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

INTERVIEW OF: RAYMOND HULSER

Tuesday, March 24, 2026

Washington, D.C.

The interview in the above matter was held in room 2237, Rayburn House Office Building,
commencing at 9:59 a.m.

Appearances:

For the COMMITTEE ON THE JUDICIARY:

GENERAL COUNSEL

PROFESSIONAL STAFF MEMBER

LAW CLERK

DIGITAL DIRECTOR

CHIEF COUNSEL FOR OVERSIGHT

COUNSEL

RESEARCH ASSISTANT

MINORITY CHIEF COUNSEL AND SENIOR ADVISOR

MINORITY FELLOW

MINORITY CBCF FELLOW

MINORITY SENIOR COUNSEL

MINORITY LEGAL INTERN

For RAYMOND HULSER:

JUSTIN SHUR

ERIC NITZ

MoloLamken LLP

600 New Hampshire Avenue NW

Washington, D.C. 20037

1 [REDACTED] Good morning. This is a transcribed interview of Raymond Hulser. Chairman
2 Jordan has requested this interview as part of the committee's oversight of Special Counsel Jack
3 Smith and his team. Would the witness please state your name for the record?

4 Mr. Hulser. Raymond Hulser.

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

8 Mr. Hulser. That's correct.

9 [REDACTED] Could counsel, please, state your name for the record.

10 Mr. Shur. Justin Shur.

11 Mr. Nitz. Eric Nitz.

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

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

16 [REDACTED] [REDACTED] I am with Mr. Jordan's staff.

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

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

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

20 [REDACTED] [REDACTED] Chairman Jordan's staff.

21 [REDACTED] [REDACTED] Chairman Jordan's staff.

22 [REDACTED] Ranking Member Raskin's staff.

23 [REDACTED] [REDACTED] Minority Intern.

24 [REDACTED] [REDACTED] Minority Staff.

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

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

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

9 Mr. Hulser. I do.

10 [REDACTED] The proceeding is also being videorecorded by one of the committee's
11 videographers.

12 So, the court reporter can take down a clear record, we'll do our best to limit the number of
13 people directing questions at you during any given hour to just those people on staff whose turn it is.

14 Please try and speak clearly so the court reporter can understand, and the folks down at the
15 end of the table can hear you. It's important that we don't talk over one another or interrupt each
16 other if we can help it -- that goes for everybody present at today's interview.

17 We want you to answer our questions in the most complete and truthful manner as possible.
18 So we will take our time. If you have any questions or if you do not understand one of our
19 questions, please let us know. The questions will cover a wide range of topics. So, if you need
20 clarification at any point, just say so. If you honestly don't know the answer to a question or do not
21 remember, it is best not to guess. Please give us your best recollection. And it is okay to tell us if
22 you learned information from someone else. Just indicate how you came to know that information.
23 If there are things you don't know or can't remember, just say so. And please inform us who, to the
24 best of your knowledge, might be able to provide a more complete answer to that specific question.

25 You should also understand that by law you are required to answer questions from Congress

1 truthfully. Do you understand that?

2 Mr. Hulser. I do.

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

5 Mr. Hulser. Yes.

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

8 Mr. Hulser. Yes.

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

11 Mr. Hulser. No.

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

15 For the same reason, the marked exhibits that we will use today will remain with the court
16 reporters to go into the official transcript. And any copies of those exhibits will be collected at the
17 end of the interview. That's the end of my preamble. Is there anything my colleagues from
18 minority would like to add?

19 [REDACTED] Nothing besides thank you again for appearing voluntarily.

20 Mr. Hulser. You're welcome.

21 [REDACTED] Mr. Shur?

22 Mr. Shur. Thank you. Just briefly, Mr. Hulser's appeared today voluntarily to answer the
23 committee's questions. However, as you know, Mr. Hulser, as a former Federal prosecutor, is
24 bound by certain restrictions -- or requirements, rather, that restrict his ability to disclose certain
25 information related to his work at the Justice Department.

1 By letter, dated January 29th, 2026, the Department of Justice has waived certain privileges
2 and authorized Mr. Hulser to testify on a series of topics connected to the special counsel
3 investigation. We do respectfully request that the committee make the Department's January 29
4 letter part of the record in this matter.

5 Notwithstanding the Department's authorization, there are other limitations on Mr. Hulser's
6 ability to provide testimony, which remain -- for example, Mr. Hulser cannot disclose information
7 protected by the rules of 6(e) of the Federal Rules of Criminal Procedure -- bless you. We
8 understand the Department's position, as detailed in its January 29th letter, is that Rule 6(e) protect
9 only information that reveals the grand jury's inner workings. The rule is, thus, generally
10 inapplicable in the Department's view to the content of records obtained by grand jury subpoena and
11 nonpublic information regarding investigative actions taken outside the grand jury, and any materials
12 the Department has publicly disclosed through authorized means.

13 We understand that to include any information on the public dockets, information of Volume
14 1 of the Special Counsel's Report, or information the Department itself has publicly released, as well
15 as any information and documents disclosed to or publicly released by Congress.

16 We also understand the Department has stated that, given its authorization letter and its
17 interpretation of rule 6(e), that it would be effectively impossible for the Department to prosecute a
18 former member of the Special Counsel's Office, testifying before this committee for violating grand
19 jury secrecy restrictions.

20 Additionally, Mr. Hulser cannot discuss any classified information. And, finally, Volume 2 of
21 the Special Counsel's Report remains sealed as per Judge Cannon's order. Mr. Hulser, therefore,
22 cannot discuss any information contained in or the inclusions of Volume 2, except to the extent that
23 information was already been disclosed due to public court records. Consistent with those
24 limitations, we're ready to proceed and Mr. Hulser prepared to answer the committee's questions.

25 Mr. Nitz. Do you need a copy of the letter for the record?

1 [REDACTED] That would be great. We'll make this exhibit No. 1.

2 [Hulser Exhibit No. 1

3 was marked for identification.]

4 [REDACTED] The clock now reads 10:05 a.m. we'll start our first round of questioning.

5 EXAMINATION

6 BY

7 Q Mr. Hulser, can you tell us when you joined the Department of Justice?

8 A November of 1990.

9 Q And what positions did you hold during your tenure at the Justice Department?

10 A Oh, that's a long list. So I started as a trial attorney. Then I was a deputy chief.

11 Then I was a principal deputy chief. Then I was a chief. Then I was a Deputy Assistant Attorney

12 General. And then I was a senior counsel. And I was at various times a Special Assistant United

13 States Attorney in the D.C. U.S. Attorney's Office. I held positions in the U.S. Attorney's Office in

14 that capacity as acting chief of this or deputy chief of that, and then was counselor in the Special

15 Counsel's Office. And then, when I was terminated in January 2025, I was a senior litigation counsel

16 in the Human Rights and Special Prosecutions Section in the Criminal Division.

17 Q And, during your tenure at the Justice Department, did you specialize in one area?

18 A For most of my time there, I was a public corruption prosecutor and supervisor.

19 Q And, during your tenure, did you ever hold a political appointment at the Justice

20 Department?

21 A Never.

22 Q Okay. And when did you join the Special Counsel's Office?

23 A November 2022.

24 Q And this was after Mr. Smith was appointed special counsel?

25 A Yes.

1 Q And was that the first involvement you had in investigations concerning President
2 Donald Trump?

3 A It was. I was involved in investigations of January 6th itself. So a garden variety of
4 January 6th prosecutions. I was not involved in the investigation of President Trump.

5 Q And, when you were involved in investigations concerning January 6th, what office were
6 you in?

7 A The D.C. U.S. Attorney's Office.

8 Q And did Special Counsel Smith bring you on the team?

9 A He did.

10 Q And did you discuss your potential role with anyone in the Special Counsel's Office?

11 A Jack invited me to join, and I just said I would serve whatever role he needed. I had
12 known him for quite a while by then. And so he invited me to join the team, and I said I would.
13 And I understood at the time that there were two investigations and that I would be involved in both.

14 Q And had you had the opportunity to work with Mr. Smith prior to joining the Special
15 Counsel's Office?

16 A I did. We worked very closely in the Public Integrity Section between 2010 and 2015.

17 Q Do you know if there was anyone else who worked in PIN with Mr. Smith that he
18 brought on to the Special Counsel's Office?

19 A So J.P. Cooney, who was his deputy -- I don't whether it's accurate to say he brought him
20 on because he was already working on the investigation of the election case -- but he worked in the
21 Public Integrity Section. David Harbach worked with us in the Public Integrity Section. And
22 Molly Gaston worked with us in the Public Integrity Section. James Pearce worked with us in Public
23 Integrity. I don't -- you know what, James didn't work with Jack; he worked with me in Public
24 Integrity. So after Jack had gone.

25 Q Okay. And did Mr. Smith bring all of those individuals onto the team that you just

1 listed, or were they working on the investigations prior?

2 A Let me make sure I have it straight. So J.P. Cooney was already working on it. Dave
3 Harbach he brought in from O'Melveny & Myers. And Molly Gaston joined the team sometime in
4 2023. And James Pearce joined sometime at the end of 2022.

5 Q And did you ask Mr. Pearce to join the team?

6 A I sure did.

7 Q Okay. Did you have a role in bringing anyone onto the special counsel's team?

8 A I don't think so.

9 Q And can you describe the organizational structure at the Special Counsel's Office? I
10 understand that it was Mr. Smith, and then you said J.P. Cooney was his deputy --

11 A He was --

12 Q -- where did you align in the hierarchy?

13 A I -- you know, I don't know how folks came up with the title of counselor, but that's the
14 one that I had. And so I was involved in working closely with Mr. Cooney and Mr. Smith on both
15 investigations as a legal advisor -- advisor just helping them make decisions, supervise a lot of the
16 legal work and different pieces on both investigations.

17 Q And how did you divide your time between the two investigations? Was there one
18 that you worked on more than the other one, or was it pretty evenly divided?

19 A That's a good question. I would say it just depended on the work that was present at
20 that moment. So we would all shift our attention from one back to the other depending on what
21 was happening.

22 Q And, when you joined the Special Counsel's Office, obviously, the investigations had
23 been going on for quite some time. Can you tell us how you got up to speed on the investigations?

24 A It was a lot. I will tell you it was a lot. I did not have anything to do with the
25 investigation of President Trump on the election side before then. And I -- and I really knew very,

1 very little about the documents investigation.

2 There was a search at Mar-A-Lago, and I had heard about that, but I really didn't know that
3 side at all. And I didn't know the folks who were working on that side very much either. So I
4 didn't know the national security section team that was put together on that, and the AUSAs from
5 Florida, et cetera.

6 So, I had to just read a lot. There was a lot of material already gathered. I read all of the
7 interview reports, read any grand jury transcripts that were available, looked at documents, looked
8 at video. It was a steep learning curve, and it started late 20 -- late November, I guess.

9 Q And one of the individuals who was kind of key to the documents case was Jay Bratt.
10 How closely did you work with Mr. Bratt?

11 A Before I joined that team, I had bumped into him in DOJ, just because we were both
12 long-time DOJ prosecutors. Some national security event or another, I had met him and seen his
13 name from the Public Integrity Section. When I was on the team, we worked closely.

14 Q Okay. And I'm assuming you worked closely with Mr. Cooney?

15 A I did.

16 Q Did you ever have the opportunity to work with Thomas Windom once you were at the
17 Special Counsel's Office?

18 A I did.

19 Q And how closely did you work with Mr. Windom?

20 A It was close. It was close.

21 Q How many people worked for the Special Counsel's Office?

22 A I don't know the answer to that sitting here. I'd have to go through and count my way
23 up and down the halls.

24 Q Was it --

25 A More than 20.

1 Q More than 20?

2 A Yeah.

3 Q Was there ever time where there were more people involved in the special counsel's
4 investigation and less involved?

5 A The only time I remember a change that was notable was after we had indicted both
6 cases, Mr. Smith and Mr. Cooney wanted to look around and see, you know, do we need to keep all
7 of the folks we had had because the investigations took a lot of work? As we're going to be moving
8 into a litigation and then trial mode, do we need everyone? And so there was some streamlining,
9 and some folks went back to the offices where they had been working at DOJ.

10 Q I want to discuss the election -- the election case.

11 A Yeah.

12 Q And, specifically, there were some subpoenas that were issued for records for Members
13 of Congress, as well as a cell phone that was seized from a Member of Congress. Representative
14 Scott Perry's cell phone was seized August 9th, 2022. I know it was before you came into the
15 Special Counsel's Office.

16 But what can you tell us? What did you learn about the search warrant that was issued for
17 Mr. Perry's cell phone?

18 A Well, I got involved within the subsequent litigation about that. And there was
19 litigation all the way up into and back from the D.C. Circuit regarding what were the Speech or
20 Debate limitations on what we could get and use from Congressman Perry's phone. So, I was
21 playing catchup on it because the search and the seizure had all happened before I was involved.
22 The protocol for searching it under Rayburn was all in place before I was involved. But then we
23 litigated all the way up to the D.C. Circuit. And Chief Judge Beryl Howell had outlined her view and
24 how she would undertake her review.

25 Then we litigated it in the D.C. Circuit, and then they sent it back for further litigation. And,

1 after they did, we basically came to an agreement with the folks on the other side, and we ended up
2 getting to review certain materials from his phone.

3 [REDACTED] And, sticking with the litigation, I'll enter exhibit No. 2.

4 [Hulser Exhibit No. 2

5 was marked for identification.]

6 BY [REDACTED]

7 Q And these are -- the subject line is "Perry Litigation Bullets." And it's an email between
8 you and J.P. Cooney from January 11th, 2023. It's a two-page email. Feel free to review.

9 A Thank you. Okay.

10 Q And, just to provide some context for this email, it appears from other emails that on
11 January 10th there was a meeting between Chief Judge Howell and Mr. Smith. And then, on the
12 13th, there was a briefing between Mr. Smith and Attorney General Attorney General Garland.

13 A Okay.

14 Q Do you remember this timeframe.

15 A Yes. And this is a nice reminder of the timeframe, but I don't -- I don't have any more
16 detail in my head than what you're seeing here.

17 Q Did you attend the January 10th meeting with Chief Judge Howell.

18 A No.

19 Q Did you ever get a readout from Mr. Smith about the meeting with Chief Judge Howell.

20 A Almost certainly. And I don't remember the details of what it was. I don't think any
21 of these things came up.

22 Q Okay. You don't think any of the aspects of the Perry litigation came up in the meeting
23 with --

24 A I don't, and so, like I said, I wasn't there, and I -- my memory of what he might have said
25 when he came back is pretty thin. But I wanted to make sure he knew about these things going in

1 just like I would want any boss to know about the person he is meeting and what they have in front
2 of them. So, I don't think any of this came up.

3 BY [REDACTED]

4 Q How do these meetings ordinarily work?

5 A Which ones?

6 Q With the chief judge. Could you tell us a little bit about these types of meetings and
7 how common they are.

8 A Yeah. So, when you say "these types of meetings," what that means to me is a
9 manager of an office that is litigating things in a particular district has an ongoing relationship with
10 the court and with the chief judge in the court. So that was my understanding of the nature of this:
11 I am now litigating in your district a significant case. I am using your grand jury. We may have a
12 case at some point, here or elsewhere, that flows from your district. And so it is kind of a
13 management meeting.

14 And so, if you are a U.S. attorney, and if you are a criminal chief in a large U.S. Attorney's
15 Office, you meet with the chief judge. In D.C., they would meet with regularly with the Superior
16 Court judges of the different divisions. And, on the Federal side, they would meet regularly there.
17 What's the docket like? Where do we need the staff? Do we need a grand jury? Things like that.
18 That's what I understood this meeting to be.

19 Q These meetings happen in chambers or in the courtroom.

20 A It would be in chambers is my -- yeah, I think would be in chambers.

21 Q And you mentioned in your memo, the second bullet -- I'm sorry, the third bullet,
22 that -- you seem to raise the prospect that Rayburn was an outlier, and no other circuit agrees with
23 that.

24 I mean, isn't it fair to say that the D.C. Circuit hears most of the Speech or Debate types of
25 cases?

1 A It has a lot of it. It sure does.

2 Q So, to the extent the D.C. Circuit is weighing in on a Speech or Debate -- a question,
3 that -- that certainly is the circuit with the most expertise, correct?

4 A Yeah, I don't know how I would characterize their expertise. I do know with -- when
5 we have litigated in the Ninth Circuit and in the Third Circuit, they have taken a very different view.
6 It wasn't just going in a different direction; it was we expressly disagree with how they did it. But,
7 Rayburn, you know, is the law in D.C.

8 Q And did you -- did the office -- how did you sort through the ethical questions of talking
9 to the chief judge about some of these issues, you know, involving Congressman Perry?

10 You know, this is a separation of powers question in an ex parte fashion. Because, once you
11 get into Scott Perry's matter, once you get into Speech or Debate questions, that's a little bit different
12 than management questions in terms of we need additional resources; we need an additional grand
13 jury, you know, some of the other items that you flagged.

14 A Yeah, I don't think this came up when they talked.

15 Q So you don't think Speech or Debate questions came up.

16 A Yeah, as I said, I don't remember getting a detailed readout from it. I don't remember
17 the details of what he said they talked about. I just -- I don't think this came up. And I say that
18 just because I wanted my boss to be prepared for something that she had in front of her and that his
19 lawyers were dealing with. But I don't think it came up.

20 Q One of the very serious concerns we have about obtaining records from Members of
21 Congress, whether it's content in the case of Congressman Perry, or toll records -- toll records
22 subpoenas -- because, as you know, there have been a number of toll record subpoenas for Members
23 of Congress. The Members don't have any window into, you know, awareness this is happening.
24 So they can't challenge it.

25 And, so, how did your office navigate that question? I mean, this is a Speech or Debate,

1 separation of powers question where one of the interested parties never knows it's going on.

2 And so the question is, how did your office think through that question?

3 A Yeah, I don't know how much of a deep dive you want to do on Rayburn, Speech or
4 Debate, I just -- it's something I have been working on, less so for the last few years, granted, but
5 since the nineties. You know, and so we have been navigating, you know, starting with Irv Nathan
6 and working through Doug Letter, and a variety of chief counsel -- of general counsels in the house --

7 Q Right.

8 A -- how are we going to work this out, pre-Rayburn post-Rayburn. So, I've been
9 involved in those things. And we understand the scope of what it protects very well. And then
10 Rayburn raised questions of what can you get and how can you get it? And so we study that very
11 closely.

12 Where we had disagreements with House counsel over the years was not this stuff. This
13 stuff -- like, if there's going to be a warrant post-Rayburn, everybody understands. If you're going to
14 go in and search a Member's office, you're going to search his phone; you're going to do a protocol.
15 And we did that. I remembered doing that in cases involving House and Senate staffers because
16 there was child pornography on somebody's phone. And we needed to work -- even though that
17 was what was on the phone, we needed to work with Senate counsel, House counsel in how we were
18 going to do this so that we comply with Rayburn.

19 And so our understanding was a search warrant of a Member's office, of Congressman Perry's
20 phone, they put in a -- a protocol in place -- again, before I was involved -- but they put that place
21 because that was falling in.

22 On the other end of the spectrum, subpoenas and subpoenas to third parties -- I never heard
23 of anyone instituting a Rayburn protocol with the subpoena. Like for the toll record -- or to
24 somebody else who had records, like a lobbying firm that related to what Members and their staff
25 were doing, we just -- I never thought of it that way.

1 Q You would agree that the toll record subpoenas contained, you know, enormous
2 information. Toll records for the Speaker of the House, Kevin McCarthy, would reveal every
3 incoming and outgoing call that he takes. And so the content of who he's speaking to, especially
4 at any given time is very revealing. And how did the office, you know, sort through that type of
5 intrusive information being collected.

6 A Yeah, so, I think, by the time I was involved, some other subpoenas, and the Perry
7 warrant were already in place.

8 Q Right.

9 A The one that I had read about that folks on the Hill had put out information about are
10 subpoenas we put out -- when was it in May of 2023? So, for several Senators and a Member.

11 I think what you can see from those documents is how careful we wanted to be with that.
12 We put out a subpoena that asked for records for a limited window. And Mr. Smith didn't simply
13 say, "Yeah, you want to subpoena people, just go ahead, whatever you want." It was, "I need to
14 know why."

15 Q Right.

16 A And so people provided that. On other kinds of subpoenas that were being issued on a
17 daily basis, there was not a write-up of, Jeez, why do you need that stuff? So, we were pretty
18 sensitive to it.

19 Q I mean, the window for Chairman Jordan was pretty large.

20 A Yeah.

21 Q I mean, it went back -- it went back some time. And it's one thing if the Department's
22 position was they needed information regarding the January 6th timeframe, I think we would still
23 quarrel that that type of information deserves to be litigated. But, with the chairman's subpoena, it
24 went back, you know, to January of 2020.

25 Can you explain the thinking there? I know you -- that was before you joined the office, but

1 just given your expertise, and then the fact that you subsequently were a key player in this, how do
2 you justify going back to January 2020?

3 A Yeah, it was before my time, and so I don't -- I don't want to try to get in the heads of
4 folks who were working on it. My understanding of how we did it when I was on it was figuring out
5 what investigative information we needed, and you gather that information, and you treat it in a
6 very, very sensitive way the way we do all grand jury information. We don't put it out there. So
7 no one would know. And we would only use it to the extent it would be relevant to criminal
8 information and criminal charges.

9 Q With Mr. Jordan from January 2020 to let's just say November 2020, what possibly could
10 be relevant to the cases you were prosecuting.

11 A Again, I wasn't involved. I don't want to guess about what other folks were --

12 Q And do you think this was a mistake? Was this just a clerical error.

13 A I don't want to guess about what folks were doing, sir. I just -- I wasn't there.

14 Q Okay. But you did have some familiarity with the Scott Perry case, correct?

15 A I did. I got that familiarity when I joined, yes.

16 Q And so, based on the familiarity you now have with the Scott Perry case, what -- you
17 know, what possibly could be relevant to the Scott Perry case, of Mr. Jordan's phone records from
18 January 2020 to November 2020?

19 A Again, I wasn't involved in making a decision to issue those subpoenas, sir.

20 Q I mean, it was represented to us that the Jordan subpoena was necessary in relation to
21 the Scott Perry case. And so that's -- and since you have such great familiarity Scott Perry case, was
22 there --

23 A I don't remember a case against Scott Perry.

24 Q Well, the fact that Mr. Perry's phone was seized, and there was litigation regarding the
25 content of his phone --

1 A Yeah, yeah.

2 Q -- I refer to that as the Scott Perry case. I am not suggesting you --

3 A Okay.

4 Q -- were attempting to prosecute him. I am talking about the contents of his phone.

5 A Yeah. So, again, I wasn't there at the time folks issued subpoenas for Chairman
6 Jordan's records. So I just don't want to guess about what relevance was there.

7 Q And, during your time that you were there, did the content of Mr. Jordan's toll records
8 ever come up? I mean, did you ever have any role in having a discussion about the toll
9 records -- the content of the toll records that was subpoenaed?

10 A I don't remember that.

11 Q Okay.

12 A I don't remember it ever coming up.

13 Q Okay. What other Members do you remember having discussions about?

14 A Really only the ones that were in the documents that reflect -- May subpoenas.
15 May 2023 at the time, I guess.

16 Q Okay. So, the one related to the Senators, and I believe Mr. Kelly?

17 A And one of the --

18 Q -- one of the Congressman.

19 A Uh-huh.

20 Q That's the only toll record subpoena you have facts about.

21 A The only ones I remember us actually issuing and focusing on, yeah.

22 Q Okay.

23 A And, whether others requested subpoenas, talked about subpoenas to others, I don't
24 have detailed memory of that.

25 Q Did you have any memories of a subpoena for Congressman Fitzgerald from Wisconsin?

1 A Do I have a memory of --

2 Q -- yes.

3 A No, I don't, sir. I am sorry.

4 But, honestly, if there are records about that, I'm quite happy to look at them, and --

5 Q How about Congressman Biggs from Arizona?

6 A I don't remember us issuing subpoenas to particular Members other than the ones that I
7 have seen the documents from May.

8 Q Okay.

9 A So, if you have those, I really am happy to look at them with you and go through it.

10 Q Okay.

11 [REDACTED] This will be exhibit No. 3.

12 [Hulser Exhibit No. 3

13 was marked for identification.]

14 BY [REDACTED]

15 Q This may help you jog the memory about Members of Congress?

16 A Thank you, sir.

17 Q And this is an email chain between and you Mr. Duree and Mr. Windom. And there
18 are several iterations of a list of Members. And I think the most final list is the one on the first page.
19 But take your time to review.

20 A This is helpful for reminding me. Thank you. Okay. Thank you.

21 Q And just, to go off of some of the questions that [REDACTED] was just asking you, on the
22 second page, you mentioned to Mr. Duree. He sent you a list. And Mr. Jordan isn't included on
23 that list. And you asked, "Isn't Jim Jordan one of the people the President called on January 6th?"

24 So, was that the kind of call logs you were seeking, the calls between Mr. Jordan and the
25 President?

1 A I'm sorry; I don't know what you mean.

2 Q On the second page, it says, "Isn't Jim Jordan one of the people the President called on
3 1/6?"

4 A Yeah.

5 Q And Steve had been asking you, you know, why did you need the January 2020 through
6 November --

7 A Uh-huh.

8 Q -- 2020 records? And, if the concern is trying to track what Mr. Jordan was
9 communicating with the President, why did you need records all the way back to January 2020?

10 A Again, I wasn't involved in issuing a subpoena back to 2020. This question focuses on
11 January 6th, and that obviously would be quite relevant to us.

12 Q And, when we had Mr. Duree in for a transcribed interview, he discussed how the broad
13 timeframe was necessary in order to establish communication networks and communication patterns
14 if Mr. Jordan.

15 Did you ever -- do you know if Mr. Duree ever established those networks or communication
16 patterns?

17 A I don't remember. If you have further emails -- and this makes me curious -- you may
18 know the answer to this, whether any subpoenas were actually issued, because I don't -- I don't have
19 a recollection of all these.

20 Q So you don't have a recollection of whether Mr. Babin or Mr. Biggs received subpoenas.

21 A No.

22 Q And, in the email, the bottom of the first page there, it says: "Also" -- this is Mr. Duree
23 speaking to you in an email -- "Also, FYI, please note that, when I mention 'calls' above, that indicates
24 only that calls were placed between the two numbers. I'm not saying all the calls were answered or
25 resulted in long conversations."

1 And, in the email, it talks about who was calling who between that time period.

2 So it appears that you already had some toll records that established the calls that were going
3 back and forth. So why did the Special Counsel's Office need to issue subpoenas for a Member's
4 record if already had the call logs?

5 A Again, do you know whether we issued any of these? I don't recall.

6 Q I know there was a subpoena issued for Mr. Gohmert and his chief of staff's number,
7 and then the ones down at the lower end of the list, obviously, where the --

8 A Or the ones in May?

9 Q Yeah.

10 A Yeah.

11 Q So, can you tell us why the Special Counsel's Office stopped to subpoena Members
12 when you already had records of the calls.

13 A If you have records of some calls and you want to fill out the picture of who that
14 particular person was talking to at that particular time, it would be a very typical investigative step to
15 gather for the records regarding that person. I don't remember the details of why we would seek
16 any of the particular ones here sitting here today.

17 Q At the top of the email chain, you tell Mr. Duree, "As we discussed, Jack would like to
18 narrow it down before we go to PIN. Please circle up with Thomas on which ones we actually want
19 to pursue, and then we can go to PIN."

20 The email seems to allude to the fact that you had a meeting with Mr. Smith or had
21 mentioned the subpoenas to Mr. Smith.

22 Do you know -- why did he want to narrow down the list? Did you ever get a sense of that?

23 A Well, I talked with him about it. And, as we got into the May subpoenas, you could
24 see, not only was it narrow list of people, timeframe, but there were written justifications for it. So
25 he wanted to be very careful if we were going to be getting subpoenas for Members.

1 I think part of what you're seeing here -- this is January 10 -- I have been involved in this
2 investigation for not that long. I am still getting up to speed on who is doing what and what they're
3 gathering. And so we're looping back to Thomas Windom, who was really in charge of the election
4 investigation. And Tad would have been working under his supervision. So, you know, I guess,
5 Thomas was on some of the earlier ones. I can't remember. But this was -- let's redirect, and
6 make sure that we actually need these. I don't know what Thomas thinks we need. He is the one
7 really leading that part of the investigation. And let's go through a process of deciding which ones
8 we really need. Because we considered it a sensitive thing to get a Member's records. No
9 question.

10 Q And can you explain to us the sensitivity around getting Members' records? Why did
11 you think it was sensitive?

12 A It is -- you know, it's a respect for another branch, for sure. And we're aware of
13 sensitivities regarding using Members' information. So we would know that there's certain
14 information we can't use, even if we get it. But these are important public officials, and we're going
15 to be very aware and careful by just getting their records.

16 Q And did you have any engagement with PIN when the subpoenas were actually issued.

17 A Yeah, again, I didn't remember whether any of them were on this list other than the
18 May ones that were --

19 Q In the May 2023 timeframe --

20 A Yeah.

21 Q -- specifically, talking about those, what can you tell us about your involvement with
22 PIN?

23 A I don't think I had the contact with Public Integrity around these subpoenas. I think
24 others did. I was, obviously, very familiar with the Public Integrity section and the folks who worked
25 there. But, in the May timeframe, I think that Molly Gaston did the actual reachout. I don't know

1 that I would have remembered that, but the emails are out there now. So I've seen them. She
2 had the reachout to get the -- to do the consult that's required.

3 Q And did she report back to you on what she was learning from PIN.

4 A I saw emails that -- where they had said PIN concurs, or something like that. It was
5 included in a memo.

6 Q Okay.

7 [REDACTED] This will be No. 4.

8 [Hulser Exhibit No. 4

9 was marked for identification.]

10 BY [REDACTED]

11 Q And it's the -- included the whole chain, just to be fulsome. But there's an email from
12 Mr. Keller. And it's on the 7th page of the production that we're mostly interested in. Please feel
13 free to review as much as you'd like.

14 A Thank you, sir. Okay.

15 Q You're --

16 A Yeah, I've seen these.

17 Q In the email chain, you request a memo from Ms. Gaston as to, you know, limited toll
18 records, subpoenas for Members of Congress. What was the impetus for the memo?

19 A To make sure that we were being careful about getting Members' records, and to make
20 sure we had a good justification for it, and the record of that.

21 Again, we did not do that with every subpoena the office issued, but these were sensitive.
22 We knew that.

23 Q And, looking at the -- this is page 7 of -- the pages aren't numbered -- but it's the
24 seventh page in, and at the top it's from Ms. Gaston to you, forward consult for May 17th, 2023.
25 And, in the middle of the page, there is an email between Ms. Gaston and Mr. Keller who's the

1 principal deputy chief at the Public Integrity section. Did you ever overlap with Mr. Keller when you
2 were at PIN?

3 A I did.

4 Q And did he ever overlap with Mr. Smith while he was at PIN?

5 A I think so.

6 Q In the email, we'll just kind of walk through some of the portions of it. It says, "Based
7 on the email below in our conversation, PIN concurs in the subpoenas for toll records for the
8 identified Members of Congress from January 4th, 2021 through January 7th, 2021."

9 As you are aware, there is some litigation risks regarding whether compelled disclosure of toll
10 records of a Member's legislative calls violates the Speech or Debate Clause in D.C. Circuit.

11 Do you know how -- how did you come up with the January 4th through January 7th
12 timeframe?

13 A Well, I certainly didn't. The folks who were closest to the ground on the investigation
14 decided that was the window that they thought we should try to get, and they narrowed -- they
15 made it narrow because we wanted to treat this as a sensitive matter. And that was around the
16 events of January 6th. That seemed like a pretty narrow period of time.

17 Often, when people get toll records, they get a lot of toll records. It is a very routine
18 operation to issue a subpoena to get a year's worth of toll records. And you will see other numbers
19 a person called. You will run those numbers and see, oh, I didn't realize this person connected to
20 this person. All sorts of reasons you would do that. This was much narrower than.

21 Q And, in the window of January 4th through January 7th, what specific evidence or calls
22 were you looking for, the team looking for? Were you ever read into that?

23 A I think just what was in the memos that laid out what we were looking for. So it
24 was -- I think, in particular on January 6th, but a little bit around that to see who folks were talking to
25 that might fill in information about who they were talking to on the 6th.

1 Q And, in the memo, it mentions, you know, calls with obviously the President. It
2 mentions calls with some of his advisors, Mayor Giuliani, Chief of Staff Mark Meadows. And so a lot
3 of it is communications between the Members and the executive branch.

4 Can you tell us how the office decided that that wouldn't have been part of the core
5 legislative function that the Members were performing?

6 A I don't know that we did reach that conclusion.

7 Q Because, obviously, you know, who is calling a Member before and after a big vote -- do
8 you would agree on January 6th to certify the election, that's kind of a big legislative act? Do you
9 agree.

10 A Do I agree --

11 Q -- agree that certifying the election is a big legislative act.

12 A I don't want to just characterize it as big or small. I would agree that that was a
13 legislative act.

14 Q So the legislative act --

15 A That's all that matters for Speech or Debate purposes. I agree with you.

16 Q And, between, you know, the 4th and the 7th, Members are getting ready to decide
17 how they're going to vote on the 6th, or maybe they're having discussions with the White House and
18 the executive branch advisors regarding why they voted the way they did on the 6th; how did you
19 distinguish that -- those calls under the Speech or Debate cases?

20 A I don't think I understand the question.

21 Q Wouldn't that be protected legislative communications under the Speech or Debate?

22 A I'm sorry; I understand your question. Yeah, I would think some of them would be.
23 Maybe not all of them. And it would depend on the detailed analysis, for example, that the D.C.
24 Circuit said a judge would need to do in parsing through does -- is this an integral part of the
25 deliberative and communicative process by which the Members do their work regarding an event like

1 the certification? So it would require a detailed parsing. I don't have any doubt that some of
2 them would be protected by the Speech or Debate Clause.

3 Q So, in getting then the toll records, there would be some Speech or Debate
4 material -- protected material that would be swept in under those subpoenas. Would you agree?

5 A I would agree.

6 Q And in -- Mr. Keller mentions there's some litigation risk. What is the litigation risk
7 here? What did you understand litigation risk to be?

8 A Yeah, he talks about litigation and risk a couple of times in the email. And so he was
9 certainly aware that we were litigating things with Congressman Perry that was Speech or Debate.
10 And we were litigating other things in the district regarding Speech or Debate. And his office was.
11 Public Integrity was.

12 So, if we were to charge a Member, if a Member were to be included in whatever we were
13 doing, there would be real litigation risk. But, if you were getting and using toll records that are
14 protected by the Speech or Debate Clause, you may have messed up your investigation; you may
15 have tainted the grand jury by putting Speech or Debate protected material in there. So it would be
16 the use of it.

17 Let's say you put it in a warrant that you wanted to go search something. That would be a
18 use of Speech or Debate material that you have gotten it through this process. And, if you charge a
19 Member, if you charge a staffer, if you charge someone in the legislative branch, that would be a real
20 litigation risk to your case.

21 Q And, amid the May 2023 subpoenas, Judge Boasberg signed a nondisclosure order that
22 accompanied the subpoena. Did your office have any discussions about, you know, what remedies
23 Members could avail themselves of to litigate their Speech or Debate rights given the nondisclosure
24 order?

25 A So I don't remember talking about the nondisclosure order. I was focused on just, you

1 know, let's make sure we go through the process and go to Public Integrity. They have the ticket
2 on -- concurring in this. Letting Jack know we had good reason for these subpoenas. And then
3 they went out. The mechanics of how they went out or what applications were made to the judge, I
4 honestly did not pay attention to.

5 Q With the nondisclosure orders, obviously, the Members had no idea that your office had
6 sought their records. Is that fair to say?

7 A I would assume they did not at the time.

8 Q And so what remedy did Members have to avail themselves of -- to litigate their Speech
9 or Debate rights prior to disclosure of their toll records to your office?

10 A I can't see how they would have had a remedy at that time.

11 Q And I know you said you didn't have any conversations about the nondisclosure orders,
12 but just wondering if you ever learned whether or not, when the team went to the judge, to Judge
13 Boasberg, and they gave him these subpoenas, did they disclose that the subpoenas were for records
14 of Members of Congress to Judge Boasberg?

15 A I don't -- I don't know.

16 Q Did you ever learn of pushback from AT&T in regards to handing over some records for
17 one of the Senators?

18 A I've heard about that since more recently, but I don't remember that from at that time.
19 I honestly don't.

20 Q Do you know if AT&T raised the Speech or Debate Clause as a reason for why they
21 couldn't turn over records of the Senate landline?

22 A I don't remember that.

23 Q Were there any discussions amongst the special counsel's team regarding 2, U.S.C.,
24 section 5628 -- it's a statute that requires the disclosure of a subpoena for Senate lines to the Senate
25 office involved or the Sergeant at Arms? Did you ever have any discussion about that?

1 A I don't remember any conversations about that.

2 BY [REDACTED]:

3 Q Were you aware of that statute?

4 A It's a good question, Steve, because I have been doing this so long I could not say to you
5 I have never heard of that statute on the Senate side. We did so much of our work with the Hill on
6 the House side. So I don't remember and I -- you know, I had litigated a case or cases regarding
7 Speech or Debate and gotten myself into Title II, but that statute, I don't remember anyone ever
8 raising it as an issue in getting toll records.

9 Q Okay. To the extent you know, and whose burden is it to notify the court that this
10 statute is in existence?

11 A To notify the court.

12 Q Right because the nondisclosure doesn't work for the Senate -- I mean, under this
13 statutory scheme, the nondisclosure component doesn't work for Senate lines.

14 Mr. Nitz. Do you have a timeframe on that, [REDACTED]?

15 [REDACTED] It's the timeframe?

16 Mr. Nitz. In May 2023?

17 [REDACTED] Yeah.

18 Mr. Nitz. Okay.

19 Mr. Hulser. Yeah, I have looked at the statute, and it looks to me like the phone companies
20 are responsible for taking action or disclosing or not disclosing based on their customers'
21 information.

22 BY [REDACTED]:

23 Q Okay. And do you ever recall a time when the phone company, you know, had to
24 notify the Department or notify the judge that they couldn't comply because --

25 A I don't remember that in this case.

1 Q Okay.

2 A You know, if there were records and emails -- DOJ has all of them -- I just -- I don't
3 remember that coming up here.

4 Q Okay.

5 BY [REDACTED]

6 Q Do you remember a subpoena that was issued for Speaker McCarthy's toll records in
7 January 2023?

8 A I don't remember that.

9 Q Do you remember any discussions -- you know, Speaker McCarthy was elected Speaker
10 on January 7th, 2023. Then the subpoena goes out on January 24th, 2023. Was there any
11 discussion about the timing, if it was a few weeks after he became Speaker, was there any discussion
12 about that?

13 A I don't remember that.

14 Q In terms of the subpoena that went to Mr. Jordan, it was served by a DOJ Office of
15 Inspector General Brian Burnett. What can you tell us about the OIG's involvement in the election
16 interference case?

17 A I think that they were involved because they were D-O -- there was a DOJ person who
18 was involved, Jeffrey Clark, who worked at DOJ. And I think they were involved because they were
19 helping -- they had a strong electronic evidence evaluation unit, and I think they were helping with
20 some of that.

21 Q Do you know how long the OIG stayed involved in the case?

22 A I don't remember.

23 Q And you said it was because they had like a strong electronic --

24 A They were doing something with electronic evidence, and I can't remember exactly
25 what it was. That's just the connection in my head. And then I do know that there were -- Jeffrey

1 Clark was a DOJ employee during this activity. And so that would make sense to me that DOJ IG
2 would be involved.

3 Q And the IG was also involved. They sent an agent out with the FBI agents to execute
4 the search warrant for Mr. Perry's cell phone. Did you ever learn about the IG's involvement in the
5 Perry matter?

6 A I don't remember that, but that maybe confirms for me that it was something on the
7 electronic side that they would be helpful with and that Mr. Perry's involvement was in part with the
8 DOJ employee.

9 Q And, in regards to Mr. Perry -- going back to the bullet -- that this is exhibit No. 2; this is
10 the bullet points. There's mention of two different litigation tracks. One is for the search warrant
11 for his phone, and one is the search warrant for his Gmail and iCloud account.

12 Were the warrants for his Google or his Gmail and iCloud accounts, were they issued after
13 you arrived at the Special Counsel's Office or before?

14 A I don't remember.

15 Q And there's some mention of -- for the cell phone after the warrant was issued, you put
16 in place Rayburn compliance protocol. And there were some -- it looks like there was some sort of
17 back and forth with Chief Judge Howell, whether or not the same Rayburn compliance protocol
18 needed to be put in place for the email. And the special counsel's position was that it did not need
19 to institute Rayburn Protocol. What can you tell us about why the office took that position?

20 A Do you know -- yeah, so when is that in January?

21 Q January 11th, 2023.

22 A I'm just trying to remember as we sit here whether that position was already established
23 during the investigation before we took over. Because that I expect was the position of the D.C.
24 U.S. Attorney's Office prosecutors who were involved with Speech or Debate on somewhat of a
25 regular basis. I think that was their position. It looks like we were following through on that

1 position.

2 Q And it looks like there were -- there was some conversations with Chief Judge Howell
3 about, if you didn't put in place the Rayburn compliant protocol with the email, the office would have
4 access to emails that she had already ruled were protected under their Speech or Debate Clause
5 given her ruling on the cell phone. Do you remember this engagement?

6 A So I remember that James Pearce, you know, had a hearing or a conversation -- I guess a
7 hearing with her -- and they talked about it, and that she was inclined to do some sort of Rayburn
8 middle ground something with the iCloud and email account. That was my recollection. And I
9 don't think they had any conversation about toll records.

10 Q Do you know if there was any discussion prior to executing the search warrant? I know
11 you weren't there at the time, but did you learn of any discussions regarding the Speech or Debate
12 Clause prior to executing the warrant for his cell phone.

13 A I don't remember details. I will say that, because of my experience with Speech or
14 Debate, I had some kind of conversation with Tad Duree, and I am not sure who else. Sometime
15 while they were working on this, and I was not. It may have been around the time -- when was the
16 search? Do you remember?

17 Q August 9th, 2022, is when the search warrant was executed, the day after the date
18 Mar-a-Lago, if that's helpful.

19 A And my birthday. My 60th birthday. I don't remember exactly what he and I talked
20 about. Whether it was before they did it or after. But, you know, he was not from the Public
21 Integrity Section. Folks who are in Public Integrity -- John Keller, J.P. Cooney, Molly Gaston,
22 Jack Smith, me -- we know in Speech or Debate what is a Rayburn protocol? What are you talking
23 about? You are going to put in a protocol so that the subject and look at things before you see it?
24 That sounds crazy to people. So I think I remember having some conversation about what those
25 are, but I don't remember the details of it.

1 Q And did you ever learn that the FBI had surveilled Mr. Perry for a week prior to
2 executing the search warrant?

3 A I don't remember that.

4 Q And, during your time at the Special Counsel's Office, did you ever learn that, while
5 executing the search warrant, they deprived Mr. Perry of his phone for a full day? Did you ever
6 learn how long they had Mr. Perry's cell phone for?

7 A I think that was in some of the litigation, in some of the papers. So I may have read
8 that later.

9 Q And, to your knowledge, were there any discussions about depriving a Member of
10 Congress of their cell phone for a full day prior to the execution of a warrant?

11 A So, I just read about it later.

12 Q Okay. And were you privy to documentation of any conversation regarding how Mr.
13 Perry would carry out his legislative duties while his phone was not with him?

14 A I don't remember that.

15 Q Okay. In some of the correspondence that we've seen, there's mention of -- we've
16 talked about this early -- a meeting between Mr. Smith and Attorney General Garland on
17 January 13th. Were you aware of that briefing.

18 A If it was a briefing where Jack met with the Attorney General and briefed him on the
19 case, I would have been there.

20 [REDACTED] Do you remember meeting -- we can enter an exhibit -- that's the -- kind of the
21 agenda for the meeting if that would be helpful to jog your memory. It would be exhibit 5.

22 [Hulser Exhibit No. 5

23 was marked for identification.]

24 BY [REDACTED]

25 Q This is exhibit No. 5. It's an agenda for a AG briefing January 13th, 2023. And, if it's

1 helpful, I'm going to be mostly concerned with page 13, and it goes on to page 14.

2 A A long document. I haven't seen this in a long time. This will take a minute. I'm
3 just taking my time to get through it. There's a lot here.

4 Q Of course.

5 A I'm sorry; you mentioned a page that you were --

6 Q Yeah, page 13. And, to the extent I refer to other pages, I'll make sure to give the page
7 number and the bullet I'm looking at.

8 A Okay.

1 [10:59 p.m.]

2

3 BY [REDACTED]

4 Q Did this jog your memory about this specific briefing? Do you recall if you attended?

5 A I was at the Attorney General briefings. It would be difficult for me to, you know,
6 compartmentalize one briefing from another.

7 Q Do you remember toll records from Members of Congress coming up at any briefing
8 with the Attorney General?

9 A I don't. If you hadn't shown me this, I would never have remembered that that was
10 ever an issue on the agenda.

11 Q So you don't know if the Attorney General knew that the Special Counsel's Office was
12 contemplating subpoenas for members?

13 A You know, I don't know whether this was a topic we actually covered in the meeting. I
14 suspect that it was. Based on this, I would say he did.

15 Q And if you jump back to page two, it makes mention, the final bullet on the page
16 mentions a meeting with Judge Boasberg on March 18th?

17 A Yes.

18 Q Do you recall this meeting at all?

19 A March 18th. That's 2 months after this. I don't know what that means.

20 Q It mentions, right above it, mentions the meeting with Chief Judge Howell, and then
21 talks about a Judge Boasberg.

22 A Maybe that means he's going to become the chief on March 18th. He took over as
23 chief.

24 Q Do you recall any meetings between Mr. Smith and Judge Boasberg?

25 A Yes.

1 Q And what can you tell us about those meetings?

2 A Very much like the meeting that I recall that we talked about with Chief Judge Howell.

3 A, I was not there, so I don't know the details, but it was management-related, how are we going to
4 manage this grand jury issue, or that grand jury issue. And I will say at some point there were
5 conversations, was it in person or not, I don't know, with Judge Boasberg about safety at the
6 courthouse.

7 Also, we would talk to Chief Judge Howell, maybe Chief Judge Boasberg, about how our
8 people could get into the courthouse without being identified because people were trying to follow
9 them.

10 Q And at the top of the page, the second bullet on page two it mentions, "Following week
11 will meet with Director Wray on January 24th." When Mr. Smith would meet with FBI Director
12 Christopher Wray, would you attend those meetings as well?

13 A My recollection is that he only did that once, and I was not there.

14 Q Okay. We'll just stick with this document.

15 A Pause on that. I was in the room with Director Wray on something. I don't
16 remember when it was, but I was in something with him. What I remember is -- when was Director
17 Wray in place. Was he in place this whole time?

18 Q Yes.

19 A Okay. So there was one meeting I was in the room with Director Wray. I just don't
20 remember exactly what that one was. But I also know that there was a meeting between Jack and
21 the Director that I believe J.P. Cooney was there for, but that I was not. I don't know which one this
22 is.

23 [REDACTED] Would he ordinarily attend those meetings with J.P. Cooney?

24 Mr. Hulser. If Jack was going to be meeting with the Attorney General, or Deputy Attorney
25 General, or higher level folks at the FBI, J.P. Cooney would be there.

1 [REDACTED] And would that be the same for any meetings with the judges?

2 Mr. Hulser. No, I don't think anybody but Mr. Smith went to meet with the judge.

3 [REDACTED] He went by himself.

4 Mr. Hulser. I think so.

5 BY [REDACTED]

6 Q There's mention in other documents of a meeting between Smith and Wray that
7 happened on May 24th, 2023. That's the day before the subpoenas went out for the Senators. Do
8 you remember meeting --

9 A There's one I was there for, and one I was not. I think it's right.

10 Q On page 12 of this document at the very top there's mention of the House's January 6th
11 report.

12 A Yes.

13 Q And it mentions the -- first of all, it says, "Leadership team fully read and reviewed.
14 Last weekend we went over it page by page and incorporated into our investigative plan." Who did
15 the leadership team encompass, do you recall?

16 A Yes. My recollection is that was Mr. Smith, Mr. Cooney, Mr. Windom and me.

17 Q Would it be accurate to say you went over it page by page?

18 A Yes. That's the way Mr. Smith works. And it's a long report.

19 Q And the next bullet says, "We have a methodical process for logging all information
20 contained in the report." How did you log the information?

21 A I wasn't involved in that, but I think Thomas Windom was -- he's a very detailed well
22 organized prosecutor, and he had been on this the whole time, so I think he had charge of cataloging
23 was it new? Was it inconsistent with what we have? Is it something we need to follow up on?
24 That sort of thing.

25 Q And in reference to the inconsistent information, you mentioned that, and then it's in

1 the bullet here, inconsistent information, can you tell us what information was inconsistent, how did
2 you figure that out?

3 A I can't tell you sitting here today, but that is something that Thomas would know having
4 been on that investigation the entire time, and he would be able to compare what we knew through
5 interviews or grand jury with what he saw in that report.

6 Q And at a high level, can you remember whether there were any inconsistencies between
7 what your investigation found and what was in the January 6th report?

8 A There were so many details, so many witnesses, so many documents, I am sure there
9 are things that are different in one source or another, but I can't tell you what they are sitting here.

10 Q And the Special Counsel's Office received information, transcripts, documents from the
11 January 6th Committee, Select Committee. Did you ever have any interactions with the Select
12 Committee?

13 A At the very beginning when they still existed and we wanted to make sure to get their
14 material before it somehow became unavailable because we wanted to have the benefit of any leads
15 we could get from it, I had maybe one phone conversation where Mr. Cooney was on it, and I think
16 Mr. Heaphy, who was working for the committee, and I think Mr. Cooney just kind of took it from
17 there and ended up getting materials from the committee.

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

19 [Discussion off the record.]

20 [REDACTED]:

21 Q We'll go back on the record. Mr. Hulser, thank you, again, for appearing before the
22 committee voluntarily today. My name is [REDACTED]. I'm a senior counsel with Ranking Member
23 Raskins' staff. I'm joined here by [REDACTED] who is our chief counsel, and might also be asking
24 questions during this hour.

25 So in the last hour, you covered some aspects of your lengthy career at DOJ, and I just sort of

1 wanted to revisit that and get a little bit more detail.

2 Where did you go to school to obtain your undergraduate degree?

3 A I went to Colgate University and got a degree in biology.

4 Q I was Cornell, so not too far away. Where did you go to law school?

5 A I went to University of Pennsylvania.

6 Q And did you join DOJ immediately after law school?

7 A I did not. I went and I clerked for a judge on the 11th Circuit first.

8 Q And then you joined DOJ immediately after that?

9 A I'm sorry. And then I went to a law firm called Foley, Hoag and Eliot in Boston for a
10 little less than 2 years.

11 Q And I believe you said you joined DOJ in 1990. Is that correct?

12 A That's correct.

13 Q And what was your position in 1990?

14 A I was a trial attorney.

15 Q And going back to 1990 and your decision to join DOJ, why did you decide to become a
16 prosecutor?

17 A I wanted to be a prosecutor from fairly early on in my law school career. I became
18 interested in criminal law. And when I was at the law firm, which enabled me to pay off some
19 loans, I started looking for jobs as a prosecutor in different places, DA's offices that would, at the
20 time, pay about \$20,000 a year, I was willing to do it because I wanted to get in the courtroom and
21 be a prosecutor. And then I learned through some folks who I knew at the Public Integrity Section
22 that they were going to be hiring, so I applied for a job.

23 Q And you were hired into the Public Integrity Section. Is that right?

24 A I was. That's where I started at DOJ.

25 Q And I don't want to rehash the background that my colleagues went over last time. It

1 sounds like there were a number of positions. But in terms of your leadership positions at the
2 Department, could you briefly go over those?

3 A So I was a deputy chief, I think starting in 2003, or 2002, something like that.

4 Q And is that of the Public Integrity Section?

5 A All in the Public Integrity Section. Yes, sir. And then became a principal deputy chief
6 at some point. I was acting chief a couple of different times in there. And then was -- so I was
7 senior executive service, principal deputy chief starting at the end of 2010, and then became chief of
8 the section after Mr. Smith left.

9 After that, sometime in 2017, I want to say it is, I became a Deputy Assistant Attorney
10 General, so working in the front office of the criminal division, overseeing both the Public Integrity
11 Section, and the Office of Enforcement Operations.

12 Q Okay. So from the time you became chief of the Public Integrity Section in 2015, until
13 you joined Special Counsel Smith's team, were you the head of the Public Integrity Section?

14 A Not that whole time. Not by any stretch. So I left Public Integrity to go ahead and be
15 a Deputy Assistant Attorney General in the front office, so still connected to Public Integrity. And
16 then in 2019, I left because I wanted to go be a lawyer, again, instead of a person who sat in
17 meetings and sent emails, and I went to superior court and tried violent crime cases for a year right
18 before COVID.

19 Q And is that in Federal court in D.C.?

20 A It was in the U.S. Attorney's Office in superior court in D.C. Where the action is.

21 Q Yes. And you briefly alluded to this. When you were being a lawyer, over the course
22 of your career, can you estimate how many matters you investigated during your time at DOJ?

23 A That is impossible for me to estimate. Between the cases I worked on personally and
24 with partners and supervising, it was hundreds. Hundreds of cases.

25 Q Can you estimate how many cases you tried in court during your time there?

1 A I can't estimate, give you the full number. My total over the course of years is
2 20-something. It's not that many.

3 Q And obviously Public Integrity deals with sensitive investigations. Did you ever
4 investigate or prosecute public officials during your time at Public Integrity before you joined Special
5 Counsel Smith's team?

6 A Many.

7 Q Can you give us some examples?

8 A We prosecuted local officials. We prosecuted judges. We prosecuted folks in city
9 councils. And on the Federal side, Members of Congress, Senators, Federal judges, which is the
10 unique role that the Public Integrity Section has. One of the first cases I was ever involved in
11 involved bribery of a United States district judge, and he is -- it's a case we tried and convicted him of
12 bribery. And he's the only Federal judge ever convicted of bribery in the history of the country.
13 So cases like that, but all the way down to, you know, law-enforcement agents, people pilfering
14 money across the different branches of government, levels of government, all the way through for
15 decades.

16 Q And in the course of those investigations, did you investigate or prosecute both
17 Democrats and Republicans?

18 A Yes, and many people who were neither.

19 Q Can you give an example of a Democratic-elected official or a prominent official that you
20 prosecuted?

21 A I can. I will say that's not how we recorded them. So if you go back in the annual
22 reports of the Public Integrity Section, which are all public going back forever, you don't see a record
23 of which party someone belonged to. You see what was their position, what did they do wrong,
24 what did we charge them and convict them of. So I don't have a record, a tally sheet that would
25 show me which party. But we prosecuted prominent Members of Congress who were Democrats.

1 And I remember being involved in a prosecution of Robert Menendez for bribery, and we prosecuted
2 John Edwards, while I was in the Public Integrity Section. So those are just some prominent
3 examples. But all the way up and down the chain we would have prosecuted folks on both sides.

4 Q And I think it would be helpful here given your role to just set a baseline and understand
5 what exactly is the Public Integrity Section, and what is its role within DOJ.

6 A Public Integrity was formed in 1976. It was formed by an order from I think the
7 Assistant Attorney General in charge of the criminal division. It had about eight lawyers when it
8 started. And it was to litigate cases, handle actual public corruption cases, and also, to oversee the
9 national effort. Folks decided that they wanted a national look and view on public corruption, and
10 invigorate the investigation and prosecution of public corruption. So it starts in 1976 in the wake of
11 Watergate, and it continued -- it still exists, but it's on life support now.

12 Q Okay. And we'll get to that a little bit more later. But sticking with what Public
13 Integrity was like in your time, what role did PIN have in investigations of prominent political figures?

14 A We would handle cases ourselves. We would handle cases with U.S. Attorney's Offices
15 across the country. And we would advise U.S. Attorney's Offices who were handling cases on their
16 own, bring our own expertise regarding public corruption statutes, strategies, legal issues.

17 Q What type of things would you consult with those U.S. Attorney's Offices on?

18 A Things like -- I mean, speech and debate is one of them because it's such a unique
19 privilege. If an office out there in the country was investigating a Member of Congress, it would be
20 important for them to talk to us about how they gather evidence, try to use evidence because there
21 are a lot of tripwires there; and also, how they would interact with the House. If they were going to
22 be trying to get evidence from someone in the House, we could facilitate conversations with House
23 and general counsel. So I remember having conversation with Irvin Nathan or Doug Letter or others
24 over the years to try to facilitate things.

25 Q And in terms of this consultation process, was it set forth in DOJ policy? Was it

1 mandatory?

2 A Some of them were mandatory. Many of them were not. It was simply you guys
3 have some expertise, let's tap into that. It was more recent than people would think that there
4 were actual requirements that they consult with us on on things like congressional evidence, or
5 things that might touch on Speech or Debate. I don't think that was in the justice manual until the
6 2020s, honestly. But there were protocols, there were memos out there that said you should talk
7 to Public Integrity.

8 And then in the election crimes sphere, election crimes and campaign finance crimes, there
9 were requirements going all the way back where folks were required to consult with Public Integrity.

10 Q And during that process, was there a set, you know, chain of review for incoming from a
11 different U.S. Attorney's Offices, or a different prosecutor's office, that would apply at PIN?

12 A If it were a particularly sensitive matter, the chief would certainly want to know about it.
13 If it were an election crime matter, it would go to the director of the election crimes branch. We
14 had some deep expertise on election crime, there was a director there who was in charge.
15 Sometimes they had a deputy director. So they would be involved in anything election crime.

16 And then if it was a sensitive matter where they were going to be reporting something out, a
17 consult or an approval to a U.S. Attorney's Office, or the FBI, and the chief needed to know about it,
18 the chief would dive into the facts and would be involved in that, too.

19 Other consults about cases, U.S. Attorney's Office would want someone to take a look at a
20 case and kick the tires on it, does this fit the honest services statute, for example, which evolved over
21 time. We would have a line attorney look at it, take a look, brief a deputy chief, maybe brief the
22 chief on it before we would get back to the U.S. Attorney's Office and provide them with some
23 guidance.

24 Q Thank you for your help understanding that process. So, again, my colleagues covered
25 this a little bit in the last hour. When did you start working on January 6th-related investigations?

1 And I'll use that term very broadly here.

2 A I think it was early March 2021.

3 Q And what role did you have in those investigations?

4 A I had the title, I think, it was a title of acting deputy chief in some section in the U.S.
5 Attorney's Office that was handling January 6th cases.

6 Q And were you supervising those cases? Were you trying those cases yourself?

7 A I did not try any, but I was supervising AUSAs from across the country who were
8 handling them.

9 Q And am I correct in stating that these were the cases involving rioters breaching the
10 Capitol, those sorts of cases?

11 A Yes.

12 Q And how long did you supervise those types of cases?

13 A From whenever I started, March 2021, through September or October of 2022.

14 Q Okay. And why did you stop supervising those cases?

15 A They asked -- I'm sorry. The U.S. Attorney's Office asked me, I was still on detail to
16 them from the criminal division of DOJ, they asked me to help them supervise their Public Corruption
17 and Civil Rights Section for a period of time. I planned on stepping in to do that for as long as they
18 needed. When the bosses would ask, I would be happy to volunteer for that work. I was
19 obviously familiar with public corruption, so they asked me to do that because some of their
20 supervisors in Public Integrity that are experienced -- in their Public Corruption Section, I'm sorry, had
21 moved on to some other things, and so, they asked me to step into that role for a couple of months.
22 It was from that position that I moved to the Special Counsel's Office.

23 Q Okay. Thank you.

24 A Yes.

25 Q In the early days of the special counsel's investigation, what were the primary team

1 members that you were working with?

2 A I spent a lot of time with Jack Smith and with J.P. Cooney, and then getting to know
3 the team. It was a lot of factual information to get under our belts, and there were a lot of people
4 involved. And so the team, the supervisors of the team, I would work with Thomas, I would work
5 with Jay Bratt and his folks on the document side, just getting familiar with who's who and what's
6 what. And then on the FBI side, we would work with folks who were the case agents on these cases
7 and make sure we had a sense of what they were like. So a lot of folks.

8 Q And you stated during the last hour, and correct me if I'm wrong here, that you worked
9 on both the election interference side of the investigation, and the classified document side of the
10 investigation. Is that right?

11 A That's right.

12 Q And if you could, would you be able to briefly outline the amount of time you spent on
13 each investigation, and whether that changed over time?

14 A It did. We talked about that a little bit in the last hour. And it would simply ebb and
15 flow with what was happening in that investigation in that case. So right before we indicted the
16 documents case, obviously a big focus on getting that one done. We superseded that one pretty
17 shortly after bringing the original indictments, so lots of focus on that case. But then, you know, the
18 election indictment was August 1st, so it was not too long after those, so we would shift our
19 attention to that. And then as the litigation changed, for example, in the election side, the case
20 moved into appellate and Supreme Court litigation, we would shift some of our attention to the
21 documents case during that period.

22 Q And were there particular issues on both or either cases that you would be called in to
23 work on?

24 A Legal issues were just -- there were just so many across the board in both cases. So I
25 was involved in ostensibly supervising our legal team, and that really was some of the most

1 accomplished appellate lawyers in the country, including James Pearce, John Pellettiere, Cecil
2 Vandevender, and then we had Michael Dreeben on the team later in the game. So I was working
3 closely with them on legal strategy, legal briefing, legal research across the board.

4 Q Thank you. We'll introduce a document into the record which will be marked as
5 exhibit 6, which is a letter from the House Committee on the Judiciary to Mr. Raymond Hulser dated
6 December 16th, 2025.

7 [Hulser Exhibit No. 6

8 was marked for identification.]

9 BY [REDACTED]

10 Q And I'll give you a second to review.

11 A Yes. I've seen it before.

12 Q And I believe you just answered my question, but do you recognize this document?

13 A I do.

14 Q What is this document?

15 A This is a letter from the chairman of the committee, Mr. Jordan, to me, December 16th,
16 and indicating that they wanted to talk with me.

17 Q Okay. And in this letter, Chairman Jordan writes, and I'll quote here, quote, "The
18 committee has been investigating former Special Counsel Jack Smith's partisan investigations into
19 President Trump and his associates following the 2020 election." Did I read that correctly?

20 A Yes.

21 Q The letter also states that your testimony is, quote, "vital to our investigation into how
22 the Biden-Harris administration weaponized the Justice Department for political purpose, and
23 misused Federal law enforcement resources." Do you see that part?

24 A I see it.

25 Q So you were on Special Counsel Smith's team. Was your investigation partisan has the

1 chairman suggests?

2 A No, sir.

3 Q Did you engage in partisan politics while investigating the crimes associated with
4 January 6th?

5 A No, sir.

6 Q Did you take investigative steps simply because the target of your investigation was
7 associated with one political party?

8 A No.

9 Q Did you investigate President Trump because he was a Republican?

10 A No, sir.

11 Q Did you take investigative steps and request records because the subjects were
12 members of the Republican party?

13 A No.

14 Q And if a Democratic member had been involved in a conspiracy to overturn the 2020
15 election, would you have taken the same investigative steps with them, too?

16 A Yes.

17 Q In general, what is your response to committee's assertion that this DOJ and this
18 investigation was weaponized for political purposes?

19 A I have a very simple response is, that's not what we did.

20 Q And you touched on this a little bit in the last hour, but Special Counsel Smith, how did
21 you know him?

22 A I had worked with him from 2010 to 2015 in the Public Integrity Section as his number
23 two.

24 Q Okay. And is it fair to say that during that time you became familiar with how Jack
25 Smith investigated and prosecuted cases?

1 A I did.

2 Q And did you ever encounter Special Counsel Smith taking investigative steps in a
3 partisan manner?

4 A No.

5 Q Did you ever encounter Special Counsel Smith targeting President Trump because of Mr.
6 Trump's affiliation with the Republican party?

7 A No.

8 Q And going back to the overall premise of the special counsel indictments, did you
9 believe that there were sufficient evidence to bring the charges that were brought against President
10 Trump?

11 A Yes.

12 Q So I'm going to fast forward a little bit to your involvement in the special counsel's
13 investigation, and particularly as it related to Members of Congress. So exactly how did Donald
14 Trump's conspiracy, and I'm talking about the election interference part of the case now, implicate or
15 involve Congress?

16 A I'm not sure I understand exactly what you're getting at. Congressman Perry was
17 involved in connections with folks in the Department of Justice, and in the White House, and so, he
18 was someone who was a focus of investigation. Outside of that, it would have been the executive
19 branch and Members of Congress in communication regarding the election certification as it
20 approached.

21 Q Okay. So is it fair to say that your investigation was focused at some points on
22 communications between Donald Trump and his advisors and the legislative branch?

23 A Yes, and campaign advisors, you know, official executive branch advisors, yes.

24 Q Okay. And what, if any, information did congressional members have of relevance to
25 this conspiracy and the charges against Donald Trump?

1 A You know, I don't think I know exactly how to answer that. If they were contacted by
2 folks in the executive branch related to the certification, it could be relevant to our investigation.

3 Q Were they fact witnesses?

4 A They could be if they wanted to talk to us.

5 Q Okay. And moving forward to the period in early 2023 where your office requests toll
6 records, why did the Special Counsel's Office take that step?

7 A So in May of 2023, those are the toll record subpoenas that I have most readily in mind,
8 there was a narrow period where things were happening on January 6th and the President, Mr.
9 Giuliani, maybe others, were trying to reach Members, staffers as the events on January 6th
10 unfolded, and so we wanted to know what were those communications, corroborate that those
11 communications actually happened.

12 Q And you just touched on it a little bit, but my colleague during the last hour stated, you
13 know, you already had some of these toll records when you requested them from Members of
14 Congress, why not just rely on the toll records that you had and not subpoena these toll records?

15 A These were individuals and time frames that we got from evidence that we obtained
16 elsewhere, so it was records, I believe, from the executive branch showing so and so had tried to call
17 the following people. And so when you get a lead like that, you want to find the evidence, is it true
18 that that contact happened? And if you happen to have some toll records from somebody else's
19 account, you may not know whether or not that's everything you need, and so let's go right to that
20 person's records, see whether they were called.

21 Q Okay.

22 A And we also had information that some of the wrong people had been called, and so we
23 wanted to figure out is that right, who actually got the call, who actually got the voicemail.

24 Q We'll introduce as exhibit 7 an email chain on January 9th and January 10th between
25 Ray Hulser and Tad Duree.

1 [Hulser Exhibit No. 7

2 was marked for identification.]

3 BY [REDACTED]

4 Q And many of these will be similar to the email chains that you saw during the last hour,
5 but we want to just sort of keep it streamlined. And we'll give you a second to review because I
6 believe there's a little more material here than the email chain you reviewed in the last hour.

7 A Okay.

8 Q Do you recognize this email chain?

9 A I did not remember it until you all were showing it to me today. I would not have
10 remembered these details.

11 Q And I know that a number of people are identified by their initials here, so if you could
12 just briefly go through who is on this email chain.

13 A This email chain, T-A-D would be Tad Duree, and R-N-H is me. Anyone else here.
14 T-T-W would be Thomas Windom.

15 Q Okay. And starting at the beginning of this chain, which would be the last page of it, it
16 appears that Tad Duree is asking your approval to process subpoenas for toll records. Is that
17 accurate?

18 A That we would -- that he wanted to reach out to Public Integrity to get their
19 concurrence for some toll subpoenas, yes.

20 Q Okay. And taking a step back, why did this step, reaching out to Public Integrity, need
21 your approval?

22 A It didn't require my approval. What it was is I was familiar with the Public Integrity
23 Section, had worked there for a long time and knew some law and protocol and had contacts with
24 folks on the Hill, and so, I would be the contact with the Public Integrity Section. I became over
25 time the contact with several other offices in DOJ just because I had been around for a long time and

1 knew lots of folks.

2 This is an interesting reminder that we were just getting our footing in some way. So Tad is
3 coming directly to me, and as I mentioned earlier, that probably wasn't the way this would work if it
4 were later in our operation. He would go through Thomas, Thomas would talk to J.P., we would
5 talk, and then before it would get to Jack it would go through other folks up a chain, and I just think
6 the chain wasn't fully gelled here at this point. And so Tad was coming directly to me, and I didn't
7 have the details, again, five-weeks, maybe, after I had started and, you know, was trying to find out
8 where the bathroom was and who does what. So this is him reaching out, and it looks like we
9 worked it back down and got it to Thomas, and let's figure out what we actually need.

10 [REDACTED] Was it DOJ's policy at this point in time that Public Integrity's concurrence was
11 needed before a subpoena to Congressional Members can be issued?

12 Mr. Hulser. Yes, I think so.

13 [REDACTED] And what is the purpose of that concurrence, or seeking that approval?

14 Mr. Hulser. It is really because Public Integrity is not only the repository for Speech or
15 Debate expertise, but also because it wants to maintain, you know, comity between the branches,
16 and be careful about who was reaching out to get evidence involving another branch.

17 BY [REDACTED]

18 Q And in terms of what Mr. Duree is talking about in terms of the types of records that
19 he's seeking, what are toll records, and why would they be relevant to your investigation?

20 A Toll records would show who called what number and when, and whether they
21 connected and how long the call was. Nothing else. And, in fact, when we would get the toll
22 records back, it wouldn't actually say who the person was that was called, it would list phone
23 numbers. And then if the timing was something we wanted to look into, we would have to go get
24 toll records for someone else and see who that person was.

25 Q And during the last hour you described this as a somewhat routine investigative step.

1 Is that fair?

2 A Getting toll records when there is a conspiracy, when you're investigating a broad range
3 of contacts between people getting toll records is an early fundamental step. We do it all the time.

4 Q And just to be clear, does getting toll records mean that DOJ or FBI would be conducting
5 surveillance on Members of Congress?

6 A No.

7 Q Does it mean that DOJ would be able to wiretap or listen into phone calls of Members of
8 Congress?

9 A No.

10 Q And if you could just briefly, how does this differ in process from requesting the content
11 of the calls?

12 A So if you want to get content of phone calls, you are a million miles away from that
13 when you get toll records. You need to go through an extensive process. Toll records would be a
14 starting point, and then other information would have to be filled in and you would have to go
15 through a detailed approval process in the Department of Justice if you wanted to get a Title III
16 wiretap. That would be a very high-level investigative step. Nobody was talking about any of that
17 in these cases. But that is a long way away from getting simple toll records that show which phone
18 number called which phone number.

19 Q And why would that step, getting a wiretap, be subject to such significant review within
20 DOJ, particularly for Members of Congress?

21 A So for anyone, really, it's not just members, if you want to get a wiretap, you have an
22 extensive process, and there is an office with expertise that reviews every single wiretap application,
23 every single wiretap reauthorization in the country no matter who you are investigating. So it is
24 sensitive because it is gathering the private communications of people.

25 Q And in this email chain with Mr. Duree, you ask if he can put parentheses next to the

1 members that were requested. Is that right?

2 A Yes.

3 Q And why did you do that?

4 A I don't remember sitting here, you know, exactly what was in my head, but it was why
5 do we want these. Let's not just be issuing them because you saw their name somewhere. Let's
6 talk about why you would need them, how is it relevant to the investigation, and then we can talk
7 with Thomas Windom, we can talk with Mr. Cooney, we can talk to Mr. Smith about whether we
8 need these.

9 Q And would you have paid the same attention to detail for wiretaps that did not involve
10 Members of Congress?

11 A You slipped and said wiretaps. You didn't mean to, I think.

12 Q Excuse me. Thank you for catching me.

13 A So if we were trying to get toll records for others --

14 Q Yes.

15 A Outside of Congress, they would be less, I think less review of it because we view this as
16 sensitive.

17 Q Okay. And Mr. Duree responds, quote, a little later than expected, but here is the list
18 with parentheticals. And I understand that you are not on this email chain. This is at the top of
19 the first page. But I am counting here, it looks like there are 14 Members of Congress, including,
20 not limited, to Andy Biggs, Marsha Blackburn, Representative Gohmert, and one staff member for
21 Rep Gohmert, and that's the broader list. Is that right?

22 A I'm looking at the same list you are. I think that's a fair reading.

23 Q And what information in the bolded individuals that it appears Mr. Duree is prioritizing,
24 what information did they have of relevance to your investigation?

25 A They are trying to -- he is proposing subpoenas, and he is working with the lawyer who

1 is steeped in this election investigation and who knew all of the players, all of the facts because he
2 was a very detailed prosecutor managing this investigation, and so they were looking at who was
3 contacting who as different parts of the election case conspiracy unfolded. This is January of 2023,
4 so we aren't in a mode where we're on the eve of an indictment, we're trying to figure out who is
5 talking with whom and about what.

6 Q And I see on, I guess it's bullet nine here, it outlines Mike Lee and his contacts with
7 various individuals, and the first instance of that is contacted by Giuliani on 1/6. If you could just
8 explain why, if at all, that would be relevant to your investigation?

9 A January 6th obviously was the day when the Capitol was attacked, the certification was
10 interrupted, and during the time after the Capitol was attacked and the certification was interrupted,
11 during that time, after that time, there were contacts from the President, or people around him,
12 reaching out to Members to try to further delay the certification, and so that was relevant to our
13 investigation into whether they had criminally tried to obstruct the certification.

14 Q And further on for Senator Lee it says, "calls with Eastman." Do you know who that
15 was referring to?

16 A That would be John Eastman who was an attorney who was involved.

17 Q And to your knowledge, was John Eastman an unindicted co-conspirator in this matter?

18 A I'm not sure what's become public on that, honestly.

19 Q Okay. So moving a little further back in the chain, the last point where you're on it, at
20 6:10 p.m. on Tuesday, January 10th, you wrote back to Mr. Duree, Tad, and I'll quote here, quote,
21 "Tad, as we discussed, Jack would like to narrow it down before we go to PIN."

22 A Yes.

23 Q Did I read that accurately?

24 A You did.

25 Q And just to be clear, who is Jack here?

1 A Jack Smith.

2 Q And how did Special Counsel Smith tell you or Mr. Duree that he would like to narrow it
3 down?

4 A I would have just talked with Mr. Smith. And this to me just -- this is exactly the
5 process I would expect to happen, someone is working on the investigation, they propose an
6 investigative step, we work to Thomas and we figure out, does he think we should have these. They
7 look closely at whether or not it's necessary, and Mr. Smith would want to make sure if something
8 like this was necessary.

9 Q And when he said, and it's a simple question, so apologies, that he would like to narrow
10 it down, what did that mean?

11 A Do we really need all of these. Tell me which ones you need and let's ask for the ones
12 that you really need.

13 Q Okay. And did he explain his thinking for wanting to narrow those lists down?

14 A I don't remember that conversation.

15 Q Okay. And was it your understanding that Special Counsel Smith wanted to narrow
16 this list down due to the sensitivity of subpoenaing the toll records for Members of Congress?

17 A I don't remember the conversation, but that is a fair characterization of how we would
18 both think about it.

19 Q So my colleagues on the other side of the aisle have accused Mr. Smith and yourself of
20 running a politicized prosecution. Based on your over three decades of experience as a prosecutor,
21 is Mr. Smith's decision here to narrow this list down consistent with a politicized investigation of the
22 Republican party?

23 A What it's consistent with is an investigative process where you take certain steps only
24 when they're justified, and that's what we were looking to do.

25 Q At any point, did Special Counsel Smith seek to investigate individuals or seize their

1 records because they're a part of the Republican party?

2 A No, sir.

3 Q Okay. We'll introduce as exhibit 8 an email chain sent by Molly Gaston with a PIN
4 concurrence memo.

5 [Hulser Exhibit No. 8
6 was marked for identification.]

7 BY [REDACTED]

8 Q And I believe you reviewed this email chain during the last hour. Is that correct?

9 A Yes.

10 Q Who is on this email chain?

11 A This includes Thomas Windom, J.P. Cooney, Molly Gaston, and me.

12 Q Okay. And in this email with the attachment, proceeding the attachment, Molly
13 Gaston says, "J.P., Ray, as requested, please see memo on our request to subpoena toll records."
14 Under this, it seems like Ms. Gaston was hoping to subpoena toll records for certain Members of
15 Congress. Is that right?

16 A Correct.

17 Q And taking a step back, again, this is a few months after you had sort of detailed that
18 there was different approval processes over time at the Special Counsel's Office. Did this step need
19 your approval?

20 A I wouldn't say approval, but it's clear that I would be in the chain before we went to the
21 Public Integrity Section, and I would be in the chain of discussing this with Mr. Smith before
22 subpoenas would go out.

23 Q And if you'll indulge me just, again, why would you be in the chain?

24 A Because I was familiar with Public Integrity, I was familiar with Speech or Debate,
25 familiar with the sensitivity on investigative steps related to Congress, and because Jack would trust

1 me with those subjects.

2 Q Okay. And Ms. Gaston writes at the beginning of her email, "as requested." Did you
3 request this document?

4 A Either Mr. Cooney or I requested that they write up a summary so that we could have a
5 very clear recitation of why we wanted these and what the period was, and that we had gotten an
6 approval.

7 Q And we'll proceed to the attachment, the memo itself.

8 A Yeah.

9 Q And in the subject line it states, quote, "limited toll record subpoenas for Members of
10 Congress." Do you see that?

11 A I do.

12 Q What did limited mean in this context?

13 A It meant that the subpoenas would be asking for records for a limited narrow period of
14 time, and for a set list of members that are laid out in the memo.

15 Q And it says that your office intended to subpoena toll records for January 4th, 2021, to
16 January 7th, 2021. Is that right?

17 A Correct.

18 Q Why did you choose that date range?

19 A So it surrounds January 6th, and there were contacts on January 6th that were
20 particularly relevant to our investigation of the conspiracy, and so that was our focus. I don't know
21 that in my years as a prosecutor I have ever seen a subpoena go out for like one day's toll records.
22 You would always subpoena more. Many prosecutors in this position would have gotten three
23 months' worth of records. It's just a routine thing you do because you want to see who else were
24 they contacting before this, and it might help you figure out who that person was if the call on
25 January 6th is relevant to you. This is very narrow. This is three days around a significant event.

1 Q And so with regard to a decision of a prosecutor that might subpoena several months
2 more of toll records, what is the investigative value of taking that step compared to only getting
3 three days?

4 A So you don't know exactly what you are going to find in the particular window, and you
5 may want to see who else someone was talking with, and it might even help you identify who that
6 other person was, figure out what's relevant and what is not.

7 Q And in this case, why not just request a broader time period just to be sure?

8 A We were trying to be sensitive to the fact that we were seeking records from Members
9 of Congress.

10 Q And at the beginning of the second paragraph it lists ten Senators and one Congressman
11 that the prosecutors on this matter intended to issue toll record subpoenas for, including, but not
12 limited to, Lindsey Graham, Marsha Blackburn, Josh Hawley, and Tommy Tuberville. Do you see
13 that?

14 A I see the list. Is it ten? That sounds -- you're right. Ten.

15 Q Okay. And you've answered this in a different capacity before, but did you believe that
16 these members of Congress had information of relevance to your investigation?

17 A We thought that their toll records might show contacts.

18 Q And contacts with who, specifically?

19 A Contacts with the White House, with Mr. Giuliani, or with the President himself.

20 Q And I want to take a little bit further of a step back. Why was the contacts with
21 Senators or Members of Congress on or around January 6th important to your investigation?

22 A The investigation focused on whether or not there was a conspiracy to defraud the
23 United States by defeating the election certification process, the process of collecting and counting
24 and certifying the ballots from the 2020 election. January 6th is the day of the certification, and so
25 communications from anyone who might be associated with the conspiracy, contacting someone to

1 help delay the certification, make the certification not happen, particularly as the Capitol is being
2 attacked, those are relevant to the case.

3 Q And during the course of your investigation, did you ever become aware of the content
4 of some of these communications with these Members of Congress?

5 A No. We didn't get the content. I will say there was a contact where there was a
6 voice message, maybe there was more than one of those, I can't remember, so we would have
7 gotten those, if the Member gave them to us. The members are free, of course, to give us those.

8 Q And what was President Trump, or individuals associated with him, what was their
9 purpose, to your understanding, in calling these members?

10 A They wanted to delay the certification further.

11 Q And this is on January 6th. Is that correct?

12 A Yes.

13 Q And we'll introduce as exhibit 9 an email chain between Ray Hulser, Molly Gaston and
14 J.P. Cooney dated 17th of May, 2023.

15 A Yes, sir.

16 [Hulser Exhibit No. 9

17 was marked for identification.]

18 BY [REDACTED]

19 Q And are you familiar with this email, sir?

20 A I am.

21 Q And in this email chain you respond to Molly Gaston's request saying, quote, "This is
22 more than enough from my perspective." What did you mean by that?

23 A That they had provided enough information to justify toll record subpoenas.

24 Q And in this email, it looks like J.P. Cooney says, quote, please go ahead with the PIN
25 consult. Who is JPC?

1 A JPC is Mr. Cooney.

2 Q And why was J.P. Cooney instructing Ms. Gaston to proceed with the PIN consult?

3 A Because the memo had provided enough information that we would feel comfortable
4 going to the Public Integrity Section to consult with them on whether or not these subpoenas would
5 be approved.

6 Q Okay. We'll introduce as exhibit 10 an email with John Keller dated May 17th, 2023.

7 [Hulser Exhibit No. 10

8 was marked for identification.]

9 BY [REDACTED]

10 Q And apologies for doubling you up on all these exhibits.

11 A That's all right.

12 Q So do you recognize this document?

13 A I do.

14 Q Okay. What is this document?

15 A This is an email chain that includes Molly Gaston's contact with the Public Integrity
16 Section getting their concurrence.

17 Q And did you review this email chain at the time you apparently received it?

18 A Yes.

19 Q And I believe you stated this during the last hour, who is John Keller?

20 A John Keller was the principal deputy chief at the Public Integrity Section at this time.

21 Q Okay. And in Mr. Keller's response, he says that there is some, quote, litigation risk
22 regarding whether this action would violate the Speech and Debate Clause. Is that right?

23 A He does.

24 Q And what did he mean by litigation risk?

25 A I think you would have to ask Mr. Keller exactly what he meant by litigation risk. What

1 I see is he mentions that phrase twice in the email, and to me the only litigation risk we would have is
2 if we were to charge a member or staffer in connection with our case, and if we were to use or
3 misuse Speech or Debate protected material, we could screw up our case.

4 Q And how would you define litigation risk from your experience as a prosecutor?

5 A You want to be careful not to use evidence that is privileged. You don't want to use it
6 in the Speech or Debate context to support a warrant. You don't want to use it to support charges.
7 You don't want to put it in an indictment because it could cause a court to say your indictment
8 against this Member, against this staffer is a violation of the Speech or Debate Clause. That is
9 litigation risk.

10 Q Okay. And if an investigative activity has litigation risk, does that mean a prosecutor
11 should not proceed with that step?

12 A No. It means that the prosecutor should be aware of that risk.

13 Q And did you ever deal with the Speech and Debate Clause when you were ahead of the
14 Public Integrity Section?

15 A I did.

16 Q And did you view these subpoenas that were being requested by Ms. Gaston as violating
17 the Speech and Debate Clause?

18 A No, sir.

19 Q Speech or Debate Clause. Excuse me.

20 A No, sir.

21 Q And why not?

22 A I had seen toll record subpoenas that would gather information about legislator's calls
23 over the years, and I had never seen anyone consider that to be a violation to get those records.

24 Q And did you understand Mr. Keller to be saying that these subpoenas would violate the
25 Speech or Debate Clause?

1 A I didn't.

2 Q Okay.

3 A He would not have said you may do it if he thought we were violating the Speech or
4 Debate Clause.

5 Q And I'll direct you to the second to last sentence in Mr. Keller's email where he says,
6 "unsolicited incoming calls would not constitute protected legislative acts." Why would unsolicited
7 phone calls not constitute protected legislative acts, if you're familiar with Mr. Keller's email there?

8 A What he is referring to there most likely is that calls to members from someone outside
9 of the legislative branch may not have any Speech or Debate protection at all.

10 Q And Mr. Keller references one case -- several cases, but one of the cases he references is
11 United States v. Rayburn House Office Building. Were you familiar with that case?

12 A I am.

13 Q And how did you become familiar with that case?

14 A I was in the Department of Justice and in the Public Integrity Section at the time that the
15 search was conducted.

16 Q And what was your understanding of the court holding of Rayburn and what it
17 permitted DOJ to request or seek from a subpoena?

18 A The opinion in the case ruled that a search warrant executed on a Member of Congress,
19 a sitting Member of Congress' congressional office required that the member be allowed to review
20 materials that the executive branch, the FBI agents, were reviewing before they conducted their
21 review. The Speech or Debate Clause protected those internal materials in the Congressman's
22 office from intrusion without the Member getting a chance to look at it first.

23 Q And did you view that court holding of Rayburn as applying to the current situation
24 here?

25 A Did I view it as applying to a subpoena for toll records? I did not.

1 Q And why not?

2 A I had just never seen anyone say that you need to put in place a Rayburn protocol for
3 toll records.

4 Q Okay. And I think that would actually be a helpful thing to understand. What is a
5 Rayburn protocol?

6 A So in the Rayburn case itself, the team had put together a protocol where they would
7 have certain agents involved in executing the search, and those agents would not be involved in the
8 actual investigation, prosecution of the case. That's one protocol that we can put in place where
9 we think we might run into privileged materials.

10 The court decided that wasn't enough. They wanted something more where the Member
11 would have an opportunity to review the materials before the executive branch would look at it. So
12 over the years, we have instituted protocols in a search, in the execution of a search warrant, maybe
13 it's on a member phone, maybe it's to get other evidence from a laptop, something like that, if we're
14 executing a search warrant, we have put in place a protocol, and at times I have called House
15 counsel, I have called Senate counsel and agreed with them ahead of time, this is what we are going
16 to do and gotten their concurrence that we would do it this way. I want to search this member's
17 phone, or this staffer's phone, we have reason to believe there's child pornography on that phone,
18 we are going to need to search it, we're going to work with you on a protocol where the member
19 who owns the privilege, not the staffer, the member owns the privilege will have an opportunity to
20 review it and weigh in before we will actually get the results of it.

21 On the other hand, a member can simply say, Go ahead and search it, I don't care. It is their
22 privilege to have it waived when we're doing a search warrant. But so a Rayburn protocol is when
23 you're executing a search warrant on a device, or in an office where a member may have Speech or
24 Debate material, you put in place a protocol where they can take a look at the materials.

25 Q And you just referenced speech and debate -- Speech or Debate material. What would

1 be some examples of Speech or Debate material?

2 A I can best quote the Supreme Court, it is deliberative and communicative processes that
3 are integral to the execution of their duties as members, legislative process.

4 Q And under your understanding of the law in D.C., were toll records considered such
5 integral communications?

6 A The content of toll records, who a member called and when, and who called a member
7 and when, can be protected. Just by themselves they can be.

8 Q Okay. In the case of Rayburn, it says, quote, The bar on compelled disclosure is
9 absolute. In your experience, what did you understand that citation to mean?

10 A So the word, "compelled" is critical there. The court in Rayburn used it, I don't know
11 how many times in their opinion, compulsion aimed at a member, or a member's staff, and the
12 reason they say that is the privilege that they found in that case flows from what's known as the
13 testimonial strand of the Speech or Debate privilege, so you can't compel a member to testify, to
14 answer questions, you can't compel a staffer to testify or to answer questions about legislative acts.
15 And they devised that, the compelled disclosure privilege here based on the testimonial strand of the
16 privilege.

17 Q Okay. As an aside, do you know if John Keller is still at PIN?

18 A He is not.

19 Q Do you know when he departed?

20 A He departed in 2025, and he resigned.

21 Q And why did he depart?

22 A He resigned when the Department wanted the Public Integrity Section to step in and
23 dismiss the Eric Adams prosecution in the Southern District of New York. It was a case the Public
24 Integrity Section had not actually been involved in.

25 Q Was Mr. Keller, to your knowledge, the only prosecutor from the Public Integrity Section

1 that resigned due to the Eric Adams' case?

2 A No.

3 Q Do you have an idea of roughly how many prosecutors resigned?

4 A I think on that day it was four. But in addition to him, their supervisor, who was the
5 Deputy Assistant Attorney General at the time, Kevin Driscoll, resigned as well.

6 Q And to the extent you're familiar with, or thinking, why did they resign from DOJ,
7 because what they were asked to do regarding Eric Adams?

8 A They did not agree with the reasons for dismissing the case, but also because it was not
9 their case. They were being asked to step in and do something on something that wasn't theirs.

10 Q Was it their view that it was improper to step in and dismiss the case?

11 A I don't want to characterize exactly what they thought, but they did not want to do it.
12 They didn't think it was right.

13 Q Is the departure of Mr. Keller and these other prosecutors that you just mentioned
14 indicative of broader personnel changes at Public Integrity since you left?

15 A I don't know if I would use the word, "indicative." What I can say is the section is
16 drastically different today than it was when I was there.

17 Q And how is it different?

18 A It has almost no one left.

19 Q And how many people were there when you were last in charge of the section?

20 A It's a good question of the numbers. We probably had as many as 30 lawyers. My
21 understanding now is it's certainly less than five. It might be two.

22 Q And do you believe those changes, reducing the workforce at Public Integrity from
23 around 30, 35 to 2, is that justified or necessary?

24 A I don't want to comment on whether other folks' actions were justified. It's a drastic
25 change.

1 Q And so as the former head of the section, what do you believe will be the practical
2 effects of having such a small group now there?

3 A There are approval requirements that I don't know whether all of those are still in place,
4 so those may have been changed as well. But the investigation and prosecution of public
5 corruption I think will suffer because the section was integral to making sure the Department's
6 mission of fighting corruption was robust and that we knew what we were doing. And without all of
7 those folks doing those cases, I think it's going to suffer.

1 [12:06 p.m.]

2 BY [REDACTED]

3 Q And can you illustrate some things that PIN might've been involved in during your time
4 that it might no longer be able to do because of personnel?

5 A You know, you could look at annual reports for 30 years and see all the cases the section
6 did.

7 Q All right.

8 [REDACTED] We will proceed to exhibit 11, which is an email with Jack Smith and Ray Hulser,
9 dated 17th May 2023?

10 [Hulser Exhibit No. 11

11 was marked for identification.]

12 BY [REDACTED]

13 Q And apologies for the little detour --

14 A Yes.

15 Q Do you recognize this email chain?

16 A Yeah.

17 Q Who is on this email chain?

18 A This is J.P. Cooney, Jack Smith, and me.

19 Q And, just to be clear, who had the initials "JLSSC" in their email signature?

20 A That's Jack Smith.

21 Q Okay. And, in this email chain, you state, quote, "J.P. and I have reviewed and concur
22 in the request, PIN concurs."

23 Do you see that?

24 A Yes, I do.

25 Q And Jack Smith's response, "stop by."

1 Is that right?

2 A Yes.

3 Q And did you, in fact, stop by?

4 A Yes.

5 Q And what did you discuss while in, I'm presuming, Mr. Smith's office?

6 A What I can piece together from the other emails is that, after this, he wanted to fill
7 some holes in the memo, bolster a couple of the statements about why we needed certain people's
8 toll records in the memo.

9 So, after we chatted, they adjusted the memo, and we submitted it back to him.

10 Q And did he concur broadly with the proposed investigative steps of seeking these toll
11 records?

12 A I don't remember that specific conversation, but, given the chain of emails after that, it
13 is clear that he wanted some more information on a couple, and that he approved sending the
14 subpoenas.

15 Q And so my understanding from your email is that PIN had already concurred with the
16 request to subpoena the toll records?

17 A Correct.

18 Q Is that correct?

19 A Correct.

20 Q So why would Mr. Smith want to further edit, further bolster the memo?

21 A He was very careful. He was very thorough.

22 Q And what was he careful about doing?

23 A Everything.

24 Q So, in this case, would it be fair to say that he wanted to make a complete record of why
25 you were seeking the toll records?

1 A That's fair.

2 Q Okay.

3 [REDACTED] We'll proceed to what we'll mark as exhibit 12, which is the document Mr. Hulser
4 just referenced.

5 [Hulser Exhibit No. 12

6 was marked for identification.]

7 Mr. Hulser. Yes, sir.

8 [REDACTED]

9 Q And I believe this is the email you were just referencing regarding filling out certain
10 holes in the memo. Is that right?

11 A Yes, sir.

12 Q And so, in this email chain, you state, quote, "This fills the two holes we discussed
13 regarding Senators Sullivan and Graham."

14 A Yes.

15 Q Do you remember what holes in the memo that you felt -- that Jack Smith felt needed to
16 be filled here?

17 A You know, I don't know if there was a separate email where that was described, but
18 when you compare this version of the memo to the earlier one, you see something about the
19 voicemail regarding Senator Sullivan, and you see more information regarding the indication that
20 Giuliani had called Graham -- Senator Graham.

21 Q Okay. And, obviously, we have a fairly extensive amount of emails surrounding these.
22 Do you remember other conversations within the office regarding the Speech or Debate Clause and
23 making sure that was protected during your time?

24 A I mean, in the context of -- jeez, it came up several times -- in the context of
25 Congressman Perry's phone, we had extensive litigation there, and we also had litigation regarding

1 whether the Vice President, serving in his role as President of the Senate, was entitled to Speech or
2 Debate protection.

3 BY [REDACTED]

4 Q Just going back to PIN for a second --

5 A Uh-huh.

6 Q -- and the current state of Public Integrity.

7 A Yeah.

8 Q So earlier you talked about the consultation function of Public Integrity and the
9 requirement to consult with PIN before --

10 A Yeah.

11 Q -- seeking a subpoena against a congressional Member --

12 A Uh-huh.

13 Q -- or other public figures. Was that also a requirement?

14 A I don't know of a requirement to consult with them regarding other public figures.

15 Q Okay.

16 A That's not familiar.

17 Q To your knowledge, is the requirement to consult with Public Integrity regarding
18 investigative steps involving Congressional Members, is that still in place today?

19 A I think it is. I think it's in the Justice Manual now. For most of the time I was there, it
20 was not in the Justice Manual. It was not a requirement there. Right after the Rayburn search and
21 the Rayburn opinion, the Department put out a memo that said, "If you want to get evidence from a
22 Member, talk to the Public Integrity Section" -- the chief at the time was Bill Welch -- "and talk to me
23 because we have some expertise about what you may or may not be able to do."

24 So it was in the form of just a memo out to the field for many years, and then they finally put
25 it in the Justice Manual.

1 Q And so that requirement today, as far as you know, is still in the Justice Manual?

2 A Yes, I think it is.

3 Q Okay. And, to your knowledge, is it possible to carry out the consultation function with
4 fewer than five, perhaps two members of Public Integrity?

5 A It depends on who those two people are and how much they can do. It is a drastic
6 reduction in the resources of the Public Integrity Section today.

7 Q And, with the reduction in personnel and resources, do you think it's more or less likely
8 that, you know, the subpoenas or investigative steps against Congressional Members are carried out
9 in a way that's, you know, that is inconsistent across offices?

10 A Well, what I will say is this. I think that the Public Integrity Section brought serious
11 value, experience, and expertise to the Department's investigations, and so, to the extent those
12 investigations are ongoing and they need that expertise, it is not there anymore.

13 [REDACTED] Okay.

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

15 [Recess.]

16 [REDACTED] We'll go back on the record.

17 BY [REDACTED]

18 Q Mr. Hulser, at the end of our last hour, we were talking about interactions you had with
19 the January 6th Select Committee, and I just kind of want to stick with, for a little bit, interactions you
20 had with people who are not associated with the Justice Department.

21 Did you ever speak with State or local prosecutors during your time at the Special Counsel's
22 Office?

23 A No. Not that I remember.

24 Q Did you ever communicate with anyone from the Fulton County District Attorney's
25 Office? That's Fani Willis.

1 A No.

2 Q Ever communicate with anyone from the Manhattan District Attorney's Office? That
3 would be Alvin Bragg.

4 A No.

5 Q Ever communicate with any State attorneys general?

6 A I don't remember doing that, no.

7 Q At some point, when we had Kenneth Polite in for a --

8 A Uh-huh.

9 Q -- transcribed interview, he discussed some calls that he and then Assistant
10 Attorney General Matt Olsen convened with State attorneys general.

11 Do you remember those calls, or were you party to those calls?

12 A I have not heard of that before this proceeding, so, no.

13 Q During your time at the Special Counsel's Office, did you ever interact with the Biden
14 White House?

15 A No.

16 Q When we had Ms. Gaston in for a transcribed interview, she mentioned that, while she
17 was in the DAG's office, she was the conduit between the Special Counsel's Office and the Biden
18 White House.

19 A Uh-huh.

20 Q Did you ever talk to Ms. Gaston and ask her to convey information to the White House?

21 A No.

22 Q I want to switch gears to the Special Counsel Office's use of confidential human sources.

23 A Uh-huh.

24 Q Did you ever become aware of the use of confidential human sources by the Special
25 Counsel's Office?

1 A There's only one that I have heard of and that I remember having seen some documents
2 that were released.

3 [REDACTED] And we can enter those documents.

4 [Hulser Exhibit No. 13

5 was marked for identification.]

6 [REDACTED] It will be exhibit No. 13. This may be the document you're referring to, but it's
7 an electronic communication on the FBI side of a payment to a confidential human source, and the
8 second page of it is -- attaches an email exchange that you are on.

9 Mr. Hulser. Okay.

10 BY [REDACTED]

11 Q And what do you recall about -- let's start with the concurrence -- what do you recall
12 being the process for concurring in this payment?

13 A Let me talk generally and then a little bit --

14 Q Okay.

15 A -- about this more specifically. Payments and the relationship between confidential
16 human sources and investigating agents is really an FBI relationship. It's their function. They
17 manage that relationship. We don't have any contact with a confidential human source. They do.
18 They document it. They have all sorts of restrictions on it.

19 And so, when they want to make a payment, they -- I'm not sure if it's in every instance, but
20 they will often need an AUSA, a prosecutor's, concurrence in the payment.

21 And so that's what's reflected here. The FBI had a confidential human source doing certain
22 work. They came to us and said, "We want to pay the confidential human source a certain amount
23 of money," and they would describe for us what the person had done and why they wanted to make
24 the payment, and we concurred in it.

25 Q Do you remember concurring in any other payments to confidential human sources, or

1 is this the only CHS payment you can remember concurring with?

2 A This is the only one I remember.

3 Q Mr. Smith testified at a hearing that this particular CHS was involved with reviewing
4 photographic evidence and video evidence. Does that match your recollection of this specific CHS?

5 A It does.

6 Q And did the FBI ever explain why they needed this CHS to do this specific review of
7 photos and videos?

8 A We were working closely with the FBI on putting together the investigation, and so this
9 is evidence review and help with video, photographic evidence of the events on January 6th, that I
10 was quite familiar with.

11 And what I don't remember about this particular CHS and this particular payment is whether
12 all of this work was related to the investigation -- the investigation we were doing, and the
13 investigative activity that we requested, or was it broader than that, because this person was doing
14 other January 6th investigations with the FBI.

15 That I'm not sure about whether this amount relates to only our work or a broader set of
16 work that this person was doing.

17 However, I do know a general idea of what the person was doing, which was identifying
18 people, trying to find people in video and seeing where they were as events unfolded on January 6th.

19 Q And, you know, typically, that would be one of the jobs of the FBI investigators on the
20 case.

21 A Yeah.

22 Q Did you ever get an understanding of why the FBI needed a CHS to do this work? Did
23 they lack the capabilities to do that work?

24 A I wouldn't say that. FBI agents, lots of people, spent a lot of time identifying people in
25 video, photos, social media on January 6th. So there were FBI agents who were quite good at it. I

1 believe this agent was quite good at it.

2 So they had capabilities to do it, but this person, this source was particularly useful to them in
3 identifying, reviewing vast amounts -- vast amounts -- of video because there was so much in the
4 public domain, and able to identify people and track them. So they were very capable is all I know.

5 Q And -- I'm sorry. I just wanted to --

6 A Yeah.

7 Q -- make sure I understand what you're saying. So the FBI agent that was involved with
8 the CHS, did you say that they were very capable of reviewing video?

9 A I think he was, yes.

10 Q Okay. And it's been -- there's been some public reporting connecting this CHS to the
11 group Sedition Hunters. Do you have any recollection of this individual being affiliated with the
12 group Sedition Hunters?

13 A I have heard that term. I can't remember the first time I heard it when I was working
14 on January 6th cases.

15 Q Okay. And you don't recall any other CHS payments?

16 A I don't.

17 Q In your prior work --

18 A And, again --

19 Q I'm sorry, go ahead.

20 A -- if there was a record that says we paid others, please show me. I just don't
21 remember anybody else.

22 Q During your involvement with specific January 6th cases, you discussed how, prior to
23 going to the Special Counsel's Office, you may have had some involvement in individual January 6th
24 cases.

25 Did you ever review CHS material for those cases?

1 A I think the same CHS may have been involved in helping the agents identify people and
2 track them. And what I remember is that the U.S. Attorney's Office, the FBI putting together all of
3 those cases, trying to track so many people, relied to some degree on facial recognition, and so I
4 think that the source used facial recognition technology of some sort -- I don't know of what
5 quality -- to do some of it.

6 And what I remember very well is making sure that anybody who's working on these cases
7 take that information in but treat it as a lead that needed to be corroborated. You could not simply
8 put in a warrant or an affidavit in support of an arrest.

9 You know, there's a facial recognition of this person, not what we would do. We were very
10 strict about that and say, "Use that as a lead and then go out and prove it. So gather social media,
11 gather driver's license records, gather other evidence from surveillance, driver" -- whatever it was,
12 and corroborate whatever that feed was.

13 Q In December 2024, the DOJ Office of Inspector General released a report about the use
14 of confidential human sources by the FBI on January 6th --

15 A Uh-huh.

16 Q -- and found that there were 26 CHSes that were in the D.C. area on January 6th. Four
17 of them entered the Capitol.

18 In your individual January 6th cases, did you review any material provided by CHSes who were
19 in the D.C. area on January 6th?

20 A Boy, that's a -- that's a broad question. I don't -- I don't know exactly what information
21 from CHSs filtered its way into the larger database of investigations.

22 And I think there may have been some, for example, associated with the Proud Boys. There
23 have been some associated with the Oath Keepers, who were actually present and actually in
24 organizations who showed up on January 6th.

25 But I don't remember having to focus on that for purposes of the cases I was working on.

1 Q And the IG noted that the DOJ decided to not prosecute the four individuals, the four
2 CHSes who entered the Capitol, and they didn't have approval to enter the Capitol.

3 Were you involved in any of those cases?

4 A I remember seeing something about one or two of them, and I can't remember what
5 exactly the context was, whether or not -- because we tried to centralize our review of
6 charges -- potential charges against people who were in the Capitol on January 6th, so that we
7 could -- we could have some standards for whether or not a person would be charged and what they
8 would be charged with.

9 So -- but I do vaguely remember looking at something related to a CHS, and I don't know if I
10 gave my views. I don't know who was the decider in terms of whether that person should be
11 charged.

12 Q But you don't remember making a decision to not charge one of the four CHSes or any
13 CHS?

14 A I don't remember a specific like that.

15 Q Okay. It's been reported that in June 2023, the Special Counsel's Office had created a
16 prosecution memo for the election case.

17 Did you have any involvement in the drafting of that prosecution memo?

18 A Yes.

19 Q And what was your involvement?

20 A I was involved in drafting, reviewing drafts, editing, all of those things.

21 Q And who else was involved with the prosecution memo or had a -- let's say, who had a
22 large piece? I understand there were several people working in the Special Counsel's Office, but
23 who had the large piece?

24 A There were a lot of lawyers working on it. So, if someone had the expertise on a
25 particular part of the investigation, they might write the first draft or the factual recitation regarding

1 that part, and then it would make its way up to Thomas Windom and Molly Gaston, who were sort of
2 overseeing that part of it.

3 And then it would be in Mr. Cooney's hands. He was a very detailed manager. And then I
4 would review it along the way, as it made its way to Mr. Smith.

5 The legal team, the lawyers I mentioned earlier, not only great, smart lawyers, but fantastic
6 writers. So they were involved in writing up many of the pieces regarding the legal landscape on
7 the charges we brought.

8 Q And do you remember this prosecution memo being shared with Attorney General
9 Garland?

10 A I believe we did at some point. I don't know how it was transmitted to him, but I
11 believe we did.

12 Q It's been --

13 A Or were given to the Deputy Attorney General's Office, and they would decide whether
14 they would get it. I don't know how that worked.

15 Q There's been reporting that Attorney General Garland reacted unenthusiastically about
16 some of the charges and raised potential First Amendment issues.

17 Do you recall this occurring?

18 A I -- you know, we met with the Attorney General on several occasions, and then there
19 were communications with the DAG's office as well.

20 What I remember is, everyone from Deputy Attorney General's Office, Attorney General's
21 Office, the Appellate Section, the Solicitor General's Office -- there are First Amendment issues in a
22 case like this. You are right up against and adjacent to First Amendment activity -- and yet everyone
23 recognized there are ways in which people can make statements that cross a line and become part of
24 a criminal conspiracy.

25 And so what we had to do very carefully was navigate where we're going to charge and what

1 we're not going to charge as criminal.

2 And we were looking very closely at whether or not what would be the defenses that would
3 be presented at trial that would get us into First Amendment issues.

4 So we were researching that. We were thinking about, what would the jury instructions
5 look like, because a jury would be instructed as they were in the Oath Keepers and Proud Boys cases,
6 that people have a right to say certain things, and that that alone cannot be criminal activity. But so
7 we were looking at those as well.

8 And the Attorney General, a very accomplished, extremely smart, former appellate judge, was
9 well aware of First Amendment issues.

10 Q And did he raise any of those First Amendment issues?

11 A You know, I don't remember specifics that he raised, but that was a part of our
12 discussion for sure.

13 Q And did you have conversations with the Solicitor General's Office regarding First
14 Amendment issues with the indictment?

15 A That's a good question. I don't -- I don't remember so much focused on First
16 Amendment with them. There was, what I remember, getting guidance from them on sort of early
17 on was the conspiracy to defraud and how that would interplay with the election certification
18 process.

19 Q Did you have any conversations with the Solicitor General's Office or the
20 Attorney General about the conspiracy against rights charge?

21 A We certainly did, and I don't remember the specifics of it, but the Solicitor General's
22 Office and the Attorney General's Office, the Deputy Attorney General's Office, all aware of that
23 charge.

24 Q And were they all on board with that specific charge?

25 A I don't remember anyone objecting to that charge.

1 Q So the indictment comes on August 1st, 2023, and then the Special Counsel's Office filed
2 for a gag order against the President on September 15th, 2023.

3 Did you have any involvement in that specific motion?

4 A The legal team had a big role in researching the law, and the local rule and litigating that
5 all the way up through the D.C. circuit. So I was involved with them.

6 Q And, in regards to this specific gag order, when the Special Counsel's Office was doing
7 the briefing for the motions, did the Special Counsel's Office ever identify any violations of
8 18 U.S.C. 1512, the witness tampering statute, by President Trump?

9 A Boy, I'm not sure how to answer that. We had evidence that he put out statements --

10 Q Uh-huh.

11 A -- and that things would happen to people after he put out those statements, and we
12 provided that evidence to the district court.

13 We provided it to the circuit court, and they agreed that there was a call-and-response
14 dynamic that happened, and that real things, real threats, happened to people after he put those
15 things out, including the judge in the case.

16 And so that was the dynamic. Whether or not someone would say there was a way to call
17 that a 1512 violation, that's not for me to say.

18 Q And did President Trump violate the terms of his release?

19 A Again, I would just point to the dynamic we shared was, was that a violation of a
20 condition of release -- that's for someone else to say. We did not seek to have his terms of release
21 revoked based on what he did.

22 Q And did the office identify specific witnesses who had been intimidated?

23 A We identified specific people who he had singled out, going back to 2020 -- 2020, into
24 2021, and then all through our investigation. We identified individuals who he had outed,
25 complained about, and who had had horrible things happen to them as a result.

1 Q And the gag order was narrowed by the D.C. Circuit. Is that accurate to say?

2 A I think it's -- that's accurate.

3 Q Okay. On July 1st, 2024, the Supreme Court made its immunity ruling. How did that
4 change what charges could be brought against the President?

5 A It didn't change our ability to bring any of the charges. We brought all four of them.

6 Q And how did you intend to distinguish between personal actions and actions that were
7 Presidential actions and therefore protected?

8 A We laid that all out in our immunity briefing for the court. It was a complicated
9 analysis because the Supreme Court laid out a multilevel review and categorization of official
10 acts -- what would be campaign, what would be official, what would be immune, what would be
11 presumptively immune -- it was stratified, and it was complicated, and so we went through all of our
12 evidence in detail to figure out which category we would put them in and how we would try the case
13 without that.

14 Q And, on October 2nd, 2024 -- sticking with the immunity decision -- the Special Counsel's
15 Office filed a 165-page brief styled as a motion for immunity determinations.

16 Did you have involvement with that brief?

17 A Yes.

18 Q It has been raised that the Special Counsel's Office kind of jumped the order. There
19 was the indictment and then before the defense responded, this brief was submitted.

20 What can you tell us about the order of the briefing there?

21 A We went -- we went to a hearing before the judge, and this was a legal landscape that
22 none of us had ever been in before -- and I'd been doing corruption and complicated cases for a long
23 time, including in privileged litigation like the Speech or Debate Clause -- no one had ever been in a
24 landscape like this, where the Supreme Court has identified these new buckets and new ways in
25 which you could use or not use certain evidence.

1 So we came to the court with a proposal that we would lay it all out for the judge, and then
2 the defense could respond, rather than them having to file a motion where they would be shadow
3 boxing, because they wouldn't actually know exactly what they were swinging against.

4 We thought it would be helpful to the judge to get it all done in one sweep. We thought it
5 would be helpful for an appellate process, which we knew would happen because this is immunity
6 litigation, and hoped it would avoid piecemeal litigation, having to go up more than once, based on
7 what they asked about in the first round or the second.

8 We thought let's just lay it all out once. We proposed it to the judge, and she said, "Sure";
9 she said yes.

10 Q And did you consult with PIN regarding the election sensitivities memo or the 60-day
11 rule, if you recall, in regards to this brief?

12 This brief was filed a month prior to the election. Did you have any engagement with PIN on
13 that matter?

14 A I think we wrote about that in our final report that we consulted with them, and the
15 answer was consistent with what had been our practice over the years, which was the court sets the
16 schedule.

17 We did not ask for a schedule regarding when that brief would be filed. We didn't even
18 suggest a date. She had the date. She suggested the date.

19 Q And, after this filing was unsealed, Vice President Harris' campaign used some of the
20 information in the brief in campaign ads. Does that concern you at all, that the brief was seized
21 upon by Vice President Harris in attack ads?

22 A What I can tell you is that we litigate a case in court, and we have absolutely no interest
23 in what other folks are going to do with our information. We were litigating a very complicated
24 case in challenging circumstances.

25 [REDACTED] Certainly creates the perception that the campaign and the Special Counsel's

1 Office was working hand in hand to defeat President Trump. Isn't that the case?

2 Mr. Hulser. I can tell you that that was not what was happening. That's all I can tell you.
3 Not at all.

4 [REDACTED] Did you have any discussions about the timing? I mean, rolling this out -- I
5 believe the brief was, you know, close to 160 pages -- you rolling it out right before the election, did
6 you have any discussions about whether that was appropriate.

7 Mr. Hulser. So two things. One is, yes, we talked about whether or not it would be in
8 conflict with election-year sensitivities. We talked with the Public Integrity Section and confirmed
9 with them that the court sets the schedule and puts it out there.

10 And then when the defense moved to keep the appendix under seal until they filed theirs,
11 and the whole thing could come out at once. We said, "Sure." We didn't object.

12 [REDACTED]
13 Q And this brief was filed in Judge Chutkan's court. Is that correct?

14 A It is.

15 Q And she called the brief atypical and procedurally irregular. Were you aware of her
16 comments on the brief?

17 A When did she say that?

18 Q That would be the opinion. She wrote an opinion on September 24th, 2024. She said
19 it was atypical and procedurally irregular. I may have the citation wrong, but she called, in one of
20 her orders, she called the brief atypical and procedurally irregular.

21 A I'm just trying to remember the timing. Is that at a hearing she said that? Is that
22 before the brief was filed?

23 Q It was after the brief was filed.

24 A After the brief was filed, okay. As I said, an unusual legal landscape for all of us, and
25 I'm sure for her too.

1 Q Were you involved in scheduling for the trial at all, selecting a trial date?

2 A I was in meetings where we talked about trial dates, sure.

3 Q And there was a trial date that was requested for January of 2024. Do you remember
4 that?

5 A I do.

6 Q And how was that trial date selected?

7 A I don't remember the details of how we calculated to that period.

8 Q There was concern that the trial needed to occur before the November 2024 election?

9 A No. We requested a trial date, and in Florida as well, and the judge set one there in, I
10 think, March of 2024.

11 Q And some of the individuals that we've mentioned today, you know, Mr. Cooney was
12 the head of College Democrats at Notre Dame. He's running for election as a Democrat right now.
13 You know, Ms. Gaston was a Democrat Hill staffer, was a Democrat DOJ political appointee.

14 Can you help us understand how the Special Counsel's Office insulated itself from just
15 becoming filled with attorneys that align politically with the Democrat Party?

16 [REDACTED] Were there any Republicans on the staff?

17 Mr. Hulser. I have no idea. I have no idea what people's political affiliation was, and I did
18 not think that way when I was in Public Integrity or the Special Counsel's Office. So you may know
19 the answer. I don't. So that just wasn't relevant to our work. That's how I would characterize it.

20 BY [REDACTED]

21 Q There's also been some discussion about discrepancy between the Justice Department's
22 approach to individual January 6th cases, saying that President Trump wasn't responsible for the
23 actions of the individual defendant in relation to the Special Counsel Office indictment where it
24 claimed that President Trump was responsible for the events at the Capitol on January 6th.

25 Can you help us understand that discrepancy?

1 A I'm not following you on the discrepancy. What I remember is litigating January 6th
2 cases where defendants blamed the President, and we said to the jury, "You don't have to choose.
3 There's plenty of blame to go around." That is how we navigated it in the January 6th cases.

4 Q And there's some cases where, you know, the prosecutors got up and said, "You know,
5 you can't blame the President for your own actions," but then, in the indictment, your indictment, it
6 seems to say that the President was responsible for the actions.

7 How do you explain that discrepancy?

8 A Well, yeah, I think that misses it a little bit on the individual defendants in that "you
9 can't excuse your conduct by what he did. You can blame him all you want, but that's not an
10 excuse. That's not a defense." And that's what we argued to judges and juries where we needed
11 to.

12 Q Did you have any responsibility for reviewing drafts of the volume 1 of the Special
13 Counsel's Report?

14 A Yes.

15 Q And what can you tell us about the review process that you undertook?

16 A Individuals wrote parts, legal and factual, and they made their way up to Mr. Cooney
17 and to Mr. Smith and to me for review along the way, and I had a part in drafting some and reviewing
18 and editing.

19 Q In the first footnote of the report, it mentions how the report includes conduct that was
20 ruled would be immune by the Supreme Court.

21 What can you tell us about the decision to include immune conduct in the report?

22 A I think we were trying to provide a fulsome record of what we had done, how we had
23 investigated it, and given that the immunity decision came after we had done our investigation, after
24 we had written up a prosecution memo, after we had indicted the case, we decided that this was a
25 fulsome reflection of the work we had done, the evidence we had gathered.

1 Q And could you have brought a prosecution based upon the conduct that the
2 Supreme Court ruled would be immune?

3 A I'm missing that question.

4 Q Could you have prosecuted President Trump for conduct that the Supreme Court ruled
5 was immune?

6 A I'm still not getting what you're trying to ask there. I'm sorry.

7 Q The Supreme Court ruled that some of the conduct by President Trump, some of his
8 conduct --

9 A Right.

10 Q -- was immune from prosecution.

11 A Correct.

12 Q Would you agree?

13 A Yes, yes, yes, they did.

14 Q And some of that conduct was then included by the Special Counsel's Office in its report.
15 Would you agree?

16 A Yes.

17 Q Could you have brought -- could you have prosecuted the President for the immune
18 conduct that was included in the report?

19 A No, we -- and we did not. When we superceded, we took those things out of our
20 indictment.

21 Q There's been some -- there was a letter that was attached to the Special Counsel's
22 Report from one of Mr. Trump's -- President Trump's attorneys, Mr. Todd Blanche.

23 A Yes.

24 Q Were you -- did you read that letter that --

25 A Yes.

1 Q -- Mr. Blanche had submitted?

2 There was some arguments in the letter regarding the use of conclusory language in the
3 report and how that diverged from other special counsels -- Special Counsel Hur, Special Counsel
4 Durham, Special Counsel Mueller.

5 Did you review previous special counsels' reports when in the process of drafting this version?

6 A I don't remember reviewing them. Well, I probably looked at Mueller's at some point,
7 and I looked at Hur's in connection with selective prosecution litigation. But I don't remember
8 studying it and comparing its language, you know.

9 We covered a lot of ground, and both of those were different in the sense that they hadn't
10 charged anyone, and so we had a slightly different landscape, but we had evidence that was already
11 out there.

12 Q And, even though you had charged individuals, had you obtained a jury verdict against
13 President Trump?

14 A We did not.

15 Q And had you proved any assertions of criminality in court against the President?

16 A Well, that's an interesting question. So we did not try our cases. Let's put it that
17 way.

18 [REDACTED] We can go off the record.

19 [Recess.]

20 [REDACTED] We'll go back on the record.

21 BY [REDACTED]

22 Q So I want to ask very briefly about the classified documents investigation, and my
23 colleagues in the majority mentioned -- I believe it was during the last hour -- a book called
24 "Injustice." Are you familiar with that book?

25 A I'm familiar with -- who wrote that? Is that the --

1 Q I believe it was Carol Leonnig.

2 A Yes, yes, that's the one.

3 Q Have you read the book?

4 A No.

5 Q So, in that book, it states that you were responsible for writing a prosecution memo at
6 one point in the classified documents case. Is that right?

7 A I was involved in drafting, along with other people, sure.

8 Q Okay. And, based off that prosecution memo and your other involvement in that case,
9 if you had proceeded to trial, is it your belief that you would've been able to prove beyond a
10 reasonable doubt that Donald Trump was guilty of improperly retaining those classified documents?

11 A So the classified documents case, I feel like, is very much off limits because the judge
12 has sealed the final report, which I also helped draft and write. And it's hard for me to remember
13 what's in it, what's not. I haven't seen it in a long time. So I am very reticent to talk about the
14 classified documents case.

15 I will say, the Principles of Federal Prosecution require that we don't bring a case and make
16 allegations unless we believe there's proof beyond a reasonable doubt that we can obtain and
17 sustain a criminal conviction. And so we satisfied those obligations.

18 Q Okay. And I understand that there are certain limitations here that you just expressed,
19 given in your testimony today. I do want to ask a few more questions and if you're unable to
20 answer based off your understanding, it would be great just to explain why you're unable to answer
21 that question.

22 A Okay.

23 Q So did you become familiar, in the course of helping draft this prosecution memo, with
24 some of the documents that were retained improperly at Mar-a-Lago?

25 A Yes.

1 Q Did any of those documents relate to sensitive war plans?

2 A I don't want to get into the merits of the case, which includes the merits of how
3 sensitive those documents were. We made our allegations in an indictment that we had ample
4 proof to establish.

5 Q Okay. And, just to ask the question slightly differently, did you ever become aware
6 that Donald Trump had retained a classified war plan?

7 A I would stick with what's in the indictment.

8 Q And why are you unable to answer that question?

9 A Yeah. The judge has sealed the entire volume 2 of our final report, which really goes
10 through the case soup to nuts, and so I don't want to comment on anything that the judge might
11 think we shouldn't be commenting on.

12 Q And, just a few more questions on this, if you'll indulge me. Do you remember ever
13 determining or finding a motive for Donald Trump retaining these classified documents?

14 A I don't want to comment on anything like that.

15 Q And did any of these documents relate to his business interests?

16 A I don't want to comment on any of those things.

17 Q Okay. I appreciate your answers.

18 [REDACTED] And by judge -- you mentioned the judge -- was that Judge Aileen Cannon in the
19 Southern District of Florida?

20 Mr. Hulser. It is. She's entered an order sealing the final report.

21 [REDACTED] Okay. Thank you. We'll introduce -- and I apologize if I have lost track, but I
22 believe exhibit 14, which is a Washington Post letter to the editor, dated February 12th, 2025.

23 [Hulser Exhibit No. 14
24 was marked for identification.]

25 Mr. Hulser. Thank you, sir.

1 BY [REDACTED]

2 Q And I'll give you a second to review.

3 A Bleh, who wants to look at their own writing?

4 Q So, judging by that statement, I trust you recognize this document?

5 A Yes.

6 Q What is this document?

7 A I wrote a letter, a couple of paragraphs, soon after I was fired just getting down some of
8 my thoughts about what had happened.

9 Q And why did you feel the need, if you did, in fact, feel a need, to write this letter?

10 A I wasn't sure when I wrote it -- it didn't take long because this is just stuff I knew from
11 my career -- I didn't know exactly why I wanted to write it. I enjoy writing, and I enjoyed writing
12 something down that captured some of my perceptions at the time, and then I shared it with our
13 team.

14 I wanted it to be something that they could see and have as somebody who was going
15 through what was, to say the least, unpleasant, and that they were too, and so it was written as a
16 support.

17 And then I thought maybe -- maybe others would like to read it too. So I provided it to the
18 Post, and they decided to put it out there.

19 Q And so this is entitled, quote, "I'm a career prosecutor, Trump fired me, but I know what
20 I did for the United States."

21 To your knowledge, why did President Trump fire you from DOJ?

22 A I was provided with a notice that said, because I had worked on the investigations of
23 President Trump, that the Department could not trust me to carry out his agenda loyally, something
24 like that, and cited Article II.

25 Q And it says here -- and I'm in the middle of the second paragraph -- quote, "Under

1 President Donald Trump, we prosecuted a Democratic Congresswoman, a Democratic Senator, a
2 Republican sheriff, and violent criminals in Washington."

3 Did I read that correctly?

4 A You did.

5 Q And was that during President Trump's first term?

6 A Yes. And I didn't capture all of them. I'm sitting here now, going, we did more than
7 one Democratic Congressperson during Trump's first term.

8 Q And how did the reasons for your termination, given, you know, saying that you couldn't
9 be trusted to loyally carry out his agenda, feel given your, you know, experience as a prosecutor?

10 A All I can say is it wasn't accurate.

11 Q And, in this, you discuss your last day at DOJ, and what that was like.

12 A Yeah.

13 Q Can you explain how that last day at DOJ felt as you were leaving the building you had
14 worked in for so many years?

15 A I had to call up security to arrange with them for me to enter the building. So I had
16 been notified of my termination while I was on a flight. I got off the plane and was not able to
17 receive my termination memo because my devices had been disabled.

18 So that happened on January 27. I can't remember how long it took me to get into the
19 building, but they would not let me go in the building where I had set up a new office.

20 And so I had to contact security, and I went in with security. This is a person I knew because
21 I'd worked in the Criminal Division for a long time and had a lot of friends there, but -- so he had to
22 escort me, literally escort me, into Department space because apparently I couldn't be trusted.
23 That was pretty insulting. I will have to say, that was very insulting.

24 And the folks who I was working with in the new office where I had been assigned were there
25 to help me, and helped me move things and load my car, et cetera. And I think they were kind

1 of -- they were very supportive, and they were kind of shocked by what was happening.

2 Q And you said you were on a flight when you received the notice.

3 A Uh-huh.

4 Q Was that a flight for work?

5 A No, no. I didn't -- I didn't -- nope. I was taking some leave, flying back from California
6 to D.C., and got off the plane, I think at Dulles, but, yeah.

7 Q And did you proceed directly from Dulles to DOJ?

8 A No, no, no. This was -- I was just going home, and then I was not able to arrange to get
9 in to clean out my office for several days.

10 Q Okay. And, in your retelling here, as you're leaving the building for the last time, you
11 say, quote, "As I drove out into the rain, a security guard I know got up out of his warm booth, shook
12 my hand, and I said just a few words" -- and said just a few words.

13 A Yeah.

14 Q Quote, This is some bull- --

15 A Uh-huh.

16 Q -- yes -- and you responded in the article, yes, my friend, it is.

17 Can you explain the effect that the firings of both yourself but the members of your team,
18 have affected you and affected your team members to the extent you know?

19 A Yeah. Really hard to accept given how many years we had all committed to the
20 Department. And so, for the people who are gone and for the people who are still there, it is very
21 deflating.

22 You work very hard for a mission and to support an institution, and the institution turned on
23 us and cut us out, and so it's very demoralizing.

24 
25 Q Just to go back to what you were saying a little bit earlier about the classified documents

1 case, and I just wanted to get a few things clarified on the record.

2 Did the Special Counsel's Office, in fact, file an indictment in the classified documents case
3 against Donald Trump in 2023?

4 A We filed two of them.

5 Q Yes, you filed an original one in June 2023. Is that correct?

6 A We did.

7 Q And then you filed a superceding indictment in July 2023. Is that right?

8 A We did.

9 Q And, to your knowledge, did the Special Counsel's Office follow the Principles of Federal
10 Prosecution that you referenced when it filed those indictments?

11 A Yes, we did.

12 Q And did you work on those indictments?

13 A I did.

14 Q So would you have participated in filing those indictments if you didn't believe that you
15 could prove each of the charges in the indictments against Donald Trump beyond a reasonable
16 doubt?

17 A I wouldn't have filed any indictment in my 35 years with the Department unless I
18 satisfied the principles.

19 [REDACTED] Okay. That's all.

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

21 [Whereupon, at 12:57 p.m., the interview was concluded.]

Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date