commented that, unless his name goes
8 public, he is fine when it comes to his source network. He
9 doesn't believe he can travel (REDACTED). He feels that he
10 would be in danger, as he put it, (REDACTED)."

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

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

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

23 Mr. Moffa. Again not having deep, unlimited expertise
24 in this area, I would say it's possible it would compromise
25 their ability to report the same streams of intelligence

1 they would be reporting before they were exposed publicly.

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

7 Mr. Moffa. Yes, I agree.

8 Ms. Sawyer. Certainly that individual themselves
9 might be reluctant, if not outright unwilling, to work with
10 the U.S. Government going forward. Wouldn't that be another
11 risk?

12 Mr. Moffa. I agree.

13 Ms. Sawyer. When you were talking to our colleagues
14 in the last hour, you were talking about the need to make a
15 determination as to reliability and credibility of sources
16 and sub-sources. What role does the need to also determine
17 a source's potential access to the information that they're
18 saying they have play?

19 Mr. Moffa. It plays a significant role in
20 understanding the credibility, because if a source is known
21 to not have access to the type of information being reported
22 that can be a sign that the information itself is being
23 fabricated or otherwise can't be trusted.

24 Ms. Sawyer. So for example, if you learn that the
25 person who said anything about Carter Page had no possible

1 access to sources in the Russian government, to information
2 from the Russian government, that would substantially
3 downgrade your ability to rely on them?

4 Mr. Moffa. That would be an important fact to know,
5 but you'd also have to understand if that person had second-
6 tier or third-tier access to that information and draw the
7 distinction between direct access and access through others.

8 Ms. Sawyer. If you did assess that there had been
9 direct access, would that conversely bolster your ability to
10 rely on the information?

11 Mr. Moffa. In a general sense it would, because that
12 person is reporting something they've learned first-hand.

13 Ms. Sawyer. My colleague Mr. Haskell referred you to
14 the document that was produced by the Justice Department and
15 posted on the committee's website. It does talk, with some
16 redactions, about not just the primary sub-source, but that
17 sub-source's sources. And on page 19 of that document it
18 speaks to Source 5, who was one of the main sources for
19 information on Carter Page during his trip to Moscow in July
20 of 2016. It says the following, among other things. "She
21 has ties to the (REDACTION) as well as ties to the Russian
22 intelligence and security services."

23 Did you have or did any of your analysts raise
24 questions about the access that Source 5 had to information
25 she was reporting up through the primary sub-source?

1 Mr. Moffa. I can't speak to Source 5 because I don't
2 know who that is and I haven't read the document you're
3 referring to. But what I'll say, and refer to my earlier
4 testimony. That's the kind of sort of overseas operational
5 and investigative work that I was talking about, where I
6 believe a greater emphasis on pursuing better understanding
7 of those sub-sources and their access would help clarify and
8 either further support or refute the credibility of the
9 reporting in general.

10 Ms. Sawyer. Are you aware of whether or not there was
11 an effort to learn more about Source 5?

12 Mr. Moffa. I just don't know who Source 5 is, so I'm
13 sorry; I can't say.

14 Ms. Sawyer. So you don't know? It's possible that
15 there was?

16 Mr. Moffa. It's possible. I'm just saying I don't --
17 I don't recognize Source 5 and I can't tell you for certain.

18 Ms. Sawyer. Do you know anything about any of the
19 other sources and the efforts that might have been made to
20 do additional investigative work to find out about their
21 access and therefore their credibility and reliability?

22 Mr. Moffa. I can't speak to what was done
23 investigatively for each of them because I just don't know.
24 I will say analytically we expended effort, my team expended
25 effort, to better understand them, who they were, what was

1 available in terms of information about them as they were
2 being identified, for exactly in part the purpose you're
3 saying, which is what is their access to information.

4 So while I can't tell you the specifics of which sub-
5 source, that's the general idea of what the analytic team at
6 least, which is the part I can speak to, was trying to do.
7 further ascertain whether they had that sort of credible
8 access to the type of information that was being reported
9 through the sub-source.

10 Ms. Sawyer. Understanding that you don't remember
11 specifics, do you recall if at any point while you were
12 still working on Crossfire Hurricane and before it went to
13 the Special Counsel, whether any of your analysts came to
14 the determination that the sources, the primary sub-source's
15 sources, simply did not have the access that would have
16 allowed them to report on the information they had been
17 reporting?

18 Mr. Moffa. I don't remember that definitive of a
19 judgment being made before I left the team.

20 Ms. Sawyer. I think that's all I have.

21 Mr. Haskell. I think that's it for this round for us.
22 Thank you.

23 Mr. Moffa. Thank you.

24 Mr. Somers. Short break.

25 (Recess from 1:45 p.m. to 1:53 p.m.)

1 Mr. Somers. It's now 1:53. Back on the record.

2 You were talking last round a little bit about the use
3 of confidential human sources, and I think the quote that
4 was read back to you from the IG report was your quote, was.
5 "Confidential human sources are one of the best avenues to
6 potentially get some meat on the bones of the allegations
7 that came through that started this case."

8 So I guess that means you would task confidential human
9 sources with talking to a Carter Page, who has talked to a
10 confidential human source -- not you would task. The FBI
11 would task, I'm sorry. I make my usual error of saying
12 "you."

13 The Crossfire Hurricane team would task a confidential
14 human source with talking with Carter Page or George
15 Papadopoulos, and the goal of that, would it be fair to say,
16 would be to see what they'd say about some of the
17 allegations?

18 Mr. Moffa. I don't know if -- it's not those two
19 individuals specifically, but the idea would be that a CHS
20 could interact with some of the subjects or others and
21 pretty directly potentially look into the allegations by
22 talking to those people and then not compromise the FBI's
23 investigative interest in the process.

24 But again, from my perspective I saw it as a potential
25 avenue of intelligence to answer our gaps. The question of

1 again the operational wisdom of doing that and operational
2 security of that was for the investigative side to
3 determine.

4 Mr. Somers. What happens -- we've been given,
5 provided by the FBI, with some of the transcripts of
6 confidential human sources speaking with Page and
7 Papadopoulos. But at the time what happens with -- Carter
8 Page is recorded by a confidential human source and a tape
9 is generated. What goes on after that, after the
10 interaction?

11 Mr. Moffa. Well, whether it's a recording or a
12 transcript, the proceeds of that engagement are reviewed by
13 the team. And by "the team" I mean both sides, the analytic
14 team and the operational team.

15 Mr. Somers. And is a summary document generated or is
16 it just left in the raw form of a transcript?

17 Mr. Moffa. I really can't speak to that. I think at
18 times maybe there's a summary document and other times maybe
19 there isn't.

20 Mr. Somers. So sometimes when you look at a
21 transcript, from your background as an analyst, a summary
22 will be generated; and other times it will just be left raw
23 in the transcript?

24 Mr. Moffa. Yes, I think that's right.

25 Mr. Somers. What would be the factors that would

1 differentiate between whether something was summarized or
2 pulled out and just left? Is it the use of what's on the
3 transcript or is it something else?

4 Mr. Moffa. I just think it would be need. If the
5 people who need to know the information on the transcript
6 have read the whole transcript, there might not be a need
7 for a summary. And if that information had to be shared
8 with others who don't have the time or interest in reading
9 the full transcript, you'd write a summary.

10 Mr. Somers. How would it be shared? Let's say Carter
11 Page said something that relates to an allegation made
12 against him by the Steele dossier, for instance. Speaking
13 generally, where does that information go at that point
14 within the Crossfire Hurricane investigation?

15 Mr. Moffa. I can't speak to that specifically, but
16 both the operational and analytic teams are reviewing that
17 transcript. So they have it. Then the question is, do they
18 need to do something with that information, whether it's
19 advise up the chain or some other purpose. I just don't
20 know what that would be.

21 Mr. Somers. You don't know what happens?

22 Mr. Moffa. I don't know what that would be
23 specifically, given what the needs of that moment are. It
24 could be that they had to do something with it, so it would
25 be disseminated further. Or if not, if it's just for the

1 background and understanding of the team, it might stay with
2 them.

3 Mr. Somers. And it's analyzed -- "analyzed" is
4 probably the wrong word since that's leading into my
5 question.

6 It's looked at by both the analysts and the agents?

7 Mr. Moffa. I'm generalizing. I can't tell you
8 specifically for any particular CHS operation. But
9 generally, that transcript would be looked at by both the
10 analytic team and the operational team to see what was said
11 and if anybody picks out anything in it that's of substance.

12 Mr. Somers. And would something that contradicts an
13 allegation made against Page, for instance -- I'm not
14 thinking of anything specifically.

15 Mr. Moffa. It should be recognized and understood.
16 Then there's a variety of things that might need to be done
17 with that. If you're putting together a FISA, there'd be
18 something you would need to do with it. If it's just for
19 notification up the chain, they would do something different
20 with it. It just depends what the purpose is.

21 Mr. Somers. But it's pulled out? It's not just left
22 in the transcript. It's pulled out in some way, either
23 orally or in a written document generally?

24 Mr. Moffa. I'd go back to my previous statement, that
25 if there's something that's developed that revealed an

1 inaccuracy or a factual inaccuracy, my expectation would be
2 that the right responsible people would recognize that and
3 do the right thing with it. That thing could be a number of
4 uses depending on what is underway at the moment.

5 It shouldn't be ignored, I guess is what I'm saying, in
6 my mind.

7 Mr. Somers. But it could be discounted?

8 Mr. Moffa. It could be discounted as the individual
9 speaking to the CHS potentially being less than honest,
10 sure. That's possible.

11 Mr. Somers. You spoke about, as I started this off
12 with, CHS's being one of the best avenues to potentially get
13 some meat on the bones, and your quote goes on. One of the
14 case agents characterized -- he may also agree with your
15 assessment, but -- "Using CHS's can be an effective tool for
16 quickly obtaining information such as telephone numbers and
17 email addresses of the named subjects."

18 Which also could be true. But that's not what you mean
19 by putting meat on the bones. You don't mean collecting
20 email addresses and phone numbers?

21 Mr. Moffa. I mean, that's a byproduct benefit
22 potentially, is to get that kind of clarification
23 information. But what I'm referring to there is, again as
24 an analyst, when I look at what are those potential vectors
25 of learning the intelligence needed to answer this question,

1 having access to people who may know the answer and getting
2 them to share that is potentially one of the best and
3 quickest ways to put meat on the bones of that allegation.

4 But it doesn't mean that you can't derive other
5 benefit, which is what I think that agent's suggesting.

6 Mr. Somers. But those are two different things, is
7 all.

8 Mr. Moffa. Yes, I think they are. I think there's
9 ways CHS's can help you sort of in the nuts and bolts of an
10 investigation, and then I think CHS's can help you a report
11 the fundamental question of your investigation. I think
12 there's a full range of things CHS's can answer.

13 Mr. Somers. Switching around here a bit, did you
14 consider the possibility that what Steele was reporting was
15 Russian disinformation that was fed to him?

16 Mr. Moffa. It was one of the potential options for
17 what the information was. I don't think it changes, again,
18 what we were doing, which was trying to find independent
19 intelligence or other corroborating information to either
20 positively confirm or refute the facts in it.

21 If we looked at certain information that suggested it
22 was Russian disinformation, then that's what it would tell
23 us. If we looked at other information that just positively
24 confirmed it was a false piece of reporting, that's what it
25 would confirm. I don't know that it changes -- in my mind,

1 it didn't change the approach. It was one of the potential
2 possibilities for this reporting in my mind.

3 Mr. Somers. In your mind -- and when I say "you" this
4 time I'm actually referring to you, versus the team -- did
5 you ever come to a conclusion that what Steele was reporting
6 was not Russian disinformation?

7 Mr. Moffa. No. To me, when I left the investigation
8 in the spring of 2017, all possibilities for Steele and his
9 reporting were still on the table in my mind.

10 Mr. Baker. What kind of weight is a newspaper article
11 or news reporting of information that a source is reporting?
12 What kind of weight do you give that in verifying or giving
13 credibility to what the source is coming in with?

14 Mr. Moffa. It depends a little bit on the
15 circumstances. But the temporal aspect is important. So if
16 something's publicly known before a source reports it to
17 you, then it doesn't provide much in terms of validation of
18 the reporting because the source may have seen it publicly
19 and then just told you about it.

20 If a source reports something and then it's not
21 publicly known until long after the source reported it, that
22 open source reporting could potentially add some degree of
23 credibility to the statement. But in no case would you want
24 to take open source information and use that in a sole way
25 to either validate or corroborate. It's potentially

1 relevant, but it's just a factor in that.

2 There are obviously very simple facts that are widely
3 known publicly that may be true. But the question is just
4 can the source have reported that based on the source's own
5 view of that same public information.

6 Mr. Baker. And it's possible the source could have
7 been the reporter of both, what's coming in --

8 Mr. Moffa. Certainly.

9 Mr. Baker. -- the news media and what's coming into
10 the FBI in this case?

11 Mr. Moffa. It's very difficult to know how things
12 emerge publicly, and so that's a possibility, sure.

13 Mr. Baker. And that's all part of this ongoing living
14 event that intelligence is in your world?

15 Mr. Moffa. In my view, in terms of what we were
16 attempting to do here, absolutely. So a public fact could
17 be a starting point and then you continue to build that out
18 further as time went on.

19 Mr. Baker. You indicated earlier that -- we talked a
20 little bit earlier about information coming in from friendly
21 foreign governments and you, with your -- my words -- kind
22 of skeptical hat on, some stuff needs to be looked at
23 deeper, whatever, and there's a continuum and it goes back
24 and forth, with new information coming in.

25 Are any of your units or intelligence units in the FBI,

1 are any of their products shared with friendly foreign
2 governments?

3 Mr. Moffa. Yes.

4 Mr. Baker. Do you know if the Steele reporting was
5 shared with a friendly foreign government?

6 Mr. Moffa. I don't know that. No, I don't know that.

7 Mr. Baker. Do you know if any product generated from
8 the Steele reporting was shared with a friendly foreign
9 government?

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

11 Mr. Baker. Thank you.

12 Mr. Somers. Lost my train of thought. I was going to
13 follow up Art there.

14 Switching topics here. Were you involved in the
15 decision to send Supervisory Special Agent 1 to take part in
16 a strategic intelligence briefing of the Trump campaign on -
17 - the briefing that occurred on August 17 of 2016?

18 Mr. Moffa. I was informed of the decision. I wasn't
19 part of the decision-making on it.

20 Mr. Somers. Do you know why that particular agent was
21 chosen to take part in the briefing?

22 Mr. Moffa. I think you'd have to ask those that
23 decided. I actually don't know exactly who did. I know AD
24 Priestap was a part of those conversations and up the chain.
25 I would imagine it's both SSA-1 has substantial expertise in

1 counterintelligence -- he's a very, very good agent, very
2 experienced agent -- but also my understanding now is
3 certainly that it was due to his being part of the
4 Crossfire Hurricane team as well.

5 Mr. Somers. So were you involved in any discussions
6 about whether this was a good idea, what was -- I'm sorry.
7 Was that a no? You shook your head.

8 Mr. Moffa. I don't recall any conversation I was a
9 part of where the merits or wisdom of sending someone from
10 the team were discussed.

11 Mr. Somers. But you were involved in, I guess the IG
12 report calls it, mock briefings, some sort of preparation
13 for SSA-1, his taking part in the briefing; is that correct?

14 Mr. Moffa. That's right. To be honest, I think most
15 of my input in that, though, had to do more with my normal
16 job in terms of counterintelligence analysis, because he had
17 to deliver a more general counterintelligence briefing and
18 my analytic section covers a number of the different threat
19 actors that were going to be discussed at that briefing.

20 Mr. Somers. More the meat of what he actually said
21 versus the observational that he was sent there to do?

22 Mr. Moffa. That's right. My recollection is that was
23 really what I was contributing to that, is how would you
24 actually present the counterintelligence threat in that
25 context. He, as the operational side, he would be the one

1 responsible, along with Strzok and the rest of the
2 operational team, for any other alternate goals of that.

3 Mr. Somers. What did these mock -- I'm just kind of
4 curious as to what a mock briefing consisted of.

5 Mr. Moffa. I wouldn't really call it a mock briefing.
6 I'd call it more of a dry run of the presentation he was
7 planning to give at that briefing.

8 Mr. Somers. Did you speak with SSA-1 after the
9 strategic intelligence briefing?

10 Mr. Moffa. I don't recall if I spoke with him after or
11 if I just heard about it after. It's possible. I just
12 don't recall.

13 Mr. Somers. Do you recall what the take on the
14 briefing was?

15 Mr. Moffa. Again, I don't recall specifics. I
16 remember him relaying impressions of the different actors
17 who were in the room.

18 Mr. Somers. Do you recall generally what those
19 impressions were?

20 Mr. Moffa. I don't, actually. There were particular
21 topics that were coming up in the briefing that he was
22 reflecting certain people conveyed interest in. But I just
23 can't remember what they were now.

24 Mr. Baker. Do you understand that to be a reason that
25 SSA-1 was selected to do the briefing, was there was

1 information about some of the other participants that he was
2 going to observe and make assessments about?

3 Mr. Moffa. I don't think I was told that explicitly,
4 but it was pretty clear to me that that was one positive
5 benefit of SSA-1 going, in addition to his
6 counterintelligence expertise, is he'd be able to identify
7 information of value about the people in that room that
8 others maybe couldn't.

9 Mr. Baker. Now, is that based on any extra expertise
10 he has in behavioral analysis, or was that just being an
11 agent that's done interviews and observed people in
12 interview-type settings?

13 Mr. Moffa. I don't know that I know that much about
14 his background otherwise, but I just know he's a very
15 experienced counterintelligence agent who's done a lot of
16 work on espionage and counterintelligence cases. So I think
17 that was -- that's where I'm coming from with that, that he
18 would have that kind of experience to be able to pick up on
19 important information in the nuances of those interactions.

20 Mr. Baker. With the goal being to come out -- in
21 addition to the goal of providing the counterintelligence
22 briefing part of it, but the other goal of coming out with
23 some observations and maybe things to formulate in future
24 contacts with some of those participants to the briefing,
25 were you made aware of or did you subsequently learn or ever

1 have reason to believe that that briefing when it was
2 actually presented was electronically recorded in any way?

3 Mr. Moffa. I don't know anything about that, no. I
4 don't recall ever hearing about that or knowing that.

5 Mr. Somers. Do you recall anyone raising concerns
6 about using the strategy intelligence briefing for the
7 purpose of observing Flynn and Trump and Chris Christie?

8 Mr. Moffa. No, I have no recollection of anybody
9 raising any concerns about that.

10 Mr. Somers. The FBI opened their investigation of
11 General Flynn on August 16th of 2016. Let's just start with
12 prior to the election time frame; what was your involvement,
13 if any, with the analytical side of the Flynn investigation?

14 Mr. Moffa. I don't think it's any different than the
15 other cases or Crossfire Hurricane as a whole. My analysts
16 were conducting research and supporting the needs of the
17 investigation, whatever that might mean. So I can't speak
18 to the day to day analytic interaction between the
19 investigative team on any one of those cases. I'm just able
20 to speak in an overall sense about the type of work they
21 did, that kind of research and analyst.

22 Mr. Somers. Did that change after the election time
23 period?

24 Mr. Moffa. No. I mean, in my mind that's the goal and
25 role of the analytic team throughout. The cases may change.

1 Some new ones may open, others may close. But our work is
2 essentially the same. It's to fill that analytic need
3 within all of the different investigations, no one being
4 exceptional to the others.

5 Mr. Somers. Do you recall what was being looked for
6 with General Flynn? I believe the predication for opening
7 an investigation on him was the Foreign Agents Registration
8 Act. But do you recall what type of information was being
9 analyzed, looked at?

10 Mr. Moffa. I don't. I recall, as we talked about
11 earlier in the day, he being one of those people who were
12 part of the campaign who had ties to Russian actors in a way
13 that suggested they were potentially a more likely fit for
14 the predicating information. But I don't recall
15 specifically what distinguished him from the others, other
16 than that sort of background and ties to Russia.

17 Mr. Somers. How many FARA cases have you been
18 involved in?

19 Mr. Moffa. I've been involved in a few. I wouldn't --
20 I can't put a number on it, but more than two or three
21 during my time in the Counter-Espionage Section.

22 Mr. Somers. Did the Flynn investigation at some point
23 in December of 2016 evolve away from being a FARA
24 investigation?

25 Mr. Moffa. I just don't recall. I wasn't following

1 the investigation at that level that closely.

2 Mr. Somers. Do you recall a time when the decision
3 was made to potentially close the Flynn investigation around
4 December or early January, December 2016 or early January
5 2017?

6 Mr. Moffa. I don't specifically recall that. I
7 couldn't tell you when it was closed.

8 Mr. Somers. But you don't recall discussions about
9 closing the case?

10 Mr. Moffa. I really don't, no.

11 Mr. Baker. Would you're -- and it doesn't have to be
12 in the context of Crossfire Hurricane. Would your
13 intelligence apparatus be consulted when a case was
14 considered or was being considered to be closed, just to
15 make sure there's no other intelligence information that
16 would justify keeping it open?

17 Mr. Moffa. I don't know if it would be a specific
18 defined event as. We're going to check in with the analyst
19 team one more time before closing. I think the reality is
20 that team's working closely with the investigative team
21 throughout and during, and if there was information that was
22 coming from the analyst team that would suggest to the ops
23 team that they needed to keep the case open, they would know
24 that and they would do it.

25 I don't know that there is necessarily, like I said,

1 that defined a moment where you check in one last time,
2 especially with a team as embedded as this team was.
3 They're working together every day, so if the analysts had
4 information that would suggest the case needed to continue I
5 would have every belief that the operational team making the
6 decision about opening or closing would know that.

7 Mr. Baker. So you're not aware -- again, it doesn't
8 have to be in this case. You're not aware of a situation
9 where a decision's made to close a case and some analyst
10 says "Oh wow, I wish I knew they were thinking of closing it
11 because I have this new information"?

12 Mr. Moffa. I couldn't tell you that's never happened
13 in the history of the Bureau. But I'm not aware of any
14 instance where that happened.

15 Mr. Baker. And certainly not aware, you're saying, of
16 any instance of it happening in Crossfire Hurricane?

17 Mr. Moffa. Agreed, yes. I'm not aware of any instance
18 where the case was closed. I don't recall any event like
19 that, where the analyst had something where the ops side
20 didn't know it and didn't consider in that decision.

21 Mr. Baker. Thank you.

22 Mr. Somers. Do you recall the issue of General Flynn
23 having conversations with Russian Ambassador Kislyak
24 becoming an issue as part of the investigation?

25 Mr. Moffa. I recall that.

1 Mr. Somers. What's your recollection of how that
2 arose?

3 Mr. Moffa. Can I check in?

4 Mr. Somers. Yes.

5 (Witness confers with counsel.)

6 Mr. Moffa. I think if you rephrase it I can answer it.
7 But I'm a little concerned about dipping into the classified
8 side.

9 Mr. Somers. Go ahead.

10 Mr. Moffa. Are you asking me how I became aware of it?

11 Mr. Somers. One, how did you become aware of it, yes.

12 Mr. Moffa. I can't recall specifically who told me
13 about it, but it was either the SIA who worked for me or
14 another member of the team.

15 Mr. Somers. And do you recall why you were alerted to
16 these particular conversations, generally? Some of this has
17 been declassified. I'm not looking for anything really
18 specific.

19 Mr. Moffa. Yes, I get it.

20 Mr. Somers. But generally what was the concern about
21 these conversations?

22 Mr. Moffa. I think they were relevant conversations to
23 the underlying idea of the case and the contact between
24 Flynn and the Russians. So it's the kind of event that I
25 would expect, again given the context of what's happening on

1 the Russia program, to be made aware of.

2 Mr. Somers. Do you recall if there was concern there
3 was anything illegal about these conversations?

4 Mr. Moffa. I remember there being discussions about
5 that, yes.

6 Mr. Somers. What would be illegal about these
7 conversations?

8 Mr. Moffa. Again, I'm the wrong person to --

9 Mr. Somers. What was discussed about it?

10 Mr. Moffa. I remember there being discussions with the
11 lawyers in the room and the operational counterparts about
12 the potential legality of it. I can't tell you what
13 specifically about it is illegal or why.

14 Mr. Somers. Do you recall the Logan Act being
15 discussed?

16 Mr. Baker. I remember that term, yes.

17 Mr. Somers. Just the term? Do you know anything
18 about the Logan Act?

19 Mr. Moffa. I know very little about the Logan Act. I
20 may have known more back then. I couldn't even tell you
21 right now exactly what it entails.

22 Mr. Somers. Have you ever worked on a Logan Act case
23 outside of the Flynn situation?

24 Mr. Moffa. I have not.

25 Mr. Somers. Were you aware the Department of Justice

1 has never prosecuted a Logan Act case?

2 Mr. Moffa. No, I'm not aware.

3 Mr. Somers. Do you recall any discussions about
4 whether the Logan Act was actually a criminal violation that
5 would seriously be considered to be used against Flynn?

6 Mr. Moffa. I recall there being conversations for
7 which I'm in the room and the Logan Act being discussed.
8 But I couldn't tell you specifically what nuance around the
9 Logan Act was being talked about. It isn't my lane, so it's
10 not something I really know a lot on.

11 Mr. Somers. Are you aware that at least some
12 officials at DOJ considered Flynn speaking with Kislyak to
13 be, quote, "pretty common," a pretty common thing for an
14 incoming administration to be talking to a foreign
15 government?

16 Mr. Moffa. No, I'm not familiar with that specific
17 statement

18 Mr. Somers. You don't recall that being brought up at
19 meetings that you attended?

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

21 Mr. Somers. Mary McCord, who was in NSD at the time,
22 testified to the House Permanent Select Committee on
23 Intelligence that. "It's probably pretty common for
24 incoming officials to reach out to who their counterparts
25 are in advance of the transition to just sort of say 'We

1 want to start developing a relationship.'"

2 I guess my question is. Was anyone dismissive in any
3 of the meetings? Hey, this is no big deal; he's having a
4 conversation?

5 Mr. Moffa. I don't recall any kind of conversation
6 like that.

7 Mr. Somers. Were you ever involved in an
8 investigation in previous administrations where an incoming
9 administration was speaking to a foreign government?

10 Mr. Moffa. No.

11 Mr. Somers. Do you recall -- I don't want you to get
12 into classified information here, but is there anything
13 unclassified you can say about like what specifically it was
14 about these conversations that merited investigation?

15 Mr. Moffa. I don't know that I can speak to the
16 specifics of the conversation. But again in a general
17 sense, I think it showed collaboration at the higher levels
18 of the Russian government, which again would be consistent
19 with someone who potentially could match the description of
20 someone who received the suggestion that led to the
21 predication. So in my mind it's further reinforcing the
22 possibility that, at least from the case that we're
23 investigating there, the FBI's investigating there, that
24 Flynn is a more reasonable subject to have been involved in
25 what was described in the predication than others.

1 Mr. Somers. Wouldn't it also be reasonable for the
2 incoming national security adviser to the President of the
3 United States to have a discussion with the Russian
4 ambassador?

5 Mr. Moffa. I couldn't speak to that. But it also --
6 to me it's relevant in the context I just laid out as well.
7 Maybe that's true, but I wouldn't be able to say. But I
8 think it's also true in the context I just described. Maybe
9 it's both.

10 Mr. Somers. But you don't recall anyone saying "Hey,
11 the guys the incoming national security adviser; what's the
12 big deal?"

13 Mr. Moffa. I don't remember that.

14 Mr. Somers. What was your involvement, if any, in
15 preparation for an interview of General Flynn in early -- an
16 interview that occurred on January 24th of 2017? Prior to
17 the interview, were you consulted at all about the
18 interview, involved? Were you consulted at all about it?

19 Mr. Moffa. I remember knowing that the interview was
20 being planned. I remember being in meetings with Deputy
21 Director McCabe and others where it was being discussed. I
22 don't remember personally being engaged to provide any input
23 in advance of that. I just remember being there and being
24 aware that it was going to occur.

25 Mr. Somers. Do you recall why people thought it was

1 important to interview General Flynn at that point in time?

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

3 Mr. Baker. You said you were in a room or interview
4 prep session with McCabe and others. Who were the others?

5 Mr. Moffa. Pete Strzok for sure. I'm trying to
6 remember. Bill Priestap at least in one of the meetings I'm
7 thinking of. I couldn't tell you the others.

8 Mr. Baker. And they were all in favor of doing this
9 interview?

10 Mr. Moffa. Yes, I don't remember -- I don't recall any
11 kind of statement from anybody that doing the interview was
12 the wrong choice.

13 Mr. Somers. Do you recall any discussion about how to
14 go about the interview in terms of whether White House
15 counsel should have been notified of the interview?

16 Mr. Moffa. I have no recollection of any of those
17 conversations.

18 Mr. Somers. Do you recall any conversation about
19 whether Flynn should be warned during or ahead of the
20 interview that lying to federal agents is a violation of 18
21 U.S.C. 1,001?

22 Mr. Moffa. I just don't remember.

23 Mr. Baker. Did your team prepare any materials at all
24 for the interview;

25 Mr. Moffa. I don't remember, but at that point my team

1 would have prepared some materials about Flynn since that
2 case had been ongoing for some time. I can't tell you if we
3 prepared, the analytic team, prepared anything specific for
4 the interview.

5 Mr. Baker. What they did prepare, what was used --
6 what was done with that? How was that used?

7 Mr. Moffa. It was provided to the investigative team,
8 the operational team. It's the sort of background material
9 on who the person is and what their contacts are and that
10 sort of information. How the operational team factored that
11 into their decision-making, you'd have to ask them. But
12 that's the purpose of it. It's to provide information and
13 context about a subject, and then the operational team takes
14 that and uses it to inform their decisions about what to do.

15 Mr. Baker. So the operational team would have already
16 had this. So if the operational team was involved in any
17 way with the interview, they would have had the products to
18 use however they saw fit, because they already had them from
19 just the normal flow of your products?

20 Mr. Moffa. That's correct. I'm confident they had --
21 whatever materials my team had prepared on Flynn, I'm
22 confident the operational team had it in advance of that
23 interview.

24 Mr. Baker. Do you have any reason to believe they used
25 any of your materials for preparation for the interview?

1 Mr. Moffa. I don't have any information about that. I
2 don't know.

3 Mr. Somers. Do you recall what the purpose of the
4 interview was?

5 Mr. Moffa. As my recollection, it was to -- well,
6 actually I shouldn't say that. I actually don't recall
7 specifically what the purpose of the interview was. My
8 assumption would have been what I'd be telling and I don't
9 want to do that.

10 Mr. Somers. Do you recall any discussion about
11 whether one of the purposes of the interview was to see if
12 Flynn lied?

13 Mr. Moffa. I just don't recall it getting framed that
14 way.

15 Mr. Baker. I'd be interested in hearing your
16 assumption. You just don't want to say it? You're an
17 intelligence professional. You've been in the Bureau your
18 whole work career. I'd put great weight on what you say and
19 would love to hear what you think about it.

20 Mr. Moffa. To me, it's clear that part of the purpose
21 of the interview was to get to the root of the conversation
22 between Flynn and those Russians and the purpose of it. I
23 don't know beyond that, what other goals of that
24 conversation are. But to me it was to address that issue.

25 Mr. Baker. Were they successful in that?

1 Mr. Moffa. Again, I'm speculating in a way I'm
2 uncomfortable with, not knowing exactly what the operational
3 goal of that interview. I think I'm just out of my lane.

4 Mr. Somers. What was the read-out after the interview
5 that you received?

6 Mr. Moffa. My recollection is the read-out was that
7 Flynn did not admit to the contact with the Russians.

8 Mr. Somers. Was the read-out that he lied? Was the
9 read-out that he did not admit to the contact?

10 Mr. Moffa. I don't remember that nuance or distinction
11 and I wouldn't do a good job of picking up on it, not being
12 a lawyer. But it was that he did not admit to that contact.
13 That's what I recall.

14 Mr. Somers. What was the format of the read-out? Are
15 we talking a meeting?

16 Mr. Moffa. Exactly. It was a meeting I recall being
17 in with, again, with Deputy Director McCabe, Strzok for
18 sure, AD Priestap. I just can't remember the other people
19 in the room. A similar group as that pre-meeting I referred
20 to earlier.

21 Mr. Somers. Now, was the discussion coming out of the
22 meeting "Hey, we need to get this guy prosecuted, get him
23 charged"?

24 Mr. Moffa. I don't remember that at all.

25 Mr. Baker. In the pre-meeting, was there even just a

1 strategy discussion? If the interview goes this way, then
2 we as the interviewing team go this way; and if it goes
3 another way, we have a contingency plan?

4 Mr. Moffa. Yes, I have a general recollection that's
5 the type of thing discussed in that first meeting. Just
6 again, because it's just not my job, I can't tell you
7 exactly what that strategy was or how it played out. But
8 that's a general sense of what that pre-meeting was about.

9 Mr. Baker. Do you remember generally what the strategy
10 was?

11 Mr. Moffa. I don't, really.

12 Mr. Baker. Okay.

13 Mr. Somers. How many meetings, debriefings, did you
14 participate in approximately after the Flynn interview? Was
15 it a one-time thing?

16 Mr. Moffa. I just remember that one, that one meeting
17 following the Flynn interview, where I gave you the general
18 sense of what I recall from it.

19 Mr. Somers. Mr. Priestap was in that meeting?

20 Mr. Moffa. I believe he was.

21 Mr. Somers. Deputy Director McCabe?

22 Mr. Moffa. Deputy Director McCabe definitely was.

23 Mr. Somers. And then I assume, since it was a meeting
24 about the interview, that SSA-1 and Mr. Strzok were in the
25 meeting?

1 Mr. Moffa. I believe so, yes.

2 Mr. Somers. Was Lisa Page in the meeting?

3 Mr. Moffa. I don't remember.

4 Mr. Somers. Did you ever get the impression that Mr.
5 Strzok and-or SSA-1 felt that Flynn was being truthful or
6 that he did not lie, whichever way you want?

7 Mr. Moffa. I don't remember it being characterized as
8 "lie." I just remember the characterization as he did not
9 admit to the contact.

10 Mr. Somers. Just switching over just in terms of what
11 we were talking a little bit, switching subjects here to
12 some of the individuals involved overall in the Crossfire
13 Hurricane investigation. Let's just start with, and I'll
14 just ask you to comment on this. Do you know why Pete
15 Strzok referred in an email to you, Lisa Page, and the FBI
16 unit chief that we discussed earlier as "the magnificent
17 three"?

18 Mr. Moffa. No. You'd have to ask him.

19 Mr. Somers. Did the three of you, the three of you I
20 guess along with Mr. Strzok, work very closely on this
21 investigation? Or do you think it's a more general comment?

22 Mr. Moffa. I think Mr. Strzok thought very highly of
23 the three of us and I think that's why he made that comment.

24 Mr. Somers. You don't think it relates specifically
25 to Crossfire Hurricane?

1 Mr. Moffa. No.

2 Mr. Baker. Had you ever been called part of the
3 "magnificent three" before the email?

4 Mr. Moffa. No.

5 Mr. Baker. So the email's the first time you were
6 aware that you've ever been referred to as part of the
7 "magnificent three"?

8 Mr. Moffa. Yes, and I have not been referred to that
9 way since.

10 Mr. Somers. Until today.

11 How regularly did you and Peter Strzok interact on the
12 Crossfire Hurricane investigation?

13 Mr. Moffa. Every day.

14 Mr. Somers. Multiple times a day, or was it like a
15 daily meeting?

16 Mr. Moffa. No. I would say multiple times a day. And
17 it's not necessarily like a regularly scheduled meeting,
18 although there were those. Just throughout the day we'd
19 check in about it. So it could be once a day, it could be
20 multiple times a day. It just depends.

21 Mr. Somers. It just occurs to me, I asked you earlier
22 about who was in the room where they put the agents and the
23 analysts together. Were any OGC attorneys put into that
24 room or did they remain at --

25 Mr. Moffa. They absolutely had access to the room.

1 They could come and go freely to it. I can't tell you they
2 were sitting down there full-time. I don't know that.

3 Mr. Somers. How regularly did you interact with Lisa
4 Page on Crossfire Hurricane?

5 Mr. Moffa. Less frequently than Pete Strzok.
6 Definitely several times a week, but not necessarily every
7 day.

8 Mr. Somers. What did you understand her role to be on
9 Crossfire Hurricane?

10 Mr. Moffa. I understood her to be the representative
11 essentially of Deputy Director McCabe and his office. I
12 perceived her role to be to keep him informed about the case
13 and the way it was going, and then, in a reverse direction,
14 to keep us informed of the Deputy Director's wishes as it
15 pertained to the case in real time. So she was sort of like
16 the emissary between the Deputy Director and the team.

17 Mr. Baker. Was there any concern that information she
18 took from the team back up to the Deputy Director's office
19 were things that should have been gone up through the chain
20 of command and there were people cut out in that chain that
21 maybe needed to know some things that were going from your
22 team directly to the Deputy?

23 Mr. Moffa. Yes, that was definitely concern about
24 that.

25 Mr. Baker. Could you elaborate on that?

1 Mr. Moffa. Yes. And it was made known to me by AD
2 Priestap. There was concern at the executive assistant
3 director certainly above AD Priestap about exactly that,
4 that information was flowing directly to the Deputy Director
5 without going through the proper chain of command. It was
6 just a known problem of that relationship, that arrangement,
7 of Lisa being that connected to the working level.

8 Mr. Baker. Who was the EAD you referenced?

9 Mr. Moffa. I'd have to refer to the transition time,
10 but at one point it was Michael Steinbach and then at
11 another point I believe it was Carl Gaddis.

12 Mr. Baker. So under this model where Lisa Page is
13 potentially bypassing the chain of command, two senior
14 employees, an AD and an EAD, both I believe agents, are
15 being cut out of some of the information that's going right
16 to the Deputy Director?

17 Mr. Moffa. At times, yes.

18 Mr. Baker. Would you believe that to be problematic?

19 Mr. Moffa. I would.

20 Mr. Baker. And how so?

21 Mr. Moffa. I believe that the chain of command exists
22 for a reason. I think it helps keep those other executives
23 who are in charge of the division and the National Security
24 Branch fully informed. I think people rise those positions
25 because of their judgment and understanding of the context

1 of decision-making, and I think it prevents them from being
2 able to do that in a way that serves, frankly, the deputy
3 better. Those layers of management are there in my mind to
4 ensure the right decisions are made at the right level, and
5 it short-circuits that.

6 Mr. Baker. Are you aware from your own personal
7 experience or in any conversations you had with AD Priestap
8 or whoever was in the EAD seat at the time of any negative
9 consequence that happened because of them being bypassed?

10 Mr. Moffa. No, I'm not aware of any specific incident
11 or event or decision that was negatively impacted. I'm just
12 aware that that conversation about that exact concern was
13 happening at the AD and EAD level.

14 Mr. Baker. In your conversations with Mr. Priestap or
15 the EAD, were you aware of anybody's thoughts or intention
16 to remove Mr. Strzok from the team?

17 Mr. Moffa. I know that at one point AD Priestap was
18 looking to change Pete's role on the case. I believe it was
19 in part due to the concerns around Lisa Page and that
20 relationship. It was also due to, I believe -- and I
21 believe it because he told me -- his desire to get the
22 investigation of foreign influence activity into a kind of
23 more normalized state, get away from a small dedicated team
24 and start to integrate it more with the normal
25 Counterintelligence Division. That's in the from winter

1 going into 2017 time frame, when a new operational team was
2 brought in; and in that time frame is when then-DAD Strzok's
3 role changed one case.

4 Mr. Baker. When you said DAD Strzok and that
5 relationship, you're talking about the relationship between
6 him and Ms. Page?

7 Mr. Moffa. Right, correct.

8 Mr. Baker. What was your reaction -- I don't want to
9 spend a lot of time on this for sure. But what was your
10 reaction when the famous texts came out?

11 Mr. Moffa. I was incredibly disappointed. I was
12 disappointed for them as people. I was more so disappointed
13 because I feared the impact it would have on the perception
14 of the work of a group of people that I think really highly
15 of. I believe my team did really good work and I believe
16 that it was tainted unfairly, given the nature of their
17 communications. I think that's really disappointing.

18 Mr. Baker. You're a career counterintelligence
19 professional. Any problems in your opinion or any
20 regulations in the Bureau violated by having such an affair,
21 a relationship?

22 Mr. Moffa. I think affairs can fall into that category
23 of exploitable behavior. They're a lot less exploitable
24 when the entire world knows about them. So I think there
25 was maybe a period there where it could have been viewed as

1 an exploitable fact that could be taken advantage of by a
2 foreign intelligence service, not that I have any indication
3 that's the case. Certainly once it's public that's not
4 something that is a concern any more.

5 Just the whole thing's disappointing in my mind, is the
6 best word I can use.

7 Mr. Baker. Thank you.

8 Mr. Somers. You spoke just a moment ago about
9 Priestap's desire to possibly remove Strzok from Crossfire
10 Hurricane and get him focusing on other things. You said
11 that you're aware of that because you had a conversation
12 with Priestap about it?

13 Mr. Moffa. I did.

14 Mr. Somers. Do you know why he didn't remove Strzok?

15 Mr. Moffa. I don't. I know he was having those
16 conversations up his management chain with the EAD. He did
17 change then-DAD Strzok's role and I don't know the exact
18 date, but it was in the winter, towards the beginning of
19 2017, and brought in a new operational team to really manage
20 operationally Crossfire Hurricane. So that changeover did
21 happen.

22 I know DAD Strzok stayed involved on some cases, sort
23 of tangentially involved in that. But his role did change.
24 So it did happen. I don't know if it happened long after
25 the conversation I'm remembering or not.

1 Mr. Somers. But you don't recall in that conversation
2 whether Priestap expressed any, "Hey, I want to move him,
3 but McCabe, Deputy Director McCabe, won't let me"?

4 Mr. Moffa. I don't remember him ever specifically
5 saying that to me.

6 Mr. Somers. You were talking earlier about Page, Lisa
7 Page, being able to bypass the chain of command going up,
8 around potentially Priestap or Steinbach or Gaddis or
9 whoever. What about -- and you said that was concerning --
10 any concerns the other way? You said, you also said, that
11 Page was in these meetings to speak for the DD, but of
12 course someone speaking for the DD is not the same thing as
13 the Deputy Director being there. Was there any concern
14 expressed that, hey, she's kind of coming in and saying this
15 is what McCabe thinks and we don't really know that that's
16 the case?

17 Mr. Moffa. Well, to clarify, we would never -- I don't
18 believe the team had ever taken operational investigative
19 actions simply on Lisa Page saying the DD said do it.
20 That's just not how it works. There's enough layers of
21 management in between and the way the decisions were made, I
22 feel very comfortable the right people would have weighed in
23 and McCabe would have had a chance to refute that if that
24 wasn't true. So it's not as serious as that.

25 I think at the end of the day I took it as insight.

1 Insight into the needs and the desire of the Deputy Director
2 is a valuable thing to have as you're preparing information
3 to go up the chain, for example, for my analytic team to
4 know what he's interested in hearing about, to be able to
5 vector in on that a little more closely, because Lisa was
6 there to tell us he'd be interested in these facts versus
7 others. That's a helpful fact.

8 So I hope I'm making that distinction. It's not the
9 kind of insight where she would give orders on his behalf
10 and we would just execute them. But you would gain insight
11 into sort of his mindset and what he wanted or needed to
12 hear, which would be helpful.

13 Mr. Somers. But that's not -- you can take issue with
14 my characterization. That's not the normal way. Wouldn't
15 it normally go Deputy Director to -- you said normally it
16 would go the other way.

17 Mr. Moffa. Yes.

18 Mr. Somers. Deputy Director to, let's say, Steinbach
19 for instance, to Priestap, to the team. And now we're
20 bypassing Steinbach and Priestap and getting it directly
21 from Lisa Page. Is that at least not the normal way?

22 Mr. Moffa. You're right. Normally the way that would
23 work is the Deputy Director -- not that the Deputy Director
24 can't communicate directly. But generally the Deputy
25 Director would communicate through his subordinate

1 executives and that would come down to the team.

2 Mr. Somers. Now, Lisa Page is an attorney and I
3 believe was technically in the Office of General Counsel.
4 Was she providing any legal advice as part of these
5 discussions?

6 Mr. Moffa. She would provide opinions -- this is my
7 recollection -- but not the actual legal guidance that would
8 guide decisions. That was the unit chief from OGC who was
9 associated with that.

10 Mr. Somers. But she'd comment on legal things?

11 Mr. Moffa. She would comment on legal things, that's
12 right.

13 Mr. Baker. It seems to me if those texts were never in
14 existence a lot of the public perception and figuring out
15 who So-and-So is in redacted versions and what certain
16 things meant that people candidly texted between people that
17 they thought would never see the light of day but those two
18 people -- do you have any reason to believe that there was
19 too long of a delay or never an effort to tell those two
20 people to knock it off? And even if there wasn't a decision
21 to remove Mr. Strzok, do you think there was anybody that
22 should have said "We know you're having this relationship;
23 you're counterintelligence professionals; this is probably
24 the biggest case that has come down through the Bureau in a
25 very, very long time; knock it off"?

1 But it seems to me they were allowed to continue and
2 remain in place for a long time.

3 Mr. Moffa. I don't think anyone -- I certainly didn't
4 know about the texts. That's an after-the-fact realization,
5 that there's this flood of communications. I personally
6 didn't know about their romantic relationship. I found out
7 about that from the news when the story broke.

8 I know there were conversations with both Lisa and Pete
9 Strzok about their relationship being problematic. I know
10 they were told that. I can't speak to why a more decisive
11 move wasn't made to either separate them from a functional
12 working relationship or from the case. I just don't know
13 why the choice was made not to do that.

14 Mr. Baker. In your view whose choice should that have
15 been to make that?

16 Mr. Moffa. I think it should have been raised by AD
17 Priestap and the EAD for NSD; and the Deputy Director, who
18 directly was the rating official for Lisa Page, he should
19 have made that call in my view.

20 Mr. Baker. And you have no reason to believe that the
21 hue and cry came from any of those people in the chain that
22 you just named?

23 Mr. Moffa. The hue and the cry? I'm sorry, I'm not
24 understanding.

25 Mr. Baker. You don't have any reason to believe that

1 the recommendation to approach them or tell them to knock it
2 off was actually made to anyone by anyone?

3 Mr. Moffa. I believe they did have conversations
4 directly with the two, based on my discussion with Bill
5 Priestap. I believe they were spoken to about the problem.
6 I don't know if there was the conversation with McCabe, for
7 example, to say: We need you to remove her from the case or,
8 frankly, to have Pete stop interacting with her out of the
9 working relationship. That's the part I don't know about.

10 I know they know, from my conversations with Bill, that
11 their relationship was being perceived as a problem.

12 Mr. Baker. And where you sat at your rank, did you
13 believe it was a problem once you were aware that it was in
14 existence?

15 Mr. Moffa. I think any time that the higher executive
16 management of your branch is unhappy with the working
17 relationship and it's proving problematic to them, you need
18 to take note of that and address it. So from my rank, it
19 wasn't impacting my work negatively, but any perception that
20 our bosses had that something was inappropriate or wasn't
21 happening in a way that they wanted I would want addressed,
22 because you're trying to do the right thing by your boss.

23 Mr. Baker. So it sounds like it was taken note of, but
24 nothing was really done about it?

25 Mr. Moffa. That's one way of saying it. It was not an

1 unknown problem. It was a problem that I believe was made
2 known to Pete and Lisa and know it was known to my Assistant
3 Director, and he advised me it was known to the EAD of the
4 National Security Branch. So it's a known problem. If it
5 wasn't addressed, I can't speak to why it wasn't.

6 [REDACTED]. When you talk about problem, are you
7 talking about a communications problem or are you suggesting
8 that senior management knew about the relationship?

9 Mr. Moffa. I have no information that it's specific to
10 the relationship, the romantic relationship. I'm talking
11 about the interaction problem, the cutting out of pieces of
12 the chain of command, the relationship in that sense, not
13 the romantic side. I don't know anything about that or what
14 was known about that.

15 Mr. Baker. Thank you.

16 Mr. Somers. Another individual whose name has come
17 up, Bruce Orr. What was your understanding of what Bruce
18 Orr's role was in all of this, at the time?

19 Mr. Moffa. At the time, yes. At the time I knew
20 absolutely very little about Bruce Orr. As I started to
21 hear the name, my understanding was that Lisa Page had
22 worked with Orr in some previous position at DOJ and so
23 there was like a preexisting relationship there. Then I
24 came to learn that Orr also had a relationship with Steele.

25 There were a number of conversations that I know

1 occurred with Orr outside my presence where they discussed
2 Steele as a topic. So that was really all I knew. I knew
3 he was a DOJ official. I know he'd worked with Lisa
4 previously. And I know, based on his work I believe in
5 organized crime, he had some preexisting relationship with
6 Steele.

7 Mr. Somers. And you were in one meeting with Bruce
8 Orr?

9 Mr. Moffa. I was in one meeting. I was really an
10 afterthought. I remember literally getting a phone call in
11 the hallway to come down to a meeting without knowing who
12 was in the meeting. And I sat down late. It was already in
13 progress, and I didn't even know who Orr was. At the time I
14 think I wrote down "DOJ guy." I later found out it was
15 Bruce Orr. So it wasn't the kind of meeting where I had a
16 deep understanding of who we were meeting with. I just
17 literally walked into it in progress.

18 Mr. Somers. Another individual we spoke about in the
19 beginning, just to follow up on, the supervisory intel
20 analyst. You said you assigned him to Crossfire Hurricane,
21 but it was because it was kind of a natural role. What can
22 you say about his reputation or work ethic or any
23 characterization along those lines of the supervisory intel
24 analyst?

25 Mr. Moffa. I think tremendously highly of him. He is

1 a true subject matter expert in Russia, in
2 counterintelligence; academic background. I honestly
3 couldn't think of a better supervisor of analysts that I had
4 who would be better positioned to manage this team and to
5 provide his expertise to the case.

6 Mr. Somers. Is he a detail-oriented individual?

7 Mr. Moffa. He's very detail-oriented, very
8 conscientious, very responsible -- all the reasons I
9 selected him.

10 Mr. Somers. You said earlier you were not a Russia
11 expert. Would you consider the supervisory intel analyst a
12 Russia expert?

13 Mr. Moffa. I would.

14 Mr. Somers. Does he speak Russian?

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

16 Mr. Somers. I've just got a few moments left here. I
17 asked you, the first question I asked you, was whether you
18 read or reviewed the IG report, and you indicated you had at
19 one point in time. In the IG report the Inspector General's
20 Office identified 17 significant errors and omissions in the
21 Carter Page FISA process. Do you generally recall those
22 errors?

23 Mr. Moffa. I don't recall the errors specifically. I
24 remember the discussion of 17 errors.

25 Mr. Somers. Do you recall having any issue with

1 saying that's not an error when you read them?

2 Mr. Moffa. I remember not feeling qualified to make
3 that judgment without going back through and reviewing the
4 FISA against the IG report.

5 Mr. Somers. Did you find them troubling? Did you
6 find the IG report troubling?

7 Mr. Moffa. I wouldn't say "troubling" is the word. I
8 saw things in the IG report that I did not know and I don't
9 know that I expected to see them.

10 Mr. Somers. What do you mean by you didn't expect to
11 see them?

12 Mr. Moffa. I just wasn't expecting to have not known
13 about some of that.

14 Mr. Baker. Specifically what?

15 Mr. Somers. The FISA inaccuracies. It's just not
16 something I was aware of at the time. Again, I think a lot
17 of that has to do with my role. I didn't review the FISA.
18 I wasn't in the supervisory chain for it. I didn't approve
19 it. So I wasn't aware of what facts were in there. But
20 just knowing some of the people involved, I think I was
21 surprised to see that quantity of errors discussed by the
22 IGG.

23 Mr. Baker. When you say knowing the people involved,
24 is that because you had a high opinion of the people, as
25 more professional than what these errors would allude to?

1 Mr. Moffa. That's right.

2 Mr. Somers. Is that surprising -- it's been
3 surprising to us -- I'm not supposed to testify here -- that
4 this was a hand-picked team, correct, the Crossfire
5 Hurricane team?

6 Mr. Moffa. It was picked, sure.

7 Mr. Somers. And these were agents and analysts people
8 wanted on the team, that had some expertise; is that
9 correct?

10 Mr. Moffa. Yes, absolutely. Again, I would clarify
11 that the analytic team's not working on the FISA, but the
12 agents on the operational side were experienced agents.

13 Mr. Somers. So you wouldn't expect from these agents,
14 then, is that what you're saying, to see what the IGG's
15 Office uncovered?

16 Mr. Moffa. I guess that's what I'm saying, without
17 affirming that I think all 17 of those are true inaccuracies
18 or factual problems, probably because I just don't know.
19 Just I had a higher expectation, given the quality of that
20 team, that's all.

21 Mr. Somers. Is there anything in particular, any of
22 the errors, that sticks out to you as being more egregious
23 than others or something that was particularly discussed and
24 then it surprises that that shows up as an error because we
25 discussed that a million times during the investigation?

1 Mr. Moffa. I just have very little memory or
2 recollection of what the specific errors are, because I
3 didn't see the FISA on the front end. So I didn't know what
4 facts were going into it; and I don't recall specifically
5 what the IG report laid out as being a problem. So no one
6 of them jumps out at me. To me it's just the collective
7 sense that there were that many errors, is what I'm
8 reflecting, not anything specific.

9 Mr. Somers. Are you aware of anything the IG did not
10 uncover as an error?

11 Mr. Moffa. No.

12 Mr. Somers. Any problems the IG didn't uncover with
13 Crossfire Hurricane itself generally?

14 Mr. Moffa. No, not that I'm aware of.

15 Mr. Baker. With your whole career being in
16 counterintelligence and this being a very big case, in
17 hindsight now, knowing what you know now, are you proud and
18 glad you were on this case or is it something maybe you wish
19 you would have been doing something else?

20 Mr. Moffa. Well, I can say that I'm proud that I
21 worked on it. I think there's a host of men and women who
22 supported this case who ideally are never recognized
23 publicly, but who did great work and did it for the right
24 reasons and worked incredibly hard in a really stressful
25 time. So I won't ever say that I'm not proud to have led

1 them and to have worked with them.

2 I'm proud of my own contributions to it. I think at a
3 time when others were really faltering, I didn't; and I did
4 the right thing the right way, in a way that I think our
5 current Director is really emphasizing now. So I can't say
6 I regret it in that sense. I think it's been extremely
7 unpleasant in the last four years since this case, some of
8 what has happened publicly, and it's just been generally
9 disappointing. So from that respect, I guess I could go
10 either way on whether having been a part of it was a good
11 thing or a bad thing. But I can't say that I'm not proud of
12 the work that I did and that my team did.

13 Mr. Baker. You say things that have happened publicly.
14 Could you elaborate on that, please?

15 Mr. Moffa. Well, yes. I think when you see your own
16 name in the press for the first time that can be a shocking
17 thing. I didn't join the FBI for that reason. And not
18 having any ability to correct what I believe are serious
19 factual inaccuracies made about you and your work, having no
20 real voice to do that, and having to talk to your family
21 about those things, are all things nobody expects when they
22 take a civil service job and try to do the right thing.

23 That's super-unfortunate and unpleasant and something I
24 hope doesn't happen to anyone else. But that's what
25 happened.

1 Mr. Baker. At the same time, you expressed that you
2 did have some disappointment in the work of your colleagues
3 as well.

4 Mr. Moffa. Certainly. There's just no question that
5 those tactics and the impact that had on the perception of
6 the work of really good people who worked really hard has
7 been intensely negative. So I'm absolutely disappointed in
8 them.

9 Mr. Baker. Thank you.

10 Mr. Somers. I think that's all we -- that's
11 definitely all we have for this round. It's probably all we
12 have, but we'll just reserve in case you all --

13 Mr. Baker. I'll just add, you've done a long career
14 and I think for a noble purpose, and I appreciate you coming
15 out and testifying about this and being interviewed yet one
16 more time. I really do appreciate it. And it helps us with
17 the work we do as an oversight entity of the FBI. So my
18 hat's off to you and to the men and women of the FBI that do
19 the right thing every day.

20 Mr. Moffa. I really appreciate you saying that. Thank
21 you.

22 Mr. Baker. Thank you.

23 (Recess from 2:50 p.m. to 3:03 p.m.)

24 Mr. Haskell. Mr. Moffa, you were asked about the
25 August 2016 strategic intelligence briefing given to

1 candidate Trump and also to candidate Clinton. At the time
2 of those briefings, the FBI was conducting a
3 counterintelligence investigation in which Michael Flynn was
4 a target; is that correct?

5 Mr. Moffa. I believe so, yes.

6 Mr. Haskell. You had said, when asked about that
7 briefing, that the purpose of the individual referred to as
8 SSA-1 in the IG report was there was to get, quote,
9 "impressions of reactions of people in the room," and that
10 there was a positive benefit to him being able to identify
11 information of value.

12 That's similar to what FBI General Counsel Jim Baker
13 told the IGG, that, quote, "The benefit of having SSA-1 at
14 the briefing was to pick up any statements by the attendees
15 that might have relevance to the Crossfire Hurricane
16 investigation." Baker continued that, quote, "If somebody
17 said something, you want someone in the room who knew enough
18 about the investigation that they would be able to
19 understand the significance of something or some type of
20 statement, whereas a regular briefer who didn't know
21 anything about might just let it go and it might not even
22 register with them." So that's the reason to have SSA-1
23 there.

24 Is that the understanding that you share as to why SSA-
25 1 was tasked with being at that briefing?

1 Mr. Moffa. I don't remember explicitly having that
2 laid out to me as the advantage, but just from my own
3 understanding of the situation that would be the benefit of
4 it.

5 Mr. Haskell. So in your many years of experience in
6 the FBI, that would make sense?

7 Mr. Moffa. Right.

8 Mr. Haskell. SSA-1 told the IG that the briefing he
9 gave to Trump, Flynn, and Governor Chris Christie, quote,
10 "was not tailored to serve the investigative interests of
11 Crossfire Hurricane." Do you have any reason to dispute
12 that statement?

13 Mr. Moffa. No, and that's what I referred to earlier
14 where those prep sessions, it was really about the broader
15 counterintelligence message of the briefing.

16 Mr. Haskell. And by "not tailored to serve the
17 investigative interests," do you take that to mean that, to
18 the extent that the FBI gathered intelligence at the
19 briefing, it did so passively? To your knowledge, SSA-1
20 wasn't there to say certain things or do certain things in
21 order to elicit evidence?

22 Mr. Moffa. I think that's right.

23 Mr. Haskell. In other words, the FBI gave the
24 briefing to the Trump campaign as it would to any other
25 campaign, but it had the extra purpose of listening and

1 watching for the things we discussed?

2 Mr. Moffa. I believe so, yes.

3 Mr. Haskell. In fact, the FBI gave that exact same
4 briefing to the Clinton campaign ten days later, as is
5 typical of situations where the FBI is briefing existing
6 campaigns on counterintelligence and other threats. I'll
7 make that a fact that's detailed in the EGG report.

8 Do you have any basis to dispute SSA-1's explanation
9 for why the FBI treated the Trump briefing differently than
10 the other briefings, including the one that was given to the
11 Clinton campaign?

12 Mr. Moffa. I have no basis to dispute that.

13 Mr. Haskell. To put it differently, the only
14 difference in the FBI's treatment of the Trump and Clinton
15 briefings, which was to have SSA-1 passively assess Flynn's
16 reaction during the Trump briefing, was because there was a
17 counterintelligence investigation involving one campaign,
18 the Trump campaign, but not the other campaign, the Clinton
19 campaign? To rephrase, the difference in the purpose of
20 SSA-1's attendance at the two briefings was based on the
21 fact that there was an ongoing counterintelligence
22 investigation into one campaign, but not the other campaign?

23 Mr. Moffa. Again, I wasn't party to the conversations
24 about why SSA-1 was selected to go. Again, my impression is
25 similar to what GC Baker said. He was there to pick up on

1 any of that sort of nuanced information that might come out
2 about the subjects of the case.

3 Mr. Haskell. Moving on, I just want to follow up on
4 the question that was asked about the Steele dossier being
5 potentially part of a Russian disinformation effort. I
6 believe you said that you never came to a conclusion one way
7 or the other as to whether it was Russian disinformation.
8 But an FBI memorandum prepared for w December 17
9 Congressional briefing said that by the time the Crossfire
10 Hurricane investigation was transferred to Special Counsel
11 Mueller in May 2017, the FBI did not assess it likely that
12 Steele's election reporting was generated in connection to a
13 Russian disinformation campaign. And Priestap told the IG
14 that the FBI didn't have any indication whatsoever by May
15 2017 that the Russians were running a disinformation
16 campaign through the Steele election reporting.

17 So I just want to clarify that, while you personally
18 might not have reached a conclusion one way or the other, do
19 you have any evidence to dispute what Mr. Priestap said?

20 Mr. Moffa. No, I don't have any evidence to dispute
21 it, and that appears to me to be his assessment of the
22 situation. For me it was an open question when we passed
23 the wand to the Mueller team.

24 Mr. Haskell. But just to follow up on that, what
25 Priestap told the IG is that the FBI didn't have any

1 indication whatsoever by May 2017. So at least Priestap's
2 characterization is not just of him personally, but of the
3 FBI generally.

4 Mr. Moffa. Okay. I mean, I don't have any information
5 to suggest there was information indicating that it was
6 Russian disinformation. So to me it was an open question.
7 For him it could have been a more certain answer.

8 Mr. Haskell. Moving on to Michael Flynn, we had
9 talked earlier about the opening EC's for the individual
10 investigations for Manafort, Papadopoulos, and Page. For
11 Flynn, the opening EC said that, quote, "He may wittingly or
12 unwittingly be involved in activity on behalf of the Russian
13 Federation which may constitute a crime or threat to the
14 national security." It noted that Flynn was an adviser to
15 Trump, had various ties to state-affiliated entities of
16 Russia, and had previously traveled to Russia.

17 I'll ask the same question that I asked in connection
18 with the other EC's earlier, with the expectation that I'll
19 likely receive the same answer. But why was that a
20 counterintelligence concern to the FBI?

21 Mr. Moffa. Similar to my other answers, any time an
22 official associated with a political campaign potentially
23 has ties to a foreign power, threat power, there's a
24 potential counterintelligence concern there. So Flynn, like
25 the other subjects, if they were taking direction or control

1 from a foreign power, that's a counterintelligence issue.

2 Mr. Haskell. So just to clarify, the investigation
3 that was opened into Flynn was a counterintelligence
4 investigation?

5 Mr. Moffa. I don't recall specifically what the exact
6 investigation was that was opened, whether it was a
7 counterintelligence violation or FARA or something else. I
8 just don't remember.

9 Mr. Haskell. Do you have any recollection that at the
10 time it was opened it was a FARA case?

11 Mr. Moffa. I just don't remember.

12 Mr. Haskell. Would you characterize the Page,
13 Papadopoulos, Manafort investigations as, and the
14 investigation at large, the Crossfire Hurricane
15 investigation at large, as a counterintelligence
16 investigation?

17 Mr. Moffa. They were counterintelligence
18 investigations.

19 Mr. Haskell. Okay, they were counterintelligence
20 investigations.

21 Do you recall at that time when the investigations were
22 opened discussions of the Logan Act?

23 Mr. Moffa. I don't remember at the beginning. In the
24 July time frame when the cases were opened, I don't remember
25 any discussion of the Logan Act. I only remember it in the

1 context of the Flynn interviews towards the end of the year.

2 Mr. Haskell. But through that we can deduce that when
3 the Flynn investigation was opened, you might not be certain
4 it was a counterintelligence investigation, but it was not a
5 Logan Act investigation?

6 Mr. Moffa. I'm not aware that it was, no.

7 Mr. Haskell. Former Acting Attorney General Sally
8 Yates recently testified in front of the committee as part
9 of this investigation, and she was asked about the interview
10 that was conducted of Flynn in January. She said. "I would
11 be hard-pressed to be able to think of an interview that
12 would have been more material at this point of a
13 counterintelligence investigation that the FBI was
14 conducting, to try to be able to get to the bottom of
15 whether there were any individuals, U.S. citizens and those
16 associated with the Trump campaign who were working with the
17 Russians. So the materiality of this was squarely right on
18 point. We had a national security adviser, after the
19 Russians had attempted to put a thumb on the scale of our
20 election, who when he spoke with the Russian ambassador,
21 rather than tell him 'Stay out of our elections; keep your
22 nose and your paws out of it,' even if they wanted a reset,
23 but to rebuke him, and to let him know that they will not
24 tolerate their country trying to intervene and pick our
25 President. Not only did he" - meaning Flynn -- "not do

1 that, he was making nice with them."

2 That was former Acting Attorney General Yates's
3 characterization of why the Flynn interview occurred, that
4 after the phone call between Flynn and Kislyak it raised a
5 clear counterintelligence concern that needed to be
6 investigated as part of the ongoing counterintelligence
7 investigation. Do you have any reason to dispute that?

8 Mr. Moffa. I wouldn't affirm that characterization
9 necessarily from my view, just in my memory of what happened
10 there. But in the sense that it discusses the essence of
11 the interview is material to understanding the nature of
12 Flynn's relationship with the Russians and those
13 conversations, yes, it was material in that sense.

14 Mr. Haskell. Thank you.

15 Ms. Sawyer. I think when you were asked by our
16 colleagues how you first learned about Lieutenant General
17 Flynn's conversations with Ambassador Kislyak you indicated
18 that the SIA or someone else on your team had brought it to
19 your attention. Do you recall roughly when that happened?

20 Mr. Moffa. I don't. Sorry.

21 Ms. Sawyer. So it would have been some time after
22 December 29th when the conversation particular to sanctions
23 -- there were more than one conversation, but I'm just
24 talking about the conversation relative to U.S. sanctions.

25 Mr. Moffa. That time frame sounds right, but I just

1 don't know the exact time frame.

2 Ms. Sawyer. Did you see the transcript of Lieutenant
3 General Flynn's conversation with Ambassador Kislyak at that
4 time?

5 Mr. Moffa. Yes, I saw. I've seen the transcripts,
6 yes.

7 Ms. Sawyer. And you think certainly the first time
8 you may have seen it would have been shortly after it was
9 brought to your attention?

10 Mr. Moffa. I believe so, yes.

11 Ms. Sawyer. And that would have been before
12 Lieutenant General Flynn was interviewed by the FBI about
13 his conversation with Ambassador Kislyak?

14 Mr. Moffa. Yes.

15 Ms. Sawyer. Do you recall what your impression of
16 that conversation was?

17 Mr. Moffa. I want to be careful here to try not to
18 veer into any classified lanes. My impression was that the
19 conversations explained the Russian reaction to the
20 sanctions.

21 Ms. Sawyer. How so?

22 Mr. Moffa. In that the lack of a response could be
23 explained by that conversation.

24 Ms. Sawyer. So my recollection at the time, and I
25 think as was reported at the time, Vladimir Putin did say

1 publicly, immediately after imposition of the sanctions,
2 that there would be retaliation. Do you recall that?

3 Mr. Moffa. I don't recall that specifically, no.

4 Ms. Sawyer. Was the FBI expecting there to be some
5 reaction from Russia?

6 Mr. Moffa. I think we generally expect reaction when
7 we take an affirmative action against Russia.

8 Ms. Sawyer. So this would not have been any different
9 than that? You would have been expecting, since affirmative
10 action was taken, that Russia would respond?

11 Mr. Moffa. I expected that, yes.

12 Ms. Sawyer. And in fact Russia did not respond to the
13 sanctions; is that correct?

14 Mr. Moffa. That's my recollection.

15 Ms. Sawyer. So what you're telling us is that when
16 you saw the transcript of a conversation between Lieutenant
17 General Flynn and Ambassador Kislyak, it explained to you
18 why Russia did not respond to sanctions?

19 Mr. Moffa. That's correct.

20 Ms. Sawyer. One of the counterintelligence concerns
21 that you already identified for us today is when either a
22 U.S. person and presumably a hostile foreign government may
23 be taking direction, taking direction or be control of
24 Russia. Did that raise any concerns about that potential
25 when you saw the transcript, that either Flynn was working

1 closely and taking direction from Russia or vice versa, that
2 Russia had a close relationship with Flynn and was taking
3 direction from him?

4 Mr. Moffa. Well, this is where I do think we're in
5 kind of difficult space in assessing that, just given the
6 role that Flynn was going to be entering into. I don't know
7 that I could say it's directly reflective of that kind of
8 control. In my mind, it just explained the lack of a
9 response. I don't know that it spoke directly to one way or
10 the other necessarily whether he's under some kind of
11 control or direction of the Russians.

12 Ms. Sawyer. Did you know at the time whether or not
13 Lieutenant General Flynn was acting on behalf of the
14 incoming administration or on his own?

15 Mr. Moffa. I don't know that then and I don't know
16 that now.

17 Ms. Sawyer. Would that have been something that would
18 have made a difference in terms of the counterintelligence
19 concerns that this could have raised, whether he was acting
20 on his own as a rogue agent or whether he was acting with
21 the knowledge and blessing of the incoming administration?

22 Mr. Moffa. I don't know that that would have made a
23 functional difference for me. To me personally, the
24 conversations just reflected the nature of that close
25 relationship he had with Russia and, thinking back to the

1 predication and what that means as a subject for him, being
2 a more likely candidate to have been in a position to
3 receive that initial information, that's the context in
4 which I'm thinking of it. It's confirmation of the
5 connection to Russia. I wasn't necessarily dissecting it in
6 terms of the context you're talking about.

7 Ms. Sawyer. Got it. So it's confirmation, if I could
8 just rephrase it slightly, of the connection, meaning the
9 relationship that Michael Flynn had with a senior official
10 in the Russian government?

11 Mr. Moffa. Correct. It's reflective that that
12 relationship exists. It's not to me necessarily reflective
13 of control by the Russians.

14 Ms. Sawyer. But that the possibility for there to
15 have been control or even, aside from this particular
16 conversation, that information could have passed from Mr.
17 Flynn to the Russians or vice versa over the course of the
18 campaign?

19 Mr. Moffa. Sure. That possibility still existed in my
20 mind.

21 Ms. Sawyer. I just do want to explore, because I am a
22 little surprised at your answer that it might not have been
23 of concern as to whether or not an incoming national
24 security adviser was acting independent, as a rogue agent,
25 in negotiating with Russia.

1 So did it not occur to anyone that that would be a
2 national security and counterintelligence risk if the
3 incoming national security adviser had reached out and tried
4 to make a deal with Russia and gotten Russia to respond on
5 his own, without anyone in the White House knowing that?

6 Mr. Moffa. I don't know that that's the case, that
7 nobody in the White House knew about it. And I think the
8 fact that he's in that position of incoming national
9 security adviser does color it. I'm not saying it's of no
10 concern. I think there's a concern there and I think that's
11 reflective of the actions taken to investigate it.

12 But I don't think it's a random U.S. citizen doing the
13 deed here. It's an incoming national security adviser.
14 Maybe it's a violation of the decorum of that sort of
15 transition potentially. Or it could be reflective of a
16 greater national security concern. I think it runs that
17 spectrum.

18 Ms. Sawyer. In fact, on January 15th, 2017, Vice
19 President-elect Pence was asked on Face the Nation whether
20 or not Michael Flynn had spoken with Ambassador Kislyak
21 about U.S. sanctions. And Vice President-elect Pence at
22 the time said no, he had not, that Michael Flynn had assured
23 him that he had not, or at least had told him that he had
24 not spoken with the ambassador about sanctions.

25 Do you recall that happening?

1 Mr. Moffa. I vaguely recall that, yes.

2 Ms. Sawyer. Would that have raised a
3 counterintelligence concern?

4 Mr. Moffa. I think it's a continuing
5 counterintelligence concern, but that would seemingly
6 suggest a greater counterintelligence concern, yes.

7 Ms. Sawyer. Can you just explain why that is the
8 case?

9 Mr. Moffa. Given that it wasn't a sanctioned set of
10 communications by the incoming administration.

11 Ms. Sawyer. Or at least might not have been. It's
12 possible that Vice President Pence didn't know, but other
13 people did know, correct?

14 Mr. Moffa. Correct. I have no knowledge of who knew.

15 Ms. Sawyer. So certainly in the spectrum of potential
16 concerns, one potential concern was that no one in the White
17 House knew. Another potential was some people in the White
18 House knew, correct?

19 Mr. Moffa. Correct, there could be that range.

20 Ms. Sawyer. But it certainly would be true that
21 Russia would have known at the time that Ambassador Kislyak
22 and Michael Flynn had discussed U.S. sanctions; is that a
23 fair statement?

24 Mr. Moffa. Some element of Russian officials would
25 know. I have no knowledge of who, other than Kislyak.

1 Ms. Sawyer. And then potentially they would have seen
2 that the Vice President had stood up in national TV and had
3 said that Michael Flynn had told him that he had never
4 spoken with Ambassador Kislyak about sanctions. Sally Yates
5 described that potential that maybe then Michael Flynn was
6 subject to blackmail.

7 Would you agree that if Flynn had never told anyone in
8 the White House that he had spoken to Russia and Russia knew
9 it, that he was potentially subject to blackmail?

10 Mr. Moffa. I think that's possible, but I have no idea
11 if that was a credible threat at the time. I don't know.
12 It's possible.

13 Ms. Sawyer. Well, wouldn't the FBI have wanted to
14 know at the time whether that was a credible threat?

15 Mr. Moffa. I think that's why the FBI was
16 investigating the set of communications with Flynn. It was
17 to further understand the nature of them and the context of
18 them.

19 Ms. Sawyer. And one way and probably the best way to
20 do that would be to ask Mr. Flynn himself whether or not he
21 had spoken with Kislyak, wouldn't it be?

22 Mr. Moffa. That's certainly in my mind what the goal
23 of the interview was.

24 Ms. Sawyer. Did anyone ever articulate that they had
25 a different goal, that they were simply trying to set up Mr.

1 Flynn?

2 Mr. Moffa. I don't recall that ever being part of the
3 conversation, no.

4 Ms. Sawyer. Did you ever hear anyone claim that they
5 were seeking to entrap Mr. Flynn to get him to lie to them?

6 Mr. Moffa. No.

7 Mr. Haskell. Shifting gears, just a few more quick
8 follow-ups and then we'll be done. You were asked a bunch
9 of questions about Lisa Page and Peter Strzok. One of the
10 concerns that you discussed -- you discussed being aware of
11 a concern that that relationship or the situation would lead
12 to some communications outside the chain of command. I just
13 want to clarify. Are you aware of any instance of that
14 concern being founded, of there being a communication
15 outside the chain of command?

16 Mr. Moffa. I can't think of anything specific at this
17 point, four or five years later. But there's just no doubt
18 in my mind that at times Lisa was conveying information to
19 Deputy Director McCabe before the entire National Security
20 Branch chain of command was aware of it. I can't think
21 specifically of an instance, though, that I can point to you
22 with a specific example.

23 Mr. Haskell. Turning to a statement in the IG report
24 on page 67, it says. "With respect to Strzok, witnesses
25 told us that, while he approved the team's investigative

1 decisions during the time he was in the supervisory chain of
2 command for the investigation, he did not unilaterally make
3 any decisions or override any proposed investigative steps.
4 Priestap, in addition to telling us that it was his decision
5 to initiate the investigation, told us that to his knowledge
6 Strzok was not the primary or sole decision maker on any
7 investigative steps in Crossfire Hurricane."

8 Do you have any evidence to dispute that finding?

9 Mr. Moffa. No.

10 Mr. Haskell. You talked about the text messages
11 between Strzok and Page and you talked about being
12 disappointed. You described that it was the impact on the
13 perception of work of good people who did good work that
14 disappointed you. Would you -- would you say that that
15 perception would be unfair to the people who worked on this
16 investigation?

17 Mr. Moffa. I would. I think it's been painted in a
18 light as being a completely politically motivated
19 investigation and I know that to not be the case.

20 Mr. Haskell. What you just said, you know that to not
21 be the case, is the same finding of the two-year long
22 Inspector General investigation, that the investigation and
23 the decisions made during It were not motivated by political
24 bias; is that correct?

25 Mr. Moffa. That's correct.

1 Mr. Haskell. Is it your concern that the more things
2 like the Strzok and Page texts are amplified, the more
3 negative effect it has on the perception of the good work
4 that you and your colleagues at the FBI did?

5 Mr. Moffa. I think that's true, and I think it extends
6 more broadly to the work of the FBI in general. And that's
7 potentially even more concerning, that there's a perception
8 that the FBI conducts investigations in a politically
9 motivated way. And that's just never been my experience in
10 20-plus years in the organization.

11 Mr. Haskell. So, following up on that, I take that to
12 mean that there are dangers to highlighting instances that
13 are not characteristic of the work that's done at the FBI,
14 but that nonetheless affect the public perception?

15 Mr. Moffa. I think that's right, but I don't want to
16 diminish, again, my disappointment in those text messages.
17 I think they should have known better and they shouldn't
18 have been sent. But I also think that overindexing on that
19 aspect to create the impression that the FBI's a politically
20 motivated organization is damaging to the FBI and its
21 ability to protect America.

22 Mr. Haskell. Do you have concerns that it also
23 damages the FBI's ability to retain good people and to
24 recruit good people?

25 Mr. Moffa. I don't know that I could speculate on

1 that. But I don't think it helps the perception of the
2 organization, and that could extend to a number of different
3 aspects of the organization's ability to do its work, to
4 include recruiting.

5 Mr. Haskell. Shifting to the FISA errors that were
6 identified in the IG report, which you were asked some
7 questions about, I know that you didn't play a role in the
8 preparation or approval of the Page FISA applications, but I
9 think it's important to put those errors in context. Only
10 14 pages of the 448-page Mueller report addressed Carter
11 Page. In December of last year, when Inspector General
12 Horowitz testified before our committee, he stated that the
13 errors do not call into question, quote, "any part of the
14 Special Counsel's report."

15 Do you have any evidence that the Page FISA errors call
16 into question any of Special Counsel Mueller's findings?

17 Mr. Moffa. No. But I also don't have deep knowledge
18 of Special Counsel Mueller's findings.

19 Mr. Haskell. Okay, fair.

20 The Inspector General recommended a number of
21 corrective the actions that you may have familiarity with,
22 including changes to Woods forms and the FISA request form
23 designed to ensure that OI receives all relevant
24 information, including CHS information, needed to prepare
25 FISA applications.

1 Director Wray accepted and agreed to implement all of
2 the IGG's recommended corrective actions and I believe has
3 already implemented the bulk of them.

4 Do you have any reason to believe that the FBI is not
5 taking appropriate steps in response to the IGG's report?

6 Mr. Moffa. No.

7 Mr. Haskell. Do you have any reason to believe that
8 the corrective actions that the IG recommended and that the
9 FBI is now taking will not adequately address the errors
10 that the IG identified?

11 Mr. Moffa. No.

12 Mr. Haskell. Do you have any additional
13 recommendations beyond what the IG recommended?

14 Mr. Moffa. No.

15 Mr. Haskell. You were also asked several questions
16 about Bruce Orr. You worked on the Crossfire Hurricane
17 investigation. Bruce Orr had no decision-making role on
18 that investigation, is that correct?

19 Mr. Moffa. That's correct.

20 Mr. Haskell. To your knowledge, he had no role in the
21 Special Counsel's investigation, to your knowledge?

22 Mr. Moffa. I have no knowledge of that, no.

23 Mr. Haskell. According to the IG report, Orr said
24 that it was both his duty as a citizen and a Department
25 employee to provide the FBI with information from Steele.

1 Do you have any evidence to dispute Orr's characterization
2 of his own motivation?

3 Mr. Moffa. I just don't know Orr, so I wouldn't feel
4 comfortable affirming or otherwise refuting his
5 characterization. I know nothing about him.

6 Mr. Haskell. But you don't have any evidence --

7 Mr. Moffa. I have no evidence to the contrary, that's
8 true.

9 Ms. Sawyer. Just a quick follow-up. I know when my
10 colleague was asking you about the concerns that the chain
11 of command was not being respected in the usual way because
12 Pete Strzok might pass information to Lisa Page that would
13 then get to the Deputy Director before or maybe at the same
14 time it was getting to the AD Priestap or the person serving
15 as the EAD.

16 You said you had no doubt -- you didn't have specific
17 examples, but you had no doubt in your mind that it probably
18 happened. Do you know of any examples where information was
19 passed to the Deputy Director that didn't go to the rest of
20 the team?

21 Mr. Moffa. That didn't go to the rest of the team or
22 the rest of the chain of command?

23 Ms. Sawyer. The chain of command.

24 Mr. Moffa. Well, there were -- Pete Strzok would have
25 conversations with Deputy Director McCabe that I wasn't a

1 party to and I don't believe AD Priestap or the EAD were a
2 party to. So I do think there were times when they
3 interacted directly that the chain of command wasn't there.
4 So I know of instances there's the possibility information
5 is being exchanged.

6 Ms. Sawyer. Can you cite any examples where decisions
7 were made based on information that may have been passed?
8 Because there has been, obviously, tremendous examination
9 and criticism of Ms. Page, Mr. Strzok, Mr. McCabe. So from
10 my perspective it would be important to know if there's any
11 concrete decision-making that you believe was influenced by
12 some sharing of information that didn't follow the usual
13 chain of command.

14 Mr. Moffa. I just don't have any specific examples of
15 that. It's possible that it could have happened, but I just
16 wouldn't be aware that it derived from one of those private
17 conversations. I just don't know.

18 Mr. Haskell. I think that's it from us. Thank you
19 very much for your time and for your service to the FBI and
20 to the country.

21 Mr. Moffa. Thank you. I appreciate it.

22 Mr. Somers. We don't have anything else. So we just
23 thank you again for coming in and bearing with Art and I for
24 a second interview. We talked to you a couple years ago
25 about Mid-Year and a little bit about this before we had the

1 benefit of the Horowitz IG report. But we thank you for
2 bearing with us again and for your time today.

3 MR. Moffa. Thank you. I appreciate it.

4 (Whereupon, at 3:33 p.m., the interview was concluded.)

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ERRATA

Notice Date:

Deposition Date: September 9 2020

Deponent: Jonathan Moffa

Case Name: Senate Judiciary Committee

Page:Line	Now Reads	Should Read
61:18	IGG's	IG's
63:13	IGG	IG
63:20	IGG	IG
66:5	SENATOR HARRIS	Mr. Haskell
68:18	provide -- would provide	create
72:13-14	you would regard	regarding
73:20	FIB	FBI
77:7	IGG	IG
77:16	foreign	for
135:22-23	report found that individuals found that that was the case as the Crossfire Hurricane.	report found that individuals believed that that would be the case as to Crossfire Hurricane.
137:5	IGG	IG
138:21	FISA the errors	FISA errors
139:10	committee's	committee is
139:14	Mueller 's	Mueller's
140:2	the why, why was he	why he was
145:18	Mr. Sinton	Ms. Sawyer
196:13	IGG	IG
198:7	EGG	IG
199:8	w	a
214:21	correct the actions	corrective actions
215:5	IGG's	IG's
215:16, 17, 23; 216:1	Orr	Ohr