

EXECUTIVE SESSION
COMMITTEE ON THE JUDICIARY,
JOINT WITH THE
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: JONATHAN MOFFA

Thursday, August 24, 2018

Washington, D.C.

The interview in the above matter was held in Room 2141, Rayburn House Office Building, commencing at 10:04 a.m.

COMMITTEE SENSITIVE

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

Would the witness please state his name and position at the Federal Bureau of Investigation for the record.

Mr. Moffa. My name is Jonathan Moffa. I am a deputy assistant director at the Federal Bureau of Investigation.

Mr. Somers. On behalf of the chairman, I want to thank you for appearing today. We appreciate your willingness to appear voluntarily.

My name is Zachary Somers, and I am the majority general counsel for the House Judiciary Committee. I will now ask everyone else who is here in the room to introduce themselves for the record, starting to my right with Art Baker.

Mr. Baker. Arthur Baker, investigative counsel, majority staff.

Mr. Parmiter. Robert Parmiter, chief counsel, Crime and Terrorism Subcommittee, majority staff.

Mr. Castor. Steve Castor with the Committee on Oversight and Government Reform, majority staff.

Ms. [REDACTED]. [REDACTED], FBI's Office of the General Counsel.

Mr. [REDACTED]. [REDACTED], FBI's Office of General Counsel.

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Mr. ██████. ██████, FBI Office of the General Counsel.

Ms. Kim. Janet Kim, House Committee on Oversight and Government Reform, minority staff.

Ms. Shen. Valerie Shen, Oversight and Government Reform, minority staff.

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

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

Mr. ██████. ██████, FBI congressional affairs.

Mr. Buddharaju. Anudeep Buddharaju, Oversight and Government Reform, minority staff.

Mr. Ventura. Chris Ventura, House Judiciary Committee, majority staff.

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

Typically, we take a short break at the end of each hour of questioning. If you would like to take a break apart from that, please let us know. We will also take a break for lunch at the appropriate point in time.

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

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

Mr. Moffa. I do.

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

Both committees encourage witnesses who appear for transcribed interviews to freely consult with counsel if they so choose, and you are appearing with counsel today.

Would counsel please state your name and current position at the FBI for the record.

Ms. Bessee. Cecilia Bessee. I'm the acting deputy counsel of the litigation branch.

Mr. Sinton. Robert Sinton, unit chief, counterintelligence law unit.

Mr. Hendrix. Sam Hendrix, assistant general counsel, FBI OGC.

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

please let us know. If you honestly don't know the answer to a question or do not remember it, it is best not to guess. Please give us your best recollection, and it is okay to tell us if you learned the information from someone else.

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

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

Mr. Moffa. I do.

Mr. Somers. This applies to questions posed by congressional staff in the interview. Do you understand this?

Mr. Moffa. I do.

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

Mr. Moffa. I do.

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

Mr. Moffa. No.

Mr. Somers. Finally, I'd like to note that, as Chairman Goodlatte stated at the outset of our first transcribed interview in this investigation, the content of what we discuss here today is confidential. Chairman Goodlatte and Gowdy ask that you not speak

about what we discuss in this interview to anyone not present here today to preserve the integrity of our investigation. This confidentiality rule applies to everyone present in the room today.

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

Mr. Moffa. No.

Mr. Somers. The time is now 10:10, and we'll get started with our first round of questioning.

EXAMINATION

BY MR. BAKER:

Q Good morning Mr. Moffa. Good morning, FBI counsel. Thank you for coming in today. We'll just get through some basic questions at first. Again, feel free to ask for clarification on anything I ask you or anything any of the other counsels at the table today ask you. And again, to just underscore something Mr. Somers said, if we ask you a question that you don't know the answer to, just say you don't know, and we'll rephrase it or otherwise work through it.

You indicated, when we went around the room and identified ourselves, that you are a deputy assistant director of the FBI. How long have you been in that particular rank?

A A little over a year.

Q Okay. Are you -- your history with the FBI, are you an FBI agent?

A I am not.

Q You are an analyst?

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A I'm a career intelligence analyst.

Q Career intelligence analyst. And what exactly is a career intelligence analyst?

A So, an intelligence analyst is a non-agent. I don't have law enforcement authorities. But we are intelligence professionals that, in the same vein as any U.S. intelligence community or other intelligence analyst perform that function for the Bureau. So strategic and tactical intelligence in support of our investigations and operations and our both and external analytic production on all of the threat issues we work.

Q So during your tenure at the FBI, your specialty, for lack of a better word, has been intelligence, analytical work?

A That is a broad concept, and counterintelligence specifically as a threat issue.

Q That has been your specific specialty, counterintelligence?

A Yes, sir. For the first almost 20 years of my career, I was counterintelligence.

Q You've been with the FBI, then, 20 years?

A Since 1997. Full-time since 2001.

Q Where were you employed prior to the FBI?

A I actually started right out of school. I came in under a scholarship program from 1997 to 2001 and then, immediately upon graduation, started at the Bureau. It's really the only place I've worked.

Q Your academic credentials, are they related to intelligence?

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A International relations.

Q Did you review any documents today in preparation for your testimony?

A Some. I tried to review the inspector general's report and a few other of those key documents, but, overall, nothing in-depth, because I know the questioning can be pretty broad.

Q What were some of the other key documents that you looked at?

A The sort of final LHM for the Clinton investigation, letterhead memorandum, and the Russia joint ICA report.

Q You reference you looked at an LHM, letterhead memorandum. What exactly is that?

A That's that final report document that was put together with the facts for the Clinton email investigation.

Q Would that capture different investigative steps that happened during the course of the investigation?

A Yep. I didn't read it in detail. I skimmed it.

Q Would there be an LHM for an opening of a case too?

A I think, generally, that would be my understanding, yep.

Q Did you speak with anyone to prepare for today's interview?

A Just the OGC team.

Q Did you speak with any witnesses that may have come before the committee?

A No, I did not. I should clarify. I don't know what witnesses have come before the committee. To my understanding, I did

not.

Q Okay. I would like to go back a little bit to your role as an intelligence analyst in general before we get into any specific role or responsibilities that you had at the cases we are looking at.

The role of intelligence analyst, where does that actually fit into the FBI hierarchy? The general public, when they think of FBI, they think special agent. You indicated that the special agent is someone -- a position that has certain law enforcement powers.

A Sure.

Q The analyst, you've indicated, does not. Where does the analyst fit into the overall hierarchy? What is their role in support of the overall FBI mission?

A Sure. I mean, the FBI is a conglomeration of different job functions, the special agent being one of them. Everyone has their different roles. Just like we have technologists who do highly technical work for the Bureau, intelligence analysts do intelligence analytic functions for the Bureau.

So within different mission teams out in the field, or even different headquarters components here, you may have a blend of agents and analysts who are looking at threat issues in the intelligence streams and other information coming in. All of that comes together to drive our investigations and operations forward.

So it's one of a series of job categories that make up the FBI. And up that sort of career path, you have intelligence analyst, and then you have supervisory intelligence analyst, at different ranks and

levels just like the agent community has within the Bureau.

Q So you indicated, I believe, you entered on duty with the FBI in '97?

A '97, yep.

Q So you would have been there, I believe, for correct me if I'm wrong, an FBI transformation that I believe was led by former Director Mueller where the FBI transformed from being more of a criminal investigative agency following leads, doing historical stuff, to an intelligence-driven agency. Is that correct?

A I wouldn't necessarily agree with the total fundamental basis of what you just said in that we've always had a national security responsibility, but if you're referring to that sort of post 9/11 period where the Bureau took on sort of an enhanced intelligence program, I was there for that period of time. Yeah.

Q So there was a period of time -- you've mentioned 9/11 -- where maybe there was more emphasis on being intelligence-driven, and some reorganizations within the FBI to enhance that?

A Yes. I think it's fair to say, post 9/11, that whole idea of intelligence driving operations really began, and then that's something that's been a key focus area, I think, for the Bureau, since that time, in making sure intelligence is integrated into our way of doing business.

Q How would you describe the immediate post 9/11 emphasis on trying to integrate intelligence to where it is now? Is there more

of an implementation and reliance on the intelligence analyst than there was in the immediate post 9/11 world, or is it something that's still evolving? Just your opinion on that.

A Yeah. Again, I can only speak from the chair that I sit in. I don't know if it's as much of an emphasis difference, because in my experience, all the way through, I felt like analysts' opinions were valued, and the work we did was valued. I think there is a more formal structure around that support. I think there is a better sense of the career path for intelligence professionals. I think there is a better sense of the standards of intelligence production and those sorts of things than maybe we had in those earlier days.

I don't know that I would agree that, subjectively, people value intelligence more now than they did then. I think the system around that intelligence is better defined is the way I would say it. And it's certainly, I think -- our numbers have grown, I would imagine, from the earliest days. And that's certainly something I saw happen when we hired a significant number of analysts post 9/11.

Q You indicated when we opened, your current rank is deputy assistant director. Would someone in the intelligence career track -- in the immediate post 9/11 days, would someone in that track have reached the deputy assistant director rank, or is that a relatively recent phenomenon that's evolved?

A I couldn't say. I just don't know from that time period. I wouldn't call it relatively recent. It's been around for a while now. I'm sorry. I couldn't put a year when that first happened or

was first possible. I think management opportunity for intelligence analysts has certainly expanded now beyond what it was back in those days, in my opinion, I think it's fair to say.

Q So, you indicated your rank is currently deputy assistant director. In that capacity, you also have managerial supervisory responsibilities?

A Yes. That's right.

Q Who do you supervise? Who is below you in the organizational structure?

A I have three section chiefs, which is the level below the deputy assistant director level, who I supervise. Then they supervise units underneath them.

Q Okay.

A So three separate sections.

Q And then who do you answer to? Who is above you?

A I answer to an assistant director.

Q Who is above an assistant director?

A Generally, it's an executive assistant director, but not always, depending on what division you're talking about.

Q Is there an executive assistant director over the assistant director in the counterintelligence division?

A There is.

Q And who does that executive assistant director answer to?

A I believe the deputy director.

Q And then above the deputy director?

A Would be the director.

Q So, in the scheme of things, a deputy assistant director, where would you place that on the hierarchy? You're executive management, correct?

A Correct. It's your second level up SES position.

Q It is a senior executive service position?

A That's right.

Q What was your rank during the Midyear Exam Investigation?

A I began that investigation as an assistant section chief, which is a GS-15 level position. Then, in the middle of it, in January of -- I would have to remember the exact timing -- I believe 2016 -- I became a section chief, which is that entry level SES position in the Bureau, and that was the position I was in through the duration of the Midyear Exam Investigation.

Q So, when you occupied the assistant section chief, or maybe, more importantly, the section chief position, what was your -- I don't know what the Bureau parlance is on this -- what was your functional job title? You are still an analyst of some sort?

A Exactly the way it works in the special agent ranks, you can be an assistant director and still a special agent. I was a section chief, or an assistant section chief, and an intelligence analyst.

Q You indicated one of the documents and materials you reviewed for your appearance today was the inspector general report, correct?

A Mm-hmm.

Q In the inspector general report, there is a reference to a

lead intelligence analyst. Is that you?

A That's me.

Q Okay. So, the references in the IG report for lead intelligence analyst, that is referring to you, though not by name?

A That's right. I think it's lead analyst, actually.

Q Lead analyst. Okay.

What was your role -- I guess, what was your role in Midyear? Let me maybe preface that with, how did you become involved in Midyear?

A So, when the case initiated, when it began, I was the assistant section chief of the counterespionage section, responsible for the counterespionage intelligence program. So, as a byproduct of that job, when the Midyear Exam Investigation began and it was based in the counterespionage section, they put me in charge of the analytic team associated with that investigation. And that's the role that I held at that level, and then also at the section chief level later on throughout the investigation.

Q So you were on the Midyear team from the beginning?

A From the beginning.

Q Now, were you hand-selected for this, or did you get involved based on where you were sitting in the FBI? That was a logical place for the case to be and, because you were there, you assumed responsibilities in Midyear?

A Yeah. It was a logical thing for me in the job that I was in at that moment to be that person, but I also think there was confidence that I could perform the function as a person, too, because

that's how decisions get made, right, I think. You have to be able to perform the function in addition to being physically the person in the right spot for the job. So I think that's the answer. I think it's both, to some degree.

Q So it's fair to say you were occupying the spot of assistant section chief/section chief, but you were also very competent as an analyst?

A It's hard for me to answer that myself. I think there was a reference --

Q I'm saying it.

A Yeah. I appreciate that. There is a reference to, I believe -- I guess EAD, but Coleman, in the report saying that about me.

Q Okay. So you were the right person. You were in the right place, but you were also the right person?

A And it was my job.

Mr. Somers. Who assigned you?

Mr. Moffa. Randy Coleman.

BY MR. BAKER:

Q So, in your role, either as assistant section chief or section chief -- you can make a distinction between the two -- who were you supervising?

A I supervised the team of analysts we assigned to work on that investigation. Initially, it was me directly supervising some analysts; and then, after a time, it was me, a supervisory intelligence

analyst, and a team of analysts.

Q Okay. So a supervisory analyst is a rank up from an analyst?

A Correct. It's a -- usually a GS-14 level intelligence analyst with managerial responsibility for intelligence analysts and their analysis.

Q Would that be on par with the supervisory special agent supervising the special agents?

A That's right.

Q So you, as an assistant section chief, are answering to a section chief?

A That's right.

Q Who was that section chief?

A That was the section chief of the counterespionage section at the time.

Q That was who?

A Sandy Kable. I can't remember what his exact name is. It's like Charles Kable.

Q Was he the section chief during the whole time that you were assistant section chief?

A He was, I believe, the section chief the whole time that I was assistant section chief. I do not believe he was the section chief the whole time the Midyear Exam was underway.

Q I'll just refer to that as the early days of Midyear. Who would have been the deputy assistant director above him as section chief?

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A Robert Jones.

Q Robert Jones. Who would have been above Jones as the AD?

A Randall Coleman.

Q Who would have been above him as the EAD?

A First and during that earlier time, it would have been John Giacalone.

Q Who have been the deputy director at that time?

A Mark Giuliano first, and then McCabe at some point, but I actually can't tell you when that changeover happened.

Q Initially, while you are still the assistant section chief, Mark Giuliano was the deputy director?

A That's correct.

Q And then later, Mr. McCabe?

A That's right.

Q Do you -- okay. When you're promoted to section chief, who above you has changed?

A I believe, in very short order, that's when Randall Coleman leaves as assistant director of the counterintelligence division and Bill Priestap comes in, almost within weeks of me becoming section chief. And I don't remember when Giacalone left, but he left and then Steinbach came in. And I don't remember the timing of when that occurred.

Q Mr. Priestap coming in as the AD, he remained there during the entire time and is still there in that position now, it's my understanding.

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A That's correct.

Q Who was the deputy assistant director while you are the section chief?

A I believe, of the case itself, the deputy assistant director was Bob Jones for the -- I don't know if I can say the duration but a large portion of it. I actually don't remember the timing of the transition after that.

Q Okay.

A But for a good piece still, I believe, he was the deputy assistant director.

Q Who eventually replaces him?

A I can't remember if there was someone in between Bob and Pete Strzok, but eventually Pete Strzok becomes the deputy assistant director there.

Q He is there for how long?

A I don't remember. He was there through the duration of the Midyear Investigation.

Q Through the duration of Midyear?

A Yep.

Q In the course of your duties as either assistant section chief or section chief -- and when Midyear started, you were an assistant section chief?

A I was the assistant section chief in counterespionage section. That's right.

Q In the course of your duties either as assistant section

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chief or section chief, did you have occasion at all to interact with, attend meetings, consult any of the employees or lawyers from the general counsel's office?

A Sure. Frequently.

Q Who would they have been?

Ms. Bessee. So we're going to instruct him not to name anyone who is at the GS or GS level employees.

A I will name the ones above.

BY MR. BAKER:

Q Sure. Go ahead.

A Again, the timing of this is the part that it's hard to remember exactly when. Certainly, Trisha Anderson, Jim Baker occasionally. I'm trying to think if there was anyone else at the SES level. I think that's basically it. And then frequent interaction with attorneys at the GS-15 level.

Q So what was your actual role? I mean, I understand you occupy the assistant section chief or section chief rank. What was your actual duties in Midyear,

A In Midyear? It was to manage and direct the analytic team that was conducting the analysis of the materials collected during that case. I know that makes that sound very simple, but that's a challenging responsibility, and that was a challenging function for those analysts. But that was the duty, right; it was to ensure that the process we were running was effectively getting through that material and that we were doing that work well.

And then I would say a secondary responsibility is to be able to effectively brief the output of that activity up our chain, so that the information we were analyzing could be incorporated into the broader cases, you know, moving forward, the strategy and its decisionmaking.

Q So the people below you that you were supervising, were these also people like yourself that were in place and competent, or was this a specially assembled team for Midyear?

A It was an assembled team of people who we believed had the right sort of experience and ability to perform the functions. So these were counterintelligence analysts, both at our Washington field office and within the counterintelligence division, with some support, at times, throughout from -- with other analysts from other operational divisions within the Bureau, so some of our colleagues in counterterrorism or criminal investigative division, or weapons of mass destruction directorate, they were able to provide additional analyst support as we needed it. Sometimes, that would be for a temporary period of time, and sometimes it was for a longer period of time.

People with the right skills and ability, but we assembled them together as a team. We didn't take one natural unit of people and use them for that function.

Mr. Somers. You said "we" a couple times in that last answer. Who is the we?

Mr. Moffa. Like most decisions in cases of significance, I would

make a recommendation or take recommendations from people on who those right team members are, and then that would be socialized up my chain before I would execute on bringing those people together.

So I am talking to the section chief and deputy assistant director at the AD. We would talk about what the right mix of people is, and then, ultimately, that's who we brought together.

BY MR. BAKER:

Q How did you bring these people together? Were these people that, in your discussions, you discussed who would be right for this and names were thrown out, and then you went after these people? Or was there just a general, like, job posting?

A There was no job posting. This was a selection of people, based on our experience with different analysts, that we thought could perform the function well. And some of it is the balance of what are people doing on a day-to-day basis, and can they come over and work a project like this without fundamentally hurting another important function of the Bureau. It's that typical managerial balancing act of who can you get that can do the job well and has the right skills and abilities, but also is available to do that work. And the end mix of that was the team we ended up using.

Q You said some people came in from Washington field office?

A So, once the decision was made by the assistant director and up the chain to bring in Washington field office personnel to support the case -- and, again, I don't remember the exact timing of post initiation when that happened -- several analysts from WFO came over

as well and sort of joined that collective team. So there are some headquarters analysts and some WFO analysts working together.

Q Were any analysts, agents, any other human resources brought in from field divisions other than Washington field?

A I think we had one or two others from different field offices, usually for kind of specialty functions, some cyber expertise and other things brought in, but primarily Washington field office.

Q In addition to cyber expertise, do you remember any of the other functions that somebody would have been brought in for?

A Like, for example, for financial analysis. There was a financial analyst that was brought in. I am trying to think. A CART examiner. One of our forensic CART examiner was attached to the team to help us understand some of the technical aspects of what needed to happen. Both of those, if my memory serves right, are both from WFO, though.

Q In your supervision of these analysts -- and we'll get to, I am sure, you know, what the use of some of the products that come out of this analytical work. I am just curious. Were -- what I believe you referred to as investigative leads, are investigative leads also derived from the analytical products?

A I can't recall specifically, but in a sense, right, the analysis should, and did, contribute to decisions about, for example, if a witness was going to be interviewed. The results of our analysis of communications, for example, would inform maybe what questions you ask that interviewee.

I don't -- I don't know that I can point to a specific instance where we reviewed something on the analytic side and that caused us to directly go and do another thing. That certainly can be said of kind of the forensic review of things. But it doesn't mean it didn't happen either. But that's a possibility, and I think this idea that that analytic product feeds some of that operational decisionmaking is absolutely right. That's the purpose of it.

Q Okay. That's the purpose of it.

Outside of this specific case, just analytical products in general, that's what they're ultimately used for, right? You could get an investigative lead where something your analysts are looking at, or comparing or whatever goes into the analysis, they identify someone or something that needs to be looked at closer, maybe out in the field; and then somehow, through the process, a lead is generated, maybe for a different field office, for an agent to go and do something based on this analytical product that your folks have done?

A Sure. In a tactical sense, a very tactical sense, that is one way intelligence product could be used. We also do analysis at the other end of that spectrum in the very strategic sense of saying are we understanding threats at a higher level. That doesn't necessarily result in a one-to-one investigative action. That's more to inform our understanding as an organization and as an intelligence community about how threats are manifesting and how we might need to oppose them.

I guess what I would say is I would paint it more as that spectrum

of outcome from intelligence analysis. Some of it could be as tactical as you've described where we've now identified a person who needs to be interviewed, or we've identified a person that needs to be investigated, all the way up to we're contributing to the U.S. Government's understanding of what a threat actor is trying to do and how they're trying to do it.

Q So that's the difference between tactical versus strategic?

A In a very rough sense, yeah. I think that's how I see it, at least.

Q In very, very, very high-level -- I mean, could you -- I mean, you did, but could you just accentuate again the difference between those two types of intelligence. It establishes a good foundation as to your specialty and what the products your people generate -- how they can be used. I think that's important.

A Sure. So just, again, to try to frame that: You could, for example, conduct intelligence analysis related to a single case, looking at the single piece of information that that case has generated and come up with one single investigative lead at the end of that that should be followed as a result of that analysis. You know, go to this address. That, to me, would be the most tactical sort of explanation of how analysis can drive investigation.

The other end of that spectrum is, we may look across 300 cases that all involve a similar threat actor or a similar set of circumstances and draw an analytic conclusion from that that's supported according to analytic integrity standards that paints a much

more informed picture from either the FBI or the U.S. intelligence community as a whole -- or our foreign partners -- of what that threat actor is doing at scale, at a strategic level. So that's that other end of the spectrum where it's not a single case, single piece of information, single lead. It's informing this much broader understanding of a threat actor or threat activity at that level.

And so, the FBI has analysts that do that full range. We do everything from that tactical level all the way up to the very strategic level. Like I said, I think that's for consumers, both internal and external, depending on what that looks like. I don't know if that helps clarify.

Mr. Somers. So on Midyear Exam, what types of things did you analyze?

Mr. Moffa. So we were analyzing, in large part, the results of the exploited media that was -- that the investigative team, the operational side of the House, was collecting and working with our both prosecutors and internal lawyers to acquire. So that was all constrained very much by the boundaries of what we were allowed to look at on a given device.

But once a device was exploited by our technologists, that product would ultimately come to my team after some processes occurred to make sure it was appropriate material for us to be reviewing. Then my analysts would review that material, both for relevance and also for potential classification. And we did not make classification determinations. It was to identify possible classified information,

which was then sent to originating agencies for review.

So that analytic process both was designed to examine the material itself, to find classified information in the way I just described; but then, also, the byproduct of all of that review is there is learning that then we could share with the investigators. And one of the best examples is the one I gave earlier about, we're now going to conduct an interview. What have we seen from that exploited and analyzed content that might inform an investigator's ability to do an interview of a subject or to take another investigative step.

BY MR. SOMERS:

Q Does your team review all 30,000 or so emails that were produced by the Clinton team?

A So it's going to be -- and I -- this is not me being evasive. It is impossible to really accurately talk through numbers, but I'll try to answer your question in sort of the overall sense.

Q I don't mean to hit you with a number specifically.

A I just want to be clear, right. So, in my mind, our job was every single email or other, you know, document we could acquire legally in the constraints of that, we were going to go through it. So I believe we reviewed the material that likely encompassed a lot of those 30,000 emails. And then, as you can see from the product that's available related to the case, we also then found and reviewed additional material beyond that 30,000.

And that was really the challenge of the case. It was to try to, as all-encompassing as possible, acquire the fullest set and range of

those documents and to review them. And so, in the overall sense, my analytic team, if we could get it and we were allowed to see it, we were going to review it, and it was going to go through that process and it was going to feed both the understanding of the classification side of things in those documents, and then also, to the extent possible, help to inform the investigative side.

Q Did you start with the -- I guess you would have gotten from the State Department -- with the emails that came -- there was -- there was the emails that the Clinton team -- or her legal team reviewed and turned over to the State Department. It adds up to somewhere around 30,000. Was that the base that you started with?

A That was the starting point, yeah.

Q Then you built out from that?

A Correct. So, then, as we acquired devices, it's a comparison issue of saying, is this among that set to some degree or is this unique and new. And we just slowly built that universe.

Q You said "devices." So those were devices that were controlled by whom?

A I am saying "devices." I referring to a broad range of equipment. It could be computer server equipment; it could be devices. I am saying computer server equipment in a really broad sense. It's that full range of electronic equipment on which any of this content may have lived, and there is a broad range of what that is, including pieces of server systems. It's never as simple as just a hard drive or a phone. But yes.

Q And then, did you ask the Department of State for email from other State Department employees?

A We collected emails, as we were able, from the State Department too. I don't remember the specifics of the asks, but certainly, we asked for available email content that was relevant to the case within the universe of what the State Department still had access to and could hold. And we received some, but I couldn't tell you, like, what subset of the mix that was.

Q So, from official State Department accounts, though?

A Correct.

Q And from personal accounts of other State Department employees?

A I know there's -- I actually don't know what I can get into related to that.

Q I don't need to know the individuals. I just want to know if you got --

A I know of at least one instance -- and I don't know if there was more -- where we acquired emails from a personal account of, I believe, a then-former State Department employee.

Q What about the Department of Defense?

A I don't remember.

Q So you don't know if you asked DOD for email that may have involved Secretary Clinton?

A We were definitely in contact. I just specifically don't remember. It's entirely possible.

Q CIA?

A Again, entirely possible.

Q White House?

A Entirely possible. In fact, probable. I just don't remember specifically.

Q So you don't remember if your team asked, for instance, the Department of Defense, for every email that Hillary Clinton was to, from, CC'd on?

A It would have been during a specific time range because that was the boundaries of our investigation. That sounds familiar to me. I do not remember it specifically. And, again, to, again, make clear sort of the lanes in the road discussion, right. My team is responsible for reviewing the content once it's received. The investigative team, the operational side of our case, which is going out and actually doing the collection, in concert with OGC and the prosecutors, is reaching out into the world to grab those things. I am bifurcating that a little bit, which is why, for me, it's can we get it in the building, and then my team reviews it, right. Getting it in the building is the function of that other half of our investigative team.

Q And did you -- were you able to review -- so we have the base set of 30,000 or so emails that came from the Clinton legal team to State. Did you get those from State?

A Again, it's been a couple of years now. They -- I believe we got those not from State, but from the intelligence community inspector general. Because I believe State received them from the

Clintons in a paper format, and we wanted to try to get them electronically. That's my recollection is that we got that initial set. And it should be roughly the same set, but we got them from the IC inspector general.

Q Then you did find additional work-related emails that were not in that initial set?

A That's correct.

Q You have any estimate of how many? Thousands? Hundreds?

A I would refer everyone back to the written documentation of those findings because that's one thing I am not going to be able to do accurately is reflect numbers. But, yeah, I think it's fair to say there are -- there were thousands reviewed. That does not imply they were all classified, obviously, beyond what was in those 30,000.

BY MR. PARMITER:

Q You mentioned the ICIG. Did you ever meet personally with the ICIG, who I believe at the time was Mr. McCullough?

A I did.

Q How many times did you meet with him?

A I want to say maybe two to three, in the very, very earliest days of it, when the referral first came in.

Q Those meetings were to discuss this investigation?

A That's exactly right.

Q Do you recall anyone else present at those meetings?

A Yeah, sure. Sandy Kable was there. And then the other personnel that were there were below the SES level.

Q Do you know whether there were any notes taken at those meetings?

A I don't recall that. There may be documentation in the file related to that as well. I just -- I don't know the answer to that specifically. I can't recall.

BY MR. SOMERS:

Q Getting back. Sorry. I lost my train of thought when I was asking questions a second ago.

You mentioned boundaries. You said we had to investigate or look at materials within the boundaries of --

A Sure.

Q Could you tell me what those boundaries were?

A Those boundaries actually were a little different depending on what we were trying to exploit at times, and that was a kind of important and constant challenge of the investigation. So, depending on how we may have acquired a device, for example, we would be bound by the terms of either the consent agreement, which allowed us to take possession of the device and then exploit it, or legal process that we may have used to acquire the device.

So, in each of those circumstances -- and it didn't matter whether it was legal process or consent -- we had to follow the constraints of that agreement. And that could mean, in some cases, a pretty tight time boundary: Are we going to look at emails on this device in this date range because that corresponded to Secretary Clinton's time as Secretary of State in a time period where it would be reasonable to

expect classified information could have been exchanged.

It could constrain us to different containers or locations within a device where we could look for emails, people's accounts, different files.

So it really depended based on what the device was, how it was acquired, and what the nature of it was. But our teams had a very constrained ability to work on those devices, according to whatever those rules were. So that's the boundaries that I am referring to.

Q Did some of those constraints hinder your ability to find all relevant emails?

A I think -- I discussed this to some degree -- you can see it in the report. By sort of definition, right, those boundaries constrain you. You are not able to go free-for-all within a server or a phone or a computer. So you can't know what you don't know. That's why I hesitate to answer that question.

I believe we looked at, and sufficiently looked at all of the material we could legally see, and that we were able to look at based on how we acquired that material. So, in my mind, I can't answer the question fully, because I will never know, to some degree, what else might have been on a device that was outside those legally permissible boundaries for us.

And I would similarly say we were in a very, I believe, conservative and effective filter process, which is another type of boundary, that was segregating information from my analysts and the investigative team before we even saw it for various privilege-related

concerns.

So there's also potentially material in there because it was privileged that my team never saw. So I --

Q By "privileged," you mean attorney-client privilege?

A Several types of privilege, right. Attorney-client, spousal. I believe there was even others, and I am not the right person to talk about the vagaries of privilege. But that was a well-established, again, set of procedures and rules that DOJ and our OGC attorneys agreed upon.

And so, as something that exploited off a device, it's going through the filter tier and those procedures, and then it's coming out the other end, both in terms of how it's scoped for the boundaries of legal process or consent and having that privileged material removed so, when it gets to my analytic team, it is within the rules for us to look at it. We aren't putting that obligation on individual analysts, for example, although they are briefed on all of those rules so that, if something does get through, they know it and can recognize it. But that work is sort of done before my team looked at the material. That's generally how that process worked.

Q With regard to the boundary created by consent, was there any discussion of, you know, we have this boundary. It's because we received the device through consent. Were there discussions about getting compulsory process for any of those devices?

A Sure. That would be a conversation on the front end of, really, talking about any device: What is the best way to acquire it,

for us to get the content?

I sort of have this side role in that. I mean, I am not a prosecutor, I am not a lawyer, I am not an operator. It's not my job. But I was present for some of those discussions and I certainly heard them. I learned a lot from this case. I actually reflect that in the IG report as well.

I think, from a nonlawyer, FBI mind set, it always seems faster and better to get a subpoena or serve a search warrant. I learned a lot through this case of, if, sometimes -- and I am not saying it was every time or naming anything specific, but there were times where I came to learn it actually was better, faster, and more expansive for us to enter into a consent agreement than it would have been to try to litigate access to something. It actually would have slowed us down or it would have constrained us more. We may have failed. We may not have had the probable cause we needed to get it.

So I don't think you can make sort of these blanket statements that I've heard people make about consent is better or worse than legal process. And that's not -- just being honest, that's not something I think I would have known before I sort of sat tangentially to a lot of the conversations around this that I understand now.

And I know that, on both sides, DOJ, our lawyers, and our operators, everyone really worked hard to figure out what is that best way to get it, and then that's what we did.

So there were lots of those conversations, and they were -- I thought they were healthy debates, right. I think sometimes it's that

learning curve of understanding what I kind of just explained on both sides, right?

BY MR. PARMITER:

Q Just to be completely clear: You indicated that your role was more -- was not on the acquisition side; it was on the analyzing information once acquired --

A That's right.

Q -- side?

A That's my team's job. That doesn't mean I'm not present for conversations. That doesn't mean that I wouldn't render an opinion, right. That's not my job. That wasn't the role of the analysts. That's not the role of analysts in the Bureau.

We can certainly describe gaps in an investigation, for example. We have a lack of understanding in this functional area that absolutely informs investigative decisionmaking. I am talking broadly here. So investigators or operators would then know, we should go out and seek this type of information because our analysts are telling us that this missing piece is preventing us from forming a complete picture.

And then, if you take that down to the individual case level like we are here, myself, other analysts, would certainly be in those discussions and may even offer an opinion; like, it would be really great if we could get this. But the actual negotiation is DOJ attorneys or our prosecutors interacting with attorneys for the people holding those devices. It's our operators drafting legal process and working with the AUSAs to do that. That's not my analytical team. That's not

me.

Ultimately, if we offer an opinion, it is just that. It's not our decision to make. Then our responsibility kicks in when that material comes through those processes that I told you, and then it enters our analytic process.

I hope that explains it. I don't want to give the impression, right, that I am not physically present or my analysts aren't present in these conversations. It's more of a team environment. But it is important to understand, though, like, how decisionmaking works, and who actually has that authority and mandate, and I think that's what I am trying to do right now in explaining those differences.

Q Right. I think the IG report goes into that a little bit.

A A little bit, yeah.

Q You may have been present -- for purposes of the Midyear Exam Investigation, you may have been present for discussions about --

A Correct.

Q -- whether to use legal process and what sort of legal process, but at any point, did you participate in negotiations over a consent agreement, review a search warrant affidavit, do anything like that?

A So, I've never participated in negotiations, right. I am not interacting with lawyers to talk about it.

I would be a part -- and I would venture to guess, though I can't think specifically -- my analysts would be a part of looking at drafts of things like consent agreements or search warrants for the very

specific purpose of saying how is that going to constrain our ability to view material?

So I would often be on these really long conference calls and not say anything until we get to the point where we're talking about what maybe that boundary-setting aspect of a consent agreement, or that boundary-setting aspect of consent would be. Then I would offer an opinion like: If we phrase it that way, my guys are only going to be able to look at this piece; but if we phrase it this way, I think we can search for this and potentially look at more.

So that's the kind of, like, more technical aspect of what we're talking about that I would be involved in more directly, or be rendering an opinion that's more directly applicable to the consent agreements. The rest of it is the lawyers and the operators, really, dealing with that idea of, A, making a choice about which of these avenues is best and then doing that negotiation with attorneys for whoever might be holding the device or thing that we're looking at.

BY MR. BAKER:

Q Prior to Midyear, had you worked on any case doing analysis for a case involving similar facts where there was a mishandling of classified information?

A Yeah. I spent nearly -- I want to say -- about 8, 9 years specifically as a counterespionage analyst. And so, in that role, I worked many cases related to either mishandling of classified information, espionage allegations, certainly the concept as a whole of somebody mishandling classified and Bureau trying to investigate

and deal with that was something that was very familiar to me.

Q The totality of that experience or a specific case from that time, how does that compare to these constraints you talk about in Midyear? Had you ever had constraints in other cases like this or --

A Sure. I mean, I think that's a functional reality of the work the Bureau does, right? I mean, I think we are constantly acquiring things under some authority, and there are rules around that authority, whatever that is.

So that conceptually, too, was not foreign, right. You sort of can see what you're allowed to see within a given case. You want to be as aggressive as you can in approaching the boundary that's been set by whatever that process is. Certainly, even the heated discussions sometimes that can take place between an investigative team and attorneys is -- was not foreign. Those conversations would happen routinely in other cases related to what's the best way to acquire what we need to acquire.

I think the difference here, one, is you're sort of seeing that in a more kind of high-pressure environment, and you're seeing it happen more often because of the challenge of just trying to acquire different devices and things at a bigger scale in sort of a more intense environment. And so that's why it probably feels different than what I've dealt with before, but it probably was the scale of that effort versus, conceptually, it being different than what other espionage or mishandling cases may have involved.

Q You just mentioned, I think, one of the challenges was it

seems there were so many different devices?

A Yeah. That's right.

Q Could you comment on that? You had indicated you don't know what you don't know, you could only see what you could see. Could you comment on the number of devices and what you think you never got to see?

A I can't necessarily comment on numbers again because I just don't remember them.

Q Sure.

A But the reality was there were a number of mobile devices the Secretary used herself, and we were only able to identify and recover a relatively small percentage of those. And then I think the challenge of any case like this, especially where classified information has sort of escaped into the wild and is now being transmitted electronically, that finding the end of that thread is a very difficult -- when I say "thread," meaning, like, where are all the places that classified information ended up?

Just think about how email forwards work and how that happens. It's hard to have confidence that you know of every device that may have ever received an email. So I think we did -- we did a very aggressive and thorough job of trying to identify the devices where we believed classified information may have gone because, one, we needed to be able to identify it with enough certainty to be able to even think about pursuing legal process or a consent agreement.

But then you're asking people to find and recover devices after

years of time, and I think what we ran into is some of that material, obviously some of those devices, for example, weren't available. So that's all -- like I said, the numbers of that are all tracked within the LHM of what we could find and what we couldn't, but that was a challenge throughout for the investigative team was to actually lay hands on those devices.

That's another good area, I think, to explain how analysis helps. As -- I am using "analysis" more broadly now than even the intelligence analysis side. The technical analysis side would sometimes give our investigative team an idea of a device that we think may have contained information we thought was classified, and then that would then spark some investigative activity to try to identify and find that device. Sometimes we were successful, and sometimes we weren't.

So you're talking about mobile devices. You're talking about computer equipment. It's that full range of electronic equipment that potentially contain this material, including backup systems and other things. And so that was the challenge of the case. It was to not only identify where it may have been, but then to actually go physically be able to acquire it. And sometimes we were successful, and sometimes we weren't.

BY MR. SOMERS:

Q I was going to say, so you get your -- you have all -- you try and get the biggest universe that you can get of devices to get the biggest universe of email.

A That's right.

Q What are you looking for, though -- once you have your universe or as you're gathering the universe, what are you looking for in those emails?

A So, the very rough cut of what we're looking for is, one, can we say if they are work-related emails? So think about what is the most basic thing we could say about a communication we're analyzing. Is it something discussing a personal appointment, or is it a discussion of a substantive topic, something that, even in the most remotest sense, could be construed a work-related email.

So the analysts are kind of trying to bucketize things that way: These 20 have absolutely no possibility of having any relevance to work. They are just emails exchanged between people.

So then, once you have your work-related set, they're looking at is there any possibility that what's being discussed here could be classified. An example of -- I'll give -- this is an absolutely generic example -- a work-related email that has no possibility of being classified is the car would be around front at 3:00 for us to go to the meeting. There is no classified information in that sentence, so we wouldn't be looking at that for a possible transmission to an originating agency for classification review, but it is absolutely work-related. So hopefully that distinction makes sense.

Then it may be an email that talks about a conversation with a foreign government. That could potentially be classified. And our analysts, as the non-originators of that information, the FBI as the non-owner of that document, aren't going to postulate whether that

information is classified or not. We're simply going to identify what we believe is the agency that would own it and the possibility that it might be classified, and then we would transmit that email to another agency; they would make that determination officially and then respond to us.

And so that -- that's roughly how that process would work. We would be looking for what is the work-related aspect of it, and then is there a classified aspect of it. Every device, every system we get emails off of, that's what we're doing.

Q That's one element of it. I know motive is not an element of a crime, but were you looking at all at why it was that Hillary Clinton operated this private email server?

A I mean, I think in a larger sense, we're building that picture investigatively. I don't think you can think about it purely as an analytic function, right. The interviews are telling us that, that the agents are conducting. We're certainly looking at the emails for what they say and helping to inform interview preparation, for example.

It's not that it's completely robotic in the sense of, you know, we're simply looking at the email for one of those two checked boxes "yes" or "no," and then putting it in one pile or another. It's understanding, right, what kind of topics are flowing over the system, what victim agencies are potentially involved that have classified in the mix.

The analytic teams were also, given through OGC and the attorneys, instructions related to, if you see, you know, other things, evidence

of crime or other things as you do this review, to be able to notice that and pick those out.

So, I think it's like -- it's kind of that more full range of what we're looking at. It's both what I just talked about for our classification review process, but it's also to help enable the investigation when it's appropriate, given the constraints of what we're allowed to look at.

Q Did you come across any evidence as to why it was she operated a private server instead of using official?

A I wouldn't point to it -- again, the results of the analytic review to describe that. I would point you back to the results of the interviews of Secretary Clinton and her associates who were asked questions related to that and commented on it. The emails themselves, right, are not about that question.

Q I just didn't know if you came across an email that provided any indication.

A I just don't specifically recall, especially three years thereafter. I know a lot of investigation we did related to some of the technology companies engaged with setting up these systems and other things may have had information, you know, sort of discussing that, but I can't recall that specifically. That would be the only thing I could think of.

The substance of State Department communications aren't going to necessarily inform an opinion about why they were doing it, right. I think it's just more about what the communications are and what is that

potential classified that's being disclosed.

Q Do you know, sitting here, how much classified information you came across?

A Again, I would be doing a disservice if I started quoting numbers. Those are all very knowable facts that have been documented. We tracked that very carefully and closely, and we reported that out. It was a significant number that, you know, of -- in the -- in the ultimate final report that we put out, and so I would refer to that.

BY MR. BAKER:

Q You used a phrase a few minutes ago that I like -- I like it a lot -- and it related to the way classified information travels. You used a phrase "escaped into the wild."

A Yeah.

Q How does this type of transmittal of classified information differ from, in a national security sense -- and your ability to analyze -- from the scenario where an employee is taking classified documents, putting them in a box, putting them in the trunk of his car, taking them home, storing them in his garage, and doing whatever he or she intends to do with them from that point?

How does that -- how does this escaping into the wild -- what challenges does that present for the analyst and to national security?

A Sure. I think what you're encountering here is the way technology has changed the work of counterintelligence, specifically in counterespionage in these sorts of cases, where you might have had a subject decades ago who photocopied documents and brought them home.

I would consider that in the wild, right. The government no longer has control of it. That person could, theoretically, be making 10, 50, or a hundred more copies of it and sending it all over the world. But their ability to do that, obviously, is constrained, because that's a more difficult challenge.

The problem now is, when classified information escapes -- I'll use my term again -- into the wild electronically, it's much easier to forward, it's much easier to copy, it's much easier to store. So the scale of that, to me, expands because technology has enabled that expansion; and, thus, our challenge to then track, identify, and see that happening expands and becomes more difficult.

And that's an increasing curve of challenge when you think about how technology today is making it harder, even if you are able know that it hit your device, now -- then you're into the challenges of -- the well-documented challenges of how the Bureau has to deal with that.

So I think what you're seeing is not necessarily, again, a different thing. It's something we've always dealt with in counterespionage or mishandling. You're seeing that how enabled at a scale, speed, and challenge by technology in a way that maybe we didn't see previously.

But it's really this concept that the initial mishandling that you see is kind of the point where now you can never, almost, have 100% confidence you know exactly where it went thereafter. So that's kind of what I am referring to when I say "into the wild."

[11:05 a.m.]

BY MR. BAKER:

Q So that in and of itself, I'm assuming, creates national security challenges because you never really can know?

A Certainly. Certainly. That initial mishandling, you know, starts that potential chain of where things go that my analysts, when we were doing this work, would have immense challenge trying to say definitively, you know, all that places that material may have traveled. Sure.

Q You had mentioned, in passing, when you discussed the different boundaries that your team had to operate under, you had mentioned, I think, an investigative team and analytical team, was there a privileged team that looked at issues that relate to specific legal privileges?

A That's that filter team I was referring to earlier. So there was an absolutely segregated separate team that had a set of rules that were agreed upon by DOJ, the prosecutors and our OGC attorneys who were reviewing the material before we were reviewing it for privilege concerns, and the other filter categories. And I'm not the right person to speak about what all of those were. That is an absolutely separate team.

Q So when your team was to figure out what the constraints you had to operate under, were you just given agreements that the lawyers, the FBI lawyers, with the private lawyers had negotiated, or did someone sit down with you in non-legalese terms, and say, these are the

constraints that you have to work with when analyzing this particular product, or did you have to figure that out yourself?

A Yeah. No. Our OGC attorneys did a really good job and they became, you know, important people that we spoke to often to explain those boundaries, not just to us. And to be honest, it's almost less important, to some degree, that we understood it, as our OTD technologists who were actually taking the full range of the content we had, selecting out the things we're legally allowed to see, and then mounting that up on our review system so that we can look at it. It was important that they understood exactly how to do that technological work to segregate that material.

Then it would go to the filter team that I described next. And the filter team would then take what has now been segregated according to the consent or search warrant agreement, run it through those filter processes, and then the output of that is what my team would get.

It doesn't mean what we weren't aware of what the constraints and boundaries were in case any part of that process had failed, my analysts knew, I should not have seen that. This looks like it's out of scope. And then there was a process to address that through filter. So there's multiple layers that are hopefully governing what we're looking at, and ensuring that it's consistent with the boundaries that -- and we're using that word a lot, but the constraints of whatever that legal process or consent agreement was.

Mr. Somers. The filter team was from the general counsel's office?

Mr. Moffa. There was a combination. Again, there's OGC attorneys, there were some agents and analysts, again, who were brought in specifically to do that job.

Mr. Somers. That was there only involvement in midyear was just to filter?

Mr. Moffa. Their job was to look at that material for the filter purposes.

BY MR. BAKER:

Q I think I'm hearing you say there was a mechanism for this, but if somebody, either on your team, and to the extent that you could talk about the OTD people, if there was an issue where there was confusion or a discrepancy whether it was within these constraints --

A Sure.

Q -- was there a mechanism to flag it to have somebody else look closer and say, yes, you can and no you can't?

A Absolutely. So it was permissible for, like, the attorney on the filter team to speak to one of my analysts. So if they saw something that they absolutely knew exactly who they could call or talk to to sit down and look at that together and make a determination later, this is something filter should have caught or not caught. In addition to the just being able to kind of run that up the managerial chain, but more importantly, be able to speak to a knowledgeable filter attorney. So absolutely, there was a mechanism and system in place for if that were to happen, both at the OTD technological end and up here.

Q And in your opinion, that system mechanism worked?

A It worked really well. And I think it's, again, reflected in the IG report. I think the Bureau and the DOJ and the prosecutors were overly conservative, to be honest, in how we applied it. "Overly" is maybe the wrong word. But extremely conservative in how we applied those filter procedures because we didn't, in any way, want to be giving the impression, right, that it was a free-for-all, we were just looking through material.

I am not the right person to comment on whether and how conservative those things were because I'm not an attorney, but I know that great lengths were taken to make sure we weren't missing important buckets of privilege or concern that filter should be looking for. And then filter -- filter worked extremely hard, that team worked extremely hard to kind of preprocess that material before my team looked at it.

Mr. Baker. Thank you.

Mr. Parmiter. I think we're out of time, so we'll take a 5-minute break and come back with the minority.

[Recess.]

Ms. Kim. We'll go back on the record. It is 11:17. Mr. Moffa, you had something you want to say.

Mr. Moffa. Yeah. In talking to the attorneys here. I don't remember what my exact words were, I didn't want to imply in my earlier statement. I am aware who some of your witnesses are because, I think I said something like I don't know who all of your witnesses are. I want to clarify, I obviously know several of the people who you have

interviewed. I don't know who everyone is. And my point was, I have not spoken to any of those people that I knew about, or any that I would know in preparing for this testimony specifically.

Ms. Kim. Thank you for that clarification.

Mr. Moffa. Yes.

Examination

BY MS. KIM:

Q Mr. Moffa, how many mishandling of classified information cases would you estimate you've been involved with?

A That's really hard for me to estimate.

Q More than 100?

A Potentially.

Q And was the law, as applied to the facts in the Hillary Clinton case, different from the law that you have seen applied in those mishandling cases?

A Then again, I'm probably not the right person to answer that, as I'm not an attorney, right. I know that the relevant statutes that our lawyers considered during evaluation of the Clinton case is similar or the same as statutes that were considered by lawyers in the other cases I supported.

Q Do you have any reason to believe that the Clinton email investigation was not done by the book?

A No.

Q Have you ever worked on a case personally where you felt that the FBI was not acting as an honest broker and following the facts where

they led?

A Never.

Q Have you ever worked in a matter where you felt that the Justice Department was not acting as an honest broker?

A No.

Q I'd like to ask you a little bit about the Midyear Investigation. Did you have any role in opening that investigation?

A Not specifically. I was there when the decision was made to open it. I don't believe I drafted or approved any of the communications related to that, if that makes sense.

Q What about the decision to designate the matter of a sensitive investigative matter?

A Again, I may have been present during conversations related to that, but that would not have been something that I would have authorized to decide, for example.

Q To your knowledge, did the SIM designation have any impact on the thoroughness of the investigation?

A No.

Q What about the decision to designate it formally or informally as a headquarter's special. Did you have any input in that?

A No. That was a decision that was made, I believe, at the deputy director level, and then communicated down. So it wasn't a conversation about, you know, did I think that was a good idea or not.

Q And if I understand the headquarter's special designation correctly, it is to staff it out of headquarters. Is that correct?

A I think that's one way you could define that, correct. The investigative team would be based out of headquarters.

Q Was there any other way that we should be interpreting that designation in this matter?

A No. I think there are -- sometimes that term could be -- not in this matter, certainly -- there are -- the reason I'm hesitating, there are times where people would maybe use that phrase to describe a case that is being operated out of a field office, but is so exceptionally sensitive that it's considered a special, right? I think that's a flavor of that term that you could hear sometimes. That is not the flavor we're talking about here.

Q Excellent. And did the headquarter's special staffing decision in this matter have any impact on the thoroughness of the investigation?

A Ultimately, no. I think if we had not brought in sufficient investigative resources that would have been the case, but ultimately, I believe the thoroughness was not impacted because the right investigative resources were brought to bear.

Q I'm aware from the Inspector General's report that this matter was opened with an unknown subject or with an unsub designation. Are you familiar with that?

A Yes.

Q Did that designation have any impact on the thoroughness of the investigation?

A No. I think the fact that we had -- in that kind of

open-ended state in terms of the subject, allowed us to investigate or cross, not to have to focus on one individual in particular, for example.

Q To your knowledge, did the unsub designation result from any political impulse?

A No, not to my knowledge. And, again, I'm not the person who made that decision, right, about whether to do it that way.

Q You stated that you reported to Sandy Kable at the beginning of the investigation. Is that correct?

A That's correct.

Q You also stated that Randy Coleman was involved in the leadership?

A Yes, that's right. He was the assistant director at the time it opened.

Q Did you or Mr. Coleman or Mr. Kable ever express to you that they hope that you or the midyear investigative team would, quote, "get her," "her" being Hillary Clinton?

A No.

Q They never expressed to you that you should pursue this investigation with a zeal, with the purpose of investigating Hillary Clinton?

A No. The only, you know, impression I got was that this is a very serious case, and we need to handle it in a very serious manner, but not along the lines of what you just described.

Q You stated that you hand-picked the analysts who staffed this

investigation. Is that correct?

A I did, in conjunction with others.

Q What criteria did you use in choosing the analysts to staff this investigation?

A Yeah, I mean, I think I was looking for a variety of different things, experience being one. Level-headedness, intelligence, all the things that you would expect for a team that's going to come together, have to deal with really challenging circumstances, work really long, you know, hard hours, and how a team dynamic comes together. Are they able to get along with others? Do they interact effectively with investigative personnel? All those sort of considerations.

So some of those people I picked, and then some people -- once WFO personnel were brought in, came over, and those were not people that I selected myself.

Q I can show you an email from August 27, 2015.

A Okay.

Q I'll mark it as Exhibit 1.

[Moffa Exhibit No. 1

Was marked for identification.]

Mr. Sinton. Did you say August 2017?

Ms. Kim. August 2015. August 27, 2015.

Mr. Moffa. Okay.

BY MS. KIM:

Q I'd like to direct you to the second email on the page. You

wrote that email?

A Yes.

Q The first bullet down --

A Okay.

Q You wrote, we will be -- "We are using IAs" --

A That's right.

Q -- "not SOSs or MAPAs for this review because there are some sophisticated decisions being made on each piece of information related to how it fits in as evidence to the broader investigation in identifying classified information andUSIC equities?

A That's right.

Q What is an SOS?

A An SOS, and I'm going to -- I'm afraid I'm probably going to botch the title. It's like a -- again, I don't know -- again, I'm not -- I'm not going to get this definition right, but it's something along the lines of a support operational specialist.

Q What's an IA?

A Intelligence analyst.

Q What's a MAPA?

A That's a management and program analyst.

Q So how are IAs different from SOSs or MAPAs?

A So, again, this is what I was kind of discussing at the onset about these different job classifications, so IAs undergo a certain set of training and standards, and they are responsible for drawing analytic conclusions along that range of tactical strategic that we

talked about.

SOSs are a different function, but they're not analytical in the sense that they're not making analytic conclusions, but they work directly with operational personnel to help sort of sometimes maybe condition data. So, you know, a bunch of things come in, they organize that in spreadsheets, or they output that in simple charts. But I guess the distinction there would be -- but we would not look at an SOS, and say, draw an analytic conclusion about the data you've just conditioned. That would be a job for an IA, and then the IA is also combining that with intelligence and other evidence to sort of paint that fuller picture.

But the SOS plays an analytical function in a way of just kind of more mechanically maybe, although that undermines how significant the assistance and how smart and sort of intrinsic to the success of operation some of these people are. But it's more of that manipulation of the data phase, and then the analysts are interpreting that data and drawing conclusions from it.

Management and program analyst is a job category that does an immense range of function within the Bureau. So some of those are extremely high functioning business-side analysts who work on various aspects of the Bureau's mission, and then in other cases, they're used as sort of more administrative personnel. It just depends on which map or position you're talking about and which one they are. So what I'm doing here, and this is one of those instances where I'm asking in this email for our colleagues in the criminal investigative division

to provide some analysts in a search capacity to look at some of the material.

I'm making the distinction in there that I would like IAs, because we do need to draw some conclusions, even if it's just a conclusion as simply about what is this email talking about, and is there a possibility of classified information being present? I wanted that more IA level of expertise and analysis to happen, and less of just sorting things into categories or showing linkages without describing their meaning.

So that's what I'm trying to do in this email is draw that differentiation, so he sends the right type of person that we're looking for.

Q So some of the criteria implicit in this distinction would be about the rigor of the training?

A Yep.

Q And about their prior experience doing analytical work?

A Sure. Although, I'm deferring at this point to the section chief in the criminal investigative division to send me people that he believes can do that and do that well, because he's going to know his personnel better than I can. But it's fair to say that those are the types of things that we would like these IAs to be able to do.

Q Did you similarly request technologists with the high level of experience when you're requesting technologists?

A So I wasn't responsible for requesting the technologists, so, for example, the WFO personnel that came over from the field office,

they brought a CART examiner with them. That was their decision about who to bring.

I had some early meeting with OTD management, and I'm talking very early when we knew we were about to encounter this challenge, so they fully understood what we were trying to do, and they gave us some personnel to support our case, but I didn't select those people.

So, again, I think if you can look at what my part in any of that was, it was really carrying forward and expressing the seriousness and the importance of this case that was coming up in the highest levels, and imparting that to the managers in these other divisions, and they were very responsive, and I believe made good decisions in light of that importance with who they were selecting, even if I wasn't selecting them personally.

Q That makes sense. I'll try to ground this abstract discussion in a more specific set of fact.

A Okay.

Q So we have members of the committee who have raised concerns that the FBI Midyear team may have ignored allegations from the Inspector General for the intelligence community about anomalies in the metadata from the Clinton server. As a threshold matter, do you know if the ICIIG had possession of the Clinton server when it was reviewing the Clinton emails?

A No, they would not have, to my knowledge. They would have only had possession of the initial set of emails that they had when they did an initial review and made the referral to us.

Q So they would have had metadata from those emails? Is that correct?

A Potentially, there would have been metadata, and again, I can't speak to a specific recollection of this. They had electronic copies of those emails, and again, this is a distinction I raised earlier from what I believe State Department had at the onset, which was paper copies. I believe ICIG had electronic copies of the emails, and I believe there was metadata associated with those on there.

Q But they would not have had the full set of devices that the FBI came in possession of?

A That's right.

Q Does the FBI have technologists on staff with expertise in conducting intrusion analyses?

A Absolutely.

Q And do those personnel also have the ability to analyze metadata on devices and in emails?

A Yeah. I'm not an expert on the work that they do, but I would certainly say they have that ability.

Q And to your knowledge, were those technical experts used to conduct intrusion analyses on the Clinton server?

A We were able to work with our cyber division and our operational technology division to get different elements and groups of technologists to do this work to take a look at this material as a part of the work we did in examining it.

Q And would you assess that the technologist that the FBI used

are well-qualified whether a hostile power intruded on the Clinton server?

A I would.

Q Do you have any reason to doubt that the FBI's technical experts were thorough in evaluating the Clinton server?

A I do not.

Q And that includes metadata stored in that server?

A Sure. If that's a part of the process they would need to examine to be able to do that, I have every confidence that is what they did, although I can't speak to that directly.

Q Have you seen any evidence that anyone at the FBI ignored pertinent leads generated by the ICIG?

A Absolutely not.

Q Are you aware of any evidence that anyone on the FBI team ignored valid leads that would have been generated by these technologists?

A No.

Q In your experience, was there any improper political interference with the Clinton investigation?

A No, there wasn't.

Q Did any political appointees attempt to intervene in, or actually intervene in the Midyear Investigation?

A No.

Q Did any political appointees at the DOJ intervene in or attempt to give inappropriate instructions about the conduct of the

Midyear Investigation?

A No.

Q Did any political appointees at the Justice Department ever attempt to interject improper considerations like political bias into the Clinton investigation?

A Not to my knowledge.

Q And are you aware of any conduct by any member of the midyear team at the FBI or the Justice Department that had the effect of invalidating the outcome of that investigation?

A No.

Q In your view, was the Midyear Investigation a thorough and fair investigation?

A I believe it was thorough and fair.

Q And in your view, did the Justice Department and the FBI take all necessary and prudent steps to complete that investigation?

A I believe it did.

Q Did you ever feel that the Justice Department and the FBI had to compromise on investigative strategy because of political pressure?

A No, not because of political pressure. The compromise all surrounded sort of the complicated nature of what we were trying to do, as I described kind of at length in the earlier part of the session.

Q So there were complex strategic decisions made?

A There was complex strategic decisions made, some of those were difficult. I don't believe politics factored into the way those

things were decided.

Q And, personally, did you approach the Midyear Exam case as aggressively and impartially as you would any other case?

A I did.

Q Do you believe your colleagues at the FBI also approached it as aggressively and impartially as they would any other case?

A I do.

Q And did the Justice Department colleagues?

A I do.

Q Yes. Did you investigate this matter with the same determination to make a case as in any other matter?

A Sure. I mean, I think the Bureau approached this exactly as it approaches investigations.

Q It approached it as aggressively as it approaches any other mishandling of classified information investigation?

A I think aggressive -- I think we have to sort of talk about what we're talking about here. Did we dedicate more resources maybe to this case than we would to a more run-of-the-mill mishandling case? Yes, we did. Does that change the seriousness with which we would consider any case involving mishandling? No. We approached it with that same level of seriousness. It does not mean it's the same level of resource allocation, if that makes sense --

Q That makes sense.

A -- or priority.

Q At any point in this investigation did you personally attempt

to ignore or bury any probative relevant evidence?

A No.

Q To your knowledge, did anyone on the FBI team or the Justice Department team attempt to ignore or bury relevant probative experience of Secretary Clinton's guilt?

A No.

Q Thank you. Thank you for answering that set of general questions. I'll try to hone in on more specific aspects of that investigation now.

A Sure.

Q In most investigations, even before the last witness has been interviewed, do FBI personnel and prosecutors discuss whether there is enough evidence to support charging a case, and where to look for additional evidence?

A Sure. I think, you know, although you're not making definitive conclusions, I think there's an ongoing dialog around what, for example, what potential additional evidence would need to be acquired to make a prosecution possible. So you have to sort of evaluate where you are and what the case is resulting in in the moment to have those conversations, which are important to bring a case to prosecution.

Q So it's not unusual for prosecutors and for FBI investigators to discuss where a case is headed even before the last witness is interviewed, and even before the last piece of evidence has been examined?

A Yeah, in my estimation, that wouldn't be unusual.

Q In your experience, when in the life cycle of a case do these discussions start?

A I actually think they start relatively early on. I mean, at the onset of the case, you're evaluating -- and this is, again, just my personal experience -- you're evaluating the evidence that's in front of you from the moment the case begins and where you are potentially on that, again, the spectrum of, is this prosecutable and is it not. And that understanding in part is informing the things that you need to do to get further along that spectrum.

So there is some initial conversation, even around, you know, this is going to take, you know, some additional work in these areas before we can contemplate prosecution, for example. So that's not devoid of some sort of assessment from the onset of where a case is in terms of that prosecutability.

Q How would you distinguish that ongoing assessment with prejudging the outcome of a case?

A Yeah. I don't think that's prejudging the outcome as much as it is being realistic about the facts you have in front of you at that moment, and what they tell you about its prosecutability. That, in no way, is steering a case or somehow -- assuming what that end state is going to be, it's an assessment of what facts you have, what facts you need to get to that prosecutive spot. And I view those as two completely different exercises.

Q At any point in the Clinton investigation did you feel that

any of your colleagues had prejudged the outcome of the investigation?

A No.

Q So even when they were discussing the amount of probative evidence that had been gathered in the case, did you feel that they were not locked into any single conclusion about where the case was headed?

A I never believed that anybody was locked into a single conclusion.

Q When did you personally first understand that evidence of Secretary Clinton's intent and knowledge would be critical to a charging decision?

A Oh, I knew that from the beginning, in large part, based on my experience in counterespionage and the challenges of prosecuting especially mishandling of cases, that that is a critical element of the ability of prosecutors to bring that case. Again, that is not an expert opinion, and that is not an educated opinion as an attorney, that's just my experience in working counterespionage, that that element is important to prosecutability of those cases.

Q So were you and your team looking for evidence of intent early on?

A I think it was a factor in the materials we were looking at, and certainly -- but it wasn't the primary focus, necessarily, of the reviews we were doing. But if we were to find clear evidence of that intent, it certainly was something my analysts would have known to flag and bring to the forefront.

Q And to your knowledge, did your analysts find any clear evidence of Secretary Clinton's knowledge or intent?

A I don't believe they did. I don't want to speak specifically because I don't know what every single analysts saw. But there was certainly -- and I think the IG report even covers that, and I made some comments in there, we didn't have evidence, to my knowledge, showing sort of this willful criminal intent to use the system to transmit classified information.

Q Were you generally aware of the investigators' review of the content of the emails and their interviews with the relevant people who would have known about the emails?

A Yeah, I'm generally aware of.

Q And to your knowledge, did those reviews, or those interviews, yield any smoking-gun evidence of Secretary Clinton's knowledge or intent to willfully misplace classified information?

A I'm not really comfortable commenting on it in those terms because, again, as a non-prosecutor, I'm not equipped to necessarily pick out what would be a smoking gun. I'm not aware of any -- I personally am not aware of any statement made in any of those interviews specific to the willful transmission of classified information using the systems.

Whether or not other statements made would constitute what someone else would consider a smoking gun for prosecutive purposes, I don't feel like I'm equipped to really say, but to that last sentence I sort of just gave, I'm not aware of anything specifically related

to their willful transmission of classified using the system.

Q Do you have any evidence that would lead you to disagree with the Inspector General's general descriptions about -- or conclusions about the Clinton email investigation?

A Again --

Q As -- sorry, let me narrow that down.

A Yeah, I was going to say.

Q As it relates to the evidence of intent and knowledge on the part of the Secretary Clinton?

A No, I don't have any reason to oppose those.

Q I'm going to quote the Inspector General's report on this back to you. He states on page 163. "Our review found that the Midyear team concluded in the beginning and early 2016 that evidence supporting a prosecution of former Secretary Clinton or her senior aides was likely lacking. This conclusion was based on the fact that the Midyear team had not found evidence that former Secretary Clinton or her senior aides knowingly transmitted classified information on unclassified systems because, one, classified information exchange and unclassified emails was not clearly or properly marked. And, two, State Department staff introducing classified information into emails made an effort to talk around it."

Is this conclusion from the Inspector General consistent with your experience on the case?

A So, again, I can't speak to what others were feeling at the time. And this, I would assume, is based on their investigation, which

extracting more directly people's opinions. I don't remember having a specific opinion that said that at that time. So I want to make that clear. But I can absolutely understand how in that moment, referring back to my earlier comments about how it's this ongoing sort of evaluation of where you are factually along that spectrum of not ready for prosecution to prosecution, the members of the investigative team were living this every day, and seeing that evidence could be at that place in early 2016 of saying, you know, as we're sitting here right now, we don't believe we're going to have enough to prosecute. That seems reasonable to me.

Q To your knowledge did that type of discussion about where the evidence was at that point in the investigation lead to the Midyear team stopping its investigation, attempting to discern evidence of intent or knowledge on the part of Secretary Clinton?

A No, I mean, I think it's the opposite. And I think you see in the Inspector General's report, towards the end of the case, how aggressive the team was in trying to acquire some of these final key devices that could potentially contain emails or other communications we hadn't acquired before. All of that is because it wasn't just good enough to say, well, we don't have it, so let's give up. It was to try to pursue it to the very end, and that's what I believe everybody did, as aggressively as they could, within the boundaries and constraints that we were forced to deal with.

Q The Inspector General's next sentence says, "The Midyear team continued its investigation, taking the investigative steps and

looking for evidence that could change their assessment." Is that consistent with your experience?

A That is consistent with my experience.

Q Is it your belief that at any point in the investigation, if the team had found any evidence of intent that the team would have pursued that lead?

A Oh, certainly.

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

A Sure.

Q You referred repeatedly in this interview to the FBI and DOJ's disagreements on the use of compulsory process in this investigation?

A Uh-huh.

Q To your recollection, did Peter Strzok and Lisa Page generally advocate for or against the use of compulsory process?

A It's hard to make a sweeping statement like that, because it really depended on the circumstance. There were times where Pete and/or Lisa, and I can't always say they were on the same side of those conversations, would advocate for legal process in some circumstances or consent in others. I can't specifically tell you which ones were which. And it's increasingly hard to remember that 3 years after the fact.

But I would not say that there was a one-sided sense of that. I think Bureau personnel, in general, had -- and I tried to explain it

earlier -- had more of a starting point belief that legal process was faster and better. And I think that evolved. It certainly did for me. Our understanding that that may not always be the case. And so I think this was really one of those case-by-case determinations and sometimes one or both of them were on either side of that debate.

Q Just as you generally characterized Bureau personnel's approach to compulsory process, how would you generally describe Justice Department lawyers' approach to compulsory process?

A Yeah. Again, I don't think they think about it, you know, as they support one bucket over the other. Lawyers, in my experience, are very fact-dependent, situation-dependent, and I felt like that was the case here. They would evaluate the circumstance for that device, or that system, or that piece of equipment that we were trying to acquire. And then they were doing an evaluation of what is the best -- or best, both in terms of the speed by which we can acquire it, and the way that gives us the greatest latitude to review it, or exploit it for the amount of evidence that we need. And in some cases, that was consent and in some cases that was legal process. It was that evaluation though, to me, was as fact-dependent for them as it ended up being for us.

Q Did you ever feel that the Justice Department lawyers on the Midyear team were making strategic decisions about compulsory process based on their personnel political views?

A No. I think they were making those decisions on the basis of what they thought was best in the couple of ways I just described.

Q So they were based on legitimate differences opinion and maybe legitimate differences of strategy. Is that correct?

A Certainly.

Q The Inspector General concluded on page 149 of the report that in some instances, Strzok and Page advocated for more aggressive investigative measures than did others on the Midyear team, such as the use of grand jury subpoenas and search warrants to obtain evidence. Is this section of the Inspector General's report consistent with your general experience that Lisa Page and Peter Strzok on the Midyear team generally advocated for aggressive investigate measures?

A I think it is. I don't what they're referring to specifically there, but they were certainly aggressive advocates for certain actions. Yeah.

Q And in your experience, did any senior political leaders at the Justice Department intervene in the decision to seek or not seek compulsory process?

A No.

Q Let me list them out. Did Loretta Lynch ever intervene in the decision to seek or not seek compulsory process?

A Not to my knowledge.

Q Did Sally Yates?

A Not to my knowledge.

Q Did Matt Axelrod?

A Not to my knowledge.

Q Did John Carlin?

A Not to my knowledge.

Q Did any of the disagreements between the FBI and the Justice Department on how to obtain evidence ultimately affect the completeness of the investigation?

A I don't believe so. But, again, you know, as analysts, you have to remember, I'm not a party to every one of those debates, and I'm not a decider of them. So I may not be the best person to answer that definitively, but not to my knowledge.

Q In your experience, in counterespionage cases and counterintelligence cases, is it common to have disagreements between FBI personnel and Justice Department lawyers working on a case about compulsory process?

A Yeah, I think -- again, you have to -- you have to keep in mind, lawyers are trained to truly understand the requirements of probable cause and the elements that need to be hit and how they need to frame that, especially when you start dealing with different jurisdictions. And agents are not trained to that degree. So you're going to encounter normal discussions where an agent may feel like their case is better prepared for legal process than an attorney believes, in their more expert opinion. It doesn't mean the attorney is always right or the agent is always wrong, but you're going to have those disagreements occasionally. And some of it is just a simple fact of not understanding the reality of that situation at the same level. But it does not, to me, that does not -- that's not a sign that there's some like broken relationship even. That, to me, is part of the healthy

discussion that happens in investigations.

Q Did you see any evidence of bad faith in the way that career prosecutors approached the strategic decision whether to use compulsory process?

A For Midyear exam?

Q Yeah, for Midyear exam?

A No.

Q Do you feel that the Justice Department and the FBI followed the facts in this investigation?

A Yes.

Q And did those facts support a recommendation of prosecution for Hillary Clinton?

A Again, I have not and I don't feel comfortable making that judgment. That's not, you know, something that as an analyst I'm equipped to comment on.

Q That makes sense. Thank you. There have been many allegations surrounding the process by which Director Comey drafted his July 5, 2016, statement, so I'd like to walk through that process in detail.

A Sure.

Q Do you remember who drafted the initial statement?

A I believe it was Director Comey himself.

Q And who held the authority to approve the final language in the statement?

A Director Comey himself.

Q Did you personally have the authority to approve the final language of July 5, 2016 statement?

A No.

Q Did Peter Strzok?

A No.

Q Did Lisa Page?

A No.

Q Did Andrew McCabe?

A No.

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

A No.

Q Did you ever witness anyone on the FBI Midyear team making edits or suggestions to the statement with the purpose of helping Secretary Clinton or damaging the Trump campaign?

A No.

Q Did you personally ever push back on the group consensus on the legal conclusions in the statement?

A Again, I did not comment then or now or ever on the legal conclusion side of it, that's not my place, and it wasn't my role in the case then or now.

Q Do you remember engaging in any spirited discussions on word choice?

A I remember being presented for them. Again, I know this is

a common theme, but I'm in these rooms, I have a role. And in my mind, my role for this statement was to bring a solid factual understanding to those conversations. And so, for example, you know, I may -- like if I'm commenting back on an email about the statement, what I'm commenting back on is word choice that I believe does not accurately reflect the reality as my analysts and my team has sort of determined it.

What I am not doing is commenting on word choice to reflect some sort of legal conclusion or impression. But it doesn't mean that I'm not present maybe when those conversations are happening, but that's not something I'm doing. I really view my role very specifically as a fact-oriented role. If the Director has decided to make a statement and has written a draft, if there are facts that I know from my chair as the head of the analytic team that should be worded differently to more accurately reflect the reality of the situation. So I wasn't involved in the word choices that might relate to some of those other elements.

Q But you were present for some of those?

A I was absolutely present for some of those discussions, sure.

Q Do you remember Peter Strzok ever trying to push back on the group's consensus on legal conclusions in that statement?

A I don't remember that.

Q Do you remember Lisa Page ever trying to buck the group consensus on legal conclusions?

A I don't remember that, but I certainly remember her being

a party to some of these heated legal discussions that I was, again, following as kind of an outsider.

Q We've heard that the culture of these meetings was to allow for very spirited and a free discussion. Were members of the Midyear team free to express their concerns throughout the drafting process?

A Yeah, I believe so.

Q And do you remember any member of the team expressing significant disagreements or reservations about the statement's final wording?

A I guess you'd have to define what you consider significant. There was a lot of back and forth around word choice or items of concern. You'd have to ask them about what they considered significant. The things that I suggested I thought were significant enough to tell the Director about. But ultimately, you know, it's his decision to make the statement, and he had formulated the central basis of it. It was about making it more accurate and reflective of reality in my mind than it was about sort of shaping it. If that makes sense.

Q Do you remember anyone disagreeing with the decision to recommend against bringing criminal charges?

A I don't remember that.

Q Why, to your knowledge, was this initial draft created before the FBI officially closed the Clinton investigation?

A I think the Director is the best one to answer that because he is the one who triggered its creation. The impression I got, my personal impression was that given the significance of the case and

ultimately, if he were to choose to make a statement like this, he wouldn't have wanted to be envisioning that statement at the last minute or in a hurried way. So I think my impression was, his idea was he wanted to start with a healthy debate and discussion around that statement early, so that it wasn't a last-minute decision.

I didn't take that in any way personally, as a sort of command signal that we had to decide the case at any one particular direction. It was so that that statement could be created in an un-timed-constrained way, that there's enough time allowed for it to be accurate and sort of the merits of it to be discussed fully. That was my impression. He's really the only one I think who could answer the question of why he started the conversation about it when he did.

Q To your recollection, did that statement's conclusion, which was to recommend against charges for Secretary Clinton, accurately reflect the set of facts that the FBI had before it?

A To the items that I feel like I had purview and knowledge over, it reflected those well. I couldn't speak, again, to the sort of legal analysis aspects of that, that's something that I think our attorneys would have to comment to you on about, whether that truly reflected the right sort of legal analysis. Again, my portion of it is just more kind of factual part related to the review of the material, the type of things that me and my team were responsible for, and that, I believe, generally reflected what we had found.

Q Do you remember a meeting where you and Mr. Strzok discussed the Director's first draft of the email?

A I remember a meeting, and I don't remember if it was the first draft or a subsequent draft, a meeting where it was me and Mr. Strzok and several others below the SES level who had been sort of tasked to take a look at the draft. I can't remember if it -- again, since there are multiple drafts of it, if the meeting I'm specifically recalling, like when exactly that occurred and what draft it was of, but I was certainly part of a meeting where we talked about the draft.

Q Were legal conclusions part of Mr. Strzok's tasking?

A No, not in my view.

Q So I understand from the Inspector General's report that there was a significant amount of discussion about the phrase "gross negligence" in the Director's draft?

A That's correct.

Q Would Mr. Strzok's tasking have included assessing the validity of including or not including that phrase?

A I would say no. And in my recollection, that was a conversation amongst attorneys, and Mr. Strzok was not a -- although he may have rendered opinions, he had opinions, but really, those were lawyer-to-lawyer discussions on that specific point.

Q And were you present for some of those lawyer to lawyer discussions?

A I was, although I can't recall specifically what that discussion entailed necessarily, like why one side versus the other or what those salient points were. Again, because that wasn't my area of the responsibility. I'm really just listening versus, you know,

actively participating or engaging in that conversation, I'm just there.

Q To the best of your recollection, was that discussion based on the law, the facts, and the precedent of the Justice Department?

A Yes.

Q Do you remember improper considerations like political bias ever coming into play?

A No.

Q Did that discussion, to your recollection, ever involve trying to find a work-around in the law to help Hillary Clinton avoid criminal liability?

A I don't remember that.

Q There is a resolution entitled House Resolution 907 that was introduced by Members of Congress, it was introduced on May 22, 2018, and it requested that the Attorney General appoint a second special counsel. I'll read you one clause of that resolution. It states, "Whereas, Director Comey, in the final draft of his statement allowed FBI agent Peter Strzok to replace 'grossly negligent,' which is legally punishable under Federal law, with 'extremely careless,' which is not legally punishable under Federal law.

Do you agree with the characterization that Director Comey allowed Peter Strzok to replace "grossly negligent" with "extremely careless"?

A I do not. It would not have been Strzok's -- within his authority to replace that statement. The Director ultimately approved

what he approved, and it certainly would have been within the scope of the various lawyers who were also looking at that statement much more so than his.

Q So at the time that Director Comey wrote his first draft, and "grossly negligent" was included in that draft, do you remember if the statement concluded that the FBI should recommend prosecution of the Secretary Clinton?

A I don't remember.

Q Do you remember if it recommended against prosecuting Secretary Clinton?

A I don't remember specifically. I don't ever remember seeing a draft that recommended for prosecution of Secretary Clinton, maybe that's a better way of saying it.

Q The phrase "grossly negligent" was deleted by the final draft, and the line edit deleting that phrase was put into the statement during a June 6, 2016, meeting that the Inspector General says that you had with Lisa Page, Peter Strzok, and another attorney at Mr. Strzok's computer. Is that correct?

A That sounds right.

Q Do you remember if Mr. Strzok was the one who suggested that change?

A My recollection is that that was a conversation between the two attorneys in the room, and I do not remember Mr. Strzok's involvement in that discussion. It doesn't mean that he didn't render an opinion or wasn't part of it. I do not recall it.

Q And am I correct in characterizing that you also remember broader discussions with more lawyers about that very specific phrase preceding that line edit?

A I have a recollection and, again, it's non-specific, I can't tell you when it happened, that that was then later discussed at one of these meetings in front of the Director with other OGC personnel present, subsequent to -- so even maybe even those initial discussions about that line. So in that subsequent discussion, right, there are other OGC personnel at even higher levels present for that conversation.

Q And so, did the edit that deleted "grossly negligent" impact the FBI's substantive recommendation for or against prosecution in any way?

A So that -- again, I'm not equipped, as a nonlawyer, to really answer that. That's better posed I think to one of our general counsel attorneys.

Q Another clause of the resolution that I referred to, Resolution 907, stated, "Whereas, according to transcripts obtained by the Senate Judiciary Committee, former Director Comey was prepared to exonerate Hillary Clinton as early as April or May of 2016 when he began to draft the statement announcing the end of his investigation before up to 17 key witnesses, including former Secretary Clinton, and some of her closest aides were interviewed."

In your experience, is it accurate to say that Director Comey was prepared to exonerate Secretary Clinton as early as April or May

of 2016?

A That's not the phrasing I would use. I think he was contemplating what a statement would look like at the end of the case in that timeframe. But I do not believe at that point he's intending that to be a document that's preparing for exoneration, and I certainly didn't feel as a member of the team working on that case that that was putting pressure on me to think that at that point.

Q So is it accurate to say that the initial draft statement by Director Comey did not lock in the FBI in any way to prosecute or not prosecute?

A I think it's fair to say that, at least personally, I did not view him creating a draft of that statement in that time period as obligating me or anyone on the team to decide or conclude anything for the investigation.

Q Is it your belief that if the FBI had encountered new evidence maybe in Secretary Clinton's interview that supported prosecuting Secretary Clinton after Director Comey had drafted that statement, is it your belief that the FBI would have ignored that evidence and stuck with the existing draft statement?

A We never would have ignored that evidence, in my opinion.

Q Did the FBI actually receive new evidence after Director Comey drafted that statement that supported prosecuting Hillary Clinton, in your experience?

A Again, I can't comment on whether the evidence supported prosecution or not, we absolutely acquired new evidence subsequent to

that statement, but again, it's better posed to the lawyers as to whether any of what was collected post the drafting of that statement supported or didn't support a prosecution.

Q Did you ultimately disagree with Director Comey's recommendation that criminal charges not be brought against Hillary Clinton?

A Again, I just haven't or won't sort of make an informed opinion on that. I'm not a lawyer. I don't understand intricacies of the statutes enough to really give a qualified opinion on that.

Q The Inspector General concluded on page 238, "We found no evidence that Comey's public statement announcing the FBI's decision to close the investigation was the result of bias or an effort to influence the election. Instead, the documentary and testimonial evidence reviewed by the Office of the Inspector General reflected that Comey's decision was a result of his consideration of the evidence that the FBI had collected during the course of the investigation, and his understanding of the proof required to pursue a prosecution under the relevant statutes."

Is that statement from the report consistent with your experience?

A Yeah, I think it is.

Q As far as you could tell, was bias one effort to influence the election part of the FBI's decisionmaking in any way?

A No.

Q And do you have any reason to believe that Director Comey's

recommendation against prosecuting Hillary Clinton was influenced by improper considerations, including political bias?

A No.

Q In March 2017, Director Comey disclosed in public testimony before Congress that the FBI had begun an investigation into, quote, the Russian government's efforts to interfere in the 2016 presidential election, including the nature of any links between individuals associated with the Trump campaign and the Russian government, and whether there was any coordination between the campaign and Russia's efforts. Throughout I'll try to refer to that as just the Trump/Russia investigation, but that's the shorthand.

Mr. Moffa, did you work on the Trump/Russia investigation?

A I was the section chief over counterintelligence analysis during the period of the election. And as a result, I had analysts who reported to me who supported the full range of the FBI's counterintelligence investigations and counterespionage investigations during that period. So in a sense, if there's a Russian-election-related investigation underway in the division at that point, personnel reporting to me are a part of it.

Q So I'm trying to think of the different bins that would have part of your responsibility?

A Uh-huh.

Q Would the general concern about Russian efforts to interfere in our election separate from any interaction with any campaign have been a part of your team's job?

A That's right. So as the section chief, my section had units responsible for the entirety of the Russian counterintelligence threat, and that includes subsets of that threat that might manifest for one political campaign or another, the holistic Russian counterintelligence threat is the analytic responsibility of the section I managed during that period, all aspects of it.

Q To your recollection, did the FBI ever brief the Obama White House about that general Russian election interference effort?

A My recollection is that the Director was part of a variety of U.S. intelligence community meetings with the White House in the run-up of the election related to the overall topic of Russian election interference. I was not present at those meetings, and I can't speak to the specifics of the, but certainly with the work we were doing was, in part, informing the Director so that he could represent what the FBI was learning and doing in those meetings with the White House.

Q To your knowledge, did the Obama White House ever involve itself with substantive decisions regarding the specific investigation into contacts between the Russian government and agents of the Russian government on the one hand, and individuals associated with the Trump campaign on the other hand?

A Again, I can only speak from my personal knowledge, not to my personal knowledge.

Q I'd like to ask you a series of general questions about the FBI's investigative techniques. On May 18, 2018, President Trump tweeted, "Apparently the DOJ put a spy in the Trump campaign, this has

never been done before, and by any means necessary they are out to frame Donald Trump for crimes he didn't commit."

Are you personally aware of any information that would substantiate the President's claim that the Justice Department put a spy on the Trump campaign?

A Let me confer with my attorneys quickly. Given the importance of that question, I want to make sure I answer this accurately. So to the question of did the FBI put a spy in President Trump's campaign, the answer is no, to my knowledge.

Q To your knowledge, does the FBI, in its current incarnation, place spies in U.S. political campaigns?

A To my knowledge, no.

Q Are you personally aware of any information that would substantiate the claim that the Justice Department is out to frame Donald Trump?

A No.

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

A No, not personally.

Q Have you ever personally been involved in a Justice Department or FBI investigation conducted for a political purpose?

A The investigation was conducted for a political purpose, is the question? No.

Q Have you ever been involved in an investigation that

attempted to frame a U.S. citizen for a crime he or she did not commit?

A No.

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

A No. And what I'll clarify is the FBI goes -- and DOJ, work very carefully to make sure that sources referenced in FISA applications are characterized appropriately. And that that would include anything we may be aware of related to their motivations, biases, or other issues that might reflect on their credibility.

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

A No.

Q Are you aware of the FISA court ever approving an FBI or DOJ warrant -- FISA warrant, excuse me, that was not based on credible and sufficient evidence?

A I've never -- no, not in my personal knowledge.

Q In your time at the FBI, are you aware of any attempts by the FBI or the Justice Department to intentionally mislead FISA court judges in an application for a FISA warrant by omitting evidence or by manufacturing evidence?

A No.

Q In your time at the FBI have you been a part of any attempts by the FBI or the Justice Department to fail to follow all proper procedures to obtain a FISA warrant?

A No.

[12:10 p.m.]

BY MS. KIM:

Q Can you briefly explain what the Five Eyes Alliance is?

A It's the collection of foreign liaison partners that work very closely with the U.S. Government on a wide range of matters.

Q So that would include the United States, the United Kingdom, Canada, New Zealand, and Australia. Is that right? I'll represent to you that it does. Do you have any reason to believe --

A I don't have any reason to believe that it doesn't.

Q To your knowledge, is Five Eyes the only channel that the FBI uses to receive information from these other countries, like the UK, Canada, New Zealand or Australia?

A I'm not sure I completely understand that question. So is the question --

Q Did you have bilateral information sharing relationships outside of the formal Five Eyes alliance with those countries?

A I don't know that I can comment on exactly how that works. To me, we work with our Five Eyes partners, and sometimes, we bilaterally work with an individual -- oh, I guess that may be the question. Yes, we occasionally work individually in a bilateral way with members of the larger Five Eyes group, correct.

Q On May 20, President Trump tweeted, "I hereby demand and will do so officially tomorrow that the Department of Justice look into whether or not the FBI/DOJ infiltrated or surveilled the Trump campaign for political purposes, and if any such demands or requests were made

by people within the Obama administration."

At a political rally 9 days later, the President again stated, "So how do you like the fact that they had people infiltrating our campaign?"

To your knowledge, did the FBI or DOJ ever investigate the Trump campaign for political purposes?

A To my knowledge, we have not investigated anyone for political purposes.

Q To your knowledge, did President Obama or anyone in his White House ever demand or request that the Justice Department infiltrate or surveil the Trump campaign for political purposes?

A Not to my knowledge.

Q Do you have faith that the leadership of the FBI would have handled any requests of this nature appropriately from any presidential administration?

A I would think so, yes.

Q And what would be the proper response?

A I don't know that I'm equipped to answer that question, how you would respond to the White House specifically, but we certainly would not conduct investigation surveillance or other activity for purely political purposes.

Q Is that a faith that you have in former Director Comey?

A It's faith I have in former Director Comey but more importantly in the institution of the FBI and the men and women that work for it.

Q There have been some persistent conspiracy theories involves Justice Department lawyer Bruce Ohr. To your knowledge, did Mr. Ohr have any role in drafting or reviewing the Carter Page FISA applications?

A Not to my knowledge.

Q To your knowledge, was Mr. Ohr part of the decision-making chain of command for the Page FISA application?

A Not to my knowledge, but, again, I'm going to caveat here that creation of FISA packages and that legal process fits that same sort of bifurcation of responsibility I described when we were discussing the Clinton matter; that myself and the analysts involved, while we may provide factual input that is ultimately placed into a FISA application, you know, we don't play a role in writing, approving, or otherwise putting through the approval process these FISAs, right. That's the investigative side of our house. So not to my knowledge, but I can't speak to exactly how the approval for any individual FISA related to any of this worked.

Q To your knowledge, was Mr. Ohr part of the approval process for the Page FISA?

A Not to my knowledge.

Q To your knowledge, was Mr. Ohr ever a decision-maker for matters pertaining to the FBI's counterintelligence investigation into connections between the Russian Government and individuals in the Trump campaign?

A Not to my knowledge.

Q Was Mr. Ohr, to your knowledge, involved in any way in the decision to initiate the counterintelligence operation relating to Russian contacts with individuals in the Trump campaign?

A Not to my knowledge.

Q So to your knowledge, he had no role whatsoever in the decision to open that counterintelligence operation?

A To my knowledge, he had no role in that decision.

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

A Not to my knowledge.

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

A Not to my knowledge.

Q Earlier this week, Special Counsel Mueller's team successfully prosecuted former Trump campaign manager Paul Manafort. Mr. Manafort is now a convicted felon. He's been found guilty on eight counts of bank and tax fraud and stealing tens of millions of dollars from U.S. taxpayers.

Do you believe that any actions that the FBI or Justice Department took in initiating the Russia investigation call into question the legitimacy of Mr. Manafort's criminal conviction?

Ms. Bessee. So to the extent you're asking the witness to comment on an ongoing criminal investigation that's under special counsel's authority, I will instruct him not to answer. If you're asking based

on something he's aware of in the news --

Ms. Kim. I'm asking him based on what he's aware of in the news.

Ms. Bessee. So to the -- I will instruct him not to answer based on the fact that it's an ongoing criminal investigation.

BY MS. KIM:

Q Thank you. Let me try a more general tack. Do you believe that it is important that the special counsel be allowed to complete all aspects of his investigation without interference?

A Yeah, my personal opinion is yes.

Q Why?

A Because, like any investigation we run, that has to be thorough and without any sort of political or otherwise -- I'm not sure what the right word is to use -- influence being exerted upon it. It should follow the facts, the truth, and the law, and that's what I would hope that the special counsel or any FBI investigation would do.

Q Is that the standard to which you held the Clinton investigation?

A Yes.

Q And that's the same standard to which you would hold the special counsel's investigation?

A It's the same standard I would hold to any investigation the FBI runs, to include that the special counsel is conducting.

Ms. Kim. Thank you. That will complete our round of questioning. The time is now 12:16. We'll go off the record.

[Recess.]

Mr. Parmiter. Okay. Let's go back on the record. The time is 12:23.

BY MR. PARMITER:

Q Mr. Moffa, I just want to follow up on a couple things our colleagues asked you in the previous hour. When did you learn that an investigation was being opened or had been opened into ties -- potential ties between the Trump campaign and Russia?

A Okay. Give me 2 seconds to talk to the attorneys.

[Discussion off the record.]

Mr. Moffa. Just trying to make sure we stay at the unclass level.

BY MR. PARMITER:

Q No, that's fine.

A So the question is when did I become aware that -- of the investigation into the specific connections between Russia and the Trump associate?

Q Correct.

A That would be July 2016.

Q July 2016. And do you know who authorized the initiation of that investigation?

A I think -- and, again, I can't remember the specifics. I believe Pete Strzok would have been in the approval chain for that communication -- I can't remember if that was just him -- and others up the chain from him in the counterintelligence division.

Q Okay. And you said he would have been in the approval chain. For this investigation or other investigations like that, what does

an approval chain look like?

A An approval chain can really start anywhere, depending on who's opening the investigation. It could start with an individual case agent. It could be the agent's supervisor. It's really whoever drafts that initial opening communication for an investigation, and then it would go up depending on what the required approval levels were up through the chain of command for that investigation. So it could be a couple of levels up. It could be higher, depending on the nature of the investigation.

Q And are we speaking specifically in terms of levels within the FBI?

A Within the FBI, that's right.

Q Okay. When an investigation is initiated does DOJ have a role?

A DOJ is notified. And, again, I'm not a lawyer, so there may be other circumstances I am just not remembering where DOJ would have a role. I believe there are certain types of cases potentially that DOJ has to also approve, but for the vast majority of cases, it's a notification that the FBI has initiated investigation to the Department of Justice. That's my understanding.

Q Okay. And in terms of types of cases, would -- I think you talked a little about this in the last hour -- a case like this one that, you know, the FBI ultimately devoted a significant amount of resources to involve a high-level target, involved, you know, things like that, would DOJ -- you know, obviously I'm asking you about the

ordinary course --

A Sure.

Q -- related to an extraordinary investigation. But would DOJ have a role in opening an investigation like that?

A Again, I don't know. And there are defined guidelines that I'm not an expert in because, again, analysts don't open cases. But there are defined guidelines around the certain types of investigations and what those approvals are, and I would refer you back to those and how those work.

Certainly, DOJ would be notified in any of these situations of the opening, but unless it's this certain subset of cases, which I don't define personally, but is definable, they don't have to approve our opening of the case. The FBI can open the case independent of DOJ saying you are allowed to open it. But those notification requirements are there.

Q Okay. So in this case do you know whether anyone at DOJ was notified or had to approve the opening?

A I don't know that personally.

Q Okay. So --

BY MR. SOMERS:

Q So did Peter -- could Peter Strzok, was he high enough in the chain to have approved the opening, or would he have had to seek someone else's approval?

A I don't know specifically for this case what happened. A DAD level --

Q No, I just mean in general.

A In general, a DAD level operational manager, I believe, would be high enough up to open certain types of cases, yes.

BY MR. PARMITER:

Q And at the beginning of this case, that's the role that he held, deputy assistant director?

A As my recollection fits, again, with the timeline of promotions and other things, I believe he was deputy assistant director in the counterintelligence division in July of 2016 when this case initiated, yes.

Q Okay. Did you have any knowledge about alleged ties between the Trump Organization and Russia prior to the opening of the investigation?

A That wasn't something that I was knowledgeable of tracking prior. It doesn't mean that that individual analysts who worked for me, who were deeply involved in, like, the Russia target, wouldn't have some sort of indication. I'm saying me, personally, I wasn't following that sort of line until this July 2016 timeframe.

Q Okay. So once the investigation had been opened, were you assigned to it immediately?

A By nature, and this is absolutely by nature of the job I was in as chief of the counterintelligence analysis section, my analysts had to support the investigation. So I was a part of it by default, and immediately thereafter.

Q Okay. So what was your role?

A Similar to the description we went through for the Midyear investigation. My job was the, at this point, the executive-level manager of the analytic team broadly working the Russian counterintelligence threat, so the holistic problem of a Russian election interference, and then the subset of analysts specifically supporting the individual investigation we're talking about here, and then there are layers of management between me and those individual analysts.

Q Okay. And who -- so that's your supervisory role sort of supervising your subordinates. Who did you report to?

A So I reported -- and, again, this bifurcates a little bit, and I know this is complicated. So for the bigger, sort of, Russian investigation, I had a reporting chain more directly up to AD Bill Priestap and then up the chain from there.

For the bigger Russian effort, I had a deputy assistant director at -- because I was the section chief at that point. I had a deputy assistant director over me who I reported to and then up through Bill Priestap for the bigger question of Russian election interference and the things we were doing associated with that, if that makes sense.

For this very specific case, it was a much more direct line to Bill Priestap. For that bigger, more holistic effort, which was happening simultaneously, it's up through my normal deputy assistant director over counterintelligence analysis of the intelligence program at CD.

Q And was that Mr. Strzok?

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A No. It was the deputy assistant director, Dina Corsi.

Q Dina Corsi, okay.

When the special counsel was appointed, did your role in the investigation end once that happened?

A It did.

Q Okay.

A I believe my role may have ended even prior to that because I got the job that I'm currently in, which was outside of counterintelligence division, I believe prior to the special counsel fully forming.

Q So specifically to this investigation, though, how many times did you meet or were you involved in meetings with Director Comey regarding this investigation?

A So I don't have the exact number. There were numerous meetings, both on this topic and on the broader topic, in which this would be a subcomponent of the discussion. So we're meeting pretty regularly in larger groups with him about the Russian issue, and that more holistic version, which I'm also responsible for.

And then -- so there were times where there were specific meetings for this case, and there were times where we would have these bigger meetings, and this would maybe be a conversation within those bigger meetings on the bigger topic or not. So I just don't have a number for you. It was relatively frequent, though.

Q Okay. So in the Midyear investigation you met -- there were sort of regularly scheduled meetings for that, right?

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COMMITTEE SENSITIVE

A That's right.

Q Is it a similar thing with this case?

A I don't -- I can't remember the exact cadence, but it's pretty regular. I mean, I'm not sure it was as scheduled the way that we eventually got in the Midyear case, where it was a regular kind of day and time sort of thing. But certainly the frequency was, I would say, on par with that.

What I can't distinguish is when I'm meeting with him is it on the bigger Russian problem or is it on this case specifically. In my mind, it's all meetings with Director Comey we were talking about sort of the Russian issue. So that's my only challenge in trying to answer that for you, you know, accurately.

Q Okay.

A He was regularly getting updates directly on it though, I think, is the long and short of it.

Q Was he getting regular updates involving you?

A I was there for a lot of those, yep.

Q Okay. But would you lead the discussion?

A No.

Q Okay. Who did lead the discussion?

A Pete Strzok led a lot of the discussions related to this specifically because he was -- he was over the investigative team. And I had that, again, that analytic side of it, and so it doesn't mean that I wouldn't comment on facts, or share things that our analysts had put together, but in terms of, like, investigative strategy, the

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operational side of it, that's -- Pete would lead most of that.

So I would say, as -- in contrast to the Midyear briefings to the Director, where we would -- I would usually lead off with sort of what the analysts had seen and found. This was maybe the reverse of that, where Pete was more the initial person who would kind of talk about what was happening with that case.

If we were having a broader meeting about Russian election interference, that might not be the case, right. I might be more of the primary person starting off giving kind of current threat picture for that. So hopefully that distinction makes sense.

Q Yeah, it does.

So we know that at the regular Midyear meetings --

A Right.

Q -- there was a DOJ presence. Is that correct?

A The Midyear meetings with the Director?

Q Yes, the regularly scheduled ones.

A No. I --

Q DOJ did not attend those meetings?

A Not to my knowledge. We had regular meetings with DOJ on Midyear. That's not accurate in my understanding that DOJ would be present when we met with the Director.

Q Okay. But DOJ would have been present at, you know, other meetings on Midyear that took place at the Bureau?

A Sure. We had lots of meetings, regular meetings with the -- like the prosecutors, for example, who were involved from Main

Justice and then even some higher level DOJ officials pretty regularly, yep.

Q Okay. Was DOJ present at meetings with the Director or at other regularly scheduled meetings on the Russia investigation?

A So we had regularly scheduled meetings at the more working level with DOJ, so we would meet with several different DOJ officials. Now, what I can't remember is exactly when along the curve of time of the Russia case, you know, preelection, postelection, when those began. But we did have pretty regular meetings with DOJ at the working level. I do not recall being in meetings with the Director and DOJ on Russia.

BY MR. SOMERS:

Q On Russia, were there -- there were meetings that were FBI only and there were meetings that were FBI DOJ?

A That's right.

Q That's correct. Who was in the FBI-only meetings?

A The FBI-only meetings, it depends, again, what you're talking about. So --

Q For Trump/Russia.

A For that, so we, at some point, began a meeting -- it was a daily meeting on the broader concept of Russian election interference jointly between the counterintelligence division and our cyber division. And a subcomponent of that meeting every day would be to cover some of the operational events occurring within that investigation, that Trump/Russia investigation.

So you have -- at the executive level, you have executives from

both the counterintelligence and the cyber division meeting internally on a daily basis to talk about the full range of what's happening on the Russia threat issue, and then a subset of that meeting would be some discussion related to that specific case.

So it's both executives and then some at the lower, you know, 15, 14 level. And we did that every day pretty religiously in the run-up to the election. And, again, the exact dates of when that starts and stops I can't tell you, but that was intentional to be able to deconflict and coordinate activity across our two divisions.

Q So who were the executives in those meetings?

A It would change, depending on the day sometimes, but generally there was the -- you know, I would be present, as would be my counterpart, section chief in the division, who was in charge of Russian operations. You'd have several, if not multiple of the DADs for counterintelligence there. AD Priestap would be there.

And then on the cyber side, a pretty similar mix: Section chiefs responsible for the different components of the cyber threat, and one or either of their DADs at the time, and their AD would be there sometimes. And it really, because it was a daily meeting, it depended on people's availability and other things and so you'd get that mix of attendees.

Q What about the Director?

A The Director was never at those deputy meetings --

Q The deputy director?

A -- that I'm talking about, no. No, not to my knowledge ever.

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Q And then I know just in terms of types of people that were analysts and agents there as well?

A That's right. Same -- cyber division, think about them as, you know, they're another version of what I'm describing here. They have an analytic section. They have an intelligence program. They have the same responsibilities that I have to be drawing analytic conclusions about what they're seeing. And so, when we would have those meetings, sometimes it would be me and that -- my counterpart section chief kind of deconflicting, maybe a joint intelligence product we're putting together on the broader topic.

Q And then we started this by mentioning DOJ FBI meetings. Who attended those --

A So those --

Q -- sorry -- the Trump/Russia?

A So those meetings -- and, again, I can't tell you exactly when they started occurring -- those would be a smaller subset of people, and at some point, I believe cyber division is there as well, at least a section chief responsible for -- at least my recollection is responsible for Russian matters. And then I believe -- I might have to confer with my attorney just to make sure they're executives. I'm like 99 percent sure. Can I do this real quickly just for the DOJ personnel that are there?

[Discussion off the record.]

Ms. Bessee. Can I just ask a question just in terms of clarifying. When you ask questions about the Russian investigation,

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I think the witness is sort of discussing two different aspects of it, but you refer to it as Trump/Russia. So if we can clarify, are you talking about Russian interference, Russian collusion, as opposed to Trump/Russia?

Mr. Somers. Russian collusion with the Trump campaign or, alleged Russian collusion with the Trump campaign.

Ms. Bessee. Okay. Thank you.

Mr. Sinton. So just, again -- sorry. So the witness is clear, you've talked about a broader, and when you talk about the broader, correct me if I'm wrong, you're referring to Russian influence?

Mr. Moffa. That's right.

Mr. Sinton. More broadly?

Mr. Moffa. That's right. And the reason I named like the meeting discussion we just had with cyber division, the reason I'm raising that, knowing your question is about that narrower -- are we calling it something different now? Russia collusion investigation is that in that bigger meeting about the bigger Russia topic, we are also discussing the narrower Russia collusion investigation, so just to be clear. That's happening. Both of those topics are being covered in that meeting.

BY MR. SOMERS:

Q That's the FBI meeting?

A FBI meeting. So now I'll turn to the DOJ meeting. I wanted to make sure I was clear on the SES level of the DOJ participants. So at some point we begin a regular meeting with Stu Evans from DOJ OI;

Adam Hickey, and I don't know exactly what his title is; George Toscas; and Richard Laufman is there often from CES. And then --

Q David?

A Oh, I'm sorry. I was saying Richard Laufman. David Laufman, you're right, from CES. And then sometimes there would be personnel below that CS level from DOJ that came over as well. So David Laufman, Adam Hickey, George Toscas, and Stu Evans.

Q Was -- I'm sorry. Were you --

A No. And then I was going to say, and then often like the FBI side of that was like me, Pete Strzok, potentially one of the other executives in CD for the broader Russia issue, Bill Priestap. And we would cover, again, sort of the broader range of things we were dealing with with Russian influence, but we would also then talk about the Russian collusion investigation specifically with them.

And I think division for that meeting was similar to the one I described a minute ago. There was so much overlap between the cyber investigative side and the counterintelligence side, these meetings were intended to be a way where we could kind of actively deconflict and coordinate effort related to it.

Q Okay. Was Richard Scott in these meetings?

A I can't answer that.

Q DOJ allowed their witnesses to answer that question just last --

A I defer to my attorneys.

Ms. Bessee. Well, for FBI we're not going to confirm any person

who is not at the SES level.

Mr. Somers. Even though DOJ employees and DOJ attorneys have allowed their witnesses to testify to?

Ms. Bessee. We will go at our direction from FBI.

BY MR. SOMERS:

Q Okay. And how often were these FBI DOJ meetings? You said that -- I'm sorry. Let's just back up to the -- the other meetings were daily, the FBI --

A Those FBI internal counterintelligence cyber meetings were daily.

Q Okay.

A These, I believe, were once a week with DOJ. And, again, that's my recollection. If it was biweekly, I apologize, but it was regular.

Q And then just so I am crystal clear, because I'm not right now, these -- the DOJ FBI meetings were on Russia broadly or just the, what we're calling the collusion?

A What's making this difficult, and I get it, is the meetings are on Russia broadly, but part of that discussion is the Russia collusion part narrowly. So we are covering both in these meetings, if that makes sense.

Q In the DOJ FBI meetings?

A In both the DOJ FBI meetings and the FBI internal cyber counterintelligence meetings, we are covering both topics. So we're starting kind of big and working the funnel small, covering everything

that's happening, which includes the Russian collusion investigation as a subset.

BY MR. BAKER:

Q Do all the attendees at the meeting stay for the -- when it gets more narrow, they all stay? There was something, I think, in the IG report they talked about a term "skinny-down." Some of the meetings would start larger and then people that attendance was necessary at those they sort of drifted away, and then people that were required for the specific cases stayed behind, or everybody stayed?

A So you're referring to the term used in the IG report, even though that's not what we're talking about. For those internal meetings, everyone would stay --

Q Okay.

A -- for the whole discussion. And then the DOJ meeting, everybody would stay.

Q Okay.

A Some of what I'm reflecting though I can't put a -- this is the hardest part of answering these questions these days, a couple years after, is exactly when those meetings kind of started and phased and how they may have morphed. I'm describing some period of time within that period where we were doing this, and I'm reflecting that we were briefing that collusion investigation piece to whoever was in attendance at that meeting.

Q I have a question specifically about the broader Russian interference --

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A Okay.

Q -- not specific cases, not specifically collusion. But at the time that these current cases came around, if you can, was this idea of Russia interference in an election, was this already on the radar screen, so when these cases rolled around, it was just the people and the players that were different, but the idea, the tradecraft, all that had already been identified?

A I think that that's accurate to say. So before any election, the counterintelligence division sort of deals with these issues, right. So it's not different in that sense. And there had already been some, you know, work put into and thought put into, you know, how are we going to do what we need to do to be aware of intelligence collecting the right intelligence related to the election, maybe not -- certainly for Russia. But, you know, the range of analysis my section was responsible for is really the world, right, so I wasn't -- I have more than just Russia, I guess, is what I'm trying to say.

So we're aware of the election and its counterintelligence implications already. We're already thinking about those things. I think like what the joint ICA report kind of reflects is the best way I would describe it too. Certainly the scale, scope, intensity, some of the methodology is different this time, but it's not a different concept for counterintelligence and counterintelligence professionals, right.

Intelligence services are going to take steps in advance of an election, and we are going to do the things we do to respond to those.

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That's not all invented in the moment of July. We're aware of those things and what's coming. Certainly, again, in terms of priority and scope and scale and what we need to do to address it, that changes based on the facts. But you're right that there's work and thought being put into the counterintelligence implications of the election before the events of July.

Q Are you familiar with a manual, I guess -- I was going to say document, but I believe it's much larger than that -- in the FBI that goes by the acronym DIOG?

A Yes.

Q And is that something that analysts are familiar with as well as agents?

A Yeah. I think all FBI employees receive training on it and are aware of it, and it governs, you know, the conduct of investigations, sure.

Q So when you say it governs the conduct of investigations, would that include predication for opening investigations?

A Sure.

Q And are there different statuses of investigations when -- there's been talk here and in other interviews about opening an investigation. But all investigation, it's my understanding, are not open equally. There's different levels of opening an -- or different levels of an investigation once they're opened.

A Sure. I think there are -- and, again, I'm not the expert on this because analysts don't open investigations, but being aware

of it, for different types of investigations you have different authority to conduct different activity. And so the standards and predication for opening at those different levels which then permit more or less activity are different, and all of that is prescribed by our regulations, which, you know, OGC and others are sort of watching when we initiate a case.

Q So the authority to open a case or what status a case would be opened under would be governed by the DIOG as to what information the agent or whoever is opening it has as it's being opened, and then once it's opened, the status that it's opened under governs what investigative techniques can be pursued?

A I think that's right.

Q And there's -- could you describe, if you know, the different levels of investigations or how they're opened at different levels?

A Sure. And I'll rely on the attorneys to stop me. I am not -- and I'm not an expert on this, but in a vague sense, we have the assessment, and there's various types of that that lets us do certain things, and there's a certain standard for opening those.

There's a preliminary investigation, which, again, certain standard for what you need to have and then certain investigative techniques are permitted by it. And then the full investigation, which is, again, a certain standard of a need on the front end to open a full, and then you're allowed to do really the more full suite of investigative techniques. So assessment, preliminary, and full, are, to me, the rough, you know, three categories of investigation.

Q So assessment would be the lowest standard to open; full would be the highest level of not proof, but you would need more information to open it; and then along that continuum, there's different techniques you can and can't do based on how it's classified when it's opened?

A That's right.

Q Are you familiar with the level that the collusion case was opened at initially?

A I'm not. I just don't recall it. It's -- yeah. I'm sorry. I don't remember.

Q Okay. Thank you.

BY MR. SOMERS:

Q What level was it at when you became aware of it of those three levels you just gave?

A I don't know that I -- well, I -- in my recollection, it's a full. I don't know if it was something before it was a full --

Q No. Yeah, I'm just asking --

A -- is what I'm trying to say. So my recollection sitting here today, if you ask me what do you believe it was, I believe it was a full.

Q When you became aware of it?

A Right.

BY MR. BAKER:

Q And as a full, whether it converted from a preliminary to a full or initially opened as a full, there would have had to have been

a strong basis to open it as a full, if that's how it was opened?

A It would have to meet the standard, whatever that is. And, again, I'm not the --

Q And then once opened as a full that would mean there could be a lot of different investigative techniques used?

A Sure. It makes available the range of investigative techniques associated with a full. And, again, I'm a little bit out of my depth, right --

Q Sure.

A -- because this isn't what I do. So I'm trying to reflect my best understanding, you know, from being around it.

Q Thank you.

[Moffa Exhibit No. 2

Was marked for identification.]

BY MR. PARMITER:

Q Let me show you what we're going to mark as exhibit 2. I'll give you a minute to look at it. Do you recognize the document?

A Not really. Not in this format certainly.

Q Okay. And I can stipulate this was produced to the committee by the Bureau. It is a text message between you and Mr. Strzok.

A Okay.

Q According to what we've been told by the Bureau, Mr. Strzok's "inbox" and you are "outbox"?

A Yeah. That's what I'm trying to figure out. Okay.

Q Okay?

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A Yep.

Q Do you recognize or recall this conversation?

A No.

Q In reading this, do you have any idea what this conversation is about?

A Yeah. I mean, I think it's pretty clear we're going to -- I'm trying to look at the timeframe too -- we're going to brief the Director likely on some of the investigative subjects at a minimum that are relevant to the investigation, and the materials that we're going to bring up there with us, and the lineup of people who would be going to the meeting.

Q And when you say "investigation," what are you referring to?

A I don't know that definitively from looking at this, but given the timeframe, you know, my assessment would be that it's the Russia collusion investigation.

Q This refers to a brief tomorrow at 3:30. Does that seem consistent with, you know, regularly scheduled meetings on Russia?

A I don't know at this point what's regularly scheduled or what isn't. So I can't say.

Q Okay. That first unredacted message from Mr. Strzok says: Same personnel lineup from us as with MYE.

A Yeah.

Q To your knowledge, did Director Comey ever express wanting the same team working on Russia as worked on Midyear?

A No.

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Q Did he ever express a certain level of comfort with the work that the Midyear team was doing?

A I think I got that sense from him that he was comfortable with the Midyear team.

Q Okay. And who chose the team to investigate the -- both the Russia -- the overarching Russia issue and, you know, the alleged collusion issue?

A So, again, I have to separate analytically and operationally, so let me talk about my side. In a very similar way, I selected the analysts within my division to support that case specifically, and then I had two functional Russian analytic units already, which then supported the bigger Russia event. So that wasn't a conscious choice as much as it was that's what we're built to do, and that's what we're going to do.

None of the analysts I chose to support the collusion investigation or that broader investigation, really, although there may be one or two despite the natural state of the fact that they worked in one of those Russia units, overlapped with the Midyear team. They're different people entirely. The only person that I'm aware of that had done both is me. So on the analytic side those are different teams. They're not the same.

On the operational side, I would really want to defer to Pete or somebody else about the selection. I don't know how he made those choices. I didn't have input into the investigative team that was selected to be part of it. I don't even remember being part of the

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conversations about it really, those people were selected. But to my knowledge, those are different people too. Those are not the same investigators as the Midyear team.

Q And in terms of the analysts you selected, did you select different analysts on purpose, or is that just the way it happened?

A I selected analysts from my Russia program who are different analysts than the ones I used in Midyear. I also could see the sense of that because for no other reason, for example, than people are tired. You're coming off of what was a very difficult effort related to Midyear, and I wanted those analysts to get back to normal to the extent they could.

It was time to immediately pivot into this much bigger challenge, and so I thought it made good personnel sense to do that, but it also made good topical sense in that I want Russia analysts doing Russia. And so those are different teams.

Q The second message, unredacted message in here, which I believe is repeated, says, "I'll prep to get the four profiles tight in the morning."

A Yeah.

Q What does that mean?

A So I am -- without getting into specifics, the analytic team is pulling together background information on things relevant to that investigation, and so that's what I'm talking about, where I can't tell you what specifically these four were. I legitimately don't remember.

But what I would be referring to is whatever that documentation

was that my team is working on, getting them tight means like I will look at them and make sure that I think they meet the standard of going to the Director, and we'll get that ready and then it will be ready for the briefing. So that's what I'm telling him.

Q When you say profiles, generally, are you speaking about people or are you speaking about something else?

A I would generally be speaking about people.

Q Okay. And are you speaking about witnesses or is it -- could it be --

A Yeah, that's what I can't tell you. And you have to remember, too, in my world on this case it's not all about U.S. citizens, right. We're very actively interested in working and responsible for analysis of Russia actors, for example. So I just literally don't know what I'm talking about here, but I'm giving you kind of my best estimation of what I'm talking about.

And it would not be inappropriate at all for me to bring up and potentially, you know, be referencing, right, these background documents, especially just given the timeframe of this. It's relatively early on in our effort and everyone is getting to know the topicality and the people involved.

Q Okay. It says it should be a piece of cake. I mean, generally is this something that you had done fairly frequently?

A Me saying that, I'm pretty confident in saying, it means we had these written. They're created already at some point, at least in some stage where I felt like I could, easily in the morning, pull

those together in a way that I felt met the standard to go bring them to the Director. We're not creating these, you know, hours or minutes before that. I'm saying there it shouldn't be hard for me to get that stuff ready to go into the meeting.

Q Okay. Let's skip down to the next message, this time from Mr. Strzok in response to your message.

A Okay.

Q It says -- first of all, he refers to Andy. Do you know who he's referring to?

A I would assume Deputy Director McCabe.

Q Generally did Mr. Strzok refer to Deputy Director McCabe as "Andy," I mean, not necessarily to him but --

A Yeah, to the best of my recollection, he would.

Q Okay. And then he says, "Same layout for brief as Joe and Brian did for Andy." Who are Joe and Brian?

A Part of the guidance they've given me, I can't talk about them.

Q But Joe and Brian are FBI employees?

Ms. Bessee. He can -- the witness can answer that one.

Mr. Moffa. Yeah, they're FBI employees.

BY MR. PARMITER:

Q This also refers to CHS. What does that stand for?

A Confidential human source.

Q Okay. Without asking you to get into identities, how many CHS's did you have working on this investigation at the time?

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Mr. Sinton. Yeah, let's confer.

[Discussion off the record.]

Mr. Moffa. Okay. So I legitimately do not know the total number of CHS's. That's an operational side decision, but I also don't want to imply to you that I don't -- I'm not aware of any CHS's, right. So that's what we were just talking about. But I legitimately can't tell you the overall number that are engaged. I just don't know it.

BY MR. PARMITER:

Q Okay. Was one of them Christopher Steele?

Mr. Sinton. Let's confer.

[Discussion off the record.]

Mr. Moffa. Yes.

BY MR. PARMITER:

Q Thank you.

The next thing that Mr. Strzok mentions in a list of what he's going to discuss at this meeting after CHS's is liaison. What is that referring to?

A I don't know specifically what he was planning to bring up there, but it would be exactly that, liaison with either a foreign partner or it could be a USIC partner as well. We would -- you know, commonly within the Bureau, you'd use that term for either.

Q And by USIC you're referring to U.S. Intelligence Community?

A I'm sorry. U.S. Intelligence Community, yep.

Q Okay. Is it conceivable that the liaison would be somebody, maybe an FBI handler for a CHS?

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A No. We would not use the term "liaison" to refer to an internal FBI person.

Q To your knowledge, did Mr. Steele have a handler at the Bureau?

Ms. Bessee. Can we confer?

[Discussion off the record.]

Mr. Moffa. So the answer is, yes. And, sort of, by -- I don't know if it's by rule, but certainly by practice, CHS's have a "handler" is the word used here but an agent who operates that CHS and is responsible for that person. And that's the case with Mr. Strzok.

BY MR. PARMITER:

Q Okay. So that person would have been an FBI agent?

A Correct.

Q Okay. The FBI did eventually terminate its relationship with Mr. Steele. Is that correct?

A Correct.

Q Okay. Do you recall when that occurred?

A Not specifically.

Q Were you involved in discussions about it occurring?

A I think I was present at discussions related to it.

Q Do you recall what was discussed?

A I've got to confer again. Sorry.

[Discussion off the record.]

Mr. Moffa. Okay. So if the question is do I recall what was discussed in the conversation where we discussed closing the CHS, the

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answer is yes.

BY MR. PARMITER:

Q Okay. And I assume that you're not going any further because we'd be getting into classified material?

A That's what I'm concerned about, correct.

Mr. Somers. Sorry. If we went into a classified setting, would you be able to answer, or --

Ms. Bessee. He would be able to answer to a limited extent depending on what the follow-up questions are. To the extent that it may go into special counsel's area, we would probably not be able to get that far into it.

BY MR. PARMITER:

Q So generally speaking, had the FBI -- had you known, or had the FBI known that, you know, Mr. Steele was talking to the media, would that have affected their decision on whether to seek any order from a FISA court or anything like that?

A So, again, that's not a decision that I'm asked to make or that's within my role. And so, I just have a hard time commenting on the hypothetical aspect of that, but I will say, in a broad sense, right, I think sources have different motivations and actions, and it's a balancing act of how that impacts credibility.

And there's no, to me, hard-and-fast rule that you can always kind of hue to, and there's a difference between the operational aspects of what you might tolerate, meaning, like, in our operation of a source, versus the validity of the information coming from a source. Hopefully

that makes some sense to you.

But that's also something that would have to be considered is what the source did -- in your example, speaking to the media, does that make him a source that we wouldn't want to operate because it creates risk in this way. That's a different question than whether the reporting might be valid. And if that reporting is valid, could it still be relevant in a FISA application, for example? Potentially. So I'm not giving you a hard-and-fast rule. I'm just saying those are different factors you would need to evaluate, the operational aspects of operation versus the validity of reporting.

Q Did you ever discuss that, you know, with anyone, or participate in a discussion about that or share your thoughts, you know, with anyone about that verbally, via email, anything like that?

A I don't recall that.

BY MR. SOMERS:

Q What was your role in the Carter Page FISA application?

A So I didn't really have a direct role. I don't have approval authority. I didn't write it. My analysts are, again, conducting analysis and providing facts that are going to the investigative team, which is then going into the application. I'm copied on the applications as they come back and forth, the drafts related to it. I certainly was tracking its progress just to say, you know, where is it in the approval process. But I'm not in the decision tree related to it in any way.

Q Did your analysts analyze any of the information that's

contained in the application?

A I don't recall the application specifically enough to be able to say that. It's possible that facts they generated ended up in there. Facts that they generated is a wrong way of saying it. Normally, analysis isn't what you're putting in a document that goes before the FISA court necessarily. They're facts, right.

So are there facts my analysts could have conducted analysis around? Certainly. Would they have potentially, those analysts, been involved in reviewing it for factual accuracy? I think that's possible. But they're not the ones drafting it, and they're not the ones approving it, and neither am I.

So I'm not tracking it from a managerial perspective, I guess, is the best way of saying it. It's happening. I'm aware of it. I'm aware of it in part because when you get new streams of collection that does become something then that my personnel are going to have to deal with. We're now bringing in information into the case that's going to have to be analyzed. And so I'm following it from the perspective of it's going to impact our workload and we're going to have to figure out how we deal with new collection, right. So it's relevant to me, but it's not something that I'm actively generating.

Q Did your analysts analyze the data in the Steele dossier?

A My analysts were involved in reviewing the factual information. And I'm saying facts. I'm saying like factual assertions in a variety of documents, and then trying to cross compare and research that with other intelligence.

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Q For accuracy?

A For accuracy, for corroboration, for context, for how it might correspond or conflict with other reporting, for all of those reasons. And it's -- and I wouldn't, you know, say it's for one source, case, or the other. That's what we do.

BY MR. BAKER:

Q I want to go back just a minute to the confidential human source issue, and this is very broad terms.

A Okay.

Q I don't think it has to be even be specific to this case. You had alluded to, you know, the quality of information and maybe some administrative infractions being two different things.

A Right.

Q So if I understand what you're saying, it would be, it seems to me -- correct me if this is an incorrect assumption -- you could have a source that has been administratively closed for some technical infraction of rules regarding what they're allowed to do.

It's my understanding when a source is opened and the agent might read, or have the potential source acknowledged, certain operational confinements that they're allowed to do, maybe some attorney general guidelines, and they could be administratively closed for violating that infraction not related at all to the quality or accuracy of things they're reporting. Is that correct?

A So in a broad way -- and I don't want to get too deep into CHS's operational policy, because, again, that's not my side of

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things -- what you're describing tracks what I'm trying to get across, which is you could decide to terminate a source for a reason completely unrelated to the quality of the information they have provided, or might provide in the future. The decision could just be made for one of the reasons potentially that you're laying out that operating them as a source is no longer a good idea for the Bureau, for the USIC.

Q So let's assume that decision has been made with a source, any source --

A Yep.

Q -- that has been administratively closed for some reason. That same source comes knocking at the FBI headquarter door with some incredibly accurate information, or incredible information of interest to the Bureau. We don't know if it's accurate or not. And historically, before that source was closed for an administrative reason, their reporting had been deemed accurate and reliable.

Because they have been administratively closed for some reason, this same source now knocking at the door with what appears to be of interest to the FBI, are they turned away at the door because they've been administratively closed?

A I wish I could answer that for you, but I just don't know the answer to that. I would -- I'd have to defer to somebody who knows what our actual rules and regulations say around that. You know, as an analyst and as an analyst manager, we don't operate sources. So I just -- I don't feel like I'm qualified to answer that accurately. Yeah, I don't know. That's kind of the best answer I can give.

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Q Not operating sources as an analyst. Is an analyst involved in assessing whether someone could be recruited as a source?

A Sure.

Q And would they be involved in maybe deciding what types of questions to ask a source in some sort of interview scenario?

A Definitely.

Q Okay. Are you aware of any time in your Bureau career of doing any type of work involving a source, whether it's assessing whether someone should be reopened, whether someone should be closed? Are you familiar with working with a source as an analyst that had been a source that was previously closed?

A I don't know that I can recall an instance of that, but I'm also probably not recalling every source I've ever encountered in 20-year career either. I just can't come to mind. Because sources are not always closed, obviously, for some sort of cause or administrative reason. Sometimes we just -- you know, they're no longer needed to be a source, or they've sort of run their course of usefulness.

So I don't think it would be necessarily be an uncommon scenario where somebody like that could later become useful again and willing and we would reengage them. I don't think that's an uncommon scenario, for example. I just can't think of specific instances I've been a part of where we've done that. So sorry, I think that's the best answer I can give.

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[1:15 p.m.]

BY MR. BAKER:

Q So it's possible, if someone is closed for some administrative infraction, and they come ringing the doorbell at FBI headquarters with some information that's of interest to the Bureau, it's possible that whoever decides reopening could convene and decide whether what this source now potentially offers, whether that outweighs the previous administrative infraction. It could be reopened, possibly.

A That's, again -- I just don't know what our rules say around that. So I'm sorry. I feel like I can't answer that knowledgeably. I am certain somebody could, though, who knew those rules better than me. I just don't know.

Q Do analysts -- you mentioned this before about what the role of the analyst is or isn't in the FISA process. As the FISA is being put together, is there ever a reachout to an analytical component to fill gaps in a FISA application if there is an area that's maybe weak? Do you get questions about do we have anything relating to these people or this country or whoever that needs to bolster something in the package?

A Yeah. Bolstered maybe is one scenario. I think questions are another one, right. As the engagement with the Department of Justice on the FISA application itself is happening, the attorney may just simply ask a question: What is this? Sometimes the analyst is the most knowledgeable person to answer that, and so we'll talk to the

agents who are doing the back and forth with the attorneys and drafting the application. If they have information, they'll provide it.

Ultimately, every one of these applications have to be grounded in a fact somewhere. It's possible those come from analysts in some instances. Whether it's to bolster, or whether it's to clarify, whether it's to sort of more accurately reflect it in the attorney's mind for the judge, then sometimes that absolutely could be a role that an analyst would play. Or their product, right. So maybe not talking to them personally, but maybe something they wrote that's sourced adequately could be looked at as part of the generation of the application.

Q Are you familiar with something called a Woods file?

A Yes.

Q What is a Woods file?

A I assume there is no classification issues related to that, but it is essentially that factual underpinning I am talking about, where every fact that's in a FISA application can be traced in the Woods file back to a source document that contains that fact so that we can very clearly demonstrate, you know, what is in the application matches a document with facts in it.

Q Would some of these analytical products you've mentioned, would they ever make it into a Woods file if they're used in --

A Potentially. I am, again, not recalling a specific scenario, but I think that's a reasonable thing to expect, that occasionally, an analytic product or something generated by an analyst,

regardless of what the product line is, could serve as one of those foundational documents for a FISA.

Q I don't think this will touch on a classification issue, but I'm sure you'll let me know if it does. There has been talk today and in other meetings in the public forum about the dossier. What does the dossier look like? I am not asking you what is in it. I am curious what it looks like. Is it a single, leather-bound, gold-lettered product that says "the dossier"? Or is it a collection of miscellaneous things that have filtered in at different times?

Ms. Bessee. That's sort of a loaded question because -- sort of, it depends on who is referring to it as "the dossier." All right? So are you asking about the FBI, or are you asking about the dossier that's reported somewhere else?

Mr. Baker. What is being publicly reported as the dossier, what is that from the FBI's side of the fence? What is that?

Ms. Bessee. So, can we confer?

[Discussion off the record.]

Mr. Moffa. So we, the Bureau, do not collectively refer to, like, a single entity as "the dossier." That's not something that we consider to be a thing. That's -- that's what I've heard in media reporting, for example.

BY MR. BAKER:

Q So it's not referred to as a collective thing because things have come in individually?

A So, in our minds, what I think you're talking about are a

series of reports that came in that collectively, that body is what I think people call "the dossier."

Q And how did those individual reports come into the FBI?

A So, from multiple sources. So, the Bureau received those reports, and it doesn't mean every single report that the larger "dossier" term would cover came from every one of those sources, but some subset of reports came from multiple sources.

Q And when you say "sources," are you using it in a broad sense, like possible avenues of information coming in, or in the investigative sense, a confidential human source?

A Thank you. That's a good clarification. I mean avenues by which those reports come to the FBI.

Mr. Sinton. Individuals?

Mr. Moffa. Individuals. It doesn't mean that they are a CHS in the official sense. It means they were provided to us by someone.

BY MR. BAKER:

Q Do you know if your analytical component or other analytical components within the FBI verified any or all of the facts that were in these various reports?

A So, I like to talk about this in kind of a living sense, though, because the idea is you're never -- you're constantly evaluating that reporting, you're constantly looking at incoming intelligence streams and investigative results. It's not a snapshot in time thing where you would look at reporting and say, it is -- we have nothing to refute this today.

You have to constantly be sort of doing that. And so, our analytic process in looking at this reporting and all reporting, really, is that more ongoing sense. So, at the time, we are constantly re-evaluating, as time goes on, is the information here supported by facts we have elsewhere, or refuted by facts we have elsewhere.

Can I confer one more -- I want to say one more thing, but I want to make sure.

Mr. Baker. Sure.

[Discussion off the record.]

Mr. Moffa. Could you repeat the question one more time for me?

BY MR. BAKER:

Q I was just curious if you analyzed or verified every fact that was in these individual reports as they're coming in.

A Got it. So I have answered that. We, in an ongoing way, were looking at those facts, and doing that research and analytic work to try to verify, refute, or corroborate.

Q Would you say that, in this ongoing process, were taskings put out to other sources or to other resources to help validate or refute any of the facts in these individual reports?

A I have to confer again. Sorry.

[Discussion off the record.]

Mr. Moffa. So, without getting into specifics, generally we did. And when I say "we," I don't necessarily mean me or my analysts, but the Bureau, reached out as appropriate to ask questions of other groups that we might have liaison contact with to help inform some of that

analysis.

BY MR. BAKER:

Q In your opinion, were all of the facts verified?

A So that's what I was talking about, that it's a living -- that is a living process in my mind. And so I -- I only have knowledge up to a certain point, and then that is a process that I no longer have visibility into once the Bureau no longer is responsible for certain aspects of this investigation.

Q The living process of verifying or refuting these, what is the distance or time between that and having results from that and applying for the initial FISA?

Mr. Sinton. The initial FISA, what are you referring to?

Mr. Baker. The very first time any facts from these individual reports or the collective dossier, were any of those verified before they were used for a FISA?

A So, like, although I don't have the specifics about what facts were used in the FISA because, again, I wasn't part of that, those would have had to have been Woods, so put in that Woods file and verified to some degree. And our work on verifying facts of the FISA would have been -- facts of the reporting would have been ongoing at the time the FISA was generated.

What I don't have knowledge of is which facts were used in the FISA and what we may have researched or not researched beforehand. I just don't know what those are.

Q So some facts would have been used. You don't know which

ones, but those facts would have been supported in a Woods file?

A If -- and, again, I wasn't part of the process -- that Woods file exists to be the factual underpinning to the fact that is used in the application, but I can't speak to what facts from this body of reporting specifically were used in that FISA. I just don't know.

Mr. Baker. Do you have any more on this? I have a random question.

BY MR. BAKER:

Q This is a really random question. I know we jump back and forth between Midyear --

A That's okay. Getting nonlinear. Let's do it.

Q Almost 3 years ago to the day -- it may be to the day -- you were copied on an email. I can dig it out if we need to. I am hoping your memory will just be refreshed.

A Three years ago today. Got it. Okay.

Q You're copied on. It's from Mr. Strzok. The topic of it is a Senate Judiciary staffer, Emilia DiSanto. And there is a comment in the email -- and I think there is an article in the email -- where Mr. Strzok appears to be asking -- and the other recipients are redacted. I am guessing they're not SES. They are redacted from our production. It seems like he is asking or illustrating this is the kind of intelligence I am asking for, like he is asking for intelligence on Emilia DiSanto.

A No recollection whatsoever. If you have it, I'll look.

Q Do we have copies for colleagues?

A This is 2015?

Mr. Parmiter. We don't need to mark it.

We can mark it as 3.

[Moffa Exhibit No. 3

Was marked for identification.]

BY MR. BAKER:

Q Does that help you at all?

A Yeah. I think I understand conceptually what he's talking about.

Q Do you know why he was asking for information on the staffer?

A I don't believe it's about the staffer at all. I think what he's saying here -- this is my read of this -- there would be -- and this is -- we're back to Midyear, I believe, now, shifted back to that case.

We would do a morning meeting with that team, and part of that meeting was, for someone on the team, to recap media reporting related to the investigation so that we were aware of what was being said about it and what events would be occurring in the media.

He is just, literally, using this to highlight to the people who would be responsible for doing that media roundup brief, the type of article that he would expect them to brief in that roundup.

Q So it's the type of -- your read on it now or your recollection of it then?

A I don't have any recollection of it then, but reading this, that's what he's doing.

Q He's using the article as an illustration of what type of information he's looking to be briefed on at the 8:30 meeting?

A Again, I have no recollection of it at the moment, but reading this now and reacting to it, what I believe he's doing is telling the team that's responsible for, in that brief in the morning, summarizing what media reporting might be relevant for us all, as a team, collectively be aware of that's happening related to Midyear, this is the type of article he is talking about.

Q You don't have any recollection of any discussions by Mr. Strzok about Emilia DiSanto particularly?

A Absolutely not.

Q Do you have any recollection of a discussion about getting intelligence or information on any Hill staffers?

A No. No. I think he is literally -- it's as simple as he is showing a group of our personnel, like, if you see an article that kind of looks like this and hits these sorts of themes, this is the type of article I would want you to bring inside the media roundup of our morning briefing.

Mr. Somers. Even though the thing that's singled out is about a Senate Finance Committee staffer? I mean, I --

Mr. Moffa. Well, the attachment is what I'm talking about.

BY MR. BAKER:

Q When you look at the email, he specifically is mentioning her in the body of the email.

A He's trying to get them to be crisp in their description of

the media article, so what he's providing them is an example of how he would take -- this is my take on it, at least. You'd have to ask him. He is trying to show them how he would take an article like this and brief it.

Now, you would have to ask him why he picked that sentence from that article to be whatever, but I -- as I get conceptually what's occurring here, that's what I would be reasonably confident is happening here is he's -- especially because this is relatively early on in our effort. He is just trying to dial in the detail, content, and activity of the group that's going to do that media roundup, and this happened to be the article he pulled to do that.

Q So you have no recollection of it 3 years ago. That's your assessment of it now?

A That's my assessment of it now. I have no recollection of this at all from back then.

Q Would it be uncommon for him or any manager to give clarification if they're putting out a tasking for folks to brief something, to give an example of this is what I'm looking for?

A It certainly wouldn't be uncommon, right. The best way to get what you want the quickest is to show people, this is exactly the type of thing I'm talking about. I feel like that's what he's doing here.

Mr. Parmiter. I think we're out of time. Let's go off the record.

[Discussion off the record.]

Ms. Kim. Let's go back on the record. It's 1:38 p.m.

BY MS. KIM:

Q Mr. Moffa, I want to talk to you generally about the FISA process. Generally, would you say that there is a high -- understanding you're not a lawyer, to the best of your understanding, is there a high evidentiary burden that the Justice Department and the FBI seek to meet when they are applying for a FISA warrant?

A Yes. I would say that's the case.

Q And is that -- is that standard even higher when we're talking about a U.S. person under surveillance?

A Sure. I think that's also the case.

Q Does the FBI have many redundant internal processes to ensure that there is a high level of credible information used to support a FISA warrant?

A Yeah. I would -- I would say that's true. I mean, I think there's multiple levels of approval and review, and then there's what we discussed earlier, the requirement that there is a Woods file with each fact source to a document. So I think -- I think all of those layer in a way that makes it a process that ensures that what goes into those documents has been deliberately gone through and reviewed and approved.

Q And the Justice Department also has a hand in making sure that information being used by FBI for a FISA application are well supported?

A Certainly. Yep. That's my understanding.

Q So that could apply, those general principles, to the FISA application for Carter Page that I believe has been the subject of your discussion with the majority for the last hour.

A [Nonverbal response.]

Q Do you have any reason to believe that the rigorous FISA fact verification process was not followed in the application for Mr. Page?

A No.

Q So that's to say you believe that there were multiple, well-credentialed facts consulted in the creation of the application for the FISA warrant for Mr. Page?

A I would have no reason to believe that that wasn't the case, and I certainly know it underwent the -- a rigorous review process between DOJ and the FBI in its creation.

Q Reductive conspiracy theory -- or, excuse me. I will give you what I consider a reductive account of a popular conspiracy theory, which is that Christopher Steele somehow single-handedly planted facts that then the FBI took without verification in applying for a FISA for Mr. Page. Is that consistent with your experience?

A That would not be consistent with my experience.

Q In your experience, did the FBI and the Justice Department consult multiple independent facts and sources in seeking the FISA warrant for Mr. Page?

A Again, because I just don't have this deep knowledge of the FISA application itself, I can't speak to the number; but, certainly,

it was not in any way solely based upon the Christopher Steele reporting.

Q Is it your experience that the FBI or the Justice Department violated its own stringent internal protocols on FISA applications in applying for the FISA warrant for Mr. Page?

A I'm sorry. The question is do I believe that we violated that? No, I don't believe that the protocols for producing a FISA were violated in this instance.

Q Thank you. I would like to generally talk about the interest and obsession with confidential human sources. In recent testimony to Congress, the current FBI director explained the critical importance of protecting confidential human sources.

Mr. Wray said, "The day that we can't protect human sources is the day that the American people start becoming less safe."

In your assessment, is that a correct statement?

A I believe it is.

Q Why is it correct?

A I'm going to express my personal opinion. Others in the FBI may have a different flavor or variety of this, but I believe our obligation to the people who provide us the information we need to make America safe is that we keep them safe. And if it's not the most important obligation we have, it's among them.

Q Is that also important with regard to the Department of Justice's ability to attract confidential human sources in the future?

A Sure. I think our credibility as an agency depends, in some

part, on our ability to protect the people who, again, take risks to provide us information we need to do our jobs.

Q So, I'll represent to you that the Department of Justice has strong policies against revealing information from confidential human sources, and identifying those human sources, especially during on ongoing criminal investigation. Are you familiar with those policies?

A In a general sense, yes.

Q In your experience, what would be some of the negative side effects of revealing the source -- revealing the identity of a confidential human source?

A Again, in an overall sense, right, it could be the safety and security of the source; it could be loss of access to the information that source is able to provide; it could be loss of access to streams of information that sources unrelated to that source, but similarly positioned might provide in the future. It could also, to the point you made earlier, it could impact the credibility of the FBI or the U.S. Government as a place where sources can safely come to provide information. And all of those would diminish our ability to collect the information we need to do our jobs.

Q Your current capacity, leading counterintelligence analysis, is that -- is that a correct statement?

A No, that's actually not a correct statement. I am currently working in our office of chief information officer.

Q So, in the FBI's work in counterintelligence, what role do confidential human sources play?

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A They play a critical role, like all sources of information, but they're an important stream of intelligence that informs us about what threat actors are doing and planning to do.

Q Do you have any concerns about highly public and politicized attacks on the use of confidential human sources and particular confidential human sources?

A Yes, absolutely, for the reasons we just kind of talked about. I think it potentially leads to disclosures that could damage specific sources, and I think it potentially damages the credibility of the FBI and the U.S. Government to operate confidential human sources going forward.

Q Thank you. Let's turn back to the more specific Trump/Russia investigation that we left off on in the last hour.

Mr. Sinton. Let's just go ahead and clarify now for the minority like we did for the majority. Trump/Russia --

Ms. Kim. Meaning the investigation that Director Comey confirmed existed in March 27 testimony before Congress in which the FBI was investigating allegations that there were connections between the Russian Government and specific individuals in the Trump campaign.

Mr. Sinton. So the ones that we were referring to before is the --

Ms. Bessee. The collusion investigation.

Mr. Sinton. -- the collusion investigations.

Ms. Kim. I will refer to the more general intelligence community assessment of Russian efforts to interfere in our election as "general

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Russia" or "Russian interference." I will distinguish.

Mr. Sinton. Great.

Ms. Bessee. I think the issue we have is the description of it as "Trump/Russia investigation." That's just a concern for us because that's not how the FBI would describe it or --

Ms. Kim. Understood. Would you prefer that I use the term "collusion"?

Ms. Bessee. Yes.

Ms. Kim. I will use the term "collusion," the collusion investigation.

BY MS. KIM:

Q Let's turn back to the collusion investigation. On July 19, 2016, it has been reported that senior FBI officials gave a high-level counterintelligence briefing to the Trump campaign. In that briefing, FBI officials reportedly warned the Trump campaign about potential threats from foreign spies and instructed the Trump campaign to inform the FBI about any suspicious overtures.

Mr. Moffa, are you aware of that briefing?

A So, I am generally aware that we participated, along with the U.S. intelligence community, in briefings to the campaign, and that counterintelligence threats were a component of that briefing. I can't say I specifically know the date and the exact contents of that briefing.

Q Did you participate in that briefing?

A I did not.

Q Are you aware of who participated in that briefing?

A Again, not knowing what specific briefing we're talking about, I can't say that I'm aware, but I am aware of personnel who participated in the briefing I'm describing, the ones that I know we participated in as an agency, specifically to address counterintelligence issues.

So hopefully you understand what I'm saying is, like, I don't know if I'm talking about that specific meeting that you just described, but I am aware of personnel who participated in a briefing that I described, which is to the campaign on a variety of threat topics with the intelligence community, one of which being counterintelligence.

Q So, I will then shift from the specific date that I was talking about to what you are aware of. I am now shifting fully to what you described.

A Thank you.

Q Are you generally aware of what that threat briefing would have contained in terms of substance?

A Unfortunately, I don't recall any kind of specifics related to that. The only thing I would be able to say is I think I could imagine what it would be, just given what we would generally brief in a counterintelligence context that people who were potentially going to be targeted by foreign intelligence services would need to be aware of.

Q Could you elucidate on that last point a little bit?

A So, I mean, the sort of things that generally go into CI

defensive briefings relate to people being aware of their contacts, being aware of potential targeting attempts, potentially even some of the methodology foreign intelligence services use to do that, travel awareness, foreign travel awareness, those sorts of things. But I can't say specifically what aspects of sort of the list of things I just gave would have been specifically included in that briefing, or if there are specific versions of what I just said that are tailored to fit the sort of political -- the political candidate campaign context. So I just don't know the answer to that, because I didn't participate in the briefings.

Q So, to your knowledge, there was likely general counseling on the different types of threats that a high-profile individual might face, including individuals engaged in political campaigns?

A Again, I don't know the details, but I am generally aware that we participated in a briefing like that with, at a minimum, that sort of higher-level counterintelligence defensive briefing being a component of it.

Q In that kind of general defensive briefing, if an individual encounters one of the threats that the FBI describes, what is supposed to be the recourse?

A So, the question is, if we describe that sort of general counterintelligence awareness we want people to have, if they were to then take that information in and see in practice what we're sort of describing, what are they supposed to do?

Q Yes.

A I can't say specifically what we instruct people when we do those briefings. Certainly, some element, because it's coming from the FBI, if that's the case, is that we would be a place where they could potentially report those sorts of concerns, one of potentially a list of things they could do. I just don't know what exactly we tell candidates or campaigns specifically.

Q So, I will represent to you that it has been publicly reported by multiple news outlets that on July 19, 2016, senior FBI officials gave a high-level counterintelligence briefing to the Trump campaign, intended to be a defensive briefing.

Do you have any evidence that would go against that representation?

A No, except, like I said, I have no knowledge of the dates.

Q Do you know, if in this time frame, the Trump campaign reported to the FBI any contacts with foreign officials?

A I just don't recall that.

Q Do you know if the Trump campaign reported any suspicious overtures from foreign individuals?

A I don't recall that either.

Q Do you know if the Trump campaign reported any contacts between campaign adviser George Papadopoulos and Russian individuals?

A I don't recall that either, but by me saying that, just to clarify, that doesn't mean that I'm aware. I am not saying that I know definitively that they did not to others. I am saying I do not personally recall that.

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Q Do you personally recall whether the Trump campaign reported in this time frame the June 2016 Trump Tower meeting with senior campaign officials, including Donald Trump Jr., Jared Kushner, and Paul Manafort, who met with a Russian lawyer and Russian lobbyists?

A I do not personally recall that.

Q Do you personally recall whether the Trump campaign reported a June 2016 email in which Rob Goldstone stated that the Russian government hoped to help the presidential candidacy of Donald Trump?

A I do not personally recall that.

Q I will represent to you that it has also been publicly reported that 2 weeks after this FBI briefing took place on August 3, 2016, Donald Trump Jr. met with an emissary who told Donald Trump Jr. that the princess who led Saudi Arabia and the United Arab Emirates were eager to help his father win election as President.

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

A I do not personally know that.

Q How important is it for national security for political campaigns to report offers of foreign interference in U.S. election campaigns to law enforcement?

A I mean, I think that's a -- it's hard for me to answer from the chair that I sit in. I think it's helpful whenever anyone in the public, certainly people in a political context report to us activity that's indicative of counterintelligence threats. It's one of the important ways the Bureau learns about threat activity, and is able

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to position itself early to address it.

So it's hard for me to answer that specifically in this context, but I think in general, it's helpful to the FBI and to law enforcement in general when we get timely and accurate reporting from people about threats they're encountering.

Q Are you personally aware of the Trump campaign ever reporting any contacts with foreign officials or emissaries of foreign officials to the FBI?

A I can't personally recall any specifics related to that, but, again, that doesn't imply that it hasn't happened and that others haven't received those sorts of reports. I don't recall it personally.

Q In your capacity as a counterintelligence expert, do you believe there are national security or law enforcement implications for a political campaign concealing or failing to report overtures from foreign contacts with offers of interference in the U.S. election?

A Again, I think, in a general sense, whenever something could have been reported, and it's something we could have encountered and dealt with and helped to mitigate, it's better if that happens than if it doesn't happen, and we have to find about it some other way and deal with that investigatively, I think, again -- not commenting on anything specifically -- it's better if people who encounter that sort of situation talk to us early and accurately, and we're able to address it that way than if we have to kind of figure it out and expend resources to do that.

So I guess, in a general sense, that's the case. It's better if

we hear about it from people reporting it.

Q Thank you. We know from your testimony today and from news reports that the collusion investigation began before the election in July of 2016, but no news of the collusion investigation relating to President Trump's campaign leaked out to the press. Were you personally aware of the collusion investigation before the 2016 election?

A Yes.

Q Was Peter Strzok aware of the collusion investigation before the 2016 election?

A Yes.

Q Was Lisa Page?

A Can I confer really quick?

[Discussion off the record.]

Mr. Moffa. Yes, she was aware.

BY MS. KIM:

Q Was Andrew McCabe?

A Yes.

Q Was Jim Comey?

A Yes.

Q Are you in a position to know whether high-level Justice Department officials knew about the existence of the collusion investigation before the 2016 election?

A Again, I can't necessarily accurately describe to what level we're talking about in terms of high-level, but certainly, as I

described in earlier testimony, we were talking at at least an executive level at the Department of Justice about elements of the collusion investigation. So at some level within the Justice Department, yes. I am not in a position to tell you at exactly what level.

Q Do you have reason to believe that Attorney General Loretta Lynch would have known about some aspects of the collusion investigation?

A I don't know that.

Q What about Matt Axelrod?

A Again, I'm not specifically aware personally.

Q To your knowledge, approximately how many FBI officials were aware of the collusion investigations before the 2016 election?

A It was a relatively significant number of FBI personnel, in part, because we were trying to, again, coordinate and collaborate pretty closely with our cyber colleagues, for example. So I don't know the exact number, but it's -- it was a relatively close-hold situation, and certainly there is varying levels of details known by different people within that group.

So the body of people who knew there was a -- an investigation is larger than the people -- the group of people who might know the specific details of those investigations, if that makes sense.

Q Would you estimate that there were more than 15 FBI officials who knew that there was some counterintelligence investigation being conducted in relation to individuals on the Trump campaign?

Mr. Sinton. I just want to make sure that -- I want to clarify

the question. Are you asking about FBI officials, or are you talking about FBI employees?

Ms. Kim. Thank you for the clarification. FBI employees and officials. I am talking about FBI personnel. I can rephrase.

Mr. Sinton. Again, are we talking about the collusion case specifically or the Russian interference more generally?

Ms. Kim. I will rephrase.

BY MS. KIM:

Q In your estimation, were more than 15 FBI personnel aware, however generally, that there was a collusion investigation occurring that related to individuals on the Trump campaign?

A Good? Yeah. I would say it was more than 15.

Q Was it more than 20?

A We're getting into a weird space for me to be able to estimate. I just -- I couldn't give you a number, but certainly, 15 -- 15 to 20 would not be unreasonable to think would be knowledgeable. It could be more. I just -- I can't give you a number.

Q Are you aware of any of the FBI personnel who had knowledge of the collusion investigation leaking the fact of the existence of that investigation to the press or the public?

A So, I am not aware of anyone specifically leaking anything related to the investigation.

Q Did you personally make any disclosures about the collusion investigation to the press or public before election day?

A No.

Q Did Peter Strzok, to your knowledge?

A No.

Q Did Lisa Page?

A Not to my knowledge.

Q Did Andrew McCabe?

A Not to my knowledge.

Q Did James Comey?

A Not to my knowledge.

Q If you had to guess, how do you think a disclosure to the press or the public about the collusion case would have impacted Donald Trump's electoral prospects?

A I am uncomfortable answering that. I think we -- I have tried really hard not to be in the business of predicting public reaction to anything, and I would prefer not to try now.

Q Are you aware of any evidence of any personnel or officials at the FBI -- including Peter Strzok, Lisa Page, James Comey, or Andrew McCabe -- taking any actions attempting to stop Donald Trump from being elected?

A No. I am not aware of anybody taking any action for that specific purpose.

Q Are you aware of any evidence of a deep state conspiracy at the FBI?

A No.

Q Are you aware of any evidence of a deep state conspiracy that takes as its aim stopping Donald Trump from being elected President?

A No.

Q There have been allegations that Mr. Strzok, Ms. Page, Director Comey, Deputy Director Andrew McCabe were trying to stop Donald Trump from being elected President.

I just want to repeat what you said to me earlier. Did they, all four individuals I named, have knowledge that there was a collusion investigation proceeding that connected to individuals associated with the Trump campaign?

A Yes.

Q Did they all know the fact that individuals in the Trump campaign were under investigation for potentially colluding with Russian government actors?

A They would have known some degree of detail about our investigation into the potential collusion between the Trump team and the Russians.

Q But, to your knowledge, no one at the FBI, including Peter Strzok, Lisa Page, James Comey, or Andrew McCabe, disclosed any facts about this investigation to the public. Is that correct?

A To my knowledge, they did not.

Q The inspector general's report on the Midyear investigation found that FBI, especially Special Agent Peter Strzok, placed a high priority on the Trump/Russia -- sorry, the collusion investigation in the fall of 2016. However, the report concluded that "We do not have confidence that Strzok's decision to prioritize the Russia investigation or following up on the Midyear-related investigative

lead was free from bias."

Are you aware of this conclusion?

A I generally remember that part of the IG report, yes.

Q And what was your reaction to that conclusion?

A Well, first, it's not something that I saw that -- I don't have any direct knowledge or evidence that Strzok somehow was defining priorities in the way that they discussed there. But I am also careful to note that I am not privy to all of the investigative findings, right, that the IG reviewed to come to that conclusion. So I am not passing judgment on the IG's statement. I can just simply say that, in my mind, I am not aware personally of any evidence to show that Strzok was consciously prioritizing things in a way that resulted from his bias.

Q Is it correct that the collusion investigation was a high-priority investigation at the FBI in September and October of 2016?

A Yeah, that's fair to say.

Q Can you generally explain to us why that was an important investigation?

A I think, given the nature of it, it's pretty apparent. And then I think, given the broader context of Russian interference, it makes it even more so.

Q I would like to unpack that a little bit. Can you describe for us the type and the magnitude of the national security threat that the FBI was investigating in the collusion investigation, and also in the more general Russia interference investigation?

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A I can try in a very general sense. I mean, I think, obviously, free and fair and open elections are a critical part of the underpinnings of our democracy. I think, given that the kind of interference activity we were seeing and investigating, the sort of technology-enabled aspects of it which are, as I was describing earlier, a new, sort of more aggressive-scaled modification of behavior we had seen over time of election interference and the challenges associated with that, and just given the general importance of doing what we could do to make sure that that important democratic process was allowed to continue without foreign interference. That broader challenge was certainly one of the top priorities of the FBI and the U.S. Government and the U.S. intelligence community.

And I know that the men and women who worked for me absolutely understood and felt the importance of the work they were doing to try to address that. And then, within that broader bucket of activity, this more specific allegation, you know, we were investigating related to specific collusion really tracks that same reason for its importance. If a foreign power is colluding, or otherwise dramatically interfering in a process that is so foundational to our democracy, that has to be one of the highest priority things that we're doing. We have to take it with the utmost seriousness, and not in any way dismiss things out of hand, investigate it thoroughly and effectively and conscientiously. And I think that's what we strove to do as an agency, and certainly my analysts understood and, I think, acted that way.

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I was really proud of them. It was a difficult moment in time for everybody. And that's what we tried to do. Everybody tried to do the best they could to respond.

Q Thank you. Do you believe -- do you have any evidence to believe that anyone on your team or anyone investigating the collusion investigation in particular, hoped to influence the outcome of the 2016 presidential election with the results of that investigation?

A No.

Q So when you say that it was a high-priority investigation for the FBI and for those people working on the collusion investigation specifically, was it a high priority because of the magnitude of the threat?

A Yeah. I think it's along the lines of what I just described. It's the magnitude of the threat. It's the importance of the moment. It's the importance of the case. It's just like we -- we sort of prioritize and work all of our threats based on how it's manifesting and what it means, its significance and impact. That's the same application of thought here. This case and this effort could have tremendous impact on U.S. national security, and so it rose to the level of priority it did.

Q And you stated that you were personally working on the general Russia interference investigation and on the collusion investigation in September 2016. Is that correct?

A That's correct. I was responsible for the analytic teams supporting both the Russian collusion investigation, but also the

broader Russian counterintelligence effort in concert with analysts and others from across the enterprise in other divisions like cyber division and others, yep.

Q In your personal view, how did the national security importance of the collusion investigation and the Russia interference investigation compare to the importance of potentially reviewing more emails in the Hillary Clinton investigation?

A It's hard to make it kind of that sort of binary choice between one or the other. I mean, our job -- and it's a difficult one, often, given the resources we have at our disposal -- is to not make a choice of one over the other. It's to do both. That's what we have to do. That's what the American public expects.

I am in a little different position on this question as the head of the analytic side of the Midyear team. There wasn't really anything we could do until we had material in our possession. So, for me -- although I think I was vague -- and it's reflected in the IG report. I was vaguely aware that the Weiner laptop issue was out there, I was fully focused on our overall mission, because at that point, there was no material for my analysts to review. That changed, obviously, later on. And when that material was made available, I reprioritized resources and brought in the analytic team, and we managed to -- again, I am really proud of the teams that worked on this. We were able to get through both the Weiner laptop review in, I believe, as fast and thorough a manner as possible while simultaneously sustaining our effort on Russia.

Those are different teams of people working on things that are of utmost priority simultaneously. That's a lot of times what the Bureau ends up having to do. We can't pause the world for certain threats while we deal with other ones and then restart them. That's not how this place works. We have to be able to deal with both in motion and simultaneously. That's what I felt like, at least on my side, that we did. And then, I can't speak to the decisionmaking for others during that period.

Q You said earlier with me that you may have been involved in upwards of 100 possible mishandling of classified information cases. Is that still right?

A Yeah, I think that's right.

Q How often have you been involved in an investigation of possible collusion between a major party Presidential candidate and a hostile foreign power?

A I had not been involved in something like that previously.

Q How frequently have you been involved in an investigation of a threat that could undermine the integrity of an American Presidential election?

A That one is harder for me to answer because I think one of the hallmarks of counterintelligence that is not well known publicly is every day I think the threats we're encountering could potentially have that undermining effect or detrimental effect at the level of seriousness we're talking about. So I can't, in a blanket way, say that I've never dealt with that before. This was certainly the most

intense effort related to election interference I had ever been a part of previously.

Q And given your knowledge of the other analysts and investigators from the FBI working on the Russia collusion investigation, do you think they shared your impression that they were working on a somewhat exceptional fact pattern dealing with an extraordinary threat to American democracy?

A Again, I am speaking for them and generalizing, so, obviously, I can't reflect what every individual analyst is thinking. I think it was clear to my teams that this moment in time was a serious and significant one, and that we needed to treat it that way. And part of the reason I know they know that is that's what I was saying to them and that's how I was directing their work. So I can't say everybody sort of recognized the gravity of the situation because they're all individuals and they speak for themselves, but I think the impression was certainly that, that this was a significant spot for us to have to do our work in, and then that's what we were doing.

Q In the Midyear case -- separated from the high political stakes involved in that case, were the facts of that case -- let me rephrase. I'm sorry.

When you think about your colleagues who worked on the Midyear investigation with you, was that the first mishandling of classified information case that those folks worked on?

A No. The team that came in for that -- and I can't speak to every single person on the team. But significant numbers of people

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on that team have and had experience in working espionage and mishandling cases previously.

Q So, if we just stripped the actors from the case and look at the generic contours of each of these investigations, we're talking about mishandling of classified information, which is a fact pattern that is familiar to the investigators and the analysts working on that case, and we are talking about an exceptional case of collusion between a major party Presidential candidate and a foreign hostile power on the other hand. Would that be an accurate statement of kind of the generic facts involved in those two cases?

A Yeah, but, of course, I am conscious of not sort of cross-comparing two things that I think are different, right. And that's not how -- that's certainly not how we think about it within the FBI that one is more important than the other. Both are our mission, and we have to take care of them. I wouldn't say that those teams would necessarily be doing that either.

If you're assigned to work a case, it's your priority. You work it. And you work it as well and as thoroughly as you can, as quickly as you can. It doesn't -- I don't know that that cross comparison is initially even fair because they're so different in the way that you sort of describe.

Q Thank you. Are you aware of any evidence that Peter Strzok purposely delayed the FBI's review of the contents of the Weiner laptop?

A No.

Q Are you aware of any evidence that Special Agent Strzok

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sought to bury or back-burner the Weiner laptop?

A No.

Q Are you aware of any evidence that anyone on the Midyear team purposefully sought to bury or back-burner the Weiner laptop?

A No.

Q The laptop appears to have been first brought to the Clinton team's attention in late September of 2016, and the FBI sought compulsory process in late October 2016. My math says that's about a month. In your experience, is a month an atypically long amount of time for processing data on a laptop?

A It depends. Unfortunately, I know that's not a clear-cut answer. We certainly encountered, during the main body of the Midyear case, electronic devices where the technical challenge and feat, given the state of the device and what's on it and what it is -- the technical challenges were immense in processing, accurately processing, parsing the data, especially because we are never just getting it and doing it in any way we want. We have to do it according to the boundaries we talked about earlier of consent or legal process.

So what I can't speak to is, for this particular set of equipment and the contents on it, the state it was in when it was received, and what we needed to do and how we needed to do it based on those boundaries -- what a reasonable or good time frame would be to be able to simply -- and when I am talking about exploiting, I am saying just get the content off of those devices and into a format where we could look at it. That would be something -- others would have to answer

specific to the conditions of this. But I don't think it's entirely out of the realm of possibility, certainly, that it could take weeks to accurately and, according to the boundaries we are constrained by, get content off in a usable format and then start a review. That's kind of the best I think I can answer that.

Q I would like to ask you about Mr. Strzok's seniority. It's a little hard to tell. Would he have been the individual personally in communication with SDNY about how the progress of the data harvesting was going?

A It depends. I think Pete generally was more involved in the details than maybe others at his level were, given the nature of this case and his involvement with it previously. It would not be at all unreasonable for a lower-level supervisor to be in that more routine, regular contact, depending on the level of the personnel being interacted with at SDNY.

If you're speaking to the actual U.S. attorney, it would not be outside the realm that someone at the DAD level should be engaged in those discussions. But at the AUSA level, there is clearly no reason why a supervisor or an ASAC within the Bureau, or OGC attorneys within the Bureau, wouldn't be doing that contact routinely.

Q On October 27, 2016, the Midyear exam executive team briefed Director Comey about the existence of emails on the Weiner laptop. Were you in that meeting?

A I was.

Q Generally, do you remember what was discussed in that

meeting?

A I generally remember it, yep.

Q Did you discuss whether the existence of the emails should be reported to Congress?

A I generally remember us discussing what the obligations were going to be related to, if we chose -- and I believe we did choose at that meeting, as reflected in the IG's report -- to pursue the contents. What I can't remember specifically is if the congressional notification piece was the focus or if it was a broader discussion around what we -- and I'm using the collective "we," not the personal "we" -- what we, the FBI, needed to do if we did decide to move forward with getting a search warrant, for example, to get that content.

Q The inspector general's report quotes you, on page 336, as saying: "I will never forget what I told him." Director Comey. "I said, Sir, every instinct in my body tells me we shouldn't do it, but I understand your argument that you have to make a factual representation, a factual correction to Congress to amend essentially what you told them, that otherwise, because I think that was really where he had coalesced or the discussion had, that he had made the statement to Congress that doing things like serving process is contrary to what he had told Congress."

Can you explain to me what you meant when you said "every instinct in my body tells me we shouldn't do it"?

A Yeah. I was deeply uncomfortable with the idea -- again, I'm speaking for myself -- of making any sort of statement to anyone

about our need to -- and, in my mind, it was a need, we should pursue these emails in reviewing them. I just was intensely and deeply uncomfortable with making that kind of statement.

What I am reflecting there is the discussion related to the Director's reasoning that part of what he needed to do was to inform Congress because, in his mind, as it states there, it was correcting this factual misrepresentation that would exist if we were to seek legal process. I guess what I'm doing there is I'm telling him -- and I told him -- I understood that reasoning, but it ran contrary to what I thought instinctively we should be doing, which is not speaking in that moment.

Q Can you explain why instinctively you thought the FBI should not be speaking in that moment?

A I was certainly worried about the timing of it and the potential implications of that becoming a politicized issue.

Q Did you believe that a letter sent to Congress would become public?

A I don't know whether I thought of that consciously, but I certainly would -- I certainly didn't have any expectation that if we sent a communication to Congress that it wouldn't, at some point, become public.

Q Can you describe the process through which Director Comey's October 28 letter to Congress was drafted and edited?

A Again, I don't remember all of the specifics, and I would refer to the IG report because I think it lays it out. I know there

was a draft or two circulated. That was after the decision had been made to do it. So I think that's important to understand. This is not, again, continuing debate about whether to do it. That was a decided fact.

Then it was a similar exercise to what we had done earlier, which is, if we're going to say it, what is factually accurate, what should we be reflecting. I was there for that purpose again, what truly represents, from my team's perspective, kind of what is accurate. There was a lot of debate about the semantics and the word choice and some of the legality of it that didn't involve me.

That's my recollection. So I don't remember exactly the sort of threat of how the drafts developed and how it worked. I know there was email exchanges and other things, and then that went forward.

Q Do you remember what role Peter Strzok played in the drafting of that letter?

A I don't remember specifically. I am sure -- you know, I know he was in the mix on it, but I don't remember, like, specifically what he suggested be added or removed or changed or manipulated as part of it.

Q If I told you that you, Peter Strzok, and Sally Moyer took the first cut at the Director's letter, do you have any reason to believe that's not true?

A No, that wouldn't surprise me. And to clarify, like, that wouldn't be unreasonable because that's really the lowest level. We would take a cut, and then it would go up the chain from there. That's

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not an unreasonable -- if that's, in fact, what happened, then I wouldn't find that extraordinary.

Q So, the FBI obtains legal process. It collects the new emails. What was your role in the FBI's review of the substance of the new emails found on the Weiner laptop?

A So, obviously, in a similar vein, I am managing the analytic team that we bring back together. It's the same analytic crew, for the most part. We now have to define a new process. And, again, I'll go back to my terminology of boundaries. We have new boundaries, given the scope of the warrant for this laptop. That has to be defined and communicated to the team, and then we have to start working through the challenges of seeing what's on the device.

So part of my role is getting the best information that I can from the teams, the technologists and analysts working on that to be able to reflect accurately up the chain of command to the Director and others; this is what it looks like, this is what the timing of our review is likely going to look like. This is what we're going to have to do to get through this, defining those procedures and processes so that we know exactly what we're telling the analysts to do and that they know what they're supposed to do and not.

Ultimately, after the team had done their review, it was myself, Pete Strzok, and one other individual below the SES level. We did a final review ourselves at the very end. So it had already gone through the normal analytic process. There was the subset of work-related emails that the analysts who do this work normally had reviewed and

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decided classification -- you know, the classification question about, they had set aside.

This was -- we did one final cut review late on a Saturday night, ourselves. So I looked at some subset of that bucket of emails myself to just be one extra step sure that the analysts had made the right call, given the importance of it.

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[2:21 p.m.]

Mr. Moffa. And then it was to output the results of that process in a briefing. And that was sort of my role.

So it's very similar to the Midyear role, except in a compressed time period and on a single device, which was not the case during Midyear. We had multiple buckets of content from different devices going at one time. But we tried to follow very much the same process we used during Midyear so we kept that consistent standard of quality and review and process all the way through.

BY MS. KIM:

Q One unfortunate byproduct of conspiracy theories is that innocent individuals keep getting dragged into conspiracy theories.

A Uh-huh.

Q There is a conspiracy theory that an attorney at the Justice Department named Tashina Gauhar was involved with you and Mr. Strzok in doing the secondary review of the new emails. Is that correct?

A I've never heard that before. Is the question was she involved?

Q Was she involved?

A Can I confer for 2 seconds?

Q Yes.

A Thank you.

[Discussion off the record.]

Mr. Moffa. Sorry. I was just checking on her SES status. She was not involved.

BY MS. KIM:

Q She was not involved --

A She was not involved.

Q -- in the secondary review.

A No. Of the Weiner laptop? No.

Q In your opinion, was the review of the emails found on the Weiner laptop thorough?

A I believe it was.

Q Was it even-handed and neutral?

A I believe it was.

Q Did any information discovered in reviewing the emails on the laptop change the legal conclusion as to whether Hillary Clinton should be prosecuted?

A Although classified information was found, it was classified information we had previously identified had been mishandled using the email system. And so, for that reason, it didn't change -- and, again, this was not a decision I made -- it did not change the sort of prosecutive implications when the OGC lawyers took a look at it.

Q Mr. Moffa, there have been a great many public criticisms from all sides against former FBI Director James Comey. The President and other Republicans have gone well beyond garden-variety criticisms and have made extremely serious allegations about Director Comey's fundamental honesty and integrity. Some have even accused him of committing crimes. I'd like to go through a selection of these allegations with you and see if you can shed some light.

After the Inspector General released his report on the FBI's handling of the Midyear investigation, the President's personal attorney, Rudy Giuliani, went on Fox News and stated: Peter Strzok was running the Hillary investigation. That's a total fix. That's a closed book now. Total fix. Comey should go to jail for that, and Strzok. Let's investigate the investigators. Let's take a halt to the Mueller investigation.

Is it your impression that the Hillary Clinton email investigation was a total fix?

A No.

Q In your reading of the Inspector General's report, did that report find that the Hillary Clinton email investigation was a total fix?

A No.

Q Do you believe Director Comey should go to jail for his role in the conduct of the Midyear investigation?

A Given the facts that I'm knowledgeable of, no. But, again, I'm not privy to the fact the Inspector General or other investigative bodies have determined.

Q Given the facts you are aware of, do you believe Peter Strzok should go to jail for his role in the conduct of the Midyear investigation?

A Again, given the facts I'm knowledgeable of, no.

Q Again, depending on your personal knowledge for this, has anything Director Comey said or done indicate to you that there should

be a halt to the special counsel's investigation?

A I can't recall anything I've heard or said that would make that be something that I think should happen, so no.

Q After the IG report, President Trump personally stated: I think Comey was the ringleader of this whole, you know, den of thieves. They were plotting against my election.

To your knowledge, was Director Comey a ringleader of a den of thieves who were plotting against Donald Trump during the election?

A No.

Q Do you have any reason to believe Director Comey was plotting against Donald Trump during the election?

A No.

Q Do you have any reason to believe that the FBI was plotting against Donald Trump during the election?

A No.

Q April 13, 2018, President Trump tweeted: James Comey is a proven leaker and liar. Virtually everyone in Washington thought he should be fired for the terrible job he did until he was in fact fired. He leaked classified information, for which he should be prosecuted. He lied to Congress under oath.

Has Director Comey ever lied to you, Mr. Moffa?

A Not to my knowledge. I'm not sure how I would know, though.

Q Are you personally aware of any instances of Director Comey lying?

A Not that I can recall.

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Q Are you aware of any instances of Director Comey lying to Congress under oath?

A Not that I can recall.

Q Are you aware of any evidence to support the notion that Director Comey is a proven liar?

A Not in my personal knowledge of the things he's said and done.

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

A In a general sense, yes.

Q Did you generally find that Director Comey's descriptions of the events in his written and oral testimony were consistent with the contemporaneous descriptions that he shared with you and others at the FBI at the time of the events?

A I don't specifically recall enough to be able to say. I also, though, don't recall reacting in the moment when I was sort of more familiar with what he was saying that it was inconsistent with what I understood to be true.

Q Do you have any reason to believe that Director Comey did not accurately share his memory with the Senate Intelligence Committee?

A I have no personal knowledge to say that.

Q Did Director Comey interact with you to describe his meetings with President Trump contemporaneous to those meetings?

A I believe I received some readout of his interactions with the President contemporaneously. I do not believe I received a readout of all of his interactions. In fact, some of the ones that have been

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pretty widely reported I was not knowledgeable of.

Q But for the meetings of which you had contemporaneous evidence and knowledge, did you find that Director Comey's descriptions of those meetings in his Senate testimony were consistent with the contemporaneous descriptions that you had received?

A So I don't recall what interactions with the President he reflected in his testimony, so I have a hard time answering that, because there are certainly a number of his interactions with the President that I was not either contemporaneously or afterwards aware of.

Q Do you have any reason to doubt the accuracy of Director Comey's oral or written testimony or his representation of the facts from when he was FBI Director?

A Not based on my factual knowledge of and interactions with him. I have no reason to believe that.

Q To your knowledge, did the Inspector General's report on the Midyear Exam investigation contain any information discrediting the special counsel's probe?

A Not to my knowledge.

Q On June 16, 2018, the President tweeted: The IG report totally destroys James Comey and all of his minions, including the great lovers Peter Strzok and Lisa Page, who started the disgraceful witch hunt against so many innocent people. It will go down as a dark and dangerous period in American history.

Was the President accurate in stating that Lisa Page and Peter

Strzok started the disgraceful witch hunt, which I am assuming he means the collusion investigation?

A I think it is inaccurate to assess that any one individual was responsible for -- and when I say "responsible," I'm using this to reflect the broad range of understanding and approval that was in place for the initiation of that investigation. That does not mean that a single individual may not have written a communication that initiated a case. I'm saying there was a multitude of people who approved the initiation of that investigation, and it is not singular to either Pete Strzok or Lisa Page.

Q Do you have personal and political beliefs?

A I actually do not.

Q Interesting. In your career at the FBI, have you ever seen your colleagues letting their personal political beliefs influence in any way their official actions?

A No, I've never seen that myself.

Q Are you aware of any instances where Lisa Page made a professional judgment or took an official action based on her personal political views?

A No.

Q Are you aware of any instances where Peter Strzok made a professional judgment or took an official action due to his personal political views?

A Not to my knowledge.

Q Are you aware of any instances where James Comey or Andrew

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McCabe made a professional judgment or took an official action due to their personal political views?

A Not to my knowledge.

Q In your career at the FBI, have you ever let your family's political views influence in any way your official actions?

A No.

Q I've heard it said that there is a culture at the FBI that lets individuals working at the FBI know that they must separate their personal political beliefs from the actions that they take as official employees of the FBI. Is that correct?

A I think it's fair to say that that's an understood aspect of the work that we do, that you have to be able to divorce yourself from personal beliefs, follow the facts, and do your job professionally and thoroughly and well. And that applies to politics or personal opinions about the subjects we work.

And I think you can call that a culture, you can call that a core ethic, you can call that an understood principle. Any of those things, to me, are true in describing the way our organization and the people that work there know they should be behaving and performing in an investigation. And that's why it makes it deeply disappointing when people divert from that core ethic.

Q The Inspector General's report concluded on page 149: Our review did not find documentary or testimonial evidence that personal political views directly affected the specific investigative decisions that we reviewed.

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Is that conclusion consistent with your experience?

A Yeah. I don't believe that in my personal knowledge or experience that any sort of bias affected the outcome of our investigation.

Q On February 2, the President tweeted: The top leadership and investigators at the FBI and the Justice Department have politicized the secret investigative process in favor of Democrats and against Republicans, something which would have been unthinkable just a short time ago.

Do you agree that the top leadership and investigators of the FBI and the Justice Department have politicized the secret investigative process in favor of Democrats and against Republicans?

A No.

Q Have you seen any evidence to support that proposition?

A No.

Q Throughout your career at the FBI, are you aware of any instances of the FBI conducting investigations in favor of Democrats or against Republicans?

A No.

Q I referred to House Resolution 907 earlier. I will read you another clause from that resolution.

It stated: There's an urgent need for the appointment of a second special counsel in light of evidence that raises critical concerns about decisions, activities, and inherent bias displayed at the highest levels of the Department of Justice and the Federal Bureau of

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Investigation regarding FISA abuse, how and why the Hillary Clinton email probe ended, and how and why the Donald Trump-Russia probe began.

Mr. Moffa, do you think that there was inherent bias at the highest levels of DOJ and FBI regarding FISA abuse?

A No.

Q Have you seen any evidence of inherent bias displayed at the highest levels of the DOJ and the FBI regarding how and why the Midyear investigation ended?

A No, not to my knowledge.

Q Have you seen any evidence of inherent bias displayed at the highest levels of the DOJ and the FBI against Donald Trump as part of how the Russia -- the collusion investigation started?

A No.

Q Are you aware of any evidence that the FBI took any actions biased in favor of Hillary Clinton or biased against Donald Trump?

A No.

Q Are you aware of any evidence that President Obama ordered any investigative activity that was biased in favor of Hillary Clinton or biased against Donald Trump?

A I'm not aware of any.

Q Are you aware of any evidence that President Obama ordered a wiretap of the Donald Trump campaign?

A No.

Q Are you aware of any conspiracy against Donald Trump or the Trump campaign involving anyone from the FBI, Department of Justice,

or the Obama administration?

A No.

Q On December 3, the President tweeted: After years of Comey with the phony and dishonest Clinton investigation and more running the FBI, its reputation is in tatters, worst in history. But fear not, we will bring it back to greatness.

Do you agree with the President's assessment that in December 2017 the FBI's reputation was in tatters and was the worst in history?

A Well, I can't comment on what the public thinks or others think. I do not think that.

Q Do you agree with the President's characterization that the Clinton investigation was phony and dishonest?

A No.

Q Do statements like these have impacts on the morale of rank-and-file FBI agents, in your view?

A Again, I'm not comfortable kind of commenting on the overall morale of the organization, but I will say that I think the men and women of our organization have remained focused on their job. And so the degree to which it impacts morale doesn't impact their effectiveness, in my estimation.

Q Can you tell me why it's important for the public to have faith in the FBI's impartiality?

A Sure. I mean, I think we rely on the public, we rely on our interaction with the public, and we need their trust and confidence

to be able to do our job effectively. And whenever that's undermined, even if it slows down a little bit us learning about or getting in front of threat activity, that makes everyone less safe.

So I think it's important that they're confident in us and they trust that we're doing what we need to be doing to keep everyone safe.

Ms. Kim. I think we are done for the hour. Thank you, Mr. Moffa.

Mr. Moffa. Thank you.

[Recess.]

Mr. Baker. Okay. We're back on the record at 2:50 p.m.

BY MR. BAKER:

Q I have a question. Our minority colleagues in the last hour, towards the end, were asking a lot of questions about bias and whether there was bias, in your opinion, at the highest levels of the FBI.

A Uh-huh.

Q Were you ever involved in a conversation or did you hear a conversation by two FBI executives to others that were on the Midyear team, something to the effect of, "Glad you're on the team. It's up to you to get Clinton"?

A I can't recall ever hearing that.

Q Okay.

Do you recall -- and these may not have been people directly on the team, but they would have been FBI executives saying anything about what they felt the outcome should be to people on the team?

A No, I'm not aware of that, and I don't recall that ever happening in my presence.

Q Okay.

And then a question still in the Russia part of our inquiry.

A Okay.

Q We talked a little bit, when we were up last, about Woods files and validating things that are in the dossier, or the individuals reports that compose what's referred to as that. Would it be common -- you talked about how the validation or refuting process is a living process.

A Uh-huh.

Q Would it be common to rely on media reporting or media assessments of things as a validation of something, or are there more solid facts that validate?

A Yeah, so I think, in part, it's fair to say that media reporting, reflected as media reporting -- which is an important part of that, right? You can't be using the media and making it sound like it's something other than that.

But if there are facts that are commonly known and reported widely in the media, that, to me, is an aspect you can factor in to say: This is a fact, that there is reporting -- "open-source reporting" is how we'd refer to it -- that correlates to it. It doesn't necessarily disprove or prove the truth of it; it just is another indication that that same fact pattern is being discussed in the media, for example.

Q So when you say "widely reported," what would determine if something is widely reported enough to meet the definition of something you would use to --

A That was maybe a bad word choice, because, in my mind, if it's in the media, it's out there, right? So "widely" is probably not an important characteristic of it. If we get a fact from a source and there is a media report that reflects that same information, that is a notable thing, is what I'm trying to say.

BY MR. SOMERS:

Q What if the source is the same for both?

A It's possible, right? And that's why I'm saying that existence doesn't necessarily corroborate it. What I'm trying to say is that would not necessarily be a corroboration. It is a fact to note. And then we have to continue, which is why this is a living process, to evaluate it.

Q You wouldn't stop with the media reporting?

A You wouldn't stop with the media reporting, in my mind. You would constantly be looking for, you know, other streams of intelligence or information, whether it's investigative or intel sources, that ultimately could bolster your further understanding of that.

Q What about other methods of open source? You know, computer search engines, are those used? Google, things like that?

A Sure. I mean, I think it's a basic, you know, research technique that anyone uses. But certainly it's a component piece of when you dig into a fact and you're trying to research it. That wouldn't be uncommon.

BY MR. BAKER:

Q If the totality of any individual fact that you're trying to verify is exclusively media reporting or the totality of all of the facts are only supported by media reporting, is there a tipping point where there has to be something more than just media reporting, where you look behind the media reporting for a different fact?

A Yeah. I mean, I think it depends what your purpose is, right? If your purpose is to, over time, like, really, truly understand the truth or build that out further, it's not good enough to just stop with the media reporting.

It also just could be that, for now, that's the best that you have available, and you note that.

I guess that's why I'm trying to say that validation of reporting in this way, in my mind, isn't something that's a snapshot in time, but it is in the sense of, like, this is what we have currently have available, this is the best information we have that corroborates it right now.

What it doesn't mean is that you wouldn't be looking for or actively picking up other pieces of information that bolster it or add on to it ultimately.

Q Not necessarily in the instant case, but, in your experience, has there every been an issue with the FISA Court where facts are documented, supported, put in the Woods file, that are only media reporting?

A I don't know that, in my experience, I can answer that. I just don't know that I know personally an example of that. There

certainly could be, I would think -- I don't know why you couldn't, as long as it is accurately reflected as media reporting. But I just don't know. I don't know that I have a personal example I can recall of that.

Q Okay. Thank you.

BY MR. SOMERS:

Q You could use media reporting going the other way, right? So if you saw media reporting that disproved things your source was telling you.

A Sure.

Q Did you ever interview individuals -- you know, so you read a media report that mentioned certain individuals that have factual knowledge. Does the FBI go out and interview such individuals?

A Again, speaking in generalities --

Q Yeah, just in general.

A Yeah, I mean, I don't know why we couldn't, if that made sense. Again, it's an operational decision. But if media reporting provided a name or two of someone who potentially could have information, the FBI could consider doing that. I don't know -- again, it would be highly dependent on the situation, I think.

Q In that context, I mean, is the FBI able to go out and interview someone they have absolutely no idea why -- I mean, how would you approach that, where it's a FISA application, so obviously you don't want some member of the general public having knowledge of, like, what you're trying to do with the information -- how do you go about

interviewing someone if you don't want to reveal the why of why you're asking?

A Yeah, well, I mean, I think that's part of that calculation of whether you do the interview or not, right? I mean, I think -- and, again, this is not -- I'm now speaking outside of my lane as an analyst. Operators would have to weigh all of those factors. Is talking to this person something we can accomplish without compromising the operational security of what we're trying to do?

And that's why I think it's fact-dependent. And it's also going to be timing-dependent. Like, could we do this right now or should we do it later? You're balancing the risk of all of that. And that's what our operational decisionmaking does.

BY MR. BAKER:

Q Have you ever -- it's my understanding that the National Security Law Branch at the FBI, in conjunction with maybe the Inspection Division, does something called a Woods file review or audit. They go out into the field and, I think, randomly inspect Woods files for compliance issues. Have you ever participated in such a review?

A No, I've never participated in that, nor would I as an analyst. But I'm generally familiar with the concept.

Q Are you aware of any Woods file reviews that were done on any of the FISAs in matters we're discussing today?

A I'm not personally aware of them, but I'm not the best to speak to that.

Q Okay. Are you aware of any audits having been done, though

you're maybe not directly aware, but have you ever heard anything about an audit being done and there being problems with compliance?

A I can't recall ever hearing that.

Q Okay.

BY MR. PARMITER:

Q So I want to shift back to Midyear for a few minutes.

A Sure.

Q How often would the Midyear Exam team meet during the pendency of the investigation?

A So every single morning, for the most part, the whole team would meet together for about a half-hour or an hour.

Q Does that include the Director?

A No. When I'm saying Midyear team, I'm talking my analysts, the operational side, the working-level investigators, up to the level of myself and Pete Strzok.

Q How often would you have a meeting that would include the Director?

A Again, the cadence of that I can't speak to specifically. And I think it changed over time. But I think, at some point, you know, we were weekly meeting with the Director at sort of the most frequent pace of it. And then, obviously, there would be ad hoc meetings as needed if there was an issue. But I think the regular cadence of it at its peak was about once a week.

Q Okay.

Mr. Somers. Was Lisa Page in these daily meetings?

Mr. Moffa. She was not in the daily meetings. She would most routinely be in the Director's meetings.

BY MR. PARMITER:

Q Was Deputy Director McCabe in the Director's meetings?

A He was in the meetings during the period of time when he wasn't recused with the Director. He would not have been in our daily meetings.

Q At those meetings, was there any -- either the meetings involving the full team that happened every morning or the weekly meetings with the Director, was there ever a discussion about the need to interview Secretary Clinton before concluding the investigation?

A Sure. I mean, I don't know what subset of either of those two categories of meetings, but there was definitely a discussion about when and the need to interview the Secretary. And I don't think there was ever a discussion about there not being a need to do that.

Q So, generally, would you say that anyone was arguing that there wasn't a need to interview her?

A Yeah, I don't recall anybody arguing that there wasn't a need to interview her.

Q Okay. Were you present at the Clinton interview?

A I was not.

Q Okay. Were any of your analysts present at the interview?

A Not to my knowledge.

Q Okay. But you do recall -- you have a pretty good idea of what was asked, based upon documentation of the interview?

A Yeah. It's been a long time since I've reviewed that, but generally I'm aware of kind of what was asked during that interview.

Q And, generally speaking -- and this goes to the issue of intent that I believe we discussed earlier in the day and I believe you discussed with our colleagues as well -- was there anything Secretary Clinton could have said during the interview that would have caused the investigative team to rethink whether charges were appropriate?

A Again, that's kind of speculative, both in terms of what she could have said -- and then I am not the right person to comment on the prosecutive elements of it. But, certainly, you know, statements directly related to that intent question, based on me being, you know, around discussions relating to this, seems like they would have been relevant.

Q Okay. But earlier I think we did or you did represent -- and correct me if I'm wrong -- that there didn't seem to be any evidence of willfulness or intent.

A I'm not aware of any of that that we, you know, through our analytic review, for example, in emails or other things saw.

Q Do you know, based upon your recollection or your review of the documentation of the interview, whether any questions were asked about intent, that would have gotten to that?

A I don't remember the specific questions, and I'm having at this point, years later, having a hard time remembering the details. I would imagine lines of questioning -- whether that was the direct

question or not -- certainly would have touched on this idea of why the decision was made to use a personal email system and whether there was any part of that calculation that involved the understanding that classified information was being exchanged on it.

What I can't speak to is, like, was that the specific question, because, A, I wasn't there, and, B, I just don't remember exactly.

Q Or is that dispositive, as in, like, you know, without a statement clearly indicating intent to transmit classified information over that server, there's no prosecutable case?

A So, again, that's a better question to the operational personnel who were involved in preparing for the interview and our OGC people, whether that was something that was discussed in advance or was kind of required to hear for the prosecutive decision.

Q But was that ever discussed in meetings you were part of?

A I don't remember that specifically. It doesn't mean that there weren't some elements of a conversation in the discussions, the run-up to the interview that related to that question of, if she makes, you know, positive statements to that effect, it's going to be meaningful or not. I just don't remember.

Q Okay.

Let me ask you a couple questions about the Director's statement which occurred just a couple days after that interview.

A Okay.

Q The IG report -- and I'm happy to direct you to the page numbers, as well. I believe it's page 185 says that the team from

Strzok and the lead analyst -- which is you --

A That's right.

Q -- on up, discussed every option between two outer boundaries: one, a one-line press release closing the case, and, two, what ended up occurring, the Director making a press statement.

A Uh-huh.

Q What were the other options on the table that you discussed?

A Again, I don't recall specifically. I think the Director's comment there that's reflected in the IG report when he's saying, again, from myself and Strzok up were present, it doesn't mean that -- certainly from my case, I'm an active participant in that conversation. It's really between our general counsel personnel and him, for the most part, and some of the other seniors in the room.

I'm trying right now, as I'm talking to you, to recall what's in between, and I just can't remember specifically.

Q Which option did you prefer, if you had a preference?

A If I had a preference, it would've been no option. It would've been to not make any statement at all. But I wasn't asked for that opinion, and I didn't offer it.

Q So you would have preferred just saying nothing at all, even to an outer, outer boundary beyond the one-line press release quote?

A Sure. I mean, I think you're operating -- at least this is my recollection of it at the time. The Director was going to do something. That was the initial premise of this conversation. So the initial premise wasn't nothing, which, to me, would be my preference,

or to let DOJ speak. He sort of, in my view, started us at the boundaries that you see reflected there.

BY MR. BAKER:

Q It's your preference to do nothing now in hindsight, or would that have been your preference at the time?

A No, I felt that way at the time. I didn't feel it was my place to -- certainly it wasn't my place to tell the Director what he wanted to do. And that's not how it was -- especially that July statement, that first statement, it wasn't a situation where it was put up for debate necessarily. Discussion, yes. But it wasn't a question to the group of, should I or shouldn't I. It was, I'm going to do this, here are the things I'm thinking about within that range, and then there was a discussion.

Q So who was at the discussion?

A It's the people reflected in the IG report. So it's from myself and Strzok as sort of those lower levels, that regular sort of skinny-down group that I think is in the IG report, you know, and reflected. I think it's in the early part of the IG report it lists some of those names.

Q Uh-huh. And were there people that were very vocal about what your option would have been, do nothing and follow normal procedure?

A No, I don't think so. And, again, it's because the question wasn't really asked. It wasn't, does anyone think we should do nothing? My recollection is he sort of came to the table with: I'm

going to do something at the end of this, so what are the options? Right? When the Director of the FBI sort of starts there, that's where we start, right?

So I don't remember anybody really strongly arguing, like, maybe we should do nothing. It was more along debating that range. And my recollection has, you know, faded over 2 or 3 years now. So if somebody made a comment to that effect and I just didn't -- I'm not recalling it now, that's possible too.

BY MR. PARMITER:

Q You said it wouldn't have been your place to tell the Director that your preference was to do nothing. Did you tell anyone that your preference was to do nothing?

A I don't know that I did. I actually changed that stance during the October timeframe, and that's reflected in the IG report too. And I told the Director he shouldn't make a the statement. I'm quoted in the report as saying that.

Q That's following the Weiner --

A This is after the Weiner laptop. I know I'm mixing the two things. But I felt like in that situation I was more directly asked for that opinion. In this particular case in July, I just -- we weren't asked, and so I didn't offer it.

And, to be honest, I don't know that my opinion should have really mattered there. I mean, at his level, it's his decision to make. He's a career prosecutor, and he has senior people who are, you know, in that lane, of which I'm not, who could make that decision.

So, in my mind, the debate was around the range of options and not whether to do it or not, if that clarifies.

Q Yeah, it does. And why was that your preference, to do nothing?

A I just was deeply uncomfortable with that public aspect of it. But I also recognize that my experience and my position, I may not have been seeing the field kind of the way the Director was and all of those factors. Right? It's easy for me to say that. It's really easy for anybody to say that when you're not making the ultimate decisions.

So I was recognizing that in the moment too, you know, that, you know, at his level, with his understanding of how this works, it's really his call to make.

I guess what I'm saying is I'm not sure I had an informed opinion to that regard. It just didn't seem like something that was going to result in a positive outcome one way or the other. And some of that may be colored by hindsight now, I don't know, but I remember feeling that way in the moment.

Mr. Somers. So you would have preferred to just make an internal recommendation at DOJ --

Mr. Moffa. Yes.

Mr. Somers. -- and let them do with it what they --

Mr. Moffa. That's what I preferred.

BY MR. PARMITER:

Q So a few pages later in the IG report -- this is page 189 -- it

says that on -- and, again, I'm happy to show you the passage if you'd like -- May 16, 2016, you attended a meeting to discuss the Director's statement. And later that day, you sent comments to Mr. Strzok saying some emails were classified when sent, not just after the fact.

Does that sound right to you?

A That sounds right. I can't speak to the specific date, but that sounds right.

Q Okay. Based upon information that's been produced to us by the Bureau, did you also say that they didn't just compromise State Department equities but some other USIC equities as well?

A That also sounds right.

Q You said, in your words, this was to point out that the people sending these emails should have known better.

A That's right.

Q I mean, you felt pretty strongly about that at the time?

A Yeah, I did. Again, as I described my role earlier, I felt like my role in this whole statement exercise was to make sure that what we were saying represented the facts as I knew them. And so I think the IGA kind of felt that was like a technical correction. Maybe that's a good terminology to use. That made that part of it more technically accurate, in my mind.

Because that was a topic of debate even within the State Department, for example: Were these emails classified before or after they were sent? I thought that was an important point of clarification. And it was also important to note that it's not just

State Department equities that are in play, that a part of what we're talking about is the disclosure of classified information from a variety of agencies that happened to pass through the State Department.

And so that's what I was trying to do in adjusting the statement to reflect that.

Q Okay.

And I'm not going to try to talk about legal standards with you, recognizing you're not a lawyer. But later on, the Director tells the Inspector General in this report that mere negligence didn't get it because it wasn't just ordinary sloppiness.

Do you recall reading that?

A I don't. Sorry. It's a long report. Sorry.

Q Go right ahead. It's the indented paragraph right there.

A I'm sorry, which one? Oh, this one. I'm sorry. Yeah, yeah. Okay.

Q Okay?

A Uh-huh.

Q So I guess part of our confusion about the whole question of gross negligence is, okay, it's not mere negligence and it wasn't gross negligence, then where are we falling on sort of the negligence continuum here? Do you recall any sort of discussions about that point in particular?

A I think that was the discussion, right? It was about what do those words mean and what activity fits it. And, again, this is me hearing, I mean, tangentially, not directly involved in that

conversation, the lawyers debating the wording of the statute with some of the facts we had. And that was what the conversation was about. The specifics of that, I just -- A, I recall them, and, B, I wouldn't accurately represent the nuance of it, I'm sure.

Q But the feeling within the Bureau was, whatever the case did, she shouldn't be prosecuted, there wasn't a prosecutable case.

A Yeah, I think, again, deferring to our OGC attorneys who were involved and others who would have an informed opinion about that -- and I think that's an important distinction to make that gets lost. There are people who have opinions, and then there are people who have informed opinions who, frankly, are qualified to have an opinion. There's a difference there.

I think, from what I understood of the people with qualified opinions, people with prosecutive experience who understood the law, who were lawyers, that that was the case. But, again, I don't know why.

That doesn't mean that people within the Bureau didn't have a contrary opinion to that opinion, if that makes sense.

Q It does.

BY MR. SOMERS:

Q You talked to us a second ago about classified at the time it was sent versus classified after the fact.

A Right.

Q How did, like, markings -- I assume if it's classified when it's sent, does that mean it would be marked as classified?

A It would have been great if it was as simple as that. So the idea was -- we were obviously looking for anything that was marked as classified, because that would have been the easiest way to know that it was classified on the front end. The reality was it was a very, very tiny subset -- I think it was, you know, on the order of three or four emails -- that actually had a portion marking, a classification portion marking in them. The vast majority of the classified emails were not marked at all.

So it's not a question of just saying, because it was marked, it was classified when it was sent. We had to actually go through the process of sending that email to the originating classifying agency, them both making a determination that this is classified information, but then they also had to make a determination it was classified when it was sent and it's not subsequently become classified.

Q So it could have been unmarked but classified when sent.

A It could have unmarked and classified when sent. It also could have been unmarked, classified when sent, and not classified when we asked the question in 2015 or 2016.

So if you're following my line of reasoning there, it was this challenge of not just finding the classified, getting the classification determination; then they had to make a decision based on the time period. Was it classified when it was sent, and/or is it still classified today? And sometimes there's a 2- to 3-year difference, right, between when it was sent and when we are asking that question in 2015 or --

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Q And how did the classification markings -- you said there were only a few that were actually marked classified. How does that play into intent?

A So that, I believe, was a specific question in the interview of the Secretary, and it was something that was explored. Because there were a subset of emails that were marked confidential or with the portion marking of confidential that we found. This is the only subset that I'm aware of that had a classified marking associated with them. And so I would refer you to her answer that I think has been produced about what she said related to that.

Q I think I'm asking a slightly different question. Let's just put it out there. Let's ignore the -- let's say there were no emails marked as classified.

A Okay.

Q Could she still have committed a crime? Not did she. Could the statute still have been violated?

A Without speaking to her specifically, it is entirely possible that without marking classified you could be sending classified, and you could know that you were doing that.

It is much harder for us, coming through with the analytic team the way that I had to, to see email traffic that doesn't acknowledge that understanding and have the information not be marked and then say in any definitive way that the person sending it knew that.

Q But it is still possible?

A I guess it would be possible if we were able to

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investigatively determine that somehow. But just simply looking at email traffic, if it's not marked and you have to go through the process we had to go through to determine if it's classified, and there's no discussion around that, you have to take extra steps to try to figure that out. And then it may -- even if you take extra steps, you may never --

BY MR. PARMITER:

Q There was no discussion like, "I know it's classified, but send it anyway."

A Correct. Right? Like, that would be a clear indication that, even though this is marked -- even if it was a separate email, like, I'm going to send you an email in a minute, it's going to be classified, but I'm not going to mark it, like, that would help, right? You would know right away.

That's not the scenario here, right? You have people conducting business emailing each other content. We would send those off if we thought they potentially had classified in it. Some of them would come back, and it would be like, yeah, that paragraph contains classified information. It's a much harder question to say did anyone involved in this exchange know that.

BY MR. SOMERS:

Q What about foreign government information? How much foreign government was in the -- that's presumptively classified, correct?

A It depends. Sometimes yes, sometimes no. I also just -- I

don't recall. That's, again, documented within the file and the things we produced. I just -- I don't know what that is.

Q Okay.

BY MR. BAKER:

Q Would the way the information was transmitted -- to go back to your phrase that I like so much, "putting it into the wild," would that, in your mind, be a factor as to whether there was negligence, regardless of whether it was or wasn't classified? The fact it could be, the fact that some of it may have been known to be, just the fact that it's transmitted electronically, going possibly everywhere, should that be a factor?

A I'm sorry, the question is should that be a factor in the --

Q In your mind, does that go towards showing a negligence?

A I don't know that -- again, for me personally, not necessarily, because that's how we do business. So it could legitimately be someone who just doesn't recognize that this fact is classified. The fact that you then use an email to transmit that doesn't hit some extra level, in my mind. I mean, I think that's a reasonable business activity, is using electronic means to transmit things.

Q But even when you add to it you're setting up a private server altogether, a different network?

A Yeah, I mean, that's a separate question, right? And I think that was one that the lawyers considered as part of this. It certainly put us in a position where we were having to conduct the investigation

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we were conducting, right? And I think that was part of what that deliberation was about.

But I can't speak to, like, what increase or decrease in that element of that statute, the fact that it was a private server versus a government email system, means. I didn't know if there's a difference there legally or not. That's not my department.

I had the luxury, in a sense, of having this very pure counterintelligence perspective on it. I believe people should not mishandle classified, period. They should understand what's classified, they should mark it properly, they should handle it properly. That's it. That's a very black-and-white, simple way to look at the world, and I understand that.

That is not the same sort of deliberation our legal folks had to go through to decide whether it was a crime or not, right? And so some of that is what I think I'm reflecting here, unfortunately.

Q Your pure counterintelligence perspective, I like that phrase too.

A I don't mean to give you sound bites, but --

Q No, I like it, and it calls to mind another question. In your training, knowledge, and expertise as a counterintelligence professional, as a counterintelligence analyst, and as an FBI employee, is a tool used to recruit assets in the espionage world the fact that someone might be having an extramarital affair?

A In a general sense, I think any exploitable fact like that could be used in that way, sure.

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Q Is extramarital affair specifically something that the FBI cautions about for potential weakness to a hostile adversary?

A I don't know if we do or not, to be honest, if in any of our security guidance that's called out or not. I just don't recall it.

Q In your course of analyzing a product, has that been a factor in recruiting either sources that the U.S. Government recruits or ones that we've lost to hostile adversaries? Has that ever been a factor?

A I don't think I can comment on that even if I did recall a specific example, but, like, I can't recall a specific example.

Q Okay.

I think I have a pretty clear understanding, going way back several hours ago, what your professional relationship with Mr. Strzok was. Did you have a social relationship with him at all?

A Yeah, I think we had a limited social relationship. And by that term, I mean kind of the classic work friend. So occasionally, you know, you'd catch a game or, you know, I think our families had met a couple of times, two or three times. But certainly not, like, a regular social interaction.

We worked together very closely, and I think, like anybody you work with closely for years -- and I knew Pete for more than 10 years -- you get to know them as a person. But what I wouldn't say is we were, like, close social companions outside of the office, in large part because we spend a lot of time interacting in the office, and so there was no need to interact outside of it.

Q Prior to all the news reporting about the texts and all the

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drama about that, prior to any of that, were you aware of an extramarital affair going on around you?

A No, I actually wasn't. He never spoke to me about it, and I had no evidence of that to point to.

Q Okay.

BY MR. PARMITER:

Q So I'd like to ask you about a text that, based upon information we've gotten -- this was produced by the Bureau --

A Sure.

Q -- is between you and Mr. Strzok.

A Okay.

Q There's a couple copies there.

A Okay.

Q You may need a magnifying glass to --

A I got it. That's the one that's referenced in the IG report.

Q Right. So you do recognize this text?

A I do.

Q Okay. And is that text in reference to Donald Trump winning the primary, the Republican primary?

A I believe it is. It's talking about, you know, Cruz dropped out. And I think, in a sense, Pete's saying there, now that Trump has won the primary, we need to finish the case more quickly, or there would be pressure to finish the case more quickly. That's how I read it, at least.

Q Why is that? Why did you, upon seeing that, "pressure to

finish MYE really starts," why did it start because Donald Trump was going to win the primary?

A Well, you're going to have to ask Pete why he said that, because that's not what I said.

Q What was your perspective on that? Sorry.

A My perspective was really just reacting to that word, "pressure." I did not believe that we should do anything other than what I wrote there, which is we need to do it well, we need to do it as quickly as possible. And that's why I responded that way. That was the message coming down from the Director, and those are, in fact, the Director's words repeated back to him.

Q Right.

A I think I had a different perspective on all of this, in that I did not -- I legitimately did not care what was happening in the political world. We had to do our work, and we had to do it well. And so I liked those words the Director gave me, and I used them there for that reason.

Now, I also don't think what Pete's reflecting is anything we were, in my opinion, feeling from anyone. I didn't get the sense, until the Director really did start talking about "we need to wrap it up" -- and he did do that at some point -- that we were under pressure to finish.

Q Did you perceive that, you know, there's sort of two ideals there, one, to finish it promptly, but also to do, as you just stated --

A Do it well.

Q -- do it well. Did you perceive that, you know, one of those two, the promptly side of the equation, was, you know, gathering more weight?

A I think I had a -- and what I was trying to reflect back at him with the Director's words is, we could not let the fear of that promptly overwhelm the well. And it was our job, in my mind, to push back if that's what, in fact, started to happen.

Because I think there's -- it's hard to describe that the reality was we were not being pressured to move fast in a way that compromised that well part. I did not feel that pressure.

I did feel the pressure of urgency, which is a little different. It's, we have to do this well and we have to do it quickly. And that picked up as the Director was more clear about sort of when he wanted us to finish.

Q Where were you feeling the pressure to do something urgently? Was it from the Director?

A Yeah, the Director at some point pretty clearly started saying, we need to wrap this up in a timeframe. And so that's not implied. That's, he started telling us that. We need to try to get to the finish line. What do we need to do to do that?

But never did I feel like we lost that thread of it has to be done well. We have to do the things we need to do to get there. It wasn't, cut steps. It was, what do we have to do? What needs to get it done?

Q Okay.

Let me ask you a couple specific questions about that.

A Sure.

Q I think the IG report does go into that in fairly, you know, explicit detail.

A Okay.

Q As early as May 2016, it says the Director had started to feel what it calls a sense of urgency.

A Uh-huh.

Q And according to the IG report, there was a meeting on May 9 of 2016 with the Director.

A Okay.

Q And I'm happy to show you the notes here. An analyst's notes contain three lines, and you can see them right here. It's the lead analyst and Pete --

A Yep.

Q -- meeting with Director, "Sense of urgency."

A Yep.

Q Do you recall that meeting?

A I don't recall that specifically, but I do recall us relaying to the team in one of those morning meeting situations what the Director had said. And so, if the analyst wrote that down, it's because Pete and I reflected back what the Director had said to us about the urgency of us completing the investigation in the relatively near term.

[3:27 p.m.]

BY MR. PARMITER:

Q And why did he say that there was this urgency?

A I think he was anticipating the proximity to the election and other things. But you'd have to ask him. You know, that was the implication, at least as I understood it.

Q So he just said, "Look, we urgently need to finish this, so go do it."

A Yeah. I think he started painting a picture about, you know, I would like us to be wrapped up within, you know, the next -- I forget at this point if it's May -- you know, the next several months.

Q But he didn't say why. He just said, "I'd like us to be wrapped up."

A I don't recall him specifically, you know, laying out, like, here are the reasons why. I think it was all -- it was clear in my mind, or at least the implication that I recall is that, you know, it related to the proximity to these political processes and the election and everything that's happening, and as candidates now are becoming clear, you know, we need to wrap this up.

Q Okay.

And then that same page of the IG report refers to a May 11, 2016, meeting.

A Okay.

Q And it's not clear whether or not you were in this meeting or not, at least not from the IG report.

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A Okay.

Q But it does refer to some notes from David Laufman from NSD --

A Okay.

Q -- also noting that the Director felt a sense of urgency, which he called an extraordinary sense of urgency, to wrap up the investigation.

Were you at that meeting?

A I don't recall being at that meeting. It also could be, you know, just a conversation that Laufman had with Pete, for example.

Q Okay.

The IG report notes that all of this was happening before the MYE team interviewed Mills or Samuelson or Secretary Clinton or obtained the culling laptops. Does that sound correct to you?

A That sounds correct.

Q Okay. Do you know at that point in May -- I guess it would be still early May, May 11 -- how many other witnesses had yet to be interviewed?

A Yeah, I don't recall that. I mean, I just don't know off the top of my head.

Q I think the report says it was 72 that were ultimately interviewed. Do you know approximately how many had not been at that point?

A I don't.

Q Okay. If I told you it was about a third, would you believe me?

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A I wouldn't disbelieve you if you had facts to support that. I just -- I don't know.

Q So is it normal to proceed in something like this? Like, as in, do you recall other investigations where this director or any director you've worked for had this sort of sense of urgency for wrapping up a case?

A I don't recall that, but I also can't speak to how common it might be in cases of the kind of gravity we're talking about here. It's obviously not a run-of-the-mill case at a run-of-the-mill time. And so me not recalling it, to me, shouldn't be taken as the measure of, you know, has it happened in other circumstances, on other cases.

Mr. Parmiter. Just bear with us for one second.

Mr. Moffa. Yeah, of course.

Mr. Baker. I'll ask a question while he's --

Mr. Moffa. In between.

BY MR. BAKER:

Q I think the IG report alludes to this, but did you have any personal knowledge of any frustration of team members -- because Mr. Stzrok would relay important Midyear stuff to Lisa Page. She, in turn, would notify the Deputy, short of -- so the result being short-circuiting Mr. Priestap and, I think at the time, Mike Steinbach. Are you aware of any frustration in that?

A Yeah, that's consistent with, you know, things I heard both at the management level and amongst the team, sure.

Q Was there anything done by those that were frustrated by it,

or did Mr. McCabe eventually hear about it and do anything to alleviate it? How was it resolved?

A Yeah, I mean, I think A.D. Priestap's in a better position to talk about that than I am because he was Pete's supervisor. But I know it was known to management. And I believe, my recollection is some steps were taken to try to address it directly with them.

But, like I said, I was, again, on the edges of those conversations. He, as his supervisor, could tell you what was relayed, what wasn't, what they put in place to try to address it. But I was aware of the frustrations, sure.

Q Okay. Are you aware of a list that Mr. McCabe requested be made regarding things that DOJ wouldn't allow that was sort of like a laundry list of things --

A Yeah, I remember reading about that in the IG report. I don't know that I have, like, specific recollection independent of what the IG report says about it.

Q Okay.

A I believe it if they found it. I just don't remember that happening.

Q Thank you.

BY MR. SOMERS:

Q All right. In the course of the email investigation, did you guys -- "you guys" -- did the FBI come across any other, you know, questionable or careless -- I'll let you characterize it how you want -- practices with regard to the handling of classified information

by Clinton or those around her?

A I think -- and I think, again, this is reflected in the IG report. I think there was a broader understanding of handling of classified information at State Department that certainly became clear and about how business was being done there that we reflected.

Q What about with regard to the SCIFs in either of her residences?

A Yeah, I think the investigation looked into that aspect of it and how they were operated, and there were -- you know, I don't recall the specifics of it, but we described, I know, that in some of what we outputted at the end as part of the sort of overall sense of how classified information was being dealt with there.

Q And that went into the analysis of the charging decision?

A I don't know that.

Q Same, secured facts. Did you come across a misuse of secured facts?

A I vaguely -- not even vaguely -- I recall that the facts related to the SCIF and some of what happened there were uncovered as part of our investigation. I just can't speak to whether, you know, the prosecutors looked at that as some element of the decisionmaking around the prosecution decision.

Q Okay.

BY MR. PARMITER:

Q I want to go back to a couple of passages in the IG report.

A Okay.

Q It talks about how the Bureau used 2703(d) orders to obtain emails from email accounts belonging to Huma Abedin, Paul Combetta, Cheryl Mills, and two other individuals. Do you recall this?

A I don't. I mean, I recall that passage of the IG report and the use of 2703(d). I don't recall the two individuals.

Q Okay. That's fine. I mean, I can show you this if you want.

A Yeah. Okay.

Q It says you had taken notes on it. But do you recall who the two unnamed individuals are?

A I don't.

Q Okay. It says that the FBI received the -- this is according to your notes.

A Uh-huh.

Q And, again, early June 2016. So I understand the passage of time.

"The FBI received the returns from this (d) order and determined that, as of that time, the email containing classified information no longer resided in this individual's account."

A Yep.

Q Was there any indication of why that was?

A I don't recall that specifically, so I can't answer that. I don't know. And I don't recall knowing even at the time that we knew that. That reasoning, right? Like, why it was deleted.

Q But it was deleted?

A It was not there anymore. I shouldn't use the word

"deleted." It was no longer present in the account. Whether that's a function of settings that automatically do that or whether it was a deletion, I don't know.

Q Okay.

A I also don't recall what we're specifically talking about, so I probably shouldn't be speculating at all.

Q It's the footnote right down there at the bottom.

A I was going to try to do it without looking at it, but I should look at it.

Yeah, I really don't recall this specifically. Sorry. Yeah, I'm sorry.

Q But certainly for purposes of this, it could've been that it was deleted. Do you recall if --

A Sure.

Q -- there were contemporaneous emails, you know, about the same date that were still resided in the account?

A I don't recall that at all.

Q Okay.

A And me taking notes on it, it's likely I'm getting a summary of that from the team at one of those morning meetings.

Q Okay.

The IG report also says on the following page that the Bureau decided not to use (d) orders for Secretary Clinton's account. Do you recall that dichotomy?

A Huh-uh, I don't. Again, given my role, I would have maybe

been around a couple of these discussions, but I wouldn't have been involved in them. This is all that operational side of the house's discussions about how to collect that information.

Q But you would've been around when determining whether -- having collected it following, you know, the issuance of the order to Google or Yahoo or whoever the --

A Sure.

Q -- ISP was, you would've been the one or supervising people who determined that the emails were no longer present.

A I would've been supervising the analysts that would go through those returns and come to that conclusion, yes.

Q Okay. But you don't recall it in this instance.

A I just don't recall the specifics, no.

Q Okay.

Did you at any time participate in discussions over whether or not to use a search warrant or a (d) order or a subpoena to obtain information?

A Sure. I think like I described earlier, I would be part of those discussions sometimes. I may even offer an opinion as part of them. I can't think of specific ones where I really weighed in.

Yeah, I think that's the best way I can answer that.

BY MR. BAKER:

Q You had expressed an opinion to the IG that you wished you could have searched Mills' and Samuelson's computers. What was the purpose of your desire to do that?

A Sure. I mean, that was specific to the culling laptops. It was to get at what I kind of described in that report, is that we were constrained to the boundaries of that consent agreement to look at certain things. But one of the constraints, as I remember it, was that we could not look at emails that the Secretary was not a party to. So if the Secretary's email wasn't present, we couldn't look at it.

And what I was saying in the IG report, I wished we could have looked at the communications between, like, Mills and Samuelson without the Secretary present, for example, so that we better understood what the process and procedures were for how they culled the emails and if there was any discussion about what should be culled or not that may have been inappropriate.

Not that I have evidence that that's the case. And it's aspirational in the sense of I wish the boundaries of consent were different. But what I was trying to say there is it would've been nice for us to see, on the laptops of the people who did that sorting for Secretary Clinton, were they discussing amongst themselves what was in or out and why and how.

That would've helped us really in a better way potentially understand are these people just legitimately doing this on the up and up, or are they executing potentially a flawed process, right, that may have resulted in us missing content that we could've gotten otherwise.

So that's what I'm saying in that report -- I'm saying to the IG, which they reflected in the report.

Q Okay.

BY MR. PARMITER:

Q Right. I think it's, you know -- you had no evidence to suggest there was some sort of --

A Yep.

Q -- willful arrangement.

A I'm not saying that. What I'm saying is it would have been nice if we could have looked at the communications to determine that more definitively.

Q Okay. Well, I guess I'm the one saying that, based on what is in the IG report, I think, you know, based upon what at least this says you told the IG, that, you know, the lead analyst told us that he had no evidence to suggest that there was some sort of willful arrangement to remove and otherwise sideline material that would reflect criminal activity.

A Uh-huh.

Q So you recall saying that to the OIG.

A Yeah, some version of that, sure.

Q Okay. So what would you be looking for to suggest criminal intent?

A Yeah, for example, independent of this case, right, if you have two parties and they're trying to sort a bucket of emails, and one is "share it" and one is "delete it," and there's a communication that says, "Anything that deals with this topic, whether it should be included in the 'share' bucket, just delete it because we don't want

the world to see it," like, that's the kind of instruction, right, that I would be talking about, that we know consciously that this should be among the production we need to make, we're consciously choosing not to do it, for whatever reason -- it's embarrassing or it's reflective of the fact there's classified information in it. That's what I was trying to get at there.

We never saw anything like that, any sort of discussion that said we're going to purposely manipulate culling or selection of emails in a way that, you know, will result in things not being produced. But that was the type of evidence, you know, that I was referring to and interested in.

Q Right. I mean, memorialized in an email.

A Correct.

Q But, of course, if person A walks up to person B and says, look, we're not going to find anything that implicates our client, you know, we're going to cull anything that does reflect criminal activity, if that were communicated verbally or over the phone, there would be no way to track it, would there, or see that?

A Yeah, I mean, it's obviously much harder, right? Like, unless a witness tells you that, you don't know. And that's what we were, you know -- we were looking in the emails for any evidence that would reflect something like that.

Q Okay. And you never did get to examine the emails on the culling laptops, did you?

A We were able to examine emails on the culling laptops

consistent with a consent agreement that was negotiated. If you asked me today to explain the edges of that consent agreement, I couldn't do it anymore. But we ultimately did get to access emails on those culling laptops.

BY MR. BAKER:

Q You had indicated a short while ago the difference between people that have opinions and people that have informed opinions.

Some of the, I believe, public reporting of some of the criticism of the interviews was that they weren't put under oath. It's my understanding that FBI policy for a voluntary interview, the interview does not have to be recorded and the interviewees do not have to be put under oath. Is that your understanding?

A I actually -- I would be rendering an uninformed opinion if I told you that.

Q Okay.

A I actually don't know that --

Q Okay.

A -- and what the current rules are, right? I think that's better asked to -- and a simple ask to somebody who knows that.

Q But you have no reason to believe that the interviews were conducted in a manner other than consistent with FBI policy?

A That's correct.

Q Okay.

A My understanding is they were conducted according to policy.

Q Okay. Thank you.

BY MR. PARMITER:

Q We've just got a few minutes left, so let me just ask you a couple additional questions.

A Sure.

Q Sticking with Midyear, these questions are going to pertain to the classified annex of the IG report, but I want to ask you a few questions about the portion that is in the IG report that's unclassified. I don't want to get into classified material here.

A Roger.

Q In the IG report, it says that, in late May of 2016, a person referred to as "FBI Attorney 1" drafted a memo saying review of certain highly classified materials was necessary to complete the investigation and requesting permission to review them.

Are you familiar with that memo?

A I am now. It actually -- I hadn't remembered it until the IG brought it up as we were going through that. So I am now, through the IG report and my interaction with the IG.

Q Okay.

And it says also that the Bureau didn't ever finalize the memo or received access to these materials. I think it says -- and feel free to tell me I'm wrong about this, but -- that you thought it would've been a good, logical step to do so.

A That's right.

Q Okay. But you never did.

A We were unable to. And I do want to make that distinction,

right, that I would put this in the same category of just like I would love to have expanded the edges of some of the consent agreements or the search warrants, this was material that we were unable to access, we were not permitted to access.

Q Right. I'm not suggesting --

A Yeah, yeah. I'm with you. I just wanted to be clear about that, right? It wasn't a conscious choice to not do it. It was: We did not have access to it, so we did not review it.

Q Okay. And to date, do you know whether anything in those materials is relevant to the Midyear investigation?

A I do not personally know that.

Q Okay.

Mr. Moffa. I don't think I can say anything more than that, right?

Mr. Sinton. We'd have to talk.

Mr. Moffa. Let's talk.

[Discussion off the record.]

Mr. Moffa. Sorry. I just want to be really clear. Can we repeat the last question? The question was, am I aware right now if there's anything relevant there --

Mr. Parmiter. Yes.

Mr. Moffa. -- among that material. My answer is no.

Mr. Parmiter. You're not aware.

Mr. Moffa. I'm not aware.

Mr. Parmiter. Okay.

BY MR. BAKER:

Q What is a defensive briefing?

A A defensive briefing, I guess, could have a lot of meanings, but, in my mind, it is to make someone aware of either specific information that relates to a threat to them, whatever that is, or to make them aware of circumstances that they should be mindful of so that they avoid a future threat. So it could be both the awareness side or a specific warning related to something.

Q And who would the recipients of a defensive briefing be? Who could they be?

A I think it really could be anybody. But it's somebody potentially who we think is at higher risk for a threat or that we have specific information about a threat. But I honestly think it could be anyone. It could be anybody we think would benefit from that briefing.

Q Including a Member of Congress?

A Sure.

Q Or a political candidate?

A Absolutely.

Q Are you aware of any defensive briefing that was given to either candidate related to any country other than Russia interfering in our elections?

A So that's -- I was saying earlier, I'm not aware of what the content of those defensive briefings included.

Q You've never come up for one or --

A No, I didn't participate in the defensive briefings related to the candidates, and I don't know what the full range of that was. I know that counterintelligence as a topic was included among the set of topics for the briefings that, my understanding is, happened for both campaigns. But I don't know if that was, like, a broad, general counterintelligence or if there were specific countries named. I just don't know the content of it.

BY MR. SOMERS:

Q Do you know how many defensive briefings were given?

A I don't. At least one, I know, for each candidate, for each -- I don't know what the right terminology would be, but campaign staff or candidate and others. I'm not the right person to answer that, but I'm aware of at least one of those happening for each, that it was a combined U.S. intelligence community team the FBI participated in and counterintelligence was a component piece of it.

Q And did those happen at about the same time?

A Yeah, in my recollection, it was roughly around the same time.

Q You have no knowledge of the content? You don't know whether they were similar briefings or --

A No. I mean, I just don't know, I think, other than, like I said, that I know counterintelligence was a topic within it. So that's it. I don't know.

Q Did you have any discussions about giving any further defensive briefings?

A I don't recall those.

Q I mean, not that they were given. Was there ever discussion of, hey, we ought to brief candidate X on Y?

A This is during the candidate phase of everything?

Q Yeah.

A Yeah, I just don't recall that.

Q Okay.

BY MR. BAKER:

Q In our last minute or so, jump back to the Russia investigation.

A Okay.

Q Did you ever go on any operational travel with investigators related to that case?

A Not related to that case, no.

Q In your capacity as an analyst or a supervisor of analysts, did you analyze any work or any information attributed to a Glenn Simpson?

A Not specifically -- I guess I need clarification. Like, what are you saying? Something Glenn Simpson said or provided, is that what you're talking about?

Q Provided.

A Can I confer really quickly?

Q Sure.

A Thank you.

Mr. Sinton. Real quick, can you restate the question just so we

have it?

Mr. Baker. Did his team of analysts analyze any product or information from Glenn Simpson?

[Discussion off the record.]

Mr. Moffa. Okay. So I believe my answer is, to the best of my knowledge, there is information that may have originated with Glenn Simpson that members of my team would have looked at.

BY MR. BAKER:

Q Okay.

You mentioned earlier the living process of verification and refuting things. As you sit here now, is it your belief that more of the facts of these individual reports or the dossier, that more of them have been validated or more of them have been refuted?

A I don't know that I can comment on that. My hope would be that more work has been put into either of those, but I don't know what the outcome of that is. I would hope additional information, additional research has been done on that, but I can't tell you, because I don't know, the way that has broken out in terms of the result.

Q Okay.

BY MR. PARMITER:

Q I think we have about 2 minutes left, so I just want to ask you a couple questions.

Do you know someone named Frank Rucker?

A Yeah. I believe he -- well, I'll confer really quickly.

[Discussion off the record.]

Mr. Moffa. The answer is yes.

BY MR. PARMITER:

Q Okay. I'm going to show you what we're marking as exhibit 5.

A Thank you.

[Moffa Exhibit No. 5

Was marked for identification.]

BY MR. PARMITER:

Q Do you recognize that email?

A No.

Q Okay. Can you tell me what this email appears to be, though, at least the one at the top?

A Okay. I mean, it's Pete.

Q Pete emailing --

A Me.

Q -- you.

A And he's saying -- I think the implication of it, as I read it, is that the ICIG could be a source of a leak potentially.

Q Okay. Do you think that's why Mr. Stzrok is saying he's really glad you're not dealing with them? Do you know why he believed that they were the source of the leak?

A No, I don't.

Q How did you feel about working with the ICIG?

A My interactions with them were fine. I thought they were cooperative on the front end. I don't have negative feelings at all about our interaction with them.

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Q Did Mr. Stzrok say anything else to you about the ICIG or Frank Rucker that might put a little bit more meat on the bones of this, that would show why he was frustrated about leaks?

A I just don't recall this at all specifically. I know, you know, he was generally sensitive to who were sort of more politically minded actors that we were dealing with during this time because of the concern over -- or who might start talking about it, especially early on. And this is relatively early on. That's the only thing I can say. I think you'd have to ask him that.

Q You said "politically minded actors." Was that how Mr. Stzrok viewed Mr. Rucker, at least according to what you --

A I don't see where Mr. Rucker is referenced on this, though, unless I'm missing something.

Q Here, I'll show you another document that sort of just illustrates this one. If you look at -- you can see that the --

A Oh, okay. I see. Is this the same email?

All right. Got it.

Yeah, I mean, again, you'd have to ask Pete about his impressions of Mr. Rucker. I don't remember ever having a concern that anyone at ICIG was going to leak anything, personally.

Q Okay. Do you know whether or not the view that they were going to was widely held within the Bureau?

A No, I don't believe that it was. I'm not aware that it was.

BY MR. SOMERS:

Q So you're not aware of any leaks on anything by the ICIG?

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A Not that I'm aware of.

Mr. Parmiter. I think our time is up.

[Recess.]

Ms. Kim. We will go back on the record. It is 3:59 p.m.

BY MS. KIM:

Q Mr. Moffa, I'd like to return to the text messages that the majority introduced as exhibit 4.

A Sure. I'll pull those out.

Q So it looks like you and Mr. Stzrok were texting on the evening of May 3, 2016. The time is in UTC. I believe if you translate that to Eastern Time --

A I believe you.

Q -- it's the evening of May 3, 2016. Ted Cruz had dropped out of the Republican primary, making Donald Trump the Republican general election candidate.

Mr. Moffa, do you remember Director Comey stating his belief that the investigation should be completed around the time the general election started?

A That sounds right, but I can't recall specifically.

Q Mr. Stzrok texted you, quote: Cruz dropped out. Now the pressure to finish MYE really starts.

Did you understand this pressure to mean pressure because Ted Cruz dropping out functionally ended the primary season and started the general election campaign?

A Honestly, I don't know that I am reacting so specifically

to anything other than the word "pressure." I'm literally, I think, in this moment trying to reflect back to him that I don't care about the pressure and we should not act that way, that we have to work with urgency but we want to do it well.

So I'm just saying, I don't think I honestly -- especially because it's, I think, after hours and I was not interested in continuing to debate these things in that scenario. This is what the Director told us, that's what we're going to do, which is we need to do it well and we need to do it promptly, but it's more important we do it well.

Q Did Director Comey or anyone else at the FBI ever direct you to complete the investigation by a certain date?

A I don't remember a specific date, and if that happened, I'm just not recalling it. Definitely -- and we discussed that a minute ago -- there was a general timeframe that was expressed to us at a certain point around this period in May 2016, where we knew we had some increased urgency from the Director's perspective to conclude the investigation.

Q I'd like to talk a little about where the investigation was in the May 2016 timeframe.

A Okay.

Q So had you completed the review of all of the 30,000 emails that had come to you from the ICIG?

A Again, it's going to be hard for me to kind of temporally orient myself to that moment in time and where we were. The original set of emails from the very beginning, by that period of the case, we

likely, in my recollection, were more or less through. We were into these additional sets of emails that we've acquired through other parts of the investigation.

Q And I'll represent to you that many of the individuals who had knowledge about the setup of the server, why the server was set up, had already been interviewed by this point. Does that strike you as correct?

A Sure. It strikes me as correct, but I can't say for certain.

Q And I'll also represent to you that this was a timeframe that the inspector general's report states Director Comey and other senior leaders at the FBI believed that the case was likely headed towards a declination. Does that sound right to you?

A Yeah, I think like I discussed earlier, I think people are taking stock -- by "people," I mean people with a qualified opinion about the prosecutive merit of the case -- are taking stock of the facts that we have in this moment. And I think, in their minds, that's where it currently stood.

Q Is it reasonable to you that someone could take prosecutive stock over the cases -- what witnesses have been interviewed, what evidence has been analyzed -- and want to also take account of the remaining steps and decide how much longer that process would take to dot all the i's and cross all the t's?

A Sure. I think that's the discussion, right? Like, this is where we are in this moment. But I certainly -- and that's what I was trying to reflect earlier when we were talking about this. I did not

feel pressure to avoid steps that were necessary. It was how long and -- first of all, it's the emphasis, "We need to move as quickly as we possibly can," but we also need to be doing the things we need to do to get to the end of it.

And I very much, to this minute, still believe that was the message then. It was: We need to do this well, but we also need to do it promptly, but "we need to do it well" being an emphasis point. That hit home for me, clearly, because I texted it in this instance, but that permeates through all of this.

Q You stated to us earlier that if any evidence had emerged late in the investigation, including in the interview of Secretary Clinton, you believe that lead would have been followed.

Is that still true? Do you believe that if an intervening event had occurred near the end of the investigation to change the direction, that you and the FBI would have been given sufficient time to pursue any evidence that you needed to pursue to complete the investigation?

A I believe we would have.

Q And, in your view, did the FBI take necessary and prudent investigative steps to complete this investigation?

A I believe we did.

Q And do you feel now that the FBI had to compromise on its investigative strategy because of time pressure or political pressure?

A I don't believe we did. I think, given time, you could always do more. But I think the essential investigative acts we needed to conduct we did, and the information we had available, from my

perspective, analytically, that we had to review we reviewed.

Q I will represent to you that, you know, 1 day prior to your text, Director Comey had already drafted what would become his July 5, 2016, statement. The first draft was already completed.

To your knowledge, did Director Comey draft that statement because of any political pressure to curtail the Clinton investigation?

A I don't believe it was in response to political pressure. My impression -- and I don't -- you'd have to ask him that -- was, again, his desire to conclude the investigation before the general election period, for lack of a better way to describe it.

Q And to your understanding, did his exercise of drafting that statement reflect his belief that the team had reached an understanding that no criminal charge was appropriate, given the state of the evidence?

A I don't know that -- again, I think I tried to describe this earlier. Him drafting the statement, to me, is not deciding the outcome of the case. It is him beginning the process of formulating what that statement would look like in sufficient time so that it could be evaluated and not have it be a last-minute activity.

So I think that's what he's doing there. I don't think it's deeper than that, in terms of him deciding anything. I think he's using the current state of play as the basis to start that statement and begin working it through the process.

Q I'd like to go briefly to your working relationship with Mr. Stzrok.

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A Okay.

Q How long would you say you worked alongside Mr. Stzrok?

A I'd say on the order of probability 13 or 14 years.

Q Do you believe you had the opportunity to observe his work habits and his ethics closely?

A Sure. I think, like any colleague you work with over that period of time -- and I should say, "work with," only portions within that 13 or 14 years are we working directly. I think there is a difference, and it's important to make that distinction. There were times where he's working in a completely different city or at a completely different office and I'm not seeing him on a day-to-day basis. But I would say, like, over the course of that time, I got a good sense of the body of his work.

Q He's been described to us by different witnesses as perhaps the foremost counterintelligence investigator at the FBI. Is that a characterization you would agree with?

A I wouldn't say that, necessarily. He's very experienced, and he's very smart. I don't know about "foremost." He was among the most experienced agent managers of espionage specifically, and he had been involved in some important counterintelligence and counterespionage cases. I would have to kind of do the lineup of who's in his peer group, though, to say that he's foremost, and I certainly haven't done that.

Q But you would agree that he was a well-respected and highly experienced counterintelligence investigator?

COMMITTEE SENSITIVE

A I would say that. He was well-respected. He was highly experienced. And he certainly was talented.

Q And in the 13 to 14 years that you've known Mr. Stzrok professionally, have you ever seen evidence of him exhibiting political bias or letting other inappropriate considerations guide his work?

A No.

Q Did you have a sense of his political affiliation?

A I think, like any colleague you've known for that length of time, you get a sense of where politically or otherwise they're oriented, in the same way you'd get a sense of what sports teams they prefer. You know, you pick that up. So I certainly had a sense of his political beliefs.

Q Did you ever see those personal political beliefs affect the official work that he was doing?

A No, I did not.

Ms. Kim. I think that concludes our line of questioning. Thank you.

We're off the record. The time is 4:08.

[Recess.]

Mr. Parmiter. We just have a couple more questions to ask you. And just for the record, want to say how much we appreciate your time today, as well as counsel's time. Once again, always nice to see you.

Mr. Moffa. Thanks.

[Moffa Exhibit No. 6

Was marked for identification.]

BY MR. PARMITER:

Q So I'm going to show you -- we're going to mark it as exhibit 6. This is an email from Mr. Stzrok to you.

A Okay.

Q Do you recall this email?

A I don't, but I'm looking at it now.

Q So he emails somebody whose name is redacted, with you copied, and says: Hey, can Randy push career counseling with [blank] today so he can tee up a White House request on HRC to WH?

Is "Randy" Randy Coleman?

A "Randy" would be Randy Coleman.

Q Do you know what "White House request on HRC to WH" means?

A Give me 2 seconds. Let me look at this one real -- I'm trying to look at the timeframe too.

So I don't know this specifically. The only White House request I can recall related to Midyear would have been -- and we talked about this on the front end of today's session -- would have been if we sent a request -- and I have the recollection that we did -- for any emails they may have still had in their possession related to the Secretary during her time as Secretary of State.

So it's possible, and it would not be uncommon, that the A.D. would have to get involved in a request like that, where we're essentially asking the White House for materials that they have in their possession. That's my best guess, in looking at this now, is that's what we're talking about, would be the request to them to say, if on

White House information systems you have email content between the Secretary when she was Secretary of State, we would want copies of those emails.

It was in the vein of the question I think you asked me earlier about the agencies we hit. I just don't recall which ones specifically. But I do vaguely recall the White House being one of those, and that could be this.

Q And do you recall receiving anything in response to the request that -- I guess it would've been Assistant Director Coleman at the time made?

A Yeah, if it is that, I have the recollection that we closed the loop with all of those agencies. So they either had things or they didn't, and that was part of the sort of responsiveness we looked at to say, like, what outstanding things were out there. I don't have a recollection that any of these were left hanging and unresponded to. But I can't say definitively. I just don't remember.

Q And so when you closed the loop with the White House did you do so having received something in return or having them tell you that they didn't have anything?

A That's the thing, I just don't remember. I feel like it's -- these are -- these kind of threads of what requests were out there and whether they were responded to was something we were actively paying attention to. I can't say about this one specifically.

And to be fair, again, like, I don't even know that that is exactly what this is. That is the most reasonable thing I could

speculate -- "speculate" is the wrong word, but it's an informed speculation that I think they may be referring to there. And the timeframe for that is right, in my mind.

Q Do you know who Mr. Stzrok is emailing, who the redacted name is?

A I don't recall. I could speculate, but it would be somebody below the SES level anyway. But I don't recall specifically.

Q Could it potentially be someone who kept his schedule?

A It would be someone, in my mind, who kept Coleman's schedule, Randy Coleman's schedule, potentially, yes.

Q Right. Okay.

A Because there's only a few people who could do that, could move it.

Mr. Baker. You have answered a lot of questions today. You've been very gracious. Your information has been informative and very helpful to what our purpose is.

Is there anything you would like to say, anything we haven't asked that you would have information that you'd want to share? Anything?

Mr. Moffa. No. Thank you.

Mr. Baker. Okay. Thank you.

Mr. Moffa. Unless --

Ms. Bessee. Can I -- sorry.

Mr. Moffa. Yeah. Go ahead.

Ms. Bessee. Just one thing. And not to beat a dead horse, but in terms of clarifying between the Russian interference and the alleged

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collusion, it was just a matter of clarifying the two and not because that's something the -- that's how the FBI recognizes it. So I just wanted to clarify that for the record. I just wanted to clarify it.

Mr. Baker. Thank you.

Ms. Bessee. Thank you.

Mr. Baker. It's 4:14, and we're off the record.

[Whereupon, at 4:14 p.m., the interview was concluded.]

COMMITTEE SENSITIVE

Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date