

- **Daniel Herendeen** (sentenced to 36 months' probation for role in Capitol attack)
- **Matthew Walter** (Proud Boy)
- **Wandrea ArShaye "Shaye" Moss** (Georgia election worker)
- **Ruby Freeman** (Georgia election worker)
- **Anika Collier Navaroli** (former Twitter employee)
- **White House Security Official**
- **Jim Watkins** (Founder and owner, 8kun)
- **Jody Williams** (former owner of TheDonald.win)
- **Dr. Donell Harvin** (Chief of Homeland Security and Intelligence for the government of the District of Columbia)
- **Kellye SoRelle** (attorney for Oath Keepers)
- **Shealah Craighead** (White House Photographer)
- **Jason Van Tatenhove** (former Oath Keepers spokesperson)
- **Stephen Ayres** (plead guilty to disorderly and disruptive conduct related to Capitol attack)
- **Sgt. Mark Robinson** (Ret.) (Metropolitan Police Department)
- **Janet Buhler** (plead guilty to charges related to the Capitol attack)

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## ENDNOTES

1. A few weeks later, Rhodes and his associate Kelly Meggs were found guilty of seditious conspiracy, and other Oath Keepers were found guilty on numerous charges for obstructing the electoral count. Trial Transcript at 10502-508, *United States v. Rhodes et al.*, No. 1:22-cr-15 (D.D.C. Nov. 29, 2022); Alan Feuer and Zach Montague, "Oath Keepers Leader Convicted of Sedition in Landmark Jan. 6 Case," *New York Times*, (Nov. 29, 2022), available at <https://www.nytimes.com/2022/11/29/us/politics/oath-keepers-trial-verdict-jan-6.html>.
2. Trial Transcript at 5698, 5759, *United States v. Rhodes et al.*, No. 1:22-cr-15 (D.D.C. Oct. 31, 2022).
3. Trial Transcript at 5775, *United States v. Rhodes et al.*, No. 1:22-cr-15 (D.D.C. Oct. 31, 2022) ("for me at the time, it meant I felt it was like a Bastille type moment in history where in the French Revolution it was that big turning point moment where the population made their presence felt. I thought it was going to be a similar type of event for us").
4. Trial Transcript at 5783, 5866, *United States v. Rhodes et al.*, No. 1:22-cr-15 (D.D.C. Oct. 31, 2022).
5. Sentencing Transcript at 15-17, *United States v. Reimler*, No. 1:21-cr-239 (D.D.C. Jan. 11, 2022), ECF No. 37.
6. Sentencing Transcript at 33, *United States v. Pert*, No. 1:21-cr-139 (D.D.C. Feb. 11, 2022), ECF No. 64.
7. Sentencing Memorandum by Abram Markofski, Exhibit B, *United States v. Markofski*, No. 1:21-cr-344 (D.D.C. Dec. 2, 2021), ECF No. 44-2.
8. Sentencing Transcript at 49, *United States v. Witcher*, No. 1:21-cr-235 (D.D.C. Feb. 24, 2022), ECF No. 53.
9. Sentencing Transcript at 19-20, *United States v. Edwards*, No. 1:21-cr-366 (D.D.C. Jan. 21, 2022), ECF No. 33. *See also*, Sentencing Memorandum by Brandon Nelson, Exhibit B, *United States v. Nelson*, No. 1:21-cr-344 (D.D.C. Dec. 6, 2021), ECF No. 51-2; Sentencing Transcript at 65-66, *United States v. Griffith*, No. 1:21-cr-204 (D.D.C. Oct. 30, 2021), ECF No. 137; Sentencing

- Transcript at 45, *United States v. Schornak*, 1:21-cr-278 (D.D.C. May 11, 2022), ECF No. 90; Sentencing Transcript at 35, *United States v. Wilkerson*, No. 1:21-cr-302 (D.D.C. Nov. 22, 2021), ECF No. 31; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Barber, (Mar. 16, 2022), pp. 50–51.
10. Statement of Facts at 5, *United States v. Sandlin*, No. 1:21-cr-88 (D.D.C. Jan. 20, 2021), ECF No. 1-1; Ryan J. Reily (@ryanjreilly), Twitter Oct. 1, 2022 3:33 p.m. ET, available at <https://twitter.com/ryanjreilly/status/1576295667412017157>; Ryan J. Reily (@ryanjreilly), Twitter, Oct. 1, 2022 3:40 p.m. ET, available at <https://twitter.com/ryanjreilly/status/1576296016512692225>; Government’s Sentencing Memorandum at 2, 16, *United States v. Sandlin*, No. 1:21-cr-88 (D.D.C. Dec. 2, 2022), ECF No. 92.
  11. Government’s Opposition to Defendant’s Motion to Revoke Magistrate Judge’s Detention Order at 4, *United States v. Miller*, No. 1:21-cr-119 (D.D.C. Mar. 29, 2021), ECF No 16; Dan Mangan, “Capitol Rioter Garret Miller Says He Was Following Trump’s Orders, Apologizes to AOC for Threat,” CNBC, (Jan. 25, 2021), available at <https://www.cnbc.com/2021/01/25/capitol-riots-garret-miller-says-he-was-following-trumps-orders-apologizes-to-aoc.html>.
  12. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of John Douglas Wright, (Mar. 31, 2022), pp. 22, 63.
  13. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Lewis Cantwell, (Apr. 26, 2022), p. 54.
  14. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Stephen Ayres, (June 22, 2022), p. 8.
  15. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 12, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
  16. Affidavit at 8, *United States v. Ayres*, No. 1:21-cr-156 (D.D.C. Jan. 22, 2021), ECF No. 5-1.
  17. See *infra*, Chapter 6. See also Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Select Committee Chart Compiling Defendant Statements). The Select Committee Chart Compiling Defendant Statements identifies hundreds of examples of such testimony. Select Committee staff tracked cases filed by the Department of Justice against defendants who committed crimes related to the attack on the United States Capitol. Through Department of Justice criminal filings, through public reporting, through social media research, and through court hearings, staff collected a range of statements by these defendants about why they came to Washington, DC, on January 6th. Almost always, it was because President Trump had called upon them to support his big lie. Those defendants also discussed plans for violence at the Capitol, against law enforcement, against other American citizens, and against elected officials in the days leading up to January 6th. In the days immediately following the attack, defendants also bragged about their conduct. Some defendants later reflected on their actions at sentencing. The Select Committee Chart Compiling Defendant Statements is not meant to be comprehensive or polished; it is a small sampling of the tremendous work the Department of Justice has done tracking down and prosecuting criminal activity during the attempted insurrection. Moreover, the trial of multiple members of the Proud Boys on seditious conspiracy and other charges is set to begin on December 19, 2022, and may provide additional information directly relevant to this topic. See Court Calendar: December 9, 2022–December 31, 2022, United States District Court for the District of Columbia, available at <https://media.dcd.uscourts.gov/datepicker/index.html> (last accessed Dec. 9, 2022); Alan Feuer, “Outcome in Oath Keepers Trial Could Hold Lessons for Coming Jan. 6 Cases,” *New York Times*, (Nov. 30, 2022), available at <https://www.nytimes.com/2022/11/30/us/politics/oath-keepers-stewart-rhodes.html>.
  18. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R00001890\_00001 (December 28, 2020, email from Bernard Kerik to Mark Meadows explaining that “[w]e can do all the investigations we want later”); Documents on file with the Select Committee to Investigate

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the January 6th Attack on the United States Capitol (National Archives Production), 076P-R000005090\_0001 (January 6, 2021, email from John Eastman to Gregory Jacob acknowledging that President Trump had “been so advised” that Vice President Pence “DOES NOT have the power to decide things unilaterally”); 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> (Russell “Rusty” Bowers testimony recalling Rudolph Giuliani stating that “[w]e’ve got lots of theories; we just don’t have the evidence”); see also Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann (Apr. 6, 2022), p. 128 (“Whether Rudy was at this stage of his life in the same abilities to manage things at this level or not, I mean, obviously, I think Bernie Kerik publicly said it, they never proved the allegations that they were making, and they were trying to develop.”) *Note*: Some documents cited in this report show timestamps based on a time zone other than Eastern Time—such as Greenwich Mean Time—because that is how they were produced to the Committee.

19. The Committee notes that a number of these findings are similar to those Federal Judge David Carter reached after reviewing the evidence presented by the Committee. Order Re Privilege of Documents Dated January 4-7, 2021 at 31-40, *Eastman v. Thompson et al.*, 594 F. Supp. 3d 1156 (C.D. Cal. Mar. 28, 2022) (No. 8:22-cv-99-DOC-DFM); Order Re Privilege of 599 Documents Dated November 3, 2020 - January 20, 2021 at 23-24, *Eastman v. Thompson et al.*, No. 8:22-cv-99 (C.D. Cal. June 7, 2022), ECF No. 356; Order Re Privilege of Remaining Documents at 13-17, *Eastman v. Thompson et al.*, No. 8:22-cv-99 (C.D. Cal. Oct. 19, 2022), ECF No. 372.
20. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL0000091086 (United States Secret Service: Protective Intelligence Division communication noting left wing groups telling members to “stay at home” on January 6th).
21. Committee on House Administration, *Oversight of the United States Capitol Police and Preparations for and Response to the Attack of January 6th: Part I*, 117th Cong., 1st sess., (Apr. 21, 2021), available at <https://cha.house.gov/committee-activity/hearings/oversight- united-states-capitol-police-and-preparations-and-response>; Committee on House Administration, *Oversight of the United States Capitol Police and Preparations for and Response to the Attack of January 6th: Part II*, 117th Cong., 1st sess., (May 10, 2021), available at <https://cha.house.gov/committee-activity/hearings/oversight-january-6th-attack-united-states-capitol-police-threat>; Committee on House Administration, *Oversight of the January 6th Attack: Review of the Architect of the Capitol’s Emergency Preparedness*, 117th Cong., 1st sess., (May 12, 2021), available at <https://cha.house.gov/committee-activity/hearings/oversight-january-6th-attack-review-architect-capitol-s-emergency>; Committee on House Administration, *Reforming the Capitol Police and Improving Accountability for the Capitol Police Board*, 117th Cong., 1st sess., (May 19, 2021), available at <https://cha.house.gov/committee-activity/hearings/reforming-capitol-police-and-improving-accountability-capitol-police>; Committee on House Administration, *Oversight of the January 6th Attack: United States Capitol Police Containment Emergency Response Team and First Responders Unit*, 117th Cong., 1st sess., (June 15, 2021), available at <https://cha.house.gov/committee-activity/hearings/oversight-january-6th-attack-united-states-capitol-police-containment>; Committee on House Administration, *Oversight of the January 6th Capitol Attack: Ongoing Review of the United States Capitol Police Inspector General Flash Reports*, 117th Cong., 2d sess., (Feb. 17, 2022), available at <https://cha.house.gov/committee-activity/hearings/oversight-january-6th-capitol-attack-ongoing-review-united-states>.
22. John Koblin, “At Least 20 Million Watched Jan. 6 Hearing,” *New York Times*, (June 10, 2022), available at <https://www.nytimes.com/2022/06/10/business/media/jan-6-hearing-ratings.html>. Their findings were also widely noted by major media outlets, including conservative ones. “Editorial: What the Jan. 6 Hearings Accomplished,” *Wall Street Journal*, (Oct. 14, 2022), available at <https://www.wsj.com/articles/what-the-jan-6-inquiry-accomplished-donald-trump-liz-cheney-subpoena-congress-11665699321>; “Editorial: The Jan. 6 Hearings are Over. Time to Vote.,” *Washington Post*, (Oct. 13, 2022), available at

- <https://www.washingtonpost.com/opinions/2022/10/13/jan-6-hearings-are-over-time-vote/>; "Editorial: The President Who Stood Still on Jan. 6," *Wall Street Journal*, (July 22, 2022), available at <https://www.wsj.com/articles/the-president-who-stood-still-donald-trump-jan-6-committee-mike-pence-capitol-riot-11658528548>; "Editorial: 'We All have a Duty to Ensure that What Happened on Jan. 6 Never Happens Again'," *New York Times*, (June 10, 2022), available at <https://www.nytimes.com/2022/06/10/opinion/january-6-hearing-trump.html>; "Editorial: Trump's Silence on Jan. 6 is Damning," *New York Post*, (July 22, 2022), available at <https://nypost.com/2022/07/22/trumps-jan-6-silence-renders-him-unworthy-for-2024-reelection/>
23. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Stepien, (Feb. 10, 2022), p. 45 ("And I told him it was going to be a process. It was going to be, you know—you know, we're going to have to wait and see how this turned out. So I, just like I did in 2016, I did the same thing in 2020.").
  24. "When States Can Begin Processing and Counting Absentee/Mail-In Ballots, 2020," Ballotpedia (accessed on Dec. 5, 2022), available at [https://ballotpedia.org/When\\_states\\_can\\_begin\\_processing\\_and\\_counting\\_absentee/mail-in\\_ballots\\_2020](https://ballotpedia.org/When_states_can_begin_processing_and_counting_absentee/mail-in_ballots_2020).
  25. 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 13, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
  26. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Stepien, (Feb. 10, 2022), p. 45; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 13, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
  27. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 13, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
  28. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Stepien, (Feb. 10, 2022), p. 36.
  29. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jared Kushner, (Mar. 31, 2022), p. 21.
  30. John J. Martin, *Mail-in Ballots and Constraints on Federal Power under the Electors Clause*, 107 Va. L. Rev. Online 84, 86 (Apr. 2021) (noting that 45 States and DC permitted voters to request a mail-in ballot or automatically receive one in the 2020 election); Nathaniel Rakich and Jasmine Mithani, "What Absentee Voting Looked Like In All 50 States," *FiveThirtyEight*, (Feb. 9, 2021), available at <https://fivethirtyeight.com/features/what-absentee-voting-looked-like-in-all-50-states/>; Lisa Danetz, "Mail Ballot Security Features: A Primer," Brennan Center for Justice, (Oct. 16, 2020), available at <https://www.brennancenter.org/our-work/research-reports/mail-ballot-security-features-primer>.
  31. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Hope Hicks, (Oct. 25, 2022), p. 24.
  32. He also won in Utah, which mailed absentee ballots to all active voters, and won one or more electoral votes in both Maine and Nebraska, which allowed no-excuse absentee voting and assign their electoral votes proportionally. See "Table 1: States with No-Excuse Absentee Voting," National Conference of State Legislatures, (July 12, 2022), available at <http://web.archive.org/web/20201004185006/https://www.ncsl.org/research/elections-and-campaigns/vopp-table-1-states-with-no-excuse-absentee-voting.aspx> (archived); "Voting Outside the Polling Place: Absentee, All-Mail and Other Voting at Home Options," National Conference of State Legislatures, (Sep. 24, 2020), available at <http://web.archive.org/web/20201103175057/https://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx> (archived); Federal Election Commission, "Federal Elections 2020 – Election Results for the U.S. President, the U.S. Senate and the U.S. House of Representatives," (Oct. 2022), p. 12, available at <https://www.fec.gov/resources/cms-content/documents/federaelections2020.pdf>.

33. See, e.g., Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Stepien, (Feb. 10, 2022), p. 66; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jason Miller, (Feb. 3, 2022), pp. 75-76.
34. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Stepien, (Feb. 10, 2022), pp. 54, 66.
35. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jason Miller, (Feb. 3, 2022), pp. 74-77.
36. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Stepien, (Feb. 10, 2022), pp. 60-61.
37. "Donald Trump 2020 Election Night Speech Transcript," Rev, (Nov. 4, 2020), available at <https://www.rev.com/blog/transcripts/donald-trump-2020-election-night-speech-transcript>.
38. Donald J. Trump (@realDonaldTrump), Twitter, Nov. 5, 2020 9:12 a.m. ET, available at <http://web.archive.org/web/20201105170250/https://twitter.com/realdonaldtrump/status/1324353932022480896> (archived). Note: Citations in this report that refer to an archived tweet may list a timestamp that is several hours earlier or later than the one shown on the suggested webpage because tweets are archived from various time zones.
39. See, e.g., 52 U.S.C. § 10307; Ariz. Rev. Stat. § 16-1010.
40. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jason Miller, (Feb. 3, 2022), pp. 77-78.
41. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 8.
42. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R000010020\_0001 (November 3, 2020, email exchange between Tom Fitton and Molly Michael copying proposed election day victory statement).
43. Dan Friedman, "Leaked Audio: Before Election Day, Bannon Said Trump Planned to Falsely Claim Victory," *Mother Jones*, (July 12, 2022), available at <https://www.motherjones.com/politics/2022/07/leaked-audio-steve-bannon-trump-2020-election-declare-victory>. We note that Mr. Bannon refused to testify and has been convicted of criminal contempt by a jury of his peers. "Stephen K. Bannon Sentenced to Four Months in Prison on Two counts of Contempt of Congress," Department of Justice, (Oct. 21, 2022), available at <https://www.justice.gov/usao-dc/pr/stephen-k-bannon-sentenced-four-months-prison-two-counts-contempt-congress>.
44. At his interview, Stone invoked his Fifth Amendment right not to incriminate himself in response to over 70 questions, including questions regarding his direct communications with Donald Trump and his role in January 6th. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Roger Stone (Dec. 17, 2021). See also Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Christoffer Guldbrandsen Production), Video file 201101\_1 (November 1, 2020, footage of Roger Stone speaking to associates).
45. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 12-13.
46. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 79VP-R000011578\_0001, 079VP-R000011579\_0001, 079VP-R000011579\_0002 (November 3, 2020, email and memorandum from Gregory Jacob to Marc Short regarding electoral vote count).
47. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Stepien, (Feb. 10, 2022), pp. 117-18.

48. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jason Miller, (Feb. 3, 2022), p. 91.
49. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 13, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
50. See, e.g., Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark A. Milley, (Nov. 17, 2021), p. 121; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Alyssa Farah Griffin, (Apr. 15, 2022), p. 62; Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (Sep. 14, 2022), p. 113; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Kellyanne Conway, (Nov. 28, 2022), pp. 79-84.
51. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Keith Kellogg, Jr., (Dec. 14, 2021), pp. 212-21; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark A. Milley, (Nov. 17, 2021), pp. 108-10; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of John McEntee, (Mar. 28, 2022), pp. 44, 46, 48-51; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Douglas Macgregor, (June 7, 2022), pp. 27-41.
52. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Keith Kellogg, Jr., (Dec. 14, 2021), p. 215.
53. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 6.
54. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Alex Cannon, (Apr. 13, 2022), pp. 22, 33-34.
55. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Stepien, (Feb. 10, 2022), pp. 111-12.
56. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jason Miller, (Feb. 3, 2022), p. 119.
57. ABC News, "Pence Opens Up with David Muir on Jan. 6: Exclusive," YouTube, at 2:13, Nov. 14, 2022, available at <https://youtu.be/-AAyKAoPFQs?t=133>.
58. "CNN Townhall: Former Vice President Mike Pence," CNN, (Nov. 16, 2022), available at <https://transcripts.cnn.com/show/se/date/2022-11-16/segment/01>.
59. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Matthew Morgan, (Apr. 25, 2022), p. 118.
60. *Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr*, (June 2, 2022), p. 18.
61. Michael Balsamo, "Disputing Trump, Barr Says No Widespread Election Fraud," Associated Press, (Dec. 1, 2020, updated June 28, 2022), available at <https://apnews.com/article/barr-no-widespread-election-fraud-b1f1488796c9a98c4b1a9061a6c7f49d>.
62. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), pp. 24-30; "Bill Barr Press Conference Transcript: No Special Counsels Needed to Investigate Election or Hunter Biden," Rev, (Dec. 21, 2020), available at <https://www.rev.com/blog/transcripts/bill-barr-press-conference-transcript-no-special-counsels-needed-to-investigate-election-or-hunter-biden>.
63. "Joint Statement from Elections Infrastructure Government Coordinating Council & the Election Infrastructure Sector Coordinating Executive Committees," Cybersecurity and Infrastructure Security Agency, (Nov. 12, 2020), available at <https://www.cisa.gov/news/2020/11/12/joint-statement-elections-infrastructure-government-coordinating-council-election> (emphasis in original).

64. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
65. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 21, 2021), pp. 59-60.
66. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 21, 2021), pp. 108-09.
67. Senate Committee on the Judiciary, Transcribed Interview of Richard Donoghue, (Aug. 6, 2021), p. 156, available at <https://www.judiciary.senate.gov/imo/media/doc/Donoghue%20Transcript.pdf>.
68. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jeffrey Rosen, (Oct. 13, 2021), pp. 18-19.
69. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony "Pat" Cipollone, (July 8, 2022), pp. 50, 123; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), pp. 168-69, 184, 187.
70. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony "Pat" Cipollone, (July 8, 2022), p. 50.
71. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (April 6, 2022), p. 128.
72. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Stepien, (Feb. 10, 2022), pp. 172-73.
73. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Stepien, (Feb. 10, 2022), p. 174.
74. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Justin Clark, (May 17, 2022), pp. 63-70; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Matthew Morgan, (Apr. 25, 2022), pp. 57-62; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Timothy Murtaugh, (May 19, 2022), pp. 66-68; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Alex Cannon, (Apr. 19, 2022), pp. 37-38; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Tim Murtaugh production), XXM-0021349 (text chain with Giuliani, Ellis, Epshteyn, Ryan, Bobb, and Herschmann).
75. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Matthew Morgan, (Apr. 25, 2022), p. 58.
76. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Matthew Morgan, (Apr. 25, 2022), p. 58.
77. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Matthew Morgan, (Apr. 25, 2022), p. 58.
78. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Stepien, (Feb. 10, 2022), p. 173.
79. *King v. Whitmer*, 505 F. Supp. 3d 720, 738 (E.D. Mich. 2020), also available at <https://electioncases.osu.edu/wp-content/uploads/2020/11/King-v-Whitmer-Doc62.pdf>; *Bowyer v. Ducey*, 506 F. Supp. 3d 699, 706 (D. Ariz. 2020), also available at [https://storage.courtlistener.com/recap/gov.uscourts.azd.1255923.84.0\\_2.pdf](https://storage.courtlistener.com/recap/gov.uscourts.azd.1255923/gov.uscourts.azd.1255923.84.0_2.pdf); *Donald J. Trump for President v. Boockvar*, 502 F. Supp. 3d 899, 906 (M.D. Pa. 2020), also available at [https://storage.courtlistener.com/recap/gov.uscourts.pamd.127057/gov.uscourts.pamd.127057.202.0\\_1.pdf](https://storage.courtlistener.com/recap/gov.uscourts.pamd.127057/gov.uscourts.pamd.127057.202.0_1.pdf); *Law v. Whitmer*, No. 10 CO 00163 1B, 2020 Nev. Unpub. LEXIS 1160, at \*1, 29-31, 33, 48-49, 52, 54 (Nev. Dec. 8, 2020), available at <https://casetext.com/case/law-v-whitmer-1> (attaching and affirming lower

- court decision), also available at <https://election.conservative.org/files/2020/12/20-OC-00163-Order-Granting-Motion-to-Dismiss-Statement-of-Contest.pdf>; *Wisconsin Voters Alliance v. Pence*, 514 F. Supp. 3d 117, 119 (D.D.C. 2021), also available at <https://electioncases.osu.edu/wp-content/uploads/2020/12/WVA-v-Pence-Doc10.pdf>.
80. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Zach Parkinson Production), Parkinson0620 (text message between Tim Murtaugh, Zach Parkinson, and “Matt”).
  81. *In the Matter of Rudolph W. Giuliani*, No. 2021-00506, slip op at \*2, 22 (N.Y. App. Div. May 3, 2021), available at <https://int.nyt.com/data/documenttools/giuliani-law-license-suspension/1ae5ad6007c0ebfa/full.pdf>.
  82. *In the Matter of Rudolph W. Giuliani*, No. 2021-00506, slip op at \*2, 22 (N.Y. App. Div. May 3, 2021), available at <https://int.nyt.com/data/documenttools/giuliani-law-license-suspension/1ae5ad6007c0ebfa/full.pdf>.
  83. Opinion and Order at 1, *King v. Whitmer*, 505 F. Supp. 3d 720 (E.D. Mich. Aug. 25, 2020) (No. 20-13134), ECF No. 172.
  84. Senator John Danforth, Benjamin Ginsberg, The Honorable Thomas B. Griffith, et al., *Lost, Not Stolen: The Conservative Case that Trump Lost and Biden Won the 2020 Presidential Election*, (July 2022), p. 3, available at <https://lostnotstolen.org/download/378/>.
  85. Senator John Danforth, Benjamin Ginsberg, The Honorable Thomas B. Griffith, et al., *Lost, Not Stolen: The Conservative Case that Trump Lost and Biden Won the 2020 Presidential Election*, (July 2022), pp. 3-4, available at <https://lostnotstolen.org/download/378/>. We also note this: The authors of *Lost, Not Stolen* also conclude that one of the pieces of supposed evidence that President Trump and his allies have pointed to since January 6, 2021, to try to bolster their allegations that the 2020 election was stolen shows nothing of the sort. *Lost, Not Stolen* explains that Dinesh D’Souza’s “2000 Mules” tries to establish widespread voter fraud in the 2020 election using phone-tracking data. “Yet the film, heartily endorsed by Trump at its Mar-a-Lago premiere, has subsequently been thoroughly debunked in analysis. What the film claims to portray is simply not supported by the evidence invoked by the film.” *Id.*, at 6. Likewise, former Attorney General Bill Barr told the Select Committee: “. . . I haven’t seen anything since the election that changes my mind [that fraud determined the outcome] including, the 2000 Mules movie.” Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 37. He called its cell phone tracking data “singularly unimpressive” because “. . . in a big city like Atlanta or wherever, just by definition you’re going to find many hundreds of them have passed by and spent time in the vicinity of these boxes” for submitting ballots, and to argue that those people must be “mules” delivering fraudulent ballots was “just indefensible.” *Id.*, at 37–38.
  86. White House Senior Advisor Eric Herschmann told the Committee that when he disputed allegations of election fraud in a December 18th Oval Office meeting, Sidney Powell fired back that “the judges are corrupt. And I was like, every one? Every single case that you’ve done in the country you guys lost every one of them is corrupt, even the ones we appointed?” Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 171.
  87. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 13, 2022), at 1:53:10-1:53:20, available at <https://january6th.house.gov/legislation/hearings/06132022-select-committee-hearing>.
  88. Verified Complaint for Declaratory and Injunctive Relief at 46-47, *Donald J. Trump for President, Inc. v. Boockvar*, No. 4:20-cv-02078 (M.D. Pa. Nov. 9, 2020), available at [https://cdn.donaldjtrump.com/public-files/press\\_assets/2020-11-09-complaint-as-filed.pdf](https://cdn.donaldjtrump.com/public-files/press_assets/2020-11-09-complaint-as-filed.pdf).
  89. Opinion at 2, 3, 16, *Donald J. Trump for President, Inc. v. Boockvar*, No. 20-3371 (3d Cir. Nov. 27, 2020), available at <https://electioncases.osu.edu/wp-content/uploads/2020/11/Donald-J.-Trump-for-President-v-Boockvar-3rd-Cir-Doc91.pdf>.



90. Complaint for Expedited Declaratory and Injunctive Relief Pursuant to Article II of the United States Constitution, *Trump v. Wisconsin Elections Commission*, No. 2:20-cv-01785 (E.D. Wis. Dec. 2, 2020), available at <https://electioncases.osu.edu/wp-content/uploads/2020/12/Trump-v-WEC-Doc1.pdf>.
91. *Trump v. Wisconsin Elections Commission*, 506 F. Supp. 3d 620, 21, 22 (E.D. Wis. 2020), available at <https://electioncases.osu.edu/wp-content/uploads/2020/12/Trump-v-WEC-Doc134.pdf>.
92. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 13, 2022), at 1:52:45 to 1:53:20, available at <https://january6th.house.gov/legislation/hearings/06132022-select-committee-hearing>.
93. The authors determined that thirty cases were dismissed by a judge after an evidentiary hearing had been held, compared to twenty cases that were dismissed by a judge beforehand, while the remaining fourteen were withdrawn voluntarily by plaintiffs. See Senator John Danforth, Benjamin Ginsberg, The Honorable Thomas B. Griffith, et al, *Lost, Not Stolen: The Conservative Case that Trump Lost and Biden Won the 2020 Presidential Election*, (July 2022), p. 3, available at <https://lostnotstolen.org/download/378/>.
94. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Deposition of Rudolph Giuliani*, (May 20, 2022), p. 111.
95. Letter from Timothy C. Parlatore to Chairman Bennie G. Thompson on “Re: Subpoena to Bernard B. Kerik,” (Dec. 31, 2021).
96. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R000004125\_0001 (December 28, 2020, email from Kerik to Meadows).
97. When our courts weigh evidence to determine facts, they often infer that disputed facts do not favor a witness who refuses to testify by invoking his Fifth Amendment right against incriminating himself. See *Baxter v. Palmigiano*, 425 U.S. 308, 318 (1976) (the Fifth Amendment allows for “adverse inferences against parties to civil actions when they refuse to testify to probative evidence offered against them”).
98. Nor was there such evidence of widespread fraud in any of the documents produced in response to Select Committee subpoenas issued to the proponents of the claims, including Rudy Giuliani and his team members and investigators Bernard Kerik and Christina Bobb, or other proponents of election fraud claims such as Pennsylvania Senator Doug Mastriano, Arizona legislator Mark Finchem, disbarred attorney Phill Kline, and attorneys Sidney Powell, Cleta Mitchell, and John Eastman. Not one of them provided evidence raising genuine questions about the election outcome. In short, it was a big scam.
99. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Business Meeting on the January 6th Investigation*, 117th Cong., 2d sess., (Oct. 19, 2022), at 56:30 to 58:10, available at <https://january6th.house.gov/legislation/hearings/101322-select-committee-hearing>.
100. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Transcribed Interview of Eugene Scalia* (June 30, 2022), pp. 11-13. Then-Secretary Scalia also sent a memorandum to President Trump on January 8, 2021. In that memorandum, he requested that the President “convene an immediate meeting of the Cabinet.” He told the President that he was “concerned by certain statements you made since the election . . . of further actions you may be considering,” and he “concluded that [his] responsibilities as a Cabinet Secretary obligate[d] [him] to take further steps to address those concerns.” The Select Committee will make this memorandum available to the public. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Labor Production), CTRL0000087637, (January 8, 2021, Memorandum for The President of the United States from Secretary of Labor Eugene Scalia, regarding Request for Cabinet Meeting).

101. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Judson Deere, (Mar. 3, 2022), pp. 23-25.
102. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony "Pat" Cipollone (July 8, 2022), p. 12.
103. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 3, 2022), p. 62.
104. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 3, 2022), pp. 19-20.
105. Senate Committee on the Judiciary, Transcribed Interview of Jeffrey Rosen, (Aug. 7, 2021), pp. 30-31, available at <https://www.judiciary.senate.gov/imo/media/doc/Rosen%20Transcript.pdf>; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jeffrey Rosen, (Oct. 13, 2021), pp. 14-15 (in which Rosen confirms the general accuracy of the transcription of his Senate testimony and then is asked and agrees to the following question: [Committee staff]: "And we are going to – the select committee is going to essentially incorporate those transcripts as part of our record and rely upon your testimony there for our purposes going forward, as long as you're comfortable with that?" [Rosen]: "Yes.")
106. "Donald Trump Vlog: Contesting Election Results – December 22, 2020," Factbase, at 9:11-9:25 (Dec. 22, 2020), available at <https://factba.se/transcript/donald-trump-vlog-contesting-election-results-december-22-2020>.
107. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 43.
108. Brad Raffensperger, *Integrity Counts* (New York: Simon & Schuster, 2021), p. 191 (reproducing the call transcript); Amy Gardner and Paulina Firozi, "Here's the Full Transcript and Audio of the Call Between Trump and Raffensperger," *Washington Post*, (Jan. 5, 2021), available at [https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356\\_story.html](https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356_story.html)
109. Brad Raffensperger, *Integrity Counts* (New York: Simon & Schuster, 2021), p. 191 (reproducing the call transcript); Amy Gardner and Paulina Firozi, "Here's the Full Transcript and Audio of the Call Between Trump and Raffensperger," *Washington Post*, (Jan. 5, 2021), available at [https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356\\_story.html](https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356_story.html)
110. Donald J. Trump (@realDonaldTrump), Twitter, Jan. 3, 2021 8:57 a.m. ET, available at <http://web.archive.org/web/20210103135742/https://twitter.com/realdonaldtrump/status/1345731043861659650> (archived).
111. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), pp. 25-26.
112. "Donald Trump Speech on Election Fraud Claims Transcript December 2," Rev, at 15:12-15:44, (Dec. 2, 2020), available at <https://www.rev.com/blog/transcripts/donald-trump-speech-on-election-fraud-claims-transcript-december-2>.
113. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 64.
114. PBS NewsHour, "WATCH LIVE: Trump Speaks as Congress Prepares to Count Electoral College Votes in Biden Win," YouTube, at 1:42:58-1:43:02, Jan. 6, 2021, available at <https://youtu.be/pa9sT4efsQY?t=6178>.
115. Senate Committee on the Judiciary, Interview of Richard Donoghue, (Aug. 6, 2021), p. 156, available at <https://www.judiciary.senate.gov/imo/media/doc/Donoghue%20Transcript.pdf>.
116. PBS NewsHour, "WATCH LIVE: Trump Speaks as Congress Prepares to Count Electoral College Votes in Biden Win," YouTube, at 1:15:19-1:15:39, Jan. 6, 2021, available at <https://youtu.be/pa9sT4efsQY?t=4519>.

117. Brad Raffensperger, *Integrity Counts* (New York: Simon & Schuster, 2021), p. 191 (reproducing the call transcript); Amy Gardner and Paulina Firozi, “Here’s the Full Transcript and Audio of the Call Between Trump and Raffensperger,” *Washington Post*, (Jan. 5, 2021), available at [https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356\\_story.html](https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356_story.html)
118. “Donald Trump Rally Speech Transcript Dalton, Georgia: Senate Runoff Election,” Rev, at 51:38-52:01, (Jan. 4, 2021), available at <https://www.rev.com/blog/transcripts/donald-trump-rally-speech-transcript-dalton-georgia-senate-runoff-election>.
119. Brad Raffensperger, *Integrity Counts* (New York: Simon & Schuster, 2021), p. 191 (reproducing the call transcript); Amy Gardner and Paulina Firozi, “Here’s the Full Transcript and Audio of the Call Between Trump and Raffensperger,” *Washington Post*, (Jan. 5, 2021), available at [https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356\\_story.html](https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356_story.html)
120. PBS NewsHour, “WATCH LIVE: Trump Speaks as Congress Prepares to Count Electoral College Votes in Biden Win,” YouTube, at 1:32:25-1:32:43, Jan. 6, 2021, available at <https://youtu.be/pa9sT4efsqY?t=5545>.
121. Brad Raffensperger, *Integrity Counts* (New York: Simon & Schuster, 2021), p. 191 (reproducing the call transcript); Amy Gardner and Paulina Firozi, “Here’s the Full Transcript and Audio of the Call Between Trump and Raffensperger,” *Washington Post*, (Jan. 5, 2021), available at [https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356\\_story.html](https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356_story.html)
122. PBS NewsHour, “WATCH LIVE: Trump Speaks as Congress Prepares to Count Electoral College Votes in Biden Win,” YouTube, at 1:33:35-1:33:44, Jan. 6, 2021, available at <https://youtu.be/pa9sT4efsqY?t=5615>.
123. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kayleigh McEnany, (Jan. 12, 2022), pp. 143, 290-91.
124. Search results for “dominion”, Trump Twitter Archive v2, (accessed Sep. 20, 2022), <https://www.thetrumparchive.com/?searchbox=%22dominion%22&results=1>.
125. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jason Miller (Feb. 3, 2022), pp. 117, 133.
126. “Donald Trump Thanksgiving Call to Troops Transcript 2020: Addresses Possibility of Conceding Election,” Rev, at 23:35-23:46, (Nov. 26, 2020), available at <https://www.rev.com/blog/transcripts/donald-trump-thanksgiving-call-to-troops-transcript-2020-addresses-possibility-of-conceding-election>.
127. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (Jun. 2, 2022), p. 19.
128. “Donald Trump Thanksgiving Call to Troops Transcript 2020: Addresses Possibility of Conceding Election,” Rev, at 24:16-24:35 (Nov. 26, 2020), available at <https://www.rev.com/blog/transcripts/donald-trump-thanksgiving-call-to-troops-transcript-2020-addresses-possibility-of-conceding-election>.
129. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (Jun. 2, 2022), p. 27.
130. “Donald Trump Speech on Election Fraud Claims Transcript December 2,” Rev, at 10:46-11:06, (Dec. 2, 2020), available at <https://www.rev.com/blog/transcripts/donald-trump-speech-on-election-fraud-claims-transcript-december-2>.
131. William P. Barr, *One Damn Thing After Another: Memoirs of an Attorney General*, (New York: HarperCollins, 2022), at p. 554.
132. Donald J. Trump (@realDonaldTrump), Twitter, Nov. 15, 2020 12:21 a.m. ET, available at <https://media-cdn.factba.se/realdonaldtrump-twitter/1338715842931023873.jpg> (archived).

133. Senate Committee on the Judiciary, Transcribed Interview of Jeffrey Rosen, (Aug. 7, 2021), pp. 25, 31, available at <https://www.judiciary.senate.gov/imo/media/doc/Rosen%20Transcript.pdf>.
134. Donald J. Trump (@realDonaldTrump), Twitter, Dec. 16, 2020 1:09 a.m. ET, available at <https://media-cdn.factba.se/realdonaldtrump-twitter/1339090279429775363.jpg> (archived).
135. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert O'Brien, (Aug. 23, 2022), pp. 164-65.
136. Donald J. Trump (@realDonaldTrump), Twitter, Dec. 19, 2020 11:30 a.m. ET, available at <https://media-cdn.factba.se/realdonaldtrump-twitter/1340333619299147781.jpg> (archived).
137. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 109.
138. Brad Raffensperger, *Integrity Counts* (New York: Simon & Schuster, 2021), p. 191 (reproducing the call transcript); Amy Gardner and Paulina Firozi, "Here's the Full Transcript and Audio of the Call Between Trump and Raffensperger," *Washington Post*, (Jan. 5, 2021), available at [https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356\\_story.html](https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356_story.html)
139. Brad Raffensperger, *Integrity Counts* (New York: Simon & Schuster, 2021), p. 191 (reproducing the call transcript); Amy Gardner and Paulina Firozi, "Here's the Full Transcript and Audio of the Call Between Trump and Raffensperger," *Washington Post*, (Jan. 5, 2021), available at [https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356\\_story.html](https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356_story.html)
140. PBS NewsHour, "WATCH LIVE: Trump Speaks as Congress Prepares to Count Electoral College Votes in Biden Win," YouTube, at 1:39:09 to 1:39:27 and 1:40:51 to 1:41:01, Jan. 6, 2021, available at <https://youtu.be/pa9sT4efsQY?t=5949>.
141. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 13, 2022), available at <https://www.govinfo.gov/committee/house-january6th>
142. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 15.
143. The framers specifically considered and rejected two constitutional plans that would have given Congress the power to select the Executive. Under both the Virginia and New Jersey Plans, the national executive would have been chosen by the national legislature. See Curtis A. Bradley & Martin S. Flaherty, *Executive Power Essentialism and Foreign Affairs*, 102 Mich. L. Rev. 545, 592, 595 (2004); see also 1 The Records of the Federal Convention of 1787, at 21, 244 (Max Farrand ed., 1911) (introducing Virginia and New Jersey Plans), available at <https://oll.libertyfund.org/title/farrand-the-records-of-the-federal-convention-of-1787-vol-1>; James Madison, *Notes of the Constitutional Convention* (Sep. 4, 1787) (Gov. Morris warning of "the danger of intrigue & faction" if Congress selected the President), available at <https://www.consource.org/document/james-madisons-notes-of-the-constitutional-convention-1787-9-4/>.
144. The Federalist No. 68, at 458 (Alexander Hamilton) (Jacob E. Cooke ed., 1961).
145. The Federalist No. 68, at 459 (Alexander Hamilton) (Jacob E. Cooke ed., 1961).
146. The Federalist No. 68, at 459 (Alexander Hamilton) (Jacob E. Cooke ed., 1961).
147. The Federalist No. 68, at 459 (Alexander Hamilton) (Jacob E. Cooke ed., 1961). See also U.S. Const. art. II, § 1, cl. 2 ("but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector").
148. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman052976 (Eastman Jan 6 scenario dual slates of electors memo); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), CTRL0000923171 (Eastman Jan. 6 scenario conduct by elected officials memo).

149. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman003228 (Eastman memo to President Trump).
150. *See Eastman v. Thompson et al.* at 6-8, 594 F. Supp. 3d 1156, (C.D. Cal. Mar. 28, 2022) (No. 8:22-cv-99-DOC-DFM).
151. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman003228 (Eastman memo to President Trump).
152. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob (Feb. 1, 2022), p. 118.
153. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob (Feb. 1, 2022), pp. 110, 117.
154. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob (Feb. 1, 2022), pp. 109-10; 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>.
155. 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), available at <https://www.govinfo.gov/committee/house-january6th>.
156. "Former Vice President Pence Remarks at Federalist Society Conference," C-SPAN (Feb. 4, 2022), available at <https://www.c-span.org/video/?517647-2/vice-president-pence-remarks-federalist-society-conference>.
157. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 122.
158. Document on file with the Select Committee (National Archives Production), VP-R0000107 (January 5, 2021, Greg Jacob memo to Vice President); *see also* Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 127-28 (discussing memorandum).
159. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 122-23.
160. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 26-27.
161. Judge Luttig (@judgeluttig), Twitter, Jan. 5, 2021 9:53 a.m. ET available at <https://twitter.com/judgeluttig/status/1346469787329646592>.
162. 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>.
163. 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>.
164. Documents on file with the Select Committee, (Chapman University Production), Chapman005442 (Eastman emails with Greg Jacob).
165. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony "Pat" Cipollone, (July 8, 2022), p. 88.
166. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony "Pat" Cipollone, (July 8, 2022), p. 85.
167. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony "Pat" Cipollone, (July 8, 2022), pp. 85-86.

168. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jason Miller, (Feb. 3, 2022), p. 157.
169. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony “Pat” Cipollone, (July 8, 2022), pp. 86-87.
170. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 34.
171. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 26.
172. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony “Pat” Cipollone, (July 8, 2022), p. 85.
173. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 40.
174. 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>.
175. Meredith Lee (@meredithlee), Twitter, Jan. 5, 2021 9:58 p.m. ET, available at <https://twitter.com/meredithlee/status/1346652403605647367>; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jason Miller, (Feb. 3, 2022), p. 174-76; Greg Jacob testified that the President’s statement was “categorically untrue.” 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>; Marc Short testified that the statement was “incorrect” and “false.” Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), p. 224; Chris Hodgson testified that it was not an accurate statement. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Chris Hodgson, (Mar. 30, 2022), pp. 184-85.
176. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jason Miller, (Feb. 3, 2022), pp. 175-77 (acknowledging that Miller normally would have called the Vice President’s office before issuing a public statement describing the Vice President’s views but stating “I don’t think that ultimately -- don’t know if it ultimately would have changed anything as the President was very adamant that this is where they both were” and acknowledging that “the way this [statement] came out was the way that [Trump] wanted [it] to.”).
177. Donald J. Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 1:00 a.m. ET, available at <http://web.archive.org/web/20210106072109/https://twitter.com/realDonaldTrump/status/1346698217304584192> (archived).
178. Donald J. Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 8:17 a.m. ET, available at <http://web.archive.org/web/20210106175200/https://twitter.com/realDonaldTrump/status/1346808075626426371> (archived).
179. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 47; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Nicholas Luna, (Mar. 21, 2022), p. 126.
180. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of General Keith Kellogg, Jr., (Dec. 14, 2021), p. 90; *See also*, Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Donald John Trump Jr., (May 3, 2022), p. 84; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 49; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of White House Employee, (June 10, 2022), pp. 21-22. The Select Committee is not revealing the identity of this witness to guard against the risk of retaliation.

181. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Nicholas Luna, (Mar. 21, 2022), p. 127.
182. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of White House Employee (June 10, 2022), p. 20. The Select Committee is not revealing the identity of this witness to guard against the risk of retaliation.
183. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of General Keith Kellogg, Jr., (Dec. 14, 2021), p. 92.
184. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Julie Radford, (May 24, 2022), p. 19. *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.
185. At 11:33 a.m., Stephen Miller's assistant, Robert Gabriel, emailed the speechwriting team with the line: "REINSERT THE MIKE PENCE LINES." Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R000007531\_0001 (January 6, 2021, Robert Gabriel email to Trump speechwriting team at 11:33 a.m.).
186. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Stephen Miller (Apr. 14, 2022), p. 153.
187. Document on file with the Select Committee (Ross Worthington Production), RW\_0002341-2351 (S. Miller Jan. 6 Speech Edits Native File), pp. 2-3.
188. "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>; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Ross Worthington Production), CTRL0000924249, (changes in speech between draft and as delivered), pp. 2, 5, 12, 16, 22.
189. "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>.
190. "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>.
191. "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>.
192. 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), at 0:14:11-0:14:29, available at <https://youtu.be/vBjUWVKuDj0?t=851>.
193. 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), at 2:07:02-2:07:07, available at <https://youtu.be/vBjUWVKuDj0?t=7609>.
194. 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), at 2:07:02-2:07:07, available at <https://youtu.be/vBjUWVKuDj0?t=7609>.
195. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), at 1:00:46-1:01:12, available at <https://youtu.be/pbRVqWbHGGuo?t=3645>.
196. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), at 1:01:13-1:01:26, available at <https://youtu.be/pbRVqWbHGGuo?t=3645>.

197. 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), at 0:14:37-0:14:46, available at <https://youtu.be/vBjUWVKuDj0?t=851>.
198. 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), at 0:14:47-0:14:55, available at <https://youtu.be/vBjUWVKuDj0?t=851>.
199. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of White House Employee, (June 10, 2022), pp. 26-27 (establishing time as 1:21 p.m. based on time stamp of a photograph recognized and described).
200. 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).
201. Government's Sentencing Memorandum at 32-33, *United States v. Cusanelli*, No. 1:21-cr-37 (D.D.C. Sept. 15, 2022), ECF No. 110.
202. See Affidavit in Support of Criminal Complaint and Arrest Warrant at 5, *United States v. Black*, No. 1:21-cr-127 (D.D.C. Jan. 13, 2021), ECF No. 1-1, available at <https://www.justice.gov/opa/page/file/1354806/download>.
203. Indictment at 9, *United States v. Neefe*, No. 1:21-cr-567 (D.D.C. Sept. 8, 2021), ECF No. 1, available at <https://www.justice.gov/usao-dc/case-multi-defendant/file/1432686/download>.
204. Affidavit in Support of Criminal Complaint and Arrest Warrant at 8, *United States v. Evans*, No. 1:21-cr-337 (D.D.C. Jan. 8, 2021), ECF No. 1-1, available at <https://www.justice.gov/usao-dc/press-release/file/1351946/download>.
205. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Business Meeting on the January 6th Investigation*, 117th Cong., 2d sess., (Oct. 13, 2022), at 2:26:06-2:26:26, available at <https://youtu.be/lQvuBoLBuCO?t=8766>; Sentencing Transcript at 19, *United States v. Young*, No. 1:21-cr-291 (D.D.C. Sept. 27, 2022), ECF No. 170 (testifying for a victim impact statement, Officer Michael Fanone said: "At approximately 1435 hours, with rapidly mounting injuries and most of the MPD less than lethal munitions expended, the defending officers were forced to conduct a fighting withdrawal back towards the United States Capitol Building entrance. This is the first fighting withdrawal in the history of the Metropolitan Police Department").
206. See 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>.
207. United States Secret Service Radio Tango Frequency at 14:16.
208. United States Secret Service Radio Tango Frequency at 14:25; see also Spencer S. Hsu, "Pence Spent Jan. 6 at Underground Senate Loading Dock, Secret Service Confirms," *Washington Post*, (Mar. 21, 2022), available at <https://www.washingtonpost.com/dc-md-va/2022/03/21/couy-griffin-cowboys-trump-jan6/>.
209. 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), at 2:11:22-2:13:55, available at <https://youtu.be/vBjUWVKuDj0?t=7882>.
210. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), pp. 43-44.
211. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 44.
212. Complaint, Exhibit 2 (Select Committee to Investigate the January 6th Attack on the United States Capitol subpoena to Chapman University, dated Jan. 21, 2022), *Eastman v. Thompson et al. et al.*, No. 8:22-cv-99, (C.D. Cal. Jan. 20, 2022) ECF No. 1-2.



213. Order Re Privilege of Documents Dated January 4-7, 2021 at 51-52, *Eastman v. Thompson et al.*, 594 F. Supp. 3d 1156, (C.D. Cal. Mar. 28, 2022) (No. 8:22-cv-99-DOC-DFM).
214. Order Re Privilege of Documents Dated January 4-7, 2021 at 56-57, *Eastman v. Thompson et al.*, 594 F. Supp. 3d 1156 (C.D. Cal. Mar. 28, 2022) (No. 8:22-cv-99-DOC-DFM).
215. Order Re Privilege of Documents Dated January 4-7, 2021 at 63-64, *Eastman v. Thompson et al.*, 594 F. Supp. 3d 1156 (C.D. Cal. Mar. 28, 2022) (No. 8:22-cv-99-DOC-DFM).
216. 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>.
217. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 223.
218. Select Committee to Investigate the January 6th Attack on the U.S. Capitol, Transcribed Interview of Ronna Romney McDaniel, (June 1, 2022), pp. 7-8.
219. Select Committee to Investigate the January 6th Attack on the U.S. Capitol, Transcribed Interview of Ronna Romney McDaniel, (June 1, 2022), pp. 9-11.
220. On December 13th, Chesebro memorialized the strategy in an email he sent Rudy Giuliani with the subject line: "PRIVILEGED AND CONFIDENTIAL – Brief notes on 'President of the Senate strategy.'" Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman004708 (Dec. 13, 2020, Kenneth Chesebro email to Rudy Giuliani). Chesebro argued that the Trump team could use the fake slates of electors to complicate the joint session on January 6th if the President of the Senate "firmly t[ook] the position that he, and he alone, is charged with the constitutional responsibility not just to open the votes, but to count them—including making judgments about what to do if there are conflicting votes." *Id.* In the weeks that followed, Chesebro and John Eastman would build upon that framework and write two memos asserting that Joe Biden's certification could be derailed on January 6th if Vice President Pence acted as the "ultimate arbiter" when opening the real and fake Electoral College votes during the joint session of Congress. 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, Eastman memo titled "PRIVILEGED AND CONFIDENTIAL – Dec 23 memo on Jan 6 scenario.docx"); *see also* Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman061863 (January 1, 2021, Chesebro email to Eastman).
221. Select Committee to Investigate the January 6th Attack on the U.S. Capitol, Transcribed Interview of Justin Clark, (May 17, 2022), pp. 114, 116.
222. Select Committee to Investigate the January 6th Attack on the U.S. Capitol, Transcribed Interview of Justin Clark, (May 17, 2022), pp. 116.
223. The "certificate of ascertainment" is a State executive's official documentation announcing the official electors appointed pursuant to State law. *See* 3 U.S.C. § 6.
224. Select Committee to Investigate the January 6th Attack on the U.S. Capitol, Transcribed Interview of Matthew Morgan, (Apr. 25, 2022), p. 70.
225. Select Committee to Investigate the January 6th Attack on the U.S. Capitol, Transcribed Interview of Pasquale Anthony "Pat" Cipollone (July 8, 2022), pp. 70-72.
226. Select Committee to Investigate the January 6th Attack on the U.S. Capitol, Informal Interview of Patrick Philbin (Apr. 13, 2022).
227. Select Committee to Investigate the January 6th Attack on the U.S. Capitol, Transcribed Interview of Pasquale Anthony "Pat" Cipollone (July 8, 2022), p. 75.
228. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (Mar. 7, 2022), p. 64.

229. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Shawn Still, (Feb. 25, 2022), p. 24.
230. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Andrew Hitt, (Feb. 28, 2022), pp. 50–51.
231. The National Archives produced copies of the seven slates of electoral votes they received from Trump electors in States that President Trump lost. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), CTRL0000037568, CTRL0000037944, CTRL0000037945, CTRL0000037946, CTRL0000037947, CTRL0000037948, CTRL0000037949 (December 14, 2020, memoranda from slates of purported electors in Arizona, Georgia, Michigan, New Mexico, Nevada, Pennsylvania, and Wisconsin); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000323\_0001 (Senate Parliamentarian office tracking receipt and attaching copies of the seven slates); See also Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Robert Sinners Production), CTRL0000083893 (Trump campaign staffers emailing regarding submission); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Bill Stepien Production), WS 00096 – WS 00097 (Trump campaign staffers emailing regarding submission).
232. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (David Shafer Production), 108751.0001 000004 (December 10, 2020, Kenneth Chesebro email to David Shafer).
233. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), CTRL0000037944 (December 14, 2020, certificate and mailing envelope from Georgia); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), CTRL0000037941 (December 14, 2020, certificate and mailing envelope from Arizona), Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), CTRL0000037945 (December 14, 2020, certificate and mailing envelope from Michigan).
234. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Andrew Hitt Production), Hitt000080 (January 4, 2021, Hitt text message with Mark Jefferson); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Angela McCallum Production), McCallum\_01\_001576 - McCallum\_01\_001577 (January 5, 2021, McCallum text messages with G. Michael Brown); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chris Hodgson Production) CTRL0000056548\_00007 (January 6, 2021, Hodgson text messages with Matt Stroia); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chris Hodgson Production), CTRL0000056548\_00035 (January 6, 2021, text messages from Senator Johnson's Chief of Staff, Sean Riley, to Chris Hodgson around 12:37 p.m.).
235. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Chris Hodgson (Mar. 30, 2022), pp. 206–07; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chris Hodgson Production) CTRL0000056548\_00007 (January 6, 2021, text message from Rep. Kelly's Chief of Staff, Matt Stroia, to Chris Hodgson at 8:41 a.m.), CTRL0000056548\_00035 (January 6, 2021, text messages from Senator Johnson's Chief of Staff, Sean Riley, to Chris Hodgson around 12:37 p.m.); Jason Lennon, "Johnson Says Involvement with 1/6 Fake Electors Plan Only 'Lasted Seconds,'" *Newsweek*, (Aug. 21, 2022), available at <https://www.newsweek.com/johnson-says-involvement-1-6-fake-electors-plan-only-lived-seconds-1735486>.
236. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 52–54.

237. Order Re Privilege of 599 Documents Dated November 3, 2020 - January 20, 2021 at 6, *Eastman v. Thompson et al.*, No. 8:22-cv-99 (C.D. Cal June 7, 2022), ECF No. 356.
238. Order Re Privilege of 599 Documents Dated November 3, 2020 - January 20, 2021 at 20, *Eastman v. Thompson et al.*, No. 8:22-cv-99 (C.D. Cal June 7, 2022), ECF No. 356.
239. Brad Raffensperger, *Integrity Counts* (New York: Simon & Schuster, 2021), p. 191 (reproducing the call transcript); Amy Gardner and Paulina Firozi, "Here's the Full Transcript and Audio of the Call Between Trump and Raffensperger," *Washington Post*, (Jan. 5, 2021), available at [https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356\\_story.html](https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356_story.html).
240. Order Re Privilege of Documents Dated January 4-7, 2021 at 5, *Eastman v. Thompson et al.*, 594 F. Supp. 3d 1156 (C.D. Cal. Mar. 28, 2022) (No. 8:22-cv-99-DOC-DFM), also available at [https://www.cacd.uscourts.gov/sites/default/files/documents/Dkt%20260%2C%20Order%20RE%20Privilege%20of%20Jan.%204-7%2C%202021%20Documents\\_0.pdf](https://www.cacd.uscourts.gov/sites/default/files/documents/Dkt%20260%2C%20Order%20RE%20Privilege%20of%20Jan.%204-7%2C%202021%20Documents_0.pdf).
241. Order Re Privilege of Documents Dated January 4-7, 2021 at 35, *Eastman v. Thompson et al.*, 594 F. Supp. 3d 1156 (C.D. Cal. Mar. 28, 2022) (No. 8:22-cv-99-DOC-DFM), also available at [https://www.cacd.uscourts.gov/sites/default/files/documents/Dkt%20260%2C%20Order%20RE%20Privilege%20of%20Jan.%204-7%2C%202021%20Documents\\_0.pdf](https://www.cacd.uscourts.gov/sites/default/files/documents/Dkt%20260%2C%20Order%20RE%20Privilege%20of%20Jan.%204-7%2C%202021%20Documents_0.pdf).
242. After a journalist tweeted a video clip of key remarks from Gabriel Sterling's warning addressed to President Trump, President Trump responded by quote-tweeting that post, along with a comment that doubled down on demonizing Georgia election workers in spite of Sterling's stark and detailed warning. See Donald J. Trump (@realDonaldTrump), Twitter, Dec. 1, 2020 10:27 p.m. ET, available at <http://web.archive.org/web/20201203173245/> <https://mobile.twitter.com/realDonaldTrump/status/1333975991518187521> (archived) ("Rigged Election. Show signatures and envelopes. Expose the massive voter fraud in Georgia. What is Secretary of State and @BrianKempGA afraid of. They know what we'll find!!! [linking to] [twitter.com/BrendanKeefe/status/1333884246277189633](https://twitter.com/BrendanKeefe/status/1333884246277189633)"; Brendan Keefe (@BrendanKeefe), Twitter, Dec. 1, 2020 4:22 p.m. ET, available at <https://twitter.com/BrendanKeefe/status/1333884246277189633> ("It. Has. All. Gone. Too. Far," says @GabrielSterling with Georgia Sec of State after a Dominion tech's life was threatened with a noose. "Mr. President, you have not condemned these actions or this language....all of you who have not said a damn word are complicit in this.") with embedded video of Gabriel Sterling's remarks); 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>.
243. Stephen Fowler, "'Someone's Going to Get Killed': Election Official Blasts GOP Silence on Threats," GPB News, (Dec. 1, 2020, updated Dec. 2, 2020), available at <https://www.gpb.org/news/2020/12/01/someones-going-get-killed-election-official-blasts-gop-silence-on-threats>.
244. House Governmental Affairs Committee, Georgia House of Representatives, Public Hearing (Dec. 10, 2020), YouTube, at 1:55:10-1:59:10, available at <https://youtu.be/9EfgETUKfsI?t=6910>.
245. 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), at 2:25:45 to 2:26:00, available at [https://youtu.be/xa43\\_z\\_82Og?t=8745](https://youtu.be/xa43_z_82Og?t=8745).
246. Jason Szep and Linda So, "A Reuters Special Report: Trump Campaign Demonized Two Georgia Election Workers – and Death Threats Followed," *Reuters* (Dec. 1, 2021), available at <https://www.reuters.com/investigates/special-report/usa-election-threats-georgia/>.
247. Amended Complaint at 52, *Freeman v. Giuliani*, No. 21-cv-03354-BAH (D.D.C. filed May 10, 2022), ECF No. 22, available at <https://www.courtlistener.com/docket/61642105/22/freeman-v-herring-networks-inc>.

248. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ruby Freeman, (May 31, 2022), pp. 7-8.
249. 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), at 41:30-46:35, available at [https://www.youtube.com/watch?v=xa43\\_z\\_820g](https://www.youtube.com/watch?v=xa43_z_820g); Yvonne Wingett Sanchez and Ronald J. Hansen, "White House Phone Calls, Baseless Fraud Charges: The Origins of the Arizona Election Review," *Arizona Republic*, (Nov. 17, 2021), available at <https://www.azcentral.com/in-depth/news/politics/elections/2021/11/17/arizona-audit-trump-allies-pushed-to-undermine-2020-election/6045151001/>; Yvonne Wingett Sanchez and Ronald J. Hansen, "'Asked to do Something Huge': An Audacious Pitch to Reserve Arizona's Election Results," *Arizona Republic*, (Nov. 18, 2021, updated Dec. 2, 2021), available at <https://www.azcentral.com/in-depth/news/politics/elections/2021/11/18/arizona-audit-rudy-giuliani-failed-effort-replace-electors/6349795001/>.
250. 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), at 53:00-53:40, available at [https://www.youtube.com/watch?v=xa43\\_z\\_820g](https://www.youtube.com/watch?v=xa43_z_820g).
251. 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), at 41:30-46:35, available at [https://www.youtube.com/watch?v=xa43\\_z\\_820g](https://www.youtube.com/watch?v=xa43_z_820g).
252. Dennis Welch (@dennis\_welch), Twitter, Dec. 8, 2020 11:23 p.m. ET, available at [https://twitter.com/dennis\\_welch/status/1336526978640302080](https://twitter.com/dennis_welch/status/1336526978640302080) (retweeting people who were posting Bowers's personal information); Dennis Welch (@dennis\_welch), Twitter, Dec. 8, 2020 11:28 p.m. ET, available at [https://twitter.com/dennis\\_welch/status/1336528029791604737](https://twitter.com/dennis_welch/status/1336528029791604737).
253. Select Committee to Investigate the January 6th Attack on the U.S. Capitol, Transcribed Interview of Russel "Rusty" Bowers, (June 19, 2022), pp. 50-52; Kelly Weill, "Arizona GOP Civil War Somehow Keeps Getting Weirder," *Daily Beast*, (Dec. 11, 2020), available at <https://www.thedailybeast.com/arizona-republican-party-civil-war-somehow-keeps-getting-weirder>; Yvonne Wingett Sanchez and Ronald J. Hansen, "'Asked to do Something Huge': An Audacious Pitch to Reserve Arizona's Election Results," *Arizona Republic*, (Nov. 18, 2021, updated Dec. 2, 2021), available at <https://www.azcentral.com/in-depth/news/politics/elections/2021/11/18/arizona-audit-rudy-giuliani-failed-effort-replace-electors/6349795001/>.
254. 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>.
255. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Michael Shirkey, (June 8, 2022), pp. 16-22.
256. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Lee Chatfield, (Oct. 15, 2021).
257. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Michael Shirkey, (June 8, 2022), p. 57.
258. "Legislative Leaders Meet with President Trump," State Senator Mike Shirkey, (Nov. 20, 2020), available at <https://www.senatormikeshirkey.com/legislative-leaders-meet-with-president-trump/>.
259. Team Trump (Text TRUMP to 88022) (@TeamTrump), Twitter, Jan. 3, 2021 9:00 a.m. ET, available at <http://web.archive.org/web/20210103170109/https://twitter.com/TeamTrump/status/1345776940196659201> (archived); Beth LeBlanc, "Trump Campaign Lists Lawmakers' Cells, Misdirects Calls for Chatfield to Former Petoskey Resident," *Detroit News*, (Jan. 4, 2021), available at <https://www.detroitnews.com/story/news/politics/2021/01/04/trump-campaign-lists-michigan-lawmakers-cell-numbers-misdirects-private-citizen/4130279001/>; Jaclyn Peiser, "Trump Shared the Wrong Number for a Michigan Lawmaker: A 28-Year-Old Has Gotten Thousands of Angry Calls," *Washington Post*, (Jan. 5, 2021), available at <https://www.washingtonpost.com/nation/2021/01/05/michigan-trump-wrong-number-chatfield/>.

260. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Michael Shirkey, (June 8, 2022), p. 52; Aaron Parseghian, “Former Michigan Resident Slammed with Calls After Trump Campaign Mistakenly Posts Number on Social Media,” Fox 17 West Michigan, (Jan. 4, 2021), available at <https://www.fox17online.com/news/politics/former-michigan-resident-slammed-with-calls-after-trump-campaign-mistakenly-posts-number-on-social-media>.
261. Nor would any State legislature have had such authority.
262. Order Re Privilege of Remaining Documents at 16-17, *Eastman v. Thompson et al.*, No. 8:22-cv-99 (C.D. Cal Oct. 19, 2022), ECF No. 372, available at <https://www.cacd.uscourts.gov/sites/default/files/documents/Dkt.%20372%2C%20Order%20Re%20Privilege%20of%20Remaining%20Documents.pdf>.
263. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman060742, (December 31, 2020, from John Eastman to Alex Kaufman and Kurt Hilbert)
264. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman060742, (December 31, 2020, from John Eastman to Alex Kaufman and Kurt Hilbert).
265. Order Re Privilege of Remaining Documents at 17, *Eastman v. Thompson et al.*, No. 8:22-cv-99 (C.D. Cal Oct. 19, 2022), ECF No. 372, available at <https://www.cacd.uscourts.gov/sites/default/files/documents/Dkt.%20372%2C%20Order%20Re%20Privilege%20of%20Remaining%20Documents.pdf>.
266. Order Re Privilege of Remaining Documents at 17, *Eastman v. Thompson et al.*, No. 8:22-cv-099 (C.D. Cal Oct. 19, 2022), ECF No. 372, available at <https://www.cacd.uscourts.gov/sites/default/files/documents/Dkt.%20372%2C%20Order%20Re%20Privilege%20of%20Remaining%20Documents.pdf>.
267. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
268. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 53.
269. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 47-48, 53; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
270. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
271. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
272. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
273. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.

274. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 58; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-Certification-Events-07282021-000738, HCOR-Pre-Certification-Events-07282021-000739 (December 27, 2020, handwritten notes from Richard Donoghue about call with President Trump).
275. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 59.
276. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 59.
277. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014099 (December 26, 2020, message from Representative Perry to Meadows stating: “Mark, just checking in as time continues to count down. 11 days to 1/6 and 25 days to inauguration. We gotta get going!”), MM014100 (December 26, 2020, message from Representative Perry to Meadows stating: “Mark, you should call Jeff. I just got off the phone with him and he explained to me why the principal deputy won’t work especially with the FBI. They will view it as as [sic] not having the authority to enforce what needs to be done.”), MM014101 (Dec. 26, 2020 Message from Meadows to Rep. Perry stating: “I got it. I think I understand. Let me work on the deputy position”), MM014102 (Dec. 26, 2020 Message from Rep. Perry to Meadows stating: “Roger. Just sent you something on Signal”), MM014162 (December 27, 2020, message from Rep. Perry to Meadows stating: “Can you call me when you get a chance? I just want to talk to you for a few moments before I return the presidents [sic] call as requested.”), MM014178 (December 28, 2020, message from Rep. Perry to Meadows stating: “Did you call Jeff Clark?”), MM014208 (December 29, 2020, message from Representative Perry to Meadows stating: “Mark, I sent you a note on signal”), MM014586 (January 2, 2021, message from Representative Perry to Meadows stating: “Please call me the instant you get off the phone with Jeff.”). President Trump, Mark Meadows, and Representative Perry refused to testify before the Select Committee, and Jeffrey Clark asserted his Fifth Amendment rights in refusing to answer questions from the Select Committee. “Thompson & Cheney Statement on Donald Trump’s Defiance of Select Committee Subpoena,” Select Committee to Investigate the January 6th Attack on the United States Capitol, (Nov. 14, 2022), available at <https://january6th.house.gov/news/press-releases/thompson-cheney-statement-donald-trump-s-defiance-select-committee-subpoena>; Luke Broadwater, “Trump Sues to Block Subpoena from Jan. 6 Committee,” *New York Times*, (Nov. 11, 2022), available at <https://www.nytimes.com/2022/11/11/us/politics/trump-subpoena-jan-6-committee.html>; H. Rept. 117-216, Resolution Recommending that the House of Representatives Find Mark Randall Meadows in Contempt of Congress for Refusal to Comply with a Subpoena Duly Issued by the Select Committee to Investigate the January 6th Attack on the United States Capitol, 117th Cong., 1st Sess. (2021), available at <https://www.congress.gov/117/crpt/hrpt216/CRPT-117hrpt216.pdf>; Letter from John P. Rowley III to the Honorable Bennie G. Thompson, re: Subpoena to Representative Scott Perry, May 24, 2022, available at <https://keystonenewsroom.com/wp-content/uploads/sites/6/2022/05/575876667-Rep-perry-Ltr-SelectComm.pdf>; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jeffrey Clark, (Nov. 5, 2021); Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Deposition of Jeffrey Clark, (Feb. 2, 2022). See also Jonathan Tamari and Chris Brennan, “Pa. Congressman Scott Perry Acknowledges Introducing Trump to Lawyer at the Center of Election Plot,” *Philadelphia Inquirer*, (Jan. 25, 2021), available at <https://www.inquirer.com/politics/pennsylvania/scott-perry-trump-georgia-election-results-20210125.html>.
278. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014099-014103, MM014178.

279. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jeffrey Rosen, (Oct. 13, 2021), pp. 54-55.
280. Select Committee to Investigate the January 6th Attack at the United States Capitol, Transcribed Interview of Jeffrey Rosen, (Oct. 13, 2021), p. 55.
281. Select Committee to Investigate the January 6th Attack at the United States Capitol, Transcribed Interview of Jeffrey Rosen, (Oct. 13, 2021), p. 56.
282. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 114; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000681 (Department of Justice policy), HCOR-Pre-CertificationEvents-07262021-000685 (White House policy).
283. Select Committee to Investigate the January 6th Attack at the United States Capitol, Transcribed Interview of Jeffrey Rosen, (Oct. 13, 2021), p. 56.
284. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 82.
285. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 72-73; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000698, (December 27, 2020, handwritten notes from Richard Donoghue about call with Congressman Perry).
286. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kenneth Klukowski, (Dec. 15, 2021), pp. 15-17, 64-80, 179-191; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000697, HCOR-Pre-CertificationEvents-07262021-000698 (email with draft letter attached to December 28, 2020, email from Jeffrey Clark to Jeffrey Rosen and Richard Donoghue).
287. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kenneth Klukowski, (Dec. 15, 2021), pp. 184-88; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000697, HCOR-Pre-CertificationEvents-07262021-000698 (email with draft letter attached to Dec. 28 email from Jeffrey Clark to Jeffrey Rosen and Richard Donoghue). As further discussed in Chapter 4 of this report, Klukowski, a lawyer, joined DOJ's Civil Division with just weeks remaining in President Trump's term and helped Clark on issues related to the 2020 election, despite the fact that "election-related matters are not part of the Civil portfolio." Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kenneth Klukowski (Dec. 15, 2021), p. 66-67. Although Klukowski told the Select Committee that the Trump Campaign was his client before joining DOJ, *id.* at p. 190, and despite the fact that he had sent John Eastman draft talking points titled "TRUMP RE-ELECTION" that encouraged Republican State legislatures to "summon" new Electoral College electors for the 2020 election less than a week before starting at DOJ, Klukowski nevertheless helped Clark draft the December 28th letter described in this Report that, if sent, would have encouraged one or more State legislatures to take actions that could have changed the outcome of the 2020 election. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman028219, Chapman028220 (December 9, 2020, email from Klukowski to Eastman with attached memo). The Select Committee has concerns about whether Klukowski's actions at DOJ, and his continued contacts with those working for, or to benefit, the Trump Campaign, may have presented a conflict of interest to the detriment of DOJ's mission. In addition, the Select Committee has concerns about many of the "privilege" claims Klukowski used to withhold information responsive to his subpoena, as well as concerns about some of his testimony, including his testimony about contacts with, among others,

John Eastman. The Committee has learned that their communications included at least four known calls between December 22, 2020, and January 2, 2021. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Verizon Production, July 1, 2022) (showing that Klukowski called Eastman on 12/22 at 7:38 a.m. EST for 22.8 min, that Klukowski called Eastman on 12/22 at 7:09 p.m. EST for 6.4 min, that Eastman called Klukowski on 12/30 at 9:11 p.m. EST for 31.9 min, and that Klukowski called Eastman on 1/02 at 6:59 p.m. EST for 6.4 min).

288. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman061893 (Jan. 1, 2021, emails between Jeffrey Clark and John Eastman); see Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Verizon Production, July 1, 2022) (showing five calls between John Eastman and Jeffrey Clark from January 1, 2021, through January 8, 2021).
289. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000697 (Dec. 28 email from Jeffrey Clark to Jeffrey Rosen and Richard Donoghue titled “Two Urgent Action Items”) (“The concept is to send it to the Governor, Speaker, and President pro temp of each relevant state...”); Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kenneth Klukowski, (Dec. 15, 2021), pp. 68-69, 79.
290. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000697 (draft letter attached to December 28, 2020, email from Jeffrey Clark to Jeffrey Rosen and Richard Donoghue).
291. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000697 (draft letter attached to December 28, 2020, email from Jeffrey Clark to Jeffrey Rosen and Richard Donoghue).
292. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000703.
293. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000697 (draft letter attached to December 28, 2020, email from Jeffrey Clark to Jeffrey Rosen and Richard Donoghue).
294. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000697 (draft letter attached to December 28, 2020, email from Jeffrey Clark to Jeffrey Rosen and Richard Donoghue).
295. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000697 (draft letter attached to December 28, 2020, email from Jeffrey Clark to Jeffrey Rosen and Richard Donoghue).
296. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-06032021-000200 (January 2, 2021, email from Jeffrey Rosen to Richard Donoghue titled “RE: Two Urgent Action Items”).
297. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-06032021-000200 (January 2, 2021, email from Jeffrey Rosen to Richard Donoghue titled “RE: Two Urgent Action Items”).



298. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-06032021-000200 (January 2, 2021, email from Jeffrey Rosen to Richard Donoghue titled “RE: Two Urgent Action Items”).
299. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
300. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 82.
301. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 82.
302. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 79-82; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000703 (December 28, 2020, email from Richard Donoghue to Jeffrey Clark, cc’ing Jeffrey Rosen re: Two Urgent Action Items in which Donoghue writes: “there is no chance that I would sign this letter or anything remotely like this.”).
303. Select Committee to Investigate the January 6th Attack at the United States Capitol, Transcribed Interview of Jeffrey Rosen, (Oct. 13, 2021), p. 73; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000703 (December 28, 2020, email from Richard Donoghue to Jeffrey Clark, cc’ing Jeffrey Rosen re: Two Urgent Action Items in which Donoghue writes: “there is no chance that I would sign this letter or anything remotely like this.”); Senate Committee on the Judiciary, Interview of Richard Donoghue, (August 6, 2021), at p. 99, available at <https://www.judiciary.senate.gov/imo/media/doc/Donoghue%20Transcript.pdf>.
304. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 113.
305. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
306. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
307. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), CTRL000083040 (January 3, 2021, White House Presidential Call Log).
308. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 119.
309. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 119-20. (“And so it was unanimous; everyone was going to resign if Jeff Rosen was removed from the seat.” The only exception was John Demers, the Assistant Attorney General for the National Security Division. Donoghue encouraged Demers to stay on because he didn’t want to further jeopardize national security.)
310. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 124.

311. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 126-28; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony "Pat" Cipollone, (July 8, 2022), p. 120.
312. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 126.
313. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 125.
314. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven A. Engel, (Jan. 13, 2022), p. 64.
315. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 125.
316. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 131-132.
317. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 131-32.
318. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Sidney Powell, (May 7, 2022), pp. 75, 84.
319. Donald J. Trump (@realDonaldTrump), Twitter, Dec. 19, 2020 1:42 a.m. ET, available at <http://web.archive.org/web/20201219064257/https://twitter.com/realDonaldTrump/status/1340185773220515840> (archived).
320. Donald J. Trump (@realDonaldTrump), Twitter, Dec. 26, 2020 8:14 a.m. ET, available at <https://twitter.com/realDonaldTrump/status/1342821189077622792>; Donald J. Trump (@realDonaldTrump), Twitter, Dec. 27, 2020 5:51 p.m. ET, available at <https://twitter.com/realDonaldTrump/status/1343328708963299338>; Donald J. Trump (@realDonaldTrump), Twitter, Dec. 30, 2020 2:06 p.m. ET, available at <https://twitter.com/realDonaldTrump/status/1344359312878149634>; Donald J. Trump (@realDonaldTrump), Twitter, Jan. 1, 2021 12:52 p.m. ET, available at <https://www.thetrumparchive.com/?searchbox=%22RT+%40KylieJaneKremer%22> (archived) (retweeting @KylieJaneKremer, Dec. 19, 2020 3:50 p.m. ET, available at <https://twitter.com/KylieJaneKremer/status/1340399063875895296>); Donald J. Trump (@realDonaldTrump), Twitter, Jan. 1, 2021 2:53 p.m. ET, available at <https://twitter.com/realDonaldTrump/status/1345095714687377418>; Donald J. Trump (@realDonaldTrump), Twitter, Jan. 1, 2021 3:34 p.m. ET, available at <https://twitter.com/realDonaldTrump/status/1345106078141394944>; Donald J. Trump (@realDonaldTrump), Twitter, Jan. 1, 2021 6:38 p.m. ET, available at <https://twitter.com/realDonaldTrump/status/1345152408591204352>; Donald J. Trump (@realDonaldTrump), Twitter, Jan. 2, 2021 9:04 p.m. ET, available at <https://twitter.com/realDonaldTrump/status/1345551634907209730>; Donald J. Trump (@realDonaldTrump), Twitter, Jan. 3, 2021 1:29 a.m. ET, available at <https://www.thetrumparchive.com/?searchbox=%22RT+%40realDonaldTrump%3A+https%3A%2F%2Ft.co%2FnsWcFwkCj%22> (archived) (retweeting Donald J. Trump (@realDonaldTrump), Jan. 2, 2021 9:04 p.m. ET, available at <https://twitter.com/realDonaldTrump/status/1345551634907209730>); Donald J. Trump (@realDonaldTrump), Twitter, Jan. 3, 2021 10:15 a.m. ET, available at <https://www.thetrumparchive.com/?searchbox=%22RT+%40JenLawrence21%22> (archived) (retweeting Jennifer Lynn Lawrence (@JenLawrence21), Jan. 3, 2021 12:17 a.m. ET, available at <https://twitter.com/JenLawrence21/status/1345600194826686464>); Donald J. Trump (@realDonaldTrump), Twitter, Jan. 3, 2021 10:17 a.m. ET, available at <https://www.thetrumparchive.com/?searchbox=%22RT+%40CodeMonkeyZ+if%22> (archived) (retweeting Ron Watkins (@CodeMonkeyZ) Jan. 2, 2021 9:14 p.m. ET, available at <http://web.archive.org/web/20210103151826/https://twitter.com/CodeMonkeyZ/status/1345599512560078849> (archived)); Donald J. Trump, (@realDonaldTrump), Twitter, Jan. 3,

- 2021 10:24 a.m. ET, available at <https://www.thetrumparchive.com/?searchbox=%22RT+%40realMikeLindell%22> (archived) (retweeting Mike Lindell (@realMikelLindell)), Jan. 2, 2021 5:47 p.m. ET, available at <http://web.archive.org/web/20210103152421/https://twitter.com/realMikelLindell/status/1345547185836978176> (archived); Donald J. Trump (@realDonaldTrump), Twitter, Jan. 3, 2021 10:27 a.m. ET, available at <https://twitter.com/realDonaldTrump/status/1345753534168506370>; Donald J. Trump (@realDonaldTrump), Twitter, Jan. 3, 2021 10:28 a.m. ET, available at <https://www.thetrumparchive.com/?searchbox=%22RT+%40AmyKremer+we%22> (archived) (retweeting Amy Kremer (@AmyKremer)), Jan. 2, 2021 2:58 p.m. ET, available at <https://twitter.com/AmyKremer/status/1345459488107749386>; Donald J. Trump (@realDonaldTrump), Twitter, Jan. 4, 2021 9:46 a.m. ET, available at <https://www.thetrumparchive.com/?searchbox=%22RT+%40realDonaldTrump+I+will+be+there.+Historic+day%21%22> (retweeting Donald J. Trump (@realDonaldTrump)), Jan. 3, 2021 10:27 a.m. ET, available at <https://twitter.com/realDonaldTrump/status/1345753534168506370>; Donald J. Trump (@realDonaldTrump), Twitter, Jan. 5, 2021 10:27 a.m. ET, available at <https://twitter.com/realDonaldTrump/status/1346478482105069568>; Donald J. Trump (@realDonaldTrump), Twitter, Jan. 5, 2021 5:43 p.m. ET, available at <https://twitter.com/realDonaldTrump/status/1346588064026685443>.
321. See, e.g., Sentencing Memorandum of Daniel Johnson at 5, *United States v. Johnson*, No. 1:21-cr-407 (D.D.C. May 25, 2022), ECF No. 56 (“Mr. Johnson believed what he read on the internet and heard from the President himself - that the election had been stolen.”); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Zac Martin, (Mar. 9, 2022), p. 20 (answering that he believed President Trump wanted “patriots to show up in Washington, DC on January 6th” because “we felt like our rights were being taken away from us” given the election results).
322. See, e.g., Trial Transcript at 4106-08, *United States v. Rhodes et al.*, No. 1:22-cr-15 (D.D.C. Oct. 18, 2022) (Oath Keeper Jason Dolan testified that the Oath Keepers came to Washington, DC “to stop the certification of the election. ... [b]y any means necessary. That’s why we brought our firearms.”); Motion to Suppress, Exhibit A at 34, 85-86, *United States v. Rodriguez*, No. 1:21-cr-246 (D.D.C. Oct. 15, 2021), ECF No. 38-1 (“Trump called us. Trump called us to DC ... and he’s calling for help -- I thought he was calling for help. I thought he was -- I thought we were doing the right thing.”); Statement of Facts at 2, *United States v. Martin*, No. 1:21-cr-394 (D.D.C. Apr. 20, 2021) (“MARTIN reported that he decided to travel to Washington, D.C. after reading then-President Donald Trump’s tweets regarding the election being stolen and a protest on January 6, 2021, flying to D.C. on January 5, 2021, and attending the rallies on January 6, 2021, and then heading to the U.S. Capitol where he entered along with a crowd of other individuals.”); Statement of Facts at 9-10, *United States v. Denney*, No. 1:22-cr-70 (D.D.C. Dec. 7, 2021) (“So Trump has called this himself. For everyone to come. It’s the day the electoral college is suppose [sic] to be certified by congress to officially elect Biden.”); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Dustin Thompson (Nov. 16, 2022), pp. 34, 44, 70-71 (noting that he went to the Capitol at President Trump’s direction and that he “figured [stopping the certification of the vote] was [President Trump’s] plan”; see also, Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Select Committee Chart Compiling Defendant Statements).
323. Indictment at 6, *United States v. Smith*, No. 1:21-cr-567 (D.D.C. Sept. 9, 2021), ECF No. 1.
324. Statement of Facts at 3, *United States v. Sulenta*, No. 1:22-mj-00129-ZMF (D.D.C. June 6, 2022), ECF No. 1-1.
325. Stipulated Statement of Facts at 7, *United States v. Morss*, No. 1:21-cr-40 (D.D.C. August 23, 2022), ECF No. 430.
326. Statement of Facts at 9, *United States v. Grayson*, No. 1:21-cr-224 (D.D.C. Jan. 25, 2021), ECF No. 1-1.
327. Statement of Facts at 11, *United States v. Denney*, No. 1:21-mj-00686-RMM-ZMF (D.D.C. Dec. 7, 2021), ECF No. 1-1.

328. Gieswein denies that he was a Three Percenter as of January 6, 2021, even though he affiliated with an apparent Three Percenter group at previous times. See Gieswein's Motion for Hearing & Revocation of Detention Order at 2-3, 18-19, 25, *United States v. Gieswein*, No. 1:21-cr-24 (D.D.C. June 8, 2021), ECF No. 18. When the FBI arrested Gieswein, the criminal complaint noted that he "appears to be affiliated with the radical militia group known as the Three Perceners." Criminal Complaint at 5, *United States v. Gieswein*, No. 1:21-cr-24 (D.D.C. Jan. 16, 2021), available at <https://www.justice.gov/opa/page/file/1360831/download>. See also Adam Rawnsley (@arawnsley), Twitter, Jan. 17, 2021 9:13 p.m. ET, available at <https://twitter.com/arawnsley/status/1350989535954530315> (highlighting photos of Gieswein flashing a Three Percenter symbol).
329. Second Superseding Indictment at 9-10, *United States v. Nordean et al.*, No. 1:21-cr-175 (D.D.C. March 7, 2022), ECF No. 305.
330. Statement of Offense at 5, *United States v. Bertino*, No. 1:22-cr-329 (D.D.C. Oct. 6, 2022), ECF No. 5; Third Superseding Indictment at 6, *United States v. Nordean, et al.*, No. 1:21-cr-175 (D.D.C. June 6, 2022), ECF No. 380; Statement of Offense at 3, *United States v. Donohoe*, No. 1:21-cr-175 (D.D.C. Apr. 8, 2022), ECF No. 336.
331. Third Superseding Indictment at 13, *United States v. Nordean, et al.*, No. 1:21-cr-175 (D.D.C. June 6, 2022), ECF No. 380; Georgia Wells, Rebecca Ballhaus, and Keach Hagey, "Proud Boys, Seizing Trump's Call to Washington, Helped Lead Capitol Attack," *Wall Street Journal*, (Jan.17, 2021), available at <https://www.wsj.com/articles/proud-boys-seizing-trumps-call-to-washington-helped-lead-capitol-attack-11610911596>.
332. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Jay Thaxton Production), CTRL0000070865, (December 29, 2020, Telegram chat at 11:09 a.m. from Enrique Tarrío under the name "HEIKA NOBLELEAD.").
333. "Former Leader of Proud Boys Pleads Guilty to Seditious Conspiracy for Efforts to Stop Transfer of Power Following 2020 Presidential Election," Department of Justice, (Oct. 6, 2022), available at <https://www.justice.gov/opa/pr/former-leader-proud-boys-pleads-guilty-seditious-conspiracy-efforts-stop-transfer-power>; "Leader of North Carolina Chapter of Proud Boys Pleads Guilty to Conspiracy and Assault Charges in Jan. 6 Capitol Breach," Department of Justice, (Apr. 8, 2022), available at <https://www.justice.gov/opa/pr/leader-north-carolina-chapter-proud-boys-pleads-guilty-conspiracy-and-assault-charges-jan-6>.
334. Statement of Offense at 2, *United States v. Bertino*, No. 1:22-cr-329 (D.D.C. Oct. 6, 2022), ECF No. 5.
335. Statement of Offense at 4, *United States v. Bertino*, No. 1:22-cr-329 (D.D.C. Oct. 6, 2022), ECF No. 5.
336. Statement of Offense at 4-5, *United States v. Bertino*, No. 1:22-cr-329 (D.D.C. Oct. 6, 2022), ECF No. 5.
337. Statement of Offense at 4, *United States v. Donohoe*, No. 1:21-cr-175 (D.D.C. Apr. 8, 2022), ECF No. 336. Indeed, Proud Boys leaders Biggs and Nordean told MOSD on January 5th about a plan they had discussed with Tarrío for January 6th. Although Biggs and Nordean did not share the plan's precise details, Proud Boys like Bertino and Donohoe nonetheless understood the "objective in Washington, D.C., on January 6, 2021, was to obstruct, impede, or interfere with the certification of the Electoral College vote, including by force if necessary," and that the Proud Boys "would accomplish this through the use of force and violence, which could include storming the Capitol through police lines and barricades if necessary." Statement of Offense at 8, *United States v. Bertino*, No. 1:22-cr-329 (D.D.C. Oct. 6, 2022), ECF No. 5; Statement of Offense at 6, *United States v. Donohoe*, No. 1:21-cr-175 (D.D.C. Apr. 8, 2022), ECF No. 336.
338. Superseding Indictment at 2-3, *United States v. Rhodes et al.*, No. 1:22-cr-15 (D.D.C. June 22, 2022), ECF No. 167.
339. Caldwell testified that he was not an Oath Keeper. See Trial Transcript at 8778-79, *United States v. Rhodes et al.*, No. 1:22-cr-15 (D.D.C. Nov. 15, 2022); Hannah Rabinowitz and Holmes Lybrand, "Capitol Riot Defendant Calls Himself a 'Little Bit of a Goof' Regarding Pelosi and Pence Comments," CNN, (Nov. 15, 2022), available at <https://www.cnn.com/2022/11/15/>

politics/thomas-caldwell-testifies-oath-keeper-trial. Because the government tried Caldwell in a conspiracy case with known Oath Keepers, the Select Committee has referred to him as an Oath Keeper.

340. See Trial Transcript at 10502-08, *United States v. Rhodes et al.*, No. 1:22-cr-15 (D.D.C. Nov. 29, 2022).
341. Trial Exhibit 6860 (1.S.656.9328 - 9396), *United States v. Rhodes*, No. 1:22-cr-15 (D.D.C. Oct. 13, 2022).
342. Superseding Indictment at 13, *United States v. Rhodes, III, et al.*, No. 22-cr-15 (D.D.C. June 22, 2022), ECF No 167.
343. Superseding Indictment at 13-14, *United States v. Rhodes, et al.*, No. 1:22-cr-15 (D.D.C. June 22, 2022), ECF No. 167.
344. Superseding Indictment at 15-17, *United States v. Rhodes, et al.*, No. 22-cr-15 (D.D.C. June 22, 2022), ECF No 167.
345. Statement of Offense at 5, *United States v. Ulrich*, No. 1:22-cr-15 (D.D.C. Apr. 29, 2022), ECF No. 117.
346. Statement of Offense at 5, *United States v. James*, No. 1:22-cr-15 (D.D.C. Mar. 2, 2022), ECF No. 60.
347. "TTPO Stance on Election Fraud," The Three Percenter - Original, available at <https://archive.ph/YemCC#selection-289.0-289.29> (archived).
348. Statement of Facts at 7-8, *United States v. Buxton*, No. 1:21-cr-739 (D.D.C. Dec. 8, 2021), ECF No. 1-1; Post: "Oath Keepers claim to stand for the constitution yet will not call up its 30k membership to attend the 6th. I thought you guys stood for the constitution? It's your only job as an organization...now or never boys," Patriots.win, Dec. 29, 2020, available at <https://patriots.win/p/11RO2hdyR2/x/c/4DrwV8RcV1s>.
349. Indictment at 1, 7, *United States v. Hostetter et al.*, No. 1:21-cr-392 (D.D.C. June 9, 2021), ECF No. 1.
350. Indictment at 7, *United States v. Hostetter et al.*, No. 1:21-cr-392 (D.D.C. June 9, 2021), ECF No. 1.
351. Indictment at 8-13, *United States v. Hostetter et al.*, No. 1:21-cr-392 (D.D.C. June 9, 2021), ECF No. 1.
352. Indictment at 9, *United States v. Hostetter et al.*, No. 1:21-cr-392 (D.D.C. June 9, 2021), ECF No. 1.
353. Statement of Facts at 4, *United States v. Cole et al.*, No. 1:22-mj-184, (D.D.C. Aug. 29, 2022), ECF No. 5-1.
354. Statement of Facts at 5, *United States v. Cole et al.*, No. 1:22-mj-184, (D.D.C. Aug. 29, 2022), ECF No. 5-1. When the Select Committee asked about this post to the leader of the Florida Guardians of Freedom, Liggett downplayed any significance or any knowledge about other Three Percenter groups that might "show in record numbers." Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jeremy Liggett, (May 17, 2022), pp. 51-52.
355. Statement of Facts at 5-6, *United States v. Cole et al.*, No. 1:22-mj-184, (D.D.C. Aug. 29, 2022), ECF No. 5-1; #SeditionHunters (@SeditionHunters), Twitter, June 7, 2021 2:11 p.m. ET, available at <https://twitter.com/SeditionHunters/status/1401965056980627458>.
356. Statement of Facts at 15-17, *United States v. Cole et al.*, No. 1:22-mj-184, (D.D.C. Aug. 29, 2022), ECF No. 5-1. The "tunnel" is actually a flight of stairs leading to a doorway from which the President emerges on Inauguration Day to take the oath of office. When the inauguration stage is present, the stairs leading to the doorway are converted into a "10-foot-wide, slightly sloped, short tunnel that was approximately 15 feet long." Government's Sentencing Memorandum at 5-6, *United States v. Young*, No. 1:21-cr-291-3 (D.D.C. Sept. 13, 2022), ECF No. 140. For other examples of how extremist groups responded to President Trump's call to action, see Chapter 6.

357. Indictment at 11, *United States v. Rodriguez et al.*, No. 1:21-cr-246 (D.D.C. Nov. 19, 2021), ECF No. 65; Motion to Suppress, Exhibit A at 70, *United States v. Rodriguez*, No. 1:21-cr-246 (D.D.C. Oct. 15, 2021), ECF No. 38-1.
358. Motion to Suppress, Exhibit A at 34, 85-86, *United States v. Rodriguez*, No. 1:21-cr-246 (D.D.C. Oct. 15, 2021), ECF No. 38-1.
359. Government's Opposition to Defendant's Renewed Request for Pretrial Release at 7, *United States v. Meggs*, No. 1:21-cr-28 (D.D.C. Mar. 23, 2021), ECF No. 98.
360. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol ( Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Google Voice Production, Feb. 25, 2022).
361. Trial Exhibit 6868 (2000.T.420), *United States v. Rhodes et al.*, No. 1:22-cr-15 (D.D.C. Oct. 13, 2022).
362. Trial Exhibit 6868 (2000.T.420), *United States v. Rhodes et al.*, No. 1:22-cr-15 (D.D.C. Oct. 13, 2022).
363. Trial Exhibit 9221, *United States v. Rhodes et al.*, No.1:22-cr-15 (D.D.C. Nov. 9, 2022).
364. Motion for Bond, Exhibit 1 at 125-26, *United States v. Vallejo*, No. 1:22-cr-15 (D.D.C. Apr. 18, 2022), ECF No. 102-1 (Collection of redacted text messages, labeled as Exhibit 8, showing Rhodes adding "a CA Oath Keeper who is in with a four man team, followed by that person announcing his identifiable radio frequency) Ryan J. Reilly, "New Evidence Reveals Coordination Between Oath Keepers, Three Percenters on Jan. 6," NBC News, (May 28, 2022), available at <https://www.nbcnews.com/politics/justice-department/new-evidence-reveals-coordination-oath-keepers-three-percenters-jan-6-rcna30355> (noting how public source investigators linked the identifiable radio frequency to Derek Kinnison, who is one of the California Three Percenters indicted on conspiracy charges for their conduct on January 6th. See Indictment, *United States v. Hostetter et al.*, No. 1:21-cr-392 (D.D.C. June 9, 2021), ECF No. 1).
365. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), CTRL 000010471, at 7:01 (January 6, 2021, video footage recorded by Samuel Montoya at the U.S. Capitol).
366. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (District of Columbia Production), Axon Body 3 X6039BKH5 13.53.47 20210106-FELONYRIOT-FIRSTSTSE, at 15:28:13 (MPD body camera footage); Statement of Facts at 3, *United States v. Cale*, No. 1:22-cr-139 (D.D.C. Mar. 28, 2022), ECF No. 1-1.
367. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Jan6-07222021-000603.
368. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 143.
369. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark A. Milley, (Nov. 17, 2021), p. 199.
370. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mary McCord Production), CTRL0000930476 (December 22, 2020, email to the FBI noting troubling Oath Keepers chats),
371. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mary McCord Production), CTRL0000930476 (December 22, 2020, email to the FBI noting troubling Oath Keepers chats).
372. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), USSS0000038637, (December 25, 2020, email chain from PIOC on January 6th intelligence).
373. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), USSS0000038637, (December 25, 2020, email chain from PIOC on January 6th intelligence).

374. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), USSS0000038637, (December 25, 2020, email chain from PIOC on January 6th intelligence).
375. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), USSS0000038637, (December 25, 2020, email chain from PIOC on January 6th intelligence).
376. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), USSS0000038637, (December 25, 2020, email chain from PIOC on January 6th intelligence).
377. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), USSS0000038637, (December 25, 2020, email chain from PIOC on January 6th intelligence).
378. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), USSS0000038637, (December 25, 2020, email chain from PIOC on January 6th intelligence).
379. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000000080 (December 28, 2020, email to John Donohue re: (LES) Armed and Ready SITE.pdf.); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jack Donohue, (Jan. 31, 2022), p. 8; Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Jack Donohue, (Jan. 7, 2022).
380. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), USSS0000067420 (December 26, 2020, email to PIOC regarding possible Proud Boys plan for January 6, 2021).
381. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), USSS0000067420 (December 26, 2020, email to PIOC regarding possible Proud Boys plan for January 6, 2021).
382. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000001473 (December 29, 2020, email from PIOC-ONDUTY to THREAT ASSESSMENT re: FW: [EXTERNAL EMAIL] - Neo-Nazi Calls on D.C. Pro-Trump Protesters to Occupy Federal Building.).
383. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000000087 (December 28, 2020, email re: 1/6 warning.).
384. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000001473 (December 29, 2020, email from PIOC-ONDUTY@USSS.DHS.GOV to THREATS@uscg.gov titled "FW: [EXTERNAL EMAIL] - Neo-Nazi Calls on D.C. Pro-Trump Protesters to Occupy Federal Building.").
385. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL0000101135.0001, pp. 1, 3 (December 30, 2020, Protective Intelligence Brief titled "Wild Protest").
386. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000001527 (Email titled "Fwd: MPD MMS Text Tip.").
387. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000001527 (Email titled "Fwd: MPD MMS Text Tip.").
388. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (Parler Production) PARLER\_00000013 (January 2, 2021, email from Parler to the FBI re: Another to check out, attaching Parler posts).

389. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000001487 (January 2, 2021, email to Capitol Police and Department of Justice with screenshots of Parler posts); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000000116, CTRL0000000116.0001 (January 4, 2021, email from U.S. Capitol Police re: Comments of concern for Jan 6 rally, collecting Parler posts).
390. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000001532.0001, p.2 (January 5, 2021, FBI Situational Information Report).
391. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000001532.0001, p.2 (January 5, 2021, FBI Situational Information Report).
392. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL0000293417 (December 30, 2020, email to OSU-ALL titled "Discovery of Event Website- MAGA Drag the Interstate & Occupy the Capitol").
393. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000000083, CTRL0000000083.0001 (January 5, 2021, email re: (U//FOUO//LES) OSINT Post of Concern.).
394. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000000083, CTRL0000000083.0001 (January 5, 2021, email al re: (U//FOUO//LES) OSINT Post of Concern.).
395. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000000083, CTRL0000000083.0001 (January 5, 2021, email Deleted for privacy concerns. et. al re: (U//FOUO//LES) OSINT Post of Concern.).
396. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), USSS0000066986, USSS0000066986.0001 (January 5, 2021, Secret Service email noting social media user threatening to bring a fire-arm to Washington, D.C. on January 6th).
397. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Interior Production), DOI\_46000114\_00000238, DOI\_46000114\_00000239 (January 5, 2021, Situational Information Report Federal Bureau of Investigation. "Potential for Violence in Washington, D.C. Area in Connection with Planned 'StopTheSteal' Protest on 6 January 2021.").
398. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Interior Production), DOI\_46000114\_00000238, DOI\_46000114\_00000239 (January 5, 2021, Situational Information Report Federal Bureau of Investigation. "Potential for Violence in Washington, D.C. Area in Connection with Planned 'StopTheSteal' Protest on 6 January 2021.").
399. Trial Exhibit 6923 (1.S.159.817, 955), *United States v. Rhodes et al.*, No. 22-cr-15 (D.D.C. Oct. 14, 2022) ( Rhodes sent an encrypted message to Oath Keeper leadership on January 5, 2021, stating: "We will have several well equipped QRFs outside DC. And there are many, many others, from other groups, who will be watching and waiting on the outside in case of worst case scenarios.").
400. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014441-MM01442 (December 30, 2020, 6:05 p.m. ET text from Jason Miller to Mark Meadows).
401. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jason Miller, (Feb. 3, 2022), Exhibit 45, pp. 4, 13. Miller claimed he had no idea about the comments and would have "flag[ged]" them for "Secret Service" had he seen



- them. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jason Miller, (Feb. 3, 2022), pp. 210-12.
402. On his way to the Capitol, Proud Boy David Nicholas Dempsey stopped on the National Mall in front of an erected gallows, fitted with a noose, to tell the world what he hoped would happen: “Them worthless shitholes like Jerry Nadler, fuckin Pelosi ... They don’t need a jail cell. They need to hang from these motherfuckers [pointing to gallows]. They need to get the point across that the time for peace is over. ... For four, or five years really, they’ve been fucking demonizing us, belittling us, ... doing everything they can to stop what this is, and people are sick of that shit .... Hopefully one day soon we really have someone hanging from one of these motherfuckers ... .” Statement of Facts at 2-3, *United States v. Dempsey*, No. 1:21-cr-566 (D.D.C. Aug. 25, 2021); #SeditionHunters (@SeditionHunters), Twitter, Mar. 11, 2021 8:12 p.m. ET, available at <https://twitter.com/SeditionHunters/status/1370180789770588163>.
403. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), p. 49.
404. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (May 17, 2022), p. 92.
405. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Hope Hicks Production), SC\_HH\_035, SC\_HH\_036 (January 6, 2021, text messages with Hogan Gidley).
406. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Hope Hicks, (Oct. 25, 2022), pp. 109-10.
407. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Homeland Security and Emergency Management Agency, DC Production), CTRL0000926794 (Talking points put together by Dr. Christopher Rodriguez, Director of HSEMA, for a briefing with Mayor Muriel Bowers on December 30, 2020).
408. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 12, 2022), available at <https://www.govinfo.gov/committee/house-january6th>; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Donnell Harvin, (Jan. 24, 2022), pp. 22-23.
409. Given the timing of receipt of much of this intelligence immediately in advance of January 6th, it is unclear that any comprehensive intelligence community analytical product could have been reasonably expected. But it is clear that the information itself was communicated.
410. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Caroline Wren Production), REVU\_000181 (January 2, 2021, email from Katrina Pierson to Caroline Wren and Taylor Budowich re: 1/6 Speaker Schedule).
411. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Kylie Kremer Production), KKremer5449; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 12, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
412. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Judson P. Deere, (Mar. 3, 2022), pp. 83, 86.
413. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 28, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
414. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert “Bobby” Engel, (Nov. 17, 2022), p. 64.

415. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Robert Engel, (Nov. 17, 2022), p. 21.
416. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Anthony Ornato, (Nov. 29, 2022), p. 152.
417. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Anthony Ornato, (Nov. 29, 2022), p. 152.
418. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Anthony Ornato, (Nov. 29, 2022), p. 152.
419. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Anthony Ornato, (Mar. 29, 2022), p. 16.
420. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000086772, p. 4 (November 18, 2021, document titled: United States Secret Service - Coordinated Response to a Request for Information from the Select Committee to Investigate the January 6th Attack on the United States Capitol).
421. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Nick Quested Production), Video file ML\_DC\_20210106\_Sony\_FS7-GC\_1935.mov; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL0000882478 (Summary of updates from January 6, 2021); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Dustin Thompson, (Nov. 16, 2022), pp. 30-31 ("I was seeing these, like, piles of backpacks and flagpoles [outside the magnetometers]. And some people were watching that for other people. And I just -- there were lots of piles all over the place of stuff like that.").
422. Tom Jackman, Rachel Weiner, and Spencer S. Hsu, "Evidence of Firearms in Jan. 6 Crowd Grows as Arrests and Trials Mount," *Washington Post*, (July 8, 2022), <https://www.washingtonpost.com/dc-md-va/2022/07/08/jan6-defendants-guns/>.
423. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL0000882478 (summary of radio traffic on January 6, 2021).
424. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (District of Columbia Production), MPD 73-78 (District of Columbia, Metropolitan Police Department, Transcript of Radio Calls, January 6, 2021); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (District of Columbia Production), CTRL0000070375, at 3:40 (District of Columbia, Metropolitan Police Department, audio file of radio traffic from January 6, 2021, from 12:00 - 13:00).
425. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Cassidy Hutchinson Production), CH-CTRL0000000069.
426. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 28, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
427. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of United States Secret Service Employee, (Nov. 7, 2022), p. 77 ("The most--the thing that sticks out most was he kept asking why we couldn't go, why we couldn't go, and that he wasn't concerned about the people that were there or referenced them being Trump people or Trump supporters.").
428. "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>.
429. "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>.

430. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), pp. 20-21.
431. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), pp. 24, 26.
432. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), pp. 26.
433. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), pp. 23.
434. See “Donald Trump Speech ‘Save America’ Rally Transcript January 6,” Rev, (Jan. 6, 2021), at 1:00:00 – 1:02:31, available at <https://www.rev.com/blog/transcripts/donald-trump-speech-save-america-rally-transcript-january-6> (timestamping the speech).
435. “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>.
436. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), at 1:00:45-1:01:12, available at <https://youtu.be/pbRVqWbHGuo?t=3645>; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Janet West Buhler, (Feb. 28, 2022), p. 40.
437. “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>.
438. “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>.
439. “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>.
440. 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), at 0:14:11-0:15:00, available at <https://youtu.be/vBjUWVKuDj0?t=851>; Hearing on Motion to Modify Conditions of Release, Exhibit 07 at 7:43 – 8:00, *United States v. Nichols*, No. 1:21-cr-117 (D.D.C. Dec. 20, 2021).
441. Unframe of Mind, “Unframe of Mind in DC #stopthesteal Rally,” YouTube, at 9:40 – 9:47, Jan. 6, 2021, available at [https://www.youtube.com/watch?v=OFbvpBu\\_7ws&t=579s](https://www.youtube.com/watch?v=OFbvpBu_7ws&t=579s); 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), at, at 0:14:11-0:15:00, available at <https://youtu.be/vBjUWVKuDj0?t=851>.
442. Walter Masterson, “Live from the Trump Rally in Washington, D.C.,” YouTube, at 17:32 – 17:50, Jan. 11, 2021, available at [https://www.youtube.com/watch?v=OFbvpBu\\_7ws&t=579s](https://www.youtube.com/watch?v=OFbvpBu_7ws&t=579s); 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), at, at 2:07:02-2:07:07, available at <https://youtu.be/vBjUWVKuDj0?t=7609>.
443. 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) at, at 2:07:13-2:07:47, available at <https://youtu.be/vBjUWVKuDj0?t=7609>.
444. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), at 1:00:45-1:01:12, available at <https://youtu.be/pbRVqWbHGuo?t=3645>; On the Media, “Jessica Watkins on ‘Stop the Steal J6’ Zello Channel (Unedited),” Soundcloud, at 4:00-4:18, available at <https://soundcloud.com/user-403747081/jessica-watkins-on-stop-the-steal-j6-zello-channel-unedited>.

445. For a video of the interview, see “Crown Point, Indiana Man Charged in Jan. 6 Capitol Riot Says He Has ‘No Regrets’,” CBS Chicago, Nov. 29, 2022, available at <https://www.cbsnews.com/chicago/video/crown-point-indiana-man-charged-in-jan-6-capitol-riot-says-he-has-no-regrets/#x>.
446. “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> (emphasis added).
447. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 28, 2022), available at <https://www.govinfo.gov/committee/house-january6th>; Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), p. 49.
448. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony “Pat” Cipollone, (July 8, 2022), p. 131 (“I just didn’t think it would be, you know, a good idea for the President to go up to the Capitol.”). While Cipollone did not specifically recall talking with Cassidy Hutchinson about this topic, he informed the Select Committee that he was sure that he did express his view to some people. *Id.* Hutchinson believes it was Pat Cipollone, but also testified that it may have been a different lawyer. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Cassidy Hutchinson, (Feb. 23, 2022), pp. 113-16.
449. For security reasons, the Select Committee is not releasing the name of this employee. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of White House employee with national security responsibilities, (July 19, 2022) at p. 73. See also Chapter 7, which discusses this topic in greater detail.
450. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of United States Secret Service Agent, (Nov. 21, 2022), pp. 22-23. The Select Committee has agreed to keep confidential the identity of this witness due to their sensitive national security responsibilities.
451. A book written by Chief of Staff Mark Meadows in December 2021 made the categorical claim that the President never intended to travel to the Capitol that day. See Mark Meadows, *The Chief’s Chief* (St. Petersburg, FL: All Seasons Press, 2021), p. 250. The Committee’s evidence demonstrates that Meadows’s claim is categorically false. Because the Meadows book conflicted sharply with information that was being received by the Select Committee, the Committee became increasingly wary that other witnesses might intentionally conceal what happened. That appeared to be the case with Ornato. Ornato does not recall that he conveyed the information to Cassidy Hutchinson regarding the SUV, and also does not recall that he conveyed similar information to a White House employee with national security responsibilities who testified that Ornato recalled a similar account to him. The Committee is skeptical of Ornato’s account.
452. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of White House Security Official, (July 11, 2022), p. 45. The Select Committee has agreed to keep confidential the identity of this witness due to their sensitive national security responsibilities.
453. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kayleigh McEnany, (Jan. 12, 2022), p. 159.
454. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), p. 8.
455. Government’s Sentencing Memorandum at 2-9, *United States v. Young*, No. 1:21-cr-291 (D.D.C. Sept. 13, 2022), ECF No. 140; 167 Cong. Rec. S619 (daily ed. Feb. 10, 2021), available at <https://www.congress.gov/117/crec/2021/02/10/CREC-2021-02-10-pt1-PgS615-4.pdf>; Michael S. Schmidt and Luke Broadwater, “Officers’ Injuries, Including Concussions, Show Scope of Violence at Capitol Riot,” *New York Times*, (Feb. 11, 2021), available at <https://www.nytimes.com/2021/02/11/us/politics/capitol-riot-police-officer-injuries.html>.

456. See Sentencing Transcript at 35, *United States v. Griffith*, No. 1:21-cr-204 (D.D.C. Oct. 30, 2021), ECF No. 137; Kyle Cheney and Josh Gerstein, "Where Jan. 6 Prosecutions Stand, 18 Months after the Attack," *Politico*, (July 7, 2022), available at <https://www.politico.com/news/2022/07/07/jan-6-prosecutions-months-later-00044354>.
457. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 12, 2022), at 2:36:58-2:37:30, 2:44:00-2:45:05, available at <https://www.youtube.com/watch?v=rrUa0hfG6Lo> ("[W]hen President Trump put his tweet out, we literally left right after that come out . . . As soon as that come out, everybody started talking about it . . . it definitely dispersed a lot of the crowd. . . . We left."); Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), at 1:58:00, available at <https://www.youtube.com/watch?v=pbRVqWbHGuo> ("I'm here delivering the President's message. Donald Trump has asked everybody to go home. . . . That's our order.").
458. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), at 1:50:59-1:52:19, available at <https://youtu.be/pbRVqWbHGuo?t=6659>; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Business Meeting on the January 6th Investigation*, 117th Cong., 2d sess., (Oct. 13, 2022), at 2:15:45-2:17:12, available at <https://youtu.be/IIQvuBoLBuCO?t=8145>; CBS News, "Former Vice President Mike Pence on 'Face the Nation with Margaret Brennan' | Full Interview," YouTube, at 16:23-19:01, Nov. 21, 2022, available at <https://youtu.be/U9GbkPhG1Lo?t=983>; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 173.
459. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of White House Employee, (June 10, 2022), p. 27. The Select Committee is not revealing the identity of this witness to guard against the risk of retaliation; See "Donald Trump Speech 'Save America' Rally Transcript January 6," Rev, (Jan. 6, 2021), available at <https://www.rev.com/blog/transcripts/donald-trump-speech-save-america-rally-transcript-january-6> (timestamping the speech).
460. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), Photo file 40a8\_hi\_j0087\_0bea; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), at 34:18, available at <https://youtu.be/pbRVqWbHGuo?t=2058>.
461. Washington Post, "D.C. Police requested backup at least 17 times in 78 minutes during Capitol riot | Visual Forensics," YouTube, at 7:58 to 8:45, Apr. 15, 2021, available at <https://youtu.be/rsQTY9083r8?t=478>; Senate Committee on Homeland Security and Governmental Affairs and Senate Committee on Rules and Administration, Public Hearing, (Mar. 3, 2021), Written Testimony of William J. Walker, Commanding General District of Columbia National Guard, p. 3, available at <https://www.hsgac.senate.gov/imo/media/doc/Testimony-Walker-2021-03-03.pdf>.
462. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Shealah Craighead, (June 8, 2022), pp. 42, 46.
463. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000261; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), available at <https://www.govinfo.gov/committee/house-january6th>
464. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000257; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), available at <https://www.govinfo.gov/committee/house-january6th>

465. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Molly Michael, (Mar. 24, 2022), p. 138.
466. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony “Pat” Cipollone, (Jul. 8, 2022), p. 174; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Keith Kellogg Jr., (Dec. 14, 2021), pp. 126–27; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Nicholas Luna, (Mar. 21, 2022), pp. 151–52; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Charles Miller, (Jan. 14, 2022), pp. 124–26; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark A. Milley, (Nov. 17, 2021), pp. 80–82; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 186–90.
467. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Molly Michael, (Mar. 24, 2022), pp. 127, 129, 131–32, 137, 141, 143–44, 148–49, 159.
468. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (AT&T Production, Feb. 9, 2022).
469. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kayleigh McEnany, (Jan. 12, 2022), pp. 163–64; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
470. Senator Lee wrote to a reporter that he received a call from the President moments after the Senate halted its proceedings and that the President claimed he had dialed Sen. Tommy Tuberville (R-AL), so Lee let Tuberville talk to the President on his phone for 5 or 10 minutes until they were ordered to evacuate. Bryan Schott, “What Sen. Mike Lee Told Me about Trump’s Call the Day of the Capitol Riot,” *Salt Lake Tribune*, (Feb. 10, 2021, updated Feb. 11, 2021), available at <https://www.sltrib.com/news/politics/2021/02/11/what-sen-mike-lee-told-me/>; see also Kyle Cheney, “Tuberville Says He Informed Trump of Pence’s Evacuation before Rioters Reached Senate,” *Politico*, (Feb. 11, 2021), available at <https://www.politico.com/news/2021/02/11/tuberville-pences-evacuation-trump-impeachment-468572>.
471. 167 Cong. Rec. S634 (daily ed. Feb. 10, 2021), available at <https://www.congress.gov/117/crec/2021/02/10/CREC-2021-02-10-pt1-PgS615-4.pdf>; Donald J. Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 1:49 p.m. ET, available at <http://web.archive.org/web/20210107235835/https://twitter.com/realDonaldTrump/status/1346891760174329859> (archived).
472. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony “Pat” Cipollone, (July 8, 2022), pp. 149–50.
473. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony “Pat” Cipollone, (July 8, 2022), pp. 150–51.
474. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 28, 2022), at 1:39:03–1:40:42, available at [https://youtu.be/HeQNV-aQ\\_jU?t=5943](https://youtu.be/HeQNV-aQ_jU?t=5943). Two witnesses recall writing this note: Cassidy Hutchinson and Eric Herschmann, although Hutchinson recalls that Herschmann was responsible for the revision made to the note. The Committee’s review of Hutchinson’s handwriting was consistent with the script of the note. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Cassidy Hutchinson, (Feb. 23, 2022), p. 167; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann (Apr. 6, 2022), pp. 67–68. Who wrote the note is not material to the Select Committee—the important point is that it was prepared for the President.

475. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony “Pat” Cipollone, (July 8, 2022), p. 162.
476. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 28, 2022), at 1:27:52-1:28:53, available at [https://youtu.be/HeQNV-aQ\\_jU?t=5272](https://youtu.be/HeQNV-aQ_jU?t=5272); Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), pp. 25-26.
477. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony “Pat” Cipollone, (July 8, 2022), p. 161; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), at 1:29:30 - 1:31:51, available at <https://www.youtube.com/watch?v=pbRVqWbHGuo>.
478. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of White House employee with national security responsibilities, (July 19, 2022), pp. 12-15, 98-99; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), at 38:02-38:44, available at <https://youtu.be/pbRVqWbHGuo?t=2283>.
479. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Judson P. Deere, (Mar. 3, 2022), pp. 108-09.
480. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
481. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony “Pat” Cipollone, (July 8, 2022), p. 163.
482. Third Superseding Indictment at 21, *United States v. Nordean et al.*, No. 1:21-cr-175 (D.D.C. June 6, 2022), ECF No. 380 (noting that Dominic Pezzola “used [a] riot shield ... to break a window of the Capitol” at “2:13 p.m.” and that “[t]he first members of the mob entered the Capitol through this broken window.”); 167 Cong. Rec. S634 (daily ed. Feb. 10, 2021), available at <https://www.congress.gov/117/crec/2021/02/10/CREC-2021-02-10-pt1-PgS615-4.pdf>.
483. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014907.
484. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014912.
485. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014919.
486. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014925.
487. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014933.
488. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014935.
489. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014937.
490. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014939.
491. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014944.
492. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014961.

493. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
494. U.S. Senator Bill Cassidy, M.D. (@SenBillCassidy), Twitter, Jan. 6, 2021 4:03 p.m. ET, available at <https://twitter.com/SenBillCassidy/status/1346925444189327361>.
495. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014971.
496. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jared Kushner, (Mar. 31, 2022), pp. 149-50; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Julie Radford, (May 25, 2022), p. 37.
497. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jared Kushner, (Mar. 31, 2022), pp. 145, 150.
498. Leader McCarthy spoke on the air to Fox News starting at 3:05 p.m. ET and told the network that “I’ve already talked to the President. I called him. I think we need to make a statement, make sure that we can calm individuals down.” Fox News (FoxNews), “LISTEN: Rep. Kevin McCarthy on protesters storming Capitol,” Facebook, at 3:27-3:40, Jan. 6, 2021 (uploaded to Facebook at 3:35 p.m. ET), available at <https://www.facebook.com/FoxNews/videos/listen-rep-kevin-mccarthy-on-protesters-storming-capitol/232725075039919/>.
499. CBS News, “Live coverage: Protesters Swarm Capitol, Abruptly Halting Electoral Vote Count,” YouTube, at 3:29:02-3:29:15, 3:29:43-3:30:03, 3:31:28-3:32:07, 3:33:52-3:34:12, Jan. 6, 2021, available at <https://youtu.be/3Fsf4aWudJk?t=12542>.
500. Rep. Herrera Beutler Describes Efforts to Get Trump to Intervene in Stopping Jan. 6 riot,” WTHR (Feb. 13, 2021), at 1:20 - 1:50, available at <https://www.wthr.com/video/news/nation-world/capitol-riot-herrera-beutler-trump-mccarthy-call/507-477fa84f-1277-444a-aad6-716c5ec9f66f>.
501. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of John Michael “Mick” Mulvaney, (July 28, 2022), p. 43. CNN’s Jamie Gangel related that she also confirmed the account with multiple other sources, reporting that “I’ve spoken to multiple Republican Members of the House who have knowledge of that call, who tell us that after Trump tried to say to Kevin, ‘these are not my people, it’s Antifa,’ Kevin McCarthy said to Trump, ‘no, it’s not Antifa. These are your people’.... We’re also told by several other Republican Members that Kevin McCarthy wasn’t shy about this heated exchange with Trump, that he wanted his Members to know about it.” CNN, “New Details Emerge in McCarthy’s Call with Trump on January 6,” YouTube, at 0:25 - 1:50, Feb. 12, 2021, available at <https://www.youtube.com/watch?v=Gy1FPNlUoOE>.
502. Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of John Michael “Mick” Mulvaney, (July 28, 2022), pp. 10-12 (describing calls and text messages to Dan Scavino and Mark Meadows).
503. *See, e.g.*, Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (HBO Productions), Video file Reel\_2041 - All Clips Compilation.mp4 at 5:32-5:55 (January 6, 2021 footage from HBO of Nancy Pelosi and Chuck Schumer on phone call with Jeffrey Rosen); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014906 (January 6, 2021 text message from Marjorie Taylor Greene to Mark Meadows), MM014919 (January 6, 2021 text message from William Timmons to Mark Meadows), MM014939 (January 6, 2021 text message from Chip Roy to Mark Meadows).
504. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony “Pat” Cipollone, (July 8, 2022), p. 151.
505. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony “Pat” Cipollone, (July 8, 2022), p. 162.
506. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony “Pat” Cipollone, (July 8, 2022), p. 152.



507. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), at 0:57:48 - 0:58:19, available at <https://youtu.be/pbRVqWbHGuo?t=3468>.
508. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of White House Security Official, (July 11, 2022), pp. 81-83; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), available at <https://www.govinfo.gov/committee/house-january6th>. The Select Committee is not revealing the identity of this witness because of national security concerns as well as to guard against the risk of retaliation.
509. Donald J. Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 2:24 p.m. ET, available at <https://media-cdn.factba.se/realdonaldtrump-twitter/1346900434540240897.jpg> (archived).
510. 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), at 2:11:22-2:13:55, available at <https://youtu.be/vBjUWVKuDj0?t=7882>.
511. 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), at 2:26:06-2:26:26, available at <https://youtu.be/IQvuBolBuCO?t=8766>; Sentencing Transcript at 19, *United States v. Young*, No. 1:21-cr-291 (D.D.C. Sept. 27, 2022), ECF No. 170 (testifying for a victim impact statement, Officer Michael Fanone said: "At approximately 1435 hours, with rapidly mounting injuries and most of the MPD less than lethal munitions expended, the defending officers were forced to conduct a fighting withdrawal back towards the United States Capitol Building entrance. This is the first fighting withdrawal in the history of the Metropolitan Police Department.").
512. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
513. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
514. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Judson P. Deere, (Mar. 3, 2022), p. 113.
515. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony "Pat" Cipollone, (July 8, 2022), p. 160.
516. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Hope Hicks Production), SC\_HH\_043-044 (January 6, 2021, text message from Hope Hicks to Julie Radford at 7:18 p.m.).
517. 167 Cong. Rec. S635 (daily ed. Feb. 10, 2021), available at <https://www.congress.gov/117/crec/2021/02/10/CREC-2021-02-10-pt1-PgS615-4.pdf>; Spencer S. Hsu, "Pence Spent Jan. 6 at Underground Senate Loading Dock, Secret Service Confirms," *Washington Post*, (Mar. 21, 2022), available at <https://www.washingtonpost.com/dc-md-va/2022/03/21/couy-griffin-cowboys-trump-jan6/>.
518. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Molly Michael, (Mar. 24, 2022), p. 137.
519. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
520. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), p. 27.
521. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 28, 2022), at 1:31:25 -

- 1:32:22, available at [https://youtu.be/HeQNV-aQ\\_jU?t=5359](https://youtu.be/HeQNV-aQ_jU?t=5359); Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), pp. 27-28.
522. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony “Pat” Cipollone, (July 8, 2022), p. 182.
523. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), pp. 68-69, 71.
524. Donald J. Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 2:38 p.m. ET, available at <https://media-cdn.factba.se/realdonaldtrump-twitter/1346904110969315332.jpg> (archived).
525. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
526. Donald J. Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 3:13 p.m. ET, available at <https://media-cdn.factba.se/realdonaldtrump-twitter/1346912780700577792.jpg> (archived).
527. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014925.
528. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014944.
529. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
530. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
531. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R000004112\_0001 (January 6, 2021 email at 3:05 p.m. notifying Beau Harrison of Ashli Babbitt shooting); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Beau Harrison (Aug. 18, 2022), pp. 73-76 (describing writing note and passing it to Mark Meadows or Tony Ornato); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000241 (January 6, 2021 pocket card written by Beau Harrison with the message, “1x CIVILIAN GUNSHOT WOUND TO CHEST @ DOOR OF HOUSE CHABER [sic]”); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of White House Employee, (June 10, 2022), pp. 46-47 (“I remember seeing that [note] in front of [President Trump], yeah.”). The Select Committee is not revealing the identity of this witness to guard against the risk of retaliation. See also Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Anthony Ornato, (January 28, 2022), p. 115; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 87 (recalling announcing during the afternoon that a Trump supporter had been killed).
532. “Department of Justice Closes Investigation into the Death of Ashli Babbitt,” Department of Justice, (Apr. 14, 2021), available at <https://www.justice.gov/usao-dc/pr/departments-justice-closes-investigation-death-ashli-babbitt>.
533. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), available at <https://www.govinfo.gov/committee/house-january6th>; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Business Meeting on the January 6th Investigation*, 117th Cong., 2d sess., (Oct. 13, 2022), available at <https://www.govinfo.gov/committee/house-january6th>; ABC News, “Mike Pence Opens Up with David Muir on Jan. 6: Exclusive,” YouTube, at 9:27-10:00, Nov. 14, 2022, available at <https://youtu.be/-AAyKAoPFQs?t=567>; Select Committee to Investigate the January 6th Attack on the United

- States Capitol, Transcribed Interview of General Mark A. Milley (Nov. 17, 2021), pp. 80-81; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Charles Miller (Jan. 14, 2022), pp. 124-25; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jeffrey Rosen, (Oct. 13, 2021), pp. 172-73, 182-84; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 186.
534. NBC News, "Biden Condemns Chaos at the Capitol as 'Insurrection,'" YouTube, Jan. 6, 2021, available at <https://www.youtube.com/watch?v=FBCWTqJT7M4>; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
535. "Trump Video Telling Protesters at Capitol Building to Go Home: Transcript," Rev, (Jan. 6, 2021), available at <https://www.rev.com/blog/transcripts/trump-video-telling-protesters-at-capitol-building-to-go-home-transcript>.
536. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
537. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
538. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 12, 2022), at 2:36:58-2:37:30, 2:44:00-2:45:05, available at <https://www.youtube.com/watch?v=rrUa0hfG6Lo> ("[W]hen President Trump put his tweet out, we literally left right after that come out . . . As soon as that come out, everybody started talking about it . . . it definitely dispersed a lot of the crowd. . . . We left.").
539. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 12, 2022), at 1:58:00, available at <https://www.youtube.com/watch?v=pbRVqWbHGuo>.
540. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 12, 2022), at 1:58:00, available at <https://www.youtube.com/watch?v=pbRVqWbHGuo>.
541. Donald J. Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 at 6:01 p.m. ET, available at <http://web.archive.org/web/20210106232133/https://twitter.com/realdonaldtrump/status/1346954970910707712> (archived).
542. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
543. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Timothy Murtaugh, (May 19, 2022), p. 175; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
544. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony "Pat" Cipollone, (July 8, 2022), p. 194; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
545. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 192.

546. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of White House Employee, (June 10, 2022), p. 53. The Select Committee is not revealing the identity of this witness to guard against the risk of retaliation.
547. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (Rudolph Giuliani Production, Mar. 11, 2022); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (AT&T Production, Feb. 9, 2022).
548. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Rudolph Giuliani, (May 20, 2022), pp. 205-07; Sunlen Serfaty, Devan Cole, and Alex Rogers, "As Riot Raged at Capitol, Trump Tried to Call Senators to Overturn Election," CNN, (Jan. 8, 2021), available at <https://www.cnn.com/2021/01/08/politics/mike-lee-tommy-tuberville-trump-misdialed-capitol-riot>; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (Rudolph Giuliani Production, Mar. 11, 2022); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (AT&T Production, Feb. 9, 2022).
549. Mike Pence, *So Help Me God* (New York: Simon & Schuster, 2022), p. 475.
550. Mike Pence, *So Help Me God* (New York: Simon & Schuster, 2022), p. 474.
551. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), pp. 170-71; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony "Pat" Cipollone, (Jul. 8, 2022), p. 174; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Keith Kellogg Jr., (Dec. 14, 2021), pp. 126-27; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Nicholas Luna, (Mar. 21, 2022), pp. 151-52; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Charles Miller, (Jan. 14, 2022), pp. 124-26; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark A. Milley, (Nov. 17, 2021), pp. 80-82; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 186-89; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), pp. 21-22.
552. ABC News, "Pence Opens Up with David Muir on Jan. 6: Exclusive," YouTube, at 10:45-11:02, Nov. 14, 2022, available at <https://www.youtube.com/watch?v=-AAyKAoPFQs>.
553. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), pp. 170-71; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony "Pat" Cipollone, (Jul. 8, 2022), p. 174; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Keith Kellogg Jr., (Dec. 14, 2021), pp. 126-27; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Nicholas Luna, (Mar. 21, 2022), pp. 151-52; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Charles Miller, (Jan. 14, 2022), pp. 124-26; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark A. Milley, (Nov. 17, 2021), pp. 80-82; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 186-89; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), pp. 21-22.
554. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark A. Milley (Nov. 17, 2021), pp. 17, 268.
555. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark A. Milley (Nov. 17, 2021), p. 296; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.

556. Glenn Kessler, "Trump Falsely Claims He 'Requested' 10,000 Troops Rejected by Pelosi," *Washington Post*, (Mar. 2, 2021), available at <https://www.washingtonpost.com/politics/2021/03/02/trump-falsely-claims-he-requested-10000-troops-rejected-by-pelosi/>; "Mark Meadows: Biden Administration Policies Put 'America Last'," Fox News, (Feb. 7, 2021), available at <https://www.foxnews.com/transcript/mark-meadows-biden-administration-policies-put-america-last>.
557. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Charles Miller (Jan. 14, 2022), pp. 100-01. On January 4, 2021, Max Miller and Katrina Pierson exchanged text messages discussing their planning activities for the 6th. In those messages, Max Miller stated: "Just glad we killed the national guard and a procession" and that "... chief [Mark Meadows] already had said no for days!". Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Max Miller Production), Miller Production 0001 (January 4, 2021, text messages between Max Miller and Katrina Pierson).
558. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 12, 2022), at 2:22:45-2:23:22, available at <https://youtu.be/rrUa0hfG6Lo?t=8565>; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Katrina Pierson Production), KPierson0717-719.
559. "House Republican Leader Kevin McCarthy on Asking President Trump for his Resignation," ed. Alex Burns and Jonathan Martin, ThisWillNotPass.com, (Jan. 8, 2021), available at <https://www.thiswillnotpass.com/bookresources>.
560. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014456.
561. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014858 - MM014861.
562. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014467 (December 31, 2020, text message from telephone number assigned to Carrah Jo Roy, wife of Rep. Chip Roy. to Mark Meadows). The Select Committee believes that Rep. Chip Roy sent this message.
563. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014503 (January 1, 2021, text message from telephone number assigned to Carrah Jo Roy, wife of Rep. Chip Roy. to Mark Meadows). The Select Committee believes that Rep. Chip Roy sent this message.
564. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Kayeigh McEnany Production), CTRL0000925383, p. 3 (January 7, 2021, text message from Sean Hannity to Kayleigh McEnany)
565. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM015209 (January 10, 2021, text message Sean Hannity to Mark Meadows and Jim Jordan).
566. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014906.
567. "U.S. House Impeaches President Trump for Second Time, 232-197," C-SPAN, at 4:14:56 - 4:15:31, Jan. 13, 2021, available at <https://www.c-span.org/video/?507879-101/house-impeaches-president-trump-time-232-197&live=>.
568. "Republican Leader Kevin McCarthy says Pres. Trump Admitted He Bears Some Responsibility for the January 6 Insurrection at the U.S. Capitol," ed. Alex Burns and Jonathan Martin, ThisWillNotPass.com, (Jan. 11, 2021), available at <https://www.thiswillnotpass.com/bookresources>.
569. "Statement by Mo Brooks," Mo Brooks for U.S. Senate, available at <https://mobrooks.com/statement-by-mo-brooks/>; Joe Walsh, "GOP Rep. Mo Brooks Claims Trump Asked Him to Reinstate Trump Presidency," *Forbes*, (Mar. 23, 2022), available at <https://www.forbes.com/>

sites/joewalsh/2022/03/23/gop-rep-mo-brooks-claims-trump-asked-him-to-reinstate-trump-presidency/?sh=7264e1d91edd (noting that Rep. Mo Brooks issued this statement on Wednesday, March 23, 2022).

570. See Ryan Goodman and Josh Asabor, "In Their Own Words: The 43 Republicans' Explanations of Their Votes Not to Convict Trump in Impeachment Trial," Just Security, (Feb. 15, 2021), available at <https://www.justsecurity.org/74725/in-their-own-words-the-43-republicans-explanations-of-their-votes-not-to-convict-trump-in-impeachment-trial/>.
571. C-SPAN, "Senate Minority Leader Mitch McConnell Remarks Following Senate Impeachment Vote," YouTube, at 5:10 – 5:46, (Feb. 13, 2021), available at <https://www.youtube.com/watch?v=yxRMOqNnfvw>.
572. "Republican Leader Kevin McCarthy Says Pres. Trump Admitted He Bears Some Responsibility for the January 6 Insurrection at the U.S. Capitol," Alex Burns and Jonathan Martin, eds., ThisWillNotPass.com, (Jan. 11, 2021), available at <https://www.thiswillnotpass.com/bookresources>; Melanie Zanona, "New Audio Reveals McCarthy said Trump Admitted Bearing Some Responsibility for Capitol Attack," CNN, (April 22, 2022), available at <https://www.cnn.com/2022/04/22/politics/trump-january-6-responsibility-book/index.html>. Leader McCarthy also relayed this conversation with President Trump to his Republican colleagues: "I asked him [Trump] personally today, does he hold responsibility for what happened. And he needs to acknowledge that." *Id.* The Committee believes that House Republican Leader McCarthy's testimony would be material to any criminal investigation of Donald Trump, not just to probe this apparent Trump acknowledgement of culpability, but also because Leader McCarthy spoke directly to Donald Trump and others who were in the White House on January 6th and unsuccessfully pleaded for the President's immediate assistance to halt the violence. Leader McCarthy did not comply with the Select Committee's subpoena.
573. "U.S. House Impeaches President Trump for Second Time, 232-197," C-SPAN, at 4:14:56 - 4:15:31, (Jan. 13, 2021), available at <https://www.c-span.org/video/?507879-101/house-impeaches-president-trump-time-232-197&live=>; 167 Cong. Rec. H172 (daily ed. Jan. 13, 2021), available at <https://www.congress.gov/117/crec/2021/01/13/CREC-2021-01-13-pt1-PgH165.pdf>.
574. See *supra*, Executive Summary.
575. See *supra*, Executive Summary.
576. Documents on file with the Select Committee (National Archives Production), VP-R0000156\_0001 (January 6, 2021, email chain between John Eastman and Greg Jacob re: Pennsylvania letter).
577. Documents on file with Select Committee (Department of Justice Production), HCOR-Pre-Certification-Events-07282021-000738—HCOR-Pre-Certification-Events-07282021-000739 (December 27, 2020, handwritten notes from Richard Donoghue).
578. See *supra*, Executive Summary. The State legislatures lacked authority to change the lawful outcome of the State elections at that point. Nevertheless Eastman, Trump, and others nevertheless pushed for such action.
579. See *supra*, Executive Summary.
580. See *Supra*, Executive Summary; Donald J. Trump (@realDonaldTrump), Twitter, Dec. 19, 2020 1:42 a.m. ET, available at <http://web.archive.org/web/20201219064257/https://twitter.com/realDonaldTrump/status/1340185773220515840> (archived); see also, e.g., Donald J. Trump (@realDonaldTrump), Twitter, Dec. 26, 2020 8:14 a.m. ET, available at <https://twitter.com/realDonaldTrump/status/1342821189077622792>; Donald J. Trump (@realDonaldTrump), Twitter, Dec. 27, 2020 5:51 p.m. ET, available at <https://twitter.com/realDonaldTrump/status/1343328708963299338>; Donald J. Trump (@realDonaldTrump), Twitter, Dec. 30, 2020 2:06 p.m. ET, available at <https://twitter.com/realDonaldTrump/status/1344359312878149634>; Donald J. Trump (@realDonaldTrump), Twitter, Jan. 1, 2021 12:52 p.m. ET, available at <https://www.thetrumparchive.com/?searchbox=%22RT+%40KylieJaneKremer%22> (retweeting @KylieJaneKremer, Dec. 19, 2020 3:50 p.m. ET, available at <https://twitter.com/KylieJaneKremer/status/1340399063875895296>); Donald J. Trump (@realDonaldTrump),

## EXECUTIVE SUMMARY

- Twitter, Jan. 1, 2021 2:53 p.m. ET, available at <https://twitter.com/realDonaldTrump/status/1345095714687377418>; Donald J. Trump (@realDonaldTrump), Twitter, Jan. 1, 2021 3:34 p.m. ET, available at <https://twitter.com/realDonaldTrump/status/1345106078141394944>; Donald J. Trump (@realDonaldTrump), Twitter, Jan. 1, 2021 6:38 p.m. ET, available at <https://twitter.com/realDonaldTrump/status/1345152408591204352>; Donald J. Trump (@realDonaldTrump), Twitter, Jan. 2, 2021 9:04 p.m. ET, available at <https://twitter.com/realDonaldTrump/status/1345551634907209730>; Donald J. Trump (@realDonaldTrump), Twitter, Jan. 3, 2021 1:29 a.m. ET, available at <https://www.thetrumparchive.com/?searchbox=%22RT+%40realDonaldTrump%3A+https%3A%2F%2Ft.co%2FnslWcFwkCj%22> (retweeting Donald J. Trump (@realDonaldTrump), Jan. 2, 2021 9:04 p.m. ET, available at <https://twitter.com/realDonaldTrump/status/1345551634907209730>); Donald J. Trump (@realDonaldTrump), Twitter, Jan. 3, 2021 10:15 a.m. ET, available at <https://www.thetrumparchive.com/?searchbox=%22RT+%40JenLawrence21%22> (retweeting Jennifer Lynn Lawrence (@JenLawrence21), Jan. 3, 2021 12:17 a.m. ET, available at <https://twitter.com/JenLawrence21/status/1345600194826686464>); Donald J. Trump (@realDonaldTrump), Twitter, Jan. 3, 2021 10:17 a.m. ET, available at <https://www.thetrumparchive.com/?searchbox=%22RT+%40CodeMonkeyZ+if%22> (retweeting Ron Watkins (@CodeMonkeyZ) Jan. 2, 2021 9:14 p.m. ET, available at <http://web.archive.org/web/20210103151826/https://twitter.com/CodeMonkeyZ/status/1345599512560078849> (archived)); Donald J. Trump, (@realDonaldTrump), Twitter, Jan. 3, 2021 10:24 a.m. ET, available at <https://www.thetrumparchive.com/?searchbox=%22RT+%40realMikeLindell%22> (retweeting Mike Lindell (@realMikeLindell), Jan. 2, 2021 5:47 p.m. ET, available at <http://web.archive.org/web/20210103152421/https://twitter.com/realMikeLindell/status/1345547185836978176> (archived)); Donald J. Trump (@realDonaldTrump), Twitter, Jan. 3, 2021 10:27 a.m. ET, available at <https://twitter.com/realDonaldTrump/status/1345753534168506370>; Donald J. Trump (@realDonaldTrump), Twitter, Jan. 3, 2021 10:28 a.m. ET, available at <https://www.thetrumparchive.com/?searchbox=%22RT+%40AmyKremer+we%22> (retweeting Amy Kremer (@AmyKremer), Jan. 2, 2021 2:58 p.m. ET, available at <https://twitter.com/AmyKremer/status/1345459488107749386>); Donald J. Trump (@realDonaldTrump), Twitter, Jan. 4, 2021 9:46 a.m. ET, available at <https://www.thetrumparchive.com/?searchbox=%22RT+%40realDonaldTrump+I+will+be+there.+Historic+day%21%22> (retweeting Donald J. Trump (@realDonaldTrump), Jan. 3, 2021 10:27 a.m. ET, available at <https://twitter.com/realDonaldTrump/status/1345753534168506370>); Donald J. Trump (@realDonaldTrump), Twitter, Jan. 5, 2021 10:27 a.m. ET, available at <https://twitter.com/realDonaldTrump/status/1346478482105069568>; Donald J. Trump (@realDonaldTrump), Twitter, Jan. 5, 2021 5:43 p.m. ET, available at <https://twitter.com/realDonaldTrump/status/1346588064026685443>.
581. Donald J. Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 2:24 p.m. ET, available at <https://www.thetrumparchive.com/?searchbox=%22mike+pence+%22&results=1> (archived) (“Mike Pence didn’t have the courage to do what should have been done to protect our Country and our Constitution, giving States a chance to certify a corrected set of facts, not the fraudulent or inaccurate ones which they were asked to previously certify. USA demands the truth!”); USA Today Graphics (@usatgraphics), Twitter, Jan. 7, 2021 9:56 p.m. ET, available at <https://twitter.com/usatgraphics/status/1347376642956603392> (screenshotting the since-deleted tweet).
582. “Trump Video Telling Protesters at Capitol Building to Go Home: Transcript,” Rev. (Jan. 6, 2021), available at <https://www.rev.com/blog/transcripts/trump-video-telling-protesters-at-capitol-building-to-go-home-transcript>; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 12, 2022), at 2:36:58-2:37:30 and 2:44:00-2:45:05, available at <https://www.youtube.com/watch?v=rrUaOhfG6Lo> (“[W]hen President Trump put his tweet out, we literally left right after that come out . . . As soon as that come out, everybody started talking about it . . . it definitely dispersed a lot of the crowd. . . . We left.”).
583. Order Re Privilege of Documents Dated January 4-7, 2021 at 3–16, *Eastman v. Thompson et al.*, 594 F. Supp. 3d 1156, (C.D. Cal. March 28, 2022) (No. 8:22-cv-99-DOC-DFM).

584. Order Re Privilege of Documents Dated January 4-7, 2021 at 53-53, 58, *Eastman v. Thompson et al.*, 594 F. Supp. 3d 1156, (C.D. Cal. March 28, 2022) (No. 8:22-cv-99-DOC-DFM) (referring to two Federal criminal statutes).
585. Order Re Privilege of 599 Documents Dated November 3, 2020 – January 20, 2021 at 24, *Eastman v. Thompson et al.*, No. 8:22-cv-99-DOC-DFM, (C.D. Cal. June 7, 2022), ECF No. 24.
586. Order Re Privilege of Documents Dated January 4-7, 2021 at 63-64, *Eastman v. Thompson et al.*, 594 F. Supp. 3d 1156, (C.D. Cal. March 28, 2022) (No. 8:22-cv-99-DOC-DFM).
587. Order Re Privilege of Documents Dated January 4-7, 2021 at 64, *Eastman v. Thompson et al.*, 594 F. Supp. 3d 1156, (C.D. Cal. March 28, 2022) (No. 8:22-cv-99-DOC-DFM).
588. See “23 Months Since the January 6th Attack on the Capitol,” Department of Justice, (Dec. 8, 2022), available at <https://www.justice.gov/usao-dc/23-months-january-6-attack-capitol>.
589. Kyle Cheney, “Rep. Scott Perry Suing to Block DOJ Access to His Cell Phone,” Politico, (Aug. 24, 2022), available at <https://www.politico.com/news/2022/08/24/rep-scott-perry-suing-to-block-doj-access-to-his-cell-phone-00053486>; Betsy Woodruff Swan, Josh Gerstein, and Kyle Cheney, “DOJ Searches Home of Former Official Who Aided Alleged Pro-Trump ‘Coup’,” Politico, (June 23, 2022), available at <https://www.politico.com/news/2022/06/23/law-enforcement-trump-official-coup-00041767>.
590. See, e.g., Sarah Murray, Evan Perez, and Katelyn Polantz, “Federal Judge Orders Former Top Lawyers in Trump’s White House to Testify in Criminal Grand Jury Probe,” CNN, (Dec. 1, 2022), available at <https://www.cnn.com/2022/12/01/politics/cipollone-philbin-trump-lawyers-testify>.
591. Sara Murray and Jason Morris, “Fulton County Prosecutor Investigating Trump Aims for Indictments as Soon as December,” CNN, (Oct. 6, 2022), available at <https://www.cnn.com/2022/10/06/politics/fani-willis-georgia-prosecutor-trump-indictments-december/index.html>.
592. The Special Counsel is to oversee the Department’s ongoing investigation “into whether any person or entity unlawfully interfered with the transfer of power following the 2020 Presidential election or the certification of the Electoral College vote held on or about January 6, 2021.” “Appointment of a Special Counsel,” Department of Justice, (Nov. 18, 2022), available at <https://www.justice.gov/opa/pr/appointment-special-counsel-0>. In addition, the Special Counsel is to oversee the Department’s “ongoing investigation involving classified documents and other Presidential records, as well as the possible obstruction of that investigation. . . .” *Id.*
593. The House of Representatives held Meadows in contempt for refusing to testify before the Committee, 167 Cong. Rec. H7814-7815 (daily ed. Dec. 14, 2021), but DOJ declined to prosecute him. See Josh Gerstein, Kyle Cheney, and Nicholas Wu, “DOJ Declines to Charge Meadows, Scavino with Contempt of Congress for Defying Jan. 6 Committee,” Politico, (June 3, 2022), available at <https://www.politico.com/news/2022/06/03/doj-declines-to-charge-meadows-scavino-with-contempt-of-congress-for-defying-jan-6-committee-00037230>.
594. 18 U.S.C. § 1512(c)(2).
595. According to DOJ, “[a] conviction under Section 1512(c)(2) requires proof that”: (1) “the natural and probable effect of the defendant’s actions were to obstruct [influence or impede] the official proceeding;” (2) “that [defendant] knew that his actions were likely to obstruct [influence or impede] that proceeding;” and (3) “that he acted with the wrongful or improper purpose of delaying or stopping the official proceeding.” *United States v. Andries*, No. 21-93 (RC), 2022 U.S. Dist. LEXIS 44794 at \*37 n.8 (D.D.C. Mar. 14, 2022) (quoting Government’s Response to Defendant’s Second Supplemental Brief at 6); see *United States v. Aguilar*; 515 U.S. 593, 616 (1995) (Scalia, J., concurring in part, dissenting in part) (describing the “longstanding and well-accepted meaning” of “corruptly” as denoting “an act done with an intent to give some advantage inconsistent with official duty and the rights of others” (quoting *United States v. Ogle*, 613 F.2d 233, 238 (10th Cir. 1979))).
596. See, e.g., *United States v. Gillespie*, No. 22-CR-60 (BAH), 2022 U.S. Dist. LEXIS 214833, at \*7-8 (D.D.C. Nov. 29, 2022); *United States v. Seefried*, No. 1:21-cr-287 (TNM), 2022 U.S. Dist. LEXIS



- 196980, at \*2-3 (D.D.C. Oct. 29, 2022); *United States v. Miller*, 589 F. Supp. 3d 60, 67 (D.D.C. 2022), *reconsideration denied*, No. 1:21-CR-119 (CJN), 589 F. Supp. 3d 60 (D.D.C. May 27, 2022); *United States v. Puma*, No. 1:21-CR-454 (PLF), 2022 U.S. Dist. LEXIS 48875, at \*10 (D.D.C. Mar. 19, 2022); *United States v. McHugh*, 583 F. Supp. 3d 1, 14-15 (D.D.C. 2022). See also T. Kanefield, "January 6 Defendants Are Raising a Creative Defense. It Isn't Working," *Washington Post*, (Feb. 15, 2022), available at <https://www.washingtonpost.com/outlook/2022/02/15/jan-6-official-proceeding/>.
597. See *supra*, Executive Summary.
598. See *supra*, Executive Summary.
599. See *supra*, Executive Summary.
600. Documents on file with the Select Committee (National Archives Production), VP-R0000156\_0001 (January 6, 2021, email chain between John Eastman and Greg Jacob re: Pennsylvania letter). One judge on the U.S. District Court for the District of Columbia, in the course of concluding that section 1512(c) is not void for vagueness, interpreted the "corruptly" element as meaning "contrary to law, statute, or established rule." *United States v. Sandlin*, 575 F. Supp. 3d. 15-16, (D.D.C. 2021). As explained above, President Trump attempted to cause the Vice President to violate the Electoral Count Act, and even Dr. Eastman advised President Trump that the proposed course of action would violate the Act. We believe this satisfies the "corruptly" element of the offense under the *Sandlin* opinion.
601. Indeed, it would not have been legally possible for a State to have done so in the days before January 6th.
602. Order Re Privilege of Documents Dated January 4-7, 2021 at 49-50, *Eastman v. Thompson et al.*, 594 F. Supp. 3d 1156, (C.D. Cal. March 28, 2022) (No. 8:22-cv-99-DOC-DFM).
603. See *supra*, Executive Summary.
604. Documents on file with Select Committee (Department of Justice Production), HCOR-Pre-Certification-Events-07282021-000738 - COR-Pre-Certification-Events-07282021-000739 (December 27, 2020, handwritten notes from Richard Donoghue).
605. See *supra*, Executive Summary.
606. See *supra*, Executive Summary.
607. See *supra*, Executive Summary. Jeffrey Clark invoked his Fifth Amendment privilege against self-incrimination in response to questions regarding this letter. As already noted, the political appointee who assisted in drafting the letter was hired at the Justice Department on December 15, 2020, but had worked on behalf of President Trump on election challenges in the weeks beforehand (including, apparently, while simultaneously serving as Special Counsel for the White House Office of Management and Budget).
608. See *supra*, Executive Summary.
609. See *supra*, Executive Summary.
610. See *supra*, Executive Summary.
611. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 26.
612. Documents on file with the Select Committee (National Archives Production), VP-R0000156\_0001 (January 6, 2021, email chain between John Eastman and Greg Jacob re: Pennsylvania letter).
613. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 44. Although Eastman invoked his Fifth Amendment rights as a reason not to answer any of this Committee's substantive questions during his deposition, he has recently suggested in public that he only wished to delay the count of votes by multiple days. As the evidence developed by this Committee demonstrates, Eastman knew that such an effort to delay the count would also be illegal. 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), at 1:32:00-1:35:13, available at <https://www.youtube.com/watch?v=vBjUWVKuDj0> (“[D]id Dr. Eastman seem to admit that both of these theories suffered from similar legal flaws? [T]his new theory, as I was pointing out to him, or the procedural theory, still violates several provisions of the Electoral Count Act, as he acknowledged.... So, he acknowledged in those conversations that the underlying legal theory was the same....”). In addition, neither Eastman nor any other co-conspirator had information establishing that any delay in counting votes would or could have changed the outcome of the election in any State.

614. See *supra*, Executive Summary. We also note that these Republican Members of Congress, who had more knowledge of Trump’s planning for January 6th than any other Members of Congress, were also likely in a far superior position than any other Members to warn the Capitol Police of the risks of violence at the Capitol on January 6th.
615. See Select Committee to Investigate the January 6th Attack on the U.S. Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), at 2:29:50, available at <https://www.youtube.com/watch?v=vBjUWVKuDj0> (“I’ve decided that I should be on the pardon list, if that is still in the works.”).
616. The elements of a section 371 conspiracy to defraud the United States are: (1) at least two people entered into an agreement to obstruct a lawful function of the government, (2) by deceitful or dishonest means, and (3) a member of the conspiracy engaged in at least one overt act in furtherance of the agreement. Order Re Privilege of Documents Dated January 4-7, 2021 at 53, *Eastman v. Thompson et al.*, 594 F. Supp. 3d 1156, (C.D. Cal. Mar. 28, 2022) (No. 8:22-cv-99-DOC-DFM). Put similarly, to prove a violation section 371’s “defraud” provision, the Government must prove that the defendant: (1) agreed with at least one other person to defraud the United States, (2) knowingly participated in the conspiracy with the intent to defraud the United States, and (3) that at least one overt act was taken in furtherance of the conspiracy. See *United States v. Dean*, 55 F.3d 640, 647 (D.C. Cir. 1995) (citing *United States v. Treadwell*, 760 F.2d 327, 333 (D.C. Cir. 1985)); see also *United States v. Melten*, 158, 393 F.3d 175, 181 (D.C. Cir. 2004). An individual “defrauds” the Government for purposes of section 371 if he “interfere[s] with or obstruct[s] one of its lawful governmental functions by deceit, craft or trickery, or at least by means that are dishonest.” *Hammer-schmidt v. United States*, 265 U.S. 182, 188 (1924); see also *United States v. Haldeman*, 559 F.2d 31, 122 n.255 (D.C. Cir. 1976) (upholding jury verdict on instruction defining “defrauding the United States” as: “depriv[ing] the Government of its right to have the officials of its departments and agencies transact their official business honestly and impartially, free from corruption, fraud, improper and undue influence, dishonesty and obstruction”).
617. Order Re Privilege of Documents Dated January 4-7, 2021 at 54-55, *Eastman v. Thompson et al.*, 594 F. Supp. 3d 1156, (C.D. Cal. Mar. 28, 2022) (No. 8:22-cv-99-DOC-DFM).
618. See Order Re Privilege of Documents Dated January 4-7, 2021 at 53, *Eastman v. Thompson et al.*, 594 F. Supp. 3d 1156, (C.D. Cal. Mar. 28, 2022) (No. 8:22-cv-99-DOC-DFM). (“An ‘agreement’ between co-conspirators need not be express and can be inferred from the conspirators’ conduct.”).
619. See *infra*, Chapter 1.
620. Order Re Privilege of Documents Dated January 4-7, 2021 at 55, *Eastman v. Thompson et al.*, 594 F. Supp. 3d 1156, (C.D. Cal. Mar. 28, 2022) (No. 8:22-cv-99-DOC-DFM).
621. Order Re Privilege of Documents Dated January 4-7, 2021 at 57, *Eastman v. Thompson et al.*, 594 F. Supp. 3d 1156, (C.D. Cal. Mar. 28, 2022) (No. 8:22-cv-99-DOC-DFM).
622. See *infra*, Chapter 2. President Trump’s call with Secretary Raffensperger may have violated several provisions of both Federal and Georgia law. We do not attempt to catalogue all the possible violations here.
623. Order Re Privilege of Documents Dated January 4-7, 2021 at 57, *Eastman v. Thompson et al.*, 594 F. Supp. 3d 1156, (C.D. Cal. Mar. 28, 2022) (No. 8:22-cv-99-DOC-DFM).
624. Order Re Privilege of Documents Dated January 4-7, 2021 at 59, *Eastman v. Thompson et al.*, 594 F. Supp. 3d 1156, (C.D. Cal. Mar. 28, 2022) (No. 8:22-cv-99-DOC-DFM).

625. “908. ELEMENTS OF 18 U.S.C. § 1001,” Department of Justice, (last accessed on Dec. 13, 2022), available at <https://www.justice.gov/archives/jm/criminal-resource-manual-908-elements-18-usc-1001>.
626. The elements of a section 371 conspiracy are discussed above.
627. As explained in Chapter 5, staffers for Rep. Mike Kelly (R-PA) and Sen. Ron Johnson (R-WI) reached out to Vice President Pence’s director of legislative affairs, apparently seeking to deliver fake certificates on January 6. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chris Hodgson Production), 00012 (January 6, 2021, text message from Rep. Kelly’s Chief of Staff, Matt Stroia, to Chris Hodgson on January at 8:41 a.m.), 00058 (January 6, 2021, text messages from Senator Johnson’s Chief of Staff, Sean Riley, to Chris Hodgson around 12:37 p.m.).
628. See *infra*, Chapter 3.
629. 18 U.S.C. § 1001 (emphasis added).
630. See, e.g., *United States v. Bowser*, 964 F.3d 26, 31 (D.C. Cir. 2020), cert. denied, 141 S. Ct. 1390 (2021) (“[T]he False Statements Act applies to ‘any investigation or review, conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress.’ 18 U.S.C. § 1001(c)(2) (emphasis added).”); *United States v. Stone*, 394 F. Supp. 3d 1, 10 (D.D.C. 2019).
631. See Select Committee to Investigate the January 6th Attack on the United States Capitol, *Business Meeting on the January 6th Investigation*, 117th Cong., 2d sess., (Oct. 13, 2022), at 1:14:59-1:15:22 available at <https://www.youtube.com/watch?v=IQvuBoLBuCo> (“[President Trump] turned the call over to Mr. Eastman, who then proceeded to talk about the importance of the RNC helping the campaign gather these contingent electors, in case any of the legal challenges that were ongoing changed the result of any of the states.”).
632. 18 U.S.C. § 2383.
633. *Thompson v. Trump*, 590 F. Supp. 3d 46, 115 (D.D.C. 2022), appeal pending, No. 22-5069 (D.C. Cir. Mar. 18, 2022).
634. See Ryan Goodman and Josh Asabor, “In Their Own Words: The 43 Republicans’ Explanations of Their Votes Not to Convict Trump in Impeachment Trial,” Just Security, (Feb. 15, 2021), available at <https://www.justsecurity.org/74725/in-their-own-words-the-43-republicans-explanations-of-their-votes-not-to-convict-trump-in-impeachment-trial/>.
635. See *supra*, Executive Summary.
636. See *supra*, Executive Summary. The evidence suggests that the Vice President and certain members of President Trump’s staff urged DOD to deploy the National Guard notwithstanding the President’s wishes.
637. A prominent U.S. professor of criminal law has opined that President Trump can be held criminally responsible under section 2383 for his failure to act, when he had a duty to act given his constitutional obligation under Article II section 3 of the Constitution to “take Care that the Laws be faithfully executed.” See Albert W. Alschuler, “Trump and the Insurrection Act: The Legal Framework,” Just Security, (Aug. 16, 2022), available at <https://www.justsecurity.org/82696/trump-and-the-insurrection-act-the-true-legal-framework/>. Professor Albert Alschuler, the Julius Kreeger Professor Emeritus at the University of Chicago Law School, taught criminal law for over 50 years at many of our Nation’s leading law schools. He has published a number of analytical pieces applying the “assists” and “aid and comfort” clauses of that provisions (which he analogizes to “aiding and abetting” accomplice liability) to the evidence presented at the Committee’s hearings. In any event, as described above, President Trump *did* act, including through his 2:24 p.m. tweet about the Vice President that inflamed the crowd attacking the Capitol.
638. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022) p. 26.
639. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), at 1:02:53, available at <https://www.youtube.com/watch?v=pbRVqWbHGuo>; Donald J. Trump

- (@realDonaldTrump), Twitter, Jan. 6, 2021 2:24 p.m. ET, available at <https://www.thetrumparchive.com/?searchbox=%22didn't+have+the+courage+to+do+what+should+have+been+done%22> (archived).
640. See *infra*, Chapter 8.
641. See *supra*, Executive Summary
642. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), p. 27.
643. See Mariana Alfaro, "Trump Vows Pardons, Government Apology to Capitol Rioters if Elected," *Washington Post*, (Sept. 1, 2022), available at <https://www.washingtonpost.com/national-security/2022/09/01/trump-jan-6-rioters-pardon/>.
644. Jordan Fischer, Eric Flack, and Stephanie Wilson, "Georgia Man Who Wanted to 'Remove Some Craniums' on January 6 Sentenced to More than 2 Years in Prison," WUSA9, (Dec. 14, 2021), available at <https://perma.cc/RSY2-J3RU>.
645. Dan Mangan, "Capitol Rioter Garret Miller Says He Was Following Trump's Orders, Apologizes to AOC for Threat," CNBC, (Jan. 25, 2021), available at <https://www.cnbc.com/2021/01/25/capitol-riots-garret-miller-says-he-was-following-trumps-orders-apologizes-to-aoc.html>.
646. Donald J. Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 6:01 p.m. ET, available at <https://www.thetrumparchive.com/?searchbox=%22these+are+the+things+and+events%22> (archived).
647. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Nicholas Luna, (Mar. 21, 2022), pp. 166–67.
648. Donald J. Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 6:01 p.m. ET, available at <https://www.thetrumparchive.com/?searchbox=%22these+are+the+things+and+events%22> (archived).
649. 18 U.S.C. § 372.
650. See "Leader of Oath Keepers and Oath Keepers Member Found Guilty of Seditious Conspiracy and Other Charges Related to U.S. Capitol Breach," Department of Justice, (Nov. 29, 2022), available at <https://www.justice.gov/opa/pr/leader-oath-keepers-and-oath-keepers-member-found-guilty-seditious-conspiracy-and-other>.
651. 18 U.S.C. § 2384. To establish a violation of section 2384, the government must establish (1) a conspiracy, (2) to overthrow, put down, or destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof. See *United States v. Khan*, 461 F.3d 477, 487 (4th Cir. 2006).
652. "Leader of Oath Keepers and Oath Keepers Member Found Guilty of Seditious Conspiracy and Other Charges Related to U.S. Capitol Breach," Department of Justice, (Nov. 29, 2022), available at <https://www.justice.gov/opa/pr/leader-oath-keepers-and-oath-keepers-member-found-guilty-seditious-conspiracy-and-other>.
653. "Leader of Proud Boys and Four Other Members Indicted in Federal Court for Seditious Conspiracy and Other Offenses Related to U.S. Capitol Breach," Department of Justice, (June 6, 2022), available at <https://www.justice.gov/opa/pr/leader-proud-boys-and-four-other-members-indicted-federal-court-seditious-conspiracy-and>.
654. See *supra*, Executive Summary.
655. 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>.
656. Kristen Holmes, "Trump Calls for the Termination of the Constitution in Truth Social Post," CNN, (Dec. 4, 2022), available at <https://www.cnn.com/2022/12/03/politics/trump-constitution-truth-social/index.html>.

657. See Mariana Alfaro, “Trump Vows Pardons, Government Apology to Capitol Rioters if Elected,” *Washington Post*, (Sept. 1, 2022), available at <https://www.washingtonpost.com/national-security/2022/09/01/trump-jan-6-rioters-pardon/>.
658. See *infra*, Chapter 7.
659. 167 Cong. Rec. H171-72 (daily ed. Jan. 13, 2021).
660. See *supra*, Executive Summary.
661. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), pp. 84–87.
662. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R000008962\_0009 (January 2, 2021, White House Presidential Call Log).
663. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014864 (January 5, 2021, text message from Rep. Jim Jordan to Mark Meadows describing the Vice President’s actions on January 6th).
664. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000255-259 (January 6, 2021, Presidential Daily Diary); Felicia Somnez, “Rep. Jim Jordan Tells House Panel He Can’t Recall How Many Times He Spoke with Trump on Jan. 6,” *Washington Post*, (Oct. 20, 2021), available at [https://www.washingtonpost.com/politics/jordan-trump-calls-capitol-attack/2021/10/20/1a570d0e-31c7-11ec-9241-aad8e48f01ff\\_story.html](https://www.washingtonpost.com/politics/jordan-trump-calls-capitol-attack/2021/10/20/1a570d0e-31c7-11ec-9241-aad8e48f01ff_story.html).
665. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (AT&T Production, Feb. 9, 2022).
666. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Rudolph Giuliani, (May 20, 2022), pp. 205–07.
667. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (May 17, 2022), p. 106.
668. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Cassidy Hutchinson, (Feb. 23, 2022), pp. 72–73.
669. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (Mar. 7, 2022), pp. 66–67.
670. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), pp. 62–64.
671. See Sarah Lynch and David Shepardson, “Watchdog to Probe if Justice Dept. Officials Improperly Tried to Alter 2020 Election,” *Reuters*, (Jan. 25, 2021), available at <https://www.reuters.com/article/us-usa-trump-justice/watchdog-to-probe-if-justice-dept-officials-improperly-tried-to-alter-2020-election-idUSKBN29U21E> (“Throughout the past four years, I worked with Assistant Attorney General Clark on various legislative matters. When President Trump asked if I would make an introduction, I obliged,” Perry said in a statement.”).
672. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), p. 48.
673. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Cassidy Hutchinson, (Feb. 23, 2022), p. 45.
674. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (May 17, 2022), pp. 106–07.
675. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM011449.
676. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM011506, (November 2020 text messages from Rep. Andy Biggs to Mark Meadows).

677. Josh Keley, “Congressman Andy Biggs Coordinated Efforts with Mark Finchem before Capitol Riot,” *Phoenix New Times*, (Feb. 18, 2021), available at <https://www.phoenixnewtimes.com/news/congressman-andy-biggs-coordinated-with-mark-finchem-before-capitol-riot-11532527>.
678. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Jim DeGraffenreid Production), DEGRAFFENREID 000554 (December 18, 2020, text messages between James DeGraffenreid, a Nevada fake elector for Trump, and another remarking that “Andy Biggs ... has reached out to NV to ask about our evidence”).
679. Audrey Fahlberg, “January 6 Hearings Become Fundraising Fodder,” *The Dispatch*, (July 7, 2022), available at <https://thedispatch.com/p/january-6-hearings-become-fundraising>; Archive of Political Emails, Jim Jordan, “The January 6th Committee Is After Me,” June 9, 2022 12:41 p.m., available at <https://politicalemails.org/messages/686023>.
680. John Rowley III to the Honorable Bennie G. Thompson re: “Subpoena to Representative Scott Perry,” (May 24, 2022), available at <https://www.documentcloud.org/documents/22061774-scott-perry-j6-response>.
681. Committee on Standards of Official Conduct, *House Ethics Manual*, p. 13 (2008).
682. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R001080 (December 21, 2020, WAVES records showing Representatives Babin, Biggs, Brooks, Gaetz, Gohmert, Gosar, Taylor Greene, Harris, Hice, Jordan, and Perry entering the White House).
683. 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 Roger Stone, (Dec. 17, 2021); Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jeffrey Clark, (Feb. 2, 2022); Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Michael Flynn, (Mar. 10, 2022).
684. *Latif v. Obama*, 677 F.3d 1175, 1193 (D.C. Cir. 2012) (quoting *Mitchell v. United States*, 526 U.S. 314, 328 (1999)). Justice Scalia not only agreed with this principle, but he also reasoned that the Fifth Amendment does not prevent an adverse inference in even criminal cases. This is because the text of that Amendment does not require such a rule and applying an adverse inference to a refusal to testify is exactly in keeping with “normal evidentiary inferences.” See *Mitchell*, 526 U.S. at 332 (Scalia, J., dissenting). Justice Thomas agreed with Justice Scalia. See *id.* at 341-42 (Thomas, J., dissenting).
685. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Michael Flynn, (Mar. 10, 2022), p. 82.
686. *Trump v. Thompson*, 20 F.4th 10, 15-16 (D.C. Cir. 2021), *cert. denied*, 142 S.Ct. 1350 (2022).
687. *Trump v. Thompson*, 20 F.4th 10, 89 (D.C. Cir. 2021) (citation omitted), *cert. denied*, 142 S.Ct. 1350 (2022). Former President Trump also asked the United States Supreme Court to block the Select Committee from accessing his documents. The Supreme Court denied that request stating, “Because the Court of Appeals concluded that President Trump’s claims would have failed even if he were the incumbent, his status as a former President necessarily made no difference to the court’s decision.” *Trump v. Thompson*, 142 S.Ct. 680, 680 (2022) (citation omitted).
688. H. Res. 851, 117th Cong., (2021); H. Rept. 117-216, Resolution Recommending that the House of Representatives Find Mark Randall Meadows in Contempt of Congress for Refusal to Comply with a Subpoena Duly Issued by the Select Committee to Investigate the January 6th Attack on the United States Capitol, 117th Cong., 1st Sess. (2021), available at <https://www.congress.gov/117/crpt/hrpt216/CRPT-117hrpt216.pdf>.
689. Statement of Interest of the United States at 9-10, *Meadows v. Pelosi et al.*, No. 1:21-cv-03217 (CJN) (D.D.C. July 15, 2022), ECF No. 42.
690. “Thompson & Cheney Statement on Justice Department Decisions on Contempt Referrals,” Select Committee to Investigate the January 6th Attack on the United States Capitol, (June

- 3, 2022), available at <https://january6th.house.gov/news/press-releases/thompson-cheney-statement-justice-department-decisions-contempt-referrals>.
691. Dennis Aftergut, “Why the DOJ Did Not Indict Mark Meadows (and What It Should Do Next),” NBC News, (June 7, 2022), available at <https://www.nbcnews.com/think/opinion/trump-lackey-mark-meadows-escaped-january-6-prosecution-peter-navarro-rcna32319>.
692. H. Res. 1037, 117th Cong., (2022); H. Rept. 117-284, Resolution Recommending that the House of Representatives Find Peter K. Navarro and Daniel Scavino, Jr., in Contempt of Congress for Refusal to Comply with a Subpoena Duly Issued by the Select Committee to Investigate the January 6th Attack on the United States Capitol, 117th Cong., 2d Sess. (2022), available at <https://www.congress.gov/117/crpt/hrpt284/CRPT-117hrpt284.pdf>. In particular, Scavino may have further information on President Trump’s advance knowledge from social media posts of the rioters’ plans to invade the Capitol. See *supra* \_\_\_\_.
693. H. Res. 730, 117th Cong., (2021); H. Rept. 117-152, Resolution Recommending that the House of Representatives Find Stephen K. Bannon in Contempt of Congress for Refusal to Comply with a Subpoena Duly Issued by the Select Committee to Investigate the January 6th Attack on the United States Capitol, 117th Cong., 1st Sess. (2021), available at <https://www.congress.gov/117/crpt/hrpt152/CRPT-117hrpt152.pdf>.
694. H. Res. 1037, 117th Cong., (2022); “Peter Navarro Indicted for Contempt of Congress,” Department of Justice, (June 3, 2022), available at <https://www.justice.gov/usao-dc/pr/peter-navarro-indicted-contempt-congress>; H. Rept. 117-284, Resolution Recommending that the House of Representatives Find Peter K. Navarro and Daniel Scavino, Jr., in Contempt of Congress for Refusal to Comply with a Subpoena Duly Issued by the Select Committee to Investigate the January 6th Attack on the United States Capitol, 117th Cong., 2d Sess. (2022), available at <https://www.congress.gov/117/crpt/hrpt284/CRPT-117hrpt284.pdf>.
695. See *infra* 136.
696. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 12, 2022), at 2:14:00-2:14:50, available at <https://youtu.be/rUa0hfG6Lo>.
697. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of John McEntee, (Mar. 28, 2022), pp. 153-55; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), pp. 129-35; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony “Pat” Cipollone, (July 8, 2022), pp. 176-77; Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (May 17, 2022), pp. 104-06.
698. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), at 2:22:05-2:23:41, available at <https://www.youtube.com/live/Z4535-VW-bY?feature=share&t=8525>.
699. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of John McEntee, (Mar. 28, 2022), pp. 153-55; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), at 2:23:41-2:24:42, available at <https://www.youtube.com/watch?v=Z4535-VW-bY&t=8620s>.
700. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), pp. 129-35, esp. pp. 130-131; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), at 2:21:26-2:22:04, available at <https://www.youtube.com/live/Z4535-VW-bY?feature=share&t=8486>.
701. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 133.
702. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R000005854\_0001 (January 11, 2021, email from Molly Michael to Rep. Mo Brooks, confirming receipt of email from Brooks

- recommending pardons, including for “Every Congressman and Senator who voted to reject the electoral college vote submissions of Arizona and Pennsylvania”); Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), at 2:20:52-2:21:12, available at <https://www.youtube.com/live/Z4535-VW-bY?feature=share&t=8452>.
703. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 28, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
704. The Committee has enormous respect for the U.S. Secret Service and recognized that the testimony regarding their work is sensitive for law enforcement, protectee security, and national security reasons. *See, e.g.*, Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of USSS Employee “Driver”, (Nov. 7, 2022), p. 4 (the Select Committee is not releasing the name of this individual); Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Anthony Ornato, (Nov. 28, 2022), p. 4; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of USSS Employee, (Nov. 21, 2022), p. 4; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of USSS Employee, (Nov. 18, 2022), p. 4. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert Engel, (Nov. 17, 2022), p. 4.
705. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of USSS Employee, (Nov. 7, 2022), pp. 4, 86-87.
706. *See, e.g.*, Devlin Barrett, Jacqueline Alemany, Josh Dawsey, and Rosalind S. Heldeman, “The Justice Dept.’s Jan. 6 Investigation Is Looking at ... Everything,” *Washington Post*, (Sept. 16, 2022), available at <https://www.washingtonpost.com/national-security/2022/09/15/trump-january-6-subpoenas-meadows/>; Josh Dawsey and Isaac Arnsdorf, “Prosecutors Seek Details from Trump’s PAC in Expanding Jan. 6 Probe,” *Washington Post*, (Sept. 8, 2022), available at <https://www.washingtonpost.com/national-security/2022/09/08/trump-subpoenas-pac-jan-6/>.
707. *See* Devlin Barrett, Josh Dawsey, and Isaac Stanley-Becker, “Trump’s Committee Paying for Lawyers of Key Mar-a-Lago Witnesses,” *Washington Post*, (Dec. 5, 2022), available at <https://www.washingtonpost.com/national-security/2022/12/05/trump-witnesses-legal-bills-pac/>.
708. The Committee sat for dozens of hours with Hutchinson and concluded that she is brave and earnest, and understood the intense backlash that would inevitably result from those who were enlisted to defend President Trump’s behavior. [See *infra*, Chapter 7]. The thug-gish behavior from President Trump’s team, including efforts to intimidate described elsewhere in this report (*see e.g.* Chapter 3), gave rise to many concerns about Hutchinson’s security, both in advance of and since her public testimony. (We note that multiple members of the Committee were regularly receiving threats of violence during this period.) Accordingly, the Committee attempted to take appropriate measures to help ensure her safety in advance of her testimony, including measures designed to minimize the risk of leaks that might put her safety at risk.
709. *See, e.g.*, Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony “Pat” Cipollone, (July 8, 2022), pp. 71-72 (noting that another witness reference may have been to Pat Philbin).
710. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kayleigh McEnany, (Jan. 12, 2022), pp. 264-65.
711. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kayleigh McEnany, (Jan. 12, 2022), pp. 52-57, 70-74, 282-88.
712. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kayleigh McEnany, (Jan. 12, 2022), pp. 142-45, 288-92. *See also* Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Sarah Matthews, (Feb. 8, 2022), pp. 12-15.



713. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kayleigh McEnany, (Jan. 12, 2022), pp. 183-86.
714. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Sarah Matthews, (Feb. 8, 2022), pp. 39-41.
715. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Sarah Matthews, (Feb. 8, 2022), p. 41.
716. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ivanka Trump, (Apr. 5, 2022), pp. 38-39, 120, 205, 210, 213-14.
717. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ivanka Trump, (Apr. 5, 2022), p. 27.
718. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Julie Radford, (May 24, 2022), p. 19.
719. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ivanka Trump, (Apr. 5, 2022), p. 40.
720. Mark Meadows, *The Chief's Chief* (Ft. Lauderdale, FL: All Seasons Press, 2021).
721. Mark Meadows, *The Chief's Chief* (Ft. Lauderdale, FL: All Seasons Press, 2021), p. 259.
722. Mark Meadows, *The Chief's Chief* (Ft. Lauderdale, FL: All Seasons Press, 2021), p. 259.
723. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), pp. 47-49.
724. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Anthony Ornato, (Jan. 28, 2022), pp. 76-77.
725. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Anthony Ornato, (Mar. 29, 2022), pp. 46-47. Ornato was interviewed at length by the Select Committee in November 2022, after the Secret Service produced nearly a million new internal documents in August and September of this year.
726. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Anthony Ornato, (Nov. 29, 2022), p. 92; *see also* Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Anthony Ornato, (Mar. 29, 2022), pp. 45-46 (stating that he had not heard about President Trump's instruction to others to ask Ornato about going to the Capitol).
727. Select Committee to Investigate the January 6th Attack on the United States Capitol, Interview of White House employee with national security responsibilities, (July 19, 2022), pp. 69-70; Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), pp. 4-6.
728. Select Committee to Investigate the January 6th Attack on the United States Capitol, Interview of White House employee with national security responsibilities, (July 19, 2022), pp. 69-70; Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), pp. 4-6.
729. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of White House employee with national security responsibilities, (July 19, 2022), pp. 69-70; Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), pp. 4-7; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of USSS Employee "Driver", (Nov. 7, 2022), pp. 77-80, 92-93; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Mark Robinson, (July 7, 2022), pp. 17-18.
730. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Anthony Ornato, (Nov. 29, 2022), pp. 104-105, 131-32, 135-36. *See also* Chapter 7.
731. *See, e.g.*, Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark A. Milley, (Nov. 17, 2021), p. 199 (describing

- another senior intelligence official worrying, ahead of January 6th, about violence at the Capitol); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Donnell Harvin, (Jan. 24, 2022), pp. 22-23 (former Chief of Homeland Security and Intelligence for the District of Columbia describing the threat scene ahead of January 6th); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000001532.0001, p.2 (January 5, 2021, FBI Situational Information Report).
732. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Anthony Ornato, (Nov. 29, 2022), pp. 54-56.
733. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Anthony Ornato, (Nov. 29, 2022), pp. 55-56.
734. See *supra* pp. 81-83. See also Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Anthony Ornato, (Nov. 29, 2022), p. 13 (Ornato confirming that one of his responsibilities was briefing the chief of staff and, through the chief of staff at times, the President on security-related issues).
735. "U.S. House of Representatives Debate on Impeachment of President Trump," C-SPAN, at 1:03:53 - 1:13:42, Jan. 13, 2021, available at <https://www.c-span.org/video/?507879-4/debate-impeachment-president-trump>; Tyler Moyer, "McCarthy: 'President Bears Responsibility for Wednesday's Attack'," *Bakersfield Now*, (Jan. 13, 2021), available at <https://bakersfieldnow.com/news/local/mccarthy-president-bears-responsibility-for-wednesdays-attack>.
736. "House Minority Leader Weekly Briefing." C-SPAN, at 7:30 - 8:44, Jan. 21, 2021, available at <https://www.c-span.org/video/?508185-1/minority-leader-mccarthy-backs-gop-conference-chair-liz-cheney>; Rudy Talaka, "GOP Leader McCarthy Calls for Bipartisan Commission to Investigate Allegations of Members Helping Rioters," *Mediaite*, (Jan. 21, 2021), available at <https://www.mediaite.com/news/gop-leader-mccarthy-calls-for-bipartisan-commission-to-investigate-allegations-of-members-helping-rioters/>; "Rep. McCarthy Calls for Bipartisan Commission to Probe Capitol Riot," *Newsmax*, (Jan. 22, 2021), available at <https://www.newsmax.com/politics/kevin-mccarthy-capitol-riot-boebert-probe/2021/01/21/id/1006648/>.
737. Clare Foran, Ryan Nobles, and Annie Grayer, "Pelosi Announces Plans for '9/11-Type Commission' to Investigate Capitol Attack," *CNN*, (Feb. 15, 2021), available at <https://www.cnn.com/2021/02/15/politics/pelosi-capitol-attack-commission/index.html>.
738. "Letter to The Honorable Speaker Nancy Pelosi," House Republican Leader Kevin McCarthy, (Feb. 22, 2021), available at [https://www.speaker.gov/sites/speaker.house.gov/files/Sharp%20MX-4141\\_20210518\\_081238.pdf](https://www.speaker.gov/sites/speaker.house.gov/files/Sharp%20MX-4141_20210518_081238.pdf).
739. "Letter to The Honorable Speaker Nancy Pelosi," House Republican Leader Kevin McCarthy, (Feb. 22, 2021), available at [https://www.speaker.gov/sites/speaker.house.gov/files/Sharp%20MX-4141\\_20210518\\_081238.pdf](https://www.speaker.gov/sites/speaker.house.gov/files/Sharp%20MX-4141_20210518_081238.pdf).
740. "Letter to The Honorable Speaker Nancy Pelosi," House Republican Leader Kevin McCarthy, (Feb. 22, 2021), available at [https://www.speaker.gov/sites/speaker.house.gov/files/Sharp%20MX-4141\\_20210518\\_081238.pdf](https://www.speaker.gov/sites/speaker.house.gov/files/Sharp%20MX-4141_20210518_081238.pdf).
741. Ryan Nobles, Annie Grayer, and Jeremy Herb, "Pelosi Concedes to Even Partisan Split on 1/6 Commission in Effort to Jumpstart Talks," *CNN*, (Apr. 20, 2021), available at <https://www.cnn.com/2021/04/20/politics/nancy-pelosi-january-6-commission-talks/index.html>; Ryan Nobles and Daniella Diaz, "Pelosi Makes Concession on Subpoenas for 9/11 Style Commission to Investigate Insurrection," *CNN*, (Apr. 22, 2021), available at <https://www.cnn.com/2021/04/22/politics/nancy-pelosi-911-style-commission-insurrection-subpoenas/index.html>.
742. John Bresnahan, Anna Palmer, and Jake Sherman, "Pelosi Taps Top Dem to Negotiate on Jan. 6 Commission," *Punchbowl News*, (May 11, 2021), available at <https://punchbowl.news/archive/punchbowl-news-am-5-11/>.

743. "Chairman Thompson Announces Bipartisan Agreement with Ranking Member Katko to Create Commission to Investigate the January 6 Attack on the Capitol," House Committee on Homeland Security, (May 14, 2021), available at <https://homeland.house.gov/news/press-releases/chairman-thompson-announces-bipartisan-agreement-with-ranking-member-katko-to-create-commission-to-investigate-the-january-6-attack-on-the-capitol>.
744. "McCarthy Statement on January 6 Commission Legislation," House Republican Leader Kevin McCarthy, (May 18, 2021), available at <https://www.republicanleader.gov/mccarthy-statement-on-january-6-commission-legislation/>.
745. "Pelosi Statement on McCarthy Opposition to January 6th Commission," Speaker of the House Nancy Pelosi, (May 18, 2021), available at <https://www.speaker.gov/newsroom/51821>.
746. "Pelosi Statement on McCarthy Opposition to January 6th Commission," Speaker of the House Nancy Pelosi, (May 18, 2021), available at <https://www.speaker.gov/newsroom/51821>; "Letter to The Honorable Speaker Nancy Pelosi," House Republican Leader Kevin McCarthy, (Feb. 22, 2021), available at [https://www.speaker.gov/sites/speaker.house.gov/files/Sharp%20MX-4141\\_20210518\\_081238.pdf](https://www.speaker.gov/sites/speaker.house.gov/files/Sharp%20MX-4141_20210518_081238.pdf).
747. "Pelosi Statement on McCarthy Opposition to January 6th Commission," Speaker of the House Nancy Pelosi, (May 18, 2021), available at <https://www.speaker.gov/newsroom/51821>.
748. "U.S. House of Representatives House Session," C-SPAN, at 4:12:23-4:12:55, May 19, 2021, available at <https://www.c-span.org/video/?511820-2/houses-passes-bill-create-january-6-commission-252-175>.
749. "Roll Call 154 | Bill Number: H. R. 3233," Clerk of the U.S. House of Representatives, (May 19, 2021), available at <https://clerk.house.gov/Votes/2021154?Page=1&Date=05%2F19%2F2021>.
750. "Roll Call Vote 117th Congress - 1st Session," Question: On the Cloture Motion (Motion to Invoke Cloture Re: Motion to Proceed to H.R. 3233), H.R. 3233 - 117th Congress (2021): National Commission to Investigate the January 6 Attack on the United States Capitol Complex Act, H.R.3233, 117th Cong. (2021), available at [https://www.senate.gov/legislative/LIS/roll\\_call\\_votes/vote1171/vote\\_117\\_1\\_00218.htm](https://www.senate.gov/legislative/LIS/roll_call_votes/vote1171/vote_117_1_00218.htm).
751. "House Speaker Nancy Pelosi Announces Select Committee on the January 6th Insurrection," C-SPAN, at 4:44-5:26, June 24, 2021, available at <https://www.youtube.com/watch?v=guCcy9tUfn8>.
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