

him to do also would violate it.³²¹ “Of course,” as Jacob pointed out, the debate couldn’t have been completed in two hours due to the “intervening riot of several hours.”³²²

Eastman argued that Vice President Pence should “adjourn for 10 days to allow the legislatures to finish their investigations, as well as to allow a full forensic audit of the massive amount of illegal activity that has occurred here.”³²³ Eastman described this—a delay in the certification of the vote and the peaceful transfer of power with no legal or historical precedent or support, based on entirely specious and disproven allegations of election fraud, following on a violent attack on the seat of American democracy—as a “relatively minor violation.”³²⁴

Vice President Pence later described Eastman’s email as “rubber room stuff,” meaning it was certifiably crazy.³²⁵

5.5 AFTERMATH OF THE ATTACK.

Eastman called Herschmann on January 7th to discuss litigation on behalf of the Trump Campaign in Georgia.³²⁶ This gave Herschmann another opportunity to lay into Eastman. “[Are] you out of your F’ing mind?” Herschmann asked. “I only want to hear two words coming out of your mouth from now on: orderly transition.” Herschmann said. After some berating, Eastman repeated after Herschmann: “Orderly transition.” “Now I’m going to give you the best free legal advice you’re ever getting in your life,” Herschmann said. “Get a great F’ing criminal defense lawyer, you’re going to need it.”³²⁷ Days afterward, Eastman sent an email to Giuliani, making a request that tacitly acknowledged just how much trouble he was in: “I’ve decided that I should be on the pardon list, if that is still in the works.”³²⁸

Vice President Pence and his team never bowed to President Trump’s relentless pressure. They began January 6, 2021, with a prayer. The attack on the U.S. Capitol delayed the peaceful transfer of power. The joint session did not end until early in the morning on January 7th.

At 3:50 a.m. that morning, Short texted Vice President Pence a passage from Second Timothy, chapter 4, verse 7: “I fought the good fight. I finished the race. I have kept the faith.”³²⁹

ENDNOTES

1. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 10–11.
2. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 10–11.
3. See, e.g., Ivan E. Raiklin (Former Green Beret Commander) (@Raiklin), Twitter, Dec. 22, 2020, available at <https://web.archive.org/web/2020122232155/https://twitter.com/Raiklin/>

[status/1341520753984942081](https://twitter.com/realDonaldTrump/status/1341520753984942081) (archived) (“America, @VP @Mike_Pence MUST do this, tomorrow!”); Donald J. Trump (@realDonaldTrump), Twitter, Dec. 23, 2020 7:40:30 p.m. ET, available at <https://web.archive.org/web/20201224033528/http://twitter.com/realDonaldTrump> (archived).

4. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 95, (“[T]he Vice President mostly asked a series of questions in that meeting of Mr. Eastman”), 130 (Q: “Did John Eastman ever admit, as far as you know, in front of the President that his proposal would violate the Electoral Count Act?” A: “I believe he did on the 4th.” Q: “Okay. And can you tell us what the President’s reaction was?” A: “A I can’t.”); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000107 (Greg Jacob memo to Vice President Pence, titled “Analysis of Professor Eastman’s Proposals”).
5. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 96 (Eastman acknowledging that the legal basis for his proposed paths was the same and, as recounted by Greg Jacob, “[y]ou couldn’t get there either way unless you . . . set aside a number of the positions of the Electoral Count Act”).
6. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 26–27 (“But just to pick up on that, Mr. Short, was it your impression that the Vice President had directly conveyed his position on these issues to the President, not just to the world through a Dear Colleague Letter, but directly to President Trump?” A: “Many times.” Q: “And had been consistent in conveying his position to the President?” A: “Very consistent.”).
7. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 18–20.
8. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (U.S. Secret Service Production), CTRL0000092958 (January 6, 2021, message at 10:39 a.m. ET).
9. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (US Secret Service Production), CTRL0000092978 (January 6, 2021, message at 10:43 a.m. ET).
10. “Transcript of Trump’s Speech at Rally Before US Capitol Riot,” *Associated Press*, (Jan. 13, 2021), available at <https://apnews.com/article/election-2020-joe-biden-donald-trump-capitol-siege-media-e79eb5164613d6718e9f4502eb471f27>.
11. “Transcript of Trump’s Speech at Rally Before US Capitol Riot,” *Associated Press*, (Jan. 13, 2021), available at <https://apnews.com/article/election-2020-joe-biden-donald-trump-capitol-siege-media-e79eb5164613d6718e9f4502eb471f27>.
12. “Transcript of Trump’s Speech at Rally Before US Capitol Riot,” *Associated Press*, (Jan. 13, 2021), available at <https://apnews.com/article/election-2020-joe-biden-donald-trump-capitol-siege-media-e79eb5164613d6718e9f4502eb471f27>.
13. Donald J. Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 2:24 p.m. ET, available at <https://web.archive.org/web/20210106192450/https://twitter.com/realdonaldtrump/status/1346900434540240897> (archived).
14. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>; Rebecca Shabad, “Noose Appears Near Capitol; Protesters Seen Carrying Confederate Flags,” NBC News, (Jan. 6, 2021), available at <https://www.nbcnews.com/politics/congress/live-blog/electoral-college-certification-updates-n1252864/ncrd1253129#blogHeader>.

15. See Quint Forgey, “‘Almost No Idea More Un-American’: Pence Breaks with Trump on Jan. 6,” *Politico*, (June 25, 2021), available at <https://www.politico.com/news/2021/06/25/pence-trump-jan-6-496237>.
16. Statement by Donald J. Trump, 45th President of the United States of America, Jan. 30, 2022, available at <https://web.archive.org/web/20220131171840/https://www.donaldjtrump.com/news/news-8nkdvatd7g1481> (archived) (“If the Vice President (Mike Pence) had ‘absolutely no right’ to change the Presidential Election results in the Senate, despite fraud and many other irregularities, how come the Democrats and RINO Republicans, like Wacky Susan Collins, are desperately trying to pass legislation that will not allow the Vice President to change the results of the election? Actually, what they are saying, is that Mike Pence did have the right to change the outcome, and they now want to take that right away. Unfortunately, he didn’t exercise that power, he could have overturned the Election!”) (emphasis added).
17. Mike Allen, “Exclusive Audio: Trump Defends Threats to ‘Hang’ Pence,” *Axios*, (Nov. 12, 2021), available at <https://www.axios.com/2021/11/12/trump-hang-mike-pence-january-6-audio> (“Jonathan Karl: ‘Were you worried about him during that siege? Were you worried about his safety?’ Trump: ‘No, I thought he was well-rotected, and I had heard that he was in good shape. No. Because I had heard he was in very good shape. But, but, no, I think—’ Karl: ‘Because you heard those chants—that was terrible. I mean—’ Trump: ‘He could have—well, the people were very angry.’ Karl: ‘They were saying ‘hang Mike Pence.’ Trump: ‘Because it’s common sense, Jon. It’s common sense that you’re supposed to protect. How can you—if you know a vote is fraudulent, right?—how can you pass on a fraudulent vote to Congress? How can you do that?’) (emphasis added).
18. Order Re Privilege of Documents Dated January 4-7, 2021 at 44, *Eastman v. Thompson et al.*, 594 F. Supp. 3d 1156, (C.D. Cal. Mar. 28, 2022) (No. 8:22-cv-99-DOC-DFM).
19. Order Re Privilege of Documents Dated January 4-7, 2021 at 36, 40, 44, *Eastman v. Thompson et al.*, 594 F. Supp. 3d 1156, (C.D. Cal. Mar. 28, 2022) (No. 8:22-cv-99-DOC-DFM) (“Based on the evidence, the Court finds that it is more likely than not that President Trump and Eastman dishonestly conspired to obstruct the Joint Session of Congress on January 6, 2021.”).
20. Order Re Privilege of Documents Dated January 4-7, 2021 at 44, *Eastman v. Thompson et al.*, 594 F. Supp. 3d 1156, (C.D. Cal. Mar. 28, 2022) (No. 8:22-cv-99-DOC-DFM).
21. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman004708. This document was ordered to be produced to the Select Committee by Judge Carter over Eastman’s assertion of attorney-client privilege and upon a finding that the crime-fraud exception to the attorney-client privilege applied. Order Re Privilege of Documents Dated January 4-7, 2021 at 41-42, *Eastman v. Thompson et al.*, 594 F. Supp. 3d 1156, (C.D. Cal. Mar. 28, 2022) (No. 8:22-cv-99-DOC-DFM).
22. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman004708.
23. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman004708.
24. Neither Eastman nor Chesebro provided substantive answers in response to the Select Committee’s questions about the development of this strategy. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of John Eastman, (Dec. 9, 2021); Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kenneth Chesebro, (Oct. 25, 2022). It is thus difficult to determine who first suggested this concept. Evidence obtained by the Select Committee suggests that key players like Eastman, Giuliani, and Epshteyn were starting to discuss the Vice President’s role at the joint session in late November or early December. See, e.g., Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Cassidy Hutchinson, (Feb. 23, 2022), pp. 71-73 (discussing conversations

involving Mark Meadows, Rudolph Giuliani’s legal team, and Members of Congress in late November or early December); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman023534 (December 5, 2020 email from John Eastman remarking that “folks at the top of the chain of command on this . . . are now aware of the issues”). See also Michael Wolff, *Landslide: The Final Days of the Trump Presidency* (New York: Henry Holt and Company, 2021), p. 135 (describing post-Thanksgiving outreach from Boris Epshteyn to the White House regarding the Vice President theory).

25. Order Re Privilege of Documents Dated January 4-7, 2021 at 41-42, *Eastman v. Thompson et al.*, 594 F. Supp. 3d 1156, (C.D. Cal. Mar. 28, 2022) (No. 8:22-cv-99-DOC-DFM) (“Because the memo likely furthered the crimes of obstruction of an official proceeding and conspiracy to defraud the United States, it is subject to the crime-fraud exception and the Court ORDERS it to be disclosed.”).
26. The Select Committee’s investigation found that Eastman was communicating about the joint session with Kenneth Chesebro in December 2020. See e.g., Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman053460, Chapman053475 (December 23, 2020, emails between John Eastman, Kenneth Chesebro, and Boris Epshteyn regarding procedural proposals for joint session).
27. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman052976. This memo was originally obtained by the *Washington Post*’s Bob Woodward and Robert Costa and subsequently published by CNN. “READ: Trump Lawyer’s Memo on Six-Step Plan for Pence to Overturn the Election,” CNN, (Sept. 21, 2021), available at <https://www.cnn.com/2021/09/21/politics/read-eastman-memo/index.html>.
28. Under the Constitution, if no candidate receives a majority of electoral college votes, this triggers a process where the House of Representatives decides the president. When that happens, each State gets one vote for President, chosen by the Representatives from that state. The candidate who receives a majority of the 50 State votes becomes the president. At the time, there were more Republicans than Democrats in 26 of the 50 State House delegations, leading Eastman to predict that “President Trump [would be] re-elected” under that scenario. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman052976.
29. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman052976. Note that Eastman has acknowledged the authenticity of a publicly disclosed version of this document, describing it as “a preliminary, incomplete draft” of “the legal memo [he] wrote in January.” John C. Eastman, “Trying to Prevent Illegal Conduct from Deciding an Election Is Not Endorsing a ‘Coup,’” *American Greatness*, (Sept. 30, 2021), available at <https://amgreatness.com/2021/09/30/trying-to-prevent-illegal-conduct-from-deciding-an-election-is-not-endorsing-a-coup/> (linking to two-page document titled “PRIVILEGED AND CONFIDENTIAL, January 6 scenario, available at <http://cdn.cnn.com/cnn/2021/images/09/20/eastman.memo.pdf>).
30. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman053561 (December 23, 2020, email from John Eastman to Molly Michael).
31. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (Verizon Production, July 11, 2022) (Dec. 23, 2020 cellular data records from John Eastman). The morning that Eastman began preparing the memo, he received a call from Boris Epshteyn at 8:58 am. Eleven minutes later, Eastman called Chesebro, and the two spoke for over 41 minutes. Eastman continued to trade calls with Epshteyn and Chesebro throughout the day. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (Verizon Production, July 11, 2022) (December 23, 2020, phone records for John Eastman)

32. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman052976, p. 2 (Memo regarding January 6 scenario).
33. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman003226.
34. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman003228. Note that this letter refers to, and purports to supplement, the recommendations of what Eastman described in his correspondence with Mr. Colbert as “a major war game simulation” that he claimed—on October 24, 2020—was “already before the President and his team.” Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman031983. The war game exercise in which Eastman participated is reflected in a report issued by the Claremont Institute and the Texas Public Policy Foundation. “79 Days Report”, (Oct. 20, 2020), available at <https://www.texaspolicy.com/79-days-to-inauguration-taskforce-report/>.
35. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman003228 (emphasis added).
36. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman031983.
37. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman023534.
38. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman031983.
39. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman052976 (memo regarding January 6 scenarios).
40. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman052976 (memo regarding January 6 scenarios).
41. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman052966 (December 23, 2020, email from Kenneth Chesebro).
42. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman052976 (memo regarding January 6 scenarios).
43. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman052976 (memo regarding January 6 scenarios).
44. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman052976 (memo regarding January 6).
45. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 26; *see also id.*, at 36-377 (stating that he did not understand Eastman’s statement to be suggesting that violence would be justified to keep President Trump in office).
46. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 28.
47. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), pp. 26, 28-29.
48. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 29.

49. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 29.
50. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 29.
51. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jason Miller, (Feb. 3, 2022), p. 157.
52. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jason Miller, (Feb. 3, 2022), pp. 142, 152.
53. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 079P-R0000731. Neither this memo, nor a December 8, 2020, memo that followed, reflects the full advice that Greg Jacob ultimately gave to the Vice President regarding the joint session. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 10–11, 32. The OVP Legal Staff memo, dated October 26, 2020, is titled “The Unconstitutionality of the Electoral Count Act.” This memo adopts certain legal academics’ criticism of the Electoral Count Act and introduces several concepts that would later be cited by proponents of the theory of an expansive view of the Vice President’s power. Greg Jacob’s legal memo to the Vice President, dated December 8, 2020, notes that the Electoral Count Act prescribes the process for counting electoral votes “to the extent it is constitutional” and seems to allow for the possibility of the Vice President “assert[ing] a constitutional privilege.” Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 079P-R0000785. Through his extensive research and analysis, Greg Jacob’s understanding developed both as to the legal and historical precedent for the joint session and ultimately led him to the unavoidable conclusions that, one, the Electoral Count Act governed the joint session and, two, its procedures had never been deviated from since it was passed.
54. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob Deposition, (Feb. 1, 2022), pp. 11–13, 25–26 (noting that Marc Short didn’t “name names” of the people he was concerned would encourage the President to prematurely declare victory).
55. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 079VP-R000011579_0001, 079VP-R000011579_0002 (November 3, 2020, Greg Jacob memo to Marc Short, titled “Electoral Vote Count”). The Election Day memo identifies the 12th Amendment and the Electoral Count Act as the relevant legal framework, but leaves open “whether it is the Vice President, or Congress, that has ultimate constitutional authority to decide electoral vote disputes.” It also represents an incomplete understanding of the factual precedents, describing then-Vice President Nixon’s conduct in January 1961 as “single-handedly resolv[ing] a dispute over competing slates of electors that were submitted by the State of Hawaii.” (In fact, after additional research Jacob concluded the opposite was true.) As addressed elsewhere in this chapter, this memo does not reflect Greg Jacob’s full legal analysis or ultimate advice, nor the Vice President’s conclusion, about the authority of the Vice President at the joint session.
56. Daniel Villarreal, “Lincoln Project Ad Tells Trump That Pence ‘Will Put the Nail in Your Political Coffin,’” *Newsweek*, (Dec. 8, 2020), available at <https://www.newsweek.com/lincoln-project-ad-tells-trump-that-pence-will-put-nail-your-political-coffin-1553331>.
57. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 13; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (Jun. 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 135–36 (noting the ad buy was limited to “D.C. and Palm Beach”).

58. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 079P-R0000785_0001, 079P-R0000785_0002, 079P-R0000785_0003, 079P-R0000785_0004 (December 8, 2020, Greg Jacob memo to Vice President Pence, titled “January 6 Process for Electoral Vote Count”); see also, Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 32. This December 8, 2020, memo reflects Jacob’s more detailed understanding of the mechanics of “modern practice” under the Electoral Count Act, including the process by which the House and Senate separate to debate a member of the House’s objection if it is signed by a Senator, but not the full analysis of the precedent that Jacob would ultimately do before January 6, 2021.
59. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 102.
60. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 33, 102.
61. U.S. Const. art. II, § 1, cl 3; U.S. Const., Amend. XII.
62. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
63. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 14–16.
64. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 14–16.
65. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>. In testimony given at a Select Committee hearing, Judge Luttig disagreed with Jacob’s characterization of the sentence carried through from the Constitution to the 12th Amendment, describing it instead as “pristine[ly] clear,” but the witnesses were in agreement that there was “no basis in the Constitution or laws of the United States at all for the theory espoused by Mr. Eastman.” *Id.*; see Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>. (“I am in complete agreement with Judge Luttig; it is unambiguous that the Vice President does not have the authority to reject electors.”). Note that Vice President Pence apparently agreed with Jacob regarding the clarity of the Constitutional language, as Jacob testified that he joked, “I can’t wait to go to heaven and meet the Framers and tell them, ‘The work that you did in putting together our Constitution is a work of genius. Thank you. It was divinely inspired. There is one sentence that I would like to talk to you a little bit about.’” *Id.*
66. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
67. Complaint, *Gohmert et al. v. Pence*, 510 F. Supp. 3d 435, (No. 6:20-cv-0660), (E.D. Tex. Dec. 27, 2020), ECF No. 1.
68. Mike Pence, *So Help Me God* (New York: Simon & Schuster, 2022), p. 443.
69. Complaint, *Gohmert et al. v. Pence*, 510 F. Supp. 3d 435, (No. 6:20-cv-0660), (E.D. Tex. Dec. 27, 2020), ECF No. 1.
70. Complaint, *Gohmert et al. v. Pence*, 510 F. Supp. 3d 435, (No. 6:20-cv-0660), (E.D. Tex. Dec. 27, 2020), ECF No. 1.
71. Complaint, *Gohmert et al. v. Pence*, 510 F. Supp. 3d 435, (No. 6:20-cv-0660), (E.D. Tex. Dec. 27, 2020), ECF No. 1.

72. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman055337 (December 22, 2020, John Eastman email to William Olson, Larry Joseph, Mark Martin, Kurt Olson, Kris Kobach, Phillip Jauregui, Pat McSweeney, and Don Brown, titled "Re: Draft Complaint").
73. Order Re Privilege of Documents Dated January 4-7, 2021 at 6, *Eastman v. Thompson et al.*, 594 F. Supp. 3d 1156 (C.D. Cal. 2022) (No. 8:22-cv-99-DOC-DFM).
74. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman055337 (December 22, 2020, William Olson email to Larry Joseph, Mark Martin, Kurt Olson, Kris Kobach, John Eastman, Phillip Jauregui, Pat McSweeney, and Don Brown, titled "Re: Draft Complaint").
75. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Russell "Rusty" Bowers, (June 19, 2022), pp. 42-45; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman003584, (January 4, 2021, emails between John Eastman and Andrew Pappas, coordinating the call between Eastman and Speaker Bowers). Eastman also asked Speaker Bowers to sign a letter drafted by Arizona Rep. Mark Finchem directed to Vice President Pence asking him not to certify the election on January 6th; Bowers refused. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Russell "Rusty" Bowers, (June 19, 2022), at p. 45-46.
76. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Russell "Rusty" Bowers, (June 19, 2022), at p. 46. Speaker Bowers had already addressed publicly both the pressure he was receiving to overturn the result of the election as well as his firm belief that doing so would violate his oath of office. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Rusty Bowers Production), CTRL0000062389 (Nov. 18, 2020, Dear Colleague letter with attached "Post-Election Frequently Asked Questions"), Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Rusty Bowers Production), CTRL0000071098_00069 (December 4, 2020, Press Release titled "Speaker Bowers Addresses Calls for the Legislature to Overturn 2020 Certified Election Results).
77. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Russell "Rusty" Bowers, (June 19, 2022), at p. 46. Speaker Bowers also received a call on the morning of January 6th from Representative Andy Biggs in which Rep. Biggs asked Speaker Bowers to sign a letter being sent by other Arizona legislators and/or to support decertification of Arizona's electors; Speaker Bowers again refused. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 21, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
78. *Gohmert et al. v. Pence*, 510 F. Supp. 3d 435, 443 (E.D. Tx. 2021).
79. *Gohmert et al. v. Pence*, 141 S. Ct. 972 (2021).
80. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of John McEntee, (Mar. 28, 2022), pp. 132-34.
81. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (John McEntee Production), McEntee0001 (document titled "JEFFERSON USED HIS POSITION AS VP TO WIN").
82. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000236-000238 (John McEntee note and drafted analysis, titled "PENCE CAN LET THE STATES DECIDE"). Note that the Select Committee received both documents from the National Archives in a format consistent with the documents having been torn apart and taped back together.
83. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000236-237 (John McEntee note and drafted analysis, titled "PENCE CAN LET THE STATES DECIDE").

84. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000237; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of John McEntee, (Mar. 28, 2022), p. 147.
85. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of John McEntee, (Mar. 28, 2022), pp. 147-48.
86. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Short production), J6C-TSM-0001, J6C-TSM-0002. Note that the file name of the document (“MEMO_POTUS_January6VPAAction.pdf”) is visible in an email in which Marc Short forwards to Greg Jacob the memo received from Mark Meadows. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000033, VP-R0000034.
87. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000034.
88. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Jenna Ellis Production), J.007206Ellis.
89. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Jenna Ellis Production), J.007472Ellis.
90. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Jenna Ellis Production), CTRL0000916457_00002, (January 5, 2021, memo from Jenna Ellis to Jay Sekulow). This document was published by *Politico* on December 10, 2021. Betsy Woodruff Swan and Kyle Cheney, “Trump Campaign Lawyer Authored 2 Memos Claiming Pence Could Halt Biden’s Victory,” *Politico*, (Dec. 10, 2021), available at <https://www.politico.com/news/2021/12/10/trump-lawyer-pence-biden-524088>. In response to a Select Committee subpoena, Ellis produced a privilege log reflecting several communications from Ellis to Sekulow on January 5 and 6, 2021, each of which was described as “[e]mail discussion of internal legal strategy for possible pending litigation.”
91. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Jenna Ellis Production), CTRL0000916457_00002 (January 5, 2021, memo from Ellis to Jay Sekulow).
92. Politico (@politico), Twitter, Jan. 5, 2021 2:31 p.m. ET, available at <https://twitter.com/politico/status/1346539955724681221> (“‘I actually don’t think that’s what the Constitution has in mind,’ Jay Sekulow, the chief counsel of the American Center for Law & Justice, says about the possibility of Pence rejecting the Electoral College results”).
93. Politico (@politico), Twitter, Jan. 5, 2021 2:31 p.m. ET, available at <https://twitter.com/politico/status/1346539955724681221>.
94. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 208.
95. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 208.
96. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 68; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed of Matt Morgan, (Apr. 25, 2022), pp. 19, 113. Matt Morgan was at the time a lawyer with Elections, LLC serving as General Counsel of the Trump Campaign and also acting as counsel to Vice President Pence’s leadership PAC.
97. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Matthew Morgan, (Apr. 25, 2022), pp. 117, 125 (“I had no question about what he was going to do on January 6th.”).

98. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 68. *See also* Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Chris Hodgson, (Mar. 30, 2022), p. 179 (stating that the reasons why Vice President Pence wanted to issue a public statement included the public discourse, letters from State legislators, and reporting about communications between the President and Vice President).
99. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Matthew Morgan, (Apr. 25, 2022), pp. 114, 116.
100. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 166-68 (“I’m not aware of any evidence that the campaign had, and I’m not aware of any evidence the campaign shared with our office that would have again provided specific evidence of theft or fraud that would have had a material change in any of the States.”).
101. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Matt Morgan, (Apr. 25, 2022), pp. 99–00; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 36-37.
102. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 079P-R0000745; *see also* Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 38. Following the meeting on January 2, 2021, Greg Jacob shared the following memo with Matt Morgan. *See* Documents on file with the Select Committee to Investigate the January 6th Attack, (Matt Morgan Production), AGSC16-000103.
103. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 61-62.
104. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Matt Morgan Production), AGSC16-000066; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Matt Morgan, (Apr. 25, 2022), p. 74 (“My view, for an electoral count vote to count, you need a certificate of ascertainment and then the vote of the elector itself, that the vote of an elector without a certificate of ascertainment would not be validly submitted.”).
105. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 079P-R0000698; *see also* Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chris Hodgson Production), 00131; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Chris Hodgson, (Mar. 30, 2022), p. 128 (stating that as of the date of this memo, January 2, 2021, “there were no open questions at that point that I’m aware of.”).
106. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 52.
107. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 68-69. Jacob shared a draft version of the statement with Matt Morgan. *See* Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Matt Morgan, (Apr. 25, 2022), pp. 119-120. This draft version clearly set forth Vice President Pence’s position, “I Preside, Congress Decides.” The draft statement read: I cannot believe that the Framers, who above all else feared the concentrated power of a Caesar, intended to appoint a single individual, often directly interested in the outcome, to unilaterally determine the validity of electoral votes. In the wrong hands, such a power would be the undoing of the Republic.” Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Matt Morgan Production), AGSC16-000149.

108. Philip Rucker, Josh Dawsey, “Growing Number of Trump Loyalists in the Senate Vow to Challenge Biden’s Victory,” *Washington Post*, (Jan. 2, 2021), available at https://www.washingtonpost.com/politics/senators-challenge-election/2021/01/02/81a4e5c4-4c7d-11eb-a9d9-1e3ec4a928b9_story.html.
109. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 166–68.
110. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 165-66.
111. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Select Committee Transcription), CTRL0000082311, p. 7 (January 2, 2021, Steve Bannon War Room Transcript).
112. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Select Committee Transcription), CTRL0000082311, p. 3 (January 2, 2021, Steve Bannon War Room Transcript).
113. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Select Committee Transcription), CTRL0000082311, p. 6 (January 2, 2021, Steve Bannon War Room Transcript).
114. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Select Committee Transcription), CTRL0000082311, p. 7 (January 2, 2021, Steve Bannon War Room Transcript).
115. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Select Committee Transcription), CTRL0000082311, p. 7 (January 2, 2021, Steve Bannon War Room Transcript).
116. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Select Committee Transcription), CTRL0000082311, p. 7 (January 2, 2021, Steve Bannon War Room Transcript).
117. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Select Committee Transcription), CTRL0000082311, p. 8 (January 2, 2021, Steve Bannon War Room Transcript).
118. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Select Committee Transcription), CTRL0000082311, p. 7 (January 2, 2021, Steve Bannon War Room Transcript).
119. Andrew Kaczynski, Em Steck, “Trump Lawyer John Eastman Said ‘Courage and the Spine’ Would Help Pence Send Election to the House in Comments before January 6,” CNN, (Oct. 30, 2021), available at <https://www.cnn.com/2021/10/30/politics/kfile-john-eastman-said-pence-could-throw-election-to-house/index.html>.
120. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Public Source), CTRL0000923171 (January 3, 2021, 6-page Eastman memo). Note that Eastman publicly disclosed this document, describing it as “the final version of [his] memo” and embedding it with a filename “Jan 3 Memo on Jan 6 Scenario.” John C. Eastman, “Trying to Prevent Illegal Conduct From Deciding an Election Is Not Endorsing a ‘Coup,’” *American Greatness*, (Sept. 30, 2021), available at <https://amgreatness.com/2021/09/30/trying-to-prevent-illegal-conduct-from-deciding-an-election-is-not-endorsing-a-coup/>. Eastman has also tried to rewrite history with regard to this memo, arguing that it noted that Congress has the power to make the final determination regarding electoral votes, even though the memo concludes, “[t]he fact is that the Constitution assigns this power to the Vice President as the ultimate arbiter. We should take all of our actions with that in mind.” See John McCormack, “John Eastman vs. the Eastman Memo,” *National Review*, (Oct. 22, 2021), available at <https://www.nationalreview.com/2021/10/john-eastman-vs-the-eastman-memo> (emphasis added).

121. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Public Source) CTRL0000923171, pp. 4-5 (January 3, 2021, 6-page Eastman memo).
122. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Public Source) CTRL0000923171, (January 3, 2021, 6-page Eastman memo) (describing the majority of the “TRUMP WINS” scenarios as resulting from the Vice President unilaterally determining “which” electoral slate from a State is valid, after “asserting that the authority to make that determination under the 12th Amendment . . . is his alone (and anything in the Electoral Count Act to the contrary is therefore unconstitutional).”).
123. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Public Source) CTRL0000923171, (January 3, 2021, 6-page Eastman memo) p. 5.
124. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Public Source) CTRL0000923171, (January 3, 2021, 6-page Eastman memo) p. 2; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman052976 (December 23, 2020, 2-page Eastman memo).
125. John C. Eastman, “Constitutional Statesmanship,” *Claremont Review of Books*, (Fall 2021) available at <https://claremontreviewofbooks.com/constitutional-statesmanship/>.
126. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman043035 (December 19, 2020, email from John Eastman to Bruce Colbert, re: Latest draft). It is not clear what relationship or connection existed between John Eastman and Bruce Colbert before the election; documents produced to the Select Committee demonstrate that Eastman and Mr. Colbert exchanged dozens of emails during the time period covered by the Select Committee’s subpoena to Chapman University (November 3, 2020, to January 20, 2021).
127. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (Jun. 16, 2022), available at [<https://www.govinfo.gov/committee/house-january6th>]. (Judge Luttig testifying, “[T]here was no support whatsoever in either the Constitution of the United States nor the laws of the United States for the Vice President, frankly, ever to count alternative electoral slates from the States that had not been officially certified by the designated State official in the Electoral Count Act of 1887.”).
128. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman053475, (December 23, 2020, email from John Eastman to Boris Epshteyn and Kenneth Chesebro, “FW: Draft 2, with edits”); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman053476 (December 23, 2020, 2-page Eastman memo).
129. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman063984 (January 10, 2021, email from John Eastman to Valerie Moon, re: Tell us in layman’s language, what the heck happened with the dual electors? Please?). This email appears to be a response by Eastman to an unsolicited email from a member of the public.
130. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman063984 (January 10, 2021, email from John Eastman to Valerie Moon, re: Tell us in layman’s language, what the heck happened with the dual electors? Please?).
131. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Public Source) CTRL0000923171, p. 5 (January 3, 2021, 6-page Eastman memo).

132. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Public Source), CTRL0000923171, p. 5 (January 3, 2021, 6-page Eastman memo).
133. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Public Source), CTRL0000923171, p. 5 (January 3, 2021, 6-page Eastman memo).
134. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Public Source), CTRL0000923171, p. 5 (January 3, 2021, 6-page Eastman memo).
135. The pressure placed on the Vice President by the President was a “multiweek campaign” that reached a crescendo in the days before January 6th. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 33. The Vice President’s Chief of Staff, Marc Short, saw the separation between the President and the Vice President building for weeks. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 34–35, 216–17.
136. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 191, 204–05; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 82; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
137. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 191, 204–05.
138. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Antony “Pat” Cipollone, (July 8, 2022), pp. 49 (regarding the declaration of martial law), 56 (regarding the appointment of Sidney Powell as special counsel), 58–59, 66 (regarding the seizure of voting machines), 110 (regarding the elevation of Jeff Clark to Acting Attorney General).
139. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Patrick Philbin, (Apr. 13, 2022), p. 5. Philbin told the Select Committee that in the end he decided not to resign out of a sense of obligation: “All of the pilots can’t jump off the plane because there’s still a lot of passengers in the back and we need to land the plane.”
140. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Patrick Philbin, (Apr. 13, 2022).
141. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Antony “Pat” Cipollone, (July 8, 2022), pp. 79 (“My view was that the Vice President didn’t have the legal authority to do anything except what he did.”), 81 (testifying that his views on the role of the Vice President were “extremely aligned” with the Vice President’s staff), 88 (“I thought that the Vice President did not have the authority to do what was being suggested under a proper reading of the law.”); See also Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Patrick Philbin, (Apr. 13, 2022).
142. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Antony “Pat” Cipollone, (July 8, 2022), pp. 85–86.
143. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Antony “Pat” Cipollone, (July 8, 2022), p. 85.
144. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Antony “Pat” Cipollone, (July 8, 2022), p. 94 (testifying that

the privileged interaction that resulted in his exclusion from the meeting took place in the presence of Meadows and Eastman, but before the Vice President, Short, and Jacob arrived).

145. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Antony “Pat” Cipollone, (July 8, 2022), pp. 85–86 (“I did walk to that meeting and I did go into the Oval Office with the idea of attending that meeting, and then I ultimately did not attend the meeting.”).
146. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Antony “Pat” Cipollone, (July 8, 2022), pp. 86, 94. Cipollone refused to describe further why he didn’t attend the meeting— “[t]he reasons for that are privileged”—and would not tell the Select Committee whether he voluntarily decided not to attend or was told not to.
147. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Antony “Pat” Cipollone, (July 8, 2022), pp. 85, 88.
148. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 88–89 (“[A]t the meeting on the 4th, Eastman expressed the view that both paths were legally viable.”).
149. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
150. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 89. *See also* Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 90 (“I think that was threaded throughout, that, again, both were legally viable but that the preferred course would be to send it back to the States.”), 91 (“. . . he [Eastman] thought that the more prudent course was a procedural send it back to the States, rather than reject electors.”), 93 (“On the 4th, I think that he said that both were legally viable options. But I do think that he said that he was not saying that that was the one that the Vice President should do.”).
151. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 89, 91 (“[H]e thought that the more prudent course was a procedural send it back to the states, rather than reject electors”), 96 (“[M]y impression was he was thinking more acceptance [by] the country of the action taken”). *See also* Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearings on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
152. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 96; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
153. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 95, 130 (Q: “Did John Eastman ever admit, as far as you know, in front of the President that his proposal would violate the Electoral Count Act?” A: “I believe he did on the 4th.” Q: “Okay. And can you tell us what the President’s reaction was?” A: “A I can’t.”); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000107 (Greg Jacob writing after the Oval Office meeting on January 4th, “Professor Eastman acknowledges that his proposal violates several provisions of statutory law.”).
154. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 202–03.

155. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000107. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 127.
156. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000107 (“Professor Eastman acknowledges that his proposal violates several provisions of statutory law”); Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 127–28.
157. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000107.
158. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (National Archives Production), VP-R0000107. Jacob notes in his memo that Eastman’s proposal also “contradicted the opinion authored by Republican Supreme Court Justice Joseph Bradley as the decided vote on the Electoral Commission of 1877.” Whereas Eastman wanted the Vice President to refer the manufactured dispute over slates of electors back to the State legislatures, Justice Bradley wrote that the President of the Senate (the Vice President) “is not invested with any authority for making any investigation outside of the joint meeting of the two Houses.”
159. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000107 (“[Professor Eastman] stated that in his view, the imprimatur of approval by a State legislature is important to the legitimacy of counting any slate of electors other than the one initially certified by the State’s executive.”).
160. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000107.
161. When pressed by Eric Herschmann on whether states really wanted to certify an alternate slate, and why they hadn’t taken steps to do so on their own, Eastman had no explanation or response. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), pp. 28–29.
162. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000107 (“Professor Eastman does not recommend that the Vice President assert that he has the authority unilaterally to decide which of the competing slates of electors should be counted”); Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 127.
163. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000107.
164. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000085.
165. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000182, VP-R0000183, VP-R0000180, VP-R0000181; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 102–03 (“[I]n fact, there were no materials, new materials that were actually presented to me by Mr. Eastman . . . I was open to receiving anything that anybody wanted to give me that might bear on that question . . . But I also correctly was of the view that I had already looked at everything and that we knew [] where we stood.”).
166. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 95.
167. “Donald Trump Rally Speech Transcript Dalton, Georgia: Senate Runoff Election,” Rev, (Jan. 4, 2021), available at <https://perma.cc/VAD2-TWVQ> (“Hello, Georgia, by the way. There’s no

way we lost Georgia. There's no way. That was a rigged election, but we're still fighting it and you'll see what's going to happen. We'll talk about it.”).

168. “Donald Trump Rally Speech Transcript Dalton, Georgia: Senate Runoff Election,” Rev. (Jan. 4, 2021), available at <https://perma.cc/VAD2-TWVQ>.
169. “Donald Trump Rally Speech Transcript Dalton, Georgia: Senate Runoff Election,” Rev. (Jan. 4, 2021), available at <https://perma.cc/VAD2-TWVQ>.
170. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 96, 105; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), p. 201; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000182.
171. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short Deposition (Jan. 26, 2022) p. 201; see also, Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob (Feb. 1, 2022) pp. 92, 94, 106; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (Jun. 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
172. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Greg Jacobs Production), CTRL0000070421, p. 1 (Jan. 5, 2021, Greg Jacob handwritten notes).
173. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>; See also Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 92 (“He, again, came into the meeting saying, ‘What I’m here to ask you to do is to reject the electors.’”).
174. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 93–95. Eastman acknowledged to Jacob that the previous day’s discussions had included the “send it back to the states” path, but he reaffirmed that the ask on the morning of January 5th was to reject electors outright. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 105; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th> (“So on the 4th, that had been the path that he had said, ‘I am not recommending that you do that,’ but on the 5th, he came in and expressly requested that.”).
175. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), pp. 24–25.
176. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), pp. 26–27.
177. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 24.
178. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 24.
179. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 107, 117.
180. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 107–08. Jacob debated with Eastman all of the historical examples, concluding that in “the 130 years of practice” the Electoral Count Act had been followed “every single time”; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 109–10.

181. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 108. What Jacob found when he looked into the Nixon example is that first, there were no competing slates of electors from Hawaii. In fact, a Republican slate was originally certified by the outgoing Governor, but after a judicially ordered recount, it was clear that the Democratic candidate had won, and the incoming Governor certified a new slate consistent with the outcome of the election after the recount. Then-Vice President Nixon, when he arrived at Hawaii in the joint session, “mag-nanimously” acknowledged that it was clear that Hawaii’s votes for Kennedy were the cor-rect votes and called for objections (of which there were none). This precedent was therefore an example of the Vice President complying with the Electoral Count Act’s proce-dures regarding objections to electors. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 15-16.
182. Select Committee to Investigate the January 6th Attack on the United States Capitol, Depo-sition of Greg Jacob, (Feb. 1, 2022), p. 110.
183. Select Committee to Investigate the January 6th Attack on the United States Capitol, Depo-sition of Greg Jacob, (Feb. 1, 2022), p. 110 (“[H]e ultimately acknowledged that none of [the Justices] would actually back this position when you took into account the fact that what you have is a mildly ambiguous [constitutional provision], a nonsensical result that has all kinds of terrible policy implications, and uniform historical practice against it”).
184. Select Committee to Investigate the January 6th Attack on the United States Capitol, Depo-sition of Greg Jacob, (Feb. 1, 2022), p. 110.
185. Select Committee to Investigate the January 6th Attack on the United States Capitol, Depo-sition of Greg Jacob, (Feb. 1, 2022), p. 111. Jacob told the Select Committee he did not know to whom Eastman was referring when he indicated “they” would be disappointed that Vice President Pence had not been convinced it was appropriate to reject electors.
186. Select Committee to Investigate the January 6th Attack on the United States Capitol, Depo-sition of Marc Short, (Jan. 26, 2022), pp. 95–96, 210–11.
187. J. Michael Luttig (@judgeluttig), Twitter, Jan. 5, 2021 9:53 a.m. ET, *et seq.*, available at <https://twitter.com/judgeluttig/status/1346469787329646592> (“The only responsibility and power of the Vice President under the Constitution is to faithfully count the electoral col-lege votes as they have been cast.”).
188. Select Committee to Investigate the January 6th Attack on the United States Capitol, Depo-sition of Marc Short, (Jan. 26, 2022), pp. 151-52.
189. Select Committee to Investigate the January 6th Attack on the United States Capitol, Depo-sition of Marc Short, (Jan. 26, 2022), pp. 151-52.
190. Select Committee to Investigate the January 6th Attack on the United States Capitol, Depo-sition of Marc Short, (Jan. 26, 2022), pp. 152, 209; see also Tom Hamburger, Josh Dawsey, and Jacqueline Alemany, “Jan. 6 Panel Grapples with How to Secure Testimony from Law-makers, Pence,” *Washington Post*, (Jan. 15, 2022), available at <https://www.washingtonpost.com/politics/2022/01/15/jan-6-subpoenas-committee> (“‘I did not notice any hesitation on his part,’ Quayle said of his conversation with Pence. ‘I inter-preted his questions as looking for confirmation that what he was going to do was right and that he had no flexibility. That’s the way I read it. Given the pressure he was under, I thought it was perfectly normal, very smart on his part to call me.’”).
191. Select Committee to Investigate the January 6th Attack on the United States Capitol, Depo-sition of Greg Jacob, (Feb. 1, 2022), p. 157.
192. Select Committee to Investigate the January 6th Attack on the United States Capitol, Depo-sition of Greg Jacob, (Feb. 1, 2022), p. 158; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 215-17.
193. Select Committee to Investigate the January 6th Attack on the United States Capitol, Depo-sition of Greg Jacob, (Feb. 1, 2022), pp. 157-58.

194. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), p. 215.
195. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), p. 216.
196. Bob Woodward and Robert Costa, *Peril*, (New York: Simon & Schuster, 2021), p. 229; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 215-16.
197. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 160.
198. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 220-22; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 116, 120. Note that Marc Short recalled that it was this afternoon phone call that led to the in-person meeting between Eastman and Jacob, however, documents received by the Select Committee and Jacob's more detailed recollection of his interactions with Eastman establishes that the in-person meeting occurred in the morning of January 5, 2021.
199. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>. (describing the message on this phone call between the Vice President and President Trump with Eastman's participation as, "Well, we hear you loud and clear, you are not going to reject. But remember last night, I said that there was this more prudent course where you could just send it back to the States? Would you be willing to do that[?]?"); see also Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 96-97, 120.
200. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 121.
201. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 121-22 (describing calls from Eastman and at least one other lawyer (likely either Kurt Olsen or Bill Olson)).
202. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 122-23.
203. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 123 (recounting Eastman's argument that election fraud was resulting in the Constitution being "shredded across all these different states" and comparing it to the Civil War).
204. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 122-24.
205. Maggie Haberman and Annie Karni, "Pence Said to Have Told Trump He Lacks Power to Change Election Result," *New York Times*, (Jan. 5, 2021), available at <https://web.archive.org/web/20210106003845/https://www.nytimes.com/2021/01/05/us/politics/pence-trump-election-results.html>. The same *Times* reporters had also published on January 4th an article again accurately reporting that President Trump "had directly pressed Mr. Pence to find an alternative to certifying Mr. Biden's win." Annie Karni and Maggie Haberman, "Pence's Choice: Side with the Constitution or His Boss," *New York Times*, (Jan. 4, 2021), available at <https://www.nytimes.com/2021/01/04/us/politics/pence-trump.html>.
206. Maggie Haberman and Annie Karni, "Pence Said to Have Told Trump He Lacks Power to Change Election Result," *New York Times*, (Jan. 5, 2021), available at <https://www.nytimes.com/2021/01/05/us/politics/pence-trump-election-results.html>.
207. Maggie Haberman and Anne Karni, "Pence Said to Have Told Trump He Lacks Power to Change Election Result," *New York Times*, (Jan. 5, 2021), available at <https://>

web.archive.org/web/20210106003845/https://www.nytimes.com/2021/01/05/us/politics/pence-trump-election-results.html (archived version showing original publication date of Jan. 5, 2021, at 7:36 p.m. ET).

208. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jason Miller, (Feb. 3, 2022), pp. 169-70.
209. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R000007439, (CTRL0000082597) (January 5, 2021, White House Presidential call log).
210. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R000007439, (CTRL0000082597) (January 5, 2021, White House Presidential call log).
211. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R000007439, (CTRL0000082597) (January 5, 2021, White House Presidential call log).
212. Meredith Lee (@meredithlee), Twitter, Jan. 5, 2021, 9:58 p.m. ET, available at <https://twitter.com/meredithlee/status/1346652403605647367?lang=en> (emphasis added); Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jason Miller, (Feb. 3, 2022), p. 175 (“[T]ypically on these, I might have a couple of wording suggestions . . . ultimately the way this came out was the way he wanted [it] to.”); see *id* at 174-76.
213. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), p. 224; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Chris Hodgson, (Mar. 30, 2022), pp. 184-85.
214. Meredith Lee (@meredithlee), Twitter, Jan. 5, 2021, 9:58 p.m. ET, available at <https://twitter.com/meredithlee/status/1346652403605647367?lang=en>.
215. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 161 (“[W]hoever drafted the statement it was not accurate.”).
216. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 161.
217. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), p. 224; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 163.
218. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), p. 223.
219. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), p. 223.
220. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), CTRL0000082597, (reflecting calls with Mr. Stephen Bannon on Jan. 5, 2021, from 8:57 a.m. to 9:08 a.m. and from 9:46 p.m. to 9:52 p.m.).
221. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Select Committee Transcription), CTRL0000082317 (Jan. 5, 2021, Steve Bannon War Room Transcript) (Bannon: “All hell is going to break loose tomorrow. Just understand this: All hell is going to break loose tomorrow. It’s going to be quick . . . It’s the fog of war.” Bannon discussed putting Sen. Grassley’s number on the screen, and suggested they encourage users at TheDonald.win to contact the Senator. (At the time, users at TheDonald.win were openly planning for violence and to surround the U.S. Capitol on

- January 6. See Chapter 6.) Bannon told his audience. “I’ll tell you this, it’s not going to happen like you think it’s going to happen, Ok? It’s going to be quite extraordinarily different. And all I can say is strap in.”).
222. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Select Committee Transcription) CTRL0000082317, (Jan. 5, 2021) (Steve Bannon War Room Transcript).
 223. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Select Committee Transcription) CTRL0000082317, (Jan. 5, 2021) (Steve Bannon War Room Transcript).
 224. Peter Navarro, *In Trump Time: A Journal of America’s Plague Year* (St. Petersburg, FL: All Seasons Press, 2021), p. 252.
 225. Peter Navarro, *In Trump Time: A Journal of America’s Plague Year* (St. Petersburg, FL: All Seasons Press, 2021), p. 263.
 226. Peter Navarro, *In Trump Time: A Journal of America’s Plague Year* (St. Petersburg, FL: All Seasons Press, 2021), p. 271.
 227. Peter Navarro, *In Trump Time: A Journal of America’s Plague Year* (St. Petersburg, FL: All Seasons Press, 2021), p. 252.
 228. Peter Navarro, *In Trump Time: A Journal of America’s Plague Year* (St. Petersburg, FL: All Seasons Press, 2021), p. 263.
 229. See e.g., Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman052976.
 230. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 26-27 (“But just to pick up on that, Mr. Short, was it your impression that the Vice President had directly conveyed his position on these issues to the President, not just to the world through a Dear Colleague Letter, but directly to President Trump?” A: “Many times.” Q: “And had been consistent in conveying his position to the President?” A: “Very consistent.”); see also Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 102 (“[T]hat’s where the Vice President started. That’s where he stayed the entire way.”); Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Chris Hodgson, (Mar. 30, 2022), p. 181 (“I believe that the Vice President was consistent in his understanding of the law and the precedent and his belief as to what his authority was and was not on January 6th.”).
 231. Donald J. Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 1:00 a.m. ET, available at <https://web.archive.org/web/20210106072109/https://twitter.com/realdonaldtrump/status/1346698217304584192> (archived).
 232. Donald J. Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 8:17 a.m. ET, available at <https://web.archive.org/web/20210106131747/https://twitter.com/realdonaldtrump/status/1346808075626426371> (archived).
 233. Donald J. Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 8:22 a.m. ET, available at <https://web.archive.org/web/20210106132244/https://twitter.com/realdonaldtrump/status/1346809349214248962> (archived).
 234. At 9:02 a.m., President Trump instructed the White House operator to call back with the Vice President; the operator instead informed the President at 9:15 a.m. that a message was left for the Vice President. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000261 (Presidential Call Log, White House Switchboard), P-R000255 (Daily Diary).
 235. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000285 (“11:20 –c w/ VPOTUS”); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000255 (“The President talked on

- a phone call to an unidentified person”); see also Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), p. 12 (stating that a military aide interrupted Pence’s meeting with staff to inform the Vice President that the President was holding to speak with him).
236. Present in the Oval Office during the call with the Vice President were Melania Trump, Donald Trump, Jr., Ivanka Trump, Eric Trump, Kimberly Guilfoyle, and Lara Trump, as well as Mark Meadows, Stephen Miller, Eric Herschmann, and Gen. Keith Kellogg. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ivanka Trump, (Apr. 5, 2022), pp. 30-32, 37.
 237. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 47.
 238. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ivanka Trump, (Apr. 5, 2022), p. 39.
 239. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ivanka Trump, (Apr. 5, 2022), p. 41.
 240. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Julie Radford, (May 24, 2022), pp. 17-18.
 241. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Julie Radford, (May 24, 2022), p. 19 (“And the word that she relayed to you that the President called the Vice President—apologize for being impolite—but do you remember what she said her father called him?” “The ‘P’word.”). See also Peter Baker, Maggie Haberman, and Annie Karni, “Pence Reached His Limit with Trump. It Wasn’t Pretty,” *New York Times*, (Jan. 12, 2021), available at <https://www.nytimes.com/2021/01/12/us/politics/mike-pence-trump.html>; Jonathan Karl, *Betrayal: The Final Act of the Trump Show*, (New York: Dutton, 2021), at pp. 273–74 (“[Y]ou said, ‘You can be a patriot or you can be a pussy.’ Did you really say that or is that an incorrect report? ‘I wouldn’t dispute it,’ [President Trump] answered.”).
 242. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Nicholas Luna, (Mar. 21, 2022), p. 127.
 243. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Keith Kellogg, (Dec. 14, 2021), p. 90; see also Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Donald J. Trump, Jr., (May 3, 2022), p. 84 (“I know the line of questioning was about sending it back to the States, but that’s about the extent of my recollection.”).
 244. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Keith Kellogg, (Dec. 14, 2021), p. 91 (“Q: [Y]ou said he told the Vice President that he has the legal authority to reject certain votes. Is that what you said? A: That he had the constitutional authority to do that, yes.”); see also Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann (Apr. 6, 2022), p. 48 (describing it as “a general discussion about the legal and constitutional authority of the VP”).
 245. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Keith Kellogg, (Dec. 14, 2021), p. 92.
 246. Select Committee to Investigate the January 6th Attack on the United States Capitol, Hearing on the January 6th Investigation, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 169.
 247. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 40; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (AT&T Production, Feb. 9, 2022).

248. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), pp. 40–41.
249. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (AT&T Production, Feb. 9, 2022).
250. “Rudy Giuliani Speech Transcript at Trump’s Washington, D.C. Rally: Wants ‘Trial by Combat,’” Rev, (Jan. 6, 2021), available at <https://www.rev.com/blog/transcripts/rudy-giuliani-speech-transcript-at-trumps-washington-d-c-rally-wants-trial-by-combat>.
251. “Rudy Giuliani Speech Transcript at Trump’s Washington, D.C. Rally: Wants ‘Trial by Combat,’” Rev, (Jan. 6, 2021), available at <https://www.rev.com/blog/transcripts/rudy-giuliani-speech-transcript-at-trumps-washington-d-c-rally-wants-trial-by-combat>.
252. “Rudy Giuliani Speech Transcript at Trump’s Washington, D.C. Rally: Wants ‘Trial by Combat,’” Rev, (Jan. 6, 2021), available at <https://www.rev.com/blog/transcripts/rudy-giuliani-speech-transcript-at-trumps-washington-d-c-rally-wants-trial-by-combat> (“We now have letters from five legislators begging us to do that. They’re asking us. Georgia, Pennsylvania, Arizona, Wisconsin, and one other coming in.”).
253. See, e.g., Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Marc Short Production), J6C-TSM-0003, J6C-TSM-0004, (January 6, 2021, email from Molly Michael to March Short containing subject line “2057Rayburn_20210106_002040.pdf” and an attached letter). The letter bore the signatures of 19 of the 60 members of the Arizona House and 4 of the 30 members of the Arizona Senate.
254. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman005235, Chapman005236, (January 5, 2021, email from John Eastman to Greg Jacob with an attached letter dated January 4, 2021). In an interview given after January 6th, Eastman argued that the Vice President still should have acted on the basis of the statement of a minority of the Pennsylvania legislature because “it was over Christmas, and they were having trouble getting ahold of people to sign the letter.” John McCormack, “John Eastman vs. the Eastman Memo,” *National Review*, (Oct. 22, 2021), available at <https://www.nationalreview.com/2021/10/john-eastman-vs-the-eastman-memo/>.
255. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman005235, Chapman005236.
256. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Jake Corman, (Jan. 25, 2022).
257. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Jake Corman, (Jan. 25, 2022). Corman told the Select Committee that he understood the Vice President’s role at the joint session was not substantive.
258. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 167-68; see also Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), p. 14; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Chris Hodgson, (Mar. 30, 2022), pp. 166-67.
259. “Rudy Giuliani Speech Transcript at Trump’s Washington, D.C. Rally: Wants ‘Trial by Combat,’” Rev, (Jan. 6, 2021), available at <https://www.rev.com/blog/transcripts/rudy-giuliani-speech-transcript-at-trumps-washington-d-c-rally-wants-trial-by-combat>.
260. “Rudy Giuliani Speech Transcript at Trump’s Washington, D.C. Rally: Wants ‘Trial by Combat,’” Rev, (Jan. 6, 2021), available at <https://www.rev.com/blog/transcripts/rudy-giuliani-speech-transcript-at-trumps-washington-d-c-rally-wants-trial-by-combat>.
261. “Rudy Giuliani Speech Transcript at Trump’s Washington, D.C. Rally: Wants ‘Trial by Combat,’” Rev, (Jan. 6, 2021), available at <https://www.rev.com/blog/transcripts/rudy-giuliani-speech-transcript-at-trumps-washington-d-c-rally-wants-trial-by-combat>.

262. “Rudy Giuliani Speech Transcript at Trump’s Washington, D.C. Rally: Wants ‘Trial by Combat,’” *Rev.* (Jan. 6, 2021), available at <https://www.rev.com/blog/transcripts/rudy-giuliani-speech-transcript-at-trumps-washington-d-c-rally-wants-trial-by-combat> (emphasis added). Note in particular Eastman’s assertions regarding voting machines, for example, “They put those ballots in a secret folder in the machines. Sitting there waiting until they know how many they need.” Eastman would later describe what he was calling on the Vice President to do as merely “to pause the proceedings.” John C. Eastman, “Setting the Record Straight on the POTUS ‘Ask,’” *The American Mind*, (Jan. 18, 2021), available at <https://americanmind.org/memo/setting-the-record-straight-on-the-potus-ask/>.
263. Brian Naylor, “Read Trump’s Jan. 6 Speech, A Key Part of Impeachment Trial,” NPR, (Feb. 10, 2021), available at <https://www.npr.org/2021/02/10/966396848/read-trumps-jan-6-speech-a-key-part-of-impeachment-trial>.
264. Brian Naylor, “Read Trump’s Jan. 6 Speech, A Key Part of Impeachment Trial,” NPR, (Feb. 10, 2021), available at <https://www.npr.org/2021/02/10/966396848/read-trumps-jan-6-speech-a-key-part-of-impeachment-trial>.
265. Brian Naylor, “Read Trump’s Jan. 6 Speech, A Key Part of Impeachment Trial,” NPR, (Feb. 10, 2021), available at <https://www.npr.org/2021/02/10/966396848/read-trumps-jan-6-speech-a-key-part-of-impeachment-trial>.
266. Brian Naylor, “Read Trump’s Jan. 6 Speech, A Key Part of Impeachment Trial,” NPR, (Feb. 10, 2021), available at <https://www.npr.org/2021/02/10/966396848/read-trumps-jan-6-speech-a-key-part-of-impeachment-trial>.
267. Brian Naylor, “Read Trump’s Jan. 6 Speech, A Key Part of Impeachment Trial,” NPR, (Feb. 10, 2021), available at <https://www.npr.org/2021/02/10/966396848/read-trumps-jan-6-speech-a-key-part-of-impeachment-trial>.
268. Brian Naylor, “Read Trump’s Jan. 6 Speech, A Key Part of Impeachment Trial,” NPR, (Feb. 10, 2021), available at <https://www.npr.org/2021/02/10/966396848/read-trumps-jan-6-speech-a-key-part-of-impeachment-trial>.
269. Brian Naylor, “Read Trump’s Jan. 6 Speech, A Key Part of Impeachment Trial,” NPR, (Feb. 10, 2021), available at <https://www.npr.org/2021/02/10/966396848/read-trumps-jan-6-speech-a-key-part-of-impeachment-trial>.
270. Mike Pence (@Mike_Pence), Twitter, Jan. 6, 2021 1:02 p.m. ET, available at https://twitter.com/Mike_Pence/status/1346879811151605762. Between 12:45 and 1:00 p.m., Vice President Pence processed with the Senate to the House Chamber. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Chris Hodgson, (Mar. 30, 2022), pp. 202-03. The Vice President’s statement was issued publicly and distributed on the House floor before the Vice President convened the joint session at approximately 1:05 p.m. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 173; see also Donna Casata and Felicia Sonmez, “Congress Meets in Joint Session to Confirm Biden’s Win, Over the Objections of Dozens of Republicans,” *Washington Post*, (Jan. 6, 2021), available at <https://www.washingtonpost.com/politics/2021/01/06/congress-electoral-college-vote-live-updates/#link-DUX3QUF3TVDNZDEGO7KIK2JSYE>.
271. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 164.
272. Mike Pence (@Mike_Pence), Twitter, Jan. 6, 2021 1:02 p.m. ET, available at https://twitter.com/Mike_Pence/status/1346879811151605762; see also Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000121, (January 6, 2021, Dear Colleague letter issued by Vice President Pence).
273. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 27-28 (testifying that, in consultation with the Senate Parliamentarian, the Vice President purposefully revised the standard language used by previous vice presidents at the joint session of Congress because of efforts by the

- Trump Campaign and allies to create the public perception that there were “other slates of electors that were being considered or [] being put forward.”)
274. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 186-88; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 53-54; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Chris Hodgson, (Mar. 30, 2022), pp. 50-51. The Senate Parliamentarian offers advice and guidance on compliance with the Senate’s rules. See CRS Report, The Office of the Parliamentarian in the House and Senate, (Nov. 28, 2018) RS20544. The Office of the Secretary of the Senate, on behalf of the Senate Parliamentarian and her staff, declined requests for information about this topic, as well as other January 6-related topics, from the Select Committee citing the independent relationship of the Senate and House as well as “historical congressional norms.”
 275. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 64; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Chris Hodgson, (Mar. 30, 2022), pp. 54-56 (testifying that the Vice President’s understanding of his role as explained in the Dear Colleague letter he released on January 6th was set as of his meeting with the Parliamentarian on January 3rd).
 276. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 68-70; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 2728; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chris Hodgson Production), 00163, (Vice President Superscript for Joint Session to Count Electoral Ballots January 6, 2021), 00181, (Response to Submissions NOT Certified by a State); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000103_0001 (Pence joint session scripted responses).
 277. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), p. 42. Jacob learned through the media that Trump electors had met and purported to cast electoral votes but, seeing no indication that any of the groups that met had “an imprimatur of State authority,” he concluded that they would not qualify as competing slates under the Electoral Count Act. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 51; see also Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 54 (“I’m sure I, either in my oral conversation with Elizabeth [MacDonough] or in looking at this spreadsheet, confirmed my conclusion that none of these had the requisite State authority.”).
 278. The Senate Parliamentarian and her staff tracked the receipt of legitimate electoral votes from the states as well as the private citizen submissions (including the fake slates submitted by Trump electors) and identified the many deficiencies of the fake documents. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP R0000323_0001 (Jan. 3, 2021 email exchange with Senate Parliamentarian), VP R0000417_0001 (Jan. 2 and 3, 2021 email exchange with Senate Parliamentarian), VP R0000418_0001 (list of deficiencies in alternate elector slates); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chris Hodgson Production), 00094, (list of deficiencies in alternate elector slates). The Senate Parliamentarian reviewed each purported slate of electoral votes to separate those in regular form and authorized by a State from those submitted by private citizens—the Trump Campaign’s fake electors fell into this latter category. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 53–54; see also Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Chris Hodgson, (Mar. 30, 2022), pp. 44-45.

279. “House Chamber During Joint Session,” C-SPAN, at 11:07–11:37, Jan. 6, 2021, available at <https://www.c-span.org/video/?507748-1/house-chamber-joint-session> (emphasis added).
280. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Andrew Hitt, (Feb. 28, 2022), pp. 94-95. *See also* Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000076, VP-R0000417, VP-R0000418, (January 3, 2021, emails and spreadsheet showing OVP staff tracking the arrival of fake electors’ certificates).
281. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Andrew Hitt Production), Hitt000090 (text messages exchanged between Republican officials in Wisconsin, including statement that “[f]reaking trump idiots want someone to fly original elector papers to the Senate President.”).
282. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chris Hodgson Production), 00012, (message from Rep. Kelly’s Chief of Staff, Matt Stroia, to Chris Hodgson on Jan. 6, 2021, at 8:41 am), 00058, (messages from Senator Johnson’s Chief of Staff, Sean Riley, to Chris Hodgson on Jan. 6, 2021, around 12:37 pm).
283. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chris Hodgson Production), 00058 (Chris Hodgson responding to Sean Riley, “Do not give that to him. He’s about to walk over to preside over the joint session, those were supposed to come in through the mail[.]” And, “The VP absolutely should not receive any mail that hasn’t been screened.”).
284. *See, e.g.*, “House Chamber During Joint Session,” C-SPAN, at 15:33–15:59, Jan. 6, 2021, available at <https://www.c-span.org/video/?507748-1/house-chamber-joint-session>.
285. Karoun Demirjian, “GOP Members Object to Arizona’s Electoral Votes for Biden,” *Washington Post*, (Jan. 6, 2021), available at <https://www.washingtonpost.com/politics/2021/01/06/congress-electoral-college-vote-live-updates/#link-TSWL74F2SVHBHET7GQR5IEP6FI> .
286. “House Chamber During Joint Session,” C-SPAN, at 15:59–17:16, Jan. 6, 2021, available at <https://www.c-span.org/video/?507748-1/house-chamber-joint-session>.
287. “House Chamber During Joint Session,” C-SPAN, at 17:16–18:01, Jan. 6, 2021, available at <https://www.c-span.org/video/?507748-1/house-chamber-joint-session>.
288. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), p. 29.
289. House vote on Arizona (Roll No. 10): 167 Cong. Rec. H93 (daily ed. Jan. 6, 2021): 121-303; House vote on PA (Roll No. 11): 167 Cong. Rec. H112 (daily ed. Jan. 6, 2021): 138-282; Senate vote on Arizona (Rollcall Vote No. 1 Leg.): 167 Cong. Rec. S31-32 (daily ed. Jan. 6, 2021): 6-93; Senate vote on PA (Rollcall Vote. No. 2 Leg.): 167 Cong. Rec. S38 (daily ed. Jan. 6, 2021): 7-92.
290. Katie Meyer, “Congress Certifies Pa. Results, Biden’s Victory After Chaotic Day of Violent Insurrection,” WHYY, (Jan. 6, 2021), available at <https://whyy.org/articles/casey-fitzpatrick-condemn-violent-insurrection-as-congress-moves-toward-certifying-biden/>.
291. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 173-74.
292. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 173-75.
293. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 193.
294. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Chris Hodgson, (Mar. 30, 2022), pp. 208-09.
295. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Chris Hodgson, (Mar. 30, 2022), pp. 208-10; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R001019–P-R001020 (Jan. 6, 2021, NSC Chat Log).

296. Donald J. Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 2:24 p.m. ET, available at <https://web.archive.org/web/20210106192450/https://twitter.com/realdonaldtrump/status/1346900434540240897>.
297. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R001019–P-R001020 (NSC Chat Log).
298. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Sarah Matthews, (Feb. 8, 2022), pp. 37-38.
299. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 30-31.
300. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 30-31.
301. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 30-31.
302. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R001019–P-R001020 (NSC Chat Log).
303. See Chapter 8; see also Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 31-32.
304. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
305. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 63-65.
306. On the evening of January 6, 2021, the President’s Military Aide told the Vice President’s Military Aide (who relayed it to the Secret Service) that Marc Short’s access to the White House complex had been cancelled. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL0000513149 (January 6-7, 2021), CTRL0000673145 (January 6, 2021). Several people relayed to Marc Short that “some who instigated the President”—possibly Peter Navarro—suggested to the President that “Marc was responsible for leading the Vice President on the path he took,” which resulted in the President exclaiming that Mr. Short should be locked out of the White House. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 236-37; see also Biba Adams, “Pence’s Chief of Staff Denied Entry into WH: Trump ‘Blaming Me’,” *Yahoo News*, (Jan. 7, 2021), available at <https://www.yahoo.com/video/pence-chief-staff-denied-entry-173848235.html>.
307. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), p. 238.
308. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), p. 31, 45 (“The reason was he felt like, for the world’s greatest democracy, to see a motorcade, a 15-car motorcade fleeing the Capitol would send all the wrong signals. So he was adamant to say: I want to stay here in the Capitol.”); see also Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
309. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 29-31, 44-45; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 176-77; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.

310. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 198.
311. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 198-99.
312. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 198-99.
313. Jacob told the Select Committee that he recognized that January 6 was going to be “an historically important day” and he wanted to memorialize exactly what he thought of the arguments made by Eastman on January 5th, to supplement the memo he wrote to Vice President Pence reflecting the arguments Eastman made on January 4th. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 200-01.
314. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman005370 (January 6, 2021, emails between Greg Jacob and John Eastman).
315. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman005379 (January 6, 2021, emails between Greg Jacob and John Eastman).
316. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 200.
317. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 200.
318. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Chris Hodgson, (Mar. 30, 2022), pp. 246-47.
319. “READ: Mike Pence’s Statement to the Senate on the Storming of the Capitol,” *U.S. News*, (Jan. 6, 2021), available at <https://www.usnews.com/news/elections/articles/2021-01-06/read-mike-pences-statement-to-the-senate-on-the-storming-of-the-capitol>; see also Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Chris Hodgson, (Mar. 30, 2022), p. 246 (testifying that the Vice President wrote his remarks himself in his ceremonial office after the Capitol was cleared).
320. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000155, (January 6, 2021, emails between Greg Jacob and John Eastman).
321. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (National Archives Production), VP-R0000155, p. 1, (January 6, 2021, emails between Greg Jacob and John Eastman).
322. Select Committee to Investigate the January 6th Attack on the United States Capitol, Hearing on the January 6th Investigation, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
323. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000155, (January 6, 2021, emails between Greg Jacob and John Eastman). Note that Greg Jacob’s testimony establishes that this email was likely received on January 6, 2021, at 11:44 p.m., not at 4:44 a.m. the following morning as shown on the face of this document as produced. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 205. As noted in the Executive Summary, the Select Committee also received certain documents in UTC time, which is five hours ahead of EST.
324. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman005479 (January 6, 2021, emails between Greg Jacob and John Eastman). This email represents John Eastman again encouraging, in writing and just after the violent attack on the Capitol had been quelled,

that the Vice President use this as a justification for a further and much more serious violation of the law—delaying the certification. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>. Eastman attempted to minimize what he was doing by calling the Electoral Count Act a “minor procedural statute.” Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 133. In an email sent at 1:33 p.m., just before the Capitol was breached, Eastman wrote, “I’m sorry Greg, but this is small minded. You’re sticking with minor procedural statutes while the Constitution is being shredded.” Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000166.

325. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
326. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), pp. 43-44.
327. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), pp. 43-44.
328. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman0064047, (January 11, 2021, email from John Eastman to Rudy Giuliani).
329. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 35-36.