

# Exhibit C

Message

**From:** Le, Vanessa J. EOP/WHO [REDACTED]  
**Sent:** 5/12/2022 9:48:19 PM  
**To:** Su, Jonathan C. EOP/WHO [REDACTED]  
**CC:** Cicconi, Martine E. EOP/WHO [REDACTED]  
**Subject:** Re: Fulton County Special Purpose Grand Jury Investigation - Atlanta, Georgia  
**Attachments:** image001.png; Interview request letter 4.8.22 - EOP.pdf; 2022-EX-000017 SPGJ Request.pdf; 2022-EX-000024 Order Approving SPGJ.pdf

Was this a surprise to you guys?

Sent from my iPhone

On May 12, 2022, at 5:36 PM, Su, Jonathan C. EOP/WHO <[REDACTED]@who.eop.gov> wrote:

FYI and very close hold.

---

**From:** Wakeford, FMcDonald <[REDACTED]@fultoncountyga.gov>  
**Sent:** Thursday, May 12, 2022 5:01 PM  
**To:** Su, Jonathan C. EOP/WHO [REDACTED]  
**Cc:** Wooten, Will <[REDACTED]@fultoncountyga.gov>; Ney, Adam [REDACTED]@fultoncountyga.gov>; nathan@[REDACTED].com; Hill-DA, Michael [REDACTED]@fultoncountyga.gov>  
**Subject:** Fulton County Special Purpose Grand Jury Investigation - Atlanta, Georgia

Good afternoon, Mr. Su,

My name is Donald Wakeford, and I am an Assistant District Attorney with the Fulton County District Attorney's Office in Atlanta, Georgia. I write to you in order to establish contact with the Office of the White House Counsel as part of an ongoing investigation here in Atlanta.

We have recently impaneled a special purpose grand jury in order to investigate possible criminal disruptions to the 2020 elections in the State of Georgia. As part of our investigation, we plan to request to interview certain former employees of the Executive Office of the President. We have previously attempted to notify the White House Counsel of our intentions via letter and email (a copy of which is attached), but unfortunately I am unaware if our attempts were successful.

As the letter states, we are reaching out to the Office of the White House Counsel in an effort to navigate any *Touhy* regulations applicable to former employees of the EOP. It is our understanding that authorization to interview or, possibly, to subpoena such individuals must come directly from the entity itself, rather than the Department of Justice or another division of the executive branch. If we are correct, then I hope we are able to speak with you further in order to facilitate the authorization process as efficiently as possible. If we are not correct, then I would simply ask to be directed to the appropriate authorizing entity.

In addition to the letter sent by our office last month, I have attached two other documents to this email. The first is the letter from District Attorney Fani T. Willis requesting that a special purpose grand jury be impaneled, and the second is the order approving said request. These documents describe the subject of our investigation further.

Thank you for your time and attention in this matter. If you would like to speak by phone, I can best be reached at [REDACTED] or [REDACTED].

Sincerely,  
Donald Wakeford

F. McDonald Wakeford  
Chief Senior Assistant District Attorney  
Fulton County District Attorney's Office  
[REDACTED]

CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

Message

**From:** Su, Jonathan C. EOP/WHO [REDACTED]  
**Sent:** 5/12/2022 9:37:07 PM  
**To:** Cicconi, Martine E. EOP/WHO [REDACTED]  
**Subject:** FW: Fulton County Special Purpose Grand Jury Investigation - Atlanta, Georgia  
**Attachments:** Interview request letter 4.8.22 - EOP.pdf; 2022-EX-000017 SPGJ Request.pdf; 2022-EX-000024 Order Approving SPGJ.pdf

There is a private law firm domain on this e-mail [nathan@\[REDACTED\].com](mailto:nathan@[REDACTED].com).

---

**From:** Wakeford, FMcDonald <[REDACTED]@fultoncountyga.gov>  
**Sent:** Thursday, May 12, 2022 5:01 PM  
**To:** Su, Jonathan C. EOP/WHO [REDACTED]>  
**Cc:** Wooten, Will <[REDACTED]@fultoncountyga.gov>; Ney, Adam [REDACTED]@fultoncountyga.gov>; nathan@[REDACTED].com; Hill-DA, Michael [REDACTED]@fultoncountyga.gov>  
**Subject:** Fulton County Special Purpose Grand Jury Investigation - Atlanta, Georgia

Good afternoon, Mr. Su,

My name is Donald Wakeford, and I am an Assistant District Attorney with the Fulton County District Attorney's Office in Atlanta, Georgia. I write to you in order to establish contact with the Office of the White House Counsel as part of an ongoing investigation here in Atlanta.

We have recently impaneled a special purpose grand jury in order to investigate possible criminal disruptions to the 2020 elections in the State of Georgia. As part of our investigation, we plan to request to interview certain former employees of the Executive Office of the President. We have previously attempted to notify the White House Counsel of our intentions via letter and email (a copy of which is attached), but unfortunately I am unaware if our attempts were successful.

As the letter states, we are reaching out to the Office of the White House Counsel in an effort to navigate any *Touhy* regulations applicable to former employees of the EOP. It is our understanding that authorization to interview or, possibly, to subpoena such individuals must come directly from the entity itself, rather than the Department of Justice or another division of the executive branch. If we are correct, then I hope we are able to speak with you further in order to facilitate the authorization process as efficiently as possible. If we are not correct, then I would simply ask to be directed to the appropriate authorizing entity.

In addition to the letter sent by our office last month, I have attached two other documents to this email. The first is the letter from District Attorney Fani T. Willis requesting that a special purpose grand jury be impaneled, and the second is the order approving said request. These documents describe the subject of our investigation further.

Thank you for your time and attention in this matter. If you would like to speak by phone, I can best be reached at [REDACTED] or [REDACTED].

Sincerely,  
Donald Wakeford

F. McDonald Wakeford  
Chief Senior Assistant District Attorney  
Fulton County District Attorney's Office  
[REDACTED]

Message

**From:** Su, Jonathan C. EOP/WHO [REDACTED]  
**Sent:** 5/12/2022 9:35:49 PM  
**To:** Remus, Dana A. EOP/WHO [REDACTED]  
**Subject:** FW: Fulton County Special Purpose Grand Jury Investigation - Atlanta, Georgia  
**Attachments:** Interview request letter 4.8.22 - EOP.pdf; 2022-EX-000017 SPGJ Request.pdf; 2022-EX-000024 Order Approving SPGJ.pdf

Hi Dana: As previewed, this is the correspondence from the Fulton County District Attorney seeking to interview, among other people, the former Vice President. Our thought is to first pass along the information to OLC for preliminary analysis, and then do a short intro call with the Fulton County authorities to see what they're thinking. Let me know what you think – thanks.

Jonathan

---

**From:** Wakeford, FMcDonald [REDACTED]@fultoncountyga.gov>  
**Sent:** Thursday, May 12, 2022 5:01 PM  
**To:** Su, Jonathan C. EOP/WHO [REDACTED]>  
**Cc:** Wooten, Will [REDACTED]@fultoncountyga.gov>; Ney, Adam [REDACTED]@fultoncountyga.gov>; nathan@thewbcfirm.com; Hill-DA, Michael <[REDACTED]@fultoncountyga.gov>  
**Subject:** Fulton County Special Purpose Grand Jury Investigation - Atlanta, Georgia

Good afternoon, Mr. Su,

My name is Donald Wakeford, and I am an Assistant District Attorney with the Fulton County District Attorney's Office in Atlanta, Georgia. I write to you in order to establish contact with the Office of the White House Counsel as part of an ongoing investigation here in Atlanta.

We have recently impaneled a special purpose grand jury in order to investigate possible criminal disruptions to the 2020 elections in the State of Georgia. As part of our investigation, we plan to request to interview certain former employees of the Executive Office of the President. We have previously attempted to notify the White House Counsel of our intentions via letter and email (a copy of which is attached), but unfortunately I am unaware if our attempts were successful.

As the letter states, we are reaching out to the Office of the White House Counsel in an effort to navigate any *Touhy* regulations applicable to former employees of the EOP. It is our understanding that authorization to interview or, possibly, to subpoena such individuals must come directly from the entity itself, rather than the Department of Justice or another division of the executive branch. If we are correct, then I hope we are able to speak with you further in order to facilitate the authorization process as efficiently as possible. If we are not correct, then I would simply ask to be directed to the appropriate authorizing entity.

In addition to the letter sent by our office last month, I have attached two other documents to this email. The first is the letter from District Attorney Fani T. Willis requesting that a special purpose grand jury be impaneled, and the second is the order approving said request. These documents describe the subject of our investigation further.

Thank you for your time and attention in this matter. If you would like to speak by phone, I can best be reached at [REDACTED] or [REDACTED].

Sincerely,  
Donald Wakeford

F. McDonald Wakeford  
Chief Senior Assistant District Attorney



OFFICE OF THE FULTON COUNTY DISTRICT ATTORNEY  
ATLANTA JUDICIAL CIRCUIT  
136 PRYOR STREET SW, 3RD FLOOR  
ATLANTA, GEORGIA 30303

*Fani T. Willis*  
District Attorney

TELEPHONE 404-612-4639

April 8, 2022

Dana A. Remus  
Counsel to the President  
White House Counsel's Office  
1600 Pennsylvania Avenue NW  
Washington, DC 20500  
[REDACTED]

Via Electronic and U.S. Postal Mail

**Re: Request for Interviews in Advance of Upcoming Fulton County Special Purpose Grand Jury**

Dear Ms. Remus,

The Fulton County District Attorney's Office is investigating matters concerning possible criminal disruptions to the lawful administration of the 2020 general elections in the state of Georgia. As it relates to this investigation, our office plans to request interviews with the following individuals, each a former employee of the Executive Office of the President:

- former White House Chief of Staff Mark Meadows;
- former Director of the Office of Trade and Manufacturing Peter K. Navarro;
- former White House Counsel Pasquale A. Cipollone;
- former Senior Advisor to the President Eric Herschmann;
- former Vice President Michael R. Pence;
- former Chief of Staff to the Vice President Marc Short;
- and former Counsel to the Vice President Greg Jacob.

While any resulting interviews with the above individuals at this stage would be entirely voluntary, we wish to ensure that we comply with applicable *Touhy* regulations in order to prevent any unnecessary delay. Under 3 C.F.R. § 101.1, "[r]equests for information" from entities within the Executive Office of the President "should be submitted directly to such entity." It is our understanding that, as White House Counsel, you are the appropriate recipient of our Office's request.

Any interviews would involve information relating to the subject of our office's investigation as described in the attached Request for a Special Purpose Grand Jury and Impaneling Order. We understand that, even within authorized areas of inquiry, the authorization would be limited by considerations of privilege, statutory limitations, and the integrity of ongoing criminal investigations.

We appreciate your cooperation and are available to discuss these matters further. Please do not hesitate to contact me directly at [REDACTED] or [REDACTED].

Sincerely,

F. McDonald Wakeford  
Assistant District Attorney  
Fulton County District Attorney's Office  
[REDACTED]@fultoncountyga.gov

Encl: Letter Requesting Special Purpose Grand Jury  
Order Approving Request for Special Purpose Grand Jury

Message

**From:** Cicconi, Martine E. EOP/WHO [REDACTED]  
**Sent:** 9/13/2022 6:59:02 PM  
**To:** Wakeford, FMcDonald [REDACTED]@fultoncountyga.gov]  
**CC:** Sauber, Richard A. EOP/WHO [REDACTED]; Wooten, Will [REDACTED]@fultoncountyga.gov]  
**Subject:** Letter  
**Attachments:** Sauber letter 9.13.pdf

Donald,

Please see attached.

Thank you,

Martine

Martine Cicconi  
Special Assistant to the President and Senior Counsel  
[REDACTED]

---

**From:** Wakeford, FMcDonald <[REDACTED]@fultoncountyga.gov>  
**Sent:** Monday, August 8, 2022 1:42 PM  
**To:** Cicconi, Martine E. EOP/WHO <[REDACTED]>  
**Cc:** Wooten, Will <[REDACTED]@fultoncountyga.gov>; Sauber, Richard A. EOP/WHO <[REDACTED]>  
**Subject:** RE: Possible Touhy application

Martine,  
Received. Thank you very much for the response.  
Sincerely,  
Donald

F. McDonald Wakeford  
Chief Senior Assistant District Attorney  
Fulton County District Attorney's Office  
[REDACTED]



CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

---

**From:** Cicconi, Martine E. EOP/WHO <[REDACTED]>  
**Sent:** Monday, August 8, 2022 1:31 PM  
**To:** Wakeford, FMcDonald [REDACTED]@fultoncountyga.gov>  
**Cc:** Wooten, Will <[REDACTED]@fultoncountyga.gov>; Sauber, Richard A. EOP/WHO <[REDACTED]>  
**Subject:** RE: Possible Touhy application

Donald,

Please see attached.

Thank you,

Martine

Martine Cicconi  
Special Assistant to the President and Senior Counsel  
[REDACTED]

-----Original Message-----

From: Wakeford, FMcDonald [REDACTED]@fultoncountyga.gov>  
Sent: Friday, August 5, 2022 4:57 PM  
To: Cicconi, Martine E. EOP/WHO <[REDACTED]>  
Cc: Wooten, Will <[REDACTED]@fultoncountyga.gov>  
Subject: Possible Touhy application

Good afternoon, Martine,

Our office is in the process of arranging special purpose grand jury testimony from a number of witnesses who are former employees or officials within the Executive Office of the President. We have received inquiries about whether there are applicable Touhy regulations with which our office would need to comply in order to proceed. It is our understanding that there are no additional regulatory steps required in order for us to subpoena former EOP employees for their testimony. However, we certainly do not want to run afoul of any requirements in place. Could you please provide clarification on this issue?

I greatly appreciate your assistance on this issue.

Sincerely,  
Donald Wakeford  
Chief Senior ADA  
Fulton County District Attorney

Sent from my iPhone



THE WHITE HOUSE  
WASHINGTON

September 13, 2022

Donald Wakeford  
Chief Senior Assistant District Attorney  
Fulton County District Attorney  
Via email

Dear Mr. Wakeford:

I understand that certain former Trump Administration officials and senior advisors to the former President have received subpoenas to testify before the special purpose grand jury convened on May 2, 2022, for the purpose of investigating the facts and circumstances relating to attempts to disrupt the lawful administration of the 2020 elections in Georgia, including the election for President of the United States. I further understand from counsel for certain of those individuals that there is a need to clarify President Biden's position regarding executive privilege.

President Biden recognizes the importance of candid advice in the discharge of a President's constitutional responsibilities and believes that, in appropriate cases, executive privilege should be asserted to protect either current or former White House senior staff from having to testify about conversations concerning the President's exercise of his duties. He believes that executive privilege plays a critical role in supporting the separation of powers and federalism principles fundamental to our constitutional system and in supporting his responsibilities to fulfill his duties as the chief executive.

However, the insurrection that took place on January 6, and the extraordinary events surrounding it, reflected the most serious attack on the operations of the Federal Government since the Civil War. These events threatened not only the safety of Congress and others present at the Capitol, but also the principles of democracy enshrined in our history and our Constitution. In light of these unique circumstances, President Biden has determined, as he did with respect to the Congressional investigation of these events, that an assertion of executive privilege is not in the public interest with respect to efforts to thwart the orderly transition of power under our Constitution. This determination covers: events within the White House on or about January 6, 2021; efforts to use the Department of Justice to advance a false narrative that the 2020 election was tainted by widespread fraud; and other similar efforts to alter valid 2020 election results or obstruct the transfer of power. The President believes that the constitutional protections of

executive privilege should not be used to shield information that reflects efforts to subvert the Constitution itself. Such an assertion in these circumstances would be at odds with the principles that underlie the purpose and the foundation of executive privilege.

Consequently, President Biden will not assert executive privilege with respect to the testimony of former Trump Administration officials before the special purpose grand jury in connection with any inquiries related to the subjects in the prior paragraph.

Please contact the undersigned if you have additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Sauber", written in a cursive style.

Richard A. Sauber  
*Special Counsel to the President*

Message

---

**From:** Ney, Adam [REDACTED]@fultoncountyga.gov]  
**Sent:** 9/15/2023 3:36:58 PM  
**To:** Richard.A.Sauber@[REDACTED]  
**Subject:** Executive Privilege  
**Attachments:** Sauber letter 9.13.pdf

Mr. Sauber,

I am e-mailing you concerning a letter that you issued on September 13, 2022. The letter, which is attached here, stated that President Biden would not exert executive privilege with respect to the testimony of former Trump administration officials in connection to efforts to subvert the 2020 election.

At the time of the letter, our investigation was at the stage of a special purpose grand jury. The investigation has since progressed and there is an indictment in *State of Georgia v. Trump, et al.*, Fulton Superior Court Case No. 23SC188947.

In an abundance of caution, we would respectfully request that your office re-issue the September 13, 2022 letter and simply amend the last paragraph that references the special purpose grand jury to more broadly include the case in its current stage.

Please feel free to reach out to me for any further clarification.

I greatly appreciate your assistance on this issue.

Sincerely,  
Adam Ney

Adam S. Ney  
Senior Assistant District Attorney  
Fulton County District Attorney's Office

Message

---

**From:** Sauber, Richard A. EOP/WHO [REDACTED]  
**Sent:** 9/15/2023 8:33:40 PM  
**To:** Ney, Adam [REDACTED]@fultoncountyga.gov]  
**CC:** Sauber, Richard A. EOP/WHO [REDACTED]; MacPherson, Cameron C. EOP/WHO [REDACTED]  
**Subject:** See the attached letter to Mr. Ney  
**Attachments:** 2023.-09-15.Sauber to Ney-FCDA re Testimony with Enclosure.pdf

**Richard Sauber**  
**Special Counsel to the President**  
**Office of the White House Counsel**

[REDACTED]  
[REDACTED]  
**Privileged and Confidential**



THE WHITE HOUSE  
WASHINGTON

September 15, 2023

Adam S. Ney  
Senior Assistant District Attorney  
Fulton County District Attorney's Office  
Via email

Dear Mr. Ney:

This is in response to your September 15, 2023, email to me.

You have asked whether the determination outlined in my September 13, 2022, letter (attached) to Donald Wakeford concerning assertions of executive privilege in the special grand jury apply to the court proceedings growing out of the indictments recently returned and being prosecuted by your office.

In my September 13, 2022, letter, I told your office that President Biden had determined he would not assert executive privilege with respect to testimony by former Trump Administration officials with respect to "efforts to thwart the orderly transition of power under our Constitution." I further indicated that the President's determination would cover events within the White House on or about January 6, 2021; efforts to use the Department of Justice to advance a false narrative that the 2020 election was tainted by widespread fraud; and other similar efforts to alter valid 2020 election results or obstruct the transfer of power.

To the extent that the testimony sought by your office in the current proceedings relates to the subjects delineated in my previous letter and repeated in the preceding paragraph, President Biden will not assert executive privilege with respect to such testimony.

Please contact the undersigned if you have additional questions.

Respectfully,

A handwritten signature in black ink, appearing to read "Richard Sauber".

Richard Sauber  
*Special Counsel to the President*

Enclosure

Message

---

**From:** Martinez, Rachel N. EOP/WHO [REDACTED]  
**Sent:** 9/7/2023 6:45:09 PM  
**To:** Mueller, Beth C. EOP/WHO [REDACTED]  
**Subject:** RE: HJC Letter to Fani Willis

Fani Willis is an ICON – I can't help but to stan

---

**From:** Mueller, Beth C. EOP/WHO <[REDACTED]>  
**Sent:** Thursday, September 7, 2023 2:05 PM  
**To:** DL WHO WH COUNSEL Oversight Letters <[REDACTED]>  
**Subject:** RE: HJC Letter to Fani Willis

For those tracking, Fani Willis sent a response to House Judiciary that is detailed in the following story: <https://thehill.com/regulation/court-battles/4192339-willis-accuses-jordan-of-illegal-intrusion-into-georgia-trump-prosecution-in-scathing-letter/>

**Beth Mueller**

Associate Counsel  
Office of the White House Counsel

---

**From:** Mueller, Beth C. EOP/WHO  
**Sent:** Thursday, August 24, 2023 10:24 AM  
**To:** DL WHO WH COUNSEL Oversight Letters <[REDACTED]>  
**Subject:** HJC Letter to Fani Willis

Flagging that House Judiciary sent a letter to Fulton County District Attorney Fani Willis regarding the Trump indictment: <https://twitter.com/PhilHollowayEsq/status/1694712776969896278?s=20>

**Beth Mueller**

Associate Counsel  
Office of the White House Counsel