



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, DC 20530

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Grassley:

In response to your letter dated October 9, 2025, we write to disclose additional documents relating to the targeting of Senators and Congressmen during the Arctic Frost investigation. The Department remains committed to working with Congress to uncover the Biden Administration's weaponization of law enforcement against its political opponents.

The attached emails at times use initials rather than the full names of the personnel in the Office of Special Counsel who were the senders and recipients. To assist in your review, we note the names corresponding to those initials as follows:

- MGG = Molly Gaston
- JPC = J.P. Cooney
- TPW = Thomas Windom
- RNH = Raymond Hulser
- JLSSC = Jack Smith, Special Counsel

The Department's review of these matters is ongoing, and we anticipate providing you with additional updates in the future. If we may be of further assistance, please do not hesitate to contact us.

Sincerely,

Patrick D. Davis
Assistant Attorney General

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

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

Subject: RE: Toll Record Subpoena

Date: Tue, 16 May 2023 12:25:47 -0400

Importance: Normal

Ron Johnson/Rep Mike Kelly?

From: MGG (JSPT)

Sent: Tuesday, May 16, 2023 12:23 PM

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

Subject: RE: Toll Record Subpoena

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

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

Sent: Tuesday, May 16, 2023 12:21 PM

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

Subject: RE: Toll Record Subpoena

Kevin McCarthy

J.P. Cooney
[REDACTED]

From: JPC (JSPT)

Sent: Tuesday, May 16, 2023 12:20 PM

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

Subject: Toll Record Subpoena

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

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

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

Should we add—

Cruz, Hawley, Perry, Gomert? Others?

J.P. Cooney
[REDACTED]

[REDACTED]

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

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

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

Subject:

Date: Wed, 17 May 2023 01:03:45 -0400

Importance: Normal

Attachments: 2023.05.17_Toll_Record_Memo.docx

J.P., Ray—as requested, please see memo on our request to subpoena toll records.

Molly Gaston

[REDACTED]



U.S. Department of Justice

Jack Smith

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

To: J.P. Cooney and Ray Hulser

From: The Election Investigation Team

Subject: Limited Toll Record Subpoenas for Members of Congress

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

We intend to subpoena toll records for January 4, 2021, to January 7, 2021, for Senators Marsha Blackburn, Lindsey Graham, Bill Hagerty, Josh Hawley, Cynthia Lummis, Ron Johnson, John Kennedy, Tim Scott, Dan Sullivan, and Tommy Tuberville, and Representative Mike Kelly. We already have records indicating that Trump and Giuliani sought out many of these Members at pivotal times on January 6. Based on emails sent by Trump aide Molly Michael, Trump tried to reach Hawley and Hagerty at around 6 p.m. that evening. At 7:34 p.m., Trump adviser Boris Epshteyn sent a text message to Chief of Staff Mark Meadows indicating that Trump had asked Giuliani to place multiple calls: “Evening, Mark – POTUS asked Mayor to call these Senators, are these the correct numbers?” The text then listed Tuberville, Lummis, Kennedy, Hagerty, Blackburn, and Scott. That evening, Giuliani left Tuberville a message asking for help delaying the certification. Giuliani’s toll records corroborate that Giuliani called Blackburn (6:59 p.m.); Lee (intending Tuberville at 7:02 p.m.); Hagerty (7:08 p.m.); and Sullivan (at 7:14 and 7:18 p.m.). Although the Select Committee’s report suggests that Giuliani also tried to call Graham, we do not possess such evidence. Finally, we propose subpoenaing records related to Sen. Johnson and Rep. Kelly because there is evidence that Campaign officials involved in the Electors scheme asked staff to Johnson and Kelly to accept Wisconsin’s fake certificates and provide them to Vice President Mike Pence on January 6.

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

Once we receive your approval, we will conduct a consultation with PIN and advise them of the above facts before issuing subpoenas.

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

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

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

Subject: Re:

Date: Wed, 17 May 2023 08:38:00 -0400

Importance: Normal

Will do.

Molly Gaston
[REDACTED]

On May 17, 2023, at 7:21 AM, JPC (JSPT) <[REDACTED]@usdoj.gov> wrote:

Please go ahead with the PIN consult. When we get that sign off, please put that in the memo and then let's be ready to send process right away.

J.P. Cooney
[REDACTED]

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

Sent: Wednesday, May 17, 2023 7:19:45 AM

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

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

Subject: Re:

Agree. We will discuss with Jack today. Go ahead and get Matt to start drawing up process.

J.P. Cooney
[REDACTED]

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

Sent: Wednesday, May 17, 2023 7:10:05 AM

To: MGG (JSPT) <[REDACTED]@usdoj.gov>; JPC (JSPT) <[REDACTED]@usdoj.gov>

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

Subject: RE:

This is more than enough from my perspective.

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

Sent: Wednesday, May 17, 2023 1:04 AM

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

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

Subject:

J.P., Ray—as requested, please see memo on our request to subpoena toll records.

Molly Gaston

[REDACTED]

[REDACTED]

[REDACTED]

From: "MGG (JSPT)" <[REDACTED]@usdoj.gov>
To: "RNH (JSPT)" <[REDACTED]@usdoj.gov>, "JPC (JSPT)" <[REDACTED]@usdoj.gov>
Cc: "TPW (JSPT)" <[REDACTED]@usdoj.gov>
Subject: FW: Consult
Date: Wed, 17 May 2023 11:12:33 -0400
Importance: Normal
Attachments: 2023.05.17_Toll_Record_Memo.docx

J.P., Ray—attached is a revised memo that includes the fact of PIN consultation/concurrence, and below is the consult with PIN. Thanks.

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

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

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

-John

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

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

John,

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

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

Many thanks,
Molly

Molly Gaston
Special Counsel's Office
[REDACTED]



U.S. Department of Justice

Jack Smith

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

To: J.P. Cooney and Ray Hulser

From: The Election Investigation Team

Subject: Limited Toll Record Subpoenas for Members of Congress

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

We intend to subpoena toll records for January 4, 2021, to January 7, 2021, for Senators Marsha Blackburn, Lindsey Graham, Bill Hagerty, Josh Hawley, Cynthia Lummis, Ron Johnson, John Kennedy, Tim Scott, Dan Sullivan, and Tommy Tuberville, and Representative Mike Kelly. We already have records indicating that Trump and Giuliani sought out many of these Members at pivotal times on January 6. Based on emails sent by Trump aide Molly Michael, Trump tried to reach Hawley and Hagerty at around 6 p.m. that evening. At 7:34 p.m., Trump adviser Boris Epshteyn sent a text message to Chief of Staff Mark Meadows indicating that Trump had asked Giuliani to place multiple calls: “Evening, Mark – POTUS asked Mayor to call these Senators, are these the correct numbers?” The text then listed Tuberville, Lummis, Kennedy, Hagerty, Blackburn, and Scott. That evening, Giuliani left Tuberville a message asking for help delaying the certification. Giuliani’s toll records corroborate that Giuliani called Blackburn (6:59 p.m.); Lee (intending Tuberville at 7:02 p.m.); Hagerty (7:08 p.m.); and Sullivan (at 7:14 and 7:18 p.m.). Although the Select Committee’s report suggests that Giuliani also tried to call Graham, we do not possess such evidence. Finally, we propose subpoenaing records related to Sen. Johnson and Rep. Kelly because there is evidence that Campaign officials involved in the Electors scheme asked staff to Johnson and Kelly to accept Wisconsin’s fake certificates and provide them to Vice President Mike Pence on January 6.

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

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

[REDACTED]

From: "RNH (JSPT)" <[REDACTED]@usdoj.gov>
To: "JLSSC (JSPT)" <[REDACTED]@usdoj.gov>
Cc: "JPC (JSPT)" <[REDACTED]@usdoj.gov>

Subject: congressional toll records

Date: Wed, 17 May 2023 11:17:19 -0400

Importance: Normal

Attachments: 2023.05.17_Toll_Record_Memo.docx

JP and I have reviewed and concur in the request. PIN concurs.

Raymond Hulser
Special Counsel's Office
[REDACTED]



U.S. Department of Justice

Jack Smith

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

To: J.P. Cooney and Ray Hulser

From: The Election Investigation Team

Subject: Limited Toll Record Subpoenas for Members of Congress

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

We intend to subpoena toll records for January 4, 2021, to January 7, 2021, for Senators Marsha Blackburn, Lindsey Graham, Bill Hagerty, Josh Hawley, Cynthia Lummis, Ron Johnson, John Kennedy, Tim Scott, Dan Sullivan, and Tommy Tuberville, and Representative Mike Kelly. We already have records indicating that Trump and Giuliani sought out many of these Members at pivotal times on January 6. Based on emails sent by Trump aide Molly Michael, Trump tried to reach Hawley and Hagerty at around 6 p.m. that evening. At 7:34 p.m., Trump adviser Boris Epshteyn sent a text message to Chief of Staff Mark Meadows indicating that Trump had asked Giuliani to place multiple calls: “Evening, Mark – POTUS asked Mayor to call these Senators, are these the correct numbers?” The text then listed Tuberville, Lummis, Kennedy, Hagerty, Blackburn, and Scott. That evening, Giuliani left Tuberville a message asking for help delaying the certification. Giuliani’s toll records corroborate that Giuliani called Blackburn (6:59 p.m.); Lee (intending Tuberville at 7:02 p.m.); Hagerty (7:08 p.m.); and Sullivan (at 7:14 and 7:18 p.m.). Although the Select Committee’s report suggests that Giuliani also tried to call Graham, we do not possess such evidence. Finally, we propose subpoenaing records related to Sen. Johnson and Rep. Kelly because there is evidence that Campaign officials involved in the Electors scheme asked staff to Johnson and Kelly to accept Wisconsin’s fake certificates and provide them to Vice President Mike Pence on January 6.

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

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

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

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

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

Subject: RE: congressional toll records

Date: Wed, 17 May 2023 11:22:28 -0400

Importance: Normal

Stop by

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

Sent: Wednesday, May 17, 2023 11:17 AM

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

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

Subject: congressional toll records

JP and I have reviewed and concur in the request. PIN concurs.

Raymond Hulser
Special Counsel's Office
[REDACTED]

[REDACTED]

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

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

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

Subject: revised toll memo

Date: Wed, 17 May 2023 12:49:32 -0400

Importance: Normal

Attachments: 2023.05.17_Toll_Record_Memo.docx

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

Raymond Hulser
Special Counsel's Office

[REDACTED]



U.S. Department of Justice

Jack Smith

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

To: J.P. Cooney and Ray Hulser

From: The Election Investigation Team

Subject: Limited Toll Record Subpoenas for Members of Congress

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

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

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

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

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

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

[REDACTED]

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

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

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

Subject: RE: revised toll memo

Date: Wed, 17 May 2023 12:51:50 -0400

Importance: Normal

Approved

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

Sent: Wednesday, May 17, 2023 12:50 PM

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

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

Subject: revised toll memo

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

Raymond Hulser

Special Counsel's Office

[REDACTED]

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

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

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

Subject: RE: Consult

Date: Wed, 17 May 2023 18:47:49 -0400

Importance: Normal

Thanks. One correction—we are going to get Sen. Rick Scott's tolls, not Sen. Tim Scott (the Epshteyn text uses a number with a Florida area code). Good catch by MLD.

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

Sent: Wednesday, May 17, 2023 12:54 PM

To: MGG (JSPT) <[REDACTED]@usdoj.gov>; JPC (JSPT) <[REDACTED]@usdoj.gov>

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

Subject: RE: Consult

Cleared. Thanks for doing this.

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

Sent: Wednesday, May 17, 2023 12:30 PM

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

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

Subject: RE: Consult

Done in the attached revised.

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

Sent: Wednesday, May 17, 2023 12:10 PM

To: MGG (JSPT) <[REDACTED]@usdoj.gov>; JPC (JSPT) <[REDACTED]@usdoj.gov>

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

Subject: RE: Consult

Can you please add a line to the summary about the recorded message Sullivan says he received.
And can you point us to the language in the Select Committee Report about a call to Graham?

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

Sent: Wednesday, May 17, 2023 11:13 AM

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

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

Subject: FW: Consult

J.P., Ray—attached is a revised memo that includes the fact of PIN consultation/concurrence, and below is the consult with PIN. Thanks.

From: Keller, John (CRM) <[REDACTED]@usdoj.gov>

Sent: Wednesday, May 17, 2023 10:43 AM

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

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

Subject: RE: Consult

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

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

-John

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

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

John,

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

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

[REDACTED]

Many thanks,
Molly

Molly Gaston
Special Counsel's Office

[REDACTED]

[REDACTED]
From: "Keller, John (CRM)" <[REDACTED]@usdoj.gov>

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

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

Subject: Re: Consult

Date: Wed, 17 May 2023 18:58:13 -0400

Importance: Normal

It does not. Thanks, Molly.

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

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

From: Keller, John (CRM) <[REDACTED]@usdoj.gov>

Sent: Wednesday, May 17, 2023 10:43 AM

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

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

Subject: RE: Consult

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John D. Keller
Principal Deputy Chief
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[REDACTED] (Desk) | [REDACTED] (Cell)

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Molly Gaston
Special Counsel's Office
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