

1 COMMITTEE ON THE JUDICIARY

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4 UNITED STATES SENATE

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7 WASHINGTON, D.C.

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INTERVIEW OF: BYUNG J. "BJay" PAK

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Wednesday, August 11, 2021

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The interview commenced at 10:30 a.m.

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1 Appearances:

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3 For the COMMITTEE ON THE JUDICIARY:

4 SENATOR RICHARD BLUMENTHAL

5 SENATOR JON OSSOFF

6 SARA ZDEB, Majority Chief Counsel for Oversight

7 JOSEPH M. CHARLET, Majority Counsel

8 QUINTON BRADY, Minority Investigative Counsel

9 JOSHUA FLYNN-BROWN, Minority Deputy Chief Investigative
10 Counsel

11 DANIEL PARKER, Minority Investigator

12

13

14

15 BRADLEY WEINSHEIMER, DOJ

16 EMILY LOEB, DOJ

17 KIRA ANTELL, DOJ

18 CHRISTINA CALCE, DOJ

19

20 COUNSEL FOR WITNESS:

21 EDWARD T. KANG, Alston & Bird

22 RYAN MARTIN-PATTERSON, Alston & Bird

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1 Ms. Zdeb. It is 10:31 and we can go on the record.

2 Mr. Pak, good morning. Thank you very much for being
3 with us. I'm going to go over a very short preamble and
4 then I'm going to turn it over to my colleague,
5 Mr. Charlet, to start asking some questions.

6 This is a transcribed interview of BJay Pak. Chair
7 Durbin requested this interview as part of the Judiciary
8 Committee's investigation into efforts to involve the
9 Justice Department in former President Trump's attempts to
10 overturn the 2020 Presidential election.

11 Would the witness please state and spell his name for
12 the record?

13 The Witness. Byung J. Pak, B-y-u-n-g. Jin, as in
14 J-i-n, my middle name. Last name is P-a-k.

15 Ms. Zdeb. Thank you. On behalf of the Chair, I thank
16 Mr. Pak for appearing here today. We appreciate your
17 willingness to appear voluntarily.

18 My name is Sara Zdeb. I'm the Majority chief
19 oversight counsel for the Judiciary Committee, and I will
20 now ask everyone else on the Zoom to introduce themselves
21 for the record except for Mr. Pak's counsel, who we will
22 get to in just a minute. And we can start with the
23 Senator.

24 Senator, you're on mute.

25 Mr. Blumenthal. Sorry about that.

1 Good morning, everyone. Richard Blumenthal, U.S.
2 Senator, Connecticut.

3 Ms. Zdeb. And going around the Zoom now and perhaps
4 for ease, we could start with my colleague on the Chair's
5 staff.

6 Mr. Charlet. Hi. Good morning. I'm Joe Charlet,
7 counsel for the Majority.

8 Ms. Zdeb. And my colleagues on Senator Grassley's
9 staff.

10 Mr. Flynn-Brown. Good morning, sir. My name is Josh
11 Flynn-Brown. I'm deputy chief investigative counsel for
12 Senator Grassley. We really appreciate your time today.
13 So thank you for being here, and I'll turn it over to two
14 of my colleagues who are also online today. Thank you.

15 Mr. Brady. Good morning, Mr. Pak. My name is Quinton
16 Brady, investigative counsel for Senator Charles Grassley.
17 Thank you again for being here.

18 Mr. Parker. And I am Daniel Parker, also an
19 investigator for Senator Grassley.

20 Ms. Zdeb. Go ahead, Brad.

21 Mr. Weinsheimer. Brad Weinsheimer, Department of
22 Justice.

23 Ms. Loeb. Emily Loeb, Department of Justice.

24 Ms. Zdeb. Kira, you're muted.

25 Ms. Antell. Kira Antell, also from the Department of

1 Justice.

2 Ms. Zdeb. Great. We muted you so you can't object to
3 any of our questions.

4 I'm just kidding.

5 The Federal Rules of Civil Procedure do not apply to
6 the Committee's investigative activities including
7 transcribed interviews. That said, we do follow some
8 guidelines that I will go over now.

9 Our questioning will proceed in rounds. The Majority
10 staff will ask questions for one hour, then the Minority
11 staff will have the opportunity to ask questions for an
12 equal amount of time. We will go back and forth in this
13 manner until there are no more questions.

14 We typically take a short break at the end of each
15 hour but if you need to take a break at any time before
16 then, please just let us know.

17 As I noted earlier, you are appearing voluntarily.
18 You have been authorized by the Department of Justice to
19 provide, quote, unrestricted testimony irrespective of
20 potential privilege, unquote, on topics within the scope of
21 the Committee's investigation. Accordingly, we anticipate
22 that our questions will receive complete responses.

23 As you can see, we have a stenographer, Mary Grace, on
24 the line taking down everything we say in order to make a
25 written record, and so we ask that you give verbal

1 responses to each question. Do you understand?

2 Mr. Pak. Yes.

3 Ms. Zdeb. We encourage witnesses who appear before
4 the Committee to consult freely with counsel if they
5 choose. You are appearing here today with counsel.

6 Counsel, would you please introduce yourselves for the
7 record?

8 Mr. Kang. Good morning. My name is Edward Kang at
9 Alston & Bird.

10 Mr. Martin-Patterson. Good morning. I'm Ryan
11 Martin-Patterson, also of Alston & Bird.

12 Ms. Zdeb. Mr. Pak, we want you to answer our
13 questions in a complete and truthful manner so if you don't
14 understand one of our questions, please just let us know.
15 You should understand that although this interview is not
16 under oath, by law you are required to answer questions
17 from Congress truthfully. Do you understand that?

18 Mr. Pak. I do.

19 Ms. Zdeb. Specifically, witnesses who knowingly
20 provide materially false statements during the course of
21 the Congressional investigation could be subject to
22 criminal prosecution under 18 U.S.C. 1001, and this statute
23 applies to your statements in this interview. Do you
24 understand that?

25 Mr. Pak. I do.

1 Ms. Zdeb. Is there any reason why you are unable to
2 provide truthful answers to today's questions?

3 Mr. Pak. I know of no reason.

4 Ms. Zdeb. Finally, we ask that you not speak about
5 what we discussed in this interview with anyone outside of
6 those of us on this Zoom in order to preserve the integrity
7 of our investigation.

8 Is there anything else that my colleagues on Senator
9 Grassley's staff would like to add before we get started?

10 Mr. Flynn-Brown. I have nothing to add at this time.
11 Thank you, Sara.

12 Ms. Zdeb. Mr. Pak, do you or your counsel have any
13 questions before we get started?

14 Mr. Pak. I do not.

15 Mr. Kang. None.

16 Ms. Zdeb. Great. In that case, this is the end of my
17 preamble. It is 10:37 and I'm going to turn it over to my
18 colleague, Mr. Charlet, to begin our first round of
19 questioning.

20 BY MR. CHARLET.

21 Q. All right. Thank you.

22 Good morning, Mr. Pak. I'm going to start with a few
23 questions about your background just for the record before
24 we begin. Could you tell us about your most recent --
25 could you tell us what your most recent role at the

1 Department of Justice was?

2 A. Yes. I was the United States attorney for the
3 Northern District of Georgia from October 10th to January
4 4th, 2021.

5 Q. Thank you. And prior to your confirmation as
6 U.S. Attorney for the Northern District of Georgia, can you
7 give us a brief overview of your professional experience?

8 A. Prior to becoming United States attorney, I was
9 in private practice. I also, during my private practice
10 years, I served in the Georgia general assembly as a state
11 representative for six years starting from January 2011 to
12 January 2017. It's a part-time legislature here, so I also
13 practiced law during that time.

14 Prior to that, previously I served in the Department
15 of Justice as an assistant United States attorney in the
16 Northern District of Georgia from 2002 to 2008. And prior
17 to that, I was also in private practice.

18 Q. All right. Thank you. And when you were the
19 U.S. Attorney for the Northern District of Georgia, what
20 did your responsibilities include when it came to
21 investigations concerning election fraud?

22 A. As the chief federal law enforcement officer in
23 the district, I obviously supervised all federal
24 investigations that were under my purview in accordance
25 with the Justice manual in coordination with, as necessary,

1 the Election Crimes Branch and working with all federal law
2 enforcement agencies, but primarily the Federal Bureau of
3 Investigation, and also coordinating any type of
4 investigation with state and other local authorities.

5 Q. And prior to the 2020 election and the time
6 period surrounding that, can you describe how and how often
7 you interacted directly with the deputy attorney general
8 and/or the attorney general while you were a U.S. Attorney?

9 A. It was -- it wasn't an everyday occurrence but,
10 yes, we do interact with the attorney general and the
11 deputy attorney general. In particular through the deputy
12 attorney general's office, my primary contact as a U.S.
13 Attorney would have been the principal associate deputy
14 attorney general or better known as PADAG.

15 The deputy attorney general is kind of viewed as the
16 chief operating officer of the Department so we were in
17 contact with the DAG's office more frequently and, of
18 course, the attorney general's office.

19 In addition, through my duties and work on the
20 subcommittees of the attorney general's advisory committee,
21 I would often work with various component heads and also
22 had some interactions with the attorney general and the
23 deputy attorney general individually.

24 Q. And you just described the deputy attorney
25 general as the chief operations officer. Do you mean that

1 your interactions with him were more administrative or did
2 they also include the substance of investigations in your
3 regular interactions?

4 A. It could be both. Because the United States
5 Attorney's Offices, the administrative side, there is the
6 executive office for the U.S. Attorneys, so that generally
7 gets handled through EOUSA. But it is possible and it
8 happened when you have substantive cases, particularly
9 things that are sensitive or something that would draw the
10 attention nationally, that we would coordinate with the
11 deputy attorney general's office.

12 And as a matter of practice, if there are sensitive
13 cases that are going on, investigations going on, the
14 guidelines show that we have to kind of file a sensitive
15 investigative report internally through EOUSA and the DAG's
16 office so that they are made aware of what is going on
17 throughout the country.

18 Q. Okay. Thank you. We will probably return to
19 some of those subjects as we go through the rest of the
20 interview.

21 So on December 1st, 2020, Attorney General Barr
22 publicly announced that the Department of Justice had found
23 no evidence of widespread election fraud in the 2020
24 election. He reaffirmed this finding on December 21st,
25 2020, two days before his resignation.

1 Prior to December 1st, had your office looked into
2 allegations in Georgia of election fraud?

3 A. There were complaints and allegations that were
4 coming in. The way we usually handle election fraud cases
5 is that each district is required to designate a district
6 elections officer and the FBI investigative component does
7 the same. And so we established a hotline so if there is
8 a -- allegations of some type of criminal violation that
9 they would call and bring in the leads.

10 Unlike the state and local prosecutors, the U.S.
11 Attorney's Offices do not have their own investigators, so
12 we rely on our federal law enforcement agencies to at least
13 track down the substance of the allegation and to do some
14 preliminary investigation to see if there is anything
15 there, whether or not the allegation is true.

16 In particular, during the election cycle, the district
17 election officer would give the front office of our office,
18 which is me and also my FAUSA and crim chief, regular
19 reports about some of the investigations going on,
20 generally things that have progressed to a level where the
21 U.S. Attorney needs to be aware of it. As you can imagine,
22 in every election there is usually some call comes in and
23 the deputy election officer is responsible for working with
24 the FBI to track down some allegations, to see if there are
25 any substance, to see if there is enough evidence to

1 actually investigate or open a case. Of course they are in
2 constant communication with the Department of Justice, the
3 Election Crimes division, when they do this.

4 For me, for that time period that you referenced,
5 Mr. Charlet, on December 4th, I believe, there was news
6 reports that came out related to a state Senate hearing on
7 election irregularities. I don't recall exactly the name
8 of the committee that they had, but it made the news
9 because at the time, Mr. Giuliani, Rudy Giuliani, came down
10 to the state of Georgia, at the capitol, and showed a video
11 that he described as a suitcase full of ballots being run.
12 And this hit the news. I did not know whether or not that
13 complaint was made directly to the Department or my office,
14 but it was all over the news. He called it a smoking gun
15 of election fraud.

16 Following the morning of that news cycle when
17 Mr. Giuliani came down and testified -- he didn't testify
18 because the state Senate doesn't have power to put people
19 under oath. So any statements are not subject to perjury.
20 I think people probably should know that.

21 And as -- by way of background, I have to tell you
22 that as a state legislator at the time, one of the
23 frustrating things about policymaking at the state level
24 was that we couldn't make sure what people are telling us
25 are exact in fact truth because we couldn't put them under

1 oath.

2 But in any event, when he testified -- when he told
3 the state Senate committee that this was a suitcase full of
4 ballots that they pulled out from underneath a table and
5 that it ran through, that it was evidence of fraud, of
6 course that raised my interest to see what he was talking
7 about.

8 That morning, I believe in December 4th, the morning
9 after, I did have a conversation with the attorney general
10 at the time, Attorney General Barr, related to another
11 matter that has nothing to do with the election fraud cases
12 that you're talking about. But at the time, Attorney
13 General Barr asked me if I had seen the news about this
14 allegation of this suitcase full of ballots and I said I
15 did hear about that. And then Attorney General Barr said
16 that, you know, he had an upcoming meeting with the White
17 House and, given the fact that he had made a statement two
18 days before that there was no widespread fraud that he
19 thought that this investigation -- or I'm sorry, the
20 videotape might come up during the discussion. So he asked
21 me to make it a priority to find out some more details
22 about the allegation made by Mr. Giuliani.

23 I told him I would do that. He asked me to make it a
24 top priority. So I said I'd be certain to do that.

25 At this point, we didn't even have a copy of the

1 videotape. We didn't even know what the videotape was
2 about. I just saw the news clip about it. So at the time,
3 you know, I obviously contacted the people responsible for
4 investigation in my office and relayed to them in general
5 that we want to find out what's going on with this
6 videotape. And oh, the attorney general asked me to keep
7 me kind of posted on any updates that I might get.

8 Per protocol, I definitely then called Rich Donoghue,
9 who was at the time the principal associate deputy attorney
10 general. The U.S. Attorney's kind of main contact with the
11 deputy attorney general's office. That's kind of protocol
12 because we coordinate and we would certainly want to let
13 them know that the attorney general wanted us to kind of
14 track down the videotape and see what was going on there.
15 But I talked to Rich Donoghue and told him about my
16 conversation with Attorney General Barr and that we are
17 trying to get a copy of the videotape and find out what --
18 some additional facts surrounding that.

19 So my district election officer was the main person
20 who reached out to the FBI. I did have a conversation with
21 the special agent in charge here about the videotape to see
22 if in fact the FBI knew about the videotape. They had not.
23 It was the first time they had heard of it. And so they
24 were going to coordinate with the Secretary of State's
25 office, who were already investigating this videotape, to

1 find out what -- the facts behind that videotape.

2 And so operationally, the FBI kind of chooses when to
3 reach out and whatnot. I just merely told them to go ahead
4 and let's try to find out what's going on with the
5 videotape, given the fact that the attorney general is
6 going to the White House through -- this may come up. And
7 I told him it was a top priority to do that.

8 At the same time, I think that I had not had any
9 conversation with Main Justice other than Rich Donoghue and
10 the attorney general about the case and they were -- I know
11 that the FBI had reached out to the Secretary of State's
12 office to start the process. The protocol is, because this
13 is during the election time where there's an election
14 cycle, and in particular in Georgia at the time, there was
15 a U.S. Senate runoff election scheduled for January 5th, I
16 believe, Tuesday, January 5th, I was very sensitive to the
17 fact that we can't do anything overt that may be viewed one
18 way or the other by the voters, whether giving --
19 inadvertently giving legitimacy to some claim of
20 irregularity of fraud or -- so we were very sensitive to
21 that.

22 And so the FBI was coordinating with the Election
23 Crimes Branch about doing some investigative steps, which
24 is the protocol. And the agents were -- it took a few
25 days, I think, to kind of get ready to find out kind of

1 what happened. I think that the plan was to try to
2 interview the individuals who were depicted in the video
3 and what we found out was the videotape was of a
4 surveillance camera located at the State Farm Arena here in
5 Fulton County, Atlanta on the night of the ballot
6 tabulation.

7 So it took a couple of days. Meanwhile, I saw the
8 news reports of the implementation manager for the
9 Secretary of State's office related to the Dominion voting
10 machines to discuss kind of what the actual videotape
11 showed. Gabe Sterling was the person. He went on the news
12 and described kind of what the Secretary of State's
13 investigation had shown in terms of videotape. At this
14 point, we still did not have a videotape. That the luggage
15 or suitcase that was referenced by Mr. Giuliani was in fact
16 a secure ballot box and that there was a miscommunication
17 as to why the poll watchers from each parties were
18 mistakenly sent home. And they were -- it was around, I
19 believe, late evening that night that the Fulton County
20 elections director decided to kind of come back tomorrow to
21 continue the tabulation, so they started packing up.

22 And seeing that the partisan poll watchers, the people
23 from the Democratic Party and the Republican Party, thought
24 that they were done for the night and they left the State
25 Farm Arena, and then the communication was made by the

1 Secretary of State's office calling down to the State Farm
2 Arena and saying what's going on there? And they said,
3 we're done for the night, and the Secretary of State's
4 office told them that, no, no, no, you've got to continue
5 tabulating because there's a lot of work to be done.

6 So they were reopening or bringing back the secure
7 ballot box to open to be retabulated. As a matter of fact,
8 in the news segment, they showed clips of the entire
9 evening, which you could see the workers actually packing
10 up the suitcase -- or they referred to it as a suitcase --
11 but the secure ballot box and putting it underneath the
12 table. And then -- so once the full picture was shown, it
13 was clear that it was the exact same box that they pulled
14 out to start recounting at the time.

15 So I forwarded that news article to my district
16 election officer to make sure that they had the latest
17 information. By then, I think that they were making plans
18 to try to interview the individuals. We also heard reports
19 that someone had identified the people who were depicted in
20 the video and they were in fact getting some death threats.
21 So there was another need to kind of talk to the
22 individuals there.

23 And at the same time, I had reached out to the
24 Secretary of State's office to see if there was any
25 investigative files, like memos of interviews of these

1 individuals that we could start taking a look at. And they
2 had -- ultimately, the lead investigator had not written a
3 report, actual written memorandum of the interviews of the
4 people working that night as depicted on the video, but she
5 did send me an audio recording of the interviews that they
6 conducted that day. And so I obviously listened to it and
7 I forwarded it to the FBI and also the district election
8 officer.

9 And I also listened to the tape in conjunction with
10 watching the video and the explanation of it and it was all
11 consistent. So I was comfortable in my mind at least,
12 without -- just looking at what the Secretary of State's
13 done, that the story seems to be consistent. But the FBI
14 wanted to make sure and also talk to some of the people
15 there who are depicted and they were trying to arrange
16 that.

17 But I did get a call that the reason they were not yet
18 having interviewed those individuals were that the Main
19 Justice had not authorized them at that point to reach out
20 to the poll workers and to interview them. And then I
21 asked why not. And I think the protocol was the FBI
22 coordinates with their headquarters, who coordinates with
23 the Department of Justice Election Crimes Branch to kind of
24 take every step in terms of -- because of the sensitivity
25 surrounding elections. I said that's fine.

1 So at that point, I called Rich Donoghue and told
2 him -- gave him an update on kind of the investigation in
3 terms of what I did, in terms of listening to the
4 interviews, looked at the news report and what the FBI had
5 told me that they have -- the reason they have yet to kind
6 of interview them. And that was my extent of kind of
7 telling Rich that that's why -- the PIN has not authorized
8 them to look at or authorized them to interview.

9 And my understanding, based on my discussion with the
10 FBI, was that there was a disagreement in terms of the
11 interpretation of the November 6th memo issued by AG Barr.
12 But I've never talked to election crimes or anybody in
13 Justice. I did tell Rich that that was the issue.

14 And so eventually, a few days later, I think that Rich
15 Donoghue called me and told me that they had resolved the
16 issue and that the FBI would go ahead and do the interview.
17 And then he sent me an email confirming kind of his
18 discussion with the deputy director, David Bowdich, related
19 to getting the FBI to go ahead and interview the
20 individuals.

21 And I know that they've done that and they actually
22 did a little bit more in terms of looking after the
23 sensitivities of kind of doing interviews because at the
24 same time that the FBI wanted to interview the witnesses,
25 the Secretary of State's office was doing a follow-up

1 interview of those witnesses. So I think operationally
2 they decided to do them together and not separately. And
3 so the special agent in charge had informed me and called
4 me that the interviews were consistent with what was in the
5 audit recordings and there was nothing irregular about the
6 events, and the allegations or statements made by
7 Mr. Giuliani during the Senate hearing were contradicted by
8 the FBI and my own investigation of the situation.

9 I called back to -- during the time, I kept Attorney
10 General Barr kind of informed where we are. I think I
11 talked to him maybe twice very briefly. And then once it
12 was -- the FBI had concluded their assessment interviews, I
13 called the attorney general along with -- I called Rich
14 Donoghue as well to tell him exactly what was going on.
15 And I told the attorney general that there was no substance
16 to the allegations. And he said, okay, thank you very much
17 for letting me know.

18 And that was the last time I communicated with either
19 the deputy attorney general or the attorney general related
20 to the State Farm video.

21 And then the next thing I found out is that, you know,
22 the attorney general had issued -- that he was going to
23 resign.

24 With respect to the other type of investigations,
25 there was nothing that kind of -- the FBI had taken steps

1 to kind of verify few at that point, enough. I mean, there
2 were allegations coming in. We were trying to make sure
3 that we have resources and attention to particular types of
4 complaints that were coming in. In particular, there were
5 lots of threats being made to various people who were
6 involved --

7 Mr. Weinsheimer. At this point, I'm concerned that
8 Mr. Pak may be going beyond the scope. I don't think it's
9 appropriate for him to talk about all of the
10 investigations. The scope deals with the circumstances on
11 which he left his position and pressure from the White
12 House or Department leadership. So I just want to be
13 careful that he doesn't go into other investigations that
14 aren't within that scope.

15 Mr. Charlet. I'll take a quick moment to note for the
16 record that Senator Ossoff has joined the interview.

17 BY MR. CHARLET.

18 Q. So first thank you, Mr. Pak. That was a lot of
19 detail. Just to clarify a couple of points really quickly.
20 First, you said that it took a few days to sort all of this
21 out. Do you recall about what day it was when you had
22 determined on your own separately that there was no
23 credibility to these allegations regarding the State Farm
24 Arena video?

25 A. Me individually, I think it took maybe two or

1 three days from my call with the attorney general when I
2 got the audited recording via email. And so that was the
3 day that I took time to review the evidence that the
4 Secretary of State's office had collected at that time. I
5 have not seen any other evidence other than look at the
6 audio recording and the video recording of it and I just
7 kind of concluded that it was consistent with what's been
8 reported to the public by the Secretary of State's office.

9 So unless there was something else that was going on,
10 I was comfortable that the main allegation that
11 Mr. Giuliani made with respect to the secure ballot box
12 being a suitcase full of fake ballots, that was not true.
13 That was debunked. I was satisfied of the explanation. So
14 it took about three days, I want to say, after -- two or
15 three days -- I can't remember exactly when -- that
16 everything kind of came to its natural kind of conclusion
17 based on the evidence that we see.

18 Q. And then were the interviews where there was a
19 bit of a delay before they were actually conducted, was
20 that on the same timeline or about when -- when were those
21 completed?

22 A. Mr. Pak. I think it was right around the same
23 time they got completed. The two or three-day delay was, I
24 think, the FBI was gathering preliminary evidence to review
25 to do the interviews. It's not like you just go ahead and

1 go. You want to make sure you have the facts straight and
2 their previous statements and things like that.

3 And it was during this time also where I think that
4 they were -- I don't know this personally, but I heard a
5 couple days after, when I talked to the FBI of where the
6 status of the interviews were, it was kind of waiting for
7 the authorization from the Election Crimes division or
8 branch, I'm sorry, that they were working through those
9 issues. And so it was right around the same time so -- and
10 not -- so the delay until like when we got most of the
11 evidence kind of reviewed and done the interviews was right
12 around the same time. In total, maybe three days, three to
13 four days from December 4th call that I had with the
14 attorney general.

15 Q. And then for the interviews themselves, I was
16 just unclear so just to clarify, were they for the people
17 or with the people making the allegations or the poll
18 workers who are seen in the video?

19 A. The authorization I think the FBI had received
20 was only for the individuals that are depicted in the video
21 who was at the State Farm location and so I think that my
22 recollection is they interviewed five to seven people,
23 which were -- I think there were five people who were poll
24 workers, and then there was two additional. One
25 actually -- there was a Secretary of State's office law

1 enforcement officer present on the night of the video and
2 so I can't remember if it was he or she. I know they were
3 talking to him and also I think they talked to someone with
4 respect to making a call that they were going to close down
5 for the night and then the reopening, the circumstances
6 surrounding like reopening of ballot boxes, continue
7 counting. That's my recollection. They might have
8 interviewed more people but I seem to recall that was the
9 authorization given by the Election Crimes Branch or the
10 Department itself and so that was narrow in scope.

11 Q. And then you also said there was an additional
12 sensitivity because people were receiving death threats.
13 Was that also the poll workers who appear in the video who
14 were receiving those threats?

15 A. That's correct.

16 Q. Okay.

17 A. That's correct. And there were others as well,
18 but those in particular, the name of the individual who was
19 in the video was leaked to the public by someone and as a
20 result, we were getting -- we were very sensitive to that.
21 That's another reason to kind of touch base with them.

22 Q. Okay. Great. So I'm going to take one step
23 back before doubling back into some of the substance since
24 we're trying to establish the timeline of what happened
25 when and where.

1 So when Barr first made his declaration that there was
2 no evidence of widespread election fraud on December 1st,
3 at that time, your office, at least insofar as the Northern
4 District of Georgia was concerned, is it correct that you
5 had not found any election fraud sufficient to change the
6 outcome of the election by December 1st?

7 A. That's correct. At that time, there wasn't
8 anything like that. And I think that -- just to give you
9 context, Mr. Charlet, the PADAG at the time, which is Rich
10 Donoghue, would from time to time check in, right? And
11 that's kind of the job of the PADAG, to check in with the
12 U.S. Attorney's Offices, make sure that there's not
13 anything that the front office should know about.

14 And so -- but the short answer to your question, yes,
15 there was absolutely nothing that -- of any investigation
16 that would cause a widespread fraud or anything like that
17 going on in the district.

18 Q. And then around the time of December 1st when
19 Attorney General Barr made that declaration, you had no
20 other reason to doubt his conclusion that the Justice
21 Department had found no evidence of widespread election
22 fraud in the 2020 election?

23 A. That's correct.

24 Q. Okay. Thank you. So I want to get back to
25 your explanation of how exactly your office works through

1 election fraud allegations or voter fraud allegations. You
2 had discussed there being a district officer who was
3 concerned with these matters and also that your office
4 coordinated with the FBI. So I'm just going to try to
5 understand how that functions a little bit more.

6 So how exactly does that officer, the district
7 election officer, fit into the way the U.S. Attorney's
8 Office is run? Do you directly oversee their work or is
9 there sort of a hierarchy that they sit within?

10 A. There's a hierarchy. The district election
11 officer, the criminal division chief, the first assistant
12 and then myself, those are kind of the leadership team
13 related to these things. All of them are career except for
14 me. They were career officers. As a matter of fact, the
15 district election officer used to work in the civil rights
16 division of the Department and so he was a perfect fit, in
17 my mind, and he's handled several cases.

18 So he would report regularly to the criminal division
19 chief and also, if necessary, to the FAUSA, then to me, but
20 it wasn't a regular kind of direct line. I did not ask him
21 for a report on every little thing that's going on on every
22 single basis. It would be once a week unless there was
23 something significant that we needed to -- that he decided
24 to elevate to the front office. So that's kind of the
25 supervisory chain.

1 Q. Okay. And then does that officer -- is he the
2 one -- he or she -- the one that coordinates with the local
3 FBI field office for the preliminary investigations that
4 you were discussing?

5 A. That's correct, yes.

6 Q. And you made mention of this before, but I
7 guess I'm asking on a more general level. How does the
8 intake process for voting or election related allegations
9 look? Is it always through a hotline that you set up or is
10 there a more general way in which the intake process works?

11 A. It's a hotline. We publicize the hotline and
12 the district election officer, the FBI's phone number. We
13 do a press release and I go on the radio and press to tell
14 them that if they need to call, contact the FBI or the U.S.
15 Attorney's Office. Other kind of complaints would come
16 into various AUSAs or myself and I would forward those to
17 the district election officer.

18 So, but there was a main way and then there's
19 obviously some other ways people would send information and
20 then we funneled it to the district election officer to
21 work with the FBI to track down.

22 Q. And then you also said on or about December
23 4th, AG Barr himself called you because he had concerns
24 about these allegations and wanted to understand more what
25 was happening.

1 Outside of the election fraud context and I guess
2 prior to the 2020 general election season, would you say
3 that officials from Main Justice often alerted your office
4 of allegations of crimes of any kind that should be
5 investigated?

6 A. It's not often. And the attorney general did
7 not call me for this case. He actually called me about
8 another matter and then this came up. But it's not every
9 day when the attorney general will call but from time to
10 time there would be conversations with the front office of
11 Main Justice about various cases, but in terms of the
12 actual allegations coming down from the AG's office, no,
13 that's rare.

14 Q. Okay.

15 And in the election fraud context, you were confirmed
16 in 2017 so you were the U.S. Attorney for the Northern
17 District of Georgia during the state's 2018 general
18 election, correct?

19 A. That's correct.

20 Q. During that election, do you recall officials
21 from Main Justice alerting your office to allegations of
22 election fraud that should be investigated?

23 A. No.

24 Q. So I want to turn your attention to an exhibit
25 that we have marked as Majority 1, and for the record, we

1 can mark it as Exhibit 1.

2
3 (Exhibit 1, email marked Majority1, was
4 marked for identification.)

5 BY MR. CHARLET.

6 Q. It's an email from Richard Donoghue to you
7 forwarding you a discussion that Mr. Donoghue had with
8 David Bowdich. Do you have that document in front of you?

9 A. I do.

10 Q. Thanks. So he forwarded this exchange that he
11 had with FBI Deputy Director David Bowdich about interviews
12 that AG Barr wanted to conduct in Atlanta. But before we
13 talk about the allegations in more detail, as you can see
14 in the underlying email that Donoghue sent Bowdich, AG Barr
15 had issued a policy change directly after the 2020 general
16 election on November 9th, 2020.

17 Do you recall the nature of that policy change?

18 A. I think -- I remember the memo. The memo, in
19 substance, I mean, in summary, basically said that the
20 general policy is that we defer investigation into election
21 fraud or tabulation until everything has been certified or
22 finalized. However, they are -- the policy currently
23 allows some preliminary inquiries, not on a wide open case
24 but preliminary inquiries that you can make including doing
25 some interviews.

26 And the memo had said that -- I think he was

1 reiterating that we had had authority under limited
2 circumstances to do preliminary inquiries in cases where
3 there is -- I can't remember exactly but I think cases
4 where there is a substantial, I think, allegation, I think
5 those were the terms, of some type of fraud that could
6 impact, potentially impact the outcome of an election. And
7 that's the substance of what I remember the memo saying.

8 Q. Okay. And then could you describe how if in
9 any way this policy change manifested in your work as a
10 U.S. Attorney? Were you approached by Main Justice at any
11 point to take a more forward-leaning approach to election
12 fraud investigations?

13 A. Apart from the memo, no, they have not. You
14 know, we took a -- internally at the U.S. Attorney's Office
15 that I was leading, I took the approach of being
16 conservative, of not -- of deferring every case that we
17 can, particularly because, as I noted before, there was yet
18 another election coming up.

19 By early December, the general election had been
20 completed. It would not be an open polling place type of
21 investigation that people are very sensitive to. But we
22 just wanted to make sure that we don't do anything that
23 would leave the public with an impression that we give some
24 kind of substance to any type of allegation or otherwise.
25 And so we were very sensitive to that.

1 I didn't read the memo as being a directive to be
2 forward-leaning in terms of investigations. I took it as
3 being sensitive but reminding that you can do it under
4 certain circumstances when there is substantial allegations
5 of fraud that could have, potentially have an
6 outcome-determinative impact.

7 Q. And in this email to Bowdich, Mr. Donoghue
8 alludes to a, quote, unquote, policy disagreement between
9 Public Integrity and DOJ leadership over the application of
10 this policy change. Did you ever become aware of that
11 policy disagreement at some point?

12 A. Yeah, my conversation with the FBI about why
13 there was a delay in terms of them doing the interview, the
14 special agent in charge told me that they were waiting for
15 authorization from the headquarters to go ahead and do
16 that. Then I asked him and said, you know, I think the
17 headquarters -- I think they refer to as PIN but I think
18 it's election crimes division -- felt like there was not a
19 substantial allegation.

20 And so that's the conversation. That's when I was
21 aware that I think there was a disagreement because in my
22 mind, the Attorney General wanted us to kind of track down
23 the allegation. He had authorized it, to do the
24 interviews. So that's why I called Rich Donoghue because
25 that is a disagreement between what the Attorney General

1 and I had wanted versus what the election crimes division's
2 reading the memo. And so that's how I became aware of the
3 disagreement on the interpretation.

4 Q. And just to make sure that I understand, your
5 understanding of the policy disagreement is that the
6 Elections Crime Branch or PIN did not think the State Farm
7 allegations were substantial and that is why they had
8 concerns about the investigative steps that were being
9 authorized by the Attorney General?

10 A. I think that was one of. The other was whether
11 or not it should be deferred, you know, done now versus
12 later.

13 But I would not talk to the election crimes division
14 so I wouldn't know exactly what the nature of the
15 disagreement was. I think it was interpretation over the
16 memo, the application of the memo, and so that's what I
17 communicated to Rich Donoghue, that I believed that that
18 was the reason why the FBI had not done their interviews
19 yet.

20 Q. And the interviews did happen within the course
21 of a few days despite this disagreement, is that correct?

22 A. That's correct.

23 Q. And was this the only time that this seeming
24 policy disagreement manifested itself in your work, at
25 least when it came to the 2020 election?

1 A. Yes.

2 Q. Okay. So in the policy, the underlying policy
3 itself, the final paragraph notes -- actually, let me enter
4 that for the record. So this document is Majority 2, or
5 it's marked as Majority 2. We'll mark it as Exhibit 2.

6
7 (Exhibit 2, two-page policy statement
8 marked Majority 2, was marked for
9 identification.)

10 BY MR. CHARLET.

11 Q. It's a two-page document and on the second
12 page, in the last paragraph, the first line states, "While
13 it is imperative that credible allegations be addressed in
14 a timely and effective manner, it is equally imperative
15 that the Department personnel exercise appropriate caution
16 and maintain the Department's absolute commitment to
17 fairness, neutrality and nonpartisanship."

18 So as I read it, that policy seems to indicate that
19 DOJ should investigate credible allegations in a timely
20 manner. Was that your understanding?

21 A. That's correct.

22 Q. And in regards to the State Farm Arena video,
23 would you agree that the investigation did happen in a
24 timely manner?

25 A. I believe so.

Q. And on a higher level, were you ever asked to

1 look into allegations that you didn't find credible?

2 A. No.

3 Q. So let's go back to the actual allegations in
4 this email. So the interviews that AG Barr wanted to
5 conduct in Atlanta were related to allegations that we
6 discussed previously, that poll workers at State Farm Arena
7 were stuffing ballots into suitcases.

8 Were you aware -- or sorry.

9 When were you aware that the Georgia Secretary of
10 State's office had investigated the allegations and
11 concluded they were unfounded?

12 A. I saw at least the implementation manager, Gabe
13 Sterling, was on TV giving an interview of explaining away
14 the video, and so that was the first time that he
15 represented they looked into it, they'd done some
16 investigation. I didn't know what they exactly did but
17 that's when I became aware that at least the Secretary of
18 State's office had look into the video.

19 Q. And based on your previous testimony, this
20 email is on December 7th so you would have been several
21 days into your own investigation into this issue, is that
22 correct?

23 A. Yes.

24 Q. Do you know exactly why Mr. Donoghue forwarded
25 this exchange to you?

1 A. I think it was just to let me know that he had
2 raised the issue with the FBI or talked -- discussed it
3 with the FBI.

4 Q. And as you said, your office did not conclude
5 that these allegations were credible, is that correct?

6 A. Ultimately, yes.

7 Q. And do you recall about when you -- or sorry.
8 Did you relay these conclusions back to either
9 Mr. Donoghue or Mr. Rosen or AG Barr, and could you just
10 help us understand exactly when that took place?

11 A. It was a couple of days after or the night of
12 when the FBI completed their interviews. I just had a
13 short call with the Attorney General, wanted to let him
14 know that we've done all these things, we tracked down the
15 witnesses, the FBI talked to them, it was consistent with
16 what we knew before with respect to the audio.

17 I told him that I personally looked at the video and
18 listened to the interview audio and found the witnesses'
19 statements to be consistent with what's been reported and
20 that I don't see anything that would give an indication
21 that the suitcase, the alleged suitcase or box was anything
22 irregular other than there was some misunderstanding as to
23 why the poll workers left the State Farm Arena -- or not
24 poll workers -- the poll watchers left the State Farm
25 Arena. There was nothing nefarious to open any kind of

1 case.

2 Q. Okay. Thank you.

3 So our time is running short in this round so I'm
4 going to turn back to my colleague, Ms. Zdeb, to finish out
5 this round of questioning for the Majority.

6 Ms. Zdeb. Thank you, Joe.

7 BY MS. ZDEB:

8 Q. Mr. Pak, I wanted to follow up on a couple of
9 other aspects of the lengthy and quite helpful and detailed
10 explanation that you provided us about the State Farm
11 situation.

12 I think you indicated that it was on December 4th that
13 Attorney General Barr had this discussion with you about
14 something else, but that during the course of that
15 discussion, he raised these allegations which had just been
16 made in the public domain; is that correct?

17 A. That's correct.

18 Q. And I think you said he raised it by way of
19 saying that he was preparing to have some sort of
20 conversation with the President and he was hoping you could
21 look into the allegations in preparation for that
22 conversation.

23 Did I hear that correctly?

24 A. No. He called me and the conversation came up
25 like this. He asked me if I've seen the videotape that's

1 been in the news about the alleged suitcase. The reason I
2 know it's December 4th is because there was the Senate
3 hearing -- it was the Senate committee hearing on kind of
4 the election integrity or whatever they were having
5 happening at the state capitol occurred the day before.
6 And so that's how I know it was the following day. It hit
7 the news and I saw the news and that's why. And then it
8 was that morning when AG Barr and I had a conversation.

9 What he mentioned was a couple of days ago, to
10 Mr. Charlet's question, a couple of days ago he had
11 announced that at that time the Department had no evidence
12 of widespread fraud. And what he said was the allegation
13 Giuliani is making is pretty serious and I want to make
14 sure that -- you know, I have to go to the White House
15 for -- to discuss other matters, but this might come up.
16 So could you get to the bottom of this and make it a
17 priority for us, for me. And that's the gist of exactly
18 what he said.

19 Q. Did he indicate when he was going to the White
20 House?

21 A. No.

22 Q. Did he ever follow up with you after that
23 meeting to give you a readout or indicate one way or the
24 other whether the Giuliani State Farm allegations came up
25 during the course of that White House meeting?

1 A. He did not.

2 Q. Did he or anyone else, either within or outside
3 the Department, ever ask you to speak with Mr. Giuliani in
4 connection with these allegations?

5 A. He did not.

6 Q. Were you ever asked to speak with Mr. Giuliani
7 in connection with any other allegations?

8 A. No.

9 Q. And I think you somewhat addressed this in your
10 explanation earlier, but just to make sure I'm
11 understanding the thought process on your part and on the
12 Department's part more generally, you've discussed how the
13 Secretary of State's office was already, to your knowledge,
14 looking into these allegations and I think you actually
15 described at a certain point that the FBI ended up
16 coordinating with some of their investigators on your
17 interviews.

18 I'm curious if you ever considered simply not
19 interjecting the Department and the FBI at that point and
20 deferring to the Secretary of State's judgment and, if not,
21 why not?

22 A. Well, first of all, I don't know what
23 investigations they did. I just know that they did
24 something. And so at the same time, I don't really give
25 directions to the FBI on operational matters. I just ask

1 them to -- that the AG wanted to get to the bottom of it,
2 try to conduct those interviews.

3 It was the FBI's decision to do it together. And so I
4 don't have a full picture of what exactly investigations
5 the Secretary of State's office did. And we're federal law
6 enforcement and we trust the federal agencies to do it
7 right. So I just left it to the FBI to kind of figure out
8 how best that they're going to do the investigation.

9 Q. Thank you. I think we actually have a little
10 bit of time left on our initial round, but I also think
11 that this is probably a good time for a quick break. So
12 unless Joe has other questions at this point, I think we
13 can probably conclude our first round a couple of minutes
14 early, take a quick break and then come back and turn it
15 over to Senator Grassley's staff.

16 Would that work for you, Mr. Pak?

17 A. That'd be great.

18 Ms. Zdeb. Josh, does that work for you?

19 Mr. Flynn-Brown. Yes, that's fine. Thank you.

20 Ms. Zdeb. So it's 11:24. How about we come back at
21 11:30.

22 Mr. Flynn-Brown. That's fine with me.

23 Ms. Zdeb. We can go off the record and we'll come
24 back shortly.

25 (Recess.)

1 Ms. Zdeb. It is 11:31 and we can go back on the
2 record. And before I turn it over to Senator Grassley's
3 staff, I wanted to note for the record that we have been
4 joined by one additional attorney for the Department, if
5 she could introduce herself for the record, please.

6 Ms. Calce. Good morning, everyone. My name is
7 Christina Calce. I'm with the Office of Legislative
8 Affairs. I'm taking over for my colleague, Kira Antell.

9 Ms. Zdeb. Josh, over to you.

10 Mr. Flynn-Brown. Thank you, Sara. I appreciate it.

11 BY MR. FLYNN-BROWN:

12 Q. Mr. Pak, thank you again for your time today.
13 First thing's first, can you hear me okay?

14 A. Yes, I can.

15 Q. Great. Thank you again.

16 I'd like to go back to my colleagues on the other side
17 of the aisle, his questioning in the beginning and ask a
18 few follow-up questions. So you had mentioned, I believe,
19 in an answer to him, and please correct me if I get this
20 wrong, that you mentioned sensitive investigative reports
21 that were sent to the DAG's office, the deputy attorney
22 general's office, with respect to sensitive investigations.

23 Did I hear you correct?

24 A. It's not just for investigations, but it's
25 anything related to something that the deputy attorney

1 general's office should be made aware of.

2 Q. Okay.

3 A. It could be a small thing as one of the AUSA's
4 laptop got stolen out of a car, you know, because there's
5 sensitive info. So it's a reporting system that was
6 developed for reporting various things that the front
7 office should know about.

8 Q. Understood. Okay. So all U.S. Attorney's
9 Offices have this reporting structure over to Main Justice,
10 specifically --

11 A. That's correct.

12 Q. -- the deputy attorney general.

13 A. That's correct. And other things. We
14 obviously talk to the associate deputy attorney generals
15 and the PADAG all the time as necessary. So it's not the
16 only structure or method to kind of report things up, but
17 it's the main one that people rely on.

18 Q. Okay. Thank you for that. So bound up in that
19 reporting structure, then, would be reports relating to
20 election fraud and election crime allegations during the
21 2020 election, is that correct?

22 A. If it was something of substance, yes.

23 Q. Okay. So can you say how many election-related
24 reports regarding 2020 were sent up that reporting chain?

25 Mr. Weinsheimer. I would object to that question.

1 It's beyond the scope of the authorization.

2 Mr. Flynn-Brown. I think it's precisely in scope and
3 a very critical question for him to answer.

4 Mr. Weinsheimer. The scope of the authorization deals
5 with the circumstances on which he left and about pressure
6 that was placed on him from the White House or the
7 Department leadership offices to investigate specific
8 instances of alleged voter fraud. This question goes
9 beyond that scope.

10 BY MR. FLYNN-BROWN:

11 Q. Mr. Pak, I assume that --

12 Mr. Flynn-Brown. Maybe I should ask your counsel, but
13 your counsel defers to the Department's position, is that
14 correct?

15 Mr. Kang. Yes, we do.

16 Mr. Flynn-Brown. Thank you, sir.

17 BY MR. FLYNN-BROWN:

18 Q. So with respect to this reporting structure and
19 other U.S. Attorney's Offices nationwide, would you then
20 see what their reports were or could you only see your
21 reports going to this -- to the DAG's office?

22 A. I do not have any way to view what other
23 offices file.

24 Q. Okay. So you mentioned that, with respect to
25 the December 4th call with Attorney General Barr, then

1 Attorney General Barr, relating to the -- the allegations
2 relating to the State Farm Arena video, you had mentioned I
3 believe -- and again, please correct me if I'm wrong
4 here -- there were two or three days from the call with
5 Attorney General Barr before you got an audio recording,
6 but it wasn't clear to me, unless I missed it, what that
7 audio recording was for.

8 A. So I reached out to the Secretary of State's
9 office to see if there was any memorandum of interviews
10 that they've done interviewing the various people who were
11 depicted in the video. My understanding is they did not
12 have any memorandum of interviews.

13 Instead, while they interviewed the individuals that
14 night, they recorded all the interviews, the statements and
15 explanation made by the people that are depicted in the
16 video. That audio recording file was provided to me by the
17 lead investigator of the Secretary of State's office. And
18 that's the audio that I reviewed.

19 Q. Okay. So these are the audio recordings of the
20 interviews that the Georgia Secretary of State's office
21 performed?

22 A. Correct.

23 Q. Do you know when those interviews took place
24 that were audio recorded?

25 A. I don't know exactly, but I believe it was the

1 next day when they reconvened to continue the processing of
2 the ballots.

3 Q. Okay. With respect to the interviews that were
4 eventually done by the FBI relating to these same
5 allegations, I believe you said -- and again, correct me if
6 I'm wrong here. I don't want to mischaracterize this -- I
7 think you said maybe three to four days from the December 4
8 call, the FBI interviewed the same folks in the audio
9 recording.

10 Is that accurate or was it -- is that three to four
11 days incorrect?

12 A. I think that's correct.

13 Q. And so that puts us roughly at December 8th
14 approximately when the interviews took place. And at what
15 point did the attorney general become aware that the FBI
16 had interviewed these folks and that the allegations were
17 not credible?

18 A. I do not know that other than I spoke to the
19 attorney general when the interviews were completed and
20 told them that there was nothing inconsistent about the
21 facts as we knew it at that time, based on the interviews.

22 Q. And Mr. Pak, did you ever speak to President
23 Trump about the 2020 election?

24 A. No.

25 Q. When did you first hear about voter fraud and

1 election crime related allegations relating to the 2020
2 election?

3 A. I saw it on the news, I believe, after the
4 general election. I think there were various folks making
5 allegations that there were fraud and also that the
6 election was stolen.

7 Q. Do you know when you started to hear about
8 those allegations time-wise? Date-wise?

9 A. I heard it on the news. I'm sorry?

10 Q. Date-wise, do you have an approximate date when
11 you started hearing about these types of allegations?

12 A. It was within a few days after the actual
13 election. I want to say starting the following day, I
14 think there were some discussions about -- in the news.
15 And this is not -- I want to make clear that this is not
16 from the official channels I heard this from. This is from
17 the news, because that was what was covered in the news. I
18 mean, everybody was -- I think every news outlet was
19 focused on the election, and I think that various elected
20 leaders were making allegations about how the election was
21 fraudulent. So that's how I heard.

22 Q. Can you give us a description of the
23 examples -- some description of the examples of the types
24 of voter fraud and election crime allegations that you
25 received relating to the 2020 election?

1 Mr. Weinsheimer. I would object to that question as
2 beyond the scope of the authorization.

3 Mr. Flynn-Brown. I think in the Donoghue interview I
4 had five objections. In the Rosen interview, I had one. I
5 have two now. So let's see how many I can rack up today.

6 Mr. Weinsheimer. Then I recommend you stay within the
7 scope and I won't object.

8 Mr. Flynn-Brown. Yeah. Well I -- look, I disagree
9 for the record.

10 Mr. Weinsheimer. I understand.

11 Mr. Flynn-Brown. I think he needs to answer these
12 questions.

13 Mr. Weinsheimer. I understand.

14 BY MR. FLYNN-BROWN.

15 Q. And again, Mr. Pak, your counsel defers to the
16 Justice Department's position here?

17 Mr. Kang. Yes, we do.

18 BY MR. FLYNN-BROWN.

19 Q. Mr. Pak, do you believe it's part of the
20 President's job to ensure the departments and agencies and
21 personnel under his control properly perform their duties
22 and responsibilities on behalf of the American people?

23 A. Yes.

24 Q. Mr. Pak, you mentioned earlier the Public
25 Integrity Section, PIN, and the Elections Crimes Branch is

1 within PIN.

2 Do you recall who was in charge of the Election Crimes
3 Branch during the 2020 election?

4 A. I think it was Corey Amundson at the time.

5 Q. Does the name Richard Pilger ring a bell at
6 all?

7 A. It does not, other than what's been reported in
8 the news.

9 Q. What's been reported?

10 A. I think that he resigned and I think there was
11 some coverage about that. I have not had any personal
12 dealings, nor do I know Mr. Pilger.

13 Q. Can you describe to me again in a bit more
14 detail your office's relationship with the Public Integrity
15 unit?

16 A. The Justice manual, which is the policy that
17 all U.S. Attorney's Offices and components abide by, it's
18 the policy of the Department, requires that in most
19 instances when it related to election crimes and
20 investigation, even initiating it, that consultation with
21 the branch is necessary.

22 In a practical term, we coordinate, certainly, because
23 particularly elections have national consequences and
24 implications, and so the Election Crimes Branch also has
25 resources and subject matter experts so it makes practical

1 sense that the U.S. Attorney's Offices coordinate with
2 that. So that's kind of the relationship that the U.S.
3 Attorney's Offices have.

4 Q. And who was your main point of contact for that
5 unit, the Election Crimes Branch?

6 A. I do not have -- I personally do not call them
7 directly. The district election officer, I don't know
8 exactly how they're divided up responsibility-wise, but I
9 believe that the Election Crimes Branch has certain
10 individuals assigned to certain districts and so there is a
11 coordination and communication with them. And they also
12 put forth some refreshers and trainings for the district
13 election officers to make sure to discuss and consult with
14 them about particular issues that may come up.

15 Q. Now, can the U.S. Attorney's Office proceed
16 with investigative activity without getting approval from
17 the Public Integrity Section?

18 A. The Justice manual requires consultation with
19 them so I think by -- since the manual requires
20 consultation, practically speaking, I don't think that ever
21 happens. U.S. Attorney by him or herself would initiate an
22 investigation. If they did, it would be contrary to kind
23 of what the policy was designed to do.

24 Q. So it's a matter of consultation, so you're
25 supposed to apprise them of some of your activity but they

1 don't have the ability to stop you or tell you no. If you
2 need to proceed, you will proceed, is that accurate?

3 A. Ultimately I think that's correct, but the
4 deputy attorney general certainly, who oversees both of
5 those components, would have the ultimate authority, along
6 with the Attorney General.

7 Q. So then Attorney General Barr, you know, the
8 November memo that my colleague was referring to -- I'll
9 paraphrase this because I don't think this is exact, but
10 generally speaking it says I authorize you to pursue
11 substantial allegations of voting and vote tabulation
12 irregularities prior to the certification of elections in
13 your jurisdiction in certain cases.

14 This forward-leaning posture, was it different before
15 this memo was issued?

16 A. I think it was pretty similar. Like I said, my
17 view of the memo was that it was emphasizing kind of the
18 authority that we have, and that if there is substantial
19 allegations, the Attorney General wanted us to take a look
20 at it.

21 Q. So is it accurate to say that prior to this
22 November 9th Barr memo, DOJ and FBI generally would not
23 take investigative steps until the election has been
24 certified?

25 A. I think that that's too broad of a

1 characterization but generally, a run-of-the-mill
2 allegations of fraud, I think the policy would be that you
3 defer the investigation of it until all the election
4 process has been concluded.

5 Q. Okay. So then with respect to the Barr memo,
6 you know, what was the effect of it? Did it shift any
7 policy or did it simply more finely tune and focus the
8 existing policy?

9 A. I viewed it as it finely tuned the existing
10 policy.

11 Q. I see.

12 A. I didn't think it was a huge shift in the
13 current policy.

14 Q. Did you agree that that policy needed to be
15 fine-tuned and more focused?

16 A. Yeah, I believe so. I do think that -- I think
17 the general default rule is that you don't do any
18 investigation but there are circumstances where it may
19 justify doing some preliminary inquiries and I think the
20 Attorney General's memo reemphasize and clarify that you
21 can in fact do that.

22 Q. So, sir, what do you think the -- let me say it
23 this way then. What are the risks attendant to not taking
24 investigative steps prior to certification?

25 A. It depends on what the allegation is. I think

1 you ultimately, for example, if there is spoliation of
2 evidence or destruction of evidence or threat of physical
3 harm to particular people, I think you would consider doing
4 something before the actual certification or completion of
5 the election process. And it would be fact-intensive.

6 So loss of evidence and also physical harm I think
7 would be two examples I could think of that may justify
8 doing something prior to the final certification.

9 Q. So you got into this a little bit in the first
10 hour regarding the vetting process, or I should say the
11 intake process with respect to some of the voting fraud,
12 election-related allegations. You mentioned the DEO,
13 right? The DEO. And the DEO is an official within the
14 U.S. Attorney's Office?

15 A. It is an assistant U.S. Attorney that the
16 United States Attorney designates as the point person for
17 election-related issues.

18 Q. Okay. So for the 2020 election, then, who was
19 your DEO?

20 A. Assistant -- actually, he was senior litigation
21 counsel, Brent Gray.

22 Q. So he was basically the intake officer for
23 allegations that came specifically to your office?

24 A. That's correct.

25 Q. So he would take them in. Did he have a team

1 of people to help him vet or was he a one-man crew?

2 A. He had resources asking the other AUSAs to help
3 track that down, but primarily he would be the legal
4 advisor, so to speak, with the FBI's group that's
5 responsible for investigating allegations.

6 Q. And what is the name of that FBI group?

7 A. I think the FBI, I think it was Public
8 Integrity. I think they called it Public Integrity.

9 Q. Okay. So this gentleman would then interface
10 with the FBI, but he also had other individuals within your
11 office that would assist him as he needed?

12 A. Correct.

13 Q. And then from there, after they vet these
14 allegations, after the DEO and the FBI vet the allegations,
15 if they're substantial enough, then where do the
16 allegations go?

17 A. If there is enough evidence to justify opening
18 a case, that would be elevated to the front office, crim
19 chief, if necessary to even the United States Attorney,
20 like myself. In consultation with the Election Crimes
21 Branch, we would open up the case.

22 Q. And when you say crim chief, who is the crim
23 chief? Is that a crim chief for you or is that a crim
24 chief back in Washington, D.C.?

25 A. Crim chief in my office.

1 Q. And who was that?

2 Mr. Weinsheimer. I would object to identifying who
3 the individuals are. I didn't object to the DEO because
4 that's something that was public. But to the extent that
5 this is nonpublic information, I would object to it.

6 BY MR. FLYNN-BROWN.

7 Q. Okay. So you have the crim chief, and whoever
8 that is then looks at all the material before him or her,
9 and then if it's substantial enough or credible enough,
10 however you want to describe it, it then is moved up to
11 you, sir, at that point?

12 A. No. The section chief or the crim chief have
13 authority to open up the matter.

14 Q. Okay.

15 A. If it's a matter that's substantial or big or
16 that's sensitive that the U.S. Attorney should be made
17 aware, then that would be elevated to me in regular
18 reporting.

19 Q. And how many items were elevated to you as part
20 of regular reporting for 2020?

21 Mr. Weinsheimer. I would object as beyond the scope
22 of the authorization.

23 Mr. Flynn-Brown. I think Congress would like to know
24 the answer.

25 Mr. Weinsheimer. It's beyond the scope of the

1 authorization.

2 Mr. Flynn-Brown. For the record, I disagree.

3 BY MR. FLYNN-BROWN.

4 Q. And, Mr. Pak, your counsel defers to the
5 Justice Department's position on this matter?

6 Mr. Kang. Yes, we do.

7 Mr. Flynn-Brown. Thank you, sir.

8 BY MR. FLYNN-BROWN.

9 Q. Sir, what was your relationship like with the
10 local field offices in Georgia, the FBI field offices to be
11 more precise?

12 A. We had a very close and good working
13 relationship.

14 Q. So no issues with them?

15 A. No.

16 Q. Okay. Let's turn to, I believe it's Minority
17 1, and it's Bates stamped 751 to 754. And sir, let me know
18 when you're there. And if you need to review this, let me
19 know if you need some time.

20 A. Okay.

21 Q. Okay, sir. The email thread begins on Bates
22 753, I believe, and this is an email from Corey Amundson,
23 the chief of the Public Integrity Section, and he says in
24 part, "As explained below, PIN," the Public Integrity
25 Section, "does not concur in any overt investigative

1 activity including the proposed interviews."

2 And this is about the State Farm Arena allegations
3 according to the email and you had addressed these earlier
4 in your testimony.

5 With respect to the 2020 election, how many times did
6 the Public Integrity Section provide a nonconurrence to
7 potential investigative activity prior to election
8 certification?

9 A. This is the only one I know of.

10 Q. Same question, I can repeat it in full, but
11 with respect to after election certification.

12 A. I was not made aware of any others.

13 Q. And again, who would be the individual that
14 would have apprised you of any nonconcurrences or
15 concurrences from the Public Integrity Section?

16 A. I think that would generally come through the
17 district election officer.

18 Q. And who was that again?

19 A. Brent Gray.

20 Q. Let's turn to Bates stamp 751. And I'm going
21 to read the first paragraph and this is from Richard
22 Donoghue, Acting Attorney General Rosen's deputy at that
23 time, and David Bowdich, then deputy director of the FBI.
24 It says, "Unfortunately, this is a continuation of a policy
25 disagreement between the Election Crimes Branch (ECB) of

1 PIN and the AG. While I understand ECB's concerns and the
2 reasons for their historic practice, the AG simply does not
3 agree with what he termed their 'passive and delayed
4 enforcement approach' and has clearly directed that
5 department components should undertake preliminary
6 inquiries and investigations of election-related
7 allegations in certain circumstances even if
8 election-related litigation is still ongoing. While this
9 may be different from ECB's traditional approach, which was
10 essentially to allow election fraud to take its course and
11 hope to deter such misconduct in future elections through
12 intervening prosecutions, the AG gets to make that call.
13 PIN recognizes that much when they say below that he 'has
14 ultimate decision-making authority on this issue.' As I
15 relayed last night, the AG told me last night that the FBI
16 should conduct some interviews relating to the State Farm
17 Arena allegations so that we are not relying entirely on
18 the work/assessments of nonfederal law enforcement
19 authorities. It may well be that the Georgia Secretary of
20 State is correct in concluding that nothing nefarious
21 happened there but the fact is that millions of Americans
22 have come to believe, rightly or wrongly, that something
23 untoward took place and it is incumbent on the Department
24 to timely conduct a limited investigation to assure the
25 American people that we have looked at these claims. If we

1 come to the same conclusion as the Georgia Secretary of
2 State, then that should give the public increased
3 confidence in the election results in Georgia. If we come
4 to a different conclusion, then we'll deal with that.
5 Either way, the AG made it clear that he wants to be sure
6 that we are actually doing our job and not just standing on
7 the sidelines." End of first paragraph.

8 And then this email in full, I believe, was forwarded
9 by Mr. Donoghue to you. So when the AG -- so when Donoghue
10 said, "The AG simply does not agree with what he termed
11 their" -- as in PIN and ECB[] -- "passive and delayed
12 enforcement approach," do you agree with Attorney General
13 Barr's assessment that the Public Integrity unit and the
14 Election Crimes Branch had a passive and delayed
15 enforcement approach?

16 A. I think so, yeah. I would agree.

17 Q. And why would you agree?

18 A. I don't think that -- I think they take a very
19 conservative approach about the appearance the Department
20 and the role the Department's investigation may have on the
21 impact of actual voting, perception of it. So I think they
22 take a conservative approach and try to defer as many
23 election investigations until after it's done.

24 Q. Donoghue also said in part, "The AG told me
25 last night that the FBI should conduct some interviews

1 relating to the State Farm Arena allegations so that we are
2 not relying entirely on the work/assessments of nonfederal
3 law enforcement authorities."

4 Did you agree with Attorney General Barr that the FBI
5 should conduct those interviews?

6 A. Yes.

7 Q. Going on, the email also says in part, "It may
8 well be that the Georgia Secretary of State is correct in
9 concluding that nothing nefarious happened there, but the
10 fact is that millions of Americans have come to believe,
11 rightly or wrongly, that something untoward took place and
12 it is incumbent on the Department to timely conduct a
13 limited investigation to assure the American people that we
14 have looked at these claims."

15 Do you agree with this statement?

16 A. What part of the statement?

17 Q. That it is incumbent on the Department to
18 timely conduct a limited investigation to assure the
19 American people that we have looked at these claims.

20 A. Yes.

21 Q. And the investigation was completed, correct?

22 A. The limited investigation, yes.

23 Q. And again, for the record, how did these State
24 Farm allegations resolve?

25 A. To the extent my involvement was, we made a

1 conclusion that the allegations made by Mr. Giuliani that
2 these were -- a box that was pulled from under the table
3 was a suitcase full of ballots that was fraudulent, we
4 debunked that. That was not correct at all.

5 Q. And was that the full scope of this review?

6 A. That I was involved in, yes.

7 Q. Can you clarify, when you say that you were
8 "involved in," it seems to imply there's a secondary part
9 to this.

10 A. As far as I know, the FBI did not do any
11 additional investigation beyond what I've described to you
12 reporting. They might have done some, but I have not -- I
13 don't recall if there were.

14 Q. I understand. So Mr. Donoghue also stated,
15 "Unfortunately, this is a continuation of a policy
16 disagreement between the Election Crimes Branch of the
17 Public Integrity unit and the attorney general."

18 So when he said the word "continuation," it seems to
19 imply repeated conduct. Would you agree with
20 Mr. Donoghue's assessment in that regard?

21 A. I don't have enough knowledge to agree or
22 disagree on that. That could be based on maybe his
23 dealings with investigations in other districts. But with
24 respect to, you know, the one in my district, this was the
25 only instance that I recall where we had -- where they took

1 a different interpretation of the memo.

2 Q. So when then Attorney General Barr issued his
3 November memo with respect to what could be investigated
4 prior to certification, are you aware of any Justice
5 Department personnel or units undermining the
6 operationalization of that memo?

7 A. I don't have any personal knowledge of that.

8 Q. Aside from the State Farm Arena allegations,
9 sir, did your office open any election related cases before
10 the 2020 election was certified?

11 Mr. Weinsheimer. I would object to that question.
12 It's overly broad and, on that basis, outside the scope of
13 authorization.

14 BY MR. FLYNN-BROWN:

15 Q. Did your office open any voter fraud or
16 election crime related allegations with respect to the 2020
17 election before the election was certified?

18 Mr. Weinsheimer. Same objection.

19 BY MR. FLYNN-BROWN:

20 Q. Did your office open any voter fraud or
21 election crime related cases for the 2020 election after
22 the election was certified?

23 Mr. Weinsheimer. It's the same objection.

24 BY MR. FLYNN-BROWN:

25 Q. Mr. Pak --

1 Mr. Flynn-Brown. Counselor, sir, you defer to the
2 Justice Department's position here, correct?

3 Mr. Kang. Yes, we do.

4 BY MR. FLYNN-BROWN:

5 Q. Okay. Let's turn to Bates 754. Sir, let me
6 know when you're there or if you need time to review.

7 A. I'm ready.

8 Q. So this is an email from Mr. Donoghue to Bobby
9 Christine and Corey Amundson is cc'd. The date is January
10 5th, 2021.

11 Sir, who is Bobby Christine?

12 A. By this time, he was the acting U.S. Attorney
13 for the Northern District of Georgia and he was also the
14 U.S. Attorney for the Southern District of Georgia.

15 Q. Do you know Mr. Christine well?

16 A. I do.

17 Q. What is your opinion of him?

18 A. He's an honorable man.

19 Q. Do you think he's a capable and a very ethical
20 U.S. Attorney?

21 A. In my dealings with him, he has always been.

22 Q. So this email states in part that Mr. Amundson
23 is "aware of the allegations regarding the truck and knows
24 more about what has been done on that than any of us."

25 Sir, do you know what these allegations refer to and

1 did you learn them while you were U.S. Attorney?

2 A. I don't know exactly what this email is
3 referring to, but there was an allegation that there was a
4 truck full of certain ballots that were in Cobb County, I
5 think related to Fulton County, and that something was
6 being done with those ballots. And that's the extent of
7 which I recall.

8 Q. Do you know what happened to those allegations;
9 in other words, did your office investigate them?

10 A. The allegation came in through -- the primary
11 person that I spoke to about this was a state senator who
12 was chairing a subcommittee of the state Senate related to,
13 I think, the election fraud. I spoke to the senator
14 related to certain shredding of ballots and he referenced
15 that there was someone who came and told him about -- or
16 there was a video of someone with a truck full of ballots
17 being moved to a warehouse in Cobb County and that they
18 were intended to be shredded to prevent an audit. That was
19 the allegation.

20 Q. Thank you for that explanation. Are you aware
21 of whether or not those allegations were investigated by
22 your office?

23 A. The allegation came in, I believe, two days
24 before I resigned. So I don't know what happened.

25 Q. Did the allegation reach you or was it at one

1 of your lower level officials? I don't mean to be
2 disrespectful at all by saying lower level officials, but
3 folks under you. Did they get these allegations and just
4 not refer it up to you?

5 A. No. I spoke to the senator myself and I
6 forwarded the information to the district election officer.
7 This was a couple of days before I resigned, so I don't
8 know what happened after that.

9 In addition -- I might be going a little out of
10 timeline here -- but in addition, I made -- after I found
11 out that Mr. Christine was going to be my successor instead
12 of my FAUSA, I arranged a briefing of all of the election
13 cases -- related cases that we had going on in the office
14 and facilitated transition call, so he's aware of all the
15 cases that are pending that needed his attention, which
16 included this allegation which I forwarded to him.

17 Q. Understood. Thank you.

18 Okay. So let's go ahead and go to, I believe,
19 Minority 4, Bates stamp 714. And sir, let me know when
20 you're there.

21 A. 741?

22 Q. 714.

23 A. Oh, it's tab 3. Okay. Yes, I'm there.

24 Q. Okay. Thank you. So at the top it says
25 "Meeting with DAG," Deputy Attorney General, "+ Jeff Clark

1 - sixth floor" and the date over in the top right-hand
2 corner is January 2nd, 2021. I just want to focus on some
3 of the references to Georgia if I may.

4 If you look in the middle of the page, I believe it
5 says quote -- and when I say quote, I'm not saying that
6 this is an exact quote from the conversation. I'm just
7 quoting to the document. "Thinks he saw trucks move
8 ballots to shredding location." And I don't know who "he"
9 is.

10 And next the notes say, "Cobb County - woman who
11 worked at facility testified at the Georgia Senate hearing
12 that she saw shred trucks at election location."

13 Do you recall some of these allegations?

14 A. That was kind of the substance of what the
15 state senator had relayed to me that he had heard during
16 the state Senate subcommittee.

17 Q. Understood. Okay. Let's pull up Bates 598 to
18 601. Let me look at Minority document -- This is actually
19 going to be a Majority document. I think it might be
20 Majority 3.

21 I believe it's Majority 3. Let's turn to Bates 598.
22 To prevent duplication, we didn't send everything over
23 because some of the same documents the Majority had already
24 sent over.

25 So, sir, let me know when you're there.

1 A. I'm there.

2 Q. Okay. So this is a December 30th, 2020 email
3 from Cleta Mitchell to Mark Meadows in which she tells him
4 that she sent the petition filed in Georgia -- excuse me,
5 in which she sent the petition filed in Georgia and a press
6 release. And then Meadows forwards this up the chain to
7 Mr. Rosen and says, "Can you have your team look into these
8 allegations of wrongdoing? Only the alleged fraudulent
9 activity. Thanks, Mark."

10 You may need some time to review the press release to
11 get an idea of what the allegations are. If you need that
12 time, let me know.

13 My question to you is whether or not you recall your
14 team looking into these allegations.

15 A. Okay.

16 Q. So the question is, with respect to this email
17 chain and the allegations contained therein, do you recall
18 if your team reviewed these allegations?

19 A. I don't know. I don't know if my team did or
20 not.

21 Q. Let's turn to -- I believe this is going to be
22 Minority 3, Bates 736 specifically. So Minority 3 is Bates
23 stamped 735 to 742.

24 Mr. Kang. Minority 4, you mean?

25 Mr. Flynn-Brown. Yes, sir, you are correct, Minority

1 4. Thank you.

2 BY MR. FLYNN-BROWN:

3 Q. Okay. So according to the top of the notes,
4 these are notes from a call that Mr. Rosen had with
5 President Trump and Mr. Donoghue on December 27th, 2020.
6 You're not on these -- you weren't on the call, I should
7 say, but I want to ask you a question or two relating to
8 the references here.

9 So if you turn to Bates 737, and let me know when
10 you're there.

11 A. I'm there.

12 Q. So the notes say that the President said, "DOJ
13 failing to respond to legitimate complaints/reports of
14 crimes". I note the President's apparent use of the word
15 "legitimate."

16 With the volume of voter fraud and election crime
17 allegations that the president had received at that time
18 and which were reported on at that time, was it
19 unreasonable under the circumstances for the president to
20 have such concerns regarding potentially legitimate
21 complaints and reports of crimes?

22 A. Are you asking my opinion or --

23 Q. Yes.

24 A. I don't understand the question. Could you
25 rephrase?

1 Q. So my question to you is -- I'll just restate
2 it again in full.

3 With respect to the volume of voter fraud and election
4 crime allegations that the President had received at that
5 time and which were reported on publicly at that time, was
6 it unreasonable under the circumstances for the President
7 to have such concerns regarding potentially legitimate
8 complaints and reports of crimes?

9 A. No, I don't think it was unreasonable.

10 Q. Was it unreasonable under the circumstances for
11 the President to question what the Justice Department and
12 its components were doing to investigate legitimate
13 complaints and reports of crimes?

14 A. I don't know what he understood as to what the
15 Department of Justice was doing, but I don't think it's
16 unreasonable for him to question what we were doing.

17 Q. Let's go to the bottom of page 737 and it says,
18 "FBI will always say nothing there. Leaders there oppose
19 me, SAs support me."

20 When you read this, does it leave you with the
21 impression that the President maintained a certain amount
22 of distrust with the FBI?

23 A. Yes, I agree.

24 Q. Is it your opinion then that the distrust could
25 have contributed to the President's concern about how

1 legitimate complaints and reports of crimes were being
2 handled by the Justice Department and FBI?

3 A. Could you rephrase that?

4 Q. With respect to that distrust, do you think
5 that it could have contributed to the President's concern
6 about how legitimate complaints and reports of crimes were
7 being handled by the Justice Department and the FBI?

8 A. I'm sure that's possible.

9 Q. Let's go to Bates 741. According to the notes,
10 the President said, "You, Rich" -- as in Mr. Donoghue --
11 "should go to Fulton City" -- or "County, + do a signature
12 verification and you'll see how illegal it is. You'll find
13 tens of thousands," end quote.

14 Sir, do you know if anyone from the Justice Department
15 or its components performed a signature verification in
16 Fulton County?

17 A. I do not know that.

18 Q. Why do you think the President wanted one of
19 his chief law enforcement officers to be boots on the
20 ground and verify fraud allegations personally?

21 A. You would have to ask him. I don't know.

22 Q. Do you think it has to do with his distrust of
23 the process generally?

24 A. It could be.

25 Q. So right now, sir, I've got some time left in

1 my first hour, but I'm going to stop at this point and
2 defer to my colleague, Sara, if she wants to start again.

3 I want to thank you again for your time. I may return
4 to some of these issues later in my second hour, but for
5 now, I'm going to hand it over to Sara. Thank you, sir.

6 Ms. Zdeb. Thank you, Josh.

7 Mr. Pak, would you like another quick break, say, 5 to
8 10 minutes before we start up again?

9 Mr. Pak. Sure. That would be nice.

10 Ms. Zdeb. Okay. It's 12:16. We can go off the
11 record now and why don't we come back at about 12:25.

12 (Recess.)

13 Ms. Zdeb. It is 12:27 and we can go back on the
14 record.

15 BY MS. ZDEB:

16 Q. I'm going to turn it back over to Mr. Charlet
17 in just a minute, but I wanted to quickly follow up on an
18 exchange that you all were having with my colleague on
19 Senator Grassley's staff at the end of the last round.

20 I will confess I have a little bit lost track of what
21 exhibits we are marking the documents as, but I believe he
22 was asking you about the document designated as Minority 4,
23 which is the set of handwritten notes that begins with
24 Bates Number 735 at the bottom of the page. I had a couple
25 of quick follow-ups about that document.

1 For starters -- and I believe you indicated this
2 earlier -- these are not your handwritten notes, is that
3 right?

4 A. That's correct, these are not mine.

5 Q. And you also were not in whatever meeting these
6 notes are presumably recounting.

7 A. That's correct. I was not present.

8 Q. So to the extent the President conveyed
9 something about his belief that certain claims of election
10 fraud were or were not legitimate, you wouldn't have the
11 sense one way or the other either as to whether he in fact
12 said that or, more broadly, as to his state of mind when he
13 said that; is that fair?

14 A. Yeah, that's correct, as to both.

15 Q. If you see at the very top of page 735 -- and
16 again, acknowledging that these aren't your notes and you
17 weren't a participant in this meeting -- I see that they
18 are dated December 27th, 2020. We were talking a bit
19 earlier during our first round of questioning and then a
20 little bit during my colleague's round of follow-up
21 questioning just now about the efforts that you and your
22 office took to either prove or disprove those allegations
23 related to the State Farm Arena videotape.

24 And I believe you said that after these were first
25 brought to your attention, because they were a matter of

1 public record, but also because they came up on that phone
2 call you had with Attorney General Barr, it was December
3 4th, is that correct?

4 A. That's correct.

5 Q. And I believe you also said it didn't take too
6 much time after that, perhaps a couple of days, for the
7 Department's process and the FBI's process to play itself
8 out such that you reached a point that you were satisfied
9 that there was nothing to those allegations, is that
10 correct?

11 A. That's correct. And to be clear, the only
12 thing that was delayed was the interview of the actual
13 employees. During those three or four days, we were doing
14 other activities such as gathering like the audiotape and
15 things like that. So the interviews themselves were
16 delayed by whatever amount of time that -- from the point
17 they wanted to do them versus getting clearance to do them.

18 Q. Do you recall if those interviews took place at
19 some point in time before December 27th?

20 A. Oh, yes, absolutely.

21 Q. So jumping ahead a couple of pages in the set
22 of handwritten notes that we were just looking at to page
23 737, there's this notation partway down the page, it says
24 Georgia. There's then some handwriting to the -- I believe
25 to the effect of tape there shows fraud. And then it's a

1 bit difficult to read the handwriting, which again I
2 recognize is not your handwriting, but there's also some
3 language, I believe, making reference to "hidden ballots
4 under table."

5 So to the extent these notes are making reference to
6 those same State Farm Arena allegations that we have now
7 been discussing, is it fair to say that by this point in
8 time, which was December 27th, you personally and your
9 office more generally had already concluded at some point
10 before this meeting that there was no merit to those
11 allegations?

12 A. That's correct.

13 Q. And so whether the President believed or called
14 these State Farm Arena allegations legitimate, to use the
15 word that my colleague on Senator Grassley's staff was
16 pointing to earlier, your office had determined by then
17 that they were not legitimate, is that correct?

18 A. That is correct.

19 Ms. Zdeb. I will turn it back over to Mr. Charlet.

20 BY MR. CHARLET:

21 Q. All right. Thank you. I'm going to turn back
22 actually to the subject that our colleagues in ranking
23 member Grassley's office left off on, which is the
24 signature match allegations in Fulton County. I just want
25 to clarify a few questions since you already stated that

1 you did not look into these because it is our understanding
2 that there were several other allegations of election fraud
3 that were made during your time as U.S. attorney and we
4 just want to get a sense of which ones you may have looked
5 into and how you did, if you did.

6 So on December 4th, 2020, the Trump campaign and a
7 Republican presidential elector nominee sued the Georgia
8 Secretary of State and other relevant officials over
9 alleged signature match anomalies in Fulton County,
10 Georgia.

11 Are you aware of these allegations?

12 A. Based on what's been reported in the lawsuit,
13 yes.

14 Q. And were you aware of the allegations at the
15 time or did you come to be aware of them after you left
16 your office?

17 A. I saw the news of the lawsuit being filed and
18 then obviously after I left, I've read more about the
19 allegations and what happened to them. But in terms of
20 kind of the details as to what's alleged, I just knew
21 generally and not specifically whether or not the
22 allegations are true or not.

23 Q. And you told our colleague that your office did
24 not investigate these claims, is that correct?

25 A. Okay. So I do want to qualify my answer here.

1 My answers are that I was personally aware, okay. So if
2 you recall my testimony of how things progressed in the
3 office, the allegations might have been logged with my
4 office and the FBI as well. Not every allegation that is
5 logged with the office would be elevated to me. So it
6 might have been logged. So my personal knowledge may be
7 limited to only those cases that were elevated to me.

8 What I do know was they were getting a lot of calls
9 and they were taking lots of information from different
10 sources. So I don't want to overstate like, for example,
11 my office did not investigate it. That would be an
12 overstatement because I don't know. They could have done
13 that that I am not personally aware of.

14 Q. Okay. I will phrase my questions to your
15 personal awareness, then, so that we don't fall into that
16 issue.

17 So you personally were not aware of your office
18 looking into these particular issues, is that correct? Is
19 that a correct summation of what you had stated previously?

20 A. That is correct.

21 Q. Were you aware at the time that one day after
22 these claims were filed in Fulton County Superior Court
23 that they were thrown out the next day?

24 A. I don't know if I specifically remember at that
25 time, but I know now that that's what happened.

1 Q. Okay. And then the Supreme Court of Georgia
2 also declined to hear the case, stating in their order that
3 petitioners have not shown that this is one of the
4 extremely rare cases that would invoke their original
5 jurisdiction.

6 Do you happen to recall that development as well?

7 A. Yes, I remember reading that. Yes.

8 Q. And insofar as your own awareness of such an
9 investigation would be concerned, is it possible that such
10 an allegation wouldn't have been elevated to you because it
11 was insubstantial in some way, either because the people in
12 your office who might have been looking at it had
13 determined that already? Is that one of the reasons it
14 might not have made its way up to you?

15 A. That's a possibility. The other possibility is
16 that the allegation would have been logged and looked into
17 later after the certification is done. It doesn't mean
18 that it's dismissed outright. It's just that it was on cue
19 to be looked at and then determined later on whether or not
20 there have any merit.

21 Q. Okay. Thank you. So moving on, then, on
22 December 22nd, 2020, President Trump's chief of staff, Mark
23 Meadows, personally visited Cobb County, Georgia during its
24 signature audit of absentee by mail ballots, specifically
25 the signature on their oath envelopes. While it was our

1 understanding that he was not allowed to enter the room
2 where the signatures were being verified, he did meet with
3 the Georgia Deputy Secretary of State, Jordan Fuchs, to
4 discuss the audit process.

5 My question to you is, were you aware of this visit by
6 Mark Meadows?

7 A. I found out about it through the press.

8 Q. Okay. About when did you first learn through
9 the press about this visit?

10 A. I think it was immediately -- the day of or
11 right after.

12 Q. Did you have any particular reaction to
13 learning about this trip?

14 A. I thought it was highly unusual.

15 Q. And why did you think it was unusual?

16 A. In the middle of the process, the chief of
17 staff would come visit, have a meeting with the Secretary
18 of State. I don't recall that ever happening in the
19 history of U.S.

20 Q. And to be clear for my next question, it was
21 the Georgia Secretary of State that was completing the
22 audit, is that correct?

23 A. That's correct.

24 Q. Okay. But in reference to the allegations that
25 led to the audit, did Mr. Meadows or anyone at the White

1 House ever reach out to you directly about the Cobb County
2 mail-in ballot audit process?

3 A. Not to me directly.

4 Q. Did anyone at Main Justice ever reach out to
5 you about this issue?

6 A. Not about the audit process.

7 Q. In what capacity did they reach out to you?

8 A. Just in general, checking to see if there's any
9 investigations or developments that they should be aware
10 of.

11 Q. And did you have an investigation at this time
12 that they should be aware of into the Cobb County signature
13 anomaly allegations?

14 A. No.

15 Q. So the Georgia Secretary of State and the
16 Georgia Bureau of Investigation released its findings for
17 the Cobb County signature audit on December 29th, 2020 and
18 concluded that no fraudulent absentee ballots were
19 identified during the audit. Do you recall that being the
20 conclusion or one of the conclusions of their audit?

21 A. Yes.

22 Q. Did you or your office have any evidence to the
23 contrary?

24 A. Not that I know of.

25 Q. So we also understand that on December 27th,

1 2020, President Trump discussed various Georgia-related
2 election fraud allegations directly with Rosen and
3 Donoghue, the acting attorney general and Mr. Donoghue, in
4 the notes that my colleagues have directed your attention
5 to already. President Trump appears to have discussed an
6 allegation with Mr. Giuliani that a temporary -- or
7 promoted by Mr. Giuliani that a poll worker had somehow
8 hidden the ballots to add more votes to Biden's tally
9 during tabulation and also that there was multiple scanning
10 of ballots. He said that there was a tape showing the poll
11 workers putting the ballots in the suitcases.

12 We've discussed this allegation previously but I just
13 want to clarify that by December 27th, you had established
14 that there was no credibility to this allegation, is that
15 correct?

16 A. That is correct.

17 Q. And you also stated previously that the Georgia
18 Secretary of State's office independently had investigated
19 this and found no wrongdoing, is that correct as well?

20 A. I believe that was their conclusion, yes.

21 Q. During the meeting where this was discussed,
22 President Trump asked Mr. Donoghue to go to Fulton County
23 to do a signature verification because it would purportedly
24 find tens of thousands of fraudulent ballots.

25 Do you know if Mr. Donoghue ever made such a trip?

1 A. He did not make such a trip.

2 Q. Did Mr. Donoghue ever discuss such a trip with
3 you or the fact that the President asked him to take such a
4 trip?

5 A. Not about the trip, no.

6 Q. But did he discuss that the President had a
7 concern about these fraudulent ballots with you?

8 A. Not about the signature matches, no.

9 Q. And then separately, did anyone else at DOJ
10 ever discuss a need to perform a signature verification
11 process there?

12 A. No.

13 Q. So I would like to redirect your attention back
14 to the December 30 email from Mr. Meadows to Mr. Rosen that
15 our colleague from the Minority directed you to. It should
16 be marked as Majority 3, and in the order in which they
17 were entered into the record, this should be Exhibit 5, if
18 I am correct.

19
20 (Exhibit No. 3, an email dated December
30, was marked for the record.)

21 Q. Let me know when you have it in front of you.

22 A. Yes, I have it.

23 Q. So I want to go into the individual allegations
24 specifically to see if you had been directed at any point
25 to look into these allegations. So specifically, after

1 December 30th when Mr. Meadows forwarded this email to
2 Mr. Rosen, did Mr. Rosen, Mr. Donoghue or anyone at DOJ ask
3 you to look into President Trump's campaign allegations?

4 A. No.

5 Q. Had Ms. Cleta Mitchell or anyone affiliated
6 with the Trump campaign ever asked you or your office to
7 look into these allegations?

8 A. No.

9 Q. On page 1 of the attachment with this email,
10 which should be Bates Number 600, Ray S. Smith, III, the
11 lead counsel or who was the lead counsel for the Trump
12 campaign, claims in this press release that there are,
13 quote, literally tens of thousands of illegal votes that
14 were cast, counted, and included in the tabulation the
15 Secretary of State is preparing to certify.

16 Did your office have any evidence to this effect at
17 that time?

18 A. No, we did not have any evidence to that
19 effect.

20 Q. And so specifically in the press release and in
21 the filing in Fulton County Superior Court, the Trump
22 campaign alleges that 2,560 felons voted.

23 Did you have any evidence of such a claim at this
24 time?

25 A. I would not, no.

1 Mr. Weinsheimer. I would object as beyond the scope.
2 You're getting into specific investigations that don't have
3 anything to do with specific pressure put on Mr. Pak and so
4 I would object.

5 Ms. Zdeb. This comes from an email that the
6 Department produced which was sent to the then acting
7 attorney general by the then White House chief of staff
8 along with an express request that the Department look
9 into, quote, these allegations. And I think it's exactly
10 within --

11 Mr. Weinsheimer. This witness has said that he didn't
12 get it and he didn't get any pressure from either the White
13 House or DOJ with respect to it. So now basically what
14 you're doing is taking allegations from here and asking him
15 about specific investigations in the office. That's beyond
16 the scope at this point. It doesn't have anything to do
17 with any pressure put on Mr. Pak from Department leadership
18 or the White House.

19 Ms. Zdeb. The scope of the interview and the
20 investigation, as you noted earlier, Brad, also includes
21 the circumstances surrounding Mr. Pak's departure from the
22 Department, and so it is certainly within the scope of that
23 issue for us to understand, for instance, was there some
24 feeling on the part of the President or on the part of
25 others who were involved in decisions surrounding that

1 departure, was there some sense of unhappiness with the job
2 that Mr. Pak or his office were doing.

3 And it seems to me that it is inherent in
4 understanding that set of issues, whether there were
5 particular things that Mr. Meadows, the President thought
6 that Mr. Pak's office ought to be looking into that they
7 were not looking into, whether or not Mr. Pak recalls
8 specific instances of pressure directly being placed on
9 him.

10 So for that reason as well, it strikes me as
11 completely within the scope of this interview.

12 Mr. Weinsheimer. I think if you want to ask Mr. Pak
13 about the circumstances of his leaving, that's different,
14 but I think your record so far with respect to other
15 witnesses doesn't support that conclusion at all.

16 Ms. Zdeb. I think we can move on at this point but I
17 will conclude by asking Mr. Pak's counsel the same question
18 that my colleague on Senator Grassley's staff has asked
19 repeatedly when his questions drew objections, which is
20 just to confirm that Mr. Pak's counsel are planning to
21 adhere to the Department's objections in this regard.

22 Mr. Kang. Yes, we are.

23 Ms. Zdeb. We can move on.

24 BY MR. CHARLET.

25 Q. Okay. Well, then moving forward in topic and

1 in time, it is our understanding that on New Year's Day,
2 Acting Attorney General Rosen provided Jeffrey Clark, who
3 at that time was the acting head of the civil division,
4 your cellphone number.

5 Do you know what prompted Mr. Rosen to give Mr. Clark
6 your cellphone number?

7 A. I do not.

8 Q. Had you and Mr. Rosen or Mr. Donoghue or anyone
9 at Main Justice previously discussed Mr. Clark reaching out
10 to you in any way?

11 A. Yes. Around December 30th -- just to lay kind
12 of groundwork, the background, Rich Donoghue and I would
13 talk regularly, because we were both colleagues before we
14 became the PADAG, and also part of that duty, he checked in
15 with various U.S. Attorney's offices to see if there was
16 anything that they should become aware.

17 On December 30th or the 31st, I can't remember
18 exactly, I knew it was before New Year's, Mr. Donoghue
19 called me and told me that he was very frustrated because
20 the President was solely focused on Georgia with respect to
21 any voter fraud allegations and he had commented that
22 nothing would dissuade the President from believing that
23 the election was in fact stolen from him.

24 He stated that he, the President, just would not
25 believe that he lost Georgia. I don't know why. He didn't

1 explain why. And I reiterated to him that we looked into
2 several allegations. Obviously we concluded that there was
3 nothing there and that this was kind of disturbing because
4 in substance that his own people had looked into it and
5 reported back up.

6 He then asked me about whether or not I knew Jeffrey
7 Clark. And I told him, no, I did not know Jeffrey Clark,
8 who was he. And Mr. Donoghue explained to me that he was
9 the assistant attorney general for environmental natural
10 resources division, the ENRD, and that at that time he was
11 the acting attorney general, acting assistant attorney
12 general for the civil division.

13 And he said that Mr. Clark had, quote, the President's
14 ear. I asked him what he meant by that and he mentioned in
15 passing that Clark is suggesting that the Department sign
16 on to some letter suggesting that the general assembly call
17 a special session and to refuse to certify the electoral
18 college votes and that he wanted the Department to
19 intervene or join in -- I can't remember exactly -- in a
20 civil lawsuit that was filed by the Trump campaign.

21 And I said, well, that seems -- that's very -- that's
22 crazy. That's just highly crazy. I think the words I used
23 were -- I think Rich who used the words that this is
24 bat-shit crazy. And that was the description.

25 Rich told me that Jeff Clark would be calling to --

1 and that maybe I could talk to him about what we found and
2 to dissuade him from, you know, trying to suggest that
3 there was widespread fraud in Georgia, and I told Rich
4 that, well, he can call me all he wants but it's not going
5 to change anything. We're not going to be joining any
6 lawsuits that's not, you know, that's not substantiated by
7 any evidence.

8 And at that time, Mr. Donoghue mentioned to me that,
9 in fact, I wouldn't be surprised if the President called
10 you directly. And I said, well, he could call me all he
11 wants, the answer is not going to change.

12 And then that was the end of that conversation.
13 Mr. Clark never called, or at least we never connected if
14 he tried to call, nor did the President ever call me
15 directly.

16 Q. Okay. And when you had this discussion with
17 Mr. Donoghue, was this a call from Mr. Donoghue
18 specifically about this topic or did it come up in the
19 course of some other discussion were having?

20 A. Mr. Donoghue I think called me to give me a
21 heads-up or forewarning that Jeffrey Clark, who I am not
22 familiar with, would be calling me. And so at the same
23 time we talked about kind of what's happening, and my
24 impression in my conversation with Mr. Donoghue was there
25 was a lot of things being asked of the Main Justice, the

1 acting attorney general and the deputy attorney general
2 that the Department take, and that they were resisting
3 because they were not substantiated by the evidence. And
4 so I could sense the frustration in Mr. Donoghue's voice,
5 but he had called to let me know that Mr. Clark or the
6 President might be calling, and that was the reason for the
7 call.

8 Q. And then you seem to have indicated as such but
9 just to make it clear on the record, prior to January 1st,
10 would you have ever had any reason to work with Mr. Clark
11 in any capacity at all?

12 A. Yes, there is a possibility because if we have
13 a case that we have concurrent jurisdiction with ENRD,
14 which is the division in charge with investigating
15 environmental-related cases, but I have not had any cases
16 that -- where we overlapped in jurisdiction so I did not
17 have an occasion to work with or talk to Jeff Clark.

18 Q. And then in regards to election fraud or just
19 election matters and the cases that arise from them in
20 general, would you ever have had any reason to work with
21 Mr. Clark?

22 A. Given the fact that he was ENRD and chief of
23 civil, related to election-related items, unless, I guess,
24 there was some civil lawsuit that the Department was going
25 to file, I don't think that there would be any occasion for

1 him -- to work with him in that regard.

2 Q. And you indicated that Mr. Donoghue thought
3 that the plan that Mr. Clark was interested in pushing
4 forward was bat-shit crazy, but did it strike you as
5 unusual that the acting attorney general -- or I'm sorry,
6 that the acting head of the civil division would want to
7 reach out to discuss voting or election matters with you?

8 A. I thought that was very strange and highly
9 irregular.

10 Q. And you said that Mr. Donoghue indicated that
11 the President might try to call you directly. Have you
12 ever had any situation where someone at Main Justice told
13 you that the President might contact you directly for an
14 issue?

15 A. I have not.

16 Q. In your experience, would that be unusual for
17 any U.S. Attorney to hear that the President might contact
18 them directly?

19 A. That would be highly irregular given the fact
20 that it's been -- traditionally also there are policies in
21 place where communication between the White House and the
22 Department is highly regulated through the Office of Legal
23 Affairs and of course the front office, the AG and the DAG.

24 Q. And in the course of this discussion with
25 Mr. Donoghue, did the two of you ever develop some sort of

1 plan for how you would deal with potential reach-out from
2 Mr. Clark or the President?

3 A. There was no plan. Mr. Donoghue indicated that
4 Mr. Clark would call me to talk about what's happening in
5 Georgia and potentially, you know, joining in a lawsuit.
6 And I told him that's -- we're not going to do that because
7 there's no evidence of any fraud.

8 Q. And you're at least not aware of any attempt
9 that Mr. Clark tried to reach out to you, is that correct?

10 A. I am not aware of whether or not he tried to
11 reach me or not. I had not talked to him.

12 Q. Did you follow up with Mr. Donoghue or
13 Mr. Rosen at all about this lack of outreach from
14 Mr. Clark?

15 A. No.

16 Q. Did you become aware at some point that
17 Mr. Clark was interviewing witnesses in connection with the
18 State Farm Arena allegations?

19 A. I was not aware of that.

20 Q. Do you have any idea under what authority he
21 would be able to take such investigative steps like that?

22 A. I am not aware of any authority that he would
23 have.

24 Q. And you indicated that you weren't aware, but
25 just to make it clear on the record, you did not authorize

1 him to interview these witnesses, is that correct?

2 A. No. No.

3 Q. Generally speaking, how might a DOJ official's
4 unauthorized and unknown-to-you outreach to a witness
5 relevant to an investigation conducted by your office or
6 that your office may conduct, how would that impact the
7 work of your office or how might it?

8 A. Well, you could certainly interfere with an
9 ongoing investigation to the extent that it exists. Number
10 two, as a professional courtesy, when you have -- when you
11 operate or do something in the same department in a
12 jurisdiction, you know, you should coordinate and let folks
13 know, who is responsible for that district, what activity
14 is going on.

15 In this case, none of that happened, if in fact -- I
16 wasn't even aware that he was interviewing witnesses
17 related to the State Farm video incident.

18 Q. So on January 2nd, President Trump called
19 Georgia Secretary of State Brad Raffensperger to push him
20 to find exactly enough votes to overturn the election
21 results in Georgia.

22 Were you aware at the time that President Trump made
23 this call?

24 A. I was not aware of that on January 2nd.

25 Q. Do you recall when you became aware of this

1 call?

2 A. I saw it on the news. It was in news reports
3 of a recording being released, I believe it was January
4 3rd, and there was -- at that time when I saw kind of the
5 headlines, I did not see -- I didn't read the transcript or
6 anything like that. There was just a summary of what the
7 call entailed. And so it was a day after January 3rd, the
8 day before I resigned, that I found out about the call.

9 Q. Can you describe your reaction to finding out
10 about the call?

11 A. I was -- I was very upset, at the same time
12 very disappointed because the call -- the summary of the
13 description about the call indicated that despite at least
14 me and also the attorney general reporting up that there
15 had not been widespread fraud, that the President was
16 seeking to overturn the election or at least find ballots
17 or represent that there was irregularities.

18 So I was personally very concerned and I even
19 considered potentially resigning on Sunday. But in
20 thinking about that, we had a special election coming up on
21 Tuesday of that week and I thought about the potential
22 impact that might have on whether or not my sudden
23 resignation would give some credence to the allegations of
24 fraud or would dissuade or be used as certain kind of
25 talking point. I decided against that and I decided to

1 stay with my original plan, which was to, you know, submit
2 my letter of resignation and give two weeks' notice and
3 leave office on Inauguration Day.

4 Q. All right. As you might imagine, we have some
5 questions about the circumstances surrounding your
6 resignation itself, but I'm going to put a pin on that to
7 ask a few more questions about this call specifically.

8 Did secretary Raffensperger or anyone from the Georgia
9 Secretary of State office reach out to your office about
10 this call that the President made?

11 A. Not that I am aware of, no.

12 Q. So Cleta Mitchell, who we've discussed
13 previously and who also oversaw the Trump campaign lawsuits
14 in Georgia, she advised President Trump on this call. Did
15 she or anyone from the Trump campaign ever reach out to you
16 regarding the allegations that he pushed in this call?

17 A. I do not know -- I am not aware of any such
18 contacts.

19 Q. Do you know why President Trump referred to you
20 as a Never Trumper U.S. Attorney during this call?

21 A. I do not know other than my conversation with
22 Rich Donoghue and the conversation he had at the White
23 House on Sunday, January 3rd. He referred to it as there
24 was a printout of an article in which I was quoted -- and
25 this was in 2016 -- in response to a question whether or

1 not then candidate Trump's candidacy had helped or hurt
2 efforts to recruit minorities to the GOP. And I think my
3 comment was that he had made it difficult to recruit
4 candidate and voters to GOP.

5 And that was the only reference that I've heard from
6 Mr. Donoghue's conversation, so -- and I believe just in
7 context that he probably took that and his perception that
8 somehow that these allegations of fraud are not being
9 looked into and he probably concluded that I'm not doing
10 those because I was a Never Trumper, which is not true.

11 Q. And to point out the obvious, you became a
12 presidentially appointed and Republican Senate confirmed
13 official as the U.S. Attorney of Georgia under the Trump
14 Administration, is that correct?

15 A. That's correct. And during the vetting
16 process, they knew about the quote, they knew about the
17 article and I was asked about it multiple times.

18 Q. Did you have an understanding at any point
19 prior to this call, though, that President Trump was
20 unhappy with the job you were doing as U.S. Attorney?

21 A. I was not aware of any such dissatisfaction.

22 Q. And then also prior to the call, did you have
23 any understanding that President Trump wanted your
24 office -- that President Trump specifically wanted your
25 office to do more to investigate claims of election fraud?

1 A. During my conversation with Rich Donoghue in a
2 few days leading up to my resignation, Mr. Donoghue let me
3 know that the President was very unhappy that the
4 Department in general were not doing anything about the
5 allegations of fraud and, in particular, in Georgia and he
6 was very focused on Georgia.

7 So although he didn't tell me that he was particularly
8 unhappy with my performance, but I took that as his
9 dissatisfaction with the Department of Justice in general,
10 in his mind, that they were not doing enough.

11 Q. And so you said that one reaction that you
12 had -- or let me know if I'm characterizing this correctly.
13 You said that one reaction that you had to learning about
14 this call between the President and the Secretary of State
15 of Georgia was you potentially resigning. Had you ever
16 considered resigning prior to learning of this call?

17 A. My plan was to leave the office after the
18 inauguration. After the election, people were asking me
19 what my plans were. So the last week before my calls with
20 Rich Donoghue, I let my office, also the courts and the law
21 enforcement in our community partners, know that my plan
22 was to leave at the end of the Administration on
23 Inauguration Day, that -- and I told Rich Donoghue that I
24 will probably submit my resignation sometime the week -- a
25 few days after the runoff election just so that it's not

1 going to cause any views of potential irregularity and
2 that -- but my resignation would be effective on January
3 20th.

4 The reason I was focused on January 20th was,
5 throughout 2020, my office and people, the good dedicated
6 men and women in the U.S. Attorney's Office and my law
7 enforcement community went through a very difficult, tough
8 time and transition, in and of itself, is very difficult
9 and that in order to make sure that we minimize any impact,
10 that my first assistant, who's a career person, who's been
11 with the Department over two decades, taking over as the
12 acting U.S. Attorney, would be the best way to assure the
13 people in the office and the community that the office is
14 in good hands.

15 So I was focused on January 20th and I never wavered
16 from that, up until January 3rd, the day you pointed out.
17 It was very clear to me that in spite the reporting up of
18 what we found in terms of allegations, that that was being
19 ignored and, if that's the case, I didn't want to be a part
20 of potentially being a tool or a factor in whether or not
21 people should believe in the Department. I was looking out
22 for the Department and its people.

23 I ultimately came to the conclusion that I would not
24 go ahead and resign abruptly, but to hold on until January
25 20th. And of course I think you're probably aware that

1 things changed very quickly on that evening and the
2 following morning.

3 Q. So, yes, around 10:00 p.m. on January 3rd,
4 Mr. Donoghue emailed you asking you to call him ASAP. Do
5 you recall speaking with him that evening?

6 A. On January 3rd, yes. Yes. I had noticed that
7 I missed several calls from him and I saw that I had an
8 email from him. So I called him back that evening and
9 that's when Mr. Donoghue relayed to me that the President
10 was very unhappy and that he wanted to fire me, that he
11 believed that I was a Never Trumper and Mr. Donoghue told
12 me that he had told Mr. Trump that he thought that was
13 incorrect and that the President did not care, but wanted
14 me out of that spot. And then I asked -- oh, oh, I'm
15 sorry. I missed a detail.

16 So I can't remember if it was Mr. Donoghue or someone
17 else had mentioned to the President that I was submitting
18 my resignation that week, the first week of January, and I
19 think Mr. Donoghue had suggested that instead of doing a
20 firing, which I think everybody from the Department was
21 kind of advising against, that he go ahead and just accept
22 the resignation and so that -- and let him move on.

23 Mr. Donoghue indicated that Mr. Trump -- President
24 Trump agreed, but that I have to get out of there. And
25 then Mr. Donoghue then asked me like how long were you

1 planning to stay after you submit your resignation. I told
2 him that, you know, through inauguration. And Mr. Donoghue
3 said, no, unfortunately, it can't be that long.

4 He then offered to place me in another senior role in
5 the Department. I told him, Rich, thanks but no thanks,
6 I'm done. And then he said, all right, you know, in terms
7 of your announcement of your resignation, you could do
8 whatever you wanted. He said, you know, you could have a
9 press conference, you could, you know, make a big fuss or
10 submit -- just do it quietly. He suggested that it would
11 be best for everybody if you did it quietly. And I said,
12 well, let me think about that, at that time. And then I
13 hung up.

14 And then the following morning, very early on, I had
15 called Mr. Donoghue, telling him that I'm on my way to the
16 office and wanted some clarification as to why I was asked
17 to resign early. And Mr. Donoghue explained that the
18 President felt like I was not doing enough and he believed
19 that you were not doing enough because you were a Never
20 Trumper. I asked him who else was present during this
21 conversation, and he -- from my recollection, he told me, I
22 think it was the acting attorney general, Rich Donoghue,
23 Mark Meadows, Pat Cipollone, White House counsel, and I
24 think there was the deputy White House counsel in the room,
25 plus the President.

1 What I forgot to mention is the night before, I asked
2 Mr. Donoghue if my first assistant would be allowed to
3 assume the acting attorney general role -- I mean, acting
4 U.S. Attorney role because I was concerned about kind of
5 the office and how they would take that. And Mr. Donoghue
6 indicated that unfortunately that when he brought that up
7 with him, and acting attorney general brought it up, the
8 President's response was, well, who's that? You know, I
9 don't know that guy. And then he had brought up the fact
10 that how about that Bobby Christine guy? I heard good
11 things about him.

12 And he indicated to me that they then called
13 Mr. Christine from the White House and told him that he
14 would be taking over as the acting U.S. Attorney for the
15 Northern District. Mr. Donoghue indicated that
16 Mr. Christine was very confused. It was kind of out of the
17 blue for him but that he would have questions about whether
18 or not he could serve him as the head of two different
19 districts. And I believe at the time they got an opinion
20 from the office of legal counsel that they could. And that
21 was the scope of the conversation on the evening of the
22 3rd.

23 The following morning when I talked to Mr. Donoghue
24 about my resignation, I had told him that, you know, I'm
25 going to just submit a very bland resignation. I don't

1 want this to be perceived in a way that may impact the
2 election or impact the Department in the negative way, and
3 so I'm going to just go quietly. And he then asked me
4 again, he was like, are you sure you don't want to stay in
5 a role? And I said, no, it's fine. I think I'm done with
6 it. And then I also told him that I was very honored to
7 serve with him and I told him that -- I told him to hang in
8 there because I knew kind of the pressure that he was
9 facing, and so I got off the phone with him.

10 Then I called my first assistant. I didn't reach him.
11 Then I called Mr. Christine on my way in to work, and
12 Mr. Christine was quite apologetic and was kind of confused
13 about the situation. I told him that, look, I gave him
14 a -- I said, hey, listen, I think what's important is the
15 transition here. It's going to be very disruptive to the
16 office, yours and mine, so why don't we set up a leadership
17 call between my team and your team at noon that day to go
18 over all the cases, and at that time he asked me to set up
19 a briefing of all the election-related cases. And I told
20 him I would do that.

21 And after that, I went to the office and then I
22 finally contacted my FAUSA and told him of my resignation,
23 which he was obviously surprised, and I told him that he
24 would not be acting U.S. Attorney, just to give him a
25 heads-up so he would now be completely blind-sided by what

1 would be a normal procedure, that the FAUSA become the
2 acting U.S. Attorney pursuant to the Vacancy Reform Act.

3 Q. So I have several follow-up questions so I'll
4 try to go through them in an orderly fashion. So you had
5 earlier indicated that one reason why you intended to serve
6 until the end of the Trump Administration was to allow the
7 transition to be as smooth as it possibly can be. So when
8 you found out that Mr. Christine, regardless of his own
9 qualifications, since he was already serving as U.S.
10 Attorney, would be appointed to replace you rather than
11 having your first assistant move up, was that one of those
12 kinds of sort of disruptions you were trying to avoid by
13 not originally resigning before the end of the
14 administration?

15 A. That's correct. That was my goal to try to
16 stay until the inauguration so that the transition would be
17 as smooth. And obviously my conversations with the deputy
18 attorney general and what I knew behind the scenes, what
19 was going on, was kept from the rest of the office. I was
20 very sensitive to kind of the morale of the office and the
21 Department in general, and so I tried to make it as smooth
22 as possible but obviously that did not happen.
23 Unfortunately, that didn't go as I intended.

24 Q. And obviously -- or I shouldn't say obviously,
25 but presumably the men and women in your office are quite

1 hardworking and so was U.S. Attorney Christine, but in
2 terms of this kind of disruption, what kind of effect can
3 they have? Why would a disruption like this -- why could
4 disruptions like this affect -- why and how could they
5 affect the work of the office?

6 A. Well, first of all, we were in the middle of a
7 pandemic, as you recall. It was already disruptive.
8 People are very worried about the operations. And given
9 the fact that 2020 was a very challenging time for those in
10 law enforcement, particularly who are black and people
11 of -- communities of color, I think it was a very stressful
12 2020 in general, given those things.

13 And the fact that, you know, I tried to keep --
14 transition times are always tough because people always
15 wonder what's going to be next, and so you want to try to
16 be transparent about what's happening and what's going to
17 happen. And we had a lot of new employees that joined the
18 office in the past two years who had never been through the
19 transition and that raises a certain level of stress. And
20 it does. And so my first assistant and I always tried to
21 make plans to make sure we assure everybody that things
22 will be fine, that the Department goes on regardless of who
23 may be in the White House or who may be the attorney
24 general. Maybe the priorities change but, you know, to new
25 employees of DOJ, that sometimes -- until they go through a

1 transition, they always have that doubt.

2 So we try to make it as smooth as possible and that
3 was my number one concern just given kind of where the
4 office was in terms of morale and kind of mental health.
5 And not having to come in and connecting at a level and a
6 personal level, that's another layer of kind of stress that
7 adds and so any kind of disruption like this that's
8 traumatic and unplanned certainly I think would have a
9 negative impact on the morale of the office, and in turn,
10 the productivity as well.

11 Q. And you were discussing earlier when you had
12 either your first or second call with Mr. Donoghue on the
13 night of the 3rd going into the 4th, that you understood
14 the pressure he was under. Could you tell us a little bit
15 more about what you understood that pressure to be?

16 A. Well, Mr. Donoghue and I, prior to him becoming
17 the acting deputy attorney general, we were colleagues. He
18 was the U.S. Attorney for the Eastern District, so we had a
19 level of relationship that was a little bit different than
20 just someone who was a supervisor in Main Justice.

21 So we would talk about what he was doing. I was
22 concerned about how he's holding up, in particular, because
23 I knew there were things being asked just of what the
24 Department -- of the Department from the White House that's
25 highly unusual. And in fact, Mr. Donoghue had indicated

1 that on several occasions when the Attorney General and the
2 Acting Attorney General would kind of dissuade the
3 President or someone from doing -- and asking them to do
4 something, that they had offered to resign or they were
5 afraid that they would be fired.

6 And so from that conversation and just the context of
7 it, I felt that Mr. -- Acting Attorney Rosen and deputy --
8 yeah, Acting Deputy Attorney Donoghue were pushing back at
9 some of the things that were being asked of the Department.

10 Q. And then prior to this late January 3rd call
11 with Donoghue, despite the Trump/Raffensperger call on the
12 2nd that you found out about on the 3rd, you had, prior to
13 the call with Donoghue, concluded that you still would not
14 announce your resignation until after the Georgia runoff
15 election and you would stay until the end of the
16 administration?

17 A. That's correct, yes.

18 Q. And can you just describe just like a little
19 bit, with a little bit more detail, how exactly during the
20 call with Donoghue you decided that you would submit your
21 resignation on Sunday the 4th?

22 A. No, it was not -- oh, okay. I see what you
23 mean.

24 So I had already intended to submit my resignation the
25 following Wednesday or so, later in that week, and

1 Mr. Donoghue, when we talked about how -- what was your
2 plan in terms of how long we were going to stay, I said to
3 till the 20th, and Mr. Donoghue said, unfortunately, that's
4 not going to work. Maybe two or three days, you know. And
5 so they asked me to submit the resignation earlier, which
6 was immediate, and Rich asked if I would -- that they could
7 put me in another SES position of the Department. I said
8 no, that's fine, I'm kind of -- I'm done.

9 So I submitted the resignation immediately as they
10 requested, since the President wanted to accept it
11 immediately, and so that's why I submitted on January 4th
12 instead of the Wednesday.

13 Q. And so was your understanding that if it
14 weren't handed in, the resignation, on the 4th or at least
15 the 5th, earlier than you had intended, then the President
16 would fire you? Was that your understanding from the call?

17 A. I don't know if that would be the case but, I
18 mean, obviously that's what I probably -- that's what my
19 thinking process was. I mean, there's two way -- I work at
20 the pleasure of the President, regardless of whether or not
21 he thinks -- what his belief in my performance or -- is
22 legitimate or not or he could ask me to resign for any
23 reason since -- so I view it that way. That was -- that's
24 the tradition of the office and that is what the
25 Presidential appointment process is like.

1 So I didn't really think much of it. I didn't want
2 the issue to become something about like my protest in
3 terms of having the President fire me. So I thought for
4 all those involved, in particular kind of the office and
5 everyone else who has been kind of watching Georgia, that
6 going quietly and with minimal amount of disruption was the
7 best way to go, and hence I was very vague in my
8 resignation letter but it was pretty clear that they wanted
9 my resignation immediately.

10 Q. I have a couple more questions before I turn it
11 back to my colleague and we end this round. So after you
12 submitted, formally submitted your resignation, Assistant
13 Attorney General for the Office of Legal Counsel, Steve
14 Engel, emailed you to say, "Many thanks for all your
15 service to the Department."

16 Do you remember that email?

17 A. I do.

18 Q. Did you understand this thanks to be for
19 anything specific?

20 A. No. Mr. Engel and I started working at the
21 Department when we were summer law interns back in 1998.
22 So I've known Mr. Engel for a very long time. He served in
23 the Bush Administration, W. Bush Administration, and I was
24 an AUSA in the Bush Administration and we also served in
25 the Trump Administration. So we have a little bit of

1 history in the Department, and so I think -- I read that as
2 Mr. Engel just saying farewell since I am leaving and I
3 didn't read any more into that other than just a kind note
4 to say farewell.

5 Q. Okay. So is it accurate to say then that you
6 had not interacted with Mr. Engel in regards to any Georgia
7 election fraud allegations or this tension with the
8 President?

9 A. That's correct. I have not had dealings with
10 him at all related to the election issue.

11 Q. Okay. Thank you. And then also in response to
12 your resignation, Mr. Donoghue emailed you the next day to
13 call you a class act. Did you understand this phrase to be
14 for anything specific?

15 A. I took it as just my general note to the U.S.
16 Attorney community and my colleagues. I knew that there
17 were a lot of folks doing the right thing, following the
18 rule of law and defending it. And so I was telling them
19 that I support them and I want them to stay because that's
20 what our country and the Department requires.

21 And I think Mr. Donoghue, given his history with the
22 Department, he's a longtime AUSA prior to becoming U.S.
23 Attorney, I think he liked the message that I sent to the
24 rest of the community.

25 Q. And then on January 4th when you officially

1 submitted your resignation, were you aware of any evidence
2 or credible allegations of widespread election fraud
3 sufficient to affect the results of the 2020 election in
4 Georgia?

5 A. I was not aware of any evidence that indicated
6 widespread fraud or anything that would affect the actual
7 result of the election in Georgia.

8 Mr. Charlet. Okay. I'll turn it back over to you,
9 Sara.

10 Ms. Zdeb. Great. I think I have about three or four
11 minutes left in this round. And I will try to stick to
12 that.

13 BY MS. ZDEB:

14 Q. One unrelated question I just wanted to make
15 sure to close the loop on. You had said at some point
16 earlier in our discussion when you were discussing the
17 ballot shredding allegations that were subsequently brought
18 to Mr. Christine's attention the day after he assumed the
19 role as acting U.S. Attorney, I think you had said you had
20 previously been made aware of those allegations by way of a
21 conversation with a state senator.

22 Could you tell us who that state senator was?

23 A. It's Bill Ligon, L-i-g-o-n.

24 Q. Thank you. Jumping to -- I think you said it
25 was either on or around December 30th when Mr. Donoghue

1 called you with essentially a heads-up that Jeffrey Clark
2 was pursuing the plan that Mr. Donoghue referred to as bat
3 shit crazy, he said -- or you indicated that he told you
4 that Mr. Clark or the President might call you directly and
5 that neither the President nor Mr. Clark ever did reach out
6 to you about that particular proposal.

7 Did anyone else, either within the Department or
8 within the White House, reach out to you about the bat shit
9 crazy proposal?

10 A. No.

11 Q. And then finally, when it came to this sequence
12 of events around January 3rd and 4th when you had these two
13 conversations with Mr. Donoghue about your resignation,
14 just so I am clear on what you had communicated to
15 Mr. Donoghue about the timing and when, it sounds like
16 prior to the call you had with him on the 3rd, you had made
17 him aware that you were planning to submit your resignation
18 at some point during the first week of January after the
19 Georgia Senate runoff, is that correct?

20 A. Yes, that's correct.

21 Q. And because it sounds like during that call on
22 the 3rd he, Mr. Donoghue, asked you when you planned to
23 actually resign as opposed to when you planned to announce
24 your resignation, the fact that Mr. Donoghue was announcing
25 that on the night -- or I'm sorry, the fact that

1 Mr. Donoghue was asking you that on the night of the 3rd
2 makes me think you had not previously communicated to
3 Mr. Donoghue on what date your resignation would become
4 effective. Is that correct?

5 A. No, I told him. I told him I'm going to stay
6 until the inauguration. I don't think -- you know, he may
7 not remember that, but I've always intended to stay until
8 the inauguration because I wanted my FAUSA to become acting
9 U.S. Attorney.

10 In effect, I didn't -- part of the reason is I felt
11 like that leaving while there was a Senate runoff election
12 would send the wrong message to the public and so I tried
13 to do what normally happens during a change in
14 administration, which is the new administration asks for,
15 by tradition, the resignation of all the U.S. Attorneys.

16 In my case, I wanted to give two weeks' notice to
17 people, so that I settled on the first week of January as
18 the time that I was going to publicize that I'm leaving
19 effective January 20th.

20 As a matter of fact, when I first drafted the
21 resignation letter, I had that in there, that effective
22 January 20th. It was the morning of when I got the call --
23 on January 4th when I edited the letter to eliminate the
24 effective and change it to immediately and that's the
25 letter I sent.

1 Q. Thank you.

2 Ms. Zdeb. And if I could beg your and my colleagues
3 on the Ranking Member's staff for just a little bit of
4 indulgence, I have maybe two or three final very quick
5 questions and then I think that may be it for our side. So
6 if I could just wrap those up right now.

7 Mr. Flynn-Brown. Sara, I think that's fine. When you
8 say wrap it up for your side, are you talking about for
9 this round or do you want to do another round after this?
10 What's your plan? And we can go offline and talk about
11 this if you would like to.

12 Ms. Zdeb. Yeah. Why don't we go off the record for
13 just a second.

14 Mr. Flynn-Brown. Okay.

15 (Discussion off the record.)

16 Ms. Zdeb. We can go back on the record.

17 BY MS. ZDEB:

18 Q. So I understand you to be saying, Mr. Pak, that
19 at some point before January 3rd, when you had this
20 conversation late at night with Mr. Donoghue, you had
21 communicated to him both that you expected to tender your
22 resignation at some point shortly after the runoff the
23 first week of January and that you told him that you were
24 planning to actually resign at the conclusion of the
25 President's term.

1 Is that a fair summary of what you just explained?

2 A. Yes.

3 Q. And so is it also fair to say that you had not
4 told Mr. Donoghue, prior to that late night call on January
5 3rd, that you were intending either to tender your
6 resignation or to actually resign the very next day on
7 January 4th?

8 A. I'm sorry, can you rephrase that, Ms. Zdeb?

9 Q. You had not told Mr. Donoghue, prior to that
10 conversation on January 3rd, that you were intending both
11 to submit and to actually resign as of the very next day,
12 January 4th, is that correct?

13 A. Yes, that's correct. I did not say that to
14 him.

15 Q. You alluded to a second discussion with
16 Mr. Donoghue early in the morning on January 4th as you
17 were headed into the office to make your announcement, and
18 I think you told us that during that conversation, you
19 asked Mr. Donoghue again for an explanation about why you
20 were being asked to resign early and you said that
21 Mr. Donoghue told you something to the effect of the
22 President did not believe you were -- or I'm sorry, the
23 President believed you were, quote, not doing enough.

24 Did you have some understanding of -- or some
25 impression as to what he meant by "not doing enough"?

1 A. No. The impression I got was that pursuing
2 additional cases other than outside of kind of what would
3 normally happen in these type of cases.

4 Now, you have to understand, Ms. Zdeb, from my
5 perspective, I had already reported up at least one of the
6 allegations that Mr. President -- the President had
7 referred to, which is the State Farm video. And to my
8 knowledge, that was reported up to the attorney general and
9 I'm presuming that the attorney general told the President
10 about there's nothing to those allegations.

11 So my perspective was that the President did not want
12 to believe what I reported up. And so that kind of gave
13 kind of context hopefully of my mindset. So if the
14 President thought that I was being ineffective, there was
15 really no reason for me to continue in the role, although I
16 disagree maybe in his ultimate conclusion on that.

17 But Mr. Donoghue had explained that the President felt
18 like I wasn't doing enough. I presume that he means all
19 the other allegations that were made about the Georgia
20 election that I did not report up as to the status.

21 Q. Understood. And I think my final question
22 is -- has to do with whatever it was that Mr. Donoghue
23 relayed to you during those two phone calls about the
24 President's decision to bypass your FAUSA, Mr. Erskine, and
25 instead go outside the line of succession and appoint

1 Mr. Christine as acting U.S. Attorney.

2 During either of those two phone calls with
3 Mr. Donoghue, did he convey to you that the President had
4 indicated to him some belief that Mr. Christine would do
5 enough or would do something to look into the allegations
6 that he presumably believed you had not done enough to look
7 into?

8 A. No, nothing specifically like that. My
9 recollection is Mr. Donoghue had relayed that Mr. President
10 had heard good things about Bobby Christine, and that was
11 the extent of it. So I don't think you can read anything
12 more to that, you know. And I was -- you know, once -- I
13 knew Mr. Christine. We worked very closely because we were
14 U.S. Attorneys in the same state. But I knew he was --
15 he's a military person and he knows the chain of command.
16 And frankly I've looked at it as he was stuck in a very
17 difficult place.

18 I had reported to him that we looked and there was no
19 substance to the allegations of election fraud. And I
20 believe it was reported that he found the same. But he's
21 an honorable man who was stuck in a very difficult spot and
22 so -- but I knew that he would do the right thing given the
23 evidence. I was very confident in him taking over,
24 although it was highly unusual and very disruptive to the
25 office.

1 Ms. Zdeb. Thank you. With that, it is 1:34 and we
2 can go off the record.

3 (Discussion off the record.)

4 Ms. Zdeb. It's 1:38. We can go back on the record
5 and I will turn it back to my colleagues on Senator
6 Grassley's staff.

7 Mr. Flynn-Brown. Thank you very much.

8 BY MR. FLYNN-BROWN:

9 Q. And thank you again, Mr. Pak. So I had a
10 couple of audio issues in that past round and I'm going to
11 ask you a couple of questions you may have answered
12 already. I apologize. So just bear with me.

13 So with respect to your resignation, what day did you
14 start thinking about potentially resigning? And I believe
15 you had mentioned the thought process began before the
16 special election. Is there a precise date?

17 A. Leaving the office after the change in
18 administration?

19 Q. Yes, sir.

20 A. No, I was thinking about that, after the
21 general election when it looked like the President had lost
22 that I was going to transition out early the next year. In
23 terms of making it public that I was going to vacate the
24 office, I think that's probably what you were looking at,
25 it was right -- I started making public my intentions the

1 Christmas week in the final week of December.

2 Q. And then you were offered a senior role at the
3 Department by Mr. Donoghue? They wanted to try to help you
4 out? Did I hear that correctly?

5 A. That's what he said. I declined that. It came
6 up in the context of that the President -- the -- did not
7 want me to have the title, U.S. Attorney. So I had to --

8 Q. Do you know what -- I'm sorry, go ahead.

9 A. I don't know. I don't know. He just offered
10 some role in the Department for three weeks whenever I
11 would transition out, and I told him no thanks.

12 Q. Okay. So it was your impression, then, that it
13 was the President's impression that you weren't being
14 aggressive enough with respect to investigating and
15 reviewing these election fraud and crime-related
16 allegations. Is that an accurate summary?

17 A. Well, I don't know what he was thinking but the
18 impression I got was he was not satisfied with the
19 Department's response to the allegations that were being
20 made.

21 Q. It was possible then that the President could
22 have been misinformed about DOJ's efforts and quite
23 possibly your efforts with respect to investigating these
24 types of election allegations?

25 A. I think that is possible, yes.

1 Q. So is it accurate to say, then, that if you
2 didn't resign right away, you were not 100 percent sure
3 whether or not you would be fired or not?

4 A. Oh, no, it was a logical conclusion that I
5 would be fired.

6 Q. 100 percent?

7 A. The conversation that was relayed to me by
8 Mr. Donoghue was that the President wanted to fire me. He
9 wanted me gone. Those are the words. And it was either
10 Mr. Donoghue or someone else brought up the idea that since
11 I was going to submit my letter of resignation that week,
12 why don't you -- don't fire somebody who is going to
13 resign. Just accept the resignation early. That was the
14 term.

15 Q. Okay. I'm going to read to you -- and I can
16 send this to counsel if you want it in front of you because
17 this was not an exhibit that we had provided to you guys,
18 so I'm going to read you a paragraph. And again, if your
19 counsel wants a hard copy, we can email it to you but it's
20 a paragraph. The title is: Statement by Press Secretary
21 Jen Psaki on the Department of Justice Leak Investigation
22 Policy. And I'm going to read you the paragraph and if you
23 want a hard copy, we'll send it to you.

24 June 5th, 2021. "As appropriate, given the
25 independence of the Justice Department in specific criminal

1 cases, no one at the White House was aware of the gag order
2 until Friday night. While the White House does not
3 intervene in criminal investigations, the issuing of
4 subpoenas for the records of reporters in leak
5 investigations is not consistent with the President's
6 policy direction to the Department, and the Department of
7 Justice has reconfirmed it will not be used moving
8 forward."

9 Would you like me to email that or is the paragraph
10 sufficient?

11 A. I guess it depends on what the question is.

12 Q. Okay. Fair enough.

13 A. -- gist of it.

14 Q. Fair enough. So my question to you, then, sir,
15 is would you agree that any President of the United States
16 has a similar authority to ensure the Department and its
17 components have the right policy with respect to
18 investigating and reviewing voter fraud and election crime
19 allegations?

20 A. I would agree that the President has that duty.

21 Q. So you had testified earlier -- and I don't
22 want to mischaracterize this so if this isn't what you
23 said, just let me know. But I believe you testified
24 earlier that with respect to all the data, all the voter
25 fraud allegations that the President had read about and

1 that were public relating to 2020, the 2020 election, that
2 it was not unreasonable for him to have concerns regarding,
3 you know, complaints, reports of crimes, things of that
4 nature.

5 So my question to you is, did President Trump's
6 forward-leaning posture with respect to investigating
7 election fraud and crime-related issues have an impact on
8 how DOJ and FBI investigated those claims, or would DOJ and
9 FBI have done what they did regardless of President Trump?

10 A. Well, first of all, I think your question asks
11 me, based on -- you're asking me to assume what the
12 President knows or believes. And so based on that, if a
13 person would believe what's being reported, is it an
14 unreasonable position to take, and my guess is if he reads
15 about all these allegations and really doesn't look into
16 it, I guess you have a perception that there is a lot of
17 fraud out there, right? I think the evidence is contrary,
18 at least from my district, that it wasn't.

19 But the question, I think, if I heard you correctly,
20 Mr. Brown, is does the President get to kind of set that
21 policy of enforcement or does the Department -- are they
22 independent of that? I think the President does get to
23 kind of dictate the policy, but I think the policy is an
24 informed, kind of based on history of the best practices to
25 go about doing that.

1 The policy is based on generally the appearance that
2 the Department may have an impact on the outcome of an
3 election one way or the other. We don't want to be that
4 factor. And while I understand that you want to have a
5 forward-leaning policy, I think it has to be carefully
6 balanced.

7 And as far as I know, at least the way we approached
8 it was we followed the directive but we did it with a
9 careful balancing of all the interests in the existing
10 policy.

11 Q. Understood. Thank you for that explanation.

12 So with respect to, then, Trump's forward-leaning
13 posture with respect to 2020 and investigating all these
14 allegations, did that have any positive impact on DOJ and
15 FBI or, you know, would the Justice Department and FBI have
16 investigated these allegations and done these actions
17 absent Trump's forward-leaning posture?

18 A. Historically, based on my experience with the
19 Department, they do investigate. It's really a matter of
20 timing, right? I think the President and the attorney
21 general wanted to let people know -- let the Department
22 know that you can in fact, in limited circumstances, do
23 overt acts and certain investigative steps before the final
24 certification of election.

25 But in normal due course in my previous experience as

1 an AUSA, I do know that the FBI and the Department of
2 Justice do follow up on the allegations of election fraud
3 after it's been certified. So I think it's really a
4 question of timing and not whether or not the Department
5 would completely ignore these allegations. I don't think
6 they ignore it. They do track it down. It's a matter of
7 when they do it.

8 Q. Understood. So with respect to Bobby
9 Christine, do you believe that he was capable of managing
10 your office after you left?

11 A. Yes. I mean, I know Bobby personally and also
12 in a professional setting. He's been in the military and I
13 found him to be a very conscientious decision-maker, and so
14 I didn't have any doubts that he would manage the office
15 appropriately.

16 Q. So then you didn't have any concerns about his
17 ability to lead and get the job done then, is that correct?

18 A. I did have concern because of the unorthodox
19 way in which he was appointed to be acting U.S. Attorney.
20 I do think that people would have a lot of questions about
21 why is it that he is coming in instead of my FAUSA, which
22 is the normal course. I think the unorthodox nature
23 probably hindered him from, you know, having credibility
24 with the office immediately. It adds a lot of questions.

25 And the other thing that Mr. Christine kind of did was

1 to bring some of his AUSAs into the office, which I think
2 did not sit well with the career prosecutors that are in
3 the U.S. Attorney's Office in the Northern District given
4 the fact that my former office is about five times as large
5 as the Southern District of Georgia and at least as
6 sophisticated in terms of types of cases and qualifications
7 of AUSAs. So I didn't think that that was -- that moved
8 the ball forward in terms of helping him transition into
9 the role.

10 Q. I see. So how many additional people did he
11 bring with him?

12 A. Based on my call with Mr. Christine during the
13 transition call on the day, I think he was bringing two
14 AUSAs for election-related investigations, and then I think
15 his FAUSA was involved but he was going to run the day to
16 day of the Southern District of Georgia.

17 Q. Okay. So at the end of the day, though, you
18 felt that Mr. Christine had a leadership ability and
19 quality and was ethically sound and would be able to
20 perform the job ably?

21 A. I didn't have any other -- I didn't have any
22 reason to doubt that, yes.

23 Q. So then with respect to the President's opinion
24 that, you know, he had some concerns about how possibly DOJ
25 and you were running these types of investigation-related

1 reviews and that he wanted your resignation, you know,
2 that's -- you would agree that that is the President's
3 prerogative, is that correct?

4 A. Yes. I served at the pleasure of the
5 President.

6 Mr. Flynn-Brown. So right now I don't have any
7 additional questions. I don't know if my colleague does or
8 not but Mr. Pak, I want to thank you for your time today
9 and for your service to country.

10 Sara, I have two things I want to introduce into the
11 record.

12 Mr. Pak, these have nothing to do with asking you for
13 a comment. I'm just going to insert two press releases
14 into the record.

15 I don't know what exhibit we're on but we'll take care
16 of that after the fact, I believe.

17 So the first press release is from January 6, 2021.
18 This is from Senator Grassley's office. The title is
19 Grassley: America must be better than this.

20 And the second press release is on the same day,
21 January 6, 2021. And the title is Grassley's Statement on
22 Electoral College Certification.

23 So at this time I think, unless there is an additional
24 round, that might be the end of my questioning. But sir, I
25 want to thank you for your service to your country and I

1 really appreciate your time today. So thank you.

2 Mr. Pak. Thank you.

3 Mr. Blumenthal. Mr. Pak, if I can just add a word on
4 behalf of the Committee, my colleagues on the Judiciary
5 Committee, greatly appreciate your appearing voluntarily.
6 As you may have noticed, I've been on for the entire call
7 and I think your cooperation has been very helpful and
8 thank you very much for your service.

9 As a former United States Attorney for Connecticut,
10 quite a while ago, and having said that that was the best
11 job I ever had, I know that you probably miss your service
12 in the Department and I thank you for that service.

13 Mr. Pak: Thank you.

14 Ms. Zdeb. And unless Mr. Charlet has anything else on
15 his end, and he will maybe shake his head yes or no
16 indicate one way or the other -- that's a no -- I also have
17 nothing further and so with that, Mr. Pak, I wanted to add
18 my thanks to my colleagues' thanks for your willingness to
19 appear voluntarily, for your time this morning. We very
20 much appreciate it.

21 And unless you have anything else at this point, I
22 think we can conclude this interview and go off the record
23 at 1:52 p.m.

24 (Whereupon, at 1:52 p.m., the taking of the instant
25 interview ceased.)

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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

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