

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JUDICIAL WATCH, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 23-cv-1485 (CRC)
)	
UNITED STATES DEPARTMENT OF)	
JUSTICE,)	
)	
Defendant.)	
_____)	

DECLARATION OF SEAN DUNAGAN

I, Sean Dunagan, declare that the following is true and correct:

1. I am a Senior Investigator at Judicial Watch, Inc. I have held this position for more than a decade. In the course of my duties at Judicial Watch, Inc., I submitted the December 9, 2022 Freedom of Information Act (“FOIA”) request to the U.S. Department of Justice at issue in this litigation. I also have closely followed developments in Special Counsel Jack Smith’s investigation and prosecutions of former President Donald J. Trump. I am also familiar with FOIA requests served by Judicial Watch, Inc. concerning other special counsel investigations, including a June 27, 2017 request for records concerning the special counsel investigation headed by former FBI Director Robert Mueller.

2. According to the transcript of a November 9, 2022 press conference at the White House posted on the White House website, President Joseph R. Biden made the following remark during the press conference: “Well, we just have to demonstrate that [Donald Trump] will not take power – if we – if he does run. I’m making sure he, under legitimate efforts of our Constitution, does not become the next President again.” The transcript is available at

<https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/11/09/remarks-by-president-biden-in-press-conference>).

3. Attached hereto as Exhibit 1 is a true and correct copy of the docket in *United States v. Trump, et al.*, Case No. 9:23-cr-80101-AMC (S.D. Fla.), downloaded from PACER.

4. Attached hereto as Exhibit 2 is a true and correct copy of the docket in *United States v. Trump*, Case No. 1:23-cr-00257 (TSC) (D.D.C.), downloaded from PACER.

5. Attached hereto as Exhibit 3 is a true and correct copy of the docket in *United States v. Trump*, Case No. 23-3190 (D.C. Cir.), downloaded from PACER.

6. Attached hereto as Exhibit 4 is a true and correct copy of the docket in *United States v. Trump*, Case No. 23-3228 (D.C. Cir.), downloaded from PACER.

7. Attached hereto as Exhibit 5 is a true and correct copy of the docket in *In re: Search of Information That Is Stored At Premises Controlled by Twitter, Inc.*, Case No. 1:23-sc-00031 (JEB) (D.D.C), downloaded from PACER.

8. Attached hereto as Exhibit 6 is a true and correct copy of the docket in *In re: Search of Information That Is Stored At Premises Controlled by Twitter, Inc.*, Case No. 23-5044 (D.C. Cir.), downloaded from PACER.

9. Attached hereto as Exhibit 7 is a true and correct of the Statement of Expenditures issued by the U.S. Department of Justice for the Office of Special Counsel Jack Smith for the period from November 18, 2022 through March 31, 2023. The statement is available on the U.S. Department of Justice's website at <https://www.justice.gov/sco-smith>.

10. Attached hereto as Exhibit 8 is a true and correct of the Statement of Expenditures issued by the U.S. Department of Justice for the Office of Special Counsel Jack Smith for the

period from April 1, 2023 through September 30, 2023. The statement is available on the U.S. Department of Justice’s website at <https://www.justice.gov/sco-smith>.

11. I was able to identify the following twenty-three individuals working for Special Counsel Smith by reviewing the public dockets of litigation in which the Special Counsel’s Office (“SCO”) is involved and some quick internet searches:

1. Bernstein, Gregory D.
2. Burke, Matthew
3. Bratt, Jay I.
4. Cooney, Joseph Patrick
5. Dohrmann, Mary L.
6. Dreeben, Michael R.
7. Duree, Tim
8. Edelstein, Julie A.
9. Gaston, Molly G.
10. Gilbert, Karen E.
11. Haray, Jonathan
12. Harbach, David
13. Hulser, Raymond N.
14. Marlin, Myron
15. McNamara, Anne
16. Pearce, James
17. Pellettieri, John M.
18. Raskin, David
19. Reynolds, Brett
20. Rody, David
21. Thakur, Michael
22. VanDevender, Cecil W.
23. Windom, Thomas

Other than SCO spokesperson Myron Marlin, all but four of these twenty-three are attorneys whose names appear on the dockets as counsel for the United States in various SCO litigation. I was able to identify the remaining four – also attorneys – from media reports. They are: Matthew Burke, Tim Duree, Jonathan Haray, and David Rody. The U.S. Department of Justice only identified nine of these twenty-three individuals in response to my FOIA request.

12. On the “Unsealed Orders, Opinions, Documents and Docket Reports” section of this Court’s website are records from *In re: Search of Information That Is Stored At Premises Controlled by Twitter, Inc.*, Case No. 1:23-sc-00031 (JEB) (D.D.C) that contain the email addresses of several SCO attorneys and the cell phone number of one SCO attorney. See <https://www.dcd.uscourts.gov/sites/dcd/files/23sc31%20Attachment%20B-%20Documents%20unsealed%20without%20redactions.pdf> at 295-301 (pdf pages). It appears that these records were filed under seal originally, but were unsealed on October 16, 2023, if not earlier. See Ex. 5 at Entries for June 28, 2023 and October 16, 2023. It appears from the common formatting of the SCO attorneys’ email addresses on these records that it is possible to identify the likely email addresses of other SCO staffers.

13. According to the Indictment filed on September 7, 2023 in *United States v. Shry*, No. 4:23-cr-00413 (S.D. Tex. 2023), a Texas woman, Abigail Jo Shry, is alleged to have left a voicemail message on Judge Tanya Chutkan’s chambers telephone line – which is published on this Court’s website – threatening to kill the judge, “anyone who went after former President Trump,” a specific member of Congress, “all democrats in Washington, D.C., and all people in the ‘LGBTQ’ community.” ECF No. 11 at 1-2. According to the docket, the woman has been receiving substance abuse treatment and is scheduled to be tried beginning on February 26, 2024. ECF Nos. 21, 23, and 26.

14. According to the Criminal Complaint and Affidavit in Support of Criminal Complaint and Arrest Warrants filed on December 16, 2022 in *United State v. Kelley, et al.*, 3:22-cr-00118 (E.D. Tenn.), a Tennessee man, Edward Kelley, was indicted in this Court for alleged offenses on January 6, 2021 at the U.S. Capitol, then allegedly conspired to kill FBI agents involved in the investigation of and arrest on the charges against him in the District of Columbia.

ECF No. 3. He has pled not guilty and is scheduled to be tried beginning on March 26, 2024.

ECF Nos. 23 and 40. According to the docket in the case, a co-conspirator, Austin Carter, pled guilty on January 22, 2024. ECF No. 42.

15. Attached hereto as Exhibit 9 is a true and correct copy of the U.S. Department of Justice's September 25, 2020 response to a June 27, 2017 FOIA request served by Judicial Watch, Inc. for records about the special counsel investigation headed by former FBI Director Robert Mueller.

16. According to a June 2018 report by the U.S. Department of Justice Inspector General entitled "A Review of Various Actions by the Federal Bureau of Investigation and Department of Justice in Advance of the 2016 Election" ("OIG Report"), FBI employees Peter Strzok and Lisa Page were both members of Special Counsel Robert Mueller's investigation of then-President Trump. OIG Report at 396. Strzok, a Deputy Assistant Director, was the lead FBI investigator assigned to the probe, and Page, the Special Counsel to FBI Deputy Director Andrew McCabe, was a "general attorney" on Special Counsel Mueller's staff. *Id.* During the investigation, it was discovered that Strzok and Page had exchanged voluminous texts disparaging then-candidate Trump during the 2016 presidential campaign, commenting that "we'll stop" Trump from becoming president, and citing having an "insurance policy" in case he did. *Id.* The IG report was highly critical of the exchanges, noting with respect to the "we'll stop it" text in particular:

[W]hen one senior FBI official, Strzok, who was helping to lead the Russia investigation at the time, conveys in a text message to another senior FBI official, Page, "No. No he won't. We'll stop it" in response to her question "[Trump's] not ever going to become president, right? Right?!", it is not only indicative of a biased state of mind but, even more seriously, implies a willingness to take official action to impact the presidential candidate's electoral prospects. This is antithetical to the core values of the FBI and the Department of Justice.

Id. at xi-xii (Executive Summary). The report is available on the U.S. Department of Justice’s website at <https://oig.justice.gov/reports/2018/o1804.pdf>.

17. According to media reports, Fulton County, Georgia District Attorney Fani Willis, who has brought criminal charges against former President Trump and others in the State of Georgia, is now reportedly under investigation herself for allegedly choosing her paramour, Nathan Wade, to lead the prosecution. *See, e.g.*, Jeff Amy, “Georgia Senate passes a panel with subpoena power to investigate District Attorney Fani Willis,” *Associated Press* (Jan. 26, 2024) (available at <https://apnews.com/article/fani-willis-donald-trump-georgia-6097851a4dd52314ecfdf282418789c0>).

18. In the course of my research regarding Special Counsel Simth’s investigation and prosecution of former President Trump, I have come across numerous news reports about the persons chosen by Special Counsel Smith to prosecute the former president, including the following:

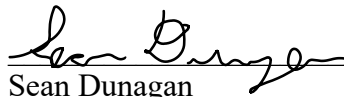
- a. <https://abcnews.go.com/Politics/lawyers-working-special-counsel-jack-smith-trump-jan/story?id=98893019>;
- b. <https://news.yahoo.com/trump-special-counsel-probe-adds-153654008.html>;
- c. <https://www.law.com/nationallawjournal/2023/08/03/the-big-law-backgrounds-of-special-counsel-jack-smiths-legal-team/>;
- d. <https://www.washingtonpost.com/national-security/2023/09/10/jack-smith-special-counsel-trump-investigations/>; and

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- e. <https://www.politico.com/news/2024/01/04/harrison-floyd-trump-bodycam-footage-jack-smith-00133933>.

I declare under penalty of perjury that the foregoing is true and correct. Executed on
January 31, 2024.


Sean Dunagan