



U.S. Department of Justice

Executive Office for United States Attorneys

General Counsel's Office



VIA EMAIL ONLY

(F.McDonald.Wakeford@fultoncountyga.gov)

F. McDonald Wakeford
Assistant District Attorney
Fulton County District Attorney's Office
Atlanta Judicial Circuit



Dear Mr. Wakeford:

We write in response to your April 19, 2022 letter to Civil Chief Lori Beranek requesting the Department of Justice's authorization to interview five individuals in connection with the Fulton County District Attorney's Office's "ongoing investigation into possible criminal disruptions to the lawful administration of the 2020 elections in the state of Georgia": former Attorney General William Barr, former Acting Attorney General Jeffrey Rosen, former Acting Deputy Attorney General Richard Donoghue, former Assistant Attorney General Steven Engel, and Inspector General Michael Horowitz.

As noted in your letter, your investigation "is still in its information-gathering stage," and you are "still collecting facts and evidence which may alter our current understanding of certain events." You further explain that it is "impossible" for you to "provide an exhaustive summary of all relevant topics, conversations, or events about which we may seek evidence and testimony," because you "continue to acquire new information." For this reason, your request to interview these five former and current high-level Department employees appears to be premature. In the absence of a particularized request for information that identifies all of the areas of inquiry, the Department cannot adequately assess whether such testimony should be authorized under the Department's *Touhy* regulations, 28 C.F.R. § 16.22.

While we are unable to evaluate your request at this point, we can share that, for at least some witnesses, much of the information you seek, and for which the Department would consider providing an authorization, is already publicly available. For example, Messrs. Rosen, Donoghue, and Engel each participated in interviews before congressional committees, and they discussed the issues that you identified in your letter. In addition, a transcript exists of a congressional interview of Byung J. "BJay" Pak, former U.S. Attorney for the Northern District of Georgia. Mr. Pak addresses many of your questions relating to Attorney General Barr. Those transcripts have been publicly disclosed either in full or in part, and as a courtesy, we are attaching those transcripts.

