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

DEPOSITION OF: THOMAS WINDOM

Tuesday, September 30, 2025

Washington, D.C.

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

Present: Representatives Knott and Crockett.

1     Appearances:

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5     For the COMMITTEE ON THE JUDICIARY:

6  
7     [REDACTED], GENERAL COUNSEL

8     [REDACTED], DEPUTY GENERAL COUNSEL

9     [REDACTED] CLERK

10    [REDACTED], DIGITAL DIRECTOR

11    [REDACTED], CHIEF COUNSEL FOR OVERSIGHT

12    [REDACTED], PROFESSIONAL STAFF MEMBER

13    [REDACTED], COUNSEL

14    [REDACTED], MINORITY OVERSIGHT COUNSEL

15    [REDACTED], MINORITY SPECIAL COUNSEL

16    FOR INVESTIGATIONS AND SENIOR ADVISOR

17    [REDACTED], MINORITY GENERAL COUNSEL

18    [REDACTED], MINORITY CHIEF COUNSEL AND SENIOR ADVISOR

19    [REDACTED], MINORITY FELLOW

20    [REDACTED], MINORITY LEGAL INTERN

21    [REDACTED], MINORITY COUNSEL

22    [REDACTED], MINORITY INTERN

23    [REDACTED] SENIOR COUNSEL

24    [REDACTED], MINORITY INTERN

25

1

2 For the WITNESS:

3

4 PRESTON BURTON

5 RACHEL LI WAI SUEN

6 Orrick, Herrington &amp; Sutcliffe LLP

7 2100 Pennsylvania Avenue N.W.

8 Washington, D.C. 20037

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1  
2 [REDACTED] Good morning. This is the deposition of Mr. Thomas Windom, former senior  
3 assistant special counsel. Chairman Jordan has requested this deposition as part of the committee's  
4 oversight of the Office of Special Counsel Jack Smith and the inexplicable seizure of a constitutionally  
5 elected Member of Congress' cell phone.

6 Mr. Windom previously appeared before the committee for a transcribed interview on  
7 June 12th, 2025. Due to Mr. Windom's refusal to answer numerous questions, on July 21st, 2025,  
8 the committee issued a subpoena for Mr. Windom to appear at a deposition today, September 30th.  
9 I have marked the July 21st, 2025, subpoena as exhibit No. 1.

10 [Windom Exhibit No. 1  
11 was marked for identification.]

12 [REDACTED] On September 23rd, the committee noticed today's deposition. I've marked  
13 the September 23rd notice as exhibit No. 2.

14 [Windom Exhibit No. 2  
15 was marked for identification.]

16 [REDACTED]. Would the witness please state your name for the record?  
17 The Witness. Thomas Windom.

18 [REDACTED]. Could counsel please state your name for the record?

19 Mr. Burton. Yes. Thank you, [REDACTED]  
20 Preston Burton and Rachel Li Wai Suen on behalf of Mr. Windom.

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

23 Mr. [REDACTED] [REDACTED] with Mr. Jordan's staff.

24 Ms. [REDACTED] [REDACTED], Chairman Jordan's staff.

25 Ms. [REDACTED] [REDACTED] Ranking Member Raskin's staff.

1 Mr. [REDACTED], Ranking Member Raskin's staff.

2 Mr. [REDACTED], Ranking Member Raskin's staff.

3 Ms. [REDACTED], Chairman Jordan's staff.

4 Ms. [REDACTED], Chairman Jordan's staff.

5 Ms. [REDACTED], Ranking Member Raskin's staff.

6 Mr. [REDACTED], Ranking Member Raskin's staff.

7 Ms. [REDACTED], Ranking Member Raskin's staff.

8 Ms. [REDACTED], Raskin's staff.

9 Ms. [REDACTED], Ranking Member Raskin's staff.

10 Ms. [REDACTED], Chairman Jordan's staff.

11 Ms. [REDACTED] Chairman Jordan's staff.

12 Ms. [REDACTED], Chairman Jordan's staff.

13 Mr. [REDACTED], Ranking Member Raskin's staff.

14 Ms. [REDACTED] Thank you.

15 I will now review the ground rules and guidelines that we'll follow during today's deposition.

16 The committee will conduct today's deposition in accordance with the House's regulation for  
17 the use of deposition authority. This regulation has been presented to you as part of service for the  
18 subpoena.

19 Our questioning will proceed in rounds. The majority will ask questions first for 1 hour, and  
20 then the minority will have an opportunity to ask questions for an equal period of time if they  
21 choose. There will be two staff counsel per side asking the questions. To the extent members  
22 attend and have questions for the witness, they will be propounded during their side's respective  
23 rounds.

24 The clock will stop if the witness needs to confer with counsel, when counsel for the witness  
25 is speaking, and when members are speaking during the opposite side's round. We'll alternate back

1 and forth until there are no more questions, and the deposition is over.

2 We ordinarily take a short break at the end of each hour, but if you would like to take a break  
3 apart from that, please just let us know.

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

6 Do you understand?

7 The Witness. I do.

8 [REDACTED] So the court reporter can take down a clear record, please try and speak clearly  
9 so they can understand and the people at the end of the table can hear you.

10 It's important that we do not talk over one another or interrupt each other if we can help it,  
11 and that goes for everybody present here at the deposition.

12 We want you to answer our questions in a complete and truthful manner. If you do not  
13 understand one of our questions or need clarification about what we are seeking, please just let us  
14 know. If you do not know the answer to a question or do not remember, please let us -- please tell  
15 us what you do know and remember. It is okay to tell us if you learned information from someone  
16 else; just indicate how you came to know the information.

17 If there are things you do not know or cannot remember, just say so and please inform us  
18 who, to the best of your knowledge, might be able to provide a more complete answer to the  
19 question.

20 By law, you are required to answer questions from Congress truthfully. Do you understand  
21 that?

22 Mr. Windom. I do.

23 [REDACTED] This also applies to questions posed by congressional staff in a deposition. Do  
24 you understand this?

25 Mr. Windom. I do.

1           [REDACTED] Witnesses that knowingly provide false testimony could be subject to criminal  
2 prosecution for perjury. This includes, for example, stating that you do not recall or remember  
3 something when, in fact, you do.

4           Do you understand this?

5           Mr. Windom. Yes.

6           [REDACTED] Furthermore, you cannot tell half-truths or exclude information necessary to  
7 make statements accurate. You are required to provide all information that would make your  
8 response truthful. A deliberate failure to disclose information can constitute a false statement.

9           Do you understand this?

10          Mr. Windom. Yes.

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

13          Mr. Windom. No.

14          Ms. [REDACTED] The Federal Rules of Evidence, Criminal and Civil Procedure are not applicable  
15 for today's deposition. Under the House deposition regulation, a witness' attorney may not instruct  
16 a witness to refuse to answer a question, except to preserve a privilege. The House recognizes  
17 constitutionally-based privileges and not necessarily those privileges derived from common law.

18          Finally, I will make note for here today that the content of what we discuss is confidential  
19 under the House deposition regulation. The chairman and ranking minority member shall consult  
20 before any release of testimony, transcripts, including portions thereof. This means it is a violation  
21 of House and committee rules to disclose content of the deposition prior to its official release. For  
22 this reason, the marked exhibits that we will use today will remain with the court reporter so they  
23 can go in the official transcript, and any copies of those exhibits will be returned to us when we wrap  
24 up.

25          Before we begin the first round of questions, we will afford the minority, the witness, and

1 counsel for the witness the opportunity to offer any preliminary remarks.

2 Mr. [REDACTED] I know you came previously voluntarily. So thank you for that, and we  
3 appreciate you coming to testify before our committee here today. I know last time you were  
4 probably told. I just want to make sure you're aware this is being recorded. So I just want to  
5 make you aware there's cameras recording your questions -- your answers here today but thank you.

6 Ms. [REDACTED] Mr. Burton, anything before you begin?

7 Mr. Burton. Yes, thank you.

8 I just want to say it is an honor to represent Thomas P. Windom. Mr. Windom is a former  
9 Federal prosecutor who served with distinction for more than a decade.

10 Mr. Windom, with our assistance, has in good faith cooperated with this committee. To that  
11 end, my client appeared separately for a voluntary transcribed interview before this committee on  
12 June 12th, 2025. During that voluntary interview, Mr. Windom answered questions posed by the  
13 committee for over 5 hours, declining to respond only where he and I believed that to do so would  
14 violate the law or his ethical obligations.

15 Unsatisfied, the majority has now compelled him to re-appear under subpoena and did so  
16 with a lengthy and inaccurate public letter and press release, inconsistent with its previous request  
17 that we maintain the confidentiality of the interview.

18 It is now plain that the majority is disinterested in pursuing a legitimate legislative inquiry.  
19 Majority staff, operating with no meaningful oversight or checks, have engaged in an unserious,  
20 performative exercise, convened for political theater. Majority staff have demonstrated no respect  
21 for, nor understanding of, my client's obligation to follow the laws, such as the grand secrecy  
22 rules -- grand jury secrecy rules, violations of which carry criminal sanctions. Rather, they have  
23 intentionally placed him on the horns of an impossible dilemma, forcing him to choose between  
24 risking criminal prosecution for violating grand jury secrecy rules or, alternatively, risking criminal  
25 prosecution for contempt of Congress.



1           The Department of Justice as well has abdicated its traditional role. For decades, spanning  
2 multiple Republican and Democrat administrations, Department of Justice policy has been to decline  
3 to make line prosecutors, such as my client, available for questioning by congressional committees.

4           The Department has also historically made a representative available for consultation during  
5 congressional testimony. For my client, though, the Department has abandoned these longstanding  
6 policies. The Department has disclaimed its essential role in promoting respect for the law,  
7 including, significantly, safeguarding principles of grand jury secrecy.

8           It should not go unnoticed that the Department adopted these positions only after unlawfully  
9 terminating Mr. Windom's employment and after he filed suit challenging that determination. And,  
10 of course, these events are occurring during an unprecedented political era in this country, one in  
11 which the Department and the committee are being wielded as tools to exact personal vendettas.

12           In this respect, the circumstances under which we attempted to engage with the committee  
13 on a voluntary basis and in good faith several months ago have changed dramatically. Just 10 days  
14 ago, the President publicly ordered the Attorney General of the United States to prosecute certain  
15 people he perceives as political enemies, including those he deems responsible for his criminal  
16 indictments, all of which provides important context for today's deposition.

17           My client is not obligated to respond to questions that are not pertinent to a legitimate  
18 legislative function. He is also not obligated to respond to inquiries on topics that implicate his First  
19 Amendment rights. More importantly, as the Supreme Court, the United States Supreme Court  
20 long ago recognized, a basic function of the Fifth Amendment to the United States Constitution is to  
21 protect innocent persons who otherwise might be ensnared by ambiguous circumstances.  
22 Mr. Windom is such a person, though the majority's improper motives are anything other than  
23 ambiguous.

24           Fortunately, the Constitution protects his right to decline to respond to questioning from this  
25 committee, especially questions advancing an abuse of legislative power.

1           Accordingly, and although my client has appeared today as required by law, given the present  
2           circumstances, and with great reluctance, I am advising him to invoke his constitutional right to  
3           silence, along with his obligations to follow the laws governing grand jury secrecy, and decline to  
4           respond to additional questioning by this committee.

5           Further, this inquiry lacks a legitimate legislative purpose and violates my client's First  
6           Amendment rights.

7           Mr. [REDACTED] I'll just note for the record that we've had a number of AUSAs in this Congress  
8           and, you know, recognized the boundaries of 6(e), and your client's assertion of where those  
9           boundaries are, are outside of where all the other prosecutors set them, including J.P. Cooney, a  
10          January 6th prosecutor.

11          We have a particular interest in the improper conduct of the Justice Department and the FBI  
12          with respect to the seizure of Mr. Perry's phone, and we have plenty of legitimate legislative avenues  
13          here that we are pursuing. So I'll just note for the record that your assertion that we do not have a  
14          legitimate legislative purpose is without merit.

15          And, you know, as far as the rest of your statement goes, this isn't a forum for, you know,  
16          committee staff, you know, to engage in, you know, an argumentative rebuttal of everything you  
17          said, but we do not subscribe to your statement.

18          That being said, are you saying that your client is not going to answer any questions at all  
19          today, or is it just 6(e)-related questions?

20          Mr. Burton. Pose your questions. I think, for the most part, Mr. [REDACTED], we'll be declining  
21          to respond to the questions.

22          Mr. [REDACTED] Okay. In that case, you know, when individuals come before the committee  
23          and assert their Fifth Amendment, we try to strike a balance between asking enough questions to try  
24          to understand the contours. Presumably, Mr. Windom can tell us where -- you know, when and  
25          where he worked, and, you know, we'll go from there and try to understand the contours without

1 badgering the witness.

2 Mr. Burton. I appreciate that. And, just to be completely upfront, I think, for the most  
3 part, I'll be advising him to decline to respond to your questions, but I appreciate your providing that  
4 context.

5 Mr. [REDACTED] Okay. And I'll just -- we'll start the clock in terms of the questions.

6 Ms. Crockett. Before you begin, for purposes of the record, Representative Jasmine  
7 Crockett, Texas-30, is present.

8 Mr. [REDACTED] Good morning. Welcome, Congresswoman.

9 We'll swear the witness in.

10 The Reporter. Would you please raise your right hand.

11 Do you promise and declare under penalty of perjury that the testimony you are about to give  
12 will be the truth, the whole truth, and nothing but the truth?

13 The Witness. I do.

14 The Reporter. Thank you.

15  
16 EXAMINATION

17 BY [REDACTED]:

18 Q Mr. Windom, good morning. Can you tell us about your preparation for today? How  
19 many sessions did you have with your counsel?

20 Mr. Burton. I'm going to object to that, Mr. [REDACTED] I think you're invading his privilege.

21 Mr. [REDACTED] I disagree. You know, depositions happen all the time. We're not asking  
22 about the communications that you had with your client. We're asking about the number of  
23 preparation sessions and where they occurred.

24 The Witness. I respectfully decline to respond for the reasons stated by my counsel.

25 BY [REDACTED]

1 Q So you're not willing to answer any questions about how you prepared for today?

2 A I respectfully decline to respond for the reasons stated by my counsel.

3 Q So your counsel illuminated a number of reasons why you might not respond, including I  
4 believe the First Amendment, the Fifth Amendment. Are you invoking your Fifth Amendment on  
5 the question of preparation for today?

6 A I respectfully decline to respond for all the reasons stated by my counsel.

7 Mr. Burton. And I will add I think your question invades privilege and work product with the  
8 client.

9 Mr. [REDACTED] I'm not disputing that your communications with your counsel are privileged.  
10 I'm just asking, if that's the case, to tell us, to identify those communications.

11 Mr. Burton. Can we go off the record for one moment, please?

12 Ms. [REDACTED] Yep. Off the record.

13 [Recess.]

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

15 The Witness. Can you repeat your question, please?

16 BY [REDACTED]

17 Q Yes. We're asking you about your preparation for today. Can you tell us what you  
18 did to prepare?

19 A I can tell you that I met with my counsel. Beyond that, I decline to respond for the  
20 reasons stated by my counsel.

21 Q How many meetings did you have with your counsel?

22 A I decline to respond for the reasons stated by my counsel.

23 Q And when did those meetings occur?

24 A I decline to respond for the reasons stated by my counsel.

25 Q We understand the FBI, under the direction of the Justice Department, surveilled

1 Republican Members of Congress during the summer of 2022. Did you have any involvement with  
2 that?

3 A I respectfully decline to respond for the reasons stated by my counsel.

4 Q And that the objectives of the surveillance were to determine daily patterns and identify  
5 associates of Republican Members of Congress, and this involved a case that you were working on.  
6 Can you tell us about that?

7 A I respectfully decline to respond for the reasons stated by my counsel.

8 Q And that the Republican Members of Congress were surveilled at their workplace, which  
9 is, presumably, the United States Capitol and the Rayburn House Office Building, including other  
10 office buildings. Was that something that you authorized?

11 A I respectfully decline to respond for the reasons stated by my counsel.

12 Q I understand that you worked on the election investigation against President Trump.  
13 Was this intended for the purpose of harming him politically?

14 A I respectfully decline to respond for the reasons stated by my counsel.

15 Mr. Burton. I also object to the assumption embedded in the question.

16 Mr. [REDACTED] Which assumption?

17 Mr. Burton. You stated that the investigation was to, I believe, target Mr. Trump. I believe  
18 that was your statement. If I misquoted you --

19 Mr. [REDACTED] It certainly was intended to target Mr. Trump personally -- or politically.

20 Mr. Burton. I object to your assumption embedded in your question.

21 Mr. [REDACTED]. Okay.

22 BY [REDACTED]

23 Q Was the Justice Department trying to weaken President Trump because he was the chief  
24 political rival of the then President Biden?

25 A I respectfully decline to respond for the reasons stated by my counsel.

1 Q Was the point of the investigation to affect the outcome of the 2024 Presidential  
2 election?

3 A I respectfully decline to respond for the reasons stated by my counsel.

4 Q You were a member of the special counsel's team, correct?

5 A I respectfully decline to respond for the reasons stated by my counsel.

6 Q Are you aware of any actions by anyone on the special counsel's team being motivated  
7 purely by political motivations?

8 A I respectfully decline to respond for the reasons stated by my counsel.

9 Q Did you have any involvement with the raid of the President's residence in Florida?

10 A I respectfully decline to respond for the reasons stated by my counsel.

11 Q What day did you join the special counsel's team?

12 A I respectfully decline to respond for the reasons stated by my counsel.

13 Q How long did you work at the Justice Department?

14 Mr. Burton. You can answer that.

15 The Witness. My recollection is that I was employed by the Justice Department from around  
16 February of 2013 through January -- through a date in January of 2025.

17 BY [REDACTED]

18 Q And, during your tenure with the Justice Department, where did you work?

19 Mr. Burton. You can answer through your tenure in Greenbelt.

20 The Witness. I was initially hired into the United States Attorney's Office for the District of  
21 Maryland. Beyond that, I decline to respond for the reasons stated by my counsel.

22 Mr. [REDACTED] [REDACTED]

23 BY [REDACTED]

24 Q The last time you were with us, you talked about how you were detailed to the U.S.  
25 Attorney's Office in the District of Columbia to look at investigative threads that came about from

1 various January 6th investigations, and you told us there were other prosecutors who worked with  
2 you. Who were those other prosecutors?

3 A I respectfully decline to respond for the reasons stated by my counsel.

4 Q While detailed to the USAO D.C., what investigative threads merited further  
5 investigation by you?

6 A I respectfully decline to respond for the reasons stated by my counsel.

7 Q What can you tell us about the conversations you had regarding subpoenaing the  
8 Willard Hotel?

9 A I respectfully decline to respond for the reasons stated by my counsel.

10 Q How often did you interact with ASAC Tim Thibault and his agents on the squad CR15?

11 A I respectfully decline to respond for the reasons stated by my counsel.

12 Q How many agents surveilled Representative Scott Perry in the summer of 2022?

13 A I respectfully decline to respond for the reasons stated by my counsel.

14 Q Why did the Justice Department deprive Mr. Perry of his cell phone from 9 a.m. to  
15 5 p.m., for a whole workday?

16 A I respectfully decline to respond for the reasons stated by my counsel.

17 Q Were you aware that he told FBI agents that he didn't even know his chief of staff's  
18 number and would need his cell phone in order to contact him?

19 A I respectfully decline to respond for the reasons stated by my counsel.

20 Q How many other Members of Congress were investigated as part of the Arctic Frost  
21 investigation and Jack Smith investigation?

22 A I respectfully decline to respond for the reasons stated by my counsel.

23 Q Were there any other records of Members of Congress that were swept up by a legal  
24 process in your investigation?

25 A I respectfully decline to respond for the reasons stated by my counsel.

1 Q In the special counsel's report, it talks about evidence from congressional staff. Were  
2 those congressional staff connected only to Congressman Perry?

3 A I respectfully decline to respond for the reasons stated by my counsel.

4 Q Why did the investigators as part of Arctic Frost and prosecutors at the U.S. Attorney's  
5 Office in D.C. seize President Trump's and Vice President Pence's cell phones?

6 A I respectfully decline to respond for the reasons stated by my counsel.

7 Q Can you tell us about your interactions with the January 6th Committee?

8 A I respectfully decline to respond for the reasons stated by my counsel.

9 Q Why did the Justice Department need transcripts from the January 6th Committee?

10 A I respectfully decline to respond for the reasons stated by my counsel.

11 Q As part of your investigation, how many confidential human sources for the FBI did you  
12 talk to?

13 A I respectfully decline to respond for the reasons stated by my counsel.

14 Mr. [REDACTED] That will conclude our first round.

15 Mr. [REDACTED] [REDACTED]

16 Mr. [REDACTED] [REDACTED]

17 Mr. [REDACTED] [REDACTED] [REDACTED]

18 [Recess.]

19 Mr. [REDACTED] We can go back on the record at 10:32 a.m. I'll turn it over to the majority  
20 for a second.

21 Ms. [REDACTED] During the first hour, we had a member of the majority come join us from the  
22 committee. I'll have him introduce himself for the record.

23 Mr. Knott. Brad Knott, North Carolina-13.

24 Mr. [REDACTED] Thank you.

25 So we'll start our hour.



1 Just to reintroduce myself, I'm [REDACTED] I'm with the minority, working with  
2 Ranking Member Raskin.

3 Before I get into any questions I may have, I'm going to put a few documents on the record.  
4 Starting with exhibit 3, which will be a press release of an OIG report related to January 6th  
5 confidential sources. I'll hand those out now to the parties.

6 [Windom Exhibit No. 3  
7 was marked for identification.]

8 Mr. [REDACTED] Exhibit 4 will be a document related to FBI agents at the Capitol that was  
9 produced to this committee by the FBI.

10 [Windom Exhibit No. 4  
11 was marked for identification.]

12 Mr. [REDACTED] Exhibit 5 will be a tweet from the January 6th Select Committee related to FBI  
13 agents deployed to the Capitol on January 6th.

14 [Windom Exhibit No. 5  
15 was marked for identification.]

16 Mr. [REDACTED] Exhibit 6 will be a Truth Social post by President Trump directed at Attorney  
17 General Pam Bondi.

18 [Windom Exhibit No. 6  
19 was marked for identification.]

20 Mr. [REDACTED]. And exhibit 7 will be a New York Times article related to President Trump  
21 firing prosecutors that worked on investigations against him.

22 [Windom Exhibit No. 7  
23 was marked for identification.]

24 Mr. [REDACTED] And I'll give my co-counsel a second to get those to the parties before we get  
25 started.

1 I just want to note, I said "the January 6th Select Committee." I meant the select  
2 subcommittee. I just want to note that for the record.

3 I want to go back to something during the opening. I want to direct these questions to  
4 counsel for Mr. Windom. Can you give us an overview of the authorization letters, if you remember  
5 or if you have that handy, that you received from the Department of Justice related to Mr. Windom's  
6 testimony before the committee?

7 Mr. Burton. I can. My recollection, Mr. [REDACTED], is that, prior to the June 12th  
8 transcribed voluntary interview, we received an authorization letter. I believe that was entered into  
9 the record during that testimony. I do not have perfect recall of it, but one of the -- there was a  
10 dispute over the scope of the authorization letter. The letter did instruct Mr. Windom that he was  
11 not authorized to violate court orders, Rule 6(e), which is the grand jury secrecy rules, and other  
12 laws.

13 Subsequent to this committee's issuance of its subpoena I believe in July, we received on  
14 September 4th a followup authorization letter, and it repeated -- it provided additional commentary  
15 on scope, repeated the admonition that Mr. Windom is not authorized to violate Rule 6(e).

16 The Department declined to respond to our request for its position on certain rule -- certain  
17 topics that arose previously and that, in our judgment, implicated Rule 6(e).

18 And the Department also advised us that it would not have a representative present for  
19 consultation outside the deposition today.

20 Mr. [REDACTED]. Thank you.

21 Just to make it clear, when you're saying 6(e), that's in reference to Federal Rules of Criminal  
22 Procedure 6(e). Is that correct?

23 Mr. Burton. That is correct.

24 Mr. [REDACTED]. And that rule prevents or prohibits Mr. Windom from sharing any  
25 information related to the grand jury investigation of relevance here for this committee. Is that

1 correct?

2 Mr. Burton. I think that the concept is a little -- there's a little more to what the rule states.  
3 I don't have it memorized, but, broadly speaking, Rule 6(e) precludes Department of Justice officials  
4 and certain other individuals from disclosing matters occurring before the grand jury. What that  
5 term means has been disputed here, but in our judgment, that is broadly defined by the courts,  
6 particularly the Federal courts in the District of Columbia, which is the pertinent court for these  
7 proceedings.

8 Mr. [REDACTED]. And, just to put a pin on this point, the DOJ authorization letter from  
9 September prohibits Mr. Windom from sharing information or testifying about information that falls  
10 under Rule 6(e) of the Federal Rules of Criminal Procedure. Is that correct?

11 Mr. Burton. That is correct. We'll be happy to furnish you with a copy of that letter.  
12 After we conclude today, I'm happy to send that to you.

13 Mr. [REDACTED]. Thank you. Thank you.

14 You also talked a little bit in your opening about Mr. Windom's time of employment at DOJ.

15 BY [REDACTED]

16 Q Look, I understand that counsel has advised you to assert your Fifth Amendment here,  
17 and so I'm going to ask the question just to understand the scope of the answers you can provide.  
18 Can you let us know when was your last day with the Department of Justice?

19 Mr. Burton. I would repeat the instruction.

20 The Witness. I respectfully decline to respond for the reasons stated by my counsel.

21 BY [REDACTED]

22 Q Understood.

23 So, Mr. Windom, you have chosen to follow your counsel's advice and assert your Fifth  
24 Amendment privilege today, which is your right under our Constitution. In doing so, you're refusing  
25 to answer any question asked of you during this deposition. So that means, no matter what I ask,

1     however unfair or presumptive, you're required -- or it seems like you're going to say the same  
2     answer that your attorney has advised you to give.   Is that correct?

3             Mr. Burton.   He will follow my advice.   I don't know if we would necessarily agree with all  
4     of your characterizations.

5             Mr. [REDACTED].   Okay.   So, no matter what question I'm going to ask, he's going to follow  
6     your instructions on how to answer that question.   Is that fair to say?

7             Mr. Burton.   Certainly with respect to what I understand is the stated purpose of this  
8     inquiry.

9             Mr. [REDACTED].   Okay.   Thank you.

10            [REDACTED]  
11            Q     So let's start with exhibit 3, which we provided at the beginning of our hour, which is the  
12     OIG January 6th confidential sources press release.

13            So this is dated December 12th, 2024, and in this document, DOJ concludes, and this is a  
14     quote, "that we found no evidence in the materials we reviewed or the testimony we received  
15     showing or suggesting that the FBI had undercover employees in the various protest crowds or at the  
16     Capitol on January 6th," end quote.

17            So, Mr. Windom, would you be willing to answer or able to answer any questions about FBI  
18     agents that were deployed to the Capitol on January 6th?

19            Mr. Burton.   Same instruction.

20            The Witness.   I respectfully decline to respond for the reasons stated by my counsel.

21            BY MR. [REDACTED]

22            Q     And so, also, are you aware of testimony from FBI Director Christopher Wray before the  
23     House Oversight Committee on June 15th of 2021, which was held to actually examine the January  
24     6th attack on the U.S. Capitol, where Director Wray said, and this is a quote, "In response to requests  
25     from the U.S. Capitol Police, the FBI immediately deployed additional assistance," end quote, to help

1 secure the Capitol.

2 If I were to ask questions about that testimony, would you be able to answer questions about  
3 the FBI deployment to the Capitol?

4 Mr. Burton. Same instruction.

5 The Witness. I respectfully decline to respond for the reasons stated by my counsel.

6 BY [REDACTED]

7 Q I'm now going to direct you to exhibit 4, which is a document that was produced to this  
8 committee by the FBI. So, if I directed you to this document, which was produced to this  
9 committee, and asked whether this document makes it abundantly clear that 274 FBI agents  
10 responded to the Capitol on January 6th to respond to bomb threats, as well as help secure the  
11 inside of the Capitol, you wouldn't answer that question as well. Is that correct?

12 A I respectfully decline to respond for the reasons stated by my counsel.

13 Q Okay.

14 I would direct you to exhibit 5, which is a tweet from the January 6th Select Subcommittee.  
15 If I asked you, for example, about this outlandish claim that it somehow knew that the FBI deployed  
16 agents to the Capitol on January 6th, as though it was new information that Federal law enforcement  
17 deployed to secure the Capitol Grounds that was being overrun by a violent mob of rioters, you  
18 would give the same answer. Is that correct?

19 A For the reasons stated by my counsel, I respectfully decline to respond.

20 Q If I asked you whether it appears to you that President Trump is trying to turn the  
21 Department of Justice into his personal vengeance squad and is waging an unprecedented and  
22 lawless campaign against his perceived political enemies, would you provide the same answer that  
23 you've given to my other questions?

24 A I respectfully decline to respond for the reasons stated by my counsel.

25 Q I'd like to direct you to exhibit 6, which is a Truth Social post from President Trump. If I

1 showed you this Truth Social post in which President Trump demanded that his Attorney General  
2 prosecute his political rivals, in quote, all caps "NOW," end quote, with three exclamation points,  
3 calling them, quote, "guilty as hell," end quote, and I asked you whether that shows a President  
4 determined to use the historically apolitical Justice Department to exact personal revenge, you would  
5 give the same answer, wouldn't you?

6 A I respectfully decline to respond for the reasons stated by my counsel.

7 Ms. Crockett. Can I jump in really quickly.

8 Mr. [REDACTED] Yes, please.

9 Ms. Crockett. Out of curiosity, you stated that you started at the DOJ back in 2013, I believe,  
10 and you were there until approximately January of 2025. Speaking very generally as someone who  
11 obviously has experience at the DOJ, historically, have you ever known the DOJ to operate solely at  
12 the discretion or to be directed by the executive, a.k.a. the President, just generally speaking, not  
13 necessarily speaking about this particular post or anything else?

14 The Witness. I respectfully decline to respond for the reasons stated by my counsel.

15 Ms. Crockett. Go ahead.

16 Mr. [REDACTED] Thank you.

17 BY [REDACTED]

18 Q I'll direct you to exhibit 7 now, which is the New York Times article about President  
19 Trump firing prosecutors that worked on the investigation against him. If I asked you about  
20 President Trump firing career prosecutors for working on these criminal investigations that were into  
21 him, into President Trump, and how President Trump emptied out the Public Integrity Section, which  
22 is responsible for prosecuting public corruption, and whether that made it clear this President has no  
23 respect for the independence of the Department of Justice or the rule of law, would you give the  
24 same answer?

25 A I respectfully decline to respond for the reasons stated by my counsel.

1 Q What if I asked you whether it was appropriate for political leadership of the  
2 Department of Justice and FBI to protect the President's lieutenant by killing an investigation  
3 into -- an investigation and burying the records of the, quote, border czar Tom Homan taking \$50,000  
4 cash bribes in exchange for promising to deliver Federal contracts to undercover FBI agents that were  
5 posing as businessmen, would you give the same answer?

6 A I respectfully decline to respond for the reasons stated by my counsel.

7 Ms. Crockett. Would you define "conspiracy" as being completed once an agreement is  
8 made?

9 The Witness. I respectfully decline to respond for the reasons stated by my counsel.

10 BY [REDACTED]

11 Q Are you able to discuss President Trump's pattern of protecting his friends, which seems  
12 to include blocking the release of critical documents about Jeffrey Epstein's potential co-conspirators,  
13 including documents about Mr. Epstein's relationship to President Trump? Would you answer  
14 questions about that?

15 A I respectfully decline to respond for the reasons stated by my counsel.

16 Q Do you know why President Trump is so laser-focused on only settling his own personal  
17 grudges, protecting his corrupt buddies, and not taking care of keeping American families safe and  
18 free? Are you willing to answer any questions about that?

19 A I respectfully decline to respond for the reasons stated by my counsel.

20 Q And, look, I understand that you worked on the special counsel's report. Are you able  
21 to discuss why the Trump Department of Justice is refusing to release volume two of the special  
22 counsel's report so that the President can continue to hide his crimes from the American public?

23 A I respectfully decline to respond for the reasons stated by my counsel.

24 Mr. [REDACTED] Mr. Windom, thank you. We don't have any additional questions for you.  
25 However, we do have several notes for the record.

1           It's not surprising that you're invoking your Fifth Amendment privilege today in response to  
2 the questions asked of you. This congressional investigation is a clear effort to manufacture  
3 purported misconduct by the Special Counsel's Office. Moreover, the Federal Rules of Criminal  
4 Procedure make it clear that you could face consequences if you were to inadvertently share  
5 protected material under Rule 6(e).

6           If our committee truly cared about weaponization of the Department of Justice, we would be  
7 investigating all the ways the Department is unleashing state power to go after the President's  
8 personal grudges, an unprecedented campaign that attacks the foundational principles of equal and  
9 partial justice in America. Instead, the majority continues to distract from the creeping  
10 authoritarianism that we're seeing from this administration.

11           So, in closing, I would just say that we appreciate the work that you did as a career prosecutor  
12 for the Department of Justice and will continue to fight for our democracy, which is fragile but  
13 durable, and also the rule of law. Thank you for being here.

14           And we'll go off the record with that.

15           Mr. [REDACTED] We'll go back on the record. It's 10:49.

16           BY [REDACTED]

17           Q    Mr. Windom, you're objecting to our questions on a sort of a potpourri of reasons,  
18 including the fact that you believe we do not have a legitimate legislative purpose. Now, you may  
19 not like our legislative purpose, but it's not a proper objection to decline to answer questions  
20 because you believe or your counsel believes we don't have a legitimate legislative purpose.

21           And so we're going to ask you to state your objections with specificity. If you're objecting to  
22 our questions based on preserving a privilege, such as a Fifth Amendment privilege, we're going to  
23 ask you to cite that with specificity so we can understand the nature of your refusal to answer.

24           Do you understand that?

25           Mr. Burton. I understand your position.



1 BY [REDACTED]

2 Q Also, to the extent that you have answered our questions before and have not invoked  
3 the Fifth Amendment, you know, there is a fair basis to conclude that, with respect to those  
4 questions, the Fifth Amendment has, in fact, been waived. So, you know, we expect that, as it  
5 relates to questions we've asked before and you testified to before, that a Fifth Amendment  
6 objection is not proper.

7 Mr. Burton. I don't understand your point, [REDACTED] I don't believe he's waived  
8 anything, but, to be clear, I have advised him to invoke his constitutional right to silence. There are  
9 other rights and issues, including grand jury secrecy. We do believe he's not obligated to respond  
10 to things that are inconsistent with a legitimate legislative purpose, but the foundation of his decision  
11 to decline to answer is his constitutional right to silence embodied in the Fifth Amendment.

12 Does that help you?

13 Mr. [REDACTED] Okay. And we would just ask him to cite that with specificity to our questions,  
14 as opposed to -- you know, the statement that he's been providing is sort of -- you know, referred to  
15 a series of objections, a series of reasons.

16 Mr. Burton. I appreciate that. I think the series of reasons is a valid objection. You and I  
17 won't agree on that, but one of the reasons is his constitutional right to silence, and that applies to all  
18 of them.

19 BY [REDACTED]

20 Q Mr. Windom, what positions did you hold at the Department of Justice during your  
21 tenure there?

22 A I respectfully decline to respond for all of the reasons cited by my counsel.

23 Q And is part of your reason that you're asserting your Fifth Amendment right against  
24 self-incrimination?

25 A I respectfully decline to respond for all of the reasons cited by my counsel.

1 Q And, again, we're going to ask you with specificity to select, you know, one of these, one  
2 of the reasons for the objection. Is this a Fifth Amendment assertion you're making here?

3 A I respectfully decline to respond for all of the reasons cited by my counsel.

4 Q You testified in June about details that you participated in while at the Justice  
5 Department. You stated the first detail was to the United States Attorney's Office for the District of  
6 Columbia. When did that detail begin?

7 A I respectfully decline to respond for the reasons stated by my counsel.

8 Q You answered that question in June: "Approximately the beginning of November, kind  
9 of middle of November, maybe of 2021."

10 The question is, were you asked to go on that detail, or did you seek out the opportunity?

11 A I respectfully decline to respond for the reasons stated by my counsel.

12 Q Now, your Fifth Amendment concerns here, are you concerned that you're going to be  
13 prosecuted for contempt of Congress, or are you concerned that the Justice Department is going to  
14 prosecute you for violating 6(e) on that question?

15 A I respectfully decline to respond for the reasons stated by my counsel.

16 Q Who asked you to go on that detail that I just asked you about?

17 A I respectfully decline to respond for the reasons stated by my counsel.

18 Q You testified in June that the initial person that spoke to you about that opportunity was  
19 an individual named Rush Atkinson in the Office of the Deputy Attorney General. Who is  
20 Mr. Atkinson?

21 A I respectfully decline to respond for the reasons stated by my counsel.

22 Q And I'm just having a hard time understanding what the concern is with answering a  
23 question such as like who is Rush Atkinson. I mean, that's not going to get you in trouble with Judge  
24 Boasberg for violating 6(e). You know, answering such an anodyne question like that, it's hard for  
25 us to understand how that implicates your Fifth Amendment, certainly when you have testified about

1 topics like this before?

2 A I respectfully decline to respond for the reasons stated by my counsel.

3 Mr. Burton. I will also add, [REDACTED] I appreciate your observations about the application  
4 of the privilege.

5 President Trump's directives to the Attorney General, which minority counsel entered into  
6 the record, a statement by -- statements by the Department's Weaponization Working Group to  
7 target individuals involved in any of the investigations that led to the President's indictments, as well  
8 as this committee's own suggestions that the special counsel investigations were somehow illegal,  
9 engaged in improper conduct, all provide sound bases to advise Mr. Windom to invoke his  
10 constitutional right to silence and decline to respond to questions about any of these matters.

11 [REDACTED] Okay. So is it fair to say that the basis for the declination here is the Fifth  
12 Amendment right against self-incrimination?

13 Mr. Burton. That is underscoring all of the issues. There are other objections that I stated  
14 in the outset that apply to some of them.

15 Mr. [REDACTED] The only proper objection, though, is one to preserve a privilege, such as a  
16 constitutionally-based privilege, not one about legitimate legislative purpose. Under the deposition  
17 rules, your client, the witness, is still required to answer those questions.

18 Mr. Burton. I think the privilege of his right to remain silent applies to all of them.

19 Mr. [REDACTED] Okay.

20 Mr. Burton. So.

21 BY [REDACTED]

22 Q There's is another individual you identified in June by the name of Chris Cavanaugh.  
23 Who is Mr. Cavanaugh?

24 A I respectfully decline to respond for the reasons stated by my counsel.

25 Q You testified you had conversations with Mr. Atkinson and Mr. Cavanaugh before your

1 detail began at the United States Attorney's Office for the District of Columbia. Were those the only  
2 conversations you had with Justice Department officials prior to your detail beginning?

3 A I respectfully decline to respond for the reasons stated by my counsel.

4 Q And what was the purpose of the detail in November 2021?

5 A I respectfully decline to respond for the reasons stated by my counsel.

6 Q And, at the time, was an investigation ongoing in November of 2021 when you joined  
7 the detail?

8 A I respectfully decline to respond for the reasons stated by my counsel.

9 Q Was the focus of the investigation on the events that occurred on January 6th, 2021, or  
10 was it the 2020 election?

11 A I respectfully decline to respond for the reasons stated by my counsel.

12 Q And you said that you began a series of details in the fall of 2021. So we have the one  
13 that began in November of 2021 that you testified about. What was the next detail?

14 A I respectfully decline to respond for the reasons stated by my counsel.

15 Q And did you ask to be detailed to the Special Counsel's Office, or did someone ask you?

16 A I respectfully decline to respond for the reasons stated by my counsel.

17 Q And, for that detail, you indicated that you spoke to Mr. J.P. Cooney, who was in the  
18 United States Attorney's Office for the District of Columbia. Did you speak with anyone else about  
19 that opportunity before accepting it?

20 A I respectfully decline to respond for the reasons stated by my counsel.

21 Q When you began your detail at the United States Attorney's Office for D.C. in November  
22 of 2021, who was the U.S. attorney at the time?

23 A I respectfully decline to respond for the reasons stated by my counsel.

24 Q So testifying that Matt Graves was the U.S. attorney in November 2021 is something  
25 that you can't answer here?

1 A I respectfully decline to respond for the reasons stated by my counsel.

2 Q Even though you testified in June that Matt Graves was the United States attorney at  
3 that time?

4 A I respectfully decline to respond for the reasons stated by my counsel.

5 Q And had you ever worked with Mr. Graves before?

6 A I respectfully decline to respond for the reasons stated by my counsel.

7 Q You testified that when you arrived at the U.S. Attorney's Office for the District of  
8 Columbia on detail that there had been investigative information that was developed as part of an  
9 ongoing criminal investigation. What was the nature of that investigation?

10 A I respectfully decline to respond for the reasons stated by my counsel.

11 Mr. [REDACTED] Can we go off the record?

12 [Discussion held off the record.]

13 Mr. [REDACTED] We're back on the record.

14 BY [REDACTED]

15 Q Mr. Windom, did you receive a letter of authorization for today's testimony from the  
16 Justice Department?

17 Mr. Burton. I received a letter. I don't know that Mr. Windom did.

18 BY [REDACTED]

19 Q Are you aware of the Justice Department sending a letter authorizing your testimony  
20 today?

21 Mr. Burton. Without waiving privilege, you can answer.

22 The Witness. I'm aware that a letter was sent from the Department of Justice to my  
23 counsel. Beyond that, I wouldn't be able to say, and I would --

24 BY [REDACTED]

25 Q Did you read the letter?

1 A -- and I would respectfully decline to respond for the reasons stated by my counsel.

2 Q Before you appeared in June, did the Justice Department send you an authorization  
3 letter for your testimony?

4 Mr. Burton. That's reflected in correspondence with the committee. I think you know the  
5 answer to that question.

6 Mr. [REDACTED] Right, but I'm asking him on the record here in the deposition.

7 The Witness. I think I can give you a similar answer. I'm aware that a letter was sent from  
8 the Department to my counsel, and beyond that, I respectfully decline to respond for the reasons  
9 stated by my counsel.

10 BY [REDACTED]

11 Q Did you read the June authorization letter?

12 A I respectfully decline to respond for the reasons stated by my counsel.

13 Q How many authorization letters did you get from the Justice Department? Just those  
14 two?

15 A I respectfully decline to respond for the reasons stated by my counsel.

16 Q Who is John Crabb?

17 A I respectfully decline to respond for the reasons stated by my counsel.

18 Q Did you have any in-person meetings with Attorney General Garland?

19 A I respectfully decline to respond for the reasons stated by my counsel.

20 Q Any in-person meetings with Special Counsel Jack Smith?

21 A I respectfully decline to respond for the reasons stated by my counsel.

22 Q Where are you currently working?

23 A I respectfully decline to respond for the reasons stated by my counsel.

24 Q Are you currently working as a lawyer?

25 A I respectfully decline to respond for the reasons stated by my counsel.

1 Q You testified today about your service at the U.S. Justice Department as a U.S. attorney  
2 out of the Greenbelt office. Is that correct?

3 A I believe what I said, and the transcript will reflect this, is that I initially was hired into  
4 the Department of Justice into the United States Attorney's Office for the District of Maryland.

5 Q Okay. And you were working out of the Greenbelt office?

6 A Principally.

7 Q And for what years were you in the U.S. Attorney's Office in Greenbelt, the District of  
8 Maryland?

9 A I believe that what I testified to earlier was that I was hired into the Department, my  
10 recollection is, around February of 2013, and then my time in the Department concluded on a day in  
11 January of 2025.

12 Q And how long were you in Greenbelt? Was Greenbelt your only office that you worked  
13 in, in the District of Maryland, or were there other offices?

14 A I respectfully decline to respond for the reasons stated by my counsel.

15 Q When you were hired in February of 2013, who was the U.S. Attorney for the District of  
16 Maryland?

17 A When I was hired and began duty in February of 2013, the United States Attorney for  
18 the District of Maryland was Rod Rosenstein.

19 Q And who succeeded Mr. Rosenstein as the U.S. Attorney in the District of Maryland  
20 while you were in the office?

21 Mr. Burton. You're not going to back into other questions this way.

22 I'll instruct you to assert.

23 The Witness. I respectfully decline to respond for the reasons stated by my counsel?

24 Mr. [REDACTED] Okay. I mean, I'm not trying to -- Mr. Burton, I'm not -- you know, I'm not  
25 trying to -- I'm trying to understand the contours of this assertion. I mean, identifying who the U.S.

- 1 Attorney was in the District of Maryland I don't think is a question that ought to invoke the Fifth
- 2 Amendment when he said that he can talk about things up until his -- you know, he left Greenbelt.



1 [11:12 a.m.]

2 Mr. Burton. I appreciate your perspective on the issue. You're mostly reading passages  
3 from a voluntary separate proceeding earlier this year, and he's going to give you the same answers,  
4 Mr. Castor.

5 Mr. [REDACTED]. Can you tell us who the U.S. attorney was in the District of Maryland in 2021  
6 before you moved to the D.C. U.S. Attorney's Office?

7 Mr. Burton. Objection, same instruction.

8 The Witness. I respectfully decline to respond for the reasons stated by my counsel.

9 BY [REDACTED]

10 Q Who is Steven D'Antuono?

11 A I respectfully decline to respond for the reasons stated by my counsel.

12 Q Have you had any communications with reporters for The Washington Post?

13 A I respectfully decline to respond for the reasons stated by my counsel.

14 Q Have you had any communications with reporters for other news outlets?

15 A I respectfully decline to respond for the reasons stated by my counsel.

16 Mr. [REDACTED] With that, we'll conclude our second round. Go off the record.

17 [Discussion off the record.]

18 Mr. [REDACTED] Let's go back on the record and conclude it. Go back on the record.

19 Mr. Windom is declining to answer virtually all the questions we're propounding here today,  
20 except for one question about working in the Greenbelt office of the U.S. Attorney's Office of the  
21 District of Maryland. He's asserted the Fifth Amendment as a reason not to answer our questions.  
22 With that, we are going to conclude today's deposition. Thank you for being here today.

23 Mr. [REDACTED] [REDACTED] I believe there were several objections made. I would defer to  
24 counsel, but my understanding is that there were several bases made, including the Fifth  
25 Amendment.

1           Mr. Burton. Yes. I just wanted to put on the record, again, as counsel for the majority  
2 noted, we provided objections based on several bases for the questions being improper, and all of  
3 them, including his right to silence, on the basis for our instruction.

4           Ms. Crockett. I'll add that while the majority may not agree with counsel and the witness,  
5 just so that we are clear on the record about the current political environment that we find ourselves  
6 in, we just saw just less than a week ago, only a few days ago, that James Comey was indicted and  
7 was indicted for lying to Congress.

8           By all accounts, this is a weak case that looks like an overly aggressive and rogue government  
9 going after anyone who is a perceived enemy. Perceived enemies have been laid out, as it relates  
10 to this President, as anyone who was actually following the law and doing what they were instructed  
11 to do, which was to follow evidence. And so anyone that was engaged in any investigations has  
12 now been targeted.

13           We know that, besides Comey, that there has been a raid on someone's home who was  
14 perceived as a political enemy. We know that the President just ordered the firing of a U.S.  
15 attorney who refused to indict Letitia James, who he perceives to be a political enemy.

16           So as far as I'm concerned, as the majority has gone through this process, they are simply  
17 seeking out a list of enemies to go after, because it seems like this Department of Justice, this  
18 Attorney General are not interested in seeking and following their oath, which is to seek justice, not  
19 convictions.

20           And so I appreciate the difference in opinions as relates to which privileges should be  
21 recognized or acknowledged, but I do appreciate what counsel has instructed his witness to do  
22 simply because we know that, unfortunately, the law has been twisted in a perverse way in which we  
23 are not used to seeing.

24           Mr. Burton. Thank you.

25           I was just going to ask, I have a copy to enter as an exhibit, which I believe would be 8, just of

1 the statement that I read at the outset. I don't know who I tender that to for these purposes.

2 Thank you, Congresswoman.

3 [Windom Exhibit No. 8

4 was marked for identification.]

5 Mr. [REDACTED] We'll go off the record.

6 [Whereupon, at 11:19 a.m., the deposition was adjourned.]

Certificate of Deponent/Interviewee

I have read the foregoing \_\_\_\_ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

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Witness Name

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Date