

**Combined Responses of Jeffrey Bossert Clark, Witness, to
Questions for the Record from Senators Dick Durbin & Sheldon Whitehouse
Committee on the Judiciary/Constitution Subcommittee on
“Arctic Frost: Conspiracy and Coordination Against President Trump and the American
Right”**

May 22, 2026

Note: Responses below are in *italics*. Past this point, any pure bold or plain text language is from the Senators themselves. I have, however, inserted additional paragraph breaks into some of the Senators’ questions/statement paragraphs for readability and to help better break out distinct topics.

SENATOR DURBIN’S QUESTIONS

Introductory/Overarching Responses

- (1) *I incorporate by reference my extended written testimony and all of its exhibits to the Subcommittee on the Constitution, part of the overall record of this hearing. They should be collectively deemed Exhibit A to this Response to Questions for the Record.*
- (2) *I also incorporate my answers to Senator Whitehouse’s questions into my responses to Senator Durbin’s questions and vice versa. I note that several of Senator Whitehouse’s questions, however, relate to matters that are not part of this hearing concerning Operation Arctic Frost or to my time of service in the Trump 45 DOJ and so I object to them on that ground and reserve all of my rights accordingly.*
- (3) *As you are no doubt aware, the United States Justice Department filed suit against various officials and entities in D.C. concerning the unlawful D.C. Bar proceedings against me. See United States v. Fox, No. 1:26-cv-01658 (May 13, 2026). The position the Department takes therein that the D.C. Bar exceeded its authority by proceeding against me should also be deemed incorporated by reference into my testimony here. This U.S. Department of Justice complaint should be deemed Exhibit B to this Response to Questions for the Record.*
- (4) *The Arctic Frost disclosures brought out by Chairs Grassley and Johnson show that there were interactions between federal and state officials and we know that the House January 6 Committee prepared its records for use by the Biden Justice Department. There were also likely interactions between Democratic Party members of this Committee/ Subcommittee and Hamilton P. (“Phil”) Fox, III at the D.C. Bar. Accordingly, you should place such documents into the public record, Senator Durbin. Similarly, I recently received a third-party document subpoena (dated May 11, 2026) from the BBC (see Trump v. BBC, No. 1:25-cv-25894-RKA (S.D. Fla.)), which seems too coincidental both because it is similar to document subpoenas from the January 6 Committee, which I successfully resisted on a host of privilege grounds, and from the D.C. Office of Disciplinary Counsel led by Mr. Fox, which I also successfully resisted, with that subpoena being declared unconstitutional and then quashed by the D.C. Court of Appeals. See In re Clark, 311 A.3d 882 (D.C. 2024). Senate Democrats on this Subcommittee*

should disclose any documents relating to their interactions with the BBC relating to that subpoena as well.

Questions for Jeffrey Clark, former Acting Assistant Attorney General for the Civil Division [and Simultaneous Former Senate-confirmed Assistant Attorney General for the Environment & Natural Resources Division], Department of Justice

1. As I noted during the hearing, having been pardoned by President Trump, you can no longer refuse to answer questions on the basis of the Fifth Amendment right against self-incrimination. Instead, throughout the hearing, you baselessly asserted claims of executive and deliberative process privilege.

Several points in response:

- (1) *I was pardoned by President Trump, that is correct. But in light of the Democratic Party witch hunt against me and President Trump, which remains ongoing, I cannot be certain that your questions and those of Senator Whitehouse will be determined by a future court, if such issues ever validly come before them, to fall within the scope of the pardon.*
- (2) *I appreciate that at the hearing, you stated, Senator Durbin, your view that the pardon covering me is “legally valid.” See <https://www.facebook.com/SenateJudiciary/videos/sen-durbin-mr-clark-youve-invoked-the-5th-amendment-in-the-past-like-violent-ins/26980894588200933/> (last visited May 22, 2026). I wholeheartedly agree. However, other Democrats have sought to limit the pardon power and so I cannot rule out that other Democrats, nongovernmental organizations, or state or local officials may seek to have my pardon declared invalid. See, e.g., H.J. Res. 13, 119th Congress (2025-26). See <https://www.congress.gov/bill/119th-congress/house-joint-resolution/13/text> (last visited May 22, 2026). For these reasons, I fully reserve my Fifth Amendment rights. However, as I indicated in live testimony, I was not relying on my Fifth Amendment right during the hearing because the other four privileges I did invoke provide a more than sufficient basis to decline to answer certain of your questions.*
- (3) *My privilege invocations at the hearing were not “baseless[.]” First, to be clear, I invoked four privileges: (a) executive privilege; (b) law enforcement privilege; (c) deliberative process privilege; and (d) attorney-client privilege, not just the first and the last of those four. Second, all four privileges remain valid legal positions that have not reached their respective terminal points in current litigation. I intend to press them all the way to the U.S. Supreme Court, if I need to. And hence, out of logical consistency, if for no other reason, I will not waive any of those privileges here. Moreover, there is a critical additional reason: I must defend the separation of powers.*

Executive privilege and its related privileges asserted by the President, to the extent they are valid assertions, are privileges held by the constitutional office of the President.

Despite your assertion to this effect, presumably to try to rely on President Biden’s purported waiver of President Trump’s privileges, the issue remains unresolved by the Supreme Court.

I direct you to Justice Kavanaugh's separate opinion in Trump v. Thompson, No. 21A272 (Jan. 19, 2022), available at https://www.supremecourt.gov/opinions/21pdf/21a272_9p6b.pdf. I agree with Justice Kavanaugh's analysis that executive privilege would be rendered worthless if an incoming President could immediately waive the executive privilege of the prior President. The chilling effect of ensuring the flow of solid, candid advice and dissenting opinions to the President would be devastating. Additionally, my insistence that Justice Kavanaugh is right on this point is also still in active litigation and so I will not waive that position here. See also Nixon v. Administrator of the General Servs. Admin., 433 U.S. 425 (1977).

Equally fundamentally, the privileges are not mine to waive and as an attorney I am legally obligated to preserve them and to litigate them if necessary.

Finally, there is an important separation of powers issue at stake, as I have said. Neither congressional committees, nor their chairs or ranking members acting individually can overthrow the constitutional separation of powers merely by purporting to overrule a privilege objection.

On July 26, 2021, you, former Acting Attorney General Jeffrey Rosen, former Acting Deputy Attorney General Richard Donoghue, former U.S. Attorney for the Northern District of Georgia BJ Pak, and others were authorized by President Biden and the Department of Justice to "provide unrestricted testimony to the [Senate Judiciary and House Oversight] Committees, irrespective of potential privilege." This privilege waiver noted that the President "has decided that it would not be appropriate to assert executive privilege with respect to communications with former President Trump and his advisors and staff of matters related to the scope of the Committee[s] proposed interviews."

This was the Biden Administration position, but even if the Biden position was precisely as you describe, I do not agree with it for the same reasons I have already given. This still-live dispute may eventually have to be resolved by the U.S. Supreme Court.

While you did not agree to a voluntary interview at that time, former Acting Attorney General Rosen, former Acting Deputy Attorney General Donoghue, and former U.S. Attorney Pak did and testified under oath at length about your misconduct and its consequences. Once a privilege has been waived and the information handed over to a third party, you cannot reassert the privilege.

(1) President Trump did not waive his executive or other applicable privileges as to advice and related information provided to him during his own Administration. See <https://www.scribd.com/document/543860549/2021-08-02-Letter-From-Doug-Collins> (Aug. 2, 2021). This letter does not state a desire to waive privilege on President Trump's part. It simply said that the President would not go to court as to the Senate Judiciary Committee's investigation at that time. Nor did the letter preclude either White House Counsel Patrick Cipollone or Deputy White House Counsel Pat Philbin from taking executive privilege, for instance, in certain respects to the House Select January 6 Committee. On your argument, it would have been improper for Cipollone and Philbin to

do so, yet I know of no attempts by the Select Committee to overrule their privilege invocations, though it is possible that Special Counsel Jack Smith may have tried to so in grand jury hearings that I am not privy to. There were those who did try to construe the 2021 Doug Collins letter sent on behalf of then-former President Trump as a waiver of executive privilege. But Mr. Collins forcefully negated any such intention in his statement to the media the next day. See <https://www.foxnews.com/politics/trump-executive-privilege-election-investigations-wont-block-testimony> (Aug. 3, 2021). Finally, quite apart from the general early letter from Doug Collins and its intentions, I have a more recent letter from then-private counsel to President Trump, Todd Blanche, clearly instructing me to invoke (a) executive privilege; (b) law enforcement privilege; (c) deliberative process privilege; and (d) deliberative process privilege. See <https://archive.is/Fiy1o> (Brianna Herlihy, Trump Lawyers Affirm Executive Privilege of Former DOJ Official Fighting to Keep D.C. Bar License: The D.C. Bar will hold disciplinary proceedings in March against Jeffrey Clark for actions related to the 2020 election, FOX NEWS (Jan. 8, 2024)). I am abiding with that far more specific instruction and I highly doubt that now-Acting Attorney General Blanche (or his private successor counsel) would repudiate the January 2024 instruction to me now. Again, all privilege issues remain live and have not reached a final resolution in litigation. Additionally, there is a D.C. Bar rule that, to the extent it is applicable (and I believe it is fully applicable and reserve all of my rights there), permits me to press privilege claims all the way up the appellate chain to its terminal point, which here would be the U.S. Supreme Court. See D.C. Rule of Professional Conduct 1.6(a)(2), cmt. 28. The D.C. Bar grossly violated this rule in their zeal to destroy my career. The D.C. Bar case against me should similarly have been dismissed right after the D.C. Bar Hearing Committee and other related personnel received a copy of the Todd Blanche 2024 letter and certainly after Jack Smith removed reference to me as an unindicted co-conspirator in the Fall of 2024. It should matter to you, and is quite ironic, that you are treating mere recommendations by volunteer lawyers and lay people in D.C. (because that is who comprises D.C.'s Bar hearing committees and its Board on Professional Responsibility) as more legally authoritative than the decisions of Jack Smith, upon whom former Attorney General Garland at least attempted to confer prosecutorial power.

- (2) *I do not agree that I engaged in any form of misconduct, which is a critical but incorrect premise behind your question. The case against me brought by the unethical, conflicted Fulton County District Attorney Fani Willis has been dismissed. And the recommendations by the D.C. Board on Professional Responsibility against me are just that—mere recommendations. And furthermore, they remain in litigation. Perhaps most importantly, Jack Smith removed references to me as an unindicted co-conspirator in a superseding indictment filed against President Trump after the Supreme Court's immunity decision was handed down. Compare https://www.justice.gov/storage/US_v_Trump_23_cr_257.pdf (original indictment) with <https://www.justice.gov/archives/media/1366521/dl> (superseding indictment).*
- (3) *Messrs. Rosen, Donoghue, and Pak provided testimony in violation of the four privileges I have invoked above. It is they who should be investigated by their respective bars for violating the first and foremost duty of counsel to their clients: confidentiality. Here, the*

client was President Trump in his official capacity as President of the United States. Additionally, Messrs. Rosen, Donoghue, and Pak had ethical duties to invoke all such privileges to defend President Trump's official interests and yet they all seemed anxious to take actions prejudicing his interests, pointing fingers at him, and throwing off blame from themselves. This is the opposite of the duty of zealous advocacy all lawyers owe to their clients in Anglo-Saxon jurisprudence.

(4) Neither President Trump, his then-counsel Doug Collins, his then-counsel Todd Blanche, nor I have waived any of the four privileges. Messrs. Rosen, Donoghue, Pak, and others who did testify should not have done so and they were acting in an ultra vires and unethical fashion when they did testify. They had no authority to waive any of those privileges. Their misconduct is not binding on the legal positions I take here or on President Trump.

Consequently, I am asking you to respond to the following questions:

Given that all of the questions that follow are based on the deeply flawed and in many instances wholly incorrect factual and legal premises that precede the word "Consequently" in your Questions for the Record posed to me, I could simply stop here. But to avoid the predictable inefficiency of receiving amended QFRs simply stripping out the word "Consequently" and posing once more the very same questions, I reserve all of my rights and respond as follows:

- a. How many times did you speak with President Trump from December 14, 2020, through January 3, 2021? Please provide detailed descriptions and any notes you kept of each of these conversations.**

I decline to answer this question and its request for detail on the grounds of the four privileges invoked above. I will make this observation only once but it is important: In this context, privilege protection is vital to the separation of powers. Each Branch must be able to deliberate on a confidential basis within its own four walls. I will defend that constitutional doctrine to the hilt. It is part of my constitutional Oath Clause duties, regardless of your own views and political objectives, Senator.

- b. What was your primary form of communication with President Trump during this time period?**

I decline to answer this question and its request for detail on the grounds of the four privileges invoked above.

- c. Was the conversation where President Trump indicated he would appoint you Acting Attorney General in person or not?**

I decline to answer this question and its request for detail on the grounds of the four privileges invoked above.

- d. Did you ever meet directly or correspond with then-White House Chief of Staff Mark Meadows or any other senior officials in the White House’s Executive Office of the President? If so, please provide detailed descriptions and any notes you kept of these communications.**

I decline to answer this question and its request for detail on the grounds of the four privileges invoked above.

Additionally, one question that you have never answered and to which no privilege could apply regards Representative Scott Perry, with whom you shared no attorney-client relationship.

I decline to answer this question and its request for detail on the grounds of the four privileges invoked above. You are incorrect that the privileges could not extend to any conversations, if any, including Representative Perry. On the logic that seems to animate your position here, President George Washington would have had virtually no one to consult with because in the 1780s the Executive Branch was nascent and tiny. No, when the President seeks advice, he is entitled to do so with that advice-seeking function as well as the advice-giving function of those he consults with being cloaked by privilege. This issue is not in litigation because neither Fani Willis nor the D.C. Bar have sought to contest it. But were the Senate to contest my legal position in this respect, I would act to protect the privileges in this context as well, including by taking the matter up to the U.S. Supreme Court.

On December 26, 2020, you told then-Acting Attorney General Rosen that you spoke with Representative Perry, who brought you to a meeting in the Oval Office. On December 27, 2020, Representative Perry separately told then-Acting Deputy Attorney General Donoghue that you are “the kind of guy who could really get in there and do something about this [President Trump’s election fraud conspiracies].”

No response is required to this because you are purporting to represent facts you have no first-hand knowledge of as to matters that are privileged on multiple grounds. In reality, you are just stating your opinion that you agree with Messrs. Rosen and Donoghue. The entire controversy here has arisen because I disagreed with both Rosen and Donoghue as to several matters, so I will not agree with your characterization of what they said, including whether it is complete and accompanied by all necessary context because the entirety of such matters is privileged on the grounds that I have already stated.

- a. How did you come to be in contact with Representative Perry, and why did he tell you about putting you in direct contact with President Trump?**

I originally met Congressman Perry (my memory tells me sometime in 2018) because he was concerned about climate change ideology and legal activism and how that ideology and regulations flowing from it were causing damage to the warfighting mission of the Pentagon and to the U.S. economy. Regarding the second part of your question, I think you mean “what” rather than “why,” but that part of your question is inextricably bound up with

privilege matters on the same grounds already enunciated and so I decline to answer it on that basis.

Mr. Rosen testified to this Committee that during that December 26 conversation, you told him that you did not initially realize the meeting Representative Perry wanted you to join was with President Trump in the Oval Office.

Again, you are seeking to penetrate into privileged matters as explained above. Mr. Rosen's testimony breached the four relevant privileges and thus his ethical obligations and I will not and cannot be bound by his misconduct.

- b. Given the security measures involved in setting up meetings in the Oval Office, please explain how you did not realize the meeting Representative Perry wanted you to join was with the President in the Oval Office?**

As an official at the Justice Department from 2018-2021, I had no knowledge of the full range of security measures at the White House other than the need for me to be authorized to enter the grounds by personnel I would meet at an entrance. Indeed, other than letting the appropriate guards know about visitors coming to see me at DOJ during that same period, I had no close involvement in the security measures at DOJ either.

- c. What did you discuss with President Trump and Representative Perry during this meeting? You must answer this question, as this discussion could not be privileged due to Representative Perry's presence.**

My responses are the same as the ones I have already given above—I invoke the same four privileges to decline to answer and I reject your premise that Representative Perry could not be part of giving the President (of any political party) privileged advice. For instance, if President Biden had called Representative Perry to the White House and asked him, what is the most important political objective I could pursue to make your constituents in Pennsylvania happy, what would it be?, I would take the position that was a privileged conversation. You may not be familiar with this point, but there were numerous decisions of the Clinton Administration I defended while at DOJ in the Bush 43 Administration, and numerous decisions of the Obama Administration I defended while in the Trump 45 Administration at DOJ, and in both instances, these included positions I personally disagreed with.

- d. Who else was present for this meeting?**

Without confirming or denying whether any meeting that may or may not have occurred involved only President Trump, Representative Perry, and myself or whether it included others, I invoke the same four privileges set out above to decline to answer this question.

2. During President Trump's first term, when you were nominated to be Assistant Attorney General for the Environment and Natural Resources Division, by your own sworn admission in your Senate Judiciary Questionnaire, you had essentially no criminal law experience and no jury trial experience.

- (1) *I have never first-chaired a jury trial. I am primarily an appellate lawyer by training and by dint of long experience. I have handled scores of high-stakes federal appeals and disputes of law in the district courts and presented oral argument in all thirteen federal courts of appeal. Appellate lawyers are, as a general matter, conversant in many more areas of federal and state doctrine than most trial lawyers. I reject your implicit premise that an appellate lawyer could not capably lead the Justice Department. There have frequently been periods where the Solicitor General, who is typically an appellate lawyer, even before assuming that office, has led the Justice Department as Acting Attorney General. Moreover, to my knowledge, neither Bill Barr nor Jeff Rosen had any first-chair criminal jury trial experience either. There is no such qualification for the office. In fact, the Attorney General is not even required by the Constitution or by statute to be a lawyer (statutorily, only a CJS appropriations funding limitation related to bar membership exists). The power of appointment lies with the President alone.*
- (2) *Additionally, you are incorrect that I had no criminal law experience. I worked on numerous criminal appeals for the Environment and Natural Resources Division from 2001-2005. And I worked on criminal matters arising out of the Deepwater Horizon multidistrict litigation. In order to attack me, you have fetishized assistant United States attorneys as possessing a unique set of qualifications non-AUSAs do not possess. In my experience, most AUSAs (from whose ranks most U.S. Attorneys come) do not have half the knowledge of doctrine, multiple areas of law, and constitutional law that I and other appellate lawyers have. Indeed, the former U.S. Attorney for the Northern District of Illinois, John Lausch, whom I am sure you are familiar with, as he served in Chicago (the State you represent in the Senate), was one of my partners at Kirkland & Ellis, LLP. We worked together on Deepwater Horizon cases. He was also a holdover into the Biden Administration and initially had charge of the investigation of the retention of classified documents by President Biden (including going back to when Biden was Vice President and when he was a Senator) before Robert Hur was appointed Special Counsel. Mr. Lausch consulted me from time to time on legal questions arising from our joint work on Deepwater Horizon, including as just one example, how the Death on the High Seas Act worked. He would not have done so if he had not known of and recognized my competence.*
- (3) *My legal expertise and deep acumen in complex litigation matters were well known inside Kirkland, in the world of private practice generally, and at DOJ. For this reason, former Acting Attorney General and former partner of mine Jeff Rosen sought me out to work with him on complex regulatory matters in which he was involved. You Senator, as well as the mainstream media, and other Democratic Party politicians need to drop the mythology that I am qualified in only one narrow area of law, environmental law. That is a baldfaced lie. My experience spans numerous areas: administrative law, labor law, class actions, antitrust, intellectual property, election law (I worked on Bush v. Gore with former White House Counsel Boyden Gray in his private counsel capacity), tort law, constitutional law, international treaties, admiralty law, and bankruptcy. Contrary to the caricature built of me by the New York Times and MSNBC (currently MSNOW), I am not “just” an environmental lawyer. And, in any event, environmental law is complex in the extreme—far more complex than the standard legal diet of an average AUSA.*

(4) Additionally, I worked on criminal matters when I was the Assistant Attorney General of the Environment & Natural Resources Division. That Division has an entire section devoted to criminal matters. And when I became the Acting Assistant Attorney General of the Civil Division, I also worked on criminal matters there. There is a criminal fraud section at the Civil Division, at least there was when I was the Acting AAG before the creation of a new Division at DOJ dedicated to such matters in the Trump 47 DOJ.

3. Yet, despite being given explicit orders by then-Acting Attorney General Rosen and then-Acting Deputy Attorney General Donoghue, instead of speaking directly to then-U.S. Attorney for the Northern District of Georgia BJ Pak, you instead reached out to purported witnesses in Georgia without authorization to investigate debunked claims on your own.

There are ready substantive answers to anything you might raise regarding purported “explicit orders.” There are also ready answers to anything you might raise regarding “BJay” Pak, including my enlightening pre-2020 election experience in working with him on a matter involving COVID fraud in 2020 and on the COVID task force. But both sets of interactions are law enforcement, deliberative process, and attorney-client privileged. And as to anything and everything touching the 2020 election, I also invoke not only those privileges but executive privilege.

No claims I made internally have been “debunked.” Instead, the 2020 election as to Fulton County, Georgia remains a matter under intense investigation by the Trump 47 Justice Department. The very existence of that investigation and the failure of the Trump 45 Justice Department to secure access to and review the Fulton County ballots from the 2020 election speaks for itself that the positions I took were inherently reasonable, just as they are now also regarded by the Trump 47 DOJ.

- a. **You were given information underlying the conclusions of former Attorney General Barr and others that there was no widespread fraud affecting the outcome of the 2020 election.**

This is not true. Without breaching any of the privileges I have invoked here, there was testimony at my Bar trial that I asked Messrs. Rosen and Donoghue to be allowed to see the investigative files they compiled during the Trump 45 Administration at DOJ concerning the 2020 election and that I was never given access to them. See Clark D.C. Bar Trial Tr. at 228-31.

- b. **Despite having no criminal law or jury trial experience, why did you believe you were more competent in criminal investigative practices than the U.S. Attorney for the Northern District of Georgia, the experienced Assistant U.S. Attorneys in that office, and the agents in the Federal Bureau of Investigation Atlanta Field Office?**

(1) The premise of your question concerning a lack of criminal law experience on my part is wrong for all the reasons I have already set out.

(2) I reject your implicit claim that Mr. Pak is more qualified to perform any legal task than I am. Mr. Pak was selected to lead a single component of the Justice Department that was

incredibly circumscribed geographically. I was selected to lead two litigating Divisions at Main Justice that each possessed full nationwide jurisdiction. To my recollection, I have no experience in directly working with any AUSAs in the Northern District of Georgia and so I cannot express any view about the ability levels of any specific lawyers there. Nor did Messrs. Rosen order that I could speak to any FBI agents in the Atlanta Field Office. Nor to my recollection did any such FBI agents (or FBI headquarters agents for that matter) reach out to speak to me.

(3) *But most importantly, answering this question in detail would require me to divulge matters protected by the four privileges I have asserted above.*

c. On what factual basis did you believe that former Attorney General Barr, then-Acting Attorney General Rosen, and then-Acting Deputy Attorney General Donoghue were incorrect in the conclusion that no widespread fraud affected the outcome of the 2020 election?

I invoke the same four privileges that I invoked above to decline to answer this question. Also, you are attempting to stack the question by using the word “fraud.” The draft letter to Georgia state legislators that was illegally released publicly refers to “irregularities.” Fraud involves scienter and is different in other ways than irregularities.

SENATOR WHITEHOUSE’S QUESTIONS

Please answer each question and sub-question individually and as specifically as possible.

1. Before September 2020, did you have any DOJ experience outside the Environment and Natural Resources Division?

Yes, I worked on joint cases with several Divisions during my time at DOJ in both the Bush 43 and Trump 45 DOJ's. I also was the principal interface with the Solicitor General's Office on all appellate matters for the Divisions I was a leader in during both of my multi-year stints at DOJ. The Solicitor General's Office is where multiple Divisions come together to debate and/or to hash out agreement to reach consensus DOJ positions. There were also an entire category of matters assigned to the Civil Division—even before I took over the Civil Division as its acting head, which then-Deputy Attorney General Rosen gave me charge of because of my energy and legal ability—I was given charge of while my only title was Assistant Attorney General as to the Environment and Natural Resources Division.

2. Aside from your personal activities, in December 2020, was the DOJ Civil Division directly engaged in any investigations of allegations of irregularities, fraud, or crimes related to the 2020 election? If so, on what dates did those investigations occur and what were the results of those investigations?

It is a matter of public record that I was involved in significant election litigation:

- (1) *I designed the strategy and crafted the briefs designed to get the election law case filed in the Eastern District of Texas against Vice President Pence dismissed (which I successfully did and successfully defended on appeal to the Fifth Circuit). That suit was brought by then-Representative Gohmert and several Arizona contingent electors. Its goal was to secure an order to Vice President Pence as to how he needed to proceed in the January 6 certification process concerning the 2020 election. This has not been widely reported by the mainstream media or acknowledged by Democratic Party politicians because my work in this regard negates the narrative that I was motivated by a desire to help President Trump as to the 2020 election in any way possible. See Gohmert v. Pence, 510 F. Supp. 3d 435 (E.D. Tex. 2021), aff'd 832 Fed. App'x 349 (Jan. 2, 2021), interim relief denied, 141 S. Ct. 972 (Jan. 7, 2021).*
- (2) *I defended several suits, including one in the Eastern District of Pennsylvania, concerning 2020 mail-in balloting, an issue with close nexus to election irregularity concerns. See Declaration of Edwin Meese, III, filed in State v. Clark, No. 1:23-cv-03721-SCJ (Sept. 16, 2023), available at <https://ecf.gand.uscourts.gov/doc1/055115704518>.*
- (3) *As to both the Texas and Pennsylvania election matters and generally, I incorporate the declaration filed by former Attorney General Meese to support me in the Northern District of Georgia in litigation against Fani Willis. Central to that declaration is the dispelling of another myth that was launched against me: that Assistant Attorneys General at DOJ are confined to specific subject-matter areas in all instances. General Meese instead explains, drawing on a Ted Olson OLC opinion, that most Assistant Attorney Generals are “fungible” and can be assigned to switch to running other Divisions or to run special matters as directed by his superiors. And an Assistant Attorney General’s superiors include, first and foremost, the President of the United States.*
3. As of December 28, 2020, were you aware of former Attorney General Barr’s December 1, 2020, comment that DOJ had “not seen fraud on a scale that could have effected a different outcome in the election”?

Yes, from public news reporting.

Note that I am not required to agree with Attorney General Barr on all issues, even though we were frequently in agreement, which is why I was the only Assistant Attorney General asked to run two out of seven litigating Divisions at Main Justice in 2020. This may also come as news to you, Senator, but, as a general matter, especially in difficult and complex cases, lawyers frequently disagree with one another. This is not criminal, unlawful, or unethical. Instead, in a DOJ staffed with active minds, at least occasional disagreement is to be expected and welcomed. I disagreed with decisions made in Bush 43’s DOJ as well. And I have disagreed with decisions made by lawyers I have worked with in private practice as well. Only because of the intense political “heat” of the topic of the 2020 election, did my areas of disagreement trigger unfounded allegations of impropriety. One reason why I have fought so hard against those

allegations for more than five-and-a-half years is that America can never lapse into tolerating the punishment of “political wrongthink.”

4. On December 28, 2020, you sent to former Acting Attorney General Rosen and former Deputy Attorney General Donoghue a draft “Proof of Concept” letter.
 - a. Before you instructed Ken Klukowski to draft this letter, did you discuss the letter or idea for the letter with any person in DOJ’s Civil Rights Division? If so, with whom, on what dates, and what did you discuss?
 - b. Before you instructed Ken Klukowski to draft this letter, did you discuss the letter or idea for the letter with any person in DOJ’s Criminal Division? If so, with whom, on what dates, and what did you discuss?
 - c. Before you instructed Ken Klukowski to draft this letter, did you discuss the letter or idea for the letter with any other person employed by the executive branch of the U.S. government? If so, with whom, on what dates, and what did you discuss?
 - d. Before you instructed Ken Klukowski to draft this letter, did you discuss the letter or idea for the letter with any person not employed by the executive branch of the U.S. government? If so, with whom, on what dates, and what did you discuss?
 - e. Did anyone aside from you and Ken Klukowski see this letter before you sent it to former Acting Attorney General Rosen and former Deputy Attorney General Donoghue?
 - f. Did any person other than Ken Klukowski assist with drafting this letter, including any prior or subsequent drafts? If so, who, on what dates, and what assistance did they provide?
 - g. At any time between December 28, 2020, and January 3, 2021, did you discuss with Ken Klukowski any evidence you were aware of to support this letter’s assertion that DOJ had “identified significant concerns that may have impacted the outcome of the election in multiple States, including the State of Georgia”? If so, when and what did you discuss?
 - h. Were you aware at the time that this assertion contradicted former Attorney General Barr’s statement from December 1, 2020, that DOJ had “not seen fraud on a scale that could have effected a different outcome in the election”?

The answer to Questions 4a.-4h. is the same as to all sub-questions: This question involves matters privileged based on the four privileges I have invoked above and on that basis I decline to answer.

5. At any time between December 28, 2020, and January 3, 2021, did you speak to anyone from the U.S. Attorney's Office for the Northern District of Georgia regarding allegations of election "irregularities" in Atlanta, Georgia? If so, with whom, on what dates, and what did you discuss?

This question involves matters privileged based on the four privileges I have invoked above and on that basis I decline to answer.

6. How did you first meet Congressman Scott Perry?

This question is answered above in my answers to Senator Durbin.

7. With whom did you first speak about potential employment at the New Civil Liberties Alliance in 2020 or 2021?
 - a. Who initiated that contact, and on what date?
 - b. What did you discuss?

This question and its sub-questions have no nexus at all to Operation Arctic Frost, the subject of this hearing, or to the 2020 election. You are engaged in a fishing expedition regarding interconnections inside the conservative movement here and it is not something I will assist you with exploring in the context of this hearing.

8. In October 2025, DOJ submitted an amicus brief in support of your defense against misconduct proceedings before the D.C. Court of Appeals.
 - a. Did you communicate with any DOJ employees regarding that brief before it was filed? If so, with whom, on what dates, and what did you discuss?
 - b. Have you otherwise discussed these proceedings with any DOJ employee? If so, with whom, on what dates, and what did you discuss?

Regardless of whether there were or were not discussions (which I do not confirm or deny), I decline to answer this question and its sub-questions because it involves matters privileged under the law enforcement, deliberative process, and attorney-client privilege doctrines.

9. Have you ever discussed with any current member of the Trump administration the January 28, 2026, execution of a search warrant for 2020 election ballots in Fulton, County, Georgia? If so, with whom, on what dates, and what did you discuss?
10. Have you ever otherwise discussed with any current member of the Trump administration the possibility of a criminal or other DOJ investigation into possible irregularities, fraud, or crimes with respect to the administration of the 2020 presidential election? If so, with whom, on what dates, and what did you discuss?

11. Have you ever discussed with Kurt Olsen any possible irregularities, fraud, or crimes with respect to the administration of the 2020 presidential election? If so, on what dates, and what did you discuss?
12. Have you ever discussed with Ed Martin any possible irregularities, fraud, or crimes with respect to the administration of the 2020 presidential election? If so, on what dates, and what did you discuss?
13. Have you ever discussed with Thomas Albus any possible irregularities, fraud, or crimes with respect to the administration of the 2020 presidential election? If so, on what dates, and what did you discuss?
14. Have you ever discussed with Joe Rossi any possible irregularities, fraud or crimes with respect to the administration of the 2020 presidential election in Fulton County, Georgia? If so, on what dates, and what did you discuss?
15. Have you ever discussed with Janice Johnston any possible irregularities, fraud, or crimes with respect to the administration of the 2020 presidential election in Fulton County, Georgia? If so, on what dates, and what did you discuss?
16. Have you ever discussed with Janelle King any possible irregularities, fraud, or crimes with respect to the administration of the 2020 presidential election in Fulton County, Georgia? If so, on what dates, and what did you discuss?
17. Have you ever discussed with Chris Harvey any possible irregularities, fraud, or crimes with respect to the administration of the 2020 presidential election in Fulton County, Georgia? If so, on what dates, and what did you discuss?
18. Have you ever discussed with Phillip Davis any possible irregularities, fraud, or crimes with respect to the administration of the 2020 presidential election in Fulton County, Georgia? If so, on what dates, and what did you discuss?
19. Have you ever discussed with Kevin Moncla any possible irregularities, fraud, or crimes with respect to the administration of the 2020 presidential election in Fulton County, Georgia? If so, on what dates, and what did you discuss?
20. Have you ever discussed with Suzi Voyles any possible irregularities, fraud, or crimes with respect to the administration of the 2020 presidential election in Fulton County, Georgia? If so, on what dates, and what did you discuss?
21. Have you ever discussed with Barbara Hartman any possible irregularities, fraud, or crimes with respect to the administration of the 2020 presidential election in Fulton County, Georgia? If so, on what dates, and what did you discuss?

22. Have you ever discussed with Bridget Thorne any possible irregularities, fraud, or crimes with respect to the administration of the 2020 presidential election in Fulton County, Georgia? If so, on what dates, and what did you discuss?

The answers to Questions 9-22 are all the same: Regardless of whether there were or were not discussions (which I do not confirm or deny), I decline to answer this question and its sub-questions because it involves matters privileged under the law enforcement, deliberative process, and attorney-client privilege doctrines. Additionally, this is another attempt to exceed the scope of this hearing, which involves Operation Arctic Frost. You are again on a fishing expedition.

Additional Overarching Responses to Questions 11-22

- (1) Any communications with others in the Trump Administration are subject to the previously invoked privileges. I met Suzy Voyles when she testified for me at my Bar trial about irregularities that she witnessed as an election worker. Ed Martin and Kurt Olsen are personal friends and I became acquainted with them after Trump 45 but before Trump 47. To the best of my knowledge and recollection, I have never personally spoken with any of the others asked about, other than, from time to time, I see and may repost or reply to Kevin Moncla posts on X and he may do the same. He may also have sent me X direct messages but I searched and do not see any such messages in my X conversations.*
- (2) All or some of these questions may implicate not just privileges held by President Trump but also privileges I hold as to legal counsel that I have retained. You are entitled to pierce neither set of privileges.*