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

INTERVIEW OF: J. BRIAN BURNETT

Thursday, June 25, 2026

Washington, D.C.

The interview in the above matter was held in room 2237, Rayburn House Office Building,
commencing at 10:28 a.m.

1 Appearances:

2

3

4 For the COMMITTEE ON THE JUDICIARY:

5

6 [REDACTED], INTERN

7 [REDACTED], DEPUTY GENERAL COUNSEL

8 [REDACTED], PROFESSIONAL STAFF MEMBER

9 [REDACTED], DIGITAL DIRECTOR

10 [REDACTED], CHIEF COUNSEL FOR OVERSIGHT

11 [REDACTED], COUNSEL

12 [REDACTED], RESEARCH ASSISTANT

13 [REDACTED], MINORITY LEGAL INTERN

14 [REDACTED], MINORITY FELLOW

15 [REDACTED] MINORITY CHIEF COUNSEL AND SENIOR ADVISOR

16 [REDACTED], MINORITY FELLOW

17 [REDACTED], MINORITY LEGAL CLERK

18 [REDACTED], MINORITY LEGAL INTERN

19 [REDACTED], MINORITY SENIOR COUNSEL

20

21

22 For J. BRIAN BURNETT:

23

24 STEVEN H. COOK, ESQ.

25 Law Office of Steven H. Cook

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

2 Good morning. This is a transcribed interview of Mr. James Brian Burnett, formerly with the
3 Justice Department's Office of Inspector General.

4 Chairman Jordan has requested this interview as part of the committee's oversight of Special
5 Counsel Jack Smith's office and the preceding investigation.

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

7 Mr. Burnett. Brian Burnett.

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

11 Mr. Burnett. Correct.

12 [REDACTED]: Could counsel please state your name for the record?

13 Mr. Cook. It's Steven H. Cook, S-t-e-v-e-n, middle initial "H" like "hotel," last name Cook,
14 C-o-o-k.

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

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

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

20 [REDACTED]: [REDACTED], Ranking Member Raskin's staff.

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

22 [REDACTED]: [REDACTED], Ranking Member Raskin's staff.

23 [REDACTED]: [REDACTED], Ranking Member Raskin's staff.

24 [REDACTED]: [REDACTED], Ranking Member Raskin's staff.

25 [REDACTED]: [REDACTED], Ranking Member Raskin's staff.

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

2 [REDACTED]: [REDACTED], with Chairman Jordan.

3 [REDACTED]: [REDACTED], Chairman Jordan.

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

5 [REDACTED]: Thanks.

6 I'll now go over the ground rules and guidelines that we'll follow during today's interview.

7 Our questioning will proceed in rounds. The majority will ask questions first for 1 hour, and
8 then the minority have an opportunity to ask questions for an equal period of time if they choose.

9 We'll alternate back and forth until there are no more questions and the interview is over.

10 Typically, we take a short break at the end of each hour, but if you'd like to take a break apart
11 from that, please just let us know.

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

14 Mr. Burnett. Yes.

15 [REDACTED]: There is also an official committee videographer video-recording the interview
16 as well, as you'll see.

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

20 Please try and speak clearly so the court reporter can understand and so the folks down at
21 the end of the table can hear you.

22 It is important that we don't talk over one another or interrupt each other if we can help it.
23 That goes for everybody present at today's interview.

24 We want you to answer our questions in the most complete and truthful manner as possible,
25 so we'll take our time.

1 If you have any questions or if you do not understand one of our questions, please just let us
2 know. Our questions will cover a wide range of topics, so if you need clarification at any point,
3 please just say so.

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

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

9 You should also understand that, by law, you are required to answer questions from Congress
10 truthfully. Do you understand that.

11 Mr. Burnett. Yes.

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

14 Mr. Burnett. Yes.

15 [REDACTED]: Witnesses that knowingly provide false testimony could be subject to criminal
16 prosecution for making false statements under 18 U.S.C., section 1001.

17 Do you understand this?

18 Mr. Burnett. Yes.

19 [REDACTED]: Is there any reason you are unable to provide truthful answers to today's
20 questions?

21 Mr. Burnett. No.

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

25 For the same reason, the marked exhibits that we will use today will remain with the court

1 reporters so they can go in the official transcript, and any copies of those exhibits will be collected
2 when we wrap up.

3 That is the end of my preamble.

4 Is there anything that my colleagues from the minority would like to add?

5 [REDACTED]: Nothing from us.

6 Thank you, again, for being here.

7 [REDACTED]: Mr. Cook, do you have anything before we start?

8 Mr. Cook. No. Just very briefly, I have advised my client just -- it's a little bit redundant to
9 some of the things you said -- I have advised him to avoid guessing. The committee, of course, I
10 understand, is interested in facts, not speculation, not guessing. And I have instructed him to stay
11 focused on what he knows, not what he might speculate about or guess.

12 And I've also instructed him, as you've just suggested, that if he doesn't remember
13 something, he should say that, that he doesn't remember, and, again, not guess or speculate.

14 It is a voluntary appearance. He is eager to assist the committee. And, despite that, I think
15 I've alerted everybody to the fact that he had very limited involvement. But, again, he's happy to
16 be here.

17 And then the only other thing I would say -- I mentioned to you all before everybody got
18 here -- I suffer from lower-back problems, and if it's not going to be too disruptive, I may stand up
19 from time to time. Part of getting old. You all don't appreciate that yet, but it's coming.

20 [REDACTED]: It's already here for me.

21 Mr. Cook. Okay.

22 That's all I have. Thank you.

23 [REDACTED]: Okay. Great. Thank you, Mr. Cook.

24 The clock now reads 10:34 a.m. I'm going to turn it over to my colleague [REDACTED] to start
25 the first hour of questioning.

EXAMINATION

1

2 [REDACTED]:

3 Q Let's start by walking through your professional background.

4 Can you tell me when you joined the Department of Justice and what positions you've held?

5 A I joined DOJ OIG August of 2009. I worked there for a little over 15 years before I

6 retired on November 15th of 2024. And there I held the title of special agent and then senior

7 special agent till the end of my career.

8 [REDACTED]: And who was the Inspector General during your tenure there?

9 Mr. Burnett. Michael Horowitz.

10 [REDACTED]:

11 Q To your knowledge, why was the DOJ OIG involved in the investigation into

12 President Trump, his campaign, or anything related to the 2020 election?

13 A Our involvement was due to Jeffrey Clark, who at the time had been Acting Assistant
14 Attorney General for the Civil Division. And there was an allegation of, did he attempt to alter the
15 results of the 2020 Presidential election, either criminally or violate administrative policy in the
16 process?

17 Q And when did you become involved in that investigation?

18 A When the case was opened, it was assigned to me. The timeframe I don't recall
19 exactly. Maybe 2021. But you would have to get that -- go back to the agency and ask, and they'd
20 be able to say when the case was opened.

21 Q Okay. And what was your role in the investigation?

22 A I was the case agent.

23 [REDACTED]: And what were your responsibilities as the case agent over the case?

24 Mr. Burnett. In this case, it was a different case, unique, as far as the over 30 years of law
25 enforcement experience I have, in that I didn't do anything necessarily proactive in the investigation.

1 Everything was given to me from the AUSAs that were working the case.

2 That's how the case was opened. It came from Thomas Windom and Timothy Duree -- had
3 called up to the agency that they had information on Jeffrey Clark. They provided the predicate
4 information that was used to open the case, and then the case was opened based upon that.

5 A normal investigation would be, I would do the investigation, become familiar with
6 everything, you know, do grand jury subpoenas, do the normal investigative process, follow the
7 normal investigative steps.

8 But, in this case, those steps were given to us by the prosecution team. So, basically, I
9 would serve subpoenas upon request, receive the emails of Jeffrey Clark, and we went through those
10 emails -- those types of things.

11 [REDACTED]: At any other point at your tenure at OIG, did this occur, where prosecutors were
12 the ones that were dictating the investigation?

13 Mr. Burnett. Not in my entire 30 years of law enforcement.

14 [REDACTED]
15 Q And where were you at before the DOJ OIG? Sorry --

16 A I was a -- that's okay -- a U.S. postal inspector from August of 2004 to August of 2009.
17 And, prior to that, I was a senior narcotics detective with the Chesterfield County, Virginia, Police
18 Department for 9 years, from October 1995 until August of '04.

19 Q And you said you liaised most often with Mr. Windom and Mr. Duree. Is that correct?

20 A Correct. In the beginning, it was both of them, but as the case progressed and when
21 the special prosecutor took over, then I mostly -- we were divided into teams, and mine was -- most
22 of my contact primarily was with Mr. Duree.

23 Q Okay.

24 And when Mr. Duree would have something that he needed you, maybe a subpoena to serve,
25 can you tell us how that worked in practice? Would he email you and say, "Agent Burnett, we need

1 this served"?

2 A He would usually, if it was a phone number, he would email me the phone number. I
3 would look up the subscriber -- Verizon, AT&T, T-Mobile, whoever that is -- let him know who that
4 was. He would generate the grand jury subpoena, and then I would serve it on the entity.

5 Once the records came back, I would be notified. Sometimes the entity would require you
6 to upload it in a law enforcement portal. Sometimes you could serve the subpoena via email and
7 you get the results back via email. Once I received those records via either process, then I would
8 give those records back to Timothy Duree to give to an analyst to put in a spreadsheet.

9 Q And were there FBI agents that were also assigned to help in this investigation that you
10 were aware of?

11 A Yes.

12 Q And who were those agents that you worked most closely with?

13 A Honestly, if you said their names, I would know. The one I --

14 Q Okay.

15 [REDACTED] That's okay.

16 Mr. Burnett. Honestly, I don't remember. It's been years. It's sad to say. I could -- I
17 don't know.

18 [REDACTED] Okay.

19 And you said this was an unusual investigation, how it was working, with the prosecutors
20 reaching out to you with the steps to take. And this had never occurred in your 30-year tenure; is
21 that correct?

22 Mr. Burnett. Correct.

23 [REDACTED]

24 Q And so you said it opened up in sometime early 2021, this investigation. How long
25 were you involved in the investigation into --

1 A Until I retired.

2 Q Okay. And when you retired, was the investigation still ongoing?

3 A I believe it was, yes.

4 Q And did the team change over time, who was involved in the investigation into

5 Mr. Clark?

6 A "The team" as in with --

7 Q Like --

8 A -- DOJ OIG?

9 Q Yeah.

10 A Well, it was just me. There was --

11 Q Right.

12 A -- another agent that worked in our forensics that was helping out also, but the case
13 number was assigned to the investigation side, even though we have a separate section, forensics
14 unit, that had their own supervision, but there was an agent over there that was assisting with it also.

15 Q Okay. So the forensics agent, when you would receive the results of a subpoena, it
16 would go to that individual to review? Or would it --

17 A No.

18 Q -- go to someone else?

19 A It would go back to the AUSA --

20 Q Okay.

21 A The return results, right?

22 Q Uh-huh.

23 A It would go back to the AUSA and then for an analyst to input to a spreadsheet.

24 Q Okay. Is that the standard procedure, where it would be someone from the AUSA's
25 office that was reviewing the return?

1 A No. Normally, the case agent, if I subpoena something on an investigation, then I
2 would review those documents.

3 Q Uh-huh.

4 A If I need assistance, then I can obviously use an investigative analyst. That's their job,
5 you know, to help import stuff in and help find some trends for me, to assist in my investigation, to
6 help me. But it wouldn't go back to the AUSA.

7 The only time -- maybe, if it looks like it's going to go to trial or something, then the AUSA, in
8 my experience, would maybe say, all right, I'd like to tidy up some things, go interview these
9 particular witnesses again or something.

10 Q Uh-huh.

11 A But as far as reviewing the documents, no.

12 Q Okay.

13 And did you have any say in the investigatory process and who you sought subpoenas for?
14 Or was that all from top-down -- or from --

15 A Top-down.

16 Q Okay.

17 [REDACTED]. And that's not how it typically worked, in your experience?

18 Mr. Burnett. No.

19 [REDACTED]

20 Q Were you involved at all in the subpoena -- or the AUSA's office seeking a subpoena for
21 the Willard Hotel in the fall of 2021? Do you have any knowledge --

22 A No.

23 Q -- of that?

24 And, then, the OIG's office was working with the AUSAs, with Tim Duree and

25 Thomas Windom. Were you also working with other OIG agencies? The Archives or Postal

1 Service?

2 A There was the first meeting, kind of like a meet-and-greet. The only time I ever met
3 Thomas Windom and Timothy Duree in person was at the FBI resident office in Manassas, Virginia,
4 and, at the time, there was a postal inspector there, and then I believe there was two agents from
5 National Archives.

6 But, after that, I know they'd maybe been on some phone calls, but I did not have any, like,
7 direct interaction with them as far as any investigative steps or anything like that.

8 Q Okay.

9 [REDACTED]

10 Q And when was that meeting?

11 A Oh --

12 Q Was it in 2021?

13 A I believe so.

14 Q Okay.

15 A It's just speculation. I don't know.

16 Q Okay. Was it -- was it --

17 A It would also be in the case file, like, in the case details. You know, any, you know,
18 meetings or team meetings were documented in that.

19 Q Uh-huh. Do you remember it being towards the beginning of the investigation?

20 A It was the beginning, yes.

21 Q Okay.

22 [REDACTED]:

23 Q And was this a briefing-style meeting where they were telling you what they were
24 planning to investigate? Do you remember the content at all of the meeting? It's a long time ago.

25 A I would just be speculating.

1 Q Yeah.

2 A It was obviously just about the case, what we were going to look at --

3 Q Uh-huh.

4 A -- as far as -- and basically an introduction for everybody to kind of put a face with a
5 name.

6 Q Uh-huh. And, at that point, they introduced the investigation into Jeffrey Clark. Did
7 they discuss other investigatory threads at that point, do you recall?

8 A I believe they were talking about other stuff besides -- the sole purpose was not
9 Jeffrey Clark.

10 Q Uh-huh. Okay.

11 [REDACTED]:

12 Q So you retired in November of 2024, correct?

13 A Yes.

14 Q And you were working the investigation until November 2024, correct?

15 A Yes.

16 Q And so, at some point -- I think it was November 18th, 2022 -- Jack Smith comes on the
17 scene as the special counsel. Did you ever meet Jack Smith?

18 A No.

19 Q Did you work the investigation with the special counsel's team after it was stood up?

20 A Yes.

21 Q And your contacts stayed the same, with that being Tad Duree and Thomas Windom.
22 Is that correct?

23 A Yes.

24 Q Okay.

25 And were there any changes to any processes or procedures, or did it kind of work the same

1 way? They'd send you subpoenas to serve?

2 A The process stayed the same.

3 Q Okay.

4 [REDACTED]: And, then, as part of the investigation into Mr. Clark, our understanding is that
5 there were several Representatives that were subpoenaed or that search warrants were issued for
6 them.

7 Were you involved in any discussions about a search warrant for Representative Scott Perry's
8 cell phone?

9 Mr. Burnett. No.

10 [REDACTED]:

11 Q There was an OIG agent that went to a beach house that Mr. Perry was at to retrieve his
12 cell phone. Were you aware that the OIG was involved in getting Mr. Perry's cell phone?

13 A Now that you mention something, I do remember something about -- but I don't
14 know -- if you said who the agent was, then maybe it's the same thing I'm thinking about, but --

15 Q I think it may have been Agent Higley, from a different interview that we conducted. It
16 may have been Agent Higley, but we're not for sure --

17 A Okay.

18 Q -- which OIG agent it was. But --

19 A Higley was the forensics agent that I was working with.

20 Q Okay. But you did not go --

21 A No.

22 Q -- to --

23 A I only remember conversation -- and with who I cannot say, as I don't recall, but I
24 believe my supervisor -- as far as that the team, prosecution team, wanted us to go and seize
25 Representative Perry's cell phone. And then it came down from the IG, you know, absolutely not,

1 we were not going to do that. That was not a DOJ employee or former DOJ employee, so we were
2 not going to assist in that.

3 Q Uh-huh. And that was Inspector General Horowitz that said, no --

4 A Yes.

5 Q -- you're not going to --

6 A Well, it came through my supervisor, so that's -- I know it went up. I can't say for -- I
7 was not part of that conversation with the IG. But from my assistant special agent in charge, that
8 was what was told.

9 Q And who was the assistant special agent in charge that conveyed that info to you?

10 A Timothy Edmiston, E-d-m-i-s-t-o-n.

11 Q Okay.

12 And were there multiple conversations that were had about IG Horowitz's decision that the IG
13 wouldn't be involved in taking Mr. Perry's cell phone, or did you just have that one discussion with
14 your ASAIC?

15 A Can you say that again? I'm sorry.

16 Q Yeah. Were there multiple discussions that you were involved in regarding
17 Inspector General Horowitz's decision the IG wouldn't seize Mr. Perry's cell phone? Were there
18 multiple discussions?

19 A No, I don't think so. It was pretty much that was the decision, and, you know, that's
20 what we relayed.

21 I know that the prosecution team was not happy with us not being able to assist, you know,
22 because they were looking at it as it was a joint investigation when the case is merged with the FBI,
23 so that, since it was a joint investigation, we should be able to help out; it didn't have to be a DOJ
24 employee or former DOJ employee. But that was the line that the Inspector General drew.

25 Q And why did the prosecutors need the IG's office to assist?

1 A I don't know if it was manpower or just to help out because everybody was busy with
2 something. Their reasoning I don't know. It was just ask and then told "no."

3 Q Okay.

4 And we've been told that, you know, the agents went, took Mr. Perry's phone, and it was
5 imaged, like, a complete image of the phone was taken, and that the Inspector General's office may
6 have had involvement with imaging the phone. Do you have any knowledge of that?

7 A No.

8 Q Did you ever review the contents of Mr. Perry's cell phone?

9 A No.

10 Q And the only discussion you had about Mr. Perry's cell phone, to your recollection, is
11 when you learned that the Inspector General had said that the IG would not seize his cell phone?

12 A Well, when they requested for us to do that --

13 Q Okay.

14 A -- then that request was routed up through the chain.

15 Q Okay.

16 [REDACTED]: So it was your ASAIC that said, we don't want to do that, and it went up the
17 chain?

18 Mr. Burnett. Well, I guess he asked, and it came back down. I don't recall if he said no
19 himself or just let the question go up.

20 [REDACTED]: Okay.

21 [REDACTED]: That was your only involvement in the Scott Perry matter, if you will?

22 Mr. Burnett. Yes.

23 [REDACTED]

24 Q And, then, we'll switch over to the subpoenas for the Congressmembers' phone records.
25 So were you involved in executing the grand jury subpoenas to service providers for

1 congressional Members?

2 A I don't know.

3 Q Okay.

4 So, on April 25th, 2022, the DOJ issued a subpoena for Chairman Jordan's phone records, with
5 an associated non-disclosure order. And, on May 1st, it appears you sent an email to Verizon
6 informing them of the subpoena and the non-disclosure order.

7 Do you have any recollection of this?

8 A Yes, only because -- I would've subpoenaed the number, but I did not know who the
9 phone number belonged to, who the actual subscriber was.

10 Q Okay.

11 A It was not until I had been retired and this was on the news and there was conversation
12 about Mr. Jordan's toll records being subpoenaed and then there was a subpoena that came up on
13 the internet.

14 Q Uh-huh.

15 A So I was only assuming -- that had my name on it -- that that was his number. But I do
16 not know, as we sit here today, if that was his number or not.

17 Q Okay.

18 [REDACTED]:

19 Q So prosecutors never told you that you were going to be serving a subpoena for, at the
20 time, the ranking member of the Judiciary Committee's phone records?

21 A No. I don't have any recollection of that.

22 Q Would it have given you pause if you had known that it was going for the ranking
23 member's --

24 A It would've been something I would've brought up to my supervisor, if there was a
25 different process or something we needed to be doing if we were going to do that. But I was not

1 aware.

2 Q And in your role as an OIG agent, had you ever served a subpoena for a Member's
3 phone records?

4 A No.

5 Q Did you ever take part in any discussions about subpoenaing Mr. Jordan's phone
6 records?

7 A No.

8 [REDACTED] What about any other Members of Congress? Were you aware that the AUSAs
9 were seeking those subpoenas? Or, when it came to you, were they just phone numbers?

10 Mr. Burnett. Just phone numbers.

11 [REDACTED]: Okay. So you had no awareness that the phone numbers that you were issuing
12 subpoenas for were for Members of Congress?

13 Mr. Burnett. Correct.

14 [REDACTED]: Okay.

15 [REDACTED]: We'll mark the Jordan subpoena as exhibit No. 1.

16 [Burnett Exhibit No. 1.

17 was marked for identification.]

18 Mr. Cook. Thank you, sir.

19 [REDACTED]:

20 Q And please take your time to review.

21 A Okay.

22 Q And, just for the record, this is the subpoena that was served on Verizon on May 1st,
23 2022.

24 So is this the document you were referring to that you saw on the news?

25 A I believe it was part -- it was -- had my name -- I don't recall which part, but it

1 was -- yeah, it was, I believe, this.

2 Q Okay.

3 And can you walk us through the process of how you served the subpoena? It can be just a
4 general -- I don't expect you to remember serving this specific subpoena. But how did that work in
5 practice for you?

6 A In practice, if the entity has a law enforcement portal that we can upload the subpoena
7 in for service or whether it's just served via email -- there's usually a site that we have that lists all the
8 entities and how they accept service for subpoenas -- I would just follow that directions on how they
9 want it served --

10 Q Uh-huh.

11 A -- and then just issue the subpoena via email or upload it to the portal.

12 Q Okay. And did this full package come to you to serve, with the NDO as well?

13 A It would've, yes.

14 Q Okay.

15 And, on the document, the subpoena attachment, it gives the time period for the records
16 being from January 1st, 2020, to present, which would've been the April 25th, 2022, timeframe.

17 Were you ever given a reason for why it was such a broad timeframe for these -- there were
18 four numbers?

19 A I don't recall.

20 Q Okay.

21 And did you receive or review any of the returns for this specific subpoena?

22 A No.

23 Q Did you ever have any discussions with Mr. Duree about this specific subpoena?

24 A No.

25 Q When he came before the committee, he told us that he wanted such a large timeframe

1 of Mr. Jordan's records in order to build the network of communications that Mr. Jordan was having.

2 Did you know that that's what prosecutors were trying to do?

3 A Not particularly, no.

4 Q Okay.

5 And were you told what prosecutors wanted to do with this information?

6 A My understanding, in general, generalized, is that basically the information would be, as
7 far as I knew, put into a spreadsheet, and they were just looking at phone calls with -- who had calls
8 with Jeffrey Clark around certain times, I believe, maybe a meeting that he had at the White House.
9 So they were looking for who he was talking to in and around certain meetings, was my
10 understanding.

11 Q And were you ever told why you were the one that they wanted to serve the subpoena?

12 A Since Jeffrey Clark was a former DOJ employee.

13 Q Do you know, was Special Agent Higley involved in this subpoena at all, to your
14 knowledge?

15 A I don't know if this one, but sometimes he would assist. If I was out of the office for
16 some reason, sometimes they would send the subpoena to him for service. Most of the time, it was
17 me, but he did assist.

18 Sometimes, ones that he had served, if he was off or doing some other work on other cases
19 and couldn't get in to download the return, then I would go in and download it for him, or vice versa,
20 and then send those to the AUSA.

21 Q And did you ever have any conversations with or present for any conversations with
22 Inspector General Horowitz regarding subpoenaing Members' records?

23 A No.

24 Q Do you know if he was ever aware that his agents were serving subpoenas for records of
25 Members of Congress?

1 A Not to my knowledge.

2 Q Okay.

3 Were you ever involved in any conversations with prosecutors regarding the Speech or
4 Debate Clause?

5 A I don't recall.

6 Q Okay.

7 [REDACTED]:

8 Q Were you involved at all in subpoenaing Representative Chip Roy's toll records, if you're
9 aware?

10 A Not that I know of.

11 Q Yeah.

12 And then, on January 24th, 2023, Special Counsel Jack Smith's office subpoenaed Speaker
13 Kevin McCarthy's phone records. Did you have any involvement in this subpoena?

14 A Not to my knowledge.

15 Q Okay.

16 And was there ever any pushback from the telecommunication companies on the subpoenas
17 that you served?

18 A Not that I recall.

19 Q We have a letter from AT&T pushing back to a May 2023 subpoena for two Members'
20 phone records, raising concerns that this might implicate Speech or Debate Clause issues.

21 Did you ever receive any emails like that or correspondence from telecommunication
22 companies to that?

23 A I do not recall.

24 Q Okay.

25 A Did I serve those?

1 Q Not that we're aware. We're not sure.

2 A Okay.

3 Q You could've.

4 [REDACTED]: There were also -- there was a May 2023 subpoena to 10 Senators and an
5 additional Representative for their toll records. You know, Senator Graham was on the list,
6 Representative Mike Kelly was on the list, just to name a few.

7 Did you ever have any discussions about subpoenaing records for Senators or --

8 Mr. Burnett. No.

9 [REDACTED] We'll shift gears a little bit.

10 So I know you were primarily involved in the Jeffrey Clark investigation. Did you have any
11 involvement in the Presidential records investigation into the classified documents?

12 Mr. Burnett. No.

13 [REDACTED] Okay. Was anyone in the OIG's office involved with that?

14 Mr. Burnett. No, not to my knowledge.

15 [REDACTED]: Okay.

16 [REDACTED]: Have any involvement or involvement in discussions with the raid on
17 Mar-a-Lago?

18 Mr. Burnett. No.

19 [REDACTED]:

20 Q Okay. And then while you were conducting the Jeffrey Clark investigation, did you
21 have any interactions with the January 6th Select Committee?

22 A No.

23 Q Did you ever receive materials from the select committee?

24 A No.

25 Q What about any contact or communications with attorney general offices, like, State

1 attorneys general offices?

2 A No.

3 Q Okay. Any communication with Fani Willis or anyone in the Fulton County district
4 attorney's office?

5 A I did not.

6 Q Okay. What about Alvin Bragg from the New York district attorney's office or anyone
7 from his staff?

8 A No.

9 Q And then were you involved in a phone call with representatives from different State
10 attorney generals' offices early on in the investigation about the 2020 election at all?

11 A No.

12 Q And then did you ever have any interactions with the Biden White House?

13 A No.

14 Q Were you ever made aware of confidential human sources present at the Capitol on
15 January 6th?

16 A No.

17 Q Okay.

18 We have some emails between two of Special Counsel Smith's prosecutors and an FBI special
19 agent, that the Special Counsel's Office paid \$20,000 to a confidential human source for providing
20 information in support of the election-interference investigation.

21 Do you have any awareness of this payment?

22 A No.

23 Q Are you generally aware of the Special Counsel's Office paying people for information at
24 all?

25 A No.

1 Q And then, according to Jack Smith, the confidential human source assisted in reviewing
2 video and photographic evidence of people at the Capitol.

3 Do you know why you would have a CHS conduct this review instead of an FBI agent or a DOJ
4 OIG agent?

5 A I'm assuming just to help identify --

6 Mr. Cook. Don't assume.

7 Mr. Burnett. Okay.

8 I don't know why they did it.

9 [REDACTED]. That's okay.

10 [REDACTED]:

11 Q And how much of your time did this investigation take up? Were you working on other
12 investigations?

13 A Yes. I had a full caseload working other active investigations during this case.

14 Q Was this investigation a heavy burden, if you will? Did you spend a lot of time working
15 on it? Can you help us quantify that?

16 A Not a lot of time. You know, the FBI had resources, so it was only just me as far as,
17 like, reviewing-emails part of it. So the FBI helped assist review emails because of the time,
18 because it was just me.

19 Q And those emails were for -- were those internal DOJ emails?

20 A Yes. Yes.

21 Q And so you reviewed emails; we know you served a subpoena. What else did you do
22 for the investigation?

23 A That's really it. I mean --

24 Q Okay.

25 A Yeah.

1 Q And do you remember -- you discussed a meeting, an initial meeting, that you had with
2 Mr. Windom and Mr. Duree. There was a Postal Service agent there and a couple of NARA OIG
3 agents there.

4 Do you remember any other meetings you had, whether it be in person, over the phone,
5 Zoom, with the prosecutors in this case?

6 A Yeah, there was weekly, if not biweekly, meetings during that timeframe -- like, case
7 updates.

8 Q And what would typically be shared on those case updates?

9 A I guess just how the investigation's going. A lot of it didn't pertain to me, so I didn't
10 necessarily retain that information as far as what was said during those calls. There would be so
11 many. I don't know.

12 Q This was a broader investigation, right? You were just involved with the Jeffrey Clark --

13 A Right. There was --

14 Q -- investigation?

15 A Right. When they divided up when the special prosecutor took over, there was a Jeff
16 Clark team, which was me, an FBI agent, and Timothy Duree, and then there was, like, six or seven
17 other teams. I don't remember what the names were, but they were just divided into teams with
18 FBI agents, prosecutors, to work whatever aspect of the case they were working. So --

19 Q Okay. And so it was just -- the weekly, biweekly calls, was that just with the
20 Jeffrey Clark team, or was it the whole six or seven teams?

21 A It was the whole six or seven.

22 Q Okay. And --

23 A But after a while, I stopped -- there came a point where the team had wanted us to do
24 stuff that didn't relate to DOJ OIG employees or former employees. So we really didn't do a lot
25 after a certain point, and I really stopped listening in on the calls, because there was no point. They

1 didn't have anything for us to do at that point. They had shifted.

2 Q Okay. And so I think, if I heard you right, you said that the team wanted you to do
3 things that didn't relate to the Jeffrey Clark matter? Is that correct?

4 A Right.

5 Q And who was asking you to do things other than --

6 A Timothy Duree.

7 Q Okay. And what was Mr. Duree wanting you to work on other than Jeffrey Clark?

8 A They wanted us to assist on interviews -- in particular, interviews of the alleged State
9 fraud electors, to assist on doing those interviews with the FBI.

10 But, you know, the IG had stated -- or it came from my supervisor; where he got that from, I
11 don't know -- but, basically, we would not be assisting. They were not -- again, we told them, if it
12 did not relate to Jeffrey Clark as a former DOJ employee or current DOJ employee, then we would
13 not be assisting.

14 And so -- because they needed the resources, like, the people from our team to go and help.
15 So, basically, after that, like, they may have pulled the FBI agent and he would've gone and helped
16 assist on other aspects of the case, and we were just kind of out of it at that point.

17 Q Okay. And do you remember about what the date range or year was?

18 A I don't.

19 Q Okay.

20 And once, you know, the indictment came down against the President in this case, what was
21 your involvement like?

22 A We were -- nothing.

23 Q Okay. So it wrapped prior to the --

24 A Yes.

25 Q -- indictment coming down?

1 A Yes.

2 Q Okay.

3 Did you have regular discussions with your supervisor regarding the investigation?

4 A Weekly.

5 Q Weekly.

6 And how often did you discuss this investigation with the Inspector General?

7 A I didn't discuss with him any. There may have been one or two occasions where there
8 was a Teams call with the IG and the Deputy IG, but that was it. My chain -- I would follow the
9 chain of command. It would just be with my direct supervision.

10 Q Okay.

11 And how did you leave the investigation? When you finished your work on it, what stage of
12 the investigation was it in?

13 A Sorry. I'm trying to think.

14 Q Yeah. Did you ever --

15 A I mean, we were --

16 Q Go ahead.

17 A Basically, the Jeffrey Clark part, for us, was just -- in my eyes, was just put on pause.
18 And whether or not they were going to try to use him as a witness for something, I don't know, but
19 they just shifted focus, you know, and wanted us to help with other things, because it was a joint
20 investigation in their eyes. And then we were told -- you know, told them we cannot do that.

21 Q Uh-huh.

22 A So we just kind of kept the case open.

23 Q Okay.

24 And the only other agent or OIG individual that you remember being involved in the
25 investigation is Mr. Higley? Is that correct? Or were there others?

1 A Mr. Higley.

2 [REDACTED]:

3 Q And I know you mentioned that they wanted you to assist in interviews of the alternate
4 electors. Were there any other tasks that they requested the OIG's help on?

5 A There were some other interviews, but I don't remember specifically the names of the
6 individuals. But we would not help.

7 Q Okay.

8 And do you recall about the time when the prosecutor shifted focus away from Mr. Clark?

9 A I can't say.

10 Q Okay.

11 A Sorry.

12 Q No, that's okay.

13 I think we can go off the record.

14 [Recess.]

15 [REDACTED]. We'll go back on the record. The time is 11:17.

16 Mr. Burnett, thank you again for being here. My name is [REDACTED] I am senior counsel
17 with the House Judiciary minority. I'll be asking you many of the questions today, along with my
18 colleague [REDACTED]

19 And, at this time, I'll turn it over to [REDACTED].

20 [REDACTED]. Yeah.

21 EXAMINATION

22 [REDACTED]:

23 Q Thank you very much for being here, Mr. Burnett.

24 We're going to just very quickly hit a couple points about your background and walk through
25 how we got here today.

1 Where did you go to school?

2 A I went to -- college?

3 Q Yes, sir.

4 A Bluefield College.

5 Q Got it. And what did you study?

6 A Business administration.

7 Q Got it. And did you only go to Bluefield?

8 A Well, I went to Radford for a little while, but then that led me to the United States
9 Marine Corps.

10 Q Okay.

11 A And after serving in the Marine Corps, I got out. When I was a police officer, I went
12 back to night school when I worked narcotics and finished my degree so that I could go Federal.

13 Q Great.

14 And when did you join the DOJ?

15 A August of 2009.

16 Q And did you join the OIG directly, or did you do anything else in the DOJ?

17 A Just straight to DOJ, for 15 years.

18 Q Straight to OIG?

19 A Yes.

20 Q Could you walk us through the various roles that you held at OIG?

21 A Roles? Just special agent and then promoted to senior special agent.

22 Q Are there divisions within OIG that you worked within?

23 A No. Just investigations.

24 Q Okay.

25 BY [REDACTED]:

1 Q What kind of cases were you typically working on as a DOJ OIG agent?

2 A Public corruption, bribery were the two main big ones.

3 Q And that would be public corruption and bribery of DOJ officials?

4 A Employees, yes, all the components -- FBI, DEA, ATF, U.S. Marshals, U.S. Attorney's
5 Office, and Bureau of Prisons.

6 Q Okay. Were a lot of those criminal investigations, or administrative, or a mix?

7 A A mix.

8 BY [REDACTED]

9 Q You said that you worked on some other investigations concurrently when you were
10 working on the January-6th-related investigations. Could you describe, at a high level, what other
11 cases you were working on at the same time?

12 A I don't recall. I wouldn't remember what I was working on at the time.

13 Q Okay. No worries.

14 And, now, this is not a time to be humble, but during your time at DOJ, did you ever receive
15 any sort of awards or recognitions for your work?

16 A Yes. Almost yearly, an outstanding performance award.

17 Q Great.

18 And I'm sure this is self-evident, but could you describe what OIG's role is within the
19 Department of Justice?

20 A Simply put, fraud, waste, and abuse within the components of DOJ.

21 Q And what was your role or your relationship with DOJ staff or the attorneys at the DOJ?

22 A None, unless I was working a case. You mean, like, the line AUSAs? Is that what
23 you're speaking of? Or at Main Justice?

24 Q Let me rephrase that. When you were conducting an investigation in your capacity as
25 an Inspector General agent, what role would you play in relation to the staff or the attorneys at DOJ?

1 A Nothing, unless I was presenting a case to them.

2 Q Got it. But you would also conduct your own investigations of them as well, right?

3 A Yes.

4 Q Could you walk us through how you would go about conducting an investigation of a
5 member of DOJ staff, including attorneys?

6 A I guess it depends on what the allegation is, how I would direct my investigation.
7 Maybe start out with OIG subpoenas versus grand jury subpoenas. But it really depends on the
8 cases, how I'm going to take my investigative steps.

9 Q Uh-huh.

10 BY [REDACTED]

11 Q And so I think, when you said, you know, "waste, fraud, and abuse," you pretty much
12 read what was on DOJ OIG's website. But there's also another part of that mission statement that
13 says DOJ OIG, quote, "investigates alleged violations of criminal and civil laws by DOJ employees."

14 So I asked you a little bit earlier, did you mostly work on criminal or administrative cases. Do
15 you have a sense of how that breakdown occurred during your tenure?

16 A As far as a percentage for each?

17 Q Uh-huh.

18 A Maybe 60 percent criminal, 40 percent administrative. Some of the time, the case
19 would start out criminally --

20 Q Uh-huh.

21 A -- but if it got declined or something, then, obviously, it would turn administrative, to go
22 to the component, decide on any type of discipline.

23 Q And would it sometimes be the inverse? It'd start out administrative and then you
24 found something that made it criminal?

25 A It could, yes.

1 Q So what would justify elevating an administrative investigation to a criminal
2 investigation?

3 A If I found something criminal, a violation of a criminal statute, while doing my review of,
4 say, OIG subpoenas or something else that led me to that.

5 Q Okay.

6 A Interviews.

7 It wouldn't necessarily change. Like, there's no button, necessarily, to push. But if I found,
8 you know, something that was criminal and I thought it would meet the criminal statute level, then
9 maybe I would get with an AUSA and present my findings so far to see if he was interested.
10 Because, at that point, I may want to turn to grand jury subpoenas, and so, at that point, I would
11 need a prosecutor to do that.

12 Q So, when, you know, you found potential evidence of criminal wrongdoing, it sounds like
13 you would bring that to an AUSA in the district where the wrongdoing occurred. Is that right?

14 A Correct.

15 Q Okay. And would you go to your supervisor before you, sort of, brought that to an
16 AUSA, or would you just do that yourself?

17 A I just worked my case, yes.

18 Q Okay.

19 [REDACTED] Would it ever be the case that an AUSA would find some sort of wrongdoing and
20 realize, oh, there's involvement by DOJ personnel, and come to you as an OIG agent and say, hey, we
21 need to work on this case together?

22 Mr. Burnett. No. He may make a formal complaint or something put in, and then it would,
23 you know, come over -- and they would decide who would get the case, if it was something worth
24 opening. But I wouldn't necessarily receive a phone call.

25 [REDACTED]

1 Q And so what's the process here? You potentially find criminal wrongdoing, you want
2 to investigate further, you bring it to an AUSA. How does the investigation progress from that
3 scope forward? Is it considered a joint investigation?

4 A Well, a lot of times, I'd like to work my case up as far as I could take it without an AUSA.
5 So, you know, we would do OIG subpoenas in some cases, but you can only go so far. You can't do
6 bank records. If I needed those, I would have to have a grand jury subpoena, so then I would have
7 to ask for the involvement.

8 A lot of times, I would go and try to interview witnesses, potentially interview the subject,
9 lock them into a statement, see if I can get a confession beforehand. And then I like to take the
10 total package, completed, a sworn --

11 Q Yeah.

12 A -- confession, along with records to corroborate whatever the suspect said, you know,
13 to the AUSA.

14 Q So you like to bring them a finished piece rather than, you know --

15 A It makes it harder for them to say no.

16 Q Makes sense.

17 Say you didn't have that finished piece and you have to bring it to the AUSA, how does that,
18 sort of, investigation progress from that point? Are you still you investigating under the supervision
19 of the AUSA? Or are you just investigating your case and continuing to update them?

20 A I'm just using him as a conduit for grand jury subpoenas or any search warrants that I
21 may need in the investigation. I'm not -- I didn't ask them for advice, necessarily.

22 I may say, if he wants to look at a particular charge, "Hey, do you think I've met all the
23 elements of this particular statute?" But, you know, I didn't take, necessarily, direction from them.

24 Q Understood.

25 And you alluded to, sort of, presenting the case to an AUSA. What does -- first of all, what is

1 that, and what does that process look like?

2 A Depends. When I worked at Postal Inspection Service, well, it was a written-up formal
3 document you would present to the AUSA with all your findings up to date so they could make a
4 decision on whether they wanted to prosecute or not.

5 With DOJ, most of the time, it was just a phone call to an AUSA. We covered a certain
6 AOR -- Virginia, North Carolina, West Virginia, D.C., Maryland. So you got to know the AUSAs in the
7 districts. Some of the districts are pretty small, so you could just call the AUSA up and just basically
8 tell them over the phone what I had so far.

9 Just, usually, 9 times out of 10, it was a phone call, "This is what I have. Are you interested?"

10 [REDACTED]: So, separate from working up your own cases and then bringing it to the AUSA,
11 were there circumstances where you participated affirmatively in a joint criminal investigation with
12 Main Justice? A case that you wouldn't have necessarily worked up yourself, or from an early stage
13 maybe you worked it up, but then you were also working with someone at Main Justice from an early
14 stage?

15 Mr. Burnett. No.

16 [REDACTED]: Is there a process for merging investigations from OIG and Main Justice into a
17 single investigation?

18 Mr. Burnett. Not that I know of.

19 [REDACTED]:

20 Q So, again, apologies, we're going to cover some of the same ground. We're gonna try
21 and do it quickly.

22 When did you start working on January-6th-related investigations?

23 A I was working on Jeffrey Clark, which was fraud.

24 Q Yeah. And when did that investigation start?

25 A I don't recall the exact date. I know -- I believe it was 2021. But you would have to

1 go back to DOJ OIG, and they could obviously get you the exact date the case was opened up and
2 assigned to me.

3 Q And were you on that investigation from the outset?

4 A Yes.

5 Q And, at the outset, was it a criminal investigation or was it an administrative
6 investigation?

7 A It was both.

8 Q It was both from the outset?

9 A In my eyes.

10 Q Okay. And why was it both, in your eyes? What was the potential criminal
11 wrongdoing?

12 A The potential criminal would've been obstruction of justice. And then there was an
13 administrative side as far as Mr. Clark not following DOJ policy, going out of his chain of command,
14 direct with the White House, instead of through supervision or through the Attorney General.

15 Q And just for those that aren't familiar with the potential obstruction of justice in relation
16 to Jeffrey Clark, could you expand on that a little bit? What was the obstruction of justice there?

17 A The obstruction of justice, whether or not -- it was just an allegation -- whether or not it
18 was true or not, was that Mr. Clark -- the allegation, Mr. Clark was going to attempt to send a letter
19 to the State of Georgia stating that DOJ had found fraud in the election.

20 Q And so, as you said, there's a DOJ OIG investigation into this. Was it your
21 understanding when that investigation started that there was a parallel investigation, run by either
22 U.S. Attorney's Office in D.C. -- or did that come later?

23 A That came later. I had no knowledge.

24 Q Okay. And when did you first begin to have knowledge of a parallel investigation?

25 A My recollection, my first knowledge would've been when Timothy Duree had told me

1 that FBI's investigation and our investigation, I guess they were assisting on it.

2 Q Uh-huh.

3 A They were sort of running parallel, and we were subpoenaing a lot of the same people,
4 so they were going to merge our cases.

5 Q Okay.

6 And I think that's a good time to enter for the record what's going to be marked as exhibit 2,
7 which is the merger memo for the Arctic Frost investigation.

8 [Burnett Exhibit No. 2.

9 was marked for identification.]

10 
11 Q I'll give you a second to review. I'm going to direct your attention to different pages,
12 but, for now, if you could just review the, sort of, first page, the introduction.

13 So do you recognize this document?

14 A No.

15 Q Okay. Do you recognize what this document is, from your experience as a DOJ OIG
16 agent?

17 A No. I mean -- no.

18 Q Okay.

19 So, in the synopsis here, it states that the purpose of this memo is to, quote, "document
20 additional predication regarding this investigation and to document merging overlapping
21 investigations with DOJ-OIG."

22 Is that the process that you were referring to, where Mr. Duree said to you that you needed
23 to merge the investigations that the FBI and DOJ OIG was conducting?

24 A I don't know if it was the exact process, but I -- I would've -- I can't say what he was
25 referring to, if he was referring to this particular document; only what he told me, that we were

1 merging because the cases were running parallel and subpoenaed a lot of the same people.

2 Q And so, apart from the document, what were the practical reasons, if there were any,
3 for merging the two investigations?

4 A I would assume merging a case working with --

5 Mr. Cook. Don't assume.

6 Mr. Burnett. Say the question again.

7 
8 Q So what were the practical reasons for merging the investigation between DOJ OIG and
9 FBI that were running on parallel tracks?

10 A Not doing dual work, as far as subpoenas.

11 Q And you stated a second ago that Mr. Duree was informing you that the DOJ OIG
12 investigations and the FBI investigation were issuing subpoenas for similar people. Is that right?

13 A Yes.

14 Q And, you know, it may be somewhat of an obvious question, but why is that bad?

15 A I don't know if it's bad. It'd just be a duplicate of work.

16 Q So it would waste resources?

17 A Yes.

18 Q Okay.

19 And so I'll direct you to the second-to-the-last page of this document. It's page 9, I believe.
20 And under the title, or header, it says, "Merging Investigations," and I'll just read a portion of that
21 really quickly.

22 It states, quote, "On or about January 12, 2022, Department of Justice, Office of
23 Inspector General, Investigations Division, opened a criminal investigation, case number" -- which is
24 redacted -- "which has focused on the conduct of Jeffrey Clark detailed" -- redacted. "Prior to
25 opening the criminal case, various documents relevant to an administrative inquiry had been

1 collected and were later released to the investigative team."

2 So this makes reference to what you spoke to earlier, which is both an administrative and a
3 criminal investigation into Jeffrey Clark. Is that right?

4 A Yes.

5 Q And I know you said it sort of generally: Why did the administrative investigation of
6 Jeffrey Clark also have the criminal component?

7 A I don't understand the question. I'm sorry.

8 Q So why was there a criminal component to the investigation of Jeffrey Clark?

9 A Usually there's always both. You know, whether or not the administrative, you know,
10 is also criminal -- it can be both.

11 Q Okay. And what's the standard for opening a criminal investigation that you, sort of,
12 dealt with in your time at DOJ OIG?

13 A I don't know if there's a standard. It's just -- I'm not part of that process, as far as
14 making a decision what cases are open and which ones are not. Just assigned them to work.

15 Q Got it. And who would be in charge of making that decision?

16 A Ultimately, the special agent in charge of the field office.

17 Q So would that be your direct supervisor that you were referring to earlier?

18 A The one above him.

19 Q The one above him. Okay.

20 And, from this point on, did you work hand-in-hand with FBI agents, or were you running
21 parallel investigations as well?

22 A I don't know if we were working hand-in-hand. I mean, we would be on Teams calls
23 together and stuff, but, like, I wasn't calling and talking to them on a daily basis about the
24 investigation.

25 Q Was there a noted difference in responsibilities from the DOJ OIG agents and the FBI

1 agents assigned to the case?

2 A Yes. I mean, we were limited in our -- what we could do as far as, you know, the scope
3 of DOJ -- DOJ employees or former employees.

4 Q And, then, so would it be fair to say that your investigative actions related to the strands
5 specifically involving Jeffrey Clark? Is that right?

6 A Yes.

7 Q And who set that boundary? Who said, only DOJ OIG employees will be -- DOJ OIG
8 employees will be investigating Jeffrey Clark, but, sort of, not beyond that?

9 A My direct supervisor, the assistant special agent in charge. Any direction would come
10 from him. Where he gets it --

11 Q And I think we might've asked this in a slightly different way before, but had you
12 experienced a merged investigation such as this before, where there was FBI agents and DOJ OIG
13 agents working together on the same case?

14 A Not by the means of the AUSA merging the case.

15 If I had an investigation that I thought another agency maybe could help me on, I would call
16 that agency direct and say, "Hey, this is what I got. Do you want to work it together?"

17 Q Uh-huh.

18 A Because sometimes it's easier to work a case with somebody from another agency to
19 help do the investigative steps when everybody else in your office has their own cases to deal with.

1 [11:37 a.m.]

2 [REDACTED]
3 Q That makes sense. What were some of those agencies? Was one of those agencies
4 FBI?

5 A Yes.

6 Q What were some other ones?

7 A The BOP. They had special investigative agents that we would rely on and use a lot
8 within the Bureau of Prisons, was a big one.

9 Q So it wasn't uncommon for you to work with other components in the Department of
10 Justice on a criminal investigation?

11 A No.

12 Q And I want to talk a little more about your background and specifically how it related to
13 this case.

14 You stated that you were working on public corruption cases generally related to DOJ
15 employees. Is that right?

16 A Yes.

17 Q And could you give an example or two of the types of cases that you worked on over the
18 years? You don't need to give specifics, but --

19 A An ATF agent that was stealing money and guns. A DEA task force officer that was
20 extorting drug dealers' significant others for sex. Bureau of Prisons employees for introduction of
21 contraband or sex with inmates. Mortgage fraud for a DOJ employee.

22 Q And, if I could ask, what was the, sort of, highest-profile investigation that you worked
23 on during your time that was getting the most news coverage?

24 A I don't know if any of them got news coverage, really, unless they did a press release,
25 the U.S. Attorney's Office, but --

1 Q Did the Jack Smith Arctic Frost investigation that you were working on get a significant
2 amount of news coverage?

3 A Yes.

4 Q Okay.

5 And in those prior investigations that you mentioned, was there ever a time where a Member
6 of Congress was a witness to any of the misconduct that you had been investigating?

7 A No.

8 Q Okay. So this would've been the first investigation where a Member of Congress was a
9 potential witness to criminal wrongdoing?

10 A Yes.

11 Q And I'm not going to, you know, go all the way through the subpoena for Mr. Jordan's
12 phone records again, just because I think we've covered most of that. I just sort of want to know
13 the normal process that you and Mr. Duree were following.

14 Would he normally tell you who -- the identity of the phone number that you were
15 subpoenaing?

16 A Not that I recall. I would just get the phone number, because we didn't know who -- to
17 my knowledge, because I was looking up who the carrier was, we didn't know who the phone
18 belonged to. So I would look up who the carrier was for a particular phone number, let him know,
19 AT&T, Verizon, T-Mobile, whoever the carrier was. And then he would do the subpoena up for that
20 carrier and then the phone number.

21 Q So it wasn't -- and I know you don't necessarily have specific recollection of this
22 subpoena. Is that right?

23 A Correct.

24 Q But it wouldn't have been out of the ordinary for Mr. Duree to send you a phone
25 number and just say, "Hey, can you get the records associated with this phone number?"

1 A Right.

2 Q Okay.

3 And then I just want to establish, make sure I understand the extent of this investigation.

4 You said there was about six teams. Is that right?

5 A Six or seven, I believe.

6 Q Okay. If you could guess, how many prosecutors were working on this?

7 Understanding it may have changed over time.

8 A I'd say at least 10 or 12, I would assume.

9 Q And how many agents are supporting those prosecutors that you know of?

10 A At least six, if not more.

11 Q Understood. And during your time previously in DOJ OIG, had you worked on an
12 investigation of that size?

13 A No.

14 Q Previously, what was the largest investigation, involving, you know, how many assistant
15 U.S. attorneys and agents, had you worked on?

16 A Maybe two prosecutors and another agent.

17 Q Okay. So it's fair to say that this was probably four to five times as large as any of the
18 previous investigations you had ever worked on?

19 A Yes.

20 Q Okay.

21 That is it for our questions for the moment.

22 I did want to note just something that was brought up during the last hour with Timothy
23 Duree and his transcript before the committee.

24 As I understand it, the majority staff stated that he explained his subpoena for Mr. Jordan's
25 phone records by saying that he wanted to have a broader sense of the networks and the people that

1 Mr. Jordan was contacting. And I want to just make a slight addendum and maybe a very slight
2 correction to that.

3 Looking at the Duree transcript, he states fairly clearly that he doesn't specifically remember
4 the Jordan subpoena.

5 And I'll just read his answer, which is on page 66. Quote, "Okay. So I'm not remembering.
6 Like, I see the words on the email, right? I remember being part of the process to get the subpoena
7 for Mr. Jordan's phone. I don't remember the exact timeframe, as I sit here talking to you today,
8 the start and end dates of those records, so it's a little hard for me speak to that, but I will say we did
9 subpoena a period of, I guess, some breadth. And you're asking me the reason why," end quote.

10 We can go off the record.

11 [Discussion off the record.]

12 [REDACTED]: I think we're good. We can be done.

13 [Whereupon, at 11:37 a.m., the interview was concluded.]

Certificate of Deponent/Interviewee

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

Witness Name

Date