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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 DEPOSITION OF: CHRIS HODGSON
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15 Wednesday, March 30, 2022
16
17 Washington, D.C.
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20 The deposition in the above matter was held in room 4480 O'Neill House Office
21 Building, commencing at 10:06 a.m.
22 Present: Representatives Aguilar and Cheney.

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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] PROFESSIONAL STAFF MEMBER

9 [REDACTED] SENIOR INVESTIGATIVE COUNSEL

10 [REDACTED] CHIEF INVESTIGATIVE COUNSEL

11 [REDACTED] INVESTIGATIVE COUNSEL

12 [REDACTED] PROFESSIONAL STAFF MEMBER

13 [REDACTED] OF COUNSEL TO THE VICE CHAIR

14

15

16 For the WITNESS:

17

18 ANDREW OLMEM

1

2 [REDACTED] Okay. Good morning.

3 A little echo.

4 Okay. This is the deposition of Chris Hodgson conducted -- that always gets me.

5 Good morning. This is the deposition of Chris Hodgson conducted by the House
6 Select Committee to Investigate the January 6th Attack on the United States Capitol
7 pursuant to House Resolution 503.

8 At this time, I'd like to ask the witness to please state your full name and spell
9 your last name for the record.

10 The Witness. Yep. It's Chris Hodgson, and last name is H-o-d-g-s-o-n.

11 [REDACTED] Great. Thank you.

12 And, Counsel, would you like to please state your name for the record as well.

13 Mr. Olmem. Yes. Andrew Olmem, counsel for Mr. Hodgson.

14 [REDACTED] Great. Thank you very much.

15 This is going to be a staff-led deposition. My name is [REDACTED] I'm an
16 investigative counsel for the select committee. I'm joined in the room today by my
17 colleagues.

18 At the end of the table here is [REDACTED] senior investigative counsel and of
19 counsel to the vice chair. Right to my left is [REDACTED] senior investigative counsel for
20 the select committee. And here to my right is [REDACTED] professional staff
21 member, also for the select committee.

22 As I said, this will be a staff-led deposition, but members of the select committee
23 may join, and they may of course also choose to ask questions if they do so.

24 As we mentioned before going on the record, because this is being conducted on
25 Webex, you'll be able to see on the screen here in the room when members join, and we

1 will try to announce their appearance for the record too. We likely won't announce
2 when they leave if they have to go off for other official business. It's a little hard to keep
3 track sometimes, but we will make a note on the record when they appear.

4 Under the House deposition rules, neither committee members nor staff may
5 discuss the substance of the testimony you provide today unless the committee approves
6 release. You, Mr. Hodgson, and your attorney will have an opportunity to review the
7 transcript.

8 And, before we begin, I'd just like to go over a few more other ground rules for
9 you.

10 We will be following the House deposition rules that we provided with your
11 subpoena and to your counsel previously. Under the House deposition rules, counsel
12 for other persons or government agencies may not attend, but you are, of course,
13 permitted to have your attorney present.

14 There is an official reporter transcribing the record of this deposition, so we'll ask
15 that you please wait until each question is finished before beginning your response. We
16 will also try to wait until your responses are finished to begin our next question. And
17 that's because the stenographer is trying to make a complete record and also can't record
18 nonverbal responses. So please try to answer with a verbal yes or no rather than a nod
19 or a shake of the head.

20 We ask that you provide complete answers to the best of your recollection. If
21 our questions are not clear -- and that is certainly a possibility today -- please don't
22 hesitate to ask us to repeat or clarify our questions. Of course, if you don't know the
23 answer to a question, please simply say so.

24 You may only refuse to answer a question to preserve a privilege recognized by
25 the select committee. If you refuse to answer a question based on a privilege, staff may

1 either proceed with the deposition, or seek a ruling from the chairman on the objection.
2 If the chairman overruled such an objection, you would be required to answer the
3 question.

4 I also want to remind you that it is unlawful to deliberately provide false
5 information to Congress. And since this deposition will be under oath, providing false
6 information could result in criminal penalties for perjury and/or for providing false
7 statements.

8 Do you understand that?

9 The Witness. I do.

10 [REDACTED] Okay. Could you please stand, raise your right hand, and be sworn
11 by the court reporter?

12 The Reporter. Do you solemnly declare and affirm under the penalties of perjury
13 that the testimony you give in this matter will be the truth, the whole truth, and nothing
14 but the truth?

15 The Witness. I do.

16 The Reporter. Thank you.

17 [REDACTED] Okay. So logically today, please let us know if you need any
18 breaks or if you'd like to discuss anything with your attorney. As we noted before, it is
19 possible to have a short, quiet sidebar in here. But if you need to go outside the room
20 for full privacy, we're happy to accommodate that.

21 The Witness. Okay.

22 [REDACTED] If -- we could also take breaks during the interview for any other
23 reason. Just let us know.

24 Any questions about our overview or our ground rules here?

25 Mr. Olmem. No.

1 The Witness. Nope.

2 [REDACTED] Okay. Anything else to address?

3 [REDACTED] No.

4 [REDACTED] Okay. Great.

5 EXAMINATION

6 BY [REDACTED]

7 Q So, Mr. Hodgson, we have in front of you a binder of exhibits, a copy for your
8 lawyer.

9 A Okay.

10 Q Let's go ahead and look at the first one, please, behind exhibit -- or tab No. 1.
11 So is this a copy of the subpoena that you received from the select committee?

12 A Yes, it is.

13 Q Okay. And are you the Chris Hodgson named in the subpoena?

14 A I am.

15 Q Okay. Do you understand that your appearance today is pursuant to this
16 subpoena which is dated March 25th, 2022?

17 A Yes.

18 Q Okay. Great. So before we dive into the substance here, I'd like to go
19 over briefly your professional background and have you tell us a little bit more about
20 yourself. So why don't you give us a little overview of your career here in Washington
21 since your graduate -- your graduation.

22 A Sure. Graduated from the University of Virginia in 2010. I came to D.C.
23 immediately after and was an associate at Cornerstone Government Affairs for a little
24 over 2.5 years. I then went to work for Congressman Steve Scalise from Louisiana. I
25 was a legislative assistant in his personal office. And then when he became the majority

1 whip in 2014, I went over to be the floor assistant in the Office of the Majority Whip, and
2 then went on to be his deputy floor director in that office.

3 And then in October of 2017, I left to be the deputy director of legislative affairs in
4 the Office of the Vice President. And then a little over a year after that, became the
5 director of legislative affairs for Vice President Pence.

6 Q Okay. Great. Thank you. So you graduated from UVA in 2010, you said?

7 A Yes.

8 Q Is that correct? Okay. Great.

9 And so your career before going into the Office of the Vice President, describe to
10 us generally what your roles and responsibilities were, first at Cornerstone.

11 A Yes. So it was an associate working in support of the senior professionals
12 at Cornerstone Government Affairs, so typically research and writing and monitoring
13 issues and legislation on Capitol Hill.

14 Q Okay. Great. And then your time working for Representative Scalise, first
15 I think you said in his personal office and then the whip's office.

16 A Yes. So it was the legislative assistant in his personal office handling a
17 policy portfolio with a number of issues. And then as his floor assistant, was charged
18 with helping to count votes for the House Republican Conference, and monitor and track
19 and convey to the members and staff the daily floor schedule in the House.

20 And then as his deputy floor director, staff the chief deputy whip and, again,
21 helped in that vote-counting operation, and then also worked directly with the legislative
22 directors and all the personal offices on bills that were coming to the House floor.

23 Q Okay. Great. So it sounds like even in your time -- for the majority of
24 your time between 2010 and '17, you were involved in -- in Capitol Hill and in Congress in
25 particular.

1 A Yes.

2 Q Is that right?

3 A Yes.

4 Q And was your experience up to that point either -- majority focused on the
5 House of Representatives?

6 A It was.

7 Q Okay.

8 A Yes.

9 Q So how -- tell us about your first role in the Office of the Vice President. I
10 think you said that you started as deputy director of legislative affairs?

11 A Yes. So there were three of us in the Office of Legislative Affairs for the
12 Vice President. As his deputy director, I was exclusively focused on our work with the
13 House of Representatives. So I was his liaison in the House, and then worked to support
14 the director of legislative affairs.

15 Q Okay. And at the time that you were hired in 2017 -- you said it was
16 October. Is that right?

17 A Yes. End of October, as I recall.

18 Q Okay. So, you know, at the sort of end of the first year of the Trump
19 administration. Is that correct?

20 A Yes.

21 Q Okay. And who were you working -- who were you reporting to as deputy
22 director of legislative affairs?

23 A Jonathan Hiler, H-i-l-e-r, was my immediate report. He was the director of
24 legislative affairs.

25 Q Okay. Great. And how many people were there in the office of

1 direc- -- of the sort of OVP Legislative Affairs Office?

2 A Three.

3 Q Three. In addition to yourself and Mr. Hiler, who was the third?

4 A We had Chelsea Grant was an executive assistant, and then a legislative
5 assistant in our office.

6 Q Okay. And then did you succeed Mr. Hiler as director of legislative affairs --

7 A I did.

8 Q -- in 2018?

9 A Yes.

10 Q Okay. So describe for us generally your responsibilities as OVP director of
11 legislative affairs.

12 A Yeah. So it was my job to develop and coordinate the Vice President's
13 legislative affairs strategy, make sure that he was prepared for any interactions he had
14 with Members of Congress or on Capitol Hill, and then to coordinate with the White
15 House Office of Legislative Affairs on all of the administrationwide legislative efforts, and
16 then also build and maintain relationships with Members of Congress and congressional
17 staff, and help the Vice President to do the same.

18 Q Okay. Great. And before that, I think you said that your -- as deputy, you
19 had been primarily focused on the House.

20 A Uh-huh.

21 Q Is that right?

22 When you became the director of legislative affairs, did you also have
23 responsibility for relationships and all of the things that you just described for us on the
24 Senate side?

25 A I did. So I shifted my focus to be primarily Senate focused, although I still

1 maintained working relationships in the House. But I was primarily focused on the
2 Senate work.

3 Q Okay. And who --

4 [REDACTED] I think -- just to follow up.

5 [REDACTED] Yeah, of course.

6 [REDACTED] Why? So why -- why not a balance of House and Senate?

7 The Witness. Because the Vice President is the President of the Senate, so to
8 have a director of legislative affairs that's focused on interacting with the Senate, given
9 that role, we felt was important in our work in the office.

10 BY [REDACTED]

11 Q And did you hire someone to take your place in the deputy role?

12 A I did.

13 Q Who was that person?

14 A Ben Cantrell.

15 Q Okay. And did Ben have more of a responsibility focused on the House at
16 that time?

17 A Yes, he did.

18 Q Okay. Did -- who else worked in the Office of Legislative Affairs for the Vice
19 President while you were the director?

20 A After Chelsea Grant left, Hannah Lankford took her spot and became our
21 legislative assistant.

22 Q Okay. And were Mr. Cantrell and Ms. Lankford primarily focused
23 or -- forgive me. Were their offices here on Capitol Hill or with the rest of the Office of
24 Vice President staff?

25 A Hannah primarily staffed our office in the Capitol, on the Senate side of the

1 Capitol, and Ben and I would go back and forth between the Eisenhower Executive Office
2 Building and the Capitol.

3 Q Okay. So did you have offices in both locations?

4 A Yes.

5 Q Okay. Your Senate office or the Capitol Hill office, rather --

6 A Uh-huh.

7 Q -- is it in a Senate -- was it in a Senate Office Building or in the Capitol itself?

8 A So we had office space in the Dirksen Senate Office Building that was more
9 of a meeting space, and then we had a staff office just off the corner of the Senate
10 reception room right near the Senate floor in the Capitol.

11 Q Okay. And is that on the second floor of the Capitol?

12 A Yes.

13 Q Okay. So the time that you served as director of legislative affairs for the
14 Vice President was 2018 through the end of the administration. Is that right?

15 A Yes.

16 Q And were -- were Mr. Cantrell and Ms. Lankford the other members of your
17 team throughout that time period?

18 A They were.

19 Q Okay. Great. I think you mentioned earlier that one of your
20 responsibilities as director of legislative affairs was to coordinate with the White House
21 Office of Legislative Affairs. Describe to us generally what that entailed.

22 A So near daily or daily communication with the Office of Legislative Affairs.
23 So to the extent that anything they were working on was an administrationwide priority,
24 typically the Vice President, given his experience as a Member of the House, was very
25 involved in anything that we were doing from a legislative affairs standpoint, so

1 coordinated with them daily to make sure that our priorities aligned and that we were
2 utilizing our staff and the Vice President in support of whatever the administration's
3 priorities were from a legislative perspective.

4 Q Okay. At the time that you were in -- in either of your roles for -- in the
5 Legislative Affairs Office for the Vice President, who were your main points of contact in
6 the White House Office of Legislative Affairs?

7 A So Shahira Knight was the director of legislative affairs when I took over for
8 the Vice President in that role, so worked very closely with Shahira. Amy Swonger
9 subsequently took on that role, so worked quite a bit with Amy. And then there's
10 various members of both the House and Senate teams within OLA that I dealt with
11 regularly.

12 Q Okay. Great. We're obviously going to be focused for most of our
13 conversation today on the events of the very end of 2020 and --

14 A Uh-huh.

15 Q -- January 2021.

16 A Yeah.

17 Q So is it fair that Ms. Swonger was the head of the White House Office of
18 Legislative Affairs at that time?

19 A Yes.

20 Q Can you spell that last name for us?

21 A S-w-o-n-g-e-r.

22 Q Okay. Okay, great. While you were the director of legislative affairs in
23 the Office of the Vice President, to whom did you report?

24 A Marc Short.

25 Q Okay. The Vice President's chief of staff, correct?

1 A Yes.

2 Q Okay. And the -- Mr. Cantrell and Ms. Lankford, did they also report to
3 Marc Short or through to you?

4 A They reported to me.

5 Q Through you. Okay.

6 [REDACTED] Okay. Any other questions there?

7 [Discussion off the record.]

8 BY [REDACTED]

9 Q So I'd be interested in following up on one thing you mentioned, which is
10 that part of your job involved, I believe, something like coordinating with the White
11 House Office of Legislative Affairs.

12 Can you sort of explain how that worked? Were there regular meetings of the
13 White House Office of Legislative Affairs? And, if so, were you included in those?

14 A Yes. So there were regular meetings. I don't recall if they were daily or
15 weekly. There was some iteration of both at various points in time depending on what
16 was going on. But, yes, I was included, my team was included anytime there was a
17 meeting of the Office of Legislative Affairs.

18 Q Okay. And does that include in discussions regarding the January 6th Joint
19 Session of Congress?

20 A I don't recall any meetings that the White House Office of Legislative Affairs
21 held on that topic.

22 Q Do you have any reason to think that those meetings might have happened
23 but that you and your office were not included?

24 A I don't have any knowledge of meetings like that occurring without us being
25 invited.

1 I should clarify my previous point. We had weekly kind of overview meetings to
2 go over what was happening in the course of a given week. I assume that there were
3 other meetings of members of the White House Office of Legislative Affairs that
4 happened without our inclusion. But anytime it was an OLA-wide meeting, we were
5 included. So there could have been additional one-off meetings that we were not
6 included in on a weekly basis.

7 BY [REDACTED]

8 Q Okay. And before we move on, where are you employed since leaving the
9 Office of the Vice President?

10 A I'm a principal at Cornerstone Government Affairs.

11 Q Okay. And -- okay. I think you said you stayed through the end of the
12 administration. Is that correct?

13 A Yes.

14 Q So January 20th --

15 A Yes.

16 Q -- 2021? Okay.

17 Okay. So we're going to talk today about several events towards the end of 2020
18 and into January, focusing primarily on January 6th. We'll try to -- we'll be starting a
19 little bit chronologically, and then we may jump around a little bit as we get closer to
20 January 6th to talk about things in a little bit more of a centric matter basis.

21 But, for now, I'd like to just bring you back to before the November 3rd, 2020,
22 Presidential election. And in particular, there -- the debate -- the Vice Presidential
23 debate, which I believe took place on October 7th, 2020. Are you aware of any
24 discussion within either OVP or with other White House staffers regarding the election
25 outcome around that time period?

1 A I'm not aware of any discussions about the election outcome prior to the
2 election. Certainly, in the middle of the campaign, we were focused on the upcoming
3 election. But, no, I don't recall any specific conversations about the outcome.

4 Q Anything about the -- the Joint Session of Congress or the certification of the
5 vote, the Electoral Count Act, anything like that that came up around that time period?

6 A Not that I recall.

7 Q Okay. On November 3rd, 2020, the Presidential election day, either on that
8 day or anywhere around that, are you aware of conversations, again, with others in OVP
9 or with any other White House staff about a concern that the President might declare
10 victory prematurely?

11 A No, I'm not aware of any of those conversations.

12 Q Okay. Any conversations about the -- after November 3rd, 2020, again,
13 about questions about whether the President would declare victory or concede the
14 election?

15 A No, I do not recall being a part of any of those conversations.

16 Q Okay. Were you involved around this time period following the
17 November 3rd, 2020, election in any communications with -- with campaign staff about
18 the outcome of the election?

19 A I don't recall being in touch with campaign staff specifically about the
20 outcome. I certainly had individuals who I knew who were working on the campaign,
21 and I'm sure we conversed during that time. But I don't recall having a specific
22 conversation about the outcome of the election.

23 Q Okay. And when I say outcome of the election, I -- I would think of that to
24 include election contests or other recount or other election-related litigation. Did you
25 discuss any of those things with any members of the campaign staff?

1 A I don't recall any specific conversations, but given the amount of -- of
2 conversations that were happening at the time and some -- to your point, some of the
3 legal cases that were being contested in some of the States, I'm sure that there were
4 conversations where I was a part of them or was in the room for them, but I don't recall
5 any specific ones.

6 Q Okay. Who were the -- the folks on the campaign staff side that you had
7 relationships with that you might have been talking to during this time period?

8 A I specifically remember Matt Morgan, who was a former colleague from the
9 Office of the Vice President, and also Chad Carlough, who was helping out on the
10 campaign, who I knew from my time on Capitol Hill.

11 Q Any others?

12 A Those are the only two that I recall.

13 Q Okay. What was Mr. Morgan's role on the campaign?

14 A I believe he was a counsel on the campaign, but I don't know specifically
15 what his job title was.

16 Q Okay. And he had previously been counsel to the Vice President. Is that
17 correct?

18 A Yes, it is.

19 Q Okay. Did you work with him in that capacity in the Office of the Vice
20 President?

21 A I did.

22 Q Okay. Do you remember discussing the outcome of the election with
23 Matt Morgan following November 3rd, 2020?

24 A I don't.

25 Q Okay. What about Mr. Carlough, I think you said?

1 A Uh-huh.

2 Q What was his role on the campaign?

3 A I don't remember what his specific job title was, but I believe he was liaising
4 with Members of Congress on behalf of the campaign.

5 Q Okay.

6 [REDACTED] Anything else?

7 BY [REDACTED]

8 Q Mr. Hodgson, do you recall that around -- on December 1st, 2020,
9 then-Attorney General Bill Barr made a statement about election fraud?

10 A I don't recall that statement from the Attorney General.

11 Q Okay. Do you remember there being discussions around that time period
12 about the -- the evidence that may or may not have been addressed by the Department
13 of Justice regarding election fraud?

14 A I'm aware that the Attorney General was making statements at that point in
15 time regarding election fraud, but I don't recall any of the -- the specifics of those
16 statements.

17 Q Okay. Were you involved in any conversations with other OVP staff about
18 the allegations generally outside of, you know, the statements by Attorney General Barr,
19 but allegations of election fraud during this time period?

20 A None that I recall.

21 Q Okay. Are you aware of communications between Vice President Pence
22 and President Trump around this time period about either Attorney General Barr's
23 statement or other allegations of election fraud?

24 A I don't have any firsthand knowledge of the Vice President's conversations
25 with either the Attorney General or the President on those issues.

1 Q I should have asked this around when we were talking about your roles and
2 responsibilities, so forgive me for retreading. But, generally speaking, what was your
3 level of interaction with the Vice President? I know you said you reported to Marc
4 Short --

5 A Uh-huh.

6 Q -- but how much direct contact did you have with the Vice President in your
7 role as director of legislative affairs?

8 A I was probably near or with the Vice President on an almost daily basis in the
9 office or when we were on the road traveling.

10 Q And did -- how often did you travel with him?

11 A Frequently. I probably went on the majority of his domestic trips. I don't
12 have a specific number, though.

13 Q Okay. Is that true for trips that may have included campaign events?
14 Would you also have been along for that?

15 A Some of them, yes, but not necessarily all of them.

16 Q Okay.

17 [REDACTED] And great. I'd just like to note for the record that
18 Representative Cheney has joined us.

19 Good morning, Ms. Cheney.

20 Ms. Cheney. Good morning. Hi, everybody.

21 Hi, Chris.

22 The Witness. Hi, Congresswoman. How are you?

23 Ms. Cheney. Good. I'm doing well, thanks. How are you?

24 The Witness. Good, thanks.

25 BY [REDACTED]

1 Q Okay. What about your level of exposure and interaction with
2 President Trump during your time as director of legislative affairs?

3 A I was in -- in meetings with the President. Oftentimes if I was in and
4 around the President, it was whenever I was staffing the Vice President on legislative
5 affairs matters, and that typically included meetings at the White House that involved
6 Members of Congress.

7 Q Would you have expected to be included in any meetings with Members of
8 Congress that the Vice President attended?

9 A On legislative matters? Yes.

10 Q Okay. What other -- other than legislative matters, what other types of
11 meetings might there have been?

12 A There could have been personal conversations from prior relationships or
13 prior friendships that the Vice President may have had from his time in Washington,
14 or -- or other ones that I'm not aware of, but anything -- anything dealing with legislation
15 or legislative affairs is where I would have been involved.

16 Q I see. And what about meetings that the President had with Members of
17 Congress that the Vice President may have also attended? Would you have expected to
18 be included in those as well?

19 A I would say a majority of the time I would have been involved in those
20 meetings, but it wasn't every meeting. There were times in which I may have been on
21 Capitol Hill when something was occurring at the White House and I would not have been
22 able to staff him for that.

23 Q Okay. Okay. Are you aware of -- I think we -- we've talked a little bit just
24 before going back over those responsibilities questions about claims of election fraud or
25 election irregularities. Did you have any conversations with folks in the Office of the

1 Vice President at any point before January 6th about the validity of such allegations?

2 A I don't recall having any conversations about the validity of those allegations.

3 Q Any other conversations about allegations of election fraud, whether it was
4 specifically to -- about the validity or not?

5 A None that I recall.

6 Q Okay. Did you have any discussions with folks -- other folks within OVP
7 about White House messaging or other public statements by the President regarding
8 claims of election fraud or other irregularities?

9 A I don't specifically recall any conversations about that. They certainly could
10 have taken place in the general course of business, but I don't recall any specific
11 conversations about that.

12 Q Okay. What role, if any, would you have played in developing the Vice
13 President's public remarks or statements while -- during your time as director of
14 legislative affairs?

15 A Anytime the Vice President would have been giving public remarks that
16 either involved noting a Member of Congress or talking about legislation, I would have
17 been involved in the development of those remarks, or at least the review of those
18 remarks.

19 Q Okay. What about campaign-related remarks or statements, did you have
20 any role in drafting or reviewing those?

21 A No, I did not. And, again, unless there is a Member of Congress present, I
22 would have been involved in -- in coordinating with any of the offices and confirming that
23 our team knew that there was a Member of Congress present. But otherwise, no, I was
24 not involved in writing those remarks.

25 Q Okay. Great. Are you aware of Vice President Pence either using or

1 affirmatively determining not to use language like "stop the steal" to refer to election
2 fraud allegations or the outcome of the election generally?

3 A I'm not aware of any specific decisions he made on that front.

4 Q Okay. Okay. Did -- at any point during the time period from the election
5 through January 6th, did anyone at the -- any White House staff or officials provide you
6 with any documents related to allegations of election fraud or other irregularities?

7 A None that I recall from the White House staff.

8 Q Okay. What about just more generally? Did you receive any documents
9 during this time period related to allegations of election fraud or other election
10 irregularities?

11 A I did receive a series of text messages from Congressman Paul Gosar, which I
12 believe you're in possession of, sharing information about some of the work that was
13 being done in the State of Arizona regarding election fraud.

14 Q Okay. Great. Yeah, we have those, and we'll talk about them in a few
15 minutes.

16 A Okay.

17 Q Any others?

18 A I believe I was transmitted a letter that was sent from Wisconsin State
19 legislators to Governor Evers in Wisconsin related to some election fraud or some
20 investigations. I don't recall the specifics of the letter. It wasn't addressed to the Vice
21 President, but I was in receipt of that letter, which I also believe that you all have.

22 Q Okay. Thank you.

23 Any others in addition to that?

24 A None that I recall.

25 Q Okay. Are you familiar with Peter Navarro?

1 A Yes, I am.

2 Q And who is Peter Navarro?

3 A He worked at the White House for the President. I don't recall Peter's
4 specific title.

5 Q Okay. Did you have any interaction with him on substantive matters while
6 you were director of legislative affairs?

7 A Not other than seeing him around the building. We may have both been in
8 meetings of the White House Coronavirus Task Force, but I don't recall any specific
9 conversations with him on any business matters.

10 Q Okay. And did you speak with him at all about allegations of election fraud
11 or other election irregularities?

12 A I did not.

13 Q Okay. Are you familiar with any one or more reports that he may have
14 compiled about this subject?

15 A Only the one that you all transmitted. I don't recall the title of that, but
16 your transmittal of that was the first time I had seen that document.

17 Q I see. And then you're referring to the materials provided to your counsel
18 in advance of this deposition?

19 A Yes, I am.

20 Q Okay. Are you familiar with an individual named Garrett Ziegler?

21 A Not that I recall, no.

22 Q Okay. And what about an individual named Joanna Miller?

23 A No.

24 Q Okay.

25 [REDACTED] Okay. I'll pause at this point to see if any of my colleagues or

1 Ms. Cheney have any questions.

2 BY [REDACTED]

3 Q I do, Mr. Hodgson. In the post-election period, so after November 3rd --

4 A Uh-huh.

5 Q -- what was the Vice President's relationship like with Attorney General Barr
6 before the Attorney General resigned?

7 A I don't have any firsthand knowledge of conversations between the Vice
8 President and the Attorney General, nor the state of their relationship at that time.

9 Q Okay. And I'm not just asking for firsthand conversations that you were a
10 part of, but anything you may have heard in your role in the Office of the Vice President.

11 A No. That role and that relationship, particularly given the -- the legal
12 nature of it, given the Attorney General's role, is not something that would have come
13 under my purview or -- or been a part of conversations that I was in.

14 Q Okay. All right. And to go back to one of the things that [REDACTED]
15 mentioned, around December 1st, Attorney General Barr did put out a statement and
16 said that the U.S. Department of Justice has uncovered no evidence of widespread voter
17 fraud that could change the outcome of the 2020 election.

18 So I understand that that statement had an effect within the White House, and I'm
19 wondering how that statement was received or statements like that from the
20 Department were received in the Office of the Vice President.

21 A I don't recall being a part of any specific conversations about that statement
22 made by the Attorney General. I would assume that Greg Jacob, who was our counsel at
23 the time, would have been more involved in those conversations with the Vice President
24 or with others in the office, but I wasn't part of those conversations.

25 Q What about just generally? You know, within the -- either things you heard

1 about or participated in, what was your understanding of how the Department's
2 statements that they weren't finding evidence of election fraud, how were those
3 received, either in the White House or Office of Vice President?

4 A I can't speak to how they would have been received in the White House. I
5 don't recall being a part of conversations about how staff felt about those statements
6 from the Department of Justice. I think within the Office of the Vice President, I mean,
7 the statements would have stood for themselves. I don't know that it would have
8 caught anybody by surprise or that anyone was -- was looking to those statements to
9 affirm or, you know, deny any prior knowledge that folks had. So I don't recall, again,
10 there being any immediate reaction within the Office of the Vice President to those
11 statements.

12 Q Okay. And then the followup -- I can assume your answer, but I don't want
13 to do that -- do you remember anybody in the Office of the Vice President pushing back
14 or feeling a need to contact the Department to stop making statements like that?

15 A Not that I'm aware of, no.

16 Q Okay. And not aware of any desire from the Vice President specifically to
17 push back on the Department making statements about election fraud or the lack of
18 election fraud that they found in the 2020 election?

19 A No, not that I'm aware of.

20 [REDACTED] Okay. Okay. Just to follow up on that point really quickly,
21 Mr. Hodgson, what about any communications with Members of Congress or Senators
22 during this time period? Any reaction to the statement by Attorney General Barr?

23 The Witness. I don't recall having any conversations with Members of Congress
24 about that statement in particular, no.

25 [REDACTED] Okay. Okay. Thank you.

1 [REDACTED] Please forgive me. I need to step out for just a moment.

2 The Witness. Okay.

3 [REDACTED] Thank you, Mr. Hodgson.

4 BY [REDACTED]

5 Q So, Mr. Hodgson, when was the first time that you recall hearing about or
6 having your attention sort of directed to the Joint Session of Congress that would occur
7 on January 6th?

8 A I don't recall the specific date. Certainly, knowing that that was -- was an
9 event that was coming up and that the Vice President would preside over that joint
10 session is something I would have been aware of. I think in the documents that we
11 have, potentially received from you, there is an email that I had with the
12 Parliamentarian -- I believe it was December 31st -- requesting copies of the Vice
13 President's script for that day.

14 So that's the first date where I can remember specifically taking an action related
15 to preparation for January 6th. But certainly I would have been aware of -- of it and
16 thinking about it prior to that.

17 Q Okay. So for that time period, if you could put your mind to before your
18 conversations with the Parliamentarian, but just to the extent you can remember your
19 first awareness of January 6th, what was your understanding of what -- what would
20 occur, what the Vice President's role was in the joint session?

21 A So having previously watched and participated in the joint session during my
22 time in the House, I was generally aware of his role as the presiding officer over the joint
23 session. I can't say that I had done any research into the history of the joint session or
24 any laws or precedence governing the joint session.

25 But, as a general matter, anytime the Vice President was going to Capitol Hill, it

1 was my job to ensure that he was prepared, and so we had participated in the swearing in
2 of newly elected Senators prior. And so, as a general matter, I would have been, you
3 know, thinking about preparations necessary to the Vice President prior to January 6th.

4 Q Okay. And, just generally, what would those preparations have been for
5 you?

6 A So I would have been focused largely on the logistics and the procedures of
7 the day. I would have played a coordinating role amongst the various officers and staff
8 involved on the Hill, so that includes the Senate Parliamentarian, oftentimes included the
9 Sergeant at Arms or Deputy Sergeant at Arms and their role with the logistics of the day.

10 And then any intelligence gathering, you know, particularly as it relates to
11 January 6th -- it was public at that point, publicly reported that there was likely to be
12 some objections to the States -- and so I would have been trying to gather intelligence to
13 make sure that the Vice President was as prepared as possible for how the day would
14 progress.

15 Q Okay. Great. And what do you -- what do you encompass with -- on the
16 term that -- when you say gathering intelligence?

17 A Talking to Members of Congress and congressional staff, keeping a finger on
18 the pulse of what they're hearing, oftentimes whether it's the House GOP and their
19 conference meetings. The Senate, same thing. They have caucus lunches typically on
20 Tuesday. So keeping a finger on the pulse of those conversations and understanding,
21 you know, where the winds were blowing on the Hill at a given time.

22 Q Okay. And we'll have an opportunity to talk in a little bit more detail about
23 the actual --

24 A Okay.

25 Q -- conversation that you did have about the objections in a few minutes.

1 Do you recall that there was a television ad that was aired by The Lincoln Project
2 that specifically focused on the role of the Vice President on January 6th?

3 A I don't. I'm aware that The Lincoln Project was running quite a few ads
4 during that time, but I don't recall one specifically about the Vice President's role.

5 Q Okay. I'll represent to you that it -- that this ad that I'm referring to was,
6 you know, publicized or aired first around December 8th, 2020, which was before the
7 time that you described to us that you recall being focused on January 6th.

8 A Okay.

9 Q So I wanted to ask you, in this early December time period, did you have any
10 communications with the -- with other staff in the -- in OVP or with Vice President Pence
11 himself about January 6th?

12 A Not that I recall.

13 Q Okay. When was the first time that you spoke with -- with Marc Short to
14 start about January 6th?

15 A I don't recall a specific date where Marc and I first spoke about January 6th.
16 The bulk of our work preparing for the 6th happened in -- in the week prior, but I don't
17 recall a specific date where he and I first spoke about the proceedings of the 6th.

18 Q Okay. What about with the Vice President himself?

19 A Same thing. I don't recall a specific timing in which we first spoke about
20 January 6th.

21 Q Okay. What about with Greg Jacob?

22 A Same thing. I don't recall a specific date where we had that first
23 conversation. But, again, I think the bulk of our work happened in -- in the week prior to
24 January 6th.

25 Q Okay. It has been reported that this ad aired by The Lincoln Project, that it

1 included phrases like "the end is coming, Donald," and, quote, "when Mike Pence is
2 running away from you, you know it's over."

3 It's been reported that this caused some concern within the White House, with
4 President Trump in particular, and may have caused the conversation to begin in OVP
5 regarding the role of the Vice President in -- on -- in the January 6th joint session.

6 Do you have any information that either confirms or -- or disputes the accuracy of
7 that reporting?

8 A I don't recall that ad in particular triggering any conversations within OVP
9 that I was a part of.

10 Q Okay.

11 [REDACTED] Anything? Okay.

12 BY [REDACTED]

13 Q The next point in time that I'd like to bring you forward to is December 14th,
14 which is the day for the meeting of the electoral college.

15 A Uh-huh.

16 Q What do you remember about that -- the significance of the electoral
17 college -- the meeting of the electoral college following the 2020 Presidential election?

18 A Other than being aware of the date in which it occurred and the step that
19 that plays in the process of certifying the election, I would -- I wasn't having any
20 additional conversations about it. But I was generally aware that it was taking place on
21 December 14th.

22 Q Okay. Did you have any understanding of what impact the electoral college
23 meeting might have on the -- the joint session on January 6th?

24 A Again, other than being a requirement in order to certify the results of an
25 election, I wasn't thinking about it beyond that. But certainly it's a necessary step in

1 the -- in the constitutional process after an election.

2 Q Okay. At the time in December -- on December -- right after December 14,
3 2020, did you have any expectation about whether there would be objections raised at
4 the Joint Session of Congress?

5 A I don't recall any conversations in the immediate aftermath of the electoral
6 college meeting on December 14th. I think those conversations probably would have
7 percolated later, particularly once any Members of Congress said publicly that they were
8 planning to object.

9 Q Okay. And what about any communications -- I'll ask you several different
10 categories, but -- of people that you might have communicated with, but about
11 whether -- after the electoral college votes were cast, whether President Trump would
12 concede? Did you have any conversations with your colleagues in OVP about the
13 President conceding?

14 A No, I don't recall ever having conversations with folks in OVP about the
15 President conceding.

16 Q Okay. What about with any other White House officials, including in OLA?

17 A Not that I recall.

18 Q Okay. And what about your -- your colleagues -- your former colleague,
19 Mr. Morgan, or other contacts on the campaign staff?

20 A Not that I recall, no.

21 Q Okay. What about with Members of Congress or Senators?

22 A I don't recall any conversations with Members of Congress about that topic.

23 Q Okay. I'm aware that Senator McConnell did make a statement following
24 the electoral -- the count -- the votes being cast by the -- in the electoral college.

25 A Uh-huh.

1 Q Did you have any communications with him or his staff about that?

2 A None that I recall, although I do recall that we were aware of the statement
3 in OVP after it was made.

4 Q Okay. Tell me a little bit more about that. What do you remember?

5 A I remember the Leader making the statement. I believe there are some
6 text messages that I had given to you all pertaining to a conversation I had as to whether
7 or not the White House had a heads-up before Leader McConnell made that statement.
8 But it was -- those are the only conversations I recall having about it, other than being
9 generally aware of it.

10 Q Okay. With whom did you exchange the text messages that you're
11 referring to about whether the White House had a heads-up about that statement?

12 A I don't recall, unless it might be in this binder, if I could take a look. I think
13 it may have been with somebody in White House Legislative Affairs, but I don't want to
14 speculate. I'd have to go back and double check.

15 Q Okay. And I think we may be able to get to that a little bit later.

16 A Okay.

17 Q On or around the December 14th, 2020, date, are you aware of any
18 discussions, first within OVP, regarding Vice President Pence, the possibility of him
19 needing to choose between the competing slates of electors?

20 A I don't recall any conversations about that at that time.

21 Q Okay. And same -- same questions beyond OVP. Any conversations with
22 anyone else, including Members of Congress, members of the White House staff,
23 campaign, anything like that?

24 A No, not in the immediate aftermath of December 14th.

25 Q Okay. When do you recall those conversations about the potential, you

1 know, competing slates of electors first arising?

2 A I don't recall the specific date, but we did start to receive some of those
3 envelopes of competing slates of electors in the -- our Capitol office as President of the
4 Senate. So at some point when those started to come in, we would have begun -- begun
5 having those conversations. But I don't recall a specific date on which those may have
6 begun.

7 Q Okay. So on December 14th, were you aware of any news reports about
8 the fact that Trump-Pence electors had met in certain contested States but States that
9 Biden had won?

10 A I'm aware of those reports. I don't recall if I was aware on December 14th
11 or at some point afterwards.

12 Q Okay. So, like, is it fair to say you don't recall discussing that with any of
13 your colleagues, whether it's, you know, on Capitol Hill or in OVP --

14 A I don't.

15 Q -- at the time?

16 Okay. So when -- when did you first have an understanding that there had been
17 an effort to have Trump-Pence electors cast votes in those certain contested States that
18 Biden had won?

19 A I was aware through public reporting at the time that those meetings were
20 taking place and that certain legislators in various States were having some of those
21 meetings, but I don't -- don't recall the specific date upon which I became aware of them.
22 But I was generally aware that they were taking place.

23 Q Okay. So do you think that you -- you understood that there had been kind
24 of alternate slates that had met before you started receiving the mail that you referred
25 to?

1 A Yes.

2 Q Okay. And you -- I believe you said that you thought it was through public
3 reporting?

4 A Yes.

5 Q Do you remember having any other conversations with anyone on Capitol
6 Hill or in the White House OVP about that?

7 A I don't, and I -- Dr. Gosar's text messages may have included something
8 about meetings taking place in Arizona. But that would be the only direct conversation I
9 can -- or direct information presented to me that I can recall about those meetings.

10 Q Okay. There was an article that was published in The Atlantic magazine
11 before the election on September 23rd, 2020. It was published online. It suggested
12 that the campaign or the party may, quote/unquote, test the assumption that electors
13 would be chosen by the popular vote. It describes a scenario in which alternate slates of
14 electors might meet in contested States.

15 Do you recall any such discussions occurring before the November 2020 election?

16 A I don't. And I don't recall ever being aware of that article in The Atlantic
17 either.

18 Q Okay. In your time working on Capitol Hill -- and I know you said that you
19 observed the joint session certifying the prior Presidential election vote -- have you ever
20 heard this concept arise in any other discussions?

21 A Not that I recall, no.

22 Q Okay. Okay. So at the time that you -- that you -- I believe you said you
23 learned through public reporting that alternate slates of electors had met in certain
24 States. What was your understanding of the purpose for them doing so?

25 A My understanding would have been that they had met to try and cast votes

1 for President Trump in the 2020 election, but I'm not -- I'm not aware of any
2 conversations about the validity of their role in the electoral college and whether or not
3 they actually had the ability to do so. But I presume that that's what they were meeting
4 to try and do.

5 Q Okay. Are you aware of any communications with -- with any of the
6 electors themselves or anyone else from the States, you know, at any time before
7 January 6th?

8 A Communication from the Office of Vice President?

9 Q Yeah. Communication -- well, I'll -- first, I'll ask you if you personally had
10 any communications with any of the, you know, alternate electors, Trump-Pence electors
11 from certain States or other entities that might have been involved in that, whether that's
12 party officials or State legislators?

13 A No.

14 Q Okay. What about any -- any other communications with other folks within
15 OVP?

16 A None that I'm aware of.

17 Q Okay. And with Vice President Pence himself?

18 A Not that I'm aware of, no.

19 Q Okay. Did you discuss the meeting of -- of alternate electors with anyone
20 in the White House Office of Legislative Affairs?

21 A No, not that I recall.

22 [REDACTED] So let me pause before I go into conversations about the Senate
23 Parliamentarian to see if anyone has any other questions. Okay.

24 BY [REDACTED]

25 Q So I think you -- you already mentioned, Mr. Hodgson, that you remember

1 that the topic was discussed with the Senate Parliamentarian. So I'd like to walk
2 through your conversations with the Parliamentarian in general, not -- not focused
3 exclusively on the alternate slates, but, rather, broadly, all of your conversations with the
4 Senate Secretary's Office or the Senate Parliamentarian herself --

5 A Uh-huh.

6 Q -- in the early January 2021 time period.

7 So it's our understanding that -- that Mr. Jacob had an initial contact with the
8 Senate Parliamentarian earlier than the time period that we're -- that you've focused on
9 so far, as early as some point in November or early December, to discuss the joint session.

10 Were you involved in that earlier time period, that conversation?

11 A Not that I recall.

12 Q Okay. Did you -- does that comport with your understanding? Did you
13 ever speak with Mr. Jacob about it during that time period?

14 A Not during that late November, early December time period, no.

15 Q Okay. When he was the first time you remember discussing
16 communications with the Parliamentarian with Mr. Jacob?

17 A I believe that December 31st email from the Parliamentarian, where I was in
18 receipt of prior Vice President scripts for the joint session, which I then communicated to
19 Marc Short and Greg Jacob, that's my first recollection of having a specific conversation
20 that would have involved the Parliamentarian.

21 Q Okay. And what led to that -- that email? Did you ask for those prior
22 scripts from the Parliamentarian?

23 A Yes. And so that would be standard practice from my role as director of
24 legislative affairs to start preparing the Vice President for presiding over the joint session.
25 Similarly, when he swore in the Senators on January 3rd, I would have also -- anytime he

1 was in the chair, we would have asked for scripts to make sure that he had adequate time
2 to prepare.

3 Q Okay. So let's look --

4 [REDACTED] I'm going to come back to some of this.

5 BY [REDACTED]

6 Q Let's look at the document behind tab No. 10, please.

7 A Got it.

8 Q So this is -- yeah. It looks like it gets kind of small at the end, hard to read.
9 But if you look at the top --

10 A Yep.

11 Q -- the first page, the emails there, does this email exchange -- do you recall
12 receiving these emails?

13 A Yes, I do.

14 Q Okay. And just generally speaking, what's your understanding of these
15 communications between members of -- you and members of your staff with the Office
16 of the Senate Secretary?

17 A Yes. So we had developed a process after the election by which the Office
18 of the Vice President, the Senate Secretary, and the parliamentarians would all stay in
19 regular contact about anything that we received related to the election.

20 So, typically, the Senate Secretary's Office had a sense from the States of when
21 they would be putting certificates of vote in the mail, and then they would do their best
22 to track those until they got to the Senate mailroom and into our office such that we had,
23 you know, a good sense of where all of those were in real time.

24 As soon as we were in receipt of any of those, we'd immediately deliver them to
25 the parliamentarians, and then Hannah, on my staff, given her role primarily in the

1 Capitol, would do her best to keep everybody informed so that we were all on the same
2 page about which certificates of vote had been received up to that point and ensuring
3 that that matched up with the expectations of the Senate Secretary.

4 Q Okay. At the time that you were setting up this process and in touch with
5 staff at the Senate Secretary and Senate Parliamentarian, were you focused on what I will
6 call valid certificates of electoral vote, or is it the traditional -- the expected ones, or
7 were -- was there also an understanding that there may have been alternate slates being
8 submitted at that time?

9 A We were focused on the slates of election authorized by the States, and so
10 we were primarily focused on those and ensuring that we had all 51 of them in proper
11 time prior to the joint session. But we were also aware that there may be alternate
12 slates coming in.

13 I believe we had conversations with the parliamentarians where they also alluded
14 to the fact that private citizens often send in their own, you know, ballots or slates of
15 electors to either the President of the Senate or to the Senate Secretary's Office. And so
16 all of those are delivered to the parliamentarians so that they can execute their role to
17 certify those coming in from the States that are, you know, in regular form and
18 authorized by the State.

19 So we did have conversations about both coming in the mail, but we were
20 primarily focused on those authorized by the State.

21 Q Okay. Great. And we'll have an opportunity to talk a little bit more about
22 your communication with the Parliamentarian about the private citizen submissions in a
23 minute.

24 So what was your understanding of the Vice President's role in receiving such
25 documents? Did you expect that all 50 States would have sent something to the Vice

1 President representing the certificates of the vote?

2 A So, in statute, it does direct the States to mail those to the President of the
3 Senate, although, in practice, that's not always the case. Sometimes they send them
4 only to the Archivist of the United States. Sometimes they will address them to the
5 Secretary of the Senate.

6 So, again, that was part of our goal in having that constant communication, was
7 that if they were in receipt of something and we weren't, that we at least had knowledge,
8 and vice versa. So they're supposed to send it to us as President of the Senate, but that
9 wasn't always the case and practice.

10 Q I see. Okay. And then the coordination effort that you go through
11 with -- which I think on this email it's reflected that the individuals that were on the
12 Senate Secretary, Parliamentarian side were Dan Schwager and Cindy Butler.

13 A Uh-huh.

14 Q Through this process, did you account for all 50 States' certificates, to the
15 extent you can recall?

16 A I don't recall that we went and received all 50 States, but, yes, I would
17 assume, given the way things played out in the certification of all 50 States --

18 Q Yes.

19 A -- that ultimately we were in receipt. But I don't recall in real time when
20 we hit that 50-State threshold.

21 Q Okay. There's a document that you produced. I'm going to -- we're going
22 to flip around a little bit, because the documents that you provided to us are at the end of
23 the your binder. So --

24 A Okay.

25 Q -- if you could look at exhibit No. 72, please.

1 A Okay.

2 Q Do you recognize this document, Mr. Hodgson?

3 A I do.

4 Q What is it?

5 A It is a chart of the electoral votes from each State for President and for Vice
6 President. And on the left side, you'll see that there are initials down the side. Those
7 would have been the tellers that would have been a part of the joint session, so I believe
8 that would be Blunt, Lofgren, Klobuchar, and Davis.

9 And so that annotates which State they would have been responsible for reading
10 during the joint session, as well as the number of electoral votes from each State.

11 Q Okay. Great. That explains my question about the notations.

12 Q What was the purpose of this -- this spreadsheet?

13 A As I recall, it was simply a tracking document to have a sense of -- of which
14 States, in what order, and who would be reading from the teller's perspective.

15 Q Is this something that was prepared by the Parliamentarian's Office?

16 A As I recall, yes, it was.

17 Q Okay. And I don't think we have the header, but the -- the numbered
18 columns here, is it your understanding that they correspond to the number of electoral
19 votes for each State?

20 A Yes. And as I recall, it would be the President in the first columns, and then
21 the Vice President in the second slate of columns on the right.

22 Q I see. Okay. So does this document relate at all to the conversation we
23 had a moment ago about tracking the receipt of certificates or is it really more about the
24 actual logistics of the -- the joint session?

25 A We used it for the logistics of the joint session. I don't know and can't

1 speak to whether or not the parliamentarians used this as a tracking document or not
2 when they are in receipt of certificates of vote.

3 Q Okay. Okay. Thank you.

4 So I'll ask you to flip back to exhibit No. 22, please.

5 A Okay.

6 Q Do you recognize this document?

7 A Yes, I do.

8 Q And what -- what do you recall about this email exchange?

9 A So, again, speaking to our being in receipt of certificates of vote from the
10 State, those authorized by the State, and then also being aware that there may be
11 alternate slates of electors coming in, this was an email exchange with my colleagues
12 within OVP, and to include Greg Jacob, of any of the alternate slates of electors that we
13 recall receiving at that time.

14 Q Okay. Yeah. I note that the first email begins with a question that
15 Mr. Jacob poses, I assume to you, even though it's not clear from this --

16 A Uh-huh.

17 Q -- document, asking for a spreadsheet showing his assumption that we
18 received all 41 ascertained electors in and how many alternate slates we have.

19 A Uh-huh.

20 Q And then if we go forward to the first page, there is some further email
21 traffic back and forth between Mr. Jacob and yourself. And on an email that is dated
22 January 3rd, 11:33 a.m. -- it's the second from the top of this page.

23 A Uh-huh.

24 Q -- Mr. Jacob notes: So nothing yet from Michigan or Wisconsin.
25 And you respond to that, "correct," on the top email on January 3rd.

1 A Uh-huh.

2 Q Do you remember what the circumstances were that Mr. Jacob was asking
3 about here for Michigan and Wisconsin?

4 A I don't recall the specific circumstances or why Greg would have been asking
5 about those specifically, but certainly, in the email where I confirm receipt of those five
6 slates of electors and then adding on Michigan and Wisconsin, as I recall, those were the
7 seven States that had either conversations or legal action taking place.

8 And I believe Members at that point had also indicated that those were the
9 universe of States to which there may be objections. So I don't recall specifically why I
10 asked about those, but I'm not surprised to see those as the seven States.

11 Q Okay. Do you recall whether you did receive a mailed version of the
12 alternate slate submission from Michigan or Wisconsin?

13 A I do not.

14 Q Okay. Okay. I know you told us a little bit about this process in -- at a
15 high level, but specifically when it came to tracking the receipt of documents, either
16 between the Senate Secretary or the OVP staff -- I know you said you were in constant
17 communication during this time period to keep track of everything. We've also seen
18 some email communications that indicate that the -- the Senate Secretary's Office had
19 tracking numbers to be able to trace and receive from the post office directly the
20 certificates that were being provided by -- by States.

21 A Uh-huh.

22 Q Is that -- do you recall those circumstances?

23 A I do, yes.

24 Q Okay. What about the -- the alternate submissions? How were those
25 received and -- and how were they transmitted, you know, in either direction back and

1 forth between you and the Office of the Senate Secretary?

2 A So, as I recall, those alternate slates would have come in through the mail.
3 And because they were not authorized and sent directly from an executive of the State,
4 there wouldn't have been a tracking number that the Senate Secretary would have been
5 in receipt of or tracking in real time. And then as soon as we received any of those
6 alternate slates, in addition to any other official mail like that, as President of the Senate,
7 we would transmit it directly to the Parliamentarian.

8 Q So is it the case that any -- that, as a matter of course, any mail that the Vice
9 President receives in his capacity as President of the Senate is shared with the Senate
10 Parliamentarian?

11 A Yes. That's correct.

12 Q I see. Okay. Are there also copies retained in the Office of the Vice
13 President, or are they -- are they part of the Vice Presidential records in that way?

14 A Not that I'm aware of. I do believe, if we were in receipt of anything
15 directly addressed to the Vice President but not in his role as President of the Senate, that
16 we would take that to OVP correspondence for them to file and keep record of. But
17 anything that we transmitted to the parliamentarians, we did not keep a record of.

18 Q Okay. And do you recall if you received any of these submissions of
19 purported alternate slates to the Vice President not in his capacity as President of the
20 Senate?

21 A No, I don't recall any of those.

22 Q Okay. Okay. Let's look at the next document, No. 23, please.

23 Mr. Hodgson, do you recognize this email?

24 A Yes, I do.

25 Q Okay. And what is it?

1 A So this is transmitted from, I believe, the Parliamentarian. They had a
2 tracking document of alternate slates of electors that had been received from various
3 entities in specific States. And they also, as part of that tracking document, noted why
4 those were not in regular form and in order and/or authorized by the State, consistent
5 with the statute, as is reflected in the chart.

6 Q Okay. And do you recall -- it looks like this email exchange that we're
7 looking at behind tab 23, it begins on Saturday, January 2nd, with an email from
8 Hannah Lankford.

9 A Uh-huh.

10 Q Do you recall why the discussion -- why there was a discussion about the
11 certificate of vote tracker beginning on January 2nd?

12 A I don't recall specifically, but given how close we were at that point to the
13 proceedings of January 6th, I would assume this was in our regular course of preparation
14 for that date. So in addition to gathering scripts, we also would have been -- made sure
15 that we were completely up to date on the receipt of all the certificates of vote from the
16 given States at that time.

17 Q Okay. So as of this point where -- on Saturday, January 2nd, and then
18 Ms. MacDonough, who I understand is the Senate -- was, at the time, Senate
19 Parliamentarian. Is that correct?

20 A Yes. Still is.

21 Q Yes. Thank you.

22 When Ms. MacDonough responds on January 3rd in her email, as you noted,
23 attaches a spreadsheet and describes the contents of that spreadsheet as concerning the
24 deficiencies of these submissions --

25 A Uh-huh.

1 Q -- what was your understanding of the process by which the Parliamentarian
2 or her staff were evaluating the validity or deficiency of these submissions?

3 A I don't have any firsthand knowledge of their process in particular, other
4 than seeing on this chart what's reflected in the reasons why they noted deficiencies,
5 consistent or inconsistent with the statute. But I don't know in terms of their internal
6 process how -- how they divided up that work --

7 Q Okay.

8 A -- within the office.

1

2 [11:05 a.m.]

3 BY [REDACTED]

4 Q Okay. Sorry I didn't mean to cut you off.

5 A No, that's okay.

6 Q So we're going to talk about a meeting that you had, I believe you were in
7 attendance with, with the Vice President and Ms. MacDonough on the 3rd?

8 A Yes.

9 Q But before that meeting, do you recall having any communications with
10 Ms. MacDonough or her staff about the process of evaluating all of these purported
11 alternate slates?

12 A I don't recall any specific conversations about the process of evaluation.

13 Certainly we would have talked about being in receipt of the certificates of vote and any
14 alternate slates of electors, but I don't recall specific conversations about how they went
15 about evaluating it.

16 Q Okay. Just generally what do you recall? You know, before that meeting
17 with the Vice President, what do you recall Ms. MacDonough or her staff conveying to
18 you about these private citizen submissions?

19 A So, generally speaking, we wanted to make sure that we had the process
20 nailed down. It was our first time in OVP having gone through this process. We
21 wanted to make sure we were in lockstep with the Senate parliamentarian in terms of
22 precedent and how they go about being in receipt of all of these documents, and then
23 also how they evaluate them.

24 In terms of conversations about being in receipt of them, they did mention that
25 they often get, in addition to anything purporting to be an authorized slate of electors

1 from a given State, they also receive private citizens mailing in either alternate slates of
2 electors or their own ballots every year. So they noted that for us so that we wouldn't
3 be surprised, and that we would still turn those in to them for evaluation.

4 Q Okay. Any discussion at that point before January 3rd about any impact
5 that these purported alternate slates might have on the procedure for the joint session?

6 A I don't recall any specific conversations about the alternate slates, but at
7 that point, it would have been, I believe, publicly reported that a few Members of
8 Congress would be objecting to certain States. So at that time the conversation would
9 have been about those objections, but I don't recall any about the alternate slates
10 specifically.

11 Q Okay. Okay. We'll come back to conversations about the objections in a
12 few minutes.

13 Let's go ahead and look at the spreadsheet, and if you would like, we can look at
14 the version that you produced. I think you had one of these in your records. That's at
15 exhibit 69.

16 A Yep.

17 Q So what do you recall about this document?

18 A I recall being in receipt of it pursuant to the email exchanges that we were
19 just looking at that Hannah had initiated with the Senate parliamentarian and, again, just
20 being in receipt of it and noting for my own awareness of the deficiencies related to the
21 statute as to why these would not be valid certificates to vote from the given States.

22 Q Okay. And that's what you understand was reflected in the issues column
23 here?

24 A Yes.

25 Q Okay. At this time had you had any conversations with Ms. MacDonough

1 or her staff about whether their receipt of private citizen submissions in the past had ever
2 included, you know, certificates submitted by those electors that would have been
3 named for -- or had been named, rather, for the losing candidate in a specific State?

4 A I don't recall any conversations like that specifically. I do recall talking
5 about private citizens and whether or not, in their mind, that included folks that would
6 fall under your description. I'm not sure. But I think we just kept it as private citizens
7 generally is how we talked about that.

8 Q Okay. Tell me a little bit more about that, the conversation about whether
9 or not, you know, the Trump-Pence electors from specific States in which the State had
10 already submitted a valid certificate of vote for the electoral college, whether those
11 would qualify as private citizen submissions?

12 A We didn't have any specific conversations about whether or not those would
13 qualify as private citizens. It was my recollection when they were conveying to us what
14 we would likely be in receipt of is that we would transmit everything to them. So we
15 believed that that was to include, whether it's alternate slates from parties like the one
16 listed in this chart, or individual citizens, it was all captured under that umbrella of private
17 citizens. And we did that. We turned all of those documents in directly to the
18 parliamentarian upon receipt.

19 Q Okay. There are a couple of other -- on this chart it lists -- identifies specific
20 States, including Arizona, Georgia, Nevada, New Mexico, and Pennsylvania.

21 A Uh-huh.

22 Q Under Arizona there, in addition to the Republican Party of the State, it
23 reflects in the other columns there are -- or rows, rather, there are two others. One
24 that says Sovereign Citizens And one that says Citizens Caucus after Arizona.

25 A Uh-huh.

1 Q Do you remember any specific communications with the parliamentarian
2 about those submissions?

3 A No.

4 [REDACTED] Okay. I'll pause here before we talk about the meeting with the
5 parliamentarian on January 3rd to see if Ms. Cheney or any of my colleagues have any
6 questions.

7 BY [REDACTED]

8 Q A couple of quick questions -- excuse me -- for you, Mr. Hodgson.
9 If we can go back to exhibit 72.

10 A Yes.

11 Q Do you know when this was created?

12 A I do not.

13 Q You don't.

14 Does it look like the one that was used on January 6th during the joint session as
15 far as tracking?

16 A It does, and I believe the numbers at the bottom for the total number of
17 electors for President and Vice President are consistent with the outcome of the 2020
18 election.

19 Q Okay. Excuse me.

20 And if we just walk through the columns, it looks like the second column in the
21 chart is the total electoral votes for the State?

22 A Uh-huh.

23 Q The third column looks to me like it's total votes for President Biden -- or
24 now President Biden?

25 A The second column?

1 Q Third column now.

2 A I believe the third column ends in 232, whereas the second column of
3 numbers is 306.

4 Q Yeah, I'm sorry. So including the column with the States in it.

5 A Oh, sorry. Yeah.

6 Q So third from the left?

7 A Yes, that's correct.

8 Q So those are electoral votes expected for now President Biden?

9 A Yes.

10 Q Third column is electoral votes expected for President Trump?

11 A Fourth column -- is that a "yes"?

12 A Yes.

13 Q Okay. Fifth column from the left is expected electoral votes for Vice
14 President Harris, now Vice President?

15 A Yes.

16 Q And then the last column is expected electoral votes for Vice President
17 Pence?

18 A Yes.

19 Q And nowhere in this chart does it account for the alternate elector
20 certificates that came in. Was that an intentional decision?

21 A We didn't create this chart, so I can't speak to the intentional decision that
22 may have been made, but I would presume that these certified and authentic certificates
23 of votes from the given States is what the parliamentarians would be focused on
24 counting. So I'm not surprised to see that there's no consideration of that on here.

25 Q Okay. And forgive me, but this was created by the Senate

1 parliamentarian's office?

2 A Correct. This is not an OVP document.

3 Q I understand. Thank you for that.

4 A Yes.

5 Q The last thing, you were speaking with [REDACTED] about discussions within
6 OVP potentially about the alternate votes. What about with Ms. Swonger or anybody in
7 the White House Office of Legislative Affairs, do you have any conversations about these
8 alternate certificates coming in?

9 A None that I recall, no.

10 [REDACTED] Okay.

11 [REDACTED] Anything?

12 [REDACTED] No.

13 BY [REDACTED]

14 Q I just had one other follow-up on these communications before January 3rd,
15 either with other members of the OVP staff, including principally Mr. Jacob, or with the
16 Senate parliamentarian. Did you ever discuss with anyone the analysis of the
17 circumstances of the Hawaii electoral votes following the presidential election of 1960?

18 A I'm aware that there was -- I call it a situation around the vote in the State of
19 Hawaii during that election. I don't recall any specific conversations about it, but as a
20 historical matter, I'm aware of it.

21 Q Okay. So beyond just sort of as an historical matter, did it come up at all in
22 the discussion, again, either within OVP or with the Senate parliamentarian regarding
23 how to handle these purported alternate slates?

24 A No, not that I recall.

25 Q Okay. What about more generally, whether to encompass Ms. Swonger or

1 other White House staff, were there just generally any conversations before January 6,
2 2021, as to whether the circumstances following the 2020 election in any way, you know,
3 were influenced by the Hawaii 1960 example?

4 A No, not that I recall.

5 Q Okay.

6 Okay. So let's talk about a meeting that occurred on January 3rd with the Senate
7 parliamentarian.

8 I understand that this meeting occurred following the Vice President presiding
9 over the swearing in of new members of the Senate that day. Is that accurate?

10 A Yes, that's correct.

11 Q Okay. So tell us about the meeting that took place with the
12 parliamentarian. First, who attended?

13 A So as I recall, it was Elizabeth, the Senate parliamentarian; the Vice
14 President, Marc Short, Greg Jacob, and myself.

15 Q Okay.

16 A Elizabeth's deputy may have been in the meeting, but I don't recall.

17 Q Who would the deputy have been at the time?

18 A Leigh would have been her deputy whose last name escapes me at the
19 moment.

20 Q Okay.

21 A Which I feel very bad about.

22 Q No worries at all.

23 What do you remember about that discussion?

24 A So it was a discussion primarily as an opportunity for the Vice President to
25 ask procedural questions. Given that he was going to be the presiding officer, we

1 wanted to be as prepared as possible for any questions that could arise from any of the
2 Members of Congress in the Chamber, whether that was points of order, parliamentary
3 inquiries, or any other matters related to the procedure of the 6th.

4 So, it was an opportunity for the Vice President to ask Elizabeth specifically about
5 how to react to those, whether or not any of those are in order and ought to be
6 considered, and what would constitute withdrawing from the joint session to debate in
7 separate Chambers.

8 Q Okay. Do you remember at that time whether the scripts and the plans for
9 January 6th had been finalized, or was it still a matter that was under discussion?

10 A As I recall, it was a matter that was still under discussion.

11 Q Okay. So, to the extent you can recall, what specific questions did the Vice
12 President have about the process and procedure for the joint session?

13 A I don't recall the specific questions that he asked, but I know in scripts that I
14 reviewed subsequently and ones that we've also provided to you, although they were
15 primarily focused around objections to any of the certificates of vote, any cosigned
16 objections to the certificates of vote, motions to withdraw, motions to adjourn, motions
17 to recess, points of order, and parliamentary inquiries. Those are what I recall from the
18 scripts, and I believe those were the questions and the types of things we were discussing
19 during that meeting.

20 Q Okay. And before I ask you specifically to responses to those questions,
21 generally was the tenor of the meeting the President -- or the Vice President rather,
22 posing questions and then the parliamentarian responding, or was it more of a group
23 discussion about what was appropriate?

24 A It was primarily the Vice President asking questions and the parliamentarian
25 responding, but certainly we would have had a back-and-forth conversation during that

1 meeting as well.

2 Q Okay. So specific to -- I know you noted that the Vice President had some
3 questions about the process for handling objections to certificates of vote.

4 What do you recall the discussion being in response to that question?

5 A I recall them being procedural, so they have to be signed by a Member of the
6 House and a Member of the Senate. If they are not signed by both, then the objection is
7 not in order. If they are signed by both, at that point, the Chambers withdraw, and you
8 subsequently have debate and vote in both Chambers. So we would have been talking
9 to the procedure, the questions that he would ask in the script in response to somebody
10 stating an objection, and then any procedural matters that would follow.

11 Q Okay. And at this time -- and this is a topic we will be able to talk a little bit
12 more about in a minute, but at this time, I believe it was known that there would be
13 objections raised. Is that correct?

14 A Yes, that's correct. That was publicly reported at that point.

15 Q Okay. So during this meeting on January 3rd, is it accurate that the Vice
16 President expected that there would be objections and there would be debate?

17 A I don't want to speak to the Vice President's expectations, because I don't
18 recall him saying that specifically, but certainly I expected that to be the case and would
19 have reflected that in any opinion that I offered as to his preparation for the day.

20 Q Okay. Thank you.

21 And, yeah, I should have been more specific. As of January 3rd, I think it was
22 known not only that there would be objections raised in the House, but also that there
23 would be Senators to cosponsor those objections?

24 A Yes. I believe Senator Hawley was the first and then subsequently Senator
25 Cruz, I think, and other Members stated that they would cosign at least one of the

1 objections. So we did anticipate at that point that that would be the case.

2 Q Okay. What about the other types of motions that I believe you noted a
3 minute ago that the Vice President was asking about the procedure for resolving? What
4 specific motions did the Vice President ask about then?

5 A I don't recall which specific ones he asked about, but certainly reflected in
6 the scripts would have been the ones that we wanted to be prepared for in case they
7 arose. So I would refer to the scripts and anything that we had prepared there as to
8 what he needed -- or was prepared to react to.

9 Q Okay. Was there any other general discussion about the role of the Vice
10 President in certifying the vote during this meeting?

11 A Not that I recall.

12 Q Okay. At the time -- and also something that we'll have an opportunity to
13 talk about in a few minutes, but at the time there had been public reports of certain
14 theories as to the Vice President's authority, including the fact that he -- some theories
15 that he had unilateral authority to accept or reject certain certificates.

16 Was that a matter that was discussed in this meeting?

17 A I don't recall specifically about those theories. I think the other thing that
18 may have arisen during that meeting, although I don't recall the specifics of the
19 conversation, was around the election of 1800. There was an instance where, I believe,
20 there's a grammatical error in one of the certificates opened by Thomas Jefferson at the
21 time. And then certainly the election that preceded the Electoral Count Act, so I believe
22 1878.

23 I believe those historical precedents may have been discussed at that point in time
24 and, the procedures for how the Vice President carried those out in time, but I don't
25 recall any other conversations about specific theories that may have been floated in that

1 meeting.

2 Q Okay. What do you recall or -- let me ask first, who do you recall speaking
3 to those historical examples following the elections of 1800 and 1878?

4 A I don't recall who initiated it, but certainly, you know, it's something that's
5 in, you know, the House manual in terms of House practice, the precedent that was set
6 during some of those elections. Obviously, the Bush v. Gore case in the 2001 joint
7 session is also something that's noted in the House manual.

8 So I think -- in the course of our preparation, we would have looked at all of those
9 documents, and so, I think in that context those questions arose as to the precedent that
10 the parliamentarians considered, in addition to the statute, when staffing the Vice
11 President, advising the Vice President during the joint session on January 6th.

12 Q Okay. Particular to the example that you raised from following the election
13 of 1800 with Vice President Thomas Jefferson, did anyone in this meeting discuss whether
14 that constituted the sort of exertion of unilateral authority to accept or reject
15 certificates?

16 A No, I don't believe so, and particularly since he didn't use that authority to
17 reject any of the electors, that precedent wouldn't stand. So I don't recall that being a
18 topic of discussions, whether or not that empowered Vice President Pence to take any
19 action.

20 Q Okay. What about the discussion of purported alternate slates of electors,
21 did that come up at this January 3rd meeting?

22 A I don't recall.

23 Q Okay. It's been reported in the "Peril" book by Bob Woodward and Robert
24 Costa that in this meeting, the parliamentarian, Ms. MacDonough, counseled Vice
25 President Pence that he was a, quote/unquote, "vote counter," that was his role during

1 the joint session.

2 Is that accurate?

3 A I don't recall her making that statement.

4 Q Is it consistent with your understanding of the sort of tenor of the meeting?

5 A Yes.

6 Q Okay. So do you recall any specific comments that Vice President Pence
7 made during this meeting regarding the validity of any purported alternate slates of
8 electors?

9 A No, I do not.

10 Q Okay. What about the impact on the procedure under the Electoral Count
11 Act if there were competing slates of electors? Was that specific Electoral Count Act
12 provision discussed during this meeting?

13 A Not that I recall.

14 Q Okay. It's our understanding that the Vice President's outlook as to the
15 procedure that would be followed in the joint session was that he planned to follow the
16 Electoral Count Act as close as possible. Is that consistent with your understanding of
17 both his outlook at the time and his statements during this meeting?

18 A It is, and I think also reflected in the letter that he put out on January the 6th
19 that I believe referred to the Constitution and the Electoral Count Act both. So, yes,
20 that's consistent.

21 Q Okay. So you're referring to his Dear Colleague letter that was released
22 immediately before the beginning of the joint session. Is that right?

23 A Yes.

24 Q Okay. And the sentiments that are conveyed in that letter and that -- his
25 understanding of his role in the joint session, what's in the letter, is that consistent with

1 your understanding of what his outlook was at the time that you met with the Senate
2 parliamentarian on January 3rd?

3 A Yes, it is.

4 Q Okay. Another way of asking this is, is there any inconsistency, any open
5 questions or unknowns on the part of the Vice President and his staff at the time that you
6 met with the parliamentarian about what his role would be on January the 6th?

7 A No, not that I was aware of.

8 [REDACTED] Okay. Okay. I'll pause here.

9 Do you have some -- any follow-up questions, either Ms. Cheney -- I would also
10 note that we're joined by [REDACTED] electronically, our chief investigative counsel.

11 The Witness. Okay.

12 [REDACTED] So, [REDACTED] Ms. Cheney?

13 [REDACTED] I don't have anything else.

14 Thank you.

15 [REDACTED] Okay.

16 Ms. Cheney. I don't have any.

17 Thank you.

18 BY [REDACTED]

19 Q Mr. Hodgson, do you recall the topic of adjourning or recessing the joint
20 session coming up in this January 3rd meeting?

21 A In the context of a Member raising the motion to do so and what the Vice
22 President's response would be, yes, I do.

23 Q Can you explain that? What happened during the meeting, what was said?

24 A I don't recall what was said during the meeting, but, again, referring back to
25 the scripts that were prepared for the Vice President, we would have discussed what his

1 response was when a Member made a motion like that, again, whether or not it was
2 signed by a Member and a Senator and what any subsequent action would have been
3 after that.

4 And I believe the statute notates how long a recess can be called for if the
5 House -- either Chamber votes to do so. So, again, we would have been talking about
6 what's allowed in the statute and how the Vice President would respond as the presiding
7 officer if a Member made one of those motions.

8 Q Do you recall the Vice President ever expressing a desire to adjourn or recess
9 the joint session at any point?

10 A No, I do not.

11 Q Did you have any conversations with anybody in the White House Office of
12 Legislative Affairs about adjourning or recessing the joint session based on a Member's
13 objections?

14 A No, none that I recall.

15 [REDACTED] Do you have anything further?

16 BY [REDACTED]

17 Q Okay. So, Mr. Hodgson, you've noted a couple of times the discussion and
18 process of developing the scripts for January the 6th, so we're going to talk about that
19 part next.

20 We understand that there were members of OVP staff who collected video clips of
21 prior joint sessions for the Vice President in the time period of mid- to late December.

22 Were you involved in that at all?

23 A I don't recall specifically being asked to compile those, although that would
24 have been something that I would do in my preparation prior to him presiding, whether
25 that would be the joint session or, you know, swearing in newly elected Senators, for

1 example.

2 So I wouldn't be surprised at all if I was involved in that, but I don't recall
3 specifically.

4 Q Okay. Do you recall looking at clips of prior joint sessions?

5 A Yes, I do.

6 Q And what was the purpose of doing so?

7 A It was for my own preparation, to make sure that I was familiar with the
8 procedures, looking specifically at prior years when objections had been raised.
9 Specifically 2005, I believe it was, there was an objection raised, and just going back,
10 reviewing the footage of that and getting a better understanding of the process and
11 procedures for responding to that from the presiding officer's perspective.

12 Q Okay. And what were your conclusions or takeaways from viewing the clips
13 or, you know, video of the prior example, including 2005?

14 A Primarily, if it's an objection that's only signed by a Member of the House,
15 that it's not in order. However, when it is signed by a Member of the House and a
16 Member of the Senate, it is in order, and then the two Chambers withdraw and
17 separately debate and vote on the objection.

18 Q Okay. Great.

19 Let's look at exhibit 15, please. I think this is an email that you referred to
20 earlier.

21 Do you recall receiving this email, Mr. Hodgson?

22 A Yes, I do.

23 Q Okay. It looks like it's an email that begins within the Senate secretary's
24 office, and then on December 31st, 8:56 a.m., Ms. MacDonough forwards the email and its
25 attachments to you. Is that correct?

1 A Yes.

2 Q Okay. She writes: Chris, here are some scripts from the last 20 years.

3 They cover a range of matters, including objections, the Senate's portion of the session to
4 consider the objection, denial of objection for lack of signature, et cetera.

5 So I think is this the email that you were referring to earlier as being, I think you
6 said, the first time that you recall engaging with the substance of the joint session --

7 A Yes, it is.

8 Q -- process?

9 Okay. Had you asked for these scripts to be provided to you?

10 A I don't recall specifically asking for them, although in my conversations with
11 the parliamentarian and how I would have prepared for prior instances where the Vice
12 President was the presiding officer, it would be standard practice for me to ask for these
13 scripts. So I don't recall specifically in this instance, but certainly I had done it prior.

14 Q Okay. And then it looks like you provide -- on the same day, you provide
15 these scripts to your staff, to Mr. Cantrell and Ms. Lankford?

16 A Yes.

17 Q Is that correct?

18 A Yes. And that would be standard practice for us in preparation of the Vice
19 President presiding in any way, over either the Senate or in joint session.

20 Q Okay. So the exhibits, or the attachments, rather, to this email are behind
21 the next tab, number 16. They are numerous. I do not think it's necessary for us to
22 discuss each of them. But just generally speaking, what do you recall doing once you
23 received these scripts?

24 A Generally speaking, in addition to providing them to my legislative affairs
25 team, I also would have likely provided them to Marc Short and Greg Jacob for their

1 awareness. I do believe at some point in time I recall that Greg also transmitted them
2 for the Vice President's review. And then I would have read them myself to make sure
3 that I was familiar and prepared.

4 Q Okay. Yes. And I don't think we need to look at each of them, but we do
5 have emails that confirm your recollection that you provided them at least to Mr. Jacob
6 and then that he provided them to the Vice President.

7 What was your expectation at the time about whether -- let me rephrase.

8 In past examples where the Senate parliamentarian provided to the Vice
9 President's office certain scripts, is it usual for the Vice President to modify them, to
10 weigh in about the content, or are they provided and usually just used in that same
11 format?

12 A In select instances, I think he had provided feedback. I mean, one that I
13 can remember in particular, he presided over the confirmation vote of General Brown to
14 be the new chief of staff of the Air Force, in which, I believe, he inserted language
15 congratulating him. It was an historic nomination for General Brown.

16 So, in instances like that, he may have put in something in particular, but generally
17 speaking, he took the advice of the parliamentarian.

18 Q Okay. And around December 31, 2020, when you received these
19 documents in preparation for the January 6th session, was it your expectation that the
20 Vice President would be making changes to the scripts?

21 A I don't recall having an expectation one way or the other, but certainly
22 wanted him to have these in advance so that he could prepare, and then I would play a
23 coordinating role between the parliamentarians and our office to the extent that there
24 was any feedback.

25 Q Okay. Let's go ahead and look at one of those other cover emails, the one

1 behind tab number 17, please.

2 A Uh-huh.

3 Q So I think this is the email that you referred to a moment ago where you
4 forward these materials to Mr. Short and Mr. Jacob. Is that right?

5 A Uh-huh, yes.

6 Q Okay. And you write in the body of your email December 31st at 9:02:
7 Below is an email from the Senate parls with a batch of transcripts that they've compiled
8 from over the years for the joint session. Elizabeth and I are going to touch base later
9 today after her next conversation with the House parls as they work through some final
10 details.

11 Do you recall whether you had subsequent conversations with Ms. MacDonough
12 about these scripts?

13 A Yes, I would have had subsequent conversations with her about the scripts.

14 Q In particular, the conversation that's contemplated here, do you recall what
15 Ms. MacDonough shared with you then?

16 A I don't. I don't recall specifically what that conversation with the House
17 parliamentarian was about.

18 Q Okay. And, again, the attachments are following this. They're the same
19 documents as were attached to the email we looked at a moment ago.

20 Is it correct to assume that the scripts that were provided to OVP based on
21 historical examples of these joint sessions did not provide guidance about how to handle
22 these purported alternate slates that were received following the 2020 election?

23 A No, I don't think they were addressed. I don't think those questions arose
24 in prior scripts, and so they wouldn't have been reflected in any of the previous
25 transcripts used by Vice Presidents.

1 Q Okay. So when do you recall the first time having a discussion about a
2 script that would respond to the circumstances of the purported alternate slates?

3 A I don't recall the specific date of having the first conversation. I do believe
4 there's an email that we -- that is in the materials between Greg Jacob and myself
5 discussing specific language within the script. So I would point to that as an indication
6 of when we were having those conversations, although I don't recall the first time that we
7 spoke about it.

8 Q Okay. I think the document you're thinking about is behind tab 25. Take
9 a look at that one.

10 Is that consistent with what you were recalling just then?

11 A Yes.

12 Q Okay. So this is an email that Greg Jacob sent to you on January 4th, and
13 Marc Short is also in the recipient line.

14 What do you recall -- well, let me rephrase.

15 So this would have been the day after that meeting that we just discussed in
16 which the Vice President was, you know, receiving information about the joint session
17 from the Senate parliamentarian, correct?

18 A Yes.

19 Q Okay. What do you recall the circumstances being surrounding this email
20 from Greg Jacob?

21 A Sorry. I'm just reading through to make sure I'm --

22 Q Oh, yeah, please go ahead.

23 A So at this point in time, pursuant to our conversation with the
24 parliamentarian on the 3rd, and then conversations that Marc Short, Greg Jacob, and I
25 were having within the office, we were discussing the Electoral Count Act and any other

1 relevant statutes in the Constitution relevant to the joint session and the counting of the
2 electoral votes.

3 And so Greg's comments in here and the language that we were discussing would
4 have been consistent with those conversations that we were having internally.

5 Q Okay. Just generally speaking, what were the -- what was the sort of
6 outcome of those conversations? Was it the revisions that are suggested here?

7 A Yes. I mean, these suggestions are consistent with the conversations we
8 were having internally.

9 Q Okay. So in the first numbered bullet point in Mr. Jacob's email, he
10 describes the proposed redline of the, quote/unquote, "main script" that is provided as
11 more clearly checking the box on the legal requirements for electoral certificates and to
12 establish they're not two competing slates within the meaning of the Electoral Count Act.

13 A Uh-huh.

14 Q So, generally, what do you remember about your communications, either
15 internally within OVP or with the parliamentarian, about this -- first, the checking the box
16 on the legal requirements for electoral certificates point?

17 A So, in terms of our conversations within OVP, we were discussing how -- if
18 there was language that could be added, pulling it directly from the statute that added a
19 degree of transparency to the proceedings of the day, recognizing that there were going
20 to be some objections, recognizing that there was quite a bit of public discourse at that
21 time about alternate slates of electors, so how we could add potentially additional
22 language, which was the Vice President's ultimate desire to include that language as was
23 reflected in his final script, to add more transparency for the general public, for the
24 members that were there in the Chamber during the joint session as to why the
25 certificates that were being counted were regular and authentic and certified by the

1 State, et cetera.

2 Q Okay. Was that discussed in the meeting with the Vice President on
3 January 3rd?

4 A I don't recall if that specific language was discussed in that meeting or
5 subsequently.

6 Q Okay.

7 [REDACTED] And I'll note that Representative Aguilar has joined us as well.

8 Good morning, Mr. Aguilar.

9 The Witness. Hi, Congressman.

10 Mr. Aguilar. Good morning.

11 Thanks for joining us.

12 BY [REDACTED]

13 Q So on the -- let's see, on the second numbered bullet point, Mr. Jacob refers
14 to a substantive script that the parliamentarian worked out to reply to parliamentary
15 inquiries on the two-slate issue.

16 Do you recall what that -- this refers to the -- well, let me say, what was your
17 understanding about what the two-slate issue was?

18 A So, in terms of the two slates issue, and it's reflected also in the statute
19 about how -- what the procedure is for Congress to consider when there's two alternate
20 slates of electors from a given State, so that would be what this conversation was about.

21 Q Okay. And Mr. Jacob indicates that he thinks that we'll need to tweak that
22 and then asks you to reach out for that script but without disclosing yet the expected
23 tweak.

24 Do you remember what that was referring to?

25 A I don't.

1 Q Okay. Any sense of what the concern might have been that Mr. Jacob
2 thought warranted some revisions to those scripts?

3 A I don't specifically. But, generally speaking, the transparency that we were
4 looking to add to various portions of the script dealing with issues like that would have
5 been reflected here, but I don't recall specifically the expected tweak that he's
6 referencing there.

7 Q Okay. So there's a document behind tab 26. This is the attachment to
8 this email.

9 A Uh-huh.

10 Q But I will, instead, refer you to the version which you produced --

11 A Uh-huh.

12 Q -- which I believe is the same document. I would like you to confirm that,
13 but it is in color, and actually much easier to read than the one that we have. And so
14 that's behind tab 70.

15 Without making you flip back and forth, do you believe that this document is
16 consistent with the email thread that we were just looking at a minute ago?

17 A Yes. And I note on the top that it says: GJ edits, and that would have
18 been the initials for Greg Jacob.

19 Q Okay. That's your notation on this document?

20 A Yes, it is.

21 Q Were these and other similar documents produced from hard copy files that
22 you maintained after leaving the Office of the Vice President?

23 A Yes, this script in particular was.

24 Q Okay, okay.

25 So there's a section that you have circled on page 2 on the back of what we have

1 as our first page there.

2 Tell me what you think the relevance is of the portion that you've circled.

3 A It appears, based on this reading, that there were two options as to what we
4 were suggesting, or that Greg was suggesting the Vice President's script to be. And
5 based on the one that I circled, that to me, without having the final script in front of me,
6 looks to be similar language or more similar language to what we ultimately used than
7 the section above it.

8 Q Okay. So the language that's in red, what looks like tracks changes here, is
9 it your understanding this is what Mr. Jacob was revising? These are his revisions to the
10 draft?

11 A Yes.

12 Q Okay. So there is another document that you produced behind tab number
13 74.

14 A Uh-huh.

15 Q That is the same general underlying document, I believe. The title of it is
16 "Vice President Super Script for Joint Session to Count Electoral Ballots January 6, 2021."

17 First -- and forgive my ignorance -- what does the term "super script" refer to?

18 A I don't recall specifically, but I believe the super script would include all the
19 various components, and in addition to the Vice President's script, you can see there's
20 language in here on the third page from one of the Senate tellers, and then likely also
21 would have included behind it the responses of the Vice President to any of the motions
22 or objections that would have been raised that we alluded to prior.

23 So, as I recall, super script meant that it included anything that the Vice President
24 might need.

25 Q Good. That's consistent with what I would assume super meant. So sort

1 of a comprehensive script of anticipated remarks and responses?

2 A That's correct.

3 Q Okay. So the red track changes language on this document on the first
4 page says: This version of the main script that resolves -- this version of the main
5 script -- I think that is an error -- resolves competing slate issues through an explanatory
6 statement is favored by the parliamentarians.

7 Do you remember this discussion along these lines?

8 A I do. I don't recall if that was something that Greg inserted into that
9 document, or if I did, but I do recall this document in particular.

10 Q Okay. And if you turn to the second page.

11 A Uh-huh.

12 Q This is a slightly different formulation than the one that we were looking at a
13 moment ago.

14 Do you remember what the circumstances were for this draft?

15 A Yes. So from the prior document, it was the Vice President -- as Greg had
16 drafted, it was the Vice President asking questions of the teller. The language is
17 substantially similar in this about in the statement he's making here versus the question
18 that he was asking, but I believe at that point, the decision had been made, rather than
19 asking the tellers a question for them to respond to, the Vice President would
20 affirmatively state what is in these track changes about the authenticity of a certificate of
21 vote from a given State.

22 Q Okay. And was there a concern raised by the parliamentarian about the
23 proposed version that would have required the tellers to respond to the Vice President's
24 question?

25 A I don't recall a specific concern about the language, particularly because very

1 similar language is used here. We likely would have had a conversation about whether
2 or not that was an extra procedural step to involve the tellers and whether it would have
3 just been simpler for the Vice President to state it.

4 So it could have been more of a logistical conversation rather than a conversation
5 around the issues and the language itself.

6 Q Okay. So this language that's proposed in this draft has the Vice President
7 saying: Are there any objections to counting the certificate of vote of the State of
8 Alabama that the teller has verified appears to be regular in form and authentic?

9 Do you remember any discussion, first, within OVP about why it might be
10 necessary, or recommended, for the Vice President to ask this question of whether there
11 are any objections?

12 A So in the statute it says that the Vice President shall ask whether or not
13 there are objections after the reading of a certificate from a given State. So we believed
14 that it was consistent with the statute. And I could look back at some of the prior scripts
15 that we have, but I believe previous Vice Presidents presiding over the joint session did
16 the same.

17 Q Is that something that you discussed with the Vice President?

18 A I don't recall if I discussed it specifically with the Vice President, but I do
19 recall discussing it with Greg Jacob.

20 Q Okay.

21 Okay. Then under the three asterisks, this proposed script continues: This
22 certificate from Alaska, the parliamentarians advise me is the only certificate of vote from
23 that State that purports to be a return from the State and that has annexed to it a
24 certificate from an authority of that State purporting to appoint or ascertain electors.

25 A It's a mouthful.

1 Q It is a little bit, but comprehensive.

2 What do you recall about the reasons for why -- and we can break it apart and talk
3 about different sections if necessary. But, generally speaking, these edits, what do you
4 recall the reason being for why these words specifically were suggested to be added to
5 the script for January 6th?

6 A So, generally speaking, it was the desire to be as transparent as possible as
7 to why the certificates of vote that were being counted by the tellers as part of the joint
8 session were authentic and certified by the States.

9 And then in terms of the specific language, we tried to be as specific as possible in
10 pulling directly from the statute, because that was consistent with the Vice President's
11 beliefs and with Greg's legal opinion, as I recall, that we stick as close to the letter of the
12 law and the Constitution as possible.

13 So without having the statute itself right in front of me, I do recall that the
14 majority of this was pulled directly from the statute.

15 Q Okay. Was the fact that certain submissions of purported alternate slates
16 of electors, the fact that they had been submitted following the 2020 election, a cause of
17 why the Vice President felt it was important to include this type of language?

18 A Yes, that would have been one piece of it. And, you know, in addition to
19 them being -- alternate slates of electors being mailed in, the public reporting, public
20 discourse at the time around alternate slates of electors, some of the legal challenges
21 that were taking place in some of the States overall, we in OVP and the Vice President
22 believed this was an opportunity to be transparent, particularly to the general public
23 about why the joint session is carried out the way that it is, and why these certificates of
24 votes are valid and being counted.

25 Q Okay. And that's specifically because of the language here, that it's a

1 return from a State, annexed to it is a certificate from an authority of that State that
2 purports to appoint or ascertain electors?

3 A Yes.

4 Q Is that correct?

5 A Yes.

6 Q Okay.

7 A And to the best of our ability, that directly reflected the statute as to the
8 counting of electoral votes.

9 Q Okay.

10 [REDACTED] Okay. I have some other questions about other scripts for other
11 types of circumstances at the joint session, but for this specific point, does anyone have
12 any other questions?

13 BY [REDACTED]

14 Q Mr. Hodgson, you mentioned that some of the edits to the script were an
15 effort to be transparent, and I believe you may have used the term "we wanted to be
16 transparent."

17 Was it the Vice President's desire to be transparent in the joint session of
18 Congress?

19 A Yes, as I recall, it was his desire to be transparent. And then Mark, Greg,
20 and I would have had conversations about this language in particular that the Vice
21 President would have reviewed before we finalized it; but, yes, his desire to be more
22 transparent.

23 Q What do you recall him saying, either specifically or generally, about this
24 issue of being transparent in the joint session of Congress?

25 A I don't recall anything that he said specifically, but, again, given the public

1 discourse at the time around alternate slates, objections from Members of Congress,
2 other potential parliamentary inquiries of points of order being raised, it was his belief,
3 and certainly my counsel to him, that if there's an opportunity to include language like
4 this that is proactively transparent about why these certificates of vote are being
5 counted, that's helpful for the general public, and then certainly, from my perspective as
6 the director of legislative affairs, transparent with the members in the room who, again,
7 may raise one of those points of order or objections themselves.

8 Q Were these scripts, or the proposed edits to the scripts ever shared with the
9 White House, meaning not the Office of Vice President?

10 A Not that I'm aware of. I didn't share them with anybody in the White
11 House personally.

12 Q Did anybody else weigh in on them outside of the Office of the Vice
13 President or the Senate parliamentarian?

14 A Not that I'm aware of.

15 BY [REDACTED]

16 Q Okay. Let's go on and look briefly at a couple of the other kind of
17 contingency type scripts.

18 A Uh-huh.

19 Q So I'll direct your attention to exhibit 73, please. And, again, this is a
20 document that you produced to us, I assume from hard copy files that you maintained?

21 A Yes.

22 Q Okay. So these look like other proposed scripts for responses to potential
23 motions during the joint session. Is that accurate?

24 A Yes.

25 Q Okay. Taking the first two first, so that's the motion to adjourn and motion

1 to recess, were these documents -- do you recall whether these were scripts that had
2 been prepared for previous joint sessions, or were they drafted specifically for
3 January 6th?

4 A As I recall, these were prepared for prior joint sessions, but they certainly
5 would have been what -- something we had discussed around January 6th. But,
6 generally speaking, the Vice President likes to be incredibly well-prepared and specifically
7 in a public-facing role, so we would have tried to capture any and all eventualities that
8 could have been raised.

9 So I recall these being prepared prior, but certainly would have been something
10 that had they not been, we would have asked for it just so that we were completely
11 prepared for anything that may be brought up.

12 Q Okay. Specifically on -- and I think this is a point that [REDACTED] raised
13 earlier. But do you recall conversations with either your colleagues in OVP, or Vice
14 President Pence himself, about the possibility of Members making motions to recess or
15 adjourn in the January 6, 2021, proceeding?

16 A I don't recall specific conversations around those and only those, but
17 certainly these would have been discussed in the context of options that members had at
18 their disposal to raise points of orders or make motions during the joint session.

19 Q Okay. In a few minutes, we will likely look at, at least a couple of examples,
20 of letters that had been submitted, some to the Vice President himself, some to
21 leadership of Congress from some State legislators. And in several of those instances,
22 they seem to ask for some kind of, you know -- it varies, but different days of a recess so
23 that something might occur back in the States. I think in some cases it's contemplated
24 that there might be some investigation, those types of things.

25 Do you remember conversations like that, about those circumstances, about the

1 possibility that someone might move for such a recess, like a 10-day recess for the
2 purpose of an investigation in one or more of the States?

3 A I recall being aware that folks had raised that as a potential option, whether
4 that was some of the State legislators or, I believe, Senator Cruz, in his press release, also
5 discussed some kind of commission, that 10 days, as I recall, but it may have been a
6 different number of days. I don't recall ever having a conversation as to whether or not
7 the Vice President had the authority to effect any of that, but we would have been
8 prepared for exactly what his responses needed to be consistent with the procedures of
9 the joint session.

10 Q Okay. So is it fair to say that you don't recall discussing with the Vice
11 President whether or not any of those motions that we've just discussed might be raised
12 and, if so, how he would plan to handle them?

13 A Certainly we would have discussed them in relation to these scripts, but not
14 anything beyond that, no.

15 Q Okay. The third proposed script on this page in exhibit 73 is titled
16 "Response to Inquiry About Competing Electoral Slate," and before that in brackets it
17 says: "OVP Alternate."

18 A Uh-huh.

19 Q And the language suggested here is that the Vice President would say: The
20 chair has presented, in accordance with past practice and the requirements of Section 15
21 of Title III, United States Code, only certificates of electoral votes that purport to be a
22 return from a State and then include a certificate from a State authority.

23 Same question there. Do you recall discussions with your colleagues in OVP or
24 with the Vice President about the purpose for preparing the type of response to an
25 inquiry about a competing electoral slate?

1 A I don't recall any specific conversations around this piece of the script in
2 particular, although this would, in my opinion, allude back to the email change that we
3 reviewed earlier with Greg Jacob where he discussed, I think, a script just like this, and
4 the language that we used towards the off that response is consistent with the language
5 that we added to the main script for the joint session.

6 So, again, I don't recall a specific conversation, but I believe that this language is
7 consistent with conversations that we were having at the time.

8 Q Okay. And just to be clear, this may have been covered by some questions
9 [REDACTED] asked you, but the specific Electoral Count Act procedures for competing
10 slates, did you have any conversations with anyone in the White House, any other White
11 House staff about whether the competing slates procedure under the Electoral Count Act
12 would apply on January 6, 2021?

13 A No, none that I recall.

14 Q Okay.

15 [REDACTED] Did you have something on this one?

16 BY [REDACTED]

17 Q Very briefly, Mr. Hodgson. How did you first learn about the possibility
18 that Senators or Members might make a motion, or a point of order to delay or adjourn
19 the joint session?

20 A I don't remember being familiar with any specific Members of Congress
21 raising this, but in trying to understand any of the motions or points of order that may be
22 brought up during a joint session, and whether or not those are in order during the
23 course of a joint session, that's a question that I would have asked the parliamentarian to
24 be prepared for.

25 Q Okay. And you mentioned a press release potentially that Senator Cruz had

1 put out. Did you have any conversations with members, either Senators or House
2 Members about the possibility of a motion to delay or adjourn or recess the joint session?

3 A No conversations that I recall with any members about that.

4 [REDACTED] Okay.

5 BY [REDACTED]

6 Q Okay. Let's look at one more of these scripts behind tab 75, please.

7 So this one, again, is from your hard copy files, I assume?

8 A Yes.

9 Q And it's titled "Response to Submissions NOT" -- in capital letters -- "Certified
10 by a State."

11 A Uh-huh.

12 Q Do you recall what the circumstances -- this looks similar to -- similar, but
13 slightly different, to the script that we were just looking at about alternate slates?

14 A I don't recall this one in particular. The formatting of it strikes me as
15 something that we would have received directly from the parliamentarian. I don't recall
16 us writing this script. And, again, the language in it isn't consistent with some of the
17 other responses that we had drafted. So I don't recall specifically, but this strikes me as
18 something that would have come directly from the parliamentarian.

19 Q I see. Okay. Thank you.

20 All right. So there's one other email on this topic that I would like to show you.
21 It's behind tab number 29.

22 So at the bottom of this email, you know, starting at the first email in time, it looks
23 like an email from Ms. MacDonough to yourself following on the meeting that we
24 discussed that occurred on January 3rd, including Vice President Pence. Is that right?

25 A Yes.

1 Q Okay. So the sentence -- it actually starts on the first page and carries over
2 to the next, Ms. MacDonough writes to you: When you can, we would like your
3 thoughts on the issue of putting forth the completed certificates of ascertainment and
4 election from the States and awaiting challenges to those before raising the issue of other
5 non-State submissions, if at all.

6 Do you recall this suggestion from the parliamentarian?

7 A I do. And at the time, as I recall, we were having a conversation,
8 recognizing, again, that these alternate slates were out there, as to whether or not it was
9 something that was proactively going to be raised, or if we were going to -- consistent
10 with her comment here, whether or not we were going to wait for an objection.

11 Q Okay. Do you recall whether the Vice President had an opinion about how
12 to handle that?

13 A I don't. I think at that point we were discussing various options about how
14 to add some of that language for added transparency that I mentioned earlier.

15 Q Okay. And how is this -- the dynamic I see here is between waiting for
16 someone to make a motion or raise a point of order regarding alternate slates and for
17 having a response prepared for that eventuality versus potentially having some
18 affirmative -- making some affirmative statement.

19 How do you remember that issue was resolved?

20 A So, to be clear, anything that we would have raised proactively about the
21 alternate slates would not have been to identify that there were alternate slates that
22 existed, but consistent with where our main script ended up, it was that added
23 transparency about why the votes that were being counted were the ones that were
24 being counted.

25 So I just wanted to clarify that.

1 But, again, Elizabeth, as the parliamentarian, was open to our suggestions, as
2 indicated in her email. So we would have worked together to collaborate on the
3 suggested edits from OVP and then ensuring that the parliamentarians were also okay
4 with it prior to the joint session.

5 Q Okay. That makes good sense. And thank you for that clarification.

6 So in the second email from the top of this document, the second email down, it's
7 another email from Ms. MacDonough on January 4th to yourself, as well as what looks
8 like a couple of people in the Senate secretary's office, including the Leigh you referred to
9 earlier perhaps.

10 A Okay. Can I correct the record?

11 Q Yes.

12 A Leigh Hildebrand, so that she doesn't come back and read this someday and
13 seek me out.

14 Q Absolutely. The record will be complete. And under the circumstances,
15 forgetting it earlier is completely understandable.

16 A I'm sorry, Leigh.

17 Q So in this email, Ms. MacDonough proposes to offer alternative formations
18 here regarding the non-State certified submissions. The first one is consistent with
19 something that we've looked at a minute ago, I believe. And then the second one
20 proposes to say, quote, "The chair is aware that petitions from private citizens have been
21 received which do not constitute votes regularly given by electors whose appointments
22 have been certified in accordance with State and Federal law."

23 Do you recall any discussion, either with your colleagues in OVP or with Vice
24 President Pence himself, about the possibility of making this type of affirmative
25 statement regarding the purported alternate slates?

1 A I don't recall the specifics of the conversation, but certainly this would have
2 been in the regular course of our conversations about that added transparency and the
3 language that we were suggesting. I would have asked Elizabeth in this case, per her
4 response here, if they had any suggestions how they would handle that language, and
5 then we would have discussed that internally.

6 But I think these two options that she sent us reflect the conversation about how
7 we potentially proactively address the alternate slates of electors discussion.

1

2 [12:00 p.m.]

3 [REDACTED] Okay. I think I'm going to come back to that.

4 Okay. Before we move on to the next section, we've been going for a little while.
5 I think we're going to change gears and, when we come back, talk about communications
6 with Members of Congress before January 6th. But I suggest now would be a good time
7 to take a short break.

8 The Witness. That would be great.

9 [REDACTED] Okay. Let's go off the record.

10 [Recess.]

11 [REDACTED] Okay. So we're back on the record, continuing the deposition of
12 Chris Hodgson.

13 BY [REDACTED]

14 Q So as I noted before we -- we took a brief break, Mr. Hodgson, we'd like to
15 talk next about communications with Members of Congress, with Senators, before
16 January 6th.

17 So we've covered some of this already, but just so that we're -- we're clear, before
18 December 30th of 2020, which you already identified as a relevant date in this process,
19 it -- as we'll talk in a moment, it's the date on which Senator Hawley indicated that he
20 would be cosponsoring signing an objection. Before that date, what were your
21 expectations about any objections to be raised on January 6th?

22 A Prior to that, had heard discussions that Members were considering
23 objections to States. Again, I believe it was that universe of about five to seven States
24 that were being discussed. I don't recall exactly when any of the House Members went
25 on record as potentially raising an objection, but certainly was aware that those

1 discussions were taking place.

2 [REDACTED] And sorry. When you say Members there, were you referring to
3 House Members only or Members of the House and Senate?

4 The Witness. Just House in that instance. I wasn't aware of any Senate
5 conversations prior to Senator Hawley's announcement that he would object.

6 [REDACTED] Okay. Thank you.

7 BY [REDACTED]

8 Q And how -- you said you had heard that some Members of Congress were
9 considering objecting. How generally did you hear that?

10 A That would have either been through public reporting or conversation with
11 folks on the Hill who may have been either privy to those conversations or had heard that
12 they were taking place.

13 Q Okay. What about with any Members directly?

14 A I don't recall having any conversations directly with Members of Congress
15 about their plans to object.

16 Q Okay. Do you know if any Members had conversations about their plans to
17 object directly with Vice President Pence?

18 A Not in any meetings in which I was a part of.

19 Q Are you aware of -- did you become aware of any communications that
20 were -- that you -- of which you were not a part about whether they would object?

21 A I believe there was a meeting at the White House -- I want to say it was
22 December 21st potentially -- in which there were Members who ultimately did object
23 during the joint session. I was not in that meeting, but I do believe the Vice President
24 attended for part of that meeting.

25 I believe they were meeting with the President. I don't know the contents of

1 that meeting, but that could have been an instance where I was not with the Vice
2 President where that issue could have been raised.

3 Q Okay. Great. We'll return to that in a moment.

4 Any other conversations that you became aware of directly with Vice President
5 Pence about the possibility of objections?

6 A No.

7 Q Okay. What about other members of OVP staff, like, for instance,
8 Mr. Short? Did you come to be aware of any Members of Congress having
9 conversations directly with Mr. Short about the potential for objections?

10 A No. Marc and I would have been talking about the potential for objections
11 and sharing any intelligence that either of us had picked up in conversations, but I
12 don't -- do not recall Marc directly referencing a conversation with a Member about their
13 plan to object.

14 Q Okay. And then, just to be clear, beyond Marc Short, any other OVP staff?

15 A No.

16 Q Okay. I think you -- you referred earlier to some text messages with
17 Representative Gosar --

18 A Uh-huh.

19 Q -- so let's look at those now.

20 A Okay.

21 Q They are behind tab 52.

22 I should have said I -- I suspect that these are the text messages that you were
23 referring to earlier.

24 Now that you've seen them behind tab 52, is that correct?

25 A Yes, it is.

1 Q Okay. So the Paul that's reflected on the top of this page is
2 Representative Gosar?

3 A Yes.

4 Q Okay. And I think we'll look at a few different, you know, text message
5 documents that you produced to the committee.

6 A Okay.

7 Q Just briefly, can you tell us -- it looks like these are screenshots probably of
8 an iPhone and then were scanned or printed in some way. Is that an accurate
9 description of --

10 A Yes.

11 Q -- how this document is presented?

12 A Yes. This is off my personal iPhone, and then I screenshotted it and printed
13 it.

14 Q Okay.

15 A At your request, I should say.

16 Q Yes. And we appreciate your production.

17 The -- you said personal iPhone. Did you also, at the time, have an official OVP
18 or White House-issued phone?

19 A Yes, I did.

20 Q Okay. Do you still have that official phone in your custody?

21 A No, I do not. My phone and laptop were both turned in prior to departing
22 the White House.

23 Q Okay. The personal phone that this text message was sent to, do you still
24 have the same phone that you had in the December 2020-January 2021 period?

25 A It's the same phone number; it's not the same physical phone.

1 Q Okay. Do -- is it your understanding that the text messages that were on
2 the old version of the phone with the same personal phone number are -- are still on the
3 phone? Were they copied over when you got a new -- a new phone?

4 A Yes. I think all of the contacts and records I had on that previous phone
5 were transferred --

6 Q Okay.

7 A -- since I kept the same number.

8 Q Okay. So fair to say that you -- is there any reason to think that some text
9 messages that you recalled existing on your old phone are no longer available to you on
10 your new one?

11 A No.

12 Q Okay. So this is a text message exchange with Representative Gosar, who
13 texted you on your personal device, I assume.

14 A Uh-huh.

15 Q Generally speaking, did many Members of Congress have your personal
16 phone number and contact you that way?

17 A Some did based on my prior work, again, on the House floor. Quite a few
18 Members had my contact information. They likely would have had my personal number
19 as well as my prior work number. And so, when I left that job, they would have retained
20 my personal number, and sometimes they did reach out on that number. But whenever
21 given the opportunity, I always try to direct them to my White House cell phone number.

22 Q Okay. And do you also send text -- exchange text messages for work
23 generally on your work phone?

24 A I did not. Those White House work phones do not have text capabilities. I
25 believe some staff within the White House had that function added, but I did not have

1 any text capabilities on that phone.

2 Q I see. So merely --

3 A Calls --

4 Q -- emails and phone calls?

5 A Emails, phone calls, and then access to the internet as well.

6 Q I see. Okay. Any other communications applications

7 or -- yeah -- communications applications on the White House official phone?

8 A No. Just call and email.

9 Q Call and email. Okay. Great.

10 What about other communication-type apps like Signal, WhatsApp, did you have
11 those on your personal phone?

12 A No. I mean, I -- I had WhatsApp on my personal phone at the time, but did
13 not use it for anything related to work or conversations with Members or staff.

14 Q That was going to be my next question. That's great.

15 Okay. So this text message exchange with Representative Gosar, it starts -- the
16 first date that we can see on the first page is December 20 --

17 A Uh-huh.

18 Q -- 2020. Unfortunately, we're not able to see the date of the text messages
19 above that.

20 Do you have any recollection of when those texts may have been sent?

21 A As I recall, these all came in in a matter of a day or two, so I would presume
22 that these either happened on the same day or the day prior.

23 Q I see. Okay. Okay. So that first group of text messages at the top of the
24 page, it appears that Representative Gosar is sending you a message that refers to six
25 State legislators that were seeking decertification and new certification of Trump electors

1 in AZ.

2 A Uh-huh.

3 Q And then he asks, did you get the names of that -- the six legislators.

4 Tell us what you remember about the circumstances that Representative Gosar
5 was describing there.

6 A I don't recall the specific details of it other than what's reflected directly in
7 this text message. I hadn't been, you know, a part or privy to any conversations about
8 what was happening in Arizona prior to that, so I was merely in receipt of the information
9 that he was sharing in this text.

10 Q Okay. And what do you -- what -- what did you understand is the meaning
11 of his -- his comments there about State legislators seeking decertification and new
12 certification? What did you understand that to mean?

13 A Again, not being part of any conversations about, you know, any further
14 details about what was happening in Arizona, merely what he wrote in the text message.

15 Q Okay. And then, in your response, it indicates the -- in the blue-colored
16 text message response, it indicates that you received a picture from Representative
17 Gosar. Do you remember what that was?

18 A It was a picture -- it was a screenshot of the names of the six State legislators
19 in Arizona.

20 Q Okay. And what, if anything, did you do with that information?

21 A I don't recall specifically what I did with that information, although, given
22 how I would typically process something like this in the course of -- of all that was going
23 on in discussions in the office at the time, I likely would have shared it with Marc Short
24 and/or Greg Jacob, but not beyond that.

25 Q Okay. Did Representative Gosar ask you to take any -- any action or, you

1 know -- did he ask you to take any action in light of this information he provided to you?

2 A No. None that I recall. I was merely in receipt of this information from
3 him.

4 Q Okay. And did you understand there to be any connection between
5 these -- the names of these six State legislators in Arizona and January 6th?

6 A No, I did not. Subsequently, I'm aware that there were alternate slates of
7 electors that were submitted. I never compared the names that were on both, but I
8 would presume that, based on his text message here, this could have been some of the
9 same individuals involved in that process.

10 Q Okay. Okay. Thank you.

11 So there follows underneath that exchange a series of text messages that it
12 appears Representative Gosar sent to you on December 20th, 2020.

13 A Uh-huh.

14 Q He writes: Here's the video of the presentation and followed by an article
15 pertinent to the VP.

16 And then he provides you what looks like three different links, some to maybe
17 articles or other information, maybe a video. What do you recall these -- the -- was the
18 content of these what look like links that he's providing to you?

19 A I don't recall the specific content of it. I would just refer back to what he
20 said he was indicating, which was a presentation followed by an article pertinent to the
21 Vice President and the State legislators who were doing work in Arizona. I don't recall
22 any of the specific contents of any of these links, though.

23 Q Do you recall whether you clicked on them and viewed the content?

24 A I do not, no.

25 Q Okay. Based on the context here in text messages and anything you

1 remember about your interactions with Representative Gosar, did these materials relate
2 to allegations of election fraud?

3 A Just based on the headlines of the links, like the cyber war on America's
4 elections, I would presume, based on that, that that was what they were referring to, but
5 I don't remember the contents of the links themselves or the -- or the articles themselves.

6 Q Okay. And what did you understand Representative Gosar to mean by
7 saying that these materials were pertinent to the VP?

8 A I would have understood it to mean that, you know, in the context of the
9 Vice President's role on January 6th, given that there was no other action that he was
10 taking in the aftermath of the election, I would presume that he meant something related
11 to January 6th, although I don't recall a specific conversation with Dr. Gosar about the
12 Vice President's role on January 6th.

13 Q Okay. That was going to be my next question.

14 Representative Gosar goes on -- it looks like it's a little bit later in the day on -- on
15 the same day, December 20th, to send you a text message asking you to call him that
16 evening.

17 Do you recall, did you speak with Dr. Gosar on December 20th?

18 A I don't recall the conversation on the 20th, although I would typically follow
19 up with Members if I ever suggested something like that. So I would presume that I did
20 speak with him at some point or at least tried to call him as I indicated in that message.

21 Q Okay. Even if you can't remember the specific contents of that
22 communication, do you remember generally what it was about?

23 A I don't. I would presume that it's -- since it's on the same day as the links
24 that he sent me, it would have been some kind of a follow-up conversation he was asking
25 to have relative to what he already sent, but I don't recall anything else besides that.

1 Q Okay. Do you remember whether he asked you to provide any of this
2 information to Vice President Pence?

3 A I don't recall specifically him making that request.

4 Q Do you remember, generally, did -- either at this time or any other time, did
5 Representative Gosar ask you to provide information to Vice President Pence related to
6 these topics?

7 A I don't recall him specifically asking me to provide it directly to the Vice
8 President other than him just providing it to me directly.

9 Q Okay. Any other -- whether it's in this conversation that it looks like you
10 had on December 20th with Representative Gosar or any other time, you know, leading
11 up to January 6th, did Representative Gosar ask you to convey any information or any,
12 you know, sort of ask to the Vice President?

13 A Not that I recall, no.

14 Q Okay. Did you discuss at this time whether -- with Representative Gosar
15 the topic of whether there would be objections to the electoral count on January 6th?

16 A No, I don't recall discussing objections with Dr. Gosar.

17 Q Okay. Continuing on this text message chain, on December 23rd, 2020, it
18 looks like Representative Gosar sent you a message asking: Chris, is the VP sending
19 letters today to the seven contested States?

20 First, is that accurate?

21 A This text message -- this text message from him was the first that I had heard
22 of that idea, and so I -- and I don't believe that I responded to this text message. Again,
23 that -- this was the first I had heard of it, and I was not aware of what he was referring to
24 based on letters to seven contested States, nor am I aware that the Vice President ever
25 did something like that.

1 Q Okay. So I think you said that this is the first time you became aware of
2 any -- receiving the text message from Representative Gosar on December 23rd is the
3 first time you became aware of any -- the concept of the Vice President sending any
4 letters.

5 Did you have any other conversations with anyone else about Vice President
6 sending letters?

7 A No. This is the only instance where that ever came up.

8 Q Okay. And I know you said that you -- it looks like you didn't respond to the
9 text message. Do you remember speaking to Representative Gosar after this?

10 A I don't. He may have called me in the aftermath of this, but I don't recall
11 any specific conversation with him following this. But had he asked me about -- in
12 person rather than on texts about these letters, I would have told him that that was not
13 something that the Vice President was working on.

14 Q Okay. Stepping back a little bit and now with hindsight, understanding
15 what did occur on January 6th, do you have any -- any concept of what the purpose of the
16 Vice President sending letters to seven contested States might have been?

17 A I don't.

18 Q Okay.

19 Do you have any question?

20 I have a question on this --

21 Yeah, go ahead.

22 -- before we move on.

23 So on the second page of the exhibit, it looks like Congressman Gosar sent you
24 something called Kill Chain: The Cyber War on America's Elections - Full Movie. And
25 the website there is somebitchtoldme.com.

1 Would you have felt comfortable sharing with the Vice President information you
2 learned from a website called somebitchtoldme.com?

3 The Witness. No.

4 [REDACTED] Okay. Do you have something, [REDACTED]

5 [REDACTED] I do.

6 BY [REDACTED]

7 Q In that article that Representative Gosar sent you on the first page of this
8 exhibit --

9 A Uh-huh.

10 Q -- from the National File, I'll represent to you that it discusses a person
11 named Ivan Raiklin and a theory that he had about the Vice President's authority and
12 what he should do during the joint session.

13 Are you familiar with a person named Ivan Raiklin?

14 A I'm not.

15 Q Okay. Have you ever heard of Operation Pence Card?

16 A No.

17 Q With respect to the issue of the letters that's referenced at the end of this
18 exhibit, exhibit 52, do you recall ever receiving any draft letters that the Vice President
19 could send to States?

20 A No.

21 Q And not just from Representative Gosar, but from anybody.

22 A No.

23 [REDACTED] Anything else? Okay.

24 BY [REDACTED]

25 Q So, Mr. Hodgson, a few minutes ago, you mentioned recalling that there was

1 a meeting with Members of Congress at the White House on December 21st, 2020.

2 Before we talk about that in detail, let me just ask to clarify: Do you remember
3 any meetings with Members of Congress about January 6th before December 21st?

4 A No.

5 Q Okay. So this is the first one?

6 A Yes. And I should say I don't know that that meeting was specifically about
7 January 6th. I only know that it was a meeting at the White House between election day
8 and January 6th and that some of the Members involved were Members who ultimately
9 objected. But I don't know that that was the -- the nature of the meeting --

10 Q Okay.

11 A -- within your statement.

12 Q Understood. Okay. And I think you said that you were not in attendance
13 at that meeting.

14 A Correct.

15 Q Is that correct? Okay.

16 What do you know about it?

17 A I believe there are some text messages that I provided confirming that at
18 least Mo Brooks -- Congressman Mo Brooks was in that meeting.

19 I -- based on the text message and as I recall, I was walking through the West Wing
20 lobby and saw that he was there and then texted a member of the White House
21 legislative affairs staff indicating that he was there. And then in subsequent
22 conversations -- or in subsequent text messages -- excuse me -- I had asked whether or
23 not the Vice President had ended up in that meeting. So that's -- I believe that's the
24 extent of my knowledge of that meeting.

25 Q Okay. Were you invited to that meeting?

1 A Not that I recall.

2 Q Okay. Would you have found it unusual for there to be a meeting with
3 Members of Congress that the Vice President had attended that you were not invited to?

4 A There were some meetings that others staffed him on. Marc Short, again,
5 as the chief of staff and also somebody who had previously held the job of director of
6 legislative affairs for the White House, may have been inclined to go to.

7 There were also times where there would be Members of Congress in a meeting
8 at the White House that the Vice President would be pulled into that he wasn't scheduled
9 to participate in or scheduling conflicts would not have allowed him to be in, but if
10 circumstances changed, he would get pulled into that meeting if his schedule allowed.

11 So there may have been instances where we weren't planning to be in there and,
12 you know, if Marc or somebody else was in the office and close, they would have gone
13 with him if I had been on the Hill or otherwise, you know, tied up in a meeting.

14 Q Okay. Do you know whether this was a circumstance where the Vice
15 President's attendance was planned or if he had been pulled in?

16 A I don't recall specifically whether or not it was planned. I do believe, in one
17 of the text messages, I reference that he had a -- a Coronavirus Task Force meeting at the
18 time, and so I wouldn't have expected him to be in there. But, again, that doesn't
19 necessarily indicate whether or not he was in there. But I don't recall him being
20 scheduled to be a part of this meeting.

21 Q Okay. So if it helps for -- and we'll look at some of those text messages in a
22 moment, but just for context and in response to your point earlier, if it helps about the
23 content of the meeting, Mark Meadows tweeted that evening at 6:03 p.m.,
24 December 21st. The tweet says, quote: Several Members of Congress just finished a
25 meeting in the Oval Office with President @realDonaldTrump preparing to fight back

1 against mounting evidence of voter fraud. Stay tuned.

2 Is it your understanding that the description of the meeting that Mark Meadows
3 tweeted is the same meeting that you're referring to here?

4 A Yes, I believe that is the same meeting.

5 Q Okay. Great. So let's look at one of those text message exchanges now.
6 It's behind tab 68.

7 [REDACTED] Before we start on that text message, if I might.

8 [REDACTED] Uh-huh.

9 [REDACTED] What were you doing in the West Wing on the 21st?

10 The Witness. I don't recall. I probably would have just been walking through.
11 I oftentimes -- so my office was in the Eisenhower Executive Office Building, and the
12 White House legislative affairs offices are in the East Wing of the White House. So in
13 order to get from my office to theirs, I would either go through -- typically walk through
14 the West Wing lobby or around the outside. So I was most likely just walking through.

15 [REDACTED] Thank you.

16 [REDACTED] Okay. Great. So the text messages behind tab 68, they are hard
17 for us to read. Do you know what -- why these -- these text messages are presented in a
18 slightly different format in black and white and with some material kind of hard to read?

19 The Witness. I don't know. I would chalk that up to technical printer --

20 Mr. Olmem. Yeah.

21 The Witness. -- difficulties with the printer. I think I had printed off prior ones
22 that were in color, and I think your office may have printed or --

23 Mr. Olmem. These were not -- I think were given us -- we printed off in not in
24 color, so --

25 The Witness. Yeah.

1 [REDACTED] Okay.

2 Mr. Olmem. If it's an issue, let us know, and we might be able to --

3 [REDACTED] Yeah. That -- that's great. I think some of this might turn into a
4 bit of a memory test, Mr. Hodgson, to the extent we can't read what things are.

5 The Witness. Okay.

6 [REDACTED] So if that's the case and it's possible for your counsel to prepare
7 other versions of these ones, that would be really helpful.

8 The Witness. Okay.

9 [REDACTED] Okay. Thank you.

10 BY [REDACTED]

11 Q So this looks like a text message exchange with an individual named Zach.

12 Who's Zach?

13 A Zach Bauer, the Vice President's personal aide.

14 Q Okay. In a role colloquially known as the body man perhaps?

15 A Yes.

16 Q Okay. Great. This -- well, tell -- the first text message is the hardest one
17 to read, so, if you can, what do you remember about how this conversation began?

18 A So I asked Zach whether or not the Vice President ended up in the meeting
19 with the Freedom Caucus. I don't recall if I mentioned with the President in that prior
20 text, but I know that that first text message that's a little bit hard to decipher is me asking
21 him whether or not he ended up in the Freedom Caucus meeting at the White House.

22 Q Okay. And your description of the Freedom Caucus meeting is the -- you're
23 thinking of the same meeting that we've been discussing that was just Mark Meadows --

24 A That's correct.

25 Q -- subject of Mark Meadows' tweet? Okay.

1 Zach responds to your message by saying: He did, dot, dot, dot, sadly. Marc
2 was in there too.

3 What did you understand Zach to be meaning or implying by the word -- by
4 characterizing it as sadly?

5 A Without totally speculating on what Zach was thinking, I think, in terms of
6 the Vice President's schedule and whether or not that was a meeting he needed to be
7 attending versus the other business he had on his schedule that day, I think, given where
8 we were in the month of December, some of the outcomes of the legal challenges that
9 had already been decided to date and did not -- you know, were not decided in favor of
10 the President and his legal team, I think Zach was alluding to the fact that he thought the
11 Vice President's time could be better spent elsewhere.

12 Q I see. Okay. And it looks like you respond to that with a -- an image of a
13 person kind of holding their forehead.

14 And then Zach responds by saying: It was, dot, dot, dot, interesting, like living in
15 an alternative universe.

16 What did you understand him to be referring to by saying that the meeting was
17 both interesting and living in an alternative universe?

18 A Based on the tweet that you read from Mark Meadows about election fraud
19 and, again, given some of the cases that had already been decided, I think Zach was
20 referring to the fact that those Members would have been pushing an idea that the
21 outcome of the election could be altered at this point and Zach not agreeing with that
22 being the case.

23 Q And the -- the -- well, just to finish this, you respond: Yes, that was
24 definitely the twilight zone.

25 What were -- what were you referring to there with the twilight zone?

1 A Mostly just a figure of speech, you know, indicating agreement with
2 Zach's -- Zach's comments.

3 [REDACTED] What did you base that on if you weren't in the meeting?

4 The Witness. What I would presume that conversation to be based on
5 subsequent tweets from Mark Meadows about the substance of the meeting.

6 [REDACTED] And --

7 [REDACTED] Was it based on anything you had been told --

8 The Witness. No.

9 [REDACTED] -- about the meeting?

10 The Witness. And I believe there was also -- Congressman Hice also had a tweet
11 after that meeting referencing the discussion that was in there. So it would have been
12 based off of -- of those comments as to what I understood the substance of the meeting
13 to be.

14 BY [REDACTED]

15 Q Yeah. I think we're aware that several Members of the Freedom Caucus
16 that attended that meeting also made public statements about it --

17 A Yeah.

18 Q -- calling the meeting, so that's consistent with that.

19 A That's what would have informed my thinking. I wasn't told about the
20 substance of the meeting directly --

21 Q Okay.

22 A -- in the aftermath of it.

23 Q I do have a follow-up question for you about that. But before we leave,
24 you mentioned -- you described Zach's -- the meeting of some of these -- or implication of
25 some of these texts as referring to the fact that you understood the content of the

1 purpose of the meeting being kind of a pushing an idea about changing the outcome of
2 the Presidential election that was inconsistent with Zach's understanding of -- of the facts,
3 of reality at the time.

4 Was that also consistent with your understanding at the time?

5 A Yes.

6 Q Okay. And -- and what about other members of OVP staff?

7 A I don't want to speak for other members of OVP staff. I can't recall a
8 conversation where I asked them their opinion about that.

9 Q Did you have a -- did you generally speak to members of your colleagues
10 within OVP about the -- about what the outcome of the election was at that point?

11 A I don't recall having specific conversations with any of my colleagues about
12 the outcome at that point.

13 Q Okay. I know that you -- you -- in recalling the circumstances here, you also
14 reflected on the outcome of legal challenges that --

15 A Uh-huh.

16 Q I assume what you're referring to are -- are attempts in litigation by the
17 Trump campaign to overturn or influence the outcome of the election in some way. Is
18 that fair?

19 A Yes.

20 Q Okay. Did you have conversations with your colleagues within OVP about
21 the implication -- the meaning of the -- of the outcomes -- the failure of any of those
22 litigation challenges to succeed in changing the outcome of the election?

23 A I don't recall having any conversations about the meaning of it. Certainly
24 the status of it would have been something that -- that occurred during the course of
25 conversations within the office, but I don't recall having specific conversations about

1 what that meant for the election or anything else.

2 Q Okay. At this point, had you had any conversations with the Vice President
3 about the possibility of the outcome of the election changing?

4 A No.

5 Q Okay. So did you have -- did you discuss with -- with either Zach in any
6 other, you know -- any other communication other than these text messages, or with
7 Marc Short, what occurred in this meeting?

8 A I don't recall having a specific conversation about what occurred in this
9 meeting. Typically, if any of us were in a meeting where Members were involved in the
10 conversation, we would typically report back to one another. So I don't want to say that
11 it never happened, but I don't recall a specific conversation about the contents of this
12 meeting.

13 Q Okay. Generally speaking, do you have an understanding of whether the
14 President participated in the meeting?

15 A I believe the President did participate in the meeting, yes.

16 Q Okay. And how do you have that -- what forms that understanding?

17 A I believe there were subsequent tweets from Members that suggested they
18 met with the President.

19 Q Okay.

20 A And I believe Mr. Meadows also mentioned that in his text.

21 Q Yeah. Yeah. You're right.

22 A Or in his tweet. Excuse me.

23 Q What about other White House staff that may have attended that meeting?
24 Did you ever form an understanding of who else on the White House staff attended that
25 meeting?

1 A I believe I texted another member of the White House legislative affairs
2 team when I saw Congressman Brooks in the lobby. I don't know -- or I don't recall
3 having an understanding of who from the White House legislative affairs team ultimately
4 attended the meeting.

5 Q Who was the individual that you recall texting about seeing Congressman
6 Brooks in the lobby?

7 A Tommy Andrews.

8 Q Okay. Do you recall ever forming an understanding, whether it was from
9 your colleagues in OVP or public statements or elsewhere, about whether there
10 were -- there was a -- any kind of material distributed or presented during that meeting?

11 A I don't.

12 Q Okay. Earlier, I asked you a couple of questions about Peter Navarro and
13 two members of his staff, Garrett Ziegler and Joanna Miller. Do you have any
14 understanding of whether any of those three individuals participated in the meeting?

15 A I don't.

16 Q Okay. And I think, you know, we have the -- the understanding from public
17 statements by Mark Meadows as well as -- as statements of other Members of Congress
18 that the meeting focused on voter fraud.

19 Do you -- did you ever come to form an understanding of whether the topic of
20 objections being raised at January 6th was discussed in this meeting?

21 A I don't. I don't know if that was part of the discussion or if it was just
22 around voter fraud.

23 Q Okay. And did you ever get a sense of whether -- what role Vice President
24 Pence played in the meeting, whether it was as a, you know, spectator or observer, or
25 whether he made any statements during the meeting?

1 A I don't know whether or not he made any statements. My asking Zach
2 whether or not he attended would indicate to me, based on how we would typically run
3 his schedule, if I wasn't aware of it, that it was probably something he got pulled into,
4 which would likely be the role of more of a spectator in the room rather than an active
5 participant, since my lack of awareness would indicate that it wasn't something that was
6 on his schedule.

7 Q Okay.

8 [REDACTED] Any questions there?

9 BY [REDACTED]

10 Q I just want to get to your base of knowledge, I guess, for what happened
11 in -- in this meeting. The -- it looks like you send a meme or something of a person
12 putting their face in their hand, and that to me -- if I were to use that -- I don't want to
13 attribute what I would use it for to you, but it would be like, oh, boy, you know, this is not
14 a good thing necessarily.

15 So if you don't really know what's going on in the meeting, why would you send
16 something like that and then also say later that that was definitely the twilight zone?

17 A So my -- my personal beliefs, not attributed to anybody else within OVP, and
18 certainly not the Vice President, was that if there were Members of the Freedom Caucus
19 in the White House during this timeframe to talk about election fraud, at that point in
20 time, it was my personal belief that that was not something that was going to change the
21 result of the election, particularly because some of these legal challenges had failed.

22 And so the image that you refer to me using, again, would be my suggestion that,
23 if that's what they're in there talking about, this isn't a good use of the Vice President's
24 time given all of the other responsibilities he has on a daily basis.

25 Q Okay. And I think you mentioned -- and I don't want to put words in your

1 mouth, but I think you mentioned that you thought the Vice President's authority during
2 the joint session may have come up in this meeting.

3 Did I hear that correctly?

4 A I don't believe so, no.

5 Q Okay. Do you have any reason to believe that that did come up in the
6 meeting?

7 A I don't.

8 Q But you don't know either way?

9 A I don't know.

10 [REDACTED] Okay.

11 [REDACTED] Okay.

12 BY [REDACTED]

13 Q So, Mr. Hodgson, I'd like to bring you forward. The next sort of point in
14 time that we'd like to talk about is we understand that there was a meeting on
15 December 29, 2020, within OVP between yourself -- at least yourself, Mr. Short, and
16 Mr. Jacob, to prepare for January 6th.

17 Do you recall such a meeting?

18 A I don't recall that meeting specifically on the 29th, but in the course of our
19 preparation, it wouldn't surprise me at all that we would have had a meeting like that.

20 Q Okay. So before we talk about that, in the thinking of the timeline, is there
21 anything of note that occurred following this meeting that we've been discussing with the
22 Freedom Caucus at the White House on the 21st in the subsequent week related to, you
23 know, Members of Congress' potential objections or other questions about the
24 preparation for January 6th? Anything that jumps out in your mind?

25 A There's not. And based on the timing of that meeting, if it wasn't until the

1 29th and this meeting was on the 21st, if there had been anything actionable out of this
2 meeting, presumably we would have met, you know, earlier than we did on the 29th.
3 So, given the 29th, the end of the calendar year, and the New Year's holiday, it would
4 make sense to me that Marc, Greg, and I would touch base prior to the holiday and folks
5 taking, you know, a few days off for being out of town before reconvening for the week of
6 the 6th.

7 Q Okay. That makes sense.

8 So I know you said that you don't specifically remember meeting on the 29th, but
9 do you remember having some conversations at this time period with OVP staff? Is that
10 fair?

11 A That's fair, yes.

12 Q Yeah. Okay. Do you remember what in general were the topics of
13 conversation within OVP about preparation for January 6th?

14 A From my perspective, again, anything that I would have been discussing with
15 Marc or Greg would have been about the logistics and the procedure for the day, and so
16 that would have included the script, that would have included timing, anything else
17 relating to coordinating the events of that day within the other components of OVP, who
18 would be involved. So that would have been my focus in a meeting like that.

19 Q Okay. And in a moment, we're going to talk about a meeting that took
20 place the next day --

21 A Uh-huh.

22 Q -- but it strikes me that maybe bringing that up here might also help to, you
23 know, orient you.

24 The meeting that we're going to talk about next occurred on December 30th. It
25 was with certain members of -- with yourself and certain members of congressional staff;

1 specifically, two staffers for Representative Brooks and a staffer for the House Judiciary
2 Committee.

3 Does that ring a bell?

4 A That meeting does ring a bell. And, again, to the extent that Marc, Greg,
5 and I met the day prior, consistent with what I mentioned earlier about gathering
6 intelligence, about conversations taking place on the Hill, or any potential objectors to
7 inform our preparation for January 6th, I would have also brought that up as a topic of
8 discussion with Marc and Greg to share any information I had.

9 Q Okay. So do you think that the meeting on the 29th was related at all to
10 the meeting the following day with members of Representative Brooks' staff or likely not?

11 A I don't recall. Certainly could have been a topic of conversation knowing
12 that that meeting was happening the next day, but I don't view that as necessarily a prep
13 meeting for that -- that meeting with the Brooks staff the next day.

14 Q Okay. And around the, you know, end of December, December 29th,
15 December 30th, do you recall what your understanding was at the time about the Vice
16 President's role in -- on the -- in the joint session? And maybe -- let me rephrase.

17 At that time, were you aware of -- of pressure or outside, you know, sort of
18 theories being advanced about the Vice President having a different role for January 6th
19 than -- than was the concept within OVP?

20 A I don't recall any conversations specifically about other theories about what
21 authority he might have. But, again, certainly in the public discourse and the public
22 reporting, there was conversations about legal challenges and alternate slates of electors.
23 So there would have been, you know, cause for conversation around that, but I don't
24 recall any specific theories about what he could or couldn't do on the 6th at that point in
25 time.

1 Q Okay. And do you remember either Mr. Short or Mr. Jacob conveying to
2 you at this time period what Vice President Pence's response or reaction to those
3 theories was?

4 A I don't recall any specific conversations about his reaction to those theories.
5 I would say that, throughout this process, Marc, Greg, and I were aligned on what we
6 believed, consistent with statute and with precedent, what the Vice President's authority
7 was and was not on January 6th.

8 Q Okay. And to the extent you had conversations with him directly or
9 perhaps through Marc Short, what was your understanding of -- of Vice President Pence's
10 understanding of his own role at this time?

11 A I don't recall having any specific conversations with him about that in my
12 role. As -- as, you know, a member of his senior staff, part of my job was to anticipate
13 where he would end up. I believed that's where he would end up, just knowing him and
14 how he viewed the Constitution and the law. And, again, consistent with my
15 conversations with Marc and Greg, it was never indicated to me that the Vice President
16 ever had a different opinion than Marc, Greg, and I did about his authority.

17 Q Okay. Thank you.

18 Okay. So let's -- let's talk about that meeting with the --

19 [REDACTED] ?

20 Oh, yeah. Go ahead.

21 [REDACTED] Can I just jump in really quickly?

22 Are you aware of anybody in the Office of the Vice President who was not aligned
23 with the view that you shared with Mr. Short and Mr. Jacob about the Vice President's
24 authority on January 6th?

25 The Witness. Not that I'm aware of, no.

1 [REDACTED] Thank you.

2 [REDACTED] Okay.

3 BY [REDACTED]

4 Q Just to jog your memory, there's a document that relates to this next
5 meeting that we're going to talk about.

6 A Uh-huh.

7 Q It's behind tab 14.

8 So this looks like a calendar invitation --

9 A Uh-huh.

10 Q -- you know, sent through Outlook most likely, for the meeting that I
11 referred to a few minutes ago that I believe took place on December 30th. The time
12 stamp on this document reflects that the meeting may have occurred at 8 p.m., but my
13 suspicion is that that is some sort of technical error, and the meeting actually took place
14 earlier in the day.

15 A Agreed. And I believe there's a text message that I provided to you as well
16 with Amy Swonger, who was the head of White House legislative affairs, indicating that
17 the meeting started at 3 p.m. I believe we included Amy via phone, and so I don't know
18 if that 8 p.m. time stamp was an error or what, but it was -- as I recall, it was an afternoon
19 meeting, not an evening meeting.

20 Q Okay. That's very helpful.

21 So the meeting did take place on the 30th. Is that correct?

22 A Yes.

23 Q Okay. So the -- this invitation reflects that, from OVP, the attendees were
24 Marc Short, Greg Jacob, and yourself. Is that correct?

25 A Yes.

1 Q Anyone else from OVP attend?

2 A No, not that I recall.

3 Q Okay. And then the external meeting participants are reflected as Marshall
4 Yates, chief of staff for Representative Mo Brooks; Sean Griffin, legislative
5 counsel -- legislative director for Representative Mo Brooks; and Chris Hixon, Republican
6 staff director, House Judiciary Committee.

7 Did all three of those individuals attend the meeting?

8 A I don't recall if all three. I do recall that Marshall and Sean were there, and
9 I don't recall whether or not Chris Hixon ultimately attended the meeting.

10 Q Okay. Each of those individuals is known to you, though?

11 A Yes.

12 Q Okay. Anyone else from outside the White House attend the meeting?

13 A Again, I believe we included Amy Swonger via phone. Amy was out of town
14 at the time, and I remember trying to dial her up and just placing my phone in the middle
15 of the table with her on speaker, although I don't recall, given that she was out on travel,
16 whether or not we ultimately connected and if she participated for the length of the
17 meeting, but I know we did try to include her.

18 Q Okay. Anyone else -- there's one other name here reflected, a
19 Claire Keeler?

20 A Claire was Marc's executive assistant.

21 Q Okay. So likely --

22 A So I would have included her for scheduling purposes.

23 Q Got it. Okay. Thanks.

24 So what do you remember about the discussion in this meeting?

25 A So Marc and I had a conversation that initiated this meeting request to

1 Congressman Brooks' team, again, in preparation for January 6th, understanding that
2 Congressman Brooks was playing a leadership or coordinating role amongst some of the
3 Members of the House Republican Conference who were going to potentially object to
4 some of the States on January 6th, so that we could gather intelligence to better inform
5 the Vice President's preparation for what States they might plan to object to and whether
6 or not they thought they would have a Senate counterpart to sign those objections.

7 Q Okay. So did I hear you just say that this was a meeting that was at your
8 request?

9 A Yes.

10 Q Okay. And how did you -- what formed the basis of your understanding
11 that Representative Brooks was playing this coordinating role?

12 A I don't recall specifically what it was, although I believe there was public
13 reporting and/or comments specifically from Congressman Brooks that indicated that he
14 was planning to object.

15 Q Okay. And was the -- the discussion with his staff consistent with that
16 understanding?

17 A Yes.

18 Q Okay. What -- what did the staff convey to you in this meeting about the
19 possibility for objections on January 6th?

20 A I don't recall their comments specifically, although they did indicate
21 generally that there was plans to object, at least from House Members. I don't recall at
22 the time whether or not they had locked in the Senate Member to also cosign those
23 objections. But there was indication that there would be objections from House
24 Members to at least one of the States, potentially multiple States.

25 Q Do you remember what the States were?

1 A I don't specifically, but, again, I would put it in that bucket of the seven
2 States, which I believe were, as I recall, Arizona, Georgia, Michigan, Pennsylvania,
3 Wisconsin, Nevada, and New Mexico.

4 Q Right. Understood.

5 What about the -- what about the procedure on January 6th? Was that a topic
6 of discussion?

7 A No, not that I recall.

8 Q Okay. So were the -- separate from the procedure question, was the
9 concept of the alternate slates of electors discussed on December 30th?

10 A Not that I recall.

11 Q Okay. What did Representative Brooks' staff convey to you about -- or did
12 they -- I think you said at least one State. Did they convey to you a sense of the -- of
13 how many, you know, Members planned to object or how many States ultimately would
14 be objected to?

15 A I don't recall the number of Members. I know that they were working with
16 other offices, and ultimately there were multiple Members that joined and cosigned
17 those objections. I don't know that they had a specific number at that time.

18 As it relates to the number of States, again, that group of seven was in discussion,
19 you know, publicly at that point, and I don't recall at the time that they had a specific
20 number in mind for how many they would object to.

21 Q Okay. And I think you said that you don't -- you thought -- you think that
22 they -- they were not certain about a Senate cosponsor or cosigner at that time. Did
23 they tell you about any communications with Senators regarding the possibility of
24 cosigning?

25 A No. I think there was general discussion about those conversations taking

1 place and that they were working with some colleagues in the Senate, but I don't recall
2 that they had any confirmation that a Senator would sign at that point in time.

3 Q Okay. Did they identify any specific Senators with -- either directly or with
4 their staff that they were coordinating or working --

5 A Not that I recall.

6 Q Okay. What about the role of other White House staff? Did they indicate
7 that there were other White House staff involved in these communications regarding the
8 possibility of objections in either the House or Senate?

9 A No, not that I recall. And we would have included Amy from our side just
10 out of -- of kind of good habit of trying to include -- be inclusive on both sides of the -- the
11 legislative affairs team whenever possible. So it was more for awareness that we
12 included Amy.

13 Q Okay. And what about the President himself? Did -- was there any
14 discussion in this meeting about President Trump coordinating or encouraging objections
15 by either Members of the House or Senators?

16 A No, not that I recall.

17 Q Okay. Was there any discussion about the -- the mechanics or the sort of,
18 you know -- thinking back to the conversations we had about the scripts that you
19 developed with the Parliamentarian, were any of those sort of nuances of how certain
20 objections would be resolved or the mechanics of doing so, was that discussed?

21 A I don't recall that being discussed. Again, I think my first email to Elizabeth,
22 the Parliamentarian, was on the 31st, so I don't believe we were in possession of those
23 scripts at the time. So I don't recall that we specifically talked about the procedures for
24 that day.

25 Q Okay. Any other discussion about the -- the content of the Electoral Count

1 Act, the -- the procedures that are set forth, like interpreting them or understanding how
2 they would be effectuated on January 6th?

3 A I don't recall that those specifics came up. Again, based on where Greg and
4 Marc and I were in our thinking at the time, had the question arisen as to how the VP
5 would have responded, we would have indicated that -- you know, what his -- we
6 believed his authority was based on the statute. But I don't recall that question being
7 asked of us specifically.

8 Q Okay. On the same day, I believe on December 30th, Senator Hawley made
9 his announcement that he would cosign. Do you recall whether the staff members in
10 this meeting anticipated that that was forthcoming?

11 A I don't.

12 Q Okay. And did you have -- I think your helping us to understand the timing,
13 that it didn't happen after 8 p.m. in the evening might answer this question, but did you
14 know at the time about Senator Hawley's announcement?

15 A I don't recall, and I don't know whether or not he made that announcement
16 before or after, so that would inform whether or not we were potentially aware. But I
17 don't recall being aware of his announcement during that meeting.

18 [REDACTED] Okay. Anything before we go on to Senator Hawley?

19 BY [REDACTED]

20 Q Can I -- can I just zoom out a little bit? You called the meeting. What
21 message did you want to convey to -- or Representative Brooks or his staff?

22 A I don't believe we had a message that we necessarily wanted to convey.
23 Rather, we were looking to gain information that would help us better prepare the Vice
24 President for the proceedings of January 6th, and specifically if they knew at that time
25 what States specifically would be objected to, whether or not there was a Senator who

1 was also going to sign, and the number of States, so that we could properly prepare the
2 Vice President for what may be coming down -- down the pike on January 6th, how long it
3 might take, et cetera.

4 Q And what did Representative Brooks' staff, I guess, tell you during the
5 meeting, just generally?

6 A Again, not, you know, recalling the specifics of what they told us, the
7 conversation was that they were working on the specific States that they were planning
8 to object to, and also discussing with other Members of the House whether or not they
9 would also cosign those objections, as well as conversations with the Senate as to
10 whether or not any Senators would join in those objections.

11 Q Was it a tense meeting, or just can you describe the mood?

12 A No. I don't recall it being a tense meeting at all. It was very cordial and
13 respectful. And, again, I think our goal in that meeting from the OVP side was to gather
14 information about what some of the plans were for the Members and what States they
15 planned to object to on January 6th.

16 Q Was there any discussion about whether Representative Brooks or other
17 Members thought the objections would actually have an effect on the outcome of the
18 joint session?

19 A No, not that I recall.

20 Q Do you remember anything suggesting or indicating that they thought it
21 might be futile to actually go through and make these objections, but they were going to
22 do so anyway?

23 A No.

24 Q Did Ms. Swonger, if I have her name correct --

25 A Uh-huh.

1 Q -- did she express anything during the meeting?

2 A No, not that I recall.

3 Q And what about Mr. Hixon, the staff director for House Judiciary, do you
4 remember him saying anything during the meeting?

5 A I don't. And our conversations primarily would have been focused with
6 Marshall and Sean, given that they were staffers directly for Congressman Brooks.

7 [REDACTED] Thank you.

8 The Witness. Uh-huh.

9 BY [REDACTED]

10 Q What was the connection to Mr. Hixon? Why was he included in the
11 meeting, to the extent you know?

12 A I don't recall specifically. Given that he worked for the House Judiciary
13 Committee, I don't know if there were -- you know, if he was involved with any
14 conversations about the legal ramifications of -- of, you know, the election or January 6th.
15 I don't recall, but it would strike me that his role in the Judiciary Committee would have
16 been something about, you know, in the legal realm.

17 Q Okay. Okay. So on -- as we go through -- just mentioned, on
18 January -- or -- excuse me -- on December 30, 2020, Senator Hawley made his
19 announcement.

20 Before you learned of Senator Hawley saying that he was going to cosign the
21 objection, are you aware of any communications, any efforts from the White House,
22 either staff or the President himself, to convince one or more Senators to cosign?

23 A I'm not aware, no.

24 Q Okay. What about on the -- going in the other direction? Are you aware
25 of any efforts by anyone to encourage Senators not to cosign?

1 A No.

2 Q Okay.

3 A I'm not.

4 Q It's been reported that Senator McConnell was working to discourage
5 Senators from cosigning such objections. Are you familiar with any of -- do you think
6 that's accurate?

7 A I'm not familiar with any individual actions he may have taken on his own
8 time to dissuade Members, although, generally speaking, I'm aware of his position in the
9 aftermath of the election about whether or not there was merit to those challenges.
10 And I think it's -- that action that you just described would be consistent with my
11 understanding of -- of the Leader's opinion, but I don't know about any specific actions he
12 took.

13 Q Okay. I was just going to ask you to state that. So what was your
14 understanding of the Leader's opinion regarding this process?

15 A I believe -- and I don't have the statement in front of me, but you mentioned
16 earlier a statement that he gave after the December 14th meeting of the electoral
17 college. I believe, in the aftermath of that, he congratulated President-elect Biden and
18 indicated that there would be a transition of power to President Biden.

19 So, consistent with that belief, anything that would, you know, object to the
20 certification or alter that outcome would be inconsistent with the Leader's opinion based
21 on that statement.

22 Q Okay. Did you -- other than the public statement that you're referring to,
23 did you have any conversations with Senator McConnell or his staff on this topic?

24 A I don't recall having any conversations about any actions that the Leader was
25 taking in conversations with Members to discourage them, although certainly I would

1 have spoken with members of his staff, again, to gather intelligence about what they
2 were hearing as to whether or not any Senators would join with House Members in
3 objecting on January 6th.

4 Q Okay. And did those communications with Senator McConnell's staff
5 confirm your understanding that Senator McConnell would have been opposed to
6 Senators cosigning objections from Members of Congress?

7 A I don't recall ever discussing with his staff what the Leader's opinions were
8 at the time; rather, what they had been hearing from other Members and whether or not
9 those conversations had led them to believe that there was going to be objections from
10 Senate Republicans on January 6th.

11 Q Okay. And similar to a question that my colleague, [REDACTED] asked you,
12 did you, in your conversations with Senator McConnell's staff, ever get any sense of
13 whether they thought that the process of objecting and having a cosigned objection and
14 debate would have any effect on changing the outcome of the election?

15 A I don't recall ever having conversations like that.

16 Q Okay. Did you form any understanding outside of those conversations of
17 what -- what Leader McConnell and his staff -- whether they thought that there would be
18 an -- whether these efforts would effectuate or overturn the outcome of the election?

19 A Again, I don't recall having any conversations with the Leader's team about
20 anything related to overturning the election or objecting to the States, merely intelligence
21 gathering, what they were hearing from other Members about the procedures and
22 process on January 6th.

23 Q Okay. And, sorry, it was a really poorly worded, long question before.
24 But what I was trying to get at was generally, outside of, like, specific conversations, just
25 being on the Hill, being the director of legislative affairs for the Vice President at the time,

1 did you form an understanding of whether there was an expectation on the Senate side
2 as to what the effect would be of these objections having been raised and cosigned, and
3 specifically whether it would have changed the outcome of the election?

4 A I don't recall that specific opinion I formulated at the time, but certainly
5 now, looking back on those conversations, the number of Senators who ultimately voted
6 to sustain the objection from Arizona or Pennsylvania, which I believe was either six or
7 seven in either instance, I think it's safe to say that my opinion would have been there's a
8 pretty widely held view that any objections to the States were not going to lead to any
9 kind of change in the outcome.

10 Q Okay. Thank you.

11 Do you know whether -- whether Chris Hixon appeared or participated in the
12 December 30th meeting on behalf of Representative Jim Jordan?

13 A I don't.

14 Q Okay. Do you know if Mr. Hixon works or worked for
15 Representative Jim Jordan?

16 A If he was the staff director on the Judiciary Committee, Mr. Jordan would
17 have been the ranking member on the committee. He would have worked directly for
18 Mr. Jordan in that capacity. But, again, I don't recall that he was there on behalf of
19 Congressman Jordan. I believe Marshall and Sean initiated bringing Chris to the
20 meeting. We didn't ask for him to attend.

21 Q Okay. Great. And in that meeting, in the discussion I know that
22 you -- you said that your -- the meeting was consistent with your understanding that
23 Representative Brooks was playing a leading role in organizing the effort to object.

24 A Uh-huh.

25 Q Do you have a sense for what role, if any, Representative Jordan played?

1 A I don't.

2 Q Okay. Okay. So I think I -- I think I asked you this, but just to be clear, did
3 you have any communications with Senator Hawley or his staff about his statement or his
4 intention to cosign the objections?

5 A I don't recall any conversations with him or his staff about that.

6 Q Okay. And any communications with -- with White House officials, whether
7 it's your colleagues in OLA or otherwise, about Senator Hawley's intention to cosign an
8 objection?

9 A No, not that I recall.

10 Q Okay. So what generally was your understanding of the impact of
11 Senator Hawley's announcement?

12 A Generally speaking, if there is going to be one or more States that he was
13 going to cosign an objection to along with Members of the House, that that was going to
14 guarantee that we would have to withdraw from the joint session and then debate and
15 vote on whether or not to sustain the objections for those States.

16 And so that was -- that was a procedural step that would necessitate us to
17 withdraw from the joint session, adding a step to the process and making it a longer day
18 for the joint session.

19 Q Okay. What about the -- the concept of the Vice President having a larger
20 role to play other than just being the presiding officer at the counting of votes? So the
21 concept that, at its most extreme kind of iteration, that the Vice President had the
22 unilateral authority to change the outcome of the election at the -- at the joint session.

23 Did -- on December 30th, right around here, did Senator Hawley's announcement
24 have any impact on your understanding of what that -- that dynamic might have been for
25 the Vice President?

1 A No, not at all, and not as it relates to his authority that day. It was merely
2 that it was a new procedural step that would be added to the logistics for the day of the
3 joint session.

4 Q Okay.

5 [REDACTED] Anything on Hawley? Okay.

6 BY [REDACTED]

7 Q So let's look at another document behind tab 19.

8 [REDACTED] This may be a good -- I can do this document and then switch to the
9 other topic if you'd like.

10 [REDACTED] Sure.

11 [REDACTED] Want to do that? Okay.

12 BY [REDACTED]

13 Q So the email behind tab No. 19 looks like a message that's forwarded that
14 begins with a press release --

15 A Uh-huh.

16 Q -- from the office of Senator Cruz. Is that accurate?

17 A Yes.

18 Q Okay. It's forwarded to you by an individual named Paul Teller. Who is
19 Mr. Teller?

20 A Paul Teller worked on our OVP staff, and he was, as indicated in his title,
21 director of strategic initiatives to the Vice President, and Paul oftentimes was liaison with
22 outside coalition groups, particularly some of the conservative coalitions in D.C.

23 Q Okay. In that role, did he also have a -- or in that position, rather, did he
24 also have a role in interacting with Members of Congress?

25 A Paul had previously worked on the Hill, so he had his own relationships with

1 Members of Congress. It wasn't within his job description to necessarily do so. That
2 fell within legislative affairs. But, again, given Paul's prior roles on the Hill, he would
3 have had relationships with Members of Congress.

4 Q Okay. And within OVP, to whom did Mr. Teller report?

5 A Marc Short.

6 Q Okay. So this email, Mr. Teller forwards to yourself and several of your
7 colleagues in OVP, and it's a press release, a joint statement issued by Senator Cruz's
8 office. And he's joined by several others, I think 11 other Senators.

9 What's your understanding of the -- you know, the relevance and impact of this
10 statement?

11 A Again, as it relates to January 6th and the procedures of the 6th, this
12 indicated that there was going to be additional cosigners of an objection. So beyond
13 what Senator Hawley already announced, this likely indicated that there would be
14 additional objections that were signed by both a House Member and a Senator that
15 would cause us to, again, withdraw and debate and vote in separate chambers multiple
16 times throughout the day on January 6th.

1

2 [1:14 p.m.]

3

BY [REDACTED]

4 Q Okay. And as I think we referred to a little bit earlier today, in the content,
5 the body of this press release statement by Senator Cruz, it refers to the potential for
6 appointing an electoral commission.

7 Let's see, I don't have mine highlighted, but I believe it starts on -- if you count up
8 from the bottom on the second page, the third paragraph from the bottom, starting with
9 "In 1877..."

10 A Uh-huh.

11 Q It refers to this precedent from 1877, and then in the subsequent paragraph,
12 it says: We should follow that precedent; to wit, Congress should immediately appoint
13 an electoral commission with full investigatory and fact-finding authority to conduct an
14 emergency 10-day audit of the election returns in the disputed States.

15 So I'll stop there quickly and just ask you whether you recall any conversations
16 after this announcement about that topic, the possibility of appointing a commission to
17 conduct an audit?

18 A No, I do not.

19 Q Okay. So no conversations with any Members of Congress or Senators
20 about that topic?

21 A No.

22 Q And none with the Vice President himself or other members of OVP staff?

23 A No.

24 Q Okay. Did you -- do you remember reading this at the time?

25 A I recall that this announcement was made at the time. I don't recall

1 whether or not I specifically read this press release, although, certainly, I would have
2 been aware that this was happening at the time, and it would have been part of our
3 general conversations around what was happening on Capitol Hill. But I don't
4 remember -- I don't recall reading the specifics of this press release in particular.

5 Q Okay. Generally speaking, based on your experience on the Hill and your
6 position at the time as the director of legislative affairs for the Vice President, do you
7 think it is a -- did you think it is a -- was it a realistic proposal that an electoral commission
8 would be appointed to conduct an emergency 10-day audit of the election returns?

9 A You know, in this press release, Senator Cruz reflects on precedent. I was
10 not aware of what the specific precedent was in 1877 and whether or not what he was
11 proposing here was consistent.

12 Again, going back to the Vice President's role on January 6th and the preparations
13 that we were making, I don't know how this would have taken place, given what we
14 procedurally believed would be the Vice President's role that day.

15 So, again, it would have made its way into the conversation, but I don't recall a
16 specific conversation about how the Vice President would have played a role in having
17 this 10-day commission be set up.

18 Q Okay. Continuing on, the completion of that paragraph, which is the
19 second from the bottom on the second page, it states: Once completed, individual
20 States would evaluate the commission's findings and could convene a special legislative
21 session to certify a change in their votes if needed.

22 Do you remember conversations at the time about the potential for States to
23 convene some special legislative sessions?

24 A No, I do not.

25 Q Okay. And based on your experience and your position as director of

1 legislative affairs at the time for the Vice President, did you think that that was a realistic
2 or a correct suggestion?

3 A Not knowing the precedent or the procedure in any of the given States as to
4 how they would carry out something like that and whether or not it had been done
5 before, I wouldn't have necessarily offered an opinion based on my role. But, again, in
6 the context of the process and procedure of January 6th, it wasn't my belief that
7 something like this, based on the votes that would be required to sustain objections, was
8 something that was achievable.

9 Q Okay. To your knowledge, did -- at any point before January 6th, did Vice
10 President Pence consider the possibility of adjourning for a period of days, say, 10 days,
11 for some such investigation or audit?

12 A No, not to my knowledge.

13 Q And to your knowledge and based on all of your conversations with the Vice
14 President, Senate parliamentarian, and OVP staff, do you think that such a thing would
15 have been proper under the Electoral Count Act?

16 A No. It was not my understanding that the Vice President had the authority
17 to unilaterally recess or adjourn the joint session.

18 [REDACTED] Okay. Anything else there?

19 [REDACTED] Bear with us just one moment.

20 BY [REDACTED]

21 Q Okay. So the next point in time that I would like to direct your attention to,
22 Mr. Hodgson, is we are aware -- so this press release was issued by the Senators, led by
23 Senator Cruz, on January 2, 2021, so just a few days after the Hawley announcement.
24 We're also aware of another meeting that took place with Members of Congress in the
25 White House on January 2nd.

1 Are you aware of such a meeting?

2 A I don't recall, no.

3 Q Okay. After the December 21st meeting with the Freedom Caucus that
4 we've discussed and your meeting on December 30th with congressional staff members,
5 did you participate in any other meeting with Members of Congress at the White House?

6 A Not that I recall. There was certainly a lot going on at the time, both
7 legislatively and with relation to the election, so it could be the case. But, again, I don't
8 recall being in any meetings in particular.

9 Q Okay. And even if you weren't involved in the meeting, similar to the
10 example of the December 21st meeting we just discussed about, did you ever learn from
11 your colleagues in OVP about any other meetings that the Vice President was, you know,
12 brought into at the White House with Members of Congress?

13 A I don't recall any specifics or hearing about specifics of meeting with
14 members during that time period at the White House.

15 Q Okay. So it's our understanding that there was a meeting that occurred
16 between President Trump and approximately six to eight members, Republican Members
17 of Congress, on January 2nd. Specifically we understand that Representatives Jim
18 Jordan and Mo Brooks participated.

19 Do you recall having any communications with Representative Jordan in the week
20 before January 6th?

21 A I don't, no.

22 Q Okay. What about Representative Brooks?

23 A I do not.

24 Q Okay. So let's look at a text message that you've produced. It's behind
25 tab number 66.

1 So, again, this is one of the ones we might ask you to reproduce because it's
2 rather hard to read.

3 A Yep.

4 Q But it looks like the name should read Ben at the top?

5 A Yep.

6 Q Okay. Who is -- is this the Ben, Mr. Cantrell, that we've referred to earlier
7 or a different Ben?

8 A No. I believe this is Ben Napier with Congressman Steve Scalise. He
9 works in the whip office.

10 Q Okay. So this is a text message exchange that's dated January 3rd,
11 beginning 10:15 a.m. The first text is hardest for us to read. And sorry for the memory
12 test, but do you recall what you said at the beginning of this exchange?

13 A I believe I asked Ben whether or not there was a GOP conference call with
14 the President or was it something that -- I believe Congressman Brooks is who I
15 referenced in the text message. It's hard to read, whether or not it's something that
16 Congressman Brooks organized in particular.

17 Q Okay. And what gave you the impression that there might have been such
18 a conference call?

19 A I would have picked up intelligence, whether it was from an OVP colleague
20 or somebody on the Hill, that such a call had taken place. Therefore, I would have
21 reached out to somebody like Ben. Again, I probably would have heard that it was a
22 House GOP conference call, which is why I asked him specifically was this something
23 organized by the conference or was it a one-off call?

24 Q Okay. Was it your understanding that the call took place on the 3rd or
25 some other day?

1 A Based on the time stamp that it's 10:15 a.m., it would probably have been
2 either that morning or the day before.

3 Q Okay. So -- Mr. Napier you said was his name?

4 A Uh-huh.

5 Q So Mr. Napier responds to you, to your question: It was a call organized by
6 June Jordan -- which I assume is an auto correct issue about Jim Jordan?

7 A Correct.

8 Q -- with POTUS, Meadows, and crazies.

9 What did you understand him to mean by using the word "crazies"?

10 A Likely would have been referring to other members working with
11 Congressman Brooks on objecting to the certification of some of the States.

12 Q What gives you the sense that it was referring to other members working
13 with Congressman Brooks?

14 A Given that, I believe, my prior text message had referenced Congressman
15 Brooks directly, that that's what Ben would have been referring to.

16 Q Okay. Any members in particular that you think Mr. Napier was referring
17 to in this text message?

18 A No.

19 Q Okay. What else -- again, the text messages that you sent following that
20 are somewhat hard for us to read. So what was -- what else was your -- if you can
21 remember, what did you say in response to that? What was the rest of this
22 conversation about?

23 A I believe I say here: I heard that that crew had a call and saw someone
24 report that it was a full-Member call. So I likely saw a Hill reporter referenced a
25 full-Member call and so I was texting Ben to clarify whether it was something that the

1 House GOP conference had organized for all Members or whether or not it was specific
2 for the Members who had organized the call. And you will see in his response he says:
3 Negative, but they -- the members who organized it opened it up to anyone who wanted
4 to be on, but it was not a formal meeting organized by the House GOP conference.

5 Q Okay. Was that -- do you know whether any of your other colleagues,
6 including particularly Mr. Cantrell, participated in this call?

7 A No, I'm not aware that he did.

8 Q Okay. Whether from Mr. Napier or any other conversations with members
9 or staff on the Hill, is it your understanding that President Trump participated and then
10 spoke on the call?

11 A Just based on this text message here, it says with POTUS, and so I would
12 assume that that's an accurate description, Ben would have known --

13 Q Okay.

14 A -- something like that.

15 Q And, again, did you learn from Mr. Napier or anyone else, including
16 members and staff on the Hill, what President Trump said on the call?

17 A No, I don't recall.

18 Q Okay. But is it fair to say that it was your understanding that the call was
19 related to the January 6th joint session?

20 A I don't know if it would have been specific to the joint session or to election
21 fraud in general, consistent with the prior meeting at the White House with some of
22 these members on December 21st. I don't know if it would have been either one of
23 those topics.

24 Q Okay. At this time, just sort of zooming out a little bit, so it's only 3 days
25 before the joint session, it's 2 months after the election, what was the purpose, to your

1 understanding, of discussions of election fraud at the time? Was it connected to the
2 January 6th joint session, or did you understand it to be of a separate import of some
3 kind?

4 A You know, again, as somebody who wasn't participating in these
5 conversations, I don't know that I had an understanding of the connectivity of those two
6 things, and whether Members or others were making that connection. Certainly given
7 some of the legal challenges that took place, I would put the election fraud in one bucket.
8 But, again, not having been part of the conversation, I don't know what kind of
9 connectivity the members tried to make with January 6th, if they did.

10 Q Okay. Oh, what did you -- what import did you attach to the fact that Mark
11 Meadows participated in this call?

12 A As the President's chief of staff and a former Member of the House and a
13 member of the Freedom Caucus, which is also a group to which some of these
14 other Members belong and where he would have had relationships, I'm not surprised
15 that he would have been a participant in this call.

16 And, again given, he was a former Member, oftentimes when there are Members
17 of Congress meeting at the White House, Meadows would be in and out of those
18 meetings, at least as I recall them.

19 Q Okay. You brought up the Freedom Caucus and referred to other members
20 involved. Does that connect back to your statements about other members working
21 with Representative Brooks?

22 A I don't recall if all of the members working with Congressman Brooks were in
23 the Freedom Caucus necessarily. I believe there were some who were in, some who
24 were not; but I think there were certainly members of the Freedom Caucus that were part
25 of the conversations with Congressman Brooks.

1 Q Okay. That's helpful.

2 [REDACTED] Do you have any follow-up?

3 BY [REDACTED]

4 Q Can we also just back up? So this is January 3rd now that we're talking
5 about, and maybe about a call on the 2nd, but we understand that Marc Short may have
6 reached out to somebody in the White House, including Jared Kushner, with concerns
7 around Christmastime about an apparent growing rift between the President and the Vice
8 President at that time.

9 Are you aware of any concerns about the relationship between the President and
10 the Vice President in the Christmastime area?

11 A I'm not, no.

12 Q Are you aware of that call that Mr. Short placed to Mr. Kushner?

13 A No, I'm not.

14 Q Okay. Did you have any sense that there was a disagreement between the
15 Vice President and the President, particularly as it relates to January 6th, around the
16 Christmastime, early-January period?

17 A No. And the Vice President didn't divulge the contents of any of his
18 conversations with the President about that with me.

19 Q And what about Marc Short, though? Did he share anything with you and
20 express any concerns that this could be a problem, you know, this relationship or the joint
21 session?

22 A No, not that I recall.

23 [REDACTED] Okay.

24 [REDACTED] Okay. All set?

25 BY [REDACTED]

1 Q Let's look quickly at another document that you produced.

2 A Uh-huh.

3 Q It's behind tab 71.

4 So this is -- appears to be a memo under Office of the Vice President kind of
5 stationary header from Greg Jacob to Vice President Pence related to January 6th. The
6 subject line says: January 6th flow chart of legal provisions. And the memo itself is
7 dated January 2, 2021.

8 You produced this from your hard copy files, I assume?

9 A Yes.

10 Q So the yellow highlights on this document, are they yours?

11 A Yes, they are.

12 Q Okay. What do you remember about when you received this document
13 and what the purpose of it was?

14 A I received this from Greg Jacob. It was something that he had prepared for
15 the Vice President in our preparation for January 6th. And, again, consistent with the
16 subject line, Greg, using both the Constitution and the Electoral Count Act, broke out
17 what he believed to be the relevant legal pieces of those and how they pertained to the
18 proceedings of January 6th.

19 Q Okay. At this point when he drafted this memo, January 2, 2021, was there
20 any -- were there any open questions within OVP or with Vice President Pence about the
21 procedure that would be followed on January 6th?

22 A No, not that I'm aware of. We certainly would have had conversations
23 about the procedure and the logistics with relation to the script. But as it relates to the
24 Vice President's authority, no, there were no open questions at that point that I'm aware
25 of.

1 Q Okay.

2 [REDACTED] I don't think I have anything specific here, unless you do.

3 Okay.

4 BY [REDACTED]

5 Q Okay. So also on January 2nd, it's our understanding that Vice President
6 Pence released a statement regarding the objections to be raised at the joint session.

7 Were you involved in preparing that statement at all?

8 A Do you have a copy of that statement from January 2nd? It's not ringing a
9 bell.

10 Q Actually, I misspoke. It was actually issued on behalf of Marc Short. Does
11 that help?

12 A It rings a bell; but, again, without seeing it directly, I can't speak to whether
13 or not I was aware of it or participated in the process. I would have to read it to know
14 for sure.

15 Q Okay. Yeah, I don't have it in your binder, but I can -- I have it here so I can
16 give you a general sense of what it contains.

17 A Okay.

18 Q So it was a statement that was issued to reporters and stated that Vice
19 President Pence, quote, "Shares the concerns of millions of Americans about voter fraud
20 and irregularities in the last election."

21 It also states: The Vice President welcomes the efforts of Members of the House
22 and Senate to use the authority they have under the law to raise objections and bring
23 forward evidence before the Congress and the American people on January 6th.

24 Does that help in jogging your recollection about a statement issued on behalf of
25 the Vice President?

1 A I don't remember it specifically, but, again, like, the contents of that sound
2 consistent with something that Marc would have said.

3 Q Okay. Do you have any recollection about what the circumstances were
4 that -- and the purpose of issuing the statement?

5 A I don't, no.

6 Q Okay. We understand that Vice President Pence, on January 2nd, had just
7 returned from a holiday vacation with his family and had a meeting with Marc Short and
8 Greg Jacob that specifically discussed the joint session on January 6th.

9 Are you aware of such a meeting?

10 A I'm not specifically, no.

11 Q And so did you participate?

12 A No.

13 Q Okay. Do you recall when you first spoke with Vice President Pence about
14 January 6th following his return from his holiday?

15 A No, I don't recall the specific date. Again, the bulk of the work that we did
16 in preparation for the 6th was in that week prior. So, presumably, at some point at the
17 White House in his office, I would have been in conversations with him and/or Marc and
18 Greg around this topic, but I don't recall specifically when our conversations began.

19 Q Okay. It's our understanding that at this time the Vice President -- what
20 ultimately became the Vice President's Dear Colleague letter on January 6th began to be
21 drafted.

22 When was the first time that you were aware of such a letter or document being
23 drafted?

24 A I recall being aware in the days prior. I don't specifically recall the first
25 instance in which I saw it or was made aware that it was being drafted, but I knew in the

1 days prior it was being worked on.

2 Q Okay. Were you involved in drafting it?

3 A I was not involved in writing the letter, although I did review it before it was
4 finalized and sent out. But, no, I was not drafting the letter.

5 Q Okay. So just going back to the statement issued on behalf of the Vice
6 President on January 2nd, in it, as I just kind of relayed to you, he welcomes the efforts to
7 raise objections and says: Bring forward evidence before the Congress and the
8 American people on January 6th.

9 Is that consistent with your understanding of the Vice President's outlook for the
10 joint session on the 6th?

11 A It is in the sense that it was consistent with the statute and with precedent,
12 in that there is provided for Members of Congress in a joint session to count the electoral
13 votes the opportunity to make an objection and to have that objection heard, and then,
14 again, if it's signed by both a House Member and a Senator, to have that go to a debate
15 and a vote in both Chambers.

16 So, again, that would be consistent with the Vice President's thinking, given that it
17 was also consistent with the statute and with precedent.

18 Q Okay.

19 So I will now direct your attention to the document behind tab 3, please.

20 This is a document very recently produced to us, so my colleague, [REDACTED]
21 may have gotten it to you just yesterday, but if not, it's likely because we've only just
22 received it.

23 It reads: "The Vice President's Call List" at the top.

24 Is this -- the format of this document familiar to you, Mr. Hodgson?

25 A It is, although I've not seen this document before in particular.

1 Q Okay. And the format, what is it reflective of in your experience working
2 for Vice President Pence?

3 A So this is reflective of incoming calls to the Vice President that he would
4 have to return and/or outgoing calls that somebody would be asking him to make. So
5 he kept a regular call list of calls he either needed to return or calls that were received.

6 Q Okay. And whose responsibility would it have been to maintain such a call
7 list for the Vice President?

8 A Typically there were a couple of folks in our front office who would have
9 done it. Bethany Scully or Sarah Edwards were typically charged with keeping the call
10 list.

11 Q Okay. I wanted to talk to you in particular about the first three entries on
12 this log. They each reflect what looks like incoming -- they each look like incoming calls
13 that occurred on January 5th --

14 A Uh-huh.

15 Q -- it says 2020. We have reason to believe that perhaps that referred to
16 January 5, 2021. At the bottom of the page, there are some entries for the end of
17 December 2020.

18 A Uh-huh.

19 Q And then followed by January 5th.

20 A Yep, that would seem to be a typo. I agree with you.

21 Q Great. So let's talk about the first one. It looks like there's a call noted
22 from Senator Lindsey Graham. It says: Regarding: Express support.

23 And he says he reached out for a call and then notes: Chris Hodgson is following
24 up on your behalf. No return call needed.

25 Do you remember Senator Lindsey Graham reaching out to the Vice President on

1 January 5th?

2 A I don't in particular, but that's what this -- you know, consistent with what's
3 reflected on this call list, I believe that to be the case.

4 Q Okay. Did you follow up on the Vice President's behalf?

5 A I don't recall specifically a conversation with Senator Graham, but anytime I
6 was charged with following up on the Vice President's behalf, I made sure to do so.

7 Q Okay. So do you remember generally what your communications with
8 Senator Graham might have been in this time period?

9 A I don't.

10 Q Okay. Is it -- would you have reached out directly to Senator Graham or,
11 you know, sort of also to any members of his staff?

12 A I would have called him directly at first, and had he not answered, I would
13 have followed up with a Member of his staff to let them know that I was reaching back
14 out on the Vice President's behalf.

15 Q Okay. So do you generally remember speaking to any members of Senator
16 Graham's staff after receiving this message on January 5th?

17 A I don't on the 5th in particular, no.

18 Q Okay. Do you have any reason to understand or recall what the purpose
19 was of Senator Graham reaching out for the Vice President on the 5th?

20 A I don't. It says here: Express support. Given where Senator Graham
21 ended up on January 6th, his votes, and I believe floor speech that he gave about what
22 happened on January 6th, it would seem to me that express support would be indicative
23 of him expressing his support for the Vice President in carrying out his role in the way that
24 he did on January 6th.

25 Q Okay. Where -- you are referring to where -- when you describe where

1 Senator Graham ended up, before January 6th, what would have been your
2 understanding of his position?

3 A I don't recall as of right now what public statements he had put out at that
4 time, but I would refer back to any public comments he had made then. But I don't
5 recall specifically having an opinion or understanding where Senator Graham was at the
6 time.

7 Q Okay.

8 A But certainly in the aftermath I do.

9 Q It's my understanding that he had not made any public statements about his
10 intention to cosign an objection to the -- at the joint session.

11 A Okay.

12 Q Is that consistent with your understanding of his position?

13 A I don't recall one way or the other if he had put out a public statement on
14 that.

15 Q Okay. What about the next call noted, which looks like it's from Senator
16 Mike Lee? Do you remember that?

17 A I don't. And, again, I would have followed up on behalf of the Vice
18 President, but I do not remember specifically a conversation with Senator Lee.

19 Q What about with his staff?

20 A I don't recall talking to Senator Lee's staff either.

21 Q Do you have any understanding of whether this was connected to
22 January 6th?

23 A I don't.

24 Q Okay. And what about for Senator Mike Lee, do you have any
25 understanding of where he -- what his outlook was, what his position was regarding the

1 joint session?

2 A I don't recall at the time having an understanding of where he was. I
3 believe there was a text message that I provided to you all on the 6th that was
4 relayed -- information being relayed to me from Paul Teller, via Marc Short, about a
5 potential either legal theory or objection that Senator Lee had that day.

6 So subsequently, I would have been made aware of some of his thinking of
7 January 6th, but as of January 5, 2021, I don't recall having an opinion of what Senator
8 Lee's position was.

9 Q Okay. And either around the 5th or any other period leading up to
10 January 6th, do you have an understanding of what, if any, communications by the Vice
11 President, other members of OVP with Senator Lee that would have given you a sense of
12 what Senator Lee's understanding was of the Vice President's authority at the joint
13 session?

14 A No, I do not.

15 Q Okay. What about the third entry here, which is a call from Representative
16 Gosar? Is also says: Regarding: Express support.

17 A Again, given some of my previous texts with Congressman Gosar, it's not a
18 surprise to me to see that he would have been reaching out to the Vice President, given
19 the information that he had been previously trying to relay as to events taking place in
20 Arizona. I don't have a specific recollection of whether or not we connected on the 5th,
21 and if so, what the conversation was about, but I would presume it was connected to the
22 prior conversations that he and I had had. So I'm not surprised to see that he had
23 continued to reach out to the Vice President.

24 Q Okay. So you say you're not surprised in part because of your
25 understanding of what he was doing in Arizona and, in part, because of information that

1 he had been continuing to, I think in your words, try to relay to the Vice President. Is
2 that right?

3 A Certainly it was relayed to me. Again, given the previous text messages
4 that we had, I don't recall him relaying anything specifically to the Vice President; but in
5 conversation that he had directly with me and relayed that information, that's what I was
6 referring to.

7 Q Okay. What, if any, you know, understanding did you have about what
8 the -- what type of information Congressman Gosar or others were trying to get relayed
9 to the Vice President on the eve of January 6th, like here on the 5th?

10 A Again, the only thing I have to inform that would be some of the material
11 that Congressman Gosar sent me previously in text messages which were related to
12 election fraud. I don't have any understanding of what may have transpired or what he
13 may have been trying to transmit after that.

14 Q Okay. And your understanding is, it sounds like, at least in part, informed
15 by the text messages that we looked at today. Are there other communications with
16 Representative Gosar that you're remembering that give you this sense?

17 A No, not that I recall. But, again, consistent with this call list, if he had been
18 trying to reach the Vice President, as was consistent any time members reached out and
19 the Vice President was unavailable, I would have tried to take that call on his behalf.

20 So there may have been other phone conversations but nothing in particular that I
21 remember specifically.

22 Q Okay.

23 [REDACTED] Okay. Maybe this is a good time to pause and see.

24 Representative Cheney, do you have any questions, or my colleague?

25 Ms. Cheney. I don't.

1 Thank you.

2 ██████████ Okay. My colleagues here, anything you want to address?

3 BY █████

4 Q So I had to step out for a moment, so if you've already covered this, just let
5 me know.

6 But were you involved at all in the lead up to January 6th in any calls or meetings
7 with the House Republican conference?

8 A So we typically, either myself or a member of my staff, if there was a House
9 GOP conference organized meeting or phone call, we were invited to attend by the
10 conference staff, and so, we would typically have that information and would listen in and
11 share notes on what was discussed on those calls or in those meetings.

12 Q Were there any of those calls or meetings where the joint session of
13 Congress on January 6th was discussed?

14 A I don't recall any specific meetings where it was discussed, but given the
15 number of House Members who either raised an objection themselves or cosigned an
16 objection, I wouldn't be surprised at all if during the open-mic portion of a House GOP
17 conference meeting that they raised some of those issues, but I don't recall that
18 meeting -- or those meetings in particular.

19 Q So you don't remember any particular discussion about January 6th on any
20 of those calls?

21 A I don't. And, again, my colleague, Ben, probably given that he was handling
22 House issues, likely would have been the one listening in on that. I do believe that
23 there's an email in the documents that you provided that Ben sent to me that had notes
24 from a GOP conference call. I believe contained in those notes, there was some
25 conversations either about the election or January 6th. I don't recall which. But

1 reflected in his notes would have been a conversation that occurred at a conference
2 meeting.

3 Q And then did you attend or participate in any calls or meetings with the
4 Senate Republican conference?

5 A So I typically attended the Tuesday lunch that the Senate GOP Caucus held.

6 Again, I don't recall any specific conversations happening, but in the run-up to
7 January 6th, I would expect that there would have been conversations about the
8 proceedings of the 6th raised by Members during those meetings, but I don't recall any
9 instances in particular, nor any specific comments from Members.

10 [REDACTED] Okay.

11 BY [REDACTED]

12 Q Okay. [REDACTED] anticipated where we were going to go next. So we do
13 have a couple of documents on this topic. So the one that you just referred to is behind
14 tab number 30.

15 It's an email from your colleague, Mr. Cantrell.

16 A Uh-huh.

17 Q So this -- is this a document that you were thinking of?

18 A Yes.

19 Q Okay. So it looks like notes that Mr. Cantrell took during a conference
20 meeting?

21 A Uh-huh.

22 Q Maybe I'll give you a minute, unless you have already had a chance to look it
23 over, just to review the statements that are summarized here by specific Members,
24 Members of Congress.

25 A Yep. So this would have been consistent with the House GOP conference

1 meeting. Again, the date being the 5th, it likely would have been the typical Tuesday
2 morning conference meeting that they would have held. And, again, given some of the
3 comments in here, it appears to me that they were discussing potential objections to the
4 certifications in some of the States, and whether or not certain Members -- as I believe at
5 the beginning, Mike Johnson, the note indicates him discussing whether or not he would
6 vote yes on those objections or not -- it would seem to me they're discussing objections
7 to States on January 6th.

8 Q Okay. So there were a couple of these that I wanted to ask you about, but I
9 first want to ask you if anything stands out as particularly important or surprising to you.

10 A No.

11 Q Okay. So there's a -- you know, the third kind of paragraph in the email, it
12 looks like it's a continuation of a summary of statements by Representative Roy.

13 A Uh-huh.

14 Q The question that it reflects that Representative Roy asked is -- Mr. Cantrell
15 summarizes it as: Roy said If the six States in question, which I think this is probably a
16 typo for "of." "So of the six States in question, not one has sent us a list of separate
17 alternate electors. Is this true?"

18 Did you discuss this with any of your colleagues in OVP or anyone on Capitol Hill, a
19 question like this?

20 A I don't recall discussing this with anybody on Capitol Hill, but consistent with
21 some of the prior emails we looked at with myself and my team, we would have been
22 tracking not only the certificates of votes that were authorized by the States that came in,
23 but also the alternate slates of electors. And so, it would appear to me that Ben is
24 making a note in his summary to me of, "Is this true?" Given that he would have had
25 knowledge of other slates of electors that would have come in, so he would have been

1 questioning the accuracy of this statement based on what we knew in our work with the
2 Senate secretary and the parliamentarian.

3 Q Oh, I see. So you interpret the questions that are being asked here as
4 questions that Mr. Cantrell is asking you through this email as opposed to --

5 A That's what it appears like to me. I don't know if he means to say to
6 suggest that Congressman Roy is asking if this is true and was posing that question to the
7 group, or if this was Ben directing that to me. But, again, we would have had knowledge
8 that would have proved that statement was inaccurate based on some of the items that
9 we had received in the mail from some of the States.

10 Q Okay. The next kind of summary statement that I wanted to direct your
11 attention to is maybe four little paragraphs down where it describes statements made on
12 this call by Representative Gohmert.

13 A Uh-huh.

14 Q This is -- Mr. Cantrell's summary says something about the 1880 Act being
15 passed because they couldn't move a constitutional amendment. No Republican will
16 ever get elected again if we don't combat this now.

17 What's your understanding of that meaning of that last sentence: No Republican
18 will ever get elected again if we don't combat this now?

19 A I don't know that I have any understanding of what Congressman Gohmert
20 was referring to there, particularly in the context of the prior sentence where he talks
21 about a constitutional amendment not being able to be passed. I'm not sure what it is
22 that he's getting at.

23 Q Okay. Did you have any conversations at any point before January 6th with
24 other Members of Congress that were consistent with that comment that Mr. Cantrell is
25 reflected -- his email reflects Mr. Gohmert making?

1 A No.

2 Q Okay.

3 [REDACTED] Are there any other portions of the summary that my colleagues
4 would like to address?

5 BY [REDACTED]

6 Q Okay. Let's also look at a text message exchange between you and, I
7 believe, Mr. Cantrell. It's at tab 61. Though maybe now that you've told me that there
8 was another potentially relevant Ben, I should clarify that. Once you get to the exhibit,
9 let me know.

10 A Yes. This would be with Ben Napier.

11 Q Ben Napier.

12 A In the whip office.

13 Q Okay. Got it.

14 So it's a text message exchange that the first half of the page here is on
15 January 5th in the morning, 9:45 a.m. It looks like you asked Mr. Napier if he's in the
16 office.

17 He responds that he's at conference.

18 And you then email that you -- or text, rather, you had just gotten finished with a
19 walk-through for January 6th, it would seem, and ask him how the conference is going.

20 What I want to ask you about is his response. He writes: Actually pretty calm.

21 What did you understand -- why do you think he was describing the meeting as
22 actually pretty calm as opposed to just otherwise calm?

23 A I think, given the level of public reporting and discourse about Members who
24 were planning to object, and consistent with some of our previous conversation about
25 some of the meetings that they had with the President and their folks at the White

1 House, there would be an expectation going into a conference meeting like this that there
2 would be quite a bit of conversation around the 6th and, you know, very well could have
3 Members trying to convince their colleagues to either vote with them or to join in the
4 objection.

5 So I believe he's referring to -- you know, maybe that's not the case to the level he
6 would have expected, given that we were just 1 day before January 6th at this point.

7 Q Okay. Did you have any further conversations with Mr. Napier about the
8 conference meeting?

9 A I don't recall having further conversations with him about it, but the notes
10 that we just looked at from Ben Cantrell from the conference meeting would be
11 consistent with this same meeting that I'm texting with Ben Napier about.

12 Q Okay.

13 Okay. So the next message that Mr. Napier sends to you, it looks like he's asking
14 a question that says: The big guy ready for tomorrow?

15 What was your understanding of what he meant there?

16 A So, again, as a fellow floor staffer, recognizing that there's a lot of
17 preparation and procedure that goes into a big day like the joint session, and that it's a
18 very public-facing role, I took Ben's comment to ask if we were ready for not only
19 something that's important as January 6th and the joint session, but also given we knew
20 there were going to be objections, that it probably would be a long day.

21 [REDACTED] Okay. Anything else?

22 BY [REDACTED]

23 Q He goes on to discuss some specific questions about, you know, floor access
24 and everything on the 6th.

25 A Uh-huh.

1 Q But unless there's anything that you recall being significant that you learned
2 from Mr. Napier about January 6th.

3 A No. He and I would have been in regular communication as to the timing
4 and logistics, and particularly once the Vice President was back on the Senate side, I
5 would have been communicating with Ben about where they were in the process, what
6 time votes would be to try to figure out, you know, when we would resume the joint
7 session, things of that nature.

8 So we would have been in contact throughout the day, but nothing of substance
9 beyond the logistics of the day.

10 Q Okay. So would he, Mr. Napier -- in the whip's office, right?

11 A Uh-huh.

12 Q Would he have been your primary point of contact during the joint session
13 about what was going on in the House while you were -- while the Vice President was
14 presiding over the Senate?

15 A Yes. There's a number of floor staff who I would have been communicating
16 with, but Ben would have likely been the primary point of contact.

17 [REDACTED] Okay.

18 BY [REDACTED]

19 Q Did you have any communications with Congressman Scalise on the 6th?

20 A I likely saw him in person at some point during the joint session, but I don't
21 recall having any other communications, phone calls, or otherwise, with him on the 6th.

22 Q What about leading up to the 6th? Did you have any communications with
23 Congressman Scalise about the joint session of Congress?

24 A No.

25 BY [REDACTED]

1 Q Okay. So let's look at another text message exchange now. It's behind
2 tab 53.

3 So this text message the individual indicates his name is Matt Stroia. That's
4 consistent with your understanding here?

5 A Yes.

6 Q Who is Mr. Stroia?

7 A He's the chief of staff to Congressman Mike Kelly from Pennsylvania.

8 Q Okay. So in this text message which he sent also -- the first one on the
9 page that is -- on January 5th, 4:40 p.m., he asks for a call real quick when you have a
10 minute.

11 Do you recall speaking to Mr. Stroia on the 5th?

12 A I don't, no.

13 Q Okay. He followed up with another text message the morning of
14 January 6th. Especially in light of your not remembering actually speaking with him, do
15 you think that this is -- is it fair to assume that what he's following up with in text
16 message was related to the same thing that he had reached out to you about the day
17 before?

18 A Yes.

19 Q Okay. So in this text message he says that he was just following up. Any
20 chance you or someone from your team can meet to take the Michigan and Wisconsin
21 packets?

22 What did you understand that text message to relate to?

23 A I understood that to relate to alternate slates of electors from the States of
24 Michigan and Wisconsin.

25 Q Okay. What gave you that understanding?

1 A Subsequent knowledge that those packets had not been delivered, and it
2 appeared that some folks thought that those packets were incoming to our office.

3 So at the time, I don't recall whether or not at 8:40 a.m. on January 6th I knew
4 that's what it was, but subsequent knowledge would tell me that that's what it was.

5 Q Okay. Did you speak with Mr. Stroia at any point on January 6th?

6 A No, I don't recall speaking to him on the 6th.

7 Q Okay. Did you ever meet with him or have someone from your team meet
8 with him to take these alternate elector packets?

9 A No.

10 [REDACTED] Do you want to come back to this?

11 [REDACTED] Yeah.

12 [REDACTED] Okay.

13 BY [REDACTED]

14 Q All right. So before we talk about the 6th, Mr. Hodgson, I wanted to talk
15 about --

16 Oh, Ms. Cheney, do you have a question?

17 Ms. Cheney. I'm sorry. Yeah, I just wanted to ask quickly.

18 Chris, was there a reason why you didn't respond to -- I don't know how you say
19 his last name -- Mr. Stroia?

20 The Witness. So in relation to when that text message came on the 6th, I would
21 have already been either with the Vice President or on my way and not in a position to
22 facilitate or respond to what he was asking about. We were focused on the joint
23 session.

24 As a general matter, in terms of accepting mail in our office, you know, everything
25 that needed to come into the Vice President via mail needed to be screened and go

1 through security. So it was not our practice to take packets of anything or mail from any
2 other staff or Members of Congress without it going through the screening process.

3 And if there was ever something that was coming directly from a State agency or a
4 Federal department or agency, we always coordinated directly with that individual from
5 the department or agency to ensure that they were a government employee.

6 So we had pretty strict protocols at that time around how we received any mail.
7 And as you'll also remember, this was happening during COVID, so access to the Capitol
8 was very limited. So we also were not in the practice of receiving any outside mail via
9 handoff. It was only things that were signed and sealed by a Federal department or
10 agency or something that went through security screening in the mail.

11 Ms. Cheney. Okay. And who was he the chief of staff for?

12 The Witness. Mike Kelly.

13 Ms. Cheney. And which electors does the -- I don't have the text in front of me.
14 Which States does he mention he has electors from?

15 The Witness. It refers to Michigan and Wisconsin.

16 Ms. Cheney. So -- and Mike Kelly is from Pennsylvania. So was it surprising to
17 you? Do you know why he would have had the alternate electors from States that Mr.
18 Kelly does not represent?

19 The Witness. I don't know that I gave it that much thought at the time just given
20 that, you know, we were already in the midst of January 6th, and I wasn't focused on
21 anything outside of preparing for and staffing the Vice President that day.

22 Looking back on it, yes, it's a bit surprising that a Member from Pennsylvania
23 would have something from Michigan and Wisconsin. But not having had those
24 conversations with Matt, I don't know how he came to be in possession of them.

25 Ms. Cheney. Okay. And have you talked to him since then about this?

1 The Witness. No, I have not.

2 Ms. Cheney. Okay. Thank you.

3 The Witness. Yep.

4 BY [REDACTED]

5 Q On this point, did you ever -- I think you used some sort of hindsight
6 to -- after January 6th, to understand what the context was for this text message. Did
7 you ever come to have an understanding of how -- where these packets were coming
8 from?

9 A No, I did not.

10 Q Okay. So before we talk in detail about the events of January 6th, I just
11 wanted to address quickly with you two lawsuits that were filed in naming Vice President
12 Pence as a defendant in the weeks leading up to January 6th.

13 Are you familiar with those lawsuits?

14 A I'm familiar with at least one of them, but if you could refresh my memory,
15 that would be helpful.

16 Q Sure, yes. So the first one -- the one that was filed earlier may not be one
17 you're familiar with. This one was filed by the plaintiff, included an entity called the
18 Wisconsin Voters Alliance. It named Vice President Pence, among others, as a
19 defendant and was filed -- it was a motion for a preliminary injunction filed on
20 December 22nd.

21 It sought to enjoin several States from certifying presidential electors and counting
22 their votes, but, generally speaking, related to the role of the Vice President on
23 January 6th.

24 Are you familiar with that lawsuit?

25 A I am not, no.

1 Q Did you have any role in preparing for the response to that lawsuit?

2 A No.

3 Q Okay. The second lawsuit --

4 [REDACTED] [REDACTED] before you do that --

5 [REDACTED] Yes.

6 [REDACTED] We just had a participant join by phone. I just want to confirm for
7 the record and for you, Mr. Hodgson, that's Chief Investigative Counsel [REDACTED]

8 Is that correct, [REDACTED]?

9 [REDACTED] is that you who has joined?

10 [REDACTED] It is, [REDACTED] yes. Can you hear me?

11 [REDACTED] We can, yes.

12 Thank you.

13 [REDACTED] Okay. Great.

14 BY [REDACTED]

15 Q The second lawsuit that was filed was filed on December 27, 2020. That
16 was a lawsuit where the lead plaintiff was Representative Gohmert.

17 Are you familiar with that one?

18 A I am, yes.

19 Q Okay. What do you recall about the circumstances of that lawsuit being
20 filed?

21 A I recall the lawsuit being filed. I recall some conversations in the aftermath
22 of it, if it was something that any of us had been aware of prior to its filing, but I believe
23 that's the extent of what I recall about that lawsuit being filed.

24 Q Okay. What were the conversations that you referred to about whether
25 you had been aware of it before it was filed? Who were those with?

1 A With Marc Short and Greg Jacob. And, again, from a legislative affairs
2 perspective and then certainly Greg's role as counsel, there's a question amongst all of us
3 as to whether or not we had been given a heads-up that this was coming. I did not have
4 one from a legislative affairs standpoint from either Congressman Gohmert or his staff.

5 Q Okay. So is it fair to say -- or how did you first learn about the lawsuit being
6 filed?

7 A I don't recall if Mark or Greg told me about it or if I read about it in the news.

8 Q Okay. And you said no communications with Representative Gohmert or
9 staff before it was filed?

10 A Correct.

11 Q What about after?

12 A I believe I placed a call to his chief of staff after it was filed to ask if there was
13 any further context or back story on where this was coming from in Congressman
14 Gohmert's mind, again, given that it was a surprise to us, but I don't recall any further
15 specifics about that conversation.

16 Q Okay. Who's the individual that you referred to as Representative
17 Gohmert's chief of staff?

18 A It's a female, and I don't recall her name.

19 Q Okay. Do you remember anything else about your conversation with the
20 chief of staff?

21 A I don't, other than just asking any more additional background from her on
22 what her boss's thinking was, or why he felt the need to sue the Vice President in this
23 instance.

24 Q Did you -- do you recall receiving any response to your questions?

25 A I recall a conversation about it not being personal between Congressman

1 Gohmert and the Vice President. But beyond that, I don't recall what, if any, reasons
2 she gave for him filing the lawsuit.

3 Q Okay. And just to be clear, that was a statement made by Congressman
4 Gohmert's chief of staff that it wasn't personal?

5 A Uh-huh.

6 Q Okay.

7 BY [REDACTED]

8 Q Do you recognize the name Connie Hair?

9 A That sounds familiar. I would have to go back and double-check that that's
10 who it was, but that does ring a bell in terms of being his chief of staff.

11 BY [REDACTED]

12 Q Okay. In the lawsuit, it sought to kind of declare, to grant Vice President
13 Pence the exclusive authority and sole discretion to determine which electoral votes to
14 count for a given State.

15 Is that consistent with your understanding of the relief sought in the lawsuit?

16 A I don't recall the specifics of it, but I believe that that -- what you're telling
17 me is the contents of the lawsuit.

18 Q Okay. Generally speaking, do you remember that it was directed at, you
19 know, the events of January 6th and specifically actions that Vice President Pence, you
20 know, may or may not take on the 6th?

21 A I do recall it being about his authority on the 6th, yes.

22 Q Okay. Great.

23 And did you have any communications -- or rather, in your communication with
24 Representative Gohmert's chief of staff, was the underlying subject matter of the Vice
25 President's authority discussed?

1 A I don't recall.

2 Q Okay. Any other communication outside of the one with the chief of staff
3 with other Members of Congress or anyone else's staff on the Hill about the relief sought
4 in this lawsuit?

5 A No, none that I recall.

6 Q Okay.

7 BY [REDACTED]

8 Q Can I jump in there, Mr. Hodgson? About the call that you had with
9 Representative Gohmert's chief of staff, did she say that she was working with any -- or
10 that Representative Gohmert was working with anybody on the lawsuit?

11 A I don't recall her mentioning any other entities that he was working with.

12 Q Did she say anything about the campaign and the President's reelection
13 campaign having anything to do with the lawsuit?

14 A Not that I recall.

15 Q Do you remember her ever bringing up the name Ken Klukowski?

16 A I do not.

17 Q Do you know who that is?

18 A I do not.

19 [REDACTED] Okay?

20 BY [REDACTED]

21 Q Did you have any discussions with White House staff about the
22 Gohmert-versus-Pence lawsuit?

23 A Not that I recall.

24 Q Okay. Are you aware of any concerns by White House staff, or by the
25 President himself, about Vice President Pence's defense in the lawsuit?

1

A No, not that I recall.

1

2 [2:30 p.m.]

3 [REDACTED] Okay. Let's go back on the record.

4 We're continuing the deposition of Chris Hodgson. And I would like to note for
5 the record that Senior Investigative Counsel [REDACTED] is not present in the room at this
6 time. I'm going to hand it over to my colleague, [REDACTED] for a few questions.

7 [REDACTED] Thank you.

8 BY [REDACTED]

9 Q So I'll start with exhibit 77, please, when you get a chance. Take your time.
10 Looks like this is an email on December 23rd, sent from James Rice to Paul Teller.
11 I'm starting at the bottom. And it looks like Mr. Rice asks: Is there any reason to
12 believe that your boss will not preside over the electoral college vote count, leaving my
13 boss in the spot as PPT?

14 Are you aware of any discussion about Vice President Pence not presiding over the
15 joint session? And this was back in December.

16 A No, I'm not.

17 Q Did you ever hear about this, that Senator Grassley's office was asking
18 whether he'd be presiding or not?

19 A No.

20 Q In one follow-up email -- it's buried there in the middle, but on
21 December 23rd, at 11:08 a.m., Mr. Teller wrote: Hmm, dot, dot, dot, it's not a
22 zero percent chance of that happening, y'know.

23 Do you have any idea what Mr. Teller was referring to?

24 A I do not. This idea that the Vice President wouldn't preside never came up
25 in any of the conversations that I had prior to January 6th.

1 Q And I think earlier you mentioned Paul Teller and what his role was. If you
2 don't mind, just tell me again what his role was within the office.

3 A Yeah. I believe his title was director of strategic initiatives, so he worked
4 with outside coalitions on a variety of issues and events. But he was the Vice President's
5 liaison to outside groups.

6 Q And did he work for the Vice President specifically as opposed to reporting
7 to the President, for example?

8 A Yes. I believe he was either an assistant or deputy assistant to the
9 President. He had previously worked at White House Legislative Affairs but then came
10 over to work in the Office of the Vice President, so he reported to Marc Short and the
11 Vice President.

12 Q Did he have a counterpart who did similar issues, particularly with outreach
13 to outside groups, I believe, or these strategic initiatives in the White House, working for
14 the President?

15 A I believe there was, although I don't recall specifically who had that job.

16 Q Okay. If we could go to exhibit 47, please.

17 I think you also mentioned earlier, just while we're flipping to that, that he had
18 worked on the Hill in the past and so maintained some relationships with Members of
19 Congress or staff?

20 A Yes.

21 Q All right. Is there anyone in particular that you recall him having or
22 maintaining a relationship with?

23 A I don't. I know who some of his previous employers were, but I don't know
24 specifically who he stayed close with. But based on his time on the Hill, I would be led
25 to believe that he had quite a few relationships on the Hill.

1 Q All right. So exhibit 47, this is an email that he sent to Mr. Short and
2 Mr. Bauer on January the 6th, and the subject line is "CAP write-up."

3 A Uh-huh.

4 Q Do you know what CAP is?

5 A I believe it's an outside conservative group. I don't recall specifically what
6 the full title of CAP is.

7 Q Okay. I think it's referenced here, Conservative Action Project?

8 A That sounds correct.

9 Q Okay. Is this one of the groups that, you know, in his role with strategic
10 initiatives, that he would maintain relationships with?

11 A Yes.

12 Q Was he asked to maintain specific relationships or with any groups in
13 particular?

14 A Not that I'm aware of.

15 Q And this email, it looks like it's a write-up of a call or a meeting. Are you
16 familiar with these types of emails that he would send around?

17 A Yes. I wasn't copied on this email, but, generally speaking, if Paul, you
18 know, gained any intelligence or information from meetings like this that related to things
19 on Capitol Hill, legislation, anything relevant to the Vice President or legislative affairs, he
20 would often share that information with us.

21 Q Okay. So in this one, it talks about Cleta Mitchell and her work in the
22 Georgia election. It also, about halfway down that paragraph, which is a little difficult
23 because it's one continuous paragraph, but it talks about Senator Cruz's chief --

24 A Uh-huh.

25 Q -- on this call predicting that each objection to the electors today would take

1 4 to 5 hours to actually process.

2 I'm just looking at this and trying to get a sense of what the purpose was. What
3 value did the Vice President's Office place in him reporting back on stuff like this?

4 A I think as a general matter, having an understanding, particularly because
5 congressional members and staff often attend these meetings, I think understanding
6 what they are saying to an external audience has a lot of value in having a good sense of
7 the playing field and what's currently going on on Capitol Hill and what Members and
8 staff are discussing.

9 Q Did he have a role? I mean, was he ever told to convey certain messages
10 when he participates in these strategic initiative calls?

11 A Not that I'm aware of. The only conversations I had with Paul about these
12 types of meetings were -- was receiving information from him about those discussions.

13 Q Okay. This one mentions Cleta Mitchell in particular. Do you know who
14 that is?

15 A I'm aware of who she is. I don't know her, nor have I ever met her.

16 Q Do you know if the -- anybody in the Office of the Vice President had any
17 interactions with her in the months after the election --

18 A I don't --

19 Q -- from November through January?

20 A I do not.

21 Q All right. You certainly didn't?

22 A No.

23 Q Okay. All right. If we can go to exhibit 24.

24 This is a very similar email. This is dated January the 4th --

25 A Uh-huh.

1 Q -- from Paul Teller to, in this case, Paul Teller, but it just says, Stuff from
2 today.

3 And then it has two paragraphs, one starting Groundswell, and then colon, and a
4 description, and then the next paragraph says Monday Group. Looks like Heritage's
5 Monday Group.

6 Are those two other groups that Mr. Teller, in his role with strategic initiatives,
7 would -- I don't want to say monitor -- that doesn't sound right -- but pay attention to,
8 stay plugged into?

9 A Yes. I'm not particular with the Groundswell Coalition, but certainly the
10 Heritage Monday Group is somebody I would expect Paul Teller to interact with in his
11 role.

12 Q Okay. So have you heard of Groundswell before?

13 A I have not, no.

14 Q All right. In this conversation on January the 4th, one of the things that he
15 reports back is the -- looks to be the second or third sentence -- it says: Other discussion
16 of how the only remaining path forward involves State legislatures sending alternative
17 slates of electors.

18 And then lots of praise for the leadership of Representative Brooks,
19 Senator Hawley. And also references Newt Gingrich.

20 So along those lines, did -- did you or anybody in the Vice President's Office, to
21 your knowledge, have any interactions with Speaker Gingrich in the period after the
22 election and up through January 6th?

23 A Not that I'm aware of.

24 Q Okay. And there are a number of other people who participate in
25 Groundswell or who have been associated with Groundswell, some people -- some point

1 in the past, one of whom is -- and I'll just run through some names to see if you're familiar
2 with them. One is Ken Blackwell. Not familiar with him?

3 A I'm not, no.

4 Q Okay. And don't know any interactions that he may have had with the Vice
5 President?

6 A I do not.

7 Q What about Tony Fitton? Do you recognize that name?

8 A I don't.

9 Q Okay. Another is Ginni Thomas, whose name's been in the news, but with
10 respect to this question, do you know, with respect to her involvement, if at all, with
11 Groundswell, did she have any role with respect to -- or excuse me -- any contact with the
12 Office of the Vice President in the period between the election and January 6th?

13 A I'm not aware of any contact between OVP and Ginni Thomas during that
14 time.

15 Q Okay. Are you aware of any contact that any of those people, including
16 Ms. Thomas, may have had with the White House that -- other than public reporting?

17 A Outside of public reporting related to Ginni Thomas' text messages, I'm not
18 aware of any contact between those individuals and the White House.

19 Q Okay. And the last name I didn't mentioned here but I have is Allen West.
20 Are you familiar with that name?

21 A I am.

22 Q Okay. Do you know if he had any contact with either the White House or
23 the Office of the Vice President in that period between the election and January 6th?

24 A Not that I recall.

25 Q And with respect to what was coming out of the strategic initiative calls or

1 meetings that Mr. Teller was participating in, do you recall Mr. Teller ever making
2 suggestions to the Vice President or staff about how the Vice President should act or
3 conduct the joint session on January 6th?

4 A I do not, no.

5 Q Another name in here is Kelli Ward. She is the chair -- I'll represent to you
6 she's chair of the Arizona Republican Party.

7 A Uh-huh.

8 Q Do you know who that is?

9 A I'm familiar with the name, yes.

10 Q Did she have any contact with the Office of the Vice President or the White
11 House, to your knowledge, in that period -- that post-election period up to January 6th?

12 A Not to my knowledge.

13 Q Did you hear -- we've gone through three here -- Groundswell, this Heritage
14 Monday Group, and then the Conservative Action Project. Were there any other
15 coalitions or groups that Mr. Teller may have been paying attention to who were
16 advocating for the Vice President to take a more active role other than just being a vote
17 counter, I think as we discussed earlier, during the joint session?

18 A Not that I'm aware of, no.

19 Q All right. Did any of these -- any group reach out to you and advocate or
20 suggest that the Vice President should take a more active role on January 6th than just
21 counting the votes?

22 A No, not that I recall.

23 Q All right. And do you remember roughly how often Mr. Teller would send
24 emails around like this reporting on his interactions with outside groups?

25 A No, I don't recall specifically. I know a number of these groups meet on a

1 weekly basis, so it could have been as frequently as weekly. But I don't recall specifically
2 how often he would send these emails around.

3 Q Do you know whether the Vice President ever participated in any of these
4 meetings with Mr. Teller?

5 A I don't recall the Vice President participating in any of these meetings.

6 That's not to say he didn't have a call at some point, but I -- none that I'm aware of.

7 Q What about Mr. Short or Mr. Jacob?

8 A Not that I'm aware of.

9 Q And what about from the White House side? Are you aware of anybody
10 from that side -- trying to make this maybe false distinction between Office of Vice
11 President and the White House, but anyone from that side who participated in these
12 meetings or calls?

13 A Not that I'm aware of.

14 Q Okay.

15 [REDACTED] All right. Thank you.

16 BY [REDACTED]

17 Q Just one other follow-up question on that. I think in this exhibit that
18 [REDACTED] was asking you questions about, No. 24, it reflects, as I think you indicated,
19 that Mr. Teller had kind of a dual title, both deputy assistant to the President as well as
20 the title for the Office of the Vice President.

21 How many people in the Office of Vice President also had a assistant to President
22 or deputy assistant to President type dual title?

23 A I don't recall the specific number. That typically is denoted for somebody
24 who's a commissioned officer in the White House and on the White House staff. So
25 outside of Paul, I don't recall exactly how many folks had that title. But, again, that's not

1 to suggest that they report both to the President and the VP. Paul worked in the Office
2 of the Vice President but had that title. And, again, I believe that's related to
3 commissioned officers.

4 Q Right. Okay. That's very helpful. Thank you.

5 Okay. So bringing us back to the timeline that we are walking through, getting
6 up to January 6th itself, there's one other topic I wanted to talk with you about generally,
7 and that is legal advisers who were advising the President in some ways and in some ways
8 attempting to advise the Vice President about his role.

9 So, first among them, I wanted to ask you if you are familiar with an individual
10 named John Eastman?

11 A I know of John Eastman. I have never met him before, nor have I
12 interacted with him.

13 Q Okay. So those are my next questions.

14 In the days leading up to January 6th, do you remember when you first became
15 aware -- and maybe it wasn't in that time period, but when did you first become aware of
16 Mr. Eastman?

17 A I don't recall if I was made aware of him at the time or subsequently through
18 public reporting, but I am generally aware that he was in and around the President in
19 meetings which Marc and Greg also attended around that time period. But I don't recall
20 if I was aware at that time that those were taking place.

21 Q Okay. Before those meetings occurred in which, as you noted, the Vice
22 President himself and members of his staff met with Mr. Eastman, he went on Steve
23 Bannon's podcast on January 2nd, 2021, and made certain statements about the role of
24 the Vice President and expectations for January 6th.

25 Were you aware of that at the time?

1 A I was not.

2 Q Okay. Have you subsequently become aware of any such statements?

3 A I have not --

4 Q Okay.

5 A -- listened to that podcast or read those statements from Mr. Eastman.

6 Q Okay. So there -- as you noted, there were several interactions involving
7 Mr. -- Dr. Eastman on the days leading up to January 6th.

8 On January 4th, as has been widely reported, there was a meeting in the Oval
9 Office where Vice President Pence, along with Marc Short and Greg Jacob, attended with
10 the President and John Eastman.

11 Did you have any conversations with anyone, either the Vice President himself or
12 your colleagues in OVP, on January 4th about that meeting?

13 A I did not, no.

14 Q Okay. When did you first come to learn about it?

15 A I don't recall specifically when I came to learn of it, although, as you
16 mentioned, through public reporting, that meeting is pretty well-known. So I've
17 subsequently become aware of it, but I don't recall being aware of it at the time.

18 Q At any point on January 6th or in the days before that, did you have any
19 conversations with Mr. Short and/or Mr. Jacob about that meeting?

20 A None that I recall.

21 Q Okay. There were also several follow-up conversations between
22 Dr. Eastman and principally Mr. Jacob, though I think Mr. Short participated in some of
23 them as well. Were you aware of those at the time?

24 A I don't recall being aware of them at the time, although I've been made
25 aware of them since then.

1 Q Okay. And, generally, what's your understanding of -- since you've noted
2 that you've become aware of them subsequently, what's your understanding generally of
3 the subject matter and content of those communications?

4 A So as I understand it, those conversations were related to the Vice
5 President's authority as he presided over the joint session on January 6th, and I believe
6 Mr. Eastman had some theories about what he believed the Vice President's authority
7 was for that day and presented those to Greg, Marc, and the Vice President.

8 Q Okay. Without going into too much detail, what were your -- what was
9 your understanding of what Mr. Eastman's theories were?

10 A Again, I don't know that I was aware of them at the time, but since
11 then -- and I've seen some of the emails that have now become public record between
12 Mr. Eastman and Greg Jacob, and so having read those, I now understand what his
13 theories were at the time about the President's authority to effect the outcome of the
14 counting of electoral votes on January 6th. But, again, that's subsequent knowledge. I
15 don't recall being aware of those theories at the time.

16 Q Okay. Did -- did Mr. Jacob share any of those emails with you before you
17 saw them in public documents recently?

18 A No, he did not.

19 Q Okay. And including whether uniformly forwarding you the emails or on
20 the day of January 6th, when much of this email correspondence took place, did
21 Mr. Jacob ever show you those emails?

22 A Not that I recall.

23 Q Okay. So there were also several interactions on the 4th and 5th between
24 the President and Vice President relating to the concept of his authority and his role at
25 the joint session on January 6th. In particular, there were at least two interactions on

1 January 5th, some of which have been widely reported.

2 Were you aware on the 5th of meetings or communications between the
3 President and Vice President on this topic?

4 A I was not aware at the time, no.

5 Q Okay. What about, just generally, were you aware that there was -- I think
6 in some of our earlier questions, we asked you about an earlier time period, but
7 specifically on the 5th, the day before January 6th, were you aware of a rift between the
8 President and the Vice President?

9 A I was not aware of the content of their conversations, so I don't believe that I
10 was aware of a rift between the two of them on the 5th.

11 Q Okay. So even if you weren't specifically aware of the content of their
12 communications back and forth, did you get a sense from anyone -- either, you know,
13 OVP staff, other White House officials -- of the President's perspective as to the role of
14 the Vice President on January 6th?

15 A No. By the time we were on the 5th, I was so focused on the proceedings
16 of the 6th and making sure that everything that fell under my purview was prepared, that
17 I really wasn't focused or having conversations about anything beyond that. I was
18 purely focused on preparations for the 6th.

19 Q Okay. Was there anything, though, about the -- the -- I think it's fair to
20 say -- and I can show you a document in which the Vice President used these words
21 himself later, but the pressure that was being put on him leading -- in the days leading up
22 to January 6th and then specifically on the 5th. What was the impact of that pressure
23 relating to the Vice President's authority on your preparation efforts?

24 A So I don't know that it directly had any impact on our preparation efforts,
25 although, certainly with all the public reporting and conversations taking place in the

1 media, particularly, you know, in Washington, D.C., it was clear that the frequency and
2 the volume of those conversations was increasing.

3 However, again, as I previously stated, the Vice President likes to be prepared, and
4 even overprepared, for such a public-facing role, so I don't know that it had any impact,
5 and we would have prepared, you know, just as hard anyway. But there was certainly
6 plenty of outside noise that was taking place at that time.

7 Q Okay. Certainly I credit your -- your efforts to be prepared and
8 overprepared anyway, but what -- what was the, you know -- it does seem like it was a
9 very -- it must have been a very stressful, high-intensity situation. Is that a fair
10 description?

11 A Yes. I'd say high intensity is a fair description. And, again, I think we
12 would always consider the joint session, the count of the electoral votes, a major event
13 that takes place in -- in this country. But certainly given the amount of conversations
14 and kind of swell in the media that was happening at the same time, I think it was clear to
15 us that there would be even more eyes on the proceedings of January 6th than there
16 ordinarily would be for a joint session.

17 Q Okay. As you -- you noted, there was a lot of public reporting about
18 this -- the pressure being put on the Vice President and the -- specifically, the pressure
19 related to his authority and some, you know, actions that some thought that he could or
20 should take on the 6th.

21 In light of what was being publicly reported, did you have any conversations with
22 Marc Short or Greg Jacob perhaps about -- about whether those things were accurate, or
23 whether they -- what effect they perceived on the Vice President?

24 A No. I don't recall having any of those conversations. I think we, again, in
25 a high-intensity environment, continued with our preparation as we would have

1 otherwise. And if they felt the need to bring something up to me, that was their
2 prerogative, but that wasn't going to impact how I was preparing for the day.

3 Q Okay. So there are a number of -- of documents that we have in the
4 materials. I don't think we need to go through them each individually, but, generally
5 speaking, I think you could summarize them just by saying that they are letters from
6 members of State legislatures that were sent either to the Vice President himself or to
7 congressional leadership in the days and weeks leading up to January 6th.

8 Do you remember such letters being received or discussed at that time period?

9 A I do remember being in receipt of some of them. I know the Wisconsin
10 letter in particular was forwarded on through the White House Legislative Affairs Office to
11 me, so I do recall that one in particular.

12 I don't remember particular conversations around those letters, again, because,
13 you know, I believe the Wisconsin letter was addressed to Governor Evers, and I believe
14 some of the other letters were addressed to congressional leadership, so they didn't
15 necessarily pertain to the Vice President.

16 So I do recall seeing them and being in receipt of some of them, but I don't recall
17 any significant conversations around them.

18 Q Okay. What generally was your understanding of the purpose of -- of these
19 letters?

20 A Taking the letters at face value and what they stated, I believe some of them
21 called for Congress to delay so that further investigations or commissions might take
22 place. So beyond what was expressed in the letters themselves, I wasn't aware of any
23 other motives behind them.

24 Q And did the receipt of these letters have any impact on -- on your
25 preparation for January 6th?

1 A No, they did not.

2 Q Did you have any conversations with the Senate Parliamentarian or other
3 OVP staff about whether they would have any impact on January 6th?

4 A No, not that I recall. If anything, it just would have been the alternate
5 slates of electors. As we previously discussed, I don't think these letters would have had
6 any impact on our preparations or the procedure on the 6th.

7 Q Okay. And did you have any conversations directly with Vice President
8 Pence about any such letters?

9 A No, none that I recall.

10 Q Okay. So let's look at just one example of those letters --

11 A Uh-huh.

12 Q -- please. It's behind tab No. 32.

13 And, actually, if you want to look, the document before that, behind 31 includes
14 the cover email --

15 A Uh-huh.

16 Q -- for this document.

17 So this cover email originates with an individual named Maria Ryan, whose email
18 address reflects an affiliation with Mayor Rudy Giuliani, and it goes to Molly Michael,
19 and -- who I understand was the President's executive assistant. Is that accurate?

20 A Yes.

21 Q Okay. She sends it on to Marc Short with the message: Just the
22 messenger -- see below.

23 And he then forwards it on to yourself, as well as Greg Jacob.

24 What do you -- what do you think the meaning is, or how do you interpret this
25 statement from Molly Michael to Marc Short, "Just the messenger"?

1 A Having not spoken with Molly about it, I would just have to take it at face
2 value in that she was just conveying something that came in to the President. And,
3 again, the request was -- from Maria Ryan was to share it with the Vice President, so,
4 again, I'm -- thought -- I think Molly was just indicating that she was just passing it along
5 on behalf of Maria Ryan.

6 Q Okay. So the document that's attached to it is a letter that is directed to
7 Vice President Pence.

8 A Uh-huh.

9 Q And it is signed by some members of the Arizona Legislature. There are a
10 number of signature lines that are blank. Some of them are signed.

11 And without making you reread the whole document, I'll represent to you that in
12 this document, the sort of ask is -- it asks -- requests that the Vice President delay the
13 certification and instead seek clarification from the Arizona Legislature as to which slate
14 of Presidential electors are proper and accurate.

15 Was it consistent with your understanding, either at the time or now looking at
16 this, that when this letter referring to the determination of which slate, would have
17 referred to the official certificate of the vote from the State of Arizona and a purported
18 alternate slate?

19 A Uh-huh. Of which I believe, based on that chart from the Senate Secretary
20 and the Parliamentarian, there's multiple that had come in from the State of Arizona.

21 Q Okay. Understood. Did Vice President Pence ever consider delaying the
22 certification to seek clarification from the Arizona Legislature as to which slate of
23 Presidential electors was proper?

24 A Not that I'm aware of.

25 Q Okay. If you could look just really quickly at the very last page of this

1 document --

2 A Uh-huh.

3 Q -- behind 32. It lists -- actually, it's the second to last page. It says
4 Attachments. There are several documents listed, and then Exhibits, and several
5 documents listed there as well.

6 Do you recall ever reviewing any of these attachments or exhibits?

7 A No, I do not.

8 Q Okay. There is one other -- other letter that came in that was addressed to
9 Vice President Pence that was signed by a large number of legislators from several States.
10 Do you remember that one?

11 A I don't recall that one in particular, no.

12 Q Okay. Are you familiar with a -- a phone call or a Zoom call, rather, that
13 took place with State legislators on January 2nd, 2021?

14 A I'm not.

15 Q Okay. Are you familiar with an individual named Phill Kline?

16 A I know the name, yes.

17 Q Okay. Who is Mr. Kline?

18 A I believe he works at one of the D.C.-based -- I don't know if you'd call it a
19 conservative group or a think tank, although I don't recall which group in particular.

20 Q If I gave you the name the Thomas More Society or the Amistad Project,
21 would that --

22 A Neither --

23 Q Either of those --

24 A Neither of those ring a bell.

25 Q Okay. What was your understanding, if any, of Mr. Kline's role in the

1 post-election time period?

2 A I don't have any knowledge of that. I think I just would know his name
3 from being around Washington previously. I don't have any recollection specifically of
4 anything he was working on during this time period.

5 Q Okay. Did you have any communications with him on behalf of the Vice
6 President?

7 A No.

8 Q Are you aware of anyone else at OVP communicating with Mr. Kline?

9 A I'm not.

10 Q Okay. So this -- I'll represent to you there's a press release that was issued
11 following this Zoom call that took place with several hundred State legislators. Several
12 of the individuals we've already spoken about today spoke on that call, including
13 John Eastman and Rudy Giuliani. The President called in for a short period of time and
14 made remarks during this Zoom call.

15 Following that, there was a press release issued by an organization affiliated with
16 Mr. Kline, I believe, and it stated that there was a similar briefing being scheduled in
17 Washington at the request of Members of Congress.

18 Are you aware of any such briefing being held?

19 A I'm not.

20 Q Okay. Okay.

21 [REDACTED] Anything on that?

22 [REDACTED] Did you hear about any briefings that the White House was
23 encouraging from Members of Congress related to fraud in the election?

24 The Witness. Not that I recall.

25 [REDACTED] Okay. And I guess somewhat related, we understand that

1 Mr. Giuliani and others associated with his legal team, including Jenna Ellis, some
2 independent folks, including Phil Waldron, may have briefed Members, including
3 members of the House Freedom Caucus, in the days leading up to January 6th.

4 Are you familiar with any of those briefings?

5 The Witness. I'm not.

6 [REDACTED] Okay.

7 [REDACTED] Okay.

8 BY [REDACTED]

9 Q Mr. Hodgson, there's been public reporting about a couple of other
10 high-profile potential advisers to the Vice President during this time period. One of
11 them is former Vice President Dan Quayle.

12 Were you involved in any communications between the former Vice President and
13 Vice President Pence before January 6th?

14 A I was not.

15 Q Okay. What about Judge Michael Luttig? Are you aware of any
16 communications between Mr. Luttig and Vice President Pence about January 6th?

17 A I don't believe I was aware at the time, but I've since been made aware
18 through reporting of those conversations.

19 Q Okay. Other than public reporting, do you have any basis to understand
20 the, you know, content of the conversations or advice given by either former Vice
21 President Quayle or Judge Luttig?

22 A I don't.

23 Q Okay. So also in the lead-up to -- to the joint session on January 6th, there
24 was a -- a runoff election in -- for the Senate seat -- two Senate seats in Georgia.

25 A Uh-huh.

1 Q Correct?

2 A Yes.

3 Q Okay. So I understand that both Vice President Pence -- or I should say
4 each of Vice President Pence and President Trump had events -- rally speeches given in
5 Georgia on January 4th. Is that consistent with your recollection?

6 A Yes. I believe the Vice President made two trips down to Georgia in the
7 run-up to that runoff election. I'd have to look back at the schedule to confirm it was
8 definitely the 4th, but it sounds like that would be around the time it would have
9 occurred.

10 Q Okay. Yeah, there was at least -- there was one trip that occurred on the
11 4th. Vice President Pence gave a speech in Milner, Georgia.

12 A Okay.

13 Q Were you with him on that trip?

14 A I don't believe I was.

15 Q Okay. So during his speech in Georgia on January 4th, Vice President Pence
16 stated to -- you know, generally to the audience: I want to assure you that I share the
17 concerns of millions of Americans about voting irregularities, and I promise you, come
18 this Wednesday, we'll have our day in Congress. We'll hear the objections. We'll hear
19 the evidence. But tomorrow is Georgia's day.

20 So, generally, based on your understanding of preparation for the joint session on
21 January 6th, what -- hearing that, you know, quote from the Vice President read back to
22 you, what's your understanding of what Vice President Pence meant when he said "we'll
23 have our day in Congress"?

24 A So, again, the statute provides for Members to offer objections to the
25 certification of certain States and to then present facts as the two Chambers debate and

1 vote on those objections. So, again, consistent with the statute and the procedures for
2 that day, that reflects to me that that's what the Vice President was referring to.

3 Q Okay. There's public reporting about the Vice President having been
4 working on the document that ultimately became his Dear Colleague letter during this
5 trip on the 4th, and there has been public reporting that there was some discussion about
6 potentially not issuing the letter to avoid potential political ramifications.

7 Do you recall any such conversations?

8 A I don't recall being part of those conversations.

9 Q Okay. Okay. On that same day, January 4th, President Trump appeared
10 in Georgia for a rally in support of the Republican candidates in the runoff in Georgia as
11 well. On -- in his remarks, he stated: I hope Mike Pence comes through for us, I have
12 to tell you. I hope that our great Vice President -- our great Vice President comes
13 through for us. He's a great guy. Of course, if he doesn't come through, I won't like
14 him as much.

15 Do you remember hearing those statements at the time?

16 A I don't recall necessarily hearing them at the time, but would have been
17 aware of them in -- either as they were happening or in the followup, whether it be public
18 reporting or conversations in the office.

19 Q Okay. And what was your -- what was your thought about what the
20 President either meant or what impact he intended with those statements?

21 A At the time, I believe it was consistent with an effort -- you know, those
22 efforts put forth by John Eastman in some of those conversations with Marc and Greg
23 about what the Vice President's authority was that day to either send the decision back to
24 the States or delay the counting of the electoral college.

25 So without knowing specifically what the President was referring to, that seems

1 consistent with that same line of conversation that was taking place around that time.

2 Q Okay. Did you have any conversations with members of the OVP staff or
3 with Vice President Pence himself about the President's statements?

4 A No, not that I recall.

5 Q Okay. Did you perceive any -- what the impact, if any, was on Vice
6 President Pence?

7 A No, I don't. We didn't alter our preparation for the 6th based on those
8 comments.

9 Q Okay. There -- the -- President Trump also issued several tweets on
10 January 5th related to the question of the Vice President's role or power. Specifically,
11 on -- at 11:06 on the 5th, he stated: The Vice President has the power to reject
12 fraudulently chosen electors.

13 Is that consistent with your understanding of the Vice President's power in the
14 joint session?

15 A No, it's not.

16 Q Okay. Did you have any conversations with members of OVP staff about
17 either the specific tweet or -- or similar statements by the President?

18 A I don't recall a specific conversation about that tweet in particular, no.

19 Q Okay. What about just generally, statements like this that the President
20 was making that you deemed to be incorrect or inconsistent with your understanding of
21 the -- of the law related to the joint session? Did you discuss those generally?

22 A My purview going into the 6th was how the procedure of the day was going
23 to play out. So to the extent that any point of order or objection was something that we
24 were preparing for, if the President vocalizing that or encouraging any Members to take
25 those actions, that would have been something that we were already preparing for as it

1 related to the procedures of the 6th.

2 So, again, I don't think we altered anything based on these comments, but
3 certainly would have been something we were preparing for anyway to the extent that
4 any Members tried to take the President's words and put that into action on the 6th.

5 Q Okay. What was your understanding of the possibility that -- that Members
6 would take the President's words and put them into action, as he said?

7 A I think, at that point, there was an understanding that there were Members
8 who were planning to object. That was -- that was what that referred to. So we had
9 Members who were planning to object to the certification, and what -- what they may or
10 may not have been pushing for afterwards, I think, again, the objection was the first step
11 in that process, and that was consistent with some of those conversations.

12 Q Okay. I think -- you've stated clearly that these type of statements,
13 including this one in particular, you know, it didn't have any impact on your preparations.
14 What about any impact on Vice President Pence and his understanding of his -- his role on
15 the 6th, did it have any impact?

16 A None that I'm aware of. And, again, I think the conversations that Marc,
17 Greg, and I had, we were consistent with our approach the entire time, to include Greg's
18 memo about the -- his legal opinions. And so, again, I don't think this changed any of
19 our preparation prior to the 6th.

20 Q Okay. So as I mentioned earlier, there was a meeting -- a particular
21 meeting on January 5th between President Trump and Vice President Pence. I think it
22 occurred in the middle part of the day. There was a Coronavirus Task Force meeting
23 that the Vice President had planned to be at that was delayed because of this.

24 Were you staffing the President -- the Vice President during that Coronavirus Task
25 Force meeting or any other time on the 5th?

1 A I don't recall being in that task force meeting or staffing him for any other
2 meetings on the 5th.

3 Q Okay. There has been public reporting in -- in several books about
4 exchanges between the President and the Vice President on -- on January 5th. In
5 particular, there -- during this earlier in the afternoon exchange, in the book "Peril," it was
6 reported that President Trump said to the Vice President, If these people say you have
7 the power, wouldn't you want to?

8 And Vice President Pence responded, I wouldn't want any one person to have that
9 authority.

10 The -- as reported, the conversation continued, and it -- as reported,
11 President Trump ended by saying, You don't understand, Mike. You can do this. I
12 don't want to be your friend anymore if you don't do this.

13 Do you have any understanding of whether that reporting is accurate regarding
14 the interaction between the President and Vice President?

15 A I don't. I'm not aware of any of the contents of their conversation.

16 Q Okay. Did you ever come to have an understanding of what transpired in
17 those conversations that would give you a sense of whether it is or is not?

18 A I do not. It was not the Vice President's practice to divulge his
19 conversations with the President, so I have no subsequent knowledge of that either.

20 Q Okay. We also understand that there was a phone call that the President
21 made to the Vice President that the Vice President actually took in, I believe, Marc Short's
22 office with Marc Short and Greg Jacob present. This call was on speakerphone, and the
23 presence of the staff was disclosed to the President, as I understand it.

24 Did you ever have any conversations with Mr. Short, Mr. Jacob, or anybody else
25 about what was conveyed -- what was said between the President and Vice President on

1 that call?

2 A No, not that I recall.

3 Q Okay. Just generally, did you have a sense from either of them about
4 the -- the demeanor of -- let's look at the President specifically first -- during all these
5 interactions on January 5th?

6 A No.

7 Q Okay. I know you said there's been a fair bit of public reporting, and there
8 was at the time, about the pressure that the President was putting on the Vice President.
9 Through any of that reporting or any other conversations, if you're -- in your network
10 here in D.C., did you come to have an understanding of -- of the general tenor of the
11 President's conversations with the Vice President that day?

12 A No, I did not.

13 Q What about any interactions that you had with the Vice President on
14 January 5th? What -- what do you remember about his demeanor?

15 A I don't recall interactions throughout the day with the Vice President. I do
16 recall seeing him in the evening of the 5th before I left to go home. And, again, I think I
17 would describe his demeanor as being very focused ahead of January 6th and his
18 preparations, but nothing beyond that.

19 Q Focused in a way that you were accustomed to seeing the Vice President or
20 in an unusual way?

21 A In what I was accustomed to seeing, particularly before a significant event
22 like that.

23 Q Okay. So I don't want to put words in your mouth, but is your testimony
24 that the Vice President's demeanor on January 5th was as you were used to seeing him
25 on any other day or was it different in some way?

1 A The Vice President's demeanor is what I would have expected from him
2 going into a major event that he needed to be prepared for and was a lead participant in
3 on the 6th. So not something you would necessarily see every single day, but it's the
4 type of focus and demeanor I would expect from him going into an event as significant as
5 January 6th.

6 Q Okay. And did you attribute any change in his demeanor to the -- what I
7 would characterize as a rather extraordinary pressure being put on him, including by the
8 President of the United States?

9 A No. And, again, I didn't have any conversations with him about those
10 interactions with the President or that pressure, and so I would have no reason to believe
11 that he was changing his demeanor based off that.

12 Q Okay.

13 I will pause here. I think [REDACTED] may be on the phone. Anyone have
14 anything you want to address?

15 [REDACTED] Yeah.

16 BY [REDACTED]

17 Q Just to back up a little bit. You mentioned that you don't recall being a part
18 of any conversations about the Dear Colleague letter that the Vice President was drafting
19 and ultimately put out, but did you know that the Vice President wanted to create a letter
20 that he was going to release on or before January 6th?

21 A I think I said I wasn't part of any conversations specifically about the merits
22 of putting it out versus not putting it out. I was aware that it was being drafted and was
23 part of conversations about the letter and its being drafted. But the comment, I believe
24 that was on the 4th, the conversations you referenced about whether or not to put it out,
25 I wasn't part of those conversations in particular.

1 Q Okay. What was your understanding of why the Vice President wanted to
2 draft and release this letter?

3 A Consistent with some of our prior conversation about the language that we
4 added to the script for the day of the 6th, I mean, the idea of providing additional
5 transparency around what he understood and believed his authorities to be on January
6 6th, that was the -- the ultimate goal of putting something like that out.

7 Q Okay. And, to your knowledge, did it have anything to do with what the
8 President of the United States was asking him to do on January the 6th?

9 A I don't have any knowledge that that directly correlated to him wanting to
10 write that letter and put it out publicly.

11 Q And even if not direct correlation to his reason for putting out the letter, I
12 mean, were you aware of any discussions about the need or desire to be transparent
13 because the President was asking him to take this action and he wasn't going to?

14 A I think it's safe to say, given the public discourse that was out there, some of
15 the letters you've referenced from State legislators, all that was being reported in the
16 media, and then certainly some of the subsequent reporting about the content of the
17 conversations between the President and the Vice President, all of those factors would
18 combine to make it sensible that he would want to put out a letter like that, again, for
19 more transparency and to convey his message and belief as to why he had the authority
20 that he did on the 6th.

21 So I don't know that it was any one factor in particular, but certainly all of those
22 things combined would make sense to me, knowing the Vice President and how he
23 operates, that that would lead to wanting to put something like that out.

24 Q So is that your -- your belief based on all those factors or is that your
25 understanding based on working in the Office of the Vice President with Marc Short and

1 Greg Jacob and the Vice President in the days leading up to January the 6th?

2 A That's my belief and experience working with the Vice President, and also, I
3 don't recall any specific conversations about why that letter was being drafted. But,
4 again, presumably in the context of all the things we were talking about in our
5 preparations for the 6th, I would believe that it would come up in the course of those
6 conversations that factors like that would influence the desire to put out a letter.

7 Q And do you know whether they did influence the desire to put out a letter?

8 A I never spoke with the Vice President to directly understand his motive for
9 putting out the letter.

10 Q What about in your conversations with Marc Short or Greg Jacob? Did
11 that --

12 A I don't recall Marc or Greg ever saying that X, Y, or Z was the exact reason
13 why we were putting out the letter.

14 Q Okay. So a lot of what we just went over and some of the events leading
15 up to January 6th, these are all public. You know, on January 5th at 11 a.m., the
16 President issued a tweet that said the Vice President can reject fraudulent electors. And
17 this is me paraphrasing.

18 A Uh-huh.

19 Q Early in the morning on January the 6th, the President -- I'm sure we'll get to
20 those tweets -- said, if the Vice President comes through for us, we win the Presidency.
21 The President made a comment about the Vice President in Georgia.

22 The Vice President, I think through Marc Short or Greg Jacob, reached out
23 to -- indirectly to Judge Luttig, who issued a series of tweets on January 5th about the
24 Vice President's power. It's been widely reported these two meetings or a series of
25 meetings in the White House between the President and the Vice President, and of

1 course you, along with Mr. Short and Mr. Jacob, have worked very closely with the Senate
2 Parliamentarian to deal with perceived or expected objections, including those that the
3 President then mentioned specifically about delaying or not counting certain votes.

4 So I guess what I'm trying to get at is, what is your understanding about the
5 disagreement on substance between the President and the Vice President in those days
6 leading up to January 6th?

7 A So I believe that the Vice President was consistent in his understanding of
8 the law and the precedent and his belief as to what his authority was and was not on
9 January 6th. And so anybody, whether it was the President or otherwise, suggesting
10 that he had authority outside of that or authority to do more than he thought that he
11 could, that would be the source of the disagreement.

12 Q So there was this disagreement. And how did that affect the work that you
13 were doing, either in coordination with the Vice President or in coordination with
14 Mr. Short and Mr. Jacob, to prepare for January 6th?

15 A So, again, I think we were very thorough in going through the statute and
16 the precedent and working through all of the legal opinions that Greg put together that
17 were outlined in that memo, so I think we wanted to ensure that we left no stone
18 unturned when it came to our preparations for this. But, again, recognizing that any
19 pressure that was being put on the Vice President to carry something out or to have an
20 objection made to the certification of electors, the only way for that to play out on the
21 day of would be for a Member of Congress to initiate an objection.

22 So despite some of those external factors, at least from my perspective and my
23 responsibilities as it came to the day of the 6th, ultimately it brought me back to the
24 procedure and the process for that day and what the Vice President would face as the
25 presiding officer when any of those Members objected or made any other types of

1 motions or, you know, points of order.

2 Q And I know you mentioned that you never talked to the Vice President about
3 his conversations that he had with the President. But oftentimes in a workplace, you
4 know, something will happen. People hear about it. People will talk about it.
5 Something happens here, oftentimes, you know, in the office we'll say, can you hear this
6 back there? Can you believe --

7 A Uh-huh.

8 Q -- that this happened?

9 Was there any of that with respect to the meetings that took place on the 4th and
10 5th between the President and the Vice President?

11 A I don't recall anything of that nature taking place, and I know that
12 we -- within OVP and certainly within conversations with Marc and Greg, we put, you
13 know, high priority on any conversations between the Vice President and the President
14 and tried to avoid any hearsay or conversations like that that would suggest, you know,
15 any kind of interoffice gossip, if you will. So it wasn't the Vice President's practice to
16 disclose his conversations with the President. We respected that and tried not to do
17 any of that at the staff level as well.

18 Q Okay. And fair enough. That makes total sense to me.

19 And setting aside the issue of the conversations that the President and the Vice
20 President may have had, I mean, when there's a heated meeting or where there's a
21 strong disagreement between two principals, you know, maybe it's just relayed like that.
22 You know, this is not good, what's happening between the President and the Vice
23 President right now. There's a breakdown. This is not how it should be at the end of a
24 successful 4 years, as many Republicans and I think people who worked in the White
25 House saw it.

1 So was there that type of sentiment that was circulating?

2 A That may have been the case after January 6th, given how the events of the
3 6th played out. Again -- and I understand the question you're asking. In the lead-up to
4 the 6th, we still had a job to do, so however somebody may have felt personally about
5 any perceived rift or anything else, we still had a job to do the next day, and so we
6 couldn't afford to focus on -- on other things like that. We had to stay focused on what
7 was coming before us on the 6th.

8 [REDACTED] Okay. And it's -- it's been publicly reported that -- I think at some
9 point -- I don't want to characterize Marc Short, because I wasn't there, but I understand
10 that he was not pleased with at least a statement that came out of the campaign on this
11 issue about the disagreement between the President and the Vice President leading into
12 January 6th.

13 So I'll turn it back over to [REDACTED] I know she was about to bring that up.

14 BY [REDACTED]

15 Q Yeah. That was what I was going to direct you to. It's behind tab 28 of
16 your binder.

17 Do you recall this statement being issued on January 5th?

18 A I do.

19 Q Okay. It's my understanding that it -- it was rather late in the evening. It
20 came out around 10 p.m. Is that consistent with your recollection?

21 A Yes.

22 Q Okay. I think, especially following on the questions that [REDACTED] just
23 asked you, I think the most relevant piece of information to look at here is the last
24 sentence of the first paragraph --

25 A Uh-huh.

1 Q -- where the -- the statement on behalf of President Donald J. Trump says:
2 The Vice President and I are in total agreement that the Vice President has the power to
3 act.

4 I think it's clear the implication is of act in the joint session on January 6th. Is
5 that fair?

6 A Yes.

7 Q Okay. Is that an accurate statement, from your perspective and your
8 understanding, of the Vice President's consistent preparation for January 6th?

9 A It is not.

10 Q Okay. What's inaccurate about it?

11 A Again, understanding where the Vice President was and what he believes his
12 authority to be, if -- to your points earlier about publicly reported sentiments from the
13 President that the Vice President had the ability to act outside of that authority, that
14 would be inconsistent with the Vice President's perceived authority for the -- the day of
15 the 6th.

16 Q Okay. Is it also inaccurate to say that the Vice President and President
17 were in total agreement about that point?

18 A About -- sorry. Could you restate that question?

19 Q Sure. Yeah. I think you just -- when I asked you about what was
20 inaccurate here, you pointed to the point about the -- whether the Vice President has the
21 power to act on -- in the joint session on January 6th. And I just wanted to know if you
22 think it's also inaccurate to say that the Vice President and the President were in total
23 agreement about that point?

24 A If -- if the assumption is that the President's referring to the Vice President's
25 ability to unilaterally act to affect the outcome, that's not consistent with what the Vice

1 President's belief was going into the 6th.

2 And so to the extent those two things are in conflict, I think it's hard to see how
3 there would be agreement between the President and the Vice President that the Vice
4 President had the ability to act and carry out something unilaterally on the 6th.

5 Q Right. And in light of all the sort of public -- what's been publicly reported
6 and all these communications that you knew were occurring between the President and
7 Vice President, even though, as you've testified very clearly, you were not privy to the
8 content of them, do you -- when you saw this, did you understand that the Vice
9 President's position, whether he had the power to act or not, was clear to the President
10 at that point?

11 A Again, not knowing the content of those conversations, I don't know to what
12 extent the Vice President made that clear, to your -- to use your words, to the President.
13 You know, I've been made aware from subsequent reporting and I believe parts of Marc's
14 testimony here, that his view, having been in those meetings, is that the Vice President
15 had clearly conveyed what he believed his authority was. So I would just base my -- my
16 knowledge on those comments from others.

17 Q Okay. Did you have any reason to believe that the Vice President had not
18 conveyed his -- his belief about what his power was to the President?

19 A No, I did not.

20 Q Okay. There are some text messages that you produced --

21 A Uh-huh.

22 Q -- that are relevant to this statement, so let's look at them quickly. They're
23 behind tab 67.

24 [REDACTED] Before we get to the text message, though --

25 [REDACTED] Yeah.

1 [REDACTED] -- Mr. Hodgson -- I'm sorry to interrupt. You said that this view
2 was inconsistent with the Vice President's views on his authority going into the 6th. Are
3 you aware of any time where the Vice President thought that he had the power to
4 decertify the results or send them back to the States for a change in certification during
5 the joint session?

6 The Witness. I'm not.

7 [REDACTED] Okay.

8 BY [REDACTED]

9 Q So the document behind tab 67 is what looks like a group text.

10 A Uh-huh.

11 Q It is titled "Formerly OVPLA." I would suppose that at the time it might
12 have just been titled OVPLA?

13 A Yes.

14 Q Okay. So is this a text message between you and your colleagues in the
15 legislative affairs --

16 A Yep. Myself, Ben, and Hannah.

17 Q Okay. Great. If you turn to the second page here. We had the same
18 problem here where it's a little bit hard to read.

19 A Uh-huh.

20 Q So -- actually, yeah. We'll get to the point that I was -- I got here for
21 regarding the President's statement. But, first, this is a text message sent on
22 December 29th.

23 A Uh-huh.

24 Q From -- from Ms. Lankford's response, it seems as if the -- your text is related
25 to the alternate slates. Is that fair? Do you remember what the content was of this

1 text message?

2 A No. I mean, based on her response and given the date that it occurred, this
3 would have been around the same time that we were tracking the incoming certificates
4 of vote, and so it appears, again, not being able to see it, that I would have been asking
5 about what alternate slates we had received at that point.

6 Q Okay.

7 [REDACTED] Maybe this is one we can follow up on getting a new copy. Yep.

8 BY [REDACTED]

9 Q So let's turn to the fourth page actually.

10 A Uh-huh.

11 Q It has the Bates No. 86 at the bottom. And at 10:07 p.m. on January 5th,
12 looks like -- it inserts that statement that we were just talking about.

13 A Yes.

14 Q I think you're the -- you're the respondent in the darker-colored text, and
15 you write: Kara just sent me the same, first I've seen it.

16 A Uh-huh.

17 Q Who's Kara?

18 A That's Kara Ahern, Congressman Cheney's chief of staff.

19 Q Understood. Mr. Cantrell writes in response: Yeah woof.

20 And Ms. Lankford then says: It's going to be an interesting day.

21 What at the time did you interpret those two responses to this point about the
22 statement that President Trump released?

23 A Again, I think Ben and Hannah would have had the same understanding that
24 I did about our approach to January 6th and the authority that the Vice President had.
25 So a statement to the contrary that would suggest the Vice President could or planned to

1 do otherwise would not have been something that we would have thought to be
2 accurate. And, you know, whether that led to additional objections or further media
3 reports in the next day would have been something that we would have been very aware
4 of.

5 Q Okay. Thank you.

6 Did you have any communications, either on the evening of the 5th or at any time
7 on the 6th, with other White House staff about this statement?

8 A No, not that I recall.

9 Q Okay. Are you aware of any communications that Mr. Short had with
10 White House staff about the accuracy and the existence of the statement at all?

11 A I'm not aware of any of those conversations.

12 Q Okay. Okay. So in a continuation of our conversation about the pressure
13 on the Vice President and getting us, at long last, to January 6th, early the following
14 morning, as my colleague mentioned a few minutes ago, the President tweeted again
15 about the Vice President and the joint session. We have these text messages, by the
16 way, if you'd like to look at them, but in the interest of time, I would just refer you back to
17 them --

18 A Yep.

19 Q -- and see if they strike your memory.

20 It was early in the morning. President Trump tweeted: If Vice President
21 Mike Pence comes through for us, we will win the Presidency. Many States want to
22 decertify the mistake they made in certifying incorrect and even fraudulent numbers in a
23 process not approved by their State legislatures, which it must be. Mike can send it
24 back, exclamation point.

25 Do you remember seeing that tweet on the morning of January 6th?

1 [3:25 p.m.]

2 The Witness. I don't recall specifically seeing that tweet, but given the amount
3 of conversations I had with colleagues, I wouldn't be surprised at all if one of them sent it
4 to me in the course of the morning.

5 BY [REDACTED]

6 Q Okay. Do you remember your reaction when you read it?

7 A I don't.

8 Q Just generally thinking back now, in light of what happened, what's your
9 reaction to that text message, or that tweet, rather?

10 A Again, we knew what the Vice President's approach was going to be that
11 day, so any implication or insinuation that he had unilateral authority to change the
12 outcome was inconsistent with our view of his authorities and how he was planning to
13 handle the events that day.

14 Q So when the President tweets that if the Vice President takes some action,
15 quote, "We will win the presidency." Was there any circumstance in which you thought
16 that was a possibility on January 6th?

17 A No, I did not.

18 Q Okay. So tell us a little bit -- I will stop asking you questions for a moment,
19 if you would like, to just narrate a little bit of your morning of January 6th. So I don't
20 need to know what you had for breakfast, but when did you get to work and what did you
21 do when you got there?

22 A Yep. So I started the day by driving into the Eisenhower Executive Office
23 Building. I don't recall specifically what time I arrived, probably around 8 o'clock or so.

24 I then proceeded with Marc Short, Greg Jacob, and, I believe, Devin O'Malley, who
25 was our press secretary, to take a van up to the Vice President's residence, and while we

1 were there, we were making final preparations for the joint session.

2 Q Okay. Do you recall what time you arrived at the Vice President's
3 residence?

4 A I don't recall a particular time. It would have probably been in the 9 o'clock
5 hour.

6 Q Okay. You said that you were doing final preparation for the joint session.
7 What specifically do you remember you were doing at the time period when you got to
8 the Vice President's residence?

9 A I recall reviewing the script, making sure that everything was buttoned up
10 and was accurately prepared and reflected all of the suggestions and/or changes that we
11 had made at that point in time.

12 I also recall reviewing the final version of the letter that the Vice President was
13 planning to put out around this time, the start time of the joint session, you know,
14 basically just doing a grammatical check to make sure everything looked good. But that
15 was largely it was preparations around the script and the letter.

16 Q Okay. And Mr. Jacob was -- is it fair to say that he was the primary drafter
17 of the letter at this point?

18 A I recall the Vice President being the primary drafter of the letter along the
19 way. Whether or not Greg had some edits or comments towards the end or the
20 morning that we were there, I don't recall specifically. But I do recall the Vice President
21 being the primary author of the letter.

22 Q Okay. When did you first interact with the Vice President on the 6th?

23 A He would have come down to where we were in the residence sometime
24 shortly after we got there. I don't recall what time specifically, but not long after our
25 arrival at the residence.

1 Q Okay. Are you aware of any phone calls that came in to the Vice President
2 during the time that you were with him at the residence?

3 A He did leave the part of the residence where we were on a few occasions,
4 and I understood those to be to take phone calls, although I don't know who those phone
5 calls were from specifically.

6 Q Okay. So if I asked you if he spoke to Steve Bannon on the morning of the
7 6th, would you know whether or not he did?

8 A I have no firsthand knowledge of him speaking to Steve Bannon.

9 Q Okay. What about the President?

10 A I'm not aware of whether or not -- or I was not aware at the time as to
11 whether or not he spoke to the President. I believe there has been subsequent
12 reporting that they did speak on the morning of the 6th.

13 Q Okay. At any point after the morning of the 6th, but before you learned
14 through public reporting, did you have any conversations with anyone that led you to
15 believe that there had been a phone call from the President to the Vice President?

16 A I did not.

17 Q Okay.

18 BY [REDACTED]

19 Q You mentioned not having firsthand knowledge of a call from Mr. Bannon
20 and Vice President Pence. Do you have any knowledge, secondhand or otherwise?
21 Hearsay is okay in this context.

22 A No, I have no knowledge.

23 [REDACTED] Okay.

24 BY [REDACTED]

25 Q Okay. Let's look at some text messages you produced. They're behind

1 tab 55.

2 So I think we identified Zach earlier to be Zach Bauer, the Vice President's
3 bodyman?

4 A Yes.

5 Q Is this also the same Zach?

6 A Yes.

7 Q Okay. The first message I see here at the top is a message from Zach at
8 10:51 a.m. asking if you're at VPR, Vice President's residence?

9 A Uh-huh.

10 Q Okay. You respond that you are, and that presumably you're in the library.
11 Is that accurate?

12 A Yes.

13 Q Okay. And then he asks whether he -- you know, Zach texts: He down?
14 And you respond: Not yet.

15 What do you interpret that exchange to refer to?

16 A He was asking if the Vice President was down with us at that point. I don't
17 recall if when I said, Not yet, if that meant that he wasn't currently in our presence or if
18 he hadn't come downstairs at that point.

19 So I'm not sure exactly if he had been in the room yet or not, but typically when
20 Zach asks if he's down, that's, you know, is he down and ready to go, ready to move?
21 And at that point he was not.

22 Q Got it.

23 Was Mr. Bauer -- right, Zach Bauer? Okay.

24 Was Mr. Bauer also at the residence with you?

25 A At this point he was on his way. He hadn't arrived yet.

1 Q Okay.

2 A But he did ultimately arrive after this text message.

3 Q Okay. Did he travel with you to the Capitol that day?

4 A He did.

5 Q Okay. As has been publicly reported, there are records that indicate that
6 the President attempted to reach the Vice President as early as 9:02 on the 6th. The
7 records also reflect that a message was left for the Vice President, but we have no
8 records or evidence of any return phone call from the Vice President that morning.

9 Do you have any information about whether or not the Vice President returned a
10 call from the President that morning?

11 A I don't. I'm not aware if they spoke or not.

12 Q Okay. Would you find it unusual at all for the Vice President not to have
13 returned a call from the President for at least 2 hours?

14 A I can't speak to -- I don't know exactly when -- I mean, you alluded to
15 9 o'clock what time that phone call came in. If they did connect, I don't know what time
16 that would have taken place. And, again, given everything we had going on the morning
17 of the 6th, if there was ever a time when there wasn't time for phone calls and other
18 discussions, it likely would have been that morning.

19 Q Understood.

20 Yeah, our -- I should have given you that information. Our investigation indicates
21 that they did speak and it wasn't until about 11:20.

22 A Okay.

23 Q 11:17, 11:20 a.m. that day.

24 Okay. I know that you said that the Vice President stepped out of your presence
25 to take phone calls. I think you remembered a couple of them.

1 Do you remember one around that time period, 11:17, 11:20?

2 A I don't recall the specific times that he stepped out from the library where
3 we were.

4 Q Okay. Do you remember his demeanor upon returning from any of the
5 phone calls that he took?

6 A I don't recall recognizing a change in his demeanor after any of the time
7 where he left the room and then came back.

8 Q Okay. And, generally speaking, what was his demeanor that morning when
9 you were with him?

10 A He was positive in demeanor. Again, I think he was still focused in a similar
11 way to what he was the night before in preparing and making sure that everything was
12 ready for the joint session. But, again, he was collegial and in a positive mood, but
13 focused on the job ahead.

14 Q Okay.

15 BY [REDACTED]

16 Q Forgive me, Mr. Hodgson, but did you say you traveled up to the Vice
17 President's residence with Mr. Short and Mr. Jacob?

18 A Yes.

19 Q Did anyone from the White House reach out to you attempting to connect
20 the President and the Vice President that morning?

21 A Not that I recall, no.

22 Q Do you remember whether Mr. Short or Mr. Jacob got any calls from
23 anybody at the White House attempting to connect the President and Vice President?

24 A I do not.

25 [REDACTED] Okay. Back to you.

1 BY [REDACTED]

2 Q Let's look at a text message that you produced behind tab 56, please.

3 A Uh-huh.

4 Q So this looks like a text message -- it's repeated on the back just because the
5 last line was cut off I think.

6 A Yeah.

7 Q Yeah. But it's really one text message sent, what looks like to a group text,
8 and the sender here is Marc Short. I assume one of the recipients is you. Do you know
9 who the other was?

10 A Greg Jacob.

11 Q Jacob as well, okay.

12 Do you know whether Mr. Short sent this message from his official phone or
13 personal phone?

14 A I believe it's from his personal phone, but I don't recall specifically.

15 Q Okay. So this is a relatively long text message, a long document as text
16 messages go. On the second page, it shows that what looks like -- this looks like it's
17 actually a text message sent by Mr. Teller to Mr. Short that he then copied and sent to
18 you.

19 Is that fair?

20 A Yes.

21 Q Okay. And it describes something that Mr. Teller is relaying Senator Lee
22 was considering. He says: Raising a constitutional point of order in the Senate that
23 essentially, for reasons related to a litigation case in Georgia, would be -- the effect of
24 which would be to put the Senate into recess.

25 Do you remember having a conversation in the morning of January 6th about any

1 such suggestion?

2 A I don't, only that Mark relayed this for our situational awareness from Paul
3 Teller, which he describes at the bottom that he received from the Lee staff, and that
4 they hadn't determined whether or not he would do it but was considering it, but no
5 conversations beyond just the situational awareness that this could arise when we're in
6 the Senate.

7 Q Okay. Either in text message or in person interactions or any other
8 communication, did Marc Short or Greg Jacob give you any sense of whether this was
9 likely to happen or appropriate to happen, anything like that?

10 A No, I don't recall any of those conversations. Based on my recollection of
11 the statute, the Senate has to -- either Chamber has to vote as to whether or not they're
12 going to go into recess. And so, based on my understanding of the statute, this would
13 require more than just a Member making a motion to recess. It would actually require
14 the body to vote, which, in my opinion, would have rendered this unlikely to happen.

15 Q Okay. Did you have any other conversations with Members, Senators, or
16 staff about this topic on the 6th?

17 A I did not, no.

18 Q There's a document behind tab 33 that I will just run by you quickly.

19 This is an email from you, and it -- the subject line and the description of the
20 attachment are both "Event Memo."

21 A Uh-huh.

22 Q So just, generally speaking, is this document reflective of a standard type of,
23 you know, document that you would have prepared in your role as director of legislative
24 affairs?

25 A It is. Anytime there was an event on the Vice President's calendar dealing

1 with anything that was in the legislative affairs purview, we would always produce an
2 event memo the night before that would go into his daily briefing book describing the
3 type of event, the participants, and the Vice President's role in the event.

4 Q Anything notable about this one related to January 6th that sets it apart
5 from other similar documents that you prepared?

6 A No. This looks pretty standard. I mean, the time stamp is pretty early in
7 the morning. I don't remember any particular reason why it went out at that time in the
8 morning, other than there was quite a bit going on in preparation for it, so -- but I don't
9 recall any specific reason why it was transmitted that late.

10 Q We might encounter this a little bit later. For some reason in the
11 documents that we've received from January 6th, there are some problems with the time
12 stamps.

13 A Okay.

14 Q So even remembering it was a late night, do you think that this
15 document -- that you were sending this email at 3:00 a.m., or is that likely inaccurate?

16 A I think that's likely inaccurate. I don't recall -- and I was up early the next
17 morning, so I do not recall being awake at 3 o'clock in the morning.

18 Q Okay.

19 A At least not sending emails at 3 o'clock in the morning.

20 Q Okay. Understood.

21 [REDACTED] And for the record, we will report that may be a GMT. It looks
22 likes it converts some of these documents plus five, estimate, but just for your
23 understanding.

24 The Witness. Yes. And it would also be difficult, just the way the paper flow
25 works, to have something transmitted at 3:00 in the morning to then make it into his

1 briefing book is a pretty tough transition.

2 [REDACTED] Yeah, understood.

3 BY [REDACTED]

4 Q So thinking about your preparation for January 6th, did you have any
5 understanding of any security threats before the 6th about the 6th?

6 A I did not, no.

7 Q Okay. Did anyone ever convey to you information about the potential for
8 violence on January 6th?

9 A No.

10 Q What generally was your understanding of the rally that was planned to
11 occur on the morning of the 6th?

12 A I had not, frankly, paid much attention to the rally. I even recall noticing as
13 I was driving into the EEOB on the morning of the 6th the number of people that were
14 walking down the street and trying to recollect why there were people that were in that
15 part of town.

16 Again, I think that speaks to our focus about preparing for the 6th and, frankly,
17 just not paying attention to any of the other events going on around us.

18 So the rally itself was not something that I was paying attention to in the run-up to
19 the 6th or the morning of.

20 Q Okay. Do you recall what time -- well, let me rephrase.

21 Did you travel in the motorcade with the Vice President to the Capitol?

22 A I did.

23 Q Do you recall what time you left the residence?

24 A It would have been in the 12 o'clock hour, given that the joint session started
25 at 1 o'clock, but I don't recall specifically what time we left.

1 Q Okay. Do you remember seeing the crowds or having any -- or the crowds
2 attending the rally having any impact on the motorcade on the way to the Capitol?

3 A No. We didn't take a route. They took us past the rally on the way to the
4 Capitol.

5 Q Okay. Let's look at some text messages. Again, this is behind tab 60.

6 A Okay.

7 Q So these are messages you produced with an individual named Brett.
8 Who's Brett?

9 A Brett Horton. He's the chief of staff to Congressman Steve Scalise.

10 Q Okay. So just backing up a little bit because of the first text on this
11 document, you asked -- Mr. Horton you said it was?

12 A Yes.

13 Q Horton. Okay. You asked Mr. Horton on January 4th whether he, his
14 office maybe, you guys had gotten anything from Meadows about election voter fraud by
15 chance.

16 A Uh-huh.

17 Q Do you remember why you were asking that?

18 A It was brought to my attention that Mark Meadows had potentially
19 transmitted something to Members of Congress, or to Members of the House Republican
20 conference related to voter fraud, and I was trying to verify whether or not that was
21 accurate.

22 Q Do you remember how you learned about Meadows potentially transmitting
23 something?

24 A I don't. It likely would have been through a conversation with Marc Short,
25 but I don't recall specifically.

1 Q Did you ever learn whether or not Mr. Meadows did transmit something to
2 Members?

3 A I don't think I pursued it beyond Brett's response because that indicated to
4 me that anything that was sent wasn't sent far and wide. So at that point it was a little
5 bit of a wild goose chase to figure out, if it had been sent, where it had been sent.

6 Q I see. So if it had been sent to a large group, your conclusion would have
7 been that the chief of staff of the whip would have known about it?

8 A Yes.

9 Q Okay.

10 Okay. So there are text messages beginning January 6th, 12:16, on this
11 document where Mr. Horton writes: 1) this is wild, and 2) I would not want to be in the
12 VP's shoes today.

13 Do you remember where you were when you received these text messages?

14 A I don't. Again, not knowing exactly what time we left the residence, I was
15 either -- at that point I was likely en route to the Capitol or was already -- had just arrived
16 at the Capitol.

17 Q Okay. What was Mr. Horton -- I'm saying Mr. Horton. Brett is potentially
18 both, but --

19 A He's the guy, yes.

20 Q Okay. Confirmed. I assume you would have corrected me if that was not
21 right.

22 A Yes.

23 Q Mr. Horton, do you know what he meant by: This is wild?

24 A I assume that's a reference to the rally, but I don't know specifically.

25 Q Do you remember what your reaction was at the time that you received this

1 text message?

2 A I don't.

3 Q Okay.

4 A Again, given that we were preparing the Vice President and then potentially
5 en route, the rally was just not something that we were paying attention to at the time.
6 So I would have assumed that that was what he was referring to, but, again, it didn't
7 cause me to go try and find out what was going on at the rally.

8 Q Okay. If helpful, I can represent to you that President Trump -- his remarks,
9 he started speaking at the rally on the Ellipse at 12:00 p.m.

10 A Okay.

11 Q So this would have been, you know, 15 minutes into the President's remarks.

12 A Okay.

13 Q Were you aware of that at the time when you were traveling to the Capitol
14 that the President was speaking at the rally?

15 A I became aware at some point that the President was speaking. I don't
16 recall that it was right at the beginning of his remarks. It was after the fact.

17 Q Okay. Mr. Horton then writes: I would not want to be in the VP's shoes
18 today.

19 And then your response is: Amen, and he's ready to take it on.

20 Was your amen related to the "this is wild" comment?

21 A Yes.

22 Q Okay. And so I assume -- we can assume from that that you shared his
23 impression that it was wild?

24 A Yes. Again, if we assume that he was talking about the rally and the
25 President's comments referring to the Vice President's unilateral authority to change the

1 outcome, then, yes, I would have responded that, yeah, that's inaccurate and/or wild in
2 his words.

3 Q Okay. And when you responded, He's ready to take it on, what did you
4 mean by that?

5 A I felt that the Vice President was prepared for the job that he had to do on
6 the 6th. He was clear in what his authority was. And despite the outside pressure that
7 was clearly mounting at that point in time, he was ready to continue to do the job as he
8 believed he needed to do on the 6th.

9 Q Okay. When you said to take it on, is the "it" that you're referring to, is
10 it -- what is "it"?

11 A His roles and responsibilities for the day --

12 Q Okay.

13 A -- as the presiding officer of the joint session.

14 Q Were you also using it to encompass the pressure that was being put on Vice
15 President Pence?

16 A No, I think just his roles and responsibilities.

17 Q Okay. So as far as the timeline goes, it's our understanding that around
18 12:30, while the President was still speaking at the rally at the Ellipse, supporters began
19 to assemble at the Capitol.

20 Do you remember whether you noted anyone having -- you know, the public
21 starting to gather, or any, you know, rally goers gathering at the Capitol by the time that
22 you arrived with the Vice President?

23 A No, not at that point.

24 Q Okay. So what did you do once you got to the Capitol?

25 A Once we arrived at the Capitol, we went to the Vice President's ceremonial

1 office just off the Senate floor, which is typically a holding room for him. I believe
2 around 12:45 or 12:50, they began to assemble the Senators on the Senate floor to walk
3 over to the House for the start of the joint session. So around that time would have
4 gotten the Vice President from his ceremonial office, walked with him onto the Senate
5 floor, and then he leads the Senate over to the House Chamber, and I would have
6 followed behind the Senators as we made our way across the Capitol to the House
7 Chamber for the joint session.

8 Q Okay. And do you -- it's my understanding that the Vice President's letter
9 was released just about the time that the joint session was to commence.

10 Is that accurate?

11 A Yes, I believe we sent it out right -- the goal was to send it out right at
12 1 o'clock.

13 Q Okay.

14 A Yep.

15 Q Was there some consideration about whether or not to wait until the
16 President finished his remarks at the rally at the Ellipse before releasing the letter?

17 A No. I think our decision, based on the logistics, was to have it go out
18 simultaneously with the start of the joint session. It wasn't relevant to the President's
19 comments.

20 Q Okay. Who else, other than the staff you already described were at the
21 residence and traveled with the Vice President, who else was from OVP there at the
22 Capitol with you?

23 A Yes. The staff I mentioned who traveled from the residence, my team, Ben
24 Cantrell and Hannah Lankford were both in the Capitol. Ben actually would have been
25 in our staff office. He sent -- in addition to printing copies of the letter to bring to the

1 House floor for any Members who wanted to read it personally, Ben also distributed that
2 letter from my computer via email to Members of Congress at their email address.

3 And then, I believe, Devin O'Malley, who's our press secretary, would have been
4 responsible for releasing that to the press I believe shortly after. I think the Vice
5 President put out a tweet from his account at 1:02 p.m. with the contents of the letter.

6 And then Hannah from my team, her main responsibility for the day was escorting
7 Mrs. Pence around the Capitol and making sure that she had a seat and was taken care of.

8 Q Okay. We understand that Vice President Pence's daughter was also
9 present with them that day?

10 A She was.

11 Q Is that correct?

12 A Yes.

13 Q Okay. And you noted that at least Ben was in the staff office at the Capitol.

14 A Uh-huh.

15 Q Is that on the 2nd floor, the one you referred to earlier in the Capitol
16 Building?

17 A Yes.

18 Q Okay. So I don't think we need to go through the Dear Colleague letter in
19 detail. I think it speaks for itself, but are there any -- you said that you both distributed
20 it in hard copy as well as by email to -- was it to all Members of Congress and Senators?

21 A To as many of the email addresses as we accurately had. We had the
22 majority of both the House and Senate Republican conference Members' emails and, I
23 would say, a smattering of the Democrat Members' emails. And so I brought hard
24 copies as well to be distributed for anybody who didn't receive it via email or hadn't seen
25 it yet, so they could read it on the floor if they wanted to.

1 Q Okay.

2 A And I gave it to both floor staff of the Republicans and Democrats to put
3 down on the tables in the front in the House Chamber?

4 Q Okay. Did you have any communications with Members of Congress or
5 Senators about the Vice President's letter there at the beginning of the joint session?

6 A I recall getting some emails in response to the letter indicating, you know,
7 thanks for sending, or that they appreciated what the Vice President wrote in the letter,
8 and I think I received some subsequent text messages to the same effect.

9 Q Okay. Any expressions of concern or disagreement in any of that?

10 A No, none that I recall.

11 Q Okay.

12 BY [REDACTED]

13 Q Question on that. Do you remember who sent you the emails and to which
14 address?

15 A So, because the letter was distributed from my White House email address,
16 email responses would have come back to that email address.

17 Q Okay. And you mentioned getting some text messages from Members as
18 well.

19 Do you still have those?

20 A I think they would have been text messages in the aftermath of the 6th. I
21 don't recall getting any in the moment on the 6th. I think it would have been in
22 follow-up conversations that I would have received word from them of either thanks or
23 acknowledgment for the letter.

24 Q Okay. Do you think you still have them?

25 A I would have to go back and check. I did a pretty thorough check.

1 Nothing from the 6th or days immediately preceding or afterwards. I didn't have
2 anything from Members. I gave all of that to you guys, so --

3 Q Okay.

4 A I can go back and check, but I don't believe that I have any of those.

5 [REDACTED] Okay. Great.

6 Thank you.

7 The Witness. Yeah.

8 BY [REDACTED]

9 Q Okay. So picking up in the timeline, there's some text messages behind tab
10 64 that I would like to draw your attention to.

11 So this is an exchange with an individual named Sean. Who is Sean?

12 A That's Sean Riley, chief of staff to Senator Ron Johnson.

13 Q Okay. And these are text messages from just before the beginning of the
14 joint session?

15 A Yes.

16 Q It starts around 12:37?

17 A Yes.

18 Q So Mr. Riley writes to you that Senator Johnson needs to hand something to
19 VPOTUS. Please advise.

20 And then after you ask, What is it, he says, Alternate slate of electors for Michigan
21 and Wisconsin because archivist didn't receive them.

22 I know we talked about this a little bit earlier. Ms. Cheney asked you some
23 questions about it. Is it your understanding that this relates to the same topic that had
24 come up, I believe it was from Mr. Stroia the day before?

25 A Yes.

1 Q Okay. And, obviously, you have, in the text messages, dissuaded him, for
2 the reasons that you explained to Ms. Cheney earlier, from actually handing any mail to
3 the Vice President.

4 Put us back in the time period right before you're going onto the House floor for a
5 joint session of Congress.

6 A Uh-huh.

7 Q Why would Senator Johnson have been trying to give such documents to the
8 Vice President at that moment?

9 A I don't know the origin of where Senator Johnson received those documents.
10 Again, in the broader conversation of alternate slates of electors being presented from a
11 number of the States having already been received, you know, by our office and mailed to
12 our office, I would have to assume that it was part of that same transmittal of documents.
13 I don't know specifically why Michigan and Wisconsin were not sent via mail, but it strikes
14 me that there was an effort to try at the last minute to get those, you know, either
15 inserted into the record or to the Vice President or the parliamentarians because they
16 hadn't been received in the mail.

17 But I don't know what the back story is as to why those were treated differently
18 than some of the ones that were sent in via mail.

19 Q Okay. Was it also your understanding that they may have been trying to
20 give them to the Vice President for him to actually consider them as slates of electors in
21 the joint session?

22 A I don't know if the expectation was that he would consider them as part of
23 the joint session or if he would follow the procedure of getting them to the
24 parliamentarians. I don't know what the expectation was that he would do with them,
25 which, in addition to the security aspects of not receiving them, you know, right before he

1 walks over to the joint session, I'm not sure what the expectation was that he would do
2 with those documents as the joint session is about to start.

3 Q Right.

4 Okay. Any further conversations with anyone else on the 6th about these
5 documents?

6 A No. This was it.

7 [REDACTED] Okay. Any other questions on this?

8 Okay.

9 BY [REDACTED]

10 Q So as you've said, our understanding is that the joint session convened about
11 1 o'clock. Around that same time, approximately 10 minutes later, 1:10 p.m., President
12 Trump's speech ended on the Ellipse, and shortly thereafter the first objections were
13 reached when the tellers are -- you know, when the joint session arrived at the Arizona
14 certificates.

15 A Uh-huh.

16 Q I understand Representative Gosar objected and Senator Cruz was there to
17 cosign it.

18 Is that all consistent with your recollection?

19 A Yes, it is.

20 Q Okay. So at what point after that did you become aware of rioters either
21 outside the Capitol or actually entering into the Capitol?

22 A So after we withdrew from the joint session, we went back over to the
23 Senate Chamber where the Vice President took the chair and presided over the start of
24 the Senate debate on the objection to the State of Arizona. I think there were a handful
25 of Senators on either side who may have given brief speeches at that point. And then I

1 recall Senator Lankford, I believe, was speaking, and in the midst of his speech, the noise
2 from the rioters became audible, at which point we recognized that maybe they had
3 gotten into the building.

4 Shortly after that, the Vice President's Secret Service detail came on to the Senate
5 floor, pulled him from the chair. I believe Senator Grassley moved into the chair and
6 immediately put the Senate into recess.

7 Q Okay. Before the Secret Service came onto the floor, when the Vice
8 President was presiding over the Senate, where were you?

9 A I was in the Senate Chamber.

10 Q In the Chamber with him?

11 A Yep.

12 Q Okay.

13 Yeah, so to the extent it's helpful on the timeline, it's our understanding that the
14 proceedings ceased on the Senate floor at about 2:13.

15 A Okay.

16 Q Where did you go -- or where did the Vice President go at that point when
17 you said that the Secret Service detail kind of pulled him from the chair?

18 A He left the Chamber and went back to his ceremonial office, which is just off
19 the Senate floor. He was held in there, I believe, along with Secret Service, Mrs. Pence,
20 their daughter. I believe Mark and/or Greg were in there at various points in time, and
21 the rest of us were left in that hallway at that point. It was unclear what the decision
22 was going to be, if he was going to remain there or if we were going to move to a
23 different location.

24 So at that point, I went in and out of the Senate Chamber a few times. They had
25 worked to gather any of the Members and staff who were in the immediate vicinity in the

1 Capitol and blocked down the Senate Chambers. That's where everybody was being
2 held. So I moved in and out of there a few times to try and get a sense of where all of
3 our OVP staff were. And then upon the decision to move the Vice President, I left the
4 Senate Chamber and went with him.

5 Q Okay. And so, before you all are kind of evacuated from the Senate
6 Chamber, let's talk about that time period. I imagine this is a totally unprecedented
7 experience for you?

8 A Yes.

9 Q Okay. So just help us to understand a little bit about what it was like to be
10 in the Senate Chamber seeing the Vice President being removed from the chair by Secret
11 Service, and then having everybody, both Senators and staff -- I think you used the word
12 "locked down" inside the Senate --

13 A Uh-huh.

14 Q -- inside the Senate Chamber. Help us understand what that was like and
15 what it felt like for you.

16 A Yeah. You said unprecedented, and that was certainly the case. I would
17 say chaotic was a pretty good way to describe it just because you go from, you know, the
18 Senate floor, which is very orderly and organized, and all the sudden there's staff being
19 brought in. They're, you know, locking the various doors. Capitol Police and Sergeant
20 at Arms staff are coming into the room to be helpful and carry out their duties to protect
21 the Senators in particular.

22 So at that point, there was just a lot of movement going on and folks coming onto
23 the Senate floor to try, you know, give anybody else that was in the immediate vicinity of
24 the Senate Chamber kind of a safe harbor and a place to go.

25 Q Okay. At the risk of stating the obvious, that is because the areas outside

1 of the Senate Chamber could potentially be dangerous for Members and staff? Is that
2 fair?

3 A Yes. And because it was clear that, you know, the rioters had breached the
4 Capitol building. I think folks were not aware of exactly where they were and what was
5 taking place, and the safest thing was to get folks inside the Senate Chamber.

6 Q Okay. And at the time -- I know that you said that at the time that the
7 normal proceeding ceased, that you had heard audibly rioters inside the building. So
8 between then and the time that you were evacuated out of the Senate floor with the Vice
9 President, what could you hear about -- that was going on outside?

10 A It sounded just like a lot of shouting and yelling. I think that was the bulk of
11 it. It was -- you couldn't hear anything in particular. It wasn't, you know, anything that
12 they were saying. It wasn't audible, but there was a significant -- for a building that is
13 typically pretty quiet, it was a significant amount of noise within the building.

14 Q Right. And what about the sounds inside the Chamber? As you said, it's
15 normally quiet and orderly, and now a lot of people are being hustled in there. Was
16 it -- were people frightened and was there also kind of commotion inside the Chamber?

17 A I wouldn't say it was total chaos and commotion. There's a lot of
18 conversations taking place between the Members and staff. You know, certainly the
19 Capitol Police and the Sergeant at Arms staff are having kind of the loudest of the
20 conversations as they communicated with one another about what was going on and
21 what the next steps were going to be.

22 But I would say it was largely, you know, just kind of one-on-one conversations
23 between Members and staff inside the building and folks were trying to figure out what
24 the next steps were going to be and if there was anything that could be done to try and
25 help and keep everybody safe.

1 Q Okay. I think you produced some text messages that fit in this time period,
2 so let's look at the document behind tab 62, please.

3 A Uh-huh.

4 Q So these look like text messages with somebody named Amy. Is that Ms.
5 Swonger --

6 A Yes.

7 Q -- that you identified earlier?

8 A Uh-huh.

9 Q Okay. So she had written to you it looks like earlier, just when the joint
10 session commenced, but then at 2:17 wrote, You okay?

11 And you responded that you were inside the Senate Chamber.

12 A Uh-huh.

13 Q So where was Ms. Swonger, to the best of your knowledge, that day?

14 A I don't recall where Amy was. I don't know if she was -- I don't know if she
15 was ever in the Capitol or if she had remained back at the White House. I'm not sure
16 where Amy was.

17 Q Okay. Did you ever see her at any point on the 6th?

18 A No, not that I recall.

19 Q Okay. Any other conversations with White House staff during the time
20 period when you were still in the Senate Chamber?

21 A As I recall, there were a couple of Members of the White House legislative
22 affairs team who were either on the Hill or in the Capitol. I don't recall every phone
23 conversation I have -- or I had that day, but I wouldn't be surprised if at some point I
24 spoke to one of them, and that would have just been a check-in making sure everybody
25 was okay and safe.

1 Q Right. Do you remember who the Members of the White House legislative
2 affairs team were that were in the Capitol or on the Hill?

3 A I recall Adam Telle being on the Hill, and I don't recall who else was with him.

4 Q Okay.

5 Okay. So then, back to the timeline shortly after this text message exchange,
6 from our investigation, I believe, it was 2:22 p.m. when Vice President Pence was
7 evacuated to a secure location within the Capitol.

8 So tell us how that came about and what the process was like.

9 A Yes. So, again, I was going in and out of the Chamber and monitoring
10 because I knew there was a decision-making process that was going on as to whether or
11 not he would move. So I was monitoring that situation to figure out whether or not he
12 was going to move to a secure location.

13 Once it was clear that was going to be the case, I joined with the group that was
14 going to that secure location. And, you know, the Secret Service did their job and got
15 everybody organized and moved us as a group down the Member stairway, as they call it,
16 on the Senate side and then down into the tunnels, down to the secure location.

17 Q Okay. We understand that Vice President Pence's security detail asked him
18 several times to leave the vicinity of the Senate floor and that he didn't wish to go in the
19 initial asks.

20 Is that consistent with your understanding?

21 A I wasn't there for those conversations, but, yes, that's consistent with my
22 understanding.

23 Q Okay. Ultimately, do you know why the Secret Service detail was
24 successful in convincing Vice President Pence to evacuate?

25 A I don't, although at some point it seemed that the situation -- that there was

1 no way to control the situation where the folks were inside the Capitol and, in their
2 opinion, they weren't able to keep the Vice President safe, which could cause them to
3 make that final decision.

4 Q Okay. So at least by 2:22 when the Vice President and his family and you,
5 among other staff, were evacuated, it's fair to assume that the Secret Service had
6 determined by that point that the Vice President was no longer safe in the Capitol?

7 A Yes, that the Secret Service couldn't control the situation and do their job of
8 keeping him safe.

9 Q Okay. So, I think it has now been publicly disclosed where the secure
10 location was, but without being super specific in this context, just out of an abundance of
11 caution, tell us a little bit about the process of the evacuation and what happened once
12 you got to that secure location.

13 A Yep. We moved pretty quickly down the stairs and through the various
14 hallways and tunnels to the secure location. Upon arriving there, there was further
15 discussion as to whether or not we were going to leave the Capitol Complex or stay
16 where we were. I wasn't a part of those conversations. That would have been, you
17 know, the Vice President, the Secret Service, his family and, likely, Mark Short would have
18 been in those conversations.

19 But I know there was a back and forth as to whether or not we were going to stay
20 there or leave the entire complex. Ultimately, we decided to stay where we are he
21 were. So I assumed that the decision was made, in conjunction with the Secret Service
22 that they could keep that location safe and, therefore, we were going to stay.

23 Q Okay.

24 A And it was the Vice President's desire to stay.

25 Q Yeah, I was going to ask you that.

1 Our evidence and understanding indicates that he refused to leave?

2 A Yes.

3 Q Okay. In the process of being evacuated to the secure location and in the
4 secure location, did you hear, again, any -- anything from the rioters or have any sense of
5 where they were?

6 A Only, you know, down the first staircase and across one room in the Capitol
7 could we hear them and see a few of them in the distance, but not after that.

8 Q Okay. I assume you were surrounded by a fair number of Secret Service
9 agents and other law enforcement personnel, but generally, you know, did you -- how did
10 you feel during this process of being evacuated to the secure location?

11 A Yes. I mean, we were, obviously, very lucky to have Secret Service and
12 Capitol Police with us, and that's exactly what I felt. I felt lucky to be in a position where
13 we had Secret Service protection and the Capitol Police with us.

14 I would say I was more concerned about friends and former colleagues who were
15 still up, you know, on the Senate floor or on the House floor itself. And so I was thinking
16 about them more so than I was worried where I was based on who I was with.

17 Q Okay. And just generally, what was your understanding of the status of
18 folks that -- let's talk about the Senate side first. Those who were still being sheltered
19 on the Senate floor at the time that you were evacuated, what happened for them?

20 A So for a little while we weren't sure just because we hadn't heard what the
21 decision was. Ultimately, they were evacuated off the Senate floor, and I believe they
22 ended up in a large room in the Hart Building, so ultimately learned that through text
23 messages from folks who were a part of that group that was evacuated, but wasn't aware
24 in the immediate aftermath of us leaving the Capitol where they were. But, ultimately,
25 they were evacuated to Hart.

1 Q Okay. And were there Members of the OVP staff that were evacuated to
2 that location in Hart as opposed to the secure location where you were?

3 A Yes.

4 Q Okay. Who were those individuals?

5 A Ben Cantrell was with that group. I believe Jonah Wainwright, who's a
6 member of our advance staff, was also with that group, and I believe there was one other
7 Member of our advance team, and I don't recall who it was.

8 Q Okay. Was Ms. Lankford with you all and the Vice President?

9 A She was.

10 Q Okay.

11 A We had -- when we evacuated, we had the same number of spots that were
12 available in the motorcade in case we did ultimately leave the complex. And Jonah
13 Wainwright, who's a member of our advance team, allowed Hannah to come with us to
14 be down in the secure location, and he stayed behind to be with Ben and others.

15 Q Why did he do that?

16 A He wanted to be sure that Hannah was safe.

17 Q Okay. What about on the House side, what was your understanding at that
18 point about the status of Members and staff in the House Chamber?

19 A I don't think we knew in the immediate aftermath what was going on on the
20 House side. Again, in the location we were evacuated to, we didn't have any televisions
21 or anything. So anything that we were learning was either through Secret Service and
22 their awareness of what was going on in the building, or calls or texts with folks who were
23 in the House Chambers.

24 So it took us a little while to figure out what was going on. But, again, it was
25 locked down, and then ultimately, they were evacuated from the House Chamber as well.

1 Q Okay. And it's my understanding that congressional leadership from both
2 Chambers were evacuated separately to a different secure location than the one that the
3 Vice President was in?

4 A That's correct.

5 Q Is that accurate?

6 A Yes.

7 Q Were you involved once you got to the secure location with the Vice
8 President in any communications with congressional leadership?

9 A So I was asked to reach out to congressional leadership and try to facilitate
10 phone calls with the Vice President so that he could speak to Members of congressional
11 leadership with the goal of trying to figure out how quickly we could get back in the
12 building once it was under control and continue the joint session.

13 So I was reaching out to various members of leadership staff to try and facilitate
14 those conversations.

15 Q Okay. Walk us through those specifically. Who do you remember
16 contacting from the secure location with the Vice President?

17 A I don't recall specifically who I connected with and didn't. In the immediate
18 aftermath, again, it was a little bit chaotic, but I would have been reaching out to the
19 chiefs of staff of all of the congressional leadership Members.

20 Q Both Republican and Democrats in both Chambers?

21 A Yes.

22 Q Okay. So let me -- I think we'll ask you a little bit more about other
23 communications that you had with folks in leadership and otherwise and the
24 administration, or in D.C. from the secure location, but let me just rewind and go back to
25 the timeline a little bit.

1 Did you -- at 2:24 p.m. on the 6th, so after the rioters had breached the Capitol,
2 after proceedings had ceased in the Senate Chamber and also on the House side, after
3 Vice President Pence had been evacuated from the Senate Chamber, President Trump
4 released a tweet.

5 We have it here for you to look at. It's behind tab 40.

6 So this tweet was posted at 2:24 p.m. on the 6th.

7 A Uh-huh.

8 Q Are you familiar with it?

9 A I am.

10 Q Okay. Did you see it at the time that it was posted?

11 A I don't believe I saw it in real time as it was posted. Again, we would have
12 been in the midst of moving to the secure location. I would have been aware of it
13 afterwards at some point while we were at the secure location, but I don't recall seeing it
14 in the immediate aftermath of it being posted.

15 Q Do you remember how you became aware of it?

16 A I don't. I don't recall if I saw it myself on my phone or if it was part of a
17 conversation with others.

18 Q Okay. You had both your phones with you I assume, personal and official?

19 A Yes.

20 Q Did you have Twitter on one or both of those phones?

21 A On my personal phone.

22 Q Personal phone. Did you get alerts for tweets posted by the President?

23 A I did not.

24 Q Were you able to -- generally had cell phone service and you were checking
25 your phone at the time, right?

1 A Yes.

2 Q So in this tweet the President, President Trump, states: Mike Pence didn't
3 have the courage to do what should have been done to protect our Country and our
4 Constitution, giving States a chance to certify a corrected set of facts, not the fraudulent
5 or inaccurate ones which they were asked to previously certify. USA demands the truth.

6 So when you did learn of this at some point on January 6th, setting aside any
7 subsequent thoughts that you have about it, but in the moment when you're, you know,
8 being evacuated and then sheltering within the Capitol, what was your reaction to the
9 President tweeting: Mike Pence didn't have the courage to do what should have been
10 done?

11 A I would say I was frustrated and angry at that kind of commentary, because I
12 didn't believe it to be accurate based on the Vice President's authority that day and the
13 job that he was there to do.

14 Q Did you discuss this with any of your colleagues that you were sheltering
15 with?

16 A Not that I recall.

17 Q Okay. Do you have reason to understand whether or not they shared your
18 reaction to it?

19 A I don't recall specific conversations we had about this tweet.

20 Q Okay. Generally speaking, were others that you were with aware of the
21 President's statements that day?

22 A I would assume so, yes.

23 Q Okay. What about the Vice President, was he aware of this?

24 A I don't know.

25 Q Okay. There are a couple of other tweets that the President posted. The

1 next one chronologically is behind tab 42 --

2 [REDACTED] Before we get to that --

3 [REDACTED] Yeah.

4 [REDACTED] -- may I just add something really quickly?

5 BY [REDACTED]

6 Q You mentioned that while the Vice President was in his ceremonial office,
7 after being taken out of the Senate Chamber, you were in and out of the Senate Chamber
8 monitoring the situation. What were you doing to monitor it?

9 A So I knew there was a discussion underway as to whether or not the Vice
10 President was going to leave his ceremonial office for a secure location, and so, I was just
11 trying to get a sense of if and when that decision had been made in real time.

12 Q Were you getting information in the Senate Chamber that you were relaying
13 back to the ceremonial office?

14 A No.

15 Q Okay. When you were on the Senate Chamber during that period, did you
16 talk to anybody?

17 A I would have been communicating with OVP staff members who were in
18 there. I don't recall -- and I would have also been communicating with the Sergeant at
19 Arms staff, but I don't recall communicating with anybody else.

20 Q Okay. And what were the conversations that you had with the Sergeant at
21 Arms staff?

22 A I think they were asking me to try and find out what the Vice President's plan
23 was and whether or not the Secret Service was going to move him from that location.
24 And so, I was trying to keep them posted on what our plan was.

25 Q Were they giving you information about what they were seeing?

1 A No. At that point, they were inside the Chambers as well, so they didn't
2 have visibility as to what was going on outside.

3 Q Okay. Did you talk to any Members, any Senators while you were in the
4 Chamber?

5 A I don't recall any specific conversations, but given the number of Senators,
6 obviously, who were on the floor, I'm sure I would have spoken to at least some of them
7 while we were in there; but I don't recall any specifics of the conversations.

8 Q Okay. And even if you don't remember specifics, do you remember
9 Senators being concerned while you were in there and after the Senate had been
10 called -- or recessed, or whatever you want to call it, stopped?

11 A Yes, yes. I think everybody in the Chamber at that point was concerned
12 about what was going on.

13 Q Is there anybody in particular that you recall, any of the Senators?

14 A There's not. I mean, the picture that I -- based on where I stood in the
15 Senate Chamber, it was kind of against the front wall, so Senator Lankford was speaking
16 close by, Senator Ernst -- I can recall the Members who sit in that part of the Chamber,
17 but I don't recall any specific conversations that I had with any of them. But I have a
18 pretty good snapshot in my head of the Members who were in my immediate vicinity,
19 just based on where they sit in the Senate Chamber.

20 Q So for Senators Lankford and Ernst, the two you just mentioned, do you
21 remember them being concerned or expressing some kind of concern, even if you don't
22 remember exactly what they said?

23 A I don't remember them saying anything in particular. But, again, in
24 conversations amongst Members and staff, I think there was a general concern about
25 what were the next steps were going to be, and what anybody could do at that point in

1 time to try and help.

2 Q So what about staff? Setting the Senators aside, did you talk to their staff
3 during that period while you were in the Senate Chamber?

4 A I would have conversed with some staff who were on the floor at that point,
5 yes.

6 Q And do you remember any conversations that you had with the staff?

7 A Again, I was mostly focused on going in and out and making sure that I was
8 relaying in real time to the Sergeant at Arms staff and OVP staff what the plan was for the
9 Vice President. So any conversation I would have had with Senate staff would have
10 been in passing, but I don't recall any specifics of those conversations.

11 [REDACTED] Okay. Thank you.

12 The Witness. Yeah.

13 BY [REDACTED]

14 Q Okay. So going back to the timeline and thinking about these tweets, in
15 particular, the first one about the Vice President's courage or lack thereof, information
16 that we've developed in our investigation indicates that the President returned to the
17 White House from the Ellipse before 1:30 that day and that, at least as of 2:02 p.m., he
18 was made aware that rioters had breached the barricades and were entering the Capitol,
19 essentially, you know, at that point notified of the dangerous situation at the Capitol.

20 Were you in touch at the time with anyone who was at the White House?

21 A No.

22 Q Okay. Did you later have any conversations that gave you a reason to
23 understand what the President was doing during the time period following when he
24 arrived back at the White House and specifically the West Wing and Oval Office until he
25 released that tweet about the Vice President at 2:24?

1 A No.

2 Q Okay. There are a couple of other tweets that the President released that
3 afternoon. Unless we need to, I won't make you look at each of them. But, generally
4 speaking, I know you told us that your response to the Mike Pence didn't have the
5 courage tweet was both frustrated and angry.

6 Did you see anything in the President's tweets after that point that changed that
7 feeling?

8 A No, not that I recall.

9 Q Okay. So that afternoon, were you -- when you were in the secure location
10 with the Vice President -- well, generally speaking, were you in the -- how close were you
11 to the Vice President throughout that time period when you were in the secure location?

12 A So we were all in one secure location. It was a pretty spacious location, so
13 there was plenty of room to walk around or find a place to sit. So I would say I was in
14 and out of his immediate presence throughout the time that we were down there.

15 Q Okay. Who else were you interacting with there in the secure location?

16 A Greg Jacob, Marc Short, Devin O'Malley, Hannah Lankford. Mrs. Pence and
17 their daughter were both down there as well. So everyone was just kind of milling
18 about trying to, you know, walk around and make conversation.

19 Q Got it.

20 During the time period for, say, the first hour or two that you were down in the
21 secure location, did you have any conversations with any of those individuals you just
22 identified about the need for the President to make a statement calling upon rioters to
23 leave the Capitol?

24 A No, not that I recall.

25 Q Okay. Did you have any conversations with any of those people about the

1 fact that the President had not made such a statement?

2 A Not that I recall.

3 Q Okay. Did you have any conversations with anyone about whether or not
4 the Vice President should call the President from that secure location?

5 A Not that I recall, no.

6 Q And what about any conversations with any of those people about whether
7 the President had attempted to call the Vice President since he was evacuated?

8 A I wasn't part of any conversations about whether or not the President and
9 the Vice President spoke after he had been evacuated.

10 Q Okay. Are you aware of whether they did or not?

11 A I'm not.

12 Q Okay.

13 So there is another document -- let's look at it actually. It's behind tab 44.

14 A Uh-huh.

15 Q So these are tweets that the Vice President posted on his account on
16 January 6th in the afternoon. The time is reflected on the bottom one. I can represent
17 to you that they were posted at 3:35 p.m.

18 A Uh-huh.

19 Q Did you have any role in drafting or posting these tweets?

20 A No.

21 Q Do you know who did?

22 A It likely would have been Devin O'Malley as he was the member of our
23 communications team who was down with us in the secure location.

24 Q Okay. So in these tweets, the Vice President states: The violence and
25 destruction taking place at the U.S. Capitol must stop and it must stop now. Anyone

1 involved must respect law enforcement officers and immediately leave the building.

2 Then it continues: Peaceful protest is the right of every American, but this attack
3 on our Capitol will not be tolerated and those involved will be prosecuted to the fullest
4 extent of the law.

5 Did you have any communications with the folks in the secure location with you
6 about the sentiments expressed in these text messages?

7 A No, I didn't have any conversations about that, but those are consistent with
8 what I understood to be the Vice President's convictions at the time.

9 Q Okay. It was at -- so these were posted at 3:35, about an hour after the
10 proceeding ceased on the Senate floor and the Vice President was evacuated. They
11 were posted 45 minutes before any statement by the President calling upon rioters to
12 leave the Capitol.

13 Was that apparent to you in the secure location?

14 A I don't think at the time I was paying attention to what time the President's
15 tweets went out. I was aware that these tweets had gone out at the time, but in terms
16 of the relationship of the timing of the two of them, I wasn't aware or paying any
17 attention to that.

18 Q Okay. There was a video statement that the President posted at 4:17 p.m.
19 that afternoon.

20 Do you remember whether you saw that --

21 A I do.

22 Q -- in the secure location?

23 A Yep.

24 Q So is that consistent with your recollection of the first time that the
25 President made any statement indicating that the rioters should leave the Capitol?

1 A Yes.

2 Q Okay. So up to that point where -- let's say, 3:35 p.m. where Vice President
3 Pence posted these tweets calling upon violence to cease and people to leave the Capitol
4 immediately, are you aware of any communications between the Vice President, any of
5 the staff with him in the secure location, and anyone at the White House with the
6 President?

7 A I'm not, no.

8 Q Okay. So in -- on the -- let me see.

9 We have the video. I don't think we need to play it, unless it would be helpful to
10 refresh your recollection about it. But the video statement that's posted at 4:17 p.m.,
11 do you remember your reaction to the President's statements there?

12 A I don't recall any specific reactions that I had at the time.

13 Q Okay. It's followed by a tweet that is behind tab 45. This one was posted
14 at 6:01 p.m. where the President states: These are the things and events that happen
15 when a sacred landslide victory is so unceremoniously and viciously stripped away from
16 great patriots who have been badly and unfairly treated for so long. Go home with love
17 and in peace. Remember this day forever.

18 So where were you at 6:01 p.m.?

19 A At that point, I don't believe we had returned to the Capitol, so I believe we
20 were still in the secure location at that point.

21 Q Okay. And had been there at that point for almost 4 hours? Is that
22 accurate?

23 A Yes.

24 Q Okay. Do you remember seeing -- or becoming aware of this tweet by the
25 President?

1 A I don't remember this tweet in particular.

2 Q Okay. Did you later come to be aware of it?

3 A I'm sure that I did.

4 Q Okay. Do you remember discussing it with any of the folks that were in the
5 secure location with you?

6 A I don't.

7 Q Okay. What was your reaction to the sentiments expressed in this tweet
8 after you did become aware of it?

9 A My personal reaction, my personal opinion is this is inconsistent with what I
10 believe to be the outcome of the election and the subsequent happenings.

11 Q Okay. What about the tenor in which President Trump speaks to the
12 people that had attacked the Capitol and caused you to be sheltering in a secure location
13 with the Vice President?

14 A I agree with the "go home and leave in peace" portion of the tweet, but I
15 wouldn't call individuals who either committed a crime that day or unlawfully entered the
16 Capitol, I wouldn't refer to them with any glowing praise, if that's who you're referring to.
17 I don't know exactly who he's referring to in this tweet.

18 Q Understood.

19 ██████████ I would like to circle back to some of the conversations that took
20 place with congressional leadership and other government officials. But are there any
21 things that you would like to address there before we do?

22 ██████████ Very briefly.

23 BY ██████████

24 Q When the Vice President was evacuated from the ceremonial office down to
25 the secure location, do you recall at any point seeing or hearing the rioters in the Capitol

1 as you proceeded from one place to the other?

2 A Yes. They were audible.

3 Q Okay. And it's been reported that the Vice President and his family had
4 ducked into, like, a hideaway en route to the secure location.

5 Are you familiar with that? And maybe I'm stating this incorrectly, which I don't
6 mean to do.

7 A Yes. No, once we left the Vice President's ceremonial office, I don't recall
8 stopping until we got to the secure location.

9 Q Was there any point that you recall being concerned about how close the
10 rioters got to the Vice President, or you or anybody else moving?

11 A No.

12 Q We talked about the Vice President's tweet. It's exhibit 44 from 3:35. I
13 assume that this tweet -- or these tweets would have gone out with the Vice President's
14 approval. Is that fair?

15 A Yes. He would have reviewed these before they went out.

16 Q Okay. And, you know, at this point the Vice President, obviously, is in the
17 Capitol, but the Vice President's staff is also in the Capitol; Members of Congress are in
18 the Capitol; Members of Congress' staff are in the Capitol.

19 Did the Vice President feel the need to put this out because nothing had been
20 done so far to get anybody to stop, other than the law enforcement response?

21 A I don't know if -- these tweets are consistent with his convictions about what
22 needed to happen in the Capitol, and for any of the violence that was going on up there
23 to stop. Whether or not anybody else's actions or lack thereof necessitated him putting
24 this out, I don't know. But this is consistent with his convictions and his feeling, as I
25 understood it, once we were in the secure location.

1 Q Do you remember -- and I won't use the word "frustration." But do you
2 remember, you know, Marc Short, Greg Jacob, Mr. O'Malley, Ms. Lankford, the Vice
3 President, the Second Lady expressing anything, saying anything about the fact that the
4 President had not told the rioters to go home at that point?

1

2 [4:25 p.m.]

3 A I don't recall any conversation specifically. I think we were all frustrated of
4 what was occurring up in the Capitol and trying to get that to stop so that we could get
5 back up there and resume. The business at hand was a priority for everybody. So I
6 think we were all frustrated about what was happening up there. I don't recall any
7 specific commentary about whether or not other folks had taken actions or said anything
8 and the need to do so.

9 BY [REDACTED]

10 Q And I'm sorry if this has been asked before, but did anybody reach out to the
11 White House to try to get the President or the chief of staff or anybody who was there to
12 do something, say something, go on TV, issue a Tweet, anything at all?

13 A I didn't have any conversations with folks back at the White House. I'm not
14 sure if others on the OVP staff may have.

15 [REDACTED] Thank you.

16 BY [REDACTED]

17 Q Mr. Hodgson, I'd like to just direct your attention to the document behind
18 exhibit 48 quickly.

19 So this is a little bit -- recalls some of our conversation earlier, both about
20 timestamps and about the scripts for January 6.

21 So this is a document that reflects an email from Greg Jacob to a group list that I
22 believe are the military aides to the Vice President. Is that correct?

23 A Yes.

24 Q Okay. And then it's copied to yourself.

25 The subject line says, Please print for the VP. And it has an attachment called

1 OVP legal scripts. And the document that's attached is behind tab 49. It's a document
2 that we had looked at earlier with the scripts to respond to certain motions, like motion
3 to adjourn, motion to recess, and then a response to inquiry about a competing electoral
4 slate.

5 The timestamp says that this email was sent at 4:01 p.m., which would have been
6 kind of right in the middle of the time in which you were sheltering in the secure location.

7 Do you remember an email at that time?

8 A I don't recall an email at that time, and I'm also curious as to why, given
9 what was going on and being in the secure location, why printing scripts would have been
10 a priority. So I'm inclined to say that this might be another timestamp issue with this
11 email. I also don't recall having the capability to print while we were down in the secure
12 location. So I would think that this was either somehow delayed in sending or there's an
13 issue with the timestamp on it.

14 Q Okay. That was my expectation.

15 Do you remember an email exchange or conversation with Greg Jacob about why
16 at some point on the 6th this particular document would have needed to be printed for
17 the Vice President?

18 A I don't. Again, this is something that we would have reviewed ahead of
19 time. I don't believe that this was anything new. So whether it was -- he was in a
20 position where the VP needed it and one of us for some reason wasn't around to provide
21 it, that was the only thing that I can think of. But none of the material contained in this
22 attachment is new from what I can tell.

23 Q Okay. And there was nothing that occurred on the 6th itself that would
24 have required this document to be printed, whether it was because it needed to be
25 provided to the Vice President or it needed to be revised in some way?

1 A No. The only thing that I can think of is it was just something he would
2 have wanted to review as part of his preparation, but there was nothing that necessitated
3 this document in particular.

4 Q Okay. All right. Thank you.

5 Let's look now at the text messages behind tab 59.

6 A Uh-huh.

7 Q These are a series of text messages on the 6th with Ben. So which Ben is
8 this one?

9 A This is Ben Cantrell from my staff.

10 Q Okay. Okay. So it begins with a conversation, the pre-riot conversation,
11 let's say, you know, about issuing the Vice President's Dear Colleague letter and some
12 logistical points. So let me draw your attention to page 3. It has your Bates No. 36 at
13 the bottom.

14 And at 2:35 p.m., in the middle of the page, you text: You good, question mark.

15 And Mr. Cantrell responds: Moving all to Hart 216. In the tunnel now.

16 Is that consistent with your description earlier about your staff from OVP being
17 evacuated with Senators and their staff?

18 A Yes. Ben was one of the individuals who remained in the Senate Chamber,
19 so he would've evacuated with the Senators and the staff.

20 Q Okay. The communications continue throughout the time where you're
21 both sheltering during the riot. I think it reflects, as you told us already, that Jonah and
22 Jake, two other members of OVP staff, had been evacuated as well with Mr. Cantrell?

23 A Uh-huh.

24 Q There are some text messages on the fifth page with Bates No. 38 at the
25 bottom.

1 So at the top of the page, Mr. Cantrell writes: Lindsey wants us to regain control
2 and resume. I agree. So the Senators may not let him move us. But unclear when
3 anything will happen.

4 Do you remember this text message, and can you explain what the context was
5 here?

6 A I believe that's a reference to Lindsey Graham. My understanding was
7 once they were in the secure location with Senators and staff, there were a number of
8 folks who spoke up about, you know, next steps, desire to get back in the building, et
9 cetera. So I believe that's a reference to commentary from Senator Graham.

10 Q Okay. What does this mean that "Senators may not let him move us"?
11 Who's the "him" there?

12 A That I'm not sure of.

13 Q Okay. Then at some point -- it's kind of hard to trace the timestamps, but
14 this probably would have been, you know, in the at least maybe the 3 o'clock hour or
15 after on the 6th -- actually, yeah.

16 When then-Vice President Biden -- President-elect Biden came out to speak, it
17 looks like Mr. Cantrell reports that he was watching the remarks.

18 You said earlier that you didn't have a television where you were?

19 A That's correct.

20 Q Okay. Were you able to see the remarks given by President-elect Biden?

21 A Some folks may have tried to watch that on their phones, but at that point, I
22 don't recall anybody watching it.

23 Q Okay. And then it looks like you ask Mr. Cantrell to tell you what
24 President-elect Biden was saying at the request of Marc Short. Is that correct?

25 A Uh-huh. Yes.

1 Q Okay. And he responds with some information, including on the top of the
2 following page, that President-elect Biden said he was going to talk about the economy,
3 but needed to address the Nation. He said: Mr. President, come out and condemn
4 this now.

5 And you respond: Thank you.

6 Do you remember receiving this text message?

7 A I do.

8 Q Okay. Did you share it with Mr. Short or anyone else?

9 A Yes. Yeah. I would have shared it with Marc.

10 Q Okay. Did you have any conversations around this time with Mr. Short, any
11 of the other staff, or the Vice President himself, about these remarks?

12 A No. I would have only relayed this back to Marc per his request for any
13 updates on what the President-elect was saying.

14 Q Okay. And then it looks like, again, Mr. Cantrell was letting you know about
15 the President's video. So that would have put this time at about 4:17 or thereafter?

16 A Uh-huh.

17 Q Okay. Okay. At the top of the next page, in response to some
18 communications from Mr. Cantrell about letting you know when McConnell started
19 moving, and it seems like the discussion turned to reconvening the joint session?

20 A Uh-huh.

21 Q You wrote: I think it's going to be a while, not sure the building is even
22 totally clear at this point?

23 A Uh-huh.

24 Q What information did you -- how were you learning information at that point
25 about the status of the riot in the Capitol?

1 A So at that point, the Secret Service was in contact with the Capitol Police
2 about the status of the Capitol building. At one point, the chief of Capitol Police came
3 down to meet or to speak with the Vice President to give an update on what was going on
4 up in the building, and then I had been in touch with the Sergeant at Arms of the Senate
5 and their staff to try to find out what they knew about potential timing for a return to the
6 Capitol.

7 Q Okay. Who from the Sergeant at Arms staff were you in touch with that
8 day?

9 A Jennifer Hemingway, and Becky Dougherty was the other one.

10 Q Okay. I believe you produced some text messages in which a person
11 named Jennifer provided you the phone number for the chief of the Capitol Police?

12 A That's correct.

13 Q So would that have been Jennifer Hemingway, the Sergeant at Arms staff?

14 A Yes.

15 Q Okay. Why were you asking for the chief of the Capitol Police's phone
16 number?

17 A Vice President wanted to speak with him to get an update on what the
18 status was with the building, again, with the intent to get back into the Capitol and
19 resume business. So trying to find out what the status was of the building and if they
20 had a sense at that point as to when we might be able to reconvene.

21 Q Okay. And did the Vice President speak with Chief Sund?

22 A Yes, he did.

23 Q Okay. Do you remember approximately when?

24 A I don't.

25 Q Did Chief Sund come to speak to the Vice President in person?

1 A Yes.

2 Q Okay. Did he also have a phone call or was it just the in-person?

3 A I don't recall if they spoke on the phone. Again, I would have passed off his
4 number to Marc Short, who was primarily with the Vice President when he was making
5 any phone calls. And so I don't know if they spoke on the phone and then in person, but
6 I did transmit his phone number.

7 Q Okay. There are a couple of emails in the materials that we have received
8 and that we made available to you from somebody named Caroline Frattarelli?

9 A Uh-huh.

10 Q Who is Ms. Frattarelli?

11 A She worked on our communications team.

12 Q Okay. It appears that she was gathering, compiling, and sending tweets to
13 the group assembled at the Capitol -- OVP staff assembled at the Capitol. Is that fair?

14 A Yes.

15 Q Okay. Were you reading those during the day while you were sheltering?

16 A I don't recall specifically when I read them, but, yes, I would have seen them
17 come through at some point. That was a regular practice of our communications team
18 to provide kind of real-time updates about what was going on in the press regarding the
19 Vice President anytime he was participating in an event or traveling. I was included that
20 day because I was one of the folks who was in the Capitol, but I wasn't typically in receipt
21 of those press updates.

22 Q Okay. Okay, great. So, earlier, you told us about some calls that you
23 helped to coordinate between the Vice President and congressional leadership. So tell
24 us specifically which calls do you remember the Vice President placing to which members
25 of congressional leadership?

1 A Our targets would have been the big four, so Speaker Pelosi, Leader
2 McCarthy, Leader McConnell, and Leader Schumer. Again, I don't recall specifically who
3 he ultimately connected with, but I know I placed phone calls and/or emails to their chiefs
4 of staff to try to connect, at the Vice President's request.

5 Q Okay. And were the chiefs of staff for the big four, were they with their
6 principal Members or Senators at the time?

7 A I know at least some of them were. I don't know if all of them ended up
8 evacuating to the same location, but I know that at least some of them were in the same
9 spot.

10 Q Okay. Do you remember on which phone the -- Vice President Pence
11 participated in these calls?

12 A So it could have been my official phone. That's where I was making my
13 phone calls from. Marc also had his official phone with him. Again, being down in the
14 secure location, we didn't have access to our regular telecommunications infrastructure.
15 So it would have either been me getting somebody on the line and handing it over or
16 Marc initiating the call and then handing it over to the Vice President.

17 Q Okay. Did the Vice President also have his own cell phone?

18 A I don't recall.

19 Q Okay. I guess, don't recall whether he had it with him in the secure
20 location or don't recall whether he had a phone at all?

21 A I believe he did have a phone. I do not know if he had it with him in the
22 secure location.

23 Q Okay. When you were -- did you speak directly to Leader McCarthy at any
24 point on the afternoon of the 6th?

25 A No, I did not.

1 Q Okay. You did speak to his staff, though?

2 A Yes.

3 Q Okay. When you spoke to staff, did they tell you anything about Leader
4 McCarthy's communications with President Trump?

5 A No.

6 Q Okay. It's been reported that there was a phone call between President
7 Trump and Representative McCarthy in the afternoon of the 6th, where reportedly
8 President Trump said to Leader McCarthy, well, Kevin, I guess these people are more
9 upset about the election than you are, referring to the rioters.

10 Did you ever come to understand whether that, in fact, took place?

11 A I did not, no.

12 Q Okay. Any conversations with Representative McCarthy or his staff about
13 those communications at any point after the 6th?

14 A No.

15 Q Okay.

16 BY [REDACTED]

17 Q Can you tell us about the conversation that you had with Mr. McCarthy's
18 chief of staff?

19 A I don't recall the contents of that conversation. My goal initiating that call
20 would have been to get a status update on where they were and whether or not Leader
21 McCarthy was available to speak to the Vice President, but I don't recall any specifics of
22 the conversation that I would have had with him.

23 Q Do you remember the specifics of any of the conversations you had with, I
24 think you said with the big four -- or the main four's chiefs of staff?

25 A I don't.

1 Q Do you remember specifically whether any of them mentioned, you know,
2 what was happening on the Hill and the need to respond?

3 A The only call that would've probably had contents like that, I believe I was in
4 touch -- or I believe I got Terri McCullough, who is Speaker Pelosi's chief of staff, on the
5 phone prior to them being evacuated. There was a lot of noise in the background, as I
6 recall, so I think they would have still been in the process. And so I do recall her saying
7 something to the effect of, you know, what's being done to stop this. But, again, given
8 the fact that she was still in transit, that was a very short phone call, and then she and I
9 would have connected again later once she was in a secure location. That's the only one
10 where I can remember talking to anyone who was still in transit to the secure location, if
11 you will. The other conversations took place after they were outside the Capitol.

12 Q What did you take that to mean, in the context of your conversation, when
13 she said what's being done to stop this?

14 A I would assume that's a reference to the President, whether or not he had
15 said anything at that point in time. Obviously, we were down in the secure location, so I
16 don't know if that was a question about what's the Vice President doing. So I would
17 assume that she was referring to the President and his team.

18 Q Did you pass that comment that Ms. McCullough made on to anybody on the
19 Vice President's staff or the Vice President himself?

20 A Not that I recall, no.

21 Q Okay. Did that cause the Vice president or anybody, or you, or anybody
22 else on staff to take any specific actions or suggest any actions?

23 A Again, I didn't speak with anybody who was back at the White House or in
24 the company of the President that afternoon. I'm not sure if anybody else on the Vice
25 President's staff did.

1 BY [REDACTED]

2 Q Did you also participate or help to coordinate calls between Vice President
3 Pence and other government officials that day?

4 A I did not, no.

5 Q Okay. Are you aware of communications on the day of the 6th about the
6 deployment of the National Guard?

7 A I'm aware of subsequent reports around the deployment of the National
8 Guard and who initiated that or any conversations around it. At the time, I wasn't part
9 of any of the conversations on that topic.

10 Q Okay. After January 6, did you have any conversations with Vice President
11 Pence or any of the members of OVP staff about his communications regarding the
12 deployment of the National Guard that day?

13 A I did not.

14 Q Okay. I assume that senior government officials would have included any
15 conversations directly with Department of Defense for your calls?

16 A Correct.

17 Q Did you observe any of those?

18 A I did not, no.

19 Q Okay. What about other Members of Congress or Senators outside of the
20 big four leaders that we just talked about, did you coordinate calls for Vice President
21 Pence with other Members?

22 A I don't recall coordinating any other phone calls with Members that day
23 other than the leadership.

24 Q Okay. And the Vice President's brother, Congressman Greg Pence, was
25 with you at the secure location. Is that correct?

1 A Yes, it is.

2 Q Okay. Do you remember whether Representative Pence was in contact
3 with other Members during that time period?

4 A I assume that he would be just given his position and, you know, the
5 evacuation of his colleagues, but I'm not privy to any of those specific conversations.

6 Q Okay. During the -- so as -- at some point in the afternoon, there came to
7 be, you know, an acknowledgment, awareness that the joint session would reconvene.
8 Is that correct?

9 A Yes.

10 Q Do you remember when approximately you understood that it would be
11 possible for the joint session to reconvene in the Capitol?

12 A I don't specifically. Again, the Vice President made it clear that that was his
13 priority, as soon as we got down to the secure location and in subsequent conversations
14 through the afternoon. It would've been later in the afternoon that it became apparent
15 that the building was under control and being cleared. I don't recall specifically when
16 that was, but it was our understanding that once they regained control, it was a matter of
17 sweeping the building and cleaning it up, if you will, to allow for the joint session to
18 resume.

19 Q Okay. And to be clear, it was Vice President Pence's intention, no matter
20 what, that the joint session reconvene in the Capitol. Is that accurate?

21 A Yes. Yes, it is.

22 Q Okay. Was there ever any discussion about reconvening in an alternate
23 location?

24 A I believe initially there was some conversations with -- on my text chain with
25 my OVP colleagues who were in the Hart building. I think they were making some

1 contingency plans amongst Senators and Senate staff of alternate locations where they
2 could reconvene. I believe Hart was one of those locations, but not outside of the initial
3 conversations that that was a potential option. The focus was primarily getting back in
4 the Capitol.

5 Q Okay. Understood. As the focus shifted to reconvening the joint session,
6 did you participate in or are you aware of any communications with Senators, first,
7 about -- any Senators that changed their mind about whether to cosign objections, sort of
8 changes to the approach to the joint session following the riot?

9 A I don't recall any specific conversations with Senators, but there was
10 conversations amongst staff as we worked together any intel we could as to whether or
11 not what we believed would be the States that were going to be objected to, if those
12 were still going to be objected to once we reconvened.

13 Q And what did you learn through that process about what, if anything, would
14 change following the riot?

15 A I believe there's a text message in which I indicate that Georgia is no longer
16 being objected to or at least cosigned by a Senator. I believe there was still an attempt
17 by some House Members to object to Georgia. And at some point, we became aware
18 that it appeared that Pennsylvania would be the only one where there would be a
19 Senator who would cosign the objection.

20 Q Okay. And that's consistent with your understanding of how the events did
21 play out when --

22 A Yes.

23 Q -- when the joint session reconvened?

24 A Yep. The only other time we withdrew to debate about was Pennsylvania.

25 Q Okay. At -- so in our investigation, we have --

1 [REDACTED] Can I --

2 [REDACTED] Yeah.

3 [REDACTED] I'm sorry, I don't mean to interrupt you.

4 [REDACTED] No, go ahead.

5 [REDACTED] But on that point, are you aware of any efforts to whip votes or
6 lobby Members to persist in their objections after the joint session resumed?

7 The Witness. I'm not, no.

8 [REDACTED] Thank you.

9 BY [REDACTED]

10 Q And are you aware of any communications with White House staff, whether
11 it's legislative affairs or otherwise, about this topic, about whether objections would be
12 raised and cosigned following the riot?

13 A No. My only conversation was with folks who were in the Capitol.

14 Q Okay.

15 A Largely congressional staff.

16 Q Right. Okay. So getting back, I know that you -- we looked at some text
17 messages earlier. You were in touch with Ms. Swonger really in the first few minutes of
18 the crisis at the Capitol when you're on the Senate floor.

19 A Uh-huh.

20 Q Did you speak to her again throughout the day?

21 A Not that I recall.

22 Q Okay. Do you remember receiving any outreach from any other White
23 House staff while you were sheltering with the Vice President?

24 A I do not, no.

25 Q Okay. So in our investigation, we received some documents that indicate

1 that there were calls placed for the Vice President through the White House switchboard.

2 A Okay.

3 Q One of those is a phone call from Senator Josh Hawley. Do you know if the
4 Vice President received a phone call from Senator Hawley on January 6?

5 A I'm not aware of that, no.

6 Q Okay. Did you have any communications with Senator Hawley or his staff
7 on the 6th?

8 A Not that I recall.

9 Q Okay. The other call that we have an indication was placed through the
10 White House switchboard for the Vice President is from an individual who is a State
11 senator in Pennsylvania named Doug Mastriano.

12 Do you know that individual?

13 A I don't.

14 Q Okay. Have you ever heard the name Doug Mastriano before?

15 A No.

16 Q Okay. So are you aware of whether the Vice President spoke with him on
17 January 6?

18 A I would be very surprised if the Vice President spoke with a State legislator
19 on January 6, but I don't have any knowledge of that conversation.

20 Q Understood. Okay. So moving along in the timeline.

21 [REDACTED] Yes. Followup?

22 [REDACTED] Yes.

23 BY [REDACTED]

24 Q Just a quick followup on the calls that you assisted in lining up for the Vice
25 President or his staff while you're in a secure location. Did you have anything to do with

1 outreach to DOD?

2 A I did not, no.

3 Q How about Department of Justice?

4 A No.

5 Q FBI?

6 A Nope.

7 Q Homeland Security?

8 A No.

9 Q I understand that the Vice President participated in at least -- well, calls with
10 at least some of those agencies. Is that your understanding as well?

11 A I was aware of one phone call that took place. I believe there was a point
12 in time once we had gotten back up to the Capitol where I was trying to connect the Vice
13 President with Leader McConnell, and I was not with the Vice President at the time, so I
14 wasn't aware that he was on a phone call. But I believe I got a response from
15 McConnell's chief of staff indicating that they were on a conference call together. I
16 believe I subsequently learned that was a call with some individuals from the Department
17 of Defense, but I don't recall any more specifics, nor do I think I knew at the time who
18 else was on the other end of that phone call, but it seemed to be a leadership phone call.

19 Q Okay. And do you remember what your conversation with Leader
20 McConnell's chief of staff was like in setting up that or any other calls that afternoon?

21 A I don't. Again, it would have been a matter of logistics, where are you, the
22 leader or leaders available to take a phone call from the Vice President.

23 Q Do you know, was that outreach to you from the Leader's office or did you
24 each out to Leader McConnell?

25 A I reached -- it was -- I was given the direction to reach out to leadership

1 offices for the Vice President to get in touch with them and to communicate his desire to
2 get back into the building and complete the joint session.

3 [REDACTED] Thank you.

4 The Witness. In addition to making sure they were okay, obviously.

5 [REDACTED] Fair.

6 BY [REDACTED]

7 Q So the joint session does convene. You are released from your secure
8 location, go back up to the Senate Chamber. At some point before the timeline that we
9 can say publicly, we see Vice President Pence reopening the session in the Senate at
10 8:06 p.m. Is that consistent with your recollection?

11 A Yes.

12 Q Okay. He delivered some remarks upon reopening the session. Do you
13 remember the circumstances of how Vice President Pence's remarks -- how he came to
14 deliver those remarks? Who drafted them?

15 A He wrote those remarks himself. We had returned up to the Capitol. He
16 was in the ceremonial office waiting for the Senators to get back on the floor so we could
17 reconvene the Senate debate on the objection of the State of Arizona, and he prepared
18 those remarks himself.

19 Q Okay. So tell us in as, you know, much detail as you can remember,
20 anything of note that happened in the following 7 hours that -- of -- maybe close to
21 8 hours at that point. So you start, reconvene the joint session at 8:06. I understand
22 that it proceeded well into the morning on the next day.

23 Tell us generally where you were and how that --

24 A Yep. So finished debate and voted on Arizona. We reconvened the joint
25 session in the House Chamber, continued to work through the States until we got to

1 Pennsylvania, where there was a cosigned objection between the House and the Senate,
2 at which point we withdrew. We went back to the Senate Chamber. I recall there
3 being very little debate, if any, in the Senate Chamber on Pennsylvania. I think they
4 pretty quickly moved to a vote, which left us with a good amount of downtime before the
5 House was finished.

6 Ultimately, we go back to the House Chamber, reconvene the joint session. We
7 finished the counting all the way through the end of the States. The Vice President
8 invited Chaplain Black to give a closing prayer at the end of the joint session, and then
9 announced the tally and dissolved the joint session.

10 I recall getting back to the Vice President -- I joined the motorcade back to the
11 residence and then got a ride home from Zach whose car was at VPR. I want to say we
12 got back to VPR around 4:30 or so in the morning. I think I got home and in bed around
13 5.

14 Q Quite a day.

15 A Yes.

16 Q Anything unusual about the reconvened session, or did it proceed as you
17 expected, as of 8 p.m. at least?

18 A It proceeded as I expected. Again, at that point, we were aware that
19 Pennsylvania was likely the only other State where there would be an objection that
20 required debate and a vote. So from there on out, it proceeded as I expected it to.

21 Q Okay. And earlier, we looked through all of the scripts that you had
22 developed in coordination with the Senate Parliamentarian.

23 Did any of those eventualities that you prepared for on behalf of the Vice
24 President, particularly related to the alternate slates, did any of those kind of come to
25 pass, come into play in the joint session?

1 A They did not. I believe right at the beginning of the joint session,
2 Congressman Griffith from Virginia raised a parliamentary inquiry, which we had a
3 response for in the script, that there is not debate allowed during the joint session.

4 From there, it was the objection to Arizona, which again, followed the script. I
5 believe there was two or three other States where there were House Members who
6 raised objections, but there was not a Senate cosigner. So, again, very by the book,
7 followed the script, and said that those objections are not in order and were not signed
8 by a Senator. Pennsylvania, obviously, required us to debate and vote, but I don't recall
9 any other instances of points of order or parliamentary inquiries that the Vice President
10 had to respond to when he was in the chair.

11 Q Okay. And was there ever any discussion after, you know, after 8 p.m.
12 about the -- Vice President Pence not presiding over certain elements of the proceedings,
13 either the joint session or in the Senate Chamber?

14 A No. He was going to continue to preside and wanted to do so.

15 [REDACTED] Okay. I have a couple of just wrap-up questions, but since this is
16 the end of the day on the 6th or very early on the following day, more accurately, I'll stop
17 to see -- I think we still have [REDACTED] by phone, if [REDACTED] has any questions or if [REDACTED] has followup.

18 [REDACTED] I do not, [REDACTED] Thank you.

19 [REDACTED] Okay.

20 [REDACTED] I have a couple.

21 BY [REDACTED]

22 Q When you reconvened, either on the House floor, in the Senate Chamber,
23 did you speak with any Members about what had happened that day with respect to the
24 violence or the riot at the Capitol?

25 A I don't recall any specific conversations with Members at that point about

1 what had occurred. I spoke with some floor staff, but, again, I was still largely focused
2 on the Vice President in making sure that he had what he needed to preside. So I wasn't
3 spending time amongst Members. I was either with staff or with the Vice President
4 pretty much the entire time.

5 Q And just tell us about generally the conversation you had with the floor staff.

6 A I think everyone was very happy to be back in the Capitol. I think there was
7 a shared conviction amongst the floor staff that it was important to get back in there and
8 finish the job, which was consistent with our thinking with the Vice President. And so I
9 think on a personal level we were glad to see that everybody was okay, and it was good
10 to see them again, especially a lot of them were friends of mine, having worked on the
11 House floor previously. So it was great to be back in there and to see them. And then I
12 think largely we were all glad that we were able to get back in the Capitol that night and
13 finish the job.

14 Q So one of the theories that John Eastman and maybe others had put out
15 there was that the joint session could be delayed so that the States and State legislatures
16 would have time to reevaluate the election and potentially do something about it.

17 It sounds like the Vice President was very concerned about reconvening the joint
18 session quickly. Is there any connection between the two? Did the Vice President
19 have any concern that any further delays or not reconvening on the 6th would somehow
20 play into this theory that State legislatures would take some action with respect to the
21 election that hadn't until that point happened?

22 A No. That wasn't my understanding. I think it was more a response to
23 what was happening in the Capitol at the time and the desire to not let folks who were
24 trying to disrupt the joint session win the day, and then we would have to get back up
25 there and finish the job and complete the joint session. So I'm not aware of any

1 conversations about the implications that would have happened in State legislatures. It
2 was more of a response of what was going on in the Capitol.

3 Q And when you say not let the people who had been in the Capitol win the
4 day -- maybe those weren't your exact words -- but you're referring to the rioters, that --

5 A Yes.

6 Q -- you couldn't have rioters successfully delay, obstruct the transfer of
7 power?

8 A Correct. It was important that anybody who was there to try to disrupt the
9 proceedings not be allowed to do so, and that we could continue to finish -- continue on
10 with our business and finish the joint session.

11 Q And that was the Vice President's views?

12 A Correct.

13 [REDACTED] Thank you.

14 [REDACTED] Okay.

15 BY [REDACTED]

16 Q So I understand you, you know, were in a secure location without access to
17 televisions but with phones. And then after you get through the joint session and the
18 days following, did you come to see at some point, you know, video or camera footage of
19 what occurred, first, inside the Capitol in the Senate Chamber after Senators and staff
20 were evacuated, and inside the House Chamber, both while Members were still in it and
21 then after it was evacuated?

22 A Yes, I did see videos in the days following.

23 Q Okay. And so in the Senate Chamber, that included rioters gaining access
24 to the Chamber, sitting in the President of the Senate's chair, going through materials on
25 other Senators' desks; and in the House Chamber, that included an armed standoff at the

1 House door inside the Chamber, and then the shots fired, and a woman dying as a result
2 of a gunshot wound outside the House Chamber. Is that all fair?

3 A Yes.

4 Q So having spent time working on the House floor and then serving as the
5 director of legislative affairs for the Vice President during this time period, just tell us
6 what impact seeing those images, and understanding, you know, what had happened in
7 the Capitol that day, had on you after the day of the 6th?

8 A Yes. I mean, in my personal opinion, it was very unfortunate to see
9 something like that play out in the Capitol. As you eluded to, you know, having worked
10 there for, you know, the better part of the last 7 or 8 years, and all the personal friends
11 who, you know, were colleagues as well, I think a lot of us kind of consider that building
12 as a second home, and so it was really unfortunate to see something like that happen to a
13 place that we all hold in such high regard.

14 Q Okay. Unfortunate. Would you also go as far to say upsetting or any
15 other emotion that you want to attach to that?

16 A Unfortunate. Upsetting. Yes. Yeah.

17 Q Okay.

18 A It was very disappointing and sad to see something like that happen.

19 Q Understood. Okay. Let me just put a couple of other text messages in
20 front of you that relate to things that happened just after the 6th, and then we will be
21 done for the day.

22 A Okay.

23 Q And I admire your stamina without a lunch break.

24 Okay. So look at tab 58, please.

25 A Uh-huh.

1 Q So this looks like a text message exchange with someone named Brad.

2 Who's Brad?

3 A Brad Thomas is the chief of staff to Congresswoman Stephanie Murphy from
4 Florida.

5 Q Understood. So Mr. Thomas writes to you on the 7th in the morning, the
6 day after. Looks like you were again awake at 11 a.m., having gotten home a mere
7 6 hours before. Is that fair?

8 A Yes.

9 Q He writes to you, and at the bottom of this first page, mentions rumors
10 swirling on 25th. Does that refer to the 25th Amendment?

11 A It does.

12 Q Okay. Did you have any -- I know your response is reflected on the next
13 page where -- I think it is.

14 A Yes, down at the bottom.

15 Q There we go. I don't have anything on that front at the moment, but I'll
16 stay in touch.

17 Did you have any further conversations with Mr. Thomas about the potential
18 invocation of the 25th Amendment?

19 A I did not.

20 Q Okay. What about with anyone else, including members of the Vice
21 President's staff?

22 A The only conversations we had around that front was when the House
23 leadership had planned to bring a resolution to the floor calling on the Vice President to
24 invoke the 25th Amendment, and then the Vice President subsequently sent a letter to
25 Speaker Pelosi suggesting that he was not going to invoke the 25th Amendment and

1 didn't think it was a productive exercise at that point in time. Those would have been
2 the conversations I was involved with.

3 Q Okay. And this effort in the House, is that where you understood
4 Mr. Thomas, who you're referring to, with his reference to the 25th?

5 A At the time, it wasn't clear that there was going to be any resolution or
6 legislation brought to the floor, but given his position as a chief of staff for a House
7 Member, I did take it to mean that there would be some kind of floor activity.

8 Q Okay. What about communications among members of the President's
9 Cabinet about the 25th? Are you aware of any of those?

10 A I'm not.

11 Q Okay. Did you have any role in preparing the letter, the statement, that
12 Vice President Pence released on this topic?

13 A I reviewed it before it went out, and then I delivered it to the Speaker's staff.

14 Q Okay. Are you aware of communications between Marc Short and
15 leadership -- or, I guess, staff of leadership on this topic?

16 A I'm not, no.

17 Q Okay. So did you participate in any of those?

18 A I did not.

19 Q Okay. The letter that was released was among the documents that you
20 produced from your files, I believe. It's behind tab 51.

21 A Yes.

22 Q So this is a letter signed by Vice President Pence, dated January 12, 2021.
23 Is this the letter that you were referring to a minute ago?

24 A It is.

25 Q Okay. So the Vice President's response on the 25th Amendment is here. I

1 think it kind of speaks for itself, but I do just want to draw your attention to one phrase
2 here. It is in the second paragraph, the third sentence, Vice President Pence writes:
3 Last week, I did not yield to pressure to exert power beyond my constitutional authority
4 to determine the outcome of the election.

5 Is that consistent with your understanding of the Vice President's view of the goal
6 of the pressure that was placed on him before January 6?

7 A Yes. And whether it was through conversations that we discussed earlier
8 with John Eastman or others who were pushing theories that the Vice President had
9 unilateral authority to affect the outcome, his comments in this letter are consistent with
10 his thinking and his response to those theories.

11 Q Okay.

12 [REDACTED] Anything on the 25th?

13 BY [REDACTED]

14 Q Okay. A couple of random ones for you. Were you involved in any
15 discussions in the time period leading up to or after January 6 about the use of martial
16 law?

17 A I was not, no.

18 Q What about in the time period -- I really should have said in between the
19 election and January 6 about the use of martial law?

20 A No.

21 Q What about the Insurrection Act?

22 A I don't believe I was, no.

23 Q Okay. Were you involved in any communications about specific executive
24 actions that President Trump might take related to the outcome of the election, like
25 seizing votes machines?

1 A I recall now, likely from public reporting, that there was conversations
2 around that. I personally was not a part of any of them.

3 Q Okay. What about other steps to investigate allegations of election fraud
4 by appointing a special counsel? Were you aware of any of those at the time?

5 A I was not, no.

6 Q Okay. So the last text message that you produced and I'd like to show you
7 is behind tab 57.

8 A Uh-huh.

9 Q This is a -- looks like a text message thread between you and someone
10 named Alice?

11 A Uh-huh.

12 Q Who's Alice?

13 A Alice James works for Senator Lindsey Graham.

14 Q Okay. Okay. So the first text there starts on -- it's on January 6 at
15 1:46 p.m. She writes, "Having fun?" I assume this was sent before the riot
16 had -- rioters had entered the Capitol?

17 A Yes.

18 Q And you don't respond. And then there's a thread of text messages on the
19 7th?

20 A Uh-huh.

21 Q So starting at 8:18 a.m. Ms. James writes: Yesterday was surreal. Hope
22 you and the boss are safe.

23 And you respond in agreement, and then thanking her. And then remark that
24 her boss' floor speech was really good.

25 So I assume you're referring to remarks that Senator Graham made upon a

1 reconvened session in the Senate.

2 A Yes.

3 Q Is that right? Okay.

4 There are a couple of other exchanges about rising to the occasion or standing up
5 in times like this. And then she writes: Are Pence staff really banned from the White
6 House? Have we really gotten to this level.

7 So tell us about the circumstances on January 7 about Pence staff being banned
8 from the White House.

9 A I think there were some news reports on the morning of the 7th that Pence
10 staff, and in particular Marc, had been banned from the White House. I had not had any
11 conversations to that effect, nor was I aware that that was the case. But I think Alice's
12 comments here were brought on by some media reports that morning.

13 Q Okay. Do you know whether it's accurate or not?

14 A I don't believe that it is.

15 Q Okay.

16 A But I recall Marc being back on the White House campus at some point,
17 either on the 7th or the 8th. And so based on that, I don't know that there is accuracy
18 behind that comment.

19 Q Did you go back on the White House campus after the 6th?

20 A I did. I did not go back on the 7th, just given the late hour that I got home,
21 and I told my team to also work from home that day.

22 Q Right. Were you able -- did you go back to the West Wing in the White
23 House itself after January 6?

24 A Yes.

25 Q Okay. And when about -- when did you do that?

1 A Potentially as early as the 8th, I was back on campus, and I never had any
2 restrictions placed on me on what I could or could not do back on the White House
3 campus after January 6.

4 Q Okay. What about the relationship between President Trump and Vice
5 President Pence? Do you know when they first spoke following January 6?

6 A I don't. I believe that's been reported at some point publicly as to when
7 their first meeting was. I don't recall what the date of that was, nor was I aware at the
8 time that that was the date on which they were meeting.

9 Q Okay. Were you aware at the time of any effort on behalf of any White
10 House staff to kind of broker a meeting between the Vice President and President Trump?

11 A I was not, no.

12 Q Okay. And are you aware of such an effort, whether it occurred or not?

13 A I'm not.

14 [REDACTED] Anything you'd like to address?

15 [REDACTED] Yes.

16 BY [REDACTED]

17 Q I just want to run through a few people and see whether you're aware of any
18 contact that they may have had with the Office of the Vice President.

19 A Uh-huh.

20 Q Steve Bannon?

21 A I'm not aware of any.

22 Q And just to be clear, I'm talking about the November, December, January
23 timeframe.

24 How about Roger Stone?

25 A None that I'm aware of.

1 Q General Michael Flynn?

2 A Not that I'm aware of.

3 Q Alex Jones?

4 A Not that I'm aware of.

5 Q Ali Alexander?

6 A Not that I'm aware of.

7 Q What about Sydney Powell?

8 A Not that I'm aware of.

9 Q Rudy Giuliani?

10 A Not that I'm aware of.

11 Q Okay. Jenna Ellis?

12 A Not that I'm aware of.

13 Q All right. And then just very briefly on a -- this is totally new topic. But
14 there's some social media and internet sites that were focused on the former President.
15 Originally, there's a site on Reddit called The Donald. It's a forum, I suppose, is a way of
16 describing it, where people would talk about Mr. Trump and some of what Mr. Trump
17 was engaged in.

18 Were you ever aware of that in your time working in the White House?

19 A I was not.

20 Q Okay. What about TheDonald.win?

21 A This is the first time I've heard of it.

22 Q Okay. Were you aware of any discussions at the White House at all or in
23 the greater White House, to include the Office of the Vice President, about concerns of
24 violence on January 6 or in the joint session?

25 A I was not, no.

1 Q What about concerns of violence related to the rally in the Ellipse that the
2 President spoke at beforehand?

3 A I was not.

4 Q Do you know if there were any discussions about needing to have security
5 ready in the event that there were to be violence at either the joint session or during the
6 rally at the Ellipse?

7 A I'm not, no.

8 [REDACTED] Okay.

9 [REDACTED] Okay. That's it for me. And I think that's it for anyone who is
10 participating right now.

11 So, Mr. Olmem, unless there's anything you'd like to address on the record?

12 Mr. Olmem. Nope. I think we're fine.

13 [REDACTED] Okay. Mr. Hodgson, thank you very much for your time today. At
14 this time, we will conclude the deposition.

15 The Witness. Thank you.

16 [REDACTED] And the record is closed.

17 [Whereupon, at 5:08 p.m., the deposition was adjourned.]

1 Certificate of Deponent/Interviewee

2

3

4 I have read the foregoing ____ pages, which contain the correct transcript of the
5 answers made by me to the questions therein recorded.

6

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10 Witness Name

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12

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14 Date

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