Exhibit 1

Email from Jennifer Clarke, Deputy Chief, Public Integrity Section, to Timothy Duree, Assistant Chief, Criminal Division (Apr. 26, 2022)

From: Duree, Timothy (CRM)
To: Leach, Matthew (USADC) [Contractor]
Subject: FW: J. Jordan Tolls and Preservation Letter
Date: Tuesday, April 26, 2022 12:38:26 PM

Please add this to our file. Do we have a PIN subfolder yet? If not, we'll need one. Thanks.

From: Clarke, Jennifer (CRM) [redacted]@usdoj.gov>
Sent: Tuesday, April 26, 2022 11:29 AM
To: Duree, Timothy (CRM) [redacted]@usdoj.gov>
Subject: J. Jordan Tolls and Preservation Letter

Hi Tad,

PIN concurs with the proposed covert investigative step of issuing a grand jury subpoena for toll records for the personal telephone number for Rep. Jim Jordan for the time period of August 1, 2020 through January 30, 2021 based on the fact that you have evidence that this phone number was in communication with Perry and others suspected to be involved in alleged obstruction of the congressional certification proceedings on January 6, 2021, related to the 2020 election for President of the United States. A review of Rep. Scott Perry's toll records indicates that Perry had many phone contacts with Rep. Jim Jordan throughout 2020 and into 2021. During the most relevant period (approximately November 2020 through January 2021) however, calls between Jordan and Perry substantially increased to nearly triple or quadruple the previous frequency. Furthermore, many of these calls from Scott Perry to Jim Jordan are close in time to other calls suspected to be related to the potentially obstructive conduct under investigation. For example, on December 19, 2020, during a period in which witness testimony and documentary evidence indicates that the White House was in discussions with others, including Jeffrey Clark, Rudy Giuliani, Mark Meadows, and Scott Perry, about options to delay or challenge the election results and the congressional certification proceedings, Perry had a call with Rudy Giuliani, then called Jordan immediately after. In another instance, on December 22, 2020, Perry had a call with a number associated with the White House, then a call with Jordan, then a call with the White House, and then yet another call with Jordan, all in immediate succession. In yet another example, Perry had a call with Jordan, then an immediate call with Mark Meadows, and then another call with Jordan, all in quick succession.

PIN also concurs with sending a preservation request to Google for the account [redacted], which is the personal email account used by Jordan. There are numerous emails between this account and Perry's personal account in December 2020 and early January 2021.

As we've previously discussed, obtaining these types of records from a third-party provider for the personal email address of a Member of Congress arguably does not violate the Speech or Debate Clause, even under an interpretation that the clause provides a privilege against disclosure, as the disclosure of the records is not compelled from the Member directly and the records are for the Member's personal email account rather than a congressional email account. That position is not without litigation risk as the D.C. Circuit does interpret the privilege as one of non-disclosure. *See*

United States v. Rayburn House Office Building, Room 2113, Washington, D.C. 20515, 497 F.3d 654, 662 (D.C. Cir. 2007) ("Where the Clause applies its protection is absolute.") Further, you should be sensitive to the fact that if during your investigation you determine that certain emails were made in furtherance of legitimate legislative acts, you would be barred from presenting those emails to the GJ or relying on them in an indictment or at trial. The Member would likely be entitled to assert privilege as to certain emails contained in the records to avoid their use. *See, e.g., In re Grand Jury Investigation*, 587 F.2d 589, 597 (3d Cir. 1978) ("[The Member] should be permitted to indicate by affidavit or testimony those calls which he contends are privileged.")

You should also notify ODAG via urgent report about legal process related to Jordan. Please return to PIN to consult on any further legal process related to Jim Jordan or the email account [redacted]

Thanks,

Jennifer Clarke
Deputy Chief
Public Integrity Section
[redacted]

Exhibit 2

Grand Jury Subpoena for Chairman Jordan's Phone Records, U.S. Dist. Court for the Dist. of Columbia (May 1, 2022)

Verizon Legal Process Compliance
DH

From: Burnett, James B. (OIG) [mailto:[redacted]@usdoj.gov]
Sent: Sunday, May 1, 2022 12:52 PM
To: Verizon Legal Process Compliance[redacted]
Subject: Grand Jury Subpoena and NDO

Please find the attached Grand Jury Subpoena and Non-Disclosure Order for service. Thanks

J. Brian Burnett
Senior Special Agent
U.S. Department of Justice, Office of the Inspector General
Washington Field Office
Investigations Division
Desk: [redacted]
Cell:

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE APPLICATION OF USA FOR 2705(b) NONDISCLOSURE ORDER FOR GRAND JURY SUBPOENA [redacted]	[redacted] **Filed Under Seal**

ORDER

This matter having come before the Court pursuant to an application under 18 U.S.C. § 2705(b) requesting an order directing Verizon Wireless ("PROVIDER"), an electronic communication and/or remote computing service provider located in Bedminster, NJ, not to notify any other person of the existence of subpoena number [redacted] issued by the United States on behalf of a federal Grand Jury empanelled in the United States District Court for the District of Columbia (the "Subpoena"), the Court finds reasonable grounds to believe that such disclosure will result in flight from prosecution, destruction of or tampering with evidence, intimidation of potential witnesses, and serious jeopardy to the investigation. *See* 18 U.S.C. § 2705(b)(3)-(5).

IT IS THEREFORE ORDERED that, pursuant to 18 U.S.C. § 2705(b), PROVIDER and its employees shall not disclose the existence of the Subpoena to any other person (except attorneys for PROVIDER for the purpose of receiving legal advice) for a period of one year (commencing on the date of this Order), unless the period of nondisclosure is later modified by the Court.

IT IS FURTHER ORDERED that the application and this Order are sealed until otherwise ordered by the Court.

Digitally signed by David A. Baker
Date: 2022.04.28 18:03:19 -04'00'

Date:

UNITED STATES MAGISTRATE JUDGE

U.S. Department of Justice

Matthew M. Graves
United States Attorney

District of Columbia
Patrick Henry Building
601 D Street N.W.
Washington, D.C. 20530

April 25, 2022

VIA Electronic Mail

Verizon Wireless
180 Washington Valley Road
Bedminster, NJ 07921

Re: Grand Jury Subpoena [redacted]
USAO [redacted]

Dear Verizon Wireless:

Pursuant to a criminal investigation being conducted by the United States Attorney's Office, it is required that you furnish the requested records as described in the attached subpoena.

In lieu of personally appearing before the Grand Jury on the date indicated, you may comply with this grand jury subpoena by promptly providing the undersigned Assistant U.S. Attorney with the requested records. If you choose to provide the requested records voluntarily, please provide them in a non-proprietary electronic format via FedEx, UPS or DHL. Also enclosed please find a blank "Declaration of Custodian of Records" form. It may save time and costs if an appropriate person at your business could complete the form and return it with the records. A properly completed "Declaration of Custodian of Records" form will make it more likely that we could present the records at trial without requiring you or another employee to come to court and testify.

Under the Electronic Communications Privacy Act, 18 U.S.C. § 2701 et seq., electronic communications services providers responding to a grand jury subpoena for production of certain records are entitled to reimbursement for some of the costs involved in compliance. Reimbursement may not be made for records or other information relating to telephone toll records and listings described in 18 U.S.C. § 2703(c)(2). Please note that under the Act, the Department of Justice will not reimburse expenses incurred for the production of information kept in the ordinary course of business. An exception can be made if compliance with a grand jury subpoena requires the expenditure of unusual effort or resources. In that circumstance, reimbursement of the "reasonable cost" of such services can be made if the government and subpoena recipient mutually agree on the amount, or if the court orders reimbursement.

If you believe that you are entitled to reimbursement, please send a full and complete itemized statement for all costs in an invoice that makes clear the basis for the reimbursement request.

NO REIMBURSEMENT WILL BE MADE WITHOUT (1) A FULL AND COMPLETE ITEMIZED STATEMENT OF ALL COSTS BEARING YOUR TAXPAYER IDENTIFICATION NUMBER, (2) A COMPLETED USA-212 FORM, AND (3) A COPY OF THE SUBPOENA.

Moreover, no reimbursements will be paid for partial compliance with the grand jury subpoena.

Accordingly, no invoice should be submitted to this office until compliance with the grand jury subpoena is complete, and the accompanying invoice represents a final and complete invoice for all qualified costs involved in that compliance. **Please submit all invoices directly to the Assistant United States Attorney at the address indicated in this letterhead.**

Enclosed please find a nondisclosure order from the court directing Verizon Wireless not to notify any person (including the subscriber or customer) of the existence or content of this subpoena. You are directed not to disclose the existence of this subpoena or the fact of your compliance. Any such disclosure on your part could impede the investigation being conducted and thereby interfere with the enforcement of the law.

We appreciate your cooperation in this matter. If you have any questions, please contact this office at the number below.

Sincerely,

KENNETH POLITE
Assistant Attorney General
Criminal Division

/s/ Timothy A. Duree
Timothy A. Duree
Criminal Division
Texas Bar Number 24065179
1400 New York Avenue NW
Washington DC 20530
[redacted]

UNITED STATES DISTRICT COURT

for the

District of Columbia

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

To: Verizon Wireless
180 Washington Valley Road
Bedminster, NJ 07921

YOU ARE COMMANDED to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA U.S. Courthouse, 3rd Floor Grand Jury [redacted] 333 Constitution Avenue, N.W. Washington, D.C. 20001	Date and Time: Friday, May 13, 2022 at 9:00 AM

You must also bring with you the following documents, electronically stored information, or objects:

PLEASE SEE ATTACHMENT

In lieu of personally appearing before the Grand Jury on the date indicated, you may comply with this grand jury subpoena by promptly providing the undersigned Assistant U.S. Attorney with the requested records.

Date: April 25, 2022

CLERK OF COURT

Signature of Clerk or Deputy Clerk

The name, address, telephone number and email of the Assistant United States Attorney, who requests this subpoena, are:

Timothy A. Duree, Attorney
Department of Justice, Criminal Division
1400 New York Ave NW
Washington, DC 20530
Phone: [redacted]
Email: [redacted]@usdoj.gov

Subpoena [redacted]
USAO [redacted]
Preparer: MRLEACH

U.S. Department of Justice
Washington, D.C. 20530

Request for Communications Content, Records or Other Information Under the Electronic Communications Privacy Act (ECPA). (Authorization, Purchase Order and Receiving Report)

This form shall be used when requesting communications content, records, or other information from electronic communications or remote computing service providers under the ECPA.

1 Tracking Number:	2 Date Order Prepared:	3 USAO Number:
[redacted]	**4/25/2022**	[redacted]

Section A – Authorization and Purchase Order

4 Name and Address of Service Provider:
Verizon Wireless
180 Washington Valley Road
Bedminster, NJ 07921

Funding Certification & Authorization:

A. _____
Budget Official Signature Funding Available Date

B. _____
Approving Official Signature Date

5 Deliver Records To:
Timothy A. Duree
1400 New York Ave NW
Washington, DC 20530

Send Completed USA-212 Form & Invoice To:

6 Return Date:
5/13/2022

7 Remarks: Do not proceed with compliance if the total cost will exceed without prior approval. To obtain approval, call the requestor listed in Item 8. If invoicing for these services is expected to exceed 120 days, please notify the United States Attorney's Office immediately to ensure funds remain available for payment. Please see the attached Important Notice for additional information on invoicing and other requirements for reimbursement.

8 Name of Requestor:	9 Telephone Number:	10 Date of request:
Timothy A. Duree	[redacted]	**4/25/2022**

Section B - ECPA Service Provider Invoice

11A Invoice Number: / 11B Tax ID Number:		Quantity	Unit Price Cost	Unit Price Per	Amount
11C Service(s)/Records Provided:					

The costs above (or on the attached invoice) represent direct costs and have been incurred in searching for, assembling, reproducing or otherwise providing the requested information.

12 Signature of Service Provider Representative:	13 Date Signed:	Total Amount Claimed By Service Provider	
		16 Disallowance *(See Attached)*	
Section C - Receiving Report			
14 I certify that the articles and services listed were received:	15 Date Received:	17 Net to Service Provider	

18 Electronic Communications Privacy Act - Public Law 99-508
(18 U.S.C. 2701-2712) Request Pursuant To: *(Only One Section at Left Should Be Checked)*

SECTION		OBJECT CLASS
☐ 2702	Voluntary Disclosure	2570
☒ 2703	Compelled Disclosure	2570
	☐ Search Warrant	2570
	☒ Grand Jury Subpoena	2570
	☐ Court Order	2570
	☐ Administrative or Judicial Subpoena	2570
☐ 2704	Request for Information Following Preservation	2570

19 Signature of Approving Official: Date:

20 Funding Source

Accounting Code:

Program

21 Other Accounting/Fund Information:
Program Code: Project Code:
YREGDOC:
Call Number (if applicable):
OBL Month (YRMO):
Tax ID Number:

22 Remarks:

The costs above (or on the attached invoice) appear to be reasonably necessary and to have been directly incurred in searching for, assembling, reproducing or otherwise providing requested information

Signature of United States Attorney's Office Representative Date

FORM USA-212
EEB. 2014

DECLARATION OF CUSTODIAN OF RECORDS

Pursuant to 28 U.S.C. §1746, I, the undersigned, hereby declare:

My name is _____.
(name of declarant)

I am a United States citizen and I am over eighteen years of age. I am the custodian of records of the business named below, or I am otherwise qualified as a result of my position with the business named below to make this declaration. I have knowledge of the record keeping system used by this business; this includes how records are created and maintained.

I am in receipt of a United States District Court Subpoena [redacted] dated April 25, 2022, signed by Assistant United States Attorney Timothy A. Duree, requesting specified records of the business named below.

Attached hereto are ——— pages of records regarding _____
(Brief description of type of documents being subpoenaed)
_____ responsive to the subpoena. I understand how these responsive documents were created. Pursuant to Rules 902(11) and 803(6) of the Federal Rules of Evidence, I hereby certify that the records attached hereto:

(1) were made at or near the time of the occurrence of the matters set forth in the records, by, or from information transmitted by, a person with knowledge of those matters;

(2) were kept in the course of regularly conducted business activity, in that the records were created and preserved pursuant to established procedures, and were relied upon by an employee or this business; and

(3) were made as part of the regularly conducted business activity as a regular practice, in that the records were created and preserved as part of routine reflections of the normal operations of this business.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____.
(date)

_____
(signature of declarant)

_____
(name and title of declarant)

_____
(name of business)

_____
(business address)

_____
(business address)

Definitions of terms used above:

As defined in Fed.R.Evid. 803(6), "record" includes a memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses. The term, "business" as used in Fed.R.Evid. 803(6) and the above declaration includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit

INSTRUCTIONS FOR PRODUCTION OF RECORDS

I. General:

a. Records existing as **Electronically Stored Information (ESI)** shall be produced in **non-proprietary electronic form** and shall include text data and image data held:
   i. In your record retention systems; and/or
   ii. By your technology, data, or other service provider(s).

b. Records that do not exist as ESI may be produced in paper or other original format and may be converted to image or text data and provided as ESI, unless originals are required.

II. Text Data

a. Text data relating to transactions shall be produced within a data file:
   i. Using a delimited ASCII text data format; or
   ii. Using software that can export to a commonly readable, non-proprietary file format without loss of data.

b. Text data files relating to transactions shall include field descriptions (e.g., account number, date/time, description, payee/payor, check number, item identifier, and amount).

III. Image Data

a. Image data shall be produced in graphic data files in a commonly readable, non-proprietary format with the highest image quality maintained.

b. Image data of items associated with transactions (e.g., checks and deposit slips) shall be:
   i. Produced in individual graphic data files with any associated endorsements; and
   ii. Linked to corresponding text data by a unique identifier.

IV. Encryption/Authentication

a. ESI may be transmitted in an encrypted container *(e.g. flash drive, CD/DVD)*. Decryption keys and/or passwords shall be produced separately at the time the data are produced. *Please do not encrypt individual file contents if the container is encrypted.*

b. Authentication, such as hash coding, may be set by agreement.

c. Affidavits or certificates of authenticity may be included as part of the electronic production.

Verizon Communications
180 Washington Valley Road
Bedminster, NJ 07921

2022R00022

Grand Jury Subpoena Attachment

For any and all accounts associated with the following identifiers:

[redacted]

Provide the following records from January 1, 2020, to the present:

- Subscriber information
- Names (including subscriber names, user names, and screen names)
- Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses)
- All call detail records, including but not limited to detail records for inbound and outbound calls, text messages, direct connect, and voicemail messages
- Length of service (including start date) and types of service utilized
- Means and source of payment for such service (including any credit card or bank account number) and billing records
- Telephone or instrument numbers (including MAC addresses, Electronic Serial Numbers ("ESN"), Mobile Electronic Identity Numbers ("MEIN"), Mobile Equipment Identifier ("MEID"), Mobile Identification Numbers ("MIN"), Subscriber Identity Modules ("SIM"), Mobile Subscriber Integrated Services Digital Network Number ("MSISDN"), International Mobile Subscriber Identifiers ("IMSI"), or International Mobile Station Equipment Identities ("IMEI"))
- Records of session times and durations, and the temporarily assigned network addresses (such as Internet Protocol ("IP") addresses) associated with those sessions
- Other subscriber numbers or identities (including temporarily assigned network addresses and registration Internet Protocol ("IP") addresses (including carrier grade natting addresses or ports))

NOTE: **IN LIEU OF PERSONAL APPEARANCE, YOU MAY COMPLY WITH THIS SUBPOENA BY PROVIDING THE REQUESTED DOCUMENTS IN ELECTRONIC FORMAT TO:**

Brian Burnett
Senior Special Agent
U.S. Dept. of Justice, Office of the Inspector General
[redacted]@usdoj.gov

IF YOU CHOOSE TO COMPLY WITH THIS SUBPOENA BY PRODUCING THE MATERIALS TO A FEDERAL AGENT, PLEASE ALSO REVIEW AND EXECUTE THE ATTACHED CERTIFICATION UNDER FEDERAL RULES OF EVIDENCE 803(6) AND 902(11).

COMPLETION OF THIS CERTIFICATION MAY ELIMINATE THE NEED FOR APPEARANCE OF A RECORDS CUSTODIAN AT A FUTURE DATE.

Exhibit 3

Email from Jennifer Clarke, Deputy Chief, Public Integrity Section, to Timothy Duree, Assistant Chief, Criminal Division (May 19, 2022)

From: Duree, Timothy (CRM)
To: Leach, Matthew (USADC) [Contractor]
Subject: FW: C. Roy Tolls
Date: Thursday, May 19, 2022 5:23:28 PM

Please add to folder of PIN communications.

From: Clarke, Jennifer (CRM) [redacted]@usdoj.gov>
Sent: Thursday, May 19, 2022 5:21 PM
To: Duree, Timothy (CRM) [redacted]@usdoj.gov>
Subject: C. Roy Tolls

Hi Tad:

Thanks for your call. PIN concurs with the proposed covert investigative step of issuing a grand jury subpoena for toll records for the personal telephone number for Rep. Chip Roy for the time period of October 1, 2020 through January 30, 2021 based on the fact that you have evidence that this phone number was in communication with Perry and others suspected to be involved in alleged obstruction of the congressional certification proceedings on January 6, 2021, related to the 2020 election for President of the United States. [redacted]

As we've previously discussed, obtaining these types of records from a third-party provider for the personal phone of a Member of Congress arguably does not violate the Speech or Debate Clause, even under an interpretation that the clause provides a privilege against disclosure, as the disclosure of the records is not compelled from the Member directly and the records are for the Member's personal cellular account rather than a congressional phone account. That position is not without litigation risk as the D.C. Circuit does interpret the privilege as one of non-disclosure. *See United States v. Rayburn House Office Building, Room 2113, Washington, D.C.* 20515, 497 F.3d 654, 662 (D.C. Cir. 2007) ("Where the Clause applies its protection is absolute.") Should a court find that these election-fraud related calls involving Members of Congress constituted legislative fact-finding and thus privileged legislative acts, under *Rayburn*, you could be in violation of the privilege by even obtaining and possessing this information if the Member objected to the disclosure. Further, the Member may be entitled to assert privilege as a third party as to certain calls contained in the records to avoid their use against any charged defendants. *See, e.g., In re Grand Jury Investigation*, 587 F.2d 589, 597 (3d Cir. 1978) ("[The Member] should be permitted to indicate by affidavit or testimony those calls which he contends are privileged.").

You should also notify ODAG via urgent report about legal process related to Rep. Roy. Please return to PIN to consult on any further legal process related to Rep. Roy.

Thanks,

Jennifer Clarke

Deputy Chief
Public Integrity Section
[redacted]

Exhibit 4

Grand Jury Subpoena for Representative Fitzgerald's Phone Records, U.S. Dist. Court for the Dist. of Columbia (May 31, 2022)

U.S. Department of Justice

Matthew M. Graves
United States Attorney

District of Columbia
Patrick Henry Building
601 D Street N.W.
Washington, D.C. 20530

May 31, 2022

VIA Electronic Mail

US Cellular
8410 W. Bryn Mawr Ave.
Suite 800
Chicago, IL 60631
Attn: [redacted]@uscellular.com

Re: Grand Jury Subpoena [redacted]
USAO [redacted]

Dear US Cellular:

Pursuant to a criminal investigation being conducted by the United States Attorney's Office, it is required that you furnish the requested records as described in the attached subpoena.

In lieu of personally appearing before the Grand Jury on the date indicated, you may comply with this grand jury subpoena by promptly providing the agent designated in the attachment with the requested records. If you choose to provide the requested records voluntarily, please provide them in a non-proprietary electronic format via FedEx, UPS or DHL. Also enclosed please find a blank "Declaration of Custodian of Records" form. It may save time and costs if an appropriate person at your business could complete the form and return it with the records. A properly completed "Declaration of Custodian of Records" form will make it more likely that we could present the records at trial without requiring you or another employee to come to court and testify.

Under the Electronic Communications Privacy Act, 18 U.S.C. § 2701 et seq., electronic communications services providers responding to a grand jury subpoena for production of certain records are entitled to reimbursement for some of the costs involved in compliance. Reimbursement may not be made for records or other information relating to telephone toll records and listings described in 18 U.S.C. § 2703(c)(2). Please note that under the Act, the Department of Justice will not reimburse expenses incurred for the production of information kept in the ordinary course of business. An exception can be made if compliance with a grand jury subpoena requires the expenditure of unusual effort or resources. In that circumstance, reimbursement of the "reasonable cost" of such services can be made if the government and subpoena recipient mutually agree on the amount, or if the court orders reimbursement.

If you believe that you are entitled to reimbursement, please send a full and complete itemized statement for all costs in an invoice that makes clear the basis for the reimbursement request.

NO REIMBURSEMENT WILL BE MADE WITHOUT (1) A FULL AND COMPLETE ITEMIZED STATEMENT OF ALL COSTS BEARING YOUR TAXPAYER IDENTIFICATION NUMBER, (2) A COMPLETED USA-212 FORM, AND (3) A COPY OF THE SUBPOENA.

Moreover, no reimbursements will be paid for partial compliance with the grand jury subpoena. Accordingly, no invoice should be submitted to this office until compliance with the grand jury subpoena is complete, and the accompanying invoice represents a final and complete invoice for all qualified costs involved in that compliance. **Please submit all invoices directly to the Assistant United States Attorney at the address indicated in this letterhead.**

Enclosed please find a nondisclosure order from the court directing US Cellular not to notify any person (including the subscriber or customer) of the existence or content of this subpoena. You are directed not to disclose the existence of this subpoena or the fact of your compliance. Any such disclosure on your part could impede the investigation being conducted and thereby interfere with the enforcement of the law.

We appreciate your cooperation in this matter. If you have any questions, please contact this office at the number below.

Sincerely,

MATTHEW M. GRAVES
United States Attorney
D.C. Bar Number 481052

By: /s/ *C. Alexandria Bogle*
C. Alexandria Bogle
Special Assistant United States Attorney
M.A. Bar Number 667209
U.S. Attorney's Office, District of Columbia
601 D Street, N.W.
Washington, DC 20530
[redacted]@usdoj.gov

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE APPLICATION OF USA FOR 2705(b) NONDISCLOSURE ORDER FOR GRAND JURY SUBPOENA
[redacted]

[redacted]

Filed Under Seal

ORDER

This matter having come before the Court pursuant to an application under 18 U.S.C. § 2705(b) requesting an order directing US Cellular ("PROVIDER"), an electronic communication and/or remote computing service provider located in Chicago, IL, not to notify any other person of the existence of subpoena number [redacted] issued by the United States on behalf of a federal Grand Jury empanelled in the United States District Court for the District of Columbia (the "Subpoena"), the Court finds reasonable grounds to believe that such disclosure will result in flight from prosecution, destruction of or tampering with evidence, intimidation of potential witnesses, and serious jeopardy to the investigation. *See* 18 U.S.C. § 2705(b)(3)-(5).

IT IS THEREFORE ORDERED that, pursuant to 18 U.S.C. § 2705(b), PROVIDER and its employees shall not disclose the existence of the Subpoena to any other person (except attorneys for PROVIDER for the purpose of receiving legal advice) for a period of one year (commencing on the date of this Order), unless the period of nondisclosure is later modified by the Court.

IT IS FURTHER ORDERED that the application and this Order are sealed until otherwise ordered by the Court.

2022.06.01
18:41:00 -04'00'

Date:

_____
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

for the

District of Columbia

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

To: US Cellular
8410 W. Bryn Mawr Ave.
Suite 800
Chicago, IL 60631
Attn: [redacted]@uscellular.com

YOU ARE COMMANDED to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA U.S. Courthouse, 3rd Floor Grand Jury [redacted] 333 Constitution Avenue, N.W. Washington, D.C. 20001	Date and Time: Friday, June 10, 2022 at 9:00 AM

You must also bring with you the following documents, electronically stored information, or objects:

PLEASE SEE ATTACHMENT

In lieu of personally appearing before the Grand Jury on the date indicated, you may comply with this grand jury subpoena by promptly providing the agent designated in the attachment with the requested records.

Date: May 31, 2022

CLERK OF COURT

Signature of Clerk or Deputy Clerk

The name, address, telephone number and email of the Special Assistant United States Attorney, who requests this subpoena, are:

C. Alexandria Bogle, Special Assistant United States Attorney
United States Attorney's Office for the District of Columbia
601 D Street N.W.
Washington, DC 20530
Phone:
Email: [redacted]@usdoj.gov

Subpoena [redacted]
USAO [redacted]
Preparer: MRLEACH

U.S. Department of Justice
Washington, D.C. 20530

Request for Communications Content, Records or Other Information Under the Electronic Communications Privacy Act (ECPA). (Authorization, Purchase Order and Receiving Report)

This form shall be used when requesting communications content, records, or other information from electronic communications or remote computing service providers under the ECPA.

1 Tracking Number:	2 Date Order Prepared:	3 USAO Number:
[redacted]	**5/31/2022**	[redacted]

Section A – Authorization and Purchase Order

4 Name and Address of Service Provider:
US Cellular
8410 W. Bryn Mawr Ave. Suite 800
Chicago, IL 60631 Attn:
[redacted]@uscellular.com

Funding Certification & Authorization:

A. _____
Budget Official Signature Funding Available Date

B. _____
Approving Official Signature Date

5 Deliver Records To:
C. Alexandria Bogle
601 D Street N.W.
Washington, DC 20530

Send Completed USA-212 Form & Invoice To:

6 Return Date:
6/10/2022

7 Remarks: Do not proceed with compliance if the total cost will exceed without prior approval. To obtain approval, call the requestor listed in Item 8. If invoicing for these services is expected to exceed 120 days, please notify the United States Attorney's Office immediately to ensure funds remain available for payment. Please see the attached Important Notice for additional information on invoicing and other requirements for reimbursement.

8 Name of Requestor:	9 Telephone Number:	10 Date of request:
C. Alexandria Bogle		**5/31/2022**

Section B - ECPA Service Provider Invoice

11A Invoice Number: / 11B Tax ID Number:		Quantity	Unit Price Cost	Unit Price Per	Amount
11C Service(s)/Records Provided:					
The costs above (or on the attached invoice) represent direct costs and have been incurred in searching for, assembling, reproducing or otherwise providing the requested information.					

12 Signature of Service Provider Representative:	13 Date Signed:	Total Amount Claimed By Service Provider	
Section C - Receiving Report		16 Disallowance *(See Attached)*	
14 I certify that the articles and services listed were received:	15 Date Received:	17 Net to Service Provider	

18 Electronic Communications Privacy Act - Public Law 99-508
(18 U.S.C. 2701-2712) Request Pursuant To: *(Only One Section at Left Should Be Checked)*

SECTION		OBJECT CLASS
☐ 2702	Voluntary Disclosure	2570
☒ 2703	Compelled Disclosure	2570
	☐ Search Warrant	2570
	☒ Grand Jury Subpoena	2570
	☐ Court Order	2570
	☐ Administrative or Judicial Subpoena	2570
☐ 2704	Request for Information Following Preservation	2570

19 Signature of Approving Official: Date:

20 Funding Source
Accounting Code:
Program

21 Other Accounting/Fund Information:
Program Code: Project Code:
YREGDOC:
Call Number (if applicable):
OBL Month (YRMO):
Tax ID Number:

22 Remarks:

The costs above (or on the attached invoice) appear to be reasonably necessary and to have been directly incurred in searching for, assembling, reproducing or otherwise providing requested information

_____
Signature of United States Attorney's Office Representative Date

FORM USA-212
EEB. 2014

DECLARATION OF CUSTODIAN OF RECORDS

Pursuant to 28 U.S.C. §1746, I, the undersigned, hereby declare:

My name is [redacted].
(name of declarant)

I am a United States citizen and I am over eighteen years of age. I am the custodian of records of the business named below, or I am otherwise qualified as a result of my position with the business named below to make this declaration. I have knowledge of the record keeping system used by this business; this includes how records are created and maintained.

I am in receipt of a United States District Court Subpoena [redacted] dated May 31, 2022, signed by Special Assistant United States Attorney C. Alexandria Bogle, requesting specified records of the business named below.

Attached hereto are 33 pages of records regarding subscriber information, and bill reprints for [redacted]
(Brief description of type of documents being subpoenaed)
period 10/01/2020-01/31/2021 responsive to the subpoena. I understand how these responsive documents were created. Pursuant to Rules 902(11) and 803(6) of the Federal Rules of Evidence, I hereby certify that the records attached hereto:

(1) were made at or near the time of the occurrence of the matters set forth in the records, by, or from information transmitted by, a person with knowledge of those matters;

(2) were kept in the course of regularly conducted business activity, in that the records were created and preserved pursuant to established procedures, and were relied upon by an employee or this business; and

(3) were made as part of the regularly conducted business activity as a regular practice, in that the records were created and preserved as part of routine reflections of the normal operations of this business.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 6, 2022.
(date)

[redacted]

Subpoena Specialist
(name and title of declarant)

UScellular
(name of business)

8410 W Bryn Mawr
(business address)

(business address)

Definitions of terms used above:

As defined in Fed.R.Evid. 803(6), "record" includes a memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses. The term, "business" as used in Fed.R.Evid. 803(6) and the above declaration includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.

INSTRUCTIONS FOR PRODUCTION OF RECORDS

I. General:

a. Records existing as **Electronically Stored Information (ESI)** shall be produced in **non-proprietary electronic form** and shall include text data and image data held:
   i. In your record retention systems; and/or
   ii. By your technology, data, or other service provider(s).

b. Records that do not exist as ESI may be produced in paper or other original format and may be converted to image or text data and provided as ESI, unless originals are required.

II. Text Data

a. Text data relating to transactions shall be produced within a data file:
   i. Using a delimited ASCII text data format; or
   ii. Using software that can export to a commonly readable, non-proprietary file format without loss of data.

b. Text data files relating to transactions shall include field descriptions (e.g., account number, date/time, description, payee/payor, check number, item identifier, and amount).

III. Image Data

a. Image data shall be produced in graphic data files in a commonly readable, non-proprietary format with the highest image quality maintained.

b. Image data of items associated with transactions (e.g., checks and deposit slips) shall be:
   i. Produced in individual graphic data files with any associated endorsements; and
   ii. Linked to corresponding text data by a unique identifier.

IV. Encryption/Authentication

a. ESI may be transmitted in an encrypted container *(e.g. flash drive, CD/DVD)*. Decryption keys and/or passwords shall be produced separately at the time the data are produced. *Please do <u>not</u> encrypt individual file contents if the container is encrypted.*

b. Authentication, such as hash coding, may be set by agreement.

c. Affidavits or certificates of authenticity may be included as part of the electronic production.

Attn: Subpoena Compliance
Department
U.S. Cellular
8410 West Bryn Mawr Ave.
Chicago, IL 60631

[redacted]

Grand Jury Subpoena Attachment

For any and all accounts associated with the following:

[redacted]

Please provide the following records from October 1, 2020, to January 31, 2021:

- Subscriber information
- Names (including subscriber names, user names, and screen names)
- Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses)
- All call and text detail records, including but not limited to detail records for inbound and outbound calls, text messages, direct connect, and voicemail messages
- Length of service (including start date) and types of service utilized
- Means and source of payment for such service (including any credit card or bank account number) and billing records
- Telephone or instrument numbers (including MAC addresses, Electronic Serial Numbers ("ESN"), Mobile Electronic Identity Numbers ("MEIN"), Mobile Equipment Identifier ("MEID"), Mobile Identification Numbers ("MIN"), Subscriber Identity Modules ("SIM"), Mobile Subscriber Integrated Services Digital Network Number ("MSISDN"), International Mobile Subscriber Identifiers ("IMSI"), or International Mobile Station Equipment Identities ("IMEI"))
- Records of session times and durations, and the temporarily assigned network addresses (such as Internet Protocol ("IP") addresses) associated with those sessions
- Other subscriber numbers or identities (including temporarily assigned network addresses and registration Internet Protocol ("IP") addresses (including carrier grade natting addresses or ports))
- All call and text detail records, including but not limited to detail records for inbound and outbound calls, text messages, direct connect, and voicemail messages.

Daniel A. Mehochko
Special Agent, FBI
9325 Discovery Bvd
Manassas, VA 20109
[redacted]@fbi.gov

NOTE: IN LIEU OF PERSONAL APPEARANCE, YOU MAY COMPLY WITH THIS SUBPOENA BY PROVIDING THE REQUESTED DOCUMENTS IN ELECTRONIC FORMAT TO:

IF YOU CHOOSE TO COMPLY WITH THIS SUBPOENA BY PRODUCING THE MATERIALS TO A FEDERAL AGENT, PLEASE ALSO REVIEW AND EXECUTE THE ATTACHED CERTIFICATION UNDER FEDERAL RULES OF EVIDENCE 803(6) AND 902(11).

COMPLETION OF THIS CERTIFICATION MAY ELIMINATE THE NEED FOR APPEARANCE OF A RECORDS CUSTODIAN AT A FUTURE DATE.

Exhibit 5

FBI Physical Surveillance Request on Representative Scott Perry (July 20, 2022)

FD-1054 (Rev. 08-17-12)

UNCLASSIFIED//FOUO

OFFICIAL RECORD
Document participants have digitally signed. All signatures have been verified by a certified FBI information system.

FEDERAL BUREAU OF INVESTIGATION

Physical Surveillance Request

Title: (U) SSG request. **Date:** 07/20/2022

CC: [redacted]
WF-[redacted]

Approved By: A/SSA [redacted]
ASAC ASAC [redacted]

Drafted By: [redacted]

Case ID #: 56D-WF-[redacted] (U//FOUO) ARCTIC FROST - Election Law Matters - SENSITIVE INVESTIGATIVE MATTER
SENSITIVE INVESTIGATIVE MATTER

56D-WF-[redacted]- (U//FOUO) FISUR
FISUR

National Threat Band: I
Local Threat Band: I

Is the subject of this request considered armed and dangerous or do the circumstances of the case involve a potentially dangerous environment (high-crime locations, known associates, etc.)? No

Does this Surveillance Request require TDY assistance from another division? No

Request Type: SSG

Surveillance Start: 07/21/2022 **End:** 07/28/2022

Number of Shifts: 12

Survey Type: Fixed Address, Raid/Arrest Prep

Subjects Surveilled:

Scott Perry
Objectives: Determine Daily Patterns, Identify Associates, Identify

PRODUCED TO HJC NO FOR EX ERNAL DISSEMINATION

Title: (U) SSG request.
Re: 56D-WF-[redacted], 07/20/2022

Workplace Location, Obtain Photos of Residence/Vehicle
Objective Details:
(U) WFO CR-[redacted] is in the process of obtaining a search warrant (SW) on Perry to execute during the week of July 25, 2022, possibly on July 27, 2022. The SW is for the person only to seize his cellular phone. Contact with Perry must occur away from the Capitol. Goal from surveillance is to get a pattern of life, identify his vehicle, and possibly identify a location to serve him with the SW. Request is for 6am to 6pm.
Surveillance Conscious? No
State Department Travel Notification? No
Name and Biographical Information 1:
Diplomatic Status? No

Enclosure(s): Enclosed are the following items:
1. (U) Perry Photo
2. (U) DL Info
3. (U) Accurint
4. (U) NCIC

Background and Details: (U) SSG request for Congressman Scott Perry. For information, WFO CR-[redacted] is in the process of obtaining a search warrant (SW) on Perry to execute on/about 7/27/2022. The SW is for the person only to seize his cellular phone. Contact with Perry must be away from the Capitol. Goal from surveillance is to get a pattern of life and possibly identify a location to serve him with the SW.

♦♦

PRODUCED TO HJC - NOT FOR EXTERNAL DISSEMINATION

Exhibit 6

FBI Form FD-302, Execution of Seizure Warrant for Representative Scott Perry's Phone (Aug. 9, 2022)

OFFICIAL RECORD
Document participants have digitally signed. All signatures have been verified by a certified FBI information system.

UNCLASSIFIED//FOUO

FEDERAL BUREAU OF INVESTIGATION

Date of entry 08/16/2022

On August 9, 2022, a seizure warrant was executed on the person of SCOTT PERRY to seize the cellular telephone assigned call number [redacted] (subject phone) by FBI Special Agents [redacted], [redacted], [redacted], [redacted], and [redacted]. Also present was Department of Justice Office of Inspector General Special Agent [redacted] and Senior Digital Investigative Analyst [redacted].

The below is a summary of the events that occurred. It is not intended to be a verbatim account and does not memorialize all the statements made. Communication by the parties during the interview were electronically recorded. The recording captures the actual words spoken. The recordings are identified as items 1D-35 and 1D-36 in captioned case.

At 8:56 AM, agents knocked at the door of [redacted], New Jersey. PERRY answered the door holding a cell phone in his right hand. PERRY stepped outside of the residence and closed the door behind him. PERRY was informed that agents possessed a search warrant authorizing the seizure of the subject phone. PERRY was asked if the phone he was holding was the one specified in the warrant. PERRY reviewed the search warrant. PERRY indicated the phone he was holding was the subject phone. PERRY provided the phone directly to SA [redacted].

At 8:58 AM, PERRY was given a copy of the search warrant. PERRY said there was no biometric unlock function enabled on the subject phone. PERRY said the passcode of the subject phone was [redacted].

At 8:59 AM, PERRY said he did not want to answer any questions and he wanted to speak to an attorney.

At 9:00 AM, PERRY said agents could coordinate with his chief of staff, [redacted] to return the subject phone. PERRY did not know [redacted]'s phone number but said it was stored in the contacts of his phone.

At 9:02 PM, PERRY was given an FD-597 Receipt for Property form.

PRODUCED TO HJC NO FOR EXTERNAL DISSEMINATION

Investigation on 08/09/2022 at [redacted] New Jersey, United States (In Person)

File # 56D-WF-[redacted] Date drafted 08/10/2022

by [redacted]

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

At 4:35 PM, agents knocked again on the door of [redacted], [redacted], New Jersey. A man later identified as PERRY's father in law answered the door and said PERRY was not home but would be by 5:15 PM.

At 5:03 PM, agents met PERRY on the street in front of [redacted], New Jersey. SA [redacted] provided the subject phone directly to PERRY. PERRY asked for, and was provided business cards for SA [redacted] and SA [redacted], as well as SA [redacted]'s name. PERRY signed the attached FD-597 Receipt for Property form documenting the return of his phone. The encounter ended at 5:05 PM.

PRODUCED TO HJC NOT FOR EXTERNAL DISSEMINATION

Exhibit 7

Emails among James Pearce, Assistant Special Counsel, Ray Hulser, Counselor to the Special Counsel, and J.P. Cooney, Deputy Special Counsel (Jan. 6, 2023)

From: "JIP (JSPT)" <[redacted]@usdoj.gov>
To: "RNH (JSPT)" <[redacted]@usdoj.gov>, "TAD (JSPT)" <[redacted]@usdoj.gov>, "JPC (JSPT)" <[redacted]@usdoj.gov>
Cc: "TPW (JSPT)" <[redacted]@usdoj.gov>, "JMP (JSPT)" <[redacted]@usdoj.gov>
Subject: RE: Perry Hearing before Judge Howell
Date: Sun, 08 Jan 2023 07:43:23 -0500
Importance: Normal

Yes, we would get immediate access to those communications—over which Perry claimed privilege and which the Chief Judge determined were not privileged—under this protocol.

From: RNH (JSPT) [redacted]@usdoj.gov>
Sent: Sunday, January 8, 2023 6:40 AM
To: TAD (JSPT) <[redacted]@usdoj.gov>; JPC (JSPT) <[redacted]@usdoj.gov>; JIP (JSPT) <[redacted]@usdoj.gov>
Cc: TPW (JSPT) [redacted]@usdoj.gov>; JMP (JSPT) <[redacted]@usdoj.gov>
Subject: RE: Perry Hearing before Judge Howell

Attached are a few edits/questions. I'd like to land on something we (SCO) think would work logistically IF we go this way, and then send to PIN/USAO for the discussion about which direction to take.

Am I correct that, under this limited protocol, we will immediately get access to documents that were on his cell phone that Perry claims are privileged and that are the subject of his appeal/stay motion?

From: TAD (JSPT) [redacted]@usdoj.gov>
Sent: Saturday, January 7, 2023 3:45 PM
To: JPC (JSPT) [redacted]@usdoj.gov>; RNH (JSPT) <[redacted]@usdoj.gov>; JIP (JSPT [redacted]@usdoj.gov>
Cc: TPW (JSPT) [redacted]@usdoj.gov>; JMP (JSPT) <[redacted]@usdoj.gov>
Subject: RE: Perry Hearing before Judge Howell

Here's a draft Speech or Debate protocol, reviewed by John, James, and me. Please let us know what you think. Happy to circulate a meeting invite whenever folks are ready to discuss further.

Timothy A. (Tad) Duree
U.S. Department of Justice
[redacted]

From: JPC (JSPT) <[redacted]@usdoj.gov>
Sent: Friday, January 6, 2023 11:36 PM
To: RNH (JSPT) <[redacted]@usdoj.gov>; JIP (JSPT) <[redacted]@usdoj.gov>
Cc: TPW (JSPT) <[redacted]@usdoj.gov>; TAD (JSPT) [redacted]@usdoj.gov>; JMP (JSPT) <[redacted]@usdoj.gov>
Subject: RE: Perry Hearing before Judge Howell

Thank you for this summary. Let's circle up early next week.

J.P. Cooney
[redacted]

From: RNH (JSPT) <[redacted]@usdoj.gov>
Sent: Friday, January 6, 2023 8:43 PM

To: JIP (JSPT) [redacted]@usdoj.gov>; JPC (JSPT) <[redacted]@usdoj.gov>
Cc: TPW (JSPT) <[redacted]@usdoj.gov>; TAD (JSPT) [redacted]@usdoj.gov>; JMP (JSPT) <[redacted]@usdoj.gov>
Subject: RE: Perry Hearing before Judge Howell

Very helpful, James. I appreciate you starting a draft, and Tad please let us know what you learn about the technical aspects of the Chief Judge's proposed process.

Let's circle up early next week and we can decide what makes sense for our team.

I'll let the USAO/PIN know where we are.

Thanks.

Ray

Raymond Hulser
Special Counsel's Office
[redacted]

From: JIP (JSPT) <[redacted]@usdoj.gov>
Sent: Friday, January 6, 2023 8:24 PM
To: JPC (JSPT) <[redacted]@usdoj.gov>; RNH (JSPT) [redacted]@usdoj.gov>
Cc: TPW (JSPT) [redacted]@usdoj.gov>; TAD (JSPT) <[redacted]@usdoj.gov>; JMP (JSPT) <[redacted]@usdoj.gov>
Subject: Perry Hearing before Judge Howell

J.P./Ray—

In the hearing this afternoon, Judge Howell made clear that she would almost certainly not permit us to review the materials from Rep. Perry's email and iCloud accounts without some kind of Speech-or-Debate-Clause protocol. That said, she signaled interest in an abbreviated process that would essentially require the Attachment C procedures (materials to the Member; Member asserts privilege over some subset; that subset is reviewed by the Court; materials deemed unprivileged disclosed to us) for some communications likely to contain privileged materials. She suggested communications between Perry and (1) other legislators and (2) Perry's legislative staff. She directed us to file a supplemental memo and proposed order. In that filing, we must decide whether to advocate only our topline position that *Rayburn* requires no protocol where, as here, no compelled disclosure of the materials in the Member's possession occurred or to request something resembling the middle ground approach she suggests.

Some brief background on the hearing is helpful to understand the Chief Judge's thinking. She started by confirming that there was likely overlap between the materials she has already reviewed (from Perry's cellphone) and the email and iCloud warrants. That overlap means, she noted, that there is likely material that she has deemed privileged under the SoD Clause in the email and iCloud warrants. During a back and forth on *Rayburn*, she expressed some (though not a great deal of) sympathy toward our view but seemed bothered that a consequence of our position is that we'd almost certainly get access in the email and iCloud warrants to materials from the phone that she has already deemed privileged. She therefore proposed the middle ground described above, strongly suggesting she would sign off on such an approach.

There are legal, investigative, and technical considerations to parse with this proposal. Legally, it is hard to understand the justification for the middle ground approach, which is both over- and underinclusive. It also neither draws the clear third-party line that our position advocates nor provides the protections the Attachment C protocol, applied robustly, affords. But the legal risk in signing on to the middle ground approach is low as a general matter, and especially in this case. Investigatively, this approach would allow us to get quicker access to most of the materials, while also (if the order is drafted a certain way) permitting us to sit on materials that would be covered by the middle ground protocol and only

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processing them through the Attachment C protocol if we think it worthwhile for the investigation. Technically, there are some questions about how challenging the process would be, from de-duping hits that we already get (or will get, depending on the stay litigation in the court of appeals) from the cell phone, to how we would segregate out materials for which the Attachment C protocol would apply. Two notes on the technical piece: (1) the de-duping step would seem to be sui generis to the Perry litigation; and (2) some of the technical steps could implicate *Rayburn* considerations unless we are confident we could segregate communications without having to view content (and acting from the assumption, which was not raised or challenged in the hearing today that header information would not implicate *Rayburn*'s non-disclosure privilege).

As we have done in considering these questions thus far, we should make sure our colleagues at the DC USAO and PIN are kept informed. I'll defer to you both on the best way to do that.

Perhaps we could discuss at some point early next week? In the meantime, I'm happy to do a first draft of what a middle ground protocol might look like here. And I believe Tad is taking some steps to determine how technically complicated such a process would be.

Thanks,
James

James I. Pearce
Special Counsel's Office
[redacted]

Exhibit 8

Emails among Timothy Duree, Assistant Special Counsel, Ray Hulser, Counselor to the Special Counsel, and Thomas Windom, Senior Assistant Special Counsel (Jan. 9, 2023)

From: "TAD (JSPT)" <[redacted]@usdoj.gov>
To: "TPW (JSPT)" <[redacted]@usdoj.gov>
Subject: RE: PIN
Date: Tue, 10 Jan 2023 18:13:11 -0500
Importance: Normal

Ones I think we should get in first round are in bold. Let's talk when you have a minute.

A little later than expected, but here's the list with parentheticals:

1. **Brian Babin (texts with Meadows; calls with Chip Roy, Perry, Ratcliffe, and Meadows)**
2. **Andy Biggs (lots of texts with Meadows; calls with Meadows, Perry, and Chip Roy)**
3. **Mo Brooks (texts with Meadows; calls with Meadows, Perry, and Chip Roy)**
4. Matt Gaetz (calls in relevant period with Meadows, Perry, J. Keith Rose (apparently connected to Waldron/ASOG))
5. **Jody Hice (texts with Meadows; calls with Roy, Perry, Meadows, Giuliani)**
6. Paul Gosar (calls with Perry, Meadows, and Alex Bruesewitz)
7. **Louie Gohmert (plaintiff in Gohmert v. Pence; texts with Meadows; calls with Meadows, Perry, Chip Roy)**
8. **Connie Hair (staffer to Gohmert) (communications with Ken Klukowski, Perry, Cleta Mitchell, Chip Roy; also knowledge of Gohmert v. Pence lawsuit)**
9. **Mike Lee (contacted by Giuliani on 1/6; lots of texts with Meadows; calls with Eastman, Meadows, Chip Roy, Cleta Mitchell)**
10. Lee Zeldin (2 texts with Meadows; calls with Meadows and Perry)
11. **Dan Sullivan (called by Giuliani on 1/6; Gasaway attempted contact in late Nov./early Dec.)**
12. Marsha Blackburn (called by Giuliani on 1/6; contacts with Meadows on 12/12 and 1/6)
13. Bill Hagerty (called by Giuliani on 1/6)
14. Lindsey Graham (called by Giuliani on 1/2)
15. Ted Cruz (called by Giuliani on 1/6; also calls in relevant time frame with Meadows, John Eastman, John Ratcliffe, Chip Roy)

From: RNH (JSPT) [redacted]@usdoj.gov>
Sent: Tuesday, January 10, 2023 6:10 PM
To: TAD (JSPT) <[redacted]@usdoj.gov>
Cc: TPW (JSPT) <[redacted]@usdoj.gov>
Subject: RE: PIN

Tad, as we discussed, Jack would like to narrow it down before we go to PIN. Please circle up with Thomas on which ones we actually want to pursue and then we can go to PIN.

Looping in Thomas so he has the list from today.

Thanks.

From: TAD (JSPT) <[redacted]@usdoj.gov>
Sent: Tuesday, January 10, 2023 5:23 PM
To: RNH (JSPT) <[redacted]@usdoj.gov>
Subject: RE: PIN

A little later than expected, but here's the list with parentheticals:

1. Brian Babin (texts with Meadows; calls with Chip Roy, Perry, Ratcliffe, and Meadows)
2. Andy Biggs (lots of texts with Meadows; calls with Meadows, Perry, and Chip Roy)
3. Mo Brooks (texts with Meadows; calls with Meadows, Perry, and Chip Roy)
4. Matt Gaetz (calls in relevant period with Meadows, Perry, J. Keith Rose (apparently connected to Waldron/ASOG))
5. Jody Hice (texts with Meadows; calls with Roy, Perry, Meadows, Giuliani)
6. Paul Gosar (calls with Perry, Meadows, and Alex Bruesewitz)
7. Louie Gohmert (plaintiff in Gohmert v. Pence; texts with Meadows; calls with Meadows, Perry, Chip Roy)
8. Connie Hair (staffer to Gohmert) (communications with Ken Klukowski, Perry, Cleta Mitchell, Chip Roy; also knowledge of Gohmert v. Pence lawsuit)
9. Mike Lee (contacted by Giuliani on 1/6; lots of texts with Meadows; calls with Eastman, Meadows, Chip Roy, Cleta Mitchell)
10. Lee Zeldin (2 texts with Meadows; calls with Meadows and Perry)
11. Dan Sullivan (called by Giuliani on 1/6; Gasaway attempted contact in late Nov./early Dec.)
12. Marsha Blackburn (called by Giuliani on 1/6; contacts with Meadows on 12/12 and 1/6)
13. Bill Hagerty (called by Giuliani on 1/6)
14. Lindsey Graham (called by Giuliani on 1/2)
15. Ted Cruz (called by Giuliani on 1/6; also calls in relevant time frame with Meadows, John Eastman, John Ratcliffe, Chip Roy)

We already have phone tolls for Scott Perry, Jim Jordan, and Chip Roy, so they're not on the list. Josh Hawley is mentioned in the Select Committee's report, but I haven't been able to identify a number for him, so I removed him from the list.

(Also, FYI, please note that when I mention "calls" above, that indicates only that calls were placed between the two numbers. I'm not saying all the calls were answered or resulted in long conversations.)

Let me know if you'd like to discuss in more detail.

Timothy A. (Tad) Duree
U.S. Department of Justice
[redacted]

From: RNH (JSPT) <[redacted]@usdoj.gov>
Sent: Tuesday, January 10, 2023 7:19 AM
To: TAD (JSPT) <[redacted]@usdoj.gov>
Subject: RE: PIN

Perfect. And please, there's no hurry this morning, Tad.
It just occurred to me that before we tell Main we are going to fire off subpoenas for so many members tolls I should make sure Jack's aware.

From: TAD (JSPT) <[redacted]@usdoj.gov>
Sent: Tuesday, January 10, 2023 7:17 AM
To: RNH (JSPT) <[redacted]@usdoj.gov>
Subject: Re: PIN

Sure. Give me a little time this morning and I'll add notations for each person. I can't do it right this second but will very soon.

We already have Jim Jordan's phone tolls. We got them a few months back.

On Jan 10, 2023, at 6:38 AM, RNH (JSPT) <[redacted]@usdoj.gov> wrote:

Great. Two things, please.

1. Can you add a very brief parenthetical beside each one indicating why we want their records (e.g., called by Giuliani on 1/6). This is for my purposes of letting Jack know before we go to PIN.
2. Isn't Jim Jordan one of the people the president called 1/6?

Thanks.

From: TAD (JSPT) <[redacted]@usdoj.gov>
Sent: Monday, January 9, 2023 10:36 PM
To: RNH (JSPT) <[redacted]@usdoj.gov>
Subject: RE: PIN

Ray,

Several additions from the House report. I've added them to the list in red. Do you want to talk for a minute or two just before or after our SOD meeting tomorrow morning about whether to subpoena these all at once right now?

1. Brian Babin
2. Andy Biggs
3. Mo Brooks
4. Matt Gaetz
5. Paul Gosar
6. Louie Gohmert
7. Connie Hair (staffer to Gohmert)
8. Jody Hice
9. Mike Lee
10. Lee Zeldin
11. Dan Sullivan
12. Marsha Blackburn
13. Bill Hagerty
14. Lindsey Graham
15. Josh Hawley
16. Ted Cruz

From: RNH (JSPT) <[redacted]@usdoj.gov>
Sent: Monday, January 9, 2023 5:07 PM
To: TAD (JSPT) <[redacted]@usdoj.gov>
Subject: RE: PIN

Can you look at page 608 of the House Report and let me know if we have already gotten tolls for the members that Trump and Guiliani contacted on 1/6?
If not, let's talk about whether we should do it all now.

From: TAD (JSPT) <[redacted]@usdoj.gov>
Sent: Monday, January 9, 2023 4:59 PM
To: RNH (JSPT) <[redacted]@usdoj.gov>
Subject: RE: PIN

Thanks. At the moment, it looks like the list will be:

17. Brian Babin
18. Andy Biggs

19. Mo Brooks
20. Matt Gaetz
21. Paul Gosar
22. Louie Gohmert
23. Connie Hair (staffer to Gohmert)
24. Jody Hice
25. Mike Lee
26. Lee Zeldin

I'll try to reach out to PIN tomorrow. As soon as I get their concurrence, we'll crank out the subpoenas. It's not super urgent, but I'd rather not sit on it.

From: RNH (JSPT) <[redacted]@usdoj.gov>
Sent: Monday, January 9, 2023 4:51 PM
To: TAD (JSPT) <[redacted]@usdoj.gov>
Subject: RE: PIN

Yes, you can reach out. Please let PIN know you let me know.
Also, can you please let me know which members and your timing for getting the subpoenas out?

Thanks.

Raymond Hulser
Special Counsel's Office
[redacted]

From: TAD (JSPT) [redacted]@usdoj.gov>
Sent: Monday, January 9, 2023 4:10 PM
To: RNH (JSPT) <[redacted]@usdoj.gov>
Subject: PIN

Ray, I'd like to seek PIN's concurrence to get phone tolls for several MOCs who had contacts with pertinent parties in our investigation. I'll keep the timeframe tight—probably October 1, 2020, to January 31, 2021. Is it ok for me to reach out to Jenn Clarke and John Keller with the request?

I can give you more detail if you like. Just let me know.

Timothy A. (Tad) Duree
U.S. Department of Justice
[redacted]

Exhibit 9

Notes for Briefing of Att'y Gen. Merrick Garland (Jan. 13, 2023)

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AG BRIEFING
January 13, 2023

RESOURCES

FILTER TEAM

- The Staffing
  - **Kelly Zusman is awesome**
  - We now have **approximately 20 filter attorneys**
  - This team is in place until about April 1—we are assessing progress week to week and will be in touch with Molly/Rush about progress to see our needs beyond that
  - There are more **50 devices (such as phones or laptops) or accounts** (such as email or iCloud) currently in a **prioritized cue**

- This week—
  - Classified Documents--
    - Completed the review of a Nawta iCloud account—released 1200 documents
    - On the verge of releasing approx. 100,000 documents from Molly Michael's email account
    - Continuing progress on Nawta's two cell phones and email account; and on Michael's laptop and phone—we expect additional cleared material from these things next week [NB: yes—two phones; we had a warrant for two]
  - *Election—*
    - *Filter team is working through our priorities:*
      - *Email/iCloud*
        - *Giuliani (documents submitted ex parteto court to approve)*
        - *Eastman (email and iCloud)*
        - *Clark (2 accounts)*
        - *Ellis*
        - *Ephstyn*
      - *Devices*
        - *Eastman (cell phone)*
        - *Giuliani (8 devices—from SDNY SW; processing data)*
        - *Ephstyn (cell phone; processing data)*
        - *Powell (computer; processing data)*

FBI STAFFING – Going well

- Face to Name Meetings with FBI HQ—
  - **Met with Deputy Director and FBI GC on 1/6**
  - *Next week—will meet with Assistant Director in Charge of WFO—Dave Sundberg*

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  - *Next week (1/18) also will meet with Exec Asst Directors – Larissa Knapp and Tim Langan*
  - **Following week will meet with Director Wray on 1/24**

- **Most importantly I also met with actual case teams—we did an all hands meeting with the entire investigative team on Weds 1/11 which went very well**
  - *Met with the ASACs—David Geist and Derek Pieper*
  - Met more substantively with the SSAs—Blaire Tolman and Jen Bacon and lead case agents - Jamie Garman and Dani Ray
- The current staffing levels:
  - Election Investigation
    - 1 SSA, who will still hold on to other responsibilities
    - 11 full-time agents
    - 8 full-time analysts
    - 3 full-time FOAs
  - Classified Documents Investigation
    - 1 SSA, who will still hold on to other responsibilities
    - 6 full-time agents + 2 South Florida agents
    - 2 full-time analysts + additional who are surging now

- **Overall: FBI has been very responsive**

OTHER NOTABLE MEETINGS

- Solicitor General Meeting
  - Committed to communication/consult with SG on the important precedent-setting issues we face in areas of executive privilege, Speech or Debate, and the scope and application of the relevant statutes we are considering charging
- Chief Judge Howell Meeting—
  - Pace over the last month
  - [redacted]
  - She liked our approach of pursuing the executive privilege litigation in an omnibus fashion
  - Judge Boasberg = March 18

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CLASSIFIED DOCUMENTS INVESTIGATION

CASE DEVELOPMENT

We have strong momentum coming out of the past few weeks and the investigation is now fully and operationally structured. We intend to keep it up:

- We have divided the investigation into eight work streams.
- We are meeting with the team and going through the work streams on a weekly basis to track—
    - What happened last week
    - What is going on this week
    - What is happening next week
    - What is happening in the mid- and long-term
    - Are we in line with the overall investigative plan and trajectory

-Meet to go over every GJ and every interview in detail

- **Our objective is for our investigation to be complete by the time ODNI completes the process of obtaining authority to use documents in a potential criminal case. So let me begin my discussing those documents.**

REVIEW OF DOCUMENTS

- **Review of the Documents.**
    - Ray, Jay, JP, and I sat with the FBI investigative team for a full day in their space, at WFO, to go through all the search warrant documents.
    - After that, we tasked the FBI with two priority projects—
        - 1) determine whether any of the classified documents were commingled with documents created post-presidency; and
        - 2) determine whether any of the classified documents relate to Trump business/financial dealings
    - Process is very much ongoing but the FBI has already since found both—that classified documents were commingled with documents created after Trump left office and that there are classified documents that would be pertinent to certain business interests
    - Last evening and continuing today, we have sat reviewed all of the January / NARA documents

- **The Map**
    - One other thing on the use of classified documents that I want to bring to your attention. We have identified a classified map that we believe Trump may have shown to individuals on board an airplane after he left office.

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- Our investigation indicates that Susan Wiles, the CEO of Trump's Super PAC was aboard that flight and witnessed this event.
- [redacted]
- [redacted]

- **Engagement with ODNI on Use of Documents**
  - After our review of the search warrant documents, we determined that it would be appropriate to engage ODNI on the topic of obtaining approval from the IC to use documents in a potential criminal case.
  - If we were to bring charges, it would be important to use a large number of the classified documents found for a number of reasons.
  - As you know this process to clear documents for use at trial can be a time-consuming process so we are starting on it immediately and we need to do better than how long it usually takes in these cases (2yrs, etc) . I think I can already say this is one of the key factors that will drive how long it takes to come to a charging decision
  - Several factors evidenced across a range of documents would be important to charging a strong case—because they would be evidence of willfulness and of the aggravated potential harm to national security.
    - Trump had in his possession some highly sensitive documents—the type of documents that only presidents and officials with the most sensitive authority have. Prior to this investigation, one of the compartments housing one particularly sensitive document was accessible by only **6**? people, including the president. That document is one we will need.
    - Trump had many documents in his possession—so many and in so many different places that it is hard to fathom that he was not aware. Rather than get authority to use only a few documents, as is typically done, we will need authority to present many documents
    - Trump also had classified documents commingled with documents created after Trump left office—we must have those documents to prove knowledge.
    - And Trump possessed classified documents pertinent to his business interests—establishing a motive for retaining them. We must have those documents.
  - I am telling you this now because I anticipate I may need help from the Department; and I am confident the IC will want to hear from the Department.

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CASE DEVELOPMENT—MOTION TO COMPEL

- [redacted]
  - [redacted]
  - [redacted]

- **Trump Motion to Protect Identity of Search Agents**
  - In connection Parlatore's appearance, Trump filed a motion to protect the search agents' identities, alleging that we are leaking investigative information and identifying the agents to us risked their safety and reputations.
  - CJ Howell denied the motion rapidly and Trump filed a motion to reconsider. She had none of it and wrote a **scathing opinion** criticizing them, and ordered the information produced within a couple of hours of her order.
    - [redacted] t 3)
    - [redacted]
    - "The Searchers' testimony is crucial to cover the obvious gaps in respondent's certifications as well as in the ability of respondent's proffered witness, Timothy Parlatore, to provide relevant testimony." (at 4)
    - **"Respondent's request for reconsideration . . . flirts with provoking a finding of contempt, a puzzling strategy to say the least." (at 5)**
    - [redacted]

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  - **"Respondent's bald accusations that the government is leaking details of its own investigation is thus completely devoid of factual support and flatly unpersuasive given the text of the cited articles." (at 7)**
- [redacted]
- After we put the searchers in, we will evaluate what comes next.

OUR SUCCESS IN THE MOTION TO COMPEL LITIGATION LED TO THE DISCOVERY OF ANOTHER COPY OF CLASSIFIED DOCUMENTS IN TRUMP '45's POSSESSION

- [redacted]

- **In Collecting the Box, Trusty Found Another Copy of Classified Documents.**
  - On the night of Friday, January 6, Jim Trusty contacted us again by email to inform us that, in the process of collecting the box for production, he discovered that, in 2021, the contents of the box had been scanned by Trump '45 employee Chamberlain Harris onto her laptop. Trusty downloaded the scan onto a thumb drive, which he carried with him on a commercial flight from WPB back to his home in the Metropolitan Area.
  - Around Midnight Friday, 1/6, an FBI agent went to Trusty's home and obtained the thumb drive.
  - On Saturday, 1/7, FBI agents in WPB made contact with Harris who voluntarily surrendered the computer.
  - On Thursday, Jan. 11, we obtained a search warrant for the laptop and thumb drive. An FBI filter team will remove any classified contents, the remainder will be filtered by Kelly's team, and we hope to begin searching it early next week. [NB: We obtained a SW for the thumb drive because, after voluntarily surrendering it, Trusty tried to claw back any unclassified documents.

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- **Today, Friday, 1/13, we are interviewing Chamberlain Harris.**
  - Harris is about 23 years old. She worked for less than a year in the Trump White House as a receptionist.
  - Harris' attorney proffered that the box in question is of personal importance to Trump. Through Molly Michael, he had it shipped to MAL from the White House prior to his departure on January 20, 2021. Subsequently, Harris scanned its contents, which apparently include his will and other personal papers [*NB: this is not verified*]. We also know that Harris uploaded the scan to a cloud.
    - We intend to get a SW for the cloud after we gain more facts in the interview;
  - *Harris was originally represented by Derek Ross, a lawyer who works for a firm engaged by Trump. But Ross is not a criminal defense lawyer. On Tuesday, Ross informed us that Harris is now represented by John Irving, who is on Trump's executive privilege litigation team in the Election Investigation.*

[redacted]

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Contains 6(e) and Sealed Material



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- **Interviews of White House Valets—Adam Santana (1/5) and Risa Lundegren (1/9)**
  - Valets essentially deliver things to the president and run errands
  - Both were inside executive bedroom
  - **Both saw 6-12 boxes in bedroom at any one time—occasionally a lid was off exposing mostly newspapers on the inside**
  - *Lundegren noted that boxes cycled up to third floor closet*
  - **These are likely all the boxes that were moved out to MAL**

- **Key interviews coming up in the next couple weeks.**
  - 1/18—Hope Hicks
  - 1/26—search agents
  - 1/27—Beth Sanner—Deputy DNI
  - *We have interviews with White House ushers and valets, and two key briefers, that will occur throughout the rest of the month (Sanner 1/27) and early February*

ISSUES COMING UP IN THE NEXT COUPLE WEEKS

- **Corcoran Crime/Fraud Motion:** Based on the information collected in the past few weeks, we intend to file a crime/fraud motion to obtain Evan Corcoran's full testimony.
  - 
  - Timeline/Key Facts:
    - May 23—Corcoran and Little met with Trump for a total of about 3 hours
    - May 24—Nauta moves boxes out of the storage closet
    - May 30—Nauta moves more boxes out of the storage closet
    - May 31—Corcoran *schedules* June 2 to search for responsive documents
    - May 31-June 1—Nauta moves more boxes out of the storage closet, reaching a total of 64
    - June 2 (AM)—Nauta returns about 25-30 boxes to the storage closet

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        - June 2 (PM)—Corcoran meets with Trump for 30-45 minutes and then goes to storage closet for the search. The search takes approximately 3 hours, after which he meets with Trump for about 10 minutes. He showed Trump the red weld containing the 37 classified documents—but did not show Trump the contents.
    - We will file this as a motion to compel testimony from Corcoran. Because Trump and the Trump '45 office are the privilege holder, we will obtain permission from the Chief Judge to serve the motion on him and litigate against him and the office.
    - [redacted]
    - Because Trump is third-party privilege-holder, he has a right to appeal if we prevail. He will undoubtedly seek a stay of compulsion order pending appeal. If a stay is granted, we will seek an expedited appeal.

- **NARA—Trump request for inventory.** Trump is requesting that NARA produce to it a copy of the inventory of classified documents in the January 2022 15-box production. He made this request last year as well. NARA solicited our views and we requested that they withhold the inventory.
    - The inventory's release could interfere with our investigation—for example, we question witnesses about Trump's declassification practices; this list may improperly influence their testimony.
    - The inventory is also not entirely accurate based on the way they counted documents. For example, they may count one document as three documents based on the way they looked through the boxes. The FBI inventory is the one on which we intend to rely.
    - Trump is not entitled to the inventory—it is not a presidential record. (He is entitled to have a PRA rep with proper classification authority inspect the boxes—he has not requested that.) We confirmed with Betsy Shapiro, the chief of Federal Programs, that she can defend that position should Trump bring suit—which he might.
    - NARA would prefer to avoid the headache of litigation—but we believe it is important to hold the line on this. Ultimately, this is NARA's call; but we have made that request.

- [redacted] This will trigger an opportunity for Trump to inspect and litigate privileges—which he might.

- **ODNI--Classification Review—**
    - ODNI has been coordinating the classification review—the review of the documents to determine whether they are properly classified.
    - There are approximately 20 equity holders, with CIA and DOD being the two largest

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- So far, equity holders have largely confirmed classification levels, but there is more work to do:
  - **NSC/White House—ODNI needs to go to White House on a large tranche of documents to which IC will defer to their judgment on classification. This will occur soon.**
    - Leadership profiles
    - Country/political backgrounders
    - Substantive policy backgrounders
- **We hope this process will be done at end of month.**

- **ODNI--Damage Assessment/Risk Assessment/Mitigation—**
  - As you know, after the documents were found, the IC began a damage assessment—to assess what damage the spillage of classified caused and risks causing
  - From meeting with the ODNI GC Fanzone we understand the IC has completed the immediate assessment and mitigated any immediate risks—and they are in constant risk mediation mode (for example, if any human sources or significant platforms were put at risk , IC would have already taken immediate steps to eliminate that risk; we are not aware of any such grave immediate risk). They do this in every case including all cases before this where the risk assessment has not been one until after the criminal case
  - The long-term damage assessment poses some challenges to our investigation; as you know, in the ordinary course, immediate damage assessment and risk mediation is done and the long-term assessment is not completed until after the criminal investigation.
  - The IC, through the DNI, asked us if we are comfortable with that ordinary process—we are and prefer it as long as immediate risks have already been addressed and mitigated as needed; it poses fewer challenges to our criminal investigation.
  - We checked with NSD (Olson) and confirmed that this is preferable in the NS/IC community and that it is consistent with all the representations we made to the court in the special master litigation.
  - **But we appreciate that the current climate presents some challenges to that.**

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ELECTION INVESTIGATION

JANUARY 6 REPORT

- Leadership team fully read and reviewed. Last weekend we went over it page by page and and incorporated into our investigative plan
- We have a methodical process for logging all information contained in the report—
  - New information
  - Inconsistent information
- We will leverage this to avoid needless interviews and focus the interviews we perform on underdeveloped topics

VICE PRESIDENT

- Met with Emmet Flood on 1/5
- Flood was very up front—
  - VP will assert Speech or Debate over conversations in preparation for 1/6 proceeding and is ready to litigate
  - He will defer to FPOTUS on executive privilege but knows it's a loser
  - But he is not too keen on a voluntary interview—does not want a 302 that later could be subject to FOIA
  - States that he is not hiding his views/facts—they are in his book (and reminded us that Short testified)
- We asked Flood whether there was anyway to get to yes on an interview—perhaps an interview on all topics except for S/D; or some other limitation
- We expect Flood to get back to us next week—we are not in a particular rush on this.

LITIGATION

- **Omnibus Motion to Compel Executive Privilege.**
  - Following same course as other witnesses
    - [redacted]
    - Through ODAG, will request that White House agree not to assert—as they have done with the other witnesses
    - We will inform FPOTUS and we expect he will instruct witnesses to assert
    - [redacted]
  - We expect to file omnibus motion by end of month
    - (Chief Judge knows it is coming and loves idea)
  - The former **11** Trump WH/Admin officials who *may* be included in the motion are:
    - Chris Miller
    - John McEntee
    - Keith Kellog

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  - Ken Cuccinelli
  - Mark Meadows
  - Mark Milley
  - Nick Luna
  - Robert O'Brien
  - Ross Worthington
  - Scott Gast
  - Vince Haley

- **Other Executive Privilege victories are on appeal.**
  - Short/Jacob, Cipollone/Philbin, and Herschmann

- ***Scott Perry Speech or Debate Litigation—Cell Phone Search Warrant***
  - *Chief Judge Howell issued a favorable opinion granting us access to all but a small set of documents that Perry tried to withhold as privileged under the Speech of Debate Clause*
  - *Powell lodged a prompt appeal and filed a motion to stay to Chief Judge Howell*
  - *Chief Judge Howell denied the stay motion*
  - *The stay motion is now pending before the Circuit and is ripe for decision—we expect it next week. The panel consists of Rao, Katsas, and Henderson.*
  - *We have warrant applications for Perry's iCloud and email pending before Chief Judge Howell—they are on hold pending a decision on the stay motion.*

TOLLS FOR MEMBERS OF CONGRESS

- Some members of Congress communicated with Trump and his surrogates in the lead up to and during the events of January 6—such as Kevin McCarthy, Mike Lee, Louis Gomert, and others
- It is unlikely that many of those members will cooperate with our investigation, and they likely have a valid Speech or Debate privilege immunizing them from compelled testimony
- In the coming week or so, we intend to issue subpoenas for the toll records of certain members of Congress for the period between the 2020 election and January 20 to investigate those communications—and to establish logical evidentiary inferences regarding Trump and his surrogates' actions and intent.
- This requires PIN consultation, which Ray will captain.
- We intend to obtain the following toll records:
  - Louie Gohmert (plaintiff in Gohmert v. Pence; texts with Meadows; calls with Meadows, Perry, Chip Roy)
  - Connie Hair (staffer to Gohmert) (communications with Ken Klukowski, Perry, Cleta Mitchell, Chip Roy; also knowledge of Gohmert v. Pence lawsuit)
  - Mike Lee (contacted by Giuliani on 1/6; lots of texts with Meadows; calls with Eastman, Meadows, Chip Roy, Cleta Mitchell; he also received calls from Trump and Giuliani on 1/6 that were intended for Sen. Tuberville)

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  - Kevin McCarthy (had calls in the relevant period with Meadows, Ratcliffe, Perry, and Chip Roy)
- We previously obtained toll records of Rep. Scott Perry (for which we also obtained PIN concurrence)

FOX NEWS

- We understand from witnesses that Trump spent the afternoon of January 6 in the White House dining room watching Fox—which would have placed him on notice of the violence at the Capitol. We also understand from publicly available information that Trump is a regular Fox News viewer. To investigate his knowledge and intent, we intend to obtain publicly broadcast Fox News coverage from January 6 and many of the days between the 2020 Election and January 6.
- This footage is not stored in any publicly available repository—we need to obtain it from another source.
- There are three potential avenues:
  - First, the Vanderbilt Television News Archive—the world's largest archive of television news. We are checking with Vanderbilt to see whether they have the material we seek.
  - Second, as per 28 CFR 50.10(c)(2) and (i), we will contact Fox and see if they will consent to a subpoena. If they will, I will authorize that subpoena.
  - Third, if Fox does not consent, as per 28 CFR 50.10(c)(1), we will seek authorization from the DAAG, through PSEU, to serve a subpoena. All of the footage we seek has already been published and a subpoena is necessary to authenticate that footage for evidentiary purposes.

WITNESSES WE INTERVIEWED

- [redacted]
- 1/12—Keith Kellog (Interview)
  - JP will get update Friday morning

UPCOMING INTERVIEWS

- 1/18—Chad Wolf—acting Secretary of DHS
- 1/19—David Bossie—Trump campaign official
- [redacted]
- **1/31-2/1—Mark Meadows proffer—Jack plans to attend**

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- 1/31 Vince Haley
- **2/2 Chris Krebs – Jack plans to attend**

Exhibit 10

Grand Jury Subpoena for Speaker McCarthy's Phone Records, U.S. Dist. Court for the Dist. of Columbia (Jan. 23, 2023)

From: [redacted]
Sent: Tuesday, January 24, 2023 11:10 AM
To: [redacted]
Subject: Submission of Federal Criminal Grand Jury Subpoena - [redacted]
Attachments: [redacted]

Good morning,

Please find attached below a grand jury subpoena with a non-disclosure order requesting records held by [redacted] relevant to a federal criminal investigation (U.S. Special Counsel Office of Jack Smith's reference # [redacted]).

A description of the requested records is set forth in the body of the subpoena. Records produced electronically to my attention at the captioned email address are preferred. If possible, EST for times provided in the production is preferred.

Thanks very much. Please let me know if you have any questions.

Best,

[redacted]
Federal Bureau of Investigation
Washington Field Office
[redacted]

UNITED STATES DISTRICT COURT

for the

District of Columbia

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

To: [redacted]

YOU ARE COMMANDED to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place:	Date and Time:
U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA U.S. Courthouse, 3rd Floor Grand Jury [redacted] 333 Constitution Avenue, N.W. Washington, D.C. 20001	Tuesday February 7, 2023 at 9:00 AM

You must also bring with you the following documents, electronically stored information, or objects:

PLEASE SEE ATTACHMENT

In lieu of personally appearing before the Grand Jury on the date indicated, you may comply with this grand jury subpoena by promptly providing the agent designated in the attachment with the requested records.

Date: January 23, 2023

CLERK OF COURT

[redacted]

Signature of Clerk or Deputy Clerk

The name, address, telephone number and email of the Assistant Special Counsel, who requests this subpoena, are:

[redacted]
950 Pennsylvania Ave. NW, Room B-206
Washington, DC 20530
Email: [redacted]

Subpoena [redacted]

[redacted] [redacted]

Grand Jury Subpoena Attachment

For any and all accounts associated with the following identifiers:

[redacted]

Provide the following records from November 3, 2020, through January 8, 2021:

- Subscriber information
- Names (including subscriber names, user names, and screen names)
- Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses)
- All call detail records, including but not limited to detail records for inbound and outbound calls, text messages, direct connect, and voicemail messages
- Length of service (including start date) and types of service utilized
- Means and source of payment for such service (including any credit card or bank account number) and billing records
- Telephone or instrument numbers (including MAC addresses, Electronic Serial Numbers ("ESN"), Mobile Electronic Identity Numbers ("MEIN"), Mobile Equipment Identifier ("MEID"), Mobile Identification Numbers ("MIN"), Subscriber Identity Modules ("SIM"), Mobile Subscriber Integrated Services Digital Network Number ("MSISDN"), International Mobile Subscriber Identifiers ("IMSI"), or International Mobile Station Equipment Identities ("IMEI"))
- Records of session times and durations, and the temporarily assigned network addresses (such as Internet Protocol ("IP") addresses) associated with those sessions
- Other subscriber numbers or identities (including temporarily assigned network addresses and registration Internet Protocol ("IP") addresses (including carrier grade natting addresses or ports))

NOTE: **IN LIEU OF PERSONAL APPEARANCE, YOU MAY COMPLY WITH THIS SUBPOENA BY PROVIDING THE REQUESTED DOCUMENTS IN ELECTRONIC FORMAT TO:**

[redacted]

IF YOU CHOOSE TO COMPLY WITH THIS SUBPOENA BY PRODUCING THE MATERIALS TO A FEDERAL AGENT, PLEASE ALSO REVIEW AND EXECUTE THE ATTACHED CERTIFICATION UNDER FEDERAL RULES OF EVIDENCE 803(6) AND 902(11).

U.S. Department of Justice

Jack Smith
Special Counsel

950 Pennsylvania Ave. NW
Room B-206
Washington, DC 20530

January 23, 2023

VIA Electronic Mail

[redacted]

Re: Grand Jury Subpoena [redacted]

Dear Sir or Madam:

Pursuant to a criminal investigation being conducted by the Department of Justice, it is required that you furnish the requested records as described in the attached subpoena.

In lieu of personally appearing before the Grand Jury on the date indicated, you may comply with this grand jury subpoena by promptly providing the agent designated in the attachment with the requested records. If you choose to provide the requested records voluntarily, please provide them in a non-proprietary electronic format via FedEx, UPS or DHL. Also enclosed please find a blank "Declaration of Custodian of Records" form. It may save time and costs if an appropriate person at your business could complete the form and return it with the records. A properly completed "Declaration of Custodian of Records" form will make it more likely that we could present the records at trial without requiring you or another employee to come to court and testify.

Under the Electronic Communications Privacy Act, 18 U.S.C. § 2701 et seq., electronic communications services providers responding to a grand jury subpoena for production of certain records are entitled to reimbursement for some of the costs involved in compliance. Reimbursement may not be made for records or other information relating to telephone toll records and listings described in 18 U.S.C. § 2703(c)(2). Please note that under the Act, the Department of Justice will not reimburse expenses incurred for the production of information kept in the ordinary course of business. An exception can be made if compliance with a grand jury subpoena requires the expenditure of unusual effort or resources. In that circumstance, reimbursement of the "reasonable cost" of such services can be made if the government and subpoena recipient mutually agree on the amount, or if the court orders reimbursement.

If you believe that you are entitled to reimbursement, please send a full and complete itemized statement for all costs in an invoice that makes clear the basis for the reimbursement request.

NO REIMBURSEMENT WILL BE MADE WITHOUT (1) A FULL AND COMPLETE ITEMIZED STATEMENT OF ALL COSTS BEARING YOUR TAXPAYER IDENTIFICATION NUMBER, (2) A COMPLETED SCO-212 FORM, AND (3) A COPY OF THE SUBPOENA.

Moreover, no reimbursements will be paid for partial compliance with the grand jury subpoena. Accordingly, no invoice should be submitted to this office until compliance with the grand jury subpoena is complete, and the accompanying invoice represents a final and complete invoice for all qualified costs involved in that compliance. **Please submit all invoices directly to the Assistant Special Counsel at the address indicated in this letterhead.**

Enclosed please find a nondisclosure order from the court directing [redacted] not to notify any person (including the subscriber or customer) of the existence or content of this subpoena. You are directed not to disclose the existence of this subpoena or the fact of your compliance. Any such disclosure on your part could impede the investigation being conducted and thereby interfere with the enforcement of the law. We appreciate your cooperation in this matter.

Sincerely,

JACK SMITH
SPECIAL COUNSEL

By [redacted]

950 Pennsylvania Ave. NW, Room B-206
Washington, DC 20530
[redacted]

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE APPLICATION OF USA FOR 2705(b) NONDISCLOSURE ORDER FOR GRAND JURY SUBPOENA [redacted]	[redacted] **Filed Under Seal**

ORDER

This matter having come before the Court pursuant to an application under 18 U.S.C. § 2705(b) requesting an order directing [redacted] ("PROVIDER"), an electronic communication and/or remote computing service provider located in [redacted] not to notify any other person of the existence of subpoena number [redacted] issued by the United States on behalf of a federal Grand Jury empaneled in the United States District Court for the District of Columbia (the "Subpoena"), the Court finds reasonable grounds to believe that such disclosure will result in flight from prosecution, destruction of or tampering with evidence, intimidation of potential witnesses, and serious jeopardy to the investigation. *See* 18 U.S.C. § 2705(b)(3)-(5).

IT IS THEREFORE ORDERED that, pursuant to 18 U.S.C. § 2705(b), PROVIDER and its employees shall not disclose the existence of the Subpoena to any other person (except attorneys for PROVIDER for the purpose of receiving legal advice) for a period of one year (commencing on the date of this Order), unless the period of nondisclosure is later modified by the Court.

IT IS FURTHER ORDERED that the application and this Order are sealed until otherwise ordered by the Court.

Date: 2023.01.20 16:34:08 -05'00'

UNITED STATES MAGISTRATE JUDGE

CONFIDENTIAL AT&T - HJC - OSC - 000020

U.S. Department of Justice
Washington, D.C. 20530

Request for Communications Content, Records or Other Information Under the Electronic Communications Privacy Act (ECPA). (Authorization, Purchase Order and Receiving Report)

This form shall be used when requesting communications content, records, or other information from electronic communications or remote computing service providers under the ECPA.

1 Tracking Number: [redacted]	2 Date Order Prepared:	3 SCO Reference Number: N/A

Section A – Authorization and Purchase Order

4 Name and Address of Service Provider: [redacted]

Funding Certification & Authorization:

A. _____
Budget Official Signature Funding Available Date

B. _____
Approving Official Signature Date

5 Deliver Records To: [redacted]
950 Pennsylvania Ave. NW, Room B-206
Washington, DC 20530

Send Completed SCO-212 Form & Invoice To: [redacted]

6 Return Date:

7 Remarks: Do not proceed with compliance if the total cost will exceed without prior approval. To obtain approval, call the requestor listed in Item 8. If invoicing for these services is expected to exceed 120 days, please notify the United States Attorney's Office immediately to ensure funds remain available for payment. Please see the attached Important Notice for additional information on invoicing and other requirements for reimbursement.

8 Name of Requestor:	9 Telephone Number:	10 Date of request:

Section B - ECPA Service Provider Invoice

11A Invoice Number: / 11B Tax ID Number:		Quantity	Unit Price Cost	Unit Price Per	Amount
11C Service(s)/Records Provided:					

The costs above (or on the attached invoice) represent direct costs and have been incurred in searching for, assembling, reproducing or otherwise providing the requested information.

12 Signature of Service Provider Representative:	13 Date Signed:	Total Amount Claimed By Service Provider	
Section C - Receiving Report		16 Disallowance *(See Attached)*	
14 I certify that the articles and services listed were received:	15 Date Received:	17 Net to Service Provider	

18 Electronic Communications Privacy Act - Public Law 99-508
(18 U.S.C. 2701-2712) Request Pursuant To: *(Only One Section at Left Should Be Checked)*

SECTION		OBJECT CLASS
☐ 2702	Voluntary Disclosure	2570
☒ 2703	Compelled Disclosure	2570
	☐ Search Warrant	2570
	☒ Grand Jury Subpoena	2570
	☐ Court Order	2570
	☐ Administrative or Judicial Subpoena	2570
☐ 2704	Request for Information Following Preservation	2570

19 Signature of Approving Official: Date:

20 Funding Source

Accounting Code:

Program

21 Other Accounting/Fund Information:
Program Code: Project Code:
YREGDOC:
Call Number (if applicable):
OBL Month (YRMO):
Tax ID Number:

22 Remarks:

The costs above (or on the attached invoice) appear to be reasonably necessary and to have been directly incurred in searching for, assembling, reproducing or otherwise providing requested information

Signature of Department of Justice Representative Date

FORM SCO-212
EEB. 2014

DECLARATION OF CUSTODIAN OF RECORDS

Pursuant to 28 U.S.C. §1746, I, the undersigned, hereby declare:

My name is _____.
(name of declarant)

I am a United States citizen and I am over eighteen years of age. I am the custodian of records of the business named below, or I am otherwise qualified as a result of my position with the business named below to make this declaration. I have knowledge of the record keeping system used by this business; this includes how records are created and maintained.

I am in receipt of a United States District Court Subpoena #[redacted] dated January 23, 2023, signed by [redacted] requesting specified records of the business named below.

Attached hereto are ____ pages of records regarding _____
(Brief description of type of documents being subpoenaed)
_____ responsive to the subpoena. I understand how these responsive documents were created. Pursuant to Rules 902(11) and 803(6) of the Federal Rules of Evidence, I hereby certify that the records attached hereto:

(1) were made at or near the time of the occurrence of the matters set forth in the records, by, or from information transmitted by, a person with knowledge of those matters;

(2) were kept in the course of regularly conducted business activity, in that the records were created and preserved pursuant to established procedures, and were relied upon by an employee or this business; and

(3) were made as part of the regularly conducted business activity as a regular practice, in that the records were created and preserved as part of routine reflections of the normal operations of this business.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____.
(date)

_____
(signature of declarant)

_____
(name and title of declarant)

_____
(name of business)

_____
(business address)

_____
(business address)

Definitions of terms used above:

As defined in Fed.R.Evid. 803(6), "record" includes a memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses. The term, "business" as used in Fed.R.Evid. 803(6) and the above declaration includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit

COMPLETION OF THIS CERTIFICATION MAY ELIMINATE THE NEED FOR APPEARANCE OF A RECORDS CUSTODIAN AT A FUTURE DATE.

INSTRUCTIONS FOR PRODUCTION OF RECORDS

I. General:

a. Records existing as **Electronically Stored Information (ESI)** shall be produced in **non-proprietary electronic form** and shall include text data and image data held:
   i. In your record retention systems; and/or
   ii. By your technology, data, or other service provider(s).

b. Records that do not exist as ESI may be produced in paper or other original format and may be converted to image or text data and provided as ESI, unless originals are required.

II. Text Data

a. Text data relating to transactions shall be produced within a data file:
   i. Using a delimited ASCII text data format; or
   ii. Using software that can export to a commonly readable, non-proprietary file format without loss of data.

b. Text data files relating to transactions shall include field descriptions (e.g., account number, date/time, description, payee/payor, check number, item identifier, and amount).

III. Image Data

a. Image data shall be produced in graphic data files in a commonly readable, non-proprietary format with the highest image quality maintained.

b. Image data of items associated with transactions (e.g., checks and deposit slips) shall be:
   i. Produced in individual graphic data files with any associated endorsements; and
   ii. Linked to corresponding text data by a unique identifier.

IV. Encryption/Authentication

a. ESI may be transmitted in an encrypted container *(e.g. flash drive, CD/DVD)*. Decryption keys and/or passwords shall be produced separately at the time the data are produced. *Please do not encrypt individual file contents if the container is encrypted.*

b. Authentication, such as hash coding, may be set by agreement.

c. Affidavits or certificates of authenticity may be included as part of the electronic production.

[redacted]

From: [redacted]
Sent: Friday, February 3, 2023 5:01 PM
To: [redacted]
Subject: [redacted]

Importance: High

Attachment(s) listed below:

1.TIF

2.zip

Declaration.pdf

Response(s) listed below:

After conducting a thorough search of all identifiers listed in the legal demand, all available information responsive to this demand is enclosed.

[redacted]

o [redacted] | f [redacted] | [redacted]

This message and any attachments to it contain confidential business information intended solely for the recipients. If you have received this email in error please do not forward or distribute it to anyone else, but telephone [redacted] to report the error, and then delete this message from your system.

Exhibit 11

Grand Jury Subpoena for Senator Lee's Phone Records, U.S. Dist. Court for the Dist. of Columbia (Jan. 23, 2023)

U.S. Department of Justice

Jack Smith
Special Counsel

950 Pennsylvania Ave. NW
Room B-206
Washington, DC 20530

January 23, 2023

VIA Electronic Mail

T-Mobile, Inc.
4 Sylvan Way
Parsippany, NJ 07054
Attn: Law Enforcement Relations Group

Re: Grand Jury Subpoena [redacted]

Dear Sir or Madam:

Pursuant to a criminal investigation being conducted by the Department of Justice, it is required that you furnish the requested records as described in the attached subpoena.

In lieu of personally appearing before the Grand Jury on the date indicated, you may comply with this grand jury subpoena by promptly providing the agent designated in the attachment with the requested records. If you choose to provide the requested records voluntarily, please provide them in a non-proprietary electronic format via FedEx, UPS or DHL. Also enclosed please find a blank "Declaration of Custodian of Records" form. It may save time and costs if an appropriate person at your business could complete the form and return it with the records. A properly completed "Declaration of Custodian of Records" form will make it more likely that we could present the records at trial without requiring you or another employee to come to court and testify.

Under the Electronic Communications Privacy Act, 18 U.S.C. § 2701 et seq., electronic communications services providers responding to a grand jury subpoena for production of certain records are entitled to reimbursement for some of the costs involved in compliance. Reimbursement may not be made for records or other information relating to telephone toll records and listings described in 18 U.S.C. § 2703(c)(2). Please note that under the Act, the Department of Justice will not reimburse expenses incurred for the production of information kept in the ordinary course of business. An exception can be made if compliance with a grand jury subpoena requires the expenditure of unusual effort or resources. In that circumstance, reimbursement of the "reasonable cost" of such services can be made if the government and subpoena recipient mutually agree on the amount, or if the court orders reimbursement.

If you believe that you are entitled to reimbursement, please send a full and complete itemized statement for all costs in an invoice that makes clear the basis for the reimbursement request.

NO REIMBURSEMENT WILL BE MADE WITHOUT (1) A FULL AND COMPLETE ITEMIZED STATEMENT OF ALL COSTS BEARING YOUR TAXPAYER IDENTIFICATION NUMBER, (2) A COMPLETED SCO-212 FORM, AND (3) A COPY OF THE SUBPOENA.

Moreover, no reimbursements will be paid for partial compliance with the grand jury subpoena. Accordingly, no invoice should be submitted to this office until compliance with the grand jury subpoena is complete, and the accompanying invoice represents a final and complete invoice for all qualified costs involved in that compliance. **Please submit all invoices directly to the Assistant Special Counsel at the address indicated in this letterhead.**

Enclosed please find a nondisclosure order from the court directing T-Mobile, Inc. not to notify any person (including the subscriber or customer) of the existence or content of this subpoena. You are directed not to disclose the existence of this subpoena or the fact of your compliance. Any such disclosure on your part could impede the investigation being conducted and thereby interfere with the enforcement of the law. We appreciate your cooperation in this matter.

Sincerely,

JACK SMITH
SPECIAL COUNSEL

By: */s/ Timothy A. Duree*
Timothy A. Duree
Assistant Special Counsel
950 Pennsylvania Ave. NW, Room B-206
Washington, DC 20530
[redacted]@usdoj.gov

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE APPLICATION OF USA FOR 2705(b) NONDISCLOSURE ORDER FOR GRAND JURY SUBPOENA [redacted]	[redacted] **Filed Under Seal**

ORDER

This matter having come before the Court pursuant to an application under 18 U.S.C. § 2705(b) requesting an order directing T-Mobile, Inc. ("PROVIDER"), an electronic communication and/or remote computing service provider located in Parsippany, NJ, not to notify any other person of the existence of subpoena numbe [redacted] issued by the United States on behalf of a federal Grand Jury empaneled in the United States District Court for the District of Columbia (the "Subpoena"), the Court finds reasonable grounds to believe that such disclosure will result in flight from prosecution, destruction of or tampering with evidence, intimidation of potential witnesses, and serious jeopardy to the investigation. *See* 18 U.S.C. § 2705(b)(3)-(5).

IT IS THEREFORE ORDERED that, pursuant to 18 U.S.C. § 2705(b), PROVIDER and its employees shall not disclose the existence of the Subpoena to any other person (except attorneys for PROVIDER for the purpose of receiving legal advice) for a period of one year (commencing on the date of this Order), unless the period of nondisclosure is later modified by the Court.

IT IS FURTHER ORDERED that the application and this Order are sealed until otherwise ordered by the Court.

Date: 2023.01.20 16:32:02 -05'00'

UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

for the

District of Columbia

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

To: T-Mobile, Inc.
4 Sylvan Way
Parsippany, NJ 07054

YOU ARE COMMANDED to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA U.S. Courthouse, 3rd Floor Grand Jury [redacted] 333 Constitution Avenue, N.W. Washington, D.C. 20001	Date and Time: Tuesday February 7, 2023 at 9:00 AM

You must also bring with you the following documents, electronically stored information, or objects:

PLEASE SEE ATTACHMENT

In lieu of personally appearing before the Grand Jury on the date indicated, you may comply with this grand jury subpoena by promptly providing the agent designated in the attachment with the requested records.

Date: January 23, 2023

CLERK OF COURT

Signature of Clerk or Deputy Clerk

The name, address, telephone number and email of the Assistant Special Counsel, who requests this subpoena, are:

Timothy A. Duree, Assistant Special Counsel
950 Pennsylvania Ave. NW, Room B-206
Washington, DC 20530
Email: [redacted]@usdoj.gov

Subpoena [redacted]

U.S. Department of Justice
Washington, D.C. 20530

Request for Communications Content, Records or Other Information Under the Electronic Communications Privacy Act (ECPA). (Authorization, Purchase Order and Receiving Report)

This form shall be used when requesting communications content, records, or other information from electronic communications or remote computing service providers under the ECPA.

1 Tracking Number:	2 Date Order Prepared:	3 SCO Reference Number:
[redacted]		N/A

Section A – Authorization and Purchase Order

4 Name and Address of Service Provider:
T-Mobile, Inc.
4 Sylvan Way
Parsippany, NJ 07054

Funding Certification & Authorization:

A. _____
Budget Official Signature Funding Available Date

B. _____
Approving Official Signature Date

5 Deliver Records To:	Send Completed SCO-212 Form & Invoice To:	6 Return Date:
Timothy A. Duree **950 Pennsylvania Ave. NW, Room B-206** **Washington, DC 20530**	**Ariel McIntyre** **[redacted]@usdoj.gov**	

7 Remarks: Do not proceed with compliance if the total cost will exceed without prior approval. To obtain approval, call the requestor listed in Item 8. If invoicing for these services is expected to exceed 120 days, please notify the United States Attorney's Office immediately to ensure funds remain available for payment. Please see the attached Important Notice for additional information on invoicing and other requirements for reimbursement.

8 Name of Requestor:	9 Telephone Number:	10 Date of request:

Section B - ECPA Service Provider Invoice

11A Invoice Number: 11B Tax ID Number:		Quantity	Unit Price Cost	Unit Price Per	Amount
11C Service(s)/Records Provided:					

The costs above (or on the attached invoice) represent direct costs and have been incurred in searching for, assembling, reproducing or otherwise providing the requested information.

12 Signature of Service Provider Representative:	13 Date Signed:	Total Amount Claimed By Service Provider	
Section C - Receiving Report		16 Disallowance *(See Attached)*	
14 I certify that the articles and services listed were received:	15 Date Received:	17 Net to Service Provider	

18 Electronic Communications Privacy Act - Public Law 99-508
(18 U.S.C. 2701-2712) Request Pursuant To: *(Only One Section at Left Should Be Checked)*

SECTION		OBJECT CLASS
☐ 2702	Voluntary Disclosure	2570
☒ 2703	Compelled Disclosure	2570
	☐ Search Warrant	2570
	☒ Grand Jury Subpoena	2570
	☐ Court Order	2570
	☐ Administrative or Judicial Subpoena	2570
☐ 2704	Request for Information Following Preservation	2570

19 Signature of Approving Official: Date:

20 Funding Source

Accounting Code:

Program

21 Other Accounting/Fund Information:
Program Code: Project Code:
YREGDOC:
Call Number (if applicable):
OBL Month (YRMO):
Tax ID Number:

22 Remarks:

The costs above (or on the attached invoice) appear to be reasonably necessary and to have been directly incurred in searching for, assembling, reproducing or otherwise providing requested information

Signature of Department of Justice Representative Date

FORM SCO-212
EEB. 2014

DECLARATION OF CUSTODIAN OF RECORDS

Pursuant to 28 U.S.C. §1746, I, the undersigned, hereby declare:

My name is _____.
(name of declarant)

I am a United States citizen and I am over eighteen years of age. I am the custodian of records of the business named below, or I am otherwise qualified as a result of my position with the business named below to make this declaration. I have knowledge of the record keeping system used by this business; this includes how records are created and maintained.

I am in receipt of a United States District Court Subpoena [redacted] dated January 23, 2023, signed by Assistant Special Counsel Timothy A. Duree, requesting specified records of the business named below.

Attached hereto are ____ pages of records regarding _____
(Brief description of type of documents being subpoenaed)
_____ responsive to the subpoena. I understand how these responsive documents were created. Pursuant to Rules 902(11) and 803(6) of the Federal Rules of Evidence, I hereby certify that the records attached hereto:

(1) were made at or near the time of the occurrence of the matters set forth in the records, by, or from information transmitted by, a person with knowledge of those matters;

(2) were kept in the course of regularly conducted business activity, in that the records were created and preserved pursuant to established procedures, and were relied upon by an employee or this business; and

(3) were made as part of the regularly conducted business activity as a regular practice, in that the records were created and preserved as part of routine reflections of the normal operations of this business.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____.
(date)

_____
(signature of declarant)

_____
(name and title of declarant)

_____
(name of business)

_____
(business address)

_____
(business address)

Definitions of terms used above:

As defined in Fed.R.Evid. 803(6), "record" includes a memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses. The term, "business" as used in Fed.R.Evid. 803(6) and the above declaration includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit

T-Mobile, Inc.
4 Sylvan Way
Parsippany, NJ 07054

[redacted]

Grand Jury Subpoena Attachment

For any and all accounts associated with the following identifiers:

[redacted]

Provide the following records from November 3, 2020 through January 8, 2021:

- Subscriber information
- Names (including subscriber names, user names, and screen names)
- Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses)
- All call detail records, including but not limited to detail records for inbound and outbound calls, text messages, direct connect, and voicemail messages
- Length of service (including start date) and types of service utilized
- Means and source of payment for such service (including any credit card or bank account number) and billing records
- Telephone or instrument numbers (including MAC addresses, Electronic Serial Numbers ("ESN"), Mobile Electronic Identity Numbers ("MEIN"), Mobile Equipment Identifier ("MEID"), Mobile Identification Numbers ("MIN"), Subscriber Identity Modules ("SIM"), Mobile Subscriber Integrated Services Digital Network Number ("MSISDN"), International Mobile Subscriber Identifiers ("IMSI"), or International Mobile Station Equipment Identities ("IMEI"))
- Records of session times and durations, and the temporarily assigned network addresses (such as Internet Protocol ("IP") addresses) associated with those sessions
- Other subscriber numbers or identities (including temporarily assigned network addresses and registration Internet Protocol ("IP") addresses (including carrier grade natting addresses or ports))

NOTE: IN LIEU OF PERSONAL APPEARANCE, YOU MAY COMPLY WITH THIS SUBPOENA BY PROVIDING THE REQUESTED DOCUMENTS IN ELECTRONIC FORMAT TO:

Jamie R. Garman
Special Agent, Federal Bureau of Investigation
[redacted]@fbi.gov

IF YOU CHOOSE TO COMPLY WITH THIS SUBPOENA BY PRODUCING THE MATERIALS TO A FEDERAL AGENT, PLEASE ALSO REVIEW AND EXECUTE THE ATTACHED CERTIFICATION UNDER FEDERAL RULES OF EVIDENCE 803(6) AND 902(11).

COMPLETION OF THIS CERTIFICATION MAY ELIMINATE THE NEED FOR APPEARANCE OF A RECORDS CUSTODIAN AT A FUTURE DATE.

INSTRUCTIONS FOR PRODUCTION OF RECORDS

I. General:

a. Records existing as **Electronically Stored Information (ESI)** shall be produced in **non-proprietary electronic form** and shall include text data and image data held:
   i. In your record retention systems; and/or
   ii. By your technology, data, or other service provider(s).

b. Records that do not exist as ESI may be produced in paper or other original format and may be converted to image or text data and provided as ESI, unless originals are required.

II. Text Data

a. Text data relating to transactions shall be produced within a data file:
   i. Using a delimited ASCII text data format; or
   ii. Using software that can export to a commonly readable, non-proprietary file format without loss of data.

b. Text data files relating to transactions shall include field descriptions (e.g., account number, date/time, description, payee/payor, check number, item identifier, and amount).

III. Image Data

a. Image data shall be produced in graphic data files in a commonly readable, non-proprietary format with the highest image quality maintained.

b. Image data of items associated with transactions (e.g., checks and deposit slips) shall be:
   i. Produced in individual graphic data files with any associated endorsements; and
   ii. Linked to corresponding text data by a unique identifier.

IV. Encryption/Authentication

a. ESI may be transmitted in an encrypted container *(e.g. flash drive, CD/DVD)*. Decryption keys and/or passwords shall be produced separately at the time the data are produced. *Please do <u>not</u> encrypt individual file contents if the container is encrypted.*

b. Authentication, such as hash coding, may be set by agreement.

c. Affidavits or certificates of authenticity may be included as part of the electronic production.

Exhibit 12

Grand Jury Subpoena for Representative Gohmert's Phone Records, U.S. Dist. Court for the Dist. of Columbia (Jan. 23, 2023)

Verizon Legal Process Compliance
DH

From: Kevin Chang <[redacted]@fbi.gov>
Sent: Tuesday, January 24, 2023 10:06 AM
To: Verizon Legal Process Compliance <[redacted]@one.verizon.com>
Subject: Submission of Federal Criminal Grand Jury Subpoena - [redacted]

Good morning,

Please find attached below a grand jury subpoena with a non-disclosure order requesting records held by Verizon relevant to a federal criminal investigation (U.S. Special Counsel Office of Jack Smith's reference[redacted]

A description of the requested records is set forth in the body of the subpoena. Records produced electronically to my attention at the captioned email address are preferred. If possible, EST for times provided in the production is preferred.

Thanks very much. Please let me know if you have any questions.

Best,

Kevin S. Chang
Special Agent
Federal Bureau of Investigation
Washington Field Office
(d): [redacted]
(c): [redacted]

U.S. Department of Justice

Jack Smith
Special Counsel

950 Pennsylvania Ave. NW
Room B-206
Washington, DC 20530

January 23, 2023

VIA Electronic Mail

Verizon Wireless
180 Washington Valley Rd.
Bedminster, NJ 07921

Re: Grand Jury Subpoena [redacted]

Dear Sir or Madam:

Pursuant to a criminal investigation being conducted by the Department of Justice, it is required that you furnish the requested records as described in the attached subpoena.

In lieu of personally appearing before the Grand Jury on the date indicated, you may comply with this grand jury subpoena by promptly providing the agent designated in the attachment with the requested records. If you choose to provide the requested records voluntarily, please provide them in a non-proprietary electronic format via FedEx, UPS or DHL. Also enclosed please find a blank "Declaration of Custodian of Records" form. It may save time and costs if an appropriate person at your business could complete the form and return it with the records. A properly completed "Declaration of Custodian of Records" form will make it more likely that we could present the records at trial without requiring you or another employee to come to court and testify.

Under the Electronic Communications Privacy Act, 18 U.S.C. § 2701 et seq., electronic communications services providers responding to a grand jury subpoena for production of certain records are entitled to reimbursement for some of the costs involved in compliance. Reimbursement may not be made for records or other information relating to telephone toll records and listings described in 18 U.S.C. § 2703(c)(2). Please note that under the Act, the Department of Justice will not reimburse expenses incurred for the production of information kept in the ordinary course of business. An exception can be made if compliance with a grand jury subpoena requires the expenditure of unusual effort or resources. In that circumstance, reimbursement of the "reasonable cost" of such services can be made if the government and subpoena recipient mutually agree on the amount, or if the court orders reimbursement.

If you believe that you are entitled to reimbursement, please send a full and complete itemized statement for all costs in an invoice that makes clear the basis for the reimbursement request.

NO REIMBURSEMENT WILL BE MADE WITHOUT (1) A FULL AND COMPLETE ITEMIZED STATEMENT OF ALL COSTS BEARING YOUR TAXPAYER IDENTIFICATION NUMBER, (2) A COMPLETED SCO-212 FORM, AND (3) A COPY OF THE SUBPOENA.

Moreover, no reimbursements will be paid for partial compliance with the grand jury subpoena. Accordingly, no invoice should be submitted to this office until compliance with the grand jury subpoena is complete, and the accompanying invoice represents a final and complete invoice for all qualified costs involved in that compliance. **Please submit all invoices directly to the Assistant Special Counsel at the address indicated in this letterhead.**

Enclosed please find a nondisclosure order from the court directing Verizon Wireless not to notify any person (including the subscriber or customer) of the existence or content of this subpoena. You are directed not to disclose the existence of this subpoena or the fact of your compliance. Any such disclosure on your part could impede the investigation being conducted and thereby interfere with the enforcement of the law. We appreciate your cooperation in this matter.

Sincerely,

JACK SMITH
SPECIAL COUNSEL

By: */s/ Timothy A. Duree*
Timothy A. Duree
Assistant Special Counsel
950 Pennsylvania Ave. NW, Room B-206
Washington, DC 20530
[redacted]@usdoj.gov

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE APPLICATION OF USA FOR 2705(b) NONDISCLOSURE ORDER FOR GRAND JURY SUBPOENA [redacted]	[redacted] **Filed Under Seal**

ORDER

This matter having come before the Court pursuant to an application under 18 U.S.C. § 2705(b) requesting an order directing Verizon Wireless ("PROVIDER"), an electronic communication and/or remote computing service provider located in Bedminster, NJ, not to notify any other person of the existence of subpoena number [redacted] issued by the United States on behalf of a federal Grand Jury empaneled in the United States District Court for the District of Columbia (the "Subpoena"), the Court finds reasonable grounds to believe that such disclosure will result in flight from prosecution, destruction of or tampering with evidence, intimidation of potential witnesses, and serious jeopardy to the investigation. *See* 18 U.S.C. § 2705(b)(3)-(5).

IT IS THEREFORE ORDERED that, pursuant to 18 U.S.C. § 2705(b), PROVIDER and its employees shall not disclose the existence of the Subpoena to any other person (except attorneys for PROVIDER for the purpose of receiving legal advice) for a period of one year (commencing on the date of this Order), unless the period of nondisclosure is later modified by the Court.

IT IS FURTHER ORDERED that the application and this Order are sealed until otherwise ordered by the Court.

2023.01.20 16:33:07 -05'00'

Date:

UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

for the

District of Columbia

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

To: Verizon Wireless
180 Washington Valley Rd.
Bedminster, NJ 07921

YOU ARE COMMANDED to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA U.S. Courthouse, 3rd Floor Grand Jury [redacted] 333 Constitution Avenue, N.W. Washington, D.C. 20001	Date and Time: Tuesday February 7, 2023 at 9:00 AM

You must also bring with you the following documents, electronically stored information, or objects:

PLEASE SEE ATTACHMENT

In lieu of personally appearing before the Grand Jury on the date indicated, you may comply with this grand jury subpoena by promptly providing the agent designated in the attachment with the requested records.

Date: January 23, 2023

CLERK OF COURT

Signature of Clerk or Deputy Clerk

The name, address, telephone number and email of the Assistant Special Counsel, who requests this subpoena, are:

Timothy A. Duree, Assistant Special Counsel
950 Pennsylvania Ave. NW, Room B-206
Washington, DC 20530
Email: [redacted]@usdoj.gov

Subpoena [redacted]

U.S. Department of Justice
Washington, D.C. 20530

Request for Communications Content, Records or Other Information Under the Electronic Communications Privacy Act (ECPA). (Authorization, Purchase Order and Receiving Report)

This form shall be used when requesting communications content, records, or other information from electronic communications or remote computing service providers under the ECPA.

1 Tracking Number:	2 Date Order Prepared:	3 SCO Reference Number:
[redacted]		**N/A**

Section A – Authorization and Purchase Order

4 Name and Address of Service Provider:
Verizon Wireless
180 Washington Valley Rd.
Bedminster, NJ 07921

Funding Certification & Authorization:

A. _____
Budget Official Signature Funding Available Date

B. _____
Approving Official Signature Date

5 Deliver Records To:	Send Completed SCO-212 Form & Invoice To:	6 Return Date:
Timothy A. Duree **950 Pennsylvania Ave. NW, Room B-206** **Washington, DC 20530**	**Ariel McIntyre** [redacted]**@usdoj.gov**	

7 Remarks: Do not proceed with compliance if the total cost will exceed without prior approval. To obtain approval, call the requestor listed in Item 8. If invoicing for these services is expected to exceed 120 days, please notify the United States Attorney's Office immediately to ensure funds remain available for payment. Please see the attached Important Notice for additional information on invoicing and other requirements for reimbursement.

8 Name of Requestor:	9 Telephone Number:	10 Date of request:

Section B - ECPA Service Provider Invoice

11A Invoice Number: 11B Tax ID Number:		Quantity	Unit Price Cost	Unit Price Per	Amount
11C Service(s)/Records Provided:					

The costs above (or on the attached invoice) represent direct costs and have been incurred in searching for, assembling, reproducing or otherwise providing the requested information.

12 Signature of Service Provider Representative:	13 Date Signed:	Total Amount Claimed By Service Provider	

Section C - Receiving Report

14 I certify that the articles and services listed were received:	15 Date Received:	16 Disallowance *(See Attached)*	
		17 Net to Service Provider	

18 Electronic Communications Privacy Act - Public Law 99-508
(18 U.S.C. 2701-2712) Request Pursuant To: *(Only One Section at Left Should Be Checked)*

SECTION		OBJECT CLASS
☐ 2702	Voluntary Disclosure	2570
☒ 2703	Compelled Disclosure	2570
	☐ Search Warrant	2570
	☒ Grand Jury Subpoena	2570
	☐ Court Order	2570
	☐ Administrative or Judicial Subpoena	2570
☐ 2704	Request for Information Following Preservation	2570

19 Signature of Approving Official: Date:

20 Funding Source

Accounting Code:

Program

21 Other Accounting/Fund Information:
Program Code: Project Code:
YREGDOC:
Call Number (if applicable):
OBL Month (YRMO):
Tax ID Number:

22 Remarks:

The costs above (or on the attached invoice) appear to be reasonably necessary and to have been directly incurred in searching for, assembling, reproducing or otherwise providing requested information

Signature of Department of Justice Representative Date

FORM SCO-212
EEB. 2014

DECLARATION OF CUSTODIAN OF RECORDS

Pursuant to 28 U.S.C. §1746, I, the undersigned, hereby declare:

My name is _____.
(name of declarant)

I am a United States citizen and I am over eighteen years of age. I am the custodian of records of the business named below, or I am otherwise qualified as a result of my position with the business named below to make this declaration. I have knowledge of the record keeping system used by this business; this includes how records are created and maintained.

I am in receipt of a United States District Court Subpoena [redacted] dated January 23, 2023, signed by Assistant Special Counsel Timothy A. Duree, requesting specified records of the business named below.

Attached hereto are ——— pages of records regarding _____
(Brief description of type of documents being subpoenaed)
_____ responsive to the subpoena. I understand how these responsive documents were created. Pursuant to Rules 902(11) and 803(6) of the Federal Rules of Evidence, I hereby certify that the records attached hereto:

(1) were made at or near the time of the occurrence of the matters set forth in the records, by, or from information transmitted by, a person with knowledge of those matters;

(2) were kept in the course of regularly conducted business activity, in that the records were created and preserved pursuant to established procedures, and were relied upon by an employee or this business; and

(3) were made as part of the regularly conducted business activity as a regular practice, in that the records were created and preserved as part of routine reflections of the normal operations of this business.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____.
(date)

_____
(signature of declarant)

_____
(name and title of declarant)

_____
(name of business)

_____
(business address)

_____
(business address)

Definitions of terms used above:

As defined in Fed.R.Evid. 803(6), "record" includes a memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses. The term, "business" as used in Fed.R.Evid. 803(6) and the above declaration includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit

Verizon Wireless
180 Washington Valley Rd.
Bedminster, NJ 07921

[redacted]

Grand Jury Subpoena Attachment

For any and all accounts associated with the following identifiers:

[redacted]

Provide the following records from November 3, 2020, through January 8, 2021:

- Subscriber information
- Names (including subscriber names, user names, and screen names)
- Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses)
- All call detail records, including but not limited to detail records for inbound and outbound calls, text messages, direct connect, and voicemail messages
- Length of service (including start date) and types of service utilized
- Means and source of payment for such service (including any credit card or bank account number) and billing records
- Telephone or instrument numbers (including MAC addresses, Electronic Serial Numbers ("ESN"), Mobile Electronic Identity Numbers ("MEIN"), Mobile Equipment Identifier ("MEID"), Mobile Identification Numbers ("MIN"), Subscriber Identity Modules ("SIM"), Mobile Subscriber Integrated Services Digital Network Number ("MSISDN"), International Mobile Subscriber Identifiers ("IMSI"), or International Mobile Station Equipment Identities ("IMEI"))
- Records of session times and durations, and the temporarily assigned network addresses (such as Internet Protocol ("IP") addresses) associated with those sessions
- Other subscriber numbers or identities (including temporarily assigned network addresses and registration Internet Protocol ("IP") addresses (including carrier grade natting addresses or ports))

NOTE: **IN LIEU OF PERSONAL APPEARANCE, YOU MAY COMPLY WITH THIS SUBPOENA BY PROVIDING THE REQUESTED DOCUMENTS IN ELECTRONIC FORMAT TO:**

Jamie R. Garman
Special Agent, Federal Bureau of Investigation
[redacted]@fbi.gov

IF YOU CHOOSE TO COMPLY WITH THIS SUBPOENA BY PRODUCING THE MATERIALS TO A FEDERAL AGENT, PLEASE ALSO REVIEW AND EXECUTE THE ATTACHED CERTIFICATION UNDER FEDERAL RULES OF EVIDENCE 803(6) AND 902(11).

COMPLETION OF THIS CERTIFICATION MAY ELIMINATE THE NEED FOR APPEARANCE OF A RECORDS CUSTODIAN AT A FUTURE DATE.

INSTRUCTIONS FOR PRODUCTION OF RECORDS

I. General:

a. Records existing as **Electronically Stored Information (ESI)** shall be produced in **non-proprietary electronic form** and shall include text data and image data held:
   i. In your record retention systems; and/or
   ii. By your technology, data, or other service provider(s).

b. Records that do not exist as ESI may be produced in paper or other original format and may be converted to image or text data and provided as ESI, unless originals are required.

II. Text Data

a. Text data relating to transactions shall be produced within a data file:
   i. Using a delimited ASCII text data format; or
   ii. Using software that can export to a commonly readable, non-proprietary file format without loss of data.

b. Text data files relating to transactions shall include field descriptions (e.g., account number, date/time, description, payee/payor, check number, item identifier, and amount).

III. Image Data

a. Image data shall be produced in graphic data files in a commonly readable, non-proprietary format with the highest image quality maintained.

b. Image data of items associated with transactions (e.g., checks and deposit slips) shall be:
   i. Produced in individual graphic data files with any associated endorsements; and
   ii. Linked to corresponding text data by a unique identifier.

IV. Encryption/Authentication

a. ESI may be transmitted in an encrypted container *(e.g. flash drive, CD/DVD)*. Decryption keys and/or passwords shall be produced separately at the time the data are produced. *Please do <u>not</u> encrypt individual file contents if the container is encrypted.*

b. Authentication, such as hash coding, may be set by agreement.

c. Affidavits or certificates of authenticity may be included as part of the electronic production.

Exhibit 13

Grand Jury Subpoena for Phone Records of Representative Gohmert's Chief of Staff, U.S. Dist. Court for the Dist. of Columbia (Feb. 3, 2023)

U.S. Department of Justice

Jack Smith
Special Counsel

950 Pennsylvania Ave. NW
Room B-206
Washington, DC 20530

February 3, 2023

VIA Electronic Mail

T-Mobile, Inc.
4 Sylvan Way
Parsippany, NJ 07054
Attn: Law Enforcement Relations Group

Re: Grand Jury Subpoena [redacted]

Dear Sir or Madam:

Pursuant to a criminal investigation being conducted by the Department of Justice, it is required that you furnish the requested records as described in the attached subpoena.

In lieu of personally appearing before the Grand Jury on the date indicated, you may comply with this grand jury subpoena by promptly providing the agent designated in the attachment with the requested records. If you choose to provide the requested records voluntarily, please provide them in a non-proprietary electronic format via FedEx, UPS or DHL. Also enclosed please find a blank "Declaration of Custodian of Records" form. It may save time and costs if an appropriate person at your business could complete the form and return it with the records. A properly completed "Declaration of Custodian of Records" form will make it more likely that we could present the records at trial without requiring you or another employee to come to court and testify.

Under the Electronic Communications Privacy Act, 18 U.S.C. § 2701 et seq., electronic communications services providers responding to a grand jury subpoena for production of certain records are entitled to reimbursement for some of the costs involved in compliance. Reimbursement may not be made for records or other information relating to telephone toll records and listings described in 18 U.S.C. § 2703(c)(2). Please note that under the Act, the Department of Justice will not reimburse expenses incurred for the production of information kept in the ordinary course of business. An exception can be made if compliance with a grand jury subpoena requires the expenditure of unusual effort or resources. In that circumstance, reimbursement of the "reasonable cost" of such services can be made if the government and subpoena recipient mutually agree on the amount, or if the court orders reimbursement.

If you believe that you are entitled to reimbursement, please send a full and complete itemized statement for all costs in an invoice that makes clear the basis for the reimbursement request.

NO REIMBURSEMENT WILL BE MADE WITHOUT (1) A FULL AND COMPLETE ITEMIZED STATEMENT OF ALL COSTS BEARING YOUR TAXPAYER IDENTIFICATION NUMBER, (2) A COMPLETED SCO-212 FORM, AND (3) A COPY OF THE SUBPOENA.

Moreover, no reimbursements will be paid for partial compliance with the grand jury subpoena. Accordingly, no invoice should be submitted to this office until compliance with the grand jury subpoena is complete, and the accompanying invoice represents a final and complete invoice for all qualified costs involved in that compliance. **Please submit all invoices directly to the Assistant Special Counsel at the address indicated in this letterhead.**

Enclosed please find a nondisclosure order from the court directing T-Mobile, Inc. not to notify any person (including the subscriber or customer) of the existence or content of this subpoena. You are directed not to disclose the existence of this subpoena or the fact of your compliance. Any such disclosure on your part could impede the investigation being conducted and thereby interfere with the enforcement of the law. We appreciate your cooperation in this matter.

Sincerely,

JACK SMITH
SPECIAL COUNSEL

By: */s/ Timothy A. Duree*
Timothy A. Duree
Assistant Special Counsel
950 Pennsylvania Ave. NW, Room B-206
Washington, DC 20530
[redacted]usdoj.gov

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE APPLICATION OF USA FOR 2705(b) NONDISCLOSURE ORDER FOR GRAND JURY SUBPOENA [redacted]	Case No. [redacted] Chief Judge Beryl A. Howell **UNDER SEAL**

ORDER

This matter having come before the Court pursuant to an application under 18 U.S.C. § 2705(b) requesting an order directing T-Mobile, Inc. ("PROVIDER"), an electronic communication and/or remote computing service provider located in Parsippany, New Jersey, not to notify any other person of the existence of subpoena number [redacted] issued by the United States on behalf of a federal Grand Jury empaneled in the United States District Court for the District of Columbia (the "Subpoena"), the Court finds reasonable grounds to believe that such disclosure will result in flight from prosecution, destruction of or tampering with evidence, intimidation of potential witnesses, and serious jeopardy to the investigation.

IT IS THEREFORE ORDERED that, pursuant to 18 U.S.C. § 2705(b), PROVIDER and its employees shall not disclose the existence of the Subpoena to any other person (except attorneys for PROVIDER for the purpose of receiving legal advice) for a period of one year (commencing on the date of this Order), unless the period of nondisclosure is later modified by the Court.

IT IS FURTHER ORDERED that the application and this Order are sealed until otherwise ordered by the Court.

SO ORDERED.

Date: February 2, 2023

Beryl A. Howell

BERYL A. HOWELL
CHIEF JUDGE

UNITED STATES DISTRICT COURT

for the

District of Columbia

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

To: T-Mobile, Inc.
4 Sylvan Way
Parsippany, NJ 07054

YOU ARE COMMANDED to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA U.S. Courthouse, 3rd Floor Grand Jury [redacted] 333 Constitution Avenue, N.W. Washington, D.C. 20001	Date and Time: Friday, February 17, 2023 at 9:00 AM

You must also bring with you the following documents, electronically stored information, or objects:

PLEASE SEE ATTACHMENT

In lieu of personally appearing before the Grand Jury on the date indicated, you may comply with this grand jury subpoena by promptly providing the agent designated in the attachment with the requested records.

Date: February 3, 2023

CLERK OF COURT

Signature of Clerk or Deputy Clerk

The name, address, telephone number and email of the Assistant Special Counsel, who requests this subpoena, are:

Timothy A. Duree, Assistant Special Counsel
950 Pennsylvania Ave. NW, Room B-206
Washington, DC 20530
Email: [redacted]@usdoj.gov

Subpoena [redacted]

U.S. Department of Justice
Washington, D.C. 20530

Request for Communications Content, Records or Other Information Under the Electronic Communications Privacy Act (ECPA). (Authorization, Purchase Order and Receiving Report)

This form shall be used when requesting communications content, records, or other information from electronic communications or remote computing service providers under the ECPA.

1 Tracking Number:	2 Date Order Prepared:	3 SCO Reference Number:
[redacted]		**N/A**

Section A – Authorization and Purchase Order

4 Name and Address of Service Provider:
T-Mobile, Inc.
4 Sylvan Way
Parsippany, NJ 07054

Funding Certification & Authorization:

A. _____
Budget Official Signature Funding Available Date

B. _____
Approving Official Signature Date

5 Deliver Records To:	Send Completed SCO-212 Form & Invoice To:	6 Return Date:
Timothy A. Duree **950 Pennsylvania Ave. NW, Room B-206** **Washington, DC 20530**	**Ariel McIntyre** **[redacted]@usdoj.gov**	

7 Remarks: Do not proceed with compliance if the total cost will exceed without prior approval. To obtain approval, call the requestor listed in Item 8. If invoicing for these services is expected to exceed 120 days, please notify the United States Attorney's Office immediately to ensure funds remain available for payment. Please see the attached Important Notice for additional information on invoicing and other requirements for reimbursement.

8 Name of Requestor:	9 Telephone Number:	10 Date of request:

Section B - ECPA Service Provider Invoice

11A Invoice Number: 11B Tax ID Number:		Quantity	Unit Price Cost	Unit Price Per	Amount
11C Service(s)/Records Provided:					

The costs above (or on the attached invoice) represent direct costs and have been incurred in searching for, assembling, reproducing or otherwise providing the requested information.

12 Signature of Service Provider Representative:	13 Date Signed:	Total Amount Claimed By Service Provider	
Section C - Receiving Report		16 Disallowance *(See Attached)*	
14 I certify that the articles and services listed were received:	15 Date Received:	17 Net to Service Provider	

18 Electronic Communications Privacy Act - Public Law 99-508
(18 U.S.C. 2701-2712) Request Pursuant To: *(Only One Section at Left Should Be Checked)*

SECTION		OBJECT CLASS
☐ 2702	Voluntary Disclosure	2570
☒ 2703	Compelled Disclosure	2570
	☐ Search Warrant	2570
	☒ Grand Jury Subpoena	2570
	☐ Court Order	2570
	☐ Administrative or Judicial Subpoena	2570
☐ 2704	Request for Information Following Preservation	2570

19 Signature of Approving Official: Date:

20 Funding Source

Accounting Code:

Program

21 Other Accounting/Fund Information:
Program Code: Project Code:
YREGDOC:
Call Number (if applicable):
OBL Month (YRMO):
Tax ID Number:

22 Remarks:

The costs above (or on the attached invoice) appear to be reasonably necessary and to have been directly incurred in searching for, assembling, reproducing or otherwise providing requested information

Signature of Department of Justice Representative Date

FORM SCO-212
EEB. 2014

DECLARATION OF CUSTODIAN OF RECORDS

Pursuant to 28 U.S.C. §1746, I, the undersigned, hereby declare:

My name is _____.
(name of declarant)

I am a United States citizen and I am over eighteen years of age. I am the custodian of records of the business named below, or I am otherwise qualified as a result of my position with the business named below to make this declaration. I have knowledge of the record keeping system used by this business; this includes how records are created and maintained.

I am in receipt of a United States District Court Subpoena [redacted] dated February 3, 2023, signed by Assistant Special Counsel Timothy A. Duree, requesting specified records of the business named below.

Attached hereto are ____ pages of records regarding _____
(Brief description of type of documents being subpoenaed)
_____ responsive to the subpoena. I understand how these responsive documents were created. Pursuant to Rules 902(11) and 803(6) of the Federal Rules of Evidence, I hereby certify that the records attached hereto:

(1) were made at or near the time of the occurrence of the matters set forth in the records, by, or from information transmitted by, a person with knowledge of those matters;

(2) were kept in the course of regularly conducted business activity, in that the records were created and preserved pursuant to established procedures, and were relied upon by an employee or this business; and

(3) were made as part of the regularly conducted business activity as a regular practice, in that the records were created and preserved as part of routine reflections of the normal operations of this business.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____.
(date)

_____
(signature of declarant)

_____
(name and title of declarant)

_____
(name of business)

_____
(business address)

_____
(business address)

Definitions of terms used above:

As defined in Fed.R.Evid. 803(6), "record" includes a memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses. The term, "business" as used in Fed.R.Evid. 803(6) and the above declaration includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit

T-Mobile
4 Sylvan Way
Parsippany, NJ 07054
Attn: Law Enforcement Relations Group

[redacted]

Grand Jury Subpoena Attachment

For any and all accounts associated with the following identifiers:

[redacted]

Provide the following records from November 3, 2020, through January 8, 2021:

- Subscriber information
- Names (including subscriber names, user names, and screen names)
- Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses)
- All call detail records, including but not limited to detail records for inbound and outbound calls, text messages, direct connect, and voicemail messages
- Length of service (including start date) and types of service utilized
- Means and source of payment for such service (including any credit card or bank account number) and billing records
- Telephone or instrument numbers (including MAC addresses, Electronic Serial Numbers ("ESN"), Mobile Electronic Identity Numbers ("MEIN"), Mobile Equipment Identifier ("MEID"), Mobile Identification Numbers ("MIN"), Subscriber Identity Modules ("SIM"), Mobile Subscriber Integrated Services Digital Network Number ("MSISDN"), International Mobile Subscriber Identifiers ("IMSI"), or International Mobile Station Equipment Identities ("IMEI"))
- Records of session times and durations, and the temporarily assigned network addresses (such as Internet Protocol ("IP") addresses) associated with those sessions
- Other subscriber numbers or identities (including temporarily assigned network addresses and registration Internet Protocol ("IP") addresses (including carrier grade natting addresses or ports))

NOTE: **IN LIEU OF PERSONAL APPEARANCE, YOU MAY COMPLY WITH THIS SUBPOENA BY PROVIDING THE REQUESTED DOCUMENTS IN ELECTRONIC FORMAT TO:**

Kevin S. Chang
Special Agent, Federal Bureau of Investigation
[redacted]

IF YOU CHOOSE TO COMPLY WITH THIS SUBPOENA BY PRODUCING THE MATERIALS TO A FEDERAL AGENT, PLEASE ALSO REVIEW AND EXECUTE THE ATTACHED CERTIFICATION UNDER FEDERAL RULES OF EVIDENCE 803(6) AND 902(11). COMPLETION OF THIS CERTIFICATION MAY ELIMINATE THE NEED FOR APPEARANCE OF A RECORDS CUSTODIAN AT A FUTURE DATE.

INSTRUCTIONS FOR PRODUCTION OF RECORDS

I. General:

a. Records existing as **Electronically Stored Information (ESI)** shall be produced in **non-proprietary electronic form** and shall include text data and image data held:
   i. In your record retention systems; and/or
   ii. By your technology, data, or other service provider(s).

b. Records that do not exist as ESI may be produced in paper or other original format and may be converted to image or text data and provided as ESI, unless originals are required.

II. Text Data

a. Text data relating to transactions shall be produced within a data file:
   i. Using a delimited ASCII text data format; or
   ii. Using software that can export to a commonly readable, non-proprietary file format without loss of data.

b. Text data files relating to transactions shall include field descriptions (e.g., account number, date/time, description, payee/payor, check number, item identifier, and amount).

III. Image Data

a. Image data shall be produced in graphic data files in a commonly readable, non-proprietary format with the highest image quality maintained.

b. Image data of items associated with transactions (e.g., checks and deposit slips) shall be:
   i. Produced in individual graphic data files with any associated endorsements; and
   ii. Linked to corresponding text data by a unique identifier.

IV. Encryption/Authentication

a. ESI may be transmitted in an encrypted container *(e.g. flash drive, CD/DVD)*. Decryption keys and/or passwords shall be produced separately at the time the data are produced. *Please do <u>not</u> encrypt individual file contents if the container is encrypted.*

b. Authentication, such as hash coding, may be set by agreement.

c. Affidavits or certificates of authenticity may be included as part of the electronic production.

Exhibit 14

Emails among Molly Gaston, Senior Assistant Special Counsel, Thomas Windom, Senior Assistant Special Counsel, and J.P. Cooney, Deputy Special Counsel (May 16, 2023)

From: "MGG (JSPT)" <[redacted]@usdoj.gov>
To: "JPC (JSPT)" <[redacted]@usdoj.gov>, "TPW (JSPT)" <[redacted]@usdoj.gov>
Subject: RE: Toll Record Subpoena
Date: Tue, 16 May 2023 12:25:47 -0400
Importance: Normal

Ron Johnson/Rep Mike Kelly?

From: MGG (JSPT)
Sent: Tuesday, May 16, 2023 12:23 PM
To: JPC (JSPT) <[redacted]@usdoj.gov>; TPW (JSPT) <[redacted]@usdoj.gov>
Subject: RE: Toll Record Subpoena

We should also include, to extent we don't have, Jim Jordan and Lindsey Graham

---

From: JPC (JSPT) <[redacted]@usdoj.gov>
Sent: Tuesday, May 16, 2023 12:21 PM
To: TPW (JSPT) <[redacted]@usdoj.gov>; MGG (JSPT) <[redacted]@usdoj.gov>
Subject: RE: Toll Record Subpoena

Kevin McCarthy

J.P. Cooney
[redacted]

From: JPC (JSPT)
Sent: Tuesday, May 16, 2023 12:20 PM
To: TPW (JSPT) <[redacted]@usdoj.gov>; MGG (JSPT) <[redacted]@usdoj.gov>
Subject: Toll Record Subpoena

I know it won't be to one company, but pretend for a minute.

For the period January 1, 2021, through January 20, 2021, produce subscriber information and call/SMS detail records for the following persons:

1. Mike Lee
2. Tommy Tuberville
3. Marsha Blackburn
4. Bill Hagerty
5. Tim Scott
6. Cynthia Lummis
7. Dan Sullivan
8. John Kennedy

Should we add—
Cruz, Hawley, Perry, Gomert? Others?

J.P. Cooney
[redacted]

Exhibit 15

Emails between John Keller, Principal Deputy Chief, Public Integrity Section, and Molly Gaston, Senior Assistant Special Counsel (May 17, 2023)

From: "Keller, John (CRM)" <[redacted]@usdoj.gov>
To: "MGG (JSPT)" <[redacted]@usdoj.gov>
Cc: "TPW (JSPT)" <[redacted]@usdoj.gov>
Subject: Re: Consult
Date: Wed, 17 May 2023 18:58:13 -0400
Importance: Normal

It does not. Thanks, Molly.

On May 17, 2023, at 6:46 PM, MGG (JSPT) [redacted]@usdoj.gov wrote:

John, quick update—we've just realized that the Sen. Scott whose records we should subpoena is Rick Scott (from FL) not Tim Scott (the email we have refers only to a Sen. Scott but with a Florida area code). I assume this doesn't change anything, but let me know if it does.

From: Keller, John (CRM) <[redacted]@usdoj.gov>
Sent: Wednesday, May 17, 2023 10:43 AM
To: MGG (JSPT) <[redacted]@usdoj.gov>
Cc: TPW (JSPT) <[redacted]@usdoj.gov>
Subject: RE: Consult

Thanks, Molly. Good to hear from you and I'm glad that you're settling into your new role!

Based on the email below and our conversation, PIN concurs in the subpoenas for toll records for the identified Members of Congress from Jan. 4, 2021, through Jan. 7, 2021. As you are aware, there is some litigation risk regarding whether compelled disclosure of toll records of a Member's legislative calls violates the Speech or Debate Clause in the D.C. Circuit. *See United States v. Rayburn House Office Building,* 497 F.3d 654, 662 (D.C. Cir. 2007) ("The bar on compelled disclosure is absolute."); *In re Grand Jury Investigation*, 587 F.2d 589, 595 (3d Cir. 1978) ("Thus, telephone calls, placed or received by [the Member] or his staff in gathering from outsiders information which is weighed in the process of deciding how to vote, in drafting legislation, and in preparing for argument, may still be privileged as to use against him, even if not as to use against third parties."); *id.* at 594 ("The caselaw is clear that a legislator asserting the invasion of the Speech or Debate Clause privilege by use of a grand jury subpoena to a third party may intervene and oppose such use."). Even putting aside the government's potentially meritorious argument that the calls over the relevant period--especially unsolicited incoming calls--would not constitute protected legislative acts, given my understanding of the low likelihood that any of the Members listed below would be charged, the litigation risk should be minimal here.

-John

John D. Keller
Principal Deputy Chief
Public Integrity Section
United States Department of Justice
1301 New York Ave. NW | Washington, D.C. 20350
[redacted] (Desk) | [redacted] (Cell)

From: MGG (JSPT) <[redacted]@usdoj.gov>
Sent: Wednesday, May 17, 2023 9:28 AM
To: Keller, John (CRM) <[redacted]@usdoj.gov>
Cc: TPW (JSPT) <[redacted]@usdoj.gov>
Subject: Consult

John,

I hope you are doing well, and congrats on the recent trial. I hope you've gotten some rest since the verdict.

I'm writing to consult with PIN on some narrowly-tailored subpoenas that we plan to issue for toll records belonging to Members of Congress. In particular, we intend to issue subpoenas for January 4, 2021, to January 7, 2021, for Senators Marsha Blackburn, Lindsey Graham, Bill Hagerty, Josh Hawley, Cynthia Lummis, Ron Johnson, John Kennedy, Tim Scott, Dan Sullivan, and Tommy Tuberville, and Representative Mike Kelly. Our investigation suggests that on or about January 6, 2021, Donald Trump and Rudy Giuliani reached out to these Members to ask or pressure them to delay the certification of the electoral college vote—including, in some cases, on the night of January 6, in the hour before Congress resumed the Joint Session after the attack on the Capitol. Our evidence indicates that Trump appears to have reached out to Hawley and Hagerty at around 6 p.m. on January 6; that at around 7 p.m. that night, Trump asked Giuliani to call Tuberville, Lummis, Kennedy, Hagerty, Blackburn, and Scott; that Giuliani left a voicemail message at around 7 p.m. that night intended for Tuberville in which Giuliani asked Tuberville to help delay the certification; and that staffers for Johnson and Kelly may have been involved in efforts to provide to Vice President Mike Pence on January 6 a slate of illegitimate and fraudulent elector votes from Wisconsin. Accordingly, we are seeking call detail records for these Members for only four days. We have intentionally limited the time period to narrow the chance of collecting material unrelated to January 6, and these are non-content records that will not reveal the substance of any communications. Please let me know if you have any questions about this proposed investigative step.

Many thanks,
Molly

Molly Gaston
Special Counsel's Office
[redacted]

Exhibit 16

Memorandum on Limited Toll Records Subpoenas for Members of Congress, Office of the Special Counsel, U.S. Dep't of Justice (May 17, 2023)

PRODUCED TO CONGRESS BY THE DEPARTMENT OF JUSTICE

U.S. Department of Justice

Jack Smith
[redacted]

950 Pennsylvania Ave. NW
Room B-206
Washington, DC 20530

To: J.P. Cooney and Ray Hulser

From: The Election Investigation Team

Subject: Limited Toll Record Subpoenas for Members of Congress

---

Through this memorandum, we seek authorization to issue subpoenas for a limited set of toll records belonging to Members of Congress whom Donald Trump or Rudy Giuliani contacted on January 6, 2021. Our investigation suggests that Trump and Giuliani reached out to various Members in the period surrounding January 6 to ask or pressure them to delay the certification of the electoral college vote—including, in some cases, on the night of January 6, in the hour before the Congress resumed the Joint Session after the attack on the Capitol. We have ample predication to seek these records, and have selected a narrow time period to reduce the chance of capturing activity unrelated to January 6.

We intend to subpoena toll records for January 4, 2021, to January 7, 2021, for Senators Marsha Blackburn, Lindsey Graham, Bill Hagerty, Josh Hawley, Cynthia Lummis, Ron Johnson, John Kennedy, Tim Scott, Dan Sullivan, and Tommy Tuberville, and Representative Mike Kelly. We already have records indicating that Trump and Giuliani sought out many of these Members at pivotal times on January 6. Based on emails sent by Trump aide Molly Michael, Trump tried to reach Hawley and Hagerty at around 6 p.m. that evening. At 7:34 p.m., Trump adviser Boris Epshteyn sent a text message to Chief of Staff Mark Meadows indicating that Trump had asked Giuliani to place multiple calls: "Evening, Mark – POTUS asked Mayor to call these Senators, are these the correct numbers?" The text then listed Tuberville, Lummis, Kennedy, Hagerty, Blackburn, and Scott. That evening, Giuliani left Tuberville a message asking for help delaying the certification. Giuliani's toll records corroborate that Giuliani called Blackburn (6:59 p.m.); Lee (intending Tuberville at 7:02 p.m.); Hagerty (7:08 p.m.); and Sullivan (at 7:14 and 7:18 p.m.). Sullivan has reported publicly that he received a "bizarre" voicemail around this time, possibly from Giuliani, that "said something about delaying the certification."[1] Although the Select Committee's report suggests that Giuliani also tried to call Graham, we do not possess such

---

[1] *See* Mediaite, Republican Senator Confirms Giuliani Left Him 'Bizarre' Voicemail: 'I Barely Even Understood What He Was Saying', March 7, 2023, available at https://www.mediaite.com/politics/republican-senator-confirms-giuliani-left-him-bizarre-voicemail-i-barely-even-understood-what-he-was-saying/.

PRODUCED TO CONGRESS BY THE DEPARTMENT OF JUSTICE

evidence. *See* Select Committee Report at 608 n. 298 (stating that Trump "called Senator Lindsey Graham," and citing for this proposition "Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (AT&T Production, Feb. 9, 2022)." Finally, we propose subpoenaing records related to Sen. Johnson and Rep. Kelly because there is evidence that Campaign officials involved in the Electors scheme asked staff to Johnson and Kelly to accept Wisconsin's fake certificates and provide them to Vice President Mike Pence on January 6.

These records would advance our investigation in several ways. First, although in many cases, we already have some record of these calls—for instance, in Giuliani's tolls—getting the Members' records would corroborate Giuliani's tolls (which can vary in quality depending on provider) and would allow us to understand who else may have called these Members, as well as who the Members called at around the same time as they were contacted by Giuliani. With respect to Hawley and Hagerty, we do not have toll records reflecting the calls that Michael suggested Trump had placed to them. We have also subpoenaed Verizon to identify some apparent gaps in our White House switchboard records, including the Hawley and Hagerty calls, but Verizon's initial response was that there are no responsive records to our request. Finally, an important issue in our investigation is who was involved in the Electors scheme; it would be relevant and probative to our investigation if Johnson or Kelly were in phone contact with any of our Electors scheme subjects close in time to January 6.

We consulted with PIN, and PIN concurs in the subpoenas proposed.

Exhibit 17

Email from Jack Smith, Special Counsel, to Ray Hulser, Counselor to the Special Counsel, and J.P. Cooney, Deputy Special Counsel (May 17, 2023)

From: "JLSSC (JSPT)" <[redacted]@usdoj.gov>
To: "RNH (JSPT)" <[redacted]@usdoj.gov>
Cc: "JPC (JSPT)" <[redacted]@usdoj.gov>
Subject: RE: revised toll memo
Date: Wed, 17 May 2023 12:51:50 -0400
Importance: Normal

Approved

From: RNH (JSPT) <[redacted]@usdoj.gov>
Sent: Wednesday, May 17, 2023 12:50 PM
To: JLSSC (JSPT) <[redacted]@usdoj.gov>
Cc: JPC (JSPT) <[redacted]@usdoj.gov>
Subject: revised toll memo

This fills the two holes we discussed -- regarding Senators Sullivan and Graham.

Raymond Hulser
Special Counsel's Office
[redacted]

Exhibit 18

Letter from Patrick Davis, U.S. Department of Justice, to Chairman Jim Jordan (July 14, 2026)

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General *Washington, DC 20530*

The Honorable Jim Jordan
Chairman
House Judiciary Committee
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Jordan,

We write in response to the House Judiciary Committee's inquiries regarding Arctic Frost. In particular, the Department has learned that Jack Smith's team obtained some Members of Congress' text messages, which apparently were not screened by a filter team for potential privileges before being shared with his investigative team. The attached production provides additional information on this issue.

Within the context of search warrants, the Department has established guidelines on the use of filter teams to ensure the protection of privileged attorney-client communications and materials protected by the attorney work-product doctrine.[1] Filter teams might be appropriate in other non-search warrant contexts when potential privileges might be implicated. *See, e.g.*, *In re Grand Jury Subpoenas*, 454 F.3d 511, 524 (6th Cir. 2006) (discussing importance of protecting privileged communications where grand jury subpoenas were issued to third-party corporation). These teams protect the integrity of a prosecution and preserve the constitutional rights of the parties involved. Failure to adhere to sound filter team protocols can lead to the suppression of evidence or the disqualification of the prosecution team. After all, as the Supreme Court has discussed, attorney-client and work-product privileges play an essential "role in assuring the proper functioning of the criminal justice system." *United States v. Nobles*, 422 U.S. 225, 238 (1975).

As noted in the attached records, the Department established a Filter Team to evaluate materials obtained in the course of both Jack Smith's investigation relating to January 6 (referred to as "Project Coconut") and his Mar-a-Lago documents investigation (referred to as "Project Cranberry"). The Filter Team's purpose was to prevent investigators from the Special Counsel's

[1] *E.g.*, U.S. Department of Justice Filter Team Working Group, *Guidance on Attorney-Client Privilege and Attorney Work Product Filter Protocols for Search Warrants* (July 2020) (available at: https://dojnet.doj.gov/criminal/pseu/docs/Filter-Team-Guidance---Final-(July-2020).pdf); *see* Justice Manual Sec. 9-13.420.

Office and the FBI ("Investigative Team") from accessing privileged materials among the records obtained during the course of these investigations. To this end, the Filter Team's role was to review the incoming information and make privilege determinations, and after having segmented out privileged information, relay the unprivileged information to the Investigative Team. The Filter Team explained:

> Our goal is to provide as much responsive, non-privileged information to the investigative team as possible, so the Special Counsel can make well-informed decisions about whether anyone should be charged, and if so, what charges are appropriate.[2]

Additionally, the Filter Team documents state:

> Filter Team members will not be part of (or communicate with) the investigative team, with the exception of the Filter Team Coordinator. All communication to/from the Filter Team must go through the Coordinator. No materials shall be disclosed to the investigative team without approval of a filter team attorney.[3]

The Filter Team's review and coding process is described in the attached documents. Under this framework, the Filter Team reviewed several million documents. The attached records demonstrate that process, along with the Filter Team's regular meeting agendas documenting their work. As shown in those documents, that work included processing certain records obtained from NARA.

On June 2, 2023, Thomas Windom, Senior Assistant Special Counsel on the Investigative Team, emailed NARA's General Counsel, Gary Stern, seeking all text messages from October 2020 through January 20, 2021, from phones associated with a long list of White House personnel.

On Sunday, June 11, 2023, a different employee at the Justice Department sent an email to the contractor managing the Filter Team's document review software to alert them to an issue. Apparently, the software's permission settings had been set inappropriately, allowing Investigative Team members the ability to access documents the Filter Team had not yet sorted or designated for review. The email asked the contractor to adjust the settings to prevent any such access, stating that "[t]his is the top priority item right now from our end."[4]

At 12:19 p.m. on August 21, 2023, Gary Stern, the General Counsel of NARA, emailed Mr. Windom stating that NARA was producing 54 spreadsheets containing the requested White House custodians' text messages. NARA sent separate emails with a download link and password shortly thereafter. At 12:45 p.m. that day, Mr. Windom emailed several members of the Investigative Team, stating he had already downloaded the spreadsheets containing the texts

[2] *See* attached documents.
[3] *Id*.
[4] *Id*.

and asked the team to download the spreadsheets as well. By 1:02 p.m., Mr. Windom was already emailing members of the team particular texts he had copied from the production. Subsequent emails document the files being saved directly to the Special Counsel team's shared drive. Thus, the Special Counsel's Investigative Team apparently bypassed the Filter Team and directly accessed these text messages. The FBI then identified the people whose phone numbers sent or received the texts.

Among the materials, the Department has determined that Jack Smith's Investigative Team obtained text messages between White House personnel and several Senators and Representatives, including ones to and from:

1. Senator Chuck Grassley (R-IA)
2. Senator Ron Johnson (R-WI)
3. Senator John Cornyn (R-TX)
4. Senator Lindsey Graham (R-SC)
5. Senator Josh Hawley (R-MO)
6. Senator Mike Lee (R-UT)
7. Senator Cory Booker (D-NJ)
8. Senator Cindy Hyde-Smith (R-MS)
9. Senator Dan Sullivan (R-AK)
10. Senator David Perdue (R-GA)
11. Senator Lamar Alexander (R-TN)
12. Senator Martha McSally (R-AZ)
13. Senator Rand Paul (R-KY)
14. Senator Rick Scott (R-FL)
15. Senator Rob Portman (R-OH)
16. Senator Roy Blunt (R-MO)
17. Senator Susan Collins (R-ME)
18. Senator Tim Scott (R-SC)
19. Senator Tom Cotton (R-AR)
20. Senator Cory Gardner (R-CO)
21. Rep. Kevin McCarthy (R-CA
22. Rep. Steve Scalise (R-LA)
23. Rep. Jim Jordan (R-OH)
24. Rep. Devin Nunes (R-CA)
25. Rep. Adam Smith (D-WA)
26. Rep. Andy Biggs (R-AZ)
27. Rep. Mark Walker (R-NC)
28. Rep. Bryan Steil (R-WI)
29. Rep. Dan Newhouse (R-WA)
30. Rep. Doug Collins (R-GA)
31. Rep. Dusty Johnson (R-SD)
32. Rep. Elise Stefanik (R-NY)
33. Rep. John Katko (R-NY)
34. Rep. Joshua Gottheimer (D-NJ)
35. Rep. Karen Bass (D-CA)
36. Rep. Ken Buck (R-CO)
37. Rep. Lee Zeldin (R-NY)
38. Rep. Mario Diaz-Balart (R-FL)
39. Rep. Mo Brooks (R-AL)
40. Rep. Morgan Griffith (R-VA)
41. Rep. Rodney Davis (R-IL)
42. Rep. Russ Fulcher (R-ID)
43. Rep. Scott Perry (R-PA)
44. Rep. Thomas Massie (R-KY)

Although the Filter Team's procedures focused on identifying materials protected by attorney-client and attorney work-product privileges, and not ones protected by other potential privileges, the Special Counsel's Office had previously been made aware of the risk that records relating to Member communications could raise constitutional concerns and might be privileged under the Speech and Debate Clause.

As detailed in a prior disclosure, on May 17, 2023, a little over two weeks before Mr. Windom contacted NARA for text messages to and from White House personnel, the Investigative Team sought and received approval to target the toll records of several Senators and Congressmen based on the belief that they had communicated with President Trump or Rudy Giuliani regarding potentially delaying the Senate's vote to certify the election. An attorney in the Department's Public Integrity Section raised the privilege issued that day in an email sent to Mr. Windom:

> As you are aware, there is some litigation risk regarding whether compelled disclosure of toll records of a Member's legislative calls violates the Speech or Debate Clause in the D.C. Circuit. *See United States v. Rayburn House Office Building*, 497 F.3d 654, 662 (D.C. Cir. 2007 ("The bar on compelled disclosure is absolute."); *in re Grand Jury Investigation*, 587 F.2d 589, 595 (3d Cir. 1978) ("Thus, telephone calls, placed or received by [the Member] or his staff in gathering from outsiders information which is weighed in the process of deciding how to vote, in drafting legislation, and in preparing for argument, may still be privileged as to use against him, even if not as to use against third parties."); *id*. at 594 ("The caselaw is clear that a legislator asserting the invasion of the Speech or Debate Clause privilege by use of a grand jury subpoena to a third party may intervene and oppose such use.")[5]

We hope this information is useful. The Department remains committed to transparency and accountability, especially regarding the Biden administration's weaponization efforts.

Sincerely,

Patrick D. Davis
Assistant Attorney General

[5] Email from John Keller to Thomas Windom and Molly Gaston (May 17, 2023, at 10:43am) (produced to the Committee on Nov. 25, 2025).