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

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12 DEPOSITION OF: KAYLEIGH MCENANY

16 Wednesday, January 12, 2022

18 Washington, D.C.

21 The deposition in the above matter was held via Webex, commencing at 10:09
22 a.m.

23 Present: Representatives Schiff, Lofgren, Raskin, Aguilar, Murphy, Cheney, and
24 Kinzinger.

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2 Appearances:

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4 For the SELECT COMMITTEE TO INVESTIGATE

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

6

7 [REDACTED], SENIOR INVESTIGATIVE COUNSEL AND OF COUNSEL TO THE VICE CHAIR

8 [REDACTED], CHIEF INVESTIGATIVE COUNSEL

9 [REDACTED], SENIOR INVESTIGATIVE COUNSEL

10 [REDACTED], DETAILEE

11 [REDACTED], SENIOR INVESTIGATIVE COUNSEL

12 [REDACTED], INVESTIGATIVE COUNSEL

13 [REDACTED], STAFF ASSOCIATE

14 [REDACTED], PARLIAMENTARIAN

15 [REDACTED], CHIEF CLERK

16 [REDACTED], STAFF DIRECTOR

17 [REDACTED], SENIOR LEGISLATIVE COUNSEL

18

19 For KAYLEIGH MCENANY:

20

21 ZACH TERWILLIGER

22 DAN WALLMUTH

23 VINSON & ELKINS, LLP

1

2 [REDACTED] Good morning, everyone. My name is [REDACTED].

3 This is a deposition of Ms. Kayleigh McEnany conducted by the House Select
4 Committee to Investigate the January 6th Attack on the U.S. Capitol.

5 As I said, my name is [REDACTED]. I'm a senior investigative counsel to the
6 committee, as well as of counsel to the committee's vice chair,
7 Representative Liz Cheney.

8 We have several staff members with us here today, including Chief Investigative
9 Counsel [REDACTED], Senior Investigative Counsel [REDACTED], Investigative Counsel
10 [REDACTED], Senior Counsel to the Vice Chair [REDACTED], Professional Staff Member
11 [REDACTED], and [REDACTED].

12 [REDACTED], can you state your title?

13 [REDACTED] Good morning. Senior investigative counsel.

14 [REDACTED] Thank you.

15 And our parliamentarian, [REDACTED].

16 And then we have several members who are with us today, including the vice
17 chair, Representative Liz Cheney; Representative Kinzinger; Representative Schiff;
18 Representative Lofgren; Representative Aguilar. And if I have missed any members,
19 please speak up and let us know.

20 Okay. So members will be joining us and potentially leaving throughout the
21 deposition depending on their schedules with other business. So we try to announce
22 when we see their names come up on the screen, but we might not always notice it right
23 away.

24 We are not going to try to state on the record every time one of them leaves, just
25 because it's hard to notice when they leave. So just be aware there could be several

1 members at any given time. And as I mentioned before we went on the record, I'll
2 pause from time to time to give them an opportunity to ask questions.

3 So, Ms. McEnany, can you state your name?

4 The Witness. Yes. Kayleigh McEnany.

5 [REDACTED] And could the counsel for the witness please identify himself?

6 Mr. Terwilliger. Sure. Good morning.

7 Zach Terwilliger on behalf of Ms. McEnany. Along with me is Dan Wallmuth.

8 And we're both affiliated with the Vinson & Elkins firm.

9 [REDACTED] Thank you.

10 We also have a court reporter. And so I'd ask that the court reporter now
11 administer the oath to the witness.

12 The Reporter. Please raise your right hand.

13 Do you solemnly declare and affirm under the penalty of perjury that the
14 testimony you are about to give will be the truth, the whole truth, and nothing but the
15 truth?

16 The Witness. Yes.

17 The Reporter. Thank you.

18 [REDACTED] Thank you.

19 Ms. McEnany, as you know, we have a court reporter. The reporter will be
20 making a verbatim transcript of this deposition. You and your counsel will be given an
21 opportunity to review the transcript and suggest any corrections before it's finalized.

22 Also, as you know, this is being videotaped and audio recorded, but I will note that
23 the court reporter's transcript is the official record of the proceedings.

24 I just want to confirm before we start, there is nobody else in the room with you
25 other than the people who have been identified. Is that correct?

1 The Witness. Yep. Just Zach and Dan.

2 ██████████ Thank you. And you and your counsel are not recording this,
3 correct?

4 The Witness. We are not.

5 ██████████ Great.

6 In terms of logistics, just let us know anytime you would like to take a break if you
7 want to confer with your outside counsel. And, likewise, we will from time to time have
8 breaks. We will pause from time to time to give other staff as well as members an
9 opportunity to ask questions.

10 I want to make sure you understand that you are appearing pursuant to a
11 subpoena from the committee dated November 9th, 2021, which is in the materials that
12 have been provided to your counsel and will be included in the record.

13 As you know, you're under oath, meaning any knowing false statement can
14 constitute perjury as well as a violation of 18 U.S.C. 1001. So it's important that you tell
15 the truth at all times.

16 If you don't understand a question, let us know. It's important that you
17 understand the question and can answer it to the best of your ability.

18 Similarly, if you don't know the answer to the question, you can say you don't
19 know or you don't recall. But also keep in mind you are under oath, so you have to be
20 truthful. So, if you do recall the answer to the question, you can't say, "I don't recall."

21 As I understand, you have an opening statement. Before that, do you have any
22 questions about the logistics of this?

23 The Witness. No, I don't.

24 ██████████ Okay. You can go ahead and make any opening statement you'd
25 like.

1 The Witness. Okay.

2 My name is Kayleigh McEnany. I served as White House press secretary from
3 April of 2020 to January 2021. Thank you for the opportunity to provide some opening
4 comments.

5 At the outset of this deposition, and as my attorney informed the committee in
6 the weeks leading up to this day, I want to make clear that I've not had the opportunity to
7 receive or review my official records, many of which are the subject of litigation now
8 pending before the Supreme Court.

9 I would prefer to wait to testify until I've had the opportunity to review all of my
10 records. But at the select committee's insistence, and subject to its subpoena, I am
11 compelled to testify today without the benefit of those documents.

12 Please recognize that many of the events at issue took place over a year ago and
13 occurred during a period in my life when I was working long hours and frequently
14 traveling, all while caring for my infant daughter. Thus, I will make every effort to
15 truthfully answer the select committee's questions to the best of my recollection. But
16 to the extent that the committee is in possession of a document that would refresh my
17 recollection, I would request a copy of that document prior to my answer.

18 Additionally, to the extent that any official records later become available, I would
19 request the opportunity to review my deposition transcript and amend my answers if
20 necessary.

21 Despite not having the benefit of all of my records, I am going forward today given
22 the subpoena and the select committee's insistence on my testimony.

23 Finally, as investigative counsel will note, I have been cooperative and operated in
24 good faith throughout this process. The financial cost and interruption to my already
25 full plate, serving as a full-time working mother, have been substantial, however.

1 Part of the reason I am here today is so that I can mitigate any further financial
2 burden and disruption to my life. As a witness before this committee, I am self-funding
3 this litigation as well -- or my counsel, I should say.

4 Through counsel, I have made it very clear that part of my decision to appear
5 today and answer questions is because the committee's investigative counsel have said
6 that they want to receive my testimony and move on to other witnesses, some far less
7 cooperative.

8 I hope the committee will operate in good faith and we can complete this process
9 here today and that someone like me, who has met their obligations in a timely manner,
10 is not penalized for doing so by further requirements of questioning. I am ready to stay
11 here for as many hours as it takes today so that we can both move on with our respective
12 professional tasks.

13 [REDACTED] Great. Thank you for your statement. And we do appreciate your
14 cooperation.

15 I also can tell you that we would certainly prefer to be doing this deposition with
16 the benefit of all of your records, including any emails and other documents that might be
17 in the possession of the National Archives. But, as you noted, that's currently in
18 litigation, and it's imperative that the committee continue to move forward. That's why
19 we're going forward today.

20 We hope to minimize the impact that this has on you, and we are hoping that we
21 can complete this today and not have to call you back. But we do reserve the right,
22 subject to the call of the chair, to come back and ask further questions if it becomes
23 necessary based on something we learn, either from other witnesses or from the
24 documents that we hope to receive from the National Archives.

25 EXAMINATION

1 BY [REDACTED]:

2 Q So, Ms. McEnany, I'd like it if you could just sort of very briefly summarize
3 your professional background, including your educational background.

4 A I graduated undergraduate from Georgetown School of Foreign Service. I
5 received my juris doctorate from Harvard Law School, spent a year studying at Oxford.
6 That was during my undergraduate time at Georgetown.

7 Q Okay. And then after, did you go straight from college to law school?

8 A I did not. I spent a few years working at FOX.

9 Q Okay. And what did you do at FOX?

10 A I began, I believe, it was as a production assistant and worked there for three
11 years, had various titles in the production realm.

12 Q Okay. And were you a production assistant for a particular show?

13 A It would have been the Mike Huckabee show. I think it was just called
14 "Huckabee."

15 Q And then you went to law school. What year did you graduate from law
16 school?

17 A Whew. I think it would have been -- it was -- it -- I think 2016. It was
18 during the 2016 election, to the best of my recollection. Sometimes my years get
19 confused.

20 Q That's fine. And what did you do after law school?

21 A After law school, I worked at CNN as a commentator.

22 Q Okay. And what did you do after that?

23 A After CNN, I went to the Republican National Committee. That would have
24 been shortly after the 2016 election that I worked at the RNC.

25 Q And what did you do at the RNC?

1 A I was their spokesperson.

2 Q Okay. And do you know when you left the RNC?

3 A I don't remember the exact year, but I left to work on the Trump campaign.

4 Q Okay. Is that the 2016 or 2020 campaign?

5 A 2020 campaign.

6 Q Okay. So do you have a ballpark estimate of when that was?

7 A I believe it would have been either 2018 or '19. I just don't recall if I left
8 right after the midterms or if it was the beginning part of 2019, but my best guess would
9 be probably 2019.

10 Q Okay. And what did you do for President Trump's reelection campaign?

11 A I was -- I think my official title was press secretary.

12 Q Okay. And when did you start working at the White House?

13 A That would have been April of 2020.

14 Q And what was your position when you started at the White House?

15 A Press secretary.

16 Q And did you have the same title throughout your tenure at the White
17 House?

18 A I did.

19 Q Okay. And did you have an additional title, such as an Assistant or Deputy
20 Assistant to the President?

21 A Yes. I believe I was Assistant to the President. That was the highest level.

22 Q Okay. And as Assistant to the President did you have what's sometimes
23 referred to as walk-in privileges in the Oval Office, meaning that you could walk in
24 without scheduling an appointment?

25 A I don't know how folks would determine walk-in privileges. People define

1 it differently. But, you know, if I wanted to see the President, I could certainly walk over
2 to Molly Michael, the President's assistant, and ask to see him. So, you know, I'll leave it
3 to others to define walk-in privileges, but, you know, I certainly had access.

4 Q Okay. But you didn't have to go through the chief of staff or somebody like
5 that in order to see the President?

6 A No.

7 Q You could go directly to the Outer Oval and ask his executive assistant if you
8 could see him?

9 A That's correct.

10 Q And then, if he -- if the President was, you know, having a meeting that was
11 of interest to you, were you able to just join in, or did you have to request permission if
12 you wanted to join the meeting?

13 A I think if it was an official meeting -- it was a fluid situation, but if it was an
14 official meeting, I likely would have gone to the chief of staff. You know, I sat in on
15 some meetings, but, you know, there were various clearances. Sometimes there is
16 national security information. So, for an official meeting, I would likely go to the chief of
17 staff and ask.

18 But it was, as I noted, a fluid situation. You know, I could try to walk into a
19 meeting if I wanted, but usually I would go through the chief of staff if it was a specific
20 meeting.

21 Q Okay. And so when you started working at the White House, did you
22 continue to have a position at the President's reelection campaign?

23 A When I went to the White House?

24 Q Yes.

25 A No, not when I went to the White House. I did not have an official position

1 on the campaign.

2 Q Okay. So you left your position on the campaign, went to work at the
3 White House. Then at some point were you sort of dual hatted, so to speak, meaning
4 working at the White House and also have some role in the campaign?

5 A To the best of my recollection, I was mainly White House press secretary.
6 In the aftermath of the election, I did engage in First Amendment political speech. So, in
7 that sense, I would go over to the campaign.

8 But, you know, I did not have an official position with the campaign. In the
9 lead-up to the election, I was really focused on my press secretary duties.

10 Q Okay. So no official position with the campaign leading up to the election.
11 But did you have any unofficial role with the campaign leading up to the election?

12 A To the best of my recollection, no.

13 Q Okay. What about after the election? Did that change? Did you have
14 some affiliation with the campaign, either official or unofficial, after the election?

15 A So after the election I would go on various cable news networks. I went to
16 White House counsel before I did that, and I asked White House counsel: I recognize
17 the bounds of the Hatch Act. I would personally like to engage in First Amendment free
18 speech, political speech, because I believed in election integrity, and some of those issues
19 were being discussed.

20 And White House counsel said to me: So long as you separate what you're doing
21 at the White House from your First Amendment political speech, if you go to the
22 campaign, don't take a government vehicle, don't use government resources, go to the
23 campaign. You could engage in speech, but to do it appropriately, you must be over at
24 the campaign when you do those television appearances.

25 So when I would go on, they would call me campaign adviser, but I would not

1 consider myself as having an advisory role on the campaign, either officially or
2 unofficially. But I did use that title to go on and engage in free speech as a way to
3 distinguish that from my role as press secretary.

4 Q I understand. And did you get any advice about whether you had to do
5 that outside normal business hours or take leave or do anything like that to separate your
6 time when you're on the government clock versus doing something for the campaign?

7 A To the best of my recollection, that was not laid out to me, but I recall being
8 told that as long as I separated my activity and separated the two hats, that I could
9 engage in First Amendment political speech, as long as I abided by those parameters.

10 Q And did you have a cell phone or other device provided by the campaign?

11 A I did not, to the best of my recollection. I think at one point there might
12 have been an iPad somewhere that they issued, but I did not have a cell phone. But,
13 yes, no cell phone, to the best of my recollection.

14 Q Do you remember, the iPad, did you save any documents on it?

15 A No. To the best of my recollection, there were no documents on it. I just
16 used it for internet purposes so that I -- at the time, I did not have a personal laptop that
17 was working or that I was using, so I would just use it to surf the internet. I don't recall
18 having any documents on it to the best of my recollection.

19 Q And did you have an email account at the campaign?

20 A To the best of my recollection, my only email account with the campaign
21 would have been during my time officially working for the campaign before the White
22 House. I don't know if they -- what they did with that email address upon leaving, but I
23 was not using it, as I remember.

24 Q Okay. So let's cover what email accounts you did have during this time
25 period. So the time period that I'm focusing on, I guess, would be from when you

1 started at the White House up until January 20th of 2021.

2 You, I assume, had a White House email address. Is that correct?

3 A I did.

4 Q Okay. And to your knowledge, are all of your emails that you sent and
5 received regarding official business using that account with the National Archives, as far
6 as you know?

7 A As far as I know.

8 Q And then, based on --

9 Mr. Terwilliger. And just hold on one second. I just want to confer with
10 Ms. McEnany for one second.

11 ██████ Sure.

12 The Witness. Okay.

13 [Discussion off the record.]

14 The Witness. Yes. So, also, let me just be clear.

15 So my official government emails, as I understand them to be, would be with the
16 Archives. However, to the extent we find any emails or texts in this process that might be
17 considered official, I'll work with my counsel and make sure that those get over to the
18 Archives.

19 ██████ Okay. But you have not already done that. Is that correct?

20 The Witness. I don't --

21 Mr. Terwilliger. So this is Zach Terwilliger.

22 On her behalf, we have reached -- we've gotten the contact information to the
23 Archives and, frankly, wanted to make sure we had met our deadlines to you all first. But
24 the communication lines are open. We have the point of contact. I want to make sure
25 we have the full breadth of anything you show us today.

1 But, you know, we've already made the steps to do that and have the Archivist's
2 general counsel's name and point of contact. So as soon as we get through today, that's
3 our next step.

4 Good.

5 BY [REDACTED]

6 Q And then did you have a White House or government-issued cell phone?

7 A I did.

8 Q And did you, as far as you can recall, send or receive texts using that cell
9 phone, meaning the official cell phone?

10 A Yes. I think there would be -- would have been texts on there, to the best
11 of my memory.

12 Q Okay. And did you turn in that cell phone to somebody at the White House
13 when you left?

14 A Yes. And I endeavored to do my official matters on the government phone.
15 You know, as you can imagine, sometimes reporters would reach out to your personal
16 device. But I did the best I could to conduct my matters on that phone.

17 Q I understand. That's helpful. So obviously you can't control necessarily
18 incoming texts, but when you were sending a text, if it was something official, particularly
19 with other people in the White House, you generally tried to use your government-issued
20 cell phone. Is that correct?

21 A To the best of my recollection, I generally tried to do that. There are -- as
22 you can imagine, people would reach out to you on your personal device, and sometimes
23 that would be your only device handy if the government device had run out of battery.
24 So I'm sure that occasionally I texted from my personal device various people.

25 But, to the extent I could, I tried to keep it on my government device. However,

1 of course there are some messages, as you saw with the chief of staff, that we'll be
2 turning over to the Archives that were on my personal device.

3 Q And then, as far as your personal device, you had turned over some text
4 messages that appear to be from your personal cell phone. Did you have just one
5 personal cell phone during the time --

6 A Yeah.

7 Q -- period you're talking about?

8 A Uh-huh, yes.

9 Q So a total of two cell phones, the government-issued one and the personal
10 one, and no others, correct?

11 A To the best of my memory, those were my two devices that I communicated
12 on.

13 Q All right. And what about email accounts? We've already talked about
14 the White House email account; the campaign one, which you said, you know, you
15 believed you stopped using after you left the campaign. And then we have seen from
16 your texts at least one what appears to be a personal email account. I won't say the
17 name or the email address here on the record.

18 But other than that one for which you've produced some records, did you have
19 any other personal email accounts that you used during this time period?

20 A To the best of my recollection, the one I primarily used, let's say, in the
21 aftermath of the election, when I was doing television appearances from the campaign, I
22 used that account that you said you don't want to say the account here on the record.

23 I do have another email account from undergraduate, but I primarily use that for
24 personal things like financial matters or real estate or personal issues.

25 Q And did you search that account as well to see if there was anything

1 responsive to the subpoena?

2 A I did not search that account because I just didn't use that account. I don't
3 even think anyone on the campaign, to the best of my recollection, would even have that
4 address.

5 Q Did you use any other kind of message applications other than text messages
6 and emails?

7 A To the best of my recollection, I think at one point I downloaded WhatsApp,
8 but I might have sent maybe one message on there, maybe somewhere in 2019, and then
9 I just decided just to text. So I would not consider using that app. I don't even think
10 it's currently on my phone. Texting was primarily what I did.

11 Q So during this time period in the lead-up to the 2020 election and from
12 November 3rd, 2020, to January 20th, 2021, so, to simplify, lead-up to the election and
13 then from the election to the inauguration --

14 A Uh-huh.

15 Q -- did you keep handwritten notes or anything like that?

16 A To -- so you're saying before -- can you rephrase that again? Before the
17 election or after?

18 Q Both. So in the period -- well, while you were working at the White House,
19 I guess is the easiest way to say it.

20 A Uh-huh.

21 Q While you were working at the White House, did you keep handwritten
22 notes?

23 A While I was working at the White House, I would say, when I first got there, I
24 would keep handwritten personal notes. But I kind of stopped doing that as I got busier
25 and busier. And to the best of my recollection -- I think after the election, in

1 particular -- I didn't really take any handwritten notes, and really in the lead-up to the
2 election as well, because we were traveling so often. But that's to the best of my
3 recollection.

4 Q To the extent you may have had any, you know, notepads or things like that,
5 where you would have written anything down, would you have -- did you leave those at
6 the White House, or did you take those with you?

7 A At the end of my days at the White House, I was given instructions -- I
8 believe it was by White House counsel -- as to what constituted a government document
9 and what did not, and I had a huge stack of papers, and so I sifted through to determine
10 what was personal and what was government. And I endeavored to follow White House
11 counsel's instructions to the best of my ability.

12 Q Okay. So as far as you know, sitting here today, any handwritten notes you
13 would have made that were about official business would be at the White House or in the
14 Archives. Is that right?

15 A Yeah. As far as I know, an official government document would have
16 been -- would be with the Archives, and my personal notes would be with me.

17 Q Okay. Now, you did produce some notes -- I don't know if you'd call them
18 notes or a journal or what the best term would be -- that you recorded electronically.
19 My guess -- and you can tell us if this is wrong -- that you did it on a cell phone.

20 Can you just sort of describe -- and we'll get to particular ones, and I can ask you
21 then what those were -- but could you explain in general what those were?

22 A Yeah. So, as I described to you, in my first days working at the White
23 House I did try to do handwritten notes that were personal in nature. But as it got
24 busier, and certainly as we were traveling to at some times five places in a day in the
25 lead-up to the election, I transitioned to really taking notes on my iPhone. And I

1 considered them to be personal notes that I could refer back to should I ever choose to
2 write about the time period or want to remember my time in government.

3 Q Okay. And then we know you did ultimately write a book, which obviously
4 the committee has and has reviewed, but do you have any earlier drafts or manuscripts
5 or notes where you discuss the events related to January 6th, 2021?

6 A To the best of my recollection, for my book, no, I don't think so. I may have
7 a personal -- to the best of my recollection, no, I don't think I ever wrote about the events
8 of January 6th.

9 Q Did you ever send or receive text messages with President Trump?

10 A With President Trump, during --

11 Mr. Terwilliger. Ask him to clarify the time.

12 The Witness. Yeah. Can you clarify the time period on that?

13 [REDACTED] Sure.

14 BY [REDACTED]

15 Q Well, let's -- I'll start first with while you were working at the White House.

16 Did you send or receive any messages with President Trump?

17 A Not, to the best of my recollection, not while I was in the White House.

18 Q Okay. After you left the White House, have you exchanged text messages
19 with President Trump?

20 A To the best of my recollection, no.

21 Q Okay. Before you worked at the White House, did you exchange text
22 messages with President Trump?

23 A To the best of my recollection, no. I don't know if he had that capability or
24 not.

25 Q Okay.

1 A I communicated primarily through the White House switchboard.

2 Q I understand. It just seemed like you were maybe drawing a distinction
3 based on time period, so -- but I just wanted to make sure, as far as you recall, you never
4 texted with President Trump?

5 A No. To the best of my recollection, no. I think the reason I'm drawing a
6 distinction from time periods is I -- and he did have a phone in the White House, but I
7 don't recall ever receiving calls from that phone. I don't know if it was operative or if it
8 was just used to have access to the internet.

9 But I paused because now he does have a phone that, you know, he can call you
10 and it would say President Trump on it, so -- I don't recall receiving a text from that
11 number, though.

12 Q Okay. So tell us a little bit more. You mentioned he had a phone. What
13 do you know about that phone? Do you know whether it was government-issued versus
14 personal?

15 A I don't know. I would see him use it to maybe send a tweet, but I don't -- I
16 don't know if he was -- if he used it to make phone calls.

17 As I recall, his primary mode of talking was through the White House switchboard.
18 But that may have been a working phone. I just simply don't remember. And I
19 remember the vast majority of his communications happening through the switchboard.

20 Q Okay. Do you know whether he ever, while he was President, sent or
21 received text messages?

22 A I don't know. To the best of my recollection, I don't remember.

23 Q Okay. And do you know did he ever turn to somebody, a staffer, whether a
24 body man or somebody else, and, as far as you can recall, instruct that person to send
25 texts? Or, likewise, do you recall ever somebody with him saying, "Mr. President, we

1 received a text for you from person X"?

2 Mr. Terwilliger. █ I think that, at this point, you know, it sounds to me like
3 you're asking her to reveal a Presidential communication that she witnessed. So we
4 would object on the basis of the Presidential communications privilege, understanding
5 that, throughout the day, you may ask additional questions, and then there may be a
6 ruling from the chair. But we do want to go through that process of asserting and then
7 having you make a ruling.

8 █ Okay. I just want to be clear here, I'm not asking about the content
9 of the texts. I'm just trying to identify devices that the President might have used for
10 texting.

11 Mr. Terwilliger. I understand that. We're not trying to be difficult. It seemed
12 to me that your question asked: Did you ever hear the President say to someone?
13 And so that was -- that's what -- if you want to rephrase the question, that's fine.

14 █ Okay. I'll rephrase the question.

15 To your knowledge, did any White House staffers text on behalf of the President?

16 The Witness. On behalf of the President? I, to the best of my recollection, I
17 mean, I just simply can't be sure of that. The President would often say, "Hey, you
18 know, get in touch with this person," and I don't know how that person would have
19 gotten in touch with the third party.

20 So I wouldn't feel comfortable saying yes or no to that question, but, yeah, the
21 President would [audio malfunction].

22 The Reporter. This is the reporter. I lost part of that response.

23 The Witness. Okay. Yeah. To the best of my recollection, I -- you know, the
24 President would often ask people to, you know, get in touch with a third party to do A, B,
25 or C. And, you know, I can't say whether a staffer would have texted that, emailed, or

1 made a phone call to complete whatever task the President gave them.

2 [REDACTED] Okay. And I should note -- and I may be a little bit late in doing this.

3 [Audio malfunction.]

4 The Reporter. Counsel, I'm not sure if anybody else is, but it was cutting out
5 during your last statement.

6 [REDACTED] Okay. I'm sorry. You can't hear me?

7 Okay. I'll just repeat that. I said that [audio malfunction.]

8 The Reporter. It's cutting out again.

9 Mr. Terwilliger. [REDACTED] for whatever it's worth, we can hear you just fine on our
10 end.

11 [REDACTED] Okay. Great. Thank you.

12 BY [REDACTED]

13 Q Ms. McEnany, you mentioned something about the President tweeting.
14 During the time that you worked at the White House, did the President actually type up
15 his own tweets, or was that something where he had staffers do it on his behalf?

16 A There -- you paused there for a second. I'm sorry. It froze. But --

17 Q I can repeat the question. You made reference to the President tweeting.
18 During the time you worked at the White House, did the President actually type up his
19 own tweets?

20 A Yeah, on many occasions. To the best of my recollection, he would type up
21 his own at times, yes.

22 Q But then sometimes would he have others prepare and issue a tweet on his
23 behalf?

24 A To the best of my recollection, yes.

25 Q And these would be from the same Twitter account. Is that correct?

1 A As I remember, the President had two accounts, @POTUS and
2 @REALDONALDTRUMP. So, you know, they could have gone out on either account.

3 Q Would we be able to tell, based on which account a tweet was from,
4 whether he typed it himself versus having a staffer do it?

5 A I don't -- I don't know. I mean, would you be able to tell? You're asking
6 me if --

7 Q Yeah. So, for example, if I didn't know if one of the accounts was one that
8 he used when he typed it himself and another account might be if Dan Scavino or
9 somebody did it on his behalf.

10 A I see. To the best of my recollection, he primarily used
11 @REALDONALDTRUMP for the tweets that he personally typed, but I'm not quite sure
12 how the interaction between his POTUS account and REALDONALDTRUMP account
13 works. You know, sometimes you can have two accounts on your phone and switch
14 between.

15 So I'm not sure if he used @POTUS on his own to type a tweet, but primarily,
16 when I would see him type a tweet, it was on his personal account.

17 Q Okay. And tell us about the POTUS Twitter account.

18 [Audio malfunction.]

19 The Reporter. [REDACTED] you just cut out for me.

20 [REDACTED] Okay. I'm not sure what to do about it.

21 The Witness. You're okay now, yeah.

22 [REDACTED] Okay.

23 BY [REDACTED]

24 Q So tell us about the POTUS Twitter account. How would the President go
25 about sending out tweets from that account?

1 A To be clear, let me back up. You know, me as press secretary, you know, I
2 was not in control of his [audio malfunction.]

3 The Reporter. It's cutting out for me again. I don't know if it's cutting out for
4 the other reporter.

5 [Discussion off the record.]

6 Mr. Terwilliger. We're showing five bars in green on our end. I don't know if
7 we've reached a maximum of people for Webex. Sometimes that happens where
8 there's too many videos running. But we're showing good signal on our end.

9 ██████████ Hmm. If people could turn off their video except for the witness
10 and the conference room here, we'll see if that helps. Otherwise, I'm not sure what to
11 do about it other than people just tell us if they can't hear a question or an answer.

12 Mrs. Murphy. It seems to have improved.

13 ██████████ Oh, great.

14 BY ██████ :

15 Q Okay. So the question, Ms. McEnany, was about the POTUS Twitter
16 account. So we understand Dan Scavino had some role with regard to that account.

17 Can you just sort of tell us who managed that account and how it worked,
18 understanding what you just said, that that was not under your area of responsibility?

19 A Yeah. And that's what I want to make clear. As White House press
20 secretary, I had a number of duties, but most of them did not involve Twitter.

21 To the best of my recollection, there is an entire digital department that primarily
22 was the liaison between the President and his Twitter feeds, and Dan Scavino was really
23 the lead on the @REALDONALDTRUMP account, and I would assume the POTUS account
24 as well.

25 So that's how it was structured. People, to the best of my recollection, could

1 propose tweets that they think would be good for the President to send. But, by and
2 large, there was a whole digital department overseeing all of that.

3 Q And you said that was headed by Dan Scavino?

4 A So, as I remember, it was headed by Dan Scavino. There were others
5 involved as well.

6 Q But did you coordinate with Mr. Scavino? Understanding he didn't report
7 to you, but you both were dealing with communications. Would you sometimes be
8 involved in the drafting or editing of tweets?

9 A So to the best of my recollection, Dan Scavino also had a role that was
10 technically over communications generally and press. I think it was like chief of staff for
11 communications. So I certainly worked with Dan Scavino, and there were definitely
12 times where I would propose a tweet here or there.

13 It was not my main job. As I recall, it's not something I did daily. But, you
14 know, if I thought that there was a policy matter that was important, I could suggest it to
15 the President or to Dan.

16 So I would not say I was the lead on that or the main person working on tweets,
17 but occasionally I would suggest some.

18 Q And we'll discuss this later in the context specifically of some tweets that
19 were issued on January 6th.

20 So to whom did you report while you were working at the White House?

21 A Well, President Trump was, of course, my main boss. Chief of Staff
22 Mark Meadows was, I would consider, the person who I technically reported to. But
23 there were others. You know, Dan, as I mentioned, was technically over
24 communications and press, but he was not involved on the day-to-day matters of
25 communications and press. He didn't micromanage, I should say, as I remember it.

1 Q But as a sort of official matter, did you report to Mr. Scavino or to
2 Mr. Meadows or directly to President Trump?

3 A As an official matter, I reported to, I would say, the President and the chief
4 of staff. That's how I recall it working.

5 Q Okay. When was the last time you spoke to President Trump?

6 A To the best of my recollection -- I don't know the exact time -- it would have
7 been maybe -- maybe late summer or early fall.

8 Q Since January 20th, 2021, have you had any conversations with
9 Donald Trump that relate in any way to the events of January 6th?

10 A To the best of my recollection, no. We've spoken a few times. I saw him
11 once. But to the best of my recollection, that didn't come up.

12 Q And based on the answer you've already given, is it safe to say you have not
13 spoken to President Trump about this deposition or the documents you've produced to
14 this committee?

15 A Yeah. To the best of my recollection, I have not spoken to him since I
16 received a subpoena. We have not had a phone conversation or anything.

17 Q Leaving aside your communications with your attorneys, and we can leave
18 aside conversations with your immediate family, meaning spouse, parents, siblings, that
19 type of thing, has anybody talked to you about either your appearance today or the
20 documents you've produced?

21 A To the best of my recollection, no. I would note that I do have two friends
22 that I worked with who have babysat my daughter, Chad Gilmartin and Lindee Rose. So,
23 to the extent that they've been babysitting my daughter, you know, they're personal
24 friends. One is a family member.

25 Q And I want to be clear, there is nothing wrong with you talking to them

1 about it if you chose to do so.

2 But did anyone other than your attorneys attempt to in any way influence what
3 you would say to the committee or give you guidance on what you should or should not
4 say to the committee?

5 A No. To the best of my recollection, no. My appearance might have come
6 up in the course of Chad or Lindee babysitting my daughter. Chad was there when I
7 received the subpoena, for example. So it may have come up.

8 But, no, I have not, as I recall, I've not coordinated this with anyone or planned
9 out, you know, exactly what I was going to say. But it could have come up incidentally in
10 conversation with people who are in and around my family.

11 Mr. Terwilliger. █, if we could have one second. Just give us one sec.

12 Thank you.

13 Just click mute.

14 [Discussion off the record.]

1

2 The Witness. Yes. Let me -- can you guys hear me?

3 [REDACTED] Yes.

4 The Witness. Yeah. So I want to make -- I want to make one point that I've
5 endeavored and tried to be very conscientious about not talking to anyone prior to today.

6 By way of example, I've had many people reach out to me. It was obviously a big
7 news story when I was subpoenaed. I've had others who were subpoenaed reach out to
8 me.

9 As I can recall and as best I remember, I've not returned many, many of those
10 calls, many of those text messages. You know, I may have spoke here or there, like in
11 the first days of being subpoenaed. I had spoke with Stephen Miller. We had a phone
12 call briefly.

13 But, you know, outside of that kind of de minimis contact, I've been very careful of
14 trying to not speak to those who have reached out to me ahead of today.

15 BY [REDACTED]:

16 Q Okay. I appreciate that. And I may have already asked you this, but just
17 to make sure. Other than your attorneys, has anybody tried to influence in any way
18 your testimony today?

19 A To the best of my recollection, no. No one's told me to say anything or
20 speak in any certain manner.

21 Q Okay. And has anybody other than your attorneys been involved in
22 deciding what documents you would produce to the committee?

23 A No. To the best of my recollection, it would just be my attorneys and me.

24 Q Okay. I asked you earlier about any conversations you've had with
25 President Trump. And you don't have to -- if you have the number, you don't have to

1 say it here on the record, but do you know what Donald Trump's cell phone number is?

2 A His current one?

3 Q Yes.

4 A Yes. I do know his current cell phone number.

5 Q Okay. Do you know whether he used that cell phone when he was
6 President?

7 A I do not know. I'm uncertain if he switched phones or how that all worked.
8 But, upon leaving office, I got a call from a number that obviously wasn't the White House
9 switchboard, at that time he wasn't in office, a call, and I saved it in my phone as
10 President Trump.

11 Q Okay. So we'll ask your counsel -- not here on the record -- but we'll ask
12 your counsel to provide that, because that, particularly if it was used by the President
13 when he was in office, could be useful to the committee. But I don't want to put the
14 number itself on the record here.

15 So can you tell us a little bit about your role as White House press secretary?

16 What were your roles and responsibilities?

17 A So as White House press secretary I would give press conferences. I would
18 answer reporter inquiries on official matters. If there was a news story or a question
19 regarding a policy decision the President was making, you know, I would go to him or the
20 chief of staff to get clarity on that and put together statements. Those were primarily
21 my duties, answering real-time current events and questions from reporters as they came
22 in, in various formats.

23 Q And how many people worked for you?

24 A And I would also travel often with the President, too. I would -- on most
25 trips with him.

1 Q Okay.

2 A And to answer your question about how many people worked with me, I
3 don't have an exact number for you. If I had to give a ballpark estimate -- one moment,
4 let me kind of do a -- if I had to give a ballpark estimate, my best guess would be 10 to 15.

5 Q Can you tell us what the process was for developing the President's public
6 remarks, whether they were speeches or other kinds of public remarks?

7 A Yeah. To the best of my recollection, speechwriting happened in
8 Stephen Miller's office. He would draft remarks, his team, and he would usually send
9 them out on a group email chain. I was usually on that chain. And people could make
10 suggestions or edits.

11 But, at least as it pertained to me, I was not often involved in crafting those
12 speeches. I would usually take the speeches from the email and sometimes call and give
13 a reporter a preview if we wanted them to, you know, kind of play up coverage ahead of
14 the President's speech, or if we wanted to get broader coverage on, you know, CNN, FOX,
15 MSNBC, I would call and preview some of the remarks with producers or reporters.

16 Q Okay. And I think it's fairly well known that the remarks that the President
17 would ultimately give didn't always track prepared remarks. Is that correct?

18 A That's correct.

19 Q Okay. And if we wanted to be able to compare the two by looking at
20 prepared remarks, do you know where presumably, you know, then at the White House
21 and now in the Archives, those would be? Were they saved somewhere? On a server?
22 Were they sent by emails? How would we go about, if we ultimately get records from
23 the Archives, determining what a final version of a prepared remark would be?

24 A I mean, I would guess from my end and from what I saw, by emails is how I
25 received them. I don't know the process Speechwriting went through to save them or,

1 you know, as they call it, Outer Oval, the area outside of the Oval Office, how they would
2 save remarks. But they would be in -- in my email, most of them.

3 Q And we talked a little bit about tweets, and it sounds like, from what you've
4 already said, the process may have varied from time to time. But, in general, what was
5 the process of developing and clearing, if there even was a clearance process, Presidential
6 tweets from either of the accounts?

7 A So, again, you know, let me make clear, Speechwriting was a separate
8 bucket from the press secretary's office. Digital was a separate arm from the press
9 secretary's office.

10 I can say generally, from what I observed, when a tweet was proposed, the
11 President would often handwrite a change to the tweet, and then it would go back to Dan
12 Scavino, who would then send out the tweet. And this is if the tweet went through that
13 process versus the President just tweeting it out himself.

14 Q In the texts you've produced, we saw a fair number of texts with
15 Sean Hannity from FOX News, a few others with some other media personalities, but not
16 a lot. Have you or your counsel, in the process of producing documents, checked your
17 communications with the media generally that you had access to, to see if there is
18 anything responsive?

19 A Did we check for the media generally, you said?

20 Q Yes. So we saw what seemed like a lot more texts from Sean Hannity than
21 from others. Basically, is that because you texted a lot more with Sean Hannity than
22 others, or were the others not checked as thoroughly? We just wanted to understand
23 why there were more from Hannity than others.

24 A Yeah. You know, as I understand it, my attorneys ran search terms, and to
25 the best of my recollection, I did talk with Sean often. So that's probably why you had

1 more texts from him than from others.

2 Q So we can get into particular texts that you had with Mr. Hannity, but it looks
3 like from the texts generally that you provided a fair amount of information regarding
4 allegations of voter fraud in the 2020 election to Mr. Hannity.

5 Did he ever challenge you on any of that evidence?

6 A Did he challenge me? I think Sean Hannity knew the diligence in which I
7 conducted my work. I am a person who footnotes my work, who fact-checks my work,
8 who sources my work. I'm meticulous in that from my time going back to Oxford and to
9 Harvard Law School. I'm trained to do that.

10 So I think, you know, I can't speak for Sean Hannity, but I can say that Sean
11 Hannity knew the level of diligence and preparation that went into my work. So, you
12 know, I don't feel that -- I think he had great confidence that I would bring truthful and
13 accurate information to his show, but I can't speak for Sean Hannity.

14 Q I understand that. But did anybody else from FOX News, like a
15 fact-checker, ever then follow up with you about any of the information you provided to
16 Mr. Hannity?

17 A I wasn't working at FOX News, so I can't say what went into their
18 fact-checking. I can just say that I brought truthful and accurate information to the best
19 of my ability to Sean Hannity or to others or to any of my appearances. But, you know, I
20 can't speak to what FOX did with information on the back end. I wasn't working there at
21 the time.

22 Q I understand that. I wasn't asking whether they fact-checked. I was just
23 asking whether a fact-checker or anybody else from FOX News would follow up with you
24 if you sent a tweet to Mr. Hannity with information asking you about the source or what
25 you base it on?

1 A To the best of my recollection, no, I did not have outreach to that end. And
2 I do want to make clear that when I would engage in, you know, political activity, I
3 considered this personal time. If I was bringing information that was more appropriate
4 for the campaign hat, as you would note, it was on my personal device, and I did the best
5 I could to, you know, consider -- that was personal time, and that was in a separate role.

6 I want to make clear that, in my capacity as White House press secretary, I was not
7 passing information to Sean Hannity about election integrity.

8 ████████ I'm going to pause now -- we've been going for a while -- and see if
9 any of the Members of the House have any questions.

10 Mr. Kinzinger. No questions for Kinzinger.

11 Mr. Schiff. No questions for Schiff.

12 Mrs. Murphy. No questions for Murphy.

13 Mr. Aguilar. No for Aguilar.

14 Ms. Lofgren. No for Lofgren.

15 Ms. Cheney. I have a question, █████

16 ████████ Yes.

17 Ms. Cheney. Kayleigh, you mentioned that you had talked with Stephen Miller
18 specifically about the subpoena. Can you tell us who else you talked to who may also
19 have been subpoenaed? The other people -- you mentioned several that you -- reached
20 out to you to tell you they had been subpoenaed, and you gave Stephen Miller as an
21 example. Are there others that you could tell us about specifically?

22 The Witness. Yeah. Hi, Congresswoman.

23 To the best of my recollection, I did have that brief conversation -- it might have
24 been one or two conversations -- with Stephen Miller. I received a few texts from him.

25 I received outreach from General Kellogg, just a text message. To the best of my

1 recollection, that's all it was.

2 Kash Patel reached out to me via text. I don't think we had any conversation
3 after that.

4 And then my family member, Chad, obviously we speak often. He's a family
5 member who watches my daughter, and Lindee Rose as well.

6 But there might have been one or two others. I believe, shortly after I was
7 subpoenaed, I received a call from President Trump, but I did not answer the call. As I
8 noted to the committee, I have not spoken with him since being subpoenaed. But that's
9 all to the best of my recollection. I might have received another text I'm forgetting
10 about.

11 Ms. Cheney. And have you talked to anybody in the Trump family about the
12 investigation?

13 The Witness. To the best of my recollection, no. I paused because Lara Trump
14 and I are friends, so she might have texted me. But I don't -- I don't recall any texts
15 regarding the committee. More, you know, "I see you on FOX and Friends. Great job.
16 Good to work with you at FOX." That kind of thing.

17 Ms. Cheney. Okay. Thank you.

18 The Witness. And, also, I might have received a text from Margo, the President's
19 new press person. So that's another one.

20 Ms. Cheney. Thank you. And sorry, Kayleigh. Does -- you mentioned the
21 President has a new cell phone, President Trump has a new cell phone, but he doesn't
22 text you on that, he just uses it to call you?

23 The Witness. Yes, Congresswoman. As I can recall, I've only received calls from
24 that number. And I say a new cell phone because it's new to me. I don't know if it was
25 a continuance of his prior device or not.

1 Ms. Cheney. Great. Thank you very much.

2 The Witness. Thank you.

3 ██████████

4 Q Ms. McEnany, did you say that, after you were subpoenaed, you got a call
5 from President Trump?

6 A In the days afterward, yes.

7 Q Okay. Do you recall how long after you got the subpoena it was when he
8 called you?

9 A I don't. It was generally close to the date, though.

10 Q Okay.

11 Mr. Terwilliger. ██████ let me just be clear.

12 After -- we had been retained by that point, and so Kayleigh reached out to me.
13 And so I reached out to the President's lawyer and explained we would not be returning
14 the call for appearance issues given that Ms. McEnany had been subpoenaed.

15 It was revealed to me that the conversation was about a press matter and nothing
16 to do with Kayleigh getting subpoenaed. But, regardless, there weren't any
17 communications.

18 BY ██████

19 Q You mentioned Chad Gilmartin being a family member. Did he also work
20 with you at the White House?

21 A He did.

22 Q What was his position?

23 A I believe, to the best I can recall, his official title was deputy assistant press
24 secretary. They all are kind of blurred now in hindsight. But that was, I think, his
25 official title.

1 Q Okay. And where does he work now?

2 A He works in McCarthy's office.

3 Q Okay. Congressman Kevin McCarthy?

4 A Uh-huh.

5 Q And do you know what his position is there?

6 A I don't. I know he works somewhere in the press or communications shop
7 of the leadership office.

8 Q And could you tell us to the best of your recollection what was the substance
9 of the communications you had with Mr. Gilmartin about the subpoena or your
10 testimony?

11 A I don't recall exactly. I think it was, you know -- obviously it's -- when
12 you're subpoenaed, it's going to be a big financial burden or a legal burden. So I think
13 the nature of our conversation was mainly about that and, you know, kind of the process
14 that would take place after.

15 So, you know, that, you know, was aside from -- I think I went into a private office
16 when I spoke to my attorney so that he was not a part of those communications. But,
17 generally, I think that's the nature of our conversation as best I can recall. It's a little bit
18 of a whirlwind, because obviously it was a big news story and took a lot of personal toll on
19 me to be subpoenaed, and financial toll as well.

20 Q Did you have any discussions with Mr. Gilmartin about Congressman
21 McCarthy as it relates to the events of January 6th?

22 A I don't recall exactly, but, to the best of my recollection, I don't think we had
23 any conversation about how this pertained to his boss. But, again, that's to the best of
24 my recollection.

25 Q Okay.

1 [REDACTED] And I didn't give staff a chance to ask any questions. Do anybody
2 else -- anybody else on the staff have any questions at this time?

3 [REDACTED] No.

4 [REDACTED] No.

5 BY [REDACTED]

6 Q So can you tell us -- you mentioned that you had a conversation with
7 Stephen Miller. Can you tell us -- and I don't remember if you said a text or a
8 conversation -- but can you tell us as much as you can recall about your communications
9 with Stephen Miller with regard to either the subpoena or your appearance today?

10 A To the best I can remember, I think it was mainly just both of us had been
11 subpoenaed, both of our names were in the headlines together at the same time. So it
12 was about the process of how to -- where to go from here. "I see you've gotten a
13 lawyer." "Have I gotten a lawyer?" We were both obviously trying to find counsel.

14 So it was really about the nuts and the bolts as best I remember. And he also
15 had sent me a few texts since then about wanting our families to meet over Christmas,
16 but that never happened. I tried, as I said, to be diligent about staying apart from
17 anyone else who was subpoenaed.

18 Q Okay. So I'm now going to turn to -- I will now turn to preparations for
19 January 6th, 2021.

20 Did you have any role in planning or preparing for any of the events of that day,
21 whether it's the rally on the Ellipse or anything else that day?

22 A To the best of my recollection, no. I believe I received outreach of -- from
23 event coordinators wanting me to speak. But, beyond that, I was not a part of the
24 planning as best I remember.

25 Q Okay. Tell us about the outreach from the event coordinators, as you

1 called them.

2 A I believe it was -- I don't remember exactly, it was obviously a long time ago,
3 but Katrina Pierson asked me to speak at the Ellipse, and I declined.

4 Q Why did you decline?

5 A I declined because I was working very diligently to try to separate my role as
6 White House press secretary and my campaign role, and I thought it would be improper
7 for me to be at a campaign-like event with the White House and the Ellipse in the
8 background. I thought it would blur the lines.

9 So that was -- that was my reasoning. I believe I told her, however, that I was
10 busy with White House duties, which was also the case.

11 Q Okay. Did Ms. Pierson tell you anything about what the event on the
12 Ellipse would involve?

13 A As best I recall, no. I think it was a simple text exchange. There might
14 have been -- upon reviewing some of the documents, I think Justin Caporale, who I don't
15 really recall him exactly, I know him vaguely, I think we had -- he might have called me, I
16 saw reviewing documents, or reached out in a text to me. But beyond Katrina and John,
17 that's all.

18 I know I was home for Christmas most of the time. I believe I took time in Florida
19 somewhere between December 18th and maybe January 3rd. Those are rough dates.
20 So, for that period, I was back in Florida, and I believe that's likely when a lot of the
21 planning went on.

22 Q Okay. Were you involved -- other than a conversation or communications
23 you just told us about where you were asked to speak and declined -- were you involved
24 in any discussions about who else would speak at the rally on the Ellipse on January 6th?

25 A To the best of my recollection, no. I don't remember talking about other

1 speakers. Although I think she might have asked me to introduce someone, like Eric
2 Trump or something, I don't remember her exact text. So I might have had a general
3 idea that -- of one or two of the speakers.

4 Q Okay. Were you involved in any discussions with her or with anybody else
5 about which Members of Congress would or would not speak at the event at the Ellipse?

6 A To the best of my recollection, no.

7 Q So the joint session of Congress to count electoral votes historically has been
8 very ceremonial. What was your understanding of why January 6th, 2021, was
9 significant to President Trump?

10 A I think it was significant in that there had been, I believe, objections in
11 Congress in 2016, 2005, and 2001, if I'm remembering accurately. So there was
12 precedent of having objectors. I saw the events of that day being an opportunity for
13 objectors to get information on the record and aired to the American people about the
14 election. That was the significance that I can say that January 6th carried to me in the
15 lead-up to the election.

16 Yeah, that's generally how I viewed the day.

1

2 [11:09 a.m.]

3 BY [REDACTED]:

4 Q Well, you mentioned it being an opportunity for objections to be put on the
5 record, but in the days leading up to January 6th, did you also believe that there was a
6 possibility that President Trump would be chosen by the electoral college?

7 A I believe, for me, you know, I would say, to the best of my recollection, I
8 viewed that day as a day to get information on the record, via -- I know Senator Hawley
9 was making an objection, Senator Cruz, among others. So it was a day for a record to be
10 laid out to the American people on the floors of Congress. That's the day -- the
11 significance it carried for me.

12 For me, I can say this. Primarily when I was engaging in First Amendment
13 political speech, I was really doing so with an eye towards litigation that was playing out
14 in the States, and I think January 6th was a significant date at which litigation would
15 become kind of moot.

16 And, for me, I was looking at the Supreme Court case, Texas v. Pennsylvania I think
17 it was called. And the day at which that wasn't taken up by the Supreme Court -- I
18 believe it was somewhere before Christmas -- my thoughts really turned to movers and
19 how to get out of D.C. appropriately before the 20th.

20 Q So, sorry, were you thinking about movers before January 6th?

21 A Before, yes, January 6th. In fact, I think I have several text messages with
22 movers or people reaching out to me about -- I had signed up for one of those services, as
23 I can recall, for movers to reach out to me. So I had several texts from movers on that
24 day.

25 Q And is that because you thought that President Biden was going to be

1 inaugurated as President on January 20th?

2 A I did.

3 Q Okay. Did you think there was any doubt about whether President
4 Biden -- this is before January 6th. Did you have any doubt as to whether President
5 Biden was going to be inaugurated on January 20th?

6 A You're saying before January 6th?

7 Q Yes.

8 A So, as I mentioned --

9 Q In the days leading up. So, in the last couple weeks before January 6th, did
10 you think that there was a possibility that President Trump would be chosen as the next
11 President?

12 A As I can recall, the litigation, I was hopeful for that. I was hopeful for the
13 Supreme Court case. I didn't know how that would affect the vote count. So, up until
14 the Supreme Court case, I assumed things could change.

15 Leading up to January 6th, I think in the last television appearance I did, I think I
16 mentioned the events of the next day on January 6th as being an eye towards this
17 election but future elections down the road, that it was, you know, essentially a day to
18 get -- and I'm paraphrasing here -- to get things on the record. I mentioned specifically,
19 though, the elections hereafter and how important they were.

20 I do recall discussions about -- just one discussion, actually, about the Vice
21 President. And I believe President Trump believed he had more of a substantive role
22 than a pro forma role. I just heard one or two conversations to that end. I didn't quite
23 know what that meant.

24 I think I had taken notes previously about how the constitutional process played
25 out. And I believe, the night before January 6th, I think January 5th, I texted the person

1 who I trusted most as it came to constitutional law, Elliot Gaiser, a question about
2 whether the Vice President had a pro forma role or a substantive role. And I think I sent
3 that text close to 10:00 p.m. on the night of January 5th.

4 So I was in earshot of a conversation or two about that, and I was curious to
5 explore whether that could be the case, that the Vice President did have a substantive
6 role, which is why I sent a text to that end on January 5th. And that's to the best of my
7 recollection.

8 Q I think you made reference to there having been discussions about the
9 President thinking the Vice President had a more substantive role. Did you witness any
10 of the President's discussions about the role of Vice President in the joint session of
11 Congress?

12 [Discussion off the record.]

13 The Witness. What I saw?

14 Mr. Terwilliger. Yeah.

15 The Witness. Yeah, I think I saw a -- my memories are so vague of that time
16 period. Obviously, a lot has happened since then. I don't know if it was prior to me
17 going to Florida or after. I'm going to guess it was after. And I believe I saw the
18 President -- I went to check in with him, and I saw him on the phone having a discussion
19 about the Vice President's role. I think it was with an attorney.

20 And -- yeah. And I think that's when it kind of caused me to be curious as to the
21 Vice President's role being pro forma or substantive.

22 BY ██████████

23 Q And roughly when was that?

24 A And I want to make clear that I wasn't part of that meeting, as I noted. You
25 could walk in and check in with him if Molly allowed. And several times when you'd

1 walk in he'd be on the phone with someone or in a different meeting. So it's not as if I
2 was in a formal meeting about it. I just walked in and saw it, as I can remember.

3 Q To the best of your recollection, when was that?

4 A I'm really guessing here, because there was a lot that went on, but if I had to
5 guess, I think it would've been probably January 4th or maybe January 5th, because I
6 think I got back from Florida on the 3rd. There is a chance it could've been before I
7 went to Florida, but I think, given the timeline of events, it would've made more sense
8 that it would've happened after, but it could've been before.

9 Q And was this in the Oval Office?

10 A Yes.

11 Q Was anybody else in the Oval Office with the President?

12 A I believe Corey Lewandowski was, to the best of my memory.

13 Q And what was Corey Lewandowski's position?

14 A I don't think he had a formal role anywhere at that point. He was always
15 on the campaign side of things. He did not work in the White House, to the best of my
16 memory.

17 Q Okay. Other than the President, Corey Lewandowski, and then you when
18 you walked in, was anybody else in the Oval Office?

19 A At that point, no. I think the President was on the phone with an attorney
20 of some sort though.

21 Q Okay. Do you know what attorney that was?

22 A I don't. I might have been John Eastman, but I'm not entirely sure.

23 Q Do you know at least that it was an outside attorney as opposed to
24 somebody in the White House Counsel's Office or Eric Herschmann?

25 A To the best of my memory, yes, it was an outside attorney.

1 Q Okay. Was he on a cell phone or on a desk phone?

2 A To the best of my recollection, through the White House switchboard on a
3 desk phone.

4 Q And what did you hear when you went into the Oval Office?

5 Mr. Terwilliger. So I just want to be clear. John, if your question is you're
6 asking what, if anything, the President said, I think that'd be covered by the Presidential
7 communications, because it was during his time in the White House and Kayleigh's time in
8 the White House as senior advisor.

9 And, again, I want to be clear, my understanding is, the way the committee works
10 is, you will tally up the times that we've made that objection and then there may be a
11 ruling. So I just want to go through that process.

12 ████████ Well, I just want to, though, make clear, the witness has already said
13 that Corey Lewandowski, who was not a government employee, was there in the Oval
14 Office. So I think it would be the committee's position that that is not covered by the
15 executive privilege, given that Mr. Lewandowski was there.

16 So, you know, I would again ask the question and ask the witness if she would
17 answer it.

18 Mr. Terwilliger. I guess if you're -- and understood. I understand the
19 committee's position that a third party would vitiate the privilege. I don't know that
20 that's a determination for Ms. McEnany to make.

21 But is your question, what did you hear Mr. Lewandowski say, what did you hear
22 the other person on the phone say, or what did you hear the President say?

23 ████████ It's all of that, including what the President said in front of
24 Mr. Lewandowski.

25 Mr. Terwilliger. I would like to -- if we can reserve that -- if you would just give

1 me a second to consult with my client.

2 [REDACTED] Yeah.

3 [Discussion off the record.]

4 Mr. Terwilliger. So, John, just to be careful, we're not waiving our claim of
5 executive privilege. But to your point that there was a third party in the room who
6 wasn't a member of the West Wing or a senior advisor and based on this particular
7 instance, we're not making a general waiver but Ms. McEnany is going answer the
8 question.

9 [REDACTED] Great. Thank you.

10 BY [REDACTED]

11 Q Please, go ahead and tell us everything you can recall about what the
12 President, Mr. Lewandowski, you, or the person on the other end of the call said during
13 that conversation.

14 A Yeah, I don't remember exactly what anyone said. I was going in to check
15 in, to see if there were any official duties the President would like me to do. I was
16 obviously in the process of trying to figure out a move. My mom was in town; my
17 daughter was at my apartment. So, you know, I was, you know, just going in to check in.

18 I generally remember, you know, the President having someone on speakerphone
19 and the attorney believing that the Vice President had a substantive role on the day of
20 January 6th. I remember the President seeming to be generally in agreement with that
21 contention. And I remember Corey Lewandowski being largely silent. It was really a
22 conversation between the President and this attorney on the phone.

23 Q Okay. And did the attorney have a male voice or a female voice?

24 A A male voice, as I can remember.

25 Q Okay. But you don't recall hearing the person's name?

1 A I think it was John Eastman. I'm pretty sure. I'm not positive, and I say
2 that because the President would call Rudy Giuliani sometimes. So it was probably one
3 of those two, but I think it was John Eastman that he was on the phone with.

4 Q And, as far as you know, only one person on the other end of the call?

5 A As far as I know.

6 Q And to the best of your recollection, what did Mr. Eastman, or whoever that
7 attorney was, say to the President?

8 A I don't recall exactly. I wasn't intently listening. But I believe the
9 assertion from whoever was on the phone was that -- it was about the Vice President's
10 role. And, again, it's to the best of my recollection.

11 Q And was that person saying that the Vice President could reject electors
12 from contested States?

13 A I don't recall exactly what was said. I just remember the person walking
14 through the role of the Vice President that day.

15 Q Okay. And roughly how long was the conversation while you -- the part of
16 the conversation that you witnessed?

17 A Again, vague memory from that day, but I think it was a few minutes.

18 Q Okay. Like, 5 minutes? Ten minutes?

19 A I don't remember exactly. I was really focused on other things.

20 Q Okay.

21 Do you recall whether this attorney was discussing that the Vice President could
22 reject electors versus send them back to the States versus the Vice President could delay
23 the count of the electoral college?

24 A I don't remember the particular nuances. I just remember walking away
25 with the impression that the attorney on the phone believed that the Vice President did

1 not just have a pro forma role of announcing things or being the voice of God, if you will,
2 that day as the president of the Senate.

3 The person seemed to be exploring different moves within the bounds of the
4 Constitution or different actions the Vice President could take within the bounds of his
5 role as laid out in the Constitution. And I believe there was legislation that was a part of
6 this as well, like, from the 1800s or something.

7 So I just remember legal points being discussed and the Vice President's actions he
8 could take pursuant to that legislation and the Constitution.

9 Q Do you remember what those actions were that the attorney was saying the
10 Vice President could take?

11 A I do not remember exactly. I was not paying much attention. My head
12 was really elsewhere.

13 Q The legislation you mentioned, do you recall whether that was the Electoral
14 Count Act?

15 A No. And I -- and let me be clear: I'm speaking generally. I don't know if
16 legislation was discussed. I just remember hearing, you know, "legislation,"
17 "Constitution," words like this, exploring the role of the Vice President as laid out in our
18 founding documents and in legislation. I don't precisely remember what legislation was
19 mentioned.

20 Q Okay. And what did the President say?

21 A The President, as I remember, seemed to be just in listening mode and
22 asking questions.

23 Q What kind of questions?

24 A I don't remember exactly. This was a conversation that took place more
25 than a year ago.

1 Q All right.

2 A And I wasn't part of the conversation either. When I went in, I went in to
3 check in with him. I had been in Florida for nearly 2 weeks at that point, or several days,
4 so I was going to check in with him, as I remember, in that January time period.

5 Q Do you recall whether the President voiced either agreement or
6 disagreement with what the attorney was saying?

7 A I generally remember the President seeming to be in agreement with the
8 attorney's point of view.

9 Q Do you remember whether either the attorney or the President discussed
10 what they thought the Vice President's view was on this matter at the time?

11 A To the best of my recollection, I don't know if that was part of the
12 conversation.

13 Q Okay.

14 A But I do -- I do remember there being -- the President had one view, and
15 people were wondering what the Vice President's view was. There were, like, one or
16 two conversations I had heard about this. I was only in the White House, you know,
17 48 hours before January 6th because I had been gone, but I do remember, generally
18 speaking, the President having a view of the Vice President's role. I believe he even at
19 one point tweeted about it. I think it might've been the night of, maybe before. I have
20 no clue exactly when. But I vaguely recall that.

21 Q Do you recall whether during that conversation there was any discussion of
22 how to persuade the Vice President to come to that viewpoint?

23 A To the best of my recollection, I don't remember if that was part of the
24 discussion.

25 Q Do you recall whether there was any discussion of the position that

1 Members of Congress would take?

2 A In that particular phone call, I don't remember if there was any discussion
3 about Members of Congress. However, I know the Vice President's role intertwined
4 with Congressmen and -women making objections, so I would guess that that likely
5 would've come up in a conversation, but that's a guess.

6 Q But do you remember discussion of any Members of the House or Senate by
7 name?

8 A In that particular phone call, I don't remember exactly. But, I mean, I
9 believe it was public news reported that -- it was news -- there were news reports about
10 Senator Hawley saying he was going to be an objector, I believe Senator Cruz, among
11 others. So I think that was a topic of conversation because it was obviously in news
12 reports. So, just generally speaking, I think that that was known at the time.

13 Q Do you recall whether there was any discussion of whether or how they
14 could get to a majority of the House or Senate to object?

15 A I don't recall, to the best of my recollection, any discussion like that.

16 Q Okay. Do you recall any discussion of the possibility of delaying
17 certification beyond January 6th during that phone call?

18 A I don't recall the exact details of the conversation.

19 Q Okay. Did you have any other conversations with President Trump
20 regarding the joint session of Congress on January 6th?

21 A To the best of my recollection, no. However, you know, he would call me
22 one or two times, maybe more than that, but it was more sporadic during the time period
23 in Florida. I don't recall if he ever brought it up.

24 I do generally know that, you know, he had a -- at least my takeaway from that
25 conversation was that he had a certain view of the Vice President's role and he was in

1 agreement with the attorney. He might've mentioned it once or twice in passing, but I
2 don't recall having any long conversations with him to that end.

3 Q Okay.

4 Going back to the phone call where you and Mr. Lewandowski were in the Oval
5 Office, after the call ended, did the President say anything about the joint session of
6 Congress to you and Mr. Lewandowski?

7 A I don't recall exactly. I don't recall if he said anything at the very end of
8 that. I think I left pretty quickly thereafter. It could've been in the middle of the
9 conversation, but, you know, I left pretty quickly after.

10 Q Were you under the impression that the President believed that Congress
11 might select him as the next President on January 6th?

12 A I can't speak to the President's state of mind on that. I can just speak to
13 what I heard him say in that conversation and his general view of agreement with the
14 Vice President's substantive role.

15 Q Okay. But I guess I'm asking a little bit different question, not about his
16 view of the Vice President's role, but his view of what might actually happen.

17 Did you get the sense based on your -- and this is -- you know, obviously you can't
18 know what he was thinking, but based on your interactions with him and what you
19 witnessed, did you have the impression that he believed that on January 6th the Congress
20 might select him as the next President?

21 A I really, to the best of my recollection, don't recall him having, you know,
22 really explored that with me. It was in passing that I heard about the Vice President's
23 role. Once, in the Oval Office, he might have mentioned it once or twice thereafter.
24 But I can't speak to what he viewed would happen or his state of mind as to what would
25 happen with the Vice President and his role and his actions on January 6th.

1 Q Okay. Did he express any view of what he thought about what the Vice
2 President was in fact planning to do?

3 A From what I can remember, I think -- I think that he was uncertain as to what
4 the Vice President's view on the matter was. But, again, that was to the best of my
5 recollection and just what I observed and my characterization of how I thought this
6 scenario was playing out.

7 Q Did he seem unhappy with the Vice President at that time?

8 A At that time, I don't recall him seeming unhappy with the Vice President. It
9 was more uncertain as to whether the Vice President's view aligned with his own.

10 Q At some later time, did he seem unhappy with the Vice President?

11 A To the best of my recollection, I did not see him express unhappiness with
12 the Vice President prior to January 6th. I think we all saw his tweet in the aftermath,
13 and -- but, prior to that, I don't recall him seeming upset prior to January 6th.

14 Q Okay. We'll come back to January 6th in a few minutes.

15 Did you have conversations with anybody else about the role of the Vice
16 President -- or I'll start with White House staff. Did you have conversations with
17 anybody in the White House staff about the role of the Vice President or the role of
18 Congress on January 6th?

19 A I don't recall. I mean, these would -- this was more than a year ago. I
20 don't recall exactly who I spoke with at any given moment. You know, I was focused on
21 moving and my family.

22 Q Okay.

23 ████████ I'm going to pause here to see if any of the members have questions.

24 The Witness. One moment, if you don't mind.

25 ████████ Of course.

1 Mr. Kinzinger. I'll have a question, by the way.

2 [Discussion off the record.]

3 The Witness. Hi, Congressman.

4 Mr. Kinzinger. Hey. Are we back on? We're ready?

5 ████████ Yes.

6 Mr. Kinzinger. Let me ask you: So a lot was being discussed by White House
7 officials and others in the press with the "Stop the Steal" message. How were you
8 briefed on the talking points? Did you create the talking points?

9 And then the surrogates for whether it was on media that day or whether it was at
10 the Ellipse, did you have any briefing with any of those people in terms of what to say
11 either to the media or to the public at large?

12 The Witness. Yes. So, Congressman, as best I remember, the -- you're asking
13 specifically about talking points post-election or talking points on January 6th?

14 Mr. Kinzinger. I'm talking kind of the lead-up to January 6th, the "Stop the Steal"
15 messaging, and actual January 6th. So basically the lead-up, not particularly the
16 election, but let's include also the "stolen election" narrative.

17 The Witness. Yeah. As best I remember, I was not part of the "Stop the Steal"
18 message. I don't recall it being a phrase, in fact, that I used often on cable news when I
19 would appear.

20 I don't -- as best I remember, I was not -- I did not have a heavy hand in creating
21 campaign talking points. You know, my extent of involvement with the campaign was
22 really the information and the facts that I brought on television that I vetted through
23 Elliot Gaiser and Matt Morgan, who are the two attorneys I really trusted on the matters
24 of election integrity.

25 So where the "Stop the Steal" messaging happened or the messaging for that day,

1 I can't really say. I didn't, as best I can recall, brief any of the surrogates that day who
2 were at the rally.

3 Mr. Kinzingher. Okay. I may have a followup, but thank you.

4 The Witness. Okay.

5 [REDACTED] Mrs. Murphy?

6 Mrs. Murphy. If I may, Ms. McEnany, can you -- did you believe that there
7 was -- that the election had been stolen?

8 The Witness. I had grave issues about election integrity. I believe that the -- I
9 believe deeply in the strict letter of the law of the Constitution, which says the State
10 legislatures determine the time, manner, and place of an election. And there were
11 secretaries of State who seized upon COVID-19, changed those rules, eliminated signature
12 match, eliminated several of the rules as passed -- duly passed by the State legislature.
13 And I believe the election certainly would've been different had the election integrity
14 measures been in place that should've been there, constitutionally speaking.

15 That's my belief. I articulated that often in the aftermath of the election, and I
16 still do believe that.

17 Mrs. Murphy. But do you -- setting aside, you know, what you laid out, which is
18 that the election could've been run better, do you believe that President Trump had won
19 reelection?

20 The Witness. I believe, as was laid out in -- I believe it was *Texas v. Pennsylvania*
21 was the name of the case -- they laid out in pretty detailed fashion that mail-in voting was
22 allowed in contravention of the State legislatures. And they actually numerically put
23 numbers on how that could've changed ballots if we would've adhered to the rules duly
24 passed by legislative bodies, as the Constitution prescribes to those legislative bodies.
25 Had those rules been followed, I do believe the election would've been different.

1 And they lay out -- I could provide the numbers for you -- how it would have been
2 different if mass mail-in voting would not have been seized upon, if signature match
3 wouldn't have been eliminated, if absentee ballots wouldn't have gone out without a
4 signature as prescribed in one of the States. And they numerically show how that
5 advantaged Democrats, the laws being changed.

6 Mrs. Murphy. Okay. Thank you.

7 The Witness. Thank you, Congresswoman.

8 ██████████ Any other members have questions?

9 Ms. Cheney. I have a question, ██████████

10 ██████████ Yes.

11 Ms. Cheney. Ms. McEnany, what did the Supreme Court say?

12 The Witness. The Supreme Court did not take that case, but they did not, as I
13 understand it, look at the facts of the case.

14 Ms. Cheney. And, Ms. McEnany, I know that you -- and we're going to get into
15 many of the election fraud claims in a little bit here, but -- you made several media
16 appearances where you talked about the Nevada case, in particular, as being the place
17 where the evidence would be heard. I think you've had affidavits with you.

18 The Witness. Uh-huh.

19 Ms. Cheney. Is that, in fact, the case?

20 The Witness. That is the case. In fact, I believe there were over 1,000 pages of
21 litigation in Nevada, including sworn depositions under the penalty of perjury. So, yes, I
22 did talk about the Nevada case in my appearances and the litigation that was playing out
23 there.

24 Ms. Cheney. And how did the court rule in that case?

25 The Witness. I believe they dismissed the case or didn't take it. However, they

1 did allow for some witness testimony in that case.

2 Ms. Cheney. And didn't they, in fact, hear extensive depositions -- I think it was
3 something like 15 depositions -- from each side?

4 The Witness. Yeah, I do -- they did hear depositions, I believe, in that case.

5 Ms. Cheney. And so, if that case was, in fact, the case that you pointed to as the
6 most critical one and the one where testimony would be heard, and that case ended up
7 being one of more than 60 that President Trump or his supporters then lost, I'm just
8 curious about your continued conclusion that the election was somehow fraudulent or
9 stolen, although I acknowledge you didn't use the word "stolen."

10 The Witness. Yeah. So, in my view, the Nevada case was critical in that
11 depositions were -- or, rather, testimony was allowed to go forward. So it was critical in
12 that sense.

13 To me, the most critical case was the Supreme Court case, Texas v. Pennsylvania,
14 and I wish that that would've been taken up by the Court.

15 And, you know, look, unfortunately, in a lot of these cases, when the cases were
16 brought before the election, when secretaries of State were changing the rules of State
17 legislatures, a lot of these courts would say, your case is not ripe yet, and then, in the
18 aftermath of the election, they would say the case was too late.

19 So the courts I don't think are necessarily a proper venue in the -- or they're not
20 the most productive vehicle in the aftermath of an election, I think as was made clear, to
21 try to relitigate things. It's very hard to unwind on the back end of an election.

22 However, I do wish the Supreme Court would've taken up that case, because I
23 think for the future of election integrity I think it's important that the Constitution is
24 followed and State legislatures are not unilaterally overruled by rogue secretaries of State
25 seizing a pandemic as the reason to change what I view as very critical election integrity

1 measures like voter ID and signature match.

2 Ms. Cheney. Well, Ms. McEnany, again, I know we'll get into this in more detail.
3 I'm happy to read to you opinions of judges, including judges appointed by
4 President Trump. I know that you are an attorney. The rule of law is fundamental as
5 an underpinning for the Republic.

6 And to continue to contest the outcome, when every single place -- and the
7 appropriate place to have brought these charges, these claims, was in State and Federal
8 court, and I know we'll go through that in detail. But I think it's critically important to
9 recognize the danger that's done if we ignore the rulings of courts.

10 And I think it's very important to be precise. I recognize and appreciate the
11 extent to which, you know, you've noted how important it is to be precise. Precision is
12 important. Accuracy is important. And going through each of these court cases and
13 the rulings, again, by Trump-appointed judges, by Republican judges, making very clear
14 that the evidence that was presented simply did not support the relief that was being
15 requested again and again and again.

16 And so to continue [inaudible] --

17 The Witness. I think you broke up, Congresswoman.

18 Ms. Cheney. -- real challenges. And I know we'll get back to that shortly here
19 with [REDACTED] questioning.

20 Thank you.

21 The Witness. And, Congresswoman, let me say one thing.

22 I, of course, respect the rulings of courts always. But, as you know, there are
23 litigants on both sides of a case, and just because a litigant doesn't prevail in court, that
24 doesn't mean that they don't deeply and firmly believe in their theory of the case while
25 still respecting the outcome of the court. I do respect the outcomes of courts.

1 Ms. Cheney. I think that's -- I think that's -- I appreciate your saying that, and I
2 think that's critically important. We can always disagree with the ruling of a court, but
3 you cannot ignore it.

4 And what President Trump was doing here and the extent to which, you know,
5 even after the electoral college met, after all of these cases had been decided, there were
6 still efforts underway to ignore those rulings and to instead summon people to
7 Washington to attempt to overturn those rulings on January 6th, I think that's
8 fundamentally what is most dangerous here.

9 The Witness. And if I may underscore one more point, you know, I was
10 not -- because I know I was asked several questions about the President's view of the Vice
11 President's role, you know. I had stumbled in on a conversation. I was not a legal
12 advisor to the President. I never held myself out as a legal advisor to the President. I
13 never represented myself to him in that way, nor was I a part of advising the President on
14 the Vice President's role.

15 It was a casual conversation that I walked in on. I don't remember every detail,
16 but I can just generally characterize the posture of the person on the phone and the
17 reaction of the President to that posture.

18 Ms. Cheney. █, can I just ask one more question?

19 █. Of course.

20 Ms. Cheney. Just, I want to clarify, Ms. McEnany. So, back to my previous
21 question, it was your view then -- or was it your view that the efforts to overturn the
22 election should have stopped once the litigation was complete?

23 The Witness. In my view, upon the conclusion of litigation was when I began to
24 plan for life after the administration.

25 I thought January 6th was important in that I wanted objectors to get the facts on

1 the record on the House floor, as had been done in 2016 when there were questions
2 about Russia's involvement in the election. Several Democrats were able to get their
3 viewpoint on the floor of the House, and I thought it was important for Republicans in this
4 sense to do the same.

5 But, you know, I didn't know how to view the Vice President's role, which is why I
6 sent a text at 9:00 p.m. the day before January 6th. And I'm being -- this is to the best of
7 my recollection. It might've been 8:39 p.m.; it may have been 9:00 p.m. But I had
8 heard this conversation and I had sent an inquiry about it the night before January 6th.

9 But, yes, in my view, upon the conclusion of litigation was when I started to really
10 start planning for life.

11 Ms. Cheney. Thank you.

12 The Witness. Thanks.

13 [REDACTED] Do any other members have questions?

14 [REDACTED] Hey, [REDACTED], it's [REDACTED]. Do you mind if I just jump in quickly with a
15 couple things?

16 [REDACTED] Go ahead.

17 [REDACTED] Thank you.

18 Ms. McEnany, I'm [REDACTED]. I'm the chief investigative counsel. And I just
19 want to echo our thanks for you being here today. We appreciate it.

20 BY [REDACTED]

21 Q I just wanted to go back to a couple of names and things that you said. You
22 mentioned, for example, Elliot Gaiser and Matt Morgan as constitutional lawyers whose
23 perspective you value and appreciate.

24 Tell me more about your conversations with them. Were those conversations
25 that you initiated, looking for their perspective because of your respect? Or were they

1 otherwise involved in advising White House or other officials on those constitutional
2 issues?

3 A Yeah, they're -- I met them at the campaign and just came to deeply respect
4 them. I thought they were very bright minds. And they -- I believe Matt had been
5 working on litigation with Justin Clark in the lead-up to the election, which I had not
6 focused a ton on but became aware of in -- or at least more studied on that litigation in
7 the aftermath of the election. And I thought it was compelling. And I thought they
8 were doing important work, and I was very impressed by both of them, along with Justin
9 Clark.

10 Q Is it fair to say that they were part of a team of lawyers that was advising the
11 campaign on these election integrity, election fraud matters, including the litigation?

12 A I think that's fair to say.

13 Q And when you singled them out, is that because, Ms. McEnany, you felt like
14 their contributions to those discussions was particularly insightful or significant? Help
15 me understand why those two were the ones, among the long list of lawyers involved,
16 that you came to trust.

17 A Well, I think in the aftermath of November 3rd, I believe -- and I certainly
18 could be wrong, but to the best of my recollection, I believe they were the only lawyers
19 working on the case. They might have had associates. But as I was aware on, you
20 know, November 4th or 5th, whatever day I came to meet them -- it was in, you know,
21 maybe the week after the election -- they were the only attorneys at that point that I was
22 aware of.

23 Q Okay.

24 25 And I know that [REDACTED] or [REDACTED] will get into some of the other lawyers who were
involved in doing some work for the campaign, but did you have contact with Mr. Giuliani

1 or Ms. Powell or Ms. Ellis or any of the other lawyers that ultimately made appearances
2 on behalf of the campaign?

3 A If I did, it was minimal and in passing, to the best of my recollection. You
4 know, I knew Jenna a little bit. In the lead-up to the election, I might've tried to send a
5 text at one point to someone, but, I mean, it was de minimis contact. I largely -- I had
6 faith in the work that Matt Morgan, Elliot Gaiser was doing, and I really stayed on that
7 track.

8 Q Okay. All right.

9 And, again, I don't want to jump ahead of where [REDACTED] and [REDACTED] are going. The
10 only other followup I had was, I wanted to go back to your use of the phrase "rogue
11 secretaries of State." Tell me who, in your view, is in that category, specific people, and
12 why you use that adjective, "rogue," to describe their actions.

13 A I used the adjective "rogue" because I believe deeply that State legislatures
14 and -- they determine electors and the time, manner, and place of an election, as laid out
15 in section 2, clause 1, I believe is the Electors Clause. And I believe that the rules they
16 put in place should not be abrogated by secretaries of State.

17 Secretary Benson, Secretary of State Boockvar were two secretaries of State that
18 changed the rules in contravention of what the legislature had passed. And it was my
19 view of the Constitution that the State legislatures had the power to make decisions on
20 the use of signature match and voter ID, et cetera.

21 Q So you mentioned the secretaries of State of Michigan and Pennsylvania,
22 both Democrats. Are those two specifically the ones that you consider now to be rogue
23 because of your view that they contravened the will of the legislature, or is it a longer
24 list?

25 A Well, I don't think at this point it's particularly helpful to relitigate everything

1 that happened in 2020. But it is my view, yes, that secretaries of State, as laid out in the
2 case of Texas v. Pennsylvania that wasn't taken by the Supreme Court, however, but I
3 think it's laid out in pretty detailed, concrete fashion exactly the actions those secretaries
4 of State took in my view in contravention of the legislature.

5 Q Okay.

6 How about other secretaries of State, specifically Secretary of State Raffensperger
7 in Georgia?

8 A It's my view that the consent decree that was reached in Georgia
9 undermined voter integrity, and I don't believe that's how the Constitution should've
10 worked. And I do believe that that abrogated the power of the State legislature in
11 Georgia as well.

12 Q Which makes him, in your view, another one of the rogue secretaries of
13 State that contravened the will of the legislature?

14 A I don't think it's particularly helpful to go down this road of relitigating the
15 2020 election, but that is my view. I've made it clear going back to a year ago.

16 Q Okay.

17 Anyone else besides Benson, Boockvar, and Raffensperger who, in your view, took
18 actions that you'd consider to be contravening the will of the legislature and therefore
19 rogue?

20 A I mean, respectfully, I'm not going to go State by State. I've laid out my
21 general view of the power of the legislature and the power of the secretary of State, and I
22 just don't think it's particularly helpful to go State by State on this.

23 ██████████ That's all I have, █████. Thank you.

24 ██████████ Okay.

25 Are there other members of the staff with questions?

1 No?

2 Okay.

3 ██████████ Ms. McEnany, my name is ██████████ introduced me
4 earlier. I'm a senior investigative counsel to the committee. And just a couple
5 followup questions from what you discussed with ██████████ a minute ago.

6 BY ██████████:

7 Q In that call in the Oval Office that you happened onto, did Mr. Lewandowski
8 say anything during the call that you remember?

9 A I don't recall exactly, but I remember the call, the conversation, largely being
10 between the attorney on the phone and the then-President.

11 Q Okay. So you don't remember if Mr. Lewandowski said anything?

12 A I don't remember, but it would've been very little, because it was largely a
13 conversation that we -- I had stumbled in upon. And I don't know if it was a preplanned
14 meeting between Corey Lewandowski and the President where this phone call took place,
15 but I just stumbled in on it, and I don't recall Corey saying too much.

16 Q Okay.

17 And just one more question. Do you remember if the President gave instructions
18 to anybody for any kind of followup or, you know, "Thank you for your opinion; now go
19 talk to this person," anything like that?

20 A I don't recall any specific instructions, no.

21 Q Okay. Any suggestions, even if it's not an instruction?

22 A There might have been suggestions or instructions, because oftentimes the
23 President in the middle of a phone call would give an instruction or a suggestion, but I just
24 don't remember exactly.

25 Q Okay.

1 [REDACTED] Okay. Any other questions before I move on?

2 BY [REDACTED]:

3 Q Okay. Ms. McEnany, I'd like you to turn your attention to exhibit 33.

4 Mr. Terwilliger. [REDACTED], I just want to be clear. So, now that we're going to
5 exhibits, are you going to put anything up on the screen, or should we use -- I just want to
6 make sure we're using the numbers -- we're looking at the same documents. These
7 would be the documents you sent us from the committee?

8 [REDACTED] Correct. So we are not going to put them up on the screen. I'll
9 refer to them by document or exhibit or tab numbers that should correspond to the title
10 in the document or the name of the document as it was sent to you. I'll also, for each
11 one, you know, describe what the document is before I ask a question, so if we're not on
12 the same document, it should be pretty readily apparent.

13 Mr. Terwilliger. Thank you.

14 BY [REDACTED]

15 Q So exhibit 33 should be an email exchange between you and Mark Levin.
16 Chronologically, the first one is November 6, 2020, at 4:35 a.m., so 3 days after the
17 election. And it's from Mark Levin, appears to be to you, with the gist a link to an
18 internet site.

19 And so this is a document as it was produced to us, but I can represent to you that
20 I checked the link and it's an op-ed by Daniel Horowitz in The Blade (sic). And the op-ed
21 says, quote, "Well, now State legislatures" -- or, sorry, I'll start over again.

22 Quote, "Well, now State legislatures can have their revenge and have the final say,
23 as intended by the Constitution. Mark Levin reminded his audience today that State
24 legislatures are the ones who choose the electors who directly vote for President in each
25 State," close quote.

1 Then your response later that day: "This is great. Thank you! You are killing
2 it on radio. What you are saying is spot on. Thank you for highlighting this!"

3 So did you believe as of November 6th that State legislatures could overturn the
4 decisions of the State executive branch officials who had authority to certify the results of
5 the election in each State?

6 A So I don't recall that article exactly. I would have to pull it up and read it.
7 But I would say, generally speaking, I believe that there is a constitutional process for
8 certifying a vote, that, yes, it went through State legislatures and the electoral college and
9 then Congress. So, generally, I believe in that constitutional process.

10 Q Okay. But just so I understand, the Constitution provides that the election
11 [inaudible] the time, manner, and place as determined by the State legislatures. That
12 could be distinguished from after a vote takes place and the secretary of State or
13 Governor, whoever it may be, certifies it, the State legislature then going back and saying,
14 "We are going to choose, instead, electors for a different candidate."

15 Was it your belief that the State legislatures could do the latter, meaning not just
16 determine the time, manner, and place of the elections but actually say, despite the fact
17 that the secretary of State may have chosen electors for President Biden, that, instead,
18 the State legislature wanted to choose electors for President Trump?

19 A So, generally speaking, when I was asked about this, I think my view was the
20 State legislature had a role in calling an audit for signature match, as it pertained in
21 Georgia specifically. So, when I was asked about this publicly -- and I think my held
22 belief was that, you know, I didn't explore much about certifying a slate of electors at the
23 legislature level, but I did believe that the legislature in the State of Georgia could call an
24 audit for signature match.

25 And I believe I have a text with a reporter pushing back, because she asserted that

1 I had called for legislatures to certify a different ballot of electors. And I pushed back
2 and said I specifically was calling for a special legislative session in Georgia for the
3 purposes of signature match. So that was my view, really, of the State legislatures'
4 roles.

5 Q Okay. No, I understand your point about a claim for a signature match.
6 But, again -- and this is a quote from Daniel Horowitz. He says, or wrote, "Mark Levin
7 reminded his audience today that State legislatures are the ones who choose the electors
8 who directly vote for President in each State," close quote.

9 So was it your view at the time that the State legislatures could choose the
10 electors, as opposed to just choosing the time, manner, and place of elections or calling
11 for an audit?

12 A I don't know that I had deeply explored this article. I might have been
13 responding to a point or two that I liked. I was generally responding to Mark Levin,
14 saying, you know, this is great. I was aware of who Horowitz was and he had done good
15 work.

16 So I think my response was pretty general to Mark Levin, just acknowledging
17 receiving an article. It's not a point I had deeply explored.

18 Q Did you have conversations or communications with anybody else in the
19 White House about whether or not State legislatures could choose the electors?

20 A To the best of my recollection, no. I'm sure -- I regularly consulted, as I
21 mentioned, with Elliot Gaiser, so he might have mentioned it to me at one point and me
22 asking how the process worked. So, if it was mentioned to me, it was cursory or in
23 passing, much like this message.

24 Q Okay.

25 A And that's to the best of my recollection. I don't remember it being a key

1 point discussed by me with others.

2 Q Okay.

3 If I can turn your attention to exhibit 58.

4 A And I do want to point out that there was a new team that was really around
5 the President -- when was this? Well, no, this would've been November 6th. But, as
6 the election progressed, the President got outside advisors, so they -- it may have come
7 up in that circle, but those were not meetings that I was a part of.

8 Q Who were those outside advisors you're referring to?

9 A To the best of my recollection, there were, you know, Rudy Giuliani he
10 would consult with, or Jenna Ellis, or Sidney Powell. And those advisors came in as the
11 days progressed after November 3rd.

12 But in the circle I was talking to, which was Matt Morgan, Elliot Gaiser, Justin
13 Clark, it just -- it simply wasn't a big topic of discussion, as I remember.

14 Q Okay.

15 If I can turn your attention to exhibit 58. And these are two text messages you
16 sent to John Eastman, December 9th, 2020.

17 The first one just says, "Thanks!"

18 The second one says, "Thanks for sending. Michael Ferris mentioned to the
19 President that he filed 160 pages of exhibits? Is that in addition to what Texas filed?"

20 First of all, the one where you said "Thanks!", do you recall what you were
21 thanking him for?

22 A To the best of my recollection, no. But, as I mentioned, I did explore the
23 litigation in various States, so it might have been that. But to the best of my
24 recollection, no.

25 Q Okay.

1 Other than these texts, did you have any communications with John Eastman?

2 A To the best of my recollection, these were my only messages with John
3 Eastman.

4 Q Okay. Did you have any phone calls or in-person conversations other than
5 the one in the Oval Office you've already talked about where you walked in?

6 A To the best of my recollection, no. Maybe there was one phone call. I
7 have -- I don't know. But to the best of my recollection, I had very little contact with
8 John Eastman.

9 Q Okay.

10 Are you aware of a meeting between President Trump, Vice President Pence, John
11 Eastman, Marc Short, and Greg Jacob that took place on January 4th regarding the role of
12 the Vice President at the upcoming joint session of Congress?

13 A I'm not aware of a specific meeting, but to the best of my recollection, I do
14 recall the President and the Vice President meeting at one point. I don't know who else
15 would've been in that meeting, but I just remember seeing the Vice President walk in to
16 the Oval Office. So I know at one point the Vice President and President met, but who
17 else came to that meeting I don't know.

18 Q Okay. Where were you when you saw that?

19 A Coming out of the Oval.

20 Q Okay. Were you coming out of the Oval from a discussion about
21 January 6th?

22 A No. To the best of my recollection, I wasn't a part of any formal meetings
23 on January 6th, but I would regularly check in with the President. And I had probably
24 checked in with him once, maybe twice, in the days leading up to January 6th, so I think it
25 would've been me exiting one of those check-ins.

1 Q Okay. And do you recall whether Marc Short, Greg Jacob, and/or John
2 Eastman was also going in at that meeting?

3 A To the best of my recollection, it was just the Vice President, but, again, it
4 was over a year ago.

5 Q Do you have any knowledge of whether that meeting was about
6 January 6th?

7 A I don't know. But, you know, I know generally, in that time period, the
8 President had a view of the Vice President's role, so I don't know if it was about that or
9 about another matter.

10 Q Okay.

11 Do you have any knowledge regarding the conversations between the President
12 and the Vice President regarding the joint session of Congress on January 6th?

13 A I don't. To the best of my recollection, I wasn't in a meeting with the
14 President and the Vice President.

15 Q Okay. Did you hear about from others on the White House staff any
16 conversations between the President and Vice President regarding the joint session of
17 Congress?

18 A I don't remember. I remember generally knowing -- and it would've been
19 through conversations or picking up pieces -- the President's view of the role of the Vice
20 President. But, again -- and I generally knew that there was uncertainty about what the
21 Vice President thought on the matter. But that was my takeaway.

22 Q But do you know anything about what the President said to the Vice
23 President about the joint session of Congress?

24 A To the best of my recollection, no.

25 Q Exhibit 59 is -- oh. Okay, exhibit 59 is a text between you and Sean Hannity.

1 I'm not going to go through the whole thing, but there is a reference in here to Eric
2 Herschmann. Who is Eric Herschmann?

3 A I don't know his former -- formal title, but I know he was an attorney in the
4 White House, as I can remember.

5 Q Do you know whether he was in the White House Counsel's Office?

6 A I don't recall exactly. When I interacted with White House Counsel, it was
7 Pat Cipollone and Pat Philbin typically. So I don't know if he was formally a part of
8 White House Counsel or not.

9 Q Do you know whether Mr. Herschmann expressed a view regarding the Vice
10 President's role in the joint session of Congress?

11 A To the best of my recollection, I don't recall having a detailed discussion with
12 him on that matter. Again, there was a group of advisors that had come into the
13 White House, and I was really on the outskirts of knowing what was happening on that
14 track.

15 But I don't recall Eric Herschmann being in that track of individuals, and I don't
16 recall having a discussion with him. But, again, these are just -- this is vague. I
17 don't -- I wasn't in every meeting, so I don't know what meetings Eric sat in on or if he
18 would've been with those other advisors.

19 Q Yeah. But just so I understand, you don't recall whether Eric Herschmann
20 had a view about the Vice President's role in the joint session of Congress. Is that
21 correct?

22 A I don't recall, to the best of my recollection, bringing it up to him or him
23 mentioning it to me specifically.

24 Q Okay. But I'm also asking about anything you could've heard secondhand,
25 thirdhand. Do you know whether Eric Herschmann had a view of the role of the Vice

1 President in the joint session of Congress?

2 A I don't recall if he had a view. This was more than a year ago.

3 Q Okay.

4 Do you recall whether Pat Cipollone or Pat Philbin expressed any view regarding
5 the role of the Vice President in the joint session of Congress?

6 A I don't recall. If they were ever in a meeting discussing that, to the best of
7 my recollection, I wasn't in that meeting or having a discussion with them about that. I
8 was back for 48 hours before January 6th, focused on moving and my family.

9 Q Do you recall whether anybody in the White House staff had a view
10 regarding the role of the Vice President in the joint session of Congress?

11 A To the best of my recollection, no. I just had -- I walked in on one
12 conversation. I generally knew where the President stood. It was uncertain where the
13 Vice President stood. And that's the contours of what I heard about it.

14 Q Okay.

15 █ All right. I'll pause here. Do any members have any questions
16 about what I've covered so far?

17 Ms. Cheney. I have a question, █

18 Kayleigh, can you just -- just to clarify, back on exhibit 58, it looks like in that
19 first -- the text that you're sending to John Eastman, you're sending him your email
20 address. Is that right?

21 The Witness. Yes.

22 Ms. Cheney. And I think you mentioned at the beginning that you have not
23 searched that harvard.edu email address for responsive documents?

24 The Witness. We have searched that one. The one that we didn't search was
25 my undergraduate one that I did not conduct, as I remember, any matters like this one.

1 Ms. Cheney. Okay. But you have searched the Harvard one?

2 The Witness. Yes. Yeah, we ran search terms in my Harvard email address.

3 Ms. Cheney. Okay. Thank you.

4 The Witness. Thank you.

5 ██████████ Okay. Any staff have any questions?

6 Okay.

7 BY ████████ :

8 Q If you could now turn your attention to exhibit 37. And it's a document
9 that you produced. It says creation date is December 13th, modification date is
10 December 15th.

11 A Which one is this? I'm sorry. I was a little behind there.

12 Mr. Terwilliger. ████████ we're just catching up. You're on 37?

13 BY ████████ :

14 Q Thirty-seven.

15 A Okay. Yep, I'm here.

16 Q So, again, its creation date is December 13th, modification date,
17 December 15th. And I'm assuming that means the 15th is the last time it was modified,
18 and that it could've been, you know, modified several times between the creation and the
19 last modification.

20 But can you describe in general what this document is?

21 A It looks to me, just shorthand notes I would take to my phone to remind me
22 of conversation or information.

23 Q Okay.

24 And if we start -- so, at the beginning, it's redacted, and then the first thing is a
25 bullet, "President elect."

1 Can you tell, you know, those bullets, are those notes from a conversation you
2 had with somebody else or witnessed, or are those just your own thoughts?

3 A One second. Let me -- give me -- if you wouldn't mind giving me a moment
4 to review.

5 Q Of course.

6 A These specific bullet points look like notes I would've taken as I was listening
7 to a conversation.

8 Q Do you recall who the conversation was with?

9 A I believe Elliot Gaiser, because this looks to be a lot of the legal jargon. So I
10 believe this would've been thoughts I was jotting down as he walked me through some of
11 the cases.

12 Q Okay. And do you think it was just you and Mr. Gaiser, or was anybody else
13 in the conversation?

14 A To the best of my recollection, just me and Elliot.

15 Q Okay. So you can clarify as we go through this, but, in general, you think
16 that these bullets reflect Mr. Gaiser's views or your own?

17 A Mr. Gaiser's views, many of which I was in agreement with. But, as I recall,
18 these would've been his views that I wrote down and agreed with many of them.

19 Q Where it says, just to start off, "President elect: founders wise," what did
20 that mean?

21 A I don't recall exactly. I think that bullet point just basically is saying that we
22 have a Constitution that has a process for how elections should work.

1

2 [12:08 p.m.]

3 BY [REDACTED]

4 Q Okay. Was this saying that the President-elect had said that the Founders
5 were wise?

6 A I don't recall exactly. And these are shorthand notes I scribbled down.
7 Sometimes words auto correct. I don't recall exactly.

8 Q I understand. Do you know whether that reference to President-elect
9 meant then Vice President -- or former Vice President Biden?

10 A I don't recall. I don't think it would have referred to anyone specifically. I
11 think this is outlining, when you have a President-elect, the process that takes place
12 before January 20th, the President-elect becoming the actual President.

13 Q Then the rest of that bullet says: "Put fail safes in place. Live in oldest
14 republic. First vote, then counties certify, then States. Then EC" -- presumably
15 meaning electoral college -- "meets. If election stolen."

16 What did that bullet mean?

17 A I think it means that if there are claims of irregularity there's a system in
18 place. You can pursue civil litigation. As you can remember with the election -- the
19 Supreme Court ruling on Bush v. Gore, you know, my point here I think generally speaking
20 was, there is this time period where these claims can be heard.

21 Q Okay. But by this point on the 15th of December, that had already
22 happened, correct? The electoral college had already met the day before, I believe?

23 A I believe so, but I believe -- I don't remember the exact date. These could
24 have been old notes, by the way. These -- I don't recall exactly when I wrote these, but
25 it seems to be around the timing of the Supreme Court litigation, which I don't remember

1 the precise date off the top of my head, but that was not taken up by the Court.

2 Q Okay. I should clarify something I said. I said met the day before. I was
3 referring to the day before the 15th when these were modified. But they could have
4 been created on the 13th, it looks like. So it was around -- sounds like it was either the
5 day before, the day of, or the day after the 14th that this happened.

6 A Yeah. And I also want to be clear. I don't exactly know how, you know,
7 I've never worked with notes that are -- have dates like this on them. So I have a long
8 kind of one tab of notes that I've added to from going back to my -- the beginning of the
9 administration. So I don't know if this indicates these were added specifically on the
10 13th or not. I'm not entirely sure how this works.

11 Q Okay. The next bullet says: "They call assault on democracy when he's
12 bringing his case to American people." What did that mean?

13 A I think that was reflective of left-wing commentary that suggested the
14 President bringing the case to the American people via the civil litigation system, they
15 were accusing him of assaulting democracy when all the court cases sought to do was
16 bring transparency and have the courts answer the questions and the contentions being
17 brought forward.

18 Q Okay. Which leads us to the next bullet: "Asking question by a legit
19 means. We use civil justice system." So that presumably is referring to the courts
20 being the legitimate means for resolving disputes. Is that right?

21 A Yes, as opposed to the intelligence community in the allegations that were
22 brought forward against the intel community as it pertained to Russia in the 2016
23 election.

24 Q So was it your belief at that time that the court system was the appropriate
25 mechanism for deciding disputes about the legitimacy of the election?

1 A It was.

2 Q Did you have a view at that time as to whether or not the joint session of
3 Congress on January 6th would be a legitimate means of deciding who won the election?

4 A I think it had been generally described to me by Elliot, in the constitutional
5 process of the election, how it worked. So I think I had heard about it and maybe jotted
6 a note about it, but my view was really the court cases. And when the Supreme Court
7 case was not taken up, in my view, all that was left were these objectors and the
8 transparency that I hoped would happen with the contentions that they were making.

9 Q Did you have a view as to whether Congress should or should not have
10 certified the election on January 6th?

11 A I had the view that the objectors, the role of Josh Hawley and others, was to
12 put forward information much like, I believe, six Democrats had done in 2016 when they
13 objected to the election on the basis of Russia.

14 Q I understand your point about wanting the objections on the record, but my
15 question was whether you thought that it was appropriate for Congress to reject
16 certification of the election of President Biden?

17 A In my view -- and I think I answered this earlier -- this was a moment for
18 information to get out on the floor of Congress. It was my view that at the end of that,
19 that, you know, President Biden would be President Biden. But I did hear this
20 conversation about the role of the Vice President and whether it was pro forma or
21 substantive, which is why I sent an inquiry to that end on January 5th, asking Elliot what
22 the deal was with that, that theory.

23 Q Okay. So I'd love to go through each one of these bullets, but I know we're
24 somewhat limited on time. So I'm going to skip to a little bit later on that same page.
25 About maybe three-quarters of the way down the page there's a line that says: "One

1 whistleblower based on hearsay versus hundreds of pages of affidavits and
2 whistleblowers." What does that mean?

3 A I don't recall exactly, but I think it generally reflects that there were
4 hundreds of pages of affidavits of people under sworn penalty of perjury saying, for
5 instance, they showed up to vote, but the vote had already been cast. So I think it was
6 referencing the hundreds of pages of affidavits that I had looked at.

7 Q What's the other side of the versus, though? What's the one whistleblower
8 based on hearsay?

9 A I don't recall exactly.

10 Q But do you recall generally?

11 A No, I don't recall exactly or generally exactly what that meant. These were
12 notes from more than a year ago and I've since moved on to other professional matters
13 than thinking about this.

14 Q Okay. The next line: "Federal court -- described as no frivolous statutory
15 construction arguments but deferred to elected bureaucrats." And I realize these were
16 just notes you were making quickly. What is your understanding of what that meant?

17 A I don't recall exactly. Just stepping back generally, let me say, as I recall, I
18 would talk to Elliot on the phone. He's a much -- he practices election law for a
19 profession, as I understood it at that time, so he would often have legalese that I would
20 jot down, not knowing exactly what it meant, but maybe with the intent to look at it later.
21 So I don't recall this exact point or it being a point that I really discussed.

22 Q Okay. And is it your belief that you were still -- or your recollection -- you
23 were still at this point in the notes writing down what Elliot was saying -- or Mr. Gaiser
24 was saying?

25 A Let me back up, because we kind of skipped down. So let me --

1 Q Yes.

2 A Yeah, that is my understanding, that this would have been still notes
3 about -- from that conversation. And I would write down -- I'd try to write down
4 everything he said, and then I would take from that what I would decide to bring forward
5 when I would do a television appearance. So I would try to write down everything and
6 then I'd discern for myself or put it in my own language.

7 But I generally respected Elliot because he would be someone -- you know, as
8 press secretary, one of the things I had to do was gather information that sometimes
9 conflicted from two different agencies or two different officials, and I had to discern, as I
10 could, what was factual footnoted information to bring to the American people.

11 And I would regularly question people: What's your footnote? What's your
12 source? And Elliot always had a footnote or a source. And if I brought to him a piece
13 of information, he would tell me: Yes, I would lean into that, that's right, here's the
14 footnote or the source.

15 So that's why I grew to respect him and would try to write down every word he
16 said, put it in my language, and then move forward.

17 So I just wanted to generally -- because these notes are kind of, you know, kind of
18 scrambled. I just want to explain how that process went.

19 Q Thank you.

20 On the next page -- so I'm skipping ahead a little bit again -- there's a line that just
21 says: "Congress -- Mo Brooks." That's near the top. Do you know what the
22 reference is there to Representative Brooks?

23 A Let me -- yeah, let me just read for context if you don't mind.

24 I'm going to, to the best -- I'm going to take a guess here if you'll let me, because I
25 don't remember exactly. But my guess would be maybe Mo Brooks had said he would

1 be an objector. Because it looks like I'm listing off Wisconsin, the posture of the
2 litigation there, it looks like I'm listing off information from Michigan, and then it looks
3 like I'm listing off Congress. So maybe there was a news item about Mo Brooks being an
4 objector, but that's just a guess.

5 Q And you don't have any reason to think this is a reference to Mo Brooks
6 potentially speaking at an event on the 6th at the Ellipse?

7 A To the best of my recollection, no. But, again, this is more than a year ago.
8 I don't remember exactly. I don't know if he was an objector at that point. But my
9 guess would be there was a news item about Mo Brooks and so I wrote down his name.

10 Q A few lines later, you wrote: "1960" -- "1960 precedent -- not one declared
11 winner by state to cast ballots anyway." Next line: "Joint Congress. Pence January
12 6th 3 USC 15. Open purported slates of electors." What do you think that meant?

13 A I think this was Elliot walking me through the final steps of the election. He
14 would mention just theoretical points along the way, and I would jot them down. And
15 this looks to me like something I jotted down.

16 Q So this line about joint Congress presumably -- and then it refers to the
17 January 6th -- presumably it's referring to the Vice President's role on January 6th.

18 When it says "open purported slates of electors," what do you think it means by
19 "purported slates of electors," as opposed to just slates of electors?

20 A I don't know. I was taking notes on a conversation. So Elliot
21 probably that was his language that I jotted down.

22 And let me note that, it looks like a few lines down, I said: "Mo Brooks object to
23 Biden electors." So it does appear based on this later line that's what I was referring to
24 in the earlier line.

25 Q It says: "NV" -- which I assume is Nevada -- "-- Trump electors." Do you

1 know what that means?

2 A I don't. These are vague notes from more than a year ago I was taking from
3 a conversation as I remember.

4 Q "Believe that Nevada sent Biden electors to the electoral college." So do
5 you recall anything about what "NV -- Trump electors" could mean in that context?

6 A To the best of my recollection, no.

7 Q Okay. And then you, in that series of lines where you referred to about
8 Representative Mo Brooks, says, "Rep Mo Brooks object to Biden electors. If joined by
9 Senator then each house separately deliberate on whether to accept objection."

10 Next line is: "Then objected to slate will be objected." Next line: "If Senator
11 and Member of House both object. Stop counting and deliberate separately."

12 Then the next line: "Default to what chief executive in charge of elections says if
13 vote separate."

14 What do you think that that last couple of lines meant?

15 A I don't know what the last line meant, but I know generally he was walking
16 me through the process of how an objection happens. It appears from this note that
17 Mo Brooks was going to be an objector, and like Democrats had objected in 2016, I recall
18 there being an objection, and then the Vice President ruled on that objection if there was
19 a Senator. But I don't think in 2016 there was a Senator that joined.

20 But he was the walking me through the process of how that played out and would
21 play out because I was curious. That was obviously the next thing that would happen
22 when I got back to Washington.

23 Q Did Mr. Gaiser explain why any of this matters? So, for example, was he
24 suggesting there was a possibility that Congress would select President Trump as the next
25 President?

1 A I don't think we got to that point. I think he was just theoretically walking
2 me through it, but that's to the best of my recollection.

3 Q Okay. Now this last line, I know you said you didn't know what it meant,
4 but sure try and decipher it the best you can: "Default to what chief executive in charge
5 of elections says if vote separate."

6 A Yeah. I don't know exactly what that would have meant.

7 Q Who is the chief executive in charge of elections?

8 A I don't recall exactly what that would have meant. He was walking me
9 through things, and I was trying to keep up as best I could, typing notes in my phone. So
10 I don't recall exactly.

11 Q And the next line is: "I don't see any valid electors VP -- president of
12 Senate." What did that mean?

13 A I think he was walking me through his view of that day and how it would play
14 out. So I think, you know, this is just me taking notes on his view. I can't speak exactly
15 for him, but that's what I jotted down, taken from our conversation.

16 Q But does that mean that the Vice President could say that he didn't see valid
17 electors from a certain State?

18 A I don't know exactly. I mean, that's what "I don't see any valid electors
19 VP -- president of Senate." I think he was suggesting what could take place on that day,
20 but I can't say -- speak exactly for him. I was taking shorthand notes, as I recall, on our
21 conversation.

22 Q But do you recall whether Mr. Gaiser said that the Vice President could
23 declare that he didn't see any valid electors from certain States?

24 A I don't recall exactly, but he mentioned it to me clearly in this conversation.
25 And then I think that there was a conversation -- or a brief text on January 5th between

1 the two of us on this.

2 But this was something he mentioned in passing. It was not in any way the
3 thrust of the conversations we had, which were almost entirely about litigation and then
4 as this is the constitutional process and what his view of it was.

5 Q Okay. But I want to distinguish this line from the lines above it. So the
6 couple lines above it seem to be talking about what Members of the House and Senate
7 would do, whereas it's described here, if both object, then you stop counting and they
8 deliberate separately.

9 But this next line, the one, "I don't see any valid electors VP -- president of the
10 Senate," seems to be saying that in addition to the fact that Members of the House and
11 Senate can object and deliberate separately, that the Vice President, himself, would
12 declare that he didn't see any valid electors. Is that your understanding of what
13 Mr. Gaiser was saying?

14 A I can't remember exactly what Elliot Gaiser was saying, but he was laying out
15 his view of that part of the constitutional process.

16 Q To the best of your recollection, what was his view of that part of the
17 constitutional process?

18 A To the best of my recollection, I think there's a January 5th text where I ask
19 him: Is the President -- is the Vice President's view pro forma or substantive? I believe
20 he said substantive in that January 5th text.

21 But, again, he mentioned this in passing. This was not the main part of our
22 conversation. And Mr. Gaiser, to the best of my recollection, was not a part of those
23 outside advisers that came in, in the days following the election.

24 Q Did Mr. Gaiser did give you any indication of whether this was solely based
25 on his own research versus whether anybody else, whether lawyers or otherwise, had

1 advised him on this?

2 A As I remember, it was solely based on his own research. He was an
3 election law attorney and, from what I gathered, really loves studying the Constitution
4 and election law.

5 Q There's then a large portion of the page that's redacted. The redaction
6 goes on to the next page. And then after that redaction in all caps it says "PROUD
7 BOYS" and then some bullets underneath.

8 A Uh-huh.

9 Q What is that about?

10 A Reporters would ask occasionally about Proud Boys, if they were accused of
11 any sort of violent action, and this looks like maybe there was a news item at some point,
12 and I was writing down the President's quote, calling off any violence and telling the
13 Proud Boys to stand down.

14 Q Okay. So at this point in your notes, do you believe this is no longer
15 recording or describing your conversation with Mr. Gaiser?

16 A Yes. To the best of my recollection and what I can discern from this, this
17 doesn't appear to be a part of a conversation with Elliot. It appears to be a reaction to
18 probably a news story that came up at some point.

19 Q Your own reaction, or is this describing a conversation with somebody else
20 about their reaction?

21 A No. I probably was writing down notes to turn into a sentence or
22 something to give a reporter. But, again, this is my best guess. I don't remember
23 exactly. And I don't remember the timing of when I would have written that down.

24 Q Okay. So when it says, like the first bullet says, "condemn violence
25 wherever we see it," second bullet ends with, "there is no place for this," do you believe

1 that reflects your own views or somebody else's views?

2 A I believe that reflects my views. It also could've been preparing for a
3 television hit where I thought this might come up. But these would represent my views.

4 Q Okay. And the third bullet is "TRUMP" in all caps, colon, and then a quote.
5 That quote -- you can take a second to look at it -- is that a quote from one of the
6 Presidential debates?

7 A I don't remember exactly, but it was the President articulating his view that
8 the Proud Boys should stand down.

9 Q I'll read the quote. It says: "TRUMP: 'I don't know who the Proud Boys
10 are. I mean, you'll have to give me a definition because I don't know who they are.
11 They have to stand down, let law enforcement do their work. But whoever they are,
12 they have to stand down,'" end quote.

13 I believe that's from one of the Presidential debates, where he also said: "Proud
14 Boys, stand back and stand by." Do you recall why you left that part of the quote out?

15 A Do you have a document that would refresh my recollection on this quote
16 and where it came from?

17 Q I don't.

18 A Well, you know, it's hard to react to a quote being read without seeing the
19 full context. But I know the President's personal view, as best I can remember, was that
20 he was condemning violence, and I thought this quote was reflective of that. I don't
21 have the full quote in front of me, so it's hard to really parse out a quote apart from its
22 context.

23 Q Do you remember the President ever saying, "Proud Boy, stand back and
24 stand by"?

25 A I remember that and I remember it being used in the media to suggest the

1 opposite of what I believed the President intended, which was telling them to stand
2 down.

3 Q Did you have any conversations with the President about what he meant by
4 that?

5 A To the best of my recollection, no, but it could have come up in the course of
6 planning for a press briefing because sometimes I would say, you know, my point -- or I
7 would say, "I just want to confirm this is your point of view on the issue."

8 And I know for a fact he wanted violence -- he did not support violence. To the
9 best of my recollection, he did not. And so this, I thought, was reflective of where I
10 believed the President stood.

11 Q So in the notes here, you have the notes from your conversation with Elliot
12 Gaiser which seem very focused on the January 6th joint session of Congress. Then
13 there is a section that's redacted, presumably because it's nonresponsive to the
14 subpoena, and then this discussion of the Proud Boys.

15 A Uh-huh.

16 Q Is this Proud Boys at all related to January 6th?

17 A No. To the best of my recollection, it would not have been. I kept notes
18 from, you know, the beginning of my time in the administration that, you know, I'd have
19 sporadic -- oh, hold on. We have context here. So if you would give me one moment.

20 Okay. So this is very helpful. Okay. This is -- this is very helpful.

21 So now that I look at the full context of this, it looks like there were other matters,
22 like news events, COVID-related, for example, and I was writing down points. It looks
23 like I must have been preparing for a television hit of some sort and I knew that the Proud
24 Boys could come up.

25 I was -- looks like there's a point in here about the progress of the vaccine, some

1 quotes from -- from Hahn at the FDA, from NIH Director Collins, under heading "vaccine,"
2 and then below that is a heading "Proud Boys" with the President's quote.

3 So it looks like I was anticipating this could come up in some television interview
4 and wanted the President's quote handy that he condemned violence, because it was my
5 belief that he condemned the violence of the Proud Boys, so I wanted to clarify that and
6 make that clear.

7 Q Did you have any information, whether at the time you wrote these notes or
8 at any other time leading up to January 6th, did you have any information about what the
9 role of the Proud Boys might be on January 6th?

10 A To the best of my recollection, no. I was not part of the planning of
11 January 6th. I was at home in Florida for 2 weeks. I came back 48 hours before
12 January 6th and, you know, stumbled in on that conversation and did not plan it, and had
13 no -- had not heard the Proud Boys or any mention of them to the best of my
14 recollection.

15 Q When you just referenced the stumbling in on a conversation, you're
16 referring to the one you talked about earlier with the President and somebody on the
17 phone, right?

18 A That -- but that didn't involve the Proud Boys to the best of my recollection.
19 That was just about the Vice President's role. I did not hear the Proud Boys mentioned
20 to the best of my recollection.

21 Q Have you ever heard the President, other than in public statements, have
22 you ever heard the President mention the Proud Boys?

23 A To the best of my recollection, no.

24 [REDACTED] [REDACTED]

25 BY [REDACTED]

1 Q Just quickly, I wanted to follow up on the alternate electors issue and the
2 purported slates that's mentioned on page 2 of this exhibit, and this is exhibit 37 still.

3 And just for context, you were a senior adviser. Stephen Miller was a senior
4 adviser. Did you work closely with him?

5 A I did in that we would travel together, you know, especially when we were
6 on the small plane. You know, we would -- we would sit by each other often. He
7 would send the speeches out.

8 But I would say, you know, it's not that I, to the best of my recollection, sat down
9 and crafted speeches with him, but we were friendly and we worked together
10 professionally. So I would say, yes, we worked together, but I was not in the nuts and
11 bolts of his office.

12 Q Okay. And as a communications person, would you coordinate with him
13 before he went on television, for example?

14 A To the best of my recollection, he did not do a ton of television. I think he
15 might have done a few sporadic appearances here and there, but his television was
16 largely his own, and I think it was very sporadic.

17 Q Okay. Well, the reason I'm asking is because these notes are around
18 mid-December.

19 A Could we take 1 second? Sorry, I just wanted to hear -- can we have 1
20 second?

21 Mr. Terwilliger. Looks like we lost you guys in conference room 2.

22 Staff. Absolutely. Can you hear us now?

23 Mr. Terwilliger. I can hear you. We lost visual. We got a little triangle in the
24 upper corner.

25 The Witness. Yeah, we did lose visual.

1 Staff. Okay. We'll take a break. Well, maybe we should take a 5-minute
2 break anyway. Would that help?

3 The Witness. That would be good. Thank you.

4 Mr. Terwilliger. That would be great.

5 Staff. Take a 5-minute break. We're going off the record now.

6 The Witness. Thank you.

7 [Recess.]

8 ██████████ All right. We are back on the record.

9 Mr. Terwilliger. I believe Ms. McEnany just wanted to clarify, just add a little
10 more detail.

11 The Witness. Yeah. I just wanted to add detail because I know there's been a
12 lot of questioning on, you know, the litigation, but not so much that, more January 6th
13 and the events of that day. And I just want to make clear that in my mind, you know, I
14 was at home in Florida, and the litigation ended, was not taken up by the Supreme Court.

15 So for me that was really the end of the road and the thing left were the objectors
16 airing their arguments in Congress, and there was precedent for that. And, you know,
17 for whoever was advising the President on the Vice President's role, I wasn't part of that
18 track of advisers. I wasn't a part of those discussions.

19 I walked in and was in earshot of the conversation, and I know it's frustrating to
20 not have details from that, but I was really distracted by other matters when I was in
21 there, focusing on moving out. And I tried to the best of my ability to share what I did
22 see in the brief conversation that I walked in on.

23 ██████████ Understood. Thank you.

24 ██████████ Identify yourself.

25 ██████████ This is ██████████ I want to make sure everybody can see me

1 and I'm identifying myself appropriately.

2 Q Before we took a break, we were talking about December 14th and Mr.
3 Miller. And the reason I ask this question is because December 14th is the date when
4 electors for the electoral college met in their respective States and voted on the
5 President.

6 And that same day, Mr. Miller, Stephen Miller, went on TV and talked about
7 having alternate electors meet in the various States to essentially preserve any objections
8 that the campaign had.

9 And did you know anything about his appearance on TV that day with respect to
10 the electoral college?

11 A So to the best of my recollection, I might have known he had a TV
12 appearance, because I did see an email traffic where there was some confusion over
13 whether a show was having me or Stephen Miller appear for an appearance. I don't
14 know if that was the 14th or not.

15 But generally speaking, if Stephen Miller was booked on a campaign-related
16 television appearance, that would have been through the campaign. So it would have
17 been separate and apart from the White House press secretary's office, and to the best of
18 my recollection we did not talk about messaging or coordinate anything to that end.

19 Q Okay. And in the exhibit we were just going through, which is 37, and page
20 2, one of the comments that [REDACTED] asked you about was this "NV -- Trump electors."
21 And so were you aware at that time that there were going to be alternate electors
22 meeting and casting ballots for candidate Trump?

23 A So first before I answer that question, I would also just remind you I was not
24 the communications director too. So while the press secretary responded to news
25 events, the communications director -- or the communications shop would book

1 television appearances. So Stephen would have booked -- been booked through the
2 campaign, not the White House.

3 But back to -- you said it was document 37?

4 Q Document 37, I'm on page 2, and one of the things that [REDACTED] asked you
5 was about this note, "NV -- Trump electors." Again, for context, this is around
6 December 14th, when slates of electors met in the States and transmitted their votes.

7 So were you aware that alternate electors were meeting in the States around this
8 time, December 14th, to send votes, electoral college votes, for President Trump?

9 A To the best of my recollection, no. This was a conversation that would
10 have been fast-moving with Elliot Gaiser. So I would have been jotting down whatever
11 he told me, and I don't recall specifically what he told me about Nevada and electors.
12 So whatever he told me in that conversation, it would have been a shorthand from that.

13 Q Okay. And just to zoom out, I'm not specifically asking about what he told
14 you there. This is just kind of a reference point for everything. But were you aware at
15 all that alternate electors were meeting and voting for President Trump?

16 A To the best of my recollection, no, unless it was like a news story or
17 something that I had come across.

18 Q Okay. Do you remember coming across any news stories like that?
19 Because there were such stories and Mr. Miller went on FOX on the 14th to talk about it.

20 A To the best of my recollection, no, but this was more than a year ago, so I
21 haven't -- you know, it's hard to remember what I saw then.

22 Q Okay. And some of this -- I mean, as you've mentioned, you spoke with
23 Mr. Gaiser quite a bit and got his input on some of these issues, seemingly complicated
24 issues of constitutional law that don't always arise.

25 Did you ever think to ask these questions of the White House counsel's office and

1 get their perspective?

2 A To the best of my recollection, no, because I don't think I was out there
3 articulating these on television. When I was talking to Mr. Gaiser, it was not to provide
4 legal advice to the President. It was to get information that I could be asked about in a
5 cable television hit, not legal matters that I would go explore with White House counsel.

6 I've reviewed my transcripts, and to the best of my recollection, these were not
7 talking points that I, you know, went out and used every day on FOX.

8 Q Okay. But separate from talking points, just being able to answer this on
9 background or in appearances, you know, questions about what the Vice President might
10 do or what the campaign's position on this, or alternate electors, you never discussed any
11 of those things with the White House counsel's office?

12 A To the best of my recollection, no, but these were not main talking points.
13 Primarily my appearances were on "Hannity," and primarily the discussion was always
14 around litigation. And when you do television, you get the topics in advance, and to the
15 best of my recollection, I was never given topics of the Vice President's role. So I would
16 not have any reason to go explore this with White House counsel. I probably would
17 have if I would have been given that.

18 Q Okay.

1

2 BY [REDACTED]

3 Q Okay. Ms. McEnany, if you could turn your attention to exhibit 62, which is
4 a text exchange between you and Sean Hannity of FOX News, dated December 14th,
5 2020. We start off with a text from you to Mr. Hannity.

6 "Where are you on Congress choosing the Trump elector slate over the Biden
7 one? I don't want to give people false hope but just wanting to get a sense of whether
8 you plan on mentioning that. It's constitutional but extremely unlikely."

9 Why were you asking Mr. Hannity his views on Congress choosing the Trump
10 elector slate over the Biden one?

11 A I just generally wanted to know his views. I know that Mr. Hannity, you
12 know, he had spoken to people in the White House, I don't know if on that specific
13 matter, but, you know, I know that occasionally he would talk to people in the White
14 House. I wanted to get his view in case he had heard anything.

15 But as you can tell from the message, I said, this is extremely unlikely, and I quickly
16 move on to saying the bigger point, which is the second point I make. It's about Joe
17 Biden calling the election a victory for democracy and ignoring the mail-in issues, and I
18 say this is a key point.

19 So I'm very dismissive of that theory as I'm sharing it with Sean.

20 Q Why were you dismissive of it?

21 A Because I already shared my view that the Supreme Court litigation was
22 really the end of the path.

23 Q Okay. Do you know what the President's view was?

24 A I don't. I've been clear about what I think the President thought the Vice
25 President's role was. So I -- the President might have had a view that was different from

1 my own on that matter.

2 Q What would make you think it was even a possibility that Congress could
3 choose the Trump electors over the Biden electors?

4 A As to the best of my recollection, it had been mentioned in a phone call to
5 me, shorthand in those notes that we just explored. So I think I was putting it down as it
6 pertained to the cursory mention that I had come across.

7 Q Okay. And that was the phone call with Mr. Gaiser?

8 A Yes. And I think those dates correspond. This was on the 14th and those
9 notes were in or around that same time.

10 Q Okay. Do you remember talking to anybody else about whether Congress
11 could choose the Trump electors over the Biden electors?

12 A To the best of my recollection, no. I told you about the one call that I
13 stumbled upon and that generally speaking I can't remember everyone I talked to in the
14 White House. But, I mean, this was not a main talking point for me as my records
15 reflect.

16 Q Do you know whether Mr. Hannity talked to President Trump about whether
17 Congress could choose the Trump electors over the Biden electors?

18 A To the best of my recollection, I do not know.

19 Q Okay. And do you know whether Mr. Hannity talked to Mr. Trump about
20 the role of Vice President in the joint session of Congress?

21 A To the best of my recollection, I don't know if he spoke to the Vice President
22 about that, but, again, it was more than a year ago so I'm not certain. It was not a main
23 talking point that either Sean or I used as I remember.

24 Q Okay. If you turn to the last page of this exhibit, it's a text from you, still on
25 December 14th, two-paragraph text. The second paragraph says: "Barr came in, gave

1 POTUS a very nice letter. POTUS was very frustrated with Barr but made nice upon the
2 departure. He was only saying nice things about him when I left him, but I think he still
3 has that frustration deep down."

4 What was your understanding as to why President Trump was frustrated with
5 Attorney General Barr?

6 A I don't remember exactly, but it might have pertained to Barr's -- yeah, I
7 don't remember exactly. I'm trying to remember that time period. I just know that
8 they made nice at the end.

9 Yeah. Let me read for context if you don't mind.

10 Q Sure.

11 A Okay. So it's something that happened on that day. Let me read this.

12 Q Just to refresh your recollection, I believe that the 14th was the day that the
13 President -- I mean, that Attorney General Barr told the President he was resigning, and I
14 think it became effective December 23rd.

15 A Okay. Yeah, I would have to familiarize myself with public reporting, but
16 because it was pertaining to something that happened that day, I think it would have
17 been frustration with something that happened that day. That would be my best guess.
18 But I'd have to refresh my memory as to what happened on the 14th.

19 Q But you don't recall what the President was frustrated about?

20 A I don't. But I see where Sean said, "Hated whatever went on with Barr
21 today," and I was replying to that.

22 Q Okay. Now, I'm sure you're familiar with an interview that Attorney
23 General Barr did December 1st, where he said something to the effect of that the Justice
24 Department had not found evidence of widespread voter fraud that could have affected
25 the outcome of the election.

1 Do you know whether that or the Attorney General's views regarding the 2020
2 election in general is what the President was frustrated about?

3 A I don't recall exactly what he was frustrated about, but I just know generally,
4 as I note here, that there was frustration but they ended on good terms.

5 Q Okay. I'll pause to see if any members have any questions.

6 Okay. Do any staff have any questions?

7 Okay. All right. I'll keep going. Hopefully we can cover this fairly quickly.

8 It's been widely reported that on December 18th, 2020, President Trump had a
9 meeting with Sidney Powell, Michael Flynn, Patrick Byrne, and Emily Newman. Did you
10 attend that meeting?

11 A To the best of my recollection, no. I actually think I was in Florida on that
12 day or traveling. That was around the date.

13 Q All right. Do you remember if anybody talked to you about what happened
14 at that meeting?

15 A To the best of my recollection, no. I really disconnected when I was down
16 here in Florida, and besides doing matters like answering reporters here or there, I was
17 really disconnected from what was happening.

18 Q If you could turn your attention to exhibit 13. It's a tweet from
19 @REALDONALDTRUMP, dated December 19th, 2020. The whole thing will be in the
20 record. To save time I'll just skip to the end where it says: "Big protest in D.C. on
21 January 6th. Be there. Will be wild."

22 Were you involved in the preparation of this tweet?

23 A To the best of my recollection, no.

24 Q Okay. What was your understanding at the time as to what was supposed
25 to happen? I mean, the President there makes reference to big protest in D.C. on

1 January 6th. What was your understanding at that time as to what was supposed to
2 happen on January 6th in D.C.?

3 A To the best of my recollection, I was not involved in the planning of it. So I
4 was at home. I didn't think much of it. There had been many Trump rallies that I had
5 attended to, and I assumed that this was another similar event.

6 Q Okay. If you could turn your attention to exhibit 6. This is a tweet from
7 Mark Meadows, chief of staff, dated December 21st, 2020. It says: "Several Members
8 of Congress just finished a meeting in the Oval Office with President
9 @REALDONALDTRUMP, preparing to fight back against mounting evidence of voter
10 fraud."

11 Did you attend the meeting that the President had in the Oval Office with
12 Members of Congress on December 21st?

13 A To the best of my recollection, I was in Florida, so, no.

14 Q Okay. Do you recall having any conversations with anybody about that
15 meeting?

16 A To the best of my recollection, no.

17 Q Did you, yourself, have any conversations with Members of Congress about
18 what they would do on January 6th?

19 A To the best of my recollection, no.

20 Q If you look at exhibit 14, it's another tweet from Donald Trump. This is,
21 again, the @REALDONALDTRUMP account, December 27th, 2020. "See you in
22 Washington, D.C., on January 6th. Don't miss it. Information will follow."

23 Were you involved in the preparation of that tweet?

24 A No. I recall being in Florida at the time and not having any involvement, as
25 best I can remember.

1 Q If you look at the next exhibit, exhibit 15, another tweet from
2 @REALDONALDTRUMP, dated December 30th, 2020: "January 6th, see you in D.C.!"
3 Were you involved in the preparation of that tweet?

4 A To the best of my recollection, no, I was in Florida at that time.

5 Q Did you have any understanding of why President Trump issued so many
6 tweets regarding January 6th?

7 A To the best of my recollection, I thought it would be another Trump rally,
8 like many others, and so I assumed that's why he was doing that. He would regularly
9 talk about rallies that were upcoming.

10 Q But he's tweeting several times -- and we'll get to another one on it -- several
11 times about January 6th. Did you have any understanding as to why that rally in
12 particular was so important to him?

13 A No. To the best of my recollection, no. I think he wanted his supporters
14 to attend what I assumed would just be another peaceful rally like we had had in the past.

15 Q Okay. Exhibit 16, if you can look at that, another tweet from
16 @REALDONALDTRUMP, dated January 1st, 2021: "The BIG" -- BIG in all caps -- "protest
17 rally in Washington, D.C., will take place at 11 a.m. on January 6th. Locational details to
18 follow. Stop the steal!"

19 Were you involved in the preparation of that tweet?

20 A To the best of my recollection, no, and I was still in Florida.

21 Q Okay. Do you know anything about why the President thought it would be
22 a big protest rally?

23 A If I had to guess, he had a lot of big rallies, so I assumed he thought this one
24 would be big as well.

25 Q Were you aware of any crowd estimates for the rally on January 6th?

1 A To the best of my recollection, no, I had not been given crowd estimates. I
2 wasn't a part of the planning, so, you know, no.

3 Q Okay. If you can look at exhibit 17, there's a tweet from Kylie Jane Kremer,
4 dated January 2nd. She writes: "Be a part of history! January 6th, arrive by 9 a.m.,
5 White House Ellipse." At the bottom: "#March for Trump, #Stop the Steal, #Do Not
6 Certify." President Trump retweets on January 4th: "I will be there, historic day!"

7 Do you have any understanding of why the President thought January 6th would
8 be a historic day?

9 A To the best of my recollection, no. I've been clear, like, that he thought the
10 Vice President had a substantive role. So, you know, that was his view. And there
11 were also the objectors. So I think that's probably what he was referencing, but I can't
12 be certain.

13 Q If on January 6th Congress were just to certify the election of Joe Biden,
14 presumably President Trump wouldn't have found it that historic. So was it your
15 understanding that President Trump was suggesting there could be an outcome on
16 January 6th other than President Biden's election being certified?

17 A I mean, that would be my understanding, that he thought the Vice President
18 had a substantive role. But beyond that, I don't know what advisers were telling him,
19 and I can't say what was in his head. January 4th, I had just gotten back to D.C., so I
20 hadn't had much communication with him at that point.

21 Q Also we understand that that same day, January 4th, President Trump had a
22 meeting with Katrina Pierson in the President's private dining room. Did you attend that
23 meeting?

24 A To the best of my recollection, no.

25 BY [REDACTED]

1 Q Ms. McEnany, on that point, did you meet with Ms. Pierson at the White
2 House on the 4th even if you weren't involved in that meeting?

3 A To the best of my recollection, no. Occasionally I would see people in the
4 hallway who were going in to meet with the President, so that certainly could have
5 happened, because I believe that's the day I got back. But to the best of my
6 recollection, no.

7 Q Did you know she was coming?

8 A To the best of my recollection, no.

9 Q Can you just describe how you know her?

10 A I worked on the campaign with her, so we certainly were friendly. You
11 know, if I was seeing her in the hall, I can certainly see a scenario where I'd say hi and
12 briefly talk. But I don't recall, to the best of my recollection, meeting with her that day.

13 I would say we were friendly going back to our time on the campaign, but that's
14 about it. I have known her, I think, since 2015, the first campaign. But we weren't
15 great friends, however, we were friendly, yes.

16 [REDACTED] Thank you.

17 [REDACTED] If you can look at exhibit 35. This file creation date was January
18 4th, modification date also January 4th. So correct me if I'm wrong on that, but I would
19 assume --

20 Mr. Terwilliger. [REDACTED] my apologies. [REDACTED], sorry to interrupt you, my apologies.
21 You glitched there for a second. We missed the first half of what you said. Did you
22 move exhibits?

23 [REDACTED] Sure. Yes. It's exhibit 35.

24 Mr. Terwilliger. Okay.

25 [REDACTED] And this says the file date -- the creation date is January 4th and the

1 modification date is January 4th. So based on that, I would assume these are notes
2 from January 4th, but if you have any reason to think otherwise, please let us know.

3 BY [REDACTED]

4 Q Are these your own notes, as far as you can tell?

5 A Let me see. If you'll give me a second, I just want to read through them.

6 Q Yes.

7 A This looks like a mix of notes I would have taken based on conversations
8 with people.

9 Q Okay. Do you know what people?

10 A I think the first chunk about Georgia might have been with the chief of staff,
11 but I can't be certain.

12 Q And there's a line in here that says: "POTUS said I don't need to see data.
13 Put confidentiality agreement if you" -- looks like maybe it's supposed to be "if you have
14 to."

15 A Uh-huh.

16 Q Do you know if that is recalling a conversation you had with the President or
17 just somebody else telling you what the President said?

18 A To the best of my recollection, someone telling me something the President
19 said.

20 Q Okay. Do you know what it means by President "said I don't need to see
21 data"?

22 A To the best of my recollection, there was a news story at the time about
23 Georgia, I don't know exactly what, and a phone call. And I think the President wanted
24 to see something. And he said: I don't even need to see the data, let a third party see
25 it, or something. I vaguely remember something like that, and I don't recall the news

1 story. But it might have been a news story that I was anticipating maybe having to
2 respond to.

3 Q Okay. And then the next line: "You say 2 and you say 5,000. We've
4 shown our work and yours." Do you know what that means?

5 A I think they were -- I think, again, that this was me taking notes from
6 something the chief of staff was telling me because I anticipated having to respond to a
7 Georgia election story, but I can't be certain what that meant.

8 Q Okay. Is it possible that the 2 refers to the Georgia Secretary of State Brad
9 Raffensperger, or somebody in his office, concluding that two -- they had evidence that
10 two votes had been cast on behalf of dead people?

11 A To the best of my recollection, I am not certain.

12 Q Okay. Earlier in this group of notes, there's Clete, C-l-e-t-e. Do you know
13 if that's supposed to be Cleta for Cleta Mitchell?

14 A To the best of my recollection, yes. Yes, I would think.

15 Q Okay. So was this -- were you in a meeting with Cleta Mitchell?

16 A To the best of my recollection, no. I think this would have been the chief of
17 staff recounting for me a conversation that he would have had with her.

18 Q Do you recall if anybody else was with you in that conversation with the
19 chief of staff?

20 A To the best of my recollection, no. And I don't know if it would have been a
21 phone call or what it would have been. But I think I called him to get an answer to a
22 news story.

23 Q Okay.

24 A Called or went and asked, and I don't know exactly.

25 Q Okay. And I mentioned Brad Raffensperger. It's been well publicized that

1 the President had a conversation with Brad Raffensperger. Were you there for the
2 President's conversation with Brad Raffensperger?

3 A To the best of my recollection, no.

4 Q Okay. And then going back to exhibit 35, there's a break, I don't know if we
5 can call them paragraphs, but then it says: "Reiterated allegations made in civil court,
6 impasse over water show work." Is this also a note from your conversation with the
7 chief of staff?

8 A I can't be certain because -- let me read to the end of the document, if you
9 don't mind.

10 Q Sure.

11 A I can't be certain, because it looks like, as best I can recall, I'm transitioning
12 somewhere between -- the latter part of my conversation would have been me talking to
13 Elliot ahead of a TV appearance, and the beginning part looks like it was me talking to the
14 chief of staff presumably ahead of a television appearance. So I can't be certain where
15 one dropped off and another began.

16 Q Okay. Do you know what you meant when you wrote, "Reiterated
17 allegations made in civil court, impasse over water show work"?

18 A Yeah, I can't be certain what that means. I would assume reiterated
19 allegations made in civil court maybe -- yeah, I just don't know on that.

20 Q All right. Do you know what the water referred to is?

21 A To the best of my recollection, no.

22 Q Okay. Then it looks like --

23 A I'm assuming I would have auto correct, like, these are very messy notes and
24 not in complete sentences, so.

25 Q Okay. The next line is: "He was saying in those universes can at least find

1 margin of victory." Do you know what that --

2 A To the best of my recollection, I'm not certain what that would have meant.

3 Q Could this be a reference to the President's call with Brad Raffensperger,
4 where he asked the secretary of state to find a certain number of votes?

5 A To the best of my recollection, I can't be sure, because there were also
6 comments about the margin of victory in the Supreme Court case that was not taken up.
7 So it's just -- it's hard to tell. I can tell you that this latter part was Elliot, where I'm
8 talking about 2001, '5, '9, and above that. I just don't know what part that was related
9 to.

10 Q Okay. What about the part where it says Tilden-Hayes Commission, was
11 that a conversation with Mr. Gaiser or something else?

12 A To the best of my recollection, that would have been a call with Mr. Gaiser,
13 but I'm not certain.

14 Q Okay. Then it says: "Hawley" -- presumably referring to Senator Josh
15 Hawley -- "-- use process already established under Electoral Counts Act. Reject votes
16 under dispute and accept Trump electors." What did that mean?

17 A So to the best of my recollection, in aggregate, these notes would have been
18 ahead of a television appearance. So this is where I would just essentially transcribe
19 what the chief of staff told me on an issue, and then what Elliot told me on an issue, and
20 from that, I would discern what I wanted to say for my viewpoint on air. So I think I was
21 just taking notes, transcribing what Elliot had to say.

22 Q Okay. Specifically, the reference to Senator Hawley, just so I understand,
23 this is not you recounting something that you heard Senator Hawley say directly?

24 A Correct. This would have been -- before nearly every television appearance
25 that was campaign-related, I would call Elliot, and he would give me the lay of the land as

1 to what was going on. So I believe this was him telling me what Hawley had said.

2 And he and I -- it was not my understanding he had spoken to Josh Hawley. It
3 was my understanding he was giving me what was being publicly reported. I think
4 Hawley put out a statement of some sort.

5 Q Did you talk to Senator Hawley?

6 A To the best of my recollection, no.

7 Q To your knowledge, did President Trump talk to Senator Hawley about
8 January 6th?

9 A I wouldn't know the answer to that. I wasn't present for every phone call.
10 But to the best of my recollection, I'm unaware of a conversation.

11 Q Are you aware of anybody at the White House talking to Senator Hawley
12 about January 6th?

13 A To the best of my recollection, I'm not.

14 Q Okay. The same questions for Senator Cruz rather than going through each
15 one.

16 Are you aware of the President or anybody at the White House or you, yourself,
17 talking to Senator Cruz about January 6th?

18 A To the best of my recollection, no. And I -- this is dated January 4th. You
19 know, I had just come back from nearly 2 weeks in Florida. So I was really being thrown
20 into a news cycle I had otherwise not paid attention to. So I can't speak to what
21 happened during that time period. But no, I'm unaware of any conversations between
22 Hawley and Cruz and the President.

23 [REDACTED] Okay. Does anybody else have questions on that before I move to
24 the next document?

25 The Witness. And if you have a document that suggests otherwise, you can -- I'd

1 be happy to review that.

2 [REDACTED] No, I'm not -- I'm not -- I'm not suggesting that you did have such
3 calls. I'm just asking whether you did.

4 The Witness. Okay.

5 [REDACTED] Does anybody else have a question before I move on?

6 BY [REDACTED]:

7 Q Okay. So if you could look at exhibit 34. And this again looks like your
8 notes. Says creation date is January 5th and modification date is January 6th.

9 A Uh-huh.

10 Q Then it says: "Note Title: States aren't mentioned I." -- I don't know if
11 that's supposed to be "in" -- "Constitution as states cause states. Mentioned as state
12 legislatures." Do you know what that meant?

13 A I don't. I have seen this document before we came here and I was trying to
14 figure that out. But, yeah, to the best of my recollection, I don't.

15 Q Do you recall whether this is notes from a conversation with anybody else?

16 A To the best of my recollection, I don't know. I know I had had that text
17 with Elliot on the evening of January 5th, but I don't know if there was a phone call
18 pursuant to that or not.

19 Q Okay. And then the sentence: "Acting on constitutional Federal power
20 when decides the rules of election." Do you know what that means?

21 A I don't. But this does strike me as writing down maybe something was
22 shared -- someone something was saying to me on the phone, perhaps Elliot, but I can't
23 be sure of that.

24 Oh, let me look at this redacted portion.

25 Yeah, yeah, I don't know that that refreshes my memory of anything. But, yeah, I

1 don't -- I don't know.

2 Q Okay. If you could look next at exhibit 115, which --

3 A Could I -- could I just say one thing?

4 Q Yes.

5 A I just read down in the document and I do see where it says Article I, section

6 4. I think that the State legislatures determine the time, manner, and place of the
7 election. So this might have been refreshing my mind on what we had stated in
8 litigation, but I can't be certain.

9 Q Okay. So exhibit 115.

10 Mr. Terwilliger. Yeah. Just -- [REDACTED] just so you know, for those we didn't get a
11 chance -- I think you just provided those. We didn't get a chance to print those out. So
12 we're -- and it may take us a second. It's loaded, but for any of the ones that are
13 newish, we're just loading them on the other screen here.

14 [REDACTED] Okay. And just to clarify, the 115 we provided to you late because
15 we only recently received it from you.

16 Mr. Terwilliger. Sure. Yeah, yeah, not casting aspersions, just letting you know.

17 [REDACTED] Okay, yeah.

18 Mr. Terwilliger. Yeah.

19 BY [REDACTED] :

20 Q So exhibit 115 is the text message that I think you were probably referencing
21 earlier. It's dated January 5th, it's 8:54 p.m., from you to Elliot, who I'm assuming is
22 Elliot Gaiser. You wrote: "Hey! Does the VP have any substantive role tomorrow, or
23 is his role really a formality?"

24 So given that it sounds like you had several conversations with Mr. Gaiser and
25 possibly others about the role of the Vice President, what prompted that text?

1 A I think when Elliot and I spoke, as I mentioned, to the best of my
2 recollection, before every television appearance, and almost the entirety of the focus of
3 our conversations was litigation. And a small point he would make here and there is,
4 you know, the constitutional role of what happens with the electoral college and
5 Congress.

6 So it had been mentioned to me in passing and I jotted it down. I don't think it's
7 anything that stood out in my memory because it's not the subject of what we talked
8 about.

9 Q Okay. So, when you said mentioned -- it had been mentioned in passing,
10 who mentioned it in passing?

11 A It might have -- and also I might have been supposed to go on "Hannity" the
12 next day, so I might have been asking ahead of that appearance the next evening.

13 Q Okay. Did you -- do you recall whether you sent this -- whether your
14 sending this text was prompted by that conversation you overheard between the
15 President and an outside lawyer in the Oval Office?

16 A To the best of my recollection, I might have been inquiring based on that,
17 but I still don't remember if that conversation was in that same timeframe. So it's hard
18 to say.

19 Q Okay. Do you recall whether this text was prompted by anything involving
20 preparing the President's remarks for the rally at the Ellipse the next day?

21 A To the best of my recollection, no. I would purely go to Elliot for advice on
22 my -- ahead of my TV appearances, and I did have one slated for the next day on
23 "Hannity."

1

2 [1:21 p.m.]

3 BY [REDACTED]:

4 Q Okay. If you can look at exhibit 39.

5 Mr. Terwilliger. All right. That's back in our binder.

6 The Witness. Okay.

7 BY [REDACTED]:

8 Q And this one, again, it looks like your notes, but it looks like this is a
9 document that maybe was used over an extended period of time, because it says,
10 creation date, 5/29/2020, and modification date, 9/28/2021. But, very helpfully, it looks
11 like you put in here the dates, which -- am I safe in assuming that the dates you wrote
12 down here are the dates in which you wrote each of these entries?

13 A No, because, oftentimes, to the best of my recollection, several days later, I
14 would write something that had happened on a day. So I wouldn't say they were
15 contemporaneous or necessarily the day of. Some of them might've been. But the
16 dates indicate what happened on that day. I might've taken the note days later.

17 Q I understand. Thank you. That's helpful.

18 So the first entry after the redaction says January 5th.

19 A Uh-huh.

20 Q "POTUS in back oval praying for you."

21 So who is the "you" there that the President was praying for?

22 A I believe that indicates that I told the President I was praying for him. I'm a
23 person of faith, and I regularly prayed for the President, and I told him that I was praying
24 for him.

25 Q Oh, so were you in the back Oval when you told him that?

1 A To the best of my recollection, yes.

2 Q Okay. And why were you praying for him in particular on January 5th?

3 A I was praying for him because I -- I mean, in my view, the litigation had
4 wrapped up. This was going to be hard, of course, you know, that President Joe Biden
5 would very likely, you know, be coming in, and the next day would be that day where it
6 happened.

7 So, you know, I just told him I felt it on my heart to tell him I was praying for him.
8 And, you know, I regularly prayed for him, so this was not something that was out of the
9 usual.

10 Q So were you praying for him, then, more because you anticipated the next
11 day being a disappointing one for him as opposed to praying for him to, for example, have
12 good luck in the outcome the next day?

13 A No, it certainly was not praying for him to have good luck in the outcome. I
14 had not seen him for 2 weeks, and this was obviously a hard time for him, so I told him I
15 was praying for him. And I had done that regularly at various points of the
16 administration.

17 Q Did the President say to you or in front of you anything about what might
18 happen or what you wanted to have happen the next day, meaning January 6th?

19 Mr. Terwilliger. So, you know, just what I would say, [REDACTED] is, again, we're going
20 to assert the Presidential communications privilege, anything that the President is saying
21 to a senior advisor and Ms. McEnany. But, as I've talked with Counsel [REDACTED], if there's
22 a process you want to go through, we're prepared to go through that process regarding
23 any communications by the President.

24 [REDACTED] Okay. Just so I understand, is the witness declining to answer on
25 the grounds of executive privilege?

1 Mr. Terwilliger. On the grounds of the Presidential -- on the grounds of
2 executive privilege, but, more specifically, Presidential communications.

3 However, my understanding based on the rules of the committee that were
4 provided to us before, that if an objection is made, it's then referred to the chair for a
5 ruling, and then you will come back to us. So what I'm saying is, I would like to go
6 through that process of having rulings get made. And I think Investigator [REDACTED] may
7 have said, well, the way we do it is, we'll keep a running tally and then we'll do it all at
8 once.

9 So we're not sitting here saying we won't answer information, but we are saying
10 we'd like to go through that process so that there is a record of Ms. McEnany asserting
11 the Presidential communications privilege.

12 [REDACTED]. Okay. And do you just want that invocation noted on the record,
13 and then she will answer the question? Or she will only answer the question if she gets
14 a ruling from the chair instructing her to do so?

15 Mr. Terwilliger. I mean, we can -- I believe we should follow the rules that have
16 been set forth. Not trying to be difficult, but I do think we should follow the rules that
17 have been set forth by this committee.

18 If you tell me that's not possible, perhaps during a break we could discuss, you
19 know, what you think is best, if we can't get a ruling from the chair in a timely manner.

20 [REDACTED] It might be possible to get a ruling from the chair. I know there are
21 some votes that are going to happen soon, but we can endeavor to see if we can get a
22 ruling from the chair.

23 And then -- but, just so I understand, if the chair overrules that objection, will the
24 witness then answer later questions that we might have about her communications with
25 the President, or will we have to get the chair to rule on each one of these?

1 Mr. Terwilliger. I think we'd like to have the chair rule on it. And, depending
2 on the vote schedule, I mean, as an attorney -- obviously I'm not the witness and I'm not
3 under oath, but, as an attorney, I don't think that there will be a tremendous number of
4 these, frankly. I think it's going to be a small number.

5 So my suggestion to the committee would be: Ask the questions, and I think it'll
6 be a relatively small number where this comes into play. And then perhaps we could
7 just go to the chair one time.

8 The second thing I will say is, I want to be very clear we're not waiving executive
9 privilege. We received our letter from the White House which said that they are
10 refusing to acknowledge and enforce executive privilege as it relates to this witness and
11 her testimony today in a relatively narrow category, which is in and around January 6th.
12 I know you have the letter from Deputy Counsel Su as well. So we just want to honor
13 that.

14 And there may be instances where you ask a question that calls for that
15 information and the answer is going to be "no." If it would help the committee to move
16 forward and it's a question where the answer is going to be "no," which means there
17 would be no Presidential communications privilege, as long as no one at the committee
18 now or in the future is going to say that's any type of implicit waiver, we could potentially
19 move forward where we know the answers to those questions are going to be, "No, I
20 didn't have that conversation."

21 So I send that back to you for what you think is best. But, zealously representing
22 my client, I want to make sure no one is going to claim that she waived that privilege, and
23 I would like the committee to go through the process that its rules set forth in terms of
24 getting a ruling on those privileged communications.

25 ██████████ I understand.

1 So I do think, just to save time, it would be helpful if, when any of us ask whether
2 the witness had any conversations with the President about something, if the answer is,
3 no, she didn't have any, just to get that, so we don't have to take each one of those to the
4 chair and then come back just to ask the question and get a "no" answer.

5 But, for the ones where she did have conversations with the President, I think we
6 would like to, if possible, given the votes, have the chair rule on those.

7 Mr. Terwilliger. Okay.

8 ██████████ So --

9 Mr. Terwilliger. That sounds reasonable to us █████, and I appreciate that. And
10 I assume, you know, the committee will continue to operate in good faith on that issue
11 and no one will claim that, by answering "no," we've waived, because we're doing it for
12 expediency.

13 ██████████ Thanks. So I don't believe that the committee will take the position
14 that, if you answer, no, there was no communication, that that constitutes a waiver.
15 Obviously I can't speak to what anybody else outside the committee might view as being
16 a waiver or not, but I think the committee is fine with you saying, no, in some
17 circumstances, there was no communication with the President, and that not being a
18 waiver.

19 Mr. Terwilliger. Okay. All right. We'll proceed on that ground.

20 BY █████

21 Q Okay. So, then, did you have any conversation with the President on
22 January 5th about what was going to happen the next day?

23 A I don't recall the length of the conversation. I just remember -- or what
24 was said. To the best of my recollection, I just remember going back there, telling him I
25 was praying for him, and catching up. I had been gone for 2 weeks, and this was

1 probably my either -- probably my second interaction with him.

2 Q Okay. So I'm just trying to understand whether we count that as a, no, you
3 don't recall any conversation on January 5th with the President about what would
4 happen on the 6th.

5 A Yeah. To the best of my recollection, I don't recall having a conversation
6 with him about that.

7 Q Okay. So I don't think that's one that we need to tee up for the chair at this
8 time, but --

9 ██████████ Can I take one moment?

10 Mr. Terwilliger and Ms. McEnany, can we have one moment just on this issue?

11 Mr. Terwilliger. Sure.

12 The Witness. Yes. Sure.

13 ██████████ Thanks.

14 [Discussion off the record.]

15 ██████████ So, are you still there? Ms. McEnany, can you hear us?

16 The Witness. Okay. We're here.

17 ██████████ Okay. Great. So, just given that we are going to have some votes
18 that the members have, including the chair, that they have to be on the House floor for, I
19 thought it might be helpful if we can sort of tee up any privilege objection -- any executive
20 privilege objection now.

21 So would it be possible for you -- I guess I'd just like to ask, you know,
22 Ms. McEnany, will you tell us about conversations you had directly with the President of
23 the United States?

24 The Witness. If I'm compelled to by the chair. I only want to do this once. So,
25 you know, it's not my privilege to waive, but, I mean --

1 Mr. Terwilliger. Yeah. So, [REDACTED] just speaking on Ms. McEnany's behalf, I think
2 as your rules set forward, there's objections that can be lodged, but then, by the process
3 that this committee has laid out, it would go to a ruling for the chair on that objection.

4 And I also understand there's a chance that any member of the committee could
5 appeal those objections. I'm assuming there won't be any, just based on the
6 committee's conduct to date, but I notice, you know, your rules do say that.

7 So I think there are probably maybe three to four instances that you might ask
8 about where Ms. McEnany, at least her conversations with me, would plan to raise the
9 Presidential communications privilege about conversations that took place at the White
10 House with her. And so I think those would be the three to four instances where we
11 would assert the privilege.

12 [REDACTED] Yes. And just -- and I imagine those may -- at least some of those
13 may involve conversations on January 6th itself. And so maybe -- I'm going to get to
14 that, going through sort of minute by minute as much as we can.

15 But in order to try and sort of tee things up so that we can, you know, get the
16 chair to make a ruling as quickly as possible, I would just ask Ms. McEnany:
17 Ms. McEnany, can you tell us what the President of the United States said to you on
18 January 6th, 2021?

19 Mr. Terwilliger. Just assert.

20 The Witness. Yeah. I assert executive privilege --

21 [REDACTED] Okay.

22 The Witness. -- on the 5th and the 6th, I think it is, right here.

23 [REDACTED] On the 5th and the 6th?

24 The Witness. Yeah. Yeah.

25 [REDACTED] Okay.

1 And, as you know, in exhibits 80 and 81 -- so 80 being a letter from Mr. Su that
2 Mr. Terwilliger referred to earlier. That's December 3rd, 2021. And it attaches what
3 we think is exhibit 81 that gives a fuller explanation of the current President's position.
4 The current President is not asserting executive privilege over certain topics.

5 And so I wanted to know, has President Trump instructed you to invoke executive
6 privilege?

7 Mr. Terwilliger. Yes -- sorry. On her behalf, yes, he has. I believe I have
8 shared that letter with the committee that we received from Mr. Clark, I believe it was,
9 requiring the witness to assert privilege. It was just that one letter that I provided to the
10 committee.

11 ██████████ Okay. We don't have that -- I don't believe that's one of the --

12 Mr. Terwilliger. It's not an exhibit, but we definitely sent it over in the early days.
13 I know I sent it to ██████████ and ██████████. My colleague's pulling it up right now.

14 ██████████ Okay. Would you like to have that letter included in the record
15 before the chair rules on the objection?

16 Mr. Terwilliger. Yes, please.

17 ██████████ Okay. So we can send that to -- we'll find that and send it to the
18 court reporter, if you'd like to have it as an exhibit so that we can have it in the record
19 and have it before the chair when he rules.

20 Mr. Terwilliger. Thank you.

21 ██████████ So, having noted that the objection is on the record -- and it's an
22 objection, as I understand it, to any questions regarding communications between
23 Ms. McEnany and President Trump on January 5th or January 6th -- we would like to then
24 have that go to the chair for a ruling, which we hope to have as soon as possible so that,
25 in the event he overrules the objection, we can move forward with those.

1 So, in the meantime, though, I'll just keep going with other questions, if that works
2 for everybody.

3 The Witness. Okay. Yep.

4 Mr. Terwilliger. Thank you, █

5 I feel like I might have raised a few earlier. I don't know if any of your team there
6 has them written down, but I feel like there were a couple times earlier where we
7 asserted privilege that we may need to go back to.

8 I think it was the 4th. You were asking a line of questioning, █ about what
9 the President would've said in the meeting with Corey Lewandowski, and we may have
10 asserted privilege there. I believe as Ms. McEnany has already answered and the
11 transcript would show, basically she doesn't recall what the President said, and she just
12 revealed the general gist of the conversation.

13 But, to the extent there are any prior invocations of executive privilege, we'd
14 obviously -- you know, to the extent you haven't got the information you need, I'd just
15 request those be put before the chair as well.

16 █ Sure. So I think on the conversation that we talked about where
17 Mr. Lewandowski was there, the witness answered, because Mr. Lewandowski was not a
18 government official. So I think, ultimately, she answered our question to the extent she
19 could.

20 But, yes, I think it makes sense if we can just have maybe one objection to any
21 question involving communications directly between President Trump and Ms. McEnany
22 while they were both, you know, working at the White House and then tee that up for
23 one ruling from the chair, if that works.

24 Mr. Terwilliger. I think that's right. The only caveat I would like is, within the
25 scope of the waiver, the specific topics waived by the President via Jonathan Su.

1 [REDACTED] Okay.

2 Mr. Terwilliger. Because, you know, it's not all her communications with the
3 President that the President -- that the current President has said he's waiving on; it's just
4 what's in that letter.

5 And so I just would want the chair to make a ruling not that Ms. McEnany has to
6 answer any question regarding communications with the President but those regarding
7 January 6th, the election, that are set forth in the White House counsel's letter. Is that
8 fair?

9 [REDACTED] That's fair. If anybody asks a question regarding her
10 communications with the President that you believe fall outside of the instruction from
11 Mr. Su, please just make a separate objection to that, and we'll know that that's not
12 covered by the objection you've already made.

13 Mr. Terwilliger. Understood. Thank you.

14 [REDACTED] Okay. Great.

15 So I'll pause to see, do any members have any questions at this time?

16 Ms. Cheney. [REDACTED] thank you. I have a couple questions. I'm not
17 totally -- these may go to issues that we need the chair -- on which we need the chair to
18 rule, but let me go ahead and just walk through a couple of them.

19 Ms. McEnany, during this period of time in December or at any other time, did the
20 President ask you to say things that you knew weren't true?

21 The Witness. During the month of December, you said? Or during -- to the
22 best of my recollection, he didn't really ever, you know, tell me to go say something or do
23 something. He would suggest, you know, his viewpoint on an issue, and I would say
24 what mine was, and he had respect for me and allowed me to really say what I felt or
25 what I thought.

1 Ms. Cheney. And so, during this time when you were having those discussions,
2 did he say things to you about the election that you knew weren't true?

3 The Witness. To the --

4 Mr. Terwilliger. Yeah, I think -- forgive me, Congresswoman. I think, at this
5 point, that that would be one that would clearly fall under the privilege. And we're not
6 trying to be difficult. We just want to go through --

7 Mr. Cheney. No, I understand.

8 Mr. Terwilliger. -- the normal process.

9 Ms. Cheney. Yeah, I understand.

10 So if we can just put that one on the list, [REDACTED] or [REDACTED].

11 [REDACTED] Yes.

12 Ms. Cheney. And also -- so, Kayleigh, at this time, were there times when the
13 President asked you to go on television?

14 The Witness. To the best of my recollection, no. As you can see from one of
15 my texts with, I think it was Sean, I was on pretty much nightly. So I don't think he was
16 asking me to go on; I think I was just on every night. I think that was understood, as
17 best I can recall.

18 Ms. Cheney. Okay. But, just so that I understand, in response to a number of
19 questions, you pointed out that you were at home in Florida, that you were gone for a
20 couple of weeks, that you were not in the loop in terms of what was happening. Did
21 you hear from the President during that period of time?

22 The Witness. To the best of my recollection, I think he might have called me
23 maybe once or twice, but it was very sporadic, and I don't recall exactly what he said.

24 Yeah. And because -- just so I can, Congresswoman, be clear, I kind of -- my
25 television appearances largely fell off after the Supreme Court didn't take the case. So

1 there might've been one or two, but I don't know the exact date of which that was, but
2 they really kind of fell off during that period in December in Florida.

3 Ms. Cheney. Okay.

4 And then -- so you got back to the White House on December 4th, and then --

5 The Witness. January 3rd, I believe.

6 Ms. Cheney. I'm sorry. January 3rd.

7 The Witness. Uh-huh.

8 Ms. Cheney. And so, then, on January 5th, we talked about the notes about that
9 you were praying for the President. Can you just walk us through that day of the 5th
10 and exactly what interaction you had in the Oval Office that day?

11 The Witness. So, on January 5th -- and, you know, we'll await the ruling from the
12 chair. I believe on January 5th I walked back in his private dining room, I told him I was
13 praying for him. I believe there was one other meeting in the Oval where my staff
14 wanted to take a picture with him and say goodbye, so I do think that there was a
15 meeting then.

16 And I believe, to the best of my recollection, those were my two interactions with
17 him that day.

18 Ms. Cheney. Okay. And, in terms of that larger meeting --

19 The Witness. Uh-huh.

20 Ms. Cheney. -- was that at the same time connected to when you went and saw
21 him in the back? What was the timeframe there?

22 The Witness. I don't recall the exact timeframe. It certainly could've been.
23 But, to the best of my recollection, I view them as separate interactions, once with my
24 staff and once when I went back to see him.

25 Ms. Cheney. And do you recall who -- when you were in there with your staff, do

1 you recall who was in there?

2 The Witness. Yes. To the best of my recollection, I think it was my entire press
3 staff, I'm pretty certain, or the vast majority of them. I don't recall if there was anyone
4 from the communications team, but there could've been.

5 Ms. Cheney. And did you all go in the meeting together? Or you were in there
6 and then they came in separately?

7 The Witness. We all went in together. I think, as best I can recall, a bunch of
8 them had never met him and wanted to meet him, because they all had, most of them,
9 gone on to find other jobs and endeavors. So I think I went to Molly and said I
10 requested the meeting, and we all went in together, as I remember it. But I don't -- I
11 don't remember specifically. That's just my best recollection.

12 Ms. Cheney. Okay.

13 One of the other participants in that meeting has told us that, in the meeting, the
14 President was asking press staff, quote, "for ideas for how to get the RINOs to do the right
15 thing tomorrow."

16 Do you recall that?

17 The Witness. Yeah, I don't recall specifically. I was really taking in the scene.
18 He had the door open, and I was listening to some of the song lyrics from Kenny Chesney
19 that were playing. That's what my notes reflect, and that's my memory of the meeting.

20 He certainly could've said that, but it didn't -- it's not in my notes, and I don't recall
21 specifically.

22 Ms. Cheney. And do you recall, in response to that, what anybody said to him?

23 The Witness. To the best of my recollection, no, I don't recall, because I don't
24 recall him saying that. But I don't remember every detail of the meeting.

25 Ms. Cheney. And what do you think he would've meant by, can we get the

1 RINOs -- how do we get the RINOs to do the right thing tomorrow?

2 The Witness. I mean, I can't get into his head and get exactly what he was
3 meaning. I know there were some objectors to the election at that point, so I don't
4 know if it pertained to that or what.

5 Ms. Cheney. And when you were in the Oval Office that day, prior to when your
6 staff arrived, did you hear any additional conversations about Vice President Pence at
7 that time?

8 The Witness. To the best of my recollection, no. I described for you guys
9 generally what I knew to be true, but, to the best of my recollection, I don't recall that.

10 Ms. Cheney. Okay.

11 Thank you.

12 The Witness. Thank you.

13 BY [REDACTED]:

14 Q And on the notes again, you wrote, "POTUS: 'is there going to be food
15 there. Want it to be free. Hows the weather,'" end quote.

16 Was the President there referring to the events on January 6th?

17 The Witness. Am I allowed to answer?

18 Mr. Terwilliger. Yes.

19 The Witness. Okay. I believe so. In my view, at this point, I'm thinking of this
20 as just a rally. I had been to hundreds of other peaceful rallies, and I viewed this as him
21 asking, you know, about his rally-goers, about whether there would be food.
22 Sometimes there were food trucks outside of rallies.

23 Yeah. That's what I think that pertained to.

24 BY [REDACTED]:

25 Q So the President of the United States wanting there to be free food seems

1 pretty in the weeds. Was the President very involved in the planning of the rally for
2 January 6th?

3 A To the best of my recollection, I don't know, because I'm coming off of the
4 2 weeks in Florida, so this would've been my second day back in the White House. And I
5 assume a lot of the planning took place while I was gone, so I don't know the degree of
6 his involvement. I just remember this comment he made to those of us standing in the
7 Oval.

8 [REDACTED] Does anybody have anything else about those January 5th
9 interactions?

10 The Witness. And if I could just say, the song that was playing, that was a
11 Kenny Chesney song, and that's what I heard playing outside. And it was a song
12 about -- country music song about finding Jesus Christ. And I wrote down that lyric as a
13 person of faith.

14 BY [REDACTED]

15 Q It's been widely reported that, in the days leading up to and including
16 January 6th, attorneys and others representing President Trump's reelection campaign
17 had a so-called war room at the Willard hotel. Are you familiar with that at all?

18 A To the best of my recollection, no. And I believe I learned about that
19 through news reporting.

20 Q Did you go to the war room at the Willard hotel?

21 A To the best of my recollection, no.

22 Q Did you talk to anybody at the war room at the Willard hotel?

23 A To the best of my recollection, I wouldn't know who was at the Willard hotel.
24 I wasn't there, so I don't know who was there or if I would've talked to someone who I
25 saw in the hall at the West Wing.

1 Q To your knowledge, did President Trump talk to anyone who was at the war
2 room?

3 A Do you have a document or can you share with me who was there?
4 Because I wasn't there, so I don't -- it's hard for me to answer that.

5 Q No, I don't have anything. And there's not a specific call that I'm asking
6 about. I'm just asking whether, to your knowledge, the President had any conversations
7 with anybody at the Willard hotel room.

8 And it has been reported, I think, in the news that the Willard hotel war room
9 included Rudy Giuliani, Bernie Kerik, John Eastman, and others, but I don't know all the
10 people who were there.

11 A Okay. So, taking just from what you're telling me from reporting, to the
12 best of my recollection, I do know the President at times talked to Giuliani and to
13 John Eastman. I believe I walked in on that call. So, outside of that. Those were
14 separate advisors that I really was not in any meetings with them, to the best of my
15 recollection, or a part of any phone calls, to the best of my recollection.

16 Q Did you participate or witness any calls between President Trump and
17 Rudy Giuliani?

18 A To the best of my recollection, no. I think it was just John Eastman. But I
19 will say, the President did regularly call people sometimes during meetings, and you
20 wouldn't know who they were sometimes if you walked in on something. So, with that
21 caveat, to the best of my recollection, it's just the call with Eastman.

22 Q Okay.

23 If you look at exhibit 64, it's another text exchange with Elliot, who, again, I'll
24 assume is Elliot Gaiser.

25 On December 30th, Elliot wrote, "You saw Sen Hawley said he is going to object?"

1 You wrote back, "I did," with several exclamation points.

2 A So what page is this on? Oh, is it on the second page? Sorry.

3 Q The second page, yeah.

4 So, just to cut to the chase and save time, how did you learn that Senator Hawley
5 was going to object to the electoral college vote?

6 A To the best of my recollection, public reporting, or I believe Hawley put out a
7 statement.

8 Q Okay.

9 A One of those two.

10 Q Do you recall any conversations with the President or anybody else at the
11 White House in advance of Senator Hawley making that announcement about whether
12 Senator Hawley was going to object?

13 A To the best of my recollection, no. And this was on the 30th, so I was in
14 Florida. So I -- yeah, I did not hear of anything.

15 Q Okay. Did you witness any conversations between President Trump and
16 Senator Hawley?

17 A To the best of my recollection, no.

18 Q Okay. Rather than going through these one by one, I'm going to list off
19 several -- well, I have three more Members of the Senate, and you just tell me. Did you
20 witness President Trump having any conversations with Senator Cruz, Senator Tuberville,
21 or Senator Lee about their potential objections to the electoral college?

22 A To the best of my recollection, no.

23 Q Okay. Did you witness the President having any conversations with any
24 Members of the House of Representatives about objecting to the electoral college vote
25 on January 6th?

1 A To the best of my recollection, no.

2 Q Did you witness the President during any of his conversations with State
3 officials regarding the 2020 election?

4 A To the best of my recollection, no.

5 Q If you look at exhibit 48, it's another text between you and Sean Hannity. It
6 looks like this is dated November 17th.

7 The first one is Sean Hannity sending you a Twitter, or a tweet, I should say, which
8 appears to be from Jenna Ellis. I wasn't able to open the tweet. Do you recall what
9 that was?

10 Oh, I'm sorry. I was able to open the tweet, but it wasn't the -- the tweet itself
11 was not produced to us, but I can tell you what it said.

12 It's from Jenna Ellis. It said: "BREAKING: This evening, the county board of
13 canvassers in Wayne County, MI refused to certify the election results. If the state
14 board follows suit, the Republican state legislature will select the electors. Huge win for
15 @realDonaldTrump."

16 And then he wrote, "Is this real?" -- "he" meaning Sean Hannity, wrote to you, "Is
17 this real?"

18 And then you wrote back, "Yes but the three election law attorneys I know with
19 accurate info are gathering the details of exactly how it would work. Will circle back
20 with more information soon."

21 So what is that referring to, the "is it real"?

22 A I think there was -- okay. So let me refresh my recollection with the tweet
23 here that you just read.

24 I think whether that news story was accurate. Yeah. I think he was
25 fact-checking that that breaking -- because I don't see a news article attached to this

1 tweet, so I think he was asking if that was correct information.

2 Q Okay. And when you wrote that the election lawyers are gathering the
3 details of exactly how it would work, what does that mean? How what would work?

4 A To the best of my recollection, this likely means I would've asked Elliot and, I
5 don't know, one or two others, maybe Matt Morgan, I'm not certain, exactly what that
6 meant, to have these two -- the board of canvassers not certify.

7 Q Okay. But the tweet says, "If the state board follows suit, the Republican
8 state legislature will select the electors."

9 So, when you said the lawyers were looking into exactly how it would work, did
10 that mean the lawyers were looking into how the State legislature could select the
11 electors?

12 A No. I think this was just a big news item when the two county board
13 canvassers did not certify. I believe I was referring to the first part of that tweet. I
14 wanted to understand what this meant and what the next step was going to be.

15 Q Okay. And who are the three election law attorneys you refer to in your
16 text?

17 A To the best of my recollection, I don't know. I know one probably would've
18 been Elliot. If I had to guess on the other two, probably Matt Morgan and Justin Clark,
19 because that's the group that I consulted with. But I can't be certain about that.

20 Q Okay.

21 Our understanding is that the President, President Trump, spoke to one of the
22 Wayne County, Michigan, Board of Canvassers named Monica Palmer, who then changed
23 her vote. Do you have any knowledge of that call?

24 A To the best of my recollection, no.

25 Q Okay.

1 Exhibit 97 --

2 Mr. Terwilliger. Hold on one sec, [REDACTED]

3 [REDACTED] Sure.

4 The Witness. One moment.

5 [REDACTED], I think at the very end of this text chain, it helps me better understand and
6 underscores the point I was making. I say to Sean, "Just making sure you see that
7 Wayne County just reversed under huge public pressure and voted unanimously to certify
8 but do an audit."

9 So I was in the process of gathering facts on the news story ahead of -- I presume I
10 would've been on Hannity that night, so I was just updating him as to the posture of the
11 news story.

12 BY [REDACTED]:

13 Q Okay.

14 Exhibit 97 is a text exchange between you, Sarah Matthews, and Chad Gilmartin.

15 You start it off, "FYI it is widely reported about MI lawmakers coming to WH."

16 Did you attend a meeting with Michigan lawmakers and the President?

17 A To the best of my recollection, no.

18 Q Did anybody tell you what happened at that meeting?

19 A To the best of my recollection, no.

20 Q All right.

21 But then exhibit 90 --

22 The Witness. One moment. If you would let me just read through the rest of
23 this.

24 [REDACTED]. Sure.

25 The Witness. I just want to make sure.

1 Yeah. To the best of my recollection, no, I did not get any sort of readout of that
2 meeting. But I just want to put in the caveat, I don't know if a reporter would have
3 inquired and I would have given, like, a top-line statement or something or inquired
4 about what was going on. But, to the best of my recollection, no, I was not in that
5 meeting. I don't recall receiving information about it.

6 BY [REDACTED]

7 Q Okay.

8 So, if you look at exhibit 90, a text message between you and
9 Mark Meadows -- now, this is a different day. So what we were looking at before was
10 November 17th. So now we're on November 28th.

11 A Uh-huh.

12 Q Meadows writes, "Thanks."

13 And the third text message here is you, presumably back to Mark Meadows,
14 saying, "Phil wants me to go on the record on the Michigan meeting, but I'm thinking he
15 may take background."

16 First of all, is that Michigan meeting -- do you think that's the same meeting I was
17 asking about that was around the 17th?

18 A Yes. So, now that I see this, this is when I was doing a carve-out. This was
19 what I was meaning, that sometimes, you know, I don't have the benefit of my official
20 records right now. So I could've had a reporter ask me about it, and it seems like this is
21 exactly what I was thinking, that Josh Dawsey of The Washington Post asked me about
22 the meeting, and I asked the chief of staff since I was not in the meeting. And he gave
23 me the okay to say this on background.

24 I'm sorry. What --

25 Q And, I'm sorry, you may have misunderstood what I said before. The 17th

1 texts were about what the Michigan -- I guess Wayne County Board of Canvassers did.
2 So the meeting with Michigan legislators may have been on or around November 28th.
3 So --

4 A Okay. That would make sense, yeah.

5 Q Did you attend the meeting between the President and the Michigan
6 lawmakers? I think I already asked you that.

7 A To the best of my recollection, no.

8 Q Okay.

9 You state in here -- oh, first of all, who is Phil, when it says "Phil wants me to go on
10 the record"?

11 A I don't know. To the best of my recollection, I don't know who that would
12 be.

13 Just as a matter of course, let me say, I -- there was a separate press shop on the
14 campaign that handled campaign inquiries. This one would have been an official
15 inquiry, because it's something that happened at the White House. So, you know, I
16 don't -- I don't know who Phil would've been.

17 But I just wanted to back up and say, there was a separate campaign team that
18 would have handled campaign-related activity. This was an official matter. But I don't
19 know who Phil was, because, to the best of my recollection, I don't recall interacting with
20 someone named Phil in the White House.

21 Q Okay. But could Phil have been the reporter?

22 A Could've been the reporter. Yeah.

23 Q And then you wrote, "Would it be OK for me to say on background: 'This
24 characterization of the meeting with Michigan legislators is entirely inaccurate?'", close
25 quote.

1 Do you know what the characterization of the meeting was that was inaccurate?
2 A To the best of my recollection, no. And it probably would've been in my
3 official documents.

4 Q On January 2nd, the President had a call with both State and Federal
5 legislators and also included John Eastman, Mark Martin, Rudy Giuliani, and others.
6 Were you on that call?

7 A I'm sorry. I was reading to the end of the document. Could you just say
8 that one more time?

9 Q Sure. On January 2nd, it's been reported that the President had a call with
10 a large number of State and Federal legislators and that it also included John Eastman, an
11 attorney named Mark Martin, and Rudy Giuliani.

12 Were you on that call?

13 A To the best of my recollection, no. I would've been in Florida at that time, I
14 believe.

15 Q Do you recall getting any reports about what happened on that call?

16 A To the best of my recollection, no.

17 Q Okay. Were you involved in any discussions, other than those we've
18 already covered, about the possibility of having States send alternate electors?

19 A To the best of my recollection, no.

20 Q Do you have any knowledge of President Trump attempting to influence the
21 Department of Justice's investigations into voter fraud in the 2020 election?

22 A To the best of my recollection, no.

23 Q Okay. Do you have any knowledge of anyone at the White House
24 attempting to influence the Department of Justice's investigation into the 2020 election?

25 A To the best of my recollection, no.

1 Q Do you have any knowledge of a proposed letter for the Justice
2 Department's leadership to send to State officials encouraging them to hold special
3 legislative sessions or to send alternate slates of electors?

4 A To the best of my recollection, no.

5 Q Do you have any knowledge of a proposal to have President Trump appoint
6 Jeff Clark as Acting Attorney General of the United States?

7 A To the best of my recollection, no.

8 Q All right.

9 Were you involved in drafting or reviewing the President's remarks that he gave at
10 the Ellipse rally on January 6th?

11 A To the best of my recollection, no. However, the remarks, I believe, were
12 sent, as they ordinarily were, to a chain of individuals, so I would've been on that email
13 chain. But, to the best of the my recollection, no, I did not help draft them.

14 Q Do you remember whether you reviewed them in advance?

15 A To the best of my recollection, no. I think I may have pulled them
16 up -- actually, I may have pulled them up briefly. I might have pulled them up briefly
17 and taken a cursory glance if a reporter had asked about them. But, to the best of my
18 recollection, I did not engage with them in any sort of detail.

19 Q Do you remember giving any edits or input of any kind into what the
20 President was going to say at the rally on the Ellipse?

21 A To the best of my recollection, no, other than just being on the email chain
22 and maybe taking a cursory glance.

23 Q All right. Do you know who wrote his remarks?

24 A To the best of my recollection, no, I do not. I assume it would be
25 Speechwriting, but I'm not going to guess how they -- how the remarks came about.

1 Q Okay.

2 [REDACTED] I'll pause to see if any members have any questions.

3 Mr. Kinzingher. None here.

4 [REDACTED] Does any staff have any questions?

5 Ms. Cheney. [REDACTED] I've got a question.

6 Kayleigh, can you go to -- I think it's exhibit 5.

7 The Witness. Yes.

8 Ms. Cheney. Do you know who Justin Riemer or Justin "Rhymer" is?

9 The Witness. To the best of my recollection, he was an attorney, I believe, at the
10 RNC.

11 Ms. Cheney. And so he's saying, looks like to Elizabeth Harrington, that "what
12 Rudy and Jenna are doing is a joke and they are getting laughed out of court. It's setting
13 us back in our fight for election integrity and they are misleading millions of people who
14 have wishful thinking the president is going to somehow win this thing."

15 Given your own legal training and your commitment to the rule of law, can you
16 talk about what you think he is referring to here?

17 The Witness. If I had to guess, I would think, you know, Rudy and Jenna, when
18 I've mentioned outside advisors who kind of came in, I would consider both of them a
19 part of that. And they were pursuing a track that was, as I understood it -- and I, to the
20 best of my recollection, did not have meetings with them -- that was separate and apart
21 from the RNC, slash, more Trump campaign's litigation that I referred to previously about
22 the constitutionality of what secretaries of States did. This was separate and
23 undermines, you know, in Justin's words, that path of litigation, is how I understand this.

24 Ms. Cheney. And do you share that view?

25 The Witness. I do share that view.

1 Ms. Cheney. Okay. Thank you.

2 The Witness. And, just to make clear on that, I don't think I was in receipt of this.

3 Yeah, I was not in receipt of this email. Okay.

4 Ms. Cheney. Right. No, I was just interested in whether you shared his view of
5 the different approaches and the caliber of the representation in terms of legal teams.

6 The Witness. I do, Congresswoman. Thank you.

7 Ms. Cheney. Thank you.

8 ██████████ Do any other members have questions?

9 Okay. Do any staff have questions?

10 ██████████. Very briefly.

11 BY ██████████

12 Q Ms. McEnany, this is ██████████ again.

13 We've briefly touched on the January 4th meeting that Ms. Pierson had in the
14 White House with the President. Did you ever talk to the President about that meeting?
15 And I'm asking in part for the objection purposes.

16 A To the best of my recollection, no, I don't think we talked about Katrina's
17 meeting.

18 Q Okay. And some of the topics that came up in that meeting were whether
19 the President planned to march to the Capitol on January the 6th. Was that something
20 you ever talked to the President about?

21 A To the best of my recollection, that did come up after his January 6th
22 remarks. However, not prior to.

23 Q Okay. I'll skip that for now because of the scope of the objection.

24 Did you ever talk to Max Miller about the meeting that Mr. or -- excuse
25 me -- Ms. Pierson had with the President on the 4th?

1 A To the best of my recollection, no, I did not.

2 Q Okay.

3 And then [REDACTED] walked through a series of tweets that the President put out
4 talking about January 6th, and there would be a "big protest" and "wild." Did you ever
5 talk to the President about those tweets?

6 A To the best of my recollection, no. Most of those were when I was in
7 Florida, so I don't think we talked about them in any great detail. So, to the best of my
8 recollection, no.

9 Q Okay. And, to be clear, not in any great detail, but you don't recall talking
10 to the President about them at all?

11 A No, I don't recall talking to -- to the best of my recollection, I don't recall
12 talking at all to him about those tweets.

13 Q Okay.

14 And then broadening, I guess, the scope on that a little bit, did you ever talk to the
15 President about his expectations for January 6th before, kind of, the 4th, 5th, or 6th of
16 January?

17 [Discussion off the record.]

18 The Witness. To the best of my recollection, no, I don't think we had talked
19 about the events of January 6th, other than hearing that one phone conversation I had
20 walked in on.

21 BY [REDACTED]:

22 Q Okay.

23 And did you ever talk to Mr. Scavino about any of these tweets about wild
24 protests or January 6th?

25 A To the best of my recollection, no.

1 Q What about Mr. Stephen Miller? Did you ever talk to him about them?

2 A To the best of my recollection, no. I was not anywhere near D.C. at that
3 point during most of those tweets, so I wouldn't have had casual conversations with
4 them.

5 Q Okay. Totally understood. And maybe I should focus on phone calls or
6 other type of messaging as well. I just want to be clear, I guess my question would cover
7 that also.

8 A Yeah. To the best of my recollection, no.

9 Q Okay.

10 Did you ever talk to anybody in the campaign about January 6th as these tweets
11 kind of were coming up about wild protests?

12 A To the best of my recollection, no.

13 Q Okay. Thank you.

14 ██████████ Okay.

15 ██████████ did you have something?

16 ██████████ Yeah, if I could. And I don't to disrupt the line of questioning, but I
17 think █████'s questions prompted me that maybe I should run this by you now,
18 Ms. McEnany, because it might help if we need to get a ruling from the chair.

19 BY █████:

20 Q Following up on Representative Cheney's questions to you about your views
21 regarding the work that Mr. Giuliani and Ms. Powell and others were doing and your
22 sense that that undermined the path of litigation, am I characterizing your comments on
23 that accurately?

24 A I believe so. I believe the litigation that I was discussing nightly, pretty
25 much, I do believe it was undermined by those efforts of outside advisors. The message

1 got lost.

2 Q And I'm going to want to talk to you a little bit about that after [REDACTED] is
3 finished. But, for purposes of the objections that you and your counsel are making, did
4 you ever have any conversation with the President about your view on the role that
5 Mr. Giuliani, Ms. Powell, and others were playing and whether that was undermining
6 what you considered to be a more appropriate strategy?

7 A So I did express to the President --

8 Mr. Terwilliger. I'm just going to object on that now.

9 The Witness. Okay.

10 Mr. Terwilliger. Don't answer it now, and let's let them come back --

11 The Witness. Okay.

12 Mr. Terwilliger. -- with the ruling.

13 The Witness. Yeah.

14 [REDACTED]. Yeah. Yeah, I'm not looking for the substance; just whether you
15 had those conversations and whether he said anything on that topic.

16 The Witness. Okay. I will say, I don't really recall what his response was, so just
17 to -- if you're putting a list of objections together. I just was always very clear, the
18 litigation that I thought was worth pursuing and that was fact-driven, I would express
19 that.

20 BY [REDACTED]

21 Q And, again, if the response is you don't recall any response, then we don't
22 have to take it up, but is there information that you would be able to share about what
23 the President's response was when you would voice those concerns or your position on
24 those issues?

25 A I don't recall his specific responses to it. I just recall raising the point

1 several -- a few times.

2 Q And you say not specific, but do you recall general responses? And, again, I
3 don't mean to trample your objection. I just want to make sure, if there is something
4 we need to talk about, then we can take it to the chair.

5 A I might recall just his general response, yeah.

6 Q Okay.

7 [REDACTED] And, counsel, is it fair to say that your client would decline to answer
8 that or provide that information until we got a ruling from the chair?

9 Mr. Terwilliger. That's right.

10 [REDACTED] Okay. Thank you very much.

11 The Witness. Thank you.

12 [REDACTED] So we've been going for a long time, and I also know some of the
13 members are going to have to go for a vote here soon, so we can give you a break.

14 Before I do that, I just want to see if anybody has a question on things we've
15 already covered before we turn to the events of January 6th.

16 Nothing?

17 Okay. We'd like to give you a break, and if you want to have lunch or something.

18 How long would you like for a break?

19 Mr. Terwilliger. [REDACTED] just -- obviously I'll let Ms. McEnany answer for herself,
20 but, just in general, I mean, I think one of the things we're trying to balance is a break
21 now versus how much more material to cover. I think you've got a pretty good cadence
22 of her answers and those sorts of things. I mean, do you have any sense of how many
23 more hours you've got?

24 [REDACTED] I think we have a lot still to go, because we want to go through
25 January 6th in as much detail as Ms. McEnany can remember. And then, as I said

1 earlier, [REDACTED] is going to have a line of questioning about some of Ms. McEnany's
2 statements regarding allegations of election fraud. So I think we've got a lot left to
3 cover, unfortunately for you all.

4 So, if you want to make it a short break -- I mean, I do think we should take a
5 break, give everybody a chance to get any food if they want to. But how long would you
6 guys -- would you like to make it short, if that would get us through things, or if you need
7 more time, we can give you a longer break.

8 Mr. Terwilliger. It sounds like -- Ms. McEnany just turned to me and said she
9 could do 10 minutes. Knowing you all may need something as well, how about, does a
10 20-minute break work for you? Come back at 2:35?

11 [REDACTED] That works.

12 Anybody have an issue with that?

13 [REDACTED] No. Zach, it's [REDACTED] I just want to just be clear going forward,
14 your intention, I take it -- you've been clear -- is to finish today, just to take however long
15 it takes. I appreciate that. And I think it is ours as well.

16 That likely, [REDACTED] and [REDACTED] means we go, you know, 5:00, 6:00, you know, later
17 into the evening. I just want to make sure there's no other conflict, Zach, that you or
18 Ms. McEnany or anyone else have that would necessitate another break at a particular
19 time.

20 The Witness. No, nothing that would necessitate another break. I'm looking to
21 just get through all this.

22 [REDACTED] Yeah. I just was concerned about your childcare situation or
23 anything else like that, Ms. McEnany.

24 The Witness. Yeah, it would be nice if we could wrap up before I put my
25 daughter to bed at, you know, around 6:00. So it would be really helpful if that was at

1 all possible.

2 [REDACTED] So we'll try to power through just as fast as we can with short
3 breaks. You don't want to lose out on bedtimes. My kids are older, and I miss those
4 days, so take advantage of that while you have it. I totally understand.

5 The Witness. Thank you, [REDACTED] I appreciate that.

6 [REDACTED] Okay.

7 The Witness. And that's absolutely the case.

8 [REDACTED] We'll go fast. Yep. Appreciate it.

9 The Witness. Thank you.

10 [REDACTED] So we'll take a 20-minute break, and we'll go off the record now.

11 [Recess.]

1

2 [2:40 p.m.]

3 [REDACTED] Before the break, Ms. McEnany, I asked you about conversations you
4 had directly with the President of the United States. Some of them were on
5 January 5th, some on January 6th, and then other dates around then. And your counsel
6 launched an objection.

7 So I just want to ask you again, Ms. McEnany, will you tell us about the
8 conversations you had directly with the President of the United States?

9 The Witness. I would assert executive privilege.

10 Mr. Terwilliger. And just on Ms. McEnany's behalf -- Mr. Chairman, this is Zach
11 Terwilliger -- we were asserting a claim of executive privilege and specifically the
12 Presidential communications privilege. We are in receipt of a letter from Mr. Jonathan
13 Su on behalf of President Biden that is waiving that privilege as it relates to a certain
14 discrete set of topics that this committee is investigating.

15 And so we would -- my understanding is the protocol by House rules is that a
16 witness or her counsel is supposed to lodge objections regarding privilege, those
17 objections, and then go to you, sir, the chairman, for a ruling.

18 Chairman Thompson. That's correct.

19 [REDACTED] Okay. And the questions, as I can recall, were, what did the
20 President say to you on January 5th, what did the President say to you on January 6th,
21 and something to the effect of, did the President ever ask you to say anything that you
22 believed was not correct?

23 Mr. Terwilliger. That's correct.

24 [REDACTED] Okay. Is there anything else counsel wants to say regarding the
25 basis for the objection before we ask the chair for a ruling?

1 [REDACTED] One more question, yes.

2 [REDACTED] Go ahead, [REDACTED]

3 [REDACTED] Mr. Chairman, there is also one more question, which is what was
4 the President's reaction when you discussed election fraud, something to that effect.

5 And, Ms. McEnany, please correct me if there's a clarification there.

6 The Witness. No, I think that's right.

7 Mr. Terwilliger. And so the only other thing we would state for the record is that
8 Ms. McEnany is here, but she is asserting a privilege because we don't believe it is her
9 privilege to waive. We understand that we've gotten competing letters from the former
10 President's lawyer and then the current White House counsel.

11 My understanding is this committee has put forth certain procedures in which to
12 rule on those objections. And in an effort so that everyone can move forward and
13 Ms. McEnany's life and the financial burden of this representation can be over, we're
14 prepared to move forward today and comply with the ruling of the chair.

15 [REDACTED] And, Mr. Chairman, we do have in the record at tab 80 the letter
16 from Jonathan Su, who is deputy counsel to President Biden, that Mr. Terwilliger
17 referenced earlier. It's the view of the staff that the views of the current President not
18 to assert executive privilege should carry the day.

19 So I think with that, we are ready to request that the chair make a ruling on the
20 objection.

21 Chairman Thompson. Well, thank you very much. And I've heard both
22 presentations.

23 Pursuant to House deposition regulation 7, the chair may rule on objections to
24 preserve a privilege raised by a witness during a deposition.

25 The witness has objected to questions by Vice Chair Cheney and select counsel on

1 the grounds of executive privilege, namely the executive communications privilege, while
2 the former President's counsel has made a blanket direction to the witness to assert
3 executive privilege regarding her testimony. The incumbent President, in a letter by
4 White House counsel, has not asserted executive privilege on the topics of those
5 questions.

6 In light of these circumstances and the compelling need for the select committee
7 to examine the events of the January 6th attack on the United States Capitol and the facts
8 and circumstances surrounding it, I overrule the objection and instruct the witness to
9 answer the questions.

10 [REDACTED]

11 Q Great. With that ruling, would the witness like us to restate the questions?
12 Would that be helpful?

13 A Yes, thank you.

14 Q Ms. McEnany, you testified earlier regarding conversations you had with the
15 President on January 5th, and it may have been in two meetings, one in the, I think the
16 back Oval, where you said you were praying for him, and then again with your staff when
17 they had a photo taken.

18 To the best of your recollection, can you tell us everything that the President said
19 to you on January 5th?

20 A Could you remind me what tab we were looking at, only because those notes
21 would help refresh my recollection?

22 Q Yes, I can.

23 A I think it was 30-something, right?

24 Q It may have been 30 -- well, let me find it. Yeah, it looks like it's 35.

25 A Thirty-nine actually. Okay. Sorry. It's -- yeah, it's 39 there.

1 Q Yeah, 35 is January 4th. I'm sorry. Yeah, 39.

2 A Okay. So I described to the best of my recollection the first meeting -- not
3 meeting but really a casual drop-in in the back dining office where I told the President I
4 was praying for him. As a Christian and person of faith, I regularly would tell him I was
5 praying for him. I don't recall exactly what he said to me then, as I mentioned to you
6 previously.

7 But it was in that second meeting that I recall the President saying -- it was a
8 second meeting with my staff that was there to take a picture with him, because a lot of
9 the younger kids had not met him. He said something to the effect of: Is there going
10 to be food for the people out there? I want it to be free food. How's the weather
11 looking? He was kind of describing his thoughts for the next day.

12 Q Did he say anything else to you, either in your sort of private interaction with
13 him in the back Oval or in the meeting with your staff? Did he say anything else about
14 the events of January 6th?

15 A To the best of my recollection, no, other than remarking on the next day,
16 what he thought the conditions would look like, like the weather. That's all I remember
17 of what the President said in that -- in that second meeting.

18 Q So you don't recall him saying anything about the joint session of Congress
19 that was going to happen the next day?

20 A To the best of my recollection, no, I don't recall.

21 Q Okay. Did he say anything about what to expect at the rally other than the
22 reference to food and the weather?

23 A To the best of my recollection, no. He was just generally describing it as a
24 rally, like what in my view I thought was just another Trump rally where there would be
25 people and sometimes food outside and food carts.

1 Q Okay. With regard to your conversations on January 6th with the
2 President, I think we'll try and go through those as we walk through your
3 interactions -- well, everything we did that day. But I want to cover the other questions.

4 One was, did the President ever ask you to say anything that you thought was not
5 true?

6 A To the best of my recollection, no. Let me just generally say, the President
7 would suggest things for me to say on any given topic, like: Oh, why don't you throw
8 this in there or that in there?

9 However, the vast majority of what I said at the podium or in my television
10 appearances were my own thoughts based on where I thought he stood on any given
11 issue. So while he would make suggestions, he largely left the messaging up to me and
12 trusted I'd be able to encapsulate his position on a given policy or whatever the matter
13 was.

14 Q Okay. Did anyone, whether the President or anyone else at the campaign
15 or in the White House, ever ask you to say something that you were uncomfortable
16 saying?

17 A To the best of my recollection, no. I'm strong, I'm a strong person, and I
18 knew what I wanted to say. So I think while people may make suggestions here or
19 there, they were rather insignificant to me because I always knew what I wanted to say
20 and wanted to make sure it was fact-checked and footnoted.

21 Q Okay.

22 BY [REDACTED]

23 Q And one of the questions as well, and I'm trying to rephrase this as best as
24 possible, but what was the President's reaction when you advised him on election fraud
25 and claiming fraud in the election?

1 A So to the best of my recollection, I don't remember specifically. I just
2 remember generally, you know, I would say to him, occasionally, I don't know how many
3 times, but, you know, I think this is your strongest argument. I think the constitutional
4 equal protection arguments being made by the Trump campaign lawyers like Matt
5 Morgan and Elliot Gaiser are the strongest -- are the strongest points and the fact-driven
6 points that I've come across. And he would just generally say if he believed a different
7 point that he believed that point.

8 Q Okay. And a different point meaning like dead people voting or some of
9 the other claims he was making about fraud in the election?

10 A I was not a legal adviser to the President. I was not advising him on the
11 best legal arguments. So if he asked me, I would just say I believe these are the
12 strongest arguments that are fact driven that I've come across. And I -- there was that
13 separate track of outside advisers, and it was that track that I disagreed with, and I think
14 he -- he knew that.

15 Q And that separate track, I believe you mentioned earlier, was Mr. Giuliani,
16 Ms. Powell, some of those. Is that correct?

17 A That's correct.

18 Q Okay. And the separate track arguments, are those what I characterized
19 earlier as kind of the dead people voting, illegal immigrants voting, the Dominion voting
20 machines? You were suggesting that those weren't the best arguments for the
21 President to make?

22 A I wouldn't say -- I mean, I think that lumps together a whole number of
23 points that could be broken apart. But I think generally, the one specific I remember
24 referencing was I don't agree with the Dominion track. Like that's the one specific I do
25 remember.

1 Q And do you remember his reaction, either specifically or generally, to the
2 Dominion objection you raised, and maybe it's not fair to characterize it as an objection,
3 but your statement about that?

4 A I believe he disagreed with me on that point.

5 Q Do you remember how he disagreed, what he said?

6 A Not specifically. I just remember generally he disagreed on that point.

7 Q Okay. And did you say that -- did you raise that issue because you don't
8 think it's true, and did you tell him that you didn't think it was true?

9 A I don't recall how that conversation came about. He might have
10 mentioned it to me, and in response would say I believe the arguments being made by
11 Elliot Gaiser and these other attorneys are the correct ones.

12 I remember saying something to the effect of, you know, in the leadup to the
13 election the mail-in voting point I thought was very important. The campaign was
14 pursuing mail-in voting litigation, much of it turned away as not being ripe, and that line
15 of litigation on the backside was the same and the one that I told him that I thought was
16 the accurate litigation.

17 Q And just to be clear, when you say the backside, do you mean post-election
18 litigation?

19 A Post-election, yeah. Prior to the election I know that the -- I wasn't very
20 involved in it. I was more concerned with COVID-19 and the official matters going on in
21 the White House and my role as press secretary. But I was aware, generally speaking,
22 that Justin Clark had pursued litigation in several States about mail-in voting and some of
23 the secretary of state's changes to the rules.

24 Q Understood. And I see, Ms. Cheney, it looks like you turned on your
25 camera. Did you have some followup there?

1 Ms. Cheney. You covered it. Thank you, █

2 █ I see, █ you also turned on your camera. Did you have
3 followup there?

4 BY █

5 Q Yeah. If I could just ask on this issue of the separate track and the
6 Dominion issue in particular, I want to broaden it a little bit. Did you ever say to the
7 President that you thought that he was overstating the fact that the election had been
8 stolen or using that term, if that was an appropriate term to use?

9 A To the best of my recollection, I don't recall us talking about that point
10 specifically. You know, again, I was not his legal adviser. I wasn't with him a whole lot
11 during that two-week period, certainly when I was in Florida. So I just remember
12 specifically the one Dominion point.

13 Q How about calling the election rigged, is that anything you ever talked to him
14 about?

15 A I don't recall talking to him about that, to the best of my recollection.

16 Q Okay. Thank you.

17 A Thanks.

18 █ One final followup. I'm sorry, Ms. McEnany. But one final
19 followup on that. Do you remember others in the White House pushing back similarly?

20 The Witness. You know, to the best of my recollection, I just -- I wasn't in those
21 meetings. When I went on television to give my points about election integrity and my
22 viewpoint, that was really its own endeavor. I was not, to the best of my recollection,
23 ever in an official campaign meeting, a meeting with outside advisers. When I was at
24 the White House I was really doing my official matters in my office.

25 And I would note, I spent a lot of this time period working from home in D.C. My

1 young daughter was up in D.C., so I was working remotely for a big portion of it. But I
2 don't recall being in any of the specific campaign meetings or meetings with outside
3 advisers. So it's just that I wouldn't have great insight into that.

4 BY [REDACTED]

5 Q Ms. McEnany, you referred several times to when you were out of the office.
6 I can't remember the exact date. But can you remind us roughly what were the dates
7 where you may have been in Florida or at least out of the office?

8 A Typically, I went home on a lot of the weekends in the month of December,
9 to the best of my recollection. In addition to that, I believe between December 18th
10 and maybe January 3rd, I think I was in Florida during that time period. And then when I
11 returned I spent a lot of time working remotely from my apartment in addition to coming
12 into the White House.

13 Q And I don't -- this question is not designed to get at any of your family life or
14 personal life or anything like that as to why you were away from the office, but I was
15 wondering, did your decision to be away from the office, was that in any way motivated
16 by a desire not to have to be the public face of what President Trump was trying to do in
17 terms of contesting the results of the 2020 election?

18 A No. To the best of my recollection, it was to -- I had a friend come in town
19 who had never seen the White House, and it was my final days in D.C. So I had a friend
20 in town for the first few days there, I think like the 4th and maybe the 5th. And then I
21 also began to start to pack up and look around my apartment at how to move an entire
22 apartment back to Florida.

23 Q But even before that, from the December 18th to January 13th
24 timeframe -- and, again, you don't have to discuss your personal family life -- but was any
25 of your desire to take that much time away from the White House based in any way on a

1 desire not to have to be discussing with the press the President's allegations of voter
2 fraud?

3 A No. So to the best of my recollection, December 18th to January 3rd, that
4 was around the holidays, so I wanted to go home. My family is from Florida.

5 When I came back January 3rd, this was my, in my view, you know, my last
6 17 days in D.C. -- or fewer than that. I left a little earlier than the 20th. So my time at
7 home was designed to pack up, move out. It was not to not take questions from the
8 press.

9 Q Okay. Now, you testified earlier that you may have reviewed the
10 President's remarks, his prepared remarks for the January 6th rally. At tab 83 there's a
11 link, which I know doesn't help you much if you're looking at the hard copy. So what I'm
12 going to do is I'll just read you a few -- a couple quotes from the prepared remarks -- I'm
13 sorry, not the prepared remarks, the remarks he actually gave -- and ask for your
14 recollection as to whether those were in the prepared remarks.

15 And I understand it's difficult since we don't have the prepared remarks, because
16 we haven't gotten them from the Archives. So I'm going to ask you about a couple
17 quotes from the remarks he actually gave to see whether you recall that being in his
18 prepared remarks.

19 This is not intended to be a memory test. But the reason I'm asking is, maybe if
20 some of these things seemed like the kind of things that would not be in prepared
21 remarks but would be more likely something he would say off the cuff, that's helpful for
22 us to know.

23 So at one point in the remarks he actually gave, he said: "All Vice President
24 Pence has to do is send it back to the States to recertify and we become President and
25 you are the happiest people."

1 Do you recall whether that was something that was in the proposed -- in the
2 planned or previously drafted remarks?

3 A To the best of my recollection, I do not know. I was press secretary and
4 was not in speechwriting. And while those remarks were likely -- they were circulated
5 to me and others as it would be on a typical email chain, it was a cursory look-over. So, I
6 mean, I'll just be candid that my answers to you are probably going to be, "to the best of
7 my recollection, no," because it was a real cursory overview of those remarks prior to his
8 actual speech.

9 Q Okay. But do you remember in general whether his prepared remarks said
10 anything about asking the Vice President not to allow certification of the election?

11 A To the best of my recollection, I do not know.

12 Q Okay. And do you recall whether his prepared remarks said anything to the
13 effect of, "We need to get rid of all the Liz Cheneys of the world"?

14 A To the best of my recollection, I do not know if that would've been in
15 prepared remarks.

16 Q Does that sound like the kind of thing that would be in prepared remarks as
17 opposed to something he might say off the cuff, on the spot?

18 A It seems more off the cuff. But, again, I -- to the best of my recollection, I
19 do not recall exactly what was in the remarks, but it seems more off the cuff.

20 Q And do you have any concerns about the President saying things like, "We
21 need to get rid of the Liz Cheneys"?

22 A You know, I'm not here to give my personal opinion on the remarks the
23 President made. You know, to -- if I had to guess, I assume he was meaning -- I think
24 later in the remarks he talked about primary challenges to candidates, so I believe that is
25 probably what he was referencing. But I honestly don't recall that remark, to the best of

1 my recollection, and, you know, I'm not here to give an assessment on the President's
2 actions.

3 Q Okay. When he said that, did you interpret that as meaning politically get
4 rid of her as opposed to some kind of like physically threatening statement?

5 A Politically because, to the best of my recollection, he went on later in
6 remarks to talk about primary challenges.

7 Q Okay. Let's turn to then the morning of January 6th, and I'd like you to kind
8 of walk us through in as much detail as you can. And at various points I'll ask you to look
9 at exhibit 39, which is your -- you know, some of the notes that you typed up from that
10 day.

11 But just sort of tell us how your day started in terms of going into work. And you
12 even in exhibit 39 have a reference there to taking longer to get in because of all the
13 Trump supporters.

14 Like roughly what time did you go in, and what did you see in terms of the crowds
15 as you went in?

16 A To the best of my recollection, I don't remember what time I arrived. It
17 would've been before he went to give his remarks, and I just remember there being a lot
18 of barriers and it being logistically very difficult to get to the White House that day.

19 Q Okay. And that was because of the crowds or because of security presence
20 or both?

21 A To the best of my recollection, it was because of security and roads being
22 shut down. I think we had to take a longer route in my vehicle.

23 Q And exhibit 39 describes an Iran issue involving the FAA. What was that?

24 A To the best of my recollection, there was a news story about Iran and an FAA
25 transmission that seemed kind of bizarre, but it -- it was -- it was just a news story that I

1 remember seeing, to the best of my recollection.

2 Q And then there's a reference here to the -- "We see coup chyron on CNN.

3 Stunned by chyron because we were under the assumption would be peaceful." What
4 did that mean?

5 A I recall being outside my office, to the best of my recollection, in the press
6 area, and a number of staffers and I and White House personnel seeing a chyron on CNN
7 about a coup. And it seemed at the time utterly ridiculous because we were all
8 anticipating peace, at least those of us who were in that area right outside my office.

9 Q Okay. And you could have a peaceful coup. So did you think that the
10 chyron was referring to a potential attack on the Capitol or more on the President's effort
11 to get either legislators or the Vice President to prevent certification?

12 A I think it was the -- to the best of my recollection, we were remarking on the
13 idea that there would be a coup of any sort and that there would be violence, because we
14 were anticipating peace.

15 Q Okay. So then you write: "Day began. POTUS to rally." So I assume
16 that's referring to the President going to the rally on the Ellipse. But before that, did
17 you have any meetings or communications with President Trump on the 6th before
18 leaving to head to the Ellipse?

19 A To the best of my recollection, no.

20 Q Did you hear about any meetings that the President had that morning?

21 A To the best of my recollection, no.

22 Q Okay. Was there a senior staff meeting or something like that?

23 A To the best of my recollection, Meadows held staff meetings on Mondays,
24 but I don't recall there being one that day. I think it was a Wednesday, if I'm not
25 mistaken.

1 Q So there weren't daily senior staff meetings?

2 A No. To the best of my recollection, those were on Mondays, at least the
3 one I was a part of. I don't know if there were others.

4 Q So it's been --

5 A Oh, let me back up. To the best of my recollection, prior to the election
6 there were senior staff meetings daily, but that was prior to the election. And I believe
7 those kind of tapered off a little bit as the traveling ramped up. So I just wanted to
8 correct that.

9 Q And it's been reported in books and in the news that the President had what
10 some have described as a contentious phone call with the Vice President on the morning
11 of the 6th. I understand, based on what you've said, that it sounds like you were not
12 with the President for that. But did you hear anything about that call?

13 A To the best of my recollection, no.

14 Q Do you know who did meet with the President the morning of the 6th?

15 A To the best of my recollection, no.

16 Q Okay. Then did you go as part of the Presidential motorcade to the Ellipse?

17 A Yes, I did.

18 Q Okay. But you were not in the car with the President, were you?

19 A No. To the best of my recollection, I was in the support vehicle.

20 Q Okay. So then when you got to the Ellipse, what happened? Where did
21 you go? What did you see?

22 A When I got to the Ellipse, I saw what looked to me like a Trump rally with a
23 crowd of Trump supporters. To the best of my recollection, there was also a tent
24 somewhere, a temporary structure, which would be ordinary for a rally.

25 Q So like for speakers who had not yet gone on the stage? Or what was the

1 tent for?

2 A To the best of my recollection, the tent was for President Trump to kind of
3 be in before he walked out onto the rally stage. There would be some staff there
4 usually.

5 Q Okay. Did you go in the tent?

6 A Yes, to the best of my recollection.

7 Q Did you talk to the President while you were in the tent?

8 A To the best of my recollection, no. I was on the other side of the tent from
9 him.

10 Q Did anybody on the 6th give you any indication of what the President was
11 expecting to happen at the joint session of Congress?

12 A To the best of my recollection, no.

13 Q Do you remember who you talked to in the tent?

14 A To the best of my recollection, I saw Katrina in there upon arrival, Amy
15 Kremer. I believe I might have talked to Lara Trump. I can't remember who else, but
16 those three come to mind.

17 Q Okay. And then do you remember what speeches you saw while you were
18 there?

19 A To the best of my recollection, only the President's. I was back there on
20 the other side of the tent from him and then he went out to give his speech, and that's
21 my memory of those events.

22 Q What was your reaction to the President's speech?

23 A To the best of my recollection, it seemed like an ordinary rally speech that
24 he would typically give. It didn't strike me as out of the ordinary. It struck -- it rang to
25 me as a typical campaign speech he would give, yeah.

1 Q Okay. One of the things he said in his speech is, "And we fight
2 like hell. And if you don't fight like hell, you're not going to have a country anymore."
3 Do you remember any reaction from the crowd when he said that?

4 A To the best of my recollection, no. I don't know if there was a clap or not.
5 I mean, this was more than a year ago. I don't recall anything specific or out of the
6 ordinary. And for part of these remarks, I was back in the tent, so I wasn't paying
7 attention to every word that was said.

8 Q And do you remember whether you had any reaction when he said, "And we
9 fight, and we fight like hell," any reaction as to whether or not that could cause a risk of
10 violence with a large crowd like that?

11 A To the best of my recollection, I recall the word "fight" being used as a
12 metaphoric word that's often used in politics. It's been used by Senator Warren,
13 Senator Warner, Senator Menendez, Senator Tester, Senator Rosen, Senator Kaine,
14 Senator Gillibrand, Senator Hirono, Blumenthal, Schumer, and there are more to that list.
15 So it struck me as a metaphoric "fight" much like has been used by many other political
16 figures.

17 Q Okay.

18 A And he also went on to say, march peacefully and patriotically. So nothing
19 about that word struck me as any sort of call to violence.

20 Q Okay. And you mentioned his reference to marching peacefully, and he
21 made a few references to that. To the crowd he said: "Walk down. I'll be there with
22 you. We are going to walk down. We're going to walk down," meaning walk to the
23 Capitol. He later says: "So we're going to -- we're going to walk down Pennsylvania
24 Avenue. I love Pennsylvania Avenue. And we're going to the Capitol, and we're going
25 to try and give."

1 What's your understanding of -- was the President asking the crowd to go to the
2 Capitol?

3 A The President was saying, quote, "march peacefully and patriotically," so I
4 think he was very clear on that point.

5 Q Okay. But was it your understanding he was asking them to march from
6 the Ellipse to the Capitol?

7 A To the best of my recollection, I believe so. I know that there was some
8 sort of march that I believe was referenced in the remarks, but I don't have the remarks
9 right here in front of me.

10 Q And do you remember being surprised at all to the extent that you were, you
11 know, listening at this point, when he said, "And after this, we're going to walk down, and
12 I'll be there with you. We're going to walk down. We're going to walk down"? Do
13 you remember hearing that and whether you were surprised by him saying, "I'll be there
14 with you," suggesting he was going to walk to the Capitol with them?

15 A I do recall being surprised by that, to the best of my recollection. I also just
16 want to add for the record here, I do see where he said, quote: "If they don't want to
17 fight," referring to lawmakers, "we have to primary the ones who do not." Quote: The
18 crowd should demand action from Members of Congress and support primary challenges
19 to those who don't want to do what he considered to be right.

20 So I just want to underscore that because that was part of our earlier discussion
21 about primaries.

22 But to your question about if I was surprised about his decision to want to -- or
23 his -- him saying that he was marching, I think I was surprised by that, to the best of my
24 recollection.

25 Q Sorry, you said you were surprised?

1 A I believe so. Let me just refresh my recollection. I do believe I was a bit
2 surprised to hear that.

3 Q Okay. I can just ask the question differently. I mean, were you expecting
4 the President to say that he was going to walk to the Capitol?

5 A To the best of my recollection, I recall being surprised by that, that he was
6 going to walk. I had the remarks in my in-box, but I don't recall seeing that specific part,
7 or it might have been in there and I didn't realize it. But I do recall being a little
8 surprised because I didn't know that that was part of his daily schedule.

9 Q Okay. And had you seen his schedule for the day ahead of time?

10 A To the best of my recollection, no, I had not seen his schedule. It might
11 have gone to my in-box, but I don't recall seeing his schedule. I just don't remember
12 ever seeing an intimation of a walk prior to those remarks. And he might have tweeted
13 something to the effect. I might have been out of the loop on that. But I -- to the best
14 of my recollection, I remember being a little surprised when I heard that.

15 Q Okay. And I understand this is all just to the best of your recollection, but
16 you don't recall -- in advance of the President giving his remarks -- you don't recall
17 anybody saying that the President was going to go to the Capitol, do you?

18 A To the best of my recollection, I don't remember that.

19 Q Okay. And then there's something in here in exhibit 39 on that, but just so I
20 don't lose the thread I'm going to ask you about a couple lines before that, where you
21 wrote: "Day began. POTUS to rally. VP letter comes out during rally. Meadows
22 came to me and said VP just released letter moments before POTUS ended."

23 To the best of your recollection, what did Mark Meadows say to you about the
24 Vice President's letter?

25 A So let me -- sorry, let me just back up. To the best of my recollection, I do

1 think the statement surprised me and I think it surprised a reporter. I think I might have
2 gotten a reporter inquiry and it might be in my documents, but I'm just trying to
3 remember.

4 Q Yes. And, you know, if you want we can get that. I think it's exhibit 65
5 from John Roberts.

6 A Yeah, that's it, okay. Thank you. This is helping me remember.

7 Q If you want, you can put that to the side because I'm going to get to that in a
8 minute. We'll kind of go chronologically, so --

9 A Okay. Sorry. It was more than a year ago, so I'm trying to remember.

10 Q I don't want to keep you from anything that helps you with your recollection,
11 but, I mean, none of this is a trick question. As I understand it, you're saying you don't
12 recall being aware that the President was going to go to the Capitol until he made that
13 comment.

14 A Yes.

15 Q Okay. So --

16 A To the best of my recollection.

17 Q So going back to what's in your notes, you wrote, "Day began. POTUS to
18 rally. VP letter comes out during rally. Meadows came to me and said VP just released
19 letter moments before POTUS ended."

20 What did Mark Meadows say to you about the Vice President's letter?

21 A To the best of my recollection, the chief of staff just said to me, matter of
22 factly, that the letter had come out. And I think he was making me aware of this
23 because we would be getting reporter inquiries to that end.

24 Q Okay. And did you know in advance of that that the Vice President was
25 going to be doing a letter?

1 A To the best of my recollection, no, I did not.

2 Q Okay. Did the -- how did Mark Meadows seem? Was he -- did he seem
3 angry or surprised at all by this?

4 A To the best of my recollection, he was just communicating the facts. I don't
5 recall a specific emotion attached to it.

6 Q Okay. And were you there when the President was told, whether by Mark
7 Meadows or anybody else, that the Vice President had issued a letter?

8 A Can you say that one more time? Sorry, I'm trying to read my notes. If
9 I'm looking over to the side, I'm trying to read my notes as you're asking.

10 Q Do you want to take a look at your notes before I ask the next question?

11 A Yeah, that would help. One moment.

12 (Pause.)

13 A Okay. I've reviewed them in part for the next question.

14 Q Okay. The next question being -- the next question that I was starting to
15 ask was, were you there when the President was told that the Vice President had issued a
16 letter?

17 A To the best of my recollection, I was either on my way out or in the support
18 vehicle, so I don't think I saw him being informed about it.

19 Q Okay. So when Mark Meadows told you, is that while the President's
20 speech was going on?

21 A To the best of my recollection, yes.

22 Q Okay. Then you wrote: "POTUS wanted to walk to capital. Physically
23 walk. He said fine ride Beast. Meadows said not safe enough."

24 So when you wrote POTUS wanted to walk to the Capitol, was that based solely on
25 what the President said during his speech or anything that he or anybody else said

1 afterwards?

2 A So to the best of my recollection, I believe when we got back to the
3 White House he said he wanted to physically walk with the marchers. And according to
4 my notes, he then said he'd be fine with just riding the Beast. But to the best of my
5 recollection, he wanted to be a part of the march in some fashion.

6 Q Okay. And just for the record, the Beast refers to the Presidential
7 limousine?

8 A Yes.

9 Q Okay. So tell us about this conversation. So this is after -- and I'm going
10 to give you some times, by the way. Just sort of throughout I may tell you about times
11 or things that are being reported in the news just to help give you some context.

12 So it's our understanding the President finished his remarks and road back to the
13 White House at approximately 1:10 p.m. So where did you go from there? When you
14 got back to the White House -- well, first, did you go in the Presidential motorcade back
15 to the White House?

16 A So to the best of my recollection, yes, and to the best of my recollection, I
17 thought he arrived closer to 1:20, but -- so that was the general timeframe, yes.

18 Q Okay. And where did you go when you got back to the White House?

19 A So to the best of my recollection, I don't know if I stopped by my office first,
20 but pretty quickly thereafter I did walk back to the President's private dining room.

21 Q And why did you walk to the President's private dining room?

22 A To the best of my recollection, it was to check in with him. I had not seen
23 him that day yet or at least spoken to him that day yet. And, obviously, a huge news
24 story had just come up with the Vice President's letter, and I was getting asked tons of
25 questions from reporters about that. So to do my job I had to go back there and check

1 in with him.

2 Q Okay. And as far as you can recall, who was there in the dining room with
3 him?

4 A To the best of my recollection, in that general time period, I recall Ivanka
5 being there for part of the time, and I recall Eric and Lara being there for part of the time.

6 Q Okay. Anybody else besides family members?

7 A To the best of my recollection, no. However, I think the chief of staff might
8 have popped in at one point, because there was this conversation about the President
9 wanting to walk to the Capitol or ride the Beast to the Capitol.

10 Q Okay. So to the best of your recollection, what did the President say to you
11 while you were there in the dining room with him?

12 A So to the best of my recollection, I recall him being -- wanting to -- saying
13 that he wanted to physically walk and be a part of the march and then saying that he
14 would ride the Beast if he needed to, ride in the Presidential limo.

15 Q Okay. And that was in response -- was that in response to Mark Meadows
16 saying it might not be safe enough? And I'm just basing that on your notes.

17 A Yes. And if I could say, the Chief of -- let me just back up and say this. The
18 President regularly at rallies, if there was an overflow crowd, would want to go see the
19 supporters or ride in the Presidential limo, the Beast. And the chief of staff was often
20 asked to try to figure out a safe way for him to do that in a big crowd of people, because,
21 you know, the President would say in a rally, "I'm going to come see you" in the overflow
22 crowd. To the best of my recollection, this was not something very out of the ordinary
23 that could happen in a rally setting.

24 Q Okay. But here we're not just talking about him like walking a rope line.
25 This is after he's finished his speech, gone back to the White House, and he said he

1 wanted, whether by walking or riding the Beast, wanted to go to the U.S. Capitol. Did
2 he seem like sincere in that? Did he seem firm in his desire to go?

3 A To the best of my recollection, yes, he did seem sincere about wanting to do
4 that.

5 Q And did he say what he wanted to do once he got there?

6 A To the best of my recollection, he didn't say. But he often at rallies would
7 want to drive the car around to an overflow crowd or see his supporters, you know. So
8 I -- it didn't strike me as out of the ordinary.

9 Q Did he say anything about why he wanted to go to the Capitol?

10 A To the best of my recollection, no. It was just to see his supporters.

11 Q Okay. Did anybody like prepare any remarks for him to give at the Capitol
12 or anything like that?

13 A To the best of my recollection, no.

14 Q Okay. Did he say anything about why he wanted his supporters to go to
15 the Capitol?

16 A To the best of my recollection, it was to march peacefully and patriotically,
17 as he had said in his speech.

18 Q Then the next line -- well, so, it sounds like Mr. Meadows said not safe
19 enough. Did that mean not safe enough to walk or not safe enough to go even if he's
20 riding the Beast?

21 A To the best of my recollection, I'm not sure. But I recall times in the past
22 where the President would want to ride in his Beast somewhere at a rally in a State
23 somewhere and the chief of staff having to figure out logically with Secret Service how
24 to make an unplanned movement of the President possible.

25 So the chief of staff's remark did not strike me as out of the ordinary, as I had

1 heard him articulate similar sentiments at other peaceful rallies.

2 Q And so what's your understanding of why the President did not, in fact, end
3 up going to the Capitol?

4 A Logistically, I don't think it was a movement that would work. And I would
5 leave that to the chief of staff. You know, I'm the press secretary, so at this point, I went
6 back to check in with him on a news story, and beyond just hearing that conversation it's
7 not something I followed up on. You know, I'm not in the chief of staff's office and
8 would not be a part of planning a Presidential movement.

9 Q Okay. And then the next line says: "Muller" -- M-u-l-l-e-r -- "-- want to
10 walk to Capitol?" -- I think it's supposed to be with them, question mark. And I don't
11 know if that Muller is the correct spelling. Who does that refer to?

12 A To the best of my recollection, that refers to Stephen Miller.

13 Q Okay. So did he come into the room at some point?

14 A To the best of my recollection, no. I think I'm just generally communicating
15 there that Stephen Miller was asking a question about whether the President wanted to
16 walk to the Capitol. And that timeline, to the best of my recollection, I don't remember
17 Stephen Miller being back in the dining room. So that might have been earlier at the
18 rally, but it was at some point in the general timeframe.

19 Q Okay. So this conversation with Stephen Miller conceivably could've been
20 before the conversation with the President and Mark Meadows?

21 A It could've been, yes.

22 Q Well --

23 A It could've been after, as well. I could've seen Stephen in the West Wing.
24 So I'm just not sure where it fits into the timeline.

25 Q Okay. But either way, is it your recollection that Mr. Miller was asking that

1 in response to the comment the President made at the speech?

2 A To the best of my recollection, yes. Yes.

3 Q Okay. Then you write: "We go back to WH," for White House. Oh,

4 before I move on, so you said you went in to talk to the President about a news story.

5 That may be what's in this next line here. "We go back to White House. I bring him

6 letter from VP. He wants to respond." Is that what you went in to see the President

7 about?

8 A Yes. I went in to see him about that news story.

9 And let me just be clear, to the best of my recollection, this might not be a
10 chronological timeline, for instance, that conversation with Meadows. It seems like it
11 was after I went to see him in the White House about riding the Beast -- went to go see
12 him in his private dining room.

13 So I don't -- I'm just unclear of the timeline. These might not be chronological.
14 I want to make that ancillary point.

15 But, yes, I went back to him to talk to him about the story with regard to the letter
16 and the Vice President in his private dining room.

17 Q So you think that may have been a separate visit than the one where he
18 talked about riding the Beast?

19 A No. To the best of my recollection, I only had one visit with him upon
20 returning to the White House in that timeframe. We'll get through these notes later and
21 you will see my other interactions. But to the best of my recollection, at this point in
22 time around, let's say, 1:20, it was one visit to the back dining room. I'm just making the
23 point, I'm not -- these might not be chronological.

24 Q Yeah. So what was the President's response to the Vice President's letter?

25 A To the best of my recollection, the President seemed disappointed by the

1 letter. He was not overly emotional about it, and he was determining whether he
2 wanted to respond to the letter. And he was just reading through it rather academically
3 and just kind of reading the points.

4 Q Okay. And it says: "He wants to respond." Did he say whether that
5 meant a letter back, a press statement, you know, before TV cameras, call him? You
6 know, did he say in what way he wanted to respond?

7 A To the best of my recollection, no. He just initially thought about
8 responding to it.

9 Q Okay. Did he say anything about what he would say in response to it?

10 A To the best of my recollection, no. I don't recall his exact words. I don't
11 think he mentioned an exact response that he wanted to make.

12 Q Okay. The next sentence says: "Forgets about it." Can you explain
13 that?

14 A He moved on from that subject matter of the letter and just moved on to
15 something else.

16 Q Okay. That's a pretty big thing to forget. Did anybody advise him not to
17 respond to the letter?

18 A So, first, let me be clear, to the best of my recollection, I don't think he
19 forgot the Vice President had sent a letter. I think he was thinking he would respond
20 but then kind of dropped it and then moved on to the next point.

21 Q Okay. Was anybody tasked with drafting a response to the Vice President's
22 letter?

23 A To the best of my recollection, no.

24 Q Okay. All right. Then it says: "Back there and he wants list of senators."
25 What does that mean? And maybe this helps if I read the next sentence. "Who

1 objecting to what. He's calling them one by one."

2 A Yes.

3 Q Can you tell us about that?

4 A To the best of my recollection, when I say that the President moved on from
5 the Vice President's letter, he then moved on to watching the Senators who were
6 objecting on television and wanted to know who was objecting to what.

7 Q Okay. And then: "He's calling them one by one." Do you know which
8 ones he called?

9 A To the best of my recollection, no. As I say in my notes, he wanted a list of
10 the Senators and, you know, I left him at that point.

11 Q Did you give him a list of Senators?

12 A To the best of my recollection, I don't think it was me. I believe I told
13 his -- he told me to tell his team that, so I conveyed that information. Whether I walked
14 it to him or someone else, I just don't remember.

15 Q Okay. And the list of Senators, does this mean a list of all 100 Senators or a
16 written list of those who were expected to object?

17 A To the best of my recollection, it was he wanted a list of Senators, and I'm
18 not sure I'm the one that delivered that.

19 Q Okay. But was the list that he wanted a list of all 100 Senators or a list of
20 who was planning to object or something else?

21 A It was unclear at the time. To the best of my recollection, it was unclear.
22 But I have in my notes it was who was objecting to what. So I think he did want to know
23 the list of who was objecting, that detail as well. But it was vague, and I don't
24 remember exactly.

25 Q Okay. Do you remember whether anybody gave him the list of Senators?

1 A To the best of my recollection, I do think at some point he had a list. But
2 I -- again, I don't know if I was the one who walked it back. I don't think -- I, to the best
3 of my recollection, was not the one who found it or printed it.

4 Q Do you remember who was the one who gave it to him?

5 A To the best of my recollection, no. I just told the -- yeah, I don't -- I don't
6 know. His team that's right outside his office, I just told him -- conveyed to them what
7 he had said and then I kind of left it to them, to the best of my recollection.

8 Q Okay. And it said -- when you wrote, "He's calling them one by one," do
9 you know which Senators he called?

10 A To the best of my recollection, no. I didn't sit back there with him during
11 this time period.

12 Q Okay. Before I go on to your going back to the office, maybe I'll now ask
13 you about that exhibit 65 that you mentioned. I don't know that we have to spend long
14 on it because I think you covered a lot of it. But this is -- exhibit 65 is the text exchange
15 between you and John Roberts.

16 I'm assuming that's not the Chief Justice of the United States, so it's probably the
17 reporter John Roberts. Is that right?

18 A That is safe to assume, yes.

19 Q And Mr. Roberts writes: "Is he REALLY" -- REALLY in all caps -- "going with
20 the crowd to the Capitol??" three question marks. And I'm assuming that question was
21 prompted by the President's comments at the Ellipse. You wrote back: "FPPO - that is
22 not the plan." And that was at 12:29.

23 A Uh-huh.

24 Q So I know I'm going out of chronological order here a little bit.

25 So at 12:29 were you still at the Ellipse?

1 A To the best of my recollection, yes.

2 Q Okay. So this would've been before your conversation with the President
3 where he said he wanted to walk?

4 A Yes. To the best of my recollection, it was before that that I had asked the
5 chief of staff whether he was actually going to walk during the rally.

6 Q What did the chief of staff say?

7 A He told me, to the best of my recollection, that that is not the plan. So I
8 felt confident telling the reporter that.

9 Q Okay. And what does FPPO stand for?

10 A For planning purposes only.

11 Q Okay. So I'm going to go a little bit out of chronological order here. I'm
12 going to try for most of these things to go in chronological order, but I just don't want to
13 lose the thread on this particular text exchange, so I'm going to continue with this exhibit.

14 But on the second page, in response where you say that's not the -- after you say
15 that's not the plan, Mr. Roberts writes: "That's what I figured. I guess he got a little
16 carried away."

17 And then at 2:33, so we're jumping ahead here, so by then, you know, the
18 protests had, you know, grown very large, gotten out of control, he writes: "You folks
19 have anything to say about the protesters laying siege to the Capitol?" And you
20 responded: "See POTUS tweet." And that was at 2:41.

21 A Uh-huh.

22 Q And Mr. Roberts responded: "Got it. Between you and me, seems a little
23 mild given what's going on."

24 What was your reaction to John Roberts saying he thought the tweet was a little
25 mild?

1 A So at this point, this was after -- let me just reorient myself with my timeline.
2 This was after President Trump had said stay peaceful.

3 If I could step back for a moment and say, from my view, I was with the President
4 in that first interaction about the Vice President's letter and about calling Members of
5 Congress.

6 I believe at that point, to the best of my recollection, he was watching on TiVo and
7 watching Senators object, like Senator Cruz, and I thought he had even pressed pause at
8 one point.

9 So when I left the President, I don't know exactly what time, but when I left him
10 he was watching the TV on delay, to the best of my recollection.

11 So when I get back to my office and I'm in there, I remember the reporting as late
12 as about 2:23 p.m.

13 And let me say this. I've not had a chance to review all of the reporting of that
14 day. I've looked for YouTube videos so I could remind myself what I was seeing and
15 what I was learning, because I was not in the chain of command. I was not receiving
16 updates from the Department of Defense. I was a press secretary learning largely about
17 the events as they were happening in the press.

18 And to reorient myself, I was able to find a few clips. I know I was watching FOX
19 from my office, and I was able to find just a few from that day on YouTube. And as late
20 as 2:23, Brett Baier was reporting: "As we are saying, this is peaceful. We are seeing
21 images on the outside. We are having a couple of reports of people being injured in this
22 breach of security."

23 I believe, to the best of my recollection, at 2:26 there was a report that the House
24 had come back into session. So when I'm in my office at around that time period,
25 around the 2:30 mark, there was a report that there might have been some violence, as I

1 just read to you. And I immediately raised that to the chief of staff.

2 I went back to the President ultimately as he was crafting this tweet at 2:38. But
3 at that time period, what I was learning was news reports. I don't know what sourcing
4 John Roberts had, but to the best of my recollection I was learning about the events in
5 real time with the rest of the country as I was watching them on cable television.

6 So I just want to make that clear, because I think it's important to know, you
7 know, where my mind was at and how I was learning about these events. So I don't
8 know if that answers your question. You can ask it again. But I just wanted to lay
9 down that marker of kind of how I was learning about the events.

10 Q Yeah, no, that's very helpful, and I have a few followup questions on that.

11 So were you learning about the events mostly through television?

12 A Yes. To the best of my recollection, yes.

13 Q All right. What network or networks were you watching?

14 A To the best of my recollection, I had FOX News on. I had several monitors
15 in my office, and one monitor did have a screen that broke down several news networks.
16 So CNN, MSNBC, FOX, and FOX Business were typically in the four squares. But on the
17 other monitor I was watching FOX News to the best of my recollection.

18 Q Okay. Do you remember, did you have the volume on for FOX News?

19 A To the best of my recollection, yes. I initially went back to my office to eat
20 lunch, but I eventually turned up the volume on FOX News, yes.

21 Q Okay. And when you went into the President's private dining room, was
22 he -- I think you said he was watching TV, you said something about TiVo. He may have
23 paused it and been, you know, a little bit behind.

24 Do you know, did he have multiple televisions in there or just one?

25 A He had one big one, as I remember.

1 Q Okay. Do you know what channel he was watching?

2 A To the best of my memory, I'm not certain. It could've been C-SPAN. It
3 could've been FOX. I just remember seeing Ted Cruz giving a speech.

4 Q Okay. And then what about like later in the day, do you know in general
5 how the President was getting his news about what was happening at the Capitol, inside
6 and outside the Capitol?

7 A Yeah. To the best of my recollection, I mean, I'm not in the chain of
8 command, I was his press secretary, so I can't say what reports he was receiving from
9 whom. But the -- in my mind, the -- my -- the few minutes I spent with him as the day
10 progressed, when I went back, he did have a television on. I just don't know exactly
11 what channel it was.

12 Q Okay. What did he typically watch? Was it FOX News?

13 A Typically the President watched FOX News or FOX Business. Sometimes, to
14 the best of my recollection, sometimes he would watch Newsmax. But those would be
15 the typical channels.

16 Q Okay. So as we go through kind of chronologically, at various times I'm
17 going to give you, just to help give you a frame of reference, tell you, you know, with
18 going over a tweet or something that happened, and then may intersperse with it telling
19 you what was being reported on the news. And I'll use FOX News, because we
20 understand the President often watched that, recognizing that he may not have been
21 watching that at any exact moment.

22 But just to your knowledge -- and I understand that, you know, you weren't with
23 him the whole time -- to your knowledge, was he getting news or updates any other way
24 besides the television? So do you know of anybody coming in, either giving him
25 briefings or written reports or anything like that?

1 A So to the best of my recollection in the -- again, in my mind, I categorize this
2 into three times when I saw him for a brief period, minutes, and four times when I walked
3 back to that general area, all for a series of minutes. But in those interactions I do recall
4 seeing the chief of staff there. I do recall seeing Pat Cipollone. I do recall seeing
5 Ivanka.

6 And I am just giving you names because when you're asking me did he receive a
7 real time update, I can't speak to that. I wasn't in there for long tranches of time. But I
8 did see people going in there to give him information.

9 Q Okay. And to your knowledge, was the President in that private dining
10 room the whole time that the attack on the Capitol was going on, or did he ever
11 go -- again, only to your knowledge -- to the Oval Office, to the White House Situation
12 Room, anywhere else?

13 A To the best of my recollection, he was always in the dining room. And I did
14 see him walk out to give remarks in the Rose Garden, which would've meant walking
15 through the Oval Office.

16 Q Okay. So we'll get to that later.

17 How many times did you go in and see the President in the private dining room?

18 A So to the best of my recollection, after that first period when we had just
19 returned from the White House, two different times.

20 Q Okay. So you think a total of three times, the first one that we've already
21 covered and then two more times?

22 A Yes. Although there was the one time I saw him in Outer Oval going out to
23 get his remarks, and there was another time when I was in the Oval talking to the chief of
24 staff that the President was not there. So in my mind, four brief trips back there, three
25 of which I saw the President.

1 Q Okay. So let's -- so we're going to go through these one at a time, but
2 before I do that, it's helpful for me just to know in advance what the four trips back to the
3 Oval Office or private dining room.

4 One was the private dining room right after you got back, and we've already
5 covered that. What was the second one?

6 A The second one was I had heard the reports that -- and, again, this is just a
7 snippet of the kinds of things I was hearing being reported. I don't know if I had exactly
8 heard this remark from Brett Baier. But to give you an idea, I'd heard something about
9 there being an injury or some injuries, though it was largely still being characterized as
10 peaceful in what I was watching.

11 I raised this to the chief of staff back -- I believe it was in my office, either I called
12 him or I spoke to him in my office about it.

13 But as the reporting came, I went back to tell the President, hey, we need to send
14 out a message about telling people to be peaceful, and that was my second trip back to
15 the private dining room.

1

2 [3:42 p.m.]

3 BY [REDACTED]

4 Q And do you remember roughly what time that was?

5 A I don't, but it was right before the "stay peaceful" tweet. So I would
6 imagine it's somewhere in the 2:30 range.

7 Q And that's the 2:38 tweet you're referring to?

8 A Yes. And it may be after -- it may be 2:35, because, upon arriving back,
9 they were already working on some form of messaging.

10 Q Okay.

11 So that's the second one. What was your third trip back there?

12 A The third trip back was to say, we need to send another message of some
13 sort, whatever that may be. So it was a second trip back to get messaging out there.

14 Q Do you remember roughly what time that was?

15 A It would've been maybe around 3:00, 3:05, somewhere in there.

16 Q Okay. And what prompted you to go back and say we need to do another
17 message?

18 A It seemed like things were escalating, and it was very important that he send
19 something, because the "stay peaceful" didn't seem to have worked. So we needed to
20 send another message of some sort. And that was the intent.

21 Q Okay.

22 And what was your fourth interaction -- or fourth time you went back there?

23 A The time when I did not see the President?

24 Q I guess. Is that the fourth one, chronologically?

25 A Yes.

1 Q Okay. What happened the fourth time?

2 A To the best of my recollection, and as we go through these, it'll make more
3 sense, but I was going back to check on the messaging of a tweet that I was about to send
4 pertaining to the National Guard coming to stop what was going on.

5 Q Okay. And you said you spoke to the chief of staff in the Oval Office but
6 not the President. Is that correct?

7 A Yes, to the best of my recollection.

8 Q And the President was still in the dining room?

9 A To the best of my recollection, yes.

10 Q Okay. And then were you there when the President filmed his videotaped
11 remarks?

12 A I was in the outer Oval. I was not there, to the best of my recollection, for
13 the actual filming.

14 Q Okay. So you did not -- I think the filming was in the Rose Garden. Is that
15 correct?

16 A Yes.

17 Q And you did not go with him to that, so you didn't witness any of that?

18 A No. To the best of my recollection, I stayed in outer Oval, and he walked
19 through outer Oval on the way out to make his remarks.

20 Q Okay. Why didn't you go with him?

21 A I was the press secretary. This was -- anytime the President sent a video to
22 go out on Twitter or Facebook, to the best of my recollection, it was the digital team that
23 did it, and I typically wasn't present for those. It was my job to respond to news events.
24 I wasn't on the communications team or the digital team.

25 Q Okay. Do you recall whether you reviewed any prepared script for his

1 filmed remarks?

2 A To the best of my recollection, there was a set of remarks on one of the
3 computers in outer Oval, on either Nick Luna's computer or Molly's computer, and I do
4 remember briefly reading through them.

5 Q Do you know who wrote them?

6 A To the best of my recollection, no.

7 Q Okay. Do you have a copy of them?

8 A To the best of my recollection, no.

9 Q Okay.

10 A Yeah, but if I did have a copy, it would probably be in my official records.
11 But to the best of my recollection, that was just a document on a computer. I don't
12 know if it was circulated the way a typical speech was, let's say.

13 Q Right. As far as you can recall, it was not sent to your personal email
14 account or sent to your personal phone or anything where you would still have access to
15 it.

16 A No. To the best of my recollection, no.

17 Q Do you know who did go with the President to the Rose Garden for the
18 filming of his remarks?

19 A To the best of my recollection, I do not recall exactly who went out there.

20 Q Do you remember anybody who went? I mean, you referenced the digital
21 team. Do you know who that would have been?

22 A Someone obviously had to go out there with him to film it, but to the best of
23 my recollection, I don't recall who that would have been. There was a change of the
24 digital team. One of the main people, Ory, had left. So I don't recall who specifically
25 went out there with him for that one.

1 Q Okay. Do you remember whether Dan Scavino went with him?

2 A To the best of my recollection, I do not.

3 Q Do you remember whether Mark Meadows went with him?

4 A To the best of my recollection, I don't think so, but I can't be certain.

5 Q Okay. Do you remember whether any of his children or his son-in-law went
6 with him?

7 A To the best of my recollection, no, I don't recall family being out there.

8 Q Okay.

9 I'm going to go back now to sort of walk through things chronologically, now that I
10 have a better overview of your interactions with the President.

11 All right. So I guess we'll go back to exhibit 39.

12 A Oh, okay. I have it here.

13 Q Okay. So this is after what we already just went through about you
14 brought him the Vice President's letter and him calling Senators one by one.

15 You write, "Go back to office. Order turkey sandwich. Come back to eat.

16 Watching tv. Seeing something about violence and protest. CBS producer stormed in.
17 Look at tag. Not sure if staffer or reporter. She accosts me walks in office and asks for
18 my thoughts. Lyndee was away. She runs away and says no comment."

19 What was that?

20 A So I was in my office. To the best of my recollection, I had just come in
21 from the meeting with the President, who I believe was watching things on delay. And
22 so, as I am just opening my lunch and reorienting myself to what was presently happening
23 in the news cycle, a producer stormed in, who I did not recognize, and said, "What are
24 your thoughts about the Capitol?"

25 And I was blindsided. I didn't know what she meant by "your thoughts about the

1 Capitol." And that, to the best of my recollection, is what I recall her saying specifically.
2 And she ran away and said that I had no comment, and I was alarmed by that. Because,
3 typically, a reporter would come to you and give you the facts of a story and say what was
4 going on and wouldn't, kind of, accost you in that manner and then run away and
5 say -- go out to report that the White House didn't have a comment.

6 So that was that interaction.

7 Q As far as you can recall, was that interaction the first time you heard that
8 there was violence at the Capitol?

9 A To the best of my recollection, I'm not sure I heard that there was violence
10 at the Capitol from that producer. I think she said pretty generally, "What is your
11 reaction to what's happening on the Capitol?"

12 I think, to the best of my recollection, the first time I heard about any sort of
13 violence on a small scale was the initial reporting that was coming out, as I mentioned to
14 you, on the television.

15 Q Okay.

16 If you look at exhibit 67 -- and I don't know whether this is before or after that
17 interaction you had with the person from CBS I think it was. Sixty-seven is the text from
18 Judd Deere to you. "Getting" -- oh, and this is at 1:44 p.m.

19 He writes, "Getting asked if we have any reaction to people storming hill office
20 buildings. I'm inclined to let it go right now but flagging."

21 Do you know if that was before or after you had that interaction with the person
22 from CBS?

23 A To the best of my recollection, I'm not certain. This was sent to my
24 personal device, so it was probably in my desk at the time.

25 Q Okay. Do you know where you were at that time?

1 A To the best of my recollection, I could have still been with the President in
2 that very first time we met, talking about the Vice President's letter and the objectors.
3 He arrived back, it was my view, I think, at around 1:20, and he stopped briefly to interact
4 with some people outside of the Old Executive Office Building and then he walked back
5 and then I met with him. So this could've come through when I was still back there with
6 him in that first meeting.

7 Q Okay.

8 So, then, going back to your notes, you wrote, go back to office, you got a turkey
9 sandwich, you come back to eat, watch some TV, something about violence and protests,
10 then the interaction with the person from CBS.

11 And then it says, "I decided to go to potus after there were more reports of capital
12 on lockdown."

13 So, then, that would be -- you decided to do what I guess would be the second of
14 your four times going back towards the area around the Oval Office?

15 A Yes. And to the best of my recollection, this would've been after I raised
16 the initial reporting and the question from the CBS producer to the chief of staff. So this
17 would've been sometime after that.

18 Q Okay. As far as you can recall, what did you say to the chief of staff?

19 A That there were some reports of some violence but it still was largely being
20 characterized as peaceful in what I was watching, and should we go ahead and say
21 something about this or should we wait for more facts to come out about exactly what's
22 going on. That's what I remember saying.

23 Q And what did the chief of staff say?

24 A To the best of my recollection, the chief said to hold for now while he was
25 gathering some facts about exactly what was happening.

1 Q Okay.

2 Now, at some point, you write, "I decided" --

3 Ms. Cheney. [REDACTED]?

4 [REDACTED] Oh. Go ahead.

5 Ms. Cheney. [REDACTED], sorry. I just wanted to go back.

6 [REDACTED] Of course.

7 Ms. Cheney. Kayleigh, will you tell us who Judd Deere is?

8 The Witness. Judd Deere was a deputy press secretary on my staff.

9 Ms. Cheney. And so I believe you just said that at 1:44 the text that he sent to
10 you went to your personal device?

11 The Witness. I believe so. I don't have the benefit of my official records, so I
12 don't know if he also texted my government device. But this one I'm looking at, [REDACTED], is
13 on my personal device.

14 Ms. Cheney. And so he would normally text you things to your personal device?

15 The Witness. Personal or government. He would oftentimes text both if he
16 was trying to reach me. So it would just depend.

17 Ms. Cheney. Did he come see you or talk to you at all?

18 The Witness. To the best of my recollection, I'm sure we -- I'm sure we
19 interacted at some point that day, but I don't recall interacting with him around the
20 timing of this text message.

21 Ms. Cheney. So, just so I understand, he's your deputy --

22 The Witness. Uh-huh.

23 Ms. Cheney. -- and he sends you a text message saying that people are storming,
24 this says, Hill office buildings. And you were just eating a turkey sandwich and just
25 didn't -- didn't register?

1 The Witness. To the best of my recollection, this was on my personal device,
2 which would've been in my desk. And I had been with the President, very likely, during
3 this time period, so I wouldn't have had this phone with me.

4 So, no, I definitely reject the characterization that I was just eating a turkey
5 sandwich and would ignore a text about Capitol Hill office buildings being stormed. I
6 likely wouldn't have seen it at the time.

7 I had literally just walked back to my office, began to open my lunch, when I was
8 accosted by the CBS producer with the question. Totally blindsided by what she was
9 referring to, I started to pay attention to the reporting and immediately went to the chief
10 of staff.

11 I in no way, shape, or form would eat a turkey sandwich if I thought Capitol Hill
12 was being sieged.

13 Ms. Cheney. And so your -- the deputy -- if Capitol Hill is under siege -- I mean,
14 he's sending you a text about it. You think he would've just sent it to your personal
15 device and left it at that?

16 And, of course, you know, we'll have access to the official records, but I'm a little
17 curious about the characterization here.

18 The Witness. I can't --

19 Ms. Cheney. Capitol Hill buildings are being stormed, and your deputy chief of
20 staff is trying to alert you to that, and he tells you only by your personal device? You
21 didn't receive the text?

22 The Witness. Well, he might've -- again, I don't have the benefit of my official
23 government records, so I wouldn't know if he texted me then or not. This was over a
24 year ago.

25 I can tell you, I was with the President when he first got back to the White House

1 and was in that private dining room. I was very likely with the President when this text
2 went through. Whether Judd came to find me, I don't know the answer to that because
3 I would've been with the President.

4 And very likely at this time, I go back to my office, I see reports as late as 2:23, "As
5 we are saying, it's peaceful." "We have a couple of reports of people being injured."
6 That was a quote from Bret Baier. So I'm orienting myself with the story as I'm watching
7 it play out.

8 I do not recall, to the best of my recollection, meeting with Judd prior to that
9 moment in time. I recall doing exactly what any good press secretary would do, which
10 would be to raise this to the chief of staff, who is in the chain of command. I am not in
11 the chain of command.

12 Ms. Cheney. So is this the kind of thing, normally, if there's a siege on the
13 Capitol, that you think the deputy press secretary would come and alert you to?

14 The Witness. Again, I was with the President. So the deputy press secretary
15 would not have the ability to just walk in and come find me at that point in time. He
16 occasionally would go back to the President, yes, but I can't speak for what he did or did
17 not do.

18 But I was back with the President at this point. And, as I recall, to the best of my
19 recollection, we were watching things on delay, and I learned of this upon coming back to
20 my office when a CBS reporter asked me a general question and I began to watch the
21 coverage.

22 And I did what a good press secretary would do, which was immediately go to the
23 chief of staff and ask if we should put something out.

24 Ms. Cheney. So are you aware that at 1:49 a riot was declared at the Capitol by
25 the chief of Capitol Police?

1 The Witness. To the best of my recollection, I had no awareness of that at the
2 time. As I mentioned, I believe the President was watching things on delay. What I
3 was watching was Senator Ted Cruz give a speech when I was back with the President.

4 Ms. Cheney. Did you see Tony Ornato at any time during this period?

5 The Witness. To the best of my recollection, Congresswoman, I did not.

6 Ms. Cheney. And so you were in with the President at 1:44 and --

7 The Witness. To the best of my recollection. I don't have an exact tick-tock of
8 where I was every minute, but to the best of my recollection, it was around that time
9 period.

10 ██████████ Did -- oh, were you finished with that?

11 Ms. Cheney. Thank you. Yeah, I'm done.

12 BY ██████████

13 Q Did anybody -- while you were in with the President, did anybody come in
14 and tell the President what was happening?

15 A To the best of my recollection, no.

16 And let me be clear. I don't think anyone remembers every minute of their day a
17 year ago in what was a -- one of the worst days in the White House, I think I can fairly say.

18 I can generally say the President arrived back at 1:20. He briefly interacted with
19 individuals outside of the Old Executive Office Building. He walked back.

20 I don't know how long I was with him. I was raising two news stories to him.

21 And, upon arriving back in my office, that is the point at which I began to get indications
22 of something being wrong.

23 I don't have a minute-by-minute read-out, but that is generally, let me be clear,
24 the way things played out for me.

25 Mr. Terwilliger. And, ██████████ let me just mention on Ms. McEnany's behalf -- I

1 mean, I think some of the committee members may have missed it at the beginning.
2 We're here, operating in good faith. We don't want to be here without her official
3 records, some of which are the subject to litigation, some of which haven't come.

4 So any insinuation that she doesn't remember certain things or that, you know,
5 "well, was this on your official device" and questions of that nature, we're the most
6 prejudiced by that. And we were subpoenaed, we're here, and we're trying to answer
7 questions.

8 So any type of insinuation that somehow it is our fault that we don't have the
9 official records is really unfair.

10 Mr. [REDACTED] Okay.

11 I'll just note for the record that Mr. Raskin has joined us.

12 BY [REDACTED]:

13 Q So, just to make sure I understand as much as I can from the chronology, you
14 said you had the interaction with the person from CBS. Then you learned, I guess, of
15 things escalating and probably somebody being injured, and you called or spoke with
16 Mark Meadows. Is that correct?

17 A Yes.

18 Q Before you went back into the Oval Office?

19 A That is correct.

20 Q Okay. But you asked Mr. Meadows whether you should do a statement,
21 and I think you were saying he said, let's wait until we have more information?

22 A To the best of my recollection, it was either asking him whether to put out a
23 statement or asking him if there's something that I should say to reporters at this point.

24 Q Okay. And he said, no, not at this time. Is that right?

25 A He said, to the best of my recollection, no, not right now; let me gather my

1 facts on this.

2 Q Okay.

3 A Something to that end.

4 Q But, then, in your notes at some point -- and we don't know what time -- you
5 write, "I decided to go to potus after there more reports of capital on lockdown."

6 So did something change between that conversation with Mr. Meadows and when
7 you decided to go into the Oval Office -- or to the private dining room and talk to the
8 President?

9 A I think I had just seen -- that was around -- around 2:26, there was reporting
10 of some injuries. 2:26, I learned that the House had come back into session and that
11 they would resume with the certification of the electoral college. I believe that was a
12 quote from Chad Pergram on FOX.

13 So, at around 2:26, it seemed like the House was resuming and was back in
14 session, so maybe it was just an injury or something. Again, these are my vague
15 memories of the day. Haven't had the benefit of watching the footage in full.

16 But around that time period, around the 2:30 mark or just prior to that is when I
17 went back to the President to say we needed to put out a message.

18 Q Okay. So around 2:30. And that led up to and resulted, presumably, in
19 the 2:38 tweet from the President. Is that your understanding?

20 A To the best of my recollection, yes.

21 Q Okay. And roughly how long were you in with him?

22 A To the best of my recollection, it was a few -- it was a few minutes. I'm not
23 sure how long, but a few minutes.

24 Q Okay. So, as far as you can recall, it was sometime around 2:30. And then
25 did you leave before the 2:38 tweet went out or around then?

1 A Around then, yes.

2 Q Okay. So, whatever, roughly 8 minutes. And I recognize you don't know
3 exactly.

4 So, for that meeting -- again, we're talking about in the private dining room,
5 correct?

6 A Yes.

7 Q Who else was in there that you can recall?

8 A So, to the best of my recollection -- I'm just looking back at my notes
9 here -- it was Ivanka, the chief of staff, myself, Dan Scavino, and Eric Herschmann.

10 Q Okay. And so we're going off your notes here. You said, "I decided to go
11 to potus after there were more reports of capital on lockdown. Ivanka. Chief. Me.
12 Dan," which I assume is Dan Scavino, "Herdsman," I assume just a typo for "Herschmann."

13 A Uh-huh.

14 Q It says, "He writes first sentence." Who is the "he"?

15 A To the best of my recollection, I think that would mean President Trump, but
16 I can't be certain about that.

17 Q Okay. And do you recall what that sentence was?

18 A To the best of my recollection, it would've been the sentence about
19 supporting the Capitol Police and supporting law enforcement.

20 Q Okay.

21 And you can feel free to look, if you're not doing it already. I think exhibit 19 is
22 what ended up being the 2:38 tweet. "Please support our Capitol Police and Law
23 Enforcement" is the first sentence.

24 Is that the sentence you recall him --

25 A Yes. Yep.

1 Q Okay.

2 And then you write, "I say add 'We support PEACEFUL protest.'"

3 So was that something that the President had not already said he wanted in
4 there?

5 A I think he had written the first sentence, and I suggested saying "we support
6 peaceful protest" to the end of it.

7 Q Okay.

8 And then you write, "Ivanka add stay peaceful!", which ends up at the end of that
9 tweet.

10 But was the President not proposing to put "stay peaceful" or something to that
11 effect?

12 A To the best of my recollection, this was really a planning session
13 of -- or a -- you know, obviously, you're putting together a tweet, so you're all putting the
14 ideas together. The President, you know, I think he wrote the first sentence, and we
15 just proposed adding the second, to which he was fine and added to the tweet.

16 Q Okay.

17 But it -- so I told you earlier I was going to give you some sort of guideposts for
18 what was happening at different times. So we're talking about 2:30 to 2:38. By that
19 time, I'll go through a couple of things that had been reported already.

20 From 2:04 to 2:06 p.m. on FOX News, Dana Perino and Rich Edson were on, and
21 the chyron read, "Protests Erupt During Electoral Vote Count." Rich Edson reports that
22 thousands upon thousands of protesters had walked to the Capitol from the Ellipse.
23 Reports that the Cannon House Office Building was evacuated and then cleared for
24 reentry. There were reports of suspicious packages. And protesters were pushing and
25 trying to enter. Edson reports that the crowd is massive and that there are flash bangs

1 and tear gas being used. And then, at 2:21, the Vice President was moved out of the
2 Senate Chamber.

3 Then, from 2:23 to 2:28, on FOX News, Dana Perino, Bret Baier, and Chad Pergram
4 were on, and the chyron read, "U.S. Capitol on Lockdown Amid Protests." Bret Baier
5 relayed a couple of reports of people being injured and the breach of security, including
6 an unconfirmed report of an injury to a Capitol Police officer. There are protesters
7 inside in the Capitol -- so I would emphasize that. He reported that there were
8 protesters inside the Capitol, just outside the Senate Chamber. Both House and Senate
9 have adjourned and paused proceedings due to security concerns. Lawmakers have
10 been told to shelter in place.

11 So, at that point, so that's, you know, 10 minutes before this tweet that you
12 helped the President work on. All he tweeted was, "Please support our Capitol Police
13 and Law Enforcement. They are truly on the side of our Country. Stay peaceful!"

14 There's no mention in that text of asking people to leave the Capitol. Was there
15 any discussion of whether the President should ask the people, the protesters, to leave
16 the Capitol?

17 A To the best of my recollection, the President and the team back there was
18 focused on saying "stay peaceful."

19 I would just add to your timeline -- and, again, I haven't -- I have no way to
20 rewatch coverage from that day. I don't. But the snippets I was able to see -- at 2:23,
21 Bret Baier had also reported, "As we were saying, it's peaceful."

22 At 2:26, I believe Chad Pergram -- I believe he said, "I should note that the House
23 has just come back into session. They will resume with the certification of the electoral
24 college."

25 So these were the kinds of things I was seeing when I walked back to the President

1 and we were drafting this tweet.

2 Q Yeah, but you had earlier in your notes seeing something about violence and
3 protest.

4 A Yeah, but --

5 Q So you knew at that point it had become violent. Is that correct?

6 A As I read to you earlier in your line of questioning, "As we were saying, it's
7 peaceful. We have a couple reports of people being injured." So it was unclear at that
8 point how widespread this was. There were reports of a couple injuries. You, yourself,
9 noted that there was an unconfirmed report of an injury to an officer.

10 So this was a fluid situation. I had gone from arriving back at my office to all of a
11 sudden having this incident start to escalate. And I was trying to absorb the facts from
12 the perspective of a press secretary watching a television network, who's not in the chain
13 of command.

14 So, when I went back, it was to encourage the President to send some sort of
15 messaging, which he was already working on, to the best of my recollection.

16 Q Did you suggest to the President that he ask the protesters who were in the
17 Capitol by that point to leave the Capitol?

18 A I suggested to the President to say "stay peaceful."

19 Q Yeah. But, again, to my question: Did you also suggest to the President
20 that he ask the protesters to leave the Capitol?

21 A To the best of my recollection, I don't know at the time. I had just learned
22 that the House had come back into session, so, for all I knew, the situation was resolved.
23 To the best of my recollection, when I walked back there, it was to tell him to send a
24 tweet to some end about being peaceful, which he did, and he said to support Capitol
25 Police.

1 Q Okay.

2 Before the 2:38 tweet was issued, to your knowledge, did anybody ask the
3 President to ask the protesters to leave the Capitol?

4 A To the best of my recollection, no, but I was back there for a series of
5 minutes, and the focus was telling people to support police, support law enforcement,
6 and to stay peaceful.

7 Q Did you think at the time that the President should ask the protesters to
8 leave?

9 A To the best of my recollection, I was just trying to gather facts. I went from
10 planning a move, thinking about my daughter and my family, how the day would end,
11 going home to my young daughter, and then a situation began to escalate, and I was
12 trying to gather to what end it escalated.

13 I was not -- I didn't have live reports coming in from Capitol Hill. I wasn't sitting
14 in the Capitol. I'm not in the chain of command. I didn't have people from Capitol Hill
15 texting me. To the best of my recollection, I was learning things on television with the
16 rest of the world.

17 Q Did anybody suggest to the President some mode of communicating to the
18 protesters other than a tweet or possibly in addition to a tweet, whether it's go on live
19 television, go into the press briefing room, which is just, you know, a few yards away, to
20 do some other means of communicating to the protesters?

21 A To the best of my recollection, no. They could have, but I believe the tweet
22 was the most -- the tweet was the focus, because that was, in my mind, the way that
23 many of these individuals at the Capitol would be receiving messages, would be via
24 Twitter.

25 To the best of my recollection, I don't think that they were -- had televisions there.

1 A lot of times tweets alert on your phone, if you're following someone of importance
2 whose tweets you want to receive. So a tweet was really the most effective way to
3 reach people who were in the middle of a protest.

4 Q What was the President's mood like when you had that meeting in advance
5 of the 2:38 tweet?

6 A To the best of my recollection, I was there for a series of minutes. His
7 mood was geared toward crafting a tweet. I don't know that I could characterize his
8 emotion any which way. He was working on drafting a tweet.

9 Q Okay. I mean, did he seem happy? Unhappy? Concerned? Scared?
10 Could you detect anything about his body language or the way he was talking?

11 A To the best of my recollection, I was there a series of minutes, and the
12 meeting was geared towards accomplishing an action, which was sending a message to
13 stay peaceful.

14 Q Okay. But I don't think you answered my question. And if you don't know
15 the answer, that's fine, or if you don't recall, that's fine, but I just want to make sure that I
16 get that.

17 Do you remember what the President's emotions were during that interaction you
18 had with him in advance of the 2:38 tweet?

19 A I don't remember. I remember him being focused on sending a tweet, and
20 I don't think he had many emotions. He was working on a task. Most of us going
21 about professional duties are going about professional duties.

22 Q Okay.

23 So I know you said you went into the dining room around 2:30, and I totally
24 understand you wouldn't know the exact time. Our understanding is that at 2:26 the
25 President called, trying to reach Senator Tuberville, but accidentally called Senator Lee's

1 phone, and then Senator Lee gave the phone to Senator Tuberville.

2 And, during that conversation, Senator Tuberville told the President that they had
3 taken the Vice President out, and he, Senator Tuberville, says he has to go.

4 Do you recall whether you were with the President when he had the call with
5 Senator Tuberville?

6 A To the best of my recollection, no.

7 Q So you think you probably came in -- if that was at 2:26, you probably came
8 in after that.

9 A Yes, to the best of my recollection.

10 Q Sometime between the 2:26 call and the 2:38 tweet.

11 A To the best of my recollection, yes.

12 Q As far as you can recall, during that time you were in the dining room with
13 the President, this being the second time back there, did he have any telephone
14 conversations with anybody?

15 A To the best of my recollection, no. It was just speaking to the people in the
16 room.

17 Q Now -- so, if you went in at about 2:30, then presumably you went in after
18 the President's 2:24 tweet, which can be found at exhibit 18. And I'll read it.

19 He wrote, "Mike Pence didn't have the courage to do what should have been done
20 to protect our Country and our Constitution, giving States a chance to certify a corrected
21 set of facts, not the fraudulent or inaccurate ones which they were asked to previously
22 certify. USA demands the truth!" And that's the end of the quote.

23 So that is at the same time that FOX News is reporting people being injured in the
24 breach of security and an unconfirmed report of an injury to a Capitol Police officer.

25 Did you have any conversation with the President about the tweet that he issued

1 at 2:24 about Vice President Pence?

2 A To the best of my recollection, no. When I left that initial meeting upon
3 returning back to the White House, he had resolved to not send anything in response to
4 the Vice President's letter. That's what I remember.

5 Q Okay. Did you have --

6 A He seemed to have forgotten about it. Just to -- he had seemed to have
7 forgotten about it. It had dropped off of his -- of his radar. That's what I recall from
8 that first interaction.

9 Q Did you have any conversations with anybody about the President's 2:24
10 tweet about Mike Pence not having the courage to do what should have been done?

11 A To the best of my recollection, I wouldn't -- I don't know. I don't remember
12 everything conversation I had that day. It was one of the worst days that I had had at
13 the White House. I don't remember every conversation that I ever had.

14 Could this tweet have come up with someone in my staff? Possibly, but I don't
15 recall exactly.

16 Q All right. So you don't recall discussing the tweet with anybody.

17 A I don't.

18 Q Okay.

19 Ms. Cheney. [REDACTED] could I ask a question?

20 [REDACTED] Yeah, go ahead. Oh, actually, let me just ask one quick followup to
21 that and then maybe go to your question.

22 BY [REDACTED]

23 Q Do you remember reading the tweet yourself?

24 A To the best of my recollection, I'm sure I would've seen it. I mean, when
25 the President sends a tweet, you know, yes, of course, in the West Wing you see what he

1 tweets. So I'm sure I did see it.

2 Q Do you remember what your reaction was to that tweet?

3 A To the best of my recollection, I don't remember exactly my reaction,
4 because this would have been the time period I was dealing with the reporter and talking
5 to the chief of staff, raising concerns about the injuries. So I'm not sure exactly where
6 that fit in, the tweet, to what I was doing in my office.

7 Q All right. But, just generally, do you remember having a reaction to the
8 President tweeting about -- while the attack on the Capitol is going on, the President
9 tweeting that Mike Pence didn't have the courage to do what should've been done?

10 A If I had any reaction, it would've been, to the best of my recollection, that he
11 should have left off the messaging, of not sending the tweet. I told you he had thought
12 about sending a response, then had forgotten about it. And I never wanted to see the
13 President and the Vice President at odds. I think very highly of the Vice President.

14 So, if I had any sort of reaction, it would've been of frustration that they were at
15 odds, because I do think very highly of the Vice President. Again, I don't remember
16 every conversation I had that day. There was a lot going on. But that would've been
17 my general view of the tweet, to the best I can recall.

18 [REDACTED] Okay.

19 I'm sorry, Ms. Cheney. You had a question?

20 Ms. Cheney. Thank you, [REDACTED]

21 Ms. McEnany, do you recall speaking to Sarah Matthews before you went into the
22 Oval Office for the first time?

23 The Witness. To the best of my recollection, I don't recall that conversation.
24 You said the first time, so that would've been upon arriving back at the White House?

25 Ms. Cheney. Yes.

1 The Witness. Okay. I don't recall any sort of conversation.

2 Ms. Cheney. Do you recall speaking to Ben Williamson before you went into the
3 Oval Office?

4 The Witness. To the best of my recollection, I do remember at one point talking
5 to Ben after I had raised concerns to the chief of staff amid reports of the injuries. So I
6 do think Ben and I interacted to some degree, but I don't know if it was before I went in.
7 I recall pretty quickly going from my office to the Oval, where the President
8 was -- or walking directly to the Oval.

9 Ms. Cheney. Okay. Can you explain for us where Ben Williamson and Sarah
10 Matthews sat in relationship to your office?

11 The Witness. So, to the best of my recollection, Sarah Matthews sat outside my
12 door, and Ben Williamson was sitting in the former communication director's office,
13 which would've been two offices down from mine.

14 Ms. Cheney. And would the press office have had CNN on your televisions?

15 The Witness. I -- to the best of my recollection, it could've been on. We had
16 CNN on before we went to the rally. I didn't spend -- the best two -- what I can recall, I
17 did not spend a ton of time sitting outside of my office. I remember going directly back
18 into my office. I had probably stopped briefly there, but I don't think I would've been
19 watching the televisions out there. But, again, this was more than a year ago and a
20 really strenuous day in the White House.

21 Ms. Cheney. Did you have notifications set on your phone? You mentioned
22 notifications about tweets.

23 The Witness. To the best of my recollection, I don't think I had notifications for
24 the President's tweets. Could be wrong; it was more than a year ago. But to the best
25 of my recollection, I didn't. But I could have. I don't know. It was more than a year

1 ago.

2 Ms. Cheney. And, as the press secretary, presumably you would've been
3 following what the press was saying on Twitter. Is that accurate?

4 The Witness. To the best of my recollection, I was learning about events as I was
5 watching FOX. I don't think I was sitting at my desk reading Twitter. There had just
6 been a massive news story about the Vice President's letter and the President; there was
7 the objections going on. I don't think I was sitting around reading Twitter, to the best of
8 my memory.

9 Ms. Cheney. Did you follow what reporters tweeted, as a general matter?

10 The Witness. Occasionally I would look, but, to the best of my recollection, I
11 don't think I sat at my desk and read what reporters said on Twitter all day. I was
12 addressing emails as they would come in, although I don't think I was looking at my
13 emails at that point. Again, to the best of my recollection, I was dealing with a reporter
14 physically coming to my office and talking to the chief of staff about what was going on.

15 Ms. Cheney. Did you have notifications on your phone set for any reporters'
16 tweets?

17 The Witness. To the best of my recollection, no.

18 Ms. Cheney. So who did you have notifications on your phone set for?

19 The Witness. To the best of my recollection, I don't know that I had any
20 notifications on my phone. If I did have any notification, it probably would've been the
21 President's tweets. But, as a matter of course, I don't have a ton of notifications for
22 people's tweets. But, if I did have any notification, it would probably only have been for
23 the President.

24 Ms. Cheney. So you don't recall any discussion with Ben Williamson or Sarah
25 Matthews about the assault on the Capitol.

1 The Witness. To the best of my recollection, no. I'm sure we talked. I do
2 recall talking to Ben Williamson and mentioning to him that the chief -- I had raised to the
3 chief of staff the issue of what was going on at the Capitol, that I had seen reports of an
4 injury. And I recall Ben Williamson saying, okay, I'll go talk to the chief of staff about this
5 matter.

6 If you have any documents to refresh my memory, I would love to see them, or
7 any conversations. But, yeah, I would love to see that.

8 Ms. Cheney. Thank you.

9 The Witness. Great.

10 [REDACTED] Okay. I'll pause here. I think --

11 The Witness. Could I just add?

12 [REDACTED] Yeah.

13 The Witness. For a senior official or for a press secretary who's in the middle of a
14 crisis, conversations with lower-level staffers might not stand out to me. What stands
15 out to me are the events of what was happening that day, talking to the President about
16 messaging, raising the concerns to the chief of staff.

17 So, while lower-level staffers might remember certain conversations, it's not the
18 same when you are a principal involved in trying to raise things to the President of the
19 United States, raise things to the chief of staff, take action on a day that was a very bad
20 day, I think we can all agree on.

21 Ms. Cheney. I certainly agree on that.

22 BY [REDACTED]

23 Q If you can look at exhibit 68. And that is a text message from Erin Perrine,
24 2:35 on January 6th. "I never do this but President Trump needs to condemn this attack
25 on the Capitol now."

1 First of all, who is Erin Perrine?

2 A Erin worked for the campaign. I don't know if she still did at the time, but
3 she had worked on the campaign.

4 Q So you presumably would've been in the dining room with the President
5 working on the 2:38 tweet when this came in. Do you recall whether you saw this
6 before or after the 2:38 tweet went out?

7 A To the best of my recollection, I likely would've seen this at the end of the
8 day. I was not on my device as much that day. We were dealing with, obviously, huge
9 matters in real-time, and I often kept my personal phone in my desk.

10 Q So you think you didn't see this text message until much later?

11 A To the best of my recollection, it's something that I would've seen much
12 later. But, again, it's more than a year ago. I don't remember what text I saw at what
13 time on what was a day that, as I said, we all condemn.

14 Q Right. I understand.

15 Regardless of whether or not you saw the suggestion from Erin Perrine that the
16 President condemn the attack on the Capitol, why didn't the President condemn the
17 attack on the Capitol at that time?

18 A I think the President at this point -- to the best of my recollection, we were
19 focused on a call to action to stay peaceful.

20 As I noted to you, there was still reporting, general characterizations of what was
21 going on as peaceful. I'm not in the Capitol. I'm not working in the Capitol. To the
22 best of my recollection, I didn't have friends working in the Capitol sending me messages.
23 So, to someone at the Capitol, while they may have learned events faster in real-time, I
24 did not.

25 So, to the best of my recollection, there was reporting of generally a peaceful

1 event but one where there had been a few injuries. And as late as 2:26, there was
2 reporting that the House had come back into session, which I assumed meant that
3 perhaps what was going on had been quelled.

4 Q Okay.

5 [REDACTED] So I'm going to pause here for anybody who's just joined. And I
6 think the chairman may have rejoined.

7 Just to let everybody know where we are, we're kind of going, as much as we can,
8 chronologically through January 6th itself. And, chronologically, I think we've just
9 gotten through the President's 2:38 p.m. tweet that ended with "stay peaceful."

10 So I'm going to continue chronologically, picking up from there. So I'll pause
11 here to see if anybody -- I'll start with members first. Does anybody have any questions
12 about anything leading up to 2:38?

13 Mr. Raskin?

14 Ms. Cheney. I've got a -- oh. Go ahead, Jamie.

15 Mr. Raskin. Thank you, [REDACTED]. Thank you, Liz.

16 So what I'd like to ask you is, what was the basis of your own advocacy of sending
17 out a tweet to try to tamp things down? What had you learned that led you to that
18 position?

19 The Witness. Hi, Congressman.

20 Yes, I had seen some reporting that there had been some injuries. I don't
21 remember everything specifically that I had seen, but I do remember there had been
22 some reports of some injuries despite, at around the 2:30 mark, the events were still
23 being characterized as still peaceful. However, there were reports of injuries. I
24 immediately --

25 Mr. Raskin. These were injuries to police officers or to protesters? Do you

1 remember?

2 The Witness. I believe as your investigator pointed out, there was an
3 unconfirmed report of an injury to an officer.

4 And you can correct me if I'm misquoting you there, but I think that's what you
5 said.

6 I just said people being injured was what I had heard. There were some reports
7 of that. But, generally, "As we were saying, it's peaceful," was a direct quote at
8 2:23 p.m. from what I was watching on the news.

9 But, of course, if there was ever a report of an injury -- a reporter came in and had
10 asked me -- I don't know if you were here for this -- "What do you think about what's
11 going on at the Capitol?" And I wasn't aware of what was going on at the Capitol
12 because, to the best of my recollection, I had just come from being with the President,
13 who I believe was watching things on delay. I had just seen Senator Cruz giving a
14 speech, and then I walked into my office, and I'm accosted by someone who says, "Hey,
15 what's going on at the Capitol?" So I was trying to gather my facts.

16 But, of course, any report of an injury, I raised it to the chief of staff. And then I
17 went back to the President after -- I might have conferred with Ben Williamson at that
18 point, who went back to the chief of staff to try to get a statement together or some sort
19 of messaging together. And I, for my part, went back to the President, and the chief of
20 staff was back with the President.

21 Mr. Raskin. So -- and forgive me if I missed this. I thank you for your
22 indulgence. But you told the President that you were concerned about the violent
23 injuries taking place?

24 The Witness. So, to the best of my recollection, when I went back there, several
25 others had, I had assumed at that point, had conveyed that to him, because they were

1 working on a tweet about supporting Capitol Police and supporting law enforcement.
2 So it had appeared that this had already been conveyed, that whatever he was watching,
3 even if it was on delay, that at this point something had been conveyed to him.

4 Mr. Raskin. Okay. Thank you.

5 And I yield back [REDACTED]

6 The Witness. Thank you.

7 [REDACTED] Of course.

8 BY [REDACTED]

9 Q Similar to that, not just the issue about the injuries, but, as I read to you, FOX
10 News at least, between 2:23 and 2:28, had reported that there are protesters inside the
11 Capitol, and then, from 2:29 to 2:33, that the chyron at times read "Protesters Now Inside
12 U.S. Capitol." They reported, "House and Senate on lockdown. Protesters inside
13 Statutory Hall, just feet from the House Chamber."

14 So were you aware before the President issued his 2:38 tweet that protesters had
15 gotten inside the Capitol?

16 A I think there was some reporting to that end, but I think as -- I'm pretty sure,
17 to the best of my recollection, at around 2:26, there was reporting, "I should note,"
18 quote -- this was Chad Pergram -- "the House has just come back into session. They will
19 resume with the certification of the electoral college." That was at 2:26. So I was
20 uncertain, you know, whether that had been quelled or not.

21 But, again, it's very vague. This is more than a year ago. I just remember
22 generally something -- there being reports of an injury. Unclear to me at that point
23 whether I knew there were people in the Capitol or not. I just don't remember. I
24 haven't been able to rewatch the footage. But those were some of the things I was
25 hearing, which caused me to go back to the President and to raise the concern to the

1 chief of staff.

2 Ms. Lofgren. Can I ask a quick question?

3 [REDACTED] Yes.

4 Ms. Lofgren. You had mentioned that you had a screen that could run multiple
5 TV channels. Did you have multiple channels on during this time in your office? And
6 what were they? And were they all consistent, in terms of the reports?

7 The Witness. Congresswoman, as a matter of course in my office, I would have
8 usually one network on one of the televisions, and then on the other television I would
9 have it broken into four boxes. Typically that would be CNN, MSNBC, FOX, and FOX
10 Business. And then on the much bigger TV I would have one of the networks.

11 To the best of my recollection that day, that's likely how it was set up. I don't
12 remember exactly. I just remember learning in real-time the events as they were
13 playing out on FOX, which is where I was learning about what was happening at the
14 Capitol.

15 [REDACTED] Ms. Cheney, I think you had a question earlier.

16 Ms. Cheney. Thank you, [REDACTED]

17 Ms. McEnany, do you recall participating in or observing a quarrel at about this
18 time between Chad Gilmartin and Sarah Matthews in your office?

19 The Witness. To the best of my recollection, I don't remember that. I -- that
20 day, I understand that to lower-level staffers these events are significant, but for me, I
21 was attempting to do what I could to raise concerns to the chief of staff and the
22 President. So any discussions that would've gone on in my office among lower-level
23 staffers or conversations they had to me would be subsidiary and not memorable as
24 compared to my mindset, which was raising my concerns to the chief of staff, to the
25 President, ahead of sending this tweet.

1 Ms. Cheney. Do you recall instructing Sarah Matthews and others in your office
2 not to say anything to the press?

3 The Witness. To the best of my recollection, I think I conveyed orders. I had
4 asked the chief of staff if we should react to this. Again, this is around the period where
5 the activity was being characterized as, "As we are saying, it's peaceful," but there were a
6 few injuries around that time period as I was watching FOX.

7 I raised it to the chief of staff, and I communicated what the chief of staff had said
8 to people on my staff. I don't recall exactly, but, likely, if someone had asked me, I
9 would've said, this is what the chief of staff said. He's gathering facts as to what's
10 happening. Again, I don't remember exactly, but I'm sure I would've conveyed what the
11 chief of staff said.

12 Ms. Cheney. So you don't recall discussions in your office, including one that
13 may well have been heated, that day about the response.

14 The Witness. I don't recall that in my office. To the best of my recollection, I
15 was focused on raising my concerns to the chief of staff, then going to the President.

16 This was a quickly moving series of events. About the time when I was learning
17 of an injury, that was, you know, thereabouts 2:23, 2:30. Again, to the best of my
18 recollection, this all happened in the span of about 60 minutes, culminating in me sending
19 a tweet about the National Guard. So this is a series of fast-moving events, and I don't
20 recall everything from more than a year ago.

21 Ms. Cheney. Thank you.

22 ████████ Hey, █████ It's █████ Can I just jump in quickly and follow up on
23 something? I don't want to step in front of any members who have questions.

24 ████████ Do any members have questions before we go to █████?

25 Okay, █████

1 [REDACTED] Yeah. Thank you.

2 BY [REDACTED]:

3 Q And, Ms. McEnany, I don't want to belabor this, but I just want to briefly go
4 back to some questions John asked you earlier about mood, specifically right around the
5 2:38 period in which you're discussing with the President the potential language in his
6 tweet.

7 It sounds like, at this point, there had been reports of violence at the Capitol,
8 there had been a person burst into your office with some urgency, that there was
9 something significant going on, kind of a big deal. The Vice President -- there had been
10 a breach and a tweet about the Vice President from the President that you were aware
11 of.

12 Just give us a better sense as to your observations of everybody, including the
13 President's demeanor, state of mind, sense of urgency, during these discussions.

14 A Yeah. So, when I went back to the President, it was around, as I said, to the
15 best of my recollection, the 2:30 mark. I was there for a series of minutes, and he was
16 crafting a tweet. I don't have any observations about his emotions or actions. He was
17 suggesting language for a tweet, to which I had replied to say, "We support PEACEFUL
18 protests" in all caps; to which Ivanka said, "Stay peaceful." So there was really a task to
19 be accomplished. I don't have any recollection about his mood in that moment.

20 Q How, if at all, did that interaction differ from the interaction you had with
21 him earlier that day or any other day?

22 A To the best of my recollection, it was a little different. You know, when I
23 was first back there with the President, you know, he was in a very good mood. You
24 know, he had read the letter but didn't express a ton of reaction, to the best of my
25 recollection, towards the letter. He was watching Senator Ted Cruz -- again, I think it

1 was on delay -- and he liked Senator Cruz's argument, to the best of my recollection.
2 And then he went on to go calling the Senators and Congressmen, which, to the best of
3 my recollection, I was not back there for that.

4 So he went from, you know, being in a fine mood to more matter of fact, down to
5 business, as we were crafting the tweet. Again, it's a hazy series of events in what was
6 a, in my view, a 60-minute window of time before sending the National Guard tweet.

7 Q Okay. So that's helpful. So the earlier interaction upon your return from
8 the Ellipse, the first interaction you described, he was in, you would say, a good mood.
9 He had finished this big speech. He was watching Senator Cruz object to the
10 certification and was starting to call Senators. And he was in sort of a -- I don't want to
11 put words in your mouth, but a generally upbeat, positive mood?

12 A To the best of my recollection, yes.

13 Q And then, when you saw him the next time, which was an hour or so later,
14 crafting the tweet, how had it changed? Was he no longer in a good mood? And what
15 physically -- sort of, what manifestation was there to give you a sense that that had
16 changed?

17 A I don't recall exactly, I think, exactly what his mood was in that moment.
18 Again, I was back there to accomplish a task, and to the best of my recollection, President
19 Trump was accomplishing a task as well. I wouldn't have any characterization really of
20 his mood in that moment.

21 Q Did he raise his voice at all?

22 A To the best of my recollection, no.

23 Q Did he express frustration with anything?

24 A To the best of my recollection, no.

25 Q Do you remember anything in particular that he said about the events at the

1 Capitol as you were in this discussion about the tweet?

2 A To the best of my recollection, no, I don't remember. I was focused on
3 sending the tweet, and he was suggesting language. I don't remember, as best as I can
4 recall, a specific mood.

5 Q Did he reject any suggestion of specific language for the tweet, from you or
6 Ivanka or anybody else?

7 A To the best of my recollection, I suggested, "I support PEACEFUL protest," all
8 caps "PEACEFUL," but he liked Ivanka's suggestion of "Stay peaceful," so he opted to go
9 with that language. It was more in his words, I guess.

10 Q So he never said, no, I don't want to say this, or no, I don't want to say that.
11 Was it contentious at all?

12 A To the best of my recollection, no.

13 Q And who else was involved in that specific discussion besides you, President
14 Trump, and Ivanka?

15 A To the best of my recollection, the chief of staff, Dan Scavino, and Eric
16 Herschmann.

17 Q Did anyone else suggest any specific language that could potentially be part
18 of that tweet?

19 A To the best of my recollection, no. I mean, I don't remember every
20 conversation or word that was said back there.

21 Q Was it rushed, Ms. McEnany? Were you trying to get this out because you
22 were hoping it would have some impact on events as they were occurring in real-time at
23 the Capitol?

24 A Yes. To the best -- yes. To the best of my recollection, there was reports
25 of an injury here or there. Again, it was unclear to me, not being in the chain of

1 command, exactly how extensive this was, but to the degree there was any sort of injury
2 or any sort of violence, we wanted to communicate to stay peaceful, because that is what
3 our movement represents.

4 Q Was there any concern that, by using the word "stay," the President was
5 actually encouraging people to remain, not to leave but to remain at the Capitol?

6 A To the best of my recollection, there was never any consideration that the
7 word was viewed in that context.

8 Q Who actually typed the tweet that was sent out via Twitter? On whose
9 device?

10 A To the best of my recollection, I don't recall whether it was one that the
11 President typed or one that Dan Scavino typed. Dan was back there, but I don't
12 remember exactly who sent it out.

13 Q When it was sent, was there any sense of relief, or did the mood change, the
14 urgency change, that we've done that, now we can move on? Or give us a sense as to
15 how it ended.

16 A To the best of my recollection, I left to communicate to my team the
17 President had sent this. Many of them probably would've seen it. So my concern was
18 flagging for reporters that this tweet had been sent, you know, to make sure this
19 messaging was included in any stories, and that my staff could point to this with reporters
20 as well.

21 Q And when it was sent, you left the direct immediate vicinity of the President
22 and went back to your office or somewhere else. Is that right?

23 A To the best of my recollection, yes.

24 Q All right.

25 I think [REDACTED] is going to pick up with his timeline, but I appreciate that. I

1 understand this was a year ago, but this sounds like the kind of significant event that
2 you'd recall, and that's why these details -- we're just trying to get as much flavor as we
3 can from you about tenor and tone and mood. So thank you.

4 A Thank you. [REDACTED]

5 [REDACTED] I'm done, [REDACTED] Go ahead.

6 BY [REDACTED]

7 Q Did the President say anything, whether favorable or negative, about the
8 protesters themselves?

9 A To the best of my recollection, no. I recall drafting a tweet and leaving.
10 That's what I remember from that moment.

11 Q So he didn't say anything to praise the protesters that you can recall?

12 A To the best of my recollection, I don't recall him praising the protesters at
13 that -- at that point.

14 Q Okay.

15 So you've walked through the sentence that the President dictated, which it
16 sounds like from what you said ended up in the tweet, what you suggested, and then
17 Ivanka Trump's suggestion of "stay peaceful." Other than that, can you recall the
18 President saying anything during that interaction with him in the dining room?

19 A To the best of my recollection, no. I'm sure there was more said. I was
20 there for a series of minutes. But I don't recall exactly what was said. I was focused on
21 the tweet and then focused on flagging it for my team.

22 Q Okay.

23 So, just to pick up after the 2:38 tweet, from 2:39 to 2:42 on FOX News, the
24 chyron at various times read, "Lawmakers instructed to get escape hoods as protesters
25 enter U.S. Capitol" and "Reports of tear gas as protesters enter Capitol" and then

1 "Lawmakers evacuating from House floor."

2 Martha MacCallum from FOX News reported that she was hearing reports of tear
3 gas in the Rotunda, Members of Congress being told to get gas masks. She said, "The
4 other big question is, where is the Vice President? We are told that he was rushed out
5 of the Chamber."

6 Dana Perino spoke with Representative Waltz, a Republican of Florida who was on
7 the House floor, and said that he reported that the entire House floor had been
8 evacuated or was being evacuated, and he said, "This is despicable. This is not who we
9 are as a country."

10 And then -- that's just to give you context. Then I'll have you look at exhibit 69,
11 which is a text from Chad Gilmartin. You wrote, "Can you come in here so we can
12 strategize?"

13 A Uh-huh.

14 Q Does "here" refer to your office?

15 A Yes, I believe so, to the best of my recollection.

16 Q Okay. But why did you want to strategize with Mr. Gilmartin?

17 A I believe at this point -- and this is to the best of my recollection, because
18 this was a hazy time period -- I went back to my staff to flag the tweet. Obviously, there
19 were reporter inquiries about what was going on, so I flagged the tweet for
20 the press -- for the team.

21 To the best of my recollection, I don't remember what other events transpired
22 before this, but I probably was seeing some of what you were saying and asked him to
23 come in so we can determine the best message for the President to put out next. I
24 assume that was the case.

25 Q Okay. Did you meet with anybody in addition to Mr. Gilmartin?

1 A I don't recall. I'm sure I spoke with members of the staff, of my staff, but,
2 to the best of my recollection, I just don't remember this time period. This is when
3 things were starting to, in my view, as you were reading, escalate, and I was focused on
4 what was next.

5 Q Okay.

6 And then, at 3:23, he sends you a link to a tweet from Kaitlan Collins. Do you
7 know what that was?

8 A I don't. Okay, they have it here.

9 I think this was the reporting on a woman being shot, who I believe now we know
10 to be Ashli Babbitt, but at the time there was just a report of someone being shot.

11 Q Okay. And do you recall whether you saw that roughly contemporaneously
12 to when it was reported?

13 A I don't recall whether I specifically saw that, and I very likely didn't, because I
14 was back with the President at around this 3:30 time that he sent this second tweet, at
15 which point I was -- I'm sure we'll get into it -- the National Guard had come up. So I was
16 dealing with a lot at that time period. So I'm not aware if I had seen it.

1

2 [4:41 p.m.]

3 BY [REDACTED]:

4 Q So you said earlier you left the dining room around when the President sent
5 his 2:38 tweet and returned to the dining room again around 3 o'clock.

6 What did you do between when you left the dining room and when you went
7 back?

8 A I think it was -- when I left the dining room, I -- to the best of my recollection,
9 I probably flagged for my staff what he had tweeted, but I don't remember exactly the
10 conversations that took place prior to returning to the dining room.

11 Q Okay. And then, just to give you -- well, actually, I've already sort of given
12 you some context, so maybe we'll look and see if there is anything in your notes again.
13 That's exhibit 39. So maybe like three-quarters down the first page.

14 A Yeah. I would have went, to the best of my recollection, a little bit later to
15 the President than 3, because it was around the time he was drafting and sending that
16 second tweet.

17 Q Okay. So this is -- just to pick up on your notes, is this when you wrote,
18 "Went back second time after reports of gunshots"?

19 A Yes. That clears up, yes, the timeline a little bit, yeah. It would have
20 been -- that probably -- probably it was just before he sent that second tweet. It was
21 around that 3 o'clock mark. But I'm not sure what --

22 Q Okay.

23 A Oh, go ahead.

24 Q I was just going to say, you may have gotten there -- and just to read the
25 next sentence -- you may have gotten there after the second -- that next tweet went out.

1 So you wrote: "Went back second time after reports of gunshots. They had already
2 drafted and sent second tweet."

3 Does that sit with your recollection?

4 A To the best of my recollection, I don't recall exactly the timing of when I
5 learned of the gunshots and when the second tweet went out. But I just know I went
6 back to see him ahead of -- around the time the second tweet went out, around the 3,
7 probably 3:10 mark.

8 Q Okay. So, if you look at -- exhibit 20 is a 3:13 p.m. tweet from the
9 President. He wrote: "I'm asking for everyone at the U.S. Capitol to remain peaceful,
10 no violence. Remember, we are the party of law and order. Respect the law and our
11 great men and women in blue. Thank you."

12 Is that what you referred to in your notes as the second tweet?

13 A Yes. And I went back right around that -- the time that tweet went out.

14 Q Okay. And sounds like from your notes, but I don't -- you know, tell me if
15 this is incorrect. It sounds like from your notes you may have gotten there just after the
16 tweet went out.

17 A To the best of my recollection, yes, it was later than the 3 o'clock mark.

18 Q Okay. And, as far as you can recall, who was -- and this was, again, in the
19 dining room. Is that correct?

20 A Yes.

21 Q And, as far as you can recall, when you went in around the time of the 3:13
22 tweet, who was there?

23 A Best of my recollection, I know Ivanka was there, but I don't remember who
24 else in the group was there. Maybe the chief of staff, but I don't remember the entire
25 group. It was similar to the first group that was in there when I went back the time

1 previously. I think Dan was back there.

2 Q Okay. So you remember -- you think Ivanka Trump was there, possibly
3 Mark Meadows, Dan Scavino, Eric Herschmann?

4 A Possibly, to the best of my recollection.

5 Q And what can you recall being said when you went into the dining room that,
6 I guess, third time, what I think you referred to as second time, but third time overall if
7 you included that first one about the VP letter?

8 A I recall the second tweet going out the -- either it had gone out or was about
9 to go out or had just gone out. And then I remember Ivanka Trump saying that I needed
10 to speak with Lindsey Graham, because there was some misreporting as it pertained to
11 the National Guard that I needed to correct.

12 Q Okay. And that was a discussion in front of the President?

13 A Yes.

14 Q Okay. Did you have any conversation with the President about the 3:13
15 tweet?

16 A To the best of my recollection, I don't remember exactly other than the
17 tweet had gone out. Maybe I read it or something in there. But I don't recall exactly
18 any words from him about the second tweet.

19 Q Okay. And exhibit 39, again, you wrote: "Went back second time after
20 reports of gunshots. They had already drafted, sent second tweet."

21 Did you have any conversation with the President about the fact that there were
22 gunshots?

23 A To the best of my recollection, no, because pretty urgently upon going back
24 there, I remember the National Guard being the main topic.

25 At this point, I remember a whole shift in kind of the demeanor of the White

1 House of, you know, the initial reports of injury I had mentioned that I was learning about
2 in real time, to sending the National Guard as quickly as possible.

3 I think that action became the paramount concern, and that was clear when I was
4 back there and was on the phone where Ivanka suggested I speak with Lindsey Graham.

5 Q Did anybody while you were in there suggest that the President ought to ask
6 the protesters to leave the Capitol?

7 A To the best of my recollection, the entirety of the focus was on the National
8 Guard at this point. The protesters, quite clearly, were not listening to President Trump.
9 If they had received the alerts on their phones about his tweets and about staying
10 peaceful, those were not breaking through to a group of protesters.

11 So rather than focusing on words, the entirety of the focus when I was back there
12 was on action and how to stop what was going on. And that would have meant sending
13 the National Guard.

14 Q But couldn't have sending a tweet or some other kind of statement asking
15 the protesters who were in the Capitol to leave the Capitol, couldn't that have helped law
16 enforcement get control of the situation?

17 A Look, it's very easy for someone who wasn't there to play Monday morning
18 quarterback on this, respectfully. But when I was back there, Lindsey Graham had
19 flagged that there was a story that the White House was refusing to send the National
20 Guard.

21 So, in my view, if the protesters were reading reporting that the White House was
22 refusing to send the National Guard, that to me became the number one concern, is
23 telling the protesters the National Guard is on the way, because they at this point quite
24 clearly were not listening to the President who had said march peacefully and
25 patriotically, and then who had later said stay peaceful, and then who had just then said

1 no violence.

2 To me, the paramount concern was stopping the violence, and that meant telling
3 the protesters the National Guard was coming.

4 Q But just so I understand, at this point, by the time of the second tweet, there
5 had been reports of gunshots, which you are aware of, because you've got it here in your
6 notes. are you saying that nobody suggested to the President that he issue a statement
7 asking the protesters to leave the Capitol?

8 A Again, to the best of my recollection, I was there for a series of minutes, and
9 Ivanka Trump said we need to talk to Lindsey Graham.

10 She got Lindsey Graham on the phone. Lindsey Graham said something to me
11 that there was a story going around among Senators that the White House had denied
12 the National Guard. I thought he told me it was in The Washington Post.

13 So if protesters believed the White House had not sent the National Guard, that to
14 me was hugely problematic. So I immediately went about fixing that so protesters
15 would be on notice that the National Guard was coming, as Lindsey Graham had said
16 about correcting the story line.

17 So that became my focus. And I can't speak to what went on there in the
18 minutes after, but my focus became correcting that misinformation, because
19 misinformation that the White House would refuse to send the National Guard could be
20 critical towards not stopping a protest. So that became my focus.

21 Q And I understand. You said several times the importance of the issue about
22 the National Guard and what Senator Graham had raised, and I don't at all dispute the
23 importance of that.

24 But what I'm asking you is, in addition to addressing that important issue, did
25 anyone suggest to the President of the United States that he make some kind of

1 statement asking the protesters to leave the Capitol?

2 A To the best of my recollection, I was back there for a series of minutes, the
3 entire time I was back there, the conversation was about the National Guard, and then I
4 left to go fix that problem.

5 So I can't speak to what anyone said in the time before I arrived or after I arrived.
6 I was there a series of minutes. And that story line was the focus for the series of
7 minutes I was there.

8 Q I understand that was the focus. And I also understand you can't speak to
9 what happened before or after the time you were in there. But to the extent you can
10 give me a yes-or-no question -- answer to this question -- I appreciate it.

11 While you were in there with the President of the United States, did anyone
12 suggest to the President that he make a statement asking the protesters to leave the
13 Capitol?

14 A Respectfully, sir, I think that that question is not a fair one, because you're
15 asking me to respond to a meeting where I was there a series of minutes with a very clear
16 task of communicating that the National Guard would be there to address any violence
17 going on.

18 So I can't speak -- I can't characterize a series of minutes to mean what went on in
19 the entirety of a meeting. So I can tell you exactly what I saw and didn't see, but I can't
20 sit here and definitively say no one raised this to him. I can answer your question and
21 say what I heard, and I think I've been very clear about what I heard.

22 Q Okay. The problem may be with me, but I still haven't heard you say clearly
23 that you did not hear anyone suggest to the President that he ask the protesters to leave.

24 A I have told you what I heard. When I went back, we were told the National
25 Guard was not -- that there was misinformation pertaining to the National Guard. I

1 went to fix that information. That is the extent of what I heard.

2 Q And no discussion of anything else. Is that correct?

3 A That is -- yeah. That is all I remember hearing, is the discussion about the
4 National Guard.

5 Q Then you wrote in the -- did somebody else want to ask a question?

6 The Witness. Well, could I add to that?

7 So, in addition to hearing about this National Guard misinformation from a news
8 outlet, I remember the chief of staff saying the story is entirely false, the Guard's been
9 activated, and giving me a quote to go make sure it got out on Twitter so that the
10 protesters would know and get an alert on their phone that the National Guard was
11 coming to stop what was going on.

12 So I had a rather urgent task, and, you know, I can't remember every word that
13 was said. But I remember saying, we need to get these protesters on notice that the
14 National Guard's coming. I get the quote. I leave with a task in my mind, which is
15 action, not words, because words, quite clearly, were not breaking through with the
16 protesters.

17 Ms. Cheney. [REDACTED] I have a question.

18 [REDACTED] Yes.

19 Ms. Cheney. Ms. McEnany, do you recall at about this time -- and I'm asking this,
20 you know, in your capacity as press secretary -- that there were multiple Members of
21 Congress on television, 3 o'clock, 3:05, allies of the President, pleading on television that
22 he ask people to go home?

23 The Witness. To the best of my recollection, I don't remember that. I was
24 focused on the National Guard being sent and these initial tweets being sent, but I do not
25 recall specifically Members of Congress saying that.

1 Ms. Cheney. Okay. And so before you told us you're not in the chain of
2 command.

3 The Witness. Uh-huh.

4 Ms. Cheney. That your job is the press secretary. So you're not in the chain of
5 command, and your job is the press secretary, but you were unaware of the fact that the
6 Republican leader of the House was on television asking the President, pleading with him
7 to tell people to go home? You were focused on the deployment of the National Guard
8 instead?

9 The Witness. Messaging around the deployment of the National Guard. As
10 press secretary, it's my job to correct misinformation, and especially misinformation that
11 could be devastating in the middle of a protest that had turned violent. And there was
12 no bigger story line in my mind than correcting a story that the White House would not be
13 sending the National Guard.

14 So in my role as press secretary, my number one goal became getting information
15 out that was correct, correcting false information, and making sure protesters knew that,
16 in fact, the National Guard was coming. It was not in deploying the National Guard, but
17 it was correcting a false story line that could have had devastating repercussions.

18 Ms. Cheney. Thank you.

19 Mr. Raskin. Did you advise the President on the drafting of that second tweet?

20 The Witness. To the best of my recollection, no. I would have gotten back
21 there, I think, just after it was sent. And the reason I hedge on saying just after it was
22 sent is sometimes language on a tweet would be settled on, and then it would go out a
23 little after it had to be typed up or finessed. But I believe it was right after the tweet
24 had been sent.

25 Mr. Raskin. Right. But what did you think about the language in that second

1 tweet?

2 The Witness. So in the second tweet -- let me read that again. I mean, I think
3 the sentiment of saying no violence is good, support law enforcement is good, remaining
4 peaceful is good. However --

5 Mr. Raskin. Let me ask about that. I mean, do you think that that was sending
6 a strange double message to people after all of this terrible, bloody violence had been
7 taking place, to say remain peaceful?

8 The Witness. Yeah. Well, to the -- I would say the no violence was important,
9 but this to me, the second tweet, much like the first, just we're not breaking through to
10 protesters, which is why I began to focus on the messaging pertaining to the National
11 Guard pretty much simultaneously as this tweet came out.

12 Mr. Raskin. Gotcha.

13 Was your job just to focus on the President's communications through Twitter, or
14 through all different media?

15 The Witness. So my job mainly as press secretary was to answer reporter
16 inquiries. Occasionally, you know, I -- there was a digital shop that handled his tweets
17 for the most part, and a communications shop that handled messaging generally.

18 But, for the most part, my job was handling reporter inquiries. Occasionally, I'd
19 advise on a tweet if the President asked my opinion. But it was not the thrust of my job,
20 Congressman.

21 Mr. Raskin. I got you.

22 So did you make recommendations about the use of other media channels or
23 other conversations with reporters to send the message to the rioters to cease the
24 violence?

25 The Witness. So, generally, I think the communications shop, on an average day,

1 would put together what the President's messaging looked like.

2 In this instance, it was all hands on deck. And my concern, preeminent concern,
3 was going to address the National Guard story, because words weren't breaking through.

4 I did view Twitter, however, as a means to potentially, just giving my personal
5 view, reach the rioters, because they would have had their phones. Many of them
6 might have had the President's Twitter feed on alert. So I think, in the middle of a
7 situation like that, Twitter would be a way to reach them effectively, perhaps more than a
8 televised medium.

9 But, generally speaking, it would be the communications shop that would advise
10 on the way messaging would go out.

11 Mr. Raskin. And then what was your general communications strategy in
12 messaging for the day before the violence erupted? In other words, what was the
13 message that you were trying to get out about Stop the Steal or, you know, shutting
14 down the counting of electoral college votes? What was your plan for the day?

15 The Witness. So to the best of my recollection, there was not a messaging plan
16 from the White House as it pertained to the, quote, "Stop the Steal." I know that there
17 were -- you might have not been here earlier, Congressman, but there were a draft set of
18 remarks that were circulated to the normal email chain from Speechwriting, so those
19 would have been the remarks that he made at the Ellipse.

20 But in terms of a messaging plan around it, as far as I was -- as far as I was aware,
21 there was not one from the White House. "Stop the Steal" was not a phrase that I used
22 in particular in my commentary.

23 When I did comment on the campaign, apart from the White House, in my
24 personal capacity, exercising my First Amendment right to political speech, it's not a
25 phrase that I often used, to the best of my recollection.

1 But there would not have been a White House plan, communications plan,
2 certainly not one that I was looped in on, on messaging around "Stop the Steal" or that
3 kind of rally. It was more of a political event.

4 Mr. Raskin. So you essentially did not have a White House messaging strategy
5 for the day. When you heard or got accounts of his speech in which he was saying,
6 you've got to fight like hell or you won't have a country anymore, and we don't give up
7 and we don't surrender, and there are different rules when there's theft involved and so
8 on, you basically didn't have any alternative messaging officially for the White House?
9 You were just playing some defense in terms of the events that spun out of control at that
10 point?

11 The Witness. So as a press secretary it kind of is your role to play defense. I
12 dealt with real time events as they would come in, reporter inquiries that would come in,
13 or questions. As events were happening, you're often the one who is taking the
14 incoming and reacting in real time.

15 The communications shop would be the one engaging in more, if you will, the
16 offensive messaging of the day or what the overall communications plan is or what
17 talking points wanted to get out there. That was not a shop that I oversaw.

18 At the time, I think perhaps Ben Williamson might have been taking a
19 communications role, but, as best I can recall, I don't remember him flagging any
20 messaging for me from the communications shop. I think --

21 Mr. Raskin. And ordinarily would you be coordinating, or would you see if they
22 had a messaging plan for the day?

23 The Witness. Yeah. Yeah. So, generally, you know, on, let's say, COVID-19, I
24 would know what the communications shop had to some degree. I mean, I had my own
25 task, but I'd be read in to some degree.

1 To the best of my recollection, I don't recall Ben Williamson having any sort of
2 communications plan. It wasn't his official title, but he was in that office. He had kind
3 of taken on a bit of a role in that department.

4 Mr. Raskin. Okay. And so, just finally on that point, I mean, you were put in a
5 kind of a curious role because you didn't have a general messaging thematic plan or
6 strategy for the day. You were taking the incoming, as you put it, in response to the
7 President's statements and in response to the violence that broke out.

8 Did you think the President was acting over the course of the day as the President,
9 or was he acting as a continuing candidate for President, or was he just acting as a
10 citizen? I mean, what was your sense of what his role was?

11 The Witness. So at the beginning of the day, the best, I guess, I could
12 characterize it, when he went to give his remarks, to me, it appeared as if we were going
13 to just another Trump rally.

14 I had been to many Trump rallies before. To the best I can recall, I don't
15 remember seeing any sort of violence. So, to me, in the beginning of the day it was a
16 political event. It seemed like a campaign rally.

17 But then -- granted, the campaign was over, but political rally, I should say. But
18 then, later in the day, as the -- as these events started happening in real time, you know, I
19 saw the President messaging to try to stop what was going on. So more of a Presidential
20 role and not the political speech-giver I had seen earlier in the day, if that makes sense.

21 Mr. Raskin. And what did you think about his continuing praise of the rioters and
22 his continuing attacks on Vice President Pence over the course of the events?

23 The Witness. So, in terms of just -- to be specific, so you're mentioning the
24 2:24 p.m. tweet about the Vice President? Yeah.

25 So I personally -- I love Vice President Pence. I never wanted to see the

1 President and the Vice President at odds. I wish it's a tweet that had not have gone out
2 with regard to --

3 Mr. Raskin. But you were afraid that the Vice President was in danger at that
4 point?

5 The Witness. At that point, I was not aware of the events that had transpired. I
6 don't know if you were here for this, Congressman, but I was at two -- I was with the
7 President. He was watching things on delay. I came out and looked up at my
8 television in my office around -- and I have not been able to watch the coverage from that
9 whole day, but, around 2:23, FOX News was saying this is -- as we are saying it's peaceful,
10 but they did report some injuries. And, again, I don't know if I specifically saw that line,
11 but that's the characterization of the kind of reporting I was seeing.

12 And then, at 2:26, Chad Pergram had reported that the House had just come back
13 into session.

14 So there was a lot of confusion about if this was an isolated incident, it was more
15 widespread. I was not on the Capitol. I didn't see what was happening. To the best
16 of my recollection -- I have friends on the Capitol. I wasn't receiving texts from people
17 at the Capitol, elected officials, none of that.

18 So as this was happening, I think we were a bit delayed -- I certainly was -- in the
19 White House of learning what was going on.

20 Regardless, I wouldn't want the tweet about the Vice President going out, because
21 I do think the Vice President is someone who has courage and throughout his tenure
22 displayed courage.

23 Mr. Raskin. And then what was your understanding about why the President
24 was so disturbed and incensed about the Vice President's actions?

25 The Witness. I think the President, from the best of my recollection, believed

1 that the Vice President had a substantive role and not a pro forma role. That was his
2 belief.

3 I didn't see him incensed at the Vice President. When I returned from the rally,
4 the Vice President -- or, excuse me, the President had the Vice President's letter. And
5 he thought about giving a response but had kind of forgotten about it by the time I left.
6 He -- I wouldn't characterize him as incensed or enraged at that point, just reading the
7 letter and kind of absorbing what was going on and the arguments that were being
8 made -- or the points being made, I should say.

9 Mr. Raskin. But your point is that he wanted Vice President Pence to reject
10 those electoral college votes from Pennsylvania, Arizona, Georgia, and so on?

11 The Witness. I don't know it was exactly -- I just -- I know that the President
12 believed that the Vice President had more of a substantive role than a pro forma role and
13 what about --

14 Mr. Raskin. A substantive role in terms of what?

15 The Witness. In terms of what he could do when objections were entertained.
16 You know, as objections had happened before in 2016, 2005, and 2001, I believe, so that
17 is ordinary for there to be objections, I guess you could say. There are three times that
18 it happened. There was precedent for that.

19 But I think he thought that the Vice President had a substantive role in whether he
20 could accept those objections or not. But I'm not his legal adviser. I didn't sit in on the
21 meetings with him. I casually walked in on one conversation where he was on the
22 phone with an attorney about the Vice President's role.

23 But I'm not his legal adviser. I wasn't in any meetings pursuant to what the Vice
24 President's role is. So I wouldn't be able to put any meat on the bones of what that
25 argument would look like. It's not something I pondered or considered as I was planning

1 to move out of D.C.

2 Mr. Raskin. Thank you, Ms. McEnany.

3 I yield back, [REDACTED]

4 The Witness. Thank you, Congressman.

5 Mr. [REDACTED] Does anybody else have a question at this time? Okay. So --

6 Mr. Terwilliger. Hey, [REDACTED]? Hey, [REDACTED] just before we get going, I just want to
7 note -- so we're going for 7 hours. We took a 20-minute lunch break and one 5-minute
8 break.

9 We're starting to retread a lot of area that we've already gone over.

10 Ms. McEnany mentioned she's got 6 o'clock childcare needs.

11 And we have not delayed this in any way possible. We've been cranking.

12 We're not even through January 6th. I'd like to know what the plan is.

13 [REDACTED] Well, I guess we'd be interested in working with you on that. I
14 don't think we're anywhere close to finishing since we still have a ways to go on
15 January 6th. So --

16 Mr. Terwilliger. Then I really would suggest we stop retreading old ground and
17 we move up the pace, because we're not going to sit here all night. We're not coming
18 back. I mean, you guys are the controllers of the time and your questions. So we've
19 got to work something out here.

20 [REDACTED] and I and [REDACTED] and I have been talking about this for weeks, and, you
21 know, I'm sorry that there is a lot to cover, but we just went over 15 minutes of questions
22 we'd already talked about.

23 [REDACTED] Well, we've asked the same questions numerous times because
24 we're -- respectfully, we're not getting answers to some of those questions.

25 Mr. Terwilliger. No. No. No, that's not true. The Congressman just asked a

1 whole line of questions that we covered earlier in the day, multiple times.

2 [REDACTED] But I still would like to get an answer to the question of whether or
3 not the President of the United States had been told or suggested that he should ask the
4 protesters to leave the Capitol, and I still don't know what the answer is to that.

5 Mr. Terwilliger. We can get you an answer to that question. That takes care of
6 10 minutes of the 7 hours. What's the plan?

7 [REDACTED] Okay. Well, we can -- we're not finished, and the witness will
8 remain under subpoena. We can either continue to go late tonight, or we can take a
9 break and then resume tonight, or we can stop and come back a second day. But we
10 can't finish with the witness right now just because we have too many questions left to
11 ask.

12 Mr. Terwilliger. Well, I guess, I need some sort of understanding of the
13 prioritization here.

14 [REDACTED] Yeah. Zach, let me jump in. I appreciate the timing concerns of
15 the childcare in particular. And if the options are to take a break at 6 or thereabouts so
16 that Ms. McEnany can put her daughter to bed and reconvene thereafter, reconvene
17 tomorrow or another day, or just plow through, I'm sympathetic to it.

18 But as [REDACTED] said, we really, to do our job effectively, need to continue to ask
19 questions and have a bit more to go.

20 So we want to work with you in terms of accommodating childcare and other
21 needs and have some options, but we do have more to go. We can't just arbitrarily stop
22 and not reconvene at a certain time.

23 Mr. Terwilliger. Well, I think we can keep going. My question is, though, what
24 are we going to do to move things along, like we -- to me, that is your all's job to make
25 sure we don't spend 15 minutes rehashing questions we've already answered.

1 We've waived. We've been cooperative. We've provided information. You
2 know, like, it's got to be a two-way street here, and to have to go back through because
3 certain people weren't here earlier in the day, I mean, it's not fair to the witness.

4 ██████████ Do you want to take a break at 6, or do you want to just plow
5 through until we're finished?

6 Mr. Terwilliger. Well, I need to know some semblance of how much we have left
7 so we can make an informed decision regarding that.

8 ██████████ ██████████ and ██████████ you are the two. What is your prediction in terms
9 of time left?

10 ██████████ I think we have a long way to go.

11 Mr. Terwilliger. Well, I hope there is going to be some prioritization, because,
12 like, you don't -- we're not just going to sit here and go hour after hour, day after day.
13 Like, you can prioritize your questions. I think you're pretty clear on what Ms. McEnany
14 knows and what she doesn't know.

15 So a long way to go isn't going to cut it. Do we have two hours? Do we have
16 two and a half hours? Like what do we got?

17 ██████████ I would say probably we have 3 hours, but we could make it less if
18 we could get clearer answers. Often, the answers could be yes, no, I don't know, or I
19 don't recall. But I think we're getting a lot of sort of rehashing of the Lindsey Graham
20 call and the National Guard issue and not getting answers to our questions.

21 And so I think it could take a very long time if we have to sort of pull teeth to get
22 information.

23 Mr. Terwilliger. That's a totally unfair characterization. You're better than that,
24 ██████████ This is one question. I'll get you an answer. We'll take a break. That is one
25 question out of the entire day. That is a complete mischaracterization.

1 We've been completely forthright in answering your questions. This is one
2 question when there has been a back and forth. So do not start throwing out
3 accusations like that. We've been very cooperative, [REDACTED]

4 [REDACTED] This is a key question in our investigation, and so it is an important
5 question. We're not asking that over and over again to waste the witness' time or to
6 make it difficult for her. We're asking these questions because they're important.

7 There are some times when Members of Congress are not here during some of
8 the questioning, and they may come in and ask some questions that overlap with things
9 that we've asked because they have an interest in it.

10 And, you know, your witness is under a subpoena, and so sometimes they're just
11 going to have to be patient with the Members of Congress who can't necessarily be here
12 for an entire deposition. So --

13 Mr. Terwilliger. Well, I would just like there to be some more coordination so
14 the witness isn't continually inconvenienced.

15 We need a 5-minute break. We'll resume in 5 minutes and we'll plow through.

16 [REDACTED] Yeah. Zach, before we take a break -- and we can -- just assuming
17 there is about 3 hours left, what is your preference in terms of which 3 hours to do? Do
18 you want to take a break at some point for the childcare issue, or would you rather keep
19 going? Would you rather talk about tomorrow or another day? We're flexible, but we
20 have about -- what sounds like about 3 hours or so of content left.

21 Mr. Terwilliger. Yeah. We need to discuss that before we give you --

22 [REDACTED] Okay. That's fine. We'll do the same.

23 Mr. Terwilliger. All right. We'll be back in 5 minutes.

24 [REDACTED] Okay.

25 [REDACTED] We'll go off the record, and we'll resume in 5 minutes.

1 [Recess.]

2 Mr. Terwilliger. So in answer to █'s question, we'd prefer to push through to
3 8 o'clock, but we have a hard stop at 8 o'clock. So that gives us 2 hours and 40 minutes.

4 █ All right. We'll keep going.

5 Ms. McEnany, it's been reported that the President had a call with Congressman
6 McCarthy --

7 Mr. Terwilliger. Hey, █ just before you get going, if you want, Ms. McEnany
8 and I were able to speak during the break. If you'd like to re-ask your question you feel
9 like you weren't getting an answer to, she's -- I think -- we've talked about it. She can
10 answer your question directly.

11 █ Sure. Great.

12 BY █

13 Q Ms. McEnany, to the best of your recollection -- and I recognize you can only
14 speak to what you know about -- but to the best of your recollection, did anybody ask the
15 President to issue a statement encouraging the protesters to leave the Capitol?

16 A To the best of my recollection, no. There were suggestions to tell them to
17 be peaceful in the early part, and then the conversation shifted to the National Guard.

18 I'm not trying to be evasive on your question. I just don't want the fact that I
19 was there for a few-minute episodes to be used to suggest that that was never a topic of
20 conversation or never discussed, because I was there for a few minutes, given a task, and
21 went to go complete that task.

22 So I've answered your question, but I just -- that's the reason I'm -- I'm not
23 wanting my few-minute episodic episodes to be used to suggest that never happened.
24 So that's to the best of my recollection.

25 Q I understand. Thank you.

1 So it's been reported that Congressman McCarthy had a call with the President
2 during the January 6th attack on the Capitol. Were you with the President when he had
3 that call?

4 A To the best of my recollection, no.

5 Q Okay. As far as you can recall, during any of these times when you were
6 with the President on January 6th, was he on the phone at all?

7 A To the best of my recollection, no. I hedge because I remember he wanted
8 to make the calls to the Congressman. I don't believe I was there in that initial meeting
9 when we returned. But to the best of my recollection, no.

10 Q Okay. Just to give a little context, we talked about the 3:13 so-called
11 second tweet which had remain peaceful in it. So, picking up on what was happening
12 chronologically at the Capitol, from 3:15 to 3:17, FOX News had reports in the chyron that
13 said guns drawn on House floor.

14 Chad Pergram reported this is the most significant breach of an American
15 government institution since 1814 when the British came and burned the Capitol and the
16 White House. The mob upended American democracy today as they tried to count the
17 electoral college.

18 Pergram also reports gunshots on Capitol Hill and at approximately 3:16 p.m.
19 photos are displayed of law enforcement officers pointing guns over the barricaded door
20 of the House Chamber.

21 Then, at 3:29 to 3:31, the chyron read at various times shooting victim transported
22 from U.S. Capitol.

23 Again, on FOX News reports very little security presence on the perimeter of the
24 Capitol because the officers were required to be inside the Capitol.

25 At approximately 3:30 p.m., Bill Hemmer reported FOX News has learned that a

1 shooting victim was transported from the U.S. Capitol about 35 minutes ago. Hemmer
2 noted that the time synched up with the time when FOX had interviewed
3 Representative McCarthy.

4 Chris Wallace described the photo being displayed on screen of a protester sitting
5 in the presiding officer's chair where the Vice President had been. I believe that was in
6 the Senate.

7 At 3:36, then, you sent a tweet, which is in exhibit 7. I think you've already
8 discussed that somewhat, that that was in response to Senator Lindsey Graham. And
9 was it Mark Meadows that asked you to send this tweet?

10 A To the best of my recollection, yes, there was a consensus in the room that I
11 should send this tweet.

12 Q Okay. And the tweet says: "The National Guard is on the way." Do you
13 know how Mark Meadows knew that the National Guard was on the way?

14 A To the best of my recollection, no.

15 Q Now, you said, the last sentence: "We reiterate President Trump's call
16 against violence and to remain peaceful."

17 Why didn't you say that the protesters should leave the Capitol?

18 A To the best of my recollection, I was focused on getting this tweet out as
19 quickly as I could and communicating that the National Guard was on the way. As I
20 remember, the chief of staff had dictated the quote to me, and I went and tried to get it
21 out quickly. There was another line to the tweet that he had dictated as well.

22 Q I'm sorry. What were you saying? There is another line?

23 A Yes. And I believe it's in my notes. The next -- the line that was in the
24 initial draft of the tweet that he had given to me was: "Those were deployed
25 immediately and have been in place for more than 24 hours at the Mayor's disposal."

1 So, when I went back to focus on sending this tweet with my team, our goal was
2 to, one, make sure that this information was correct, that the National Guard was on the
3 way and that I could confidently say that they've been deployed, they're on their way.

4 And then we had a concern, Chad Gilmartin and Judd Deere and I, that the part
5 about the D.C. Mayor could be perceived as political or a political hit, and I didn't -- we
6 didn't think that that was appropriate at a time like this.

7 So I went back to the chief of staff to, one, confirm the National Guard had been
8 sent, and, two, to say, I think we need to take out this part about the Mayor, because it's
9 not a time to be political. Even if he didn't intend that, I just -- it would be perceived
10 that way.

11 Q Okay. And then in your notes, it says: "Chief says I talked to DOD myself
12 and said deploy. Better deploy."

13 Can you describe, as far as you can recall, what Mr. Meadows said?

14 A Where is this at? Oh, okay. Sorry. It's on here.

15 Q Second page of exhibit 39, just after -- well, it's like the fourth line down.
16 "Chief says I talked to DOD myself and said deploy. Better deploy."

17 A Yes. Because I think, as my notes suggest, when I go into the Oval Office
18 the chief was there. I show him and Eric -- I show him the tweet, or I read it to him.
19 Eric Herschmann was there. To the best of my recollection, Eric Herschmann said he
20 agreed not to do the second sentence about the Mayor.

21 To the best of my recollection, Cipollone comes in and says the National Guard has
22 not been deployed yet, to which the chief of staff responded: I talked to the
23 Department of Defense myself. They've been deployed. They better be deployed.
24 And he was insistent upon that.

25 So I felt I could then go and send the tweet.

1 Q Did Mr. Meadows say who he spoke with at the Department of Defense?

2 A To the best of my recollection, no.

3 Q And so, just so I understand, is this then the fourth time that you went to the
4 Oval Office or the area around the Oval Office?

5 A Yes.

6 Q Okay. And I know you've made some reference to Mr. Herschmann and
7 Mr. Cipollone, is that right, and Mark Meadows obviously. Was anybody else there as
8 far as you can recall?

9 A To the best of my recollection, it was just those that you named.

10 Q Okay. And was anything discussed other than what we just went over
11 about the National Guard?

12 A To the best of my recollection, no.

13 Q Okay. Okay. If you look at exhibit 70, it's a text exchange between you
14 and Brian Kilmeade of FOX News. Mr. Kilmeade, at 3:57 p.m. wrote: "Please get him
15 on TV telling them to evacuate. All the good is going out with this scene."

16 And then you replied at 4:13 p.m.: "He will have a taped message doing that.
17 Coming soon."

18 What was your reaction when you saw the text from Mr. Kilmeade saying, "Please
19 get him on TV telling them to evacuate"?

20 A To the best of my recollection, I don't know when I saw that text, but my
21 reaction would have been that he had already taped that message, and just
22 communicating that back.

23 Q Okay. By the time you saw the message from Mr. Kilmeade, had the
24 President already taped his message?

25 A To the best of my recollection, yes.

1 Q Okay. And then let's walk through what you know about the video.
2 So I know you said you weren't there for the filming of it itself, but if we look
3 at -- back to exhibit 39, looking to your notes -- we're on the third page. This is sentence
4 that starts: "Lyndee came in and said video crew coming. I go in, POTUS preparing to
5 give comment."

6 Can you tell us what you did and what you saw and what you heard?

7 A So, as I -- as I point out there, I heard from Lyndee, to the best of my
8 recollection, that the video crew was coming. He was filming a message.

9 I went to Outer Oval. There were -- I forgot who was there initially, but there
10 was a set of remarks on -- I believe it was Nick Luna's computer or Molly Michaels', and I
11 read the remarks. I saw that "go home" was in there, which is important.

12 And then a bunch of people ended up being in Outer Oval, and the President came
13 in and walked to the Rose Garden to give the remarks.

14 Q Okay. So you reviewed the remarks, and it did have "go home" in the
15 remarks. Is that correct?

16 A To the best of my recollection, yes. And, as I'm looking at my journal entry,
17 it looks like it was on Austin Ferriter's computer.

18 Q I'm sorry. What's Austin's last name?

19 A To the best of my recollection, it's Ferriter. He was one of the
20 President's -- I would characterize him as assistants or aides.

21 Q And do you know how to spell his last name?

22 A F-e-r-r-i-t-e-r? Or I could be wrong. But he would be listed as a
23 government employee.

24 Q Okay. And his desk was in what's described as the Outer Oval?

25 A That is correct.

1 Q Okay. So near Molly Michael and Nick Luna?

2 A Yes.

3 Q And who else was discussing the statement? Sorry if you already answered
4 that. But you're in the Outer Oval at Austin's computer. Who is discussing the
5 statement and editing it?

6 A I don't recall. To the best of my recollection, I just remember Jared walking
7 in just before the President walked in. I don't remember exactly who was there. Yeah,
8 I just don't recall.

9 Q Okay. But this is -- is this before they started filming?

10 A Yes. That is correct.

11 Q So I'm a little confused. You wrote: "Biden speaking. We were in
12 middle of filming video. POTUS looks at TV. We discuss statement editing on Austin
13 computer."

14 A Yeah, I think meaning there generally we were in the middle of working on
15 this video. So I don't know that I mean in that note it was being filmed at that very
16 moment when Biden said it. I think, just generally, we were working on the filming of a
17 video as the President-elect was saying that there should be a video, or a statement.

18 Q So just so I understand, though, were -- and maybe you just weren't precise
19 here -- was it that you were actually in the middle of drafting a statement for the video,
20 or were there -- was there filming? So, for example, we've heard there are multiple
21 takes. Could he have filmed one take and then there was this discussion?

22 A No. To the best of my recollection, this -- the remarks were being drafted,
23 worked on, or edited, in the final editing stage. The President walked out, and I believe
24 he was out there. I don't know, I was not out there for the filming of the video, but it
25 was a fairly short time, and then he came back into Outer Oval.

1 Q Okay. And, when you said POTUS looks at TV, was that in the Outer Oval?

2 A To the best of my recollection, yes.

3 Q Okay. As far as you can recall, did the President say anything?

4 A To the best of my recollection, I -- no. I don't think -- I don't recall exactly
5 what he said. I do think -- to the best of my recollection, I said something like, "I would
6 stick to this script as you go out to film the remarks." And I don't recall him saying
7 anything in response to that.

8 Q Okay. Was he involved -- "he" meaning the President -- involved at all in
9 the drafting or editing of the remarks?

10 A To the best of my recollection, no.

11 Q Okay. Do you know who did the first draft of the remarks?

12 A I do not know the answer to that.

13 Q Okay. So when you got there, there was already -- was there a draft
14 already up on Austin's computer?

15 A To the best of my recollection, yes.

16 Q Okay. What's the next -- after that, there is a line here that says: "Judd
17 saying considering withdrawing objections." What does that mean?

18 A To the best of my recollection, I went back to my office, and I think Judd
19 came in and mentioned that Senators and Congressmen were considering withdrawing
20 objections in the aftermath of all of the violence that we saw.

21 Q Okay. Did he say which Members of Congress were thinking of
22 withdrawing their objections?

23 A To the best of my recollection, no.

24 Q All right. Did he say whether he learned that from the news or from some
25 other means?

1 A To the best of my recollection, I don't know where he got that information.

2 Q Okay. Now, I want to go back to the filming of the video statement. And I
3 know you were not there for it. But did you hear anything about it? For example,
4 we've heard reports that there were multiple takes. Have you heard that there were
5 multiple takes of the video?

6 A To the best of my recollection, no, I've not heard anything to that effect
7 other than the public reporting.

8 Q Did anybody say anything to you about the President being reluctant to say
9 "go home" as part of the video?

10 A To the best of my recollection, no.

11 Q Okay. Do you know who actually filmed it?

12 A To the best of my recollection, no.

13 Q Okay. Do you know, if there is still a record of earlier takes, where those
14 would be?

15 A To the best of my recollection, no. The digital department would probably
16 know.

17 Q Okay. And would that be Dan Scavino?

18 A Dan oversaw that. There was also -- to the best of my recollection,
19 Kate Parnitzke worked there as well.

20 Q I'm sorry. What was the name?

21 A Kate Parnitzke.

22 Q Okay.

23 [REDACTED] Okay. I want to pause there and see if anybody else has questions
24 about either the video or anything that I've covered so far.

25 [REDACTED] Yeah. [REDACTED] it's [REDACTED]

1 Let me just ask you, Ms. McEnany, just to follow up on sort of my same kinds of
2 questions as before.

3 BY [REDACTED]

4 Q How had his demeanor changed between the time that
5 you had seen him earlier to the time that you saw him in the Outer Oval around the time
6 of the filming of this video message, if at all?

7 A Yeah. To the best of my recollection -- and obviously a lot happened that
8 day -- I mean, I remember, as we talked about, at first he was generally upbeat. You
9 know, he had had this great rally in his view, or he had said march peacefully and
10 patriotically and throughout the day, in those episodic minutes -- I know you wanted me
11 to characterize his mood, but I was really there to get a task. I wasn't assessing his
12 mood at the time.

13 But I did assess his mood in that final interaction, and he seemed downtrodden.
14 He had descended from upbeat to downtrodden.

15 Q And what -- how did that manifest, Ms. McEnany? Tell me more what
16 behaviors or words you observed that gave you the sense that he was downtrodden.

17 A You know, generally, the President would come out and joke with his team
18 and watch what the news of the day was and make a comment about it, and he was
19 generally a jocular, fun person to be around, for lack of a better word. And he just kind
20 of shuffled into the room.

21 I told him that, you know, he should stick to the script. And he just barely, if at
22 all -- I don't even think he responded at all. He just -- he seemed glum.

23 Q Okay. Did he say anything extraneous about the draft, about the task at
24 hand, anything at all that you recall, words that he used?

25 A To the best of my recollection, I don't recall the words that he said at that

1 time.

2 Q Uh-huh. Okay. And, again, [REDACTED], I don't mean to retread, but did he push
3 back in any way or say anything that indicated to you frustration that he had to do this,
4 this task of the video?

5 A I don't recall, to the best of my recollection, the President saying anything
6 about the task at hand. I just recall him fairly quickly taking -- I think it was a piece of
7 paper maybe that the remarks were on, and walking out to the Rose Garden area.

8 Q Okay. And, Ms. McEnany, was that, that 4 -- our information indicates the
9 video is posted at 4:17, so this was probably shortly before that, like 4:15-ish. Had you
10 seen him physically between the 2:38 tweet and 4:15? Had there been an interaction in
11 between in the 3 o'clock area, or was this the next time that you actually --

12 A So I --

13 Q Yeah. I'm sorry. Go ahead.

14 A Yeah. So -- no, that's okay.

15 So as I testified earlier, I went back around the time of that 3:13 p.m. tweet where
16 the National Guard discussion transpired with Lindsey Graham. So that was the last
17 time I had seen him between then and 4:17, or that timeframe, to the best of my
18 recollection.

19 Q Gotcha. And, quickly, his mood then, around the 3:13 National Guard
20 discussion, how did that compare either to the 2:38 or the 4:17?

21 A I think he -- to the best of my recollection, he was largely silent at that time.
22 My interaction in the 3:13 p.m. meeting was more with Ivanka and Lindsey Graham. I
23 don't -- I don't recall even sharing words with the President or hearing him speak at that
24 moment in time to the best of my recollection.

25 He was serious, yeah. I think -- I do think he seemed serious. I mean, it had

1 very, very much descended from upbeat to serious and just kind of matter of fact.

2 Q Okay. And then was the 4:15, the brief conversation around the time of
3 the video, the last time you saw him that day, or was there additional contact later?

4 A No. It was just the -- the 3:13 tweet, the meeting surrounding that, the
5 brief one, interaction, and the video remarks, that was the last time I saw him that day.

6 Q Okay. All right.

7 [REDACTED] That's all I have, [REDACTED] Thank you.

8 [REDACTED] And I asked you earlier, and I appreciate that you answered you
9 were not aware of this happening, but when you said you didn't recall
10 anybody -- witnessing anybody ask the President to ask the protesters to leave, did
11 anybody tell you -- so even if you didn't witness it yourself -- did anyone tell you that
12 Ivanka Trump asked the President to send a message asking the protesters to leave?

13 The Witness. To the best of my recollection, no one told me that.

14 [REDACTED] Okay.

15 Does anybody else have questions before I move on? No? Okay.

16 If you'd look at --

17 Ms. Cheney. I'm sorry, [REDACTED]

18 [REDACTED] Oh, sorry.

19 Ms. Cheney. I have a question.

20 [REDACTED] Yes.

21 Ms. Cheney. Kayleigh, as you're describing sort of the efforts to make the video,
22 can you talk a little bit about why the decision wasn't made simply to go into the press
23 room and have the President appear on television?

24 The Witness. You know, Congresswoman, I assumed there had been a previous
25 meeting about this likely while I was doing the National Guard activity because there

1 were already scripted remarks right when I had walked in. So who prompted those
2 scripted remarks, where that decisionmaking came from, to the best of my recollection, I
3 don't know.

4 But if I had to guess, I think the fact that these were people not sitting in front of
5 television but in the middle of committing a violent act, I think, in my assessment, it
6 was -- it was smart to send a tweet that might alert to their phone, a video from the
7 President that might alert to their phone in a Twitter format.

8 So I think, if I had to surmise, I would think that that probably was seen as the
9 most effective way to reach people who are in the middle of this kind of activity.

10 But that would be my assessment. I don't know how the video idea came about
11 specifically.

12 Ms. Cheney. I appreciate that. I guess my question is a video versus -- when it
13 became clear that the tweets weren't working, which I think is what you indicated, the
14 decision to make a video as opposed to just simply going into the press room and going
15 immediately on air rather than waiting for the process of making a video. Why not have
16 him go on air immediately and tell people to go home?

17 The Witness. Well, I also think, if he would have gone to the podium -- again, I
18 was not in the planning of this. I'm just, from a communications standpoint, going to
19 give my assessment. If he would have walked to the podium, it would have been him
20 trying to make assessment as reporters were likely screaming back at him.

21 I think sending a solemn video from the Rose Garden with a directive without the
22 distraction of reporters screaming, but a solemn video from the President saying, "Go
23 home," I'm going to guess that probably was what whoever planned these remarks, that
24 was the best way to do it, rather than having the added dynamic of the press yelling
25 questions.

1 This was about a President communicating something to people in the middle of a
2 violent act, specifically in a way that would alert on their phone. That's my guess. I
3 wasn't part of the planning of it.

4 Ms. Cheney. Thank you.

5 ██████████ If you look at exhibit 100, it's text messages to you from somebody
6 named Katrina. Is that Katrina Pierson?

7 The Witness. One moment, sir.

8 It appears to be. Yes. It appears to be.

9 ██████████ Okay. The first text, which was sent at 2:48 p.m., doesn't have
10 anything in the body of it. It just has an attachment. I wasn't able to open that by
11 clicking on it. Do you recall what that attachment is?

12 The Witness. I don't.

13 Do we have access to that?

14 Mr. Terwilliger. We're trying to pull that up as well, ██████████

15 The Witness. I don't recall off the top of my head, but we'll try to pull it up.

16 BY ██████████

17 Q Okay. While you're doing that, I'll ask you some questions about the
18 second text. And so this is 4:23 p.m. She wrote: "Note: I was able to keep the
19 crazies off the stage."

20 I'm assuming the stage refers to the stage at the rally at the Ellipse. Is that your
21 understanding?

22 A To the best of my recollection, I don't know what she was referring to, but I
23 would guess that.

24 Q Okay. Do you know who the crazies are she was referring to?

25 A To the best of my recollection, no, I don't.

1 Q Okay. She then wrote: "I stripped all branding off those nutty coalition
2 groups."

3 Do you know who the nutty coalition groups were?

4 A To the best of my recollection, no.

5 Q I'm sorry. I may have misspoke. It was not "off those." It's "I stripped
6 all branding of those nutty coalition groups," okay, "and removed videos of all the
7 psychos in those groups so nothing would directly touch POTUS."

8 Do you know who she was referring to by the psychos?

9 A No. To the best of my recollection, no. And I didn't respond to the text.

10 So no, I don't.

11 Q Okay.

12 Have you been able to pull up that attachment?

13 Mr. Terwilliger. We have it, [REDACTED] -- sorry [REDACTED]. My apologies. If we pull it up,
14 it's going to knock us out, because I actually have to go on our database to do it. So
15 we'll do it on the side and let you know when we're able to.

16 [REDACTED] Okay. Great. I'll move on.

17 BY [REDACTED]

18 Q If you could look at exhibit 71. And exhibit 71 is a text message between
19 you and Jason Miller, again, January 6th. 4:29 p.m. Jason Miller writes: "Call me
20 crazy" -- but I assume that doesn't mean he's one of the crazies Ms. Pierson was referring
21 to, I think it was just an expression -- "Call me crazy, but ideas for two tweets from
22 POTUS. One, bad apples, likely ANTIFA or other crazed leftists, infiltrated today's
23 peaceful protest over the fraudulent vote count. Violence is never acceptable."

24 Do you have any idea why Mr. Miller thought that it was likely antifa or other
25 crazed leftists who infiltrated the peaceful protest?

1 A To the best of my recollection, no.

2 Q Okay. Did you have any conversations with Mr. Miller about that?

3 A To the best of my recollection, no.

4 Q Okay. Did you have any conversations with anybody about whether to

5 suggest that antifa or other left-wing people were the cause of the violence at the

6 Capitol?

7 A To the best of my recollection, no. I know there was some shock among

8 staff or people just generally that, you know, we had been to hundreds of rallies and

9 there had never been this kind of violence from Trump supporters.

10 So I know that there was like -- there was bewilderment over it. But to the best

11 of my recollection, no, I don't recall talking about antifa with anyone.

12 Q Okay. Leaving aside what Mr. Miller said, are you aware of any evidence

13 that antifa was behind the attack on the Capitol?

14 A To the best of my recollection, no.

15 Q If you can look at exhibit 39. So we're going back to your notes here. So

16 we're on the third page. I think the last thing we covered from your notes was Judd

17 saying "considering withdrawing objections." So I'll pick it up there.

18 You say: "Ben and Stephen Miller in office." Do you know what that refers to?

19 A I'm sorry. One moment. We're pulling it up here.

20 I think I remember that, though. I think, to the best of my recollection, that was

21 just, after a hard day, the video had been sent. I just recall briefly talking to Stephen

22 and Ben. I don't believe it was on anything official.

23 Q Okay. Then it says: "Mess closes. No food. It's 4:30." So that gives

24 you a sense of sort of what time this was.

25 Then the next entry -- and, obviously, I can't tell how long after 4:30 that is -- it

1 says: "Cassidy comes and says COS" -- which I assume is chief of staff -- "wants
2 everyone to leave."

3 What did that mean?

4 A Well, first, let me make the point, to the best -- or just let me make the point
5 I'm not sure that these notes are chronological. This was stream of conscience writing
6 about the day in the aftermath, not contemporaneous. So I just want to make that
7 point. It's not necessarily a ticktock in order.

8 But to the best of my recollection, I just remember Cassidy -- I believe it was
9 Hutchinson, I think is her name -- who worked with the chief of staff, coming in and
10 saying that the chief of staff wanted everyone to leave the White House. I believe there
11 was a curfew put in place by the Mayor at some point, too. I don't know how the times
12 interacted.

1

2 [5:47 p.m.]

3

BY [REDACTED]

4 Q Okay. So his desire for people to leave, as far as you can recall, was based
5 on the mayor's curfew?

6 A I don't know if it was based on it. I just remember those two events
7 happening, the chief of staff wanting everyone to leave the White House and the mayor
8 having a curfew, but I don't know the timing of the two.

9 Q Okay. But as far as you're aware, it was not -- his -- the chief of staff
10 wanting everyone to leave the White House was not based on any security threat to the
11 White House, was it?

12 A Respectfully -- I mean, to the best of my recollection, I don't -- I don't know.
13 It wasn't communicated to me if there was a security threat.

14 Q Okay. Do you remember roughly what time you left the White House?

15 A To the best of my recollection, I do not, but shortly after Cassidy told me to
16 leave, probably not long after that, that 4:00, 4:30 mark, but I can't be sure entirely.

17 Q If you can look at exhibit 9, this is a tweet from Josh Dawsey at 5:00 p.m. It
18 says, "Trump may film another video this evening, per officials." First of all, who is Josh
19 Dawsey?

20 A He's a Washington Post reporter.

21 Q Okay. Do you have any idea why he thought President Trump might have
22 filmed another video?

23 A Well, I believe this was on January 7th.

24 Q Oh, I'm sorry. You're correct. It's January 7th. On January 7th, do you
25 know why he might've thought the President had another video?

1 A On the day of January 7th, I went in to President Trump and said that I
2 wanted to give remarks from the podium. We had to leave rather early on the 6th and
3 the 7th. And I went in and said I wanted to give remarks from the podium about a
4 condemnation and just forcefully condemning on behalf of the whole White House what
5 had happened.

6 And I suggested the President, too, should give remarks. And he green-lighted
7 me going to the podium, said he would give remarks as well. So I assume -- that's all to
8 the best of my recollection. I assume somehow a Washington Post reporter caught
9 wind of that plan from someone in the White House, I would guess.

10 Q Okay. Did the President end up filming a video on the 7th?

11 A The President did end up filming a video on the 7th. In my notes it's
12 labeled, January 8th, but I believe the notes below January 8th pertain to the activity that
13 happened on the 7th.

14 Q Okay. That's very helpful. I've been -- actually been wondering about
15 that, so okay. I'm actually going to come back to this, because I think that's important,
16 your comments to the press on November 7th and your discussion with the President.
17 But before I do that, I'll wrap up the 6th.

18 So exhibit 21, this was a tweet from the President at 6:01 p.m. on January 6th.
19 He wrote, "These are the things and events that happened when a sacred landslide
20 election victory is so unceremoniously and viciously stripped away from great patriots
21 who have been badly and unfairly treated for so long. Go home with love and in peace.
22 Remember this day forever."

23 Were you involved at all in drafting or editing that tweet?

24 A To the best of my recollection, no. I would've been home at this point, I
25 would think. This was 6:01.

1 Q Do you know who was, if anybody, besides the President involved in drafting
2 or editing that tweet?

3 A To the best of my recollection, no.

4 Q Okay. If the President wanted people to go home, which presumably
5 meant leave the Capitol, because he wrote, Go home with love and in peace, what's your
6 understanding of why he would've then in that same tweet said, These are the things and
7 events that happen when a sacred landslide election victory is so unceremoniously and
8 viciously stripped away from great patriots? It sounds like the beginning of that may
9 inflame people, whereas the latter part of it seems to be asking people to go home.

10 A And your question is why he would put that in, the first part?

11 Q What's your understanding? Obviously, you can't get inside of his head,
12 but what's your understanding of why the President would've said that?

13 A I was not in his mind, so I don't know why he would've -- why he would've
14 put that in there.

15 Q Okay. So I'll pause here. Does anybody have any other questions about
16 January 6th before we move on to January 7th?

17 [REDACTED] just quickly.
18 [REDACTED]

19 Q Going back to your notes, Ms. McEnany, I just noticed that you indicated at
20 one point, we were in the middle of filming video. POTUS looks at TV. And I presume
21 that's when President-elect Biden is speaking. Do you remember him saying anything
22 when he turned to the TV and Biden was speaking?

23 A To the best of my recollection, no. It was a quick interaction. He just
24 walked throughout outer Oval. I don't recall anything specific.

25 Q So no comment about Biden or about anything that he observed on the TV?

1 A To the best of my recollection, no. He was pretty silent from what I recall.

2 Q Okay. Thanks.

3 [REDACTED] Anybody else have any questions before we move on?

4 BY [REDACTED]

5 Q Okay. So we'll turn to January 7th. If you can look at exhibit 74. This is
6 a text to you from Lyndee Rose, 2:15 p.m., January 7th. Lyndee wrote, "I think Brian is
7 trying to come in and resign, but unclear. Just let me know if you want me to not
8 block."

9 Who is the Brian referred to there?

10 A To the best of my recollection, Brian Morganstern, who was on my staff.

11 Q And what was his position on your staff?

12 A I believe his title was deputy press secretary and deputy communications
13 director, so he had kind of a dual role between communications and press, I believe.

14 Q Okay. And do you know why he was trying to come in and resign?

15 A To the best of my recollection, he wasn't. He never did resign. I think
16 that was just my assistant speculating.

17 Q Okay. Did you talk to Mr. Morganstern about the possibility of him
18 resigning?

19 A To the best of my recollection, no.

20 Q Okay. Do you think, based on what Ms. Rose sent you, that
21 Mr. Morganstern was considering resigning in light of what had happened the day
22 before?

23 A To the best of my recollection, no. I think she was incorrect on his
24 intentions of wanting to come in and speak with me.

25 Q So just so I understand, Mr. Morganstern -- oh, go ahead.

1 A Oh, I was just going to say, she says but unclear, so even she was unsure at
2 that point.

3 Q Okay. So to your knowledge, Mr. Morganstern was never considering
4 resigning?

5 A To my knowledge, to the best of my recollection.

6 Q Okay. Do you know of anybody from the White House staff who resigned
7 because of what happened on January 6th?

8 A To the best of my recollection, there were a few people.

9 Q And which ones do you remember?

10 A I remember Sarah Matthews, I believe Pottinger might have, I believe DeVos.
11 Yeah, I believe DeVos might have as well, or she did. And I believe --

12 Q Secretary DeVos?

13 A -- Elaine Chao.

14 Q Okay.

15 A Yeah. There might have been others. That's just what I recall.

16 The Reporter. I did not hear that last name you said.

17 The Witness. I believe Secretary Chao did as well.

18 BY [REDACTED]

19 Q Okay. Did anybody else discuss with you the possibility that they would
20 resign?

21 A To the best of my recollection, no.

22 Q Did you think about resigning?

23 A I definitely had an emotional day on the morning of January 7th. It was a
24 rough day because I believe what happened on January 6th doesn't represent the entirety
25 of the Trump movement, so I definitely had a tough -- an emotional day.

1 However, I knew the best thing I could do for my country was to show up at work,
2 to give the President the best advice that I could at this -- in this time period, and I
3 ultimately did what was best for my country but probably harder for me personally.

4 Q Okay. So you did not end up resigning. And did you stay until January
5 20th?

6 A I did not stay until January 20th. To the best of my recollection, I lived in
7 the Woodward Building at the time, which was right across from the White House. And
8 I was told that there would be barriers put up near the building ahead of January 20th,
9 and if I wanted to move out of D.C., I should do so quickly. And, in fact, in like a 24-hour
10 period, I had to get the movers together and get my stuff out. So it was a few days
11 before January 20th that I transitioned back to Florida, to the best of my recollection.

12 Q Okay. But did you think at all about resigning in light of what happened on
13 January 6th?

14 A Look, it was an emotional day. Of course, that's a thought that would go
15 through anyone's mind after what was a hard and unimaginable day, but ultimately I did
16 what was best for my country.

17 And I was at my apartment in the early hours of January 7th and into maybe
18 mid-afternoon, and I decided what was best to do was to go into work, to advise the
19 President to give remarks condemning the violence, for me, myself, to give remarks
20 condemning the violence in the strongest possible terms. And I knew that ultimately
21 what was best for my country was to go in that day and to show up and to do the job I
22 had been asked to do, and put my country first.

23 Q Okay. If you look at exhibit 75, it's another text exchange between you and
24 Sean Hannity, January 7th, in 6:29, you wrote, "The President just filmed the message on
25 national healing. This is great. It will be out shortly." Mr. Hannity wrote, "Great

1 news. Also great call with Eric and Lara."

2 A Could we just take -- I'm sorry -- just 30 seconds. I just want to ask Zach a
3 quick question here --

4 Q Of course.

5 A -- and we'll get right back to this. Okay.

6 [Discussion off the record.]

7 Mr. Terwilliger. ████ Ms. McEnany has something she'd like to read into the
8 record. It's not responsive to your subpoena, but I think it provides some additional
9 information given some of the questions we've heard today. It relates a bit to this time
10 period, so I don't want to interrupt your flow, but it'd probably take about 15 seconds.

11 BY ████

12 Q Okay. We can do it now.

13 A Okay. Thank you. Just because you had mentioned who resigned, and
14 Sarah Matthews, who was, I believe, the only member of my staff to resign, did resign. I
15 just want to read into the record that 10 days after January 6th, Sarah Matthews texted
16 me, "Hey, Kayleigh, no need to respond if you don't want to, but I saw you had your last
17 day and I hope you're holding up well. I'm so sorry for the way things ended, but I just
18 wanted you to know that I love you and I'm so grateful for, the incredible opportunity you
19 provided me, not only to work at the White House, but to get to learn from you. You
20 were the greatest boss but an even better friend. I hope you enjoy this much deserved
21 time with your family."

22 So I just -- because it was personal and it was a member of my staff that stepped
23 down, I wanted to read into the record her acknowledgment of me being a great boss,
24 the greatest boss, in fact, a superlative. So I just wanted to read that into the record.

25 Q Okay. Thank you.

1 So going back to exhibit 75, this is a text exchange between you and Sean Hannity
2 on January 7th at 6:29 p.m. Mr. -- or you wrote, "the President just filmed the
3 message on national healing. This is great. It will be out shortly."

4 He, meaning Mr. Hannity, responds at 6:34 p.m., great news. Also great call with
5 Eric and Lara. Did Mr. Hannity ever tell you what he discussed with Eric and Lara
6 Trump?

7 A To the best of my recollection, no.

8 Q Okay. So on the second page of these tweets in exhibit 75, again, on
9 January 7th, 7:34 p.m., Mr. Hannity wrote -- after you wrote, turned out great, I'm so
10 happy. He wrote, "Me too." Eric and Lara were great, also Jared. Do you know what
11 he's referring to there?

12 A I assume Jared Kushner.

13 Q Okay. But do you know what they were -- what they did that he was saying
14 was great?

15 A To the best of my recollection, no.

16 Q Okay. He wrote, "Key now. No more crazy people." What's your
17 understanding of what he meant about no more crazy people?

18 A To the best of my recollection, I don't know what he meant by no more crazy
19 people, but I assume he was meaning, as his next tweet kind of indicates, that these
20 points needed to be the points going forward and, you know, anyone not committed to
21 those points would not be welcome, would be my understanding, or would not -- should
22 not be welcome.

23 Q Okay. So the -- on the next text message, so this is at 7:37 p.m. on
24 January 7th, he sends a text, number one, no more stolen election talk. What's your
25 understanding of why Mr. Hannity thought there should be no more talk about a stolen

1 election?

2 A To the best of my understanding, I would think because of what happened
3 on January 6th and the violence that -- this was a time for national healing. I think
4 anyone on the other side of the aisle could understand that the message needed to be
5 national healing and unity.

6 Q And then number two, he writes, yes, impeachment and 25th Amendment,
7 are real and many people will quit. Do you know what his basis was for thinking
8 impeachment was a real possibility?

9 A To the best of my recollection, no. I guess because Democrats had pursued
10 the impeachment strategy once, and I'm guessing he thought that they could do it again.

11 Q Okay. Do you know why he thought the 25th Amendment was real?

12 A To the best of my recollection, no.

13 Q Were you involved in or witness to any conversations with anybody at the
14 White House about the possible use of the 25th Amendment?

15 A To the best of my recollection, no.

16 Q Okay. Number three, he writes, he was intrigued by the pardon idea,
17 exclamation point, exclamation point, parentheses, Hunter. So first of all, that he was
18 intrigued, does that refer to the President?

19 A To the best of my recollection, I would guess -- I would guess that was the
20 reference, yes.

21 Q Okay. And do you know what the pardon idea was?

22 A To the best of my recollection, no, I don't.

23 Q Okay. And then in parentheses it says Hunter. Do you know whether the
24 President was considering pardoning Hunter Biden?

25 A To the best of my recollection, no. This was, as I remember, the first I had

1 seen this.

2 Q Okay. Number four says, "Resistant but listened to Pence thoughts, to
3 make it right." What did you understand that to mean?

4 A I understood that to mean healing the relationship with the Vice President.
5 Obviously, there had been quite a bit of disagreement in healing that relationship.

6 Q Okay. But did the resistance suggest that the President was resistant to
7 Mr. Hannity's suggestion of mending fences with the Vice President?

8 A Look, you know, I'm just guessing because these are Hannity's notes, but I
9 would guess, given the "he" referenced in three that that would make sense as it pertains
10 to four.

11 Q Okay. Number five, "seemed to like attending inauguration talk." What
12 did you understand that to mean?

13 A I understood that to mean that he seemed to like the idea of attending Joe
14 Biden's inauguration.

15 Q Okay. But he ultimately did not, correct?

16 A That's, as I remember, correct, he did not attend.

17 Q Do you know why he didn't attend?

18 A To the best of my recollection, no. I was working from home a lot, dealing
19 with the move, so I didn't talk to him much about that, or really any matter.

20 Q Okay. So then you responded at 7:43 p.m., "Love that. Thank you. That
21 is the playbook. I will help reinforce." What, if anything, did you do to help reinforce
22 the messages for Mr. Hannity?

23 A Well, I think I had reinforced that message because I had given the remarks
24 from the podium. President Trump had followed up and given his own remarks at my
25 suggestion, so I think I had done a lot to reinforce some of those points that Hannity had

1 laid out. And I -- you know, in the limited times I talked to the President, in the days
2 that followed as I was moving my family out of D.C., I reinforced that the messaging
3 should be national healing, moving forward, uniting the country. There was a new
4 President coming in.

5 And, you know, I had explicitly, on the point of, you know, no more election talk, I
6 stood at the podium on January 7th and said, we are all working towards an orderly
7 transfer of power. So I think I had put those suggestions into action before Sean had
8 even sent them my way.

9 Q Okay. So tell us more. You've made reference earlier to a conversation
10 you had with the President where you said you wanted to give remarks on January 7th.
11 Can you walk us through in as much detail as you can remember that conversation with
12 the President?

13 A I went in. I asked Molly or whoever was in the outer Oval if I could speak
14 with the President. I went back. To the best of my recollection, Pat Cipollone was
15 there. I said to him -- and I'm looking at my notes to refresh my memory. I said that I
16 needed to do a press conference and that this was a moment for him to heal the country,
17 and that it was important to me to help to heal the country and use the podium to do
18 that, and that -- and that he should do that as well, that ideally he should speak as well.

19 When St. John's Church burned over the summer by rioters, I believe we had a
20 similar strategy in that I went to the podium, and then he went to the podium after in the
21 day that followed, and I thought it worked well. And I thought it would be a good
22 opportunity to help heal the country, so I encouraged him to do it. I did it as well.

23 Q What was his response?

24 A He was -- to the best of my recollection, he was immediately receptive to the
25 idea and then I went to operationalize the task.

1 Q Okay. Did he -- did the President say anything to you about what you
2 should or should not say?

3 A To the best of my recollection, I'm trying to think if there was anything
4 specific, I do believe he did mention the election to me in that instance, but I left and just
5 began to craft my remarks with Pat Cipollone. Or, well, I didn't craft them with Pat
6 Cipollone, I crafted them with Chad and later brought them to White House counsel, and
7 consulted with a few people around the West Wing about them.

8 Q Okay. What did the President say to you about the election?

9 A I don't recall specifically, but I do think he mentioned election integrity
10 measures, or just the election generally, but I knew I wasn't -- that was not going to be
11 part of the remarks. So I just left and went about making the remarks or creating the
12 remarks.

13 Q Just to the best you can recall, and I know you can't recall his exact words,
14 but can you try to sort of repeat what you can recall him saying to the best of your
15 recollection?

16 A I don't recall exactly. I just remember him being entirely receptive to the
17 message of healing and national unity, saying you should also throw in some points about
18 the election, and I just don't remember beyond that. But I got the green light to go do
19 what I wanted to do, and the President agreed to give remarks himself.

20 Q And did he say anything else about what happened the day before?

21 A To the best of my recollection, no.

22 Q Okay. In your notes, it said, and this is under the heading January 8th, but I
23 think he clarified this was actually supposed to be in reference to the 7th. "It occurred
24 to me in that moment what I needed to do, a press conference. Ideally, POTUS would
25 speak. If he didn't, I would even thought it would be difficult." And there's probably a

1 typo in there. Do you know what you were saying there about if he didn't?

2 A If he didn't speak then I would've been the only messenger at the
3 White House that day. I thought it would've been better if we both did it, and so then
4 there wouldn't be questions from reporters about whether the President stood behind
5 the message of national healing and unity. So I thought if he didn't agree, I still would
6 give the message even though it would be better and more ideal if he also gave remarks
7 in some fashion.

8 Q Okay. On the next page you wrote -- top of the next page, "Bring Julie in to
9 review. I think that's referring to your remarks. We fine-tuned them. I go up and
10 have PC read." I assume that's Pat Cipollone. "Have EH," who I assume is Eric
11 Herschmann, "read, who I see in the lobby. SM call." Is that Stephen Miller?

12 A Yes. When the President gave me the green light to give remarks, I
13 immediately began to go work on mine, and I had called Stephen Miller and told him the
14 President wanted to give remarks himself.

15 Q Okay. Was that --

16 A And this was in a follow-up call.

17 Q I'm sorry, what was that?

18 A This would've been probably a follow-up call with Stephen Miller, because as
19 you can see, two lines previously I say, call Stephen Miller. Tell him the plan. He
20 circulated remarks as I write mine with Chad. So to the best of my recollection, this
21 would've been a follow-up call with Stephen after I had begun drafting my remarks with
22 Chad and circulating them.

23 Q Okay. It says, he asked PPL, presumably people, to leave the room. So
24 who was asking people to leave the room?

25 A Stephen Miller. He wanted to have a private conversation with me, so he

1 wanted anyone in the room to leave.

2 Q And who was in the room that he was asking to leave?

3 A I assume -- I mean, to the best of my recollection, Chad would've probably
4 been in there. So Chad and whoever else was there.

5 Q Okay. And why -- did he say why he wanted people to leave the room?

6 A No. To the best of my recollection, no, but Stephen was a guy who would
7 always ask who was in the room. There were obviously leaks in the White House, and
8 so I think he was always cautious of thinking or knowing he would be on speaker phone.

9 Q Okay. You wrote, "dictates a line to me and says, if you say these words,
10 you will be doing a great service." Do you recall what he dictated to you?

11 A So to the best of my recollection, I know I wrote dictate, but I think he just
12 reread lines that were already in there to me. And I believe he reread the lines of we
13 are working for an orderly transfer of power, which I believe was already in there, so it
14 was more of a reread. I think my notes are wrong on that point. But he said that I
15 would be doing a great service to my country if I kept that line in and kept the remarks as
16 is.

17 Q Okay. A few lines down it says, "COS, JK watching and didn't know it was
18 coming." Does that refer to Chief of Staff Mark Meadows and Jared Kushner?

19 A Yes.

20 Q Okay. So they were watching, does that mean watching on a television or
21 in the room watching?

22 A That would've been -- they were not in the room watching. Sorry, one
23 moment. They were not in the room watching. That would've been -- I just got a
24 phone call so I got distracted for a second. Yeah, I think they would've watched from
25 their respective locations. I don't know what my notes mean on that point, but they

1 were not in the press briefing room watching.

2 Q And why didn't Mark Meadows and Jared Kushner know you were going to
3 be giving those remarks?

4 A The President had given me a direct okay to give the remarks. And as I
5 remember, it was later in the day to the best of my recollection. I think I gave the
6 remarks after 5:00 p.m. So I was concerned about giving the remarks, not necessarily
7 looping everyone in the White House into what the plan was.

8 So I assume that they wouldn't have known because I had been given the task by
9 the President. I told Stephen the plan of the President giving remarks, and I started
10 working on remarks of my own. So I -- I have no reason to believe they wouldn't have
11 been on board with me giving the remarks. But for me, it was -- I had been given a
12 green light from my boss.

13 Q Okay. So -- but did you intentionally decide not to tell them?

14 A To the best of my recollection, it wasn't intentional. It was just there
15 was -- there was no need to loop in 10 people, you know, a ton of people into what was
16 happening. I just needed to go in to do this. So it was not intentional, as I recall. It
17 was just by chance, you know, they weren't in the press secretary's office and, you know,
18 I wanted to give the remarks before the evening broadcast.

19 Q Okay. I'm going to pause there. █ did you have a question?

20 BY █

21 Q Yeah, if I could. Just going back to the exhibit 75. █ asked you about
22 that -- the text from Mr. Hannity in which he laid out the five points, the first one being
23 no more stolen election talk. Do you have that?

24 A One moment. I do.

25 Q And in response to that, you said you agreed with that approach, is that

1 right? No more stolen election talk?

2 A To the best of my recollection, yes, I agreed. I remember generally
3 agreeing.

4 Q And when you answered a moment ago, you referenced that your belief, or
5 your agreement on that was based on the events of the previous day, of January 6th.

6 A Uh-huh.

7 Q Is that right?

8 A Yes.

9 Q Ms. McEnany, do you believe that the stolen election talk contributed to the
10 events of January 6th?

11 A I believe individuals who committed violence are responsible for their own
12 actions. You know, at the outset of this, I was very clear about the arguments I believed
13 in and believed were footnotes-sourced and fact-checked. I believe that, as laid out in
14 *Texas v. Pennsylvania*, I think election integrity is important.

15 And I think two things can be true: One, we can have an honest talk about
16 election integrity measures and safeguards to our election and the way COVID-19 might
17 have been used to get rid of some of those safeguards. We can have that discussion
18 while also condemning the violent actions of many.

19 However, the place for that discussion I don't think would've been the day after
20 January 6th when the entire focus should've been on national unity. I think there
21 needed to be some time before that reemerged, the discussion of the 2020 election and
22 election integrity.

23 Q Do you think that the stolen election talk contributed to the events of
24 January 6th?

25 A I don't. I believe that the people who committed violence did so and

1 they're responsible for those actions. I don't believe anyone's words incite action,
2 unless it's a direct call for violence. And so, no, I believe those protesters, or rioters
3 rather, who committed violence are responsible for their own actions.

4 Q So when you said that your agreement that stop -- that -- the no more stolen
5 election talk was informed by the events of the previous day, it wasn't because you
6 associated the stop -- the stolen election talk with the events of the prior day?

7 A That's right. I don't -- exactly. I just believe that it was not the time or
8 place to discuss election 2020 in the aftermath of the violent episodes we had seen.

9 Q Okay.

10 ██████████ Does anybody else have any questions right now?

11 Ms. Cheney. I have a question, ██████████

12 Ms. McEnany, have you read any of the filings in any of the -- any of the
13 January 6th defendant cases where hundreds of defendants make clear that they came to
14 the Capitol, and in many cases, decided to breach the Capitol because of the claims that
15 the election had been stolen that were being made by President Trump and others?

16 The Witness. To the best of my recollection, I have not read those filings.

17 Ms. Cheney. So given the fact that the defendants have themselves said that
18 they were here at the Capitol because of the claims made by President Trump, does that
19 change your view?

20 The Witness. No. I would agree with the assessment of, I believe it was
21 Senator Tim Scott, who said that those who commit violent acts actually are responsible
22 for their own actions.

23 Ms. Cheney. Thank you.

24 ██████████ Anybody else have questions?

25 The Witness. Can I take one moment? I just need to send a quick message. It

1 will take -- it will take all of 15 seconds.

2 [REDACTED] Yes.

3 [Pause.]

4 The Witness. Okay. Thank you.

5 BY [REDACTED]:

6 Q Sure. If you could look at exhibit 101, this is a January 10, 2021 text from
7 Jason Miller. It says, "Kayleigh, Ben, POTUS has agreed to take the White House flag
8 down to half-staff in honor of the officer who died at the Capitol." And then he writes,
9 "He was adamant that we not do a press release or a big PR push." Do you know why
10 the President was adamant that there not be a press release or a PR push regarding
11 putting the flag at half-staff?

12 A To the best of my recollection, no. I don't believe we ever discussed that
13 matter.

14 Q Okay. Go back to exhibit 39, again, this is your notes. On January 10th,
15 you've got -- "I said can't talk about fraud, olive branch to Pence, invite Biden." Can you
16 explain what that means?

17 A To the best of my recollection, I see -- to the best of my recollection, that
18 likely would've been recounting a conversation with the President where I was
19 emphasizing that now is a time for national unity, not a time for relitigating 2020.

20 Q Okay. And what was his response?

21 A To the best of my recollection, I don't remember. This was, again, over a
22 year ago at a time when I was trying to move.

23 Q Okay. So there's sort of three parts to that, the "can't talk about fraud,"
24 "olive branch to Pence," and "inviting Biden." Do you remember whether he reacted to
25 any of those three?

1 A I don't. I see where I say -- to the best of -- where I see I told you where I
2 stand. To the best of my recollection, I don't know what that would've pertained to.

3 Q Okay. It says, "FL, I've told you where I stand." What does that mean?

4 A To the best of my recollection, I -- I don't know. Maybe it meant I was
5 going to Florida. I don't know if I was in Florida at that point. I know the President was
6 leaving to go to Florida after the election. It could mean the First Lady, I don't know, but
7 I didn't talk to the First Lady, so I don't know what that means.

8 Q Okay. And then later in that exhibit under January 13th you wrote, I read
9 POTUS remarks he wrote. He asks if I will go to Oval and tell POTUS I recommended, I
10 say yes. Who is the "he" there?

11 A Is there any way we could pull this up, the non-redacted version? I
12 just -- let me quickly look what's in between, because my initial thought is Jared, but I just
13 want to see what's in between.

14 [Pause.]

15 I think it was Jared because the middle portion is about my daughter. Or no,
16 it's -- it's about taking a picture. So I believe that was still as a part of my conversation
17 with Jared.

18 Q Okay. So you read to the President remarks that Jared wrote?

19 A I'm not certain, but that would be my best guess.

20 Q Okay. Do you know what those remarks were about?

21 A I do not remember at this point. I -- do you have a fact or a document that
22 would suggest the President gave remarks later that day?

23 Q I don't. I don't know whether he gave remarks that day or not.

24 A Okay. I don't either. If he gave remarks that day, it was likely tied to
25 remarks that were given, but otherwise I don't recall exactly.

1 Q Okay. And then, he asks if I will go to Oval and tell POTUS I recommended,
2 I say yes. Do you know what that means, you recommended what?

3 A I think this means that I read -- I read remarks that Jared had proposed that
4 the President say, and Jared asks if I would go to the Oval and tell the President that I
5 recommended those remarks.

6 Q Okay. And then did you go to the Oval and recommend that he issue those
7 remarks?

8 A If I would've told Jared that, to the best of my recollection, I probably
9 would've followed through.

10 Q Okay. And then there's like a brief redaction, and then it says, "As walking
11 out, Nick Luna walks in and says needed in Oval. Walk in and Judd and Ivanka there."
12 Do you remember what that was about?

13 A I don't remember exactly. To the best of my recollection, it was just an
14 informal meeting.

15 Q Okay. With the President?

16 A I don't recall the President being there. I think it was just Judd and Ivanka.

17 Q Okay. But you don't remember what it was about?

18 A I don't.

19 Q Okay. Did you have any conversations with the President about the second
20 impeachment, meaning the impeachment related to January 6th?

21 A To the best of my recollection, no.

22 Q Okay. It's been reported that Congressman McCarthy has said that
23 President Trump acknowledged to him that he, meaning President Trump, bore some
24 responsibility for what happened on January 6th. Were you with President Trump when
25 he had that conversation with Congressman McCarthy?

1 A To the best of my recollection, no.

2 Q If you look at exhibit 78, and this is March 1, 2021, a text from Julia Hahn.

3 Ms. Hahn writes, "In thinking on it a bit more, I think you can avoid going to Larry Kudlow
4 route." What do you think she meant by the Larry Kudlow route?

5 A Maybe you have a document to refresh my recollection, but I believe Larry
6 Kudlow resigned or said the President was not a leader or something to that effect.

7 Q And so, Ms. Hahn is suggesting you not take that route?

8 A Yes. To the best of my recollection, that's what it would refer to. I think
9 there was public reporting of whatever Larry Kudlow said.

10 Q Okay. And then -- I want to save some time here, so I'm not going to go
11 line by line. But on the second page, you respond -- this is the top of the second page.
12 You respond, this is March 1st, 9:06 a.m., "Do you think it's fine for me to specifically say,
13 of course, in hindsight the remarks on 1/7 would have been great on 1/6."

14 So what's your view? Do you think that the President should have said
15 something on January 6th that he ended up saying on January 7th?

16 A You know, it's my view that, of course, you know, as -- once we realized the
17 situation was violent and we saw the extent of what happened, of course, you'd want to
18 say in every possible way that you condemn this. There was certain realities, like a
19 curfew from the Mayor we were dealing with, the chief of staff telling me to go home,
20 so -- us to go home in the West Wing. So there was certain realities we had to deal
21 with. But to the best of my recollection, or to -- in my opinion, of course, I would love if
22 January 7th remarks could've happened on January 6th, but there was certain barriers to
23 that happening.

24 [Discussion off of the record.]

25 The Witness. Both of ours. Yeah, I think both of ours, of course. I would've

1 loved to go to the press briefing room on January 6th and do that, but I had to go home
2 and pursuant to a curfew from the Mayor and an order from the chief of staff.

3 BY [REDACTED]

4 Q So what was it that you wish in hindsight the President had said on
5 January 6th?

6 A The remarks on national healing and unity that he gave on the 7th. I
7 would've loved if those would've happened on the 6th. There were certain barriers.
8 He didn't have a team around him. It was a fast-moving situation, dealing with sending
9 the National Guard, so things wrapped up relatively early in the White House compared
10 to the activity that would usually go on. So there were barriers to that happening, but I
11 would've loved if his exact remarks on January 7th could've happened on January 6th.

12 Q Do you wish, in hindsight, that the President had asked the protesters to
13 leave the Capitol earlier than he ended up asking them to do that?

14 A Of course, I would have loved if the "go home" message would've happened
15 earlier in the day. I don't know that it would've made a difference, because the
16 protesters were not listening to him. He said be peaceful, no violence, support our
17 Capitol Police, and they still went about their activity. I don't know if an additional "go
18 home" would've changed things, beyond the one that he said at 4:17 p.m. I think the
19 violence quickly dissipated after the National Guard was sent because I think at that
20 point, you know, these frenzied individuals were responding to action and not words.

21 Q Do you know why the President didn't say go home sooner than he did?

22 A I don't. To the best of my recollection, no. I think the focus was on action
23 and sending the National Guard, and that soaked up at least a lot of time that I saw.

24 Q Okay. If you look at exhibit 102, this looks like an email you sent to yourself
25 on March 1st, but it looks like notes. Do you know what this document is?

1 A March 1st. Yeah, I think I was preparing for my first interview, I think it was
2 my first interview after January 6th, which happened some months later.

3 Q Okay. If you look a little bit -- we're short on time so I won't go through
4 every line, but if you look a little bit above halfway through the page, it says, "Didn't
5 condemn them because he doesn't hate them." What does that mean?

6 A I think -- this is my best guess, and I said a few months later my first
7 interview happened. This was March 1st, so it would've been, I guess, several weeks. I
8 think that was in response to the question of why was there not a reflexive -- when there
9 was first those initial reports of an injury here or there, why wasn't this reflected. I
10 condemn right now in this very moment.

11 And I think that didn't happen because he knows that, by and large, and I've
12 traveled the country and I've been to many, many Trump rallies and met probably
13 thousands of people who are good, hardworking, amazing people, like the woman who
14 ran up to my 8-month pregnant belly and put her hands on my belly and asked to pray for
15 me, these are the Trump voters I know.

16 So I think it was so antithetical to what we had seen across the country that he
17 didn't condemn right there at the very first report that there might be an injury because
18 he just reflexively knows the 74 million people that voted for him are not characterized by
19 the actions of a few. So I think that's what that was in response to.

20 Q Did President Trump ever condemn the attack on the Capitol?

21 A I believe he did. I would have to go back and review his remarks, but I
22 believe on January 7th, there was a condemnation in there. But I don't remember the
23 remarks exactly. You'd have to provide them to me.

24 Q Okay. And then you wrote, "Unlike many other, doesn't reflexively attack
25 voters versus bail out antifa Kamala." What does that refer to?

1 A I think that's an acknowledgment that, you know, while President Trump,
2 you know, he did attack, of course, people on the left that he disagreed with, and I say
3 attack in a metaphoric sense, you know. Obviously, there was political back and forth
4 between him and Joe Biden at the debates, et cetera. That's the kind of attack I'm
5 referring to. But to the best of my recollection, he didn't go after vast swaths of Biden
6 voters and make broad stroke characterizations.

7 You know, he did, to the best of my recollection, on January 7th, condemn the
8 actions of the rioters, and it stood in contrast to me, Kamala Harris who chose to bail out
9 some of the violent rioters, who, by the way, I think more than a dozen people were killed
10 in the violent riots we saw in the summer of 2020. And there was a bail fund to which
11 she solicited donations, I believe, to the best of my recollection. So I think I was drawing
12 a contrast of condemnation versus embracing violence on the other side with this bail
13 fund.

14 Q Okay.

15 A I think.

16 Ms. Cheney. [REDACTED] I've got a question.

17 [REDACTED] Yeah, go ahead.

18 Ms. Cheney. Ms. McEnany, I just want to read you the President's tweet from
19 6:01 p.m. on January 6th. "These are the things and events that happen when a sacred
20 landslide election victory is so unceremoniously and viciously stripped away from great
21 patriots who have been badly and unfairly treated for so long. Go home with love and
22 in peace. Remember this day forever."

23 So these are the things that happen. Do you believe that what happened on
24 January 6th was justified?

25 The Witness. Absolutely not. What happened on January 6th was not justified.

1 I condemn violence in every form. I am a Christian. I believe in Jesus Christ. I believe
2 in peace. I love people on the other side of the aisle, whether they're Biden voters,
3 Kamala supporters. That's who I am. I'm a good-natured person. Absolutely, it was
4 not justified. And that's who I am, and that's my belief.

5 Ms. Cheney. I appreciate that. I'm a Christian, too. And I'm interested to
6 know whether you heard the President express views like this on the day of the 6th.
7 These are the things and events that happen.

8 The Witness. To the best of my recollection, no. I remember being with him
9 brief minute episodes where I was focused on a task or an action. But -- and I've
10 described the way I believe his mood went from generally upbeat to more serious to
11 downtrodden. But I don't recall him saying that language in the minutes when I was
12 with him in the back dining room.

13 Ms. Cheney. And have you heard him since say that November 3rd was the
14 insurrection?

15 The Witness. I haven't spoken to him. I think, to the best of my recollection -- I
16 cannot talk. To the best of my recollection, we've spoken four times, but four or five
17 times maybe, but I saw him one of those times. I don't recall him talking about
18 November 3rd as an insurrection. I think there may have been a statement put out to
19 that effect or something, but I would not have been part of that.

20 Ms. Cheney. Well, multiple ones actually. But I'm just wondering if you believe
21 November 3rd was the insurrection?

22 The Witness. No, I don't. I believe in the voter integrity issues that I brought
23 forward, and I believe -- I have grave concerns about those. But I don't believe
24 November 3rd was the insurrection. It doesn't change my view though that I believe in
25 most of the arguments that were made in *Texas v. Pennsylvania*.

1 Ms. Cheney. And I'm sure you're aware that the attorneys general of all of the
2 States that are discussed in Texas v. Pennsylvania responded to defend their electoral
3 systems and the way that they've conducted themselves.

4 But I want to ask you, President Trump has also given an interview on the record
5 to Jon Karl, in which Jon Karl asked him whether he had heard the chants about hang
6 Mike Pence. And in response, President Trump said, "Well, that was just common
7 sense." Do you agree?

8 The Witness. I would like to see the entirety of that exchange. I believe it was
9 taped, and I believe it was taken out of context. So, you know, I don't want to respond
10 to that statement in isolation until I see the full context of that interview. But what I
11 would say is the chants made about Mike Pence were obviously reprehensible. I love
12 the Vice President, and he's always acted with courage, and I would never wish any ill will
13 upon him or any violence.

14 Ms. Cheney. Thank you.

15 The Witness. Thanks.

16 ██████████ So on this --

17 Ms. Cheney. █████?

18 ██████████ Yes.

19 Ms. Cheney. Sorry, I have one more -- I have one more question.

20 ██████████ Yes.

21 Ms. Cheney. Do you believe what Vice President Pence did on the 6th was the
22 right thing to do?

23 The Witness. I believe, yes, it was the right thing to do when he certificated the
24 results. I still believe the objectors should've been heard. I wish they would've been
25 heard. Unfortunately, the great irony of this is that Ted Cruz wasn't able to give the

1 entirety of his speech, as I recall, and others weren't in the way that had been done
2 before and there was precedent for. So, no, I think Mike Pence did do the right thing on
3 that evening.

4 Ms. Cheney. Thank you.

5 BY [REDACTED]:

6 Q So in exhibit 102, which we were going over earlier, just a couple lines
7 down -- well, I guess, following up after the bail out antifa Kamala line, it says AF and then
8 four question marks. What does that stand for?

9 A To the best of my recollection, I don't know.

10 Q Okay. And then it says, "President was focused on action. Unifying
11 principle: Peace" -- I don't know if that's supposed to be deterring violence. What
12 does that mean?

13 A I think this, generally speaking, was what I've spoken to previously in my
14 testimony, which was just that the President was focused on action and the National
15 Guard taking action. I think that's generally the idea I was getting at with this.

16 Q Okay. Then at the bottom of the page, "remarks sooner," several question
17 marks, "and in hindsight could 1/7 have happened sooner, yes." Does that mean that in
18 hindsight, he could've given his January 7th remarks on January 6th?

19 A You know, I think we've been through this. To the best of my recollection,
20 it's the same sentiment conveyed in the text to Julia that there were certain realities, a
21 curfew, for example, that we had to deal with, the chief of staff telling us to go home.
22 Of course, as soon as we could've done that messaging from the podium and the
23 President give the national healing remarks, the sooner the better.

24 Q Okay. And when you wrote, "march peacefully and patriotically, said fight
25 equals primary," what does that mean?

1 A I think that's underscoring what I read into the record earlier, which was
2 when the President said fight, he went on to say, quote, and if they don't fight, we have
3 to primary the ones who do not. So clarifying that by fight, he meant primary as came
4 up later in his remarks.

5 Q Okay. And then on the next page, a few lines down in bold, it says, "I
6 wrestled with events I spoke out against acts and said they were the opposite of this
7 movement." What does "I wrestled with events" mean?

8 A I believe this denotes the emotions that I went through on the morning of
9 January 7th and what a hard time that was. I think that's what that was indicating.

10 Q Okay. And then a little later it says, "briefing, POTUS and I both agreed."
11 Do you recall what that is about?

12 A To the best of my recollection, that was on January 7th when he and I both
13 agreed about me giving a press conference and him giving remarks.

14 Q Okay. At the top of the next page, it says, "Larry Kudlow, dash, hoping
15 come out quickly, make statement, calling everyone back and stopping violence, wished
16 made 1/7 video on 1/6." What does that mean?

17 A I think that would be in response -- I think that was just generally, if I was
18 asked about Larry Kudlow, and I don't know if Larry resigned or just made a comment on
19 the President's leadership. I still don't remember that specifically, but there's public
20 reporting to that end. I think this was just me laying out a response in case I was asked
21 about this, exactly what I had just said to you about the 1/7 remarks on 1/6.

22 Q Okay. And then this says, "tweet afterwards. Events happen when
23 election victory viciously stripped away. People treated badly, unfairly for so long."
24 Next line, "dash, no knowledge of how came together. We don't agree on every tweet."
25 Does that mean you disagreed with the President's tweet where he said that the election

1 victory was viciously stripped away from him?

2 A It's not that I agree with that portion of it. I, generally speaking, disagreed
3 with the tweet about, you know, these are the days, or these are the things that happen,
4 however he characterized that. It wasn't signifying every part of the tweet. It was just
5 saying, you know, generally, I thought the messaging should have ended with go home.
6 Excuse me. Sorry, I have something in my throat. One second.

7 I don't think it was in reference to that portion, but it was generally in reference to
8 the tweet in its entirety that that messaging should not have happened.

9 Q Okay. And what was it that you disagreed with or thought should not have
10 happened?

11 A Can you tell me what tab that tweet is so I can look at it?

12 Q Yes. It's going to take me a minute.

13 Ms. Cheney. I think it's 21, [REDACTED]

14 BY [REDACTED]

15 Q Okay, 21.

16 A Okay. That these are the things and events that happen. I mean, I
17 disagreed with that part. The election victory portion of that, I'm just -- I'm making the
18 clarification that while I disagreed with much of the messaging of that separate track of
19 advisers, I did agree with the Texas v. Pennsylvania case as put forward, so I would just
20 make that one clarification.

21 But generally speaking, I don't -- I agree with go home. But generally speaking, I
22 don't think this tweet was helpful. I think the messaging should have ended with the
23 video, in an ideal world, the January 7th messaging, if we didn't all have to go home.

24 Q Then in your notes or the email you sent to yourself, this is, again,
25 exhibit 102, right after that you wrote, "video improvise, dash, remember this day

1 forever." What does that mean, "video improvise"?

2 A To the best of my recollection, and I don't recall, do you know, were those
3 words said in the January 6th messaging?

4 Q I don't remember. I know he did say remember this day. Well, yeah, the
5 tweet that we were just going over in tab 21 ends with "remember this day forever." I
6 don't know whether it was in one of the -- either the January 6th or January 7th video.

7 A I would have to see a transcript of the video. I think those words might
8 have been in the video, and I was denoting that if that was in the video that was
9 likely -- that was probably improvised. I don't think that was in scripted remarks.
10 That's my guess, but, again, I'd have to look at the transcript of that video.

11 Q Got it. When you say that video, is that the January 6th video or the
12 January 7th video?

13 A The January 6th video, because I don't recall anything of that nature being in
14 the January 7th video.

15 Q Okay. Do you remember anything about anybody telling you that the
16 President improvised in the video on January 6th?

17 A I don't recall if anyone told me that he had improvised. I just know -- I
18 believe, to the best of my recollection, he might have improvised a line or a portion as he
19 often did. But, again, that's to the best of my recollection. I don't have the official
20 document or the script that was written.

21 Q Okay. The next line says, "VP in position." What does that mean?

22 A Just generally speaking, I believe I'm writing all these things down because
23 I'm preparing for an interview, like I would for a press conference, and I'm anticipating
24 the questions that I'll be asked. I believe that's just anticipating a question about the
25 Vice President and the position that he was put in by the President mentioning his name

1 in those remarks on the day of January 6th.

2 Q And what did you think about the position the Vice President was put in by
3 the President's remarks?

4 A I think I've been clear that I did not like to see the President and the Vice
5 President at odds. I recognize that the President had a view of his role, and the Vice
6 President very clearly had a different view of his role. So, you know, I don't like when
7 the disagreements are aired publicly. You know, the President had his view and
8 separate advisers were telling him that view.

9 Mr. Terwilliger. Hey, [REDACTED] just a quick question, I'm assuming stay on the
10 record. So I see we're about an hour and 15 out from 8:00, and I do think we're starting
11 to -- you know, you're ask -- I'm not saying your questions are wrong, but they are
12 covering things we've talked about before. Do you think -- are we still on track for 8:00?

13 [REDACTED] So I'm basically done with my questions. I'll see if [REDACTED] thinks that
14 he can finish up in that amount of time.

15 [REDACTED] I will finish up in that amount of time.

16 [REDACTED] Okay. Great. So I'm finished, and then I don't think -- if anybody
17 else has any questions before [REDACTED] takes over?

18 [REDACTED] Just quickly, [REDACTED], I just have a couple of general questions that I
19 think fit here better than after [REDACTED]

20 BY [REDACTED]

21 Q Ms. McEnany, during the entire time that you served as White House press
22 secretary, who would you say were the most influential people to President Trump, the
23 people whose perspective he valued the most?

24 A To the best of my recollection, I would say -- people he valued the most, I
25 would say Jared, the chief of staff, his family. I mean, I think he valued my opinion.

1 Q Uh-huh. Is it fair to say his family in particular, his daughter, his sons were
2 particularly -- and his son-in-law were particularly influential, their perspective would
3 sometimes influence him?

4 A You know, I would say Jared's for sure, because Jared was a key player in
5 day-to-day events. Ivanka a lot of times had her separate policy portfolio, so -- but I
6 would say they were influential, sure.

7 Q Yeah. More so that -- I guess my question is sort of ranking them or certain
8 voices over others in terms of being influential to the President in making his decisions?

9 A You know, I don't -- I think that would require me to get in the President's
10 head, but I would say certainly that Jared had influence over the President, not influence
11 but his voice carried a lot of weight to the President.

12 Q Yeah.

13 A And the chief of staff's too, though. I think both.

14 Q Okay. Did you have any concerns toward the very end of the
15 administration about the people that the President was trusting, or was influenced by
16 sort after as time went on over the course of your service as press secretary?

17 A ████████ what was the first part of that question?

18 Q I'm just -- you mentioned earlier, for instance, that you thought certain
19 election fraud arguments were more persuasive or more powerful than others, and I'm
20 just wondering if you had any concerns about the people that were increasingly
21 influential to the President or who were influencing decisions toward the end of the
22 administration.

23 A I think it's fair to say I had concerns because I didn't agree with some of the
24 new advisers who were brought on board, and I largely -- I wasn't in those meetings. To
25 the best of my recollection, I stayed away from those meetings, and I focused on Elliot

1 and the folks that I trusted would give me really fact-driven information.

1

2 [6:47 p.m.]

3 BY [REDACTED]

4 Q I understand. So in terms of the people who were influential at the end
5 who you didn't trust, are you specifically talking about the campaign lawyers, Mr. Giuliani,
6 Ms. Powell, Ms. Ellis, and the others working with them?

7 A I think that's fair to say.

8 Q Okay.

9 A And I wasn't in the meetings with them, so I can't really assess everything
10 they were telling the President. I wasn't a legal adviser. But generally speaking, I
11 would see the public commentary being made.

12 Q I appreciate that.

13 A Anyone else in that category of voices that became influential at the end that
14 caused you to question the quality of that advice to the President?

15 A I think those individuals that you named were the ones that I was aware of.
16 There's been names that emerged in public reporting that I weren't aware were advising
17 the President.

18 Q How about General Flynn, any concerns about him and his influence?

19 A To the best of my recollection, I don't know -- I did not know at the time he
20 was advising the President.

21 Q How about Mike Lindell or Patrick Byrne or any business people, people that
22 were not White House staff but were from private industry?

23 A I think I was aware Mike Lindell had views on the election, but the other
24 name you mentioned, I think that's the first I'm actually hearing that name.

25 Q Okay.

1 A So to the best of my recollection, I don't know.

2 Q All right. Anyone else, just to finish this, that you saw around the White
3 House or had indications were influential to the President that gave you that concern that
4 maybe the advice they were providing was not helpful?

5 A I mean, to the best of my recollection, I don't recall Rudy Giuliani always
6 around the White House or Sidney Powell always around the White House or Jenna Ellis
7 even. I saw Jenna maybe once or twice, but, by and large, I believe they were mostly at
8 the campaign. I'm aware of public reporting of some of the meetings.

9 But, you know, I do want to make clear that the White House staff was -- people in
10 the White House were generally people from the White House aside from select meetings
11 that I've read about. So --

12 Q Okay. And same question on the other side. Were you concerned about
13 the departures of particular advisers to the President, Cabinet officials or White House
14 staff that were losses in terms of it demeaned or diminished the quality of the advice the
15 President was getting?

16 A I'm not aware of any departures I was concerned about. I don't recall when
17 Derek Lyons left, but he was very talented and a great kind of fact-checker of speeches.
18 He was the staff secretary and I remember being -- not wanting him to depart, but he left
19 kind of early, I think.

20 Q Okay. How about Attorney General Barr, any concerns about his departure
21 and how that affected the quality of the advice the President was getting?

22 A I wasn't aware of any, to the best of my recollection, interactions between
23 the President and the DOJ, so I wasn't really even certain how that relationship panned
24 out or played out.

25 [REDACTED] Okay.

1 Okay. That's all I have, [REDACTED] Thank you -- or [REDACTED] Sorry to interrupt.

2 [REDACTED] Anybody else have questions before [REDACTED] takes over?

3 BY [REDACTED]

4 Q Okay. So, Ms. McEnany, I'm conscious of the time that we've got left, and I
5 also understand that we've sort of dipped our toe into a lot of these issues already, and
6 I'll make sure that I do my best not to repeat. There may be some issues we've talked
7 about or Members have asked about that I might want to dig into a little bit more deeply,
8 but I'll try and be as efficient as possible.

9 I take it from your earlier responses, way back this morning, I think you responded
10 to a question from Mrs. Murphy and another from Ms. Cheney regarding your views of
11 the election and whether it was stolen. I take it that your view is that the 2020
12 Presidential election was not stolen.

13 A So let me be clear. The "stolen" language is not language that I used. I'm,
14 as a press secretary, very precise in my language. I'm very careful with my language.

15 You know, to the best of my recollection, I didn't use that phrasing. I prefer to
16 go with arguments like those laid out in Texas v. Pennsylvania, and in there, they
17 detail -- rather they detail numerically -- I say "they," meaning the Texas attorney
18 general -- how some of the rule changes influenced the election.

19 A macro fact that stood out to me as concerning is, I believe, roughly from 2016 to
20 2020, mail-in balloting doubled, and a lot of that was because secretaries of state made
21 the rules more lax, but yet the mail-in ballot rejection rate went down.

22 The mail-in ballot rejection rate typically I think in 2016 was about 1 percent, and I
23 believe according to a 538 estimate it was 0.6 percent.

24 So at a time when mail-in balloting rampantly increased, the mail-in ballot
25 rejection rate decreased. And it was my view that that was because of changes from

1 secretaries of state in contravention of the legislature who constitutionally has the role in
2 making those laws.

3 So that was my concern. I'm giving you a long-winded answer because I just
4 don't use words like -- I just don't -- that's my recollection -- don't throw out words like
5 "stolen."

6 I would prefer to kind of get into the nuts and bolts. And the numbers do
7 suggest that there could have been a different result should those safeguards have stayed
8 in place. But I just don't use nonprecise words like that often.

9 Q Okay. Well, but that's a term that was used quite a bit by supporters of the
10 President, is that fair to say, that the election was stolen? And the President used it
11 himself.

12 A Yeah, I think that's fair to say that, that others used that phraseology.

13 Q And what about -- do you consider -- I understand your point about
14 secretaries of state making changes that were in contravention of the will of the
15 legislature. That's your view. And you, I think, stated earlier that you think that those
16 changes may have played a role in the outcome of the election. Is that a fair
17 characterization?

18 A That is a fair characterization.

19 Q Do you think voter fraud played a role in the outcome of the election -- or
20 changed the outcome of the election?

21 A You know -- and, again, I just want to emphasize that, you know, when I was
22 exploring these issues, it was not in my White House role, it was in my personal time in
23 my campaign role, which was informal and really entailed making election appearances
24 and engaging in First Amendment political speech that I considered important. So I
25 want to just emphasize that at the outset.

1 But voter fraud, yeah, there were hundreds of pages of sworn affidavits
2 suggesting voter fraud. But to me, I think this line that Pete Hegseth said on FOX kind of
3 lays out my view of the fraud portion of it, that the legal argument does not hinge on the
4 number of fraudulent ballots but the inconsistent and illegal application of election laws.

5 So for me the fraud was almost -- it was important, absolutely. Any time a voter
6 says their vote wasn't counted under sworn penalty of perjury in an affidavit, that is
7 important and should be looked at.

8 But my concern was the changes to election laws and how that figured into the
9 vote total, in addition to the fraud, which they go hand and hand because when you relax
10 the laws, it is my view that it enables fraud. I had read a study from Jimmy Carter and a
11 bipartisan commission to that end, that mail-in voting was the most susceptible form of
12 voting to fraud.

13 Q Are you aware of any evidence that suggests that there was mail-in voting
14 fraud that was sufficient to have changed the outcome of the election, or this is just your
15 view that you thought that the mail-in rules had been relaxed to the point that it was
16 susceptible to fraud?

17 A I believe if you take a look -- and I'm not going to, you know, read a court
18 case right now into the record -- but if you go and take a look at Texas v. Pennsylvania,
19 they break down vote totals. They break down mail-in voting by party identification.
20 They break down numbers, facts, and figures. Like in Pennsylvania, in seven Democrat
21 counties, you were allowed to cure your ballot in advance of the election, whereas the
22 other Republican-leaning counties were not.

23 They lay out those arguments, the Texas attorney general does. So you can go in
24 there, and they do a numeric vote total of how they feel, if the laws were not changed by
25 the secretary of states in contravention of the Constitution, how the vote total would

1 have been different.

2 Q Well, but let me go at it this way. Didn't you try to avoid using the term
3 "stolen" when referring to the election during the time that you were working in the
4 White House?

5 A Yes, because I prefer more fact-driven rhetoric. So to the best of my
6 knowledge, it was not a term that I used all the time or probably ever. I don't
7 remember everything I ever said.

8 Q And did you avoid using terms like a rigged election?

9 A I don't know if I would have ever used the word "rigged," but, you know, I
10 certainly think that secretaries of states changed the rules. I'll leave it to others to
11 characterize how they describe that behavior. But I prefer more fact-driven, referring to
12 affidavits and fact.

13 I think I gave you guys several binders that I used when I would go on air, and I
14 think if you've taken the time to look through them, you can see how diligent I was in
15 highlighting, looking at facts, getting footnotes, getting sourcing, sworn affidavits, court
16 filings, documents from election law attorneys that I believed in.

17 But I was not an election law adviser of the President. I didn't advise him on
18 legal strategy. These are my views as a private citizen who had concerns about election
19 integrity.

20 [REDACTED] Ms. Cheney, do you have a question?

21 Ms. Cheney. I do. Thanks, [REDACTED]

22 I just wanted to check and see, Ms. McEnany, are you aware that nearly every one
23 of the allegations in the Texas v. Pennsylvania was rejected by State and Federal courts, at
24 lower courts?

25 The Witness. I believe most of it wasn't -- they never got to the fact-finding

1 process. So most of the cases, as I'm aware, were dismissed because of laches, that the
2 claims were brought too late, or in advance of the election because they were not
3 considered ripe. So for the most part --

4 Ms. Cheney. I appreciate that. I just think it's important for the record to show
5 that's actually not -- not accurate.

6 And I think one of the biggest challenges of talking about Texas v. Pennsylvania is
7 that the attorneys general of each of the States in which Texas asserted that there had
8 been fraud laid out very clearly in their replies that, in fact, the elections had been
9 conducted according to the rules of those States, and the lower courts had determined
10 that that was the case.

11 So I think it's a very important distinction to draw between broad allegations of
12 fraud and affidavits that you have. But in our system, because we are governed by the
13 rule of law, the courts make those determinations. And the Trump campaign lost 60 of
14 61 suits that they brought.

15 So I think it's really important to be very precise as we talk about this because
16 what was being asked was, in fact, that the votes of tens of millions of people should be
17 thrown out. And if you're going to do that, we had -- you know, the judges, many of
18 whom were appointed by President Trump, made very clear that the evidence that was
19 presented in court -- and I know you're an attorney and I know you take it seriously.
20 And also, you know, Rudy Giuliani, as we talked about before, has had his license
21 suspended, Sidney Powell has been sanctioned.

22 So the courts themselves made very clear that the evidence presented was not
23 just cases that were thrown out based on standing but that the evidence presented was
24 insufficient for the relief that was being sought. And the relief that was being sought
25 was overturning the results of the election.

1 So I appreciate what you're saying, but I do think it's really important to be precise
2 about what Texas v. Pennsylvania was. The Texas attorney general does not have the
3 power under our Constitution to tell other States how they should run their elections.
4 And I think it's critically important that we be very clear about the facts on this.

5 The Witness. So, Congresswoman, if I could just say one thing.

6 I -- there were lawsuits that were brought by Rudy Giuliani and Sidney Powell.
7 Those were not ones that I spent a long time exploring. I trusted Elliot Gaiser, I trusted
8 Matt Morgan, I trusted Justin Clark. I knew them to be very serious and good lawyers
9 who when I questioned them on their facts, they would provide me with information.

10 So I can't speak to the Rudy Giuliani cases. There were a number of cases that
11 were dismissed, laches that they were brought too late. And there was a Supreme
12 Court case, I believe, if you look, it was dismissed on standing.

13 So the claims I was looking at, maybe some of the ones that the other separate
14 track of advisers explored were looked at, but several of the cases, maybe not all of them,
15 but several of the ones I was looking at were dismissed on standing or laches. Maybe
16 not all, but some of the ones I was looking at were dismissed on that basis as told to me
17 by Elliot Gaiser, the attorney that I had a lot of confidence in.

18 Ms. Cheney. I appreciate that, and I know you know that as a legal matter -- as a
19 legal matter, you know, laches was because you cannot change the rules of an election
20 after the election has been held. So I think simply asserting that cases were dismissed
21 on the basis of standing or laches does not diminish the value and the importance of the
22 rulings that those courts made.

23 And I think that, again, it's just very important to be precise as we look at things
24 like citing Texas v. Pennsylvania. And, you know, at the end of the day, the way our
25 process works is we are governed by the law. And we might not like the outcome, but

1 we're governed by the law.

2 The Witness. I understand and I -- I understand what you're saying,
3 Congresswoman. I do believe, however, that when the Constitution does empower the
4 State legislatures to determine the time, manner, and place of elections, and the electors
5 clause empowers State legislatures specifically to implement signature match, voter
6 identification, these kind of measures, I do think -- and understand that 74 million
7 Americans have problems if the secretary of state abrogates the will of the legislature and
8 has constitutional concerns on that ground.

9 So I think those are really real points, and it speaks to where a lot of voters that I
10 speak with stand, that they believe the Constitution matters and separation of powers
11 even at the State level is really, really important. And I think -- you know, these are my
12 personal views.

13 Ms. Cheney. I appreciate that, and we'll move on. But I also think it's
14 important to understand that the legislatures in those States, when they determined the
15 manner in which the elections are held, they delegate authority in many instances to
16 those State officials.

17 And once again, if there is a challenge to be brought -- and I appreciate what you
18 said earlier about the difference between the challenges that were brought, you know, in
19 the earlier phases, post-election -- but if there's a challenge to be brought, if fraud is
20 going to be asserted, then, in fact, it's the courts that make those decisions.

21 And we do not have a system where someone can lose an election and then say, "I
22 have thousands of affidavits," and therefore votes are going to be thrown out.

23 And I am one of those 74 million people. So this is absolutely not about
24 throwing out the votes of everybody who voted for President Trump. But it's about a
25 system of law that requires that the President himself abide by the rulings of the courts.

1 And I think that's one of the most important and serious challenges that we're facing,
2 looking at what happened, what the President did.

3 The Witness. I certainly -- yes, and I certainly respect the will of a court, the
4 decision and the holding of a court, and the judiciary in general.

5 I do want to just, if I could briefly read a line from Justice Gorsuch in a different
6 matter, DNC v. Wisconsin State Legislature. I just want to articulate, you know, the
7 beliefs of many, and I recognize you are one of the 74 million, Congresswoman.

8 However, I do want to just put this on the record of kind of the animating view of
9 why I did have concerns about election integrity, and it was this.

10 Justice Gorsuch said: "Our oath to uphold the Constitution is tested by hard
11 times, not easy ones. And succumbing to the temptation to sidestep the usual
12 constitutional rules is never costless. It does damage to faith and the written
13 Constitution as law, to the power of the people to have faith in their own
14 government" -- I have a line blurted out there -- "and to the authority of legislatures, for
15 the more we assume their duties, the less incentive they have to discharge them."

16 And this is, I think, the key point from my end.

17 "Last minute changes to longstanding election rules risk other problems too,
18 inviting confusion and chaos and eroding public confidence in electoral outcomes."

19 That's my concern, that the Constitution does matter, even during hard times,
20 even during a COVID-19 pandemic, and it's my view the State legislatures should not have
21 had their laws changed by secretaries of state in the States outlined in Texas v.
22 Pennsylvania. It's my personal view.

23 Ms. Cheney. I appreciate it, and I am a fan of Justice Gorsuch, and as you know,
24 that is one case, and the Trump campaign actually lost that case.

25 I think far more common what we saw are opinions, you know, like this one,

1 which was in Federal court in Pennsylvania, which was a Trump-appointed judge.

2 "One might expect that when seeking such a startling outcome, a plaintiff would
3 come formidably armed with compelling legal arguments and factual proof of rampant
4 corruption such that this court would have no option but to regrettably grant the
5 proposed injunctive relief, despite the impact it would have on such a large group of
6 citizens.

7 "That has not happened. Instead this court has been presented with strained
8 legal arguments without merit and speculative accusations, unpled in the operative
9 complaint and unsupported by the evidence.

10 "In the United States of America, this cannot justify the disenfranchisement of a
11 single voter, let alone all the voters of its sixth most populated State."

12 So I think, you know, getting to a place where we're ignoring those rulings and
13 instead asking Congress to substitute its judgment for the judgment of the will of the
14 people of the States is completely unsubstantiated and unsupported by our Constitution.

15 The Witness. And I would never ignore the rulings of a court. I was not
16 someone suggesting that the Vice President should take any action that day. I wanted
17 the objectors to have a moment to air some of the facts, like the fact that there is a
18 doubling in mail-in voting and yet basically a halving of the rate at which mail-in ballots
19 were rejected, which seems counterintuitive. I wanted an airing of those facts in
20 Congress, not an overturning of an election.

21 I'm not familiar with the one case you read. There was litigation across the
22 country from Kelli Ward, to a third party group in Pennsylvania, to Rudy Giuliani, and I can
23 only speak to the cases that I looked at, which I found compelling from the place of a
24 constitutional argument, all of which I think are pretty accurately summarized in the
25 Texas case overall.

1 Ms. Cheney. Well, I appreciate that. I will -- I'll send you some summaries,
2 Ms. McEnany. I think that these are crucially important issues as we go forward in
3 ensuring that we actually embrace the rulings of the court, we defend the rulings of the
4 court and defend the Constitution.

5 The Witness. Yeah, and I would always do that, the Constitution certainly, the
6 role of State legislatures, and absolutely respect the ruling of any court.

7 ██████████ So --

8 The Witness. Also, I want to clarify, I'm not an acting attorney. I just want to
9 clarify that. I'm not an acting attorney. I wasn't advising the President. I study these
10 matters, Congresswoman, just from the place of someone who went to Harvard Law
11 School, has a juris doctorate. I'm interested in constitutional separation of powers and
12 these types of argument.

13 But I do want to clarify, I was not a legal adviser of the President. I'm not an
14 acting attorney. I just enjoy studying these issues from my academic background.

15 Ms. Cheney. I appreciate that. Thank you.

16 The Witness. Thank you.

17 BY ██████:

18 Q So on that point, in terms of what you were tracking or not tracking, I take it
19 that you were not necessarily tracking the actions of or the arguments of Rudy Giuliani
20 and Sidney Powell in the claims that they were making.

21 A I was not actively tracking that. The counsel I sought was from Elliot Gaiser
22 primarily and Matt Morgan occasionally.

23 Q And we can see that in some of your correspondence with Mr. Gaiser and
24 running legal arguments back and forth with him.

25 What I want to ask about is whether you were also tracking sort of the

1 negative -- or the rulings that were coming out of the court, or the fact-checking that was
2 being sort of put out by secretaries of state or other experts that undermined the claims
3 that were being made about -- on these election integrity issues. Were you trying to
4 track that as well?

5 A So the -- I was not tracking the litigation from Sidney Powell and Rudy
6 Giuliani to the best of my recollection. I might have had a note or two about it here or
7 there, but I was not actively tracking that. I was tracking the cases that the campaign
8 litigation team was working on.

9 And when I say "campaign," it becomes confusing because there was another
10 group of advisers, but the official, as I saw them, the official campaign lawyers.

11 Q You said earlier today in response to another question that you saw your
12 role as the press secretary, your job is to correct misinformation. And then at an earlier
13 point you said that you would often get information from different places and have to
14 determine what was accurate.

15 I'm wondering whether you wore that -- sort of played that role with respect to
16 the election claims. Were you trying to sort of figure out which of the claims were
17 accurate and which were not?

18 A Yes. You know, I still had my official duties. The President had helped to
19 oversee Operation Warp Speed, a vaccine in record time. The National Defense
20 Authorization Act was being passed. I held several press conferences at the White
21 House where I was fielding questions on official matters. So this was my day job that I
22 was doing every day.

23 But, you know, in the evening I would really rely on Elliot to kind of give me the
24 law -- the lay of the land rather, as to the posture of the cases, what facts I could believe
25 and not believe.

1 But, yes, I did discern for myself, tried to the best of my ability to figure out what
2 was right and not right and I relied on Elliot to do a lot of that.

3 Q Did you come to the conclusion that some of the claims that were being
4 made by Mr. Giuliani, for example, were false?

5 A I did not have faith, let's say, in the Dominion theory. By way of example,
6 you know, that was one that in my mind I associate that track of advisers with that
7 theory, and I just -- I had not -- I had asked Elliot about it, and he said, you know, there
8 was this one instance of vote switching that had occurred, but by and large -- that don't
9 dig into that theory. Yes, there was a vote tally that changed, that is a fact, but, you
10 know, he kind of -- he waved me off of pursuing that line.

11 Q Did you do anything to try to correct the record in terms of your public
12 statements with respect to Dominion, which you had concluded was not -- that claims
13 that were being made were not accurate?

14 A Let me quickly pull something up. Could I just have 1 second, if you don't
15 mind?

16 Q Sure.

17 A Yeah, I just want to find them specifically.

18 So, yes, you know, privately I would tell Sean -- the bulk of my appearances were
19 on Sean's show, and you know, I think I conveyed to him that the information I would
20 bring was information that I believe was fact-checked and vetted.

21 You know, when asked on November 12th about Dominion, or it might have been
22 software issues, I don't have the exact quote here, I changed to talk about, quote, "the
23 real argument." And I said that the real argument we are making here is to encourage
24 everyone to look at the complaints filed in Pennsylvania and Michigan.

25 When asked on November 21st about Dominion, I referenced that there was a

1 vote change. But I quickly pivoted. I said that the equal protection claim is a
2 constitutional one. That's the winning argument at the moment.

3 So when asked about it, you can see in my commentary how I quickly moved to
4 talking about the constitutional issues. And the same on November 6th -- or excuse
5 me -- December 6th.

6 Q Yeah. Well, I mean, I take you at your word that you didn't find that
7 plausible, and I'm not suggesting that you were promoting that.

8 But actually what I'm getting at is the fact that you had reached a conclusion on it
9 and that you were pivoting away from it. Is that where you left it, or did you make some
10 effort to, for example, tell the President that that's not something that he should be
11 promoting?

12 A I think we reviewed this. We've already been through this. But anytime
13 the President asked my opinion, I would be clear on the arguments I believed in. And I
14 think earlier in my testimony, I specifically referenced waving him off of the Dominion
15 theory earlier in my testimony.

16 Q Were you successful in that regard, with respect to waving him off of the
17 Dominion theory?

18 A I mean, you can -- I don't know everything he ever tweeted, but I believe he
19 tweeted about that. I don't know exactly, though. I don't have his Twitter feed in
20 front of me or all of his public statements.

21 Q Are you saying you think he still continued to tweet that after you waved
22 him off of it?

23 A Yeah. To the best of my recollection, I think he might have tweeted about
24 it after, but I don't know. I don't have his tweets in front of me, nor do I have a timeline
25 of exactly when those discussions happened and the texts that would -- or the tweets

1 that would follow.

2 Q Did you ever have any discussions with others in the White House about
3 concerns that the President was promoting inaccurate information regarding the election
4 on his Twitter feed?

5 A To the best of my recollection, I'm sure that there were conversations that
6 I've heard about what was accurate and what was not, but I don't remember them
7 exactly. This was more than a year ago.

8 Q What do you remember on that?

9 A I don't remember anything specific. It was more than a year ago. But
10 obviously these were issues that people discussed in passing.

11 Q Let me ask it more broadly. Was it a frequent occurrence in your role as
12 press secretary that you felt that you needed to correct an inaccuracy by the President?

13 A No. I mean, to the best of my recollection, much like, you know, the
14 President was receiving tons of information at times, and, you know, I would give my view
15 on that information. I don't recall, you know, always -- you know, I just would give my
16 candid opinion. Is there more to the question that you're asking?

17 Q Yeah. And I'm going to go through, we can look at exhibit 109 actually, we
18 can start with that.

19 It appears that you and others are trying to sort of correct or explain away a
20 statement of the President. And I'm wondering if that was -- well, if that's something
21 you recall, explain away or correct any statement that the President made specifically
22 about the election.

23 A I know, I think exhibit 109 is just a rough draft set of bullet points from Elliot
24 about the election.

25 Q So do you remember this document, have you seen it before?

1 A I have.

2 Q Okay. In the -- I'll represent to you that the President had used the term
3 "rigged" several times prior to this date regarding the election. Do you think, is that sort
4 of consistent with your recollection?

5 A To the best of my recollection, I don't know exactly when he started using a
6 term. My memory is vague on that. But, I mean, I would concede to you if you say it
7 was used that I believe it was probably used.

8 Q So in the -- in the fourth -- fourth full paragraph, it says -- and I'm sorry, I'm
9 having trouble finding it now.

10 "That's why I said over and over that they are trying to rig the election."

11 A Okay. I see that.

12 Q Do you see that?

13 A Uh-huh.

14 Q And then before -- next to that, it says: "Before the fact-checkers
15 misinterpret what I'm saying yet again, let me tell you what I mean."

16 Do you see that?

17 A Yes.

18 Q Had you discussed with Mr. Gaiser the need to offer some explanation for
19 what the President meant by rigged election?

20 A No. As best I can recall, Elliot had just mentioned that he, on his own
21 accord, had drafted what he thought would be a fantastic speech laying out the
22 issues -- my words, not his -- and I said: "Oh, send them over, I'd love to just see what
23 you put together, just as friend to friend."

24 Q But it looks like he's writing a whole speech about what rigged means. Is
25 that -- am I interpreting that properly?

1 A To the best of my recollection, he had written a speech laying out the claims
2 about -- the claims that I articulated to you about Pennsylvania's Democrat secretary of
3 state, about -- I'd have to read this in its entirety, I don't remember it all, but some of the
4 allegations in the sworn affidavit.

5 This was a speech that he had put together. Summarizing it, to the best of my
6 recollection, no one directed him to do this. He just did it on his own accord because he
7 enjoyed exploring election issues and had thought about a speech that could come from
8 the President that would make the points that he was seeing in court.

9 Q So this wasn't an effort to sort of explain away a comment that the President
10 made that you thought was probably a little bit aggressive?

11 A To the best of my recollection, no. Elliot had come to me and said: "Hey,
12 I wrote a speech that, you know, I thought would be helpful to laying out the arguments
13 and I'd love for you to take a look at it." That's how I recall this document coming
14 about.

15 Q Okay. Take a look at exhibit 113, which is a tweet from a few days after
16 you got that draft from Mr. Gaiser.

17 A Uh-huh.

18 Q Do you have that?

19 A Yes.

20 Q And in it the President tweeted: "He won" -- he's responding to a Jesse
21 Watters' tweet about Joe Biden winning the election. And he says: "He won because
22 the election was rigged. No vote watchers or observers allowed, vote tabulated by the
23 radical left privately owned company Dominion with a bad reputation and bum
24 equipment that couldn't even qualify for Texas, which I won by a lot."

25 Do you see that?

1 A I do.

2 Q Were you concerned when you saw that tweet?

3 A The date on this was November 15th. I don't recall seeing this tweet. As I
4 remember, the President was sending a lot of tweets at the time, so I don't recall
5 specifically seeing this one.

6 Q Do you recall having a conversation with Jason Miller about this tweet?

7 A I might have. I mean, Jason Miller would occasionally send me tweets, so if
8 you have a document to refresh my recollection, please provide that for me.

9 Q Yeah. Take a look at exhibit 45. And although I couldn't access it from
10 your documents, I believe that the tweet that we just looked at responding to Jesse
11 Watters is the tweet that's embedded in Jason Miller's text to you.

12 A Okay.

13 Q And Mr. Miller says: "I just spoke with the President about this tweet, and
14 here's how I'm answering it, following the direction he gave me."

15 And I presumed from that text to you that maybe you had discussed with
16 Mr. Miller the need for a response before you got this text. Does that refresh your
17 recollection?

18 A To the best of my recollection, I don't recall if we had had a phone
19 conversation or not. He could have sent this to me sporadically, because I know Jason
20 Miller did talk to the President on his own, and occasionally he would send me a text
21 recounting his conversation or a point from their conversation.

22 So it could have been prompted by talk. It could have been prompted by just the
23 fact that he had spoken with the President as he notes in the tweet -- or in the text.

24 Q Okay. But you don't remember about any effort to sort of redefine what it
25 means to rig or unrig as referenced here by Mr. Miller?

1 A I don't remember any serious discussion about that. I remember doing my
2 official duties, going to the campaign, usually at night, to engage in First Amendment
3 political speech. Jason would have been the one who was more into the election
4 messaging than I was in terms of putting together talking points, let's say. That would
5 have been the campaign's duties, not my duties.

6 Q Did you ever -- did the President or anybody else at the White House ever
7 ask you to be more forceful or aggressive in the language you used to describe election
8 irregularities?

9 A To the best of my recollection, no. The President would suggest points
10 here and there if I saw him and he had just watched a TV appearance.

11 But to the best of my recollection, you know, he respected the way I conducted
12 myself both in my professional, official role as White House press secretary and then the
13 First Amendment speech I engaged in at night as an individual.

14 Q He never said things along the lines of, you know, "Kayleigh, why aren't you
15 mentioning Dominion more or saying that the election was stolen, you're focused on
16 these constitutional issues, and, you know, that's not really what sort of the messaging
17 should be"?

18 A He might have suggested in the course of a conversation, you know, a good
19 talking point or a fact he had heard maybe from his outside legal team, but I don't recall
20 specifics. I just recall my messaging being the constitutional arguments. And if the
21 President ever asked my opinion, I wasn't a legal adviser, but I would give my opinion that
22 those were the arguments that I believed in.

23 Q Okay. Did you ever have any discussions with anybody at the White House
24 or at the campaign about whether the messaging regarding the election was helping with
25 fundraising?

1 A To the best of my recollection, no.

2 Q Did you know that fundraising was being conducted in the time between the
3 election and inauguration?

4 A I wasn't focused on fundraising. I was the White House press secretary. I
5 was focused on vaccines, the NDAA, other big policy matters, like COVID relief. And at
6 night, I would engage in First Amendment political speech. I paid very little attention to
7 fundraising emails or that part of things.

8 Q Did you know there was a fundraising operation that was still in full swing?

9 A To the best of my recollection, I would have assumed that there was. I
10 think most political candidates keep their fundraising going even after an election. So as
11 a matter of just general practice, I think I would have assumed that, but I didn't give much
12 thought or focus to that.

13 Q And no one told you that the messaging they wanted coming from you, from
14 the podium or in your cable hits, would be helpful from a fundraising standpoint?

15 A To the best of my recollection, no. I made it very clear that if I went to the
16 White House podium there would not be -- I shouldn't say make it clear. In my mind, it
17 was always very clear to myself, if I was to go to the White House podium, the messaging
18 would have to be on official matters and that if I wanted to engage in First Amendment
19 political speech it had to be outside of that.

20 So you can watch my press briefings and see where on several occasions I refer
21 reporters to the campaign.

22 Q Yes, I do remember those.

23 Is it -- so let me ask you about the First Amendment activity you're talking about
24 when you're doing cable hits.

25 Were you coordinating your message with anyone, or is that just Kayleigh

1 McEnany sharing her views.

2 A That was Kayleigh McEnany, me, as a person with First Amendment political
3 speech, sharing my views. I think Elliot Gaiser -- to the degree there was any discussion
4 ahead of those appearances, it would have been with Elliot Gaiser, occasionally alerting
5 Sean Hannity to some of the affidavits I was bringing on or the viewpoint that I had
6 gotten from Elliot that I believed in.

7 If I could, just for a moment, 1 second, if I could. Sorry. One moment.

8 And I just want to make clear, because you were asking about -- or insinuating
9 something about campaign fundraising and the podium, so I just want to point out --

10 Q I was just asking, not insinuating.

11 A Okay. Well, December 15th, I referred reporters to the campaign, the
12 same on the 2nd, November 20th, August 4th, May 20th. And even in my speech about
13 the campaign, usually in the evenings, I would not talk about official matters so as to
14 draw that clear distinction between the two roles as White House counsel had advised
15 me to do.

16 Q Okay. But my question was whether you were coordinating --

17 Mr. Terwilliger. [REDACTED] I apologize. Can you just give us 20 seconds? I just
18 need to confer with Kayleigh about one thing.

19 [REDACTED] Of course.

20 Mr. Terwilliger. Just give us 1 second.

21 The Witness. One moment.

22 [Discussion off the record.]

23 The Witness. Hello, [REDACTED]

24 Yeah, I just want to say, to the best of my recollection on the fundraising point, I
25 was not aware of the fundraising operation. But if you have a document or something

1 that suggests otherwise or a statement from someone, please let me know, because it
2 was more than a year ago. I'm just trying to make it clear that I tried to adhere to the
3 advice of White House counsel.

4 BY [REDACTED]

5 Q Okay. And so the question, though, that I think was pending was whether
6 you were coordinating your public statements with anyone other than Elliot Gaiser.
7 Yeah, that's the question, whether you were -- was this part of some messaging strategy
8 that went beyond just the two of you discussing? I think you also mentioned
9 Mr. Hannity as well. But was there anybody else that you were talking about a
10 messaging strategy with?

11 A So you're referring to not my messaging in my official role but my messaging
12 that was campaign-related?

13 Q Correct. Your cable hits.

14 A Yeah. So it was primarily with Elliot Gaiser. Occasionally I would call Matt
15 Morgan, though it was far more Elliot.

16 The campaign would send out talking points to surrogates, so I might have been in
17 receipt of some of the talking points that they were providing or some of the messaging
18 documents they would provide before TV hits. That's something that they did routinely
19 for anyone going on TV, that broadcasting out of the campaign.

20 So there was a messaging apparatus in the campaign, but I rarely looked at the
21 documents provided to me from the campaign and primarily relied on the information
22 given to me from Elliot and Matt Morgan and occasionally Justin Clark.

23 Q So you produced, I think, several -- I don't know what the proper term would
24 be, but they look like briefs, sort of before an appearance on "Hannity." And it was on
25 Trump campaign letterhead with four or five topics that might be covered and some

1 talking points. Is that what you're referring to, that you would occasionally get talking
2 points?

3 A Yeah. And I know this just because before I joined the White House, I was
4 at the campaign as press secretary, and anytime a -- someone went out and did a
5 television hit from the campaign, they would provide that individual with talking points
6 that were suggested.

7 I rarely referenced them. I'm not a person in general that just reads top line
8 talking points given to me. I always preferred to do my own research. And that's what
9 I did ahead of those appearances. So I was in receipt of those documents, to the best of
10 my recollection.

11 Q Okay. So switching to your other hat, so from the podium, was
12 there -- who were you working with in terms of messaging strategy post-election
13 regarding the election? Obviously there are lots of other issues going on after the
14 election. But was there a messaging strategy regarding the election that you were using
15 as the press secretary?

16 A To the best of my recollection, I did not. I was very diligent about any time
17 the election came up referring to the campaign. I kept my -- my White House staff knew
18 that, to the best of my recollection, they should have known they were not to work on
19 any campaign activity.

20 If I was going to the podium, as I did, I think, three times after election day, the
21 campaign questions were referred to the campaign.

22 So I'm not sure there would have been campaign messaging ever in a press
23 briefing. To the best of my recollection, I kept those very separate.

24 Q Okay. Can I -- I just want to ask you about a particular document that I
25 think came out of the campaign's communications folks. It's exhibit 4 -- or exhibit 20.

1 Actually, if you could take a look at 4 and 29. We'll start with 4.

2 A Okay.

3 Q I think you produced this document, if I'm not mistaken. Have you seen it
4 before?

5 Mr. Terwilliger. ████████ I think you produced that to us.

6 ████████ Ah, okay, 29 might have been the one we got from you.

7 But let me ask -- start with 4, though. Have you seen that document before
8 other than maybe with your lawyer in the last week or two?

9 The Witness. To the best of my recollection, no. Yeah, not to my recollection.

10 ████████ Okay. How about 29?

11 The Witness. To the best of my recollection, this is a document we provided.

12 Mr. Terwilliger. We provided.

13 The Witness. But this would have been something I might have been in receipt
14 of, but I didn't take much time to go through. You know, I've made clear what my views
15 on this issue were and I got my information from Elliot Gaiser primarily.

16 So this would have been something that, if I even looked at it, it would have been
17 a cursory glance. That's my recollection.

18 ████████ Okay. So you don't know who produced it -- I mean, who prepared
19 it.

20 Mr. Terwilliger. If you -- ██████ if you go to 28, it was attached to 28.

21 BY ██████

22 Q Yeah, and I was going to ask you about 28 next. But did you understand
23 Mr. Miller to be the author of the document?

24 A I do not know, to the best of my recollection, how this document came
25 about.

1 Q Okay.

2 A Yeah. This is the kind of stuff I would ignore because I already knew -- at
3 this point, -- what's the date on this? November. I think at that point I would have
4 already established the relationship with Elliot, so I would have just dismissed this, as I
5 can remember.

6 Q Okay. I want to -- I'm trying -- again, I'm watching the clock and trying to
7 wrap things up if we can, so I'm jumping around a little bit.

8 We talked a lot over the course of the day, or you have, sort of interspersed with
9 some of the questioning about your concerns regarding mail-in voting.

10 A Yes.

11 Q And that was an issue that you raised back in May, actually right when you
12 first started as press secretary. Is that right? I think we've got exhibit 22 maybe, is a
13 tweet of yours.

14 A One moment if you wouldn't mind.

15 Okay, what exhibit did you say?

16 Q Twenty-two.

17 A Okay.

18 Q So that's -- it's been a couple of months of you starting as press secretary.

19 A Uh-huh.

20 Q And --

21 A About -- about a month and a few weeks, yeah.

22 Q Okay. Well, that's within 2 months. And it looks like it's from
23 @PressSec45 Twitter account. That's your official Twitter?

24 A Uh-huh.

25 Q Why did you send this? Why did you post this tweet?

1 A Well, mail-in balloting was a live policy issue, made such by Nancy Pelosi
2 who going back to January of 2019, her first piece of legislation, as I can recall, when she
3 got the gavel, was a document, was a piece of legislation called H.R. 1 that talked
4 to -- that loosened the rules for mail-in balloting.

5 On April 1st, Nancy Pelosi proposed \$2 billion was needed to enable mail-in
6 voting, and I believe she said that should go in COVID relief. And there's a USA Today
7 fact-check on May 25th: "Fact check: HEROES Act would eliminate State requirements
8 for voter IDs in Federal elections."

9 If enacted, the HEROES Act -- which was COVID relief -- would overrule those
10 States in 36 States as pertains to Federal elections, meaning President and Congress, and
11 simplify identification requirements across all States.

12 I could go on. But the Speaker of the House had made this a live policy issue,
13 and the White House would respond to a provision on mail-in voting that was trying to be
14 shoved in COVID relief. So as I can recall, that's my best guess.

15 Q And in the weeks or months that followed this tweet, leading right up to the
16 election, you discussed mail-in voting quite a bit from the podium, right?

17 A Yes. And as I understood it, I can discuss policy issues from the podium,
18 especially ones proposed by the Speaker of the House to be put in COVID relief. So as a
19 policy matter, I was able to discuss mail-in balloting, just not advocate for the success or
20 failure of a candidate as I understood it. And I would regularly consult with White
21 House counsel on issues like this before I would go to the podium.

22 Q Okay. And I'm not quarrelling with or calling into question your decision to
23 raise something from the podium or not. But this became sort of a significant talking
24 point from the podium leading into the 2020 election. Is that fair to say?

25 A I think it's fair to say we responded to Democrats wanting to put mail-in

1 balloting, passing legislation to that end on the Hill, and I responded to several questions
2 on the matter, yes.

3 Q And by my count, more than ten press briefings between May and
4 November the topic came up, admittedly often raised by reporters. But it did come up
5 at quite a few briefings. Is that fair to say?

6 A Yeah. It would come up in briefings, but reporters choose the questions.
7 And me trying to be an ethical person, abiding by the Hatch Act, knew the bounds of
8 responding to a policy issue about mail-in balloting and not advocating for a candidate.
9 So I was able to raise points in response to the Speaker of the House who wanted mail-in
10 balloting provisions in COVID relief funding for the American people.

11 Q And in fact you often called it the Democrats' fraudulent mass mail-out
12 voting system. Is that accurate? I mean, it's fair to say that you used that term?

13 A You'd have to refer me to the exact press briefing, but generally it was
14 Democrats putting mail-in balloting provisions and the signature verification provisions in
15 COVID relief funding. So, factually speaking, it was Democrats who were trying to do
16 this.

17 Q Well, I was more focused on the word "fraudulent" than the Democrat part.
18 But was using the term "fraudulent" by design? Was there a reason you were
19 associating mail-in voting with fraud?

20 A Do you have that precise document that would refresh my memory of what
21 briefing that was or the context?

22 Q You know, I don't. I don't have it handy. I'm sorry. But do you recall
23 ever using the term "fraud" in connection with mail-in voting?

24 A I recall citing Jimmy Carter's bipartisan commission on the matter, and I can
25 find you the exact quote from Jimmy Carter's bipartisan commission. He said:

1 "Absentee ballots remain the largest source of potential voter fraud." So I do remember
2 quoting the former Democratic President and his bipartisan commission.

3 Q Do you remember a reporter in May, I believe first name Ryan but I'm not
4 sure of his last name, but in a transcript he's noted Ryan, a male reporter, so not April
5 Ryan. A reporter asked whether the President was bringing up this claim of mail-in
6 voting fraud to lay the groundwork to cast doubt on the election. Do you remember
7 that question?

8 A I don't remember that question specifically. I was asked a lot of questions
9 from the podium.

10 Q Fair enough. Let me ask you then, was the President encouraging you to
11 talk about the fraudulent mail-in voting system in the months leading up to the election?

12 A I think the President made clear his views on mail-in balloting. And I don't
13 recall him specifically encouraging me to go and do that. Most of my press briefings,
14 you can go back and read my openers, and nearly every opening to every press
15 briefing -- in fact, I don't even think we ever did an opening on mail-in balloting. I could
16 be wrong, but to the best of my recollection, we didn't.

17 The opening of my press briefings kind of set the tone for the White House
18 messaging of the day, and it primarily always concerned the news of the day, be it COVID
19 relief or the murder of George Floyd or the violent protests that after that beset the
20 country, or of supporting law enforcement.

21 You could go back and look. I would respond to questions on mail-in balloting.
22 To the best of my recollection, I could be wrong, I don't think we did a ton of openers
23 on mail-in balloting. I don't recall the President saying: Go out and make this a point
24 in all of your press briefings.

25 I recall being asked questions by reporters and responding to them appropriately

1 within the bounds of the Hatch Act.

2 Q Okay. And were you concerned at all at any point leading up to the
3 election, as these top issues kept coming up, that you might undermine confidence in the
4 election if you were to continue to stress that mail-in voting was a source of fraud and rife
5 with fraud and would lead to fraud?

6 A No. I think you've got to put yourself back in that time period where the
7 Nation was in a global pandemic, where there were these mail-in primaries that had been
8 tried, and I think we could agree to some extent, at least in the way they were
9 administered, failed.

10 You know, I remember on August 4th, it was day 42 of the New York City primary,
11 and The New York Times talked about, quote, "a deluge of 400,000 mail-in ballots,"
12 previewing what they said, quote, "were challenges facing the Nation as it looks toward
13 conducting the November general election with mass mail-in voting."

14 I recall Jeffrey Toobin and the New Yorker writing about New York's primary vote
15 count chaos signaling trouble for November. I recall The Washington Post having a fairly
16 detailed piece about their concerns about mail-in balloting, quoting the, quote,
17 "unexpected stress test of mail-in balloting." ABC, CBS, Wall Street Journal, these were
18 mainstream organizations writing about some of these primaries.

19 I recall Las Vegas Journal Review and Nevada doing mass mail-out voting and
20 having pictures of ballots in trash cans and on dart boards.

21 And in my view, the Speaker of the House trying to shove and federalize some of
22 those provisions was a concerning policy priority that the White House wanted to
23 combat.

24 So at the time, this is what was happening, this was the national landscape, and
25 the concern was a policy that would federalize some of the real flaws that were being

1 seen across the country as outlined by mainstream sources.

2 Q Did you raise with any of the election security experts within the
3 administration your concerns that the increase in mail-in voting would lead to fraud?

4 A That's not my place. I'm a press secretary. I engage in messaging. I
5 don't engage in policy priorities. So that would be more a place for the chief of staff or
6 White House counsel or someone who actually would work to implement policies on
7 behalf of the executive branch.

8 Q Well, but in your role as press secretary, trying to correct misinformation or
9 to make sure that what you're saying is accurate, did you think that it would be helpful to
10 talk with the experts within the administration about their level of concern regarding
11 fraud in mail-in voting?

12 A So it was the President's policy position to oppose the Speaker of the House
13 trying to federalize elections in COVID relief for the American people. So the President's
14 free to have a policy position that runs counter to that of Democrats.

15 The others can take their concerns to election security officials, but this was not a
16 national security matter so much as it was a policy position that the President held that
17 was different, and concerns that were being laid out in public by mainstream news
18 organizations to which I had to field questions about from the podium.

19 Q Were you aware that CISA, within the Department of Homeland Security,
20 was working with State officials around the country to try to address rumors that would
21 cast doubt on the security of our elections?

22 A To the best of my knowledge -- to the best of my recollection, I don't think I
23 was aware of that.

24 I am aware that they were working to secure elections on the State level from
25 foreign influence because there had been the allegations in the 2016 election. So I was

1 generally aware of that. But beyond that, I can't be certain.

2 Can you, one moment, please, if you don't mind. Just a quick second.

3 Q Sure.

4 [Discussion off the record.]

5 The Witness. Yeah. Yeah, exactly. I thought -- foreign election meddling in
6 our elections was something that I knew was being worked on with States because of the
7 allegations in 2016 that didn't turn out to be true with regard to the dossier and the
8 collusion with the President.

9 Those issues, I know foreign interference in our election was being worked on.

10 But beyond that, yeah, that's what I knew.

11 BY [REDACTED]

12 Q Well, I'll represent to you that -- I'm sorry, I didn't mean to cut you off.

13 A That's to the best of my recollection.

14 Q Okay. I'll represent to you that CISA did have a website which they called
15 Rumor Control, and they included things like mail-in voting and to try to sort of tamp
16 down concerns about potential fraud with mail-in voting.

17 Do you know or have you ever heard of any attempt by anyone at the White
18 House to interfere with CISA's Rumor Control efforts around mail-in voting?

19 A To the best of my recollection, no.

20 Q Just 1 second. Sorry.

21 Okay. I want to pivot in the last few minutes we have and ask you -- and you
22 may not -- based on your prior comments, you may not have much information on this.

23 But did you ever speak with Attorney General Barr or anyone from the
24 Department of Justice regarding what they were finding in their various investigations of
25 election fraud, with respect to the 2020 election?

1 A To the best of my recollection, I would occasionally have conversations with
2 Kerri Kupec, who was a spokesperson there. But -- I think we might have had one
3 conversation after the election, to the best of my recollection, but I don't recall exactly
4 what we said. We're on friendly terms, but we might have had one conversation.

5 Q Are you aware of any direct conversations between the President and
6 Attorney General Barr about the merit of election fraud claims that were being promoted
7 by the President or his attorneys?

8 A To the best of my recollection, no.

9 Q Have you read some of the reporting on conversations between the
10 President and Attorney General Barr regarding election fraud claims?

11 A To the best of my recollection, I've really moved on with my professional life,
12 so I don't pay a ton of attention to the reporting. You'd have to remind me or inform
13 me.

14 Q Okay. Well, I won't. So if you're not aware of it and you hadn't heard of
15 it, then that's okay.

16 Do you know whether others -- and I think you might have answered this in
17 connection with one of [REDACTED] questions -- whether the White House, anyone at
18 the White House was in touch with the Department of Justice regarding their
19 investigations of election fraud?

20 A To the best of my recollection, no, I wouldn't have been a part of those
21 conversations and I don't recall any.

22 Q Did Mr. Meadows ever tell you that he was in touch with the Department of
23 Justice regarding claims of election fraud?

24 A To the best of my recollection, no.

25 Q On December 1st the Attorney General, Mr. Barr, told the Associated Press

1 that the DOJ had not found evidence of widespread fraud sufficient to change the
2 outcome of the election. Were you made aware of that statement on December 1st?

3 A To the best of my recollection, I was aware when that statement came out.

4 Q And do you believe that his statement regarding the absence of widespread
5 voter fraud was significant?

6 A I believe that the DOJ statement was separate and apart from civil litigation.
7 I believe the most logical place to which air beliefs about the constitutionality of changes
8 to the State legislature would have been via civil litigation. So I don't know that the DOJ
9 would be really the vehicle to look into that.

10 It would have been -- the concerns I was looking at, the matters I was looking at
11 about the changes made to the election, were more appropriate for civil litigation, but I
12 think there might have been a text message to that -- about that distinguishing --

1

2 [7:48 p.m.]

3 BY [REDACTED]

4 Q Yeah. Exhibit 52 is the text you're thinking of. And we can bring that up.

5 But I want to understand a little more about your thinking there.

6 It sounds like the concerns that you had, which I'm going to call roughly
7 constitutional concerns, to sort of put a label on that, is that -- do you think that's kind of
8 a fair way to categorize the election concerns that you had?

9 A I think, yeah, that's fair. I mean, there were also sworn affidavits of people
10 alleging fraud. But, by and large, yes, I do think that is a fair characterization.

11 Q And so your point is that those types of claims are best handled in civil
12 litigation, like the Texas v. Pennsylvania lawsuit?

13 A Yes. I mean, Barr refused the Federal criminal justice system, so yes.

14 Q But I'm asking you not about the claims that you found that you thought had
15 merit, but there were a lot of other claims of election fraud floating around, including
16 those being promoted by the President. Is that right?

17 A There were other claims floating around, as I've mentioned throughout this
18 deposition.

19 Q And did you consider Mr. Barr's statement regarding the absence of
20 evidence of widespread fraud to be significant as it related to those claims?

21 A My personal view is, as it related to some of those claims, yes, it was
22 significant. As it pertains to the claims I was looking at, those were in a civil court of law,
23 so it had less of a bearing on the litigation I was looking at.

24 Q And that's what -- now calling your attention to that -- the text exchange
25 with Mr. Hannity, exhibit 52 -- that's what you were saying to Mr. Hannity there in the

1 beginning of the text exchange?

2 A That's right. Generally, it's with the same kind of difference we're fleshing
3 out here.

4 Q Was it your understanding that Mr. Hannity agreed with you in terms of the
5 claims that had merit versus those that didn't?

6 A You know, I couldn't characterize what he thought. You know, to the best
7 of my recollection, I believe he brought me on because he did believe I would bring
8 accurate factual information. But I can't speak to what he thought. We didn't delve
9 deeply into his views on other litigation. He just knew that I would bring credible factual
10 information.

11 Q Did he ever express to you the view that he thought the election had been
12 stolen?

13 A To the best of my recollection, I think there is a document to that end where
14 we're talking about that.

15 Do you remember a text message exchange?

16 Q Yes. There is an exchange, which I can sort of pull up for you. But I'm
17 wondering, so you think that was his view, that the election was stolen, or was he more
18 of your camp, that it was the constitutional issues that were most compelling?

19 A If we could find that text message exchange, I just think it bears on your
20 question.

21 Q Yes. I think it might be 57?

22 A Okay. So one moment.

23 Q I could be wrong on that.

24 A Yeah. I think this is what -- okay. So I do think this is what I was thinking
25 of. So this is a December 8th text. And Sean says: "To our point. We always knew

1 we won." And I "loved" that. So I think we held the same view.

2 And then, down -- hold on one moment.

3 Q I found it. It's on -- it's at the top of page 875 if you're looking at the Bates
4 numbers. And you're talking about the fact that -- actually, let's go up a little bit above
5 that. I wasn't going to use my last few minutes with this, but here we are.

6 You're talking about whether the President -- this is on December 8th -- knows
7 that the Supreme Court case is sort of the last shot. Is that what this is about?

8 A To the best of my recollection, I would say yes. I don't remember the
9 precise date of the Supreme Court, but I think that that's what it would have been about.

10 Q I'll tell you the Supreme Court decision was on the 11th, so -- and the earlier
11 part of this text exchange, it's all about the Court and conversations with Jay and so forth.

12 A Uh-huh.

13 Q Okay. And then we get down to the part where Mr. Hannity says: "Does
14 POTUS know that this is it?"

15 What did you understand that to mean?

16 A That, to the best of my recollection, that this court case was the best shot at
17 airing these arguments about the constitutionality of the changes to the election by
18 secretaries of state.

19 Q Well, and more than that, that this is basically the last shot at trying to
20 overturn the election.

21 A That this was his best -- his best hope of airing some of the election integrity
22 concerns, yes.

23 Q Well, and getting -- changing the outcome.

24 A I generally agree with what you're saying, because, as I noted to you, when
25 the Supreme Court came down with its decision, I moved on to figuring out my life and

1 how to move. So I generally agree with your assessment.

2 Q Right. And then you said: "He implicitly acknowledges it sometimes, but I
3 think he has hope."

4 What were you referring to there?

5 A To the best of my recollection, there must have been a time where the
6 President acknowledged the importance of the Supreme Court case as being kind of the
7 best shot to have his arguments heard. So I think that's what I meant by that, but I
8 don't -- I couldn't -- I don't remember specifically.

9 Q Okay. Okay. So I got us down this path by asking about Mr. Hannity and
10 his views of the election. I know we just have a few more minutes, so I'm going to, if I
11 can, just get back to one other thing I wanted to raise with you before we break, and
12 maybe we won't have enough time to get -- to really do it justice.

13 The President gave a -- I'll call it a speech, but it was more of a -- it was -- well, it
14 was a video that was, I believe, released on Facebook on December 2nd in which he
15 talked and aired a lot of concerns about the election.

16 Do you remember that? I think Ross Worthington may have written the speech?

17 A If there is a document you could refresh my recollection with, that would be
18 great, but --

19 Q Yeah. So take -- if you take a look at -- well, let's start with exhibit 112.

20 A Okay.

21 Q And this is -- just the first text here between you and Mr. Miller: "Hey,
22 POTUS said he wants to do a national primetime address on the fraud allegations
23 tonight."

24 Does that refresh your recollection that during this -- roughly this timeframe, the
25 President said he wanted to give a national address?

1 A If I would have texted that, then I -- then, yes, the President would have told
2 me that.

3 Q Do you remember any effort to actually prepare that address or to work
4 with him on it?

5 A Well, just a key point. You mentioned a December address, but this is from
6 November 16th, so I can't say that this -- it wouldn't make sense that this would tie to the
7 December speech unless there is a document suggesting that.

8 Q Got it. Well, there is. So let me -- let's take a look at exhibit 27.

9 A And I say in here -- I'm sorry. I'm just reviewing the November one really
10 quick. This could be an idea that never happened. Sounded like he was just
11 brainstorming, but nevertheless wanted to keep you in the loop.

12 Okay. I just wanted to get a general sense of that document.

13 Q Yep. Yep.

14 A Okay. So 27?

15 Q Yeah. So on the 27, I don't want to put words in your mouth, but let me
16 help -- walk you through it, just to make it easier for you.

17 So it looks like shortly after that email or that text exchange with Mr. Miller, you
18 send him Elliot Gaiser's comments that we had looked at earlier and the rough draft that
19 he had sent you. This is about the rigged election and so forth we talked about.

20 A Okay. Yes.

21 Q Right?

22 A This has been going on for 10 hours, so --

23 Q Yeah.

24 A The document you just had me looking at, the text messages, those were
25 with Stephen Miller. I thought they were with Elliot, but they were Stephen?

1 Q Yes. So you tell Stephen the President wants to do a primetime address.

2 A Okay.

3 Q And then you say -- and you flip him -- you say you want to flip him the
4 remarks that Elliot had already worked on. Presumably -- you're saying at 9 o'clock in
5 the morning there's going to be an address tonight. I assume he's looking for some
6 help.

7 And you said: "Well, Elliot's already written something up. Maybe this would
8 be helpful." And you asked for his Gmail address.

9 A Yes, and I see it's the same date, yes.

10 Q Okay. And then -- so you send those remarks, and Mr. Miller responds as
11 he does.

12 And then go to exhibit 25. And this is a day or two later. Mr. Worthington
13 says: "This is the latest draft of a speech we have been working on in the event the
14 President wants to give an update." And that's actually -- 25 is the email, and 26 is the
15 speech.

16 A Okay.

17 Q Okay. Does any of this ring a bell?

18 A Maybe. I mean, it rings a bell in that -- in the sense that, yes, I texted with
19 Stephen about it. I asked for his Gmail, because for Hatch Act purposes it couldn't be
20 sent, in my view, on a government email. I sent him -- forwarded him the remarks, and
21 he really took it from there.

22 I wasn't involved in speechwriting. I just -- you know, to the extent I was
23 involved, I'd receive remarks and cursorily review them, maybe make a suggestion, but I
24 wouldn't always review them. So this strikes me as me sending something his way and
25 then his team taking it from there, to the best of my recollection.

1 Q Okay. And I will tell you that the remarks that Mr. Worthington wrote to
2 some extent seemed to incorporate some of what Mr. Gaiser had sent previously, that
3 rough draft, but it's much more extensive.

4 Is that ringing a bell, or you wouldn't have gotten down to those weeds anyway?

5 A I wouldn't have gotten down into those weeds. I, to the best of my
6 recollection, would have forwarded the factual information that I knew to be true from
7 Elliot, and it would have taken on a life of its own through the speechwriting process.

8 Q Okay. And I will further represent to you that that speech that
9 Mr. Worthington sent on the 17th ends up being given by the President on
10 December 2nd. So that's the connection.

11 And my questions were going to be whether you had reviewed the speech, and I
12 think you've given me your best answer on that already, but do you have anything else
13 you want to sort of add about that?

14 A No. Just that I don't recall, to the best of my recollection, how the speech
15 came about on December 2nd. I don't know, was it a rally speech, or was it a speech --

16 Q No. It looked like it was from the White House, and I was going to ask you
17 about the speech itself, and it looked like there were multiple takes, because it looks to
18 have been sort of spliced together. Does any of that ring a bell? Do you remember
19 that at all?

20 A To the best of my recollection, no, I don't recall that or being a part of the
21 filming. Speechwriting would have taken on the remarks, and digital would have then
22 taken over the filming of them.

23 Q And you wouldn't have, for example, you wouldn't have fact-checked
24 Mr. Worthington's speech?

25 A No. To the best of my recollection, fact-checking was done through the

1 staff secretary's office primarily. I don't know how that interaction played out for more
2 of a campaign speech, but fact-checking was done by the staff secretary.

3 Q And the reason I ask that -- and I see we're right at the appointed hour -- is
4 that there were a lot of claims of election fraud in that speech, all the ones that we've
5 been talking about earlier, Dominion and hacking and so forth. And I'm wondering
6 whether you had any discussions with anyone about the fact that those claims were going
7 into the speech well after they had sort of been debunked?

8 A So, to the best of my recollection, no. I don't know if the remarks would
9 have been sent out in the fashion that they were as I've described where they were sent
10 to an email group. You know, I don't have the benefit of official records for that.

11 So I don't know the process of the speech. I don't recall the specific speech.
12 And that's all to the best of my recollection after 10 hours of testimony.

13 [REDACTED]. Okay. Well, let's not make it 10 hours and a minute, because I'm
14 going to keep to our pledge that it's 8 o'clock, and I will make that my last question.

15 Thank you, Ms. McEnany.

16 [REDACTED] Yeah. [REDACTED] and Zach, before we stop, I just want to see if
17 Ms. Cheney and Ms. Lofgren have any questions.

18 You two have been here all day. Is there anything else -- if we can just indulge
19 for two more minutes, Ms. McEnany -- anything you have?

20 Ms. Cheney. I don't have anything else.

21 Voice. [Inaudible] We stayed for 10 hours also.

22 [REDACTED] And the court reporters, yes. Thank you, everybody.

23 Ms. Cheney. Yeah. I don't have anything else, but thank you very much,
24 Ms. McEnany. I appreciate it.

25 The Witness. Thank you, Congresswoman.

1 [REDACTED] Do I get to ask some more questions? I'm just kidding.

2 [REDACTED] [REDACTED], go ahead, if you had something else.

3 [REDACTED] I'm just kidding.

4 [REDACTED] Yeah. I figured. Your dry sense of humor again.

5 All right, Ms. McEnany, I know it's been a long day, but we really appreciate it.

6 As we told your counsel, our hope is that this is the one and only time that we
7 have to do this. We'll see if we get something from the Archives or some other witness
8 that would require us to revisit that, but it's not our present intention to do so. So we
9 really appreciate it.

10 The Witness. Thank you, [REDACTED] I've answered to the best of my abilities. And I
11 appreciate you mentioning my daughter's bedtime. I've missed the one tonight, but I
12 won't miss the one tomorrow.

13 [REDACTED] Sorry about that. Pass along to her we are as well.

14 The Witness. Thank you, [REDACTED]

15 Mr. Terwilliger. [REDACTED] just in terms of -- I know we're still on the record, which is
16 good. What happens now? Do we -- is the deposition closed? And in terms of
17 transcripts, can you just help us understand the next steps?

18 [REDACTED] Yeah. Zach, it's not closed, just because, as I said, we need to
19 keep it open in the event that something else requires, even though that's not our
20 intention.

21 I believe the transcript review process goes forth regardless of that. You'll get,
22 when the transcript is prepared, an opportunity to review it, to make any corrections or
23 changes to it before it's finalized.

24 The transcript is not going to be publicly released until the chairman decides to do
25 that, and we haven't released any transcripts at this point. We'll certainly let you know

1 if there is that kind of decision.

2 Mr. Terwilliger. Okay. I appreciate that. And, I mean, you and I can have the
3 communication we've had thus far. But if there's -- obviously, if there are additional
4 documents that you get that would be helpful or instructive, it would be great if we
5 continue to operate in good faith where we get to see those as well, Ms. McEnany's
6 documents that are at the Archives that are subject to litigation.

7 [REDACTED] Yep. We will, Zach. You have operated in good faith. I
8 appreciate that. And we will continue to try to do the same.

9 Mr. Terwilliger. Okay. I guess one last question, just around confidentiality. I
10 don't know if it's true or not. I saw a Twitter report that the chairman had confirmed
11 that Ms. McEnany was here today, and there is, you know, now reporting that's gone on
12 while we're here.

13 Are there any rules, I didn't recall seeing any, I don't think we plan to say anything,
14 but in terms of confidentiality or what we've discussed, do you have any admonitions or
15 requests of us?

16 [REDACTED] You have a First Amendment right to say whatever you want to
17 anyone about the contents of this. The committee is bound, this deposition is an
18 executive session of the select committee, and therefore, absent a ruling from the chair,
19 cannot disclose the substance of it.

20 So we will not be providing any information about the substance of
21 Ms. McEnany's testimony until -- unless and until the chairman rules that there is a
22 reason to do that.

23 Mr. Terwilliger. Thank you [REDACTED]

24 [REDACTED] Okay. Zach, if you have any other questions, just give us a call,
25 and we'll let you know when the transcript's ready.

1 The Witness. Thank you.

2 [REDACTED] Thank you. Thank you.

3 The Witness. Thanks.

4 [REDACTED] Okay. Are we now off the record?

5 Okay. Off the record. Thank you to everybody.

6 [Whereupon, at 8:05 p.m., the deposition was recessed, subject to the call of the

7 chair.]

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4 I have read the foregoing ____ pages, which contain the correct transcript of the
5 answers made by me to the questions therein recorded.

6

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10 Witness Name

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Witness Name

Date _____