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

INTERVIEW OF: J.P. COONEY

Tuesday, June 24, 2025

Washington, D.C.

The interview in the above matter was held in room 2237, Rayburn House Office Building,
commencing at 10:03 a.m.

Present: [REDACTED].

1 Appearances:

2
3
4
5 For the COMMITTEE ON THE JUDICIARY:

6
7 [REDACTED] GENERAL COUNSEL

8 [REDACTED], DEPUTY GENERAL COUNSEL

9 [REDACTED] DIGITAL DIRECTOR

10 [REDACTED] CHIEF COUNSEL FOR OVERSIGHT

11 [REDACTED] COUNSEL

12 [REDACTED] PROFESSIONAL STAFF MEMBER

13 [REDACTED] PROFESSIONAL STAFF MEMBER

14 [REDACTED] SPECIAL SENIOR COUNSEL

15 [REDACTED] MINORITY CHIEF OVERSIGHT COUNSEL

16 [REDACTED] MINORITY SPECIAL COUNSEL

17 FOR INVESTIGATIONS AND SENIOR ADVISOR

18 [REDACTED] MINORITY PROFESSIONAL STAFF MEMBER

19 AND LEGISLATIVE AIDE

20
21 For J.P. COONEY

22
23 CATHERINE DUVAL, ESQ.

24 NICK DICARLO

25 Zuckerman Spaeder

1 [REDACTED] We'll go on the record.

2 Good morning. This is a transcribed interview of Mr. J.P. Cooney, former deputy special
3 counsel on Jack Smith's team. Chairman Jordan has requested this interview as part of the
4 committee's oversight of Jack Smith's team, and the inexplicable seizure of a Member of Congress'
5 cell phone.

6 Would the witness please state your name for the record.

7 Mr. Cooney. My name is J.P. Cooney.

8 [REDACTED] And we encourage witnesses who appear before the committee to freely consult
9 with counsel, if they so choose, and it's my understanding that you're appearing with personal
10 counsel today. Is that correct?

11 Mr. Cooney. That is correct.

12 [REDACTED] Would counsel please state your name for the record.

13 Ms. Duval. My name is Catherine Duval. I'm with Zuckerman Spaeder. I'm here with my
14 colleague, Nick DiCarlo.

15 [REDACTED] Thank you. On behalf of the committee, I want to thank you for appearing here
16 today to answer our questions. We also appreciate your willingness to appear voluntarily.

17 My name is [REDACTED], and I'm with Chairman Jordan's staff. I'll now have everyone else
18 from the committee who is here introduce themselves as well.

19 [REDACTED] with the House Judiciary Committee, majority staff.

20 [REDACTED] with Ranking Member Raskin's staff.

21 [REDACTED] with Ranking Member Raskin's staff.

22 [REDACTED] with Chairman Jordan's staff.

23 [REDACTED] with Chairman Jordan.

24 [REDACTED] with Chairman Jordan's staff.

25 [REDACTED] Chairman Jordan's staff.

1 [REDACTED] Chairman Jordan's staff.

2 [REDACTED] Chairman Jordan's staff.

3 [REDACTED] I'd like to now go over the ground rules and guidelines that we'll follow during
4 today's interview.

5 Our questioning will proceed in rounds. The majority will ask questions first for one hour and
6 the minority will have the opportunity to ask questions for an equal period of time if they so choose.
7 We'll alternate back and forth until there are no more questions and the interview is over.

8 Typically, we take a short break at the end of each hour. But if you would like to take a break
9 apart from that, just let us know. We're happy to accommodate that.

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

12 Mr. Cooney. Yes, I do.

13 [REDACTED] We'll do our best to limit the number of people directing questions at you during
14 any given hour to just the people on the staff whose turn it is. Typically it's two people. Please try
15 and speak clearly so the court reporter can understand and the folks down at the end of the table
16 can hear you. It's important that we don't talk over one another or interrupt each other, and that
17 goes for everybody present at today's interview.

18 We want you to answer our questions in the most complete and truthful manner as possible,
19 so we will take our time. If you have any questions or you do not understand one of the questions,
20 just let us know. Our questions will cover a wide range of topics. So if you need clarification at any
21 point, please just say so.

22 If you honestly don't know the answer to a question or do not remember, it is best not to
23 guess. Please give us your best recollection. And it is okay to tell us if you learned information from
24 someone else, just indicate how you came to know that information.

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

3 You should also understand that by law, you are required to answer questions from Congress
4 truthfully. Do you understand that?

5 Mr. Cooney. Yes, I do.

6 [REDACTED] This also applies to questions posed by congressional staff in an interview. Do
7 you understand this?

8 Mr. Cooney. Yes, I do.

9 [REDACTED] Witnesses that knowingly provide false testimony could be subject to criminal
10 prosecution, as I'm sure you are aware, for making false statements under 18 U.S.C. Section 1001.

11 Do you understand this?

12 Mr. Cooney. I do.

13 [REDACTED] And is there any reason you're unable to provide truthful answers to our
14 questions today?

15 Mr. Cooney. No, there is not.

16 [REDACTED] Finally, I'd like to make note that the content of what we discuss here today is
17 confidential. We ask that you not speak about what we discuss in this interview to any outside
18 individuals to preserve the integrity of our investigation.

19 For that same reason, the marked exhibits that we use today will remain with the court
20 reporter so they can go in the official transcript, and we'll collect any copies of the exhibits at the end
21 of the interview.

22 That's the end of my preamble. [REDACTED] anything?

23 [REDACTED] We want to thank the witness for appearing here voluntarily today.

24 Mr. Cooney. Thank you.

25 [REDACTED] Ms. Duval.

1 Ms. Duval. I'm here with my client, Mr. Cooney. I just want to enter for the record a letter
2 that we sent last night. It talks about the different parameters under which he can testify here today.
3 Happy to be here voluntarily.

4 [REDACTED] We'll mark this as exhibit no. 1.

5 [Cooney Exhibit No. 1

6 was marked for identification.]

7 [REDACTED] Ms. Duval, you asked for documents prior to the interview, and it's just not our
8 practice to do that. Before witnesses we come in, we compile as many documents as we might need
9 as possible. But very often, we'll have binders of 30, 40 exhibits that we have, you know, available,
10 and we end up using five. So it's just our practice not to share documents before the interview.

11 Ms. Duval. My guess is that you may have documents that Mr. Cooney hasn't seen for a year,
12 2 years, 3, I don't know. It was just to see whether we could refresh him before he got up here.

13 [REDACTED] Fair enough.

14 [REDACTED] The clock now reads 10:08 a.m. We'll start our first round of questioning.

15 EXAMINATION

16 [REDACTED]
17 Q Mr. Cooney, when did you join the Justice Department?

18 A I joined DOJ in 2007.

19 Q In 2007. And can you walk us through the various positions you held while at DOJ?

20 A Yes. I began in 2007 as an Assistant United States Attorney in the District of Columbia.
21 In or about 2012, I became a trial attorney in the public integrity section at the Department of
22 Justice.

23 A few years after that, I was -- I became a deputy chief in the public integrity section. I think
24 that was in 2015. In 2018, I returned to the U.S. Attorney's Office as the chief of the fraud, public

1 corruption, and civil rights section. It actually had various names throughout that period, but that
2 was the general portfolio.

3 And in 2023, I went on detail to the Special Counsel's Office.

4 Q And so, when you were the chief for fraud, public corruption and civil rights section, you
5 said you went back to the U.S. Attorney's Office, that was the one here in D.C. Is that correct?

6 A That is correct. That was here at the D.C. U.S. Attorney's Office in 2018.

7 Q And when you started as a trial attorney with the public integrity section, who was the
8 head of the public integrity section?

9 A The chief of the public integrity section was Jack Smith.

10 Q And how long did you overlap with Mr. Smith at the public integrity section?

11 A Mr. Smith left in, I believe, the start of 2015. So it was about 2-and-a-half or 3 years.

12 Q Okay. And when you departed from the Justice Department, that was -- in your role as
13 deputy special counsel, that was the last position you held at the Justice Department?

14 A No, it is not. I was terminated when I returned to the U.S. Attorney's Office as an
15 Assistant United States Attorney.

16 Q So when did you return to the D.C. U.S. Attorney's Office?

17 A I don't remember the exact date, but it was approximately a week or two before I was
18 terminated.

19 Q Was this in January of 2025?

20 A Yes, it was.

21 Q And you would have returned to the D.C. U.S. Attorney's Office in 2025?

22 A Yes.

23 Q And was that after the work had wrapped up for the special counsel?

24 A That was after the Special Counsel's Office was closed, yes.

1 Q Okay. So that would have been after Mr. Smith released the volume one of his report.
2 Is that correct?

3 A It was sometime after the release of the report, yes.

4 Q And so, between -- you became -- you went back to the D.C. U.S. Attorney's Office in
5 2018, and you remained the chief of the fraud, public corruption, and civil rights section until your
6 detail began to the Special Counsel's Office in 2023. Is that correct?

7 A That is correct.

8 Q And what month did you go to the Special Counsel's Office?

9 A I started at the Special Counsel's Office in November of 2022.

10 Q 2022?

11 A I think I said '23 before. I'm sorry.

12 Q That's okay.

13 A It was November of 2022.

14 Q Did you go right when Special Counsel Smith was appointed?

15 A Yes, I did.

16 Q I believe he was appointed on November 18th, 2022. Would that have been your first
17 day in the Office of the Special Counsel?

18 A I wouldn't put it that way. We did not have an office --

19 Q Okay.

20 A -- on the day that Mr. Smith was appointed. But I functionally joined the Special
21 Counsel's Office shortly after his appointment.

22 Q And when did your involvement in any investigations surrounding -- we'll start with
23 January 6th, 2021, the events that occurred on that day.

24 When did your involvement in investigations related to that begin?

1 A My involvement in investigations surrounding January 6th began on or about that
2 evening or the next day, shortly after the attack on the Capitol.

3 Q And what can you tell us about your responsibilities with regards to that specific
4 investigation?

5 A I don't think there was any specific investigation that the U.S. Attorney's Office was
6 involved with at that point. Instead, it was the overall response to the invasion and trespassing of
7 the Capitol.

8 Q And so you were investigating individuals who physically went into the Capitol; was that
9 your responsibility at that time?

10 A I was not personally investigating individuals who went into the Capitol, no.

11 Q Okay. What can you tell us about what your investigation focused on at that period of
12 time?

13 A It focused on addressing the Capitol invasion.

14 Q Okay. So -- but not individuals who entered the Capitol, just the specific events that
15 occurred that day?

16 A I understood the question to be what I personally worked on, and I personally did not
17 investigate any individuals who went into the Capitol. However, our office was focused on
18 investigating and apprehending persons involved in the Capitol invasion.

19 Q Okay. And at that point in time, were you supervising any individuals at the D.C. U.S.
20 Attorney's Office?

21 A I was a supervisor at the D.C. U.S. Attorney's Office, yes.

22 Q And how many individuals did you supervise?

23 A I can't recall exactly the number of people that were in the section that I supervised at
24 that time.

25 Q Okay. Was it more than five individuals?

1 A It was more than five, yes.

2 Q Okay. More than 15, or less than that?

3 A I can't -- I really can't say with any specificity five years later how many people were in
4 that section.

5 Q Okay. And what was the responsibility of your section, just in general? What were you
6 tasked with investigating at the D.C. U.S. Attorney's Office?

7 A Our section focused on fraud, public corruption, and civil rights.

8 Q And what was your caseload like?

9 A I would describe the caseload as demanding.

10 Q Okay. And so, how did that workload change after January 6, 2021?

11 A Upon the invasion of the Capitol, the U.S. Attorney's Office prioritized the investigation
12 and prosecution of individuals involved in the attack.

13 And so our section, like other sections in the office, focused and prioritized our resources in
14 the days thereafter on that.

15 Q Okay. And when did you start investigating President Trump, individuals within his
16 orbit, advisers, individuals involved with his campaign, when did the investigation shift to looking at
17 that aspect?

18 A I wouldn't characterize any investigation we did as the way -- the way your question
19 characterizes it.

20 Q Okay. How would you characterize it then?

21 A Well, throughout the period after January 6th --

22 Q Uh-huh.

23 A -- our office focused on investigating all the facts and circumstances surrounding the
24 Capitol invasion.

25 Q And what specific aspects did you look at?

1 A At what point in time?

2 Q Let's start with the time frame immediately after January 6, 2021.

3 A The focus of our investigations at that time were the individuals who physically
4 trespassed and attacked the Capitol.

5 Q Okay. What about February 2021?

6 A That was still a focus of our investigation.

7 Q Okay. Were there additional focuses?

8 A We did develop evidence that individuals were involved in actually planning the attack
9 in advance and conspiring, committing seditious conspiracy to attack the Capitol and obstruct the
10 certification proceeding.

11 Q And when you say we developed evidence, were you leading a team at that point?

12 A I was a supervisor of the -- or the chief of the fraud, public corruption, and civil rights
13 section, yes.

14 Ms. Duval. And I'm just going to caution everybody about 6(e). Once you've got grand jury
15 information, you have an obligation under the rules not to talk about it.

16 BY [REDACTED]:

17 Q Okay. So you were -- you said that we developed evidence.

18 So were those the individuals within your section that you were working with on that?

19 A Prosecutors that I was working with did develop that evidence in their investigation, yes.

20 Q So were you working with any other individuals on this investigation that were not part
21 of the section you led?

22 A I may have. I don't recall exactly who was working on what investigations at that point
23 after January 6th.

1 Q So you said this was around the time frame of February that there became additional
2 focuses, and you had developed evidence about individuals regarding the planning of the events that
3 occurred on January 6th.

4 You were also looking at the physical -- or the individuals who physically entered the Capitol.
5 There was that ongoing focus as well.

6 Were there other focuses besides those two?

7 A Well, we had developed that evidence of planning before February of 2021 --

8 Q Okay.

9 A -- and, in fact, returned our first conspiracy charges, I believe, before January 20th of
10 2021.

11 Q Okay. And so were there other focuses other than the two that I listed?

12 A And what two did you list? I'm sorry.

13 Q I listed the individuals that entered the Capitol and then individuals involved with
14 planning the events of January 6th.

15 A Well, throughout our investigation, we focused on all the events and circumstances
16 leading to the Capitol invasion and the obstruction of the certification proceeding.

17 Q Uh-huh.

18 A And so, anyone whose conduct was within the scope of that was part of it.

19 Q When did you start looking at advisers and public figures with specific ties to President
20 Trump?

21 A I don't recall -- I don't recall doing that.

22 Q You don't recall looking into individuals associated with President Trump, say, Roger
23 Stone, Ali Alexander, any of those individuals? Those never -- individuals never came up in your
24 investigation?

1 A Well, I -- I can't answer questions about specific investigative subjects for fear that I'll
2 betray revealing information that may have occurred before the grand jury.

3 What I can say is that in that -- throughout the period following the Capitol attack, I believed
4 that we should investigate and -- and focus on determining whether the events leading to the Capitol
5 attack and the obstruction of the certification proceeding and efforts to overturn the 2020 election
6 were the result of political efforts or were, instead, criminal efforts.

7 Q And when did that focus begin, or when did you start looking at political efforts versus
8 criminal efforts?

9 A I wouldn't use the word, "focus," to describe any part of our investigation.

10 Q Okay. When did that angle come up?

11 A I don't -- I wouldn't use the word "angle" to describe that either.

12 Q You tell me what word you'd like to use, Mr. Cooney.

13 A Throughout the period after January 6th?

14 Q Uh-huh.

15 A We believed it was important to investigate, just like any other offense, all the facts and
16 circumstances that resulted in attack -- an attack on the United States Capitol.

17 Q Okay. When did you specifically -- you used the term, "political efforts" versus "criminal
18 efforts."

19 When did you start looking at that specific description that you described of political efforts
20 versus criminal efforts?

21 A Can you tell me what you mean by looking?

22 Q When did you start investigating?

23 A Throughout the period after January 6th, we investigated all the facts and circumstances
24 surrounding the Capitol attack, and that would include that.

1 Q When did you start investigating -- did you ever start investigating President Trump and
2 his advisers or individuals in his orbit?

3 A In investigations, public corruption investigations, white collar investigations,
4 prosecutors are not investigating individuals. We investigate conduct, we investigate circumstances.

5 So the answer to the question is, in that time period of -- following January 6th, we were
6 investigating all the circumstances that resulted in the Capitol attack.

7 Q Okay. According to reporting in February 2021, you took a proposal to the FBI's public
8 corruption unit to investigate ties with people in President Trump's orbit.

9 What can you tell us about that proposal?

10 Ms. Duval. Is there a copy of the article that he can see?

11 [REDACTED]. Yeah, we can make it an exhibit, if you'd like. So I'll mark this as exhibit no. 2.

12 This is a June 20th, 2023, article: FBI Resisted Opening Probe Into Trump's Role on January
13 6th for More Than a Year.

14 [Cooney Exhibit No. 2

15 was marked for identification.]

16 BY [REDACTED]

17 Q And I'm looking at -- this is one of the articles that I flagged for your attorney
18 beforehand and was mentioned in the letter to the committee last night. I'm looking at page 5.
19 There's a bolded text that says, "A Plan to Focus on Trump's Orbit is Batted Down."

20 A And, I'm sorry, you said page 5?

21 Q Yes. Page 5. There's a bolded heading that says, "A Plan to Focus on Trump's Orbit is
22 Batted Down."

23 A I see what you're referring to.

24 Q So this will be the one, two, three, four -- the fifth paragraph underneath that heading.
25 It starts with, "In February 2021"; I can read it into the record.

1 "In February 2021, Cooney took his proposal to investigate the ties with people in Trump's
2 orbit directly to a group of senior agents in the FBI's public corruption division, a group he worked
3 with over the years and who were enmeshed in some of the most sensitive January 6th cases
4 underway."

5 What can you tell us about that proposal that you took, according to the reporting to senior
6 agents?

7 A I think that this article was written by Carol Leonnig and Aaron Davis. I did not speak
8 with them about this article. I didn't contribute to -- to any of the reporting here.

9 Q Okay. Was there -- did you take a proposal to senior agents in the FBI in February 2021?

10 A I -- I may very well have.

11 Q Okay. Do you remember if you took a proposal to them about investigating the ties with
12 people in Trump's orbit?

13 A I was involved in a lot of discussions with the FBI in the aftermath of January 6th, and I
14 may very well have had discussions about those topics with them.

15 Q Okay. And who did you liaise with at the FBI? Who was your point of contact there?

16 A I did not have any specific point of contact in 2021 right after the Capitol attack.

17 Q If you would have reached out to senior agents in the FBI's public corruption division,
18 who would that have been?

19 Ms. Duval. Don't speculate.

20 Mr. Cooney. Yeah. At that point in time, I do not remember who was leading the public
21 corruption unit at the FBI?

22 BY [REDACTED]

23 Q Did you ever interact with Assistant Special Agent in Charge Tim Thibault?

24 A I have interacted with Special Agent Thibault, yes.

25 Q And did you interact with him in the aftermath of January 6, 2021?

1 A I don't recall having interactions with Special Agent Thibault in that time period, no.

2 Q Okay. It's our understanding that he -- he led a squad that focused on public corruption.
3 Does that match your recollection at all or no?

4 A In 2021, I don't believe that he was a squad supervisor, no.

5 Q Okay. Did you ever interact with Steven D'Antuono? He was the assistant director in
6 charge of the WFO.

7 A I did, yes.

8 Q Did you interact with him regarding the events that occurred on January 6, 2021?

9 A My recollection is that I did, yes.

10 Q Okay. And when did you start connecting with Mr. D'Antuono on January 6, 2021?

11 A That -- that, I do not have any specific recollection of.

12 Q Okay. And when you would talk with him, what would you discuss? What would you
13 take to him, if you can give us general at first?

14 A I don't recall ever taking anything to the assistant director in charge of the -- the field
15 office in D.C.

16 Q Okay. What were some of your discussions that you had with him regarding January 6,
17 2021?

18 A I don't recall any specific discussions with the assistant director in charge.

19 Q Do you remember how many conversations you had with Mr. D'Antuono?

20 A I can't possibly remember how -- how many or how few conversations I had with him.

21 Q If you were interacting with the FBI regarding January 6, 2021, would that have been
22 through Mr. D'Antuono?

23 A Not necessarily, no.

24 Q Okay. Who else would you have connected with?

1 A At that point in time, after the events of January 6, I don't recall having any specific
2 point of contact or any person that I typically communicated with at the FBI.

3 Q Okay. We'll go back to this article. A couple of paragraphs down it says, "Inside the
4 FBI's Washington Field Office, agents recognized Cooney's presentation for the major course change
5 that it presented. Investigators were already looking for evidence that might bubble up from rioter
6 cases to implicate Stone and others."

7 "Cooney's plan would have started agents looking from the top down as well, including
8 directly investigating a senior Trump ally. They alerted D'Antuono to their concerns according to
9 people familiar with the discussions."

10 Did you ever have conversations with Mr. D'Antuono in or around February 2021 regarding
11 investigating either Mr. Stone or other individuals in President Trump's orbit? Close advisers we can
12 define that as.

13 Ms. Duval. Again, grand jury.

14 Mr. Cooney. Right.

15 I don't recall any specific conversations with the assistant director in charge about the topics
16 that are identified in this article.

17 BY [REDACTED]

18 Q Okay. And the article states that Mr. D'Antuono -- I don't think he convened the
19 meeting. I think it was Mr. Axelrod, who, at the time, was at the Justice Department for the Biden
20 administration that was incoming -- and then Mr. Sherwin, who was the U.S. Attorney at the time,
21 and Deputy Director Paul Abbate, they convened a meeting in February 2021 to discuss your
22 proposal.

23 Do you have any knowledge of such a meeting occurring?

24 A Well, I can't accept the premise of your question of my proposal, because I'm not
25 exactly sure what that refers to.

1 Q It refers to the reporting in this article. You had allegedly, according to the reporting,
2 taken a proposal to investigate the ties with people in Trump's orbit directly to a senior group of
3 agents.

4 And then they took that to Mr. D'Antuono, they took their concerns, and then a meeting was
5 convened.

6 Did you ever have knowledge that a meeting was convened to discuss a purported proposal
7 that you took to the FBI?

8 A I -- I do not know what this article is referring to with respect to meetings that I was not
9 a part of.

10 BY [REDACTED]

11 Q Is it your contention that the article is totally false?

12 A I've reviewed the article, and I think --

13 Q You read it when it came out, obviously, right?

14 A I don't actually recall when I first read it. Likely soon after it came out, yes.

15 Q Did you have your communications officials reach out to The Washington Post to
16 contest that it was a totally false article?

17 A No. I did not.

18 Q How come?

19 A And I would not take a step like that because, as a career official, it is not my role to
20 speak with or engage with the media.

21 Q Right, right. But you have -- you have press officials. You have communications people
22 in the office that handle that, right?

23 A In my experience, career prosecutors speak through our public pleadings, our
24 indictments, our court documents.

1 Q Right. But if there's a -- if there's a totally false article in The Washington Post, you'd
2 have your public affairs officials call the paper and say, This is totally wrong, you need to do a
3 correction.

4 A That is not a step that I would take, no.

5 Q Okay. So is it your contention that the article is totally false?

6 A I was not spoken with by either of the authors of this. I did not provide information of
7 it, and I think --

8 Q No, I got that. But if it's totally wrong, I mean, if it's totally false, is that -- is that your
9 position?

10 A I think much of this article is inaccurate.

11 Q Okay. But not totally false?

12 A I'm not going to utilize that kind of language. This is an inaccurate article.

13 Q Okay. So what would make it accurate?

14 A Would you like to point to something in particular you have a question about?

15 Q No. I just -- I mean, if you say the article is full of inaccuracies, what would make it
16 accurate?

17 A I'm not in a position to -- to go through the article and decide what would be accurate
18 and what would not be accurate with respect to things that I had no part in.

19 Q Okay. But if your position is, this article is, like, totally wrong, it's full of inaccuracies -- I
20 mean, if the article was about me, I'd be able to go through it and say, I didn't do this, I didn't talk to
21 D'Antuono, I didn't do XYZ, and so the reporter got it wrong, they didn't -- did they call you for
22 comment?

23 I know you probably didn't call them back, but did they -- did they reach out to you for
24 comment?

1 A I have some recollection that in the summer of 20- -- was it 2023 that this article came
2 out of?

3 [REDACTED]. Uh-huh.

4 Mr. Cooney. In 2023 that Aaron Davis attempted to contact me, yes.

5 BY [REDACTED]

6 Q Okay. And did you contact your public affairs office and let them know?

7 A My recollection is that after Mr. Davis reached out to me that I reported that to -- to our
8 public affairs, or to the special counsel and maybe both.

9 Q Okay. The special -- like Jack Smith?

10 A Yes, that would be Mr. Smith.

11 Q Okay. And the public affairs officials with Jack Smith's office or with the D.C. U.S.
12 Attorney's Office?

13 A With the Department of Justice. The Special Counsel's Office did not have a stand-alone
14 public affairs office.

15 Q Okay. And what was the nature of your communications with the public affairs office?

16 A My recollection is -- and I just can't recall if I did actually report this to the public affairs
17 office or not. But I have recollection of informing the Department that I had been contacted by
18 Aaron Davis, that I wanted to inform them of that contact, because I did not want there to be any
19 allegation that I disclosed information to a reporter.

20 And I also recall informing them that one thing about Mr. Davis' attempt to contact me that
21 was incorrect was some assumption that I hardly spoke with the media, because my recollection is
22 that I reminded the Department that, as a career prosecutor, it is not my role to and I do not speak
23 with the media.

24 Q Okay. Did Mr. Davis with the Washington Post, did he email you or call you on the
25 phone?

1 A My recollection is that Mr. Davis personally appeared on my doorstep and gave a letter
2 or something like that to my wife.

3 Q He came to your house?

4 A That's right.

5 Q Okay. And what was -- what was contained in the letter?

6 A My recollection is that he asked whether I would meet with him to discuss a story about
7 the special counsel's investigation.

8 Q Okay. And so you reported that to the public affairs office, Main Justice?

9 A That is my recollection, yes.

10 Q Okay. So he didn't call you and he didn't email you?

11 A I don't have recollection of a call or an email.

12 Q Okay. Did you have somebody get back to Mr. Davis and say, don't come to our
13 people's house?

14 A Not my role to do that.

15 Q Okay. Do you know if somebody did that?

16 A I do not know.

17 Q And had he tried to call you before that? Just seems not a kind of way to develop a
18 source, like showing up at their house. So it just seems odd that a reporter would -- who is trying to
19 convert you to a source would show up at your residence.

20 A I thought it was odd and disrespectful that a reporter showed up on my doorstep, yes.

21 Q Okay. Had he tried to call you before or had he left messages with you?

22 A I don't have any recollection.

23 Q Okay. So to your recollection, he never tried to call you, and he never tried to email
24 you?

25 A That -- I have no recollection of that.

1 Q Okay. But it's possible he did?

2 A It's certainly possible.

3 Q Okay. And how about Ms. Leonnig, did she try to reach out to you at any point?

4 A I don't have any recollection of a contact from Ms. Leonnig.

5 Q Okay.

6 BY [REDACTED]

7 Q And you had mentioned some inaccuracies that you saw in this article, and I had
8 previously read into the record, "In February 2021, Cooney took his proposal to investigate the ties
9 with people in Trump's orbit directly to a group of senior agents in the FBI's public corruption
10 division."

11 Is that one of the inaccuracies?

12 A Can you show me the sentence you're reading?

13 Q Yep. So this would be the fifth paragraph under "A Plan to Focus on Trump's Orbit is
14 Batted Down." Starts with "In February 2021."

15 Have you found it on the page?

16 A I see. The paragraph starting "In February 2021"?

17 Q That's correct, sir. And I'll just read that first section again. "In February 2021, Cooney
18 took his proposal to investigate the ties with people in Trump's orbit directly to a group of senior
19 agents in the FBI's public corruption division."

20 Is that one of the inaccuracies that you found in the reporting?

21 A I don't think it's accurate to label any of the work that I did as my proposal.

22 Q Okay. So did you have conversations or communications with senior agents in the FBI's
23 public corruption division regarding investigating ties with people in Trump's orbit?

24 A I don't recall whether I met with, or what it means to characterize someone as a senior
25 agent.

1 Q Okay. So what -- so you've taken issue with my proposal, you don't know what senior
2 agents is.

3 Did you ever have communications with anyone in the FBI regarding investigating individuals
4 in President Trump's orbit?

5 A I had communications with FBI personnel about investigating all the facts and
6 circumstances of the Capitol invasion, including people who attacked the Capitol, people who
7 planned the attack of the Capitol, and people who were otherwise involved in supporting it, funding
8 it, or potentially committing crimes.

9 Q Okay. And so just to go back to this first part of this sentence here, is this wholly
10 inaccurate, or are there pieces that are inaccurate?

11 A I'm not going to characterize an article with language like that, wholly, partially.
12 What I'm telling you is that, based on my experience and the work that I did, this article is not
13 completely accurate.

14 Q Okay. So is it your testimony today that you, in fact, did have some sort of
15 communications with individuals associated with the FBI, FBI agents, FBI personnel, regarding
16 investigating ties with people in Trump's orbit?

17 A I just would not characterize meetings that I had at that time period as investigating any
18 specific individuals.

19 It was -- we had discussions about investigating all the facts and circumstances that led to the
20 Capitol attack, the obstruction of the certification proceeding, and efforts to overturn the 2020
21 election results.

22 Q Okay. And the article goes on to kind of describe different reactions that individuals
23 within the U.S. Attorney's Office for D.C. and the FBI had in regards to this proposal to start
24 investigating individuals within President Trump's orbit.

25 Was that ever communicated to you?

1 A Again, I disagree with the premise of your question about a proposal to investigate
2 individuals in President Trump's orbit.

3 Q Okay. So further down on this page, on page 5, the very last paragraph, it says,
4 "D'Antuono called Sherwin. The two agreed Cooney did not provide evidence that Stone had likely
5 committed a crime, the standard they considered appropriate for looking at a political figure."

6 Was this ever relayed to you?

7 A I was not -- I have no recollection of being told about a phone call between Steve
8 D'Antuono and Michael Sherwin.

9 Q Okay. When you read this article, was it the first time that you were learning that
10 Mr. D'Antuono and Mr. Sherwin did not think you had enough evidence to go to investigate Mr.
11 Stone?

12 A That is not a question that I can get into. I'm not going to discuss specific individuals
13 who may or may have not been -- whose conduct may or may not have been subjects of
14 investigations because that would risk disclosing information occurring before a grand jury.

15 Q So in February 2021 or shortly thereafter, were you ever -- did you ever receive
16 pushback or were you deterred from investigating certain individuals?

17 A Again, I would not -- I would not characterize the discussions or the investigation that I
18 was working on as an investigation of individuals. It was an investigation into conduct, an
19 investigation of the circumstances leading to the first domestic Capitol attack of the United States
20 Capitol.

21 Q And when you flip to page 6, the next page, the very first sentence on the top page says,
22 "D'Antuono took the matter to Abbate, Wray's newly named deputy director. Abbate agreed the
23 plan was premature."

24 Did you ever become aware of that feedback?

1 A I -- I don't know what plan this article is referring to, and I was not part of -- or I don't
2 have recollection of being a part of any meetings with Assistant Director Abbate or Director Wray or
3 even Assistant Director in Charge D'Antuono in that time period.

4 Q Okay. When you read this article, was it the first time you learned that Mr. Abbate
5 thought the plan was premature to go after individuals in President Trump's orbit?

6 A I -- I don't accept the premise that there was a plan to go after any individuals in
7 President Trump's orbit, or to go after any individuals at all.

8 Q Okay. And we can -- there's further explanation of what the proposal was that you took
9 allegedly to senior FBI agents -- and we can discuss that, if you'd like, as well. It says that -- on the
10 page before -- "According to three people who either viewed or were briefed on Cooney's plan, it
11 called for a task force to embark on a wide-ranging effort, including seeking phone records for Stone,
12 as well as Alexander."

13 Do you remember ever suggesting a task force?

14 A I'm sorry. Can you --

15 Ms. Duval. Do you want to see this section?

16 Mr. Cooney. Yeah. Can you just tell me the page and the paragraph that you're reading
17 from?

18 BY [REDACTED]

19 Q Yes, yes. We were on page 6, and I directed you to the page immediately preceding it,
20 page 5. We had read, "In February 2021," and that next sentence is directly below that paragraph.
21 Starts with, "According to three people."

22 A Okay. I've read that paragraph.

23 Q Okay. And so the specific portion that I've previously read, I'll read it again, "According
24 to three people who either viewed or were briefed on Cooney's plan, it called for a task force to
25 embark on a wide-ranging effort, including seeking phone records for Stone, as well as Alexander."

1 And my previous question was, do you recall suggesting the formation of a task force?

2 A I don't have specific recollection of proposing a task force.

3 Q Okay. Did the suggestion of a task force ever come up in any discussions you were
4 involved with?

5 A I recall that in the aftermath of the Capitol attack, there were discussions about having
6 investigative task forces, yes.

7 Q An investigative task force or multiple investigative task forces?

8 A My recollection is that the phrase, or the word, "task force," may have come up in many
9 different contexts.

10 Q Okay. And what can you tell us about those contexts?

11 A Thinking about the days after January 6th, there was intense focus and priority in
12 investigating all of the Capitol attack -- all aspects of the Capitol attack, and utilizing whatever
13 investigative resources and tactics could be mustered to do so.

14 Q Okay. And what conversations were you involved in where the suggestion of a task
15 force was mentioned?

16 A I don't recall any specific conversations about that.

17 Q Did you bring up a task force? Was it mentioned by someone else in a conversation?

18 A I -- I may very well have.

19 Q Okay. So I know we had previously spoken about inaccuracies in the reporting. The
20 sentence that I read of "According to three people who either viewed or were briefed on Cooney's
21 plan that called for a task force to embark on a wide-ranging effort, including seeking phone records
22 for Stone, as well as Alexander," was that an inaccuracy that stood out to you when you read the
23 reporting?

24 Ms. Duval. Are you talking about when he read the reporting years ago or --

25 [REDACTED] Whenever he read the reporting. It could be years ago, it could be yesterday.

1 Mr. Cooney. I'm sorry. You're going to have to reask your question. I'm not exactly sure
2 what your question is.

3 BY [REDACTED]

4 Q Of course. So you had previously spoken about how this article had several inaccuracies
5 that stood out to you. That was in your discussion with [REDACTED]

6 And I had asked you -- I read the sentence of the -- sentence about the task force, and I asked,
7 did that stand out to you as an inaccuracy when you read the reporting?

8 A I don't recall saying any particular inaccuracy stood out to me. What I am telling you is
9 that, based on my experience, and what I was involved in, much of this appears to me to be
10 inaccurate.

11 Q Okay. And I asked you about a specific portion of the reporting. Is that inaccurate?

12 A What --

13 Ms. Duval. You're asking whether three people said that?

14 [REDACTED] I can read the sentence again, if that's helpful for you.

15 BY [REDACTED]

16 Q "According to three people who either viewed or briefed on Cooney's plan, it called for a
17 task force to embark on a wide-ranging effort, including seeking phone records for Stone, as well as
18 Alexander."

19 And my question to you was, is it inaccurate for the reporter to say that a plan that you had at
20 any point in time called for a task force?

21 A I don't recall whether any specific plan or proposal that anyone was discussing, whether
22 it called for a task force or investigative resources, but I certainly can acknowledge that words like
23 task force were definitely discussed in that time period.

24 But I don't have any recollection about whether that was a proposal that I made, or a
25 proposal that someone else made, or in exactly what context it came up.

1 Q And this time frame as set by the reporters in this article was February 2021.

2 Is that what the time frame is you're referring to as well, or is it a different time period?

3 A I'm referring to -- to this time frame in or about February and January of 2021, yes.

4 Q And what can you tell us about your involvement in investigations involving January 6,
5 2021, following February 2021?

6 A Following February 2021, I continued to be involved in investigations of all the
7 circumstances surrounding the attack on the Capitol and the obstruction of the certification,
8 including the investigations culminating in seditious conspiracy charges.

9 Q Was that your only involvement was cases involving seditious conspiracy?

10 A I can't say what -- I just don't recall the exact scope of everything that I worked on. After
11 the Capitol attack, it was a priority and a focus within the office to -- to investigate those
12 circumstances, to apprehend and prosecute the people who were involved.

13 And so, I worked on a number of different things during that time period.

14 Q Okay. And what were those number of different things that you worked on?

15 A Whatever came up with respect to investigating the facts and circumstances of the
16 Capitol attack.

17 Q Okay. And what specifically came up that you remember?

18 A I just don't have specific recollection of the day-to-day. What I'm telling you is that I
19 worked in an office in which this was a priority. It was something that many of us were involved in,
20 and I contributed to -- to the investigations to determine all the facts and circumstances and all the
21 people responsible for the Capitol attack.

22 Q Did any of your focus involve President Trump or any of his co-conspirators that were
23 named in the indictment, as well as the special counsel's report? Were you involved in any of that
24 work before you were detailed to the Special Counsel's Office in November 2022?

25 Ms. Duval. I think we're close to 6(e) again. Just a warning.

1 Mr. Cooney. So I just can't discuss individuals who may or may not have been -- whose
2 conduct may or may not have been within the scope of investigations that were going on because of
3 concern that I may reveal information or matters occurring before a grand jury.

4 But I was involved in investigating all the conduct leading up to and culminating in the Capitol
5 attack, the obstruction of the proceeding, and efforts to -- to overturn the valid results of the 2020
6 election.

7 BY [REDACTED]

8 Q And that continued all throughout 2021?

9 A There was never a time that I recall that we were not investigating whatever conduct
10 was in front of us leading to the Capitol attack.

11 Q Did you take on any other cases, or did your work only involve January 6, 2021-related
12 cases?

13 A Oh, no. Throughout that period, we -- and myself in particular -- continued to work on
14 the -- the core preexisting caseload that existed before our Capitol was attacked.

15 Q So was the majority of your time in 2021 spent on the regular casework that you had, or
16 was it primarily spent on January 6th-related work?

17 A I can't say with specificity, but I would -- I would venture to say that probably more of
18 my work was spent on addressing the Capitol attack than other matters. But I don't have specific
19 recollection of -- of how that broke down.

20 Q And in November 2021, an individual by the name of Thomas Windom was detailed to
21 the U.S. Attorney's Office at D.C.

22 Did you ever have the opportunity to work with Mr. Windom?

23 A I did.

24 Q And what can you tell us about your interactions with Mr. Windom? How closely did
25 you work with him?

1 A At what point in time?

2 Q After his detail. So November 2021 when he started at the D.C. U.S. Attorney's Office.

3 A When Mr. Windom started at the U.S. Attorney's Office in November of 2021, I was not
4 working directly with him.

5 Q Was he working on a different team, or were you working on completely different
6 cases?

7 A When Mr. Windom joined the U.S. Attorney's Office, he was not in the fraud, public
8 corruption, and civil rights section of which I was the chief.

9 Q Okay. So on a day-to-day basis, how often did you interact with Mr. Windom?

10 A I -- I can't say how often I interacted with Mr. Windom.

11 Q Was it frequent interaction? Did you speak to him on a daily basis, or was it more, you
12 know, maybe once or twice a week?

13 A I -- I don't think I can characterize it one way or the other as one time a week, two times
14 a week, but -- but it was not frequent, and he was not under my supervision in the fraud, public
15 corruption, and civil rights section.

16 Q Was it your understanding that he supervised a separate team apart from you, or was
17 he working alone on his investigation?

18 A When Mr. Windom joined the office in November of 2021, I am not aware of exactly
19 what his responsibilities were or -- or who he worked with.

20 Q Was there ever a point in time where you became -- where you started to work more
21 closely with Mr. Windom?

22 A I began to work with Mr. Windom directly sometime in 2022 is my recollection.

23 Q In 2022?

24 A Yes.

1 Q Would that have been around the time that Mr. Smith was appointed in November
2 2022?

3 A No. I began working with Mr. Windom prior to the special counsel's appointment in
4 November of 2022.

5 Q Do you remember when about that was?

6 A My recollection is that it was sometime in the summer of 2022.

7 Q Summer of 2022. And in this same article that we've been being looking at, on page
8 10 -- may be helpful to look at the bolded headings -- it starts out with, "I'm Not Serving Subpoenas
9 on the Willard."

10 A Is it this page with the header --

11 Q That's correct.

12 A -- "I'm Not Serving Subpoenas on the Friggin' Willard"?

13 Q That's right.

14 A All right.

15 Q Were you involved in any discussions that Mr. Windom had with individuals with FBI and
16 the U.S. Attorney's Office to serve subpoenas on the Willard?

17 A I don't recall being part of any conversations.

18 Q How closely did you work with U.S. Attorney Graves in the fall of 2021? I'll start with the
19 fall of 2021.

20 A On -- on what?

21 Q We can start with high level, just all matters, and then specifically in relation to January
22 6th, if that's helpful.

23 A Mr. Graves was the U.S. Attorney. I was a chief of a section, and I reported through the
24 criminal chief to the U.S. Attorney.

1 Q Okay. And you said at this point in time you weren't having daily interactions with
2 Mr. Windom, is that correct, in the fall of 2021?

3 A In -- beginning in November of 2021 when Mr. Windom joined the office, no, I was not
4 having daily interaction with Mr. Windom.

5 Q Did you ever interact with Matthew Olson, who is an assistant attorney general to the
6 National Security Division? Did you ever interact with him related to January 6th matters?

7 A Yes, I have.

8 Q Okay. In what time frame did you interact with him?

9 A I don't recall specifically when I interacted with the assistant attorney general after his
10 appointment right around the same time I believe that Mr. Graves was confirmed.

11 Q Okay. And then, according to other reporting, you were approached by Mr. Graves to
12 join an investigative team in July 2022.

13 Do you have recollection of Mr. Graves reaching out to you about an investigative team in July
14 of 2022?

15 A Can you point me to the reporting?

16 Q Yeah, I can. We'll enter another article. This will be exhibit No. 3. This is an article
17 dated July 29th, 2022. "Justice Department Staffs Up Team Investigating Efforts to Overturn Trump's
18 Loss by Adding a Top Public Corruption Prosecutor."

19 [Cooney Exhibit No. 3

20 was marked for identification.]

21 BY [REDACTED]

22 Q You can read as much of the article as you want. I'll focus on page 2, but please take
23 your time.

24 [REDACTED] Do you have a source for this?

25 [REDACTED] It's a Business Insider article.

1 [REDACTED] Okay.

2 Mr. Cooney. Okay.

3 BY [REDACTED]

4 Q Have you had sufficient time?

5 A I've looked at it. I see that it is an article dated -- or seems to be an article dated July 29,
6 2022.

7 Q And I'll direct you to the second page. The second paragraph states, "In an officewide
8 email Thursday," which would have been July 28th, 2022 -- "U.S. Attorney Matt Graves said he had
9 asked a top public corruption prosecutor, J.P. Cooney, to help with some of the investigatory efforts
10 in the January 6 investigation, people familiar with the move told Insider. The email did not
11 elaborate on those investigative steps, but in a hastily called meeting earlier Thursday, Cooney told
12 colleagues that he would be working with a team that includes Thomas Windom, who has emerged
13 as a key prosecutor, as the Justice Department has increasingly scrutinized the role Trump allies
14 played in an effort to reverse the former President's electoral defeat according to a person familiar
15 with the internal discussions."

16 Does this reporting ring a bell at all about an officewide email announcing your role in this
17 investigatory efforts?

18 A I can't say that this article rings any specific bell, no.

19 Q Okay. Was there an officewide email that you were privy to regarding you joining the
20 investigatory efforts?

21 A My recollection is that some time in the summer of 2022, Mr. Graves or one of his
22 deputies sent an email informing personnel that -- that I would be working on this investigation, yes.

23 Q Okay. And it says that there was also a meeting that occurred that day where you told
24 colleagues you would be working on this team.

25 Do you remember such a meeting occurring?

1 A I don't have specific recollection of any meeting happening with -- or the meeting that is
2 described in this article, no.

3 Q Okay. And the article mentions that you'd be working with the team that includes
4 Thomas Windom, and you had previously mentioned that you started to work more closely with him
5 in the summer of 2022.

6 Is this kind of the time frame that you would have started, July -- late July 2022, starting
7 working more closely with Mr. Windom?

8 A This -- the summer of 2022 is the time frame in which I began to work more closely with
9 Mr. Windom, yes.

10 Q And what were you two working on at that point in time, July 2022?

11 A We were working on an investigation into all of the conduct leading to the Capitol
12 invasion and the obstruction of the certification proceeding, as well as efforts to overturn the 2020
13 presidential election.

14 Q At that point in time, did your work primarily shift to just focusing on cases and
15 investigations regarding January 6th, or did you continue your work as chief?

16 A I think in -- in the summer of 2022, when I became involved with -- with this work,
17 I -- my responsibilities as chief of the fraud and public corruption section -- or fraud, public
18 corruption, civil rights section were reduced. I just don't recall if -- if I continued in some of those
19 responsibilities or not at that time period.

20 Q So at this point in time, did you have new individuals assigned to your supervision, or
21 were you still working with the team from the -- the section?

22 A As part of my work when I began working with Mr. Windom in July of 2022, I did begin
23 to work with other prosecutors who were not in the fraud, public corruption, and civil rights section.

24 Q Okay. And who were those prosecutors?

1 A So for -- for decades, including before I began as a prosecutor, the Justice Department
2 has had a long tradition of not identifying by name the -- the career or line level prosecutors who
3 work on investigations, and I'm going to honor that -- that tradition and practice.

4 Q Okay. The authorization letter you received from the DAG's office -- you received two of
5 them -- both said that you were able to discuss these matters.

6 So how many prosecutors did you work with?

7 A I don't recall the exact number of prosecutors that I worked with at that time period in
8 2022.

9 Q So was Mr. Windom considered part of this team?

10 A I worked with Mr. Windom in the summer of 2022, yes.

11 Q Was he on your team, or was he leading a different team?

12 A I wouldn't describe any team as my team or Mr. Windom's team. We were working
13 together on an investigation of the events leading to the attack on the Capitol.

14 Q So you were working together? There was no team lead, if you will?

15 A My recollection is that I was the -- at that time period, I was asked to be the supervisor
16 of Mr. Windom, yes.

17 Q Okay. So it would have been you and then Mr. Windom. And then who else was
18 working on these investigatory efforts?

19 A There were other prosecutors who were working with Mr. Windom and myself in that
20 time period.

21 Q How many other prosecutors?

22 A I just don't recall the exact number of prosecutors in the summer of 2022.

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[11:03 a.m.]

BY [REDACTED]

Q Was it five? Ten? More than that?

A At what point?

Q Let's start with the summer of 2022. How many prosecutors were you assigned to supervise in these efforts?

A Well, starting the summer of 2022, when I was asked by Mr. Graves to get involved in supervising, I just don't recall the exact number of prosecutors. There were more prosecutors than just Mr. Windom. But, at that time, when I started, I just don't remember if it was two other prosecutors, three other prosecutors, four other prosecutors, or anything like that.

Q Okay. So it wasn't a large number. It wasn't like a dozen other prosecutors in the summer of 2022. Is that your recollection?

A My recollection when I began supervising in or around July of 2022 is that there were not a dozen prosecutors working with Mr. Windom.

Q Okay. And who do you remember working with?

A I remember working with a variety of supervisors and prosecutors and the U.S. attorney throughout.

Q Okay. I'm asking for the names of the other prosecutors you and Mr. Windom worked with?

Ms. Duval. I think that Mr. Cooney has said that he's going to be sticking with the policy of DOJ over the last decades of not going forward with naming line attorneys.

[REDACTED] Even though the authorization letters allow him to discuss the names with the committee?

1 Ms. Duval. I think we can talk about what the authorization letter authorizes or doesn't
2 authorize, but I'm sure that if you ask -- well, I'm not sure. Perhaps the Department of Justice will
3 give you a list. I think that's probably the most efficient way for you to get a list of names.

4 BY [REDACTED]

5 Q Okay. But you won't tell us who you worked with today?

6 A You know, I appreciate that you would have no way of knowing this, but I have worked
7 with many career public servants, career prosecutors at the Department, and, throughout the course
8 of the last many years that we've been working on investigations surrounding the Capitol attack,
9 many of my colleagues have been the subject of threats, harassment, pizza deliveries to their home,
10 swattings. And, given that and given the events of political violence that have occurred recently and
11 in the last several months and given the Department's long tradition, I'm not going to discuss the
12 identities of career public servants and attorneys at the U.S. Attorney's Office and the Department of
13 Justice.

14 Q What were their roles, then?

15 A To investigate all the facts and circumstances surrounding the attack on the Capitol and
16 efforts to overturn the 2020 election.

17 Q What were their specific duties?

18 A To carry out that investigation.

19 Q And were there specific angles that each person was -- you know, which they were
20 assigned to look into, or was it just this broad and everyone was just looking into whatever came up?

21 A Well, in investigations, white-collar investigations, public corruption investigations,
22 prosecutors and agents gather facts, and they follow those facts wherever they lead. And their
23 decisions about what to do next, about how to move forward, or about whether to stop are based on
24 their gathering those facts.

1 Q Okay. You know, it's our understanding that the Justice Department opened this very
2 wide-ranging investigation into the events that occurred on January 6th, leading up to it, the events
3 that occurred on that day, the aftermath. So we're trying to understand, were specific individuals
4 assigned to look in specific aspects of maybe the events leading up to, the events on the day, the
5 events after, or was it just a surge, kind of everyone just all hands on deck; everyone just looked at
6 everything?

7 A I would not characterize it in any of those ways.

8 Q How would you characterize it?

9 A I think there was a thorough organized investigation to determine all of the facts and
10 circumstances surrounding the Capitol attack and to attempt to hold responsible anyone whose
11 conduct was criminal in respect to those efforts to attack the Capitol, to obstruct the proceeding, or
12 to overturn the 2020 election results.

13 Q Okay. To use your word "organized," how was the investigation organized?

14 A I think it was organized around the principle that we will gather the facts, follow those
15 facts wherever they lead, and take investigative steps and decisions based on those facts and the
16 applicable law.

17 [REDACTED] We'll go off the record.

18 [Recess.]

19 [REDACTED] Ready to go back on the record?

20 Mr. Cooney. Yes.

21 [REDACTED] It is 11:19. We can go Back on the record.

22 Mr. Cooney, thank you, again, for joining us this morning. I want to take a couple steps back
23 and talk about the Fraud, Public Corruption, and Civil Rights Section more broadly. I would like to
24 introduce as exhibit 4 the website printout, the summary of what the Fraud, Public Corruption, and
25 Civil Rights Section does.

1 [Cooney Exhibit No. 4
2 was marked for identification.]

3 EXAMINATION

4 BY [REDACTED]

5 Q And I'll say this was printed off this morning. It is possible it has changed in the time
6 since you've been there. So take a minute to review it.

7 A All right. Thank you. I have had an opportunity to look at it.

8 Q You became the chief of the Fraud and Public Corruption Section in 2015, correct?

9 A No. Actually, in 2018.

10 Q 2018. I apologize. And you became the deputy chief in 2015; is that right?

11 A I became a deputy chief of the Public Integrity Section at Main Justice in the Criminal
12 Division in 2015, and in 2018 I returned to the U.S. Attorney's Office as chief of what was then called
13 the Fraud and Public Corruption Section.

14 Q Thank you for that clarification. In the prior hour, you were asked what the Fraud,
15 Public Corruption, and Civil Rights Section investigated, and I think you said that the section
16 investigates fraud, public corruption, and civil rights. Having reviewed this, are you able to provide
17 any more detail about the type of work this section was responsible for?

18 A I had an opportunity to look at this website, which just, looking at the personnel listed
19 and whatnot, this is from after my time as chief of this section, but I would say that this introduction
20 and the types of matters it describes accurately depicts the work of the Fraud, Public Corruption, and
21 Civil Rights Section.

22 Q So, for example, this website indicates that the section investigates fraud on the
23 government, such as tax fraud, healthcare fraud, embezzlement, procurement fraud, and defrauding
24 government programs like pandemic assistance, correct?

25 A That is correct.

1 Q And it indicates that this section also investigates fraud on public -- private citizens and
2 organizations, correct?

3 A That is correct.

4 Q And it indicates that this section also investigates public corruption, correct?

5 A Yes.

6 Q In laymen's terms, how would you describe public corruption?

7 A Public corruption is an abuse of power by officials in positions of authority in
8 government and persons who corrupt or efforts to corrupt the government, whether they be by
9 people, public officials in government, or people outside of government.

10 Q During your time with the Fraud, Public Corruption, and Civil Rights Section, did you
11 have the opportunity to be involved in any cases that went to trial for public -- under the public
12 corruption review?

13 A I'm sorry. Did you ask when I was in the Public Integrity Section or --

14 Q Talking about your time in the Fraud, Public Corruption, Civil Rights Section.

15 A During my time as the chief there, I was involved in cases that went to trial, yes.

16 Q Because you oversaw all the cases that went to trial. Is that fair to say?

17 A If a case was prosecuted by the Fraud, Public Corruption, and Civil Rights Section, one of
18 my responsibilities was to oversee it, yes.

19 Q And you also previously, in your time with the Public Integrity Section, you were also a
20 trial attorney and then -- in that section as well, correct?

21 A That is correct.

22 Q And, in that section, did you have the opportunity to try any cases?

23 A I did try public corruption cases when I was with the Public Integrity Section, yes.

24 Q Did you try cases of political figures?

25 A I guess it depends on what you mean by a political figure.

1 Q Did you try cases involving any Members of Congress?

2 A I did, yes.

3 Q Can you describe those cases for us?

4 A One trial that comes to mind that I was on the trial team for was the prosecution of the
5 former chair of the Senate Foreign Relations Committee and Democratic Senator from New Jersey,
6 Robert Menendez.

7 Q And when was that?

8 A The trial occurred in 2017.

9 Q So this was the first trial of Senator Menendez, correct?

10 A Was the first trial. Was the trial in the District of New Jersey, yes.

11 Q And you just said Senator Menendez was a Democratic Member of the Senate, correct?

12 A He was.

13 Q In your time with the Public Integrity Section, did you investigate both Republicans and
14 Democrats?

15 A Throughout my time at the Public Integrity Section, and throughout my career, I have
16 been involved in investigations of Republicans, of Democrats, and of many individuals of whose
17 political affiliation I just don't know.

18 Q In investigating those cases and in trying those cases, did political affiliation ever impact
19 any steps that you took? Did an individual's -- the individual who was the subject of an investigation,
20 did their political affiliation ever impact any steps you took?

21 A Political affiliation or partisanship played no role in any of the investigative or
22 prosecutorial work that I have done.

23 Q Thank you. Throughout your time at the Department of Justice, could you put a number
24 on the approximate number of matters that you've worked on? And I'm talking matters, not just
25 trials -- matters broadly.

1 A I'm sorry, I really don't think that I can put a number on -- it's a large number of matters
2 throughout my career.

3 Q Is it fair to say it's in the hundreds?

4 A I think, over the course of an almost 18-year career with the Justice Department, it is
5 fair to say that I was involved in more than 100 matters.

6 Q Is it fair to say it was perhaps more than 1,000 matters?

7 A That I'm not prepared to say one way or the other.

8 Q Do you know sitting here today the number of cases you've tried before a jury?

9 A I believe, my best recollection is that I've tried more than 15 jury trials.

10 Q And, as you just said, in your role as a supervisor, you also saw other prosecutors who
11 brought cases before juries, correct?

12 A I have.

13 Q Is it fair to say that you have extensive experience in trial work at the Department of
14 Justice?

15 A I believe it is fair to say that I am an experienced trial attorney, yes.

16 Q Did you win any awards during your time at the Department of Justice?

17 A I did.

18 Q What awards were you given?

19 A I think, most recently, in 2020, I was recognized by the then U.S. attorney for excellence
20 in management.

21 Q And that was by -- who was the U.S. attorney in 2020?

22 A I don't recall if the U.S. attorney at the time, the acting U.S. attorney at the time was
23 Michael Sherwin or Timothy Shea, but it was in 2020, and my best recollection is that, in that period,
24 one of them was in the chair.

25 Q And Michael Sherwin was an appointee of President Trump, correct?

1 A That was during the Trump administration, correct.

2 Q And Timothy Shea was also an appointee of President Trump, correct?

3 A That was also during the Trump administration.

4 Q Thank you. You said in the prior hour -- sorry. In the prior hour, you were asked a
5 number of times about particular individuals that you may or may not have investigated as part of
6 the work around January 6th. Do you recall those questions?

7 A I do.

8 Q And you pushed back against the characterization of investigating individuals. Do you
9 recall that?

10 A I do.

11 Q And you said I believe that you were -- that the investigation was into conduct and
12 circumstances. Do you recall saying that?

13 A Yes.

14 Q Can you explain what you meant by "conduct"?

15 A In investigations, prosecutors examine conduct by individuals, that means their actions,
16 their exchanges, their interactions and communications with other individuals. But their
17 conduct -- and it is -- criminal laws prohibit certain conduct, and so that is the focus of our
18 examination, to examine individuals' conduct.

19 Q And, in the case of -- let's talk about January 2021. Immediately after the events of
20 January 6th, did you become involved in investigating conduct?

21 A Yes.

22 Q As part of that work, can you describe any specific actions you might have taken?

23 A It's hard to recall going back about 5 years now what exact steps or things that I did or
24 that I was involved with. And I also really do -- I need to safeguard matters occurring before a Grand
25 Jury. So discussing specific steps is not something that I can really do here today.

1 Q Understood. Did you become involved in this investigation in the days immediately
2 after January 6th, so January 7th, January 8th, January 9th?

3 A I was involved in addressing the facts and circumstances resulting in the invasion of the
4 Capitol in the days after January 6th, yes.

5 Q As part of that investigation, did you have the -- did you have the opportunity to visit the
6 Capitol?

7 A I did.

8 Q And can you explain why you visited the Capitol in those days immediately following
9 January 6th?

10 A I went to the Capitol on behalf of the U.S. Attorney's Office to inspect the site of the
11 invasion, to inspect the Capitol.

12 Q Where in the Capitol did you go?

13 A My recollection is that we toured, or walked throughout, inspected the entire Capitol
14 Grounds. And what I mean by that is the rotunda. The main Capitol itself. So not the offsite Rayburn
15 building like where we are today, but the location of the attack.

16 Q Did you also visit the Grounds of the Capitol?

17 A My recollection is that, yes, I did.

18 Q When you were visiting or touring, feels fair to say touring in that concept, but when
19 you were visiting the Grounds and the Capitol, can you describe what you saw?

20 A It was evident that the United States Capitol had been attacked and ransacked when I
21 inspected the Grounds and the internal offices and areas in the U.S. Capitol.

22 Q When you say it was evident, what do you mean by it was evident?

23 A There was still trash and debris spread throughout areas of the Capitol. I recall that, in
24 one area, I believe on the west end, I recall that there were a number of iron poles that looked like
25 they were either like flagpoles or had been ripped from bicycle racks, and things that, based on our

1 investigation, our examination of all the video, things that appeared to me were used to attack
2 United States Capitol Police Officers.

3 Q Was there, for example, you said there was trash and debris present, can you describe
4 the type of debris? Was there, for example, broken glass?

5 A I recall that there were still some broken windows, that there was broken glass and
6 papers on the ground, things like that.

7 Q Would you describe the scene as chaotic?

8 A I think it is fair to say that it appeared that it had been quite chaotic on January 6th,
9 which was evident from video I had seen. But, also in the day or two after the attack when I was on
10 the Grounds, it was evident from the circumstances of the broken glass, of the poles, of a ransacked
11 office, et cetera.

12 Q After having visited the site of the actual crime, you continued to work on this
13 investigation throughout January, February, and on into 2021, correct?

14 A Yes.

15 Q Is it fair to say that this was a priority for the U.S. Attorney's Office?

16 A Investigating the invasion of the Capitol was a priority for the U.S. Attorney's Office, and
17 for the Justice Department.

18 Q Can you describe the atmosphere, and what I mean by that is, was it busy at the U.S.
19 Attorney's Office? Was it long hours?

20 A It was grueling in every respect. The hours were long, the attention was highly focused,
21 and the work was demanding.

22 Q In the prior hour, you were asked about conversations that may or may not have taken
23 place in February 2021. Do you remember being asked those questions?

24 A I do.

1 Q Is it fair to say that there were a lot of conversations going on about the events at the
2 Capitol in January, February, and on into 2021?

3 A There were many meetings, many conversations going on about the attack on the
4 Capitol in the period of January and February 2021.

5 Q And is it fair to say that there would have been many people involved in those various
6 meetings?

7 A I think that is fair to say, yes.

8 Q Is it fair to say that, because of the pace, the intensity, the number of meetings, the
9 number of people involved, it's possible that individuals' recollections of what happened at any given
10 time may vary?

11 A I don't want to speculate about other people. But, in my experience as a prosecutor,
12 recollections can vary for a variety of reasons, and the days, weeks and months after January 6th
13 were grueling and very difficult.

14 Q And the conversations that you were asked about took place, supposedly took place in
15 February of 2021, correct?

16 A I was asked about conversations written about in an article that alleged -- allegedly
17 occurred in -- or may have occurred in February of 2021, yes.

18 Q And I want to turn to that article. It's Exhibit 2.

19 A All right. Is this the article by Carol Leonnig and Aaron Davis?

20 Q Correct. Can you say the date at the top of that article?

21 A I see a date that says updated June 20, 2023.

22 Q June 20th, 2023, is more than 2 years after February 2021, correct?

23 A Correct.

24 Q So this article was written at least 2 years, I understand it says "updated," but at least 2
25 years after the events?

1 A That appears to be the case.

2 Q You were asked in the prior hour about whether -- when you reviewed this article, if you
3 found it inaccurate, why you didn't contact the reporter or have the OPA at the Department of
4 Justice contact the reporter. Do you recall those questions?

5 A I do.

6 Q Are you familiar with the Department of Justice media contacts policy?

7 A I am, yes.

8 [REDACTED] I'm going to introduce that as exhibit 5.

9 [Cooney Exhibit No. 5
10 was marked for identification.]

11 BY [REDACTED]

12 Q What I've introduced is Justice Manual Section 1-7.000, confidentiality and media
13 contacts policy. Have you seen this before?

14 A Yes, I have seen the media contacts policy and these provisions in the Justice Manual.

15 Q Do you know if you received any training on the media contacts policy?

16 A I don't recall any specific training on the media contacts policy, but I do have
17 recollection that our obligations with respect to media contacts were the subject of trainings on a
18 number of different subjects.

19 Q Section 1-7.100 begins on the second page, this is printed, but the actual substance is on
20 the top of the third page as printed, and there are page numbers at the bottom.

21 A And I'm sorry. Could you just tell me what section you were talking about again?

22 Q Yes -- 1-7.100, general need for confidentiality.

23 A Got it. Thank you.

24 Q And I'm actually going to read the section at the top of page 3, which is where the
25 substance of this is. It says, "Much of DOJ's work involves nonpublic sensitive matters. Disseminating

1 nonpublic sensitive information about DOJ matters could violate Federal laws, employee
2 nondisclosure agreements, and individual privacy rights, put a witness or law enforcement officer in
3 danger, jeopardize an investigation or a case, prejudice the rights of a defendant, or unfairly damage
4 the reputation of a person." Do you see where it says that?

5 A I do.

6 Q You were asked in the prior hour why you didn't push back against the inaccurate article
7 that was published by The Washington Post. You were also asked why the Office of Public Affairs
8 wouldn't have pushed back. Isn't it fair to say that, if the Office of Public Affairs had commented on
9 this article, that may have, in fact, had the impact of potentially disclosing nonpublic sensitive
10 matters, or information implicating an ongoing investigation?

11 A Because I'm not in OPA, I can't speak for exactly how they conduct their business or
12 what they do or don't do in situations like this.

13 Q Okay. We can go off the record. Thank you.

14 BY [REDACTED]

15 Q We'll go back on the record. It's 11:41 a.m.

16 Mr. Cooney, at the end of our first hour, we were discussing kind of the timeframe of summer
17 2022, and one item that occurred in that timeframe was the seizure of Congressman Scott Perry's
18 cellphone. Were you involved in the discussions to seek a warrant to obtain his cellphone?

19 A Sorry, did you --

20 Ms. Duval. Grand Jury warning.

21 Mr. Cooney. Can I ask a question?

22 BY [REDACTED]

23 Q Absolutely.

24 A Did you say the timeframe, did you say the summer of 2022?

25 Q That's correct.

1 A And I apologize; what was your question?

2 Q My question was, were you involved in discussions regarding obtaining a warrant to
3 seize Congressman Scott Perry's cellphone?

4 A I was involved in discussions about obtaining a search warrant, yes.

5 Q And who was involved in those discussions with you?

6 A I recall that my, that my supervisors, the U.S. attorney was involved in that.

7 Q That's Mr. Graves; is that correct?

8 A Correct.

9 Q Okay. Who else?

10 A I don't have specific recollection of other individuals involved. In terms of Mr. Graves
11 and individuals who I'm in a position to identify, I have recollection that there were other prosecutors
12 involved in the discussions.

13 Q Okay. Mr. Windom told us that he was involved in discussions. Would that match your
14 recollection?

15 A My recollection is that -- and I don't know what Mr. Windom apparently told you.

16 Q Uh-huh.

17 A But my recollection is that, at that time, Mr. Windom was involved in the same
18 investigation that I was working on and that he was likely a part of those conversations, yes.

19 Q Okay.

20 BY [REDACTED]

21 Q Did you have a plan to minimize the interruption of Mr. Perry's official duties by taking
22 his phone?

23 A I'm not sure what you mean by that.

24 Q Okay. Well, Mr. Perry's phone was seized, correct.

25 A Mr. Perry's phone was seized, yes.

1 Q Okay. Now, during the time period when he didn't have access to his phone, he was
2 unable to communicate with his key staff, other Members of Congress, and perform his official
3 duties. And my question was, did you have a mitigation plan to limit that interference with the
4 constitutionally elected Member of Congress?

5 A So my recollection with respect to the warrant is that we applied to a court and that one
6 of the measures in that was that, pursuant to the Speech or Debate Clause, that Representative Perry
7 would have an opportunity before anyone in the Government inspected the contents of his phone,
8 have an opportunity to inspect it himself and to assert privileges under the Speech or Debate Clause
9 to the court.

10 Q But, during the time period when he didn't have his phone, he wasn't able to
11 communicate with Members of Congress, key staff, or his constituents. Did you have a plan to
12 mitigate that? Sounds like you did not.

13 A With respect to the way in which the search warrant was executed, in cases where we
14 do take steps like this, I defer to the law-enforcement professionals who conduct the actual
15 execution of the search warrant.

16 Q But you would agree that it's a little different when you're taking the phone of a sitting
17 Member of the United States Congress, correct?

18 A I'm not sure I would agree that there is much difference other than that a Member of
19 Congress may have a speech or debate privilege that is not afforded to non-Members of Congress.

20 Q But, if a vote is called, and the mechanism for learning about the votes being called are
21 his telephone, then you're interfering with his ability to get back to Washington to vote.

22 A I would not agree with that.

23 Q Why is that?

24 A I don't believe that the law requires us to take specific steps with respect to a Member
25 of Congress that are not taken with respect to others, other than the Speech or Debate Clause.

1 Q And what is the Justice Department policy? Because I believe there is a difference in
2 Justice Department policy with Members of Congress.

3 A I believe that, under Justice Department policy, when a Member of Congress may be the
4 subject of a search warrant, that there are approval requirements under the Justice Manual through
5 the Public Integrity Section.

6 Q And what are those approval requirements, and how do they differ from an average
7 target of a criminal investigation?

8 A If you have a copy of the Justice Manual, I will be happy to take it out and take a look.

9 Q Well, I'm just asking you for your recollection. Like how did you approach this
10 differently from an ordinary person that's not elected by almost 800,000 people?

11 A My recollection is that we complied with the requirements in the Justice Manual.

12 Q Okay. So you didn't handle Congressman Perry in a different fashion due to his
13 constitutional duties?

14 A I wouldn't characterize it the way in which your question is presuming a fact.

15 Q Okay. Do you know how long Mr. Perry was without his cellphone?

16 A I actually do not, no.

17 BY [REDACTED]

18 Q And, when you said you deferred to law enforcement on the execution of the warrant,
19 did you have any discussion with them about how to minimize the time that Mr. Perry was without
20 his cellphone, or did that just not come up at all?

21 A I don't have any recollection about discussing the way in which the search warrant
22 would be executed.

23 Q Did you have discussions with the other prosecutors regarding seeking consent prior to
24 going to a warrant?

25 A I don't recall having any conversations like that.

1 Q So it was just go to a warrant right away, no reach out to his attorney, see if we can get
2 the emails or communications we're looking for?

3 A Well, in many investigations it is not uncommon to seek a search warrant for a device
4 where it is believed that there may be evidence of a crime.

5 Q But there was no conversation -- I'm asking a very specific question. Were there
6 conversations about seeking consent prior to going to a search warrant for Mr. Perry's cellphone?

7 A I don't recall whether we had any conversations like that.

8 Q And were you looking for all of the content on his phone, or just specific
9 communications?

10 A We were looking for contents that may constitute evidence of a crime as approved
11 within the scope of the warrant by a Federal judge.

12 [REDACTED] So you didn't have any conversations about that at all, that this is a sitting
13 Member of the United States Congress; this is a United States general, and you said, "No, we're just
14 going to go straight to -- straight and take his phone; we're not going to talk to his lawyer; we're not
15 going to talk to him"?

16 Mr. Cooney. I don't recall whether we had any conversations about that subject or not.

17 BY [REDACTED]

18 Q You ended up litigating over the contents of the phone for how long? Over a year,
19 right?

20 A Well, as it turns out, Representative Perry asserted the Speech or Debate Clause
21 privilege over virtually every --

22 Q After you take the phone.

23 A Communication on his phone.

24 Q Right. After you take the phone. But, if you sort of engage with his attorney before and
25 say, "Hey, we're looking for communication from this sender or that sender, you could have achieved

1 a different result; you could have had the materials you were looking for without the one and a half
2 year wait, correct?

3 A I'm not going to speculate about what could or could not have happened.

4 Q But, if you did engage with his attorney and you did ask for consent for specific
5 communications that you were looking for, it's certainly possible the result would have been
6 different, right?

7 A Well, after we conducted the search warrant, Representative Perry was the first to look
8 at the contents, and he elected to assert his speech or debate privilege over I think most or all of the
9 contents, and that resulted in litigation.

10 Q But, you know, it's a little different once you go and you take the phone. You send FBI
11 officials to -- I mean, I think he was vacationing with his family. You know, once you take the phone,
12 you seize the phone, it's a little bit different posture, correct?

13 A I don't know the circumstances surrounding the seizure of the phone from
14 Representative Perry.

15 Q Okay.

16 BY [REDACTED]

17 Q Did you have any discussions about when the phone would be seized?

18 A I don't recall whether we had any conversations about that or not.

19 Q Was there any discussion of, "Maybe we should wait until he's back in the District, or
20 wait when he's in D.C. and not while he's traveling"?

21 A I don't recall whether we had conversations like that or not.

22 [REDACTED] Or make an appointment with him? You know, if you're coming to seize the
23 phone, I mean, there certainly is no evidence that Congressman Perry would engage in any
24 destruction of documents. I don't think that's been alleged. So you could have made an
25 appointment with him to take his phone at a convenient time.

1 Mr. Cooney. It's my role in matters like this, and it's my practice to defer to the law
2 enforcement professionals at the FBI about how to execute a search warrant.

3 BY [REDACTED]

4 Q Do you remember how many prosecutors were involved with the seizure of Mr. Perry's
5 cellphone?

6 A I believe that the FBI executed the search warrant on Representative Perry's phone, not
7 any prosecutors.

8 Q Okay. But, in the discussions regarding obtaining the search warrant, how many
9 prosecutors were involved.

10 A I don't recall.

11 Q Do you remember how much information was taken from Mr. Perry's phone? Was a full
12 image taken? Were just specific communications seized?

13 A I don't have any specific recollection about the volume of material that was seized from
14 his phone under the court-approved search warrant.

15 [REDACTED] Like you didn't take pictures of his family, did you, that's on his phone?

16 Mr. Cooney. I'm not going to discuss specific information that was obtained from the phone
17 because that may betray both 6(e) information, but also information that's subject to court sealing
18 under a search warrant.

19 [REDACTED] Was there any discussion beforehand about speech and debate? Was
20 there any discussion beforehand that, "Oh, we're going to be taking the phone of a sitting Member of
21 Congress, a retired general in our Armed Services"? Was there no discussion about that, or can you
22 recall any discussion about that?

23 Mr. Cooney. I recall that we discussed the Speech or Debate Clause.

24 [REDACTED] Prior to?

25 Mr. Cooney. Yes.

1 [REDACTED] Okay. And then tell me about those discussions.

2 Mr. Cooney. I don't recall any specific discussion. I recall that, when we went to the court to
3 apply for the warrants, we included a provision that permitted Representative Perry before any
4 member of the government accessed the contents of his phone, for him to inspect all of it and have
5 the opportunity to go to the court first to assert his speech or debate privilege.

6 [REDACTED] And did you anticipate that he would do so?

7 Mr. Cooney. I don't recall if I anticipated one way or the other whether he would do that.

8 [REDACTED] Really? You go take his phone while he's on vacation with his family; you
9 don't anticipate him objecting to that in some way?

10 Mr. Cooney. I just don't have recollection about speculating or anticipating exactly what
11 Representative Perry would do with his speech or debate privilege.

12 [REDACTED] It's a pretty big deal. I mean, the fact that you didn't walk through that
13 analysis and say like, "Why don't we try it the simpler way, call him up and see, here is what we're
14 after," as [REDACTED] just indicated, and see if he would be willing to give that to you. That didn't happen?

15 Mr. Cooney. We conducted this investigation and had discussions the way we do in all of our
16 criminal investigations and ordered our steps that way.

17 [REDACTED] Okay.

18 [REDACTED] In the special counsel's report, there's a discussion about Speech or Debate
19 Clause and Mr. Perry's phone, and there's a line on page 100 -- we can mark the report as an exhibit.
20 I'm sure we'll use it later on as well. This will be exhibit 6.

21 [Cooney Exhibit No. 6
22 was marked for identification.]

23 [REDACTED] Do you need a copy of the report?

24 Ms. Duval. Sure.

25 BY [REDACTED]

1 Q Do you need a copy of the report?

2 A I have a copy of the report here.

3 Q Okay. Perfect.

4 A So I will start with this, and if I need to move to this other one, I will.

5 Q So this will be exhibit 6. I'm specifically looking at page 100. I'll give you a chance to flip
6 there. Okay. The third line from the top of the page, it says, "In addition, the office consulted with
7 PIN, the Public Integrity Section, regarding investigative steps that involved gathering evidence
8 connected to congressional staff."

9 My question is, was the congressional staff referenced here related to Congressman Perry?

10 A I think that was a reference to that, yes.

11 Q Okay. Because you weren't seeking information from other congressional staff?

12 A I'm not going to talk about other specific investigative steps that we may or may not
13 have taken during the investigation because it may betray information or matters occurring before
14 the grand jury or invade the privacy and other interests of individuals with whom investigative steps
15 were taken with respect to.

16 [REDACTED] But do you know the answer to that question? Like I understand you're not going
17 to tell us, but do you know the answer to that question, whether other staff other than Congressman
18 Perry's?

19 Mr. Cooney. I know the answer.

20 [REDACTED] Okay.

21 BY [REDACTED]

22 Q And your specific recollection is the note here on page 100 is in regards to Congressman
23 Perry's staff, but you're not ruling out that other congressional staff information could have been
24 sought?

25 A I'm not ruling in or out anything.

1 Q Okay. During the course of your investigation in 2021 and 2022, throughout the special
2 counsel's investigation, did you ever receive information from Bank of America.

3 A I cannot discuss a question about a specific investigative subject or step like that
4 because it may reveal information occurring before the grand jury.

5 Q We received information from a whistleblower, and then subsequently from Bank of
6 America itself, that the FBI sent an email to Bank of America on January 15th, 2021, asking for
7 records of individuals who used their credit card in the DMV area on the 5th, 6th and 7th, and then
8 they subsequently sent that information to the FBI. Did you ever receive that information?

9 A I don't know what you're referring to.

10 Q Okay. You never received a long list of individuals who used their credit card in the DMV
11 area from Bank of America? I believe there was like 250 listings of individuals and entities on the list
12 that was sent. You never received that list.

13 A I don't have any recollection one way or the other.

14 Q Okay. What can you tell us about the investigation that occurred between you joining
15 the investigative team in July of 2022 to the naming of the special counsel.

16 A I'm sorry. Was the question, what can I tell you about the investigation?

17 Q Yeah. What investigative activity occurred in that timeframe?

18 A We continued to investigate all of the conduct and facts and circumstances surrounding
19 the attack on the Capitol, the obstruction of the proceeding, and the efforts to overturn the 2020
20 Presidential election.

21 Q And, during this timeframe, were you continuing to work closely with Mr. Windom.

22 A I worked with Mr. Windom in this timeframe, yes.

23 Q You would describe it as closely.

24 A I would not necessarily describe it one way or the other.

1 Q Did you interact with him on a daily basis between the summer of 2022 and the naming
2 of special counsel.

3 A From the time that I became involved in working with Mr. Windom in or about
4 July 2022, I had regular contact with him. Whether it was daily or not, I don't have a specific
5 recollection, but I did have routine contact with him.

6 Q And, at one point, you said you were named the supervisor. So, once you were named a
7 supervisor, did the contact become more frequent.

8 A My involvement with Mr. Windom and my contact with him became more frequent
9 after I was asked to supervise in July of 2022, yes.

10 Q And, after you were asked to supervise in July of 2022, did your team grow?

11 A I wouldn't characterize the individuals who were working on it as my team.

12 Q Okay. But you were supervising individuals; is that correct?

13 A I was supervising individuals who were working on the investigation.

14 Q Okay. So you were supervising individuals. Did the number of individuals you were
15 supervising change at all following July of 2022.

16 A It did.

17 Q How so?

18 A More prosecutors joined the investigation or investigations that I was supervising.

19 Q Okay. And when were more prosecutors added?

20 A Sometime after Mr. Graves asked me to get involved in July of 2022.

21 Q Was it before the special counsel was named or after the special counsel was named?

22 A More prosecutors joined the investigation prior to the appointment of the special
23 counsel.

24 Q And what timeframe was that?

25 A That would have been between July of 2022 and November 18 of 2022.

1 Q Is there a specific month you remember of when they grew?

2 A I do not.

3 Q You do not? How many prosecutors were added?

4 A I don't recall.

5 Q And I remember you saying that it was, you know, it wasn't 15; it was maybe five or a
6 little bit less than that. Is that correct, initially?

7 A I recall the question you asked me was when I started as a supervisor, and when I
8 started in July of 2023, I don't recall --

9 Q July of 2022.

10 A Excuse me. July of 2022. Thank you. I don't recall the exact number of individuals that
11 were assigned.

12 Q Okay. What was the largest number of prosecutors that you were assigned to
13 supervise?

14 A I don't recall.

15 Q Fifteen.

16 A I can't put a number on it.

17 Q Twenty.

18 A I cannot put a number on --

19 Q You can't tell us whether or not it was more than 5, less than 25.

20 A That is not what I said.

21 Q Okay. So can you help quantify it for us?

22 A I'm just not going to speak about things that I don't recall. What I've told you is that,
23 beginning in July of 2022, I became involved in an investigation, and between that time and the time
24 that the special counsel was appointed, the number of prosecutors who worked on it increased.

25 Q Okay. You don't recall the ballpark number of the individuals you were supervising?

1 A I just don't have a ballpark off the top of my head, no.

2 Q Okay. Prior to announcing Special Counsel Smith's appointment, it's been reported that
3 Attorney General Garland summoned prosecutors working on the investigation to Main Justice to
4 discuss the impending appointment. Were you involved in that meeting?

5 A I went to the Attorney General's Office on November 18th, 2022.

6 Q Okay. And why did you go to the Attorney General's Office on November 18th, 2022?

7 A I went there because I was asked to go there.

8 Q And who asked you to go?

9 A My recollection is that Mr. Graves asked me to be there.

10 Q Okay. And what was the point of you going to the Attorney General's Office?

11 A My recollection is that, on that day, the Attorney General informed us that --

12 Q When you say "us," who was us?

13 A Mr. Graves, myself, and other people who were in attendance that --

14 Q Who else was in attendance? Sorry to interrupt. Who else was in attendance?

15 A I don't recall all the people who were in attendance at the meeting.

16 Q Who can you tell us attended based upon your recollection?

17 A I recall that the Deputy Attorney General was there. I recall that members of the
18 Deputy Attorney General and/or Attorney General's staff were there, and I recall that individuals who
19 were working on the investigation that I was involved with were also present.

20 Q Was Mr. Windom there?

21 A My recollection is that Mr. Windom was there, yes.

22 Q Do you recall anyone else who you were working with that attended besides Mr.
23 Windom?

24 A I don't have specific recollection, but there were other prosecutors who were involved
25 in the investigation who were there.

1 Q Okay. And I believe, before I interrupted you, you were going to kind of discuss what
2 was -- what took place at the meeting. So I'll let you explain what occurred after you went to the
3 Attorney General's Office.

4 A The Attorney General informed us that he was appointing a special counsel.

5 Q Okay. It's been reported that he asked prosecutors to stay on. Do you recall that
6 occurring?

7 A I recall that the Attorney General encouraged prosecutors who were working on the
8 matters that he was appointing the special counsel to oversee, to continue their work.

9 Q And how shortly after the appointment of Mr. Smith did you formally join the Special
10 Counsel's Office?

11 A I was asked to be the special counsel -- excuse me. The deputy special counsel
12 sometime after Mr. Smith was appointed.

13 Q Do you know if it was in the weeks after or more than several months after?

14 A My recollection is that it was in 2022 before Christmastime.

15 [REDACTED] When was the meeting at the Attorney General's?

16 Mr. Cooney. I believe that it was on November 18.

17 [REDACTED] That day? The day he announced it?

18 Mr. Cooney. Yes.

19 [REDACTED] Okay. So the day he announced it, so, at that meeting, he told you Jack
20 Smith was going to be the special counsel?

21 Mr. Cooney. At that meeting, he informed us that he was appointing Jack Smith special
22 counsel, yes.

23 [REDACTED] Okay.

24 BY [REDACTED]

25 Q And who asked you to become the deputy special counsel?

1 A Mr. Smith.

2 Q And did you have any communications with anyone at the Justice Department about
3 accepting this role before you accepted the role.

4 A I don't recall having any communications with anyone about it.

5 Q And did you have any discussion about what the job would entail?

6 A I'm sure that Mr. Smith and I probably did, yes.

7 Q And, when you joined the Special Counsel's Office as the deputy special counsel, what
8 did you believe your roles and responsibilities were going to be?

9 A My role as the deputy special counsel was to assist Mr. Smith in his supervision of the
10 office.

11 Q Okay.

12 [REDACTED] Were there any other deputies?

13 Mr. Cooney. I was the only deputy special counsel.

14 [REDACTED] So you were the then number two official in that office?

15 Mr. Cooney. I think that is correct, yes.

16 [REDACTED] Okay.

17 BY [REDACTED]

18 Q How many people did you supervise?

19 A Well, I assisted Mr. Smith in his supervision of the office.

20 Q And how many people were in the office in total?

21 A I don't recall the exact number of people that were in the Special Counsel's Office when
22 it began.

23 Q Was it 40? Fifty.

24 A I don't want to engage in speculation just based on my recollection about the number of
25 people. My recollection is that, for the most part, the individuals who were working between July

1 and November when I became involved on the January 6th investigation, that they joined the Special
2 Counsel's Office. And, likewise, my understanding is that the individuals who were working on the
3 Classified Documents Investigation also joined the Special Counsel's Office.

4 Q Did you become involved in the documents case, then, as well, or did you just stick with
5 the January 6th investigation?

6 A I became involved in helping Mr. Smith perform his supervisory responsibilities over
7 both investigations.

8 Q Okay. During your time at the Special Counsel's Office, did you ever interact with the
9 White House?

10 A I did have some interactions with a staff member in the White House Counsel's Office.

11 Q And what was the content of those conversations?

12 A They were administrative and logistical in nature to arrange for interviews of White
13 House officials.

14 Q Did you have any other conversations than the ones that we've just discussed about the
15 logistics and administrative about interviews?

16 A No, I do not. Not that I recall.

17 Q So that was the sum and substance of your interactions with the White House?

18 A My recollection is that it was limited to those logistical and administrative conversations
19 about arranging witness interviews while I was the deputy special counsel.

20 Q Did you ever interact with the January 6th Select Committee --

21 [REDACTED] Before you go to that, did you interact with the White House prior to being
22 put on the special counsel's team?

23 Mr. Cooney. Prior to become the deputy special counsel, during that period, in July 2022 to
24 November 2022, I recall having some contact with the same member of the White House Counsel's
25 Office.

1 [REDACTED] And for what purpose?

2 Mr. Cooney. My recollection is that that also involved witness-related issues, and that it may
3 have involved executive privilege.

4 [REDACTED] Okay. And then, prior to July of 2022, you've been working on this, I think
5 you said earlier in today's interview, that you started right around January 6th, the day after, what
6 interactions did you have with the White House, the Biden White House after inauguration day of
7 January 20, 2021 -- January 20, 2021, through July of 2022?

8 Mr. Cooney. I don't have any recollection of having any contacts with the White House
9 Counsel's Office in that period.

10 [REDACTED] Okay. And you said that these interactions that you did have were about
11 people you wanted to talk to. Who were the people you wanted to talk to?

12 Mr. Cooney. That I cannot discuss.

13 [REDACTED] Okay. Same reason?

14 Mr. Cooney. I fear that revealing that information may reveal matters occurring before the
15 grand jury.

16 BY [REDACTED]

17 Q During the timeframe of when you were working on January 6th matters, so
18 January 6th, 2021, up until January of 2025, did you ever have contact with the January 6th Select
19 Committee here in the House?

20 A And I apologize -- I lost you at the beginning of the timeframe.

21 Q January 6th, 2021, through January 2025.

22 A Yes.

23 Q Did you ever have contact -- who did you --

24 A I recall that I did.

25 Q Okay. Who did you reach out to at the January 6th Committee.

1 A I don't recall whether I reached out to members of the -- to staff on the select
2 committee or if I was contacted or my office was contacted.

3 Q And why was there outreach?

4 A My recollection is that, after Mr. Smith was appointed, I had communications with staff
5 on the select committee about obtaining information that is described in the special counsel's report.
6 I believe it is in footnote 251.

7 Q Did you obtain transcripts?

8 A My recollection is that we -- that we did obtain some transcripts, yes.

9 Q And what was the purpose of obtaining the transcripts?

10 A Well, I think in any investigation, to the extent that we can bring into our holdings
11 information that may be pertinent to the conduct and the subject matter under investigation, we do
12 that, and I think that's what we did in this investigation.

13 Q Why not conduct the interviews yourself?

14 A I think, if you look at footnote 251 of the special counsel's report.

15 Q Uh-huh.

16 A It explains how materials obtained from the select committee were used, and it
17 says -- the report is any facts on which the office relied to make a prosecution decision were
18 developed or verified through independent interviews and other investigative steps.

19 Q And my question was, why didn't you just conduct the interviews yourself? Why did you
20 need the transcripts?

21 A I would not accept the premise of your question that the Special Counsel's Office and
22 the Department of Justice did not conduct interviews. As we reported in footnote 251, any facts on
23 which the office relied to make a prosecution decision were developed or verified through
24 independent reviews and other investigative steps.

1 [12:14 p.m.]

2 [REDACTED] So you did reconduct the interviews then. Is that your testimony.

3 Mr. Cooney. I'm not going to discuss specific investigative steps or specific interviews that the
4 Special Counsel's Office or the Department of Justice did or did not do.

5 But here in our report, we explain how we utilized information and that we independently
6 verified any facts on which we based a prosecutorial decision.

7 [REDACTED] There were certain materials received from the committee.

8 Were those materials limited to transcripts, or were there other materials?

9 Mr. Cooney. I don't recall the full scope of materials, but there may have been materials
10 other than transcripts.

11 [REDACTED] Any idea what those were?

12 Mr. Cooney. As I sit here now, I do not have any specific recollection of what other materials
13 we may have obtained.

14 [REDACTED] Well, what could they be?

15 Mr. Cooney. Well, I'm not going to speculate about -- about what they could be.

16 [REDACTED] So you only know of transcripts -- you're only willing to say you know
17 transcripts were -- were given to you by the -- or you got transcripts from the Select Committee?

18 Mr. Cooney. My recollection, as I sit here, is that we received transcripts, and we may very
19 well have received other records from the Select Committee, but I just don't recall exactly what we
20 received.

21 [REDACTED]
22 Q How many conversations did you have with individuals associated with the January 6th
23 Committee?

24 A I don't recall the exact number of -- of conversations that I had with staff members.

25 Q How frequently were you in contact?

1 A I would not call my contact with the Select Committee frequent.

2 Q Okay. So it wasn't every day, once a week?

3 A I did not have routine contact -- or communications with staff members for the Select
4 Committee.

5 [REDACTED] Was it one staff member or more than one staff member?

6 Mr. Cooney. I believe that I spoke with more than one staff member, but I can't recall exactly
7 who that was.

8 [REDACTED] All phone conversations, email conversations, or did you meet in person?

9 Mr. Cooney. I -- I recall that I had phone conversations with staff members. I believe that I
10 may have emailed with staff members to the Select Committee.

11 I don't recall, but don't want to rule out, an in-person meeting.

12 [REDACTED] In-person meeting, did that take place at the Justice Department, here on
13 Capitol Hill, do you -- do you know where that meeting may have taken place?

14 Mr. Cooney. I just don't have recollection of meeting with staff members to the Select
15 Committee.

16 [REDACTED]

17 Q Did you ever have contact with Members of the Select Committee?

18 A I did not --

19 Q So you never talked to --

20 A -- that I recall.

21 Q -- talked to Ms. Cheney or Mr. Thompson?

22 A I -- I don't have any recollection of having communications with any Members of the
23 committee.

24 Q Do you know if Jack Smith ever communicated with Members?

1 A I'm not aware of Mr. Smith having any communications with Members of the Select
2 Committee.

3 [REDACTED] Was there only individual from the Select Committee who had
4 conversations with committee staff, or was there other -- whether Mr. Windom, Mr. Smith, others
5 also --

6 [REDACTED] Special Counsel's Office.

7 [REDACTED] Special Counsel's Office, excuse me.

8 Mr. Cooney. My recollection is that one other person from the Special Counsel's Office had
9 communications with the Select Committee with -- with me, but there was one other member of the
10 Special Counsel's Office involved in those phone conversations.

11 BY [REDACTED]

12 Q And who was that? Was it Jay Bratt or Mr. Windom?

13 A So it was not Mr. Windom, it was not Mr. Bratt. But other than that, for the reasons I
14 told you about, I just -- I -- I really care deeply for the well-being and the security of the career
15 prosecutors that I worked with, and so I'm just -- I'm going to honor the Department's long tradition
16 of not identifying career line-level prosecutors who have worked on these matters.

17 Q Safe to say it was someone you supervised. Is that correct?

18 A No. I would not put it that way.

19 Q Okay. So in your role as deputy special counsel, you didn't supervise the individual you
20 were on the phone with?

21 A My role as the deputy special counsel was to assist Mr. Smith's supervisory
22 responsibilities over the office.

23 Q Okay. So you wouldn't say you supervised anyone in the Special Counsel's Office?

24 A In the Special Counsel's Office, Mr. Smith was the supervisor.

1 Q Okay. Was the individual on the phone call with you supervised by Mr. Smith and then
2 that supervision was assisted by you?

3 A Yes.

4 Q Okay. Did you ever have any contact with the Fulton County District Attorney's Office
5 that's led by Ms. Fani Willis?

6 A I don't believe that I did, no.

7 Q Did you ever -- were you aware of anyone else in the Special Counsel's Office having
8 communications with Ms. Willis' office?

9 A I'm not aware of anyone in the Special Counsel's Office having contact with the Fulton
10 County DA, Ms. Willis, et cetera.

11 Q What was your involvement in the documents case?

12 A My involvement was to assist Mr. Smith in supervising that investigation.

13 Q And when did you start having involvement with the documents case? Was it just when
14 Mr. Smith was appointed, or had you had involvement with the documents case prior to that?

15 A My involvement with the classified documents case began when I became deputy
16 special counsel.

17 Q So you -- you didn't have any involvement in the raid on Mar-a-Lago?

18 A I was not involved in the classified documents investigation at the time that the
19 court-approved search warrant was executed at Mar-a-Lago.

20 Q Were you involved in the documents case when it was represented to the court that the
21 documents were in the same order as they were seized, and then the government had to go back
22 and say it actually -- they actually were not in the same order? Were you involved in the case at that
23 point in time?

24 A At one point while I was in the Special Counsel's Office, the -- the office was engaged in
25 litigation about the way in which documents were -- were stored.

1 Q Okay. And the -- the government had to say at one point, then acknowledge that this is
2 inconsistent with what the government counsel had previously represented to the court. Do you
3 remember that occurring?

4 A If you want to point to one of our public pleadings on the evidentiary issues in the case,
5 I'm happy to answer questions about it. But everything that we reported to the court is contained in
6 those public pleadings.

7 Q You don't have any independent recollection beyond the filings of the documents
8 getting misordered?

9 A Everything that -- the way in which we handled evidence and our reports to the court on
10 that are all contained within our public documents, within the filings that we made in the Southern
11 District of Florida.

12 Q When did you learn that the documents had been misordered?

13 A I would not characterize anything -- I would just not characterize it the way you had put
14 it in your question.

15 Q So the documents were in the same order as they were when they were seized from
16 Mar-a-Lago?

17 A I did not say that.

18 Q Okay.

19 A But what I am telling you is that everything that I have to say on that subject is in the
20 public pleadings that we filed in the Southern District of Florida.

21 Q Okay. So you agree that the documents were not in the same order as they were when
22 they were seized from Mar-a-Lago. Is that correct?

23 A Everything that I have to say on that subject is contained in the public pleadings that we
24 filed in the Southern District of Florida.

25 Q What involvement did you have in writing the special counsel's final report?

1 A I was involved.

2 Q How so?

3 A I -- as I did throughout my time, I assisted Mr. Smith in his supervisory role over the
4 work of the office.

5 Q Okay. Did you physically draft any portion of the report?

6 A I -- I don't recall exactly how I contributed to the report.

7 Q Did you review it before it was published?

8 A I certainly did, yes.

9 Q Okay. And did you provide edits? Did you have discussions with line prosecutors
10 regarding what was put into the report?

11 A I may very well have.

12 Q You don't have an independent recollection of that occurring?

13 A I recall that we worked on the report, and I recall reviewing and -- and likely providing
14 feedback on the report throughout the process.

15 Q When did you start working -- or when did work on the report start occurring?

16 A I don't recall exactly when we began working on the report.

17 Q When was the report finished?

18 A It was finished when we submitted it to the Attorney General.

19 Q Okay. On page 2 of the report -- you have that in front of you. So on page 2 of the
20 report, not the -- not the letter.

21 A Oh, volume -- so volume one, the election case?

22 Q That's correct.

23 A All right.

1 Q Page 2, specifically looking at footnote 1. Footnote 1 says, "This section of the report
2 summarizes the evidence uncovered by the offices of investigation and, therefore, includes conduct
3 for which the Supreme Court later held Mr. Trump to be immune from prosecution."

4 Why include conduct that could not be prosecuted?

5 A Well, I think the -- the purpose of this section was to provide, as it's titled, the results of
6 the investigation.

7 Q Okay. But could you bring a prosecution on the conduct that the Supreme Court ruled
8 was immune?

9 A If conduct is immune, then a -- then it would not be subject to prosecution, which is why
10 in our analysis of the criminal laws and how they applied, we limited that analysis to what we
11 believed was the admissible nonimmune evidence.

12 Q But why include it in this first part?

13 A In this first part we included the results of our investigation.

14 Q And whose decision was it to include immune conduct?

15 A Mr. Smith was the supervisor of -- of the report, and it is his report.

16 Q Did you have any discussions with Mr. Smith about including immune conduct in the
17 report?

18 A I -- I don't recall whether we did or we did not have discussions about it. We may very
19 well have.

20 Q Were there any discussions that you were privy to, maybe Mr. Smith wasn't in
21 attendance in those conversations, but any discussions you had regarding the inclusion of immune
22 conduct?

23 A I do not recall any conversations on that subject one way or the other.

1 Q During the course of the investigation beginning January 6, 2021, through the end of the
2 special counsel's investigation, did you ever review materials or information provided by FBI
3 confidential human sources?

4 A I'm sorry. In what time period again?

5 Q January 6, 2021, up through January 2025.

6 A I did.

7 Q And were any of those CHSes present at the Capitol on January 6, 2021?

8 A My recollection is that yes, yes.

9 Q Were any of those confidential human sources the four that entered the Capitol?

10 A I'm sorry. I'm not sure what that's a reference to.

11 Q So the Inspector General, Michael Horowitz, released a report, I believe it was in
12 December of 2024, regarding the use of confidential human sources on January 6th. There were 26, I
13 believe, in the D.C. area at the time, and four entered the Capitol, and they weren't prosecuted. Do
14 you know if any of the information you reviewed came from CHs's who were physically inside of the
15 Capitol on January 6th?

16 A I'm aware that the Inspector General issued a report on this subject. I -- I understood
17 that I was asked here today to discuss my -- my role in the Special Counsel's Office.

18 I don't think the Inspector General's report on confidential human sources is within that
19 scope.

20 Q I'm asking you about the use of confidential human source information within your
21 investigation. So that's the tie here.

22 So do you know if you used any information from the individuals that entered the
23 Capitol -- the CHSes that entered the Capitol?

24 A Used in what way?

25 Q Did you rely on that information? Did you even see that information?

1 A I'm sorry, what do you mean by that?

2 Q Did it ever come across your desk?

3 A I believe that during the course of my work on the investigation of the attack on the
4 Capitol that I did review files related to confidential human sources.

5 Q And to your recollection, did any of those confidential human sources, the files that you
6 received, did any of those indicate that the CHS had entered the Capitol on January 6th?

7 A My recollection is that -- that I did review a file or files of an individual or individuals
8 who entered the Capitol on January 6th who were a confidential source.

9 Q Okay. And during the course of your work between January 6, 2021, and January 2025,
10 were you ever involved in any decisionmaking regarding either prosecuting or declining to prosecute
11 CHSes who engaged in criminal conduct on that day?

12 A I may have been involved in discussions involving one confidential human source at
13 some point before I joined the Special Counsel's Office.

14 Q So that would have been in your role at the D.C. U.S. Attorney's Office?

15 A Yes.

16 Q And what was -- what was your role specifically with that case?

17 A Well, I think that's where -- my understanding is that you've asked me to discuss my
18 work in the Special Counsel's Office. I think my work on confidential human sources is -- is beyond
19 the scope of what we're here to talk about.

20 Q If you look at the authorization letter that was sent to you by the Department of Justice,
21 it does say that the committee has identified specific topics of inquiry about which they have
22 requested information on. Number one is the initial investigation into President Trump related to
23 the events of January 6th and your participation, scope of the investigation at different stages,
24 interactions with prosecutors related to this investigation. So that would fit within tranche 1.

25 So just asking, what was your role in the case of one CHS that the prosecution was declined?

1 A This confidential human source, my recollection, did not have anything to do with
2 President Trump.

3 Q Okay. What was your role in the investigation where it was -- declined to prosecute the
4 CHS?

5 Ms. Duval. Should we take a break to go off the record for a second and clarify?

6 Mr. Cooney. Sure.

7 [REDACTED]. We can go off the record. We'll stop the clock.

8 [Discussion off the record.]

9 [REDACTED]. We'll go back on the record.

10 Mr. Cooney. So I think in response to those questions -- and let me say I -- these are difficult
11 subjects because I take seriously obligations under 6(e), privacy obligations, et cetera. And I also take
12 seriously safety and security when it comes to confidential human sources. So it is -- I just -- it is an
13 area in which I'm not particularly comfortable.

14 But my recollection with respect to the confidential human source that I'm referring to -- and I
15 just don't recall if there was -- if I reviewed for more than one or not. But I recall early after January
16 6th, sometime in the winter or in the spring, that this came to my attention, and my role was working
17 to determine the facts surrounding that individual's presence in the Capitol and in ultimately
18 recommending that that person should be prosecuted like all the other individuals who invaded the
19 United States Capitol.

20 [REDACTED]
21 Q Okay. So you recommended prosecution?

22 A That is my recollection, yes.

23 Q Okay.

24 [REDACTED] Was the person prosecuted?

25 Mr. Cooney. I don't recall. That may be in the Inspector General's report, but I do not recall.

1 [REDACTED] Do you know if that individual had received money from the Justice Department?

2 Mr. Cooney. I don't have recollection about whether the CHS had received payments from
3 the FBI.

4 [REDACTED] Was he asked to be there that day, or she? Was the source asked to be
5 there that day at the request of the FBI?

6 Mr. Cooney. My recollection is that this CHS was not tasked with being at the Capitol on
7 January 6, but that the CHS had made its handler or handlers -- I can't remember which -- aware that
8 it was at the Capitol.

9 [REDACTED] Okay.

10 BY [REDACTED]

11 Q And specifically thinking about your time at the Special Counsel's Office -- so November
12 2022 forward -- did you review any confidential human source information during your time at the
13 Special Counsel's Office?

14 A I believe that I did review some CHS information while I was in the Special Counsel's
15 Office.

16 Q And it was related to your work at the Special Counsel's Office?

17 A It would have been related to my work in the Special Counsel's Office investigating the
18 attack on the Capitol, yes.

19 Q And were you aware of any reports of misconduct to OPR pertaining to individuals
20 working on Jack Smith's investigation?

21 A I'm sorry. Could you just ask that one more -- one more time?

22 Q Were you aware of any reports of misconduct to OPR, the Office of Professional
23 Responsibility, within DOJ pertaining to individuals working on Jack Smith's team?

24 A I was aware of reporting an allegation of misconduct to the Office of Professional
25 Responsibility.

1 Q Reporting, meaning like press reports, or that you were aware that someone had
2 self-reported conduct?

3 A I recall assisting in a report of an allegation to OPR.

4 Q And how did you assist?

5 A I believe that my role in this is described or actually memorialized in an email that we
6 attached to a public pleading in the Southern District of Florida.

7 Q Okay. And did this regard the allegation brought by Stanley Woodward against Jay
8 Bratt?

9 A Yes. That it did -- yes, it did. But my recollection is that the allegation, when we
10 reported it to the Office of Professional Responsibility, had not actually been made by Stanley
11 Woodward.

12 Q And the allegation came out of a meeting that occurred with Mr. Bratt on August 24,
13 2022, where Mr. Bratt allegedly brought up the prospect of a judgeship that Mr. Woodward was
14 seeking or had been recommended for.

15 Were you present at this meeting?

16 A I was not present at the meeting that took place between Mr. Bratt and Mr. Woodward.

17 Q Did you have any discussions with Mr. Bratt about these allegations?

18 A I believe that I did, yes.

19 Q Okay. And what were the content of those discussions?

20 A I believe that after becoming aware of the allegation that we discussed the
21 circumstances of the meeting that he had with Mr. Woodward.

22 Q Did you have any followup with OPR?

23 A My recollection is that I provided our public pleadings -- excuse me. They were not
24 public at the time. They were pleadings that were later unsealed in the Southern District of Florida

1 that were presented in the District of Columbia and in the Southern District of Florida, and my
2 recollection is that I provided those to the Office of Professional Responsibility.

3 Q And were you ever interviewed by OPR or asked for information other than the
4 pleadings?

5 A I don't recall being interviewed by OPR.

6 Q And our understanding is that from a briefing we received from Mr. Ragsdale, who led
7 the office, that the investigation was held in abeyance until Smith's work was completed.

8 Does that match your recollection?

9 A That matches my recollection as we reported it in the pleadings that we filed in D.C. and
10 the Southern District of Florida.

11 Q And it's also our understanding from Mr. Ragsdale that he had received some sort of
12 notification from the Special Counsel's Office after the work was complete.

13 Were you the one that provided that notification?

14 A I may have.

15 Q Okay. Were you involved in discussions of needing to notify OPR that your work was
16 complete?

17 A I -- I probably was, yes.

18 Q Okay. And if it wasn't you who notified OPR, who would it have been?

19 A That, I can't say. But I believe that I did notify OPR through Mr. Ragsdale that -- that the
20 case in the Southern District of Florida was complete.

21 Q And what was Mr. Ragsdale's response to you?

22 A I don't recall any specific response.

23 Q Did you receive any followup after you notified OPR?

24 A It's my recollection that in the period, you know, after about the time that we moved to
25 dismiss the charges against President Trump that I had communication with Mr. Ragsdale informing

1 him that -- that those matters were done and providing him copies of pleadings that we filed in the
2 case at his request.

3 Q Okay.

4 BY [REDACTED]

5 Q Did Mr. Bratt have any role with Mr. Woodward's judgeship -- for judgeship?

6 A Do you mean his -- his nomination to the Superior Court?

7 Q Right, in D.C.?

8 A I don't believe that Mr. Bratt had any role in the nominating process.

9 Q Did you inquire with Mr. Bratt why he made this type of statement? Was it a joke? Was
10 it, you know, intentional intimidation?

11 A My recollection is that I discussed it with Mr. Bratt, yes.

12 Q What was his response?

13 A His responses to -- to the allegation are those that we reported in the pleadings that we
14 filed in the District of Columbia and the Southern District of Florida.

15 Q Okay. And what were they?

16 A The specifics are in the pleadings. But in sum and substance, that the accusation was
17 false.

18 Q And so what happened then? I mean, did Stanley Woodward make this up?

19 A I can't speak for -- for Stanley Woodward, but what I can say is that the allegation that
20 Stanley Woodward made that Mr. Bratt attempted to extort him is not --

21 Q Extortion is a little different than intimidating.

22 A That is not the Jay Bratt that I know.

23 Q But let's separate extortion from intimidation. What did Jay Bratt say to Stanley
24 Woodward?

25 A Intimidating an attorney or a witness is not something that I know Jay Bratt to engage in.

1 Q Okay. What did Jay Bratt say to Stanley Woodward then?

2 A I think if you look in our pleadings that we filed in D.C. and in the Southern District of
3 Florida, they -- they report the account of the conversation.

4 Q Okay. But, you know, I'm now sort of asking for your unvarnished view here. I mean,
5 you're here, we're having a Q and A, we're having a dialogue.

6 What did Mr. Bratt tell you? Not what you, you know, put in the pleadings, but what did
7 Mr. Bratt tell you?

8 A My unvarnished view is what we report in our pleadings, and in sum and substance, that
9 the allegation of any misconduct or intimidation is false.

10 Q Okay. But what -- what happened then?

11 A Again, point you to the pleadings that we filed. We provided a detailed account of the
12 meeting and the circumstances.

13 Q Okay. So you're not willing to tell us what -- what happened other than what's in the
14 pleadings, which we can read?

15 A I'm more than willing to have you look at the pleadings and ask me any questions you'd
16 like about them.

17 [REDACTED] How many -- again, how many phone calls did you have with the January
18 6th Committee?

19 Mr. Cooney. I don't recall how many phone calls I had with the January 6th Committee.

20 [REDACTED] Several?

21 Mr. Cooney. I would not characterize it as -- as several. I wouldn't characterize several or a
22 few. I just don't -- don't recall the number that I had.

23 [REDACTED] More than one, though?

24 Mr. Cooney. More than, one, yes.

25 [REDACTED] Did you ever have any interactions with David Weiss?

1 Mr. Cooney. I do not recall having any interactions with David Weiss.

2 [REDACTED] Anyone from the -- David Weiss' special counsel team?

3 Mr. Cooney. I recall one or two contacts with, I believe it was like the chief of staff or
4 something like that in his Special Counsel's Office.

5 [REDACTED] In regards to?

6 Mr. Cooney. I recall being contacted for advice on the logistics and administration of --

7 [REDACTED] They contacted you?

8 Mr. Cooney. They contacted me to set up a Special Counsel's Office.

9 [REDACTED] Any others?

10 Mr. Cooney. Not with members of David Weiss' special counsel team that I recall.

11 [REDACTED] You never contacted them?

12 Mr. Cooney. I do not have any recollection of contacting David Weiss' office.

13 [REDACTED] Okay.

14 [REDACTED] We're at the end of our hour. We'll go off the record.

15 [Recess.]

1 [1:29 p.m.]

2 [REDACTED] It's 1:29. We can go back on the record.

3 [REDACTED]

4 Q In the prior hour, there was some discussion about your engagement with the January
5 6th Committee. Do you recall that line of questioning?

6 A I do.

7 Q The comment was made that, if prosecutors receive transcripts from the January 6th
8 Committee, why wouldn't -- why would you need to receive transcripts; why wouldn't you just
9 conduct the investigation yourself. Do you recall that question?

10 A I do.

11 Q And you pointed us to a footnote in the special counsel report?

12 A I did.

13 Q And that footnote said that any investigative -- any investigative decisions that were
14 taken by the January 6th prosecutors, the Department of Justice prosecutors, were premised on
15 independently developed information, correct?

16 A I believe, in sum and substance, that's what that footnote says.

17 Q So transcripts have value beyond just this is what a witness said in the moment, correct?

18 A They do.

19 Q What value might transcripts have for prosecutors in this situation?

20 A In -- in any investigation, when witnesses or potential witnesses to criminal conduct or
21 to circumstances surrounding events under investigation give statements, it can be helpful to
22 understand what that witness said at one moment in time and then compare it to what the witness
23 says in another moment in time.

24 Q How might it be helpful?

1 A It could be helpful in verifying the consistency of a witness's statements, it could be
2 helpful in evaluating whether a witness is telling the truth or has a motive to say -- to give an account
3 one way on one day and an account in a different way on another day to a different set of
4 investigators or people.

5 Q So to the extent that prosecutors for -- the January 6th DOJ prosecutors were seeking
6 transcripts, it may have been for any of those reasons, correct?

7 A I think it could be for any of those -- any of those reasons and any number of
8 investigative reasons.

9 Q Throughout your communications with the January 6th Committee, did anyone on the
10 committee ever direct or instruct prosecutors to take any particular investigative step?

11 A I was not involved in any circumstance where any person -- any member or staff
12 member associated with the Select Committee gave any investigative direction or mandate to the
13 Justice Department.

14 Q And in all of your engagement with the January 6th Committee, were you ever in a
15 situation where any Department of Justice prosecutor gave any investigative instruction to any
16 member of the January 6th Committee or their staff?

17 A I was not involved in giving or witnessing anyone give direction to the Select Committee.

18 Q And that would have been inappropriate if it had happened, correct?

19 A We do not coordinate our Justice Department criminal investigations with legislative
20 oversight investigations of the judiciary -- excuse me -- of the legislative branch.

21 Q Thank you. I want to move on to the discussion of Mr. Perry's cell phone.

22 In the prior hour, you were asked about what steps might have been taken at the Department
23 prior to the seizure of this phone. Do you recall broadly that line of questioning?

24 A I do.

1 Q I want to introduce the Justice Manual section on investigations of Members of
2 Congress. This will be exhibit no. 7.

3 [Cooney Exhibit No. 7
4 was marked for identification.]

5 
6 Q And I'll note this is from the Justice Manual today. I understand it was updated, I
7 believe, in 2023, but I believe the substance of the section has remained the same. And we're going
8 to be looking at 9-85.110.

9 A Okay.

10 Q Are you familiar with this section?

11 A I am familiar with this section of the Justice Manual.

12 Q The 9-85.110 investigations involving Members of Congress states in the first paragraph
13 that consultation with the public integrity section, or PIN, is required in all investigations involving a
14 Member of Congress or congressional staff member.

15 See where it says that?

16 A I do see that.

17 Q Is that consistent with your understanding of the requirement for consultation in
18 advance of any investigations of Members of Congress or their staff?

19 A It is, yes.

20 Q In the case of the -- the warrant for Mr. Perry's cell phone, was PIN consulted prior to
21 that warrant being sought?

22 A My recollection is that the U.S. Attorney's Office consulted with public integrity and
23 otherwise fulfilled its obligations under the Justice Manual.

24 Q What is the standard that must be shown in order to obtain a search warrant?

1 A To obtain a search warrant, prosecutors must establish to a Federal judge that there is
2 probable cause to believe that evidence of a crime exists on the thing or in the place to be searched.

3 Q In the case of Mr. Perry's cell phone, did prosecutors establish to the satisfaction of a
4 judge that there was probable cause that evidence of a crime would be found on Mr. Perry's cell
5 phone?

6 A Yes.

7 Q And would that be reflected in the warrant for Mr. Perry's cell phone?

8 A The probable cause would be reflected in the affidavit in support of the warrant and in
9 the fact that a Federal judge approved it.

10 Q I'd like to introduce that warrant as exhibit 8.

11 [Cooney Exhibit No. 8
12 was marked for identification.]

13 

14 Q You're familiar with this warrant?

15 A Let me just take one second to look at it. This does appear to be the warrant and the
16 affidavit in support thereof for Representative Perry's cell phone, at least those portions that were
17 unsealed. And I'm familiar with it, but I have not reviewed this in quite some time.

18 Q Looking at the first page, is it evident on the face of this warrant what the crimes at
19 issue were?

20 A In what is referred to on the first page here as the face sheet of the warrant, about
21 two-thirds of the way down, it states the code provisions for which there is probable cause to believe
22 that the device will contain evidence of a crime.

23 And so here it is 18 U.S.C. Section 1512(c) and (k) and Section 1001 and 371, and that those
24 provisions are described. It's attempted obstruction of an official proceeding and conspiracy to
25 obstruct an official proceeding, false statements, and conspiracy to defraud the United States.

1 Q So prosecutors had probable cause to believe that evidence of four separate crimes was
2 likely to be on Mr. Perry's cell phone, correct?

3 A That is correct, yes.

4 Q The courts apply particular safeguards to materials seized from Members of Congress,
5 correct?

6 A There are certain safeguards imposed, yes.

7 Q What are those safeguards?

8 A Well, Members of Congress have a constitutional privilege under the speech or debate
9 clause. And in this instance, the measure that was employed was an attachment to the warrant that
10 required that Representative Perry be given the opportunity to review the contents before the
11 government did, meaning before prosecutors or agents did, so that he could assert any claims of
12 privilege.

13 Q And, ultimately, a court ruled on his privilege claims, correct?

14 A That is, to my recollection, correct. Representative Perry asserted claims of privilege
15 under the speech or debate clause. My recollection is that he also asserted other privileges and the
16 court made rulings on those.

17 Q I want to introduce as exhibit 9 a memorandum opinion signed by Judge James
18 Boasberg from the U.S. District Court for the District of Columbia on December 19th, 2023.

19 [Cooney Exhibit No. 9

20 was marked for identification.]

21 
22 Q And take as long as you want to review. I can tell you I'm going to primarily ask about
23 the first paragraph on the first page.

24 A Okay.

25 Q This is the -- the court's ruling on Mr. Perry's privilege claims, correct?

1 A Yes. This is one of the rulings that the court made on his privilege assertions, yes.

2 Q And I believe this is the final one. Is that consistent with your recollection?

3 A That is consistent with my recollection, yes.

4 Q The first paragraph on the first page, the introductory paragraph, the very last sentence
5 of that paragraph reads, "Having now analyzed each of the 2,055 documents still at issue, the court
6 will order Perry to disclose 1,659 of them, but not the 396 others."

7 Do you see where it says that?

8 A I do.

9 Q What does that mean?

10 A That at the completion of the litigation after Representative Perry made his assertions
11 under the speech or debate clause and the court analyzed each of the documents to evaluate that
12 assertion, it found that all but the 396 -- so 1,659 -- were not subject to protection under the clause
13 and must be disclosed to the government.

14 Q Thank you. There were some questions in the earlier hour about the process by which
15 Mr. Perry's cell phone was seized, and there were some questions about how long the cell phone
16 might have been held. I want to introduce into the record as exhibit 10 a memorandum opinion from
17 the District of Columbia. This is signed by Chief Judge Beryl Howell, and this is dated November 4th,
18 2022.

19 [Cooney Exhibit No. 10
20 was marked for identification.]

21 Mr. Cooney. Okay.

22 

23 Q On page 2 under the background section, the very first paragraph reads, "A search and
24 seizure warrant to seize Representative Perry's personal cell phone was issued by a magistrate judge

1 in the Middle District of Pennsylvania and executed on August 9th, 2022, when the Federal Bureau of
2 Investigation forensically extracted an image of the phone's contents."

3 Do you see where it says that?

4 A I do.

5 Q What's your -- do you have an understanding of what forensically extracted an image of
6 the phone's contents means?

7 A In the FBI, there are typically agents who are familiar with how to image a phone. But
8 my understanding of it is forensically extracting an image functionally means to make a copy of it.

9 Q So in other words, the FBI could take a phone, make a copy of it, and hand the phone
10 back to the original owner, correct?

11 A In -- in cases where search warrants on cell phones are conducted, one way in which it
12 can be done is to simply copy the contents of the phone and then return the phone to its owner, yes.

13 Q And, in fact, in this opinion, the very first sentence of the second paragraph reads, "After
14 promptly returning the cell phone to Representative Perry, the government sought a separate search
15 warrant in this court," and it goes on.

16 Do you see where it says that?

17 A I do see that on the first sentence of the first paragraph of page 2, yes.

18 Q So the court's assessment is that the phone is promptly returned to Representative
19 Perry, correct?

20 A That appears to be the court's assessment, and that is my recollection.

21 Q Thank you. In the prior hour, there were a number of questions raised about allegations
22 that some of the documents and boxes seized from Mar-a-Lago were moved around or manipulated.

23 Do you remember that line of questioning?

24 A I do remember that questioning.

1 Q I want to introduce as exhibit 11 a court filing, the government's response to defend
2 Waltine Nauta's motion to extend time. This is in the classified documents investigation. It was filed
3 by the government on May 3rd, 2024.

4 [Cooney Exhibit No. 11
5 was marked for identification.]

6 
7 Q Take as long as you want to review. I'm going to ask you about the factual background
8 on pages 6 through, I believe, 9 -- 6 through 8. Excuse me.

9 A Sorry. I just want to refresh my recollection for just a moment.

10 Q Take as long as you want.

11 A And you said page 6?

12 Q Beginning on page 6, 6 through 8. It's the factual background section.

13 A All right.

14 Q Do you recall this filing?

15 A I -- I do not have a specific recollection of all the contents of the filing. But I -- I have
16 recollection of the ongoing litigation in the case and -- and making a filing like this, yes.

17 Q So according to this filing, the FBI was processing -- when the FBI was processing the
18 documents that it seized from Mar-a-Lago, it ran out of classified cover sheets.

19 Do you recall that?

20 A I do have recollection of that. The details would be in this and other pleadings, but I do
21 have recollection that that -- that learning -- because I was not on the team at the time that the
22 search was conducted, but learning that one of the things that occurred during the search warrant
23 was that agents executing it ran out of classified cover sheets.

24 Q What are classified cover sheets?

1 A Classified cover sheets are sheets that are placed on top of classified documents to
2 demarcate, to indicate that they are classified and typically their classification level.

3 Q And why were -- excuse me.

4 Why were classified cover sheets being placed on top of documents as part of the search?

5 A I was not there for the search, so I don't want to speak for the agents.

6 Typically, in investigations where classified information is -- is recovered, a step that is taken is
7 to demarcate them as classified, so to utilize a cover sheet or something like that to make clear that
8 they are classified.

9 Q And in this case, when agents ran out of classified cover sheets, what did they
10 do instead -- what was the next step that they took?

11 Ms. Duval. I have no knowledge of what's in volume 2, but I do know that --

12 [REDACTED] Understood.

13 Ms. Duval. -- lots about Florida is still under seal, including the facts related to volume 2. So
14 I'm just --

15 [REDACTED] Understood. Can I ask about language actually in the filing in front of us?

16 Ms. Duval. You can -- you can ask anything you want. I'm just putting out a caution.

17 [REDACTED]

18 Q According to this filing on page 6, the paragraph in the middle, the second-to-last
19 sentence reads, "The investigative team used classified cover sheets for that purpose" -- meaning
20 what you just said -- "to denote the documents as classified until the FBI ran out because there were
21 so many classified documents, at which point the team began using blank sheets with handwritten
22 notes indicating the classification level of the documents seized."

23 Do you see where it says that?

24 A I do see where it says that, yes.

1 Q Does that refresh your recollection of the circumstances that -- that took place in this
2 instance?

3 A That is my recollection of what we determined and what we reported to the court, yes.

4 Q When -- according to this filing, when the documents were brought to the Washington
5 Field Office -- they were brought from Florida to the Washington Field Office, correct?

6 A My recollection is being informed of that and, of course, reporting this pleading. The
7 only thing that I just want to make clear is that at the time that the search warrant was executed at
8 Mar-a-Lago, I was not involved in the classified documents investigation.

9 Q Understood. I'm just trying to make the record clear because I think there were
10 references in the prior hour to manipulation of documents, and I want to make the record clear as to
11 what the Special Counsel's Office has said actually took place.

12 So according to this pleading, when the documents were brought to the Washington Field
13 Office, those handwritten cover sheets were replaced with formal classified document cover sheets.
14 Is that correct?

15 A My recollection is that that is what we determined and reported to the court.

16 Q And it appears that when those sheets were replaced, some of the official sheets were
17 not placed in the boxes in the exact location of where the documents were, but they were all placed
18 in the correct box, correct?

19 A My recollection, in sum and substance, is functionally that. I think all the details of how
20 the documents were handled and how their evidentiary integrity was ensured is reported in the
21 public pleadings that we filed to the court.

22 Q And in this public pleading on page 7, the government explains that every box brought
23 to the Washington Field Office contained precisely the same material as it did when it was seized?

24 At the bottom -- in other words, there's a clear record of which boxes contained classified
25 documents when seized. And it says, for example, the FBI was present when an outside vendor

1 scanned the documents, the -- and the boxes were kept separate during that process, separate from
2 each other.

3 When the FBI created the inventories of the box contents, each inventory team worked on a
4 single box at a time separated from the other teams. And during defense counsel's review, any
5 boxes opened at the same time and any personnel reviewing those boxes were kept separate from
6 one another.

7 Do you see where it says that?

8 A I do. Thank you for drawing my attention to it. I'm trying to refresh my recollection.

9 But my recollection is that we determined that, and we reported it to the court.

10 Q Thank you. In the prior hour, you were asked about the OPR referral of Mr. Bratt. I
11 want to return to that line of questioning.

12 The allegations concerning Mr. Bratt were first raised in a motion filed in D.C. District Court by
13 President Trump's counsel, which sought the disclosure of grand jury material, correct?

14 A My recollection is that that is the case, yes.

15 Q And the materials were then subsequently filed in the Florida District Court at the
16 direction of the court, which then ordered them unsealed, correct?

17 A That is my recollection of -- yes, that is my recollection of them -- of how they were first
18 filed in the Southern District of Florida, correct.

19 Q I'm going to introduce as exhibit 12 the government's opposition to the amended
20 motion for disclosure of the grand jury materials. The heading on the top -- this was actually filed in
21 the Florida case even though the opposition itself was filed in the District Court in the District of
22 Columbia, so it's a little bit confusing.

23 And the discussion of the Woodward allegations begins on page 22 of this document, which is
24 page 69 of the ECF document. There are a lot of numbers at the top.

25 [Cooney Exhibit No. 12

1 was marked for identification.]

2 Mr. Cooney. If I can just say, the reason I'm able to discuss these pleadings -- because I think
3 they might -- they reflect here, for example, at the top that it is under seal and ex parte.

4 These pleadings, as has been reported in public documents with the court's approval, were
5 originally filed as part of the grand jury matter and were later unsealed for the Southern District of
6 Florida.

7 

8 Q They were unsealed by Judge Cannon, correct?

9 A I don't recall whether it was Judge Cannon or whether Chief Judge Boasberg may have
10 authorized both the filing in the Southern District of Florida and the -- and the unsealing of the
11 underlying grand jury matters, but a judge approved it.

12 Otherwise, this would be -- this would be subject to 6(e)'s requirements, but -- but since a
13 judge has approved its publication, it falls in a different category.

14 Q You were asked in the prior hour about what actually happened, what did Mr. Bratt
15 actually say in the -- when he spoke with Mr. Woodward.

16 Do you remember being asked that?

17 A I do.

18 Q The position of the special counsel is addressed on page 23 -- at the top of page 23.

19 A And I'm looking at 23 at the bottom.

20 Q Sorry, 23, at the bottom.

21 A Thank you. Okay. I've read page 23.

22 Q Having reviewed that first paragraph, can you explain what the special counsel stated
23 was the purpose of the August 24th, 2022, meeting?

24 A As is reported in the pleading, the -- we reported to the court in response to this
25 litigation that the purpose of the meeting that occurred on August 24 was to discuss Waltine Nauta,

1 and that prosecutors in the meeting informed Mr. Woodward, who is Mr. Nauta's attorney, that
2 Mr. Nauta had criminal exposure and that he was a subject of a grand jury investigation.

3 And they informed Mr. Woodward that they were interested in obtaining Mr. Nauta's
4 potential cooperation and resolving his situation.

5 Q And does this paragraph indicate whether or not Mr. Woodward objected to anything
6 that happened at the meeting shortly after the meeting? In other words, did he make any
7 objections -- contemporaneous objections to what happened at the meeting?

8 A My recollection, as -- as set forth in this pleading, is that Mr. Woodward did not raise
9 any objection to anything that was said or done at the August 24 meeting contemporaneously and
10 did not raise them for the first time until much later.

11 Q Is it accurate, to the best of your recollection, that, in fact, Mr. Woodward did not raise
12 any objection until almost nine months later?

13 A With the -- the caveat that I was not working on this investigation on August 24, 2022,
14 and was not at the meeting, my understanding, based on our examination of this and as we reported
15 to the court, is that Mr. Woodward did not raise any objection of this until sometime in 2023, much,
16 much thereafter.

17 Q And why is that relevant?

18 A I think in any investigation and in any matter, credibility can be evaluated based on
19 whether and when a person makes an allegation.

20 In this matter, as we set forth in our pleading, this allegation against Mr. Bratt was not
21 surfaced until after President Trump had been informed that he was a subject of a criminal
22 investigation and faced potential indictment in the Southern District of Florida.

23 Q So is it fair to say that the failure to raise any concerns or to bring this allegation
24 forth -- forward sooner suggests that the motivation for bringing the allegation forward may not have
25 been that it was -- that there was actually concern about what Mr. Bratt said but, rather, it was in

1 response to it being made public that Mr. Trump and Mr. Nauta were the subject of the
2 investigation?

3 A It was certainly a strong indication to me, and I believe, based on the pleading that we
4 filed in the District of Columbia and in the Southern District of Florida, that the timing indicated or
5 undermined the credibility of the allegation in the first place, yes.

1 [1:59 p.m.]

2
3 
4 Q And if you'll turn to page, it's 25 on the document, and 72 of the ECF, the first
5 paragraph, and into the second paragraph, describes the actual conversation between Mr.
6 Woodward and Mr. Bratt regarding the judicial nomination question. I'm going to ask you to take a
7 minute to review, and then ask if that refreshes your recollection about what Mr. Bratt said actually
8 happened.

9 A Okay.

10 Q Having reviewed this, do you now recall what Mr. Bratt said actually happened during
11 the conversation about the judicial nomination?

12 A I don't have a specific recollection of any conversations. But as I said earlier, and now,
13 what we reported in our public pleadings is consistent with the information that we developed, and
14 with my discussions with Mr. Bratt after this allegation was first surfaced.

15 Q And what did Mr. Bratt in your conversations with Mr. Bratt, what did he tell you had
16 actually happened?

17 A Anything that Mr. Bratt told me about what happened is reported in our public pleading,
18 and in sum and substance that any accusation that he intimidated or extorted anyone is false.

19 Q And this pleading actually says that Bratt believed that Mr. Woodward was on the
20 Nominations Committee for the Superior Court of the District of Columbia, correct?

21 A That is correct.

22 Q And the pleading says that Mr. Bratt mentioned this to Mr. Woodward as a matter of
23 professional courtesy, and only to indicate to Woodward that he understood that Woodward must
24 have a good reputation. That's a quote from the bottom of the first paragraph on this page, correct?

25 A That is correct.

1 Q And nothing more was intended, correct? That's what the pleading says.

2 A I do not believe that anything more was intended than exactly what is reported in this
3 pleading.

4 Q On the following page, page 26, the second full paragraph begins, The timing of this
5 claim betrays its purpose. Do you see where it says that?

6 A I do.

7 Q The pleading reads, The timing of this claim betrays its purpose. Woodward did not balk
8 at anything that was said in the meeting, either in the meeting itself or for many months thereafter,
9 during which time he has dealt with prosecutors from the Special Counsel's Office. Woodward
10 likewise never until the disclosure motion suggested that he understood the prosecutors in the
11 August 2022 -- August 2022 meeting to have made any threats or quid pro quo insinuations, that is
12 because no such thing took place. Do you see where it says that?

13 A I do.

14 Q And that's the position of the Special Counsel's Office, correct?

15 A That is the position of the Special Counsel's Office, yes.

16 Q Based on your -- I'll withdraw that. How well did you know Mr. Bratt?

17 A I got to know Mr. Bratt fairly well by working with him.

18 Q And had you worked with him prior to the Special Counsel investigation?

19 A I had been in the U.S. Attorney's Office with Mr. Bratt prior to -- earlier in my career.

20 Q And what was your -- did you have an opinion of Mr. Bratt's professional competency?

21 A I did.

22 Q What was that opinion?

23 A My opinion is that Mr. Bratt was a professional prosecutor who was a dedicated public
24 servant with extraordinarily strong character and unbridled integrity.

1 Q And page 24 of the opposition states, quote, The notion -- this is about halfway down
2 under number two, The notion that a 30-year veteran Federal prosecutor would engage in such a
3 ham-handed tactic, referring to the conversation, the alleged conversation with Woodward, in this
4 sensitive investigation in a meeting alongside three other prosecutors, and in the context of his first
5 interaction with a defense attorney is nonsensical. Do you see where it says that?

6 A I'm sorry. I actually don't see where it says that. I don't doubt that it does, but I
7 don't -- thank you. Let me just -- thank you. Yes, I see that.

8 Q The statement that the idea that Mr. Bratt might have done this is nonsensical, is that
9 consistent with your understanding of Mr. Bratt's character, that it would be completely out of
10 character for him to have engaged in the conduct alleged?

11 A Yes, it is inconsistent with my knowledge of Mr. Bratt's character, integrity, and
12 professionalism.

13 Q Thank you. With respect to the questions from the prior hour about the confidential
14 human sources, there is -- there have been allegations made that confidential human sources -- that
15 the FBI placed confidential human sources at the Capitol in order to inspire the riots, or the cause to
16 riots to happen, sometimes called the false flag theory. Are you familiar with that?

17 A I am familiar with that claim.

18 Q To the best of your knowledge, did the FBI place confidential human sources at the
19 Capitol in order to incite the riots on January 6th?

20 A I am aware of no evidence or information that the FBI engaged in the so-called false
21 flag. In fact, my understanding is that the United States Attorney's Office for the District of Columbia
22 thoroughly examined the issue and has filed court pleadings on it that address it.

23 Q And those court pleadings indicate that the false flag theory is baseless, correct?

24 A That is my recollection, yes.

25 [REDACTED] Thank you. We can go off the record.

1 [Discussion off the record.]

2 BY [REDACTED]

3 Q Go back on the record. It's 2:12. Turning to the --

4 A I'm sorry. I don't mean to interrupt you. But before you ask a question, I just wanted to
5 raise one thing that I was thinking about over the lunch break. So I recall in, I think it was in the
6 morning session, you asked me a question about whether in the days immediately following
7 January 6th, I had had any communications with Special Agent, or I think at the time he was Assistant
8 Special Agent in Charge, Timothy Thibault, and I did not recall having any communications with him.

9 As I thought about this on the lunch break and tried to recollect what was going on back at
10 that time period, my recollection is that I likely did have communications with Special Agent Thibault
11 in the days and the weeks immediately following January 6th.

12 BY [REDACTED]

13 Q Okay. It's our understanding that when it came to the, you know, election investigation
14 it was his squad, CR15, one of the squads that he supervised at the FBI that was involved on the FBI
15 side. Does that match your recollection at all? Did you have any interactions with a squad named
16 CR15?

17 A My recollection is that -- first, just to square what Special Agent Thibault's role was, my
18 recollection is that he was an ASAC, an assistant special agent in charge, so he was not a squad
19 supervisor, but he oversaw a series of squads.

20 Q Correct.

21 A And one of them was CR15.

22 Q And did you interact with the squad CR15, individuals on the squad?

23 A My recollection is that I did have interactions with members of CR15.

24 Q And when did those interactions start?

1 A Well, I've had -- I've worked with CR15 well before January 6th. But sometime after
2 January 6th I think is the purpose of your question.

3 Q That's correct.

4 A I don't recall if it was the day after, 2 days after, a week after, but certainly in the time
5 period immediately after January 6th as part of our efforts to investigate the attack on the Capitol, I
6 had communications with -- I likely had communications with members of CR15.

7 Q And did those communications continue throughout your tenure on Special Counsel
8 Jack Smith's team, or was it just prior to his appointment?

9 A Oh, my recollection is that agents who were on CR15 worked on the investigation after
10 Mr. Smith was appointed as the Special Counsel. So I would not characterize my communications as
11 being throughout the entire period of January 6th until Mr. Smith's appointment, but I had
12 communications about January 6th-related investigations before Mr. Smith was appointed, and after
13 Mr. Smith was appointed.

14 Q The individuals that you said you had -- that were part of CR15 that you had
15 communications within the course of Special Counsel's investigation, were those individuals detailed
16 to the Special Counsel's Office, or did they still work on CR15?

17 A My recollection is that there were no special agents detailed to the Special Counsel's
18 Office.

19 Q Okay.

20 BY [REDACTED]

21 Q Going back to the Stanley Woodward matter, I reviewed the pleading that you invited
22 me to review, and I just -- I don't think there's any dispute that at the meeting in question, Jay Bratt
23 brandished a folder of information relating to Stanley Woodward. There's no dispute to that, right? I
24 don't see anything in the pleadings where the Justice Department denies that, right?

A I don't know that I would use, based on my understanding of reviewing the pleadings, the word, "brandished." I think the pleading speaks for itself.

Q Okay. So if the pleading does speak for itself, there was a folder, right?

A Again, I think the pleading speaks for itself.

Ms. Duval. Is there a particular part of the pleading that you are referring to?

Well, I'm referring to the pleading. You know, there's nothing in the pleading that disputes Woodward's account that a folder was brandished. Brandished is my term. But that there was a folder of information that Jay Bratt had prepared about Stanley Woodward.

Ms. Duval. Do we have that, what you're reading from?

Mr. Cooney. Yeah, actually, can we -- that's a good point.

██████████ I mean, this is the pleading that, you know, he invited me to go find and so I did.

Ms. Duval. Sure. But he doesn't have it in front of him.

██████████ Okay.

██████████ This will be 13.

[Cooney Exhibit No. 13

was marked for identification.]

Mr. Cooney. Thank you.

██████████ Thank you.

BY

Q So I'm referring to the Justice Department's pleading report in response to the court's sealed order on August 7, 2023. Page seven, the Department recounts Mr. Woodward's account of the August 24th meeting and --

Ms. Duval. I think that's Woodward's account. Right. If you're talking about the single spaced.

Right. I said this is the Department's recitation of Woodward's account.

1 Ms. Duval. Okay.

2 [REDACTED]
3 Q And I just -- I think we can all agree that a folder was, I used the term, "brandished," I
4 don't know a better word, but a folder was in appearance at this meeting that contained information
5 about Mr. Woodward, right? Can we all agree that that occurred?

6 A I really do not mean to --

7 Q Or don't you know. I mean, if you don't know --

8 A I wasn't at the August 24 meeting. What I know is what we filed, and this --

9 Q But you don't remember? I mean, you can just keep referring me to the pleading, but if
10 you don't remember, just tell me that you don't know, that other Department prosecutors wrote the
11 pleading and you don't remember.

12 A If you have a specific question about the pleading, I'm happy to take a look at it and see
13 if I can recall what the issue is and I can answer any questions about it.

14 Q Right.

15 A But my knowledge and recollection is limited to what is written in the Department's
16 pleading.

17 Q Okay. Right. And that's all I'm asking you to, you know, discuss. And so I didn't see
18 anything in the pleading where the Department disputes Mr. Woodward's account where he was
19 referred to as a so-called, you know, not a so-called Trump attorney.

20 A The pleading speaks for itself.

21 Q Okay. So there's -- okay. So there was a folder, there was an allegation that Mr. Bratt
22 indicated that, you know, he didn't think Mr. Woodward was not a so-called Trump attorney. How
23 about Mr. Woodward alleges that Mr. Bratt said something to the effect of, I quote, I wouldn't want
24 you to do anything to mess that up. Has the Department ever disputed that that was said?

25 A These two single-spaced paragraphs are a quote from what Mr. Woodward claims.

1 Q Right.

2 A And the pleading addresses those claims, and that is --

3 Q And so, I just didn't -- we can, you know, the Department and you and I can have a
4 disagreement about whether it's a threat, whether it's extortion, you know, but whether it's a threat
5 or extortion, I mean, that's characterizing what happened. And so my question simply is, does the
6 Department assert that the words, "I wouldn't want you to do anything to mess that up," does the
7 Department assert that that just didn't happen?

8 A The Department's assertion about the facts of what occurred and what did not occur --

9 Q Right.

10 A -- are fully set forth in this pleading.

11 Q So I just didn't see it in here. I mean, is there anything in the pleading where the
12 Department just denies that that happens, that Mr. Woodward is somehow fabricating this?

13 A I point you to the pleadings about the factual assertions.

14 Q Okay.

15 A And the Special Counsel Office's and Department of Justice's position --

16 Q I understand that. I'm just saying that I didn't see anything --

17 A That Mr. Bratt did not intimidate, threaten Mr. Woodward, or otherwise engage in
18 improper conduct.

19 Q But, I mean, that's your characterization of it. If Mr. Woodward felt that he was
20 intimidated, if Mr. Woodward felt that he was threatened, I mean, that's a different -- that's
21 something different, correct?

22 A My view and the Department of Justice's position about the credibility, accuracy and
23 truthfulness of Mr. Woodward's accusation against Mr. Bratt is fully set forth in this pleading.

24 Q Okay. But you didn't say it was -- you know, that he was lying or fabricating anything.
25 You just said that, oh, he waited 9 months to bring it up and...

1 Ms. Duval. It may be helpful to point out that what was marked as exhibit 11 -- no.

2 [REDACTED] The previous exhibit.

3 Ms. Duval. The previous exhibit, 12, is an attachment to the one that you've been talking
4 about, so it was all filed together.

5 [REDACTED] No, I understand that.

6 Ms. Duval. And we would have to read it together so that, you know, there is the recounting
7 of Mr. Woodward's account.

8 [REDACTED] Right.

9 Ms. Duval. But you would have to take into account all of the other discussion.

10 [REDACTED] I understand. And I read this, I read it before, and then I, you know, reread it at
11 Mr. Cooney's invitation, and I just didn't see anything where the Department disputed, A, there was a
12 folder, and, B, that Mr. Bratt, you know, said words to the effect of, I wouldn't want you to do
13 anything to mess that up.

14 Ms. Duval. Well, we didn't read the 196 pages over lunch, so, I mean, if you're saying that
15 that isn't in the 196 pages --

16 BY [REDACTED]

17 Q Right. I'm just wondering if the Department ever took the position that Woodward is
18 like making this up, this is like totally false, or whether the disagreement was over the
19 characterization of it, about whether it was a threat?

20 A I would point you to page 12 of -- page 10 on the bottom. Actually, page 10 of the
21 pleading that was filed on August 11th of 2023.

22 Q Is that the previous exhibit?

23 A It is the report in response to the court's sealed order on August 7th, 2023.

24 Q Okay. Page 10 is the signature -- okay.

1 A "Any allegation that Bratt or any prosecutor engaged in misconduct during the
2 August 2022 meeting with Woodward is wholly without merit."

3 Q No. I understand the Department's position. I mean, this is like a -- this is your
4 argumentative pleading. I mean, I understand the Department takes the position that it wasn't
5 misconduct, that it wasn't a threat, and I'm just asking whether there was a question of material fact
6 about whether a folder was brandished, and whether words to the effect of, I wouldn't want you to
7 do anything to mess that up, has ever been denied. Maybe you don't know. I don't mean to -- I don't
8 mean to ask you questions that you just don't know the answer to.

9 A So I would turn your attention to docket number 115 entered in the Southern Florida --

10 Q Right. This is the previous exhibit, right?

11 A Southern District Court docket. This is the opposition to amended motion for disclosure
12 of Grand Jury materials, which I believe is an exhibit to --

13 Q It's the previous exhibit. What page are we on?

14 Ms. Duval. But it's also an exhibit to what you were --

15 [REDACTED] No. I understand that. You just mentioned that.

16 Mr. Cooney. On page 26.

17 [REDACTED]
18 Q Okay. That's where I am.

19 A Woodward's letter (at 2) claims that, quote, "To the best of Mr. Woodward's
20 recollection, end quote, Bratt concluded the conversation on the topic of the Superior Court
21 nomination or commission with words to the effect of, I wouldn't want you to do anything to mess
22 that up, end quote. The Government flatly denies that any such words were used in the meeting.

23 Q Okay.

1 A The allegation that Bratt conveyed such a thing in this meeting is entirely incredible, and
2 Woodward's qualification that this particular rendition is, quote, to the best of my recollection, end
3 quote.

4 Q Okay.

5 A Parenthetically a qualifier that is notably absent from the disclosure motion, end quote,
6 belies its unreliability.

7 Q Okay. The Department takes great -- attaches great significance that Mr. Woodward
8 waited 9 months to raise this; is that correct?

9 A The Department of Justice's view about the timing of the allegation and its -- how to
10 weigh that and the credibility of it is set forth in our pleading.

11 Q All right. Now, I mean, I think if a defense attorney feels like they have been threatened
12 by the Justice Department, they're going to be very unsure of how to deal with that. I mean, some
13 defense attorneys would just ignore it and hope it, you know, just goes away, hope their defendant
14 doesn't get indicted. But once the defendant gets indicted, that sort of changes the situation. And
15 so, you know, if an attorney feels like they were threatened by a Justice Department Attorney, can't
16 you agree that, you know, maybe they wouldn't raise the issue until 9 months later if, in fact, you
17 know, an indictment hadn't occurred, or I guess in this case, it was not an indictment, but it was Mr.
18 Nauta had been identified as a target.

19 A I would point you to page 27 of the pleading in the District of Columbia that is an
20 attachment to the Southern District of Florida pleading, beginning in the fourth line, as Woodward's
21 letter makes clear, he is well aware of the Justice Department's Office of Professional Responsibility,
22 and of the opportunity to submit a complaint to them, yet faced with this supposed threat by a
23 prosecutor he did no such thing.

24 To the contrary, the issue was never raised until the former President and Woodward learned
25 that the investigation was coming to a head, and the former President filed the disclosure motion in

1 an effort to derail it. Indeed, Woodward's letter (at 2) confirms the motive. He suggests that the
2 matter now be referred to OPR for its assessment, and that the court should take action so that,
3 quote, any indictment arising from this investigation not lie until such assessment is reached, end
4 quote. The goal is clear.

5 Q Okay. And all I'm saying is that Woodward felt threatened, and obviously he did, he
6 raised this with the court, it's entirely reasonable that he wouldn't want to raise this until he gets
7 more clarity on what the Justice Department is going to do with his client; isn't that fair?

8 A I would just reiterate exactly what our pleading says on this subject.

9 Q Okay. Fair enough. [REDACTED]

10 BY [REDACTED]

11 Q So during our last hour we discussed how you had communications with Special Counsel
12 Weiss' office regarding how to stand up in office, and their chief of staff had reached out to you. I'm
13 curious as to whether you had any communications with anyone from the U.S. Attorney's Office for
14 the District of Delaware prior to Weiss being named Special Counsel.

15 A Right. And in your question, you said -- this question here you said David Weiss' office.

16 Q That's correct.

17 A I think you mean the preamble to the question, David Weiss' Special Counsel's Office,
18 but now you're asking about the U.S. Attorney's Office.

19 Q That's correct. Two different offices.

20 A Two different offices. Thank you. I did have contact with members of the U.S.
21 Attorney's Office that was under David Weiss' direction in Delaware.

22 Q Okay. And when was that outreach?

23 A My recollection is that it occurred sometime in the first half of 2022.

24 Q And this would have been in your role at the D.C. U.S. Attorney's Office; is that correct?

1 A At the time that members of his office reached out to the U.S. Attorney's Office I was
2 the chief of the fraud, public corruption and civil rights section.

3 Q And they were reaching out to you regarding charges against Hunter Biden; is that
4 correct?

5 A They were reaching out to discuss the possibility of charges that they were
6 contemplating.

7 Q And they wanted to bring those charges in the District of Columbia, does that match
8 your recollection?

9 A My recollection is that they wanted to discuss the possibility of bringing charges in D.C.,
10 yes.

11 Q And who reached out to you? Was -- I should ask first. Was the outreach them to you
12 or did you reach out to them?

13 A My recollection is that the U.S. Attorney's Office in Delaware reached out to our office.

14 Q Okay. And who from their office reached out to you?

15 A I do not recall. I do not recall the names of the individual.

16 Q Okay. I can give you some --

17 A Or individuals.

18 Q -- names if that's helpful. Lesley Wolf?

19 A Well, here, though, I'm not in a position to discuss career-level prosecutors for the
20 reasons that I discussed about before. I do not know and have not supervised or have relationships
21 with any of the prosecutors who I met with on this subject, but I have the same respect for their
22 security and their wellbeing in matters like this, and I'm not going to discuss --

23 Q Was it AUSAs from Weiss' office?

24 A There was an AUSA, or AUSAs from David Weiss' office that reached out, or that I had
25 conversations with, yes.

1 Q And just to clarify, is it you don't remember who it was that reached out to you, or you
2 just don't want to give us the names?

3 A So I don't remember names.

4 Q Okay.

5 A But I'm not going to speculate about who they were and were not in response to
6 questions like the last.

7 Ms. Duval. And I think there may be a little bit of a disconnect in that he's answering about
8 communications related to the potential prosecution, and you're asking who reached out to the
9 witness, and I'm not sure that the reach-out was originally to you, was it?

10 Mr. Cooney. No, I don't recall getting a reach-out myself. My recollection is being informed
11 that I would either get a phone call or that I should make a phone call to Delaware in response to a
12 reach-out that someone in their office made.

13 BY [REDACTED]

14 Q Okay.

15 A To someone in my office.

16 Q And so at some point you discuss, or you have a communication with someone from the
17 Delaware office; is that correct?

18 A That's correct.

19 Q Okay. Did anyone from the DOJ tax division join this communication?

20 A My recollection is that there was an attorney or attorneys from the Tax Division who
21 were also part of a conversation or conversations.

22 Q Were those attorneys Jack Morgan or Mark Daly?

23 A Again, I don't recall who any of the attorneys were, but I'm also -- and I'm not going to
24 speculate about the identities of who people are in circumstances like this, or ever.

25 Q Okay. And what was the content of this outreach?

1 A My recollection is that the U.S. Attorney's Office for Delaware wanted to explore the
2 possibility of seeking charges in the District of Columbia.

3 Q And what was the ask?

4 A I don't recall specifically, but I have recollection that they -- they were exploring the
5 possibility of partnering with the D.C. U.S. Attorney's Office on charges that they were exploring.

6 Q And why did they need to partner with the D.C. office?

7 A Well, I think you would have to ask the U.S. Attorney in Delaware that question.

8 Q I'm just wondering what your understanding of why were they asking you to partner,
9 your office to partner?

10 A Again, I think you would have to ask the U.S. Attorney in Delaware why they reached out
11 to our U.S. Attorney's Office.

12 Q So you don't have an independent recollection of why they were asking your office to
13 partner?

14 A I just don't have knowledge of exactly why they asked us.

15 Q Okay. What else was communicated to you on this -- was it a call or an in-person
16 meeting?

17 A My recollection is that there was both a phone call, or phone calls, and a meeting, or
18 meetings.

19 Q And what happened first, the phone calls or the meetings?

20 A I just don't recall. I don't recall, but we had to end up -- I recall that there was an
21 in-person meeting and we had to get there somehow, so some communication.

22 Q Who from your side was involved in these communications? We can start with the
23 phone calls, and then we can go to the meeting.

24 A My recollection is that one of my colleague prosecutors was involved in these
25 conversations.

1 Q Okay. And at the meeting, who attended?

2 A My recollection is that that colleague, along with members of the U.S. Attorney's Office,
3 members of the Tax Division, and I apologize, I can't remember if it was one person from the U.S.
4 Attorney's Office and one person from the Tax Division or multiple from both, but my recollection is
5 that a representative or representatives from both of those divisions, and potentially an investigator,
6 but I don't have specific recollection.

7 Q And what was discussed at the in-person meeting?

8 Ms. Duval. Steering clear, of course, of 6103.

9 Mr. Cooney. My recollection is that they discussed with us their exploration of potential
10 charges that could be venued in the District of Columbia.

11 BY [REDACTED]

12 Q And was the prospect of partnering with the Delaware office ever brought up at that
13 meeting?

14 A My recollection is that it was, yes.

15 Q Okay. And did that request come from Delaware?

16 A My recollection is that it was discussed. What I don't have specific recollection of is
17 whether it was a firm ask on their part, or something that they specifically wanted to do. But I do
18 recall that it came up as a possibility, yes.

19 Q In advance of the meeting, did you receive any documents from Delaware or the Tax
20 Division to review regarding the Hunter Biden case?

21 A I don't recall getting any documents in advance of the meeting.

22 Q Did you get any documents after the meeting occurred?

23 A I may have. I may have seen some documents that they provided after the meeting.

24 Q Do you know if you ever saw like a 99-page prosecution memo?

1 A I just don't have specific recollection of whether we reviewed or I reviewed a
2 prosecution memo or not.

3 Q Okay. So the phone calls occur, then you have an in-person meeting, and then you
4 receive documents that you review. What happened next?

5 A Again, I don't know that I said that the phone calls occurred and then the meeting
6 occurred. What I certainly acknowledge is we met in person to discuss this.

7 Q Okay.

8 A And we didn't all just appear there. There had to have been a way in which we
9 coordinated the logistics of that. But we had the meeting.

10 Q And then you reviewed documents, correct?

11 A I may have reviewed documents. I just do not have specific recollection.

12 Q And what was the next step?

13 A My recollection is that we had another communication with them. I just don't recall
14 whether it was in person, or whether it was over the phone.

15 Q Did you ever discuss with U.S. Attorney Graves whether or not to partner with
16 Delaware?

17 A I did.

18 Q And how many communications with Mr. Graves did you have?

19 A Oh, I don't recall the number of communications.

20 Q Was it a handful?

21 A It may have been one. It may have been three. It may have been more than that. I just
22 do not remember.

23 Q Okay. And what was the content of those discussions that you had with Mr. Graves
24 regarding the request from Delaware?

1 A Again, I just hesitate to characterize a specific request from Delaware. I do recall that
2 a -- something we discussed with Delaware, and then I discussed with Mr. Graves, was the question
3 whether to partner with Delaware on the possibility of bringing charges in the District of Columbia.

4 Q Okay. So what was -- what did you and Mr. Graves discuss regarding partnering with
5 Delaware?

6 A We discussed that possibility.

7 Q And what was the decision?

8 A Mr. Graves' decision was that we would not partner with the District of -- excuse me.
9 Yes, with the District of Delaware on their investigation and potential prosecution.

10 Q And why was that decision made?

11 A I can't speak for Mr. Graves on why that is the case.

12 Q Okay. Did you provide any rationale to Mr. Graves for maybe why not to partner?

13 A I did provide him with a recommendation.

14 Q And what was that recommendation?

15 A My recommendation was that we not partner with Delaware on that case for a number
16 of reasons.

17 Q And those reasons were?

18 A Well, the first thing that struck me was that when we met with them, my recollection is
19 that it was Delaware, it was the Tax Division, that there was more than one prosecutor in the room,
20 and I did not see what value a third office would have, or that there would even be room at a table
21 for the District of Columbia at that point.

22 Q Okay. Any other reasons?

23 A Another reason was that it was evident from my meetings with Delaware that their
24 investigation was far along, that they had done a lot of work on it, and that there had been a lot of

1 time, and I did not see a purpose or value to our office at that stage of such a lengthy investigation
2 getting involved.

3 Q Okay. Were those the only two reasons?

4 A Not necessarily, no.

5 Q Okay. What were the other reasons?

6 A At that point, we were approximately a year or 14 months after January 6th, our office
7 was investing substantial resources in responding still to the Capitol attack and the obstruction of the
8 proceeding, and we had enough work on our hands than to get involved in an investigation that was
9 so far along with a group of prosecutors, career prosecutors that appeared to me had done a
10 professional job in their investigation.

11 Q Were those all of the reasons?

12 A There may have been more.

13 Q But you don't recall any more off the top of your head right now?

14 A I don't recall, I don't recall any specific reasons to not join the investigation. I did -- I
15 made an assessment of where I thought the case stood, and I shared that with Mr. Graves.

16 Q Did the issue of a bad jury pool in D.C. ever come up?

17 A I don't recall an issue of a bad jury pool ever coming up in our discussions with -- I don't
18 recall that coming up with Mr. Graves, or with Delaware.

19 Q What about the willfulness element of the case, did that ever come up?

20 A I don't have specific recollection of -- I don't have a specific recollection of the facts
21 about that, but I imagine that willfulness and the standard was a subject of discussion, yes.

22 Q What about if outside attorneys came in to D.C. to prosecute a case, they may get bad
23 case law?

24 A I don't recall that specifically coming up, but that would -- yeah, I just don't recall that
25 coming up.

1 Q Okay. And you had mentioned about a third office becoming involved, there wasn't a
2 seat at the table. Was it your understanding, because at that point in time you had worked for the
3 U.S. Attorney's Office for quite a period of time, I mean, you had gone to the public integrity section,
4 but you had been at the U.S. Attorney's Office for a period of time, so was it your understanding with
5 how the U.S. Attorney's Office worked, could an outside U.S. Attorney come in and prosecute a case
6 in another U.S. Attorney's district?

7 A So there are many ways under Federal law in which cases can be initiated. But actually,
8 it's a common practice in the District of Columbia that components of the Justice Department, like
9 the Tax Division, prosecute cases independent of the U.S. Attorney's Office, and they have the
10 authority to do so.

11 Q So do you have any understanding of why the DOJ Tax Division didn't do that in this case
12 since it's a common occurrence?

13 A You would have to ask the Tax Division.

14 Q Okay. Were those all of the conversations you had with anyone involved in U.S.
15 Attorney Weiss' investigation at that time?

16 A No.

17 Q Okay. What other conversations did you have?

18 A After we informed them that we were not in a position to partner with them.

19 Q Uh-huh.

20 A We agreed to and did take steps to ensure that if they and the Tax Division elected to
21 bring charges in the District of Columbia, that they could do so.

22 Q Okay. And when was that?

23 A That was when these conversations were complete.

24 Q So would that have been around March of 2022?

25 A I don't have specific recollection of the date.

1 Q But I think you said earlier early 2022, is that correct, kind of when it's in your mind or...

2 A That is in my mind, but I don't have a specific recollection as to when these
3 conversations occurred.

4 Q Okay. And what steps did you take?

5 A We took administrative and logistic steps. We offered them office space, and offered
6 whatever resources we could provide to them within our district other than, you know, actually
7 partnering with them on the case.

8 Q Did U.S. Attorney Weiss ever take you up on the offer, or have attorneys use the office
9 space that you made available to them?

10 A They did not.

11 Q They did not. Okay. Any other communications with U.S. Attorney Weiss' team?

12 A I don't recall any communications other than that.

13 Q Any other communications with anyone from DOJ Tax on the Hunter Biden case?

14 A I don't recall having communications with anyone in the Tax Division other than those
15 meetings on this matter.

16 Q And previously, you had discussed with the chairman about conversations that you had
17 with Special Counsel Weiss' team, and I believe you said their chief of staff reached out to you about
18 how to stand up a Special Counsel's Office. Were there any other conversations that you had with
19 Special Counsel Weiss' team?

20 A I don't recall any other conversations with Special Counsel Weiss' team.

21 Q Okay. I'm going to change topics a bit to the criminal case against Roger Stone. When
22 did you become involved in the Roger Stone case?

23 A I first became involved in the Stone case, if recollection serves, at or around the time
24 that he was indicted in the District of Columbia by Special Counsel Mueller.

1 Q Okay. And what involvement did you have in the effectuation of the arrest warrant for
2 Mr. Stone on January 25th, 2019?

3 A My understanding of what I was asked to come here to answer questions about is Roger
4 Stone's sentencing, and his arrest I don't think has anything to do with his sentencing.

5 Q Okay. So you don't want to answer any questions about Roger Stone's arrest or --
6 Ms. Duval. He's not authorized to.

7 [REDACTED] Okay.

8 Ms. Duval. He's not authorized to. It says Roger Stone's sentencing. I mean, the Justice
9 Department is pursuing disciplinary cases against former Justice Department attorneys who talk
10 about things they don't like. We're not going to go outside Roger Stone's sentencing.

11 BY [REDACTED]

12 Q Okay. So you won't talk about the pre-dawn raid to arrest Mr. Stone, or who tipped off
13 CNN that the arrest was occurring?

14 A The Department of Justice has only authorized me to discuss Roger Stone's sentencing,
15 so I'm going to stick with what the Department of Justice authorized me out of deference to my
16 former client, and due to my professional obligations.

17 Q And how did you reach the conclusion to recommend 7 to 9 years for a sentence for Mr.
18 Stone?

19 [REDACTED] How old is Mr. Stone, by the way? Do you know?

20 Mr. Cooney. I don't know.

21 [REDACTED] Do we know at this point? He's like 80 or something, right?

22 [REDACTED] I think he's like 79 at this point in time.

23 [REDACTED] Okay.

24 BY [REDACTED]

25 Q So how did you reach the conclusion to recommend 7 to 9 years?

1 A I concurred in a recommendation of a sentence compliant with the advisory sentencing
2 guidelines.

3 Q And how did you -- how did they get to the 7 to 9 years?

4 A Who is they?

5 Q The prosecutors. Were you the one that decided 7 to 9 years, or were there other
6 individuals who came up with that calculation?

7 A The U.S. Attorney for the District of Columbia, Timothy Shea, explicitly authorized that
8 sentencing recommendation.

9 Q Okay. And I'm asking, how was that conclusion reached to recommend 7 to 9 years?

10 A The recommendation was based on a calculation of the applicable sentencing guidelines
11 in reference to Section 3553, the code section on sentencing.

12 Q And who conducted that calculation?

13 A I don't recall. My recollection is that the career prosecutors working on the case
14 provided me with the calculation. I don't recall who in the first instance made the calculation.

15 Q And what was your role at this time? Were you supervising those career prosecutors?

16 A I was the chief of the fraud, public corruption and civil rights section, and the Stone case
17 was being prosecuted out of that section.

18 Q Okay. So what was your role, just reviewing what the career prosecutors did in the case,
19 did you have an approval process that you had to go through?

20 A I did have an approval process that I needed to go through, which I did, and the U.S.
21 Attorney for the District of Columbia, Timothy Shea, approved the sentencing recommendation
22 consistent with our calculation of the sentencing guidelines.

23 Q Did anyone on your team, or the career prosecutors who were doing the calculation, did
24 any of them voice concerns that the adjustments or escalations were excessive, given that Mr. Stone
25 was a first-time nonviolent offender?

1 A I don't recall any member of the team raising that concern. I recall them assessing
2 which adjustments applied and making their recommendation.

3 Q So was everyone in agreement on the 7- to 9-year recommendation?

4 A Who is everyone?

5 Q The career prosecutors.

6 A The career prosecutors who worked on the case, to include myself and four line
7 prosecutors, all concurred in the recommendation.

8 Q Okay. And no one ever voiced concerns?

9 A Not within that team, no.

10 Q Are you aware that there was an IG report regarding the circumstances surrounding the
11 sentencing of Mr. Stone?

12 A I am.

13 Q Okay. We can enter that as an exhibit. I'm going to point to specific pages.

14 [Cooney Exhibit No. 14

15 was marked for identification.]

16 BY [REDACTED]

17 Q Have you seen this report before today? I'm assuming you have.

18 A I have.

19 Q Okay. Were you interviewed by the IG in part -- as a part of their investigation?

20 A I was interviewed by the Inspector General, yes.

21 Q Okay.

22 A Or, sorry, not by the Inspector General. By staff to the Inspector General.

23 Q Yes. On page 16 of the report, I just want to talk about Attorney -- U.S. Attorney Shea's
24 reaction to the sentencing memorandum. So the paragraph here says -- this is the second full
25 paragraph on that page that starts with, Shea told us. Do you see where I'm at?

1 A Shea told the OIG?

2 Q Yes. "Shea told us that his initial reaction to the sentencing recommendation was that it
3 was very high and that he needed to dig a little deeper into the case. Shea said that he prosecuted
4 several perjury cases when he was an AUSA and had never seen those cases produce a sentence that
5 high, and that he was aware of many violent crimes that did not result in sentences anywhere near
6 the sentence the team was recommending for Stone.

7 No decisions regarding the sentencing memorandum were made during this initial briefing,
8 and according to prosecutor one, Shea concluded it by stating that he," Shea, "would take a closer
9 look at the sentencing memorandum and that they would probably talk about it again.

10 Shea and the principal AUSA discussed the Stone sentencing memorandum again, either later
11 that Tuesday or the following day. According to the principal AUSA, Shea described the sentencing
12 range as surprisingly high, and also stated that he didn't like the rhetoric in the factual summary
13 portion of the sentencing memorandum."

14 At this point in time, contemporaneous to the meetings with Shea that the prosecutors were
15 having, did you ever receive this feedback that he had provided?

16 A I don't have recollection of meetings that U.S. Attorney Shea had with the line
17 prosecution team.

18 Q Okay. Did those meetings where it -- excuse me. Did Shea meet with you, then?

19 A I recall meeting with the U.S. Attorney and other prosecutors related to this, but not
20 the -- not the line of prosecutors who were involved.

21 Q Okay. So there were different prosecutors than the line prosecutors that were working
22 on the calculation of the sentencing, is that your recollection?

23 A No, that is not my recollection. My recollection is that the career line prosecutors
24 working on the case assessed the facts of the case, applied the applicable sentencing guideline
25 adjustments, wrote it in a memo, and that that memo was provided to the U.S. Attorney for review.

1 Q Okay. Did you ever learn that Shea described the sentencing range as surprisingly high
2 and that he didn't like the rhetoric in the factual summary portion of the sentencing memo?

3 A I don't recall exactly what was said, but my recollection is that the U.S. Attorney
4 conveyed that he was surprised at the length under the applicable guidelines, yes.

5 Q And did the team of line prosecutors that you supervised on this case, did they take any
6 action based upon that feedback?

7 A At this particular time that you're talking about, I don't recall whether there was any
8 action to take at that time.

9 Q Okay. So there was no -- there was going to be no adjustment to the sentencing
10 recommendation, or adjustment to the factual summary?

11 A The process for reviewing the Stone sentencing recommendation and the sentencing
12 memorandum was not the product of one meeting, one conversation or one day. It happened over a
13 period of days, and so, I need to ask you to be more specific about what period of time you're talking
14 about.

15 Q This would have been in the time frame immediately -- so the sentencing memorandum,
16 just to help refresh your recollection, was filed on February 10th, 2020. That's the first one. The next
17 one was filed the next day, February 11th, but -- so February 10th. So there's a series of
18 conversations and phone calls that were occurring in the, you know, February 8th, that was a
19 weekend, and in that immediate time frame is when these conversations were occurring, according
20 to the IG, and I was just wondering if you took any action, or directed your team to take any action
21 based upon feedback from the attorney, or the U.S. Attorney regarding the surprisingly high
22 sentencing range?

23 A I did speak with the team about making revisions to the sentencing memorandum based
24 on feedback from the U.S. Attorney.

25 Q Okay. And what recommendations did you provide to the team?

1 A I don't recall exactly what recommendations I made, but it related to language in the
2 pleading that the U.S. Attorney thought should be adjusted.

3 Q Okay. And were there any adjustments made based upon the recommendations you
4 provided to the team?

5 A My recollection is that there were revisions made to the sentencing -- to the language
6 and rhetoric in the sentencing memorandum.

7 Q Okay. But no changes were made to the sentencing range?

8 A Well, there were no changes made to the guideline calculation because the guidelines
9 state what the guidelines state.

10 Q Okay. And there was a lot of conversation in the Inspector General's report about
11 statements that you made to the team regarding politics being a basis for some of Shea's feedback,
12 as well as actions taken by the Attorney General. Did that surprise you when you read the report?

13 A When I read the report, I disagreed with many of the characterizations of my and
14 others' conduct.

15 Q Okay. On page 31 of the report, what I'm going to read is kind of in the middle of this
16 first paragraph, it starts with, prosecutor one said that when he asked the FPC chief.

17 A I'm sorry. Is it in the --

18 Q It's the sixth line from the top at the --

19 A Prosecutor one said that he asked, is that --

20 Q That when he asked the FPC chief.

21 A Sorry. Here we go. I've got it here.

22 Q Perfect. Okay. So this sentence reads, "Prosecutor one said that when he asked the FPC
23 chief if that was what the FPC chief thought was happening, the FPC chief responded in the negative
24 and said that he thought that Shea was trying to lower the sentencing recommendation because of
25 politics."

1 Do you remember making a comment similar to Shea was trying to lower the sentencing
2 recommendation because of politics?

3 A I don't recall specifically what was said during my interactions with prosecutor one and
4 others.

5 Ms. Duval. There is in the next paragraph an account, a purported account of what you told
6 the OIG.

7 [REDACTED] Oh, yes. We're getting there. I'm just reading some comments about -- there's a
8 lot of discussion about commentary that Mr. Cooney provided about the politics of the case.

9 [REDACTED]
10 Q And the last sentence in that paragraph states, in addition, prosecutor two told us that
11 he recalled that after the FPC chief said that politics was motivating the desire to lower the sentence,
12 the FPC chief said that political pressure is just what happens in big cases, regardless of
13 administration. Do you remember making any comment similar to that?

14 A I may have made a comment like that, but I don't have specific recollection of using
15 those words.

16 Q Okay. And then the next paragraph states, the FPC chief told the OIG that he believed
17 that he did acknowledge on this call that he thought Shea's desire to lower the sentence was being
18 influenced by politics, and that he may have agreed with the team that a decision based on politics
19 would be unethical. According to the FPC chief, he was trying to validate the concerns that the trial
20 team expressed, as well as acknowledge his own suspicions and belief that Shea was acting out of
21 fear of then President Trump, and, more particularly, fear of the consequences of not seeking a lower
22 sentence for an influential friend of then-President Trump.

23 What information were you going off of that Shea was acting based on politics or fear of then
24 President Trump?

1 A I believe that in any circumstance, the use of prosecutorial authority should not be
2 wielded for a political or other improper purpose, and I had concerns throughout the process that
3 Mr. Stone's friendship and relationship with President Trump was informing the views and concerns
4 raised by the U.S. Attorney and others.

5 Q And what specific evidence or information were you making these statements on, or did
6 you obtain a suspicion and belief that Shea was acting out of fear of then-President Trump?

7 A All of the circumstances surrounding the questions, the demeanor and the conduct of
8 the U.S. Attorney indicated to me that I should be concerned about that, and that it was important
9 for me to fulfill my role of ensuring that the Justice Department conducted itself in accordance with
10 the Justice Manual, and that we not conduct any prosecutorial decision out of fear or favor.

11 Q And on page 75 of this report, under the bold heading, it states, "We found no
12 documentary or testimonial evidence that the actions and decisions of DOJ leadership, i.e., the
13 Attorney General, the Deputy Attorney General, or their senior staff, and interim U.S. Attorney Shea
14 in the preparation and filing of the first and second sentencing memoranda were affected by
15 improper political considerations or influence."

16 And then further on in the IG's report on page 83, in the middle of the first paragraph it
17 states, the FPC chief said that he would not question having stated that Shea was afraid of the
18 President, even though he was not aware of specific evidence to that effect. Do you remember
19 telling the OIG that?

1 [3:03 p.m.]

2 Mr. Cooney. I do not recall what I said in my interview with the staff members of the
3 Inspector General several years ago.

4 
5 Q Were you surprised that the OIG concluded that there was no documentary or
6 testimonial evidence that politics played a role?

7 A I disagreed with that assessment.

8 Q You disagreed with that assessment, okay.

9 On page 74 again -- sorry, made you flip from that -- the first sentence in that -- the last
10 paragraph on that page said, "We also found that the FPC chief's speculative comments in meetings
11 with the trial team about the political motivations of DC USAO and DOJ leadership in connection with
12 their handling of the Stone sentencing contributed to an atmosphere of mistrust in the DC USAO,
13 which unnecessarily further complicated an important decision in the case."

14 Did it concern you that the OIG concluded that your comments contributed to an atmosphere
15 of mistrust in the office?

16 A I disagreed with that conclusion.

17 Q The first part of the OIG report talks about Aaron Zelinsky who came before this
18 committee and testified about the political considerations in the Roger Stone case, and the OIG
19 concluded that your statements formed a substantial basis for Mr. Zelinsky's testimony.

20 Are you aware of that?

21 A Can you point me to where in the report you're referring to?

22 Q Certainly can. There is some discussion of it on page 2 and also on page 4. Page 4 is a
23 little bit shorter of a discussion that's more concise.

1 It says, "We identified statements made by prosecutor 1 and speculative comments by the
2 FPC chief that influenced prosecutor 2's suspicions about possible political interference and formed a
3 substantial basis for prosecutor 2's testimony."

4 A Okay.

5 Q And on page 2 it discusses how there was self-reporting made to OPR regarding certain
6 statements in Mr. Zelinsky's testimony.

7 A We are on page 2?

8 Q It is the second full paragraph, starts with "The following day, June 25th, 2020, the three
9 supervisors, the then principal assistant U.S. Attorney, chief of the DC USAO's criminal division, and
10 fraud and public corruption section chief self-reported the allegations to OPR and identified them as
11 false and frivolous."

12 A I see where it says that.

13 Q And did you, in fact, make a self-report to OPR?

14 A After Mr. Zelinsky, in sworn congressional testimony, falsely accused me of pressuring
15 him to change his sentencing recommendation on an improper basis, I referred that false allegation
16 to the Office of Professional Responsibility.

17 Q And did you have any follow-up with OPR after you made the self-report?

18 A I don't have recollection of follow-up with OPR. My recollection is that I was contacted
19 at some point by the Inspector General's office.

20 Q And did you ever become aware that OPR had referred the allegation, the investigation
21 to the OIG?

22 A I don't recall having knowledge of any referral at that time. I have some recollection
23 that it is -- that the circumstances surrounding that are discussed in the Inspector General's report.

24 [REDACTED]

1 Q So did you refer it yourself or did you refer Mr. Zelinsky for making the false -- what you
2 characterize as false testimony?

3 A Consistent with my obligations to the Department of Justice, I referred the false
4 accusation against me to OPR.

5 Q Okay. So you referred Mr. Zelinsky to the Office of Professional Responsibility?

6 A I wouldn't describe the referral as a referral of Mr. Zelinsky. What I would describe it as,
7 as complying with my obligations when an allegation of misconduct is made against a prosecutor to
8 refer the fact of that allegation to the Office of Professional Responsibility.

9 Q Okay. Were there any -- just going back to the Hunter Biden case, were there any
10 political considerations that led to the decision not -- not to partner with David Weiss' office?

11 A I'm not aware of any political considerations that were -- that came into play in making
12 that decision.

13 Q Okay. So on one hand, you were concerned there were political considerations with
14 Roger Stone's sentence by the Republican U.S. Attorney, but everything was cool with the Democrat
15 U.S. Attorney when it related to Hunter Biden? No politics there?

16 A I am not aware of or witness any political considerations in handling the decision to not
17 partner, but instead to make whatever steps were necessary in the District of Columbia available to
18 David Weiss and his team to return charges there if they deemed it appropriate.

19 Q Okay. Were you aware that David Weiss -- I mean, he thought it was very important
20 that the District partner with him.

21 Were you aware of that consideration?

22 A I have never in my recollection spoken with or met Mr. Weiss.

23 Q Okay. So the fact that the D.C. U.S. Attorney's Office declined to partner, that was sort
24 of a -- that was the death in their mind of the 2014, 2015 tax years at least. You know, with respect

1 to Hunter Biden, that's the Burisma years. He was making, like, a million dollars for sitting on the
2 board for doing nothing.

3 A I can't speak to what Mr. Weiss and his team may have thought or not. All I can speak
4 to are the steps that we took to make the District of Columbia available to him as a venue --

5 Q Okay.

6 A -- if he determined that charges should be brought there.

7 Q Okay. Were you surprised when it was reported -- you know, Mr. Weiss testified and
8 there were news accounts about this.

9 Were you surprised at the way the U.S. Attorney's Office in the District of Columbia was
10 characterized?

11 A I would have to see whatever news reports you're talking about.

12 Q Okay. So, you know, it was reported that -- that the D.C. U.S. Attorney's Office didn't
13 want to partner with Mr. Weiss and because of that, the 2014, 2015 tax years at least weren't
14 pursued.

15 To the extent they placed the -- they point the finger at your -- at the D.C. U.S. Attorney's
16 Office, that would surprise you?

17 A I have not seen any reports about our relationship or back-and-forth with the Delaware
18 office. If you want to show me one and direct my attention to it, I'm happy to see if I can answer
19 questions about it.

20 Q I didn't bring anything with me, so I'll defer at that point. Thanks.

21 [REDACTED] We can go off the record.

22 [Recess.]

23 [REDACTED] It's 3:23. We can go back on the record.

24 Mr. Cooney. And I apologize for interrupting, but could I just --

25 [REDACTED] Sure.

Mr. Cooney. -- go back to one moment from the last session?

I'm just trying to go back through my recollection of the Stone sentencing from -- I'm trying to remember if it was four or five years ago -- and the conversations that you asked me about.

But I recall one question that you asked about whether anyone from the line prosecution team raised concerns about the sentencing recommendation, and my recollection is that -- that I told you my recollection is that no one did, and that is my recollection. That once we got to the recommendation, once the guidelines were calculated, that the legal research had been conducted and a full analysis had been made is that -- my recollection is that the line prosecution team concurred in the calculation and in the sentencing recommendation, as did I.

But as I think back through, there may have been -- in that process of analyzing the case, analyzing the facts, analyzing the circumstances, there may have been discussion about whether certain adjustments applied, about how to go about the sentencing and what not.

But that once we got to the end of that process, my recollection is that there was full concurrence from the line prosecution team on both the guidelines calculation, which is one step, and then the second step of recommending the sentence.

Q I want to return to exhibit 12, which is the opposition, just to make a quick note.

In the prior hour, you were asked -- this is regarding the Jay Bratt OPR recommendation -- or OPR referral, rather. You were asked if the Special Counsel's Office ever denied the claim that Mr. Bratt came in with a folder full of documents about Mr. Woodward.

Do you remember that question line?

A I recall those questions.

Q And the statement was made over and over again that the Special Counsel's Office never denied it.

Can you turn to page 27 of exhibit 12, please?

1 A Certainly. And just to confirm, exhibit 12 is document 115-1 --

2 Q Exactly.

3 A -- is that right?

4 Q It's document 115-1, and it's pages 48 to 84 of that attachment to 115. Because the
5 attachment to 115 has a number of different filings as part of it.

6 A Is it page 27 on the bottom?

7 Q It's page 27 on the bottom, yes, page 27 at the bottom.

8 A Yep. Okay.

9 Q Can you read the last full sentence of -- begins "Bratt did not put together," of that last
10 paragraph?

11 A Right. I see here at the bottom of page 27 that in our pleading we wrote, "Bratt did not
12 put together a, quote, "folder," end quote, regarding Woodward or display any such thing in the
13 meeting. As discussed above, Bratt did a routine public source internet search" -- and it goes on.

14 Q So the Special Counsel's Office did deny Woodward's claims about Mr. Bratt coming in
15 with a folder, correct?

16 A Looking at this pleading, that appears to be the case, yes.

17 Q Thank you. You can put that aside.

18 Moving on to the discussion of the Hunter Biden investigation, a statement was made in the
19 prior hour that the D.C. U.S. Attorney's Office decision not to partner was the nail in the coffin or
20 something to that effect of the -- Weiss' ability to bring a case in DC. That Weiss thought it was
21 important that the D.C. U.S. Attorney's Office partner, and that the decision not to
22 partner -- effectively, he didn't bring the case.

23 You remember that -- that statement being made?

24 A I remember that, yes.

1 Q Mr. Weiss testified before the committee on June 6, 2025, and I want to read into the
2 record what he said.

3 The question was asked: "So the decision not to partner with you, did that prevent you from
4 moving forward in the District of Columbia?"

5 His answer was: "No. It had no impact on where we ultimately -- yes, on where we might or
6 might not proceed."

7 Question: "So if you had wanted to bring charges in the District of Columbia, are you
8 confident that you would have had the authority to do so?"

9 Answer: "Yes."

10 No other questions. I just wanted to make that record clear.

11 With respect to the Hunter Biden case, were there any communications between your team
12 after you met with -- or when you were considering whether to partner or not, did you or, to the best
13 of your knowledge, anyone on your team have any communications with the White House about this
14 matter?

15 A I am not aware of any communications within the U.S. Attorney's Office to the White
16 House about this matter.

17 Q To the best of your knowledge, did you or any member of your team -- or any member
18 of the individuals from the D.C. U.S. Attorney's Office who were considering whether to partner or
19 not have any communications with the Office of the Deputy Attorney General about whether to
20 partner?

21 A I am not aware of any communications that were had with the deputy attorney general
22 or the Office of the Deputy Attorney General about the Biden matter.

23 Q And are you aware of any conversations that were had between the D.C. U.S. Attorney's
24 Office and the Office of the Attorney General?

25 A I am not aware of any conversations.

1 Q Was the decision not to partner with the Delaware U.S. Attorney's Office made with any
2 reference to political considerations?

3 A I am not aware of any political considerations being made in connection with that
4 decision.

5 Q Thank you. I want to move on to the discussion of the Randy -- excuse me -- the Roger
6 Stone sentencing.

7 You made the comment in the prior hour that the guidelines state what the guidelines state.
8 And I think we've talked a lot about the sentencing guidelines, but the record is not entirely clear.

9 What are the sentencing guidelines?

10 A The sentencing guidelines are a manual of considerations published by the Sentencing
11 Commission that set forth how to go about calculating a recommended period of -- or a
12 recommended sentence in a case.

13 Q And prior to a sentencing proceeding, both prosecutors and defense counsel submit
14 memoranda to the court arguing about what the proper guidelines sentence should be, correct?

15 A Typically, both the prosecution and the defense submit memoranda to the court and/or
16 to the probation office on that subject, yes.

17 Q Does the fraud and public corruption section have a policy on sentencing
18 recommendations?

19 A When I was chief of the fraud, public corruption, and civil rights section, we did have a
20 policy on sentencing recommendations.

21 Q What was that policy?

22 A The policy and the section when I was chief was that, absent extraordinary
23 circumstances, we would seek a guideline sentence in cases.

24 Q What does that mean, to seek a guideline sentence?

1 A That means that, after calculating the applicable guidelines and providing that to the
2 court and after a determination is made as to what the guidelines are, that we would recommend a
3 sentence that fell within whatever that guideline range was.

4 Q Are you familiar with the reasons underlying that policy?

5 A I am.

6 Q What are those reasons?

7 A When I was chief of the fraud and public corruption section, first I thought that it was
8 important that in cases involving white collar defendants, public officials, et cetera, that we take a
9 consistent approach to sentencing to ensure confidence that our judgments and our
10 recommendations were on the basis of conduct and the law as opposed to any other improper
11 consideration.

12 There's a second consideration -- at least a second consideration. The second is that at the
13 time that I was chief of the fraud, public corruption, and civil rights section, my recollection is that
14 there was -- the operative policy from the Department of Justice on sentencing was the Sessions
15 memo, which made clear that in the vast majority of cases a guideline sentence would be an
16 appropriate recommendation for the Department of Justice.

17 Q And the Sessions memo was a memo from Attorney General Jeff Sessions. Is that
18 correct?

19 A That is correct.

20 Q And Attorney General Jeff Sessions was an appointee of President Trump, correct?

21 A That is correct.

22 Q Understand that the -- that that memo is no longer in effect or it's been -- it may no
23 longer be in effect, but you've used the term a couple of times "when I was chief," suggesting that
24 the policy for the fraud and public corruption and civil rights section might have changed.

25 Is that -- did you mean to say that, or is that --

1 A I am not aware of any change in policy by the fraud and public corruption section at the
2 U.S. Attorney's Office.

3 Q Okay. I want to introduce a couple of exhibits. I want to introduce as exhibit 15 the U.S.
4 Sentencing Guidelines Sentencing Table; as exhibit 16, Section 2J1.2(b)(1)(B) from the U.S.
5 Sentencing Guidelines; and as exhibit 17, the original U.S. v. Stone sentencing memorandum.

6 A Thank you.

7 Q I'll tell you, I think the question was asked in the earlier hour, how did the -- how did you
8 reach the recommendation. And so I want to walk through how that recommendation is calculated.
9 But take as long as you want to review these documents.

10 A Just make sure I have everything here. Okay.

11 Q Can you turn to page 16 of the government sentencing memorandum. This is the
12 original sentencing memorandum filed by the career prosecutors. Says guidelines calculations; you
13 see where it says that?

14 A All right. I do.

15 Q Okay. So I want to walk through how prosecutors reached the guidelines calculation
16 that they did. It says the -- page 16 says, "Counts 1 through 7" -- those are the counts which Stone is
17 convicted of -- "are grouped for guidelines calculations purposes because they involve the same
18 victim and two or more acts or transactions connected by a common criminal objective or
19 constituting part of a common scheme or plan."

20 Do you see where it says that?

21 A I do see that.

22 Q What does that mean for -- in layman's terms?

23 A Practically speaking, that just means that there is going to be one guideline calculation
24 at the end as opposed to separate calculations for separate offenses, which could actually lead to a
25 higher period of penalty than by grouping them together.

1 Q Thank you. The sentencing memoranda continues on, "The applicable guideline for the
2 group is section 2J1.2, obstruction of justice."

3 Do you see where it says that?

4 A I do.

5 Q And you have 2J1.2, obstruction of justice, in front of you, right?

6 A I do have that.

7 Q Exhibit 16. It says the base offense level is 14. Can you explain what that means? If you
8 need to refer to the sentencing table, feel free.

9 A In -- when -- when the guideline range is calculated, typically the first step is to
10 determine what the base offense level is. And that is usually, in my experience, keyed off of
11 whatever the offense or offenses or highest offense of conviction is. And that's where you start.

12 Then you take a second step, which is to look at all of the conduct -- offense conduct that
13 underlied that offense. And from there, the base level is either increased or decreased based on that
14 conduct.

15 Q And in this case, was the base level increased or decreased?

16 A This case, the base offense level was increased.

17 Q And the memo -- the memorandum says that eight levels are added, and it continues
18 on. See where it says that?

19 A Yes.

20 Q And I understand more levels are added later on. But these eight levels that are the
21 subject of that paragraph, can you explain why levels were added under that provision?

22 A So under 2J1.2 -- that's the applicable guideline -- there is a provision, subsection
23 (b)(1)(B), that says if the offense involved causing or threatening to cause physical injury to a person
24 or property damage in order to obstruct the administration of justice, increase by eight levels.

1 And in the Stone case, the team assessed -- and I concurred -- that that adjustment applied
2 because, as explained in the sentencing memo, part of Mr. Stone's campaign to keep a witness silent
3 about his false testimony to Congress was the threat, quote, "prepare to die" -- and I'll omit the next
4 word, but -- but there's another word. But prepare to die, in quotes.

5 Q And Stone also threatened to, quote, "take that dog away" -- he threatened to take the
6 dog -- take the target's dog?

7 A That is correct. As the sentencing memo goes on to say, that Mr. Stone also
8 threatened -- again, in writing -- to take that dog away from you.

9 Q So because of that conduct, the base level of 14 has eight points added to it, correct?

10 A That is correct.

11 Q So that puts us at 22, correct?

12 A I think that's right.

13 Q Then continuing on page 17, the second-to-last paragraph says, "Pursuant to
14 USSG" -- that's U.S. Sentencing -- United States Sentencing Commission Guidelines -- "Section
15 2J1.2(b)(2), three levels are added because the offense resulted in substantial interference with the
16 administration of justice."

17 Do you see where it says that?

18 A I do.

19 Q And can you explain what that means?

20 A In examining the offense conduct of an obstruction under that provision, if the
21 obstruction resulted in substantial interference with the administration of justice, then there should
22 be an increase by three levels.

23 And in this case, as was set forth in the sentencing memo, the House Select Committee, which
24 had subpoenaed Mr. Stone for testimony, because of his obstruction, the evidence demonstrated
25 that the House Intelligence Committee never received important documents, that it never heard

1 from two witnesses, and that the committee's report on its investigation even wrongly stated that
2 there was no evidence contradicting Mr. Stone's claim that his -- all his information about WikiLeaks
3 was from publicly available sources.

4 Q So under that enhancement, an additional three levels are added to the guidelines
5 calculation, correct?

6 A That was our determination, yes.

7 Q So that takes us up to 23, 24 -- to level 25?

8 A Correct.

9 Q And then the very last paragraph on that page, it says, "Pursuant to USSG Section
10 2B1.2(b)(3)(C), two levels are added because the offense was otherwise extensive in scope, planning,
11 or preparation."

12 Do you see where it says that?

13 A I do.

14 Q Can you explain why those two levels were added?

15 A And I don't mean to quote it back to you, but under the guideline provision, if an offense
16 was otherwise extensive in scope, planning, or preparation, then a two-level adjustment is assigned.

17 And as we set forth in the sentencing memo, in this case the evidence established that Mr.
18 Stone engaged in a multiyear scheme that involved, one, false statements and sworn testimony; two,
19 the concealment of important documentary evidence; three, further lies in a written submission to
20 Congress; and, four, a relentless and elaborate campaign to silence a witness that involved cajoling,
21 flattering, crafting forged documents, badgering, and threatening the witness's reputation, friend,
22 life, and dogs -- excuse me -- and dog.

23 Q And the paragraph then continues that "Stone's efforts were as extensive, if not more
24 extensive, than those of other defendants who received this two-level enhancement at sentencing."

25 Do you see where it says that?

1 A I do see that.

2 Q So under that enhancement, two levels are added, so that takes us to level 27, right?

3 A That sounds right.

4 Q And then, finally, the memo continues, "Pursuant to USSG Section 3C1.1, two levels are
5 added because the defendant," quote, "willfully obstructed or impeded or attempted to obstruct or
6 impede the administration of justice with respect to the prosecution of the instant offense of
7 conviction."

8 Do you see where it says that?

9 A I do.

10 Q And can you explain why those two levels were added to the calculation?

11 A As we set forth in the sentencing memo, this adjustment was based on an effort by Mr.
12 Stone to impede or obstruct the administration of the criminal case against him. Shortly after the
13 case was indicted, Mr. Stone posted an image of the presiding judge with a crosshair next to her
14 head.

15 And in a hearing to address, among other things, Mr. Stone's ongoing pretrial release, Mr.
16 Stone gave sworn testimony about the matter that was not credible. And then, furthermore, Mr.
17 Stone repeatedly violated a more specific court order by posting messages on social media about
18 matters related to the case.

19 Q So with those two additional enhancements, that puts the sentencing -- the offense
20 level at level 29, correct?

21 A I believe that's correct. I'm not -- I'm not keeping tabs on my own here, but I think
22 that's -- I think that's right.

23 Q And the -- Mr. Stone had no prior criminal history, correct?

24 A My recollection is that he had no prior criminal history, that's right.

1 Q So the guidelines range for offense level 29 with Criminal History I, which is zero or one
2 years, is 87 to 108 months, correct?

3 A Based on a total offense level of 29, that is correct, the -- the applicable advisory
4 guideline range is 87 to 108 months.

5 Q Okay. So that's how the team calculated the guidelines range?

6 A As set forth in the sentencing memorandum, that is -- that is correct.

7 Q When did Mr. Shea become involved in this case?

8 A My recollection is that he -- he became involved when he became the United States
9 Attorney, which was I don't recall how long before the sentencing -- the deadline for filing the
10 sentencing memorandum, but a week or ten days.

11 Q I believe that the OIG report says that he became interim U.S. Attorney on February 3rd,
12 2020. Does that sound right?

13 A That sounds about right.

14 Q Are you familiar with the circumstances by which Mr. Shea became interim U.S.
15 Attorney?

16 A I believe so.

17 Q And what's your understanding of those circumstances?

18 A My recollection is that Mr. Shea became the United States Attorney after Jesse Liu
19 departed to -- to take a position, at least at the time, at the -- at the Treasury Department.

20 Q And do you have an understanding of why Mr. Barr selected Mr. Shea to serve -- let me
21 withdraw that.

22 Mr. Shea was appointed interim U.S. Attorney by Attorney General Barr, correct?

23 A That is my understanding, yes.

24 Q And do you have an understanding of why Mr. Barr appointed Mr. Shea?

25 A I think that's a question you would have to ask Attorney General Barr.

1 Q Did you have an understanding of whether Mr. Shea and Mr. Barr were friends?

2 A I recall having an understanding about that at the time, yes.

3 Q And what was your impression of them?

4 A My recollection is that Mr. Shea informed me that he and Attorney General Barr were
5 friends.

6 Q He told you that?

7 A That is my recollection, yes.

8 Q And when did he tell you that?

9 A My recollection is that he told me that sometime in the period after he was -- became
10 the interim United States Attorney and before the time that the sentencing memorandum was filed
11 on February 10.

12 Q Okay. So if he was appointed on February 3rd, it was sometime in that first week of
13 February that he would have told you that he was friends with Mr. Barr?

14 A That is my recollection.

15 Q What was your impression when he told you that? Were you surprised that he told you
16 that?

17 A I -- I don't recall having a specific -- a specific reaction one way or the other to him -- to
18 him informing me of that in one of our first meetings.

19 Q Did you have any -- did you -- why did you think he told you that?

20 A I can't -- I can't speculate as to why -- to why he informed me of that information. I -- I
21 got the impression that it was something he wanted me to know.

22 Q When Mr. Shea became interim U.S. Attorney, was he familiar with the Roger Stone
23 case?

24 A At the moment of his appointment, I don't know what familiarity he had with it.

25 Q Did you meet with him shortly after he was appointed to discuss the Roger Stone case?

1 A I recall that I did, yes.

2 Q And do you recall if he -- if he was familiar with the facts of the case when you met with
3 him?

4 A My recollection and my impression of that -- of the first time I met with him is that he
5 was not familiar with the facts and circumstances of the case.

6 Q Was it your impression that he was familiar with the sentencing guidelines? I know he
7 had been a prosecutor -- former -- in a -- a long time ago, but he hadn't worked with the guidelines in
8 a while, correct?

9 A My recollection is that my sense of it was that he was not -- that he had not worked with
10 the guidelines in some time and was not particularly familiar with how to calculate them or apply
11 them.

12 Q And did you -- was he familiar with the fraud and public corruption policy to seek a
13 guideline sentence?

14 A I -- I can't say what he was and was not familiar with at that time. I have recollection of
15 informing him of that policy.

16 Q Okay. Mr. Shea ultimately pushed back against the prosecutors' -- the career
17 prosecutors' recommendation as filed, correct?

18 A My recollection is that throughout that week of approximately the 3rd to the 10th,
19 that -- that Mr. Shea expressed disagreement with the -- with the recommendation.

20 Q I think you also said in the prior hour, though, that he had cleared prosecutors to submit
21 the recommendation that they did submit, correct?

22 A My recollection is that on the day we filed it, shortly beforehand, he -- he explicitly in a
23 discussion with me gave approval to -- to file it.

24 Q So is it fair to say that throughout the week, there were discussions and Mr. Shea was
25 kind of going back and forth on his position on the sentencing range here?

1 A My recollection is that it -- there may have been some back-and-forth. My recollection
2 is that at no point during that period did Mr. Shea vocalize to me any basis that -- although he may
3 have had disagreement with the recommendation, he never provided me, in my recollection,
4 any -- any basis to question the -- the guideline calculation and the applicable offense conduct.

5 Q In the prior hour, a paragraph on page 75 was read into the record. It's the -- sorry,
6 page 75 of the OIG report was read into the record -- or the first sentence of the paragraph.

7 Under section A, the paragraph -- the sentence that was read begins, "We found no
8 documentary testimonial evidence." But the following sentence was not read into the record.

9 That sentence reads, "Rather, we found that Shea's ineffectual leadership set in motion a
10 sequence of events that contributed to the trial team viewing his actions with suspicion and resulted
11 in DOJ leadership taking the extraordinary step of changing a filed sentencing recommendation."

12 Do you see where it says that?

13 A I do see that.

14 Q The question was raised in the prior hour, what basis would you or prosecutors have
15 had to believe that Mr. Shea's actions were political in nature.

16 Isn't it fair to say that the Inspector General's statement here suggests that it was Shea's own
17 leadership that made individuals suspicious of his -- of his motivations?

18 A I'm not going to speculate or try to define exactly what the Inspector General is trying to
19 say here. I -- as I said before, my assessment of all of the circumstances, including Mr. Shea's
20 comments, his demeanor, and the meetings we had that week, led me to have concerns about what
21 was motivating disagreement with the guideline-based sentencing recommendation of the career
22 prosecutors.

23 Q And let's talk about that a little bit. Because you said you disagree with the Inspector
24 General's finding that political considerations didn't play a role.

25 A I disagree with many of the characterizations in the Inspector General report.

1 Q So with respect to Mr. Shea's demeanor, what do you mean when you say his demeanor
2 led you to have questions about his motivation?

3 A Throughout the -- the period of these discussions, although there was concern with
4 how -- with how high the sentence appeared -- the recommended sentence appeared to be, I was
5 never provided a -- an argument under the guidelines or under any other legal authority about why
6 the sentencing recommendation should be reduced.

7 Q Did you ask for such an explanation?

8 A I don't recall specifically what words or questions I asked or that others asked, but I -- I
9 recall that there was a lot of discussion about this within -- within the office in that period.

10 Q And as you said several minutes ago, policy of the section that you were in charge of
11 was to seek a guidelines sentencing recommendation, correct?

12 A That is correct.

13 Q And what Mr. Shea ultimately pushed forward was not a guidelines recommendation?

14 A In the second sentencing memorandum, that was not a guideline-compliant
15 recommendation the way I read it, and -- but to go back and be clear, Mr. Shea did, at the end of the
16 week, approve the guideline-compliant sentencing recommendation.

17 Q The one submitted by the career prosecutors?

18 A The one that was filed by the career prosecution team on or about February 10, yes.

19 Q But the second sentencing memorandum, that was not -- the recommendation made in
20 that memorandum was not guidelines-compliant, correct?

21 A My recollection is that that sentencing memorandum recommended a sentence below
22 or substantially below the -- the guideline range.

23 Q Thank you.

24 [REDACTED] We can go off the record.

25 [Recess.]

1 [REDACTED] Go back on the record. I just want to put on the record that we have testimony
2 from whistleblowers Gary Shapley, Joseph Ziegler, we have testimony from a DOJ tax lawyer, Mark
3 Daly, that when the U.S. Attorney's Office for the District of Columbia declined to partner, that
4 was -- the was a setback for them.

5 The U.S. Attorney, David Weiss has testified that maybe it didn't have any bearing on his
6 decision, but that is contrary to the testimony we received from Mr. Shapley and Ziegler. So I just
7 wanted to put that on the record since we were going back and forth on those -- on that issue.

8 [REDACTED] Can I respond to that briefly?

9 [REDACTED] Sure.

10 [REDACTED] My recollection of the Mark Daly transcript is that Mr. Daly said that the
11 conversation with the U.S. Attorney's Office in the District of Columbia provided new insights into the
12 charging in particular as far as the willfulness angle was concerned, and so it wasn't that the
13 conversation had the effect of blocking them from bringing charges, but that it made them
14 reevaluate the strength and weaknesses. I don't want to get into a back-and-forth.

15 [REDACTED] I think we also have testimony that at the Delaware U.S. Attorney's Office they
16 were not familiar with how to prosecute cases in D.C., and so when -- when the decision not to
17 partner came down, that was -- you made their life a little bit more difficult and, in consequence, the
18 2014, 2015 tax years weren't prosecuted. That's a lot of money from Burisma income that just
19 escaped -- you know, escaped taxation.

20 [REDACTED] One -- one quick response.

21 [REDACTED] I would just end by saying, I would ask the reader of the transcript to go to the
22 actual transcript. Whoever we're talking about right here should get the actual testimony of what
23 was said in each individual transcribed interview. That's all I have to say.

24 [REDACTED] Off the record.

25 [Whereupon, at 3:57 p.m., the interview was concluded.]

Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date