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SELECT COMMITTEE TO INVESTIGATE THE
JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

DEPOSITION OF: MARK MEADOWS (NO-SHOW)

Friday, November 12, 2021

Washington, D.C.

The deposition in the above matter was held in Room 4480, O'Neill House Office

- 1 Building, commencing at 10:00 a.m.

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2 **Appearances:**

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5 For the SELECT COMMITTEE TO INVESTIGATE

6 THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

7

8 ██████████ CHIEF COUNSEL

9 ██████████ SENIOR INVESTIGATIVE COUNSEL

10 ██████████, DETAILEE, DEPARTMENT OF HOMELAND SECURITY

11 ██████████, CHIEF CLERK

12 ██████████, PARLIAMENTARIAN

13 ██████████ STAFF ASSOCIATE

14 ██████████ CHIEF ADMINISTRATIVE OFFICER

15 ██████████ SENIOR INVESTIGATIVE COUNSEL

16 AND OF COUNSEL TO THE VICE CHAIR

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Mr. ██████ Good morning. We are on the record.

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Today is November 12th, 2021, the time is 10 a.m., and we are convened in the O'Neill House Office Building for the deposition of Mark Meadows to be conducted by the House Select Committee to Investigate the January 6th Attack on the United States Capitol.

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My name is ██████ I am the designated select committee staff counsel for this proceeding. I'm accompanied by ██████, deputy staff director and chief counsel to the select committee; ██████, select committee staff counsel; ██████, select committee staff counsel; ██████, select committee parliamentary.

And joining us virtually is ██████ and ██████, who are select committee staff, as well as chief clerk to the select committee, ██████

For the record, it is now 10:01 a.m., and Mr. Meadows is not present. The person transcribing this proceeding is the House stenographer and notary public authorized to administer oaths.

On September 23rd, 2021, Chairman Bennie Thompson issued a subpoena to Mr. Meadows, both to produce documents by October 7th, 2021, and to testify at a deposition on October 15th of 2021 at 10 a.m.

The subpoena is in connection with the select committee's investigation into the facts, circumstances, and causes of the January 6th attack and issues relating to the peaceful transfer of power in order to identify and evaluate lessons learned and to recommend to the House and its relevant committees corrective laws, policies, procedures, rules, or regulations.

After Mr. Meadows retained counsel, who is George Terwilliger, III, the select

1 committee agreed to postpone the subpoena deadlines to enable his counsel to
2 understand the requests associated with the subpoena and work with Mr. Meadows.

3 Ultimately, by letter dated October 25th, 2021, the select committee set new
4 deadlines to produce documents and appear for testimony. Mr. Meadows was required
5 to produce documents by November 5th, 2021, and appear for testimony on
6 November 12th, 2021.

7 By letters dated between October 25th and November 11th, the select committee
8 engaged with counsel for Mr. Meadows. In the letters, the select committee addressed
9 Mr. Meadows' claims of, among other things, absolute testimonial immunity and
10 executive privilege.

11 In the letters, the select committee also instructed Mr. Meadows to assert his
12 privilege claims in a privilege log for responsive documents and on a question-by-question
13 basis at the deposition.

14 On November 10th, 2021, Mr. Meadows, through counsel, informed the select
15 committee that he would not appear at today's deposition citing testimonial immunity
16 and privileges. Specifically, counsel said that, quote, "Mr. Meadows cannot agree to
17 appear at 10 a.m. Friday," end quote.

18 Following that letter, the White House Counsel's Office sent counsel for
19 Mr. Meadows a letter dated November 11th, indicating that the White House would not
20 assert claims of testimonial immunity or executive privilege to prevent Mr. Meadows'
21 testimony before the select committee.

22 Specifically, the letter states that President Biden, quote, "will not assert executive
23 privilege with respect to your client's deposition testimony on these subjects, or any
24 documents your client may possess that bear on them. For the same reasons underlying
25 his decision on executive privilege, President Biden has determined that he will not assert

1 immunity to preclude your client from testifying before the Select Committee," end
2 quote.

3 The select committee then sent counsel for Mr. Meadows a final letter in light of
4 the White House Counsel's Office's stated position. To date, the select committee has
5 not received a response.

6 In the letters, the select committee informed Mr. Meadows, quote, "the Select
7 Committee will view Mr. Meadows' failure to respond to the subpoena as willful
8 non-compliance. Such willful non-compliance with the subpoena would force the Select
9 Committee to consider invoking the contempt of Congress procedures in 2 U.S.C.,
10 sections 192 and section 194 -- which could result in a referral from the House to the
11 Department of Justice for criminal charges -- as well as the possibility of having a civil
12 action to enforce the subpoena brought against Mr. Meadows in his personal capacity,"
13 end quote.

14 Mr. Meadows has not provided any documents or a privilege log, and
15 Mr. Meadows has not appeared today to answer questions or assert privilege objections.

16 I will mark as exhibit 1 and enter into the record the select committee's subpoena
17 to Mr. Meadows, included with which are the materials that accompanied the subpoena;
18 namely, a letter from the chairman, a document schedule with accompanying production
19 instructions, and a copy of the deposition rules.

20 I will mark as exhibit 2 and enter into the record a series of letters and emails
21 exchanged between the select committee and counsel for Mr. Meadows. The records
22 include email service of the subpoena by Ms. [REDACTED], which Mr. Scott Gast
23 accepted on Mr. Meadows' behalf on September 23rd, 2021.

24 The records in exhibit 2 also include the letters and emails between counsel for
25 the select committee and Mr. George Terwilliger, which I described moments ago. And,

1 specifically, they are a letter from George Terwilliger to the select committee on
2 October 7th; an email from George Terwilliger to the select committee on October 13th;
3 letters provided by George Terwilliger to the select committee, one of which is a letter
4 from him to the White House Counsel's Office dated October 11th, 2021, and the other is
5 a letter to George Terwilliger dated October 6th from Mr. Justin Clark, as counsel to
6 former President Trump; a letter from the select committee to George Terwilliger on
7 October 25th; two letters from George Terwilliger to the select committee on
8 November 3rd; a letter from the select committee to George Terwilliger on
9 November 5th; a letter from George Terwilliger to the select committee on
10 November 8th; a letter from the select committee to George Terwilliger on
11 November 9th; a letter from George Terwilliger to the select committee on
12 November 10th; and a letter from the select committee to George Terwilliger on
13 November 11th.

14 I will mark as exhibit 3 and enter into the record a letter dated November 11th,
15 2021, from the White House Counsel's Office to Mr. George Terwilliger as counsel for
16 Mr. Meadows.

17 I will mark as exhibit 4 and enter into the record an email dated November 9th,
18 2021, and corresponding attachments from [REDACTED] chief investigative counsel to the
19 select committee, to George Terwilliger, with subject line, "Deposition Rules."

20 The attachments consist of, one, a document called "Document Production
21 Definitions and Instructions"; two, "Deposition Rules," which is a copy of the House
22 Congressional Record page H41 from January 4th, 2021; third, which is a copy of section
23 3(b) of House Resolution 8 dated January 4th, 2021.

24 And, with that, I will note for the record that it is 10:07 a.m., and Mr. Meadows
25 still has not appeared or communicated to the select committee that he will appear today

1 as required by the subpoena.

2 Accordingly, the record is now closed as of 10:07 a.m.

3 [Whereupon, at 10:07 a.m., the deposition was concluded.]