

AG BRIEFING
January 13, 2023

RESOURCES

FILTER TEAM

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

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

FBI STAFFING – Going well

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

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

- **Most importantly I also met with actual case teams—we did an all hands meeting with the entire investigative team on Weds 1/11 which went very well**
 - *Met with the ASACs—David Geist and Derek Pieper*
 - Met more substantively with the SSAs—Blaira Tolman and Jen Bacon and lead case agents - Jamie Garman and Dani Ray

- The current staffing levels:
 - Election Investigation
 - 1 SSA, who will still hold on to other responsibilities
 - 11 full-time agents
 - 8 full-time analysts
 - 3 full-time FOAs
 - Classified Documents Investigation
 - 1 SSA, who will still hold on to other responsibilities
 - 6 full-time agents + 2 South Florida agents
 - 2 full-time analysts + additional who are surging now

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

OTHER NOTABLE MEETINGS

- Solicitor General Meeting
 - Committed to communication/consult with SG on the important precedent-setting issues we face in areas of executive privilege, Speech or Debate, and the scope and application of the relevant statutes we are considering charging

- Chief Judge Howell Meeting—
 - Pace over the last month
 - [REDACTED]
 - She liked our approach of pursuing the executive privilege litigation in an omnibus fashion
 - Judge Boasberg = March 18

ELECTION INVESTIGATION**JANUARY 6 REPORT**

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

VICE PRESIDENT

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

LITIGATION

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

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- Ken Cuccinelli
 - Mark Meadows
 - Mark Milley
 - Nick Luna
 - Robert O'Brien
 - Ross Worthington
 - Scott Gast
 - Vince Haley
- **Other Executive Privilege victories are on appeal.**
 - Short/Jacob, Cipollone/Philbin, and Herschmann
 - ***Scott Perry Speech or Debate Litigation—Cell Phone Search Warrant***
 - *Chief Judge Howell issued a favorable opinion granting us access to all but a small set of documents that Perry tried to withhold as privileged under the Speech of Debate Clause*
 - *Powell lodged a prompt appeal and filed a motion to stay to Chief Judge Howell*
 - *Chief Judge Howell denied the stay motion*
 - *The stay motion is now pending before the Circuit and is ripe for decision—we expect it next week. The panel consists of Rao, Katsas, and Henderson.*
 - *We have warrant applications for Perry's iCloud and email pending before Chief Judge Howell—they are on hold pending a decision on the stay motion.*

TOLLS FOR MEMBERS OF CONGRESS

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

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

FOX NEWS

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

WITNESSES WE INTERVIEWED

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

UPCOMING INTERVIEWS

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

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

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From: "TAD (JSPT)" <[REDACTED]@usdoj.gov>

To: "TPW (JSPT)" <[REDACTED]@usdoj.gov>

Subject: RE: PIN

Date: Tue, 10 Jan 2023 18:13:11 -0500

Importance: Normal

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

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

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

From: RNH (JSPT) <[REDACTED]@usdoj.gov>

Sent: Tuesday, January 10, 2023 6:10 PM

To: TAD (JSPT) <[REDACTED]@usdoj.gov>

Cc: TPW (JSPT) <[REDACTED]@usdoj.gov>

Subject: RE: PIN

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

Looping in Thomas so he has the list from today.

Thanks.

From: TAD (JSPT) <[REDACTED]@usdoj.gov>

Sent: Tuesday, January 10, 2023 5:23 PM

To: RNH (JSPT) <[REDACTED]@usdoj.gov>

Subject: RE: PIN

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

[REDACTED]

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

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

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

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

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

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

Perfect. And please, there's no hurry this morning, Tad.

It just occurred to me that before we tell Main we are going to fire off subpoenas for so many members tolls I should make sure Jack's aware.

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

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

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

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

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Great. Two things, please.

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

Thanks.

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

Ray,

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

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

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

Can you look at page 608 of the House Report and let me know if we have already gotten tolls for the members that Trump and Giuliani contacted on 1/6?

If not, let's talk about whether we should do it all now.

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

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

17. Brian Babin
18. Andy Biggs

[REDACTED]

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

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

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

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

Thanks.

Raymond Hulser
Special Counsel's Office
[REDACTED]

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

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

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

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

tt

From: Madison Ramsden [REDACTED]@fbi [REDACTED] >

Sent: Thursday, December 1, 2022 2:02 PM

To: Verizon Legal Process Compliance [REDACTED]

Subject: Subpoena 42-0037

Hello,

Please see the attached subpoena and nondisclosure order and confirm receipt by email.

Thanks,

Madison Ramsden
Special Agent
Washington Field Office
Desk [REDACTED]
Cell [REDACTED]

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE APPLICATION OF USA FOR
2705(b) NONDISCLOSURE ORDER FOR
GRAND JURY SUBPOENA #GJ-42-0037

SC No. 22-3042

Filed Under Seal

ORDER

This matter having come before the Court pursuant to an application under 18 U.S.C. § 2705(b) requesting an order directing Verizon Wireless (“PROVIDER”), an electronic communication and/or remote computing service provider located in Bedminster, New Jersey, not to notify any other person of the existence of subpoena number GJ-42-0037 issued by the United States on behalf of a federal Grand Jury empanelled in the United States District Court for the District of Columbia (the “Subpoena”), the Court finds reasonable grounds to believe that such disclosure will result in flight from prosecution, destruction of or tampering with evidence, intimidation of potential witnesses, and serious jeopardy to the investigation.

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

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

 Digitally signed by
James P. Mazzone
Date: 2022.11.30
09:35:42 -05'00'

UNITED STATES MAGISTRATE JUDGE



U.S. Department of Justice

950 Pennsylvania Avenue NW
Washington, D.C. 20530

November 23, 2022

VIA ELECTRONIC DELIVERY

Verizon Wireless
180 Washington Valley Road
Bedminster, NJ 07921
[REDACTED]

Re: Grand Jury Subpoena #GJ-42-0037

Dear Records Custodian:

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

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

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

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

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

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

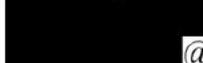
Enclosed please find a nondisclosure order from the court directing Verizon Wireless not to notify any person (including the subscriber or customer) of the existence or content of this subpoena. You are directed not to disclose the existence of this subpoena or the fact of your compliance. Any such disclosure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

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

Sincerely,

JOHN. L. SMITH
Special Counsel

By: 
Brett C. Reynolds
Trial Attorney
U.S. Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530

@usdoj.

UNITED STATES DISTRICT COURT
for the
District of Columbia

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

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

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

Place: U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
U.S. Courthouse, 3rd Floor
333 Constitution Avenue, N.W.
Washington, D.C. 20001

Date and Time:

Thursday, December 8, 2022 at 10:00 a.m.

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

PLEASE SEE ATTACHMENT

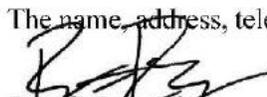
In lieu of personally appearing before the Grand Jury on the date indicated, you may comply with this grand jury subpoena by promptly providing the requested records in the manner described in the attachment.

Date: November 23, 2022

CLERK OF COURT


Signature of Clerk or Deputy Clerk

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


Brett C. Reynolds
Trial Attorney, U.S. Department of Justice
950 Pennsylvania Ave. NW, Ste. 7700
Washington, DC 20530
Phone: [REDACTED]
Email: [REDACTED]@usdoj.[REDACTED]

Subpoena #GJ-42-0037

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CO 293 (Rev. 8/91) Subpoena to Testify Before Grand Jury

RETURN OF SERVICE ⁽¹⁾		
RECEIVED BY SERVER	DATE	PLACE
SERVED	DATE	PLACE
SERVED ON (PRINT NAME)		
SERVED BY (PRINT NAME)		TITLE
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER ⁽²⁾		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____ Date</p> <p>_____ Signature of Server</p> <p>_____ Address of Server</p>		
ADDITIONAL INFORMATION		

⁽¹⁾As to who may serve a subpoena and the manner of its service see Rule 17(d), Federal Rules of Criminal Procedure, or Rule 45(c), Federal Rules of Civil Procedure.

⁽²⁾"Fees and mileage need not be tendered to the witness upon service of a subpoena issued on behalf of the United States or an officer or agency thereof (Rule 45(c), Federal rules of Civil Procedure; Rule 17(d), Federal Rules of Criminal Procedure) or on behalf of certain indigent parties and criminal defendants who are unable to pay such costs (28 USC 1825, Rule 17(b) Federal Rules of Criminal Procedure)".

Subpoena #GJ-42-0037

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

1 Tracking Number: GJ-42-0037	2 Date Order Prepared: November 23, 2022	3 USAO Number:
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Section A – Authorization and Purchase Order

4 Name and Address of Service Provider: Verizon Wireless 180 Washington Valley Road Bedminster, NJ 07921	Funding Certification & Authorization:	A. Budget Official Signature	Funding Available	Date
		B. Approving Official Signature	Date	

5 Deliver Records To: Brett C. Reynolds, Trial Attorney National Security Divisions, U.S. Department of Justice 950 Pennsylvania Avenue NW Washington, D.C. 20530	Send Completed USA-212 Form & Invoice To:	6 Return Date: December 8, 2022
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7 Remarks: Do not proceed with compliance if the total cost will exceed _____ without prior approval. To obtain approval, call the requestor listed in Item 8. If invoicing for these services is expected to exceed 120 days, please notify the United States Attorney's Office immediately to ensure funds remain available for payment. Please see the attached Important Notice for additional information on invoicing and other requirements for reimbursement.

8 Name of Requestor: Brett C. Reynolds	9 Telephone Number: [REDACTED]	10 Date of request: November 23, 2022
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Section B - ECPA Service Provider Invoice

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

12 Signature of Service Provider Representative:	13 Date Signed:	Total Amount Claimed By Service Provider
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Section C - Receiving Report

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

18 Electronic Communications Privacy Act - Public Law 99-508 (18 U.S.C. 2701-2712) Request Pursuant To: <i>(Only One Section at Left Should Be Checked)</i>	SECTION <input type="checkbox"/> 2702 Voluntary Disclosure <input checked="" type="checkbox"/> 2703 Compelled Disclosure <input type="checkbox"/> Search Warrant <input checked="" type="checkbox"/> Grand Jury Subpoena <input type="checkbox"/> Court Order <input type="checkbox"/> Administrative or Judicial Subpoena <input type="checkbox"/> 2704 Request for Information Following Preservation	OBJECT CLASS 2570 2570 2570 2570 2570 2570	19 Signature of Approving Official: _____ Date: _____
			20 Funding Source: _____ Accounting Code: _____ Program: _____ 21 Other Accounting/Fund Information: Program Code: _____ Project Code: _____ YREGDOC: Call Number (if applicable): OBL Month (YRMO): Tax ID Number:
22 Remarks:			

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

Signature of U.S Department of Justice Representative _____ Date _____

DECLARATION OF CUSTODIAN OF RECORDS

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

My name is _____
(name of declarant)

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

I am in receipt of a United States District Court Subpoena #GJ-42-0037, dated November 23, 2022, signed by Assistant United States Attorney Brett C. Reynolds, requesting specified records of the business named below.

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

- (1) were made at or near the time of the occurrence of the matters set forth in the records, by, or from information transmitted by, a person with knowledge of those matters;
- (2) were kept in the course of regularly conducted business activity, in that the records were created and preserved pursuant to established procedures, and were relied upon by an employee or this business; and
- (3) were made as part of the regularly conducted business activity as a regular practice, in that the records were created and preserved as part of routine reflections of the normal operations of this business.

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

Executed on _____
(date)

(signature of declarant)

(name and title of declarant)

(name of business)

(business address)

(business address)

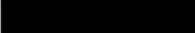
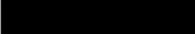
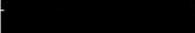
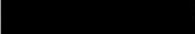
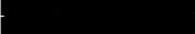
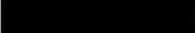
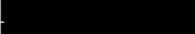
Definitions of terms used above:

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

SUBPOENA ATTACHMENT

To: Verizon Wireless

For the time period of January 1, 2021 to present, please provide all customer or subscriber account information for any and all accounts associated with the following telephone numbers:

1. 
2. 
3. 
4. 
5. 
6. 
7. 
8. 
9. **Kash Patel**

In addition, for each account, the information shall include the subscriber's:

1. Names (including subscriber names, user names, and screen names);
2. Addresses (including mailing addresses, service addresses, residential addresses, business addresses, and e-mail addresses);
3. Local and long distance telephone connection records (including records of text messages sent and received);
4. Records of session times and durations;
5. Length of service (including start date) and types of service utilized;
6. Telephone or instrument numbers (including model type/numbers, phone numbers, IMSIs, IMEIs, MEIDs, UDIDs, MAC addresses, and advertising IDs);
7. Other subscriber numbers or identities, including any temporarily assigned network addresses (including the registration and session IP addresses with associated port numbers); and
8. Means and source of payment for such service (including any credit card or bank account number).

Production in Lieu of Personal Appearance

In lieu of personally appearing before the Grand Jury on the date indicated, you may comply with this grand jury subpoena by promptly providing the requested records in a non-proprietary electronic format via courier service (such as FedEx, UPS, or DHL) or electronically to:

Special Agent Jeremy Linton
Special Agent Danielle Ray
Special Agent Madison Ramsden
Federal Bureau of Investigation, Washington Field Office

[REDACTED]@fbi.[REDACTED]
[REDACTED]@fbi.[REDACTED]
[REDACTED]@fbi.[REDACTED]
[REDACTED] / [REDACTED]

In order to avoid a grand jury appearance, please (a) deliver, ship, or electronically submit the requested documents and records so that they are received in advance of the return date specified in the grand jury subpoena and (b) have an appropriate custodian of records from your business complete and sign the declaration enclosed with this package.

Verizon Legal Process Compliance
DH

From: Jamie Garman <[REDACTED]@fbi.[REDACTED].v>
Sent: Thursday, February 23, 2023 11:50 AM
To: Verizon Legal Process Compliance <[REDACTED]>
Cc: Daniel Mehochko <[REDACTED]fbi.[REDACTED]>
Subject: Subpoena Service

Good afternoon,

Please accept this email as service of the attached grand jury subpoena and NDO. Please let me know if you need anything further.

Thank you,
Jamie R. Garman
Special Agent
FBI - WFO
[REDACTED]



U.S. Department of Justice

Jack Smith
Special Counsel

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

February 22, 2023

VIA Electronic Mail

Verizon
180 Washington Valley Rd.
Bedminster, NJ 07921

Re: Grand Jury Subpoena #GJ20230216-E0135

Dear Sir or Madam:

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

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

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

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

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

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

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

Sincerely,

JACK SMITH
SPECIAL COUNSEL

By: /s/ Thomas P. Windom
Thomas P. Windom
Senior Assistant Special Counsel
950 Pennsylvania Ave. NW, Room B-206
Washington, DC 20530
■■■■@usdoj■■■■

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE APPLICATION OF USA FOR
2705(b) NONDISCLOSURE ORDER
FOR GRAND JURY SUBPOENA
#GJ20230216-E0135

Case No. 23-sc-466

Chief Judge Beryl A. Howell

UNDER SEAL

ORDER

This matter having come before the Court pursuant to an application under 18 U.S.C. § 2705(b) requesting an order directing Verizon (“PROVIDER”), an electronic communication and/or remote computing service provider located in Bedminster, New Jersey, not to notify any other person of the existence of subpoena number GJ20230216-E0135 issued by the United States on behalf of a federal Grand Jury empaneled in the United States District Court for the District of Columbia (the “Subpoena”), the Court finds reasonable grounds to believe that such disclosure will result in destruction of or tampering with evidence, intimidation of potential witnesses, and serious jeopardy to the investigation. *See* 18 U.S.C. § 2705(b)(3)-(5).

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

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

SO ORDERED.

Date: February 21, 2023



Beryl A. Howell

BERYL A. HOWELL
CHIEF JUDGE

UNITED STATES DISTRICT COURT
for the
District of Columbia

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

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

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

Place: U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
U.S. Courthouse, 3rd Floor Grand Jury #22-10
333 Constitution Avenue, N.W.
Washington, D.C. 20001

Date and Time:
Thursday, March 9, 2023 at 9:00 AM

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

PLEASE SEE ATTACHMENT

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

Date: February 22, 2023

CLERK OF COURT


Signature of Clerk or Deputy Clerk

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

Thomas P. Windom, Senior Assistant Special Counsel
950 Pennsylvania Ave. NW, Room B-206
Washington, DC 20530
Email [redacted]@usdoj [redacted]

Subpoena #GJ20230216-E0135

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

1 Tracking Number: GJ20230216-E0135	2 Date Order Prepared:	3 SCO Reference Number: N/A
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Section A – Authorization and Purchase Order

4 Name and Address of Service Provider: Verizon Wireless 180 Washington Valley Rd. Bedminster, NJ 07921	Funding Certification & Authorization:	A. Budget Official Signature Funding Available Date
		B. Approving Official Signature Date

5 Deliver Records To: Thomas P. Windom 950 Pennsylvania Ave. NW, Room B-206 Washington, DC 20530	Send Completed SCO-212 Form & Invoice To: Ariel McIntyre [REDACTED]@usdoj	6 Return Date:
--	---	----------------

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

8 Name of Requestor:	9 Telephone Number:	10 Date of request:
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Section B - ECPA Service Provider Invoice

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

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

Section C - Receiving Report

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

18 Electronic Communications Privacy Act - Public Law 99-508 (18 U.S.C. 2701-2712) Request Pursuant To: (Only One Section at Left Should Be Checked)	19 Signature of Approving Official: _____ Date: _____
--	---

SECTION		OBJECT CLASS
<input type="checkbox"/> 2702	Voluntary Disclosure	2570
<input checked="" type="checkbox"/> 2703	Compelled Disclosure	2570
	<input type="checkbox"/> Search Warrant	2570
	<input checked="" type="checkbox"/> Grand Jury Subpoena	2570
	<input type="checkbox"/> Court Order	2570
	<input type="checkbox"/> Administrative or Judicial Subpoena	2570
<input type="checkbox"/> 2704	Request for Information Following Preservation	2570

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

22 Remarks:

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

Signature of Department of Justice Representative _____ Date _____

DECLARATION OF CUSTODIAN OF RECORDS

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

My name is _____
(name of declarant)

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

I am in receipt of a United States District Court Subpoena #GJ20230216-E0135 dated February 22, 2023, signed by Assistant Special Counsel Thomas P. Windom, requesting specified records of the business named below.

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

- (1) were made at or near the time of the occurrence of the matters set forth in the records, by, or from information transmitted by, a person with knowledge of those matters;
- (2) were kept in the course of regularly conducted business activity, in that the records were created and preserved pursuant to established procedures, and were relied upon by an employee or this business; and
- (3) were made as part of the regularly conducted business activity as a regular practice, in that the records were created and preserved as part of routine reflections of the normal operations of this business.

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

Executed on _____
(date)

(signature of declarant)

(name and title of declarant)

(name of business)

(business address)

(business address)

Definitions of terms used above:

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

Verizon
180 Washington Valley Road
Bedminster, NJ 07921

GJ20230216-E0135

Grand Jury Subpoena Attachment

For any and all accounts associated with the following identifiers:

Kash Patel, [REDACTED]

Provide the following records from October 1, 2020, through February 22, 2023:

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

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

Jamie R. Garman
Special Agent, Federal Bureau of Investigation

[REDACTED] fbi [REDACTED]

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

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

INSTRUCTIONS FOR PRODUCTION OF RECORDS

I. General:

- a. Records existing as **Electronically Stored Information (ESI)** shall be produced in **non-proprietary electronic form** and shall include text data and image data held:
 - i. In your record retention systems; and/or
 - ii. By your technology, data, or other service provider(s).
- b. Records that do not exist as ESI may be produced in paper or other original format and may be converted to image or text data and provided as ESI, unless originals are required.

II. Text Data

- a. Text data relating to transactions shall be produced within a data file:
 - i. Using a delimited ASCII text data format; or
 - ii. Using software that can export to a commonly readable, non-proprietary file format without loss of data.
- b. Text data files relating to transactions shall include field descriptions (e.g., account number, date/time, description, payee/payor, check number, item identifier, and amount).

III. Image Data

- a. Image data shall be produced in graphic data files in a commonly readable, non-proprietary format with the highest image quality maintained.
- b. Image data of items associated with transactions (e.g., checks and deposit slips) shall be:
 - i. Produced in individual graphic data files with any associated endorsements; and
 - ii. Linked to corresponding text data by a unique identifier.

IV. Encryption/Authentication

- a. ESI may be transmitted in an encrypted container (*e.g. flash drive, CD/DVD*). Decryption keys and/or passwords shall be produced separately at the time the data are produced. *Please do not encrypt individual file contents if the container is encrypted.*
- b. Authentication, such as hash coding, may be set by agreement.
- c. Affidavits or certificates of authenticity may be included as part of the electronic production.