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

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11 INTERVIEW OF: ROBERT O'BRIEN

15 Tuesday, August 23, 2022

20 The interview in the above matter was held via Webex, commencing at 11:03 a.m.
21 Present: Representatives Aguilar, Schiff, and Lofgren.

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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], SENIOR COUNSEL

10 [REDACTED], SENIOR INVESTIGATIVE COUNSEL

11 [REDACTED], SENIOR INVESTIGATIVE COUNSEL

12 [REDACTED], CHIEF INVESTIGATIVE COUNSEL

13 [REDACTED], SENIOR COUNSELOR TO THE VICE CHAIR

14 [REDACTED], RESEARCHER

15 [REDACTED], INVESTIGATIVE COUNSEL

16 [REDACTED], PROFESSIONAL STAFF MEMBER

17

18

19 For ROBERT O'BRIEN:

20

21 STEPHEN LARSON

22 ANDREW BESHAI

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2 Mr. [REDACTED] Good morning. This is a transcribed interview of Robert O'Brien
3 conducted by the House Select Committee to Investigate the January 6th Attack on the
4 U.S. Capitol pursuant to House Resolution 503.

5 At this time, I'd like to ask the witness to please state his full name and spell his
6 last name for the record.

7 Ambassador O'Brien. Robert Charles O'Brien, Jr., O-apostrophe-b-r-i-e-n.

8 Ms [REDACTED] All right. Great.

9 Good morning, Ambassador O'Brien. My name is [REDACTED] -- it's
10 [REDACTED] and I'm the chief investigative counsel for the select committee. I'm
11 joined here in our conference room in Washington by several other members of our
12 investigative staff. [REDACTED] who is the counsel to the vice chair, Ms.
13 Cheney. [REDACTED] who is an investigative counsel. And [REDACTED]
14 [REDACTED] common spelling, who is a senior investigative counsel. [REDACTED], our
15 professional staff members, is master of all things electronic and will be facilitating the
16 Webex. And then [REDACTED] is with us as well.

17 So as I said, Ambassador O'Brien, this is a staff-led interview. We're here in our
18 committee offices in Washington, but members of the committee may join via the Webex
19 platform. If they do join, I will recognize them just so that you're aware of who's here.
20 And they may decide to participate in the questioning. Often they will turn their camera
21 on indicating they have a question and I'll stop and defer to them. But it'll primarily be
22 me and the other lawyers here asking you questions.

23 Ambassador O'Brien. Thank you.

24 Mr. [REDACTED] Okay. Counsel for Mr. O'Brien, I understand, Stephen Larson,
25 you're there in the conference room and one of your associates. I hate to make you do

1 this again, but for the record if you'd introduce yourself and your associate.

2 Mr. Larson. Yes. This is Stephen Larson, counsel to Ambassador O'Brien.

3 Along is my colleague Andrew Beshai. My last name is spelled L-a-r-s-o-n. Andrew's
4 last name is B-e-s-h-a-i. Good morning.

5 ██████████ Great. Good morning.

6 So before we begin the questions, Ambassador O'Brien, I'll just describe a few
7 ground rules.

8 There is an official reporter, as you've seen, who is transcribing the record of the
9 interview. You and your attorney will have an opportunity to review the transcript that
10 is created, suggest any corrections, before it's finalized.

11 As you know, through the Webex platform this is being videotaped and audio
12 recorded, but the court reporters' written transcript will be the official record of the
13 proceedings. So please wait until each question is completed before you begin your
14 response, and we will try to wait until your response is complete before we ask our next
15 question.

16 The stenographer cannot record nonverbal responses, such as shaking your head,
17 so it's important that you answer each question with an audible verbal response.

18 Although this interview is voluntary and not under oath, I have to remind you that
19 it is unlawful to deliberately provide false information to Congress. That is not an
20 O'Brien-specific warning. That is something we tell all witnesses.

21 Do you understand that?

22 Ambassador O'Brien. I do.

23 ██████████ Okay. Great.

24 It's important that you understand our questions and are able to answer them to
25 the best of your ability. So to that end, please don't hesitate to ask us to repeat a

1 question if it's clear (sic). And if you don't know the answer to the question, then just
2 say you don't know or you don't recall. Keep in mind that you're not under oath, but
3 you must be truthful.

4 You can refuse to answer a question to preserve a privilege recognized by the
5 select committee. I understand from counsel that -- through correspondence -- that
6 there is an executive privilege that you'll assert with respect to direct communications
7 with the President or other communications that would reflect that. And when we get
8 to those questions, please just indicate, either you or Mr. Larson, indicate that you
9 believe that question is protected by an executive privilege.

10 And if you need to consult with Mr. Larson at any time, that's fine. Just stop,
11 pause. Happy to have a break of however long you need or even just a quick sidebar for
12 you to consult with Mr. Larson.

13 Any questions at all about that before we begin?

14 Ambassador O'Brien. No. Thank you.

15 EXAMINATION

16 BY [REDACTED]

17 Q Okay. Great.

18 So I want to start out then, Ambassador O'Brien, by indicating that you are here
19 voluntarily, not pursuant to a subpoena, which on behalf of the committee I very much
20 appreciate.

21 I want to show you exhibit 1, which is a letter that we have received from the
22 current White House counsel's office.

23 Have you seen and read this letter? It's actually addressed to Mr. Larson, your
24 counsel, dated August 8th.

25 A I have.

1 Q Okay. It indicates just generally that, in the view of current White House
2 counsel to the President, that any assertion of executive privilege on the topics described,
3 some of which we'll cover here in this interview, would not be appropriate.

4 Do you understand that that is the White House position with respect to executive
5 privilege?

6 A I understand what's written in the letter, yes.

7 Q Okay. And I also now want to show you exhibit 2, which is the letter that I
8 received from your counsel, Mr. Larson, which indicates that you have gotten direction
9 from the former President to assert an executive privilege and that, based on that, that
10 there will be some questions that we, if we inquire about direct communications with
11 President Trump, on which you would assert an executive privilege.

12 Is that generally correct?

13 A I believe that's generally correct. But you'd have to talk to my counsel
14 about any communications he's had with the former President or the former President's
15 counsel.

16 Q Yeah. Understood. And again, given that direction, which we
17 understand, I will not repeatedly bump up against that rule, but there may be times when
18 a particular question would call for something that you believe would be protected by the
19 privilege. And I would just ask you, with consultation with Mr. Larson, to state it when
20 we get to that point. All right?

21 A Okay.

22 Q Okay. Let me just ask you a couple of questions about documents,
23 Ambassador O'Brien.

24 Did you, when you were in the White House as National Security Advisor, did you
25 have a White House-assigned official email account?

1 A I did.

2 Q All right. And was that rco84@who.eop.gov?

3 A I believe so.

4 Q Okay. And at the end of the administration, did you take any steps to
5 provide any material from that email account to the National Archives?

6 A I did not personally take any steps.

7 Q I see. Was it your understanding that things that were electronically stored
8 in that email account were somehow, by someone, transitioned over to the Archives
9 pursuant to the Presidential Records Act?

10 A That was my understanding.

11 Q Okay. Did you also use any personal email account for any official business
12 when you were National Security Advisor?

13 A No. Personal email accounts, I tried not to. I mean, it's always possible
14 that I could have gotten an email or two. But this was not my practice.

15 Q I see. And was that [REDACTED] P Is that your personal email
16 address?

17 A That's correct.

18 Q Were there any other personal emails that you believe you may have used
19 during your time as National Security Advisor besides that one?

20 A I don't believe so.

21 Q Okay. Did you have a White House-issued phone?

22 A I did.

23 Q Did you use it just for calls or for calls and text messages?

24 A I certainly used it for calls. I may have used it for text messages as well.

25 Q Our understanding is that only some of the White House phones were sort

1 of text enabled, that there needed to be an official sort of request for that.

2 Did you have that functionality on your White House phone?

3 A So, yeah, that's why I delayed in answering your last question, counsel, is I
4 don't recall using the phone for text messages, but it's possible that it could have. But I
5 don't recall that.

6 Q Okay. I understand.

7 A It may not have been enabled. I don't know.

8 Q Yeah. Did you ever use your personal phone, again, for official business,
9 work-related calls or texts?

10 A Yes.

11 Q Okay. What was the number on that? And maybe actually instead of
12 putting that on the record, I can get that from Mr. Larson at a later time.

13 A Of course.

14 Q Yeah. I don't want to -- we can keep that more confidential.

15 Q Do you recall any set of circumstances in which you would use your personal
16 phone for official business? Was it episodic or were there particular categories of things
17 that you did on your personal device?

18 A It was episodic.

19 Q Okay. Did you ever communicate with President Trump by phone?

20 A Yes.

21 Q Did you ever have -- use his cellular, personal cellular device, or was that
22 through official White House channels?

23 A So I can't recall. I may have called his -- I rarely called his personal device.
24 I may have done it on occasion. But it was almost always through the Situation Room or
25 through the White House operator.

1 Q I see. Okay. And so there were -- my understanding is that there are a
2 couple of different ways sort of through the White House to get in touch with the
3 President, the Situation Room or the switchboard, that they would pass a message or
4 connect you to him. Is that right?

5 A That's correct.

6 Q And was that typically the way in which you would reach out to the
7 President?

8 A That's typically the way I'd reach out to him.

9 Q I see. Okay.

10 How about text messages? Do you recall whether you ever exchanged any text
11 messages with the President?

12 A While in office?

13 Q Yes.

14 A I don't recall. It's possible, but I don't recall.

15 Q Okay. Do you know whether or not he used text messages at all? Was
16 that a standard practice for him or not, if you know?

17 A So I don't recall. I don't think it would have been a standard practice, at
18 least with me.

19 Q Okay. All right.

20 Ambassador O'Brien, how about any other messaging applications, like Signal or
21 Telegram or WhatsApp? Did you use any of those platforms to conduct any official
22 business when you were National Security Advisor?

23 A I did.

24 Q Okay. Which of those platforms did you use?

25 A I think I received some messages from people on WhatsApp and on Signal.

1 Q All right. And again, tell us what the circumstances would be that would
2 trigger the use of those platforms versus the White House email account or your official
3 device.

4 A So on the official devices, there was no ability, I don't think, to put on Signal
5 or any of the other applications.

6 There were some foreign ambassadors or foreign ministers that would want to get
7 in touch with you and they tended to use Signal or WhatsApp.

8 Q I see. Okay. So were those platforms used exclusively for communication
9 with your sort of counterparts in other countries?

10 A As my -- the exclusive means that I communicated with foreign
11 counterparts?

12 Q Or did you use WhatsApp or Signal beyond the universe of foreign
13 counterparts, like for people in this country, for any other reason?

14 Mr. Larson. I'm sorry, that was not clear. Could you just rephrase that? I'm a
15 little unclear what you're asking.

16 [REDACTED] Yeah. That's a bad question. I'm sorry.

17 BY [REDACTED]

18 Q I'm just wondering sort of the general circumstances that would cause you
19 to go to WhatsApp or Signal. Was it just, hey, it's a foreign leader, so that's the platform
20 that he or she uses? Or would you, beyond that, use it for other reasons as well?

21 A Yeah. So I'm not a consumer of social media or those sorts of applications
22 for the most part. There were some foreign leaders that asked for my cell phone
23 number so that they could connect via Signal, because I think some foreign leaders from
24 time to time would reach out and they were concerned about intercept and they felt
25 there was some safety -- that was their opinion -- there was some safety. My opinion

1 was different. But they wanted to communicate by Signal or WhatsApp, but it was on
2 rare occasions.

3 Q I see. Okay. And beyond that, Ambassador O'Brien, would you use
4 WhatsApp or Signal to talk to someone on a personal matter or campaign related or
5 things that you wanted to ensure were kept off of the official government channel?

6 A Yeah, not that I recall. That was not my practice.

7 Q Got it. All right.

8 Now, on the subject of these personal devices or accounts, did you provide all
9 [inaudible] with the official communications from these personal accounts to the National
10 Archives when you completed your tenure as National Security Advisor?

11 A So I don't know if I had any information on those devices. I do know that
12 when I left the job at the State Department there were some conversations I took
13 screenshots of and I left those behind for the State Department for my files. So that was
14 my practice there.

15 When it comes to the leaving as NSA, I may have had -- you know, I don't recall, I
16 don't recall if I screenshotted. I know I screenshotted a few things. I don't know if
17 they were left behind for the Archives. That would have been my practice. But again, I
18 can't recall.

19 Q I see. And when you were in the NSA position, or particularly at the end,
20 from whom did you get advice about sort of compliance with the document restrictions,
21 the Presidential Records Act? Was there an office or a person that was sort of the
22 source of that information?

23 A No. My staff just handled those. So, I mean, we were aware of during the
24 whole time I was in office, I think. You know, I don't know how it was implemented, but
25 I know that if I marked up a document or things of that nature it would go to the chief of

1 staff or to the front office. And my understanding is that those documents were kept.
2 But I don't know the modalities of it.

3 Q Understood. Okay. And I know that you did provide to the committee
4 some documents and we will get to those a little bit later. And again, I wanted to
5 appreciate your voluntarily provision of some of that material.

6 All right, let's just maybe quickly have you walk us sort of backward in your
7 professional experience from your time as the National Security Advisor sort of going
8 back through your professional career. Just briefly tell us what you have done in your
9 very distinguished law career in and out of government.

10 A So I served from September 2019 through January 20th of 2021 as the
11 Assistant to the President for National Security Affairs.

12 Prior to that time, I served as the Special Presidential Envoy for Hostage Affairs
13 from, I believe, May 2018 through September 2019.

14 Prior to that time, I was a partner at a firm called Larson O'Brien LLP, which is now
15 Larson LLP in Los Angeles.

16 Prior to that time, I was the managing partner for the West Coast offices of Arent
17 Fox LLP law firm.

18 Prior to that time, I was -- I served as a U.S. alternate representative to the U.N.
19 General Assembly in New York from 2005 to 2006.

20 As far as government work goes, I served on the Cultural Property Advisory
21 Committee from 2008 to 2011. I served roughly from 2007 to '08 -- I'd have to look at
22 the dates -- until about 2011 to '12 as the co-chairman of the Public-Private Partnership
23 for Justice Reform in Afghanistan.

24 Prior to that time, going back to the private sector, I served as -- I was a partner at
25 a firm that had various names, but ended up as O'Brien Abeles. That firm merged with

1 Arent Fox in 2006.

Prior to that time, I served as a senior legal officer for the U.N. Security Council
U.N. Compensation Commission in Geneva.

Prior to that time, I was an associate with a law firm called Skadden, Arps, Slate,
Meagher & Flom. I was in the L.A. office. It's a New York firm.

6 And I think that covers it, but I may have left something out.

7 Q That's extensive.

8 What sort of private practice, what was your specialty at Arent Fox or Skadden,
9 what kind of work did you do as a lawyer?

10 A Litigator.

11 Q And when you were National Security Advisor, going back to your most
12 recent time with government, did your portfolio involve issues of election security? Is
13 that part of your areas of focus as NSA?

14 A Yes.

15 Q Okay. And we'll get into this a little bit.

16 Did you have any sort of informal roles or other sort of special project assignments
17 sort of beyond the traditional mandate of the NSA that the President asked you to deal
18 with when you were National Security Advisor?

19 A No.

20 Q Okay. All right.

21 I want to take you now to the time just before January 6th and ask you a little bit
22 about the events, the sort of preparation in advance of January 6th, the discussions you
23 may have had about security precautions or intelligence that you received.

24 We understand that you may have participated in some interagency planning calls
25 that took place in the days before January 6th involving the Department of Justice, the

1 Department of Defense, the Department of the Interior.

2 Do you recall being a participant, Ambassador O'Brien, in those interagency calls?

3 A So I recall being a participant in one interagency call. There could have
4 been others, but there is one that I recall.

5 Q Tell us what you recall about that specific conversation.

6 A So I think I was monitoring that call. That was -- most of that work would
7 have been done, as far as domestic homeland security and that sort of thing, would have
8 been handled by our senior directors working with Homeland Security, FBI, DOJ,
9 Parks -- National Parks.

10 And so there was one call I was asked probably by one of our staffers to monitor
11 it. I don't know if I actually participated or said much on the call, but I think I was on the
12 call. I remember having it on speakerphone on my desk in my office.

13 Q All right. Do you remember anything specific being discussed on that call
14 about the prospect of potential unrest or violence on January 6th?

15 A Generally.

16 Q Tell us what generally you recall from hearing on that topic during that
17 conversation?

18 A So generally I recall not any specific information regarding violence on
19 January 6th particularly, but it was a call -- basically it was a roll call, you know, my best
20 recollection it was not something, it wasn't a meeting I set up or I was directing, but I
21 believe there was a roll call through the Federal agencies with every agency kind of
22 popping up and giving their account of what they'd done to prepare for the event. How
23 many police officers, what buildings would be open, what would be closed. That sort of
24 thing.

25 Q All right.

1 A It was logistical in nature.

2 Q I see. And do you remember any specific intelligence being provided to
3 that group, that interagency group, about threats, risks, and sort of law enforcement
4 information about what to expect that day?

5 A I do not.

6 Q Okay. Jeff Rosen, who was at the time Acting Attorney General, has
7 testified that he recalls your participation in at least two coordination calls, much as you
8 have described, Department of Justice, Defense, Homeland Security, Interior. He said
9 that he and Rich Donoghue from Justice, Secretary Bernhardt from Interior, David
10 Bowdich from FBI, the U.S. Attorney Michael Sherwin were among the attendees.

11 And he recalls two issues, and I'll just ask you if you recall either of them: the
12 establishment of command centers, coordination centers, or where personnel would be
13 located; and possible law enforcement or National Guard response corresponding to
14 potential threats or crowd side.

15 Do you remember any discussion about command centers or sort of the numbers
16 and logistics of law enforcement or National Guard response?

17 A So I think your question was -- the first part of the question was whether
18 there were -- I recall two meetings. It's possible that I was on two meetings. I don't
19 recall. I can only recall one meeting. But that doesn't mean I wasn't on a second
20 meeting or a second phone call. It's possible, I just don't recall it.

21 Q Yeah.

22 A And as far as the command centers and logistics, that's something that
23 would have, you know, it wouldn't surprise me. I don't recall it as I sit here today, but
24 that doesn't surprise me, because that's the sort of thing that was being discussed. The
25 logistics of the day were the sort of things that were being discussed in the meeting that I

1 do recall.

2 Q I see. Do you ever remember a discussion, Ambassador O'Brien, about the
3 designation of a lead Federal agency, that one agency kind of needed to be in charge,
4 needed to own the event? What, if anything, do you recall about that?

5 A So I'm sure there was a lead Federal agency that was -- I don't know if it
6 would have been DOJ or Homeland, but my guess it would have been DOJ, Homeland, or
7 maybe FBI. But I don't recall.

8 Q Okay.

9 A That would have been -- I'm sure that's something that would have been
10 discussed.

11 Q Yeah. Do you remember any discussion on this call or other conversations
12 leading up to the 6th about sort of lessons from the summer events, the summer of 2020,
13 the Black Lives Matter protests that were closer to the White House, or sort of what we
14 learned there being applicable to what we need to do on January 6th?

15 A There may have been those conversations. I had a personal concern. I'm
16 not sure if I had a conversation with anybody about it. I may have. But I had a
17 personal concern arising out of what happened in the summer.

18 Q Tell us more about that. What was your concern?

19 A I was concerned that there could be a counterprotest to the January 6th
20 protest and that there could be violence as a result.

21 Q Violence between people with disparate views clashing with each other?

22 A Correct.

23 Q All right. And was that informed strictly, Ambassador O'Brien, by what
24 happened in the summer or was there intelligence leading up to the 6th that you got
25 from any source that suggested that could be a problem at the Capitol?

1 A So my concern wasn't the Capitol, it was more at the White House. I wasn't
2 concerned about the Capitol at that point. And it was informed by my -- just my
3 personal experience, not by any intelligence.

4 Q I see.

5 A As I recall.

6 Q Yeah. How about discussions about the D.C. Mayor's request for the
7 National Guard? Do you recall hearing anything about that or having a view about the
8 appropriate response to or role of the Guard?

9 A So I don't recall her requesting the Guard. I would not have been opposed
10 to the Guard being called out.

11 I know that in the summer she sent the Guard home. In fact, she did not allow
12 hotels in the District to host the Guard.

13 It was quite embarrassing. One of the Guard units that was guarding the White
14 House, it was the Utah National Guard, and they were unceremoniously removed from
15 the hotel they were staying at and sent to Virginia to stay at a hotel there because they
16 weren't welcome in the District. But that's the summer, it's not January 6th.

17 Q Yeah. For the 6th, the Mayor requested a pretty limited Guard footprint, I
18 think only 350 guardsmen that were assigned to protect Metro stations or to be stationed
19 at Metro stations.

20 Do you remember that discussion logically about that plan, about whether that
21 was sufficient?

22 A I don't recall that.

23 Q Okay. There's been some reporting about you specifically with respect to
24 concerns leading into the 6th. This comes from the Carol Leonnig book. It said,
25 "O'Brien advised that security in and around the White House had been increased, that

1 he believed Secret Service had the complex well buttoned up, though he said there could
2 be serious danger if counterprotesters showed up to bedevil the pro-Trump crowd."

3 Sounds consistent with what you're saying. You had some concerns about the
4 risk of protester-counterprotester violence?

5 A So, you know, I don't normally comment on people's reporting, but that was
6 my general concern.

7 Q Okay. And it sounds like again your focus was more on the White House
8 complex, not as much the Capitol?

9 A Correct.

10 Q All right. Do you remember getting information from the Secret Service,
11 from the Capitol Police, from the FBI, from any law enforcement agency before
12 January 6th?

13 A Other than the call I was on, not that I recall.

14 Q All right. And, Ambassador O'Brien, I understand that Congresswoman
15 Lofgren has now joined us.

16 Welcome, Ms. Lofgren.

17 A Hello, Congresswoman.

18 Q All right. Ambassador O'Brien, there's also been some reporting that there
19 were discussions about the possibility of protesters targeting Federal buildings, as
20 opposed to the summer where there was sort of violence between protesters, Federal
21 buildings being targeted.

22 Do you recall any discussion of that in advance of January 6th?

23 A The call that we discussed, I think there was a concern. And that was part
24 of the kind of roll call of what different departments would do to defend government
25 property, their buildings.

1 Q Okay. General Milley, another witness before the select committee,
2 recalled a planning call in early January in which one participant expressed, "The greatest
3 threat we needed to prepare for was an assault on the Capitol." And you, Mr. O'Brien,
4 replied, "The greatest threat is going to come from antifa and Black Lives Matter
5 assaulting the protesters."

6 Do you remember General Milley's participation in this call? And is that
7 consistent with your recollection?

8 A No. In fact, I don't -- again, you know, Mark's a good guy, but I don't recall
9 that conversation, that exchange between Mark and myself. And at that time, I don't
10 recall anybody talking about threats on the Capitol.

11 But I was concerned about violence between the protesters, not so much targeted
12 at the government or necessarily the White House itself, but in the proximity of the White
13 House there could be a protest and counterprotest.

14 Q Understood.

15 Do you remember any discussions in the White House on that call or otherwise
16 about the Proud Boys or the Oath Keepers or some of those organized groups potentially
17 having a role on January 6th?

18 A I do not.

19 Q Okay. Once you received this information, either on this call or from other
20 sources, Ambassador O'Brien, did you brief anyone or take any action to sort of
21 operationalize what you had heard?

22 A No. So the NSC is not an operational, for the most part, is not an
23 operational organization. I don't have -- I'm not in the chain of command, I didn't have
24 troops, I didn't have policemen or Secret Service or that sort of thing. So normally on
25 any matter we didn't operationalize things.

1 And as far as briefing, I assume on that call we would have had senior directors
2 from Homeland Security, and any follow-up would have been coordinated with the NSC
3 and with our senior directors and directors who would have coordinated with the
4 agencies to make sure that the Capitol was buttoned up and the White House, the
5 Federal property, the Capitol, if it was at risk, everything would be covered.

6 Q I appreciate that. I guess my question is more whether you took any of
7 that information from the call and briefed the President, briefed the chief of staff, briefed
8 the White House counsel, anyone within the White House about, "Hey, here is, just so
9 you know, here is what we're expecting on January 6th."

10 A No, not that I recall. I don't recall that.

11 Q Okay. Do you remember discussions about these issues with anyone inside
12 the White House [inaudible] but other sort of White House staff?

13 Mr. Larson. That's a little broad, counsel. If you could be a little bit more
14 specific.

15 BY [REDACTED]

16 Q Yeah. I'm just wondering if you spoke to Tony Ornato or Mark Meadows or
17 Pat Cipollone, Eric Herschmann, sort of any of the sort of core staff leadership at the
18 White House about what might be coming on January 6th.

19 A This is prior to January 6th?

20 Q Yes. We're still in the days before.

21 A I don't recall that. I did hear that Cassidy Hutchinson mentioned that I had
22 spoken with her. I don't recall that conversation.

23 But what she relayed -- my understanding of what she relayed in her testimony
24 was that I was concerned about counterprotesters and violence among the protesters.
25 And I was concerned about that at that time. But I don't recall having that conversation

1 with Cassidy or anyone else at the time.

2 Q Yeah. You're anticipating where I was going next. Let me just read you
3 what she said and just get your best recollection.

4 She said, "On the morning of January 4th, after Mr. Meadows and Tony Ornato
5 had a conversation, I received a call from Robert O'Brien, the National Security Advisor.
6 He asked if he could speak with Mr. Meadows about potential violence, words of violence
7 that he was hearing were potentially going to happen on the Hill on January 6th.

8 "I asked if he connected with Tony Ornato, because Tony Ornato had a
9 conversation with him and Mark about the topic. Robert said, 'I'll talk to Tony.' And
10 then I don't know if Robert ever connected with Mark about this issue, but he reached
11 out to intend to have a conversation."

12 Ms. Hutchinson was asked, "Did he specify what he was seeing or hearing?"

13 And she said, "He just said he wanted to make sure that the chief had been read in
14 on the reports of the potential for violence on January 6th. I didn't request further
15 detail from him."

16 So again, she reports that on January 4th you called looking for Mark Meadows to
17 essentially read him in on the possibility of violence.

18 Do you recall anything like that, Ambassador O'Brien, any conversation with Ms.
19 Hutchinson or others occurring?

20 A Yeah. So I don't recall that conversation. And it would be -- the
21 conversation that was recounted in, you know, just my view, based on my practice, was
22 unlikely.

23 I never had a substantive conversation with Cassidy Hutchinson about anything.
24 Cassidy was the assistant to the assistant to Mark Meadows. And so that is, A, a pretty
25 detailed conversation. I have never had a policy conversation with her. I would

1 have -- number one.

2 Number two, if I wanted to talk to Mark, his office was down the hall, I would
3 have -- I had walk-in privileges with Mark. And so I would have probably walked in.

4 Maybe -- and if a meeting was getting set up, the standard practice -- again, I'm
5 not saying it couldn't have happened, and Cassidy is a very nice young lady -- but the
6 standard practice would have been for one of my staff to call her to set up a meeting if I
7 was seeking to set up a meeting.

8 And then the reference to Capitol Hill in that testimony, I wasn't concerned at that
9 point about any issue on the Capitol. My concern was about protesters being violent
10 with each other. And again, I didn't have reports of that, that was just a concern I had.

11 And so there are just things about that testimony that don't seem accurate to me.
12 But again, I don't recall it and she does. But that recounting of the conversation, by a
13 very nice person, doesn't seem plausible to me.

14 The other thing is I would have -- if I was going to have a conversation -- and again,
15 Tony is a great guy and I thought Tony did a very good job in his position, and I would see
16 Tony in the hallway and it was very cordial -- but if I was going to have that conversation, I
17 would have the conversation probably with another principal, like the chief of staff, and
18 probably not with the deputy chief of staff.

19 Q I note that Congressman Aguilar has joined us as well.

20 A Hey, Congressman. How are you doing?

21 Q So, Ambassador O'Brien, I guess the underlying issue there is whether you
22 spoke to Mark Meadows. Do you recall in advance of January 6th, setting aside Ms.
23 Hutchinson's testimony, trying to reach Mr. Meadows, wanting to talk with him about the
24 potential for violence between protesters and counterprotesters anywhere on
25 January 6th?

1 A I don't recall having such a conversation with Mark.

2 Q Or Tony Ornato, how about him?

3 A I don't recall having a conversation with Tony either.

4 Q Okay. Would those two have been the two people in the White House who
5 would have the most direct sort of relevant interest in or involvement in those kinds of
6 issues?

7 A Correct, along with the senior directors for homeland at the NSC.

8 Q Okay. All right.

9 How about, Ambassador O'Brien, the Ellipse rally, the specific event that was
10 being planned on the Ellipse? Do you remember any discussion about what was going
11 to occur there? Any concerns about security at the Ellipse?

12 A So I had very little insight. That was a political rally. So generally my goal
13 was to stay out of political situations and legal situations at the White House and stick to
14 my lane of being National Security Advisor. And my concern primarily was focused on
15 foreign threats to our country, so, again, just as background.

16 But I assume I was aware that there was going to be a rally, a political rally that
17 day at the White House. I was not involved or aware of the planning of the rally or what
18 was going to take place.

19 Q It is helpful background because it sounds like you drew a distinction in your
20 mind about sort of official stuff, like the joint session of Congress, versus political stuff,
21 like a speech at the Ellipse, some triggered official attention and action whereas the
22 political did not. Is that sort of generally fair to say?

23 A So that wasn't the reason for my concern or my practice. My practice was
24 to try to stay out of domestic political matters to the extent possible. I mean, you're in
25 the White House, so politics touches on everything.

1 But my goal was to remain separate from any campaign type activities or that sort
2 of thing. And for the most part I think I was able to get that. There may have been
3 minor exceptions.

4 But my goal was to stay out of the legal affairs and the political affairs that the
5 President was involved in and stick to national security affairs.

6 Q Okay. Talk a little bit more about why that was important in your
7 institutional role as National Security Advisor to stay out of domestic political affairs.

8 A Well, I got some very good advice early on in my time as National Security
9 Advisor from Secretary Kissinger who said to stay away from it as much as possible.
10 There has to be somebody in the White House that foreign governments and that
11 Senators from both parties can reach out to and have trust in and know that you're
12 focused on the business of the country as far as national security goes and make an effort
13 not to get involved in any other issues. So I tried to follow that advice.

14 Q Yeah. And I appreciate that advice. But why? Again, sort of more
15 broadly, why is it important in your view to stay out of those affairs if you're National
16 Security Advisor?

17 A Look, you know, you're never going to be able to have a blanket rule, but for
18 the most part I think it's important that foreign leaders and Members of the House and
19 Senate can reach out to someone in the White House on issues that are threats, threats
20 against the country, and hopefully do so in a nonpolitical manner.

21 Whether it's threats from China, Russia, Iran, hostage recovery, I think it's
22 important that there be someone in the White Houses that can deal with those issues
23 that's not involved in the political process.

24 Q Understood. Thank you.

25 So just a couple more questions about the advance discussions.

1 Do you recall any discussion about the possibility of people marching from the
2 Ellipse to the Capitol or encouraging people to move from one event to the joint session
3 before January 6th?

4 A So I don't recall any discussions. Obviously, there's been tremendous
5 reporting and the committee's work and that sort of thing that I've seen either on TV or
6 read in the newspapers since then. But I don't recall prior to that time any such
7 discussion.

8 Q And, Ambassador O'Brien, I really appreciate that answer. You're a careful
9 lawyer.

10 What I want to say as sort of a threshold matter is we're trying to get to your
11 personal knowledge and your best recollection of things that you recall happening, not
12 things that you have read about, seen from the committee, or otherwise.

13 So I appreciate that distinction. And going forward, if you can separate what you
14 may have read or heard from what you recall from your personal knowledge, that would
15 be helpful.

16 A I'll do my best.

17 Q Okay. And no personal -- no recollection of any discussion about
18 encouraging people to go to the Capitol or the possibility of a march to the Capitol. Is
19 that right?

20 A I don't recall that, no.

21 Q All right. How about discussions about the President himself going to the
22 Capitol. Did that ever come up with you before January 6th?

23 A No. Not that I recall.

24 Q Discussions about the President potentially delivering a speech at the
25 Capitol, either in or around the joint session, did that ever come up in advance?

1 A Again, not that I recall.

2 Q All right. And did you ever hear any discussion about the optics of the
3 January 6th event, sort of how things should be staged or look?

4 A No, I don't recall that.

5 Q Okay. All right.

6 Anything else, Ambassador O'Brien, that I haven't asked you about sort of the
7 lead-up to -- I want to get to the day itself -- but is there anything else that sticks out in
8 your mind about things that you had heard or you were expecting or anything at all that
9 might be relevant that I haven't asked you yet about the lead-up?

10 A Not that I recall. That's one of those tough questions.

11 Q Yeah.

12 A I understand it's a cleanup question that you're making. But nothing that I
13 recall.

14 Q Okay.

15 A But if you have a specific question, a specific request or questions, I'm happy
16 to answer those, but I can't recall anything of a general nature.

17 Q Okay. I want to periodically give you a chance to add stuff that you think is
18 important that I haven't asked you.

19 A I understand. Thank you.

20 Q Let me stop and see if Ms. Lofgren or Mr. Aguilar have any questions at this
21 point.

22 Ms. Lofgren. No thanks.

23 Mr. Aguilar. No questions.

24 Mr. [REDACTED] Okay. How about here? Anything from you guys?

25 Yeah, [REDACTED] go ahead.

1 [REDACTED] Just one from me, Ambassador O'Brien.

2 In the days before January 6th, did you ever hear of anyone in the White House
3 monitoring social media sites like Parler, Gab, TheDonald.win, related to the activities of
4 the joint session or January 6th?

5 Ambassador O'Brien. Not that I recall, counsel.

6 [REDACTED] Thank you.

7 BY [REDACTED]

8 Q All right. Let's go, Ambassador O'Brien, then to the day itself, January 6th.
9 And we've gotten some information from the Secret Service about your particular
10 schedule that day.

11 Those records reflect that you began your day at your residence in Washington,
12 D.C. You took a walk at 7:50 a.m. You arrived back at your residence by 8:17,
13 departed for Joint Base Andrews at 9:04, arrived there at 9:37, and then left for Miami to
14 go to the SOUTHCOM headquarters to attend briefings. And you were also slated to
15 visit the U.S. Coast Guard base.

16 That you received a classified briefing in the SCIF some time around between 3
17 and 4. That you left from Florida to come back to Washington at 7:47, arrived at
18 9:30 p.m., then proceeded from the airport back to your residence. Did not arrive at the
19 White House until early in the morning on January 7th.

20 Again, is that consistent with your recollection of your sort of whereabouts that
21 day?

22 A That's generally consistent, correct.

23 Q Okay. In the morning when you were either -- before you left for Miami or
24 as you were there, did you receive any sort of security updates regarding the crowd size
25 or the presence of weapons in the crowd that was gathering at the Ellipse or the Capitol?

1 A I did not. Not that I recall.

2 Q All right. When was the first time that you recall getting any information
3 about something going on back in Washington that merited your attention?

4 A So I was in the SCIF. I think you said I was in the SCIF from 3 to 4. I
5 thought it was a little earlier.

6 Q Okay.

7 A But I was in a SCIF at SOUTHCOM with Admiral Fallon going over a number
8 of issues, some related to the transition, some related to the counternarcotics effort.

9 And there came a point in time when one of my staff came into the SCIF with a
10 note, which was somewhat unusual because that would have been probably only a
11 handful of people that they would have interrupted me for since I was with a combatant
12 commander, and they said the Vice President needs to talk to you or you need to call the
13 Vice President.

14 And so I took leave from the SCIF at that point and walked down to use
15 the -- Admiral Fallon was nice enough to let me use his office. I don't know if it was a
16 yellow switch or red switch phone, but he had a phone that I could use to contact the
17 Vice President. And so I went to use that, use his office.

18 Q All right. I want to get to that conversation with the Vice President. But
19 before that staffer interrupted your meeting in the SCIF, did you have any insight at all
20 into what was happening at the Ellipse, the President's speech, anything at the Capitol, or
21 not?

22 A No. The first I saw of it was walking down the hallway to the admiral's
23 office. They had flat screen TVs tuned to various networks and there were lots of
24 people around. And that's the first I saw of it.

25 Q All right. So then tell me about the conversation with the Vice President.

1 Did you go immediately to Admiral Fallon's office and either -- did you return a call to
2 him? Is that what you were asked to do?

3 A My understanding is I was returning the call to him. It could have been a
4 suggestion from my staff. But my understanding at the time was that I was returning a
5 call that the Vice President had made to me.

6 Q Okay.

7 A And again, I wasn't briefed on what was happening. I believe there was
8 either a -- I would have closed the door to the office if I was talking to the VP, but I
9 believe there was a flat screen in the admiral's office that had the mob scene going on or I
10 had seen -- I may have saw for a minute or 2 in the hallway or in an outer office and
11 watched what was happening. I was pretty disgusted by it. And then went in the
12 office and called the Vice President.

13 Q And tell me more about specifically what you recall about the scenes.
14 Were people inside the Capitol at that point or outside? Do you have any sense as to
15 how far into this we were at this time?

16 A I can't recall. You know, you could do a timeline from -- I assume
17 somebody has a record of my call to the Vice President. So you could do a timeline from
18 when I called the Vice President to 2 minutes before, and whatever progress the mob had
19 made at that time, you'd be able to track it. But there was certainly violence outside the
20 Capitol, but they may have breached the Capitol at that point.

21 Q I see. All right. So you were --

22 A My recollection is that they had breached the Capitol, but I was not -- I can't
23 tell you that with certainty right now. That's something -- but it could be determined.

24 Q Yeah. I appreciate that. So it sounds like you were at least aware that
25 there was violence at the Capitol, whether or not it had been breached, when you placed

1 this return call to the Vice President.

2 A Correct.

3 Q And were you aware, Ambassador O'Brien, that he was at the Capitol when
4 this call was made?

5 A I was aware when he told me he was.

6 Q Well, tell us about the conversation between you and the Vice President.

7 A So I don't recall the whole conversation, but the Vice President had said that
8 the Capitol was under attack by a mob or there was a riot at the Capitol, something to
9 that effect. That he'd been taken downstairs, I think he said he was in the basement of
10 the Capitol.

11 My concern at that point was about the Vice President's personal safety. I mean,
12 just a personal concern because he was a colleague and I consider him a friend, obviously
13 a superior. But I was always very friendly with the Vice President. I was very
14 concerned about his personal safety just given what I was either watching in real time or
15 that I had just seen at the Capitol.

16 And I told him he should leave. The Vice President didn't want to leave and
17 wasn't going to leave. And I asked if he had his CAT team with him. He said he did.
18 So I felt better knowing that he had his CAT team there because I knew he would be -- I
19 don't care how many people are in that mob, the CAT team is highly trained and well
20 prepared for that sort of situation.

21 So it's probably better for anyone in that riot that they didn't get anywhere near
22 the Vice President because the CAT team would have taken care of them.

23 So I felt better about the situation knowing that he had his -- that he had backup,
24 not that the regular Secret Service agents aren't highly competent and capable, but the
25 CAT team carries a lot of firepower with them. And so I was less concerned about the

1 Vice President's personal safety once I heard he had his team with him.

2 Q Okay. Did he ask you to do anything or was there any reason why he had
3 reached out to you in the middle of this traumatic event?

4 A He told me he just wanted to make sure I was aware of what was happening
5 and to give me a sitrep.

6 Q I see. "Sitrep" meaning situation report, he is there, wanted to make sure
7 you were aware of the on-the-ground situation?

8 A Correct.

9 Q Was there any specific ask, that he wanted you to call anyone or take any
10 action?

11 A Not that I recall.

12 Q All right. When you say that you advised him to leave but he said he wasn't
13 going to leave, did he explain why he didn't want to evacuate the Capitol?

14 A He didn't say why. But I assumed I knew why.

15 Q What did you assume was the reason why he didn't want to leave?

16 A I thought it was pretty gutsy and he wasn't going to get driven out by a mob
17 and he wanted to complete the business he had to do that day.

18 Q And again, Ambassador O'Brien, is that your speculation or is that what he
19 said?

20 A That's my speculation.

21 Q I see. Okay.

22 Did he say anything during the conversation about the desire to go back and
23 complete the joint session, finish the work, reconvene, anything along those lines?

24 A I don't recall. He may have, but I don't recall.

25 Q Okay. Did he say whom else he had spoken to that day during the

1 conversation with you?

2 A Not that I recall.

3 Q "I talked to Milley" or "I talked to Meadows" or "I talked to somebody"?

4 Did he say anything like that about others that he'd been in touch with?

5 A I don't recall. He may have, but I don't recall that from the conversation.

6 Q All right. Did he say anything more specific about the violence, about what he
7 could see or hear from his vantage point? He said the Capitol was under attack, I think
8 was what you said, but did he provide any more context about that?

9 A Yeah, something to that effect. He said that he had been taken down to
10 the basement. For some reason I believed he may have said he was in the car, but I
11 can't -- again, I can't recall.

12 My impression was is that he was with his motorcade in a parking lot. But again,
13 I don't want -- I've heard other things since then, so I don't want that to color my -- that
14 was just my recollection or my impression. That could have been wrong.

15 But my impression was that he was in a basement garage with his team. But
16 again, I could have -- that was just my understanding. He may have been somewhere
17 else.

18 Q I understand. Did he say who was with him?

19 A Other than Secret Service agents and the CAT team, no.

20 Q All right. And did he say actions that he had taken? Did he say anything,
21 for instance, about the National Guard being deployed or law enforcement resources
22 coming to the Capitol?

23 A Not that I recall.

24 Q All right. And again, he didn't ask you to do anything, to call anyone or take
25 any action?

1 A Not that I recall.

2 Q All right. Did you take any action or do anything upon getting this sitrep
3 from the Vice President?

4 A I did do a number of things, not necessarily because of the sitrep from the
5 Vice President but from what I was watching, and my staff at that point started coming
6 and reporting what they were hearing.

7 Q Okay. Before we get to that, anything else about the conversation with the
8 Vice President that you recall?

9 A Not that I can recall right now.

10 Q About how long was it altogether?

11 A I think it was relatively short, maybe a couple of minutes. But again, there
12 should be a phone record because he would have -- I would have either reached out to
13 him or he would have reached out to me, I assume. Again, I shouldn't assume. But it
14 would probably have been through the Sit Room, but I don't know.

15 Q And you made that call from the phone on Admiral Fallon's desk, not your
16 cell phone?

17 A I believe it was from Admiral Fallon's desk, but I can't recall.

18 Q Okay. All right.

19 So let's talk about then what you did after receiving that information. What
20 steps did you take now that you're aware of this violence at the Capitol and had this
21 conversation with the President? What did you do next?

22 A So I did a couple of things. I'm not sure the exact order in which I did them.

23 Q Okay.

24 A One is I put out a series of tweets on my personal Twitter account.

25 Q All right. We'll get to those.

1 What else? Just tell me generally what you recall doing. And I appreciate that
2 you don't necessarily recall what order they were in. But what other steps did you take?

3 A I believe I talked to my deputy, Matt Pottinger, who was at the White House.
4 Either I spoke with him or one of my staff who was there. I believe I spoke with him, but
5 there may have been follow-up phone calls with Pottinger for my staff to get a sitrep on
6 what was happening from his vantage point.

7 I believe I spoke with Jake Sullivan. I have a recollection, but I'm not sure of the
8 timing of speaking with Pat Cipollone and potentially John Eisenberg.

9 I believe I would have or probably reached out to Chris Miller, the Acting Secretary
10 of Defense.

11 I spoke with Jake Sullivan on two occasions, the incoming National Security
12 Advisor.

13 I spoke with Senator Lee.

14 And I may have spoken, I don't recall, but I may have spoken with Senator
15 Romney. I have a recollection of reaching out to -- and I can't recall if it was that day
16 either. I was planning to do it, but I have a recollection of thinking that I should call Tagg
17 Romney and let him know his dad -- I had heard that Governor Romney was safe. I don't
18 know if I had heard that from Mike Lee, from Senator Lee, or from Senator Romney.

19 So I may have called Tagg Romney to let him know that his dad was safe, but I
20 can't recall.

21 That's -- then I had -- I think that's what I can recall now. I think we put out a
22 tweet from our official Twitter account after my personal tweets from the NSC 45
23 account.

24 So those are the -- I may have tried to reach Mark Meadows, but I don't recall.

25 Q Okay. Let me ask you about, going back [inaudible] let's talk first about

1 your deputy, Matt Pottinger.

2 During your first conversation with Mr. Pottinger, did he say anything about his
3 resignation or his intent to resign?

4 A He did that day. I can't recall if it was my first conversation or a later
5 conversation. But he did at one point.

6 Q Okay. And that's exactly my question, whether as soon as you talked to
7 him he said, "Sir, I need to resign," or whether that came in a subsequent conversation.

8 A I can't recall.

9 Q Okay. It sounds like you had a substantive discussion with him, just
10 ensuring that he was aware of events and getting any information he had about what was
11 going on at the Capitol? Is that right?

12 A Correct.

13 Q Do you remember learning anything from him beyond what you had heard
14 from the Vice President?

15 A I think Matt was -- look, I don't want to speculate, but I recall just saying
16 everything was spun up, that the interagency was working, the NSC was trying to convene
17 people to make sure that there was an appropriate response. As far as specifics, I can't
18 recall.

19 Q Okay. So you got a sense from him that the appropriate response was
20 underway, that the NSC was involved in and helping ensure that resources were on the
21 way?

22 A Well, the appropriate response in the sense that the NSC is a convening
23 authority. So the interagency would have been convened to make sure that there was
24 coordination on the interagency to make sure that resources were being sent to the
25 Capitol to quell the violence.

1 What actually happened, I don't know and I'm not sure Pottinger told me in that
2 meeting. But it would have been that the NSC was responding with what authorities we
3 had.

4 Q Okay. I appreciate that.

5 How about Pat Cipollone? Did you learn anything more from him or recall
6 anything specific about your conversation with the White House counsel?

7 A I can't recall.

8 Q All right. You said that you may have talked to the Acting Secretary of
9 Defense, Chris Miller. Do you recall anything in particular about that conversation?

10 A So I can't recall the conversation, but I'm sure I would have called Chris.
11 And my request would have been get the Guard or get troops up to the Capitol.

12 And again, I don't want to taint what I'm saying with what I've learned later, but I
13 know Chris was actively trying to make that happen.

14 Q Did you ever learn in that or other conversations, Ambassador O'Brien,
15 about any resistance to the Guard being deployed, any hesitation about that?

16 A No, I never heard that.

17 Q I see. Was it to the contrary, everybody agreed, "Hey, we need to get the
18 Guard there and we're taking steps to make that happen"?

19 A Again, I can't agree with that characterization because I can't recall the
20 conversations. But I don't -- the call would have been we need to get the resources to
21 the Capitol and we need to secure the Capitol and protect our -- the Congress. And my,
22 again, somewhat blurred recollection is that Chris Miller was on that.

23 Q Okay. And you said you may have tried to call Mark Meadows, but you
24 don't recall. Is that right?

25 A I don't. I spoke with Mark later in that evening. I don't know if I talked to

1 him during the day.

2 Q Did you take any -- did you make any effort to talk to the President?

3 A I did not.

4 Q Why not?

5 A A couple of reasons.

6 Q Tell us more. What are those reasons?

7 A The first reason is I wanted to gather as much information about what was
8 happening so I could effectively brief him when I had the opportunity. So that was
9 number one.

10 And I was -- it was a little difficult for me because I was in Miami. At the same
11 time as all this was going on, I was trying to figure out how to get back to D.C. But that
12 was a whole separate issue. But I wanted to have the information I needed to alert him
13 what was happening.

14 Number two, we were busy trying to assemble that information. I was having
15 phone calls I needed to have. I think Pottinger or somebody would have told me that
16 the President was at the White House and that he was safe. So I was concerned about
17 safety issues, and the President, I understood, was safe.

18 And I wanted to have -- whatever conversation I was going to have with the
19 President, I thought it was best under the circumstances -- and again, it was a fast-moving
20 situation. I was getting fed a lot of different bits of information both from public
21 sources and from staff coming in and out. I wanted to talk to the President in person.

22 Q I see. Was it your intention then to gather all this information, return to
23 Washington, and speak to him in person?

24 A Yes.

25 Q I see. During any of these conversations, going back including the

1 conversation with Vice President Pence, did anyone indicate whether the President had
2 been briefed or was engaged in the matter? Did you learn about his personal
3 engagement on these issues during any of those conversations?

4 A I did not. I think in one conversation I learned he was in the dining room,
5 potentially with Meadows, but I learned he was in the dining room.

6 Q All right. But did anyone tell you, "Yeah, he's aware, yeah, he's been
7 briefed, yeah, he's involved," anything along those lines?

8 A Not that I recall. But of course at this point it was pretty heavily covered in
9 the media. And the President is a voracious consumer of TV and print media, so my
10 assumption is that he was following it.

11 Q Okay. Did you hear any discussion during these conversations, Ambassador
12 O'Brien, about efforts to encourage the President to make a statement, the President to
13 either issue a tweet or a video or something to impact the situation at the Capitol, get
14 people to stop or go home?

15 A I saw that there were some tweets that came out from the President along
16 those lines, but I wasn't aware of any internal conversations to that nature. I engaged in
17 some conversations about messaging the next day on the 7th but not on that day.

18 Q And I appreciate that. I'll get to that.

19 But during the day, did you remember any discussion about the President needs
20 to say something, the President needs to condemn the violence and tell people to go
21 home, any of those kinds of discussions during these various calls that you were having
22 from Miami?

23 A No. That would have certainly been my view. But I don't recall that in
24 any of the conversations.

25 Q All right. Were you actually following the President's tweets sort of in real

1 time as they came out? Do you recall seeing those alerts on your phone or having
2 people show them to you?

3 A I believe, when the President tweeted out, that one of my staffers would
4 have printed it out and showed it to me, but I can't recall. But I remember somebody
5 showing me a tweet either on a phone or a printout. For some reason I'm -- it could
6 have been a printout, but I don't recall. It may have been showing me the screenshot
7 on their phone.

8 Q What do you recall about that specific tweet?

9 A I know the tweets. You provided the tweets in the documents that you
10 sent to me and so I've reviewed them recently. I don't recall anything from that day.
11 But I remember there was generally a call by the President for a deescalation. But I did
12 see the tweets that you provided me. And I think I was shown those tweets in real time.

13 Q Okay.

14 A Since we weren't in my office, it would have probably been on a screen.

15 Q I understand. The President's first tweet during the violence was at 2:24
16 p.m. And actually we can show this to you, it's exhibit 18.

17 [REDACTED], if you can pull that up on the screen.

18 Now, what I'm going to do, Ambassador O'Brien, is pull some things up on the
19 screen in front of you. Actually, if you have a binder that's fine as well, but we actually
20 have the ability to share documents this way.

21 A Okay.

22 Q So his first substantive tweet -- I mean, he actually tweeted out a link to his
23 Ellipse address a bit before this. But his first statement here is, "Mike Pence didn't have
24 the courage to do what should have been done to protect our country and our
25 Constitution, giving States a chance to certify a corrected set of facts."

- 1 Do you recall when this -- being showing this tweet when it came out at 2:24
- 2 p.m.?

1

2 [12:03 p.m.]

3 A I do.

4 Q All right. Tell us what was your reaction was when you saw this tweet.

5 A I can't recall specifically, but I may have actually been on the phone with the
6 Vice President when this tweet came out, but I can't recall.

7 Q Did you discuss this tweet with the Vice President?

8 A I can't recall, but what I would've said is, "Sorry about this," or, "I saw the
9 tweet," or something of that nature if I did. I just don't recall. But I think it came
10 either closely before, during, or after my call with the Vice President.

11 Q All right. So that's helpful. So this tweet is at 2:24. So that's around the
12 time when you were on the phone with the Vice President?

13 A That's my best recollection.

14 Q Okay.

15 A Again, there should be a phone record somewhere, but -- on the Vice
16 President's phone potentially. But that's my recollection as we sit here today.

17 Q Okay.

18 So when you say, "I would've said 'I'm sorry,'" just explain more your personal
19 reaction to this. In the middle of the violence, the President is tweeting that Mike Pence
20 didn't have courage. How did that affect you? Why was it that you would've said to
21 the Vice President, "Hey, I'm sorry"?

22 A Look, you know, Mike Pence had been -- Vice President Pence had been a
23 very -- in my view, had been a loyal Vice President to the President, and I thought they
24 had a good relationship.

25 I would not have phrased the tweet the way the President phrased his tweet, and,

1 you know, I actually thought the Vice President was demonstrating courage, staying at
2 the Capitol. I'm not getting into legal issues because that's not something that I was
3 involved in or followed, what the Vice President's authority was or wasn't, but I thought
4 he demonstrated personal courage, being at the Capitol.

5 And given what was happening, you know, and that he was in an area where there
6 was violence, I thought it was unfortunate this tweet came out at that time. I thought if
7 the President felt that way -- you know, if it were me -- it's not for me to presume to
8 instruct the President or the Vice President how they should conduct themselves, but I'm
9 just saying, if it was me, I would've had -- and if I had felt that way, I would've had a
10 personal conversation and probably not done a tweet.

11 Q Yeah.

12 Did you have concerns about the effect that this tweet might have on the crowd,
13 on the situation unfolding at the Capitol?

14 A No, I didn't have -- I wasn't concerned about that issue. I was just -- I
15 thought it was unfortunate because of the relationship that the President and the Vice
16 President had, and it's not the tweet I would've put out.

17 Q Yeah. Did you think it might make the Vice President less safe, the
18 President telling his millions of followers that he didn't have courage in the middle of a
19 riot at the Capitol?

20 A That was not my take at the time, no.

21 Q All right.

22 And do you recall -- I'm sorry to ask you this again or belabor it, but do you recall
23 whether or not the Vice President himself saw this, said anything to you about it, if it
24 came out at around the same time?

25 A I don't recall that.

1 Q Your deputy, Mr. Pottinger, has testified to the select committee that this
2 was the moment, when this came out, that he decided to resign, that at that moment he
3 decided that he immediately needed to resign.

4 Do you remember him sharing that sentiment with you, directly tied to this
5 tweet?

6 A I remember him sharing the sentiment with me. I don't recall him tying it
7 to this tweet, but I do remember him expressing the fact that he was going to resign that
8 day.

9 Q Not necessarily because of this, but just generally?

10 A He may have. I just don't recall it.

11 Q Okay.

12 Did you talk to anybody else about this tweet itself, like, express your opinion
13 about it, when it came out, either inside the White House or anyone else?

14 A I'd be speculating. Certainly no one in the White House. Potentially with
15 one of the staff who was with me.

16 Q Okay.

17 All right. So, again, you didn't take any action in particular response to this.
18 Your tweets don't start until a bit later, your personal tweets that you sent out.

19 A Yeah, I'm not sure what time my tweets came out, but I wouldn't say it's in
20 direct response to this, but I did tweet that I thought the Vice President was courageous.

21 Q Yeah, you did.

22 All right. Well, the next tweet from the President is the next exhibit. It's 19.
23 ███████████, if you can call that up on the screen.

24 And this one is about 14 minutes later. He tweets, "Please support our Capitol
25 Police and Law Enforcement. They are truly on the side of our Country. Stay

1 peaceful!"

2 Do you recall seeing this when it came out?

3 A I don't recall it specifically, but I'm sure it would've been shown to me.

4 Q All right. And what was your reaction, if you recall, to this particular
5 message?

6 A I don't recall a reaction at the time, but I think it's a good message, and it's
7 consistent with the President being a strong supporter of law enforcement. And so I,
8 you know, was glad to see that there was support for law enforcement in the tweet.

9 Q The tweet does not ask people to leave. It actually suggests that they stay,
10 right? Stay, but remain peaceful. Did you have any view when this came out that it
11 was insufficiently strong, that it doesn't tell people -- doesn't condemn violence or tell
12 people to leave?

13 A I don't recall that.

14 Q Okay. Did you take any action or discuss this tweet with anybody when it
15 came out?

16 A Not that I recall.

17 Q All right.

18 The next one is at 3:13 p.m. That's the next exhibit in line, No. 20.

19 A And, by the way, you know, looking at this tweet now -- and, again, this is,
20 you know, your characterization, counsel -- but he says, "Stay peaceful!" I mean, it
21 doesn't say return or leave the Capitol, but I don't think it also -- it doesn't say stay in the
22 Capitol. It just says, "Stay peaceful!"

23 Q Understood.

24 A Again, I'm just reading the text of it.

25 Q Yeah. No, I appreciate that. I'm just trying to get your reaction to

1 whether you thought at the time it was sufficient.

2 A I don't recall. But, looking at it today, certainly it's consistent with the
3 President's view that law enforcement should be respected and certainly obeyed and that
4 they're on the side of the country. So I think that's a -- you know, I think it's a good
5 message.

6 Q Okay.

7 His next message is 3:13 p.m., so a little over 30 minutes later.

8 "I am asking for everyone at the U.S. Capitol to remain peaceful. No violence!
9 Remember, WE are the Party of Law & Order -- respect the Law and our great men and
10 women in Blue. Thank you!"

11 So, again, remain peaceful, everyone at the Capitol. There's no request for
12 people to leave the Capitol.

13 Do you remember having -- seeing this, first of all, and having any reaction to it?

14 A Again, I'm sure it would've been shown to me at the time. I don't
15 remember or don't recall a reaction to it, but I think it's certainly a good message. I
16 mean, people should be peaceful, and there shouldn't be violence in this country, especially
17 when it comes to politics, and I think we should respect the men and women in our law
18 enforcement. So, you know, I agree with everything in that statement.

19 Q And, again, so did you have any concern, Ambassador O'Brien, when this
20 came out, that it was insufficient, that it wasn't strong enough, that it didn't go far
21 enough to try to quell the violence?

22 A Not that I recall here today. But looking at the message today, it's a good
23 message, and, you know, hopefully it had an effect. But, again, it was -- you know, I
24 don't recall at the time. I think I was shown it at the time, and, you know, I think staying
25 peaceful and not having violence and supporting the law enforcement is a good message,

1 so --

2 Q Yeah.

3 A I don't recall what my reaction was at the time.

4 Q All right. And you don't recall any discussion with others about these
5 messages, whether they were enough, whether more needed to be said, anything along
6 those lines?

7 A I do not.

8 Q Okay.

9 His last tweet of the day was at 6:01 p.m. It's exhibit 21. This is actually after
10 he had released a video asking people to go home.

11 And his tweet says, "These are the things and events that happen when a sacred
12 landslide election victory is so unceremoniously & viciously stripped away from great
13 patriots who have been badly & unfairly treated for so long. Go home with love & in
14 peace. Remember this day forever!"

15 Again, do you remember this tweet when it came out, and did you have a reaction
16 to it?

17 A I don't remember when it came out. Again, I assume it would've been
18 shown to me. And I don't know what my reaction would've been at the time.

19 Q All right.

20 Let's look at your messages now, which I think we have in a document. Let's see.

21 [REDACTED] Exhibit 23, I believe.

22 BY [REDACTED]

23 Q Twenty-three, yeah. All right. So let's look at exhibit 23.

24 And I think, Ambassador O'Brien, we were not able to actually get your tweets
25 from Twitter, but we have them from an email that was sent within the House of

1 Representatives to some members of the Speaker's staff, and it actually is their
2 screenshots in the email of your tweets. So they're not timed, but they are sequential.

3 So, if we look at them, the first one is -- let me make sure -- "I have spoken with
4 members of the Senate. They want to return to America's Senate chamber and conduct
5 the people's business. This desire is in the finest tradition of our Republic. God bless
6 the Congress."

7 Do you recall issuing this statement at some point -- and I don't believe we have a
8 timestamp on it, but at some point during the violence at the Capitol?

9 A I do recall putting that out, but I don't recall if it was the -- I don't think it was
10 the first one I put out.

11 Q I see. Maybe that was not the first one then.

12 [REDACTED] I think these are in reverse.

13 BY [REDACTED]

14 Q I'm sorry. They're in reverse. Thank you.

15 [REDACTED] is reminding me, if we go to the bottom, they're in -- here we go.

16 All right. So I think your first tweet -- I misspoke -- was actually this one here,
17 that "Violence has absolutely no place in our democracy. I applaud the men and women
18 of law enforcement and the National Guard, who are working to restore order and
19 protect our institutions. Our country is better than what we saw today at our Capitol."

20 I think that may have been from the White House National Security Advisor official
21 account that you retweeted. Do you recall issuing that tweet?

22 A So I recall issuing that tweet. And it would've been dictated by me because
23 it has the -- at the end of the tweet, it has "NSA Robert C. O'Brien."

24 Q Yeah.

25 A But that was probably the first tweet that came out on the White House

1 National Security Council Twitter feed, but I don't think it was the first tweet that I put
2 out that day.

3 Q I see. Okay. Well, let's talk about this one. I mean, why did you think it
4 was important to put out this statement about "Violence has absolutely no place in our
5 democracy" from the official account?

6 A Because I thought what happened that day was disgraceful, and I thought it
7 was important that a voice in the administration come out and say it unequivocally.

8 Q Okay. Did you feel at this time, Ambassador O'Brien, that that hadn't been
9 stated as strongly enough by the administration and that your voice was important, or
10 were you just adding on top of what others had said?

11 A I think there had probably been a lot of tweets out and a lot of statements
12 out by that time. I don't recall the sequence. But I thought it was -- look, I wanted to
13 make a statement. I thought it was important to come from me. And so that's why I
14 wanted to put this statement out.

15 Q I see.

16 All right. The next one up says, "My first experience in government was serving
17 as an intern for Senator Hayakawa of California. What the mob did to our Senate
18 chamber today was an utter disgrace."

19 Again, what motivated you to put that out? And do you remember roughly
20 when that was?

21 A So, again, I don't recall -- and I don't have a time or a date stamp on this. I
22 think that was the first tweet that I put out on my personal account.

23 Q I think this is -- you're right -- from your personal account, not the official
24 NSA account.

25 A Correct. And I wanted to get some tweets out on my personal account

1 because I didn't have to go through a White House clearance process or get others
2 involved. I wanted to try and act, you know, somewhat quickly and make sure the
3 people that -- to the extent anyone followed it or was interested, that was my view.

4 Q Yeah. Why the reference to Senator Hayakawa? Was it just your
5 personal Hill experience as sort of, "This is a sacred place; what happened in the Senate
6 chamber is a disgrace"?

7 A Yeah, so that was my first job in government. I think I was 14 at the time.
8 And I worked for Senator Hayakawa in the San Francisco field office but also was able to
9 go back to the D.C. office and the Senate chamber.

10 And, look, I've got a high regard for the whole Congress, but for me the Senate
11 was a very special place. And to see people swarming through that institution was, I
12 thought, disgraceful.

13 Q Yeah.

14 You mentioned, Ambassador O'Brien, that when you sent something through the
15 official account it had to be vetted or screened. Tell me more about that process for
16 this one or sort of generally when it came to the NSC account.

17 A Generally with the NSC account, we had, A, a lawyer who would look at
18 things that went out; B, we had a press person. And my understanding -- again, I don't
19 know the modalities of it, but generally my understanding is that our press person, in this
20 case John Elliott, would've worked with the White House Press Office and gotten
21 clearance from the press office to put something out on the official White House Twitter
22 account for the NSC.

23 Q I see. And you didn't need to do that when it was you tweeting from your
24 personal account?

25 A That's correct.

1 Q Gotcha. Okay.

2 A Those were my personal views.

3 Q Yes.

4 All right. And, █ if you could go back to 23.

5 The next tweet, it looks like, sequentially, Ambassador, that you put out was the
6 one that references your conversation with Vice President Pence.

7 "I just spoke with Vice President Pence. He's a genuinely fine and decent man.
8 He exhibited courage today, as he did at the Capitol on 9/11 as a Congressman. I am
9 proud to serve with him."

10 So tell me more. What motivated this particular message?

11 A So I was motivated by the Vice President's courage in staying at the Capitol
12 and getting the work of the people done. And this tweet reminds me, I think
13 the Vice President did tell me that he stayed at the Capitol on 9/11 and didn't leave then,
14 and I think that's the reference I have here. I don't think I would've known that, you
15 know, otherwise.

16 Q Yeah.

17 A So I assume that came from the conversation with the Vice President.

18 And I was proud to serve with the Vice President. We got a lot of great things
19 done. We got a peace deal done in Turkey. We got the Abraham Accords done. He
20 was very involved in the space program. So there were -- Space Force. So there were
21 a lot of great things that we worked on together, and he was always very cordial and, you
22 know, professional with me. And I was concerned about him, but I also wanted to point
23 out that I thought he was doing a great job.

24 Q Yeah. Was this tweet from you in some ways a response to the President's
25 more critical tweet of the Vice President that had been issued earlier?

1 A I wouldn't say that. You know, I think the President made his views clear,
2 and I made my views clear.

3 Q Your views that the Vice President did the right thing? It sounds like you
4 felt it was important to publicly praise him as the violence was occurring at the Capitol.

5 A Yeah, I thought he -- I was referring to not political courage in this case but
6 to his personal courage of staying at the Capitol and not being driven out by this mob.

7 Q All right.

8 And then your last tweet, if we scroll up a little bit, it looks like you're retweeting
9 something that came from Senator Lee, and you reference a conversation -- or at least
10 one conversation.

11 "I've spoken with members of the Senate. They want to return to America's
12 Senate chamber and conduct the people's business. This desire is in the finest tradition
13 of our Republic. God bless the Congress."

14 Tell us, first of all, about the tweet, what motivated it. And then I want to ask
15 you about the conversations that you had with Senator Lee and others.

16 A So I don't see what I retweeted from Mike, from Senator Lee.

17 Q Yeah.

18 A The top tweet looks like it's from my Twitter account. It looks like
19 something I would've said. So I assume that was coming from me and not a retweet of
20 Mike. I think that's my statement. And I think it speaks for itself.

21 Q Tell us what you remember about your conversation with Senator Lee when
22 you did speak to him by phone during the afternoon of the 6th or the evening, whenever
23 it was. This is actually -- I think that 6:16 is when we think your tweet came out about
24 having spoken with Members of the Senate. So, assuming you spoke to him before that,
25 what do you remember about that conversation?

1 A So I think I was at the -- we would finally, I think, solve the travel situation,
2 and I was at either an FBO -- I was on the tarmac. I don't know if it was an FBO at the
3 Miami Airport or if I was at an air base. Again, I think I was on an FBO or in an area of
4 the Miami Airport outside.

5 I spoke with Senator Lee, asked him how he was doing, wanted to make sure he
6 was safe. He's a, you know, personal friend in addition to being a colleague, a
7 professional colleague. I wanted to find out how the Senate was doing, how the other
8 Senators were. Some, you know, are friends in addition to -- like Mike -- in addition to
9 being people I worked with, and I wanted to make sure they were doing fine and what
10 was happening. And he said they were in an undisclosed location but they were fully
11 secure.

12 I think by this time the Capitol was either secure or was in the process of being
13 swept and they were planning on going back to the Capitol. I think he mentioned that
14 there were some conversations about having the Senate convene in the undisclosed
15 location and conduct their business there, but there was a feeling, I think, certainly held
16 by Mike but I think others, including the majority leader, that it was better that they go
17 back to the Senate chamber and conduct the business there and show the American
18 people and the world that a mob wasn't going to chase the U.S. Congress out of the
19 Capitol.

20 Q Tell us more about that. Do you remember his discussion about the
21 calculus of convening in the alternate location versus going back to the Senate chamber,
22 what informed that decision?

23 A I think it was the optics. And I think they felt by that time that the Capitol
24 had either been secured or was in the process of being secured, and they weren't as
25 concerned about their personal safety. But they thought the optics of conducting their

1 session in the Senate chamber was an important message to send to America but also to
2 the world, and I agreed with him.

3 Q Got it.

4 Did Senator Lee tell you who else he had spoken to or who else had tried to
5 contact him over the course of that afternoon?

6 A I don't think in that conversation.

7 Q He did eventually send you a voice message from Mr. Giuliani, which we'll
8 get to, but was that in a subsequent conversation that you had with him about that
9 discussion with Giuliani?

10 A I believe that was subsequent. It could've been the same one, but my
11 recollection is it was a subsequent conversation.

12 Q All right. Did Senator Lee say anything about who else he had spoken to
13 that day, during your talk with him that day?

14 A Well, I know he was speaking with the majority leader, Senator McConnell.

15 Q Okay. Did he mention anyone else?

16 A Just other Senators. I think he did talk to Senator Romney. I think he had
17 spoken with his colleagues. But I don't recall him talking to anyone outside of the
18 chamber.

19 Q Got it.

20 Did he give you any more information about the violence itself, how close it came
21 to him or any of his personal observations of it in --

22 A He may have, and I'm sure I would've been interested in that, but I don't
23 recall it as I sit here today.

24 Q All right.

25 Your tweet saying that you had spoken with Members, plural, of the Senate -- you

1 said before maybe you spoke to Senator Romney as well. Again, do you remember,
2 beyond Senator Lee, who else you may have spoken to?

3 A Well, Senator McConnell was with Senator Lee when I spoke with Senator
4 Lee.

5 Q I see. And did he participate in the conversation with Senate Lee and you?

6 A He did.

7 Q All right. Tell us more what he said, Senator McConnell, during the talk
8 that you had on the phone with Lee.

9 A So it was hard to understand Senator McConnell because he had me on
10 speakerphone but there was some background noise, and I was on the tarmac of an
11 airport. But Senator McConnell was speaking. Senator Lee was kind of, you know,
12 translating or trying to give -- you know, he was, I think, close to the phone.

13 And, at that point, it did not come from me, but there were press reports that I
14 was considering resigning my office that day. And Senator McConnell was telling me,
15 and Senator Lee, that I needed to get back to Washington and that I couldn't resign.

16 Q Did Senator McConnell explain why he thought it would be a bad idea for
17 you to resign, give you a specific -- other than general respect, a specific reason why it
18 was important for you to stay?

19 A No.

20 Q Tell me the best you can recollect, Ambassador O'Brien, what he said. "You
21 need to get back to Washington"?

22 A You need to get back to Washington, and don't leave the White House; you
23 need to be there.

24 Q Okay. And, again, what else did he say about why that was important for
25 you in particular?

1 A That's all I can recall, but, you know, I think he had trust and confidence in
2 me, that, you know, I would do the right thing in the right situations. And, you know, I
3 think, later, it became clear that people were concerned that our foreign adversaries
4 would try and take advantage of the situation and the domestic discord and engage in
5 malign activity, and it was important that I be there.

6 Q Okay.

7 A But I think I learned that later from -- in the later conversation from Senator
8 McConnell.

9 Q Okay. During this conversation, did anybody say they had been in touch
10 with President Trump -- Senator Lee, McConnell, anyone?

11 A Not that I recall.

12 Q Did they express any concern about him, his actions, critical at all of his
13 actions over the course of the day?

14 A Not that I recall.

15 Q Okay.

16 And did the encouragement for you to stay and not resign, did that in some way
17 reflect concern about the President's decisionmaking, your need to be there to help
18 ensure an orderly transition?

19 A I think you'd have to ask Senator McConnell or Senator Lee that question.
20 But, you know, I was gratified that they had confidence in me.

21 Q Yeah, I appreciate that we'd have to ask them, but did they say anything
22 along those lines? "We need people like you" --

23 A Not that I -- not that I recall.

24 Q Okay.

25 Let's go to exhibit 22. This reflects maybe another conversation with Senator

1 Lee, the one that I mentioned before with the voicemail attached.

2 [REDACTED] if you can pull that up.

3 This is a document, I appreciate, Ambassador O'Brien, that you produced to the
4 committee. It looks like a screenshot from a text message that you received from
5 Senator Lee. He attaches a voicemail file, which I assume is a message from Rudy
6 Giuliani, because he says, "You can't make this up. I just got this voice message to Rudy
7 Giuliani, who apparently thought he was calling Senator Tuberville. You've got to listen
8 to that message. Rudy is walking malpractice. Please, Robert, please remain in your
9 current post until noon on January 20th. We need you there now more than ever."

10 And you then respond quickly -- [REDACTED] if you could stroll up, or I guess it's the next
11 page. Oh, there is no -- I'm sorry. There is none.

12 Well, first of all, let's talk about when this came. Do you recall when, in relation
13 to your phone call with him, you got this text and this attached voicemail from
14 Senator Lee?

15 A My recollection is that it was a couple hours later. I'm looking at the
16 timestamp. I don't have this text. It was a screenshot I took at the time.

17 Q Okay.

18 A It says 10:55. I don't know if that's East Coast time. It probably is. But I
19 remember reading the text. I don't have the voicemail. In fact, I don't recall at the
20 time listening to the voicemail.

21 Q What do you remember about your discussions with Senator Lee when you
22 got this text about the voicemail, about Mr. Giuliani's actions the evening or the night of
23 January [inaudible]? What did he say?

24 A You know, looking at the email now -- or the text message right now, I can't
25 recall, because this would've been pretty late at night, if I called Mike back or

1 not -- Senator Lee back or not after getting it or if I talked to him about it later. I just
2 can't recall.

3 Q Regardless of when it was, tell me what you recall him saying about
4 essentially Mr. Giuliani and the voicemail, whenever you talked to him.

5 A I don't think Senator Lee was impressed with Senator Giuliani's legal acumen
6 or reasoning and maybe thought his best days of public service to the country were
7 behind him.

8 Q What did he say along those lines?

9 A You know, I can't recall, but, knowing Mike, probably something along the
10 lines of, "This is sad. You know, he was America's mayor," something along those lines.

11 Q Uh-huh. Yeah, we understand from other evidence that Giuliani was calling
12 Members of Congress during the unrest, encouraging them to delay the electoral
13 certification, and that at 7:00 p.m. Giuliani left a voicemail message for Senator Tuberville
14 on Senator Lee's phone. We've actually played this during one of our hearings.

15 And the voicemail message, which was later publicly released, said: "Senator
16 Tuberville, or should I say Coach Tuberville, this is Rudy Giuliani, the President's lawyer.
17 I'm calling you because I want to discuss with you how they're trying to rush this hearing
18 and how we need you, our Republican friends, to try to just slow it down."

19 Again, do you remember hearing that, when Senator Lee sent it to you on your
20 phone?

21 A You know, I don't remember even playing it at the time. I was probably
22 was, you know -- you know, it was a little disconcerting to see Giuliani involved in this. I
23 think I probably just responded and said "thanks" or something on the email, but I didn't
24 even recall playing the message.

25 Q I mean, at some --

1 A I probably didn't want to hear it.

2 Q Okay.

3 I mean, at some point, when with Senator Lee sends you a message from Rudy
4 Giuliani and says, "This is walking malpractice," I assume at some point you'd want to
5 hear that message. I'm just curious, whenever you did, Ambassador O'Brien, what your
6 reaction was, not Senator Lee's, but yours.

7 A Yeah. So, again, counsel, I don't recall actually ever playing it. I think I
8 was just -- you know, probably felt fed up by Rudy Giuliani at that point. I mean,
9 obviously, we all thought highly of him and what he did on 9/11; he was an American
10 hero. But I didn't think he was serving the President well. And I'm not sure I even
11 listened to this message.

12 Q Tell me more about that. What was your view of him? And when you say
13 "not serving the President well," what do you mean specifically?

14 A You know, again, just from what I saw, you know, on TV news reports and
15 that sort of thing, this sort of -- you know, this sort of activity I didn't think was helpful.

16 Q Activity relating to baseless challenges to the election results, is that what
17 you mean?

18 A Look, I don't know if they're baseless or not, but I didn't think the President
19 had the lawyers he deserved.

20 Q Was that your view, Ambassador O'Brien, even before January 6th?

21 A Yes.

22 Q All the way through the time that they were engaged on these
23 election-related matters, "they" meaning Giuliani and his team?

24 A Well, I thought he had excellent legal counsel in Pat Cipollone and Pat Philbin
25 and Eric Herschmann, but those are White House employees. I don't think his -- you

1 know, again, it's really not relevant to this, and it's not something that I have personal
2 knowledge of. Just from watching on TV, I wasn't impressed by the legal acumen of the
3 team the President had.

4 Q I see. Did that extend beyond Mr. Giuliani to others? When you say
5 "team," who specifically would you put in that group?

6 A Whoever was representing him.

7 Q Did you have any other communications with Senator Lee at all about
8 January 6th or about this election-related issue with Giuliani at any time?

9 A I had a conversation with him at one point because he -- and I don't know if
10 it was that day or the next day that -- and it was reported in the press -- that the
11 President -- he had mentioned to me that the President had called his number, thinking
12 he was calling Coach Tuberville, Senator Tuberville.

13 Q Yeah.

14 A And I think Mike either handed the phone to Tuberville or gave the President
15 the new number. I don't know what the nature of the discussion was. I think he just
16 mentioned that in passing. It was kind of like, you know, they must don't think I've
17 got -- you know, that my number is Tuberville's number.

18 Q Yeah. So Senator Lee described that mistaken call to Tuberville that was
19 misdirected to him at some point to you?

20 A He didn't describe the call. He just said it happened.

21 Q Yeah. Okay.

22 All right. Let's go back to --

23 Mr. Larson. Counsel, this is Stephen Larson.

24 Mr. [REDACTED] Yes, Steve.

25 Mr. Larson. We've been going an hour and a half now. I was wondering if we

1 could take a brief break just to --

2 Mr. [REDACTED] Of course.

3 Mr. Larson. -- stretch and --

4 Mr. [REDACTED] Absolutely. How much time do you need?

5 Mr. Larson. Just 10 minutes.

6 Mr. [REDACTED] Ten minutes is fine. We'll come back, let's say, 12:45 --

7 Mr. Larson. Sounds good.

8 Mr. [REDACTED] -- 9:45 your time. All right. Thank you.

9 Mr. Larson. All right. Thank you.

10 [Recess.]

1

2 [12:51 p.m.]

3 Mr ██████████ We'll go back on the record.

4 Ambassador O'Brien, I think Congressman Aguilar indicated he had a question or
5 two. Let me stop and pause and turn it over to him.

6 Ambassador O'Brien. Thanks.

7 Hello, Congressman.

8 Mr. Aguilar. Hey, Ambassador. Good to see you. I'm driving into L.A., in L.A.
9 traffic now, so you could also just invite me over to your office.

10 Ambassador O'Brien. You're always welcome here.

11 Mr. Aguilar. Ambassador, in the first email that had gone out from the official
12 account, it referenced the National Guard. And I'm wondering if -- and I know we don't
13 have the date stamp on there, the timestamp on that, but was that something that you
14 remember specifically bringing up, the reference to the Guard specifically? Or would
15 that have been, you know, something that was suggested by someone else?

16 Ambassador O'Brien. So I think, Congressman, that tweet that you were
17 mentioning was from the official account. And I think by the time that tweet went out,
18 the National Guard had already been deployed. And that's why I reference the Guard
19 and not just the police forces.

20 Mr. Aguilar. Okay.

21 Ambassador O'Brien. But I think -- my recollection is that the Guard was already
22 deployed to the Capitol or was en route to the Capitol, and that's why I mentioned them.
23 And I don't know if I learned that from the news or if I learned it because someone told
24 me.

25 Mr. Aguilar. Okay. I appreciate that.

1 Did you also talk to, later that day, Johnny McEntee?

2 Ambassador O'Brien. I did talk with Johnny McEntee that evening.

3 Mr. Aguilar. Okay. So it was one of the conversations that you had on the 6th,
4 was Johnny McEntee. And the substance of that conversation?

5 Ambassador O'Brien. So the substance of that conversation with Johnny -- it was
6 late in the evening. I think there were a lot of press reports at that time that I was
7 resigning. Johnny was head of Presidential Personnel at the time, I believe. And I let
8 him know that it was not my intent to resign, but, you know, obviously if the, you
9 know -- I don't think I told him this, but -- you know, if the President had a different view,
10 you know, I'd take that into account. But I let him know that I was not resigning.

11 Mr. Aguilar. Would that have been a short conversation?

12 Ambassador O'Brien. Very short conversation.

13 Mr. Aguilar. Okay.

14 I appreciate it. Thanks for your time.

15 Ambassador O'Brien. Okay. Thanks, Congressman. Safe driving.

16 Mr. Aguilar. Thank you.

17 Mr. [REDACTED] Thanks, Mr. Aguilar.

18 BY MR.

19 Q So, Ambassador O'Brien, there are a couple of additional conversations on
20 January 6th that I wanted to ask you about.

21 One was sort of a broader -- another interagency call back to Jeff Rosen, who was
22 the Acting Attorney General. He recalled there being a series of, kind of, coordination
23 calls with agency leadership and congressional leadership the afternoon and evening of
24 the 6th. Do you remember, from Florida or wherever you were, participating in any of
25 those, kind of, coordination calls?

1 A Counsel, I don't recall that, but I may have. I know at one point I think I
2 was trying to get a call maybe with Cipollone and with Acting Secretary of Defense Miller.
3 But I don't recall if that conversation happened or if it took place in part of a broader
4 interagency call.

5 So I'm sure those calls were taking place. And, you know, Pottinger was on the
6 scene at the White House and would've chaired those as the deputy. I may have been
7 patched in, but I don't recall being patched in on those calls --

8 Q I see.

9 A -- but I could've been.

10 Q Okay. So it sounds like, whether or not you joined any of these calls,
11 anything about them stick out, anything that you learned in one of these large
12 conference, interagency calls about what was going on at the Capitol?

13 A The only thing I recall, as reported later, that, you know, Chris Miller wanted
14 to get the Guard there as soon as possible. And I'm sure Chris told me that himself, and
15 I may have heard it from others as well.

16 Q Okay.

17 All right. A couple of other conversations that you mentioned earlier. I think
18 you said you called Jake Sullivan, your successor, a couple of times. Tell me the purpose
19 of reaching out to the incoming National Security Advisor and anything you can recall
20 about the substance of those discussions.

21 A So the first conversation I had with him was relatively shortly after I spoke
22 with the Vice President. And I don't know what order; I may have spoken with Pottinger
23 first. But my first concern was that the President-elect was safe and that his team was
24 safe.

25 And I wanted to check with Jake to make sure -- I had developed a good working

1 relationship with him by that point, and I wanted to make sure that he and his team and
2 the President-elect and his family and the Vice President-elect and her family were secure
3 and safe.

4 Q I see. I appreciate that. So did you have any information that they may
5 not have been safe or that there was any situation in which they were in danger?

6 A No, I had no information whatsoever, but I was just watching what
7 happened on TV, and I had just spoke with the Vice President, who was with the Secret
8 Service in the basement of the Capitol, so, you know, look, I wanted to make sure the
9 President was safe, and he was in -- I understood from Pottinger he was in the White
10 House. I wanted to make sure the President-elect, the incoming President, was safe and
11 his family was safe, and his team was there.

12 So that was the primary purpose of the call, but I think we discussed some other
13 issues as well.

14 Q Okay. And I don't want to get into anything that's, sort of, national security
15 information or anything like that, but any other discussion with Mr. Sullivan about
16 violence at the Capitol?

17 A I think I probably asked Jake if the incoming President, the President-elect,
18 had any view on what I should personally do or what the government should be doing at
19 this point --

20 Q Did he give any --

21 A -- not as President, but just to take his views into account. You know, only
22 one President at a time, but I wanted to find out if the President-elect had any views.

23 Q Did Mr. Sullivan convey any information about the incoming President's
24 advice or what he might want you to do?

25 A I think Jake said that we're not going to, you know, tell you what to do, and,

1 you know, you've got this, and, you know, take care of things, and make sure the
2 country's safe.

3 My takeaway from that call, that first call, was that, you know, not that it
4 made -- you know, it wasn't determinative of what I was going to do personally, but I
5 think Jake wanted us to stay the course with the transition and appreciated what we
6 were doing. But, again, that was my takeaway.

7 Q I understand.

8 You said there were a couple of conversations with Mr. Sullivan. Do you
9 remember the second one?

10 A I did. There was a second conversation.

11 Q Tell us about that.

12 A That conversation, Jake called me. And they had heard press reports
13 that -- Jake had asked me not to resign and to stay in place as National Security Advisor.

14 Q I see. And was that accurate? Did he ask you or convey to you his -- or
15 the incoming President's desire that you stay in place as National Security Advisor?

16 A So that was my takeaway, but I told Jake that that couldn't have -- the leak
17 didn't come from our side because, you know, I hadn't talked to any press and wasn't in
18 the office and my conversation with Jake was private, one-on-one, and that's how I
19 conducted all my conversations with prior National Security Advisors, and he could expect
20 that in the future from me, and I'm sure the same with Condi or Henry or H.R. or any of
21 the other National Security Advisors. We kept those conversations confidential.

22 And so, that it didn't come from me. And he said, okay, thank you, I'll get it
23 taken care of. And he obviously got it taken care of, because the press never reported
24 it. So --

25 Q I see.

1 A -- he had better control of the press than we did.

2 Q I see. So the leak or what you had heard from him was that there was
3 some report that he was asking you to -- he, in this leak, was asking you to stay, and that
4 wasn't accurate, and he kind of quashed that so that it didn't get out into the reporting?
5 Is that right?

6 A Well, I think the leak came from their shop, not from ours, or at least that's
7 my -- you know, I don't know how anyone would've known it, because I hadn't spoken
8 with anyone else. And I told him that, and he said, okay, we'll get it taken care of. So
9 it may have been somebody on their shop had let the press know, and they were able to
10 take it and walk it back with whoever, you know, had the story. But I don't know who
11 had the story. And my assumption was that they got it walked back.

12 Q Okay.

13 When you reached out to Jake Sullivan, was that as the representative of the
14 current White House? Did you consider that that was sort of the formal Trump White
15 House approach to the Biden incoming team? Or was that just a personal relationship
16 that you had with Mr. Sullivan?

17 A No, I viewed it as NSC to NSC, or NSC to incoming NSC.

18 Q Okay.

19 A Keep in mind, Jake had already been designated at this point and had a
20 TS/SCI clearance and was going to be -- you know, 14 days later was going to be the
21 National Security Advisor. So --

22 Q Yeah.

23 A -- we were working closely with him on the transition. So, you know, I
24 viewed it as part of my official duties.

25 Q I see. Did you convey that you had spoken, NSC to NSC, to Mr. Sullivan to

1 Mr. Meadows or anyone else, to sort of report that you had had that conversation?

2 A I don't recall. I don't think I had that conversation with Mr. Meadows, but I
3 may have. I don't recall.

4 Q I think you mentioned before, Ambassador O'Brien, that you did speak to
5 Meadows at some point that evening or that night on January 6th. Is that accurate?

6 A Correct.

7 Q Tell us what you recall about that, the conversation. When you finally
8 reached Mr. Meadows, whatever time it was, what was discussed?

9 A So I finally was able to get back to D.C. on a Coast Guard aircraft, and we
10 were able to land at DCA, a little closer than JBA. And I was en route to the White
11 House, and I called Mark to let him know. And this was 9:30 or 10:00 at night probably.
12 It was -- you know, there's some -- whatever the Secret Service says time we were wheels
13 down at DCA, at Reagan. And it would've been probably 10 minutes after that, once we
14 cleared the FBO and got in the cars, I called Mark and said, "I'm on my way to the White
15 House."

16 And at that point he said, "Look, everything's under control. The Senate is
17 meeting, and the President's in the residence. There's no reason to go to the White
18 House." I think he had either left or he was leaving, and he said, "Just get here early
19 tomorrow morning."

20 Q I see.

21 A That was the extent of the conversation.

22 Q Okay. So he essentially said, no need to come to the White House; things
23 are calm.

24 A Correct. The President was in the residence, the Senate was meeting, or
25 was about to meet, and there was nothing to do there at that point for me, and, you

1 know, I could show up in the morning.

2 Q Got it. And did that then cause you to redirect your driver and went home?

3 A So I think it was early enough in the -- my apartment was in the same

4 direction as the White House, so I think we were on the same route, and we just -- I'm

5 sure I told the driver go to the RON, not [redacted].

6 Q Got it. Okay. RON, your residence. [Redacted] is the White House?

7 A Correct.

8 Q Yeah. All right.

9 A And I don't know if that's -- I think people know [redacted], but in case it's
10 not, if you can wipe that out.

11 Q That's a good idea. We will ensure that we redact the reference to the
12 Secret Service code name for your residence.

13 A No, the residences remain overnight, so that's the standard --

14 Q I see.

15 A The RON is anybody's -- any principal's residence, so you don't need to
16 redact that. But I don't know if [redacted] is out there for the White House.

17 Q Yeah.

18 A That's the Secret Service -- or at least it was at the time. It may have
19 changed. But the Secret Service call sign for the White House is [redacted].

20 Q I hear you. Okay.

21 Go back to Mr. Meadows. Do you remember any discussion, hearing anything
22 from him about the events of the day? You know, him sharing with you anything that
23 had occurred or a substantive discussion about what had happened over the course of
24 the day?

25 A No, I don't recall it. He sounded pretty tired.

1 Q Did you have any subsequent discussions with him about what happened on
2 January 6th?

3 A I did not.

4 Q At any time, either --

5 A At least not that I can recall. I don't want to be categorical. I don't recall
6 having any discussion with him about it.

7 Q At any time, either while you were still as the National Security Advisor or
8 any time thereafter?

9 A Yeah, I may have had a discussion with him thereafter, but it was about him
10 potentially retaining counsel, so I thought it was -- I think it's -- and I don't even know that
11 it's directly related to January 6th. But I think that's covered by attorney-client privilege.

12 Q Yeah. Okay. And, again, I'm not interested in that. Just anything that
13 he shared with you about his experience on January 6th, what happened, conversations
14 he had, anything like that?

15 A Not that I recall.

16 Q Okay.

17 A Not that I recall sitting here today.

18 Q All right.

19 How about members of the Cabinet? Did you have any discussions on
20 January 6th, first of all, with any of them, other than maybe these interagency calls in
21 which they were participants?

22 A Not that I recall.

23 Q All right. And how about the days thereafter?

24 A Yes.

25 Q We're going to get into a little bit of discussion about actions that they may

1 have taken about what should happen after January 6th. But did any of them share with
2 you any perspectives about the events of the day, the violence at the Capitol, or the
3 President's response to those events?

4 A They shared with me concerns about the violence at the Capitol.

5 Q Who did?

6 A Mike Pompeo, John Ratcliffe.

7 Q Let's start with Secretary Pompeo. Tell us what you recall about him
8 sharing concerns about violence at the Capitol.

9 A Well, I think that Mike and I were both concerned about how our foreign
10 adversaries would interpret what was happening in the U.S. And so Mike and I decided
11 to have a meeting with John Ratcliffe at the State Department and to take a photo of that
12 meeting and then tweet it out, to basically show the world that the, you know, watchmen
13 were on the tower, so to speak.

14 Q Right. I remember that. And we'll talk a little more about that. Was
15 there a discussion during that meeting about the response to or -- the events of or
16 response to the violence at the Capitol?

17 A Not that I can recall domestically, but what we were concerned about is, you
18 know, some foreign adversary engaged in a malign activity while they believed America
19 was distracted.

20 Q Yeah. Understood. And, again, I'm going to get into that a little bit later,
21 but let me just finish with the day first.

22 Anyone else that you spoke to that day that you haven't mentioned, anybody on
23 the phone or in person, about the events at the Capitol?

24 A I may have had the same conversation with Gina Haspel.

25 Q Okay. On January 6th?

1 A Not on January 6th. It would've been one of the following days.

2 Q And by "same conversation," you mean about the prospect of the potential
3 foreign adversaries exploiting the events?

4 A Correct.

5 Q Okay. Any discussion with her about what happened at the Capitol, her
6 reaction to it, anything like that?

7 A No, not that I can recall.

8 Q Okay.

9 I'm going to ask you just a little bit more about Matt Pottinger. You said that you
10 spoke to him maybe a couple of times, that initially it was to get essentially a sitrep from
11 him of what was going on when you were still in Florida.

12 Did you have subsequent conversations with him over the course of the afternoon
13 or evening of January 6th?

14 A Yes.

15 Q Tell us about him talking about his resignation. What do you recall him
16 telling you about his decision to resign and what it was based upon?

17 A Well, first of all, Matt had decided sometime earlier that he was leaving,
18 really back in October. He had moved his family out. I think it was primarily in
19 reaction to COVID and his kid's schooling abilities -- ability to go to school in D.C. But he
20 had moved his family to Park City, Utah, and was planning to leave either right before or
21 right after the election.

22 And I had asked him to stay through Thanksgiving to help with the transition.
23 Then I asked him to stay, you know, through Christmas, and then -- I'm sure his wife was
24 thrilled with me -- and then I asked him to stay through the 20th so that we could get
25 some projects done that we were working on.

1 So Matt had been planning on leaving for some time, and so it wasn't a surprise.
2 And I think he was -- you know, I think Matt can speak for himself about why he left, but I
3 think he was a little -- he was unhappy with, obviously, the way things had gone on
4 January 6th, and he felt, given that he was leaving anyway, this was time to go.

5 Q Yeah. And he has testified or provided information about that at length.
6 I'm just wondering about the sequence here. Did you ask him to stay, actually physically
7 remain in the White House, until you returned from Miami and were present and able to
8 step in and manage things in the moment?

9 A That's correct.

10 Q And why was that important, for someone to actually be physically present?

11 A Well, you know, the NSC needs to have somebody there. I was not on my
12 own mil airplane, but I was on a mil airplane, but I don't think I had the same type of
13 continuity-of-government comms on the Coast Guard plane that I would've had on the Air
14 Force plane. So I thought it was very important that Matt stay at the White House until I
15 got back to D.C.

16 Q I see. All right. And did he say he could accommodate that, that he
17 would actually stay and not leave until you were back in D.C.?

18 A That's correct.

19 Q Okay.

20 He recalls that he told you that he decided to resign, that he told you he
21 could -- he recalls "telling O'Brien about seeing the attack on the Vice President and
22 believing I could no longer stay in light of that attack," meaning the tweet.

23 Do you remember him referencing what the President said about the Vice
24 President being the last straw or the reason why he needed to resign?

25 A So I don't recall that, but I know that the reason he resigned was over

1 January 6th. And he very well could've said that. I wouldn't, you know, dispute that,
2 but I just don't recall it. But he was obviously leaving -- he was advancing his resignation
3 from the 20th to the 6th because of what happened on January 6th; that's correct. And
4 he let me know that.

5 Q Right. Okay.

6 I want to ask you about your own thoughts, Ambassador O'Brien, about
7 resignation. Did you consider doing the same thing that Mr. Pottinger did, resigning
8 because of frustration with the events of January 6th?

9 A Look, I'll tell you what my thinking was. Number one, you take these jobs
10 for the good days and the bad days. You take the jobs for the day you sign the Abraham
11 Accords and bring peace to the Middle East, you take the job for the day you, you know,
12 brought justice to Kayla Mueller's killer, al-Baghdadi, and you take the job for the bad
13 days. And so that was my baseline.

14 And, you know, I went to work every day concerned about keeping the country
15 safe. And we still had 14 days to go before Jake was going to take over, and I thought it
16 was important to keep the country safe and to stay in the position come what may, you
17 know, reputationally for me. That didn't matter. You know, when you take these jobs
18 and you swear an oath, whether it was as a young Army officer or anything else, you take
19 an oath to the Constitution, you want to protect the country.

20 Now, what would've impacted that is if the incoming President felt differently, he
21 was the President-elect; if the current President felt differently and wanted me to resign,
22 you know, those would've been the two factors I would've taken into account.

23 I mean, certainly I serve at the pleasure of the President. And the President
24 didn't want me to resign, but had he felt differently, obviously I would've gone. And had
25 the incoming President felt differently, I would've certainly taken that into account, but

1 that was not my understanding of how he felt.

2 So, you know, you serve at the pleasure of the Commander in Chief. And, you
3 know, we had one Commander in Chief at the time. He didn't ask for my resignation,
4 and I didn't think it was time to resign.

5 And the incoming Commander in Chief, I think, was, at least my
6 understanding -- you'd have to talk to him or to his staff -- is, given what we were doing
7 with the transition, they felt comfortable with me being there.

8 So I had never told anyone I was thinking about resigning. I think people read
9 into the tweets that I was considering resigning. And I think that's one reason why a
10 number of the Senators reached out and others reached out and asked me not to.

11 [REDACTED] I see that Congressman Schiff has joined us as well.

12 Welcome, Congressman Schiff.

13 Ambassador O'Brien. Adam's my Congressman, so this is great constituent
14 relations.

15 So thank you for being here, Congressman Schiff. I'm sure you're here to look
16 after me.

17 [REDACTED] He's very attentive to all of his constituents.

18 Mr. Schiff. Thank you. Good to see you.

19 BY [REDACTED]

20 Q So the predicate for the question, Ambassador O'Brien, is that there was a
21 lot of reporting at the time about your considering stepping down, right? At 10:04 on
22 January 6th, Politico reported that you were considering stepping down after
23 Wednesday's storming of Congress, that you decided to remain in your post through the
24 end of the administration, "though his plans could still change, depending on how Trump
25 approaches the day." The Leonnig and Rucker book that I referenced before. "The

1 National Security Advisor was unsettled by what happened at the Capitol and by Trump's
2 role in it."

3 So I'm just wondering if you had questions in your mind about whether you could
4 continue to serve given what had occurred on January 6th. It sounds like this reporting
5 indicates that you did have at least some internal debate about that, and I would just love
6 for you to sketch out for us your thinking on why stay, why go.

7 A Well, first of all, I don't know how that reporting would know what I was
8 thinking. You know, I mean, the fourth estate has great powers, but I'm not sure that
9 they could know what I was thinking. And especially coming from Politico, you know, I
10 wouldn't put much stock in that.

11 But, look, I laid out that, you know, you take this job for the good days and the
12 bad days. And I was there to try and do everything I could to keep the country safe.
13 And, you know, my understanding was that both the current -- at the time the current
14 Commander in Chief and the incoming Commander in Chief, neither one of them wanted
15 me to leave. And those would've been the things that would cause me to consider it.

16 But that reporting was inaccurate. But as a result of that reporting, I think I
17 received a lot of, you know, encouragement to stay, which was gratifying, but that didn't
18 impact my decision.

19 Q Yeah.

20 You mentioned before in your response to my previous question that you don't
21 consider your reputation. Did you have concerns that staying, in the wake of
22 January 6th, would negatively affect your reputation, that you needed to distance
23 yourself, by resignation, from the President's conduct on January 6th?

24 A I didn't feel that way, but there were people in the media that were making
25 all kinds of very nasty comments about anyone who stayed at the White House. And,

1 you know, so it -- but, again, I -- look, I'm a lawyer by training. I could always put my
2 picture on a bus stop and, you know, have done personal injury law if I had to. So I
3 figured I could survive. But I was going to do what I thought was best for the country.
4 And whether it was good for my reputation or bad for my reputation, I was going to try
5 and honor my oath to the Constitution.

6 Q Were you frustrated, Ambassador O'Brien, with the President's conduct on
7 January 6th?

8 Mr. Larson. I think this starts to get into -- invariably gets into communications
9 with the President and impressions of the President and all that. So I'm going to assert
10 executive privilege here.

11 [REDACTED] Yeah, and I appreciate that, Mr. Larson.

12 BY [REDACTED]

13 Q And I don't want to push into your conversations with him. I understand
14 the line you've drawn. I'm just looking for -- you're National Security Advisor, and it
15 sounds like there was at least some consideration in your mind about an appropriate
16 response. I'm just wondering how you felt, if you felt like you were disappointed in his
17 actions to the point that you would consider resignation.

18 A Yeah, so, again, I think you're focused on the Politico article. I was not
19 considering resignation. I think people are reporting that I was considering resignation.
20 It was not something I was, you know, considering, absent, you know, some indication
21 from the President that he wanted me to resign, or from the incoming President, and
22 neither of those indications came about.

23 And so I think that's -- you know, I think that was reporting, because there were
24 reports that other people were going to resign, Pottinger resigned, other people from the
25 White House resigned. But that was not part of my calculation.

1 I felt I should do what was best for the country. And, you know, I thought, in this
2 case, notwithstanding how disappointed I was in the violent protesters at the Capitol, you
3 know, I made myself very clear in real-time as it was happening how I felt about what was
4 happening with the protesters.

5 And, look, I want to make another point clear here, because I made it during the
6 Black Lives Matter protests in the summer, and I was criticized by Tucker Carlson and
7 people on the right for saying it. You know, one of the bedrocks of our democracy, it's
8 not just our ability to have free and fair elections; it's the ability to protest and to
9 peacefully protest and assemble.

10 And we're all lawyers; we all know what the First Amendment means. So, you
11 know, I've got no criticism of people that are peacefully protesting or peacefully
12 assembling, just as I -- and I made that comment on TV when the Black Lives Matter
13 protests were happening.

14 What I was against were the antifa, you know, protesters who were burning down
15 government buildings and burning down courthouses and churches. I mean, those are
16 institutions that are sacred to all Americans, just as I was disgusted and said it was a
17 disgrace for the people that trespassed and violated the Senate chamber and the House
18 chamber and the Speaker's office.

19 But I do want to make the distinction between people that were protesting
20 peacefully and violent protesters who should be arrested and prosecuted.

21 Q Well, the law makes that very same distinction. Speech is protected, but
22 violence obviously is not.

23 Let me ask you about some of the specific tweets -- or, excuse me, texts that you
24 produced that deal with this issue of resignation. And, again, I appreciate your provision
25 of these.

1 Let's look first at exhibit 24. This is a text exchange that you had, I believe, with
2 Senator Sasse.

3 A Correct.

4 Q I'm not sure what day this was. Do you remember what day this was?

5 A You know, I don't know what day it was either, counsel. It was either the
6 6th or the 7th.

7 Q Okay. So it was either on the afternoon --

8 A It would've had to have been on the 7th, because on the 6th I was probably
9 in the SCIF at 1:00 p.m. and I wasn't aware of what was happening. Potentially it
10 could've been the 6th and things were just -- I assume this text is in response to the
11 Politico article or some of the other reporting that you've referenced.

12 Q Yeah.

13 A And so my assumption is this is on the 7th.

14 Q Okay.

15 So Senator Sasse says, "Just want to say that my wife and I have been praying for
16 you, that I hope you stay through the 20th."

17 And your response is, "Thank you, Senator. It means a lot coming from you."

18 But you don't say, no, don't worry, I'm going to stay through the 20th.

19 Was there any uncertainty in your mind at the time that you had this exchange
20 with Senator Sasse about -- well, was it still an open question, were you still considering
21 it, or not?

22 A Well, no, but as I pointed out earlier, you know, I served at the pleasure of
23 the President. I didn't think the President was going to ask me to resign. I think I had a
24 good relationship with the President and he respected me. But, you know, in a staff job
25 like that, you know, you serve at the pleasure of the President. He could've decided at

1 any time to fire me or ask for my resignation, and that would've changed. But I wasn't
2 planning on leaving.

3 And I think from -- I was just saying thank you to the Senator because it was very
4 kind of him to reach out and make that comment.

5 Q I see. So you were planning on staying, but you weren't sure what, if
6 anything, could happen from the President or others to change that.

7 A Correct. I didn't expect anything would happen differently with the
8 President, but, you know, look, every day I served at his pleasure, not at -- you know, I
9 wasn't elected, unlike, you know, the Congressmen who were on the line. I wasn't
10 elected. I was there as a staff, you know, officer for the President of the United States.

11 Q The next one, very similar, is No. 25. This is a text exchange with, we think
12 it was Jared Golden, Member of Congress. Do you recall -- first of all, is that right? Is
13 "Jared" Jared Golden?

14 A I believe this is from Jared Genser.

15 Q Oh, sorry. Okay. Who is Jared Genser?

16 A A human rights lawyer and hostage lawyer. He was a lawyer for some of
17 the hostage families. That's who I believe it was from.

18 Q I see. Okay.

19 A But it could've been from the Congressman, but I don't know the
20 Congressman. I think it was from Jared Genser.

21 Q I see. Jared Genser is a professional, personal colleague, friend of yours,
22 and he texted you, "I saw the reports you may be considering resigning on this terrible
23 day for our country. I wanted you to know that my thoughts and prayers are with you.
24 I respect you enormously."

25 He goes on to say that "you have brought unwavering integrity, brilliance,

1 professionalism, and dare I say sanity into the Trump White House. Nothing will change
2 my view of you. I just wish you peace in coming to the best decision you can make.
3 Jared."

4 And I don't know that there's a response.

5 A Yeah, I don't recall having a response to that. But, you know, he's a human
6 rights lawyer and represented a number of the hostage families when I was the hostage
7 envoy and also National Security Advisor, so --

8 Q Yeah.

9 A I thought it was very gracious of him to send that note.

1

2 [1:21 p.m.]

3 BY MR. ██████████

4 Q Gotcha. Okay.

5 The next one is 26. I think this is the Dan Quayle exchange.

6 So, again, do you remember, was this the day of? The day after?

7 A I believe this was on the 7th. It may have been the 8th, but I believe it was
8 the 7th.

9 Q Okay. So the former Vice President says, "I'm not in your shoes, nor do I
10 know all the circumstances. From one patriot to another, I hope you're hanging in
11 there. The country really needs you."

12 Your response is, "Roger. Getting the same message from Senate leadership.
13 I'll stay until 1/20 or relieved. The support means a lot to me coming from you, Vice
14 President. Thank you."

15 So it sounds like here you're conveying to him that you are not going to resign,
16 you're going to stay through the 20th, and you're getting the same message from Senate
17 leadership.

18 Is that a reference to the conversation you had with Senator McConnell that you
19 talked about before?

20 A Yes.

21 Q All right. Were there other conversations with Senator McConnell beyond
22 the one that happened on the afternoon of the 6th?

23 A I remember a conversation with him on the 8th.

24 Q Tell us about that, your discussion with Senator McConnell on the 8th.

25 A And by the way, I think you said asked to resign. I think on the prior email I

1 said until January 20th or relieved. But, anyway, I think you meant the same thing.

2 Q I did. I'm sorry. Yes.

3 A That's okay.

4 You were asking about the conversation with Senator McConnell.

5 Q Yes.

6 A The Leader called me with Robert Karem, who was his foreign polity adviser.

7 I believe he still is, but I'm not sure. And they were concerned about, number one, I

8 think the Leader opened the conversation with saying, "You have to stay."

9 And then he was concerned that there were reports that there were retired
10 military personnel who were sympathetic to the President and might be organizing. And
11 I said I didn't have any intelligence on that, but if he had any -- if he or -- I can't remember
12 if that came from him or from Karem -- but if Karem had any intel, to send it over to me
13 and that I would talk to John Ratcliffe and see if John had any intel on that issue.

14 And then I think he raised the issue that the SEALS were -- our SEAL teams were
15 sympathetic to the President. And I said, again, you know, I'm not aware of anything
16 and I know General Milley is going to have the Capitol buttoned down for the
17 inauguration and we are proceeding apace with the transition. In fact, I think it was one
18 of the best transitions that ever took place, at least from NSC to NSC.

19 And then, again, he reemphasized before getting off the phone that he wanted
20 me to stay and was grateful that I was staying in office.

21 Q So let me make sure I'm clear on this. So Senator McConnell reached out
22 to you? He initiated the call?

23 A Yes. Correct, counsel.

24 Q And was it on the phone you had a conversation with him?

25 A Yes.

1 Q Okay. And you said his foreign policy adviser, Mr. Karem, was a participant
2 in your call?

3 A Correct.

4 Q Was it just the three of you or was anybody else present?

5 A I believe on my end Alex Gray was present, my chief of staff.

6 Q Gotcha. Okay.

7 A I can't say that for certain, but that would have been the normal course if
8 Mitch had -- if the Leader had a second person on there, a staffer, I would have probably
9 had a staffer with me to get me whatever I needed.

10 Q And I think you indicated that Senator McConnell said that he had heard or
11 had some information that retired military and members of the SEALS were sympathetic
12 to the President, meaning they might be planning something to prevent the transition?
13 Was that your interpretation?

14 A So I think it was Robert Karem who said that. I don't think it came from the
15 Leader. And I hadn't heard that before. But I think the implication was that they might
16 try and interfere with the inauguration or create another incident at the Capitol.

17 But I didn't have any information on that front and thought it was unlikely, but I
18 told him I'd check with Ratcliffe and get back to him.

19 Q All right. So when they -- when Mr. Karem raised that possibility of some
20 kind of military attempt to interrupt the inauguration, had you heard anything about that
21 before?

22 A Never. And, frankly, I thought it was -- you know, I worked with our SEALS
23 and with our Tier 1 special operators in hostage rescues and that sort of thing, and they
24 are the most patriotic guys in the world. They take an oath to the Constitution, not to
25 any individual. And I would have been very surprised if any of them had any feeling that

1 they were going to somehow interrupt the constitutional transfer of power of the U.S.
2 Government.

3 So I hadn't heard that. It didn't sound right to me. But I said I would look into
4 it.

5 Q Yeah. Tell us about that process. Did you look into it? And if so, how?

6 A Yeah. I think I would have probably called -- or probably gotten off that
7 phone. And again, I don't have the call records, but I would have either seen John
8 Ratcliffe at the White House, because he had an office there and was spending part of his
9 time there, part of his assignment was out at the -- at Liberty Crossing, at his office there,
10 probably I would have either run into him or I would have called him and said: Hey,
11 have you anything about this?

12 Q Did you have a conversation with Director Ratcliffe about that?

13 A I don't recall. But, I mean, it didn't go anywhere and nothing happened.
14 And, listen, if I had had a conversation with John and he said, "Yeah, there's a problem
15 with our SEAL teams," I would have recalled that and a lot of action would have been
16 taken.

17 So I think either if I talked to him, it was a non-issue, or potentially Alex talked to
18 his chief of staff or something. But I never saw any reporting similar to what Karem had
19 mentioned.

20 Q Okay. So you never got any information from any other source other than
21 that one conversation with Karem along these lines, that the SEALS or retired military
22 were potentially planning some kind of disruption of the inauguration or the transfer of
23 power?

24 A That's correct.

25 Q All right. Did you notify anyone about this concern once you heard it from

1 Mr. Karem and Leader McConnell?

2 A Yeah. And again, I don't recall anything other than the Karem
3 conversation. You know, if there are other reports or intel reporting that's out there, it
4 could have come across my desk. I don't recall it from the PDB or from other sources,
5 but if there was anything, I don't recall it. There could have been. I just don't recall.
6 The only thing I recall is the Karem conversation.

7 Q And then my question is, did you pass that along to anyone, to the President
8 or anyone else?

9 A I don't recall doing so, no, other than following up with Ratcliffe and to see if
10 there was anything that DNI had on the issue.

11 Q Did Mr. Karem or Leader McConnell give you any basis for this concern or
12 tell you why -- I guess, like you said, it was Mr. Karem that expressed this concern -- but
13 what predicate there was for expecting that that might happen?

14 A No. I think Mr. Karem said something like, "I'm hearing this." But there
15 was no, as far as I knew, there was no reporting or nothing that I had seen up until that
16 point, especially when it came with the SEALS. I mean, that would have been pretty
17 incendiary.

18 Q Any names associated with it, particularly with respect to these retired
19 military people? Did he provide any specific names as to who these folks were?

20 A Not that I recall.

21 Q How about within the SEALS?

22 A Not that I recall.

23 Q All right. From any other source, Ambassador O'Brien, did you ever hear
24 any additional intelligence about the possible disruption by the military of the
25 inauguration or the transfer of authority?

1 A About the military? No. Heavens, no. Not at all.

2 Q This was the only --

3 A Not that I recall.

4 Q This was the only conversation along those lines that you had?

5 A That's the only conversation I recall. But of course there was concern
6 about, after what had happened on the Capitol, there was serious concern about the
7 inauguration. And so the security preparations for the inauguration were very, very
8 extensive. I think we could have repelled a Chinese airborne invasion of Washington
9 that day. There was a massive security presence there.

10 Q Yeah. Of course. Completely understand that. I'm just focusing more
11 specifically about the possibility of the U.S. military, current or retired, somehow being a
12 party to those -- the possible disruption.

13 Beyond this conversation with Karem, was there any other such discussion?

14 A Not that I recall.

15 Q Okay. Anything else that the Leader said during that conversation that you
16 remember? Was the purpose of the conversation to convey this information to you
17 about the prospect of this military threat or was it a broader agenda?

18 A My understanding of the purpose for the conversation, at least my
19 takeaway, was that the Leader was calling to ensure that I stayed at the White House or
20 at least give his strong recommendation that I stayed at the White House, and that Karem
21 threw this out there saying, "Hey, I've heard this stuff. Have you heard anything about
22 it?"

23 Q I see. So the primary purpose of the call was for Leader McConnell to
24 encourage you to stay. Karem was there and said, "Hey, I'm hearing this." But that
25 was not sort of, your impression, the reason for the call.

1 A That was my understanding.

2 Q All right. What did Senator McConnell say, like why was it important for
3 you in particular, Ambassador O'Brien? Again, beside general respect for you, was there
4 a reason why he said, "Hey, we really need you to stay because of the time, because of
5 your unique voice," anything that he argued as to why you should stay?

6 A He didn't specifically say that. I think I assured him that I was staying. So
7 I don't think we -- there was no -- there wasn't a conversation about it. But I was -- I
8 thought it was kind of him to weigh in.

9 Q And you said this was on January 8th, correct?

10 A Correct.

11 Q And you had decided by then that you were not going to resign, that you
12 were going to stay, unless relieved, until the end of the administration?

13 A Yeah. That was -- again, I want to make it clear, that was always my
14 position. So again, the reporting was inaccurate that I was resigning -- that I was
15 considering resigning.

16 Q I understand. All right.

17 And then I think Mr. Aguilar asked you before about a brief conversation you had
18 with Johnny McEntee. That was the night of the 6th --

19 A Can we take just a moment here? I just want to consult with my counsel.

20 Q Sure.

21 [Discussion off the record.]

22 Ambassador O'Brien. All right. Sorry about that.

23 BY MR. [REDACTED]

24 Q I just wanted to go back quickly to the conversation with Johnny McEntee.
25 I don't know if there's anything more about it that you didn't respond to Congressman

1 Aguilar. But was that you initiating or him initiating the conversation on the 6th?

2 A That was me initiating the conversation because I think I'd seen some
3 reporting late that night. In fact, I got home -- and this is spousal privilege -- but I think
4 lots of people thought that I was resigning because of the press coverage. And I just
5 wanted to let Johnny know, who was head of Presidential Personnel, that that was not
6 my plan. And I think he got back to me with a text or a call -- there may be a text here
7 somewhere -- saying, "No, you should stay."

8 Q Yeah.

9 A There may be an email. I don't know.

10 Q I don't think anything that you have presented to us. But just curious, it
11 was very brief? It was just focused exclusively on the fact that you were not going to
12 resign? Or was there anything else about the conversation with McEntee?

13 A No. My recollection is it was a very short call. Me to say, "Hey, unless the
14 President feels otherwise, my plan isn't to resign. I'll be there in the morning." And I
15 think he got back to and said thank you.

16 Q Okay. Did he convey anything to you about what had happened at the
17 White House on January 6th, any of his experience over the course of the day?

18 A He did not. We didn't have any discussion -- as far as I can recall, we didn't
19 have any discussion on that. It was a very short call. It was late at night. In fact, I
20 was worried about waking him up. But he's a young guy, so if I did, I wasn't too worried
21 about it. But I just wanted to let him know that I wasn't leaving -- unless, obviously,
22 unless the President felt otherwise -- and I'd be there in the morning.

23 Q Did you have any conversations, Ambassador O'Brien, with other people that
24 were contemplating resigning, either who did go through with it, like Cabinet Secretaries,
25 or people who did not?

1 A Well, we've already talked about Pottinger. And so he went with my well
2 wishes. He'd done a great job as the DNSA. And prior to that, he'd been a terrific Asia
3 director for the NSC. And I think I put out a tweet thanking him for his service and he
4 went out with my blessing.

5 I think there were a number of senior directors who resigned that day or the next
6 day. And I didn't -- I understood why people would want to do that. And everyone
7 had done a great job for me, and I expressed my appreciation for the strong work they'd
8 done, and they went with my blessing.

9 But I also -- I think I convened a senior staff meeting on the 7th or 8th. For the
10 people that had decided to stay, we still had 14 days left to defend the United States of
11 America and finish up the transition, which was a lot of work.

12 And so I was also grateful for the -- I didn't hold it against anyone who resigned,
13 but I was also grateful for the people that stayed to get the job done, and I let them know
14 that.

15 Q Okay. I'm just wondering if you recall any specific conversation with
16 anyone about his or her thoughts of resignation -- "I'm resigning because" or "I'm going to
17 stay because" -- anything, beyond Pottinger or the ones we've discussed.

18 A Yeah. I think there were not specifically, but among the senior directors I
19 think there were some senior directors that were worried about the reputational effect of
20 staying until the end and people who had other job offers that were pending and were
21 worried about potentially losing those job offers or where they would go upon
22 completion of their term of service. And people have to look out for their families and
23 look out what's best for them. And so I didn't -- there was no one who I opposed.

24 But I also appreciated the courage of the people that stayed. We had a job to
25 do. There was a lot that got done those last 2 weeks, both on the transition and on the

1 finishing things up, including the genocide declaration for China that they were
2 slaughtering the Uyghurs.

3 And so there was a lot to get done, and we got it done, and so I'm proud of the
4 people that stayed. But, yeah, there was a general -- those sorts of conversations
5 certainly.

6 Q And you say senior directors. You mean people within the NSC chain, the
7 people that worked with you or for you in the White House?

8 A Correct.

9 Q I see. How many of them actually did resign?

10 A I don't know the official number, but I think three or four did.

11 Q Yeah. Okay. And had discussions with you about their respective
12 personal situations?

13 A Correct.

14 [REDACTED] I see. Okay.

15 Let me stop there and see if Mr. Schiff or I don't know if Ms. Lofgren or Mr. Aguilar
16 are still on.

17 Any questions, Mr. Schiff, from you?

18 Mr. Schiff. None from me. Thank you.

19 [REDACTED] I don't know if any members are on or not. I don't think so.

20 Okay. How about here in the room, [REDACTED]?

21 [REDACTED] Just one question to follow up on the senior directors that resigned.

22 Do you remember which portfolios they covered, for the ones that did resign?

23 Ambassador O'Brien. If I can recall, the people that did resign were, I know,
24 Europe and Defense. And there may have been others, counsel, but that's who I can
25 recall sitting here today.

1 And then, counsel, I don't want my answer to be incomplete to [REDACTED] I
2 did have a concern that Pat Cipollone would resign. And so I had a conversation with
3 Pat about his status. And I thought it would be bad if he and Mr. Philbin left the White
4 House. That would have been -- and so I talked to Pat about that.

5 [REDACTED]:

6 Q And tell us about the conversation. What do you remember Mr. Cipollone
7 expressing to you in terms of his thoughts about resignation?

8 A I think Pat was concerned that I'd leave and could be replaced by somebody
9 who was less qualified and took a different view of things.

10 And I was -- I had the same concern about Pat. I had a lot of confidence in Pat.
11 I think he's a fine lawyer, fine background, and a good person, and I didn't want to see
12 somebody else become the White House counsel.

13 So I think we had that conversation that we both felt better if we were both there
14 through the end.

15 Q And do you know when that was, what day?

16 A I can't recall, but it would have been the 7th or the 8th.

17 Q So it's not on January 6th, it was very soon thereafter.

18 A Correct.

19 Q In person or on the phone?

20 A It was in person in my office.

21 Q I see. Okay. When you had the conversation with Mr. Cipollone, was
22 your impression that he was genuinely uncertain about whether he was going to resign?

23 A You'd have to ask Pat about that. My feeling is that Pat didn't want to
24 resign, but Pat was concerned that other people on his staff, like people on my staff, had
25 resigned and it would make his job more difficult without trusted lieutenants if people in

1 his office resigned.

2 That was my understanding, but you'd have to ask Pat. I know he's talked to the
3 committee. You need to get that from him.

4 Q Yeah. Again, I appreciate that. But did he share with you any of his
5 personal experience from January 6th, any of his personal thoughts and feelings about
6 what had occurred, or anything about his experience that day?

7 A No. I think the focus of our conversation was going forward and the period
8 of time between the 7th and the 20th.

9 Q Did you reassure him during that conversation that your intention was to
10 stay?

11 A Correct. But I told him it would be much more difficult to stay if he left.

12 Q Yeah. And did he have a similar conclusion to you that he was going to stay
13 or again, was he sort of not prepared to make that statement at the time of the
14 conversation?

15 A You'd have to ask Pat, but my takeaway is that he was going to stay as long
16 as I stayed.

17 Q Okay.

18 Anyone else?

19 A I mean, that was my takeaway from it. You'd have to ask him. I don't
20 want to speculate about what -- I make it a general rule not to speculate on what's in
21 people's head. But that was my takeaway from the conversation.

22 Q No, and I get that. I'm really just looking for your information about the
23 conversation, what he said. I know you can't speculate about what was in his mind, but
24 did he say, "Hey, I'm not sure what I'm going to do, I'm really troubled," anything along
25 those lines, that suggested to you real uncertainty?

1 A No. But I think he was concerned that Philbin or some of his other
2 lieutenants would leave and he'd be in -- he needed them to effectively run the White
3 House counsel office.

4 Q Yeah. I want to ask you about some national security considerations, not
5 anything -- information that would be protected.

6 But did you have concerns that what had occurred at the Capitol created some
7 national security risks? I think you mentioned before the possible use of those events
8 by our adversaries.

9 Just talk generally about what those concerns were for you as National Security
10 Advisor coming off of the events of January 6th.

11 A Yeah. So it's not just January 6th, but that was certainly, at the time, that
12 was the concern. Any time there's significant domestic discord or uncertainty regarding
13 the U.S., I think our adversaries look for those opportunities to take advantage of either
14 our country or our interests or our alliances.

15 And I was concerned about the same thing during BLM and antifa riots where they
16 were burning down cities during the summer. I was concerned about on January 6th
17 when we had the disgraceful invasion of the Capitol by the mob that had been violent and
18 had trespassed and had really embarrassed the country.

19 And I think that our foreign adversaries watched those developments. And if
20 they think that there's significant enough discord in America, they might attempt to
21 engage in some activity, whether it's terrorist activity, invading a neighbor, seeking to
22 recruit people here. There's all kinds of nefarious activity that our adversaries would
23 engage in if they thought that America was distracted and engulfed in discord. And,
24 obviously, that image of the mob at the Capitol was not helpful on that front, to say the
25 least.

1 Q So given that risk, did you take steps by reaching out to your counterparts in
2 foreign countries or otherwise to try to protect against those outcomes?

3 A I did.

4 Q Tell us about that. Generally, what steps did you take?

5 A So I generally spoke with, I think, the National Security Advisors of the U.K.
6 I think at that point Mark Sedwill had already left. I think it was David Quarrey.

7 I think I spoke with -- again, this is from recollection -- Emmanuel Bonne -- these
8 were the people I would speak to in crisis situations generally -- the National Security
9 Advisor of France.

10 I probably spoke with Kitamura-San, the National Security Advisor for Prime
11 Minister Abe. I think it was Prime Minister Suga at the time. I think Suga had already
12 taken over from Abe.

13 But I would have talked to a number of -- I would have probably talked to a couple
14 of the -- of our leading NATO ambassadors in Washington, most likely Karen Pierce and
15 Philippe Etienne. Karen is the -- Dame Karen is the U.K. Ambassador, Ambassador from
16 the Court of St. James, and Philippe Etienne is the Ambassador from the Republic of
17 France.

18 Q And were these contacts, Ambassador O'Brien, that you initiated calling
19 people around the world to reassure them?

20 A Some I probably initiated and some were probably in response to people
21 reaching out to me.

22 Q And what was your general message to those other -- your counterparts
23 around the world? And if there's a theme, sort of the information you conveyed, what
24 was that?

25 A Yeah. The message is that America's strong, that we're resilient, that our

1 democracy is going to survive, that Joe Biden is going to be -- President-elect Biden, or
2 Vice President Biden at the time, was going to be inaugurated as President of the United
3 States on January 20th, and that the incoming team are solid citizens. I knew Jake. I
4 knew -- I had met Tony Bliken, or Secretary Blinken, knew him by reputation, and
5 certainly knew Lloyd Austin by reputation. I said we've got a strong incoming team and
6 America's resilient and we're there for you.

7 Q I think you actually provided us with one communication you had with Karen
8 Pierce. Let me show you that. It's No. 28. This is an email exchange that actually she
9 initiated on January 6th itself.

10 A Yes. I see it.

11 Q So she emails you. "Sorry to see the violence. Hope security can be
12 restored soon. I know you're committed to a smooth transition. We are watching the
13 events closely as you'd expect. PM" -- I assume, Prime Minister -- "and Raab have
14 tweeted. Looking forward to seeing you and Lo-Mari next week."

15 You had an ongoing relationship with Ms. Pierce and this is, I assume, just an
16 effort that she makes to show support and reach out to you during a difficult day?

17 A I think so. And it shows I have a professional relationship with her, but we
18 were very cordial. We had a lot of dealings together. She was the U.N. Ambassador,
19 and I dealt with her when I was the hostage envoy, so I knew her pretty well.

20 And she -- the reference to seeing me and my wife next week was she held a going
21 away dinner, which was very kind of her to do.

22 But yeah, I think they were -- look, I think they were -- obviously showed some
23 concern in the U.K. and London about what was happening in Washington.

24 Q Yeah. And was this a precursor to a conversation you had with her along
25 the lines of what you described before, assuring her that there would be a smooth

1 transition to the new team and that democracy was strong?

2 A I think I had that conversation with David Quarrey, who was either the NSA
3 or the acting NSA for the U.K. at the time. But I would have seen Karen at the dinner. I
4 recall the dinner the next week, and we had a very nice dinner. And I'm sure I told her
5 that the U.S. is going to get through this and we're a reliable ally and we're committed to
6 our republican form of government.

7 Q And during any of those conversations -- and I think you, in some material
8 you produced to us, Ambassador O'Brien, you said there were over 25 calls to foreign
9 National Security Advisors and other foreign counterparts, reassuring them of a smooth
10 transition.

11 Is that roughly accurate, it was somewhere in that neighborhood?

12 A Yeah. It was a large number of calls.

13 Now, all those calls, keep in mind, were not related to January 6th. They would
14 have happened irrespective of January 6th. We were in a transition. We had been in a
15 transition for some time.

16 And so, especially the last couple days in office, I wanted to make sure that foreign
17 leaders should know that the incoming National Security Advisor is somebody who I
18 thought was a quality person and that the U.S. is going to continue -- I think I assured
19 them that there would be a lot of continuity.

20 I mean, there would be some areas where there was disagreement, but there's a
21 lot of continuity in the policies of the United States Government irrespective of whether
22 it's Republicans or Democrats leading the country, and a good team was coming in, and
23 they should work closely with them.

24 Q During any of those 25 or so conversations, did any of your counterparts
25 express similar concern about the effect of political violence in this country creating more

1 of a threat?

2 I don't want specific intelligence, obviously. But I'm just wondering if any of
3 them sort of confirmed or even provided more information that informed your fear that
4 these events could be exploited by our adversaries?

5 A No, not that I recall. I think most people -- there were people that may
6 have been a little sympathetic and say it's obviously been a rough couple of weeks, but
7 we appreciate how you've handled it and we're looking forward to getting to meet Jake.

8 And so the purpose was to try and smooth his transition in and pass the baton in a
9 way that would allow him to immediately hit the ground running.

10 Q I have a few questions now sort of about the post-January 6th period,
11 between January 6th into January 20th.

12 You said that you went to the White House the next day, that next morning of the
13 7th. Is that right?

14 A That's correct.

15 Q And did you actually see the President that day, on the 7th?

16 A I did see the President on the 7th.

17 Q All right. And it's been reported -- and this is another one of these
18 books -- Jon Karl said that on the morning of the 7th, that you went to the Oval Office to
19 see the President, have him sign some papers. You were among the first senior officials
20 to see the President face to face after the riot. And the topic of January 6th didn't come
21 up. Trump didn't say a word about what happened and O'Brien didn't mention it either.

22 Is that accurate, that when you saw the President there was no discussion about
23 January 6th?

24 Mr. Larson. Now, this getting into the area of communications directly with the
25 President. I think the question calls for an area that we've agreed will not be addressed

1 here due to the executive privilege.

2 [REDACTED] Yeah, Mr. Larson, I appreciate that. I guess my question is about
3 the lack of a communication.

4 The reporting is that you didn't talk to the President about January 6th on
5 January 7th. So the absence of that is what I'm trying to confirm. I don't believe that
6 would call for any executive privilege communications.

7 Mr. Larson. Let's take a break. I need to confer with my client for a second
8 here on this.

9 [REDACTED] Okay. That's fine.

10 Ambassador O'Brien. Thank you.

11 [Discussion off the record.]

12 [REDACTED] Back on the record.

13 Ambassador O'Brien. All right. So without any further waiver of executive
14 privilege or without any waiver whatsoever of the privilege, I'm not going to -- I don't
15 dispute the accuracy of Jonathan Karl's report.

16 [REDACTED] I see. All right. I appreciate that. And, again, I want to make
17 clear, our position is not -- we don't necessarily agree that this is all protected by the
18 executive privilege, but given that you're voluntarily here, we've agreed that that's the
19 line you'll draw today. And I appreciate it very much.

20 It sounds like, to be clear, that you're confirming that you didn't talk to the
21 President on January 7th about the events of January 6th as was reported by Jon Karl?

22 Ambassador O'Brien. So I'm not disputing the Jon Karl report.

23 [REDACTED] I see. Okay. My question is, why not? Why would you not ask
24 him the next day or have a conversation with him, Ambassador O'Brien, about these very
25 traumatic events that had occurred the day before?

1 Mr. Larson. This gets directly into the President's communications with the
2 Ambassador and vice versa, and I think that goes -- that's clearly out of bounds here.

3 [REDACTED] Yeah. Again, Mr. Larson, all I'm looking for is Ambassador
4 O'Brien's perspective, state of mind, as the National Security Advisor.

5 BY [REDACTED]

6 Q Again, why you chose not to have that discussion. It doesn't call for any
7 privileged communication. It's simply, why not approach the subject?

8 A So my focus on dealings with the President that day had to do with national
9 security matters, covert authorizations, things that needed to get done to protect the
10 country. My focus was outward on threats against the country.

11 And as you know, the President has limited time on any day, including a good day,
12 for conversations. I think there were plenty of people that were dealing with the
13 President on the fallout of January 6th, from White House counsel to the chief of staff.

14 I had specific things to get done that do clearly fall, A, within executive privilege,
15 and B, that are classified, and that maybe Congressman Schiff on the Intelligence
16 Committee would be read into some of them.

17 But I was dealing with getting things done that day that had nothing to do with
18 January 6th and that were related to national security.

19 Q And, again, Ambassador O'Brien, I completely appreciate that, and I don't
20 want to push into those areas.

21 Were you concerned about his possible reaction or how he would react negatively
22 to any reference to the riot at the Capitol?

23 A My general -- look, my job was, and more importantly than ever I thought
24 after January 6th, was to make sure that the United States of America was kept safe.

25 And so my interactions with the President that day and the following days dealt

1 with national security and foreign policy matters that I felt were urgent. And I felt the
2 President was getting enough advice from his political and legal advisers on the other
3 issues.

4 And so at that point the Capitol had been secured, the Congress had done its
5 business. I knew that there were very, very intense plans going on to make sure the
6 inauguration was secure.

7 And it turned out to be secure. I think it was the most secure the city's ever
8 been. And, I mean, I even had difficulty moving around those last couple of days with a
9 full Secret Service detail.

10 So I think that was my focus. And my interactions with the President dealt
11 almost exclusively on national security and foreign policy.

12 Q Well, part of your focus on January 7th was composing an email to Ms.
13 Ivanka Trump, Mark Meadows, Jared Kushner with some advice that was recommending
14 some action that President Trump should take. Let me show you that. That's
15 exhibit 29.

16 This is a document that you provided to -- I'm sorry, no, this is -- is this a
17 document -- I'm not sure. This is actually one we got from the Archives, not one that
18 you provided to us.

19 A Yes. This was on my official email.

20 Q Yes. So it looks like, if you go down to the bottom, that at 6:30 p.m. on the
21 night of January 7th you sent this email from your official White House account to Jared
22 Kushner, to Mark Meadows, and to Ivanka Trump, IMT is Ivanka Trump, and you indicate
23 here essentially some advice, writing a bit of a script about what you think that the
24 President should do, things that the President should say, in the wake of the violence.

25 Wondering if you could just share with us the thoughts that informed this

1 particular message, why you decided to write it and send it to these three people.

2 A Yes. So I'll point out your prior conversations were about the President and
3 my interactions with the President. This interaction was with Jared, Ivanka, and Mark,
4 Senior Counselor Kushner, Ms. Trump, and Chief of Staff Meadows.

5 And I think you'll note at the top of it I say, "Thanks for all you're doing. The
6 following items may be considered somewhat out of my lane as APNSA" -- Assistant to
7 the President for National Security Affairs -- "but I want to pass them along nonetheless."

8 So this was -- these were some thoughts I had as an American and someone who
9 was concerned about the country and concerned about the President. But I thought
10 these might be some useful things. I'm sure other people were already thinking about
11 them, but I wanted to pass them along to Jared and Ivanka, obviously because of the
12 family relationship and their position, had dealt with political issues with the President.
13 The chief of staff dealt with the political issues.

14 So I was giving them my take, probably outside of my lane, as I noted, but I
15 thought they were some things that could help potentially bring the country together and
16 bind up some of the wounds that were going to be with us for a long time.

17 Q And the title is "National Unity," and the thoughts are exactly along those
18 lines.

19 I guess my first question is, why not convey this directly to the President? You
20 had an audience with him that very day, yet did not raise that. That's my first question,
21 is why not?

22 A Yeah. Because I was dealing with the President with national security
23 affairs that were of importance that day and I didn't want to get distracted with
24 January 6th and the political fallout and the legal fallout. And I wanted to focus on the
25 national security issues.

1 You have limited time with the President, even if you have walk-in privileges, and I
2 wanted to use my limited time with the President to work on issues that would keep
3 America safe from foreign adversaries.

4 And there were other people that were involved heavily, because I saw them
5 come in and out of the Oval Office, on this issue. One of them was Meadows, but I
6 thought Jared and Ivanka might as well. And so I wanted to express to them my
7 thoughts. And if they were useful, they could use them. If they weren't useful, they
8 could discard them.

9 But I thought it was important just as an American and someone who wanted to
10 see the best for the country and for the President of the United States -- and the
11 incoming President, the President-elect of the United States -- that I share these
12 thoughts.

13 Q So the three people that you chose to send this to -- you mentioned Ivanka
14 and Jared. Was it your sense that they were involved in or could be involved in raising
15 this issue with the President, getting him to talk more about national unity, that they had
16 a unique relationship as family with him that might make them particularly influential to
17 achieving this goal?

18 A I think she -- Ivanka is his daughter and Jared is his son-in-law. So, yes, they
19 had a unique relationship with the President's family. And Mark Meadows was his chief
20 of staff.

21 So I thought they were the ones. Those are the people that I passed these
22 thoughts along to and thought it might be helpful if they raised it with the President.

23 Q I appreciate that. So the specific things that you recommend, if we look at
24 the email, are first your advice is that the President address the country tonight or
25 tomorrow to again express his sadness at the mob occupation of the Capitol and the lost

1 life. He could appeal to the shared citizenship, ask Americans to set aside any enmity
2 they have against each other, replace it with kindness and generosity.

3 Note that the White House has been working hard on the peaceful transfer of
4 power to the Biden-Harris administration, that the transition is proceeding at a strong
5 pace, and let the foreign adversaries know that, despite our domestic policy differences,
6 we are vigilant.

7 So you're essentially sort of scripting what you would suggest would be a message
8 to the world from the President? Is that right?

9 A Well, first to the American people, but then also to the secondary audience
10 of the world, yes.

11 Q Okay. Why did you think it was important for him to do this, Ambassador
12 O'Brien, and that you would have a voice in helping convince him to do so?

13 A Well, again, I wasn't trying to convince him myself. But I thought that -- I
14 was trying to provide some advice that I thought would be useful to those that were
15 advising him on those issues.

16 Look, I think the country's very polarized, and it has been polarized for some time.
17 I think we've got tremendous challenges. I mean, I think in the next two years that
18 China's going to probably invade or blockade Taiwan. I think we've already had an
19 invasion of Ukraine with thousands of people getting killed.

20 We had a debacle in Afghanistan with 13 American marines and a soldier -- 12
21 marines and a soldier being killed and countless Americans and friends of ours left
22 behind.

23 So we've got a very dangerous world that we're in. Terrorism is still rampant.
24 We've got an Iranian regime that's targeting U.S. citizens on our soil. So it's an
25 extraordinarily dangerous time for the world.

1 So I think a little unity and a little less polarization would go a long way for the
2 country. And I say that for both sides of the aisle. But certainly on this occasion,
3 because of what had just happened hours before at the Capitol, which as I said in one of
4 my tweets was a disgrace, I thought that the President giving a speech of this nature
5 would be good for Americans to come together, and I thought it would be good for our
6 adversaries to see that.

7 Q Were you concerned that the President needed to be pushed to do this or
8 needed someone outside of his lane like you to encourage this kind of speech, that he
9 would not otherwise do it?

10 A No. I was just giving my advice to Jared, Ivanka, and Mark. I thought it
11 would be useful. They were advising him on those issues.

12 But again, I'm not a -- for the most part, I'm not involved in politics and the legal
13 affairs of the President. So other people are going to make those -- were going to advise
14 him on those issues. I just was putting my what I thought would be useful.

15 Q I guess my question more broadly, Ambassador O'Brien, was why did you
16 think it was necessary for you as the National Security Advisor to go outside of your lane
17 to encourage this kind of national unity message? Is it because you were concerned
18 that it would not -- there needed to be pressure put upon him to give such an address?

19 A So I wasn't going to pressure the President. I don't think people pressured
20 the President, especially Donald Trump. I mean, not Xi Jinping, not Vladimir Putin, not
21 the ayatollahs in Iran. And certainly no one on his staff was going to pressure Donald
22 Trump. So I don't think that's -- I wouldn't agree with that characterization.

23 I was giving my advice because as an American I was watching what was
24 happening. I guess there's never after hours as National Security Advisor, but it was
25 6:30 p.m., I was at the White House, and I wanted to give people that I respected and

1 who had the President's ear on this issue, I wanted to give them my views, and I did.

2 Q You go on in the message to say that he ought to invite the President-elect
3 to the White House, he ought to attend the inauguration, and then issue appropriate
4 tweets. Again, just sort of amplifying this message of national unity.

5 If you scroll down, Ms. Trump's response to you is at the very top. She says,
6 "Thank you, Robert. The President's just finished taping a video message condemning
7 yesterday's violence, calling for unity and healing. He spoke of his desire for calm and of
8 his focus on an orderly and smooth transition to the next administration. The video will
9 be released this evening to the networks. We've been discussing a visit with Biden and
10 the inauguration with POTUS as well. Thanks."

11 So do you recall the speech that the President did give and issued on the night of
12 January 7th?

13 A You know, I don't recall it as I sit here today. I'm sure I watched it or
14 watched clips of it potentially on the news when I got home. But I don't recall it as we
15 sit here today.

16 Q Do you recall whether it matched with what you advised or whether it
17 somehow was a different message?

18 A I don't recall. I'd have to see the speech.

19 Q Okay. I'm just wondering if you had any reaction when you saw his speech
20 that you recall as to whether or not it was strong enough along the lines of encouraging
21 unity as you had suggested.

22 A I don't recall.

23 Q Okay. Did you talk to anybody else in the -- actually, did you have any
24 conversation with Jared, Ivanka, Mark, or others about what the President should say on
25 January 7th?

1 A I don't recall. But I do remember sending this email.

2 Q Okay. And do you remember talking to Stephen Miller or Pat Cipollone or
3 anyone else in the White House sort of about, "Hey, it would be great if an address along
4 these lines was given"?

5 A It's possible. I don't recall it. I was extraordinarily busy at this time with
6 both transition and with trying to complete tasks that we needed to get done by the 20th.
7 So it was a very busy time.

8 I don't recall those conversations, but I could have run into somebody in the
9 hallway or said something. But I don't recall as I sit here today. I recall being focused
10 on trying to get things done for our national security and trying to make sure the
11 transition was flawless because, as I mentioned before, we've got a very dangerous
12 world, and I wanted to make sure the baton was not dropped as we executed that
13 transition from our NSC to Jake's NSC.

14 Q After you sent the email and the speech was made, did this continue to be a
15 topic of discussion on the 8th, the 9th, or any days thereafter, or did you consider it sort
16 of closed after the speech was issued on January 7th?

17 A Yeah. I don't recall. I do recall I think I sent one other email suggesting
18 that the Vice President be given the Medal of Freedom.

19 Q Let's talk about the Vice President.

20 Did you talk to him in the days after January 6th?

21 A I did.

22 Q Tell us about -- was that a regular series of conversations or anything, any
23 one in particular that you recall?

24 A What I recall in particular is he came in the -- I was kind of surprised because
25 he came down to my office, it may have been on the 19th, and thumped me on the chest

1 and thanked me for the work I'd done.

2 Q Generally over the course of your time as the National Security Advisor?

3 A Correct.

4 Q Did you ever have any discussion with him about his experience on
5 January 6th after that phone call that you testified about earlier that happened that day?

6 A No, not that I -- I can't recall that.

7 Q Did he ever describe for you generally about his experience or his
8 perspective about that day?

9 A Not that I recall.

10 Q Okay. Do you remember having any conversations about the breach
11 between the President and the Vice President and the need to somehow repair it or bring
12 the two of them together after January 6th?

13 A Yeah. I just felt bad because I was on very cordial relationships with -- I had
14 very cordial relationships with both the President and the Vice President, and they'd had
15 a very cordial relationship. And it was -- obviously, there had been a wedge there and
16 that was disappointing.

17 But it wasn't my job to mediate or that sort of thing. I was personally
18 disappointed. But I don't recall talking to anybody about it. But it was sad to see.

19 Q There has been some reporting that you actually did serve as a bit of a
20 broker or a go-between, the Leonnig-Rucker book.

21 "So Kellogg, O'Brien, and Kushner brainstormed how to bring the President and
22 Vice President back together short of an apology. O'Brien proposed having Trump
23 award Pence the Presidential Medal of Freedom. The others liked the idea. They
24 thought the award could recognize Pence's work chairing the Coronavirus Task Force, but
25 they knew it would be interpreted as a post-insurrection peace treaty.

1 "The three thought this could repair the relationship. O'Brien approached the
2 idea with Short, Marc Short, the Vice President's Chief of Staff. Short told him that if the
3 President wanted to do that it would be terrific, but that neither he nor the Vice
4 President would ask for the medal, nor did they want to be seen as lobbying for it."

5 So, again, is that accurate, that you thought -- raised the prospect of the
6 Presidential Medal of Freedom and had a discussion about it with Marc Short?

7 A So I don't recall that. It very well could have happened and the
8 conversation sounds like the sort of thing. I mean, the Vice President is a very humble
9 guy. I can't imagine he would lobby to receive a medal. I think he would see that as
10 being untoward and that wouldn't be consistent with the Vice President's character.

11 So that part of it is -- that sounds true. Again, I don't recall that conversation. I
12 don't recall the conversation with Keith or with Jared. Again, that doesn't mean it didn't
13 happen. I just don't recall it as I sit here today.

14 I do recall sending an email, I think to Mark Meadows, potentially to Jared, and
15 maybe to Ivanka, I can't recall the recipients, but it would be, if you're able to retrieve this
16 email, it would be one of those emails -- it would be at the Archives -- in which I
17 suggested that the Vice President receive the Medal of Honor -- excuse me, the Medal of
18 Freedom, not the Medal of Honor -- for his work on a number of things.

19 I recall that it was on the Turkey-Kurdish ceasefire that we worked on in
20 September of '19, where we saved a lot of lives, probably 8,000 or 9,000 lives that night,
21 and the Vice President played a key role in that negotiation with Erdogan. I was there.
22 I saw it.

23 And I think the other thing I suggested is his work on the Space Council and the
24 Space Force where he was particularly involved.

25 And so I thought it would be a nice gesture to bring the country -- again, to bring

1 the country together and bring the Vice President and the President back together.

2 At least in my watching them, and I wasn't privy to all their interactions, but
3 watching them, they had a very good relationship with each other, and I got along with
4 both of them very well and thought highly of both of them, and so I was hoping that that
5 breach could be repaired.

6 So I suggested the Medal of Honor -- excuse me, the Medal of Freedom -- and it
7 didn't take place. But I made that suggestion, yes.

8 Q Did you ever talk with either of them about this breach, about the fact that
9 they were at odds over this, the January 6th matter, or the need to come back together?

10 A Not that I recall. And I don't think that would have been my place, to speak
11 with the Vice President or the President about that issue. I think that would have been
12 between them as constitutionally elected leaders and principals to do that. I don't think
13 I would have gotten involved with them personally. I may have talked to their staff
14 about it, but not to them.

15 Q I see. I think you testified before, but I just want to be clear, it sounds like
16 you believe that the Vice President did the right thing on January 6th, that he
17 appropriately exercised the authority he had during the joint session and that he acted
18 courageously, I think you said he acted with courage that day. Is that right?

19 A So I referred to his courage as physical courage, it wasn't necessarily political
20 courage. I thought that the fact that he stayed at the Capitol when it was
21 under -- potentially under attack twice, once on 9/11 and once on January 6th,
22 demonstrated his personal courage to be there. So that's what I was referring to in the
23 tweet that you're referencing.

24 Q Do you think he did the right thing on January 6th with respect to his
25 authority at the joint session?

1 A So I'm not an expert on those issues, but again, my view is that he did the
2 right thing. But again, I'm not a -- it's not an area that I've got deep legal expertise on.
3 But I think the Vice President's role was -- I think he exercised his role properly, and I
4 think it was a ministerial role in nature to announce the votes to the Senate. And so I
5 think he did do the right thing.

6 Q Were there other discussions that you were a part of, Ambassador O'Brien,
7 about steps to ensure a smooth transition between January 6th and January 20th with
8 members of the Cabinet?

9 Do you remember talking to anyone about the Cabinet's role in ensuring that the
10 last 2 weeks would be smooth, the plane would be landed, or a transition would occur?

11 A Not the way that's characterized. I think I had at least one conversation
12 with Chris Miller, the Acting Secretary of Defense.

13 There was a report that came out -- I don't know if it was before or after
14 January 6th -- where the report was in one of the print magazines or print papers, or
15 maybe it was online, saying that the national security transition was not being conducted
16 properly.

17 So as soon as I saw that, I was quite concerned, and I called Jake, Mr. Sullivan, the
18 current National Security Advisor, to ask him if there was anything that he needed from
19 us that he wasn't getting. He assured me absolutely not, that that report related to
20 DOD, and I think there were some concerns about DOD. And I think as a result of that I
21 probably called Chris Miller and told him make sure that they do a terrific job on the
22 transition.

23 Q Did you get any information from Acting Secretary Miller about holdups in
24 the transition, any issues with the DOD transition that you had not been previously
25 familiar with?

1 A No, not that I recall. I mean, these things are very hard. They're hard to
2 execute. And there are always issues about security clearances and that sort of thing.

3 We didn't have that with the NSC because there were a number of people that
4 had already gotten clearances and detailees that were from other agencies that we were
5 onboarding even while we were still in office, something I don't think has ever been done
6 before.

7 We started the onboarding process for Jake's team in January, making sure all
8 their paperwork was done so they could start on -- some of them probably I think may
9 have even started before January 20th. But certainly on January 20th they could start
10 there.

11 So our transition I think was pretty extraordinary. But I think DOD probably did
12 the best they could. That's the call I remember with Jake, is that I saw that article and I
13 was concerned that somehow it reflected on us, and he assured me it didn't.

14 Q I understand.

15 We received some information from Secretary Scalia that he proposed convening
16 a Cabinet meeting and that the Cabinet should potentially have more of a role in vetting
17 decisions in the last couple of weeks of the administration.

18 Do you remember any discussion about a Cabinet meeting or a more robust role
19 that the Cabinet would have to ensure a smooth transition after January 6th?

20 A No. I never heard about that.

21 Q Okay. We've also received some testimony from a number of sources that
22 some administration officials were concerned about potential instability in the
23 post-election period and kept in touch regularly to try to land the plane, ensure the
24 transition to a new administration went smoothly. That was in part because of some
25 personnel changes.

1 General Barr, for example, told us that in the weeks after the election that Mike
2 Pompeo was concerned about a lack of gray hair at the Defense Department because
3 what he felt was suboptimal civilian leadership or a thinness of civilian leadership. He
4 was trying to stay on top of it. That Pompeo had regular phone calls with a number of
5 national security officials, including General Milley, Gina Haspel, Mark Meadows, and
6 Robert O'Brien.

7 Do you remember discussions with Secretary Pompeo about this issue of concerns
8 about suboptimal civilian leadership at DOD?

9 A Well, I talked to Mike almost every day, Secretary Pompeo almost every day
10 during that period, but I don't recall a conversation regarding DOD.

11 Q Did you have conversations with him about concerns that there was
12 instability in the administration in the end that was threatening the smooth transition,
13 particularly with respect to personnel?

14 A Look, not that I recall. There were some issues -- and I think this may have
15 been before January 6th -- there were a couple of people that caused some concern.

16 Q Tell us about that.

17 A I mean, one was a guy named Macgregor. He's a colonel, I think, who was
18 being proposed for a position at DOD.

19 Q Right.

20 A And I think this was even before the election. He came to interview with
21 the President for a position. So I think it would have even been before the election.
22 And he had some odd views. And so I wasn't in favor of him being at DOD.

23 Q You were not in favor of him being at DOD?

24 A I was not.

25 Q Okay. And did you share that or did Secretary Pompeo raise that concern

1 as well about Colonel Macgregor?

2 A I don't remember talking with Mike about -- Secretary Pompeo about
3 Colonel Macgregor. I think he's a colonel. I don't recall having a conversation with
4 him.

5 I understand the man was a very decorated soldier and was a good battalion
6 leader and had a strong career in the military. So I don't have anything personally
7 against him.

8 Q Your concern was that he had some, you said, strong views. Tell us more
9 specifically what your concern was.

10 A Well, there were two views that -- I don't want to get into executive privilege
11 issues -- but there were two views that I understand he had that were concerning.

12 One, he wanted to disband the Marine Corps. And my dad was a marine. He'd
13 roll over in his grave if that happened.

14 Q Yeah.

15 A And they're a 911 force. So I think disbanding the Marine Corps is a bad
16 idea. He's a soldier. There's a little bit of rivalry there, I guess, but that's taking the
17 rivalry a little far.

18 He also wanted to withdraw our troops from Japan, which I thought, given what
19 we're facing with China right now and the Taiwan situation, would be a very, very
20 ill-advised idea.

21 So those two policy positions -- I didn't have anything, it was not a personal
22 issue -- those two policy positions, in my view, disqualified him from a senior role at the
23 Pentagon.

24 Q Okay. And did you convey that --

25 A That's my view.

1 Q I know. I appreciate that. Did you convey that to anyone, your concerns
2 about a senior role at the Pentagon?

3 A This is when he was interviewing for an earlier position? Yes.

4 Q Okay. You mentioned there were others about whom you had concerns
5 about potential hires or potential DOD officials. Who else raised concerns besides
6 Mr. Macgregor?

7 A That was really -- Macgregor was really the only one. I mean, I had
8 concerns before about Secretary Esper, but that was a whole different issue. I think it
9 really goes beyond the scope of this. My view of his policy choices at DOD I don't think
10 are relevant to this.

11 Q Well, what's relevant to this is essentially the stability of government of the
12 post-election period.

13 And my question really is whether you had concerns, as reported from General
14 Barr, General Milley, and others, about some individuals that were increasingly influential
15 to the President and may essentially threaten the stability of the transition.

16 Did you have any of those concerns in the post-election period?

17 A No. I just didn't think Macgregor would have been great at Defense. But
18 other than that, I didn't -- I had no concerns. We were -- the government was
19 functioning well. We really had an incredible team. We had Gina Haspel and Mike
20 Pompeo and John Ratcliffe. And I think we had a very strong team at the NSC.

21 And so I think our adversaries knew it and I think our friends knew it. And we
22 were engaged in a very professional transition at the NSC side. So I did not share those
23 concerns.

24 Q Okay. Let me show you another exhibit, this is No. 9, that is an email from
25 your personal account to your official account. I don't recall if this came from your

1 production or from the Archives.

2 A I think this came from your production.

3 Q Yeah. I think that's right. This is a record produced by the National
4 Archives.

5 So it looks like you, from your personal email account to your White House
6 account, forwarded, "Draft POTUS Remarks." And this is something that's dated back on
7 December the 22nd, but it is proposing, it looks like, a draft of remarks that you put
8 together for the President to potentially deliver at the or around the time of the
9 inauguration.

10 Do you remember composing this draft back in December of remarks for the
11 President on the 20th of January?

12 A Yes.

13 Q Tell us, first of all, what sort of motivated you to put this together?

14 A I'm looking at the email. It looks like I sent it at 2:17 in the morning.

15 Q Yeah.

16 A So I think I was up late last night -- or late that night. Again, you're never
17 really off duty, but I considered this my personal time. I wasn't --

18 Q This may not actually have been sent at 2:17 a.m.

19 [REDACTED] Emails that we received from the National Archives are keyed to
20 Universal Time code, which is 5 hours ahead of East Coast time.

21 Ambassador O'Brien. Okay. So it would have been --

22 Mr. [REDACTED] It's likely the real date of this email is 5 hours --

23 Ambassador O'Brien. Would have been 8 o'clock or 9 o'clock at night.

24 Whatever.

25 BY [REDACTED]

1 Q 9 o'clock at night on the 21st.

2 A Yeah. So I was obviously at home. I probably sent it because I didn't have
3 a printer. I probably didn't want to print it or didn't have a printer at home or it may
4 have been out of paper or something.

5 And this is something I did on what I considered was my own time. I thought it
6 was -- I think by this time the electoral college had already voted, and I think that the
7 primary lawsuits that the President's legal team had brought had been decided. You
8 know, I can't be certain, but I'd probably seen that on the news.

9 And I thought it would be -- I thought I'd draft up what was in essence a
10 concession speech, but put it in language that might appeal to the President and I
11 thought might be something that the President could -- the type of speech that the
12 President would feel comfortable giving, but at the same time would convey the message
13 that he conceded the election. And I thought it would be good for him and for the
14 country.

15 Q Did you share this with anyone after you sent it to your own official White
16 House account?

17 A Yes.

18 Q With whom?

19 A I believe I shared it with Alex Gray, my chief of staff.

20 Q Your chief of staff. I see.

21 A Right.

22 Q How about Mark Meadows or the President himself?

23 A No. I don't believe I did.

24 Q Why not, if you had gone to the effort to draft a somewhat lengthy potential
25 speech? Why not share it with anyone at the White House other than your chief of

1 staff?

1

2 [2:22 p.m.]

3 A It was out of my lane. And, you know, I don't think I shared it with Mark
4 Meadows. It's always possible. And it was on an official email account, so I don't know
5 who looks those over.

6 But I think the -- I had a feeling that Alex was -- we had a lot to do on the
7 transition, and we were getting a lot of great support on the transition within the White
8 House, and people knew that we were doing a lot on that front. We also had a lot of
9 work to get done on China, on icebreakers, on Coast Guard. There was a tremendous
10 number of things we were working on on the national security front that we wanted to
11 finish up, processes that needed to get done that were not controversial and that the
12 new team would appreciate, but we didn't want to have to restart the process.

13 So it was a very, very busy time. And I think the feeling was that getting out of
14 our lane on national security with a political suggestion like this wouldn't be helpful.

15 Q Yeah.

16 Well, I guess the question -- this is much like the questions I was asking you before
17 about your email from January 7th -- is, because you were so busy and this took some
18 time to prepare, why did you think it was necessary? Why were you concerned that the
19 President wasn't going to give this kind of speech as of December the 21st? Is it
20 because he was continuing to publicly challenge the results of the election, despite the
21 fact that the electoral college had met, and that raised concern in your mind?

22 A No. My concern was twofold, one for the President, one for the country.

23 I thought, you know, at this point the President seemed to be saying, at least
24 publicly, that he was going to run for reelection again, and so I thought it was important
25 for him politically. And, again, you know, I've never been elected to anything and

1 haven't run a Presidential campaign. He was elected, so he, you know -- as have others
2 been. So, you know, again -- but I have worked on a few campaigns, and my thought
3 was it would be good for the President to give a speech like this, and I also thought it
4 would be good for the country.

5 And I tried to write it in a way that demonstrated that the President had gone
6 through the process -- I believe if you look at the second paragraph -- with the courts and
7 the legislatures and Congress, and those had been decided, and said some nice things
8 about the Vice President, the President-elect, and asked that people pray for him. And
9 then, you know, referring to the -- in a nuanced way, referring to the Churchill statement
10 at the end, that he lost the election, acknowledging that, but do it in a way that kept him
11 politically viable but was also good for the country.

12 But, again, I wasn't there as the campaign manager, I wasn't there as the chief of
13 staff. I was there as the National Security Advisor and made a decision not to distribute
14 this. But, you know, it was kind of something I just did personally. And, you know,
15 maybe I should've given it to him, because I think it's actually not a bad speech, looking at
16 it right now, but I didn't.

17 Q Yeah. Well, were you concerned at the time that you wrote the speech
18 that this was the kind of message that would be good for the President and good for the
19 country but was unfortunately not being given by the President? Were you frustrated
20 with that fact and trying to potentially do something to change that dynamic?

21 A No, I just thought this would be a sort of speech that the President would
22 give. It's not the language that I would use in that sort of a speech. But I thought it
23 was written in a manner that he might give, that would be good for the country and good
24 for him personally.

25 Q So you purposely included into this speech draft some language that you

1 thought would appeal to him or would make it more likely that he would give this or a
2 speech like this?

3 A Correct.

4 Q Okay.

5 And, again, Ambassador O'Brien, he was not giving anything like this speech at the
6 time, correct? He was saying quite the opposite, that the election was stolen, that he
7 was not even committing to a transfer of power at the time.

8 Did that frustrate you, the fact that after the electoral college met he wasn't
9 saying things like you suggested he say in this speech draft?

10 A No. Those were early decisions for the President and for the chief of staff
11 and for his team to make. I mean, he still, I think, believed he had legal recourse, and
12 whether it was, you know, well-founded or not, I wasn't involved in those decisions.

13 But, look, I wrote this because I thought this was something that would be good
14 for him and for the country. I ended up not giving it to him because it was out of my
15 lane. And that's what it is.

16 Q All right. And, again, you don't recall ever pushing this to the President,
17 getting it to him directly or through an intermediary?

18 A That's correct.

19 Q Let me ask you a little bit about the 25th Amendment. Are you aware of
20 any discussions that took place following January 6th about the possibility of invoking the
21 25th Amendment with respect to President Trump?

22 A Only from press reports that I've read after leaving office.

23 Q Okay.

24 A I don't recall any conversations of that nature when I was in office.

25 Q You don't remember anyone else talking about it at all coming up during the

1 post-election period?

2 A Not that I recall. And I was not technically a member of the Cabinet,
3 although I attended all the Cabinet meetings, so, you know, it's not something I would've
4 had -- it wouldn't have been in my purview, and I don't recall anyone talking to me about
5 it.

6 Q Okay. There is some testimony that we received that suggested you did
7 have some conversation about it. This came, again, from Ms. Hutchinson.

8 She said, "Mr. O'Brien had talked a little bit about it" -- the 25th
9 Amendment -- "on the 7th, but, again, more of a conversation that he was overhearing.
10 The 25th Amendment, he was asking various officials in the West Wing if they thought it
11 was something that would actually happen or if there should be -- I remember him asking
12 if there should be a meeting with Mr. Trump about it. Mr. Meadows said, no, let's not
13 schedule that meeting with Mr. Trump, let's not raise the topic of the 25th Amendment
14 with Mr. Trump. He wanted to -- from my understanding, he, Mr. O'Brien, wanted to sit
15 down with Mr. Trump and brief him on what would happen if the 25th Amendment were
16 invoked, what the timeline could look like. Mr. Meadows then said that was not a
17 conversation we should have. He said, "I think it's a bad time. Keep an eye on it,
18 Robert," is what he said.

19 Do you recall having any such discussion about the 25th Amendment with Mr.
20 Meadows?

21 A I don't recall that conversation at all. And I don't know why Cassidy
22 Hutchinson would've been there if that sort of conversation would've taken place. And
23 the other thing is, this would've been totally out of my lane. I wasn't the White House
24 Counsel; I wasn't a member of the Cabinet.

25 So, you know, that does not sound -- I don't recall it, but it also doesn't

1 sound -- that description of the conversation doesn't sound like it would involve me at all.
2 I wouldn't be the person keeping an eye on it. No one was talking to me about it.

3 That just doesn't -- to me, that doesn't sound credible whatsoever. And if I was
4 going to have a conversation of that nature, the assistant to the assistant to the chief of
5 staff would not have been included in that meeting. I mean, that's -- that's -- anyway, I'll
6 leave it at that.

7 But to answer your question, I do not recall that conversation.

8 Q Yeah. To be clear, Ambassador O'Brien, the conversation is between you
9 and Mr. Meadows, not between you and Ms. Hutchinson. She's recounting --

10 A Well, no, but she was there?

11 Q Yes. She overheard or Mr. Meadows recounted to her a conversation that
12 you had with him about the 25th Amendment, that you were just asking about it, and
13 that Mr. Meadows suggested that, while you should keep an eye on it, it should not be
14 raised with the President.

15 Do you remember any discussion --

16 A I don't remember any discussion of that whatsoever. That just doesn't
17 sound credible to me at all.

18 Q Okay. So you don't remember talking with Mr. Meadows or anyone else
19 about the 25th Amendment?

20 A No. I wouldn't have had that conversation, because I was not a member of
21 the Cabinet, number one, and, number two, I wasn't the White House Counsel.

22 Q I understand. And, again, the conversation doesn't reflect you taking any
23 action. You were just asking generally because you had heard some talk about it and
24 were asking Mr. Meadows about it. It sounds like --

25 A I don't recall hearing any talk about it, and I don't recall that conversation

1 with Meadows. And the way that conversation's recounted, that doesn't sound like a
2 conversation I would have, or that doesn't sound credible to me.

3 Q Do you remember hearing that other people were having conversations
4 about the 25th Amendment? I understand you don't recall being personally involved in
5 them, but do you know whether others, members of the Cabinet or others, were
6 discussing that issue?

7 A I only heard later in the news reports that Gene Scalia and Betsy DeVos may
8 have been talking about it. But that was long after I'd left office.

9 Q Yeah. Okay. So during the time that you were in office, you don't
10 remember this issue coming up at all?

11 A I don't recall that, no.

12 Q All right.

13 Did you observe any behavior by President Trump that might provide a basis for
14 invoking the 25th Amendment?

15 A Absolutely not.

16 Q Okay.

17 All right. Since the end of the administration, Ambassador O'Brien, post-dating
18 your service as National Security Advisor, since the end, have you ever spoken with
19 President Trump about the events at the Capitol?

20 A No.

21 Q Has he ever expressed any regret for the events of that day to you?

22 A I haven't had any conversations with him whatsoever about January 6th --

23 Q I see.

24 A -- after leaving office.

25 Q Okay.

1 All right. Is there anything else about January 6th or the reaction to it that I
2 haven't asked you about that you think is important that you think we should know?

3 A Again, I'm happy to answer any specific questions you have, but, you know,
4 it's hard to respond to an overall question of that nature. I used to ask that question in
5 depositions all the time, counsel, and I understand why you're doing it, and I appreciate
6 it, but I'm happy to respond to any specific questions.

7 Q It really is just an opportunity for you to clarify or elaborate on or inject
8 something that I haven't asked you about. I want to make sure you feel like you have an
9 opportunity to provide anything at all that you think is relevant about these topics.

10 A I appreciate that. And, again, I will answer any of your questions that you
11 have.

12 Q Okay.

13 Let me stop and see if Mr. Schiff has any questions.

14 Mr. Schiff. I do not. Thank you very much.

15 [REDACTED] Okay.

16 How about anyone here in the room? [REDACTED]?

17 BY [REDACTED]:

18 Q Just, I have one question about your remarks that you drafted on December
19 22nd. Just to be clear, so at that point in time, I thought I heard you say that you
20 thought that the President should concede the election?

21 A I thought it would be good for him politically and for the country.

22 Q So, yes, you thought the President should concede the election?

23 A Well, again, you're asking my thoughts. I mean, a concession is a political
24 act. I mean, a lot of people lose elections and leave power and never concede. And
25 that happens in America all the time. I mean, I think Stacey Abrams was considered for

1 Vice President, and I don't think she ever conceded the election in Georgia.

2 So I wouldn't presume to tell the President to concede or not concede or tell any
3 candidate to concede or not concede. This was just my view. My view is that I thought
4 it would be good for him politically and I thought it would be good for the country to
5 bring us together if he did.

6 But, I mean, I tried to draft this in a way that wasn't specifically a concession but
7 that made the relevant points. And, you know, I thought that would've been in his best
8 interests. But it's not for me to -- I don't presume to tell the guy who got elected
9 President of the United States what he should do politically.

10 Q Okay.

11 And you mentioned in that discussion that he had gone through litigation after the
12 election; courts had ruled. Do you think the President should abide by the rulings of the
13 courts?

14 A Yes.

15 [REDACTED] All right. I think this is a good time for a break. We have
16 covered -- let's go off the record.

17 [Recess.]

1

2 [3:30 p.m.]

3 [REDACTED] All right, Ambassador O'Brien, welcome back from lunch.

4 At this point, I'm going to turn it over to my colleague, [REDACTED]. He has
5 some questions about the prior-to-January-6th material, the election-related.

6 Go ahead, [REDACTED]

7 [REDACTED] Sure. Thanks, [REDACTED]

8 And thank you, Ambassador O'Brien.

9 BY [REDACTED]

10 Q So, in this section, we're actually going to focus on the period before the
11 2020 election. And, earlier, you testified to [REDACTED] that your portfolio as National
12 Security Advisor involved work related to election security. And I'm interested in
13 hearing what exactly your election-security portfolio looked like as National Security
14 Advisor in the period leading up to the election.

15 And I will preface this question and most of the these questions by saying, of
16 course, we're, you know, only interested in hearing of these things at a high level, without
17 asking you to disclose any information that would be classified or sensitive.

18 A Sure, [REDACTED]

19 So my primary focus on election security related to foreign
20 interference -- adversaries, you know, foreign nationals and foreign governments that
21 were adversaries of the U.S. that would seek to influence our election and either change
22 the result of the election or sow discord prior to the election. So that was my primary
23 focus.

24 But there was work being done by our Homeland Security Directorate and
25 Department of Homeland Security and other groups -- FBI, DOJ -- that focused on

1 domestic election security as well.

2 Q Great.

3 And what were the agencies -- you just listed a few, DHS, DOJ -- that were
4 involved in assessing election security in advance of the election?

5 A So I think CISA, the cyber guys, were pretty heavily involved.

6 Certainly, there were 50 secretaries of state, and then the secretaries of state are
7 the equivalents in the -- well, I shouldn't say 50 secretaries of state; I think there were
8 some lieutenant governors who were involved. But the chief election official for every
9 State and territory in the U.S. was involved. And, obviously, we run, you know, 50-plus
10 elections in a national election that are supervised individually by the States. So there
11 was a coordination among those groups.

12 Then you had Homeland Security, and then you had various cyber groups within
13 Homeland Security that worked on election security.

14 Q And what exactly -- you know, what steps did that process entail, the sort of
15 assessing threats, you know, preparing defensive measures? What were the steps that
16 the interagency was taking during this period to, you know, assess and defend the
17 security of the election system?

18 A So I can't tell you all of them. I can tell you, you know, some of the big
19 ones that I can recall as we sit here today.

20 I know there were several hundred million dollars that the NSC had pushed to get
21 sent out to the States for the State secretaries of state to increase their security, primarily
22 cybersecurity.

23 There was some work with the National Guard. I remember doing one -- one
24 meeting I attended was in Iowa with the Iowa National Guard cyber unit that was helping
25 their secretary of state fend off cyber attacks on the election infrastructure.

1 Certainly, communications that we had with foreign governments, letting them
2 know that, you know, we would take very strong action if they attempted to interfere
3 with our elections.

4 Those are some of the things that jump out at me off the top of my head.

5 Q And what were the sort of -- at a high categorical level, what were the types
6 of risks that the interagency was assessing? Earlier, you mentioned, you know,
7 interference with the election; also, sowing discord in the election process. So what sort
8 of threats was the interagency looking at?

9 A So I think you can divide it into two areas. Let's stick with the foreign
10 threats at this point, because that's where I focused my time.

11 You have an attempt to influence -- influence operations against America. So
12 disinformation, attempts to confuse Americans, attempts to favor one candidate or other
13 depending on what candidate the government that was acting against us supported or
14 wanted to see in power.

15 And so those were kind of the general influence operations. Those are the
16 harder things to deal with because it's so pervasive. And without getting into all the
17 details, some of our adversaries have very, very exquisite networks in the U.S. to push
18 their views.

19 Then there's what I would call election operations interference and our election
20 day security. And, of the two, that was my primary concern, that a foreign power could
21 somehow actually alter the outcome of an election on election day.

22 And I think we hardened the system pretty well and it would've been very difficult
23 for a foreign adversary to do that. But, you know, there are a number of scenarios
24 where they could've gotten involved in election day operations, and that was, I thought,
25 the greatest danger to the U.S., if one of our adversaries decided to launch such an

1 operation.

2 And so we took a diplomatic -- we took an approach: A, how do we harden our
3 systems to avoid that outcome? If an adversary decides to make a run at us, how do we
4 harden the infrastructure, so to speak? And, number two, we had a diplomatic effort to
5 let other governments know that if they engaged in this there would be very severe
6 consequences.

7 Q And what was the interagency's assessment of a foreign adversary's capacity
8 to launch such an attack or to interfere with the election in that capacity in the lead-up to
9 the election?

10 A So I think there were a small number of governments -- certainly the PRC,
11 People's Republic of China; Russia, the Russian Federation -- that probably had that
12 capability.

13 Iran has a growing cyber capability but probably didn't have an ability to mount a
14 serious, sustained attack, but potentially could have.

15 And then there were other governments that have been involved in things like this
16 before. DPRK has -- North Korea has some significant cyber capabilities.

17 And, you know, even certain non-state actors.

18 But those were the primary focuses of attention.

19 Q And was it the intelligence community's assessment that during this period
20 before the election that any of these foreign adversaries both had the capacity and were
21 actively seeking to launch some sort of attack? And here I'm focusing on, you know,
22 efforts to change the results of an election on election day, you know, excluding influence
23 operations.

24 A I think our view was that it would be very difficult for a foreign adversary to
25 actually change the vote count on election day. Because in most, not all, but a high

1 number of -- like, 48 out of 50 States -- or, it was a high number, was my recollection -- a
2 large number of States had paper ballot or tape trails so that, even if someone hacked a
3 computer, you could go back and get to the bottom of what the actual vote tally was.

4 So, you know, as long as there are paper ballots, it's very difficult for an adversary
5 to interrupt or interfere with an election on election day. And I think there was some
6 audit trail, whether it was paper ballots or tapes, some sort of audit trail that would've
7 made that very difficult for a foreign adversary.

8 But the nightmare America's scenario is, they could've done something that was
9 easier than that, and that would simply be hacking a secretary of state website and
10 changing the totals on a website, which would not have been -- which all of our
11 adversaries would've probably had the capability to do.

12 And so you can imagine the chaos that that would cause, if an adversary hacked
13 the -- just take for example the Iowa secretary of state website and, you know, called a
14 winner or showed a huge vote margin in favor of one candidate that wasn't true; it was
15 just, you know, a hack. And then when the secretary of state came back out and said,
16 no, it's not true, the other candidate won or the votes are very different than what was
17 reported on the website, you know, that is the sort of thing that could've sown serious
18 discord in a State or country.

19 Q Right. So it sounds --

20 A And that didn't take a lot of capacity.

21 Q Yeah. It sounds like --

22 A In fact, I'm not even sure -- you know, I don't know if you guys have the
23 ability to do this, but I don't think that should be public. Because that was a concern we
24 had. It's not classified, but it's -- I don't think we should give people ideas about that.
25 So I don't know. If you can keep that part of the transcript sealed, it would probably by

1 useful.

2 [REDACTED] Yeah, Ambassador O'Brien, I think when you and Stephen have a
3 chance to go over the transcript, I'd invite you to mark portions like that that you think
4 are sensitive. And if we concur, then we'll just ensure that they're redacted and not
5 made part of the public record.

6 Mr. Larson. Thank you for doing that. Yeah, that sounds good. What I'll do is
7 we'll highlight those sections that we think should be redacted for those purposes when
8 we send back any corrections on the transcript.

9 Ambassador O'Brien. Again, it's not classified, but it's sensitive, and I'd rather
10 not have that out there, because we've got enough problems in the country right now.
11 We don't need to give further ideas to bad guys, although they --

12 [REDACTED] Well, we trust your judgment on that, Ambassador O'Brien, and my
13 guess is we'll be able to easily accommodate that.

14 Ambassador O'Brien. Okay. Thank you.

15 But, [REDACTED], going back to your question, you can imagine, that's the sort of thing
16 that wouldn't have taken a tremendous degree of sophistication. You don't have to get
17 into an actual voting machine to do that. You could just get on a public-facing website
18 and start changing numbers. And it could've created chaos on election night.

19 And so that's an example of a scenario that I was concerned about when we
20 talked about election day operations. So there were certainly countries with the
21 capability. There were countries that are, you know, hostile to the U.S. Whether they
22 would've done that, engaged in that sort of activity or not, I don't think we had -- in fact,
23 I'm pretty confident in -- Gina Haspel or John Ratcliffe might have a better answer, but I
24 don't think that there was anyone moving in that direction. If there had been, it
25 would've been something that we would've dealt with very firmly.

1 So it was a concern, but I don't think we saw any action on that front. That's
2 different from the influence operations, as you point out.

3 BY [REDACTED]

4 Q Right.

5 So it sounds like you're kind of breaking this into two categories of, you know,
6 messing around with vote totals on election day. One is, you know, a cyber incursion
7 into a voting machine or a voting machine system where you can change the totals that
8 are coming out, you know, literally of the number of votes that are counted, and then,
9 separately, an incursion into a secretary of state's website that's reporting the vote totals.

10 In the first instance, it sounds like you're saying that you didn't assess that foreign
11 adversaries had the capacity to, you know, levy that kind of attack effectively because of
12 the audit trail that was available through paper balloting. And then, in the second
13 instance, hacking into secretary of states' websites, at least sitting here today, you're not
14 aware of any specific intelligence that adversaries were moving in that direction in
15 advance of the 2020 election.

16 Is that more or less --

17 A That's generally correct.

18 Q Okay.

19 In summer of 2020, the National Counterintelligence and Security Center released
20 a statement assessing various security risks that were associated with the 2020 election.
21 And much of it covered sort of what you reference as influence operations. But it also
22 assessed that, quote, "it would be difficult for our adversaries to interfere with or
23 manipulate voting results at scale."

24 Is that report more or less consistent with your assessment of the risk at that
25 time?

1 A I do think it's consistent. And the only thing I would note is "at scale." I
2 think it would be very difficult to do it with a million votes. But if there was an election
3 that was close in a State with, you know, a few thousand votes, they'd would have a
4 better opportunity. But I agree with that assessment.

5 Q Understood.

6 Similarly, I think you appeared on "Face the Nation" in October 2020 and more or
7 less said the same thing publicly, which is that it'd be, quote, "very hard," unquote, for
8 foreign actors to tamper with vote counts, quote, "because we have paper ballot auditing
9 trails for 95 percent of the votes that are cast." And when asked whether foreign actors
10 were capable of changing votes, you responded, quote, "No, they can't change votes."

11 It sounds like that's more or less consistent with, you know, what your assessment
12 is sitting here today as well?

13 A That's correct.

14 Q Okay.

15 And in the period following the election, did you ever see any evidence or
16 intelligence that would've called that assessment into question?

17 A No.

18 Q Okay.

19 To your knowledge, were these types of assessments about election security and
20 the risks associated with election security communicated to President Trump?

21 A You know, I don't recall. They may have been. But it wasn't -- I'm just
22 thinking of the Oval intelligence brief that we would do two or three times a week. That
23 generally wouldn't have been at the top of the list. But I think he would've been given
24 some of this information.

25 Q So, you know, it sounds like maybe you don't have a specific memory, but,

1 you know, what, in your understanding, do you think the President would have been read
2 into in terms of the intelligence community's assessment of these types of risks leading
3 up to the election?

4 A I think he would've been read into the adversaries that wanted to influence
5 or interfere with the election and who their preferences were as candidates. I think he
6 would've been read into that for sure.

7 Q What about foreign adversaries' capacity to alter or change vote counts?

8 A You know, I can't recall, but he was a pretty voracious consumer of the
9 Sunday shows. And I think it was either "Face the Nation" or "Meet the Press" that you
10 mentioned. I think he would usually watch those shows. So he would've probably
11 seen me there. If I didn't brief him in person, he would've probably seen me on the
12 Sunday show.

13 Q Understood.

14 I want to ask you about another statement that you made publicly in the fall of
15 2020, and this was also before the election. I believe it was in October of 2020. You
16 spoke with Politico, and you stated this about President Trump:

17 Quote, "If he loses the election, I am certain the President will transfer power
18 over. But we've got to make sure there's no fraud in the election, and he needs to make
19 sure it's free and fair election. Just like we demand of other countries overseas, we
20 need to make the demand of ourselves."

21 Had you spoken with President Trump at this point in time when you gave this
22 quote about whether he would concede an election if he lost?

23 Mr. Larson. I'm sorry. That goes to executive privilege. You're asking for a
24 direct communication with President Trump and the National Security Advisor. So I'll be
25 instructing Robert not to answer that.

1 BY [REDACTED]

2 Q Okay. I can ask it in a different way.

3 What was the basis for you making the statement to Politico that President Trump
4 would concede if he lost the election?

5 A That was my belief.

6 Q And what was the basis for that?

7 A You know, 3 years of interacting with him, or almost 3 years of interacting
8 with him.

9 Q And that made you believe that he would concede the election in the event
10 that it was called for his, you know, opponent in the election?

11 A That was my belief.

12 Q Can you think of any specific examples or any sort of specific traits about the
13 President's character that would've, you know, caused you to form that belief that he
14 would concede in the event that he lost?

15 A Yeah, so I don't think it was -- I mentioned the word "concede," but where is
16 the quote? Is it one of the exhibits?

17 Q I don't believe it's in any of the exhibits, but I can read the quote to you if --

18 A That's okay. I think my point was, if there was a free and fair election and
19 there's an absence of fraud, that the President would leave office. And that's what I
20 believed at the time.

21 Q At that point in time, had you seen any, you know, evidence or intelligence
22 suggesting that there was a risk of fraud in the election?

23 A There was certainly -- not for the election day operations. There had
24 been -- at one point, Iran had run an operation with text messages or emails, if I'm not
25 mistaken. I think it was public. If it's not, we'll be redacting it. But I think they

1 purported to be the Proud Boys or something like that, and it was traced to Iran. And
2 they sent text messages out to people about voting. I think that was a public case.
3 That would kind of fall in the gray area between interference and influence.

4 We certainly had extensive information about influence operations that were
5 taking place. But I didn't have any information at that time, and I still don't today, of
6 any attempt to interfere with election day operations or to change the vote tallies.

7 Q Understood.

8 Before we move on, does anyone in the room have any other questions?

9 [REDACTED] I don't, no. Thank you, [REDACTED]

10 [REDACTED] Okay.

11 BY [REDACTED]

12 Q So next I'd like to move to --

13 [REDACTED] Before you get to that, I'm sorry.

14 Ambassador O'Brien, this is [REDACTED] Just really quickly on what you just
15 mentioned about Iran, that is public, about the Proud Boy effort or related efforts that
16 you just raised.

17 And I just want to be very clear. Was there any evidence that you had seen that
18 that influence campaign -- I think you used the term "gray area." But is there any
19 evidence that you had seen about that or related to that that included election
20 interference -- hacking into machines, changing vote counts, anything like that?

21 Ambassador O'Brien. No.

22 [REDACTED] Okay.

23 Thank you.

24 [REDACTED] Sure.

25 BY [REDACTED]

1 Q Okay. So I think, next, we'll move to the period sort of immediately after
2 the Presidential election, you know, focusing on the period in early November through
3 early to mid December of 2020.

4 During that period, how often would you say that you interacted with President
5 Trump in person, let's say?

6 A Yeah, during that period, I did have, I think, two foreign visits, so I wouldn't
7 have been there during the visit to the Philippines, Vietnam, Japan. And I also had a
8 Israel, France visit, so, you know, I wouldn't have seen him during that time period. I
9 think I was also gone during Christmas.

10 But when I was in the White House, you know, I would see him -- it would depend
11 on what was happening that day, but I could see him anywhere from one time a day to
12 three or four times a day, oftentimes to get documents signed.

13 Q And did you ever speak to President Trump about whether or not he would
14 or should concede a loss in the election?

15 Mr. Larson. This calls again for a -- any statement to the President, I need to
16 object.

17 BY [REDACTED]

18 Q Was it your personal belief that President Trump would concede at any point
19 in that post-election period?

20 A I didn't know. I didn't know how it would get handled.

21 I mean, as I mentioned earlier in the interview, you know, I drafted a speech that I
22 never gave to him that wasn't quite a concession but had some characteristics of a speech
23 that would've been a concession speech. So I -- you know.

24 But I don't recall one way or the other during that time period, if I thought he
25 would or wouldn't do so.

1 Q Yeah.

2 And, earlier, when we were discussing that, you mentioned that you wrote it in a
3 fashion that you felt like the President might be willing to deliver, which maybe implies
4 that, you know, during this period, he was, you know, displaying some resistance to
5 conceding. And that's, obviously, a matter of public record at this point.

6 But is there any sort of behaviors that you witnessed of the President or
7 conversations that you had with him that made you think that, you know, outside of what
8 you were hearing in the news?

9 Mr. Larson. Well, again, objection to the reference to "conversations," but I
10 suppose --

11 Ambassador O'Brien. Yeah, I mean, my interactions with the President during
12 this time period were really solely focused on foreign policy and national security issues.
13 And they were always professional, very cordial. The President was focused on the
14 threats and the opportunities that we had as a country.

15 And so those were my interactions. So I didn't see anything -- you know, from a
16 political standpoint, I know from the press and from goings-on that there were a lot of
17 meetings on the political and the legal side. I just wasn't part of those.

18 BY [REDACTED]

19 Q Did you ever have any conversations with Mark Meadows about whether
20 the President would concede?

21 A I don't recall. I mean, I may have, just in a hallway chat or, you know,
22 water-cooler chatter. But I don't think so -- well, I'll state that I don't recall that.

23 Q Is there anything that you recall generally hearing from Mark Meadows
24 during this period about whether or not the President would concede?

25 A I don't recall.

1 Q Did you ever speak to Pat Cipollone about whether the President would
2 concede?

3 A Not that I recall.

4 Q What about Jared Kushner?

5 A Not that I recall.

6 Q What about Eric Herschmann?

7 A Not that I recall.

8 Q Is there anyone else who --

9 A I mean, I had conversations with all those people. I just don't recall having
10 conversations with them about the President conceding.

11 Q Understood.

12 It's been reported that you, Mike Pompeo, Jared Kushner, and Mark Meadows at
13 one point had a conversation to prepare President Trump for the possibility that foreign
14 leaders would begin to recognize Vice President Biden's victory in the election after the
15 election was called on November 7th.

16 Do you recall a conversation like that with them?

17 Mr. Larson. I'm sorry, with who?

18 ██████████ Mike Pompeo, Jared Kushner, and Mark Meadows.

19 Mr. Larson. Okay.

20 Ambassador O'Brien. And the President? Or just with them?

21 BY ██████████

22 Q Well, let's start with just those three.

23 A I don't recall that conversation. It could've taken place. And that
24 would've probably kind of been one of those areas that involved national security and
25 foreign policy that overlapped with domestic politics. So that could've happened.

1 And there did come a time when leaders overseas started to recognize President
2 Biden. I can think of Netanyahu as being one of them.

3 Q And did you ever have any conversations with President Trump about that
4 issue?

5 Mr. Larson. Again, this is -- I'm instructing Ambassador O'Brien not to answer
6 these questions with respect to conversations. That's coming from legal counsel.

7 [REDACTED] Understood.

8 BY [REDACTED]

9 Q Did you ever have any conversations with senior White House staff -- and by
10 that, I mean Mark Meadows, Pat Cipollone, and that sort of category of White House
11 aide -- about what responses the President should take in terms of challenging the
12 election results?

13 A I don't recall that. I do recall a conversation with Jared, but it was much
14 earlier, that dealt with the election, but not in this period.

15 Q When you say "much earlier," you know, around what time period are you
16 thinking about?

17 A June of 2020.

18 Q Tell us about that conversation.

19 A I just -- I think there was -- I was on the tail end of a meeting or in a meeting
20 and was leaving, and there was a conversation about -- and I don't recall who was there,
21 but people were talking about all the COVID laws that were being changed to allow for
22 mail-in ballots. And I told Jared that they ought to hire a real law firm like Jones Day or
23 Gibson Dunn or Kirkland or a firm of that caliber and spend some money if they were
24 going to do it.

25 But, you know, I wasn't particularly impressed with the personal legal team or the

1 campaign legal team that I'd heard about in the press and told him that they should hire a
2 topnotch law firm, you know, like President Bush did in 2004. I think President Bush
3 had, like, 100 cases prior to the election to ensure election integrity, but they were done
4 by really topnotch law firms.

5 Q And what -- I'm just trying to make sure I understand exactly what you were
6 suggesting. What sort of, you know, legal representation were you envisioning in
7 summer 2020 being necessary? Would this have been litigation, like, before the
8 election --

9 A Right.

10 Q -- challenging --

11 A Yeah. I'm sorry. Correct. Pre-election litigation on the validity of
12 changes in the law.

13 Q What about post-election challenges?

14 A That wasn't something I had in mind.

15 Q And did Mr. Kushner respond to your recommendation?

16 A Yes.

17 Q What did he say?

18 A Stay in your lane.

19 Q Understood.

20 Did you ever have any conversations with Mr. Kushner or anyone else about
21 President Trump's post-election legal representation?

22 A I'd be speculating. Not that I recall at this time. I could have, but I'd be
23 speculating.

24 Q What was your personal view of the legal team that was representing
25 President Trump in the legal challenges? And by that, I mean the team that was headed

1 up by Mr. Giuliani.

2 A My mother used to say, if you don't have something nice to say, don't say
3 anything about them, so I'd prefer not to answer. But, I mean, look, all I'll say is that it
4 didn't appear to be a high-caliber team that the President of the United States should
5 have representing him. I'll leave it at that.

6 Q And did you ever have any conversations with anyone in the White House
7 about, you know, whether President Trump should be, you know, working with Mayor
8 Giuliani versus someone with, you know, better qualifications to represent him?

9 A You know, I don't recall, but it wouldn't surprise me if I did.

10 Q In the post-election period, did you ever have any conversations with Vice
11 President Pence about potential challenges to the election results?

12 A You know, I don't recall it, but I did see in the materials that you provided a
13 law review article that I sent to Marc Short that referenced a conversation with the Vice
14 President. I don't recall that conversation, and I didn't recall sending him the law review
15 article, but, you know, I don't have any reason to doubt that I did send it to Marc Short.
16 And I think it was dated a day or two after the election.

17 Q Yeah. The document that you're referring to is exhibit 6, and it was an
18 email dated November 11, 2020, it looks like, that you send to Marc Short and wrote:
19 "Marc, the VP asked for the attached." And it was a law review article that you had
20 written, actually, about judicially created and mandated extensions of polling hours.

21 Do you recall any sort of conversation with Vice President Pence about this issue
22 more generally in the week after the election?

23 A You know, I don't recall that. And, again, I have no reason to doubt that I
24 did, because I mentioned it in this email. But I don't recall it.

25 And the email wouldn't have been -- or, the article wasn't particularly relevant to

1 the challenges, because it was dealing with poll hours, and I don't think that was a
2 big -- at least from what I've seen on the news, that wasn't at issue. But for whatever
3 reason I sent it to him.

4 Q All right.

5 Do you recall any other conversations, you know, outside of the context of this
6 specific issue, that you had with Vice President Pence about the election in the period
7 after November 3rd?

8 A You know, I'm sure I told him -- I'm sure I sympathized with him and told
9 him, you know, I felt bad that they lost and, you know, that he did a great job as Vice
10 President, something to that effect, but I don't recall specifically.

11 I know when he came to visit the last day, I told him it was an honor to serve with
12 him and wished he was still Vice President. I'm sure it was something along those lines.

13 Q And, you know, when you told Vice President Pence that you were sorry he
14 lost, how did he respond?

15 A I don't recall. I'm sure he said, you know, "Well, we're still in the fight,
16 Robert," or something. Vice President Pence is a very optimistic, forward-looking guy,
17 so I'm sure he had some -- he probably tried to buck me up, as opposed to me bucking
18 him up, is probably what happened.

19 Q Did you ever talk about President Trump's reaction in the post-election
20 period with Vice President Pence? Did you ever say anything about how President
21 Trump was pursuing challenges after the election?

22 A Not that I recall.

23 Q Do you recall --

24 A Other than this email that references a conversation I had with him about
25 the article I'd written a few years earlier.

1 Q Understood.

2 What about Vice President Pence's role in the joint session of Congress on
3 January 6th? Do you recall any conversations with him about that role or about, you
4 know, what was going on at the time with respect to that role?

5 A I don't recall any of those conversations. And I don't think I would've had
6 those conversations. I don't recall any, but it's not something I would've been involved
7 in.

8 Q Do you recall any discussions during the post-election period with Nick Luna,
9 Dan Scavino, or John McEntee about the election results?

10 A I don't recall any. But they were all close to the President. They're
11 actually all really decent guys. And, you know, I'd see them going in and out of the Oval
12 Office. Nick Luna was the President's body man. Scavino did the tweets and the PR for
13 the President and sat right off the outer Oval. And McEntee was around a lot. So, you
14 know, I'd see those guys a lot. I know they were all, you know, very disappointed in the
15 President's loss, and I probably tried to cheer them up and said, you know, I've been on
16 more than a few losing Presidential campaigns, so, you know, hang in there. But I don't
17 recall.

18 I did see that there was a -- on your exhibit 7, there's an email that I sent to Dan
19 and Nick. I don't know if McEntee is on there.

20 Q Yes.

21 A McEntee's on there as well -- with a YouTube. I tried to pull up the
22 YouTube. I don't know what it was, and I couldn't find it now. It's not on YouTube. I
23 don't know if you guys have it. It doesn't refresh any recollection, but maybe if I saw the
24 YouTube it would.

25 Q Yeah. That was a document that was produced to us by the National

1 Archives. And, like you, you know, we weren't able to track down a live version of the
2 video link. So, you know, if it doesn't refresh your recollection, then, you know, I
3 suppose that's all there is to it.

4 A Sorry.

5 Q No, that's perfectly all right. And we obviously recognize that this is
6 happening almost 2 years ago, at this point. So it's hard to remember, I think for
7 anyone, some YouTube video link that they sent to people 2 years ago.

8 I want to focus at this point on the claims of voter fraud in the election that
9 President Trump was making in the period after the election.

10 Did you have any conversations with anyone in the White House about the
11 specific claims of fraud that the President was making publicly?

12 A I don't recall any conversations along those lines. I recall one very brief
13 conversation about election fraud, but it wasn't about a claim the President was making.

14 Q And what was that conversation?

15 A There was a phone call, I think it was in December, and there was some
16 meeting around the White House. I got called -- I had gone home already, and I got
17 called from outer Oval and patched in to the Oval Office. And there was a pretty
18 contentious meeting going on. I wasn't sure who was there or that sort of thing. And
19 someone asked a question about the Dominion machines. I think they were Dominion
20 machines.

21 Q Right. And we know the meeting that you're talking about. We will
22 definitely get there. But it sounds like, other than that specific conversation, you don't
23 recall conversations with others in the White House about other types of fraud claims
24 that --

25 A You know, at some point, you know -- and, again, I think when you talk

1 about fraud claims the President's making, I don't know what those claims are.

2 I know on several occasions I chatted with our senior director for intelligence and
3 our senior director for homeland to ask them if we had any intelligence or any
4 information, you know, from the IC that suggested there was election interference or
5 election fraud from foreign adversaries, and the answer was no. And I probably had
6 that conversation two or three times over the course of that month just to make sure.

7 Q Sorry, I may have missed it, but which month were you having these
8 conversations to assess --

9 A Probably November and December. I'm sure I would've pulsed out to our
10 people that -- and I trusted our senior directors and thought they were, you know, solid
11 citizens and didn't have an agenda. And I just wanted to find out if they had any
12 information about any foreign interference in the election. And, you know, the answer
13 came back consistently, "No."

14 Q To the best of your understanding, was President Trump aware of that
15 conclusion on the part of the intelligence community?

16 A I can't say specifically, and I don't want to talk about my conversations with
17 him. But I think he would generally be aware or should've been aware that there was a
18 conclusion that there was no foreign interference with the election.

19 Q Okay.

20 Did you ever have any conversation with anyone in the White House -- you know,
21 say, Mark Meadows, Pat Cipollone, senior advisors to the President -- about the
22 conclusions of the intelligence community, that there had been no foreign interference in
23 the 2020 election?

24 A I can't recall any, but I'm sure I would've told both Pat and Mark and
25 potentially Bill Barr, Attorney General Barr, that, you know, from the NSC view and from

1 our intel director view, that there was no foreign interference in the election.

2 When I say "interference," election day operations, vote tallies, that sort of thing,
3 not influence.

4 Q Understood.

5 Before I move on, does anyone have any questions about those conclusions
6 specifically?

7 BY [REDACTED]

8 Q Just really quickly, Ambassador O'Brien, about the law review article, I'm just
9 curious about the genesis of that. Was it part of your practice at Arent Fox that you
10 were working on an election challenge or election issues more broadly?

11 A So I was an election lawyer for Congressman Pearce in New Mexico on
12 election day in 2002, and there was an attempt to keep the polls open late. We
13 defeated that and were successful in the litigation.

14 And in 2004 I represented President Bush and Vice President Cheney in New
15 Mexico on an election day operation where there was allegations of fraudulent ballots
16 being brought into a county election office. And we prevailed in that litigation as well.

17 Q I see. So your litigation experience in those matters sort of led to the idea
18 for the article that --

19 A Yeah, that's when I wrote the article. It was sometime after that, since, I
20 mean --

21 Q In 2008.

22 A We had the briefs, so it was an easy way to get an article written.

23 Q I see.

24 A So I think what I did, I think I had some associates at Arent Fox help me with
25 it.

1 What tab is the article on?

2 Q I think the tab is 6.

3 A Yeah. It was sometime thereafter, a couple years after that election, but --

4 Q Yeah. I don't want to spend much time on it. I'm just -- it sounds like
5 election --

6 A That was the genesis of the article.

7 Q So election litigation was, sort of, one of many topics in your general civil
8 litigation practice when you were a lawyer in private practice. Is that right?

9 A Correct. It wasn't a big part of it, but it was a --

10 Q Yeah.

11 A -- it was a small part.

12 Q Understood. Okay. Thanks.

13 A I'm the last lawyer -- maybe Stephen is -- that's a generalist.

14 Q It's harder and harder to do. Exactly.

15 I'm good, [REDACTED] Go ahead.

16 [REDACTED] Thanks, [REDACTED]

17 BY [REDACTED]

18 Q So, Ambassador O'Brien, earlier, you mentioned that you were interacting in
19 person with President Trump fairly regularly during the post-election period.

20 During that time, what was your read on his emotional state, let's say? Sort of,
21 you know, what mood was he in in the period after the election?

22 A Well, you know, all my interactions with him -- he took national security and
23 foreign policy issues very seriously. And he and I also had a very cordial relationship.
24 For whatever reason, I think he respected me, I respected him. We had a very good
25 relationship, and I think he trusted me. So our interactions were always professional,

1 exactly what you'd expect between a President and a National Security Advisor.

2 And so my take on him is, I'm sure he was disappointed that he lost the election,
3 but he was -- on everything we dealt with, he was sharp, he was focused, and we got
4 things done.

5 Q When General Milley spoke with the select committee, he testified to us that
6 a number of people in the White House, yourself included, during this period were telling
7 him things like, quote, "The President's in a bad place," and, "The President's in a dark
8 place."

9 You know, to start, I suppose, is that consistent with any of your interactions with
10 the President in the post-election period? Did you ever get the sense that he was in a
11 bad place or a dark place?

12 A Look, as I said, my interactions with him were on national security issues.
13 And so I think he was -- he was always extraordinarily professional and even-keeled.
14 And, you know, we actually got a lot done during the transition, an extraordinary amount
15 done, not just transitioning with the Biden administration but finishing up things that
16 were really important to the country. And the President was 100 percent on board and
17 was in a good place on all those.

18 But, look, I saw the news and certainly talked to other people in the White House,
19 and I think he was very disappointed about the results of the election. So I'm sure there
20 were times when he was disappointed or, you know, melancholy or upset because of
21 what had happened and his belief that he'd been unfairly treated by the -- I think he
22 believed he was treated unfairly for a number of things, including the media and how the
23 election was portrayed.

24 And so I'm sure there were times that he was, you know, disappointed or upset.
25 But in my interactions with him, they were always very correct and very professional.

1 Q So who were the people that you were hearing those kinds of accounts from,
2 you know, that he was melancholy or upset about losing and felt like he'd been treated
3 unfairly?

4 A You know, I couldn't say. I mean, it would -- you know, senior staff or that
5 sort of thing around the White House, but I can't give you a specific conversation. But I
6 think the President made it very clear in his public comments, as well, that he thought
7 he'd been treated unfairly.

8 Q Did you ever hear anything to the effect of the President, you know,
9 acknowledging that he had lost in any way?

10 Mr. Larson. From the President or other people?

11 BY MR. [REDACTED]

12 Q From other people about the President.

13 A No.

14 Q During this period, did you have a personal view, let's say, about what the
15 relevant date was, you know, for when the election was considered settled, whether
16 that's the conclusion of legal challenges or the meeting of the electoral college on
17 December 14th? Did you have a personal view about, you know, when the election was
18 considered called?

19 A Look, I think there are a couple points just from, you know, common sense.
20 One is if all the networks have called the election and there's no dispute about that.
21 And I think that took place a week or two after the election. Then you've certainly got
22 the meeting of the electoral college. That's pretty definitive.

23 And if you're just asking my personal view, certainly, if the courts have ruled and
24 you haven't been able to establish through evidence, admissible evidence, your claims,
25 you know, that's pretty determinative. Hard to see how you come back from that, when

1 you've exhausted your appeals.

2 And then, obviously, you know, the Senate certifying the election on January 6th
3 was kind of the -- that would be, I guess, the outside date.

4 So, I mean, those are the dates that -- you know, as someone who has followed
5 politics and practiced law, those are the dates I'd look at.

6 Q Great.

7 Do you recall any discussions with anyone in the White House about the relevance
8 of those dates, whether it's December 14th, the 6th, you know, the calling of the election
9 by the networks on November 7th, the conclusion of the legal challenges, anything
10 conversations about the significance of those dates?

11 A Not that I recall, but, you know, I could have. But I just don't recall.

12 Q Okay.

13 Just one quick question on the legal challenges. You mentioned that if you can't
14 provide evidence to convince a court to make a ruling in your favor on an election
15 challenge, that that's a relevant, you know, consideration in terms of when the election is
16 settled.

17 In the challenges that the Trump campaign and affiliated entities filed after the
18 election, did you ever see any evidence that satisfied you that there was election fraud in
19 the 2020 election?

20 A So I never looked at those filings or, you know, got involved in those cases,
21 so, you know, I can't comment on any specific evidence. But I can just comment on the
22 fact that the news was reporting the decisions of the courts, the relevant trial courts, that
23 the cases were being dismissed for various reasons, one of which was lack of evidence.

24 So, you know, that doesn't mean -- as we know as lawyers, that doesn't mean
25 fraud couldn't have taken place. It doesn't mean that there weren't irregularities. It's

1 just that, you know, the party couldn't prove it. And if you can't prove a claim with
2 admissible evidence in court, it's -- you know, it's not perfect, but that's our system. It's
3 as close to perfect as you can get, I guess, but it's -- you know.

4 Q So --

5 A I see all those cases when they're in the right (ph), and so, you know, I can't
6 comment on that issue. But as far as I can tell from the press reporting is there was no
7 evidence of widespread fraud that was sufficient enough that it would've changed the
8 outcome of any specific contest.

1

2 [4:16 p.m.]

3

BY [REDACTED]

4 Q I know we just discussed a number of different sort of time milestones when
5 it comes to the post-election period. But from the perspective of transition, what did
6 you consider the relevant date to be in terms of determining that it was necessary to
7 begin transition activities?

8 A Well, I started my transition activities before the election. That's when I
9 started. But when we really started ramping up, probably November 6th or 7th.

10 Q And why was that?

11 A Well, because it looked like there would be a transition to a new
12 administration.

13 Q Was that because the networks had called the election, that would have
14 been November 7th?

15 A Correct.

16 Q So --

17 A I think I started, I gave some instructions to speed things up on November
18 6th -- again, to the best of my recollection -- on November 6th. So I'm not sure if it was
19 directly tied to the calling of the election, but I think it was -- at least according to the
20 news reports, it didn't look good.

21 Q So it was generally tied to your assessment that the election either had been
22 called or was imminently about to be called for Vice President Biden.

23 A Yeah. But again, keep in mind, I started the transition efforts before the -- I
24 met with Steve Hadley, who was viewed as having run the most successful transition up
25 until that point, from Bush to Obama, in 2008.

1 I met with Steven much earlier. I think it was in the late summer, early fall, to
2 get a briefing on how he ran the transition. And given the compressed timeframe of a
3 transition, we started taking some steps even before the election.

4 And, look, that would have been necessary potentially even if the President had
5 won, because my expectation was that, like happens in second terms, is all the senior
6 people give their resignation and the President can -- the President hadn't asked for that
7 or said that was going to happen, but I just assumed everyone would be asked to resign
8 and he'd keep people on who he wanted to or he'd shuffle people around.

9 And so I wanted to make sure that we were ready to go even if we won and there
10 was a new National Security Advisor -- GOP National Security Advisor -- that they were
11 prepared to step in and have a transition to a new person.

12 Q Understood.

13 So I want to show you an article that was published very shortly after the election,
14 actually on November 11th, 2020, and this is in exhibit 8.

15 The top of the exhibit is an email referencing this reporting, but you go to page 2
16 of the exhibit, it's a Daily Beast article that was published reporting on some interactions
17 that you allegedly had with NSC staff in the week after the election.

18 And in particular I'll direct you to the second page of that exhibit. There's sort of
19 a highlighted portion that reports on you specifically. And it notes, quote, "O'Brien has
20 pushed national security officials to publicly embrace the absurd Trump message that the
21 election has not been certified and that there are still legal battles playing out across the
22 country that could turn in the President's favor."

23 Do you, setting aside the reporting specifically, do you recall ever having any
24 conversations with NSC staff in which you encouraged them to make particular
25 statements about the outcome of the election, that it hadn't been certified or that legal

1 challenges were still pending?

2 A Yeah. So first of all, the whole article was garbage. It was one of the few
3 things that was, I thought, really nasty, unfair. I mean, there's plenty of unfair things
4 that happen in Washington, but I thought this was garbage. And I think I know who
5 leaked the article or who leaked some of the nasty statements in there.

6 But the implication that we weren't running a transition, we were well underway
7 with a transition at this point.

8 Now, the statement that you made was, I think, if I made it, was accurate at the
9 time, was said that there were still challenges pending at that point. I think that would
10 have come in the context of me telling people that we're not involved in politics, the
11 President has challenges, the networks have called things.

12 And I don't recall that conversation, but if I did say that, that was an accurate
13 statement, there were still challenges pending. But we don't comment -- the NSC, we
14 didn't comment on any of those issues, or shouldn't have, and no one should have. And
15 I was preparing for a transition at the time, again, whether it was to me or to someone
16 else.

17 But I think I know who leaked it and why.

18 Q Well, certainly understand the statements that you made about the accuracy
19 of the article. Of course talking to you about it here on the record is often why we do
20 this, to give you an opportunity to provide testimony to us about these claims that are
21 being made in the media.

22 So in terms of your explanation about the conversations you would have been
23 having with National Security Council staff at this time, so the article, the specific claim
24 that it makes, I suppose, is that you pushed national security officials, quote, "to publicly
25 embrace the message."

1 Do you recall having any conversations in which you encouraged people --

2 A Yeah. So what part of the article are you referring to, counsel?

3 Q It's the first highlighted paragraph at the very -- it's at the top of the screen.

4 It's the sentence that begins, "Other officials familiar with the matter."

5 A The idea that I pushed anybody to accept anything is absurd. I think what I
6 said -- and I said this publicly as well, I said this in the Doha conference as well -- that if
7 there was a -- that everyone has a right to challenge the election. They can go to court.

8 And I think at the time there were court cases pending. I didn't agree with what
9 was being said in court or in the -- I don't even know what was in the filings.

10 I don't know what message I'm pushing, other than stating a fact that there were
11 challenges pending. I mean, that was a factual statement, and I don't think they'd been
12 decided at that point.

13 But the idea that I'd try to push that as some sort of message is -- and that's the
14 other thing I hate about these sorts of things, is they're anonymous sources. I mean,
15 what you should do is subpoena the guy -- you should subpoena these guys, I mean,
16 you've got tremendous subpoena power, and you should subpoena who are the -- is it
17 Daily Beast or whoever this is, you should subpoena this person and find out who made
18 these statements and bring them in to testify.

19 Q So one of the other claims that's made in this piece is in the sort of bottom
20 highlighted paragraph, and it says, quote, "Behind closed doors, one official claimed
21 O'Brien has been much more forthcoming about Trump's loss and the need to prepare for
22 a transition. The problem, the other official said, is that O'Brien hasn't made that known
23 to the Commander in Chief."

24 Now, based on what you've already told to us, it sounds like the point at which
25 this article was written, which is November 11th, your office had been preparing for

1 transition already by this point.

2 But what about the claim that you hadn't communicated with President Trump
3 about the necessity of a transition?

4 Mr. Larson. No, I got to object on that. We're not getting into communications
5 between Ambassador O'Brien and President Trump.

6 Ambassador O'Brien. What I can say is that I had no problem with anyone in the
7 White House on the transition issue. We were moving forward, the White House knew
8 it, and I was supported in whatever I needed on the transition.

9 [REDACTED] Independently of specific communication with President Trump,
10 is there anything about this paragraph that I just read to you that you would dispute in
11 that reporting?

12 Mr. Larson. To be clear, which paragraph are we talking about?

13 Ambassador O'Brien. I think you're referring to the last paragraph?

14 BY [REDACTED]

15 Q That's correct.

16 A I think the way that it's written is misleading.

17 Q In what way?

18 A I just think it's consistent with the whole article, that somehow that we
19 weren't preparing -- adequately preparing for a transition and that somehow I had an
20 issue with the election results.

21 So, look, the reality is, is that by this time, by the time this article was written, the
22 election had been called by the networks. There were legal challenges that were
23 ongoing. We didn't know what the results of those legal challenges are. We do now,
24 and we did in December. But we were moving forward with an extraordinary
25 professional transition.

1 Q Understood. You reference statements that you made publicly about the
2 likelihood of the Biden ticket succeeding. And, in fact, on November 16th, you did make
3 comments at the Global Security Forum. And the quote, that we have at least, that you
4 delivered, is, quote, "If the Biden-Harris ticket is determined to be the winner, and
5 obviously things look that way now, we'll have a very professional transition from the
6 National Security Council. There's no question about it."

7 This was on November 16th. It sounds like at this point in time this is 10 days
8 after already giving an order to accelerate the transition process within the NSC. The
9 networks have called the election. Was there any other basis for you making the
10 statement -- or making the assessment, I suppose -- that the election was over, for lack of
11 a better term?

12 A No. I think it was the networks having called it and no success on the legal
13 challenges up until that point. I think I made a point -- and I don't have the quote in
14 front of me -- but I think I said there are challenges, and every challenger has a right,
15 we're a country with a rule of law and a court system. And Just like people have a right
16 to protest, they have a right to go to court and petition the courts with their grievances
17 and their claims.

18 But up until that time, there hadn't been a court decision in favor of the President,
19 and the networks had called the election, so it was my take. And I think I said it
20 appears -- so I said, it appears to be the case that the Biden-Harris team will prevail.
21 And I think it turned out to be accurate.

22 Q When you made the statement, was it a deliberate choice that you made in
23 advance of appearing at this forum, that you were going to say something about the
24 likelihood of a Biden-Harris success, or was it something that just kind of happened to
25 come up when you were --

1 A No, I think it was in response to a question I had. It's not something I
2 prepped for.

3 Q Okay. Understood.

4 What was the reaction from senior leadership in the White House when you made
5 that statement? Do you recall anyone saying anything to you about it?

6 A Yes.

7 Q Who was that?

8 A The President.

9 Q What did he say?

10 A I'm not going to disclose that.

11 Q Did you speak with anyone other than President Trump about the
12 statements that you made at the Global Security Forum?

13 A I may have spoken with Cipollone and potentially Chris Liddell.

14 Q Let's start with the Cipollone conversation.

15 Do you remember what he said to you?

16 A I don't. I'm just saying that's who I could have spoken with. I don't recall
17 the conversation.

18 Q And likewise, I take it, you would say you don't have a specific recollection of
19 a conversation with Chris Liddell?

20 A No. It was just he was designated as the DCOS, the deputy chief of staff in
21 charge of transition, so I would have probably had a conversation with him since the
22 transition came up.

23 Q Would you say that you faced any sort of repercussion for making that
24 statement publicly within the White House?

25 A None whatsoever.

1 [REDACTED] Okay. Before we move on, if there are any other questions
2 from others in the room?

3 [REDACTED] I guess just for the record, do you believe that the 2020 Presidential
4 election was stolen by fraud?

5 Ambassador O'Brien. I don't have any evidence to believe that. But, again, I
6 haven't been involved in looking at that. It's always possible, but I don't have -- I haven't
7 seen any evidence to that effect.

8 BY [REDACTED]

9 Q So next we're going to move to a topic that we've kind of been touching on
10 at points during this interview, and that's the issue of foreign interference with voting
11 machines that were used in the 2020 election.

12 And obviously it was a topic that was much discussed in the period after the
13 election, that certain voting machine systems were insecure or had had their vote totals
14 tampered with, whether by foreign actors or by anyone else.

15 I wanted to ask, though, about some specific documents that were circulating
16 within the White House during this period, and the first one of them is in exhibit 14.

17 This is a document, one of several documents that's typically referred to as the
18 Navarro Report, that assessed claims of fraud in the 2020 election. It was prepared by
19 the White House trade adviser, Peter Navarro. We're pulling it up for you on the screen.

20 But did you see this document in the post-election period circulating within the
21 White House?

22 A So I was aware of the document, but I don't think I saw it.

23 Q And how were you aware of the document?

24 A I think my chief of staff told me about it.

25 Q And tell me about that conversation.

1 A He just said Peter's got a document that he's been working on, he's quite
2 proud of it, on election fraud.

3 Q And do you know why Mr. Navarro would have been working on a document
4 about election fraud?

5 A He strongly supported the President. But I think he was -- his title was
6 industrial policy, so it wouldn't have been probably within his job description. But he
7 was a senior -- he was an assistant to the President and had a strong relationship with the
8 President, was obviously upset about the election, and so he prepared this report.

9 Q Do you know how he was collecting the information to support the fraud
10 claims that were made in this report?

11 A I don't.

12 Q Okay. Do you know about anyone else on Mr. Navarro's staff who would
13 have had a role in preparing this report, for instance, Garrett Ziegler, Joanna Miller?

14 A I don't know who those people are. So no, I don't.

15 Q Okay. I won't belabor this report since it's fairly long, but I did want to
16 briefly touch on a section on pages 22 through 24, which is titled "2020 Election Voting
17 Machine Irregularities." We can pull it up for you on the screen. Also give you some
18 time to flip to it in your binder.

19 But without getting into all of the specific claims that are made here, the top line
20 assessment of this report appears to be that there were voting machine irregularities in at
21 least four States in the 2020 election, and that those irregularities pertained both to what
22 it refers to as large-scale voting machine inaccuracies and then inexplicable vote
23 switching and vote surges in favor of Biden.

24 And I'm wondering, looking at this report, based on the intelligence that you had
25 at your fingertips as National Security Advisor, what your assessment of those claims

1 would be.

2 A Well, I'd have to go through the report carefully and then go back and talk to
3 people and get the intelligence reporting that we have to make that kind of an
4 assessment.

5 But, again, at a wave top level, I went out to people that I trusted, our senior
6 directors in intel, and this would have probably involved -- I see Venezuela here. If that
7 was -- if I knew about that, that would be Western Hemisphere Affairs, Homeland, and
8 asked if there were any irregularities.

9 And my understanding from the -- from my inquiries is that there were -- there
10 wasn't evidence of any foreign interference with the voting machines that would have led
11 to any irregularities. And I trust the people who I checked with on that.

12 Q Understood.

13 I'll briefly flip to the next exhibit, exhibit 15. This is a report that was prepared
14 by a group called the Allied Security Operations Group, or ASOG. This report is
15 sometimes referred to as the ASOG Report, and it was prepared after this group gained
16 access to data from voting machines in Antrim County, Michigan.

17 Do you recognize this document? Did you see it circulating within the White
18 House in the period after the election?

19 A I don't recognize the document.

20 Q Do you recall having any conversations with anyone at the White House
21 about data that had been obtained from voting machines or voting machine data
22 generally that would have provided evidence of fraud? And, again, I'm sort of setting
23 the December 18th meeting aside for the time being.

24 A Yeah. I don't have any recollection of that, and I don't recall seeing this
25 document.

1 Q Okay. I just wanted to focus quickly on one piece of language. It's on the
2 first page of this report, and it's under section B, it's in paragraph 2. And it says, "We
3 conclude that the Dominion voting system is intentionally and purposefully designed with
4 inherent errors to create systemic fraud and influence election results." And then sort
5 of describes the process that it believes makes these machines susceptible to that kind of
6 fraud.

7 Was it your assessment during this period that Dominion voting systems or any
8 voting machines were systematically designed in a way to purposefully allow for election
9 fraud?

10 A I didn't have any information to that effect. And I haven't looked at this
11 report, and I assume if it was accurate it would have created quite a splash.

12 I had to rely on our people in our cyber division and our intel division and our
13 homeland division, our directorates, to look at what the IC was putting out and look at
14 the raw reporting. I had to rely on people like John Ratcliffe and Gina Haspel.

15 And I don't think there was any belief on the part of the -- in the IC or in the -- our
16 convening folks at the NSC for the interagency, that there was any voting machine fraud.
17 At least there wasn't evidence of it. That doesn't mean it couldn't have happened, or
18 you couldn't hack one of these machines. I don't think that's the case.

19 But we didn't have any evidence -- at least I was told we didn't have any evidence
20 of any voter machine fraud in the 2020 election.

21 Q Okay. So next I think it probably makes sense to turn to the December
22 18th phone call that we've both been referencing at points during this conversation.
23 And that, as we understand it, is an in-person visit that Sidney Powell, General Michael
24 Flynn, Patrick Byrne, and others made to the White House on December 18th.

25 And my understanding is that you participated in at least part of that conversation

1 by phone. Is that accurate?

2 A Yes.

3 Q Can you tell me about --

4 A When you say -- I don't know who -- I don't know all the people who were in
5 the room. I've read in the newspaper reports and the columns about it that those
6 people were there, but there was no roll call when I got on the phone.

7 But I did participate in I believe it's the meeting that's been discussed pretty
8 heavily in the reports. I think that's the meeting I participated in for a short time.

9 Q Understood.

10 And how did you come to be connected to that meeting by phone?

11 A So I was at home. I got a call from, I think, Molly Michael in outer Oval, the
12 President's assistant, and she said, "I'm connecting you to the Oval," without any
13 introduction, and I was connected to the Oval Office meeting.

14 Q Did she say anything about why you were being asked to participate in this
15 meeting or what the meeting was about?

16 A I was not given a topic, no.

17 Q Okay. And when you joined the call, based on what you could hear, who
18 could you tell was present for that conversation?

19 A You know, I couldn't tell. There was a lot of crosstalk going on in the
20 meeting, and it sounded pretty rambunctious for an Oval Office meeting, and there was a
21 lot of talking going on.

22 Q Tell me more about that. So what do you recall hearing on the phone
23 whenever you joined?

24 A I really couldn't hear very well, and I didn't know if it was the connection at
25 the Oval or I was at home on a cell phone. But there was just -- it was -- sounded like a

1 pretty raucous conversation was going on.

2 And then at some point shortly into it someone, I don't know who it was -- I don't
3 think it was the President because he has a pretty distinctive voice -- but somebody asked
4 me, was there -- did I have any evidence of election fraud in the voting machines or
5 foreign interference in our voting machines. And I said, no, we've looked into that and
6 there's no evidence of it.

7 Q And did anyone respond to that?

8 A I think there was just more eruption of back and forth. I couldn't -- I really
9 couldn't tell. It was an interesting situation.

10 Q What makes you say it was an interesting situation?

11 A Well, because I had never seen that happen in the Oval Office with the
12 President being there, that you had that kind of people talking back and forth in pretty
13 loud voices. It was kind of surprising.

14 And then Giuliani was put on the phone relatively quickly after that. He
15 was merged in. He wasn't prepared for the call either. He was trying to get to the
16 bottom of what the call was about. And there was three different people talking at
17 once.

18 And then I think the President said, "We're going to continue this. Rudy, can you
19 come down here in person?" I think Rudy was in Georgetown. I think it sounded like
20 he was a restaurant or something. And then I lost connectivity at that point and didn't
21 call back.

22 Q Why didn't you call back?

23 A It didn't seem like it would be very productive or it would involve me.

24 Q Why not?

25 A It sounded like it was going to turn into an election conversation.

1 Q And why didn't you think it would be productive to participate in that
2 conversation?

3 A It sounded pretty raucous.

4 Q You've used the word "raucous" a few times. Can you tell me what you
5 mean specifically when you say that?

6 A There was a lot of crosstalk, there was some shouting going on.

7 Q And what was the topic of the conversation as best you could tell?

8 A So I couldn't tell except for the -- really the only question that was directed
9 towards me, it cut through and someone asked my opinion on whether there had been
10 foreign interference with the voting machines, something to that effect. I said we've
11 looked into it and we don't have any evidence to that. And then it moved on. And
12 whatever dispute was going on before picked back up.

13 And then Giuliani got on the phone and he seemed confused as to why he was on
14 the call. And then the President said, "Why don't you come down?" And then he
15 offered to come down to the White House, and the President said, "Come on down."

16 And then for whatever reason, I don't know if I disconnected purposely or the call
17 dropped or what happened, and that was the end of it, at least from my point of view. I
18 think the meeting may have gone on longer according to press reports.

19 Q But it sounds like you didn't have any interest in continuing to participate?

20 A There was no point in me being on the call as National Security Advisor.

21 Q And why was that? I mean, it sounds like the subject of the meeting
22 related to foreign interference in the election.

23 A That was a question to me about foreign interference at the ballot box -- on
24 the voting machines, and I said there hadn't been any, and so that was it as far as I was
25 concerned.

1 Q We've received a great deal of testimony about what took place during this
2 conversation. So it sounds like the period of time that you were on this call is perhaps
3 brief, so I'm going to ask about some of the things that you've heard.

4 So we've heard from numerous sources, for instance, that Sidney Powell, or others
5 who were with her, claimed to have evidence of foreign interference in the election,
6 including manipulation of vote totals.

7 Other than the specific question that was asked to you, do you recall any
8 conversations about that over the phone?

9 A No. And I never saw that sort of evidence.

10 Q Okay. Do you recall any discussions during that call about seizing voting
11 machines, whether by executive order or by some other mechanism?

12 A I don't, but I heard about that, you know, I did hear about later in the press
13 and don't think that would have been a good idea.

14 Q Why do you not think that would have been a good idea?

15 A Because I think you have to have the courts involved in those sorts
16 of -- gathering evidence of that nature, you need to have the courts or law enforcement
17 involved.

18 Q Why do you think that was important?

19 A I'm sorry?

20 Q To have law enforcement involved in that kind of action.

21 A Normally, if you're going to seize a machine, if you're going to seize
22 something, you'd want a warrant or a court order. That's why.

23 Q It's been reported that General Flynn, but also others, accused White House
24 staff during that meeting of being quitters or not fighting hard enough for the President.
25 Do you recall anything like that?

1 A I didn't hear that, but I recall that in an article.

2 Q Okay. It's been reported that Derek Lyons, the White House staff
3 secretary, brought up the fact that President Trump's legal teams had lost a very large
4 number of election challenges and that Ms. Powell claimed that she'd only lost those
5 cases because the judges were corrupt.

6 Do you recall any conversations about legal challenges that the President was
7 filing at the time?

8 A I don't recall.

9 Q Okay. Do you recall any discussions about Sidney Powell or anyone else
10 being appointed special counsel?

11 A I don't recall that. But I do remember joking with Pat Cipollone that if he
12 left they might put her in as White House counsel and that wouldn't be a good idea. But
13 it was more of a joke than anything else.

14 Q And why did you think it would not be a good idea for Sidney Powell to
15 replace Pat Cipollone as White House counsel?

16 A She didn't -- I didn't think she'd developed a good track record for the
17 President in her cases.

18 Q Okay. It's been reported that at numerous junctures during this
19 conversation President Trump made statements like, "At least these people," referring to
20 Ms. Powell's associates, "are out there fighting or are offering me a chance. You guys,"
21 referring to the White House staff, "are offering me nothing."

22 Do you recall the President saying anything like that, like, at least Sidney Powell's
23 team was fighting or offering options?

24 A I don't recall that.

25 Q Do you recall any follow-up actions taking place as a result of the meeting?

1 For instance, do you recall any discussions after that meeting about Ms. Powell taking on
2 the role of special counsel?

3 A Not that I recall.

4 Q Do you recall hearing President Trump say anything to the effect that Sidney
5 Powell would be special counsel?

6 Mr. Larson. Objection. He's not going to answer anything about any
7 Presidential statement.

8 BY [REDACTED]

9 Q Do you remember any conversations from others during that meeting or
10 afterward about Sidney Powell potentially taking on that role?

11 A Not that I recall.

12 Q Shortly after this meeting concluded, in the very early hours of December
13 19th, 2020, President Trump issued a tweet in which he described the Navarro Report
14 and then wrote the following: "Big protest in D.C. on January 6th. Be there, will be
15 wild!"

16 We can show that tweet to you if you like. It's exhibit 17.

17 A Yeah, I see that.

18 Q Do you recall any discussion during that call about January 6th or about --

19 A I do not. No, I don't recall.

20 Q Okay. Other than this meeting, are you aware of any efforts on the part of
21 the White House to collect voting machine data from any State in the 2020 election?

22 A I don't have any recall of that activity, no.

23 Q And do you recall any requests for the Department of Justice to seize voting
24 machines in contested States?

25 A Not that I recall.

1 Q Did you ever hear anything about a request for the Department of Homeland
2 Security to seize voting machines?

3 A I don't recall that. But, again, this whole idea of seizing voting machines
4 is -- I don't think it's the best practice, to put it mildly.

5 Q Okay. I want to direct your attention to exhibit 16. This is a document
6 titled "Presidential Findings to Preserve, Collect, and Analyze National Security
7 Information Regarding the 2020 General Election."

8 Do you recall ever seeing this document within the White House?

9 A I do not recall seeing this document in the White House.

10 Q Okay. Do you recall any discussions about issuing any sort of executive
11 order relating to the election, specifically related to voting machines, aside from this
12 report?

13 A I don't recall that.

14 Q Okay. Do you recall any discussions about election-related executive
15 orders before the election?

16 A I don't recall any.

17 Q Okay. Very briefly, I just want to direct your attention -- sorry, if we could
18 bring that up very briefly again. I think this is probably well trodden ground at this
19 point.

20 But the third paragraph on the first page of this document says that there is
21 probable cause to find votes were, in fact, altered and manipulated contrary to the will of
22 the voters, referring to the 2020 election.

23 At the point in time that this was written, which is December 2020, had you seen
24 any evidence or intelligence suggesting that votes were altered or manipulated in the
25 2020 Presidential election?

1 A I hadn't seen no such evidence, and the people who I relied on to -- that I
2 trusted to find that evidence if there was any hadn't seen any either.

3 So I mean, this is -- this sort of thing -- this is -- when I answered an earlier
4 question, I think I went two or three times to the relevant directorate leaders and never
5 had anyone come back and told me that there was any problem with the machines.

6 Q And apologies if you've heard this before or if we did cover this before.
7 Who are the relevant agency directors that you would have gone to to discuss that
8 specific intelligence?

9 A So within the NSC, it would have probably been Souza, who was senior
10 director for intelligence. I think his first name is Allen. He works for the minority
11 leader in the House now.

12 Josh Steinman, who headed our cyber, Julia Nesheiwat, who did homeland, and
13 Brian Cavanaugh, who did homeland. They were both senior directors for homeland.

14 Those would be the people within the NSC.

15 And agency heads, likely -- if I was -- and again, I don't recall conversations with
16 them, but the people I would have reached out to are John Ratcliffe, Gina Haspel,
17 potentially Chris Wray, and potentially General Barr.

18 Mr. [REDACTED] Okay. Does anyone else have any questions on this?

19 Mr. [REDACTED] I don't.

20 Ambassador O'Brien. And, I'm sorry, potentially Acting Secretary Wolf at
21 Homeland.

22 Mr. [REDACTED] All right. I am finished with this particular section.

23 Mr. [REDACTED] Why don't we take -- let's take a break. This a good time.

24 We're wrapping up, Stephen. I think we have a few more topics, but we can
25 definitely finish within the next hour or so, even less. Why don't we take 5 to 10

1 minutes now?

2 Ambassador O'Brien. Okay.

3 Mr. Larson. All right. Thank you.

4 [REDACTED] Okay.

5 [Recess.]

6 [REDACTED] We'll resume on the record.

7 BY [REDACTED]

8 Q Ambassador O'Brien, the last couple things are sort of some catchall topics
9 we wanted to ask you about.

10 One of the things the committee has been looking into is the effect of various
11 personnel changes on what happened on and around January 6th, including in the
12 Defense Department. And I wanted to ask you to go back to something you said earlier
13 about Secretary Esper.

14 When he was fired from his position and replaced by Acting Secretary Miller, did
15 you have a perspective on that, whether that was something that you supported or not,
16 the change in leadership at the Department of Defense?

17 A So I had counseled against removing Secretary Esper earlier on in the year.

18 Look, I did not think that Mark Esper was an effective Secretary of Defense and --

19 Q Why not? Stop right there. Why not?

20 A Oh, there were just a number of incidents that took place. Number one, at
21 the outset of COVID, I wanted to get and other people wanted to get Mercy and Comfort,
22 our two hospital ships, dispatched to Los Angeles and New York and Secretary Esper was
23 opposed to that and slowed it down.

24 And I thought that was a -- I thought that was really a shame for the American
25 people, especially at the outset of COVID before we knew what was happening. I

1 thought it was very important to get as many hospital beds as possible. He disagreed
2 with that.

3 But then he was -- he made sure he was there when we actually made it happen.
4 Secretary Esper was there for the dispatch of, I think it was Comfort to New York and was
5 there for the send-off.

6 Likewise, on the counternarcotics effort, we knew at the outset of COVID that
7 drug lords were going to be trying to move in, the cartels were going to try and move in
8 massive amounts of cocaine and fentanyl and other drugs to the United States and take
9 advantage of the fact that we were fighting the COVID virus. And this was early on,
10 January, February.

11 Attorney General Barr and I felt that it was very important to have a robust
12 interdiction effort. The Coast Guard was on board. Admiral Schultz, the Commandant,
13 was totally on board.

14 But we didn't have enough Coast Guard cutters, so we needed some grey hulls,
15 some naval ships, that we could put Coast Guard sailors on, guardsmen on, because they
16 had arrest power. And Secretary Esper didn't think that was a good use of the Navy.

17 General Barr and I strongly disagreed with that. We got those dispatched. In
18 fact, that was one of the reasons I was at SOUTHCOM on January 6th.

19 We seized over \$4 billion in drugs over the baseline during that period, saved, I
20 think, countless American lives of young people in America.

21 Then I understand that in Secretary Esper's book he took credit for that operation,
22 which he was opposed to.

23 We had another situation where we had Alex Saab, who was Vladimir Putin's
24 finance laundry man and the financial go-between between Venezuela and the Kremlin
25 and Iran. And he was arrested in Cabo Verde, a small island off of Africa.

1 We were concerned that there may be a rescue attempt mounted, and we wanted
2 to put -- and the Cabo Verdeans are good people, but they lack capability to defend
3 against a -- especially if there was a great power intervention to either kill or rescue Saab.

4 We needed a naval ship to get on post off the island to send a message of
5 deterrence. Secretary Esper resisted that effort. And we ended up having to get a
6 Coast Guard cutter, some poor guys who had just gotten back in off deployment, to cross
7 the Atlantic to get there in time.

8 And Gina Haspel and Chris Wray and I and others had to do a few things to deter a
9 rescue operation there because we didn't have help from the DOD.

10 He wasn't helpful in rescuing hostages and didn't think that was a priority, in my
11 view. And so General Milley and I had to do a number of operations, with the
12 President's approval, not involving the Secretary of Defense because he was not helpful.

13 So, look, I have a bunch of policy reasons. That he was late on the Navy. The
14 President wanted to rebuild the Navy. He was very dismissive of that, notwithstanding
15 the threat that we're facing from the People's Republic of China.

16 He was not supportive of the Abraham Accords or getting our allies in the region,
17 like the UAE, advanced weapon systems to defend against Iran.

18 He slow-rolled and acted like he was a mayor on a BRAC Commission investigation
19 on moving troops from Germany to the Pacific where we needed them.

20 So I had plenty of issues with Secretary Esper.

21 Having said that, I didn't think politically it was the right thing to do prior to the
22 election to remove him, even though a number of members of the Cabinet did and the
23 President did. I thought it would be better to get through the election and let the
24 President have a new Cabinet in his second term if he won reelection.

25 So I actually counseled against removing Esper, and I tried to keep my criticism of

1 him very muted. And then he was nasty to me in his book. So it just goes to show no
2 good deed goes unpunished in Washington.

3 Q Yeah. So some of the specific references you made there, in terms of the
4 reasons for which you were critical of Secretary Esper, have to do with sort of appropriate
5 role of the military, whether the military is or isn't the appropriate -- is inappropriately
6 responding to something.

7 Is it fair to say you had some sort of philosophical or policy differences with
8 Secretary Esper in terms of the appropriate lane of Active-Duty military?

9 A Yeah, we had policy differences. I thought the role of the military was to
10 defend the American people and not just defend the German people or people overseas.

11 Q Is it fair to say Secretary Esper had a hesitation to use the American military,
12 Active-Duty military, in domestic affairs? For instance, getting to January 6th or mass
13 demonstration events, the deployment on the streets of this country when there are
14 threats to security and demonstration.

15 A Yeah. He wasn't there on January 6th, but I can tell you during the BLM
16 riots he was all for using the military. I think he took a different view afterwards. But
17 my recollection is that he was all about getting military on the street.

18 Q Military National Guard or military Active Duty?

19 A Probably National Guard.

20 Q Okay. There was some reporting that -- and again, we've given you a lot of
21 these quotes that have been publicly reported to get your reaction. One of them was
22 from November the 11th, 2020, just a week after the election. The Daily Beast
23 reported, "O'Brien had for months complained about now fired Secretary of Defense
24 Esper and his pushback against the President's demands, including that the military be
25 used for political purposes. O'Brien supported the removal of several top officials at the

1 Pentagon and favored Christopher Miller to replace Esper as Secretary of Defense. He
2 also approved the installation of Kash Patel as Miller's chief of staff."

3 Again, your reaction to that reporting?

4 A What is it, you'd have to break that down. You went through a bunch of
5 different things there. So if you want to break it down, I can address each one of them
6 in turn.

7 Q You already talked about complaints about Esper, I understand, but it
8 specifically said that your complaints related to Esper's pushback against the President's
9 demands, including that the military be used for political purposes.

10 Was it your impression that Secretary Esper was resisting the use of the military
11 for political purposes?

12 A I was never aware of anyone requesting that the military be used for political
13 purposes. The military shouldn't be used for political purposes.

14 Q Okay. Did that come up at all in the discussions, your own discussions
15 about Secretary Esper, with him or others --

16 A No.

17 Q -- whether or not something was a political purpose or not in terms of the
18 potential use of the military?

19 A No. I don't think it was political. I thought getting hospital beds to the
20 American people at the outset of COVID, I didn't view that as being political.

21 Q Did Secretary Esper or did others push back so that --

22 A I don't --

23 Q I'm sorry. Go ahead.

24 A Go ahead, ask your question.

25 Q Yeah. I'm just wondering if -- I understand you didn't think it was political.

1 Did Secretary Esper articulate a view that it was -- or others -- express a view that some of
2 the things that you mentioned were political uses of the military?

3 A No. I don't think anything I mentioned was a political use of the military.

4 Q I understand that you don't, but did Secretary Esper or anyone else believe
5 that it would have been or the request was political?

6 A No, that was never his stated reason.

7 Q Okay. This goes on to say that you supported the installation of
8 Christopher Miller as Esper's replacement and his chief of staff, Kash Patel. Is that
9 accurate, that you thought the two of them moving into the leadership at DOD was the
10 appropriate replacements?

11 A So I'd break that up. And so the other thing that you said that you didn't
12 ask me the second time after you did the laundry list.

13 So I was not involved in the removal of Mark Esper after the election. I tried to
14 stop it and did stop it -- or at least counseled against it -- during the summer. And I was
15 not involved in him being removed when he actually was removed.

16 After he was removed, that personnel action had taken place, and I was not -- that
17 was not something I supported or not. I didn't support it, I didn't stop it. It's
18 something that happened.

19 I did think that Chris Miller, who I know and I worked with very closely when I was
20 the hostage envoy and he was the senior director at the NSC for counterterrorism, I
21 thought he'd be an excellent choice because he's a man of integrity, the soldiers love him,
22 he loves America, he'd served in a Tier 1 special operations force, and I think he's an
23 extraordinarily high quality individual.

24 So I did support his -- of the candidates who were available, I certainly supported
25 him being given the job because I knew he had high integrity.

1 Q Good. Okay. How about his chief of staff, Kash Patel, what was your
2 position on the appropriateness or his qualifications for that position?

3 A Yeah. So that wasn't my call, but I did know Kash. Kash had worked for
4 me at the NSC. He'd worked for Ric Grenell when Ric was Acting Director of National
5 Intelligence. He may have done a stint with John Ratcliffe as his chief of staff, I can't
6 recall.

7 And I really felt it was up to Chris Miller to pick his own chief of staff. I didn't
8 think that was something that -- I wouldn't want someone trying to tell me who my chief
9 of staff should be.

10 And I'd had good experiences with Kash. I understand Kash is somewhat
11 controversial, but my experience with him is that he'd been a solid citizen. So I had
12 no problem. And he had previously worked for Chris in the counterterrorism directorate
13 at the NSC.

14 So I thought that Chris ought to have whatever leeway he wanted to pick his own
15 team.

16 Q Do you know whether or not Secretary Miller, Acting Secretary Miller, chose
17 Mr. Patel himself, or was that a White House decision?

18 A My assumption is he -- I'd be assuming. But normally that's a decision that
19 would be made by the principal, who his chief of staff would be, and not -- especially in
20 the Trump White House. Maybe in some other White Houses that Presidential
21 Personnel would have made that decision, but generally in the Trump White House it
22 would be the Secretary would pick his own chief of staff.

23 Q Were you consulted at all or did you have any voice in whether or not
24 Mr. Patel would or wouldn't be a good candidate for that or any other position in the
25 administration in this sort of post-election period?

1 A For that, for that position, I don't recall being consulted. Kash's name had
2 come up for other positions before, but I can't -- I don't know if it was pre-election or
3 post-election.

4 Q Yeah, let's talk about that. His name came up, for example, as potential
5 deputy director or even director of the FBI. Do you remember hearing discussions to
6 that effect?

7 A I do.

8 Q All right. And what was your -- tell us, first of all, what you recall. Who
9 was involved in those discussions?

10 A I think that would have been Mark Meadows and potentially Ric Grenell.
11 But probably not Ric, probably Mark Meadows.

12 Q Okay. What do you recall Mr. Meadows saying first about the possible
13 replacement of Director Wray and to the potential installation of Mr. Patel in that or
14 another positions at FBI?

15 A Well, I don't recall him talking about replacing Chris Wray. I thought it
16 was -- my understanding is that at one point Kash was under consideration or somebody
17 thought he'd be a good deputy director of the FBI or general counsel at the FBI.

18 Q I see.

19 A But not replacing Christopher Wray.

20 Q Okay. And did you have a view on that or express a perspective on that to
21 Mr. Meadows?

22 A I did.

23 Q What was your position as to whether Mr. Patel would be a good deputy
24 director or general counsel at the FBI?

25 A Well, look, I personally like Kash, and I thought he was a good guy. I

1 thought the FBI was a -- might not be the right fit for him because he hadn't been an
2 AUSA or an FBI agent or a U.S. attorney, something, kind of the traditional course that
3 you would take to land a senior job at the FBI. So I raised that concern.

4 Q I see. Okay.

5 What other positions do you remember Mr. Patel potentially being considered for
6 or mentioned as a candidate for?

7 A Deputy director of the CIA.

8 Q Tell us about that. With whom did you have a conversation about whether
9 Mr. Patel could or should be deputy director of the CIA?

10 A Mark Meadows and Gina Haspel.

11 Q All right. Tell us about that conversation. Who said what?

12 A They were separate conversations.

13 Q Start with Mr. Meadows.

14 A I think Meadows asked what I thought about it.

15 Q Was that the same conversation where you were talking about the deputy
16 director of the FBI or a separate?

17 A Separate conversation.

18 Q When you were asked about that, the prospect of Patel as deputy CIA
19 director, what did you tell Mr. Meadows?

20 A I told him I didn't think Gina would be happy about that.

21 Q All right. Did you talk to Gina about that?

22 A I did.

23 Q Tell us about that conversation.

24 A She was not happy about the idea.

25 Q Was it your sense, Ambassador O'Brien, that the prospect was to remove her

1 current deputy to essentially make way for Mr. Patel, that that was the potential
2 outcome?

3 A That's correct.

4 Q All right. And Ms. Haspel didn't want her current deputy to be removed
5 and replaced by Mr. Patel?

6 A Yes. Her deputy at the time was Vaughn Bishop, and she was very close
7 with Vaughn. I think they'd worked together over her career, and I think he was kind of
8 a mentor to Director Haspel.

9 Q I see.

10 A That was my take.

11 Q Yeah.

12 A And he was also a career CIA officer. And so I think she felt the agency
13 had -- liked the fact that the two of them, as director and deputy director, were both
14 career, and I think she had a lot of trust in Vaughn.

15 Q Then what was the argument that Mr. Meadows or others raised as to
16 why -- why make such a change? If Ms. Haspel is comfortable with her deputy, what
17 was the -- what did you hear as to why it might make sense to install Mr. Patel in that
18 job?

19 A I think there was a feeling that Kash could do -- would shake up the IC and
20 lead to some maybe more robust action on various fronts in the IC. And I think the
21 President liked Kash and wanted to find a position for Kash, a more senior position for
22 him.

23 And so I think they were kind of looking for -- his background had been in the
24 IC -- or at least in the Intelligence Committee on the Hill, working for Devin Nunes, and
25 then working in the intelligence directorate at the -- or excuse me, the counterterrorism

1 directorate at the NSC. And so I think they were looking for a place to elevate Kash.

2 Q When you say shake up the intelligence community, can you be more
3 specific? What sorts of things would constitute shaking up the IC?

4 A I think it was the idea of having a political appointee there. But I don't
5 know specific reforms or specific issues, but I think they thought some new blood would
6 be good.

7 Q Did you get a sense from those conversations that there was frustration that
8 the IC was somehow not -- needed shaking up or was not as effective as it could or should
9 be?

10 A No. I think in the specific instance of Vaughn Bishop, who I liked and got
11 along with very well, but I think he was viewed as being a little bit -- not super active.

12 Q And that Mr. Patel would be more active?

13 A Yes. I think the idea was that Kash was maybe a little more energetic, a
14 little younger than -- I think Mr. Bishop had already exceeded his retirement age and was
15 staying as long as Gina was going to be there.

16 Q Okay. And I don't want to put words in your mouth, but I'm sensing that
17 when you say shake up the IC, that Mr. Patel might be more inclined to use intelligence
18 community assets to lean forward or be more aggressive or be more creative than
19 Mr. Bishop. Is that -- again, I don't want to mischaracterize.

20 A Yeah. I don't think that was the case. I think the issue with Mr. Bishop is
21 that he was -- at the Oval intelligence brief, he wasn't very energetic. And we're all
22 getting older and it happens. And I think there was an idea that Kash was a little more
23 energetic than Mr. Bishop was.

24 You know, again, I think Vaughn has a distinguished career and don't have any
25 personal criticism against him, but I think there was a feeling among some around the

1 President that they wanted to elevate Kash, and that was somebody who was -- who had
2 already kind of had a career, was less energetic, and maybe he'd be someone that could
3 go. But Gina felt differently.

4 Q Yeah. Do you remember any discussion about replacing Ms. Haspel, about
5 the prospect of her being fired or replaced by someone else at the end of the
6 administration?

7 A No. I think maybe there were some people that didn't like Gina, but I think
8 the President had a lot of respect for her. I thought she was -- I thought Gina was
9 terrific and was a strong ally of Gina's.

10 And, in fact, one of the reasons that Kash did not replace Mr. Bishop is because I
11 think Gina made it clear that she would leave in that case, and that was something that
12 no one wanted to have happen.

13 Q I see.

14 A Including -- and I know the President thought that Gina was very effective at
15 what she did.

16 Q Got it.

17 Same question about Director Wray. Did you ever hear a discussion about the
18 possible replacement of Director Wray with not necessarily Mr. Patel but someone else?

19 A I can't recall that. I think there was some frustration that I'd heard around
20 the -- just, again, water cooler type talk, and I can't remember who, but I think there were
21 people that were frustrated that some of the Russiagate hoax documents hadn't been
22 released.

23 But I don't think there was ever a serious effort to replace Mr. Wray. I think that
24 would have been a bad idea as well. I thought Chris was an effective director of the FBI,
25 especially when it came to my issues. There may have been other issues where people

1 were less -- you know, weren't happy with him. But especially on China, I thought he
2 was -- he leaned more forward than any director in recent time on China.

3 And unfortunately some of the things that he was doing on China have been
4 ratcheted back. But he was making arrests on espionage. He gave a great speech on
5 Chinese intellectual property theft. So he was, in my view, he was especially effective
6 on the issue that was most important to me.

7 Q Yeah. I appreciate that. I want to ask you about a specific instance now
8 when we talked a little bit about this before with respect to Colonel Macgregor.

9 Did you become aware at some point, Ambassador O'Brien, about the issuance of
10 a one-paragraph order requiring the withdrawal of all troops from Afghanistan by the
11 15th of January and Somalia by the 31st of December? Do you remember this very
12 short, one-paragraph, out-of-the-ordinary order coming to your attention?

13 A I do.

14 Q Tell us what you recall about that series of events with respect to that order.

15 A General Milley and I think Chris Miller, Acting Secretary of Defense Miller,
16 came to my office. Kash may have been with them, I can't recall. And I think
17 General Kellogg either came with them or joined shortly thereafter.

18 And General Milley was pretty wound up about an order, and I didn't know what
19 he was talking about. And he then showed me an order. I took a look at it. I had
20 never seen it before, and it didn't look like a White House document.

21 Q Okay.

22 A And so General Kellogg took the order and looked at it and said it looks like
23 it's a forgery.

24 Q Well, stop right there. What did the order provide? Is this the one we
25 were talking about, the withdrawal of the troops from those two countries by dates

1 certain?

2 A Yes.

3 Q Okay. So I'm sorry to interrupt you, but you said it didn't -- Kellogg said it
4 didn't look like an order, it looked like a forgery. So what happened next?

5 A It wasn't on White House -- it wasn't in a White House format. And so I
6 said, "Let me see if I can get to the bottom of it." And so I took the order and went up
7 to Pat Cipollone's office, the White House counsel, asked him if he'd ever seen the order.

8 Because normally something like that would have had to have been cleared.

9 There's a process. It would have been cleared by the NSC, it would have been cleared
10 by White House counsel. It would have been cleared by staff sec. And then only then
11 would it go to the President.

12 Q Yeah. And to be clear, at this point, Ambassador O'Brien, you had not seen
13 or heard of this before. This is the first time you are aware of it, is when Milley brought
14 it into your office?

15 A This was the first time I had seen it.

16 Q Okay. Sorry I keep interrupting you.

17 So you took it to Cipollone. What happened next?

18 A Pat had not seen it either.

19 Q Okay. So what happened to it? Did it get executed? How did it get
20 stopped? What happened?

21 A I think we went to staff sec's office next, the staff secretary, to see if they
22 had ever seen it.

23 Q Okay.

24 A And the answer was negative.

25 Q Did you ever come to learn how it was drafted and created?

1 A I've seen press reporting on that. So it was determined that the -- that it
2 was null and void. And so it was never acted upon.

3 Q How did it get -- who determined that it was null and void, and how did that
4 decision get made?

5 A So I'm going to be careful about how I answer this question.

6 So after we saw staff sec, Pat and I went to the Oval Office. The President wasn't
7 there, but he was in the dining room. And I explained, and Pat agreed, that this
8 was -- we'd never seen the order before. It hadn't gone through the process.

9 Obviously, it had very difficult, very bad policy implications, especially in Afghanistan.

10 And, sadly, we saw what happened when something like that did happen later.
11 And I kind of sketched out what could happen and what actually did happen later, after
12 we left office.

13 And I said this would be very bad, and I think our position is that it's, because it
14 didn't go through any proper process, the lawyers hadn't cleared it, staff sec hadn't
15 cleared it, NSC hadn't cleared it, that it's our position that the order is null and void.

16 And so that's the position that we took. And we arranged to have a follow-up
17 meeting with the President to discuss the issue of Afghanistan.

1

2 [5:23 p.m.]

3

BY [REDACTED]

4 Q So I don't want to get into that. But it's fair to say that, upon your
5 discussion in the dining room, the decision was made that the order was null and void
6 and would not be acted upon?

7 A That's correct.

8 Q All right. And did you then go back and convey that to General Milley -- or,
9 I'm sorry, who was with you? Was it just you and Mr. Cipollone when you went to the
10 dining room, or were there others?

11 A Correct. It was Pat and myself.

12 Q I see. So then did you subsequently report to General Milley, Acting
13 Secretary Miller, the others involved, that this would not be something official action
14 taken on?

15 A We did.

16 Q Okay.

17 A I went back to my office and told them.

18 Q Gotcha.

19 Do you know whether or not Colonel MacGregor was involved in some way in
20 drafting or advocating for this order that never got implemented?

21 A I later learned, I think through an Axios report -- it may have been Politico.
22 But I think I later learned through an Axios report that -- they reported that MacGregor
23 was behind the order.

24 Q All right. And separate from the Axios report, did you ever learn anything,
25 from any conversations, to the genesis of this, whose idea it was, how it came to be?

1 A Yeah, I don't think so, and I don't think I wanted to.

2 Q And do you know whether or not the President had seen it before you raised
3 it with him in the dining room?

4 A I don't know that.

5 Q All right. It had a signature on it; is that right? It actually had what
6 purported to be his signature?

7 A There was a signature on it.

8 Q All right.

9 A I don't know if the President signed it. I never found that out.

10 Q Okay. And did the President himself decide that it was null and void during
11 that conversation?

12 Mr. Larson. I have to object --

13 Ambassador O'Brien. Yeah. I'll try to give you as much as I can on that. But it
14 was my position and Pat Cipollone's position that it was null and void, and that's the
15 position that prevailed.

16 [REDACTED] Okay.

17 Ambassador O'Brien. And I'm not going to discuss what the President said.

18 BY [REDACTED]

19 Q Yes. I understand.

20 How about Mr. Patel? Do you know whether he had any involvement in the
21 genesis of this or delivery or promotion of this order?

22 A I don't know that. I don't think so, because I think Kash was -- I think, I'm
23 not certain, but as I recall today, I think Kash was with Chris and Mark when they came to
24 my office.

25 Q How about John McEntee? Do you know whether or not he had any role in

1 drafting, creating, or promoting this order?

2 A I think that was reported in the press.

3 Q Yeah. And, again, did you have any personal knowledge about how it came
4 to be?

5 A I didn't undertake an investigation on that, no.

6 Q I see. Okay.

7 All right. Anything else about this -- it was actually dated November 11th -- this
8 troop withdrawal order that was never acted upon that you remember, Ambassador
9 O'Brien?

10 A No. And I think, when we left office, we had 2,500 U.S. troops in Kabul.
11 We hadn't had a combat death in, I think, 17 months. I had negotiated 5,000 NATO
12 troops with Jens Stoltenberg; they were there. And, although there was still a conflict in
13 Afghanistan, Afghanistan was in relatively stable shape, and the Taliban was not in power.

14 Q Yeah. So did this whole thing run its course within the course of a couple
15 of hours that day?

16 A It was less than an hour. It was probably about 45 minutes for the whole --

17 Q I see. From the time you see this order to the time that it is declared null
18 and void is less than an hour?

19 A Yes.

20 Q I see. You had never seen it before, and it never recurred -- the order
21 never came up later?

22 A Correct.

23 Q I see. Okay.

24 Just really quickly on Colonel MacGregor, do you remember him working on or
25 discussing anything having to do with the Insurrection Act?

1 A I do not.

2 Q Do you know whether or not he had any policy proposal or thoughts or
3 views about the appropriate use of the Insurrection Act?

4 A Not that I recall.

5 Q Okay.

6 A I can only recall seeing him the one time he came in for the interview in the
7 Oval before the election. I think he was interviewing for an Under Secretary job or
8 something. So I'm not sure I could pick him out of a lineup if you showed him to me.
9 Maybe I met him again at a White House party or something. I just don't recall seeing
10 him other than at that interview.

11 Q Yeah. Okay.

12 All right. One last question. Going back to what we talked about much earlier
13 about January 6th and the lead agency, do you recall, Ambassador O'Brien, whether there
14 was ever a decision made as to which agency, DOJ, DOD, or any other, was designated for
15 January 6th as the lead agency?

16 A Yeah, so I don't think it would've been DOD. They would've pushed back
17 pretty hard on that probably. I want to say DOJ, but I could -- you know, again, I don't
18 have a strong recollection of it. Again, that may be speculating, but for whatever
19 reason -- I think DOJ was the lead agency in the BLM riots. So my assumption, it
20 would've been DOJ. It could've been Homeland. I just don't know.

21 Q I see. Okay.

22 All right. Let me stop and see if anybody - [REDACTED]

23 BY [REDACTED]

24 Q Just to quickly follow up on the Kash Patel discussion, we talked about him
25 potentially being added at the FBI or CIA. Did you ever hear that the election played any

1 role in considering Mr. Patel for positions within the CIA or FBI?

2 A No, none whatsoever. I think they were looking for a way to elevate Kash
3 because I think the President liked him.

4 Q And we also talked about the, kind of, foreign interference and foreign
5 influence in the election. And I understand that the intelligence community as a whole
6 was working on a report about foreign interference in the Presidential election in 2020.
7 And originally it was supposed to be released in mid-December of 2020, but it was
8 ultimately delayed.

9 Do you know anything about the decision to delay the release of the foreign
10 interference report from the IC?

11 A I don't recall. I know there was a report at some point before the election
12 that John Ratcliffe -- it was very short. Ratcliffe had a short report that addressed
13 Iran -- I think Iran, Russia, and China. But I'm not aware of, you know, the bigger report
14 or why it was delayed. I mean, I may have been aware at the time that it was being
15 done. I just don't recall today. And I don't recall why -- if it was delayed, I don't recall
16 why.

17 Q Okay.

18 Director Ratcliffe did release a report, I think a separate one, on January the 7th
19 that talked about foreign influence and China's role in the election.

20 Do you know anything about Director Ratcliffe's decision to issue that
21 commentary on foreign influence and China's role in the election after January 6th?

22 A I don't. The report I was thinking about from Director Ratcliffe came out
23 before the election, like, in the summer, if I can -- I think it was the summer, early fall or
24 late summer.

25 Q Okay.

1 A That's the report I'm thinking of. I don't recall a report on January 7th.

2 But, look, the reality is that the Chinese are all over our country, I mean, so --

3 Q Yeah. I'm just curious about the timing and whether or not Director
4 Ratcliffe was encouraged to issue a report about foreign interference or foreign influence
5 in the election in light of what ultimately would become the IC's analysis, that there was
6 no foreign interference, separate from the influence question.

7 Are you aware of any political pressure to have Director Ratcliffe issue any kind of
8 report on the election?

9 A Did he say there -- you're saying he issued a report on the 7th that said there
10 was Chinese interference in the election?

11 Q Correct. He issued -- it's kind of an addendum to a report, referenced an
12 ombudsman statement. But he talked about Chinese foreign influence in the election
13 and the way the IC analyzed the extent to which there was Chinese influence.

14 A Yeah, so, again, that goes to that differentiation that I was making before
15 with [REDACTED] between influence and interference. So I wasn't aware of any Chinese
16 interference in the election, and I hadn't heard that from John either.

17 As far as Chinese influence in the election, our politics, it's pervasive, and it's a
18 huge problem for this country. And so we were trying to roll out as many things as we
19 could on China, including the Uyghurs, including sanctioning them for Hong Kong
20 democracy violations. So I declassified -- I was the original classification authority for
21 the Indo-Pacific strategy that we had, and after consulting with our allies, we released
22 that.

23 So we were trying to get as much China information out as we could at the end,
24 because we knew it would be easier for us to do it than for the new team to try and -- you
25 know, to the extent they wanted to have better relations with China, it was better for us

1 to get all this information out and let us be the bad guys on China and give them a chance
2 for a fresh start.

3 And so that sounds like something that would've been more along the lines of
4 what Chris Wray was doing and what Mike Pompeo was doing and myself, Pottinger,
5 others on the China file, as opposed to election file.

6 Q Yep. Okay. And I appreciate that.

7 And on this Ratcliffe January 7th statement, is what I'll call it, it was on the
8 influence side of things, as opposed to the interference.

9 But on interference, did you ever have any discussions with Director Ratcliffe
10 about foreign interference in the election and any findings that he might have had that
11 there was or was not foreign interference in the Presidential election?

12 A So, as we define "interference," interference with the vote tally and the
13 counting of the votes and that sort of thing, I believe I did have that conversation with
14 John. I don't know when. It would've taken place sometime in November or
15 December at the same time I was pulsing out to Gina and others. And as far as I recall,
16 no one believed that there was any foreign interference in the tallying of the votes or in
17 how the election was reported.

18 But I think there was a consensus that there were attempts to influence the
19 election and influence the American population on policy issues that were favorable to
20 the communist Chinese but also to the Russians -- and their interests didn't always
21 align -- certainly with the Iranians and probably with the, you know, Venezuelans and
22 DPRK, although there was less information on that front.

23 Q Understood. Thank you.

24 And the report that ultimately was released unclassified in March of 2021 does
25 make the same distinction between influence and interference. So I appreciate that.

1 [REDACTED] [REDACTED] go ahead with the last couple.

2 [REDACTED] Sure.

3 BY N [REDACTED]:

4 Q I just have a couple of catchall issues to cover at the end, Ambassador
5 O'Brien.

6 The first is that it's been publicly reported that on January 15, 2021, My Pillow
7 CEO Mike Lindell made a visit to the White House and spoke with President Trump and
8 that you were present for at least part of that meeting.

9 Do you know the meeting that I'm talking about?

10 A I sure do.

11 Q All right. Can you tell me how that meeting came about, if you know?

12 A So I have no idea how he got into the Oval. Nick Luna came to our office
13 with a relatively urgent request that I get to the Oval immediately. So I was -- and then
14 turned around and left, you know, relatively quickly. So I didn't know what the topic
15 was, and I, you know, quickly put on my jacket and made my way down to the Oval
16 Office.

17 And Mike Lindell was sitting on a chair in front of the Resolute desk, with the
18 President behind the Resolute desk. And I came in to see what was going on and of
19 course recognized him. You know, if you watch FOX News, you've seen him plenty of
20 times. He looks the same in person.

21 And the President looked uncomfortable. And I said, "Mr. President, how are
22 things going?" And Mike Lindell was there with -- he had some paperwork with him and
23 was trying to explain to the President the election had been stolen.

24 Q Okay.

25 Just to backtrack slightly, so you said that Nick Luna was the one that came and

1 alerted you to the fact that this meeting was taking place. Do you know why he came to
2 you to participate in that meeting?

3 A Yeah. So I think I later found out that either at the time he couldn't get a
4 hold of Cipollone or Meadows, and so he came to me. He wanted somebody to come
5 deal with Mike Lindell.

6 Q And why did he think --

7 A Somebody senior.

8 Q -- somebody else needed to be in the Oval Office with the President and
9 Mike Lindell?

10 A I think the President was -- my take on it was, the President was
11 uncomfortable. The President was -- again, this is just my takeaway, is that the
12 President wasn't sure how the guy got in the Oval Office and what he was doing there
13 and why he was having the conversation, and somebody needed to get Lindell out of the
14 Oval Office.

15 Q Did you hear ever that the President was uncomfortable, or was that just
16 sort of your read on his body language during the meeting?

17 A That was my read.

18 Q Okay. And why did Nick Luna convey to you that it was urgent that you join
19 the meeting?

20 A Well, he probably -- Nick was the President's body man. He probably
21 sensed that the President didn't want the guy in the office.

22 Q Okay.

23 So, you know, it sounds like you proceeded to the Oval Office pretty quickly and
24 saw Mr. Lindell there sitting in front of the Resolute desk. What exactly was he saying
25 to the President? You mentioned that he said that the election had been stolen, but,

1 you know, what case was he making?

2 A So he said he had evidence that the election was stolen and that he had a
3 document for the President to look at. And he then handed a document to the
4 President.

5 Q Did he say how the election had been stolen?

6 A He did not. He said the lawyers had evidence.

7 Q And do you know who he was referring to when he said that the lawyers had
8 evidence?

9 A I did not.

10 Q Okay. Did you ever learn where he got the paperwork that he was carrying
11 with him?

12 A I did not.

13 Q Okay.

14 So, speaking of that paperwork, Mr. Lindell when he left the White House later
15 that day was photographed carrying notes, you know, making a number of
16 recommendations that the President take, you know, in response to the election being
17 stolen.

18 Did Mr. Lindell -- you know, aside from just saying the election had been stolen,
19 what was the ask for President Trump?

20 A Well, he handed him the document. And the first recommendation on the
21 document was that I be removed and replaced by some colonel from Fort Meade or
22 somewhere.

23 Q Okay. And then what happened next?

24 A Can you put us on mute for just a second? I want to just consult with
25 counsel.

1 [REDACTED] Sure.

2 [Discussion off the record.]

3 Ambassador O'Brien. So I'm not going to say what the President said, but the
4 President wasn't -- I don't think the President was impressed with his first
5 recommendation about firing me.

6 I took that as a cue and asked the President for the document, and he handed it to
7 me. And I said something to the effect of, "These are extraordinarily serious allegations
8 that Mr. Lindell has brought here about fraud in the election, and it needs to get to the
9 lawyers right away. I'm going to take him up to Pat Cipollone's office, and we're going
10 to go up and talk to the lawyers immediately about this, Mr. President. It's urgent."

11 And I won't say what the President said, but he got up and quickly went into the
12 dining room and closed the door. And I took Mr. Lindell up to Pat Cipollone's office and
13 dropped him off there.

14 BY [REDACTED]

15 Q What happened after you dropped Mr. Lindell off at Mr. Cipollone's office?

16 A I told Pat what had happened. And I think Pat said something like, "Why is
17 it my problem?" And I said, you know, "These are legal issues involving the election.
18 It's not my problem."

19 And then Pat started reading through the document. And it had a marker that
20 tried to redact one sentence, but you could see it, and that sentence said Pat Cipollone
21 being fired immediately as well.

22 So, apparently -- I'm still not sure if Mike Lindell realized I was the National
23 Security Advisor that he was trying to get fired during that interaction.

24 But, in any event, he was out on the couch. He said, okay, well, listen, I'll have
25 my lawyers deal with him, but you've got to get him down to the White House reception

1 area.

2 So I went back, handed Mr. Lindell his papers back, and told him he had to go
3 down to the reception area and that a lawyer would come meet with him at some point.

4 Q And did one come meet with him?

5 A I heard that was the case.

6 Q Do you know who it was?

7 A I don't.

8 Q Do you know what happened when that lawyer met with Mr. Lindell?

9 A It was a young female lawyer, and I don't think he felt that that was the level
10 of attention he deserved.

11 Q Did you hear anything else about that interaction?

12 A I heard he was rude and that Pat said that unless he apologized to her he
13 couldn't talk to anybody.

14 Q Did he apologize?

15 A I assume so.

16 Q Okay. Did anything else happen in Mr. Lindell's visit?

17 A So the last time I saw him was as he was getting up off the couch in Pat's
18 office to go to down to the reception area, so I don't know.

19 Q Okay. Do you know how Mr. Lindell ended up leaving the White House?

20 A I don't.

21 Q Okay.

22 You mentioned at one point that you got a look at the piece of paper that
23 Mr. Lindell was carrying with him. I'm wondering, other than the recommendations to
24 fire you and Mr. Cipollone, what were the other recommendations on that piece of
25 paper?

1 A That was the only thing I was focused on, because I thought it was kind of a
2 joke at that point.

3 Q It's been reported -- and when I say it's been reported, Mr. Lindell was
4 photographed carrying this piece of paper, so there's some indication of some of the
5 recommendations that were on it, one of which was invoking the Insurrection Act.

6 Did you hear any recommendations that Mr. Lindell made or anything he said
7 about invoking the Insurrection Act or otherwise martial law?

8 A No.

9 Q Do you recall seeing anything about appointing Sidney Powell, Kash Patel, or
10 anyone else to positions within the administration?

11 A No.

12 Q Did you see anything on the paper about evidence of foreign election
13 tampering, including evidence that President Trump actually won 79 million votes
14 compared to President Biden, 68 million votes?

15 A I did not see that.

16 Q Okay.

17 Were you aware of any discussions within the White House after the election
18 regarding martial law or invoking the Insurrection Act?

19 A I wasn't. I heard about those in the press, and I thought it was absurd.

20 Q Did you have any personal knowledge about any discussions related to that
21 issue?

22 A Not that I recall.

23 Q Okay.

24 Is there anything else about Mr. Lindell's visit to the White House that you've
25 heard since? For instance, did you ever discuss it with Mr. Cipollone?

1 A I think Pat and I may have laughed about it at some point. And, of course,
2 it was reported in the press what had happened, and so I had, you know, friends or family
3 giving me a hard time, saying, did I at least get a discount code or a free pillow out of it or,
4 you know, My Pillow slippers or something. But, no, other than those sorts of
5 comments, no.

6 Q Okay.

7 ██████████, before we move on, do you know if Mr. Lindell was there that
8 day to speak to the President or give any paperwork to the President that was unrelated
9 to the election, so any other topic?

10 Ambassador O'Brien. Not that I'm aware of.

11 BY MR. ██████████

12 Q During the discussion that Mr. Lindell had with the President, you mentioned
13 that he said, you know, he had evidence that the election was stolen. Is there anything
14 else that you remember hearing Mike Lindell saying during that conversation?

15 A Not that I recall.

16 Q Okay.

17 All right. Before we move on, any questions on that?

18 ██████████ No, thanks.

19 ██████████. Okay.

20 BY ██████████

21 Q A few more things.

22 So, Ambassador O'Brien, the select committee has learned through testimony that
23 Representative Devin Nunes and staff members from the House Permanent Select
24 Committee on Intelligence came to the White House in late December and possibly on
25 other occasions in December or January after the election to review classified documents

1 with Chief of Staff Mark Meadows.

2 Do you know the visits that I'm talking about, or do you have any familiarity with
3 those visits?

4 A I mean, not that I recall. I mean, you know, I know who Devin Nunes is
5 and, you know, could've seen him in the hallway or something, but I'm not aware of those
6 specific visits. That's not something that I was read in on, I don't think.

7 Q Do you recall any conversations about, you know, Members of the House
8 reviewing classified information during the post-election period?

9 A Not that I recall, no.

10 Q Do you recall any conversations about potentially declassified information,
11 particularly information related to the election?

12 A The 2020 election?

13 Q That's correct.

14 A No. I don't recall any.

15 Q Do you recall any conversations about declassifying election-related
16 information related to Venezuela or Hugo Chavez?

17 A I don't recall that, no.

18 Q Are you aware of any information, classified or unclassified, that President
19 Trump retained that would've been related to the election, January 6th, or to the joint
20 session of Congress?

21 A I'm not aware of any documents that he retained.

22 [REDACTED] Any other questions on that, [REDACTED]?

23 24 25 Mr. George. Just very quickly, are you aware of anyone in the White House
requesting classified information about Venezuela elections or Hugo Chavez -- in
particular, senior advisors like Mark Meadows?

1 Mr. Larson. Counsel, I'm sorry. This is starting to go well beyond the scope
2 that, A, we agreed to and, B, that the White House has waived executive privilege on. I
3 don't see how this concerns or connects to the select committee's scope.

4 Mr. [REDACTED]. Sure. This is about election interference, and there were a lot of
5 theories circulating in the post-election period that somehow Hugo Chavez or Venezuela
6 would be relevant to Dominion voting machines and efforts to obtain information from
7 Dominion voting machines --

8 Mr. Larson. Okay.

9 Ambassador O'Brien. Yeah, fair enough. So I am unfamiliar with that. I think
10 I saw it in one of the -- something that you produced had some references to Venezuela
11 and Dominion voting machines.

12 I mean, look, it's possible that Venezuela has that capability. You know, I would
13 find it unlikely, but -- so, anyway, going to your question, I'm not aware of any discussions
14 about declassifying intelligence relating to Venezuela and their involvement in the
15 election. And they were not -- you know, there -- you know, that's it. They weren't on
16 the top of my threat matrix for either influence or interference with the election.

17 [REDACTED] Understood. And I appreciate that.

18 Just for clarity in the record, too, other than requests to declassify, just aware of
19 any requests to obtain any information from the IC about elections in Venezuela or Hugo
20 Chavez such that it would be related to Dominion voting machines or efforts to hack
21 voting machines in the United States?

22 Ambassador O'Brien. Not that I'm aware of. But if there was an allegation that
23 the Venezuelans were involved, I could see, you know, someone going to our Western
24 Hemisphere Affairs senior director or to the intel folks at the NSC, and I wouldn't have
25 had any problem with it, if it was to track down a rumor, because I think there were a lot

1 of rumors swirling. But I never heard of any confirmation that there was any
2 interference with the election by Venezuela.

3 [REDACTED] Okay. Great. Thank you.

4 BY [REDACTED]

5 Q Just one more thing from me. In the post-election period, Ambassador
6 O'Brien, were you aware of any discussions about the possibility of President Trump
7 issuing Presidential pardons related in any way to the election, the 2020 election?

8 A Yes.

9 Q Who were the recipients of those pardons, or potential recipients of those
10 pardons?

11 A I don't know if there was any potential recipient. Look, I saw the news
12 reports like other people did. There was a lot of pardon activity going on that was
13 unrelated to anything that happened in the White House.

14 But, at some point -- and I don't know who it was -- someone floated the idea that
15 the President would -- they were concerned about a witch-hunt like the Russia-gate
16 situation taking place after the President left office, and at some point someone floated
17 the idea of a blanket pardon of all White House personnel. So I had heard that.

18 Q I think you said you don't recall, but do you remember who generally was
19 discussing the possibility of a blanket pardon for White House staff?

20 A Yeah, I don't. But for me, personally, you know, I didn't want a -- I didn't do
21 anything wrong. I didn't want a pardon for any reason. So I reached out to my counsel
22 to find out if that's something, if it happened -- and I didn't know if it was going to happen
23 or not -- if that was something I could personally reject.

24 Q Do you know around what time those discussions were happening?

25 A So I didn't even know if there were discussions, and I don't even know where

1 it came from. The reality is it could've come from the news media. But at some point
2 there was talk of a blanket pardon. And I'd say, you know, December, January, I don't
3 know, sometime in that timeframe. I have no idea.

4 But I do remember making a call to Stephen, and without going into
5 attorney-client-privileged conversation, I didn't want a -- if there was a pardon, I didn't
6 want any part of it.

7 Q Do you recall whether those conversations or, you know, this idea was being
8 floated before January 6th or after January 6th?

9 A I don't recall.

10 Q Okay. Do you recall --

11 A And, by the way, it could've been in the media. It wouldn't have surprised
12 me if there was a leak in the media or if a reporter had called to ask about it.

13 Q But the discussions that you are referring to in answering this question,
14 these are ones that you had personal knowledge of. You're not just testifying that you
15 saw media reports about the possibility of a blanket pardon. This was something that
16 was discussed within the White House?

17 A No, no. My discussion was with my outside counsel here in Los Angeles.

18 Q No, but earlier when you --

19 A That's what I'm --

20 Q Yeah. When you referenced the possibility of a blanket pardon, is that
21 something you only saw in the media? Or was --

22 A So that's what I'm telling you. I don't recall. I think it could've been a
23 reporter calling, it could've been a report in the media, or it could've been somebody
24 mentioning it at the White House. I don't have a recollection of the circumstances.
25 But I remember the time -- you know, again, I can't recall. I wanted to say it may have

1 been reporter calling to inquire if that was going to happen. But, you know, as soon as I
2 heard that, that was not something I was interested in.

3 Q But do you recall whether the pardon was targeted toward any sort of
4 specific subject matter or whether the pardon was a general pardon for any criminal
5 prosecution?

6 A My understanding is it was a general pardon because -- and, again, I don't
7 know if this was press or whatever -- that people were concerned about young staffers
8 being bankrupted by the witch-hunts.

9 Q Did you ever -- do you know whether there were actually any discussions
10 about making that happen? Or, kind of conversely, do you know why it didn't happen?

11 A Well, I know that Pat Cipollone was pretty tough on the pardon process. So
12 I assumed if it got -- if someone raised it with Pat, he would've probably killed it.

13 Q And do you know whether you had any conversations with Pat Cipollone
14 about his, sort of, general views about pardons related to the election?

15 A Not related to the election specifically, but I think he was -- you know, there
16 was a rush for pardons at the end. And I think that happens in most administrations.
17 And I think Pat wanted to make sure that every pardon request went through the
18 process.

19 And that's just my understanding of it. I didn't have a specific discussion with
20 him about that issue. I just know that's how Pat felt.

21 Q Do you recall Mr. Cipollone ever expressing concerns about any particular
22 pardons that he felt like were being fast-tracked through the process inappropriately?

23 A Only one.

24 Q Which one was that?

25 A So I don't know the person's name. When the President was leaving in the

1 morning of the 20th, I was the most senior official at the White House that was left
2 behind. Everyone else had gone to Andrews, but I wanted to be there to monitor what
3 was happening with the inauguration. And I was having Jake Sullivan come early. I
4 went to say goodbye to the President and see him off, and Pat came as well.

5 And there was a staffer -- I don't know if it was a housekeeper or a maid or a
6 valet -- that had come to Melania, the First Lady, asking for a pardon for, I think it was her
7 father or somebody who was in jail, and was crying. And the President told Pat to look
8 into it before he left.

9 And I think, you know, it was obviously pretty late. It was, like, 8:30 in the
10 morning on the 20th. The President was leaving office at 12:01. So I think it was going
11 to be very difficult for that to get done, and I don't think it happened.

12 Q Okay.

13 A But it was kind of a sad -- it was a sad situation.

14 Q Understood.

15 Any other questions on this issue from you guys?

16 [REDACTED] No, thanks.

17 [REDACTED] Great.

18 I think my colleague [REDACTED] has a few questions.

19 [REDACTED] Just bear with us one moment.

20 Ambassador O'Brien. Sure. Take your time.

21 [Discussion off the record.]

22 BY [REDACTED]

23 Q All right, Ambassador O'Brien. This is the last of the catchalls. I'm just
24 wondering if there's any additional information that you think the committee should be
25 aware of. Anything that I haven't asked you, that we haven't asked you, that you think

1 might be relevant to our investigation, I would welcome hearing about that from you
2 now.

3 A Sure. As I've mentioned before, I'm happy to answer any specific questions
4 the committee has and, you know, was here, you know, cooperating. But I do want to
5 make the point -- and I think the Members need to understand this as well, and we set
6 this forth in the letter -- I do think it's a bad precedent to call -- not that you guys weren't
7 totally professional and that sort of thing -- it's a bad precedent to call the National
8 Security Advisor. Because it's going to happen again in the future. And that creates an
9 incentive for foreign leaders or for the President not to consult in candor with the
10 National Security Advisor.

11 And so I hope that this is -- for the country, I hope this an aberration and that
12 future National Security Advisors or the current National Security Advisor isn't called if
13 there's a change in the Congress in an investigation, because it's not good for the country.

14 And, you know, having said that, I appreciate your professionalism today. But I
15 do think it's -- I think we've set a very bad precedent.

16 Q Well, Ambassador O'Brien, I appreciate that. A riot at the Capitol is a very
17 bad precedent. We certainly hope that there never again is an event like that that
18 requires this degree of congressional oversight.

19 So I appreciate that, but our goal, the committee's goal, is to gather facts and to
20 make recommendations that help make that event, that awful event, less likely in the
21 future.

22 So I take your point. I don't think this creates a precedent for ordinary
23 circumstances. These are certainly not ordinary circumstances.

24 A I understand. And, by the way, as I testified earlier, the violence at the
25 Capitol was an utter disgrace. And I made that clear in real-time when it was taking

1 place.

2 But, again, you know, future -- we're all lawyers here, and folks are going to look
3 at this as precedent, and whatever the next bad thing that happens is going to be unique,
4 and this will be a precedent.

5 So I'm hopeful that this is an aberration and not a future feature of American
6 politics, because it will be bad for the security of the country. And I don't blame you for
7 that. You guys are doing your job, and you've been very professional about it. But it's
8 a very bad precedent that we've set for the country.

9 Q Yeah. Again, we hope none of this is necessary again, a select committee
10 to investigate an attack on the Capitol or anything similarly egregious.

11 A Understood.

12 [REDACTED] So let me just say thanks for being here. You did come
13 voluntarily. We really do appreciate it. Your information has been helpful.

14 Mr. Larson, thank you very much for your professionalism and your facilitation of
15 this. We'll be in touch with you about review of the transcript.

16 And our intention, Ambassador O'Brien, is that this ends it. Obviously, if there's
17 anything else that we need in terms of followup, I'll call Steve.

18 Mr. Larson. All right. Thank you very much.

19 Ambassador O'Brien. Thank you, counsel.

20 And thank you, gentlemen.

21 Mr. Larson. [REDACTED] when should we expect the draft?

22 Mr. [REDACTED] Yeah, I'll talk to the reporters. It'll be shortly. And I will have
23 our committee clerk, [REDACTED], reach out to you directly. His name is [REDACTED], and
24 he'll send you an email with the details.

25 Mr. Larson. Okay. Thank you.

1 Mr. [REDACTED] Okay. Thank you guys.

2 Ambassador O'Brien. Thank you, counsel. Take care. Have a great day,
3 everyone. God bless.

4 [Whereupon, at 6:00 p.m., the interview was concluded.]

2

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4 I have read the foregoing ____ pages, which contain the correct transcript of the
5 answers made by me to the questions therein recorded.

6

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10 Witness Name

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Witness Name

Date