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

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11 INTERVIEW OF: KELLYANNE CONWAY

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2       Appearances:

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5       For the SELECT COMMITTEE TO INVESTIGATE

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

7

8       [REDACTED], SENIOR INVESTIGATIVE COUNSEL

9       [REDACTED], SENIOR INVESTIGATIVE COUNSEL

10      [REDACTED] CHIEF INVESTIGATIVE COUNSEL

11      [REDACTED], INVESTIGATIVE COUNSEL

12      [REDACTED], CHIEF CLERK

13      [REDACTED], INVESTIGATIVE COUNSEL

14      [REDACTED] PROFESSIONAL STAFF MEMBER

15      [REDACTED] OF COUNSEL TO THE VICE CHAIR

16

17

18       For KELLYANNE CONWAY:

19

20       EMMET FLOOD

21       WILLIAMS & CONNOLLY

1

2 [REDACTED] Today is November 28th, 2022, and this is a transcribed interview  
3 of Kellyanne Conway conducted by the House Select Committee to Investigate the  
4 January 6th Attack on the United States Capitol pursuant to House Resolution 503.

5 So at this time I'd like to ask you, Ms. Conway, to introduce yourself, state your  
6 name, and spell your last name for the record.

7 Ms. Conway. I am Kellyanne Conway, K-e-l-l-y-a-n-n-e, small "a", all one word,  
8 Conway, C-o-n-w-a-y.

9 [REDACTED] Thank you very much.

10 This is going to be a staff-led interview, but if members of the committee decide  
11 to join -- and they'll probably join by Webex if they do -- then they, of course, may ask  
12 questions as well.

13 I introduced myself earlier, but my name is [REDACTED] I'm a senior  
14 investigative counsel for the select committee. And also in the room today is [REDACTED]  
15 [REDACTED], investigative counsel for the committee; [REDACTED] our chief investigative  
16 counsel; and [REDACTED] who is a professional staff member for the committee.

17 Right now, I see [REDACTED] who is also a senior investigative counsel, joining by  
18 Webex, as well as Mr. Raskin, a member of the committee, and [REDACTED], investigative  
19 counsel for the committee.

20 If other members join, I will try to let you know as soon as they do. There may  
21 be a delay, but just so you're aware of their presence.

22 A few ground rules to go over beforehand.

23 You are, of course, entitled to have an attorney, and I see you have one with you  
24 today.

25 So, Counsel, could you please introduce yourself for the record?

1           Mr. Flood. Sure. My name is Emmet Flood. I'm counsel for Ms. Conway, and  
2 I'm a lawyer at Williams & Connolly here in Washington.

3                         [REDACTED] Thank you, Mr. Flood.

4           As you see, there are official reporters here. They're going to take the official  
5 record of the interview today. So, with that in mind, please wait until each question is  
6 complete before you start your answer and we, in turn, will try to wait for you to  
7 complete your answer before we start our next question.

8           And, because they can't take down nonverbal responses, please try to answer  
9 with an audible verbal response rather than shaking your head.

10          Ms. Conway. Understood.

11          [REDACTED] Okay. Thank you. Perfect.

12          We do ask that you provide complete answers based on your best recollection,  
13 understanding that some of this happened over a year ago. If you don't know or don't  
14 recall something, that's perfectly fine, but if you do recall something then please provide  
15 that information.

16          And I do want to remind you that it is unlawful to deliberately provide false  
17 information to Congress, and providing false information could result in criminal penalties  
18 for perjury or providing false statements.

19          Do you understand all of those things that we just went over?

20          Ms. Conway. I do.

21          [REDACTED] Okay. Very well. Thank you.

22          And, logically, we could be going for any number of hours, but let us know if you  
23 need a break, either for comfort or to speak with Mr. Flood, and we're certainly happy to  
24 do so.

25          All right. Is there anything that we need to go over before we start, jump into

1 the questions?

2 Mr. Flood. I have a brief statement I'd like to make.

3 [REDACTED] Okay. Sure.

4 Mr. Flood. I would just like to note for the record that Ms. Conway is here  
5 voluntarily in response to I guess it was an oral request. And she has also elected to be  
6 here in person rather than to do it remotely. And that she is not under subpoena. And  
7 that her lawyer has optimism, warm aspirations that the questioning today will stay  
8 within the scope of the legislative purposes set forth in the original resolution of the  
9 committee.

10 And, with that said, thank you for your courtesy today.

11 [REDACTED] Thank you, Mr. Flood. And we did send over some topics as well,  
12 and we intend to stay within those. And if there's at any point you need to raise  
13 something, please feel free to do so.

14 BY [REDACTED]

15 Q As Mr. Flood just mentioned, you are appearing voluntarily. We appreciate  
16 that, and thank you for your time coming in.

17 I do want to go over one thing that we have received from the White House I  
18 believe that was sent to Mr. Flood as well, and that is an exhibit No. 1. This is a letter  
19 dated November 22nd from Richard Sauber, Special Counsel to the President.

20 And this letter does say that the White House has determined that an assertion of  
21 executive privilege is not in the national interest with respect to your testimony as  
22 described more fully in this letter.

23 Do you understand this letter and have you seen it before, I should ask you first?

24 A I have seen this, yes, and I do understand it.

25 Q Okay. Very good. Thank you.

1           I did talk to Mr. Flood about the document request to see if you had anything,  
2        emails, text messages, or otherwise. Have you looked through your email or text  
3        messages for any information that would be responsive to our request?

4           A     I looked at the exhibits you provided for me to get a sense of your interest in  
5        my testimony. And I then followed up. For example, I know there's a text exchange  
6        between Hope Hicks and me, so I went all the way back to, ironically, January 6th, 2021,  
7        to see what our exchange was.

8           And at 1:38 p.m., as I recall, thereabout, we are texting about making drinks or  
9        dinner plans for the next day. I literally didn't know what was going on. I hadn't  
10       watched a second of the rally on the Mall. I didn't know anything that was happening or  
11       about to happen in the U.S. Capitol.

12          And then I think the next time we correspond, after 4 o'clock she says something  
13        to the effect of, "This is awful." And I say, "I called him," meaning the President. And  
14        she indicated she was not at the White House and hadn't been there for a while.

15          Q     Okay. And we're going to go through that. I appreciate you raising that.  
16        We're going to go through that text message.

17          A     But that's just an example of what I've done. I really didn't go through all  
18        of my emails and texts because I wasn't really sure specifically what you want to know  
19        from me.

20          Q     Okay. I think as we go through the day today you'll see a little bit more of  
21        what we're interested in and what's important to the committee. And if after this you  
22        go back and you realize you have emails or you have text messages that cover some of  
23        these topics, if you would get them to Mr. Flood. And I can work with Mr. Flood to  
24        address that.

25          A     Okay, great.

1 [REDACTED] I note that Ms. Lofgren, a member of the select committee, has  
2 joined us.

3 Thank you for being here, Ms. Lofgren.

4 Ms. Lofgren. Good morning.

5 Ms. Conway. Good morning.

6 Mr. Flood. Good morning, Congresswoman.

7 [REDACTED]

8 Q More generally about where information or documents might be stored, did  
9 you have a White House email account during your time working at the White House?

10 A I did.

11 Q Do you remember what that email address was?

12 A It was two different things. I believe it was

13 kellyanne.conway@who.eop.gov. And then at some point, maybe in 2019 or 2020, I  
14 can't recall specifically, it was also kac@who.eop.gov.

15 Q And to the best of your knowledge, was that email account and the contents  
16 of it provided to the National Archives after you left?

17 A I think so. I would think so, yes. I have never heard otherwise.

18 Q And did you also use a personal account in connection with any of the work  
19 that you did?

20 A No. And, in fact, we learned early on that if somebody emailed you to a  
21 private email or an old email, to transfer it over. So I learned to do that, screenshot  
22 emails, move them over. And so that's what we did, as was our custom.

23 Q Okay. And do you recall actually doing that with the emails that are  
24 relevant to your White House work?

25 A I did. People would just ask, can you give a speech or do you know

1 anything about this issue? And I would always put it where it belongs. Does it belong  
2 at a Cabinet department? Does it belong in the NSC or the NEC? And we were told  
3 about that from the very beginning.

4 Q Okay. What about after you left the White House, did you use a personal  
5 account to communicate, for example, related to campaign purposes?

6 A Yes. I have had a Gmail account for as long as I can remember, probably  
7 more than 20 years I'm going to guess. It's [REDACTED]

8 Q Do you have any other personal accounts that you use related to the  
9 campaign? And particularly the period I would be interested in is the summer of 2020  
10 through January 6th, 2021.

11 A To the campaign? I don't believe so. I know I had a ProtonMail account  
12 at some point. I haven't accessed it in over a year, maybe even longer. I was told it  
13 was more secure, but then it just, for me, became too duplicative. I didn't know who  
14 was looking for me where.

15 So that is my main account.

16 Q Okay.

17 A And I have another business account, but that began in 2021.

18 Q After the Biden administration took over?

19 A That's right. Yes.

20 Q Okay. And while you worked at the White House, did you have a White  
21 House-issued phone?

22 A I did.

23 Q Did you turn that in after you left?

24 A I did.

25 Q And just for timing purposes, you left around August of 2020? Is that

1 correct?

2 A So my final day, my final official day was Friday, September 4th, 2020.

3 Q And is that about when you turned in your equipment?

4 A I did. Someone came and did the exit interview with me and took all -- had  
5 me sign papers and took all the devices.

6 Q You mentioned your final official day. Was that -- did you stop working  
7 earlier and that was just a continuation?

8 A No, absolutely not. I was there that day.

9 Q Okay. Did you use that White House-issued phone for calls and texts?

10 A Calls, definitely. I don't remember if mine had texting capabilities. That's  
11 a great question. I don't know.

12 Q I understand that there was a program or some kind of trial app that some in  
13 the White House used to send text messages. Do you remember being a part of that?

14 A No.

15 Q Okay. And what about your personal phone, did you use that to text --

16 A Yes.

17 Q -- related to your White House projects?

18 A Yes.

19 Q Okay. And what did you do with those texts related to your White House --

20 A I have them, I assume.

21 Q Did you provide any to the National Archives upon leaving the White House?

22 A I did whatever was asked of me. So I'm not really sure -- remember that  
23 President Trump could have been there for four more years or not been there for four  
24 more years.

25 So I don't know when the Archives would have made the request. I don't know if

1       they would make it before January 2021, I just don't know how they work, or if they ask a  
2       person as that person leaves the West Wing, "Can we have this from them?"

3           So I did whatever was asked of me.

4       Q     Okay. Did you have a campaign-issued phone?

5       A     They gave me one. I gave it back. I never used it. I never turned it on.  
6       I think it was through the campaign or the RNC or maybe the joint committee.

7       Q     And I should be clear on that. The campaign, the second campaign, so --

8       A     Yes, correct.

9       Q     -- 2020.

10      A     That's right.

11      Q     Okay. And you don't remember --

12      A     I was the campaign manager in 2016. I was not involved in the 2020  
13     campaign.

14      Q     Okay. You don't remember using a campaign-issued phone in the 2020  
15     election?

16      A     No. I think somebody gave me one and then I gave it back. I never  
17     turned it on. I just didn't have -- I didn't go to the campaign. It was offered to me late  
18     in the game to go to the campaign. I did not do that.

19      Q     Starting first with kind of summer of 2020 through January of 2021, did you  
20     ever send or receive text messages with the President, President Trump?

21      A     No.

22      Q     Have you since then, about the 2020 election or January 6th?

23      A     Not text messages.

24      Q     Okay. That's very helpful.

25      A     I assume that that means he's sending them, correct? I mean, I don't know

1 if somebody else is sending them.

2 Q Well, sure.

3 A Somebody may say, "Kellyanne, the President would like you to call him,"  
4 through a text message, and I would, or he would call me, "The President is trying to  
5 reach you." But that's different than me receiving a text from Donald J. Trump.

6 Q Sure. Okay. And just --

7 Mr. Flood. That was the question.

8 [REDACTED] Yeah.

9 Ms. Conway. Well, I just want to make clear.

1

2 BY [REDACTED]:

3 Q Yeah. No, I appreciate that.

4 A He's a constantly communicating guy.

5 Q Right.

6 Did you interact with somebody else kind of on his behalf as if --

7 A No.

8 Q -- you were talking to the President?

9 A No. That's not the way it worked.

10 Q So those texts you would receive, they would be to call him or to --

11 A Right. But it would usually be the switchboard or one of his outer Oval  
12 employees.

13 Q And who would that typically be?

14 A Molly Michael, Nick Luna. It could be -- definitely the switchboard, that's  
15 any number of people. That's basically it, really.

16 [REDACTED] Okay.

17 And I see Ms. Lofgren, you've turned on your camera.

18 Ms. Lofgren. Yes.

19 Thank you very much for being here this morning.

20 You said that's not the way it worked. And so it causes me, how does this work?

21 How does the communication flow between the President and you, not him texting you?

22 How does this -- how does it work?

23 Ms. Conway. Congresswoman, it generally is the old-fashioned way. It's by  
24 phone or in person. I don't know that I've ever received an email from Donald Trump,  
25 not that I can recall, or a text message.

1           I have heard other people, friends of his, say, "I texted him." This is, you know,  
2 many years ago, during the 2016 campaign.

3           But it's just -- it's through the phone and through in-person contact.

4           Ms. Lofgren. And if he wanted to talk to you, he would either call you or  
5 someone would call you saying he wants to talk to you? Would that be how it would  
6 generally go?

7           Ms. Conway. That's correct, Congresswoman. In fact, if it was the switchboard,  
8 if it was the White House switchboard, they'd say, "I have the President for you." And  
9 I'll say, "All right, that's fine," or, "Do I need a secure line?" or they may tell me that. I  
10 had one at my home.

11           But generally it's just him calling me to ask me a follow-up question or something  
12 looking at the next day. As I wrote in my memoir, "Here's the Deal," he sometimes  
13 would ask me a question thinking I had been in a meeting where I wasn't, and I would  
14 offer my advice that way.

15           Ms. Lofgren. So would members of his staff ever email you or text you about  
16 calling him or talking to him in person?

17           Ms. Conway. That's possible. They may say, "The President is trying to reach  
18 you. Could you call through the switchboard?" It's just faster.

19           Ms. Lofgren. And you would have already turned those texts over to the  
20 committee?

21           Ms. Conway. I would have -- I can look for those so long as they are on my  
22 private phone, Congresswoman, that I still have and not my government-issued phone,  
23 which I cannot recall if I had texting capabilities, because if I did it happened later in the  
24 game -- later -- excuse me, later in my tenure.

25           And also, I should back up a second. I also had members of my White House

1 staff who sat outside of my office who would customarily receive a call from the outer  
2 Oval as well, or the switchboard. And they would say, "The President would like to see  
3 you," or, "The President would like to speak with you." And they would come in and  
4 say, "The President is on the line for you, they want to connect you." Fine.

5 So that's just the way it worked. Thank you.

6 Ms. Lofgren. Okay. Thank you.

7 Ms. Conway. Thank you, Congresswoman.

8 BY [REDACTED]

9 Q Yeah. Ms. Conway, you mentioned before that you followed the  
10 instructions or did what you were asked to do. Tell me more about that. What  
11 guidance were you given and by whom about what the law required, screenshotting,  
12 archiving, things that you needed to keep?

13 A Wow, that is almost 5 years ago. But as I recall, it was -- we were told, I  
14 believe from White House counsel from the very beginning, the ethics experts there  
15 briefed us on a number of issues.

16 And the ones that stick out to me, for example, are you can't accept anything of  
17 value. I believe it's more than \$20 per transaction. If you and I had a -- you wanted to  
18 meet with me and if I ordered a glass of -- this is the example they gave. Put your \$20  
19 bill down for your own glass of wine. Make sure people see you do that. And it can't  
20 be --

21 Q I'm more interested in documents than wine.

22 A Right, but I'm just telling you what sticks out in my mind, because that  
23 was -- it was very liberating to not be able to accept anything of value while working for  
24 the government.

25 And so on the documents, we were told communicate on your official channels.

1        You absolutely will be in situations where people are texting your private phone, they are  
2        emailing the email address that they have had for you for ages. Make sure you move  
3        that over.

4                And every so often I would go through and try to move things over as I saw them.  
5        And also, I put them on my own email, but sometimes I would often just maybe copy  
6        myself and put it where it belonged.

7                Q      Got it.

8                A      Which is, oh, this is a press inquiry. I said no to being press secretary an  
9        hour after Donald Trump won in 2016 and many times after that. So I'm just going to  
10      send it to the press shop.

11               Q      I see. And generally, are you talking about anything involving sort of official  
12      business, White House-related, that was the kind of thing that you needed to forward or  
13      ensure was --

14               A      Yes. And as you can imagine, people are quite opaque in their  
15      communications sometimes. And I learned over time that people I've known for a while  
16      may have official business. That's why they want to check in. And so we -- I tried to  
17      err on the side of inclusiveness when it came to those matters.

18               Q      Okay. So you recall that training being given right in the beginning --

19               A      Yes.

20               Q      -- like right at the beginning of 2017?

21               A      Yes.

22               Q      Was it ever refreshed or updated?

23               A      It was, yes.

24               Q      And, again, in what form? Was it a document or orally conveyed by White  
25      House counsel?

1           A    Well, for those of us who survived past the first few months or years, we did  
2 have refreshers.

3           Q    Okay. And did you at all times, Ms. Conway, make efforts to comply with  
4 that direction?

5           A    I did. It was compulsory, and I had no problem with complying with the  
6 briefings.

7           Q    Okay. So you would forward or screenshot text messages received on your  
8 personal device to somehow capture that?

9           A    Yes. And more pointedly, I would do the following from the beginning. If  
10 somebody texted me, I would say, "For official inquiries, please email." And if it was a  
11 press inquiry, I would send it to at the time Catharine Cypher, who was my assistant.  
12 And after her, it would be Sarah. She just got married, so excuse me. Sarah Trevor  
13 was her maiden name, new baby.

14                 And then, if it were official business, I would ask them to email me so that it would  
15 go right there. It's like if you want to -- and some people would and some people  
16 wouldn't.

17           Q    Yeah. I understand. Okay.

18                 And then, when you left, did you make an effort to ensure that you had done all of  
19 that, that you had checked your email, personal phone, to ensure that all those official  
20 communications were captured or forwarded?

21           A    I'm not sure with certainty that I did that perfectly, no.

22           Q    Yeah. Okay. I appreciate that.

23           A    But I've not deleted them. They exist.

24           Q    Okay, good to know. Thank you.

25                 [REDACTED] Sorry, [REDACTED], go ahead.

1 [REDACTED] No, you're fine.

2 BY [REDACTED]

3 Q And that may be a place, as we go through, to go back and check. We  
4 appreciate that.

5 A Sure.

6 Q All right. If we could just briefly start with you summarizing your  
7 professional background leading up to your position in the Trump administration in 2017.

8 A Well, I'm 55 years old, so this may take a while. But I hold a bachelor of  
9 arts with high honors from Trinity College, and then I have a law degree from George  
10 Washington University, class of 1992.

11 And I practiced law very briefly. I clerked for a judge in D.C. Superior Court 30  
12 years ago, 29, 30 years ago, Richard A. Levie, L-e-v-i-e.

13 And then I went almost right back into polling. I had taken a job, excuse me, in  
14 1988 with Richard Wirthlin, W-i-r-t-h-l-i-n. He was a pollster to Governor and then  
15 President Reagan. And I took an entry-level job there during college and really loved  
16 that craft, loved that industry. But I did leave there and went to law school, just 3 years  
17 clerked for a judge and then went right back into polling.

18 I joined Frank Luntz's research firm. At the time, I think it was called Luntz  
19 Research Companies, maybe Luntz-Weber. Worked there for about a year and a half,  
20 maybe just a touch longer. And we worked on the Contract with America. Newt  
21 Gingrich came in as Speaker. The Republicans took over the House and the Senate, lots  
22 of State legislatures and governorships for the first time in decades.

23 So I went -- June 1st, 1995, I established my own company. It was an S  
24 corporation that was -- the articles of corporation were filed in Virginia, and I had an  
25 office in D.C. for many years.

1           Had that company, The Polling Company, it was The Polling Company,  
2 Incorporated, for -- from 1995 till 2017, when I had to leave the company to go and take  
3 my job as counselor to the President in the White House.

4           The Trump-Pence campaign -- well, the Trump campaign and then the  
5 Trump-Pence campaign in 2016 were a client of my firm. And then I was campaign  
6 manager. We were one of the five polling firms involved. And then Mr. Trump  
7 elevated me to campaign manager in August of 2016.

8           That was -- so the -- I still had my firm, in other words, is what I wanted to make  
9 clear, that the campaign was a client of my firm.

10          Q      When did you start or first start working with Mr. Trump?

11          A      Well, I met him many, many years before that. And then I got to know him  
12 better beginning in the summer or so of 2006, because my husband, George T. Conway III,  
13 was a big Trump supporter, and he and a guy named Michael Cohen helped Donald  
14 Trump with an issue they had before the condo board.

15          And I did not go to the meeting. We were living in the Trump World Tower at  
16 the time, apartment 80D. I did not go to the owners meeting. George went for both  
17 of us. I was here at our home in Virginia with our twins, who at the time were maybe 18  
18 month old.

19          So I was with them here. And George said, "I'm going to go to the meeting."  
20 Then the meeting went well. They had -- George and Michael Cohen and a few others  
21 had helped Mr. Trump I would say stave off a challenge by the board. They wanted to  
22 take his name off the building. They wanted to make some other rules.

23          And so the very next day Donald Trump called George at his office in New York to  
24 thank him. And then later that day a different person called and offered George a seat  
25 on the newly formed -- to-be-formed condo board.

1           And George tells me that he said, "Oh, I wouldn't do that, but I bet my wife  
2 would." And so they called me, and I did. I joined the condo board.

3           So I got to know Donald Trump, because I didn't expect him to show up at the  
4 condo board meetings, but he did. And I had a binder like this, all tabbed. I would  
5 arrive a little bit early ready with any questions I had.

6           And here he came. He had seen me on TV over the years. He knew I was a  
7 pollster. He would always ask me -- a couple times a year he'd call me and just say,  
8 "What's going on? What do you think of this and that?"

9           It was probably Michael Cohen who called me. I can't be sure. But somebody  
10 there called me in 2011 and asked me to do a poll for Mr. Trump, who thought about  
11 running against President Obama in President Obama's reelection campaign.

12           So I performed a poll and as I recall it showed a few things, including that it would  
13 be very difficult, which I always thought anyway and said publicly, it would be very  
14 difficult to unseat an incumbent President Barack Obama.

15           And I like to tell the story where Mr. Trump, you know, he accepted that. I did  
16 the briefing. And then, of course, he didn't run that year.

17           So we kept in touch over the years. I worked for -- I ran a super-PAC for a  
18 different candidate, on behalf of a different candidate, in the 2015-2016 cycle.

19           And then after Mr. Trump, who had always kept in touch with me anyway, Mr.  
20 Trump became the nominee, I went on officially to his campaign.

21           Q      Mr. Trump won that election. You joined the White House. In what  
22 capacity did you join the White House?

23           A      I joined the White House as counselor to the President, and later it was  
24 senior counselor to the President.

25           Q      What was your role? Did you have a certain book of business or portfolio

1 that you worked on?

2 A I did. As a counselor to the President, it was exactly that. I made very  
3 clear to Mr. Trump when I finally decided to go into the White House -- that was  
4 announced on December 22nd, 2016. Others had taken their jobs much earlier, in  
5 November into December, Cabinet members included. They were offered the positions,  
6 awaiting Senate confirmation hearings, and, of course, Inauguration Day.

7 I had -- did not have an intention of coming to Washington and joining the  
8 administration, and that was for a combination of reasons. But when I finally did  
9 decide, I wanted a policy job. I did not want a job in communications or press. I know  
10 administrations, including the current one, love to brag about all-female press shops and  
11 communication shops, but that was one of the reasons I didn't want to do it. I felt that  
12 that was often what happened.

13 And I wanted to have a policy job. I enjoyed learning -- I enjoyed working on  
14 public policy over the years, particularly as a pollster, and also to be able to go on TV and  
15 talk about healthcare reform and talk about the economy and concerns of national  
16 security or international relations or domestic policy, which I did as his campaign manager  
17 throughout.

18 So he agreed to that. He loved the title counselor to the President. He said  
19 that's perfect because it can be a combination of policy/communications, if we need you.  
20 And I made very clear, I said publicly on TV many times something to the effect of pretty  
21 soon we'll have Cabinet members. They are subject matter experts. They will be out  
22 here talking to you about different topics rather than me.

23 I really wanted to hang up my TV cleats. I know most people want to do more  
24 TV. I was trying to do less.

25 And so he was very happy with that. And he asked me what I wanted to work

1       on.

2           And I told him, definitely if he was working on the Tax Cuts and Jobs Act, if he was  
3       there to repeal and replace the Affordable Care Act with something that would keep the  
4       promise that had not been kept to many Americans, millions of Americans, in fact, that,  
5       quote, if they wanted to keep their plan they can keep their plan, if they wanted to keep  
6       their doctor they could keep their doctor, that just was not true for many Americans.  
7       And the other promise that was made and not kept that, quote, everybody would pretty  
8       much have access to health insurance.

9           So I wanted to make good on that. I wanted to work on veterans, the opiate and  
10      drug crisis. Those are just a couple of examples. And he said yes to all of that.

11           There were other people in the White House who didn't like that, but I figured his  
12      name was on the ballot and he wanted me to do that, and I certainly wanted to do that  
13      for the country.

14           Q     And then you stayed there through September 4th?

15           A     September 4th, 2020. I announced to him and to the world on Sunday,  
16      August 23rd, that I was leaving the White House. So then I gave two more weeks of my  
17      time and closed -- wanted to close it out properly and had all the meetings you're  
18      supposed to have to close out your position properly.

19           Q     And did you take on any kind of formal role with the campaign after you left  
20      the White House?

21           A     I did not. It was offered on me. I did not.

22           Q     It seems like you were kind of informally advising or at least staying in touch  
23      with folks on the campaign, including the candidate, Mr. Trump himself.

24           A     That's correct.

25           Q     And I think you were described or you described yourself or somebody

1 described you as a recovered attorney.

2 A That's true.

3 Q Did you have any kind of legal advising role when you worked in the White  
4 House as a lawyer?

5 A I did not. I did not see it that way. I don't believe the President saw it  
6 that way or the Vice President saw it that way at all. I was counselor, not White House  
7 counsel certainly in that office.

8 And, yes, I'm admitted to practice law in four jurisdictions. I passed the bars  
9 when I took them. But I really haven't practiced law in many, many years.

10 Q Okay. So the same thing for the campaign, you didn't have any kind of  
11 legal advising role?

12 A Absolutely not, no.

13 Q All right. So I want to start with late summer of 2020 through election day  
14 itself, particularly this idea about -- or the concept of mail-in voting and the potential that  
15 it would be affected, in Mr. Trump's word, by fraud.

16 So what do you remember about the campaign and the President's approach to  
17 mail-in voting before the election took place?

18 A The President said something publicly, either at a rally or maybe outside of  
19 Air Force One. I can recall that he said something earlier than the summer. I want to  
20 just say it was April or May when he said, folks, if they do -- he may have said mail-in  
21 ballots or if they do these drop boxes. I can't remember his exact phraseology. But  
22 since this is the topic at hand, [REDACTED], he did say something early.

23 And I believe his campaign should have listened to that and invested in what I call  
24 the nonsexy parts of politics, not worry about the Super Bowl ad for \$11.5 million and all  
25 sundry list of nonsense that it seemed at one point \$4 billion went to in 2020.

1           I think that you have to invest in responding to what the changing times call for,  
2 which is people were not either -- they were not -- they didn't feel comfortable or they  
3 weren't allowed under doctor's orders to leave their homes to participate as voters.  
4 And so there were going to be different measures.

5           I think that that was a recipe for imperfection certainly, because it's all new to all  
6 of us. But I will say President Trump made that statement, it has to be April or May, if  
7 I'm recalling correctly, and my own belief is that that was probably 6 or 8 weeks into  
8 COVID.

9           What I mean COVID, I mean let's just call it the March 11th Wednesday night -- I  
10 remember [REDACTED] -- March 11th canceling events at  
11 the White House for the next 2 weeks, starting the Coronavirus Task Force meetings in  
12 earnest to say 15 days to slow the spread, et cetera.

13           So if I say March 11th, that's what I mean. So we're 6 or 8 weeks past that only.  
14 And the President is saying, if they allow mail-in ballots, he either said they could steal it  
15 from us or there will be fraud or whatever he said.

16           I think his campaign should have been more aligned with that. I think the RNC  
17 did do that. I think they filed lawsuits or they tried to get clarity. Is it a State issue?  
18 Is it local? What's legal, what's not?

19           I do recall being in a briefing in the Situation Room that was led by a number of  
20 people on the screen. Because of COVID, they weren't coming to the White House like  
21 they normally would. And I remember folks like Ken Cuccinelli being on there, Chris  
22 Krebs at DHS, and talking about these mail-in ballots a little bit. That's -- it's a vague  
23 recollection, but I do remember being briefed on that.

24           Q     Okay. And just to unpack that a little bit, I think you're right. I'll represent  
25 to you that there's at least one tweet I can think of that the President issued in about

1 April of 2020.

2 A And it said what?

3 Q It was not favorable towards mail-in ballots. It's along the lines of what you  
4 said, that it could lead to stealing the election or fraud in the election, something like  
5 that. I can't recall exactly what it was.

6 But I understand that there was a disagreement within the campaign about that.  
7 I think Bill Stepien, it's been reported that he went out and tried to get the President and  
8 his supporters to get on board with mail-in ballots, given COVID and the circumstances of  
9 what would likely be the election, whereas Mr. Trump took kind of the opposite position  
10 and was going hard against mail-in ballots.

11 So can you talk about, to the extent you know or experienced it, the disagreement  
12 in the campaign on this issue?

13 A Again, I'm going back quite a while. It made sense to me that Bill Stepien,  
14 then as the deputy campaign manager, not the campaign manager, that was Brad  
15 Parscale, but Stepien was probably at the headquarters in Arlington.

16 So he probably -- I do recall someone was pushing for that, and that made some  
17 sense because if it's going to happen, you have to adjust, just as I would say  
18 probably -- the campaign should probably adjust -- or I think maybe afterwards I said, you  
19 need to adjust to -- everybody needs to adjust to what the top issue is now.

20 People are legitimately afraid of COVID. They're confused. It's complicated.  
21 They don't know what to think.

22 I mean, I was very involved in the Coronavirus Task Force meetings. You can see  
23 any number of pictures and there I am sitting some days behind Drs. Fauci and Birx, trying  
24 as a layperson, a nonmedical person, to understand how best to communicate this and  
25 how best to help just as one tiny person in a very large Federal Government.

1           And I learned a few things there. And I think Stepien, given his experience in  
2 New Jersey politics, where I believe we've had mail-in balloting for a while -- my mother's  
3 used it for a long time, and my aunt. Maybe that's absentee, but they certainly send it  
4 by mail. So it's not foreign to many Americans. And I could see him doing that.

5           What changed over time -- and, again, I'm cloudy on this -- but I do recall that at  
6 some point the President was telling people send in your ballots early and then show up  
7 on election day and make sure they actually received them. And later on, the messaging  
8 from the campaign was something along the lines of wait to vote on election day.

9           And my position then is my position now. I have expressed it recently publicly in  
10 speeches, in televised appearances. It goes something like this. If you wait until  
11 election day, if other people are able to vote early, we're all able to vote early if we like  
12 through the mails or in person, depending on your State, and you're taking a chance that  
13 grandpa can get out of the house that day, let alone to the polling place, why not bank his  
14 vote early?

15           So without saying my own qualitative judgment on mail-in ballots, if that's the way  
16 it's going to be now, if people are going to be able to vote early and then we're going to  
17 be counting the votes late, then we, whoever that is -- the campaign, the party, the  
18 country -- needs to adjust to that or needs to change it. And I'm not sure that either  
19 happened in some circumstances in these last elections.

20           Q     Did you share your perspective with the President on mail-in voting and  
21 getting people to vote in the off chance they might not be able to make it on election day,  
22 like you said?

23           A     I did. And look, I'm old fashioned myself. I go -- I make a point of going to  
24 the polling place in my local borough in Bergen County, New Jersey, which is where I vote.

25           I just 3 weeks ago watched -- well, they went on their own, but I have twins that

1 turned 18 on October 17th. They just participated in their first election. And they  
2 wanted to learn about the candidates. They did that on their own.

3 And I told them, the only thing I asked of them is, if you can swing it and you can,  
4 go in person, because I fear that their generation will never know what that's like. And I  
5 said, that's your prerogative, you're 18, you can do what you want, but there's something  
6 special about going, checking in, giving your name and voting in person. So they did  
7 that.

8 And so I understand how this was a significant change for many people, including  
9 President Trump. And I can't fault anyone for saying, What's going on? Will my vote  
10 count? Where does it go? Does it go in the mail? Does it go in the box?

11 I consider myself a fairly intelligent and well-educated person who pays attention  
12 to the fine print. I'm a lawyer by training. And I will tell you that as I was putting my  
13 ballot in the drop box, I wondered even as I was doing it if I had done it correctly in 2020.

14 I worried. And I worried that there may be millions of people like me who also  
15 said, Did I do it right? Did I sign it where I was supposed to? Some places you have to  
16 date it, some places you don't. Some places there's going to be signature verification  
17 and this word "curing." Other places, like Georgia now, you just show your ID.

18 So I think people are rightly confused.

19 Q I want to go back to you sharing your perspective with the President,  
20 though, before the 2020 election. It sounds like you had a different approach, that you  
21 thought mail-in balloting could be okay and absentee balloting could be okay.

22 What was his response when you would talk to him about this?

23 A You're characterizing something I hadn't said necessarily. But I will say this,  
24 that if the rules had changed and we were making a special exception, as we were told  
25 many times, quote, for a once-in-a-century pandemic, and that this was not going to

1       become permanent, institutionalized, codified, or the new normal forevermore, then,  
2       sure, we need to now tell people.

3           I believe in being a resource for the people. Remember, my job is -- I am not  
4       good at a billion things, so I don't do those. I know people. I know consumers. I  
5       know voters. And I feel that we should always try to be a resource to the people, and so  
6       to inform them -- and the "we" in this case would be his campaign certainly, RNC -- inform  
7       them where they should go, where they should show up.

8           Is it legal for someone to come to your home with a ballot, have you fill it out and  
9       take it? Maybe it's legal in some places. Maybe it's not legal in other places. How in  
10      the world would people know that when they're afraid to leave their houses and they're  
11      told, "You don't have to come to work, you don't have to go to school, stay inside"?

12          So I thought it was an incredibly confusing time. And looking back, we had more  
13      people voting in more ways over more time than ever before, it seemed to me. I don't  
14      have a -- I haven't quantified it for you. But I'll repeat that. We had more people  
15      voting in more ways over more time than ever before. So it was bound to be confusing  
16      and complicated and very frustrating to many people.

17          My advice to the President when I left the White House and could give political  
18      advice was that you want to bank as many votes as you can early. You're the  
19      incumbent. That's what incumbents do.

20          If you're out there talking about your record of accomplishments, which I believe  
21      were many, is that if you're talking about those accomplishments, people are going to  
22      say, you know what, there's so much uncertainty around me, they're doing the best they  
23      can there, and I've got to look at all the pre-COVID accomplishments with energy  
24      independence and the economy and moving -- frankly, keeping the promise of seven  
25      Presidents, Republicans and Democrats, to move the U.S. Embassy to Jerusalem and

1 recognize Jerusalem as the capital of Israel. The list goes on and on, with trade  
2 agreements and such.

3 And so I believe incumbents have an advantage to bank votes early. And in this  
4 case, my advice to the President was also we have never had such a gulf, g-u-l-f, between  
5 two party nominees, in terms of just daily and weekly exposure to the American people.

6 You're out there all the time, a couple hours in the briefing room, under wing at  
7 the plane, in the Oval Office, doing rallies perhaps when he could -- when he could do  
8 those again. And Vice President Biden, who was the Democratic nominee for President,  
9 wasn't doing any of that. We hardly saw him.

10 And so I explained to the President that there's a big gulf. And, you know, it's a  
11 risk. It's a risk. I told the President -- I wrote in my book, so you can look at the actual  
12 timeline, but I told him sometime in May, I just changed -- I already changed my mind. I  
13 think this is all benefiting Joe Biden. I already changed my mind that him not being  
14 exposed to the public is benefiting him. And we should be -- you know, we should be  
15 aware of that. If you've got an audience with the public every day, you can remind them  
16 everything that you're doing.

17 I think for a man, Donald J. Trump, who's -- you know, people accuse of bragging,  
18 he undersold many of the accomplishments that his administration, those doctors, that  
19 Coronavirus Task Force being led by Vice President Pence, FEMA, the whole group of  
20 them, many of the Cabinet secretaries, they surged supplies. And our cupboards were  
21 bare when it came to ventilators. We were dealing with all the Governors. We were  
22 talking to the Congress. Many things were going on, private sector, public sector, just  
23 trying to get our arms around what he called the invisible enemy.

24 Q Thank you. And you're right, I did characterize your comments. If I ever  
25 mischaracterize them, please feel free to correct me, because I certainly don't want to do

1       that.

2           But you mentioned that you told the President, and your advice to him was to  
3       bank the votes. That's what an incumbent should be doing on their record. What was  
4       his response when you would tell him that, particularly when it comes to these issues of  
5       early voting or mail-in voting?

6           A     Probably something to the effect of you're right, that sounds good, but how  
7       do we know the mail -- how do we know what happens to the mail? How do we know  
8       what happens to the ballot?

9           I mean, I remember some -- I can't remember who it was, but somebody made the  
10      excellent point -- I wish it had been me, because it's true every year. I receive some  
11      people's Christmas cards in February and March. This is just what happens sometimes.

12           So I just want people to feel confident that the one person, one vote right that  
13       belongs to each and every one of us, in my view, my words, my characterization, sir, the  
14       most equalizing right that we have in this country, in our democracy, that we can each  
15       express that right at the ballot box -- or refrain from doing so, which is also our right.

16           But people need to feel confident in those elections. And there was  
17      conversation not just with President Trump but all around the country that people  
18      expressed hesitation and reluctance and just confusion about mail-in ballots. Where  
19      will it go? I'm so used to going and touching the button or pulling the lever. Or is this  
20      different -- I remember my mother asking, is that different than my absentee ballot?  
21      They send me an absentee. Because she is disabled, they send her and her sister with  
22      whom she lives absentee ballots. She said, is that different than the mail-in ballot?

23           And I actually had to look it up to be able to tell her. So -- then I told her, if you  
24      want somebody to drop that off for you, that person has to sign. In her particular  
25      county in New Jersey, that person has to sign. You have to sign that you authorize that

1 person. I believe it was her son-in-law who put her ballot in the box and took a picture  
2 as he did just so she would know, you know, we went through all the right protocols.

3 I got to tell you it's a little -- it was a little confusing.

4 Q Okay. Do you know who John McLaughlin is?

5 A Yes.

6 Q Who is he, briefly?

7 A Well, you're talking about the pollster.

8 Q Correct, yes.

9 A And he is a pollster of many years, has a polling firm along with his brother  
10 Jim McLaughlin.

11 Q He worked for the President's reelection campaign, correct?

12 A He did.

13 Q So we obtained a survey he conducted in August showing that the President  
14 was, quote, "trailing big among all early voters, especially mail-in voters."

15 Do you know if that information was ever conveyed to the President?

16 A I don't know. It wasn't conveyed to me.

17 It also doesn't surprise me, because of what I've learned since, which is -- so, for  
18 example, early voting in 2020 I believe in North Carolina, for example, started in  
19 September, I'm going to say not long after election -- Labor Day, excuse me. But this is 2  
20 years ago, so pardon me if I'm getting the specifics.

21 All I know is North Carolina early voting started. You can go in person. People  
22 were lined up. I saw it on the news. I watch a lot of local and read a lot of local news.  
23 They were lined up. And many of them were there to cast a vote against President  
24 Trump. They'd waited 4 years to do it. They were shocked and perhaps a little  
25 embarrassed, as were many people, that he won, and they waited 4 years to do that. So

1       they got there early and they waited in long lines to do that.

2           And as I saw this public data coming out -- and I think Bill Stepien confided in me  
3       once -- not in confidence. Said to me, verified, you know, we're losing the early vote,  
4       but that was in person. We're losing the early vote in North Carolina this many to this  
5       many. And as time went on, it started to even out.

6           And then I believe that Republicans even in this last election cycle, sir, in 2022, in  
7       many of these races did much better on election day than they did in early balloting.

8           I read a report somewhere where, for example, now Senator-elect John Fetterman  
9       and the Lieutenant Governor of the Commonwealth of Pennsylvania had a significant  
10      advantage in the early balloting, and that I read in one report that Mehmet Oz  
11      had -- Dr. Oz had won -- had a significant advantage on the day of balloting.

12           So what you just told me doesn't surprise me, based on what I see and know now  
13       and read. It doesn't surprise me. But I don't know that we could have known that for  
14       sure then.

15           I think it just has to do with the fact that if you wanted to crawl across broken  
16       glass to vote against Donald Trump, you were going to do it early. And if you were going  
17       to support him, crawl across broken glass and vote for his reelection, you were going to  
18       do that early or probably later and day of.

19           Q     So this idea where the President would be trailing among early voters and  
20       then pick up some additional votes or do well, do better, I guess is the way to say it, on  
21       election night, is referred to as the red mirage and the blue wave.

22           Do you remember those terms being tossed around before the 2020 election?

23           A     Red mirage and blue wave. No. Would you explain that for me, please?

24           Q     You don't recall it? That's fine if you don't.

25           A     Was it said publicly?

1 Q Yes.

2 A I mean, I can guess what it is. Red mirage, blue wave.

3 Mr. Flood. No guessing.

4 Ms. Conway. Yeah, I don't need to guess.

5 Yes. I watched a lot of Democrats this time talk about a red wave so --

6 BY [REDACTED]

7 Q Or blue shift. I'm sorry, red mirage and blue shift. I have wave stuck in  
8 my head I think from --

9 A Red mirage and blue shift, meaning in the eventual count?

10 Q That's right.

11 A Okay, so the eventual count.

12 Well, look, I mean, I'm very up front about --

13 Q And if you don't recall, that's fine.

14 A I don't recall that, but I was very up front about what I thought about what  
15 was happening in the 2020 election.

16 Q Okay. This idea, though, that the President would be falling behind in early  
17 voters or mail-in voting, do you know if that was conveyed to him and that he would pick  
18 up votes with the in-person crowd on election night?

19 A I don't know if the former was conveyed to him. I think it makes perfect  
20 sense that anybody would have conveyed the latter to him, because it turns out, again,  
21 now in hindsight, that is absolutely true, and it is true of other Republican candidates in  
22 other States in elections we had just 3 weeks -- 2 or 3 weeks ago.

23 So if somebody said that to him, it makes sense to me that they would have said  
24 that. I don't know if they had hard evidence or they were guessing or projecting, based  
25 on -- look, we've had special elections before. We've had mail-in balloting. There are

1 States that have a rich tradition of that.

2 I believe, again, I can't remember what the rules are for sure, but I think Oregon  
3 has had compulsory mail-in ballots for years, early balloting for years. So I think that  
4 there are States that were doing this long before COVID-19 compelled States to do that.

5 The other thing I would just add to that is that I think that it goes back to what I  
6 said earlier. If that is true, then it makes sense that the President is then telling people  
7 we're going to surprise them on election day. Show up on election day, we're really  
8 going to surprise them.

9 Q You mentioned that the latter would be more likely to have been conveyed  
10 to the President before the election, meaning that he'd do well on election day or better  
11 on election day?

12 A Well, that in States that already have mail-in ballots perhaps the Republican  
13 ends up doing better on election day than mail-in ballots. I don't know what State that  
14 would have applied to. I do know now, playing it forward a little bit, in 2020 and in  
15 2022, that is exactly what happened in many places.

16 Q Did you ever convey that to the President, that he was likely to do better on  
17 election night than other methods of voting?

18 A No. I don't know that I had an opinion on that. And, if anything, there  
19 was a special election in Wisconsin, I believe for Sean Duffy's open seat, a Congressman  
20 who voluntarily resigned his seat. And the winner there is a gentleman named Tom  
21 Tiffany, who now serves in the United States Congress.

22 I'm going to say that special election was in and around April 7th, 2020. So it  
23 was -- I mean, COVID had just happened, and I believe that there was a lot of mail-in  
24 balloting then, if not 100 percent. We'd have to go back and see. And he won. I  
25 mean, yes, it's considered an R plus district, meaning, in everyday parlance, favors the

1       Republican candidate, I suppose, whatever that means these days.

2           But I believe that there was mail-in balloting there or other protocols. It was sort  
3       of like an early test of what the fall may look like. And we can go back and look at that.  
4       He certainly won.

5           So -- and I would venture to say and think I knew at some point that that particular  
6       congressional district had a very low number of mail-in ballots compared to what they  
7       had in that special election four years -- three and a half years later.

8           So I don't know that that portends the future too much, but -- and it also may  
9       have been the organization, an organization and turnout situation, meaning that goes  
10      back to my point where I believe the Trump campaign -- perhaps they did. I'm not really  
11      sure they did. We can all look at the FEC reports to find out, and I have. But they  
12      should have invested more resources on making sure people knew your vote will count  
13      no matter when you cast it. And, of course, you can start casting it in your State, in  
14      State X September 9th, in State Y October 3rd. I'm just making that up.

15           I'm just saying that every State is -- I had worked in politics for years, and I know  
16      there are States where the early vote starts so early, I wonder how, you know,  
17      challengers ever make it competitively.

18           So sure. That doesn't -- and the other reason I said the latter may have  
19      been -- that would make sense if the latter was conveyed to him, I think the former was  
20      new and the latter was not as new is the point I'm trying to make to you.

21           Q     Okay. Understood.

22           You mentioned now resources a couple times and what the campaign chose to  
23      invest in, I suppose.

24           Did you ever make a recommendation that the campaign should invest more  
25      resources into the things that you were just mentioning, educating the public on having

1       their vote counted --

2           A     Yes. I have a long history of saying that we need to invest in -- "we" being  
3       the party, Republican candidates, the failed Mitt Romney campaign, the failed John  
4       McCain campaign, the failed fill-in-the-blank campaigns of all the people who were  
5       electable and could win. They don't seem to invest in grassroots education. They  
6       don't seem to invest much in organizing and making sure that we're a resource to people  
7       to understand what their rights are in that State, that every State is different. And  
8       maybe it should fall to the State parties.

9           I have read and happen to know that the RNC had litigated I think about more  
10      than 50 lawsuits, dozens of lawsuits before the 2020 election even happened. They  
11      were trying to get a sense of what the rules were going to be, why certain things were  
12      changing in certain States.

13           The best example I can give you just from my own perspective, my professional  
14      perspective, is the Commonwealth of Pennsylvania. In 2016, I was on TV routinely,  
15      often on "Morning Joe," able to say, well, we're going back to Pennsylvania today.  
16      We're going -- I'm going there tomorrow with Melania Trump. I was there yesterday  
17      with Trump and Pence. We're going again on Friday.

18           Why, isn't -- I would be asked, why, isn't Pennsylvania Republican fool's gold?  
19      Isn't it the girl that got away? Yes, that is true, it has been. No Republican has won it  
20      since 1988. However, we are finding that the same messages that have worked in Ohio  
21      and Iowa we now see them taking hold in Pennsylvania and Michigan, Wisconsin.

22           But I went a step further when it came to Pennsylvania. I said, Pennsylvania, like  
23      New Hampshire, has a rich tradition of day-of voting. They, of course, have absentee  
24      ballots for people who can't make it to the polls and know that ahead of time or prefer  
25      that, but they don't have early voting.

1           And I used to say that, [REDACTED], routinely, because as the underdog,  
2 understaffed, underresourced, underestimated campaign in 2016 we needed to -- we  
3 needed to go right up to November 8th. And so we kept on going to States like  
4 Pennsylvania where there was early vote -- there is not a rich tradition of early voting.  
5 Twenty electoral votes.

6           That no longer is the case. Pennsylvania does have early voting now, and I think  
7 they did starting in -- I don't know if it was 2018. Certainly in 2020 you can cast your  
8 ballot early.

9           And we all just witnessed that it's still in effect. I think by the time  
10 Messrs. Fetterman and Oz had their debate, I read that 600,000 votes had already been  
11 cast. So, as somebody who wants to protect democracy, I wonder if that's a good way  
12 of doing it.

13           But that aside, it's totally different now than it was six short years ago, when I very  
14 publicly said what we were doing privately, which is we're going right at Pennsylvania and  
15 we're going to win Pennsylvania and here's how.

16           Q     Some of what we're going to do today is ask you about things that have been  
17 publicly reported, either that you wrote or that other people wrote.

18           A     Sure.

19           Q     It has been publicly reported that you had a conversation in June 2020 with  
20 President Trump about Democratic leads in mail-in voting, and during the conversation he  
21 reportedly confided in you, quote, "There's no way we can win."

22           Do you remember having a conversation with the President in around June 2020?  
23 And that was reported by Carol Leonnig in a book she wrote.

24           A     By who?

25           Q     Carol Leonnig.

1           A     Oh. So it's very possible we had that conversation. That sounds like  
2 something -- what did I say?

3           Q     The President confided in you --

4           A     Oh.

5           Q     -- that, "There's no way we can win." And I'll give you some more here.

6       He confided in you that the odds were heavily stacked against him. The President  
7 simply saw no way out of the pandemic, plus he had growing fears about Democrats  
8 gaining an edge in mail-in balloting.

9        '"There's no way we can win,' he told Conway. 'With this virus and these mail-in  
10      ballots and these lockdowns, we can't win.'" Do you remember that?

11       A     I don't remember the specific conversation, but it sounds -- he had said  
12      things like that. He said things like that all along. You reported the earlier tweet. He  
13      was very consistent. And, again, if the candidate -- he's the President saying that, but if  
14      the candidate feels that way.

15       So the President is speaking to the senior counselor to the President. But if the  
16      candidate feels that way, then his campaign should respond thusly and not with some  
17      ridiculous rally in Tulsa, Oklahoma, but in making sure that people understand that  
18      mail-in ballots should not favor -- I hope we can all agree in America -- should not favor  
19      one party over the other or one candidate over the other. People should understand  
20      what the rules are.

21       Q     And do you remember what you would respond with, either in this  
22      conversation or conversations like it, when the President said something like, "With this  
23      virus and these mail-in ballots and these lockdowns, we can't win"?

24       A     "We can't win" doesn't really sound like Donald Trump, but it's going to be  
25      tougher to win or -- it sounds more like President Trump. He's not a fatalist that way,

1 and he always believed that he could win and that he should win, based on his  
2 accomplishments and his opponent. So many people thought that.

3 So sure, I can see him saying something along the lines of with -- but that whole  
4 string is important. It's not just the mail-in ballots. It's the virus and it's the -- you said  
5 something else.

6 Q Yes. He said the virus, mail-in ballots, and lockdowns.

7 A Lockdowns. Sure, definitely.

8 Q So what would your advice be in response, if you can recall?

9 A So my advice all along was that a once-in-a-century pandemic, as this was  
10 called, where -- I mean, it's not a secret to the Coronavirus Task Force listeners or  
11 members -- I was a staffer in there certainly, not a member of the task force -- it wasn't a  
12 secret that people were hospitalized, contracting COVID, dying, God forbid.

13 We were talking to Governors, many of whom fancied themselves Donald Trump's  
14 opponent in 2020, and making sure they had what they needed. I remember Governor  
15 Andrew Cuomo of New York asking for some crazy number of ventilators, like 40,000.  
16 And we didn't have 40,000. I remember the President saying, "That kept me up at night.  
17 That kept me up last night. We don't have 40,000. How do we give him 40,000?"

18 I think we gave New York about 12,000, surged the need, not the ask. And,  
19 thankfully, New York was able to then share excess ventilators with I believe other States  
20 or even a foreign country or two. That's great.

21 So my advice to him was usually about the virus and the way the public saw the  
22 virus. And at the end of 2001 -- my company started June 1st, 1995, sir. At the end of  
23 2001, I made good on -- I consummated the sale that I had already started before 9/11 to  
24 purchase a company called Woman Trend, and I made that part of The Polling Company.  
25 And that division of my company for then 16 years before I sold the company to stay in

1 the White House, that was -- that is a division that specialized in trends being affected by  
2 women and affecting women, particularly as consumers and, sure, voters, but really  
3 consumers.

4 And knowing the way women feel about healthcare, that we are the chief  
5 healthcare officers of our households, we control some very high number, like three out  
6 of four or two out of three dollars that are spent in healthcare, we are disproportionately  
7 the healthcare consumers, but we're also increasingly the healthcare providers, maybe  
8 half of the medical students, nine out of ten or so or 85 percent of the nurses, the home  
9 health aides, in hospice, the insurance claims people that you talk to on the phone.

10 So I would always tell him, you know, from the perspective of women,  
11 everybody's concerned about COVID, but women particularly. The kids are home from  
12 school. They're home from work. I may be one of the most high-profile examples, but  
13 I was really one of three million women who felt forced out of her job because the kids  
14 were going to be home again for school.

15 So all of this was happening. And that would always be the nature of my advice  
16 to the President. Here's the way the public sees this. This is what I'm reading. These  
17 are the quotes. This is the data. These are the data. They're worried.

18 And I think that's why he started participating in the coronavirus briefings in the  
19 Situation Room. I think it's why he would invite the press in.

20 And it's absolutely why President Donald J. Trump in a meeting in the Cabinet  
21 Room that I attended on March 2nd, I'll say, 2020, with the pharmaceutical company  
22 heads, it was a meeting long scheduled about drug pricing, and he converted it into a  
23 discussion about developing a vaccine.

24 He said, "I hear this might be the big one, you know, we need to" -- and then he  
25 said to Dr. Fauci something to the effect of, "Tony, don't tell me that it's going to take

1       years. We don't have years."

2           And so I was thrilled, at moments like that thrilled to be witnessing would-be  
3       competitors become willing collaborators, in this case the drug companies, the drug  
4       makers, the pharmaceutical companies saying, we can work on therapeutics first and a  
5       vaccine ultimately.

6           And I am thrilled, because I am not sure anybody else would have had the courage  
7       or the, frankly, private business experience, nonpolitical experience in that position to  
8       develop Operation Warp Speed, to bring the public and private sectors together, and to  
9       have a vaccine in the arms of 12 million Americans, including President-elect Biden and  
10      Vice President-elect Harris, thank God, while Donald Trump was still in the White House.  
11      That's a big victory for the country.

12           And so my advice to the President would always be along those lines, not the  
13       political currency involved, that you're losing or gaining, but how does the country see  
14       the -- what was called the coronavirus, then COVID-19, how do they see that, what are  
15       they worried about, what do they want to hear?

1

2 [11:17 a.m.]

3

BY [REDACTED]

4 Q One of the things in this list of three that I just read to you and that we're  
5 talking about here is about mail-in ballots. When you would have these conversations  
6 with the President, would he raise the idea that somehow mail-in ballots, or early voting,  
7 in general, were going to be affected by fraud such that the election would be stolen or  
8 somehow compromised?

9 A Well, he said that publicly, I believe. He kept saying that.

10 Q Did he say that with you?

11 A He may have.

12 Q Do you remember pushing back on it or saying that that wasn't the case?

13 A I would probably say it doesn't have to be the case, meaning, why don't we  
14 just tell people these are the rules this time. Because, you know, frankly, we got a lot of  
15 complicated, confusing information from the doctors from the beginning. Wear a mask,  
16 don't wear a mask, wash your hands, don't wash your hands, socially distance, don't, go  
17 out -- you know, we have the Speaker of the House telling people to come meet in  
18 Chinatown in San Francisco.

19 I mean, it's very, very complicating. So if the people in charge are giving mixed  
20 messages to America about their health, imagine the confusion that could ensue when  
21 now all of a sudden, we're going to vote differently. You're going to have -- you can  
22 start earlier. In some places you can go longer. Don't know why, but somehow you  
23 could, and we're going to count those votes later.

24 Even on election night, I was really struck in 2020 that Ohio and Florida in that -- in  
25 succession, I'm going to say about 11:00 p.m. eastern time, Ohio announced Donald

1 Trump won Ohio. Florida, about 10 minutes later, announced President Trump won  
2 Florida. And then 10 minutes after that somehow Arizona announced Joe Biden won  
3 Arizona, even though they're a few hours behind.

4 And Governor Ducey made very clear, we have -- I think the number was 1 million  
5 ballots to count, and we just saw what happened in Arizona again. They count their  
6 ballots late. That's just what they do there. I don't know why. I don't know how, but  
7 that's what they do.

8 So, again, if that's what they do, as opposed to Ohio and Florida who  
9 don't -- which don't, then we just need to know that.

10 And, you know, respectfully, I'm not sure the President of the United States, as  
11 busy as he was being the President of the United States and the Commander in Chief, has  
12 to be the one to go out and tell America make sure you go and check how you vote. I do  
13 think that that is the Secretaries of State or the election commissioners, locally or  
14 statewide.

15 And if every State is going to have a different law for that, then it needs to be  
16 communicated. And look, I receive a lot of mail, you probably receive a lot of mail  
17 where you vote, sir, I'm going to guess, people communicate different things to us. This  
18 is where you can show up, this is how you can do it. It's in different languages if you  
19 need that.

20 So, sure, some people -- but all communications were not created equally for this.  
21 So I can imagine he felt -- I know he felt that way because he said it publicly. And  
22 Donald Trump is a very visual person. So if he -- you know, he sees the people show up  
23 at rallies and says, you know, How can I possibly lose? I remember in 2016 coining the  
24 term, "the hidden uncover Trump voter." He couldn't see them. I explained to him  
25 who they were and why they would come out and, of course, you know, I did that to

1 international ridicule. Oh, they'll still be hidden on Election Day, hee-hee, ha-ha, but  
2 they were there.

3 I saw people in his campaign go on TV in 2020 and say, we have a hidden Trump  
4 voter. No, they didn't. In 2020, they were in their red MAGA hats at rallies in the snow  
5 or having boat parades. They weren't hidden. They were there.

6 And so I say that to you because he's a visual person. He would see that and say,  
7 how can we lose to Joe Biden? Look at all this, but what he couldn't see, and I think it  
8 probably would bother a visual person, generally speaking, is, are you lining up at the  
9 polls? Are you -- how many people are turning out that day? What does it look like?  
10 What is the sense we're getting day of?

11 So now that's all going to be done long before Election Day in many places and  
12 spaces, and we wouldn't be able to see it.

13 Q To go back to one thing you said as part of that answer, you said that you  
14 would tell the President that fraud, or irregularities, however you want to phrase it,  
15 doesn't have to be the case if you educate the public. And, again, I don't want to  
16 mischaracterize what you're saying, so please feel free to correct me --

17 A Well, irregularities and fraud are very different.

18 Q Right.

19 A Fraud and theft are crimes. Irregularities I believe exist in every election.  
20 I don't know how a system that's being conducted by humans with humans participating  
21 could not be. We're all human, so I don't know how there couldn't be -- there are not  
22 not irregularities in every election.

23 Q Sure.

24 A So -- but when I say it doesn't have to be, I think I'm also answering you  
25 don't have to lose. Like, you can win this, but it's a very different campaign than the one

1       that was being run a few months ago or the one that you even anticipated.

2           Q     And what would he say to that when you stated, it doesn't have to be the  
3     case; that there would be widespread fraud and mail-in ballots, or whatever it might be  
4     with respect to early --

5           A     Well, I don't know that he said there'd be widespread fraud in mail-in  
6     ballots. I don't recall him saying. He may have said that publicly. I don't recall if he  
7     said that in a private conversation. He may have, but, you know, he did -- he did believe  
8     that. He believed that it was possible that it could be. And it was really possible if we  
9     don't have something called Election Day anymore, if we have election season or election  
10    trimester it feels like.

11           You know, if something's that important day to you -- wedding day, graduation  
12    day, Election Day should be one day, some people believe. And so if we're converting  
13    that all of a sudden, again, because of a, quote, "once-in-a-century pandemic," then we  
14    need to -- I think people needed to understand that the rules were changing, who could  
15    vote when, how, and for how long was absolutely changing.

16           What I think I didn't anticipate -- wasn't my job to anticipate it, but I like to be an  
17    informed person. What I didn't anticipate, and I'm fairly sure he could not have  
18    anticipated, unless he was told otherwise by his campaign, is how different States were  
19    going to count the early votes.

20           So I just learned recently that -- I don't know if this was in effect in 2020, but in  
21    2022, Florida, the State of Florida, does not accept early ballots on Election Day. I was  
22    told this by -- I don't remember who, but it was somebody not in Florida, but they  
23    said -- they were telling me about Nevada law. And they said here in Nevada, we accept  
24    early ballots on Election Day.

25           I said, it sounds like an oxymoron, early ballot on Election Day. If you're going to

1 vote on Election Day, why not just park the car, go in and vote. If you can actually -- if  
2 you're okay to come out of your house and drop it off -- so it was a fair question.

3 I'm saying, why wouldn't you just want to go in and -- and -- like, this is just the  
4 way some people prefer it now. Okay. And if we're going to give people options,  
5 they're going to exercise different options.

6 So if Florida is not accepting early ballots on Election Day, that's true, then they're  
7 counting those early ballots -- here's the keyword, "early," and they're counting Election  
8 Day ballots on Election Day. And they tell us who won the races on election night. So  
9 does Ohio. They did it again this year.

10 So, I believe any comment like that from President Trump really gets to that.  
11 And, frankly, he was right insofar as we didn't know -- we didn't know the winners in  
12 every place that night and we didn't know it again in 2022. And if that's the new  
13 normal, okay, except we're voting early, we're counting late, and we're expecting  
14 everybody to be okay with that.

15 I don't know why after the 2020 elections, respectfully, half the country seemed  
16 inconsolable, and the other half seemed incurious. To me, as someone who loves  
17 democracy, there had to be something in the middle.

18 Q Yeah. And it sounds like -- I remember you went on TV on election night,  
19 2020, and -- or the next day, forgive me, but you said something like we can wait. We're  
20 patient --

21 A I said it on election night on ABC and NBC, sir. I didn't mean to interrupt.  
22 I said it. So we can pull the tape. I said to either or both George Stephanopoulos on  
23 ABC and then on NBC, it was Lester Holt and Savannah Guthrie. I said, I'm a patient  
24 person. We can wait. Our democracy demands that. We can wait.

25 In other words, if there are close races -- and look, in some places, like

1 Pennsylvania, the President -- Mr. Trump's margin was much larger in 2020 at 4 or 5 in  
2 the morning, we were standing in the map room, than it was in 2016 when I was the  
3 campaign manager and he won Pennsylvania by about 44,000 votes as I recall, but he  
4 won Pennsylvania by 44.

5 We were in there at 4:00 a.m., he was up by over 700,000 all the outlets were  
6 saying. And I mistakenly said, Well, then, you're going to win Pennsylvania. You're up  
7 by -- I don't know if I did the math at the time, you're up by more than 10 times, clearly,  
8 15, 20 times -- about 15 times more than you were 4 years ago. But, again, 4 years  
9 before, there weren't all these ballots to count, to be counted.

10 Q Right.

11 A So that, again, was different. In the manner of one presidential cycle it had  
12 changed.

13 Q It sounds like with that comment and maybe others like it that you  
14 understood that they were still counting to go on --

15 A Yes.

16 Q -- in the coming days after the election?

17 A Yes. I mean, what I was trying to say is, look, I remember the metrics in  
18 2016. It was 77,000 votes or so in these three States, but Pennsylvania was 44,000.  
19 And I know it was hard for Secretary Clinton to accept that, but that's the way it was.  
20 And that result got certified. And my -- I remember looking at him and the First Lady  
21 Melania Trump and saying, you're up by over 700,000. This should be fine.

22 I mean, I didn't know -- there were other people saying there are a lot of mail-in  
23 ballots to count. And I'm thinking, wow, that many. In other words, to me, it was, like,  
24 that many need to be counted? I couldn't even imagine there were 700,000 mail-in  
25 ballots to be counted. I wasn't really conceiving and I had been out of that particular

1 loop.

2 Q And just for clarity on the record, this conversation you mentioned having  
3 with the President and Melania, either together or separately, that was related to the  
4 2020 election?

5 A 2020. It was -- by then it's November 4th, the wee hours and we're in the  
6 map room, and we're not alone, there were many people there. At least three of his  
7 adult children are there and many other people.

8 Q Okay. And we're going to come back to that in just a second. I want to  
9 wrap up this pre-election period. You know, during the pre-election period, the  
10 President got a lot of questions about whether he would concede the election or whether  
11 he was going to accept election -- the election results.

12 And he said, you know, in September, for example, he was asked: Do you  
13 commit to making sure there's a peaceful transfer of power? And he replied, Get rid of  
14 the ballots and we'll have a very peaceful. There won't be a transfer; frankly, they'll be a  
15 continuation. The ballots are out of control.

16 Do you remember the President making statements privately about refusing, or  
17 potentially refusing, to concede the election --

18 A No.

19 Q -- after the 2020 election?

20 A No, but it's something he said in the debate in Las Vegas and -- I believe in  
21 Las Vegas, the final debate, October 19, 2016, as well. Because Hillary Clinton said  
22 something like, I'm shocked and this is so dangerous. And it became a story for a couple  
23 of days. And he said, you know, I'll -- I'll concede if I win or something like that. I  
24 figured he was joking. I'm not sure, but --

25 Q What was your expectation about whether the President would concede?

1           A    In 2016?

2           Q    No, no. In 2020, before the election --

3           A    I knew he'd win and he wouldn't have to concede, and I said so. 2020?

4           Q    I'm sorry, 2020, correct.

5                 Before the election took place, did you think that the President was going to  
6           concede if he lost?

7           A    Yes, but he has to believe he lost fairly and squarely. And he's saying all  
8           along, the entire 6 months before Election Day, it sounds like, again and again, that -- I  
9           assume what you read to me is a public comment, correct, sir?

10          Q    That's correct.

11          A    Okay. And what was the context? He said it to whom?

12          Q    He was asked, do you commit --

13          A    By a reporter?

14          Q    By a reporter I believe in a press conference.

15          A    Okay. That sounds about right, because he actually had made himself  
16           available to the press, which a President should, and regularly. And so -- kind of miss  
17           that.

18                 He -- he was saying that for 6 months, and so, he never changed his opinion on  
19           that. And I guess the more he heard from his campaign -- I'm going to guess here -- that  
20           there's X number of early votes have already been cast or he probably heard that on a  
21           news show. I heard that often in 2022, actually. We've seen -- I don't remember the  
22           number, 70 million ballots have been cast early or 40 million ballots had been cast early.

23                 So he probably heard that all these mail-in ballots had already been cast and is  
24           wondering when are they going to be counted, or will they count? How do we know  
25           that they arrived to the polling place?

1           So, again, I think for President Trump, he's a very visual person. I know that.  
2       He's a very visual person, and if you're of a certain age and stage, you remember a time  
3       when you just had to show up and vote that way unless there was a reason to vote  
4       absentee. You're in the military, you're overseas, you're sick, or are infirmed and can't  
5       leave the house, you're due with a baby which I did three times right before Election Day.  
6       Kind of a bad planner, I guess, for somebody in politics, but it happens.

7           Q     Do you remember any conversations with campaign advisers or within the  
8       campaign about the President's remarks on whether he would concede or not?

9           A     I remember thinking -- and I probably read this since that it is true -- I  
10      remember thinking or hearing that the RNC was doing a very good job through their  
11      auspices of filing challenges to clarify rules in certain places or prevent ballot harvesting  
12      from happening, trying to get courts to tell them, meaning us, the citizenry, who can vote  
13      when and how.

14           Are mail-in ballots legal in your State? Are they -- I don't remember the ins and  
15      outs of the actual call of the legal question, but I do know that they spent a lot of money  
16      and time and talent on trying to figure out and suss out this new way of voting in 2020.

17           So that doesn't surprise me at all, because I think that they -- they're just -- their  
18      job and their role, and I believe that Chairwoman McDaniel did it very well, frankly, was  
19      to figure out how to inform people. I mean, she was -- she was sounding the warning  
20      signs early about the convention in North Carolina.

21           She just said I don't think we're going to be able to have it there, and the  
22      Governor, Roy Cooper, then said you can't have it here, and it's being moved to  
23      Jacksonville. Then you saw where it was. It was, you know, at the White House and  
24      other places.

25           So things were moving quickly, but certain people were just better at responding

1 to that than others. Again, I've had this conversation -- I definitely had the conversation  
2 with Hope Hicks, but it was also after the election on November 5th.

3 We happened to be together the 5th or 6th, and it's probably in my book where  
4 she said, I think when DJT -- which is the way we referred to the President sometimes, his  
5 initials. I think when DJT said 6 months ago, what are we going to do with these mail-in  
6 ballots? Like, we -- somebody really should've figured that out and made us more -- I  
7 don't know if the word was nimble, or there the President himself is talking to voters  
8 every single day or talking to the press every -- which is talking to voters every single day,  
9 and he could've said that.

10 He could've said, Here's what I want you to do. The only conversation I recall is  
11 in Jared Kushner's office. I'm going to say maybe exactly a week before Election Day. I  
12 think I was there -- I took one trip for the campaign, and it was because First Lady Melania  
13 Trump asked me to.

14 I had said no to the offer from the campaign for me to leave the White House and  
15 have my own staff, my own airplane, my own schedule, and that offer was made to -- that  
16 offer was made to me, but the sort of request was made, I was told, of Ivanka Trump,  
17 Donald Trump Jr., and Mike Pence.

18 And my thought was, Well, two of them are his kids and one's name is on the  
19 ballot, so I have options. And I just needed to make good on the promise I was making  
20 to my family. And so I didn't perceive at that, but when Melania Trump asked me to join  
21 her and introduce her at a stop -- I want to say Lancaster, Pennsylvania, but it was  
22 definitely Pennsylvania, I did.

23 So I believe I was there waiting to board the motorcade or the plane and Jared  
24 called me into his office and I said, What's going on with Arizona with these early ballots?  
25 And he said, Step, meaning Stepien, tells us -- we know -- I don't know if it was Justin

1       Clark, Stepien, the people in Arizona have told us that our voters, meaning four of four in  
2       the last four elections, primary or general, they have voted four out of four times  
3       Republican, one assumes including for Mr. Trump in 2016.

4           They are hanging on to their ballot and they're going to show up on Election Day.  
5       So they felt very bullish on making up -- they clearly knew were deficits in mail-in ballots,  
6       early voting on Election Day. I think that was the play in most places. And, frankly, the  
7       Democrats have become masterful at that. They know that they do well banking those  
8       votes early and someone, somehow, or lots of people somewhere are organizing their  
9       voters to come out and participate that way.

10          And I've said, you know, very recently, publicly, this is not just a battle for voters;  
11       it's a battle for ballots. And I can't say I like all the new rules necessarily, but if these are  
12       the rules, then we're going to either need to change them or follow them. And if they're  
13       not changed, and they need to be followed, we need to make sure the country  
14       knows -- people in different places know how to cast that ballot, when, and for how long.

15          Q      You mentioned a debate in October of 2020, did you help prepare the  
16       President for the debates?

17          A      I did.

18          Q      Okay. It's been reported that, for example, you played the role of  
19       moderator in a late September debate prep session --

20          A      That is true.

21          Q      -- with the President?

22          A      It's the same thing I did in 2016.

23          Q      And that took place in the White House map room. Is that right?

24          A      It did.

25          Q      So one of the issues that came up, and we have as exhibit No. 2, an email

1 from Jason Miller to Chris Christie, you and Bill Stepien, just before those debate prep  
2 sessions with pivot messages, and that's what the attachment is called. And then,  
3 behind that first page is the attachment on -- with various boxes of issues.

4 Are these materials that were prepared for the debate prep for the President?

5 A It looks that way, yes.

6 Q Okay. If you go to page 9, which is the last page --

7 A Yes.

8 Q -- of the attachment, ending in 10599, Integrity of the Election is the header  
9 and this issue of concession came up. This is just a couple days after the President made  
10 those public remarks that I just read to you about whether he would concede.

11 Why, if you recall, was it important to be prepared on this issue of concession in  
12 the debates?

13 A Well, number -- I think the first answer is the first bullet, let me just read it.  
14 Says Election Integrity, then it says bullet, "Hillary Clinton said under no circumstances  
15 should Biden concede."

16 Q Right. And that, if you recall, I believe, was a reference to on election  
17 night, because of this issue about ballots being counted. Were you aware of that?

18 A That doesn't change the fact that she herself conceded, frankly, on my cell  
19 phone. I got a call at 2:30 a.m. I have a screen shot of it. It's in my book. 2:30 a.m.  
20 from Huma Abedin, her long-time adviser, saying, Hi, Kellyanne. I said, Hi, Huma. She  
21 said, "Secretary Clinton would like to talk to Mr. Trump." I said, "Now?" She said, "if  
22 you feel like he's available."

23 And so the point is, I said to Governor Pence, whom I've known for a very long  
24 time, Make sure she actually concedes. Because I know the way this works, and she did.  
25 She congratulated him and then she kind of didn't concede again.

1           Q     And that was 2016, though, right?

2           A     Right, but that's her -- I've seen her many times since, [REDACTED] talk  
3     about -- I'm just saying -- so leading up to 2020, it doesn't surprise me I had forgotten it  
4     because I don't find much of what she says memorable, to be frank with you, but this  
5     makes sense to me.

6                 Now, looking at this that one of the top concerns is that Hillary Clinton  
7     hasn't -- who still won't fully concede, has refused -- was telling Joe Biden don't concede  
8     on election night until all the ballots are counted, but I guess that that would apply to  
9     both candidates her advice, correct?

10          Q     So my question, I guess, just for clarity in the record, too. So what you just  
11     relayed about Huma Abedin's text message to you was, the day after the election in 2016  
12     when Ms. Clinton conceded to Mr. Trump?

13          A     She congratulated him, yes.

14          Q     Okay. This is 2020, though, these materials?

15          A     Right, but I'm saying -- you're asking me and people who are on camera for  
16     all time won't see the bullets. First bullet says, Hillary Clinton said under no  
17     circumstances should Biden concede. That's bullet one under Election Integrity in the  
18     Donald Trump debate prep materials that Jason Miller is circulating to Chris Christie and  
19     me.

20          Q     Right.

21          A     And I'm saying that that makes sense because that was her position. Don't  
22     concede on election night because all the ballots have to be counted. So I assume that  
23     that advice from Mrs. Clinton also would apply to President Trump.

24          Q     Were these talking points or pivot messages in any way informed by the  
25     President's then-recent remarks about whether he would concede, like, the quote I read

1 you earlier?

2 A No. I think -- I think it's the President talking about election integrity,  
3 here's what we need. I'm the one who came up with the phrase, "make it easier to  
4 vote; harder to cheat." That was after the 2020 election was only because I did a survey  
5 about people's attitudes.

6 People seemed very confused. They wanted to -- I tried partisan confusion, and  
7 so the point I'm making is that the President is going to talk about election integrity, like,  
8 why aren't we showing voter ID. You have to show your ID everywhere any way, then  
9 you don't have to do things like cure your signature, signature verification.

10 Veterans' ballots in Pennsylvania? I don't know what that means, unless it  
11 meant military or go to the VA homes. I'm not really clear on what that meant at the  
12 time. Ballot harvesting in Nevada, trying to change the rules. This very much sounds  
13 like him.

14 I can tell you as the mock moderator, everything you're showing me  
15 here -- Supreme Court, abortion, marriage, police, crime, Biden himself and his checkered  
16 record on a couple of these issues, many of them, I probably focused on those three  
17 times more than election integrity that you've got in here.

18 Because the President, you know, he talks about that. You're trying to change  
19 the rules. And he also would go a step further. Here's what I think the rules should be,  
20 here's what I think would make everybody feel secure in their vote.

21 Q Do you remember this issue of concession coming up in the debate prep  
22 sessions you had in September?

23 A Concession, meaning would he concede?

24 Q Correct.

25 A No, I don't remember that. It's possible. I don't remember that.

1           Q     Did you have any role in commenting on or writing these pivot messages?

2           A     Well, I'm just smiling because I do know that -- I mean, some of these came

3     right from me, 47 months versus 47 years. I don't know why it's under crime and race

4     relations, but my whole point about -- oh, there it is. My whole point about -- the way I

5     encapsulated, and I said it for the first time on live TV on Hannity on August 19th, 2020, I

6     said the contrast between these two is Joe Biden's been there in Washington for 47 years;

7     Donald Trump's been there for 47 months and compare the two records. And that sort

8     of became a theme of the campaign. They got that for free. They kept their

9     \$1.4 billion on other stuff. But I like that set up because I think that Vice President Biden

10    had some advantages that maybe some of the other two dozen Democrats who had run

11    unsuccessfully to be the Democratic nominee that year would not have had. And with

12    all his, quote, experience --

13           And so we're trying to show what does that experience really mean? What has

14    he done in 47 years versus everything Donald Trump and Mike Pence have done in

15    47 months? So stuff like that I recognize. I would think, sir, since you opened up the

16    door, the fact that "don't concede" is not one of the bullets under Election Integrity in the

17    debate prep, answers your question.

18           We didn't have it there. And if your question is, did I -- I recognized some things,

19    but I'm smiling just because -- a gentleman in my office and I had put together other

20    messages, and sort of red and blue, and I just remember walking into debate prep and

21    being as close to rude in my questioning as I would ever be to any President no matter

22    who he or she some day is.

23           I believe in respecting the Office of the President and its current occupant no

24    matter who it is, but I was there to do a job and my job was to really poke the President

25    on some of these issues in the confines and comfort of debate prep before he would hear

1 it on a debate stage. I don't see "don't concede" here as one of the bullets under  
2 Election Integrity.

3 Q More so the issue of concession that we've been talking about, right? That  
4 is in here, correct?

5 A It is?

6 Q Right here. I mean, it says, "Hillary Clinton said under no circumstances  
7 should Biden concede." That is concession?

8 A Well, that's what Hillary Clinton believes, [REDACTED] That is not what  
9 Donald Trump said.

10 Q Well, that's on the subject of concession. I don't want to debate with you  
11 about this.

12 A But, again, if Secretary Clinton has a point that Joe Biden should not  
13 concede -- to complete the sentence according to you -- on election night because so  
14 many ballots will still need to be counted, then that sounds about right for Donald Trump  
15 also. He should not concede on election night. I would think she means because so  
16 many ballots need to be counted. It sounds like she agrees with his ultimate position on  
17 whether or not to concede early.

18 Q I'm not getting in the back and forth of all of that. All I'm asking is, this  
19 issue of concession is coming up just a few days after the President was asked about --

20 A It's not, though. It's coming up, respectfully, in the context of Hillary  
21 Clinton's public comments. There are --

22 Q That's fine.

23 A Hold on. Three, four, five, six, seven -- there are seven other bullets.  
24 There are eight total bullets under Election Integrity. This is exhibit 2, page 9 of  
25 Kellyanne Conway's binder, and of the nine bullets -- excuse me -- eight bullets, only one

1       mentions conceding and it's the words of Hillary Clinton.

2           Q     Yes.

3           A     So I just don't see this as a central theme in debate prep for President Trump  
4       under Election Integrity.

5           Q     Yeah. And I'm not suggesting it was a central theme. That's why I asked  
6       you if it came up at all.

7           A     I don't remember what he said if he was asked that during the debate.

8           Q     Okay. And that's why I'm asking the questions.

9           A     Okay.

10          Q     Another debate question is that on September 29th, the President did  
11       participate in a debate and was asked about the Proud Boys, and ultimately made a  
12       comment about stand back and stand by. Do you remember that coming up at the  
13       debate?

14          A     No.

15          Q     In your book, you wrote that President Trump -- or excuse me -- that you  
16       told President Trump about some of the things he might be asked during the debate,  
17       quote: They may ask about Charlottesville or, quote, shithole countries or how COVID  
18       disproportionately affected African-Americans, or the Proud Boys.

19          With that as a refresher, do you remember anything about how this issue of Proud  
20       Boys came up with respect to a debate?

21          A     Were they involved in Charlottesville?

22          Q     I'll ask you. What do you remember about Proud Boys coming up before  
23       the debate?

24          A     I don't remember specifically at this moment, but that book has been  
25       fact-checked and legal fact-checked, so it's -- I'm going to stand by that, that I was telling

1 him that there are 17 different ways to ask the same question. And that the best way to  
2 handle a question is to think about it thematically.

3 So in that case, the race question can take on many different forms. It can take  
4 on the form of George Floyd and his murder, since I'm the first person in the Trump White  
5 House to refer to it thusly. It could take -- it could take the place of -- I think the  
6 example I gave in debate prep was, I said, there's -- you know, Mr. President, there's a  
7 guest sitting next to Jill Biden tonight, and her daughter Heather Heyer was run over and  
8 murdered by one of your supporters in Charlottesville. What do you have to say to her?

9 It might be a question about the alleged shithole countries comment, could be  
10 anything, but it's all the race question. Think about how you, President Trump, want to  
11 answer that. What is it you want to say? You have 60 seconds or 90 seconds,  
12 whatever it is, how do you want to answer that?

13 And I, frankly, gave him a lot of advice about Joe Biden's well-known past of those  
14 of us a certain age and don't have political amnesia when it benefits us. His very difficult  
15 troubled past with race, his corn-pop ridiculousness, his alliances with what I would  
16 consider to be bigoted Democrats in the south of a certain era, his either deliver the  
17 eulogy or attended or palled around with whatever it was or all of the above, former  
18 Senator Robert Byrd of West Virginia, himself once in the Ku Klux Klan. I read. See,  
19 that's how I know that. So if it's not true, and, you know, this guy who as chairman of  
20 the Senate Judiciary Committee, I told Mr. Trump, the President in debate prep, as the  
21 chairman of the Senate Judiciary Committee, Joe Biden presided over a line of  
22 questioning that led soon-to-be confirmed, at that point, Supreme Court Justice Clarence  
23 Thomas to say this was a high-tech lynching.

24 Before that, [REDACTED] we had Supreme Court nomination hearings that did not  
25 take on and votes that did not take on that kind of partisan rancor. As I recall, Justice

1 Antonin Scalia, God rest his soul, was confirmed 96 or something to 0. Justice Ruth  
2 Bader Ginsburg, God rest her soul, was confirmed 96 to 3. Then all of a sudden, we just  
3 have these -- all of a sudden, we have an eminently qualified woman, Amy Coney Barrett,  
4 getting zero Democratic votes.

5 And I made the point to the President, it's my opinion, but it's an informed one,  
6 that it was Senate Judiciary Chairman Joe Biden who started to politicize. It started with  
7 Robert Bork, they continued with Clarence Thomas. One did not make it on the court,  
8 one did, and here we are.

1

2           A     So I'm saying that because it's possible I mentioned the Proud Boys if they  
3     were involved in Charlottesville. And I don't know why he said that in the debate. I  
4     have no idea.

5           Q     Okay. Do you remember --

6           A     The prep -- the prep did not include stand back and stand by.

7           Q     Do you remember President Trump ever exhibiting any familiarity with the  
8     group in your interactions with him? And the "group" being Proud Boys.

9           A     No. That's the thing about so many of these groups. I remember even  
10    dating back to 2016, when Hillary Clinton flew to Reno, Nevada, and gave a speech about  
11    the Alt-Right. And I said, she's running against a website, Breitbart. Like this -- wow,  
12    we can really win this thing.

13           I mean, the President, Mr. Trump, had just been in Mexico accepting invitation  
14    with the President there and she declined that invitation and flew to Reno to do that.  
15    So same thing. I didn't know what that was necessarily, and I didn't know Proud Boys,  
16    Oath Keepers, all these things I read about since.

17           So I don't think that makes me ignorant; I just think it's not something that the  
18    senior counsel to the President had a conversation with the President about -- he didn't  
19    raise it with me that I recall.

20           Q     Did you ever discuss his stand back and stand by comment with him after  
21    the debate?

22           A     Yeah.

23           Q     Tell us about that.

24           A     I said something like what did you mean by that? He's like nothing. Just  
25    told them -- he probably meant to say stand down, to be frank with you.

1           Q     Okay. But he said stand back and stand by, and you remember him saying  
2 what in response when you asked him about it afterwards?

3           A     He didn't understand what the controversy was because he didn't mean  
4 what people said he meant.

5           Q     He told you that?

6           A     Yes.

7           Q     He said, I didn't mean it?

8           A     Yes, which is, he didn't mean what people who don't know him, don't like  
9 him, did not want him to be President and never do again said that he meant by that.  
10 And that's the story of Donald Trump.

11          Q     Did you suggest to him that he clarify his remarks later?

12          A     I don't recall. I don't recall.

13                 ██████████ I'll stop there and see if anybody has any questions about what  
14 we've been over.

15                 BY ██████████

16          Q     Yeah. Just talk for a minute, if you can, Ms. Conway about -- more about  
17 your decision to leave. It was September, couple months before the election. You'd  
18 been with President Trump for a long time, and sounds like you're very proud of the  
19 record. Why leave a couple months before Election Day?

20          A     Well, the main reason, the overarching reason was because some health  
21 commissioner in Montgomery County, Maryland, who I don't even know his name at this  
22 point, but he decided on his own, it seems like, pretty much that all of a sudden the  
23 kids -- I had three kids in Montgomery County Schools at the time -- that they were going  
24 to have to start the year online again, even though -- even though if you go back and look  
25 at the statistics, people had a pretty good summer. They were out and about. They

1        were told mask up. People weren't flying as much, but they were renting RVs, they  
2        were renting cars. Hotel vacancies were down, et cetera.

3            So then all of a sudden in late August, he made this announcement. And I  
4        thought about leaving for a little bit anyway because of the ages and stages of my  
5        children, and I have four of them. And I'm their mother, frankly, which means my job is  
6        different, just to put it out there.

7            So I was thinking about leaving them when the health commissioner said that.  
8        And I thought it was a very good -- the only right decision for my family. And I famously  
9        said, less drama, more mama. And I told Melania Trump that on Friday, I'm going to say,  
10        August 21st, but you can look up the date, 2020. She and I had a prearranged meeting  
11        just to have coffee before in the East Wing, before -- I was one of the three or four people  
12        helping her with her -- or listening to her speech. It was all done, because that's her  
13        way. It was all done. She had written it. It was done.

14            And I told her I was leaving and she was very surprised. And I told her, she said,  
15        Does the President know? I said, I don't want to tell him until Saturday or Sunday  
16        because today is his -- this afternoon is his brother's funeral. His younger brother  
17        Robert had died, and God rest his soul. And they were having the funeral at the White  
18        House. I said, I'm not going to do that.

19            So I went and I told the President on that Sunday night. And I said, it's not going  
20        to be a big story. I don't want to be a story. Tomorrow starts your convention. It'll  
21        be a story tonight and then you'll have your convention. I'm speaking prime time on  
22        Wednesday and that's that. So -- and that was that.

23            Q        So it's personal? It had nothing to do with any of the issues that [REDACTED]  
24        [REDACTED] was asking about?

25            A        No.

1           Q     Okay. Thanks.

2           A     I worried that he -- I worried that he might not win, but I had said that. But  
3     that would be no reason to leave the White House, the job I loved.

4           Q     Did you talk with him about that, that fear that he might not win?

5           A     Yes, but he expressed it. In other words, I think Donald Trump and  
6     Kellyanne Conway were two of the only people, you know, candid about how uncertainty,  
7     if not chaos in crisis, in the entire -- just, frankly, everywhere we looked at that point. I  
8     mean, people were rioting and looting and burning cities. People were dying from  
9     COVID, people were -- didn't know if they could vote.

10          We were -- remember, if I'm trying to help on COVID as a layperson, one thing  
11     that's exciting to me is being able to, again, follow as a staffer, but try to support the  
12     centers for Medicare and Medicaid and HHS saying we're going to ramp up exponentially  
13     the number of telehealth visits for Medicare patients. It was in the thousands or tens of  
14     thousands. It went into the millions.

15          And so, things like that were very rewarding. I loved my job in that regard, and I  
16     didn't make that policy. It could've happened without me, but I was very happy to be  
17     supportive of it at the staff level. I'm a staffer. And so, I think Donald Trump and I  
18     were two of the only people saying this -- you may not win. This may not go well.

19          And maybe for the similar reasons, maybe for different reasons, but I felt his  
20     campaign had never really adapted. I thought bringing Stepien in to replace Parscale,  
21     which is what President Trump and his son-in-law, Jared Kushner, who made sure  
22     everybody said he was the real campaign manager, but he had installed Brad Parscale  
23     years earlier, and then removing Parscale and putting in Stepien deputy campaign -- I  
24     thought that was a wise move. It just came late in the game, very late.

25          Q     I'm sorry to interrupt you. What else did the President himself say about I

1 might not win? Anything else along the lines -- [REDACTED] read you a quote from a  
2 book, but I'm just wondering your recollection of anything, in particular, that he said prior  
3 to your --

4 A It's just one of those we don't know what's going to happen.  
5 Anything-can-happen, kind of thing. In other words, that was -- that was 2020 in a  
6 nutshell, not being able to peak around the corner and see what's happening. Not being  
7 able to feel -- this is my words now, not him and not about him, just generally in the  
8 country. This feeling, like, we didn't have command and control in this country.

9 There's the invisible virus, there's the social unrest, and there is -- in other words,  
10 if you could have told me, again, as a staffer, here's what we need to do to turn down the  
11 temperature to make everything better, to -- I'm listening.

12 Q My question, more specifically, was what he said. Anything at all you recall  
13 him saying along these lines about the possibility of losing the election?

14 A Yes. Anything can happen. He definitely talked about the mail-in ballots  
15 and the different way people were voting. Then he heard about drop boxes. Is that  
16 the same or different? Are people putting in the U.S. postal service or they putting in  
17 drop boxes?

18 I mean, just this past election, I heard from Adam Laxalt, himself, after the fact  
19 that there were 280 or so silver boxes, either all around Nevada or in Clark County, its  
20 largest county, something or other, sir, where that's where you brought your ballot.  
21 And I said, that's different in other States.

22 So, I think it was the uncertainty. It was that we're making up the rules as we go  
23 along. And actually, who's making up the rules? Who's deciding? And as far as I  
24 know, it's really a State issue, if not a local issue. Probably a State issue, by and large,  
25 and every State was going to be doing it differently. So I think it was just the

1 uncertainty.

2 [REDACTED] Thank you.

3 BY [REDACTED]:

4 Q Earlier, Ms. Conway, you helpfully explain the difference between election  
5 irregularities and election fraud or election theft. I'm wondering, did you have any  
6 conversations with President Trump before the election about election fraud or theft  
7 specifically? You've sort of described concerns that he had about how the process  
8 worked, but I'm interested in hearing if he had made statements to you specifically about  
9 fraud?

10 A He may have because he used that word publicly, so it's very possible he  
11 talked about that privately. But that also could be, for him, a synonym to irregularities  
12 or shenanigans or uncertainty. You'd really have to ask him that.

13 Q Do you ever give him any advice about statements that you should or  
14 shouldn't make about the possibility of fraud or --

15 A I did after the fact, yes. I did after the fact. I wrote it in my book where  
16 he called me on -- early one morning, and -- I believe it was still early November. And he  
17 said something to the effect of, you don't like the fraud and theft thing, do you? And I  
18 said, no, I don't. I said, they're crimes. And they bear a very high-level production of  
19 evidence if they're crimes. What about, you know, if you really feel, if you're getting  
20 credible reports that there are irregularities, that all the ballots haven't been counted,  
21 that they're going to go back and recount here or they're going to go back and audit  
22 there.

23 So some States, for example, I think Wisconsin went to an automatic recount or  
24 audit. I don't remember the word. Maybe it was recount in Wisconsin; Georgia it was  
25 an audit.

1           Whatever the case was, every State has a mechanism in place where if the two  
2 candidates, the two main candidates are separated by, say, less than a percentage point  
3 or less than half of a percent, you go to an automatic blank -- audit, recount.

4           And I had said to the President, I gave him the example of Pender County,  
5 North Carolina, because he has successfully campaigned for two special election  
6 congressional candidates in North Carolina, I'll say, in 2018 if I had to guess. And they  
7 both won and there was -- there were credible allegations I believe about harvesting in  
8 Pender County, North Carolina on the part of the Republicans.

9           And so they called for a revote. And that's just one county, but I remembered it.  
10 And I told him, and I said, look, it happened. He said, oh, North Carolina. Tell Mark  
11 Meadows that, so I did. But I said to him, if you actually -- if there was -- if there was a  
12 place where people are going to revote, that may stop the clock, so everybody can take a  
13 deep breath and your lawyers can explain what you're doing, where you're looking,  
14 because he was being told a million different things by a million different people, and I  
15 think they gave him a lot of wishful, hopeful thinking.

16           Q     I think [REDACTED] is going to get to some of that later, but did you have any  
17 conversations with President Trump like that before the election took place?

18           A     No.

19           Q     Okay.

20           BY [REDACTED]:

21           Q     Okay. It's been publicly reported that before the election, still on that  
22 pre-election time period, President Trump told advisers that he was thinking about  
23 declaring victory on election night, even before all the votes had been counted.

24           Do you remember President Trump saying anything like that?

25           A     I don't recall. I've seen that reported many times and I'm sure there are

1 people who either did tell him to do that, or pretended they told him to do that, or  
2 pretend they talked to him at all and have said that. But I don't remember him saying  
3 that, declaring victory on election night. If anything, he thought it might take a while to  
4 count the votes.

5 Q Okay. So you don't know whether he did or did not say --

6 A I do not. I don't recall him ever saying that in my presence.

7 Q Okay. We have had testimony and information from other places --

8 A But remember I left. I had left the White House, so you would want to ask  
9 the people who were around him then.

10 Q Fair enough.

11 All right. You mentioned election night.

12 Mr. Flood. Actually, [REDACTED] can we take five?

13 [REDACTED] Yeah. Of course. Absolutely. Why don't we go off the record.

14 [Discussion off the record.]

15 [REDACTED] Let's go back on the record. It's 12:12, and we're resuming the  
16 transcribed interview of Kellyanne Conway.

17 BY [REDACTED]

18 Q Right before we broke, I asked you whether you had heard the President say  
19 that he would declare victory even before all the votes were counted and you said  
20 something to the effect of that he knew it would take a while to count the votes. Did I  
21 get that right?

22 A Well, he was told that. That each passing day the public reports were just a  
23 massive number of early ballots.

24 Q And did you --

25 Mr. Flood. I believe she also said in response to that question that she didn't

1 recall his saying that in her presence.

2 [REDACTED] Correct. In her presence. That's right.

3 BY [REDACTED]:

4 Q Did you have a conversation at any point before the election with the  
5 President where you talked about how long it would take the votes to count, or how long  
6 it would take to count the votes? I'm sorry.

7 A I may have, because I've said that publicly also, including on election night.

8 Q Uh-huh.

9 A On two networks, ABC and NBC, that I'm a patient person, democracy  
10 demands that we be patient, make sure all the votes are counted. The advice I gave him  
11 a couple days later was that we just have to -- that we, meaning the country, not Donald  
12 Trump, not me, not you, the country will have to make sure that every legal vote counts  
13 and every illegal vote doesn't count.

14 And I think he added to that. And if you do that, I will have won in a tweet. I  
15 didn't say the last part, but I stand by that. We just want to make sure we count all legal  
16 votes and count all illegal votes. And we'll all look back at 2020 maybe as the point at  
17 which past and future got separated in terms of the way we do vote and for how long and  
18 how, through which methods, but it was very different.

19 It was new and that was -- those were the gist of his comments if, in fact, he ever  
20 made them, which is, how are we going to know why all these early votes, why all  
21 these -- but I think -- look, my comments to him in the map room in the wee hours of  
22 November 4 are along these lines, too, [REDACTED] which is, it's okay. Let's just be  
23 patient, make sure all the votes get counted.

24 Right now you're up by 700,000 in Pennsylvania, you won the State by 44,000 all  
25 told 4 years ago and you became President. In other words, it was -- not only be

1 patient, but you're up, so --

2 Q That conversation you just recounted in the wee hours of November 4th,  
3 was that before the President publicly went out and gave his election night, I guess, next  
4 morning speech --

5 A It was after that.

6 Q It was after that?

7 A Yes.

8 Q Okay. And how did he respond to your comments about that, that we  
9 need to be patient?

10 A Frankly, he was skeptical. He sort of felt something I didn't. I thought he  
11 would win Pennsylvania based on the 700,000-plus margin he had at that moment. And  
12 he just -- he felt he wouldn't. He was --

13 Q He was skeptical, meaning he might lose Pennsylvania?

14 A Yes, and other States.

15 Q Okay. What other States was he afraid he might lose at that point on --

16 A Well, I mean, we were told that Arizona was called and Governor Ducey was  
17 calling and saying he didn't think so, Jason Miller popped up and said, That's BS.  
18 There's no way they should've called that yet. I think Jared was off talking to Rupert  
19 Murdoch or someone. I was asking the Fox hosts what was going on, you know, what  
20 do you see, because nobody else called it. Fox and the AP called Arizona for Donald  
21 Trump and the others hadn't, days later had not.

22 Lots of networks that did not want him to run again -- CNN, ABC, NBC, CBS, New  
23 York Times, none of them had called -- they hadn't called the race -- they hadn't called  
24 Arizona for either Biden or Trump.

25 So -- and we knew as we -- turns out we know in 2022, Arizona just -- they've got

1 the signature match curing system, so it's just going to take longer there. I think this  
2 past -- the Governor's race took over a week to count all the ballots and declare.

3 Q This conversation we just talked about after he went out and publicly said  
4 that, frankly, we did win this thing.

5 A Is that what he said? I was trying to remember what he said that night.

6 Q Correct. He gave an early morning speech ---

7 A I was there.

8 Q -- technically the morning after.

9 A Yeah.

10 Q We understand, from the information we've gathered, that there was a  
11 debate going on before the President gave that speech where he declared victory.

12 Some people were saying he should declare victory, some were saying he shouldn't.

13 Did you weigh in at all before the President took the stage that morning?

14 A No, but I don't look at that as him declaring victory, respectfully. "Frankly,  
15 we did win this thing." I know what he meant. He meant he was leading the whole  
16 night. I know this guy and, you know, he's -- one of the world's most famous golfers  
17 seems to be the only one that never gets a Mulligan. So it's -- I know what he meant  
18 when he said, frankly, we did win this thing or -- he meant we had this won all along.  
19 The whole night he was leading, leading, leading, and all of a sudden, Well, wait a second.  
20 This is turning now. We're adding the early votes, this State, that State.

21 So -- and that also sounds to me, which is not uncommon, that he has people in  
22 his ear telling him you won, you won, you won, you won big. The same people telling  
23 him on the way to the debate after he said let Joe Biden speak. Numbers seem to numb  
24 this man's brain. He said, 150 million Americans have died of gunshot wounds. Thank  
25 God that's not true. Half the country.

1           He just says things daily that don't make a lot of sense to a lot of people. Let the  
2 man speak. We're not even sure he can stand there for 90 minutes, but I guess  
3 someone else got in his ear right after him and that happens routinely where someone's  
4 probably telling him you won, declare victory. You won.

5           If you declare victory, then nobody can take it away from you. Then they're  
6 going to have to prove you didn't. That's not the way it works.

7           Q     Sure. Yeah. And however you interpreted it, as you just commented, I  
8 mean, these are the President's remarks. This is a fraud on the American public. This  
9 is an embarrassment to our country. We were getting ready to win this election.  
10 Frankly, we did win this election. We did win this election.

11           So our goal now is to ensure the integrity for the good of this Nation, so we'll be  
12 going to the U.S. Supreme Court. We want all voting to stop. We don't want them to  
13 find any ballots at 4 o'clock in the morning and add them to the list. Those were his  
14 remarks, and we do understand that people like Bill Stepien and Jason Miller were saying  
15 he shouldn't go out and declare victory, where Rudy Giuliani and a few others were telling  
16 him to declare victory.

17           So is that consistent with what you remember from being at the White House on  
18 election night?

19           A     That sounds about right. I would have been in the former camp. In other  
20 words, declare victory once victory's declared for you.

21           Q     And we talked about this early. You did go on Fox News that day, or excuse  
22 me --

23           A     NBC and ABC that night.

24           Q     Thank you.

25           A     Fox News 2 days later, and I was handed talking points that said we won

1 Pennsylvania, say that. I'm, like, well, did we? So, of course, I didn't say that. I  
2 feel -- they thought they had won Pennsylvania even after the fact. That was said by the  
3 campaign Cognescenti to reporters. I believe it's public knowledge. You can pull it, I'm  
4 sure, sir.

5 They said we won Pennsylvania, you know, put it in the bank. I think  
6 Pennsylvania was probably the most confusing for me, because, again, I had become  
7 somewhat of an expert on it 4 years earlier and here we were with accepting ballots late,  
8 the Supreme Court was split 4 to 4, because Justice Ginsburg had passed away and Justice  
9 Coney Barrett was not in on the Court. They did not take that case in Pennsylvania,  
10 which I thought was a straight up question of law as a fully recovered attorney, and would  
11 have been helpful to know whether, in fact -- I'm paraphrasing now, but whether in fact  
12 you could change the voting rules in the Commonwealth of Pennsylvania without going  
13 through the Constitution or without going through the protocols in Pennsylvania.

14 So any way, it was very confusing. I don't think we'll ever really know totally  
15 what happened, but I believe Vice President Pence spoke after President Trump and  
16 maybe said something slightly different on their behalf.

17 Q I'll represent to you that he certainly took a different tone. He didn't take  
18 the same position as the President, but I'm glad you raised the Fox News appearance and  
19 Pennsylvania. It sounds like you were much more on the wait-and-see approach still,  
20 even a couple days after the election, to see what the vote count turns out to be as  
21 opposed to being of the belief that at that point, a couple days after the election, that  
22 President Trump and Vice President Pence had won Pennsylvania. Is that fair?

23 A Sure. I felt -- again, I'll tell you what I thought on the wee hours of  
24 November 4th, which is, you probably will have won Pennsylvania since you're up by over  
25 700,000 votes. I mean, other people were a little skeptical because they knew that

1 there were -- people who were more ingrained. I was not on the campaign. They felt  
2 there were so many early votes. Here's what I think was most confusing: Here's the  
3 X-factor for each of us, including President Trump at that time, sir, which is, Well, you're  
4 still counting votes, but whose votes are you counting?

5 In other words, is it all those early ones? Did they get counted early or did they  
6 get counted last, which I think sounds a little bit like an oxymoron, counting them last if  
7 they're early? Or are we still counting the ones that were delivered/registered, maybe  
8 you push the button, maybe pull the lever, maybe you do a provisional by hand.

9 Are we counting the day of voters? Are we counting the early voters? And  
10 where are we still counting? Why are we still counting? Who's still counting? And  
11 sure, people were very upset to see pizza box lids up where other people couldn't view  
12 what was going on. If you've got nothing to hide while you're counting, let us all see.  
13 You need to. Put Ring and Nest cameras. They seem to be everywhere in this world  
14 these days. Why aren't they in the polling places? I said that to the campaign. It's  
15 like you spent all that money on this, that, and the other.

16 And so I do think moving forward, and even in 2022, there were more, it seemed  
17 to me, bipartisan election observers. There was a little bit more comity, c-o-m-i-t-y, not  
18 comedy, c-o-m-e-d-y, in some of these places.

19 Q You mentioned going back to that -- after the election night, I'll call it the  
20 election night speech that the President gave, that he expressed skepticism about  
21 whether he had won Pennsylvania or certain other States. How did he express that to  
22 you? What are the words that he used?

23 A No, it wasn't skepticism that he hadn't won. It was -- I think he was  
24 increasingly worried that he had won and they were going to take it away. Because I  
25 said, you're up by 700,000 votes. It'll be fine. Why doesn't everybody go to bed. It

1 was 5:00 a.m. Why doesn't everybody go to bed and we'll figure it out. You won by  
2 44,000. You're up by over 700,000. That's 15 percent higher. And so he's, like, no.  
3 They'll just keep counting the votes. Maybe meaning until he doesn't win.

4 So -- but I think the legitimate question remains the same is that it wasn't clear -- I  
5 was in the map room in the White House with the sitting President of the United States  
6 and his team around him. It wasn't clear to the people in that room, let alone the rest  
7 of the country, [REDACTED] whose votes were still being counted and when.

8 And, again, if you're -- if Joe Biden's going to be declared the victor on Saturday,  
9 November 7th, as I recall, by most of the networks, then, again, I can't believe people  
10 who literally looked for Russia collusion for 3 years couldn't wait 2 more days to just  
11 satisfy so many confused and, in some cases, upset Americans.

12 What I said on election night stands. It goes both ways: I'm patient enough to  
13 wait. I could've waited 2 more days or 3 more days or whatever it took. We just  
14 waited in Arizona for a week for them to declare their Governor. I think we're still  
15 waiting on one congressional race I just read. If people say, what's taking so long? I  
16 voted 2 weeks ago. That's a legitimate concern for people to have.

17 It doesn't mean there's fraud and theft; it just means that we're not building  
18 confidence in the competence of our voting system, and it is constitutionally guaranteed  
19 to each of us, one person, one vote.

20 Q And on that night, the voting was still going on as you've mentioned --

21 A No, the counting was.

22 Q Or excuse me. I'm sorry. The counting was. You're absolutely right.  
23 The counting was still going on, hence, your patience to wait for the results, but one of  
24 the issues and you mentioned this earlier was Arizona. And when Arizona was called,  
25 we understand that there was a reaction. People called Fox News, and it's been

1 reported that you reached out to, I believe, Bret Baier, and maybe someone else. Did  
2 you recall reaching out to anybody at Fox News after the Arizona call?

3 A I texted Bret Baier, asked what they were basing that on, and I probably  
4 asked Martha MacCallum, who is coanchor as well.

5 Q Okay. And was it just a text conversation?

6 A Yes.

7 Q Not over the phone?

8 A No. I think I talked to them the next day or couple days later, but no, not  
9 the phone that night. I don't think so.

10 Q Okay. Those would be some text messages we'd be interested in getting --

11 A Okay.

12 Q -- from you as a part of this, but do you remember what they responded  
13 with? How did they respond?

14 A Yeah. It was a clinical, factual response. It was, our decision desk made  
15 the call. And then they put this guy named Arnon Mishkin out, who I since met, and he  
16 explained why Fox News made that call when they did.

17 Q And did you relay that information to anybody?

18 A Yes. I'm sure I did. But look, we were all receiving information at the  
19 same time. I think somebody else was calling the executives at Fox, somebody else was  
20 calling Rupert Murdoch -- not to get it changed, but to say, What did you base this on?  
21 Why would you do that when nobody else was making that call?

22 It's one thing if everybody's saying, Oh, Joe Biden won Oregon. Oh, Donald  
23 Trump won Mississippi, but this one -- and it struck everybody as premature because of  
24 what we know and still know, sir. You just found out in the Governor's race there and  
25 the congressional races what we know about Arizona, which is, it just takes a long time to

1 count all their ballots because they have the signature verification curing system.

2 It's new, but it sounds archaic to me. And we know that of all the States you  
3 could have pointed to me to say which one's going to take the longest, I would've said  
4 Arizona had you just asked me. Of the swing States, which ones -- I'm going to say  
5 Arizona just because of the way they count their votes.

6 So here we are saying, oh, Pennsylvania should just keep accepting ballots and  
7 counting votes, just keep going and allowing -- election officials who are not officially  
8 elected to anything, to change the rules, as I read. That's okay in Pennsylvania. Over  
9 here in Arizona, which is 3 hours behind Pennsylvania, we just -- we're all done, even  
10 though we know signatures will have to be verified for days, if not weeks.

11 So it just made no sense based on, A, what we knew about Arizona. My earlier  
12 conversation that I relayed to you with Jared Kushner where he was relating a  
13 conversation from the folks on the ground in Arizona/maybe Stepien and other -- Justin  
14 Clark, maybe people at the campaign saying, Look, we think that we're going to do well  
15 on Election Day. We're going to bank those votes on Election Day, the four of four  
16 Republican voters are going to come out on Election Day. They just want to vote in  
17 person that day and we'll make up the deficits.

18 So just as I had said hours earlier on ABC and NBC, live TV, Let's be patient. I  
19 didn't understand why we couldn't be patient about Arizona. It was odd to me.

1

2 [12:28 p.m.]

3 BY [REDACTED] :

4 Q Did you speak to Mr. Mishkin, the person at FOX News?

5 A I did not.

6 Q Okay. And were you asked to reach out to FOX News by the President or  
7 anybody else?

8 A That's possible. Somebody -- I don't think it was the President. I don't  
9 think the President was in there when that happened.

10 Q Did you relay the information that you learned from Mr. Baier or  
11 Ms. MacCallum to the President?

12 A I relayed it to the Map Room, whoever was in the Map Room.

13 Q Everybody who was there.

14 A Yes.

15 Q Okay. I understand that Jared Kushner, Ivanka, Jason Miller, Bill Stepien,  
16 others at various points were in the Map Room.

17 A They were.

18 Q Do you remember who was there?

19 A Mark Meadows, Don Jr., Eric. Lara Trump was in there. Yes. I mean, it  
20 was -- I don't think the President and First Lady were in there at that moment when this  
21 was happening, but they were later.

22 And the gist of it is I think we were just trying to figure out what did you base that  
23 call on, because Governor Ducey was also reaching out to people and saying this can't be  
24 right.

25 And I have since talked to him about that night and the election in Arizona. And I

1 just -- he just said -- he said and he had been elected there twice and he knows the way  
2 the system is run, and he said this can't be right. It's too early. His whole point was  
3 that's too early. We have too many outstanding voice that would not have been  
4 counted.

5 And I will say to you what I've said publicly. It is completely irresponsible for  
6 preelection polls in swing States to say things like Joe Biden's winning Arizona by 9.8  
7 points. No, he wasn't. It's Arizona. Of course, he wasn't. Neither was Donald  
8 Trump, though.

9 It's completely irresponsible for ABC News, Washington Post to publish a poll that  
10 says Joe Biden is winning Wisconsin by 17 points. No, he's not. And Donald Trump's  
11 not winning Wisconsin by 17 points. That's why it's Wisconsin.

12 Q Sure.

13 A Donald Trump won it by less than a percentage point in 2016. Joe Biden  
14 won it by less than a percentage point in 2020. That's Wisconsin.

15 And so remember all this is important context because we are already getting  
16 beat over the head with lies, that's the only way to say it, with phony numbers that  
17 should never have been released.

18 And it does -- it does -- it depresses turnout. It makes people feel, maybe if  
19 you're a Biden voter, you're, like, well, he doesn't need my help. I don't need to go help  
20 him today. He's up by 17 points. If you're a Trump voter, you say, well, why even  
21 bother? But it's just not true.

22 Q On this issue of Arizona, though, I mean, you're the -- you've been in polling.  
23 I have not. I don't do Decision Desks. I don't know how they do that necessarily. But  
24 they did get it right, though. Arizona did go to President Biden.

25 A No, I disagree. And I said that to them. I'm sorry for interrupting, sir.

1 Q Sure.

2 A I said that night, if Joe Biden wins Arizona by 200,000 votes, the call still will  
3 have been wrong because of when it was made. In other words --

4 Q So you disagree with the timing of it, not the ultimate conclusion.

5 A Absolutely.

6 Q Okay.

7 A Again, I said patience, patience. But patience also means patience so that  
8 every legal vote is counted. That clearly is not what was happening in Arizona, and we  
9 know that because we just lived through another election like that where it took a whole  
10 week for them declare a winner.

11 [REDACTED] Now at -- well, I'll stop there and see if anybody has any questions.

12 [REDACTED] No.

13 [REDACTED] No.

14 BY [REDACTED]:

15 Q Okay. The day after the election, November 4th, I understand that you had  
16 a conversation with the President. And I can't tell from the reporting whether this is  
17 kind of the same election night or whether it's now another meeting or conversation you  
18 had with President Trump.

19 A It's the phone.

20 Q The phone.

21 A Yes.

22 Q Okay. So just explain when this took place.

23 A November 4th, probably late morning, maybe even early afternoon, it was  
24 on the phone.

25 Q Okay. Tell us about that conversation.

1           A     It was brief. I think that one is he can't believe he lost to Joe Biden. And  
2 it's both, knowing Donald Trump as I do, I believe the President was saying it literally and  
3 figuratively. Like, how in the world do you lose to a guy who didn't come out of his  
4 basement and who all the Democrats didn't even want, since they all ran again him?  
5 Kamala Harris, Pete Buttigieg, Elizabeth Warren, Tulsi Gabbard, Bernie Sanders, Beto  
6 O'Rourke, it's a long list who did not think Joe Biden was up to the job. So they ran  
7 against him.

8           And then it was literal, that there's no way I could have lost to him. You know,  
9 how did we already -- in other words, why are people saying that? How do we already  
10 know? And I did remind him. I said, well, the race hasn't been called, just a number of  
11 States have.

12           And I recall him -- I went to the campaign -- let's see. The 4th is a Wednesday.  
13 It's in my book. It's either Thursday or Friday. But I'm at the campaign. I'm on TV.  
14 And then the President happened to call me on my cell phone.

15           I said, "Let me call you back on the switchboard. I'm actually over at the  
16 campaign." He said, "Oh," because I really was never at the campaign. And I think I've  
17 been there one other time. And after that day, I never went back.

18           So I called him and I said -- I said something about John King.

19           And he said, "Oh, you're watching CNN."

20           And I same, "I am." I said, "I have CNN on." And through the glass I can see  
21 someone else has FOX on out there. So I can see, and I have the sound off on both.

22           And I said something like -- something to the effect of FOX News has Joe Biden at  
23 254 or 259. I can't remember. But CNN didn't call Arizona yet. So it has less. So  
24 I'm just watching. I was teasing him. Like I'm watching CNN.

25           He's, like, "Oh, CNN didn't call Arizona yet?"

1 I said, "No." Nobody called Arizona except FOX News and AP. They hadn't.  
2 So, I mean, there's your answer, too. Why did these other outlets, who  
3 endorsed Joe Biden, who's, frankly, let their reporters live on Twitter, which has no  
4 editor, no fact-checking mechanism, certainly say things all day long about Donald Trump,  
5 which they could not get past an editor's desk, if they're -- I'm sorry. If those same  
6 networks made very clear they did not want Donald Trump to win again and they haven't  
7 called Arizona, I think it answers your question about Arizona. You should have been  
8 waiting to count Arizona.

9 Q I'm not here to speak for FOX News or anybody else, but I do want to go  
10 back to this conversation on November 4th, this phone call that you described.

11 It's been reported that President Trump asked, "How did we lose to Joe Biden?  
12 What happened? What went wrong? Can we still win?" Do you remember --

13 A Yes.

14 Q -- is that actually --

15 A Yes. That's what I'm saying.

16 Q Okay.

17 A When he says, "How did we lose to Joe Biden?" he means how in the world  
18 could anybody lose to Joe Biden. And he also means, "How did we lose? Did we lose?  
19 Can we still win?"

20 And I said, "Well, they didn't call the race yet. He doesn't have 270. You don't  
21 have 270. It depends on what happens in these States." And, by that, I also meant the  
22 States that hadn't been called, but there were a few as I recall.

23 And then -- and I confessed complete ignorance to many different facts that I just  
24 did not know and, frankly, still am not sure about, which are the following.

25 I didn't know whose votes were being counted in which States. Is it early votes?

1 When do you open up the military ballots? What about the provisional votes?  
2 Because I had heard Ohio and Florida, and I believe it was Vermont, they did -- I put in my  
3 book -- they did a good job, those three States, of telling us on election night who won.

4 And not just because -- not just because Donald Trump won Ohio by eight points.

5 "Oh, it wasn't close." No, they told us the counts. They gave us the percentages.  
6 And it wasn't just because Trump won Florida by I don't remember how many the second  
7 time, two, three, one point. But he won Florida.

8 It wasn't just the margin. It was the efficiency of when and how they count the  
9 votes. And this was an ongoing concern from President Trump from the first time he  
10 said it in April or May of 2020.

11 And it all came to a major head on election night and the days after that, which is  
12 why he was saying, "Can we still win?" Well, sure you can win if the votes they're still  
13 counting are for you.

14 Q In one of the reports, from Jonathan Lemire -- do you know who that is?  
15 An author?

16 A Well, he's a -- he's at MSNBC. Yeah, he's a reporter. I think he's now at  
17 Politico.

18 Q Okay. The report is that he -- the President wondered aloud to you how he  
19 could, quote, "lose to fucking Joe Biden," end quote, "in what she took," meaning you,  
20 Ms. Conway, "as a sign that he understood deep down that he had been defeated, even if  
21 he was not ready to say so publicly."

22 A Well, I've never heard that before. That is not the way Ms. Conway took it,  
23 and he did not use an expletive.

24 Q Okay. But he did say earlier, and you confirmed it, "How did we lose to Joe  
25 Biden? What happened? What went wrong? Can we still --"

1           A    He also says, "Can we still win?"

2           Q    Right.

3           A    So whatever you just quoted, deep down -- again, people think they can  
4   diagnose President Trump. They take the DSM, and they do that. They pretend  
5   they're not reporters for a moment and they do that. It's just silly --

6           Q    In the reporting from --

7           A    -- and irrelevant to what you're trying to do here.

8           Q    Separate from what I just mentioned from Mr. Lemire, the other reporting  
9   was that you responded, after he asked, "How did we lose to Joe Biden? What  
10   happened? What went wrong? Can we still win?" you said, "'A convergence of things,'  
11   explaining, 'It's the virus, but also the mail-in ballots. Your campaign had \$1.5 billion  
12   dollars, and you ran out of money. You pulled ads down at the end. I think that's  
13   incredibly unfair. I watched you run around the country. You raised so much money,  
14   only for them to run out of it late in the game.'"

15           Is that accurate as far as your response?

16           A    Yes. That sounds like what I would have said to him.

17           Q    Okay.

18           A    And it's certainly the way I felt. But I said that ahead of time, too.

19           Q    Ahead of time meaning before the election.

20           A    Yes.

21           Q    To the President.

22           A    Yes.

23           Q    During the same meeting, it's also been reported, same author this time, still  
24   Carol Leonnig --

25           A    I think it's a phone call, though. It's not a meeting.

1           Q    I'm sorry. A phone call.

2           A    Again, the characterization by the one reporter, author is not true.

3       But -- and that doesn't mean he didn't get it from who he considers a credible source.

4       But I just want to make clear that on the later hours of November 4th it's a phone call.

5           Q    Okay. My slip of tongue. I apologize for that.

6           A    No, it's okay.

7           Q    Georgia came up specifically apparently in this phone call. Do you  
8       remember that?

9           A    I don't but it could have. Georgia came up the 5th or 6th. Again, I don't  
10      remember if it was the Thursday or the Friday when I was at the campaign on TV. We  
11      can check that very easily. But Georgia did come up that day.

12       If you can read that to me, maybe she just got the days wrong. Go ahead.

13           Q    Sure. "Trump asked, 'How can that be?' meaning losing in Georgia. He  
14      said, 'We should be winning in Georgia by a landslide.' Conway responded, 'You should  
15      be, but you're not.' Trump said, 'This is crazy,' and said, 'I'm calling the Governor. He  
16      ruined it.'"

17       Does that sound familiar to you?

18           A    It could -- that could have been the exchange. I don't know in detail. It's  
19      2 years ago.

20           Q    Yeah, sure.

21           A    I don't know it in detail. But that sounds -- that's exactly what the  
22      President probably did. He probably called Governor Kemp and asked him, "What  
23      happened? What's going on?"

24       I mean, I do know there's a very smart guy who knows Georgia, who had worked  
25      in the Vice President's office. And he had -- he said -- late in the game he -- I happened

1 to be talking about something totally different on the phone and he said, "You know,  
2 Georgia can go" -- how did he put it -- something like 2,500 votes one way or the other.

3 I said, "You've got to be kidding me. Really?" And he said yes, you know.

4 And, look, I've said this publicly, I think she's ruined it since, but I like to say Stacey  
5 Abrams lost the governorship in 2018 and became even more powerful. She went and  
6 registered -- her groups registered over 1 million new voters. I just think they had a very  
7 good system of turning out the vote there. And then we saw that 2 months later on  
8 January 5th, 2021, in the two special elections for United States Senate.

9 But I say this just because it's -- you know, the vote count was getting -- the vote  
10 count was -- the deficit for President Trump was getting more and more as the day went  
11 on. And so we weren't -- you know, whatever ballots were then being counted early,  
12 late, day of, month before, still not clear to me, the deficit was getting worse for him.  
13 He wasn't making up ground.

14 Which happens. I mean, it just happened in these congressional races.  
15 Somebody's up, and then they end up losing. Somebody's up early in the night or  
16 they're neck and neck the whole time and then all of a sudden a county comes in or -- and  
17 the President said all along they're going to find new ballots.

18 The President always felt after election night, as time went on, you're just inviting  
19 people to do the wrong thing --

20 Q Moving to --

21 A -- to find votes, as he has said. He has said many times, more important  
22 than being the -- how did he put it? He said it many times. The most important person  
23 is the vote counter.

24 Q On November 5th, you just mentioned that, that you had an interaction with  
25 the President. Did you have an in-person meeting in the Oval Office as well?

1           A    I did but.  But is that the day that I was on TV?  Is it the 5th or the 6th?

2       It's the 5th?

3       Q    This is the 5th.

4       A    So that's going to be Thursday.

5       Q    Right.

6       A    That sounds right.

7       Q    Okay.  And you wrote in your book about this interaction with the  
8       President or Ivanka Trump and the President in the Oval Office after you had been at  
9       campaign headquarters.

10      A    Yes.

11      Q    Does that sound right?

12      A    That is correct.  I left after Jared Kushner asked me what I thought my best  
13     and highest use was that day, and it was very clear to me they were shocked,  
14     shell-shocked.

15      Q    Shell-shocked, meaning with the results of the election?

16      A    No, just what's next?  What are we going do?  I asked just for a briefing.  
17     I just wanted a legal briefing, and I got one from Justin Clark.  He was very methodical in  
18     going over some of the different States, the ballots that still needed to be counted.  I  
19     just wanted to be informed.

20      Q    Uh-huh.

21      A    But they had their usual secret meeting over in Stepien's office, you know,  
22     the new Boy's Club.  And Meadows came in with a mask, which I thought was unusual,  
23     not part of his uniform many days.

24      And so I just -- and Jared came in and said, "What do you think your best and  
25     highest use is?" and I said, "People usually ask me that before election day, not after."

1           And Hope Hicks and I left. We went to -- she said, "Why doesn't Kellyanne come  
2 with me? We'll try to craft a statement for today for the President."

3           And so I went there. And last time I was ever in the White House --

4           Q     What was the top-line --

5           A     -- before I went to lunch one day.

6           Go ahead.

7           Q     I'm sorry for interrupting.

8           A     It's okay.

9           Q     What was the top-line conclusion from your conversation with Justin Clark in  
10 the analysis of what was next?

11          A     There were still votes to be counted. I think he had a very sober analysis of  
12 the percentage of chance to prevail in this State or that State based on what he knew,  
13 which was what I was wondering, which votes had to be counted. Was it just -- is it the  
14 early ballots, the day-of ballots? Because we knew at that point, as you know,  
15 pre-election, the day-of ballots are going to be better for President Trump and Vice  
16 President Pence. The early votes are going to be better for the anti-Trump vote.

17           That's not an overgeneralization. That's not going to be true in every precinct.

18           But in the main that was true.

19           So, you know, he sort of knew different places. And he answered some of my  
20 questions. And, listen, the race had not been called yet. So there was hope.

21           And speaking of Hope, she and I went to the Oval Office. And I remember the  
22 car ride over. She said, "Kellyanne, when DJT said that in April or May, the campaign  
23 should have just snapped to it." Like he said, we're opening ourselves up for confusion.  
24 Maybe he said fraud, irregularities. It's probably all the same to him in terms of just we  
25 all use words interchangeably without, you know, a thesaurus nearby.

1           So it's -- yeah, she was right. So we went there, yep.

2           Q     What -- going to that conversation, and then I'm going go back to some  
3     other things you mentioned -- but in that car ride over with Hope, when she said that the  
4     campaign should have snapped to it, what did you take that to mean?

5           A     Well, Hope was right. Her whole point was you go where the candidate is  
6     taking you. In other words, if you have a candidate who's running on a tax cut or a tax  
7     increase or moving the embassy to Jerusalem or recalibrating trade deals that are unfair  
8     to American workers and American industry and America herself, you go where that  
9     leads.

10          You say, okay, well, then your next event's going to be in a factory in Ohio or we're  
11     going have you giving a big speech about bringing jobs and wealth that are legally parked  
12     overseas back to this country and how you'll do that as President.

13          Same thing here. But this was process, not substance. The process piece was  
14     Hope's point. And she's right, I agree with her completely, that if your leader, if your  
15     candidate says, "I'm worried about X," it's your job to find a solution to X. And we all  
16     have to feel that way as staffers, I would think. You know, I need to solve for X. Okay.  
17     Let me figure that out.

18          And I do think the RNC did that. Maybe the campaign did a little. But it never  
19     seemed to me to be as important to them over at the campaign as running these  
20     expensive ads, as going on TV and saying ridiculous things, the few times the campaign  
21     manager went on, you know, just completely ridiculous things that weren't true, the Tulsa  
22     rally.

23          And then people in the campaign trying to say Brad's job is safe, Brad's part of the  
24     family, Brad's -- and I said, I said, "I'm worried that the President's job isn't safe. Who  
25     cares about Brad's job or my job? We're staffers. I don't think the President's job is

1 safe." And I said that.

2 So Hope was right, Hope Hicks was right, in that if he was worried then -- and he  
3 wasn't just worried for him. He was worried that people were going to be confused.

4 And I was one of them. I was telling you, I'm reasonably intelligent and  
5 educated, and I was -- I sat there in the car at 6 o'clock in the morning, putting the thing  
6 on, and said, "Did I do that right?" I know I read it three times. I know I did it right.  
7 But did I do it right? I'm thinking to myself literally in the moment in Bergen County,  
8 New Jersey, there have to be millions of people like me right now who are saying, "Did I  
9 just do that right?"

10 Q So can you give me an example of what you would do? You know, the  
11 candidate leads you down this path of criticizing mail-in voting, open up to fraud,  
12 whatever you want to call it, and Hope is saying, "We should have done more to address  
13 this."

14 Can you give me an example? I'm just having a hard time?

15 A No, I've been saying it throughout today's testimony, [REDACTED] that at the  
16 very least make sure people know that a once-in-a-century pandemic is compelling very  
17 unique measures that are going to strike you as unfamiliar and perhaps inconvenient  
18 under the guise of being convenient and very confusing.

19 So here's your mail-in ballot. In some States you didn't ask for it, but we sent it  
20 to you anyway.

21 Why do I have this? I didn't ask for this. What do I do with this?

22 Then, if somebody knocks on your door, did you get your mail-in ballot? It looks  
23 like this. We can take it for you.

24 Is that legal? Should I give it to them? Who are they?

25 That's why many people, many of us reformers for election integrity want to see

1 chain of custody tightened up, that only an election official or an official of the USPS can  
2 touch your ballot. And maybe that won't give comfort to lots of folks anyway, but I  
3 think it's a better measure than you touching my ballot or me touching your ballot.

4 And so I think that some of the stuff you saw in the binder, exhibit 2, page 9,  
5 about election integrity, whether the President's idea was voter ID or signature  
6 verification being faster or counting early ballots early and adding that to the day-of tally  
7 and telling us on election night who won that State.

8 And if you can't tell us, it means it's so close that you shouldn't tell us. That's the  
9 whole point here. If it's that close, you shouldn't tell us who won, we should wait, we  
10 should be patient, because democracy demands that. And let's get it right.

11 It just struck me -- and I wrote in my book -- it just struck me that, wow, people  
12 who are looking for things they can't see for years, like Russia collusion, they spent 3  
13 years doing that, but they can't wait 2 days, 2 hours to see if there are any more ballots,  
14 see if there are any more ballots to count, see if there are -- if you're treating an audit or  
15 a revote or a recount.

16 And it just struck me as people who wanted the rest of us to be patient about  
17 nonsense many times during our administration's tenure had no patience, no patience to  
18 make sure that democracy was protected.

19 I think it's probably the word I've heard the most -- and not just from this  
20 committee -- for 2 years. I think it's the word I've heard the most, other than Trump for  
21 the last 2 years, democracy, democracy. You're darn right. I agree.

22 But that means many things, and it's not one party or one committee's province to  
23 protect democracy, it's everyone's, because it's promised to each of us. And I don't  
24 think we're protecting democracy if we just won't be patient and wait to explain to folks  
25 we counted all the votes or, ahead of an election, 6 months ahead of an election, saying,

1 look, you're in Wisconsin, this is how you're running Wisconsin this time. We don't like  
2 it. We don't agree with it. We lost the legal challenge. Please go and vote starting  
3 September 15th.

4 I'm making that up. I don't remember Wisconsin's role.

5 Q Sure.

6 A I'm saying, like, hypothetically speaking --

7 Q Yeah.

8 A -- be a resource for the people.

9 Q And you're saying the campaign could have been a better -- done a better  
10 job --

11 A Oh --

12 Q -- of being a resource for the people.

13 A Where were they? The campaign's lying about a million people coming to  
14 Tulsa, Oklahoma. Completely ridiculous.

15 Q Okay. You also mentioned you were asked by Jared Kushner what your  
16 best use would be, I guess --

17 A Best and highest, yes.

18 Q Best and highest. I'm sorry.

19 A Not something he asked me often.

20 Q What did you say? What was your best and highest use in those days?

21 A I said, "Typically, Jared, I am asked that long before election day, not after it.  
22 But what is it you would like for me to do?" And I had -- I had tried to peek my head in  
23 there in the sliding glass door to tell the assembled few that the President wanted them  
24 to know something. I can't remember what it was now, but he had called me.

25 And I said, "Oh." I said, "I should tell" -- he must have seen a report on the TV or

1 something. I said, "I should go tell --" I'm sure that they saw that. They're all in  
2 Stepien's office, talking.

3 I said, "No, no, let me talk to him." I tried to go in there, and Jared waved me  
4 off. He's like, what -- I had seen that. I had been -- he had been the wrist flicker in my  
5 face many times in four and a half years. So there was I again and this time as a  
6 volunteer.

7 And then when he came and Hope said, "I think we'll just go to the Oval Office and  
8 we'll help the President and Ivanka with the statement."

9 Q Okay. So you went to the Oval Office. And what was the idea behind the  
10 statement? What was the purpose of it?

11 A I don't recall. It might have been what is he -- you know, they're getting  
12 inquiries. Will he concede? Will he win? Does he think he'll win? What is his  
13 position?

14 He had sent out a tweet that morning that said, make sure every legal vote is  
15 counted, every illegal vote is not counted. And if you do that, I will win.

16 So I think they wanted to just put out -- I think every day it was put out a  
17 statement or maybe have the press secretary go out there and say something. I know  
18 there was a debate. Should President Trump go into the briefing room? Should we  
19 call the press into the Oval? Should we put out a statement?

20 And Ivanka had a very good idea. She just basically was saying, you know,  
21 Mr. President, you could -- the President can also talk about a couple of the good things  
22 that have changed in his Presidency. It's the party of the worker. Here are the  
23 statistics.

24 So I don't remember. I'm going to -- I'm going to say -- this was 2 years ago  
25 plus -- but I'm going to say that statement was to update President Trump's thinking on

1 the election count at that moment.

2 Q Okay. And you wrote in your book that you suggested the line, "Every legal  
3 vote should be counted, and no illegal votes should be counted," and that the President  
4 added the line, "If you do that, I will win."

5 A Yes.

6 Q Is that right?

7 A Correct.

8 Q Did you agree with the line about -- or putting in the sentiment that he  
9 would win if your recommended --

10 A Well, he added it without my counsel.

11 No. But people tweet things all day long that aren't true and are wishful  
12 thinking, and they become famous for doing that.

13 Q So I guess my question then is, is you were still in the wait-and-see mode, it  
14 sounds like that, based on that and your appearance on FOX News.

15 A Well, by the way, I think if you want President Trump and Vice President  
16 Pence to have another term, you should been in the wait-and-see mode, because we  
17 were behind in some of these key States.

18 Q Okay. You also wrote that during that meeting, or while you were in the  
19 Oval, Mr. Kushner walked in and said, "Oh, you guys take care of the messaging. I have  
20 to deal with the mayor," referring to Rudy Giuliani. "They're cooking something up."

21 A Yeah.

22 Q Do you remember that happening?

23 A Yeah, but that's just the way he speaks, cooking something up. I thought  
24 he was referring -- I said what did -- oh, what did she call about or what did she ask for?  
25 I thought he meant Mayor Muriel Bowser, because we were sitting in D.C. I didn't know

1 he meant Rudy Giuliani who he usually called Rudy.

2 So, yeah. But I -- look, then I was told they thought they had some legitimate  
3 challenges in some of these States. And my belief then is my belief now. If you think  
4 that's true, go for it. I think we all -- President Trump, Hillary Clinton before that trying  
5 to get the electors to change, Al Gore in 2000, this is their right to challenge or to at  
6 least -- I don't know if it was a challenge at that point so much as, hey, we're going ask for  
7 a recount here or we're going to oversee the audit there or we don't like people kicking  
8 us out of the polling place to watch the counts in Philly.

9 Whatever it is they were going to say, he had every right to exhaust his legal  
10 avenues, every right. And my point to him was that ends on December 14th. That's  
11 when they'll certify the electors.

12 And I told him, you know, there was a Supreme Court case in 2000, but I think that  
13 was December 12th or so in 2000. And, you know, after that time, Al Gore then had to  
14 concede.

15 But you had -- he had every right to do that. They had 6 weeks to do that.  
16 They had a long time to do that, 5 or 6 weeks.

17 So I kept reading that they were -- you're not going to believe what we hear here.  
18 You're not going believe what we hear there. I mean, there were people who really  
19 didn't have access to him for a very long time who looked at this as their reentry to him.  
20 And so, of course, they saw a million things, and they were reporting that to him.

21 Q Who were those people?

22 A I don't remember.

23 Q Was it Rudy Giuliani?

24 A No, no, he always had access to the President. He's the President's  
25 attorney. That's different. That's an attorney-client relationship. That's different.

1           Q     Sidney Powell?

2           A     She was there on election night. So I figure she had access to him, but she  
3     came up with some of that.

4                 I don't know that he had talked to Steve Bannon much at all, if at all, between the  
5     day Bannon got fired in August of 2017 till right after the election.

6           Q     And he might have been one of those people?

7           A     May have been.

8           Q     Okay. Do you know if he was?

9           A     I think he was saying hang on. They were hearing this stuff.

10                 But, honestly, a lot of folks were reporting that. I saw reporters reporting that,  
11     who aren't supposed to be tipping the scales one way or the other, saying we just don't  
12     know, because now they found votes over here and Trump made up some of the margin  
13     and now Joe Biden's only leading by, I don't know, 6,000 votes or a half a percent  
14     wherever that was.

15                 So, like I said, it was chaotic and confusing. And I just have very little faith that it  
16     won't be repeated again and again because we just saw it again and again in a few places.  
17     We saw Ohio and Florida tell us again in 2022 who won. They did -- they -- you want to  
18     bank your early vote. They're going to count your vote early. They're going to add it  
19     to day-of and tell you who won.

20                 Then we go over here, and we have Arizona and Nevada making us wait for days  
21     and days and days. And it turns out not just because it's close but because of the  
22     process, in the case of Arizona, to cure these signatures.

23                 And then you have Georgia. They came under a ton of criticism, but they have  
24     voter ID, which means nobody is trying to verify their signature or cure their signature.  
25     They're taking a big chance, emailing me and it going into spam and telling me to come

1       cure my signature.

2           Q     One of the things you just mentioned, too, is, you know, once December  
3       14th hit and the electoral college meets, that's the end of it.

4           Did you convey that to President Trump?

5           A     Yes, I did.

6           Q     And what was his --

7           A     Because you're running out of time. If they have this evidence, you need to  
8       produce it to stop the clock, to -- yeah, I said that. I said you're running out of time.

9           Q     Did he know that December 14th was the end of the game in your  
10      conversations with him?

11          A     He must have heard that from many other people. That was always the  
12      date. But someone somewhere came up with January 6th. I don't know who.

13          Q     Okay. That was after your conversations with him about December 14th?

14          A     It might have been before that. I'm not really sure.

15          Q     Okay. And you mentioned that the President has every legal right to  
16      challenge the election. I assume you mean file lawsuits including --

17          A     Yes.

18          Q     -- recounts or whatever?

19          A     Yes, whatever the law provides.

20          So, for example, in Wisconsin it was an automatic, I believe, recount. In Georgia,  
21      I think it was an automatic audit. Other States give you avenues, time -- timelines by  
22      which to challenge these signatures or challenge those votes or ask to recount them.

23          So if that was -- if that's what was happening -- I also told him something, because  
24      he mentioned Bush versus Gore.

25          I said, President Trump, I lived through Bush versus Gore. I was, like, a baby

1 pollster or whatever. I was doing -- I said that was one State and really three counties.  
2 That was so different. And this is -- you know, the irony for you is you're playing  
3 whack-a-mole almost. There are so many different States that hadn't been called or had  
4 been called or were about to be called where the margins were so thin, they were razor  
5 thin.

6 And so if it were just -- or if it were just Wisconsin and Pennsylvania and he can  
7 just get those electoral votes -- I'm not -- I don't remember if it would even be enough.  
8 Let's say that that was enough. Let's just say that there were three States where the  
9 margins were so small between Biden and Trump that changing that could have given  
10 Donald Trump the election, the Presidency, then, yeah, go ahead.

11 But it was you're not going to believe what we're hearing in Nevada. Georgia's  
12 crazy stuff. Pennsylvania, Wisconsin, Michigan, Arizona, there were just so many. And  
13 they were all close, and maybe that's the nature of our elections now.

14 Q That conversation that you had about Bush v. Gore and this idea of  
15 whack-a-mole, did that come up in November, I want to say around November 13th --

16 A It was November. It was after Biden was declared the winner, but it was  
17 clearly long before December 14th. In other words, I couldn't tell you if it was the 13th  
18 or the 30th, to be frank with you. But it was -- it wasn't December 13th. It wasn't you  
19 have until tomorrow, you have until midnight to do this.

20 And I said, "Well, if you're hearing all that, then your lawyers need to take action."

21 I do recall -- I don't know if this made it into my book -- but I do recall that I was on  
22 a phone call that Stepien ran and Justin Clark was on there and maybe Jason Miller. I  
23 asked for Marc Short to be on there before the election, the chief of staff to the Vice  
24 President, an old friend. I asked him to be on the call just so the Vice President's office  
25 knew what was going on.

1           And the call pre-election was about election day and post-election plans in case it  
2 was needed. And I know that that -- I had read in the paper somewhere the Democrats  
3 had already worked on that. They had, you know, lots of folks ready to go in different  
4 States to challenge, to file lawsuits, to recount, et cetera.

5           So I was very pleased to hear that there was a plan. And I said that. I said, "I  
6 got to tell you. I'm in listen-only mode. I'm very pleased to hear there's a plan."

7           And my comment was, "I want you to go find the best election lawyers in however  
8 many States you feel you need to, and I don't want them to be household names. They  
9 shouldn't be nationally known figures. They should be, like, the best people in those  
10 States that we've never heard of. That if they need to be a household name and go on  
11 all five Sunday shows in a State where Joe Biden and Donald Trump are separated by 678  
12 votes one way or the other, so be it. But let's just have them in the bank."

13           And I was pleased to hear that there seemed like there was a plan. So --

14           Q     And, of course -- well, let me ask you. What was the plan that they  
15 described on that call?

16           A     Just that they would have people ready, people who knew the laws of those  
17 States. And I don't know the laws of every State. I knew they better in 2016 when I  
18 was the campaign manager, because I wanted that kind of briefing. And I felt -- I just  
19 wanted to know it. It just seemed that, again, Pennsylvania ended up being, I publicly  
20 said, my reach State as campaign manager because they, Pennsylvania and New  
21 Hampshire, as opposed to, say, Nevada and Colorado, they have a rich tradition of day-of  
22 voting.

23           New Hampshire, we still went there and campaigned there, but it was getting a  
24 little bit more fraught because there was an incumbent Republican female Senator there  
25 who couldn't make up her mind how she felt about Trump, was going back and forth.

1 And so it helped us go to Pennsylvania.

2 And then we saw Hillary was not going to Wisconsin and Michigan. We were  
3 paying attention to her public schedule, unless, I don't know, she was bragging about  
4 being in Georgia and Arizona and turning Texas blue. So we started going where she  
5 wasn't going.

6 I'm making the point to you because then I knew what the rules were. But the  
7 rules really had changed in 4 short years in part because Trump won in 2016 and in part  
8 because of COVID.

9 Q Let me ask you. Going back to the whack-a-mole on the Bush v. Gore  
10 conversation, what was the President's response when you said that this is too  
11 widespread, you need to focus?

12 A Well, I didn't say to the President it's too widespread, you need to focus.

13 Q That's my summary.

14 A I said the cruel irony is -- the cruel irony is you have opportunity in so many  
15 places, that the margins are so razor, if not narrow, in so many places that you're playing  
16 whack-a-mole rather than having a Bush versus Gore situation where the question really  
17 came down to one State and, truly, two or three counties, as you'll recall.

18 Q And what did he say to that?

19 A "You know, I know. But we're hearing this crazy stuff. They said they're  
20 going to be able to do it."

21 And you know what? I believe that. I believe that the President was told we  
22 can do this. You're going to win. We're going to do X, Y, Z, A, B, C, and you're going to  
23 win. Sit right where you are. If we could just focus on this.

24 And as I put in my book, allowing charlatan after showman after supplicant to  
25 come into the Oval Office in front of the Resolute Desk is wrong.

1           Q     I was going to ask you about that as well. But who were those people that  
2     you described?

3           A     I only know what I read. I don't think I even know the half of it. But let  
4     me just say anybody who was promising things they could not deliver --

5           Q     Did you have anybody in mind?

6           A     -- and promising evidence that they -- that just wasn't true.

7           Well, first of all, none of that happens unless the chief of staff -- I worked for all  
8     four of them -- unless the chief of staff allows it to happen. And so --

9           Q     That would be Mark Meadows?

10          A     Yeah, really, he just should have had better command and control over that  
11     and not allow people. And as we know, he was on the phone call with Raffensperger on  
12     that, whatever day that was. And he should have had better control over that so  
13     that -- first of all, if he wants to take those meetings or he wants to have DHS in those, he  
14     wants to take those meetings or tell Ronna McDaniel to take those meetings or Stepien,  
15     that's fine, and then you report the fruits of those meetings to the President.

16          I mean, that's what we did on policy. You don't go and bother him with  
17     every -- every "i" to be dotted, every "t" to be crossed. You don't tell him this may be  
18     the case or we're hearing this. You tell the President of the United States the facts.  
19     You give him the information, the intelligence, the data. You don't give him wishful  
20     thinking and smoke blowing.

21          Q     But when you write in your book that those people are getting into the Oval  
22     Office, supplicants and the other words that you used, who were you thinking about?

23          A     I don't remember some of their names now. I saw them in there. It  
24     seems to me that there were people --

25          Q     Michael Flynn, was he one of them?

1           A   Did he make it into it the Oval Office?

2           Q   Yes.

3           A   I mean, I see what he does now. He gets paid for saying it.

4           Q   Was he somebody you were thinking of?

5           A   I don't have anybody particularly in mind except I'm going to be -- I'm going  
6   to be broad about it.

7           Q   Yeah.

8           A   And you can -- you can do with it what you want. Meaning anybody who  
9   was promising goods they could not deliver and knew that was promoting wishful  
10   thinking and gumdrops and lollipops to the President of the United States, rather than  
11   hard data, because he may have actually been able to do something.

12           I'll never know. I'll never know if there -- if in the two or three States that were  
13   so razor thin, if you stop playing whack-a-mole and you stop saying we're getting a call,  
14   they're saying this, we're getting a call, they're saying that. You're not teenage girls, you  
15   know, giggling about the quarterback. This is serious stuff.

16           Q   So thinking back on it now then, even if you don't recall specifically who  
17   you're thinking of when you wrote the book, would you put John Eastman in that  
18   category, somebody who had access to the President?

19           A   I didn't know he was involved at the time.

20           Q   You do now, though, right? So --

21           A   Is he somebody who promised things he couldn't deliver? Yes.

22           Q   Okay. How about Rudy Giuliani?

23           A   I don't know what Rudy was saying in there.

24           Q   Okay. He was pretty --

25           A   Rudy was such an asset in 2016 on the campaign. He was a friend to the

1 President. He had run for President. He was America's mayor. I think he was  
2 unfairly passed over for positions in the Trump Cabinet. But I don't know what he was  
3 doing.

4 Q What about Boris Epshteyn?

5 A I think it's Epshteyn.

6 Q I'm sorry.

7 A I'm pretty sure. That's okay.

8 So as somebody who's had to spell her first name her whole life, including today, I  
9 just want to get that right.

10 Well, Boris is somebody I knew well in the 2016 campaign. He was let go 2  
11 months in. I thought he was treated very unfairly by certain people at the White House.  
12 I don't know that he talked to the President that much over the years. He did and he  
13 didn't, you know, here and there. But he very much believed in this. He sort of went  
14 along with Rudy.

15 Yeah, listen, if they have evidence and they want to produce it in a court of  
16 law -- and I think they did. I think that these things were litigated, as I recall, reading the  
17 news. And they came up short here and there. Now, that may be unfair and that may  
18 be unjust. Those are the results.

19 Q So that was going to be the next thing I asked you about because you  
20 mentioned the plan and having election law lawyers, maybe not household names, but  
21 present in the States they needed to be present. And, of course, there were a lot of  
22 lawsuits filed, over 60 of them, and the President lost except for really one with a kind of  
23 a minor detail.

24 But did you ever talk to the President about the fact that his lawyers were bringing  
25 lawsuits and that he was losing them and that he needed to accept the results of the

1       courts?

2           A     Well, that would have been in and around the whole conversation of  
3     December 14th --

4           Q     Right.

5           A     -- which is the same. My answer is the same.

6           Q     Yep.

7           A     Which is --

8           Q     Do you remember that coming up in that conversation?

9           A     -- go, go, go.

10          Yeah, I don't know about the specific lawsuits, but I certainly saw in the press that  
11     they were filing lawsuits. So that comports with my belief and my stated belief to the  
12     President that you have a right to exhaust the legal channels.

13          And then I believe he was just getting advice that you can exhaust the  
14     parliamentary channels in the Senate or you can exhaust the constitutional channels or  
15     you can -- and, again, it may be irony, but here we are.

16          The President was aware that there were many sitting Members of Congress who  
17     had refused to accept and certify his election results in 2017. He was aware of that.

18          He was aware, as some of us like to say, there are some Democrats who have not  
19     certified the election result of a Republican President in this century. They didn't do it in  
20     '01, '05, and '17.

21          Q     Were you present for any conversations about parliamentary or  
22     constitutional challenges --

23          A     No.

24          Q     -- to the election?

25          A     No.

1           Q     Okay. Do you know if, in fact, it happened? Did you talk about them with  
2 other people?

3           A     I knew they happened because of a conversation I had with Marc Short.

4           Q     Tell me about that.

5           A     I started getting inquiries from the press in late December, the week  
6 between Christmas and New Year's. I know that because I was in Dallas.

7                  More mama, less drama. I had my son and two friends at the -- his two friends  
8 at the Eagles at Dallas Cowgirls -- I mean Cowboys -- game for Philadelphia Eagles fans.  
9 And it was the -- one of the final games of the season. I wanted to take him to do  
10 something fun. And then I noticed the Cotton Bowl and Rose Bowl were going to be in  
11 the same AT&T Stadium. So we basically stayed the better part of a week and went to  
12 all three of those games.

13                 I was getting inquiries from reporters that I couldn't answer and I didn't want to  
14 answer, but they started to take a little bit of a weird turn. So I thought I would at least  
15 ask Marc Short, because they dealt with the Vice President. So I called Marc.

16                 And I said, "Is there any way I can be helpful?" -- maybe I texted -- "Is there any  
17 way I can be helpful? I don't know the answer."

18                 And he said, "You can tell the reporters that the VP can't do what the White House  
19 is asking him to do." He never said President Trump. He said what the White House is  
20 asking him to do.

21                 So then I think I picked up the phone and asked Marc. "What are they asking  
22 him to do?"

23                 He said, "We've already talked to Greg Jacob and we talked to Michael Luttig and  
24 we talked to" -- I think the Senate Parliamentarian, as I recall -- "and we just, you know,  
25 we can't do."

1           I said, well, the one -- I'm off TV now. I took myself off TV. But the one  
2 messaging point that's missing here is if Vice President Pence could do all of that, he  
3 wouldn't just be saving Donald Trump's job, he'd be saving his own, which is a pretty cool  
4 job. He's Vice President.

5           And so, anyway, that was the gist of that conversation. I doubt I ever responded  
6 to any of the reporters. If I did, I said verbatim what Marc Short said. But I don't -- I'm  
7 not even sure I responded to any of them.

8           Q     What were the inquiries you were getting?

9           A     Well, just that -- well, first of all, the press was reading Mike Pence wrong.  
10          If you go back and look at some of those stories and the inquiries that were coming my  
11 way was Mike Pence is going to ruin himself and his honor -- as if they ever gave him any,  
12 the same people in the press -- he's going to ruin himself and his honor by going along  
13 with Donald Trump, President Trump's scheme to not certify the election results and  
14 not -- or maybe not show up. You know, just don't show up. Just don't do it. That's  
15 what -- those were the rumors in the press.

16          They misread Mike Pence, and I wrote about that in my book. I said I met him in  
17 2001, and I was his pollster for many years when he was in Congress and Governor. And  
18 he gave up a boatload of money in 2016 when he joined the Trump ticket because he was  
19 in a reelection fight that year.

20          So I -- the guy I knew was not going to do that, what was being described. And I  
21 think it was being described by some of these charlatan and showmen who were telling  
22 the press here's what Vice President Pence can do. And perhaps they were telling the  
23 President that Vice President Pence can do that, too.

24          Q     Okay.

25          A     And Vice President Pence himself had exhausted the conversations with the

1       officials.

2                 Now, he also said something on I want to say January 4th in Georgia, basically  
3       saying wait till you see what we do in a couple of days. So I think that made some folks,  
4       including me, say, "Oh, okay. What is he going do?"

5                 But I was in Georgia trying to help the two Senate candidates. I took  
6       David -- Senator David Perdue's seat on Senator Kelly Loeffler's plane. He -- Senator  
7       David Perdue and Mrs. Perdue, Bonnie, were quarantining because they had been  
8       exposed to somebody who had COVID. They called me while I was still in Dallas with my  
9       son.

10               And he said, "Would you mind taking my place?"

11               And I said, "No, I'll go."

12               And I tried to help him on January 4th.

13               But anyway, neither here nor there. The point being that Vice President Pence  
14       said something that day in Georgia. He was in a different part of Georgia. And he said  
15       something that made people say, "Oh, well, what are they going to do in 2 days?"

16               So I don't know if it was still an open question, had been a closed issue, but --

17       Q       So you said and you just wrote that, when you talked to Marc Short, he told  
18       you, "Just tell them the truth. The VP has no authority to do what the White House is  
19       asking him to do." That's from your book.

20       A       Yes.

21       Q       And you said that Marc Short didn't say who at the White House, just said  
22       the White House. Is that right?

23       A       Yes. And he usually would say the President.

24       Q       Did you later find out that it was the President who was asking the Vice  
25       President to do this?

1           A    Well, I think at some point, of course, it was the President, but --

2           Q    Did you learn --

3           A    -- I don't know if it began or ended with him. I mean, these things often  
4       don't.

5           Q    Did you learn before January 6th that the President was asking the Vice  
6       President?

7           A    No, I did not know that.

8           Q    Did you ever talk to the President before January 6th about what was he was  
9       asking --

10          A    Definitely not. He called me on January 4th. I was sitting at the airport in  
11       Savannah, Georgia, to board a -- I missed the first commercial flight back because we  
12       were delayed on a campaign stop with Loeffler and Sonny Perdue. And so I was waiting  
13       for a couple of hours for the next flight to New York from Savannah.

14          And the President happened to call me. And they let me -- I said I can't -- you  
15       know, if you need a secure line, I don't have that here. So they -- "they" being the  
16       airport staff -- took me to a room.

17          And then he called me back through the switchboard, and he basically was asking  
18       me about pardons. And he was asking me about someone who said they knew me, or  
19       maybe he thought I had suggested the pardon.

20          And I said I don't know that person but I know people who know that person and  
21       here's the back story. Here's what's in the -- so he said, well, he said these people  
22       commit, you know, physical -- they get physical with other people.

23          I don't remember the whole conversation. It's about somebody and pardoning.  
24       But I didn't really know enough to ask him question intelligently.

25          And he said, "Oh." He said, "Aren't you coming with us tonight to Georgia?"

1           And I said, "No, Mr. President. I'm actually in Savannah on my way back. I've  
2    been here for a day and a half."

3           And he said, "No." He said, "I think you're coming with us."

4           And I said, "I just read that on Twitter that I'm flying with you on Air Force One."  
5    Of course, that's Twitter. It's not real life.

6           And he said -- he said, "No."

7           I said, "No." I said, "I told Senator Loeffler to give my seat on the Osprey to her  
8    husband. I think it's more appropriate for him to be there. I'm going home to my  
9    kids."

10          He said, "Okay." And then that was that.

11          Oh, no, I said -- I said to him, "If I may, this is what I learned today just, you know,  
12   running around the State all day and yesterday. People really need to hear from you to  
13   vote for Kelly and David. They need you to say, 'These are the Senators who helped  
14   with my agenda. They were great on judges. They're great on taxes. They're great  
15   on [inaudible]. They're great on trade. They were great on making sure Georgia got  
16   the supplies they needed during COVID.' So they need to hear from you."

17          And I remember the President said to me, "Sure, but remember that" -- and he  
18   said, "Remember, honey" -- and, yes, he does call me "honey." I've been called far  
19   worse. He said, "Remember, honey, when they win, I get none of the credit, when they  
20   lose, I get all of the blame, which is also fair."

21          Q     Did he raise anything about the joint session during this?

22          A     Nothing.

23          Q     Okay.

24          A     No.

25          Q     Did he raise anything about the Vice President?

1           A     Nothing.

2           Q     You've mentioned -- and I just want to clarify, because we have a document.  
3     It's a trip book for the President's trip to Georgia. Your name is listed as somebody who  
4     rode on Air Force One or who could ride on Air Force One?

5           A     Right.

6           Q     You did not travel with the President?

7           A     I did not.

8           Q     Okay.

9           A     I was already in Georgia. I had flown on Delta from LaGuardia on January  
10     3rd, and then I flew back -- I don't know what airline -- from Savannah. I'm sorry. I  
11     flew from -- I flew from LaGuardia to Atlanta and then I flew back Savannah to New York  
12     the next day, late the next day.

13          Q     Okay. I just want to tie this back in, the discussion about the Vice  
14     President, to this issue of December 14th.

15          And forgive me. I can't recall whether you said. But what did the President say  
16     when you had told him that December 14th is it, when the electoral college meets?

17          A     He didn't deny that. He -- but there was lots of time when we were talking  
18     and December 14th, weeks, if not a month. So -- but the reason I said they have to start  
19     producing evidence is because I kept hearing the same conversation, not just from him,  
20     because we didn't talk -- I wasn't there anymore. He called me or he didn't.

21          But I kept hearing it on TV. And I kept reading it in the paper, among those who  
22     said, well, hold on. You know, now they're not letting election observers in. Now  
23     they're opening sacks of ballots that were postmarked after election day, and the excuse  
24     they're making is, well, people were confused. It's COVID, COVID, COVID.

25          Q     So he went on about fraud or purported fraud in the election?

1           A     Him?

2           Q     Correct.

3           A     No. I'm telling what you I was reading in the paper and seeing on TV.

4           Q     Okay.

5           A     I was seeing that. So he was seeing that.

6           Q     I see.

7           A     And he was being told that.

8           Q     I see what you're saying.

9           A     Yeah.

10          Q     In this conversation around the time -- and it's not entirely clear from your  
11         book when it is -- but in this conversation about the Vice President or learning about what  
12         the Vice President may be asked to do from Marc Short, you described a conversation  
13         with the President who said something like, "We've got a shot, Kel. One State here,  
14         another there. Then they keep going."

15          Is that related to the joint session or something else?

16          A     No, that's related to the audits, the recounts, the lawsuits. And that's his  
17         answer also to whack-a-mole, which is let's play the odds.

18          So I look at it as whack-a-mole, it's not Bush, but that was in response to his  
19         raising Bush versus Gore. I'm saying totally different. And I explained to you  
20         previously why that is so.

21          But he -- he took that -- you know, he converted that into a little bit of an  
22         advantage for him, which is let's play the odds. So if there are -- I don't  
23         remember -- seven or eight States where the margins are such where we feel like we've  
24         got a shot, then I'm going to do all seven or eight. I've got people fanned out in all seven  
25         or eight.

1           And they were sending people. They were sending people to Pennsylvania,  
2 Arizona, to Wisconsin, to Michigan, to Nevada, to Georgia. I mean, people went  
3 everywhere.

4           Q     Some of these States ultimately certified victories that were tens of  
5 thousands, if not more than 100,000-vote victories for Joe Biden --

6           A     Ultimately.

7           Q     Right. Did you ever talk to him just about those raw numbers? We're not  
8 going to -- we're not going to overcome 40,000 votes, for example. We're not going to  
9 overcome 100,000 votes in these States.

10          A     Well, the raw numbers are one thing. It depends on the State, because  
11 40,000 in Wisconsin is different than 40,000 in Georgia.

12          Q     And we can pull up the exact numbers.

13          A     Yeah.

14          Q     That's fine. But I'm just asking more generally, did you have a conversation  
15 that we're not going to be able to overcome these types of numbers? Recounts are  
16 like --

17          A     As time went on. No, sure, as time went on. I think that's where I got the  
18 Pender County idea, which is just, hey, you know what's really different, because we  
19 never hear it as a country? Revote. He said recount. I said, no, revote.

20          I don't know -- I said to him I don't know what the laws are and where it would be  
21 triggered. But if there's any place where people would actually have to revote, that  
22 would get everybody's attention.

23          I literally said I don't know if you can even do this. But you're talking about theft  
24 and fraud. Other people are talking about irregularity and shenanigans. Lot of folks  
25 out there, I have no idea how they voted, not my business, but a lot of folks out there are

1 very upset that maybe their vote didn't count.

2 Q And what would he say when you brought up the issue, though, that we're  
3 not going to overcome X thousand votes in any given State? How did he respond to  
4 that?

5 A "We're fighting. They tell me. They tell me we can. They tell me there's  
6 still enough votes out there. They tell me we can."

7 And, look, I don't know what the President's being told, but I've been in plenty of  
8 those instances where some people tell him what he needs to know and other people tell  
9 him what he wants to hear -- what they think he wants to hear -- excuse me -- what they  
10 think he wants to hear.

11 Q And did you push back on that, saying, "Oh, that's not possible, it's just not"?

12 A Yes. I would say, "Well, are these" -- I literally said at one point, "Are these  
13 day-of votes?" because that could be true.

14 In other words, if they're early votes -- and it was hard for me, literally,  
15 [REDACTED], hard for me to imagine that we were counting something called early votes  
16 in the second week of November. Why? Why would that be done anywhere?

17 Maybe -- I mean, maybe somebody can tell me. Somebody will read this  
18 testimony and make fun of it and, you know, make fun of how I look and what I said.  
19 But, seriously speaking, the country needs to know. Why are we counting early votes so  
20 late?

21 Q So I understand --

22 A That's a question I hear. I'm a professional focus group monitor and  
23 pollster. That's on people's minds. I don't even know how they voted. That's on  
24 their minds.

25 Q I understand. And you're raising process issues here. My question is

1 more the process has now run itself out. Here are the results.

2 A No, but what is the date? That's not true. You're characterizing  
3 something. I need dates.

4 Q Well, that's what I'm asking you.

5 A It ran itself out where?

6 Q Did you have the conversation with the President after the process was done  
7 whether --

8 A To me, the process was going to be done on December 14th.

9 Q Okay. And did you tell him that we're not going so overcome these  
10 margins, these votes in any of these States around December 14th when the electoral  
11 college met to certify --

12 A I told him that, unless they produce evidence, the deficits were getting larger  
13 in some places. Maybe that's a different way of saying what you just said. But I also  
14 believed that he had a right to contest and file lawsuits under the law, if the law allowed  
15 that.

16 Q Right.

17 A And, honestly, people were still trying, I know people were still trying to  
18 figure out what kind of lawsuit to file where.

19 Q So you're saying, telling the President -- and I think you wrote about this in  
20 your book, too -- like you need to have these people produce evidence.

21 A Of course.

22 Q Was it your view that there wasn't sufficient evidence to change the results  
23 of the elections that were being certified by States and then --

24 A There may have been, but not that I saw, in other words, not that was  
25 presented to someone not on the inside.

1           Q     And did you tell the President you weren't seeing this, you weren't seeing  
2     the fraud, and people need to bring it?

3           A     Yeah, and I told the President he didn't have to prove fraud. He had to  
4     prove that he got more votes than Joe Biden.

5           Q     What would he say? What would his response be when you said --

6           A     "We're doing it."

7           Q     -- we're not seeing this?

8           A     "We're doing it, Kel. They're telling me that we're doing it."

9           And I -- you know what? I guarantee you they were telling him they were doing  
10    it.

11          Q     Do you know who the "they" was?

12          A     Well, it has to be I would think at this point Powell and Giuliani and Eastman  
13    and, I mean, whoever I read about in the paper.

14          Q     And did you ever tell him that they're not doing it, they're not bringing it,  
15    they're getting rejected in courts where they filed suits?

16          A     Well, I also told him this is happening in States that are being run by  
17    Republicans, too. I mean, it's my view that Governor Doug Ducey in Arizona and  
18    Governor Brian Kemp in Georgia would have liked Donald Trump to win again and  
19    probably voted for him, I'm pretty certain did vote for him to win again.

20          Q     Yeah, I guess my question is more that you don't seem like the person who's  
21    going to hold your tongue when it's something that's --

22          A     No.

23          Q     -- important for --

24          A     No, but you're --

25          Q     -- the person --

1           A     But you're asking me if I said certain words, and this is what happens. I  
2     went out to use the ladies room, and they're asking me about people Donald Trump had  
3     dinner with. Do I have a comment on it?

4           Now the news reporter's going to be, like, Kellyanne Conway did not have a  
5     comment.

6           I didn't have a comment about many things today.

7           So I just need, you, if you don't mind, sir, respectfully, to more tightly characterize  
8     the timeframe. Instead of saying, did you tell him X, well, I may have conveyed exactly  
9     the same sentiment without using X words.

10          I'm the one who told him -- I wrote it in my book -- and many people didn't like  
11     reading it because they know it's true -- I wrote in my book I am the closest person to  
12     Donald -- I may be the closest person to Donald Trump who told him the earliest he was  
13     coming up short before December 14th.

14          Q     Okay.

15          A     That's just a fact. It'll never change.

16          I don't really care what the twentysomethings around him print out from faraway  
17     websites and put in front of him to say I can't believe Kellyanne said that. I don't really  
18     care.

19          What I care about is it is not -- it's not the result I wanted. I wanted him to be  
20     President for another 4 years, and I think that's been vindicated six ways to Sunday with  
21     the disaster that we have now. So it is not what I wanted.

22          And if I felt there was something I could do to help as a fully recovered attorney, is  
23     there something -- I didn't even understand how to -- I wasn't on TV, I took myself off  
24     TV -- but I didn't even understand how to properly communicate it. What is it that we're  
25     trying to do here? Oh, Georgia, you know, this one says that and they're bringing

1       in -- you're not going to believe what they saw.

2           And they'll call him from the road. If you got sent to Arizona or Nevada, you  
3       want to tell Donald Trump this is the State where they're going to turn the votes around  
4       and you will keep -- you'll be there for another four.

5           Q     You raised a good point. I mean, I would like to focus in on dates and time  
6       periods, as well, to help us understand when things occurred. And you wrote in your  
7       book, as you mentioned, that you told the President fraud and theft are crimes that  
8       require a high standard of proof and evidence. People know that elections are subject  
9       to irregularity, improprieties, honest mistakes, and, yes, deliberate malfeasance. But  
10      proving conspiracy and fraud is tough.

11           So do you remember when that conversation took place?

12           A     That had to be after Joe Biden was certified, November 7th, and before  
13      December 14th. And I'm going to say closer in time to the former date, to the  
14      November 7th, because I remember -- it might have even been the next week, because I  
15      remember I kept hearing fraud and theft, shenanigans.

16           There were credible people in the press saying we have credible -- we're pursuing  
17      credible allegations or we -- we -- this -- this paper or this reporter are looking into this.  
18      Oh, and the Trump campaign or the RNC are going to file a lawsuit, too.

19           So that got my attention. If that's true, let's see. Is it the military ballots which  
20      I thought could favor President Trump? Is it the provisional ballots?

21           Is it -- you know, when my mother, back to my mom and my aunt, when they  
22      found out years ago, pre-Trump, that they were told that their ballots, their absentee  
23      ballots don't even get opened unless the race is close and my mother was just  
24      harrumphing. She's, like, "What? I'm going to start wheeling myself, my walker, to  
25      that polling place."

1           So I didn't know which votes still needed to be counted. And the fact is this. If  
2       Democrats, if Joe Biden had a big advantage, fact-check true, a big advantage in many of  
3       these swing States with the early votes and President Trump had an advantage on day-of  
4       votes, if you're still counting day-of votes, maybe he could have prevailed in a State or  
5       two.

6           So that, in November, certainly still the case. But my point was now that Biden's  
7       been called the winner, between now calling him the winner and certifying December  
8       14th you have this window but you got to prove it. Like the burden's on you now.

1

2 [1:25 p.m.]

3 BY [REDACTED]:

4 Q And they would prove it in recounts, court cases and the like. Is that fair?

5 A Whatever the legal channels were.

6 Q This conversation you said took place closer to November 7th than  
7 December 4th?

8 A Yeah. It would be in the White House phone log, I'm sure. He called me.  
9 And then he asked me to call Mark Meadows and tell him about Pender County since  
10 Mark was a Congressman from North Carolina.

11 Q It's been reported that this conversation maybe took place around the 13th  
12 of November.

13 A That sounds right. That's my point. Yeah, it was closer to the 7th than  
14 December 14th. Yeah, that could be.

15 Q Okay.

16 A That makes sense.

17 Q Okay. And you wrote in your book that eventually that essentially these  
18 rulings never came. "In the weeks that followed, I participated in zero interviews,  
19 tweets, or retweets about 'stopping the steal.' I hoped and prayed the evidence would  
20 surface, judges would reconsider, votes would be recounted."

21 So tell us about your decision not to participate in the Stop the Steal text  
22 messaging.

23 A I don't remember making a decision. It just seemed to me the right thing  
24 to do or not to do in this case.

25 Q Why?

1           A     I didn't see the evidence. I didn't -- what were we -- if the election was  
2     stolen -- and I do think the election was unfair in some places, but I'm glad to see 17  
3     States or so banning the kind of Zuck Bucks we saw, half a billion dollars. It's  
4     outrageous.

5                 So -- and I'd say that if it had benefited the Republicans, we just can't have that.  
6     I'm a big protector of democracy, too. And if we're going to do that, I think we have to  
7     be fair and transparent.

8                 So, I also saw some of the people who were pushing Stop the Steal, and I sort of  
9     know what they're always up to. And they often talk without evidence, often convince  
10    people around the President, if not the President himself, because the President's much  
11    more skeptical of people than it may appear and that is reported by people who don't  
12    know him and don't like him.

13                I also -- you know, it was very curious to me that I also knew what was going on.  
14    Some of the people still being paid by the taxpayer, still with their jobs in the West Wing  
15    and the administration, were interviewing for jobs, were moving their families, were  
16    enrolling their kids in new schools in faraway places, were going back to their homes and  
17    their lives. I'm like, Oh, well, if that's true, what are we stopping? So I want to know  
18    that they meant it too.

19               Q     Let me back up just a little bit. You mentioned that there were people  
20    using the Stop the Steal type messaging. Who were those people that you didn't trust  
21    or -- I don't want to put words in your mouth, but who you didn't want to jump into that  
22    messaging camp with?

23               A     Well, definitely Mark Meadows, Steve Bannon. There were probably other  
24    people I hardly know. I mean, Jenna Ellis, I met her once or twice.

25               Q     Okay.

1           A     Then she got put over the campaign, which was good. And they were all  
2     out there. I think they had these press conferences. You saw them. Again, sir, I think  
3     when people explain, today we're in Georgia, and we're going to do the following, that's  
4     intelligent.

5                 It may be unfruitful and unsuccessful, but it's intelligent to tell me or you or  
6     everybody who's listening, here is what we are doing today in Georgia. We are filing the  
7     following claim. We are having the following hearing. We are presenting the following  
8     sworn affidavit.

9                 And I remember telling the President too, if you can get some of those people to  
10    swear affidavits -- he's like, we're hearing these crazy things. And we were, we  
11    absolutely were. Again, I was out of the White House, but people know how to find me.  
12    Kell, you've got to see this, you've got to -- you're not going to believe this, you're not  
13    going to believe that. Pursue it. But those people have to swear an affidavit what they  
14    saw. You got to have teeth there. And I think they did get people who did that, just  
15    maybe not enough to change the election results one way or the other.

16           Q     Okay.

17           A     So no, there was -- I write about this in the book, too, you know, Stop the  
18    Steal, Stop the Steal. I mean, if it all ended up in a rally that was called that, I thought a  
19    better use for a rally would have been to -- what we did in December 2016, which is a  
20    thank you tour. We went to four stops and basically said, Yeah, thanks for electing me,  
21    but it was also thank you, America. This one would have been thank you, America, and  
22    here's what we accomplished.

23                 Spend the last month or so, last couple weeks, I guess, last month talking about  
24    those great accomplishments, of which there are many, and reminding people that,  
25    particularly pre-COVID, it's just the binary choice between Biden's America and Trump's

1 America on so many of these core issues.

2 Even at the time, it was very clear. Now it's crystal clear, but -- in my opinion.

3 But yeah, I just thought the time could have been spent better. But remember --

4 Q You're saying focus on those thank you-type rallies as opposed to focusing  
5 on the election and the results of the election?

6 A Well, focus on the peaceful transfer of power on January 20th. And I know  
7 the President was asking people if he should go to the inauguration and yes or no, you  
8 know, always polling people on stuff like that or -- so I don't know that he was preparing  
9 to leave, but the days were -- he was also -- look, he also was being promised things that  
10 people could not deliver, and he was trusting people that they could deliver.

11 Why else would you say to the President of the United States, I'm going to make X  
12 happen for you. I'm going to produce Y. I have evidence of Z, and ABC, abracadabra is  
13 going to happen. Why would you do that if it's not true?

14 And I think some of them did believe that they -- some of them did believe at  
15 some point that that would happen, and then the deficits were getting larger and the  
16 time was elapsing.

17 So I don't know if they ran out of time or that they didn't have evidence or some  
18 combination thereof, but in fairness, because before you say, Well, some of these were  
19 40,000, 100,000, not at the beginning. Here's a guy who heard me, somebody he trusts,  
20 say to him, Hey, you won Pennsylvania by 44,000 votes in 2016, and you became  
21 President. You're up by over 700,000. Like, let's just be patient. And he was like, No,  
22 they'll find more votes or this won't go my way the longer the time goes on.

23 So at the beginning, it wasn't. It wasn't 40,000, plus 40,000 or 100,000 for Biden.  
24 If anything, it was plus six figures for Trump in some of these pleases.

25 Q But by December 14th, certainly those had been resolved?

1           A    Well, sure. Yeah. I said that. I said that publicly. I didn't think that  
2 was breaking news, and there it was.

3           Q    And just like you mentioned that people were going in there saying that  
4 there were ways to victory for President Trump, and that those people had maybe more  
5 of the President's ear than they should have. Again, I don't want to put words in your  
6 mouth or mischaracterize, so correct me.

7           But there were also people like you, and you wrote in your book, you said that you  
8 may have been the first person Donald Trump trusted in his inner circle who told him that  
9 he had come up short at that time.

10          The first question is, when did that conversation happen, to the best that you can  
11 recall?

12          A    That would have been early December.

13          Q    Before the electoral college met?

14          A    Maybe -- it was -- it was going to be -- after the first time I broached it on  
15 November 13th, just giving some ideas about mechanics and processes that were possible  
16 as a layperson, nonpracticing, fully recovered attorney who was not involved in this in any  
17 way, shape or form, but who certainly wanted him to be President, continue to be  
18 President.

19          And then it would have been between then and December 14th, or right around  
20 December 14th. I mean, I was on a newscast because I had promised to do it. It was a  
21 podcast or something called The 19th. And Valerie Jarrett had done it, and she -- I  
22 happened to have her office in the West Wing. So I went on and I said that, and that  
23 was December 4th, as I recall.

24          Q    That's right.

25          A    So I was already saying it. I mean, if they can turn things around in 10 days,

1       that's fantastic. But by then, we were also hearing from Republican Secretaries of State  
2       and Republican Governors. We recounted them a few times, the votes aren't there, et  
3       cetera.

4           But -- and listen, it was very disappointing for many reasons, very disappointing.  
5       I felt that -- I felt President Trump was more surprised to lose in 2020 than he was to win  
6       in 2016. And it was heartbreaking to me. I worked very closely with this man for many  
7       years. He's been very good to me. I don't consider myself much of a feminist, but I  
8       will say that he's a great boss to the women who work for him, particularly the working  
9       moms. And I had -- and I say this without an ounce of self-pity, because I really could  
10      care less at this stage and age, but I had been a victim of the old boys club, really the new  
11      boys club for many years in this town, and they had excluded me from many things.  
12      And there's Donald Trump plucking me from hiding in plain sight, not at the age of 29 or  
13      even 39, but 49, and making me his campaign manager. And we won against every odd.

14           The Romney people -- I just read an article this weekend -- made \$1 billion, \$1  
15      billion to lose. They should give the money back and be ashamed of themselves. And  
16      God only knows what the Jeb Bush people made and the other people made. So we did  
17      something that nobody thought was possible and made history together. And then  
18      through some very, very dark times for me personally, Donald and Melania Trump were  
19      there for me and my family, and I will always be grateful for that.

20           So I wanted him to be President. I thought he had done -- I thought he had kept  
21      so many promises to the American people that he had made in 2016 as their President.  
22      And he worked with a volume and at a velocity that Washington doesn't like, because  
23      Washington's not used to that.

24           And so just so we're clear, I wanted him to stay as the President. I voted for -- I  
25      voted for him. I wish he were still there. I wish all this had never happened. And I

1 say in my book, had his 2020 campaign with the \$1.4 billion won outright and  
2 overwhelmingly, because he'll say, well, we did win and others will say we did win. Had  
3 they won outright and overwhelmingly, if this was something close to Reagan '84, you  
4 and I would not be sitting here together. Just a fact.

5 Q Just to go back to when you told him that he came up short, what did he say  
6 in response?

7 A No, we still have -- no, no, they're still looking at stuff. They're still -- nope,  
8 they're still looking. We still have time, which probably is -- I mean, 10 days left and  
9 you're Donald Trump, you have time. I mean, again, where was -- he may have  
10 said -- he never said it to me, but where is the Kellyanne of November 2016 saying, we  
11 still have time.

12 Q Did you push back and say, No, sir, I don't think that's right?

13 A I already said that. I started the conversation that way.

14 Q Okay. Was this in person?

15 A I said, well -- I said, well, then I can't wait. You know, let's see it. Let's go.  
16 I mean, my conversation was the same every time.

17 Q Still reemphasizing the point?

18 A And, you know, I also -- I got to tell you, and I know a few other people feel  
19 this way, not many. But if you are -- if you feel that it is your job, if not your duty, to tell  
20 the President not what you think he wants to hear, but what he needs to know, and  
21 you've been doing that for many years, respectfully, deferentially, and privately -- I mean,  
22 one of the dumbest things ever said about Donald Trump, and there are plenty of them,  
23 is -- the most inaccurate, dumb things is he just likes a bunch of yes-men around him.  
24 He just wants obsequious people saying yes, sir.

25 No, he doesn't. Obsequiousness bores him, because then he has no idea how

1 you really feel, what's actually going on. If he looks at you, as he did me hundreds of  
2 times, and say, What's going on? What do you hear out there? What's happening?  
3 What do we need to focus on, have a good answer. Have a factual, smart, informed,  
4 current answer, and we'll go from there.

5 And so, I -- I felt that people were telling him what they thought he wanted to  
6 hear, but he -- he wanted -- he wanted to know -- he needed to know what he needed to  
7 know.

8 Q Did you ever suggest that he concede at that point? So as we approach  
9 December 14th and you're having this conversation with him in early December, you're  
10 telling him that he lost. He's pushing back. You're saying, you know, we need more  
11 evidence. Did you suggest that he concede and take a different route?

12 A I knew he was going to Mar-a-Lago, so I figured he would. I figured  
13 he -- there would be a peaceful transfer of power. I wasn't sure he'd go to the  
14 inauguration.

15 Q Did you tell him to concede?

16 A I don't think he needed to go. What?

17 Q Did you tell him to concede, that he should concede?

18 A I don't know if I used those words. I may have used those words. I mean,  
19 I think my -- the way I approach things is, you know, it's hard, but we'll be gracious.  
20 There will be -- I said publicly there will be a peaceful transfer of power the way there  
21 always is, and our democracy will survive because it's stronger than any of us.

22 Q And what did he say to that?

23 A Probably I know, honey, or yes, now, this is just crazy and -- I don't know. I  
24 don't know. I don't remember. It's been 2 years. But nothing that -- nothing that's  
25 memorable.

1           Q     Okay. Well, do you think that was around the same time as you told him  
2     that he had lost, that conversation in early December?

3           A     No, I think we're getting closer to -- well, I can tell you I had lunch with him  
4     on December 22nd, just the two of us. And so he invited me to lunch, and he spent  
5     about 90 seconds on voter fraud, because he doesn't -- Donald Trump's practice is -- and I  
6     appreciate this very much if we could all do this.

7                 His practice is to address with that individual what he knows that individual will  
8     address or can address in return. In other words, what is your bailiwick? What is your  
9     expertise? What is the conversation we had? Why are you here in front of me? And  
10    what's in your portfolio? What's in that folder? So he knows I didn't do that. That  
11    wasn't my thing. That wasn't my jam.

12          Q     So I'm glad you raised the December 22nd lunch. I understand there was a  
13    lunch. It's on his schedule as a private lunch with Kellyanne Conway. Was it just the  
14    two of you at the lunch?

15          A     It was.

16          Q     And it was on December 22nd?

17          A     Yes.

18          Q     You mentioned he spent 90 seconds on voter fraud or thereabouts.

19          A     Maybe, yeah.

20          Q     What do you remember him raising about voter fraud during that lunch?

21          A     He never mentioned January 6th. He mentioned January 5th, which made  
22    me happy, because it meant that he was going to go back to Georgia one more time -- or  
23    January 4th, excuse me. He was going to go back on January 4th for January 5th. He  
24    mentioned January 5th. He mentioned the special elections. He was going to go one  
25    more time for them. I said, I think that's great. I saw the First Lady and you on the TV

1       earlier this month. I think it's great. If you go and you say they've been there for all  
2       these, you know, center-right accomplishments. We need them there. I said, and,  
3       honestly, you can throw in -- see, when I went and campaigned for them, I was talking  
4       about divided government. I was talking about you can't give one-party control to the  
5       Democrats, I guess thereby presuming Joe Biden was going to be the President.

6           And so, anyway, we talked about that. But I should back up, because the main  
7       thing on his mind as we entered the dining room off the Oval was what he had been  
8       doing and caused him to be late to the luncheon. By late, I mean not 10 minutes, like  
9       40. And he had been over in the East Wing, I'll say probably the Map Room or one of  
10      those reception rooms, maybe the Diplomatic Reception Room, actually, or the Map  
11      Room.

12           And he was reporting him saying that \$600 stimulus checks were not enough.  
13      He thought -- he was challenging -- I think Leader McConnell said \$600, and the President  
14      felt that wasn't enough, it should be double that or so. And so he was coming from  
15      there.

16           He came through the door. And I went in. And the White House photographer  
17      took pictures. I've seen them since of me standing there on January -- excuse me,  
18      December 22nd with him. And he said, read this. And I read it, and then I handed it  
19      back to -- I think Johnny McEntee was with him. I handed it back, said, I don't want that  
20      if you haven't published it yet. And he said, you know, people can't live on that. It's  
21      not enough.

22           So I said, you know, you've always felt that way about different things. You  
23      should talk more like that. And he said, you know, people are a little tired of all the  
24      COVID money, this, that, and the other. And I said, but at the same time these are the  
25      stimulus checks. And he said, I think -- I think it will help in Georgia, too. And he felt

1       that way. I know others disagreed. But he was still talking about that when we went  
2       in to have our lunch.

3           And then we talked about -- we talked about the Senate races. I don't remember  
4       what else we talked about, because it's not uncommon for us to dine together or have a  
5       long conversation together, a long meeting. But I hadn't been there in a while because I  
6       had left. And I'm sure I was never there again.

7           But it was a pleasant -- it was a pleasant conversation. But he just didn't do the  
8       whole -- he never said, Did you hear about December 6th? Do you know what's going to  
9       happen? I don't.

10          Q      January 6th, you mean.

11          A      January 6th, excuse me. January 6th. You know, it's going to be crazy,  
12       you should be there, or come to the rally, or do you want to speak? I mean, he never  
13       even mentioned that day to me.

14          Q      Okay. Well, let me ask you about, one of the documents we produced to  
15       you is an email among a number of people, including Judd Deere and Molly Michael. It's  
16       behind exhibit No. 3. And it says that Gabe Sherman is writing -- in the second email  
17       down: "I'm writing a quick VF piece about POTUS challenging the election results. I  
18       heard that he had lunch with Kellyanne Conway on 12/22. A source said POTUS told  
19       KAC that he knew he wouldn't be able to overturn the election. He also said he would  
20       attend the Biden's inauguration. If White House would like to comment, let me know."

21           And then Judd Deere turns around and sends that to Molly Michael, asking  
22       whether the President had lunch with you on the 22nd. Ms. Michael said, yes.

23          A      Yeah. That was 14 days after the lunch, which tells you who didn't leak in  
24       the White House. That would be me. So Judd doesn't even know I was there having  
25       lunch, because there's no reason to. But I have this -- you know, I'm sighing and

1 smirking because this is -- this is the way some people do their work. They say -- work  
2 was a nice word. They say, I have these two things. You have to deny them or else  
3 they're true. That's not the way the facts work. Neither one of these is true.

4 Q Okay.

5 A The President never told me he knew he wouldn't be able to overturn the  
6 election, and he never told me he would attend Biden's inauguration. He may have  
7 asked me should I or will I, but I don't even think he did in that particular lunch.

8 Q Did you talk to Mr. Sherman --

9 A It was really a trip down memory lane for us.

10 Q Did you talk to Mr. Sherman after your lunch with the President?

11 A No. That's not where he gets this.

12 Q Did you authorize anybody to speak with him?

13 A No.

14 Q Do you know if the President talked to Mr. Sherman?

15 A I don't know.

16 Q So there's only two people in that lunch, you and --

17 A That doesn't matter.

18 Q Well, no, I'm just asking. You --

19 A Many people knew the lunch happened.

20 Q There are two people in the lunch, though, and you're saying neither you nor  
21 the President that you're aware of spoke to Mr. Sherman?

22 A No, I didn't, about this. But this is -- this is an MO that exists frequently.  
23 Squirrel. Prove to me it's not a chipmunk. I mean, it's just -- if you don't deny this, this  
24 is true. That is not the way the facts work. So neither of these is true, in that lunch or  
25 otherwise, frankly.

1           He never told me he wouldn't be able to overturn the election. In fact, he was  
2 being told by others -- I think he was growing increasingly skeptical of them, because he  
3 had been told the same thing over and over again. And the first few times he said it and  
4 tweeted it and stated it, he was going on faith. He was trusting the people who are  
5 telling him, trust us, we're going to find the evidence. This is -- sit tight. Put your  
6 second -- put your second term agenda together.

7           Q     Did he suggest to you in that meeting -- excuse me, the lunch, the "he,"  
8 being the President, that he wouldn't be able to overturn the election at that point, that  
9 the results are the results and that he was out on January 6th -- or, excuse me, January  
10 20th?

11          A     No, not that I recall.

12          Q     Did he ever say that to you, that he knew he was --

13          A     No, but that's why -- I doubt it, sir, [REDACTED] because that's why I was  
14 surprised to get those inquiries 4 or 5, 7 days later from the press about what Mike Pence  
15 could and couldn't do on January 6th, because I had not heard that before.

16               [REDACTED] And I note for you, Ms. Conway, Mr. Schiff has now joined us.

17               Thank you for joining.

18          Ms. Conway. Hello, Congressman.

19          Mr. Schiff. Hi. Thank you for coming in.

20          Ms. Conway. Of course.

21               BY [REDACTED]

22          Q     Did Mr. Sherman reach out to you for your comment on this, that you recall?

23          A     I can check. I doubt it. I don't know. But I would point out in your  
24 exhibit 3, page 1, this is -- there is an earlier chain, pre-lunch, 3 weeks before this from  
25 Gabe Sherman to Judd Deere. "I'm writing a piece on Trump's final days in office.

1       Multiple sources say Trump is considering pardoning everyone close to him, and that  
2       Trump wants DOJ to appoint a special counsel to investigate the Bidens. Let me know if  
3       the White House wants to" -- so there's multiple sources. This one's a source. But  
4       there too, it's just here's what I'm reporting, true or false?

5           Q     To be clear, I don't know whether Mr. Sherman reported either of these. It  
6       just --

7           A     I have no idea.

8           Q     All I know is that he reached out asking whether they were true.

9           A     But those -- those are not true.

10          Q     Okay. So on the pardon issue, though, you did describe in your book, and I  
11       think you mentioned earlier, that you discussed with President Trump a few pardons as  
12       January 6th approached.

13           Did you ever hear if President Trump discussed the possibility of pardoning  
14       himself?

15          A     No.

16          Q     How about members of his family?

17          A     No.

18          Q     Rudy Giuliani?

19          A     Did I hear that the President say that? No.

20          Q     Or did you hear any discussions that the President was considering it?

21          A     No. The pardons I heard about were -- meaning at this stage, correct?  
22       Because I -- there were other pardons throughout his Presidency.

23          Q     Correct. No, we're now talking --

24          A     Yes. And we would discuss some of those, sometimes after the fact. So  
25       the answer is no, because the pardons I discussed with him, if at all, and they were very

1 limited conversations, were about specific cases that had been brought to his attention,  
2 people who had filed the paperwork, for example, and were asking. He'd say, Do you  
3 know this person? I heard you know this person. Or, Did you give us this one? And  
4 I'd say yes or no, or no or yes. But it became apparent to me at the time and definitely  
5 since that time that there were a few people in the White House who had requested a lot  
6 of the pardons.

7 Q Okay. What about Steve Bannon, did you ever hear the President was  
8 considering pardoning Steve Bannon --

9 A Oh, yes.

10 Q -- around this time?

11 A Yes.

12 Mr. Flood. I'm sorry, [REDACTED] Could you be a little more specific with "around this  
13 time."

14 [REDACTED] Sure.

15 BY [REDACTED]

16 Q I'll say December and January. So December 2020, January 2021.

17 A Not December. January, yes.

18 Q Okay. So tell us about the Steve Bannon pardon that you had heard under  
19 discussion or considered.

20 A Well, I had read that it was being considered. We had had several  
21 conversations about Bannon over the years since the President had fired him in August of  
22 2017. And the President was, you know, very peeved and said so at the time about this  
23 Michael Wolff book. I don't know what it was called. But basically, it was almost  
24 single-sourced. And it said some very unflattering things about the President's eldest  
25 son. It said things that, frankly, people with a national security clearance should not

1 have said to any reporter in any book or any other reason, as somebody who had one  
2 too, just to that.

3 And we had talked about it here and there, but it wasn't clear to me. I don't  
4 know the factual answer to the following: I don't know how many times, if at all,  
5 President Trump spoke with Steve Bannon, or initiated contact with Steve Bannon from  
6 the time he fired him August 2017 to right after Election Day 2020.

7 Q I know you wrote in your book: "By then" --

8 A This is Bannon's like reentry.

9 Q Yeah. You wrote in your book: "By then, the President and I had both  
10 gone years without talking to or talking about Steve Bannon."

11 A Yeah.

12 Q I will represent to you that we do have records showing communications  
13 between Mr. Bannon --

14 A Yeah, it could be.

15 Q -- and the President.

16 A But he never felt -- the President never felt -- that doesn't surprise me. But  
17 the President never felt the need to say, I just hung up with Bannon and he said the  
18 following or, you know, Steve Bannon has got a good idea. He didn't do it.

19 And I know other people around were trying to get the President to talk to  
20 Bannon through their phone and give him a call. I don't know who he -- I certainly don't  
21 know everybody he talks to. He talks to a lot of people. But I never again heard the  
22 name Steve Bannon in the context of, Oh, we have to do this policy or this thing or that  
23 thing. The President was pretty rough on him contemporaneous with his firing him,  
24 with that book being published the next year.

25 So the President called me at, I don't know, I'm going to say 8:30 in the morning

1       on -- thereabouts on January 19th, 2021, definitely in the morning. And he said -- I said,  
2       I'm surprised to hear from you on your last full day there. And he said -- I think he  
3       acknowledged my birthday, which is Inauguration Day. And he said, well, it was more  
4       fun 4 years ago, that's for sure.

5               But, anyhow, he said, Look, something to the effect of I'm thinking of pardoning  
6       Steve, and you're the only one, you know, who hasn't said yes. And I said, me? I said, I  
7       didn't know I was on the pardons committee. Why me? He said, No, even Ivanka said  
8       she's fine with it, and would you -- you know, what do you -- could you call him for me?  
9       Can you call him for me?

10              I said, I really don't want to call him, Mr. President. That's not really what I want  
11       to do on your last full day of office, but -- he said, just call him. Just talk it through with  
12       him, see what he has to say. I said, but what's the question I'm asking him? See what  
13       he has to say about what? And I said, Look, he and I got along very well during the  
14       campaign. I told you to hire someone else in the C-Suite. You chose him. He helped,  
15       you know, helped you get elected.

16              I said, but the leaking, the this, that, the other, I said, I just -- I said, Listen, I don't  
17       like that he said to a reporter that he was -- he had to leave the White House because he  
18       was, quote, tired of being a nursemaid to a 71-year-old. And President Trump asked  
19       me, when did he say that? And I said, he said it when you were 71. So I just don't like  
20       that. And anyway, I haven't talked to Bannon in years.

21              Q       Did the President say why he wanted to -- or was considering pardoning  
22       him?

23              A       No.

24              Q       Just the fact of I'm considering it or --

25              A       Yes.

1           Q     -- something that led you to believe that?

2           A     I think he's just a guy who feels that these are people he knows. Maybe  
3     they're being treated unfairly. I mean, it hasn't absolved -- it hasn't made the State  
4     charges go away, so -- on the same -- well, the same --

5           Q     Issue.

6           A     Thank you.

7           Q     Sure. Did you talk to Mr. Bannon?

8           A     Being careful, as a fully recovered attorney. Pardon?

9           Q     Did you talk to Mr. Bannon?

10          A     I did. I didn't call him. And then the President called me and said, Did  
11         you -- no, Molly -- somebody called me. Somebody called me and said, Did you talk to  
12         Bannon yet? And I said, no. And then I believe somebody that Bannon and I know in  
13         common, it might have been Alexandra Preate -- I'm not sure, I'd have to look at my  
14         texts -- said, Oh, I hear you're looking for Steve. And I said, No, that's not true.

15           So then I went about my day. And Bannon texted me and said, Hey, it's Bannon  
16         here. You may not have this number. True, I didn't have the number in my phone. I  
17         hear you may want to talk to me. I'll be off the air soon.

18           So I called him and I said, Hey, the President wanted me to call you. I said, listen,  
19         he said, I'm standing between you and your pardon. And I said, I don't believe that's  
20         true. And I said, if he wants to pardon you, he's welcome to. He said, No, no, I would  
21         never ask for that. I don't need to be pardoned.

22           I said, well -- I don't need to be pardoned. How have you been? I thought you  
23         were calling me to come on my podcast. I said, I didn't know you had one. And he  
24         said, Yeah, anytime, girl, anytime, you can come on anytime. So I said, listen, I don't  
25         want to be the excuse that people are making. I said, I don't -- you know, he can do

1 what he wants. And I said, I'm going to tell you what I told him. I don't think he owes  
2 you anything.

3 Q Did he say -- did Mr. Bannon express that he wanted a pardon?

4 A Nope. He said he would never ask for that. He wasn't looking for that.

5 That's exactly what he said to me.

6 Q Did he say why he was under consideration for a pardon?

7 A No. He didn't even say that he knew that.

8 Q Did he say anything about January 6th at all, or the joint session of Congress  
9 when you talked to him?

10 A No, no.

11 Q Going back to pardons more generally, did you ever hear about potential  
12 pardons for Members of Congress, again, in this December 2020-January 2021  
13 timeframe?

14 A Not specific names, no.

15 Q Just that -- were there some -- did you come to understand that there was  
16 some consideration for Members, even if you didn't know who they were?

17 A I did not. Maybe that was reported in the press. I did not, sir.

18 Q Okay.

19 A What I -- the only conversations I would have had with President Trump  
20 about pardons was about the Presidential pardon power. And I told him what I still feel  
21 to be true, that I thought he did best when -- frankly, I think this of all Presidents. And  
22 they've all gone in a slightly different direction at some point, but I thought his pardons  
23 worked best when they were for people who really don't have a voice, the aggrieved who  
24 but for him taking up their case and giving them another look and a second chance.

25 I mean, I can watch -- I can watch the video of Alice Johnson getting out of that

1 van and running to her sister with flowers all day long. And I'm not a very emotional  
2 person, but at this moment that makes me feel like what he did -- you know, and other  
3 Presidents do this, too. It's an awesome power when used that way to really give  
4 people a second chance who otherwise feel overlooked, the original forgotten man,  
5 forgotten woman.

6           And I felt that the President did have in front of him a number that I knew of,  
7 because I was told a number of -- a number of requests that fit that bill. And then I felt  
8 that there were some that didn't fit that bill. But I really like the people who can't pay  
9 for counsel, can't get anybody to pay attention to their case, whatever it is, were maybe  
10 ignored by the system or maybe had paid their debt to society and should have another  
11 look.

12           Q     After January 6th and before President Trump left office, did you ever learn  
13 that the President was considering pardoning the rioters at the Capitol?

14           A     No.

15           Q     Have you ever learned about that since then? Have you ever talked to  
16 anybody where that came up, the President's --

17           A     No. I may have seen that or somebody may have said it in one of your  
18 testimonies, but that is not a direct conversation I had.

19           Q     Okay. Did any of these pardon issues come up during your lunch with the  
20 President on the 22nd of December?

21           A     Well, not the issues, but he just asked me if I -- we were talking about  
22 pardons, and that's what I was saying, you know, you do best when you pardon these  
23 forgotten men, forgotten women. It's an awesome power. And he said, would you  
24 like one? And I joke in my book that I literally thought he meant a Diet Coke or a dinner  
25 roll, because he had both and I had neither. And both appeared suddenly.

1           But, in any event, he said, No, a pardon. I said, do you know something I don't?  
2       Why would I need a pardon? He said, No, they go after everyone. They go after  
3       everyone. I said, No, I think I'm good. And I left with a silver tray, I think, and a book,  
4       because he had -- that whole back room that a different President made famous this  
5       President had sort of converted into a beautiful display of a lot of the memorabilia from  
6       his Presidency that -- not memorabilia, items that he has, you know, a right to share.  
7       And so, he asked me if -- I said, I'll -- you know, I'll just take the one thing. And then he  
8       gave me a book, too. So yeah, that's it.

9           Q     Okay. After you left that lunch with the President, or I assume after you  
10      left it there's a phone call that you place to Pat Cipollone. It's at 5:17 p.m. on the 22nd  
11      and lasts about 7 minutes.

12           Do you remember why you reached out and spoke with Mr. Cipollone that  
13      afternoon?

14           A     I don't. Let's see. I don't. Unless when I was inside the building  
15      somebody asked me if I had turned in something or -- no, I don't at all.

16           Q     Okay, don't remember?

17           A     It could be for any reason, frankly. I've known him for a long time.

18           Q     I'll ask it this way: Do you remember your call to Mr. Cipollone having  
19      anything to do with the lunch you had with the President?

20           A     No, because if the President wanted me to talk to Pat Cipollone, he would  
21      have said, Molly, get Pat down here. That's just the way he operates.

22           Q     Okay. But -- or even you just having a question, a thought, an idea after  
23      your lunch with the President, even if he's not instructing you to do it?

24           A     No. I don't even recall that, making that call. But if you need to refresh  
25      my recollection as to the contents of the call, I'm listening.

1 Q I would love to, but all we have is a line showing a call between --

2 A Did I call through the switchboard or his cell phone?

3 Q You called Mr. Cipollone's White House cell phone.

4 A Okay. It could be anything.

5 Q Okay.

6 A It could be a Catholic thing.

7 Q If you do remember later, you know, feel free to jump back in.

8 A Yes, sir.

9 [REDACTED] I'll stop there for a second. We've covered a lot of ground here.

10 [REDACTED] Before you leave the 22nd.

11 [REDACTED] Yeah, go ahead.

12 [REDACTED] Just a couple follow-ups.

13 BY [REDACTED]

14 Q Now, on December 22nd, Ms. Conway, the electoral college had met, right?

15 A Yes.

16 Q That had been about a week before?

17 A Yes.

18 Q You had already conveyed to the President around December 4th,  
19 whereabouts, that it was unlikely for him to win, or it was unlikely that there was a  
20 scenario by which he would stay in office. Did that come up again on the 22nd?

21 A No.

22 Q Because he continued --

23 A I know.

24 Q -- publicly to say, Hey, there's fraud, massive fraud, the election was stolen.

25 Did you have another conversation with him then? Because you strike me as a

1       truth-teller and you tell him, I think you said what he needs to hear, not what he wants to  
2       hear. So did you say --

3           A     Well, not want people want him -- they think they want -- that he wants to  
4       hear.

5           Q     Yeah. So did it come up again, his continued rhetoric publicly being  
6       discordant with what you thought was appropriate?

7           A     It did not, sir. And I think the reason is because I had put the marker down  
8       early that, Wow, if there's fraud and theft, let's see it, or shenanigans and irregularities.

9           And I do think in places we'll never know exactly what happened. We'll -- I do  
10      think that the Rigged movie has a lot of merit. It's a 39-minute movie. It has a lot of  
11      merit about Zuck Bucks and CLTC and money going there, but apparently that was all  
12      legal. I just think it's icky, but it was legal.

13           So there are things that are troubling to me, but my whole point was fraud, theft,  
14      evidence, crimes, high burden of proof. But that's not how he looked at me. We -- we  
15      worked side by side for years. And I had left. And I was sort of in and out, debate prep  
16      and Amy Coney Barrett's swearing in, et cetera.

17           There was a time at which they said, Oh, my God, you have to come back and help  
18      Amy Coney -- you have to help prepare her. And I sat with -- I had already known her a  
19      little bit. But I sat with her for about 10 minutes and said, she doesn't need anybody's  
20      help, not mine or anybody else's. That's the way I felt.

21           And so, I hadn't really seen him in a while. And he invited me to lunch. And the  
22      lunch I would characterize more as a trip down memory lane. Do you remember that?  
23      Do you remember this? Do you remember? That was not the place where he was  
24      going to talk to somebody who was not talking to him about election fraud and theft  
25      about election fraud and theft.

1           Q     Were you concerned at that time that his continual public rhetoric about  
2     election fraud was doing damage, was squandering an opportunity to talk about the  
3     record of accomplishment, or hurting him potentially politically down the road?

4           A     I would prefer that he were talking about all the accomplishments, and I  
5     think it's a gracious way to transfer power, and basically challenge the new guy --

6           Q     Did you tell him that?

7           A     -- to work that hard.

8           Q     Did you tell him that's what he should do?

9           A     Oh, sure, definitely in the December 22nd lunch. We were going through  
10    all the accomplishments. I said, You know, I have a whole -- not to sound like other  
11    people, but I have a whole binder of those accomplishments that I have just, you know,  
12    on my own typed-out and have, you know, since I left the White House, thinking through  
13    every -- even things I didn't work on, many things I didn't work on directly.

14          And he was like, Yeah, yeah, no, we have that too. It's great. It's -- so I said,  
15    You know, remember when we did the thank you tour after the 2016 election. You  
16    made four stops. I went on one or two of them with him. And it wasn't just thank you  
17    for electing me. It was, Thank you, America, let's move forward together.

18          I -- it would have been more along those lines. But also, if you're talking about  
19    things he put on Twitter, I'm not sure I would have seen them. I don't care for Twitter.  
20    Twitter has done tremendous damage to institutions and individuals I care very deeply  
21    about. So I'm not a big fan of Twitter.

22          So if you're saying he was putting things on Twitter, I can assure you I was not  
23    then or the days thereafter, I didn't have him -- I wasn't looking at his Twitter, you know,  
24    constantly the way everybody else does.

25          Q     Do you recall him saying anything as to why he wasn't talking about all those

1       things? Because he wasn't, and he never did.

2           A     No, I think he felt that there was due time. For him, he was running out of  
3       time now, okay? So I was making the point, you're running out of time. It's November  
4       13th. You're running out of time. You have a month.

5           By December 22nd, he's really running out of time. He has less than a month.  
6       And I guess if they were taking a second bite at the apple on January 6th, he had 2 weeks  
7       would it be, maybe less, 9 days, 15 days to get that second bite at the apple between the  
8       lunch on December 22nd and January 6th.

9           But we didn't talk about that. He didn't mention the Vice President. He didn't  
10      mention January 6th rally. He didn't mention -- I -- maybe you'll get to it, but I wrote in  
11      my book I'm still in shock and not in awe at what happened on January 6th, and partly  
12      because I didn't see anything that day. I'm making dinner plans with Hope Hicks at 1:38  
13      p.m. We're talking about dinner the next day.

14           Q     We're going to get to that.

15           A     So my point is, when January 6th happens, I'm not saying to myself, this is  
16      what he meant when he said, wow, it's going to be -- he never said anything even close to  
17      that.

18           Q     During the lunch on the 22nd, did he say anything about his plans for after  
19      the administration completed?

20           A     Yes. Come down and see us. Come visit us. We'll be down at  
21      Mar-a-Lago, come and see us. We'll talk about, you know, the future.

22           Q     Did you take that to mean that he understood that he was leaving office,  
23      that he would be living at Mar-a-Lago as of January 20th if he's inviting you to come visit  
24      him?

25           A     I took that to mean that if he was not able to turn this around, that that's

1 what was going to happen, yes.

2 Q What else did he say about his plans for post --

3 A But I also knew at that point that his daughter and son-in-law were looking  
4 to move their kids to Miami, and maybe had enrolled their kids in a school there. So,  
5 again, with all the moving trucks pointed toward Florida, what exactly were they  
6 stopping?

7 Q Did he talk about plans to be a media presence or post administration  
8 political plans, or anything else about what he intended to do after January 20th?

9 A It's a great question. I don't think so. I don't remember him specifically  
10 saying, I'm going to go be a professional pundit or go on the speaking circuit. I think he  
11 was just taking a minute to assess all that. And, again, he was still in the mode of will I?  
12 Won't I? Will I? Won't I?

13 Q Well, did you leave that conversation believing that he knew the  
14 administration would end on January 20th?

15 A I left that conversation believing that he was focused on the stimulus checks,  
16 pardoning people, helping Kelly Loeffler and David Perdue, the two Senators from  
17 Georgia, in their election on January 5th by going on January 4th. It wasn't Duluth, but  
18 they went somewhere in the State that started with a D. So I knew he was doing that.

19 And I left that -- I left that feeling that -- I felt he was proud of his  
20 accomplishments, but not resigned to necessarily, you know, that being the end of his  
21 public service, or time as President. And I've always believed that he may want to do all  
22 that again. He felt like there was real unfinished business. As I say, I think he was  
23 more -- I say it again. I was there and he was -- people were shocked in 2016, but I think  
24 he was more shocked by 2020 than 2016.

25 Q What was your view when you left that lunch on the 22nd as to his mindset

1 about whether he had won or lost?

2 A But that's -- respectfully, that's what everybody always tries to do,  
3 particularly with Donald Trump. They want everybody else to be in his mind. And just  
4 like the people on Twitter who pretend they're psychologists who aren't, who pretend  
5 they're therapists and aren't, who pretend they know him and they don't, who don't like  
6 him, who never wanted him to be President and certainly, in the words of one of your  
7 committee members, quote, "want to make sure he's never President again," it's not for  
8 me to know his mindset.

9 I left that lunch with my former boss joyful. He was -- he was great that day.  
10 He was -- he was happy. He was forward-looking. He was funny. We were  
11 reminiscent. We had had another -- that's why I was happy he invited me to lunch, but I  
12 really thought there would be more on the agenda and there wasn't, which makes me  
13 happy because he just -- he just enjoys the company of somebody who's not promising  
14 him things she can't deliver.

15 And we've been in the trenches together. Listen, he's the President. I'm a  
16 staffer. So I'm not putting myself on equal footing. I'm merely saying we've been in  
17 the trenches together. And he also wanted to check in on me and my family. That was  
18 always top of his mind, to be frank with you.

19 So I'm not in his mindset. And, you know, there were people around him all of  
20 the time then who weren't having lunch with him but they were working with him every  
21 day, and I think you need -- maybe you already have -- to ask them or you should ask him  
22 what his mindset was.

23 Q Did he make any offer to continue to work with you or suggest that there  
24 would be times on future endeavors that you two would work together?

25 A Yes, yes. That is always implied. We have a big future. We're going to

1       keep doing great stuff for this country. I mean, that's the kind of language he uses.

2           Q     Was there anything more specific than that?

3           A     No. I mean, he'll just always think -- remember, he's also speaking about  
4     me, not himself. He felt very badly for me that I left the White House. And he would  
5     say, You'll be back, honey, you'll be back. Everything will be fine. You'll be back.  
6     We're going to get more done together. We'll be back.

7           And it was -- you know, again, you're asking me something that was 2 years ago,  
8     but I know how I felt. I know how I felt leaving, saying bye to everybody, great to see  
9     you, Merry Christmas. He did ask me, are you coming down for Christmas? I said, No,  
10    we're not coming down for -- will you be there for New Year's? No, sir. All right, all  
11    right. Then we'll see you, we'll see you soon.

12          And it's just that. It's just that. Honestly, I think he had -- he enjoyed lunch, I  
13    have to say. If you wanted me to say anything about his mindset, I think he enjoyed  
14    lunch, because it was a break from 7 weeks of people saying, You're not going to believe  
15    what we're hearing in Georgia. You're not going to believe what they see in Nevada.  
16    You're not going to believe what we just uncovered in Arizona. You're not going to  
17    believe what -- okay.

18           Q     What's the book he gave you?

19           A     Pardon?

20           Q     What is the book that he gave you?

21           A     There's a book. I requested it, because Robert O'Brien is a National  
22    Security Advisor. He had this -- he said, Kellyanne, the President has a few copies of this  
23    book and it's a beautiful book. I think it's -- it's a book that -- it's a book that has  
24    speeches from past Presidents in it. It's a small leather-bound book with select  
25    speeches from other Presidents, and it is very special. And -- and then he gave me the

1 book, and one of the silver platters that he liked to give people that, you know, was very  
2 special to him.

3 Q Thank you.

4 BY [REDACTED]

5 Q Just a few questions from me. Earlier, Ms. Conway, you mentioned that  
6 you felt like President Trump was growing more skeptical of people who were telling him  
7 that he could change the outcome of the election. I'm wondering what gave you that  
8 impression from him?

9 A Nothing ever happened. He's a guy who expects delivery and results, and  
10 you to keep your promises. I don't know that these people ever said to him, Sir, we  
11 think this or it appears that, or if X and Y and Z all align together this could happen in X  
12 State or V State. They were saying, this will happen. I saw some of them speak  
13 publicly and basically say that. He won this election, we're going to prove it. Okay,  
14 prove it.

15 Q Did he ever say anything to you to that effect, that he was growing more  
16 skeptical of those people?

17 A I think that the less he talked about it with people like me, the more I  
18 concluded that was -- it wasn't as animating. It wasn't as exciting. It wasn't as, Wow,  
19 we're going to do this. We're going to do that. Because remember, he also would ask  
20 them, Well, when? Well, the hearing's on this date. Well, we're filing on that date.  
21 Well, we're -- you know, we're going to get this affidavit sworn in the next week or so.  
22 And then the days go by, the weeks.

23 So I think they were running out of runway. They were running out of time.  
24 And he just seemed a little bit more -- I don't like to use the word "nostalgic." It's not  
25 fair for me to characterize his state of mind. Too many people who don't know him and

1 aren't close to him do that for a living. So I don't want to be silly, too.

2 I'll just say this: That it was a pleasant lunch. I know him well enough to know  
3 that he enjoyed a conversation with somebody who wasn't in there every day promising  
4 the sun, moon, and stars.

5 Q Did you ever hear him express any skepticism about the approach that Rudy  
6 Giuliani or anyone on his legal team was taking with respect to the election outcome?

7 A To me, no.

8 Q Did you ever hear --

9 A That doesn't mean he wasn't skeptical.

10 Q Did you ever hear about skepticism that he had about Giuliani's approach?

11 A No. I'll go back to my word, my original word about this entire time in our  
12 Nation's history. I think it was just very confusing for lots of folks. Again, I'm going to  
13 say it. More people voting in more ways over more time. And then we're voting early,  
14 we're counting late. Are we counting the day-of ballots? Are we counting the early  
15 ballots?

16 There was so much confusion. Are we talking about Georgia or Arizona when  
17 you said that? Were you up in Wisconsin or Michigan today? It was just very  
18 confusing. And I can't say he was exempted from that, because it was new and raw and  
19 learning as we went for everyone.

20 So yeah. And like I said, I feel there are people around him whose job it is to  
21 make sure the information flow to the President of the United States has been briefed  
22 and is detailed and is factual, and by the way, is relevant and rises to the level of being  
23 given to the President of the United States. This is the way many of us did our jobs for a  
24 very long time.

25 Q Did you ever hear him express any skepticism about Sidney Powell or any of

1       her theories about the election?

2           A     No, not to me. But I don't know that he also expressed credence with  
3       them. I have no idea. I'd have to go back through his Twitter feed or see his public  
4       statements.

5           Q     Are you ever aware of anything that he ever said about the services that  
6       Rudy Giuliani or Sidney Powell were providing to him privately, not his public statements?

7           A     Not to me.

8           Q     Okay. I just had one other topic that I briefly wanted to clarify from earlier  
9       in the record, and that's when [REDACTED] was asking you about whether you were aware  
10      of any statements that President Trump had made before the election about any intent to  
11      declare victory before the votes had been counted on election night. And Mr. Flood  
12      clarified that it was your testimony that he never said that in your presence.

13        Are you aware of any statements that President Trump ever made before the  
14      election expressing any sort of intent to declare victory that night?

15        A     No, I'm not. And I was there that night, but I wasn't running around with  
16      the clumps of people, you know, trying to, I don't know, be in his ear or whatnot. But I  
17      didn't hear him say that. In fact, I heard him say the opposite, as did you, which is, We  
18      may not win. I mean, he told me, with COVID and the lockdowns and the mail-in ballots,  
19      we can lose this thing.

20        So he actually didn't say, I'm going to declare myself the winner. He kept saying,  
21      I may actually lose. It kind of, you know, flies in the face of the supposition.

22        Q     It's been publicly reported that he'd been making statements like this to  
23      senior advisers on the campaign and in the White House in the month before the election  
24      and that a number of them had expressed concerns that this was something that he  
25      might do.

1           Did you ever hear any senior advisers or anyone who was associated with the  
2 campaign or the White House express any concerns about what President Trump would  
3 do on election night?

4           A     No. And I'm thinking when would I have been around? So the election is  
5 November 3rd. I was there for Amy Coney Barrett's Rose Garden ceremony, some  
6 election -- some debate prep. So I would have been there roughly a month or so -- we  
7 could look at the dates -- before I got COVID and he did, not in that order.

8           I would have been there around that time. So I did not hear that, no. We were  
9 very focused on the Barrett nomination. We were very focused on debate prep. He  
10 did not say that in debate prep that I can recall, never said, I think I'll just declare. I  
11 mean, he -- the point of being in there was how to win.

12          And you have to understand, me, I'm on the record of decades now saying the  
13 most poisonous word in Republican electoral politics is the word "electability," who can  
14 win, who can't win. It pretends that I know if you will or won't win years before you do  
15 or don't win. It's my job to try to help you win, but I always feel things like that,  
16 declaring winners and electability, and Emmet can't win and I can win, it robs the people  
17 of their voice and their choice.

18          So I always push back on things like that, knowing what the result is way ahead of  
19 time. But he was increasingly saying the opposite, which is, Oh, you know, I remember  
20 and I think I put in my book we were doing a Rose Garden ceremony on insulin price  
21 maximums. And it was Seema Verma, the administrator of Centers for Medicare and  
22 Medicaid. And I worked with her for years on this, as had some others.

23          And it was a very hot day I remember, and the insulin manufacturers are there  
24 and some of the patients who would benefit were there. And Joe Biden was giving a  
25 very rare speech on one of those like gyms with the circles. And I mean, I'm not being

1 partisan or critical. It wasn't going that well.

2 And so the -- I remember President Trump looked up and he said, What do you  
3 think? And I said -- he meant about the speech. And I said, I think if we lose to that  
4 guy, we're pathetic. And, you know, I put that in my book, and it's been reported  
5 else-wise. And it was just my sort of like you've got to be kidding me.

6 So his concern was not Biden, and like the strength of Biden, being able to inspire  
7 and inform the Nation. It was mail-in ballots and it was COVID and it was the  
8 lockdowns, and it was all the things we couldn't see. Joe Biden we could see.

9 Donald Trump's concern was -- President Trump's concern was always the things  
10 we could not see. So invisible enemy, indefinite -- what was happening to people on  
11 indefinite lockdowns, and their kids, and then, of course, the -- as he would say, the  
12 mail-in ballots.

13 Q I'm going to list off a couple of names, and I'm interested in knowing  
14 whether any of them have ever expressed to you, or whether you were ever aware that  
15 they were concerned that President Trump might declare victory on election night. First  
16 is Eric Herschmann. Were you ever aware that he was concerned about that possibility?

17 A Unaware.

18 Q What about Pat Cipollone?

19 A Unaware.

20 Q What about anyone else in the White House Counsel's Office?

21 A Unaware.

22 Q What about Hope Hicks?

23 A Unaware.

24 [REDACTED] That's all I have.

25 BY [REDACTED]

1           Q     Going back quickly, the President issued a tweet on December 19th that  
2     talked about the rally that would ultimately be held on January 6th and said: "Be there,  
3     will be wild." That was 3 days before your lunch with him on the 22nd. Did he raise  
4     anything related to a rally in Washington on January 6th, the joint session?

5           A     Nothing.

6           Q     Nothing at your lunch on the 22nd?

7           A     Nothing.

8           Q     Did you ever talk to the President about that tweet, the December 19th  
9     tweet --

10          A     No.

11          Q     -- before January 6th?

12          A     No.

13          Q     Have you talked to him since about that tweet?

14          A     No.

15          Q     It's getting a lot of coverage.

16          A     I know, I see that.

17          Q     Okay. You haven't talked to him at all about that?

18          A     No.

19          Q     Did you know that there was going to be a rally on January 6th when you  
20     had that lunch with the President?

21          A     I did not. I -- honestly, the period between, as I like to say, November 6  
22     and January 6 was probably the least active in my career. I wanted to make good on the  
23     promise I made to my children to be there for them. I had always been there for them,  
24     but I just felt online school again -- and, you know, it's nobody's business, but I'll just tell  
25     you since I was asked the question directly why I left.

1           It's -- we had two kids in two different States. So four kids altogether, two  
2       finishing high school in North Jersey right outside Manhattan, and two in school here in  
3       Bethesda, and obviously, all school-age children.

4           So their father and I just had to sort of figure out a way to go back and forth when  
5       they were on campus and in the classroom. When they weren't, we were able to all be  
6       together, because the kids were virtual. But the upshot is the same, which is that's what  
7       I was doing.

8           And I wasn't -- because I took myself off TV, I wasn't also trying to keep up with  
9       the news in that way, to get the facts, to be informed, to ask around. So -- and I -- you  
10      know, I mean, Twitter had really -- as I put in my book, you know, I felt like my husband  
11      left me for Twitter and she's not even hot. Like, Twitter's not my favorite thing. So I'm  
12      not going to sit there after I leave the White House and read anybody's tweets, including  
13      Donald Trump's or George Conway's. Not going to do it.

14           Q     Okay. When do you remember first learning that there would be a rally on  
15      the 6th?

16           A     On the 6th.

17           Q     On the 6th itself. You didn't know there was going to be a rally before  
18      that?

19           A     I didn't watch any of it.

20           Q     Okay. Going back from January 6th a couple of days, we talked about your  
21      interactions with Marc Short about the issue related to the Vice President and him and  
22      his role during the joint session. And that, we understand, came to a head more or less  
23      with a couple of meetings in the Oval Office between the President and Vice President on  
24      the 4th and then on the 5th.

25           And then ultimately on the 5th, there's a story or a statement that went out in the

1       New York Times where President Trump said that Mike Pence agreed with him that he  
2       could do what the President was asking of him during the joint session.

3           So that's kind of setting the scene. First of all, do you know anything about that  
4       statement that went out via The New York Times?

5           A     I would only have seen it in the press.

6           Q     Okay. Nothing behind the scenes?

7           A     And even then probably a little late. No, nothing behind the scenes.

8           Q     We understand that you spoke with Pat Cipollone on January 5th, on the  
9       night of, around 8:24 p.m., or you tried to connect with him, maybe left him a voicemail.  
10      Do you remember why you were reaching out on January 5th?

11       A     January 5th --

12       Q     Yes.

13       A     -- would have been the election in Georgia. No. Do you know why I  
14      called him?

15       Q     I don't. It's still just a record we have showing a call, the fact of a call.

16       Mr. Flood. How long is the call?

17       ██████████ It went to voicemail.

18       Ms. Conway. I don't know.

19           BY █████

20       Q     Okay. Can you think of any reason you'd be reaching out to Pat Cipollone  
21      now?

22       A     I can think of many reasons. Our kids go to the same schools. We're very  
23      involved in the Catholic faith together. We worked together for many years. I knew  
24      him long before we worked together in the White House.

25      January 5th, why would I be talking to him? No.

1           Q     Let me ask this --

2           A     I can go back to my phone and see if I texted him or anything like that.

3           Q     That would be great.

4           Do you remember ever talking to Pat Cipollone about this issue and the Vice  
5       President's role during the joint session?

6           A     Did I talk to Pat Cipollone about that? No. I only know -- no. I never  
7       talked to Pat Cipollone, but I wonder if -- Marc Short, I'm not sure Marc Short mentioned  
8       Cipollone or Philbin or Counsel's Office to me either. He had mentioned Greg Jacob,  
9       Judge Michael Luttig, the Senate parliamentarian. They felt that they had consulted  
10      internally and externally.

11           So internally may, in fact, include White House Counsel's Office, but I don't even  
12      remember Marc Short saying that, no. You know, Pat Cipollone, though, he's a total  
13      pro. He would not have been talking -- he would not have been having ex parte -- he  
14      would not have been having communications with somebody who left the White House  
15      who wasn't involved in that, in my view.

16           Q     Getting to January 6th, some of these questions may go quickly, based on  
17      your previous answers, but did you have any role in planning or preparing for any of the  
18      rallies on the 6th?

19           A     I did not.

20           Q     Did you ever receive any information that some of the rally planners,  
21      including Katrina Pierson, were concerned about the rallies or people putting on the  
22      rallies?

23           A     I did not. I think somebody invited me to it way back when, but she was  
24      always inviting me to rallies. Amy Kremer. Kremer? Kremer.

25           Q     You spoke with her about --

1           A     No. She texted me, inviting me to a bunch of rallies during this whole  
2 period. And I obviously didn't go to any because, you know, they were in different  
3 States too, as I recall.

4                 And then she may have invited me to January 6th, but I never responded to her.  
5 I just said, I'm not doing that. But it wasn't can you come and talk about stopping the  
6 steal. It was just can you come and be a -- we'd love to have you as a speaker. I mean,  
7 you know, frankly, I get that a lot.

8           Q     Okay.

9           A     But -- and, you know, for most of my career free speech was not about the  
10 Constitution. It was about let's just call Kellyanne. So I just wasn't doing it.

11           Q     During the period of December 19, so after the President issued that tweet,  
12 through January 6th, were you aware of any discussions about encouraging people to go  
13 to the Capitol on the 6th, during the joint session?

14           A     So people were being encouraged publicly to do that, you're saying?

15           Q     I'm asking you if there were any discussions about doing so.

16           A     No, I wouldn't have been involved in those discussions.

17           Q     I mean, there was public information about there being a march for Trump  
18 and other events on January 6th, but do you remember anything with the campaign folks  
19 or other advisers about encouraging them to march to the Capitol on the 6th?

20           A     No. I don't know about the campaign folks. I assume that there are  
21 dollars involved here and that outside groups lined up as well.

22           Q     There were dollars involved, you're right.

23           A     That's usually what happens.

24           Q     During that period, the same period, December 19th through January 6th,  
25 were you aware of any discussions about President Trump going to the Capitol on the

1      6th?

2            A      No.

1 [2:25 p.m.]

2 BY [REDACTED]:

3 Q Were you aware of any discussions about President Trump delivering a  
4 speech at the Capitol?

5 A At the Capitol?

6 Q Correct.

7 A No, I never heard that. I mean, I just know that the rules are the Vice  
8 President of the United States certifies the election. So I never heard that.

9 Q Right. And just to be clear, I don't think the reference is within the Capitol  
10 or during the joint session, just at the Capitol, on Capitol Grounds, or near the Capitol for  
11 that matter.

12 A No.

13 Q Okay. During that same period, December 19th through the 6th, were you  
14 aware of any discussions or concerns about the possibility of violence in Washington on  
15 the 6th at the Capitol or otherwise?

16 A I had never heard that. I mean, I could tell you that we were ultra-sensitive  
17 all the summer before. I mean, a number of us, including me, were, you know,  
18 threatened, and those were kind of raw times. But I never heard there might be a  
19 repeat of that around January 6th.

20 Q Were you aware of any discussions in the White House, the campaign, or  
21 otherwise about the Proud Boys, Oath Keepers, or any other groups who were --

22 A No.

23 Q -- thinking of protesting at the Capitol on the 6th?

24 A No.

25 Q Okay. Are you aware of any discussions about President Trump issuing

1 messages encouraging his supporters to be peaceful on the 6th?

2 A No. I have read since he has. I think I read that in somebody's testimony  
3 or maybe it was a tweet, maybe it was on January 6th. I just remember him saying be  
4 peaceful.

5 Q Okay. But do you remember any conversations about that?

6 And I'll represent to you that we have testimony from Hope Hicks where she said  
7 she reached out to Eric Herschmann in the days before the rally in the hopes of  
8 encouraging President Trump to tell his supporters to be peaceful on the 6th.

9 Were you aware of any of those types of conversations --

10 A None.

11 Q -- that were happening?

12 A None. I think peacefulness is implied. But no.

13 Q It's implied in her reaching out to encourage to be peaceful?

14 A No. I think peacefulness is implied. It should be implied.

15 Q Oh, you're saying without a need to say it.

16 A Right. I mean, that's what's implied. Should be.

17 Q Yeah. And some of this is built on these concerns that were building  
18 among some people and just seeing if you knew of people like Hope, whether she had or  
19 anybody else had reached out with that type of encouragement.

20 Did President Trump ever say anything to you about what he hoped would happen  
21 with the certification on January 6th before the 6th?

22 A He did not.

23 Q In your book, you wrote about January 6th and you said -- that you described  
24 waking up and seeing the news that Vice President Pence had informed the President and  
25 the public at the same time that he had no legal basis to block the certification during the

1 joint session. You said you went into your Alpine cave.

2 Just for my own edification, what is that?

3 A So that's the top floor of our house in Alpine, New Jersey, Bergen County,  
4 which has no TVs. And I have my laptop up there, maybe my phone next to me.

5 So I hadn't watched a minute of the rally. I didn't know anything that had  
6 happened. And then I didn't know until I read the exhibits, [REDACTED], that I even had  
7 this exchange with Hope Hicks at 1:38 p.m. making -- we're trying to make drinks or  
8 dinner plans for the next day.

9 I really don't know anything that's going on that day. And then the next time we  
10 communicate was after 4.

11 So I think the first time I noticed anything is when a Don Jr. tweet popped up, but  
12 because I don't have tweet alerts for anyone, it must've popped up as a news alert. And  
13 it said Don Jr., this is not who we are, you know, be peaceful. He said something.

14 It turns out he sent that from -- I have read somewhere he -- eventually I read he  
15 sent that tweet from the airport. He's already on his way out to Florida. And to the  
16 extent that's true, I think it was just a, you know, again, big shock to everyone.

17 Then -- I saw then, I ran down the steps, said, "What is he talking about?" I turn  
18 on the TV and my phone's blowing up. So I watch with my own eyes. And I reacted in  
19 real time.

20 I went on ABC News with George Stephanopoulos, special coverage in real time,  
21 by phone. I sent out tweets -- again, don't like Twitter, but felt the need to weigh  
22 in -- and called -- called somebody who works in the outer Oval. Called his cell phone.  
23 I had never done that before. His work cell phone, not his personal. I had never done  
24 that before. I always go through the switchboard or call the President's phones directly.

25 Q When you say "his," you called his, are you talking about the outer Oval

1 employee?

2 A Yes, Nick Luna.

3 Q Nick Luna. Okay.

4 A And I called one of my former assistants at the White House who still had  
5 that office and they were -- you know, they had become part of the Domestic Policy  
6 Council when I left. And I said, "What's Luna's work cell phone number?" And he's  
7 like, "Do you want me to" -- I said, "No, just give me his cell phone number." So I figured  
8 he would be standing next to the President.

9 And I said, "Hey, I've never even called your cell phone like this before." And I  
10 said, "You got to tell the President to tell the people to get out of there. Like, I don't  
11 know what's going on. Nobody can make sense of this. But he has to -- he has to tell  
12 them get out of there."

13 I don't know if -- I was just speaking in real time. In retrospect, I think, some of  
14 it's, honestly, pretty elementary and naive. I was saying, maybe you can go there with a  
15 bullhorn, maybe you can pipe his voice in. I don't know that people are looking at  
16 Twitter right now, and there I am tweeting get out.

17 It was just so -- so mind-boggling and so chaotic and confusing, as the whole year  
18 was, but -- and Nick said, "Would you like to talk to him? He's right here."

19 I said, "I don't." I said, "He's got to -- he's got to -- no, I don't want to talk to him.  
20 I can talk to him later. He needs to" -- and Chris Christie was calling me, saying, "I can't  
21 get through. I'm trying to reach him."

22 So, yeah. And then just watched it all unfold.

23 Q Okay. You mentioned you went on George Stephanopoulos, you reached  
24 out to Nick Luna. Did you do that -- or let me ask it this way. Were you asked to do  
25 that by anybody?

1           A    No.   No.   No.

2           Q    Okay.   Were you asked by anybody to issue tweets that we'll go over in a  
3    few minutes?

4           A    Never.

5           Q    Okay.   You reached out to Mr. Luna, you said ordinarily you'd call the  
6    President's phone line.   Did you try calling the President directly that day?

7           A    I don't think I did.

8           Q    Why not?

9           A    I don't recall that I did, no.

10          Q    Why not?

11          A    You know, it's funny.   The switchboard is the most secure way to get him,  
12    but it's not the fastest.   And so -- and I knew calling his cell phone -- maybe he has it;  
13    maybe he doesn't.   Sometimes he doesn't.   I try not to call him on his cell phone when  
14    he's in the Oval Office.   It's a SCIF.

15          And so I called Nick.   And he said, "He's right here."   I said, "I don't, but you  
16    need to convey that right now."   He said, "You know I will."   And I knew Nick would.   I  
17    knew he would.

18          Q    Why didn't you want to talk to him when Nick offered?

19          A    I felt time -- I just felt time was of the essence.   And I said, "Add my name  
20    to the chorus of people calling."   I was absolutely convinced people were calling from  
21    everywhere and running around the place trying to make sense of it all.

22          And I said, "He's got to call down there.   They have to hear his voice to get out,  
23    you know, get out of there."

24          Even in retrospect, like, why did I think that would help?   I don't know who sent  
25    them there.   I don't know why they were there, sir.   I have no idea.   I wish I did.

1           And, respectfully, I wish I had heard from the FBI or DHS or someone in these  
2 hearings as someone very concerned about democracy and safety. I hope you know  
3 things we don't. Because somebody, somehow, somewhere had to know that hundreds  
4 of people were coming, or thousands were coming to D.C.

5           I mean, they know -- these hotels -- the D.C. Police, the Metropolitan Police  
6 Department knows when people have booked rooms for March for Life. We're going to  
7 have X number of people in the Mall and these pro-lifers. And, I mean, we know these  
8 things. And I want to feel confident that our government knew.

9           Somebody whose job it is to know knew that hundreds of people were coming  
10 here bent on entering the United States Capitol, however they felt they could, by  
11 breaking windows, by shoving police officers, by -- with flagpoles.

12           You saw what I tweeted. I felt like I had to.

13           Q     Yeah. And you're right, and that's the basis for some of the questions we  
14 asked about the potential for violence or concerns about that, because, as we know,  
15 we've developed and put on some of this at the hearings, the Secret Service was tracking  
16 groups coming to Washington about the March for Trump --

17           A     Good.

18           Q     -- and what they intended. That was based on information from the FBI  
19 and others.

20           A     Sure.

21           Q     And so, to the extent it was being discussed or considered or concerns were  
22 raised, that's the basis for some of those types of questions.

23           Did you call anybody else in the White House that afternoon, other than Mr.  
24 Luna?

25           A     I don't know. Probably Tom Joannou, who was my right hand, still is in my

1 private business now. He was still working in the White House, worked there all 4 years,  
2 and I may have called him just to say, "What's going on over there? Is anybody running  
3 down there?" He said, "I think everybody's running down there."

4 The young people who worked on my team, they're just very humble. If I had a  
5 meeting in the Oval Office, they'd stay out here and hand the paper to Molly or Nick. So  
6 they weren't going to get involved. They just -- everybody was trying to make sense of  
7 it. Nobody could believe what they were seeing.

8 Q Did he say anything back when you spoke to him that you can recall about  
9 what was happening or --

10 A No. No. He would not have been able to see what was going on in the  
11 Oval Office, but my office is right next to White House counsel and Ivanka Trump on the  
12 other side and Larry Kudlow across from there.

13 So, I mean, those would be people maybe running back and forth. I don't know.

14 Q Did you reach out to Ivanka or any of the family members?

15 A No.

16 Q What about --

17 A I did not reach out to Mark Meadows.

18 Q Okay. That was going to be one of mine, so I appreciate that.

19 What about, to the extent that the White House is different from the Office of the  
20 Vice President? Did you reach out to anybody in the Office of the Vice President, Mr.  
21 Short or --

22 A I don't think so, but I may have. I don't think so, and I can check that.

23 Q Okay.

24 A I saw where they were.

25 Q What about the Vice President himself? Did you reach out to him?

1           A    No.

2           Q    I want to go back. And Pat Cipollone in the morning, there's another  
3         entry -- this is all I know about it -- there's an entry, January 6th at 10:54 a.m. You called  
4         him for about 7 minutes the morning of January 6th.

5           A    I don't know.

6           Q    Do you remember --

7           A    It sounds like we were trying to get in touch with each other for a day and a  
8         half for 7 minutes.

9           Q    Do you remember anything about why you wanted to speak with him the  
10       morning of the 6th?

11          A    No, but I can check. I can check to see if there are contemporaneous texts  
12       or emails on my phone.

13          Q    Okay. That would be great.

14          A    Yeah.

15          Q    Appreciate that.

16          In your book, on the 6th, you write about a conversation you had with someone in  
17       Muriel Bowser's office about the National Guard.

18          A    Yes.

19          Q    Who was it that you spoke with in Ms. Bowser's office?

20          A    Her name is Marcy Robinson.

21          Q    And what was her role?

22          A    I think she's an adviser to the mayor. And Marcy, I knew her when she was  
23       press secretary to Congressman Jack Kemp in his final term and I was a foreign policy  
24       intern. So I've known her for a very long time, 35 years now, so 33 by then.

25          And she had the very smart idea, she and Mayor Bowser, after President Trump

1       was elected in 2016 to have Mayor Bowser come to Trump Tower to introduce herself  
2       and say, "I'm now going to be your mayor." And I thought it was a great idea. And she  
3       came. And she came long before Jim Comey ever came.

4           And so she -- Marcy and I had brokered that and Marcy and I were in touch over  
5       the years. I've always had a very pleasant relationship with the mayor. I live in D.C.

6           So I say this because I trust Marcy. I know if she calls me, she's talked to the  
7       mayor directly.

8           Q     Along those lines, you wrote that you received calls -- or excuse me -- it's  
9       been reported that you received calls from her office asking for help in convincing Trump  
10      to call in the National Guard. Is that accurate?

11          A     Yes. But they were asking me if I knew if the President had said yes or no  
12      to the National Guard. I said, "I have no idea. Who made the request and when?"

13          And then I asked about Acting DefSec Miller, who I believe through the chain of  
14      command, if I recall correctly, would have been the one to receive that call.

15          And I know what I said to Marcy, which is that -- I said, "Marcy, you know,  
16      sometimes people give answers on behalf of President Trump guessing or thinking or  
17      willing what he would've wanted them to say or do without asking him. So I want to  
18      make sure he knows that that call -- that that was requested."

19          And I did -- I did say that to Nick Luna. That was probably part of -- that was  
20      another reason I called. I said, "I'm getting calls, random calls, from Mayor Bowser's  
21      office asking about the National Guard, and I want to make sure the President knows that  
22      that request was made."

23          Now, in retrospect, again, that's just an out-of-loop person on my part because  
24      I've read since that the President offered the National Guard or it was refused or it did or  
25      didn't. So I don't know what's true and what's false in the timelines and the players

1 here. But I was mouthing the words National Guard as soon as I hung up. I said,  
2 "Marce, got to go," and called Nick.

3 And so it turns out, you know, everybody's way ahead of that because there were  
4 conversations, it sounds like, or there were refusals or there were acceptances. You'll  
5 piece all that together and tell us.

6 But I was just trying to, as I always try to do, just try to connect people and  
7 opportunities and questions with answers.

8 Q How many calls did you have with Mayor Bowser's office, whether Marcy or  
9 someone else?

10 A Two, both with Marcy.

11 Q Okay. Did you speak to Mayor Bowser directly?

12 A I did not. She may have been there. I had no idea where Marcy was. It  
13 may have been, may not have been. Marcy definitely was talking to people in the  
14 background.

15 Q Okay.

16 A A woman in the background.

17 Q And in your book you described the calls much like you just did. You said  
18 that Marcy, I guess, requested the National Guard -- excuse me. I'll start over. Marcy  
19 told you, "We've requested the National Guard and were denied. Can you help?"  
20 There's some questions about what and what happened. And she's told you, "SecDef  
21 declined the request," meaning Acting Secretary of Defense Chris Miller, "and we don't  
22 know if he was acting alone or at the direction of the President."

23 You then say, "Let me find out or make sure the President knows that this is  
24 happening. Sometimes people act on their own and do things based on what they think  
25 he wants them to do without bothering to ask."

1           A    That's right.

2           Q    Okay. So all that is accurate?

3           A    That's correct.

4           Q    Okay. And did you reach out to anybody other than Mr. Luna about these  
5 issues related to the National Guard?

6           A    I don't think so.

7           Q    Do you remember raising this with Mr. Luna?

8           A    Yes, I do, specifically.

9           Q    Did you make an ask of him?

10          A    No. I said, "I want you to know" -- sorry. Excuse me.

11          Q    That's okay.

12          A    "I want you to know I just received a call from Mayor Bowser's office and  
13 they're requesting the National Guard. It sounds like SecDef may have said no, but I  
14 want to make sure the President is aware of that request."

15          Q    Okay. And at that point on January 6th when this is happening you didn't  
16 know anything else about what was happening with the National Guard or law  
17 enforcement response other than what you're seeing on TV?

18          A    No. And for me I'm not sure that I can suss out just watching the TV, you  
19 know, who's where doing what. No.

20          Q    Okay. Did you ever get any --

21          A    In terms of law enforcement, excuse me, in terms of law enforcement.

22          Q    Sure. Did you ever get any response about -- from Mr. Luna or otherwise  
23 that, "Hey, I took this to the President," or, "We informed the President"?

24          A    No. I was expecting to either, though. People have this tendency where  
25 they want to be in the thick of it even if they're not there. They want to know that they

1       got their question answered. They want to then tell the press what just happened.

2                  For me it was, he needs to know these two things right away, and that's why I  
3       called Nick. And I know -- I know Nick is responsible and I know he's compassionate and  
4       he's competent. And it doesn't mean other people around there weren't. It's just like  
5       in that moment it was so -- I've often reflected on it -- it is probably the first time I ever  
6       called somebody's cell phone who I thought might be next to the President rather than  
7       call the President or call the switchboard.

8                  But when Chris Christie told me, "I can't get through," I thought he meant literally,  
9       like, literally, everybody's calling the switchboard, he can't get through. So I just  
10      thought -- I just went the quickest way I could.

11                 Q      In your book you talk about this call. You say that, first, you wanted to be  
12       added to the chorus of people urging the President to tell the people at the Capitol to  
13       stop, to get out of there.

14                 Second, you say there were requested to deploy the National Guard and a bit of  
15       confusion about that?

16                 And finally you said to Mr. Luna -- or you wrote in your book about your  
17       conversation with Mr. Luna asking the President to clarify his Twitter feed and referenced  
18       wondering whether people in the Capitol would be reading it or not reading it in an effort  
19       to do something?

20                 A      Right.

21                 Q      I'll represent to you that we have records showing a call to Mr. Luna's cell  
22       phone around 3 o'clock from an unknown number. Do you a home phone or a land line  
23       or anything with a blocked or unknown number?

24                 A      It might have been my cell phone. That just means I had to call someone  
25       back and didn't want them to have my number and forgot to undo it.

1           Q     Okay. And to be clear, I don't know whether that was you or not, but does  
2     3 o'clock sound around the right time --

3           A     Absolutely. If I saw Don Jr.'s tweet, he published that tweet just about 2:30  
4     or a little bit later. Then literally, as I'm trying to run down the stairs from my cave, my  
5     TV-free cave, drama-free cave, to go turn on the TV, Marcy was calling me. So this is all  
6     happening very quickly.

7           Q     Okay.

8           A     Yeah. And then I know -- I know I called Nick Luna before I went on ABC  
9     and all of that, yeah. Yeah.

10          Q     Okay. Did you let him know you'd be appearing on ABC?

11          A     No. Of course not.

12          Q     Okay. So if we can go to exhibit No. 8 in your binder. This is a tweet that  
13     you put out dated January 6th at 3:21 p.m. where you say, "Stop. Just stop. Peace,  
14     law and order, safety for all."

15          So you think this happened after your conversation with Mayor Bowser's office  
16     and after your --

17          A     Definitely.

18          Q     -- call to Mr. Luna?

19          A     Yeah. It's all within 40 minutes of even noticing this for the first time, yes.

20          Q     Okay. Why did you feel the need to do this?

21          A     I don't know. It's a great question, because I don't like Twitter. I don't  
22     like people who are performative on Twitter. In other words, "I must weigh in on  
23     everything." But you really don't. We really don't need to hear from you 200 times a  
24     day. We really don't.

25          So I think for me it wasn't as I thought I just told, you know, here I am thinking I'm

1 not even sure they're going to look at Twitter, so don't go on Twitter. You know, clarify  
2 Twitter, but they're not going to look at Twitter. We need a bullhorn. We need -- you  
3 know, I'm being we need a bullhorn. We need his voice piped in. We need somebody  
4 there to just say stop. And I felt like I just had to say it, put it somewhere.

5 And I'm sure there was a ton of hate, you know, in response because that's what  
6 miserable people who don't wear pants that snap, button, or zipper any more do for a  
7 nonliving living. But I don't care. I felt like I had to say it.

8 Look, I'm a staffer. I didn't ask for any of this. Meaning, I, you know, didn't ask  
9 to be famous, I didn't ask to be well-known, I didn't ask for any of that. That just  
10 happened because I earned it, not that -- I earned being campaign manager and him  
11 winning.

12 But I do know, through my humility, that I have a connection with many people  
13 out there. They're very grateful to me for 2016. They're very grateful for me putting  
14 up with a lot of unfair treatment that they witnessed firsthand. And they are very  
15 grateful for me being part of an administration that helped accomplish things that matter  
16 to them.

17 So it's not that people are going to look up and say, "Oh, Kellyanne said stop. I'm  
18 going to stop." But I almost felt if somebody sees somebody they know on the TV,  
19 maybe they'll get on their -- I'm just thinking to myself.

20 I can't do that as one person, but I felt the need to weigh in and just say, what are  
21 you doing? Like -- and I was in such shock because people protest outside buildings.  
22 I've watched them in the rain and throwing their bodies up against the Supreme Court,  
23 you know, the big doors. But you don't breach the building.

24 And people are reminding me they did breach the building during the Kavanaugh  
25 hearings, I guess for naught since he's on the Supreme Court. But sure, people breached

1       the buildings, but come on. You don't go inside the building. You don't break the glass  
2       of the window and just keep going.

3           So I just -- that was like the easiest thing I can say in the moment. Yeah. That's  
4       all.

5       Q     So this is at 3:21. You write in your book that one of the requests you have  
6       of Mr. Luna is to have the President clarify his Twitter feed. And at this point, the  
7       President had issued three tweets. Sounds like you had seen them. Is that accurate?

8       A     What did they say?

9       Q     I'm glad you asked that. They're exhibit No. 11, 12, and 13.

10      So 11 is a 2:24 tweet about an hour before you tweeted, saying, "Mike Pence  
11     didn't have the courage to do what should have been done to protect our country and  
12     our Constitution, giving States a chance to certify a corrected set of facts, not the  
13     fraudulent or inaccurate ones, which demand" -- excuse me -- "which they were asked to  
14     previously certify. USA demands the truth."

15      Then under exhibit 12, this is at 2:38, so about 14 minutes later, the President  
16     said, "Please support our Capitol Police and law enforcement. They're truly on the side  
17     of our country. Stay peaceful."

18      And then again at 3:13, just 8 or so minutes before you tweet, the President says,  
19     "I'm asking for everyone at the U.S. Capitol to remain peaceful. No violence.  
20     Remember, we're the party of law and order."

21      So these come out before your tweet. Did you think that these were not  
22     sufficient to address the events at the Capitol?

23       A     I may not have seen them.

24       Q     You did tell Mr. Luna, though, that you wanted --

25       A     Send out a clarifying tweet. I said that after this, though. Oh, send out a

1       clarifying --

2           Q    Yeah. Your call with Mr. Luna was before then and in your book you  
3       wrote --

4           A    Well, I think the clarification is get out, not just stay peaceful, but get out, go  
5       home.

6           Q    So direct words, get out, go home --

7           A    Well, yeah. Why are you in there? What are you doing?

8                 Now, the Pence tweet, the timing of the Pence tweet, 2:24. So the election  
9       results had not been certified because I believe the Vice President comes back to do that,  
10      correct?

11          Q    That's correct. He didn't come back until late the next -- or excuse  
12      me -- early the next morning, late that night, I guess you could call it.

13          A    Okay.

14          Q    But this is after the joint session had started and the violence had started at  
15      the Capitol. But you wrote in your book, as far as the Nick Luna conversation, "Finally,  
16      can he please clarify his Twitter feed? If the people inside the Capitol had actually read  
17      the President's tweets, they would have been totally confused and not deterred. Some  
18      of them read like an annual fundraising appeal" -- and in brackets, the 2:38 tweet -- "and  
19      the others had the opposite message" -- meaning the 2:24 Mike Pence tweet.

20                 "To hear Pence explain it, the issue is not of courage, but of the Constitution. To  
21      hear Trump explain it, all his Vice President had to do was send the matter back to a few  
22      State legislatures."

23                 So it sounds like there's a clarification about a few things and a few tweets, and  
24      you reaching out to Mr. Luna before this.

25          A    Yeah. So less so the clarification about the Vice President because I just

1 think what I'm writing there is a longer-term look back at the disagreement the two men  
2 have -- in this case, the President and Vice President of the country -- about what the Vice  
3 President could and could not do.

4 And that's a look back because I, you know, just know them both very well, have  
5 worked with them, and I'm pretty sure that when Donald Trump tapped Mike Pence to be  
6 his running mate in 2016, I was the only national-based consultant they had in common.

7 So I've been around both of them for a long time and certainly all four years, four  
8 and a half years with the campaign. But I don't think I was talking about that here with  
9 the clarification.

10 The clarification was more how do we get -- I didn't know where Mike Pence was  
11 then, of course -- how do we just get these people out of there? And I said, it sounds  
12 like an appeal. Just get out of there.

13 Q That was the message that needed to be sent, in your opinion?

14 A Well, sure. But I think lots of people were sending it. I mean, many  
15 people were saying get out.

16 And I'm not -- looking back, I just don't think people -- not even looking back now,  
17 looking back in the moment, are they looking at Twitter? Are they going to say, "Oh,  
18 wait a second, I must now stop what I'm doing"?

19 That goes back to my point. I'm glad you have the information. I can't wait to  
20 learn it. I mean, who knew what when? Who knew people were coming here with  
21 weaponry and they had a plan to go into the Capitol, like, literally, go into the Capitol and  
22 do all this?

23 Q Well, I'll represent to you that your instinct was right, that when the  
24 President issued a message over Twitter asking people to go home, they looked at it at  
25 the Capitol, and there's video of this we've played at our hearings, and they said, "We're

1 being asked to go home," and things were on the way to wrapping up.

2 So your instinct, I think, was right here, and it sounds like the message you wanted  
3 to send was for people to clearly --

4 A So that's here?

5 Q -- send or to leave? Well, I'm going to get to that in a second. There's a  
6 video message that the President tweeted out at 4:17 p.m.

7 A 4:17? Okay.

8 Q Correct.

9 A I've seen it. I've seen it.

10 Q So about an hour after.

11 A Yes.

12 Q I do want to go to your messages with Ms. Hicks, who you raised -- which  
13 you've raised, excuse me -- a few times, and they're at exhibit No. 7.

14 At 4:09 p.m. she writes to you. She's in blue; you're in gray here. "This is so  
15 awful. I could do an early dinner tomorrow night. Make dinner plans."

16 You say, "Yes, it is. I called him. I assume you're not on campus."

17 Ms. Hicks says, "No, I haven't been around for a month at this point. He stopped  
18 listening to me a long time ago. It's very sad, though."

19 Your message, "I called him," what are you referring to in that?

20 A Calling Nick Luna.

21 Q Okay. The "him" is Nick Luna?

22 A No. The "him" is the -- is DJT. But she knows who that is. "Yes, it is. I  
23 called him," meaning, I called him about that. I weighed in on that.

24 Q Okay. Did you speak with Ms. Hicks over the phone?

25 A No. I don't remember when I saw her after this. I think it took a while for

1 us to get together.

2 Q And you weighing in on that by calling him through Nick Luna, that's the  
3 conversation that we've gone over and that your wrote about in your book.

4 A Yes, correct.

5 Q Okay. All right. And just moving ahead in time. At exhibit No. 9, you  
6 issue another tweet saying, "This is not appropriate, not legal, and not funny. Get out."  
7 This one comes after the President releases that video statement where he says that he  
8 loves everyone. "These are the sad things that happen when an election is stolen, but  
9 it's time to go home."

10 Why did you release this tweet? And this looks like it's around 4:30.

11 A Because I was cursing through Twitter, unusual for me, as an entrance, not  
12 an exit; in other words, as a news feed. And I came across this guy, like, literally sitting  
13 at her desk. And it's just saying, what are you doing at her desk? So that's what I said,  
14 not appropriate, not legal, not funny.

15 I was hoping this wasn't true. If I had seen this without the pictures as her office  
16 is vandalized and I'm thinking I hope that's not true. I hope it's just a couple files turned  
17 over or something. But the facts are a lot worse than that.

18 Q Did you think that at this point it was still important to send out messages  
19 and public statements telling people to leave? Did you say get out?

20 A Oh, yeah. I see where you're going. Again, Twitter is just one of those  
21 things where you can say what you want at all times and those of us judicious and  
22 self-respecting enough know when not to do it all day long. So I just felt the need to do  
23 it that day.

24 So just as, you know, members of the committee have tweeted at each other  
25 before this most recent alliance. So I wouldn't give -- I don't put too much stock in time,

1 place, and manner and content of Twitter as, well, you did it at this point and not that  
2 point or he did it here.

3 To me I'm looking at the news and I see something new to me. May not have  
4 been new to anybody else, new to me. You vandalized the Speaker's office? I have  
5 plenty of problems with her, but you don't go in her office, you don't go in your office or  
6 my. You just don't do that.

7 And you know why you don't do that? Because you were raised by a woman,  
8 not a wolf. It doesn't matter who told you to do what when, you know right from  
9 wrong. And this is just wrong. It's not -- I said, it's not funny. I'm sure he thinks it's  
10 funny.

11 And I have to tell you, sir, I can't get out of my mind the article I read in The  
12 Washington Post probably a good year and a half ago, maybe not long after January 6th,  
13 where they went through the fact that so many of the people since charged had no prior  
14 record whatsoever.

15 I was reading about these people and it's like this person doesn't -- they don't  
16 even have a traffic ticket, they don't have a lien, they don't have a -- and it's, like, you're  
17 not even prone to this kind of behavior. What are you doing? I literally am still saying,  
18 what were you doing there? What did you think you were doing there, so --

19 Q Did you talk to anybody, even if they didn't work at the White House still,  
20 former administration people, campaign people, anybody, and, I don't know, discuss the  
21 need or the desire to put out statements like this?

22 A No, but that's not something I would do anyway. I'm one of the most  
23 public-facing people from that administration, a tiny bit by choice, mostly through  
24 circumstance, and I wouldn't -- I can't slow my stride by consulting -- by having a  
25 committee about that. So no.

1           I have learned to hold my tongue. I have learned to not express every -- I think  
2    this country suffers from no unexpressed thoughts left. So I try to have a few.

3           Q    Later on January 6th the President has a number of phone calls. Did you  
4    ever connect with the President --

5           A    I did not -- I don't think I connected with him that night. I've been asked  
6    that question before. I don't think so. It may -- if I did, it was very, very late. And I  
7    definitely talked to him the next day.

8           Q    Okay. Did you talk to any of his advisers, Mr. Meadows, Mr. Scavino?

9           A    Meadows, no.

10          Q    Mr. Cipollone?

11          A    Maybe Scavino, maybe Cipollone. I'd have to really check.

12          I tried to figure out, after I saw the Hicks exchange, I tried to figure out how to  
13    check my texts from -- just go to a certain day, in this case January 6th, 2021, but I  
14    couldn't figure out how to do that. If you know, I'm listening. Maybe we can ask  
15    someone half my age, but -- okay, third of my age.

16          But I'd have to go back, I'd have to scroll all the way back to 2 years ago to find the  
17    answer to that.

18          Q    Okay. And I don't --

19          A    It's possible.

20          Q    Just for your --

21          A    I texted Melania Trump that day, though, for sure.

22          Q    Okay. What did you text to her?

23          A    I texted her, please -- something to the effect of, you know, please talk to  
24    him, because I know he listens to her. He reserves -- he listens to many of us, but he  
25    reserves fear for one person, Melania Trump.

1           And she didn't -- she didn't answer me for a while because she didn't have her  
2        phone. She didn't know what was going on. And I'm offended that nobody ran in  
3        there to tell the First Lady of the United States that, I mean, she and her teenage son may  
4        be, I don't know, at risk. But I'm just saying, I knew what had happened, you know, the  
5        previous summer when somebody felt they were at risk and took action.

6           So she didn't have her phone, she was cataloging things, again, preparing for the  
7        end of the term. She was cataloging things. She didn't have her phone. That's why  
8        when I read this nonsense that people say, well, she said she didn't want to put out a  
9        statement. She didn't know what was going on -- she literally didn't know what was  
10       going on.

11           I feel the chief of staff should've had -- somebody should've had somebody go  
12        over and take the First Lady out of that meeting with people in the East Wing and say,  
13        "You need to know what's going on at the Capitol."

14           So she got back to me when she got out and saw what was going on. But she -- I  
15        know for sure I texted her.

16           Q     Do you still have those texts?

17           A     I'm sure I do.

18           Q     Do you remember what she said back to you?

19           A     I don't.

20           Mr. Flood. May I ask a question?

21           ████████ Yes.

22           Mr. Flood. When you say you're sure you do, do you mean you haven't  
23        intentionally deleted them?

24           Ms. Conway. I haven't intentionally deleted them.

25           ████████ Spoken like a lawyer, Mr. Flood.

1           Fair enough. That is something we'd ask you to go back and see if you still have  
2 them.

3           Ms. Conway. You got it.

4           ████████ I'll work with Emmet on that.

5           I'm going to stop there for a moment and give the floor to others.

6           BY ████████ :

7           Q     Just one question from me.

8           When you spoke to Nick Luna on the phone, did he say anything about what was  
9 happening in the White House?

10          A     He was very Nick, which is a combination responsive, professional, and  
11 empathetic, I would say, or compassionate, meaning, "I gotcha. I know. I will. I will  
12 tell him. Do you want to talk to him?"

13          "No, I don't. I'll talk to him later. I just want you to" -- and I could've delivered  
14 that to any one person, but I knew he'd probably be right there given his position at the  
15 time, just kind of like body man, outer Oval overseer. So -- director, excuse me.

16          So, no, he was -- and I know -- I'm absolutely sure that he conveyed both  
17 messages promptly.

18          Q     Did he say where he was when you spoke to him?

19          A     He said he's right here. I assume they were either at the Resolute Desk or  
20 maybe back in the Oval dining room. I don't know.

21          Q     Okay. And did he say anything, anything at all, about, you know, "This is  
22 how my day has been, this is what's going on here"?

23          A     No.

24          Q     Okay.

25          A     No.

1           Mr. Flood. Can we go off the record?

2           ██████████ Absolutely. Let's go off the record.

3           [Discussion off the record.]

4           BY ██████████

5           Q     Let's go back on the record.

6           Exhibit 14 is the last -- I believe the last of the President's tweets from January 6th.

7           He said, "These are the things and events that happen when a sacred landslide election  
8           victory is so unceremoniously and viciously stripped away from great patriots who have  
9           been badly and unfairly treated for so long. Go home with love and in peace.

10          Remember this day forever."

11          Do you remember seeing this tweet on the 6th?

12          A     I remember seeing it sort of after the fact, yes, either later that night or  
13          along with the video.

14          Q     Okay. What were your thoughts about this tweet when you saw it?

15          A     Just a lot going on in this tweet, I don't know. I don't know enough about  
16          all the underlying facts. But I assume -- previously, ██████████ when you said, well, he  
17          did send out a tweet that said go home in peace, this was the one that people read?

18          Q     No. So what I was referencing was his video at 4:17.

19          A     Oh, okay. I got it. So then by then people had dispersed a little bit?

20          Q     People started getting the message --

21          A     I got you. Okay.

22          Q     Let me ask it this way. I mean, we've talked about December 14th up till  
23          this point, we've talked about the challenges. I mean, at this point the election was  
24          settled in your mind. Is that fair?

25          A     Yes.

1           Q    Okay. And the President's still talking about it, sounds like against your  
2 advice --

3           A    Well, that doesn't matter. It doesn't matter if he ignores my advice. It  
4 matters if he hears it.

5           Q    Okay. Well, you being in the position and having the thoughts that you  
6 had, I mean, what were your thoughts about this?

7           A    I don't have thoughts about this.

8           Q    Okay.

9           A    I believe that this is a man who ran in the first place to give a voice to the  
10 forgotten man or forgotten woman, whether they are people who work in manufacturing  
11 or construction, coal mining, energy, people who feel that we have an open southern  
12 border, we have rising crime, rising prices. He always feels like he is. So, yeah.

13          But also I think at 6 p.m., I may be wrong, but I'm not sure what we all knew about  
14 what had happened. I'm not sure we knew anyone had been hurt. I don't know what  
15 he knew. He was the President, so maybe he knew what we didn't know. But I'm not  
16 sure when things started to unfold. So --

17          Q    Okay. Fair enough. So you don't know exactly what he knew at the time.

18          A    But, you know, I've learned that, you know, he had sent 28,000 tweets. I  
19 mean, I know people who aren't the President who have sent hundreds of thousands.  
20 So I guess we could do that.

21          But he has sent 28,000 tweets or so, I remember reading somewhere, before he  
22 no longer had Twitter. And I can't ever get this way or that way about any one tweet.  
23 I take them all together. There's just a lot going on here and I think he wanted to say  
24 that he believes he won in a landslide and it was stripped away and it's not fair and I don't  
25 know.

1           Q     Let me ask this only because we're pressed for time here. You said you  
2 talked to the President the next day. Tell us about that conversation on the 7th.

3           A     I don't think it was very long. I just said that it was just a terrible day. I'm  
4 working on a long statement. I said it's crazy.

5           Q     What did he say?

6           A     No. These people are upset. They're very upset. I don't know. I think  
7 it was more generalities, to be frank with you. I don't remember anything specific about  
8 it that's worth reporting.

9           Q     Did he say anything about you writing a statement about the 6th?

10          A     No. No.

11          Q     Your statement is included here, or at least what I assume is your statement,  
12 at exhibit 15, that you released on Twitter. Is that the statement you're talking about?

13          A     Yes. I wrote that.

14          Q     Okay. Did you ever talk to him about your statement? Did he ever  
15 comment to you about what you had written or said?

16          A     No. No. No. And I -- look, I, again, just because I feel a connection to  
17 many people I hear from, I -- not necessarily this day because it was too raw and real and  
18 fresh, but since this day and forevermore I want to make sure that the 74 million-plus  
19 Trump-Pence voters from 2020 aren't denigrated and castigated like they were in the U.S.  
20 Capitol that day. It's totally unfair, and it goes on constantly.

21          The way I feel about that day, I was very up front. I have stated it. I've never  
22 wavered. I've never deleted, never edited. I, frankly, think a lot of this was ahead of  
23 its time, fine.

24          At the same time, this whole idea that people wake up every morning and think  
25 that it's January 6th, 2021, is not true. People are really suffering in this country for

1 other reasons. That's A. They're suffering economically. They're suffering crime.  
2 They're suffering with so many issues.

3 And so this is a terrible day. I haven't changed my opinion. But I also don't like  
4 when many people make it sound like everybody who ever voted for Donald Trump in  
5 either election is complicit in what happened at the Capitol that day. It's unfair and it's  
6 actually untrue.

7 Q And to be clear, nobody's suggesting that here.

8 I do want to address on January 8th, so the day after your conversation with the  
9 President, you issued a tweet responding to, it looks like a reporter, Jim Bourg, who says  
10 that he heard at least three different rioters at the Capitol say that they hoped to find  
11 Vice President Mike Pence and execute him by hanging from a Capitol Hill tree as a  
12 traitor. And he goes on.

13 And your tweet is, "Lock them up," referring, I assume, to the people at the  
14 Capitol who are saying those types of things --

15 A If they were, sure.

16 Q Okay. And --

17 A It's disgusting.

18 Q Did you ever hear the President, President Trump, talk about the chants of  
19 hang Mike Pence or some of the people who were at the Capitol referring to Mike Pence  
20 and calling him a traitor?

21 A No. I've not heard that.

22 I will say this. I've never heard -- I'm like a unicorn. I speak to Donald Trump  
23 and Mike Pence and still, meaning regularly, and I've never heard either of them say  
24 something negative about the other personally to me; meaning, President Trump will say,  
25 "The people are mad at Mike. The people will never forgive Mike. They're mad at him.

1 They think he could've done something."

2 I like to say, "Well, what could he have done?" I've even asked other people,  
3 "What could he have done?" And people really don't have a lot of answers.

4 The President always says, "He could've sent it back to the States. All I was  
5 asking him to do was send it back to the States."

6 But he has never denigrated Vice President Pence to me and Vice President Pence  
7 has never denigrated President Trump to me.

8 But as for these people saying that about the Vice President and while he and his  
9 wife and his daughter and his brother, all of whom I know very well for a very long time,  
10 are nearby is chilling.

11 Q The President released a statement on the 7th, January 7th.

12 A Did the President?

13 Q He did.

14 A Oh.

15 Q Did you at all help him write, draft, edit the comments that he put out on the  
16 7th?

17 A No. I was writing my own. I don't remember his.

18 Q Did he ask you for input into what he should say --

19 A No.

20 Q -- to the country after January 6th?

21 A No. Not that I recall.

22 Q Has he ever expressed any feeling at all about what happened on  
23 January 6th to you?

24 A Just to me, yes, that he never told them to do that. He says, "I never told  
25 them. We had a whole rally where I say go in peace. They're trying to say I said fight

1 like hell."

2 And I said, "Well, every high school football coach in America would have to be  
3 deposed. Did you tell them to go and break glass?"

4 And my experience with him, too, over a series of years is he doesn't  
5 like the -- people misread that he likes the raucous behavior, he likes the tougher the  
6 better.

7 We were appalled and a little bit scared in the summer of 2020 when we had  
8 people walking out of the convention threatened, touched, run down. It was scary.  
9 And a number of us had incidents like that. And he -- you know, that's always very  
10 worrisome.

11 So no. No. He just always says, "I never told them to do that. I didn't know  
12 that that was going to happen. I didn't know. I didn't tell them."

13 So I've never heard him say, "I wanted to go there, they wouldn't let me get  
14 there."

15 Q Okay. So he's never said that he wanted to go on the 6th?

16 A Not to me.

17 Q Okay. Did you ever hear him say anything about, "Maybe if I did a different  
18 speech or didn't have the rally that things would be different"?

19 A No. No. He knows people act on their own free will depending on what  
20 they want to do or think they should do or what others are asking them to do.

21 Q And the reason I ask this is I believe in --

22 A -- or misperceiving something.

23 Q -- Vice President Pence's recent book apparently the President had asked  
24 kind of rhetorical questions like that to the Vice President. So I just wanted to see if he  
25 had said anything --

1           A    What did he ask? Oh, "Should I go?"

2           Q    No. Something like, "What if we didn't have the rally? What if I gave a  
3         different speech?" Something like that.

4           A    Oh, I don't know that. Sure.

5           Q    And I didn't want to speak for the Vice President, but just seeing if you knew  
6         any of that.

7                  The last thing I'll ask here is, have you talked to the President or Vice President  
8         about your appearance before the select committee?

9           A    No.

10          Q    Have you talked to anybody other than Mr. Flood or other lawyers or --

11          A    No.

12          Q    -- your husband?

13          A    Just Tom Joannou to tell him to block the time today. And that's it, yeah.

14                  [REDACTED] Okay. I'll stop there. I don't know if you guys have any  
15         additional --

16                  [REDACTED] No, thanks.

17                  [REDACTED] Nothing for me.

18                  [REDACTED] Let's go off the record.

19                  [Whereupon, at 3:10 p.m., the interview was concluded.]

2

3

4

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

7

8

9

10 Witness Name

11

12

13

14

Witness Name

15

Date