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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: STEPHEN MILLER  
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15                              Thursday, April 14, 2022

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17                              Washington, D.C.  
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20                              The deposition in the above matter was held via Webex, commencing at 10:02  
21                              a.m.

22                              Present: Representatives Luria, Aguilar, Schiff, Lofgren, and Murphy.

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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] STAFF ASSOCIATE

9       [REDACTED], INVESTIGATIVE COUNSEL

10      [REDACTED], SENIOR INVESTIGATIVE COUNSEL

11      [REDACTED], CHIEF INVESTIGATIVE COUNSEL

12      [REDACTED], INVESTIGATIVE COUNSEL

13      [REDACTED], CHIEF CLERK

14      [REDACTED], PARLIAMENTARIAN

15      [REDACTED], INVESTIGATIVE COUNSEL

16      [REDACTED], INVESTIGATIVE COUNSEL

17      [REDACTED], PROFESSIONAL STAFF MEMBER

18      [REDACTED], OF COUNSEL TO THE VICE CHAIR

19

20      For THE WITNESS:

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22      JOHN ROWLEY

23      BOB DRISCOLL

24      ALFRED CARRY

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2           Mr. ████████. We will go on the record. It's 10:03 a.m. on April 14, 2022, and  
3         this is the deposition of Mr. Stephen Miller conducted by the House Select Committee to  
4         Investigate the January 6th Attack on the United States Capitol pursuant to House  
5         resolution 503.

6           At this time, I'd ask the witness, Mr. Miller, to please state your full name and spell  
7         your last name for the record.

8           The Witness. Stephen Miller, M-i-l-l-e-r.

9           Mr. ████████. And this will be a staff-led interview. My name is ████████.  
10          I'm a senior investigative counsel for the select committee. With me in the room is, as I  
11         introduced earlier before we went on the record, ████████, an investigative counsel  
12         for the committee, and █████ -- excuse me, █████, professional staff member for  
13         the committee.

14          We do have other staff who have joined us on the platform, the Webex platform,  
15         including other investigative counsel, as well as our chief clerk and others.

16          As you can see on that platform, too, we do have the official reporters, one of  
17         whom will be taking the official record of this deposition at a time and it may change, but  
18         there's only one taking the official record at a time.

19          Members, of course, are permitted to join the deposition, and if they do so, I will  
20         let you know and announce their presence. If they have any questions, I'll turn over the  
21         questioning to them.

22          I understand that you have counsel with you today, and if you could have counsel  
23         introduce themselves and spell your last names as well.

24          Mr. Rowley. Good morning. John Rowley, R-o-w-l-e-y, counsel for Mr. Miller.

25          Mr. Driscoll. Bob Driscoll, D-r-i-s-c-o-l-l, also counsel for Mr. Miller. And just for

1 the record, we're at the offices of McGlinchey Stafford in Washington.

2 Mr. Carry. And good morning. Alfred Carry on behalf of Mr. Miller. My last  
3 name, C-a-r-r-y.

4 Mr. [REDACTED]. Okay. And just to confirm, you are permitted to have your  
5 attorneys, but there's nobody else who's allowed to join. So I'd just ask if there's  
6 anybody else in the room with you, Mr. Miller, or with you, Mr. Rowley, to identify  
7 themselves.

8 Mr. Rowley. We're all in the same location at the McGlinchey law firm. There's  
9 no one else in the room beyond the people that have just been identified.

10 Mr. [REDACTED]. Okay. And just to confirm, this isn't being transmitted beyond the  
11 people on this platform, correct, or recorded on your end?

12 Mr. Rowley. Correct.

13 Mr. [REDACTED] Very good. Then just as a few ground rules I'd like to go over  
14 before we get started, as I mentioned, there's an official reporter who's transcribing the  
15 record of this deposition, and you and your attorney will have an opportunity to review  
16 the transcript and suggest any corrections before it's finalized. But because it is being  
17 taken down by an official recorder, they can only take down verbal responses, so please  
18 respond in full verbal responses. They can't take things like shaking your head or  
19 making any kind of gestures.

20 Mr. Rowley. Mr. [REDACTED], one clarification. You asked about recording on our  
21 end, and I answered affirmative. We are recording this as you are. I want to make  
22 sure the record is clear about that and that there's no misunderstanding.

23 Mr. [REDACTED]. Okay. Mr. Rowley, that's actually not permitted under the  
24 deposition rules for the House. I'm happy to go off the record and discuss that with you  
25 if you'd like. That is exactly why we ask the question.

1           Mr. Rowley. Well, let's have a quick discussion off the record then.

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

3           [Discussion off the record.]

4           Mr. [REDACTED]. So let's go back on the record. It's 10:13 on April 14th. We're  
5 resuming the deposition of Mr. Stephen Miller. We just had an off-the-record  
6 conversation. I do want to confirm with you, Mr. Rowley, that you or no one else will be  
7 recording this deposition from your side?

8           Mr. Rowley. That's correct. We had a discussion about the rules that  
9 accompanied the service of the subpoena. You provided me with your interpretation of  
10 the rules. I told you that I disagree. I do not believe that the rules as provided to us  
11 prohibit recording a conversation or the deposition on this end.

12           Nevertheless, I indicated to you that Mr. Miller intends to be fully cooperative  
13 today, and because that is your interpretation, we will agree not to record the deposition.  
14 We would, however, at some point in time, very much like to see the transcript and, if  
15 necessary, your recording of the deposition.

16           Mr. [REDACTED]. And we will make the transcript available for your and Mr. Miller's  
17 review after, and enable you to make any suggested corrections as appropriate. And  
18 we'll be in touch with you after the deposition is concluded about that, Mr. Rowley. So I  
19 appreciate -- your objection is noted, and I appreciate you confirming that this will not be  
20 recorded on your end.

21           At this time, I would ask the reporter to administer the oath to Mr. Miller.

22           The Reporter. Do you solemnly declare and affirm under the penalty of perjury  
23 that the testimony you are about to give will be the truth, the whole truth, and nothing  
24 but the truth?

25           The Witness. Yes.

1           Mr. ██████. Okay. So Mr. Miller, as you know, you're under oath, meaning  
2       that any knowing false statement you make during this deposition can constitute perjury  
3       as well as violation of 18 United States Code section 1001 or other provisions for  
4       providing false statements to Congress. Do you understand that?

5           The Witness. Yes.

6           Mr. ██████. So part of that is to make sure that you understand the questions  
7       that I ask. I'd much rather you answer a question that you understand rather than  
8       answer a question that's not clear to you. So if at any point you need clarification,  
9       please ask me and I'd be happy to clarify the question for you.

10          Similarly, if you don't know the answer to a question, you can certainly say that  
11       you don't know, or that you don't recall, and we'd prefer you say that than trying to think  
12       of something other than that. But you are under oath, so if you do recall something, it's  
13       important that you tell us that.

14          You may only refuse to answer a question to preserve a privilege that's recognized  
15       by the select committee. If you refuse to answer a question based on a privilege, the  
16       staff may either proceed with the deposition or seek a ruling from the chair on the  
17       objection. And if the chair overrules an objection, you'd be required to answer that  
18       question. Do you understand everything we've just gone over, Mr. Miller?

19          The Witness. Well, I mean to understand those instructions, but you may  
20       proceed. Thank you.

21          Mr. ██████. Well, I need to make sure --

22          The Witness. I'm not an attorney, so I'm not really in a position to tell you what I  
23       do or don't understand about executive privilege.

24          Mr. ██████. Sure. And I'm not going to get into the legal contours of that.  
25       I'm just asking if you understand those instructions.

1           The Witness. I understand the broad strokes of what you're saying. I'm not a  
2 subject matter expert. Per your earlier statement, you would not want me to answer a  
3 question decisively unless I can be decisive, so that's all I can say on that right now.

4           Mr. ████. Okay. And do you understand that if you do have an objection or  
5 your attorney has an objection that -- and the chair overrules that, that you would be  
6 required to answer?

7           The Witness. I don't believe it's my role to make objections, or to analyze House  
8 rules or anything else. So, again, I really don't think these are questions that I'm in a  
9 position to answer in a way that would be consistent with the instruction you just gave.

10          Mr. ████. Okay. Well, how about this, if you -- if there's something you  
11 don't understand at any point, just let me know and so we can clarify, including any  
12 instructions that we've gone over.

13          The Witness. Okay.

14          Mr. ████. And if you do need to consult with counsel at any time on these  
15 instructions, or any responses to questions, please let us know, that's no problem at all,  
16 and we can give you the time necessary to consult with Mr. Rowley, Mr. Driscoll. Just  
17 based on the nature of the platform we're proceeding on, I would suggest that you turn  
18 off the microphone and camera to do so to make sure that we nor anybody else would be  
19 able to hear you.

20          Are there any questions from your side, either you, Mr. Miller, or you, Mr. Rowley,  
21 before we begin?

22          The Witness. Not at this time, no.

23          Mr. Rowley. No questions, but as I indicated, ████, I do have a statement before  
24 we proceed.

25          Mr. ████. Sounds great, and I think this would be a perfect time for you to

1 offer that statement, Mr. Rowley, so please go ahead.

2 Mr. Rowley. Thank you. Thank you, Mr. ████████. Thank you, counsel. For  
3 the record, we preserve our objection to the subpoena in this matter with respect to both  
4 documents and testimony. We believe the committee lacks the jurisdiction to issue the  
5 subpoena or demand this deposition, because this organization and membership deviates  
6 in material ways from House resolution 503, which created the committee.

7 Similarly, we preserve our objections to the subpoena and this proceeding on the  
8 grounds of executive privilege, and note that the committee has refused to articulate  
9 detailed areas of questioning for this deposition. That has prevented us from having  
10 clear and meaningful discussions with White House counsel and counsel for  
11 President Trump regarding the important privilege issues that are implicated in this  
12 matter.

13 Notwithstanding our objections, however, we preserve for the record, Mr. Miller  
14 has agreed to appear today as an accommodation to the committee, and he is ready to  
15 proceed.

16 Mr. ████████. Very good. Thank you, Mr. Rowley. Your objection is noted.

17 BY MR. ████████:

18 Q So at this time, I'm going to ask -- so we can pull up exhibit No. 1 to make  
19 sure you're able to see it, Mr. Miller.

20 And I note for the record before we go into this, that Mr. Schiff and Mrs. Luria,  
21 both members of the select committee, have joined us. Good morning to you both.

22 So, Mr. Miller, can you see what we've pulled up as exhibit No. 1?

23 A I can.

24 Q Okay. And are you able to read that? We can also zoom in at any point if  
25 you need that.

1           A    Yes, I can.

2           Q    Okay. So this is a subpoena issued to you, Mr. Miller. And your counsel,  
3           Mr. Rowley, just mentioned appearing here pursuant to subpoena noting some  
4           objections to it as well. But do you understand that you're here today after receiving  
5           this subpoena?

6           A    I associate myself with the comments of Mr. Rowley.

7           Q    Okay. Part of this subpoena requires you to produce documents to the  
8           select committee, including any electronically stored information. Did you understand  
9           that to be one of your responsibilities pursuant to this subpoena?

10          A    Can you please repeat the question?

11          Q    Yes. Part of this subpoena required you to produce documents and  
12         information, including electronically stored information. Do you understand that those  
13         were some of your responsibilities as a result of this subpoena?

14          A    Well, per Mr. Rowley's statement, I would dispute the word  
15         "responsibilities," but I understand that that is what the subpoena called for, yes.

16          Q    And did you search for records that are responsive to this subpoena and the  
17         schedule that was attached to the subpoena?

18          A    Yes, that was done in consultation and coordination with my attorneys.

19          Q    And without getting into any discussions that you may have had with your  
20         attorneys -- we're not interested in that -- have you produced to the select committee all  
21         the responsive documents and communications that you're aware of and in your  
22         possession, custody, or control?

23          A    In consultation and in coordination with my attorneys, that is what was  
24         done, yes.

25          Q    And are you aware of withholding any documents from the committee that

1       are responsive to this subpoena?

2           A     I am not. Again, in consultation with attorneys, we complied with what  
3       was sought.

4           Q     Very good. Thank you, Mr. Miller. I want to go through some of the  
5       accounts that you used in the timeframe that's most relevant to us, and that is, just  
6       before the November election, so the October timeframe up and through January 20th of  
7       2021. Did you have a White House email account that you used?

8           A     During what timeframe?

9           Q     This is roughly October 2020 through January of 2021.

10          A     Through the end of January or to what date in January?

11          Q     January 20th, we can use that, the end of the administration.

12          A     Yes.

13          Q     Okay. So you did have a White House email account that you used in that  
14       period?

15          A     I did.

16          Q     And I'd note for you, Mr. Miller and Mr. Rowley, that Ms. Murphy, another  
17       select committee member, has joined us here. Thank you for being here, Ms. Murphy.

18              What was the email address associated with your White House email account?

19          A     I believe it was Stephen.Miller@who.eop.gov.

20          Q     Did you only have one White House email account for that time period?

21          A     I did.

22          Q     Did you ever, during your time working at the White House, have a different  
23       email account?

24          A     I don't recollect having a different email account from White House  
25       authorities, no.

1           Q     Do you still have access to the White House email account that you used  
2     during that time period, again, the November through -- roughly through January?

3           A     I don't know how I could. I believe that's disabled when you leave.

4           Q     Okay. And I understand you also had a personal email account that you  
5     used. Some of the records that you provided are from that email account. And  
6     without putting the entire account on the record, it's a Gmail account. Is that right?

7           A     Yes.

8           Q     We have email records from one Gmail account. It has the number 20 in it.  
9     Did you use any other Gmail accounts during that during that period, so, again, talking  
10    roughly November 2020 through January 2021?

11          A     That's a fairly broadly worded question. I mean, it would seem to  
12    encompass, for example, if I, you know, ever used, like, a friend's email to order a  
13    hamburger or something. So would you care to reword the question, please?

14          Q     Yeah. Did you have any other email accounts that you used during that  
15    period, personal email accounts?

16          A     I can't answer the question the way you phrased it, because, again, I mean,  
17    like how could I say that when I was having dinner with a friend, I may have said, can you  
18    email someone about picking us up a hamburger on your way? I mean, I just  
19    couldn't -- the way that you frame the question is just overbroad. I'm sorry.

20          Q     Sure. No, that's fine, and I can narrow it down here. But did you have  
21    any other email accounts that you created and were used for your own personal email  
22    during that period, other than this Gmail account that includes the number 20 in it?

23          A     My best understanding and memory is that during the time period you are  
24    referencing, that was the only personal email account under my operation and control, as  
25    I recall.

1           Q     Very good. Thank you.

2           A     It's possible that the -- it's possible that there's something I'm not  
3     remembering, but I'm doing the best that I can.

4           Q     Thank you, Mr. Miller. The follow-up question to that is, did you have an  
5     email account with the Trump campaign during that period?

6           A     I didn't. I do want to go back though to your last question just because  
7     the -- you know, nothing is coming to mind here, but the -- but at some point, I did lose  
8     the password to my email account and had to create a new one that I didn't start using  
9     until later, but it might have been created earlier, so there could be a little bit of a wrinkle  
10    in the timeline there. But, again, just wanted to preserve that fact. You may continue.

11          Q     Okay. And I appreciate your precision there. So just so I heard it  
12    correctly, you did not have a Trump campaign email account during that period, correct?

13          A     I do not believe that I did. I certainly have no memory or record of it.

14          Q     Did you have a White House-issued cell phone in that period, again, roughly  
15    October 2020 through January 20, 2021?

16          A     I did.

17          Q     Do you remember what the last four digits of your phone number were?

18          A     It's not coming to me right now.

19          Q     Okay. And this phone that you had, did you use it for emails?

20          A     Yes.

21          Q     Did you have the text message capability turned on on that phone, either  
22    through an app or through its native texting abilities?

23          A     Well, I wouldn't know the precise means through which it was, but the  
24    phones came with the texting capacity that was -- that was enabled and that was  
25    preserved along with all other White House records. In other words, the White House

1 preserves emails on your phone, emails from your laptop -- your laptop, that's all done as  
2 a matter of --

3 Q Did you turn that phone in at the end of the administration on January 20th?

4 A I did.

5 Q Did you transfer any data from that phone to any personal email accounts or  
6 personal devices that you have?

7 A I may have copied some personal mementos in terms of photographs and  
8 things of that nature.

9 Q And did you search that information, anything that you would've  
10 transferred, in responding to the select committee's subpoena?

11 A I did, although nothing could've possibly, to my knowledge, have applied in  
12 that case because like I'm talking about it, I mean, there are like, you know, pictures with  
13 a -- you know, friends on a trip or something like that. But, yes, everything  
14 was -- everything was done properly with my lawyers.

15 Q Okay. Appreciate that.

16 And I note for you, Mr. Rowley, and you, Mr. Miller, that John Wood, a senior  
17 investigative counsel, has joined us here in the room today.

18 A Okay.

19 Q Did you have a campaign-issued cell phone in that period, Mr. Miller?

20 A No.

21 Q Did you ever send or receive text messages from President Trump in that  
22 period between October 2020 and January 2021?

23 A No.

24 Q Do you know if he ever sent text messages to anybody?

25 A I honestly couldn't say. It's certainly not something I'm familiar with.

1           Q     Did you use any messaging applications, like Signal, Telegram, WhatsApp,  
2     Facebook Messenger, on any of the devices we've covered, your personal phone -- or  
3     excuse me, your work phone?

4           A     No, I did not.

5           Q     And I know that --

6           A     Not that --

7           Q     -- you had a personal phone as well and you've produced some records, text  
8     messages from that phone in the phone number [REDACTED]. Is that the only  
9     personal phone you had, personal phone associated with [REDACTED]?

10          A     Are you talking about the hardware, or are you talking about the phone  
11     number?

12          Q     Well, let's talk about both. So, first, did you only have one personal cell  
13     phone in the period between October 2020 and January 2021?

14          A     Yes, I had only one -- same answer to both. I had only the one phone  
15     number and the one physical device.

16          Q     Great. Thank you.

17          Did you keep any handwritten or electronic notes during your time in the  
18     White House, or assisting or volunteering with the campaign between October of 2020  
19     and January 2021?

20          A     Say that again. Sorry.

21          Q     Did you keep any handwritten or electronic notes during that period we've  
22     been talking about?

23          Mr. Rowley. Counsel, is the question did he make handwritten notes during that  
24     period of time?

25          BY MR. [REDACTED]:

1           Q     Yes. Did you make any, did you take any handwritten notes or electronic  
2     notes during that period?

3           A     Well, I'm sure that I did, but whatever I -- whatever notations or otherwise  
4     that I took, if it was on a computer in the White House, then the White House preserved  
5     it automatically; if it was in the notes, then my staff turned it over to the archive at the  
6     end of the administration, whatever was present at that point in time.

7           Q     Did you take any of those handwritten notes or copies of those handwritten  
8     notes with you after leaving the White House?

9           A     I don't believe that I did, no. I had my staff go through my office and  
10     everything that -- get the instructions from appropriate folks at the White House about  
11     what the presidential records that required, and then they put into boxes whatever -- it  
12     was, you know, a long effort, but they put into boxes whatever needed to be turned over.

13          Q     All right. Let's stop there and see if you have any questions, [REDACTED] ?  
14          All right.

15          Then if you could, Mr. Miller, can you briefly summarize your professional  
16     background leading up to your position in the Trump administration.

17          A     Yes. I do want to add one addendum to the last question, which is just that  
18     the -- and there's obviously keepsakes and mementos and things, nothing relevant in any  
19     way to your inquiry, but one copies or photocopies or what have you, you know, like a  
20     news article or something with a celebratory note or what have you that one preserves  
21     for historical purposes, but, again, nothing of any relevance to today's inquiry.

22          Q     Okay. And I appreciate that, Mr. Miller. And if there's -- at any point, you  
23     know, as we go through today's deposition, you recall that you have a handwritten note  
24     that would be relevant to our questions or help answer these questions or the topic of --

25          A     Yeah, I can assure you I don't, but noted. Thank you.

1           Q     Okay. But if you do, please let Mr. Rowley know and then we can work  
2 with Mr. Rowley to get anything that would be responsive.

3                   So if you could, please summarize your professional background leading up to  
4 your time in the Trump administration.

5           A     I went to high school, graduated, went to college, received a bachelor's  
6 degree, graduated, went to Capitol Hill, served for several Members of Congress and  
7 committees, and then I joined the Trump campaign and joined the Trump transition, and  
8 then joined the Trump administration.

9           Q     Approximately when did you join the Trump campaign?

10          A     I began helping out in 2015, and I became a full-time paid employee in  
11 January of 2016, I believe.

12          Q     What was your specific role and responsibilities when you became a paid  
13 employee around January of 2016?

14          A     It varied and evolved over the course of the ensuing year, and then, of  
15 course, into the transition and into the administration, so I don't know how much time  
16 you have this morning.

17          Q     Yeah, just generally, tell us, you know, where you started at and where it  
18 evolved to.

19          A     Well, I'll try to give you the short version. So, I was hired as senior policy  
20 adviser. That remained my title throughout the campaign. I worked on providing  
21 advice and counsel on matters related to public policy, as well as the communication  
22 thereof, including the speeches, and also was responsible for hiring a policy staff and  
23 building out a policy team, and working on policy documents and rollouts and platforms  
24 and the like.

25          Q     In that role in the campaign early on, so before Mr. Trump became

1 President, did you work directly with Mr. Trump, then the candidate?

2 A I did.

3 Q When you joined the administration, when Mr. Trump took office, what was  
4 your job title?

5 A My job title was senior adviser to the President for policy. That is what it  
6 would -- that is what I believe it would read on my commission.

7 Q Did that ever change?

8 A No.

9 Q What about your responsibilities, when you joined the White House, when  
10 Mr. Trump took office, what were your responsibilities and how did those evolve  
11 throughout the administration?

12 A Well, now you're talking -- now you're talking about, you know, 4 years, so,  
13 again, I'll just try to answer it briefly, and you can feel free to follow up if you'd like. I  
14 would say that my responsibilities were to -- again, similar to the campaign, to provide  
15 advice and counsel on matters of policy running the gamut, you know, it could be any  
16 particular issue, and, you know, from healthcare to homeland security to education policy  
17 and many others, and then also to work on the communication of those policies, and then  
18 also on the speechwriting process as well too.

19 Q Did you have any formal or informal role on Mr. Trump's 2020 presidential  
20 campaign?

21 A I would -- I would have to be in the campaign to characterize that, because  
22 I'm just not sure -- I'm not sure how to split all those hairs when you're dealing with an  
23 incumbent President. I would just state that I was the senior adviser to the President,  
24 and so, I was working on the campaign certainly.

25 Q You mentioned being involved in the speechwriting team. I understand,

1       but I don't want to put any words in your mouth, Mr. Miller, that you were kind of the  
2       head speechwriter leading the speechwriting team, is that a fair characterization, and  
3       specifically for the period of, again, October 2020 through January of 2021?

4           A     The speechwriting office reported to me.

5           Q     Now, who was part of that speechwriting office for that period, October  
6       through January?

7           A     It would be a number of people. I don't want to offend anybody by trying  
8       to recall all their names off the top of my head.

9           Q     Well, I understand that Mr. Vince Haley, Mr. Ross Worthington, Mr. Robert  
10      Gabriel and others were a part of that office. Is that right?

11          A     Well, a little imprecise there. The -- Robert Gabriel was the director of the  
12      office of the senior adviser, and so his role and responsibilities were to support me in an  
13      administrative capacity with the administration of my whole office and not just the  
14      speechwriting function.

15          Q     Okay. He did have some role assisting the speechwriting process though in  
16      some fashion?

17          A     I'm not saying that he didn't, I was just offering that clarification for the  
18      record.

19          Q     What about the others I mentioned, Mr. Haley and Mr. Worthington, they  
20      were part of the speechwriting team?

21          A     Correct.

22          Q     So if you could, just generally, tell us the process for preparing presidential  
23      remarks. How would you first learn of the need to prepare a speech for the President?

24          Mr. Rowley. █, at this point, I'm going to interpose an objection. We've  
25      advised you that we -- that Mr. Miller is not going to discuss any conversations that he

1 had with President Trump; that President Trump has not waived executive privilege; and  
2 to the extent that your question asks Mr. Miller to get into those areas, we'll object and I  
3 will instruct him not to respond.

4 Mr. ████████. Okay. So the question I asked was just how he would learn that  
5 essentially how -- whether a speech was necessary, what that process was. So the fact  
6 that it could come from the President or the chief of staff or somebody else I don't  
7 believe would be an official communication necessarily, substance of an official  
8 communication. But you're objecting to just that mere process question as well?

9 Mr. Rowley. I don't have an objection to the high-level -- a high-level description  
10 of the process, but to the extent that we're going to get into anything more detailed than  
11 that, then, yes, my objection stands.

12 BY MR. ████████

13 Q Okay. So let me ask it again, and if you have a continuing objection, you  
14 know, please feel free to interpose. But could you just tell us, Mr. Miller, generally what  
15 the process was like when you -- let me start over.

16 Tell us generally how the process for preparing presidential remarks would work,  
17 and specifically, how you would learn that you and your team would have to prepare a  
18 speech in the first instance?

19 A Well, I mean, it could happen a number of different ways. You could have  
20 just a -- an event that would be scheduled and so you would note there for that reason,  
21 and somebody would be assigned by Vince or Ross to produce a draft, assuming that they  
22 were not the ones that produced the initial draft.

23 Other times there might be a specific project head on a speech, you know, maybe  
24 somebody in an office or a policy counsel, and then they would say, Hey, we're going to  
25 need to get a draft together for this thing that we're working on and here's some relevant

1 background material.

2 You know, maybe other times, there would be things that you just knew were  
3 happening because they're big things, you know, like a speech to the U.N., for example.  
4 You don't need anybody to tell you that, you know, you probably should have a draft a  
5 speech to the U.N. You know that you're speaking to the U.N. So it would just  
6 depend, just depend.

7 Q Okay. And tell us generally how the drafting process would work with you  
8 and your team of speechwriters?

9 A Well, I mean, yes, pretty much is what I described. So it would be -- as I  
10 mentioned, I had a number of responsibilities in my job, not the least of which, of course,  
11 in 2020 was dealing with the border in light of the pandemic. And so, a lot of the  
12 micromanaging, if you will, would come from within the speechwriting office itself.

13 And so they -- again, Vince or Ross would probably assign somebody an initial  
14 draft, assuming they weren't taking the pen themselves, and then they would probably  
15 edit that draft, and depending on what it was, they might call me for some top-level  
16 guidance at the outset. It just sort of depends on what it would be.

17 And then I might review the draft once it was complete. Maybe I would review  
18 an intermediary draft just depending. Again, it also depends on what my availability is,  
19 how many other projects I'm working on, my level -- what I think I can bring to that  
20 particular product. It all would just depend.

21 Q In that period that we've been talking about, that October 2020 through  
22 January 2021 period, did you ever take the pen on first drafts of any speeches that you  
23 recall doing?

24 A I cannot -- as I sit here today, I can't say, Oh, I remember this one particular  
25 thing that I took the pen on. It's probable that at some point in time during that time

1 period that I took the first pen on something. But I cannot sit here today and say to you  
2 that, Oh, yes, this occurs to me, it's something that I took the pen on on the initial draft.

3 I mean, you know, again, at this period in time -- not necessarily exactly this  
4 period in time, but just broadly speaking this general time period, for example, there  
5 were periods were in, you know, in the summer and fall when I was on daily operations  
6 calls or multiple operations calls a week dealing with border security and, again, the  
7 challenges of maintaining absolute border control during the pandemic, and so, you  
8 know, there could be a time when I'd be very busy with that and maybe not engage as  
9 much on a particular speech draft. There would be other times when, for one reason or  
10 another, I might have more time. So, again, it would all just sort of depend.

11 I'm sure that there was something during this time period where I would have  
12 taken the initial pen. And just going back further, you know, further in history, you  
13 know, I mean there would be things --

14 Q No, Mr. Miller, I don't mean to cut you off but we don't mean to get back too  
15 far on this. I mean, we're focused really on this time period, so that's -- I appreciate that  
16 and that's helpful. But what about after -- you talked about a process where the team  
17 would maybe draft a speech, edit a speech, and offer it up to you for comments  
18 sometime top level or otherwise. After a speech goes through you, would there be  
19 other people who received and signed off on the speech before it went to the President?  
20 And I'm thinking of maybe Mr. Meadows, or a communications director, but please  
21 identify anybody who would be involved.

22 A No, it didn't really work like that. The -- I mean, by that point in time,  
23 it would pretty much just be -- it would -- the draft would be circulated by staff tech.  
24 They would determine who the relevant, for lack of a better term, "equities" in that draft  
25 would be, "stakeholders" might be another term, as well as who would be just included

1 as a matter of course, like, for example, I think in most cases, White House Counsel's  
2 Office. And then people would be free to make edits or suggestions, or not, as they saw  
3 fit.

4 Q And generally speaking, how active was the President in the speechwriting  
5 process?

6 A It's just -- it's highly variable, highly variable.

7 Q What do you mean by highly variable?

8 A Meaning that it just depends on so many mitigating factors. So, I mean,  
9 he's the leader of the free world. So how much time he does or doesn't have to engage  
10 or not engage really just depends on the day, to be honest with you.

11 Q Would there be times where you sat down and went over an entire speech  
12 with the President?

13 A Certainly there would be.

14 Q And were there times where your team and you would prepare a speech  
15 that, I guess to use your words, had very little time based on what was going on in the  
16 world to sit down and make edits to a speech with you?

17 A Yes, that would also happen.

18 Q And what about fact-checking, what -- did the speechwriting office have any  
19 ordinary fact-checking process before it would put any type of factual claims in speeches  
20 that the President would deliver?

21 A Yeah, I believe that Vince and Ross used at least one, maybe a couple  
22 staffers to do research and fact-checking.

23 Q Do you know who those staffers were who did research and fact-checking  
24 for Mr. Worthington or Mr. Haley?

25 A I think it was -- you know, it might have varied again from time to time, and

1 depending on exactly where we were in the course of the administration, but I believe  
2 that some of this may have been -- some of this -- may be my memory was refreshed by  
3 some of the documents that you sent over, but William Bock, I believe, and then also  
4 Patrick MacDonnell.

5 Q Do you remember if Mr. Haley or Mr. Worthington or you ever used outside  
6 fact-checkers, meaning non-White House employees?

7 A I do not believe so. I mean, of course, there could be a situation wherein  
8 you're trying to ascertain something, and so you're going to a -- an expert or something.  
9 But I would say that that's different materially than outside fact-checking. It's more  
10 outside -- it's like going to an expert to conduct research. And I don't -- I'm  
11 not -- nothing particularly strikes me, of course; I'm just supposing that's something that  
12 would've been done from time to time.

13 Q Okay. So I want to talk to you first, or next rather, about the pre-election  
14 period, so meaning before November 3, 2020. One component of the campaign and the  
15 President's messaging involved raising questions or doubts about mail-in voting. Do you  
16 remember that in the pre-election period?

17 A Well, I believe that's a matter of public record.

18 Q Right. So do you recall it though?

19 A I mean, yes, of course I recall the widespread concern that was expressed  
20 both then and now about the unverified nature of mail-in balloting.

21 Q And who in that pre-campaign -- or excuse me, pre-election period was  
22 driving this messaging? Was that something coming up from the White House side or  
23 the campaign, Mr. Trump's reelection campaign or both?

24 A It was -- I think it was a fairly universal concern.

25 Q And do you remember discussions with --

1           A     Not just within the Trump administration or campaign but, I mean, within, I  
2     think, the whole of the Republican Party.

3           Q     Do you remember having conversations in the White House or among  
4     campaign personnel about mail-in voting in the pre-election period?

5           A     Well, there's sort of a paradox in your question, isn't there, because if it's  
6     mail-in voting then what you're describing is the pre-election period is actually the  
7     election period.

8           Q     Understood. Okay. So then I'll just say in the pre-November 3, 2020  
9     period, do you remember discussions in the White House or with campaign personnel  
10    about mail-in voting?

11          A     Yeah, of course, I do. In fact, I'd be shocked if anyone in the American  
12    public wasn't talking about it. I think this was the first election in American history that  
13    was conducted with something on the magnitude of -- well, I don't actually remember the  
14    number, so I don't want to say it off hand but tens of millions of mail-in ballots in a  
15    completely untested system.

16          Q     So tell us about the nature of those conversations about mail-in voting and  
17    any potential issues related to mail-in voting that the White House or campaign saw?

18          A     Well, I don't recall any -- there's no one specific conversation, right, that  
19    sticks out to me, because this is -- again, it's a -- it's not a discrete topic, you know. It's  
20    like saying, do you have a specific memory in the last week of when you tied your shoes.  
21    You just know that you definitely tied your shoes because you'd be doing something  
22    wrong if you wore shoes but didn't tie them.

23          You'd be doing something wrong if you were running a campaign, involved in a  
24    campaign, or involved in a reelect and you weren't talking about this completely novel,  
25    untested system of mail-in balloting that had been developed on the pretext of the

1 pandemic.

2 Q Let me put it this way: We understand that there was disagreement within  
3 the campaign and folks at the White House about whether to really challenge or cast  
4 doubt on mail-in voting. Do you remember any disagreements about that?

5 A Well, what I do remember, and this is still an issue today, you know, I fall  
6 squarely on one side of this debate, but there was -- you know, you talk about paradox, it  
7 was the paradox that is asserted about mail-in balloting is that, on the one hand, the  
8 system is uniquely prone to fraud and abuse. On the other hand, the theory goes that  
9 by pointing out the same the -- you will depress some mail-in balloting from supporters.  
10 And so, again, it creates a bit of a paradox because, of course, you want the election to be  
11 secure, but you, of course, don't want to depress any voters.

12 I obviously -- well, not obviously, I mean, you don't know me. But I'm certainly in  
13 the camp that says that we need to reform the system, and so better to talk about it.

14 Q And so this paradox that you just described, do you remember those  
15 conversations where you discuss this paradox, the idea of --

16 A Nothing really stands out to me. Again, I mean, because you're talking  
17 about -- this is the --

18 Q Wait, Mr. Miller --

19 A -- day of the campaign.

20 Q Only because this is a tough system to work on, the Webex platform, it can  
21 be very hard for the reporters to take down, so if you don't mind letting me finish my  
22 question before you answer, and I'll try to let you finish your answer before I ask my next  
23 question.

24 So my question was, do you remember this paradox, as you described it, being a  
25 subject of conversation and perhaps disagreement within the campaign before

1 November 3, 2020, or White House?

2 A No, like -- as I said, I mean, I do -- I told you that I remembered this as a  
3 general matter, but also, you know, again, more broadly within the party as a whole. It's  
4 still a conversation topic today. But there's no specific conversation in my mind that  
5 sticks out to me like, Oh, this person was here and this person was there and they said  
6 this, just a general awareness that there was a view by some -- no one sticks out to me in  
7 particular -- that, well, if you highlight the fraud and vulnerabilities in this novel form of  
8 voting, then maybe some people that support you will vote this way and they'll run up  
9 margins.

10 But, again, nothing in particular stands out to me. I don't -- I'm happy to share  
11 that view. I understand it to be clear, but I think that the need for secure elections  
12 outweighs that consideration.

13 Q So are you familiar with this term that was discussed in election period, so  
14 before November 3rd, about the blue wave or blue shift? Do you know what I mean  
15 when I use that term?

16 A Well, I think blue wave and red wave is a standard political terminology. I  
17 mean, it doesn't trigger any specific thing.

18 Q All right. Well, let me define it just so we're talking about the same thing.  
19 You know, there is this discussion that the President would be doing quite well on  
20 election night with in-person voting, but that there would be, sometimes referred to as a  
21 blue wave, a number of ballots that were coming in, particularly mail-in ballots or  
22 absentee ballots, that would be quite beneficial to Joe Biden after election night in the  
23 days after when those ballots were counted. Does that sound familiar to you?

24 A Yeah, I don't know, again, that the -- I mean, it's possible, perhaps even  
25 probable, that someone used the words "blue wave" to describe the mail-in balloting

1 phenomenon that you're describing or alluding to. But if you would say to me as a  
2 uncued question, just what term is used to describe this, I would have said, Oh, ah-ha,  
3 yes, the blue wave.

4 Q Okay. But you do understand what I'm talking about, this idea that the  
5 President would be ahead on election night and then his returns -- or the returns that  
6 came in after would likely benefit Mr. Biden?

7 A No, I'm not -- I mean, you're kind of putting words in my mouth a little bit  
8 here. I -- what I'm telling you is I understand what you're saying. You're -- are you  
9 asking me do I understand what you're saying, or are you asking me is this a memory of  
10 mine?

11 Q Correct, yeah. Do you remember this idea, discussions not this idea --

12 A You were telling me you were defining the phrase blue shift, and then I said,  
13 yes, I understand your definition, and then you said, okay, so that's your memory. So  
14 you gave me the definition. Ask me the question, please.

15 Q All right. So we talked about mail-in balloting. We're talking about this  
16 idea that mail-in ballots could benefit Mr. Biden more than Mr. Trump in the days after  
17 the election. Do you remember discussions about the dangers of mail-in balloting being  
18 informed by the idea that they would be more helpful to Mr. Biden?

19 A There's a whole lot of subtext packed into that question. The -- what I  
20 remember, which, again, was a universal concern, is that mail-in balloting allowed  
21 Democrat machine politics in certain areas to -- including through illicit means, to run up  
22 margins. I remember that being a concern because it has been an ever-present concern  
23 and remains, of course, one of the predominant concerns today that's being legislated all  
24 over the country.

25 Q As you sit here today, do you recall any decisions to attack or cast doubt on

1 mail-in balloting before November 3rd being based on the fact that mail-in ballots would  
2 likely help Mr. Biden more than they would help Mr. Trump?

3 A Again, you keep adding extra subtext into the question, so it's a compound.  
4 My answer isn't changing on this.

5 Q This is a separate question.

6 A Right, but it kind of is and it isn't. What I'm saying to you is that -- the way  
7 that you're framing it is that -- the way that you're framing it is, oh, Democrats like to vote  
8 by mail, so we'll attack the integrity of mail-in balloting and then somehow, what, they  
9 won't vote by mail, which, of course, as I mentioned earlier, is indeed the opposite.

10 In other words, when you're raising legitimate questions about the veracity and  
11 accuracy of a mail-in system where you don't have to present any identity verification to  
12 vote, there's actually the opposite risk, right, which is that you -- in so blowing the  
13 whistle, you might actually depress some of your own voters. So that's the construct of  
14 thought that we had agreed on, and now you're providing the opposite construct.

15 Q Stepping away from the construct that you just described, my question is  
16 simply this: Do you recall any decision whether to attack the integrity of mail-in  
17 balloting, as you just put it, on the idea that mail-in balloting would likely help Mr. Biden  
18 more than Mr. Trump?

19 Mr. Rowley. Counsel, decision by whom?

20 Mr. [REDACTED]. Any decision.

21 Mr. Rowley. Any decision throughout the country or the White House or where  
22 exactly?

23 BY MR. [REDACTED]:

24 Q Okay. Fair enough, in the White House or the campaign.

25 A Not in the construct that you're providing. I can't -- in other words,

1       the -- it's -- you need to rephrase your question, I think. The -- if your question is, as I  
2       said before, that did people believe this was an urgent threat to election security that  
3       needs to be discussed, the answer is yes.

4           Q     Understood. So my question is this: And if you feel like you can't answer  
5       it because you don't know the answer, that's perfectly fine, but do you recall any decision  
6       made in the White House or the campaign about whether to attack the integrity of  
7       mail-in balloting on the idea that mail-in balloting would likely help Mr. Biden more than  
8       Mr. Trump?

9           A     Not in the way that you're asking it, no. In the way that I'm asking it -- or,  
10       sorry, the way that I'm stating it, yes. So if you understand the difference between what  
11       I said and what you said then we're clear.

12          Q     Very good.

13          So we could pull up exhibit Number 3, please. Can you see that, Mr. Miller,  
14       exhibit No. 3?

15          A     Uh-huh.

16          Q     And is that big enough for you to read?

17          A     I can see it, yes.

18          Q     All right. Very good. So that's an email sent August of 2020 from  
19       somebody named Dick Morris. I'll start there. Who is Dick Morris?

20          A     He's a former adviser to Bill Clinton.

21          Q     And what was his role, if any, with respect to providing advice or information  
22       to the Trump reelection campaign before November 3 of 2020?

23          A     I don't believe he had a former role. I think that he was, shall we say, an  
24       interested observer who sent in ideas from time to time.

25          Q     Did you ever speak with him in the pre -- or in the election period before

1 November 3rd?

2 A I believe -- yeah, well, so before December 3rd, yeah, I believe I had a few  
3 phone calls with him with different policy ideas and other such things for the campaign.

4 Q And this email from August 24th, it's to Mr. Bill Stepien, Mr. Jason Miller,  
5 you, Mr. Stephen Miller, that email address that you identified as a personal Gmail  
6 account, and Mr. McLaughlin, Mr. Fabrizio, and Ms. Hicks. And the subject is, "Mail-in  
7 Voting Ballot Fraud." Do you remember receiving this email from Mr. Morris?

8 A Had I not seen the email, I wouldn't remember it specifically. I saw it after  
9 you sent over some preparatory materials yesterday, and so it sort of is, you know,  
10 vaguely familiar.

11 Q Okay. What do you remember about this email, specifically the context?  
12 Did you have a follow-up conversation you had or any -- that you -- excuse me, that you  
13 had with Mr. Morris?

14 A Not to disappoint you, but I don't think anything in this email is very  
15 remarkable.

16 Q And we'll get through the substance of this email, but did this follow any  
17 conversation that you had with Mr. Morris that you recall?

18 A I couldn't remember, but maybe yes, maybe no. But, again, the emails  
19 itself are, you know, I mean, just reading this here, it says, all mail-in ballots can only be  
20 accepted if they are from a registered voter, signed, and include the last four digits of  
21 their Social Security number and if the signature is verified. That position there is the  
22 position I would say of probably -- well, it's a minimum baseline position of almost every  
23 Republican official and operative and so forth in the country. So, again, nothing about  
24 that is remarkable to me, because I would consider that to be an inarguable proposition.

25 Q One of the things it says here is that the battle over mail-ins is over, and we

1 have lost. Now we must change our advocacy to mail-ins if there are adequate checks  
2 to avoid fraud. And then down about halfway at the bottom of the screen there, it says,  
3 "A position of 'count the ballots if...' is very popular and much more defensible than  
4 simple opposition to mail-ins."

5 So with respect to that last question -- or that last sentence, excuse me, what'd  
6 you understand that to mean, "A position of 'count the ballots if...' is very popular and  
7 much more defensible than simple opposition to mail-ins"?

8 A Well, as I sit here today, I can't tell you what I understood it to mean when I  
9 read it, because while I'm fairly sure that -- looking at it now that I probably did read it, I  
10 don't remember what I thought when I was reading it at the time.

11 Q Okay. You can take that down, [REDACTED]. Thank you.

12 Before the election occurred on November 3rd, what was your understanding of  
13 the campaign's plan to challenge election results if Mr. Trump looked like he was going to  
14 lose?

15 A That's probably a better question for Justin Clark, the campaign's attorney.  
16 Of course, it's not for me to say whether you should or shouldn't speak to him. But, you  
17 know, the -- you know, as the campaign attorney, I would imagine that that would've  
18 been -- would've been something that he would've been working on. I probably was  
19 more just focused on the campaign itself than the strategy to litigate various challenges  
20 that may arise.

21 Q Okay. So you mentioned litigation and Mr. Clark. Understood that. It's  
22 kind of a court approach. Are you aware of any other means of challenging the outcome  
23 of the election, again, we're talking before the election occurred --

24 A Well, I'm going to make sure you know -- sorry. Finish.

25 Q Yeah. And my specific question was going to be related to State legislators.

1       Do you remember any discussions about approaching State legislators to challenge the  
2       outcome of the election? And this is before the election occurred.

3           A     I mean, again, not something that I was really focused on at the time. I  
4       would say to you that any campaign throughout history, if they're doing their job, is  
5       evaluating every possible means of addressing, contesting or litigating disputes that arise.

6           And, of course, this election would be unprecedented in that regard because,  
7       again, for the first time in American history a -- such a large share of our voting was  
8       shifted to a mail system, but not just any mail system, but States that had no history of  
9       operating a mail system of that scope and size, including, of course, in some instances or  
10      some States, I should say, with rules that also allowed for the harvesting of ballots too.

11           So these are radical new measures, and so I would certainly hope that a number  
12      of individuals in the campaign were both preparing for and anticipating what might be  
13      required in light of such an unprecedented means of conducting an election.

14           Q     Do you remember any discussions about engaging State legislators as one  
15      means of challenging the outcome of the election and those discussions having taken  
16      place before November 3rd?

17           A     Nothing sticks out to me. I can't -- I cannot pull a specific memory.

18           Q     Do you remember that concept -- do you remember that concept coming up  
19      before November 3rd?

20           A     I don't -- nothing comes to me as you're asking the question.

21           Q     If we could pull up exhibit No. 4, please. Exhibit Number 4 includes  
22      comments that the President made during a news conference on September 23, 2020.  
23      And he said, we're going to have to see what happens -- and I should back up. He was  
24      asked, I believe, whether he would concede and agree to and generally a transition if he  
25      lost the election. And what the President said was, we're going to have to see what

1 happens. You know that I've been complaining very strongly about the ballots and the  
2 ballots are a disaster.

3 And he continues to say, get rid of the ballots and you'll have a very  
4 peaceful -- there won't be a transfer, frankly. There will be a continuation. The ballots  
5 are out of control. You know it. And you know who knows it better than anybody  
6 else? The Democrats know it better than anybody else.

7 Did you or your speechwriting team have anything to do with the remarks that the  
8 President delivered and that we're showing here in exhibit Number 4 with respect --

9 A Yes.

10 Q -- to the transition or possibility of a transition?

1

2 [11:09 a.m.]

3           Mr. Rowley. Objection to the extent the question calls for any discussions  
4 Mr. Miller may have had with the President.

5           BY MR. [REDACTED]:

6           Q     Outside of that caveat, Mr. Miller, go ahead and answer the question,  
7 please.

8           A     Can you re-ask the question, outside of that caveat?

9           Q     Sure. Did you or your speechwriting team have anything to do with  
10 preparing the remarks that the President delivered as shown in exhibit No. 4?

11          A     Do you have any records in your possession that might refresh my  
12 recollection?

13          Q     I'm just asking you if you recall.

14          A     I'm -- I'm not being coy. I'm actually asking you.

15          Q     No, I understand that. But I ask the questions here, Mr. Miller.

16          So I'm just saying, do you remember whether you or your team had any role in  
17 helping or preparing the remarks that the President gave and that are shown there in  
18 exhibit 4?

19          A     Without any assistance in refreshing my recollection, looking at that, I  
20 couldn't even possibly answer that question. You're just showing me two paragraphs on  
21 September 23rd at a news conference, which by dint of their nature tend to be  
22 extemporaneous.

23          So, again, unless you have a record to refresh my recollection, it would be  
24 impossible for me, sitting here, to say: Oh, yes, September 23rd news conference, yes,  
25 oh, I know exactly what I was doing on that day.

1           Q     Do you remember ever having a discussion with the President about -- in the  
2 pre-election period, meaning before November 3rd, 2020 -- about whether he would  
3 concede if he lost?

4           Mr. Rowley. Objection.

5           Mr. [REDACTED]. On what basis, Mr. Rowley?

6           Mr. Rowley. Privilege.

7           Mr. [REDACTED]. What kind of privilege?

8           Mr. Rowley. You're asking Mr. Miller for a conversation that he had with  
9 President Trump?

10          Mr. [REDACTED]. Correct. I asked him if he ever had a conversation about that  
11 topic, yes.

12          Mr. Rowley. Okay. Well, I will instruct him not to respond to any content of  
13 conversation he may have had with President Trump.

14          Mr. [REDACTED]. And can you please specify the basis?

15          Mr. Rowley. Privilege.

16          Mr. [REDACTED]. What kind of privilege, Mr. Rowley?

17          Mr. Rowley. I'm -- we're asserting executive privilege for any conversation  
18 Mr. Miller may have had with President Trump?

19          Mr. [REDACTED]. Okay. I appreciate that. You know, part of this is making sure  
20 we have a record for the committee's consideration on dealing with objections.

21          And I would just note that executive privilege covers advice or communications  
22 related to the President's official Article II functions. And so, in this capacity, I believe  
23 we're asking Mr. Miller about conversations that he may have had -- first instance,  
24 whether he had them -- but he may have had related to the President as a candidate.  
25 And Mr. Miller has said that he did involve -- or was engaged in at least some

1 campaign-related activities.

2 Mr. Rowley. Let's go off the record for just a minute.

3 Mr. [REDACTED]. Certainly. Let's go off the record.

4 [Discussion off the record.]

5 Mr. [REDACTED]. All right. Let's go back on the record.

6 It's 11:14 on April 14th.

7 And we are resuming the deposition of Mr. Stephen Miller.

8 Mr. [REDACTED]. So I'll ask the question again. And, if you want to lodge the same  
9 objection, please intercede here?

10 But the question is, did you have any conversations with the President about  
11 whether he would concede if he -- if it looked like he was losing the election, the  
12 November 3rd Presidential election to be specific?

13 Mr. Rowley. Same objection.

14 Mr. [REDACTED]. Okay. And that's executive privilege?

15 Mr. Rowley. Correct?

16 Mr. [REDACTED]. All right. So, at this point, I think we'll move on. We may engage  
17 with the chair later to get rulings on these objections, but your objection is noted, and we  
18 will move on.

19 BY MR. [REDACTED]:

20 Q Other than Mr. Trump specifically, did you talk to anybody in the White  
21 House about whether or not the President would be conceding if it looked like he was  
22 losing the election after election day, November 2020?

23 A Just to clarify your question, when you use the word "after" in that context,  
24 are you saying conversation after, or are you saying conversation before about something  
25 that would happen after?

1           Q     The latter, so, first, conversations before the election took place, and then I'll  
2 follow up with any conversations after the election took place.

3           A     My answer would probably be the same to both, which is just that  
4 the -- without being able to think of or recall a specific conversation, it had always been  
5 my understanding, and I think some of the -- some of the archived documents that you  
6 have support this, that we were prepared for all three possibilities, the possibility of a  
7 concession, the possibility of a victory speech, the possibility of an indeterminate results  
8 statement. So that's what we had been planning and prepared for.

9           Q     Okay. And we will get to that. And thank you for pointing that out,  
10 Mr. Miller.

11          If we can show exhibit No. 5, please.

12          Can you see, that Mr. Miller, exhibit No. 5?

13          A     Uh-huh.

14          Q     Is that a "yes," just for the benefit of the reporters? They can't take  
15 down --

16          A     Yes. Yes, yes, yes.

17          Q     Thank you.

18          So exhibit No. 5 is an email from somebody named Eileen McGann. Do you  
19 know who Eileen McGann is?

20          A     I believe it is the wife of Dick Morris.

21          Q     Okay. And Ms. McGann sends this email to you, Mr. McLaughlin. And my  
22 understanding is Mr. McLaughlin is a pollster for the campaign. Is that right?

23          A     Yes, I believe so.

24          Q     All right. So she sends it to him, as well as Mr. Miller, Jason Miller, you, as  
25 well as Ms. Hicks, Mr. Stepien, and Dick Morris.

1           What was Ms. Hope Hicks' role with respect to the campaign as you understood  
2       it?

3           A     She was a close advisor to the President. And for some period of time -- I  
4       don't believe during this period of time -- she also had a role as -- in the White House, not  
5       necessarily these words, but something like senior communications advisor or something  
6       that's similar to that. But, at this time, it was just sort of a general, all-purpose advisor.

7           Q     If we go to page 2 of exhibit No. 5 --

8           A     I would say that with an emphasis on communication.

9           Continue.

10          Q     Thank you, Mr. Miller.

11          So page 2 is the document that was attached to that email. It says: Strategy to  
12       Win a Contested Election Result.

13          And it says: This memo outlines what we can do between now and the actual  
14       election day to position ourselves best to prevail with public opinion in the event of a  
15       disputed verdict on election day.

16          And it goes through a number of other things.

17          Do you remember receiving this memo before the election in November of 2020?

18          A     Well, as I look at it -- as I look at it here and now, it seems vaguely familiar.  
19       But, again, if you had asked me the question, without the benefit of the document to  
20       refresh my memory, it definitely wouldn't have left an impression.

21          Q     Do you remember if anybody asked Ms. McGann or Mr. Morris to write a  
22       memo drafting a strategy to win a contested election?

23          A     Not aware of any specific request, no.

24          Q     And one of the things I just mentioned in that sentence, the first sentence of  
25       the memo that I read, talks about "positioning ourselves to best prevail with public

1                   opinion in the event of a disputed verdict on election day."

2                   What was your understanding of the role of public opinion in challenging the  
3                   election after the election took place?

4                   A     It wasn't really something that, you know, I was very much focused on or  
5                   discussing. So I would answer that just applying common sense, which would be to say  
6                   that, in the event of a disputed election, which, of course, was what happened,  
7                   the -- educating the public upon the -- those -- those -- those developments about the  
8                   challenges and the reasons for them and everything else is important.

9                   Q     Important in what sense? I mean, the challenges would be happening in  
10                  the courts presumably or with State legislators. So I guess why would the public opinion  
11                  matter as you're thinking about postelection challenges?

12                  A     I mean, the same reason Chuck Schumer does a press conference at the  
13                  Supreme Court, I suppose.

14                  Q     Which is?

15                  A     To, again, educate the public about the legal proceedings and what stake  
16                  they have in the outcome.

17                  Q     And what was your involvement, if any, with the campaign's legal team in  
18                  the days leading up to the election?

19                  A     My involvement would best be characterized as having a role in the external  
20                  communication of some of these legal challenges and developments.

21                  Q     And we're talking about the campaign's legal team. The people I have in  
22                  mind are Mr. Justin Clark and Mr. Morgan, a few others who worked for the campaign.  
23                  Are those --

24                  A     I do want to caution you that there is, of course, an intersection between,  
25                  when you're talking about the administration of our laws and the administration of justice

1 and the administration of -- of -- or the regulation of any illegalities, there are obviously  
2 intersects between the campaign world and the official world in many -- in many different  
3 ways.

4 You know, so, obviously, you know, there's a role for the Department of Justice.  
5 There's a role for White House Counsel's Office. It's not as though this is only  
6 a campaign issue.

7 Q With respect to the campaign's legal team, though, I'm aware of Mr. Clark,  
8 Mr. Morgan. Was there anybody else with whom you were working before the election  
9 on the campaign legal team?

10 A Probably -- I mean, at some point or another, I probably -- probably spoke  
11 with most, if not everyone, at least at a mid-senior level.

12 Q Would that include Mr. Clark?

13 A It would.

14 Q Mr. Morgan?

15 A Again, I don't remember. I mean, again, if you had asked me to come up  
16 with the name Mr. Morgan on my own and the only thing you'd given me was "can you  
17 think of a name that starts with an M," I never would have gotten to Morgan as we sit  
18 here today. But now that you say it, it does sound familiar, yes. And there's  
19 probably -- probably emails back and forth with him.

20 Q Did you help prepare any of the President's campaign speeches that he  
21 delivered at rallies or public events?

22 A I did.

23 Q Did you coordinate with the legal team, including the people we just  
24 mentioned, Mr. Clark or Mr. Morgan, about those speeches?

25 A Not in every case. I mean, it would just depend, again, on what the

1 circumstance was.

2 Q What circumstances do you recall that would trigger their involvement, if  
3 any, in campaign-related speeches?

4 A In the main, if I was trying to or someone in my employ was trying to do  
5 some kind of fact-gathering.

6 Q Any specific issues on which you were trying to do fact-gathering?

7 A What time period are you talking about here?

8 Q This is pre-election, so October, very early November.

9 A So then not really, no.

10 Q Is there anything that would trigger their involvement in the speeches that  
11 you helped prepare for the President in that pre-election, September, October, early  
12 November period?

13 A I mean, "trigger" is probably the wrong word to use because it implies some  
14 sort of -- some ruling authority, but the -- you know, like, "Oh, this triggers it." But it  
15 would be more -- these are more soft and informal type interactions. But, in general, I  
16 mean, when you're talking about campaign speeches prior to the -- to election day, then  
17 they would mainly be about the issues in the campaign.

18 And so, again, if you're talking to an attorney or something about it, I mean, it's  
19 more likely going to be -- it's more likely going to be some strategic issue but not like the  
20 mechanics of how the election is administered. I mean, again, I'm sure that one can find  
21 an example of anything. But it would not have been anything for which there was a  
22 great need or regularity.

23 Q Were you at the White House on election night?

24 A Yes.

25 Q Tell us about that. What time do you remember getting there

1 approximately?

2 A I don't remember what time I got there. [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 Q Were you in the residence on election night with the President?

9 A I believe, if I'm not mistaken, that the whole -- the whole election watch  
10 event was in the residence.

11 Q And were you in there then?

12 A Yeah, that's where I think that's where everybody would have been, by and  
13 large.

14 Q I understand that other people were set up watching in the Map Room --

15 A I mean, the -- yes, me and everyone.

16 Q I understand that some other folks were set up to watch returns in the Map  
17 Room and various other places within the White House as well. Do you recall that?

18 A Right. It was a -- it was a full-fledged, standard variety, you know, election  
19 night soiree, for want of a better term.

20 Q And you mentioned earlier that your team or some team had prepared  
21 election night remarks, one of which included a concession, one of which included a  
22 victory speech, and the other included a kind of wait-and-see speech.

23 Do you recall that?

24 A Yes. I recall -- and, of course, your production has refreshed my memory.  
25 I recall that the speechwriting team produced each of the three drafts you are

1 referencing.

2 Q All right. If we could pull up exhibit No. 6.

3 While that's coming up, were you and the speechwriting team asked to prepare  
4 these speeches, or is this something that the speechwriting team did on its own volition?

5 A I'm going to give this answer as sort of vague but it was just my -- it was my  
6 understanding that this is what was -- what was expected. In other words, I don't  
7 remember a specific person saying to me, oh, boy, you better ought to have these but  
8 that I -- it would have struck me as unusual if we didn't is pretty much the best I can do  
9 for you there.

10 Q So we have these up here.

11 And the first email in the chain is from Mr. Worthington Mr. Lyons, who I  
12 understand was the staff secretary at the time. Is that your understanding as well with  
13 respect to Mr. Lyons?

14 A It is.

15 Q Also included is Mr. Gabriel, you, Mr. Miller, as well as Mr. Haley, with  
16 subject: Speech drafts.

17 It says: Attached. For you only. Please do not forward and do not share.  
18 Three scenarios.

19 Why would a speech or speeches, draft speeches like this, be embargoed with the  
20 instructions not to forward or share, as you understand it?

21 A I mean, at this time, when there's something that is -- that is -- where you're  
22 going to greater lengths to avoid a leak, there would be -- with the possibility of a leak,  
23 there would usually be instructions that would be, if not like that, in a similar vein or at  
24 least there would be a similar effort to keep something close hold.

25 Q And did you have any role in writing or editing these speeches, or were you

1 just a recipient of these speeches on the email?

2 A You know, some of this is just, again, more of a -- more of a sense than a  
3 memory, but my sense is that I probably provided some very high-level guidance, that I  
4 possibly reviewed and provided feedback on a hard copy but that I maybe even partly for  
5 superstitious reasons didn't -- didn't work on them a lot.

6 But, you know, at this point in time, I mean, I'm sure you understand, you know,  
7 you've been running 24-7 for a very long time. So, you know, it's all kind of a blur.

8 Q Do you remember ever having to approve these speeches before they could,  
9 you know, be released to the chief of staff or anybody else in the White House for  
10 consideration?

11 A I have no memory of any conversation with the chief of staff about any of  
12 this.

13 Q What about just the approval more generally? Do you remember having to  
14 sign off on these drafts?

15 A I don't -- I don't specifically remember signing off on them. But this also  
16 would be -- it would be -- it would be quite normal if I had, you know, you know, signed  
17 off on them.

18 Q And did you ever present these draft speeches to the President?

19 A You know, I honestly don't remember.

20 Q Do you know if anybody else did, like Mr. Lyons? I understand that he was  
21 in charge of paper flow, more or less, on things that went to the President.

22 A I mean, there was a, you know, given, again, the unprecedented nature of  
23 the election and how it was conducted, it was a pretty hectic evening.

24 The -- it's -- I would just say it's probable that some form of something in here was  
25 either, you know, shared or repurposed in some way. But, honestly, you'd be in a better

1 position than I would be to answer that question based upon, you know, having a more  
2 thorough analysis of the Archives.

3 But just to sort of refit it all, with some better attempt at clarity, my  
4 understanding just kind of was the way that, like, I understand that, you know, guys lose,  
5 that we needed to have these drafts. Probably did engage with them. Possibly did  
6 approve them. Don't have a lot of memories around it, around this time period, and  
7 don't have a lot of memories of what became of them.

8 Q Do you remember ever discussing the possibility of three speeches -- one  
9 victory speech, one concession speech, answer one wait-and-see speech -- with the  
10 President?

11 Mr. Rowley. Objection.

12 Mr. █. And what's your objection, Mr. Rowley?

13 Mr. Rowley. Same objection.

14 Communications privilege.

15 Mr. █. Executive communications privilege?

16 Mr. Rowley. Correct.

17 Mr. █. Okay. And I'd ask the same questions we did before. I mean,  
18 this pretty clearly is about Mr. Trump as a candidate in the Presidential election, as  
19 opposed to an official Article II function that he exercised and was receiving advice on.

20 Are you going persist in your objection?

21 Mr. Rowley. Yes. I understand your position, and I hope you understand ours.

22 Mr. █. Candidly, I do not. But it is noted for the record, and we may take  
23 this up with the chairman. But we will move on at this time.

24 BY MR. █:

25 Q So, Mr. Miller, did you ever talk about these speeches or the possibility of

1 having three draft speeches with anybody else in the White House, other than the folks  
2 who were identified on this email?

3 A It's likely that I did just because of the fact of their existence, but let me put  
4 it to you this way.

5 If you're on election day a senior staffer and you're thinking more about the drafts  
6 of the speech for the evening than you are about election day itself, you're doing  
7 something wrong.

8 Q Now Mr. Trump didn't end up delivering any of these three speeches. Is  
9 that your recollection as well?

10 A Well, it is. But I would also just say that, by way of extra context, that to  
11 some extent producing drafts like this could also be understood as a box-checking  
12 exercise. You know, a -- a, you know, a press availability, you know, at 3 o'clock in the  
13 morning on election evening or when everyone has one also isn't necessarily a venue  
14 where you're going to be using an exact set of prepared remarks anyhow.

15 Q Mr. Trump did give a speech earlier the next morning on November 4th. It  
16 was around somewhere in the 1 o'clock hour, I believe, that morning. Do you  
17 remember that?

18 A I do remember the speech, or the remarks, I should say, yes.

19 Q Were you there for the speech?

20 A Yeah, I was in the residence at the time, yes.

21 Q And I understand that you were in the residence before that speech helping  
22 prepare the President for the remarks that he delivered. Is that accurate?

23 A I was one of a number of people that were there that evening in proximity to  
24 the President, trying to -- trying to make sense of all of the confusing realities of, again,  
25 this mailed election.

1           Q     Who else do you remember being there in the hour or two before the  
2 speech in the residence with the President?

3           A     I mean, there was, like, there's dozens of people. I couldn't even begin to  
4 reconstruct it all. [REDACTED]

5 [REDACTED]  
6           But, you know, I mean, it would be, you know, most of the senior staff, I mean, is  
7 the answer to the question. You name a senior staffer, it's election night, they're  
8 probably there.

9           Q     Okay. So let me ask. Was Mr. Meadows there?

10          A     He was there that evening, yes.

11          Q     Was Ms. McEnany there?

12          A     Yes, I believe so. I'm not, like, forming a visual memory. But I believe she  
13 was. I would be surprised if she wasn't.

14          Q     Was Mr. Stepien there?

15          A     I think so, yeah.

16          Q     How about Mr. Giuliani? Do you remember him being there?

17          A     I believe so.

18          Q     And we understand that there was potentially -- disagreement is too strong  
19 a word but a difference of opinion as to whether or not the President should go out in  
20 that early morning speech and say that he had won and declare victory versus delivering  
21 more of a wait-and-see type of speech. Are you familiar with that discussion?

22          A     I would rephrase it a little bit. The -- this is an extraordinarily dynamic and  
23 fact-evolving situation. And it certainly appeared by the -- at least at some point in that  
24 evening by the returns that our election lead couldn't be overcome. And so there was  
25 some debate about the interpretation of the results, A, and then, B, about the best

1 strategy for communicating those results certainly. But it was a -- it was a  
2 good-faith discussion.

3 Q Sure. I wouldn't suggest otherwise.

4 But do you remember Mr. Giuliani in particular suggesting that the President  
5 should go out and declare victory in that early morning speech on the 4th?

6 A You know, I don't specifically remember that. But I would say that I have a  
7 general sense. You know, again, it's so hard to sort of pull apart all these fragments  
8 now.

9 But I have a general sense that he was one of the ones with a view that certainly  
10 by no honest means could the -- could the gap be closed in the key States and that that  
11 should be -- not his exact words but that general idea that the nature of our lead and the  
12 significance should be communicated.

13 But I don't remember specific words or sentences that he said, but I know he was  
14 sort enough that camp.

15 Q And do you remember Mr. Meadows having a different opinion, that it's too  
16 early, we can't go out and say that we won, for example?

17 A You know, I have to be careful here, because if you had just asked me cold to  
18 say "what do you remember Mr. Meadows saying," my answer to you would be I don't  
19 really remember him saying anything, because that's true. You know, so it's -- so I'm  
20 trying to -- trying to differentiate between my actual memories and your suggestion, if  
21 that makes sense to you.

22 Q It does make sense, and I appreciate that. Some of the questions are  
23 certainly, you know, designed to refresh your recollection. And, if you don't recall it,  
24 then that's completely fine as well. But in this instance --

25 A Look, I do want to be -- look, I do want to -- the questions that I can answer, I

1 do want to -- I do want to try to -- to be constructive.

2 I would -- I mean, if I really sort of dwell on it, all I can say is that -- that -- all  
3 I can say is that I feel comfortable saying that feels true and correct to my memory is  
4 that -- is that -- is that Meadows probably wasn't where Giuliani was. But to what  
5 degree or shade of difference, that I couldn't remember.

6 Q If we could pull up exhibit No. 7, please, and I'll represent to you, Mr. Miller,  
7 that this is text of the speech that the President delivered in that early-morning address  
8 on November the 4th. I know we produced this to you, but I'm not going to sit here and  
9 read the whole thing.

10 If we can go to page 2, in the remarks he delivered from the White House, the  
11 President said: This is a fraud on the American public. This is an embarrassment to  
12 our country. We were getting ready to win this election. Frankly, we did win this  
13 election. We did win this election. So our goal now is to ensure the integrity for the  
14 good of this Nation. This is a big moment.

15 And he goes on. He also mentions during the speech the need to have a case go  
16 up to the Supreme Court related to the election.

17 For that paragraph we just looked at, and then I just started reading, "this is a  
18 fraud on the American public," did you have any role in drafting those remarks?

19 A I believe -- and this is just going off of the memory of watching the same  
20 remarks, as I'm sure you viewed and millions of others have. I believe that the -- that  
21 the remarks were largely extemporized.

22 Q So do you remember drafting anything that resembled that paragraph in  
23 particular that I just read? Or do you believe that this was ad-libbed or extemporized, as  
24 you said?

25 A No, I mean, looking at the -- looking at the words on the screen, my sense is,

1 is that these were the President's extemporaneous remarks following a briefing from  
2 staff.

3 Q If we could pull up exhibit No. 8, please, this is an article that we produced to  
4 you. It's from Axios from November 1st.

5 And, in the first paragraph, if you scroll down a bit, [REDACTED], it says that: President  
6 Trump has told confidants he'll declare victory on Tuesday night if it looks like he's ahead,  
7 according to three sources familiar with his private comments. That's even if electoral  
8 college outcomes still hinges on large numbers of uncounted votes in key swing States.

9 And then, if you look at the very bottom of that page, skipping some of those  
10 bullet points, it says: Behind the scenes, Trump has privately talked through the  
11 scenario in some detail in the last few weeks, describing plans to walk up to a podium on  
12 election night and declare that he has won.

13 So do you recall any discussions within the White House about the President  
14 declaring victory on election night, even if it wasn't clear that he had won?

15 A Not if it wasn't clear that he had won or was likely to win. Right? In other  
16 words, I don't remember anything like that.

17 But the -- but, again, I mean this sort of -- this article sort of puts a -- an unusual  
18 spin on what would be like a fairly conventional thing to do, which is, you know,  
19 everywhere all over the country, which is that every election, when people look at returns  
20 and then they and their teams make a decision about whether those returns justify a  
21 claim of victory. So that's a very normal thing.

22 I don't remember specifically being part of the conversations about that.

23 But -- but, again, that would be very standard. I think it's just -- it's somewhat -- it's a  
24 somewhat novel spin on a very normal thing.

25 Q Do you remember any discussions at all, you know, related to the President

1       declaring victory before the election -- excuse me. Let me rephrase that.

2                  Do you remember any discussions in the White House or with the campaign  
3                  before the election took place about the President declaring victory, even if it wasn't clear  
4                  he had won?

5                  A      Again, not if it wasn't clear that he had won or that he would be certified as  
6                  the winner. Right? In other words, the -- you know, I don't remember a specific  
7                  conversation really at all about this.

8                  But, again, my general sense had been that the -- we had an unprecedented  
9                  situation involving mail-in ballots. There were not clear models on how to analyze any  
10                 of this. And so we had to make a game-time decision about the best interpretation of  
11                 the data. That's the extent of my -- of my understanding of the subject.

12                 Q      And I'll stop there for right now to see if any members who've joined have us  
13                 any questions.

14                 Okay. Hearing none, I'll see if anybody in the room has any questions for  
15                 Mr. Miller.

16                 We are about to switch to a slightly different period of time. I don't know if,  
17                 Mr. Miller, if you need a quick comfort break before we jump into that. But now would  
18                 make sense if we do.

19                 The Witness. Yeah, let's take it.

20                 Mr. Rowley. Let's take a short break.

21                 Mr. [REDACTED]. Let's go off the record, yeah, 5, 10 minutes, whatever works for you  
22                 guys. That's fine with us.

23                 Mr. Rowley. Okay.

24                 Mr. [REDACTED]. We'll be back on in about 5, but take as much time as you need.

25                 Mr. Rowley. Okay. Great. Thanks.

1 [Recess.]

2 Mr. ██████. Let's go back on the record.

3 It's 12:06 p.m., and we're resuming the deposition of Mr. Stephen Miller.

4 I will note for the record that Mrs. Luria, Mr. Aguilar, and Ms. Lofgren are with us  
5 as well.

6 And, Mrs. Luria, I see you've turned your camera on.

7 Mrs. Luria. Well, thank you. I just have a couple of questions, going back to the  
8 exhibit that we were just looking at which was the speech that the President gave on  
9 early morning of November 4th. I don't know if we can pull that back up and go to the  
10 paragraph that was being discussed about fraud.

11 Mr. ██████. Yes. And that is exhibit No. 7, and we're looking at page 2 of  
12 exhibit 7.

13 Mrs. Luria. So the discussion centered around this paragraph about fraud.

14 And I think, Mr. Miller, you said that this seemed something extemporaneous that  
15 the President added in at the speech. But you also described that there were two  
16 different camps, that the Giuliani camp was advocating for fraud. You said  
17 Mr. Meadows was in a different camp. But one thing you didn't describe was what  
18 camp were you in, in these discussions.

19 The Witness. I would slightly re-characterize that. There was universal  
20 agreement on the fact of fraud. So there was no disagreement on that point. And  
21 the -- and so, yes, I mean, Meadows is passionate as anybody about the fraud that took  
22 place. So just, you know, one little but important clarification there.

23 The -- my own view just now -- I don't think that I really went in on at the time but  
24 my own view now is that I agreed with the decision that the President made.

25 Mrs. Luria. Okay. But describe the decision. What is the decision you're

1 referring to?

2 The Witness. I mean, in other words, I agree with the framing in the text that  
3 you're pointing to.

4 Mrs. Luria. Okay. So did you advocate for this particular language?

5 The Witness. Well, again, I mean, the language itself was extemporized. But  
6 had I been presented with a specific draft to that effect, I would have agreed with the  
7 content therein.

8 Mrs. Luria. So the sentence, if we're looking at this paragraph that's on our  
9 screen right now, is sort of in the middle. The paragraph starts with "this is a fraud on  
10 the American public," and the sentence that says "frankly, we did win this election,"  
11 you're saying that you agree with that. He repeats it twice.

12 The Witness. I do, yes.

13 Mrs. Luria. And, to this day, you still agree with that.

14 The Witness. I do, yes.

15 Mrs. Luria. Okay. I wanted to switch to another topic, because we talked  
16 about your -- early on in this discussion, we talked about your job description, your roles  
17 both as a White House employee and with the campaign. And, you know, my  
18 understanding of the timeline discussed in, you know, the timeframe October, November  
19 of 2020, you were a full-time White House employee. Is that correct?

20 The Witness. Yes, from -- from January 20th of 2017 to January 20th of 2020.

21 Mrs. Luria. Okay. And for the 2020 election cycle, you described that you were  
22 not an employee of the Trump campaign. Is that correct?

23 The Witness. I don't believe I was in the sense that -- that, you know, there was  
24 no employment relationship. I certainly was actively in communication with the  
25 campaign, and I traveled with the President in my capacity as one of his longest serving

1 senior advisors.

2 Mrs. Luria. And, during the timeframe of October, November 2020, immediately  
3 surrounding the election, how much of your time would you say was spent on your  
4 official duties as an employee of the White House and the U.S. Government versus the  
5 time that you spent working on campaign-related issues?

6 The Witness. Could you repeat the timeframe that you're asking about?

7 Mrs. Luria. I'm just talking about the time immediately surrounding and  
8 following the election, so October and November of 2020.

9 The Witness. Well, it was a mix. As I mentioned earlier in today's conversation,  
10 although I don't believe you may have been here for the portion, so I will repeat this,  
11 although it may be redundant for some.

12 You know, one of the -- you know, one of the big things that I was working on  
13 shortly before the election was border control during the pandemic, title 42, repatriation,  
14 international cooperation, et cetera. So that certainly was a big part of my portfolio.

15 Then, obviously, in my role overseeing the speechwriting office, that included all  
16 the content the speechwriting office produced. It certainly included a lot of the  
17 materials that you're talking about.

18 I will also say that I traveled -- I mean, I would say there's probably only a couple  
19 of staffers maybe who traveled more than I did over the course of the 4 years including  
20 the -- with the President, including the time period that you're referring to.

21 Mrs. Luria. Okay. So I just was trying to get a rough estimate from you. What  
22 percentage of your day was spent on campaign activities during this timeframe?

23 The Witness. I mean, it would have -- it would have obviously increased as you  
24 get closer to an election. But that's, you know, that's true for all White Houses. You  
25 know, it would be true for, I'm sure, you know, Valerie Jarrett and David Axelrod and so

1       on and so forth, you know. The closer you get to an election, the more that that  
2       becomes the predominant activity. So I can't, like, give you, like, a fixed percentage.

3           Mrs. Luria. Okay. But you are also telling me that you had no official role in the  
4       campaign, yet it took up some percentage of your time, which increased --

5           The Witness. Yeah, I mean, I was in the -- I was in the position -- again, far from  
6       the only one. I mean, Valerie Jarrett would be someone else who was in a similar  
7       position, many others throughout history have been -- in my capacity as a close as a close  
8       senior advisor for the President that occupies a different space both practically and legally  
9       than certainly a noncommissioned officer but even a more junior commissioned officer in  
10      the sense that you are -- you are involved in strategic conversations with the President on  
11      a daily basis, regardless of what's happening that day.

12          So, obviously, when the election is, what's happening that day in the life of the  
13       leader of the free world, then that's going to consume a lot more of your time.

14          And, of course, the whole American political system reflects this reality, too.  
15       Congress is out of session. Bills are not being debated. I mean, the whole machinery  
16       of government changes around this time.

17          Mrs. Luria. So you've used a very unusual term, "commissioned officer." So,  
18       you know, I myself was a commissioned officer in the military for 20 years. And I  
19       understand what a commission is, but I've never heard that term used for someone in the  
20       executive branch.

21          Can you explain that choice of words?

22          The Witness. That is the term is that used to describe the distinction -- I did not  
23       come up with it. I don't know who came up with it. It might actually go back -- I could  
24       be wrong about this -- but I think it could go back to the Eisenhower era potentially. But  
25       the -- there's been a long delineation in the White House that does have legal

1 significance -- I'm not a lawyer. So I'm not the one who would be the expert to opine on  
2 it.

3 But between being a, you know, what is referred to as a commissioned officer  
4 versus a noncommissioned officer and the dividing line is, if you are the lowest, you  
5 know, rank of commissioned officer is a special assistant to the President, known as SAPs;  
6 then a deputy assistant to the President, or DAP; then an assistant to the President, or an  
7 AP.

8 And then, within AP, then further delineation between chief of staff, deputy chief  
9 of staff, senior advisor; directors of policy councils almost invariably are APs. So the  
10 director of the Domestic Policy Council, the director of the National Security Council, the  
11 director of the Economic Council, et cetera, that would all be both commissioned officers  
12 and A-Ps or APs.

13 The -- and the -- things come along with that in terms of it's reflected in your  
14 access to different spaces, in terms of what's known as the order of procession in official  
15 events. I mean, the State Department has a whole, like, elaborate list of where  
16 everyone in the executive branch is, you know, ranked for official and formal events and  
17 everything else. It's just a whole bunch ado.

18 I'm not one who -- I'm a very informal person when it comes to things of that  
19 nature. So I'm not one who -- I just think of myself as serving the public. So I would  
20 find it distasteful to stand on rank and title if you have the enormous privilege of being  
21 able to work in the White House.

22 But, nonetheless, they have come up with a whole system of delineation. And  
23 the term that I -- that we all were very familiar with was referring to commissioned  
24 officers in the White House versus noncommissioned officers in the White House and that  
25 dividing line that separates them all being SAPs.

1           Who originally came up with that term? I don't know. I would certainly agree  
2        that, as a stylistic matter, would it be my term of choice? Probably not, because, yes, to  
3        your point, it could lead to confusion when you're referring to actual officers in the  
4        United States Military. And I myself would never -- would never want to compare those  
5        kinds of service.

6           Obviously, working in the White House, we have long hours. But that's -- but it  
7        doesn't even belong in the same breath as serving in the United States Military, although,  
8        of course, there are a number of military officers that do go on to also serve in  
9        government in the White House and have that dual experience.

10          I guess the only observations that I would offer on this subject is that -- not me,  
11        I'm not the one -- but the White House Counsel's Office and other attorneys that  
12        specialize in executive law through time have drawn important distinctions about what  
13        commissioned officers versus noncommissioned officers can and can't do with respect to  
14        campaign activity and whatnot.

15          I know that does have both important legal and practical implications. But I'm,  
16        again, not the expert on that.

17          Mrs. Luria. Okay. Thank you for elaborating on that topic.

18          And, just to clarify, did you receive a commission on paper signed by the President  
19        for your role as his senior advisor?

20          The Witness. Yeah, we do a -- they do a swearing-in ceremony for assistants to  
21        the President. I don't know if they -- I should know. I really should. But I don't know  
22        if they do actual, like, they hand people commissions for special assistants and deputy  
23        assistants to the President.

24          But for APs, at the beginning of the administration, we did an actual, formal  
25        swearing-in ceremony where we take an oath, and we subsequently get a formal

1 document which, yes, I believe would you call our commission.

2 Mrs. Luria. Well, thank you.

3 And I don't have any further questions right now.

4 Mr. [REDACTED]. Thank you, Ms. Luria.

5 Does anybody else have any questions before I proceed?

6 And I note for you, Mr. Miller, that Mr. [REDACTED] has joined us. He's our chief  
7 investigative counsel.

8 BY MR. [REDACTED]:

9 Q So, after the election took place on November 3rd, 2020, I want to talk about  
10 your role with respect to campaign activities a little bit on what Mrs. Luria just touched  
11 on.

12 So what types of responsibilities did you have with respect to the campaign after  
13 the election?

14 A After November 3rd, I would characterize my campaign activities thusly: A  
15 communications role, so not a formal one, but I would do some media in order to  
16 expound on election issues, and then also the product review that we have already  
17 discussed at some length today.

18 Q With respect to media, how would -- let me back up.

19 Were you asked to do certain media interviews, for example?

20 A I think I -- well, let me answer that question in two ways.

21 There was probably a sort of general standing, open request, if you will, so: Hey,  
22 if you're available, to be a surrogate, for lack of a better term, than -- and you have some,  
23 like, some baseline media experience, then make yourself available.

24 But I also consciously -- I consciously volunteered myself. I wanted very much to  
25 be, in addition to everything else I was doing, to be providing that service to the

1 campaign, although my opportunities to do so were somewhat limited by personal events  
2 that were taking place at this time. But I tried as best I could to make myself available  
3 nonetheless.

4 Q Did Mr. Trump ask you to appear on TV for campaign messaging after  
5 November 3rd, 2020?

6 A I don't recall him or any person in the administration sort of saying: Hey,  
7 whatever.

8 Again, my -- my -- my whole memory of this is just sort of like what I said. I had a  
9 sense that there was sort of an open "hey, if you're available, you should do it" and then  
10 me wanting to.

11 I'm willing to bet, I'm willing to bet that if you talk to enough people, there  
12 probably were specific times when people in the campaign reached out to me and said:  
13 Hey, are you available for this; are you available for that.

14 I'm sure that there were -- that there were specific -- I'd be shocked if there wasn't  
15 specific times in which -- in which there was a need to fill a -- an interview, you know, get  
16 a body in a chair, for lack of a better term.

17 But nothing immediately sticks out to me in that regard. I just know that I  
18 volunteered myself.

19 Q And with whom would you coordinate related to your media appearances?

20 A Well, the name's escaping me right now.

21 Q Mr. Miller, are you thinking of somebody who worked with the campaign as  
22 opposed to the White House?

23 A Well, in my mind right now I'm trying to remember the name of the  
24 campaign booker. But it's not coming to me.

25 Q Okay. Was it Mr. Murtaugh or somebody who worked with Mr. Murtaugh?

1           A     He was at the more senior level. I mean, of course, I talked to -- talked to  
2 Tim on a fairly regular basis. I talked to Jason Miller on a fairly regular basis, no relation.  
3 The -- but if it was a specific interview, it would have been -- I probably would have just  
4 reached out to the booker, to be honest with you.

5           Q     What about within the White House? Did you coordinate your media  
6 appearances for the campaign with anybody in the White House?

7           A     I don't believe I did. I mean, again, I'm always happy to be -- I'm always  
8 happy to be reminded of somebody that I don't remember, but I don't remember  
9 anything, no.

10          Q     Okay. And I'll ask two people specifically. Did Mr. Meadows ever ask you  
11 to appear in the media in some form or fashion related to the campaign after the  
12 election?

13          A     Not that I recall. Again, I'd be happy to have my memory refreshed in  
14 some way, but nothing comes out -- nothing sticks out to me on thinking about it, no.

15          Q     Same question. Did you ever coordinate with Ms. McEnany related to your  
16 appearances in the media after the election?

17          A     No. But I probably had some casual, friendly conversations with her, again,  
18 nothing that sticks out. But just, you know, because we're working in the same building,  
19 I probably said: Oh, hey, you know, I'm going to do this interview.

20          But the -- but, again, my best memory and recollection is that, to the extent that I  
21 was doing campaign surrogacy, then it would have been coordinated with the booker for  
22 the campaign.

23          Q     I understand. I'm going to draw your attention to November 12th, 2020.  
24 And I understand that you participated in a meeting on that date with Jared Kushner,  
25 Hope Hicks, Johnny McEntee, Justin Clark, the President, and the Vice President, and

1       Mr. Giuliani, who may have appeared by phone.

2           Do you remember the meeting that I just mentioned on November 12th?

3           A     Let's go back to the beginning because that was a lot of information. So  
4       you're saying a meeting on November 12th. And where was the meeting?

5           Q     I believe it was at the White House. And it involved Jared Kushner, Hope  
6       Hicks, Johnny McEntee, Justin Clark, Rudy Giuliani, the President, and the Vice President.

7           A     I don't remember being in that meeting. That doesn't mean I wasn't. I  
8       wouldn't be surprised if I was.

9           This -- what I'm about to say to you is not intended to sound flip. But, you know,  
10      for 4 years, I had a lot of meetings in the Oval Office. And so it, you know, it just sort  
11      of -- I never -- I couldn't tell you one thing I was doing from November 12th.

12           Q     Do you remember being in meetings with Mr. Giuliani at all in the  
13      post-election period?

14           A     I certainly remember talking to him on occasion. I certainly remember  
15      running into him at -- on the peripheries of some White House meetings. You know, I  
16      was going somewhere. He was going somewhere. We were, you know, in the holding  
17      area at the same time or, you know, running into each other before or after one of our  
18      respective meetings.

19           I probably had a few meetings where we were getting updates on campaign  
20      litigation, strategy. And none, again, specifically stick out to me, which, again, is not  
21      intended to sound dismissive. It just is what it is.

22           Q     Tell us the nature of your conversations with Mr. Giuliani when you did talk  
23      to him. What did you guys talk about?

24           A     Honestly, it would be exactly what you would think, which is that both of us  
25      had deep and abiding concerns about election fraud. And so we would have been

1 talking about whatever the cases or challenges were of the day. So it would just be  
2 dependent on, you know, what was going on that particular day.

3 Q Did you ever talk to him about whether to raise election challenges on the  
4 basis of fraud as opposed to an irregularity, like a change in the law because of COVID?

5 A Well, it's sort of a technical nuance. I can't -- I can't remember a  
6 conversation with him getting into that specific nuance, no.

7 But I will say to you that I don't see the two -- now, legally, that's your  
8 department. But, as a practical matter, I don't see the two as being that substantively  
9 different. I see them as being part of the continuum of wrongdoing.

10 Q Part of the reason I asked that question is because Mr. Giuliani was, in fact,  
11 asked I think in at least one court case whether the campaign was alleging fraud. And,  
12 in sum and substance, Mr. Giuliani told the court no.

13 And so I guess I'm wondering did you ever talk to Mr. Giuliani about why the  
14 campaign was not making or not raising challenges related to fraud specifically?

15 A No. I do remember some news stories about what you're talking about.  
16 So that sort of does come to me. I don't remember ever having a conversation with him  
17 about it.

18 You know, the reality is that I would have been -- I would have been glad to have  
19 had such a conversation. I would have been glad to be an attorney and to be a  
20 campaign attorney and to have been in that particular fight. My -- that would have  
21 been quite an honor.

22 As it so happens, my job at the time, not solely but in the main, was in more  
23 around, again, we're communicating these -- information about these challenges, these  
24 legal challenges, and information about an electoral process to the public. And so I  
25 would talk to people to try to glean or gather information that would inform that effort.

1

2 [12:30 p.m.]

3 BY MR. [REDACTED] :

4 Q So part of that is you were out in public, as were other surrogates, to use a  
5 term you've used, talking about election fraud or purported fraud or reports of fraud in  
6 the election. And Mr. Giuliani, at least in one case, was saying that's not what we're  
7 raising in the courts, or in that court, I should say, to be precise.

8 So did you ever talk about the fact that what was being discussed publicly wasn't  
9 always the same as what was being raised in court?

10 A Again, I have some memories of news reports sort of pulling at that, or  
11 poking at that. The -- I think, you know -- again, I'm not an attorney, but spent a long  
12 time around attorneys, still do. Sometimes they work for me; sometimes they don't.

13 But the -- but my -- my sort of, like, law school 101 answer to that would be that  
14 it's my understanding that the -- that the terms that are used in courtrooms are specific  
15 to what statutes are in play, what precedents apply in that circuit, or if -- you know,  
16 applicable to the Supreme Court, what -- what is that judge's -- that district court judge's  
17 own history, what is he receptive to, what is the case law?

18 And so a lot goes into decisions that are made about word choices in a particular  
19 legal brief, and I just wouldn't have given myself huge amount of thought to -- I used to  
20 think, Well, WHY is this -- you know, why is this phraseology being used in this particular  
21 courtroom and this specific point in time?

22 I mean, you know, for example -- and correct me if I'm wrong here, but I think that  
23 a -- I think that a case was won in Wisconsin quite recently on the issue of -- of how the  
24 absentee system was administered in the State and finding that it was unlawfully  
25 administered because the -- they overrode State legislature's conditions for mail-in

1 balloting and decreed a bunch of people to be, you know, confined at home who weren't  
2 confined to home, and the people, you know, were able to get mail-in ballots without first  
3 sending in a separate -- a separate mail-in ballot application, or to be -- or to become -- to  
4 become an absentee voter before requesting a ballot, and so there were a lot of these  
5 issues at play, which, in a courtroom, in arguing those issues, there might be words that  
6 you would use that would apply to those statutes in that State that, maybe when you're  
7 talking about publicly, you would use a different term that would be more -- that would  
8 be more suited for a -- for a public discussion than for a legal argument.

9 Q Well, let me ask you this: You said in that answer quite a bit, but one of the  
10 things you said is that you would coordinate with the lawyers to find, or to get updates on  
11 status of certain challenges.

12 A I don't know that -- I don't know that I said coordinate. At least I don't  
13 think I said that.

14 Q Okay. So you said that you spoke with Mr. Giuliani or others to get  
15 information related to challenges in the courts.

16 A Yeah. So what I said was that, in -- and apologize. Did not intend to  
17 interrupt you, but -- but it might save you some time. The -- or save all of us some time  
18 so we can not --

19 Q So let me ask you, Mr. Miller --

20 A -- debate about a --

21 Q Let me just rephrase it, then.

22 You know, how were court cases and the decisions coming out of the courts  
23 rejecting some of the fraud claims used to inform the public messaging that you had  
24 helped coordinate as a communications person working for the benefit of the campaign?

25 A The way that Judge Reed said it, the -- one of my primary duties in

1 overseeing the White House Speechwriting Office would have been to -- to provide  
2 guidance and strategic direction to make any set of remarks as effective as possible in  
3 prosecuting a case.

4 To do that, it would make sense to go to attorneys -- more often than not, really  
5 Justin Clark -- and say, Give us the latest facts that you are arguing in court that we can  
6 incorporate into our speech product.

7 That's the behavior that I am describing to you.

8 Q Okay. And there were a number of election challenges after the election,  
9 almost all of which -- I think 60 or -- 61 or thereabouts rejected claims related to  
10 purported fraud in the election.

11 And so how did those decisions coming from the courts affect, if at all, the  
12 messaging that you were working on for the campaign?

13 A Yeah. I would just -- I don't mean to be difficult, but I would just -- would  
14 just mildly correct your statement, which is that the -- as you yourself pointed out, the  
15 issue before the courts in many cases was not, Here is 100,000 ballots in Maricopa  
16 County. The signatures don't look anything like the names on the ballots. Your Honor,  
17 you take a look at these signatures. You tell us.

18 A lot of these cases that you're talking about -- I'm not an expert, but my  
19 understanding is -- were --the judges would do everything in their power to sidestep  
20 these questions. And the -- and, in every case where people actually have gone and  
21 said, Okay, let's actually go get ballots. Let's actually go look at the signatures on the  
22 envelopes and look at the signatures in the voter file, that what people have found is  
23 shocking.

24 Q And that's your understanding, correct, Mr. Miller?

25 A As I sit here today and talk to you, that is but a fraction of my total

1 understanding, which I'd be happy to expound on further at your leisure.

2 Q But yeah. I mean, I'm just looking at -- there is a case on  
3 November 20th -- and I'm going to ask you if you're familiar with it -- where, in the  
4 Northern District of Georgia, a Federal judge heard a case about signature match, one of  
5 the things you just mentioned, and said there was no standing, like you mentioned, but  
6 said -- he went on and looked at the merits and said, Even assuming that there is  
7 standing, the court nonetheless finds that the Plaintiff wouldn't be entitled to the relief  
8 he seeks. That was a ruling on the merits looking at the evidence that was presented.

9 So my question is, first, are you familiar with that case and cases like it, because  
10 there were a number; and two, how did those decisions on the merits of election  
11 fraud- related claims inform the communications coming out of the campaign?

12 A Well, I would love to -- to have my prep materials in the case that you're  
13 describing, because I am -- I am not a lawyer, but -- and I usually prefer to be more  
14 humble than this, but I'm confident that, if I read the case in detail, I would have a  
15 shockingly effective rebuttal to your statement.

16 So you have me at a bit of an unfair disadvantage, and so, we will save that debate  
17 for another day. But I'm confident your assessment probably has some significant holes  
18 in it.

19 But what I will say is that the -- if you look at just one example in Georgia, if they  
20 had the same rejection rate in the 2020 election as they had in the last State-led election  
21 before the consent decree was entered into by the State with respect to signature  
22 matching, that President Trump would have won Georgia going away. That's just one  
23 example.

24 Again, we can have this debate if you want to, and I'm happy to, but --

25 Q No, no. I --

1           A -- I don't know that that's something you want to do.

2           Q Yeah, no. To be clear, I don't want to have a debate with you. That's not  
3 at all my intention.

4           My question was: Are you familiar with that case or cases like it, where judges  
5 did decide election fraud-related issues on the merits as they described them?

6           A I -- I do not believe that you can find a case anywhere in the country where a  
7 judge has conducted a forensic audit, as has been done now by State legislatures,  
8 including in Wisconsin, which have found some results, again, which can only be  
9 described as -- as -- as shocking. But that's how you have to do it.

10          And the judges, to your point, they are -- they're dismissing cases on procedural  
11 grounds, and I don't think that -- again, I'm not familiar with that case, and you did not  
12 include it in our prep materials. So, again, it puts me at somewhat of a disadvantage  
13 here.

14          But the -- but, again, it's -- if you actually took -- take any -- take any county that  
15 did not do signature verification. So, you know, take -- take, for example, you know --

16          Q Mr. Miller, we're getting a little far afield with the question, and so I'm just  
17 going to move on from that point, but I appreciate it. Just in the interest of time and not  
18 keeping everyone here until the late hours of the night, I do want to just keep us to the  
19 questions that we're asking.

20          So if we could pull up exhibit No. 10.

21          Can you see that, Mr. Miller?

22          A Yes, I can. Thank you.

23          Q Okay. So this is an email that you provided, and it starts -- at the bottom,  
24 you sent email to Mr. Clark, Mr. Trainer, Mr. Morgan, Mr. Jim O'Connell, copying  
25 Mr. Murtaugh, Mr. Worthington, and Mr. Haley. Subject, information for potential

1       remarks, slash, pressers.

2           And then you ask: Can we please get for the following tonight, or -- excuse  
3       me -- get the following tonight for all key States, numerical analysis of why we have  
4       won/will win; active or planned litigation and arguments therein; evidence, anecdotal or  
5       systemic, of voter irregularities, fraud, or unlawful voting. And you said, Concision and  
6       clarity key.

7           Justin Clark responds on the 4th, just about 5 minutes later or so, 6 minutes later,  
8       saying, The team is working on it now. We'll have it to you as soon as possible.

9           So do you remember making this request to Mr. Clark and others on  
10      November 4th?

11          A     I do.

12          Q     What was the purpose of seeking this information?

13          A     I think it's exactly what it says there, which is that I -- to collect the  
14       arguments, the evidence, all of the information that we'll need to prosecute the case, for  
15       and as the subject line says, potential remarks/pressers.

16          Q     Was there any specific remarks or press conference that you had in mind  
17       that -- when you sought this information?

18          A     Nothing that I can think of right now. You know, analyzing my  
19       own -- analyzing my own writing as I sit here today and just sort of getting inside my own  
20       brain, I mean, looking at it, it sure seemed like I was asking for something for general  
21       purposes for -- to be ready for anything, just how it appears to me reading it.

22          Q     And, at this point, on November 4th, which is the day after the election,  
23       you're asking for evidence of voter irregularities, fraud, or unlawful voting.

24          Do you recall having seen any actual evidence of voter irregularities, fraud, or  
25       unlawful voting yourself before making this request?

1           A     What do you mean by that?

2           Q     Did you have any evidence, documentary or otherwise, about voter fraud  
3     that you remember having before you made this request on November the 4th, or were  
4     you seeking it for the first time, in other words?

5           A     Well, I mean, I already knew -- well, I don't want to note -- I don't think that's  
6     what I knew, what, and when. What I would say to you is that, certainly around this  
7     time period, I was very well familiar with the fact that multiple States had violated their  
8     own election laws in administering the election.

9           We talked to some length about Wisconsin. We talked not at length, but we  
10    talked a little bit about Georgia today. Pennsylvania obviously is a State that violated  
11    their own election laws. We talked about the signature matching issues, the consent  
12    decree.

13          So there were already -- even before -- you're talking about November 4th. Even  
14    before you get really into the detail of the -- again, it's also -- I think that's in the time  
15    they're already -- you know, that's taking things sort of at random out of my memory, but  
16    people getting kicked out of camp rooms and election being improperly administered  
17    according to the rules in the precinct, you know, in the States, and endemic concerns  
18    about everything from a lack of citizenship verification, to a lack of voter ID, to identity  
19    verification, to the facility verification, and just so on and so forth.

20          So there is -- you know, I mean, the answer is just, you know, where do you  
21    even -- where do you even begin? We had one of the worst administered election  
22    systems in the world. You know, strategists voted. They knew within a few hours who  
23    won the election.

24          Q     So, as you sit here today, do you remember having any of that information  
25    that you just ticked off before you made this request on November 4th?

1           A     I'm not going to add anything to the answer I already gave, which is that  
2     these are all things that I was aware of around that time. And, of course, as time went  
3     on, you continue to learn more.

4           Q     Do you recall ever receiving a response from Mr. Clark with the information  
5     you requested, or anybody else?

6           A     Some documents that you sent us refreshed my recollection about some  
7     sort of a repository that the campaign had created to store some of this information. I  
8     don't specifically remember what was in the repository or to what extent that I used it.  
9     But I do remember, again, also your emails refreshed my recollection, or  
10    your -- your -- the -- the documents that you sent us in advance of today refreshed my  
11    recollection, and also seeing broadly through talking points, documents, other things that  
12    had been -- that had been sent along. So, you know, all of that, you know, I think would  
13    answer your question.

14          Q     If we can go to exhibit No. 11.

15          This is an email from Mr. Murtaugh to you, Mr. Worthington, and Mr. Haley on  
16    November 4th at 6:57 p.m., which is shortly before the email we just looked at. And this  
17    has -- it's a forward of Michigan/Pennsylvania transparency issues. And it came from  
18    somebody named T. Elliot Gaiser. Who is Mr. Gaiser?

19          A     So I don't remember a lot about Gaiser. I do know that, in some of the  
20    production that you sent me, I was flipping through it, and I saw his name somewhere.

21          Q     You don't know who Mr. Gaiser is, though?

22          A     Well, so, I mean, to be precise, you sent some documents yesterday. I  
23    browsed through them. In one of these subject lines, I saw -- I think I saw his name  
24    somewhere. It's just -- it is not ringing a bell as I sort of sit here today. I'm apologizing  
25    to you for that, but that's it.

1           Q     Okay. Well, it looks like Mr. Gaiser, who is included on this email, so this  
2 may be the one that you're thinking of, his signature block is senior associate counsel,  
3 Donald J. Trump for President, Inc.

4           A     Right. Yeah. That's the -- that's the signature block that I saw when I was  
5 browsing through this, yep.

6           Q     Okay. But you don't remember dealing with him -- other than seeing this  
7 today, do you recall ever dealing with him during the post-election period through  
8 January 20th, for example?

9           A     It's not ringing a bell, but that doesn't mean that -- that I -- that I didn't. It's  
10 just, you know, my memories are conversations with others, like we mentioned earlier,  
11 Tim Murtaugh, Justin Clark.

12          Q     This information that's here about Michigan lack of transparency,  
13 Pennsylvania lack of transparency, do you remember requesting this information, or  
14 what's your understanding of why you received it?

15          A     We're -- this is, what -- this is November 4th? I mean, we're talking about  
16 the day after an undecided, contested, unfinished election. I don't know what kind of  
17 operation we're running if I wasn't getting information.

18          Q     And, when you got information like this, did you have any role in  
19 fact-checking it to make sure it was accurate or deciding it's not accurate?

20          A     Not really. I mean, in other words, I'm -- the -- the fact-checking would run  
21 in the opposite direction, right? In other words, I might send something to them and  
22 say, Hey, does this look right to you, not the other way in reverse.

23          Q     Okay. But you personally didn't have any role in fact-checking other than  
24 asking other people to do it?

25          A     Fact-checking was -- the -- the campaign is the authoritative source talking to

1 people on the ground, assembling information, sending it to me. I would have no  
2 reason to fact-check them.

3 Q Do you know whether Mr. Worthington or Mr. Haley ever fact-checked this  
4 information related to issues, or purported issues, in Michigan or Pennsylvania?

5 A Again, I -- I think that it would have been reverse, right? I think that, as a  
6 general matter, if we were -- if we were to be discussing issues about, you know,  
7 observers being kicked out of rooms and counts being shielded and, you know, improper  
8 practices or counts being stopped or suitcases being carried in the room, or anything like  
9 that, it would have been us to the campaign saying, What do your people on the ground  
10 have? What do they know? Tell us.

11 I don't know -- I don't know what system we would have had for fact-checking  
12 that, because these kinds of -- these kinds of objections are based upon testimonial  
13 observation.

14 Q So, if the campaign decided that, or reached a conclusion that something  
15 wasn't supported factually, one of these allegations about fraud in the election, you  
16 would have to rely on their determination as opposed to doing your own or having the  
17 White House speechwriting team do its own factual assessment. Is that fair?

18 A I would -- I would caution against overly categorical construction in general  
19 when you're talking about -- about, you know, you know, one size fits all, one rule for  
20 everything. I would just say that the -- I would go, or my staff would go to the campaign  
21 or the campaign's attorneys and say, Tell us what's happening. And they would be the  
22 ones in an authoritative position to know.

23 Q Did you ever receive information about irregularities or purported fraud in  
24 the election directly from Mr. Giuliani?

25 A As I sit here today, I don't remember him sending directly to me, Hey,

1 Stephen, here is some information. I had many -- many casual conversations with him.  
2 We were, you know, you know, coming and going from similar places or what have you.  
3 The -- and I'm sure that work product that he had inevitably would have been transmitted  
4 to people who, in turn, would have transmitted it to me.

5 So if -- I would have seen material, but I don't remember anything where Rudy  
6 said, Hey, Stephen, here is, like, a specific thing to you. That -- it doesn't mean it didn't  
7 happen. It just means that, you know, you're talking about one of the most intricate,  
8 far-reaching things that you can envision, which is a -- you know, our system of elections  
9 in 50 States where every State has their own rules and procedures.

10 Q So, if Mr. Giuliani or anybody on his team needed to get information to you  
11 about purported fraud or irregularities in the election, would that type of information fall  
12 into what we were just discussing, the information that you would rely on the campaign  
13 to vet and check before it gets to you and your team?

14 A Because -- you know, it's tough because, you know, we're -- you know, we're  
15 talking about a hypothetical here rather than, you know, actual memory, right? In other  
16 words, I'm not thinking of anything specific. I'm just sort of applying what would have  
17 been best practices.

18 So what I would say to you is that, if it's material from a legal challenge, something  
19 that is actually in a filing, then it speaks for itself. It doesn't require any additional  
20 evaluation. If it's something that's, you know, more vague, like, oh, well, there was, you  
21 know -- there is issues with poll watchers in this precinct, then we might say, okay, we  
22 need more details. Who do we follow up with? Let's go ask some more questions, find  
23 some more stuff out. But, again, I'm talking to you just in very vague generalities,  
24 because I'm not remembering anything specifically that speaks to your question.

25 Q If we can go to exhibit No. 12, please.

1           This is an exhibit, or a document, that you sent to us, Mr. Miller. It's dated  
2 November the 4th at 8:37 p.m., and it's an email from you to Mr. Worthington, Mr. Clark,  
3 Mr. Jason Miller, Mr. Murtaugh, and Mr. Haley. It looks like it's responding to this email  
4 about Michigan, Pennsylvania transparency issues.

5           Mr. Worthington asked a few questions about is there anything to the claim about  
6 extremely high Wisconsin turnout number, and then cites and includes a Twitter link, and  
7 includes an earlier email from just a few minutes before about Philadelphia.

8           A     So --

9           Q     I'll ask you first: Why -- do you remember why you added Mr. Clark and  
10          Mr. Miller to this email chain?

11           Mr. Rowley. Counsel, it may very well be that Mr. Miller recalls this email, but  
12          this is something that he probably has not seen in more than a year and a half until  
13          Wednesday -- well, until yesterday. So if we can take a look and see the entire  
14          document rather than just to have his attention directed to a particular clause, that  
15          might -- that might be of assistance.

16           BY MR. [REDACTED]:

17           Q     Yeah. This is an email that we just looked at in exhibit No. 12 at the  
18          beginning, the Michigan lack of transparency, and then Mr. Worthington's response that  
19          we were just looking at, if you go up slightly, as well as another response from  
20          Mr. Worthington. And then the final email is you, Mr. Miller, forwarding it to, or adding  
21          Justin Clark and Jason Miller to the chain.

22           So do you remember this?

23           A     I don't specifically remember it, no, but it seems almost certain that I would  
24          have added them in order to have them evaluate Ross' questions.

25           Q     Do you recall ever hearing back from them on these claims?

1           A    I don't. I don't recall, no.

2           Q    In this, Mr. Worthington asked about a claim related to high turnout in  
3   Wisconsin, and then includes a Twitter site.

4           Do you remember whether people on the speechwriting team, including  
5   Mr. Worthington or Mr. Haley or others, were, in fact, obtaining information about  
6   election fraud from public sources like Twitter or other social media?

7           A    Well, I think that we were all consuming news to stay abreast of the latest  
8   developments. How could you -- how could you not be?

9           Q    And so, that would include -- I mean, I see the Twitter hyperlink here, but  
10   that would include news that's sent around on social media, like Twitter? Is that what  
11   you're saying?

12          A    I mean, certainly one place that you would go to get breaking news would be  
13   social media.

14          Q    All right. If we can go to exhibit No. 13, please.

15          And this is an email from Dick Morris, which includes a long series -- it appears to  
16   be a statement by the President, as reflected by the opening words there, statement by  
17   the President, or a draft statement by the President. And he asks, looks like,  
18   Mr. Meadows, Ms. Hicks, Mr. McLaughlin, and you, Mr. Miller, with the subject line,  
19   Please give to the President at his request.

20          And then you, Mr. Miller, send it to Mr. Worthington and Mr. Haley. This is on  
21   November 5th. And you, in your email, say, "Incorporate some of this. Standby."

22          Do you remember this email?

23          A    Not until -- not until I saw it in the -- in the production did it sort of -- did it  
24   sort of vaguely trigger a recollection.

25          Q    Do you remember what you meant when you asked Mr. Worthington or

1       Mr. Haley to incorporate some of this and stand by?

2           A     I don't remember what I meant. I can -- I can engage in speculation. As I  
3     sit here today looking at it, I can speculate, but I don't remember, no.

4           Q     If you can offer some insight as to why you think you might have been doing  
5     that based on what you recall happening at the period, that would certainly be helpful for  
6     us.

7           A     I can offer you speculation, not insight.

8           Q     Okay. That's fine. Please go ahead, and then we'll receive it as such.

9           A     Thank you. My speculation in reading it would be that something in that  
10    document was liked -- some parts of it was liked by somebody. Don't remember who.  
11    Somebody read it and said, Hey, there is a good line in here, or, Hey, there is, like, a good  
12    thought in here, or whatever.

13          And so, there was -- then I'm also speculating that there was some other  
14    thing -- don't know what -- as I sit here today, I couldn't tell you, but there is some other  
15    things of relevance we were working on. I thought to myself, Well, hey, if somebody  
16    liked a line in here, or lines, plural, in here, then why not incorporate it into some of this  
17    thing that you're already doing.

18          And then we can say to the person, whoever that was, who liked a piece of this,  
19    Hey, good news for you. We incorporated some of it into this thing that we're doing.

20          That would be my speculation based upon what I see in front of me.

21          Q     And if we could pull up exhibit No. 14, please.

22          Can you see exhibit No. 14 there, Mr. Miller?

23          A     I can, yes.

24          Q     Okay. And, if we go to page 2 of this, we'll show you the top of that. It's  
25    an attachment to this email called election update.

1           I don't want to put words in your mouth, but this appears to be a draft speech  
2 prepared for the President about remarks related to the election.

3           If we go back to the email itself, this is an email from Mr. Worthington on  
4 November 5th, in the morning, to Mr. Miller -- Mr. Jason Miller, to be clear; Mr. Stepien;  
5 and copying you and Mr. Haley. Subject, close hold, with the attachments of election  
6 update revised, see attached.

7           Do you remember the draft speech here, election update, and working on this?

8           A     Again, as I -- as I look at it now, I mean, I -- and I read it now, looking at it in  
9 front of me, there is elements of this that -- that are familiar to me, but I couldn't tell  
10 you -- and you may have a -- you may have a question or two that -- but I couldn't tell you  
11 as I sit here who asked for it, what became of it, what it was used for, or was it created  
12 for a contingency? Was it created for a plan? Was that plan changed? That, I just  
13 don't remember.

14          Q     Do you remember being asked to prepare remarks for the President to give  
15 about an election update in the days after the election?

16          A     No. I mean, I'll refer you to my earlier answer.

17          Q     Don't recall anything specifically about that?

18          A     Right. In other words -- and, again, in the interest of trying to be  
19 constructive, when I read it, I say, Yeah, hmm, that sentence seems familiar to me. That  
20 sentence seems like something my eyes have seen before. Yeah, there is elements of  
21 this that have a -- that -- that I -- that I feel like I've read or looked at it before, but I just  
22 can't remember, as I mentioned, the answer to each of the -- the questions that I posed.

23          Q     All right. Let's look at exhibit No. 15, please.

24          Q     Can you see exhibit 15, Mr. Miller?

25          A     I can.

1           Q     This has the same subject line forward, close hold. It's from  
2     Mr. Worthington, attaching the same file originally, if you look at the bottom of the email  
3     chain.

4                 If you go down just a bit, [REDACTED].

5                 With an attachment of election update revised. It looks like Mr. Jason Miller  
6     responded, Team throwing a big blinking caution light here. A lot of new data coming  
7     out last night that we need to analyze this AM. Many of the stats used here in these  
8     draft remarks are already outdated. This is not about broader thematic speeches. This  
9     is about cold hard data points and legal challenges.

10               And you respond to him, That's why we sent it to you, to put in the latest facts and  
11     data. I don't consider this a thematic speech. It has a brief intro and conclusion, but  
12     the entire middle is where we are in each State and issues of voter fraud. It would  
13     benefit greatly from more facts and data from the campaign on the races and the legal  
14     challenges.

15               So do you remember this exchange with Mr. Miller and others about the draft  
16     election update?

17               A     Again, if you could ask me cold, describe to me your emails in the morning of  
18     the 5th, or whatever time or date it was sent -- yeah, I see it's one there at 5:55. I'm not  
19     sure when the reply is. Could be that Steve replies later.

20               But regardless, I wasn't able to say, Oh, yes, I remember. But looking at it now,  
21     again, you know, as, you know, like when someone reads to you, like, the first two-thirds  
22     of a song lyric, you know, the last fifth can kind of come to mind, it does look like a thing  
23     that is familiar -- obviously -- obviously I wrote those words, and it's familiar to me.

24               Q     So -- and that's exactly why we show you documents, is, you know, to not  
25     ask you these questions cold. But I appreciate that, had you not seen this, you wouldn't

1 recognize it. But now that you have seen it, do you remember this exchange that you  
2 had with Mr. Miller about these election update revised remarks?

3 A What I remember -- again, heavily informed by the benefit of reading these  
4 words right in front of me, so how much of it is memory and how much of it is me just  
5 reading the words right now, it's hard to say -- more the latter than the former -- is having  
6 a speech some time or another and wanting the campaign to insert the latest, newest  
7 figures and facts into the draft, again, this being a highly evolving and dynamic situation.

8 Q And looks like you were relying on the campaign, similar to what you said  
9 earlier, to provide the facts and what could or not -- could or not be used in a speech like  
10 this. Is that accurate?

11 A Yes. That would have been the correct and proper flow of information.

12 Q Could we pull up exhibit No. 16, please.

13 This is an email that you provided to us, Mr. Miller. And if you go to the bottom  
14 of page 1, this starts the chain.

15 You, on November the 6th, ask, Has anyone done or could they -- could any do a  
16 mathematical analysis to show how astronomically unlikely the perfectly tailored Dem  
17 vote results are in particular precincts and States?

18 Mr. Miller responds a few minutes later or a minute or so later, it appears. He  
19 says, Yep. Alex Cannon, working with Eric Trump, conducting that as we speak.

20 And then you say, This will be very powerful.

21 Do you remember the context for this email, why you wrote it?

22 A Not specifically, no, but -- but -- but, again, I mean, when you're talking  
23 about, you know, this time period in general, we have an un -- we have an undecided,  
24 contested, open election, and so, every day is about getting the latest information, latest  
25 facts, the latest figures.

1           And -- and I do -- you know, looking at my email there, I do remember not this  
2       email specifically, but I do remember being interested in getting an analysis done -- still  
3       am, for that matter -- I think some has been done in this area -- about the -- and we know  
4       a little bit more about how this happened now, particularly with some of the scholarship  
5       that's been done by Mollie Hemingway and others, but about the -- about the anomalous  
6       turnout results in very specific precincts in very specific States that were not replicated in  
7       other similar cities in nonswing States.

8           Q     And do you remember the basis for your belief at the time that certain  
9       results -- certain vote results were astronomically unlikely, or was that just conjecture and  
10      you're seeking information to either validate or invalidate that thought?

11          A     Well, just what I've said. The -- again, you know, I would have enjoyed, had  
12      our preparatory materials been vote counts and vote tallies from all the precincts and had  
13      a chance to have that conversation with you today -- and I'd welcome the opportunity to  
14      do that -- the -- but -- but, not having them in front of me, my -- my recollection is that it  
15      was obvious or striking to any objective observer that, again, there were voting habits,  
16      behaviors, turnout patterns in specific precincts that were not replicated in other  
17      precincts that were otherwise similar but for the fact that they were not in swing States.

18           And that's something that, again, a lot of scholarship has been done since then,  
19      including by Mollie Hemingway.

20          Q     Of course, whatever scholarship you're talking about in saying since then,  
21      you didn't have when you wrote this email, right, and said that this could be powerful  
22      information?

23          A     Well, looking at an email on November 6th, is let's get this analysis done.

24          Q     Right. But you didn't have Ms. Hemingway's analysis at that point, correct?

25          A     Well, what I had -- you know, she subsequently wrote a book called

1        "Rigged," but --

2            Q     Okay.

3            A     -- what I had at that point in time was my eyes and my brain and just  
4 common sense, and looking at results and seeing how -- again, how anomalous they were  
5 relative to other precincts in nonswing States.

6            Again, I don't have the data in front of me, so I can't -- you know, I would have  
7 been happy to have done that or would have been happy to have given it -- we could sit  
8 down and look at it together, but that's -- that -- that's not the purpose that your bosses  
9 have asked you to carry out, as much as I might wish that it were.

10          Mr. Rowley.   Counsel, just before --

11            BY MR. [REDACTED]:

12          Q     For the record, you don't have any information about what we've been  
13 asked to look into specifically, so I'm going to go to exhibit No. 17.

14          And this is a text message exchange that you had with Ms. McEnany.   We  
15 produced this to you.

16          Mr. Rowley.   Counsel?   Counsel, just before we get into that, it's coming up  
17 onto, according to my clock, 1:12 p.m.   When -- when would you like to break for lunch?

18          Mr. [REDACTED].   Let me just do this exhibit, if that's okay with you, Mr. Rowley, and  
19 then happy to break for lunch.

20          Mr. Rowley.   Okay.

21            BY MR. [REDACTED]:

22          Q     So, Mr. Miller, this is a text message exchange between you and  
23 Ms. McEnany.   And I'd note you confirmed earlier that your personal cell phone number  
24 ended in [REDACTED], correct?

25          A     Correct.

1           Q     Do you have these messages in your possession, custody, or control still?  
2           A     My phone was provided to my attorneys subsequent to the -- the arrival of  
3     the subpoena. At great time and expense, we obtained an outside firm to do a forensic  
4     analysis and extraction, and then that formed the basis of the document production to  
5     you.

6                 I don't know what more I can add to the question than that.

7           Q     Okay. And, to the best of your knowledge, then, you don't have these  
8     messages any longer, is that correct, based on what you just said and the process you just  
9     described?

10          A     Again, all I can say is that we rigorously complied with our purported  
11     obligations under the subpoena.

12          Q     And so, to the best of your knowledge, you don't have these, because you  
13     didn't turn them over and would have, correct?

14          A     I mean, that would be a reasonable assumption to draw from the facts and  
15     circumstances.

16          Q     I just want to note for the record --

17          A     I don't have them in front of me, so, I mean, I certainly do not believe that I  
18     would have had possession of it.

19          Q     Okay. Thank you, Mr. Miller.

20          A     I'll just say, my phone is in the room, but I'm not scrolling through it right  
21     now.

22          Mr. Rowley. Counsel, as we previously discussed, counsel did a forensic analysis  
23     of the phone. We -- we produced all the messages that were responsive to the  
24     subpoena, and you now have those.

25          Mr. [REDACTED]. Thank you, Mr. Rowley.

1 BY MR. [REDACTED]:

2 Q Mr. Miller, just to follow up on that, do you recall deleting any information  
3 after you received the subpoena from the select committee?

4 A No. I did not.

5 Q Do you remember deleting any information once you first learned that you  
6 were going to be subpoenaed by the select committee?

7 A No.

8 Q All right. So, in this exchange, Ms. McEnany asks, or sends you a message  
9 that says, CNN just called it for Joe.

10 You asked, What's the plan?

11 She then responds, says again, AP called it for Biden, and says, that's a great  
12 question. She adds, I was told no people on TV. Campaign won't even share info with  
13 Tim Murtaugh. And she asks, Let me know if you catch wind of POTUS wanting to  
14 speak.

15 So you asked, What's the plan?

16 Did you ever learn what the plan was about messaging after -- in the day or so  
17 after the election had been called for Mr. Biden by the networks?

18 A No. I mean, nothing -- I don't -- and there is sort of a specific plan, but at  
19 the same time, divining my intention from the exchange that you're showing me  
20 here -- and this is mostly -- this is mostly messages from Kayleigh, but divining the  
21 meaning of those three words, I probably had a narrower thing in mind as in, like, you  
22 know, like, what's the plan right now from the communications standpoint, is presumably  
23 the subtext of the whole message.

24 You know, in other words, are we going out on TV? Do we have any surrogates  
25 to lend out? Do we have any talking points? Do we have the holding statement?

1        Like that would have been the full -- guessing, but that would have been the full subtext  
2        of the message.

3            Q     Understood. And she responds three messages after yours saying, I was  
4        told no people on TV.

5            Did you ever learn why the campaign or White House decided not to have  
6        anybody on TV in those hours or so after the election had been called by the networks for  
7        Mr. Biden?

8            A     No.

9            Q     Do you know why the campaign won't share information or wouldn't share  
10        information with Mr. Murtaugh around this time, on November 7th?

11          A     Well, I want to be careful here not to suggest that -- the -- I do not  
12        independently know whether the campaign would or wouldn't share info with  
13        Mr. Murtaugh. I can -- I can hypothesize, but -- not about that. I can hypothesize  
14        about a hypothetical, if you want to give me one, but I don't know if what she's saying is  
15        correct or not.

16          Q     Understood. If we can go --

17          A     Not -- not that she wouldn't believe it to be correct. You know, it's -- in  
18        these kinds of moments, people oftentimes have information that's conflicting or  
19        inaccurate or something to update, or whatever it is. So I don't know exactly what she  
20        heard at that moment that prompted her to send that to me.

21          Q     All right. If you go to page 2 of the exhibit, there is one more message that  
22        I neglected to read earlier, and I apologize. It says -- you write, Will do. We have a  
23        draft in case it's needed.

24          And that was in response to her asking you to let her know if the President  
25        wanted to speak.

1           What were you referring to here? You have a draft in case it's needed. What  
2 kind of remarks did you prepare after or for -- in the event that the election was called for  
3 Mr. Biden?

4           A     I don't remember, honestly. The -- I don't know what draft I'm referring to  
5 in that message or not.

6           Q     Do you think it's something that we had already went over here today with  
7 you in some of the exhibits we've shown you?

8           A     Could very well be.

9           Q     But you don't know for sure?

10          A     No, I don't. And --

11          Q     Okay.

12          A     And I would only say also that, again, just reading my text messages now,  
13 there is -- again, the subtext of my message to her, looking at it now, knowing me, is kind  
14 of like me being like, don't -- you know, don't stress. Just be calm. We'll have our  
15 issues covered. Sort of see, like, the general tone of, like -- it's quite possible that I  
16 didn't really anticipate there be a need for a draft of anything, but I'm just saying, like,  
17 Look, as far as, you know, me and you are concerned, don't -- don't you be worried. It's  
18 probably sort of the subtext there.

19          Mr. [REDACTED] All right. At this point, I think it would be appropriate to break, so  
20 let's go off the record.

21          [Recess.]

1

2 [1:56 p.m.]

3 Mr. ██████████. It's 1:56, and we are resuming the deposition of Mr. Stephen Miller.

4 BY MR. ██████████:

5 Q So, Mr. Miller, I'd like to go to November 9, 2020. And we understand that,  
6 on November 9, you were in a meeting with Mr. Stepien, Representative Scott Perry,  
7 Representative Jim Jordan, Mark Meadows, Kayleigh McEnany, and maybe others as well.  
8 Do you remember being in a meeting with those people on or about November the 9th?

9 A I'm thinking. Hold on. Vaguely. Vaguely.

10 Q What do you remember about a meeting with Representative Scott Jordan  
11 and the others around that time?

12 A You'll have to refresh my memory. I just -- I do have some vague  
13 recollection of a meeting, and my mind's eyes sees Perry, but I just don't -- I'm not pulling  
14 anything else.

15 Q Okay. Well, I can tell you, it's been publicly reported that -- this is a  
16 description of the meeting. The group settled on a strategy that would be a blueprint  
17 for supporters in Congress, hammered home the idea that the election was tainted,  
18 announced legal actions being taken by the campaign, discussed fraud. And  
19 Mr. Jordan's spokesperson said that the meeting was to discuss media strategy, not  
20 necessarily contesting the election wholesale. And that's not a quoted language, but  
21 that is generally a description that we're familiar with. Does that refresh your  
22 recollection as to any meeting that you may have had with Mr. Jordan or Mr. Perry?

23 A No, but, I mean, it makes sense that we would've been discussing  
24 congressional relations given the participants.

25 Q Okay. Can you discuss that topic? I mean, what do you remember of

1 outreach to Members of Congress related to the election in the leadup to January 6th,  
2 any point between November and January 6th?

3 A Wait, so, sorry -- so you've moved on from the meeting. You said anything  
4 from November 3rd to January 6th about what?

5 Q Outreach or discussions with Members of Congress, including this meeting, if  
6 you can recall what happened at this meeting.

7 A I unfortunately, and I do apologize, I have no other -- I have no specific  
8 recollections from that meeting. I would also note -- what's the date of that meeting?

9 Q November the 8th.

10 A Okay.

11 Q Or the 9th, I'm sorry.

12 A Okay. I would also just note as context that the -- that during the time  
13 period that you're focused on a lot today I was out of the office, not during that meeting,  
14 but for a good portion of the time period that you just asked about between the 3rd and  
15 the 6th because [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 Q I'm sorry to hear that and the issues that you went through, Mr. Miller, [REDACTED]  
24 [REDACTED] But I appreciate that context for, you know,  
25 identifying issues and where you were or weren't during certain times.

1           But, with respect to this question, do you recall having meetings with Members of  
2 Congress related to the election after November 3rd?

3           A     I recall having a few conversations that was more just in the realm of fact  
4 finding, just sort of what are you guys doing, what are you guys working on, might have  
5 sent some notes of encouragement, good job, like what you're doing, appreciate it, that  
6 kind of thing. But I was not myself, not because I wouldn't have wanted to be, but just  
7 the virtue of all the things that I just said as well as what my job was, I was not myself  
8 involved in the work with Members of Congress pertaining to the Electoral Count Act.

9           Q     Okay. And the meetings or conversations that you just mentioned, when  
10 do you recall having them with Members of Congress or their staffs?

11          A     There weren't necessarily meetings. I mean, they might have just been just  
12 casual conversation with a Member of Congress who might have been in the building or  
13 something to that effect. I don't remember -- there's no specific meeting or plan or  
14 strategy that I can remember being involved in when it came to the organizing  
15 congressional strategy.

16          Q     Who are the Members or the staffs that you recall talking to about the  
17 election?

18          A     Well, as you mentioned, the -- and, again, I don't remember the details from  
19 it, but I think it was evidently at a meeting with Congressman Perry and Jordan. And I  
20 think that it was probably -- based on that spokesperson's statement you mentioned,  
21 probably more of a communication strategy than a -- than a legal -- a legislative strategy.

22               And I know from my text messages that were produced to you that I sent some  
23 notes of encouragement to Members of Congress, applauded them for their leadership  
24 on the issue. But I don't really think there's much else beyond that, and, again, I wasn't  
25 in the office, I mean, for a large period of this time period in question,

1           particularly -- particularly during the time period in which it was punted over to Congress.

2           Q     So let's take those one by one. Representative Perry, could you describe  
3           whether you spoke to Mr. Perry or Representative Perry about issues related to the  
4           election or the Joint Session of Congress on January 6th?

5           A     No, I cannot remember a single, specific conversation with Congressman  
6           Perry on this matter.

7           Q     What about generally, not specifically but just generally, did you talk to  
8           Mr. Perry about the Joint Session --

9           A     I can't remember anything. I mean, if you told -- if you told me that you  
10          had a spy following me for 3 months and that he says that I never spoke to Perry, I would  
11          say, well, I believe him. I just don't remember anything specifically. Like I said, I have  
12          some vague recollection that I was in the Oval Office during this meeting. I don't know if  
13          your notes are based on a calendar, which may or may not have been followed,  
14          contemporaneous notes, which would record who was actually there. I also wouldn't be  
15          surprised to find out that I wasn't at the meeting, but it sounds familiar, but I don't  
16          remember any conversation specific or otherwise with Congressman Perry.

17          Q     What about Representative Jordan, do you remember any general or specific  
18          conversation you had with him about election-related issues or the Joint Session of  
19          Congress?

20          A     Not the contents, no. And, again, during the time in which either we're  
21          just -- one can presume that there would've been more planning related to the  
22          congressional aspect of this, I just was completely out of pocket. But I don't  
23          remember -- I'm friends with Jim, have been for a while, so I'm sure that we had casual  
24          conversations. I just -- nothing springs to mind.

25          Q     Do you ever remember talking to him at all about objecting to the

1 certification of the vote during the joint session of Congress?

2 A I don't, no. I don't remember that, no.

3 Q Okay. And we understand that Representative Perry was involved or may  
4 have known, excuse me, Jeffrey Clark, an individual who worked at the Department of  
5 Justice in the Civil Division. Do you know the name of who I'm referring to when I say  
6 Jeffrey Clark?

7 A I do.

8 Q How do you know Mr. Clark or who he is?

9 A Well, I know of him. I don't know him personally. I probably have met  
10 him at some point in time. The -- I know that he was an official at Department of  
11 Justice, but I don't really remember interacting with him much, if at all, during the time  
12 period in question.

13 Q Do you remember Mr. Perry ever talking to you or anybody in the  
14 White House about Mr. Clark?

15 A No, I do not.

16 Q Do you remember when Mr. Clark was being considered to take on the  
17 Acting Attorney General position at the Department of Justice?

18 A I remember hearing about it; from whom I do not remember and when I do  
19 not remember. But I have some vague sense that this had been something that had  
20 been discussed, but I wasn't present, to my knowledge, in any of those discussions.

21 Q And what specifically did you remember hearing about Mr. Clark?

22 A Nothing beyond just that I had some vague, imprecise recollection that this  
23 is something that had been discussed. But I just, you know -- I mean, I'm really reaching  
24 to even get that like far to say that, you know, that's sort of there  
25 somewhere in -- somewhere in my mind but barely.

1           Q     Do you remember whether Mr. Perry had any role in introducing Jeffrey  
2     Clark to President Trump?

3           A     I do not, no.

4           Q     Do you remember seeing or hearing that Mr. Clark was at the White House  
5     in December or January?

6           A     No, but, again, if it was during the dates that I described, I was in the  
7     hospital.

8           Q     And other than those dates when you weren't there, you don't remember  
9     seeing him in the White House or hearing that he was in the White House. Is that right?

10          A     Well, I don't remember seeing him, and I probably wouldn't recognize  
11     him -- I probably at that time would not have recognized him in the picture. I would  
12     now. At that time, I probably would not have recognized him in the picture.

13          Q     And you said -- and I don't want to put words in your mouth, and I apologize  
14     if I'm not recalling correctly, but I think you said that you have spoken with Mr. Clark or  
15     met Mr. Clark before. Is that right?

16          A     No. What I -- well, I probably could've been more precise so maybe I  
17     should apologize, but I -- what I was saying, just because, again, I'm wanting you to feel as  
18     I'm talking to you that I'm trying to be constructive. I was just saying that it would be  
19     likely that I probably, since I end up meeting most people at most departments and senior  
20     levels, that I probably would've interacted with him at some point, I just can't remember  
21     that point.

22          Q     Do you remember whether John McEntee had any role in introducing  
23     Mr. Clark to President Trump?

24          A     I do not, no.

25          Q     Do you know if Mr. McEntee had any role in seeking Mr. Clark's appointment

1 to become Acting Attorney General?

2 A I do not know, but he was obviously the head of PPO, so him being involved  
3 in such conversations would've been standard.

4 Q Just before we leave Mr. Clark, Mr. Clark drafted a letter in the end of  
5 December. It was a proof-of-concept letter, is how it was described to the State of  
6 Georgia and potentially other States as well about their authority and the possibility that  
7 they, meaning the State, that's something related to the election. Were you aware of  
8 that letter that Mr. Clark or the Department of Justice drafted at the end of December?

9 A No.

10 Q Do you know of anybody who was involved in that letter?

11 A I have no memory of it.

12 Q All right.

13 A And I don't want to harp on this, but, again, the -- I'm going through great  
14 mental effort to try to recover nascent memories from long ago during a time period in  
15 which, of course, I went through a very great family trauma. So I'm doing the best that I  
16 can to try to recover these memories, but it's not an easy task.

17 Q Certainly appreciate every effort you make to do that, Mr. Miller.

18 I'll stop there to see if anybody has any questions on what we've just gone over.

19 Okay.

20 Now, we've talked a little bit about a litigation, I'll call it a strategy, but efforts to  
21 bring litigation and challenge the election results, whether related to fraud or something  
22 else. But I understand also that there was a track related to State legislators and  
23 engaging with State legislators that we touched on very briefly earlier today. Are you  
24 familiar with the effort to contact State legislators and have them do anything related to  
25 the election results after November 3rd?

1           A     I mean, it is worded sort of broadly like that, you know, anything.  
2     The -- I'm aware of the primacy the State legislators have in the election certification  
3     process under our constitutional system, and so I certainly understood, although, again,  
4     no -- not one specific memory sticks out to me, that conversations with State legislators  
5     was one avenue of the election integrity effort.   But I don't know the details of that.

6           Q     And when do you remember first hearing about State legislators being one  
7     avenue of the election integrity effort, as you just put it, with respect to the Presidential  
8     election in November of 2020?

9           A     I don't know.   It would've been -- it would've been sometime after  
10   November 3rd, but nothing specific springs to mind.

11          Q     Okay.   If we go to exhibit No. 26, this is an article that was published in The  
12   Atlantic.   We did produce it to you.   It's rather long, so I don't know if you had an  
13   opportunity to read all of it, but I'll direct you to page 24.   We're bringing it up now for  
14   your benefit, Mr. Miller.

15          Go down just a bit, [REDACTED].   Okay.

16          There's a paragraph that starts "Trump may test this."   And it says:   According  
17   to sources in the Republican Party at the State and national levels, the Trump campaign is  
18   discussing contingency plans to bypass election results and appoint loyal electors in  
19   battleground States where Republicans hold the legislative majority.   With the  
20   justification based on claims of rampant fraud, Trump would ask State legislators to set  
21   aside the popular vote and exercise their power to choose a slate of electors directly.

22          And I'll represent to you, Mr. Miller, that this was published at the end of  
23   September, so roughly six weeks or so before the election.   Do you remember ever  
24   hearing anybody talking about this idea before the election took place on November 3rd?

25          A     I don't remember it.   That doesn't mean that no one else remembers it.   I

1 don't remember it.

2 Q Okay.

3 A Yeah, but I would also note that the -- that I would -- I would disagree  
4 strongly with the framing in the article on the left, which obviously has a, shall we say,  
5 negative tilt.

6 Q Who do you think would know about this, based on your experience working  
7 alongside people with the campaign in the White House?

8 A Well, I have no reason to believe any of that is correct, so it would be  
9 layering supposition on top of supposition.

10 Q Right. But if we wanted to verify, for example, whether this was or was not  
11 true, who do you think we should talk to based on your experience working with the  
12 campaign or the White House?

13 A Again, I -- let me try it this way because the -- my answer may have  
14 been -- may have been too casual. The -- that paragraph there is alien to me, and it  
15 doesn't ring true to anything in my knowledge or experience. So I have no memory of it.  
16 Obviously, I cannot speak to other people's memories. Should I to be -- that was sort of  
17 a pointless additional observation for me to make. That paragraph is alien to me, so I  
18 can't really speculate on who you would ask about it because it doesn't ring true to me.

19 Q Okay. And I'm not just talking about the specific words used in that  
20 paragraph, but this concept that's explained, the Trump campaign would engage with  
21 State legislators to have Trump electors meet and cast their votes in States where he may  
22 have lost.

23 A Yeah, that doesn't sound like anything that I was familiar with at all. And  
24 all the conversations that I was ever a part of were we're going to win the election,  
25 period, full stop, but obviously there's concerns about mail-in balloting; God-willing those

1       concerns won't come to pass, and then, obviously, we'll have a team of election lawyers  
2       on election day to deal with the challenges. So -- and, I mean, I apologize for drawing  
3       this out, but I'm not aware of any proposal or discussion that resembles anything in that  
4       paragraph.

5           Q     Okay. If we could pull up exhibit 27, please. This is an email that you  
6       produced to us, Mr. Miller. And if you go to the bottom of page one, it's an email  
7       from -- or excuse me, the very bottom is an email from Ross Worthington. It says: This  
8       is the latest -- on the top of page 2. We need latest numbers/projections. Much of  
9       this is from talking points provided yesterday. The vote integrity anecdotes mostly  
10      came from Justin.

11           And then you respond on November 5th, going back to page 1: Do we want to  
12      call on State legislators to get involved? Do we have more information on ineligible  
13      voters voting?

14           And then Mr. Haley responds that, if there are substantial doubts about the  
15      integrity of the final outcome in various States, then State legislators would be well within  
16      their prerogative under U.S. Constitution, and it would be their solemn responsibility to  
17      intervene and pick a Trump slate of electors notwithstanding what slate is certified by the  
18      Secretary of State in that State.

19           So I want to go -- my first question about this document is going to be your  
20      response to Mr. Worthington. You say: Do we want to call on State legislators to get  
21      involved?

22           What did you mean by that?

23           A     Can you scroll down to the bottom again, please?

24           Q     Of course. The very top of page 2. This is the extent of the beginning that  
25      we have from Mr. Worthington.

1           A     All right. Scroll back to where you're asking about. Thanks. So, I mean, I  
2     don't remember sending this specific email, but it would seem to me, upon looking at it,  
3     that it's pretty straight forward. As, I guess, Vince lays out subsequently in his email,  
4     under our Constitution system the State legislators have primacy over the certification of  
5     our elections State by State under our Federal system.

6           So, you know, the -- it's different than other systems in other countries in terms of  
7     how Federal elections are handled. Ours are done State by State through the  
8     legislators. They establish the time, manner, and place of elections and so forth.

9           So presumably what I'm saying here is, in light of the evidence of fraud and  
10   whatever that original attachment was, should we get State legislators to get involved?  
11   And, remember, this is on November 5th here. So we're talking about before anything  
12   has been -- you know, it is a completely undecided election. So getting the legislators  
13   involved in fraud on the front end would make a lot of sense.

14          Q     Okay. And you just mentioned this idea of the primacy of State legislators  
15   in election issues, and you, I think, read back part of Mr. Haley's email. You think that's  
16   what you're talking about though, to be very clear, when you say "do we want to call on  
17   State legislators," this idea that they have primacy in certain election-related issues?

18          A     Well, that's me saying that now. The -- you know, Vince's email obviously  
19   comes after my question. But in my reading of this email, I'm just saying that it lays out  
20   correctly who has that prerogative under the Constitution. My -- there probably wasn't  
21   that much subtext packed into my insight. Mine was just more, in light of the rules the  
22   legislators have, they often get involved one way or another. I don't think there was -- I  
23   provided more subtext now than I think was probably in my head at that point in time.

24          Q     Okay. And, following Mr. Haley's email where he raises this issue, do you  
25   remember ever talking to Mr. Haley or Mr. Worthington, Mr. Miller or Mr. Stepien, all of

1 whom are on his email, about this idea of State legislators having primacy and potentially  
2 stepping in to pick up Trump's slate of electors?

3 A No. The thing that -- so, let me be clear: Vince is proposing his own idea  
4 here that he'd be best to speak to. The -- you know, so whatever he had specifically in  
5 his mind that's, you know, for him to say. The -- I don't think I -- I could be wrong. I  
6 don't think I did anything with the message that he sent.

7 The point that I'm making is, if you are interested in what's going on inside my  
8 head, in my brain, it is my view now and was my view then that State legislators have an  
9 appropriate role in adjudicating issues pertaining to electoral fraud.

10 Q And was one of those potential roles or functions that would be available to  
11 State legislators, as you understood it then and as you understand it now, that they could  
12 appoint electors to vote for the electoral college as they see fit?

13 A Yeah. I mean, there may be different laws in different States that I'm not  
14 privy to. I'm not an expert on it. And so, you know, there may be different rules. But  
15 my understanding then now is that a State legislator can -- has the power to certify  
16 whatever it regards to be the lawful and correct slate of electors.

17 Q And do you --

18 A -- in that State that I'm not familiar with, but, you know, in the most general  
19 sense of the term. As a hypothetical, if a court ruling was won that changed the election  
20 result, they could convene and, you know, certify a new slate of electors as, you know,  
21 one hypothetical.

22 Q Do you remember having any conversations about this idea that State  
23 legislators could choose their own slate of electors with anybody in the White House or in  
24 the campaign after November 3rd?

25 A Not in any real depth. I mean, because, again, the -- this wasn't within my

1 portfolio of responsibility, so, you know, some of the communications between me and  
2 my staff about it might just be, you know, just us just generally discussing theories, you  
3 know, whatever it may be. But I was not directly involved in it in this particular line of  
4 effort, so not really much I can add to it.

5 Q You mentioned you don't remember having these specifically. Do you  
6 remember having discussions like that generally though with anybody in the  
7 White House?

8 A Not really, no. I mean, the -- I'm sure that this was something that, again,  
9 came up in casual conversation, but the -- you know, if you -- but if you ask me about, you  
10 know, just in general conversations about the role of State legislators and what they can  
11 do, I mean, there is not anything of any great specificity coming to mind beyond what I've  
12 already said.

13 Q Do you remember ever talking to the President about State legislators and  
14 their authority after the election?

15 Mr. Rowley. Objection.

16 Mr. [REDACTED]. What's the basis of your objection?

17 Mr. Rowley. Communications privilege.

18 Mr. [REDACTED]. Executive communications?

19 Mr. Rowley. That's right.

20 BY MR. [REDACTED]:

21 Q I'll move on. We'll note that for the record, and we'll move on to  
22 something else.

23 Do you remember ever talking to Mr. Mark Meadows --

24 A Sorry, just to interrupt for a second. I need to have a quick sidebar on my  
25 end, so can we go off the record for a second, please?

1           Mr. [REDACTED]   Absolutely. Take your time. We're off the record.

2           The Witness. Thank you.

3           [Discussion off the record.]

4           Mr. [REDACTED]. All right. Let's go back on the record. It's 2:26, and we are  
5 resuming the deposition of Mr. Stephen Miller.

6           BY MR. [REDACTED]:

7           Q    Can we pull up exhibit No. 28, please. And this, Mr. Miller, as you'll see, is  
8 an email that you sent to us as part of your production. It's from Vince Haley, dated  
9 November 5th, at 4:43 p.m. to you. And it says: Stop the vote counting.

10          And then Mr. Haley says: The President tweeted, quote, stop the count, end  
11 quote, earlier today. And then he goes on and offers his thoughts on it.

12          But, at the last paragraph there on the bottom of the screen, it says: We should  
13 not fear delay. A delay strategy taking us to January 6th would likely lead to competing  
14 slates from the States with House ultimately deciding the election, parentheses, with a  
15 House breakdown by States favoring us, I believe, which should be confirmed, close  
16 parentheses.

17          Do you remember receiving this email from Mr. Haley?

18          A    Not until I saw it in the production, then it didn't seem familiar to me.

19          Q    Do you remember ever discussing with Mr. Haley or anybody else in the  
20 White House this idea about competing slates of electors and what consequence that  
21 would have for the Joint Session on January the 6th?

22          A    Well, let me take a step back and just sort of say something globally, which is  
23 that the -- Vince, who worked for me for years, close friend, a man of great honor, sent a  
24 lot of emails about a lot of things with a lot of ideas, in many cases of which they were  
25 just, you know, his thoughts of the day, stream of conscious, that kind of thing, and really

1 nothing came of it. And not that there's anything wrong with this email; maybe it's the  
2 greatest email ever sent. But ultimately Vince had no operational role whatsoever in  
3 any of the subject matters in his email.

4 So, just to sort of bracket it, it's important to keep in mind, it's just, you know, a  
5 guy sending an email of what's going on in his mind on that particular day, just to make  
6 that point.

7 Q So you anticipated what my next question was going to be, was whether  
8 Vince had any role in shaping strategies with respect to the State legislators and election  
9 challenges.

10 A No, he did not. And I certainly don't mean my answer to be, again,  
11 pejorative towards one of my close friends and longtime colleagues and employees. But  
12 since, of course, you're not familiar with the -- all these relationships and everything else,  
13 right, I think it's important for me to just share with you that Vince, which is, I think,  
14 charming and endearing, you know, loved to send emails with what's, you know, on his  
15 mind that day. But he's not the one in charge of any of this.

16 Q Appreciate that background and with respect to Mr. Haley's role. So the  
17 question that prompted that was whether you had any conversations with anybody in the  
18 White House, Vince or otherwise, about this idea that competing slates of electors could  
19 somehow have an effect on the outcome of the Joint Session of Congress on January the  
20 6th. Do you recall any such conversations?

21 A The conversation that I recall is a conversation that I had with Justin Clark in  
22 preparation for a TV interview, which the -- which Justin Clark told me that they were  
23 going to be -- what's the right word here -- developing or convening ultimate slates of  
24 electors in the event that some of the various challenges were successful. So I do  
25 remember that conversation. That's the only conversation that I remember.

1           Q     That conversation, I understand you went on TV, on FOX, on December the  
2     14th, which is the same day the electoral college met. Is that the media appearance  
3     you're talking about that was the basis for your conversation?

4           A     So that conversation happened in relation to that interview. That's the  
5     only specific conversation I remember having about ultimate slates of electors, and then I,  
6     of course, did the TV interview and shared that information.

7           Q     That's very helpful, and I appreciate that as a guidepost for timing. Can you  
8     please be as specific as possible as to the conversation you had with Mr. Clark, what did  
9     you say, what did he say, how it came to be that you're even talking to him in the first  
10    place?

11          A     Well, all these answers will be quite mundane. So the -- I had an interview  
12    scheduled, I believe, on FOX and friends. The -- I was eager to get back into the mix of  
13    things, because, again, you know, we had this -- the first of what would be two very  
14    traumatic experiences during this time period as a family. And I was getting, you know,  
15    a little bit back into the swing of things for a little while, so I was eager to get, you know,  
16    to step up to the plate and do my job and wanted to be sharp, have all the latest facts and  
17    figures for the interview.

18          And so I believe it was by phone, I called Justin or -- or he called me. Maybe I  
19    had, you know, told someone to have him call me. Either way, we ended up on a phone  
20    call, and I probably said something to the effect of, Justin, they're probably going to ask  
21    me about the electoral college today. What is the latest on that? What is the official  
22    answer?

23          And then he said something, you know, again, probably in the ballpark of what I  
24    presumably ended up saying on TV, which is that the -- that we are in the process of  
25    convening alternate slates of electors so that in the event that any of these challenges are

1 successful that then there will be these ultimate slates that can be put into use, for lack of  
2 a more elegant term. That's about it. Not much more than that.

3 Q Do you remember Mr. Clark ever expressing any concerns or his own  
4 thoughts on the effort to --

5 A He actually seemed pretty excited about it.

6 Q Let me just finish. Again, just --

7 A I'll describe his mood as being positive.

8 Q Just for the reporter's benefit, if you don't mind, do you remember Justin  
9 Clark ever expressing any concerns or opinions about this effort to have alternate electors  
10 meet in States that Mr. Trump had lost?

11 A No. In the conversation that I had with him, he was in a good mood. He  
12 seemed optimistic and positive. Sorry for interrupting you, but that was what I was  
13 going to say.

14 Q Okay. And you understood this effort, based on your discussion with  
15 Mr. Clark, as one that's like a backup plan essentially where if a court or a State legislator  
16 were to make any decisions related to the election, these electoral votes would be in  
17 place. Is that right?

18 A Yes.

19 Q Did your understanding of the purpose of these alternate slates of electors  
20 have anything to do with the Vice President, his authority during the Joint Session of  
21 Congress on January 6th alone?

22 A No.

23 Q Are you familiar with somebody named John Eastman?

24 A John Eastman, you said?

25 Q Yes.

1           A     Yes.

2           Q     Do you remember him being involved in any effort related to the alternate  
3       electors that we've just been talking about?

4           A     No. I know what I've read in news reports. I was not involved in those  
5       conversations at the time. Based on what I've read publicly, that's probably  
6       because -- aside from the fact that, again, my responsibility was focused separately on the  
7       external communication side, but I think that also overlaps pretty heavily with when I was  
8       out of the office.

9           Q     Do you know whether the President had any calls with Mr. Eastman and  
10      Ms. McDaniel from the RNC or anybody else about these alternate electors meeting to  
11      cast votes for the President?

12          A     I have no knowledge of any of that.

13          Q     I'll pause there for just a moment to see if anybody has any questions on  
14      what we've just been over.

15          We understand that the President met with the Vice President, Mr. Stepien,  
16      Mr. Miller, Mr. Clark, Eric Herschmann, and others to discuss outreach to State legislators.  
17      Do you know anything about a meeting like that?

18          A     What date was that meeting?

19          Q     Any meeting. I believe it would've been early December.

20          A     Yeah, I was hoping maybe that might trigger something, but that doesn't. I  
21      don't remember that, no.

22          Q     How about in late November, a meeting like that?

23          A     No.

24          Q     Ever hear of a meeting like that outside of those timeframes?

25          A     With that group, no, it doesn't ring a bell.

1           Q     And, at certain points, including in late November and into early December,  
2     the President invited various State legislators to the White House and met with them,  
3     including State legislators from -- State legislators, excuse me, from Pennsylvania,  
4     Michigan, and others.  Do you know anything about those meetings?

5           A     Not about them.  I know of them but not about them, no.

6           Q     Do you know why the President wanted to meet with State legislators from  
7     some of his contested States?

8           A     Well, not specifically, no, but, again, the -- there's three, you know, avenues  
9     for pursuing election challenges:  legislatures, courts, Congress.  And so this would've  
10    been one of those lines of effort, if what you say is correct, so it would have obviously  
11    been part that.  But, yeah, I don't have any specific knowledge about it.

12          Q     Did you ever contact, whether by phone, email, or in person, State  
13    legislators to talk about the November 2020 presidential election?

14          A     I don't believe so.

15          Q     Do you know who Representative Mark Finchem from Arizona is?

16          A     The name sounds familiar, but not much more than that.  The name sounds  
17    familiar.

18          Q     Don't recall any meetings or conversations or emails that you would've had  
19    with him in that period?

20          A     Nope.

21          Q     What about Senator Doug Mastriano, a Pennsylvania State Senator?

22          A     Same thing, I know of the name.  Of course, I also mingled with more  
23    contemporaneous events.  If he's the person I'm thinking of, I think he's also maybe  
24    running for a higher office somewhere.  Although, maybe he's not the person I'm  
25    thinking of; but if he is, so I might also know the name from that too.  But I didn't have

1       any, at least as I recall, have any conversations with him or participated in any  
2       conversations about him at the time.

3           Q     Also, at that time, around that time, Mr. Giuliani was appearing before State  
4       legislators, not all of which had official hearings, but there would be meetings with  
5       certain people in hotels and otherwise, to present testimony related to the election.   Do  
6       you know why Mr. Giuliani was doing that?

7           A     Well, I believe he was one of the attorneys working on the election.   So,  
8       yeah, I have no knowledge of what you're saying, but if you're asking me to answer just as  
9       a -- like a subject-matter question, then it's because he was an attorney working on the  
10      election.

11          Q     And that would be consistent with that track of challenge that you  
12       mentioned earlier, the State legislature track as opposed to like the court or Congress  
13       track.   Is that fair?

14          A     Well, again, I don't know -- I don't know about what -- I wasn't around for  
15       any of the meetings that you're describing.   I'm just sort of answering in the general fact  
16       that State legislatures are one remedy.

17          Q     If we can go to exhibit 32, please.   Exhibit 32, this is an email that you also  
18       provided to us, Mr. Miller.   It's from Alexa Henning.   Earlier we talked about the booker  
19       for the campaign, I think whose name may have escaped you.   It is -- do you think --

20          A     That's right; it's Alexa.   Yeah.

21          Q     Okay.   That's the person you were talking about earlier?

22          A     Yeah.

23          Q     All right.   And this is on December the 14th.   Looks to be like briefing  
24       materials along with information about when and where you'd be appearing on FOX.  
25       That's the interview that occurred after you spoke with Mr. Clark about the alternate

1        electors?

2            A    Correct.

3            Q    Do you know who prepared the materials, the briefing materials that you  
4    received? And if we can go to page 3, we'll show you the first page of these. Do you  
5    know whose job it was to prepare these materials?

6            A    No.

7            Q    One point in here, the -- obviously the date of certification for the electoral  
8    college vote in Congress is January the 6th, during the joint session, and that date is  
9    mentioned in some of these briefing materials. When you went on FOX, you mentioned  
10   that the -- and I'm paraphrasing, but the only date in the Constitution is January the 20th,  
11   and that that was kind of one -- one of the reasons that the challenges were going on and  
12   the need to have these alternate electors.

13          Is there any significance in your mind between January 20th and January 6th with  
14   respect to this issue that you talked about on FOX & Friends and the alternate electors?

15          A    I don't know if I'm hearing your question correctly. Can you ask it again  
16   please?

17          Q    Yes, and I'll try to do so in a little bit clearer manner. January 6th is the  
18   date Congress certifies the electoral college count. In your appearance, though, you  
19   talked about the only date that was really mattering for the Constitution as being  
20   January 20th. I'm trying to understand if you had any specific purpose behind  
21   January 20th in mind when you mentioned it on FOX & Friends?

22          A    Yes. I mean, very simply that the -- there was an effort at the time to  
23   portray the clock as having run out on election challenges. I was simply reminding  
24   people that there was still quite a bit of time left to continue with those challenges.

25          Q    Any followup there? All right.

1           If we can go to exhibit 33 then. This is a document you provided to us as well,  
2       Mr. Miller. It's dated December the 2nd. It's from you -- excuse me, the original email  
3       is December 2nd from Mr. Herschmann to you with an attachment of  
4       State-v-States-complaint-2020-11-30 version four draft.

5           You then write back to Mr. Herschmann and say: Confirmed. And attached, if  
6       we go to the next page of this exhibit, was -- appears to be a draft filing bill of complaint  
7       in the United States Supreme Court about State of A v. The Commonwealth of  
8       Pennsylvania. Do you recall this email and this attachment?

9           A     Only because I reviewed the -- albeit cursorily, but because I reviewed the  
10      exhibit prior, after you sent it.

11           Q     Okay. And, after having now reviewed it and the benefit of maybe  
12      refreshing your memory, what do you remember about this? Why did Mr. Herschmann  
13      send you a draft filing in the Supreme Court?

14           A     I don't recall why he sent it to me. I do know that he was working on these  
15      matters and working on these issues, but I don't recall specifically why he sent it to me,  
16      although I'm sure he had a good reason.

17           Q     Do you remember why you said confirmed? Was it important that you  
18      confirm receipt to the best of your memory?

19           A     I said confirmed or he said confirmed?

20           Q     You said confirmed.

21           Mr. Rowley. Can you show him the exhibit?

22           BY MR. [REDACTED]:

23           Q     Of course. Page 1 there, right there.

24           A     Well, it probably suggests that we had talked prior and he had told me to be  
25      on the lookout for something, and so that was why I would have said confirmed.

1           Q     Do you recall him asking you to do anything in particular with respect to  
2 drafting or editing, revising in any way this draft pleading in the Supreme Court?

3           A     Well, I'm obviously not qualified to do legal work on a legal filing, not being  
4 an attorney myself, although I have been noted to play one on TV, but -- that was a joke.  
5 I've never impersonated an attorney, to be clear.   But it's possible that he was asking me  
6 for some top-line feedback.   I just don't remember.

7           Q     Okay.   Maybe the next exhibit will assist with that, if we go to exhibit No.  
8 34.   This is a slightly different email exchange, so far as I read it, but it looks like  
9 somebody named Michael Farris sent Molly Michael an email with suggested edits to a  
10 draft filing in the Supreme Court that looks similar to, if not the same, as the one we just  
11 looked at.

12               Then Ms. Michael sends it to you as well as Mr. Herschmann.   And then you, Mr.  
13 Miller, send it to Mr. Worthington and Mr. Haley.   Then, at the top of the exchange,  
14 we --

15           A     Sorry.   Sorry.   Go back down to the bottom and just go from the bottom  
16 to the top.

17           Q     Of course.   So, Mr. Farris, Michael Farris, on December 4th, at 8:49 a.m.,  
18 sends an email to Ms. Michael with edits to -- offered suggestions related to this legal  
19 filing.   We'll just go to page --

20           A     Hold on.   Sorry.   Stay at the bottom for one second, please.   So Michael  
21 Farris on December 4th sends an email to Molly Michael and says:   Molly, this text  
22 should be inserted as a replacement for the existing opening -- then I can't see the  
23 rest -- in the document you sent me yesterday.   So Farris is saying to Molly:   This is a  
24 replacement to what you, Molly, sent me.

25               That's what we're seeing at the bottom there, right?

1           Q    That appears to be right to me. And then Ms. Michael sends it to you and  
2 Mr. Herschmann.

3           A    Okay. All right. So then Molly forwards that to me and Eric Herschmann.  
4 Okay. Keep going.

5           Q    And then you, Mr. Miller, send it to Mr. Worthington and Mr. Haley.

6           A    Gotcha. Next.

7           Q    And then, at the very top, this is Mr. Worthington sending to you and  
8 Mr. Haley a complaint -- or excuse me, a document with compare in the file name and  
9 said -- and Mr. Worthington said: Updated in track changes compared to last night's  
10 version. It essentially adds all material on the revised preamble to the old one in a  
11 manner that maintains some coherence. And then if we go to page 3 of this, that is the  
12 attachment that we understand existed with that email.

13          So does this --

14          A    Can you go back to Ross' email real quick. I apologize. I just want to drill  
15 on that for a second, please.

16          Q    Sure. Take your time.

17          A    Thanks. Is there a way to move the screen so that I can see the edges of  
18 the message, or is that on my end that I have to move that screen?

19          Q    We can see the entire thing on ours, so maybe on your end.

20          Mr. Rowley. No, we have the video blocking it.

21          The Witness. Okay. There. I might move this over here. Okay. Yeah,  
22 that's on my end. All right. So, okay, it says, updated in track changes compared to  
23 last night's version. It essentially adds all material in the revised preamble to the old  
24 one -- in the revised preamble to the old one in a manner that maintains some coherence.

25          Okay. So, sorry, thank you. Now ask your questions, please.

1                   BY MR. [REDACTED]:

2                 Q    Yep. And attached to this is the draft bill of complaint in the  
3                 Supreme Court like we just looked at. So, I guess, what's your understanding of the  
4                 speechwriting team's involvement in drafting or editing this Supreme Court filing?

5                 A    Okay. Well, now, having read all of this and then really drilled on some of  
6                 the process, complex grammatical structure there, it is the following: It looks like we  
7                 were sent a draft of some predecisional deliberative legal filing and were asked to revise  
8                 the preamble, so sort of the -- the rhetorical structure and framing that would set the  
9                 tone for the document as a whole, and it appears that that's what was done.

10               Q    Do you remember why the speechwriting team would be involved in that as  
11                 opposed to the campaign legal team or White House Counsel's Office or lawyers  
12                 somewhere else?

13               A    From time to time, over the course of the last, you know, 4 or 5 years, what  
14                 have you, depending on your start and end point, speechwriters have been asked to  
15                 provide their services to improve the flow or argument structure of a document that  
16                 maybe was written by a lawyer or a subject-matter expert but needed some sharpening,  
17                 some clarifying from a rhetorical standpoint particularly in its, you know, in its opening.  
18                 So this would not have been anything unusual, just -- it didn't come up frequently, but it  
19                 would have come up from time to time.

20               Q    Now, you received this email from Molly Michael. Our understanding is  
21                 that Molly Michael would send documents or emails at the President's request. Do you  
22                 know if this one came from Ms. Michael because the President asked it to go to you and  
23                 your team?

24               A    I have no memory, because I will tell you that -- and I guess you probably  
25                 have some way of verifying this, but I probably had a lot of email exchanges with Molly

1 for a lot of different reasons. So the -- I can't -- I can't remember specifically why  
2 she -- why she sent it to me, but -- but it would've been, like I said, not routine but  
3 certainly normal for us to be asked to -- for our team to be asked to provide some  
4 additional wordsmithing to a draft of documents that would not be considered routine  
5 speech products.

6 Q And, without getting into any specific conversations you may or may not  
7 have had with the President, do you remember sharing the speechwriting team's draft or  
8 edits to this complaint with the President?

9 A Let me answer the question like this; this might help you some: So, again, I  
10 can't remember who asked us to edit it. I mean, I wouldn't be surprised if it was Eric's  
11 idea, as an example. But what I can say is that the -- that Molly would have ultimately  
12 made the decision about where it should have gone to next, and I don't think I  
13 probably -- I would've just trusted her. I don't think I would've followed up with her on  
14 the question.

15 Q So you think this probably went back to Ms. Michael as opposed to you  
16 delivering a draft or somebody on your team delivering a draft to the President directly?

17 A Go back up to the top again. So it goes from Ross to me. Hmm. Well,  
18 I mean, it's always possible I just sent it right back to Eric Herschmann too. I just  
19 don't -- I don't remember honestly. The --

20 Q Okay.

21 A It's also possible that I verbally asked Ross to send it to Eric Herschmann. I  
22 just don't --

23 Q So this draft has State of A in the place of an actual name of a State, State of  
24 A versus the Commonwealth of Pennsylvania. What do you recall at that time, in early  
25 December, about a -- the potential for a lawsuit to be filed directly in the Supreme Court

1 related to the election?

2 A Well, I mean, evidently, by this point in time, having read a draft brief, I was  
3 certainly aware of the possibility. I don't know if I read the whole brief, but, I mean, I  
4 certainly received a copy of the brief. As I opened it, I mean, I would've seen that. I  
5 probably had a couple conversations with Eric about it. Nothing -- again, nothing  
6 specific sticks out to me, but, yeah, I was certainly aware of it.

7 Q Do you know why the White House was working on this litigation at all?

8 A It's probably a better question for Eric Herschmann.

9 Q You don't know?

10 A Right, I don't. But, again, Eric, another person for whom I have  
11 extraordinary respect, Eric's role seemed to be -- well, I don't want to caret (ph) for him,  
12 but he was sort of my source for this kind of stuff, so he would know better than I would.

13 Q Okay. Did you think it was odd at all or do you remember thinking it was  
14 odd that, you know, you and the White House would be working on a bill of complaint to  
15 be filed by one State against another State, even if that State that files it is yet unknown?

16 A Not in the least. I mean, the theory of original jurisdiction is, well, it's right  
17 there in the Constitution, so, you know, the -- I mean, I don't have the exact sentence in  
18 front of me, but the idea about the Supreme Court having original jurisdiction over  
19 disputes between sovereign States. So, you know, it was a pretty commonsensical  
20 approach, and I remain disappointed the Supreme Court didn't pick it up. So, no, I  
21 mean, nothing about it would've struck me as odd certainly.

1

2 [2:57 p.m.]

3 BY MR. [REDACTED]:

4 Q Do you know anything about the effort to get a State signed on as the  
5 plaintiff? Ultimately, Texas did through Attorney General Paxton. Are you aware of  
6 that effort?

7 A I don't know that it was -- I don't know how Paxton came to be the one who  
8 was the lead on the State, no, the State lead, no. I just know that Paxton is someone for  
9 whom I have endless admiration.

10 Q Do you remember if this was sent to any other attorneys general, aside from  
11 Attorney General Paxton, to get their --

12 A These are all questions Eric would have to answer.

13 Q Okay. And you -- because you don't know.

14 A No.

15 Mr. [REDACTED]. I'll pause there and see if anybody has any questions on that.

16 BY MR. [REDACTED]:

17 Q Yeah, Mr. Miller, this is Investigator [REDACTED]. I'm an investigative  
18 counsel for the Select Committee. Nice to meet you. Thank you for taking the time.

19 You mentioned that it wouldn't be necessarily out of the ordinary for the  
20 speechwriting team to work, you know, spruce up language and documents that maybe  
21 lawyers had written or subject-matter experts.

22 How about specifically bills of complaint? Did you ever see bills of complaint  
23 come through the speechwriting office before?

24 A Not that I recall.

25 Q And you mentioned that, you know, it might not have been unusual or didn't

1 strike you as unusual to work on a complaint that was State of A versus other States  
2 because of original jurisdiction. But was it unusual just because the speechwriting office  
3 had not worked on a bill of complaint before?

4 A No, because, as I mentioned, it was something that we did infrequently.  
5 But each one tended to be sui generis.

6 So, as an example, I was called upon to work on some legal materials related to  
7 the -- what's the term I'm looking for here -- the Ukraine matter with Congress that were,  
8 you know, would normally be worked out by White House counsel's office but I was asked  
9 to lay my eye to it, you know.

10 So there were products that I had done from time to time that were outside my  
11 core lane, or that others in my employ had worked on, but they were almost all sui  
12 generis. And so each one was sort of like a unique product, like working on a letter to  
13 Nancy Pelosi, for example.

14 So that's my answer to your question.

15 Q Right. But did you work on any other court filings? It sounds like you  
16 worked on maybe some legal materials that had to do with Congress. But any other  
17 court filings?

18 A I don't remember any, but I don't want to definitely say that I didn't.

19 Mr. ██████. Thank you.

20 BY MR. ██████:

21 Q Mr. Miller, there's a meeting on December 21st, I believe, in the Cabinet  
22 Room in which the President and the Vice President met with Members of Congress, as  
23 well as others related to the joint session on January the 6th.

24 Do you know anything about the meeting that occurred on the 21st with the  
25 President and Vice President and Members of Congress?

1           A    I don't remember anything, no.

2           Q    Okay. And just to see if this refreshes your recollection, we understand  
3    that Representatives Biggs, Brooks, Gaetz, Gohmert, Gosar, Greene, and Hice were all in  
4    attendance, I believe, Members of the House Freedom Caucus.

5           Does that refresh your recollection as to any meeting in the White House around  
6    December 21st?

7           A    Nothing's coming to mind. Sorry.

8           Q    If we can pull up exhibit 36, please, this is an email that you provided to us,  
9    Mr. Miller. It was from you to Justin Clark, Matt Morgan, and Jason Miller. Subject  
10   line: Senator Tuberville.

11           And your comments in the email were: Has asked for a compendium on election  
12    fraud in the upcoming congressional certification. Says to get it all to Stephen Boyd, his  
13    new Chief of Staff.

14           Do you recall sending this email?

15           A    Upon reading it, I recall it.

16           Q    Okay. Tell us about the conversation you had with Senator Tuberville that  
17    apparently led to you sending this.

18           A    I think that that -- I think that it was partly a courtesy phone call, because I  
19    don't think I had ever spoken with him before. You know, he was a newer Senator.  
20    And so I wanted to establish the relationship.

21           But in the context of that phone call, I do remember specifically him asking for  
22    a -- well, the compendium, I guess, is the right word. I do remember him asking for it,  
23    and I do remember acting on that request.

24           Q    What else did you talk about with Senator Tuberville during that call?

25           A    That's really the only part of the phone call that I really remember. I mean,

1 I don't remember the words. But, I mean, obviously, there would have been some  
2 general discussion about election fraud, some general discussion about his passion for the  
3 subject, which then would have prompted his request for the compendium, which I was  
4 both eager and happy to provide, or to get so that it could be provided.

5 Q Did he say anything about whether he planned to object during the joint  
6 session on January 6th?

7 A I don't recall, but it wouldn't surprise me if he did.

8 Q Do you remember him saying anything to the opposite, that he did not plan  
9 to object on January the 6th?

10 A No, not that, no. I mean, the -- it seems likeliest that he was asking for the  
11 compendium to evaluate what it is that he would do.

12 Q If we go to exhibit number 37, this is the email you provided to us from you  
13 to, looks like Mr. Boyd. Is that Senator Tuberville's chief of staff, to the best of your  
14 recollection?

15 A It is.

16 Q If you go to exhibit number 2 -- or, excuse me -- exhibit number 37, page 2.  
17 Thank you, [REDACTED].

18 It looks like there's some State-specific headers, as well as various allegations  
19 related to purported fraud or irregularities.

20 Is this your response to Senator Tuberville's request for a compendium of  
21 election-related issues?

22 A Well, I mean, can you help refresh my recollection? Is that document  
23 attached to an email?

24 Q Yes. Well, there is this attachment that you provided to us. And there's  
25 an attachment mentioned in this email.

1           A     Oh, well, yeah, yeah, yeah, sorry. Okay. Yes, that's what it is, yes, correct.

2           Q     Do you recall sending anything else to Senator Tuberville in response to this  
3     request, other than this email and attachment?

4           A     I do not.

5           Q     Are you aware of any other conversations between Senator Tuberville, or  
6     Senator-elect Tuberville, and anyone else in the White House about the joint session of  
7     Congress on January the 6th?

8           A     Sorry. Say that one more time, please.

9           Q     Are you aware of any conversations between Senator-elect Tuberville and  
10    anyone else in the White House about the joint session that was going to take place on  
11    January the 6th?

12          A     I'm not.

13          Q     Do you know whether the President ever spoke to Senator Tuberville about  
14    the joint session?

15          A     I've seen some allusions in news reports that represent the sum extent, total  
16    of my knowledge of the subject.

17          Q     And are you talking about conversations that the President had with Senator  
18    Tuberville on January the 6th itself? Is that what you're talking about?

19          A     Yeah, I've seen what's been reported in the news. I have no knowledge to  
20    validate or invalidate it or anything else. I mean, the reports themselves I didn't even  
21    remember. I just know it's been reported there was a phone call.

22          Q     And to get this information in response to Senator Tuberville's request, you  
23    reached out to Mr. Clark and Mr. Morgan and Mr. Jason Miller. Why them and not Rudy  
24    Giuliani, for example, or members of Rudy's legal team?

25          A     The -- my consistent point of contact in the whole election integrity effort

1 had always been Justin Clark, because I understood him to be the campaign's attorney.

2 Q Did you have concerns about Mr. Giuliani and the information that he was  
3 obtaining or putting out there?

4 A No. But he -- I also didn't have any -- I wasn't in charge of Justin, mind you.  
5 But Justin also had a responsibility to answer my questions in a timely fashion, the virtue  
6 of his paid role on the campaign.

7 And so, if I wanted to get something, you know, done, I'm going to go somebody  
8 in a staff role who is going to have an obligation to get me something and I can then  
9 criticize and say I want it this way, I want it that way, so on and so forth. I mean, this's  
10 just -- that's just the way I would do business.

11 Q Go to exhibit 38, please.

12 These are text messages, spreadsheets that you provided with text messages you  
13 exchanged with various other people. Understanding that this could be hard to see, but  
14 we're going to pull it up.

15 The first exchange you provided is from somebody named Leslie Rutledge. Who  
16 is that?

17 A She's the attorney general of Arkansas.

18 Q And then the next exchange was Mark Brnovich. Who's that?

19 A The attorney general of Arizona.

20 Q And I think we just lost your video, Mr. Miller.

21 A Oh, oh, no, I just -- oh, I see. Sorry. Hold on. That's my bad. I knocked  
22 the wire. Okay. We'll get that going back again. Okay.

23 Q Okay.

24 A You good?

25 Q We're good.

1           So why were you in touch with the attorney general of Arkansas and Arizona in  
2 December of 2020?

3           A     I don't remember. You know, I've had a number of conversations on many  
4 subjects with Leslie Rutledge and Mark Brnovich. I do not remember how that specific  
5 introduction came to be. Part of it could be a timeline confusion. There was a  
6 meeting -- there was an event where attorneys general came to the White House and I  
7 got to meet a number of them in person.

8           Leslie Rutledge and Mark Brnovich, I believe, I think were there. And I had a  
9 chance to meet them and exchange cell phone numbers. And so, they -- so they  
10 probably, and not wrongly, viewed me as a point of contact they could use to get  
11 information to where they would like it to go.

12          Q     I believe that meeting with attorneys general occurred roughly December  
13 11th or so, if it's the right one I'm thinking about. And they're all attorneys general who  
14 had signed onto the Texas v. Pennsylvania lawsuit.

15          Does that sound right to you, Mr. Miller?

16          A     Sort of. You know, really straining here, but I think there was some event  
17 organized by the Office of Public Liaison or something that was -- that was broader than  
18 that. In other words, it wasn't just -- it was -- wasn't just for the 17 attorneys general  
19 who signed onto the lawsuit. But there was some other purpose for which AGs were  
20 convening. It probably included most, if not all, of those 17.

21          But, anyway, my timeline right here then, I would have met the AGs before these  
22 text message were exchanged.

23          Q     Okay. If we go to page 2, there's also messages that you exchanged  
24 or -- four messages with Josh Hawley. I assume but don't want to assume that's Senator  
25 Josh Hawley. Is that right?

1           A    It is.

2           Q    Tell us about your communications with Senator Hawley in December.

3           A    I think it's what you see here. The -- what's the date of this message?

4           Sorry.

5           Q    No, that's fine. The first message is December the 16th, and the remaining  
6           three are from December the 31st.

7           A    Okay. So the -- so the first message, I mean, it's just -- you know, and I do  
8           now, you know, vaguely remember sending it, which is me as executive, quite well,  
9           framing out some of what I think are some of the key issues.

10          And he was someone that I view then and view now as the leader on election  
11          integrity. And so -- and so he's somebody that I very much -- and I had a preexisting  
12          relationship with him. He's always been one of the lawmakers that I've admired most  
13          greatly, and whom I've had a chance to get to know over the preceding 4 years.

14          And so for all those reasons, he's someone who was on a short list of people that I  
15          would have wanted to share my thoughts with about election integrity which would cover  
16          the first message.

17          And then the other three, the -- my recollection is that the -- that he had said or  
18          done something publicly that I thought was very heroic. And so, even though I was, you  
19          know, indisposed at this time for the worst possible reason, I felt a moral obligation to  
20          send him a note of encouragement in some free moment that I had. And that appears  
21          that's what I did there. Don't think that I spoke with him around that time.

22          Q    Do you remember ever having any conversations on the phone or face to  
23          face about the joint session of Congress on January the 6th?

24          A    No. With Josh Hawley? No.

25          Q    One of the reasons I ask is because the article that you sent to him, this

1       blaze.com link, is about congressional Republicans objecting -- that's my quick  
2       synopsis -- during the joint session on January 6th.

3           Does that refresh --

4       A     Again, my memory is --

5       Q     -- your recollection?

6       A     -- that we have to go through the public records here to see what he said on,  
7       you know, at that point in time that I saw that said, Hey, let me send this guy a note,  
8       saying, Great job, Senator, because, again, I've been an admirer of him and his work for  
9       some time and have had the privilege to get to know him personally.

10           So I don't remember what that -- that specific thing that he said was, if anything,  
11       that I need to send him a note. But then, obviously, I wanted to then also send an  
12       article that would be helpful for whatever the subject matter was that we were -- that he  
13       was being complimented on.

14           So that pretty much explains the whole thing. At this point in time on the 31st,  
15       the subject of the -- of the Electoral Count Act and the lodging of challenges in the course  
16       of the Electoral Count Act, I think, was all being discussed quite publicly in all sides and all  
17       corners, and so it would make sense that I'd send him an article about it.

18       Q     Okay. And I'd represent to you, Mr. Miller, that the day before on  
19       December 30th, Mr. Hawley, or Senator Hawley -- excuse me -- announced his intent to  
20       join an objection to at least one of the electoral slates during the joint session of  
21       Congress.

22           Did you have any role in talking to him about whether he would object before he  
23       made that decision?

24       A     I didn't but you have -- but you have very helpfully made my recollection  
25       prove correct.

1           Q     And did you talk to him before or after that announcement about his  
2     objections?

3           A     I have no memory of that, but that -- but then, the time on there works  
4     perfectly. He made a courageous public statement. I lauded him for it. Sent him a  
5     helpful article.

6           Q     And the next set of text message is from Sarah Sanders. Is that the former  
7     White House spokesperson?

8           A     It is.

9           Q     And then beyond that is a set of messages that you exchanged with Marsha  
10    Blackburn. Is that Senator Blackburn?

11          A     It is.

12          Q     Okay. If we could look at those very quickly, you said on the 2nd of  
13    January, 8:42 p.m.: Thank you for your leadership on the election audit.

14          She responded: Thanks. We're pushing the commission.

15          And then you say: It's an excellent plan.

16          When you said, "Thanks for your leadership on the election audit," what did you  
17    mean by election audits?

18          A     Well, it must have been something to do with the commission. So the -- I  
19    mean, again, I'm -- what's the date of that message that I sent Marsha?

20          Q     It's January the 2nd.

21          A     Yeah, so, again, this is -- you know, so, I'm in the hospital at the time. And,  
22    you know, I feel -- feel some sense of remorse because all of my colleagues are at work,  
23    and they're at the White House and they're, you know, in this great election integrity  
24    effort. And, of course, you know, I'm completely -- completely, irrevocably out of  
25    pocket. So I'm just trying to do my own small thing to cheer people on, and that's what

1 you're seeing here.

2 Q And that commission that's mentioned and that you referred to, is that  
3 Senator Cruz's proposed election audit commission?

4 A That is my assumption upon reading it, yes.

5 Q I'm going to stop to see if anybody has any questions for Mr. Miller.

6 A I just want to state for the record that I'm a huge fan of Marsha Blackburn as  
7 well, too.

8 Mr. [REDACTED]. At this point, if you don't mind, if we can take a 5-minute break,  
9 we're about to transition into a new topic, but a very quick break.

10 Is that okay with you, Mr. Miller, Mr. Rowley?

11 Mr. Rowley. Yeah, that's fine.

12 Mr. Miller. Yes. Thank you.

13 Mr. [REDACTED]. Okay. We'll go off the record. Thanks.

14 [Recess.]

15 Mr. [REDACTED]. Let's go back on the record.

16 It's 3:26.

17 We're back on the record of Stephen Miller.

18 At this point I'm going to turn things over to Mr. [REDACTED] to ask a few questions.

19 BY MR. [REDACTED]:

20 Q So, Mr. Miller, we're going to move towards the end of December and into  
21 early January, after January 6th. And just as a preface, I understand that you [REDACTED]

22 [REDACTED] for some of these things. Again, I apologize you having to go through that.

23 So my questions do understand --

24 A Thank you. I appreciate that. Thank you.

25 Q And congratulations on the newborn.

1           A     Thank you very much.

2           Q     Do you remember President Trump's tweet on December 19th where he  
3     talks about the rally on January 6th in Washington D.C.? And he says: Be there. Will  
4     be wild.

5           A     I remember just because it's been -- it's been discussed some but it doesn't  
6     stick out to me.

7           Q     Around that time, was the possibility of having President Trump appear at  
8     the January 6th rally a topic of conversation in the White House?

9           A     Not that I was present for.

10          Q     And in the days leading up to January 6th, did you have any role in planning  
11     the rallies or organizing the rallies?

12          A     What was the first word you said? I heard "organizing." What was the  
13     word before that?

14          Q     Planning.

15          A     No.

16          Q     Did you work with any of the organizations that planned or prepared or  
17     organized the rallies?

18          A     No.

19          Q     And in the days leading up to January 6th, did you have an understanding of  
20     what the rallies were intended to be about?

21          A     In all honesty, the -- I was so disconnected from things in the late December,  
22     early January period, my memory is that when -- that when Ross and Vince told me that  
23     they would be presenting me with a draft for the rally, that was the first time I had ever  
24     really even become aware of it.

25          Now to be clear, I'm not saying that I hadn't been. I'm just saying that I had been

1 so otherwise occupied that when they said it to me, it struck me as new in that moment.

2 Q Do you remember about when you received that first draft?

3 A Well, I know -- well, I think I know now, because of going through some of  
4 these emails. I mean, I believe the answer to that is January 5th.

5 And I will note, to be very explicit about calendar and timeline issues, that I

6 was --

7

8 So we had left

9

10 Q Understood. During that period leading up to January 6th, were you aware  
11 of any conversations about whether there would be encouraging people to go to the  
12 Capitol on January 6th?

13 A No.

14 Q How about any discussions about whether President Trump himself would  
15 go to the Capitol on January 6th?

16 A No.

17 Q When did -- understanding that you might have found out about the  
18 President's speech around January 5th, did you hear any discussions about the President  
19 speaking at the Capitol on January 6th?

20 A No. What -- just to maybe save you a bit of time, what I -- what I would say  
21 is that, because it's going to come up regardless, I suspect, and you're going to address it  
22 anyways, is that I just remember -- I think it was Ross, maybe it was Vince -- not sure  
23 which one, but this is all I remember -- one of them saying to me something like, Oh, I  
24 think there might be, like, a plan for there to be a, you know, a peaceful walk to the  
25 Capitol, you know, at the conclusion of the remarks.

1           And I don't know who had told him that or where that came from. I got the  
2 impression he might have been talking to an advanced person, but that's it. That's the  
3 extent of my memory on that subject.

4           Q     Understood. I'd like to note for the record that Representative Schiff has  
5 joined the Webex.

6           In the days leading up to January 6th, if you heard about the possibility of a walk  
7 to the Capitol, were there any discussions about the potential for violence on  
8 January 6th?

9           A     No. So, again, during this whole time period I was [REDACTED]  
10 [REDACTED] So I wasn't around for any of that.

11          To the extent that on the -- that on the 5th or the 6th, if there were any  
12 conversations at all, I don't remember any specifically, but they would have been more in  
13 the vein of -- because we just got through the Black Lives Matter riots, they would have  
14 been more in the vein of being worried about left-wing agitators and things of that  
15 nature.

16          Q     Right.

17          A     I don't remember anything specific. I just remember that kind of being in  
18 the air a little bit.

19          Q     So you do remember some conversation about the potential for unrest or  
20 violence?

21          A     Not in that way, but I remember there being some discussion about would  
22 the city do enough to ensure that rally goers were protected. I sort of vaguely  
23 remember that being like a little bit in the air, but nothing concrete.

24          Q     Were you monitoring social media following President Trump's December  
25 19th tweet, monitoring reactions to it specifically?

1           A     No. I didn't get -- I did not get the Twitter application. Well, I think -- I  
2 didn't start using Twitter until after I left the White House. I think that maybe it was  
3 downloaded onto my phone but -- no, I don't think it was. I think it was -- I don't think it  
4 was even downloaded onto my phone. But I didn't -- I didn't start using Twitter until  
5 after I was out of the White House. Obviously, on my laptop I would check it out from  
6 time to time.

7                 But so certainly, not saying I didn't use social media, because I did, but I wasn't  
8 following social media after the rally, no.

9           Q     Sorry. I said after President Trump's December 19th tweet.

10              And how about any other social media accounts and just thinking about  
11 monitoring for reactions to that tweet specifically?

12           A     No.

13           Q     Was anyone in the White House, to your knowledge, monitoring websites  
14 like thedonald.win to see reaction to the December 19th tweet?

15           A     Sorry. What that was word you said?

16           Q     The website thedonald.win.

17           A     Yeah, I'm not familiar with that expression.

18           Q     So you're not --

19                 BY MR. [REDACTED]:

20           Q     Can I jump in real quick?

21              That's a website, Mr. Miller. It was formed after -- there's a web page called  
22 The\_Donald on Reddit that moved to a new location that became thedonald.win.

23              Have you ever heard of that website?

24           A     I have not.

25           Q     Do you know if anybody in that White House ever mentioned that website to

1 you or knew about the website?

2 A No.

3 Q Do you know if anybody in the White House, to your knowledge, or in the  
4 campaign, was aware of discussions on social media or internet forums, the internet at all  
5 about the potential for violence on January the 6th?

6 A No. Again, I want to underscore that -- that the -- today's also important so  
7 I'll say this anyways, that on the 5th and 6th, after I [REDACTED], to the  
8 extent that I was aware of any conversations at all, I think, again, having just lived through  
9 in D.C., as I'm sure you did, the violence and unrest in the summer of 2020, there was a  
10 general sense of, Hey, I sure hope that, like, the city of Washington is doing what it needs  
11 to do here to make sure that, you know, there's no, you know, BLM or other, you know,  
12 left-wing agitators that set upon any of the speech goers.

13 But that was the extent of what I was, you know, aware of. Even that was just  
14 sort of, you know, probably like a couple of conversations in passing that I might have had  
15 or overheard.

16 BY MR. [REDACTED]:

17 Q Do you remember, when you got back to the office, anything that President  
18 Trump might have said about what would happen with certification on January 6th?

19 A You mean, like, when I got back to the office after [REDACTED]? No,  
20 nothing comes to mind.

21 Q And then once you learned about the speech, what was your  
22 understanding --

23 A Let me. Hold on a second. Let me just go back a second. The -- because  
24 I want to be very clear about the question that you're asking, can you ask the question  
25 again clearly, please?

1           Q     Sure. Do you remember any conversations in the White House about what  
2 President Trump had said about what might happen with the certification on January 6th?

3           A     Okay. Well, so, I think, in general, there was a lot of discussion and  
4 curiosity about what would happen with the certification in Congress because, you know,  
5 as we discussed earlier today, there was -- there was a lot of interest in what Members of  
6 Congress would be doing and how that would go and everything else.

7                   So, I mean, nothing specifically sticks out to me during this time. But, I mean,  
8 obviously there's a great deal of attention and curiosity about how the challenge would  
9 go in Congress. I know that Leader McCarthy, for example, was leading the effort in the  
10 House. I don't remember the exact tally. But I know that a large number of House  
11 Republicans, you know, voted against certification of a number of States.

12                  And so, yeah, so there was a lot of attention to that obviously, but not any one  
13 thing sticks out in my mind.

14           Q     Understood. So then what was the intended purpose of President Trump's  
15 speech on January 6th?

16           A     Thank you. I'm glad that you asked that question, because it gives me an  
17 opportunity to state for you, for your benefit, and for history's benefit, I think, an  
18 important point which is that, although it should, in my view, be obvious, I will say  
19 nonetheless, which is that this was one in a series of speeches that was drafted and  
20 written, like, for example, another one being the speech in Georgia, for the purpose  
21 educating the public about election fraud and about generating public support for  
22 election reform.

23                  Any suggestion, insinuation, implication, or conspiracy that suggests some other  
24 darker or more nefarious purpose is, in a word, preposterous.

25           Q     Was that election reform a future hope or specific to the 2020 election?

1           A    Both.

2           Q    You said both?

3           A    Yes.

4           Q    So it was one of the purposes then to --

5           A    Support for election reform, meaning that the -- in that case, right, the  
6         President was talking about -- about the -- about the Electoral Count Act. But then also  
7         in that speech he talked about voter ID and citizenship verification, et cetera. So that's  
8         what I mean by both.

9                  But it was an attempt at rhetorical persuasion in the tradition of the presidential  
10       voting call.

11           Q    And how much did that persuasion have to do with encouraging Members of  
12       Congress not to certify the 2020 electoral results?

13           A    I think that the audience for the speech was both the general American  
14       public for them to hear the facts concerning election, and then also for Members of  
15       Congress and their staffs to, likewise, hear a discussion or presentation on the facts and  
16       concerns regarding the election.

17           Q    Okay. So why don't we pull up exhibits 40, and we can start looking at  
18       some of the language and drafts that come through.

19                  BY MR. [REDACTED]:

20           Q    Before we do that, how do you know that was the President's purpose for  
21       the speech on January the 6th?

22           A    I have -- I will answer the question this way: I've had the privilege of  
23       working with the President as a candidate, the President, as a former President for 6  
24       years now. I have worked on speeches in the country's highest moments, and some of  
25       its most challenging times. I don't claim to know the President as well as, perhaps, his

1 own children but I do know the man and I know him well. I've been deeply honored by  
2 the opportunity to have gotten to know the 45th President.

3 It is a radical impossibility. It's extreme and as outlandish as any you can dream  
4 up or imagine to think that -- that any of us, the President, myself, any White House  
5 employee at any level of the government -- would have wanted anything other than a day  
6 of peace and harmony.

7 Q Did he tell you his purpose for that speech?

8 A I think it was -- it was understood. I don't think it had to be said. I mean, I  
9 think that the -- you know, it was a rally. Like I said, we had already done one in  
10 Georgia. We did other speeches, not necessarily in rally context, maybe in press  
11 conference settings. But it didn't have to be said. It was blindingly obvious that the  
12 purpose of the speech was to build support for the election contest.

13 Q Understood that you're saying it didn't have to be said. But was it said?  
14 Did the President tell you his purpose for the speech on January 6th?

15 A As I stated earlier, you know, we're not going into those conversations  
16 regardless, but it's --

17 Q Are you objecting to that on executive privilege grounds?

18 A Well, I'll let my lawyers decide how they want me to answer that question.  
19 Why don't you ask the question again?

20 Q Yeah, did the President tell you his purpose for the speech on January the  
21 6th?

22 Mr. Rowley. Counsel, we've made it clear that we object to any conversations  
23 that Mr. Miller may have had with President Trump.

24 Mr. [REDACTED]. Is that an executive privilege assertion, Mr. Rowley?

25 Mr. Rowley. That is, yes.

1           Mr. ██████. And just for the record because, again, this may be something that  
2 we take up for the chairman for a ruling, but for the record, we understand from many  
3 witnesses that this was not an official function. This was not related to the President's  
4 Article II official -- any capacity that he would exercise under Article II of the Constitution  
5 as President of the United States, but rather as a candidate and a person participating in  
6 an otherwise public event and does not implicate that.

7           But we will note the objection and we will move on.

8           The Witness. And I, you know, I would note the speech does contain a lot of  
9 material about matters of public legislation and public import and the administration of  
10 the law and the faithful execution of the law.

11           But I understand that I'm not here to persuade you, although I would find of  
12 anyone would need to be so persuaded. But I can assure you that any suggestion,  
13 insinuation, implication, or conspiracy that the speech served any purpose other than to  
14 promote a better understanding of the subjects in the speech is ludicrous.

15           Mr. ██████. Thank you, Mr. ██████.

16           BY MR. ██████:

17           Q     Could we pull up exhibit 40 then, please?

18           Mr. Miller, exhibit 40, I don't have to explain it. I'm not sure if this was explained  
19 earlier. But on some of these email stamps, they're in UTC time, and this is one of those  
20 where you have to subtract 5 hours from the timestamp on it.

21           So this was sent on January 5th at 3:30 p.m. from Mr. Worthington to yourself,  
22 cc'ing Mr. Haley. And it's attaching a document entitled, "Stop the Steal Rally."

23           We'll scroll down to the draft which is the attachment on page 1. Is this the first  
24 draft of the January 6th speech that you saw on January 5th?

25           A     What time was it sent at?

1           Q     3:30 p.m.

2           A     I believe it was.

3           Q     Okay. So on the bottom of the first page of the draft, leading on to the  
4 second page, there's the last sentence:

5                 "I know that everyone here will soon be marching" -- and onto the next  
6 page -- "up to the Capitol to peacefully and patriotically make your voices heard. We  
7 will not remain silent while the Democrats and the media try to steal this election."

8                 Did Mr. Worthington draft that language?

9           A     I believe so.

10          Q     Were there any discussions about knowing that people would soon be  
11 marching up to the Capitol?

12          A     Only what I said earlier. That's my -- that's the sum and extent of my  
13 knowledge on the subject.

14          Q     And after you read this language, do you remember any conversations about  
15 the security implications of having the public march up to the Capitol on the day Congress  
16 was certifying the vote?

17          A     No.

18          Q     Okay. If we scroll -- well, you see, if you can see on the next paragraph, it  
19 starts with:

20                 I want to thank the more than 140 Members of the House of Representatives.

21                 And you're also thanking the Senators who are arguing against certification, and  
22 the last line of that paragraph is: "History will record that these Senators bravely stood  
23 up to Stop the Steal."

24                 And then the next paragraph is: "Today we hope that majority in both Houses of  
25 Congress will join these Senators in showing courage, wisdom, and strength."

1           Do you remember who drafted that language?

2           A     Well, I can save you some time in that I believe that the -- that the whole  
3        draft was produced by some combination of Ross, Vince, and their subordinates.

4           Q     Great. And did you have discussions about noting that the Senators and  
5        Members of Congress specifically would stand up to Stop the Steal?

6           A     I just think, I mean, I think that was the list that Ross was given of who was  
7        on record as planning to object to certification pursuant to the Electoral Count Act.

8           Q     Understood. If we go down to the end of the draft, it's page -- the last  
9        page, the second to last full paragraph.

10          "I want to thank you all once again for being here today. Now go make sure that  
11        Congress hears your voice, sees your peaceful protest, and knows that here in this  
12        country the American people rule."

13          Did you have any conversations about having a directive to the people to go  
14        march to the Capitol?

15          A     No. Again, not beyond the -- whatever he said on the subject.

16          And, again, at the time I was -- I was just coming out of the hospital. So I  
17        probably only would be able to provide a cursory review of the draft as it was.

18          Q     As a general --

19          A     Not that, by the way, not that I wouldn't have loved to have given more than  
20        a cursory review. It's just that was the situation as it stood at the time.

21          Q     Understood. But as a general matter, how many speeches did you work on  
22        for the President where he directed people to go to a physical location on the same day  
23        to do something?

24          A     I couldn't know. There -- there were a lot of speeches over a long period of  
25        time.

1           Q     Was it common for the President to tell people who were listening to his  
2 speeches to, you know, head to Congress to protest?

3           A     Well, I wouldn't do anything about this -- I mean, this wasn't a -- not a  
4 normal day. Obviously, every once every 4 years there is an electoral count. So I don't  
5 know if there was an appropriately analogous situation, but nothing about it struck me as  
6 even unusual in the slightest.

7           Q     Okay. If we go up a page -- sorry to go out of order here a little bit. On  
8 the bottom of page 7, the paragraph starting, "so today," right there -- sorry. I got my  
9 page numbers wrong. Yeah, right there.

10          "So, today, in addition to challenging the certification of the election, I'm calling  
11 on Congress and the State legislatures to quickly pass sweeping election reform so that  
12 the outrageous fraud we've seen in this election can never happen again."

13          Just as a general matter, do you know who is fact-checking claims about election  
14 fraud in this speech?

15          A     My understanding based on some document review is that it may have been  
16 William Bock.

17          Q     And who is William Bock?

18          A     I don't remember his exact job title, but he was employed in the  
19 speechwriting office.

20          Q     Did you ever work with William Bock's father, also named William Bock, on  
21 election challenges?

22          A     Not that I remember.

23          Q     Okay. Thank you.

24          So after this draft, do you remember providing any edits to Mr. Haley or  
25 Mr. Worthington?

1           A     My recollection is that, as I mentioned, you know, I'd just gotten back from  
2     the hospital. So I was still somewhat recovering from that, for lack of a better term.

3           I became aware that this event was tomorrow, which, you know, based on talking  
4     to Ross and Vince, I mean, was just another, you know, routine event in the series of  
5     events that we've been doing. Nothing about it struck anyone as remarkable. They  
6     produced a standard draft based on the kind of remarks that had been made up to that  
7     point in time.

8           And, so, I provided some very top-level feedback. Don't remember what it was.  
9     And then I believe they sent me another draft some hours later. But, again, I can't  
10    underscore enough how -- how unremarkable it all -- it all was.

11          Q     All right. Why don't we pull up exhibit 44 then? And I'll start describing it  
12    to you while it's getting pulled up.

13          On January 5th there's an email exchange, if we scroll down to the bottom -- right  
14    there's good -- at 5:11 p.m. where Austin Ferrer -- and I'm sorry if I'm mis-pronouncing his  
15    last name, F-e-r-r-e-r, asked Vince and Ross if there's a draft available for POTUS' speech  
16    tomorrow morning and the subject is the 11:00 a.m. speech.

17          And we can scroll up a little bit more, a little more.

18          The email I want to focus on is stuck between the two pages unfortunately. So  
19    at the bottom you see looks like it got covered over by -- oh, no. Sorry.

20          So the email's from Madison Porter on January 5th at 5:28 p.m., and it goes to  
21    Mr. Haley and Mr. Worthington and Mr. Ferrer, cc'ing the staff secretary and Ms. Molly.  
22    And Ms. Porter says:

23          Ross and Vince, we got some feedback from POTUS. Read the remarks. Will  
24    give you a call.

25          Do you know what feedback the President had wanted to provide to Mr. Haley or

1       Mr. Worthington?

2           A    I do not.

3           Q    Do you know if anyone actually spoke to Ms. Porter about the feedback?

4           A    With Madison? No, I don't know. But, I mean, if she said we'll give you a  
5 call, she probably did give them a call. But I don't know that she did.

6           Q    And just as a general matter, if the -- if the President had not yet seen a draft  
7 of this speech, was it common -- sorry. Let me rephrase.

8           If the President had not yet seen a draft of this speech, in general, was it common  
9 for him to provide input before seeing the draft?

10          A    Yeah, certainly. I mean, again, this goes back hours. It depends a lot on  
11 his schedule, what's going on in the world that day, but nothing unusual at all about  
12 him -- in fact, it's quite routine for him to mention to someone, for example, in this case,  
13 purportedly someone on staff sec, and say, Hey, I got some ideas for tomorrow, kind of  
14 thing.

15          Q    We also understand that it might have been a discussion between yourself  
16 and Mr. Haley and Mr. Worthington at sometime around, you know, this period about the  
17 draft. Is that accurate?

18          A    It's just, yeah, just what it said. I remember -- I remember having a very  
19 top-level conversation with some very general guidance. But, again, it seemed  
20 relatively -- it seemed relatively pro forma in the sense that we had done a few remarks  
21 along these lines before, and so, there was no need to reinvent the wheel.

22          Q    Okay. Then let's pull up exhibit 45.

23          So exhibit 45 also has the same UTC problem. But this is a draft that  
24 Mr. Worthington sends to yourself, cc'ing Mr. Miller. Although the date says  
25 January 6th at 1:40 a.m., If you subtract 5 hours, it's January 5th at 7:40 p.m. the subject's

1        "Revised," and the attachment's the "Save America March."

2            Do you remember receiving a second draft of the speech around then?

3            A      No. I mean, not, like, specifically then, but I do remember that some  
4        follow-up draft was sent at some point in time that evening.

5            Q      Great. So if we go to exhibit 46, I'll represent to you that this is a red line  
6        we created between exhibit 45 and exhibit 40, so the 7:40 p.m. draft and the 3:30 p.m.  
7        draft. Red cross-outs were in the original 3:30 p.m. draft, and blue texts are additions to  
8        the draft.

9            A      So this is your self-created track change to the document?

10          Q      Correct. If we scroll down a little bit to this first paragraph, the last  
11        sentence is:

12            Our country has had enough. We will not take it anymore. Together we will  
13        Stop the Steal.

14            Do you remember why the switch from in the 3:30 p.m. draft, the focus of  
15        stopping the steal being on the Members of Congress, to here it is, together, and we will  
16        Stop the Steal?

17          A      Which -- wait. From what line to what line?

18          Q      So in the first draft, in the 3:30 p.m., if you remember, we can scroll down a  
19        little more and look at the deleted text.

20          A      But you want to know -- I can read through the strike. You want to know  
21        why it went from which line to which line?

22          Q      Well, you don't see the strike here. The strike from the 3:30 was, if you  
23        remember when I showed you the 3:30 p.m. draft, mentioning the 140 Members of the  
24        House, the  
25        Members of the Senate who are objecting to certification, and it was thanking them for

1 standing up to Stop the Steal. And now here, it says we will Stop the Steal. And, in  
2 fact, if we scroll down a little bit, we can show you the red line that's on page --

3 A So did the thank you to Members of Congress move to a different part of the  
4 speech?

5 Q No, so --

6 A It's just relocated.

7 Q Right. We'll keep scrolling down to page 2, the draft, a little more. Right  
8 there. So you'll see that "history will record that these 14 Senators bravely stood up to  
9 Stop the Steal" has been deleted and instead in the opening paragraph, we have  
10 "together, we will Stop the Steal."

11 So were there discussions about switching the focus of who would Stop the Steal  
12 from Members of Congress to a "we"?

13 A No. But what I will say is, just analyzing these changes, as I sit here today,  
14 as somebody who, for lack of a better term, could be described as an expert on  
15 speechwriting, I will tell that you the second version of the speech is -- is a superior draft  
16 in terms of its linguistic structure because the opening with the thank you to Members of  
17 Congress is a very dry, a very distant way to open a speech.

18 So it just makes sense, from a rhetorical standpoint, move that deeper into the  
19 speech. Open with language that is more inclusive and more inviting for the people who  
20 have, you know, stood there all day in the cold and everything else for you to talk to  
21 them. So it's just a better construct in terms much just pure speech craft.

22 Q So the rhetorical flourish then was to invite the people listening to the  
23 speech to participate in stopping the steal?

24 A No. The -- I mean, if you really want to get technical about it, in American  
25 political rhetoric, the third person is the device choice for communicating political ideas.

1           This has been true from the beginning of the republic, you know, from the  
2 Declaration of Independence, right? We hold these truths to be self-evident; the  
3 Constitution, We, the people; Gettysburg Address, you know, We here do highly resolve  
4 that these dead shall have died in vain.

5           In fact, the [inaudible] of the Gettysburg Address is 272 words, 10 of which are the  
6 word "we," believe it or not.

7           Lincoln's famous speech about landing on the moon, "We choose to land on the  
8 moon," "we choose," he said it several times, "not because it is easy but because it is  
9 hard"; the President's signature tag line, "We will Make America Great Again."

10          That's my answer to your question. It is the standard and correct construct for  
11 American and political rhetoric that our political culture is accustomed to and expects.

12          Q      Understood. But for all those messages, it sounds like part of the reason is  
13 to have everybody feel like --

14          A      No one hearing Kennedy's speech thought they were going to be on the  
15 moon --

16          Q      If I can finish the question. Would you disagree, though, that in all the  
17 examples you gave, part of the reason of using "we" is to have the  
18 participant -- sorry -- the listeners feel as if they're participating in whatever action the  
19 speaker is promoting?

20          A      No. As I was saying, and I apologize for cutting you off, and I'm glad we're  
21 having this conversation, because external analysis that's been done on this speech, not  
22 yours, in fairness, but some external analysis I've seen in some settings has been  
23 remarkably detached from the reality of how political rhetoric is constructed.

24          You know, turning again to my example about Kennedy's famous speech about,  
25 you know, about how we choose to go to the Moon, or we choose to land on the Moon,

1       the -- nobody listening to that speech thought they were going to be in the Lunar Module.  
2       They understood it to be in the abstract collective, which, again, is the -- is the baseline of  
3       American political rhetoric.

4           Likewise, with the phrase that "We, the people," that starts the Constitution, and  
5       then it begins, of course, in the preamble to describe all the reasons for founding the  
6       republic. The -- most of the people that were reading that document were not in the  
7       room, doing any of those things.

8           So, no, I definitely don't think that's the correct way to understand that. If using  
9       the word "I" in the first person in American political rhetoric, in many contexts, is seen as  
10      gauche. Obama was criticized for his heavy use of the first person. So we were keen  
11      not to as a general matter to be guilty of the same faux pas.

1

2 [4:04 p.m.]

3 BY MR. [REDACTED]:

4 Q Understood.

5 So, for the next language I want to ask is at the top of the page, so if we scroll up a  
6 little bit more, [REDACTED]. Sorry. I was unclear. If you keep going down a little bit. It  
7 was already at the top of the page, right there.

8 So we have -- you'll see, in addition: Now it's up to Congress to confront -- it's up  
9 to Congress to confront this egregious assault on our democracy. We have come to  
10 demand that Congress do the right thing and only certify the electors who have been  
11 lawfully slated.

12 And you'll see it was changed from certify the electoral college vote to electors  
13 who have been lawfully slated.

14 Would this have to do with the State legislative option in discussion we were  
15 having earlier?

16 A Let me read this real quick.

17 So now it's up to Congress to confront this egregious assault on our democracy.  
18 We have come to demand that Congress will begin considering whether to do the right  
19 thing and only certify the electoral college vote.

20 Well, what was the end of that sentence? I mean, it's hard -- I don't -- was  
21 that -- what was the end of that sentence? We will only certify the electoral college  
22 vote? Congress will begin considering -- oh, I see. Yeah. Whether to certify the  
23 electoral college vote.

24 So I think it's pretty straightforward. The -- I mean, it is changing from -- from a  
25 sort of vague, imprecise to something more -- something more specific to

1 describe -- again, this is a speechwriting convention. Rather than leaving the audience  
2 guessing what you're talking about, use of more precise language, we understand what  
3 the -- what the event is in question. And it's just -- it's just a better way to write the  
4 sentence.

5 Q Was your understanding or whoever is drafting this' understanding that the  
6 electors in front of Congress at the time had not been lawfully slated?

7 A It was the view of everybody that the electoral slates had been predicated  
8 on fraud, and, therefore, the remedy was for the States to examine that fraud and, based  
9 on those findings, to certify new electors.

10 Q Thank you.

11 So, if we can start scrolling towards the end of this draft. Just keep scrolling.

12 You'll see all these bullet points as we go. I'll represent to you these are specific,  
13 you know, like, points about claims of election fraud.

14 And if we can scroll all the way to the end, [REDACTED].

15 But do you know who added these claims?

16 A Sorry, I don't. I'm not being very much help to you here. I mean, I don't  
17 really have a memory that specific.

18 Q That's okay.

19 And let's look at the concluding paragraph, right before -- thank you.

20 And -- so, see, the last paragraph, which we -- you remember in the 3:30 p.m.  
21 draft, has the instruction to go make sure that Congress hears your voice -- and you can  
22 see it crossed out -- sees your peaceful protest and knows that, here in this country, the  
23 American people rule, has been changed to: Thank you again to every citizen here today  
24 and all across the country for standing strong. Now it's up to the men and women of  
25 Congress to do the right thing by their conscience, by their country, and by our

1 Constitution.

2 Were there discussions about taking out this instruction for people to go to  
3 Congress and protest?

4 A Wasn't that, though -- isn't that the second reference to the same in the  
5 speech? Isn't that a redundancy, if I'm not mistaken?

6 Q There is a reference earlier to "I know that people will be peaceful" and --

7 A I mean, again, I'm just -- I'm just guessing here, which I probably shouldn't be  
8 doing, but I'm just guessing it was stricken because of redundancy. I don't -- first of all,  
9 I'm not even the one editing this. You're asking about somebody else's edits, right?

10 Let's not forget that.

11 But you're showing me a redline off of one person's draft and another person's  
12 redraft. So I'm speculating on their reason sort of as your, you know, expert witness  
13 who understands how speechwriting works, but my guess is it was just redundant.

14 Q Okay. Let's move on, then, to exhibit 48, which should be a draft that you  
15 sent at 10:22 a.m. I think -- is the email attached to it? I'm sorry. 47.

16 So this is an email from, I believe -- scroll down -- Mr. Worthington forwarded to  
17 himself on January -- on January 14th, but it is an email from you to Mr. Worthington and  
18 Mr. Haley and Robert Gabriel. This is at 10:22 a.m. on January 6th, saying: Start  
19 inputting these changes ASAP.

20 And then, at 10:23 a.m., you say: Then have a new version with red highlights  
21 marking POTUS edits sent back to him ASAP as well.

22 Did you have a discussion with the President about making changes to the draft on  
23 the morning of January 6th?

24 Mr. Rowley. Objection. Same objection. Executive privilege.

25 Mr. █ Not asking about the content of the conversation. Do you still have

1       an objection?

2           Mr. Rowley. Same objection, yes.

3           Mr. █. And that is executive privilege objection?

4           Mr. Rowley. Correct.

5           Mr. █. Thank you.

6           BY MR. █:

7       Q    Well, we'll note -- let's pull up exhibit 51, then.

8           Exhibit 51 is the daily diary of the President on January 6. And, if we scroll down  
9       a little bit, we'll see that there is a meeting entry -- up a little more. Sorry. It's around  
10      10 -- around 9:52 a.m.

11          It's reflected in the diary that you -- the President talked with his assistant and  
12       senior advisor for policy, Stephen Miller, at 9:52 to 10:18 a.m. on January 6th.

13          Do you remember meeting with the President, Mr. Miller?

14       A    Do I remember meeting with the President?

15       Q    Yes.

16       A    Are you looking -- is that a meeting log, or is that the phone call log?

17       Q    Do you remember speaking with the President on the morning of  
18      January 6th?

19       A    I do.

20       Q    Okay. Great.

21          And, if we go back to exhibit 47, would you agree that you received some edits  
22       from the President as to whatever the latest draft was as of 10:22 in the morning on  
23      January 6th?

24       Mr. Rowley. Same objection.

25       Mr. █. Executive privilege objection?

1           Mr. Rowley. Yes, sir.

2           Mr. ████████. Well, we're going to let the language stand that it says POTUS.

3           BY MR. ████████:

4           Q     And, if we go to exhibit 48, this is the attachment to exhibit 47, which seems  
5     to be a redlined that you sent to Mr. Haley and Mr. Worthington.

6           And, on page 1 of this draft, we have the language that, at the end of the -- scroll  
7     down a little bit. I'm sorry. This is after the paragraph that starts "For years."

8           So, at the end of the, but this year, paragraph in blue, which are additions, in fact:  
9     It, the election, was so corrupt, we could even say -- we can say world history. No Third  
10    World country would even attempt what they have done, and we caught them.

11          Did you make that edit to this speech, Mr. Miller?

12          A     Well, is that the -- is the redline that you're looking at in the -- is that the  
13    email that I sent?

14          Q     Yes.

15          A     Then yes.

16          Q     Okay. Why did you add this language, Mr. Miller?

17          Mr. Rowley. Objection to the extent that the question could potentially  
18    implicate any conversations that Mr. Miller had with the President.

19           BY MR. ████████:

20          Q     Putting aside the possible conversations you had with the President, can you  
21    elaborate about why you added this language?

22          A     Can I elaborate on what?

23          Q     Why you added this language, you know, putting aside the substantive  
24    conversations you might have had with President Trump?

25          A     I'm just -- I think it's fairly apparent, just that this is building out the case and

1        laying out the argument about what the injustice was that took place. And it's just -- it's  
2        a elaboration on the point that precedes it.

3            Q     And, given what you know about world history and world events, is this a  
4        true statement, or is it a rhetorical statement?

5            A     It's a true statement. I don't think that you want me to elaborate on it  
6        because we'll get back to the conversation we were having earlier, and there is no need  
7        for that, unless you want to.

8            Q     No. I -- understood.

9            So, at the end of the next paragraph that starts "Now it is up to Congress," we see  
10      the addition: Today, we will see whether Republicans stand strong --

11           A     I should say, by the way, just to be clear, if something could be true and a  
12      rhetorical flourish at the same time. In other words, obviously -- obviously it's designed  
13      to -- designed to be rhetorical, right? The -- you know, no one pretends to have  
14      reviewed every election in the history of the world, but what's -- right. So that obviously  
15      is intended as such.

16           What's true is the fact that, in the world that we're living in today, it's hard to  
17      imagine a country that would ever agree to conduct its elections as we conduct ours. So  
18      just to -- just to be clear there. Both can be true at the same time.

19           Continue.

20           Q     Not to -- not to get back into the conversation you had earlier, but just to be  
21      clear for the record, because I take your point. Something can both be rhetorical and  
22      believe -- did you believe that the statement was true when you wrote it?

23           A     Yes. Understanding -- understanding, as a rational listener would, that  
24      when one says "we could even say world history," they are not literally trying to imply  
25      they have cataloged every -- every election conducted since the beginning of time and

1 compare it to them. I mean, obviously have a -- they have elections in North Korea that  
2 are not elections. So the -- that was not how it was understood or how it was meant to  
3 be heard.

4 Continue.

5 Q Thank you.

6 So, if we go -- start reading the blue insert at the end of the next paragraph, it  
7 starts with: Today we will see whether Republicans stand strong for the integrity of our  
8 elections, and we will see whether Mike Pence enters history as a truly great and  
9 courageous leader.

10 Did you add that -- do you know why that language was added?

11 A All I will -- what I can say to you is that -- that that edit clearly, by just reading  
12 it, is a discussion of the role of the Vice President in administering the Electoral Count Act.

13 Q And this is the first reference to Vice President Pence that we've seen in a  
14 draft so far. Were there conversations in general at the Speechwriting Office about  
15 what role Vice President Pence would play on January 6th?

16 A Not that I recall, no. But, I mean, again, the -- you're talking about -- you  
17 know, this -- January 6th was my, you know, first day back at the office. My first full day  
18 back at the office.

19 Q And do you know if President Trump said anything on the morning of  
20 January 6th about what Vice President Pence would end up doing?

21 Mr. Rowley. Objection. Same objection.

22 Mr. █. For the record, that's the executive privilege objection?

23 Mr. Rowley. That's correct.

24 BY MR. █:

25 Q And, in general, was there any discussion about using this speech to

1 encourage Vice President Pence to refer electoral votes back to the States -- some other  
2 action that could be taken?

3 Mr. Rowley. I'm not sure I understand your use of the term in general.

4 BY MR. [REDACTED]:

5 Q If -- putting aside substantive conversations that you might have had with  
6 President Trump, were there other discussions on the morning of January 6th about using  
7 this speech to encourage Vice President Pence to refer electoral votes back to the States?

8 A There -- nothing specifically comes to mind. There may have been some  
9 offhanded conversations about -- about what would be happening that day and whether  
10 or not to include any material about it in the speech, but nothing that specifically comes  
11 to mind within the -- the confines of the question that you asked.

12 Q Do you remember who was talking about what Vice President Pence might  
13 do on January 6th?

14 A No. Again, within the -- within the confines of the question that you asked,  
15 nothing -- nothing really comes to mind. But -- but it wouldn't have surprised me, like I  
16 said, if there had been some -- some informal conversation on the subject.

17 Q And then, if we scroll down a little bit, there is a comment bubble on  
18 page -- the third page of the draft.

19 The next comment bubble. Sorry. Keep going down.

20 So you see this comment bubble pointing at this long paragraph, but it says:  
21 POTUS mention Detroit 137 percent.

22 Just reading those words, is it your understanding that the President -- that this  
23 note represents that the President specifically wanted to mention Detroit allegedly  
24 having 137 percent electoral turnout?

25 Mr. Rowley. Same objection. Executive privilege. Presidential

1       communications.

2                   Mr. [REDACTED]. Thank you.

3                   BY MR. [REDACTED]:

4                   Q     So we'll just close up quickly by pulling up exhibit 49.

5                   Is this the draft that then you turned around to President Trump after having  
6        Mr. Haley and Mr. Worthington incorporate your edits?

7                   A     Wait a minute. I'm only -- I'm only looking at the first few paragraphs here.

8                   Can you give me some more context for the document that I'm looking at?

9                   Q     Yes. This is an undated draft. It came from the National Archives. We  
10       could go through it. You see the red highlights. We'll keep going a little more. And,  
11       if you remember from the email that you sent to Mr. Worthington and Mr. Haley, which  
12       we could pull up, you know, if you need, you say: Put the President's changes in red.

13                  So we see the sentences that we talked about. It was so corrupt, we could even  
14       say world history. Today we will see whether Republicans stand strong.

15                  Would you --

16                  A     I mean, all I can say is that I -- looking at it now, my best guess is that this is a  
17       close final draft.

18                  Q     Great. Thank you.

19                  Mr. [REDACTED] Mr. [REDACTED], I'll turn it back over to you lest you have any followup.

20                  BY MR. [REDACTED]:

21                  Q     Just to follow up on that, Mr. Miller, was it your understanding that  
22       Mr. Worthington or Mr. Haley or some combination of the two actually went through and  
23       incorporated the edits that you requested them to incorporate?

24                  A     Well, whether it was them specifically, but -- probably would have been, but,  
25       I mean, standard practice would have been that, if -- if I'm transmitting edits to a draft,

1       that somebody on my staff would input the edits and then recirculate a draft.

2           Q     And initial versions of the draft circulating occurred on Mr. Worthington and  
3     Mr. Haley's, you know, private accounts, meaning their -- I think their Gmail accounts.  
4     Do you know why that was, as opposed to their White House accounts?

5           A     I think it's a fairly complex legalistic answer that I'm probably -- I'm not  
6     qualified to provide.

7           Q     Well, why would you use your personal account, for example, for some  
8     things related to the campaign, as opposed to your White House account?

9           A     Like I said, probably be better off discussing that with White House Counsel's  
10   Office and others. There is some real complex interactions between -- between the  
11   various rules that govern campaign material versus -- versus being an assistant to the  
12   President versus being his senior advisor, you know, being a commissioned officer versus  
13   being noncommissioned versus being a campaign staffer.

14          I just -- all I can say is that I rigorously tried to adhere to a system that is -- that, in  
15   these instances, is extraordinarily complex and that 10 serious, objective people looking  
16   at the same set of facts can give 10 different answers.

17          Q     Understood.

18          Mr. ████. And, just for the record, on the issue of the objections raised about  
19   your communications or the possibility of your communications with the President  
20   related to this speech and the drafting of this speech, I would just note that, you know,  
21   the -- two of the speechwriters used personal accounts in order to do this.

22          We understand that this was not an official function the President participated in,  
23   that this was, in fact, more of a campaign function or a private function put on an  
24   outside -- by an outside group, and that the National Archives, as a result of litigation in  
25   which executive privilege was asserted, turned over drafts of the speech.

1           So, to the extent there was such an executive privilege, it certainly would not  
2 apply. But the select committee's position is it doesn't apply in the first place.

3           BY MR. [REDACTED]:

4           Q     Moving on, Mr. [REDACTED] asked you a few questions about the Vice  
5 President -- his role on January the 6th. Are you aware of a disagreement between the  
6 President and the Vice President in the days leading up to January 6th with respect to the  
7 Vice President's role presiding over the joint session as President of the Senate?

8           A     More aware of it now than I was at the time.

9           Q     What do you remember from the time about that?

10          Mr. Rowley. Same objection to the extent that the question at least potentially  
11 implicates any conversations that Mr. Miller had with President Trump.

12          Mr. [REDACTED]. Okay.

13          Outside of communications that you had specifically with Mr. Trump -- and I'm  
14 assuming that's based on executive privilege?

15          Mr. Rowley. Yes.

16          Mr. [REDACTED]. Okay. And, just for the record, this would be a communication  
17 between the President and the Vice President about the Vice President's role as head of  
18 the Senate, a separate constitutional duty that exists outside of Article II.

19          Does that change at all your objection, Mr. Rowley?

20          Mr. Rowley. It does not.

21          Mr. [REDACTED]. Okay.

22          BY MR. [REDACTED]:

23          Q     So, outside of specific communications that you had, Mr. Miller, with the  
24 President on this issue, what do you recall about the disagreement between the  
25 President and the Vice President with respect to his role as President of the Senate on

1       January the 6th?

2           A     Like I said, not a -- not much of a great deal. The -- I've seen a lot of things  
3     said or written about it subsequently. Some of that can, of course, bleed into your  
4     memory.

5           But, you know, I was sleeping on a couch in a hospital for basically the -- the week  
6     leading up to this, so much of -- much of what I've heard about it comes from a lot of the  
7     same news articles I'm sure that you've read as well, too.

8           Q     Did you ever speak to anybody in the White House at the time about this  
9     disagreement between the President and the Vice President, other than the President,  
10    based on the objection from your counsel?

11          A     Maybe had a brief conversation about it with Eric Herschmann.

12          Q     Tell me about that. What do you remember him saying to you about this  
13    disagreement?

14          A     I just remember him saying that -- that he had a -- I'm trying to remember.  
15    I don't want to get this wrong. Sort of something to the effect of thinking that it would  
16    be counterproductive, I think he thought, to -- to discuss the matter publicly.

17           I remember him weighing in on -- on his view of it privately, or his legal analysis of  
18    it, in fact had a reason to believe he didn't concur with the legal analysis that -- that the  
19    Vice President could issue various constructions as the presiding officer. I just recall him  
20    thinking that it would be -- it would be -- it wouldn't -- you know, that just -- it wouldn't  
21    advance the ball to -- to discuss it. But that's about all I remember.

22          Q     Did he tell you the nature of the disagreement?

23          A     No. That was about the extent of the exchange of the matter --

24          Q     Just that there was --

25          A     -- as I remember it.

1           Q     I'm sorry for interrupting you.

2                         Just that there was a disagreement between the President and the Vice President  
3                         about the Vice President's role --

4           A     No, no, no, no.

5           Q     -- on January 6th?

6           A     No, no, no. I'm saying -- that's not what I said at all. What I said was  
7                         that -- no, Eric did not talk to me at all about conversations between the President and  
8                         the Vice President, did not share anything like that with me that he had been privy to,  
9                         that he had then came over to talk about.

10                  I'm saying something much narrower, which is that -- you asked me if I remember  
11                         any conversations at all that day in which the President was not a party, and I say that I  
12                         remembered a brief sidebar with Eric Herschmann, whose view was that -- that it would  
13                         be -- that it wouldn't be an effective technique to -- to -- to litigate the matter publicly.  
14                  But that was sort of the extent of the -- of the -- of the conversation.

15                  And it probably -- the nature of the conversations being what they are, it was  
16                         probably more sentences than that, but that -- that, in sum and effect, what was -- what  
17                         was discussed by him.

18           Q     Okay. Appreciate that.

19                  Just to clarify, though, you said it wouldn't be an effective technique to litigate the  
20                         matter publicly. Just can you define what you understood the matter to be in that  
21                         conversation with Mr. Herschmann?

22           A     The -- the matter being what the Vice President's duties, rights, and  
23                         obligations were under the Electoral Count Act.

24           Q     Do you remember why you got into this conversation with Mr. Herschmann?

25           A     I mean, well, for the simple matter that the -- that the material was in the

1 speech. For no other reason.

2 Q So it came up in the context of editing the President's speech on January the  
3 6th?

4 A It just came up in the conversation where Eric knew it was in the speech, and  
5 so he had a -- a sidebar with me about it.

6 Q Did he suggest --

7 A So, in other words, you asked me a question about conversations that I had  
8 that were not with the President in which the President was not a party to those  
9 conversations. That's what I can recall and recollect.

10 Q Understood. Thank you, Mr. Miller.

11 So one of the edits that you just went over with Mr. [REDACTED] was an addition that  
12 says: We will see whether Republicans stand strong for the integrity of our elections,  
13 and we'll see whether Mike Pence enters history as a truly great and courageous leader.

14 And, just to make sure I'm clear, was Mr. Herschmann saying it may not make  
15 sense to include that language about the Vice President and his role in the speech?

16 A Well, I do a lot of psychology, I think, here for Mr. Herschmann, but I  
17 would -- his argument, in not so many words, would have been something to the effect of  
18 that -- that this will not -- that the private -- well, I'm just assuming here, but he -- he  
19 probably would have preferred a private to a public persuasion technique. That's all.

20 Q I see. Okay. And --

21 A But you'd be better off asking him to explain what his thinking was.

22 Q My last question -- and that makes perfect sense that we would ask him  
23 that. But my question -- my last question on this is, was it your understanding he was  
24 saying -- Mr. Herschmann being the he -- was saying it doesn't make sense to talk about  
25 the Vice President and his role in the speech that the President was going to give on the

1 Ellipse on January the 6th?

2 A I understood his comments to mean -- to not be a legal analysis but a tactical  
3 analysis, that -- that the -- he was not saying to me -- and, if I misunderstood him, then I  
4 misunderstood him.

5 But I do -- I do not think he was saying to me: I do not agree with the analysis  
6 that the Vice President has these duties, obligations, or rights.

7 I understood the -- him to be saying the -- the -- the crux of his point to be  
8 that -- that making the case publicly versus privately may not have the -- the same  
9 persuasive effect.

10 That's what I thought he was saying.

11 Q Did you have any discussions with John Eastman?

12 A I don't remember having any, no.

13 Q Do you remember John Eastman being at the White House in early January?

14 A Well, again, I mean, if you're talking about the date of, like, say, you know, J1  
15 through J5 or even like -- well, I was in the hospital on New Year's Eve. I mean, you  
16 know, late December through January, I just wasn't around.

17 Q What about when you were there? Do you remember seeing him at the  
18 White House?

19 A I have one unremarkable recollection of seeing him walking out of an Oval  
20 Office meeting before I was getting ready to go into a -- either a different meeting, or I  
21 might have also been there just to visit with -- I might have been there to visit with outer  
22 Oval staff, too. So I don't actually remember why I was there, one or the other, but I  
23 saw him walk out. I don't believe that I shared words with him.

24 Q When was that?

25 A I don't remember, to be honest with you.

1           Q     Was it after the period you spent in the hospital, New Year's Eve, early  
2     January?

3           A     I -- I don't remember -- I really don't -- when it was. The -- yeah, I just -- I  
4     just had this memory of -- of seeing him walking out of the -- the Oval and -- and also  
5     remembering that I was there for some other purpose or meeting.

6           Q     Do you -- do you think it was in January of 2021?

7           A     No. It was probably -- it was probably either in December or January. I  
8     can narrow it down to 2 months for you.

9           Q     Well, no, that's helpful.

10          And you don't remember him saying anything to you or anybody else that you  
11     overheard?

12          A     No, I didn't have -- I didn't have any -- if I did have any exchange with him, it  
13     would have been more than like hello, but I don't think I had any words with him at all.

14          Q     Do you remember asking anybody, you know, what was he doing there?  
15     Why is he walking out of the Oval?

16          A     No. I don't think that I did.

17          Q     Do you remember ever finding out why he was there later?

18          A     All I -- all I have is supposition. I don't think I ever asked anybody.

19          Q     Okay. What's the supposition that you have based on your experience  
20     working in the White House around that time?

21          A     Well, my supposition would be that -- that he was there to present some of  
22     the legal work that he had been doing. That would be obviously the most logical thing.  
23     That seems to me a safe -- a safe thing to suppose.

24          Q     All right. So let's talk about January 6th, the day itself.

25          Approximately what time -- we won't hold you to anything in particular, but

1 approximately what time do you recall getting to the White House that morning?

2 A I don't know. It was my -- it was my first day back after a rather  
3 extraordinary and unpleasant experience, so I was still a little bit dazed from it all. But,  
4 you know, the -- I wouldn't -- you know, I would never wish on anybody the -- the  
5 experience that we went through, which and I won't get into here. But the likeliest  
6 answer is probably sometime around 9.

7 Q There is an entry that you went over with Mr. [REDACTED] in the daily diary for the  
8 President that we received from the National Archives in exhibit 51. It was for  
9 approximately 9:52 in the morning. You spoke with the President for approximately  
10 25 minutes or so.

11 Were you at the White House already when you had this conversation with the  
12 President?

13 A Yes.

14 Q And was that a call? It looks like the President was in the residence at the  
15 time.

16 A Yes. It was a phone call.

17 Q Without getting into the substance, do you remember what the  
18 conversation was about that you had with the President?

19 A I would just broadly characterize it as about -- one, it's sort of a general  
20 touch base, what's going on, what's happening, so on, so forth. And then -- and then  
21 naturally some discussion of the -- of the -- of the upcoming event.

22 Q The upcoming event being the rally on the Ellipse?

23 A Right.

24 Q Did it include anything about the upcoming event being the joint session of  
25 Congress?

1           Mr. Rowley. Objection.

2           Mr. [REDACTED]. Objection being executive privilege?

3           Mr. Rowley. Yes, that's correct.

4           Mr. [REDACTED]. Okay. Note that objection, and we will continue.

5           BY MR. [REDACTED]:

6           Q     Did you ever go up and see the President in the residence that morning  
7 before he came down?

8           A     I did not.

9           Q     And it looks like from your emails and from some of these logs that you were  
10 busy working on this speech that the President was going to deliver on the Ellipse later  
11 that day. Is that fair? Is that one of the things you did that morning when you got to  
12 work?

13          A     Yeah. And I don't know how busy I was with it. It was a pretty -- it was a  
14 pretty light lift in the scheme of things compared to some of the more intricate things  
15 that we've done. And it was, like I said, all pretty routine and pro forma.  
16 The -- nothing about it was interesting or remarkable.

17          Q     In the conversation that you had with Mr. Herschmann about the Vice  
18 President --

19          A     Well, just say nothing about the process that I -- that morning was  
20 interesting or remarkable. It was my normal -- normal morning process is what I was  
21 saying.

22          Q     Understood.

23          The conversation that you had with Mr. Herschmann about the Vice President, his  
24 role on -- during the joint session, did that happen on the morning of the 6th?

25          A     It did.

1           Q     Did you make any edits to this speech based on Mr. Herschmann's  
2 suggestions or comments?

3           A     I do not believe so.

4           Q     Well, do you remember why you didn't?

5           A     I considered the matter settled at that point in time.

6           Q     Meaning the speech had been more or less finalized, from your perspective?

7           A     Yeah. Correct.

8           Q     Did you raise that issue that Mr. Herschmann commented on with anybody?

9           A     Not that I recall. I think that that conversation that I had with Eric stayed  
10 between me and Eric.

11          Q     Do you remember talking to anybody that morning -- and I'll just divide the  
12 morning or the day, rather, into pre-rally and post-rally. But, pre-rally at the White  
13 House, do you remember talking to anybody about the joint session of Congress or  
14 expectations for the joint session later that day?

15          A     Not -- not anything concrete. I mean, again, not -- not beyond, you know,  
16 what -- what -- what needs to be discussed just to complete the speech draft.

17          Q     Did you talk to anybody about the possibility that the President would be  
18 going to the Capitol that day before the rally on the Ellipse on January the 6th?

19          A     Nothing that I remember, no.

20          Q     So I believe -- and, if I'm not mistaken, the speech includes that language.  
21 Did you ever -- did you ever ask anybody -- Mr. Meadows, Mr. Ornato, anybody --

22          A     So, just to sort of save you some time here --

23          Q     Yeah.

24          A     -- the -- what I remember, one, my earlier observation, I have some recent  
25 memory of Ross saying to me -- maybe it was Vince, probably Ross, probably

1 around -- probably around the 5th about how -- how the event -- the event plan is there  
2 will be a speech on the Ellipse, and then maybe there will be a -- a group that will want to  
3 walk to the Capitol afterwards, and that I got the impression, though I can't say exactly  
4 why, that he was getting this from the advance team. And -- and so I had that. We  
5 discussed that.

6 And then I have very, very scant, like imprecise memories of some discussion as to  
7 whether or not the President would or wouldn't be accompanying anybody, but -- but  
8 nothing really sticks out in my mind.

9 Q Do you know anything about the decision to not go to the Capitol, or the  
10 President's decision not to go to the Capitol on January the 6th?

11 A I do not.

12 Q Did you talk to Mr. Scavino that morning before the rally?

13 A I'm sure that I did, because -- well, I'm not sure that I -- I probably did,  
14 because I hadn't seen him in a while, so probably would have been eager to catch up.  
15 But nothing -- I don't have like a sharp memory of talking to him that morning.

16 Q Do you remember him saying anything about his expectations for what  
17 might happen in Washington that day, or during the joint session?

18 A I do not.

19 Q What about Mr. Meadows? Did you talk to him that morning before the  
20 rally?

21 A Yes. I believe that I was with him briefly, but -- but I don't think we had -- if  
22 it was, like, a one-on-one conversation, I don't think it was more than -- than in -- than in  
23 passing.

24 Q What do you remember him saying, or what did you say to him?

25 A The -- the only conversation that -- that I recall with him is subsumed under

1       the same objection that my attorney made earlier.

2           Q     So it's part of a meeting with -- or a conversation with the President?

3           A     Right.

4           Q     Did you talk to Mr. Meadows outside of that meeting with the President?

5           A     Not that I remember. But that doesn't mean it didn't happen.

6           Q     Do you remember any follow up that Mr. Meadows asked to do specifically  
7       following either conversations with him or the meeting with the President?

8           A     Nothing occurs to me.

9           Q     And you said in a one-on-one fashion, and you also mentioned this meeting  
10      with the President, but do you ever remember meeting with Mr. Meadows otherwise  
11      that morning otherwise in a group setting? Excuse me.

12          A     Not outside the -- not outside -- not outside the context of what has been  
13      objected to by my attorneys.

14          Q     Understood.

15          During that conversation, which included the President -- understanding I may  
16      draw an objection here, but, during that conversation, did Mr. Meadows ask you to do  
17      anything or take any actions?

18          Mr. Rowley. Objection. Same objection.

19          Mr. [REDACTED]. And what's the objection?

20          Mr. Rowley. The one I've been making all day. Executive privilege.

21          Mr. [REDACTED]. Executive privilege. Okay. And we'll note that for the record,  
22      and we will move on.

23                   BY MR. [REDACTED]:

24          Q     Looks like, based on the daily diary, that we have and that we've shown you  
25      in exhibit No. 51, the President was speaking with Members of Congress that morning.

1           Do you know anything about his conversations with Members of Congress?

2           A     I do not.

3           Q     Did you have any conversations with Members of Congress or their staff on  
4     the morning of January 6th before the rally?

5           A     Not that I remember.

6           Q     And it looks like the President spoke with David Perdue, Senator from  
7     Georgia, and maybe Mitch McConnell, or asked to reach Mitch McConnell. Excuse me.

8           Do you remember ever speaking to Senator McConnell or Senator Perdue or their  
9     staff that morning?

10          A     No, I do not.

11          Q     So I understand that you were present for an Oval Office meeting at  
12     11:11 a.m. Is that right?

13          A     I don't know if it was exactly at 11:11. The -- is that what the -- is that what  
14     the notes taken show, or where is that specific number coming from?

15          Q     Yep. And we can pull it up. It's exhibit 51. But, as that's coming up, I'll  
16     represent to you there is an entry in the President's daily diary that's been produced by  
17     NARA, the Archives, to the select committee, for an entry that the President met with  
18     Donald Trump, Jr., Eric F. Trump, Ivanka M. Trump, Lara Trump, Kimberly Guilfoyle, and  
19     Stephen Miller at 11:11 a.m., but the time is not specifically confirmed.

20          So do you remember a meeting like that around that time in the Oval Office?

21          A     Just further point of clarification. The -- the 11:11 notation is -- is that -- is  
22     that purported to be -- and given I have some familiarity with how calendars are kept at  
23     the White House, is the -- or schedules are made, I should say. Is the 11:11 purported to  
24     be somebody in the outer Oval, like, making a note that people entered the room at this  
25     time? Because his actual calendar would normally be numbers ending in five and zero.

1           Q     I'll represent to you, Mr. Miller, that this is based on information collected by  
2 White House record keepers. And so, based on this recollection, it's not necessarily  
3 always -- or not always the case that it would be based on this planned schedule, but  
4 based more on events that occur.

5                 So my question to you, though, is: Do you remember around the 11 o'clock  
6 hour --

7           A     Yeah. Apologize. I just wanted to -- the reason why I say is because I  
8 believe that I walked into a meeting that was already in progress, and I believe that I left a  
9 meeting that had not yet concluded.

10          Q     Okay. Well, let me ask you about that meeting. What happened in that  
11 meeting? And that's noted here on the record -- it's from the Archives -- occurring  
12 approximately, or starting approximately 11:11?

13          Mr. Rowley. Objection. Presidential communications privilege.

14                 BY MR. [REDACTED]:

15          Q     Other than what the President said, what do you remember happening in  
16 that meeting?

17          A     I don't think it's possible to split that hair, because it was -- it was all a  
18 conversation with the President.

19          Q     All right.

20                 And I'd note for you, Mr. Rowley, that these records were produced based on  
21 litigation that went all the way to the Supreme Court that included an assertion of  
22 executive privilege, and we did get these records as a result of a favorable outcome for  
23 the select committee.

24                 I'd also note that, during this meeting, there was Kimberly Guilfoyle present, who  
25 is not in any way associated with the White House in an official capacity. It has nothing

1 to do with the President's Article II authorities.

2 In light of that, do you still intend to assert an executive privilege objection over  
3 what happened in this meeting?

4 Mr. Rowley. I do.

5 Mr. [REDACTED]. Okay. And that is something that we will raise with the  
6 committee to potentially seek a ruling from the chairman about.

7 BY MR. [REDACTED]:

8 Q Is there anything that you can provide about this meeting that does not  
9 implicate a communication that you or others in the room had with the President?

10 A Well, I think I already said, because the -- I believe that the -- that the  
11 one-on-one sidebar I had with Eric Herschmann occurred on the outskirts or, you know,  
12 just -- just around the site or location of the meeting. As I mentioned, I entered it after,  
13 and I think I left before it was concluded.

14 Q Understood.

15 So your interaction with Mr. Herschmann was before you went into this meeting  
16 that happened around 11:11, or just is notated here starting at 11:11?

17 A Yeah. I believe -- I believe it was sort of right before I joined the  
18 conversation.

19 Q We understand that, in that meeting, the President had a phone call with the  
20 Vice President. Without getting into the substance of that, do you remember the  
21 President calling the Vice President that morning?

22 Mr. Rowley. We're going to -- we're going to object to that. And, again,  
23 counsel, I think it's pretty clear at this point that -- that I'm objecting to any conversations  
24 that may have occurred between Mr. Miller and the President or during which Mr. Miller  
25 was present. And this, you know, question goes to that as well, so still objecting.

1           Mr. [REDACTED] This question is not asking for the substance of any  
2       communications, just a mere fact of a communication. Like in the attorney-client world,  
3       the mere fact of a communication is not privileged. And so, if we keep it to that, do you  
4       still persist in your objection?

5           Mr. Rowley. I think that -- I think that it would be very difficult for -- for  
6       Mr. Miller to answer that question without disclosing something about a communication  
7       that occurred in his presence with the President. So, yes, I do object.

8           Mr. [REDACTED]. Okay. So the -- my question is -- I'm going to ask my question  
9       specifically.

10          Do you recall the President having a phone call with the Vice President during that  
11       meeting you attend in the Oval Office on January the 6th, without getting into any  
12       substance? Just a yes or no.

13          Mr. Rowley. I'll allow him to answer that -- that question.

14          The Witness. Yes.

15          BY MR. [REDACTED]:

16          Q      Do you remember approximately how long that conversation lasted, without  
17       getting into the substance of that conversation?

18          A      No, I don't. I might not have also been there for the entirety of said  
19       conversation.

20          Q      Why did you leave the Oval Office during that meeting, or while it was still in  
21       progress potentially?

22          A      Well, I think I might have been going in and out just because I was in the  
23       process of finishing up the remarks.

24          Q      When did you -- when do you remember finishing the remarks for the  
25       President's speech on the 6th?

1           A    Well, I'm sure my emails would be a better guide of that than I would be, but  
2    that was, you know, just -- you know, that was around the time in which we were  
3    finalizing the draft, but ultimately you'll be able to check the email records to see exactly  
4    when the last email was sent.

5           Q    Did you go with the President to the rally?

6           A    I was with the staff in the staff van on the -- so, when the President  
7    departed, he was in the Presidential limo. I was in the staff van, and then I decamped  
8    from the staff van to -- to the event.

9           Q    And where did you go when you got there?

10          A    I went backstage. And then, at some point during the speech, I had to take  
11        a phone call, or perhaps several. I had some personal matters to attend to, and so I  
12        returned to the staff van for some period of time in the middle of the speech. And then  
13        I came back for the conclusion.

14          Q    When you were in the -- I understand there is a tent, as in like a waiting area  
15        before the President went on and delivered his remarks. Is that right?

16          A    Right.

17          Q    Were you in that tent with the President and other members of his family?

18          A    I was -- yes. I was in the -- I was in the tent with the full -- the full group.

19          Q    Were you still working on the speech at that point when you got to the tent?

20          A    No, I don't believe so. I think it was -- I think it was a closed product for  
21        that point in time.

22          Q    Did you have any role in uploading it? And I may not be using the correct  
23        term here, but uploading it into the teleprompters?

24          A    No. That's done by a professional teleprompter operator.

25          Q    What was the President's mood so far as you could tell based on your

1 observations in the tent?

2 A Resolute.

3 Q Do you know to what end? Resolved for what?

4 A No. Just in the sense that focused, committed, devoted. I mean, you  
5 know, those would be the words that I would use.

6 Q Do you remember him being frustrated based on anything that had  
7 happened that morning?

8 A Backstage, before the speech, my recollection is that he was in a -- like I said,  
9 a focused and resolute state of mind.

10 Q Not frustrated so far as you could tell?

11 A No.

12 Q You said you went to take some phone calls, I believe in the staff van that  
13 accompanied the motorcade. Were any of those calls related to the joint session or  
14 objections during the joint session of Congress?

15 A No. I believe they were personal in nature.

16 Q And I don't at all mean to -- to pry into that, and I don't want to. Were any  
17 of them related to your job duties that took place on the 6th?

18 A No. At least I don't think they were. I mean, in other words, is it possible  
19 someone called me on the phone about something to do with something? Sure. But I  
20 went to the phone -- I went into the car to make some personal phone calls, and that's  
21 what I did.

22 Q Did you hear the President say during the rally that he was going to go to the  
23 Capitol and be with the people who were there on -- in Washington on the 6th?

24 A I can't say for certain, but I believe that I was still on a call during that  
25 portion of the remarks, but I couldn't swear to it.

1           Q     When you got back to the tent after your calls, did you have any discussions  
2     with any other White House staff or campaign staff or the Secret Service about what  
3     would happen after the President's speech?

4           A     No.

5           Q     Do you remember talking, when you're in the tent, with anybody about the  
6     President going to the Capitol, as he mentioned doing in the speech?

7           A     Not that I remember.

8           Q     We understand that the President asked his lead Secret Service detailee  
9     agent whether he could go to the Capitol.

10          Are you familiar with any requests he made like that?

11          A     Not -- not specifically, no. I'm not surprised to hear that, but nothing  
12     specifically rings a bell.

13          Q     How about generally, just that topic coming up on the afternoon of the 6th?

14          A     No. I mean, in other words, the -- I don't have any memory about it at all,  
15     but -- but, like I said, I mean, it's certainly possible that there was some conversation. I  
16     wasn't privy to it.

17          Q     Did you return to the White House in the motorcade, the staff van?

18          A     I did.

19          Q     Where did you go when you got back?

20          A     To my office.

21          Q     I don't think we've asked you this, but where was your office, Mr. Miller?

22          A     On the second floor of the West Wing facing the residence.

23          Q     Is the second floor the same floor as the Oval Office, or is it the floor above  
24     the Oval Office?

25          A     The floor above.

1           Q     And one of the entries here on the President's daily diary shows that the  
2     President met with his valet.

3           Do you know what the valet is?

4           A     Broadly speaking, I do.

5           Q     All right. Can you explain that to me?

6           A     Well, probably not the best person to explain it to you, but the -- as you  
7     know, the Military Office, through successive administrations, has been responsible for  
8     large components of the administration of the White House complex, including  
9     the -- what is known as the Navy mess, obviously the -- a lot of security components in  
10    the White House, which we certainly won't get into here, and the -- and then also  
11    personal services of the President, like, for example, a valet that would, you know, for  
12    traveling, make sure that his luggage is there, or that his -- that his clothes are there, or  
13    that he has meals and so forth.

14           I mean, there is a whole military division known as the Presidential Food Service,  
15     as an example, all a bucket underneath the -- you know, the White House Military Office.

16           Q     I see. So it's somebody associated with the Military Office as opposed to,  
17     like, the Usher's Office?

18           A     That is my understanding, that the valet role is the -- is a military role, not  
19     the -- not the -- not the White House usher. But, if you told me I had that backwards, I  
20     mean, it wouldn't shock me.

21           Q     Okay. No, that's fair. And I'm just going based on what you understand.

22           So you go back to your office. And what do you do? What do you remember  
23     doing when you returned to your office on the afternoon of January 6th?

24           A     Almost all personal business for the rest of the day.

25           Q     When did you first find out that there was violence at the Capitol?

1           A    I don't honestly recall.

2           Q    How did you first find out?

3           A    I think I -- you know, I wasn't paying very close attention. You know, for all  
4 the personal reasons that have been discussed and gone through, probably not in detail,  
5 but -- but I think at some point I saw something on a -- on a news telecast that indicated  
6 there had been some unrest at the Capitol.

7           Q    Do you remember somebody pointing it out to you, or you just remember  
8 seeing it on the news?

9           A    The latter.

10          Q    And bear with me just a moment, but we do have, you know, the President's  
11 remarks that he delivered at the rally on the Ellipse. It's exhibit No. 53.

12          Mr. Rowley. Counsel, let me just ask Mr. Miller. We've been going about an  
13 hour and a half at this point. Would you like to have a break?

14          The Witness. Yeah. Let's go ahead and take a short break if we could, please.

15          Mr. Rowley. Is that okay?

16          Mr. [REDACTED]. That sounds great. Let's go off the record.

17          [Recess.]

18          Mr. [REDACTED]. Let's go back on the record. It is 5:11. We are resuming the  
19 deposition of Mr. Stephen Miller.

20                 BY MR. [REDACTED]:

21          Q    I wanted to go back to the speech that the President delivered very quickly  
22 on the Ellipse on January the 6th.

23          We have done a similar exercise that we showed you in comparing different  
24 versions of the speech, including what we believe to be the final version, notes prepared,  
25 with the version that Mr. Trump actually delivered.

1           Is it your understanding that Mr. Trump ad-libbed or provided some  
2       extemporaneous remarks in addition to the prepared remarks during his speech on the  
3       Ellipse on the 6th?

4           A     Yes. As would be standard for a more informal address, the President  
5       extemporized at length about the subject at hand.

6           Q     One of the things he did say, I'll represent to you, during that speech is that:  
7       Actually, I just spoke to Mike. I said, Mike, that doesn't take courage. What takes  
8       courage is to do nothing. That takes courage.

9           And he said -- he added: And Mike Pence is going to have to come through for  
10      us. And, if he doesn't, that will be a sad day for our country, because you're sworn to  
11      uphold the Constitution.

12           So my first question related to this is: The part that the President said about his  
13      conversation with Vice President Pence, quote, "Mike, that doesn't take courage. What  
14      takes courage is to do nothing, that takes courage," is that consistent with what you  
15      heard in the Oval Office meeting that morning?

16           Mr. Rowley. Objection.

17           Mr. ████. What's your objection, Mr. Rowley?

18           Mr. Rowley. Same objection I've been making. Presidential communications  
19      privilege.

20           Mr. ████. Okay. So this now is the President, who is the holder of the  
21      privilege, talking to the world about his phone call with the Vice President, and I'm just  
22      asking Mr. Miller whether that's consistent with what he remembers.

23           Mr. Rowley. No. You're asking Mr. Miller what he remembers about a  
24      conversation that occurred in the -- in the Oval Office.

25           Mr. ████. Correct. And, if the answer is no, I won't prod further. But, if

1       the answer is yes, it is confirming what the Vice President, or -- excuse me -- what the  
2       President himself told the world, and he, of course, is the holder of the executive privilege  
3       and certainly at the time of January 6th.

4           Mr. Rowley. I certainly don't have any objection to -- to anything that  
5       President Trump said publicly, but I do object to your question to Mr. Miller about a  
6       conversation he may or may not have overheard in the Oval Office with the President.

7           Mr. [REDACTED]. Your objection is noted, and that will be something for further  
8       committee consideration.

9           I'll ask Mr. [REDACTED] briefly: Do you have any further questions about the speech?

10          Mr. [REDACTED]. Yes. Thank you, Mr. [REDACTED].

11           BY MR. [REDACTED]:

12          Q      Mr. Miller, it is our understanding that there was a last-minute addition to  
13       the teleprompter of a sentence about Vice President Pence that has been described as  
14       particularly angry.

15           Do you remember last-minute substantive additions to the speech?

16          A      I'm not sure what you're talking about.

17          Q      So, beyond the drafts that we looked at, any last- minute additions that  
18       would have happened when the speech was already being uploaded into the  
19       teleprompter that were not just, you know, fix a period here, spelling here, pronunciation  
20       here. Do you remember any substantive additions to the speech?

21          Mr. Rowley. Again, if the question implicates any conversations that Mr. Miller  
22       may have had with the President, I object on the same grounds as previously. But I have  
23       no -- no objection to him answering the question to the extent it may not implicate  
24       conversations with the President.

25          The Witness. So, with that in mind, I do not recollect a conversation,

1       or -- sorry -- a -- a line being added to the speech like you have characterized.  
2       And -- and, to be more precise, I don't really recollect any particular line that was added  
3       then. Not saying one wasn't, but I don't recall one being added at that moment in time.

4                     BY MR. [REDACTED]:

5             Q     Thank you.

6                     And then, at the beginning of President Trump's remarks -- so I believe you were  
7       still there for them -- he says: We will never give up. We will never concede. It  
8       doesn't happen. You don't concede when there is theft involved.

9                     Is that another instance that we were talking about before of using the "we" as a  
10      rhetorical point in the speech?

11           A     Yeah. So, I mean, it is the -- it is the correct way to frame the thought for  
12      all the reasons that I stated earlier.

13           Q     So what, then, is the hope of using "we" there with the crowd in terms of  
14      never conceding? Do you want people to feel as if they are part of this movement to  
15      never concede?

16           A     Again, I mean, we can -- we can keep trotting this ground. My answer isn't  
17      going to change, and -- and I would encourage each of you to hear the sincerity with  
18      which I am explaining this.

19                     In public speaking, in public oratory, but particularly in the American tradition, the  
20      third person is the preferred grammatical device for conveying important thought for all  
21      the reasons I went through, through all the history that I ran through. There is a reason  
22      why the President's speeches ended not with "I will make America safe again, I will make  
23      America strong again, I will make America proud again, I will make America wealthy again,  
24      I will make America great again," but we will do these things, because aspirational  
25      rhetoric is conveyed in the third person.

1 [5:18 p.m.]

2 BY MR. [REDACTED]:

3 Q Correct. And I think you made this point earlier, the point of using  
4 aspirational rhetoric is to have the people, whether it's abstractly or a little more  
5 concretely, feel as if they are participating in this aspiration, correct?

6 A Well, that's not how I would put it. The abstract certainly -- I'm not sure  
7 what concrete would mean in this regard. There's no action for any individual in the  
8 audience to take as concerns concession.

9 Look, I am aware of the fact that a -- that a certain judicial opinion has been  
10 written with some wildly conspiratorial thoughts about the use of the word "we."  
11 Anyone who has even the mildest experience in professional speechwriting, let alone the  
12 presidential level, would read the passage of that opinion and conclude that they  
13 are -- they're painfully divorced from reality. And there's just -- there's just no way  
14 you're going to get me to assign even the mildest iniquitous thought to the use of the  
15 third person in an American political speech.

16 Q So let's move off the "we" then and focus on the never conceding part. I  
17 think earlier this afternoon you were talking about a time you appeared on FOX &  
18 Friends. I believe it was December 14th. And Mr. [REDACTED] asked you about mentioning  
19 January 20th, and you said something along the lines, and I'm paraphrasing so please  
20 correct me if my memory is failing me, that January 20th is the only date mentioned in  
21 the Constitution, and you did so to remind people there was still a lot of time before the  
22 election was final.

23 So in terms of January 6th, did you envision there being the possibility of anything  
24 else happening afterwards that would go along with what President Trump said here in  
25 terms of we will never concede?

1           A     Well, I mean, I think that the -- and there's two different questions there,  
2 right. I mean, the not conceding is a fact. It's not conceding. Hillary Clinton, you  
3 know, wrongly, but Hillary Clinton said the election was stolen from her in 2016 rather  
4 recently, so that would be an example of Hillary Clinton not conceding.

5           But then your other question to me was what did I envision. I don't really know  
6 entirely how to answer that question. I don't -- I mean, to crawl back into my mind and  
7 that day and say what did I exactly think would be the -- each step in the process moving  
8 forward, I couldn't say. Again, I was familiar with different plans, and we talked about  
9 the commission that Ted Cruz had. We talked about other -- we talked about other  
10 potential avenues in the course of our conversations. I don't know that I have anything  
11 to add to it.

12          Q     Just to be more direct, when it was your view that the election could  
13 continue to be contested even after January 6th and up until January 20th?

14          A     It was my view, as stated in the interview, that election challenges, in various  
15 forms, could continue until the Constitution required there to be either a continuation of  
16 an existing administration or the transfer of power to a new administration.

17          Q     Okay. Mr. ████████.

18                      BY MR. ████████

19          Q     Just a quick follow-on to that, Mr. Miller. Did you expect any successful  
20 court or State actions after the President's speech on the 6th and before January 20th?

21          A     I was aware of the fact that avenues for successful outcomes were  
22 narrowing, but I did not judge them to be closed, no.

23          Q     Did you know anyone in the White House who expressed the opinion that  
24 there could be a successful challenge to the outcome after the President's speech on the  
25 6th and before January 20th?

1           A    I don't think we had a specific conversation like that, no.

2           Q    To go back to the post-Ellipse period when you went back to the  
3   White House, you said you learned of the violence at the Capitol watching TV.  Do you  
4   remember what you saw when you first learned --

5           A    Well, what I said specifically was, I mean, because -- not that it matters  
6   greatly, but to be precise, is that I caught out of the corner of my eye on a -- some news  
7   channel where at the time appeared to be in the images that I saw unruly and rowdy  
8   behavior was what I was seeing.  That was sort of what would first -- what first caught  
9   my attention in that moment.

10          Q    Okay.  And we're going to try to do this as precisely as possible, so bear  
11   with me, again, I'm down to the minute to the extent that that's even an option.  But do  
12   you remember what the image was?  I mean, were people already inside the Capitol  
13   when you first saw what you described as an unruly and rowdy behavior on the news?

14          A    No, I don't even know if what I was seeing was live versus the replay of  
15   something else.  The -- you know, I was still -- I was still -- like I said, I was still trying to  
16   sort of reorient myself from what had been one of the most, you know, unpleasant  
17   experiences of my life.

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24          A    I was kind of out of it that afternoon.  The -- I don't have a precise  
25   minute-by-minute.  I just know that, you know, as I saw an image on the TV screen that

1 I -- in my office that I wasn't -- I was on the phone at the time, I believe, personal phone  
2 call, sort of saw an image of it and I just -- I think I saw people, you know, a crowd outside  
3 the Capitol acting inappropriately. That's sort of, you know, the extent of what my  
4 recollection is.

5 Q Do you remember going to talk to anybody or calling anybody when you first  
6 saw what was happening at the Capitol?

7 A I do not, no.

8 Q I'm going to put up for you exhibit No. 55, please. This is a tweet from the  
9 President issued at 2:24 p.m. on January the 6th. The tweet reads, Mike Pence didn't  
10 have the courage to do what should have been done to protect our country and our  
11 Constitution, giving States a chance to certify a corrected set of facts, not the fraudulent  
12 or inaccurate ones which they were asked to previously certify. U.S.A. demands the  
13 truth.

14 Do you remember this tweet coming out sometime in the afternoon of January  
15 the 6th?

16 A Yeah, I think I remember seeing it after it was published, yes.

17 Q Did you have any role in drafting this tweet or editing this tweet?

18 A I did not.

19 Q Did you ever talk to the President about this tweet before it went out?

20 A I did not.

21 Q Did you talk to anybody about this tweet after it went out, when you saw it  
22 or learned about it?

23 A No, not that I -- not that I can recall.

24 Q And when you did see this tweet, was it before or after, if you can  
25 remember, you saw those images of what was happening at the Capitol in the news?

1           A    I don't know.

2           Q    Did you do anything after you saw this tweet? Did you talk to anybody, say  
3    we need to do something about what's happening at the Capitol?

4           A    No. I mean, this was not -- domestic law enforcement around the United  
5    States Congress was not within the purview of my responsibilities. And so, I mean, if  
6    anything, I thought it would be counterproductive for me to give in to that natural human  
7    tendency to try to just like rush into some room somewhere to be another voice when it's  
8    outside your area of responsibility and expertise.

9           I made a habit of trying to be in rooms when I felt that I had an obligation or  
10    responsibility to be there, but not just for the sake of being there, because that, if  
11    anything, in a moment that can be -- that can require careful decision-making, that can be  
12    a counterproductive instinct.

13          Q    You mentioned not having a role with respect to domestic law enforcement.  
14    I understand that other people were working on National Guard and other law  
15    enforcement responses to the Capitol, but you do have a role with respect to  
16    communications. And so in that role, did you do anything with respect to putting out a  
17    message about what was happening at the Capitol?

18          A    Well, two things: One is to clarify, my role is domestic law enforcement  
19    when it comes to the security of the United States Capitol. Obviously, as we talked  
20    about way earlier, I worked on homeland security policy with the Department of  
21    Homeland Security as an example, and other domestic policy areas. But in this vein, I  
22    had no operational responsibility.

23          To your second question, this is an important point. The -- I was not, and had  
24    never been a member of the White House communications staff.

25          Q    Okay. But you did work on messaging that the President would deliver to

1       the country publicly --

2           A     Speechwriting in the main, so not exclusively. Speechwriting in the main,  
3     and I was privileged to oversee that office. And the main is a reactive input as opposed  
4     to comms and press which is a proactive input. So in other words, the typical flow of  
5     events -- I'm not saying this applies every time -- would be a person in a press or  
6     communications responsibility -- and there is a difference there, but no point getting to  
7     that now -- would initiate an event, or an activity, and then it would flow into  
8     speechwriting. It would be an inversion of roles, by and large, for the speechwriting  
9     office to initiate the communications activity.

10          Q     But in fairness, Mr. Miller, I think you described earlier, too, that you were a  
11     senior adviser to the President not limited to the speechwriter. You had other jobs and  
12     were a trusted adviser to President Trump, right?

13          A     And I had -- yes, and I had, like I said, a policy portfolio which did not include  
14     this issue. So, again, not to be redundant, but the one thing that I've learned, again,  
15     over time and through experience is that there is a natural impulse that people have to  
16     just, I want to be in the room, and that's fine. That's laudable.

17           But in general, meetings are more effective when you're being in the room  
18     because you have a particular expertise to bear on the situation. Nothing that I saw out  
19     of the corner of my eye on the television screen read, now, here's a thing that I have the  
20     skill set and expertise on about which I must weigh in.

21          Q     So did you ever in the afternoon of January the 6th weigh in or encourage  
22     anybody in the White House to get the President to make a statement about what was  
23     happening at the Capitol?

24          A     I don't believe that I had any conversation with anybody about that, no.

25          Q     Were you aware of other people trying to get the President to make a

1 statement on Twitter or on a video or otherwise about what was happening at the  
2 Capitol?

3 A Not contemporaneously. The -- I only know about what's been reported in  
4 newspapers and things, which I would not be qualified to comment on, since I'm not a  
5 fact witness.

6 Q Yeah, absolutely. And we don't want to get your understanding based on  
7 what you read, just what you experienced or heard about happening at the time.

8 A Appreciate that.

9 Q And just to be clear, as a follow-up to that question, did you hear about any  
10 efforts that anybody in the White House or in the campaign made to get the President to  
11 issue a statement or a draft of what was happening at the Capitol in the afternoon of  
12 January the 6th?

13 A Not that I remember. I'm fairly confident that what -- that what I -- what  
14 I've heard and seen is all from third-party accounts.

15 Q All right. And if we could pull up exhibit 56. Based on that, I think we'll be  
16 able to move through this pretty quickly. This is a tweet that the President sent out  
17 about 14 minutes after the tweet regarding Mr. Pence that we just looked at. This  
18 tweet says, "Please support our Capitol Police and law enforcement. They are truly on  
19 the side of our country. Stay peaceful."

20 Did you have any role in drafting, editing, or sending out this tweet for the  
21 President?

22 A No.

23 Q Were you aware of any efforts that Ms. Ivanka Trump made with respect to  
24 this or any other statement that the President issued on January the 6th?

25 A No.

1           Q     Did you ever hear about them?

2           A     Nothing contemporaneous, no.

3           Q     Did you ever hear about them from people who were involved or there at  
4     the White House that day as opposed to reading about them in the press?

5           A     No.

6           Q     Was your office near Mr. Cipollone and Mr. Feldman's office on the second  
7     floor?

8           A     They were close by but not near, so you would -- you would exit my hallway,  
9     walk the end, turn left, walk the end of that hallway. Admittedly, the West Wing is small  
10    so they're not very long hallways. And then you would be in their outer office, and then  
11    they had doors beyond that door. Both of them were people that I'd developed  
12    personal friendships with, so I would walk on over all the time to, you know, match wits.

13          Q     And do you know where the President was in the afternoon of January the  
14     6th?

15          A     I do not.

16          Q     Do you remember hearing that he was in the Oval or in the Oval dining room  
17     for at least some stretch of the afternoon?

18          A     All of my awareness of that, again, comes from third-party news accounts.

19          Q     Okay. Are you aware that people were going to meet with the President in  
20     the afternoon of January the 6th to address or try to address the events that were  
21     unfolding at the Capitol?

22          A     Not at the time, no.

23          Q     If we can go to exhibit 57, please. So this is a document that we received  
24     from the Archives. I understand that it's like a pocket card or a card that is used for  
25     taking notes. Does that look like it could be that type of note or pocket card that's used

1 at the White House, or was used at the White House?

2 A The only thing that I can say about this, because the first time I ever saw that  
3 was when it came in the press, is that -- is that if you ask me if the person photocopied a  
4 pocket card, could that look like a photocopy of a pocket card, then I would say yes to  
5 that.

6 Q Okay. And so you just mentioned though, my next question, which is had  
7 you ever seen this before? It sounds like you had not. Is that right?

8 A No.

9 Q The writing on this is, one X, civilian gunshot wound to chest at door of  
10 House Chamber. Do you recognize the writing on that pocket card or the photocopy of  
11 the pocket card?

12 Mr. Rowley. Objection. We're not going to get into a handwriting analysis.  
13 Mr. Miller's not a handwriting expert.

14 Mr. [REDACTED]. Yeah, I'm not asking him to weigh in definitively, just so see if he  
15 recognizes it as somebody it could be, so we will take it for what it is.

16 But do you think you recognize that -- whose handwriting that could be?

17 Mr. Rowley. The same objection.

18 Mr. [REDACTED]. Are you instructing him not to answer?

19 Mr. Rowley. Well, I'm objecting to this because, as I said, he's not a handwriting  
20 expert. And he can answer if he recognizes this, but only this.

21 BY MR. [REDACTED]:

22 Q So based on looking at this, do you recognize the handwriting?

23 A I do not.

24 Q When did you first -- or when do you remember first hearing that somebody  
25 had been shot in the Capitol on the afternoon of the 6th?

1           A    I actually don't know. I'm not sure. No specific memories.

2           Q    Do you remember being at the White House when you learned about it?

3           A    I'm not sure.

4           Q    Do you remember any action that anybody took as a result of somebody  
5   being shot in the Capitol on January 6th?

6           A    Nothing to which I was privy, no.

7           Q    Can we go to exhibit No. 58, please. This is a tweet the President issued at  
8   3:13 p.m., so roughly a half an hour after the one we just looked at. And it says, "I'm  
9   asking for everyone at the U.S. Capitol to remain peaceful. No violence. Remember,  
10   we are the party of law and order. Respect the law and our great men and women in  
11   blue. Thank you."

12          Did you have any role in drafting, editing, or sending out this tweet?

13          A    I did not.

14          Q    Do you know who did?

15          A    No.

16          Q    Now, as we saw in the President's daily diary, in the 4:00 hour, the President  
17   went to the Rose Garden and filmed a video that was later released addressing the events  
18   at the Capitol, and telling people to go home. Do you remember that video, the process  
19   of preparing for that video?

20          A    No, I was not involved in that.

21          Q    Do you know who was involved in drafting any remarks for the President to  
22   give in the afternoon of January the 6th in that video?

23          A    I do not.

24          Q    Okay. If we could pull up exhibit 59. These are remarks. They say, "I  
25   urge all of my supporters to do exactly as 99.9 percent of them have already been doing,

1 express their passions and opinions peacefully. My supporters have a right to have their  
2 voices heard, but make no mistake, no one should be using violence or threats of violence  
3 to express themselves especially at the U.S. Capitol. Let's respect our institutions.  
4 Let's all do better. I'm asking you to leave the Capitol Hill region now and go home in a  
5 peaceful way."

6 Did you or any speechwriter with whom you worked have any role in drafting  
7 these remarks?

8 A Not to my knowledge or awareness.

9 Q Do you know who did draft these remarks for the President?

10 A I don't know. I don't remember. If somebody on my staff worked on  
11 them, I don't recall that.

12 Q Okay. But you were never asked to weigh in or offer any opinions about  
13 remarks that the President would give via video?

14 A I don't remember seeing these until my preparation for today.

15 Q If we can go to exhibit 60, please. This is a tweet that the President sent  
16 out at 6:01 p.m. on January the 6th, and it says, "These are the things and events that  
17 happen when a sacred landslide election victory is so unceremoniously and viciously  
18 stripped away from great patriots who have been badly and unfairly tweeted for so long.  
19 Go home with love and in peace. Remember this day forever."

20 Did you have anything to do as far as drafting, editing, or sending out this tweet?

21 A No.

22 Q Do you remember this tweet going out on the afternoon of the 6th or  
23 evening of the 6th?

24 A Well, I mean, I remember seeing it after it went out.

25 Q Did you have any conversations with anybody in the White House about

1       this?

2           A   Not that I can remember.

3           Q   Okay. Did you have any calls or email communications with anybody who  
4       worked on the Hill, either members or staff members, on the afternoon -- during the  
5       afternoon or evening of January the 6th?

6           A   Not that I remember.

7           Q   Are you aware of any effort to reach out to members or their staffs about  
8       the -- resuming the joint session and persisting in objections to the electoral college  
9       certification on January 6th?

10          A   I was not involved in that. Again, not that I wouldn't have been happy to  
11       have had that been in my portfolio, but it was not in my portfolio, legislative affairs.  
12       And then also, as I mentioned earlier, I had just been reintroduced into the White House  
13       that day. So for both those reasons, I just wasn't involved in that.

14          Q   Okay. And very specifically, I know, you know, we had looked over your  
15       text messages earlier, and you had some communications, personal or otherwise, with  
16       Senator Hawley and Senator Blackburn. Did you remember talking to either of them on  
17       the 6th?

18          A   No.

19          Q   And you also had interacted with Senator Tuberville and his staff member,  
20       whose name escapes me right now, his chief of staff. Did you have any contact with  
21       Senator Tuberville or his staff on the 6th?

22          A   I do not believe so, no.

23          Q   What about Leader McCarthy, do you remember ever talking to him or his  
24       staff during the events of January the 6th?

25          A   No.

1           Q     I understand that he reached out to various folks in the White House,  
2 including the President, and I believe Jared Kushner, maybe others. Did you ever hear  
3 about any of those communications, either secondhand, and hearsay is fine here, but any  
4 communications that you --

5           A     No, I only know what -- what you have also maybe heard or seen that's been  
6 publicly reported.

7           Q     And do you know that only from public reporting or from your  
8 communications with people in the White House?

9           A     No, I only know that from public reporting.

10          Q     And without getting into the substance of communications, do you know  
11 whether the President was in touch with anybody on the Hill, meaning members or their  
12 staffs, during the afternoon or evening of the 6th?

13          A     Nope, I have no personal knowledge of it.

14          Q     Did you ever hear about any of the communications that he had with  
15 members that afternoon?

16          A     Only the same -- same reports that you also have read publicly. I'm not -- I  
17 can't -- I cannot validate or invalidate.

18          Q     Okay. So just based on public reporting?

19          A     Yep.

20          Q     Did you ever hear that the President was reluctant or careful about what he  
21 wanted to say or not say in the afternoon or evening of January the 6th with respect to  
22 the events at the Capitol that day?

23          A     Nope, I was not part of any such conversations.

24          Q     Do you remember approximately what time you left the White House that  
25 afternoon or evening, Mr. Miller?

1           A     I do not, but my best guess is that I wouldn't have wanted to be home too  
2 late, for all the reasons that you might imagine, given the personal experiences that we've  
3 been through. I probably would've endeavored to try to get home at something  
4 resembling a reasonable hour.

5           Q     Do you remember if you left before or after the President went up to the  
6 residence for that -- the rest of the --

7           A     I don't know either way.

8           Q     Okay. Did you talk to Dan Scavino in the afternoon of the 6th about the  
9 events at the Capitol?

10          A     I don't remember having a conversation with him. Nothing springs to  
11 mind. Again, you know, we were friendly so it wouldn't have been odd if we had, but I  
12 don't remember anything -- or it would not have been odd if we had. I don't remember  
13 anything. We're good friends, but, yes, continue.

14          Q     Okay. Did you talk to Rudy Giuliani on the 6th at all?

15          A     No, not that I remember. No, I don't believe so at all.

16          Q     What about Steve Bannon, have you ever talked to Steve Bannon?

17          A     Last time I spoke to him would've been a number of years ago now.

18          Q     Okay. Not -- you didn't speak to him on the 6th?

19          A     No. You'd have to go back in time several more years.

20          Q     What about Eric Herschmann, it seems like you may have had a good  
21 relationship with him. Did you talk to him about what was happening at the Capitol on  
22 the 6th?

23          A     No. The last conversation I remember with him was the one that I told you  
24 about. And this is -- but just to have it correct for the record, Dan and I are very good  
25 friends.

1           Q     Do you remember any conversations you had with anybody at all who  
2     worked in the White House on the afternoon or evening of January 6th about the events  
3     at the Capitol?

4           A     Say it one more time, please.

5           Q     Yeah. Do you remember any conversations you've had with anybody who  
6     worked at the White House about the events of January 6th and what was happening at  
7     the Capitol that day?

8           A     I don't remember any conversation that day except for up until the  
9     conversation you're probably going to ask me about, or maybe allude to, which is  
10    pertaining to remarks on the 7th. But outside that context -- and I don't want to jump  
11    ahead of your line of questioning, because I know that you've spent some time thinking  
12    through the order.

13          Q     No, that's quite all right. We're happy to get there. But that conversation  
14    happened on the 7th, the next day, the one you're referring to?

15          A     No, no. I believe that -- because you asked about the 6th. I believe I had  
16    a conversation on the 6th about remarks that would be given on the 7th, so -- but like I  
17    said, I don't want to jump ahead of you.

18          Q     Okay. With whom did you have that conversation?

19          A     Well, so my recollection is that I had a conversation with Jared about a  
20    follow-on set of remarks on the 7th. And I don't remember -- do you guys still have me?  
21    Just making sure you do. I lost you.

22          Q     Yes.

23          A     I can't see you, but as long as you can see and hear me. All right. There  
24    we go. Yeah. So I remember having a conversation with Jared about doing a follow-on  
25    set of remarks on the 7th to contextualize the events of the 6th, and he provided -- again,

1       memories are vague here, but some top-level guidance, and then I used that to help  
2       assemble a draft.

3           Q     Do you remember what time approximately you had this communication  
4       with Mr. Kushner?

5           A     I don't. So, you know, for that reason, I'm not 100 percent certain that it  
6       happened on the 6th. But if you asked me to guess, I would say it was a conversation on  
7       the evening of the 6th.

8           Q     Was it in person or by phone?

9           A     My memory is that it was by phone.

10          Q     And what was your understanding of the need to issue another statement,  
11       to put in your words, contextualize the events of the 6th?

12          A     Well, I don't want to -- I don't want to speak for Jared. The -- I don't think  
13       that he elaborated at length on his internal thinking. The guidance that I got I think was  
14       just pretty general, which is just to -- which is just to put together a set of remarks to try  
15       to calm everything and everyone, and just have a calming effect on the Nation and to  
16       reassure people that there would be an orderly process for preparing for a new  
17       administration based upon the outcome of the electoral count. Now, I don't know  
18       exactly when, of course, the timeline of when the electoral count is included, but the  
19       conversation -- you've -- if it happened before included, I suppose, was presupposing  
20       what the result of that would be based on, of course, where it was going.

21          Q     Did he make any specific recommendations that you can recall?

22          A     No, just attitudinal, like I said.

23          Q     Do you want to follow up?

24          I'll pause there to see if anybody has any questions about what we've gone over.

25          Okay. Do you remember having -- without getting into the substance of any

1       communications you had, but do you remember having any communications with the  
2       President, either in person or on the phone, on the afternoon or evening or night of  
3       January 6th?

4           A     I believe that -- I'm not 100 percent certain, but I believe that there was a  
5       brief conversation with the President on the evening of the 7th just to inform him of the  
6       plans for remarks the next day.

7           Q     And you just said, Mr. Miller, the evening of the 7th. Did you mean the  
8       evening of the 6th?

9           A     Sorry, yes. Thank you.

10          Q     Okay.

11          A     The evening of the 6th for the next day.

12          Q     Was that an in-person meeting or --

13          A     I believe it was a phone call.

14          Q     I'm not going to ask you to get into the substance at this point, but do you  
15       remember the conversation that you had with the President in that phone call?

16          A     Not a lot of detail, no. But I think it was a relatively -- I mean, I don't know  
17       how brief, but I think it was a fairly circumspect and brief phone call, so nothing about it  
18       that warrants to discuss it, really stands out to me.

19          Q     And do you remember if you took that call while you were at home or while  
20       you're still at the White House?

21          A     If I'm remembering correctly, which I may not be, then I was on my cell  
22       phone.

23          Q     Meaning you're no longer in the White House?

24          A     Yes. If I'm remembering correctly, I was on my government cell phone,  
25       which means that the White House switchboard probably patched it through to my cell.

1           Q     Okay. I'm going to ask a question fully expecting an objection, but what do  
2 you remember from that phone call in your conversation with President Trump on the  
3 6th?

4           Mr. Rowley. And, Counsel, I don't want to disappoint, so I object, and I instruct  
5 the witness not to respond on the grounds of communications privilege.

6           Mr. [REDACTED] Executive communications privilege?

7           Mr. Rowley. Yes.

8           BY MR. [REDACTED]:

9           Q     Your objection is noted, and we will move on.

10          Was that the only call you remember having with the President any time after the  
11 rally on January 6th?

12          A     It is, yes.

13          Q     Mr. Scavino had a number of phone calls with the President after the rally on  
14 the Ellipse and into the next -- or late -- the next -- excuse me, late that night and perhaps  
15 early the next morning. Did you ever talk to Mr. Scavino about his communications with  
16 the President that day?

17          A     No, I did not.

18          Q     Not related to that, can we take a -- just a brief sidebar, 2 or 3 minutes here?

19          Mr. [REDACTED]. Of course, yep. Take your time.

20          The Witness. Just as good a time as any.

21          Mr. [REDACTED]. We'll go off the record.

22          The Witness. Thank you.

23          [Discussion off the record.]

24          BY MR. [REDACTED]:

25          Q     Then let's go back on the record. It's 5:57, and we are resuming the

1 deposition of Mr. Stephen Miller.

2 Did you speak with anybody from the campaign or what's left of the campaign, I  
3 guess, at that point, about what was happening at the Capitol on January the 6th?

4 A Not that I remember, no.

5 Q Okay. Do you remember -- and just specifically, do you remember talking  
6 to Jason Miller at any point on the 6th?

7 A I don't. It doesn't mean that I didn't, but I don't remember it.

8 Q My understanding is that the President, whose Twitter had been locked  
9 down on the 6th, released a statement through Dan Scavino's Twitter account early the  
10 next morning on the 7th, also discussing the need for, in my words, not his, but an orderly  
11 transition to the next administration. Did you have any role in crafting the message that  
12 the President would send through that tweet on Dan Scavino's account?

13 A Point of clarification, is it possible that the tweet that you're referring to is a  
14 partial transcript of the video remarks that were recorded then released on the 7th?

15 Q I remember a tweet, at least that's what I'll represent to you. I don't know  
16 whether there is also a partial transcript. Maybe you can help us with that one.

17 A Yeah, well, I mean, the -- look, I could be wrong. The -- my memory -- not  
18 even memory, but my impression maybe is that some portion of the remarks that he  
19 recorded, the transcript was pushed out as a statement from Dan's account. I mean,  
20 you can obviously -- you can verify that one pretty quickly despite doing a side-by-side.

21 So why does that matter? Only because if it is a partial transcript, then,  
22 obviously, I worked on it in the context of having worked on the remarks on the 7th. If  
23 there's not significant overlap between the two, then the answer would be no.

24 Q Understood. I appreciate that clarification. I do want to pull up exhibit  
25 No. 61. And as we're pulling that up, what do you remember about the next day?

1       What time did you get to work, and what were your responsibilities as you got to work,  
2       what sort of business, if you will?

3           A     I don't really remember a great deal about when I got to work or what I did  
4       that day. Obviously, there's a great deal going on, but I do remember, of course,  
5       recording the remarks that you have at the present exhibit.

6           Q     Okay. Very helpful. So exhibit No. 61, which we've now pulled up, and at  
7       least typed on the top there, remarks of national healing, is this the remarks that you or  
8       your team drafted for the President to deliver on the 7th?

9           A     That is correct.

10          Q     And who within your team drafted it? Was it you specifically?

11          A     I think -- not 100 percent sure -- I think that this is an example of one of the  
12       remarks where I took the first pen. It's also possible that someone else sent me a draft,  
13       and maybe I edited it pretty heavily to the point where I might have had a bigger hand in  
14       it, either or.

15          Q     And after you were done with either the drafting or editing process, did you  
16       share it with anybody in the White House before it went to the President?

17          A     I'm assuming, not because I remember but because it would've been  
18       standard process -- I'm assuming it would have gone to staff tech (ph) next. But  
19       sometimes if we were really crunched for time, we might not be able to do that, but that  
20       would be, you know, the few and far between.

21          Q     Without getting into the substance of any conversations, did you meet with  
22       the President to go over what he would say on the 7th?

23          A     I don't think we had a separate meeting, no. I think that we -- I think -- I'm  
24       not sure -- I think it was just one continuous engagement. In other words, the recording  
25       session and the meeting were one and the same gathering.

1           Q     And looking at exhibit No. 61, do you recognize the handwriting on this?  
2     Again, we won't hold you to it because you're not a handwriting expert, but do you  
3     recognize it?

4           Mr. Rowley.   Objection.   Counsel, you have provided us with several exhibits  
5     that include line strikeouts as well as handwriting.   And I'm going to instruct  
6     the -- Mr. Miller not to answer questions that have to do with who made those strikeouts  
7     or whose handwriting that is, because I think that that's another way of potentially  
8     backing into communications privilege.

9           Mr. [REDACTED].   So whether or not Mr. Miller recognizing handwriting, you're saying  
10   executive privilege assertion?

11          Mr. Rowley.   I think so, because you're provide -- you have provided us with  
12   several samples of handwriting, and I think it's another way of backing into the same  
13   issue.

14          Mr. [REDACTED].   So we were provided this document by the National Archives as a  
15   part of litigation involving the former President and official records over an executive  
16   privilege objection for this document specifically, and the question I'm asking is whether  
17   or not Mr. Miller recognizes handwriting.

18          Mr. Rowley.   And I'm going to object to that because whether he recognizes  
19   handwriting or not could potentially disclose who made the handwriting and who struck  
20   out certain lines.   This is not the only exhibit you provided us that contains handwritten  
21   remarks.   And for that reason, I simply can't allow you to back into what otherwise  
22   would be a privilege communication.

23          Mr. [REDACTED].   Okay.   And Mr. Rowley, just to create the record then, because  
24   this will be something that we take up with the committee members.

25          The question I'm going to ask simply asks for a yes or no.   So do you think that

1 you recognize the handwriting that's shown here in exhibit No. 61, without identifying  
2 who that person might be, Mr. Miller?

3 Mr. Rowley. And I'm going to object to that for the reasons I stated a moment  
4 ago.

5 Mr. ████. I'm just asking for a yes or no. I'm not asking to identify anybody  
6 at all, just whether he recognizes it.

7 Mr. Rowley. I understand that. And for the next document, you may ask him  
8 the same question and his answer may or may not be different, so for that reason, I'm  
9 going to stand in my objection.

10 Mr. ████. And your objection, to be clear, is executive privilege of whether  
11 Mr. Miller might recognize the handwriting shown on exhibit 61 without identifying who  
12 the handwriting might belong to. Is that correct, Mr. Rowley?

13 Mr. Rowley. By the process of elimination, yes, that's my objection.

14 Mr. ████. Understood. So we will move on. Your objection is noted  
15 despite the fact that we did receive these over a litigated executive privilege objection.

16 BY MR. ████:

17 Q What do you remember of the President filming and delivering remarks on  
18 January the 7th?

19 A I think it was a relatively uneventful recording session, smooth, professional  
20 to the point. The remarks were recorded. There was some, you know, brief discussion  
21 beforehand with the President, in a way that would be normal for an event of this sort.  
22 Some moderate edits were made to the document. It was recorded and that was that.

23 Q Do you remember him offering any extemporaneous or off-the-cuff  
24 remarks? And if you don't, you know, that's fine, but if you do remember as you sit here  
25 today.

1           A    In the remarks themselves?

2           Q    Correct, on the 7th.

3           A    As recorded, nothing specifically, no. I mean, there might have been a -- an  
4        accent here or there to something. But I think it was -- which would be standard for  
5        most straight-to-camera video remarks in the formal variety as opposed to more informal  
6        video. But from a formal variety, like something they recorded, I believe, in the -- I think  
7        it was in the diplomatic reception room. I could be wrong, but I think that's where it  
8        was recorded. It would be normal to, more or less, follow the script that had been  
9        settled on.

10          Q    Do you remember any other actions that you participated in with respect to  
11        either dealing with the events of January 6th or addressing them after the fact?

12          A    That's obviously a fairly broad question. The -- I will answer it this way:  
13        My memory, my activities on that time, which we've gone through in some depth here,  
14        have already been covered, which is the -- either the receipt of the original speech, some  
15        of the editing therein, the delivery of the speech, the preparation for the January 7th  
16        remarks, the execution of the January 7th remarks. Those are the big events, moments  
17        that I remember from that time period.

18          Q    I'll stop there and see if anybody has any questions about what we've gone  
19        over with Mr. Miller?

20          Bear with us just a moment, Mr. Miller.

21          Thank you for your indulgence, Mr. Miller. Okay. Can you hear us and see us  
22        okay?

23          Mr. [REDACTED]. You're on mute, Mr. Miller.

24          The Witness. Yes, I can. Thank you. I can hear and see you.

25          BY MR. [REDACTED]:

1           Q     Okay. And we're still on the record. Quick point about the January 6th  
2     Ellipse speech. So we understand that some combination of either Mr. Herschmann or  
3     Mr. Philbin or both reached out to you or your team to ensure that the Ellipse speech  
4     goes through adequate fact-checking. Do you remember any fact-checking that occur  
5     with respect to the January 6th speech for the Ellipse?

6           A     Could you give me some timeline verification there?

7           Q     I believe --

8           A     Can you try to let me know when you're talking about?

9           Q     I don't know for certain. I'll represent that to you. But I would assume it's  
10    in the days leading up to January 6th, or the morning of January 6th itself.

11          A     Yeah, that's what I would've thought. So for that reason then, no, I would  
12    not have been privy to it, because if it's the days leading up to it, I would've been out of  
13    pocket for the reasons I have already gone over. I cannot imagine -- I could be wrong -- I  
14    cannot imagine my good friend Pat or Eric, with whom I was friendly, thinking it rose to  
15    the level of, you know, bothering me at the hospital to talk about fact-checking or  
16    political or other public address on January 6th.

17          Q     Even outside that time period, do you remember Mr. Herschmann or  
18    Mr. Philbin making that request of the speech for the rally on the Ellipse?

19          A     No, because by the time that -- by the time I was back in the office, I mean,  
20    I -- according to the records that we've gone over today, I received the first draft at like  
21    3-something in the afternoon, 3:30-ish. I left the hospital around a little before 2:00  
22    p.m., so, I mean, I'm -- I'm -- but, you know, the process of producing the draft is  
23    effectively done, the initial draft, about the time that I was resurfacing.

24          Q     Are you aware of any effort to fact-check the speech that the President gave  
25    on the Ellipse?

1           A     I've seen, I think -- I don't know if they're about the January 6th speech per  
2 se, but I think I've seen some document somewhere in the Archives production or  
3 something that looks like a fact-check, but I don't think I was tracking it at the time.

4           Q     So other than seeing whatever document you're mentioning, are you aware  
5 of any specific effort that Vince -- or excuse me, Mr. Haley or Mr. Worthington or you or  
6 anybody else on the speechwriting team did to fact-check that speech?

7           A     Not beyond that, but I will say, again, these things were done as a matter of  
8 course. We hired somebody a while ago for whom that was part of the job description.

9           Q     But you don't know if that person, for example, in fact, fact-checked this  
10 speech?

11          A     Like I said, I think I saw some document -- maybe it was just for a different  
12 speech that I'm thinking of, if not this one -- somewhere in the production that looked  
13 like a fact-check of something. It looks like it was done by Will Bock. But, no, nothing  
14 immediately comes to mind.

15                 BY MR. [REDACTED]:

16          Q     And in terms of the fact-checking process, Mr. Miller, was it your impression  
17 that the January 6th speech incorporated old points -- or, sorry, "old" is the wrong word,  
18 points that were made in earlier speeches by President Trump about supposed election  
19 fraud?

20          A     Well, yeah, I believe that the -- again, part of the reason why the -- like I said,  
21 there was nothing really remarkable to me about the first draft that I reviewed because  
22 we were covering ground that we'd already covered before about election fraud.  
23 Obviously, we added in the newest and latest information. That was part of what I'm  
24 sure Ross and Vince endeavored to do.

25          Q     And are you aware about the fact-checking process for those earlier claims

1       that made their way into the -- sorry, those earlier points that made their way into the  
2       January 6th speech?

3           A     By and large, that was at a couple levels lower down the staff level from me.

4           Q     Understood.

5                   BY MR. [REDACTED] :

6           Q     All right. So before we end for the day, have you talked to anybody about  
7       your subpoena or appearance here before the select committee for testimony other than  
8       your lawyers? We don't want to get into any conversations that you had with your  
9       lawyers.

10          A     Not in any substantive way, no. I've had -- obviously, there's people in my  
11       life that I'm -- that are not my attorneys that are, like, broadly aware of the fact -- well,  
12       first of all, my subpoena was first reported in The New York Times. So, you know, long  
13       before I ever even retained counsel or even let alone obtained a copy of the subpoena,  
14       The New York Times was ahead of me on that one. So there's obviously people out  
15       there who know I have a subpoena if they consume news, and there's been periodic  
16       reporting since then. I mean, for example, there was an ongoing lawsuit, as I'm sure  
17       you're aware, to do with records, so people are aware of that. So obviously, the  
18       conversations will come up from time to time about these things, and I wouldn't be  
19       interested to recount them, but I haven't discussed anything in any substantive depth  
20       with anybody, no.

21          Q     With respect specifically to your testimony today, has anybody suggested  
22       that you provide or not provide any specific testimony?

23          A     No.

24          Q     Again, excluding your lawyers, of course.

25       And has anybody suggested that you answer any questions posed by the

1 committee or staff in any particular way other than your attorneys?

2 A No.

3 Q What about document production, has anybody encouraged you to produce  
4 or not produce certain documents to the select committee?

5 A No.

6 Q Have you talked to former President Trump about your appearance before  
7 the select committee?

8 A I have not.

9 Q Have you talked to Mr. Worthington or Mr. Haley?

10 A Not about my appearance, no. Like I said, they read the news, I read the  
11 news, so people are aware for that reason; but, again, nothing substantive, no.

12 Q Did you talk to them about any testimony they may have provided?

13 A No. In fact, I haven't talked to them on any level at all about their  
14 testimony, no.

15 Q What about -- anybody else --

16 A I mean, just to underline it very clearly, the conversation that I'm thinking of  
17 is just that I read in the news, I think, or heard somewhere that Ross had received a  
18 subpoena. And I called him to just let him know that he ought to retain counsel, that I  
19 could be helpful if he wanted recommendations for counsel, and to let me know if I could  
20 be of any help in coming up with any other issues that might be necessary to deal with at  
21 an administrative level, but nothing substantive.

1

2 [6:17 p.m.]

3 BY MR. [REDACTED]

4 Q What about anybody else who worked in the White House at that time?  
5 Have you talked to them about their testimony or your testimony before the select  
6 committee?

7 A No. I haven't talked to anybody about the substance of testimony.

8 Q And same question related to document production. Have you talked to  
9 anybody else who worked in the White House December, January, the time period we've  
10 been talking about, about the production of documents or your production of  
11 documents?

12 A No, I have not. I'm not -- well, I have not substantively, no.

13 The -- the -- you know, in a case here or there, I might have asked for an update in  
14 somebody's case to know, like, where they are in their process with the committee but  
15 nothing substantive.

16 Q Did you make any recommendations to anybody about what testimony they  
17 should provide or what documents they should provide to the select committee?

18 A No. My message throughout this is: You should listen to your lawyers,  
19 and I should listen to my lawyers.

20 Q Have you talked to Mr. Meadows at all since leaving the White House?

21 A He's on my board of directors.

22 Q Have you ever talked to him about the events of January 6th?

23 A Not that I can recall. I mean, I'm sure that we -- I'm sure we've had  
24 conversations at some point in time to do -- I mean, which really had conversations about  
25 election fraud broadly speaking, election integrity, election reform, but nothing

1 specifically about January 6th comes to mind.

2 Mr. ██████. I'll pause there and see if anybody has any questions.

3 BY MR. ██████:

4 Q Mr. Miller, did have you any conversations with people who have been  
5 subpoenaed by the select committee about organizations that would help fund their legal  
6 defense?

7 A Can you ask the question again, please?

8 Q Sure. Have you had any conversations with individuals who were  
9 subpoenaed by the select committee about organizations that might help pay -- help  
10 defray the costs of their legal defense in responding to a subpoena?

11 A Without getting into any specifics, I've had conversations with people about  
12 how they could avoid going into poverty as a result of their legal bills, which I'm sure, as  
13 you know, is a -- an acute concern.

14 Q Right. But were there any organizations that you knew of that were  
15 helping to defray the legal costs of individuals subpoenaed by the select --

16 A Yes, I talked to people what options might be, what organizations might be  
17 able to help them. I did.

18 Q Which organizations?

19 Mr. Rowley. Now, a point of clarification, your question goes to whether or not  
20 Mr. Miller had conversations with other people who have appeared before this  
21 committee who -- about how they're having their legal fees paid? Is that the question?

22 Mr. ██████. Conversations with other people who are subpoenaed about possible  
23 ways to defray legal costs through certain organizations.

24 Mr. Rowley. What's the possible relevance of a question like that?

25 Mr. ██████ In terms of figuring out how and why people answer questions and

1 respond to subpoenas in certain ways, if there's some sort of organization. You know,  
2 we're not saying there's anything wrong with that whatsoever. It's an  
3 information-gathering point.

4 Mr. Rowley. Well, I think -- I think that question is inappropriate. And I, as I  
5 say, I believe it's irrelevant, and it goes beyond the scope of anything that the committee  
6 is investigating here.

7 Mr. [REDACTED]. Are you instructing Mr. Miller not to answer?

8 Mr. Rowley. I'm not instructing him to answer, to not answer that question.  
9 But I make a general observation that your question, I think, is inappropriate. It calls for  
10 information that is not relevant to your investigation, and it's very curious that you  
11 inquire along those lines.

12 Mr. [REDACTED]. Mr. Miller?

13 The Witness. Well, I think the only conversations that I had on this score that I  
14 can recall with another person who was subpoenaed about paying for the bills was with  
15 specifically -- it's typically -- not just saying to them let me know if you need help and I'll  
16 see what I can come up with, but in terms -- or what I -- what ideas I can have, but in  
17 terms of specifically suggesting avenues, I think I suggested to Ross specifically that he  
18 explore three possible avenues although whether he did any of them, I don't know.

19 One was to -- one was to talk to -- to the -- to Mike Schlack (ph) and his  
20 organization. One was to talk to CPI out of their -- they don't do this themselves but to  
21 see if they knew of anybody that might. And then I also said that he should check, as  
22 well, with the Office of the 45th President to see whether or not they would be able to  
23 render any assistance.

24 So I proposed three avenues of exploration to him.

25 Mr. [REDACTED]. Thank you.

1           Mr. ██████. Okay. So, at this point, I think we are done with the questioning  
2       for the day. I appreciate your time today, Mr. Miller.

3           Because of a number of objections that we have on the record, we are going to  
4       have the deposition stand in recess, subject to the call of the chair.

5           And we will be in touch with Mr. Rowley about any additional followup that will be  
6       necessary pursuant to the subpoena based on resolution of any of those objections.

7           Is there anything at this point that, Mr. Rowley or Mr. Miller, you'd like to add to  
8       the record?

9           Mr. Rowley. Nothing further.

10          Thank you for your courtesies today.

11          Mr. ██████. Sure. We will be in recess, subject to the call of the chair.

12          And we're off the record.

13          [Whereupon, at 6:23 p.m., the deposition was recessed, subject to the call of the  
14       chair.]

## 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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14    Date

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