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4 SELECT COMMITTEE TO INVESTIGATE THE
5 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
6 U.S. HOUSE OF REPRESENTATIVES,
7 WASHINGTON, D.C.

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11 INTERVIEW OF: BYUNG JIN PAK

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15 Thursday, May 19, 2022

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17 Washington, D.C.

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20 The interview in the above matter was held via Webex, commencing at 10:03 a.m.

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2 Appearances:

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5 For the SELECT COMMITTEE TO INVESTIGATE

6 THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

7

8 [REDACTED], PROFESSIONAL STAFF MEMBER

9 [REDACTED], CHIEF INVESTIGATIVE COUNSEL

10 [REDACTED], INVESTIGATIVE COUNSEL

11 [REDACTED], PROFESSIONAL STAFF MEMBER

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14 For the DEPARTMENT OF JUSTICE:

15

16 BRAD WEINSHEIMER

17 KIRA ANTELL

18 JOSH GARDNER

19

20

21 For BYUNG JIN PAK:

22

23 EDWARD KANG, ESQ.

24 Alston & Bird

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2 Mr. [REDACTED]: This is a transcribed interview of Bjay Pak conducted by the House
3 Select Committee to Investigate the January 6th Attack on the United States Capitol
4 pursuant to House Resolution 503.

5 Mr. Pak, could you please state your full name and spell your last name for the
6 record.

7 Mr. Pak. Byung Jin Pak, B-y-u-n-g, middle name J-i-n,
8 last name P-a-k.

9 Mr. [REDACTED]: Thank you, Mr. Pak.
10 And you are represented by counsel today.

11 Counsel, Mr. Kang, if you could also introduce yourself.

12 Mr. Kang. Good morning. Edward Kang with the law firm of Alston & Bird.

13 Mr. [REDACTED]: Thank you, Mr. Kang.

14 My name is [REDACTED], [REDACTED] and I'm the chief investigative counsel for
15 the select committee.

16 In the room with me today is [REDACTED] who's an investigative counsel and
17 [REDACTED] who's a professional staff member. I don't believe we have any
18 members of the committee currently present. They may join via the Webex platform.
19 And I will indicate for you, Mr. Pak, that they have if that occurs.

20 This will be -- we also have counsel from the Department of Justice today.

21 Counsel, if you from DOJ could also identify yourselves and spell your names for
22 the record.

23 Mr. Weinsheimer. Brad Weinsheimer. That's W-e-i-n-s-h-e-i-m-e-r.

24 Ms. Antell. Kira Antell for the Department of Justice, K-i-r-a, last name is Antell,
25 A-n-t-e-l-l.

1 Mr. Gardner. And Josh Gardner, G-a-r-d-n-e-r.

2 Mr. [REDACTED]. Great. Welcome, Mr. Weinsheimer, Ms. Antell, and Mr. Gardner.

3 So this will be a staff-led interview, but members may also join and choose to ask
4 questions. Because it is a virtual interview, if members join, they will do so via the
5 Webex platform. We'll turn on their cameras if they have questions. I'll try to
6 announce their presence when they join so you know who is on.

7 There is also an official reporter who is transcribing the record of this transcribed
8 interview. Please, Mr. Pak, wait until each question is complete before you begin your
9 response, and we will try to wait until your response is complete before we ask our next
10 question. The stenographer cannot record nonverbal responses such as shaking your
11 head, so it's important that you answer each question with an audible, verbal response.

12 I always feel funny advising experienced trial lawyers about that, but it is part of
13 our script, and I know you understand that.

14 We ask that you provide complete answers based on your recollection. If the
15 question is not clear, just ask for clarification, and if you don't know the answer, just
16 simply say so.

17 I also want to remind you that it is unlawful to deliberately provide false
18 information to Congress. Doing so could be a violation of 18, U.S. Code, Section 1001 or
19 other statutes. That is not a Bjay Pak specific instruction. That is something we tell
20 everyone with whom we interview.

21 You understand all of that, Mr. Pak? Do you have any questions before we get
22 started with the substance?

23 Mr. Pak. I understand, and I don't have any questions.

24 EXAMINATION

25 BY MR. [REDACTED]:

1 Q Great. Okay. All right. So let's talk first, Mr. Pak, you are here
2 voluntarily. You have not been subpoenaed?

3 Is that correct?

4 A That's correct.

5 Q Okay. You also have received a letter from the Department of Justice now
6 some months ago. It's dated July 26th of 2021, and we will put it up on the screen so
7 you can see it. It's our exhibit 1.

8 Do you recall, Mr. Pak, receiving this letter last summer from Mr. Weinsheimer?

9 A Yes.

10 Q Okay. It indicates, in broad terms, that it would not be appropriate to
11 assert an executive privilege in response to our questions, very specifically about the
12 circumstances surrounding your departure from the Department of Justice in
13 January 2021, as well as any pressure that was placed on you from the White House or
14 from Department leadership offices to investigate specific instances of alleged voter fraud
15 or voting irregularities concerning the 2020 presidential election.

16 Do you understand that direction from the Department of Justice?

17 A I do.

18 Q All right. And I understand Mr. Weinsheimer and his colleagues are here in
19 part to ensure that if you have questions about the scope of that authorization they're
20 available, and Mr. Kang, obviously, as well.

21 So Let's talk about your current professional occupation, Mr. Pak, and then work
22 backwards.

23 So where do you currently work?

24 A I work -- I'm a partner in the litigation group of Alston & Bird.

25 Q In Atlanta, Georgia?

1 A Yes.

2 Q Okay. Before you joined Alston & Bird, what was your previous job?

3 A I was the United States Attorney for the Northern District of Georgia for
4 3 years and a few months, three --

5 Q From sometime in 2017 to --

6 A January 4th.

7 Q Got it. Right. Well, we'll obviously talk about that.

8 Prior to your service as U.S. Attorney, Mr. Pak, were you a member of the Georgia
9 House of Delegates?

10 A Georgia House of Representatives, yes.

11 Q Yes.

12 A I served from January of 2011 to January 2017.

13 Q Okay. And I assume that being a member of the Georgia House of
14 Representatives is not a full-time job; you were also practicing law during that time?

15 A That's correct, I was in private practice.

16 Q Whereabouts?

17 A In terms of the firms or locations or --

18 Q Yes.

19 A In Atlanta. Going backwards I was with a law firm called Chalmers Pak &
20 and Burch from approximately 2014 to my appointment as United States Attorney.

21 Prior to that I was a partner at a law firm named Ballard Spahr. I believe I joined
22 that firm in 2012.

23 And prior to that I was a partner in another law firm called Schiff Hardin.

24 Q And prior to your time in private practice, did you serve as an Assistant U.S.
25 Attorney in the Northern District of Georgia?

1 A I did. I served as an AUSA from June of 2002 to about April of 2008.

2 Q Got it. Let's talk a little bit now, Mr. Pak, about -- and I'm going to bring
3 you to November the 9th of 2020 and specifically call your attention to a memorandum
4 to U.S. Attorneys that came out from Attorney General Barr regarding the possible
5 investigation of voter fraud.

6 This is -- and I'm going to put it up on the screen again, exhibit 2. I want you to
7 take a look at it and tell me if you recall its issuance.

8 All right. So, Mr. Pak, this is a memo that's dated November 9th. It's to all U.S.
9 Attorneys and other component heads within the Department of Justice, as well as the
10 director of the FBI, from then Attorney General Barr. And it's titled "Post-Voting
11 Election Irregularity Inquiries."

12 Do you recall receiving this on or about November the 9th?

13 A I do.

14 Q Just tell us in your own words what you think it -- what it directed you to do
15 or what its import was.

16 A The memo, as I read it, was a clarification of Department policy on
17 investigating cases involving election irregularities. It clarified that we already had
18 authorities to do preliminary inquiries based on specific evidence and that sometimes we
19 did not need to wait for coordination with him or consultation with public integrity of the
20 voting section -- I'm sorry -- the voting rights section because the justice manual at the
21 time references that all investigations are have to coordinate through that division.

22 Q I see. So it was not, in your view, new policy but rather clarification of the
23 existing policy?

24 A Correct.

25 Q I think when you testified in front of the Senate Judiciary Committee you

1 indicated it finely tuned the existing policy. Is that right?

2 A Yes.

3 Q Okay. The key section of it is at the very bottom, and it says: "I authorize
4 you to pursue substantial allegations of voting and vote tabulation irregularities prior to
5 the certification of elections in your jurisdictions in certain cases as I have already done in
6 specific instances. Such inquiries and reviews may be conducted if there are clear and
7 apparently credible allegations of irregularities that if true could potentially impact the
8 outcome of the Federal election in an individual State."

9 So what was your sort of rough interpretation of what that meant?

10 A It means that we have the authority to investigate if we did receive credible
11 allegations of voter fraud or something that would impact Federal elections.

12 Q So it needed to be credible and they needed to be substantial enough that, if
13 proven, they could change the outcome?

14 A Right.

15 Q And if it met that standard, then you and your office were authorized to
16 investigate prior to the certification of that election. Is that right?

17 A That's correct.

18 Q All right. When you received the memo, did you take any specific action as
19 a result?

20 A No, I did not. I, obviously, forwarded that to our district election officer,
21 and they're aware -- obviously, I think the Department reached out to them directly about
22 that, and I deferred to them because they were closely working with the FBI to do the
23 intake and also opening up a matter.

24 All those -- all investigative matters involving elections would have to be run
25 through me. So I just wanted to make sure that they knew the policy, the latest

1 directive.

2 Q Yeah. You mentioned the district election officer. Did you have an AUSA
3 in your office who was sort of assigned to coordinate election-related investigations?

4 A Yes, we did.

5 Q Who was that at the time, the fall of 2020?

6 A It's AUSA Brent Gray who was in a --

7 Q And had Mr. Gray --

8 A I'm sorry.

9 Q Yeah. Did he have that role in prior elections --

10 A Yes.

11 Q -- before 2020?

12 A Yes, he did. He was the deputy election officer prior to the retirement of
13 our longtime deputy district election officer. And then once he retired, Brent was
14 appointed as the district election officer. Brent is a career prosecutor, and he had
15 worked with -- we had a long career with the department's Civil Rights Division, so he also
16 knew a lot of the individuals in the election office, so it made perfect sense to appoint
17 him.

18 Q Makes sense, yes.

19 Now, when these investigations -- and, again, I don't want to ask you about
20 specific ones, but for a couple that were Washington sort of initiated, was it the standard
21 practice for the district election officer to coordinate with the election division, public
22 integrity? Give us a sense of what the regular process is when those matters arise.

23 A That's generally the way we did it at the U.S. Attorney's office, and that was
24 the practice back when I was an AUSA as well. Since the DEO is in direct contact with
25 them on a frequent basis, we left it to the discretion of the district election officer to

1 elevate, and we have regular update meetings on any significant investigations or tips
2 that might have come in. And, of course, that runs up to the criminal division chief and
3 to my first assistant and then to me.

4 Q Got it. Okay.

5 Now, after the memo was issued, there was a period of time before Attorney
6 General Barr then made a public statement on December 1st that the Department had
7 found no systemic fraud, election fraud, sufficient to undermine confidence in the
8 outcome in any particular State.

9 Do you recall when Attorney General Barr made that public statement on
10 December the 1st?

11 A I do recall reading about that, yes.

12 Q Okay. And when he made that statement, was that consistent with your
13 experience in the Northern District of Georgia, that there had been no systemic fraud
14 sufficient to undermine the confidence in the outcome in your State?

15 A That's correct.

16 Q Okay. After Attorney General Barr made that public statement, just a
17 couple of days later, you got involved in a particular investigation. I want to ask you
18 now about the State Farm Arena matter.

19 Let's start with December the 3rd. Mr. Giuliani, the President's lawyer, goes to
20 Georgia, testified in the State senate.

21 Do you recall in media accounts hearing about Mr. Giuliani's appearance in the
22 Georgia legislature?

23 A Yes, I do.

24 Q Okay. What did you remember essentially him alleging or him saying in
25 that appearance?

1 A According to news reports, that Mr. Giuliani had presented a clip of a video
2 purportedly showing election workers in Fulton County counting ballots, which was at the
3 time moved to the State Farm Arena, and he showed a video of an election worker pulling
4 out a container from underneath the table and recounting -- or starting to process
5 purported paper into the counter.

6 And he had referred to that as a suitcase full of ballots and that he alleged that
7 this was a smoking gun of election fraud, of ballot fraud. And so he made an allegation
8 that this was -- this is proof that the election in Fulton County were irregular and the
9 results could not be trusted.

10 Q I see. And did he also allege at that senate appearance, Mr. Pak, that the
11 poll watchers had somehow been sent home or weren't present to witness this alleged
12 suitcase full of ballots being taken out from under the table?

13 A From the timeline, I did not know that -- the news clip did not refer to that.
14 Obviously, I found out about it afterwards. The allegation was that each partisan party
15 had a poll watcher that was allowed to observe the counting of the ballots in Fulton
16 County, and at the time when the alleged suitcase full of ballots were brought out from
17 underneath the table and recounted, the poll watchers from the respective parties were
18 sent home, yes.

19 Q I understand.

20 So how did you learn of this set of facts, the allegations that Mr. Giuliani made in
21 the legislature?

22 A Well, I first found out about it through the news, and then on the following
23 day, which is December 4th, I had a call with the Attorney General, Bill Barr at the time,
24 related to another case, not related to this case. And then he had mentioned -- he
25 asked me if I had seen the news reports about Giuliani's accusations, and I told him that I

1 just saw it on the news.

2 Then he asked me to try to get to the bottom of that because he had made a
3 statement that there was no widespread fraud and this was a pretty serious allegation
4 and to find out what I could as quickly as I can about whether or not there was any
5 substance to those allegations, and that Attorney General Barr was scheduled to go to the
6 White House sometime later, that he thought that that topic might come up. So he
7 wanted to get as much information as possible about that investigation, about that
8 allegation, yes.

9 Q Did he ask you then, Mr. Pak, to sort of follow up with him, to look into it
10 and then report back?

11 A He did. He just asked me to keep him posted as to what I found out, and so
12 I told him that I would, yes.

13 Q All right. So tell us what you did. Once you had that conversation with
14 the Attorney General and you had seen the news report, what was your next step?

15 A Well, first of all, I had to try and get a copy of the videotape. We only knew
16 what was kind of shown on the news, in the news clip. So I assembled my leadership
17 team and the district election officer and told them that the Attorney General asked us to
18 look into this allegation and make it a priority to do that. And we discussed various
19 issues of how to go about doing that, one of which was obviously coordinating with the
20 FBI on this investigation. And I asked them to keep me abreast of, you know, what was
21 going on.

22 And afterwards I reported back that the FBI was trying to arrange some interviews
23 with some of the election workers. Initially they reached out to the Secretary of State's
24 law enforcement officers and coordinated trying to get information, but there was
25 apparently a holdup in getting permission from the headquarters of who works very

1 closely with the election office to get that. So there was a little bit of delay in getting
2 that.

3 Meanwhile, I was trying to get ahold of the videotape and whatever, if there were
4 any reports, to take a look at it myself because, you know, the media is not going to give
5 me a videotape. I just need today take a look.

6 So I contacted the Secretary of State's office requesting a copy of whatever
7 investigative materials that they were willing to share and they have. And the
8 investigator of the Secretary of State's office sent me the audio file of the interviews that
9 they had conducted on the night in question or day after related to the sending home of
10 the poll workers and what exactly had happened. So I was able to listen to that.

11 They had -- the Secretary of State's office had not filed any written reports of
12 interviews or anything like that, so the audiotape then -- I can't remember exactly where,
13 but they had posted the entire video and the senate hearing at the time, and I remember
14 seeing and observing that.

15 And also I saw on the news the following day, either December 4th or
16 December 5th, that Gabriel Sterling, who was the implementation manager for the
17 Dominion voting machine of the Secretary of State's office -- and he was also an
18 employee of the Secretary of State's office -- gave an interview with respect to what was
19 portrayed in the State Farm video that Mr. Giuliani had represented was a suitcase full of
20 ballots; that if you look at the whole video, Mr. Sterling said he showed that it was
21 actually an official ballot box that they had packed up because there was some confusion
22 as to whether or not they were done counting for the night, and that when they got
23 notification -- when Fulton County got notification from the Secretary of State's office
24 that no, no, no, you go ahead and continue to count, they brought the ballot box back out
25 to restart counting. That's what he explained what had happened.

1 Q I see. All right. So it sounds like, just to go back over a little bit of that,
2 that you learned on December 4th or 5th that the Secretary of State had already looked
3 pretty thoroughly into this incident of the State Farm Arena ballot box and had done
4 some interviews and had actually reviewed the entire videotape. Right?

5 A I don't know what they'd done. What I found out that they had done in the
6 initial days after my call with Attorney General Barr was Gabe Sterling had represented
7 that they had done some investigation looking into the video. I found out through the
8 news clip that supposedly they'd done that. I still hadn't seen the video, and at that
9 time is when we requested and received, subsequent days after, about the interviews
10 that they had conducted of the poll workers on site at that location that were depicted in
11 the video. And so they had initially done some interviews, and they also -- it looks like
12 they reviewed the videotape and had an explanation of exactly what had happened.

13 Q I see. So did you loop in the FBI SAC yourself, reach out to the FBI to get
14 them involved in looking into the matter after your call with Attorney General Barr?

15 A Yes. I called the FBI SAC at the time and said, Hey, I got a call from
16 Attorney General Barr. And I asked him if he had seen this video of Giuliani. The SAC
17 at the time did not know about it because -- you know, because I called him afterwards,
18 but he said he would take a look, get together with his direct reports and report back to
19 thank you.

20 Q I see. Did you also call Rich Donoghue who at the time was the Deputy
21 Attorney General?

22 A I did.

23 Q The PADAG, not the Deputy Attorney General.

24 A Yes, I did. Before calling the Department generally the U.S. Attorneys
25 coordinate through their DAG's office on any kind of investigation or any activity. And

1 certainly this is one of those situations where the Attorney General is asking me to do
2 something, that you want to loop in the Deputy Attorney General's office so that they
3 know. And so I did call Rich and told him about the conversation that I had with the
4 Attorney General.

5 Q Got it.

6 You said, Mr. Pak, that you were able to get recordings of interviews that the
7 Secretary of State's office had done. They hadn't reduced anything to writing but were
8 able to send you the audiotapes of the interviews of the poll workers that they had done?

9 A That's correct. There was only one recording. I don't know who made it,
10 but it was multiple people coming in and out. It's like an informal interview. It wasn't
11 one-on-one in a segregated area. It sounded like they were at the State Farm Arena
12 while the counting was going on, and they had called over the specific poll workers who
13 were working the night that's depicted in the video to talk to them about what happened.

14 Q I see.

15 And is it fair to say that those interviews the poll workers had explained that this
16 was not a suitcase of hidden ballots but was ballots that they had previously stopped
17 counting and then were just resuming the count, essentially an honest benign explanation
18 that would disprove fraud?

19 A That's correct. I did not see any inconsistencies in what they were saying
20 with respect to each person's timeline of events, and so I had no reason to believe that
21 they were lying or trying to commit some kind of fraud.

22 Q I see.

23 All right. And it sounds like that you also saw on the news the interview of Gabe
24 Sterling who works in the Secretary of State's office who described that they had viewed
25 the entire tape, and, much like the interviews, there was an honest explanation that

1 rebutted the allegation of fraud. Is that right?

2 A That's correct. I remember seeing that, and I sent the link to that video,
3 the news clip, to the office and the team, so, you know, since the FBI and they were
4 running the traps on all of that, I think they should have all information that's been
5 provided to the public, so, yes.

6 Q So, Mr. Pak, despite the fact that the Secretary of State had done this
7 investigation, was there a decision made for the FBI to actually do some additional
8 interviews, do their own independent corroboration of sorts of what had occurred at the
9 State Farm Arena?

10 A Yes. We didn't know exactly what the Secretary of State's office did at the
11 time, other than this interview and that, the video -- the explanation that Gabe Sterling
12 had provided. And so we thought it was necessary to at least have an independent view
13 of the evidence in the case, and so the plan was made that they were going to do a
14 limited number of interviews just to verify and make sure that there's not anything that
15 the Secretary of State's office was missing, in part because they were getting inundated
16 with all kinds of allegations, and they have a small staff. They were stretched thin.
17 And so that we thought it might be necessary to just do a couple of interviews and kind of
18 put it to bed.

19 Q I see.

20 And was the plan, Mr. Pak, for the FBI agents to do the interviews with
21 representatives of the Secretary of State's office, in effect, kind of combine forces and
22 kind of look into this matter together?

23 A I don't direct the FBI how do they execute the plan. I did not come up with
24 that idea, but I think it turned out that the Secretary of State's office was going to
25 reinterview them officially and the FBI was allowed to tag along.

1 Q Okay. I understand.

2 So you mentioned before that as the FBI was preparing to do the interviews, there
3 was some delay because of discussions with the Public Integrity Section at Justice. Can
4 you just walk us through what caused the delay?

5 A My understanding is -- I don't -- I don't fully recall exactly what the delay
6 was. When I was talking to the FBI SAC at the time, and I had asked him, I said, Hey, did
7 you have a chance to have the agents interview the poll workers because that's all you
8 really need to kind of finish the investigation, a preliminary inquiry. And he said, No.
9 There's a delay. We're still waiting for authorization from headquarters to go ahead and
10 do that. And I said, Well, what's going on, you know? They're, like, The headquarters
11 is working with him to try and get authorization to do that. And I said, Well, that's kind
12 of strange because I thought the Attorney General had authorized this directly.

13 And so that's when I called Rich Donoghue and told him that there was a delay,
14 that the FBI was ready to go do interviews, but they're waiting for authorization. And
15 Rich Donoghue at the time said, Okay. Well, let me take a look at it and take care of it.

16 Q Yes. Let me show you exhibit 3. This is an email chain that was
17 forwarded to you, Mr. Pak, I believe on Monday, December the 7th. It was sent to you
18 at 12:48. It's from Rich Donoghue to you, and it forwards -- it actually asks you not to
19 forward --

20 [REDACTED], if you can scroll down.

21 This is an email that Rich Donoghue had sent to Dave Bowdich essentially
22 resolving the issue. And the part I just wanted to read you is where it starts: "As I
23 relayed last night, the AG told me last night that the FBI should conduct some interviews
24 relating the State Farm Arena allegations so that we are not relying entirely on the work
25 assessments of non-Federal law enforcement authorities.

1 It may well be that the Georgia Secretary of State is correct in concluding that
2 nothing nefarious happened there, but the fact is that millions of Americans have come to
3 believe (rightly or wrongly) that something untoward took place, and it is incumbent on
4 the Department to timely conduct a limited investigation to assure the American people
5 that we have looked at these claims. If we come to the same conclusion as the Georgia
6 Secretary of State, then that should give the public increased confidence in the election
7 results in Georgia."

8 So it sounds like Mr. Donoghue is explaining to Bowdich we are going to do these
9 interviews, the Attorney General has authorized them, and the reason is that we want to
10 corroborate what the Secretary of State has done and give the American public
11 confidence that there is no fraud in the Georgia election.

12 Was that essentially your understanding of the resolution of this discussion with
13 the Public Integrity Unit?

14 A Yes.

15 Q Okay. And, again, you weren't involved in brokering that dispute, Mr. Pak?
16 You were just waiting for its resolution?

17 A That's correct.

18 Q All right. So did the interviews then take place after Mr. Donoghue
19 resolved the conflict with Public Integrity?

20 A It's my understanding that they did. The FBI reported to me that they did
21 obtain the statements --

22 Q All right. And did they essentially provide consistent information from
23 what you had heard on those audiotapes and heard from Gabe Sterling in his television
24 interview?

25 A My basis of knowledge is what's been reported to me from the SAC, just the

1 high level, that there was nothing inconsistent with what we found with respect to the
2 interviews given by the coworkers on the day after the night in question.

3 Q Okay. So the bottom line is there was -- the investigation yielded no
4 evidence of fraud at the State Farm Arena on the Fulton County election returns?

5 A That's correct.

6 Q All right. Once you and the FBI made that determination, did you then
7 notify Attorney General Barr or PADAG Donoghue or anyone else in Washington?

8 A I notified both of them on separate calls. I told them exactly what was
9 found. And in particular to Attorney General Barr, I told him that we had looked into it.
10 We've done several things, including interviewing the witnesses. I listened to the tapes
11 and reviewed the videotape myself and that there was nothing there; Giuliani was wrong
12 in representing that this was a suitcase full of ballots.

13 Q I see.

14 And did you, Mr. Pak, have the opportunity to convey that conclusion, Giuliani was
15 wrong, directly to Attorney General Barr in a telephone call?

16 A Yes.

17 Q And did you convey it again directly to Rich Donoghue similarly in the same
18 or another phone call?

19 A Yes, I did.

20 Q Okay. Now I want to show you exhibit 10. And I apologize. This was not
21 in the stuff that I sent your lawyer, but it's something you've seen before. It's some
22 handwritten notes of Rich Donoghue from a conversation he had a couple of weeks later
23 at the White House. It's exhibit 10. I believe you were shown this, Mr. Pak, in the
24 Senate Judiciary interview.

25 And, again, Mr. Kang, I apologize that I didn't flag this. I just decided to use it

1 when I was preparing last night.

2 I want to call your attention -- if you can scroll down, [REDACTED] -- to the third page
3 where there's reference to Georgia, tape there shows fraud.

4 Right there. And can you have move it over a little bit so I can -- or change the
5 view. Or even if you --

6 Yeah. Thanks [REDACTED].

7 Okay. So, Mr. Pak, I understand these are not your notes, but do you recall
8 seeing this document when you testified before the Senate Judiciary Committee?

9 A I don't recall seeing this particular document.

10 Q Okay. I can represent that these are notes that Mr. Donoghue took in a
11 conversation at the White House on December the 27th. And it indicates: Georgia,
12 tape there shows fraud. Ruby Freeman, huckster, networks unjustified or un-something
13 the tape and saw the viewing.

14 Does that sound like he is discussing the State Farm Arena allegation that came up
15 in a meeting with the President?

16 A That sounds like it, yes.

17 Q All right. And then a little bit later --

18 Grant, if you scroll down two more pages, so the bottom of page 5. There.

19 So in these notes Mr. Donoghue then indicates: Georgia, looked at the tape,
20 interviewed the witnesses, no suitcases, okay - but they didn't like that. And it's hard to
21 read, but no multiple scanning of ballots.

22 It sounds like Mr. Donoghue conveyed to the President directly that the
23 investigation that you described had been conducted and that there was no fraud
24 occurred.

25 Did Mr. Donoghue ever share with you, Mr. Pak, the fact that this allegation

1 continued to come up with the President or others in the White House and that he had to
2 consistently rebut it?

3 A Not specific -- not this specific allegation, but Mr. Donoghue and I had
4 several conversations in the last week of 2020 about various things that were going on in
5 the White House because it involved Georgia.

6 Q Yeah. Tell us more about that -- you're anticipating where I'm going next.

7 A Yeah.

8 Q -- the conversations that you had with Mr. Donoghue about conversations
9 with the White House about Georgia.

10 A So there had been multiple conversations during that week about -- Rich
11 Donoghue would usually give me a call after coming back from a very lengthy meeting at
12 the White House. Mr. Donoghue had expressed his frustration at convincing the White
13 House that there was no widespread fraud, that there was nothing more to investigate.

14 In particular, he pointed out that the President was obsessed with Georgia for
15 some reason, particularly Fulton County, and that he said he had relayed our investigation
16 and conclusion based on there's no fraud there, but there was nothing to convince the
17 White House or the President that he had legitimately lost the election in Georgia.

18 And that he also -- I can't remember exactly at which conversation it was. He
19 asked me if I knew of a person by the name of Jeff Clark. I told him I don't know who
20 that is, and he said he's the Assistant Attorney General for ENRD. And at the time I
21 think -- I wasn't quite sure if he was Acting Civil Division AG or not. And, you know, my
22 response to him was, Who? And he said, Jeff Clark. And he said that Jeff Clark had the
23 President's ear.

24 And I can't remember which conversation this was, but Mr. Donoghue was
25 relaying to me kind of the -- some of the asks that the Department was rebuffing, one of

1 which was filing -- signing onto a civil lawsuit challenging, I think, the certification of the
2 election down here, during which I told him that this was really -- that's really nuts.
3 What? I was incredulous when he was describing it.

4 He also mentioned that Jeff Clark or -- I can't remember if it was Jeff Clark -- or
5 someone wanted to send a letter on Department letterhead to the Governor in Georgia
6 asking them to call a special session, and I said that was just really crazy. That's
7 absolutely just insane.

8 Q Yeah.

9 A And so Mr. Donoghue was relaying to me that the Department was not going
10 to do that, and then I told him that we're not going to be filing anything like that here.

11 Q Yeah.

12 A There was no evidence of it. And so we just agreed. And Mr. Donoghue
13 and I were colleagues when he was the U.S. Attorney for the Eastern District of New York,
14 so we had a very cordial and professional relationship. So it was common for us to talk
15 about these things.

16 Q Yeah. No, I appreciate that.

17 It sounds like Mr. Donoghue described sort of a back-and-forth about Georgia
18 specifically with the President. And I believe you testified in the Senate that Mr.
19 Donoghue said the President didn't want to believe what you reported up about the State
20 Farm Arena allegation.

21 Do you remember Mr. Donoghue saying something like that?

22 A That's correct. The impression I got and based on what he told me, I think
23 words to the effect he said that nothing could persuade the President to believe that he
24 lost Georgia and he was laser focused and obsessed with Georgia.

25 Q Yeah. And it comes up in the December 27th meeting, even though

1 2 weeks earlier you and the FBI had looked very closely at this incident and reported up
2 that there was no fraud. Right?

3 A That's correct.

4 Q Okay. You also mentioned in the conversation -- and did I understand
5 there may have been several with Mr. Donoghue, not just one, but several in the end of
6 December or the very early part of January. Is that right, a couple of them?

7 A Yes.

8 Q Yeah. That he said that he was getting a lot of pushback from the White
9 House about Georgia, that he was convinced there was fraud in the Georgia election.
10 And then he mentioned Jeff Clark. Right? Had you ever heard of Jeff Clark before Mr.
11 Donoghue brought his name up in these conversations?

12 A I had not, but I distinctly remember him asking me -- Rich Donoghue asking
13 me whether or not I knew who Jeff Clark was. And I did not know him personally nor
14 through any kind of networks, so --

15 Q Did he indicate that Mr. Clark may reach out to you or may somehow get in
16 touch with you?

17 A Yes. He indicated that Jeff Clark will call you. He made it seem like he
18 was going to call me the next day. And I told him that he could call all he wants. I
19 mean, the answer is going to be the same. We're not filing any type of lawsuit or
20 sending a letter like that while I am here as the U.S. Attorney.

21 Q Yeah.

22 A So I was expecting a call from Jeff Clark.

23 Q Yeah. And, again, did he say why the head of the Environment and Natural
24 Resources Division, or even the acting head of the Civil Division would have any
25 jurisdiction or authority to investigate or talk to you about election matters in your

1 district?

2 A No. He just said that Jeff Clark, you know, had the President's ear,
3 quote/unquote. That's what I remember him describing it. So I said, you know, he can
4 call me all he wants, and the answer is not going to change.

5 Q Yeah.

6 A He also said that I wouldn't be surprised if the President called you directly.
7 And I said, Well, the answer will be the same regardless. There's no evidence of it.

8 Q Donoghue said the President may call you, again, about these allegations of
9 fraud in Georgia or these specific actions that the Department might take?

10 A He didn't specify. He just said, I wouldn't be surprised if the President
11 called you.

12 Q Okay. Were you aware at any time, Mr. Pak, of any investigative activity
13 that Mr. Clark or anyone else from Main Justice actually did about allegations of fraud in
14 your district, interview people, speak to anyone?

15 A I had no idea of any other activity. As you're probably aware because you
16 were a former U.S. Attorney as well, it's highly unusual for some other agency to do
17 investigation without coordinating or without letting the United States Attorney of that
18 district know.

19 Q Right. So had that happened, it would have been a real breach of process.
20 And tell us why that would be -- fairly obvious -- but a bad thing for someone to come
21 into your district and start conducting investigative activity without your knowledge.

22 A Well, by statute, the United States Attorney is the Chief Federal Law
23 Enforcement Officer. So if another agency comes in and does some type of law
24 enforcement activity, it could interfere with various other investigations now going on.
25 It could interfere with some of the State initiatives. So it's not a good idea to do

1 anything like that without coordinating with someone who is on the ground and knows
2 what's going on down here.

3 Q Right. So did Mr. Clark ever call you?

4 A No, he did not.

5 Q And did the President ever call you?

6 A No, he did not.

7 Q Okay. You said something about in the conversations with Donoghue he
8 indicated that the Department -- or Mr. Clark was proposing some kind of letter to the
9 Governor proposing a special session.

10 Did Mr. Donoghue characterize that as a good or a bad idea?

11 A Well, first of all, I can't remember if he mentioned Jeff Clark, but he
12 mentioned that they -- I don't know who he's referring to.

13 Q I see.

14 A But Mr. Donoghue was absolutely against the idea of sending any kind of
15 letter or signing onto the lawsuit. He thought it was ridiculous.

16 Q Yeah. And did you share that view?

17 A Yes, absolutely.

18 Q All right. Well, we'll come back to Clark, but before we do, I just wanted to
19 ask you about one other specific call that you got from Mr. Donoghue about a specific
20 allegation related to the Georgia election.

21 Do you recall him calling you about a conversation with a State senator that
22 related to the alleged shredding of ballots?

23 A I do. I know this is New Year's Eve.

24 Q Okay.

25 A Because Mr. Donoghue called me and asked if I knew a State senator by the

1 name of Bill Ligon. I said, I do. We served in the General Assembly together. He was
2 on the senate side. And I also knew that he was a lawyer, and I think he was -- he was a
3 lame duck, meaning he decided not to run again, so he had his last session. And he was
4 also the -- I think the chairman of the subcommittee at the State senate that was looking
5 into any election irregularities, and that subcommittee was the one that I believe Mr.
6 Giuliani came and showed the video.

7 Mr. Donoghue mentioned that he'd just came back from the White House and
8 that there were several other election irregularities or complaints that they requested
9 that the Department look into. Mr. Donoghue said that most of them we don't even
10 bother with, but given the fact that, according to the White House -- particularly he said
11 the President had claimed that he spoke to a State senator in Georgia where he had
12 allegations of actual ballot shredding.

13 And that's when Mr. Donoghue asked if I knew Bill Ligon, and he asked if there
14 was any way to -- you know, he said, Look, I'm sure there's nothing there, but is there any
15 way you could find out a little bit more information about what that allegation is? And I
16 said, Sure, absolutely. I told him, I'm a little surprised that Bill Ligon didn't call me
17 directly. I'm pretty sure he had my cell phone, and we had a professional relationship;
18 that if he had evidence like that, he should just call me directly and we'll put it into
19 motion.

20 Q Yeah.

21 A So I told him that I would call Senator Ligon --

22 Q Before you get -- I don't mean to interrupt, Mr. Pak, but I just want to be
23 clear. So this is Mr. Donoghue told you that the President had specifically made
24 reference to having spoken to Ligon, about ballot shredding and asked Donoghue to look
25 into it, and Mr. Donoghue was passing along a specific request that came from the White

1 House?

2 A That's correct. I specifically remember Mr. Donoghue saying that the
3 President had told them that he had spoken to a State senator in Georgia.

4 Q Okay. So then when you got this call from Mr. Donoghue about Bill Ligon, a
5 person with whom you had worked previously, tell us what you did.

6 A So I called Bill Ligon, the senator, and I told him -- I asked him about whether
7 or not he had a conversation with the White House about some ballot shredding
8 allegations.

9 Q Uh-huh.

10 A Senator Ligon told me that he has not spoken to anybody at the White
11 House, in particular the President, but he has spoken to Rudy Giuliani about an allegation
12 that he received or the subcommittee had received. He also told me that the day
13 before, which I believe is December 30th, that they had a follow-up kind of hearing of his
14 subcommittee and that several witnesses spoke, including Mr. Giuliani, about additional
15 allegations.

16 And he also had mentioned that he had received an email from a lawyer in town
17 who went to people that had a link to a video that purportedly showed some type of
18 ballot shredding going on in a facility in Smyrna, which is a little bit outside of the city of
19 Atlanta, and that he was unable to verify any of those allegations.

20 And then I asked him, Can you forward me the email or I'll take a look at the video
21 myself? He said he'll do that. And that's pretty much all the conversation that we had.

22 He did subsequently send me a string of emails -- an email string, and I looked at
23 it. It was hard to understand without context, but I did find a link that purportedly
24 showed some type of video. I think it was a Twitter link, the video. And I clicked on
25 the link to look at the video, but it indicated that the video had been removed or no

1 longer available, so I couldn't see what -- if there was any -- I don't even know what the
2 image would have shown.

3 So I forwarded that to the Department -- I'm sorry -- the district election officer to
4 kind of also catalog as a complaint that came in to see if there was any additional
5 evidence or if they thought that there was something there, that they're able to kind of
6 dispose of the case by opening an investigation or closing it.

7 Q Got it. All right. So it sounds like in the conversation with Senator Ligon,
8 he had not been able -- he or anyone at the senate -- to substantiate the allegations.
9 There were allegations in some video that he, even he, couldn't establish whether or not
10 it showed evidence of fraud. Is that the status when you spoke to him?

11 A That's correct. And the other thing -- and I did ask him. He is an attorney.
12 He's a practicing lawyer. And he's been in the General Assembly a long time, so I just
13 asked him. I said, Hey, I did not, you know, look at all of the testimony or any kind of
14 information that the subcommittee provided. Do you see any kind of violation that you
15 think could be a potential violation of Federal law? And he said, No, I didn't see
16 anything like that. I asked him if there was any other kind of violation he could think.
17 He wasn't sure whether or not there was any State law violations either.

18 And so that gave me a little bit of assurance that even with someone who's been
19 front and center on these hearings that he didn't see anything that would be -- that could
20 be corroborated or even worthy of looking at as a violation of Federal law.

21 Q I see, Mr. Pak.

22 And that conversation about do you see anything, that extended well beyond the
23 specific ballot shredding allegation to everything that he had heard or developed in his
24 capacity looking at the election in Georgia?

25 A That's the way I phrased the question. I don't know how he took that.

1 But, yeah, that was my intent to ask if there was anything else.

2 Q Okay. Now, despite the fact that he hadn't been able to corroborate the
3 allegation, do you know whether that resulted in your district election officer working
4 with the FBI opening some sort of a preliminary investigation to do any more factual
5 development of that allegation?

6 A I do not know that. I left the office on January 4th. There was a briefing
7 related to the allegation that I gave to Bobby Christine who was coming in as the Acting
8 United States Attorney.

9 Q Yeah.

10 A So I let him know because that was obviously something that he wanted
11 briefing on, so I arranged a transition meeting on my last day in the office between our
12 team, my direct reports, including my [inaudible] and DO, and Mr. Christine's front office
13 to make sure that there was a smooth transition.

14 At the time I also arranged a briefing, a debriefing of pending election fraud cases
15 or anything like that. I asked AUSA Gray to arrange that, but I'm not quite sure if that
16 happened or not because I was pretty much out of it after January 4th.

17 Q I see.

18 So this was one of the matters that was still pending, such as it was, when you
19 resigned and sort of transitioned the outstanding matters to Acting U.S. Attorney
20 Christine?

21 A Yes, I don't know if it's pending or not, but I did let him know that this came
22 in, this allegation came in.

23 Q And do you know -- did you hear subsequently what Mr. Christine -- did Mr.
24 Christine close this immediately upon taking over for you in Atlanta?

25 A I don't know if this specific case, but I know that there was nothing that he

1 found to be any violation. And I was confident that he wouldn't because I didn't really
2 see anything.

3 Q Got it. Okay.

4 Anything else about Ligon and the ballot shredding allegation that you recall?

5 A No. That's -- it was a relatively short conversation, probably about
6 20 minutes. We went over specifics, and that's it.

7 Q Okay. One other specific thing I want to ask you about in Georgia, and this
8 was on the 20th of December. Mark Meadows, the White House Chief of Staff, went to
9 Cobb County, Georgia, and observed an ongoing signature match audit. Apparently in
10 Cobb County they were going through a subset of overall ballots cast and doing what's
11 called a signature match, comparing the signature on an absentee ballot to a signature on
12 file to try to verify the voter's identity.

13 Did you have any knowledge of Mr. Meadows' visit, of the White House's interest
14 in Cobb County's signature match audit?

15 A I found out through the media that he had done that.

16 Q Okay. What was your reaction when you found out that a Federal official, a
17 White House official, was in your district actually evaluating a signature match audit?

18 A I thought it was unusual.

19 Q Why?

20 A Well, in one sense, the White House, you know, they are the Chief Executive
21 Office, so they can do whatever they want in my mind. But, at the same time, I've never
22 seen, in the history of my time in the United States, where I saw a White House Chief of
23 Staff coming down to actually observe some type of counting of ballots.

24 Q Yeah. And, particularly, when this is right in your backyard when you are
25 the chief Federal law enforcement officer in that area and hadn't got any notice or

1 involvement and read about it in the media?

2 A That's correct.

3 Q Okay. The Secretary of State on the 29th of December issued the results of
4 that Cobb County signature match audit that found no fraudulent absentee ballots
5 identified.

6 Do you recall hearing about that, reading about that, having any reaction?

7 A I remember seeing that and seeing the reports of that, yes.

8 Q Okay. But, again, your office had no involvement whatsoever in Cobb
9 County evaluation of voter fraud, absentee ballot, or otherwise?

10 A That's correct. Elections are left to the States. The Federal Government
11 has a limited kind of jurisdiction over investigating crimes of election fraud. It's really
12 the State's jurisdiction to do that.

13 Q All right. Do you know Brad Raffensperger, the Georgia Secretary of State?

14 A I do.

15 Q Had you had a professional relationship with Secretary Raffensperger prior
16 to the election?

17 A That's correct. Brad Raffensperger and I also served in the Georgia House
18 together. He was -- I believe he got elected a term after I did. So I've known Brad, and
19 he's a principle conservative, and he's an engineer by training. So I -- you know, and
20 he's very intelligent and a successful businessman.

21 Q Yeah. Fair to say you have a great deal of respect for Secretary
22 Raffensperger's integrity and his professional capacity as Secretary of State?

23 A I have not seen anything in my interaction with Secretary Raffensperger that
24 would give me pause or doubt.

25 Q Okay. A very widely reported phone call that he had with President Trump

1 on January 2nd hit the news media, I believe, the next day. Did you have any awareness
2 of this conversation until you read about it in the newspaper?

3 A I found out about it through the media.

4 Q Yeah. What was your reaction when you saw those news accounts that the
5 President had called Secretary Raffensperger to discuss voter fraud, alleged voter fraud in
6 Georgia?

7 A I was surprised, disappointed, and based on all that was being reported, I
8 was disappointed for a multitude of reasons. But at the same time, I was upset that I
9 think there were continuing claims that there was fraud in Georgia elections, despite our
10 office's investigation and reporting up to the Attorney General's office. I considered
11 resigning on the spot.

12 Q Yeah.

13 A That questioned kind of the integrity of the investigation in the office.

14 Q Yeah. Tell us more about that, Mr. Pak. Why was it of such magnitude
15 that you considered resigning on the spot?

16 A Well, a couple of reasons. I think that, you know, the continuing dialogue
17 related to election fraud, particularly in Georgia. The fact that the President was calling
18 the Secretary of State's office asking him to find votes, it was just very irregular,
19 unreasonable, and I thought that he went too far.

20 I respect everyone being able to challenge all -- you know, pursue all legal
21 challenges to the election if there's irregularity. But with respect to Georgia, as far as
22 the evidence that I've seen, I had not seen anything like that.

23 Q Yeah. In the call with Secretary Raffensperger, the President actually
24 references the very same allegations that we've been discussing in this interview, State
25 Farm Arena, Cobb County signature matches, shredded ballots, you know, repeating the

1 same allegations that you and your office and the Secretary of State had already
2 rebutted.

3 What was your reaction to that, hearing accounts that the President continued to
4 put forth theories that you had already looked into and rebutted?

5 A Like I said, I was very disappointed and upset at that because I don't think
6 that that was true. So that was the reason I considered resigning on that day.

7 Q Yeah. You were referenced in the call, Mr. Pak. He actually says
8 something about you've got a never-Trumper U.S. Attorney, sort of a disparaging
9 comment to Raffensperger, about his lack of faith in you or some allegation that you are
10 somehow not an ally of the President. What was your reaction to that?

11 A I did not find out about that reference until after I left because I think the
12 recording itself, it wasn't reported on the day that I actually found out about the call.
13 That's untrue, but nothing related to my views on any elected official have any bearing on
14 the way our office executes its investigations.

15 Q All right. Now, despite your consideration of resignation, you did not
16 resign right after the call. Tell us what ultimately made you decide to stay the course at
17 least for a bit longer after that reporting of the call?

18 A After the election and after Attorney General Barr resigned, I had notified
19 the office that my intention was to stay on until the transition, when the inauguration
20 occurred. And I notified the courts, the office, and also the law enforcement and
21 community partners that that was my intention to do that.

22 At the time when there was lots of noise going on with respect to election fraud
23 and, you know, challenging the elections and things like that, in Georgia we also had a
24 runoff scheduled for January -- the Tuesday, I think January 5th, I believe.

25 Q Right, exactly.

1 A And I thought it would be unusual for me to resign after I had already told
2 everyone I was going to stay on until, I think, January 20th, inauguration day, and I didn't
3 want to somehow be characterized as -- you know, used as a political football to sway
4 votes one way or the other. So I decided to stay on and stay the course until
5 January 20th.

6 Q In part because you didn't want your resignation to in any way impact the
7 runoff election that was going to take place the next day?

8 A Yes. I think that the -- I was worried that it could be spun one way or the
9 other. They were going to, you know, say -- insinuate that something happened or
10 something didn't happen, and that's why he left, and that's why I decided to stay until the
11 20th.

1

2 [11:00 a.m.]

3 Mr. [REDACTED]. Understood.

4 All right. I'm about to move to the circumstances of your actual resignation, but
5 let me stop here and see, [REDACTED], if you have any questions.

6 Ms. [REDACTED]. No, I don't. Thank you.

7 BY MR. [REDACTED]:

8 Q Okay. All right.

9 Mr. Pak, let me now turn to January 3rd, which I think is the same day that the
10 Raffensperger call was reported. You got a call -- a couple of missed calls, and then,
11 about 10 o'clock at night, again, another conversation with Rich Donoghue. I'm sure you
12 remember that conversation. Tell us about it.13 A It was late -- after I saw that he called, I called him back, I think in
14 response -- I think I saw a text from him saying, Please call me ASAP.15 And he told me he came back from the White House and that -- he kind of relayed
16 what was going on over there, that the President had it in his mind that nothing was
17 done -- he was very -- not happy with the Department of Justice, that nothing more is
18 being done respect to election fraud investigations.19 And then he brought up Georgia again. And then he said that he had it in his
20 head that I was a never-Trumper and that might be the reason why there is nothing being
21 done in Georgia.22 And then he asked me, you know -- Mr. Donoghue had told him that I don't think
23 that's true.24 And then he said that he saw some type of an article that someone had put on the
25 President's desk in which I was quoted, and that's what gave him the impression that I

1 was a never-Trumper, and that -- and he also said that he was very unhappy, that he
2 wanted to fire Rich Donoghue and Jeff Rosen.

3 And then I believe Mr. Donoghue had indicated that, you know, he wanted to fire
4 me, and he wanted Mr. Donoghue and Mr. Rosen to fire me.

5 And I think Rich said that, no, I'm not -- I can't -- I don't have the power to do that.
6 Shouldn't do that, because I was doing a great job, a good U.S. attorney, and -- but that
7 the President wanted me gone.

8 And, at the time, someone had brought up the fact that I was going to submit my
9 resignation the day after the election. The day after the runoff election for the senate,
10 which would be on Tuesday, and -- but I had planned on staying until the 20th. And
11 someone had suggested that there was no need to fire somebody who was going to
12 submit their resignation at the time, and so the President said that I want to accept that
13 resignation right away.

14 Q Uh-huh.

15 A And so he -- he asked me -- he said he wanted me gone as U.S. attorney.
16 I'm sorry. The President had indicated that he wanted me gone as U.S. attorney.

17 Mr. Donoghue then said, I know you were intending to stay on until the 20th.
18 We want to put you in a SES position in the Department, but at the time, I said, Thank
19 you, but no thank you. I'm done.

20 I did not want to prolong this. And so he then -- Mr. Donoghue indicated that,
21 look, you can do whatever you want. You can announce, you know, the reasons why
22 you're leaving. You know, I leave it up to you and all that, but if there is a way to not
23 cause any waves, that would be best for everybody.

24 And I said, I'll think about it. I'd think about it.

25 I turned the job down in the Department, because that was -- I was pretty much

1 done working for the administration at that point.

2 And, the following morning, I called Mr. Donoghue, told him that I'm going to
3 actually -- going to resign and try to do it as nondisruptive manner as possible because of
4 the election. I also told Mr. Donoghue that, you know, thank you, it's an honor to serve
5 with you. And I told him to hang in there, because I know he was taking a lot of heat
6 and then protecting the institution.

7 And then, after that, I also called Bobby Christine, who -- who -- we're friends and
8 colleagues obviously, and he was very apologetic, but -- and I just told him that it was
9 more of a business call.

10 I said, Listen, Bobby, you don't have much time, so -- this is my last day, so I want
11 to set up a management call between your team and my team for noon that day. You
12 know, and so I touched base with him.

13 And I tried to reach my FAUSA, because obviously my FAUSA didn't know what
14 was going on.

15 And one thing I forgot to mention, on my call before -- the day before, on the
16 evening of January 3rd, was I asked about whether or not my first assistant would be able
17 to become acting U.S. attorney.

18 Mr. Donoghue indicated that he had mentioned that to the White House, and
19 then Mr. President said, Who is that? I don't know that guy. I heard good things about
20 Bobby Christine, so I want to put him as the acting U.S. attorney.

21 And Mr. Donoghue mentioned that they had called Mr. Christine from the White
22 House --

23 Q Uh-huh.

24 A -- to indicate that, you know, he's going to be taking over as acting U.S.
25 attorney for Northern District of Georgia.

1 Q Uh-huh. Right.

2 A And, according to Mr. Donoghue, Mr. Christine was utterly confused,
3 because it came out of nowhere and asked whether or not he was even able to do that
4 since he's the U.S. attorney for the Southern District of Georgia.

5 And they had, I believe, Assistant Attorney General, Office of Legal Counsel,
6 Steven Engel, who had rendered -- told him that, yeah, you can be an acting on the
7 other -- another district as well.

8 And so that was the extent of the call that I recall from the evening of January 3rd.

9 Q Yeah. Let me just go back to a couple parts of that, and I appreciate that,
10 Mr. Pak.

11 It sounds like Mr. Donoghue conveyed that the President was generally frustrated
12 with the Department; in this meeting, was saying, Department's not doing enough to
13 investigate allegations of fraud, not just in Georgia, but sort of across the board. Is that
14 right?

15 A Yes.

16 Q Specifically, though, still focused on Georgia and actually was -- was telling
17 Donoghue that it was because you were a never-Trumper or speculating that, because
18 you were a never-Trumper, that somehow was preventing these investigations from
19 going forward?

20 A That was the impression I got based on my conversation with Mr. Donoghue.

21 Q All right. And Mr. Donoghue said that the President had an article in which
22 you were quoted as sort of a basis for that statement that you were a never-Trumper?

23 A That's correct.

24 Q Yeah. Let me just show you this article. It's exhibit 4, and it is from The
25 New York Times from September 14th. I'm sorry. November 2, of 2016, so just before

1 the 2016 election.

2 And it is -- if you scroll down, there is a picture of you, and that's -- looks like in
3 your private-practice office before you were U.S. attorney.

4 And then the quote that's indicated is the very top of page 4, [REDACTED], where it says,
5 "State Representative Bjay Pak of Georgia, a Republican of Korean descent, said that he
6 doubted that Mrs. Clinton would win the State, but that his parties leaders were acutely
7 aware of the fast-changing terrain.

8 Mr. Pak, who represents Gwinnett County, a suburban area near Atlanta where
9 minorities now outnumber Whites, said it had been hard this year to recruit a diverse
10 slate of candidates or to win over women and minorities."

11 And your quote is, "'Donald Trump has made it extremely difficult,' said Mr. Pak,
12 who does not endorse Mr. Trump. 'They feel that the party's not welcoming, and that's
13 a tremendous challenge when you're trying to get people to give the party a chance.'"

14 You're obviously -- remember making that statement, and was that the article that
15 Mr. Donoghue said Mr. Trump was upset about?

16 A I don't know if this was the specific article, but I imagine that it was, because
17 that's the only time that I believe I gave a quote to The New York Times about
18 President Trump.

19 Q Yeah. Did he -- Mr. Trump -- according to Mr. Donoghue, Mr. Trump say
20 anything else about you or the basis of his allegation that somehow you were a
21 never- Trumper?

22 A No, he did not.

23 Q All right. And, Mr. Pak, again, a fairly obvious question, but did your views
24 about Mr. Trump in any way affect your professional responsibility as U.S. Attorney, your
25 attitude toward voting fraud cases, or in any way affect your service as U.S. Attorney?

1 A No.

2 Q He indicated in the call that, rather than follow the Department's traditional
3 succession model, the first assistant stepping in in an acting capacity when a U.S.
4 Attorney resigns, he wanted to install Bobby Christine.

5 What was your reaction when Mr. Donoghue told you that?

6 A Obviously, you know, I was worried about the -- the office. It was -- it's
7 been a very tremendous and stressful year for -- for everyone in the Department of
8 Justice. And so I was -- I wanted to make sure that, whichever transition that occurred,
9 it would be as smooth as possible, and that would be a long-time first assistant stepping
10 in as acting U.S. Attorney pursuant to the Vacancy Reform Act.

11 And, once he mentioned that Mr. Christine would be appointed, I knew that that
12 was going to raise a lot of questions on the office.

13 Q Yeah. Yeah. Both questions by Mr. Erskine, your first assistant, and
14 across the office, I would assume?

15 A Yes.

16 Q Okay. You knew Bobby Christine because you had been colleagues in
17 contiguous districts. Is that right?

18 A Yep.

19 Q Good guy? You had respect for him and a good working relationship with
20 him?

21 A He's a -- he was a good guy, good integrity. He's also a military person --

22 Q Uh-huh.

23 A -- so he believes in a chain of command obviously --

24 Q Yeah.

25 A -- and I think he was put in a very difficult spot.

1 Q Yeah. You said that, when you actually called Mr. Christine upon your
2 resignation, he apologized to you or said something like, you know, I'm sorry it's worked
3 out this way.

4 Tell us more about that conversation.

5 A It was just very short. He made a comment, I'm so sorry, because then
6 obviously we were -- we were colleagues and friends, and that fact that I would be
7 leaving so abruptly, I think.

8 At the same time, I think he, you know -- the situation was unusual, right?
9 And -- but our conversation was more -- more on the business side, like let's do the
10 transition, make sure what -- the most important thing is make sure the transition is
11 smooth, and I wanted --

12 Q Yeah.

13 A -- him to be fully briefed. And I told him that I'm fairly confident that, no
14 matter what you investigate, that you're not going to find any fraud.

15 Q So you told him in the very first conversation, no matter what you do, you're
16 not going to find any fraud?

17 A Yeah. I mean, yeah, I didn't see anything there, and I'm confident you're
18 going to reach the same result.

19 Q Got it. All right. Before we -- I want to talk a little bit more about the
20 transition, but let's go to your specific resignation.

21 You discussed with Mr. Donoghue whether or not it should be public or sort of the
22 manner in which you decided to resign. And you made a decision, Mr. Pak, to do it -- I
23 think you used the term quietly.

24 Tell us more what informed your view as to sort of the -- what you were going to
25 say about your resignation and how you were going to do it.

1 A Once Attorney General Barr resigned and I knew that, once the continuing
2 kind of focus on Georgia, on the State Farm video came, I had some -- before I became
3 U.S. Attorney, I received some good advice from -- veterans of the Republican
4 administration Department of Justice told me that -- you know, that they had a practice
5 of having a generic resignation letter ready, because you never know. Sometimes you'll
6 be asked to do something that you may not agree with.

7 For some reason, that just popped into my head, and my thought was to make
8 sure that the Department continues to do its work, it's not as disruptive to the people,
9 and also to the public, because it was such a divided election --

10 Q Uh-huh.

11 A -- that I wanted to make sure that I did not become a -- a reason that it's
12 more -- more of a divided country, to make sure that we don't influence the election on
13 that Tuesday.

14 So, based on those reasons, I decided to kind of try to make it as innocuous as
15 possible when I resign.

16 Q Understood.

17 Let me show you exhibit 5. This is a copy of your resignation letter, which, as
18 you indicated, the good advice that you got, it was very, very basic. I hereby submit my
19 resignation, no reason given. You thank the President for the opportunity -- consistent
20 with your view, Mr. Pak, that you were going to do this in an understated and as quiet a
21 way as possible.

22 A Yes.

23 Q All right. And did you -- how did you deliver this? Did you email it or send
24 it through the Department up to the White House?

25 A Yes. The Department usually handled the transmission, so we sent it to the

1 executive office of the United States -- Executive Office for the United States Attorneys.

2 Q Got it. All right.

3 The next exhibit is No. 6. This is a second letter that goes to Jeff Rosen, who at
4 that time has replaced Attorney General Barr and is the Acting Attorney General.
5 Similarly, very basic language. You submit your resignation effective today. Great
6 honor and privilege. No reason given.

7 This, I take it, was parallel, sent at the same time, to EOUSA, to Jeffrey Rosen. Is
8 that right?

9 A Yep.

10 Q All right. And then, finally, the next exhibit is No. 7. And this is -- it looks
11 like an email that you sent very early in the morning of Monday, the 4th, to all of the
12 other U.S. attorneys around the country, which, you know, as you know, is a very
13 close-knit group of people with whom you serve.

14 And your resignation is -- you notify them. You talk about the great honor and
15 privilege and the sort of duty of the Department to do what's right.

16 What was your intention and what message were you trying to convey, Mr. Pak,
17 to your colleagues in -- the U.S. Attorneys around the country?

18 A Well, I -- above everything, everything else is noise. I think rule of law
19 should carry the day, and I just wanted to leave with a note of encouragement for them,
20 that despite what may be happening, that they offer themselves and continue to serve
21 the Department for the better -- for the best interests of the country.

22 Q Yeah. You actually say, Our Nation needs patriots like you to uphold the
23 rule of law.

24 Kind of a high-minded invocation of that higher duty.

25 And then the last resignation that you notify or the last group is your own office,

1 and that's exhibit 8.

2 I'm sorry. This is actually not your office. This is the same message that is
3 forwarded to Rich Donoghue, and then -- I'm sorry, [REDACTED]. That's actually No. 9 that I
4 wanted to show Mr. Pak.

5 You actually -- you forwarded it to Rich Donoghue, who responds, You are a class
6 act, my friend.

7 Sort of reflects the professional respect that you and Mr. Donoghue enjoyed for
8 each other.

9 A That's correct.

10 Q All right. And then I assume that you did send a similar message, Mr. Pak,
11 to the AUSAs that served under you in the Northern District of Georgia. Is that right?

12 A I did, yes.

13 Q All right. And did you meet with them or give them any insight into the
14 timing or the reason for your resignation?

15 A I did not. I didn't have much time, honestly. And I had already told the
16 office 2 weeks ago that I was going to stay on until the inauguration, so I knew it wasn't
17 going to raise any questions, but wanted to make sure that I transitioned correctly. I
18 had a lot of paperwork to take care of, and also clean out the office.

19 Q Yeah. So that -- you indicated that you, very responsibly, wanted to quickly
20 meet with Mr. Christine or have your team meet with his team to kind of transition.

21 Tell us a little bit about that process. What did you do, and what communication
22 did you have with Mr. Christine and his group?

23 A So first thing I did, I arranged a conference call for noon that day, because
24 my FAUSA --

25 Q Monday, the 4th? Monday, the 4th of January, the day of your

1 resignation?

2 A Yes, because my FAUSA and crim chief and civil division chief, the leadership
3 in my office did not know their colleagues in the southern district, which I imagine some
4 of them would have to help Mr. Christine to do the transition. So I'm willing to
5 introduce each of them, and also to connect them via email so that they have contact info
6 for any kind of questions, and also have my -- my leadership team help in the transition of
7 the new acting U.S. attorney coming in.

8 Q Yeah. So tell us about the conversation at noon. What -- what
9 information did you convey? What advice did you give? What assessment did you
10 leave him with with respect to election matters?

11 A I arranged specific briefings.

12 Mr. Christine requested that we provide a briefing on the election matters
13 specifically, so I helped arrange that and told them -- obviously my leadership staff, plus
14 the district election officer to schedule a time when he can get briefing, perhaps even
15 going to the FBI headquarters. That was the extent of my discussion about that.

16 I did tell Mr. Christine about the allegations that came in. That was still kind of
17 active, one of which is something that you asked me about, the ballot shredding over in
18 Smyrna, the video.

19 Q Yeah.

20 A But the others, I just left it to the office to fully brief him on all the things
21 that were going on.

22 Q I see. And I think you mentioned, Mr. Pak, that you gave him the -- the sort
23 of summary was, We haven't seen anything. There is nothing there. Confident you
24 will find the same.

25 Tell us more specifically how you characterized your assessment of election fraud

1 when you were leaving office.

2 A Well, I told Mr. Christine that, look, I looked into all the allegations that had
3 came in that's worth any substance. There is nothing there. So I'm confident that,
4 when you look, that you're not going to find anything either.

5 Q Yeah. Does that continue to be your view to this day, that confident in the
6 result of the Georgia election; that, upon looking at it, there is just no evidence of
7 widespread fraud sufficient to undermine your confidence in the outcome?

8 A That's correct.

9 Q Okay.

10 Mr. [REDACTED]. All right. [REDACTED], do you have anything?

11 Ms. [REDACTED]. Nope. I don't think so. Thank you.

12 Mr. [REDACTED]. All right. Mr. Pak, let me just -- is there anything else that you
13 want to say, any other information that you want to provide that you think might be
14 relevant to the select committee's work? I know you were already -- had resigned by
15 January 6th and didn't have any -- thankfully didn't have any, you know, personal
16 connection to that event. But anything else that -- for the record that you want to say?
17 I'll give you the last word.

18 Mr. Pak. I don't. I just think that the public deserves to know what happened,
19 and I hope that the committee's able to get to the truth and then make it public.

20 Mr. [REDACTED]. Well, I really appreciate that, Mr. Pak. We could not do that
21 without the help of people like you, so thank you for your willingness, once again, to tell
22 the story. I'm sure it's not an easy story to tell, but we really -- on behalf of the
23 committee, we really appreciate it.

24 Mr. Pak. You're welcome.

25 Mr. [REDACTED]. All right. Well, with that, we'll go off the record.

1 [Whereupon, at 11:20 a.m., the interview was concluded.]

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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