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

INTERVIEW OF: TIMOTHY DUREE

Thursday, March 5, 2026

Washington, D.C.

The interview in the above matter was held in room 2237, Rayburn House Office Building,  
commencing at 10:00 a.m.

1     Appearances:

2  
3     For the COMMITTEE ON THE JUDICIARY:

4  
5     [REDACTED], DEPUTY DIGITAL DIRECTOR

6     [REDACTED], GENERAL COUNSEL

7     [REDACTED], PROFESSIONAL STAFF MEMBER

8     [REDACTED], LAW CLERK

9     [REDACTED], CHIEF COUNSEL FOR OVERSIGHT

10    [REDACTED], COUNSEL

11    [REDACTED], RESEARCH ASSISTANT

12    [REDACTED], MINORITY SPECIAL COUNSEL FOR INVESTIGATIONS AND SENIOR ADVISOR

13    [REDACTED], MINORITY GENERAL COUNSEL

14    [REDACTED], MINORITY FELLOW

15    [REDACTED], MINORITY LEGAL INTERN

16    [REDACTED], MINORITY STAFF ASSISTANT

17    [REDACTED], MINORITY SENIOR COUNSEL

18    [REDACTED], MINORITY LEGAL INTERN

19  
20    For TIMOTHY DUREE:

21  
22    ANDREW F. DAWSON

23    ELIZABETH A. HECKMANN

24    Keker, Van Nest & Peters LLP

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

1 Good morning. This is a transcribed interview of Mr. Timothy Duree. Chairman Jordan has  
2 requested this interview as part of the committee's oversight of Special Counsel Jack Smith and his  
3 team.

4 Would the witness please state your name for the record?

5 Mr. Duree. My name is Timothy Duree.

6 [REDACTED]. We encourage witnesses who appear before the committee to freely consult  
7 with counsel if they so choose. And it is my understanding that you are appearing today with  
8 personal counsel. Is that correct?

9 Mr. Duree. Yes, ma'am.

10 [REDACTED] Would counsel please state your name for the record?

11 Mr. Dawson. Andrew Dawson and Elizabeth Heckmann of Keker, Van Nest & Peters.

12 [REDACTED] Thank you.

13 On behalf of the committee, I want to thank you for appearing here today to answer our  
14 questions. The chairman also appreciates your willingness to appear voluntarily.

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

17 [REDACTED]. [REDACTED].

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

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

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

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

22 [REDACTED] [REDACTED] with Chairman Jordan's staff.

23 [REDACTED] [REDACTED] with Chairman Jordan.

24 [REDACTED] [REDACTED] with Chairman Jordan's staff.

25 [REDACTED] [REDACTED] with Chairman Jordan's staff.

1 [REDACTED] [REDACTED], Chairman Jordan's office.

2 [REDACTED] I'd like to now go over the ground rules and guidelines that we'll follow during  
3 today's interview. Our questioning will proceed in rounds. The majority will ask questions first for  
4 1 hour, and then the minority will have an opportunity to ask questions for an equal period of time if  
5 they choose. We will alternate back and forth until there are no more questions, and the interview  
6 is over. Typically, we take a break at the end of each hour, but if you would like to take a break  
7 apart from that, just let us know.

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

10 Mr. Duree. Yes, ma'am.

11 [REDACTED]. In addition, there is a committee videographer making a video record of this  
12 proceeding.

13 So the court reporter can take down a clear record, we'll do our best to limit the number of  
14 people directing questions at you during any given hour to just those people on the staff whose turn  
15 it is. Please try and speak clearly so the court reporter can understand and so the folks down at the  
16 end of table can hear you as well. It's important that we don't talk over one another or interrupt  
17 each other, if we can help it, and that 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 if you do not understand one of our  
20 questions, please just let us know. Our questions will cover a wide range of topics. So if you need  
21 clarification at any point, just say so. If you honestly don't know the answer to a question or do not  
22 remember, it is best not to guess. Please give us your best recollection, and it is okay to tell us if  
23 you learned information from someone else; just indicate how you came to know the information.  
24 If there are things you don't know or can't remember, just say so and please inform us who, to the  
25 best of your knowledge, might be able to provide a more complete answer to the question.

1           You should also understand that by law you are required to answer questions from Congress  
2 truthfully. Do you understand that?

3           Mr. Duree. Yes, ma'am, I do.

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

6           Mr. Duree. Yes, ma'am.

7           [REDACTED]. Witnesses that knowingly provide false testimony could be subject to criminal  
8 prosecution for making false statements under 18 U.S.C. Section 1001. Do you understand this?

9           Mr. Duree. I do.

10          [REDACTED]. Is there any reason you are unable to provide truthful answers to today's  
11 questions?

12          Mr. Duree. No, ma'am. I intend to.

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

16          For the same reason, the marked exhibits that we will use today will remain with the court  
17 reporter so that they can go in the official transcript, and any copies of those exhibits will be returned  
18 to us when we wrap up.

19          That's the end of my preamble. Is there anything my colleagues from the minority would  
20 like to add?

21          [REDACTED]. Just thank you for being here voluntarily. We look forward to hearing your  
22 testimony today.

23          Mr. Duree. My pleasure to be here.

24          [REDACTED]. Mr. Dawson, I understand you have some words to say.

25          Mr. Dawson. Just very briefly, I sent a letter last night, apologies for the late hour, regarding

1 our understanding of the authorization from the Department of Justice and flagging a few issues just  
2 to be aware of. The two I would just mention now in terms of the 6(e) restrictions under the  
3 Federal Rules of Criminal Procedure, I don't anticipate those being an impediment to talk about what  
4 I understand the committee intends to ask, but I may interject from time to time just to rephrase a  
5 question to ensure that we protect Mr. Duree given some inconsistencies in the circuits in terms of  
6 what those rules are. But, again, I don't anticipate those will prevent fruitful questioning.

7 And so I would like to kind of enter this into the record just so I don't go through it and chew  
8 up time on the clock. So with your permission, I'd just put our letter into the record.

9 [REDACTED] We'll mark that as exhibit No. 1.

10 And we can make more copies at the end of the hour if you need it.

11 [REDACTED]: It's okay.

12 [Duree Majority Exhibit No. 1.

13 was marked for identification.]

14 [REDACTED]: Okay. The clock now reads 10:04 a.m. We'll start our first hour of  
15 questioning.

16 EXAMINATION

17 BY [REDACTED]:

18 Q Mr. Duree, when did you join the Department of Justice?

19 A June of 2012.

20 Q June of 2012. And can you walk us through the positions you held there?

21 A Yes, ma'am. [REDACTED] can you tell me your last name one more time? I'm sorry.

22 Q [REDACTED]

23 A [REDACTED] Okay. Thank you, ma'am.

24 Q Of course.

25 A The positions I held. And I'll give you as much detail as you want. If you want to

1 speed me along, speed me along.

2 Q Okay.

3 A I joined -- I graduated law school in 2008, spent 4 years doing other things, and  
4 then -- roughly 4 years. In 2012, I joined the Department of Justice as an assistant United States  
5 attorney in beautiful Del Rio, Texas. It's in the western district of Texas. It's where I was already  
6 living at the time and had the opportunity to be an AUSA there. Texas is where I grew up.

7 I was in Del Rio for roughly 4 years, I'll call it, prosecuting all manner of crimes that one  
8 prosecutes on the border. So a lot of immigration crimes, alien smuggling, drug crimes, guns, that  
9 kind of thing.

10 After those 4 years, I was interested in working white collar investigations, corporate crime,  
11 that kind of thing, and was lucky enough to get an opportunity here in D.C. at the Fraud Section of  
12 the Criminal Division. So I did white collar prosecutions, you know, bank fraud, corporate stuff, that  
13 kind of thing. Some public corruption work as well that was assigned to me, even though it wasn't  
14 strictly within the normal purview of the Fraud Section. And I did that for a while as a line attorney.

15 In, I want to say, 2020, I became the supervisor of a healthcare fraud strike force and then a  
16 second one. So for a while, I supervised two teams of attorneys working healthcare fraud  
17 cases and -- attorneys and paralegals working those healthcare fraud cases -- in Brooklyn and  
18 Newark. So I was up and back to New York every week working those cases, and had a couple  
19 spectacular teams there.

20 Then I was asked -- I can give you more details if you want -- I was asked in January 2022 to  
21 join an investigation that ultimately evolved into and became part of the Special Counsel's Office.  
22 So, functionally, from January '22 until beginning of January '25, I was working either in the Special  
23 Counsel's Office or on similar investigative streams that preceded the Special Counsel's Office.

24 Q And when you left Del Rio, Texas, and started your work in the Fraud Section, was that  
25 at Main Justice?

1           A     It was. In Main Justice -- well, yes. I'll just stop there, yes.

2           Q     And then when you supervised the two teams, you mentioned Brooklyn and Newark,  
3 were you working out of one of the U.S. Attorney's office in New York?

4           A     I was, technically, still -- this whole time I was technically still an employee of the Fraud  
5 Section of the Criminal Division at Main Justice. The Fraud Section has a healthcare fraud unit, a  
6 securities and financial fraud unit that has a different name now, but that's what it was, and a  
7 Foreign Corrupt Practices Act unit. So both of those jobs were within the Fraud Section. I just  
8 moved from the financial fraud unit to the healthcare fraud unit.

9                 We did work closely with the U.S. Attorney's offices. So like when I went to Newark, I would  
10 go sit in the office -- in the U.S. Attorney's Office on Broad Street; Brooklyn, same thing. But I was a  
11 Criminal Division Fraud Section employee the whole time.

12          Q     Okay. And while you were at Main Justice, were you ever a political appointee?

13          A     No.

14          Q     So you were always a line attorney or a supervising attorney?

15          A     Yes, ma'am, that's correct.

16          Q     Okay. And you mentioned being asked to join an investigative team in January 2022.  
17 What can you tell us about that investigative team?

18          A     About the work that we did or about joining the team?

19          Q     Let's start with joining the team.

20          A     Okay. So I'm at home one evening, and I'm going to call it the back side of January --

21          Q     Okay.

22          A     -- and I get an email in the evening and then have a call with Nick McQuaid, who was the  
23 principal deputy assistant attorney general of the Criminal Division. Basically the second in  
24 command in Crim.

25                 You know, I'd met Nick before, but getting a call from Nick was unusual because he was my

1 boss's boss's boss's boss, or maybe one more above that, right. So I knew him but, you know, we  
2 didn't have a lot of day-to-day interaction.

3 He calls me -- and at that time I'm just prosecuting my cases and managing my teams in  
4 Newark and Brooklyn. I'll paraphrase because it's been, you know, 4 years plus. But as best I can  
5 remember, he says that the Criminal Division needs to look into whether there may have been some  
6 misconduct within the Department of Justice relating to the transition of power after the 2020  
7 election, and asked me if I would be willing, interested, in joining that team. And I said I would.

8 You know, I didn't for a second seek it out. In fact, if I'm completely candid with you, around  
9 this period of time, I was kind of sort of considering maybe leaving the Department of Justice,  
10 because it'd been years and years -- I have a family at home -- it'd been years of travel every week,  
11 long hours, all that.

12 But when Nick presented the opportunity, right, your -- the boss asks you to do something,  
13 you do it. I felt duty bound and honored to be asked. So I joined the team, and that was in  
14 January of '22. My focus at that point was, as I mentioned, trying to determine whether there had  
15 been misconduct within the Department of Justice relating to the transition of power.

16 Q And when Mr. McQuaid asked you to join this team, did he give -- it was going to be a  
17 definite period of time, and then you would come back to your normal work, or were you going to be  
18 there indefinitely?

19 A It was unknown. It seemed real hazy and uncertain. I think -- and again, Nick maybe  
20 has -- Mr. McQuaid might have a better recollection of this. But as I remember, as I -- we need to  
21 look and see if there was any misconduct there. We don't know if there is anything or if there isn't.  
22 So it could be that you kick the tires and a couple months you're back to your old job. It could be  
23 that there are investigative leads that need to be followed, in which case you'll follow them.

24 So I didn't have a sense of timing at the -- I knew nothing other than, you know, the general  
25 sort of impressions I was given from the call. And so I thought -- and I think Nick probably

1 thought -- could be a couple months and there's nothing there, could be a long time if the case  
2 materializes, but I had no real idea.

3 Q And what was your understanding -- I know you said he had asked you about joining a  
4 team. So was it your understanding that there was an investigation that was already underway in  
5 terms of looking into alleged misconduct within the DOJ?

6 A I don't know if that was my impression on the call or if I developed that impression  
7 shortly thereafter. But the impression that I had around that time --

8 Q Okay.

9 A -- was that there were maybe a couple of people already looking at either this issue or  
10 sort of adjacent issues, right, but that the team was small. And so I was under the impression that  
11 there had been a -- there was a workstream that was just beginning but was in its kind of embryonic  
12 stages.

13 And if I remember precisely, I think that -- actually, I'm pretty confident that there were PIN  
14 attorneys -- PIN is the Public Integrity Section of the Department of Justice. If it's all right with you  
15 all, I'll just call it PIN, that's what we called it.

16 Q Of course.

17 A There were PIN attorneys originally assigned to this for about a cup of coffee, like couple  
18 of weeks or something. I can't tell you the time. It seemed very short. But my understanding is  
19 that PIN felt that it might want to recuse itself sort of proactively, and so they needed someone in  
20 the Criminal Division to investigate these things. And there were two of us from Crim originally  
21 assigned to do that. I was one of those two.

22 Q Okay. And when you joined the team, how many people were working on this specific  
23 investigative stream?

24 A Once I joined -- I and my colleague joined, and I believe we doubled the size of the team  
25 to four. I think there were two.

1 Q Okay. So who was the colleague that joined with you?

2 A That joined with me from the Criminal Division?

3 Q Yes, uh-huh.

4 A The brilliant and lovely Teresa McHenry --

5 Q Okay.

6 A -- who is a great attorney and has the benefit of being an all-around wonderful person.

7 Q And then who were the two people who were already there working on this?

8 A Other really great people as well. Alex Bogle, who at the time was -- she was  
9 employed by the National Security Division. And Thomas Windom, who was technically, I  
10 think -- was technically employed by the U.S. Attorney's Office for the District of Maryland but had  
11 been detailed over to the D.C. U.S. Attorney's Office.

12 Q Okay. And did you ever work with the PIN attorneys on this investigation before they  
13 recused themselves?

14 A No, not really. When Nick called me and I realized that there was going to be a PIN  
15 recusal, and so -- sometime around there I realized -- and so I started working the case. I think -- I  
16 couldn't remember their names.

17 Q Okay.

18 A I think that we had one or two phone calls just to kind of pass the time, learn what they  
19 had done, so that we could, you know, pick up where they left off. But as I remember, that was, like  
20 I said, only one, maybe two calls. And because the case was still new, there hadn't really been a lot  
21 done yet. So I didn't work with those people necessarily.

22 Q And why did the PIN attorneys recuse themselves, if you know?

23 A I will tell you -- I'll tell you what I know.

24 Q Okay.

25 A Understanding that my information comes secondhand on this, and you might want to

1 go to sources if you want to get, you know, their stories as well. But PIN recused itself. So Corey  
2 Amundson was the head of PIN at the time. And during the, what I'll call the post-election  
3 period -- it'll probably come up during the day, and I don't know if, like, y'all have been using that  
4 term -- but I generally refer to the post-election period as that period between election day and the  
5 transition of power. In our case, it'd be 2020 and early 2021, right.

6 But everyone in this room, everyone who was in America probably remembers that there  
7 were a lot of allegations of election misconduct being made by the President and people allied with  
8 him.

9 Attorney General Barr, as I understand it, felt that it may be beneficial to look into some of  
10 these allegations, you know, immediately in the post-election period. This was maybe either  
11 dissonant with or at least uncommon under the election interference memos and other PIN  
12 precedent. Essentially, you don't really bring -- I'm not a PIN attorney, but my understanding is that  
13 you don't really investigate election issues like this during the pendency of, you know, the event  
14 giving rise to the issue, I suppose, so as not to be seen as interfering with the election.

15 Anyway, I say all that to say, there was, I think, some back-and-forth between PIN, people in  
16 higher levels in the Department of Justice, and maybe the U.S. Attorney's Office or FBI in Atlanta,  
17 maybe. Like, I'm just trying to tell you what I remember as best I remember it. And because  
18 Mr. Amundson had been involved in those emails and communications about whether or not it was  
19 appropriate to investigate these cases in the short term, I think he felt that his office should recuse  
20 itself. There was no mandate that they do it. But the idea was that PIN would be investigating a  
21 case that hypothetically, conceptually could involve inquiry into PIN's own decision-making, I guess.

22 But, again, I say all that with the caveat of I'm trying to be as transparent as I can, but I don't  
23 mean to speak the gospel on this. Corey would be able to tell you more precisely.

24 Q And the four individuals that you worked with, did that team ever grow to more than  
25 four individuals?

1 A Sure did.

2 Q And who else was added to that team, before Jack Smith was appointed? What kind of  
3 end point is there? So he was appointed November 18th, 2022.

4 A That is correct. So, again -- and if you want me to stop, you know, giving this reminder,  
5 I will. I just want to make sure it's clear. My memory might not be perfectly precise. It's been  
6 4 years, but I'm going to try to tell you as best I can.

7 Q Okay.

8 A It was Teresa, Thomas, Alex, and I --

9 Q Okay.

10 A -- for a while. January into April, May?

11 Q Okay.

12 A Then we added, as I remember it, one more person from the D.C. U.S. Attorney's Office.  
13 That was Ahmed Baset.

14 Q Okay.

15 A Then we were a slightly larger team for a period of time into the summer. And I guess  
16 around Labor Day maybe, the team really grew in size. There was -- I can give you more detail on  
17 this if you want it, but there was a point at which decisions were made by folks much higher up in  
18 DOJ than me that it would be wise to grow this team into something bigger than just the five of us.  
19 And so at that point, several other attorneys were added. Our size grew greatly. I mean, I would  
20 guess -- I'm ballparking it now, but if we were five, we might have ended up 10, a dozen, something  
21 like then -- something like that.

22 Q Okay. And this team, when it was just the four of you, was there anyone supervising  
23 your work, or what was the chain of command there?

24 A Yes, it was a little -- there was a chain of command. It was a little bit fluid. We were  
25 kind of a bit of a confederacy, right.

1 Q Okay.

2 A So I was in the criminal -- we had multiple chains of oversight, but we all worked  
3 together. I was in the Criminal Division, Ms. Bogle was in NSD, Thomas was in the U.S. Attorney's  
4 Office, Ahmed was in the U.S. Attorney's Office, Teresa was in Crim. So we had three different  
5 offices supervising us. Functionally, Teresa and I reported up to folks in the front office of the  
6 Criminal Division.

7 Q Okay.

8 A Alex -- Ms. Bogle reported to whoever was in the front office of the National Security  
9 Division. Thomas and Ahmed reported to the top folks in the U.S. Attorney's Office. At the time,  
10 the U.S. Attorney's Office was -- the U.S. Attorney was Matt Graves.

11 So each of us -- we -- the four of us worked, and then five of us worked closely together. We  
12 were, you know, a team day to day. We would each report up our chains of command, but we  
13 would also sort of harmonize back and forth. So there might be occasion where all of us would  
14 meet to make sure we were eye to eye. There might be points where Crim took the lead or where  
15 the U.S. Attorney's Office took the lead on different things. So we had sort of three different chains  
16 of command all connecting together and talking to each other --

17 Q Okay.

18 A -- on case decisions.

19 Q And I know that Mr. Windom was working out of the D.C. U.S. Attorney's Office.

20 A He was.

21 Q Were you also stationed there or were you still at Main Justice?

22 A Real brief I was at the U.S. Attorney's Office. The way it worked was I was a Crim  
23 Division employee -- I mean, I -- I was technically a Crim Division employee until the day I got fired.

24 Q Okay.

25 A I was on detail from Crim to different places. But from January until ballpark maybe

1 again in August, I was a -- I worked as a Criminal Division employee. If you look at my documents  
2 from that time, I probably signed them on behalf of the Fraud Section, Criminal Division.

3 There was a period of maybe a couple of months before Mr. Smith came in where -- this is  
4 that same time period where the team grew, right.

5 Q Yep.

6 A Because the growth of the team also coincided with the consolidation of the team under  
7 one supervisory chain. So when the team -- the team both simultaneously grew and was then  
8 placed under the supervision of the U.S. Attorney's Office.

9 Q Okay.

10 A When that happened, my day-to-day work didn't really change, but I then, for a brief  
11 period of time, was detailed over to the D.C. U.S. Attorney's Office.

12 Q Okay.

13 A That was probably -- again, there's records that would show you precise dates, but I'm  
14 going to say it feels Labor Day-ish up until Mr. Smith took over, and during that period of time, I and  
15 my colleagues worked out of the U.S. Attorney's Office. Like, I had an office there for like 2 months.  
16 And before that, I had my whole office at the Criminal Division.

17 Q And were you reporting to J.P. Cooney at that point in time?

18 A That's a good question. Like, the reason that I'm hesitating, I don't know if I -- you  
19 should ask J.P. I don't know if I was reporting to him at that time or not. I can tell you this: I  
20 think I was. I probably was.

21 Q Okay. Was he leading the investigation at that point in time, or who was leading the  
22 investigation?

23 A These are all real good questions. J.P., I -- again, you'll hear this refrain from many of  
24 my colleagues. J.P. is a spectacular guy, someone I am proud to know. I did not know J.P. before  
25 that summer. And when we first got to the D.C. U.S. Attorney's Office, I'm not -- I'm not sure one

1 way or the other whether J.P. was a person with whom I interacted at the U.S. Attorney's Office in  
2 that very first period or if he was my supervisor from the start. I just don't really remember.

3 It was sort of a fluid period of sort of supervisory transition. I can tell you that most  
4 definitely J.P. was a supervisor above me in the Special Counsel's Office. But I just don't remember  
5 if like on day one in the U.S. Attorney's Office he was the guy or if it evolved to that.

6 Q Okay. And you had mentioned earlier that there were people who were, you know,  
7 looking at the specific issue about misconduct within the DOJ and then adjacent issues. So who  
8 worked on the misconduct within DOJ? Who worked on that issue with you?

9 A [REDACTED], you'll need to specify the time periods because it did change.

10 Q Okay. So when it was just the four of you in the beginning between January and April  
11 and May, who was working on the misconduct within DOJ?

12 A Well, Teresa and I principally, but --

13 Q Okay.

14 A -- all of us to a lesser degree. In those early days, the workstreams were still  
15 developing. So we didn't have ossified streams of work and teams particularly dedicated to one  
16 thing to the exclusion of another. But functionally the way it worked is I understood my mandate to  
17 be to investigate the work within -- the work related to misconduct from DOJ. So I took the lead on  
18 that along with Teresa. We were sort of co-leads on it. But as needed, you know, if there was  
19 work to do, Thomas or Alex would also participate in that workstream, just as, once we developed  
20 additional workstreams, Teresa and I may participate in those.

21 But I would say the rough division in those previous U.S. Attorney's Office days was that it was  
22 Teresa and I heading the DOJ stuff.

23 Q Okay. And did you ever get an understanding of what workstream Thomas Windom  
24 was working on?

25 A Yeah, yeah. I mean --

1 Q What was his workstream?

2 A -- I knew what workstream he was working on; we worked together. We had -- they  
3 evolved. It's not that I didn't know the workstream. I certainly did. It's that the investigation  
4 was very new at the beginning, and as it matured, our investigative focus sharpened. So the  
5 workstreams became more clearly defined.

6 But early on, I'd say -- you know, Thomas and I worked, you know, side by side on whole lot of  
7 things. He maybe took more of a leading role on the fraudulent electors issue at the beginning as  
8 that came up. You know, that is a workstream that changed personnel a lot over time. But he  
9 maybe took lead on that. There were issues related to John Eastman and legal theories presented  
10 to Mike Pence and all that. That wasn't a specific workstream, but that was the thing that came up.

11 In those early days, I wasn't really looking at the White House. Like, the President and the  
12 White House were of interest to me only in that the President was a person like several others who  
13 had interacted with Jeff Clark with DOJ. But as White House stuff came more into focus, Thomas  
14 spent a good deal of time on that.

15 Q Okay. And when you say when the White House stuff came into focus, what White  
16 House stuff came into focus, if you will?

17 A Well, again, this was a focus that developed over a long period of time. But what came  
18 into focus over time was that President Trump may need to become a subject into which we inquired  
19 in our investigation. And I'll pause right there before I go any further and say, when I say subject, I  
20 mean -- like, I'm not a prosecutor anymore, I got fired, but I -- when I was, we would use the term  
21 "subject" to basically mean anyone within the scope of an investigation who wasn't, you know,  
22 essentially just like a witness, like an eyewitness, anyone who wasn't a target. So it's a whole lot of  
23 people, right.

24 Q Okay.

25 A As we investigated the Jeff Clark components, the DOJ component that is, the

1 fraudulent elector stuff and that kind of thing, I felt like -- and this is sort of subjective. You know, if  
2 you ask Thomas his opinion of how it evolved, might be a little different. But we kept seeing, you  
3 know, investigative avenues that would lead us back toward President Trump and to the White  
4 House.

5 Q Okay.

6 A And so naturally, this investigation, while it was, you know, kind of high profile, was no  
7 different than any other that I'd ever -- that I had done in that you just -- you refine your investigation  
8 and you follow the investigative leads where they go. And so when the investigative work started  
9 to point us in the direction of the White House, we felt compelled to follow it in that way.

10 And so workstreams that developed from that were sort of generally, I guess ultimately, the  
11 workstreams that people might associate with our election fraud case, the work that caused us to  
12 inquire into whether President Trump and those allied with him had taken steps to corruptly impede  
13 the transition of power through use of the fraudulent electors, through misstatements about, you  
14 know, these completely unfounded allegations of fraud, through trying to unduly pressure Mike  
15 Pence to change the outcome of the election, and to also, you know, cajole State and local leaders  
16 and officials to do what they could to adjust electoral votes. I mean, that's -- so that's where the  
17 White House work had developed.

18 I mean, the way I kind of describe it real simply is this: The DOJ case, you look up at the sky  
19 and you see a star, and over time we backed out a little bit and saw it wasn't just one star, there was  
20 a whole constellation, and they fit together. And seeing how all those stars sort of lined up with  
21 each other took a lot of -- that was something that became clear as we investigated independently  
22 our workstreams and sort of saw how things ran into each other, lined up with each other, and  
23 realized that there might be -- and indeed to my belief and opinion based on the evidence was unity  
24 to these workstreams that had not been immediately apparent to me and perhaps to anyone on the  
25 team when we started the investigation.

1 Q And so did your work on specifically looking into misconduct at the DOJ, did that ever  
2 end or did you continue to work on that between -- I'm talking in the timeframe January 2022 to  
3 November of 2022?

4 A I worked on that throughout that time period. Wasn't the only thing I worked on, but  
5 it was a main thing I worked on, yeah.

6 Q Okay. And can you just kind of list off what various investigative streams you worked  
7 on? I know we have the misconduct at DOJ and then the White House streams. Were there  
8 other --

9 A Do you mean -- do you mean during that early 2022 period or throughout my time as  
10 special counsel?

11 Q I just mean in the 2022 period, the January to November.

12 A Okay. Yeah, yeah. You know, we -- I principally did the DOJ workstream. That  
13 was --

14 Q Okay.

15 A That was my main focus. But like I said, we were a small team and we weren't siloed  
16 off from each other. So if there was investigative work to do related to any other workstream, I  
17 would -- there was a decent chance that I could be pulled into that. You know, we just -- we  
18 all -- Thomas, Ahmed, Teresa, Alex, and I -- we would talk, you know, regularly. We knew what each  
19 other were do -- we each knew what the other was doing, mostly. And when one of our sort of  
20 areas of focus needed more manpower or someone just, you know, we would jump onto the thing.

21 So I principally did the DOJ stuff, but I also helped broadly with just about anything during  
22 that time period. You know, maybe we had subpoenas out to fraudulent electors; I could have had  
23 some role in that. You know, issues related to the lawyers and stuff in the -- the Trump legal team,  
24 stuff like that. It was a little bit of everything we did.

25 BY [REDACTED]:

1           Q    Can I ask you, the term "fraudulent electors," when did that come into focus as opposed  
2 to alternative electors?

3           A    You asking me?

4           Q    Yes.

5           A    I call them alternative electors to be diplomatic and nice.   To me, they were fake  
6 electors.

7           Q    Okay.

8           A    And we call them fake electors -- I mean, just like, as we're talking to each other, you  
9 know, the team, we think they're fake electors, but we chose -- I think we -- you know, we use  
10 different terminology -- fraudulent electors, alternative electors.   There was nothing particularly,  
11 like, intentional about it.   It's just we realized -- we realized that an investigative piece we were  
12 going to get a look at was these slates of electors that had, in fact, not been chosen by the voters  
13 and -- by the voters in their respective States.   And so we just had different ways to shorthand and  
14 call them that.

15          Q    Okay.   But if, you know, President Trump had won one of those States, those electors  
16 would have been the electors, correct?

17          A    Probably.   I mean --

18          Q    So isn't it more, you know, precise to refer to them as the Trump electors or alternative  
19 electors rather than fraudulent electors, because --

20          A    Because?

21          Q    Because, you know, there were a lot of -- a lot of very serious issues with a number of  
22 States -- Georgia, Pennsylvania, Arizona, Michigan.   And at the time, you know, during times  
23 relevant, the President and his allies believed that they had won some of those States.   And had  
24 they won some of those States, wouldn't those electors have served as the official electors?

25          A    A few points to try to respond to everything.   I understand your question but disagree

1 substantially with the -- with some of the facts that you put in there as to whether there really were  
2 problems in these States and what people might have believed. I said that --

3 Q Let me back up. Let me back up. I didn't say there were problems. What I said was  
4 President Trump and his allies believed there were problems.

5 A Okay. I understand your question. I take the question. I am not addressing  
6 whether I agree with that factual assertion, but what I will tell you is this. First, as we look through  
7 today, the electors, I mean, is shorthand to me. You want to call them the Trump electors, you're  
8 welcome to call them the Trump electors. I mean no offense to anybody in the nomenclature that  
9 we choose.

10 There was certainly a theory that was, you know, that was something that we investigated in  
11 our case that if the electoral votes had been sent back to the various States and, you know, through  
12 litigation, President Trump was determined to have won the States and President Biden had not,  
13 there was certainly a theory that these electors would then have become the duly appointed electors  
14 from those States. That was a theme that was part of the case, yes.

15 Q Okay. So referring to them as fraudulent electors or fake electors is just -- I mean, it  
16 just seems to me that, you know, it reveals a state of mind that the Justice Department, you know,  
17 had concluded very, very early on that these were not the Trump electors, these were somehow  
18 electors that were procured in a fraudulent manner.

19 A Is that a question to me?

20 Q Yes.

21 A What is the question?

22 Q The question is, don't you see that as an issue? You know, the investigators, especially  
23 Justice Department criminal prosecutors, you're supposed to enter into these matters with an open  
24 mind. And if right away at the outset your state of mind is that these electors are fraudulent  
25 electors or fake electors, doesn't that cloud the whole investigation?

1           A     No. And I disagree wholeheartedly and completely with the suggestion that we had  
2 any predetermined ideas. When I got on this case -- and I'm going to speak for myself, but I also  
3 think this is true of all my colleagues -- I was stunned to be asked to participate in the DOJ  
4 investigation, stunned that I would be entrusted with something of that magnitude.

5           And from the day I started, I took seriously, deadly seriously, my obligation to be neutral and  
6 fair and impartial. I recognized from the start, even before the investigation grew into the thing it  
7 grew into, that this was a unique and potentially prominent and potentially very serious  
8 investigation. The gravity of that humbled me and was never lost on me. And I made it my duty  
9 throughout, as I did in every case, to have no preconceived notions, allow no personal feelings to  
10 enter into decision-making but just, rather, proceed dispassionately and neutrally in the  
11 investigation. And so that is what I did and what I saw every member of my team do.

12           If for the sake of today's conversation you want to refer to the electors as Trump electors,  
13 alternate electors, that's fine. I consider it no value judgment, just shorthand to describe something  
14 that would take a package of words to describe otherwise, but we had no preconceived notions.

15           In my mind, the fakeness wasn't a democratic -- or Democrat or Republican thing. Fake or  
16 fraudulent or whatever was just simply, by the time we're investigating, the election had long been  
17 over, the election had long been certified. And in each State certain electors had been identified as  
18 legitimate ones and certain had not. It was as simple as that.

19           Q     Okay.

20           BY [REDACTED]:

21           Q     While you were investigating the alleged misconduct within the DOJ, did you ever  
22 interact with anyone from the DOJ'S Office of Inspector General?

23           A     I did.

24           Q     And what was their role in that specific piece of the investigation?

25           A     So for sometime in those early days, we worked with DOJ OIG agents. It was a natural

1 fit early on because we were investigating potential misconduct within the Department of Justice.

2 And so the Inspector General's Office was a sort of normal landing spot for -- that took that case.

3 Q And how many DOJ OIG agents did you work with?

4 A There may have been other people sort of on the fringes adjacent to the case, you  
5 know, analysts or back office people or someone else. But the ones I remember most prominently,  
6 there were two agents with whom I worked, one named Brian Burnett --

7 Q Okay.

8 A -- and one named Jake Higley.

9 Q And what was Special Agent Burnett's role in the investigation?

10 A Well, over time in my interactions with the OIG, Mr. Higley, Jake, played a larger role --

11 Q Okay.

12 A -- and was -- to my mind, he was the agent with whom I ended up doing more work.

13 Q Okay.

14 A But early on, Mr. Burnett was the OIG agent assigned to our case. And so he would do  
15 normal agent work -- investigating things, dealing with subpoenas, I mean, that kind of stuff.

16 Q And did the OIG ever stop helping with the investigation?

17 A In '22?

18 Q In '22.

19 A No. No. The OIG was -- I don't know if OIG ever formally separated from the  
20 investigation, but by the end of the Special Counsel's Office, we weren't really working, you know,  
21 with OIG on a day-to-day at all. In '22, before we were the Special Counsel's Office, I feel like -- I  
22 feel like OIG stayed involved to some degree.

23 Q Okay. And were Agents Higley and Agents Burnett the primary agents that you worked  
24 with or did you work with anyone else?

25 A If I worked with anyone else, and they ever read this transcript, I apologize if I'm not

1 remembering you. But Agent Higley and Agent Burnett were the two agents I remember working  
2 with.

3 Q Okay. And did you ever interact or speak with Inspector General Michael Horowitz?

4 A I don't recall. I don't recall. I had some calls with -- maybe a couple call or two with  
5 management-type people at OIG. I can't remember who they are. It's possible that I was on a call  
6 with Mr. Horowitz, but I don't remember specifically.

7 Q Okay. And beyond --

8 A I'm going to say I doubt it, but I don't know for sure.

9 Q Okay. Did you ever work with -- just think of outside entities right now. Did you ever  
10 work with the National Archives Inspector General?

11 A Our team did.

12 Q Okay.

13 A Our team did. I can't remember the NARA OIG agents' names.

14 Q Waleska McLellan, is she --

15 A That is a name that I remember.

16 Q Okay.

17 A Yeah. And I think we might have met once or twice. If you've got other names -- it's  
18 been so long. There were maybe a couple other people, I was trying to remember their names.  
19 But the bottom line is NARA OIG was, you know, attached to our team in some way at some point.

20 Q Okay.

21 A But to my recollection, if I -- while I'm sure I did interact with those folks some, I don't  
22 remember specific interactions or agents really. That wasn't --

23 Q Okay.

24 A -- my thing.

25 Q They weren't part of the investigative stream for misconduct at DOJ?

1 A That's not to say they weren't, right.

2 Q Right.

3 A Because, again, one thing that I do want to convey is it was kind of fluid. If we  
4 needed -- we were all -- it wasn't like -- you know, we're not running, playing football, and Thomas is  
5 the wide receiver out this way, and I'm the wide receiver over here, and, you know, Alex, the  
6 quarterback or something. We all would sort of shift on to doing things together. We were a  
7 team more than like a group of siloed individuals.

8 So I can't tell you for certain that NARA OIG didn't help in some way. NARA OIG may  
9 have -- may have -- done something ancillary to the DOJ stuff, but I do not remember that happening.  
10 I don't have any recollection that they did.

11 Q Okay. What about the United States Postal Inspection Service?

12 A I think we did have a guy from Postal, but I don't remember who it was, and I don't  
13 remember what his role was on the case, and I don't think he was on the -- I don't think Postal  
14 participated very much in the case.

15 Q Okay.

16 A Just -- again, I don't recall. I can tell you that most of the work that I did from '22  
17 through '25 was with the FBI and in the early stages with Jake and Brian at DOJ OIG.

18 [REDACTED] Okay. I'm going to mark this as exhibit No. 2. It's a DAG briefing document.

19 [Duree Majority Exhibit No. 2.

20 was marked for identification.]

21 BY [REDACTED]

22 Q And this is a seven-page document with bullet points. You should take your time to  
23 review, but I'll point and refer to specific pages and bullets.

24 A Do you want me to sit and read the whole thing for a few minutes or you want to just  
25 ask me?

1 Q It's up to you what you want to do. I'm going to refer you to specific bullets, so  
2 whatever you'd like to do.

3 A Okay. Give me a second just to familiarize myself with it.

4 Q Yep.

5 A Okay.

6 Q Okay, great. Have you seen this document before we gave it to you today?

7 A I don't know.

8 Q Okay.

9 A This reminds me that there was a -- called DAG briefing. There was a briefing of  
10 Deputy Attorney General Monaco --

11 Q Okay.

12 A -- in the U.S. Attorney's Office, and it would have been sometime in the fall-ish of '22.

13 Q Okay.

14 A I believe -- I know we did put papers together for that. So I feel like this is something  
15 that I've seen, and I feel like this is probably that, but I can't tell you for sure.

16 Q Okay. And the DAG briefing that you're remembering in the fall of '22, did you  
17 participate in that briefing?

18 A I did.

19 Q And who else went along to the briefing? Was it the whole team?

20 A Yeah, I think. I mean, I don't know if there was one person -- I don't know if someone  
21 might have been absent that day or what. But, yeah, roughly. The team as constituted at that  
22 time and the names on this -- this includes a lot of names that I didn't mention from those early  
23 days -- this includes the people who have joined onto the team in that like post-Labor Day, around  
24 Labor Day-type period when we grew.

25 But, yeah, as I remember it, most or all of us were there. We sat in the room in the U.S.

1 Attorney's Office and we briefed the DAG on the case.

2 Q And your name is down next to the -- on page 4, it's down next to the Jeffrey Clark  
3 workstream. Did you present at the briefing on the status of the investigation?

4 A I did. I did. I don't think -- I don't know that I wrote this. There are parts of this  
5 that made me think I didn't write it or someone else might have finalized it. But, yes, I did present  
6 to Deputy Attorney General Monaco on the Jeff Clark/DOJ workstream.

7 Q Okay. And as part of the Jeff Clark workstream, it was Representative Scott Perry was  
8 kind of involved in that area. And on here, on page 4, there's a bullet point that says, "The key  
9 individuals in this investigation, including witnesses are" -- then it mentions several individuals -- and  
10 it says, "Perry, subject light/intermediary." We had had a discussion about the use of "subject".  
11 What can you tell us, what does subject light mean?

12 A I don't know. I don't think -- I say I don't know, but I'll tell you my best.

13 Q Okay.

14 A I don't think that I -- this is one of the things I was saying that made me think I didn't  
15 probably write this exactly. I may have. I may have. But "subject light" isn't terminology I think I  
16 would normally use.

17 But as I understand it, you know, as I described, there are three categories, right: witness,  
18 target, and subject. But subject is the big one. Subject is like most people, right. You're  
19 either -- anyone who might be within the scope of the investigation can be a subject. So it can be  
20 useful at times, whether it's subject light or something else to denominate the same thing, can be  
21 terminology to suggest that this person is a subject but is trending investigatively in one direction.

22 Q Okay.

23 A So I would say, you know, you could be a subject trending towards becoming a target if  
24 the investigation's turning up a lot of evidence of your criminal culpability. You could be a subject  
25 trending towards witness if the investigation is revealing that while you are within the scope of the

1 investigation, you perhaps are not someone on whom we at that point are thinking we're going to  
2 develop evidence to charge, but we don't know yet.

3 So I think subject light is just an effort to try to situate, if Perry is referring to Congressman  
4 Perry, an effort to situate Congressman Perry within the broad spectrum of subject to understand  
5 kind of, you know, how we viewed him at that point in the investigation.

6 Q Okay. So would subject light have been on subject trending toward target or subject  
7 trending toward witness?

8 A I mean, I don't generally call people subject light. It seems like a diet drink. It's an  
9 odd way to put it. But I would guess that subject to me, subject light means as we -- if we took a  
10 snapshot of this day in time, we think that you are probably moving roughly in the direction towards  
11 witness, but you are certainly not a witness. We don't know. We have a lot of investigation left to  
12 do, but at this point what we are seeing is suggestive of you're basically sort of being downgraded  
13 through the, you know, tiers of subject-dom.

14 Q Okay. And a few months before this, August 9th, 2022, the Justice Department seized  
15 Representative Perry's cell phone. Were you involved in seeking the search warrant for Mr. Perry's  
16 cell phone?

17 A I would -- yes. I was not involved in seizing the phone, like physically seizing it.

18 Q Okay.

19 A That's what the agents would do. I was involved in building the evidence for that  
20 search warrant.

21 Q Okay. And who else was involved in building the evidence for the search warrant?

22 A I was. I mean, me.

23 Q Okay. Were you the --

24 A No, I would -- there's no universe in which I'm going to put together, no matter how  
25 strong the evidence is, there's no universe in which I am going to put together and get a search

1 warrant on a Congressman's cell phone without the input of others.

2 I would think that -- you know, Teresa was working -- Teresa was working the DOJ stuff with  
3 me. Teresa would have been involved. But Thomas probably would have had some involvement.  
4 And, you know, whether Alex or Ahmed did, I would think they certainly would know about it  
5 because we were a small team, we talked about it. I would have, of course, run it through  
6 supervisory chains and all that kind of thing.

7 But I would -- I would say that I was the person who did -- I would say -- I will say, I am saying,  
8 I was the person who did the -- I was the person who did the most work to prepare that search  
9 warrant.

10 Q Okay. And when did the idea come about that you thought you needed Mr. Perry's  
11 cell phone?

12 A It came about as we were investigating the DOJ misconduct. I can't tell you when the  
13 seed first planted in my head and then, you know, blossomed. But in that period from January till  
14 beginning of August -- or probably -- I guess we probably wrote the warrant before August. So  
15 January till, you know, prior -- before the search warrant, sometime in that range, as we developed  
16 the evidence of what had happened within DOJ and the effort to elevate Jeff Clark to the attorney  
17 general's role, Scott Perry featured significantly in that effort.

18 And so at some point -- and I can tell you more about how the investigation went if you want  
19 to, but at some point in that period, I probably came to think that Scott Perry's phone would have  
20 evidence that would be beneficial to that case and evidence of a crime.

21 Q And what evidence were you looking for? I mean, when they took the phone, they  
22 took, as we understand it, like a full copy of the phone. They got like the photos of him and his  
23 children and all of that. So, obviously, I didn't think you probably needed the photos of him and his  
24 children, but what contents were you specifically looking for?

25 A Well, I mean, technically, you're looking for information that might exist on that phone

1 that provides evidence of the criminal conduct you are investigating. So that could be text  
2 messages, Signal, WhatsApp, you know, photos, in some cases, emails, whatever's on a phone. I'm  
3 not saying that just specific to Scott Perry, when you seize a phone, you're looking for evidence that's  
4 on that phone.

5 Congressman Perry was very -- again, you are testing my memory because this has been some  
6 years. But what I came to understand about the DOJ scheme essentially is -- what I'm calling the  
7 DOJ scheme right now -- was this effort to elevate Assistant Attorney General Jeff Clark, who had  
8 previously been the Assistant Attorney General over the Environment and Natural Resources  
9 Division, and then was the Acting Assistant Attorney General over the Civil Division -- it was an effort  
10 in late December and early January to elevate him to the Acting Attorney General role so that he  
11 could -- and one result of that would have been, had he obtained the role, that he would have been  
12 able to send a letter falsely telling State legislatures, including the legislature in Georgia, that there  
13 was -- I forget the exact wording -- but evidence of -- significant evidence of fraud or misconduct, or  
14 something like that, that might warrant pulling back the electoral votes. And the whole, you know,  
15 outcome of this, if all that would have happened, could have been to destabilize the elections in  
16 those States to which he sent the letter and maybe even others where he didn't, with the end result  
17 of potentially causing the electoral votes to be pulled back, I guess, hypothetically.

18 I say all that to say, Scott Perry was connected to that throughout. What we found was that  
19 Congressman Perry had, it appeared, introduced Mr. Clark to President Trump around the 20th, 21st  
20 of December, and that Congressman Perry was in close contact with Jeff Clark throughout the period  
21 of, like, that December 20th or 21st through January 3rd when the scheme climax had ended, more  
22 or less.

23 So he was in close contact with Mr. Clark. He was in close contact with other -- a lot of other  
24 people that were connected to both the DOJ scheme and the sort of overall effort to overturn the  
25 election. We knew that he had text messages, Signal messages, other communications with Jeff

1 Clark. We knew that he had been involved in, you know, looking at election fraud-type stuff in  
2 Pennsylvania in December. We knew that -- so I guess I'll stop there --

3 Q Okay.

4 A -- and just end by saying, there were many factors, many points of contact, many pieces  
5 of evidence indicating that Scott Perry was closely connected to the effort to install Jeff Clark as the  
6 Acting Attorney General, which -- and we believed that we had probable cause to find evidence on  
7 that phone related to that criminal scheme.

1 [10:58 a.m.]

2 BY [REDACTED]

3 Q And I think we can agree that seizing the phone of a sitting Member of Congress is a  
4 pretty serious investigative step. Would you agree?

5 A I think seizing anyone's phone is a significant investigative step, and I recognize it as  
6 such and take it seriously, yeah.

7 Q And you had mentioned your supervisory chain was involved. So what sign-offs did  
8 you have to get in order to go after a search warrant for a -- or seek a search warrant for a sitting  
9 Member of Congress' cell phone?

10 A I cannot remember the specific approval chain.

11 Q Uh-huh.

12 A I -- you know, I haven't seen those emails in years, and don't remember exactly emails  
13 and calls we had.

14 That approval chain would have involved PIN, the Public Integrity Section. That would have  
15 been important. That would have probably involved at least the knowledge and buy-in of my  
16 supervisory chain, which at the time would have been Crim. Potentially, you know, the others, the  
17 U.S. Attorney's Office might have known about it and buy-in as well. I just don't -- I don't  
18 remember.

19 In some things -- I'm not saying that this was or wasn't -- but some things that were  
20 particularly prominent required us to give notice to the Deputy Attorney General's Office as well.

21 Q Okay.

22 A So I know that's not a particularly precise answer, but it's just because it's been a long  
23 time. I don't remember specifically, but I know that PIN, my supervisory chain, and Crim would  
24 have definitely been involved and potentially those others as well.

25 Q And what conversations can you tell us about that took place regarding seeking consent

1 to obtain his cell phone prior to obtaining a warrant?

2 A Seeking consent from whom?

3 Q From Mr. Perry or Mr. Perry's attorneys to search the cell phone.

4 A It would -- I don't remember doing that. It would be extremely abnormal in any  
5 criminal case for -- for me to seek consent to just have someone hand their phone over when we  
6 believe there is probable cause of a crime and they were a subject of the case and all that.

7 So I don't -- I don't remember having any conversations like that, and I don't think that I  
8 would have.

9 Q And what conversations do you remember regarding the Speech or Debate Clause?

10 A A lot.

11 Q What can you tell us --

12 A A lot.

13 Q What conversations took place prior to seeking the warrant?

14 A I mean, we're getting on to the hour. Do you -- this could take me a little while.

15 Q Let's get started, yeah.

16 A Okay. The Speech or Debate Clause is something that we took incredibly seriously.  
17 The Speech or Debate Clause protects from -- protects Congress -- Members of Congress from  
18 prosecution for, you know, legislative acts within the scope of their job, roughly, for the sake of this  
19 conversation.

20 In D.C. -- in D.C., there is specific case law named after this beautiful office building in which  
21 we sit, called Rayburn that provides that in the D.C. Circuit not only are Speech or Debate protected  
22 materials, things that can't be used in prosecution, but also that prosecutors can't take those  
23 materials, can't have them, right?

24 Q Uh-huh.

25 A So --

1 Q Were prosecutors concerned that there were Speech or Debate covered materials --

2 A Oh, yeah.

3 Q -- on Mr. Perry's cell phone?

4 A For sure. I mean, I was not concerned thinking, Oh, my goodness, there's Speech or  
5 Debate materials or anything like that.

6 When I say concerned, I mean there is a recognition that when I'm dealing with a Member of  
7 Congress, there is a possibility that that Member of Congress could have Speech or Debate protected  
8 materials on their phone, and it is absolutely the best practice and the only practice I would endorse  
9 to think that through on the front end and take steps to protect those materials from disclosure to  
10 you for the sake of, you know, the Congressman and the legislative process, but also for the sake of  
11 the prosecution and the team, just to keep everything as it should be under the law, right?

12 So yeah, we definitely -- we definitely knew that we had to be thoughtful about that, and we  
13 implemented protocols that I can try to remember and describe to you, very thoughtful protocols to  
14 ensure that there was a review process in place that made certain to the very best of our ability that  
15 we would obtain relevant evidence that was not Speech or Debate protected and not accidentally  
16 stumble into Speech or Debate materials.

17 Q And what can you tell us about the -- there was a DOJ OIG agent who went along to  
18 serve the search warrant.

19 Do you remember if that was Mr. Higley or Mr. Burnett?

20 A I think it was Jake.

21 Q Okay.

22 A I think it was Mr. Higley, I should say.

23 Q And what was his involvement in seizing the cell phone? I know we have a minute left,  
24 but --

25 A They had to get the phone. The physical location was somewhere on the Jersey Shore.

1 Because that's -- I guess Congressman Perry was in Jersey at the beach on vacation, and I was not  
2 there. I did not go.

3 But my understanding is that Mr. Higley imaged the phone, that is, took the forensic copy of  
4 it. And one thing that I remember being particularly careful about, right, is when you seize a phone,  
5 you seize a phone.

6 It's -- you have -- I say you. I'm talking in the second person. The Federal Government,  
7 having seized the phone, has the right to possess and extract the information from it.

8 In this particular case, I know I sure wanted, and I think the whole team wanted to image the  
9 phone and get it back to Congressman Perry as quickly as possible. We were trying real hard to do  
10 this in a way that was minimally disruptive, it was as respectful as it could be, and it didn't put  
11 Congressman Perry in an awkward spot where we're seizing a phone right out on Independence in  
12 front of the Rayburn Building or it's some big hubbub. So we tried to be very discreet, very  
13 cautious, very careful.

14 And that goes to your question about Mr. Higley. My recollection is that Mr. Higley, upon  
15 seizing the phone, that Mr. Higley and the other agent that was with him imaged that phone as  
16 quickly as the data could be transmitted over, as quickly they could find a spot to do it and do it,  
17 couple of hours, and then went and gave it -- gave the phone back to Congressman Perry.

18 So Mr. Higley's role was -- you can ask Mr. Higley -- but as I remember it, it was to image the  
19 phone and get it back to the Congressman.

20 [REDACTED] We're at the end of our hour, so we'll go off the record.

21 [Recess.]

22 [REDACTED] We'll go back on the record at 11:12 a.m.

23 BY [REDACTED]:

24 Q Just to reintroduce myself, I'm [REDACTED]. I'm joined by [REDACTED]. We're with  
25 Mr. Raskin's staff. We'll take this hour to ask you questions just like the majority did last hour.

1 A Yes, sir.

2 Q But I do want to touch a little bit on your background just a little bit more.

3 Where did you go to undergrad? Where did you go to law school?

4 A I went to undergrad and law school at the University of Texas.

5 Q Okay. That describes the football analogy from the last hour.

6 And you started at DOJ, again, at 2012. Is that about right?

7 A Yes, sir.

8 Q And you stated about 4 years before graduating from law school and then starting at

9 DOJ. Is that about right?

10 A It was about -- are you asking me where I was for that 4 years?

11 Q The time -- yeah, I was about to. Sure. Can you let us know where you worked

12 before joining DOJ?

13 A Sure. I graduated from -- I grew up in Texas. I was in Austin for college and law

14 school. I graduated law school in 2008 and worked at a firm here in D.C. until 2010.

15 In the fall of 2010, I moved to Del Rio to clerk for a district judge on the Western District of

16 Texas. And I clerked for Judge Moses, the same judge, for, I guess, a little under 2 years, year and a

17 half --

18 Q Okay.

19 A -- until I joined DOJ.

20 Q So about the DOJ, I guess, what was your motivation in wanting to be a prosecutor and

21 wanting to work at DOJ? And this might be, like, an obvious question, but I just want to hear from

22 you what your motivation was.

23 A It's -- I believed it would be and it proved to be a job where I every day was able to go in

24 and do work of purpose, work of meaning where I felt like I got to do something that was good for

25 the world. You're helping to uphold the ideals of justice and equality and all those good principles.

1 And there are few jobs out there where you're entrusted with the responsibility to ensure  
2 that our legal system operates fairly, transparently, and equally for everybody. So it's -- it was a fun  
3 job and a meaningful job, and that's why I did it.

4 Q Do you feel like you're able to live out those ideals you just described during your about  
5 12 years at DOJ?

6 A Yeah. [REDACTED] I mean, I outkicked my coverage. I certainly did. I was thrilled to get  
7 the job in Del Rio, and I never expected that I would get to do anything -- I was honored and  
8 surprised to get that job.

9 I never expected that I'd get to do the kind of work that I got to do at the Criminal Division. I  
10 never expected that I would be able to supervise really talented prosecutors like I did in New Jersey  
11 and New York, and I certainly never expected to be entrusted with a case as -- with a role on a case  
12 as important as this one and to work with such brilliant and decent and good people as I was able to.

13 So yeah, like, I got -- getting -- having it end with getting fired is no fun, but I got to -- I feel  
14 blessed and honored that I got to work at DOJ for a long time and do the things I did.

15 Q And thank you for your service. And despite how it ended, overall, looking back, are  
16 you proud of the work even up to the last day? Are you proud of what you were able to do at DOJ?

17 A 100 percent. And that includes -- and I'll emphasize while we're talking about  
18 everything -- at the special counsel's office, most definitely. Very proud of it.

19 Q So I'm familiar -- I am familiar with Del Rio and the Western District of Texas.

20 A Awesome.

21 Q So I do want to ask a few questions. I have a feeling it might be quite a few numbers.

22 But looking back all the way to the Western District to your time at Main Justice and Crim,  
23 approximately how many investigations were you involved with or that you led? Just give us like an  
24 approximate number over that time period.

25 A At least hundreds, if I include management and personal, you know, work on the line as

1 well, yeah.

2 Q And going back again, similarly, about how many cases, going all the way back to your  
3 days in the Western District of Texas do you imagine you might have tried in court? Every  
4 prosecutor knows this answer, by the way.

5 A I wish I did. More than a dozen. I can't tell you specifically.

6 Q Okay. But more than a dozen. Is that a fair estimate?

7 A Yeah. I'd say at least around a dozen is right, yeah.

8 Q During your tenure in the Western District of Texas and at DOJ, did you receive any  
9 awards for your work?

10 A I did. I did.

11 Q Can you describe some of those, and please do not be humble here. Can you share  
12 some of the awards that you're most proud of?

13 A I don't know that I know the names of them.

14 Q You can just describe them, too.

15 A I mean, I did get -- I did get a few. A line of thinking is that you stick around DOJ long  
16 enough, they'll give you an award for something, right? But I got -- I remember getting an award  
17 from -- distinguished service award or something like that. That might be the wrong name. I don't  
18 mean to act like I wasn't honored by getting the award. I just don't remember the exact name at  
19 this point.

20 I got an award from the Attorney General for one case that we built. I got an award from  
21 the Assistant Attorney General of Crim Division for some COVID-related cases; an award from, I think,  
22 the Inspector General's Office of -- at some point, or a group of Inspector General's Offices, yeah,  
23 anyway.

24 Q And, look, I know you touched on this in the last hour, and so I just want to make sure  
25 we understand the timeline. It sounds like you got the call from Mr. McQuaide to start working on

1 the Jan. 6 cases on the back end of January of 2022. Is that correct?

2 A That's correct.

3 Q And which investigations were you working on when you were assigned in January  
4 2022?

5 And the way we've broken it out in our head is there's the rioter cases and then there's the  
6 election conspiracy cases. I guess, which bucket were you working on?

7 A I worked on what became the election conspiracy cases. I did not work on the rioter  
8 cases.

9 Q And what was your direction or your marching orders, per se, when you were assigned  
10 to these January 6th cases -- or I think it was a DOJ-related case?

11 A So I wouldn't -- I'd be careful not to call them the January 6th cases --

12 Q Right.

13 A -- because I roughly consider those to be more rioter-related.

14 But the marching orders, as I described and can describe in more detail if you want, was to  
15 look into whether there had been misconduct within the Department of Justice related to the  
16 transfer of power after the 2020 election.

17 Q And can you describe in general what this conspiracy was or what the criminal acts you  
18 were investigating related to the Department of Justice and misconduct within it?

19 A Yes. I mean, I guess, to put a statute on it, there are several that it could have been.  
20 But I was thinking of this at times through a lens of 18 U.S.C. 1512.

21 The -- one theory that I had was that -- and that I think the evidence supported as to -- as to,  
22 you know, the Jeff Clark and Department of Justice is that the attempt to install Jeff Clark as Acting  
23 Attorney General was intended to destabilize the election results and cajole certain States into  
24 reconsidering and maybe changing their electoral votes.

25 And so one criminal charge that that could lead to is a charge for corruptly interfering with a

1 Federal proceeding.

2 Q Thank you. And we'll get into this a little bit more a little bit later.

3 I'm going to introduce an exhibit. I think it will be exhibit 3. It's going to be document 1,  
4 which is the letter that this committee sent to you for those transcribed interviews.

5 [Duree Exhibit No. 3.

6 was marked for identification.]

7 BY [REDACTED]

8 Q I'll give you a second to look over this. And, again, this is exhibit 3. It's a December  
9 16, 2025, letter from this committee to Mr. Timothy Duree.

10 A Yes, sir. I've looked it over.

11 Q Okay. I'm going to read a few quotes from this, and then I want to get your impression  
12 from it.

13 But in this letter to you for this interview, the chairman said that the committee has  
14 been -- and this is a quote -- "investigating former Special Counsel Jack Smith's partisan investigations  
15 into President Trump and his associates following the 2020 election."

16 The letter continues by stating that your testimony is, quote, "vital to our investigation into  
17 how the Biden-Harris administration weaponized the Justice Department for political purposes and  
18 misused Federal law enforcement resources," end quote.

19 Now, just to make sure the record is clear, you were on the special counsel's team, correct?

20 A Yes, sir.

21 Q Was your investigation partisan, as the chairman's letter suggests?

22 A No, never.

23 Q Did you engage in partisan politics while investigating the crimes associated with the  
24 conspiracy leading up to the January 6th certification?

25 A No, never.

1 Q Did you take investigative steps simply because the target of the investigation was  
2 associated with a certain political party?

3 A Absolutely not.

4 Q Did you investigate President Trump or any of his associates because they were  
5 members of the Republican Party?

6 A Absolutely not.

7 Q Did you take investigative steps and request records because the subjects of those  
8 requests were members of the Republican Party?

9 A No, I did not.

10 Q If a Democratic member would have been involved in the conspiracy to overturn the  
11 2020 election, would you have taken the same investigative steps with them, too?

12 A Definitely.

13 Q In general, what is your response to this committee's assertion that you were part of a  
14 DOJ that was weaponized for political purposes?

15 A That is entirely false. Our -- our team adhered to the highest principles of the  
16 Department of Justice throughout. We took it as our mandate to be transparent, thoughtful,  
17 honest, and evenhanded in everything that we did. There was not a single instance in which  
18 partisan favoritism ever factored into any of our decision-making.

19 Q I'm going to take -- build upon your single instance language there.  
20 It sounded like from the last hour, you know or worked with Mr. J.P. Cooney. Is that  
21 correct?

22 A I did. I think highly of J.P.

23 Q And very high level, what was his role overall in this investigation?

24 A He was Mr. Smith's deputy.

25 Q And did you ever encounter or witness Mr. Cooney taking an investigative step in a

1 partisan manner?

2 A Absolutely not. J.P. is a straight arrow, and one of the best prosecutors I've ever  
3 known. He would not and did not do that.

4 Q And are you familiar with Molly Gaston?

5 A Yes.

6 Q How do you know Ms. Gaston?

7 A Ms. Gaston was also on the special counsel's team. She was a supervisor of our  
8 election fraud case.

9 Q And did you ever encounter Ms. Gaston taking investigative steps or speaking in a  
10 partisan manner while in the investigation?

11 A Never. Again, Ms. Gaston is a spectacular prosecutor and a spectacular person. And  
12 I have never seen her do anything except act with the greatest respect for the traditions and norms  
13 of the Department of Justice.

14 Q And what about Mr. Thomas Windom? You mentioned him in the last hour as well.

15 A The answer will sound familiar. I think Thomas is an amazing prosecutor and an  
16 amazing person with an ethical compass that points to true north. I have never seen -- never seen  
17 Thomas do anything other than act with the greatest integrity. He was -- he never acted with  
18 partisan favoritism.

19 Q Okay. And last but certainly not least, Special Counsel Jack Smith, I'm assuming you  
20 know Jack -- Mr. Smith?

21 A I do. I do.

22 Q And did you ever witness Mr. Smith taking investigative steps, or directing investigative  
23 steps in a partisan manner?

24 A Absolutely not. It is my impression of Jack that he is one of the most unfailingly ethical  
25 and disciplined people I ever have known, and I think he would be disgusted if anyone in our office

1       ever considered for a second doing something like that.   Jack would not permit it.

2               Q     Did you ever encounter the special counsel targeting or directing an investigation  
3       directly at President Trump because of Mr. Trump's affiliation with the Republican Party?

4               A     Absolutely not.

5               Q     So going back to the overall premise of the special counsel's indictments, of your team's  
6       indictments, do you believe there was sufficient evidence to justify bringing charges -- the charges  
7       that were brought against President Trump?

8               A     Absolutely.

9               Q     I'm going to actually -- I'm going to go a little off track.   I want to go to the  
10      Congressman Perry's cell phone discussion.

11              A     Okay.

12              Q     It sounds like you were involved in the investigation into Mr. Jeffrey Clark.   Is that  
13      correct?

14              A     Yes, sir.

15              Q     And through that investigation, is that what led you -- the facts led you to Congressman  
16      Perry.   Is that correct as well?

17              A     They did.

18              Q     Can you walk us through -- because I've heard a lot of prosecutors say you follow the  
19      facts and the law.   Is that what you did in this investigation?

20              A     Yes, sir, it is.

21              Q     So how did we get from investigating misconduct within the Department of Justice with  
22      Mr. Jeffrey Clark to, you know, a court-authorized seizure of Mr. Perry's phone?   And summarizing  
23      is fine.

24              A     Because the evidence indicated that Mr. Perry was involved with Mr. Clark and others to  
25      advance the effort to have Jeff Clark installed as the Acting Attorney General.   And we sought a

1 search warrant for Congressman Perry's phone because the evidence we had developed to date led  
2 us to believe that there was probable cause that on Congressman Perry's phone would be evidence  
3 of the criminal conduct we were investigating.

4 Q And I guess, let's take a step back. What is a search warrant? We've used the term  
5 frequently. I think all of us probably know what it is, but what is a search warrant?

6 A A search warrant is an investigative tool and legal process that allows -- allows  
7 prosecutors and agents, upon a showing of probable cause, to access things to which they might  
8 otherwise -- to which they would otherwise be unentitled to access, things like a cell phone in this  
9 case. But a search warrant can also be used to permit access to a house, a locked car, all types of  
10 things.

11 Q In layman's terms, what is probable cause? Sorry for the law school exam here, by the  
12 way.

13 A Probable cause, I'll ask my attorneys to chime in if my criminal procedure is a little bit  
14 messy.

15 But probable cause is, roughly, evidence more likely than not of the crime.

16 Q And it sounds like you were involved in seeking this court authorization to search  
17 Congressman Perry's cell phone?

18 A I'm sorry. I spoke over you. Yes, sir, I was.

19 Q And you mentioned earlier that you would have never sought this step without, you  
20 know, input from your teammates or even going to your superiors.

21 Can you just -- from what you remember, can you walk us through what that process would  
22 have looked like before seeking this court authorization for Congressman Perry's cell phone?

23 A Well, I would have -- a lot of things would have happened. I would have pored over  
24 the evidence that we had developed to date over those several months of the investigation to  
25 determine whether it appeared there was probable cause, and in this case, satisfied myself that

1       there was.

2               I would have needed to decide not only that there was probable cause, but that making that  
3       showing of probable cause and getting the phone was something that I thought was going to be  
4       investigatively productive and useful to the advancement of our cases.

5               I would have spent -- and believe I did spend -- a lot of time looking through evidence, looking  
6       through records, tying the pieces together to, in the first instance, satisfy myself that the probable  
7       cause was there and that this tool, which is powerful but also invasive and needs to be, you know,  
8       wielded with caution, was one worth using.

9               After looking through the phone records, the -- you know, whatever else we may have had,  
10       which was a lot, and convincing myself of that, I would have then written a draft of the affidavit.

11              I would have built this affidavit, along with the other members of my team, who were each  
12       very smart, very seasoned, very ethical, and very thoughtful prosecutors. And I would have  
13       solicited their input on whether we met the necessary standards, whether this was a good  
14       investigative step, whether the evidence was articulated clearly, whether there were other things we  
15       wanted to add and all that.

16              We would have all chimed in to create the best product possible.

17              Q     You said -- it sounded like you had quite a bit of evidence even before requesting  
18       Congressman Perry's cell phone or search of it. Is that correct?

19              A     I believe so yeah.

20              Q     So why then -- and I think I know why, but just for the sake of the record, why then  
21       would you seek then to search Congressman Perry's cell phone if you already had a lot of evidence?

22              A     Having a lot of evidence doesn't mean that you have all the evidence you want or all the  
23       evidence you need. Investigations tend to proceed in phases.

24              And we, as investigators and as prosecutors, are constantly -- are building towards a  
25       determination of whether we're able to get proof beyond a reasonable doubt. But more than just

1 that, we want to be comprehensive and inclusive so we know that we have thoroughly considered  
2 the evidence that may exist and the charges that we want to bring.

3 And so we had some evidence, but that doesn't mean we had all the evidence. And  
4 moreover, just because we have some evidence against some people doesn't mean we have all the  
5 evidence against all the people or even that we knew everybody that may have been involved.

6 And so obtaining all the evidence that you can in an investigation like this, I believe, is  
7 necessary to being thorough, being comprehensive, ensuring that you understand the criminal  
8 conduct correct, ensuring that you've included the right people in the case and excluded the right  
9 people. It is -- it's the way that you are supposed to do your job diligently.

10 It is also, you know, fair to the defendants that you are -- the people being investigated  
11 before they were defendants, that you are considering everything as diligently and thoroughly as you  
12 can.

13 Q Is this a common investigative step in white collar investigations?

14 A A search warrant?

15 Q Search warrant for cell phone records, for -- to search a phone for communications?

16 A Yes, sir. I would say that it is.

17 Q Okay. And you mentioned beyond a reasonable doubt when you were talking about  
18 the evidentiary standard and kind of describing why you would seek this type of evidence.

19 What is beyond a reasonable doubt?

20 A Beyond a reasonable doubt is evidence sufficient to satisfy you in the most serious of  
21 your own personal affairs. Beyond a reasonable doubt is the standard you need to prove someone  
22 guilty at trial, and it doesn't mean that there isn't some teeny tiny shred of possible doubt, but it  
23 means, yeah, that you are satisfied to a degree that you would be in the most important of your  
24 personal affairs.

25 Q Also in the last hour with the majority, they started on the discussion of Speech or

1 Debate Clause issues. Do you recall that discussion?

2 A I do.

3 Q And it sounded like Speech or Debate issues were something that your team thought  
4 about before going through Congressman Perry's cell phone materials. Is that correct?

5 A Yes, sir.

6 Q Can you walk us through just what that consideration looked like, and I think you even  
7 mentioned that there were some thoughtful protocols, I think, is the term you used last hour.

8 Can you just walk us through what those protocols were? Like, what was your team trying  
9 to figure out before going through with this investigative step with Congressman Perry?

10 A So we were fundamentally trying to ensure that we did not obtain evidence of  
11 legislative acts to which we were not entitled and that we did not want to get. It can be challenging  
12 to determine both what is -- it can be difficult to determine what a legislative act actually is, and it is  
13 impossible to know what you are going to find on the phone before you find it.

14 So we implemented -- and if you ask me to tell you exactly what it is, I'm going to struggle on  
15 the bit by bit. But we implemented filter processes that I believe involved Congressman Perry and  
16 his lawyers, ultimately, that enabled us to have the assurance that we were going to properly exclude  
17 evidence of legislative acts from things that we obtained.

18 Q So just to make sure I understand this, it sounds like Congressman Perry and his  
19 attorneys were involved in this review prior to you all looking at the -- or using the materials?

20 A Yes. As I remember it -- this is to the best of my recollection -- our filter process did  
21 involve, after we seized the phone, allowing them, his attorneys to look through the records, identify  
22 things that they believed to be privileged, and then provided a mechanism by which disputes over  
23 those privileged materials could be presented to the court for resolution.

24 Q And it actually -- these issues actually were presented to the court for resolution. Is  
25 that correct?

1 A They were.

2 Q Before I get to that, one thing that has come up in other instances of this investigation is  
3 why didn't you all simply ask Congressman Perry to give over relevant materials from his cell phone?  
4 Can you explain to us why you wouldn't have taken that step?

5 A That is not a step that I would -- that is not an approach I would take in any criminal  
6 investigation. And it would -- I think that I am par for the course amongst prosecutors in that.

7 There are a lot of reasons why you wouldn't want to just ask someone for their phone.

8 Principally --

9 Q Sorry. Can I ask you to give us a few of those reasons?

10 A Yeah. Principally, it is because you want to obtain that evidence in unadulterated  
11 form. And if I were to just ask someone to turn over their phone and give me evidence, they could  
12 say no, they could delete things, they could modify things, they could add things, they could change  
13 things. I would not have a clear and unvarnished picture of what was on that phone.

14 So there are a lot of reasons related to the preservation of evidence why you wouldn't want  
15 to do that.

16 Q Would you say it's fair to say that by seeking a court authorization to search someone's  
17 phone, it helps preserve the integrity of the investigation?

18 A I think that's fair, yes.

19 Q Okay. I'm going to introduce another exhibit. It will actually be a court opinion about  
20 the Speech or Debate Clause issues.

21 [Duree Exhibit No. 4.

22 was marked for identification.]

23 BY [REDACTED]:

24 Q So this will be exhibit 4. It is a December 19th, 2023, opinion out of the District Court  
25 of D.C. I'll give you a second to look over that.

1           A     I'm familiar with this. Do you need me to read the whole thing?

2           Q     Oh, no. I'll direct you to some pages as well as we go through this. Now, just to give  
3 a little bit of procedural posture before this, please correct me if I misstate anything.

4                 I believe there was a district court opinion that was initially entered over specific  
5 communication by Judge Boasberg that went up to the circuit court, which then sent it back down to  
6 Judge Boasberg to do a -- almost a document-by-document analysis under Gravel v. United States.

7                 Is that what you recall as a summary of the procedural posture of this?

8           A     One change. I think that the chief judge at the time this initially came before her was  
9 Judge Howell. So it went from Judge Howell to the D.C. Circuit, and then to Judge Boasberg, who in  
10 the time in between, had become the chief.

11          Q     Thank you for that clarification. I appreciate that.

12                 So let's start on page 1 on the bottom of the first paragraph. And just to add on to the  
13 summary that I just kind of gave, specifically in your words, or in your opinion, why did the circuit  
14 court or what was the reason for the circuit court remanding this case back down to district court?  
15 I believe they talk about it at the end of the first paragraph.

16          A     Yeah. I mean, it's -- the opinion sort of speaks for itself. And I would be hesitant to  
17 say more about the circuit than I have to.

18                 But essentially, yes, the D.C. Circuit wanted the district court to apply a fact-specific inquiry  
19 that it believed the district court had not fully done the first time around.

20          Q     Thank you. We'll go to page 11. So in general, I kind of just want to get a sense of  
21 what the court ruled when it came to the actual records related to Congressman Perry and what he  
22 had to disclose. Feel free to reference any part of this opinion.

23                 I know that 11 and 12 talk about this. But can you give us a summary of what the court  
24 ordered Congressman Perry to disclose?

25          A     In summary, the court ordered Congressman Perry to disclose the vast majority of

1 documents that were in dispute on the phone.

2 As I remember it, the court determined that many of the things that Congressman Perry was  
3 claiming to be legislative act, materials were not, and so Congressman Perry was required to turn  
4 over to us everything except certain, like, maybe legislative newsletters, things like that, that were  
5 legislative acts.

6 Q Okay. And just to make sure it's clear for the record, from this opinion on the bottom  
7 of page 11, it says that Congressman Perry must disclose to the Government 1,659 of the 2,055  
8 records still at issue.

9 A Uh-huh.

10 Q Is that accurate with the opinion?

11 A I don't remember the exact -- that is what the opinion states, yes.

12 Q Okay. So additionally, the court said that Congressman Perry was only permitted to  
13 withhold 396 documents under Speech or Debate Clause. Is that correct?

14 A That is what the opinion says.

15 Q So I guess taking a step back, would you say it was -- would you say or would you agree  
16 with the assertion that Congressman Perry had the opportunity to litigate Speech or Debate Clause  
17 issues before the Department of Justice was able to consider those messages or communications as  
18 part of your investigation?

19 A He did, as evidenced by the fact that the litigation happened.

20 Q I think you also mentioned earlier when discussing investigative actions dealing with  
21 Members of Congress or political leaders that you sought to, I guess, image the phone as quickly as  
22 possible, I think, is the term you used. Do you recall saying that?

23 A I do.

24 Q I guess, why were you trying to image the phone as quickly as possible? You touched  
25 on it a little bit, but I would love to hear why you were trying to image it as quickly as possible for

1 Congressman Perry.

2 A To minimize the disruption to Congressman Perry, fundamentally.

3 Q And why was it important to minimize the disruption for Congressman Perry?

4 A We basically did not want to impede Congressman Perry's ability to use his phone and  
5 live his life any more than we absolutely had to. We believed that we -- the court agreed that we  
6 were entitled to the evidence on that phone.

7 We believed that we needed that phone -- that that evidence would be useful to advance our  
8 case, but we also recognized that a search warrant is a powerful tool and invasive tool, so we wanted  
9 to minimize the disruption.

10 Q Is this something, I guess -- and by "something," I mean, minimizing the disruption,  
11 moving as quickly as possible when you image somebody's phone.

12 Did you do that with every subject of investigations during your career?

13 A I -- I tried to be as cautious as I could, and I always tried to remember not to allow  
14 the -- I did my best not to allow the tools of criminal investigation to disrupt the lives of those who  
15 were within the scope of the investigation any more than we had to.

16 This was probably quicker than a quicker-than-normal turnaround, but circumstances of cases  
17 and facts of cases differ. I can't say that I turned many phones -- that I was on teams that turned  
18 many phones around quite this quickly, but we tried to be fast and efficient when we could.

19 Q I'm going to introduce another exhibit. This will be exhibit 5, I believe, and it will be  
20 the Volume 1 of the special counsel report.

21 A Okay.

22 [Duree Exhibit No. 5.

23 was marked for identification.]

24 BY [REDACTED]:

25 Q Do you have a copy of volume -- are you familiar with this?

1           A     I should probably look at a copy.

2           Q     Please take a second to refresh your recollection. We're going to start on page 53, just  
3 because I want to continue a line of questioning from the last hour, but then we'll go back to the  
4 beginning after that.

5           A     I'll tell you this. I'm not -- it's a long document. I'm not going to sit and read  
6 150-something pages.

7           Q     Great.

8           A     But if, like, this -- from the few seconds I've looked at it, this appears to be the report of  
9 the election investigation that we prepared at the end of the special counsel's office. And if that is  
10 this report, I'm familiar with it.

11          Q     So to carry on what you just said -- and thank you for that summary -- did you assist in  
12 the preparation of volume 1 of the special counsel's report related to the election interference?

13          A     I believe that I did.

14          Q     And so I believe you just said also you're familiar generally with the contents of this  
15 report?

16          A     Yes, sir.

17          Q     Actually, let's go right to page 53. During the last hour there was a discussion about  
18 fake or fraudulent electors.

19               And I guess what the President Trump might have believed to be outcome-determinative  
20 fraud or issues in certain States. Do you recall that conversation last hour?

21          A     Yes. Yes, sir.

22          Q     Would you -- I guess, the notion of President Trump believing an  
23 outcome-determinative fraud, did you all seek evidence to see whether that was a reasonable  
24 conclusion for the President to come to during this relevant time period?

25          A     Yes.

1           Q    And what evidence -- just give us an example -- and I think page 53 actually outlines  
2   some of the evidence you found that should have made it or President Trump should have known or  
3   a reasonable person would have known that there was no outcome-determinative fraud for the  
4   election integrity that caused him to lose?

5           A    I cannot in the time we have identify all the evidence on that point because there was a  
6   lot.

7           But in broad summary, the President's advisers, people that were in positions close to him,  
8   positions that appeared to be positions of trust, told him at various points throughout the  
9   election -- the post-election period that the allegations he was making were not substantiated by the  
10   evidence. That was people, you know, at high levels within the Federal Government, like the  
11   Attorney General, people, as I recollect, within the White House counsel's office.

12          Then that was -- those same statements were made by State and -- by State and local leaders  
13   on the ground in the various States. So a few that come to mind, among many others, Brad  
14   Raffensperger in Georgia, prominently, let the President know that allegations of fraud being made in  
15   Georgia were false.

16          The Attorney General of Georgia, Chris Carr, told the President that they weren't seeing  
17   evidence of what he was -- what he was saying -- what the President was saying had happened.

18          In Michigan, State -- a State legislative leader that I'm thinking of right now also conveyed that  
19   they were not seeing what the President was saying.

20          And I'll pause there for just a second to say, in each instance, these were -- these State and  
21   local leaders were Republicans, people of the same party as the President. And a theme that  
22   developed throughout the case is that it appeared that President Trump may have been preying on  
23   party loyalty and presuming that people within his party would bend their ethics and their morals  
24   and their sense of truth based on their party affiliation.

25          And we found out, reassuringly, happily, that there were a good many people who would not

1 do that. So those were parts of it, and I'll continue just a little bit longer to say, there was also  
2 significant evidence that we developed about the overall structure of how the elections worked in  
3 each contested State, Michigan, Georgia, Pennsylvania, all six or seven of them.

4 And the evidence we developed made it clear that not only had the fraud being alleged not  
5 happened, but that in many, many, many instances, the allegations that were made would have been  
6 virtually impossible to have happened, that the structures and redundancies set up in these systems  
7 would not permit such things.

8 So that's a relatively broad overview of some of the evidence.

9 Q Thank you. And just taking what you said, that thread of, quote, "virtually impossible,"  
10 is it fair to say that the office -- the Special Counsel's Office developed strong proof that Mr. Trump  
11 should have known that his election fraud claims were false?

12 A Yes.

13 Q Thank you. Going back to just the special counsel's report in general -- and special  
14 counsels' reports in general, not just the one led by Mr. Jack Smith but led by others, do you think it's  
15 important for the public to be aware of special counsel's investigative findings?

16 A I hesitate to answer that question because I -- I do think that, yes, the public should be  
17 aware. I also think that the rights of the criminally accused are paramount, and I wouldn't want to,  
18 you know, accuse people of things that -- for which they've not been convicted.

19 But generally, yes, I know that prior special counsels have spoken about their work, and I  
20 think that is a worthwhile thing.

21 Q And so going through what you just said of past special counsels speaking about their  
22 work, to the best of your knowledge, was Special Counsel Mueller's report or parts of it made public  
23 when -- at the conclusion of his investigation?

24 A I think so. I'm probably the wrong person to ask. I don't know -- I don't much  
25 anything about any special counsel's office other than Mr. Smith's.

1 Q Okay. I'm just going to go through a few, and if you don't recall, that's fine.

2 Do you recall whether Special Counsel Hur's report was made public at the conclusion of his  
3 investigation?

4 A Might have been.

5 Q And are you aware of whether Special Counsel Weiss's report was made public at the  
6 conclusion of his investigation?

7 A I don't know.

8 Q Okay. In this report that you all drafted, volume 1 of Special Counsel Jack Smith's  
9 report, it documents Donald Trump's crimes attempting to overturn the election results. So I want  
10 to direct you to page 2 specifically here.

11 A Page 2 of the report?

12 Q Page 2 of the report. Not the cover letter, but actual page 2.

13 And on page 2, the special counsel writes -- and this is a quote -- "When it became clear that  
14 Trump had lost the election and that lawful means of challenging the election results had failed, he  
15 resorted to a series of criminal efforts to retain power." Do you see that quote?

16 A Yes, sir.

17 Q Do you agree and stand by this summary of Donald Trump's criminal conduct in general?

18 A Yes, sir.

19 Q On the next page -- so page 3 of the report -- it outlines some of those criminal acts that  
20 President Trump engaged in after he lost the election and after President Trump had exhausted  
21 lawful means.

22 Can you summarize what some of these acts were that your report details?

23 A Well, it lists them right here. I'll just read from it because this is a good summary.

24 It included attempts to induce State officials to ignore true vote counts, to manufacture  
25 fraudulent slates of presidential electors in seven States that President Trump had lost, to force

1 Department of Justice officials and his own Vice President, Mike Pence, to act in contravention of  
2 their oaths, and to instead advance President Trump's personal interest. And on January 6, 2021, to  
3 direct an angry mob to the U.S. Capitol to obstruct the congressional certification of the presidential  
4 election and then leverage rioters' violence to further delay those --

5 Mr. Dawson. I'll just caution the witness, for the court reporter's benefiting, if you're  
6 reading, to read slowly.

7 Mr. Duree. I'm sorry. My apologies. But, yes, I am only reading verbatim -- virtually  
8 verbatim from the report.

9 BY [REDACTED]

10 Q Thank you. And eventually, the Special Counsel's Office indicted Mr. Trump for his  
11 actions leading up to the -- leading up to the certification of the 2020 election. Is that correct?

12 A That's correct.

13 Q For these charges stemming from Mr. Trump's efforts to overturn the 2020 election, do  
14 you believe that you had sufficient evidence to prove the charges beyond a reasonable doubt?

15 A Yes.

16 Q And do you believe there were multiple -- or do you believe there was a Federal interest  
17 in proceeding with prosecuting Mr. Trump after he attempted to overturn the 2020 election?

18 A Absolutely.

19 Q Page 3 of the special counsel's report writes -- and this is a quote -- "Indeed,  
20 Mr. Trump's cases represented ones in which the offenses was the most flagrant and the public harm  
21 the greatest and the proof most certain."

22 Do you agree with this statement?

23 A Yes.

24 Q And can you just summarize for us, what was the public harm that was so significant  
25 with this criminal conduct?

1 A It remains hard for me to articulate. Smarter people can do better.

2 But the public harm is that President Trump -- we developed -- I believe that we developed  
3 proof beyond a reasonable doubt that President Trump had tried to undermine the results of the  
4 2020 election, and to do so is to undermine the very foundation of our democratic system.

5 If the sanctity of our elections is called into question, every single piece of this government  
6 crumbles right behind it. Our safety, our peace, our well-being, our faith in our institutions,  
7 everything.

8 It is hard for me to imagine a crime that has a more significant Federal interest than using the  
9 highest office in the land to try to undermine the results of a proper election.

10 Q Thank you. All right. We'll end our hour there. Thank you.

11 [Recess.]

12 [REDACTED] We'll go back on the record. The time is now 12:01 p.m.

13 BY [REDACTED]

14 Q Mr. Duree, when we ended our last hour, we were discussing procedure of  
15 Congressman Perry's cell phone. I want to jump back to that topic.

16 Did you ever become aware that the FBI surveilled Mr. Perry for a week prior to executing the  
17 search warrant?

18 A I may have been aware. I'm not exactly sure what you mean by surveillance, but I may  
19 have been aware of that.

20 Q And what were you aware of in terms of surveillance?

21 A Now, did you say before executing the search warrant?

22 Q Correct.

23 A Or before we obtained the search warrant?

24 Q It was before executing the search warrant. This occurred in the late July 2022 time  
25 frame.

1 A Oh, I'm not sure I can speak to that. I don't know.

2 What I remember is that we did need to identify where Congressman Perry was to actually  
3 take the phone from him --

4 Q Okay.

5 A -- and wanted to do that, ideally, in a discreet way. But to answer your question, I'm  
6 not remembering offhand. Show me documents, maybe you can refresh me.

7 I'm not remembering offhand whether the FBI looked at Mr. Perry's locations before we  
8 obtained the search warrant.

9 Q Okay. Okay. So are you aware of whether -- you said there was some surveillance  
10 that occurred before executing the search warrant to identify daily patterns, where he worked, his  
11 associates. That occurred in the late July 2022 time frame.

12 Was there other surveillance of Mr. Perry that you are aware of?

13 A No. I mean, it's been years, so my memory might be a little hazy. Everything -- I  
14 don't have great specific memories of that.

15 But everything you're describing to me seems like something that we would normally do in  
16 the course of any investigation when trying to execute a search warrant. So it doesn't surprise me.  
17 I just don't have a lot of specific memories to offer you.

18 BY [REDACTED]

19 Q Was Mr. Perry a target at this point?

20 A Again, using the subject target witness sort of categories, I would not have called  
21 Mr. Perry a target at this point. A target --

22 Q So there's no evidence that he did anything wrong?

23 A I didn't say that. I said a target is essentially -- you can look to the justice manual for  
24 the exact wording. A target is someone that is a presumptive defendant, basically. I believe  
25 Mr. Perry, at this point, was a subject.

1 Q Okay. And when you obtained his phone, you had to litigate with his team over the  
2 Speech or Debate issues, correct?

3 A Yes, sir.

4 Q And how long did that last?

5 A A long time. We -- I mean, the litigation -- the records of litigation, which are public,  
6 speak for themselves. I don't have those dates --

7 Q Right.

8 A -- at hand. But roughly from, you know, August or September of '22 until the case  
9 went up to the D.C. Circuit and back and Judge Boasberg's opinion came down in December of '23.  
10 So it would have been entangled in litigation over a year and a few months.

11 Q So wouldn't it have been easier if you simply asked Representative Perry's lawyers for  
12 the communications you were looking for?

13 A I don't believe so no.

14 Q And why is that?

15 A Well, the number one -- a few things here. One, I can't really speculate. The fact is  
16 we didn't do that. And to do that would have been an extraordinarily unusual prosecutorial step in  
17 this case or any other. But I don't believe it would have been easier. For all the reasons that I  
18 described in the last hour that I'm sure you were listening to, if you seek to obtain something  
19 voluntarily, people can just choose not to give it to you. That's one obvious thing. But there are  
20 myriad opportunities for evidence to be altered, tampered with, deleted, added to. And in this  
21 search warrant, same as any others, as I just explained in the last hour, it was important to me and  
22 our team to obtain the evidence in a way that was unadulterated.

23 Q Okay. So you had concerns that Congressman Perry would alter, tamper, delete,  
24 otherwise obstruct your investigation?

25 A I didn't say that.

1 Q Then what did you say?

2 A I answered your questions as to what the concerns are that motivate a person.

3 Q Well, when you're dealing with a Member of Congress, you're obviously dealing with a  
4 different -- a different type of individual.

5 I mean, this is somebody that has constitutionally been elected by his 800,000 people, or  
6 whatever it is, in the State of Pennsylvania, and so he's obviously a person presumed to have honesty  
7 and integrity.

8 A It is that line of thinking that is so perniciously dangerous. I do not mean for a second  
9 to impugn Congressman Perry's integrity. But I will say, I am never going to look at a Congressman,  
10 a janitor, a President, or a person on the street and presume that one person is more likely to be  
11 honest, more likely to have integrity, more likely to be truthful than the others. To believe that  
12 would be to corrupt my role as a prosecutor.

13 My role as a prosecutor is not to make value judgments about whether one person seems  
14 more honest based on their status in life. My role is to follow the facts dispassionately where they  
15 may lead, irrespective of the power or money or status or title a person might hold.

16 So I endeavored throughout this process to treat Congressman Perry exactly as I would treat  
17 every other individual who was in possession of a phone that we needed to search. The only  
18 wrinkle that was added is that, because of his status as a Congressman, we needed to consider  
19 Rayburn and Speech or Debate considerations, which we did.

20 Q What were you seeking on his phone?

21 A Evidence.

22 Q But specifically, what were you seeking? I mean, did you want pictures of him and his  
23 family?

24 A I don't believe that pictures of him and his family would have been particularly valuable  
25 to our investigation.

1 Q But you took them anyway?

2 A That is the nature of how a search warrant works, yes.

3 Q So what were you looking for on his phone? Did you want call records of who he was  
4 calling while he was considering his legislative duties?

5 A As I believe I have explained, if you're intimating that those calls would have been  
6 Speech or Debate protected in some way -- I'm not agreeing that records of calls would be -- we were  
7 not at any point attempting to get Speech or Debate materials.

8 Q But you did anyway?

9 A No. In fact, as I have explained at great length, probably in a way that's kind of  
10 tiresome to everyone in this room, we implemented strict and rigorous protocols to ensure that we  
11 did not obtain Speech or Debate-protected materials and that our actions --

1 [12:10 p.m.]

2 BY [REDACTED]

3 Q Well, you did take it. It's whether you looked at it or not, whether you looked at it, but  
4 somebody in DOJ did. There had to be a filter team.

5 A I don't think that that is true. Again, if -- I'd encourage you to familiarize yourself with  
6 our protocols, which did not permit -- for which we're very careful in the way that, you know, Speech  
7 or Debate material, should they exist, were handled.

8 I can answer your question by saying, yeah, we did take his phone. And whatever was on  
9 that phone is something that was imaged.

10 Q And, again, what exactly were you looking for on the phone? If you weren't looking for  
11 pictures of his family, if you weren't looking for phone call records, what were you looking for?

12 A Evidence. And to be a little more specific --

13 Q So what was the evidence you were looking for?

14 A To be a little more specific, we were looking for evidence of criminal conduct by any  
15 party, and more specifically than that, evidence related to the effort to install Jeff Clark as the Acting  
16 Attorney General, which was an investigative stream in which I had a significant part.

17 Q Okay. But specifically, were you looking for telephone records or content of his emails  
18 or text messages with -- with who?

19 A You, naturally, when you execute a search warrant on a phone, are going to be looking  
20 for content, right? Like phone tolls, call logs. Those are things that can be obtained in a less  
21 burdensome way through subpoenas and that sort of thing.

22 But yes, we did seek content, content of text messages with individuals with whom Mr. Perry  
23 was communicating and, again, more specifically, text messages relevant to the effort to utilize the  
24 Department of Justice potentially to help overturn the 2020 election.

25 Q Okay. And how long was Mr. Perry without the use of his telephone, do you know?

1 A Few hours. Couldn't tell you exactly how many.

2 Q Would it surprise you if it was all day, 9 to 5?

3 A No. I mean, could have been, yeah.

4 Q Okay. So for one day, Mr. Perry was out -- was without the ability to have  
5 communications with his chief of staff?

6 A Again, if you --

7 Q Members of Congress?

8 A Are you -- are you asking me a question or should I wait for you?

9 Q I'm asking you, did you understand that Mr. Perry, while his phone was in DOJ's  
10 possession, he was unable to have communications with his chief of staff, with Members of Congress,  
11 and with other key people that he needed to do his constitutionally elected responsibilities?

12 A I understood that while we took Mr. Perry's -- while we were in possession of Mr.  
13 Perry's personal phone, Mr. Perry was not able to access that personal phone.

14 Q Okay. Did you understand, for example, he didn't know his chief of staff's telephone  
15 number? I mean, a lot of people nowadays don't know the numbers. You know, it's programmed  
16 in your phone under a contact card.

17 A Did I know that Congressman Perry didn't know his chief of staff's phone number?

18 Q And was unable to contact his chief of staff during that time period.

19 A I don't -- I don't recall if that was anything I knew. I don't know why I would know that.

20 Q Okay.

21 BY [REDACTED]

22 Q Were there any conversations that were had about depriving Mr. Perry of his ability to  
23 conduct his legislative duties while you all had his cell phone?

24 A As I've said, we worked to return the cell phone to Congressman Perry as quickly as we  
25 could. It is understood when you take someone's phone that they are going to be deprived of use

1 of that phone for a while. That's Congressman Perry, that's you, that's me, that's anyone else's cell  
2 phone.

3 We consider that deprivation of the use of a cell phone is a thing that can be burdensome,  
4 and so we tried to get it back to him as quick as we could.

5 Q When did the idea that the team needed toll records for Members of Congress, when  
6 did that idea first come about?

7 We know there are subpoenas for Members of Congress in 2022 and 2023. So when did  
8 that first come about that you thought you needed Members' phone logs?

9 A I understand what you're asking me. I think there might be a couple of things  
10 conflated. At no point were we out to just, you know, we want to get Members of Congress' phone.  
11 This wasn't a thing, right.

12 We -- there were Members' phones that I -- there were toll records for certain Members'  
13 phones that I believe were obtained at different times in the course of the investigation. And those  
14 tolls, along with tolls for dozens of -- dozens and dozens of other people, were obtained when they  
15 were investigatively necessary.

16 And so those points came about -- and I can address whatever specific you'd like. Those  
17 points came about at different times.

18 Q Okay. We can take each Member individually.

19 [REDACTED] Let's have -- this will be exhibit No. 6.

20 [Duree Majority Exhibit No. 6.

21 was marked for identification.]

22 BY [REDACTED]

23 Q And this is an email between you and Ms. Jennifer Clarke from PIN discussing toll  
24 records for Chairman Jordan, who was the ranking member at the time, the relevant time period  
25 here.

1 A Okay.

2 [REDACTED] I'm going to enter as exhibit No. 7 too the actual subpoena that was issued for  
3 Mr. Jordan.

4 Mr. Duree. Okay.

5 [Duree Majority Exhibit No. 7.  
6 was marked for identification.]

7 Mr. Dawson. And based on that description of the next exhibit, I just want to caution that  
8 for grand jury subpoenas, I'm hoping we can keep the questions at a certain level of abstraction,  
9 which I think will still allow you to get all the answers you need. But I don't want Mr. Duree to be  
10 confirming that a particular document is a legitimate grand jury subpoena or not. But email  
11 records, contemplations of what was in one's mind at a certain phase of the investigation, I think  
12 that's all fine. And I'm hoping that that's a guardrail that will work for you.

13 [REDACTED] Has it been released publicly?

14 [REDACTED] This has been released publicly, correct.

15 [REDACTED] It's been publicly released.

16 Mr. Dawson. It has. The rules governing a government attorney remain even if, you know,  
17 the subpoena recipient can disclose it. They can talk about what they say in the grand jury. And  
18 there are still restrictions. And, again, I think we can get you what you need, but 6(e) is a  
19 notoriously tricky, inconsistently interpreted provision. And so my job is, of course, to keep Mr.  
20 Duree safe.

21 Mr. Duree. [REDACTED], what would you like to ask me?

22 [REDACTED]

23 Q Yes. So if we can look at exhibit No. 6 first, which is the email exchange. I thought it  
24 would just be helpful to have both the email and the subpoena itself.

25 A Okay.

1           Q     So we'll start with the email from Ms. Clarke to you on April 26, 2022, at 11:29 a.m., just  
2     so the record's clear. I'll read the first sentence. It says, "PIN concurs with the proposed covert  
3     investigative step of issuing a grand jury subpoena for toll records for the personal telephone number  
4     of Rep. Jim Jordan for the time period of August 1st, 2020 through January 30th, 2021, based on the  
5     fact that you have evidence that this phone number was in communication with Perry and others  
6     suspected to be involved in alleged obstruction of the congressional certification proceeding on  
7     January 6, 2021, related to the 2020 election for President of the United States."

8           So first, I want to talk about the timeframe of August 1st, 2020 through January 30th, 2021.  
9     Why was there such a broad timeframe at this point?

10          A     Okay. So I'm not remembering -- like, I see the words on the email, right. I  
11     remember being part of the process to get the subpoena for Mr. Jordan's phone. I don't remember  
12     the exact timeframe as I sit here talking to you today, the start and end dates of those records. So  
13     it's a little hard for me to speak to that, but I will say we did subpoena a period of, I guess, some  
14     breadth. And the -- you're asking me the reason why.

15          Q     That's correct.

16          A     Okay. I can tell you that.

17          Q     And just -- sorry. Just before you start, I just want to point out that there's a  
18     discrepancy with the email and then what's actually in the subpoena is -- you are correct that it was  
19     some breadth. It was 2-and-a-half years. It was January 1st, 2020 to April 25th, 2022, was  
20     when -- was the timeframe for the subpoena. So there's quite a change between what PIN signed  
21     off on and what was in the subpoena.

22          A     Okay.

23          Q     So first, if you want to touch on why 2-and-a-half years was requested, and then if you  
24     want to touch on the discrepancy.

25          A     Yeah. Maybe because it relates to the timeframe, I'll touch on the discrepancy first --

1 Q Okay.

2 A -- as you've identified it.

3 I don't -- I remember being part of the process of getting Mr. Jordan's toll records. And I  
4 don't remember right now whether the records that we actually have were for August 1st or January  
5 30th, whether they were for a 2-and-a-half-year period or whether they were from -- whether they  
6 were from some other period.

7 I don't know that this is a genuine copy of the subpoena. I'm just not sure. But I do  
8 remember being part of that process.

9 I don't know that there is a discrepancy, and I'll tell you what I mean. If you're telling me  
10 that there are dates on these -- the date on this email that is different than the date on the  
11 subpoena, I can give you a few possibilities as to why. But I'll start with sort of the unspoken  
12 implication, just to clear that one out of the room.

13 There is absolutely no chance that I would ever have sought to circumvent PIN or go against  
14 the order -- the direction they gave me. I saw, as a prosecutor, and continue to see, the adherence  
15 and fidelity to process as sacrosanct. If a prosecutor does not follow the processes and instead, you  
16 know, does what she or he wants to do, then the integrity of the system is undercut. I did not do  
17 that in this case. I would not do that. That just plain old did not happen, period.

18 Now, as to why there's a discrepancy, there are a few possibilities. I had -- I haven't been  
19 able to go back and look at my old emails from this time period, and my memory is hazy anyway, but  
20 I do know that I had lots of communications with PIN in this timeframe, with Ms. Clarke and others.

21 We had several phone calls. We had emails. We might have had like a video meeting or  
22 something from time to time. So I talked to these people fairly regularly in this time period and  
23 kept them informed about what we were doing.

24 I do not know if there is additional communication that expands or extends this timeframe.  
25 Maybe Ms. Clarke got it wrong and she corrected it in a future one -- a future email. I don't know.

1 There are probably other communications out there that would shed light on this.

2 Another -- I mean, another possibility is that there was a mistake. You know, if this was the  
3 subpoena that was sent out -- I see Special Agent Burnett -- I see an email indicating to me, as this  
4 email reads, that Special Agent Burnett sent a subpoena for a longer time period to -- to Verizon.  
5 And if that happened, it would have been a mistake. He could have been using an old copy of the  
6 subpoena, a different thing. I'm not sure.

7 I'd like to think that if there was a mistake, we would have caught it because, again, my  
8 commitment to doing what PIN asked was strong and certain. So we would have -- I would like to  
9 think that if there was a mistake, which is a possibility, we would have corrected it, sought additional  
10 guidance from PIN, whatever.

11 But the bottom line is, I can't tell you exactly what the discrepancy was or if there was a  
12 discrepancy at all, because I do not have the benefit of the full records.

13 Q But, I mean, that's a pretty big mistake. You went from wanting records for 6 months  
14 to 2-and-a-half years. So can you just help explain how could it have gone from 6 months to  
15 2-and-a-half years?

16 A And I'll tell you again, I'm not saying that we made a mistake. I offered the possibilities  
17 to you. One that I think is less likely is that there was a mistake. And if we would have made a  
18 mistake because, you know, the wrong dates were on the subpoena we sent or something, I would  
19 like to think we would have corrected that. I don't know if there was a mistake.

20 Another possibility is that, amongst all the many phone calls, emails, video meetings,  
21 everything else I had with PIN, that PIN authorized a longer time period. I just -- I just don't know.  
22 I don't know that there was a mistake.

23 Q So if the criminal conduct that you were investigating at the time was the Clark matter  
24 and trying to have him installed at the Justice Department, that was happening in the November  
25 2020 timeframe -- is that correct? -- or in the post-election I know you described earlier?

1           A     December. The DOJ scheme was principally in December 2020 into early January  
2     2021.

3           BY [REDACTED]

4           Q     So what did you need August, September, October phone records for?

5           A     I'll tell you. What we knew -- so toll records are one way to build out -- one tool you  
6     can use to build out an investigation and understand the people communicating with each other in  
7     the timeframe of relevance.

8           All toll records tell me is that some certain number communicated with some other certain  
9     number, right. But it's use -- they are useful to establish contact between people so that you can  
10    understand who the individuals who appear to be part of your investigation were talking with. You  
11    can understand their networks. You can understand who might otherwise be involved. You can  
12    often exclude people who are not involved.

13          So I'm coming to a more comprehensive answer for you but, basically, that is why you need  
14    toll records. Something that you have to be careful of, particularly in a case like Mr. Clark's, where  
15    we're investigating really a 2-week period more than anything else for the DOJ scheme, is that all you  
16    get is a relatively tiny snapshot of the communication patterns of a person. And so you want to  
17    extend the scope of the subpoena long enough so that you can see if the communications that were  
18    occurring within that time period are abnormal or are exactly consistent with what that person  
19    always otherwise does.

20          So for instance, right, if you looked at a 2-week snapshot of my phone, you'd probably see a  
21    lot of calls with my wife. You could pull out from that and take a larger snapshot of my phone to  
22    see is this person someone with whom Tad regularly communicates or is this a sudden abnormal, you  
23    know, party with whom you never communicated before or after. Those things can help you  
24    identify the nature of the relationship, the frequency and duration of the communications.

25          And, as I said, understanding better whether the frequency with which people talk over a

1 slightly longer term can help you both include and exclude people from the scope of your  
2 investigation. So that's why we need a longer period, to contextualize and better understand if the  
3 frequency of the calls in this period was abnormal or not.

4 Q But it becomes a problem when some of the phone -- the toll records you're seeking are  
5 the President's political adversaries, in terms of Speaker McCarthy and Chairman Jordan.

6 A Are you telling me --

7 Q Like, developing a pattern of who Speaker McCarthy or, you know, soon-to-be Speaker  
8 McCarthy and Chairman Jordan, develop -- you know, developing a record of who their network is  
9 and how frequently they call, I mean, that is a real big problem.

10 A Is that a question to me?

11 Q Yeah. How can you do that?

12 A How can I -- I'm sorry, how can I do what?

13 Q So how does the Justice Department justify collecting all of this data and information  
14 about the President's political adversaries?

15 A I don't -- I'm not trying to be dense. I don't think -- I don't think Chairman Jordan is  
16 President Trump's political adversary.

17 Q President Biden.

18 A Oh, okay. I will tell you what we did and why we did it. We subpoenaed phone  
19 numbers, including of instance -- of relevance to this immediate conversation, a 937 number that I  
20 know pertains to Congressman Jordan. We subpoenaed that number because that number was in  
21 contact with other individuals who were within the scope of our investigation. And we were trying  
22 to develop evidence of that investigation to include, you know, whether -- to include building out an  
23 understanding of the people involved, potentially, in the effort to overturn the election and to  
24 elevate Jeff Clark within DOJ.

25 So we sought those records just to build out the network, and that is a completely normal,

1 standard step in any criminal investigation. It has nothing to do with Mr. Jordan's status as a  
2 Congressman or anything else and everything to do with this 937 number was contacting other  
3 people of interest to me, and that's what we wanted to figure out.

4 Q So it didn't matter to you that he was the top Republican on the House Judiciary  
5 Committee with oversight of the Justice Department?

6 A It mattered to me in that that meant that that 9 -- to get the subpoena for that 937  
7 number, I was going to need to go through PIN and add some additional process. It mattered to me  
8 because --

9 Q Those were speed bumps for you, right?

10 A I'm not going to classify them that way. I think that the policies that DOJ has are  
11 thoughtfully made, and I understand why they have them. Whether I agree or disagree with them,  
12 I'm a line prosecutor. I was a line prosecutor. I didn't make the policies.

13 What I'm telling you is that this 937 number was different from some of the other numbers I  
14 subpoenaed only in that understanding, as I came to understand, that it was a Congressman's phone  
15 number, we had to go through PIN to get approval.

16 Q Did you tell Mr. Burnett that the phone numbers included a Member of Congress when  
17 you sought the subpoena?

18 A I would -- I don't recall what I specifically said to Mr. Burnett.

19 Q Would Mr. Burnett know that, know who the telephone numbers belonged to?

20 A Mr. Burnett was part of the investigative team at the time. I would have kept him, like  
21 other members of the investigative team, apprised of investigative steps, of parties involved, and of  
22 other things. So it is totally reasonable that I might have told Mr. Burnett who these phone  
23 numbers were for, but I don't have a specific recollection of discussing this 937 number with  
24 Mr. Burnett one way or the other.

25 Q So in the ordinary course, you think you probably would let him know whose numbers

1 are involved?

2 A I'm -- I mean, I'm not saying that, right. Like, I certainly -- there would certainly be  
3 nothing abnormal about letting my agents know the numbers we were subpoenaing. And given  
4 that they are investigators, I think it would make sense.

5 Q Okay. And did he raise any issues that, you know, the Justice Department Inspector  
6 General's Office has a special relationship with Congress, a special relationship with the Judiciary  
7 Committee, that there presents a conflict there?

8 A I don't recall that.

9 Q Was that discussed?

10 A Again, I don't -- as I've told you, I don't recall discussing specifically this 937 number with  
11 Special Agent Burnett, whether I did or whether I didn't. I don't recall a discussion on the point you  
12 are describing.

13 Q Okay. And when you seek a nondisclosure order before the judge, you didn't let the  
14 court know that you were seeking a nondisclosure order for a congressional telephone number. Is  
15 that correct? A Member of Congress' phone?

16 A The NDOs would speak for themselves. I don't remember the specific wording of the  
17 NDOs, but I do not think in 2022 that we were required to provide that information. We just did as  
18 policy and law required us to do.

19 Q Do you understand that DOJ is required to do that now under their policy?

20 A I mean, you're telling me that. I don't -- I don't -- I don't dispute what you're telling  
21 me. I don't work at DOJ anymore, and I haven't been keeping up to speed with developments on  
22 the justice manual recently as much as I should.

23 At the time I was there, I was certainly cognizant of policies that affected the work I was  
24 doing. I take your word. I don't know.

25 BY [REDACTED]

1 Q And looking back at the email here, the second full paragraph says, "PIN also concurs  
2 with sending a preservation request to Google for the account -- redacted -- which is the personal  
3 email account used by Jordan. There are numerous emails between this account and Perry's  
4 personal account in December 2020 and early January 2021." Are you aware of whether you sent a  
5 preservation request to Google for Mr. Jordan's email?

6 A I am not aware of if I did or I didn't, but if PIN concurred with it, I can see why you would  
7 think that I did.

8 Q And with the preservation request, were you looking for the content of the emails, or  
9 what were you --

10 A We don't get --

11 Q -- looking for there?

12 A I'm sorry, [REDACTED] You don't get the content of an email with a preservation request.  
13 A preservation request does just exactly what it says to do and basically nothing more. It causes the  
14 email provider, in this case Google, to preserve it, to just not delete it.

15 So we didn't get anything. You don't -- you don't get anything from a provider through a  
16 preservation request. You just have a request that they not destroy it or delete it.

17 Q And do you know if you ever got records from Google for Mr. Jordan's personal  
18 account?

19 A You asking me if I got a subpoena for Jim Jordan's email?

20 Q Yes. Are you aware of --

21 A I'm sorry, a search warrant for Jim Jordan's email? I don't remember doing that. No,  
22 I don't think so.

23 Q What about just a subpoena?

24 A I don't recall.

25 Q I want to turn to Ms. Clarke's Speech or Debate analysis here in the email.

1 [REDACTED] Can I just back up one second? I'm sorry.

2 [REDACTED]

3 Q If you had obtained a subpoena for the content of Mr. Jordan's emails -- the content,  
4 not toll records, the content -- don't you think you would have remembered that?

5 A Yes, because that would be a terribly strange and procedurally -- like, it never happened.  
6 You can't get a subpoena for content.

7 Q Okay.

8 A So I would --

9 Q So we're only talking about metadata here?

10 A No. I would -- I would never have sought a subpoena for content because the Fourth  
11 Amendment and all the rules that apply do not allow you to get content through a subpoena, period.

12 Q Okay. So what you don't remember about Mr. Jordan's email account is whether you  
13 sought metadata?

14 A Can you -- I don't know that I'm following the question exactly. I did not -- I guess I  
15 don't know.

16 Q So you do remember getting a subpoena for Mr. Jordan's toll records, for his --

17 A I do, yes.

18 Q -- his Verizon telephone number?

19 A That's the 937 number. Yes, sir, I do.

20 Q Okay. But you don't remember if you did anything with respect to Google?

21 A I -- correct. I do not. I have no specific recollection that I took any action as to  
22 Congressman Jordan's, you know, Google accounts beyond potentially this preservation request, but  
23 I just don't remember. It was a long time ago.

24 Q Okay.

25 [REDACTED] Looking to Ms. Clarke's Speech or Debate analysis, just reading the last

1 paragraph on the page there, it says, "As we've previously discussed, obtaining these types of records  
2 from a third-party provider for the personal email address of a Member of Congress arguably does  
3 not violate the Speech or Debate Clause, even under an interpretation that the clause provides a  
4 privilege against disclosure, as the disclosure of the records is not compelled from the Member  
5 directly and the records are for the Member's personal email account rather than a congressional  
6 email account. That position is not without litigation risk as the D.C. Circuit does not interpret the  
7 privilege as one of nondisclosure."

8 Mr. Dawson. I'll just -- I guess, "the D.C. Circuit does interpret."

9 [REDACTED] "Does," excuse me.

10 Mr. Dawson. Just for clarity on the record.

11 [REDACTED] "Does interpret" -- thank you -- "the privilege as one of nondisclosure."

12 The paragraph --

13 [REDACTED] I would just add that it's never been litigated whether the toll -- to the extent  
14 the toll records are implicated in the Speech or Debate realm.

15 Mr. Dawson. I don't dispute that.

16 [REDACTED] So I don't think it would surprise you that the House lawyers and Members of  
17 Congress and their staff believe that the toll record content is protected by Speech or Debate.

18 Mr. Dawson. I have no doubt.

19 [REDACTED]  
20 Q The paragraph mentions "previously discussed." Do you remember having any  
21 conversations with Ms. Clarke prior to her memorializing all of this concurrence and analysis in the  
22 email?

23 A Like I said, I do remember having phone calls with Ms. Clarke. The exact timing of  
24 them I can't tell you.

25 Q And did you understand -- she mentions a lot in here the personal email account. Did

1     you understand that this analysis also applied to the toll records as well?

2             A     Where she writes about an email account, I presume that to apply to an email account.

3             Q     Okay.    So you didn't know if this applied to the toll records as well?

4             A     Whether her statements about an email account applied to toll records?

5             Q     Correct.

6             A     I guess I don't.

7             Q     And did it concern you that there was some litigation risk in issuing the subpoena for toll  
8     records?

9             A     It did not.

10            Q     It did not.    So you did not think that any of the toll records would be covered by the  
11     Speech or Debate Clause?

12            A     I do not and did not, but I will tell you a little more.    We throughout this case did take  
13     seriously and spend a lot of time thinking about the Speech or Debate Clause.    There is the Rayburn  
14     decision in the D.C. Circuit, which prohibits the disclosure of legislative materials, as those are  
15     defined.    There is no case law, that I'm aware of, supporting the idea that toll records, basically  
16     records of one phone communicating with another, are themselves legislative acts.

17            So I understood that the Speech or Debate Clause was a thing that we need to consider.  
18     And I understood that the exact question of whether toll records were legislative acts maybe had not  
19     been squarely and decisively addressed, but I believed that this subpoena was appropriate and the  
20     Speech or Debate concerns attendant thereto did not dissuade me from taking this investigative step.

21            I did not think then and do not think now that toll records are protected by the Speech or  
22     Debate Clause, but I'm not a Supreme Court Justice or a D.C. Circuit judge.

23            [REDACTED]    And one of the huge upsides of this is that Mr. Jordan would never know and  
24     the Members of Congress who you're seeking the toll records who have standing to bring this type of  
25     litigation would never know.    Isn't that one of the upsides when calculating litigation risk?

1           Mr. Duree. No. I'm not -- as is evidenced by our protocols and our work with Scott Perry's  
2 phone and generally the way we approached and -- we approach litigation generally, I am not at all  
3 afraid and I don't think anyone on my team was afraid of standing behind our legal arguments and  
4 legal principles and allowing a judge to adjudicate the issues. We believed that what we were doing  
5 was right under the law. And I would welcome the opportunity to, you know, have any sort of  
6 clarity on any issue that existed.

7           But, you know -- yeah, a nondisclosure order does prohibit someone from, you know, having  
8 the opportunity to intervene, I guess. I take your point on that.

9           Mr. Dawson. Did you have authority to draw your own Speech or Debate lines within the  
10 Department?

11          Mr. Duree. No. No, I did not. I was doing what I was told.

12          BY [REDACTED]

13          Q   And when you all received the records of Mr. Jordan's phone calls for the  
14 2-and-a-half-year timeframe, were those received by the DOJ OIG or did those get delivered to the  
15 Justice Department?

16          A   So again, I don't know that we got toll records for a 2-and-a-half-year timeframe. I  
17 know that you've got the subpoena right here. I'm not sure what was actually returned or if this  
18 was the operative subpoena. But I -- I'm not sure where those toll records would have first gone.  
19 I presume, normally, the agent would -- an agent will download toll records from a law enforcement  
20 internet site that Verizon has, something like that, but I don't -- I don't remember in this instance.

21          Q   And how were those toll records that you did receive from Mr. Jordan's phone, how  
22 were those used in the investigation?

23          A   The same -- the same way that we use the dozens and dozens and dozens of other toll  
24 records that we received, which is we looked at those toll records to determine parties with  
25 whom -- people with whom parties, you know, we were looking at were talking, the frequency of

1 those communications, the duration of those communications, the timing of those communications.

2 Q And wouldn't, if -- you know, before a big vote, who's calling a Representative, before  
3 the big vote or after the big vote, what can you tell us of what was the analysis of the Justice  
4 Department?

5 I understand we have different analyses of what's covered under Speech or Debate Clause.  
6 What was the Justice Department's analysis of how that was not a legislative act of who a  
7 Congressman is calling before and after a vote?

8 A My understanding of the Justice Department's position is what's encapsulated in this  
9 email, that I as a line prosecutor had to seek approval for the search warrant -- not search warrant,  
10 I'm sorry. I had to seek approval for this subpoena from PIN. I did seek approval from PIN. PIN  
11 authorized the subpoena. And so I participated in obtaining that subpoena. That's it.

12 Q Was there ever a discussion that if you were able to map out who a Member was  
13 calling -- who the Member was calling or who was calling a Member before and after a big vote, how  
14 that could be considered part of their legislative duty?

15 A I don't remember conversations on that, but I'll say that would have been of absolutely  
16 zero interest to me or anyone on my team to map out people's congressional activities. We were  
17 looking at the effort to overturn the 2020 election and specifically the DOJ scheme I described.

18 BY [REDACTED]

19 Q Before we move on, the last two sentences of the Clarke email, she indicates, "You  
20 should also notify ODAG via urgent report about legal process related to Jordan."

21 A Okay.

22 Q Did you need ODAG to okay or was this just simply a notification to ODAG?

23 A I don't remember. If she told us to notify ODAG, then I feel confident that  
24 we -- someone on my team, I or someone else, would have notified ODAG. I'm basing only on the  
25 words that I see here. I don't know.

1 Q And who in Lisa Monaco's office would you have notified?

2 A I'm not sure I -- I'm not sure I remember who we had to notify for --

3 Q Was there a particular associate, deputy attorney general, that was keeping tabs on this  
4 case?

5 A There may have been. I remember once or twice having communications with a  
6 gentleman named Rush Atkinson, but I don't remember that, sir.

7 Q Okay. And do you remember contacting ODAG or notifying ODAG for any other  
8 Member toll records subpoena?

9 A I don't remember whether I was the one who notified ODAG about this. I don't have a  
10 specific recollection. But I'll tell you, if I obtained any other Members' toll records and if I was told  
11 to notify ODAG, I notified ODAG. But I don't have a specific recollection.

12 Q Okay.

13 Mr. Dawson. It may be helpful. Do you know urgent reports more broadly, what an urgent  
14 report is?

15 Mr. Duree. A little bit. I mean, I want to say at one point during this case -- and maybe this  
16 was it -- I had to ask someone what an urgent report to ODAG was, because I didn't usually deal with  
17 that sort of thing.

18 But my understanding is it's a -- my understanding is it's a notification to the Office of the  
19 Deputy Attorney General of a investigative step or other thing that's going to be taken that might be,  
20 you know, prominent or notable to ODAG, I guess.

21 [REDACTED] Okay. We'll move on to another Member's toll records subpoena.

22 Mr. Dawson. It's a hard line to draw, but I'll just caution Mr. Duree to remember to discuss  
23 the contemplated subpoenas, your intent, your planning, confine yourself not to address a particular  
24 document as a legitimate or not subpoena. But, again, I don't think that'll impede the questioning.

25 [REDACTED]. And this will be exhibit No. 8. It's an email exchange, again, between Ms.

1 Clarke and Mr. Duree. This is on May 19, 2022, at 5:21 p.m. in regards to Chip Roy's toll records.

2 Mr. Duree. Okay.

3 [Duree Majority Exhibit No. 8.

4 was marked for identification.]

5 BY [REDACTED]

6 Q And I'm sure you're familiar, but Chip Roy serves on the Judiciary Committee. He's a  
7 Member from Texas.

8 Do you remember this email exchange at all or conversations surrounding getting Mr. Roy's  
9 toll records?

10 A I don't really. I'm not doubting that it happened if you're telling me it did, but I don't  
11 particularly remember this.

12 Q Okay. And do you remember figuring out what time period you needed Mr. Roy's  
13 records? Here it's October 1st, 2020 through January 30th, 2021. Do you remember any  
14 discussions about the timeframe?

15 A I don't. I'm sorry.

16 Q Do you remember if the approval process for the subpoena, you know, going through  
17 PIN, having to notify the DAG's office, did any of that differ between April when you were issuing  
18 Mr. Jordan's subpoena and this subpoena in May for Mr. Roy's records?

19 A I have no reason to believe that it did, but, again, I'll be as helpful as I can while telling  
20 you I don't have a particular memory of the circumstances surrounding this.

21 Q Okay. And in looking at Ms. Clarke's email in the second paragraph in the middle after  
22 the parenthetical, it says, "Should a court find that these election-fraud related calls involving  
23 Members of Congress constituted legislative fact-finding and thus privileged legislative acts, under  
24 Rayburn, you could be in violation of the privilege by even obtaining and possessing this information  
25 if the Member objected to the disclosure."

1 Did you have any further discussions with Ms. Clarke about this specific sentence?

2 A I don't -- I don't remember. I see that sentence. I don't remember.

3 Q Were you concerned that you could be violating the Speech or Debate privilege by even  
4 obtaining and possessing this information?

5 A I was -- I mean, she emailed this so I was aware of this as a possibility, but I don't  
6 remember the level of concern, if any, I had about it.

7 Q Okay. And then, again, there was an NDO that was sought with this specific subpoena.  
8 So Mr. Roy wouldn't have known about the subpoena to his service provider. Is that correct?

9 A If you're telling me there was an NDO, an NDO does stop notification, but I don't  
10 remember that.

11 Q So how would he have been able to litigate this privilege issue had he not known about  
12 the subpoena?

13 A Again, I don't -- I don't remember this email. I don't -- I don't remember this email, but  
14 if there was an NDO as you're telling me, an NDO will prohibit a person who holds that phone  
15 number from litigating issues surrounding the subpoena.

16 Q And this is a pretty unique privilege that's unique to Members of Congress, that's  
17 embedded in the Constitution. There was no concern that you could be violating this privilege and  
18 Members wouldn't be able to litigate their privilege underneath the Constitution?

19 A Like I said, I didn't say there was no concern. I certainly didn't say that there was no  
20 consideration of this. I said -- I'm saying that I don't particularly remember the degree of concern, if  
21 any, that we had over this.

22 I agree with you that Speech or Debate is -- the Speech or Debate Clause does provide  
23 protections to Members of Congress.

24 Q And what remedy did these Members have to avail themselves of the Speech or Debate  
25 Clause with these specific subpoenas?

A I suppose that if there is a nondisclosure order in place, they are not able to challenge the subpoenas.

Q So they had no remedy prior to their records being disclosed to the Justice Department.

Is that correct?

A I don't -- I mean, I don't know, strictly speaking, if that's entirely correct or not. I can tell you if there was NDO, they're not going to be able to -- they're not -- the subpoena is not going to be disclosed to them and so they wouldn't be able to challenge it. I agree with you on that.

Q Okay. On January 24th, 2023, a subpoena was issued for Speaker McCarthy's toll records. What can you tell us about your involvement with that?

A I don't know if I was involved with it or not.

Q Okay. We -- you signed the subpoena.

A     Okay.

Q So just wondering if you have any recollection of seeking process for Mr. -- Speaker McCarthy's phone records?

A I don't. If you want to show me some documents, that could be helpful. I'll tell you everything I remember. But I don't particularly remember that.

And it's a subpoena, but we will mark that as exhibit No. 9 I think we're up to.

[Duree Majority Exhibit No. 9.

was marked for identification.]

Mr. Dawson. And, of course, you're welcome to read the document and see if it refreshes your memory.

Mr. Duree. Sure.

I'm sorry, ma'am. Where are you -- where are you seeing that this has my name on it?

Q So at the bottom of -- I think yours should be Bates stamped too. At 18. It's

1 redacted, but in speaking with AT&T, it's your name that's underneath the redaction. It says  
2 Timothy Duree.

3 A Okay.

4 Q So just wanted to know what you remember about any conversations you had about  
5 subpoenaing toll records for the Speaker of the House.

6 A I don't -- I don't particularly remember -- I don't remember. I'll say that, you know, it  
7 doesn't surprise me that I don't remember because over the course of this investigation, we did have  
8 to get so so many subpoenas. And part of investigating wherever the facts lead, part of proceeding  
9 impartially in your investigation is that you -- you need to obtain evidence relevant to your  
10 investigation irrespective of where you might find that evidence.

11 And in this case, there were contacts with Members of Congress by parties relevant to our  
12 investigation. So it doesn't surprise me that my office would have sought this subpoena, but I also  
13 don't know that this would have struck me as a particularly, you know, huge thing.

14 And in context, we certainly would have sought the proper approvals. We certainly would  
15 have done it the right way, but I just don't remember it.

16 Q And in this time period -- you know, January 23rd, 2023, is when the subpoena is dated.  
17 Kevin McCarthy became Speaker January 7th, 2023, so couple weeks earlier.

18 Did any of the analysis change after he was elected Speaker of the House?

19 A As I said, I don't remember this, so I don't -- I don't remember.

20 Q Okay. So you don't remember signing a subpoena for the toll records of the Speaker of  
21 the House of Representatives?

22 A I don't -- I don't dispute that I did. I just -- I don't remember one way or the other if I  
23 did. And as I said, it would not have been -- and I understand why that might seem like a  
24 particularly notable thing. But in the course of this investigation, given the topics we were  
25 investigating and the magnitude of things being investigated, this doesn't strike me and I suppose

1 didn't strike me as particularly abnormal. So I just -- I would love to be able to remember more and  
2 tell you, but I just do not remember this.

3 Q And why wait until after he was elected Speaker? You sought Mr. Jordan's records in  
4 April of 2022, Mr. Roy's records in May of 2022, and then waited until after McCarthy was elected  
5 Speaker to send the subpoena for his records.

6 A I think that question might be based on a faulty premise. There was no -- there was no  
7 intent to time the subpoena. I couldn't imagine that there was any intent to time the subpoena  
8 related to, you know, when he occupied one role or another. I can't tell you why we issued the  
9 subpoena on January 23rd, because I don't particularly remember this subpoena.

10 Q Okay. And so there were no extra approvals or anything that you had to get since this  
11 was the Speaker's records?

12 A I don't remember. I can tell you just structurally one thing that may have been  
13 different. By January 23rd, we're in the -- did you say it's January 23rd of 2023?

14 Q That's correct.

15 A By January 23rd, we're housed in the Special Counsel's Office. And so there was a  
16 more rigid management structure. Things were a bit more solidified than they were in the early  
17 days. So once Jack was in charge, the structure was, you know, Jack's at the top, J.P. below him,  
18 filtering down through various people to me.

19 And I say that to tell you my -- my personal involvement with PIN may have been different at  
20 this point.

21 Q Okay.

22 A I may no longer have been the person who needed to contact PIN. I'm not -- I'm not  
23 sure if I did or I didn't, but it wouldn't surprise me if someone else in Special Counsel's Office  
24 management was handling PIN-related communications at that point.

25 Q Okay. And the NDO that accompanied Speaker McCarthy's subpoena is Bates stamped

1 19 at the bottom, if that's helpful.

2 A Okay.

3 Q It says, "the Court finds reasonable grounds to believe that such disclosure" -- of the  
4 subpoena -- "will result in flight from prosecution, destruction of or tampering with evidence,  
5 intimidation of potential witnesses, and serious jeopardy to the investigation."

6 What was the concern, that Speaker McCarthy was going to flee from prosecution?

7 A Now, it says that the court finds reasonable grounds to believe these things, not that  
8 anyone on my team thought Kevin McCarthy was going to, you know, flee from prosecution.

9 This -- as I've explained already, we as prosecutors wanted to obtain evidence in its purest,  
10 most complete, and most unadulterated form. And notification -- I'm not speaking about Kevin  
11 McCarthy. I'm speaking generally about the NDOs and how it might apply in this instance.

12 Q But the NDO is specific to this subpoena. Is that correct?

13 A Yes. There is -- yeah, there is an NDO specific to the subpoena. What I'm saying to  
14 you is NDOs are necessary -- are useful and helpful and necessary to investigations for a lot of  
15 reasons, one being that even if a per -- you know, you're not accusing the person who has the phone  
16 of being a criminal, but you are recognizing that if the fact of the subpoena or the fact of an  
17 investigation becomes public, that that information can be spread about everywhere, that your  
18 investigation could be compromised, that evidence could be manipulated or adjusted or something.  
19 These are all concerns.

20 But as to what the -- what the specific concern was as to Mr. McCarthy, I do not know. I can  
21 only tell you that, while I don't remember the specific subpoena or NDO, getting a subpoena like this,  
22 getting an NDO was absolutely par for the course in so many subpoenas that I have issued in my  
23 career and that we issued in the Special Counsel's Office.

24 Q And how many other subpoenas were you involved with that sought records of  
25 Members of Congress?

1 A I -- beyond the ones we've talked about today?

2 Q Uh-huh.

3 A I don't -- I don't recall. I don't -- I don't specifically recall any. If you show me  
4 documents that I was involved in subpoenas directed to the phone numbers of other Members of  
5 Congress, that might jog my memory, but I can't name anybody else for you right now.

6 Q Yeah, we don't see your name anywhere when it comes to the subpoena that was  
7 issued in May 2023 for the -- it was like nine Senators and Representative Kelly.

8 Do you remember any conversations about subpoenaing nine Senators and a Representative  
9 all at once?

10 A I don't recall that.

11 Q You don't recall it? Okay.

12 A I don't know.

13 Mr. Dawson. One clarifying question. Would you have been involved in getting toll  
14 records for Scott Perry? I'm not sure we talked about that specific --

15 Mr. Duree. Yes. You know, I believe that we did have toll records for Scott Perry, and  
16 those would have proceeded via the same sort of, you know, procedural approval mechanism  
17 through PIN as the others. I would've -- I would've been involved in that.

18 Mr. Dawson. Okay.

19   
20 Q So did you stick with investigating the alleged misconduct at DOJ once you went over to  
21 the special counsel's team or did your role broaden?

22 A My role broadened and then shifted. I did -- I did stick with the DOJ effort. That  
23 remained a large part of what I did. But when we got to the Special Counsel's Office, there were  
24 also a significant number of additional investigative workstreams that needed to be addressed and  
25 developed.

1           So I can tell you what they were if you want, but I do remember in the early part of '23  
2       spending more of my time on investigative workstreams other than the DOJ one.

3           Q     And what were those workstreams at that point in time, in the early 2023 timeframe?

4           A     So a few things that I did. I was involved in the workstream to -- I'm not going to  
5       remember if these workstreams even had specific names, but I was involved in the work to -- do you  
6       need me to stop?

7           Q     No, you can go ahead. We have 2 more minutes.

8           A     I was involved in the workstream to figure out whether President Trump had pressured  
9       officials at the State level to help overturn the vote or get the election decertified or assist him in  
10      making, you know, unsubstantiated fraud allegations.

11          I participated in the workstream that involved going from State to State to understand the  
12      election processes. And I remember being involved at times in the fraudulent elector workstream,  
13      or you might want to call it the alternate elector workstream.

14          I remember doing some work on that and, you know, whatever else -- whatever else the  
15      needs of the office dictated, but those are the -- those are the main things I'm remembering offhand.

16      [REDACTED]     Okay. We can go off the record.

17      [Recess.]

18      [REDACTED]     We'll go back on the record at 1:05 p.m. Eastern Time.

19      BY [REDACTED]

20          Q     I just want to pick up on some of the questions that were asked in the last hour, and  
21      let's start with the chairman, Chairman Jordan.

22          A     Okay.

23          Q     I guess, what led you during the investigation, that you recall, to even, you know,  
24      requesting the toll records of Chairman Jordan?

25          A     Mr. Jordan -- the 937 number that I now know to be Chairman Jordan's was in contact

1 with other phones held by people of relevance to our investigation.

2 Q Can you describe in more detail some of the other folks of relevance that Mr. Jordan  
3 might have been in contact with which would have led to the request for the toll records?

4 A You're testing my memory now, but I remember Scott Perry for sure. I think Mark  
5 Meadows. Mr. Jordan may have had communications with President Trump. I'm not sure if that  
6 would have been on a cell phone or not. But I -- I don't remember the full cast at this point.

7 Q And I'll direct you to exhibit 6 that the majority entered in during their hour.

8 Look, I'll state the obvious, and I know I've heard some of our majority colleagues make this  
9 point before, right, you mentioned President Trump, you mentioned Congressman Perry calling the  
10 chairman. These are other congressional members.

11 I guess, what specifically about those calls from congressional Members to Chairman Jordan  
12 stood out to you all during the course of your investigation? And I think it's referenced in PIN's  
13 email back to you in exhibit 6.

14 A Okay. Yeah, as I look at this pretty -- give me just a second.

15 Q Please take your time.

16 A Yeah, this jogs my memory a little bit. And I should say, to be really clear, I  
17 just -- I'm -- as to exactly who Mr. Jordan was contacting, I -- you know, I tried to offer a couple  
18 names to be helpful. I really don't remember offhand -- it's just been so long -- which -- you know,  
19 who was in that set of people. I really don't.

20 But what I do remember is this: As I've said, I was looking to understand as  
21 comprehensively as I could what happened in the, roughly, 2-week period in which there was this  
22 effort to elevate Jeff Clark to the acting attorney general's role. And in that time period, Mr. Clark  
23 and Scott Perry were in very frequent communication.

24 One of the steps that I took in the early days of the commun- -- in the early days of the case,  
25 in April '22 was, you know, relatively early on, is we were trying to build out our understanding of

1 who was talking with whom and who may have been involved, understanding that not every person  
2 with whom another person might talk is necessarily involved in one thing or another. It's just that,  
3 you know, understanding the nature of the communications provides you a bit of evidence that's  
4 useful.

5 So I sought subpoenas for many numbers that were in contact with Mr. Clark and many  
6 numbers that were in contact with Mr. Perry. A thing that I remember doing in general is that once  
7 we would get those subpoenas back, we would look through the toll records to identify if there were  
8 any common numbers called between that number we'd subpoenaed and the other people we had  
9 already -- that are already falling within the scope of our investigation.

10 We would look at the frequency of those calls. We would try to better understand who was  
11 talking to whom so that we could build out things like, you know, on date X Jeff Clark called person A.  
12 Person B called person C. As soon as that call was over, person B called person -- called Jeff Clark  
13 again. So understanding the play-by-play of how it happened.

14 So what brought -- I don't want to say that it brought Congressman Jordan to my attention.  
15 What brought the 937 area code phone number to my attention was that that phone number was in  
16 contact at relevant times with parties that were pertinent to our investigation.

17 Q And are these types of toll records, the way you just described it, are they helpful in  
18 corroborating witness testimony as you're doing your investigation?

19 A They certainly can be.

20 Q And would this type of evidence typically or could it be used to corroborate the witness  
21 testimony at trial if it would have gotten to that point?

22 A Yes, sir.

23 Q And is this type of evidence used to build chronologies like you just described, a series of  
24 events or a timeline of events?

25 A Yes. That was -- that was one of the key things I was envisioning, yes.

1 Q Going back as well, I think within the last hour we mentioned Congressman Roy as well.  
2 Do you recall Congressman Roy's relevance to the investigation?

3 A Not really. If you want to show me some records, you can jog my memory, but I know  
4 that he was a name that came up. But exactly how and the context, I'm struggling to pull those  
5 specifics.

6 Q Okay. There was also questions in the last hour about collecting information about  
7 President Biden's adversaries I think was -- do you remember those questions?

8 A I do. I do.

9 Q At any point during your investigation, were you collecting information for the benefit of  
10 President Biden?

11 A Never.

12 Q Were you collecting information of individuals that you perceived to be adversaries to  
13 the Democratic Party?

14 A No, we were not collecting any information for any political purpose.

15 Q Were you collecting information at the direction of President Biden or Vice President  
16 Kamala Harris?

17 A Absolutely not.

18 Q Were you collecting information at the direction of Attorney General Merrick Garland?

19 A No, not that I know of.

20 Q You discussed as well and we've seen the emails of you going through PIN before  
21 collecting these types of information. Can we -- and I think you've touched on this before, but just  
22 to make sure it's clear, what role did PIN play? Why were you going to PIN when requesting these  
23 types of records?

24 A So PIN has consulting authority on investigative actions taken in relation to Members of  
25 Congress. So even though PIN wasn't, you know, my supervisor or anything -- I didn't have a

1 supervisor in PIN. PIN's job was to -- PIN had a duty under the Justice manual to be the entity with  
2 which we consulted when taking investigative steps relevant to Congress people. So we followed  
3 the Justice manual.

4 Q So let's take another investigation, not, for example, the election conspiracy  
5 investigation. Let's take a -- say you're investigating another Member of Congress or public official.  
6 Would you have to consult PIN in those situations as well?

7 A I presume so yes. I would do -- if I were investigating a Member of Congress or I were  
8 investigating a case that in which I needed evidence from a Member of Congress, I would do exactly  
9 as the Justice manual requires. And at the time, that required consultation with PIN.

10 Q And I do want to go back to kind of the earlier one I was talking about, and I think the  
11 majority might have mentioned this as well, Chairman Jordan's role on Judiciary and the Department  
12 of Justice requesting his toll records with him having that role.

13 Had Mr. Jeffrey Clark or Congressman Scott Perry called Ranking Member Nadler about  
14 elevating Mr. Clark within the Department of Justice, would you have requested Mr. Nadler's records  
15 as well?

16 A Yes. I want to emphasize here on that point, the records -- what was relevant to me  
17 was the 937 phone number that was communicating with parties of interest. I had no particular  
18 focus on the titles or professional positions held by the people owning those phones at the moment.

1 [1:13 p.m.]

2 BY [REDACTED]:

3 Q Going back to PIN, are you aware if there's been broad personnel changes at Public  
4 Integrity since President Trump assumed office in 2025?

5 A It is my understanding that there has. I'm not a DOJ anymore, so I can't speak too  
6 much to --

7 Q Is it your understanding that many folks have been fired from PIN since President Trump  
8 assumed office in January 2025?

9 A I honestly am not sure. I have read the news and understand through, you know,  
10 colleagues that there had been broad personnel changes. I don't know how the personnel changes  
11 came about exactly.

12 Q Is it your belief that gutting PIN, you know, could lead to more or less potential missteps,  
13 right, in sensitive investigations? Like how would gutting PIN actually impact the issues that both  
14 the majority and minority seem to be asking about today?

15 A So I was only a line prosecutor on this case, but what I will tell you is this: My  
16 experience with PIN, PIN attorneys were professionals, seasoned, and the work that they did -- and I  
17 personally have found PIN'S guidance to be valuable.

18 Q Okay. Going back to your time as well on the special counsel's Office, in the special  
19 counsel's Office investigating these claims in 2022 and moving forward, I guess, how has, you know,  
20 being a member of this team and maybe some of the attacks about your investigation, how has that  
21 impacted your life, if at all?

22 A How the attacks on the team affect my life or being part of the team?

23 Q Yeah, the attacks on the team that you were a part of, how has that impacted your life?

24 A I personally have found it disappointing that the work of our team has been called into  
25 question or politicized in a way that I as someone on the team believe to be completely unfounded

1 and completely unfair.

2 But at the same time, I am grateful for the opportunity to do things like be here today and  
3 clarify some of that, so that I can hopefully help people understand the nature of the work that we  
4 did. And although it's not exactly the question, I do want to emphasize, I felt then and feel now so  
5 immensely lucky to have been able to work with the spectacular people on that team that I will  
6 consider the time that I spent working with that team on a case of this magnitude to be, you know, a  
7 great professional highlight.

8 Q And while we thank you for your service of engaging in this investigation, right, to  
9 preserve, right, the election and the transfer, the peaceful transfer of power, we've heard from  
10 others, they might have had to take additional steps for their safety, for their family's safety, things  
11 of that nature of being a part of this team. Have you had to take similar steps in your own personal  
12 life?

13 A You know, we definitely -- I definitely was cautious, but, you know, nothing. Do you  
14 want me to identify specific things that we've done?

15 Q Whatever you're comfortable. I think I'm just trying to get a sense of how the  
16 politicization of this investigation has impacted the civil servants' life afterward -- lives afterwards?

17 A I did feel like it was prudent to be more cautious and to, you know, take certain steps to  
18 minimize the availability of my -- of putting my personal information online, and that kind of thing. I  
19 have taken a few steps.

20 Q Has it impacted your family -- I know you mentioned you wife earlier -- has it impacted  
21 our family as well?

22 A You would have to ask my wife.

23 Q I am not going to speculate on your wife. I hear you on that. Has this committee's  
24 investigation brought more attention specifically to you than what you might have envisioned or  
25 appreciated?

1           A     Well, "appreciate" is hard to say. If I wasn't here today, I would be at work doing my  
2 other job, my day job, and this has taken time away from that. But as I said, I am proud of the work  
3 that we did. I believe wholeheartedly that we did the right things for the right reason. And I am  
4 grateful to have the opportunity to talk to y'all and explain some of that.

5           Q     And just a little bit of housekeeping. I know we've shown you a series of documents  
6 today from your emails to PIN, subpoenas for toll records. I just want to do some level setting.  
7 Have you had a chance to review your records at the Department of Justice from this time period?

8           A     I have not reviewed my records at the Department of Justice.

9           Q     Has the Department of Justice reached out to you about helping them identify records  
10 that they have produced to this committee?

11          Mr. Dawson. Are you aware.

12          Mr. Duree. I have not received any reach-out.

13          BY [REDACTED]

14          Q     In, fact I'm just using exhibit 6 because it's the one I have in front of me as an example.  
15 Are there any Bates numbers on this exhibit that you see?

16          A     Which one is exhibit 6?

17          Q     Exhibit 6 is your email with PIN from April 26, 2022.

18          A     No, there's no Bates numbers.

19          Q     So sitting here today, are you aware of whether you know, this committee has received  
20 a complete set of emails between the special counsel's Office and PIN, for example?

21          A     I have no idea.

22          Q     Okay. I think that's all we have. We'll go off the record now. Thanks.

23          [Discussion off the record.]

24          BY [REDACTED]

25          Q     We'll go back on the record. It's now 1:25 p.m. During the break, we passed out

1 what will be exhibit 10, which is a lengthy document, and it includes an email exchange between  
2 Molly Gaston, J.P. Cooney, Thomas Windom, and they're discussing toll record subpoena for  
3 Senators' records.

4 I am going to specifically draw your attention to -- it's page 7 of the packet, and there is an  
5 email exchange between Ms. Gaston and John Keller, who was the Principal Deputy Chief of the  
6 Public Integrity section.

7 Now, I know in the previous hour you had mentioned that quite possibly when the special  
8 counsel took over the investigation, you may have not been the one that was interacting with the  
9 Public Integrity Section. Is that correct?

10 A That's correct.

11 Q Do you ever remember discussing interacting with the Public Integrity Section with  
12 Molly Gaston?

13 A Do I remember discussing interacting with Molly Gaston or discussing with Molly  
14 interactions with PIN?

15 Q Correct. The latter.

16 A It could have come up, but I don't have a specific recollection of any conversations  
17 about PIN with Ms. Gaston.

18 Q And do you know if she was designated an individual to reach out to PIN?

19 A I don't know. I don't know.

20 Q And during our last hour together we had discussed whether or not you remembered  
21 subpoenas for Senators' records, and I believe you said you did not. Is that correct?

22 A I did not participate in -- I do not remember participating in those at all.

23 Q Okay. Do you remember participating in any discussions regarding the Speech or  
24 Debate Clause in that context?

25 A In the context of those Senators --

1 Q Correct.

2 A -- no, because, as I said, I don't think I was part of those conversations. And if I was, I  
3 don't remember it.

4 Q Okay. And I want to walk through Mr. Keller's email just giving your knowledge of the  
5 case as well as having prior interaction with PIN and just kind of walk through what was going on  
6 here.

7 So looking at the paragraph, it says: Based on the email below in our conversation, PIN  
8 concurs in the subpoenas for toll records for identified Members of Congress from January 4th, 2021,  
9 through January 7, 2021. As you are aware, there is some litigation risk regarding whether  
10 compelled disclosure of toll records of a Member's legislative calls violates the Speech or Debate  
11 Clause in the D.C. circuit. Then the next parenthetical states, The bar on compelled disclosure is  
12 absolute. And that is quoting from a case.

13 I want to break this down just a little bit. But the toll records for the Senators were only  
14 requested between January 4th, 2021, and January 7th, 2021. Can you help explain why the  
15 timeframe was so narrow in comparison to what was requested for, you know, Mr. Jordan and Mr.  
16 Roy?

17 A Sure. So I can't tell you precisely -- I can't tell you without speculating as to why these  
18 3 days were requested because I wasn't on these emails' prior conversations. But I can tell you why  
19 the scope narrowed. This is completely normal and standard in a criminal investigation.

20 At the beginning of an investigation -- and I'll tell you generally and apply it to this case.

21 At the beginning of investigation, you know some information, but you're trying to build out  
22 your understanding. You want to know the parties involved and all that, and you're trying to build  
23 out contacts and understand the folks involved at a broad level. As you build your understanding of  
24 the case, you've laid your foundation and understand what the facts are and who the people  
25 involved might be, then you start digging in more, refining your focus so that ideally if you've done

1 your investigation thoroughly, you've done your investigation well, you're going to go from spot at  
2 the beginning where you're looking broadly to sort of learn the landscape to a spot at the end where  
3 you were laser-focused on developing evidence of specific criminal conduct. And I believe that  
4 is -- without speculating or why these 3 days exactly were the ones chosen -- I believe that that is  
5 what happened here. That in 2022 when I am beginning to run in the early stages of investigating  
6 the DOJ stuff, we were trying to build out our understanding of who may or may not have been  
7 involved and understand the universe myriad investigation.

8 By this point in 2023 which is a few months before we did the grand jury returned an  
9 indictment against the President in our election case, our investigative focus had refined greatly so  
10 that we could specifically target real narrow date ranges, knowing we needed specific information  
11 about individual things. And that is a function of a -- that's a particularly normal thing that  
12 happens -- in a function of the investigation narrowing if the work is done well as the investigation  
13 develops.

14 Q And in speaking with the other prosecutors who have been involved in these subpoenas,  
15 you know, they have stated they needed the Senators' toll records. And I'm using Senators, but  
16 Representative Kelly was in that subpoena as well -- but Senators' toll records was -- because they  
17 had the President's phone records, and they had Mayor Giuliani's phone records, and they were  
18 tracking who was calling who, but they needed the Senators' phone records to nail down a timeline  
19 of who the President was communicating with. Do you remember any discussions along that line?

20 A I remember generally that being -- that being -- I remember generally there being  
21 interest in understanding who was called in the late afternoon, early evening hours of January 6th.

22 Q Okay. And do you know why they still needed the Senators' records even though they  
23 had all of these other returns from toll records?

24 A I don't know the specific rationale. I could hazard a guess to reasons, but I don't think  
25 that would be productive. I wasn't part of these conversations.

1 Q And turning back to the email I read the couple sentences of: As you are aware, there  
2 is some litigation risk regarding whether compelled disclosure of toll records of a Member's  
3 legislative calls violates the Speech or Debate Clause in the D.C. Circuit. Then Mr. Keller quotes  
4 some D.C. Circuit cases. One is the bar on compelled disclosure is absolute. Further down, it says:  
5 The caselaw is clear that a legislator asserting the invasion of the Speech or Debate Clause privilege  
6 by use of the grand jury subpoena to a third party may intervene and oppose such use.

7 Would you agree that a legislator should be able to intervene if the subpoena is to a third  
8 party to a service provider to litigate their rights under the Speech or Debate Clause?

9 A First, could you point me to where you're reading.

10 Q Yes, the specific to third party is right after the member?

11 A 594.

12 Q 594. And then it says: The caselaw is clear that a legislator asserting the invasion of  
13 the Speech or Debate Clause privilege by use of a grand jury subpoena to a third party may intervene  
14 and oppose such use."

15 A Okay.

16 Q I guess, first of all, was there any discussion of this specific caselaw where the subpoena  
17 is to a third party, such as a service provider for a Members' records?

18 A In this context specifically, I don't know, because I wasn't party to these conversations.

19 Q Did this case ever come up in the previous subpoenas that you were involved with.

20 A I can't say I can remember every Speech or Debate Clause case that we analyzed or  
21 considered. Just looking at this as it is, the case that you cited, that Mr. Keller is referencing here is  
22 a Third Circuit case. The D.C. Circuit, where we were, is a different circuit and has its own particular  
23 and unique Speech or Debate laws.

24 So it's possible that this case would have come up in prior research. I don't doubt it, but I  
25 don't have a particular memory. And I'll note that this will be an opinion from outside the most

1     pertinent --

2             Q     So were prosecutors just unconcerned that even records from a third party for a  
3     Member of Congress could be privileged under the Speech or Debate Clause?

4             A     I wouldn't say that a second. I would say we were hyper vigilant and extremely aware  
5     of the contours of the Speech or Debate Clause. We knew that Speech or Debate was something  
6     that we had to navigate. We treated it seriously. There are portions of the Speech or Debate  
7     caselaw that might, in different circuits, be a little bit underdeveloped, such that the guidance is not  
8     entirely clear. But we were very much aware of Speech or Debate, the Speech or Debate Clause  
9     and committed to following the law that pertained to us relating to the Speech or Debate Clause, and  
10    did the very best we could to navigate and resolve any uncertainty that may have existed therein.  
11    We were not unconcerned about the Speech or Debate Clause.

12            Q     The last clause here says: Given my understanding of the low likelihood that any of the  
13    Members listed below would be charged, the litigation risk should be minimal here.

14            Were you aware that there was, indeed, some sort of litigation risk involved with issuing  
15    these subpoenas? I know this is specific to the Senators, but this is a more in-depth Speech or  
16    Debate analysis than what went on in the other PIN emails?

17            A     I was aware that -- at some point I became aware that certain of the specific issues that  
18    we were addressing, or what we were running into were arguably not fully resolved by the existing  
19    caselaw on Speech or Debate. And that's a common thing, particularly in complex investigation, to  
20    run into the corners of the law that aren't fully built out.

21            Yeah, I was aware that, you know, there was some lack of clarity on certain points. And we  
22    did the very best we could to proceed as thoughtfully and intelligently as possible.

23            Q     And, just again, I'll represent to you that there was an NDO signed by Judge Boasberg  
24    that accompanies this subpoena. So with the NDO, you have mentioned there's a lack of clarity of  
25    what, you know, the full spectrum of the rights are underneath the Speech or Debate Clause, and

1 there's a lack of clarity. But what remedy did Members have to litigate this lack of clarity, if you  
2 will?

3 A Are you asking me what ability Members of Congress have to?

4 Q In the context of these subpoenas, what remedies did Members have to litigate this lack  
5 of clarity that's apparent from this email?

6 A So a quick clarifying point. I am not saying that there is particularly a lack of clarity in  
7 my mind as to whether toll records are protected by the Speech or Debate Clause. I feel pretty  
8 confident that toll records are not under D.C. Circuit caselaw. But, you know, again, I am not a  
9 judge.

10 But to get to your question what remedy they have, a nondisclosure order does prohibit  
11 disclosure of the subpoena. So if the nondisclosures orders follow, the subscriber would not  
12 receive that subpoena.

13 Q And do you know if there was any discussion of -- it's a code that protects Senate phone  
14 records. It's 2 USC Section 6628. And it says, you know, if a third party receives some sort of legal  
15 process for a Senate phone line, they have to notify the Senate office or the Senate Sergeant at Arms.

16 Do you remember any of those conversations occurring at that specific statute?

17 A I don't remember, but I don't remember being part of any conversations about  
18 subpoenaing Senators' numbers.

19 Q I am going to jump around a little bit.

20 A As you wish, sure.

21 Q Did you know Jack Smith before joining the special counsel's team?

22 A No.

23 Q And who asked you to join the special counsel's team?

24 A I think Jack. I think Jack. I think I was -- I think he called and asked me to join.

25 Q And you had never worked with Mr. Smith prior to joining?

1 A I had not.

2 Q And you didn't work at all on the document piece of his investigation, correct?

3 A That wasn't where my work was. I may have, you know, at some point over the three  
4 something years have -- touched in a way I am not particularly remembering. But, no, that wasn't  
5 what I worked on.

6 Q Okay. And then the President is indicted August 1st, 2023, in D.C. for the election case.

7 A Yes, ma'am.

8 Q And then a gag order was sought against the President on September 15th, 2023.

9 Did you have any -- did you do any work in relation to the filings for this?

10 A If you show me my emails, that could help me a little bit, but I don't remember  
11 participating in the gag order really at all.

12 Q And were you aware that it was narrowed at one point by the Appeals Court?

13 A If that happened, I may have been made aware of it. I am not -- I don't think I worked  
14 on the gag order stuff. And if I did, I don't remember it, so I don't really recall.

15 Q Were you aware of any violation of 18 USC Section 1512, the Witness Tampering Statute  
16 by President Trump?

17 A When?

18 Q At the time of the gag order that was sought in September 15th, 2023?

19 A I don't know one way or the other. I do know that over the course of our investigation,  
20 there was a whole lot of evidence that President Trump sought to cajole people to say things that he  
21 wanted them to say even if those things didn't bear much relationship to the truth as we understood  
22 it. But to your exact question, I don't particularly know.

23 Q And then did you play any role in the appellate process for the Presidential immunity  
24 question?

25 A No, we had really great appellate attorneys. They didn't need me.

1 Q And so after the superseding indictment is handed on August 27th, 2024, did you play  
2 any role in the superseding indictment?

3 A Probably some role. I just don't -- you know, I don't remember exactly what I did, but I  
4 assume that I probably, you know, reviewed it, participated in some way. I just don't remember  
5 what my role was.

6 Q And did you have any role in setting the trial date for when it would start in D.C.?

7 A No.

8 Q After the immunity decision and the superseding indictment on August 2nd, 2024,  
9 Smith's office filed a 165-page brief that was styled as like an immunity determinations brief. Are  
10 you aware of this brief?

11 A Yeah, I am. It was pretty big, yeah.

12 Q And what was your role in the brief?

13 A I don't remember honestly. Like I probably had some role in reviewing it, addressing  
14 some factual issues. I just -- I remember it being a big brief that our office did, but I am a bit hazy as  
15 to exactly what work I was doing at that point and if that was something I spent much time on. I  
16 don't remember what my particular role was.

17 Q And what can you tell us about any discussions you were party to regarding the timing  
18 of the brief. You know, it came out August 2nd, 2024. The defense hadn't even responded to the  
19 superseding indictment yet. So it's just kind of out of order. Were you party to any discussions of  
20 timing?

21 A Not that I remember other than generally and historically we wanted to move quickly.  
22 In this case, the same as any other, you don't want to just leave an indictment hanging out over  
23 someone's head. You want to get it resolved. You want to move fast. But I don't remember  
24 specific conversations.

25 Q Were there any concerns about the proximity to the November 2024 election?

1           A     We had absolutely zero desire to do anything at any point ever that would have  
2 impacted the, you know, the 2024 election. We were as a team aware of the election interference  
3 policy, so it was something about which we knew. That's about it.

4           Q     Do you know if it was within the Election Interterm Policy? I think it's called, like, a  
5 60-day election sensitivities policy.

6           A     I'm not remembering how any sort of policies on election interference might have  
7 impacted our decisionmaking.

8           Q     Do you know if there was any correspondence with the Public Integrity Section given  
9 that this was clearly within 60 days of the November 2024, election?

10          A     Is that communication I was on that you can show me?

11          Q     I don't have any of that communication. I am just trying to see if you remember any  
12 communications or discussions?

13          A     I am happy to look at whatever you want to show me, but I don't remember anything.

14          Q     So if there were discussions with public integrity, you don't remember being party to  
15 those just as you sit here today?

16          A     I don't.

17          Q     I want to talk about our interactions with various other individuals outside of the special  
18 counsel's office?

19          A     Yes.

20          Q     While you were on the special counsel's team, and even prior to joining the special  
21 counsel's team, so from January 2022 to January 2025, did you ever have any interactions with the  
22 House's January 6th Select Committee?

23          A     I don't believe I ever did. I don't think so.

24          Q     Were you ever a party to any discussions about receiving information from the January  
25 6th Select Committee?

1           A     There may have been in May-ish of 2022. I said, I want you to understand, I'm doing  
2 my best on the date, but don't hold me to May.

3           Q     Okay.

4           A     In May, around that time of 2022, there might have been an opportunity for those of us  
5 on the team to review certain transcripts that they had of people that they had interviewed. I don't  
6 remember how many transcripts it was, or anything like that, but I have a vague recollection of this.  
7 And I think I might have been out of town, and so I wasn't able to participate in any review that might  
8 have happened. I sort of vaguely remember that.

9           Q     At any point in time, did you ever review materials that were provided by the January  
10 6th Select Committee?

11          A     Yes.

12          Q     And what do you remember reviewing?

13          A     I remember that at some point, we were provided a bunch of -- a tranche of documents,  
14 and we had things like transcripts. I specifically remember transcripts. I don't know if there was  
15 anything other than transcripts. But I remember reviewing transcripts of witnesses that the Select  
16 Committee had interviewed.

17                Particularly, in my case, I was particularly but not exclusively focused on witnesses who are  
18 also relevant to the work that I was doing and is obvious.

19          Q     Okay. And to the extent there were conversations or communications that happened  
20 between Mr. Smith's team and the January 6th Select Committee or the election interference  
21 investigation prior to Smith's arrival, those communications did not involve you. Is that correct?

22          A     To the best of my memory, I cannot say for certain, but I do not remember ever  
23 speaking to anyone. I don't remember personally speaking to anyone on the January 6th  
24 Committee. I do remember receiving the documents from the January 6th Committee.

25          Q     And did you have any contact or communication with Fulton County District Attorney

1 Fani Willis?

2 A No.

3 Q Are you aware of any contact that occurred between Mr. Smith's team and Ms. Willis?

4 A I am not.

5 Q And no contact with Nathan Wade, he was one of her prosecutors?

6 A No.

7 Q Did you have any contact or communication with Manhattan District Attorney Alvin  
8 Bragg?

9 A No.

10 Q Are you aware of any contact that took place between Mr. Smith's team or the election  
11 interference investigators?

12 A I'm not aware of that.

13 Q Any communication with Michael Colangelo after he went to Mr. Bragg's office?

14 A I don't know who that person is to tell you the truth.

15 Q Did you have any contact or communication with State Attorneys General?

16 A Yes. In that I -- I interviewed the Michigan -- not Michigan, I'm sorry. I interviewed  
17 Georgia Attorney General Chris Carr.

18 Q Okay.

19 A I flew down to Atlanta and talked with him about -- but this was not -- maybe I should  
20 clarify your question. I interviewed Chris Carr related to communications President Trump had had  
21 with him in 2020. But, yeah, I did talk to Chris Carr.

22 Q Okay. Did you talk to any other State Attorneys General or anyone in their respective  
23 offices?

24 A Let me go through the States. I don't remember doing so. And if you -- yeah, I don't  
25 remember doing so.

1 Q And when we had Assistant Attorney General Kenneth Polite -- I am sure you're familiar  
2 with him --

3 A I do know him.

4 Q -- in for a transcribed interview, he discussed two calls that he had convened with  
5 approximately 10 State Attorneys Generals. Do you remember if you were on those calls?

6 A Oh, that may have been -- I mean, I don't -- I don't remember. I don't think I would  
7 have been. No, I don't. I don't know. I don't know.

8 Q And did you ever discuss what occurred on those calls with either Mr. Polite or Mr.  
9 McQuaid?

10 A I'm not sure. Can you tell me what those calls related to that might jog my memory?

11 Q Yeah, I can tell you. I have Mr. Polite's testimony right here. He said: I can recall a  
12 call that involved several State Attorneys General on it, and my recollection was that representatives  
13 for the Attorney General or from the offices of Michigan, Nevada, Pennsylvania, Colorado were on  
14 that call, but it may have been certainly more than that. My recollection was around 10.

15 A Colorado? You know, that's weird to me. I was thinking maybe there's a call about  
16 the alternate electors, the fraudulent electors, or something, but no. I can sum it up this way real  
17 easily. The communication I had like with Chris Carr, -- and if there was any others -- would have  
18 been relevant to investigating what happened in the 2020 election, potentially as witnesses, right.

19 I don't recollect any conversations with people that were Attorneys General in their States at  
20 the time we were doing the investigation about, you know, investigative steps that those offices  
21 might be taking or anything like that.

22 Q Great.

23 A Does that distinction make sense?

24 Q That's helpful. Thank you. And in the January 2022 to January 2025 timeframe, did  
25 you ever have any contact with the Biden White House?

1 A No.

2 Q I want to talk about the use of FBI confidential human sources in that election  
3 interference investigation. While you were working on that investigation, did you ever interact with  
4 either FBI confidential human sources or information that was provided by FBI confident human  
5 sources?

6 A I do not believe I ever used a confidential human source in this case. I have no  
7 recollection of doing so. And I do not have any recollection of ever, you know, receiving  
8 information from a confidential source in this case.

9 Q And we're aware of June 2023 payment from Mr. Smith's team -- for the FBI  
10 rather -- but Mr. Smith and Mr. Holzer, I believe, okayed the payment of \$20,000 to a confidential  
11 human source for review of video footage and photographic evidence in that case. Were you aware  
12 of that payment or aware of how the confidential human source was used?

13 A No, not unless you -- if you can provide me with evidence -- with emails, you know, that  
14 I was on it or something. But, no, I don't remember that, no.

15 Q Okay. So you weren't aware of any use of confidential human sources in this case?

16 A I don't remember right now being aware of that.

17 [REDACTED]

18 Q Do you know where Brian Burnett is currently? The IG official?

19 A No. Mr. Burnett have not -- I unfortunately have not maintained communication with  
20 him. The last I heard he was still at DOJ OIG, but I haven't talked to him since probably some years.

21 Q Okay. We can go off the record.

22 [Whereupon, at 1:53 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