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### **“A COUP IN SEARCH OF A LEGAL THEORY”**

On the morning of January 6, 2021, Vice President Michael R. Pence gathered his staff to pray. Vice President Pence and his closest advisors knew the day ahead “would be a challenging one.”<sup>1</sup> They asked God for “guidance and wisdom” in the hours to come.<sup>2</sup> No Republican had been more loyal to President Donald J. Trump throughout his turbulent presidency than Vice President Pence. The Vice President rarely, if ever, criticized his boss. But as January 6th approached, President Trump turned on his own Vice President.

President Trump was desperate. As described in the previous chapters, the President was searching for a way to stay in power. He had lost the election to former Vice President Biden. He had run out of legal options to overturn the election weeks earlier, when his lawyers lost nearly every court challenge they filed.

The President pursued other means as well. President Trump and his lawyers tried to convince State and local officials to overturn the election, but they met resistance. Those same officials would not break the law or violate their oath to the Constitution. President Trump and his associates tried to convince State legislatures to replace the legitimate electors won by former Vice President Biden with Trump electors. The Trump Campaign even convened their own fake electors who submitted false electoral votes to Washington. But those efforts failed, too.

President Trump also attempted to use the Department of Justice (DOJ) for his own corrupt political purposes. President Trump offered the job of Acting Attorney General to a loyalist. He wanted this same DOJ official, Jeffrey Clark, to send a letter to several States suggesting that they should certify the fake electors convened by the Trump Campaign. President Trump’s effort to subvert the DOJ came to a head on January 3rd, when the Department’s senior personnel and lawyers in the White House Counsel’s Office threatened mass resignations if Clark was installed.

At that point, theories about a role the Vice President could play at the joint session had been circulating in certain corners of the internet and among Trump-supporting attorneys.<sup>3</sup> President Trump focused his attention on the man who had loyally served by his side for four years.

On January 4, 2021, President Trump summoned Vice President Pence to a meeting in the Oval Office with John Eastman, a law professor representing President Trump in litigation challenging the election result. Eastman argued, on President Trump's behalf, that the Vice President could take matters into his own hands during the joint session on January 6th. Eastman offered Vice President Pence two options. First, the Vice President could unilaterally reject the certified electors from several States won by former Vice President Biden, thereby handing the presidency to President Trump. Or, according to Eastman, Vice President Pence could delay the joint session to give State legislatures the opportunity to certify new electors loyal to the President. Eastman admitted, in front of the president, that both options violated the Electoral Count Act of 1887, the statute that sets forth the process for counting and disputing electoral votes during the joint session.<sup>4</sup> Eastman admitted as much in a subsequent conversation with the Vice President's staff as well.<sup>5</sup>

Therefore, President Trump knew, or should have known, that this scheme was illegal—in fact, it violated the Electoral Count Act and the U.S. Constitution. President Trump repeatedly demanded that Vice President Pence go through with it anyway.

Vice President Pence rejected President Trump's demands "many times" on January 4th and in the days that followed.<sup>6</sup> Vice President Pence correctly pointed out that he had no power to take any action other than counting the certified electoral votes. America's founders could not possibly have contemplated a scenario in which the Vice President could unilaterally reject electoral votes and decide the outcome of a Presidential election. However, instead of backing down, President Trump ratcheted up the pressure even further, relentlessly harassing Vice President Pence both in public and in private.

President Trump used his bully pulpit, at rallies and on Twitter, to lie to his supporters. President Trump told them that Vice President Pence had the power to deliver another 4 years in the White House. It was not true. President Trump's campaign of coercion became so intense that Marc Short, Vice President Pence's Chief of Staff, alerted the head of the Vice President's Secret Service detail to the impending danger. On January 5th, Short warned that as the "disagreements" between President Trump and Vice President Pence "became more public, that the president would lash out in some way."<sup>7</sup>

Indeed, President Trump did. And those around him recognized that his lashing out at the Vice President could have disastrous consequences. On the morning of January 6th, an agent in the Secret Service’s intelligence division was alerted to online chatter “regarding the VP being a dead man walking if he doesn’t do the right thing.”<sup>8</sup> A few minutes later, another agent made a comment that turned out to be an ominous prediction: “I saw several other alerts saying they will storm the [C]apitol if he [the Vice President] doesn’t do the right thing etc.”<sup>9</sup>

During his speech at the Ellipse on January 6th, President Trump repeatedly pointed his finger at Vice President Pence. President Trump insisted that “if Mike Pence does the right thing, we win the election.”<sup>10</sup> President Trump added: “And Mike Pence is going to have to come through for us, and if he doesn’t, that will be a, a sad day for our country because you’re sworn to uphold our Constitution.”<sup>11</sup>

President Trump’s scheme required Vice President Pence to *break* his oath to the Constitution, not uphold it. By the time President Trump spoke at the Ellipse, he also knew that Vice President Pence had no intention of overturning the election.

President Trump then sent a mob to the U.S. Capitol. He did so even after being informed by the Secret Service that people in the crowd possessed weapons. He wanted his supporters to intimidate Vice President Pence and any other Republican who refused his demands. The President told the crowd assembled before him to march down Pennsylvania Avenue, to “our Republicans, the weak ones” at the U.S. Capitol, “to try and give them the kind of pride and boldness that they need to take back our country.”<sup>12</sup>

The mob overran the U.S. Capitol in short order. At 2:24 p.m., while the attack was well underway, President Trump tweeted:

*Mike Pence didn’t have the courage to do what should have been done to protect our Country and our Constitution, giving States a chance to certify a corrected set of facts, not the fraudulent or inaccurate ones which they were asked to previously certify. USA demands the truth!*<sup>13</sup>

Again, the opposite was true. Vice President Pence showed courage on January 6th. The Vice President refused to be intimidated by President Trump’s mob, even as chants of “Hang Mike Pence!” echoed throughout the halls of the U.S. Capitol and a makeshift gallows was constructed on the Capitol grounds.<sup>14</sup>

It is no mystery why the mob turned on Vice President Pence. President Trump told his supporters that the election was stolen, and that Vice President Pence had the power, but lacked the courage, to fix it. None of this was true.

President Trump and Vice President Pence have both reflected on the events of January 6th in the months since then. Vice President Pence has described President Trump's demands as "un-American."<sup>15</sup> President Trump has since insisted that Vice President Pence "could have overturned the Election!"<sup>16</sup> Asked about the calls to hang the Vice President, President Trump said it was "common sense."<sup>17</sup>

In early 2022, U.S. District Judge David Carter evaluated the Trump-Eastman scheme to pressure the Vice President. Judge Carter described it as "a campaign to overturn a democratic election, an action unprecedented in American history."<sup>18</sup> It was "a coup in search of a legal theory," Judge Carter found, that likely violated at least two Federal laws.<sup>19</sup> The Trump-Eastman scheme was not a feature of the U.S. Constitution, as President Trump told his supporters. Instead, it "would have permanently ended the peaceful transition of power, undermining American democracy and the Constitution."<sup>20</sup>

And it all began because President Trump refused to accept the result of the election, expressed through the votes of 81 million Americans.

## **5.1 PRESIDENT TRUMP AND HIS ALLIES EMBARK ON A DESPERATE GAMBIT TO BLOCK CERTIFICATION OF THE 2020 PRESIDENTIAL ELECTION.**

### **THE INTELLECTUAL FRAMEWORK FOR THE THEORY THAT THE VICE PRESIDENT COULD CHANGE THE OUTCOME OF THE ELECTION AT THE JOINT SESSION EMERGED FROM DISCUSSIONS AMONG THE LAWYERS WORKING WITH THE TRUMP CAMPAIGN AFTER THE 2020 ELECTION.**

When the electoral college met to cast votes for the certified winner in each State on December 14, 2020, any possibility of President Trump reversing his defeat came to an end. The contest was decided well before then, but December 14th marked what should have been the formal end of the Trump campaign. Former Vice President Biden had won the election and his victory was cemented by the States' electoral votes. Instead of bowing to this reality, some pro-Trump lawyers had already begun scheming ways to deny the inevitable. Over the course of the post-election period, as their other plans each failed, the importance of January 6th and the need to pressure Vice President Pence increased. These same lawyers concluded that the Vice President could help President Trump subvert the election on January 6th, but they would need Vice President Pence to set aside history and the law to do so. They'd need him to violate the Electoral Count Act of 1887 ("the ECA"). The ECA had governed the joint session for 130 years, but it was an inconvenient barrier for President Trump's plan to stay in office.

**KENNETH CHESEBRO ARTICULATED A “PRESIDENT OF THE SENATE” STRATEGY IN EARLY DECEMBER, WHEN THE TRUMP CAMPAIGN WAS CONVENING “ALTERNATE” ELECTORS IN KEY STATES PRESIDENT TRUMP LOST.**

On December 13, 2020, Kenneth Chesebro, a pro-Trump lawyer, sent a memo to Rudolph Giuliani, the President’s lead outside counsel, upon request from Trump Campaign official Boris Epshteyn.<sup>21</sup> Chesebro laid out a “‘President of the Senate’ strategy,” arguing that the “President of the Senate” (“he, and he alone”) is charged with “making judgments about what to do if there are conflicting votes.”<sup>22</sup> Chesebro argued that when the joint session met on January 6th, the President of the Senate should not count Arizona’s electoral college votes for former Vice President Biden, “[b]ecause there are two slates of votes.”<sup>23</sup> Of course, there were not two legitimate “slates of votes” from Arizona. There were the official electors, certified by the State, and a group of fake electors convened by the Trump campaign.

Chesebro’s memo set President Trump’s pressure campaign on a course to target the Vice President on January 6.<sup>24</sup> Judge Carter found that the “draft memo pushed a strategy that knowingly violated the Electoral Count Act” and “is both intimately related to and clearly advanced the plan to obstruct the Joint Session of Congress on January 6, 2021.”<sup>25</sup> That plan was also advanced by John Eastman.<sup>26</sup>

**ON DECEMBER 23, JOHN EASTMAN DRAFTED THE FIRST OF HIS TWO “JANUARY 6TH SCENARIO” MEMOS, ARTICULATING THE ARGUMENT THAT UNDER THE CONSTITUTION THE VICE PRESIDENT IS THE “ULTIMATE ARBITER.”**

On December 23, 2020, Eastman wrote a two-page memo summarizing ways to ensure that “President Trump is re-elected.”<sup>27</sup> Eastman suggested that Vice President Pence could refuse to count the electoral college votes from seven States: Arizona, Georgia, Michigan, Nevada, New Mexico, Pennsylvania, and Wisconsin. According to Eastman, Vice President Pence could simply reject these States’ electoral college votes. At that point, President Trump would have 232 electoral college votes compared to former Vice President Biden’s 222. This was sufficient, in Eastman’s view, to guarantee President Trump’s victory, because he would have a majority of the electoral college votes. “Pence then gavels President Trump as re-elected,” Eastman wrote.

Eastman considered the possibility that Democrats in Congress would object, stating the plain truth that 270 electoral college votes are necessary to win. In that event, according to Eastman, the election could be sent to the House of Representatives.<sup>28</sup> The Republican-majority of delegations in the House would then re-elect Trump as president. Eastman concluded: “The main thing here is that Pence should do this without asking for

permission—either from a vote of the joint session or from the Court.... The fact is that the Constitution assigns this power to the Vice President as the ultimate arbiter. We should take all of our actions with that in mind.”<sup>29</sup>

From the start, President Trump was looped in on Eastman’s proposal. The same day Eastman started preparing the memo, he sent an email to President Trump’s assistant Molly Michael, at 1:32 p.m.: “Is the President available for a very quick call today at some point? Just want to update him on our overall strategic thinking.”<sup>30</sup> Only five minutes later, Eastman received a call from the White House switchboard; according to his phone records, the conversation lasted for almost 23 minutes.<sup>31</sup>

### **EASTMAN CHANGED HIS EVALUATION OF THE 12TH AMENDMENT, AND THE ROLE OF THE VICE PRESIDENT, AFTER PRESIDENT TRUMP LOST THE ELECTION.**

In Eastman’s theory, which was the foundation of President Trump’s January 6th plot, the Vice President of the United States is the “ultimate arbiter” and could unilaterally decide the victor of the 2020 Presidential election.<sup>32</sup> However, just before the 2020 presidential election, Eastman had acknowledged in writing that the Vice President had no such expansive power.

In the course of a lengthy exchange of ideas and emails throughout the pre- and post-election period with an individual named Bruce Colbert, Eastman provided comments on a letter Colbert was drafting to President Trump.<sup>33</sup> The draft letter purported to provide recommendations of “crucial legal actions” for the Trump Campaign to take “to help secure your election victory as President of the United States.”<sup>34</sup> One of the draft letter’s recommendations was that “the President of the Senate decides authoritatively what ‘certificates’ from the states to ‘open.’” In response, Eastman wrote on October 17, 2020, “I don’t agree with this” and continued, “[t]he 12th Amendment only says that the President of the Senate opens the ballots in the joint session and then, in the passive voice, that the votes shall then be counted. 3 USC § 12 says merely that he is the presiding officer, and then it spells out specific procedures, presumptions, and default rules for which slates will be counted. *Nowhere does it suggest that the President of the Senate gets to make the determination on his own.* § 15 doesn’t, either.”<sup>35</sup>

By the first week of December, Eastman’s correspondence with this same individual illustrates that he was open to advocating for the very point he had rejected before the election—that is, that “the 12th Amendment confers dispositive authority on the President of the Senate to decide which slate to count.”<sup>36</sup> And on December 5, 2020, Eastman wrote to Colbert, “I have spoken directly with folks at the top of the chain of command on this. They are now aware of the issues.”<sup>37</sup>

The emails also signaled another idea that Eastman would continue to repeat in the coming weeks: that the Vice President could act without getting permission from a court. Specifically, he argued that they could take the position that the Vice President’s authority was a “non-justiciable political question”—in other words, that Vice President Pence could just act, and no court would have jurisdiction to rule on the issue.<sup>38</sup> As Eastman’s emails later in the month make clear, he thought there was an important reason to keep this issue out of the courts—they would rule that the theory was unlawful.

**EASTMAN’S “JANUARY 6 SCENARIO” CLEARLY REQUIRED THE VICE PRESIDENT TO VIOLATE THE ELECTORAL COUNT ACT, THE FEDERAL LAW GOVERNING THE CERTIFICATION OF PRESIDENTIAL ELECTIONS.**

There are other parts of Eastman’s two-page December 23rd memo worthy of attention. Eastman wrote that Vice President Pence could recuse himself from presiding over the joint session of Congress on January 6th. In that event, the session would be overseen by the Senate President *Pro Tempore*, Senator Charles Grassley. Eastman was clearly arguing that Vice President Pence (or Senator Grassley) *should violate the Electoral Count Act*. “When he gets to Arizona, he announces that he has multiple slates of electors, and so is going to defer decision on that until finishing the other States,” Eastman wrote.<sup>39</sup> “This would be the first break with the procedure set out in the Act.”<sup>40</sup> This “break” with “procedure” that Eastman’s memo was openly advocating for was in other words the Vice President breaking the law. When Chesebro read Eastman’s memo, he commented favorably, declaring it “[r]eally awesome.”<sup>41</sup>

At this point, Eastman continued, Congress would likely follow the “process” set forth in the Electoral Count Act, and “the two houses [would] break into their separate chambers” for debate.<sup>42</sup> But Eastman advised “we should not allow the Electoral Count Act constraint on debate to control” and the Trump team “should demand normal rules (which includes the filibuster).”<sup>43</sup> Eastman thought this would create a “stalemate,” giving “the state legislatures more time to weigh in to formally support the alternate slate of electors, if they had not already done so.”<sup>44</sup> As discussed previously in this report, at the time he drafted this memo—and throughout the post-election period—Eastman, Giuliani, President Trump and others were simultaneously working to replace certified electors for former Vice President Biden in certain States. Eastman, Giuliani, and President Trump all pressured State legislators to name their own separate electors or to certify the campaign’s fake electors.



**EASTMAN'S THEORY WAS—IN THE WORDS OF PRESIDENT TRUMP'S SENIOR WHITE HOUSE AND CAMPAIGN OFFICIALS—"INSANE," "CRAZY," "NUTTY" AND IT WOULD NEVER PRACTICALLY WORK.**

Eric Herschmann, an attorney working for President Trump in the White House, met with Eastman to discuss his memo. Herschmann thought Eastman's plan was "crazy." Herschmann summarized the conversation to the Select Committee:

And I said to him, hold on a second, I want to understand what you're saying. You're saying you believe the Vice President, acting as President of the Senate, can be the sole decisionmaker as to, under your theory, who becomes the next President of the United States? And he said, yes. And I said, are you out of your F'ing mind, right? And that was pretty blunt. I said, you're completely crazy. You're going to turn around and tell 78 plus million people in this country that your theory is, this is how you're going to invalidate their votes because you think the election was stolen? I said, they're not going to tolerate that. I said, you're going to cause riots in the streets. And he said words to the effect of there's been violence in this history of our country to protect the democracy or to protect the [R]epublic.<sup>45</sup>

As recounted by Herschmann, Eastman was shockingly unconcerned with the prospect of violence should Vice President Pence follow his and President Trump's recommended course.

Herschmann asked a straightforward question—if the States wanted to recertify their electors, then why weren't they doing it themselves? "Why aren't they already coming into session and saying, we want to change the [S]tates, and why do you need the VP to go down this path[?]"<sup>46</sup> Eastman had no response. In addition to being "crazy," Herschmann "didn't think there was any chance in the world" that Eastman's plan "could work."<sup>47</sup>

Herschmann pressed Eastman further, asking if he had "any precedent at all for the VP or anyone acting in the capacity as the President of the Senate declaring some statute invalid."<sup>48</sup> Eastman replied "no," but argued that "these are unprecedented times."<sup>49</sup> Herschmann was unimpressed, calling this a "ridiculous" answer.<sup>50</sup>

White House Counsel Pasquale Anthony "Pat" Cipollone thought the Eastman plan was "nutty."<sup>51</sup> Trump Campaign official Jason Miller testified that the Campaign's General Counsel, Matt Morgan, and Deputy Campaign Manager, Justin Clark, thought Eastman was "crazy," understood that there was "no validity to [his theory] in any way, shape, or form," and shared their views with "anyone who would listen."<sup>52</sup>



### **THE VICE PRESIDENT’S CONCLUSION THAT HE DID NOT HAVE THE ABILITY TO AFFECT THE OUTCOME OF THE ELECTION**

Vice President Pence’s counsel, Greg Jacob, was simultaneously researching the role of the Vice President during the joint session. The Office of the Vice President produced a preliminary staff memo on the subject on October 26, 2020.<sup>53</sup> Jacob then discussed the matter with Marc Short on election day or the day before.

This wasn’t the first time Jacob would be required to write a memo about the Vice President’s role in the electoral process. Before the election, Short explained to him that some in the White House were encouraging President Trump to prematurely declare victory on election night.<sup>54</sup> Of course, that is exactly what President Trump did. Jacob and Short wanted to avoid the Vice President getting drawn in to any such declarations, and Jacob pointed to his role in presiding over the counting of the electoral votes on January 6th as a reason not to. Jacob sent a memo to Short on election day reflecting this advice.<sup>55</sup>

Then, on December 7, 2020, the Lincoln Project aired a provocative ad taunting President Trump, saying that Vice President Pence “Will Put the Nail in Your Political Coffin” during the joint session on January 6th.<sup>56</sup> This prompted a discussion between Jacob and Vice President Pence.<sup>57</sup> Jacob authored another memo, dated December 8, 2020.<sup>58</sup> Jacob continued researching the Vice President’s role during the joint session into early January. Jacob told the Select Committee that his view of the matter was not fully formed until then.<sup>59</sup>

Jacob did extensive research on and historical analysis of both the Electoral Count Act of 1887 and the 12th Amendment to the U.S. Constitution.<sup>60</sup> The 12th Amendment contains a single relevant line: “The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted.”<sup>61</sup> Though Jacob concluded that this line was “inartfully drafted,” it said nothing about resolving disputes over electoral votes.<sup>62</sup>

Jacob concluded that the Vice President must adhere to the Electoral Count Act.<sup>63</sup> The ECA has been followed for 130 years and “every single time that there has been any objection to electors, it has been resolved in accordance with the Electoral Count Act procedures,” Jacob testified.<sup>64</sup> After reviewing the history and relevant cases, Jacob found that “[t]here is no justifiable basis to conclude that the Vice President has that kind of authority” to affect the outcome of the presidential election.<sup>65</sup> Jacob stated that his “review of text, history, and, frankly, just common sense” all confirmed that the Vice President had no such power.<sup>66</sup>



Greg Jacob testifies before the Select Committee on June 16, 2022.

Photo by House Creative Services

### **PRESIDENT TRUMP'S ALLIES FILED LAWSUITS SEEKING A COURT ORDER DIRECTING VICE PRESIDENT PENCE NOT TO COUNT CERTAIN ELECTORAL VOTES.**

One of President Trump's congressional allies, Representative Louie Gohmert (R-TX), pushed a version of Eastman's theory in the courts. On December 27, 2020, Representative Gohmert and several of the Trump Campaign's fake electors for the State of Arizona (including Republican Party Chair Kelli Ward) filed suit against Vice President Pence in the U.S. District Court for the Eastern District of Texas.<sup>67</sup> As Ward explained to Marc Short in a phone call the day the suit was filed, President Trump was aware of the lawsuit and had signed off on it: "We wouldn't have done that without the president telling us it was okay," she told him.<sup>68</sup>

In the suit, the Plaintiffs alleged that there were "competing slates" of electors from five States.<sup>69</sup> They asked the court to rule that portions of the Electoral Count Act of 1887 were unconstitutional and that "the Twelfth Amendment contains the exclusive dispute resolution mechanisms" for determining an objection raised by a Member of Congress to the electors submitted by any State.<sup>70</sup> Essentially, Representative Gohmert was asking the court to tell Vice President Pence that he was prohibited from following the procedures set forth in the Electoral Count Act. Much like Eastman's



Representative Louie Gohmert outside the Capitol on March 17, 2021.

(Photo by Chip Somodevilla/Getty Images)

theory, the *Gohmert* plaintiffs asserted that the Vice President has the “exclusive authority and sole discretion” to determine which electoral votes to count.<sup>71</sup>

Although the *Gohmert* suit was premised on the same theory Eastman advocated, Eastman did not agree with the decision to file suit. Eastman argued that filing a suit against the Vice President had “close [ ] to zero” chance of succeeding, and there was a “very high” risk that the court would issue an opinion stating that “Pence has no authority to reject the Biden-certified ballots.”<sup>72</sup> As highlighted by Judge Carter, Eastman’s theory was that Vice President Pence should take this action “without asking for permission” from Congress or the courts.<sup>73</sup> Another attorney, Bill Olson, stated that getting a judicial determination “that Pence is constrained by [the Electoral Count Act]” could “completely tank the January 6 strategy.”<sup>74</sup> Those who were advocating to press on with the Eastman scheme did not want to bring it before a Federal judge because of the high risk that a court’s determination that the scheme was illegal would stop the plan to overturn the election dead in its tracks.

Eastman himself pushed this cavalier attitude towards the courts and compliance with the law during a call with Arizona House Speaker Rusty



John McEntee, February 28, 2020.

(Photo by Alex Wong/Getty Images)

Bowers on January 4th. During this call, just two days before the joint session, Eastman pressed Speaker Bowers to bring the Arizona House into session to certify Trump electors or decertify the Biden electors.<sup>75</sup> Speaker Bowers responded as he had previously responded to similar entreaties by Giuliani and President Trump: by explaining that doing so would require him to violate his oaths to the U.S. and Arizona Constitutions and that he “wasn’t going to take such an action.”<sup>76</sup> Undeterred, Eastman still pushed Speaker Bowers to “just do it and let the courts sort it through.”<sup>77</sup>

Ultimately, Representative Gohmert’s legal gambit failed; a U.S. district judge dismissed the case quickly.<sup>78</sup> The judge’s ruling was upheld by the Supreme Court, which rejected Gohmert’s appeal without further consideration.<sup>79</sup>

**OTHER INDIVIDUALS ADVISING PRESIDENT TRUMP AND HIS CAMPAIGN ALSO ADVOCATED FOR A ROLE FOR THE VICE PRESIDENT AT THE JOINT SESSION.**

Other individuals inside and outside the White House also advanced versions of the theory that the Vice President had agency in the joint session. The issue of Vice President Pence’s role came up during a December meeting in the Oval Office. Either President Trump or his chief of staff, Mark Meadows, tasked John McEntee, the director of the Presidential Personnel Office, with researching the matter further.<sup>80</sup> Though McEntee was one of President Trump’s close advisors, he was not a lawyer and had no relevant experience. Yet, he wrote a one-page memo claiming that “the VP has substantial discretion to address issues with the electoral process.”<sup>81</sup>

This wasn’t the only one-page analysis drafted by McEntee before January 6th.<sup>82</sup> He later proposed a “middle path” in which he envisioned the Vice President accepting *only half* the electoral votes from six disputed States (specifically, Wisconsin, Michigan, Pennsylvania, Georgia, Arizona and Nevada).<sup>83</sup> McEntee portrayed this as a way to avoid “disenfranchis[ing]” States while still achieving the desired result: delivering a second term to President Trump. McEntee conveyed this memo to the President with a cover note reading, “This is probably our only realistic option because it would give Pence an out.”<sup>84</sup> McEntee told the Select Committee that this judgment was based on his assessment that “it was, like, pretty obvious [the Vice President] wasn’t going to just reject... the electors or whatever was being asked of him at that time.”<sup>85</sup>

Another advocate of a plan for the Vice President to play a role in the joint session was Jenna Ellis, a lawyer working for the Trump Campaign. She argued in two memos that Vice President Pence had the power to delay the counting of certified electoral votes. In the first memo, addressed to President Trump and dated December 31, 2020, Ellis advised that Vice President Pence should “not open any of the votes” from six States that “currently have electoral delegates in dispute.”<sup>86</sup> Ellis asserted that this “dispute” provided “sufficient rational and legal basis to question whether the [S]tate law and Constitution was followed.” Ellis proposed a delay of ten days, as the Vice President and Congress awaited a “response from the [S]tate legislatures, which would then need to meet in an emergency electoral session.” If any of the State legislatures “fails to provide a timely response, no electoral votes can be opened and counted from that [S]tate.” Ellis claimed that Vice President Pence would not be “exercising discretion nor establishing new precedent,” but instead “simply asking for clarification from the constitutionally appointed authority.”<sup>87</sup>

Ellis sent the substance of this memorandum in an email to Fox News host Jeanine Pirro on January 1, 2021, under the subject line “Constitutional





Jenna Ellis on December 2, 2020 in Lansing, Michigan.

(Photo by Rey Del Rio/Getty Images)

option.”<sup>88</sup> And, on January 4, 2021, she sent the same substance to Fox News contributor John Solomon under the subject line “Pence option.”<sup>89</sup>

Ellis addressed a second memo, dated January 5, 2021, to Jay Sekulow, an outside attorney who represented President Trump during his first impeachment proceedings and in other litigation.<sup>90</sup> Ellis again claimed that Vice President Pence had the power to delay the certification of the vote. Ellis recommended that the Vice President should, when he arrived at the first contested State (Arizona), “simply stop the count” on the basis that the States had not made a “final determination of ascertainment of electors.” “The [S]tates would therefore have to act.”<sup>91</sup>

Sekulow clearly disagreed. “Some have speculated that the Vice President could simply say, ‘I’m not going to accept these electors,’ that he has the authority to do that under the Constitution,” Sekulow said during an episode of his radio show.<sup>92</sup> “I actually don’t think that’s what the Constitution has in mind.” Sekulow added that the Vice President serves a merely “ministerial, procedural function.”<sup>93</sup>

In addition, Herschmann discussed this memo with Sekulow. They agreed that Ellis did not have the “qualifications or the experience to be giving advice on this” or to be “litigating the challenges” that President

Trump’s team was filing in court.<sup>94</sup> Herschmann did not think that Sekulow shared the memo with the President.<sup>95</sup>

## **5.2 PRESIDENT TRUMP AND HIS ALLIES EXERT INTENSE PUBLIC AND PRIVATE PRESSURE ON THE VICE PRESIDENT IN ADVANCE OF THE JOINT SESSION OF CONGRESS ON JANUARY 6TH**

### **JANUARY 2, 2021: THE VICE PRESIDENT MEETS WITH HIS ADVISORS, CEMENTING HIS INTENDED PATH FOR THE JOINT SESSION.**

On January 2, 2021, Vice President Pence met with his counsel Greg Jacob, Chief of Staff Marc Short, and Matt Morgan to discuss the joint session.<sup>96</sup> Morgan was the Trump Campaign’s General Counsel and had previously served as counsel to Vice President Pence. At this point, the Vice President already had a clear understanding of what his role would be in the electoral count.<sup>97</sup> Vice President Pence was concerned that most people did not understand how the certification of the electoral votes worked. So Jacob began drafting a statement for the Vice President to issue on January 6th. The statement was intended to provide a “civic education” on the joint session, explaining to the American people his actions, including why the Vice President “didn’t have the authorities that others had suggested that he might.”<sup>98</sup>

The men discussed the various points of pressure being applied to the Vice President, including Eastman’s theories, the *Gohmert* suit, Ellis’s arguments, as well as how the electoral count process should work. They also discussed allegations of irregularities and maladministration of the election, concluding that none of the allegations raised was sufficient to reverse President Trump’s defeat.<sup>99</sup>

While Vice President Pence recognized Congress’s authority under the Electoral Count Act to raise objections to the certification, neither he nor his staff were aware of any evidence of fraud that would have had a material effect on the outcome of the election in any State.<sup>100</sup> Because of President Trump’s repetition of election fraud allegations, Jacob and the Vice President’s staff conducted their own evaluation of these claims. Jacob asked Morgan to send the campaign’s best evidence of election “fraud, maladministration, irregularities, [and] abuses in the system.”<sup>101</sup> The Vice President’s legal staff memorialized the review they conducted of these materials in a memo to Vice President Pence, which concluded: “most allegations of substantive voter fraud—defined to mean the casting of illegal ballots in violation of prevailing election laws—are either relatively small in number, or cannot be verified.”<sup>102</sup>



Vice President Pence also discussed the Trump Campaign’s fake electors with his advisors. Both Jacob and Morgan assured Vice President Pence that there were not dual slates of electors. The electors organized by the Trump Campaign were not valid.<sup>103</sup> Morgan had already written a memo on the topic in December, concluding that the “alternate” electors—that is, fake—lacked a certificate of ascertainment issued by the State.<sup>104</sup> Without such an ascertainment, the Trump Campaign’s fake electors had no standing during the joint session. Jacob had also prepared a “flow chart” memo outlining each of the legal provisions implicated in the joint session on January 6th.<sup>105</sup> Jacob advised Vice President Pence that “none of the slates that had been sent in would qualify as an alternate slate within the meaning of the Electoral Count Act.”<sup>106</sup> Vice President Pence was still worried that the fake elector issue was sowing confusion, so he wanted his statement on January 6th to be as transparent as possible.<sup>107</sup>

That same day, January 2nd, Marc Short released a brief statement on behalf of the Vice President. “Vice President Pence shares the concerns of millions of Americans about voter fraud and irregularities in the last election,” the statement read. “The vice president welcomes the efforts of members of the House and Senate to use the authority they have under the law to raise objections and bring forward evidence before the Congress and the American people on January 6th.”<sup>108</sup> Short testified that the statement was consistent with the Vice President’s view that he did not have the power to reject electors.<sup>109</sup> Short issued this statement because of the “swirl” regarding the question of “where [Vice President Pence] stood.”<sup>110</sup>

Steve Bannon’s podcast, *War Room: Pandemic*, was one of the primary sources of this swirl.

#### **JANUARY 2, 2021: EASTMAN AND BANNON QUESTION THE “COURAGE AND SPINE” OF VICE PRESIDENT PENCE.**

Steve Bannon’s podcast, *War Room: Pandemic*, was one of the primary sources of this swirl. Eastman was a guest on a January 2nd episode of Bannon’s show. Much of their conversation focused on Vice President Pence, and the belief that he had the power to overturn the election.

“[W]e are entering into one of the most, um, important constitutional crisis [sic] the country’s ever had,” Bannon said.<sup>111</sup> Bannon complained that Vice President Pence had “spit the bit,” meaning he had given up on efforts to keep President Trump in power.<sup>112</sup> Eastman claimed that the election had been “illegally conducted,” and so the certified votes now “devolved back to the [S]tate legislature[s], and the only other place where it devolved back to is to Congress and particularly the Vice President, who will sit in presiding over a Joint Session of Congress beginning on January 6 to count the ballots.”<sup>113</sup> Eastman claimed that the Vice President (and Congress) had the

power to reject the certified electors from several States out-of-hand. “[T]hey’ve got multiple slates of ballots from seven states,” Eastman said. “And they’ve gotta decide [ ] which is the valid slate to count . . . I think they have that authority to make that determination on their own.”<sup>114</sup>

Bannon claimed the Vice President of the United States is “hardwired in,” and an “actual decisionmaker.”<sup>115</sup> The Vice President’s role is not “ministerial,” Bannon declared.<sup>116</sup> Eastman agreed.<sup>117</sup> “Are we to assume that this is going to be a climactic battle that’s going to take place this week about the very question of the constitutionality of the Electoral Count Act of 1887?” Bannon asked.<sup>118</sup>

Eastman replied, “I think a lot of that depends on the courage and the spine of the individuals involved.” Bannon asked Eastman if he meant Vice President Mike Pence. “Yes,” Eastman answered.<sup>119</sup>

**JANUARY 3, 2021: EASTMAN DRAFTS ANOTHER “JANUARY 6 SCENARIO” MEMO “WAR GAMING” THE WAYS THAT VICE PRESIDENT PENCE COULD CHANGE THE OUTCOME OF THE ELECTION.**

The next day, January 3, 2021, Eastman drafted a six-page memo that imagined several scenarios for January 6th, only some of which led to President Trump’s victory.<sup>120</sup> In a section titled, “War Gaming the Alternatives,” Eastman set forth the ways he thought President Trump could remain in power.<sup>121</sup> Importantly, Eastman concluded that President Trump could remain president if—and only if—Vice President Pence followed Eastman’s illegal advice and determined which electoral college ballots were “valid.”<sup>122</sup> In another scenario, Eastman imagined that President Trump may somehow win re-election in January 2021 if Vice President Pence remanded the electoral votes to State legislatures, such that they could have ten days to investigate President Trump’s baseless claims of fraud. In that case, Eastman allowed that former Vice President Biden may still win, should the State legislatures determine that the evidence was “insufficient to alter the results of the election.”<sup>123</sup>

**Eastman Knew that there Were No Valid “Alternate” Slates, But He Nonetheless Predicated His Advice to the Vice President and President on this Claim.** In his six-page memo, consistent with the earlier two-page memo, Eastman states that “the Trump electors” met and transmitted votes, finding that “[t]here are thus dual slates of electors from 7 [S]tates.”<sup>124</sup> Even since January 6th, Eastman has continued to affirm and defend his assertion that there were dual slates of electors, writing: “Trump electors from seven [S]tates in which election challenges were still pending met (albeit of their own accord) on the date designated by Congress, cast their votes, and transmitted those votes to Congress.”<sup>125</sup>

Eastman used these slates as a premise for his argument that the result of the election was disputed. However, Eastman acknowledged on multiple occasions—both before and after January 6th—that these “dual slates” had no legal significance. In an email sent on December 19, 2020, Eastman wrote that the seven Trump/Pence slates of electors “will be dead on arrival in Congress” “unless those electors get a certification from their State Legislators.”<sup>126</sup> Of course, this certification never came and there was no basis for any action on the “dual slates.”<sup>127</sup>

Nevertheless, on December 23, 2020, Eastman used the existence of these slates as a justification for the Vice President to act, in an email to Boris Epshteyn, a Trump Campaign lawyer. “The fact that we have multiple slates of electors demonstrates the uncertainty of either. That should be enough.”<sup>128</sup>

Again after January 6th, Eastman acknowledged in an email that the fake electors’ documents were invalid and irrelevant.<sup>129</sup> “Alas,” he said, “[T]hey had no authority” because “[n]o legislature certified them.”<sup>130</sup>

Eastman concluded his memo by asserting that his plan was “BOLD, Certainly,” but he attempted to justify it, arguing that “this Election was Stolen by a strategic Democrat plan to systematically flout existing election laws for partisan advantage; we’re no longer playing by Queensbury Rules, therefore.”<sup>131</sup>

Eastman repeated what he wrote in his earlier, shorter memo, claiming that Vice President Pence should act “without asking for permission—either from a vote of the joint session or from the Court.”<sup>132</sup> Eastman claimed “that the Constitution assigns this power to the Vice President as the ultimate arbiter.”<sup>133</sup> Eastman ended on an especially hyperbolic note. If the election’s results were not upended, “then the sovereign people no longer control the direction of their government, and we will have ceased to be a self-governing people. The stakes could not be higher.”<sup>134</sup>

*January 4, 2021: President Trump and Eastman Meet with Pence and His Staff in the Oval Office.*

**Eastman Argues in an Oval Office Meeting that the Vice President can Reject Electoral Votes or that He Can Delay the Certification, Sending the Electoral Votes Back to the States.** Late in the afternoon of January 4, 2021, President Trump summoned Vice President Pence to the Oval Office for a showdown.<sup>135</sup> President Trump and Eastman sought to convince the Vice President that he had the power to refuse to count the certified electors from several States won by former Vice President Biden.

Short and Jacob attended with the Vice President.<sup>136</sup> Trump’s chief of staff, Mark Meadows, was only briefly present, leaving as the meeting started.<sup>137</sup>

**The White House Counsel is Excluded from the Meeting.** One key lawyer was conspicuously absent: Pat Cipollone, the White House Counsel. Cipollone and his deputy, Pat Philbin, were shooting down a series of “terrible” proposals at the time.<sup>138</sup> Philbin told the Select Committee that he considered resigning every day from approximately November 15 until the end of the administration.<sup>139</sup> Philbin had researched the Vice President’s role in the January 6th joint session and concluded that Vice President Pence had no power to affect the outcome.<sup>140</sup> Cipollone agreed and informed Short and Jacob that this was the opinion of White House Counsel’s Office.<sup>141</sup>

Mark Meadows invited Cipollone to speak with Eastman prior to the Oval Office meeting.<sup>142</sup> Cipollone told Eastman that his scheme was “not something that is consistent with the appropriate reading of the law.”<sup>143</sup> After delivering this assessment directly to Eastman in Meadows’ office, Cipollone walked to the Oval Office with the intent to attend the meeting. However, by the time the Vice President and his staff arrived, Cipollone was gone.<sup>144</sup>

Cipollone declined to testify as to what he told President Trump or why he did not attend the Oval Office meeting, but he was clear that he didn’t end up attending the meeting because of something that happened after he walked into the Oval Office.<sup>145</sup> Whatever happened, Cipollone maintained, was protected by executive privilege, suggesting that he was asked to leave by the President.<sup>146</sup> What is clear, however, is that Cipollone had already shared his view directly with Meadows and Eastman, i.e., that the proposal President Trump and Eastman were about to advocate to the Vice President was illegal.<sup>147</sup>

**During this Oval Office Meeting, Eastman Admits that Both Paths are Based on the Same Legal Theory and Concedes His Plan Violates the Electoral Count Act.** During the Oval Office meeting, Eastman claimed that there were two legally viable options.<sup>148</sup> First, Vice President Pence could reject outright the certified electors submitted by several States, and second, he could suspend the joint session and send the “disputed” electoral votes back to the States.<sup>149</sup> Eastman advised that the Vice President had the “raw authority to determine objections himself,” according to Jacob.<sup>150</sup> However, by the end of the meeting Eastman was emphasizing the second option that he argued would be “more politically palatable” than the “more aggressive” option of the Vice President rejecting electoral votes outright.<sup>151</sup> If Vice President Pence did not want to reject the electors, Eastman claimed, then the Vice President could send the certified electoral votes back to the States for further deliberation.

Eastman later conceded that both actions were based on the same underlying legal theory of the Vice President’s power.<sup>152</sup> Eastman also



admitted—during this meeting with the President and Vice President—that his proposal violated the Electoral Count Act.<sup>153</sup> Moreover, Eastman eventually acknowledged that the concept of the Vice President unilaterally reject-



ing electors was not supported by precedent and that the Supreme Court would never endorse it.<sup>154</sup>

Jacob recorded his reflections on the January 4th meeting in a contemporaneous memo to the Vice President.<sup>155</sup> Jacob’s memo confirms that Eastman admitted that his proposal violated the law in the presence of President Trump.

First, Jacob wrote, Eastman acknowledged that “his proposal violates several provisions of statutory law”—namely, the Electoral Count Act of 1887.<sup>156</sup> Jacob’s memo explains that the Electoral Count Act calls for all vote certificates to be “acted upon,” and any objections to a State’s certificates be “finally disposed of.” However, as Jacob wrote, Eastman was proposing instead that “no action be taken” on the certificates from the States Eastman asserted were “contested.” And, according to the Electoral Count Act, the Vice President (as President of the Senate) is to “call for objections.” But Eastman did not want the Vice President to “call for objections” for these States. As Jacob noted, this would have deprived Congress of the ability under the Act to make, debate, and vote on objections.<sup>157</sup>

Additionally, the Electoral Count Act contains a provision that requires any “competing slates of electors” to be “submitted to the Senate and House for debate and disposition.” As Jacob noted, Eastman conceded that the “alternate” (fake) electors’ votes were not proper. But Eastman’s proposal still would have refused to count the real electors’ votes from those States and instead referred both the real and fake electors’ votes to State legislatures “for disposition.” Finally, in order for State legislatures to take action to determine which of the slates should be counted, Eastman’s proposal called for “an extended recess of the joint session.” But this too would have violated the Electoral Count Act, which provides only for very short delays.<sup>158</sup>

There was another foundational problem with Eastman’s plan. There were no legitimate “competing” or “alternate” slates of electors. President Trump, Eastman and others had manufactured the conditions they needed in order to claim that the election result was “disputed” by convening fake electors who sent fake documents to Washington before January 6th. And their efforts to convince State legislatures to certify Trump electors had already failed.

Jacob noted in his memo that in the Oval Office meeting, Eastman conceded “no legislature has appointed or certified any alternate slate of electors” and that the purported “alternate slates” (fake electors) were illegitimate without what Jacob described as “the imprimatur of approval by a State legislature.”<sup>159</sup> Moreover, Eastman acknowledged that “no Republican-controlled legislative majority in any disputed States has

expressed an intention to designate an alternate slate of electors.”<sup>160</sup> In other words, Eastman acknowledged that the fake votes were invalid, that no State legislature had approved them, and no State legislature *would* approve them.<sup>161</sup> But President Trump and Eastman still pressed this unlawful scheme on the Vice President. Although Eastman started the January 4th Oval Office meeting maintaining that Vice President Pence had unilateral authority to reject electors, by the end of the meeting he conceded that he would “not recommend that the Vice President assert that he has the authority unilaterally to decide which of the competing slates of electors should be counted.”<sup>162</sup>

Jacob ended his memo with a scathing summary. “If the Vice President implemented Professor Eastman’s proposal, he would likely lose in court,” Jacob wrote. “In a best-case scenario in which the courts refused to get involved, the Vice President would likely find himself in an isolated stand-off against both houses of Congress, as well as most or all of the applicable State legislatures, with no neutral arbiter to break the impasse.”<sup>163</sup>

Following the Oval Office meeting, during the evening of January 4, 2021, Jacob invited Eastman to send along “any written materials on electoral vote counting issues,” including a law review article by Laurence Tribe that Eastman had cited in the Oval Office meeting that day, for Jacob to review on the Vice President’s behalf.<sup>164</sup> Jacob reviewed everything that Eastman submitted; nothing changed the analysis he had already done for the Vice President, indeed much of it did not even support Eastman’s own arguments.<sup>165</sup>

**The Vice President was Not Persuaded by Eastman’s Theory and Remained Convinced That His Role at the Joint Session would be Merely Ceremonial.** Pence did not relent on January 4th, or at any point during the harrowing two days that followed. “[F]rom my very first conversation with the Vice President on the subject, his immediate instinct was that there is no way that one person could be entrusted by the Framers to exercise that authority,” Jacob testified. “And never once did I see him budge from that view, and the legal advice that I provided him merely reinforced it. So, everything that he said or did during [the January 4th meeting in the Oval Office] was consistent with his first instincts on this question.”<sup>166</sup>

#### **JANUARY 4, 2021: PRESIDENT TRUMP PUBLICLY PRESSURES THE VICE PRESIDENT DURING A RALLY SPEECH IN GEORGIA.**

President Trump did not relent either. His instinct was to increase public pressure on Vice President Pence, despite the Vice President’s consistent message to President Trump about the limits of his authority. That evening, during a Senate campaign rally in Dalton, Georgia, President Trump made it



seem as if the Presidential election hadn't already been decided and projected his unhinged ambitions onto his opponents.<sup>167</sup> President Trump claimed that “there’s nothing the radical Democrats will not do to get power that they so desperately crave,” including “the outright stealing of elections, like they’re trying to do with us.”<sup>168</sup>

“We’re not going to let it happen,” President Trump said, adding, “I hope Mike Pence comes through for us, I have to tell you.” President Trump called Vice President Pence a “great vice president,” a “great guy,” as well as a “wonderful” and “smart man.” But he alluded to the Vice President’s role, “he’s going to have a lot to say about it,” and added an ominous note. “Of course, if he doesn’t come through, I won’t like him quite as much,” President Trump said.<sup>169</sup>

#### **JANUARY 5, 2021: EASTMAN PRESSURES PENCE’S STAFF IN A PRIVATE MEETING WHILE PRESIDENT TRUMP TWEETS.**

**In a Reversal of Where the Oval Office Meeting Ended the Day Before, Eastman Argues that Pence Should Reject Electors Outright.** Eastman met with Jacob and Short again the following day.<sup>170</sup> During the Oval Office meeting the Vice President had made clear that he would not unilaterally reject electors, and, by pivoting to recommend the Vice President send the electors back to the States, Eastman seemed to recognize this. But the following morning, Eastman returned to pressing for the more “aggressive” path.<sup>171</sup>

Jacob recorded Eastman’s request on January 5, 2021, in a handwritten note: “Requesting VP reject.”<sup>172</sup> Jacob later summarized Eastman’s remarks as follows: “I’m here asking you to reject the electors.”<sup>173</sup> This overnight reversal surprised Jacob because Eastman was returning to the more aggressive position he had seemed to abandon in the Oval Office meeting the day before.<sup>174</sup> President Trump’s tweets that morning may explain Eastman’s reversal. While Eastman was meeting with the Vice President’s staff, his client, President Trump, was pressing the argument publicly.

At 11:06 a.m. on the morning of January 5th, President Trump tweeted: “The Vice President has the power to reject fraudulently chosen electors.” As his tweet made clear, President Trump would not be persuaded by reason—or the law. The President made this public statement despite the Vice President’s clear and consistent rejection of this theory including during an in-person meeting the day before. During that same meeting, Eastman conceded that this “aggressive” path of rejecting electors was not advisable.

Herschmann briefly participated in the January 5th meeting, seeing it as “an opportunity . . . to just chew [Eastman] out.”<sup>175</sup> Herschmann had already pushed back “brutal[ly]” on Eastman’s theory regarding the Vice

President. In this conversation, he emphasized the need to fact check dubious claims of election fraud.<sup>176</sup> Herschmann told Eastman that “someone better make sure” that the allegations Eastman provided to members of Congress were accurate before they objected to the certification of the vote the next day.<sup>177</sup> “[N]othing should come out of someone’s mouth that [isn’t] independently verified and [ ] reliable.”<sup>178</sup>

**At the End of the Morning Meeting, Eastman Concedes to Pence’s Counsel That His Theory Has No Historical Support.** Jacob then had his own “Socratic” debate with Eastman over the legal merits of his position. According to Jacob, Eastman conceded much ground by the end of the session. Eastman “all but admitted that it [his plan] didn’t work.”<sup>179</sup>

For example, Eastman had previously claimed to have found historical support in the actions of John Adams and Thomas Jefferson, who both presided over the counting of electoral votes when they were Vice President. Not so. Jacob told the Select Committee that Eastman conceded in private that the cases of Jefferson and Adams did not serve “as examples for the proposition that he was trying to support of a Vice Presidential assertion of authority to decide disputes[,] because no dispute was raised in either case during the joint session.” Jacob added: “And, moreover, there was no [question] as to the outcomes in those States.”<sup>180</sup>

Eastman conceded that there was no historical support for the role that he and President Trump were pushing Vice President Pence to play. No Vice President—before or after the adoption of the Electoral Count Act—had ever exercised such authority. This included then-Vice President Richard Nixon’s handling of the electoral votes of Hawaii following the 1960 election. Though Eastman and other Trump lawyers used this Hawaii example to justify the theory that the Vice President could unilaterally choose which electors to count, Eastman admitted to Jacob that Vice President Nixon had not in fact done what Eastman was recommending Vice President Pence do.<sup>181</sup>

Eastman also admitted that he would not grant the expansive powers he advocated for Vice President Pence to any other Vice President. Eastman did not think that Vice President Kamala Harris should have such power in 2025, nor did he think that Vice President Al Gore should have had such authority in 2001.<sup>182</sup> He also acknowledged that his theory would lose 9-0 at the Supreme Court.<sup>183</sup>

According to Jacob, Eastman “acknowledged by the end that, first of all, no reasonable person would actually want that clause [of the 12th Amendment] read that way because if indeed it did mean that the Vice President



Judge J. Michael Luttig testifies before the Select Committee on June 16, 2022.

Photo by House Creative Services

had such authority, you could never have a party switch thereafter.” If politicians followed Eastman’s advice, “[y]ou would just have the same party win continuously if indeed a Vice President had the authority to just declare the winner of every State.”<sup>184</sup>

The Vice President’s office was unmoved by Eastman’s specious reasoning. As he left Marc Short’s office, Eastman was thinking of his client’s reaction. “They’re going to be really disappointed that I wasn’t able to persuade you,” Eastman said.<sup>185</sup>

**Former Republican Officials with Executive, Legislative, and Judicial Experience All Agreed with Vice President Pence’s Conclusion about His Limited Role at the Joint Session.** As President Trump’s pressure campaign intensified, the Vice President’s outside counsel, Richard Cullen, turned for support to John Michael Luttig, a conservative former judge of the U.S. Court of Appeals for the Fourth Circuit.<sup>186</sup> Eastman had clerked for Luttig—a man with impeccable legal and conservative credentials—more than two decades prior. Luttig rejected Eastman’s so-called legal analysis of the Vice President’s role in no uncertain terms. In a series of tweets, posted at 9:53 a.m. on January 5th, Luttig set forth his legal conclusions.

“The only responsibility and power of the Vice President under the Constitution is to faithfully count the electoral college votes as they have been cast,” Judge Luttig wrote. “The Constitution does not empower the Vice President to alter in any way the votes that have been cast, either by rejecting certain of them or otherwise.”<sup>187</sup>

Confusion in the media about where the Vice President stood on this issue prompted former Speaker of the House Paul Ryan to reach out to the Vice President to share his belief that the Vice President had no unilateral authority.<sup>188</sup> Short also spoke with former Speaker Ryan and as he testified to the Select Committee, “I said to him, Mr. Speaker, you know Mike . . . you know he recognizes that. And we sort of laughed about it, and he said, I get it.”<sup>189</sup>

The Vice President also consulted with former Vice President Dan Quayle, who reinforced and affirmed Vice President Pence’s consistent understanding of his role.<sup>190</sup>

#### **JANUARY 5, 2021: PRESIDENT TRUMP AGAIN PRESSURES VICE PRESIDENT PENCE IN A ONE-ON-ONE MEETING AT THE WHITE HOUSE AND ANOTHER PHONE CALL WITH EASTMAN.**

President Trump demanded to see Vice President Pence again that same day. Vice President Pence had canceled a planned lunch with President Trump, intending to work on the statement he planned to issue on January 6th to explain publicly why he wouldn’t bow to the President’s pressure.<sup>191</sup> But Pence couldn’t avoid Trump. Vice President Pence had to delay a Coronavirus Task Force meeting later that same day when he was called to the Oval Office to meet with the President.<sup>192</sup>

The two men met alone, without staff present. While we have not developed direct evidence of what was discussed during this one-on-one meeting between the President and Vice President, it did not change the fundamental disagreement between them about the limits of the Vice President’s authority during the joint session. Jacob said the Vice President left the meeting “determined.”<sup>193</sup> Vice President Pence did tell Marc Short what transpired during the meeting, but Short refused to tell the Select Committee what was said.<sup>194</sup> Short described Vice President Pence’s demeanor as “steady.”<sup>195</sup> Short testified that the below excerpt from the book *Peril* may have been sensationalized but was generally consistent with Short’s understanding of the discussion:

*“If these people say you have the power, wouldn’t you want to?”  
Trump asked.*

*“I wouldn’t want any one person to have that authority,” Pence said.*

“But wouldn’t it almost be cool to have that power?” Trump asked.

“No,” Pence said. “Look, I’ve read this, and I don’t see a way to do it. We’ve exhausted every option. I’ve done everything I could and then some to find a way around this. It’s simply not possible. My interpretation is: No....

“No, no, no!” Trump shouted. “You don’t understand, Mike. You can do this. I don’t want to be your friend anymore if you don’t do this.”<sup>196</sup>

Later that day, Jacob and Short were both present for a call between President Trump and Vice President Pence.<sup>197</sup> Eastman and at least one other lawyer were with President Trump on the call as well.<sup>198</sup>

Eastman recognized that Vice President Pence was not going to change his mind on rejecting electors outright, but he still asked if the Vice President would consider sending the electors back to the States.<sup>199</sup> “I don’t see it,” Vice President Pence responded, “but my counsel will hear out whatever Mr. Eastman has to say.”<sup>200</sup>

Jacob received other calls from Eastman on January 5th.<sup>201</sup> Jacob told the Select Committee that he had a detailed discussion with Eastman concerning the ways his proposal would violate the Electoral Count Act.<sup>202</sup> Eastman resorted to a ridiculous argument—comparing their current situation to the crisis that faced President Abraham Lincoln during the Civil War. Eastman invoked President Lincoln’s suspension of the writ of habeas corpus.<sup>203</sup> He also told Jacob to “stay tuned” because “we” were trying to get some letters from State legislators indicating that they were interested in the Vice President sending the electors back to the States.<sup>204</sup>

#### **JANUARY 5, 2021: AN ACCURATE NEW YORK TIMES ARTICLE ABOUT THE VICE PRESIDENT PROMPTS A FALSE STATEMENT IN RESPONSE BY PRESIDENT TRUMP.**

On the evening of January 5th, *The New York Times* published an article titled, “Pence Said to Have Told Trump He Lacks Power to Change Election Result.”<sup>205</sup> The *Times* reported on the tension brewing within the White House, citing “people briefed on the conversation” between President Trump and Vice President Pence that had taken place in the Oval Office the previous day. “Vice President Mike Pence told President Trump on Tuesday [January 4th] that he did not believe he had the power to block congressional certification of Joseph R. Biden, Jr.’s victory in the presidential election despite Mr. Trump’s baseless insistence that he did,” the *Times* reported.<sup>206</sup>

The *Times*’ report was published at approximately 7:36 that evening.<sup>207</sup> Jason Miller called President Trump to make sure he had seen it.<sup>208</sup> President Trump spoke to Miller at least twice, once at 8:18 p.m. and a second time at 9:22 p.m.<sup>209</sup> Immediately after concluding his second call with Jason

Miller, President Trump asked to speak to the Vice President; President Trump and Vice President Pence spoke from 9:33 to 9:41 p.m.<sup>210</sup> President Trump also spoke with Steve Bannon and Eastman, among others.<sup>211</sup>

At 9:58 p.m. on January 5th, President Trump issued a statement that he had dictated to Jason Miller disputing the *Times*' account.<sup>212</sup> President Trump lied—repeatedly—in his short statement.<sup>213</sup> The President claimed the article was “fake news.” It wasn't. President Trump claimed he and Vice President Pence were “in total agreement that the Vice President has the power to act.” They weren't. President Trump claimed the election “was illegal.” It wasn't. President Trump then laid out Vice President Pence's options for the next day, summarizing Eastman's theory:

Our Vice President has several options under the U.S. Constitution. He can decertify the results or send them back to the [S]tates for change and certification. He can also decertify the illegal and corrupt results and send them to the House of Representatives for the one vote for one [S]tate tabulation.<sup>214</sup>

This was also a blatant attempt to mischaracterize the Vice President's position in the hope that public opinion would somehow sway the resolute Vice President. President Trump knew full well at the time that he and Vice President Pence were *not* “in total agreement.” The Vice President's counsel, Greg Jacob, was shocked by the statement.<sup>215</sup> “[T]he Vice President was not in agreement that the Vice President had the power to take the actions that were being asked of him that day,” Jacob later told the Select Committee.<sup>216</sup> Marc Short was furious as well and called Jason Miller to forcefully “express [his] displeasure that a statement could have gone out that misrepresented the Vice President's viewpoint without consultation.”<sup>217</sup>

The Vice President was “obviously irritated that a statement putting words in his mouth” was issued by the President and considered issuing his own statement contradicting President Trump's.<sup>218</sup> Ultimately, Pence and Short concluded that it was not worthwhile since it was already late in the evening and they expected the question to be resolved by Vice President Pence's “Dear Colleague” letter the next day.<sup>219</sup>

#### **JANUARY 5, 2021: BANNON PUBLICLY AMPLIFIES THE PRESSURE ON VICE PRESIDENT PENCE.**

While President Trump misrepresented the Vice President's agreement with Eastman's theory, his on-again, off-again political advisor, Steve Bannon, pressed President Trump's campaign against Vice President Pence in public. Bannon echoed the public pressure on Pence that the President continued



to propagate by talking about his purported authority. The Select Committee learned from phone records that Bannon spoke to President Trump at least twice on January 5th.<sup>220</sup>

During a January 5, 2021, episode of *War Room: Pandemic*, Bannon and his guests openly berated Vice President Pence. Bannon cited an erroneous news report claiming that Senator Grassley would preside over the certification of the electoral college vote—instead of Vice President Pence.<sup>221</sup> Bannon’s cohost, Raheem Kassam, took credit for the public pressure placed on Vice President Pence. “I want to remind people who has been sitting here, saying ‘Light Pence Up’ for the last couple of weeks. Right? That would be Raheem Kassam.” They then discussed President Trump’s speech in Georgia the previous evening. “I think the President of the United States took your advice last night, wrote a line in there,” Bannon said. To which Kasseem responded: “...and yours...hold the line.”

Jack Posobiec, an alt-right personality with a large Twitter following, chimed in quoting a member of their audience as saying that “Pence will betray Donald Trump.”<sup>222</sup> In response, Bannon stated: “Call the play. Run the play.”<sup>223</sup>

The “play” was Bannon’s version of the “Green Bay Sweep”—a plan to subvert the transfer of power on January 6th named for a brutally effective power running play developed in the National Football League (NFL) in the 1960’s. Steve Bannon’s political version of the sweep was intended to undermine the legitimate results of the 2020 presidential election.

One account of Bannon’s “Green Bay Sweep” comes from Peter Navarro, Director of the White House Office of Trade and Manufacturing Policy. Navarro refused to cooperate with the Select Committee and was subsequently indicted for contempt of Congress. Although he doesn’t fully explain in his book, *In Trump Time: A Journal of America’s Plague Year*, how Bannon’s sweep was intended to work, Navarro writes that Vice President Pence was envisioned as the “quarterback” who would “assert his constitutional power” to delay certification.<sup>224</sup> Navarro writes that his own role was to “carefully document the fraud and myriad election irregularities,” while Bannon’s “role was to figure out how to use this information—what he called the ‘receipts.’”<sup>225</sup>

Navarro’s account helps explain why Trump and his loyalists became so fixated on Vice President Pence. They saw Vice President Pence as their last hope for keeping President Trump in office. Navarro writes of Pence’s supposed “betrayal.”<sup>226</sup> In a telling sentence, Navarro likens Vice President Pence to Brutus, a Roman politician and the most famous assassin of Julius Caesar. Navarro writes:



*On this cold, momentous day, I shiver as I think to myself, “January 6 will be either Mike Pence’s finest hour or the traitorous ‘Et tu, Brute?’ end of both his and Donald Trump’s political careers.”*<sup>227</sup>

The goal of these Trump allies was clear: to overturn the election result.<sup>228</sup> Statements by participants in this effort indicate there were several different endgame strategies in mind. One was to get the Vice President to unilaterally reject the Electoral College votes of Arizona, Georgia, Pennsylvania, and other States, then simply declare that Trump had won a majority of the electors actually submitted. The other major possibility was to reject or “return” the Electoral College votes of these States and then declare there was no majority in the Electoral College process, thereby triggering a so-called contingent election under the 12th Amendment.<sup>229</sup> This would have meant that the House of Representatives had chosen the president not on the basis of one-member-one-vote, but on the basis of one-State-one-vote, pursuant to the 12th Amendment. Donald Trump’s strategists emphasized repeatedly that the GOP had a 27-to-22 margin in control of the States’ Congressional delegations, with Pennsylvania being tied at 9-to-9, therefore presumably a non-factor.

### **5.3 PRESIDENT TRUMP AND HIS ALLIES CONTINUE TO PRESSURE THE VICE PRESIDENT ON JANUARY 6TH, THREATENING HIS LIFE AND OUR DEMOCRACY.**

#### **JANUARY 6, 2021: PRESIDENT TRUMP CONTINUED TO FALSELY ASSERT IN MULTIPLE TWEETS POSTED THE MORNING OF JANUARY 6TH THAT THE VICE PRESIDENT HAD A ROLE TO PLAY IN THE OUTCOME OF THE ELECTION.**

Despite the public pressure initiated by the President and amplified by Bannon, Navarro and others, there was no ambiguity in the Vice President’s decision. By January 6th, President Trump had been told multiple times that Vice President Pence was not going to reject the certified electors from any State. Nor was Vice President Pence going to move for a delay and send the electors back to the States. Either move would have been illegal, requiring Vice President Pence to break the law, violating his oath to the U.S. Constitution. Pence made his decision clear “[m]any times” to President Trump, and he was “very consistent” in rejecting the President’s demands.<sup>230</sup> President Trump continued to publicly pressure the Vice President anyway.

At 1:00 a.m. on January 6th, President Trump tweeted:

If Vice President @Mike\_Pence comes through for us, we will win the Presidency. Many States want to decertify the mistake they

made in certifying incorrect & even fraudulent numbers in a process NOT approved by their State Legislatures (which it must be). Mike can send it back!<sup>231</sup>

Later that morning, at 8:17 a.m., President Trump tweeted again:

States want to correct their votes, which they now know were based on irregularities and fraud, plus corrupt process never received legislative approval. All Mike Pence has to do is send them back to the States, AND WE WIN. Do it Mike, this is a time for extreme courage!<sup>232</sup>

And, at 8:22 a.m., President Trump tweeted again, making a pitch for Congress to choose him, as if people’s votes on election day and the electoral college didn’t matter:

THE REPUBLICAN PARTY AND, MORE IMPORTANTLY, OUR COUNTRY, NEEDS THE PRESIDENCY MORE THAN EVER BEFORE—THE POWER OF THE VETO. STAY STRONG!<sup>233</sup>

President Trump’s tweets made it clear that he thought the Republican State legislatures would simply deliver him victory. President Trump emphasized this point, writing twice that if Vice President Pence gave in, “we win.” However, there was no sign of a change in the Vice President’s position. A moment of truth was looming.

**January 6, 2021: President Trump Has a “[H]eated” Conversation with Vice President Pence Before his Rally on the Ellipse.** President Trump tried to reach Vice President Pence by phone early that morning.<sup>234</sup> He finally talked to his Vice President at approximately 11:20 a.m.<sup>235</sup> The exchange quickly became contentious.

Eric Herschmann, a lawyer in the White House Counsel’s Office, overheard the conversation. Members of President Trump’s family and other White House officials were present as well.<sup>236</sup> Herschmann recalled that “it started off as a calmer tone, everything, and then it became heated.”<sup>237</sup> Ivanka Trump also described the call as “pretty heated.”<sup>238</sup> Ivanka Trump elaborated: “It was a different tone than I’d heard him take with the Vice President before.”<sup>239</sup> Ivanka Trump told her Chief of Staff, Julie Radford, that “her dad had just had an upsetting conversation with the Vice President.”<sup>240</sup> President Trump had even called Vice President Pence the “P Word.”<sup>241</sup>

Nick Luna, President Trump’s personal assistant (commonly known as the “body man”), was also in the Oval Office during the conversation. Luna told the Select Committee that President Trump called Vice President Pence



**President Trump on the phone in the Oval Office.**

Photo provided to the Select Committee by the National Archives and Records Administration.

a “wimp” on the call, with President Trump adding that he “made the wrong decision” in choosing Pence as his running mate.<sup>242</sup>

Keith Kellogg, Vice President Pence’s National Security Advisor, also heard the conversation. President Trump “told the Vice President that, you know, he has legal authority to send these folks [the electors] back to the respective States,” Kellogg told the Select Committee.<sup>243</sup> President Trump insisted that Vice President Pence had the “constitutional authority to” reject certain electoral college votes.<sup>244</sup> When Vice President Pence would not budge, President Trump told him “you’re not tough enough to make the call.”<sup>245</sup>

But Vice President Pence would not be bullied. The Vice President, who was at his residence at the time, had been meeting with Greg Jacob to finalize the statement he would be releasing later that day. When the President called, Pence stepped away to answer the phone. According to Jacob, when Pence returned, he did not say anything about the call—but he looked “steely, determined, [and] grim,” as he reentered the room.<sup>246</sup>

**c. January 6, 2021: Trump, Eastman and Giuliani Continue to Pressure Vice President Pence at the Ellipse Rally.** Despite the Vice President’s unwavering stance, the President and his outside counsel continued to turn up the heat of public pressure.

At President Trump’s urging, thousands had gathered on the morning of January 6th to hear the President and others speak at a rally held at the Ellipse, a park just south of the White House. Before President Trump spoke, Eastman took the stage alongside Giuliani. Both would further amplify the President’s public pressure on the Vice President, but when Giuliani spoke on the Ellipse, he already knew that what Eastman had outlined would never practically happen.

At 9:31 a.m. that morning, Giuliani called Eric Herschmann “out of the blue” to ask him for his view and analysis of the practical implications of Eastman’s theory.<sup>247</sup> According to Herschmann, after an “intellectual discussion about . . . the VP’s role,” Giuliani agreed that the “practical implication of [what Eastman had proposed] would be almost impossible.”<sup>248</sup> Immediately after this 5½ minute conversation with Herschmann, Giuliani had two calls with the White House, at 9:41 a.m. and 9:53 a.m.<sup>249</sup>

Giuliani recognized Eastman who joined him on stage, claiming that he was “one of the preeminent constitutional scholars in the United States.”<sup>250</sup>

Giuliani said Vice President Pence could either “decide on the validity of these crooked ballots, or he can send it back to the legislat[ures], give them five to 10 days to finally finish the work.”<sup>251</sup> He added that that they had “letters from five legislat[ures] begging us to do that.”<sup>252</sup> This was not true. At most, what Giuliani, Eastman and other allies of President Trump had managed to procure were letters from individual State legislators or groups of State legislators. None of the letters came from a majority of any State’s legislative chamber, let alone a majority of an entire State legislature.<sup>253</sup>

For instance, a letter that Eastman described to Jacob as a “[m]ajor new development” on the evening of January 5th contained the signatures of 21 members of the Pennsylvania Senate.<sup>254</sup> Eastman claimed that it “now looks like PA Legislature will vote to recertify its electors if Vice President Pence implements the plan we discussed,” but the letter asked only for a “delay” in certification to “allow for due process.”<sup>255</sup> The Select Committee learned from the most senior Pennsylvania Senate Republican that he signed the letter because of pressure he was feeling due to the voluminous post-election outreach from President Trump, Trump allies, and the public.<sup>256</sup> And, he only agreed to sign a letter directed to Congressional

leaders—not the Vice President—after raising in a conversation with Vice President Pence’s brother, Congressman Greg Pence, his desire to avoid pressuring the Vice President.<sup>257</sup>

Moreover, as Jacob explained, “what any of the State legislatures said they did or did not want to do had no impact on the legal analysis of what the Vice President’s authorities were.”<sup>258</sup> There was simply no legal path to send any votes back to the States on January 6th.

On the stage at the President’s rally on the Ellipse, Giuliani repeated a conspiracy theory about the “crooked Dominion machines...deliberately” changing votes via an algorithm.<sup>259</sup> He explained that the 10-day delay in the certification would be used “to see the machines that are crooked” and “to find criminality there”—demonstrating that his repeated assertions of a stolen election were not based on any real proof, or even evidence, of actual widespread fraud or criminality.<sup>260</sup>

“Let’s have trial by combat,” Giuliani told the crowd.<sup>261</sup>

Eastman came to the microphone following Giuliani, and he proceeded to repeat proven falsehoods regarding voting machines. He then issued his “demand”:

And all we are demanding of Vice President Pence is this afternoon, at 1:00, he let the legislatures of the state look into this so we get to the bottom of it, and the American people know whether we have control of the direction of our government, or not. We no longer live in a self-governing republic if we can’t get the answer to this question. This is bigger than President Trump. It is a very essence of our republican form of government, and it has to be done. And anybody that is not willing to stand up to do it, does not deserve to be in the office. It is that simple.<sup>262</sup>

Eastman told the assembled crowd that nothing less than the fate of the American Republic was in Vice President Pence’s hands.

#### [President Trump Directs the Angry Mob at the Capitol to Pressure Vice President Pence.](#)

When President Trump later took the stage at the Ellipse, he heaped praise on Giuliani and Eastman. “He’s got guts, unlike a lot of people in the Republican Party,” President Trump said of Giuliani. “He’s got guts. He fights, he fights.”<sup>263</sup> President Trump described Eastman as “one of the most brilliant lawyers in the country.”<sup>264</sup> President Trump claimed that Eastman had looked at the election and said, “What an absolute disgrace that this can be happening to our Constitution.”<sup>265</sup> Trump falsely argued that the keys to the election were in Vice President Pence’s hands, saying:

*And he [Eastman] looked at Mike Pence, and I hope Mike is going to do the right thing. I hope so. I hope so. Because if Mike Pence does the right thing, we win the election. . . . [T]his is from the number one, or certainly one of the top, Constitutional lawyers in our country. He has the absolute right to do it.<sup>266</sup>*

President Trump repeatedly lied, claiming that several States wanted to overturn former Vice President Biden’s victory:

*States want to revoke. The States got defrauded. They were given false information. They voted on it. Now they want to recertify. They want it back. All Vice President Pence has to do is send it back to the States to recertify and we become president and you are the happiest people.<sup>267</sup>*

Contrary to the statement President Trump dictated the night before, he all but admitted that Vice President Pence did not agree with him:

*And I actually, I just spoke to Mike. I said: “Mike, that doesn’t take courage. What takes courage is to do nothing. That takes courage.” And then we’re stuck with a president who lost the election by a lot and we have to live with that for four more years. We’re just not going to let that happen.<sup>268</sup>*

Later in his speech at the Ellipse, President Trump repeated:

*So, I hope Mike has the courage to do what he has to do. And I hope he doesn’t listen to the RINOs and the stupid people that he’s listening to.<sup>269</sup>*

This was nothing less than a direct appeal to the large angry crowd to pressure Vice President Mike Pence to change his settled and oft-repeated conclusion about the limits of his authority. It was a shocking attempt to use public opinion to change the Vice President’s position. President Trump launched a mob toward the Capitol with the false hope that there was a scenario in which Vice President Pence would do what Eastman and President Trump had asked him to do, preventing the transfer of authority to President-elect Biden.

#### **VICE PRESIDENT PENCE FULFILLED HIS DUTY ON JANUARY 6TH**

**The Vice President Waited to Release His Statement Out of Deference to President Trump, Who Was Still Speaking on the Ellipse, and Ultimately Released It Just Minutes Before the Joint Session Convened at 1:00 p.m.** President Trump’s speech began late and ran long. He didn’t finish speaking until approximately 1:10 p.m.—after the joint session had begun at 1:00 p.m. Minutes before he gavelled the joint session into order, Vice President Mike Pence released the “Dear Colleague” letter he had been working on for days with



his staff.<sup>270</sup> There was never any ambiguity in Vice President Pence's understanding of his role and authority, but he wanted to make it clear for everyone to see. "This may be the most important thing I ever say," Vice President Pence remarked.<sup>271</sup>

"Today it will be my duty to preside when the Congress convenes in Joint Session to count the votes of the Electoral College, and I will do so to the best of my ability," Vice President Pence wrote. Vice President Pence explained that his "role as presiding officer is largely ceremonial" and dismissed the arguments that he could take unilateral action as contrary to his oath to support and defend the Constitution:

As a student of history who loves the Constitution and reveres its Framers, I do not believe that the Founders of our country intended to invest the Vice President with unilateral authority to decide which electoral votes should be counted during the Joint Session of Congress, and no Vice President in American history has ever asserted such authority. Instead, Vice Presidents presiding over Joint Sessions have uniformly followed the Electoral Count Act, conducting the proceedings in an orderly manner even where the count resulted in the defeat of their party or their own candidacy.<sup>272</sup>

**Vice President Pence Adheres to the U.S. Constitution and Complies with the Law Governing the Certification of the Presidential Election.** When Vice President Pence gave the opening of the joint session, he knew that many of his Republican colleagues planned to challenge the election's results based on fictitious claims of fraud. The Vice President took steps to ensure that those objections adhered to the process set forth in the Electoral Count Act.

Every four years, on January 6th, vice presidents read from a script that remains essentially unchanged. Eastman's theory of the Vice President's power and the Trump Campaign's scheme to convene and submit the slates of "alternate" (fake) electors motivated Vice President Pence and his advisors to alter the script and to make sure they were prepared to respond to any unexpected actions in the joint session.<sup>273</sup>

Vice President Pence met with the Senate Parliamentarian on January 3rd to discuss the joint session and revised the joint session scripts in consultation with her office.<sup>274</sup> Vice President Pence and the Parliamentarian agreed that the Vice President's role is ministerial.<sup>275</sup>

The Vice President knew that the fake slates of electors organized by the Trump Campaign were not certified by the States and thus were not valid; he revised the script for the joint session to be transparent with the American people about what the Vice President would—and wouldn't—be doing during the joint session.<sup>276</sup>





Vice President Pence during the Joint Session of Congress.

(Photo by Win McNamee/Getty Images)

One of the most noticeable and important changes to the script was directed specifically at thwarting the fake electors scheme. The Vice President knew, informed by the research and analysis of his staff, that absent certification of the electoral votes by a State authority, the purported “alternate” slates were “not consequential” and would play no role in the certification of the Presidential election at the joint session.<sup>277</sup> The Senate Parliamentarian confirmed this understanding.<sup>278</sup>

For decades, Vice Presidents read a similar simple passage concerning the ascertainment of the vote. Most recently, Vice President Joseph Biden read this passage aloud in 2017, as did his most recent predecessors:

After ascertainment has been had that the certificates are authentic and correct in form, the tellers will count and make a list of the votes cast by the electors of the several States.

On January 6, 2021, Vice President Pence read from a revised script (emphasis added):

After ascertaining that the certificates are regular in form and authentic, tellers will announce the votes cast by the electors for each state, beginning with Alabama, which the parliamentarians

advise me is the only certificate of vote from that State and purports to be a return from the State that has annexed to it a certificate from an authority of that State purporting to appoint or ascertain electors.<sup>279</sup>

Vice President Pence used the same phrasing for each of the 50 States counted.

The Vice President's attention to this issue was warranted. Trump's allies pushed the fake electors scheme until the very end. Although the Trump Campaign had taken pains to direct the fake electors to send their documents to the appropriate authorities immediately after voting on December 14th, and though the Senate Parliamentarian's and Vice President's offices had been tracking the receipt by mail of both the legitimate and fake certificates, the Trump Campaign apparently became concerned that two States' documents had not been received before the joint session.<sup>280</sup>

On January 4th, the Trump campaign asked Republican Party officials in Wisconsin to fly their fake electors' documents to Washington, DC.<sup>281</sup> Shortly after, staffers for Representative Mike Kelly (R-PA) and Senator Ron Johnson (R-WI) reached out to Vice President Pence's Director of Legislative Affairs, apparently seeking to deliver the fake certificates.<sup>282</sup> A message from Senator Johnson's staffer was sent just minutes before the beginning of the joint session. This staffer stated that Senator Johnson wished to hand-deliver to the Vice President the fake electors' certificates from Michigan and Wisconsin. The Vice President's aide unambiguously turned him away.<sup>283</sup>

Vice President Pence made certain to call for objections as well, in compliance with the Electoral Count Act. After the tellers read off the votes cast for each State, he asked: "Are there any objections to counting the certificate of vote of the state... that the teller has verified, appears to be regular in form and authentic?"<sup>284</sup>

For most States, there were no objections. Republicans only rose to object to the States that President Trump contested. The first such state was Arizona. At approximately 1:46 p.m., Congressman Paul Gosar (R-AZ) announced his objection.<sup>285</sup> "I rise for myself and 60 of my colleagues to object to the counting of the electoral ballots from Arizona," Gosar said.<sup>286</sup>

Vice President Pence then asked: "Is the objection in writing and Signed by a senator?" It was. Senator Ted Cruz endorsed the unfounded challenge to Arizona's electoral votes.<sup>287</sup> Because the objections complied with the law, Vice President Pence directed the House and Senate to withdraw from the joint session so that the House and Senate could separately debate and vote on the objection.<sup>288</sup>

When the joint session finally resumed after the attack on the Capitol, the clerks announced the results of each chamber’s vote. Just six U.S. Senators voted for the objection to the counting of Arizona’s electoral college votes. The objection was also defeated in the House, though 121 Republican Members voted to reject Arizona’s legitimate electors.<sup>289</sup> Pennsylvania was the only other State the chambers debated, after the House’s objection was signed by Senator Josh Hawley (R–Mo.).<sup>290</sup>

#### **5.4 PRESIDENT TRUMP ENDANGERS PENCE’S LIFE, CAUSING THE VICE PRESIDENT, HIS FAMILY, AND STAFF TO NARROWLY MISS THE RIOTERS AS THEY FLEE THE MOB ATTACKING THE CAPITOL.**

As the debate over Arizona’s legitimate electors took place on the Senate floor, the Vice President’s staff could see trouble brewing outside.<sup>291</sup> From inside the Vice President’s ceremonial office, staffers witnessed the crowds swelling on the east side of the Capitol. Then, the rioters broke through security barriers.<sup>292</sup> Jacob told young staffers that they should stand back from the windows, because the Vice President’s office was not “the most popular office on the block right now.”<sup>293</sup>

The Vice President was presiding over the Senate debate on the Arizona objection when the noise from the rioters became audible and those in the Senate Chamber realized the rioters had entered the Capitol.<sup>294</sup> The Secret Service evacuated Vice President Pence from the Senate floor at 2:12 p.m.<sup>295</sup> Twelve minutes later, at 2:24 p.m., President Trump tweeted that Vice President Pence “didn’t have the courage to do what should have been done to protect our country and our Constitution.”<sup>296</sup> By that time, the Secret Service had moved the Vice President to his ceremonial office across the hall.<sup>297</sup> But the situation was spiraling out of control—and they wouldn’t stay there long. As Sarah Matthews, the Deputy White House Press Secretary, later explained: President Trump’s tweet was like “pouring gasoline on the fire.”<sup>298</sup>

Thirty seconds after President Trump’s tweet, rioters who were already inside the Capitol opened the East Rotunda door just down the hall. A mere thirty seconds later, rioters breached the crypt one floor below the Vice President.

Though the Vice President refused the Secret Service’s first two attempts to evacuate him from his ceremonial office, the situation quickly became untenable and the Vice President was told that the Secret Service could no longer protect him in this office in the Capitol that was quickly being overrun.<sup>299</sup> Marc Short recalls Tim Giebels, the head of the Vice President’s Secret Service protective detail, saying, “At this point, I can’t

protect you behind these glass doors, and so I need to move you.”<sup>300</sup> This time, the third, the Secret Service was not asking the Vice President to move; they were stating the fact that the Vice President must be moved.<sup>301</sup> At 2:20 p.m., NSC staff monitoring radio communications reported that the second floor of the Capitol and the door to the Senate Chamber “ha[ve] now been breached.”<sup>302</sup>

At 2:25 p.m., the Secret Service rushed the Vice President, his family, and his senior staff down a flight of stairs, through a series of hallways and tunnels to a secure location.<sup>303</sup> The Vice President and his team stayed in that same location for the next four and a half hours.

The angry mob had come within 40 feet of the Vice President as he was evacuated.<sup>304</sup> President Trump never called to check on Vice President Pence’s safety, so Marc Short called Mark Meadows to tell him they were safe and secure.<sup>305</sup> Short himself became *persona non grata* with President Trump. The President directed staff to revoke Short’s access to the White House after Vice President Pence refused to betray his oath to the Constitution.<sup>306</sup> Marc Short never spoke with President Trump again.<sup>307</sup>

After arriving at the secure location, the head of the Vice President’s Secret Service detail wanted to move the Vice President away from the Capitol, and staff hurried into the waiting vehicles. But the Vice President refused to get in the car.<sup>308</sup> As Greg Jacob explained in his testimony to the Select Committee:

The Vice President wouldn’t get in his car. . . . [H]e was determined that unless there was imminent danger to bodily safety that he was not going to abandon the Capitol and let the rioters have a victory of having made the Vice President flee or made it difficult to restart the process later that day.<sup>309</sup>

It was an unprecedented scene in American history. The President of the United States had riled up a mob that hunted his own Vice President.

The Vice President’s staff came to believe that the theory “pushed and sold” to the public that the Vice President had a role to play in the joint session was a cause of the attack on the Capitol. “The reason that the Capitol was assaulted was that the people who were breaching the Capitol believed that . . . the election [outcome] had not yet been determined, and, instead, there was some action that was supposed to take place in Washington, D.C., to determine it,” Jacob said.<sup>310</sup> “I do think [the violence] was the result of that position being continuously pushed and sold to people who ended up believing that with all their hearts.”<sup>311</sup> The people had been “told that the Vice President had the authority” to determine the outcome of the election during the joint session.<sup>312</sup>



Photo provided to the Select Committee by the National Archives and Records Administration.

Of course, that was President Trump’s and John Eastman’s plan all along—to convince people that the election had been stolen, and that Vice President Pence could take action to change the outcome during the joint session on January 6th.

Jacob was writing an email to Eastman when the Capitol was breached.<sup>313</sup> At 2:14 p.m., just before being evacuated, Jacob hurriedly hit send on his email, but not before adding the following: “thanks to your bullshit, we are now under siege.”<sup>314</sup>

Eastman quickly replied to Jacob’s email and, incredibly, blamed Vice President Pence and Jacob for the attack. “The ‘siege’ is because YOU and your boss did not do what was necessary to allow this to be aired in a public way so the American people can see for themselves what happened,” Eastman wrote.<sup>315</sup> Naturally, Jacob was “somewhere between aghast and livid.”<sup>316</sup> It was “ridiculous” to blame Vice President Pence for the attack, when he simply followed the law.<sup>317</sup>

**THE JOINT SESSION RECONVENES: “LET’S GET BACK TO WORK.”**

The Senate reconvened at approximately 8:06 p.m.<sup>318</sup> Congressional leadership and the Vice President insisted on finishing the work of the people. “Today was a dark day in the history of the United States Capitol,” Vice President Pence said. “But thanks to the swift efforts of U.S. Capitol Police,





Photo provided to the Select Committee by the National Archives and Records Administration.

federal, state and local law enforcement, the violence was quelled. The Capitol is secured, and the people’s work continues.” The Vice President addressed “those who wreaked havoc in our Capitol today,” saying “you did not win.” Vice President Pence continued:

*Violence never wins. Freedom wins. And this is still the people’s house. And as we reconvene in this chamber, the world will again witness the resilience and strength of our democracy, for even in the wake of unprecedented violence and vandalism at this Capitol, the elected representatives of the people of the United States have assembled again on the very same day to support and defend the Constitution of the United States.*

“Let’s get back to work,” Vice President Pence concluded.<sup>319</sup>

Despite the violence that had unfolded at the Capitol, Eastman kept agitating for further delay. At 11:44 p.m. on January 6th, Eastman sent yet another email to Greg Jacob.<sup>320</sup> In a shockingly tone-deaf manner, Eastman claimed that the Electoral Count Act had been violated already, by allowing debate beyond two hours, so—he argued—Vice President Pence should no longer be concerned that what President Trump and Eastman had pressured



him to do also would violate it.<sup>321</sup> “Of course,” as Jacob pointed out, the debate couldn’t have been completed in two hours due to the “intervening riot of several hours.”<sup>322</sup>

Eastman argued that Vice President Pence should “adjourn for 10 days to allow the legislatures to finish their investigations, as well as to allow a full forensic audit of the massive amount of illegal activity that has occurred here.”<sup>323</sup> Eastman described this—a delay in the certification of the vote and the peaceful transfer of power with no legal or historical precedent or support, based on entirely specious and disproven allegations of election fraud, following on a violent attack on the seat of American democracy—as a “relatively minor violation.”<sup>324</sup>

Vice President Pence later described Eastman’s email as “rubber room stuff,” meaning it was certifiably crazy.<sup>325</sup>

## 5.5 AFTERMATH OF THE ATTACK.

Eastman called Herschmann on January 7th to discuss litigation on behalf of the Trump Campaign in Georgia.<sup>326</sup> This gave Herschmann another opportunity to lay into Eastman. “[Are] you out of your F’ing mind?” Herschmann asked. “I only want to hear two words coming out of your mouth from now on: orderly transition.” Herschmann said. After some berating, Eastman repeated after Herschmann: “Orderly transition.” “Now I’m going to give you the best free legal advice you’re ever getting in your life,” Herschmann said. “Get a great F’ing criminal defense lawyer, you’re going to need it.”<sup>327</sup> Days afterward, Eastman sent an email to Giuliani, making a request that tacitly acknowledged just how much trouble he was in: “I’ve decided that I should be on the pardon list, if that is still in the works.”<sup>328</sup>

Vice President Pence and his team never bowed to President Trump’s relentless pressure. They began January 6, 2021, with a prayer. The attack on the U.S. Capitol delayed the peaceful transfer of power. The joint session did not end until early in the morning on January 7th.

At 3:50 a.m. that morning, Short texted Vice President Pence a passage from Second Timothy, chapter 4, verse 7: “I fought the good fight. I finished the race. I have kept the faith.”<sup>329</sup>

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## ENDNOTES

1. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 10–11.
2. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 10–11.
3. See, e.g., Ivan E. Raiklin (Former Green Beret Commander) (@Raiklin), Twitter, Dec. 22, 2020, available at <https://web.archive.org/web/2020122232155/https://twitter.com/Raiklin/>

[status/1341520753984942081](https://twitter.com/realDonaldTrump/status/1341520753984942081) (archived) (“America, @VP @Mike\_Pence MUST do this, tomorrow!”); Donald J. Trump (@realDonaldTrump), Twitter, Dec. 23, 2020 7:40:30 p.m. ET, available at <https://web.archive.org/web/20201224033528/http://twitter.com/realDonaldTrump> (archived).

4. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 95, (“[T]he Vice President mostly asked a series of questions in that meeting of Mr. Eastman”), 130 (Q: “Did John Eastman ever admit, as far as you know, in front of the President that his proposal would violate the Electoral Count Act?” A: “I believe he did on the 4th.” Q: “Okay. And can you tell us what the President’s reaction was?” A: “A I can’t.”); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000107 (Greg Jacob memo to Vice President Pence, titled “Analysis of Professor Eastman’s Proposals”).
5. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 96 (Eastman acknowledging that the legal basis for his proposed paths was the same and, as recounted by Greg Jacob, “[y]ou couldn’t get there either way unless you . . . set aside a number of the positions of the Electoral Count Act”).
6. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 26–27 (“But just to pick up on that, Mr. Short, was it your impression that the Vice President had directly conveyed his position on these issues to the President, not just to the world through a Dear Colleague Letter, but directly to President Trump?” A: “Many times.” Q: “And had been consistent in conveying his position to the President?” A: “Very consistent.”).
7. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 18–20.
8. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (U.S. Secret Service Production), CTRL0000092958 (January 6, 2021, message at 10:39 a.m. ET).
9. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (US Secret Service Production), CTRL0000092978 (January 6, 2021, message at 10:43 a.m. ET).
10. “Transcript of Trump’s Speech at Rally Before US Capitol Riot,” *Associated Press*, (Jan. 13, 2021), available at <https://apnews.com/article/election-2020-joe-biden-donald-trump-capitol-siege-media-e79eb5164613d6718e9f4502eb471f27>.
11. “Transcript of Trump’s Speech at Rally Before US Capitol Riot,” *Associated Press*, (Jan. 13, 2021), available at <https://apnews.com/article/election-2020-joe-biden-donald-trump-capitol-siege-media-e79eb5164613d6718e9f4502eb471f27>.
12. “Transcript of Trump’s Speech at Rally Before US Capitol Riot,” *Associated Press*, (Jan. 13, 2021), available at <https://apnews.com/article/election-2020-joe-biden-donald-trump-capitol-siege-media-e79eb5164613d6718e9f4502eb471f27>.
13. Donald J. Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 2:24 p.m. ET, available at <https://web.archive.org/web/20210106192450/https://twitter.com/realdonaldtrump/status/1346900434540240897> (archived).
14. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>; Rebecca Shabad, “Noose Appears Near Capitol; Protesters Seen Carrying Confederate Flags,” NBC News, (Jan. 6, 2021), available at <https://www.nbcnews.com/politics/congress/live-blog/electoral-college-certification-updates-n1252864/ncrd1253129#blogHeader>.

15. See Quint Forgey, “‘Almost No Idea More Un-American’: Pence Breaks with Trump on Jan. 6,” *Politico*, (June 25, 2021), available at <https://www.politico.com/news/2021/06/25/pence-trump-jan-6-496237>.
16. Statement by Donald J. Trump, 45th President of the United States of America, Jan. 30, 2022, available at <https://web.archive.org/web/20220131171840/https://www.donaldjtrump.com/news/news-8nkdvatd7g1481> (archived) (“If the Vice President (Mike Pence) had ‘absolutely no right’ to change the Presidential Election results in the Senate, despite fraud and many other irregularities, how come the Democrats and RINO Republicans, like Wacky Susan Collins, are desperately trying to pass legislation that will not allow the Vice President to change the results of the election? Actually, what they are saying, is that Mike Pence did have the right to change the outcome, and they now want to take that right away. Unfortunately, he didn’t exercise that power, he could have overturned the Election!”) (emphasis added).
17. Mike Allen, “Exclusive Audio: Trump Defends Threats to ‘Hang’ Pence,” *Axios*, (Nov. 12, 2021), available at <https://www.axios.com/2021/11/12/trump-hang-mike-pence-january-6-audio> (“Jonathan Karl: ‘Were you worried about him during that siege? Were you worried about his safety?’ Trump: ‘No, I thought he was well-rotected, and I had heard that he was in good shape. No. Because I had heard he was in very good shape. But, but, no, I think—’ Karl: ‘Because you heard those chants—that was terrible. I mean—’ Trump: ‘He could have—well, the people were very angry.’ Karl: ‘They were saying ‘hang Mike Pence.’ Trump: ‘Because it’s common sense, Jon. It’s common sense that you’re supposed to protect. How can you—if you know a vote is fraudulent, right?—how can you pass on a fraudulent vote to Congress? How can you do that?’) (emphasis added).
18. Order Re Privilege of Documents Dated January 4-7, 2021 at 44, *Eastman v. Thompson et al.*, 594 F. Supp. 3d 1156, (C.D. Cal. Mar. 28, 2022) (No. 8:22-cv-99-DOC-DFM).
19. Order Re Privilege of Documents Dated January 4-7, 2021 at 36, 40, 44, *Eastman v. Thompson et al.*, 594 F. Supp. 3d 1156, (C.D. Cal. Mar. 28, 2022) (No. 8:22-cv-99-DOC-DFM) (“Based on the evidence, the Court finds that it is more likely than not that President Trump and Eastman dishonestly conspired to obstruct the Joint Session of Congress on January 6, 2021.”).
20. Order Re Privilege of Documents Dated January 4-7, 2021 at 44, *Eastman v. Thompson et al.*, 594 F. Supp. 3d 1156, (C.D. Cal. Mar. 28, 2022) (No. 8:22-cv-99-DOC-DFM).
21. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman004708. This document was ordered to be produced to the Select Committee by Judge Carter over Eastman’s assertion of attorney-client privilege and upon a finding that the crime-fraud exception to the attorney-client privilege applied. Order Re Privilege of Documents Dated January 4-7, 2021 at 41-42, *Eastman v. Thompson et al.*, 594 F. Supp. 3d 1156, (C.D. Cal. Mar. 28, 2022) (No. 8:22-cv-99-DOC-DFM).
22. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman004708.
23. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman004708.
24. Neither Eastman nor Chesebro provided substantive answers in response to the Select Committee’s questions about the development of this strategy. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of John Eastman, (Dec. 9, 2021); Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kenneth Chesebro, (Oct. 25, 2022). It is thus difficult to determine who first suggested this concept. Evidence obtained by the Select Committee suggests that key players like Eastman, Giuliani, and Epshteyn were starting to discuss the Vice President’s role at the joint session in late November or early December. See, e.g., Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Cassidy Hutchinson, (Feb. 23, 2022), pp. 71-73 (discussing conversations

involving Mark Meadows, Rudolph Giuliani’s legal team, and Members of Congress in late November or early December); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman023534 (December 5, 2020 email from John Eastman remarking that “folks at the top of the chain of command on this . . . are now aware of the issues”). See also Michael Wolff, *Landslide: The Final Days of the Trump Presidency* (New York: Henry Holt and Company, 2021), p. 135 (describing post-Thanksgiving outreach from Boris Epshteyn to the White House regarding the Vice President theory).

25. Order Re Privilege of Documents Dated January 4-7, 2021 at 41-42, *Eastman v. Thompson et al.*, 594 F. Supp. 3d 1156, (C.D. Cal. Mar. 28, 2022) (No. 8:22-cv-99-DOC-DFM) (“Because the memo likely furthered the crimes of obstruction of an official proceeding and conspiracy to defraud the United States, it is subject to the crime-fraud exception and the Court ORDERS it to be disclosed.”).
26. The Select Committee’s investigation found that Eastman was communicating about the joint session with Kenneth Chesebro in December 2020. See e.g., Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman053460, Chapman053475 (December 23, 2020, emails between John Eastman, Kenneth Chesebro, and Boris Epshteyn regarding procedural proposals for joint session).
27. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman052976. This memo was originally obtained by the *Washington Post*’s Bob Woodward and Robert Costa and subsequently published by CNN. “READ: Trump Lawyer’s Memo on Six-Step Plan for Pence to Overturn the Election,” CNN, (Sept. 21, 2021), available at <https://www.cnn.com/2021/09/21/politics/read-eastman-memo/index.html>.
28. Under the Constitution, if no candidate receives a majority of electoral college votes, this triggers a process where the House of Representatives decides the president. When that happens, each State gets one vote for President, chosen by the Representatives from that state. The candidate who receives a majority of the 50 State votes becomes the president. At the time, there were more Republicans than Democrats in 26 of the 50 State House delegations, leading Eastman to predict that “President Trump [would be] re-elected” under that scenario. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman052976.
29. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman052976. Note that Eastman has acknowledged the authenticity of a publicly disclosed version of this document, describing it as “a preliminary, incomplete draft” of “the legal memo [he] wrote in January.” John C. Eastman, “Trying to Prevent Illegal Conduct from Deciding an Election Is Not Endorsing a ‘Coup,’” *American Greatness*, (Sept. 30, 2021), available at <https://amgreatness.com/2021/09/30/trying-to-prevent-illegal-conduct-from-deciding-an-election-is-not-endorsing-a-coup/> (linking to two-page document titled “PRIVILEGED AND CONFIDENTIAL, January 6 scenario, available at <http://cdn.cnn.com/cnn/2021/images/09/20/eastman.memo.pdf>).
30. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman053561 (December 23, 2020, email from John Eastman to Molly Michael).
31. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (Verizon Production, July 11, 2022) (Dec. 23, 2020 cellular data records from John Eastman). The morning that Eastman began preparing the memo, he received a call from Boris Epshteyn at 8:58 am. Eleven minutes later, Eastman called Chesebro, and the two spoke for over 41 minutes. Eastman continued to trade calls with Epshteyn and Chesebro throughout the day. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (Verizon Production, July 11, 2022) (December 23, 2020, phone records for John Eastman)

32. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman052976, p. 2 (Memo regarding January 6 scenario).
33. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman003226.
34. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman003228. Note that this letter refers to, and purports to supplement, the recommendations of what Eastman described in his correspondence with Mr. Colbert as “a major war game simulation” that he claimed—on October 24, 2020—was “already before the President and his team.” Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman031983. The war game exercise in which Eastman participated is reflected in a report issued by the Claremont Institute and the Texas Public Policy Foundation. “79 Days Report”, (Oct. 20, 2020), available at <https://www.texaspolicy.com/79-days-to-inauguration-taskforce-report/>.
35. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman003228 (emphasis added).
36. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman031983.
37. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman023534.
38. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman031983.
39. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman052976 (memo regarding January 6 scenarios).
40. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman052976 (memo regarding January 6 scenarios).
41. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman052966 (December 23, 2020, email from Kenneth Chesebro).
42. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman052976 (memo regarding January 6 scenarios).
43. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman052976 (memo regarding January 6 scenarios).
44. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman052976 (memo regarding January 6).
45. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 26; *see also id.*, at 36-377 (stating that he did not understand Eastman’s statement to be suggesting that violence would be justified to keep President Trump in office).
46. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 28.
47. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), pp. 26, 28-29.
48. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 29.

49. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 29.
50. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 29.
51. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jason Miller, (Feb. 3, 2022), p. 157.
52. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jason Miller, (Feb. 3, 2022), pp. 142, 152.
53. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 079P-R0000731. Neither this memo, nor a December 8, 2020, memo that followed, reflects the full advice that Greg Jacob ultimately gave to the Vice President regarding the joint session. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 10–11, 32. The OVP Legal Staff memo, dated October 26, 2020, is titled “The Unconstitutionality of the Electoral Count Act.” This memo adopts certain legal academics’ criticism of the Electoral Count Act and introduces several concepts that would later be cited by proponents of the theory of an expansive view of the Vice President’s power. Greg Jacob’s legal memo to the Vice President, dated December 8, 2020, notes that the Electoral Count Act prescribes the process for counting electoral votes “to the extent it is constitutional” and seems to allow for the possibility of the Vice President “assert[ing] a constitutional privilege.” Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 079P-R0000785. Through his extensive research and analysis, Greg Jacob’s understanding developed both as to the legal and historical precedent for the joint session and ultimately led him to the unavoidable conclusions that, one, the Electoral Count Act governed the joint session and, two, its procedures had never been deviated from since it was passed.
54. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob Deposition, (Feb. 1, 2022), pp. 11–13, 25–26 (noting that Marc Short didn’t “name names” of the people he was concerned would encourage the President to prematurely declare victory).
55. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 079VP-R000011579\_0001, 079VP-R000011579\_0002 (November 3, 2020, Greg Jacob memo to Marc Short, titled “Electoral Vote Count”). The Election Day memo identifies the 12th Amendment and the Electoral Count Act as the relevant legal framework, but leaves open “whether it is the Vice President, or Congress, that has ultimate constitutional authority to decide electoral vote disputes.” It also represents an incomplete understanding of the factual precedents, describing then-Vice President Nixon’s conduct in January 1961 as “single-handedly resolv[ing] a dispute over competing slates of electors that were submitted by the State of Hawaii.” (In fact, after additional research Jacob concluded the opposite was true.) As addressed elsewhere in this chapter, this memo does not reflect Greg Jacob’s full legal analysis or ultimate advice, nor the Vice President’s conclusion, about the authority of the Vice President at the joint session.
56. Daniel Villarreal, “Lincoln Project Ad Tells Trump That Pence ‘Will Put the Nail in Your Political Coffin,’” *Newsweek*, (Dec. 8, 2020), available at <https://www.newsweek.com/lincoln-project-ad-tells-trump-that-pence-will-put-nail-your-political-coffin-1553331>.
57. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 13; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (Jun. 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 135–36 (noting the ad buy was limited to “D.C. and Palm Beach”).



58. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 079P-R0000785\_0001, 079P-R0000785\_0002, 079P-R0000785\_0003, 079P-R0000785\_0004 (December 8, 2020, Greg Jacob memo to Vice President Pence, titled “January 6 Process for Electoral Vote Count”); see also, Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 32. This December 8, 2020, memo reflects Jacob’s more detailed understanding of the mechanics of “modern practice” under the Electoral Count Act, including the process by which the House and Senate separate to debate a member of the House’s objection if it is signed by a Senator, but not the full analysis of the precedent that Jacob would ultimately do before January 6, 2021.
59. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 102.
60. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 33, 102.
61. U.S. Const. art. II, § 1, cl 3; U.S. Const., Amend. XII.
62. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
63. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 14–16.
64. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 14–16.
65. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>. In testimony given at a Select Committee hearing, Judge Luttig disagreed with Jacob’s characterization of the sentence carried through from the Constitution to the 12th Amendment, describing it instead as “pristine[ly] clear,” but the witnesses were in agreement that there was “no basis in the Constitution or laws of the United States at all for the theory espoused by Mr. Eastman.” *Id.*; see Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>. (“I am in complete agreement with Judge Luttig; it is unambiguous that the Vice President does not have the authority to reject electors.”). Note that Vice President Pence apparently agreed with Jacob regarding the clarity of the Constitutional language, as Jacob testified that he joked, “I can’t wait to go to heaven and meet the Framers and tell them, ‘The work that you did in putting together our Constitution is a work of genius. Thank you. It was divinely inspired. There is one sentence that I would like to talk to you a little bit about.’” *Id.*
66. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
67. Complaint, *Gohmert et al. v. Pence*, 510 F. Supp. 3d 435, (No. 6:20-cv-0660), (E.D. Tex. Dec. 27, 2020), ECF No. 1.
68. Mike Pence, *So Help Me God* (New York: Simon & Schuster, 2022), p. 443.
69. Complaint, *Gohmert et al. v. Pence*, 510 F. Supp. 3d 435, (No. 6:20-cv-0660), (E.D. Tex. Dec. 27, 2020), ECF No. 1.
70. Complaint, *Gohmert et al. v. Pence*, 510 F. Supp. 3d 435, (No. 6:20-cv-0660), (E.D. Tex. Dec. 27, 2020), ECF No. 1.
71. Complaint, *Gohmert et al. v. Pence*, 510 F. Supp. 3d 435, (No. 6:20-cv-0660), (E.D. Tex. Dec. 27, 2020), ECF No. 1.

72. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman055337 (December 22, 2020, John Eastman email to William Olson, Larry Joseph, Mark Martin, Kurt Olson, Kris Kobach, Phillip Jauregui, Pat McSweeney, and Don Brown, titled "Re: Draft Complaint").
73. Order Re Privilege of Documents Dated January 4-7, 2021 at 6, *Eastman v. Thompson et al.*, 594 F. Supp. 3d 1156 (C.D. Cal. 2022) (No. 8:22-cv-99-DOC-DFM).
74. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman055337 (December 22, 2020, William Olson email to Larry Joseph, Mark Martin, Kurt Olson, Kris Kobach, John Eastman, Phillip Jauregui, Pat McSweeney, and Don Brown, titled "Re: Draft Complaint").
75. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Russell "Rusty" Bowers, (June 19, 2022), pp. 42-45; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman003584, (January 4, 2021, emails between John Eastman and Andrew Pappas, coordinating the call between Eastman and Speaker Bowers). Eastman also asked Speaker Bowers to sign a letter drafted by Arizona Rep. Mark Finchem directed to Vice President Pence asking him not to certify the election on January 6th; Bowers refused. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Russell "Rusty" Bowers, (June 19, 2022), at p. 45-46.
76. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Russell "Rusty" Bowers, (June 19, 2022), at p. 46. Speaker Bowers had already addressed publicly both the pressure he was receiving to overturn the result of the election as well as his firm belief that doing so would violate his oath of office. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Rusty Bowers Production), CTRL0000062389 (Nov. 18, 2020, Dear Colleague letter with attached "Post-Election Frequently Asked Questions"), Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Rusty Bowers Production), CTRL0000071098\_00069 (December 4, 2020, Press Release titled "Speaker Bowers Addresses Calls for the Legislature to Overturn 2020 Certified Election Results).
77. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Russell "Rusty" Bowers, (June 19, 2022), at p. 46. Speaker Bowers also received a call on the morning of January 6th from Representative Andy Biggs in which Rep. Biggs asked Speaker Bowers to sign a letter being sent by other Arizona legislators and/or to support decertification of Arizona's electors; Speaker Bowers again refused. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 21, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
78. *Gohmert et al. v. Pence*, 510 F. Supp. 3d 435, 443 (E.D. Tx. 2021).
79. *Gohmert et al. v. Pence*, 141 S. Ct. 972 (2021).
80. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of John McEntee, (Mar. 28, 2022), pp. 132-34.
81. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (John McEntee Production), McEntee0001 (document titled "JEFFERSON USED HIS POSITION AS VP TO WIN").
82. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000236-000238 (John McEntee note and drafted analysis, titled "PENCE CAN LET THE STATES DECIDE"). Note that the Select Committee received both documents from the National Archives in a format consistent with the documents having been torn apart and taped back together.
83. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000236-237 (John McEntee note and drafted analysis, titled "PENCE CAN LET THE STATES DECIDE").

84. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000237; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of John McEntee, (Mar. 28, 2022), p. 147.
85. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of John McEntee, (Mar. 28, 2022), pp. 147-48.
86. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Short production), J6C-TSM-0001, J6C-TSM-0002. Note that the file name of the document (“MEMO\_POTUS\_January6VPAAction.pdf”) is visible in an email in which Marc Short forwards to Greg Jacob the memo received from Mark Meadows. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000033, VP-R0000034.
87. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000034.
88. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Jenna Ellis Production), J.007206Ellis.
89. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Jenna Ellis Production), J.007472Ellis.
90. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Jenna Ellis Production), CTRL0000916457\_00002, (January 5, 2021, memo from Jenna Ellis to Jay Sekulow). This document was published by *Politico* on December 10, 2021. Betsy Woodruff Swan and Kyle Cheney, “Trump Campaign Lawyer Authored 2 Memos Claiming Pence Could Halt Biden’s Victory,” *Politico*, (Dec. 10, 2021), available at <https://www.politico.com/news/2021/12/10/trump-lawyer-pence-biden-524088>. In response to a Select Committee subpoena, Ellis produced a privilege log reflecting several communications from Ellis to Sekulow on January 5 and 6, 2021, each of which was described as “[e]mail discussion of internal legal strategy for possible pending litigation.”
91. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Jenna Ellis Production), CTRL0000916457\_00002 (January 5, 2021, memo from Ellis to Jay Sekulow).
92. Politico (@politico), Twitter, Jan. 5, 2021 2:31 p.m. ET, available at <https://twitter.com/politico/status/1346539955724681221> (“‘I actually don’t think that’s what the Constitution has in mind,’ Jay Sekulow, the chief counsel of the American Center for Law & Justice, says about the possibility of Pence rejecting the Electoral College results”).
93. Politico (@politico), Twitter, Jan. 5, 2021 2:31 p.m. ET, available at <https://twitter.com/politico/status/1346539955724681221>.
94. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 208.
95. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 208.
96. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 68; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed of Matt Morgan, (Apr. 25, 2022), pp. 19, 113. Matt Morgan was at the time a lawyer with Elections, LLC serving as General Counsel of the Trump Campaign and also acting as counsel to Vice President Pence’s leadership PAC.
97. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Matthew Morgan, (Apr. 25, 2022), pp. 117, 125 (“I had no question about what he was going to do on January 6th.”).

98. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 68. *See also* Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Chris Hodgson, (Mar. 30, 2022), p. 179 (stating that the reasons why Vice President Pence wanted to issue a public statement included the public discourse, letters from State legislators, and reporting about communications between the President and Vice President).
99. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Matthew Morgan, (Apr. 25, 2022), pp. 114, 116.
100. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 166-68 (“I’m not aware of any evidence that the campaign had, and I’m not aware of any evidence the campaign shared with our office that would have again provided specific evidence of theft or fraud that would have had a material change in any of the States.”).
101. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Matt Morgan, (Apr. 25, 2022), pp. 99–00; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 36-37.
102. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 079P-R0000745; *see also* Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 38. Following the meeting on January 2, 2021, Greg Jacob shared the following memo with Matt Morgan. *See* Documents on file with the Select Committee to Investigate the January 6th Attack, (Matt Morgan Production), AGSC16-000103.
103. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 61-62.
104. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Matt Morgan Production), AGSC16-000066; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Matt Morgan, (Apr. 25, 2022), p. 74 (“My view, for an electoral count vote to count, you need a certificate of ascertainment and then the vote of the elector itself, that the vote of an elector without a certificate of ascertainment would not be validly submitted.”).
105. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 079P-R0000698; *see also* Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chris Hodgson Production), 00131; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Chris Hodgson, (Mar. 30, 2022), p. 128 (stating that as of the date of this memo, January 2, 2021, “there were no open questions at that point that I’m aware of.”).
106. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 52.
107. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 68-69. Jacob shared a draft version of the statement with Matt Morgan. *See* Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Matt Morgan, (Apr. 25, 2022), pp. 119-120. This draft version clearly set forth Vice President Pence’s position, “I Preside, Congress Decides.” The draft statement read: I cannot believe that the Framers, who above all else feared the concentrated power of a Caesar, intended to appoint a single individual, often directly interested in the outcome, to unilaterally determine the validity of electoral votes. In the wrong hands, such a power would be the undoing of the Republic.” Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Matt Morgan Production), AGSC16-000149.

108. Philip Rucker, Josh Dawsey, “Growing Number of Trump Loyalists in the Senate Vow to Challenge Biden’s Victory,” *Washington Post*, (Jan. 2, 2021), available at [https://www.washingtonpost.com/politics/senators-challenge-election/2021/01/02/81a4e5c4-4c7d-11eb-a9d9-1e3ec4a928b9\\_story.html](https://www.washingtonpost.com/politics/senators-challenge-election/2021/01/02/81a4e5c4-4c7d-11eb-a9d9-1e3ec4a928b9_story.html).
109. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 166–68.
110. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 165-66.
111. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Select Committee Transcription), CTRL0000082311, p. 7 (January 2, 2021, Steve Bannon War Room Transcript).
112. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Select Committee Transcription), CTRL0000082311, p. 3 (January 2, 2021, Steve Bannon War Room Transcript).
113. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Select Committee Transcription), CTRL0000082311, p. 6 (January 2, 2021, Steve Bannon War Room Transcript).
114. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Select Committee Transcription), CTRL0000082311, p. 7 (January 2, 2021, Steve Bannon War Room Transcript).
115. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Select Committee Transcription), CTRL0000082311, p. 7 (January 2, 2021, Steve Bannon War Room Transcript).
116. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Select Committee Transcription), CTRL0000082311, p. 7 (January 2, 2021, Steve Bannon War Room Transcript).
117. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Select Committee Transcription), CTRL0000082311, p. 8 (January 2, 2021, Steve Bannon War Room Transcript).
118. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Select Committee Transcription), CTRL0000082311, p. 7 (January 2, 2021, Steve Bannon War Room Transcript).
119. Andrew Kaczynski, Em Steck, “Trump Lawyer John Eastman Said ‘Courage and the Spine’ Would Help Pence Send Election to the House in Comments before January 6,” CNN, (Oct. 30, 2021), available at <https://www.cnn.com/2021/10/30/politics/kfile-john-eastman-said-pence-could-throw-election-to-house/index.html>.
120. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Public Source), CTRL0000923171 (January 3, 2021, 6-page Eastman memo). Note that Eastman publicly disclosed this document, describing it as “the final version of [his] memo” and embedding it with a filename “Jan 3 Memo on Jan 6 Scenario.” John C. Eastman, “Trying to Prevent Illegal Conduct From Deciding an Election Is Not Endorsing a ‘Coup,’” *American Greatness*, (Sept. 30, 2021), available at <https://amgreatness.com/2021/09/30/trying-to-prevent-illegal-conduct-from-deciding-an-election-is-not-endorsing-a-coup/>. Eastman has also tried to rewrite history with regard to this memo, arguing that it noted that Congress has the power to make the final determination regarding electoral votes, even though the memo concludes, “[t]he fact is that the Constitution assigns this power to the Vice President as the ultimate arbiter. We should take all of our actions with that in mind.” See John McCormack, “John Eastman vs. the Eastman Memo,” *National Review*, (Oct. 22, 2021), available at <https://www.nationalreview.com/2021/10/john-eastman-vs-the-eastman-memo> (emphasis added).

121. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Public Source) CTRL0000923171, pp. 4-5 (January 3, 2021, 6-page Eastman memo).
122. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Public Source) CTRL0000923171, (January 3, 2021, 6-page Eastman memo) (describing the majority of the “TRUMP WINS” scenarios as resulting from the Vice President unilaterally determining “which” electoral slate from a State is valid, after “asserting that the authority to make that determination under the 12th Amendment . . . is his alone (and anything in the Electoral Count Act to the contrary is therefore unconstitutional).”).
123. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Public Source) CTRL0000923171, (January 3, 2021, 6-page Eastman memo) p. 5.
124. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Public Source) CTRL0000923171, (January 3, 2021, 6-page Eastman memo) p. 2; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman052976 (December 23, 2020, 2-page Eastman memo).
125. John C. Eastman, “Constitutional Statesmanship,” *Claremont Review of Books*, (Fall 2021) available at <https://claremontreviewofbooks.com/constitutional-statesmanship/>.
126. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman043035 (December 19, 2020, email from John Eastman to Bruce Colbert, re: Latest draft). It is not clear what relationship or connection existed between John Eastman and Bruce Colbert before the election; documents produced to the Select Committee demonstrate that Eastman and Mr. Colbert exchanged dozens of emails during the time period covered by the Select Committee’s subpoena to Chapman University (November 3, 2020, to January 20, 2021).
127. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (Jun. 16, 2022), available at [<https://www.govinfo.gov/committee/house-january6th>]. (Judge Luttig testifying, “[T]here was no support whatsoever in either the Constitution of the United States nor the laws of the United States for the Vice President, frankly, ever to count alternative electoral slates from the States that had not been officially certified by the designated State official in the Electoral Count Act of 1887.”).
128. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman053475, (December 23, 2020, email from John Eastman to Boris Epshteyn and Kenneth Chesebro, “FW: Draft 2, with edits”); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman053476 (December 23, 2020, 2-page Eastman memo).
129. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman063984 (January 10, 2021, email from John Eastman to Valerie Moon, re: Tell us in layman’s language, what the heck happened with the dual electors? Please?). This email appears to be a response by Eastman to an unsolicited email from a member of the public.
130. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman063984 (January 10, 2021, email from John Eastman to Valerie Moon, re: Tell us in layman’s language, what the heck happened with the dual electors? Please?).
131. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Public Source) CTRL0000923171, p. 5 (January 3, 2021, 6-page Eastman memo).



132. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Public Source), CTRL0000923171, p. 5 (January 3, 2021, 6-page Eastman memo).
133. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Public Source), CTRL0000923171, p. 5 (January 3, 2021, 6-page Eastman memo).
134. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Public Source), CTRL0000923171, p. 5 (January 3, 2021, 6-page Eastman memo).
135. The pressure placed on the Vice President by the President was a “multiweek campaign” that reached a crescendo in the days before January 6th. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 33. The Vice President’s Chief of Staff, Marc Short, saw the separation between the President and the Vice President building for weeks. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 34–35, 216–17.
136. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 191, 204–05; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 82; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
137. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 191, 204–05.
138. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Antony “Pat” Cipollone, (July 8, 2022), pp. 49 (regarding the declaration of martial law), 56 (regarding the appointment of Sidney Powell as special counsel), 58–59, 66 (regarding the seizure of voting machines), 110 (regarding the elevation of Jeff Clark to Acting Attorney General).
139. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Patrick Philbin, (Apr. 13, 2022), p. 5. Philbin told the Select Committee that in the end he decided not to resign out of a sense of obligation: “All of the pilots can’t jump off the plane because there’s still a lot of passengers in the back and we need to land the plane.”
140. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Patrick Philbin, (Apr. 13, 2022).
141. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Antony “Pat” Cipollone, (July 8, 2022), pp. 79 (“My view was that the Vice President didn’t have the legal authority to do anything except what he did.”), 81 (testifying that his views on the role of the Vice President were “extremely aligned” with the Vice President’s staff), 88 (“I thought that the Vice President did not have the authority to do what was being suggested under a proper reading of the law.”); See also Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Patrick Philbin, (Apr. 13, 2022).
142. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Antony “Pat” Cipollone, (July 8, 2022), pp. 85–86.
143. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Antony “Pat” Cipollone, (July 8, 2022), p. 85.
144. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Antony “Pat” Cipollone, (July 8, 2022), p. 94 (testifying that

the privileged interaction that resulted in his exclusion from the meeting took place in the presence of Meadows and Eastman, but before the Vice President, Short, and Jacob arrived).

145. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Antony “Pat” Cipollone, (July 8, 2022), pp. 85–86 (“I did walk to that meeting and I did go into the Oval Office with the idea of attending that meeting, and then I ultimately did not attend the meeting.”).
146. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Antony “Pat” Cipollone, (July 8, 2022), pp. 86, 94. Cipollone refused to describe further why he didn’t attend the meeting— “[t]he reasons for that are privileged”—and would not tell the Select Committee whether he voluntarily decided not to attend or was told not to.
147. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Antony “Pat” Cipollone, (July 8, 2022), pp. 85, 88.
148. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 88–89 (“[A]t the meeting on the 4th, Eastman expressed the view that both paths were legally viable.”).
149. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
150. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 89. *See also* Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 90 (“I think that was threaded throughout, that, again, both were legally viable but that the preferred course would be to send it back to the States.”), 91 (“. . . he [Eastman] thought that the more prudent course was a procedural send it back to the States, rather than reject electors.”), 93 (“On the 4th, I think that he said that both were legally viable options. But I do think that he said that he was not saying that that was the one that the Vice President should do.”).
151. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 89, 91 (“[H]e thought that the more prudent course was a procedural send it back to the states, rather than reject electors”), 96 (“[M]y impression was he was thinking more acceptance [by] the country of the action taken”). *See also* Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearings on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
152. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 96; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
153. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 95, 130 (Q: “Did John Eastman ever admit, as far as you know, in front of the President that his proposal would violate the Electoral Count Act?” A: “I believe he did on the 4th.” Q: “Okay. And can you tell us what the President’s reaction was?” A: “A I can’t.”); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000107 (Greg Jacob writing after the Oval Office meeting on January 4th, “Professor Eastman acknowledges that his proposal violates several provisions of statutory law.”).
154. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 202–03.

155. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000107. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 127.
156. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000107 (“Professor Eastman acknowledges that his proposal violates several provisions of statutory law”); Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 127–28.
157. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000107.
158. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (National Archives Production), VP-R0000107. Jacob notes in his memo that Eastman’s proposal also “contradicted the opinion authored by Republican Supreme Court Justice Joseph Bradley as the decided vote on the Electoral Commission of 1877.” Whereas Eastman wanted the Vice President to refer the manufactured dispute over slates of electors back to the State legislatures, Justice Bradley wrote that the President of the Senate (the Vice President) “is not invested with any authority for making any investigation outside of the joint meeting of the two Houses.”
159. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000107 (“[Professor Eastman] stated that in his view, the imprimatur of approval by a State legislature is important to the legitimacy of counting any slate of electors other than the one initially certified by the State’s executive.”).
160. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000107.
161. When pressed by Eric Herschmann on whether states really wanted to certify an alternate slate, and why they hadn’t taken steps to do so on their own, Eastman had no explanation or response. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), pp. 28–29.
162. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000107 (“Professor Eastman does not recommend that the Vice President assert that he has the authority unilaterally to decide which of the competing slates of electors should be counted”); Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 127.
163. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000107.
164. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000085.
165. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000182, VP-R0000183, VP-R0000180, VP-R0000181; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 102–03 (“[I]n fact, there were no materials, new materials that were actually presented to me by Mr. Eastman . . . I was open to receiving anything that anybody wanted to give me that might bear on that question . . . But I also correctly was of the view that I had already looked at everything and that we knew [ ] where we stood.”).
166. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 95.
167. “Donald Trump Rally Speech Transcript Dalton, Georgia: Senate Runoff Election,” Rev, (Jan. 4, 2021), available at <https://perma.cc/VAD2-TWVQ> (“Hello, Georgia, by the way. There’s no

way we lost Georgia. There's no way. That was a rigged election, but we're still fighting it and you'll see what's going to happen. We'll talk about it.”).

168. “Donald Trump Rally Speech Transcript Dalton, Georgia: Senate Runoff Election,” Rev. (Jan. 4, 2021), available at <https://perma.cc/VAD2-TWVQ>.
169. “Donald Trump Rally Speech Transcript Dalton, Georgia: Senate Runoff Election,” Rev. (Jan. 4, 2021), available at <https://perma.cc/VAD2-TWVQ>.
170. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 96, 105; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), p. 201; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000182.
171. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short Deposition (Jan. 26, 2022) p. 201; see also, Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob (Feb. 1, 2022) pp. 92, 94, 106; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (Jun. 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
172. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Greg Jacobs Production), CTRL0000070421, p. 1 (Jan. 5, 2021, Greg Jacob handwritten notes).
173. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>; See also Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 92 (“He, again, came into the meeting saying, ‘What I’m here to ask you to do is to reject the electors.’”).
174. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 93–95. Eastman acknowledged to Jacob that the previous day’s discussions had included the “send it back to the states” path, but he reaffirmed that the ask on the morning of January 5th was to reject electors outright. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 105; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th> (“So on the 4th, that had been the path that he had said, ‘I am not recommending that you do that,’ but on the 5th, he came in and expressly requested that.”).
175. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), pp. 24–25.
176. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), pp. 26–27.
177. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 24.
178. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 24.
179. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 107, 117.
180. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 107–08. Jacob debated with Eastman all of the historical examples, concluding that in “the 130 years of practice” the Electoral Count Act had been followed “every single time”; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 109–10.

181. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 108. What Jacob found when he looked into the Nixon example is that first, there were no competing slates of electors from Hawaii. In fact, a Republican slate was originally certified by the outgoing Governor, but after a judicially ordered recount, it was clear that the Democratic candidate had won, and the incoming Governor certified a new slate consistent with the outcome of the election after the recount. Then-Vice President Nixon, when he arrived at Hawaii in the joint session, “mag-nanimously” acknowledged that it was clear that Hawaii’s votes for Kennedy were the cor-rect votes and called for objections (of which there were none). This precedent was therefore an example of the Vice President complying with the Electoral Count Act’s proce-dures regarding objections to electors. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 15-16.
182. Select Committee to Investigate the January 6th Attack on the United States Capitol, Depo-sition of Greg Jacob, (Feb. 1, 2022), p. 110.
183. Select Committee to Investigate the January 6th Attack on the United States Capitol, Depo-sition of Greg Jacob, (Feb. 1, 2022), p. 110 (“[H]e ultimately acknowledged that none of [the Justices] would actually back this position when you took into account the fact that what you have is a mildly ambiguous [constitutional provision], a nonsensical result that has all kinds of terrible policy implications, and uniform historical practice against it”).
184. Select Committee to Investigate the January 6th Attack on the United States Capitol, Depo-sition of Greg Jacob, (Feb. 1, 2022), p. 110.
185. Select Committee to Investigate the January 6th Attack on the United States Capitol, Depo-sition of Greg Jacob, (Feb. 1, 2022), p. 111. Jacob told the Select Committee he did not know to whom Eastman was referring when he indicated “they” would be disappointed that Vice President Pence had not been convinced it was appropriate to reject electors.
186. Select Committee to Investigate the January 6th Attack on the United States Capitol, Depo-sition of Marc Short, (Jan. 26, 2022), pp. 95–96, 210–11.
187. J. Michael Luttig (@judgeluttig), Twitter, Jan. 5, 2021 9:53 a.m. ET, *et seq.*, available at <https://twitter.com/judgeluttig/status/1346469787329646592> (“The only responsibility and power of the Vice President under the Constitution is to faithfully count the electoral col-lege votes as they have been cast.”).
188. Select Committee to Investigate the January 6th Attack on the United States Capitol, Depo-sition of Marc Short, (Jan. 26, 2022), pp. 151-52.
189. Select Committee to Investigate the January 6th Attack on the United States Capitol, Depo-sition of Marc Short, (Jan. 26, 2022), pp. 151-52.
190. Select Committee to Investigate the January 6th Attack on the United States Capitol, Depo-sition of Marc Short, (Jan. 26, 2022), pp. 152, 209; see also Tom Hamburger, Josh Dawsey, and Jacqueline Alemany, “Jan. 6 Panel Grapples with How to Secure Testimony from Law-makers, Pence,” *Washington Post*, (Jan. 15, 2022), available at <https://www.washingtonpost.com/politics/2022/01/15/jan-6-subpoenas-committee> (“‘I did not notice any hesitation on his part,’ Quayle said of his conversation with Pence. ‘I inter-preted his questions as looking for confirmation that what he was going to do was right and that he had no flexibility. That’s the way I read it. Given the pressure he was under, I thought it was perfectly normal, very smart on his part to call me.’”).
191. Select Committee to Investigate the January 6th Attack on the United States Capitol, Depo-sition of Greg Jacob, (Feb. 1, 2022), p. 157.
192. Select Committee to Investigate the January 6th Attack on the United States Capitol, Depo-sition of Greg Jacob, (Feb. 1, 2022), p. 158; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 215-17.
193. Select Committee to Investigate the January 6th Attack on the United States Capitol, Depo-sition of Greg Jacob, (Feb. 1, 2022), pp. 157-58.

194. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), p. 215.
195. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), p. 216.
196. Bob Woodward and Robert Costa, *Peril*, (New York: Simon & Schuster, 2021), p. 229; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 215-16.
197. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 160.
198. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 220-22; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 116, 120. Note that Marc Short recalled that it was this afternoon phone call that led to the in-person meeting between Eastman and Jacob, however, documents received by the Select Committee and Jacob's more detailed recollection of his interactions with Eastman establishes that the in-person meeting occurred in the morning of January 5, 2021.
199. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>. (describing the message on this phone call between the Vice President and President Trump with Eastman's participation as, "Well, we hear you loud and clear, you are not going to reject. But remember last night, I said that there was this more prudent course where you could just send it back to the States? Would you be willing to do that[?]?"); see also Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 96-97, 120.
200. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 121.
201. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 121-22 (describing calls from Eastman and at least one other lawyer (likely either Kurt Olsen or Bill Olson)).
202. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 122-23.
203. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 123 (recounting Eastman's argument that election fraud was resulting in the Constitution being "shredded across all these different states" and comparing it to the Civil War).
204. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 122-24.
205. Maggie Haberman and Annie Karni, "Pence Said to Have Told Trump He Lacks Power to Change Election Result," *New York Times*, (Jan. 5, 2021), available at <https://web.archive.org/web/20210106003845/https://www.nytimes.com/2021/01/05/us/politics/pence-trump-election-results.html>. The same *Times* reporters had also published on January 4th an article again accurately reporting that President Trump "had directly pressed Mr. Pence to find an alternative to certifying Mr. Biden's win." Annie Karni and Maggie Haberman, "Pence's Choice: Side with the Constitution or His Boss," *New York Times*, (Jan. 4, 2021), available at <https://www.nytimes.com/2021/01/04/us/politics/pence-trump.html>.
206. Maggie Haberman and Annie Karni, "Pence Said to Have Told Trump He Lacks Power to Change Election Result," *New York Times*, (Jan. 5, 2021), available at <https://www.nytimes.com/2021/01/05/us/politics/pence-trump-election-results.html>.
207. Maggie Haberman and Anne Karni, "Pence Said to Have Told Trump He Lacks Power to Change Election Result," *New York Times*, (Jan. 5, 2021), available at <https://>



[web.archive.org/web/20210106003845/https://www.nytimes.com/2021/01/05/us/politics/pence-trump-election-results.html](https://web.archive.org/web/20210106003845/https://www.nytimes.com/2021/01/05/us/politics/pence-trump-election-results.html) (archived version showing original publication date of Jan. 5, 2021, at 7:36 p.m. ET).

208. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jason Miller, (Feb. 3, 2022), pp. 169-70.
209. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R000007439, (CTRL0000082597) (January 5, 2021, White House Presidential call log).
210. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R000007439, (CTRL0000082597) (January 5, 2021, White House Presidential call log).
211. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R000007439, (CTRL0000082597) (January 5, 2021, White House Presidential call log).
212. Meredith Lee (@meredithlee), Twitter, Jan. 5, 2021, 9:58 p.m. ET, available at <https://twitter.com/meredithlee/status/1346652403605647367?lang=en> (emphasis added); Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jason Miller, (Feb. 3, 2022), p. 175 (“[T]ypically on these, I might have a couple of wording suggestions . . . ultimately the way this came out was the way he wanted [it] to.”); see *id* at 174-76.
213. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), p. 224; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Chris Hodgson, (Mar. 30, 2022), pp. 184-85.
214. Meredith Lee (@meredithlee), Twitter, Jan. 5, 2021, 9:58 p.m. ET, available at <https://twitter.com/meredithlee/status/1346652403605647367?lang=en>.
215. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 161 (“[W]hoever drafted the statement it was not accurate.”).
216. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 161.
217. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), p. 224; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 163.
218. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), p. 223.
219. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), p. 223.
220. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), CTRL0000082597, (reflecting calls with Mr. Stephen Bannon on Jan. 5, 2021, from 8:57 a.m. to 9:08 a.m. and from 9:46 p.m. to 9:52 p.m.).
221. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Select Committee Transcription), CTRL0000082317 (Jan. 5, 2021, Steve Bannon War Room Transcript) (Bannon: “All hell is going to break loose tomorrow. Just understand this: All hell is going to break loose tomorrow. It’s going to be quick . . . It’s the fog of war.” Bannon discussed putting Sen. Grassley’s number on the screen, and suggested they encourage users at TheDonald.win to contact the Senator. (At the time, users at TheDonald.win were openly planning for violence and to surround the U.S. Capitol on

- January 6. See Chapter 6.) Bannon told his audience. “I’ll tell you this, it’s not going to happen like you think it’s going to happen, Ok? It’s going to be quite extraordinarily different. And all I can say is strap in.”).
222. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Select Committee Transcription) CTRL0000082317, (Jan. 5, 2021) (Steve Bannon War Room Transcript).
  223. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Select Committee Transcription) CTRL0000082317, (Jan. 5, 2021) (Steve Bannon War Room Transcript).
  224. Peter Navarro, *In Trump Time: A Journal of America’s Plague Year* (St. Petersburg, FL: All Seasons Press, 2021), p. 252.
  225. Peter Navarro, *In Trump Time: A Journal of America’s Plague Year* (St. Petersburg, FL: All Seasons Press, 2021), p. 263.
  226. Peter Navarro, *In Trump Time: A Journal of America’s Plague Year* (St. Petersburg, FL: All Seasons Press, 2021), p. 271.
  227. Peter Navarro, *In Trump Time: A Journal of America’s Plague Year* (St. Petersburg, FL: All Seasons Press, 2021), p. 252.
  228. Peter Navarro, *In Trump Time: A Journal of America’s Plague Year* (St. Petersburg, FL: All Seasons Press, 2021), p. 263.
  229. See e.g., Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman052976.
  230. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 26-27 (“But just to pick up on that, Mr. Short, was it your impression that the Vice President had directly conveyed his position on these issues to the President, not just to the world through a Dear Colleague Letter, but directly to President Trump?” A: “Many times.” Q: “And had been consistent in conveying his position to the President?” A: “Very consistent.”); see also Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 102 (“[T]hat’s where the Vice President started. That’s where he stayed the entire way.”); Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Chris Hodgson, (Mar. 30, 2022), p. 181 (“I believe that the Vice President was consistent in his understanding of the law and the precedent and his belief as to what his authority was and was not on January 6th.”).
  231. Donald J. Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 1:00 a.m. ET, available at <https://web.archive.org/web/20210106072109/https://twitter.com/realdonaldtrump/status/1346698217304584192> (archived).
  232. Donald J. Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 8:17 a.m. ET, available at <https://web.archive.org/web/20210106131747/https://twitter.com/realdonaldtrump/status/1346808075626426371> (archived).
  233. Donald J. Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 8:22 a.m. ET, available at <https://web.archive.org/web/20210106132244/https://twitter.com/realdonaldtrump/status/1346809349214248962> (archived).
  234. At 9:02 a.m., President Trump instructed the White House operator to call back with the Vice President; the operator instead informed the President at 9:15 a.m. that a message was left for the Vice President. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000261 (Presidential Call Log, White House Switchboard), P-R000255 (Daily Diary).
  235. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000285 (“11:20 –c w/ VPOTUS”); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000255 (“The President talked on

- a phone call to an unidentified person”); *see also* Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), p. 12 (stating that a military aide interrupted Pence’s meeting with staff to inform the Vice President that the President was holding to speak with him).
236. Present in the Oval Office during the call with the Vice President were Melania Trump, Donald Trump, Jr., Ivanka Trump, Eric Trump, Kimberly Guilfoyle, and Lara Trump, as well as Mark Meadows, Stephen Miller, Eric Herschmann, and Gen. Keith Kellogg. *See* Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ivanka Trump, (Apr. 5, 2022), pp. 30-32, 37.
  237. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 47.
  238. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ivanka Trump, (Apr. 5, 2022), p. 39.
  239. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ivanka Trump, (Apr. 5, 2022), p. 41.
  240. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Julie Radford, (May 24, 2022), pp. 17-18.
  241. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Julie Radford, (May 24, 2022), p. 19 (“And the word that she relayed to you that the President called the Vice President—apologize for being impolite—but do you remember what she said her father called him?” “The ‘P’word.”). *See also* Peter Baker, Maggie Haberman, and Annie Karni, “Pence Reached His Limit with Trump. It Wasn’t Pretty,” *New York Times*, (Jan. 12, 2021), available at <https://www.nytimes.com/2021/01/12/us/politics/mike-pence-trump.html>; Jonathan Karl, *Betrayal: The Final Act of the Trump Show*, (New York: Dutton, 2021), at pp. 273–74 (“[Y]ou said, ‘You can be a patriot or you can be a pussy.’ Did you really say that or is that an incorrect report? ‘I wouldn’t dispute it,’ [President Trump] answered.”).
  242. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Nicholas Luna, (Mar. 21, 2022), p. 127.
  243. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Keith Kellogg, (Dec. 14, 2021), p. 90; *see also* Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Donald J. Trump, Jr., (May 3, 2022), p. 84 (“I know the line of questioning was about sending it back to the States, but that’s about the extent of my recollection.”).
  244. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Keith Kellogg, (Dec. 14, 2021), p. 91 (“Q: [Y]ou said he told the Vice President that he has the legal authority to reject certain votes. Is that what you said? A: That he had the constitutional authority to do that, yes.”); *see also* Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann (Apr. 6, 2022), p. 48 (describing it as “a general discussion about the legal and constitutional authority of the VP”).
  245. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Keith Kellogg, (Dec. 14, 2021), p. 92.
  246. Select Committee to Investigate the January 6th Attack on the United States Capitol, Hearing on the January 6th Investigation, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 169.
  247. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 40; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (AT&T Production, Feb. 9, 2022).

248. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), pp. 40–41.
249. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (AT&T Production, Feb. 9, 2022).
250. “Rudy Giuliani Speech Transcript at Trump’s Washington, D.C. Rally: Wants ‘Trial by Combat,’” Rev, (Jan. 6, 2021), available at <https://www.rev.com/blog/transcripts/rudy-giuliani-speech-transcript-at-trumps-washington-d-c-rally-wants-trial-by-combat>.
251. “Rudy Giuliani Speech Transcript at Trump’s Washington, D.C. Rally: Wants ‘Trial by Combat,’” Rev, (Jan. 6, 2021), available at <https://www.rev.com/blog/transcripts/rudy-giuliani-speech-transcript-at-trumps-washington-d-c-rally-wants-trial-by-combat>.
252. “Rudy Giuliani Speech Transcript at Trump’s Washington, D.C. Rally: Wants ‘Trial by Combat,’” Rev, (Jan. 6, 2021), available at <https://www.rev.com/blog/transcripts/rudy-giuliani-speech-transcript-at-trumps-washington-d-c-rally-wants-trial-by-combat> (“We now have letters from five legislators begging us to do that. They’re asking us. Georgia, Pennsylvania, Arizona, Wisconsin, and one other coming in.”).
253. See, e.g., Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Marc Short Production), J6C-TSM-0003, J6C-TSM-0004, (January 6, 2021, email from Molly Michael to March Short containing subject line “2057Rayburn\_20210106\_002040.pdf” and an attached letter). The letter bore the signatures of 19 of the 60 members of the Arizona House and 4 of the 30 members of the Arizona Senate.
254. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman005235, Chapman005236, (January 5, 2021, email from John Eastman to Greg Jacob with an attached letter dated January 4, 2021). In an interview given after January 6th, Eastman argued that the Vice President still should have acted on the basis of the statement of a minority of the Pennsylvania legislature because “it was over Christmas, and they were having trouble getting ahold of people to sign the letter.” John McCormack, “John Eastman vs. the Eastman Memo,” *National Review*, (Oct. 22, 2021), available at <https://www.nationalreview.com/2021/10/john-eastman-vs-the-eastman-memo/>.
255. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman005235, Chapman005236.
256. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Jake Corman, (Jan. 25, 2022).
257. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Jake Corman, (Jan. 25, 2022). Corman told the Select Committee that he understood the Vice President’s role at the joint session was not substantive.
258. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 167-68; see also Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), p. 14; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Chris Hodgson, (Mar. 30, 2022), pp. 166-67.
259. “Rudy Giuliani Speech Transcript at Trump’s Washington, D.C. Rally: Wants ‘Trial by Combat,’” Rev, (Jan. 6, 2021), available at <https://www.rev.com/blog/transcripts/rudy-giuliani-speech-transcript-at-trumps-washington-d-c-rally-wants-trial-by-combat>.
260. “Rudy Giuliani Speech Transcript at Trump’s Washington, D.C. Rally: Wants ‘Trial by Combat,’” Rev, (Jan. 6, 2021), available at <https://www.rev.com/blog/transcripts/rudy-giuliani-speech-transcript-at-trumps-washington-d-c-rally-wants-trial-by-combat>.
261. “Rudy Giuliani Speech Transcript at Trump’s Washington, D.C. Rally: Wants ‘Trial by Combat,’” Rev, (Jan. 6, 2021), available at <https://www.rev.com/blog/transcripts/rudy-giuliani-speech-transcript-at-trumps-washington-d-c-rally-wants-trial-by-combat>.

262. "Rudy Giuliani Speech Transcript at Trump's Washington, D.C. Rally: Wants 'Trial by Combat,'" Rev, (Jan. 6, 2021), available at <https://www.rev.com/blog/transcripts/rudy-giuliani-speech-transcript-at-trumps-washington-d-c-rally-wants-trial-by-combat> (emphasis added). Note in particular Eastman's assertions regarding voting machines, for example, "They put those ballots in a secret folder in the machines. Sitting there waiting until they know how many they need." Eastman would later describe what he was calling on the Vice President to do as merely "to pause the proceedings." John C. Eastman, "Setting the Record Straight on the POTUS 'Ask,'" *The American Mind*, (Jan. 18, 2021), available at <https://americanmind.org/memo/setting-the-record-straight-on-the-potus-ask/>.
263. Brian Naylor, "Read Trump's Jan. 6 Speech, A Key Part of Impeachment Trial," NPR, (Feb. 10, 2021), available at <https://www.npr.org/2021/02/10/966396848/read-trumps-jan-6-speech-a-key-part-of-impeachment-trial>.
264. Brian Naylor, "Read Trump's Jan. 6 Speech, A Key Part of Impeachment Trial," NPR, (Feb. 10, 2021), available at <https://www.npr.org/2021/02/10/966396848/read-trumps-jan-6-speech-a-key-part-of-impeachment-trial>.
265. Brian Naylor, "Read Trump's Jan. 6 Speech, A Key Part of Impeachment Trial," NPR, (Feb. 10, 2021), available at <https://www.npr.org/2021/02/10/966396848/read-trumps-jan-6-speech-a-key-part-of-impeachment-trial>.
266. Brian Naylor, "Read Trump's Jan. 6 Speech, A Key Part of Impeachment Trial," NPR, (Feb. 10, 2021), available at <https://www.npr.org/2021/02/10/966396848/read-trumps-jan-6-speech-a-key-part-of-impeachment-trial>.
267. Brian Naylor, "Read Trump's Jan. 6 Speech, A Key Part of Impeachment Trial," NPR, (Feb. 10, 2021), available at <https://www.npr.org/2021/02/10/966396848/read-trumps-jan-6-speech-a-key-part-of-impeachment-trial>.
268. Brian Naylor, "Read Trump's Jan. 6 Speech, A Key Part of Impeachment Trial," NPR, (Feb. 10, 2021), available at <https://www.npr.org/2021/02/10/966396848/read-trumps-jan-6-speech-a-key-part-of-impeachment-trial>.
269. Brian Naylor, "Read Trump's Jan. 6 Speech, A Key Part of Impeachment Trial," NPR, (Feb. 10, 2021), available at <https://www.npr.org/2021/02/10/966396848/read-trumps-jan-6-speech-a-key-part-of-impeachment-trial>.
270. Mike Pence (@Mike\_Pence), Twitter, Jan. 6, 2021 1:02 p.m. ET, available at [https://twitter.com/Mike\\_Pence/status/1346879811151605762](https://twitter.com/Mike_Pence/status/1346879811151605762). Between 12:45 and 1:00 p.m., Vice President Pence processed with the Senate to the House Chamber. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Chris Hodgson, (Mar. 30, 2022), pp. 202-03. The Vice President's statement was issued publicly and distributed on the House floor before the Vice President convened the joint session at approximately 1:05 p.m. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 173; see also Donna Casata and Felicia Sonmez, "Congress Meets in Joint Session to Confirm Biden's Win, Over the Objections of Dozens of Republicans," *Washington Post*, (Jan. 6, 2021), available at <https://www.washingtonpost.com/politics/2021/01/06/congress-electoral-college-vote-live-updates/#link-DUX3QUF3TVDNZDEGO7KIK2JSYE>.
271. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 164.
272. Mike Pence (@Mike\_Pence), Twitter, Jan. 6, 2021 1:02 p.m. ET, available at [https://twitter.com/Mike\\_Pence/status/1346879811151605762](https://twitter.com/Mike_Pence/status/1346879811151605762); see also Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000121, (January 6, 2021, Dear Colleague letter issued by Vice President Pence).
273. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 27-28 (testifying that, in consultation with the Senate Parliamentarian, the Vice President purposefully revised the standard language used by previous vice presidents at the joint session of Congress because of efforts by the

- Trump Campaign and allies to create the public perception that there were “other slates of electors that were being considered or [ ] being put forward.”)
274. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 186-88; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 53-54; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Chris Hodgson, (Mar. 30, 2022), pp. 50-51. The Senate Parliamentarian offers advice and guidance on compliance with the Senate’s rules. See CRS Report, The Office of the Parliamentarian in the House and Senate, (Nov. 28, 2018) RS20544. The Office of the Secretary of the Senate, on behalf of the Senate Parliamentarian and her staff, declined requests for information about this topic, as well as other January 6-related topics, from the Select Committee citing the independent relationship of the Senate and House as well as “historical congressional norms.”
275. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 64; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Chris Hodgson, (Mar. 30, 2022), pp. 54-56 (testifying that the Vice President’s understanding of his role as explained in the Dear Colleague letter he released on January 6th was set as of his meeting with the Parliamentarian on January 3rd).
276. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 68-70; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 2728; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chris Hodgson Production), 00163, (Vice President Superscript for Joint Session to Count Electoral Ballots January 6, 2021), 00181, (Response to Submissions NOT Certified by a State); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000103\_0001 (Pence joint session scripted responses).
277. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), p. 42. Jacob learned through the media that Trump electors had met and purported to cast electoral votes but, seeing no indication that any of the groups that met had “an imprimatur of State authority,” he concluded that they would not qualify as competing slates under the Electoral Count Act. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 51; see also Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 54 (“I’m sure I, either in my oral conversation with Elizabeth [MacDonough] or in looking at this spreadsheet, confirmed my conclusion that none of these had the requisite State authority.”).
278. The Senate Parliamentarian and her staff tracked the receipt of legitimate electoral votes from the states as well as the private citizen submissions (including the fake slates submitted by Trump electors) and identified the many deficiencies of the fake documents. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP R0000323\_0001 (Jan. 3, 2021 email exchange with Senate Parliamentarian), VP R0000417\_0001 (Jan. 2 and 3, 2021 email exchange with Senate Parliamentarian), VP R0000418\_0001 (list of deficiencies in alternate elector slates); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chris Hodgson Production), 00094, (list of deficiencies in alternate elector slates). The Senate Parliamentarian reviewed each purported slate of electoral votes to separate those in regular form and authorized by a State from those submitted by private citizens—the Trump Campaign’s fake electors fell into this latter category. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 53–54; see also Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Chris Hodgson, (Mar. 30, 2022), pp. 44-45.



279. “House Chamber During Joint Session,” C-SPAN, at 11:07–11:37, Jan. 6, 2021, available at <https://www.c-span.org/video/?507748-1/house-chamber-joint-session> (emphasis added).
280. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Andrew Hitt, (Feb. 28, 2022), pp. 94-95. *See also* Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000076, VP-R0000417, VP-R0000418, (January 3, 2021, emails and spreadsheet showing OVP staff tracking the arrival of fake electors’ certificates).
281. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Andrew Hitt Production), Hitt000090 (text messages exchanged between Republican officials in Wisconsin, including statement that “[f]reaking trump idiots want someone to fly original elector papers to the Senate President.”).
282. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chris Hodgson Production), 00012, (message from Rep. Kelly’s Chief of Staff, Matt Stroia, to Chris Hodgson on Jan. 6, 2021, at 8:41 am), 00058, (messages from Senator Johnson’s Chief of Staff, Sean Riley, to Chris Hodgson on Jan. 6, 2021, around 12:37 pm).
283. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chris Hodgson Production), 00058 (Chris Hodgson responding to Sean Riley, “Do not give that to him. He’s about to walk over to preside over the joint session, those were supposed to come in through the mail[.]” And, “The VP absolutely should not receive any mail that hasn’t been screened.”).
284. *See, e.g.*, “House Chamber During Joint Session,” C-SPAN, at 15:33–15:59, Jan. 6, 2021, available at <https://www.c-span.org/video/?507748-1/house-chamber-joint-session>.
285. Karoun Demirjian, “GOP Members Object to Arizona’s Electoral Votes for Biden,” *Washington Post*, (Jan. 6, 2021), available at <https://www.washingtonpost.com/politics/2021/01/06/congress-electoral-college-vote-live-updates/#link-TSWL74F2SVHBHET7GQR5IEP6FI> .
286. “House Chamber During Joint Session,” C-SPAN, at 15:59–17:16, Jan. 6, 2021, available at <https://www.c-span.org/video/?507748-1/house-chamber-joint-session>.
287. “House Chamber During Joint Session,” C-SPAN, at 17:16–18:01, Jan. 6, 2021, available at <https://www.c-span.org/video/?507748-1/house-chamber-joint-session>.
288. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), p. 29.
289. House vote on Arizona (Roll No. 10): 167 Cong. Rec. H93 (daily ed. Jan. 6, 2021): 121-303; House vote on PA (Roll No. 11): 167 Cong. Rec. H112 (daily ed. Jan. 6, 2021): 138-282; Senate vote on Arizona (Rollcall Vote No. 1 Leg.): 167 Cong. Rec. S31-32 (daily ed. Jan. 6, 2021): 6-93; Senate vote on PA (Rollcall Vote. No. 2 Leg.): 167 Cong. Rec. S38 (daily ed. Jan. 6, 2021): 7-92.
290. Katie Meyer, “Congress Certifies Pa. Results, Biden’s Victory After Chaotic Day of Violent Insurrection,” WHYY, (Jan. 6, 2021), available at <https://whyy.org/articles/casey-fitzpatrick-condemn-violent-insurrection-as-congress-moves-toward-certifying-biden/>.
291. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 173-74.
292. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 173-75.
293. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 193.
294. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Chris Hodgson, (Mar. 30, 2022), pp. 208-09.
295. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Chris Hodgson, (Mar. 30, 2022), pp. 208-10; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R001019–P-R001020 (Jan. 6, 2021, NSC Chat Log).

296. Donald J. Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 2:24 p.m. ET, available at <https://web.archive.org/web/20210106192450/https://twitter.com/realdonaldtrump/status/1346900434540240897>.
297. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R001019–P-R001020 (NSC Chat Log).
298. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Sarah Matthews, (Feb. 8, 2022), pp. 37-38.
299. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 30-31.
300. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 30-31.
301. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 30-31.
302. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R001019–P-R001020 (NSC Chat Log).
303. See Chapter 8; see also Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 31-32.
304. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
305. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 63-65.
306. On the evening of January 6, 2021, the President’s Military Aide told the Vice President’s Military Aide (who relayed it to the Secret Service) that Marc Short’s access to the White House complex had been cancelled. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL0000513149 (January 6-7, 2021), CTRL0000673145 (January 6, 2021). Several people relayed to Marc Short that “some who instigated the President”—possibly Peter Navarro—suggested to the President that “Marc was responsible for leading the Vice President on the path he took,” which resulted in the President exclaiming that Mr. Short should be locked out of the White House. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 236-37; see also Biba Adams, “Pence’s Chief of Staff Denied Entry into WH: Trump ‘Blaming Me’,” *Yahoo News*, (Jan. 7, 2021), available at <https://www.yahoo.com/video/pence-chief-staff-denied-entry-173848235.html>.
307. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), p. 238.
308. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), p. 31, 45 (“The reason was he felt like, for the world’s greatest democracy, to see a motorcade, a 15-car motorcade fleeing the Capitol would send all the wrong signals. So he was adamant to say: I want to stay here in the Capitol.”); see also Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
309. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 29-31, 44-45; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 176-77; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.


310. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 198.
311. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 198-99.
312. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 198-99.
313. Jacob told the Select Committee that he recognized that January 6 was going to be “an historically important day” and he wanted to memorialize exactly what he thought of the arguments made by Eastman on January 5th, to supplement the memo he wrote to Vice President Pence reflecting the arguments Eastman made on January 4th. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), pp. 200-01.
314. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman005370 (January 6, 2021, emails between Greg Jacob and John Eastman).
315. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman005379 (January 6, 2021, emails between Greg Jacob and John Eastman).
316. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 200.
317. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 200.
318. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Chris Hodgson, (Mar. 30, 2022), pp. 246-47.
319. “READ: Mike Pence’s Statement to the Senate on the Storming of the Capitol,” *U.S. News*, (Jan. 6, 2021), available at <https://www.usnews.com/news/elections/articles/2021-01-06/read-mike-pences-statement-to-the-senate-on-the-storming-of-the-capitol>; see also Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Chris Hodgson, (Mar. 30, 2022), p. 246 (testifying that the Vice President wrote his remarks himself in his ceremonial office after the Capitol was cleared).
320. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000155, (January 6, 2021, emails between Greg Jacob and John Eastman).
321. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (National Archives Production), VP-R0000155, p. 1, (January 6, 2021, emails between Greg Jacob and John Eastman).
322. Select Committee to Investigate the January 6th Attack on the United States Capitol, Hearing on the January 6th Investigation, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
323. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000155, (January 6, 2021, emails between Greg Jacob and John Eastman). Note that Greg Jacob’s testimony establishes that this email was likely received on January 6, 2021, at 11:44 p.m., not at 4:44 a.m. the following morning as shown on the face of this document as produced. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 205. As noted in the Executive Summary, the Select Committee also received certain documents in UTC time, which is five hours ahead of EST.
324. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman005479 (January 6, 2021, emails between Greg Jacob and John Eastman). This email represents John Eastman again encouraging, in writing and just after the violent attack on the Capitol had been quelled,

that the Vice President use this as a justification for a further and much more serious violation of the law—delaying the certification. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>. Eastman attempted to minimize what he was doing by calling the Electoral Count Act a “minor procedural statute.” Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Greg Jacob, (Feb. 1, 2022), p. 133. In an email sent at 1:33 p.m., just before the Capitol was breached, Eastman wrote, “I’m sorry Greg, but this is small minded. You’re sticking with minor procedural statutes while the Constitution is being shredded.” Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), VP-R0000166.

325. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 16, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
326. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), pp. 43-44.
327. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), pp. 43-44.
328. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman0064047, (January 11, 2021, email from John Eastman to Rudy Giuliani).
329. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), pp. 35-36.





**Donald J. Trump**   
@realDonaldTrump



Peter Navarro releases 36-page report alleging election fraud 'more than sufficient' to swing victory to Trump [washex.am/3nwaBCe](https://www.washexaminer.com/3nwaBCe). A great report by Peter. Statistically impossible to have lost the 2020 Election. Big protest in D.C. on January 6th. Be there, will be wild!



This claim about election fraud is disputed



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1:42 AM · Dec 19, 2020 · Twitter for iPhone





## 6

### **“BE THERE, WILL BE WILD!”**

On December 14, 2020, electors around the country met to cast their Electoral College votes. Their vote ensured former Vice President Joe Biden's victory and cemented President Donald J. Trump's defeat. The people, and the States, had spoken. Members of President Trump's own Cabinet knew the election was over. Attorney General William Barr viewed it as “the end of the matter.”<sup>1</sup> Secretary of State Mike Pompeo and Secretary of Labor Eugene Scalia concurred.<sup>2</sup> That same day, Scalia told President Trump directly that he should concede defeat.<sup>3</sup>

President Trump had no intention of conceding. As he plotted ways to stay in power, the President summoned a mob for help.

At 1:42 a.m., on December 19th, President Trump tweeted: “Big protest in D.C. on January 6th. Be there, will be wild!”<sup>4</sup>

The President's tweet galvanized tens of thousands of his supporters around the country. President Trump had been lying to them since election day, claiming he won, and that the Democrats had stolen victory from him. Now, with a single tweet, the President focused his supporters' anger on the joint session of Congress in Washington, DC on January 6th.

Anika Navaroli, the longest-tenured member of Twitter's Trust and Safety Policy team, monitored the reaction to President Trump's “be wild” tweet. She told the Select Committee that the President was “essentially staking a flag in DC ... for his supporters to come and rally.”<sup>5</sup> The tweet created a “fire hose” of calls to overthrow the U.S. Government. President Trump's supporters had a new sense of urgency because they felt “as if their Commander in Chief” had summoned them.<sup>6</sup>

For many extremists and conspiracy theorists, the President's announcement was a call to arms.<sup>7</sup>

For the Proud Boys—described in more detail below—and their leader, Henry “Enrique” Tarrío, President Trump's tweet set in motion a chain of events that led directly to the attack on the U.S. Capitol. In the days that followed, the Proud Boys reorganized their hierarchy, imposed a stricter



Tarrio's video appears on a screen during a Select Committee hearing on June 09, 2022.

Photo by Drew Angerer/Getty Images

chain-of-command, and instructed followers to go “incognito” on January 6th.<sup>8</sup> The Proud Boys had made their presence known at previous pro-Trump events, including “Stop the Steal” rallies, where they brandished their black and yellow apparel and engaged in street brawls.<sup>9</sup> Suddenly, they did not want to stand out from the crowd. They wanted to blend in. They were planning something big.<sup>10</sup>

Tarrio allegedly used encrypted messages to plot the January 6, 2021, attack. On January 4, 2021, Tarrio told his men that they should “storm the Capitol.”<sup>11</sup> While the attack was underway, Tarrio claimed credit in a private chat, writing: “We did this.”<sup>12</sup> And on the evening of January 6th, Tarrio released a video of a man, presumably Tarrio himself, dressed in an odd costume standing in front of the U.S. Capitol. The eerie production had been recorded prior to the events of that day. Tarrio—who was not in Washington, DC on January 6th<sup>13</sup>—titled it, “Premonition.”<sup>14</sup>

The Oath Keepers, a far-right, anti-government militia movement—also described in more detail below—began planning for January 6th after the President’s tweet as well. Stewart Rhodes, the group’s leader, had agitated against the U.S. Government for years.<sup>15</sup> Immediately following the 2020 presidential election, Rhodes and others schemed to stop the peaceful

transfer of power. They stored weapons outside of Washington, DC,<sup>16</sup> hoping that President Trump would deputize them as his own militia.<sup>17</sup> An Oath Keeper leader, Kelly Meggs, read President Trump’s December 19th tweet and commented in a Facebook message: “He called us all to the Capitol and wants us to make it wild!!! Sir Yes Sir!!!”<sup>18</sup> The Oath Keepers formed two military “stacks” and marched up the steps of the U.S. Capitol on January 6th. Meggs led one of them.<sup>19</sup>

Members of both the Proud Boys and Oath Keepers have been charged with “seditious conspiracy” and other serious crimes, including conspiracy to interfere with a Federal proceeding; some, including Stewart Rhodes, have been convicted.<sup>20</sup> U.S. law defines seditious conspiracy as plotting “to overthrow,” or “to oppose by force,” or to use “force to prevent, hinder, or delay the execution of any law of the United States.”<sup>21</sup> Some of the two groups’ members have already admitted that this is what they intended to do.<sup>22</sup>

Other extremists and conspiracy theorists mobilized after President Trump’s tweet as well. These movements are described in more detail in subsequent sections. Three Percenter militias—another far-right, anti-government movement—shared “#OccupyCongress” memes<sup>23</sup> and planned for violence at the U.S. Capitol.<sup>24</sup> Nick Fuentes, leader of the white nationalist “Groyppers,” rallied his followers for January 6th.<sup>25</sup> Fuentes bragged afterwards that the “Capitol siege was fucking awesome.”<sup>26</sup> Users on TheDonald.win, a website populated by some of President Trump’s most ardent fans, openly discussed surrounding and occupying the U.S. Capitol.<sup>27</sup>

Adherents of QAnon, a bizarre and dangerous conspiracy cult, believed January 6th would bring the prophesied “Storm”—a violent purge of Democrats and government officials promised by the mysterious online personality known only as “Q.”<sup>28</sup> QAnon’s devotees flocked to Washington, DC because of the President’s tweet and subsequent rhetoric. They shared a digital banner, “Operation Occupy the Capitol,” which depicted the U.S. Capitol being torn in two.<sup>29</sup>

One especially notorious conspiracy theorist, Alex Jones, repeatedly told his *InfoWars*’ viewers that January 6th would be a day of reckoning.<sup>30</sup> Jones is known for his outlandish conspiracy-mongering, including his baseless claim that the massacre of school children at Sandy Hook Elementary School was really a “false flag” operation staged by the U.S. Government. Of course, his vicious lie was disproven in court, but Jones is obsessed with “deep state” conspiracy theories and often propagates them.<sup>31</sup> After the 2020 presidential election, Jones argued that President Trump should use the power of the Government to impose martial law on American citizens.<sup>32</sup> Along with his *InfoWars* co-hosts, Jones amplified President Trump’s “Big

Lie” and relentlessly promoted President Trump’s “wild” protest. One of Jones’ co-hosts floated the idea of “storming right into the Capitol.”<sup>33</sup> Jones himself marched to the Capitol January 6th.<sup>34</sup>

Jones’s influence helped shape the planning for January 6th behind the scenes as well. The Select Committee investigated how event organizers and the White House staff planned President Trump’s rally at the Ellipse, a park south of the White House. This event was intended to rile up the President’s supporters just prior to the joint session of Congress. A wealthy heiress paid for the event after listening to Jones’ *InfoWars* rant about the importance of President Trump’s tweet. She spent \$3 million with the goal to “get as many people there as possible.”<sup>35</sup> It worked—Americans who believed the election was stolen flocked to the Nation’s capital.

By January 5th, President Trump’s supporters—a large, angry crowd ready for instructions—had assembled in Washington. That evening, he could hear his raucous supporters at a rally not far from the White House. The President knew his supporters were “angry,”<sup>36</sup> and he planned to call on them to march on the U.S. Capitol.<sup>37</sup> He even wanted to join them on the march.<sup>38</sup> It was all part of President Trump’s plan to intimidate officials and obstruct the joint session of Congress.

“We fight like hell,” President Trump told the crowd assembled at the Ellipse on January 6, 2021. “And if you don’t fight like hell, you’re not going to have a country anymore.”<sup>39</sup> Some of those in attendance, as well as elsewhere in Washington that day, were already prepared to fight. They had begun preparing two and a half weeks earlier—when President Trump told them it would “be wild!”

## **6.1 HOW FAR-RIGHT EXTREMISTS AND CONSPIRACY THEORISTS PLANNED FOR JANUARY 6TH**

### **THE “STOP THE STEAL” COALITION**

President Trump’s “be wild” tweet immediately mobilized extremists and conspiracy theorists in the “Stop the Steal” coalition. The phrase “Stop the Steal” was originally coined in early 2016 by President Trump’s longtime political advisor, Roger Stone.<sup>40</sup> At the time, Stone alleged first that Candidate Trump’s Republican rivals were attempting to steal Candidate Trump’s nomination.<sup>41</sup> After Trump became the nominee, Stone repurposed the saying to claim that former Secretary of State Hillary Clinton would steal the presidency.<sup>42</sup> When President Trump won the 2016 election, “Stop the Steal” was rendered moot—and did not become a significant political movement until President Trump’s defeat on election night in 2020.<sup>43</sup> As

early as November 5, 2020, Stone advised associates that he intended to reconstitute “Stop the Steal” by building an army of lawyers and suing “like there’s no tomorrow.”<sup>44</sup>

Ali Alexander, a rightwing provocateur who has worked closely with Stone,<sup>45</sup> quickly organized a new “Stop the Steal” campaign. On November 10, 2020, Alexander established “Stop the Steal” as an entity incorporated in Alabama.<sup>46</sup> Alexander added a bank account and various websites.<sup>47</sup>

One of Alexander’s key allies in the “Stop the Steal” movement was Alex Jones. Prior to January 6th, Jones riled up crowds both in-person and online with incendiary rhetoric about the election. Jones’ *InfoWars* was also a platform for others in the election-denial coalition. For instance, both Enrique Tarrio and Stewart Rhodes made multiple appearances on *InfoWars*, including between election day 2020 and January 6, 2021.<sup>48</sup>

Another frequent guest on *InfoWars* was Roger Stone—a nexus character in the “Stop the Steal” coalition.<sup>49</sup> Stone recommended that then Presidential Candidate Donald Trump appear on Jones’s show in December 2015.<sup>50</sup> Trump accepted the invitation and praised Jones at length during his appearance.<sup>51</sup> The significance of Trump’s interview with Jones should not be underestimated. Donald Trump was a leading presidential contender at the time and would go on to win the election. His appearance with Jones normalized *InfoWars*, welcoming its conspiracy-minded audience into Trump’s base.<sup>52</sup> Trump did not appear on *InfoWars* again. However, Stone continued to make regular guest appearances.<sup>53</sup>

After election day 2020, Alexander Jones, and other “Stop the Steal” organizers, held rallies around the country to protest fictional claims of voter fraud. These events provided an opportunity for radicals and extremists to coalesce. The Proud Boys, Oath Keepers, and Three Percenters were all attendees. QAnon adherents were well-represented. So, too, were the white nationalist Groyppers and their leader, Nick Fuentes.

“Stop the Steal” events and other protests throughout 2020 helped build the momentum for January 6th. The Select Committee collected data on 85 right-wing events between January 1, 2020, and January 20, 2021, which were inspired by opposition to COVID-19 lockdown measures, racial justice protests, and, later, the perceived theft of President Trump’s victory.<sup>54</sup> Far-right extremists protested at or inside State capitols, or at other government buildings, in at least 68 instances.<sup>55</sup> Of those, 49 occurred during the period after the election through January 6th.<sup>56</sup> In the year leading up to January 6th, there were at least nine events at which far-right actors entered State capitols.<sup>57</sup> At least four of these capitol incursions—in Michigan,<sup>58</sup> Idaho,<sup>59</sup> Arizona,<sup>60</sup> and Oregon<sup>61</sup>—involved identifiable individuals who later participated in the attack on the U.S. Capitol.





Alex Jones and Ali Alexander inside the Georgia State Capitol during a "Stop the Steal" rally on November 18, 2020 in Atlanta, Georgia.

Photo by Elijah Nouvelage/Getty Images

Consider, for example, the protests held in Atlanta between November 18 and 21, 2020. Leaders and rank-and-file members of the Proud Boys, Oath Keepers, and Groypers, gathered outside the State capitol and the governor's mansion for nonstop events, including armed protests. Enrique Tarrio<sup>62</sup> and Stewart Rhodes<sup>63</sup> personally led contingents of the Proud Boys and Oath Keepers, respectively.

Jones first announced the Atlanta events on InfoWars on November 16th. In his announcement, Jones teased that he would be joined by Roger Stone and also called on listeners to "surround the governor's mansion" in order to prevent the election results from being certified.<sup>64</sup> Fuentes advertised that he would be speaking at the capitol every day at noon.<sup>65</sup> In fiery speeches across Atlanta, Fuentes spread election lies as well as wink-and-nod hints at intimidation and violence.<sup>66</sup>

Alexander, standing alongside Jones and Fuentes outside the State capitol on November 18th, exhorted the crowd to "storm the capitol" with them.<sup>67</sup> The three men led a crowd into the State capitol building. On November 20th, Roger Stone gave a speech outside the Georgia capitol. Speaking through a telephone held up by Alexander, Stone advanced election lies, and finished with a provocative rallying cry: "Victory or death!"<sup>68</sup>



That same day, Fuentes told the crowd, “Look, we’ve been in front of the State capitol, maybe we’ve been trying the wrong approach.”<sup>69</sup> Days earlier, at a nighttime event outside the governor’s mansion, Alexander, again flanked by Jones and Fuentes, goaded the crowd: “We’ll light the whole shit on fire.”<sup>70</sup>

While the crowd did not turn violent, the “Stop the Steal” protests in Atlanta, Georgia, prefigured January 6th in important respects. “Stop the Steal” organizers tried to use the mob they had assembled—including extremists from the Proud Boys, Oath Keepers, Three Percenters and Groypers—to intimidate lawmakers and overturn the election results in Georgia, which was required to certify former Vice President Biden’s victory in the State by the end of that week.<sup>71</sup> They implored their followers to “storm the capitol.”<sup>72</sup> As discussed in Chapter 8, this same coalition of radicals did just that on January 6, 2021.

Other “Stop the Steal” events helped pave the way for the events of January 6th. Two rallies in Washington D.C.—on November 14 and December 12, 2020—were critically important. Alexander’s “Stop the Steal” was not the only protest organization present at these events. Both were called “Million MAGA Marches” and drew in other rally organizers. One of these other protests was called the “Jericho March” prayer rally.<sup>73</sup> Regardless, the same constellation of actors that appeared in Atlanta also incited Trump supporters in Washington.

For instance, during the Jericho March rally on December 12th, Stewart Rhodes called on President Trump to invoke the Insurrection Act as part of a desperate gambit to remain in power. In Rhodes’ vision, he would lead militiamen on behalf of President Trump when others tried to remove him from office.<sup>74</sup> If President Trump did not invoke the Insurrection Act, Rhodes warned the crowd, then they would be forced to wage a “much more desperate [and] much more bloody war.” Alex Jones also gave an incendiary speech at the Jericho March event, declaring: “I don’t know who is going to the White House in 38 days, but I sure know this, Joe Biden is a globalist, and Joe Biden will be removed, one way or another!”<sup>75</sup>

As the crowds gathered in Washington on December 12th, President Trump was publicly lobbying the Supreme Court to hear his fictitious claims of election fraud. The President assailed the Supreme Court on Twitter throughout the day.<sup>76</sup> The “Stop the Steal” coalition was eager to help. After the Jericho March event ended, Jones, his InfoWars co-host Owen Shroyer, and Ali Alexander led a march on the Supreme Court. Once there, the crowd chanted slogans such as “Stop the Steal!”; “1776!!”; “Our revolution!”; and “The fight has just begun!!”<sup>77</sup>



“Million MAGA March” protest on November 14, 2020 in Washington, DC.

Photo by Tasos Katopodis/Getty Images

President Trump made sure to let the protestors in Washington know that he personally approved of their mission. During the November rally, President Trump waved to the crowd from his presidential motorcade.<sup>78</sup> Then, on the morning of December 12th, President Trump tweeted: “Wow! Thousands of people forming in Washington (D.C.) for Stop the Steal. Didn’t know about this, but I’ll be seeing them! #MAGA.”<sup>79</sup> Later that day, President Trump flew over the protestors in Marine One.<sup>80</sup>

When President Trump tweeted one week later that there would be a “wild” protest in Washington on January 6th, the “Stop the Steal” coalition immediately began to mobilize. Jones posted an article on the *InfoWars* website asking readers if they would “answer President Trump’s call to defend the Republic?”<sup>81</sup> The next day, December 20th, Jones devoted much of his *InfoWars* show to the President’s announcement. Jones told his audience several times that if 10 million Americans came to Washington, DC on January 6th, Congress would have to listen to them.<sup>82</sup> He repeated this idea over the course of the episode, saying things such as, “He’s calling you, he needs your help, we need your help, we need 10 million people there,” “[w]e need martial law and have to prevent the police state of foreigners from taking over.” Jones added: “It’s literally in our hands. It’s literally up to us.”<sup>83</sup>

Other *InfoWars* hosts promoted the “wild” protest as well. In late December, Matt Bracken told *InfoWars* viewers that it may be necessary to storm the U.S. Capitol. “We’re going to only be saved by millions of Americans moving to Washington, occupying the entire area, if—if necessary storming right into the Capitol,” Bracken said. “You know, they’re—we know the rules of engagement. If you have enough people, you can push down any kind of a fence or a wall.”<sup>84</sup>

Far-right extremists planned to do just that.

## 6.2 THE PROUD BOYS: “[Y]OU WANT TO STORM THE CAPITOL”

From the Proud Boys’ founding in 2016, violence was intrinsic to their mission. “We will kill you. That’s the Proud Boys in a nutshell,” their founder said.<sup>85</sup> New recruits pledge an oath, established in the group’s bylaws, identifying themselves as unapologetic “Western chauvinists,”<sup>86</sup> promoting an exclusionary, hyper-masculine interpretation of Western culture.<sup>87</sup> They find common ground in an embrace of misogyny and hate for their perceived enemies.<sup>88</sup> The group is somewhat ethnically diverse, but their public and private messages fester with toxic white supremacist, xenophobic, and anti-Semitic slurs.<sup>89</sup>

The Proud Boys have participated in, or instigated, protests since their founding.<sup>90</sup> They’ve long been known as street brawlers looking for a fight.<sup>91</sup> But 2020 was a watershed year for the group. As protests spread around the country, the Proud Boys deputized themselves as agents of law and order—vigilantes against perceived threats.<sup>92</sup> More often, they played the role of instigators.<sup>93</sup> They portrayed themselves as counter-protestors and identified their targets as Black Lives Matter and Antifa—though they were hard-pressed to define their organizational enemies.<sup>94</sup>

During the presidential debate on September 29, 2020, President Trump was asked to disavow far-right extremists, including the Proud Boys. The President did not explicitly condemn the group. Instead, he seemingly endorsed their mission. “Stand back and stand by,” President Trump told the Proud Boys, before adding, “but I’ll tell you what ... somebody’s got to do something about Antifa and the left.”<sup>95</sup> The President’s words electrified the group, injecting new life into their recruitment and activities. According to Nick Quested, a filmmaker who spent significant time with the group and testified before the Select Committee, the Proud Boys had found their “savior” in President Trump.<sup>96</sup>

Joseph Biggs, a senior Proud Boy, immediately trumpeted President Trump’s debate statement on Parler,<sup>97</sup> a fringe social media platform. Biggs made it clear that the Proud Boys were ready to fight Antifa.<sup>98</sup> The group’s



A Proud Boy during a "Stop the Steal" rally on November 7, 2020 in Salem, Oregon.

Photo by Nathan Howard/Getty Images

size “tripled” in response to President Trump’s apparent endorsement, according to Jeremy Bertino, a Proud Boys leader who has pleaded guilty to seditious conspiracy in relation to January 6th.<sup>99</sup> Similarly, Enrique Tarrío and another Proud Boys member, George Meza, testified to the Select Committee that the President’s comment was a pivotal, energizing moment.<sup>100</sup> The group started selling merchandise with their new “stand back and stand by” slogan the very same night.<sup>101</sup>

As the presidential votes were tallied, the Proud Boys became agitated at the prospect that President Trump would lose. On November 5, 2020, Biggs posted on social media, “It’s time for fucking war if they steal this shit.”<sup>102</sup> As former Vice President Joe Biden’s victory became apparent, Proud Boys leaders directed their ire toward others in the Government. Biggs, speaking on a Proud Boys livestream show with Tarrío and others, warned that government officials are “evil scum, and they all deserve to die a traitor’s death.” Ethan Nordean—another Proud Boys leader who allegedly helped lead the attack at the Capitol—responded, “Yup, Day of the Rope,”<sup>103</sup> referring to a day of mass lynching of “race traitors” in the white supremacist novel *The Turner Diaries*.<sup>104</sup>



### THE PROUD BOYS IN WASHINGTON PRIOR TO JANUARY 6TH

Within days of the election, dozens of “Stop the Steal” protests were organized around the country.<sup>105</sup> The Proud Boys participated alongside other right-wing extremist groups in some of them, including a November 7, 2020, protest outside of the Pennsylvania State capitol in Harrisburg.<sup>106</sup> The two events in Washington, DC—on November 14, 2020, and the other on December 12, 2020—proved to be especially important for the group’s evolution.

The daytime events on both dates passed by without violence or major unrest, but as the sun set, bouts of violence erupted,<sup>107</sup> driven by clashes between far-right extremist groups—chiefly the Proud Boys—and counter-protestors.<sup>108</sup> Among far-right extremists, the Proud Boys had the largest showing in both November and December,<sup>109</sup> with roughly 200 to 300 Proud Boys at the November 14th rally, and the same number or more in December.<sup>110</sup> As discussed in Chapter 8, they mustered about the same contingent for the attack on the U.S. Capitol.

The gathering on November 14th provided a chance for Tarrío to socialize with rally leaders and far-right celebrities. In fact, his travel to DC by private jet appears to have been paid for by Patrick Byrne, a businessman who had President Trump’s ear in the last weeks of his presidency and encouraged the President to authorize the seizure of voting machines in a December 18th meeting.<sup>111</sup> Tarrío’s testimony and photographs from the day show that he met with “Stop the Steal” organizer Ali Alexander that evening, and the pair toasted each other.<sup>112</sup> Tarrío described the event as a “historic” meeting of Trump supporters and celebrated the opportunity to share that platform with Alexander, Jones, and Jones’ *InfoWars* co-host, Owen Shroyer.<sup>113</sup> Shroyer would later be charged with crimes committed during the January 6th attack.<sup>114</sup>

A month later, the Proud Boys returned to the Nation’s capital. On the evening of December 11th, hundreds of Proud Boys and friends gathered in downtown Washington, DC to listen to an impromptu bullhorn speech by Tarrío and Nordean, along with Roger Stone and Shroyer.<sup>115</sup> Stone implored the crowd to “fight to the bitter end.”<sup>116</sup>

The next day, as the Proud Boys marched in force on the streets, Tarrío teased in a social media post that he had a meeting in the White House.<sup>117</sup> The visit, which was only a public White House tour, appears to have been facilitated by a friend, Bianca Gracia, the head of Latinos for Trump.<sup>118</sup> As the rallies concluded the next day, the Proud Boys took to the streets again. Two key events occurred that evening.

First, members of the Proud Boys tore down a Black Lives Matter banner from a historically Black church in downtown Washington, DC.<sup>119</sup> They

filmed themselves burning it.<sup>120</sup> Tarrío was eventually charged with destruction of property.<sup>121</sup> He was arrested on January 4, 2021, and banned from Washington, DC, barring him from joining the group at the Capitol.<sup>122</sup> As explained in Chapter 8, however, Tarrío's arrest did not stop him from conspiring with his men on January 6th.

Minutes after the flag burning, a man wearing black clothes walked into a crowd of Proud Boys.<sup>123</sup> Assuming he was associated with Antifa, they began pushing and harassing him, and he drew a knife in response.<sup>124</sup> In the ensuing melee, four Proud Boys suffered stab wounds, including Bertino, a confidant to Tarrío.<sup>125</sup> Bertino's wounds were severe and life-threatening, preventing him from joining the group on January 6th.<sup>126</sup>

### **STORMING THE WINTER PALACE**

The Proud Boys began to reorient and formalize their operations to focus on January 6th after President Trump's December 19th tweet. Inspired, in part, by Bertino's stabbing, the Proud Boys centered their new hierarchy in group chats that used terms such as "Ministry of Self Defense" (MOSD).<sup>127</sup> However, the words "Self Defense" were misleading: Enrique Tarrío and others would soon go on the offense. And the MOSD served as their organizational scaffolding for the January 6, 2021, attack.

On December 20, 2020, Tarrío established a "national rally planning committee" and created an encrypted MOSD chat to organize their activities.<sup>128</sup> Tarrío added Proud Boys leaders from across the country, including several who played lead roles in the violence on January 6th.<sup>129</sup> In the ensuing weeks, the Proud Boys traded equipment recommendations, shared maps marked with law enforcement positions, and established command and control structures.<sup>130</sup> A separate encrypted chat, named "Boots on the Ground," was established for foot soldiers who would be in Washington, DC on January 6th.<sup>131</sup>

The Proud Boys' planning for January 6th was a significant step in the group's evolution. Previously, they were loosely organized. The MOSD was created to enforce a "top down structure" with a defined leadership.<sup>132</sup> Tarrío stressed the command structure by telling members that they needed to "[f]it in [] or fuck off."<sup>133</sup>

From the start, it was clear that MOSD chat members were intensely interested in disrupting the electoral count on January 6th. On December 20, 2020, one MOSD leader stated, "I assume most of the protest will be at the capital [sic] building given what's going on inside."<sup>134</sup> On December 29, 2020, in a group message to the MOSD, a member wrote, "I know most of the events will be centered around freedom plaza..." Tarrío responded, "Negative. They're centered around the Capitol."<sup>135</sup>



On December 30, 2020, Tarrío received an intriguing document titled, “1776 Returns.”<sup>136</sup> The document was apparently sent to him by cryptocurrency investors in South Florida.<sup>137</sup> The file’s author(s) divided their plan into five parts, “Infiltrate, Execution, Distract, Occupy and Sit-In,” with the goal of overrunning several Federal buildings around the U.S. Capitol. The plan specifically mentioned House and Senate office buildings, setting forth steps for occupying them. The author(s) called for “the masses to rush the building[s],” distract law enforcement in the area by pulling fire alarms around the city, target specific Senators’ offices, and disguise participants’ identities with COVID masks.<sup>138</sup>

One proposal mentioned in the document is titled, “Storm the Winter Palace.”<sup>139</sup> This is a reference to a dramatic reenactment of the 1917 Bolshevik Revolution, during which Vladimir Lenin ordered his forces to take over the Romanovs’ residence in Petrograd. The “Winter Palace” was the seat of the provisional government, which had held out against the Bolshevik revolutionaries. The Proud Boys would frame their actions on January 6th as part of the American Revolution. But the “1776 Returns” document shows their inspiration came at least in part from the Communist Revolution, which led to 70-plus years of totalitarian rule. No historical event has been less American.

The Proud Boys did not adopt the “1776 Returns” plan in full. Several Proud Boys testified that they were unaware of the document before it became public.<sup>140</sup> But the document does appear to have been significantly edited while in the Proud Boys’ hands.<sup>141</sup> The person who sent it to Tarrío—his ex-girlfriend, Eryka Gemma Flores—commented, “The revolution is [more] important than anything.” To which Tarrío responded: “That’s what every waking moment consists of . . . I’m not playing games.”<sup>142</sup>

On January 3rd, Tarrío posted a conspicuous question on Telegram: “What if we invade it?” The first response to his post read: “January 6th is D day [sic] in America.”<sup>143</sup> In private, on the Proud Boys’ leadership group message, planning continued. One MOSD leader, John Stewart, floated a plan that centered around “the front entrance to the Capitol building.”<sup>144</sup> At 7:10 p.m. on January 3rd, Stewart wrote to the MOSD leaders:

I mean the main operating theater should be out in front of the house of representatives. It should be out in front of the Capitol building. That’s where the vote is taking place and all of the objections. So, we can ignore the rest of these stages and all that shit and plan the operations based around the front entrance to the Capitol building. I strongly recommend you use the national mall and not Pennsylvania avenue though. It’s wide-open space, you can see everything coming from all angles.<sup>145</sup>

Early the next morning, on January 4th, Tarrío sent a voice memo to the same group of MOSD leaders stating, “I didn’t hear this voice until now, you want to storm the Capitol.”<sup>146</sup>

One of Tarrío’s comrades in the Proud Boys’ leadership, Charles Donohoe—who pleaded guilty to conspiracy to obstruct an official proceeding and assaulting, resisting, or impeding certain officers<sup>147</sup>—later told authorities that by January 4th he “was aware that members of MOSD leadership were discussing the possibility of storming the Capitol.”<sup>148</sup> Donohoe “believed that storming the Capitol would achieve the group’s goal of stopping the government from carrying out the transfer of presidential power” and “understood that storming the Capitol would be illegal.”<sup>149</sup> By the following evening, January 5th, Tarrío was discussing with other Proud Boy leaders a “tactical plan” for the following day. Their “objective” was “to obstruct, impede, or interfere with the certification of the Electoral College vote.”<sup>150</sup> Moreover, Donohoe understood that the Proud Boys “would pursue this through the use of force and violence, in order to show Congress that ‘we the people’ were in charge.”<sup>151</sup> On January 6th, Charles Donohoe understood that two of his fellow Proud Boys’ leaders—Ethan Nordean and Joe Biggs—“were searching for an opportunity to storm the Capitol.”<sup>152</sup>

Jeremy Bertino, the Proud Boys leader who was stabbed on the night of December 12th, later told authorities that his fellow extremists plotted to stop the peaceful transfer of power. In October 2022, Bertino pleaded guilty to “seditious conspiracy” and other crimes.<sup>153</sup> Bertino admitted that the Proud Boys traveled to Washington, DC on January 6, 2021, “to stop the certification of the Electoral College Vote.” They “were willing to do whatever it would take, including using force against police and others, to achieve that objective.”<sup>154</sup>

In testimony before the Select Committee, Bertino recalled a telling text exchange with Tarrío on the evening of January 6th. “I was like, ‘holy shit,’ or something like that I said to him,” Bertino recalled. “And I was like, ‘I can’t believe this is happening,’ or something like that, and ‘1776.’”<sup>155</sup>

Tarrío replied to Bertino: “Winter Palace.”<sup>156</sup>

### **6.3 THE OATH KEEPERS: “HE CALLED US ALL TO THE CAPITOL AND WANTS US TO MAKE IT WILD!!!”**

The Oath Keepers, founded in 2009 by Elmer Stewart Rhodes, is a far-right anti-government organization. The group targets former and current military and law enforcement for recruitment. Their name refers to the oath taken by public servants to support and defend the U.S. Constitution. The Oath Keepers’ claimed fealty to the U.S. Constitution is belied by their

obsession with conspiracy theories about alleged evil-intentioned elites in the Government.<sup>157</sup> Rhodes has often spouted these conspiracy theories on *InfoWars*.<sup>158</sup>

Over the summer of 2020, the Oath Keepers organized armed groups, ostensibly to serve as volunteer, self-appointed security at protests around the country. The Oath Keepers used the protests to draw in new recruits.<sup>159</sup> They also built muscle memory by coordinating for these events. For example, the Oath Keepers hired Michael Greene, who later coordinated Oath Keepers’ activities on January 5th and 6th, to lead security operations in multiple cities around the country.<sup>160</sup> In the early part of 2020, protests against COVID-related lockdowns served as additional growth and networking opportunities. Kellye SoRelle, a lawyer for the Oath Keepers, met the Oath Keepers at a lockdown protest in Austin, Texas in early 2020. SoRelle saw these COVID events as a “coalescing moment” for different far-right groups.<sup>161</sup>

The “Stop the Steal” movement created another opportunity for the Oath Keepers to grow their influence. Rhodes repeatedly amplified the stolen election conspiracy theory. On November 10, 2020, he posted a “Call to Action!” on the Oath Keepers website, alleging the election was “stolen” and exhorting his followers to “refuse to EVER recognize this as a legitimate election, and refuse to recognize Biden as a legitimate winner.”<sup>162</sup> Under a section entitled “What We the People Must Do,” Rhodes quoted a “patriot from Serbia, who also loves America.” The Serbian author described how his fellow countrymen fomented a political revolution. Parts of the statement presaged the attack on the U.S. Capitol:

... Millions gathered in our capital [sic]. There were no barricades strong enough to stop them, nor the police determined enough to stop them. Police and Military aligned with the people after few hours of fist-fight [sic]. We stormed the Parliament. And burned down fake state Television! WE WON!<sup>163</sup>

The Oath Keepers were obsessed with the Insurrection Act—seeing it as a way for President Trump to cling to power. Rhodes believed that the President could empower militias like the Oath Keepers to enforce law and order after other Americans refused to accept President Trump’s rule.<sup>164</sup> Indeed, President Trump had been intensely interested in the Insurrection Act as a potential tool to quell the protests in summer 2020.<sup>165</sup> Rhodes wished the Act had been invoked then, but he did not give up on the fantasy.<sup>166</sup> As mentioned above, Rhodes called for President Trump to invoke the Insurrection Act during his speech in Washington on December 12, 2020.<sup>167</sup>

That day, Rhodes also coordinated with Jericho March organizers to provide security.<sup>168</sup> He coordinated with a paramilitary group known as 1st

Amendment Praetorian (IAP), to guard VIPs, including retired Lieutenant General Michael Flynn and Patrick Byrne.<sup>169</sup> Rhodes indicated that the Oath Keepers would be “working closely” with them for the event.<sup>170</sup>

The Oath Keepers continued to call for President Trump to invoke the Insurrection Act throughout December 2020, arguing that the President needed to do so to “Stop the Steal.”<sup>171</sup> This fantasy reflected a warped sense of reality. Rhodes testified that President Trump could have mobilized “unorganized militia,” including the Oath Keepers, to suppress an insurrection if he attempted to stay in power after losing the election.<sup>172</sup> But the Oath Keepers themselves were the ones contemplating insurrection. On December 10, 2020, Rhodes messaged others: “Either Trump gets off his ass and uses the Insurrection Act to defeat the Chicom puppet coup or we will have to rise up in insurrection (rebellion) against the ChiCom puppet Biden. Take your pick.”<sup>173</sup> Rhodes was blunt in other messages to the Oath Keepers, writing: “We need to push Tump [sic] to do his duty. If he doesn’t, we will do ours. Declare Independence. Defy[, ] Resist[, ] Defend[, ] Conquer or Die. This needs to be our attitude.”<sup>174</sup>

#### **6.4 “TRUMP SAID IT’S GONNA BE WILD!!!!!! IT’S GONNA BE WILD!!!!!!”**

As the Proud Boys began their plans for January 6th, Kelly Meggs, the leader of the Florida chapter of the Oath Keepers, reached out. In the past, the Proud Boys and the Oath Keepers had their differences, deriding each other’s tactics and ethos during the summer 2020 protests.<sup>175</sup> But President Trump’s tweet on December 19th conveyed a sense of urgency which provided the two extremist rivals the opportunity to work together for a common goal.

After President Trump’s tweet, Meggs called Enrique Tarrío. They spoke for 3 minutes and 26 seconds.<sup>176</sup> Meggs also sent a message on Facebook, bragging about an alliance he had formed among the Oath Keepers, the Florida Three Percenters, and the Proud Boys: “We have decided to work together and shut this shit down.”<sup>177</sup> The Oath Keepers were making plans of their own, too.

“Oath Keepers president [Rhodes] is pretty disheartened,” Roberto Minuta, one of Rhodes’ men, messaged someone on December 19th. “He feels like it’s go time, the time for peaceful protest is over in his eyes. I was talking with him last night.”<sup>178</sup> Minuta has been charged with “seditious conspiracy” and other crimes.<sup>179</sup>

In the days that followed, the Oath Keepers planned for violence. They used encrypted chats on Signal to discuss travel plans, trade tips on tactical equipment to bring, and develop their plans for once they were on the

ground in the DC area.<sup>180</sup> On December 21st, 2020, Joshua James messaged the group, stating, “SE region is creating a NATIONAL CALL TO ACTION FOR DC JAN 6TH. . . . 4 states are mobilizing[.]”<sup>181</sup> Meggs, Rhodes, and others created several different chat groups to coordinate for January 6th.<sup>182</sup>

On December 22nd, Meggs echoed President Trump’s tweet in a Facebook message to someone else:

Trump said It’s gonna be wild!!!!!! It’s gonna be wild!!!!!! He wants us to make it WILD that’s what he’s saying. He called us all to the Capitol and wants us to make it wild!!! Sir Yes Sir!!! Gentlemen we are heading to DC pack your shit!!”<sup>183</sup>

Meggs also wrote that the Oath Keepers would have 50–100 members in Washington, DC on January 6th.<sup>184</sup>

The Oath Keepers hosted periodic group video meetings to discuss plans for January 6th. Richard Dockery, a former Oath Keepers member, testified to the Select Committee about a video call that took place around December 31st, and related specifically to planning for January 6th.<sup>185</sup> During the call, Oath Keepers’ leadership announced plans to provide security for far-right celebrities like Roger Stone.<sup>186</sup> If there were any problems while they were providing security, “there was a quick reaction force in Virginia that would come help them out . . . and that they would have firearms.”<sup>187</sup>

Rhodes announced during an episode of *InfoWars* in November 2020 that the Oath Keepers had established a “Quick Reaction Force” (QRF) outside of Washington, DC.<sup>188</sup> After President Trump announced the “wild” protest, the group’s advanced coordination largely focused on planning related to their QRF, as well as the various security details for VIPs and stage areas on January 5th and 6th.<sup>189</sup> Oath Keepers from North Carolina, Florida, South Carolina, and Arizona converged on the Comfort Inn in Ballston, Virginia, and used the location to store their cache of weapons for January 6th.<sup>190</sup> Oath Keepers leaders communicated actively about the QRF for January 6th.<sup>191</sup> Rhodes and another contingent of Oath Keepers stayed at the Hilton Garden Inn in Vienna, Virginia, and stored weapons there as well.<sup>192</sup>

Rhodes amassed an arsenal of military-grade assault weapons and equipment in the days leading up to January 6th. On December 30th, Rhodes spent approximately \$7,000 on two night-vision devices and a weapon sight and shipped them to Marsha Lessard, a rally organizer who lived near Washington, DC and who had previously been in contact with the organizers of the Ellipse rally.<sup>193</sup> On January 1st and 2nd, Rhodes purchased additional weapons and accessories at a cost of approximately \$5,000.<sup>194</sup> The following day, January 3rd, Rhodes and Kellye SoRelle departed Texas for Washington, DC. While traveling, Rhodes spent an additional \$6,000 on

an AR-style rifle and firearms attachments.<sup>195</sup> Making one final shopping trip in Mississippi, Rhodes purchased \$4,500 of firearms equipment including more sights, magazines, and weapons parts on January 4th.<sup>196</sup>

On the morning of January 6th, with weapons stockpiled, Rhodes messaged the Signal group of Oath Keepers leaders:

We have several well equipped [sic] QRFs outside DC. And there are many, many others, from other groups, who will be watching and waiting on the outside in case of worst case [sic] scenarios.<sup>197</sup>

### 6.5 “READY TO STEP IN AND DO WHAT IS NEEDED”

Stewart Rhodes’s and Oath Keepers’ lawyer Kellye SoRelle arrived in Washington on the afternoon of January 5th.<sup>198</sup> They immediately went to Freedom Plaza, where President Trump had instructed rally organizers to give some of his most extreme supporters time to speak.<sup>199</sup> As a small group of Oath Keepers patrolled Freedom Plaza, they were able to see the results of President Trump’s call to mobilize.<sup>200</sup> SoRelle testified that there were Oath Keepers, Proud Boys, and “Alex Jones people” mingling together in the crowd, with “just a small distinction between them.”<sup>201</sup>

The Oath Keepers later found themselves at the Phoenix Park Hotel,<sup>202</sup> where they ate and drank with a motley coalition of far-right political activists who were united in their shared belief in President Trump’s Big Lie.<sup>203</sup> Among them were: Proud Boys-linked Bianca Gracia of Latinos for Trump; Joshua Macias, leader of Vets for Trump;<sup>204</sup> and Amanda Chase, a Virginia State senator.<sup>205</sup> In a livestream discussion moderated by Chase, they promoted false election fraud claims. Macias and Rhodes encouraged President Trump to invoke the Insurrection Act and call up combat veterans who are “ready to step in and do what is needed.”<sup>206</sup>

SoRelle later told the Select Committee that there was discussion of going to “storm the Capitol,” although she claimed that this was “normal” discussion and supposedly did not indicate violence or “any of that type of stuff.”<sup>207</sup>

That same evening, Gracia asked SoRelle and Rhodes to follow her to a garage where she was supposed to meet Proud Boys leader Enrique Tarrío,<sup>208</sup> who had just been released from custody and ordered to leave the DC area.<sup>209</sup> Instead of immediately leaving Washington, DC, Tarrío instead made his way to a garage near the hotel where the others gathered.<sup>210</sup> Portions of the ensuing meeting were captured on video by documentary filmmaker Nick Quested and his camera crew. SoRelle claims that she was asked to attend to discuss Tarrío’s legal woes,<sup>211</sup> but there is evidence indicating that the conversation turned tactical.



Tarrío discussed the court’s order, informing the group he was going north to Maryland, so he could “stay close just to make sure my guys are ok.”<sup>212</sup> Tarrío discussed his confiscated phone with Gracia. He told her that “they couldn’t get in there,” apparently referencing the two-factor authentication enabled on his phone.<sup>213</sup> Tarrío also appeared familiar with another attendee, Vets for Trump leader Macias, who rested his hand on Tarrío’s shoulder at various points.<sup>214</sup> Rhodes and Tarrío shook hands.<sup>215</sup>

Much of the substantive conversation between Rhodes, Tarrío, and the others cannot be heard because Tarrío asked Qusted’s camera crew to stop recording.<sup>216</sup> However, some of the conversation is audible from afar and Rhodes can be heard telling Tarrío that he “has three groups in Tyson’s Corner,”<sup>217</sup> a reference to the QRFs that he had mustered in the event that President Trump called the Oath Keepers into service.

Tarrío later expressed appreciation for Rhodes’s presence at the garage meeting and underscored that their two organizations needed to stand together on January 6th. Tarrío explained that the Proud Boys and Oath Keepers are “just two different groups” and that he and Rhodes “don’t get along,” but said that “for situations like this where there is a need to unite regardless of our differences . . . what he did today was commendable.”<sup>218</sup> Tarrío added that Rhodes’s presence at the garage meeting was “thoughtful” because Rhodes had “quickly provided security” for the meeting and “seemed concerned” about Tarrío’s legal situation.<sup>219</sup> In a likely nod to prior coordination between Proud Boys and Oath Keepers at other post-election events, Tarrío further explained that “my guys have helped him [Rhodes] out in the past,” and that he and Rhodes have “mutual respect” for one another.<sup>220</sup> Tarrío then traveled north to a hotel near Baltimore, Maryland, where he stayed through the events of the next day.<sup>221</sup>

## 6.6 “FRIENDS OF STONE”

As explained above, a constellation of far-right characters came together in late 2020 as part of the “Stop the Steal” cause. Among them was Roger Stone, a right-wing political operative whose career as a self-trumpeted dirty trickster stretched back decades. Stone is arguably President Trump’s oldest political advisor.<sup>222</sup> For example, he worked for Donald Trump’s independent presidential bid during the 2000 campaign.<sup>223</sup> In addition to his political connections, Stone cultivated relationships with far-right extremists, including the two groups charged with seditious conspiracy: the Oath Keepers and the Proud Boys.

The Select Committee found that at least seven members of the Oath Keepers provided security for Stone, or were seen with him, in the weeks



Roger Stone in front of the Supreme Court on January 5, 2021 in Washington, DC.

Photo by Tasos Katopodis/Getty Images

immediately preceding the attack on the U.S. Capitol.<sup>224</sup> Text messages released by Edward Vallejo, an Oath Keeper charged with seditious conspiracy and other crimes, show that Stewart Rhodes and Kelly Meggs discussed providing security for Stone.<sup>225</sup> Some of these Oath Keepers guarded Stone during an event at Freedom Plaza in Washington, DC on the night of January 5th.<sup>226</sup> Stone was also flanked by Oath Keepers outside of the Willard Hotel on the morning of January 6th.<sup>227</sup> One of the Oath Keepers who provided security for Stone was Joshua James, who pleaded guilty to seditious conspiracy, obstruction of Congress and other charges in March 2022.<sup>228</sup> James was also reportedly seen in Stone's hotel room at the Willard hours before the attack on the U.S. Capitol.<sup>229</sup>

Stone has a longstanding, close relationship with the Proud Boys. Stone has taken the Proud Boys oath<sup>230</sup> and repeatedly defended the group.<sup>231</sup> Danish documentarians filmed him working with Proud Boys for years.<sup>232</sup> In one scene, filmed in 2019, Stone warmly greets Joe Biggs, a Proud Boys leader central to the Capitol violence. Stone says of Biggs: "My guy, right here."<sup>233</sup> In a 2019 court case, Stone identified Enrique Tarrío as one of his volunteers, explaining that Tarrío had access to his phone and could post to Stone's Instagram account from it.<sup>234</sup>

As mentioned above, Stone, Tarrío and another Proud Boy leader, Ethan Nordean, addressed an impromptu rally in Washington, DC on the night of December 11, 2020. Owen Shroyer, an *InfoWars* host, was also with them.<sup>235</sup> “We will fight to the bitter end for an honest count of the 2020 election,” Stone told the crowd. “Never give up, never quit, never surrender, and fight for America!”<sup>236</sup> A few weeks later, on January 2, 2021, Tarrío led a Proud Boys protest outside of Senator Marco Rubio’s home in Florida. The Proud Boys wanted to convince Rubio to vote against certification of the vote on January 6th.<sup>237</sup> Stone reportedly called into the event to speak to Tarrío’s crowd.<sup>238</sup>

One way in which Stone maintained these contacts was through a Signal chat group named “F.O.S.” —or Friends of Stone.<sup>239</sup> Two days after the election, Stone sent a text: “We provide information several times a day. So please monitor the F.O.S. feed so you can act in a timely fashion.”<sup>240</sup> Ali Alexander and Stone continued to coordinate about Stop the Steal strategy and events between the election and January 6th.<sup>241</sup> In addition to Alexander, Stone’s “Friends” on the Signal chat included Rhodes and Tarrío.<sup>242</sup>

In July 2020, President Trump granted Stone clemency after he was convicted of lying to Congress and other charges.<sup>243</sup> Then, on December 23rd, President Trump pardoned Stone.<sup>244</sup> Several days later, at a dinner on the evening of December 27th, Stone thanked President Trump. In a post on Parler, Stone wrote that he “thanked President Trump in person tonight for pardoning me” and also recommended to the President that he “appoint a special counsel” to stop “those who are attempting to steal the 2020 election through voter fraud.” Stone also wrote that he wanted “to ensure that Donald Trump continues as our president.”<sup>245</sup> Finally, he added: “#StopTheSteal” and “#rogerstonedidnothingwrong.”<sup>246</sup> The Select Committee has learned that Stone discussed the January 6th event with the President, likely at this same dinner on December 27th.<sup>247</sup> The President told Stone he “was thinking of speaking.”<sup>248</sup>

The Select Committee sought to question Roger Stone about his relationships with President Trump and far-right extremists, as well as other issues. During his deposition, Stone invoked his Fifth Amendment right nearly 90 times.<sup>249</sup> Stone has publicly stated that he committed no wrongdoing and that he encouraged a peaceful protest.<sup>250</sup>

## 6.7 WHITE NATIONALISTS: “THE CAPITOL SIEGE WAS FUCKING AWESOME..”

Nick Fuentes is an online provocateur who leads a white nationalist movement known as “America First,” or the “Groyper.” Fuentes immediately responded to President Trump’s “be wild” tweet. On December 19, 2020,

Fuentes wrote on Twitter: “I will return to Washington DC to rally for President Trump on January 6th!”<sup>251</sup> Fuentes and his Groypers did return to Washington, DC for the joint session. As the attack was underway, Fuentes incited followers from his perch immediately outside of the U.S. Capitol. Some of his followers joined the attack inside, with one even sitting in Vice President Pence’s seat on the Senate dais.<sup>252</sup>

Fuentes and a fellow Groyper leader, Patrick Casey, rose to prominence in 2017 after rallying at the Charlottesville “Unite the Right” event.<sup>253</sup> For years, the Groypers have repeatedly promoted white supremacist and Christian nationalist beliefs, often cloaked in wink-and-nod humor, puns, or religion, and they regularly gin up public opposition to other right-wing organizations or politicians whom they deem insufficiently conservative.<sup>254</sup>

Fuentes was a key voice for “Stop the Steal” conspiracy theories leading up to January 6th. He spent 2 months leading rallies in State capitals across the country,<sup>255</sup> spreading the Big Lie and livestreaming coded calls to violence.<sup>256</sup> He also used his livestream to raise significant funds between November 2020 and January 2021.<sup>257</sup>

On November 9, 2020, Fuentes promised, “GROYPERERS ARE GOING TO STOP THIS COUP!”<sup>258</sup> Two days later, Fuentes organized a “Stop the Steal” rally at the Michigan State Capitol. He told the crowd that they should be “more feral” in their tactics to overturn the election, suggesting that they target lawmakers in their homes.<sup>259</sup> On November 14th, Fuentes rallied a crowd of his followers at the Million MAGA March in Washington, DC, pushing “Stop the Steal” conspiracies, calling for President Trump to rule for life, and exhorting his followers to “storm every State capitol until January 20, 2021, until President Trump is inaugurated for 4 more years.”<sup>260</sup>

As discussed above, Fuentes was a prominent figure at the “Stop the Steal” rally in Atlanta, Georgia, in November 2020.<sup>261</sup> He promoted election conspiracies, criticized the Republican Party, joked about the Holocaust, and denounced former Vice President Biden as illegitimate.<sup>262</sup> Fuentes also suggested his followers intimidate politicians in their homes.<sup>263</sup>

On December 12th, Fuentes again rallied a crowd of supporters at the “Stop the Steal” events in Washington, DC, calling for the destruction of the Republican Party because it had failed to overturn the election.<sup>264</sup> As others spoke at the Jericho March rally, Fuentes headlined a “Stop the Steal” protest just a few blocks away.<sup>265</sup>

On January 4th, Fuentes suggested that his followers kill State legislators who don’t support efforts to overturn the 2020 election. As discussed in Chapter 2, President Trump and his surrogates were pressuring State legislators at the time to do just that. Fuentes complained that his side “had

no leverage." Fuentes then asked: "What can you and I do to a state legislator, besides kill them?" He then quickly added: "Although we should not do that. I am not advising that, but I mean, what else can you do, right?"<sup>266</sup>

On January 5th, Casey advertised the marches in Washington, DC on his Telegram channel and provided repeated updates on the logistics of getting into the city. Casey also spoke to his followers about the next day's rally on a livestream on DLive.<sup>267</sup> As discussed in Chapter 8, the Groyppers clearly played a role in the January 6th attack. They even planted their flag in the inner chambers of the U.S. Capitol.<sup>268</sup> Fuentes crowed about the attack the day after, tweeting: "The Capitol Siege was fucking awesome and I'm not going to pretend it wasn't."<sup>269</sup> In another tweet on January 7th, Fuentes wrote: "For a brief time yesterday the US Capital [sic] was once again occupied by The American People, before the regime wrested back control."<sup>270</sup>

Despite his boasts on Twitter, Fuentes exercised his Fifth Amendment privilege against self-incrimination and refused to provide information about his organizing activities to the Select Committee.<sup>271</sup>

## 6.8 THE THREE (III%) PERCENTERS: "#OCCUPYCONGRESS"

The Oath Keepers were not the only anti-government extremists who viewed President Trump's December 19th, tweet as a call to arms. Militias around the country were similarly inspired to act. "People were retweeting it right and left. ... I saw people retweeting it, talking about, yeah, it's going to be crazy, going to be a huge crowd," Michael Lee Wells, a militia leader in North Carolina, told the Select Committee.<sup>272</sup> Members of militias known as the "Three Percenters" were electrified.

The Three Percenters believe that three percent of American colonists successfully overthrew the British during the American Revolution.<sup>273</sup> This is not true. Far more than a tiny fraction of the colonial population fought in or supported the Revolutionary War.<sup>274</sup> Regardless, this ahistorical belief has become an organizing myth for militias around modern-day America.

As with the Oath Keepers, many Three Percenters have turned against the U.S. Government, such that they equate it with the British monarchy and believe it should be overthrown.<sup>275</sup> The movement does not have one, centralized hierarchy. Instead, semi-autonomous branches organize and run themselves.<sup>276</sup> The Three Percenter cause was growing prior to the attack on the U.S. Capitol. Jeremy Liggett, a militia leader in Florida, told the Select Committee it was "trendy" in far-right circles to identify with the Three Percenter movement in the months leading up to January 6th.<sup>277</sup>

President Trump tapped into this well of anti-government extremism. The President's repeated insistence that the election had been stolen resonated with militia members who were already inclined to believe in shady



political conspiracies. The President's December 19th tweet mobilized Three Percenters around the country. Suddenly, they had a focal point for their anti-government beliefs: the joint session of Congress on January 6th. Court filings and other evidence reveal that Three Percenters immediately began planning for violence after President Trump's "be wild" announcement.

For example, Lucas Denney and Donald Hazard led a militia affiliated with the Three Percenter movement called the "Patriot Boys of North Texas." Both Denney and Hazard were charged with assaulting officers on January 6th.<sup>278</sup> Denney pleaded guilty and has been sentenced to 52 months in prison.<sup>279</sup> After President Trump's tweet, they discussed travel plans, as well as the need to procure body armor, helmets, knuckle gloves and pepper spray.<sup>280</sup> But they did not plan to act alone. Instead, they saw themselves as part of a coalition. In multiple messages, both Denney and Hazard claimed they were also affiliated with Proud Boys and intended to work with them on or before January 6th.<sup>281</sup>

Denney repeatedly cited President Trump's tweet. "Trump himself is calling for a big protest in DC on January 6th. I'm not going to miss this one," Denney told Hazard on December 21st.<sup>282</sup> On December 30th, Denney wrote in a Facebook message:

Trump has called this himself. For everyone to come. It's the day the electoral college is suppose to be certified by congress to officially elect Biden. But, Pence is in charge of this and he's going to throw out all the votes from States that were proved to have fraud. There's so much more going on behind the scenes though. That's why he's called this rally for support. ... Trump will stay President ...<sup>283</sup>

As this message indicates, Denney was well-aware of President Trump's multi-part plan to disrupt the transfer of power. He thought that Vice President Pence had the power to "throw out" electoral votes, just as the President demanded. In other messages, Denney claimed that President Trump wanted militias to descend on Washington, DC so they could serve as a security force against a perceived threat from Antifa and Black Lives Matter on January 6th.<sup>284</sup>

Additional messages between the two reveal their intent to march on the U.S. Capitol. For instance, Denney attempted to post two banners on Facebook that advertised events on January 6th.<sup>285</sup> Both banners contained the hashtag "#OccupyCongress." The pictures contained images of the U.S. Capitol and referenced "The Great Betrayal." One of them read "If They Won't Hear Us" and "They Will Fear Us." In another post, Denney wrote: "I can't wait to be in the middle of it on the front line on the 6th."<sup>286</sup>



Curiously, Denney had also heard a “rumor” that President Trump would march with them. On January 4, 2021, he stated in a Facebook message:

Things are going to be happening here. Trump is going to be speaking to everyone Wed [January 6] before everyone marches to the capital [sic]. Rumour [sic] has it that he may march with us. I’ll tell you more when you get here on where to be wed and what time so you have the best seats.<sup>287</sup>

On or about January 6th, Denney sent another message via Facebook, writing: “Trump speaking to us around 11 am then we march to the capital and after that we have special plans that I can’t say right now over Facebook. But keep an eye out for live feed tomorrow from me. Tomorrow will be historic.”<sup>288</sup> Later on January 6th, during the attack, Hazard was captured on video bragging: “We have stormed our nation’s capitol.”<sup>289</sup>

The Patriot Boys of North Texas were not the only Three Percenter group that mobilized after President Trump’s tweet. The Department of Justice has alleged that multiple other cadres of Three Percenter militiamen prepared for violence on January 6th and then took part in the attack on the U.S. Capitol.

In Florida, a Three Percenter organization known as the “Guardians of Freedom” established a “B-squad” for January 6th because they allegedly wanted to avoid being called a “militia.”<sup>290</sup> These men were led by Jeremy Liggett, mentioned above.<sup>291</sup>

On December 24, 2020, the B-squad sent out a flyer, “CALLING ALL PATRIOTS!” to Washington, D.C.<sup>292</sup> The flyer read: “The Guardians of Freedom III% are responding to the call from President Donald J. Trump to assist in the security, protection, and support of the people as we all protest the fraudulent election and re-establish liberty for our nation. JOIN US & Thousands of other Patriots!”<sup>293</sup> The B-Squad claimed it was the “right & duty of the people to alter or to abolish” the Government.<sup>294</sup> Its members discussed bringing tactical gear to Washington, DC.<sup>295</sup>

On December 30th, Liggett posted a meme to Facebook stating that “3% Will Show In Record Numbers In DC.”<sup>296</sup> When the Select Committee asked about this post, Liggett downplayed its significance or disclaimed any knowledge about other Three Percenter groups that might “show in record numbers.”<sup>297</sup> However, on January 3, 2021, Liggett posted a “safety video” on Facebook in which he and others dressed in military gear. Liggett instructed listeners about self-defense and the tools they (like him) could bring to Washington, DC, including “an expandable metal baton, a walking cane and a folding knife.”<sup>298</sup> He advised “all of you Patriots going to

Washington, D.C. . . . to support Trump,” and to “keep up the fight.”<sup>299</sup> Several “B-squad” members have been charged with civil disorder and disorderly and disruptive conduct, which took place while rioters nearby were assaulting officers in the tunnel area of the Capitol’s Lower West Terrace on January 6th.<sup>300</sup>

In California, another group of men associated with the Three Percenter movement quickly began plotting their next moves after President Trump’s tweet. Alan Hostetter and Russell Taylor ran a non-profit known as the American Phoenix Project, which protested COVID-19 lockdowns and the 2020 election results, while also promoting violence ahead of January 6th.<sup>301</sup> Ahead of the joint session, Hostetter and Taylor organized a small group in an encrypted chat they named “The California Patriots—DC Brigade.”<sup>302</sup>

On December 19th, Taylor linked to President Trump’s “will be wild” tweet and asked members of the chat “Who is going?”<sup>303</sup> The same day, Hostetter posted a message to his Instagram account, explaining he was traveling to Washington, DC on January 6th because President Trump “tweeted that all patriots should descend on Washington DC” and that day “is the date of the Joint Session of Congress in which they will either accept or reject the fake/phony/stolen electoral college votes.”<sup>304</sup> The next day, Taylor renamed the Telegram chat as “The California Patriots-Answer the Call Jan 6.”<sup>305</sup> On December 29th, Taylor posted to that chat: “I personally want to be on the front steps and be one of the first ones to breach the doors!”<sup>306</sup>

Between December 19th and January 6th, Hostetter, Taylor and their alleged co-conspirators exchanged messages about bringing weapons, such as hatchets, bats, or large metal flashlights, as well as possibly firearms, with them to Washington, DC.<sup>307</sup> They were “ready and willing to fight.”<sup>308</sup> In one message, Hostetter predicted that January 6th would be similar to the “War of Independence” because “[t]here will likely be 3% of us again that will commit fully to this battle, but just as in 1776 patriots will prevail.”<sup>309</sup>

There are additional examples of how President Trump’s “be wild” tweet led Three Percenters to descend on the U.S. Capitol. One Three Percenter group issued an open letter on December 16, 2020, announcing that they “stand ready and are standing by to answer the call from our President should the need arise that We The People are needed to take back our country from the pure evil that is conspiring to steal our country away from the American people. . . . We will not act unless we are told to.”<sup>310</sup> In late December, after the President’s tweet, The Three Percenters Original (TTPO) issued a letter to its members announcing that “this organization will be answering that call!”<sup>311</sup>

There is also additional evidence showing that militia groups like the Three Percenters coordinated with other groups both before and on January 6th. Josh Ellis, the owner of the MyMilitia website, testified that he used Zello (a walkie-talkie app) when he was in Washington, DC on January 6th. The Proud Boys, Oath Keepers, other militia members, and “regular patriots” all used these Zello channels in the leadup to January 6th and in response to President Trump’s December 19th tweet. They used these channels to share intelligence.<sup>312</sup>

## 6.9 QANON: “OPERATION OCCUPY THE CAPITOL”

Shortly after the January 6th attack, a video of a bearded man in a “Q” shirt chasing U.S. Capitol Police Officer Ryan Goodman through the halls of the U.S. Capitol went viral.<sup>313</sup> That man was Doug Jensen, a QAnon believer.<sup>314</sup> After Jensen’s arrest, FBI agents asked him why he traveled from Iowa to Washington, DC in the first place. “Trump posted make sure you're there, January 6 for the rally in Washington, D.C.,” Jensen responded.<sup>315</sup>

Jensen was not the only QAnon believer to attack the U.S. Capitol on January 6th. The letter “Q” and related slogans, such as “Where We Go One, We Go All,” were ubiquitous among the rioters. They were visible on shirts, signs, and flags throughout the crowd. What was once a marginal digital movement had become a bricks-and-mortar force powerful enough to help obstruct a joint session of Congress.

QAnon is a bizarre and dangerous cult that gained popularity in 2017, when a person known only as “Q” began posting on 4chan, an anonymous message board.<sup>316</sup> The poster supposedly held a “Q” security clearance at the Department of Energy. QAnon adherents believe that President Trump is a messianic figure battling the forces of the “deep state” and a Satanic pedophile ring operated by leading Democrats and the American elite.<sup>317</sup> Q’s first post in October 2017 predicted that former Secretary of State Hillary Clinton would be arrested in short order.<sup>318</sup> Although that prophecy did not come to pass, the conspiracy theory evolved and grew over time, spreading across social media platforms and eventually finding a home in 8kun, another anonymous message board known for trafficking in conspiracy theories and hate.<sup>319</sup>

President Trump was given multiple opportunities to disavow QAnon. Instead, he essentially endorsed its core tenets. During an August 19, 2020, press briefing, President Trump was asked what he thought about the QAnon belief that he was fighting a Satanic cabal. “I mean, you know, if I can help save the world from problems, I’m willing to do it. I’m willing to put myself out there,” he replied.<sup>320</sup> During a townhall on NBC News two

weeks prior to the election, President Trump first claimed he “knew nothing” about QAnon, but he then praised its believers for being “very strongly against pedophilia.” The President emphasized: “And I agree with that. I mean, I do agree with that.”<sup>321</sup>

In 2020, QAnon played a significant role in spreading various election conspiracy theories. After the election, QAnon accounts amplified the claim that Dominion Voting System’s software had altered votes.<sup>322</sup> On November 19th, President Trump tweeted and retweeted a link to a segment on One America News Network (OAN) that was captioned, “Dominion-izing the Vote.”<sup>323</sup> The segment claimed that Dominion had switched votes from President Trump to former Vice President Biden. OAN featured a supposed cyber expert, Ron Watkins, a key figure in the QAnon conspiracy movement.<sup>324</sup> Watkins’s father, Jim, owned the 8kun site that “Q” called home, and Ron helped oversee its message boards.<sup>325</sup>

After promoting the OAN segment, President Trump retweeted Ron Watkins’s account on several other occasions. On December 15, 2020, President Trump retweeted a post in which Watkins spread false claims of foreign influence in the election.<sup>326</sup> Then, on January 3rd, President Trump retweeted Ron Watkins’s account four more times.<sup>327</sup>

QAnon’s adherents were clearly paying attention to President Trump’s words—and tweets. The President’s “be wild” tweet was widely heard as a clarion call. Jim Watkins told the Select Committee that “thousands and thousands of people probably” agreed that the President’s December 19th tweet was a call for them to come to Washington, DC.<sup>328</sup> Jim Watkins himself marched in Washington, DC on January 6th because of the President’s call, but he has not been charged with any crime.<sup>329</sup>

Other QAnon adherents flocked to Washington, DC in response to the President’s call to action. “POTUS HAS REQUESTED YOUR ATTENDANCE Washington DC JANUARY 6TH 2021,” Thomas Munn, a QAnon believer, posted on Facebook. Munn added: “Our President has only asked two things from us, so far...#1 Vote #2 January 6, 2021.”<sup>330</sup> Jacob Chansley, better known as the QAnon Shaman, told the FBI that he traveled from Arizona because President Trump had requested that all “patriots” come to Washington, DC on January 6th.<sup>331</sup>

During the investigation, the Select Committee learned that the QAnon conspiracy theory often overlaps with other extremist beliefs. Stewart Rhodes of the Oath Keepers testified to the Select Committee that he’s “not a Q-tard” and “not a follower of Q at all.”<sup>332</sup> However, Rhodes cynically exploited QAnon for his own purposes. The Oath Keepers’ website and text messages were littered with QAnon phrases.<sup>333</sup> Nick Quested, a filmmaker who shadowed the Proud Boys, often heard QAnon themes in the Proud Boys’ private discussions.<sup>334</sup>

As January 6th drew closer, multiple posts on the QAnon-linked website 8kun indicated that violence was imminent. “You can go to Washington on Jan 6 and help storm the Capitol,” one user wrote. This same user continued: “As many Patriots as can be. We will storm the government buildings, kill cops, kill security guards, kill federal employees and agents, and demand a recount.”<sup>335</sup> Other posts on 8kun debated the politicians that users should target once they got inside the Capitol.<sup>336</sup>

A QAnon-inspired banner was also widely shared by groups planning events for January 5th and 6th. The top of the image read: “Operation Occupy the Capitol.” The central image showed the U.S. Capitol being torn in two. In the lower left corner, there appeared a QAnon phrase: “#WeAreTheStorm.”<sup>337</sup>

### 6.10 THE DONALD.WIN: “OCCUPY THE CAPITOL”

Within three minutes of President Trump’s tweet, a user on TheDonald.win message board posted: “Trump Tweet. Daddy Says Be In DC on Jan. 6th.”<sup>338</sup> Moderators pinned the post to the top of the board from December 19th until January 6th. It garnered nearly 6,000 comments and more than 24,000 upvotes during that time.<sup>339</sup> Many of the site’s users quickly interpreted President Trump’s tweet as a call for violence. For example, one user wrote, “[Trump] can’t exactly openly tell you to revolt. This is the closest he’ll ever get.”<sup>340</sup> Jody Williams, the site’s then-owner, testified that while users had been talking about traveling to Washington, DC since the election, after the tweet “anything else was kind of shut out, and it just was going to be the 6th.”<sup>341</sup>

In the days that followed, users on TheDonald.win discussed: surrounding and occupying the U.S. Capitol; cutting off access tunnels used by Members of Congress; the types of weapons they should bring; and even how to build a hangman’s gallows.<sup>342</sup> The parallels to what transpired on January 6th are obvious.

TheDonald.win and its predecessor site was a website for some of its namesake’s most ardent fans. Even before President Trump was elected, his social media team monitored and interacted with the site’s users. In the summer of 2016, then-candidate Trump himself engaged in a written question and answer session on TheDonald, which at the time was a forum on Reddit.<sup>343</sup> This online community, which had upwards of 790,000 users, was banned by Reddit in mid-2020.<sup>344</sup> However, the site’s users migrated to another online location, becoming TheDonald.win.<sup>345</sup>

Dan Scavino, the President’s social media guru, amplified content from this website. During the 2016 presidential campaign, “a team in the war



White House social media director Dan Scavino Jr.

Photo by Chip Somodevilla/Getty Images

room at Trump Tower was monitoring social media trends, including TheDonald subreddit ... and privately communicating with the most active users to seed new trends.”<sup>346</sup> “Campaign staffers monitored Twitter and TheDonald subreddit, and pushed any promising trends up to social media director Dan Scavino, who might give them a boost with a tweet.”<sup>347</sup> In 2017, President Trump tweeted a video of himself attacking CNN.<sup>348</sup> The video had appeared on The Donald four days earlier.<sup>349</sup> In 2019, *Politico* reported that Scavino “regularly monitors Reddit, with a particular focus on the pro-Trump /r/The\_Donald channel.”<sup>350</sup>

The Select Committee sought to question Scavino about how he and others on President Trump’s social media team interacted with The Donald subreddit and then TheDonald.win. But Scavino refused to cooperate with the committee’s subpoena.<sup>351</sup>

After President Trump’s December 19th tweet, users on the site posted simple maps of the U.S. Capitol and telegraphed their intent to invade the building.<sup>352</sup> “If we occupy the capitol building, there will be no vote,” one user wrote.<sup>353</sup> “The media will call us evil if we have to occupy the Capitol Building on January 6th. Let them,” another post read.<sup>354</sup> One user argued the goal should be to “surround the enemy” and “create [a] perimeter” around the Capitol on January 6th, such that no one was allowed to leave



until President Trump was “re-admitted for another 4 years.”<sup>355</sup> This same user posted a diagram of the U.S. Capitol’s perimeter with arrows indicating where the “Capitol Access Tunnels” were located.

On January 5th, another user on TheDonald.win encouraged President Trump’s supporters to “be prepared to secure the capitol building,” claiming that “there will be plenty of ex military to guide you.”<sup>356</sup> Multiple other posts made it clear that the U.S. Capitol was the target on January 6th, with one poster writing that people should bring “handcuffs and zip ties to DC,” so they could enact “citizen’s arrests” of those officials who certified the election’s results.<sup>357</sup> Another post highlighted the “most important map for January 6th. Form a TRUE LINE around the Capitol and the tunnels.”<sup>358</sup> That “post included a detailed schematic of Capitol Hill with the tunnels surrounding the complex highlighted.”<sup>359</sup>

Other posts on TheDonald.win included specific plans to build gallows outside the U.S. Capitol. “Gallows are simpler and more cost effective, plus they’re an American old west tradition too,” one user wrote on December 22, 2020.<sup>360</sup> A week later, another wrote: “Let’s construct a Gallows outside the Capitol building next Wednesday so the Congressmen watching from their office windows shit their pants.”<sup>361</sup> Another said that “building a hanging platform in front of Congress on the 6 should send a strong message.”<sup>362</sup> The site hosted a diagram showing how to tie a hangman’s knot,<sup>363</sup> with one site member writing that they should build gallows “so the traitors know the stakes.”<sup>364</sup> On January 5, 2021, hours before the attack began, a user posted an image of gallows and titled it, “Election Fraud Repair Kit.”<sup>365</sup>

Text messages between Trump Campaign Senior Advisor Jason Miller and White House Chief of Staff Mark Meadows show that these kinds of posts reached deep into the President’s inner circle. Miller sent Meadows a text on December 30th, declaring, “I got the base FIRED UP.”<sup>366</sup> The thread contained a link to a TheDonald.win comment thread filled with reactions to a post by Miller promoting January 6th.<sup>367</sup> Users in the thread made comments such as “gallows don’t require electricity,” and that millions will “bust in through the doors if they try to stop Pence from declaring Trump the winner,” all in response to Miller.<sup>368</sup>

On December 19, 2020, the same day President Trump posted his inflammatory “be wild” tweet, he also tweeted a noteworthy video. The short clip was titled, “FIGHT FOR TRUMP!—SAVE AMERICA—SAVE THE WORLD.”<sup>369</sup> The video reportedly appeared on TheDonald.win two days earlier.<sup>370</sup> As with so much else on TheDonald.win, this refrain featured prominently on the day of the attack on the Capitol. During his speech at the Ellipse south of the White House on January 6th, the crowd broke out into a chant of “Fight for Trump! Fight for Trump!” President Trump thanked those in attendance.<sup>371</sup>

In the two and a half weeks since he first announced the January 6th “protest,” extremists and conspiracy theorists plotted to make the unprecedented, presidentially announced protest against the peaceful transfer of power “wild” indeed. Meanwhile, event organizers and White House staffers prepared for the final rally of President Trump’s term.

## 6.11 HOW THE WHITE HOUSE AND RALLY ORGANIZERS PREPARED FOR JANUARY 6TH

In the days following President Trump’s tweet, rally organizers secured permits for about one dozen events in Washington, DC on January 5th and 6th.<sup>372</sup> At 7:12 a.m., not even 6 hours after President Trump’s tweet, Cindy Chafian, an executive at Women for America First (WFAF), emailed the National Park Service (NPS) about an event that had been planned to coincide with President-elect Biden’s inauguration on January 20, 2021.<sup>373</sup> Chafian’s ask was simple: “Can I change the date to January 6th?”<sup>374</sup>

WFAF was founded in 2019 by Amy and Kylie Kremer, a mother-daughter pair who were longtime supporters of the President.<sup>375</sup> WFAF became a significant player in the “Stop the Steal” movement.<sup>376</sup> The Kremers started a “Stop the Steal” Facebook group that gathered some 365,000 members in less than 24 hours.<sup>377</sup> Their online organizing coincided with their on-the-ground mobilization activities. The Kremers organized a bus tour to promote the Big Lie, in addition to events in Washington, DC on November 14, 2020, and December 12, 2020.<sup>378</sup> After President Trump’s December 19th tweet, the Kremers focused on January 6th. Kylie Kremer proudly declared their support on Twitter: “The calvary [sic] is coming, President! JANUARY 6th | Washington, DC TrumpMarch.com #MarchForTrump #StopTheSteal.”<sup>379</sup> After the date of their permit was revised, WFAF ultimately provided President Trump the stage on the Ellipse where he would direct the crowd to march on the Capitol.<sup>380</sup>

The Kremers were not alone in responding quickly to the President’s tweet. Ali Alexander, the founder of Stop the Steal, LLC,<sup>381</sup> was eager to get ahead of other organizers. On the morning of December 19th, Alexander told his event planner, “Everyone is trying to get the jump on us so I’d like to get the court side of the capitol (lawn) and I’d like to get capitol steps and court.”<sup>382</sup> Alexander told his event planner to “grab whatever we can. All of it.”<sup>383</sup> Alexander’s team did just that: they registered and launched a new website, WildProtest.com,<sup>384</sup> which advertised planned events for January 6th under a banner that read: “President Trump Wants You in DC January 6.”<sup>385</sup>

Still other organizers were quick to seize on the President’s tweet. Arina Grossu and Robert Weaver, co-founders of the self-proclaimed “Judeo-Christian” Jericho March organization,<sup>386</sup> held a rally in Washington, DC on

December 12, 2020. Oath Keepers leader Stewart Rhodes, Flynn, Jones, Alexander, and others shared a stage at that event.<sup>387</sup> Grossu and Weaver exchanged emails just a few hours after President Trump’s first mention of January 6th. In an email on the morning of December 19th, Weaver told Grossu to “enjoy the peace before the storm” and said, “Trump has called for a protest on 1/6, FYI.”<sup>388</sup> The Jericho March’s website used President Trump’s “Be there, will be wild!” language to advertise additional events between January 2nd and January 6, 2021.<sup>389</sup>

Marsha Lessard, the leader of a vaccine-skeptic group, Virginia Freedom Keepers, worked to stage an event with Bianca Gracia, the leader of Latinos for Trump on January 6th.<sup>390</sup> The women had ties to the Oath Keepers<sup>391</sup> and Proud Boys,<sup>392</sup> respectively—two groups central to the violence on January 6. Latinos for Trump reportedly advertised their January 6th event with the same QAnon-inspired banner, “Operation Occupy the Capitol.”<sup>393</sup> Another conservative group, Moms for America, worked with Alexander before securing a permit for an event on January 5th.<sup>394</sup>

## 6.12 “HE’S CALLING ON YOU, HE NEEDS YOUR HELP”

As discussed above, Alex Jones was one of the loudest supporters of the “Stop the Steal” movement. Jones dedicated much of the December 20th episode of his *InfoWars* show to President Trump’s “be wild” tweet, telling his listeners that nothing less than the fate of the American Republic was at stake. “He’s calling you, he needs your help, we need your help,” Jones told his audience.<sup>395</sup> The Select Committee has learned that, between the time of the President’s tweet and Jones’s December 20th show, Jones’s staff had several calls with Chafian, who had just procured a new permit for WFAF’s event on the Ellipse.<sup>396</sup> The two parties apparently discussed whether this newly hatched January 6th event was an opportunity to work together.<sup>397</sup>

Jones’s broadcast also led to an influx of funds for the January 6th event at the Ellipse. Julie Fancelli is the billionaire heiress to the Publix supermarket fortune and a longtime supporter of President Trump.<sup>398</sup> Fancelli had recently become a donor to Jones’s *InfoWars* site.<sup>399</sup> She listened to Jones’s December 20th show,<sup>400</sup> and decided she wanted to back the cause.

Inspired by Jones and the fervor that continued to surround the President’s tweet, Fancelli called Caroline Wren, a Republican fundraiser linked to the Trump Campaign, the next day.<sup>401</sup> According to Wren, Fancelli said that “she wanted to see a lot of people there in DC, so how much would that cost?”<sup>402</sup> Fancelli spoke with Jones’s staff and they recommended that she connect with Chafian, who was organizing the Ellipse rally.<sup>403</sup> In the waning days of 2020, Fancelli and Jones spoke several times.<sup>404</sup>

Fancelli worked with Wren to create a multimillion-dollar budget to convene as many supporters of President Trump as possible.<sup>405</sup> To ensure that Fancelli's dollars made maximum impact, Wren contacted some of the major players who were rallying supporters for January 6th. Wren emailed Kylie Kremer<sup>406</sup> and exchanged texts with Jones<sup>407</sup> and Chafian.<sup>408</sup> Fancelli's goal was clear: she wanted to spend \$3 million to "get as many people there as possible."<sup>409</sup> The resulting budget allocated \$500,000 to a busing program and a centralized ad campaign by the Tea Party Express to promote the event.<sup>410</sup> Another \$500,000 went to assisting WFAF and Jones in their organizational efforts.<sup>411</sup>

Caroline Wren also connected with Ali Alexander. On December 29th, Wren told the Stop the Steal leader, "I can pay for the buses and I have my team looking for available companies, so let me know what cities you need them in!"<sup>412</sup> Wren's offer came in response to a tweet from Alexander earlier that day: "Coalition of us working on 25 new charter buses to bring people FOR FREE to #JAN6 #STOPTHESTEAL for President Trump. If you have money for more buses or have a company, let me know. We will list our buses sometime in the next 72 hours. STAND BACK & STAND BY!"<sup>413</sup>

The final words of Alexander's tweet directly echoed President Trump's command to the Proud Boys during the September 29, 2020, presidential debate.<sup>414</sup> Alexander's word choice was apt. The Proud Boys were already planning to show up in force, and to ensure that the crowd would be "wild."

### 6.13 "TRUMP IS SUPPOSED TO ORDER US TO THE CAPITOL"

On the evening of December 27th, President Trump boosted the upcoming event on Twitter: "See you in Washington, DC, on January 6th. Don't miss it. Information to follow!"<sup>415</sup> The Select Committee learned that this tweet came after the White House spoke with a former Trump staffer, Justin Caporale, who was asked to help produce the Ellipse rally.<sup>416</sup> That same evening, the President had dinner with Donald Trump, Jr., and his girlfriend Kimberly Guilfoyle,<sup>417</sup> who spoke with rally organizer Caroline Wren during the meal.<sup>418</sup> Wren also texted Guilfoyle talking points that described her ambitions for the event, saying that "buses of people are coming in from all over the country to support you. It's going to be huge, we are also adding in programming the night of January 5th."<sup>419</sup>

After Guilfoyle's call with Wren, there was a series of calls among the senior White House staff,<sup>420</sup> likely underscoring the seriousness of the White House's interest in the event.

Within a few days, the White House began to take a more direct role in coordinating the rally at the Ellipse.<sup>421</sup> In a December 29th text to Wren, Caporale wrote that after the President’s planned speech there “maybe [sic] a call to action to march to the [C]apitol and make noise.”<sup>422</sup>

This is the earliest indication uncovered by the Select Committee that the President planned to call on his supporters to march on the U.S. Capitol. But it wasn’t the last. On January 2nd, rally organizer Katrina Pierson informed Wren that President Trump’s Chief of Staff, Mark Meadows, had said the President was going to “call on everyone to march to the [C]apitol.”<sup>423</sup>

Inside the White House, the President’s intent was well-known. Cassidy Hutchinson, an aide to Meadows, recalled in her testimony that she overheard discussions to this effect toward the end of December or early January. One such discussion included an exchange between Meadows and Rudolph Giuliani that occurred on January 2nd.<sup>424</sup> Hutchinson understood that President Trump wanted to have a crowd at the Capitol in connection with what was happening inside—the certification of the electoral count.<sup>425</sup> Hutchinson also recalled that President Trump’s allies in Congress were aware of the plan. During a call with members of the House Freedom Caucus, the idea of telling people to go to the Capitol was discussed as a way to encourage Congress to delay the electoral college certification and send it back to the States.<sup>426</sup>

On January 4th, WFAF’s Kylie Kremer informed Mike Lindell, the CEO of MyPillow and an ally of President Trump, that “POTUS is going to have us march there [the Supreme Court]/the Capitol” but emphasized that the plan “stays only between us.”<sup>427</sup>

The “Stop the Steal” coalition was aware of the President’s intent. On January 5th, Ali Alexander sent a text to a journalist saying: “Ellipse then US capitol [sic]. Trump is supposed to order us to the capitol [sic] at the end of his speech but we will see.”<sup>428</sup>

#### 6.14 “WELL, I SHOULD WALK WITH THE PEOPLE.”

President Trump wanted to personally accompany his supporters on the march from the Ellipse to the U.S. Capitol. During a January 4th meeting with staffers and event organizer Katrina Pierson, President Trump emphasized his desire to march with his supporters.<sup>429</sup> “Well, I should walk with the people,” Pierson recalled President Trump saying.<sup>430</sup> Though Pierson said that she did not take him “seriously,” she knew that “he would absolutely want to be with the people.”<sup>431</sup> Pierson pointed out that President Trump “did the drive-by the first time and the flyover the second time”—a

reference to the November and December 2020 protests in Washington, DC.<sup>432</sup> During these previous events, President Trump made cameo appearances to fire up his supporters. Now, as January 6th approached, the President again wanted to be there, on the ground, as his supporters marched on the U.S. Capitol.

The President's advisors tried to talk him out of it. White House Senior Advisor Max Miller "shot it down immediately" because of concerns about the President's safety.<sup>433</sup> Pierson agreed.<sup>434</sup> But President Trump was persistent, and he floated the idea of having 10,000 National Guardsmen deployed to protect him and his supporters from any supposed threats by leftwing counter-protestors.<sup>435</sup> Miller again rejected the President's idea, saying that the National Guard was not necessary for the event. Miller testified that there was no further conversation on the matter.<sup>436</sup> After the meeting, Miller texted Pierson, "Just glad we killed the national guard and a procession."<sup>437</sup> That is, President Trump briefly considered having the National Guard oversee his procession to the U.S. Capitol. The President did not order the National Guard to protect the U.S. Capitol, or to secure the joint session proceedings.

Although his advisors tried to talk the President out of personally going, they understood that his supporters would be marching.<sup>438</sup> Pierson's agenda for the meeting reflected the President's plan for protestors to go to the U.S. Capitol after the rally.<sup>439</sup> But President Trump did not give up on the idea of personally joining his supporters on their march, as discussed further in Chapter 7.

## 6.15 "POTUS...LIKES THE CRAZIES."

As Katrina Pierson helped plan the Ellipse rally, she faced another complication. The "Stop the Steal" movement played an outsized role in promoting January 6th. And now, as the day approached, its leading voices wanted prime speaking gigs—perhaps even on the same stage as President Trump. Roger Stone, Alex Jones and Ali Alexander were all angling for significant stage time. Pierson knew they were trouble.

In her testimony before the Select Committee, Pierson cited several concerns, including that Jones and Alexander had played a prominent role in the November 2020 protest in Atlanta, Georgia. This was no ordinary protest. Jones and Alexander "had gone into the Georgia Capitol with some inflammatory rhetoric," Pierson explained.<sup>440</sup> When Pierson was asked if Jones and Alexander "surrounding the governor's mansion" and "going into the Capitol" were the "kind of thing" that gave her pause, she responded: "Absolutely."<sup>441</sup> After the Georgia protest, Pierson explained,





Photos of Roger Stone, Alex Jones and Ali Alexander appear on a screen during a Select Committee hearing on July 12, 2022.

Photo by Anna Moneymaker/Getty Images

the Kremers—who had helped organize “Stop the Steal” activities—distanced themselves from Jones and Alexander.<sup>442</sup>

But there was an additional problem. President Trump wanted to include the “Stop the Steal” leaders in the January 6th event. As Pierson put it in a text message to Kylie Kremer: “POTUS ... likes the crazies.”<sup>443</sup> Pierson said that she believed this was the case because President Trump “loved people who viciously defended him in public.”<sup>444</sup> But their “vicious” defenses of the President clearly troubled Pierson.

Pierson tried to trim the speaker lineup—which still included the “Stop the Steal” trio of Stone, Jones, and Alexander. She was initially vetoed by the White House after Deputy Chief of Staff for Communications Dan Scavino,<sup>445</sup> who had approved the “original psycho list.”<sup>446</sup> At one point, she texted Scavino’s boss, Mark Meadows, saying: “Things have gotten crazy and I desperately need some direction.”<sup>447</sup> She was concerned by the possibility of “crazy people” being included in the event, their incendiary role in Georgia, and the fact that people coming to Washington, DC were planning to protest at the U.S. Capitol.<sup>448</sup>

Meadows told Pierson that she should take control of the situation and remove the possibility of controversial speakers.<sup>449</sup> Pierson agreed to do

so.<sup>450</sup> But the President remained an obstacle. During their January 4th meeting, Pierson tried to convince President Trump to minimize the role of these potentially explosive figures at the Ellipse. She offered to place them at a planned event the night before in Freedom Plaza or on other stages in DC on January 6th. She told the President to “[k]eep the fringe on the fringe”<sup>451</sup> and advised him to “[e]liminate convicted felons that could damage other speakers.”<sup>452</sup>

President Trump was still unwilling to remove them from the lineup entirely. The President instructed Pierson to give Stone a speaking slot on January 5th and asked for more information about Ali Alexander.<sup>453</sup> After discussing the matter with Scavino, President Trump also requested that Alexander be given a speaking slot. President Trump “brought up Ali [Alexander] . . . just keep him on stage not associated with POTUS or main event,” Scavino wrote.<sup>454</sup>

In the end, the “Stop the Steal” leaders—Stone, Jones and Alexander—did not appear on the stage at the Ellipse on January 6th, although they did speak at other planned events, consistent with the President’s request about Alexander. “POTUS expectations are [to have something] intimate and then send everyone over to the Capitol,” Pierson explained in a text message to Justin Caporale and Taylor Budowich.<sup>455</sup> Caporale redacted this text and others in his early production of documents to the Select Committee, and he only revealed them after they had already been produced by other witnesses.<sup>456</sup>

However, other incendiary voices—in addition to President Trump’s—were given time on the Ellipse stage. The Select Committee learned that President Trump’s aides warned him against the inclusion of figures like John Eastman<sup>457</sup> and Rudolph Giuliani,<sup>458</sup> given their false claims about election fraud.<sup>459</sup> Both men, of course, ended up sharing a stage with him on January 6th.<sup>460</sup> Meadows himself directed that they be allowed to speak.<sup>461</sup>

## 6.16 JANUARY 5, 2021: “FORT TRUMP”

While the “Stop the Steal” coalition was not given speaking slots on the Ellipse stage on January 6th, its leaders had plenty of opportunities to speak the day before. And they used their platforms to rile up the crowd in Washington, DC in advance of the joint session.

Ali Alexander spoke at an event sponsored by Moms for America in front of the U.S. Capitol. Alexander claimed that he was honored to be sharing the same stage with President Trump the following day, even though behind the scenes his appearance had been nixed.<sup>462</sup>

“We must rebel,” Alexander told rallygoers. “I’m not even sure if I’m going to leave D.C. We might make this ‘Fort Trump,’ right?” Alexander said, while standing in front of the U.S. Capitol. “We’re going to keep fighting for you, Mr. President.”<sup>463</sup> On his Twitter account, Alexander also spread the idea that President Trump’s supporters should occupy areas of Washington, DC, using the phrases and hashtags such as “Fort Trump” and “#OccupyDC”.<sup>464</sup>

Alex Jones and Roger Stone spoke at a separate event hosted by Virginia Women for Trump in front of the Supreme Court.<sup>465</sup> The event, named the “One Nation Under God” prayer rally, was cohosted by the American Phoenix Project—the Three Percenter-linked group run by Alan Hostetter and Russel Taylor, discussed above, which is charged with conspiracy to obstruct an official proceeding.<sup>466</sup>

Jones repeated his claims about the election being stolen, claiming that those in attendance stood against a “Satanic world government.”<sup>467</sup> Stone led a “Stop the Steal” chant, claiming the “evidence of election fraud is not only growing, it is overwhelming, and it is compelling.” President Trump “won the majority of the legal votes cast” and President Trump “won this election,” Stone said. Nothing less than the fate of Western Civilization was at stake, according to Stone:

Let’s be very clear. This is not fight between Republicans and Democrats. This is not a fight between liberals and conservatives. This is a fight for the future the United States of America. It is a fight for the future of Western Civilization as we know it. It’s a fight between dark and light. It’s a fight between the godly and the godless. It’s a fight between good and evil. And we dare not fail, or we will step out into one thousand years of darkness.<sup>468</sup>

Stone claimed that they “renounce violence” and those on “the left ... are the violent ones.” But he insisted that “nothing is over until we say it is,” and “Victory will be ours.”<sup>469</sup>

Both Taylor and Hostetter spoke as well. Hostetter told the crowd, “We are at war.”<sup>470</sup> Taylor promised to “fight” and “bleed,” vowing that “Patriot[s]” would “not return to our peaceful way of life until this election is made right.”<sup>471</sup>

A long rally was also hosted at Freedom Plaza, an open-air space on Pennsylvania Avenue in Washington, DC. It is a symbolic protest site, standing in the direct line between the White House and the U.S. Capitol. Stone, Jones and Alexander all appeared at Freedom Plaza on the evening of January 5th. Their remarks were incendiary.

Stone repeated his apocalyptic language from earlier in the day, claiming that rallygoers were embroiled in “an epic struggle for the future of this country between dark and light.”<sup>472</sup> “I want them to know that 1776 is

always an option,” Ali Alexander said. “These degenerates in the deep state are going to give us what we want, or we are going to shut this country down.”<sup>473</sup> When Alex Jones took to the stage, he screamed at the crowd: “It’s 1776!”<sup>474</sup>

Another speaker that evening was Lt. Gen. Michael Flynn (ret.). “Tomorrow, tomorrow, trust me, the American people that are standing on the soil that we are standing on tonight, and they’re going to be standing on this soil tomorrow, this is soil that we have fought over, fought for, and we will fight for in the future,” Flynn also told the crowd. Flynn addressed Members of Congress, saying “those of you who are feeling weak tonight, those of you that don’t have the moral fiber in your body, get some tonight because tomorrow, we the people are going to be here, and we want you to know that we will not stand for a lie. We will not stand for a lie.”<sup>475</sup>

### 6.17 “TOGETHER, WE WILL STOP THE STEAL.”

On the evening of January 5th, the President edited the speech he would deliver the next day at the Ellipse. The President’s speechwriting team had only started working on his remarks the day before.<sup>476</sup> Despite concerns from the speechwriting team, unfounded claims coming from Giuliani and others made their way into the draft.<sup>477</sup>

The initial draft circulated on January 5th emphasized that the crowd would march to the U.S. Capitol.<sup>478</sup> Based on what they had heard from others in the White House, the speechwriting team expected President Trump to use his address to tell people to go to the Capitol.<sup>479</sup>

That evening, President Trump convened an impromptu gathering in the Oval Office with members of his staff, primarily his press team<sup>480</sup> and White House Deputy Chief of Staff Dan Scavino, who was in charge of President Trump’s personal Twitter account.<sup>481</sup> Despite the bitter cold, the President ordered his staff to keep the door to the Rose Garden open so he could hear the music and cheering from his supporters at Freedom Plaza.<sup>482</sup> The music playing at Freedom Plaza was so loud “you could feel it shaking in the Oval.”<sup>483</sup>

As President Trump listened, he was tweeting, at one point telling his supporters he could hear them from the Oval Office.<sup>484</sup> His speechwriters incorporated those tweets into a second draft of the speech that was circulated later that evening.<sup>485</sup> The following appeared in both tweet form<sup>486</sup> and was adapted into the speech:

“All of us here today do not want to see our election victory stolen by emboldened Radical Left Democrats. Our Country has had enough, they won’t take it anymore! Together, we will STOP THE STEAL.”<sup>487</sup>



President Trump and members of his staff in the Oval Office on the evening of January 5, 2021.

Photo provided to the Select Committee by the National Archives and Records Administration.

In speaking with staff, he still seemed optimistic that “Congress would take some sort of action in his favor.”<sup>488</sup> The White House photographer, who was also in attendance, recalled that President Trump again remarked that he should go to the Capitol the next day, and even asked about the best route to get there.<sup>489</sup> The President peppered staff for ideas concerning how “we could make the RINOs do the right thing” and make the next day “big.”<sup>490</sup> Deputy Press Secretary Sarah Matthews, who was present in the Oval Office that evening, understood that President Trump wanted to get Republican Members of Congress to send the electoral votes back to the States, rather than certify the election.<sup>491</sup> Matthews recalled that initially no one spoke up in response, since they were trying to “process” what he had said.<sup>492</sup>

Eventually, Deere suggested that President Trump should focus his speech on his administration’s accomplishments, rather than on his claim that the election had been stolen.<sup>493</sup> But the President told Deere that while they had accomplished a lot, the crowd was going to be “fired up” and “angry” the next day because they believed the election had been stolen and was rigged.<sup>494</sup> President Trump knew the crowd was angry because he could hear them.<sup>495</sup> Of course, President Trump was responsible, more than any other party, for ginning up their anger.

President Trump ended the evening by asking an aide how many people were going to be at the rally. The aide responded that he was not sure but



told President Trump that he saw videos on Twitter of “pro-trump people chanting on planes heading to DC,” which he asked to be shared with Scavino.<sup>496</sup>

“We will not let them silence your voices,” the President told the crowd from the podium at the Ellipse. “We're not going to let it happen, I'm not going to let it happen.”<sup>497</sup> His supporters started chanting, “fight for Trump!” The President thanked them.<sup>498</sup>

President Trump knew not only that his supporters were angry, but also that some of them were armed.<sup>499</sup> At times, he ad-libbed, deliberately stoking their rage even more. At one point he said: “And we fight. We fight like hell. And if you don't fight like hell, you're not going to have a country anymore.”<sup>500</sup> The word “fight,” or a variation thereof, appeared only twice in the prepared text.<sup>501</sup> President Trump would go on to utter the word twenty times during his speech at the Ellipse.<sup>502</sup>

President Trump had summoned a mob, including armed extremists and conspiracy theorists, to Washington, DC on the day the joint session of Congress was to meet. He then told that same mob to march on the U.S. Capitol and “fight.” They clearly got the message.

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## ENDNOTES

1. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 62.
2. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), pp. 27,62; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Michael Pompeo, (Aug. 9, 2022), p. 30; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eugene Scalia, (June 30, 2022), p. 11.
3. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eugene Scalia, (June 30, 2022), p. 11. Others throughout the White House similarly recognized that December 14 was a milestone in America's constitutional process, and it was time for the President to move on. But it was not just members of President Trump's Cabinet who viewed that the election was over, and that President Trump had lost by December 14—President Trump's top advisors at the White House came to similar conclusions. For example, White House Counsel Pat Cipollone agreed with Senator McConnell's December 15th comments on the Senate floor and viewed the process for challenging the election as “done.” See Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony “Pat” Cipollone, (July 8, 2022), p. 73. White House Deputy Press Secretary and Deputy Assistant to the President Judd Deere also recognized the significance of the electoral college vote in determining the president and vice president and conveyed this to President Trump. He also advised him to concede. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Judson P. Deere, (Mar. 3, 2022), pp. 23-25. White House Advisor Ivanka Trump viewed the electoral college vote as important and had already started planning for leaving the administration prior to then. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ivanka Trump, (Apr. 5, 2022), p. 193. White House Advisor Jared Kushner similarly viewed that day as “significant.” Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jared Kushner, (Mar. 31, 2022), p. 107.



4. President Trump’s full tweet read: “Peter Navarro releases 36-page report alleging election fraud ‘more than sufficient’ to swing victory to Trump <https://t.co/D8KrMHnFdK>. A great report by Peter. Statistically impossible to have lost the 2020 Election. Big protest in D.C. on January 6th. Be there, will be wild!” President Donald J. Trump: Tweets of December 19, 2020, The American Presidency Project, available at <https://www.presidency.ucsb.edu/documents/tweets-december-19-2020>.
5. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of J. Smith, (May 9, 2022), p. 79. Navaroli appeared for two deposition sessions with the Select Committee, the first of which was conducted anonymously to protect her identity. In this deposition session, she was called “J. Smith.” She later agreed to put her name in the record and sat for another round of questioning. Testimony from that second session is referred to as “Deposition of Anika Navaroli.”
6. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Anika Navaroli, (Sept. 1, 2022), pp. 66-67. She went on to characterize the tweet as an “RSVP card” that became a “rallying point” for the President’s supporters, one that prompted violent responses from users that were highly suggestive of the coming violence targeting DC on January 6th. *Id.*, at p. 64. Another former Twitter employee, whose deposition was also conducted anonymously, testified that the tweet “in many ways kind of crystallized the plans” for violence and that, after that point, supporters of President Trump began tweeting about movements to D.C. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of J. Johnson, (Sept. 7, 2022), p. 55.
7. The President’s call to action quickly reverberated beyond Twitter and spread across the internet. On one social networking site, Discord, a forum called “DonaldsArmy.US” erupted in the hours after the tweet, with users seeing it as a “call to action” and beginning to organize travel plans to D.C., including by discussing how and whether to evade DC gun restrictions and bring firearms into the city. See Summary Memorandum from Select Committee to Investigate the January 6th Attack on the United States Capitol. Briefing with Discord, (July 29, 2022); see also Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Discord Production), JAN6C\_DIS\_000269 (Memo from Discord titled “DonaldsArmy.US and BASEDMedia.”).
8. Second Superseding Indictment at ¶ 28, *United States v. Nordean et al.*, No. 1:1:21-cr-175 (D.D.C. Mar. 7, 2022), ECF No. 305.
9. See, e.g., Ian Ward, “How a D.C. Bar Became the ‘Haven’ for the Proud Boys,” *Politico*, (Dec. 14, 2020), available at <https://www.politico.com/news/magazine/2020/12/14/harrys-bar-proud-boys-washington-dc-445015>.
10. Second Superseding Indictment at ¶ 37, *United States v. Nordean et al.*, No. 1:21-cr-175 (D.D.C. Mar. 7, 2022), ECF No. 305 (citing Tarrío’s message to the Proud Boys on December 29, 2020, that they would “not be wearing our traditional Black and Yellow” on January 6th; they would “be incognito.”).
11. Second Superseding Indictment at ¶ 50, *United States v. Nordean et al.*, No. 1:1:21-cr-175 (D.D.C. Mar. 7, 2022), ECF No. 305.
12. Second Superseding Indictment at ¶ 100, *United States v. Nordean et al.*, No. 1:1:21-cr-175 (D.D.C. Mar. 7, 2022), ECF No. 305.
13. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Henry Tarrío, (Feb. 4, 2022), pp. 83-84.
14. Second Superseding Indictment at ¶ 107, *United States v. Nordean et al.*, No. 1:21-cr-175 (D.D.C. Mar. 7, 2022), ECF No. 305.
15. See, e.g., Mike Levine, “How A Standoff in Nevada Years Ago Set The Militia Movement on A Crash Course with The US Capitol,” ABC News, (Jan. 5, 2022), available at <https://abcnews.go.com/US/standoff-nevada-years-ago-set-militia-movement-crash/story?id=82051940>.

16. Indictment at ¶¶ 67, 68, *United States v. Rhodes, III, et al.*, No. 22-cr-15 (D.D.C. June 22, 2022), ECF No. 167.
17. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Elmer Stewart Rhodes, (Feb. 22, 2022), pp. 132,134; Stewart Rhodes and Kelly SoRelle, “Open Letter to President Trump: You Must Use the Insurrection Act to ‘Stop the Steal’ and Defeat the Coup,” Oathkeepers.org, (Dec. 14, 2020), available at <https://web.archive.org/web/20210123133022/https://oathkeepers.org/2020/12/open-letter-to-president-trump-you-must-use-insurrection-act-to-stop-the-steal-and-defeat-the-coup/> (archived). Jason Van Tatenhove, the former spokesman of the Oath Keepers described how he suspected that Rhodes saw the Insurrection Act as a blank check: “He could pretty much do whatever he wanted, and [President Trump] could install Stewart and the Oath Keepers as some sort of security force that would bring them real legitimacy and political power.” Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jason Van Tatenhove, (Mar. 9, 2022), p. 73.
18. Third Superseding Indictment at ¶ 37, *United States v. Crowl et al.*, No. 1:21-cr-28 (D.D.C., Mar. 31, 2021), ECF No. 127.
19. Third Superseding Indictment at ¶ 95-99, *United States v. Crowl et al.*, No. 1:21-cr-28 (D.D.C., Mar. 31, 2021), ECF No. 127.
20. Trial Transcript at 10502-508, *United States v. Rhodes et al.*, No. 1:22-cr-15 (D.D.C. Nov. 29, 2022); Alan Feuer and Zach Montague, “Oath Keepers Leader Convicted of Sedition in Landmark Jan. 6 Case,” *New York Times*, (Nov. 29, 2022), available at <https://www.nytimes.com/2022/11/29/us/politics/oath-keepers-trial-verdict-jan-6.html>.
21. 18 U.S.C. § 2384.
22. For example, one Proud Boy, Jeremy Bertino, pleaded guilty to “seditious conspiracy” and other crimes in October 2022. Bertino admitted to authorities that the Proud Boys traveled to Washington on January 6, 2021, “to stop the certification of the Electoral College Vote.” They “were willing to do whatever it would take, including using force against police and others, to achieve that objective.” See “Former Leader of Proud Boys Pleads Guilty to Seditious Conspiracy for Efforts to Stop Transfer of Power Following 2020 Presidential Election,” Department of Justice, (Oct. 6, 2022), available at <https://www.justice.gov/opa/pr/former-leader-proud-boys-pleads-guilty-seditious-conspiracy-efforts-stop-transfer-power>.
23. Criminal Complaint at 10-11, *United States v. Hazard*, No. 1:21-mj-868 (D.D.C. Dec. 7, 2021), ECF No. 1.
24. See, e.g., Indictment at ¶¶ 34-37, *United States v. Hostetter et al.*, No. 1:21-cr-392 (D.D.C. June 9, 2021), ECF No. 1.
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28. Statement of Mike Rothschild, (Mar. 23, 2022), at pp. 3-6.
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- 2020), available at <https://www.cnn.com/2020/11/13/business/stop-the-steal-disinformation-campaign-invs/index.html>.
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  91. See Statement of Heidi L. Beirich, Ph.D., (Mar. 22, 2022), at p.1.
  92. See, e.g., Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of George Meza, (Mar. 16, 2022), p. 155.
  93. See, e.g., Cleve R. Wootson Jr., “Thousands of Proud Boys Plan to Rally in Portland, Setting Up Another Clash in a Combustible City,” *Washington Post*, (Sept. 25, 2020), available at <https://www.washingtonpost.com/nation/2020/09/25/portland-oregon-proud-boys-rally/>; see also, Aaron Wolfson and Hampton Stall, “Actor Profile: Proud Boys,” Armed Conflict Location & Event Data Project, (Apr. 22, 2021), available at <https://acleddata.com/2021/04/22/actor-profile-proud-boys/> (noting the “percentage of events with counter-demonstrators in which Proud Boys members participated was more than 10 times the rate at which others engaged with counter-demonstrators.”).
  94. Nick Quested, a filmmaker who followed the Proud Boys through January 6th, described how Proud Boys couldn’t define Black Lives Matter or Antifa—and that, in person, Proud Boys simply identified them as “people of color and people with progressive values.” Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Nick Quested, (Apr. 5, 2022), p. 78.
  95. Kathleen Ronayne and Michael Kunzelman, “Trump to Far-Right Extremists: ‘Stand Back and Stand By,’” *Associated Press*, (Sept. 30, 2020), available at <https://apnews.com/article/election-2020-joe-biden-race-and-ethnicity-donald-trump-chris-wallace-0b32339da25fbc9e8b7c7c7066a1db0f>.
  96. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Nick Quested, (Apr. 5, 2022), p. 117.
  97. Emails obtained by the Select Committee show that Parler featured alarmingly violent and specific posts that in some cases advocated for civil war. See, e.g., Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Parler Production), PARLER\_00000006 (December 24, 2020, email forwarded to the FBI, “We need to mass an armed force of American Patriots 150,000 on the Virginia side of the Potomac prepared to react to the congressional events of January 6th”). In a January 2, 2021, email, a Parler employee wrote that they were “concerned about Wednesday,” which would be January 6th. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Parler Production), PARLER\_00000009 (January 2, 2021, email forwarded to the FBI, “One more from same account. More where came from. Concerned about Wednesday...”).
  98. Atlantic Council’s DFRLab, “#StopTheSteal: Timeline of Social Media and Extremist Activities Leading to 1/6 Insurrection,” Just Security, (Feb. 10, 2021), available at <https://www.justsecurity.org/74622/stopthesteal-timeline-of-social-media-and-extremist-activities-leading-to-1-6-insurrection/>.
  99. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jeremy Bertino, (Apr. 26, 2022), p. 38; see also “Former Leader of Proud Boys Pleads Guilty to Seditious Conspiracy for Efforts to Stop Transfer of Power Following 2020 Presidential Election,” Department of Justice, (Oct. 6, 2022), available at <https://www.justice.gov/opa/pr/former-leader-proud-boys-pleads-guilty-seditious-conspiracy-efforts-stop-transfer-power-mer-leader-proud-boys-pleads-guilty-seditious-conspiracy-efforts-stop-transfer-power>.

100. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Henry Tarrío, (Feb. 4, 2022), pp. 50-51, 221-22; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of George Meza, (Mar. 16, 2022), pp. 21-22.
101. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Henry Tarrío, (Feb. 4, 2022), p. 221.
102. Tom Dreisbach, "Conspiracy Charges Bring Proud Boys' History Of Violence into Spotlight," NPR, (Apr. 9, 2021), available at <https://www.npr.org/2021/04/09/985104612/conspiracy-charges-bring-proud-boys-history-of-violence-into-spotlight>.
103. Tom Dreisbach, "Conspiracy Charges Bring Proud Boys' History Of Violence into Spotlight," NPR, (Apr. 9, 2021), available at <https://www.npr.org/2021/04/09/985104612/conspiracy-charges-bring-proud-boys-history-of-violence-into-spotlight>.
104. "Day of the Rope," Anti-Defamation League, available at <https://www.adl.org/resources/hate-symbol/day-rope>.
105. "Contested States," #StopTheSteal, (Nov. 7, 2020), available at <http://archive.ph/C9lWN> (archived).
106. Christopher Mathias, "After Trump's Defeat, His Supporters Held a Heavily Armed Pity Party," *Huff Post*, (Nov. 7, 2020), available at [https://www.huffpost.com/entry/harrisburg-trump-rally-defeat-extremists-proud-boys-armed-militias\\_n\\_5fa756ddc5b67c3259afbc42](https://www.huffpost.com/entry/harrisburg-trump-rally-defeat-extremists-proud-boys-armed-militias_n_5fa756ddc5b67c3259afbc42).
107. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert Glover, (May 2, 2022), p. 10.
108. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert Glover, (May 2, 2022), p. 10.
109. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Michael Simmons, (Feb. 10, 2022), p. 71; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of George Douglas Smith, Jr., (Apr. 28, 2022), p. 47.
110. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jeremy Bertino, (Apr. 26, 2022), pp. 81-82; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert Glover, (May 2, 2022), p. 19; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Nick Qusted, (Apr. 5, 2022), p. 26.
111. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Patrick Byrne, (July 15, 2022), pp. 151-52.
112. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Henry Tarrío, (Feb. 4, 2022), pp. 107-09; Luke O'Brien, "How Republican Politics (And Twitter) Created Ali Alexander, The Man Behind 'Stop the Steal'," *Huff Post*, (Mar. 7, 2021), available at [https://www.huffpost.com/entry/republicans-twitter-ali-alexander-stop-the-steal\\_n\\_6026fb26c5b6f88289fbbab57](https://www.huffpost.com/entry/republicans-twitter-ali-alexander-stop-the-steal_n_6026fb26c5b6f88289fbbab57).
113. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Henry Tarrío, (Feb. 4, 2022), pp. 107-09.
114. Criminal Complaint, *United States v. Shroyer*, No. 1:21-mj-572 (D.D.C. Aug. 19, 2021), ECF No. 1, available at <https://www.justice.gov/usao-dc/case-multi-defendant/file/1428181/download>.
115. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Nick Qusted, (Apr. 5, 2022), pp. 17-19; Ryan Goodman, Justin Hendrix, Just Security, "Exclusive: New Video of Roger Stone with Proud Boys Leaders Who May Have Planned for Capitol Attack," (Feb. 6, 2021), available at <https://www.justsecurity.org/74579/exclusive-new-video-of-roger-stone-with-proud-boys-leaders-who-may-have-planned-for-capitol-attack/>.

116. Ryan Goodman & Justin Hendrix, “EXCLUSIVE: New Video of Roger Stone with Proud Boys Leaders Who May Have Planned for Capitol Attack,” Just Security, (Feb. 6, 2021), available at <https://www.justsecurity.org/74579/exclusive-new-video-of-roger-stone-with-proud-boys-leaders-who-may-have-planned-for-capitol-attack/>.
117. Will Carless, “How a Trump Booster Group Helped the Head of Extremist Proud Boys Gain Access to the White House,” *USA Today*, (Dec. 19, 2020), available at <https://www.usatoday.com/story/news/nation/2020/12/19/latinos-trump-group-tied-proud-boys-leader-enrique-tarrio/3931868001/>.
118. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Henry Tarrio, (Feb. 4, 2022), p. 117.
119. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jeremy Bertino, (Apr. 26, 2022), pp. 125-27; Affidavit in Support of Arrest Warrant, *United States v. Tarrio*, No. 2020 CRWSLD 5553, (D.C. Super. Ct. Dec. 30, 2020).
120. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jeremy Bertino, (Apr. 26, 2022), p. 127.
121. Affidavit in Support of Arrest Warrant, *United States v. Tarrio*, No. 2020 CRWSLD 5553, (D.C. Super. Ct. Dec. 30, 2020).
122. Peter Herman and Martin Weil, “Proud Boys Leader Arrested in the Burning of Church’s Black Lives Matter Banner, D.C. Police Say,” *Washington Post*, (Jan. 4, 2021), available at [https://www.washingtonpost.com/local/public-safety/proud-boys-enrique-tarrio-arrest/2021/01/04/8642a76a-4edf-11eb-b96e-0e54447b23a1\\_story.html](https://www.washingtonpost.com/local/public-safety/proud-boys-enrique-tarrio-arrest/2021/01/04/8642a76a-4edf-11eb-b96e-0e54447b23a1_story.html); Laura Wamsley, “Proud Boys Leader Released from Police Custody and Ordered to Leave D.C.,” NPR, (Jan. 5, 2021), available at <https://www.npr.org/2021/01/05/953685035/proud-boys-leader-released-from-police-custody-and-ordered-to-leave-d-c>.
123. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert Glover, (May 2, 2022), p. 16.
124. Elizabeth Elizalde, “Proud Boys Surround Man with Knife at Violent DC Trump Rally,” *New York Post*, (Dec. 13, 2020), available at <https://nypost.com/2020/12/13/one-person-stabbed-during-massive-proud-boys-brawl-in-dc/>.
125. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jeremy Bertino, (Apr. 26, 2022), pp. 128-29.
126. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jeremy Bertino, (Apr. 26, 2022), p. 129.
127. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jeremy Bertino, (Apr. 26, 2022), pp. 130-131.
128. Second Superseding Indictment at ¶ 30, *United States v. Nordean, et al.*, No. 1:21-cr-175 (D.D.C. Mar. 7, 2022), ECF No. 305.
129. Second Superseding Indictment at ¶ 32, *United States v. Nordean, et al.*, No. 1:21-cr-175 (D.D.C. Mar. 7, 2022), ECF No. 305; see also Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Jay Thaxton Production), CTRL0000055644, (December 27-28, 2020, “Ministry of Self Defense,” Telegram messages from 7:43 p.m.-1:53 a.m.).
130. See, Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Jay Thaxton Production), CTRL0000055644, (December 27-28, 2020, “Ministry of Self Defense,” Telegram messages from 7:43 p.m.-1:53 a.m.).
131. Second Superseding Indictment at ¶ 55, *United States v. Nordean, et al.*, No. 1:21-cr-175 (D.D.C. Mar. 7, 2022), ECF No. 305.
132. Third Superseding Indictment at ¶ 38, *United States v. Nordean, et al.*, No. 1:21-cr-175 (D.D.C. June 6, 2022), ECF No. 380; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Jay Thaxton Production),

- CTRL0000055644, (December 27-28, 2020, “Ministry of Self Defense,” Telegram messages from 7:43 p.m.-1:53 a.m.).
133. Second Superseding Indictment at ¶ 33, *United States v. Nordean, et al.*, No. 1:21-cr-175 (D.D.C. Mar. 7, 2022), ECF No. 305.
  134. Second Superseding Indictment at ¶ 31, *United States v. Nordean, et al.*, No. 1:21-cr-175 (D.D.C. Mar. 7, 2022), ECF No. 305; *see also* Carter Walker, “Carlisle Proud Boy Member Targeted in Search Warrant Tied to Jan. 6 Plot,” *Lancaster Online* (Mar. 12, 2022), available at [https://lancasteronline.com/news/politics/carlisle-proud-boy-member-targeted-in-search-warrant-tied-to-jan-6-plot/article\\_c2596928-a258-11ec-a6bb-c79ff2e0e8a7.html](https://lancasteronline.com/news/politics/carlisle-proud-boy-member-targeted-in-search-warrant-tied-to-jan-6-plot/article_c2596928-a258-11ec-a6bb-c79ff2e0e8a7.html) (identifying John Stewart as Person-3 in Second Superseding Indictment).
  135. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (Jay Thaxton Production), CTRL0000055644, (December 29, 2020, “Ministry of Self Defense,” Telegram message at 11:09 a.m.).
  136. Second Superseding Indictment at ¶ 41, *United States v. Nordean, et al.*, No. 1:21-cr-175 (D.D.C. Mar. 7, 2022) ECF No. 305.
  137. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Samuel Armes, (July 18, 2022), p. 10-14 (describing Armes’ role in drafting a prior version of the document, which he then shared with Eryka Gemma Flores, another cryptocurrency investor who shared the document with Tarrio); Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Eryka Gemma Flores, (July 1, 2022).
  138. Zachary Rehl’s Motion to Reopen Detention Hearing and Request for a Hearing, Exhibit 1: “1776 Returns,” *United States v. Nordean, et al.*, No. 1:21-cr-175 (D.D.C. June 15, 2022) ECF No. 401-1, available at <https://s3.documentcloud.org/documents/22060615/1776-returns.pdf>.
  139. Zachary Rehl’s Motion to Reopen Detention Hearing and Request for a Hearing, Exhibit 1: “1776 Returns,” *United States v. Nordean, et al.*, No. 1:21-cr-175 (D.D.C. June 15, 2022) ECF No. 401-1, available at <https://s3.documentcloud.org/documents/22060615/1776-returns.pdf>.
  140. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Matthew Thomas Walter, (Mar. 9, 2022), pp. 70-71; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Christopher Barcnas, (Mar. 10, 2022), p. 98; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of George Meza, (Mar. 16, 2022), p. 118; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jeremy Bertino, (Apr. 26, 2022), p. 23.
  141. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Samuel Armes, (July 18, 2022), p. 14.
  142. Second Superseding Indictment at ¶ 41, *United States v. Nordean, et al.*, No. 1:21-cr-175 (D.D.C. Mar. 7, 2022), ECF No. 305.
  143. Georgia Wells, Rebecca Ballhaus, and Keach Hagey, “Proud Boys, Seizing Trump’s Call to Washington, Helped Lead Capitol Attack,” *Wall Street Journal*, (Jan. 17, 2021), available at <https://www.wsj.com/articles/proud-boys-seizing-trumps-call-to-washington-helped-lead-capitol-attack-11610911596>.
  144. Second Superseding Indictment at ¶ 49, *United States v. Nordean, et al.*, No. 1:21-cr-175 (D.D.C. Mar. 7, 2022), ECF No. 305; Carter Walker, “Carlisle Proud Boy Member Targeted in Search Warrant Tied to Jan. 6 Plot,” *Lancaster Online* (Mar. 12, 2022), available at [https://lancasteronline.com/news/politics/carlisle-proud-boy-member-targeted-in-search-warrant-tied-to-jan-6-plot/article\\_c2596928-a258-11ec-a6bb-c79ff2e0e8a7.html](https://lancasteronline.com/news/politics/carlisle-proud-boy-member-targeted-in-search-warrant-tied-to-jan-6-plot/article_c2596928-a258-11ec-a6bb-c79ff2e0e8a7.html) (identifying John Stewart as Person-3 in Second Superseding Indictment).
  145. Second Superseding Indictment at ¶ 49, *United States v. Nordean, et al.*, No. 1:21-cr-175 (D.D.C. Mar. 7, 2022), ECF No. 305; Carter Walker, “Carlisle Proud Boy Member Targeted in Search Warrant Tied to Jan. 6 Plot,” *Lancaster Online* (Mar. 12, 2022), available at <https://lancasteronline.com/news/politics/carlisle-proud-boy-member-targeted-in-search->

- [warrant-tied-to-jan-6-plot/article\\_c2596928-a258-11ec-a6bb-c79ff2e0e8a7.html](http://www.justice.gov/opa/pr/former-leader-proud-boys-pleads-guilty-seditious-conspiracy-efforts-stop-transfer-power) (identifying John Stewart as Person-3 in Second Superseding Indictment).
146. Second Superseding Indictment at ¶ 50, *United States v. Nordean et al.*, No. 1:21-cr-175 (D.D.C. Mar. 7, 2022) ECF No. 305.
  147. Plea Agreement at 1, *United States v. Donohoe*, No. 1:21-cr-175 (D.D.C. Apr. 8, 2022), ECF No. 335.
  148. Statement of Offense at 4, *United States v. Donohoe*, No. 1:21-cr-00175-4-TJK (D.D.C. Apr. 8, 2022).
  149. Statement of Offense at 4, *United States v. Donohoe*, No. 1:21-cr-00175-4-TJK (D.D.C. Apr. 8, 2022).
  150. Statement of Offense at 6, *United States v. Donohoe*, No. 1:21-cr-00175-4-TJK (D.D.C. Apr. 8, 2022).
  151. Statement of Offense at 6, *United States v. Donohoe*, No. 1:21-cr-00175-4-TJK (D.D.C. Apr. 8, 2022).
  152. Statement of Offense at 8, *United States v. Donohoe*, No. 1:21-cr-00175-4-TJK (D.D.C. Apr. 8, 2022).
  153. “Former Leader of Proud Boys Pleads Guilty to Seditious Conspiracy for Efforts to Stop Transfer of Power Following 2020 Presidential Election,” Department of Justice, (Oct. 6, 2022), available at <http://www.justice.gov/opa/pr/former-leader-proud-boys-pleads-guilty-seditious-conspiracy-efforts-stop-transfer-power>.
  154. “Former Leader of Proud Boys Pleads Guilty to Seditious Conspiracy for Efforts to Stop Transfer of Power Following 2020 Presidential Election,” Department of Justice, (Oct. 22, 2022), available at <https://www.justice.gov/opa/pr/former-leader-proud-boys-pleads-guilty-seditious-conspiracy-efforts-stop-transfer-power>.
  155. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jeremy Bertino, (Apr. 26, 2022), p. 156.
  156. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jeremy Bertino, (Apr. 26, 2022), p. 156.
  157. *Statement of Sam Jackson, Ph.D.*, (Mar. 30, 2022), at p. 2.
  158. Zachary Cohen, “Oath Keepers Leader Spewed Anti-government Hate for More than a Decade. Alex Jones Gave Him the Audience,” CNN, (Jan. 14, 2022), available at <https://www.cnn.com/2022/01/14/politics/oath-keepers-stewart-rhodes-alex-jones-invs/index.html>.
  159. The Select Committee found that the idea that violence loomed from the left was a powerful draw for people to join the Oath Keepers. Richard Dockery, a former Oath Keepers member from Florida, decried “all the riots and stuff I was seeing on the news all over the country” and expressed concern about Antifa and Black Lives Matter activity in his area of Florida, a prospect that he called “nerve-wracking.” Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Richard Dockery, (Feb. 2, 2022), pp. 10, 31. Because of this, he said that the Oath Keepers “seemed like a really good organization to support” in order to keep communities safe. *Id.*, at p. 9. Similarly, Jeff Morelock told the Select Committee that joining the Oath Keepers “would give me a chance to do something to help instead of just sitting on the couch,” referring to watching protests on television. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jeffrey Lawrence Morelock, (Jan. 26, 2022), pp. 87-88. Jason Van Tatenhove, a former spokesman for the Oath Keepers and confidant to Rhodes who has since publicly denounced the group, described how the Oath Keepers tried to deliberately leverage this dynamic to increase their clout. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jason Van Tatenhove, (Mar. 9, 2022), pp. 54-55.
  160. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Elmer Stewart Rhodes, (Feb. 2, 2022), pp. 103-104.

161. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kellye SoRelle, (Apr. 13, 2022), pp. 9-10.
162. Stewart Rhodes, "Call to Action! March on DC, Stop the Steal, Defend the President, & Defeat the Deep State," Oath Keepers, (Nov. 10, 2020), available at <https://oathkeepers.org/2020/11/call-to-action-march-on-dc-stop-the-steal-defend-the-president-defeat-the-deep-state/>.
163. Stewart Rhodes, "Call to Action! March on DC, Stop the Steal, Defend the President, & Defeat the Deep State," Oath Keepers, (Nov. 10, 2020), available at <https://oathkeepers.org/2020/11/call-to-action-march-on-dc-stop-the-steal-defend-the-president-defeat-the-deep-state/>.
164. Stewart Rhodes and Kellye SoRelle, "Open Letter to President Trump: You Must Use the Insurrection Act to 'Stop the Steal' and Defeat the Coup," Oath Keepers, (Dec. 14, 2020), available at <https://web.archive.org/web/20210123133022/https://oathkeepers.org/2020/12/open-letter-to-president-trump-you-must-use-insurrection-act-to-stop-the-steal-and-defeat-the-coup/>.
165. Michael S. Schmidt and Maggie Haberman, "Trump Aides Prepared Insurrection Act Order During Debate Over Protests," *New York Times*, (June 25, 2021), available at <https://www.nytimes.com/2021/06/25/us/politics/trump-insurrection-act-protests.html>.
166. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Elmer Stewart Rhodes, (Feb. 2, 2022), p. 131.
167. "Pro-Trump Rallies in DC Attract Extremists & Erupt into Violence," Anti-Defamation League, (Dec. 13, 2020), available at <https://www.adl.org/blog/pro-trump-rallies-in-dc-attract-extremists-erupt-into-violence>.
168. In texts between Rhodes and Rob Weaver, one of the organizers of the Jericho March, Weaver instructed his associate to work with Rhodes "on extra security." Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Robert Weaver Production), Weaver J6 Prod. (S. Rhodes)0001 (December 11, 2020, text from Rob Weaver at 1:39 p.m.).
169. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (Thomas Speciale Production), CTRL0000050180, pp. 1-6, 26-28 (Signal Chat Titled Dec 12 DC Security/Leadership); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Robert Weaver Production), Weaver J6 Production) Prod. (S. Rhodes)0039 (Signal Chat Titled Dec 12 DC Security/Leadership).; Superseding Indictment at 12, *United States v. Rhodes et al.*, No. 1:22-cr-15 (D.D.C. June 22, 2022), ECF No. 167 (noting that on December 11, 2020, Rhodes "sent a message to an invitation-only Signal group chat titled, 'Dec 12 DC Security/Leadership,' which included James, MINUTA, and others. RHODES stated that if President-Elect Biden were to assume the presidency, 'It will be a bloody and desperate fight. We are going to have a fight. That can't be avoided.'").
170. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Robert Weaver Production), Weaver J6 Prod. (S. Rhodes) 0045 (December 10, 2020, Stewart Rhodes chat with Dec. 12 DC Security/Leadership at 10:17p.m.).
171. Stewart Rhodes and Kellye SoRelle, "Open Letter to President Trump: You Must Use the Insurrection Act to 'Stop the Steal' and Defeat the Coup," Oath Keepers, (Dec. 14, 2020), available at <https://web.archive.org/web/20210123133022/https://oathkeepers.org/2020/12/open-letter-to-president-trump-you-must-use-insurrection-act-to-stop-the-steal-and-defeat-the-coup/>.
172. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Elmer Stewart Rhodes, (Feb. 2, 2022), pp. 132, 134.



173. Trial Exhibit 6748, *United States v. Rhodes et al.*, No. 1:22-cr-15 (D.D.C. Oct. 20, 2022); Kyle Cheney, “Prosecutors Detail Oath Keepers’ Mounting Frustration with Trump as Jan. 6 Approached,” *Politico*, (Oct. 20, 2022), available at <https://www.politico.com/news/2022/10/20/oath-keepers-trump-jan-6-00062779>.
174. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Alondra Propes Production), CTRL0000029585, p.1 (Stewart Rhodes writing in ‘OKFL Hangout’ chat).
175. Stewart Rhodes and Alondra Propes characterized the Proud Boys as street brawlers in contrast to the Oath Keepers’ discipline. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Elmer Stewart Rhodes, (Feb. 22, 2022), pp. 40, 43; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Alondra Propes, (Jan. 31, 2022), pp. 42-43, 136. Kellye SoRelle described the Proud Boys as extreme white supremacists. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kellye SoRelle, (Apr. 13, 2022), p. 63-64. Enrique Tarrío characterized the Oath Keepers as “oath breakers” and embarrassing. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Henry Tarrío, (Feb. 4, 2022), pp. 77, 193-94.
176. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Google Voice Production, Feb. 25, 2022).
177. Government’s Opposition to Defendant’s Renewed Request for Pretrial Release at 7, *United States v. Meggs*, No. 1:21-cr-28 (D.D.C. Mar. 23, 2021). Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Henry Tarrío, (Feb. 4, 2022), p. 125.
178. Superseding Indictment at ¶ 28, *United States v. Rhodes et al.*, No. 1:22-cr-25 (D.D.C. June 22, 2022), ECF No. 167.
179. “Leader of Oath Keepers and 10 Other Individuals Indicted in Federal Court for Seditious Conspiracy and Other Offenses Related to U.S. Capitol Breach,” Department of Justice, (Jan. 13, 2022), available at <https://www.justice.gov/usao-dc/pr/leader-oath-keepers-and-10-other-individuals-indicted-federal-court-seditious-conspiracy>.
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181. Superseding Indictment at ¶ 29, *United States v. Rhodes, et al.*, No. 1:22-cr-15 (D.D.C. June 22, 2022), ECF No. 167.
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183. Third Superseding Indictment at ¶ 37, *United States v. Crowl et al.*, No. 1:21-cr-28 (D.D.C., Mar. 31, 2021), ECF No. 127.
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281. Criminal Complaint at 8-12, *United States v. Hazard*, No. 1:21-mj-868 (D.D.C. Dec. 7, 2021), ECF No. 1. For example, Denney told Hazard that they “will need linking up with the proud

- boys.” *Id.*, at 8. Denney described the hotel he booked as “the same place everyone else is getting in the Proud Boys crew and other militia’s until it gets full.” *Id.*, at 9. In a separate post on Facebook, Denney stated that the Patriot Boys of North Texas were “allied with the Patriot Prayer and the Proud Boys.” *Id.*, at 9. In another Facebook message on December 29, Denney wrote: “We are linking up with thousands of Proud Boys and other militia that will be there. This is going to be huge. And it’s going to be a fight.” *Id.*, at 10. Similarly, Hazard wrote on Facebook: “I belong to a militia group that’s affiliated with the proud boys” and “We’re affiliated with the proud boys which have folks of all races as there’s several thousand members.” *Id.*, at 12.
282. Criminal Complaint at 8, *United States v. Hazard*, No. 1:21-mj-868 (D.D.C. Dec. 7, 2021), ECF No. 1.
  283. Criminal Complaint at 10, *United States v. Hazard*, No. 1:21-mj-868 (D.D.C. Dec. 7, 2021), ECF No. 1.
  284. Criminal Complaint at 11, *United States v. Hazard*, No. 1:21-mj-868 (D.D.C. Dec. 7, 2021), ECF No. 1. Hazard also echoed this idea. *Id.*, at 14.
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329. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of James Watkins, (June 6, 2022), pp. 74, 76.
330. Statement of Offense at 3, *United States v. Munn*, No. 1:21-cr-474 (D.D.C. May 13, 2022), ECF No. 78.
331. Statement of Facts at 3, *United States v. Chansley*, No. 1:21-cr-3 (D.D.C. Jan. 8, 2021), ECF No. 1-1.
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333. *See, e.g.*, Trial Exhibit 6860 (1.S.656.9257), *United States v. Rhodes et al.*, No. 1:22-cr-15 (D.D.C. Oct. 13, 2022) (Rhodes messaging an Oath Keepers chat that “Let’s defy the Q slogan of WVG1WGA. Where We Go One, We Go All. We nullify TOGETHER We defy TOGETHER. We resist TOGETHER We defend TOGETHER. They come for one of us, they come for all of us. When they come for us, we go for them. When they strike at our leaders, we strike at their leaders. This is the path of the Founders. It’s what they did.”); Trial Exhibit 4064, *United States v. Rhodes et al.*, No. 1:22-cr-15 (D.D.C. Oct. 6, 2022) (printout of December 23, 2020, open letter to President Trump posted by Stewart Rhodes on the Oath Keeper website, imploring the President to invoke the Insurrection Act to prevent a communist takeover of the United States through the inauguration of Joe Biden).
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- for this. Driving up Monday night or early Tuesday.,” Patriots.Win, Jan. 3, 2021, available at <https://patriots.win/p/11ROGrJPVQ/we-will-be-building-a-gallows-ri/c/>.
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381. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Ali Alexander, (Dec. 9, 2021), p. 15.
382. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Resource Group Production), CTRL0000010113 (Dec. 19, 2020, Ali Alexandra text message to Stephen Brown at 10:49 a.m.).
383. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Resource Group Production), CTRL0000010113 (Dec. 19, 2020, Ali Alexandra text message to Stephen Brown at 10:49 a.m.).
384. "Valuation and Analysis," WildProtest.com, (Jan. 14, 2021 (last updated)), available at <https://wildprotest.com.siteindices.com/>.
385. "President Trump Wants You in DC January 6," WildProtest.com, (Dec 19,2020), available at <https://web.archive.org/web/20201223062953/http://wildprotest.com/> (archived).
386. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Arina Grossu, (Apr. 29, 2022), p. 40.
387. Statement of Andrew J. Seidel, (Mar. 18, 2022), at 11, 13.
388. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Arina Grossu Production), Grossu\_01\_002721 (Dec. 19, 2020, Rob Weaver email message to Arina Grossu at 8:20 a.m. CT).
389. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (Arina Grossu Production), Arina Grossu Exhibit 20 (Jericho March Rally registration page).
390. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Marsha Lessard, (Dec. 10, 2021); *see also* Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL000001834 (Permit Relating to Demonstration Activities on United States Capitol Grounds for Virginia Freedom Keepers, No. 20-12-25).
391. . *See* Superseding Indictment at ¶ 37, *United States v. Rhodes et al.*, No. 1:22-cr-15 (D.D.C. June 22, 2022) (noting that Stewart Rhodes, President of the Oath Keepers, shipped weapons to Lessard's home in Virginia before his arrival in DC for January 6th); Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kellye SoRelle, (Apr. 13, 2022), p. 180.
392. *See* Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Henry Tarrío, (Feb. 4, 2021), p. 117 (testifying that Gracia arranged a White House tour for him in December 2020).
393. Latinos for Trump (@Officiallft2021), Twitter, Dec. 27, 2020 7:58 p.m., available at <https://twitter.com/i/web/status/1343360740313321474>.
394. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (Nathan Martin Production), NMartin0318 (December 30, 2020, email from Kimberly Fletcher of Moms for America to Ali Alexander and Nathan Martin re: MFA VIP list for White House); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Resource Group Production),

CTRL0000010100 (December 27, 2020, text messages between Nathan Martin, Stephen Martin, Kimberly Fletcher, and Ali Alexander discussing permitting); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000000086, CTRL0000000086.0001 (December 23, 2020, Special Event Assessment identifying Fletcher as a speaker at the “Wild Protest” event during the same time as MFA’s permitted event in a different area).

395. “The Alex Jones Show,” Prison Planet TV, at 10:07, Dec. 20, 2020, available at <http://tv.infowars.com/index/display/id/11151>.
396. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (T-Mobile Production, Nov. 19, 2021).
397. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Cynthia “Cindy” Chafian (Nov. 1-2, 2021).
398. See, Beth Reinhard, Jaqueline Alemany, and Josh Dawsey, “Low-Profile Heiress Who ‘Played a Strong Role’ in Financing Jan. 6 Rally is Thrust Into Spotlight,” *Washington Post*, (Dec. 8, 2021), available at [https://www.washingtonpost.com/investigations/publix-heiress-capitol-insurrection-fancelli/2021/12/08/5144fe1c-5219-11ec-8ad5-b5c50c1fb4d9\\_story.html](https://www.washingtonpost.com/investigations/publix-heiress-capitol-insurrection-fancelli/2021/12/08/5144fe1c-5219-11ec-8ad5-b5c50c1fb4d9_story.html).
399. Documents on File with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Julia Fancelli Production), REL0000000994, (Bank Statements for Julia Fancelli at the Bank of Central Florida from December 10, 2020, to January 10, 2021).
400. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Caroline Wren, (Dec. 17, 2021), p. 58.
401. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (Verizon Production, Feb. 9, 2022).
402. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Caroline Wren, (Dec. 17, 2021), pp. 45-46.
403. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Caroline Wren, (Dec. 17, 2021), p. 71.
404. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (Verizon Production, Feb. 9, 2022).
405. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Caroline Wren Production), REVU\_000014 (January 4 - 6, 2021, Fancelli Budget & Trip Plan).
406. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Caroline Wren Production), REVU\_000005 (December 27, 2020, Kylie Kremer e-mail to Caroline Wren at 11:25 am).
407. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Caroline Wren Production), REVU\_000468 (December 27, 2020, Caroline Wren text message thread with Alex Jones).
408. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Caroline Wren Production), REVU\_000550 (Dec. 27, 2020, Caroline Wren text messages with Cindy Chafian).
409. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Caroline Wren, (Dec. 17, 2021), pp. 50, 70-71.
410. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Caroline Wren Production), REVU\_000014 (January 4 - 6, 2021, Fancelli Budget & Trip Plan).
411. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Caroline Wren Production), REVU\_000014 (January 4 - 6, 2021, Fancelli Budget & Trip Plan).

412. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Caroline Wren Production), REVU\_000482 (December 29, 2020, Caroline Wren text message to Ali Alexander at 4:19 p.m.).
413. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Caroline Wren Production), REVU\_000482 (December 29, 2020, Caroline Wren text message to Ali Alexander at 4:19 pm).
414. Kathleen Ronayne and Michael Kunzelman, "Trump to Far-Right Extremists: 'Stand Back and Stand By,'" *Associated Press*, (Sept. 30, 2020), available at <https://apnews.com/article/election-2020-joe-biden-race-and-ethnicity-donald-trump-chris-wallace-0b32339da25fbc9e8b7c7c7066a1db0f>.
415. Donald J. Trump (@realDonaldTrump), Twitter, Dec. 27, 2020 5:51 p.m. ET, available at <https://www.thetrumparchive.com> (archived).
416. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Justin Caporale, (Mar. 1, 2022), pp. 20-21.
417. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Donald Trump, Jr., (May 3, 2022), p.30; Anthony Man, "At Trump Golf Club in West Palm Beach, Roger Stone Thanks President for Pardon," *Orlando Sun Sentinel*, (Dec. 28, 2020), available at <https://www.sun-sentinel.com/news/politics/elections/fl-ne-roger-stone-thanks-trump-pardon-20201228-2ejqzv6e7vhyvf26cxz6e6jysa-story.html>.
418. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (AT&T Production, Dec. 17, 2021).
419. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Caroline Wren Production), REVU\_000444, pp. 1-3 (December 27, 2020, text message from Caroline Wren to Kimberly Guilfoyle at 7:10 p.m.).
420. As revealed in the phone records for the personal cell phones of Max Miller and Anthony Ornato. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (Verizon Production, Dec. 17, 2021); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Verizon Production, Sep. 23, 2022). The Select Committee also subpoenaed the phone records for the personal cell phones of Robert Peede, Mark Meadows, Dan Scavino, and Justin Caporale. They each filed lawsuits to block the respective phone companies' production of the phone records, which were still pending at the time of writing. Thus, there may have been additional relevant phone calls among or involving these four of which the Select Committee is not aware.
421. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Max Miller, (Jan. 20, 2022), pp. 36-37.
422. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Justin Caporale, (Mar. 1, 2020), p. 44; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Caroline Wren Production), REVU\_0644 (December 29, 2020, text messages with Justin Caporale).
423. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Katrina Pierson, (Mar. 25, 2022), pp. 79-82; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Caroline Wren Production), REVU\_0181 (January 2nd email from Katrina Pierson to Caroline Wren and Taylor Budowich).
424. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Cassidy Hutchinson, (Feb. 23, 2022), pp. 32-33, 41; Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), pp. 107-08, 135.
425. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Cassidy Hutchinson, (Feb. 23, 2022), p. 42.

426. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Cassidy Hutchinson, (Feb. 23, 2022), pp. 44-45, 47, 52-54; Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), p. 87.
427. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Kylie Kremer Production), KKremer5447, p. 3 (January 4, 2021, text message from Kylie Kremer to Mike Lindell at 9:32 a.m.).
428. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Ali Alexander Production), CTRL0000017718, p. 41 (January 5, 2021 text message with Liz Willis at 7:19 a.m.).
429. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Katrina Pierson, (Mar. 25, 2022), pp. 120-21.
430. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Katrina Pierson, (Mar. 25, 2022), p. 121.
431. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Katrina Pierson, (Mar. 25, 2022), p. 121.
432. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Katrina Pierson, (Mar. 25, 2022), p. 121.
433. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Max Miller, (Jan. 20, 2022), pp. 91-92.
434. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Katrina Pierson, (Mar. 25, 2022), p. 123.
435. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Katrina Pierson, (Mar. 25, 2022), pp. 121-26.
436. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Max Miller, (Jan. 20, 2022), pp. 98-99.
437. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (Max Miller Production) Miller Production 0001, p. 1 (January 4, 2021, text message from Max Miller to Katrina Pierson).
438. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Katrina Pierson, (Mar. 25, 2022), p. 121.
439. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Katrina Pierson, (Mar. 25, 2022), p. 95; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Katrina Pierson Production), KPierson0180, at 180, 196-97 (January 4, 2021, President Trump Meeting Agenda).
440. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Katrina Pierson, (Mar. 25, 2022), p. 41.
441. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Katrina Pierson, (Mar. 25, 2022), p. 42.
442. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Katrina Pierson, (Mar. 25, 2022), pp. 42-43.
443. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Katrina Pierson Production), KPierson0374 (December 30, 2020, Katrina Pierson text message to Kylie Kremer); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Katrina Pierson, (Mar. 25, 2022), p. 4.
444. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Katrina Pierson, (Mar. 25, 2022), p. 86.

445. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Katrina Pierson, (Mar. 25, 2022), pp. 62-63.
446. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Katrina Pierson, (Mar. 25, 2022), p. 84; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (Katrina Pierson Production), KPierson0924 (January 2, 2021, Katrina Pierson text message to Mark Meadows at 1:39 p.m. and 1:40 p.m.)
447. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Katrina Pierson, (March 25, 2022), p. 74; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Katrina Pierson Production), KPierson0921, (January 2, 2021, Katrina Pierson text message to Mark Meadows at 5:16 p.m.).
448. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Katrina Pierson, (Mar. 25, 2022), pp. 76-77, 80-81.
449. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Katrina Pierson, (Mar. 25, 2022), pp. 75-77.
450. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Katrina Pierson Production), KPierson0924 (January 2, 2021 Katrina Pierson text message to Mark Meadows at 5:49 p.m.).
451. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Katrina Pierson, (Mar. 25, 2022), p. 108; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (Katrina Pierson Production), KPierson180 (January 4, 2021, agenda for meeting with President Trump at 1:21 p.m.).
452. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Katrina Pierson, (Mar. 25, 2022), pp. 107-08; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (Katrina Pierson Production), KPierson0196 (Document titled: "Meeting w/ POTUS - January 4th 2021 at 3:30pm ET").
453. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Katrina Pierson, (Mar. 25, 2022), pp. 116-18.
454. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (Katrina Pierson Production), KPierson0906 (January 5, 2021, text message from Dan Scavino to Katrina Pierson at 4:23 a.m.).
455. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Justin Caporale Production), Caporale\_05\_003987, (Jan. 3, 2021, Katrina Pierson text message to Justin Caporale and Taylor Budowich); *see also* Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Katrina Pierson, (Mar. 25, 2022), p. 79; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Taylor Budowich Production), Budo-00714 (January 2, 2021, Katrina Pierson email to Caroline Wren and Taylor Budowich at 10:49 p.m.).
456. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Justin Caporale Production), Caporale\_02\_000673-88, (Jan. 3, 2021, Justin Caporale text message to Katrina Pierson, redacted).
457. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Max Miller, (Jan. 20, 2022), pp. 81-83. Miller testified that he had not been involved in or paying attention to the conversation until the President directly addressed him about Giuliani. Miller's testimony was not credible on this point. Miller said he did not take notes, yet in communications with people after the fact he recounted details about the President's decision regarding speakers other than Giuliani, Eastman, Powell, Wood, and Flynn. *See* Select Committee to Investigate the January 6th Attack on the United States



Capitol, Deposition of Max Miller, (Jan. 20, 2022), p. 85 (stating that neither he nor Peede took notes); *id.* at p. 107 (confirming that he told Megan Powers on January 5th that President Trump cut Paxton from the list).

458. In the January 4 meeting with Pierson and Miller, President Trump initially indicated that Giuliani would not be able to speak at the Ellipse because he needed to be working on lobbying Members of Congress to block certification of the electoral college vote, yet another sign that the President intended January 6th to be a full-fledged effort to stay in power. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Katrina Pierson, (Mar. 25, 2022), p. 117.
459. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Max Miller, (Jan. 20, 2022), pp. 81-83, 129-30.
460. User-Generated Clip, “John Eastman at January 6 Rally,” CSPAN, Mar. 24, 2021, available at <https://www.c-span.org/video/?c4953961/user-clip-john-eastman-january-6-rally>.
461. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Max Miller, (Jan. 20, 2022), pp. 115-116.
462. It appears that Alexander was given front row seating for the Ellipse rally. He tweeted a picture in front of the Ellipse stage, writing: “Nice seats! Thank you @realdonaldtrump!” Ali [Orange Square] #StopTheSteal (@Ali), Twitter, Jan. 6, 2021, available at <https://web.archive.org/web/20210107094927/https://twitter.com/ali> (archived)
463. Moms for America, “Save the Republic: Ali Alexander,” Rumble, at 2:24, Jan. 29, 2021, available at <https://rumble.com/vdepmx-save-the-republic-ali-alexander.html>.
464. Ali [Orange Square] #StopTheSteal (@Ali), Twitter, Jan. 5, 2021, available at <https://web.archive.org/web/20210107094927/https://twitter.com/ali> (archived).
465. NTD Television, “Virginia Women for Trump’ Rally at Supreme Court,” Facebook Live, Jan. 5, 2021, available at <https://www.facebook.com/NTDTelevision/videos/220171109588984>.
466. Radley Balko, “Meet the Police Chief Turned Yoga Instructor Prodding Wealthy Suburbanites to Civil War,” *Washington Post*, (Jan. 27, 2021), available at <https://www.washingtonpost.com/opinions/2021/01/27/alan-hostetter-capitol-riot-police-chief-yoga-instructor/>.
467. NTD Television, “Virginia Women for Trump’ Rally at Supreme Court,” Facebook Live, at 20:10, Jan. 5, 2021, available at <https://www.facebook.com/NTDTelevision/videos/220171109588984>.
468. NTD Television, “Virginia Women for Trump’ Rally at Supreme Court,” Facebook Live, at 1:44:14 -1:45:54, Jan. 5, 2021, available at <https://www.facebook.com/NTDTelevision/videos/220171109588984>.
469. NTD Television, “Virginia Women for Trump’ Rally at Supreme Court,” Facebook Live, at 1:46:04 – 1:49:40, Jan. 5, 2021, available at <https://www.facebook.com/NTDTelevision/videos/220171109588984>.
470. Radley Balko, “Meet the Police Chief Turned Yoga Instructor Prodding Wealthy Suburbanites to Civil War,” *Washington Post*, (Jan. 27, 2021), available at <https://www.washingtonpost.com/opinions/2021/01/27/alan-hostetter-capitol-riot-police-chief-yoga-instructor/>.
471. Indictment at ¶ 56, *United States v. Hostetter et al.*, No. 1:21-cr-392 (D.D.C., June 9, 2021), ECF No. 1.
472. EpiqEpoch, “Roger Stone January 5, 2021 Freedom Plaza,” Rumble, at 8:09, Jan. 6, 2021, available at <https://rumble.com/vchgtl-roger-stone-january-5-2021-freedom-plaza.html>.
473. Project Truth Beam, “Jan 5th Freedom Plaza: Ali Alexander,” Rumble, at 1:58-2:21, Jan. 16, 2021, available at <https://rumble.com/vcx1mt-jan-5th-freedom-plaza-ali-alexander.html>.
474. EpiqEpoch, “Alex Jones January 5, 2021 Freedom Plaza,” Rumble, at 1:24, Jan. 6, 2021, available at <https://rumble.com/vchguz-alex-jones-january-5-2021-freedom-plaza.html>.

475. EpiqEpoch, "Gen. Michael Flynn, January 5, 2021 Freedom Plaza," Rumble, at 5:28, Jan. 6, 2021, available at <https://rumble.com/vchisz-gen.-michael-flynn-january-5-2021-freedom-plaza.html>.
476. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Ross Worthington, (Feb. 15, 2022), p. 112.
477. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Bock IV, (Apr. 15, 2022), pp. 23, 32; Documents on file with the Select Committee to Investigate the January 6th Attacks on the United States Capitol (National Archives Production), 076P-R000002884\_00001, (January 5, 2021, email from Worthington to Staff Secretary at 7:46 p.m., attaching a draft speech). In the final hours before the speech, White House lawyers would insist that the speech needed fact-checking and were most worried about the claims about Dominion Voting. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (National Archives Production) 076P-R000007308\_0001 (January 5, 2021, email from Worthington to Staff Secretary at 7:46 p.m.). But President Trump would deliver the speech with the allegations intact. See Senate Committee on Homeland Security and Governmental Affairs and Committee on Rules and Administration, 117th Congress, "Examining the U.S. Capitol Attack: A Review of the Security, Planning, and Response Failures on January 6" (Staff Report), p. B-18, (June 8, 2021).
478. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (Vincent Haley Production), VMH-00002701-02 (Draft Speech, "Stop the Steal Rally").
479. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Stephen Miller (Apr. 14, 2022), p. 125-26; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ross Worthington (Feb. 15, 2022), p. 124.
480. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Sarah Matthews, (Feb. 8, 2022), pp. 15-16.
481. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Sarah Matthews, (Feb. 8, 2022), p. 16; see also Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (National Archives Production), Photo files 69c1\_x032\_555c\_7, 0d9d\_x039\_557d\_7 (January 5, 2021, photos of the meeting).
482. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Nicholas Luna, (Mar. 21, 2022), pp. 76-77; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Sarah Matthews, (Feb. 8, 2022), pp. 17, 19-20; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Judson P. Deere, (Mar. 3, 2022), p. 84; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Madison Fox Porter, (May 5, 2022), p. 19.
483. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Sarah Matthews, (Feb. 8, 2022), pp. 16-17; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Judson Deere, (Mar. 3, 2022), pp. 83-84.
484. Donald J. Trump (@realDonaldTrump), Twitter, Jan. 5, 2021 5:05 p.m. ET, available at <https://www.thetrumparchive.com/?searchbox=%22Washington+is+being+inundated%22> (archived). ("Washington is being inundated with people who don't want to see an election victory stolen by emboldened Radical Left Democrats. Our Country has had enough, they won't take it anymore! We hear you (and love you) from the Oval Office. MAKE AMERICA GREAT AGAIN!").
485. The Select Committee has obtained two drafts of the speech from January 5th, one of which was circulated at approximately 3:30 p.m. and another at 7:40 p.m. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United

- States Capitol (Vincent Haley Production), VMH-00002700, VMH-00002708 (January 5, 2021, email from Ross Worthington to Stephen Miller circulating draft speech at 3:30 p.m.); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (National Archives Production), 076P-R000002878\_00001, 076P-R000002879\_00001, (January 5, 2021, email from Ross Worthington to Stephen Miller circulating draft speech at 7:40 p.m.).
486. Donald J. Trump (@realDonaldTrump), Twitter, Jan. 5, 2021 5:05 p.m. ET, available at <https://www.thetrumparchive.com> (archived). (“Washington is being inundated with people who don’t want to see an election victory stolen by emboldened Radical Left Democrats. Our Country has had enough, they won’t take it anymore! We hear you (and love you) from the Oval Office. MAKE AMERICA GREAT AGAIN!”).
487. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (National Archives Production), 076P-R000002879\_00001 (Draft of Jan. 6, 2021 speech by President Donald Trump).
488. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Judson P. Deere, (Mar. 3, 2022), pp. 91-92.
489. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Shealah Craighead, (June 8, 2022), pp. 32-33. Craighead believed that she later shared this with Ornato. *See id.*, at 33.
490. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Sarah Matthews, (Feb. 8, 2022), p. 17; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Judson P. Deere, (Mar. 3, 2022), p. 99.
491. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Sarah Matthews, (Feb. 8, 2022), p. 17. Deere did not recall this specific question nor responding to it, but did remember advising President Trump that he should focus on his administration’s accomplishments during his January 6th Ellipse rally speech rather than his stolen election claims. Deere recalled President Trump asking about which Members of Congress would be with him the next day and vote against certifying the election. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Judson Deere, (Mar. 3, 2022), pp. 88-90, 92, 99-100.
492. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Sarah Matthews, (Feb. 8, 2022), p. 17.
493. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Sarah Matthews, (Feb. 8, 2022), p. 17; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Judson Deere, (Mar. 3, 2022), pp. 85-86.
494. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Judson P. Deere, (Mar. 3, 2022), pp. 86-87, 99.
495. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Judson P. Deere, (Mar. 3, 2022), p. 86.
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499. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), pp. 11-19.
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President Trump speaks at the January 6th Ellipse rally.

Photo by Tasos Katopodis/Getty Images





## 7

### 187 MINUTES OF DERELICTION

At 1:10 p.m. on January 6th, President Trump concluded his speech at the Ellipse. By that time, the attack on the U.S. Capitol had already begun. But it was about to get much worse. The President told thousands of people in attendance to march down Pennsylvania Avenue to the Capitol. He told them to “fight like hell” because if they didn’t, they were “not going to have a country anymore.” Not everyone who left the Ellipse did as the Commander-in-Chief ordered, but many of them did. The fighting intensified during the hours that followed.<sup>1</sup>

By 1:21 p.m., President Trump was informed that the Capitol was under attack. He could have interceded immediately. But the President chose not to do so. It was not until 4:17 p.m. that President Trump finally tweeted a video in which he told the rioters to go home.

The 187 minutes between the end of President Trump’s speech and when he finally told the mob to leave the U.S. Capitol was a dereliction of duty. In the U.S. military, a service member is deemed to be “derelict in the performance of duties when that person willfully or negligently fails to perform that person’s duties or when that person performs them in a culpably inefficient manner.”<sup>2</sup> As Commander-in-Chief, President Trump had the power—more than any other American—to muster the U.S. Government’s resources and end the attack on the U.S. Capitol. He willfully remained idle even as others, including his own Vice President, acted.

President Trump could have called top officials at the Department of Justice, the Department of Homeland Security, the Department of Defense, the F.B.I., the Capitol Police Department, or the DC Mayor’s Office to ensure that they quelled the violence. He made no such calls. Instead, President Trump reached out to Rudolph Giuliani and friendly Members of Congress, seeking their assistance in delaying the joint session of Congress. And the President tweeted at 2:24 p.m., at the height of the violence, that his own Vice President lacked the “courage” to act—a statement that could only further enrage the mob. Meanwhile, Vice President Michael Pence assumed

the duties of the President, requesting the assistance of top officials, even though he was not in the chain of command and had no constitutional power to issue orders.

In testimony before the Select Committee, Chairman of the Joint Chiefs of Staff General Mark Milley explained that President Trump did “[n]othing,” “[z]ero” to marshal the Government’s resources during the assault on the U.S. Capitol.<sup>3</sup> In contrast, Vice President Pence had “two or three calls” with General Milley and other military officials—even as the mob hunted him. During those calls, Vice President Pence was “very animated” and “issued very explicit, very direct, unambiguous orders.” The Vice President told Acting Secretary of Defense Chris Miller to “get the military down here, get the [National] [G]uard down here,” and “put down this situation.”<sup>4</sup> President Trump could have made those same demands. He chose not to do so—a damning fact that President Trump’s own Chief of Staff, Mark Meadows, quickly tried to cover up.

“We have to kill the narrative that the Vice President is making all the decisions,” General Milley recalled Meadows as saying. “We need to establish the narrative, you know, that the President is still in charge and that things are steady or stable,” Meadows said, which General Milley described as a “[r]ed flag.”<sup>5</sup> In his testimony, General Milley also reflected on what it meant for a President not to be taking action in a time of crisis:

You know, you’re the Commander in Chief. You’ve got an assault going on on the Capitol of the United States of America, and there’s nothing? No call? Nothing? Zero? And it’s not my place to, you know, pass judgment or—I’m the, you know—but no attempt to call the Secretary of Defense? No attempt to call the Vice President of the United States of America, who’s down on the scene? To my knowledge, it wasn’t—I just noted it.<sup>6</sup>

President Trump’s closest advisors—both inside and out of the White House—implored him to act sooner. Earlier in the week, two of the President’s most trusted aides, Eric Herschmann and Hope Hicks, both wanted President Trump to emphasize that January 6th would be a peaceful protest. President Trump refused.<sup>7</sup>

On the 6th, as the riot began to escalate, a colleague texted Hicks and wrote, “Hey, I know you’re seeing this. But he really should tweet something about Being NON-violent.”<sup>8</sup> “I’m not there,” Hicks replied. “I suggested it several times Monday and Tuesday and he refused.”<sup>9</sup>

Once the attack was underway, President Trump initially ignored the counsel of his own family, members of his administration, Republican elected officials, and friendly Fox News personalities. Both Ivanka Trump and Donald Trump, Jr. wanted their father to tell the rioters to go home

sooner. The President delayed. At 2:38 p.m., President Trump sent this tweet: "Please support our Capitol Police and Law Enforcement. They are truly on the side of our Country. Stay peaceful!"<sup>10</sup> Sarah Matthews, the White House Deputy Press Secretary, told the Select Committee that President Trump resisted using the word "peaceful." The President added the words "Stay peaceful!" only after Ivanka Trump suggested the phrase.<sup>11</sup> Trump, Jr. quickly recognized that his father's tweet was insufficient. "He's got to condemn [sic] this shit. Asap. The captiol [sic] police tweet is not enough," Trump, Jr. wrote in a text to White House Chief of Staff Mark Meadows.<sup>12</sup> President Trump did not tell the rioters to disperse in either his 2:38 p.m. tweet, or another tweet at 3:13 p.m.<sup>13</sup>

Multiple witnesses told the Select Committee that Minority Leader Kevin McCarthy contacted the President and others around him, desperately trying to get him to act. McCarthy's entreaties led nowhere. "I guess they're just more upset about the election theft than you are," President Trump told McCarthy.<sup>14</sup> Top lawyers in the White House Counsel's Office attempted to intercede. Two Fox News primetime personalities, always so obsequious, begged those around the President to get him to do more. But President Trump was unmoved.

There's no question that President Trump had the power to end the insurrection. He was not only the Commander-in-Chief of the U.S. military, but also of the rioters.

One member of the mob, Stephen Ayres, told the Select Committee that he and others quickly complied as soon as President Trump finally told them to go home. "[W]e literally left right after [President Trump's 4:17 p.m. video] come out. You know, to me if he would have done that earlier in the day, 1:30 [p.m.] . . . maybe we wouldn't be in this bad of a situation or something," Ayres said.<sup>15</sup> Another rioter, Jacob Chansley, commonly referred to as the "QAnon Shaman," was one of the first 30 rioters to enter the U.S. Capitol. Chansley told a reporter that he left the building because "Trump asked everybody to go home."<sup>16</sup> At 4:25 p.m., just eight minutes after President Trump tweeted his video, an Oath Keeper named Ed Vallejo messaged other members of his group, a fair number of whom were at the Capitol: "Gentleman [sic], Our Commander-in-Chief has just ordered us to go home. Comments?"<sup>17</sup>

Even then, President Trump did not disavow the rioters. He endorsed their cause, openly sympathized with them, and repeated his Big Lie once again. "I know your pain, I know you're hurt. We had an election that was stolen from us," President Trump said at the beginning of his 4:17 p.m. video. "It was a landslide election, and everyone knows it, especially the other side. But you have to go home now. We have to have peace. We have



President Trump appears on a monitor in the White House briefing room depicting a video he released instructing rioters to go home.

(Photo by Joshua Roberts/Getty Images)

to have law and order. We have to respect our great people in law and order. We don't want anybody hurt." The President portrayed the violence as something his political foes would use against him, saying: "This was a fraudulent election, but we can't play into the hands of these people."<sup>18</sup>

The President concluded his short video by again praising the men and women who had overrun the U.S. Capitol. "We have to have peace. So go home. We love you. You're very special," President Trump said. "You've seen what happens. You see the way others are treated that are so bad and so evil. I know how you feel, but go home, and go home in peace."<sup>19</sup>

Just after 6:00 p.m. on January 6th, President Trump issued his final tweet of the day, again lauding the rioters and justifying their cause. President Trump made excuses for the riot, saying this is what happens "when a sacred landslide election victory is so unceremoniously & viciously stripped away from great patriots who have been badly & unfairly treated for so long." The President added: "Go home with love & in peace. Remember this day forever!"<sup>20</sup>

The following day, President Trump's advisors encouraged him to deliver a short speech denouncing the attack on the U.S. Capitol. The President struggled to deliver his prepared remarks. According to Cassidy

Hutchinson, President Trump wanted to say that he would pardon the rioters. Lawyers in the White House Counsel's Office objected, so this language was not included.<sup>21</sup> John McEntee, the Director of the White House Presidential Personnel Office, also testified that in the days following the attack, he heard President Trump mention the possibility of a "blanket pardon" for all those involved in the events of January 6th.<sup>22</sup>

President Trump never did give up on the prospect. Since leaving office, the now former President has said he would consider "full pardons with an apology to many" of the January 6th defendants if he is reelected.<sup>23</sup>

### 7.1 "REINSERT THE MIKE PENCE LINES"

President Trump tweeted three times on the morning of January 6th, repeating a false claim of election fraud at 8:06 a.m.,<sup>24</sup> pressuring Vice President Pence to delay the electoral count at 8:17 a.m.,<sup>25</sup> and urging Republican party officials to do the same at 8:22 a.m.<sup>26</sup> He made calls to his Republican allies in Congress, many of whom were already committed to objecting to the electoral count.<sup>27</sup> And he dialed his lawyers and advisors—including Steve Bannon and Rudolph Giuliani (twice), both of whom had been counseling the President on how to stay in power.<sup>28</sup>

There was one person—critical to his plan—whom President Trump tried to reach but couldn't. At 9:02 a.m., he asked the switchboard operator to call his Vice President. Vice President Pence did not answer the call.<sup>29</sup>

Instead, between 9:52 a.m. and 10:18 a.m., the President spoke with his speechwriter, Stephen Miller, about the words he would deliver at the Save America Rally just hours later.<sup>30</sup> The former President's speech had come together over the course of 36 hours, going from a screed aimed at encouraging congressional objections to one that would ultimately incite mob violence.<sup>31</sup>

Only four minutes after the call concluded, at 10:22 a.m., Miller emailed revisions to the speechwriters, instructing them to "[s]tart inputting these changes asap" that included "red highlights marking POTUS edits."<sup>32</sup> The President had made some cosmetic additions, like peppering in the word "corrupt" throughout,<sup>33</sup> but there was one substantive edit—a new target—that would focus the crowd's anger on one man.

None of the preceding drafts mentioned Vice President Pence whatsoever. But now, at the very last minute, President Trump slipped in the following sentences calling the Vice President out by name:

Today, we will see whether Republicans stand strong for the integrity of our elections. And we will see whether Mike Pence enters history as a truly great and courageous leader. All he has to do is





President Trump speaks with speechwriter Stephen Miller about his Ellipse speech in the Oval Office on the morning of January 6, 2021.

(Photo provided to the Select Committee by the National Archives and Records Administration)

refer the illegally-submitted electoral votes back to the states that were given false and fraudulent information where they want to recertify. With only 3 of the 7 states in question we win and become President and have the power of the veto.<sup>34</sup>

No one on the speechwriting team could explain why President Trump added these lines just 30 minutes before he was originally scheduled to speak at 11:00 a.m.<sup>35</sup> But by 10:49 a.m., Vincent Haley, a speechwriter who was helping load the teleprompter at the Ellipse, was told to hold off and delete the mention of the Vice President—for now.<sup>36</sup> Miller said that Eric Herschmann, a lawyer who was one of the President’s senior advisors, asked him in a “brief sidebar” that morning to omit reference to the Vice President and his role in the certification process because he “didn’t concur with the legal analysis” and that it “wouldn’t advance the ball” but would be “counterproductive” instead.<sup>37</sup> As detailed in Chapter 5, Herschmann and others in the White House were vocal critics of Dr. John Eastman’s theory, which claimed that the Vice President had the unilateral power to reject electors during the joint session of Congress. President Trump repeatedly pressured Pence to either reject certified electors, or delay the





President Trump on a phone call with Vice President Mike Pence in the Oval Office on the morning of January 6, 2021.

(Photo provided to the Select Committee by the National Archives and Records Administration)

electoral count based on Eastman’s unconstitutional and illegal theory. Vice President Pence would not budge. The Vice President consistently rejected President Trump’s demands.

After tweeting four more times that morning—all of them spreading lies about the election<sup>38</sup>—the President apparently thought he had one last chance to convince his number two to overrule the will of the American people.

As recounted in Chapter 5, President Trump called Vice President Pence at 11:17 a.m.<sup>39</sup> The call between the two men—during which the President soon grew “frustrat[ed] or heated,”<sup>40</sup> visibly upset,<sup>41</sup> and “angry”<sup>42</sup>—lasted nearly 20 minutes.<sup>43</sup> And President Trump insulted Vice President Pence when he refused to obstruct or delay the joint session.

After that call, General Keith Kellogg said that the people in the room immediately went back to editing the Ellipse speech.<sup>44</sup> At 11:30 a.m., Miller emailed his assistant, Robert Gabriel, with no text in the body but the subject line: “insert—stand by for phone call.”<sup>45</sup> At 11:33 a.m., Gabriel emailed the speechwriting team: “REINSERT THE MIKE PENCE LINES. Confirm receipt.”<sup>46</sup> One minute later, speechwriter Ross Worthington confirmed



President Trump looks backstage at the crowd gathered at the Ellipse.

(Photo provided to the Select Committee by the National Archives and Records Administration)

that he had reached Vincent Haley by phone.<sup>47</sup> Haley corroborated that he added one “tough sentence about the Vice President” while he was at the teleprompter.<sup>48</sup>

The final written draft had the following Pence reference: “And we will see whether Mike Pence enters history as a truly great and courageous leader.”<sup>49</sup> Haley wasn’t confident that line was what he reinserted, but email traffic and teleprompter drafts produced by the National Archives and Records Administration (NARA) indicate that he was mistaken.<sup>50</sup>

After defying President Trump’s pressure, Vice President Pence—and the ire of the President he inspired—was back in the speech.

After the heated call, President Trump’s personal assistant Nicholas Luna handed him a message on White House card stock and the President departed for the Ellipse to give his speech.<sup>51</sup> Preserved by NARA, the message read: “THEY ARE READY FOR YOU WHEN YOU ARE.”<sup>52</sup> When it finally came time for him to speak, President Trump repeatedly directed his anger at Vice President Pence—often ad-libbing lines that were not included in the draft text.

## 7.2 “I’LL BE THERE WITH YOU”

From a tent backstage at the Ellipse, President Trump looked out at the crowd of approximately 53,000 supporters and became enraged. Just under half of those gathered—a sizeable stretch of about 25,000 people<sup>53</sup>—refused to walk through the magnetometers and be screened for weapons,<sup>54</sup> leaving the venue looking half-empty to the television audience at home.

According to testimony received by the Committee, earlier that morning at the White House, the President was told that the onlookers were unwilling to pass through the magnetometers because they were armed. “We have enough space, sir. They don’t want to come in right now,” Deputy Chief of Staff Tony Ornato reportedly told President Trump. “They have weapons that they don’t want confiscated by the Secret Service.”<sup>55</sup>

So, when President Trump got to the rally site and could see the crowd for himself, “[h]e was fucking furious,” as Cassidy Hutchinson later texted Ornato.<sup>56</sup> Hutchinson testified that just minutes before addressing the crowd, President Trump shouted to his advance team: “I don’t [fucking] care that they have weapons. They’re not here to hurt *me*. Take the [fucking] mags away. Let my people in. They can march to the Capitol from here. Take the [fucking] mags away.”<sup>57</sup>

By noon, President Trump took to the stage at the Ellipse.<sup>58</sup> The President wanted all of those in attendance, including those who hadn’t passed through the magnetometers, to come closer to the stage. “And I’d love to have if those tens of thousands of people would be allowed,” President Trump said. “But I’d love it if they could be allowed to come up here with us. Is that possible? Can you just let [them] come up, please?”<sup>59</sup>

President Trump repeatedly made it clear to those around him in the days before January 6th that he wanted to march to the Capitol alongside his supporters. That is, President Trump wanted to join his supporters in what the Secret Service refers to as an “off-the-record” movement (OTR).

While the President spoke, Hutchinson texted Ornato, “He also kept mentioning OTR to Capitol before he took the stage.”<sup>60</sup> Minutes before the President stepped out, Chief of Staff Mark Meadows assured the President he was working on it.<sup>61</sup>

President Trump’s plan to march appeared once in an early draft of the script, then a later revision was made to add the word “building” after “Capitol,” making it clear exactly where the crowd should go.<sup>62</sup> And the President repeatedly told the crowd that he would join them.

“[A]fter this, we’re going to walk down, and I’ll be there with you, we’re going to walk down, we’re going to walk down,” he said to the crowd. “[W]e’re going to walk down to the Capitol, and we’re going to cheer on

our brave senators and congressmen and women, and we're probably not going to be cheering so much for some of them."<sup>63</sup>

President Trump used the phrase scripted for him by his White House speechwriters, "peacefully and patriotically" once, about 20 minutes into his speech.<sup>64</sup> Then he spent the next 50-or-so minutes amping up his crowd with lies about the election, attacking his own Vice President and Republican Members of Congress, and exhorting the crowd to fight. "And we fight. We fight like hell" the President said to a crowd that had already spent the day chanting, "Fight for Trump! Fight for Trump!," and that would keep up the chorus when storming the Capitol.<sup>65</sup>

Finally, he told the crowd where to go to "take back our country": "So we're going to, we're going to walk down Pennsylvania Avenue. I love Pennsylvania Avenue. And we're going to the Capitol, and we're going to try and give . . . we're going to try and give our Republicans, the weak ones because the strong ones don't need any of our help. We're going to try and give them the kind of pride and boldness that they need to take back our country. So let's walk down Pennsylvania Avenue."<sup>66</sup>

When the President announced his intentions from the microphone, people listened.

House Republican Leader Representative. Kevin McCarthy called Hutchinson mid-speech:<sup>67</sup>

"Do you guys think you're coming to my office[?]" he asked her.<sup>68</sup> She assured him that they weren't coming at all.<sup>69</sup>

"Figure it out. Don't come up here," he replied.<sup>70</sup>

The announcement from the stage put the Secret Service on alert, prompting agents to designate over email a last-minute response team "to filter in with the crowds" on the President's "walk/motorcade over" to the Capitol and establish an emergency plan "if things go south."<sup>71</sup> White House security officials were monitoring the situation in real time, remarking that President Trump was "going to the Capitol" and that "they are finding the best route now."<sup>72</sup> Nonetheless, these staffers were in "a state of shock,"<sup>73</sup> because they knew—particularly if the President joined—this would "no longer [be] a rally."<sup>74</sup>

"[W]e all knew . . . that this was going to move to something else if he physically walked to the Capitol," an employee said. "I don't know if you want to use the word 'insurrection,' 'coup,' whatever. We all knew that this would move from a normal democratic . . . public event into something else."<sup>75</sup>

But the logistics made the move all but impossible.

It was complicated for the Secret Service to coordinate a presidential movement even on a normal day. But today was not a normal day. Tens of thousands of President Trump's supporters had flooded into downtown DC in the days before the rally, and the Secret Service would have to account for that unpredictability. By the end of the President's speech, it was clear that the crowd at the Capitol was growing violent.

At 1:19 p.m., a Secret Service agent wrote to Bobby Engel, the head of President Trump's Secret Service detail: "FYSA . . . [Capitol Police] having serious challenges securing [the Capitol]. Nine priority breach attempts at this time. OTR to anywhere near there is not advisable. Give me a call when free. Front Office concerned about OTR to [the Capitol]." <sup>76</sup>

### 7.3 THE PRESIDENT'S ANGER WHEN HE COULD NOT MARCH TO THE CAPITOL

President Trump concluded his remarks at 1:10 p.m. Luna heard the President mention his intention to join the march to the Capitol "after he finished his remarks." <sup>77</sup> Just before the President got into his vehicle, Meadows told him, "We're going to work on it, sir." <sup>78</sup> President Trump was seated in his motorcade vehicle by 1:17 p.m. <sup>79</sup>

The Committee received information informally from current and former members of the Secret Service and former White House staff relevant to what happened next—what a number of witnesses have described as an "angry," "irate," or "furious" interaction in the Presidential vehicle between the President and the Secret Service. <sup>80</sup> That initial information, received informally, shaped the Committee's questioning of witnesses. The Committee's principal concern was that the President *actually intended* to participate personally in the January 6th efforts at the Capitol, leading the effort to overturn the election either from inside the Chamber or from a stage outside the Capitol. The Committee regarded those facts as important because they are relevant to President Trump's intent on January 6th. But a book published by Mark Meadows in November 2021 made the categorical claim that the President *never* intended to travel to the Capitol that day. <sup>81</sup> Because the Meadows book conflicted sharply with information that was being received by the Committee, the Committee became increasingly wary that witnesses might intentionally conceal what happened.

In our initial informal discussion with the lead of the President's detail, Robert Engel confirmed that President Trump did wish to travel to the Capitol from the Ellipse, but stated that he did not recall many other details. <sup>82</sup> But the Committee also received information from Kayleigh McEnany and Cassidy Hutchinson that also directly contradicted Mark Meadows's book and provided considerably more detail. McEnany testified that



President Trump did indeed wish to travel to the Capitol on January 6th, and continued to have that goal even after returning from the Ellipse to the White House.<sup>83</sup> McEnany, who spoke with President Trump shortly after he returned to the White House, recalls him expressing a desire to go to the Capitol: “I recall him . . . saying that he wanted to physically walk and be a part of the march and then saying that he would ride the Beast if he needed to, ride in the Presidential limo.”<sup>84</sup> When asked, McEnany confirmed that “yes, he did seem sincere about wanting to do that.”<sup>85</sup> Hutchinson’s testimony was generally consistent with the information the Select Committee was receiving informally. Like McEnany, Hutchinson confirmed that the President did ask to be transported to Capitol Hill.<sup>86</sup> Many other White House witnesses would ultimately confirm that President Trump wished to travel to the Capitol on January 6th, comprehensively rebutting the false statements in Meadows’s book.<sup>87</sup>

Part of Hutchinson’s account was a second-hand description of what occurred in the Presidential vehicle, which built upon and was consistent with information the Committee has received informally.

Hutchinson testified that, when she returned from the Ellipse, Ornato was standing outside his office door when he “waved me down,” Hutchinson said. The two of them walked into Ornato’s office, and he shut the door behind them.<sup>88</sup> Engel was already there, sitting in a chair “looking down, kind of looking a little lost and kind of discombobulated.”<sup>89</sup>

According to Hutchinson, Ornato then recounted a struggle in the President’s car.<sup>90</sup> At no point during Ornato’s telling—or at any point thereafter—did Engel indicate that what Ornato relayed was untrue.<sup>91</sup>

Another witness, a White House employee with national security responsibilities, provided the Committee with a similar description: Ornato related the “irate” interaction in the presidential vehicle to this individual in Ornato’s White House office with Engel present.<sup>92</sup> And just as Hutchinson testified, this employee told the Select Committee that Engel listened to Ornato’s retelling of the episode and did not dispute it: “I don’t remember his specific body language, but . . . [h]e did not deny the fact that the President was irate.”<sup>93</sup> Engel testified that he does not recall either the conversation with Hutchinson or the similar conversation with the White House employee with national security responsibilities.<sup>94</sup>

The Committee regarded both Hutchinson and the corroborating testimony by the White House employee with national security responsibilities national security official as earnest and has no reason to conclude that either had a reason to invent their accounts. A different Secret Service





Cassidy Hutchinson describes a story relayed to her by Tony Ornato about President Trump's desire to go to the Capitol after the Ellipse speech on January 6th during a January 6th Select Committee hearing.

(Photo by Brandon Bell/Getty Images)

agent, who served on a protective detail at the White House and was present in the presidential motorcade at the Ellipse, provided this view:

Committee Staff: Just a couple of additional questions. Ms. Hutchinson has suggested to the Committee that you sympathized with her after her testimony, and believed her account. Is that accurate?

Witness: I have no—yeah, that's accurate. I have no reason—I mean, we—we became friends. We worked—I worked every day with her for 6 months. Yeah, she became a friend of mine. We had a good working relationship. I have no reason—she's never done me wrong. She's never lied that I know of. I don't have any reason—I don't—I don't distrust Ms. Hutchinson.<sup>95</sup>

Also, the White House employee with national security responsibilities indicated that knowledge of the angry altercation in the Presidential vehicle was known within the White House—and was “[water] cooler talk.”<sup>96</sup> In addition, Hutchinson has provided testimony to the Committee about efforts by her prior counsel, who was apparently paid by a Trump-funded

organization, to suggest that Hutchinson did not need to testify about the issue in the presidential vehicle, could suggest that she “did not recall” it, or should downplay it.<sup>97</sup>

To further corroborate the accounts received of President Trump’s intent to travel to the Capitol, the Committee interviewed a member of the Metropolitan Police who was also present in the motorcade, Officer Mark Robinson. Officer Robinson confirmed that he was aware contemporaneously of the “heated discussion” that took place in the Presidential vehicle:

Committee Staff: And was there any description of what was occurring in the car?

Mr. Robinson: No. Only that—the only description I received was that the President was upset and that he was adamant about going to the Capitol, and there was a heated discussion about that.

Committee Staff: When you say “heated,” is that your word, or is that the word that was described by the TS agent?

Mr. Robinson: No. The word described by the TS agent meaning that the President was upset, and he was saying there was a heated argument or discussion about going to the Capitol.

. . . .

Mr. Schiff: So about how many times would you say you’ve been part of that motorcade with the President?

Mr. Robinson: Probably over a hundred times.

Mr. Schiff: And, in that hundred times, have you ever witnessed another discussion of an argument or a heated discussion with the President where the President was contradicting where he was supposed to go or what the Secret Service believed was safe?

Mr. Robinson: No.<sup>98</sup>

The Committee also interviewed the Secret Service agent who was in the same car as Officer Robinson. That person shared a similar account, and confirmed that he did not take issue with Officer Robinson’s testimony: “[The driver of the Presidential car] said something to the effect of, ‘The President is pretty adamant that he wants to go to the Capitol,’” the agent said, recalling what he had heard on the 6th.<sup>99</sup>

In addition, the Committee interviewed the USSS Press Secretary, who communicated with both Engel and with the driver in the presidential vehicle after Hutchinson appeared publicly. That witness indicated that Engel’s account of the events confirmed that the President was indeed

angry, or furious.<sup>100</sup> In fact, when asked about a reporter's tweet indicating that sources within the Secret Service confirmed that "Trump was furious about not being [able] to go to [the] Capitol with his supporters," the Press Secretary said he "certainly corroborated it" with the reporter because "that's what I had been told, you know, that [the President] was upset, he was agitated, about not being able to go[.]"<sup>101</sup>

In addition to the testimony above, the Committee has reviewed hundreds of thousands of new Secret Service documents, including many demonstrating that the Secret Service had been informed of potential violence at the Capitol before the Ellipse rally on January 6th. (These documents were critical to our understanding of what the Secret Service and White House knew about the threat to the Capitol on January 6th.) The Committee has also more recently conducted additional interviews with Engel and Ornato, and has also interviewed the driver of the Presidential vehicle.

Both Engel and the driver<sup>102</sup> testified that, within 30 seconds of getting into the vehicle, the President asked if he could travel to the Capitol.<sup>103</sup> This again is directly inconsistent with the account of events in Meadows's book. According to Engel, he told the President immediately that the move wasn't happening.<sup>104</sup> The President was unhappy with Engel's response and began "pushing pretty hard to go."<sup>105</sup> The President repeatedly asked why he could not go to the Capitol.<sup>106</sup> Engel replied that the Secret Service "didn't have any people at the Capitol" to provide the President with appropriate security.<sup>107</sup> The President responded angrily, telling Engel and the driver "I'm the President and I'll decide where I get to go."<sup>108</sup> He reassured Engel that "it would essentially be fine and that the people there [meaning the people who were marching from the Ellipse to the Capitol at President Trump's instruction] were [Trump] supporters or something to that effect,"<sup>109</sup> According to the Secret Service agent driving the vehicle, the President was "animated and irritated" about not going to the Capitol.<sup>110</sup>

According to Mr. Engel, he ultimately told the President that they would "assess what our options were and wait until we can get a plan in place before we went down there."<sup>111</sup> We note that the driver's account acknowledged President Trump's anger to a greater degree than either Engel's initial account in Spring 2022, or his more recent account in November 2022. Engel did not characterize the exchange in the vehicle the way Hutchinson described the account she heard from Ornato, and indicated that he did not recall President Trump gesturing toward him.<sup>112</sup> Engel did not recall being present when Ornato gave either Hutchinson or the White House employee with national security responsibilities an accounting of the events.<sup>113</sup> The driver testified that he did not recall seeing what President Trump was doing and did not recall whether there was movement.<sup>114</sup>

The Select Committee has great respect for the men and women of the Secret Service. That said, it is difficult to fully reconcile the accounts of several of the witnesses who provided information with what we heard from Engel and Ornato.<sup>115</sup> But the principal factual point here is clear and undisputed: President Trump specifically and repeatedly requested to be taken to the Capitol. He was insistent and angry, and continued to push to travel to the Capitol even after returning to the White House.

The motorcade didn't disband upon arriving to the White House, as they usually do. Instead, they were instructed to stand by in case the President's move to the Capitol did indeed happen.<sup>116</sup> The Select Committee received a document from the Secret Service that reflects that at 1:25 p.m., "PPD IS ADVISING THAT [THE PRESIDENT] IS PLANNING ON HOLDING AT THE WHITE HOUSE FOR THE NEXT APPROXIMATE TWO HOURS, THEN MOVING TO THE CAPITOL."<sup>117</sup> "They had not made a decision whether or not we were going to transport the President to the Capitol," Robinson was told.<sup>118</sup>

Engel testified that he went to Ornato's office when he returned to the West Wing in order to discuss a possible move to the Capitol by President Trump.<sup>119</sup> Given the deteriorating security conditions at the Capitol, it was quickly determined that they could not safely transport the President there.<sup>120</sup> The motorcade waited on West Executive Drive approximately 40 minutes before finally receiving word from the Secret Service that the move had been officially nixed. Internal Secret Service communications bear this out: Not until 1:55 p.m. did Engel notify other agents via email that "[w]e are not doing an OTR to [the Capitol]."<sup>121</sup>

#### **7.4 "WE'RE GOING TO TRY TO GET THE PRESIDENT TO PUT OUT A STATEMENT"**

Minutes after arriving back at the White House, the President ran into a member of the White House staff and asked whether he or she watched his speech on television.<sup>122</sup>

"Sir, they cut it off because they're rioting down at the Capitol," the employee said.

The President asked what he or she meant by that.

"[T]hey're rioting down there at the Capitol," the employee repeated.

"Oh really?" the President asked. "All right, let's go see."<sup>123</sup>

A photograph taken by the White House photographer—the last one permitted until later in the day—captures the moment the President heard the news from the employee at 1:21 p.m.<sup>124</sup> By that time, if not sooner, he had been made aware of the violent riot at the Capitol.

President Trump walked through the corridor from the Oval Office into the Presidential Dining Room and sat down at the table with the television remote and a Diet Coke close at hand.<sup>125</sup> For the rest of the afternoon—as his country faced an hours-long attack—he hunkered down in or around the dining room, watching television.<sup>126</sup> He left only for a few minutes—from 4:03 p.m. to 4:07 p.m.—to film a video in the Rose Garden, only a few steps away, after hours of arm-twisting.<sup>127</sup> But otherwise, the President remained in the dining room until 6:27 p.m., when he returned to his private residence.<sup>128</sup>

What happened during the 187 minutes from 1:10 p.m. to 4:17 p.m., when President Trump finally told the rioters to go home, is—from an official standpoint—undocumented.

For instance, the Presidential Daily Diary—the schedule that tracks every meeting and phone call in which the President partakes—is inexplicably blank between 1:21 p.m. and 4:03 p.m.<sup>129</sup> When asked to explain the gap in record-keeping on and around January 6th, White House officials in charge of its maintenance provided no credible explanation, including: “I don’t recall a specific reason.”<sup>130</sup>

The men who spent most of the afternoon in that room with the President, Mark Meadows and Dan Scavino, both refused to comply with lawful subpoenas from the Select Committee.<sup>131</sup> Others in the dining room appeared before the Select Committee but cited executive privilege to avoid answering questions about their direct communications with President Trump.<sup>132</sup> Others who worked just outside of the Oval Office, like the President’s personal secretaries Molly Michael and Austin Ferrer Piran Basauldo, claimed not to remember nearly anything from one of the most memorable days in recent American history.<sup>133</sup>

The White House photographer, Shealah Craighead, had been granted access to photograph the President during his January 6th speech, but once she got to the White House—and it became clear that an attack was unfolding on the Capitol’s steps—she was turned away.<sup>134</sup>

“The President [didn’t] want any photos,” she was told.<sup>135</sup>

Here’s what President Trump did during the 187 minutes between the end of his speech and when he finally told rioters to go home: For hours, he watched the attack from his TV screen.<sup>136</sup> His channel of choice was Fox News.<sup>137</sup> He issued a few tweets, some on his own inclination and some only at the repeated behest of his daughter and other trusted advisors.<sup>138</sup> He made several phone calls, some to his personal lawyer Rudolph Giuliani, some to Members of Congress about continuing their objections to the electoral certification, even though the attack was well underway.<sup>139</sup>

Here's what President Trump did not do: He did not call any relevant law enforcement agency to ensure they were working to quell the violence. He did not call the Secretary of Defense; he did not call the Attorney General; he did not call the Secretary of Homeland Security.<sup>140</sup> And for hours on end, he refused the repeated requests—from nearly everyone who talked to him—to simply tell the mob to go home.<sup>141</sup>

Throughout the afternoon, senior staff regularly entered the room to give him updates on what was happening at the Capitol.<sup>142</sup> And, of course, President Trump used Twitter, where information is shared on an instantaneous basis.

Shortly after President Trump entered the dining room, White House Press Secretary Kayleigh McEnany swung by to “check in with him” about the letter Vice President Pence released around 1:00 p.m. announcing that he would not, in fact, overturn the will of the voters.

The President, once again, brought up going to the Capitol.<sup>143</sup> McEnany recorded what he said in her notes, certain of which she later produced to the Select Committee: “POTUS wanted to walk to [sic] capital. Physically walk. He said fine ride beast,” referring to the nickname for the presidential vehicle. “Meadows said not safe enough[.]”<sup>144</sup>

Meadows told Hutchinson at some point in the day that “the President wasn't happy that Bobby [Engel] didn't pull it off for him,” meaning the trip to the Capitol, “and that Mark didn't work hard enough to get the movement on the books.”<sup>145</sup>

Despite the turmoil just outside its walls, the proceedings in the joint session—which had begun at 1:00 p.m.—were still ongoing, and the President was watching them on the television.<sup>146</sup> He was eager to know which senators were lodging objections on his behalf.<sup>147</sup> “Back there and he wants list of senators,” McEnany's notes read. “Who [sic] objecting to what. He's calling them one by one.”<sup>148</sup>

The Select Committee subpoenaed several Members of Congress who reportedly spoke with President Trump during the afternoon.<sup>149</sup> None of them complied.<sup>150</sup>

Cellular records obtained by the Select Committee suggest that President Trump was on the phone with his lawyer Rudolph Giuliani at least twice during this period. Giuliani's phone connected with the White House switchboard for 3 minutes and 53 seconds at 1:39 p.m. and again for more than 8 minutes at 2:03 p.m.<sup>151</sup> Between the two calls, at 1:49 p.m., President Trump tweeted a link to a video of his speech from the Ellipse.<sup>152</sup>



Before 1:57 p.m., Herschmann phoned Senior Advisor to the President Jared Kushner—who was on a plane travelling home from overseas—advising him that “people are trying to break into the Capitol” and that “this is getting pretty ugly.”<sup>153</sup>

“We’re going to see what we can do here,” Herschmann said. “We’re going to try to get the President to put out a statement.”<sup>154</sup>

## 7.5 “HE DOESN’T WANT TO DO ANYTHING”

Throughout the afternoon, the President’s advisors tried to get him to tell the mob to leave the Capitol, but to no avail.

Ben Williamson, the White House Acting Director of Communications, watched on the news as officers and rioters pepper sprayed each other and crowds used bicycle barricades to push against officers holding the line.<sup>155</sup> He and Sarah Matthews, the Deputy Press Secretary, devised a plan: He would go to Meadows and she would go to McEnany to urge that the President issue a statement.<sup>156</sup> Williamson first texted Meadows:

“Would recommend POTUS put out a tweet about respecting the police over at the Capitol.”<sup>157</sup>

Minutes later, around 2:05 p.m., Hutchinson found Meadows seated in his office on the couch, absorbed by his cell phone screen.<sup>158</sup>

“Are you watching the TV, chief?” she asked. He indicated he was.

“Have you talked to the President?” she asked.

“No,” he replied. “He wants to be alone right now.”<sup>159</sup>

Rioters broke into the west side of the Capitol building around 2:13 p.m.<sup>160</sup> Just a few minutes later, Hutchinson saw Cipollone “barreling down the hallway” and—after looking at Hutchinson and shaking his head—opened the door to Meadows’s office unannounced.<sup>161</sup> Meadows was right where she left him, “still sitting on his phone.”<sup>162</sup>

“The rioters have gotten to the Capitol, Mark. We need to go down and see the President now,” she heard Cipollone say.<sup>163</sup> Cipollone would not confirm or deny any of this exchange, citing executive privilege.<sup>164</sup>

“He doesn’t want to do anything, Pat,” Meadows said, peering up from his phone.<sup>165</sup>

“Mark something needs to be done, or people are going to die and the blood’s gonna be on your [fucking] hands,” Cipollone said. “This is getting out of control. I’m going down there.”<sup>166</sup>

Meadows finally stood up from the couch and walked with Cipollone toward the dining room to meet with the President.<sup>167</sup>

## 7.6 “HE THINKS MIKE DESERVES IT”

At exactly 2:24 p.m., President Trump made his first public statement during the attack on the Capitol by tweet. It read nothing like the statement his advisors had envisioned. It read:

Mike Pence didn’t have the courage to do what should have been done to protect our Country and our Constitution, giving States a chance to certify a corrected set of facts, not the fraudulent or inaccurate ones which they were asked to previously certify. USA demands the truth!<sup>168</sup>

Minutes later, Meadows and Cipollone returned from their talk with the President.<sup>169</sup> No statement was forthcoming.

“Mark, we need to do something more. They’re literally calling for the Vice President to be [fucking] hung,” Hutchinson heard Cipollone say.<sup>170</sup>

“You heard him, Pat,” Meadows replied. “He thinks Mike deserves it. He doesn’t think they’re doing anything wrong.”<sup>171</sup>

“This is [fucking] crazy. We need to be doing something more,” Cipollone said.<sup>172</sup>

Cipollone told the Select Committee that “there needed to be an immediate and forceful response, statement, public statement, that people need to leave the Capitol now.”<sup>173</sup> He said he was “pretty clear” about his view in the White House that day, and he made that view known as soon as he became aware of the unrest.<sup>174</sup> He would not comment on how the President responded, or on this conversation with Meadows, citing executive privilege.<sup>175</sup> He did indicate that everyone in the White House—except President Trump—agreed that people needed to leave the Capitol:

Vice Chair Cheney: And who on the staff did not want people to leave the Capitol?

Mr. Cipollone: On the staff?

Vice Chair Cheney: In the White House.

Mr. Cipollone: I can’t think of anybody on that day who didn’t want people to get out of the Capitol once the—particularly once the violence started. No. I mean—

Mr. Schiff: What about the President?

Vice Chair Cheney: Yeah.

Mr. Cipollone: Well, she said the staff. So I answered.

Vice Chair Cheney: No. I said in the White House.



Noose set up outside of the Capitol on January 6, 2021.

(Photo by Drew Angerer/Getty Images)

Mr. Cipollone: Oh, I'm sorry. I apologize. I thought you said who else on the staff. [*Pauses to confer with counsel*] Yeah. I can't reveal communications. But obviously I think, you know—yeah.<sup>176</sup>

What the President *did* tweet—a broadside at his Vice President—enlarged the target on Vice President Pence's back. A Secret Service agent in the Protective Intelligence Division, tasked with monitoring threats against protectees in part by scouring social media, told his colleagues the tweet was “probably not going to be good for Pence.”<sup>177</sup>

A second agent in reply noted that it had garnered “[o]ver 24K likes in under 2 mins.”<sup>178</sup>

## 7.7 “I GUESS THEY'RE JUST MORE UPSET ABOUT THE ELECTION THEFT THAN YOU ARE”

Minutes after drawing increased attention to his besieged Vice President, the President called newly elected Senator Tommy Tuberville of Alabama at 2:26 p.m.<sup>179</sup> He misdialled, calling Senator Mike Lee of Utah instead, but one passed the phone to the other in short order.<sup>180</sup>

President Trump wanted to talk objections to the electoral count. But Senator Tuberville—along with every other elected official trapped and surrounded in the building—had other things on his mind.<sup>181</sup>

“I said, ‘Mr. President, they’ve taken the Vice President out. They want me to get off the phone, I gotta go,’” Senator Tuberville told reporters.<sup>182</sup> “‘[W]e’re not doing much work here right now.’”<sup>183</sup>

In the next half hour, between 2:26 p.m. and 3:06 p.m., President Trump spoke with House Leader Kevin McCarthy.<sup>184</sup>

Leader McCarthy told the public in a live interview with CBS News, while he and his colleagues were sheltering at a secure location,<sup>185</sup> that he was “very clear” in telling President Trump “to talk to the nation to tell them to stop this.”<sup>186</sup>

Leader McCarthy later recounted his conversation to a number of people, including Representative Jaime Herrera Beutler, a Republican congresswoman from Washington State.<sup>187</sup> “You have got to get on TV, you’ve got to get on Twitter, you’ve got to call these people off,” he said he told the President.<sup>188</sup>

“‘[These] aren’t my people, you know, these are—these are Antifa,’” President Trump insisted, against all evidence.<sup>189</sup> “‘They’re your people. They literally just came through my office windows, and my staff are running for cover. I mean, they’re running for their lives. You need to call them off,’” Leader McCarthy told him.<sup>190</sup>

What President Trump said next was “chilling,” in Representative Herrera Beutler’s words.<sup>191</sup>

“Well, Kevin, I guess they’re just more upset about the election theft than you are,” the President said.<sup>192</sup>

The call then devolved into a swearing match.<sup>193</sup>

Mick Mulvaney, former Chief of Staff to President Trump, had a similar call with Leader McCarthy in the days after the attack. McCarthy told Mulvaney that he urged the President to get the rioters to stop, and the President replied, “Kevin, maybe these people are just more angry about this than you are.”<sup>194</sup>

Marc Short, the Vice President’s Chief of Staff, spoke with Leader McCarthy later that afternoon.<sup>195</sup> Leader McCarthy told Short that he had spoken with President Trump and that he was “frustrat[ed]” that the White House was “not taking the circumstance as seriously as they should at that moment.”<sup>196</sup> The administration was demonstrating a “lack of response or lack of responsibility,” Leader McCarthy told Short.<sup>197</sup>

At 2:49 p.m.—as the violence escalated—President Trump’s speechwriter Gabriel Robert texted someone: “Potus im sure is loving this.”<sup>198</sup>

## 7.8 “STAY PEACEFUL!”

No one was getting through to the President.

So Herschmann went to Ivanka Trump’s office, hoping she would come to the dining room and be “a calming influence” on her father.<sup>199</sup> Herschmann “just sort of barged in” and told her to turn on the television.<sup>200</sup> After taking in a few of the violent scenes together, Herschmann and Ivanka Trump left the room and walked to the dining room, where her father was holed up.<sup>201</sup>

At 2:38 p.m., the President issued a tweet:<sup>202</sup>

Please support our Capitol Police and Law Enforcement. They are truly on the side of our Country. Stay peaceful!<sup>203</sup>

Ivanka Trump told the Select Committee that the President “did not push back on [her] suggestion” to issue the tweet, and that it was either she or President Trump himself who suggested the last line, “Stay peaceful!”<sup>204</sup> She confirmed there may have been some tweaking of the wording.<sup>205</sup> McEnany, who was in the room at the time, wrote in her notes that “I say add ‘we support PEACEFUL protest.’ Ivanka add stay peaceful! Instead.”<sup>206</sup> To the Select Committee, McEnany echoed Ivanka Trump that the President wasn’t resistant in any way to putting out the message.<sup>207</sup>

But in private, McEnany told a different story to her deputy Sarah Matthews.

Back in the White House press office, Matthews told McEnany that the tweet did not go far enough in condemning the violence.<sup>208</sup> McEnany— noting that other staffers in the room were distracted—said “in a hushed tone . . . that the President did not want to include any sort of mention of peace in that tweet.”<sup>209</sup>

That took “some convincing on their part,” McEnany said, and “it wasn’t until Ivanka Trump suggested the phrase ‘Stay peaceful!’ that he finally agreed to include it.”<sup>210</sup>

Ivanka Trump repeatedly returned to the dining room to counsel her father throughout the day. It has been reported that each time Ivanka Trump “thought she had made headway” with her father, Meadows would call her “to say the [P]resident still needed more persuading”—a cycle that repeated itself over “several hours” that afternoon.<sup>211</sup> After one such trip, Ivanka Trump told the Select Committee she went to her husband’s office next door because she needed to “regroup” and collect herself.<sup>212</sup>

Several witnesses corroborated pieces of this account. General Kellogg said he saw Ivanka Trump coming and going from the dining room at least twice that afternoon.<sup>213</sup> Hutchinson said that it was “several times.”<sup>214</sup> Once, Ivanka Trump reportedly left her father with a look on her face as if



Sarah Matthews testifies at a January 6th Select Committee hearing.

(Photo by House Creative Services)

“[s]he had just had a tough conversation.”<sup>215</sup> Radford, Ivanka Trump’s Chief of Staff, saw that she was “[v]isibly upset” but continued going “down there when people were asking her to be down there and trying to get action taken.”<sup>216</sup>

Radford told the Select Committee that Ivanka Trump believed that “[s]omething should be said or put out that was even stronger.”<sup>217</sup>

Hutchinson, too, recalled Ivanka Trump dropping by Meadows’s office alongside Cipollone and talking about trying to convince her father to say something “more direct than he had wanted to at that time and throughout the afternoon.”<sup>218</sup>

“I remember her saying at various points,” Hutchinson said, “she wanted her dad to send them home. She wanted her dad to tell them to go home peacefully, and she wanted to include language that he necessarily wasn’t on board with at the time.”<sup>219</sup>

## 7.9 “THE PRESIDENT NEEDS TO STOP THIS ASAP”

President Trump’s 2:38 p.m. tweet did not condemn the violence at the Capitol. It did not tell rioters to leave the building.





Testimony footage of former White House Press Secretary Kayleigh McEnany is played during a January 6th Select Committee hearing.

(Photo by Pool/Getty Images)

In the minutes before the tweet, Fox News—on the President’s screen—relayed that the Capitol was on lockdown;<sup>220</sup> that Capitol police officers were injured; that rioters were in the building and “just feet from the House chamber.”<sup>221</sup> In the minutes afterward, networks would report there was tear gas in the Capitol, forcing Members of Congress to evacuate in protective masks.<sup>222</sup> At 2:39 p.m., Secret Service agents reported that “[m]ore just got in.”<sup>223</sup>

“I don’t know how they’re gonna retake the Capitol building back at this point,” one agent wrote to others two minutes later.<sup>224</sup>

At 2:44 p.m., a Capitol police officer shot a rioter named Ashli Babbitt.<sup>225</sup> A handwritten note—dashed off onto a White House pocket card and preserved by the National Archives—read: “1x civilian gunshot wound to chest @ door of House cha[m]ber.”<sup>226</sup> One White House employee saw the note on the dining table in front of President Trump.<sup>227</sup>

A barrage of text messages inundated Meadows’s phone with a consistent plea.<sup>228</sup> Everyone from conservative media personalities to Republican allies in Congress—and even the President’s own family—urged the President to do more:

Representative Marjorie Taylor Greene, 2:28 p.m.: “Mark I was just told there is an active shooter on the first floor of the Capitol Please tell the President to calm people[.] This isn’t the way to solve anything.”<sup>229</sup>

Laura Ingraham, 2:32 p.m.: “Hey Mark, The [sic] president needs to tell people in the Capitol to go home.” “This is hurting all of us.” “He is destroying his legacy and playing into every stereotype . . . we lose all credibility against the BLM/Antifa crowd if things go South.” “You can tell him I said this.”<sup>230</sup>

Mick Mulvaney, 2:35 p.m.: “Mark: he needs to stop this, now. Can I do anything to help?”<sup>231</sup>

Representative Barry Loudermilk, 2:44 p.m.: “It’s really bad up here on the hill.” “They have breached the Capitol.”<sup>232</sup> At 2:48 p.m., Meadows responded: “POTUS is engaging.”<sup>233</sup> At 2:49 p.m., Loudermilk responded: “Thanks. This doesn’t help our cause.”<sup>234</sup>

Representative William Timmons, 2:46 p.m.: “The president needs to stop this ASAP.”<sup>235</sup> At 2:49 p.m., Meadows responded: “We are doing it.”<sup>236</sup>

Donald Trump, Jr., 2:53 p.m.: “He’s got to condem [sic] this shit. Asap. The captiol [sic] police tweet is not enough.”<sup>237</sup> Meadows responded: “I am pushing it hard. I agree.”<sup>238</sup> Later, Trump, Jr., continued: “This his [sic] one you go to the mattresses on. They will try to fuck his entire legacy on this if it gets worse.”<sup>239</sup>

White House staff discussed issuing yet another, stronger statement to address the ongoing—and escalating—violence. Around 3:00 p.m., one proposal was written in block capital letters on a pocket card from the chief of staff’s office:

ANYONE WHO ENTERED THE CAPITOL ~~ILLEGALLY~~ WITHOUT  
PROPER AUTHORITY SHOULD LEAVE IMMEDIATELY[.]<sup>240</sup>

The handwriting appears to have been scrawled quickly and somewhat messily. Hutchinson recalled Meadows returning from the dining room with the note in hand and placing it on her desk.<sup>241</sup> The word “illegally” had been newly crossed out.<sup>242</sup>

But there would be no further action, Meadows told her.<sup>243</sup>

At 3:13 p.m., 35 minutes after his last tweet, the President issued another tweet. Rather than coming out with a stronger statement, the 3:13 p.m. tweet largely parroted the one preceding it:



Guns are drawn in the House Chamber on January 6th as rioters attempt to break in.  
(Photo by Drew Angerer/Getty Images)

I am asking for everyone at the U.S. Capitol to remain peaceful. No violence! Remember, WE are the Party of Law & Order—respect the Law and our great men and women in Blue. Thank you!<sup>244</sup>

Ivanka Trump—who was in the room when her father published the message—told the Select Committee that “the gravity of the situation” made her feel “that it would be helpful to tweet again.”<sup>245</sup> “The [earlier] tweet didn’t stop the violence,” Herschmann said.<sup>246</sup>

This tweet—like the last one—didn’t tell the rioters to go home. It suggested that they “remain” at the Capitol, albeit peacefully.

## 7.10 “WE LOVE YOU. YOU’RE VERY SPECIAL”

The President’s tweets were not tamping down on the violence, and White House staff knew it.<sup>247</sup> By 3:17 p.m., Fox News was reporting gunshots on Capitol Hill. Law enforcement officers could be seen in the House chamber, pointing guns over the barricaded door: The chyron blared “Guns Drawn on House Floor.”<sup>248</sup> Between 3:29 p.m. and 3:42 p.m., the network was flashing images of a protestor in the presiding officer’s chair, right where Vice

President Pence had been sitting 90 minutes earlier.<sup>249</sup> Other images showed Members of Congress trapped in the House gallery, crouching below the balcony for cover.<sup>250</sup>

Allies continued to text Meadows, begging the President to order the mob to go home and indicating that it was time the American people hear from the President directly:

Unknown, 3:04 p.m.: “Are you with potus right now? Hearing he is in the dining room watching this on TV . . .” “Is he going to say anything to de-escalate apart from that Tweet?”<sup>251</sup>

Reince Priebus, 3:09 p.m.: “TELL THEM TO GO HOME !!!”<sup>252</sup>

Unknown, 3:13 p.m.: “POTUS should go on air and defuse this. Extremely important.”<sup>253</sup>

Alyssa Farah, 3:13 p.m.: “Potus has to come out firmly and tell protestors to dissipate. Someone is going to get killed . . .”<sup>254</sup>

Representative Chip Roy, 3:25 p.m.: “Fix this now.”<sup>255</sup> Meadows responded: “We are.”<sup>256</sup>

Sean Hannity (Fox News), 3:31 p.m.: “Can he make a statement. I saw the tweet. Ask people to peacefully leave the capital [sic].”<sup>257</sup> Meadows responded: “On it.”<sup>258</sup>

Katrina Pierson, 3:40 p.m.: “Note: I was able to keep the crazies off the stage. I stripped all branding of those nutty groups and removed videos of all of the psychos. Glad it [sic] fought it.”<sup>259</sup>

Unknown, 3:42 p.m.: “Pls have POTUS call this off at the Capitol. Urge rioters to disperse. I pray to you.”<sup>260</sup>

Unknown, 3:57 p.m.: “Is he coming out?” “He has to right?”<sup>261</sup>

Brian Kilmeade, 3:58 p.m. (Fox News): “Please get him on tv. Destroying every thing you guys have accomplished.”<sup>262</sup>

Donald Trump, Jr., 4:05 p.m.: “We need an oval address. He has to lead now. It’s gone too far and gotten out of hand.”<sup>263</sup>

At any moment in the afternoon, it would have been easy for President Trump to get before cameras and call off the attack. The White House Press Briefing Room is just down the hallway from the Oval Office, past the Cabinet Room and around the corner to the right. It would have taken less than 60 seconds for the President to get there.<sup>264</sup> The space, moreover, is outfitted with cameras that are constantly “hot,” meaning that they are on and ready to go live at a moment’s notice.<sup>265</sup> The White House press corps is



also situated in the West Wing, right by the briefing room.<sup>266</sup> The whole affair could have been assembled in minutes.<sup>267</sup>

However, it was not until nearly 3 hours after the violence began that President Trump finally agreed to tell the mob to go home.<sup>268</sup>

The Presidential Daily Diary notes that President Trump left the dining room to shoot the video at 4:03 p.m.<sup>269</sup> By this point—per Fox News coverage playing continually in the dining room—more law enforcement officers had arrived at the Capitol to resist the violent mob.<sup>270</sup>

The video shoot took place in the Rose Garden, the outdoor space that borders the Oval Office and the West Wing.<sup>271</sup> The setup was not ornate, just a camera and a microphone. Luna made sure that the background and lighting looked good, and that President Trump's hair and tie were in place.<sup>272</sup> President Trump delivered his remarks in one take, more or less, although he stopped and restarted at one point.<sup>273</sup> In all, the video took less than 4 minutes to shoot, and the President was back in the dining room by 4:07 p.m.<sup>274</sup>

"I would stick to this script . . . ," McEnany told President Trump before he stepped out to film.<sup>275</sup>

He didn't.



Kushner and others had drafted a statement, but President Trump spoke entirely off the cuff.<sup>276</sup> Here's what he said:

I know your pain. I know you're hurt. We had an election that was stolen from us. It was a landslide election and everyone knows it, especially the other side. But you have to go home now. We have to have peace. We have to have law and order. We have to respect our great people in law and order. We don't want anybody hurt. It's a very tough period of time. There's never been a time like this where such a thing happened where they could take it away from all of us, from me, from you, from our country. This was a fraudulent election. But we can't play into the hands of these people. We have to have peace. So go home, we love you. You're very special. You've seen what happens. You see the way others are treated that are so bad and so evil. I know how you feel, but go home and go home in peace.<sup>277</sup>

A photo obtained from the National Archives shows President Trump and Herschmann huddled next to each other, watching a completed take through the monitor on the video camera.<sup>278</sup>

"There needs to be a more direct statement" telling the rioters to leave the Capitol, Luna heard Herschmann—yet again—tell the President.<sup>279</sup> Herschmann testified that he did not recall this exchange.<sup>280</sup>

But according to Luna, President Trump rejected the note.

"These people are in pain," he said in reply.<sup>281</sup>

Down at the Capitol, the video began streaming onto rioters' phones, and by all accounts including video footage taken by other rioters, they listened to President Trump's command.

"Donald Trump has asked everybody to go home," one rioter shouted as he "deliver[ed] the President's message." "That's our order," another rioter responded. Others watching the video responded: "He says, go home."<sup>282</sup>

The crowd afterward began to disperse.<sup>283</sup> The video made clear what had been evident to many, including those closest to him: The President could have called off the rioters far earlier and at any point that day.<sup>284</sup> But he chose not to do so.<sup>285</sup>

It was not until it was obvious that the riot would fail to stop the certification of the vote that the President finally relented and released a video statement made public at 4:17 p.m.<sup>286</sup>





President Trump huddles with aides, watching a completed take of a video through the monitor of the video camera.

(Photo provided to the Select Committee by the National Archives and Records Administration)

### 7.11 “REMEMBER THIS DAY FOREVER!”

After leaving the Rose Garden, the President returned to the dining room. At 6:01 p.m., he issued another tweet, the last of the day:

These are the things and events that happen when a sacred landslide election victory is so unceremoniously & viciously stripped away from great patriots who have been badly & unfairly treated for so long. Go home with love & in peace. Remember this day forever!<sup>287</sup>

He retired to his residence for the evening at 6:27 p.m.<sup>288</sup> A White House photographer captured the President walking back to the residence with an employee in tow, carrying personal items President Trump wished to bring home with him for the night.<sup>289</sup> In the employee’s hands are the gloves the President was wearing while addressing the crowd at the Ellipse.<sup>290</sup>

The President had one parting comment to the employee—the thing that was evidently occupying his mind even after an afternoon of violence—before he retired to his home.

“Mike Pence let me down,” the President concluded.<sup>291</sup>

## 7.12 PRESIDENT TRUMP STILL SOUGHT TO DELAY THE JOINT SESSION

Even after President Trump finally told the rioters to go home, he and his lead attorney, Rudolph Giuliani, continued to seek to delay the joint session of Congress.

Giuliani began frantically calling the White House line the very minute that the President's video went up on Twitter.<sup>292</sup> Failing to get through, he called back, once every minute—4:17 p.m., 4:18 p.m., 4:19 p.m., 4:20 p.m.<sup>293</sup> He managed to get through, briefly, to Mark Meadows at 4:21 p.m., and then kept calling the White House line: at 4:22 p.m., three times on two different phones at 4:23 p.m., 4:24 p.m., and once more at 5:05 p.m.<sup>294</sup> He finally managed to speak with President Trump at 5:07 p.m., and the two spoke for almost 12 minutes.<sup>295</sup>

After he spoke with President Trump, Giuliani's phone calls went nearly without fail to Members of Congress: Senator Marsha Blackburn, and then Senator Mike Lee.<sup>296</sup> He made three calls to Senator Bill Hagerty, then two to Representative Jim Jordan.<sup>297</sup> He called Senator Lindsey Graham,<sup>298</sup> Senator Josh Hawley,<sup>299</sup> and Senator Ted Cruz.<sup>300</sup> Giuliani had two calls with Senator Dan Sullivan over the course of the evening.<sup>301</sup> There were another three calls to Representative Jordan, none of which connected.<sup>302</sup> After 8:06 p.m., when the joint session resumed, the calls to Members of Congress finally stopped.<sup>303</sup> Shortly afterward, at 8:39 p.m., Giuliani had one final call of 9 minutes with the President.<sup>304</sup>

When asked about these calls during his deposition before the Select Committee, Giuliani initially refused to answer. Giuliani insisted his calls to Members of Congress—none of whom were his client—were all attorney-client privileged.<sup>305</sup> But Giuliani eventually relented.

"I was probably calling to see any—if anything could be done," he said. "About the vote—the vote."<sup>306</sup>

We know definitively what Giuliani was up to because he left a voice message for Senator Tuberville—inadvertently on Senator Lee's phone—recording his request.<sup>307</sup> He wanted for "you, our Republican friends to try to just slow it down," referring to the electoral count, and delay the joint session.<sup>308</sup> Here are his own words:

The only strategy we can follow is to object to numerous States and raise issues so that we get ourselves into tomorrow—ideally until the end of tomorrow. So if you could object to every State and, along with a congressman, get a hearing for every State, I know we would delay you a lot, but it would give us the opportunity to get the legislators who are very, very close to pulling their vote.<sup>309</sup>



Mike Pence reopens the joint session of Congress and resumes counting electoral votes.

(Photo by Will McNamee/Getty Images)

The President, too, was at home, but he remained focused on his goal. Between 6:54 p.m. and 11:23 p.m., he spoke with 13 people, some more than once.<sup>310</sup> Of the 13, six ignored or expressly refused to comply with Select Committee requests for their testimony.<sup>311</sup> Two agreed to appear but refused to answer questions about their phone calls with the President, citing executive privilege.<sup>312</sup> Two more refused to answer questions, claiming attorney-client privilege.<sup>313</sup>

Of the 13, five were President Trump's attorneys or lawyers who worked with him on efforts to reverse the outcome of the election. With one exception, each of these calls took place before 8:06 p.m., when Vice President Pence reopened the joint session of Congress and resumed counting the electoral votes.<sup>314</sup> The President spoke with White House Counsel Pat Cipollone for 7 minutes at 7:01 p.m.<sup>315</sup> He spoke with Kurt Olsen and Mark Martin, lawyers who both advised him on the Vice President's role in the joint session:<sup>316</sup> He spoke with Martin for 9 minutes at 7:30 p.m., and Olsen twice, for 11 minutes at 7:17 p.m. and for another 10 minutes at 7:40 p.m.<sup>317</sup> He spoke with Cleta Mitchell, the lawyer leading his election challenges in Georgia, for 2 minutes at 7:53 p.m.<sup>318</sup> The President spoke with Herschmann for 5 minutes at 10:50 p.m.<sup>319</sup>

Another five of the people who spoke with President Trump that night were employees or outside advisors who counseled him on communications issues. These calls, by contrast, predominantly took place after the joint session resumed.<sup>320</sup> He spoke with his communications director, Scavino, twice: for 7 minutes at 7:08 p.m. and for 15 minutes at 9:55 p.m.<sup>321</sup> He spoke with McEnany for 11 minutes at 9:42 p.m.<sup>322</sup> He took calls from Steve Bannon, for 7 minutes at 10:19 p.m., and Sean Hannity, for 8 minutes at 11:08 p.m.<sup>323</sup>

At 9:23 p.m., President Trump spoke with Jason Miller, his Campaign Communications Director, for 18 minutes.<sup>324</sup>

Of his own initiative, Miller had drafted a statement for the President assuring the nation that the transfer of power—despite the day’s events—would, indeed, take place.<sup>325</sup> On their call, the President pushed back on the phrasing.

The President wanted the statement to promise a “peaceful transition” of power, rather than just an “orderly” one.<sup>326</sup>

Miller rejected the change and told him why rather bluntly.

“[T]hat ship’s kind of already sailed,” he said, “so we’re going to say ‘orderly transition.’ ”<sup>327</sup>

### 7.13 HE “JUST DIDN’T WANT TO TALK ABOUT IT ANYMORE”

The President did not, by any account, express grief or regret for what happened at the Capitol. Neither did he appear to grasp the gravity of what he had set in motion.

In his last phone call of the night, the President spoke with Johnny McEntee, his Director of Personnel.<sup>328</sup>

“[T]his is a crazy day,” the President told him. McEntee said his tone was one of “[l]ike, wow, can you believe this shit . . . ?”<sup>329</sup>

Did he express sadness over the violence visited upon the Capitol?

“No,” McEntee said. “I mean, I think he was shocked by, you know, it getting a little out of control, but I don’t remember sadness, specifically.”<sup>330</sup>

President Trump didn’t make any other phone calls for the rest of the night.<sup>331</sup> The President didn’t call Vice President Pence. In fact, President Trump never called to check on his Vice President’s safety that day. He didn’t call the heads of any of the Federal law enforcement agencies. He didn’t call the leadership—neither Republican nor Democrat—of the legislative branch of government that had just been overrun by a mob.<sup>332</sup>

Only two days after the riot, by January 8th, the President was over the whole thing.

He “just didn’t want to talk about it anymore,” he told his press aides. “[H]e was tired of talking about it.”<sup>333</sup>

Ivanka Trump claimed to the Select Committee that her father was “disappointed and surprised” by the attack, but she could not name a specific instance of him expressly saying it.

“He—I just felt that,” she said. “I know him really well.”<sup>334</sup>

Here’s what she could definitively say:

Committee Staff: Has he ever expressed to you any sentiment that he did or did not do the right thing in how he responded on the day of the 6th?

Ms. Trump: No.

Committee Staff: Has he ever expressed any sentiment about something that he wished he had done on the day of the 6th?

Ms. Trump: No.

Committee Staff: Has he ever said anything to you about the people who were injured or who died that day?

Ms. Trump: No.

Committee Staff: Has he ever said anything to you about whether he should or should not continue to talk about the 2020 Presidential election after the events on the 6th?

Ms. Trump: No.<sup>335</sup>

#### **7.14 PRESIDENT TRUMP’S “RHETORIC KILLED SOMEONE”**

The President may not have expressed regret over his behavior, but some of his most loyal supporters made the connection between his words and the violence.

A member of the speechwriting team, Patrick MacDonnell, conceded the next day in a text that “maybe the rhetoric could have been better.”<sup>336</sup> As the riot was in full throttle, even steadfast supporter Ali Alexander of “Stop the Steal” texted, “POTUS is not ignorant of what his words will do.”<sup>337</sup>

“We all look like domestic terrorists now,” Hope Hicks texted Julie Radford.<sup>338</sup>

Separately, Hicks texted Herschmann, “So predictable and so sad.”

“I know,” he replied. “Tragic.”

“I’m so upset. Everything we worked for wiped away,” she continued.

“I agree. Totally self-inflicted,” he wrote.<sup>339</sup>

Brad Parscale, Trump’s Former Campaign Manager, texted Katrina Pierson at 7:21 p.m. on January 6th, saying the day’s events were the result of a “sitting president asking for civil war.”<sup>340</sup>

“This week I feel guilty for helping him win . . . a woman is dead,” Parscale added.

“You do realize this was going to happen,” Pierson answered.

“Yeah. If I was trump [sic] and knew my rhetoric killed someone,” he said.

“It wasn’t the rhetoric,” she said.

Parscale’s reply: “Yes it was.”<sup>341</sup>

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## ENDNOTES

1. As explained in Chapter 8, the Proud Boys and other extremists initiated the attack shortly before the joint session of Congress was set to begin at 1:00 p.m. The rioters who streamed down Pennsylvania to the U.S. Capitol from the Ellipse then provided crucial momentum for the attack.
2. “Manual for Courts-Martial United States,” Department of Defense, (2019), at 334, available at [https://jsc.defense.gov/Portals/99/Documents/2019%20MCM%20\(Final\)%20\(20190108\).pdf?ver=2019-01-11-115724-610](https://jsc.defense.gov/Portals/99/Documents/2019%20MCM%20(Final)%20(20190108).pdf?ver=2019-01-11-115724-610).
3. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark. A. Milley, (Nov. 17, 2021), p. 268.
4. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark. A. Milley, (Nov. 17, 2021), p. 83.
5. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark. A. Milley, (Nov. 17, 2021), p. 296.
6. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark. A. Milley, (Nov. 17, 2021), p. 268.
7. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Hope Hicks, (October 25, 2022), pp. 108-110; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Hope Hicks Production), SC\_HH\_033 (Jan. 6, 2021, Hogan Gidley text message to Hope Hicks at 2:19 p.m. EST).
8. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Hope Hicks Production), SC\_HH\_033 (Jan. 6, 2021, Hogan Gidley text message to Hope Hicks at 2:19 p.m. EST).
9. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Hope Hicks Production), SC\_HH\_033 (Jan. 6, 2021, Hogan Gidley text message to Hope Hicks at 2:19 p.m. EST).
10. Donald J. Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 2:38 p.m. ET, available at <https://media-cdn.factba.se/realdonaldtrump-twitter/1346904110969315332.jpg> (archived).
11. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Sarah Matthews (Feb. 8, 2022), pp. 39-41.
12. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014925 (January 6, 2021, Donald Trump Jr. text message to Mark Meadows at 2:53 p.m. ET).



13. At 3:13 p.m., President Trump tweeted: “I am asking for everyone at the U.S. Capitol to remain peaceful. No violence! Remember, WE are the Party of Law & Order—respect the Law and our great men and women in Blue. Thank you!” Donald J. Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 3:13 p.m. ET, available at <https://media-cdn.factba.se/realdonaldtrump-twitter/1346912780700577792.jpg> (archived).
14. Tommy Christopher, “WATCH: GOP Rep Reveals Details of Trump’s Bombshell Call with McCarthy Refusing to Call off Capitol Rioters,” Mediaite, (Feb. 13, 2021), available at <https://www.mediaite.com/news/watch-gop-rep-reveals-details-of-trumps-bombshell-call-with-mccarthy-refusing-to-call-off-capitol-rioters/>.
15. Select Committee to Investigate the January 6th Attack on the United States Capitol, Hearing on the January 6th Investigation, 117th Cong., 2d sess., (July 12, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
16. “New Video of Capitol Rioter: ‘Trump is Still Our President,’” CNN Business, at 0:37, Feb. 6, 2021, available at <https://www.cnn.com/videos/media/2021/02/06/qanon-capitol-rioter-video-trump-still-president-sot-nr-vpx.cnn>.
17. Trial Exhibit 6732 (1.S.159.1165-67, 84), *United States v. Rhodes et al.*, No. 1:22-cr-15 (D.D.C. Nov. 1, 2022). Vallejo was manning the quick reaction force at a hotel in Arlington, Virginia, awaiting word to bring in a cache of weaponry; he was not at the Capitol on January 6th. Trial Exhibit 6731, *United States v. Rhodes et al.*, No. 1:22-cr-15 (D.D.C. Oct. 20, 2022) (Vallejo messaged his group in the afternoon “QRF standing by at hotel. Just say the word”); Trial Transcript at 2728, *United States v. Rhodes et al.*, No. 1:22-cr-15 (D.D.C. Oct. 12, 2022) (Oath Keeper Terry Cummings testified that “I had not seen that many weapons in one location since I was in the military” when he arrived at the Arlington hotel).
18. “Trump Video Telling Protesters at Capitol Building to Go Home: Transcript,” Rev, (Jan. 6, 2021), available at <https://www.rev.com/blog/transcripts/trump-video-telling-protesters-at-capitol-building-to-go-home-transcript>.
19. “Trump Video Telling Protesters at Capitol Building to Go Home: Transcript,” Rev, (Jan. 6, 2021), available at <https://www.rev.com/blog/transcripts/trump-video-telling-protesters-at-capitol-building-to-go-home-transcript>.
20. Donald J. Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 6:01 ET, available at <https://www.presidency.ucsb.edu/documents/tweets-january-6-2021> (archived).
21. Select Committee to Investigate the January 6th Attack on the United States Capitol, Hearing on the January 6th Investigation, 117th Cong., 2d sess., (June 28, 2022), available at <https://www.govinfo.gov/committee/house-january6th>; Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), p. 125.
22. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of John McEntee, (Mar. 28, 2022), p. 157.
23. Mariana Alfaro, “Trump Vows Pardon, Government Apology to Capitol Rioters if Elected,” *Washington Post*, (Sept. 1, 2022), available at <https://www.washingtonpost.com/national-security/2022/09/01/trump-jan-6-rioters-pardon/>.
24. Donald J. Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 8:06 a.m. ET, available at <https://www.thetrumparchive.com/?searchbox=%22Sleepy+Eyes+Chuck+Todd+is+so+happy%22> (archived).
25. Donald J. Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 8:17 a.m. ET, available at <https://www.thetrumparchive.com/?searchbox=%22All+Mike+Pence+has+to+do+is%22> (archived).
26. Donald J. Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 8:22 a.m. ET, available at <https://www.thetrumparchive.com/?results=1> (archived).
27. Documents with file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000255 (January 6, 2021, The Daily Diary of President Donald J. Trump at 8:23 a.m. ET).

28. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000255 (January 6, 2021, The Daily Diary of President Donald J. Trump at 8:23 a.m. ET). The Select Committee issued subpoenas to Bannon, Olson, and Giuliani in order to learn more about these telephone conversations, among other things. Bannon refused to comply with his subpoena, leading to his referral and ultimate conviction for criminal contempt of Congress. Olson sued to block the Select Committee from enforcing his subpoena. Giuliani spoke with the Select Committee but asserted attorney-client privilege with respect to all of his telephone conversations with President Trump on January 6th. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Rudolph Giuliani, (May 20, 2022), p. 198.
29. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000255 (January 6, 2021, The Daily Diary of President Donald J. Trump at 9:02 a.m. ET); Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), p. 12.
30. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Stephen Miller, (Apr. 14, 2022), p. 145.
31. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Ross Worthington, (Feb. 15, 2022), p. 112; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Ross Worthington Production), RW\_0002633 (Jan. 4, 2021, email at 10:00 p.m. from Ross Worthington to Patrick McDonnell asking for research related to the January 6th speech).
32. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Ross Worthington Production), RW\_0002341–RW\_0002351 (Jan. 6, 2021, Stephen Miller emails to Ross Worthington, Vincent Haley and Robert Gabriel, Jr. at 10:22 and 10:23 a.m. ET, attaching draft speech).
33. Documents on file with the Select Committee to Investigate the January 6th Attacks on the United States Capitol (Ross Worthington Production), RW\_0002341–2344 (Jan. 6, 2021, email from Stephen Miller to Ross Worthington, Vincent Haley, and Robert Gabriel, re: EDITS, attaching draft Save America March speech with edits and comments).
34. Documents on file with the Select Committee to Investigate the January 6th Attacks on the United States Capitol (Ross Worthington Production), RW\_0002341–2343 (Jan. 6, 2021, email from Stephen Miller to Ross Worthington, Vincent Haley, and Robert Gabriel, re: EDITS, attaching draft Save America March speech with edits and comments).
35. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Ross Worthington, (Feb. 15, 2022), p. 164. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Vincent Haley, (April 12, 2022), pp. 88–89; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Sarah Miller, (April 14, 2022), p. 148.
36. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R000007430\_0001 (Jan. 6, 2021, Ross Worthington email to Vincent M. Haley at 10:49 a.m. ET).
37. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Stephen Miller, (Apr. 14, 2022), p. 154.
38. Donald Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 9:00 a.m. ET, available at <https://www.thetrumparchive.com/?results=1&searchbox=%22they+just+happened+to+find%22> (archived); Donald Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 9:15 a.m. ET, available at <https://www.thetrumparchive.com/?results=1&searchbox=%22they+states+want+to+redo%22> (archived); Donald Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 9:16 a.m. ET, available at <https://www.thetrumparchive.com/?results=1&searchbox=%22even+Mexico%22> (archived); Donald Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 10:44 a.m. ET, available at <https://www.thetrumparchive.com/?results=1&searchbox=%22these+scoundrels+are+only+toying%22> (archived).

39. Documents on file with the Select Committee to Investigate the January 6th Attack on the Capitol, (National Archives Production), P-R000285 (January 6, 2021, Schedule marked private with handwritten notes at 11:22 a.m. ET); Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Keith Kellogg, Jr., (Dec. 14, 2021) pp. 90–93; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Nicholas Luna, (Mar. 21, 2021), p. 126.
40. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), pp. 48–49; *see also* Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of White House Employee, (June 10, 2022), p. 22 (“I could just tell in his voice when he was talking to the Vice President that he was disappointed and frustrated.”).
41. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 4.
42. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Julie Radford, (May 24, 2020), p. 18.
43. *Compare* Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000285 (January 6, 2021, schedule with handwritten notes about the meeting); *with* Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL0000100198 (communication noting “Mogul” en route to the Ellipse at 11:39 a.m.).
44. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Keith Kellogg, Jr., (Dec. 14, 2021), p. 93.
45. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P\_R000007558\_0001 (Jan. 6, 2021, Stephen Miller email to Robert Gabriel Jr.).
46. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R000007531\_0001 (Jan. 6, 2021, Robert Gabriel Jr. email to Ross Worthington at 11:33 a.m. ET).
47. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P\_R000007531\_0001 (Jan. 6, 2021, Ross Worthington email to Robert Gabriel Jr. at 11:34 a.m. ET).
48. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Vincent Haley, (Apr. 12, 2022), p. 95.
49. Documents on file with the Select Committee to Investigate the January 6th Attacks on the United States Capitol (Ross Worthington Production), RW\_0002341–2343 (January 6, 2021, email from Stephen Miller to Ross Worthington, Vincent Haley, and Robert Gabriel, re: EDITS, attaching draft Save America March speech with edits and comments).
50. *See* Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Vincent Haley, (Apr. 12, 2022), p. 95; Document on file with the Select Committee (National Archives Production), 076P-R000007557\_0001, 076P-R000007557\_0034, 076P-R000002896\_00001, 076P-R000002896\_00025, 076P-R000002984\_0001, 076P-R000002984\_00304 (various drafts, including teleprompter inputs, of the speech).
51. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Nicholas Luna, (Mar. 21, 2022), p. 126.
52. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000286 (January 6, 2021, note from Nicholas Luna to President Trump).
53. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL000011236 (January. 6, 2021, Email Re: CSD Activity Log #2 at 2:49 p.m. ET).

54. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Cassidy Hutchinson, (Feb. 23, 2022), pp. 87–88; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (National Archives Production), 076P-R000005179\_0001-0002 (January 6, 2021 email reporting on the status of people going through the magnetometers and noting “[s]everal thousand on the mall watching but not in line.”).
55. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), pp. 12–13.
56. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Cassidy Hutchinson Production), CH-0000000069, (January 6, 2021, Cassidy Hutchinson text message to Tony Ornato at 12:45 p.m. ET).
57. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), pp. 15–16; *see also* Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 28, 2022), available at <https://www.govinfo.gov/committee/house-january6th> (“[W]e were standing towards the front of the tent with the TVs really close to where he would walk out to go on to the stage. These conversations happened two to three minutes before he took the stage that morning”).
58. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000255 (Jan. 6, 2021, Daily Diary of President Donald J. Trump at 11:55 a.m. ET).
59. “Donald Trump Speech ‘Save America’ Rally Transcript January 6,” Rev, (Jan. 6, 2021), available at <https://www.rev.com/blog/transcripts/donald-trump-speech-save-america-rally-transcript-january-6> (time-stamping the speech).
60. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Cassidy Hutchinson Production), CH-0000000069 (January 6, 2021, Cassidy Hutchinson text message to Tony Ornato at 12:45 p.m. ET).
61. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), p. 8.
62. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R000002879\_00001 (“Save America March” speech early draft); Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Ross Worthington, (Feb. 15, 2022), p. 157.
63. Brian Naylor, “Read Trump’s Jan. 6 Speech, A Key Part of Impeachment Trial,” *NPR*, (Feb. 10, 2021), available at <https://www.npr.org/2021/02/10/966396848/read-trumps-jan-6-speech-a-key-part-of-impeachment-trial>.
64. “Donald Trump Speech ‘Save America’ Rally Transcript January 6,” Rev, (Jan. 6, 2021), available at <https://www.rev.com/blog/transcripts/donald-trump-speech-save-america-rally-transcript-january-6> (timestamping the speech).
65. “Donald Trump Speech ‘Save America’ Rally Transcript January 6,” Rev, (Jan. 6, 2021), available at <https://www.rev.com/blog/transcripts/donald-trump-speech-save-america-rally-transcript-january-6> (time-stamping the speech); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Alex Holder Production) Video file Clip [45DAY32CAMB0050.mov](#) at 3:10–3:40 (capturing “fight for Trump” chants during Donald Trump, Jr.’s speech); Lena V. Groeger, Jeff Kao, Al Shaw, Moiz Syed, and Maya Eliahou, “What Parler Saw During the Attack on the Capitol,” *ProPublica*, at 12:01 pm at 3:33 and at 12:05 pm at 0:30 (Jan. 17, 2021), available at <https://projects.propublica.org/parler-capitol-videos/> (capturing “fight for Trump” chants droning out the President after he told the crowd “we will not let them silence your voices”); FORMER WAGIE, “FULL FOOTAGE: Patriots STORM U.S. Capitol,” YouTube, at 59:00, Jan. 6, 2021, posted Jan. 8, 2021, available at <https://www.youtube.com/watch?v=iNFcdpZdkh0>.

66. Brian Naylor, "Read Trump's Jan. 6 Speech, A Key Part of Impeachment Trial," *NPR*, (Feb. 10, 2021), available at <https://www.npr.org/2021/02/10/966396848/read-trumps-jan-6-speech-a-key-part-of-impeachment-trial>.
67. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 28, 2022), available at <https://www.govinfo.gov/committee/house-january6th>. *But see* Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Cassidy Hutchinson, (Feb. 23, 2022), p. 129 ("It wasn't—he didn't give me an impressions that he was frustrated or angry at the prospect of what the President had said on the stage. It was more of him trying to rush to get insight on what our plans were and wanted to have insight and be read in on that in case we had been planning to go up to the Capitol.").
68. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Cassidy Hutchinson Production), CH-0000000069.
69. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Cassidy Hutchinson, (Feb. 23, 2022), pp.128–29; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 28, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
70. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 28, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
71. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), USSS0000176702.
72. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R001005-1026 (January 6, 2021, National Security Council staff chat logs); *See* Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview White House Security Official, (July 11, 2022), p. 47 (discussing clearing a route to the Capitol for "Mogul").
73. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of White House Security Official, (July 11, 2022), p. 45.
74. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of White House Security Official, (July 11, 2022), p. 45.
75. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of White House Security Official, (July 11, 2022), p. 45.
76. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL0000208061 (January 6, 2021, email to Robert Engel at 1:19 p.m. ET). Despite the fact that the prospect of an OTR to the Capitol was raised at the highest levels within the Secret Service, some of its highest-ranking agents insisted to the Select Committee that they did not recall any such discussions on the day of January 6th. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert Engel, (Mar. 4, 2022), p. 77. When presented with his text messages with Cassidy Hutchinson in which she referred to an "OTR to Capitol," Tony Ornato insisted that he didn't "recall ever talking about this with her." Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Anthony Ornato, (Mar. 29, 2022), p. 62.
77. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Nicholas Luna, (Mar. 21, 2022), p. 117.
78. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), p. 8.
79. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000257 (January 6, 2021, Presidential Daily Diary).

80. See, e.g., Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of United States Secret Service Employee “Press Secretary,” (October 31, 2022), pp. 49–51 (the word “furious” was “consistent with what was described to me that occurred—you know, agitated, furious, upset, angry, whatever adjective”).
81. Mark Meadows, *The Chief's Chief*, (St. Petersburg: All Seasons Press, 2021), at p. 250 (“When he got offstage, President Trump let me know that he had been speaking metaphorically about the walk to the Capitol. . . . It was clear the whole time that he didn’t actually intent to walk down Pennsylvania Avenue with the crowd.”).
82. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Robert Engel, (Mar. 4, 2022).
83. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kayleigh McEnany, (Jan. 12, 2022), pp. 158–62.
84. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kayleigh McEnany, (Jan. 12, 2022), p. 159.
85. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kayleigh McEnany, (Jan. 12, 2022), p. 160.
86. See, e.g., Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), pp. 5–8.
87. See, e.g., Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Max Miller, (Jan. 20, 2022), p. 90; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Judson P. Deere, (Mar. 3, 2022), p. 71; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Nicholas Luna, (Mar. 21, 2022) p. 118; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of White House Security Official, (July 11, 2022) pp. 35–36.
88. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), p. 5.
89. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), p. 5.
90. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 28, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
91. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), pp. 6–7.
92. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of White House Employee with National Security Responsibilities, (July 19, 2022), pp. 69–71.
93. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of White House Employee with National Security Responsibilities, (July 19, 2022), p. 71.
94. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Robert Engel, (Nov. 17, 2022), pp. 143–44, 147–48.
95. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of United States Secret Service Employee, (Nov. 21, 2022), pp. 92–93.
96. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of White House Employee with National Security Responsibilities (July 19, 2022), p. 73 (“In the days following that, I do remember, you know, again, hearing again how angry the President was when, you know, they were in the limo.”)
97. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (Sep. 14, 2022), pp. 34, 36, 37–38, 55.



98. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Mark Robinson, (July 7, 2022), pp. 18, 23.
99. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of United States Secret Service Employee, (Nov. 4, 2022), pp. 99–100.
100. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of United States Secret Service Employee “Press Secretary,” (Oct. 31, 2022), pp. 46, 50.
101. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of United States Secret Service Employee “Press Secretary,” (Oct. 31, 2022), p. 50; see also Carol Leonnig (@CarolLeonnig), Twitter, June 28, 2022 7:46 p.m. ET, available at <https://twitter.com/CarolLeonnig/status/1541931078184845312>. The press secretary confirmed that he or she confirmed this information to the reporter because “that’s what I had been told.” “[Engel] did indicate—you know, kind of outlined . . . that the President did want to go to the Capitol, and Mr. Engel advised that we cannot go,” the press secretary testified. “And you know, [President Trump] was agitated, but Mr. Engel advised that—you know, it was kind of a non-issue. It was agitated verbally, and they proceeded to the White House.” Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of United States Secret Service Employee “Press Secretary,” (Oct. 31, 2022), pp. 46, 50.
102. The Select Committee has agreed not to name the Secret Service agent who was driving the vehicle to protect his privacy. We will refer to him in this report as “the driver.”
103. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Secret Service Employee “Driver,” (Nov. 7, 2022), p. 77; Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Robert Engel, (Nov. 17, 2022), pp. 100–01.
104. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Robert Engel, (Nov. 17, 2022), pp. 100–01.
105. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Secret Service Employee “Driver,” (Nov. 7, 2022), p. 77.
106. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Secret Service Employee “Driver,” (Nov. 7, 2022), p. 77.
107. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Secret Service Employee “Driver,” (Nov. 7, 2022), p. 78.
108. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Secret Service Employee “Driver,” (Nov. 7, 2022), p. 79.
109. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Secret Service Employee “Driver,” (Nov. 7, 2022), p. 78. This recollection of the President’s phrasing seems very similar to Hutchinson’s testimony about President Trump’s statement before he took the stage at the Ellipse: “I’m the President. Take the F’ing mags away. They’re not here to hurt me.” Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), pp. 11–12.
110. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of United States Secret Service Employee, (Nov. 7, 2022), pp. 78, 92.
111. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of United States Secret Service Employee, (Nov. 7, 2022), p. 78.
112. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Robert Engel, (Nov. 17, 2022), p. 102. Mr. Engel also did not recall another occasion where testimony indicates that the incident in the presidential vehicle was mentioned. Mr. Engel’s counsel has asked the Committee not to make certain evidence relating to that occasion public.

113. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Robert Engel, (Nov. 17, 2022), pp. 143–44, 147–48.
114. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Secret Service Employee “Driver,” (Nov. 7, 2022), p. 80.
115. The Justice Department will have all of the relevant information and can make decisions about whether and how to proceed based upon this evidence.
116. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Robert Engel, (Nov. 17, 2022), p. 121.
117. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL0000882478 at p. 4 (January 6, 2021, PID update at 1:25 p.m.).
118. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Mark Robinson, (July 7, 2022), pp. 18–19.
119. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Robert Engel, (Nov. 17, 2022), p. 121.
120. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Robert Engel, (Nov. 17, 2022), p. 125.
121. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL0000208061 (January 6 2021, email from Robert Engel at 1:55 p.m.).
122. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of White House Employee, (June 10, 2022), p. 27.
123. Select Committee Interview Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of White House Employee, (June 10, 2022), p. 27.
124. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), Photo file 40a8\_hi\_j0087\_0bea.
125. Select Committee Interview Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of White House Employee, (June 10, 2022), pp. 27–28.
126. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000255 (Jan. 6, 2021, Daily Diary of President Donald J. Trump).
127. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000255 (Jan. 6, 2021, Daily Diary of President Donald J. Trump).
128. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000255 (Jan. 6, 2021, Daily Diary of President Donald J. Trump).
129. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000255 (Jan. 6, 2021, Daily Diary of President Donald J. Trump). *See also* Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000028 (Memorandum from White House Diarist confirming that “[t]he Oval Log for January 6, 2021 was not received”).
130. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Molly Michael, (Mar. 24, 2022), p 29 (“Why did that change, that you were not taking any records?” “I don’t recall a specific reason.”); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 111–12 (attributing the lack of recordkeeping to Michael’s absence in the

- White House, though she was present in the Outer Oval during the afternoon); Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Austin Ferrer Piran Basualdo, (Apr. 8, 2022), p. 86.
131. H. Rept. 117-216, Resolution Recommending that the House of Representatives Find Mark Randall Meadows in Contempt of Congress for Refusal to Comply with a Subpoena Duly Issued by the Select Committee to Investigate the January 6th Attack on the United States Capitol, 117th Cong., 1st Ssess. (2021), available at <https://www.congress.gov/117/crpt/hrpt216/CRPT-117hrpt216.pdf>; H. Rept. 117-284, Resolution Recommending that the House of Representatives Find Peter K. Navarro and Daniel Scavino, Jr., in Contempt of Congress for Refusal to Comply with a Subpoena Duly Issued by the Select Committee to Investigate the January 6th Attack on the United States Capitol, 117th Cong., 2d sess. (2022), available at <https://www.congress.gov/117/crpt/hrpt284/CRPT-117hrpt284.pdf>.
  132. See, e.g., Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 118; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony “Pat” Cipollone, (July 8, 2022), pp. 155–57.
  133. See, e.g., Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Molly Michael, (Mar. 24, 2022), p. 136 (“The phones were ringing. A lot was happening. I don’t recall.”); Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Austin Ferrer Piran Basualdo, (Apr. 8, 2022), pp. 109–10 (“I don’t remember where I was that afternoon.” “Do you remember being at the White House that afternoon, even if you don’t remember where exactly you were in the White House?” “No, I do not.” “Do you remember being home, wherever home is for you, on the afternoon of January 6th, as opposed to being at the White House?” “No, I don’t.” “So you don’t remember whether you were at home or at the White House in the afternoon of January 6th, 2021?” “Again, that day was very blurry.”).
  134. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Shealah Craighead, (June 8, 2022), p. 46.
  135. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Shealah Craighead, (June 8, 2022), p. 46. It is the standard practice of the White House photographers to cover the President from the moment he steps out of the residence until he returns there at the end of the day. *Id.* at 7. Craighead pushed back, telling Michael that the White House would want to document the day for historical purposes, but Michael did not relent. *Id.* at p. 28.
  136. See, e.g., Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Keith Kellogg, Jr., (Dec. 14, 2021), p. 115 (“Well, I saw the President watching TV.”).
  137. Select Committee Interview Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of White House Employee, (June 10, 2022), p. 23.
  138. See, e.g., Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ivanka Trump, (Apr. 5, 2022), p. 64 (“I recall walking in and saying, ‘You have to put out a strong statement condemning violence and asking for peace to be restored.’”).
  139. See, e.g., Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (AT&T Production, Feb. 9, 2022); See also Jonathan Karl, *Betrayal: The Final Act of the Trump Show*, (New York: Dutton, 2021), p. 287.
  140. See, e.g., Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony “Pat” Cipollone, (July 8, 2022), p. 174; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Keith Kellogg, Jr., (Dec. 14, 2021), pp. 126–27.
  141. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), p. 129.

142. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kayleigh McEnany, (Jan. 12, 2022), pp. 169–70.
143. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kayleigh McEnany, (Jan. 12, 2022), pp. 159–60.
144. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Kayleigh McEnany Production), KMC\_000000724 (Jan. 6, 2021, Kayleigh McEnany notes).
145. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), p. 8.
146. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kayleigh McEnany, (Jan. 12, 2022), p. 164.
147. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kayleigh McEnany, (Jan. 12, 2022), p. 164.
148. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Kayleigh McEnany Production), KMC\_000000724 (Jan. 6, 2021, Kayleigh McEnany notes).
149. See, e.g., Select Committee to Investigate the January 6th Attack on the United States Capitol, Subpoena to Honorable Kevin McCarthy, (May 12, 2022), available at <https://january6th.house.gov/sites/democrats.january6th.house.gov/files/2022-05-12-Subpoena-for%20OGC-McCarthy%20Kevin%20%28002%29.pdf>; Select Committee to Investigate the January 6th Attack on the United States Capitol, Subpoena to Representative Jim Jordan, (May 12, 2022), available at <https://january6th.house.gov/sites/democrats.january6th.house.gov/files/2022-05-12-Subpoena-for%20OGC-Jordan%20Jim%20%28002%29.pdf>.
150. See, e.g., Select Committee to Investigate the January 6th Attack on the United States Capitol, Subpoena to Honorable Kevin McCarthy, (May 12, 2022), available at <https://january6th.house.gov/sites/democrats.january6th.house.gov/files/2022-05-12-Subpoena-for%20OGC-McCarthy%20Kevin%20%28002%29.pdf>; Select Committee to Investigate the January 6th Attack on the United States Capitol, Subpoena to Representative Jim Jordan, (May 12, 2022), available at <https://january6th.house.gov/sites/democrats.january6th.house.gov/files/2022-05-12-Subpoena-for%20OGC-Jordan%20Jim%20%28002%29.pdf>.
151. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (AT&T Production, Feb. 9, 2022).
152. Donald J. Trump (@realDonaldTrump), Twitter, Jan. 6, 2020 1:49 p.m. ET, available at <https://www.thetrumparchive.com/?searchbox=%22https%3A%2F%2Ft.co%2FizltBeFE6G%22> (archived).
153. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jared Kushner, (Mar. 31, 2022), p. 144.
154. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jared Kushner, (Mar. 31, 2022), p. 145.
155. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Benjamin Williamson, (Jan. 25, 2022) p. 60. Live feeds of the Capitol began showing pepper spray exchanges between officers and rioters around 1:29 p.m. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL0000094153; Documents on file with the Select Committee to Investigate the Attack on the United States Capitol (Secret Service Production), CTRL0000094192; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), at 40:00, available at <https://www.govinfo.gov/committee/house-january6th>.

156. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Sarah Matthews, (Feb. 8, 2022), pp. 36–37.
157. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Benjamin Williamson Production), CTRL0000034784 (Jan. 6, 2021, Benjamin Williamson text message to Mark Meadows at 2:02 p.m. EST); Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Benjamin Williamson (Jan. 25, 2022), p. 64.
158. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), p. 24 (“I saw that he was sitting on his couch on his cell phone, same as the morning, where he was just kind of scrolling and typing.”).
159. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), p. 24.
160. The Select Committee’s review of U.S. Capitol Police surveillance footage showed that Proud Boy Dominic Pezzola smashed a Senate Wing window at 2:13 p.m. and rioters entered through that window, as well as an adjacent door, shortly thereafter. *See also* Third Superseding Indictment at 21, *United States v. Nordean et al.*, No. 1:21-cr-175 (D.D.C. June 6, 2022), ECF No. 380 (noting that Dominic Pezzola “used [a] riot shield . . . to break a window of the Capitol” at “2:13 p.m.” and that “[t]he first members of the mob entered the Capitol through this broken window”); 167 Cong. Rec. S634 (daily ed. Feb. 10, 2021), available at <https://www.congress.gov/117/crec/2021/02/10/CREC-2021-02-10-pt1-PgS615-4.pdf>.
161. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), p. 25. Cipollone confirmed that he first went to the dining room when he saw that “people had breached the Capitol, they had gotten into the Capitol.” Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony “Pat” Cipollone, (July 8, 2022), p. 149.
162. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), p. 26.
163. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), p. 26.
164. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony “Pat” Cipollone, (July 8, 2022), p. 150.
165. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), p. 26.
166. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), p. 26. Cipollone did not elaborate but testified generally that he was “very upset about what was happening” at the Capitol and wanted “action to be taken related to that.” Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony “Pat” Cipollone, (July 8, 2022), p. 149.
167. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), p. 26.
168. Donald J. Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 2:24 p.m. ET, available at <https://www.thetrumparchive.com/?searchbox=%22Mike+Pence+didn%E2%80%99t+have+%22> (archived).
169. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), p. 27.
170. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), p. 27.

171. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), p. 27. President Trump himself has defended publicly the rioters who chanted “Hang Mike Pence!” In an interview, journalist Jonathan Karl asked President Trump about the chants. “Well, the people were very angry,” he responded. The President continued: “Because it’s common sense . . . How can you—if you know a vote is fraudulent, how can you pass a fraudulent vote to Congress? How can you do it?” Jonathan Karl, *Betrayal: The Final Act of the Trump Show*, (New York: Dutton, 2021), p. 340.
172. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), p. 27. Hutchinson recalled one other thing that Meadows said, referring to the tweet attacking Vice President Pence: “[T]his is the best we’re going to get for now.” Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (May 17, 2022), p. 17. Hutchinson believes that this conversation took place after the 2:24 p.m. tweet, but the context suggests that it may have taken place after the 2:38 p.m. or 3:13 p.m. tweets.
173. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony “Pat” Cipollone, (July 8, 2022), p. 150.
174. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony “Pat” Cipollone, (July 8, 2022), p. 150.
175. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony “Pat” Cipollone, (July 8, 2022), p. 161.
176. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony “Pat” Cipollone, (July 8, 2022), p. 161; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), at 1:29:45–1:31:50, available at <https://www.youtube.com/watch?v=pbRVqWbHGuo>.
177. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL0000095185.
178. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL0000095247.
179. Lauren Fox and Clare Foran, “GOP Sen. Mike Lee Hands Over Phone Records to House Impeachment Managers,” CNN, (Feb. 13, 2021), available at <https://www.cnn.com/2021/02/13/politics/mike-lee-phone-records-impeachment-trial/index.html>.
180. Mike Lillis, “Tuberville Defends Account of Trump Call During Capitol Riot,” *The Hill*, (Feb. 12, 2021), available at <https://thehill.com/homenews/senate/538704-tuberville-defends-account-of-trump-call-during-capitol-riot/>. Sen. Tuberville stated publicly that the originating number was identified as “White House” on Sen. Lee’s phone, suggesting that the call came through the White House Switchboard. *Id.*
181. Jonathan Karl, *Betrayal: The Final Act of the Trump Show*, (New York: Dutton, 2021), at p. 287.
182. Jonathan Karl, *Betrayal: The Final Act of the Trump Show*, (New York: Dutton, 2021), at p. 287.
183. Eddie Burkhalter, “Tuberville Says He Attended Jan. 5 Fundraiser at Trump’s Washington Hotel,” *Alabama Political Reporter*, (Feb. 19, 2021), available at <https://www.alreporter.com/2021/02/19/tuberville-says-he-attended-jan-5-fundraiser-at-trumps-washington-hotel/>.
184. The call likely happened after the evacuation of the House chamber starting at approximately 2:38 p.m., and Rep. McCarthy spoke about it to CBS News’s Norah O’Donnell by phone between approximately 3:00 to 3:15 p.m. CBS News, “House Minority Leader Kevin McCarthy: I Completely Condemn the Violence in the Capitol,” YouTube, Jan. 6, 2021, available at <https://www.youtube.com/watch?v=MpBbpgO5qGU>. Molly Michael testified that she



recalls receiving the incoming call from Leader McCarthy on Dan Scavino's landline and transferring it to a landline in the dining room. She does not recall when the call took place, nor did she hear anything about what was discussed. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Molly Michael, (Mar. 24, 2022), pp. 131–32.

185. "House Minority Leader Kevin McCarthy: 'I Completely Condemn the Violence in the Capitol,'" CBS News, (Jan. 6, 2021), available at <https://www.cbsnews.com/video/house-minority-leader-kevin-mccarthy-condemn-the-violence/#x>.
186. "House Minority Leader Kevin McCarthy: 'I Completely Condemn the Violence in the Capitol,'" CBS News, (Jan. 6, 2021), available at <https://www.cbsnews.com/video/house-minority-leader-kevin-mccarthy-condemn-the-violence/#x>.
187. Tommy Christopher, "WATCH: GOP Rep Reveals Details of Trump's Bombshell Call with McCarthy Refusing to Call off Capitol Rioters," Mediaite, (Feb. 13, 2021), available at <https://www.mediaite.com/news/watch-gop-rep-reveals-details-of-trumps-bombshell-call-with-mccarthy-refusing-to-call-off-capitol-rioters/>.
188. Tommy Christopher, "WATCH: GOP Rep Reveals Details of Trump's Bombshell Call with McCarthy Refusing to Call off Capitol Rioters," Mediaite, (Feb. 13, 2021), available at <https://www.mediaite.com/news/watch-gop-rep-reveals-details-of-trumps-bombshell-call-with-mccarthy-refusing-to-call-off-capitol-rioters/>.
189. Tommy Christopher, "WATCH: GOP Rep Reveals Details of Trump's Bombshell Call with McCarthy Refusing to Call off Capitol Rioters," Mediaite, (Feb. 13, 2021), available at <https://www.mediaite.com/news/watch-gop-rep-reveals-details-of-trumps-bombshell-call-with-mccarthy-refusing-to-call-off-capitol-rioters/>.
190. Tommy Christopher, "WATCH: GOP Rep Reveals Details of Trump's Bombshell Call with McCarthy Refusing to Call off Capitol Rioters," Mediaite, (Feb. 13, 2021), available at <https://www.mediaite.com/news/watch-gop-rep-reveals-details-of-trumps-bombshell-call-with-mccarthy-refusing-to-call-off-capitol-rioters/>.
191. Tommy Christopher, "WATCH: GOP Rep Reveals Details of Trump's Bombshell Call with McCarthy Refusing to Call off Capitol Rioters," Mediaite, (Feb. 13, 2021), available at <https://www.mediaite.com/news/watch-gop-rep-reveals-details-of-trumps-bombshell-call-with-mccarthy-refusing-to-call-off-capitol-rioters/>.
192. Tommy Christopher, "WATCH: GOP Rep Reveals Details of Trump's Bombshell Call with McCarthy Refusing to Call off Capitol Rioters," Mediaite, (Feb. 13, 2021), available at <https://www.mediaite.com/news/watch-gop-rep-reveals-details-of-trumps-bombshell-call-with-mccarthy-refusing-to-call-off-capitol-rioters/>.
193. Tommy Christopher, "WATCH: GOP Rep Reveals Details of Trump's Bombshell Call with McCarthy Refusing to Call off Capitol Rioters," Mediaite, (Feb. 13, 2021), available at <https://www.mediaite.com/news/watch-gop-rep-reveals-details-of-trumps-bombshell-call-with-mccarthy-refusing-to-call-off-capitol-rioters/>.
194. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of John Michael "Mick" Mulvaney, (July 28, 2022), p. 43.
195. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), p. 46.
196. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), p. 46.
197. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Marc Short, (Jan. 26, 2022), p. 47.
198. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Ross Worthington Production), RW\_0002307 (Jan. 6, 2021, Gabriel Roberts text message at 2:49 p.m.).

199. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 72.
200. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ivanka Trump, (Apr. 5, 2022), p. 68; *see also* Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), pp. 68–69.
201. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ivanka Trump, (Apr. 5, 2022), p. 70.
202. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 69 (“And she was in there for a few minutes, and then came out and he had issued a tweet.”); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ivanka Trump, (Apr. 5, 2022), p. 64 (“Within, I believe, a few minutes he had issued that—he put out that tweet, a version of that tweet.”).
203. Donald J. Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 2:38 p.m. ET, available at <https://www.thetrumparchive.com/?searchbox=%22please+support+our%22> (archived).
204. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ivanka Trump, (Apr. 5, 2022), pp. 87–89.
205. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ivanka Trump, (Apr. 5, 2022), p. 88.
206. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Kayleigh McEnany Production), KMC\_000000724, (January 6, 2021, Kayleigh McEnany Notes); Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kayleigh McEnany, (Jan. 12, 2022), p. 185.
207. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ivanka Trump, (Apr. 5, 2022), pp. 88–89; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kayleigh McEnany, (Jan. 12, 2022), p. 185.
208. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
209. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
210. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
211. Carol Leonnig and Philip Rucker, *I Alone Can Fix It: Donald J. Trump’s Catastrophic Final Year* (New York: Penguin, 2021), p. 474.
212. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ivanka Trump, (Apr. 5, 2022), p. 91.
213. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Keith Kellogg, Jr., (Dec. 14, 2021), p. 141.
214. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Cassidy Hutchinson, (Feb. 23, 2022), p. 170.
215. Bob Woodward and Robert Costa, *Peril*, (New York: Simon & Schuster, 2021), p. 248.
216. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Julie Radford, (May 24, 2022), p. 32.
217. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Julie Radford, (May 24, 2022), p. 30.

218. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), p. 37; Hutchinson recalls that Meadows, Herschmann, Ivanka Trump, and others would come and go from the Chief of Staff's office at intervals throughout the afternoon. "I don't know if it was for a breather or to have a conversation away from the dining room," she said. *Id.*, at 31.
219. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), p. 38.
220. Fox News, "U.S. Capitol on Lockdown as Protests Threaten Security," YouTube, Jan. 6, 2021, available at <https://www.youtube.com/watch?v=oFWGBnJ0rQA>.
221. Fox News, "Breaking News: Protestors Now inside U.S. Capitol," YouTube, at 2:40, Jan. 6, 2021, available at <https://www.fox29.com/video/887421>.
222. Fox News, "Pro-Trump Protestors Storm U.S. Capitol," YouTube, Jan. 6, 2021, available at <https://www.youtube.com/watch?v=tVPSYr-xG6s>.
223. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL0000095389.
224. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL0000095393 (Jan. 6, 2021, text between Secret Service agents at 2:41 p.m. EST).
225. Marshall Cohen and Avery Lotz, "The January 6 Insurrection: Minute-by-Minute," CNN, (July 29, 2022), available at <https://www.cnn.com/2022/07/10/politics/jan-6-us-capitol-riot-timeline/index.html>.
226. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000241 (Jan. 6, 2021, Note to President Trump).
227. Select Committee Interview Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of White House Employee, (June 10, 2022), pp. 46–47.
228. *See, e.g.*, Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014921, MM014923, MM014926.
229. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014906. Recently, Representative Greene has qualified her stance on armed rioters at the Capitol. At a Young Republicans event in New York, she said: "I got to tell you something, if Steve Bannon and I had organized [January 6th], we would have won. Not to mention, it would've been armed." She claims she was joking. Aaron Blake, "Analysis: Marjorie Taylor Greene's Jan. 6 'Joke' Has Been Building for a Long Time," *Washington Post*, (Dec. 12, 2022), available at <https://www.washingtonpost.com/politics/2022/12/12/greene-january-6-punchline/>.
230. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014907, MM014908, MM014909, (Jan. 6, 2021, Laura Ingraham text message to Mark Meadows at 2:32 pm); Documents on file with the Select Committee to Investigate the Jan. 6th Attack on the United States Capitol (Mark Meadows Production), MM014911 (Jan. 6, 2021, Laura Ingraham text message to Mark Meadows at 2:32 p.m.).
231. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014912.
232. Documents on File with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014914, MM014915.
233. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014921.
234. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014922.

235. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014919.
236. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014923.
237. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014925.
238. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014926.
239. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014928.
240. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000240 (January 6, 2021 proposed statement).
241. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 28, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
242. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 28, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
243. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 28, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
244. Donald Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 3:13 p.m. EST, available at <https://www.thetrumparchive.com/?searchbox=%22remain+peaceful%22> (archived).
245. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ivanka Trump, (Apr. 5, 2022), p. 119.
246. Select Committee to Investigate the January 6th Attack at the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 88.
247. See, e.g., Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 88; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kayleigh McEnany, (Jan. 12, 2022), p. 172; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony "Pat" Cipollone, (July 8, 2022), p. 155.
248. "Pergram: Most Significant Breach of Government Institution Since 1814," Fox News, Jan. 6, 2021, available at <https://www.foxnews.com/video/6220760122001#sp=show-clips>.
249. Fox News, "Individual Shot in U.S. Capitol," YouTube, at 1:59, Jan. 6, 2021, available at <https://www.youtube.com/watch?v=oL-M0LuE3HK>.
250. "Andy McCarthy Blasts Pro-Trump Protesters after Breach at Capitol," Fox News, at 1:28, Jan. 6, 2021, available at <https://www.foxnews.com/video/6220757649001#sp=show-clips>.
251. Documents on File with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014932, MM014934.
252. Documents on File with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014935. This was sent from a phone number associated with Priebus's family member.
253. Documents on File with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014936.
254. Documents on File with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014937.

255. Documents on File with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014939.
256. Documents on File with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014943.
257. Documents on File with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014944.
258. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014947.
259. Documents on File with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014948.
260. Document on File with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014949.
261. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014956, MM014957.
262. Document on File with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014961.
263. Document on File with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014964.
264. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
265. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), available at <https://www.govinfo.gov/committee/house-january6th>; see also CBS News, "House Minority Leader Kevin McCarthy: 'I completely condemn the violence in the Capitol,'" YouTube, Jan. 6, 2021, available at <https://www.youtube.com/watch?v=MpBbpqO5qgU>.
266. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
267. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 22, 2022), available at <https://www.govinfo.gov/committee/house-january6th>; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony "Pat" Cipollone, (July 8, 2022), p. 163.
268. Donald Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 4:17 p.m. ET, available at <https://www.thetrumparchive.com/?searchbox=%22https%3A%2F%2Ft.co%2Fp2PKV0Fp3%22> (archived).
269. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000255 (Jan. 6, 2021, Daily Diary of President Donald J. Trump).
270. "Bill Hemmer Reports," Fox News, at 3:56 p.m. ET, available at [https://archive.org/details/FOXNEWSW\\_20210106\\_200000\\_Bill\\_Hemmer\\_Reports/start/3360/end/3420](https://archive.org/details/FOXNEWSW_20210106_200000_Bill_Hemmer_Reports/start/3360/end/3420) (archived).
271. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Nicholas Luna, (Mar. 21, 2022), pp. 162–63.
272. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Nicholas Luna, (Mar. 21, 2022), p. 162.
273. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), Video file 40983.

274. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000255 (Jan. 6, 2021, Daily Diary of President Donald J. Trump).
275. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kayleigh McEnany, (Jan. 12, 2022), p. 234. President Trump did not react to her suggestion, McEnany said. *See id.*
276. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Nicholas Luna, (Mar. 21, 2022), p. 161; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), pp. 97–99.
277. Donald Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 4:17 p.m. ET, available at <https://www.thetrumparchive.com/?searchbox=%22https%3A%2F%2Ft.co%2FpM2PKV0Fp3%22> (archived).
278. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), Photo file 4243\_hi\_j0233\_61ae.
279. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Nicholas Luna, (Mar. 21, 2022), p. 182. *See* Select Committee to Investigate the January 6th Attack on the United States Capitol, Interview of White House Employee, (June 10, 2022), pp. 49–50 (remembering that someone in the Rose Garden told the President something along the lines “that he needed to use stronger, more forceful” language in the video).
280. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 99.
281. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Nicholas Luna, (Mar. 21, 2022), p. 181.
282. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 21, 2022), at 1:58:30, available at <https://www.youtube.com/watch?v=pbRVqWbHGuo>.
283. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 12, 2022), available at <https://www.govinfo.gov/committee/house-january6th>. (“[A]s soon as that come out, everybody started talking about it and that’s—it seemed like it started to disperse.”).
284. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 12, 2022), available at <https://www.govinfo.gov/committee/house-january6th> (“Basically, when President Trump put his tweet out. We literally left right after that [had] come out.”).
285. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (July 12, 2022), available at <https://www.govinfo.gov/committee/house-january6th>. (“[I]f he would have done that earlier in the day, 1:30, I—you know, we wouldn’t be in this—maybe we wouldn’t be in this bad of a situation or something.”).
286. “Bill Hemmer Reports,” Fox News, Jan. 6, 2021, available at [https://archive.org/details/FOXNEWSW\\_20210106\\_200000\\_Bill\\_Hemmer\\_Reports/start/780/end/840](https://archive.org/details/FOXNEWSW_20210106_200000_Bill_Hemmer_Reports/start/780/end/840).
287. Donald J. Trump (@realDonaldTrump), Twitter, Jan. 6, 2020 6:01 p.m. ET, available at <https://www.thetrumparchive.com/?searchbox=%22these+are+the+things+and+events%22> (archived).
288. T, available at <https://www.thetrumparchive.com/?searchbox=%22these+are+the+things+and+events%22> (archived).
289. *See* Select Committee to Investigate the January 6th Attack on the United States Capitol, Interview of White House Employee, (June 10, 2022), p. 53.



290. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives production), Photo file 364c\_hi\_j0246\_2fa8.
291. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Interview of White House Employee, (June 10, 2022), p. 53.
292. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (AT&T Production, Feb. 9, 2022).
293. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (AT&T Production, Feb. 9, 2022).
294. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (AT&T Production, Feb. 9, 2022).
295. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (AT&T Production, Feb. 9, 2022).
296. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Rudolph Giuliani Production, Mar. 11, 2022).
297. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Rudolph Giuliani Production, Mar. 11, 2022); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (AT&T Production, Feb. 9, 2022).
298. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (AT&T Production, Feb. 9, 2022).
299. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Rudolph Giuliani Production, Mar. 11, 2022).
300. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Rudolph Giuliani Production, Mar. 11, 2022).
301. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Rudolph Giuliani Production, Mar. 11, 2022).
302. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (AT&T Production, Feb. 9, 2022).
303. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Rudolph Giuliani Production, Mar. 11, 2022); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (AT&T Production, Feb. 9, 2022).
304. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000255 (Jan. 6, 2021, Daily Diary of President Donald J. Trump); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (AT&T Production, Feb. 9, 2022).
305. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Rudolph Giuliani, (May 20, 2022), p. 206. (“You were leaving messages or having phone calls with United States Senators about the joint session of Congress. How could that possibly be [a] privileged conversation?” “Because the conversation is about the theory of the case, and my representation of the client.”).
306. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Rudolph Giuliani, (May 20, 2022), p. 207.
307. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Rudolph Giuliani, (May 20, 2022), p. 206; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Robert O’Brien Production), NSA 0040 (January 6, 2021, text message from Sen. Mike Lee to Robert O’Brien at 10:55 p.m. EST reading, “You can’t make this up. I just got this voice message [from] Rudy Giuliani, who apparently thought he was calling Senator Tuberville.” “You’ve got to listen to that message. Rudy is walking malpractice.”).

308. Steve Hayes, “Giuliani to Senator: ‘Try to Just Slow it Down,’” *The Dispatch*, (Jan. 6, 2021), available at <https://thedispatch.com/p/giuliani-to-senator-try-to-just-slow>.
309. Steve Hayes, “Giuliani to Senator: ‘Try to Just Slow it Down,’” *The Dispatch*, (Jan. 6, 2021), available at <https://thedispatch.com/p/giuliani-to-senator-try-to-just-slow>.
310. Those 13 people are Pat Cipollone, Dan Scavino, Kurt Olsen, Mark Martin, Cleta Mitchell, Rudy Giuliani, Kayleigh McEnany, Jason Miller, Mark Meadows, Steve Bannon, Eric Herschmann, Sean Hannity, and John McEntee. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000255 (Jan. 6, 2021, Daily Diary of President Donald J. Trump); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000261 (Jan. 6, 2021, the Presidential Call Log).
311. H. Rept. 117-152, Resolution Recommending that the House of Representatives Find Stephen K. Bannon in Contempt of Congress for Refusal to Comply with a Subpoena Duly Issued by the Select Committee to Investigate the January 6th Attack on the United States Capitol, 117th Cong., 1st sess. (2021), available at <https://www.congress.gov/117/crpt/hrpt152/CRPT-117hrpt152.pdf>; H. Rept. 117-216, Resolution Recommending that the House of Representatives Find Mark Randall Meadows in Contempt of Congress for Refusal to Comply with a Subpoena Duly Issued by the Select Committee to Investigate the January 6th Attack on the United States Capitol, 117th Cong., 1st sess. (2021), available at <https://www.congress.gov/117/crpt/hrpt216/CRPT-117hrpt216.pdf>; H. Rept. 117-284, Resolution Recommending that the House of Representatives Find Peter K. Navarro and Daniel Scavino, Jr., in Contempt of Congress for Refusal to Comply with a Subpoena Duly Issued by the Select Committee to Investigate the January 6th Attack on the United States Capitol, 117th Cong., 2d sess. (2022), available at <https://www.congress.gov/117/crpt/hrpt284/CRPT-117hrpt284.pdf>; Erik Larson, “Lawyer Who Talked to Trump on Day of Capitol Riot Sues over Subpoena,” *Bloomberg*, (Mar. 25, 2022), available at <https://www.bloomberg.com/news/articles/2022-03-25/lawyer-who-talked-to-trump-on-day-of-mob-riot-sues-over-subpoena> (discussing Kurt Olsen); Caleb Ecarma, “Sean Hannity Wants the January 6 Committee to Believe He’s a Journalist,” *Vanity Fair*, (Jan. 5, 2022), available at <https://www.vanityfair.com/news/2022/01/sean-hannity-january-6-committee-journalist>.
312. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 118; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony “Pat” Cipollone, (July 8, 2022), p. 195.
313. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Cleta Mitchell, (May 18, 2022), p. 131; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Rudolph Giuliani, (May 20, 2022), p. 211.
314. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000255 (Jan. 6, 2021, Daily Diary of President Donald J. Trump); “WATCH: ‘Let’s Get Back to Work,’ Pence Urges Senate,” PBS, (Jan. 6, 2021), available at <https://www.pbs.org/newshour/politics/watch-lets-get-back-to-work-pence-urges-senate>.
315. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000255 (Jan. 6, 2021, Daily Diary of President Donald J. Trump).
316. Olsen authored a memo urging Vice President Pence to adjourn the joint session of Congress without counting electoral votes. See Documents on file with the Select Committee on the January 6th Attack on the United States Capitol (Chapman University Production) Chapman004979 (Jan. 2, 2021, Kurt Olsen Draft Memorandum Entitled, “The Role of the Vice President in Receiving Votes from the Electoral College.”) Martin advised President Trump that Vice President Pence possessed the constitutional authority to impede the electoral

count. See Nicholas Fandos, Peter Baker, and Maggie Haberman, “House Moves to Force Trump Out, Vowing Impeachment if Pence Won’t Act,” *New York Times*, (Jan. 10, 2021), available at <https://www.nytimes.com/2021/01/10/us/politics/trump-impeachment.html>. Both corresponded with John Eastman and others regarding plans to convene alternate electors in states won by Joe Biden. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman023998 (Dec. 6, 2020, Michael Farris email forwarding an email concerning the “Importance of Republican Electors in AZ, GA, MI, NV, PA and WI Voting on Dec 14” at 1:54 p.m. ET). President Trump asked to speak with Mr. Olsen and Mr. Martin before he left the dining room. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R00007401\_00001 (Jan. 6, 2021, Molly Michael email to MBX WHO MA Joint White House Switchboard at 11:28 p.m. ET).

317. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000255 (Jan. 6, 2021, Daily Diary of President Donald J. Trump).
318. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000255 (Jan. 6, 2021, Daily Diary of President Donald J. Trump). Mitchell declined to discuss her conversations with President Trump on attorney-client privilege grounds. She did, however, acknowledge that following the phone call, she took steps to dismiss the President’s pending election suit in Georgia. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Cleta Mitchell, (May 18, 2022), p. 131.
319. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000259 (Jan. 6, 2021, Daily Diary of the President Donald J. Trump); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 118 (Herschmann refused to answer questions about the phone call, citing executive privilege).
320. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000255–P-R000259 (Jan. 6, 2021, Daily Diary of President Donald J. Trump).
321. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000255–P-R000259 (Jan. 6, 2021, Daily Diary of President Donald J. Trump).
322. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000255–P-R000259 (Jan. 6, 2021, Daily Diary of President Donald J. Trump).
323. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000255–P-R000259 (Jan. 6, 2021, Daily Diary of President Donald J. Trump).
324. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000255–P-R000259 (Jan. 6, 2021, Daily Diary of President Donald J. Trump).
325. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jason Miller, (Feb. 3, 2022), pp. 258–59.
326. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jason Miller, (Feb. 3, 2022), p. 258.
327. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jason Miller, (Feb. 3, 2022), p. 258.

328. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of John McEntee (Mar. 28, 2022), pp. 160–61; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000259 (Jan. 6, 2021, Daily Diary of the President Donald J. Trump).
329. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of John McEntee, (Mar. 28, 2022), p. 161.
330. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of John McEntee, (Mar. 28, 2022), p. 161.
331. Insert: Documents on file with the Select Committee (National Archives Production), P-R000259 (Jan. 6, 2021, Daily Diary of the President Donald J. Trump).
332. Documents with file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), P-R000255 (Jan. 6, 2021, The Daily Diary of President Donald J. Trump).
333. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Judson P. Deere, (Mar. 3, 2022), pp. 42–43.
334. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ivanka Trump, (Apr. 5, 2022), pp. 179–80.
335. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ivanka Trump, (Apr. 5, 2022), p. 180.
336. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Patrick MacDonnell Production), PM000158 (Jan. 7, 2021, Patrick MacDonnell text message to personal contact at 9:46 p.m. EST).
337. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Ali Alexander Production), CTRL0000017719, p. 3; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Ali Alexander, (Dec. 9, 2021), p. 57.
338. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Hope Hicks Production), SC\_HH\_042.
339. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Hope Hicks Production), SC\_HH\_040.
340. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Katrina Pierson Production), KPierson0717 (Jan. 6, 2021, Brad Parscale text message to Katrina Pierson at 7:14 p.m. ET).
341. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Katrina Pierson Production), KPierson0718– KPierson20 (Jan. 6, 2021, Brad Parscale text message to Katrina Pierson at 7:22 p.m. ET).









## 8

### ANALYSIS OF THE ATTACK

Late in the evening on January 6, 2021, Henry “Enrique” Tarrío, the head of the Proud Boys, posted a video on his Parler account. The brief footage showed a masked man, wearing a black cape, standing in front of the U.S. Capitol Building. Tarrío titled the 18-second video, set to ominous music, “Premonition.” He offered no further explanation. The clear implication of the brief footage, recorded sometime prior to January 6th, was that Tarrío had foreknowledge of the events that transpired earlier that same day.<sup>1</sup>

Indeed, Tarrío cheered on his fellow Proud Boys as they attacked the U.S. Capitol. He had been arrested and ordered to leave Washington, DC two days earlier. Although Tarrío was not physically present, he continued to monitor and communicate with his men via encrypted chats and social media. At 2:36 p.m. on January 6th, Tarrío wrote on Parler that he was “enjoying the show,” adding: “Do what must be done” and “#WeThePeople.”<sup>2</sup> Two minutes later, Tarrío wrote: “Don’t fucking leave.” Several minutes after that, Tarrío messaged his Proud Boys: “Make no mistake...” and “We did this...”<sup>3</sup>

Law enforcement officials subsequently uncovered significant evidence showing that Tarrío and his lieutenants planned to storm the U.S. Capitol. In June 2022, Tarrío and four other Proud Boys were charged with seditious conspiracy and other crimes related to their alleged responsibility for the assault.<sup>4</sup> The U.S. Department of Justice (DOJ) has alleged that they “conspired to prevent, hinder and delay the certification of the Electoral College vote, and to oppose by force the authority of the government of the United States.”<sup>5</sup> On January 6, 2021, the Proud Boys “directed, mobilized and led members of the crowd onto the Capitol grounds and into the Capitol, leading to dismantling of metal barricades, destruction of property, breaching of the Capitol building, and assaults on law enforcement.”<sup>6</sup>

The Select Committee’s analysis corroborates the DOJ’s findings and allegations. The Select Committee reviewed extensive footage of the attack, including that recorded by the U.S. Capitol Police’s (USCP) surveillance

cameras, the Metropolitan Police Department's (MPD) body-worn cameras, publicly available videos, as well as on-the-ground film produced by an embedded documentarian. The Select Committee interviewed rioters, law enforcement officers, and witnesses that were present on January 6th, while also consulting thousands of court filings. Using these sources of information, the Select Committee developed a timeline of events to understand how the unprecedented attack on the U.S. Capitol unfolded.

As explained below, the Proud Boys marched from the Washington Monument to the U.S. Capitol on the morning of January 6th. While tens of thousands of President Trump's supporters gathered at a rally at the Ellipse near the White House, the Proud Boys prepared to attack. Shortly before the joint session of Congress was set to begin at 1:00 p.m., the Proud Boys instigated an assault on outmanned law enforcement at the Peace Circle, a key location. They quickly overran security barriers and made their way onto the U.S. Capitol's restricted grounds. Throughout the next several hours, members of the Proud Boys led the attack at key breach points, preventing law enforcement from gaining crowd control and inciting others to press forward.

President Trump finished his speech at the Ellipse at approximately 1:10 p.m. Toward the end of his remarks, the President directed his supporters to march down Pennsylvania Avenue to the Capitol. Their natural path took them through the Peace Circle, which had already been cleared out by the Proud Boys and their associates. Thousands of rioters and protestors streamed onto the Capitol's restricted grounds in short order.

The Proud Boys were not solely responsible for attacking the U.S. Capitol. As explained in Chapter 6, other far-right extremists and conspiracy theorists prepared for violence after President Trump summoned them to Washington for a "wild" protest on January 6th. And they joined in the assault as well. Three Percenters, QAnon adherents, and other radicals were on the frontlines, pressing the charge. The Oath Keepers attacked the Capitol, forming two military-style "stacks" to push their way into the building. The white nationalist Groyppers were present as their leader gave an inflammatory speech from the same Peace Circle where the attack was launched. Like members of the Proud Boys, Oath Keepers, and Three Percenters, some of the Groyppers have been charged for their actions on January 6th.

Unaffiliated Americans enraged by President Trump's lies rioted as well. The January 6th, attack has often been described as a riot—and that is partly true. Some of those who trespassed on the Capitol's grounds or entered the building did not plan to do so beforehand. But it is also true that extremists, conspiracy theorists and others were prepared to fight. That is



Trump supporters from around the country gather at the Washington Monument on the morning of January 6, 2021.

Photo by Brent Stirton/Getty Images

an insurrection. They answered President Trump's call to action. Some, like the Proud Boys, deliberately harnessed the mob's anger to overrun the Capitol.

## 8.1 THE MOB ASSEMBLES IN WASHINGTON

During the early morning hours of January 6th, tens of thousands of Americans from around the country began to gather at the Ellipse and the Washington Monument. They had come to hear President Trump speak and, more importantly, for his "wild" protest.

Nick Quested, a documentary filmmaker, captured the mood that morning. Jacob Chansley (a.k.a. the QAnon Shaman) proclaimed "this is our 1776," vowing "Joe Biden is never getting in."<sup>7</sup> An unnamed woman from Georgia, who said she hosted a podcast dedicated to a new so-called Patriot Party, also proclaimed January 6th to be the new 1776. She added an ominous warning. "I'm not allowed to say what's going to happen today because everyone's just going to have to watch. Something's gonna happen, one way or the other."<sup>8</sup>

The Secret Service set up magnetometers to screen for weapons and other contraband, but many rally-goers chose to avoid the screening altogether.

At 6:29 a.m., Stewart Rhodes, the leader of the Oath Keepers, reminded his group's members that DC prohibited blades over "3 inches" and encouraged them to "[k]eep [the knives] low profile."<sup>9</sup> Others were thinking along the same lines. At 7:25 a.m., the National Park Service reported that a significant number of attendees ditched their bags in trees, rather than have them inspected.<sup>10</sup> Cassidy Hutchinson told the Select Committee she heard that thousands of people refused to walk through magnetometers to enter the Ellipse because they did not want to be screened for weapons.<sup>11</sup> According to Hutchinson, the Deputy Chief of Staff for Operations whose responsibilities included security-related issues, Tony Ornato, told the President that the onlookers "don't want to come in right now. They—they have weapons that they don't want confiscated by the Secret Service."<sup>12</sup> When he arrived at the Ellipse that morning, President Trump angrily said: "I don't [fucking] care that they have weapons. They're not here to hurt *me*. They can march to the Capitol from here."<sup>13</sup>

Approximately 28,000 rally-goers did pass through the magnetometers. The Secret Service confiscated a significant number of prohibited items from these people, including: 269 knives or blades, 242 cannisters of pepper spray, 18 brass knuckles, 18 tasers, 6 pieces of body armor, 3 gas masks, 30 batons or blunt instruments, and 17 miscellaneous items like scissors, needles, or screwdrivers.<sup>14</sup>

At 8:07 a.m., Secret Service countersurveillance agents reported that "members of the crowd are wearing ballistic helmets, body armor and carrying radio equipment and military grade backpacks."<sup>15</sup> By 9:45 a.m., the Secret Service noted people openly carrying pepper spray as they strolled the streets.<sup>16</sup>

President Trump's mob was itching for a fight. National Park Service officers arrested a man who had entered the restricted area around the Washington Monument. Immediately, about 100 people started forming a circle around the officer, "threaten[ing] law enforcement," as the officer later recounted.<sup>17</sup> The officer retreated into the Washington Monument with the man in custody.<sup>18</sup> The crowd responded angrily, punching the Monument's glass windows and continuing to threaten officers.<sup>19</sup> Law enforcement around the Washington Monument felt so unsafe that they "locked themselves in a security box by the mall."<sup>20</sup> Rioters nevertheless "scaled the sides of the security box and climbed on top of the structure."<sup>21</sup> It was a harbinger of things to come.

MPD monitored and responded to a stream of threats that morning. Three men in fatigues from Broward County, Florida brandished AR-15s in

front of MPD officers on 14th Street and Independence Avenue.<sup>22</sup> MPD advised over the radio that one individual was possibly armed with a “Glock” at Fourteenth Street and Constitution Avenue, and another was possibly armed with a “rifle” at Fifteenth Street and Constitution Avenue around 11:23 a.m.<sup>23</sup> The National Park Service detained an individual with a rifle between 12:00 and 1:00 p.m.<sup>24</sup>

Far-right extremists brought guns into Washington or the surrounding area. Christopher Kuehne, a member of the Proud Boys, met up with friends on January 5th to discuss their plans for the following day. One person in attendance said he did not travel to Washington just to “march around” and asked, “do we have patriots here willing to take it by force?”<sup>25</sup> Kuehne told them he had guns, and he was ready to go.<sup>26</sup> During the attack, Kuehne helped prop open Capitol blast doors as besieged law enforcement retreated inside.<sup>27</sup> Guy Reffitt, a Three Percenter from Texas, attended the rally at the Ellipse, and then carried a loaded firearm onto Capitol grounds.<sup>28</sup> Jerod Thomas Bargar lost his gun—that he’d carried from the Ellipse in a ‘We the People’ holster<sup>29</sup>—while scuffling with police on the west side of the Capitol around 2:30 p.m.<sup>30</sup> Bargar wanted to be armed, he said, when he went into the “belly of the beast.”<sup>31</sup>

Mark Andre Mazza drove from Indiana, bringing a Taurus revolver, a .45-caliber weapon that he loaded with both shotgun and hollow-point rounds.<sup>32</sup> After assaulting a police officer, he lost the weapon,<sup>33</sup> dropping it or losing it on the steps of the lower West Plaza leading to the Capitol’s West Front Terrace.<sup>34</sup> The Select Committee reviewed Mazza’s social media accounts before they were taken down, finding that he shared multiple conspiracy theories, including QAnon material.<sup>35</sup> Mazza later indicated that he intended to target House Speaker Nancy Pelosi, telling authorities that “you’d be here for another reason” if he had found the Speaker inside the Capitol.<sup>36</sup>

Lonnie Leroy Coffman from Falkville, Alabama, parked by the Capitol building before walking nearly 2 miles to the Ellipse to hear the President speak.<sup>37</sup> In his car, he had stocked a handgun, a rifle, a shotgun, hundreds of rounds of ammunition, large-capacity ammunition-feeding devices, machetes, camouflage smoke devices, a bow and arrow, and 11 Mason jars filled with gasoline and styrofoam, as well as rags and a lighter (tools needed to make Molotov cocktails).<sup>38</sup> Police found two more handguns on Coffman when he was arrested later that day.<sup>39</sup>

Many in attendance were aware of Washington’s prohibition on carrying a concealed weapon and made plans accordingly. The Oath Keepers left their guns stowed away in their cars or across State lines for easy access should they be needed.<sup>40</sup> The group staged a “quick reaction force” across



the river in Virginia, amassing an arsenal to come to DC “by land” or “by sea,” as Florida State-chapter lead—and defendant convicted of seditious conspiracy—Kelly Meggs said.<sup>41</sup> Oath Keeper Jason Dolan testified at the seditious conspiracy trial that the “quick reaction force [was] ready to go get our firearms in order to stop the election from being certified within Congress.”<sup>42</sup> Dolan further testified that the Oath Keepers came to Washington, DC “to stop the certification of the election... [b]y any means necessary. That’s why we brought our firearms.”<sup>43</sup>

Garret Miller—a January 6th defendant who traveled from Richardson, Texas—posted on Facebook that “he was bringing guns with him but ‘might just keep 1 hidden one and store the rest in Virginia’” after learning about the DC law.<sup>44</sup> He also threatened to assassinate Congresswoman Alexandria Ocasio-Cortez and predicted a “civil war could start.”<sup>45</sup>

Many members of the crowd decided against bringing firearms into the nation’s capital, and armed themselves in other ways. Alex Kirk Harkrider from Carthage, Texas, and his co-defendant, Ryan Nichols, left guns in a parked car just outside the district before attending the rally.<sup>46</sup> Harkrider still brought a tomahawk axe.<sup>47</sup> During the march to the Capitol, he yelled “[c]ut their fucking heads off!”<sup>48</sup> One rioter told the Select Committee he saw another carrying a “pitchfork.”<sup>49</sup>

Members of the mob carried flags and turned the flagpoles into weapons. Michael Foy, from Wixom, Michigan, carried a hockey stick to the Ellipse—he draped a Trump flag over it.<sup>50</sup> Just hours later, Foy used that hockey stick to repeatedly beat police officers at the inaugural tunnel.<sup>51</sup> Former New York City police officer Thomas Webster carried a Marine flag, which he later used to attack an officer holding the rioters back at the lower West Plaza.<sup>52</sup> Another individual, Danny Hamilton, carried a flag with a sharpened tip, which he said was “for a certain person,” to which Trevor Hallgren (who had traveled with Hamilton to Washington, DC) responded: “it has begun.” Later, Hallgren commented that “[t]here’s no escape Pelosi, Schumer, Nadler. We’re coming for you... Even you AOC. We’re coming to take you out. To pull you out by your hairs.” On January 5th, Hallgren took a tour of the Capitol with Representative Barry Loudermilk, during which he took pictures of hallways and staircases.<sup>53</sup>

The mob President Trump summoned to Washington, DC, on January 6th, was prepared to fight.

## 8.2 MARCH OF THE PROUD BOYS

While tens of thousands of President Trump’s supporters attended the rally at the Ellipse, the Proud Boys had other plans. On the morning of January



6th, they gathered at the Washington Monument. At 10:30 a.m., the Proud Boys started their march down the National Mall towards the U.S. Capitol. In total, there were approximately 200–300 Proud Boys, as well as their associates, in the group.<sup>54</sup>

Enrique Tarrío, the chairman of the Proud Boys, was not in attendance. As explained in Chapter 6, Tarrío had been arrested two days earlier and ordered to leave Washington. However, Tarrío continued to monitor events remotely from Baltimore, communicating with his men throughout the day. With Tarrío offsite, the Proud Boys were led by three other senior members of the group: Ethan Nordean, Joseph Biggs, and Zachary Rehl.

Ethan Nordean (a.k.a. “Rufio Panman”) was a member of the Proud Boys’ Elders chapter and president of his local chapter in Seattle, Washington.<sup>55</sup> Nordean was regarded as the leader for January 6th after Tarrío was arrested.<sup>56</sup> In the days leading up to January 6th, Nordean made ominous comments on social media. In conversations with his fellow Proud Boys, he argued that the Presidential election was tainted by fraud and violence was a necessary remedy. For example, on January 4th, Nordean posted a video on social media with the title: “Let them remember the day they decided to make war with us.”<sup>57</sup> In another social media post on January 5th, Nordean warned “we are coming for them.”<sup>58</sup> He added a telling line: “You’ve chosen your side, black and yellow teamed with red, white and blue against everyone else.”<sup>59</sup> The “black and yellow” is a reference to the Proud Boys. And when Nordean wrote the “red, white and blue,” he likely meant the Trump supporters who would be in attendance for January 6th.

Joseph Biggs (a.k.a. “Sergeant Biggs”) was a senior Proud Boys member and served as an event “organizer” for the group.<sup>60</sup> Biggs previously worked with Alex Jones and InfoWars.<sup>61</sup> In late December 2020, Biggs posted a message on Parler in which he explained that the Proud Boys “will not be attending DC in colors.”<sup>62</sup> That is, unlike at previous events, the Proud Boys would not wear their branded, black and yellow clothing, but instead seek to be inconspicuous. Biggs continued:

We will be blending in as one of you. You won’t see us. You’ll even think we are you... We are going to smell like you, move like you, and look like you. The only thing we’ll do that’s us is think like us! Jan 6th is gonna be epic.<sup>63</sup>

Tarrío posted a similar message, saying the Proud Boys would go “incognito” on January 6th.<sup>64</sup> Consistent with this decision, Biggs was dressed in a plaid shirt, glasses, and dark hat as he led the march from the Washington Monument.<sup>65</sup> Other Proud Boys dressed in a similar fashion.



Protestors, including a group of Proud Boys, gather at the Capitol on January 6, 2021.

Photo by Jon Cherry/Getty Images

Zachary Rehl (a.k.a. “Captain Trump”) was president of the local Philadelphia, Pennsylvania Proud Boys chapter.<sup>66</sup> Like his comrades, Rehl believed President Trump’s Big Lie about the 2020 Presidential election.<sup>67</sup> He raised more than \$5,500 in funds for January 6th. Like Nordean, Biggs and others, Rehl was dressed “incognito” as he helped lead the group from the Washington Monument.<sup>68</sup>

Shortly after 11:00 a.m., the Proud Boys arrived at the west side of the Capitol, near a reflecting pool. From there, they marched to the east front of the Capitol. Surveillance footage shows the Proud Boys passing Garfield Circle on the southwest corner of the Capitol at 11:15 a.m.<sup>69</sup> They walked north towards the Peace Circle next, and surveillance cameras captured them on video there at approximately 11:21 a.m.<sup>70</sup> There was just one USCP officer standing guard at the Peace Circle fence at the time.<sup>71</sup>

As the Proud Boys paraded around the Capitol grounds, Nick Quested, a documentary filmmaker who spent time with the group, recalled them taunting USCP officers. One Proud Boy told the officers to “[r]emember your oath,” “[c]hoose a side,” and “[b]e on the right side of history.”<sup>72</sup> By 11:41 a.m., the Proud Boys made their way around to the east side of the Capitol, crossing along Constitution Avenue.<sup>73</sup> While on the east front, they posed for pictures with members of their Arizona delegation, who were

clearly identifiable by their orange caps.<sup>74</sup> They then walked back across the north side of the Capitol towards the National Mall, where they stopped to eat at food trucks.<sup>75</sup> The Proud Boys stayed by the food trucks until they returned to the Peace Circle at approximately 12:49 p.m.<sup>76</sup>

### 8.3 THE INITIAL ATTACK

Within minutes of arriving at the Peace Circle, the Proud Boys and their associates launched the attack on the U.S. Capitol. The circle is the site of the Peace Monument, a statue erected from 1877 to 1878 to commemorate naval deaths at sea during the Civil War with “two classically robed” women—one woman representing “grief,” covering her face, and the other woman representing “history.” The woman standing in for “history” holds a tablet that reads, “They died that their country might live.”<sup>77</sup>

The Peace Circle’s geographical location is crucially important for understanding how the January 6th, attack unfolded. It sits at the end of Pennsylvania Avenue, just in front of the U.S. Capitol. At the conclusion of his speech at the Ellipse, President Trump directed rally attendees to march down Pennsylvania Avenue to the U.S. Capitol. Their shortest natural path would lead them right to the Peace Circle and to the northwest side of the Capitol grounds, also known as the West Plaza. By the time rally-goers arrived, the Proud Boys and their allies had already removed the fencing that stood in the crowd’s way. As a result, thousands of people streamed into the restricted Capitol grounds with relative ease.

When the Proud Boys arrived back at the Peace Circle at 12:49 p.m., they still had about 200 to 300 members and many other protestors had joined them.<sup>78</sup> Shortly after arriving, the Proud Boys incited the crowd with antagonistic chants such as “1776.”<sup>79</sup> Officer Caroline Edwards, who was standing guard, explained to the Select Committee that the Proud Boys asked her and the other USCP officers if they could walk past the fencing and talk to the officers. “No,” she replied. The Proud Boys and others immediately turned on Edwards and her fellow officers, referring to them as “Nancy Pelosi’s dogs” and shouting.<sup>80</sup>

At approximately 12:51 p.m., Quesada captured a rioter named Ryan Samsel with his arm around Proud Boys leader Joe Biggs, who led the chants.<sup>81</sup> Samsel subsequently claimed that Biggs encouraged him to push through the barricades and, when Samsel hesitated to follow through, Biggs “flashed a gun, questioned his manhood and repeated his demand” to move to the front and “challenge the police.”<sup>82</sup> Biggs has contested Samsel’s version of events.<sup>83</sup> After speaking with Biggs, Samsel breached the outer fencing of the Peace Circle at 12:53 p.m.<sup>84</sup> The first set of fencing at the

Peace Circle was staged on 1st Street Northwest, with the second set of fencing not far behind. Once Samsel breached the outer fencing, USCP officers, including Officer Edwards, moved from their posts to meet Samsel and other rioters.<sup>85</sup>

In less than a minute, at 12:54 p.m., the rioters pushed USCP officers to the ground, removed the fencing, and quickly stormed east towards the U.S. Capitol building.<sup>86</sup> Officer Edwards was thrown to the ground, causing her to hit her head on concrete steps.<sup>87</sup>

Two Proud Boys from New York, Dominic Pezzola and William Pepe, were among those leading the march to the next line of security barriers.<sup>88</sup> Pepe, an employee of the Metropolitan Transportation Authority in upstate New York, took sick leave to travel to Washington for the January 6th events.<sup>89</sup> Pepe dragged part of the fence away at the next security barrier, ensuring that USCP officers were left defenseless.<sup>90</sup> The Proud Boys' actions were not spontaneous. Jeffrey Finley, a Proud Boys leader from West Virginia, later admitted "there appeared to be a coordinated effort to pull the barricades apart."<sup>91</sup> Proud Boy Jeremy Bertino admitted to similar facts when pleading guilty to seditious conspiracy, stating that he "believed... that the purpose of traveling to Washington, DC, on January 6, 2021, was to stop the certification of the Electoral College Vote, and that the MOSD leaders were willing to do whatever it would take, including using force against police and others, to achieve that objective." Based on discussions he and other Proud Boys leaders had in the leadup to January 6th, he "believed that storming the Capitol would achieve the group's goal of stopping Congress from certifying the Electoral College Vote. Bertino understood that storming the Capitol or its grounds would be illegal and would require using force against police or other government officials."<sup>92</sup>

Parallel to the Peace Circle, at the Garfield Circle walkway located at the southeast corner of the Capitol grounds, rioters breached the fencing at 12:55 p.m. and began rushing the West Plaza where they would converge with others from the Peace Circle.<sup>93</sup>

By 12:58 p.m., the crowd filled the lower West Plaza of the Capitol just below the inauguration stage that had been built for the ceremony scheduled two weeks later. After the initial breaches, the USCP was able to deploy enough officers to stop the rioters from advancing past the base of the inauguration stage. More importantly, rioter momentum was further halted when the first group of MPD officers arrived on scene at 1:11 p.m.,<sup>94</sup> almost precisely as President Trump finished his Ellipse speech. The MPD officers initially pushed back the rioters on the West Plaza, slowing them down before they would later breach the Capitol.<sup>95</sup>

A stalemate ensued on the West Plaza before rioters were able to make any further progress. Rally-goers arriving from the Ellipse provided crucial momentum.

#### 8.4 PRESIDENT TRUMP'S MOB DESCENDS ON THE U.S. CAPITOL

Toward the end of his speech at the Ellipse, President Trump made sure an already angry crowd of his supporters stayed enraged. "We fight like hell[,] and if you don't fight like hell, you're not going to have a country anymore," the President told the tens of thousands of people who had assembled at the Ellipse, or in the vicinity. About one minute later, President Trump directed those in attendance "to walk down Pennsylvania Avenue ... to the Capitol." The President told the people they were "going to try and give" Republicans, including his own Vice President, "the kind of pride and boldness that they need to take back our country."<sup>96</sup>

"There's enough people here to storm the Capitol," a member of the crowd said at 1:06 p.m., just as the President was concluding his remarks.<sup>97</sup> Ronald Sandlin, who pleaded guilty to and has been sentenced for felonies committed on January 6th, including telling officers in the Capitol that "[y]ou're going to die," watched the President's speech from a nearby restaurant and live-streamed a video in which he encouraged "other patriots" to "take the Capitol."<sup>98</sup> Sandlin repeated the phrase "freedom is paid for with blood" several times during his video.<sup>99</sup>

"We're getting ready to go march on Capitol Hill. We're gonna go fuck some shit up," Cody Mattice, another January 6th defendant who pleaded guilty and has been sentenced,<sup>100</sup> said while walking to the Capitol. Mattice later added: "We're getting up front, and we're taking this shit."<sup>101</sup> Ryan Nichols, who was charged with eight felonies, livestreamed a diatribe as he marched towards the Capitol at 1:40 p.m. Nichols echoed the President's unconstitutional claim that Vice President Pence had the power to decide the election himself. "I'm hearing that Pence just caved. ... I'm telling you if Pence caved, we're gonna drag motherfuckers through the streets," Nichols said.<sup>102</sup> "Cut their heads off!" Nichols yelled with his codefendant Harkrider, before encouraging others to join "Republican protestors [who] are trying to enter the House right now."<sup>103</sup>

On the way to the Capitol, Oath Keeper Jessica Watkins chatted with others in a Zello group named "Stop the Steal J6." Watkins said that "100%" of the Ellipse crowd was "marching on the Capitol," because "it has spread like wildfire that Pence has betrayed us."<sup>104</sup> As she approached the Capitol with a contingent of Oath Keepers, Watkins said: "I'm probably gonna go silent when I get there 'cause I'm a be a little busy."<sup>105</sup> Donald



Hazard, a Three Percenter from Texas who claimed to be allied with Proud Boys on January 6th, told a *Washington Post* reporter that he wanted his face recorded on video as he marched to the Capitol. “I want the enemy to know exactly who is coming after them,” Hazard explained.<sup>106</sup>

Leaders of the “Stop the Steal” movement continued to incite the crowd during the march as well. Alex Jones of InfoWars arrived at the Ellipse shortly before 9:00 a.m. on the morning of January 6th.<sup>107</sup> After some initial difficulty gaining access to the event area, Jones was seated in the VIP section.<sup>108</sup> While Jones stayed to listen to a portion of President Trump’s speech, planning for the crowd’s march to the Capitol was already underway and Jones intended to leave the Ellipse early to lead the march. The origins of the plan to have Jones lead the march are unclear. Jones has publicly stated that “the White House told me three days before, we are going to have you lead the March.”<sup>109</sup> Stop the Steal’s Ali Alexander also believed “the White House” wanted him to lead a march to the Capitol.<sup>110</sup> It is likely that both got that idea from Caroline Wren, a Republican fundraiser who helped organize the Ellipse event.<sup>111</sup> Jones texted Wren at 12:27 p.m., asking when he should leave the Ellipse and begin the march.<sup>112</sup>

While Wren originally expected Jones, Roger Stone, and retired Lt. Gen. Michael Flynn to march to the Capitol, Stone did not attend the Ellipse rally and so he was not present to accompany Jones on the march as planned.<sup>113</sup> Additionally, while President Trump was delivering his speech, Wren asked Flynn if he was going to march with Jones. Flynn responded, “Hell, no. It’s freezing.”<sup>114</sup>

While Stone and Flynn did not march, Jones and Alexander led others to the Capitol, though it is not clear how many people followed them.<sup>115</sup> Jones and Alexander gathered with Jones’s camera and security crew just outside the event perimeter, near Freedom Plaza, to discuss their plans.<sup>116</sup> The discussion, recorded by Alex Jones’s film crew, sheds some light on what Jones and Alexander knew about the President’s plans and what they intended for the march. The group, which included InfoWars host Owen Shroyer, huddled outside the Ellipse security perimeter to discuss how best to proceed. They tried to predict the Presidential motorcade’s route to the Capitol. The video shows Alex Jones telling his crew, “I think the Wren lady, where’s she at? She knows what they said they were going to do. Everything she’s said has been accurate, so we need to call her real quick.”<sup>117</sup> They then decided to walk down Pennsylvania Avenue, as the President had directed in his speech.

Shroyer recommended the group wait for President Trump to finish speaking, and they agreed to at least delay their departure from Freedom Plaza to allow Jones to gather a crowd.<sup>118</sup> Jones began speaking from his





Alex Jones uses a bullhorn to speak to crowd on January 6, 2021.

Photo by Jon Cherry/Getty Images

bullhorn, imploring people to gather and walk down Pennsylvania Avenue.<sup>119</sup> While using the bullhorn, Jones told the crowd that they were experiencing “the second American revolution,”<sup>120</sup> and stated, “[l]et’s go take our country back. Trump is only minutes away. Let’s start marching to the Capitol, peacefully.”<sup>121</sup>

Proud Boys were among the crowd Jones gathered during his march. Matthew Walter, president of a Tennessee chapter of the organization,<sup>122</sup> was near the National Mall with two other Proud Boys from Tennessee and decided to join Jones.<sup>123</sup> Other, more prominent members of the Proud Boys appear to have been in contact with Jones and Shroyer about the events of January 6th and on that day. Records for Enrique Tarrío’s phone show that while the attack on the Capitol was ongoing, he texted with Jones three times and Shroyer five times.<sup>124</sup> Ethan Nordean’s phone records reflect that he exchanged 23 text messages with Shroyer between January 4th and 5th, and that he had one call with him on each of those days.<sup>125</sup> Records of Joseph Biggs’s communications show that he texted with Shroyer eight times on January 4th and called him at approximately 11:15 a.m. on January 6th, while Biggs and his fellow Proud Boys were marching at and around the Capitol.<sup>126</sup>

Once they had marched the length of Pennsylvania Avenue and reached the west side of the Capitol, Jones and Alexander used a bullhorn to continue directing those around them to the east side, making further references to President Trump's alleged imminent arrival. A video recorded by a rallygoer at 1:51 p.m. shows Jones and Alexander standing together as Jones encourages the crowd to proceed to the east side of the Capitol. He tells those listening that "we've got a permit on the other side, it's great that this happened, but Trump's not going to come when we've taken this over. We are not Antifa, we are not BLM."<sup>127</sup>

Jones has repeatedly claimed that he tried to calm the crowd, but his actions also coincided with two police line breaches and one breach of the Capitol building itself. At 1:57 p.m., minutes after Jones encouraged rallygoers to move east, newly arrived protestors breached the bike rack fencing used to keep the crowd away from the east side steps.<sup>128</sup> After the breach, police retreated to the base of the large set of steps behind them and the crowd moved forward to meet the newly established police line.<sup>129</sup>

Jones followed shortly behind the crowd that led the initial east fence breach, and his arrival coincided with the next breach up the east stairs. Publicly available video shows Jones already departed from the west side, rounding the north side of the Capitol on the way to the east side at 2:00 p.m.<sup>130</sup> As he was walking, Jones told his group, "those fucking cops need to fucking back off man."<sup>131</sup> He was then asked about Vice President Pence, to which Jones responded: "he floundered and was neutral, he passed the ball."<sup>132</sup> At the conclusion of the video, one of Jones's camera crew can be heard saying, "let's take a break here. Let me talk to this cop to see if I can get Alex up there to deescalate the situation." Other video released by Jones shows one of his camera crew interacting with USCP officers and asking how Jones can help deescalate the situation.<sup>133</sup> The Select Committee's review of the evidence showed that Jones simultaneously called on the crowd to "fight" and start a "revolution," while occasionally peppering his rhetoric with the word "peacefully."

Minutes after Jones's arrival on the scene, at approximately 2:06 p.m., rioters breached the new police line and stormed up the stairs towards the Columbus Doors (also known as the Rotunda Doors).<sup>134</sup> The crowd's cheers and celebration as they move up the steps can be heard while Jones's camera crew negotiates with USCP officers nearby.<sup>135</sup> As explained below, the rioters broke through another key breach point with Jones and Alexander on the scene just minutes later.



Rioters clash with police at the Capitol on January 6, 2021.

Photo by Brent Stirton/Getty Images

## 8.5 THE MOB SURGES

Far-right extremists continued to lead the charge as protestors streamed onto the U.S. Capitol's restricted grounds. On the north side of the West Plaza, there was a scaffold with stairs used by construction workers to build the inauguration stage. Law enforcement officers were stationed at the base of the stairs, preventing rioters from climbing to the upper West Plaza, where doors to the Capitol building itself were located. At 1:49 p.m., MPD declared a riot at the Capitol.<sup>136</sup>

Shortly before 1:50 p.m., rioters gathered in front of this scaffold on the northwest corner of the Capitol. The rioters included Proud Boys and other extremists. One rioter, Guy Reffitt, belonged to a Three Percenter group from Texas.<sup>137</sup> By approximately 1:50 p.m., he stood at the front of the pack near the scaffold, carrying a pistol and flexicuffs.<sup>138</sup> He wore body armor under a blue jacket and a helmet with a mounted body camera.<sup>139</sup>

Reffitt advanced on the police line, absorbing rubber bullets and pushing through chemical spray.<sup>140</sup> As he recounted shortly after the attack, Reffitt got "everything started moving forward."<sup>141</sup> He "started the fire"

and the presence of law enforcement was not going to prevent Reffitt's advance.<sup>142</sup> According to Reffitt:

[T]here was no reason for me to give up because I had come so far to do what I wanted, what we wanted and needed to do. And I had a mindset. I didn't mean to actually be the first guy up there. I didn't even mean to do that. I just, the adrenaline and knowing that I can't let my country fall.<sup>143</sup>

Reffitt had indeed planned for violence on January 6th, noting on December 28, 2020, that he would "be in full battle rattle."<sup>144</sup> While driving to Washington, DC on January 5th, Reffitt expressed his desire to "drag[ ] those people out of the Capitol by their ankles" and "install[ ] a new government."<sup>145</sup> On the morning of January 6th, Reffitt clarified the target, telling "other members of his militia group and those gathered around him" at the Ellipse that "I'm taking the Capitol with everybody fucking else" and that "[w]e're all going to drag them mother fuckers out kicking and screaming. . . . I just want to see Pelosi's head hit every fucking stair on the way out. . . . And Mitch McConnell too. Fuck' em all."<sup>146</sup> Reffitt was convicted and ultimately sentenced to 7 years in prison for his conduct.<sup>147</sup>

A member of the Proud Boys, Daniel Scott, helped lead the charge up the scaffolding stairs.<sup>148</sup> Scott, also known as Milkshake, had marched with the Proud Boys from the Washington Monument to the Capitol. During the march, Scott was recorded in a video yelling, "Let's take the fucking Capitol!"<sup>149</sup> Someone else responded, "Let's not fucking yell that, alright?" And then Nordean added: "It was Milkshake, man, you know. . . idiot." Scott had apparently blurted out the Proud Boys' plan. At the scaffolding, Scott then helped others "take" the U.S. Capitol. While wearing a blue cap with white lettering that read, "Gods, Guns & Trump," he pushed police officers backwards, clearing a path for the rioters. Another Proud Boy, Chris Worrell, was also nearby.<sup>150</sup> As rioters massed under the scaffold, Worrell sprayed officers with OC (or pepper) spray.<sup>151</sup> Other Proud Boys were present at the scaffold, including Micajah Jackson<sup>152</sup> and Matthew Greene.<sup>153</sup>

The attack at and in the vicinity of the scaffolding cleared a path for a wave of rioters who forced their way up the stairs and to the U.S. Capitol building itself.<sup>154</sup> As the rioters rushed up the stairs, another January 6th defendant, Ryan Kelley, climbed up the scaffolding around 1:51 p.m.<sup>155</sup> In the ensuing minutes he waved people on, encouraging them to follow.<sup>156</sup> Kelley—who ran in the Republican primary to be the governor of Michigan in 2022—denied to the Select Committee that he had climbed the scaffolding to wave people on.<sup>157</sup> The FBI arrested Kelley a few months after his deposition.<sup>158</sup>

By 2:00 p.m., rioters at the top of the scaffolding stairs were only feet away from Capitol building doors and windows.

## 8.6 THE UNITED STATES CAPITOL IS BREACHED

Incited by President Trump, over the course of the next hour, extremists, conspiracy theorists and others breached the U.S. Capitol building at several locations. They probed for weaknesses in the building's defenses, battling law enforcement personnel who stood in their way. Once again, the Proud Boys and other extremists played conspicuous roles.

### THE SENATE WING IS BREACHED AT 2:13 P.M.

At 2:13 p.m., Dominic Pezzola, a Proud Boy from New York, smashed a window on the Senate wing.<sup>159</sup> This was the first breach of the Capitol building. Pezzola used a riot shield he stole from a law enforcement officer to break through the window. After climbing through, rioters were able to easily open a nearby Senate wing door from the inside—giving them unfettered passage into the building at 2:14 p.m. Two minutes later, at approximately 2:16 p.m., rioters pushed opened a second door, the Senate fire door, from the inside.<sup>160</sup> Just as the building was being breached, Vice President Pence and Speaker Pelosi were ushered off the Senate and House floors, respectively.<sup>161</sup>

The first person to enter the Capitol building was a Kentucky native named Michael Sparks. Sparks had expressed his desire to kill people after watching protests in the summer of 2020.<sup>162</sup> Following one of President Trump's calls to Washington, DC on December 30, 2020, Sparks answered that he would "be there."<sup>163</sup>

As Pezzola entered the building, he was joined by other noteworthy extremists and conspiracy theorists. Robert Gieswein, an individual from Colorado affiliated with Three Percenters who espoused conspiracy beliefs, climbed through the Senate wing window.<sup>164</sup> Doug Jensen, a QAnon adherent, was part of this first cadre of people to enter the Capitol as well.<sup>165</sup> Jensen wore a brazen "Q" shirt. Jensen later told authorities that he "intentionally positioned himself to be among the first people inside the United States Capitol because... he wanted to have his t-shirt seen on video so that 'Q' could 'get the credit.'" <sup>166</sup> Another prominent QAnon believer, Jacob Chansley (a.k.a. the "QAnon Shaman"), also entered through the Senate wing door at approximately 2:14 p.m.<sup>167</sup>

White supremacists and Confederate-sympathizers were among the first rioters to enter the U.S. Capitol. Kevin Seefried and his son, Hunter, entered the building at approximately 2:13 p.m. through the Senate wing window smashed by Proud Boy Dominic Pezzola.<sup>168</sup> Kevin Seefried carried a





Doug Jensen and rioters confront police after storming the Capitol.

(Photo by Win McNamee/Getty Images)

Confederate Battle Flag with him and unfurled it inside the building. According to some historians, while the Confederate Flag has appeared in the building before, it was the first time that an insurrectionist ever carried the banner inside the U.S. Capitol.<sup>169</sup> According to court filings, Hunter Seefried helped punch out the Senate wing window and then clear the broken glass before he, his father and others entered the Capitol.<sup>170</sup> Kevin Seefried was found guilty of obstructing an official proceeding, which is a felony offense, as well as four misdemeanors.<sup>171</sup> The Department of Justice has alleged that at 2:16 p.m., just 3 minutes after the Senate wing was first breached, five individuals associated with the Nick Fuentes's white nationalist "America First" movement entered the U.S. Capitol.<sup>172</sup> The five, all of whom are in their 20s, have been identified as: Joseph Brody, Thomas Carey, Gabriel Chase, Jon Lizak, and Paul Lovley.<sup>173</sup> Four of the five "initially met at an America First event and attended subsequent events together."<sup>174</sup> Nick Fuentes and other America First leaders espouse "a belief that they are defending against the demographic and cultural changes in America."<sup>175</sup> Online researchers say that Brody is the masked man seen in a photo wearing a MAGA hat and holding a rifle in front of a Nazi flag.<sup>176</sup> (The photo was not taken on January 6th.) As discussed in Chapter 6, members of the America First movement, commonly known as



“Groypers,” were well-represented at “Stop the Steal” events in late 2020 and these rallies helped pave the road to January 6th. Indeed, at least three members of the group—Lovley, Lizak and Chase—attended the “Stop the Steal, March for Trump” rally in Washington, DC on November 14, 2020.<sup>177</sup>

On January 6th, Brody and his America First associates made their way to various points inside and outside of the Capitol after the initial breach, including House Speaker Nancy Pelosi’s conference room and office, as well as the U.S. Senate Chamber.<sup>178</sup> After exiting the Capitol, the group went to the north side of the building. One of the five, Brody, and another rioter allegedly used a “metal barricade” to assault a law enforcement officer who was defending the North Door.<sup>179</sup> (The attack on the North Door is discussed below.) Brody and Chase also allegedly helped others destroy media equipment.<sup>180</sup> Still another America First associate, Riley Williams, directed rioters up a staircase to Speaker Pelosi’s office and was accused of aiding and abetting the theft of a laptop found there.<sup>181</sup> Other white supremacists were among the first rioters to enter the U.S. Capitol. Timothy Hale-Cusanelli, an Army Reservist from New Jersey who was identified by a confidential source to law enforcement as an “an avowed white supremacist and Nazi sympathizer,” entered through the Senate wing breach around 2:14 p.m.<sup>182</sup> Hale-Cusanelli “[u]sed tactical hand signals” to direct other members of the mob, and he commanded them to “‘advance’ on the Capitol.”<sup>183</sup> Afterwards, he bragged to a friend that January 6th was “exhilarating,” that he hoped “for a ‘civil war,’ and that the ‘tree of liberty must be refreshed with the blood of patriots and tyrants.’”<sup>184</sup> Robert Packer was also among the first rioters to enter the Capitol, and he made his way into the Crypt by 2:25 p.m.<sup>185</sup> Packer was wearing a “Camp Auschwitz” sweat-shirt, a “symbol of Nazi hate ideology,” at the time.<sup>186</sup>

After breaking in, some of the first rioters headed north toward the Senate chambers.<sup>187</sup> Officer Eugene Goodman, a USCP officer, intercepted them before they headed up the stairs leading to the chambers. Immediately after entering, a rioter asked Officer Goodman, “Where are the [M]embers at?” and “where are they counting the votes?”<sup>188</sup> Jensen, Gieswein, Sparks, and others stalked Officer Goodman through the halls of the Senate.<sup>189</sup> Jensen demanded that Officer Goodman and other USCP officers arrest Vice President Pence.<sup>190</sup> Sparks chanted, “This is our America!”<sup>191</sup> Other rioters who entered through the Senate wing door clashed with police offices at the Senate carriage door located on the northeast side of the Capitol.<sup>192</sup> When the rioters followed Officer Goodman up the stairs to the Senate Chamber, they were stopped by a line of USCP officers outside the Ohio Clock Tower.<sup>193</sup>

Joe Biggs of the Proud Boys entered the Capitol shortly after the first breach. At 2:14 p.m., Biggs walked through the senate wing door and moved north. Part of his route was captured in videos posted on Parler, a right-wing social media site.<sup>194</sup> Someone recorded the Proud Boys leader shortly after he entered the Capitol and asked him, “Hey Biggs what do you gotta say?”<sup>195</sup> Smiling, Biggs replied: “this is awesome!”<sup>196</sup> Other Proud Boys were seen with Biggs, or near him, as he entered the Capitol. One of them is Paul Rae, a Proud Boys member from Florida, who appears to have communicated directly with Biggs after they entered through the door.<sup>197</sup> Another Proud Boy from Florida, Arthur Jackman, was seen with his hand on Biggs’s right shoulder. Jackman “became involved in the Proud Boys to support Donald Trump,” was in Washington on January 6th “to support President Trump and to stop the steal” and “believe[d] the election was stolen.” Still another, Joshua Pruitt, who was clad in a Punisher shirt, entered the Capitol through the Senate wing door around this time.<sup>198</sup> At approximately 2:17 p.m., 3 minutes after entering the U.S. Capitol for the first time, Biggs exited through another door.<sup>199</sup>

At 2:43 p.m., law enforcement was able to regain control of the Senate wing door, forcing all the rioters out. But their success lasted for only 5 minutes. At 2:48 p.m., rioters again breached the Senate wing door, pushing law enforcement out of the way.<sup>200</sup> The second breach was one of the more violent breaches of the day, with the mob forcefully pushing law enforcement backwards until the pathway was clear for them to enter.

#### **THE COLUMBUS DOORS (EAST ROTUNDA DOORS) ARE BREACHED AT 2:24 P.M. AND 2:38 P.M.**

While the Proud Boys and other extremists were overwhelming law enforcement at the West Plaza scaffolding, another group led the attack on security barriers on the East Plaza. At 2:06 p.m., a crowd broke through security barriers and charged a set of doors just outside the Rotunda.<sup>201</sup> The mob’s surge occurred just minutes after Alex Jones arrived on the scene.<sup>202</sup> The crowd’s cheers and celebration as they move up the steps can be heard while Jones’s camera crew negotiates with USCP officers nearby.<sup>203</sup>

Once rioters had filled the Rotunda stairs, Jones and his team, along with the Proud Boy Walter, ascended the stairs. They moved into the thick of the crowd at the top of the stairs, where Jones began calling for peace but also revolution, leading the crowd in chants of “1776” and other bellicose rhetoric.<sup>204</sup> Publicly available video shows that Jones reached the top of the stairs at 2:18 p.m.<sup>205</sup> Walter told the Select Committee that he thought Jones was successful in getting some people down, “but I also think that may have created enough space for people to be able to move, whereas before you couldn’t move.”<sup>206</sup> Apparently, Jones’s security team also realized he

was not successfully controlling the crowd, as one of his security guards reportedly told him, “Alex, they’re going to blame this all on you, we got to get out of here as fast as possible.”<sup>207</sup> By approximately 2:21 p.m., Jones began descending the stairs.<sup>208</sup> Despite claiming to make attempts to calm the crowd, Jones further incited the mob as he departed, loudly proclaiming “we will never submit to the new world order” and then leading the crowd in the chant “fight for Trump.”<sup>209</sup>

At 2:24 p.m., rioters gained entrance to the Capitol through the doors leading into the Rotunda,<sup>210</sup> an entrance that was only a few feet directly behind Jones as he was speaking. As the Rotunda was breached by rioters, Jones and Alexander left the area and decided to leave the Capitol complex area altogether.<sup>211</sup>

Law enforcement officials were able to thwart the initial breach of the doors leading into the Rotunda. By 2:28 p.m., they temporarily regained control and stopped rioters from entering.<sup>212</sup> But their success was short-lived. Within ten minutes, the doors were breached once again.<sup>213</sup> And two members of the Proud Boys—Ronald Loehrke and James Haffner—helped lead the attack.<sup>214</sup>

Loehrke was allegedly recruited by Nordean, the Proud Boys leader, for January 6th. In late December 2020, Nordean asked Loehrke via text message if he was coming to “DC.”<sup>215</sup> After Loehrke indicated he was, Nordean said he wanted Loehrke “on the front line” with him.<sup>216</sup> Loehrke replied, “Sounds good man.”<sup>217</sup> Loehrke and Haffner marched with the Proud Boys from the Washington Monument to the Capitol grounds and were present during the breach at the Peace Circle.<sup>218</sup> The pair made their way to the east side of the Capitol, where they began removing the security barriers and resisting USCP officers.<sup>219</sup> Other members of the crowd joined. Eventually, the rioters breached these barriers too, allowing them to reach the doors of the Rotunda.

When the rioters reached the Columbus Doors, they were again stopped by USCP officers. But as the officers explained to the Select Committee, the rioters pushed them against the doors and sprayed them with OC spray (commonly known as pepper spray), making it impossible to defend the Capitol.<sup>220</sup> James Haffner was one of the rioters who allegedly sprayed the officers.<sup>221</sup>

Shortly after Haffner and others assaulted the USCP officers, they were able to breach the Columbus Doors at approximately 2:38 p.m. A Proud Boys contingent—including Haffner, Loehrke, and Joe Biggs—then entered the Capitol.<sup>222</sup> It was the second time that Biggs entered the U.S. Capitol that day.

A military-style “stack” of Oath Keepers entered through the Columbus Doors as well. The Oath Keeper members attended the Ellipse rally, where they were provided personal security details for VIPs in attendance.<sup>223</sup> Afterwards, they marched to the Capitol, as directed by President Trump.

Stewart Rhodes, the leader of the Oath Keepers, monitored the attack on the Capitol from just outside, including during the assault on the Columbus Doors. At 2:28 p.m., Rhodes texted members of the F.O.S., or Friends of Stone, (FOS) Signal chat—which included Roger Stone, the Proud Boys’ Enrique Tarrio, Ali Alexander, Alex Jones, and others<sup>224</sup>—that he was at the “Back door of the U.S. Capitol.”<sup>225</sup> Rhodes followed up at 2:30 p.m. by texting members of another chat that there was “Pounding on the doors” of the Capitol.<sup>226</sup>

At 2:32 p.m., Rhodes held a three-way call with two other Oath Keepers, Kelly Meggs and Michael Green.<sup>227</sup> Three minutes later, Meggs’s group (“Stack 1”) started pushing through the rioters amassed on the East Plaza steps in a military-stack formation, with each person placing a hand on the shoulder of the person in front.<sup>228</sup> This stack entered the Capitol around 2:40 p.m.<sup>229</sup>

One minute later, Rhodes was caught on camera on the Upper West Terrace responding to a rioter who said the Members of Congress must be “shitting their pants inside.” Rhodes replied: “Amen They need to shit their fucking pants. Sic semper tyrannis.”<sup>230</sup>

Once inside, Stack 1 moved through the Rotunda. At 2:44 p.m., Stack 1 pushed into the Senate hallway, which was filled with officers blocking the way. “Push, push, push. Get in there. They can’t hold us,” Watkins implored the others. However, the officers repelled their attack, pushing them back into the Rotunda.<sup>231</sup>

Other Oath Keepers made their way to the Capitol as Stack 1 tried to advance. Joshua James and another group of Oath Keepers (“Stack 2”) pushed through the Columbus Doors at approximately 3:15 p.m.<sup>232</sup> “This is my fucking Capitol. This is not yours. This is my building,” James shouted at officers inside the Rotunda who were trying to push the rioters out of the Capitol.<sup>233</sup>

### **ADDITIONAL BREACH POINTS**

In addition to the breaches discussed above, rioters opened other entry points into the U.S. Capitol. The Upper West Terrace door, which leads directly into the Rotunda, was breached at 2:33 p.m. when rioters opened it from the inside.<sup>234</sup>

Inside the Capitol, rioters broke through the police lines, such as in the Crypt, a space located directly underneath the Rotunda. The Crypt is anchored by a marble “compass stone,” marking the center of the building,

and is lined with 13 statues representing the original American colonies.<sup>235</sup> The rioters quickly moved towards the House Chambers and, by 2:40 p.m., started to crowd the main doors outside the Chambers, moving to the east side near the Speaker's lobby. As they moved to the east side, rioters opened the east House doors from the inside at 2:41 p.m., allowing rioters from the northeast side of the Capitol to enter.<sup>236</sup>

The north doors were the last Capitol doors breached. At 3:10 p.m., rioters entered through the north doors where they were quickly met by USCP.<sup>237</sup> Within a minute, the hallway just inside the doors was filled with rioters. At 3:12 p.m., a combination of USCP and MPD officers forcefully pushed the rioters out of the doors.<sup>238</sup> However, rioters continued to attack just outside the north doors throughout the afternoon and evening.

The north doors have an outer entranceway that is separated by a vestibule from a set of inner doors that lead directly into the Capitol. Rioters threw bricks at the doors and forcefully tried to stop police officers from clearing the area.<sup>239</sup> Law enforcement officers briefly opened the inner doors to spray a chemical irritant that was intended to disperse the mob.<sup>240</sup> But the rioters continued to fight. For instance, as the crowd held the outer doors open, John Thomas Gordon of West Virginia repeatedly threw a heavy projectile at the inner doors, while swearing at the officers.<sup>241</sup> Another rioter gave Gordon, who came to Washington to attend the "Stop the Steal" rally, a pair of goggles so he would withstand the chemical spray. Gordon kicked the inner doors as he and others desperately tried to enter the Capitol.<sup>242</sup> Law enforcement held the doors, withstanding the mob's best efforts to break in.

As law enforcement officers started to clear the building, rioters continued to fight police officers at the tunnel on the West Plaza. Rioters violently struck officers, including MPD Officer Daniel Hodges, and sprayed them with OC spray. Although rioters did not break through the police line at the tunnel, they were able to successfully break a window just north of it. There is no surveillance coverage for this area, so Select Committee staff was unable to determine the precise time of the breach. According to open-source videos, however, the breach appears to occur at approximately 4:15 p.m.<sup>243</sup>

## **8.7 PRESIDENT TRUMP POURS FUEL ON THE FIRE**

After Dominic Pezzola and others breached the Capitol at 2:13 p.m., a mob quickly entered and headed towards the Senate and House Chambers, where Members were meeting.<sup>244</sup> As the crowd moved through the Capitol, they chanted "Fight for Trump" and "Stop the Steal!" They also chanted

“Nancy, Nancy” as they searched for Speaker Pelosi.<sup>245</sup> At 2:18 p.m., the House went into recess as hundreds of rioters confronted USCP officers inside the Crypt, which is a short distance from the first breach point.<sup>246</sup>

USCP officers formed a line across the Crypt in an attempt to stop the mob’s advance.<sup>247</sup> By 2:21 p.m., the rioters had tried to break through police lines, but they were temporarily unsuccessful.<sup>248</sup>

As USCP officers held the line inside the Crypt, President Trump poured fuel on the fire, tweeting at 2:24 p.m.:

“Mike Pence didn’t have the courage to do what should have been done to protect our Country and our Constitution, giving states a chance to certify a corrected set of facts, not the fraudulent or inaccurate ones which they were asked to previously certify. USA demands the truth!”<sup>249</sup>

One minute later, the mob violently pushed through the USCP officers in the Crypt and continued moving south towards the House Chamber.<sup>250</sup> Joshua Pruitt, the Proud Boy dressed in a Punisher shirt, was at the front of the line as rioters broke through in the Crypt.<sup>251</sup> Officer David Millard told the Select Committee that rioters in the Crypt claimed they were in the Capitol because their “boss” told them to be there—meaning President Trump.<sup>252</sup> Officer Millard also recalled members of the mob telling him they were there to stop the steal.<sup>253</sup>

After breaking through the police line in the Crypt, the mob pursued USCP officers as they retreated to the U.S. Capitol Visitor’s Center (CVC). Pruitt was among the rioters who advanced into the CVC, where he came close to Senator Chuck Schumer.<sup>254</sup> When the USCP officers attempted to lower metal barriers to halt the crowd’s momentum, another small group of Proud Boys immediately interceded to prevent the barricades from coming down.<sup>255</sup> The Proud Boy contingent included three men from the Kansas City, Kansas area: William Chrestman,<sup>256</sup> Chris Kuehne,<sup>257</sup> and Louis Colon.<sup>258</sup> Felicia Konold and Cory Konold, two Proud Boy associates from Arizona, joined the Kansas City group while marching from the Washington Monument to the Capitol earlier in the day and were on the scene.<sup>259</sup> Two other Proud Boys, Nicholas Ochs and Nicholas DeCarlo, filmed the incident.<sup>260</sup>

Surveillance footage shows Chrestman using a wooden club, or modified axe handle, to prevent the barrier from being lowered to the floor.<sup>261</sup> Colon later admitted to authorities that he purchased and modified an axe handle “to be used as both a walking stick and an improvised weapon” on January 6th.<sup>262</sup> Colon also told authorities that he attended a meeting with Chrestman and others on the night of January 5th, during which someone





Rioters enter the Senate Chamber.

Photo by Win McNamee/Getty Images

asked, “do we have patriots here willing to take it by force?” Colon understood that the individual meant that they should use “force against the government.” This same individual commented that they should “go in there and take over.”<sup>263</sup>

At 2:36 p.m., the mob pushed through a line of USCP officers guarding the House Chamber.<sup>264</sup> Rioters also entered the Senate Chamber.<sup>265</sup> Within minutes, Jacob Chansley (a.k.a. the QAnon Shaman) entered the Senate Chamber, making his way to the Senate dais, where Vice President Pence had been presiding over the joint session. An officer asked Chansley to vacate the dais, but instead he shouted, “Mike Pence is a fucking traitor.” Chansley also left a note that read: “It’s Only a Matter of Time. Justice is Coming!”<sup>266</sup> Surrounded by others, Chansley held a conspiracy-laden prayer session, saying: “Thank you for allowing the United States of America to be reborn. Thank you for allowing us to get rid of the communists, the globalists, and the traitors within our government.”<sup>267</sup> Other extremists, including at least one associate of the white nationalist “America First” movement, also sat in the Vice President’s seat.<sup>268</sup>

While law enforcement fought to contain the mob inside the Capitol, the fighting raged outside as well. Key agitators continued to fire up the

crowd. Nick Fuentes, the leader of the “America First” movement, amplified President Trump’s rhetoric aimed at Vice President Pence, including the President’s 2:24 p.m. tweet.<sup>269</sup> Speaking through a bullhorn while standing on the Peace Monument, Fuentes shouted:

We just heard that Mike Pence is not going to reject any fraudulent elector votes! That’s right, you heard it here first: Mike Pence has betrayed the United States of America. Mike Pence has betrayed the President and he has betrayed the people of the United States of America—and we will never ever forget!<sup>270</sup>

As rioters flowed through the halls and offices inside the Capitol, others broke through the defensive lines of USCP and MPD officers on the lower West Plaza at 2:28 p.m., allowing them to take over the inauguration stage.<sup>271</sup> According to MPD Officer Michael Fanone, MPD officers were then forced to conduct the “first fighting withdrawal” in the history of the force, with law enforcement seeking to “reestablish defensive lines” to prevent the “crowd that had swelled to approximately 20,000 from storming the U.S. Capitol.”<sup>272</sup>

After surging through the West Plaza, rioters quickly headed towards the West Plaza tunnel. The violence that escalated at 2:28 p.m. on the lower West Plaza continued as rioters reached the tunnel. By 2:41 p.m., law enforcement retreated inside the tunnel, allowing rioters to slowly fill in.<sup>273</sup> Just ten minutes later, the mob jammed the tunnel, desperately trying to break through the police lines.<sup>274</sup> The fighting in and immediately outside of the tunnel raged for over two hours.<sup>275</sup>

Throughout the afternoon, members of the mob struck officers with weapons, shot them with OC (or pepper) spray, and dragged officers from the tunnel into the crowd. Lucas Denney, a Three Percenter from Texas who carried a baton on January 6th, pushed a riot shield into and on top of police officers at the tunnel. The crowd chanted “heave-ho!” as Denney did so.<sup>276</sup> Jeffrey Scott Brown sprayed a chemical or pepper spray at officers and pushed the front of the line in the tunnel.<sup>277</sup> Kyle Young, a January 6th defendant with a long prior criminal history, participated in multiple assaults and violence at the tunnel, including using a pole to jab at police officers.

Young’s 16-year-old son was present during the fighting.<sup>278</sup> Robert Morss, a former Army Ranger who wore a military-style vest, participated in a heave-ho effort in the tunnel where he and rioters had created a shield wall.<sup>279</sup> Peter Schwartz and another rioter passed a large cannister of spray back and forth before Schwartz’s companion sprayed officers and then the two joined in the heave-ho.<sup>280</sup>



Rioters assault police officers at a tunnel to the Capitol.

Photo by Brent Stirton/Getty Images

One of the most brutal attacks of the day occurred outside the tunnel when rioters dragged MPD Officer Michael Fanone into the crowd, and then tased, beat, and robbed him while a Blue Lives Matter flag fluttered above him. Albuquerque Head, a rioter from Tennessee, grabbed Officer Fanone around the neck and pulled him into the mob.<sup>281</sup> “I got one!” Head shouted.<sup>282</sup> Lucas Denney, the Three Percenter, “swung his arm and fist” at Officer Fanone, grabbed him, and pulled him down the stairs.<sup>283</sup> Daniel Rodriguez then tased him in the neck. Kyle Young lunged towards Officer Fanone, restraining the officer’s wrist.<sup>284</sup> While Young held him, still another rioter, Thomas Sibick, reached towards him and forcibly removed his police badge and radio.<sup>285</sup> Officer Fanone feared they were after his gun. Members of the crowd yelled: “Kill him!,” “Get his gun!” and “Kill him with his own gun!”<sup>286</sup>

In an interview with FBI agents, Daniel Rodriguez admitted his role in the attack on Officer Fanone.<sup>287</sup> During that same interview, Rodriguez discussed the influences that led him down the path to January 6th. Rodriguez was a fan of Alex Jones’s InfoWars and told FBI agents that he became active at rallies after watching the conspiracy show.<sup>288</sup> Rodriguez was motivated by Jones’s decision to support then candidate Trump in 2015.<sup>289</sup> He also began to affiliate himself with the Three Percenter movement, which

he learned about by watching InfoWars.<sup>290</sup> And when President Trump called for a “wild” protest in Washington on January 6th, Rodriguez thought it was necessary to respond. “Trump called us. Trump called us to DC,” Rodriguez told interviewing agents.<sup>291</sup> “If he’s the commander in chief and the leader of our country, and he’s calling for help—I thought he was calling for help,” Rodriguez explained. “I thought he was—I thought we were doing the right thing.”<sup>292</sup>

Rodriguez and another January 6th defendant, Edward Badalian, began preparing for violence after President Trump’s December 19th tweet. They gathered weapons and tactical gear<sup>293</sup> and discussed their plans in a Signal chat named, “Patriots 45 MAGA Gang.”

“Congress can hang. I’ll do it,” Rodriguez posted to the chat. Please let us get these people dear God.”<sup>294</sup>

Badalian also posted a flyer titled “MAGA\_CAVALRY,” which showed rally points for “patriot caravans” to connect with the “Stop The Steal” movement in DC.<sup>295</sup> The same flyer was popular among Three Percenters and other self-described “patriot” groups. It also garnered the attention of law enforcement. The FBI’s Norfolk, Virginia division noted in a January 5th intelligence assessment that the flyer was accompanied by another image, titled “Create Perimeter,” which depicted the U.S. Capitol and other buildings being surrounded by the same caravans.<sup>296</sup>

## 8.8 THE EVACUATION

When rioters surrounded the perimeter of the Capitol, and reached the Senate and House Chambers, Members were forced to evacuate for safety. USCP officers responded to both Chambers and served as escorts. By the time the Capitol was breached, the Senate and House had split from the joint session, with Senators returning to their Chamber to debate the objection to Arizona’s electoral vote. The House remained in its Chamber to debate the objection.<sup>297</sup>

Starting in the Senate, Vice President Pence was escorted off the floor at 2:12 p.m. and was taken to his Senate office. Between 2:12 p.m. and 2:25 p.m., Secret Service agents worked to identify potential threats and a route that could be used to transport Vice President Pence.<sup>298</sup> One of the issues for Vice President Pence’s evacuation was that the rioters were outside the Ohio Clock Tower, which was just feet away from the staircase that Vice President Pence could descend to evacuate.<sup>299</sup> Eventually, after the mob started filling the entire Capitol, the Secret Service made the decision to move Vice President Pence, and he was escorted from the Senate at 2:25 p.m.<sup>300</sup> By 2:27 p.m., the Vice President can be seen moving toward a secure





Members of Congress are evacuated from the House Chamber.

(Photo by Drew Angerer/Getty Images)

location connected to the Capitol. The Vice President arrived at the secure location at 2:29 p.m.<sup>301</sup> Following the Vice President's evacuation, Senators were evacuated at 2:30 p.m.<sup>302</sup>

On the House side, Speaker Pelosi, House Majority Leader Steny Hoyer, and House Majority Whip James Clyburn were removed from the House floor at the same time as Vice President Pence. By 2:18 p.m., USCP surveillance showed Speaker Pelosi in the basement hallway headed towards the garage.<sup>303</sup> The surveillance footage also showed Leader Hoyer and Whip Clyburn in the same basement as Speaker Pelosi. At 2:23 p.m., Speaker Pelosi and Whip Clyburn were moved to an undisclosed location.<sup>304</sup>

Minority Leader Kevin McCarthy was evacuated just after Speaker Pelosi left the Capitol. At 2:25 p.m., as rioters were moving through the Crypt and breaking through the east Rotunda door, Leader McCarthy and his staff hurriedly evacuated his office.<sup>305</sup> At approximately 2:38 p.m., the Members of Congress on the House floor began their evacuation.<sup>306</sup> Members of Congress can be seen evacuating through the Speaker's Lobby when a USCP officer fatally shot Ashli Babbitt at 2:44 p.m.<sup>307</sup> Members and staffers were just feet away when Babbitt attempted to climb through a shattered glass door. USCP officers had barricaded the door with furniture to prevent the rioters from gaining direct access to elected officials.

The congressional Members in the House Gallery were evacuated after the Members on the House floor. Congressional Members in the Gallery had to wait to be evacuated because rioters were still roaming the hallways right outside the Chamber. At 2:49 p.m., as Members were trying to evacuate the House Gallery, the USCP emergency response team cleared the hallways with long rifles so that the Members could be escorted to safety.<sup>308</sup> USCP surveillance footage shows several rioters lying on the ground, with long rifles pointed at them, as Members evacuate in the background.<sup>309</sup> By 3:00 p.m., the area had been cleared and Members were evacuated from the House gallery to a secure location.<sup>310</sup>

### 8.9 CLEARING THE U.S. CAPITOL BUILDING AND RESTRICTED GROUNDS

Shortly after law enforcement officers evacuated the House and Senate Members, they started to clear rioters out of the Capitol and off the grounds. Starting before 3:00 p.m., law enforcement spent approximately three hours pushing rioters out of the Capitol building and off the East and West Plazas. In general, law enforcement cleared rioters out of the Capitol through three doors: (1) the House side door located on the northeast side of the Capitol; (2) the Columbus Doors (East Rotunda Doors); and (3) the Senate wing door, which was next to the first breach point. As discussed above, the Proud Boys and other extremists led the charge at the latter two locations during the early stages of the attack.

Outside the Capitol, law enforcement pushed the mob from the upper West Plaza towards the East Plaza, crossing the north doors. Eventually, these rioters were forced to exit the Capitol grounds on the east side. The last point where rioters were removed was the lower West Plaza—the scene of some of the most intense hand-to-hand fighting that day. After law enforcement cleared the tunnel, where violence had raged for hours, police officers corralled rioters to the west and away from the Capitol building.<sup>311</sup>

After rioters first breached the Senate wing door on the first floor, they immediately moved south towards the House Chamber. This route took them to the Crypt—with the mob filling this room by 2:24 p.m. This was also one of the first rooms that law enforcement cleared as they started to secure the building. By 2:49 p.m., law enforcement officers cleared the Crypt by pushing towards the Senate wing door and up the stairs to the Rotunda.<sup>312</sup>

Around the same time that police officers cleared the Crypt, they also removed rioters from hallways immediately adjacent to the House and Senate Chambers. On the House side, rioters were pushed out shortly before 3:00 p.m. The House hallway immediately in front of the House Chamber's



door was cleared at 2:56 p.m.<sup>313</sup> The mob outside of the Speaker's lobby was pushed out of the House side door at 2:57 p.m.<sup>314</sup>

USCP officers were able to quickly clear out the Senate Chamber, which was initially breached at 2:42 p.m.<sup>315</sup> Rioters were cleared from the hallways outside the Senate by 3:09 p.m.<sup>316</sup> Surveillance shows officers checking the Senate Gallery and hallways for rioters; there are no people on camera by this time.<sup>317</sup>

The Rotunda served as a key point where the mob settled during the Capitol attack. For example, at 2:45 p.m., hundreds of people can be seen standing in the Rotunda.<sup>318</sup> It appears law enforcement officers funneled rioters from other parts of the Capitol into the Rotunda. Once they had President Trump's supporters herded there, law enforcement started to push them towards the east doors shortly after 3:00 p.m. At 3:25 p.m., law enforcement successfully pushed rioters out of the Rotunda and closed the doors so that the room could remain secure.<sup>319</sup> By 3:43 p.m., just 18 minutes after the Rotunda doors were closed, law enforcement successfully pushed the rioters out of the east doors of the Capitol.<sup>320</sup>

The last rioters in the Capitol building were cleared out of the Senate wing door—the same location where rioters first breached the building at 2:13 p.m. Like the other locations inside the Capitol, law enforcement began forcing rioters out of the Senate wing door after 3:00 p.m. By 3:40 p.m., law enforcement had successfully pushed many of the rioters out of the door and onto the upper West Plaza.<sup>321</sup> However, officers were unable to close the doors because some rioters remained in the doorway and attempted to re-enter the building. At 4:23 p.m., a combination of USCP and MPD officers forced these people out of the doorway and successfully secured the door.<sup>322</sup>

After clearing the inside of the Capitol, law enforcement officers proceeded to sweep the perimeter adjacent to the building, starting with the upper West Plaza. After pushing the last rioter out of the Senate wing door, officers started to clear the upper West Plaza, which is located just outside this same doorway. Law enforcement officers in riot gear formed a line and marshalled the crowd north from the upper West Plaza. By 4:31 p.m., 8 minutes after closing the Senate wing door, rioters were cleared from the upper West Plaza.<sup>323</sup>

Many of these same officers started to secure the north side of the Capitol as they pushed rioters from the upper West Plaza towards the East Plaza. By approximately 4:32 p.m., law enforcement officers walked out of the North Doors, forming additional lines to push rioters eastward. As discussed earlier, the North Doors had been the location of violent fighting throughout much of the afternoon. By 4:46 p.m., law enforcement had



Police officers form line to push rioters away from the Capitol building.

(Photo by Spencer Platt/Getty Images)

successfully pushed the rioters from the north side of the Capitol to the East Plaza.<sup>324</sup>

Law enforcement cleared the East Plaza next. By 4:59 p.m., officers had swept all the remaining rioters from the east stairs of the Capitol.<sup>325</sup> At this point, the mob that had overrun the upper West Plaza, the north side of the Capitol, and the East Plaza had been moved off the grounds adjacent to the Capitol.

The last areas of the Capitol grounds to get cleared were the tunnel and the lower West Plaza. Thousands of rioters had packed into the West Plaza just after the initial invasion, led by the Proud Boys and their associates. The tunnel was the location of the day's most violent fighting and the conflict extended until late in the day.

After 5:00 p.m., it appears that law enforcement directed their attention to clearing the lower West Plaza, including the tunnel. At 5:04 p.m., police officers in the tunnel shot smoke bombs to get the remaining rioters to back away from the doors.<sup>326</sup> By 5:05 p.m., the rioters had all retreated and the police officers inside the tunnel moved out and started clearing out the area.<sup>327</sup>

At 5:13 p.m., on the opposite side of the lower West Plaza, officers pushed the mob down the scaffold stairs and to the lower West Plaza.<sup>328</sup>



Vice President Pence and Speaker Pelosi preside over the joint session of Congress.

Photo by Erin Schaff-Pool/Getty Images

These are the same stairs that rioters, led by the Proud Boys and other extremists, had previously climbed before reaching the Senate wing door.

Once the rioters from the tunnel and the scaffold were all situated on the lower West Plaza, officers formed another line and started walking the mob back towards the grass—which was away from the actual Capitol building. The line appears to have been fully formed at 5:19 p.m., and the officers started their sweep at 5:30 p.m.<sup>329</sup> By 5:37 p.m., police officers pushed rioters back to the grassy area away from the Capitol. It was at this time that in or around the Capitol building.<sup>330</sup> At 6:56 p.m., a little more than an hour after the Capitol grounds were cleared, Vice President Pence returned to the Capitol from the loading dock.<sup>331</sup> Vice President Pence walked up the stairs in the basement of the Capitol to his office in the Senate at 7:00 p.m.<sup>332</sup>

Shortly after 8:00 p.m., the joint session of Congress resumed, with Vice President Pence saying: “Let’s get back to work.”<sup>333</sup> At 3:32 a.m., the Congress completed the counting of the votes and certified the election of Joseph R. Biden, Jr. as the 46th President of the United States.

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**ENDNOTES**

1. Enrique Tarrio (@NobleLead), Parler, Jan. 6, 2021 11:16 p.m. ET, available at <https://twitter.com/ryanjreilly/status/1533921251743391745> (Ryan J. Reilly (@ryanjreilly), Twitter, June 6, 2022 5:18 p.m. ET (retweeting the Premonition video)).
2. Third Superseding Indictment at 22, *United States v. Nordean et al.*, No. 1:21-cr-175 (D.D.C. June 6, 2022), ECF No. 380.
3. Third Superseding Indictment at 22, *United States v. Nordean et al.*, No. 1:21-cr-175 (D.D.C. June 6, 2022), ECF No. 380.
4. “Leader of Proud Boys and Four Other Members Indicted in Federal Court for Seditious Conspiracy and Other Offenses Related to U.S. Capitol Breach,” Department of Justice, (June 6, 2022), available at <https://www.justice.gov/opa/pr/leader-proud-boys-and-four-other-members-indicted-federal-court-seditious-conspiracy-and>.
5. “Leader of Proud Boys and Four Other Members Indicted in Federal Court for Seditious Conspiracy and Other Offenses Related to U.S. Capitol Breach,” Department of Justice, (June 6, 2022), available at <https://www.justice.gov/opa/pr/leader-proud-boys-and-four-other-members-indicted-federal-court-seditious-conspiracy-and>.
6. “Leader of Proud Boys and Four Other Members Indicted in Federal Court for Seditious Conspiracy and Other Offenses Related to U.S. Capitol Breach,” Department of Justice, (June 6, 2022), available at <https://www.justice.gov/opa/pr/leader-proud-boys-and-four-other-members-indicted-federal-court-seditious-conspiracy-and>.
7. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Nick Qested Production), Video file ML\_DC\_20210106\_Sony\_FS5\_Clip0065\_1, at 0:04 and 1:14 (Jacob Chansley being interviewed the morning of the 6th).
8. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Nick Qested Production), Video file ML\_DC\_20210106\_Sony\_FS5\_Clip0067\_1, at 11:43 (an unnamed woman being interviewed the morning of the 6th).
9. Trial Transcript at 4542 and Trial Exhibit No. 6370, *United States v. Rhodes et al.*, No. 1:22-cr-15 (D.D.C. Oct. 20, 2022).
10. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL0000882478, p. 1 (event summary of January 6th rally).
11. See, e.g., Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Cassidy Hutchinson, (Feb. 23, 2022), pp. 87–88; Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), pp. 12–13.
12. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), pp. 12–13.
13. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of Cassidy Hutchinson, (June 20, 2022), pp. 11–12.
14. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL0000086772, (Coordinated Response to a Request for Information from the Select Committee, Nov. 18, 2021).
15. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL0000882478 (event summary of January 6th rally).
16. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL0000882478 (event summary of January 6th rally).

17. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Interior Production), DOI\_46003146\_00005053, (general arrest report at the Washington Monument on the morning of January 6th).
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31. Statement of Facts at 5, *United States v. Bargar*, No. 1:22-mj-169, (D.D.C. July 29, 2022), ECF No. 1-1.
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33. Statement of Offense at 3–4, *United States v. Mazza*, No. 1:21-cr-736, (D.D.C. June 17, 2022), ECF No. 25; Statement of Facts at 2, *United States v. Mazza*, No. 1:21-cr-736, (D.D.C. Nov. 12, 2021), ECF No. 1-1.
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35. For example, on November 13, 2020, Mazza (@MarkNunzios64) tweeted at President Trump: "Can you unseal obama's birth certificate and college transcripts?" On Facebook, Mazza shared a Q "drop" titled "The Armor of God," a 9/11 Truther video, and multiple posts dedicated to lies about the 2020 Presidential election. Screenshots on file with the Select Committee.
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38. Government's Memorandum in Aid of Sentencing at 3, *United States v. Coffman*, No. 1:21-cr-4, (Mar. 2, 2022), ECF 28.
39. Government's Memorandum in Aid of Sentencing at 4, *United States v. Coffman*, No. 1:21-cr-4, (Mar. 2, 2022), ECF 28.
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42. Trial Transcript at 4109, *United States v. Rhodes et al.*, No. 1:22-cr-15, (D.D.C. Oct. 18, 2022).
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50. Statement of Facts at 3-4, *United States v. Foy*, No. 1:21-cr-108 (D.D.C. Jan. 20, 2021), ECF No. 1-1.
51. Statement of Facts at 3-4, *United States v. Foy*, No. 1:21-cr-108 (D.D.C. Jan. 20, 2021), ECF No. 1-1; Government's Opposition to Defendant's Emergency Bond Review Motion at 5 n.3, *United States v. Foy*, No. 1:21-cr-108 (D.D.C. Mar. 12, 2021), ECF No. 11.
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71. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Nick Qusted Production), Video file Iphone\_Nick\_DC\_20210106\_IMG\_1081\_1\_1.mov, at 0:14; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Nick Qusted, (Apr. 5, 2022), pp. 139–40.
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  102. Government’s Opposition to Defendant’s Motion for Release from Pretrial Detention at 10–11, *United States v. Nichols*, No. 1:21-cr-117 (D.D.C. Nov. 29, 2021), ECF No. 61; Tom Dreisbach (@TomDreisbach), Twitter, Feb. 4, 2022, 7:40 p.m. ET, available at [https://twitter.com/TomDreisbach/status/1489763508459687937?ref\\_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1489763508459687937%7Ctwgr%5E%7Ctwcon%5Es1\\_&ref\\_url=](https://twitter.com/TomDreisbach/status/1489763508459687937?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1489763508459687937%7Ctwgr%5E%7Ctwcon%5Es1_&ref_url=); Select Committee to Investigate the January 6th Attack on the United States Capitol, Public Hearing, (June 16, 2022), at 0:14:11–0:15:00, <https://youtu.be/vBjUWVKuDj0?t=851>; Hearing on Motion to Modify Conditions of Release, Exhibit 07 at 7:43–8:00, *United States v. Nichols*, No. 1:21-cr-117 (D.D.C. Dec. 20, 2021). Nichols had made similarly violent statements since the November 2020 election, with increasing references to fighting on January 6th following President Trump’s December 19th tweet. See Government’s Opposition to Defendant’s

Motion for Release from Pretrial Detention at 4–8, *United States v. Nichols*, No. 1:21-cr-117 (D.D.C. Nov. 29, 2021), ECF No. 61 (documenting the many communications Nichols had with his codefendant planning for violence).

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109. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Alexander Jones, (Jan. 24, 2022), Exhibit 13 at 0:29 (excerpt from The Alex Jones Show on Jan. 7, 2022).
110. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Caroline Wren, (Dec. 17, 2021), pp. 260–61.
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207. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Matthew Thomas Walter, (Mar. 9, 2022), p. 79.
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209. CNN Business, "Alex Jones' Influence on January 6," *CNN*, at 2:20-2:28, Feb. 26, 2022, available at <https://www.cnn.com/videos/media/2022/02/26/alex-jones-influence-january-6-documentary.cnnbusiness>.
210. Hunting Insurrectionists, "East Main 'Columbus' Doors 1:45-4:45pm - 56 video sync - Jan 6th Capitol Attack Footage," YouTube, at 39:19, Mar. 12, 2021, available at <https://www.youtube.com/watch?v=z1gODZvbhqs&t=1901s>.

211. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Ali Alexander, (Dec. 9, 2021), pp. 64–66.
212. U.S. Capitol Police Cameras 7029, 7216.
213. U.S. Capitol Police Camera 7029.
214. Complaint with Arrest Warrant at 16–19, *United States v. Loehrke*, No. 1:21-mj-672 (D.D.C. Nov. 30, 2021), ECF No. 1, available at <https://www.justice.gov/usao-dc/case-multi-defendant/file/1459171/download>.
215. Complaint with Arrest Warrant at 12, *United States v. Loehrke*, No. 1:21-mj-672 (D.D.C. Nov. 30, 2021), ECF No. 1, available at <https://www.justice.gov/usao-dc/case-multi-defendant/file/1459171/download>.
216. Complaint with Arrest Warrant at 12, *United States v. Loehrke*, No. 1:21-mj-672 (D.D.C. Nov. 30, 2021), ECF No. 1, available at <https://www.justice.gov/usao-dc/case-multi-defendant/file/1459171/download>.
217. Complaint with Arrest Warrant at 12, *United States v. Loehrke*, No. 1:21-mj-672 (D.D.C. Nov. 30, 2021), ECF No. 1, available at <https://www.justice.gov/usao-dc/case-multi-defendant/file/1459171/download>.
218. Complaint with Arrest Warrant at 14–19, *United States v. Loehrke*, No. 1:21-mj-672 (D.D.C. Nov. 30, 2021), ECF No. 1, available at <https://www.justice.gov/usao-dc/case-multi-defendant/file/1459171/download>; “Two Men Charged with Obstructing Law Enforcement During Jan. 6 Capitol Breach,” Department of Justice, (Dec. 3, 2021), available at <https://www.justice.gov/usao-dc/pr/two-men-charged-obstructing-law-enforcement-during-jan-6-capitol-breach>.
219. Complaint with Arrest Warrant at 24–29, *United States v. Loehrke*, No. 1:21-mj-672 (D.D.C. Nov. 30, 2021), ECF No. 1, available at <https://www.justice.gov/usao-dc/case-multi-defendant/file/1459171/download>.
220. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Brian Adams and Marc Carrion, (Apr. 20, 2022).
221. “Two Men Charged with Obstructing Law Enforcement During Jan. 6 Capitol Breach,” Department of Justice, (Dec. 3, 2021), available at <https://www.justice.gov/usao-dc/pr/two-men-charged-obstructing-law-enforcement-during-jan-6-capitol-breach>.
222. U.S. Capitol Police Camera 7029.
223. See Chapter 6.
224. Trial Transcript at 4532:20–4534:9, *United States v. Rhodes et al.*, No. 1:22-cr-15 (D.D.C. Oct. 20, 2022).
225. Trial Transcript at 4642:24–4643:6 and Trial Exhibit 6731, *United States v. Rhodes et al.*, No. 1:22-cr-15 (D.D.C. Oct. 20, 2022).
226. Trial Transcript at 4643:22–4644:4 and Trial Exhibit 6731, *United States v. Rhodes et al.*, No. 1:22-cr-15 (D.D.C. Oct. 20, 2022).
227. Trial Transcript at 4520:9–4521:5, 4744:20–4745:21, Trial Exhibits 1503, 6740, *United States v. Rhodes et al.*, No. 1:22-cr-15 (D.D.C. Oct. 20, 2022).
228. Seventh Superseding Indictment at 21–22, *United States v. Crowl et al.*, No. 21-cr-28 (D.D.C. Jan. 12, 2022), available at <https://www.justice.gov/opa/press-release/file/1462476/download>.
229. Seventh Superseding Indictment at 22, *United States v. Crowl et al.*, No. 21-cr-28 (D.D.C. Jan. 12, 2022), available at <https://www.justice.gov/opa/press-release/file/1462476/download>.
230. Trial Transcript at 4724:8–15 and Trial Exhibit 1500 at 13:02–13:25, *United States v. Rhodes et al.*, No. 1:22-cr-15 (D.D.C. Oct. 20, 2022).
231. Trial Transcript at 4779:1–4790:3 and Trial Exhibit 1505, *United States v. Rhodes et al.*, No. 1:22-cr-15 (D.D.C. Oct. 20, 2022).

232. U.S. Capitol Police Camera 7029; “Leader of Alabama Chapter of Oath Keepers Pleads Guilty to Seditious Conspiracy and Obstruction of Congress for Efforts to Stop Transfer of Power Following 2020 Presidential Election,” Department of Justice, (Mar. 2, 2022), available at <https://www.justice.gov/opa/pr/leader-alabama-chapter-oath-keepers-pleads-guilty-seditious-conspiracy-and-obstruction#:~:text=Joshua%20James%2C%2034%2C%20of%20Arab,with%20the%20government's%20ongoing%20investigation>; Statement of Offense at 8, *United States v. James*, No. 1:22-cr-15 (D.D.C. Mar. 2, 2022), ECF No. 60, available at <https://www.justice.gov/opa/press-release/file/1479551/download>.
233. Trial Transcript at 4803:10–4804:23 and Trial Exhibit 1089.1, *United States v. Rhodes et al.*, No. 1:22-cr-15 (D.D.C. Oct. 20, 2022).
234. U.S. Capitol Police Camera 912.
235. “Crypt,” Architect of the Capitol, available at <https://www.aoc.gov/explore-capitol-campus/buildings-grounds/capitol-building/crypt>.
236. U.S. Capitol Police Camera 267.
237. U.S. Capitol Police Cameras 123, 124.
238. U.S. Capitol Police Cameras 123, 124.
239. Watchers Guild, “Rioters Fight with Police at Capitol Building - Washington D.C. - JAN/6/2020,” YouTube, Jan. 6, 2020, available at <https://www.youtube.com/watch?v=U7DiLh2Pb14>; News2Share, “January 6 United States Capitol Attack,” YouTube, June 4, 2021, available at <https://www.youtube.com/watch?v=9TshRdxXi9c>.
240. Statement of Offense at 4, *United States v. Gordon*, No. 1:22-cr-343 (D.D.C. Oct. 28, 2022), ECF No. 26, available at <http://www.justice.gov/usao-dc/press-release/file/1547751/download>.
241. Statement of Offense at 4, *United States v. Gordon*, No. 1:22-cr-343 (D.D.C. Oct. 28, 2022), ECF No. 26, available at <http://www.justice.gov/usao-dc/press-release/file/1547751/download>.
242. Statement of Offense at 4, *United States v. Gordon*, No. 1:22-cr-343 (D.D.C. Oct. 28, 2022), ECF No. 26, available at <http://www.justice.gov/usao-dc/press-release/file/1547751/download>.
243. Hunting Insurrectionists, “West Terrace ‘Tunnel’ - 3:50 - 4:21 pm - Jan 6th,” YouTube, Mar. 12, 2021, available at <https://www.youtube.com/watch?v=Yil1JemYMM0&t=1405s>.
244. U.S. Capitol Police Camera 102.
245. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Nick Quedsted Production), Video file Inside Capitol.mov at 23:01–23:35.
246. U.S. Capitol Police Cameras 178, 402.
247. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Nick Quedsted Production), Video file Inside Capitol.mov at 13:10–15:47.
248. U.S. Capitol Police Cameras 178, 402.
249. Jake Tapper (@jaketapper), Twitter, Feb. 10, 2021 5:50 p.m. ET, available at <https://twitter.com/jaketapper/status/1359635955389509638> (screenshotting Donald J. Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 2:24 p.m. ET, available at <https://www.thetrumparchive.com/?searchbox=%22usa+demands+the+truth%22>).
250. U.S. Capitol Police Cameras 178, 402.
251. U.S. Capitol Police Cameras 178, 402.
252. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of David Millard, (Apr. 18, 2022), p. 28.



253. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of David Millard, (Apr. 18, 2022), p. 28.
254. Plea Agreement at 5, *United States v. Pruitt*, No. 1:21-cr-23 (D.D.C. June 3, 2022), ECF No. 61.
255. Complaint at 34–38, *United States v. Chrestman*, No. 1:21-cr-160 (D.D.C. Feb. 10, 2021), available at <https://www.justice.gov/usao-dc/case-multi-defendant/file/1366441/download>; Ryan J. Reilly (@ryanjreilly), Twitter, Nov. 26, 2022 1:00 p.m. ET, available at <https://twitter.com/ryanjreilly/status/1596564571371749378> (showing video Proud Boy Nicholas DeCarlo filmed while inside the Capitol).
256. Complaint at 34–38, *United States v. Chrestman*, No. 1:21-cr-160, (D.D.C. Feb. 10, 2021), available at <https://www.justice.gov/usao-dc/case-multi-defendant/file/1366441/download>.
257. Indictment at 5, 8–9, *United States v. Kuehne et al.*, No. 1:21-cr-160 (D.D.C. Feb. 26, 2021), ECF No. 29.
258. Statement of Offense at 3, *United States v. Colon*, No. 1:21-cr-160 (D.D.C. Apr. 27, 2022), ECF No. 143.
259. Indictment at 5, 8–9, *United States v. Kuehne et al.*, No. 1:21-cr-160 (D.D.C. Feb. 26, 2021), ECF No. 29.
260. Complaint at 36, *United States v. Chrestman*, No. 1:21-cr-160, (D.D.C. Feb. 10, 2021), available at <https://www.justice.gov/usao-dc/case-multi-defendant/file/1366441/download>; Ryan J. Reilly (@ryanjreilly), Twitter, Nov. 26, 2022 1:00 p.m. ET, available at <https://twitter.com/ryanjreilly/status/1596564571371749378> (showing video Proud Boy Nicholas DeCarlo filmed while inside the Capitol).
261. Complaint at 36, *United States v. Chrestman*, No. 1:21-cr-160, (D.D.C. Feb. 10, 2021), available at <https://www.justice.gov/usao-dc/case-multi-defendant/file/1366441/download>.
262. Statement of Offense at 4, *United States v. Colon*, No. 1:21-cr-160, (D.D.C. Apr. 27, 2022), ECF No. 143.
263. Statement of Offense at 4, *United States v. Colon*, No. 1:21-cr-160, (D.D.C. Apr. 27, 2022), ECF No. 143.
264. U.S. Capitol Police Camera 251.
265. Lena Groeger, Jeff Kao, Al Shaw, Moiz Syed and Maya Eliahou, “What Parler Saw During the Attack on the Capitol,” ProPublica, (Jan. 17, 2021), available at <https://projects.propublica.org/parler-capitol-videos/?id=sbGOy4rN0ue4>.
266. Statement of Offense at 12–14, *United States v. Chansley*, No. 1:21-cr-3 (D.D.C. Sep. 3, 2021), ECF No. 70.
267. Statement of Offense at 15, *United States v. Chansley*, No. 1:21-cr-3 (D.D.C. Sep. 3, 2021), ECF No. 70.
268. Christian Secor, a young Groyper, sat in the Vice President’s seat. See “California Man Sentenced to 42 Months in Prison for Actions During Jan. 6 Capitol Breach,” Department of Justice, (Oct. 19, 2022), available at <https://www.justice.gov/usao-dc/pr/california-man-sentenced-prison-actions-during-jan-6-capitol-breach>; Complaint at 6, 14–15, *United States v. Secor*, No. 1:21-mj-232 (D.D.C. Feb 13, 2021), ECF No. 1.
269. Other agitators, such as Vets 4 Trump founder Joshua Macias (who was with Stewart Rhodes and Enrique Tarrío on January 5th), also attacked Vice President Pence outside the Capitol. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Joshua Macias, (May 2, 2022), pp. 27–28, and Exhibit 14; capitolhunters (@capitolhunters), Twitter, May 27, 2021 8:36 p.m. ET, available at <https://twitter.com/capitolhunters/status/1398075750482337792> (video of Macias calling Vice President Pence a “Benedict Arnold” outside of the Capitol on January 6th).
270. Reagan Battalion (@ReaganBattalion), Twitter, Jan. 7, 2021 5:03 a.m. ET, available at <https://twitter.com/ReaganBattalion/status/1347121703823044608>.
271. U.S. Capitol Police Camera 944.

272. Sentencing Transcript at 19, *United States v. Young*, No. 1:21-cr-291 (D.D.C. Sep. 27, 2022), ECF No. 170.
273. U.S. Capitol Police Camera 74.
274. U.S. Capitol Police Camera 74.
275. Government's Sentencing Memorandum at 4–8, *United States v. Head*, No. 1:21-cr-291 (D.D.C. Oct. 19, 2022), ECF No. 159.
276. Statement of Facts at 5, 29–31, 39, *United States v. Denney*, No. 1:22-cr-70 (D.D.C. Dec. 7, 2021), ECF No. 1-1; Status Coup News, "UNBELIEVABLE Footage | Trump Supporters Battle Cops Inside the Capitol," YouTube, at 24:09, Jan. 7, 2021, available at <https://www.youtube.com/watch?v=cJOGsCOG9U>.
277. Statement of Facts at 2, 6–7, *United States v. Brown*, No. 1:21-cr-178 (D.D.C. Aug. 16, 2021), ECF No. 1-1; Storyful Viral, "Scenes of Chaos Captures Inside US Capitol as Crowd Challenges Police," YouTube, at 20:05, 21:03, Jan. 7, 2021, available at <https://www.youtube.com/watch?v=qc0U755-uiM>.
278. Government's Sentencing Memorandum at 25–28, 55, *United States v. Young*, No. 1:21-cr-291 (D.D.C. Sep. 13, 2022), ECF No. 140; Status Coup News, "UNBELIEVABLE Footage | Trump Supporters Battle Cops Inside the Capitol," YouTube, at 9:45–9:56, Jan. 7, 2021, available at <https://www.youtube.com/watch?v=cJOGsCOG9U>.
279. Statement of Facts for Stipulated Trial at 6–9, *United States v. Morss*, No. 1:21-cr-40 (D.D.C. Aug. 23, 2022), ECF No. 430; Torsten Ove, "Former Army Ranger Charged with Assaulting Cops during Capitol Riot Faces DC Bench Trial," *Pittsburgh Post-Gazette*, (Aug. 17, 2022), available at: <https://www.post-gazette.com/news/crime-courts/2022/08/17/robert-morss-pittsburgh-glenshaw-army-ranger-charged-assaulting-police-capitol-riot-insurrection-january-6-bench-trial/stories/202208170094>.
280. Government's Opposition to Defendant's Motion to Set Bond and Conditions of Release at 6–7, *United States v. Schwartz*, No. 1:21-cr-178 (D.D.C. June 15, 2021), ECF No. 26.
281. Statement of Offense at 4, *United States v. Head*, No. 1:21-cr-291 (D.D.C. May 6, 2022), ECF No. 124; Government's Sentencing Memorandum at 1–4, 18, 25, *United States v. Head*, No. 1:21-cr-291 (D.D.C. Oct. 19, 2022), ECF No. 159; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (District of Columbia Production), Axon Body 3 No. X6039B9N0, at 15:17–15:20 (MPD body camera footage); "Tennessee Man Sentenced to 90 Months in Prison for Assaulting Law Enforcement Officer During Capitol Breach," Department of Justice, (Oct. 27, 2022), available at <https://www.justice.gov/usao-dc/pr/tennessee-man-sentenced-prison-assaulting-law-enforcement-officer-during-capitol-breach>.
282. Government's Sentencing Memorandum at 1–4, 18, 25, *United States v. Head*, No. 1:21-cr-291 (D.D.C. Oct. 19, 2022).
283. Statement of Facts at 33–34, *United States v. Denney*, No. 1:22-cr-70 (D.D.C. Dec. 7, 2021), ECF No. 1-1.
284. Government's Sentencing Memorandum at 2, 30–31, *United States v. Young*, No. 1:21-cr-291 (D.D.C. Sept. 13, 2022), ECF No. 140.
285. Statement of Facts at 4–11, *United States v. Sibick*, No. 1:21-cr-291 (D.D.C. Mar. 10, 2021), ECF No. 1-1 (noting that Sibick told the FBI he was trying to help Officer Fanone while other rioters attempted to get the officer's gun).
286. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (District of Columbia Production), (Axon Body 3 No. X6039B9N0), at 15:18:51–15:21:12 (MPD body camera footage); Government's Sentencing Memorandum at 27–28, *United States v. Young*, No. 1:21-cr-291 (D.D.C. Sept. 13, 2022), ECF No. 140.
287. Motion to Suppress by Daniel Rodriguez, Exhibit A at 38–39, 43–45, 70–71, *United States v. Rodriguez*, No. 1:21-cr-246 (D.D.C. Oct. 25, 2021), ECF No. 38-1.

288. Motion to Suppress by Daniel Rodriguez, Exhibit A at 17–18, *United States v. Rodriguez*, No. 1:21-cr-246 (D.D.C. Oct. 25, 2021), ECF No. 38-1.
289. Motion to Suppress by Daniel Rodriguez, Exhibit A at 118, *United States v. Rodriguez*, No. 1:21-cr-246 (D.D.C. Oct. 25, 2021), ECF No. 38-1 (quoting Rodriguez saying: “And I was already—Trump was already, like—this is 2015, and I was already into InfoWars and Alex Jones, and he’s backing up Trump. And I’m like, all right, man. This is it. I’m going to—this is—I’m going to fight for this. I’m going to do—I want to do this.”).
290. Motion to Suppress by Daniel Rodriguez, Exhibit A at 131, *United States v. Rodriguez*, No. 1:21-cr-246 (D.D.C. Oct. 25, 2021), ECF No. 38-1.
291. Motion to Suppress by Daniel Rodriguez, Exhibit A at 34, *United States v. Rodriguez*, No. 1:21-cr-246 (D.D.C. Oct. 25, 2021), ECF No. 38-1.
292. Motion to Suppress by Daniel Rodriguez, Exhibit A at 34, *United States v. Rodriguez*, No. 1:21-cr-246 (D.D.C. Oct. 25, 2021), ECF No. 38-1.
293. Indictment at 2, 5–7, *United States v. Rodriguez et al.*, No. 1:21-cr-246 (D.D.C. Nov. 19, 2021), ECF No. 65.
294. Indictment at 2, 5–7, *United States v. Rodriguez et al.*, No. 1:21-cr-246 (D.D.C. Nov. 19, 2021), ECF No. 65.
295. Indictment at 2, 5–7, *United States v. Rodriguez et al.*, No. 1:21-cr-246 (D.D.C. Nov. 19, 2021), ECF No. 65.
296. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000001532.0001 (Jan. 5, 2021, FBI Situational Information Report); see also Statement of Facts at 11, 39, *United States v. Denney*, No. 1:22-cr-70 (D.D.C. Dec. 7, 2021), ECF No. 1-1 (noting that Denney, a Three Percent member, posted similar messages about occupying Congress on Facebook).
297. See 167 Cong. Rec. S633-38 (daily ed. Feb. 10, 2021), available at <https://www.congress.gov/117/crec/2021/02/10/CREC-2021-02-10-pt1-PgS615-4.pdf>; Marshall Cohen and Avery Lotz, “The January 6 Insurrection: Minute-by-Minute,” CNN, (July 29, 2022), available at <https://www.cnn.com/2022/07/10/politics/jan-6-us-capitol-riot-timeline/index.html>.
298. United States Secret Service Radio Tango Frequency at 14:14–14:25. Select Committee staff reviewed recordings of this radio frequency. See also, U.S. Capitol Police Camera 462.
299. U.S. Capitol Police Camera 961.
300. United States Secret Service Radio Tango Frequency at 14:14–14:25. Select Committee staff reviewed recordings of this radio frequency. See also U.S. Capitol Police Camera 462.
301. U.S. Capitol Police Camera 7023.
302. U.S. Capitol Police Camera 461.
303. U.S. Capitol Police Camera 077.
304. U.S. Capitol Police Cameras 3062, 6059, 6146.
305. U.S. Capitol Police Camera 269.
306. Select Committee staff analyzed thousands of hours of surveillance footage from the United States Capitol. There is no camera that captured the evacuation because CSPAN cameras focus on the dais (so they miss the activity on the floor), and there are no CCTV cameras around the floor. The staff first identified Members appearing in the basement of the Capitol at exactly 2:40 p.m. ET. Based on knowledge of the Capitol and judging the distance traveled, staff have estimated that it took Members approximately 2 minutes from leaving the floor to getting to the basement, which puts the evacuation at approximately 2:38 p.m. This time is consistent with informal contemporaneous accounts provided by Members and law enforcement officers who were there. See U.S. Capitol Police Camera 0077.
307. U.S. Capitol Police Camera 0077
308. U.S. Capitol Police Camera 360.

309. U.S. Capitol Police Camera 360.
310. U.S. Capitol Police Camera 360.
311. U.S. Capitol Police Camera 944.
312. U.S. Capitol Police Camera 403.
313. U.S. Capitol Police Camera 251.
314. U.S. Capitol Police Camera 267.
315. U.S. Capitol Police Camera 304.
316. U.S. Capitol Police Cameras 202, 303, 461, 462.
317. U.S. Capitol Police Cameras 202, 303, 461, 462.
318. U.S. Capitol Police Camera 960.
319. U.S. Capitol Police Camera 960.
320. U.S. Capitol Police Camera 7029.
321. U.S. Capitol Police Camera 102.
322. U.S. Capitol Police Camera 102.
323. U.S. Capitol Police Camera 926.
324. U.S. Capitol Police Cameras 927, 928, 929.
325. U.S. Capitol Police Camera 933.
326. U.S. Capitol Police Cameras 074, 944.
327. U.S. Capitol Police Camera 074.
328. U.S. Capitol Police Camera 924.
329. U.S. Capitol Police Camera 944.
330. U.S. Capitol Police Camera 944.
331. U.S. Capitol Police Camera 7032.
332. U.S. Capitol Police Camera 011.
333. "WATCH: 'Let's Get Back to Work,' Pence Urges Senate," PBS, (Jan. 6, 2021), available at <https://www.pbs.org/newshour/politics/watch-lets-get-back-to-work-pence-urges-senate>.

### **1. Electoral Count Act.**

As our Report describes, Donald J. Trump, John Eastman, and others corruptly attempted to violate the Electoral Count Act of 1887 in an effort to overturn the 2020 Presidential Election. To deter other future attempts to overturn Presidential Elections, the House of Representatives has passed H.R. 8873, “The Presidential Election Reform Act,” and the Senate should act promptly to send a bill with these principles to the President. H.R. 8873 reaffirms that a Vice President has no authority or discretion to reject an official electoral slate submitted by the Governor of a state. It also reforms Congress’s counting rules to help ensure that objections in the joint session conform to Congress’s narrow constitutional role under Article II and the Twelfth Amendment. It provides that presidential candidates may sue in federal court to ensure that Congress receives the state’s lawful certification, and leaves no doubt that the manner for selecting presidential electors cannot be changed retroactively after the election is over.

### **2. Accountability.**

The Select Committee has made criminal referrals to the Department of Justice, and both the Department of Justice and other prosecutorial authorities will now make their determinations on whether to prosecute individuals involved in the events resulting in an attack on the United States Congress on January 6, 2021. Additional steps may also be appropriate to ensure criminal or civil accountability for anyone engaging in misconduct described in this Report. Those courts and bar disciplinary bodies responsible for overseeing the legal profession in the states and the District of Columbia should continue to evaluate the conduct of attorneys described in this Report. Attorneys should not have the discretion to use their law licenses to undermine the constitutional and statutory process for peacefully transferring power in our government. The Department of Justice should also take appropriate action to prevent its attorneys from participating in campaign-related activities, or (as described in this report) activities aimed at subverting the rule of law and overturning a lawful election. This report also identifies specific attorney conflicts of interest for the Department to evaluate.

### **3. Violent Extremism.**

Federal Agencies with intelligence and security missions, including the Secret Service, should (a) move forward on whole-of-government strategies to combat the threat of violent activity posed by all extremist groups, including white nationalist groups and violent anti-government groups while respecting the civil rights and First Amendment civil liberties of all citizens; and (b) review their intelligence sharing protocols to ensure that threat intelligence is properly prioritized and shared with other responsible

intelligence and security agencies on a timely basis in order to combat the threat of violent activity targeting legislative institutions, government operations, and minority groups.

#### **4. Fourteenth Amendment, Section 3.**

Under Section 3 of the Constitution’s Fourteenth Amendment, an individual who previously took an oath to support the Constitution of the United States, but who has “engaged in an insurrection” against the same, or given “aid or comfort to the enemies of the Constitution” can be disqualified from holding future federal or state office. The Select Committee has referred Donald Trump and others for possible prosecution under 18 U.S.C. 2383, including for assisting and providing aid and comfort to an insurrection. The Committee also notes that Donald J. Trump was impeached by a majority of the House of Representatives for Incitement of an Insurrection, and there were 57 votes in the Senate for his conviction. Congressional committees of jurisdiction should consider creating a formal mechanism for evaluating whether to bar those individuals identified in this Report under Section 3 of the 14th Amendment from holding future federal or state office. The Committee believes that those who took an oath to protect and defend the Constitution and then, on January 6th, engaged in insurrection can appropriately be disqualified and barred from holding government office—whether federal or state, civilian or military—absent at least two-thirds of Congress acting to remove the disability pursuant to Section 3 of the Fourteenth Amendment. The Committee notes that Ms. Wasserman Schultz and Mr. Raskin have introduced H. Con. Res. 93 to declare the January 6 assault an insurrection and H.R. 7906 to establish specific procedures and standards for disqualification under section 3 of the Fourteenth Amendment in the United States district court for the District of Columbia.

#### **5. National Special Security Event.**

Until January 6th, 2021, the joint session of Congress for counting electoral votes was not understood to pose the same types of security risks as other major events on Capitol Hill. Both the inaugural and the State of the Union have long been designated as National Special Security Events, requiring specific security measures and significant advance planning and preparation. Given what occurred in 2021, Congress and the Executive Branch should work together to designate the joint session of Congress occurring on January 6th as a National Special Security Event.



**6. To the extent needed, consider reforming certain criminal statutes, including to add more severe penalties.**

As indicated in the Report, the Committee believes that 18 U.S.C. § 1512(c)2 and other existing provisions of law can be applied to efforts to obstruct, influence, or impede the joint session on January 6th, including to related planning efforts to overturn the lawful election results on that date. To the extent that any court or any other prosecutorial authorities ultimately reach any differing conclusion, Congress should amend those statutes to cover such conduct. Congress should also consider whether the severity of penalties under those statutes is sufficient to deter unlawful conduct threatening the peaceful transfer of power.

**7. House of Representatives Civil Subpoena Enforcement Authority.**

The current authority of the House of Representatives to enforce its subpoenas through civil litigation is unclear. Congressional committees of jurisdiction should develop legislation to create a cause of action for the House of Representatives to enforce its subpoenas in federal court, either following the statutory authority that exists for the Senate in 2 U.S.C. § 288d and 28 U.S.C. § 1365 or adopting a broad approach to facilitate timely oversight of the executive branch.

**8. Threats to Election Workers.**

Congressional committees of jurisdiction should consider enhancing federal penalties for certain types of threats against persons involved in the election process and expanding protections for personally identifiable information of election workers.

**9. Capitol Police Oversight.**

Congressional committees of jurisdiction should continue regular and rigorous oversight of the United States Capitol Police as it improves its planning, training, equipping, and intelligence processes and practices its critical incident response protocols, both internally and with law enforcement partners. Joint hearings with testimony from the Capitol Police Board should take place. Full funding for critical security measures should be assured.<sup>1</sup>

**10. Role of the Media.**

The Committee's investigation has identified many individuals involved in January 6th who were provoked to act by false information about the 2020 election repeatedly reinforced by legacy and social media. The Committee agrees that individuals remain responsible for their own actions, including their own criminal actions. But congressional committees of jurisdiction should continue to evaluate policies of media companies

that have had the effect of radicalizing their consumers, including by provoking people to attack their own country.

**11. Discussion of the Insurrection Act.**

The Committee has been troubled by evidence that President Trump's possible use of the Insurrection Act was discussed by individuals identified in this Report. Congressional Committees of jurisdiction should further evaluate all such evidence, and consider risks posed for future elections.

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**ENDNOTE**

1. The Select Committee has shared concerns about two specific areas of security with the Committee on House Administration.

## GOVERNMENT AGENCY PREPARATION FOR AND RESPONSE TO JANUARY 6TH

### INTRODUCTION

The Select Committee investigated the facts relating to law enforcement entities' preparation for, and response to, the January 6th events at the Capitol, including the character of the intelligence prior to the insurrection. This appendix does not address the cause of the attack, which resulted from then President Trump's multi-pronged effort to overturn the 2020 presidential election.

Prior to January 6th, numerous government agencies received intelligence that those descending on The Mall for a rally organized by the President were armed and that their target may be the Capitol. The intelligence community and law enforcement agencies detected the planning for potential violence directed at the joint session of Congress.

That intelligence included information about specific planning by the Proud Boys and Oath Keepers militia groups who ultimately led the attack on the Capitol. By contrast, the intelligence did not support a conclusion that Antifa or other left-wing groups would likely engage in a violent counterdemonstration, or attack President Trump's supporters on January 6th. Indeed, intelligence from January 5th indicated that some left-wing groups were instructing their members to "stay at home" and not attend on January 6th.<sup>1</sup>

As January 6th approached, some of the intelligence about the potential for violence was shared within the executive branch, including the Secret Service and the President's National Security Council. That intelligence should have been sufficient for President Trump, or others at the White House, to cancel the Ellipse speech, and for President Trump to cancel plans to instruct his supporters to march to the Capitol. Few in law enforcement predicted the full extent of the violence at the Capitol, or that the President of the United States would incite a mob attack on the Capitol, that he would send them to stop the joint session knowing they were armed and dangerous, that he would further incite them against his own vice President while the attack was underway, or that he would do nothing to stop the assault for hours.

Nevertheless, as explained below, and in multiple hearings by the Committee on House Administration, there are additional steps that should have been taken to address the potential for violence on that day.

## DISCUSSION

### INTELLIGENCE RECEIVED BY GOVERNMENT AGENCIES

On December 19, 2020, President Trump tweeted: “Big protest in D.C. on January 6th. Be there, will be wild!”<sup>2</sup> Following President Trump’s tweet, an analyst at the National Capital Region Threat Intelligence Consortium (NTIC) noticed a tenfold uptick in violent online rhetoric targeting Congress and law enforcement.<sup>3</sup> The analyst also noticed that violent right-wing groups that had not previously been aligned had begun coordinating their efforts.<sup>4</sup> These indications reached the head of the D.C. Homeland Security and Emergency Management Agency (HSEMA), Christopher Rodriguez, as well as incoming Chief of D.C. Metropolitan Police Department (MPD) Robert Contee.<sup>5</sup> Chief Contee remembered that the information prompted the DC Police to “change the way that we were going to deploy for January the 6th.”<sup>6</sup>

Following President Trump’s “be there, will be wild!” tweet, Director Rodriguez arranged a briefing to provide the DC Mayor Muriel Bowser the latest threat intelligence about January 6th, outline the potential for violence, and “make operational recommendations,” including that the Mayor request assistance from the DC National Guard.<sup>7</sup> During the briefing, the Mayor was told that “there is greater negative sentiment motivating conversation than the last two events in November and December of 2020,” and that “others are calling to ‘peacefully’ storm the Capitol and occupy the building to halt the vote.”<sup>8</sup>

As early as December 30th, in its intelligence briefing entitled, “March for Trump,” the U.S. Secret Service (USSS) highlighted the President’s “will be wild!” tweet alongside hashtags #WeAreTheStorm, #1776Rebel, and #OccupyCapitols, and wrote, “President Trump supporters have proposed a movement to occupy Capitol Hill.”<sup>9</sup> It added that promoters of the January 6th rally on social media had borrowed the President’s phrase and were marketing the January 6th rally as the “WildProtest.”<sup>10</sup>

Other law enforcement entities were receiving similar indications from both government and private entities. By December 21st, the U.S. Capitol Police (USCP) had learned of a surge in viewers of online maps of the Capitol complex’s underground tunnels, which were attracting increased attention on [www.thedonald.win](http://www.thedonald.win), alongside violent rhetoric supporting the President.<sup>11</sup> By the late afternoon of January 5, 2021, Capitol Police Assistant Chief for Intelligence Yogananda Pittman urged Capitol Police Chief Steven Sund to convene a “brief call” to discuss “a significant uptick in groups wanting to block perimeter access to the Capitol tomorrow starting as early as 0600 hours.”<sup>12</sup> Chief Sund remembered discussing those indications and the preparations Capitol Police already had “in place, and [that] everybody

seemed fine with utilizing the resources we had.”<sup>13</sup> Chief Sund added that, by that time, he had already deployed “all the available resources.”<sup>14</sup>

The Federal Bureau of Intelligence (FBI) and the U.S. Department of Homeland Security’s Office of Intelligence and Analysis (DHS I&A) were also aware of the increased online interest in the Capitol tunnels. The FBI’s special agent in charge of the intelligence division at the Washington Field Office, Jennifer Moore, pointed out that there was nothing illegal about discussing the tunnels. Without a very specific discussion of violence, it was a matter of ensuring that the appropriate law enforcement partner agencies were aware of the uptick, ensuring that the Capitol Police were aware.<sup>15</sup> “People’s First Amendment rights, obviously, are protected. We cannot troll—can[’t] just troll the internet looking for things that’s out there,” Moore said.<sup>16</sup> “So it would have to be with such specificity and such planning and such detail that we would be able to open a case, immediately seek authority for an undercover, have enough probable cause for that undercover off of one tip would be tough.”<sup>17</sup>

Other agencies were also surfacing indications and receiving tips. On December 26, 2020, the Secret Service received a tip about the Proud Boys detailing plans of having “a large enough group to march into DC armed and will outnumber the police so they can’t be stopped.”<sup>18</sup> It stressed, “Their plan is to literally kill people . . . Please please take this tip seriously and investigate further.”<sup>19</sup> On December 24th, the Secret Service received a compilation of social media posts from “SITE,” a private intelligence group. One of them urged that protesters “march into the chambers.”<sup>20</sup> Another, referring to President Trump’s December 19th “will be wild!” post, wrote that Trump “can’t exactly openly tell you to revolt,” so the December 19th post was “the closest he’ll ever get.”<sup>21</sup> Another understood the President’s tweet to be urging his supporters to come to Washington “armed.”<sup>22</sup> Others were to the same effect (“there is not enough cops in DC to stop what is coming,”<sup>23</sup> “make sure they know who to fear,”<sup>24</sup> and “waiting for Trump to say the word”<sup>25</sup>).

By December 28th, that compilation had reached the newly installed head of the Capitol Police intelligence unit, Jack Donohue.<sup>26</sup> The same day, a self-styled “internet expert” who had been “tracking online far right extremism for years” sent an email to the Capitol Police public information inbox warning of “countless tweets from Trump supporters saying they will be armed,” and of tweets “from people organizing to ‘storm the Capitol’ on January 6th.”<sup>27</sup> She added, “January 6th will be the day most of these people realize there’s no chance left for Trump. They’ll be pushed to what they feel is the edge,” noting that many would be armed and that she was, for the first time, “truly worried.”<sup>28</sup> Other senior Capitol Police officers do not recall seeing that email before the January 6th attack.<sup>29</sup> The next day,

Secret Service agents forwarded to Capitol Police warnings that pro-Trump demonstrators were being urged to “occupy federal building[s],” “march into the capital building [sic] and make them quake in their shoes by our mere presence.”<sup>30</sup>

In addition, on January 1, 2021, a lieutenant in the intelligence branch of the MPD forwarded to the Capitol Police intelligence unit a tip—later forwarded to USCP Deputy Chief Sean Gallagher—that he had “found a website planning terroristic behavior on Jan 6th, during the rally.”<sup>31</sup> The source included a link to [www.thedonald.win](http://www.thedonald.win) site, describing a “detailed plan on [s]torming the capitol in DC on Jan 6th.”<sup>32</sup> On January 2, 2021, the FBI saved in its system a social media post stating, “This is not a rally and it’s no longer a protest. This is a final stand... many are ready to die to take back #USA.... And don’t be surprised if we take the #capital building [sic].”<sup>33</sup> On January 3rd, FBI and Capitol Police received a Parler post that “after weds we are going to need a new congress,” and “Jan 6 may actually be their last day in Congress.”<sup>34</sup>

On January 4th, Jack Donoghue, head of USCP’s intelligence unit, and his assistant director, Julie Farnam, briefed Capitol Police leadership, including Chief Gallagher and Chief Pittman (but not Chief Sund), about the January 3rd Threat Assessment, which highlighted that Congress itself was the target of potential violence on January 6th. Assistant Director Farnam explicitly warned the group:

Supporters see this as the last opportunity to overturn the election. There was disappointment and desperation amongst the protestors, and this could be an incentive to become violent, because they have nothing left to lose. The targets are not the counter protestors; the target is Congress. The protests are heavily publicized. Stop the Steal has a propensity for attracting White supremacists, militia groups, groups like the Proud Boys. There are multiple social media posts saying that people are going to be coming armed, and it’s potentially a very dangerous situation.<sup>35</sup>

On January 5, 2021, at 12:19 p.m., the Architect of the Capitol head of security, Valerie Hasberry, forwarded an alert to Capitol Police incident command that an individual was calling on thousands to “go to Washington Jan 6 and help storm the Capital [sic],” adding “we will storm the government buildings, kill cops, kill security guards, kill federal employees and agents.”<sup>36</sup> “There is now chatter on Parler about storming the Capitol,” Ms. Hasberry wrote to her AOC employee working at the USCP.<sup>37</sup> “Please let me know if there are any updates to credible threats.”<sup>38</sup> Within an hour, she was advised by her staff that “[t]here is no talk about any credible threats or storming the Capitol.” That same day, representatives from DHS,



FBI, HSEMA, Secret Service, DC Police, and Capitol Police shared notice of a website, Red State Secession, that urged its visitors to post the home and work addresses of Democratic Members of Congress and “political enemies” under the title, “Why the Second American Revolution Starts Jan 6.”<sup>39</sup> It asked for their routes to and from the January 6th congressional certification because “the crowd will be looking for enemies.”<sup>40</sup>

The FBI was uploading to, and tagging in, its system incoming information from all FBI field offices about January 6th under the label, “CERTUNREST2021.” While the incoming information was reviewed on a regular basis by the Washington Field Office, “unified monitoring” of the items in the aggregate didn’t begin until January 5th.<sup>41</sup> That same day, the FBI captured a January 6th-related threat that warned a “Quick Reaction Force” of Trump supporters was preparing for January 6th in Virginia with weapons and prepared “to respond to ‘calls for help’” in the event that “protesters believed the police were not doing their job,” and a “Situation Incident Report” from FBI’s Norfolk Field Office warned of a “war” on January 6th.<sup>42</sup> While Capitol Police leadership received neither warning until after the attack,<sup>43</sup> Assistant Director Farnam, USCP intelligence unit, warned that Congress would be the target on January 6th. She noted that a “sense of desperation and disappointment may lead to more of an incentive to become violent. Unlike previous post-election protests, Congress itself is the target on the 6th.”<sup>44</sup> The Chairman of the Joint Chiefs of Staff, General Mark Milley, remembers Deputy Secretary of Defense David Norquist expressing a similar view based on the social media traffic in early January 2021: “Norquist says... [t]he greatest threat is a direct assault on the Capitol. I’ll never forget it.”<sup>45</sup>

## DISCUSSION OF THE POTENTIAL FOR VIOLENCE

Federal and local agencies agreed that there was a potential for violence on January 6th. As noted above, the intelligence leading up to January 6th did not support a conclusion that Antifa or other left-wing groups would likely engage in a violent counter-demonstration, or attack President Trump’s supporters on January 6th. In fact, none of these groups was involved to any material extent with the attack on the Capitol on January 6th.

That said, certain witnesses testified that they believed that there would be violence with Antifa or similar counter protest groups. President Trump’s National Security Advisor, Robert O’Brien, said the White House saw a risk of violence from counter-protesters.<sup>46</sup> Then Acting DHS Secretary Chad Wolfe said that his “main concern [...] at the time was what we had seen throughout the summer and throughout the fall, which was you were going to have groups on either side, and so you were going to have counterprotests. And usually where those counterprotests interacted was where you had the violence.”<sup>47</sup>

General Milley said the potential for violence was clear to all: “Everyone knew. I can't imagine anybody in those calls that didn't realize that on the 6th was going to be the certification of an intensely contested election, and there were large crowds coming into town, and they were coming into protest. And everybody knew there was a probability, more than a possibility, a probability of violence.”<sup>48</sup> He expected “street fights when the sun went down,” while [Deputy Secretary] Norquist said the most dangerous thing was assault on the Capitol.<sup>49</sup> Director of DHS Special Operations Christopher Tomney remembered, “[T]here was broad discussion/ acknowledgment that folks were calling for bringing weapons into the city on that day, so there was no surprise, there was no—you know, no one disagreed that there was going to be the high likelihood that there could be some violence on January 6.”<sup>50</sup>

Acting Deputy Attorney General Richard Donoghue described the discussion about the threat landscape as “generally about left-wing, right wing, or Pro-Trump, anti-Trump groups coming to the Capitol. It didn't really matter what they called themselves. It was a matter of they're upset, they're coming to the Capitol, and there's a potential for violence.”<sup>51</sup> Donoghue added: “Everyone knew what everyone else was doing. Everyone knew that there was a danger of violence. Everyone knew that the Capitol and other facilities were potential targets. And I think we all felt comfortable that we were aware what the situation was, and we had the resources in place to address it.”<sup>52</sup>

### OPERATIONALIZATION OF JANUARY 6-RELATED INTELLIGENCE

Preparing for January 6th required coordination among the several local and Federal law enforcement agencies that have distinct authorities and jurisdiction over adjacent areas in the Washington, DC, area. These range from the MPD, United States Park Police (USPP), and USSS to the USCP.

### DC GOVERNMENT PREPARATION

**December 30, 2020, HSEMA briefing.** Following the DC HSEMA's December 30th intelligence briefing, Mayor Bowser, anticipating that President Trump's December 19th “will be wild!” tweet would have a big effect on the number of people coming into the District,<sup>53</sup> agreed with HSEMA Director Rodriguez, who thought “the intelligence was showing that we needed to posture ourselves, we needed to brace ourselves, and we needed additional resources in the city particularly the DC National Guard.”<sup>54</sup> MPD Chief Contee, who attended the December 30th briefing and was seeing similar intelligence, concurred with the request for the DC National Guard.<sup>55</sup>

In light of the upcoming holiday weekend, HSEMA Director Rodriguez wanted to expedite the DC request for National Guard assistance.<sup>56</sup> On December 31st, Mayor Bowser requested the assistance of the DC National

Guard to assist the MPD at traffic points within the city.<sup>57</sup> Mayor Bowser's request explicitly limited National Guard assistance to "non-law enforcement activities" so that the MPD could focus on the civil protests and specified that Guard troops should not be armed.<sup>58</sup> Army Secretary Ryan McCarthy approved Mayor Bowser's request.<sup>59</sup> By this time, DC HSEMA Director Rodriguez had fully activated HSEMA and coordinated with Federal, State and local partners, to deal with "consequence management."<sup>60</sup>

On January 4th, Mayor Bowser held a press conference and invited the MPD, USCP, and USPP.<sup>61</sup> Mayor Bowser announced that she had activated the DC Fire and Emergency Management Services (DC FEMS) in preparation of the January 6th event and that the DC National Guard would assist MPD at traffic points and with crowd control. Mayor Bowser urged DC residents to stay out of downtown on January 5th and 6th, acknowledging the possibility of violence. She stated that, while "[p]eople are allowed to come into our city to participate in First Amendment activities," DC officials would "not allow people to incite violence, intimidate our residents, or cause destruction in our city."<sup>62</sup>

The next day, Mayor Bowser sent a letter requesting that Federal agencies coordinate with the Mayor's office and the MPD in their response on January 6th.<sup>63</sup> The letter plainly stated that it was intended to ensure coordination among the agencies involved. DC HSEMA Director Rodriguez testified that there was a concern, in light of the Federal response to the previous summer's civil justice protests, "that in the event that activities on the street escalated, the city could once again become ... militarized and that armed military and Federal law enforcement personnel could be brought into the District," perhaps intimidating residents.<sup>64</sup>

### **DC FEMS PREPARATION**

Mayor Bowser also activated DC FEMS (Fire and Emergency Medical Service Department), several days before January 6th.<sup>65</sup> DC FEMS focused most of its attention on the event at the Ellipse since the permits indicated it would be the largest event of the day, with an estimated 5,000 people attending. Other DC and Federal agencies believed the number would likely be closer to 35,000. This led DC FEMS to establish an area command for the Ellipse, including a Mobile Command Unit, six ambulances, four engine companies, and a first aid tent staffed by George Washington University medical staff.<sup>66</sup>

### **MPD PREPARATION**

After the DC HSEMA's December 30th intelligence briefing, MPD Chief Contee ordered full deployment of the Department, cancelling previously scheduled days off, fully deploying the Civil Disturbance Unit, and contacting police departments in Montgomery and Prince George's Counties in Maryland so that their forces would be pre-staged at certain locations.

Chief Contee also staged police at the White House and Lafayette Park. Chief Contee said that although the MPD “are normally not fully deployed for civil disturbance for counting votes at the U.S. Capitol,”<sup>67</sup> “obviously, as we got closer from the time of the initial [December 19th Trump] tweet leading up, *with all of the rhetoric that's out there on social media, you know, people were going to bring guns*, were going to do this and that and so forth, that caused us obviously to change the way that we were going to deploy for January the 6th.”<sup>68</sup> Because of the numerous social media posts about guns, MPD also posted signs on the National Mall indicating that possession of firearms in Washington, D.C., was illegal and would be prosecuted.<sup>69</sup>

### U.S. CAPITOL POLICE PREPARATION

On January 3rd, the same day Capitol Police’s Intelligence and Interagency Coordination Division (IICD) issued a threat assessment indicating that “Congress itself is a target,” Chief Sund called House Sergeant-at-Arms Paul D. Irving to discuss requesting the DC National Guard to assist in policing the Capitol’s perimeter.<sup>70</sup> Chief Sund needed approval from the Capitol Police Board, which consisted of Irving, Senate Sergeant-at-Arms Michael C. Stenger, and the Architect of the Capitol J. Brett Blanton. Chief Sund remembers that Irving responded immediately that he did not “like the optics” and that the intelligence did not support the request.<sup>71</sup> Irving, however, remembers Chief Sund calling him to say the DC National Guard had offered 125 unarmed National Guardsmen to the USCP and MPD.<sup>72</sup> He also remembered that, during a conference call, Chief Sund told Stenger and him that the National Guard would be utilized in similar fashion to the assistance provided to the DC police, namely, staffing intersections, and for traffic control to free up officers, but then could be used for crowd control, although he acknowledged that the Capitol campus does not have many intersections in need of staffing.<sup>73</sup>

The Capitol Police Board, including Chief Sund, later agreed that a request for the DC National Guard would not be necessary, particularly if the USCP was in an “all hands on deck” posture.<sup>74</sup> Chief Sund agreed with Stenger and Irving that the intelligence did not support a request for DC National Guard assistance.<sup>75</sup> According to Irving, Chief Sund did not believe the National Guard would add much to the USCP security plan for January 6th.<sup>76</sup> Chief Sund briefed the Capitol Police Board on the USCP’s enhanced security plan, and “all hands on deck posture”—including 1,200-plus officers, added Civil Disturbance Units (CDU), an enhanced Containment Emergency Response Team (“CERT”), and an expanded perimeter.<sup>77</sup> Chief Sund did not believe, based on the intelligence he had, that it was then necessary to cancel officers’ days off.<sup>78</sup>

USCP leadership did not create a department-wide plan for the January 6th event.<sup>79</sup> In retrospect Chief Sund believed “there should have been a

plan for the joint session of Congress inside the Capitol to reflect all the planning and all the coordination that goes on inside the Capitol.”<sup>80</sup>

### GOVERNMENT AGENCY PREPARATION

**Interagency Coordination.** In the appendix on Deployment of the National Guard, we describe certain reasons why the deployment of the National Guard was delayed, highlighting the activity of Secretary of the Army McCarthy and how he understood an order given by Acting Secretary of Defense Christopher Miller. In our interviews with Department of Defense (DoD) officials, they testified that they had asked the Department of Justice to serve the role of “lead Federal agency,” meaning to lead the coordination and the response on January 6th. The Justice Department does not command National Guard units. Department of Defense, Department of Justice (DOJ), and Department of Homeland Security (DHS) officials testified from each agency’s perspective about the discussions concerning which department would serve as a lead Federal agency. Notably, these discussions occurred at the same time President Trump was offering the Acting Attorney General position to Jeffrey Clark, replacing then Acting Attorney General Jeffrey Rosen. Had Clark ultimately been appointed, and had he been placed in charge of the Federal security response to the violence on January 6th, the situation could have been materially worse.

**January 3rd Coordination Call.** Realizing that there had not yet been a coordination call among the Federal agencies engaged in planning for the January 6th events and related contingencies, Acting Secretary Miller convened one for January 3rd, because “nobody else was doing it.”<sup>81</sup> In addition to DoD officials including General Milley, DOJ, DHS, Department of the Interior (DOI) officials participated. Acting Secretary Miller’s objectives were to ensure that “everyone had the same perception of the threat and then figure out how to synchronize, coordinate.” He also wanted to make sure that DoD was prepared for any additional requests for support.<sup>82</sup>

Director of DHS Special Operations Tomney remembered that participants discussed the threat outlook and estimated crowd<sup>83</sup> of up to 30,000—not large for the District.<sup>84</sup> The consensus was that 8,000 to 10,000 police officers would be available on January 6th, a force regarded as appropriate for up to a million protesters. General Milley asked the police participants on the call whether they needed any other assistance from the Department of Defense.<sup>85</sup> General Milley and Secretary Miller expressed concern about the number of groups requesting permits and the attendance of groups like the Proud Boys and Oath Keepers who, as Secretary Miller explained, had “conducted acts of violence in the past.”<sup>86</sup> General Milley asked whether

requests for permits could be declined, canceled, or permits revoked.<sup>87</sup> Participants from the Department of the Interior responded that “that wasn't an option.”<sup>88</sup>

According to Director Tomney, DHS felt confident in the United States Secret Service's ability to protect the White House and Vice President, the Federal Protective Service's (FPS) ability to protect potentially affected Federal buildings, as well as the Immigration and Customs Enforcement and Customs and Border Protection's ability to augment FPS, if needed.<sup>89</sup> General Milley and the other DoD participants left the call reassured that the law enforcement agencies involved were prepared for January 6th.<sup>90</sup>

During the January 3rd call, the DoD also raised the issue of a lead Federal agency. General Milley noted the desirability of a law enforcement lead for coordinating the interagency planning and response effort, given the “potpourri of jurisdictions” and diversity of agency authorities.<sup>91</sup> Secretary Miller testified that he believed he and Acting Attorney General Jeffrey Rosen were in agreement that the DOJ should lead interagency coordination for January 6th,<sup>92</sup> although when asked during the call, Rosen did not confirm that the DOJ would play that role.<sup>93</sup> The question of a lead Federal agency remained “an open, unanswered question” at the end of the January 3rd call.<sup>94</sup> The same day, Rosen was attempting to secure a White House meeting with President Trump regarding the imminent appointment of Clark in his stead.<sup>95</sup>

#### DELIBERATION ON AGENCY ROLES

On a January 4th inter-agency call with the same group, Acting Deputy Attorney General Donoghue made the DOJ's role clear: it would take the lead in *certain areas* of responsibility, although he stressed that the DOJ was never designated lead Federal agency and could not serve in that capacity.<sup>96</sup> On the evening of January 4th, the FBI established a Strategic Information Operations Center (“SIOC”) at FBI headquarters, which became operational on January 5th.<sup>97</sup> Unlike the previous summer's civil protests, DoD did not have a representative at the SIOC. All the DoD officials who were interviewed by the Select Committee, however, believe that the DOJ agreed to take—and may have been assigned by the White House—the lead coordinating role.<sup>98</sup> Director Tomney, however, remembered that the DOJ participants neither agreed to, nor explicitly declined, the lead agency role.<sup>99</sup>

During the January 3rd and 4th calls, General Milley, according to Donoghue, noted that “[t]here should be plenty of police forces available without using Federal military troops,” so he was adamant that no active-duty troops would be deployed on January 6th.<sup>100</sup> During this call, participants also discussed whether there was a need for a police-based quick reaction force and concluded that the size of the MPD and USCP police forces made that unnecessary.<sup>101</sup>



According to Donoghue, at the end of the January 4th call, “[i]t was clear that everyone understood what everyone else’s responsibility was, and everyone understood what was available to them if they needed more resources to meet their responsibilities.”<sup>102</sup> The calls had also given local and Federal law enforcement entities the chance to “voice any issues, concerns, or requests for Department of Defense support if they felt that they were incapable of handling at their level. So, institutionally, there was agreement on the threat assessment and the plan going forward.”<sup>103</sup> The DoD’s leading role during the January 3rd and 4th calls had, in fact, left Acting DHS Secretary Chad Wolf with the impression that DoD was the lead agency, as they were “coordinating phone calls, they were setting agendas for phone calls, and they were calling out different people, okay, what do you need... So they were quarterbacking the situation and the response.”<sup>104</sup>

### AGENCY ACTIONS ON PERMITTING

Three organizations in the National Capitol Region handle permits for organized activities depending on where the planned activity is to occur. The USSS issues permits for the Ellipse, while the DC MPD issues permits for the area around the Ellipse. The USCP handles permitting for activities on the Capitol campus. All three entities, as well as other law enforcement agencies, communicate about applications for permits and the expected number of attendees. They are reluctant to deny permits for what appears to be First Amendment-protected protests.<sup>105</sup> The USCP received, evaluated, and approved six group permit requests for January 5th and 6th activity on Capitol Grounds.<sup>106</sup>

On December 19th, the day of President Trump’s “will be wild!” tweet, Cindy Chafian, spokesperson from the “Eighty Percent Coalition,” applied to the MPD and USCP for a permit to hold a rally.<sup>107</sup> On December 29th, Chafian applied to USPP for a permit for a January 5th rally in Freedom Plaza.<sup>108</sup> The next day, Kylie Kremer filed for a permit for “Women for America First” to hold a rally for up to 5,000 people on the Ellipse.<sup>109</sup> On December 31st, the National Park Service (NPS) held two meetings with Chafian as well as the MPD and USCP.<sup>110</sup> Then, on January 1st, the USSS confirmed that President Trump would attend the January 6th rally at the Ellipse, prompting USPP to provide additional support for the rally.<sup>111</sup>

On January 4th, “Women for America First” requested that the NPS increase the authorized attendance at its rally to 20,000 from the 5,000 in the original application. The same day, reacting to the USPP briefing that 5,000 people were expected, Joseph Roth, the USSS site lead, commented that he found it “funny that this permit says 5,000 people when they have said 30k repeatedly.”<sup>112</sup> On January 5th, the NPS issued a permit for 30,000

participants for the Ellipse event.<sup>113</sup> At no point was any permit granted for a march from the Ellipse to the Capitol. The President planned to announce that march “spontaneously.”<sup>114</sup>

At the White House, the increased crowd estimate concerned Bobby Peede, Director of Presidential Advance, who emailed White House Deputy Chief of Operations Anthony Ornato, noting that the USSS was planning on using only 12 magnetometers. Peede added that “the mag issue is a pretty major problem if the expected crowd shows up.” Secret Service documents reveal internal discussion of an initial USSS assessment that 17 magnetometers would be needed. On January 6th, only 10 magnetometers were initially assigned to the Ellipse.<sup>115</sup>

#### **AGENCY PREPARATIONS FOR JANUARY 6TH**

**January 5th Congressional Briefing by Chief Sund and Paul Irving.** On January 5th, Chief Sund briefed the Chairperson of the Committee on House Administration (CHA), Representative Zoe Lofgren, along with numerous staff, as well as House Sergeant-at-Arms Paul Irving. Given CHA's oversight of the Capitol Police, this was “an opportunity for the chair of the committee to hear from the security professionals on the security plan.”<sup>116</sup> Chair Lofgren's staff director described it as a “topline” briefing that covered various aspects of the security plan, including Chief Sund's direction of “all hands on deck,” his focus on the prospect of counter protesters, as well as Chair Lofgren's concern that Members of Congress speaking at the Ellipse that day could incite protesters.<sup>117</sup> After the briefing, the CHA staff director specifically asked about the availability of the National Guard in case it was needed. “Chief Sund said that the Guard could be activated with an emergency declaration from the [Capitol Police] board, but they are here. They are a phone call away, and if we need them, they are ready to go.”<sup>118</sup>

Speaker Pelosi did not receive a similar briefing, but her chief of staff was given a readout of Chief Sund's briefing to Chairperson Lofgren. On that basis, as well as the assurances Chief Sund provided, the Speaker's chief of staff said, “So I believed and the Speaker believed the security professionals were in charge of the security and they were prepared. We were told that there was a plan.”<sup>119</sup>

#### **FEDERAL AGENCY RESPONSE ON JANUARY 6TH**

Although intelligence was available suggesting potential violence at the Capitol, it was not apparent exactly what President Trump would do to provoke the crowd at the January 6th Ellipse rally. Chief Sund, for example, drove into work on January 6th believing that preparations for the day's events were sound and that there was no extraordinary risk or threat. “You know, on my way in, I called Inspector Glover with MPD just to get a read. He said he was actually parked over by the Ellipse. Asked him, Hey, how are

things going over there? He said, there's big crowds, lots of people in line, but right now he wasn't seeing any concern with the folks that we had. So that was my initial take," Sund told the Select Committee.<sup>120</sup>

Throughout the morning, Robert Engel, the special agent in charge of the President's Secret Service detail, received updates from the event at the Ellipse. At 10:35 a.m., an update informed Engel that 20,000 attendees had been processed and outside of the magnetometers, but that there were "several thousand on the mall watching but not in line."<sup>121</sup> An hour later, Engel forwarded an update to White House Deputy Chief of Operations Ornato, informing him that 30,000 attendees had been processed.<sup>122</sup>

Acting Attorney General Rosen met with FBI leadership for a briefing that morning.<sup>123</sup> He remembered this briefing, unlike previous ones, as "more of a situational update," adding that the DOJ was "going to hope for the best, prepare for the worst."<sup>124</sup> At 10:43 a.m., Acting Deputy Attorney General Donoghue received an email from Matt Blue, Acting Chief of the Counterterrorism Section, stating "[t]here are no credible threats as of the 10:00 brief."<sup>125</sup> Twelve minutes later, Rosen spoke to White House Counsel Pat Cipollone via phone.<sup>126</sup> Acting Attorney General Rosen admits that "in hindsight" no one at the Department contemplated "how bad that afternoon turned out to be."<sup>127</sup> Nobody in the DOJ leadership could have predicted President Trump's actions that day.

The President's speech at the Ellipse began just before noon. David Torres,<sup>128</sup> head of the USSS's Protective Intelligence Division (PID), insisted that the Secret Service was not listening to the President's speech, however PID agents monitored the speech throughout.<sup>129</sup> At 12:20 p.m., Faron Parmore, assistant director of Strategic Intel & Information (SII), sent an email to USSS leadership that "POTUS just said that he is going up to the U.S. Capitol to 'watch' the vote" and asked whether this is true. Secret Service executive Kimberly Cheatle responded "[h]e said it, but not going, to our knowledge."<sup>130</sup> Minutes later, the USSS PIOC warned that "Mogul just mentioned in his speech that he would accompany the protesters to the Capitol," with a note that "DAD Torres requested this be sent for awareness."<sup>131</sup> At 1:14 p.m., the USSS Joint Operations Center (JOC) sent an email designating a response team to accompany the President in his march to the Capitol, "per [his] announcement" at the Ellipse. The JOC notes: "Multiple reports of armed individuals with various weapons and malicious intent. Be on your guard."<sup>132</sup>

At 12:24 p.m., while the President was speaking, the Vice President, with his USSS detail, departed the Vice President's Residence for the Capitol.<sup>133</sup> After being routed to the Senate side due to the protests, the Vice President's detail arrived at the Capitol at 12:38 p.m. and was inside the Senate Chamber at 12:54 p.m.<sup>134</sup>

Around 1 p.m., Chief Contee notified Mayor Bowser about the discovery of a pipe bomb at the Republican National Committee and of the Capitol perimeter breach.<sup>135</sup> Within minutes, Mayor Bowser was at the Joint Operations Center with Chief Contee.<sup>136</sup> They tried to contact Chief Sund and sent command officials to Capitol Police headquarters.<sup>137</sup> At approximately 12:59 p.m., once the violence had begun, Chief Sund first called Deputy Chief Jeff Carroll of the MPD, which provided almost immediate reinforcements.<sup>138</sup> Approximately 10 minutes later, MPD officers arrived at the West Front balcony to assist the USCP officers. Chief Sund's next call was to the House and Senate Sergeants-at-Arms to request National Guard resources.<sup>139</sup>

As the violence at the Capitol escalated, DC FEMS realized that they were facing an "expanding incident with the potential for mass casualties, fires, active shooter, and hazardous materials incidents that would exceed the resources at hand."<sup>140</sup> As violence escalated at the West Front, non-lethal grenadiers began launching chemical munitions at the crowd.<sup>141</sup> Around the same time, the USCP discovered a nearby truck containing firearms and Molotov cocktails,<sup>142</sup> as well as a second explosive device at the Democratic National Headquarters at 1:07 p.m., while Vice President-elect Kamala Harris was inside. Responding to these incidents required a commitment of significant USCP resources for mitigation and to evacuate nearby buildings, preventing their deployment to the Capitol to help secure the building.

Chief Gallagher recalled that "it started to really unfold into an investigative—heavy on the investigation of let's pull up the cameras. Let's try to get an image of the pipe bombs. Let's get the images to our law enforcement partners. Let's try to play back the cameras and see if we can identify anybody that placed these pipe bombs. Let's get the owner of the vehicle, run the vehicle information for that suspicious vehicle. So we were coordinating all of that type of response that was from our Investigations Division.... We also had our IICD team trying to run down as much information, working with our Investigations Division as they could, on the suspicious vehicle, the tags of the vehicle, stuff of that nature."<sup>143</sup> Not including those in the command center, the incidents would require the response of 34 USCP personnel, with additional assistance provided by the FBI and ATF. USCP's senior leadership at the Command Center and in the intelligence division also divided their time between the escalating threat to their officers at the Capitol and the explosive devices elsewhere on campus.

The next update to the DOJ was at 1:17 p.m., after President Trump had finished speaking at the Ellipse. After several attempts, Acting Attorney General Rosen got in touch with Acting U.S. Attorney for the District of Columbia Michael Sherwin, who was at the Ellipse. Rosen admits he was not very concerned with the situation at the time, because "[i]t was early, but

at least the initial report was: Crowd size doesn't appear to be unexpected, and the conduct so far is okay.”<sup>144</sup> He had only watched the end of the President's speech.<sup>145</sup> It was early afternoon before the DOJ's senior leadership began to realize the extent of what was occurring. Acting Deputy Attorney General Donoghue remembered hearing protesters outside the Department of Justice “marching down Constitution, going from the Ellipse toward the Capitol” in the late morning, early afternoon, but wasn't specifically monitoring the protests as “there were a million things going on.”<sup>146</sup>

At the same time, the President was pressing his request to go to the Capitol. According to Robert Engel, the head of his Secret Service detail, President Trump asked to go to the Capitol once they had gotten into the Presidential SUV.<sup>147</sup> Engel denied the President's request and returned to the White House.<sup>148</sup> The Committee has significant evidence regarding this period of time.<sup>149</sup>

President Trump, nevertheless, persisted in his request to go to the Capitol. A 1:35 p.m. entry in the USSS Civil Disturbance Unit's time log shows that the plan was to hold at the White House for the next 2 hours and then move the President to the Capitol.<sup>150</sup> Soon after, Engel emailed USSS leadership from the West Wing to say they were “discussing options and setting expectations.”<sup>151</sup> Minutes later, after receiving an email from USSS leadership saying that it would not be advisable for the President to go “anywhere near” the Capitol, Engel responded, “[w]e are not doing an OTR to Punch Bowl.”<sup>152</sup>

Mayor Bowser also spoke directly with Army Secretary Ryan McCarthy who informed her that they had not gotten a request for National Guard assistance from the USCP. Mayor Bowser informed Secretary McCarthy that she did not have the authority to re-direct the 340 DC National Guard troops at traffic points across the city, but that she had already deployed the DC MPD and FEMs to the Capitol. Because she and Chief Sund had not connected, Mayor Bowser concluded that the security of the Capitol was “now our responsibility” and requested National Guard assistance. At the end of this call, Mayor Bowser believed that Secretary McCarthy was “running [her request] up his chain of command.”<sup>153</sup>

USCP Chief Sund was concerned when the explosive device was discovered near RNC Headquarters but did not then believe there was a need to change the USCP's operational posture. Minutes later, when a large group of rioters approached the outer west perimeter of the Capitol, Chief Sund raised the alarm and began to reposition his officers: “When we looked up, and I saw them approaching the officers that were standing, you know, right there on the barrier, I looked over to Chief Thomas and I said, Chad, where's our—where's CDU? Get CDU down there now.”<sup>154</sup>

The USCP timeline shows that at 12:55 p.m. all available officers were directed to the West Front of the Capitol. Then, at approximately 1:25 p.m., FBI Deputy Director David Bowdich received a report about the pipe bombs at the RNC and DNC.<sup>155</sup> Bowdich testified that the FBI considered the possibility that the DNC and RNC bombs were possible distractions.<sup>156</sup> At 1:28 p.m., USCP requested the AOC deliver 400 additional bike racks to the East Front to serve as protective barriers, even though rioters were using bike racks as weapons. The pipe bomb discovery at the DNC prevented the AOC from delivering them.<sup>157</sup>

Chief Gallagher was surprised that the violence had escalated so fast. “The amount of violence that immediately took place when that crowd of 30,000, 35,000, whatever the number that was estimated to come was, that did catch, I think, caught Capitol Police and all of our partners a little off guard with how violent they were and how quick they were.”<sup>158</sup> At 1:49 p.m., DC MPD Commander Glover declared a riot on the West Front of the Capitol. “Cruiser 50, we’re going to give riot warnings. We’re going to give riot warnings. Going to try to get compliance, but this is now effectively a riot,” Commander Glover yelled into his radio. “1349 hours. Declaring it a riot,” the dispatcher responded, which allowed a change in the type of equipment the MPD could use in responding to the violence.<sup>159</sup>

While the violence continued to escalate at the Capitol, the USCP leadership focused on three things: (1) requesting support from local and Federal law enforcement agencies nearby; (2) planning for and coordinating with arriving reinforcements; and (3) protecting congressional leadership and other Members of Congress. Chief Sund was “still making other calls to other agencies for support—ATF, FBI, you name it, Secret Service.”<sup>160</sup>

Yogananda Pittman, Gallagher’s direct supervisor, told the Select Committee that she took roles that day beyond her responsibility as Assistant Chief of Police for Protective and Intelligence Operations. “So we started—so I started to take Protective Services Bureau resources, as well as the chief’s staff, to set up operations adjacent to headquarters building, specifically lot 16, so that we could have a check-in procedure for those units so they could stage vehicles,” Pittman said.<sup>161</sup> “Because like we know now, there were breaches on both sides of the buildings and these folks are inside of the Capitol. So you have to deploy them with your officers. They don’t know the layout of the land. We’re telling them to respond to north barricade. They don’t know the north from the south.”<sup>162</sup>

Just after 2 p.m., when the Capitol was breached, Assistant Chief Pittman turned her full attention to the protection of congressional leadership.<sup>163</sup> Meanwhile, the USCP officers at the West Front were overwhelmed. Commander Glover praised the actions of his fellow law enforcement officers that day but also noted a lack of leadership.<sup>164</sup> He observed that the



USCP officers he encountered when walking toward the Capitol's West Front seemed to be "very hectic and scattered, with no clear direction, ... fighting for every inch on the line," capable, but "without a whole lot of command and control."<sup>165</sup>

When it became clear to him that securing the Capitol would require additional resources, Chief Sund requested the assistance of the DC National Guard.<sup>166</sup> During a 2:30 p.m. call set up by HSEMA Director Rodriguez, the USCP specified the support they needed from the Guard.<sup>167</sup> Mayor Bowser also made "two urgent requests of the President" that she communicated to Chief of Staff Mark Meadows.<sup>168</sup> One was for the National Guard's assistance.<sup>169</sup> The other was that the President make a statement asking "people to leave, to leave the building and to get out of the city, to stop."<sup>170</sup> At 2:56 p.m., Meadows told Mayor Bowser that the President "had approved the request" and was "going to make a statement."<sup>171</sup>

At the Justice Department, it had become clear by early afternoon that the situation was rapidly deteriorating. Donoghue first became aware of the Capitol breach when he walked into Rosen's office and saw on television that the rioters were in the Rotunda.<sup>172</sup> Rosen turned to him and said, "[D]o you see this, do you see what's going on, can you believe this?"<sup>173</sup>

At 2:14 p.m., the Vice President's detail had alerted Secret Service over their radio channel that the Capitol Building had been breached and that they were holding the Vice President in his Senate office.<sup>174</sup> About 5 minutes later, the detail reported that the rioters had gained access to the second floor and that they would need to relocate the Vice President,<sup>175</sup> despite the Vice President's objection.<sup>176</sup> Five to 7 minutes later, after confirming that the route was safe, the lead agent on the Vice President's Secret Service detail reasserted the need for the Vice President to leave his Senate office.<sup>177</sup> (At 2:24 p.m. President Trump tweeted, "Mike Pence didn't have the courage to do what should have been done.") At 2:25 p.m., the Vice President and his detail left for a secure location.<sup>178</sup> Vice President Pence refused to leave the Capitol for his residence and remained in the secure Capitol location until the Senate and House floors were cleared around 7 that evening.<sup>179</sup>

At 2:29 p.m., DC MPD Commander Glover transmitted an emergency radio message: "Cruiser 50. We lost the line. We've lost the line. All MPD, pull back. All MPD, pull back up to the upper deck ASAP. All MPD, pull back to the upper deck ASAP. All MPD, come back to the upper deck. Upper deck. Cruiser 50. We've been flanked. 10-33. I repeat, 10-33 West Front of the Capitol. We have been flanked, and we've lost the line."<sup>180</sup> Commander Glover later told the Select Committee that a "10-33" indicates an immediate need for "emergency assistance for any officer, life or death at that moment in time. That's when that line on the north side finally just broke

and we just lost it, and we kind of got overrun behind us... [W]hen you hear that in general daily activity, it's like the radio stops and you're focused on getting to that officer, wherever they are, because you know it's that bad, that they're fighting for their life; something they're perceiving or seeing or realizing is that their life is in immediate danger.”<sup>181</sup>

Donoghue left Rosen's office to go to the FBI's Strategic Information and Operations Center (SIOC) across the street at the FBI's Hoover Building.<sup>182</sup> Before he left, Donoghue remembers someone at SIOC telling him “Capitol Police say they don't need help at this point, they've got it covered.”<sup>183</sup> When Donoghue arrived at the Washington Field Office, he found FBI Deputy Director Bowdich in a conference room by himself on the phone with a senior FBI official.<sup>184</sup> After a brief discussion, Donoghue and Bowdich agreed that they should both go to the Capitol to evaluate the situation firsthand.<sup>185</sup> Donoghue remembered that they arrived at the assembly area on D Street.<sup>186</sup> Donoghue called Rosen to say that he and Bowdich were going to the Capitol.<sup>187</sup>

Around this time, Bowdich says that he received a call from Senator Mark Warner, who said “[t]his is a mess, and we now have the vast majority of the Senate in one room.”<sup>188</sup> Bowdich recalls the number being about 87 senators,<sup>189</sup> and that he directed the FBI's Baltimore team to “protect that room, recognizing you have almost the entire Senate in one room.”<sup>190</sup> Bowdich also directed a SWAT team to Senator Mitch McConnell's office, in response to a call from McConnell's staff informing him that rioters were kicking in their door. On arriving, the SWAT team found that McConnell's staff had reached safety.<sup>191</sup>

At 3:25 p.m., Rosen spoke to Speaker Nancy Pelosi and Senator Chuck Schumer about the ongoing crisis. A video of the call shows Senator Schumer imploring Rosen, “get the President to tell them to leave the Capitol, Mr. Attorney General, in your law enforcement responsibility. A public statement that they should all leave.”<sup>192</sup>

As the day's crisis unfolded, Mayor Bowser activated the DC mutual assistance compact with neighboring jurisdictions for law assistance support and spoke to the Governors of Maryland and Virginia to solicit additional National Guard support. At about 3:30 p.m., Mayor Bowser spoke to congressional leadership, including Speaker Pelosi and House Majority Leader Steny Hoyer.<sup>193</sup> Then, around 4 p.m., Mayor Bowser, MPD Chief Contee and Army Secretary McCarthy met in the Joint Operations Center at MPD headquarters.<sup>194</sup> At 4:30 p.m., Mayor Bowser held a press conference with DC HSEMA Director Rodriguez as well as Secretary McCarthy.<sup>195</sup> Mayor Bowser also declared a 6 p.m. curfew for the District.<sup>196</sup>

Vice President Pence, who remained inside the Capitol, called Acting Attorney General Rosen at 4:34 p.m. to ask what the DOJ was doing and

what more the Department could do to help.<sup>197</sup> Vice President Pence told Rosen that the situation at the Capitol seemed then to be “improving.”<sup>198</sup> The head of his USSS security detail recalls overhearing the Vice President asking USCP Chief Sund, over the phone, whether it would be possible to “go back to finish the business of the government this evening.”<sup>199</sup> At 4:42 p.m., the head of the Vice President’s detail emailed the USSS Office of Protective Operations that the Vice President was confirming with Chief Sund that it would “take days to sweep and reopen” the Capitol.<sup>200</sup>

Congressional leadership continued to push to return to the Capitol to continue certifying the electoral votes. Senior DOJ and FBI officials—including Rosen, Bowdich, and Donoghue—held two conference calls. Donoghue remembered that the first, at 6 p.m., was a “law enforcement-level call” with General Daniel R. Hokansen, chief of the National Guard Bureau, and focused on the role of the DC National Guard.<sup>201</sup> The second call, at approximately 7 p.m., included Speaker Pelosi, Leader McConnell, Leader Schumer, the Vice President, the Secretary of Defense, and General Milley, as well as other congressional leaders.<sup>202</sup> During that call, FBI and other law enforcement officials on the ground provided an updated timeline for clearing the Capitol to “hopefully get in an hour later.”<sup>203</sup>

At 8:05 p.m., the U.S. Capitol Police announced that the Capitol Building was clear and that Congress could resume counting electoral votes.<sup>204</sup> Shortly after Members returned, Donoghue left the Capitol.<sup>205</sup>

DC FEMS statistics help describe the scope of the January 6th riot at the Capitol. Over the course of the day, DC FEMS reported 22 EMS responses, 14 EMS transports, including two cardiac arrests and two critical injury transports. There were an estimated 250 injured law enforcement officers from numerous agencies.<sup>206</sup> One hundred-fourteen USCP officers reported injuries.<sup>207</sup> Five police officers who were at the Capitol on January 6th died in the days following the riot.

Federal and local law enforcement authorities were in possession of multiple streams of intelligence predicting violence directed at the Capitol prior to January 6th. Although some of that intelligence was fragmentary, it should have been sufficient to warrant far more vigorous preparations for the security of the joint session. The failure to sufficiently share and act upon that intelligence jeopardized the lives of the police officers defending the Capitol and everyone in it.

While the danger to the Capitol posed by an armed and angry crowd was foreseeable, the fact that the President of the United States would be the catalyst of their fury and facilitate the attack was unprecedented in American history. If we lacked the imagination to suppose that a President would incite an attack on his own Government, urging his supporters to “fight

like hell,” we lack that insight no more. And the best defense against that danger will not come from law enforcement, but from an informed and active citizenry.

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## ENDNOTES

1. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL0000091086 (United States Secret Service Protective Intelligence Division communication noting left-wing groups telling members to “stay at home” on January 6th).
2. Donald J. Trump (@realDonaldTrump), Twitter, Dec. 19, 2020 1:42 a.m. ET, available at <https://www.thetrumparchive.com/?searchbox=%22Be+there+will+be+wild%22>.
3. See Select Committee Interview of Donell Harvin on January 24, 2022 at p. 14:9–12 (“Harvin Interview (January 24, 2022)”); see also Select Committee Informal Interview of Donell Harvin on November 12, 2021.
4. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Donell Harvin, (Jan. 24, 2022), p. 12; Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Donell Harvin, (Nov. 12, 2021).
5. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 22; see also Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Donell Harvin, (Jan. 24, 2022), p. 22; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Dr. Christopher Rodriguez, (Jan. 25, 2022), p.16.
6. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 22.
7. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 20.
8. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 44.
9. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL0000101135.0001 (December 30, 2020, Protective Intelligence Brief titled “March for Trump”).
10. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000001473 (December 29, 2020, email from PIOC-ONDUTY to THREAT ASSESSMENT re: FW: [EXTERNAL EMAIL] - Neo-Nazi Calls on D.C. Pro-Trump Protesters to Occupy Federal Building).
11. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000000436, CTRL0000000436.0001, CTRL0000000436.0002, CTRL0000000436.0003, CTRL0000000436.0004, CTRL0000000436.0005 (December 21, 2020, email re: Part II: FYSA - thread in OSINT research, attaching Donald.Win screenshots).
12. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000000091, CTRL0000000091,0001, CTRL0000000091,0002, CTRL0000000091,0003, CTRL0000000091,0004, CTRL0000000091,0005, CTRL0000000091,0006, CTRL0000000091,0007, CTRL0000000091,0008, CTRL0000000091,0009 (January 5, 2021, Yogananda Pittman email to Steven Sund at 4:55 p.m. re: FW: Interest in Tunnels Leading to the US Capitol, attaching screenshots of theDonald.win posts).
13. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Sund, (Apr. 20, 2022), pp. 60–61.

14. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Sund, (Apr. 20, 2022), pp. 60–61.
15. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jennifer Moore, (July 26, 2022), pp. 55, 57, 62.
16. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jennifer Moore, (July 26, 2022), p. 95.
17. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jennifer Moore, (July 26, 2022), p. 24.
18. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL0000236995 (December 26, 2021, email to PIOC, PIOC-ONDUTY re: (U//FOUO) Disruptions to DC Metro Area 01/06/2021 (Online Tip)).
19. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL0000236995 (December 26, 2021, email to PIOC, PIOC-ONDUTY re: (U//FOUO) Disruptions to DC Metro Area 01/06/2021 (Online Tip)).
20. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000001509 (December 25, 2020, email to John Donohue re: Fwd: "Armed and Ready, Mr. President": Demonstrators Urged to Bring Guns, Prepare for Violence at January 6 "Stop the Steal" Protest in DC, with attachments).
21. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000001509 (December 25, 2020, email to John Donohue re: Fwd: "Armed and Ready, Mr. President": Demonstrators Urged to Bring Guns, Prepare for Violence at January 6 "Stop the Steal" Protest in DC, with attachments).
22. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000001509 (December 25, 2020, email to John Donohue re: Fwd: "Armed and Ready, Mr. President": Demonstrators Urged to Bring Guns, Prepare for Violence at January 6 "Stop the Steal" Protest in DC, with attachments).
23. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000001509 (December 25, 2020, email to John Donohue re: Fwd: "Armed and Ready, Mr. President": Demonstrators Urged to Bring Guns, Prepare for Violence at January 6 "Stop the Steal" Protest in DC, with attachments).
24. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000001509 (December 25, 2020, email to John Donohue re: Fwd: "Armed and Ready, Mr. President": Demonstrators Urged to Bring Guns, Prepare for Violence at January 6 "Stop the Steal" Protest in DC, with attachments).
25. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000001509 (December 25, 2020, email to John Donohue re: Fwd: "Armed and Ready, Mr. President": Demonstrators Urged to Bring Guns, Prepare for Violence at January 6 "Stop the Steal" Protest in DC, with attachments).
26. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000001509 (December 25, 2020, email to John Donohue re: Fwd: "Armed and Ready, Mr. President": Demonstrators Urged to Bring Guns, Prepare for Violence at January 6 "Stop the Steal" Protest in DC, with attachments).

27. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000000087 (December 28, 2020, email re: 1/6 warning.).
28. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000000087 (December 28, 2020, email re: 1/6 warning.).
29. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of John K. Donohue, (Jan. 31, 2022), p. 54; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Yogananda Pittman, (Jan. 13, 2022), p. 47; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Julie Farnam, (Dec. 15, 2021), p. 42; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Sean Gallagher (Jan. 11, 2022), pp. 37, 57.
30. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000001473 (December 29, 2020, email from PIOC-ONDUTY to THREAT ASSESSMENT re: FW: [EXTERNAL EMAIL] - Neo-Nazi Calls on D.C. Pro-Trump Protesters to Occupy Federal Building.)
31. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000001527 (Email from Shane Lamond to Julie Farnam re: Fwd: MPD MMS Text Tip.).
32. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000001527 (Email from Shane Lamond to Julie Farnam re: Fwd: MPD MMS Text Tip.).
33. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (FBI Production, Jan. 31, 2022). This document is not being released due to national security concerns.
34. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Parler Production), PARLER\_00000011 - PARLER\_00000013 (January 2, 2021 email from Parler to FBI re: Another to check out).
35. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Julie Farnam, (Dec. 15, 2021), pp. 33–36.
36. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Architect of the Capitol Production), CTRL0000000002, p. 2 (January 5, 2021, email from AOC Command Center re: Individual says “go to Washington Jan 6 and help storm the Capital” adds “we will storm the government buildings, kill cops, kill security guards, kill federal employees and agents”: Blog via 8kun).
37. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Architect of the Capitol Production), CTRL0000000002, p. 2 (January 5, 2021, email from AOC Command Center re: Individual says “go to Washington Jan 6 and help storm the Capital” adds “we will storm the government buildings, kill cops, kill security guards, kill federal employees and agents”: Blog via 8kun).
38. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Architect of the Capitol Production), CTRL0000000002, p. 2 (January 5, 2021, email from AOC Command Center re: Individual says “go to Washington Jan 6 and help storm the Capital” adds “we will storm the government buildings, kill cops, kill security guards, kill federal employees and agents”: Blog via 8kun).
39. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000000083 (January 5, 2021, email re: (U//FOUO//LES) OSINT Post of Concern).
40. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000000083 (January 5, 2021, email re: (U//FOUO//LES) OSINT Post of Concern).



41. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Briefing by Steve Jensen, (Nov. 18, 2021). In an email sent by the FBI to the Select Committee on November 8, 2021, the FBI stated that on December 27, the FBI created a system to collect threats related to the “election certification” on January 6 by using a tag, “CERTUNREST.” Despite making multiple requests for the number of guardians that were tagged prior to January 6, the FBI did not provide a precise number. The FBI identified several dozen guardians opened in advance of January 6th that included a reference to January 6, Washington D.C., and either the U.S. Capitol or a specific threat of violence.
42. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (FBI Production), CTRL0000930224 p. 23, (noting “Communication and Establishment of a Quick Reaction Force by USPERs Related to an Identified Protest in Washington, District of Columbia, on 6 January 2021”).
43. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Yogananda Pittman, (Nov. 12, 2021).
44. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000001766, CTRL0000001766.0001 (Document from January 3, 2021, titled: “Special Event Assessment: Joint Session of Congress—Electoral College Vote Certification”); see also, Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Julie Farnam, (Dec. 15, 2021), pp 51–52.
45. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Mark Milley, (Nov. 17, 2021), p. 236.
46. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert O’Brien, (Aug. 23, 2022), p. 19.
47. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Chad Wolf, (Jan. 21, 2022), p. 31.
48. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Mark Milley, (Nov. 17, 2021), p. 235.
49. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Mark Milley, (Nov. 17, 2021), p. 236.
50. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Tomney, (Apr. 14, 2022), p. 40.
51. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2022), pp. 169–70.
52. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2022), pp. 169–70.
53. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 45.
54. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 18.
55. Select Committee to Investigate the January 6th Attack on the United Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 26.
56. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 24.
57. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (District of Columbia Production), CTRL0000007104 (December 31, 2020, letter from Mayor Bowser to General William Walker).
58. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 30.

59. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), pp. 78-79.
60. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 63.
61. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 50.
62. See DC Mayor's Office, "Mayor Bowers Provides Situational Update, 1/4/21," YouTube, Jan. 4, 2021, available at <https://www.youtube.com/watch?v=UbZ07wdnQ-s>; Julie Zauzmer Weil, Marissa J. Lang, and Dan Lamothe, "National Guard Activated for D.C. Protests, with More Restraints than in June, Officials Say," *Washington Post*, (Jan. 4, 2021), available at [https://www.washingtonpost.com/local/dc-national-guard-protests-bowser/2021/01/04/220ced16-4e8d-11eb-83e3-322644d82356\\_story.html](https://www.washingtonpost.com/local/dc-national-guard-protests-bowser/2021/01/04/220ced16-4e8d-11eb-83e3-322644d82356_story.html).
63. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), pp. 27-28.
64. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Dr. Christopher Rodriguez, (Jan. 25, 2022), p. 28.
65. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Dr. Christopher Rodriguez, (Jan. 25, 2022), p.66.
66. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (District of Columbia production), CTRL0000930981 (Memo: Final January 6th After Action Quick Look Report, Government of the District of Columbia Fire and Emergency Medical Services Department. May 19, 2022).
67. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 14.
68. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 15. (emphasis added)
69. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), pp. 14-15.
70. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 114.
71. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 116.
72. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), pp. 9. 21-23.
73. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 116.
74. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), p. 10.
75. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p.125.
76. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), p.12.
77. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), pp. 12-13. The result was an estimated 923 Capitol Police officers on the Capitol campus at 7 a.m. on January 6 (50% of strength), 1,214 officers at 2 p.m. (66%), and a total of 1,457 at some point during the day (79% of a total of 1,840 officers).
78. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 76.

79. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 138.
80. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 138.
81. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Charles Miller, (Jan. 14, 2022), p. 86.
82. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Charles Miller, (Jan. 14, 2022), p. 87.
83. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Charles Miller, (Jan. 14, 2022), p. 90.
84. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher J. Tomney, (Apr. 14, 2022), pp. 39, 43–44.
85. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Mark Milley, (Nov. 17, 2021), p. 237; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), Exhibit 38.
86. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Charles Miller, (Jan. 14, 2022), pp. 82–83; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Mark Milley, (Nov. 17, 2021), pp. 194, 281.
87. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Charles Miller, (Jan. 14, 2022), pp. 81–82; See also Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Mark Milley, (Nov. 17, 2021), pp. 236–37.
88. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Charles Miller, (Jan. 14, 2022), pp. 81–82.
89. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher J. Tomney, (Apr. 14, 2022), pp. 39, 43–44.
90. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Charles Miller, (Jan. 14, 2022), p. 90.
91. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Mark Milley, (Nov. 17, 2021), pp. 202–04.
92. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Charles Miller, (Jan. 14, 2022), p. 88.
93. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Mark Milley, (Nov. 17, 2021), p. 206.
94. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher J. Tomney, (Apr. 14, 2022), pp. 41, 45–46.
95. See Chapter 4.
96. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 157, 165–67.
97. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of David Bowdich, (Dec. 16, 2021), pp. 97–98; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Donoghue, (Oct. 1, 2021), p. 162.
98. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), PRODUCTION 1–000017 (“On January 3, 2021, during an interagency meeting hosted by the White House, the Department of Justice was designated as the lead Federal agency for the planned First Amendment demonstrations on January 5–6.”).

99. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Tomney, (April 14, 2022), p. 45; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Tomney, (April 14, 2022), p. 46.
100. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 168.
101. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 169.
102. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 169.
103. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Charles Miller, (Jan. 14, 2022), p. 83.
104. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Chad Wolfe, (Jan 29, 2022), pp. 48–49
105. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Julie Farnam, (Dec. 15, 2021), pp. 58–59.
106. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Julie Farnam, (Dec. 15, 2021), pp. 58–59.
107. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of the Interior Production), DOI\_46000428\_00005162 (Dec. 19, 2020, Cindy Chafian email Re: Status of application - Women for America First at 7:12 AM).
108. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Interior), DOI\_46000114\_00000246.
109. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Interior), DOI\_46000114\_00000246.
110. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Interior Response to questions), DOI\_46000114\_00000246.
111. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Interior Response to questions), DOI\_46000114\_00000246.
112. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Interior Response to questions), DOI\_46000114\_00000246.
113. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Interior), DOI\_46000114\_00000246.
114. See Executive Summary and Chapter 7.
115. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL0000481288 (January 6, 2021 email at 8:17 AM referencing 2 magnetometers being surged); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL0000495699 (January 6, 2021, email at 10:46 a.m re: Mags Update referencing 12 magnetometers, which means there were 10 earlier in the day).
116. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jamie Fleet, (Mar. 10, 2022), p. 24.
117. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jamie Fleet, (Mar. 10, 2022), pp. 25–26, 30.
118. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jamie Fleet, (Mar. 10, 2022), p. 28.

119. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Terri McCullough, (Apr. 18, 2022).
120. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Sund, (Apr. 20, 2022), p. 146.
121. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service production), CTRL0000481790 (January 6, 2021, email to Robert Engel at 10:35 am).
122. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service production), CTRL0000536285 (January 6, 2021, email forwarded by Robert Engel to Anthony Ornato at 11:32 am).
123. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jeffrey Rosen, (Oct. 13, 2021), p. 168.
124. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jeffrey Rosen, (Oct. 13, 2021), p. 169.
125. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Jan6-07222021-000587 (January 6, 2021, email to Richard Donoghue at 10:43 am).
126. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Jan6-07222021-000621 (January 6, 2021, Jeffrey Rosen call list).
127. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jeffrey Rosen, (Oct. 13, 2021), p. 169.
128. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of David Torres, (Mar. 2, 2020), p. 80.
129. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL0000093384 (January 6, 2021, message to PID agents at 12:00 p.m.).
130. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL0000152321 (January 6, 2021, emails at 12:20 p.m. and 1:34 p.m.).
131. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL0000542477 (January 6, 2021, internal email at 12:26 p.m.).
132. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL0000087742 (January 6, 2021, Joint Operations Center (JOC) email designating a response team at 1:14 pm).
133. United States Secret Service Radio Tango Channel, Jan. 6, 2021. Select Committee staff reviewed recordings of this radio frequency.
134. United States Secret Service Radio Tango Channel, Jan. 6, 2021. Select Committee staff reviewed recordings of this radio frequency.
135. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), pp. 6–7.
136. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), pp. 7–8.
137. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), pp. 8–9.
138. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 147.

139. This call, and subsequent coordination for National Guard assistance between various entities is detailed in the National Guard appendix.
140. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (District of Columbia production), CTRL0000930981 (Memo: Final January 6th After Action Quick Look Report, Government of the District of Columbia Fire and Emergency Medical Services Department. May 19, 2022).
141. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000000056 (noting the event at 1:06 p.m.).
142. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000000056 (marking the event at 1:03 p.m.).
143. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Sean Gallagher, (Jan. 11, 2022), p. 19.
144. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jeffrey Rosen, (Oct. 13, 2021), p. 171.
145. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jeffrey Rosen, (Oct. 13, 2021), p. 169.
146. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 176.
147. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Robert Engel, (Mar. 4, 2022).
148. For further details of the SUV incident, see Chapter 7.
149. See Executive Summary and Chapter 7.
150. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL0000882478.
151. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL0000496064.
152. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL0000208061.
153. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), pp. 6–7.
154. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 147.
155. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of David Bowdich, (Dec. 16, 2021), pp. 111–12.
156. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of David Bowdich, (Dec. 16, 2021), pp. 111–12.
157. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Valerie Hasberry, (Apr. 14, 2022), pp. 59–61.
158. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Sean Gallagher, (Jan. 11, 2022), p. 15.
159. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of David Bowdich, (Dec. 16, 2021), pp. 8, 9, 22–25.
160. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 155.
161. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Yogananda Pittman, (Jan. 13, 2022), p. 72.



162. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Yogananda Pittman, (Jan. 13, 2022), pp. 73–74.
163. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Yogananda Pittman, (Jan. 13, 2022), pp. 73–74.
164. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert Glover, (May 2, 2022), p. 80.
165. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert Glover, (May 2, 2022), p. 77.
166. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 154.
167. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 64.
168. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 17.
169. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 17.
170. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 17.
171. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), pp. 16–17.
172. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 176.
173. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 176.
174. United States Secret Service Radio Tango Channel, Jan. 6, 2021. Select Committee staff reviewed recordings of this radio frequency.
175. United States Secret Service Radio Tango Channel, Jan. 6, 2021. Select Committee staff reviewed recordings of this radio frequency.
176. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Timothy Giebels, (Apr. 8, 2022), p. 54.
177. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Timothy Giebels, (Apr. 8, 2022), p. 54.
178. United States Secret Service Radio Tango Channel, Jan. 6, 2021. Select Committee staff reviewed recordings of this radio frequency.
179. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Timothy Giebels, (Apr. 8, 2022), pp. 72–73.
180. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (District of Columbia Production), CTRL0000070377 (recording of Metropolitan Police Department, Radio Transmission, from 1400–1500 hours).
181. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert Glover, (May 2, 2022), pp. 61–62.
182. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 179–80.
183. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 180.
184. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 180–81.

185. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of David Bowdich, (Dec. 16, 2021), p. 111; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Donoghue, (Oct. 1, 2021), p. 181.
186. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Donoghue, (Oct. 1, 2021), p. 182.
187. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jeffrey A. Rosen, (Oct. 13, 2021), p. 176.
188. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of David Bowdich, (Dec. 16, 2021), pp. 113–14.
189. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of David Bowdich, (Dec. 16, 2021), pp. 113–14.
190. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of David Bowdich, (Dec. 16, 2021), p. 114.
191. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of David Bowdich, (Dec. 16, 2021), p. 114.
192. "Video Shows Pelosi Trying to Secure the Capitol," *New York Times*, (Oct. 13, 2022), available at <https://www.nytimes.com/video/us/politics/100000008581029/jan-6-pelosi-video.html>.
193. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 15.
194. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), PRODUCTION 1—000017.
195. "D.C. Mayor Muriel Bowser Press Conference on Capitol Protests Transcript January 6," Rev, (Jan. 6, 2021), available at <https://www.rev.com/blog/transcripts/d-c-mayor-muriel-bowser-press-conference-on-capitol-protests-transcript-january-6>.
196. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 7.
197. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jeffrey Rosen, (Oct. 13, 2021), p. 182.
198. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jeffrey Rosen, (Oct. 13, 2021), pp. 182–83.
199. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Timothy Giebels, (Apr. 8, 2022), p. 82.
200. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Secret Service Production), CTRL0000512238 (January 6, 2021, email at 4:42 p.m. noting "Hoosier going to call chief of Capital [sic] Police").
201. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 190. Donoghue memorialized this call in handwritten notes. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Jan6-07222021-000614 (January 6, 2021, handwritten notes by Richard Donoghue, 7:00 p.m.).
202. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Jan6-07222021-000614 (January 6, 2021, handwritten notes by Richard Donoghue, 7:00 pm.).
203. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of David Bowdich, (Dec. 16, 2021), p. 116.
204. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Jan6-07222021-000614 (January 6, 2021, handwritten notes by Richard Donoghue, 7:00 pm.)

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205. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 191.
  206. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (District of Columbia production), CTRL0000930981 (Memo: Final January 6th After Action Quick Look Report, Government of the District of Columbia Fire and Emergency Medical Services Department. May 19, 2022).
  207. United States Government Accountability Office, *CAPITOL ATTACK: Additional Actions Needed to Better Prepare Capitol Police Officers for Violent Demonstrations*, 117th Cong., 2d sess. (March 2022), available at <https://www.gao.gov/assets/gao-22-104829.pdf>.

## DC NATIONAL GUARD PREPARATION FOR AND RESPONSE TO JANUARY 6TH

### INTRODUCTION

H. Res. 503 Section 4(a) directs the Select Committee to examine the “facts, circumstances, and causes relating to the domestic terrorist attack on the Capitol,” including the “activities of intelligence agencies, law enforcement agencies, and the Armed Forces, including with respect to intelligence collection, analysis, and dissemination and information sharing among the branches and other instrumentalities of government.” This appendix focuses on the activities of the DC National Guard in the days leading up to and on January 6, 2021.

In contrast to the National Guard units in 50 States and three territories, where deployment authority lies with the governor of those respective jurisdictions, the DC Guard falls directly under the command of the United States President. In the discussion section below, this appendix provides a narrative of the preparations for and eventual deployment of the DC Guard on January 6th, and the interaction between then-President Trump and the DC Guard in the relevant time period. It is based on the Select Committee’s interviews of 24 witnesses and review of over 37,000 pages of documents.

### DISCUSSION

#### A “GUT-WRENCHING” SUMMER

The approval process for the deployment of the DC National Guard is unique, unlike any of the 50 States or three territories across the country where ultimate authority rests in the hands of the governor.<sup>1</sup> In the nation’s capital, where no governorship exists, the Guard is ultimately under the command of the President of the United States when acting in its militia capacity to support civil authorities.<sup>2</sup> By executive order, however, President Richard Nixon delegated the President’s day-to-day control of the DC Guard to the Secretary of Defense and specified that its Commanding General should report to the Secretary of Defense or the Secretary’s designee.<sup>3</sup> By memorandum, the Secretary of Defense, in turn, delegated day-to-day control of the DC Guard to the Secretary of the Army.<sup>4</sup> The commander of the DC Guard reported directly to the Secretary of the Army on January 6, 2021.<sup>5</sup>

During the 2020 summer protests in response to the murder of George Floyd,<sup>6</sup> the approval process for Guard deployment ran smoothly. “Very, very proactive,” then-Commanding General of the DC Guard William

Walker said.<sup>7</sup> Secretary of the Army Ryan McCarthy “really wanted us out there.”<sup>8</sup> Secretary McCarthy, with all his authorities, was physically beside Major General Walker throughout that summer. “[H]e was with me for all of it,” Major General Walker said.<sup>9</sup> “He came to the [A]rmory every day. He brought his staff with him.”<sup>10</sup> As has been widely reported, a number of President Trump’s senior advisors, including Attorney General Bill Barr, resisted President Trump’s requests to deploy the Guard or other troops in various states and cities where violence had occurred or was underway.<sup>11</sup>

In the summer of 2020, nothing was being written down; it “was just all verbal back and forth.”<sup>12</sup> That approach sped up response times. But as the DC Guard footprint grew and controversies began plaguing the operation, Secretary McCarthy came away with the lesson that deliberative and by written order beat fast and by oral command.<sup>13</sup>

“What we learned in the process was we were not capturing a lot of the information in writing in the orders process, which is fundamental, foundational because of the stress of the situation and the speed of the situation,” Secretary McCarthy said.<sup>14</sup>

While a concept of operations (“con-op”) was developed at the lower level during the summer 2020 operations, it did not require approval or input at the secretary level.<sup>15</sup> That approach came to be seen as a mistake that should not be replicated the next time there was a civil disturbance crisis in the nation’s capital. General Walter Piatt, director of the Army staff, explained: “That’s where Secretary McCarthy put that restriction to say, I want a concept of the operation before we just send a force to do something.”<sup>16</sup>

One of the most visible and highly criticized of the summer 2020 operations was the use of low-flying helicopters that appeared to be bearing down on protesters with the aim of dispersing them. On June 1st, as Guard presence tripled overnight, the use of helicopters meant for aerial surveillance<sup>17</sup> “somehow got translated to a very competent Army officer that ‘I am to fly low and loud to deter looters,’ ” General Piatt said.<sup>18</sup> “[W]hat the investigation revealed was that we did not have good procedures in place to provide military support to a very serious civil disturbance ongoing. The—because—the pilot of that aircraft believed that was his mission.”<sup>19</sup>

The “embarrass[ment]”<sup>20</sup> of the low-flying helicopter affected Secretary McCarthy. General Charles Flynn, then-deputy chief of staff for operations, plans, and training, told the Select Committee, “I know the Secretary was concerned.”<sup>21</sup> He further explained: “I’m sure that affected his thinking.”<sup>22</sup>

Secretary McCarthy became convinced that a concept of operations needed to be “explicit, tailored”<sup>23</sup> and—most importantly—that it needed to “come from [the] top down.”<sup>24</sup> Secretary McCarthy told his staff,

“[W]hen we get a request next time, we have to be absolutely certain that we understand the mission clearly,”<sup>25</sup> and that “no other civil authority could re-mission off that support without the approval of either the Secretary of the Army or, in certain circumstances, the Secretary of Defense.”<sup>26</sup>

In mid-June 2020, then-Secretary of Defense Mark Esper, Secretary McCarthy, Chairman of the Joint Chiefs of Staff General Mark Milley, and Major General Walker huddled to talk about what went wrong in the preceding weeks. Senior defense officials then decided they would take a “more active” role in directing the force.<sup>27</sup> “[A]s a result, we all took a more active interest in what was happening down to the tactical level to make sure that we were, again, abiding by kind of the core principles of civil-military relations,” former Secretary Esper said.<sup>28</sup>

Major General Walker said he was not told about that shift in perspective: “[I]f the Army thought different of how we respond to civil unrest, civil disturbance, I would hope . . . they would communicate that with the guy—with the person who is going to execute that change.”<sup>29</sup>

In the words of General Milley, the summer of 2020 had been “a pretty gut-wrenching experience.”<sup>30</sup> The Department of Defense was still recovering when it was faced with the decision of the manner and degree to which the DC Guard should provide assistance to law enforcement authorities planning, just seven months later, for the events anticipated in connection with Congressional certification of the electoral votes on January 6, 2021.

**A “Tailored” Request for Guard Resources.** On December 19, 2020, President Trump tweeted, “Big protest in DC on January 6th. Be there! Will be wild!” From that day forward, a rookie DC intelligence analyst saw a tenfold uptick in violent rhetoric targeting Congress and law enforcement.<sup>31</sup> Right-wing groups were sharing histories of violence and some not traditionally aligned had begun coordinating their efforts.<sup>32</sup> The analyst’s report reached more senior DC leadership, including, eleven days later, Mayor Bowser.<sup>33</sup> In the course of the Committee’s investigation, it received and reviewed a significant number of documents indicating that certain intelligence and law enforcement agencies understood that violence was possible or even likely on January 6th. The Committee received many of those materials from the U.S. Secret Service, but also from other agencies as well.

On Thursday, December 31, 2020, the day after the briefing, Mayor Bowser sent a letter to Major General Walker requesting Guard assistance for January 5 and 6, 2021.<sup>34</sup> A second letter specified the District’s request as limited to two forms of assistance: crowd management at Metro stations and blocking vehicles at traffic posts. It did not request help with potential civil disturbance.<sup>35</sup>



General Piatt viewed the “limited request”<sup>36</sup> as a “pretty good, tailored mission,” that was “not vague.”<sup>37</sup> General James McConville, chief of staff of the Army, called the request appropriately “restricted”<sup>38</sup> with “a very low military signature.”<sup>39</sup>

According to testimony by Defense Department witnesses, after a summer of perceived overreach, military leadership was grateful for the delineated parameters set by the city itself.

The substance of the request—limited to traffic and crowd control “so they could have more police officers to do police functions”<sup>40</sup>—was not seen as narrow by District officials. “I would say it’s a specific request,” Chief of DC Police (Metropolitan Police Department (“MPD”)) Robert Contee said.<sup>41</sup> “[L]eave the unlawful stuff, leave that to the police to deal with.”<sup>42</sup> Mayor Bowser said: “I don’t know any law enforcement person who would suggest that urban disturbances aren’t best handled by the police.”<sup>43</sup>

“Civil disturbance was not something we requested at that time. Mostly also because the vast majority of the, if not all, of the permitted protests were taking place on Federal lands,” said Director of the DC Homeland Security and Emergency Management Agency Christopher Rodriguez.<sup>44</sup> The District had no jurisdiction. “Mayor Bowser cannot make a request on behalf of the White House or on behalf of the Capitol for U.S. Capitol—for . . . DC National Guardsmen to deploy to those two entities. She can’t,” Chief Contee said.<sup>45</sup> At this time, it was well known that President Trump had planned a speech and rally on “Federal lands”—on the Ellipse south of the White House. It was not widely known that President Trump intended to “spontaneously” instruct the tens of thousands of supporters at that Ellipse rally to march down Pennsylvania Avenue to the Capitol.<sup>46</sup>

**Five Days of “Tremendous Resistance”.** At first, Secretary McCarthy was not sold on involving the Guard at all. Major General Walker called Secretary McCarthy “instantly when I got the letters” from the District on Thursday, December 31st, and “initially I felt I must have caught him at a bad time.”<sup>47</sup> Secretary McCarthy recalls it being a short conversation. “I said, ‘okay, got it. Thank you.’ You want to immediately flip it so that Secretary of Defense knows that we alerted his office,” he said.<sup>48</sup>

According to Major General Walker’s account of this call, the Secretary initially stated “‘We’re not doing it,’”<sup>49</sup> and then left the door open for further discussion. Major General Walker explained: “‘I said, ‘Well, sir, I think you should look at it.’ And then he told me, ‘Well, we’ll talk about it, but we don’t really want to do this, because the look it would give, the military out there interfering.’ . . . He says, ‘Well, we’ll discuss it on Monday.’”<sup>50</sup>

On Sunday, January 3rd, Secretary McCarthy called Chief Contee, who had formally assumed the role of acting head of MPD just the day before.<sup>51</sup>

“I thought initially that . . . he is just calling me basically as a rubber stamp to say, . . . ‘You asked for it, you got it.’ . . . It didn’t go that way,” Chief Contee said.<sup>52</sup> “[H]e had concerns about deploying National Guard for this event. He talked about the optics of the event, having boots on the ground. . . . And I pushed back on that.”<sup>53</sup>

In his interview with the Select Committee, Secretary McCarthy described evaluating the request on the evening of January 3rd. “I sat at home. I chewed on it,” he said.<sup>54</sup> “You know, I’m not particularly inclined to support it, because my concern was really we didn’t have a command-and-control architecture in place. We didn’t really have all of the mechanisms to be successful, you know. . . . So it was a very tough decision for me.”<sup>55</sup>

Over five days, from December 31st to January 4th, District officials faced what Major General Walker called “tremendous resistance.”<sup>56</sup>

Both Chief Contee and Director Rodriguez recalled that five-day period on January 6th, when Chief Steven Sund, of the U.S. Capitol Police, was pleading for reinforcements.<sup>57</sup> Acting Defense Secretary Christopher Miller, “heard through the grapevine that [Secretary McCarthy] was inclined—I don’t want to say inclined to disapprove, but, you know, looking at it carefully or whatever. So—but that’s fine. He can do whatever he wants. I knew that I was going to honor [the mayor’s] request . . . .”<sup>58</sup>

How close those Guard assets could go to the Capitol became a sticking point. Colonel Craig Hunter, the highest-ranking commander on the ground on January 6th, said the Army “really want[ed] to go through the concept of operations to see, okay, exactly—basically Metro stop by Metro stop, intersection by intersection, to see where will Guardsmen be exactly, you know, how close are you to the Capitol . . . .”<sup>59</sup> He said an initial request by MPD to post Guard troops at the South Capitol Metro station—like all other Metro stations—was denied.<sup>60</sup> In conference calls that “went back and forth,”<sup>61</sup> Major General Walker was told, “There was a concern about being too close, military uniforms too close to the Capitol.”<sup>62</sup>

Major General Walker had a different perspective. He saw his people as “citizen soldiers,” “your neighbors that are going to come to your aid and rescue when you need us,”<sup>63</sup>—not traditional boots on the ground. “[T]hat’s where, to me, the vest came in. This was the National Guard, not the Army,” he said.<sup>64</sup>

Military authorities determined that a geographical boundary would have to be established as a condition of approving the Guard’s deployment to assist MPD. No servicemember could go east of Ninth Street. It wasn’t made explicit to District officials, but they all knew what lay east. “[T]he

Capitol is east,” Chief Contee said.<sup>65</sup> “[I]f you move them anywhere east of Ninth Street, they will be close to the Capitol. That was certainly the way I understood it.”<sup>66</sup>

Director Rodriguez worried “that it constrained our ability to react quickly if the situation got out of hand.”<sup>67</sup> Without the limitation, the District fully intended to post its resources farther east: “[W]e couldn't get as close to the Capitol as could have been helpful,” Mayor Bowser said.<sup>68</sup> “[W]e would have had a broader traffic box.”<sup>69</sup>

**Fears of Politicizing the Military in an Antidemocratic Manner.** Both Acting Secretary Miller and Secretary McCarthy were sensitive to the sight of troops near the site of the Congressional certification of electoral votes, because of President Trump’s previous expression of interest in using Federal troops in civilian situations. Again, Attorney General Barr and other members of the Trump Administration had resisted President Trump’s desire to deploy such troops. Secretary Esper said it “tended to be the case . . . that the President was inclined to use the military,” contrary to longstanding principles of reserving the armed forces as a last resort.<sup>70</sup>

According to his testimony, Acting Secretary Miller’s express first priority—after being installed with just two months left in the Trump administration—was “to make every effort to return the Department of Defense to a nonpoliticized entity,” because previously, “the Department was being showcased too much.”<sup>71</sup> In testimony to the U.S. House Committee on Oversight and Reform on May 12, 2021, he cited “fears that the President would invoke the Insurrection Act to politicize the military in an antidemocratic manner” as shaping his thinking.<sup>72</sup> “No such thing was going to occur on my watch,” he wrote,<sup>73</sup> later adding that “if I would have put troops on Capitol Hill” before the attack and without a request from civil authorities, “that would have been seen as extremely provocative, if not supporting this crazy narrative that the military was going to try to overturn the election.”<sup>74</sup>

Secretary McCarthy felt similar pressure. He had been taken aback when—as he was walking down the Pentagon’s hallways—“one of the most seasoned reporters” asked him whether the Army was planning to seize ballot boxes.<sup>75</sup> It was “an incredibly tense period,” according to Secretary McCarthy.<sup>76</sup> As our investigation has demonstrated, President Trump had considered proposals from Lt. General (ret.) Michael Flynn, Sidney Powell, and others that troops be utilized to seize ballot boxes in certain parts of the country.

On December 18, 2020—the same day as the contentious White House meeting with Flynn and others,—Secretary McCarthy issued a statement, “mirror[ing] what General Milley said about a month before,”<sup>77</sup> reiterating that “There is no role for the U.S. military in determining the outcome of an

American election.”<sup>78</sup> Given the heat of the rhetoric, he thought, “[I]f we don't say anything, it's going to scare people.”<sup>79</sup> Secretary McCarthy told the Select Committee he thought he would be fired after publicly stating that the military would not assist in a coup.<sup>80</sup> General McConville, who signed the statement alongside Secretary McCarthy's signature,<sup>81</sup> linked their words directly to the Ninth Street limitation: “[T]here was no plan to put any military anywhere near the Capitol because of what we had said, the military has no role in determining the outcome of elections.”<sup>82</sup>

On January 1st, Executive Officer to Secretary McCarthy Colonel John Lubas wrote in an internal email that the Secretary “wants to clearly communicate that this request is NOT from the White House.”<sup>83</sup> The email noted that the Secretary wanted to “aggressively message” that the request had come from District officials, not the President.<sup>84</sup>

“We wanted everybody to know that, because it would create confusion and even more tension of having soldiers on the street without a request and that they be near the Capitol with certification of an election, a contested election,” Secretary McCarthy said.<sup>85</sup>

On January 3, 2021, 10 former Secretaries of Defense, including the recently fired, former Secretary Esper, published a joint op-ed warning that “[i]nvolving the military in election disputes would cross into dangerous territory.”<sup>86</sup> Secretary McCarthy had himself worked for five of the 10 secretaries.<sup>87</sup> “I know all these [men],” he said.<sup>88</sup> “[T]hey were—everyone was telling us, be very conscious of your actions and how you—you know, what you're going to do that day. So we wanted to know where every soldier was by street corner.”<sup>89</sup>

Was Secretary McCarthy concerned that President Trump might use the military to cling to power? “There was a lot of talk in the lead-up about martial law . . . and the employment of forces, and you know, that was something that we were all, you know, conscious of.”<sup>90</sup> Our investigation suggests that those civilian and military officials who had considerable experience working directly with President Trump had genuine concerns about whether he would attempt to use the military to change the election results. Again, at this time, there is no evidence the Department of Defense understood exactly what President Trump and his associates planned for January 6th.

**“Very Strict on the Use of the Military” on January 6th.** By Monday, January 4th, with Secretary McCarthy now backing the operation, Acting Secretary Miller was briefed. He told the Select Committee that he “made the decision right there to honor the request.”<sup>91</sup> That approval came with strings attached. The role of the DC Guard would be spelled out and tightly circumscribed in a memorandum that, as characterized by General Milley, was “very strict on the use of the military.”<sup>92</sup> It decreed that without the Acting Secretary's

“subsequent, personal authorization,” the Guard would not be issued batons, helmets, or body armor; could not interact physically with protestors, except in self-defense; and that the Quick Reaction Force (QRF)—40 servicemembers staged in case of an emergency at Joint Base Andrews in Prince George’s County, Maryland—could be deployed only as a last resort.<sup>93</sup>

Above the tactical level, changes in the mission of the Guard had to be approved by the Secretary of the Army and, in some cases—in order to “interact physically with protestors” or be issued batons—required running further up the chain to the Secretary of Defense.<sup>94</sup>

To District officials, that seemed new—and unnecessary. “[The Secretary told us,] if you send them to any other kind of mission, that has to get approval from me. And I just think that those were unnecessary restrictions . . .” Chief Contee said.<sup>95</sup>

What the QRF would be called upon to do, even in the case of an emergency, is a matter of debate. The letter and memorandum do not expressly note whether the QRF could be used to support the original mission of the Guard—traffic and crowd control—or a new mission helping contain sudden and out-of-hand civil disturbance.<sup>96</sup> The DC Guard official put in charge of the QRF for January 5th and 6th, Lieutenant Colonel David Reinke, said he had not been given much guidance as to their role.<sup>97</sup>

The Army and the DC Guard appear to have had different understandings. “[T]he intent of the quick reaction force was really to send these troops over to help if they had a problem at one of the traffic command posts,” General McConville said.<sup>98</sup> “There never was an intent for a quick reaction force to go to the Capitol . . .”<sup>99</sup> According to Army officials, without a con-op and a formal change in mission, the QRF could do traffic control and no more.

That was not how others imagined an emergency unit would or should operate. According to Major General Walker, “a quick reaction force, something’s happening; do I have time to find you and call you and ask you?”<sup>100</sup> He called the preapproval language “highly unusual,”<sup>101</sup> particularly as their name “already implied that it’s a last resort,”<sup>102</sup> their intended purpose was if “[u]nexpectedly, you have a spontaneous unrest,”<sup>103</sup> and if “I need to write a concept of operations for a quick reaction force? They’re no longer quick. It’s just a reaction force.”<sup>104</sup>

**Capitol Police Board “Prepared” without Guard Help.** It wasn’t clear to everyone involved in planning for the events anticipated on January 6th that all agencies, including the Capitol Police, were deploying all their resources ahead of that day. “We had had issues understanding, getting the full picture of U.S. Capitol Police’s operational posture and what their planning was,” Director Rodriguez said.<sup>105</sup>

Mayor Bowser was struck when—right before the press briefing that Monday, January 4th—the mayor asked the Capitol Police representative, “[W]here does your perimeter start? [And h]e gets up out of the room, calls somebody. And the next thing I know he can’t participate in the conference.”<sup>106</sup> She elaborated: “[T]hat should have been like a trigger to me. Like these people, they don’t want to answer questions about their preparation.”<sup>107</sup>

On the morning of January 3rd, Capitol Police Chief Steven Sund approached two of the members of the Capitol Police Board and purportedly requested—but concededly did not push for—Guard resources for the Capitol.<sup>108</sup> According to Chief Sund, in a minutes long meeting in the office of House Sergeant at Arms Paul Irving, Irving told Chief Sund he did not like the optics of asking for the Guard in advance and that the intelligence did not support it.<sup>109</sup> Chief Sund said he did not push back on either point.<sup>110</sup> In fact, he agreed that his reading of the intelligence—despite a forewarning put out by his own intelligence unit that “Congress was itself the target” on January 6th<sup>111</sup>—did not call for Guard support,<sup>112</sup> only that having more personnel on his perimeter would make him “more comfortable.”<sup>113</sup> Irving suggested he talk to the Senate Sergeant at Arms, and then-chairman of the Capitol Police Board, Michael Stenger.<sup>114</sup> According to Irving, Stenger, in a meeting in his office, asked Chief Sund to reach out to the Guard and find out, if an emergency called for it, “how many people can [the commanding general] give us and how quickly can he give us those people?”<sup>115</sup> Chief Sund said he took their responses to mean “no,” despite conceding that he was never told “you cannot have the National Guard” or anything to that effect.<sup>116</sup> “It was 100 percent a denial,” he maintained.<sup>117</sup>

Irving recalled the matter coming up on a three-way phone conference during which “the consensus was that we didn’t need” the Guard.<sup>118</sup> He did not consider it a request.<sup>119</sup> On the call, Chief Sund noted that the District planned to use the servicemembers to staff intersections, but the Capitol grounds had few of those, and it would not relieve many officers if they were used in a similar fashion.<sup>120</sup> “It was a combination of operationally the chief didn’t feel that they would add much to his plan, and the intelligence really didn’t speak for anything that we felt would justify the need for them,” Irving said.<sup>121</sup> Irving doesn’t recall taking the “optics” into consideration.<sup>122</sup> According to Irving, the conversation ended the same way Chief Sund said it had: “Why don’t you just tell them to be on standby?” Stenger suggested.<sup>123</sup> It was never brought up again.<sup>124</sup>

The discussion about the use of the Guard remained within the Capitol Police Board and did not reach congressional leadership, including the Speaker of the House. That was normal. “[F]rom a tactical perspective, we would make decisions without the input from congressional leadership,”



Irving said.<sup>125</sup> “I always felt that I had full authority to implement security decisions as I deemed appropriate.”<sup>126</sup> In fact, when the three men briefed congressional leaders on January 5th, Chief Sund conveyed the same optimistic outlook as he had with Major General Walker: “[We told them] we felt we were prepared based on the information we had, yes,” he said.<sup>127</sup>

To keep these exchanges in perspective, we note again that we are aware of no evidence that these individuals were privy to President Trump’s plans to instruct tens of thousands of his supporters to walk down Pennsylvania Avenue to the Capitol to help “take back” their country. Nor were they aware of how President Trump would suggest to his followers that Vice President Pence had the authority to change the outcome of the election, or how President Trump would behave in the hours that followed. Certain members of Congress, including those who met at the White House on December 21, 2020, may have had considerably more insight into President Trump’s planning, but the Committee has no information suggesting that any of those members alerted the Capitol Police or other authorities of President Trump’s plans.

**Soldiers Prepare for the Worst in Secret.** Guard reinforcements could draw from a pool of three groups already activated for the day: (1) the 40 members making up the QRF, staged in Maryland;<sup>128</sup> (2) the 90 members at the traffic control points, 24 at the Metro stations, and four as part of the command staff distributed throughout the city—but no farther east than Ninth Street—for a total of 118 representing the first shift;<sup>129</sup> and (3) the second shift of another 118 members,<sup>130</sup> preparing at the Armory in Southeast Washington, D.C, for a 3:00 p.m. shift takeover.<sup>131</sup> The Armory also housed a command-and-control squad that handled logistics at about 52 members strong, in addition to a Civil Support Team of about 20 members.<sup>132</sup> That gave Colonel Hunter a maximum limit of 348 activated servicemembers, eight more than the allotted 340—nearly all of whom reported directly to him on January 6th.<sup>133</sup>

The QRF was most prepared for responding to sudden and escalating civil unrest. At Joint Base Andrews, they were provisioned with full riot-control kits,<sup>134</sup> including a helmet with a face shield already attached, protective vest, shin guards, knee guards, shield, and baton.<sup>135</sup> The head of the QRF—himself provided little guidance on the contours of his mission—had his squad train for civil disturbance on January 5th and the morning of the 6th as they waited.<sup>136</sup> Not only had they trained, but they trained *together*, as a unit—a benefit military officials all agreed is ideal. Army leadership, all the way up to Secretary McCarthy,<sup>137</sup> had no idea that Lt. Col. Reinke had taken these initiatives. Secretary McCarthy agreed that had he known of their civil disturbance preparation, “it could have” affected the speed with which approval was ultimately given for their deployment.<sup>138</sup>

As to the second group of available resources—the servicemembers stationed at traffic control points since the early morning of January 6th—Army leadership held misconceptions about what equipment was available to them. Secretary McCarthy had agreed that some gear—expressly not batons—could remain stowed away in vehicle trunks.<sup>139</sup> Colonel Hunter had his troops put the gear into a white box truck instead and designated a rally point for the truck that would be central to all traffic control points.<sup>140</sup> On the night of January 5th, in anticipation of January 6th, Colonel Hunter had his troops move the civil disturbance gear—including the prohibited batons—into the individual vehicles themselves.<sup>141</sup> Captain Tarp, the head of the second shift, agreed that they were told to load the equipment into their vehicles “on the down low. Done so it wasn’t visible, so it wouldn’t look like we were escalating [our] role.”<sup>142</sup>

The commanding general of the DC Guard was aware that the troops had all they needed in their trunks and—in the case of an emergency—would not need to return to the Armory to get it: “They already had it,” Major General Walker said.<sup>143</sup>

But Army leadership did not know that. Although General Piatt said “We never asked, like, what was actually—I have no knowledge of what they [actually] had in” the vehicles,<sup>144</sup> the guidance from Secretary McCarthy’s letter led him to believe that “weapons, ammunition, batons, shields, kneepads, other protection that we may be asked to do for civil disturbance, that was not [there]—because they were specifically told they would not participate in that mission . . . .”<sup>145</sup> Secretary McCarthy said, “The only thing I authorized General Walker to do was their ballistic helmets and body armor in the vehicle, not their shields or their riot batons.”<sup>146</sup> He figured his orders had been followed.<sup>147</sup> When asked why he was not aware of the moves the Guard had made, Secretary McCarthy said, “I mean, I made a mistake. I think a local unit commander was anticipating more than what potentially we were prepared for.”<sup>148</sup>

DC Guard leadership understood that loading this equipment flouted direct orders. “I wasn’t going to have my soldiers unprepared,” Major General Walker said.<sup>149</sup> The prohibition on batons, in particular, had been sent 54 minutes after the Guard had already begun their traffic control shifts on the morning of January 5th.<sup>150</sup>

The third group of available resources—the servicemembers awaiting at the Armory to take over as the second shift at the traffic control points—had equipment accessible to them at headquarters. Captain Tarp did note that it took time to ensure that the Armory equipment was in working order: repairing straps that were broken, wiping off dirt on the shields because “they were the same from the George Floyd protests,” and affixing the helmet to the shields, which took upwards of 20 to 30 minutes.<sup>151</sup> In the

three different locations where the Guard was stationed as the Capitol was being breached, all servicemembers had access to full civil disturbance gear right there with them.

Outside of the QRF, which had recently returned from two days of training together, there is debate as to how ready the rest of the Guard was to engage in civil disturbance response on January 6th. The notion that the military is not primed or naturally skilled to deal with civil disturbance appears to stand in tension with National Guard traditions, training, and doctrine. “They were not missioned, tasked, organized, equipped to do civil disturbance operations,” General Flynn said.<sup>152</sup> Although General Piatt conceded that “[a]ll soldiers are trained in civil disturbance,” he maintained that on “that day we were not postured to do civil disturbance operations.”<sup>153</sup>

Major General Walker—who pointed out that the DC Guard shield, on Guard troop uniforms, features the Capitol building itself: “Protect the Capitol. That’s why Thomas Jefferson created it”<sup>154</sup>—called civil disturbance “foundational” to what they do.<sup>155</sup>

**DC Ground Commander Takes Initiative.** On January 5th, as he led his forces in traffic control, Colonel Hunter did not observe activity that raised concerns.<sup>156</sup> But by the next morning—as thousands of out-of-towners invited by President Trump descended on the nation’s capital—that all changed. “I could see like the Proud Boys,” he said.<sup>157</sup> “I could see different people with Kevlars on, with bulletproof vests on. You know, they’re all kitted up and they’re wearing different patches and colors. And I said, ‘Well, this crowd is definitely different . . .’”<sup>158</sup> This, of course, was an indication of the potential for violence in the hours that followed.

Colonel Hunter, sitting at the intersection of 15th Street and Pennsylvania Avenue, saw crowds flowing past him and his soldiers toward the Capitol—walking as one, chanting as one. “Hey, is it that way to the Capitol? Where’s the Capitol?” some asked.<sup>159</sup> Colonel Hunter got in his car and began writing an update report.<sup>160</sup>

He was interrupted by a soldier who had been watching CNN on his phone: “Hey, sir, I think there’s been shots fired at the Capitol.”<sup>161</sup> It was then that Colonel Hunter began to put a plan in place for the redeployment of the Guard. “So at that point in my mind I said, ‘Okay, then they will be requesting the DC National Guard now, so we have to move.’”<sup>162</sup> The time was 2:12 p.m.<sup>163</sup>

The first thing he did was designate a rally point for DC Guard reinforcements.<sup>164</sup> Over the radio, he relayed the rally point to all 118 members currently spread across the city doing traffic control, and one by one, in order by their points, they called in to acknowledge where they would go once approval came down.<sup>165</sup> At 2:17 p.m., he called Lt. Col. Reinke, the head

of the 40-strong QRF, and ordered his subordinate to “have all of your guys put their gear on and get on the bus.”<sup>166</sup> “In my mind, this is about to happen really fast,” he said.<sup>167</sup> “As soon as I make one call, I will get clearance to go and support. The United States Capitol was breached. I mean, this is unheard of.”<sup>168</sup> Accordingly, he advised Lt. Col. Reinke that, “[W]e will be getting a call soon.”<sup>169</sup>

He next tried to find the incident command post. He ran into the Assistant MPD Chief Jeffery Carroll, piled into a car and, sirens flipped on, sped off to U.S. Capitol Police headquarters.<sup>170</sup>

Once there, they got into the elevator, and “before the doors even closed,” Assistant Chief Carroll asked him, “How many do you have coming right now?”<sup>171</sup> Colonel Hunter said, “I’m working on it. I need to make some calls, but we are—we’re coming . . . And I said, as soon as I start making these calls, I’m going to have so many National Guardsmen just flooding this way. I just need to have the location, have the plan set, be ready to receive them.”<sup>172</sup>

No later than 2:50 p.m., Colonel Hunter had confirmed with Lt. Col. Reinke that the QRF was on the bus and ready.<sup>173</sup> The highest-ranking Guard official on the ground had sorted out all of the details and linked up with the law enforcement agencies that would lead them in support. At least 135 National Guard servicemembers—the 40 QRF members already in gear and on the bus and the 90 at traffic control posts awaiting word, with gear in their trunks to be donned at the rally point, along with four command staff plus Colonel Hunter himself—were ready to go. At 3:10 p.m., Colonel Hunter felt it was time to tell his superiors all that he had done and hopefully get fast approval.<sup>174</sup>

**3 Hours and 19 Minutes** At the Capitol, MPD Chief Contee was on the West Front, himself inhaling chemical agents—“you can smell it before you see it, felt it in my throat”<sup>175</sup>—as officers tried to resist rioters beating back the perimeter, having reached the stage built for the Inauguration set for two weeks later. “[T]he gas stuff and the spray, the mist that’s in the air, I mean, it’s real,” he said.<sup>176</sup> “I’m trying to talk to the Mayor to give her a situational update, and the city administrator—I’ve got them both on the line. I’m coughing, trying to explain what’s going on.”<sup>177</sup> Chief Contee cut through the crowds of people around the Capitol to meet the mayor at MPD headquarters.<sup>178</sup>

Chief Sund said he reached out to House Sergeant at Arms Irving at 12:57 or 12:58 p.m., and told him, “We are getting overrun on the West Front by thousands. We need the National Guard now.”<sup>179</sup> Irving recalled the call coming before a break in the electoral certification session just short of 1:30 p.m. and that the Chief said “that conditions were deteriorating outside and he *might* be making a request for the National Guard.”<sup>180</sup>

Although Irving was firm in his stance that only the Capitol Police Board had the authority to request National Guard assistance, he nonetheless sought out the chief of staff to the Speaker to inform her of the impending request.<sup>181</sup> He did not need her to sign off, but “[a]ny change in security posture, given the time, I would give them a heads-up.”<sup>182</sup>

The Speaker’s chief of staff “immediately scribbled down a note” and went over to inform the Speaker—who was in the chair presiding over the floor debate on the Arizona objections—about the request for the National Guard.<sup>183</sup> “Absolutely. Go,” Speaker Nancy Pelosi said.<sup>184</sup> Later, as they were evacuating the floor to an undisclosed location, the Speaker asked her, “Is the National Guard coming?”<sup>185</sup> The Speaker’s chief of staff said, “Yes, we asked them.”<sup>186</sup>

Irving said the formal request for Guard assistance came in a call after 2 p.m. from Chief Sund “and, of course, we said absolutely.”<sup>187</sup> Chief Sund said he had made the request in that earlier 12:57 or 12:58 call and had been waiting for 71 minutes.<sup>188</sup> “I hung up the phone. I yelled across the command center, [‘M]ark the time, 2:10, I finally got approval from the Capitol Police Board for the use of the National Guard,” Chief Sund said.<sup>189</sup>

At around 2:30 p.m., Director Rodriguez patched Chief Contee—and a largely silent Mayor Bowser listening in<sup>190</sup>—into the conference call with Chief Sund and Major General Walker, who brought in General Piatt.<sup>191</sup> Major General Walker ordered his aide-de-camp on his second day on the job, Lt. Timothy Nick, to take handwritten notes of the call and the rest of the day.<sup>192</sup>

On the line at the Pentagon—gathered around the speaker of the Secretary of the Army’s desk phone—were General Piatt, General McConville, and Secretary McCarthy.<sup>193</sup> According to Secretary McCarthy, it was during the call that he learned the Capitol had been breached,<sup>194</sup> watching it unfold in real time on television.<sup>195</sup> He didn’t recall hearing Chief Sund’s voice on the call, but said “we were trying to get . . . what we call the operational sight picture. What is going on? How big is the crowd? How violent is the crowd? . . . They started laying out really the—just how bad it was.”<sup>196</sup> Secretary McCarthy resolved to run to the office of Acting Secretary of Defense Miller, leaving behind instructions to General Piatt to “find out the requirements,” as he was “going to get the authority.”<sup>197</sup> “[W]e go zipping down there,” General McConville said.<sup>198</sup> As they were leaving, General Flynn showed up.<sup>199</sup>

General Flynn said, “when I came by the phone,” he “heard voices screaming on the end.”<sup>200</sup> He called the tones of their voices as “chaotic”<sup>201</sup> and that “[y]ou couldn’t tell who was talking sometimes.”<sup>202</sup> Chief Sund was pleading for help. “I want to say he even used the word, like, ‘I

am pleading,'" Chief Contee said.<sup>203</sup> Col. Matthews, listening in beside Major General Walker, said of Chief Sund: "His voice was cracking. He was almost crying."<sup>204</sup>

According to Chief Contee, the reaction to his pleas was "tepid."<sup>205</sup> "It was a very sluggish response," Chief Contee said.<sup>206</sup> "I remember just, you know, with all that was going on, not hearing a 'yes,' you know, just . . . what I would in my mind qualify as, like, excuses and not decisive action . . . I was hearing, like, all the reasons, you know, why we shouldn't be doing this."<sup>207</sup> Director Rodriguez called it a "kind of bureaucratic" response in the midst of "a rapidly evolving situation where literally the Capitol was being overrun."<sup>208</sup> He added: "I don't want to use the word disinterested, but more just, 'let's just hold on. Let's just wait. Let's just kind of calm down for a second while literally Rome is burning.'" <sup>209</sup>

For his part, General Flynn depicted General Piatt—the main interlocutor—as "the calming voice in an otherwise chaotic situation."<sup>210</sup> General McConville agreed: "I talked to some of my staff, and they said that General Piatt did an incredible job. He was like the—you know, in a very calm [voice], just saying, 'let's just settle . . .'" <sup>211</sup>

But Major General Walker said he "just couldn't believe nobody was saying: 'Hey, go.'" <sup>212</sup> He asked the generals on the other line, "'Aren't you watching the news? Can't you see what's going on? We need to get there.' And [I was] cognizant of the fact that I'm talking to senior . . . people, but I could see what was happening . . .'" <sup>213</sup> Chief Sund was "perplexed" and "dumbfounded."<sup>214</sup> "It wasn't what I expected of, yeah, the cavalry's coming. It was a bunch of, round-the-house, oh, hey, let's do this, let's do that," he said.<sup>215</sup> "I was borderline getting pretty pissed off."<sup>216</sup>

Many participants on the call say General Piatt's stated concern was the optics of sending troops to the site of a democratic process.

"[T]he infamous talk about optics. That came up again. There was talk about boots on the ground again. You know, that's not good optics, having boots on the ground," Chief Contee said.<sup>217</sup> He recalled how Secretary McCarthy had vocalized the same hesitance during the five-day deliberation preceding January 6th.<sup>218</sup>

Director Rodriguez believed General Piatt replied to the request by saying, "[W]e don't like the optics of having military personnel at the Capitol against peaceful protesters."<sup>219</sup>

He recalls Chief Contee replying bluntly, "[W]ell, they're not peaceful anymore."<sup>220</sup>

Major General Walker heard one of the Army generals say it "wouldn't be their best military advice or guidance to suggest to the Secretary that we



have uniformed presence at the Capitol.”<sup>221</sup> He added: “They were concerned about how it would look, the optics.”<sup>222</sup> Chief Sund heard the general use the word twice.<sup>223</sup> “General Piatt said—and I will never forget this—‘Yeah, I don’t know. I’m concerned about the optics of the National Guard standing a line with the Capitol in the background,’” Chief Sund said.<sup>224</sup> “[M]y officers are getting beaten, and they’re worried about the optics of the National Guard.”<sup>225</sup>

Although General Piatt denies explicitly using the word “optics”—“I don’t recall ever saying that word on that phone call, because at the time it just wasn’t important”<sup>226</sup>—he agreed that he said use of the Guard was “not my best military judgment or my best military advice.”<sup>227</sup> He said he “made a couple of suggestions that were not well-received,”<sup>228</sup> including “if there was any other facility where we could go and relieve police . . . I think they took that as I was saying no, because they immediately came back and said, you’re denying our request.”<sup>229</sup>

General McConville—who wasn’t present at the time—said he talked to people in the room about the use of the word “optics,” and “some people said, ‘No, it wasn’t said.’ And then some people said it was said.”<sup>230</sup> Nonetheless, the sentiment behind it should not be a particularly controversial one, according to General McConville. “People like to use optics—I’m going to stay away because that’s a political term in my eyes. But what type of signature do you want on the streets in Washington, DC? Do you want a police signature? Do you want a military signature? Do you want a Federal signature?” he said.<sup>231</sup> “[T]hat creates a reaction from the American people, and we need to think our way through that . . .”<sup>232</sup>

On the call, talk of needing a plan—the so-called con-op that had been a lesson learned from the summer—emerged. “[A]fter the optics, . . . then it was, you know, they wanted, like, specific information. There was something they were talking about, like, mission and . . . what exactly they’re going to be doing when they get there,” Chief Contee said.<sup>233</sup> Before running off, Secretary McCarthy had instructed General McConville to put together a plan: “My charter, my direction from him is to get a plan. We’re gonna support; I just wanted to get something to support with.”<sup>234</sup> But he acknowledged the impression nonetheless remained that he was “denying or pushing back.”<sup>235</sup>

That impression was made explicit: “They said three times to me clearly, ‘You’re denying my request,’” General Piatt said.<sup>236</sup>

Chief Contee interrupted “Chief Sund mid-sentence” and said, “Wait a minute. Hold up. Let me make sure that I understand this correctly . . . [A]re you asking for support from the National Guard at the U.S. Capitol?”<sup>237</sup>

Chief Sund said, “Yes.”<sup>238</sup>

Chief Contee then addressed the Army generals: “‘Are you guys honoring his request?’ I asked them that. And they didn't say ‘no,’ but they also didn't say ‘yes.’”<sup>239</sup> Chief Sund recalled it the same way.<sup>240</sup>

General Piatt said he was “clear in my response, ‘I don't have any authority to deny or approve. The Secretary is getting approval.’”<sup>241</sup>

“[T]he third time when they said, ‘You're denying our request,’ they also said, ‘And we're going to go to the media,’” General Piatt said.<sup>242</sup>

“[W]e were desperate. Everyone was desperate. So I'm not angry at that, but I just knew it wasn't helpful, so we told that to Secretary McCarthy.”<sup>243</sup>

As for the threat to go public, Major General Walker said, “I remember that very clearly.”<sup>244</sup> According to him, after the generals would not say yes or no, “Chief Contee says: ‘I'm going to call the mayor and ask her to have a press conference saying that the Army is not going to allow the DC Guard to come and support.’”<sup>245</sup> General Piatt reportedly replied, “Please don't do that. I don't have the authority to authorize the National Guard to go. So please don't do that. Please don't hold the press conference.”<sup>246</sup> Chief Contee doesn't recall saying that.<sup>247</sup> Mayor Bowser doesn't know if she was still on the line when the remark was made, but “it was certainly going to be something that I would do.”<sup>248</sup>

In the end, “the call sort of ended very abruptly, . . .”<sup>249</sup> The DC head of homeland security and emergency management left the call thinking “that help was not coming, and—at least [not] from the National Guard.”<sup>250</sup> That was Chief Sund's belief, too. “[I]f a general says his troops are not coming, his troops aren't coming,” he said.<sup>251</sup>

Before the call ended, General Flynn set up a video-conferencing bridge. General Piatt explained to the Select Committee that this was meant “to get the principals and the team together to start making a plan.”<sup>252</sup> But Major General Walker—under whom “it was actually written . . . would maintain control of National Guard forces”<sup>253</sup>—said he was not privy to any planning while on the call.

“We were just told to hold,” he said.<sup>254</sup>

How long did Major General Walker hold?

“Three hours and 19 minutes,” he said.<sup>255</sup>

Major General Walker told the Select Committee regarding what occurred during this time. “[W]e all thought, it's in a minute, we're going to be told to go, in a minute. Then 5 minutes, then 10 minutes, then 15 minutes. We kept thinking, any minute now, somebody is going to say ‘go,’” he said.<sup>256</sup> “And then an hour went by, then more time went by . . . . But we never thought it would take that long.”<sup>257</sup> Col. Matthews confirmed that there were periods on the call when no one was talking.<sup>258</sup> At times, there was talk of securing buildings other than the Capitol.<sup>259</sup> He called the open channel essentially “a general officer chat line.”<sup>260</sup>

What did Major General Walker think was happening in those 3 hours and 19 minutes?

“Delay.”<sup>261</sup>

**An Absent Commander-in-Chief.** Vice President Mike Pence called several times to check in on the delayed response of the Guard. President Trump did not.

Vice President Pence called Acting Secretary Miller at least two times.<sup>262</sup> “He was very animated, and he issued very explicit, very direct, unambiguous orders. There was no question about that,” General Milley said.<sup>263</sup> “And he said, ‘Get the National Guard down here. Get them down here now, and clear the Capitol.’ You know, and this is the Vice President of the United States. And there was other forceful language.”<sup>264</sup>

Acting Secretary Miller clarified that “he did not order me,” as “he’s not in the chain of command,” but he considered the talk with the Vice President “[h]yper professional” and “[v]ery focused,” in which the secretary “highlighted that District of Columbia National Guard . . . was activated, and we were throwing every asset we could marshal to support law enforcement.”<sup>265</sup>

In contrast, according to General Milley, Chief of Staff Meadows called and said, “‘We have to kill the narrative that the Vice President is making all the decisions. We need to establish the narrative, you know, that the President is still in charge and that things are steady or stable,’ or words to that effect. I immediately interpreted that as politics, politics, politics.”<sup>266</sup>

President Trump himself did not call. As reports of Departments of Defense denials and delay were echoing in the media, no high-level Defense official—including Secretaries Miller<sup>267</sup> and McCarthy<sup>268</sup>—received a call from him that day.<sup>269</sup> At the time, General Milley thought that was “absolutely . . . highly unusual.”<sup>270</sup>

“[Y]ou’re the Commander in Chief. You’ve got an assault going on on the Capitol of the United States of America, and there’s nothing? No call? Nothing? Zero?” he said.<sup>271</sup> “I grew up in an organization where commanders are responsible and take charge and they see situations unfolding and they issue orders and take charge.”<sup>272</sup>

On January 3rd, at the end of a national security meeting concerning a foreign threat, the President asked “in passing” about January 6th preparations.<sup>273</sup> Acting Secretary Miller informed him they would be fulfilling Mayor Bowser’s request for DC Guard support.<sup>274</sup> From then on, if not earlier, the secretary “felt like I had all the authorities I needed and did not need to discuss anything with the President regarding authorities.”<sup>275</sup> The conversation lasted all of 30 seconds to a minute.<sup>276</sup> Secretary Miller testified that he never received any order at any time from President Trump to

deploy the National Guard on January 6th. “There was no direct—there was no order from the President,” he said.<sup>277</sup>

On January 5th, as demonstrators rallied in support of the President, Acting Secretary Miller received a call from the commander-in-chief.<sup>278</sup> The President asked him if he was watching the events on television.<sup>279</sup> The secretary told him he had caught some of the coverage.<sup>280</sup>

Unprompted, President Trump then said, “You’re going to need 10,000 people” the following day, as in troops.<sup>281</sup> An email sent by Chief of Staff Meadows on January 5th explicitly noted that the DC Guard would be on hand to “protect pro Trump people.”<sup>282</sup> The President and his staff appeared to be aware of the likelihood of violence on the day the election certification of his loss was slated to transpire. This communication from President Trump contemplated that the Guard could support and secure the safety of Trump supporters, not protect the Capitol. At that time, Secretary Miller apparently had no information on what President Trump planned for January 6th.

Acting Secretary Miller thought the 10,000 number was astronomical—“we expected 35,000 protesters . . . [and] even if there were more protesters than expected, [we thought] that local law enforcement could handle it”<sup>283</sup>—but, again, this was “no order from the President,” just “President Trump banter that you all are familiar with.”<sup>284</sup>

**Parallel Plans in the Midst of Crisis.** While the Army and the District engaged in the “heated”<sup>285</sup> 2:30 p.m. phone call, Secretary McCarthy was hurrying down the Pentagon hallways to Acting Secretary Miller’s office. General Milley had been summoned there before Secretary McCarthy arrived with General McConville in tow,<sup>286</sup> “running down the hall, and he was actually winded when he showed up . . .”<sup>287</sup>

The next half hour was spent in “a quick, rapid fire meeting, [with] lots of quick questions.”<sup>288</sup> Secretary McCarthy—out of breath—said he started by saying, “We’ve got to go. We’ve got to get something—we’ve got to put every capability we can up there.”<sup>289</sup> The response he received was, “They were all kind of, like, ‘Slow down. What’s going on?’ They wanted to get a sense of the situation.”<sup>290</sup> Secretary McCarthy said it took about 15 to 20 minutes to “relay this,” “laying out what I thought we needed to do.”<sup>291</sup>

By 3:04 p.m., Acting Secretary Miller said he approved deployment of the DC Guard to assist law enforcement at the Capitol at that time.<sup>292</sup> Acting Secretary Miller did not understand why Major General Walker—if he felt the exigency demanded it—did not deploy troops as soon as his 3 p.m. order allowed it. “Why didn’t he launch them? I’d love to know,” he said.<sup>293</sup>

Secretary McCarthy agreed “*that’s where we may have talked past each other in his office,*” because Secretary McCarthy thought he “had the

authority as the Secretary of the Army” to conduct a mission analysis and send troops at *his* discretion, not that of Major General Walker.<sup>294</sup>

Major General Walker himself understood he had to wait for approval from Secretary McCarthy to deploy his forces. *But as he waited on that video call for hours, he did strongly consider sending them anyway.* He turned to his lawyer and said, “Hey, you know what? You know, we’re going to go, and I’m just going to shoulder the responsibility.”<sup>295</sup> According to Major General Walker, his lawyer responded, “What if you get sued?”<sup>296</sup> Colonel Mathews, that lawyer, “told him not to do that. Just hold on.”<sup>297</sup> The Guard officials located with Major General Walker at the Armory all say he seriously contemplated aloud the possibility of breaking with the chain of command.

“Should we just deploy now and resign tomorrow?” was how Lieutenant Nick recalled Major General Walker bluntly putting it.<sup>298</sup>

“I would have done just that,” Major General Walker said, “but not for those two letters”<sup>299</sup> from his superiors curtailing Guard redeployment.<sup>300</sup>

The man who signed one of the letters, however—himself a former member of the DC Guard<sup>301</sup>—now says Major General Walker should have moved forward regardless of whether he had proper authorization.

“I’ve launched QRF without approval more than once,” Acting Secretary Miller said.<sup>302</sup> “If you’re the person on the ground in the Army, and you realize that there’s something that is unpredictable or unexpected and you have the ability to influence it, the culture, the training, the education, the expectation of you, the American people, is that you will execute and do what you can, even if it costs you your job.”<sup>303</sup>

After authorization at 3:04 p.m., Secretary McCarthy said he gave Major General Walker a call. He told him to “[m]obilize the entire Guard, bring everybody in. . . . And I said, you know, move the QRF to the armory and get as many people as you can to the armory and configure them in a minimum of riot gear and batons. And then we’re going to do a mission analysis of what we need to do with the police . . . .”<sup>304</sup> Major General Walker “categorically denies” that any such call took place.<sup>305</sup> In fact, Major General Walker said the two men did not talk at all until much later that night.<sup>306</sup> “Here’s the bottom line. The Secretary was unavailable to me, and he never called me,” Major General Walker said.<sup>307</sup>

Beginning around 3:00 p.m., 25 minutes of Secretary McCarthy’s time was spent reassuring members of Congress that the Guard was indeed coming,<sup>308</sup> although he had not yet conveyed the order. That was time unspent on facilitating their actual coming. In addition to the alleged threat on the 2:30 p.m. call, a media tweet had gone out at 2:55 p.m. declaring that the Department of Defense had denied requests for Guard support.<sup>309</sup>

By 3:45 p.m., Secretary McCarthy was done with his calls and—after picking up some things from his office—headed down to the MPD headquarters to draft a con-op beside law enforcement.<sup>310</sup> Acting Secretary Miller arrived at 4:10 p.m.<sup>311</sup>

While he was waiting, Colonel Hunter decided he would keep the first shift handling traffic control out at their posts in case they were needed for re-mission by the MPD, relying instead only on the QRF and the second shift at the Armory to respond to the Capitol.<sup>312</sup> Those servicemembers ended up manning their traffic control posts up to 20 hours straight.<sup>313</sup> Army leadership never found out that the servicemembers at the traffic control posts didn't end up responding to the Capitol that night, incorrectly crediting some of the Guard's delay that day to their travel time.<sup>314</sup>

By 3:50 p.m., the QRF had arrived at the Armory, bringing their own equipment, given no new information upon making the extra pit stop there instead of the Capitol.<sup>315</sup> They were ready to go, steeped in “a lot of nerves.”<sup>316</sup> The second shift of servicemembers originally missioned for traffic control had been told as early as 2:30 p.m. to expect a switch in mission to handling civil disturbance.<sup>317</sup> They rushed to gear up and prepare, but it was a lot of “hurry up and wait.”<sup>318</sup> Not long afterward, “we're all ready. Now we're all donned. So go sit on the bleachers and wait . . . We were in a tight holding pattern until the time to deploy.”<sup>319</sup>

At around the same time, at 3:49 p.m., Speaker Pelosi is heard in video footage from that day urging Acting Secretary Miller to hurry.

“Just pretend for a moment this was the Pentagon or the White House or some other entity that was under siege,” she told him over the phone while she—and the rest of the Congressional leadership—were huddled in a secure location.<sup>320</sup> “Just get them there!”<sup>321</sup>

When Secretary McCarthy arrived at MPD headquarters, he joined Chief Contee, his Army Operations Director Brigadier General Chris LaNeve, and Assistant Chief Carroll by phone.<sup>322</sup>

In the next 20 minutes, Secretary McCarthy developed a con-op.

As Secretary McCarthy had decided after the summer, crafting a strategy was his job—“I was doing it with the Mayor, the police chief, and the deputy director of the FBI, my counterparts, and then ultimately wanted to understand what our role would be, the conditions”—and afterward, “we turned to [Major General Walker] to work the tactical details for that.”<sup>323</sup>

But Major General Walker said, “If I need you to tell me how to execute a civil disturbance mission,” he “[s]hould relieve me. Should fire me.”<sup>324</sup>

It wasn't until later, post-January 6th, that Major General Walker said he found out that Secretary McCarthy, his boss, had been putting together a con-op—without him. “Then later they said they had to put together a plan



for me to execute . . . which I found kind of disturbing,” Major General Walker said.<sup>325</sup> “You're coming up with a plan without me being involved in the plan?”<sup>326</sup>

General McConville agreed that “usually[,] the Secretary of Army is not developing concepts for the employment, but because of the situation that wasn't done,” so the secretary had to fill in the gap.<sup>327</sup> That, of course—given the preparations Colonel Hunter had laid out hours earlier—was not true. But Secretary McCarthy did not know that.<sup>328</sup>

He said Major General Walker never told him about how Colonel Hunter had prepared and that it was his responsibility to tell him.<sup>329</sup> “I don't talk to troop lead commanders, no,” he said.<sup>330</sup>

Ultimately, no plan from Army leaders—strategic or tactical—made it to the troops.

“[I]f they came up with a plan, they never shared it with us,” Major General Walker said.<sup>331</sup> “*They claim they were putting a plan together. That's what took so long.* I never saw a plan from the Department of Defense or the Department of the Army.”<sup>332</sup>

Colonel Hunter agreed that “[n]o one ever told me, because I already had the plan there, and no one ever informed me that there was a different plan or a different [con-op].”<sup>333</sup> He said to the extent a “hasty plan” was put into action on January 6th, it was his: “I created the concept of operation.”<sup>334</sup> He added: “The [plan] that was actually used as far as which lot they would come into, who would meet them at the lot, and then who would lead them over to the Capitol. That was between myself and MPD and Capitol Police.”<sup>335</sup>

After hours of wait, Major General Walker said, “The plan was executed just like we said it would be [from the start], get to the Capitol, take direction from the ranking police officers there . . . to help restore order.”<sup>336</sup> Colonel Hunter passed the details of his hasty plan onto Lt. Col. Reinke—the highest ranking officer at the rally point—letting him know, “Hey, when you pull into this lot, they will meet you there. This is who is—you know, you're going with these personnel,” exactly what Secretary McCarthy had just spent 20 minutes putting together.<sup>337</sup>

Although Lt. Col. Reinke said his QRF servicemembers were given rules of engagement before arriving at the rally point, he was not told more than report to Capitol Police and supplement and assist them.<sup>338</sup>

Captain Tarp, outranked by Lt. Col. Reinke but in charge of the second shift, was merely told by Brigadier General Ryan: “‘You need to act like there's a fire now. You're going to [the] Capitol.’ Those were his directions.”<sup>339</sup>

*After an hour and a half spent in calls, travel, and making plans, Secretary McCarthy was prepared to green light the deployment of the Guard at 4:35 p.m.* But miscommunication led to another half-hour delay.

Secretary McCarthy relayed the “go” order to Major General Walker—with his subordinate Brigadier General LaNeve serving as the intermediary—in a conversation Major General Walker said never happened.

According to Secretary McCarthy, Brigadier General LaNeve “wasn’t a junior aide.”<sup>340</sup> In his role, “he can speak, once given the authority, delegated authority to speak as the Sec Army . . .”<sup>341</sup> He said that the first-star officer “was standing next to me,”<sup>342</sup> and General Piatt said that it was generally “not uncommon” for him to ask his staff to “transmit [the] communication from the Secretary to General Walker.”<sup>343</sup>

For his part, Brigadier General LaNeve denies that he himself conveyed the “go” order.<sup>344</sup> He said he spoke with Major General Walker first at 4:25 p.m. to tell him that his forces should, “Get on the bus, do not leave.”<sup>345</sup> On a second call at 4:35 p.m., Brigadier General LaNeve said he overheard Secretary McCarthy himself convey the “go” order to Major General Walker: He said something “to the effect of ‘You’re approved to provide support.’”<sup>346</sup> Secretary McCarthy, on his part, said he never spoke a word.<sup>347</sup>

Brigadier General LaNeve said the secretary then again handed him the phone to convey the details of “where to go and what officer to meet up with.”<sup>348</sup> Those two details would be the full extent of the “con-op” allegedly communicated to Major General Walker.<sup>349</sup> He even recalled Major General Walker saying, “Roger,” to acknowledge the plan.<sup>350</sup> But, Brigadier General LaNeve said, there was “mass confusion in that room,” and he agreed that “[t]here were huge communications problems.”<sup>351</sup>

Major General Walker said there was no such call, nor any like it.<sup>352</sup> He said he remained on the video conference line the whole time “with everybody else,” he said.<sup>353</sup> He said he would not have taken an order from Brigadier General LaNeve anyhow. “[W]hy would I ever take directions from General LaNeve? Anybody? Brigadier General LaNeve, one-star,” Major General Walker said.<sup>354</sup> “I mean, he’s not a peer, it wouldn’t be somebody that would convey that type of message to me. . . So my thinking wouldn’t have been that he would have been speaking on behalf of the Secretary.”<sup>355</sup>

Although his staff confirms they didn’t see him field a call from Secretary McCarthy or Brigadier General LaNeve,<sup>356</sup> including never seeing him leave their conference room,<sup>357</sup> Major General Walker’s own note taker appears to have jotted down at 4:37 p.m. the following: “advised to sent [sic] 150 to establish D st / 1st outer perimeter, General LaNeve,” beside what appears to be his phone number.<sup>358</sup> That address is the rally point

Secretary McCarthy had asked General LaNeve to convey, the same one Colonel Hunter and law enforcement had already chosen earlier. Major General Walker said, “the only way [Lt. Nick] could have got it was listening to the VTC, which I was on.”<sup>359</sup> He further said, “I never saw General LaNeve on the [video teleconference] . . . I didn’t hear General LaNeve’s voice.”<sup>360</sup> Lt. Nick said he had it penned at much later—at 5:09 p.m.—“as the time they received the orders” to deploy.<sup>361</sup>

Major General Walker certainly did not *act* as if he had been given authority until, fortuitously, General McConville—who had heard about the 4:35 p.m. call—walked by the teleconference screen and was “surprised” to see the commanding general sitting idly at 5:09 p.m.<sup>362</sup>

Major General Walker agreed the first time he heard he had the authority was from the lips of the general: “General McConville came back into the call and said, Hey, you’re a go.”<sup>363</sup>

Lt. Col. Reinke’s QRF and Captain Tarp’s second shift got on the bus at 5:10 p.m.<sup>364</sup> They left at 5:15 p.m.<sup>365</sup> Lt. Col. Reinke said they didn’t arrive at the Capitol Police parking lot until 5:55 p.m.,<sup>366</sup> although official timing from the Army and Department of Defense put their arrival time at 5:40 p.m. and from the DC Guard at 5:20 p.m.<sup>367</sup> At the earliest, the troops arrived in the vicinity of the Capitol grounds at 5:29 p.m., when Lt. Col. Reinke texted Colonel Hunter: “Apparently we pulled into the wrong lot, trying to reroute to LOT 16 now.”<sup>368</sup> He said they sat around for 20 minutes once they arrived, and then were sworn in, before relieving an entire line of officers.<sup>369</sup> Captain Tarp said they remained idle for 45 minutes waiting for Capitol Police to come “bus by bus to swear-in the officers. It was a long wait. Frustrating—we’re sitting a mile from where we’re] going.”<sup>370</sup>

Captain Tarp said, “By the time we got there, we were just holding back the people who remained past the curfew.”<sup>371</sup> The height of the riot had passed.

Colonel Hunter estimated that—had his preparations been approved—the DC Guard could have arrived as early as an hour and a half earlier than they did.

“Within one hour, I’d say I could’ve had 135. So the [about 40] coming from Joint Base Andrews, if they would’ve headed directly to me at the Capitol, and then the 90 I had on the street and the 4 that were—including myself,” he said.<sup>372</sup> “[S]o I arrived at the Capitol at 3:10. So, if I would’ve recalled everyone by 3:30, 3:40, we could’ve been—had gear on and walking towards the Capitol.”<sup>373</sup>

He further stated: “I would give them another hour. So by 4:40 I should’ve had at least 250 coming from the Armory . . . That includes the second shift as well as full-timers.”<sup>374</sup>

Presented with the plans Colonel Hunter had set in motion and the easy accessibility of their equipment, neither of which he had known about at the time, Secretary McCarthy conceded “you could have shaved minutes,”<sup>375</sup> and the speed of deployment “could have” been pushed up, but “[i]t depends.”<sup>376</sup>

When the Guard finally arrived at the Capitol, “pretty much all the other fighting, per se, had stopped on the Capitol complex,” according to Robert Glover, head of the MPD Special Operations Division.<sup>377</sup> Then-Inspector Glover received the Guard troops when they arrived.<sup>378</sup> “[T]he bus just kind of showed up. It was my decision at that point, looking at their numbers and their capabilities at that moment in time and what was the most pressing activity—and that was to make the arrests,” he said.<sup>379</sup> He had them create a secure “prisoner cordon” where they could stand guard as arrested individuals waited transport to jail.<sup>380</sup> “They were the freshest personnel that we had at that moment in time. And, again, they didn't have any significant numbers to really do much else at that moment in time either,” he said.<sup>381</sup> “[T]heir orders were basically, support us in whatever we told them to do . . .”<sup>382</sup>

Secretary McCarthy said that it was possible that DOD and DC National Guard leaders had simply not been coordinating their planning.<sup>383</sup> He acknowledged that “a lot of things were probably missed. It was tremendously confusing,”<sup>384</sup> and “that makes for a messy response.”<sup>385</sup>

No one within the Department of Defense, Army, or Guard leveled accusations of an intentional delay. “I didn't see anybody trying to throw sand in the gearbox and slow things down,” General Milley said.<sup>386</sup>

Major General Walker said the Army's reluctance to approve National Guard assistance to the Mayor during the planning for the anticipated January 6th events continued through January 6th itself.<sup>387</sup> “I don't know where the decision paralysis came from, but it was clearly there. The decision paralysis, decision avoidance,” he said.<sup>388</sup>

## CONCLUSION

Former President Trump's eagerness to engage the U.S. military to play a visible role in addressing domestic unrest during the late spring and summer of 2020 does appear to have prompted senior military leadership to take precautions, in preparing for the joint session, against the possibility that the DC Guard might be ordered to deploy for an improper purpose. Those precautions seem to have been prudential as much as legal in nature.

What that entailed in the unprecedented circumstances of the January 6th attack on the Capitol is, however, harder to accept: a 3 hour and 19

minute lag-time in making a relatively small, but riot-trained and highly capable military unit available to conduct one of its statutory support missions.

While the delay seems unnecessary and unacceptable, it was the byproduct of military processes, institutional caution, and a revised deployment approval process. We have no evidence that the delay was intentional. Likewise, it appears that none of the individuals involved understood what President Trump planned for January 6th, and how he would behave during the violence. Imperfect inter-government and intra-military communications as the January 6th rally morphed, with President Trump's active encouragement, into a full-blown riot at the Capitol also help explain the time it took to deploy Guard troops to the Capitol after their assistance there was requested and approved. Post-hoc evaluation of real-time communications during an unprecedented and evolving crisis and limited tactical intelligence, nevertheless, carries the risk of a precision that was unrealistic at the time. It is also clear from testimony provided to the Select Committee that DoD and DC National Guard leaders have differing perspectives that are not reconcilable regarding the timing of deployment authorization.

Where the DC Guard's deployment on January 6th is concerned, then, the "lessons learned" at this juncture include: careful evaluation on the basis of limited information may take time; statutorily constrained inter-governmental requests for assistance and multi-level approval processes are complex and may be time-consuming; any visible military presence in the domestic setting is circumscribed by law and triggers considerable, constitutionally-driven sensitivities; and crisis communications are often imperfect, especially in unforeseen and rapidly evolving situations.

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## ENDNOTES

1. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 8.
2. DC Code § 49-409, ("The President of the United States shall be the Commander-in-Chief of the militia of the District of Columbia."), available at <https://code.dccouncil.gov/us/dc/council/code/sections/49-409> (The DC National Guard is the "organized militia" of the District of Columbia. DC Code § 49-406, available at <https://code.dccouncil.gov/us/dc/council/code/sections/49-406>). Subject to that top-level command distinction, the DC National Guard is, when acting in its civil support or militia capacity, comparable to the National Guard of the various States, which act as those States' militias. 32 U.S.C. §101(4) ("Army National Guard" statutorily defined as "that part of the organized militia of the several States . . . and the District of Columbia . . ."). The Department of Justice's Office of Legal Counsel has interpreted the DC Code provisions authorizing the DC National Guard's use as a militia in support of DC law enforcement activities as within the exemptions from the Posse Comitatus Act's prohibitions on use of the military for domestic law enforcement (18 U.S.C. § 1385 ("Whoever, except in cases and under conditions expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air

Force as a posse comitatus or otherwise to execute the laws shall be fined . . . or imprisoned . . .”). See Memorandum Opinion, “Use of the National Guard to Support Drug Interdiction Efforts in the District of Columbia,” 13 Op. O.L.C. 91, 92, 93, 97 (Apr. 4, 1989), available at <https://www.justice.gov/olc/opinions-volume> (Posse Comitatus Act, 18 U.S.C. § 1385, does not prohibit use of DC National Guard as a militia in support of DC Metropolitan Police Department). The President also has authority to mobilize the National Guard, which is a reserve component of the U.S. armed forces, to active duty (10 U.S.C. §12301 et seq.), and may “federalize” any National Guard unit to assist in addressing insurrection (10 U.S.C. §§251-253), invasion, or rebellion and to give effect to Federal law (10 U.S.C. §12406). The President did not exercise those authorities on January 6, 2021. The DC National Guard operated that day as the DC militia, in its civil support and law enforcement assistance capacity under the separate authorities noted above. See also, Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 8.

3. Executive Order 11485, 34 F.R. 15411, § 1, (Oct. 1, 1969), available at <https://www.federalregister.gov/documents/search?conditions%5Bterm%5D=34+f.r.15411#> (“The Commanding General of the [DC] National Guard shall report to the Secretary of Defense or to an official of the Department of Defense designated by the Secretary . . .”). The Secretary of Defense exercises command authority over the “military operations, including training, parades and other duty” of the DC National Guard while in its non-federalized militia status, through the Commanding General of the DC National Guard. *Id.* Executive Order 11485 reserves appointment of the Commanding General of the DC National Guard to the President (*i.e.*, does not delegate that authority to the Secretary of Defense or the Secretary’s designee). *Id.*, at §§ 1, 3. That Executive Order also specifies that, “[s]ubject to the direction of the President as Commander-in-Chief, the Secretary [of Defense] may order out the [DC] National Guard . . . to aid the civil authorities . . . of the District of Columbia.” *Id.*, at § 1. Under a longstanding Congressional authorization, the Mayor of the District of Columbia may request that the Commander-in-Chief (now, by the President’s delegation, the Secretary of Defense), direct the National Guard to assist in suppressing “violence to persons or property” or “force or violence to break and resist the laws,” including when “tumult, riot or mob is threatened.” DC Code §49-103 (“Suppression of riots”), available at <https://code.dccouncil.gov/us/dc/council/code/sections/49-103>. See also, Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 104.
4. Memorandum, Secretary of Defense to Secretary of the Army and Secretary of the Air Force, “Supervision and Control of the National Guard of the District of Columbia,” (Oct. 10, 1969), ¶ 3. That memorandum is available as an attachment to the Secretary of Defense Lloyd Austin’s December 30, 2021 memorandum modifying that 1969 delegation: “Effective immediately, the Secretary of Defense is the approval authority for DC Government requests for the DCNG to provide law enforcement support” to the District of Columbia if the support is to be provided within 48 hours of the request or if acceding to the request would require the DC National Guard to engage directly in civilian law enforcement activities, including “crowd control, traffic control, search, seizure, arrest, or temporary detention.” Memorandum, Secretary of Defense for Secretary of the Army, “Authority to Approve District of Columbia Government Requests for District of Columbia National Guard Support Assistance,” (Dec. 30, 2021), available at <https://www.airandspaceforces.com/austin-streamlines-authority-to-deploy-dc-national-guard>. See also, Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 104.
5. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 10.
6. George Floyd was murdered on Monday, May 25, 2020. See Catherine Thorbecke, “Derek Chauvin Had His Knee on George Floyd’s Neck for Nearly 9 Minutes, Complaint Says,” ABC News, (May 29, 2020), available at <https://abcnews.go.com/US/derek-chauvin-knee-george-floyds-neck-minutes-complaint/story?id=70961042>. Over the ensuing days, weeks, and months, Americans demonstrated in cities across the country. See Major Cities Chiefs



Association Intelligence Commanders Group, Report on the 2020 Protests & Civil Unrest (Oct. 2020) at p. 8, Fig. 6, <https://majorcitieschiefs.com/wp-content/uploads/2021/01/MCCA-Report-on-the-2020-Protest-and-Civil-Unrest.pdf>.

7. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Apr. 21, 2022), p. 5.
8. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Apr. 21, 2022), p. 8.
9. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 66.
10. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 66.
11. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2021), pp. 67-68 (“[Trump] was very upset at the news that had come out that he had been taken down to the bunker in the preceding days, you know, when some of the rioting right by the White House was at its worst. He was very upset by this, and, as I recall, he bellowed at everyone sitting in front of him in a semicircle and he waved his finger around the semicircle saying we were losers, we were losers, we were all fucking losers,” Barr said. “[H]e then raised—you know, he talked about whether he should invoke the Insurrection Act . . . And, you know, my position was that the Insurrection Act should only be invoked when you really need to invoke it as a last resort, when you don’t really have other assets that can deal with civil unrest.”).
12. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 86.
13. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 20.
14. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 20.
15. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), pp. 47-48.
16. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 47.
17. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 38.
18. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 18.
19. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), pp. 17-18. “Brigadier General Robert Kenneth Ryan was the joint task force commander [who] authorized the—the helicopters to fly over the crowd to observe and report, and the Secretary of the Army approved that,” Major General Walker said. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 55. “Now, the pilots came a little too close to the civilians on the ground.” *Id.*, at 57.
20. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 27.
21. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Charles Anthony Flynn, (Oct. 28, 2022), p. 14.
22. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Charles Anthony Flynn, (Oct. 28, 2022), p. 14.
23. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 19.

24. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 18.
25. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 19.
26. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 19.
27. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Mark Esper, (Apr. 1, 2022), pp. 47-48.
28. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Mark Esper, (Apr. 1, 2022), pp. 47-48.
29. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Apr. 1, 2022), p. 25.
30. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), pp. 242-43.
31. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Donell Harvin, (Jan. 24, 2022), p. 14; Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Donell Harvin, (Nov. 12, 2021).
32. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Donell Harvin, (Jan. 24, 2022), pp. 22-23.
33. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 24; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Donell Harvin, (Jan. 24, 2022), p. 24.
34. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD 00001680 (December 31, 2020, Letter from Mayor Bowser to Major General Walker re: DCNG).
35. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD 00001679 (December 31, 2020, Letter from Dr. Christopher Rodriguez to Major General Walker re: DCNG).
36. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 20.
37. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 26.
38. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 14.
39. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 38.
40. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 75.
41. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 47.
42. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 44.
43. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 50.
44. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 47.

45. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 49.
46. See Chapter 7.
47. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), pp. 79, 85.
48. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 56.
49. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), pp. 78-79, 80.
50. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), pp. 78-79, 80.
51. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 6.
52. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 53-54.
53. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 54.
54. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 75.
55. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), pp. 75-76.
56. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Apr. 21, 2022), p. 10.
57. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 63; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), pp. 32-33.
58. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Charles Miller, (Jan. 14, 2022), p. 84.
59. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 11.
60. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), pp. 11-12.
61. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 98.
62. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 97.
63. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 103.
64. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 99.
65. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 57.
66. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 57.
67. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 49.

68. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 27.
69. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 27.
70. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Mark Esper, (Apr. 14, 2022), pp. 22-23.
71. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), pp. 12-13, 15.
72. U.S. House Committee on Oversight and Reform, *Hearing on Unexplained Delays and Unanswered Questions*, 117th Cong., 1st sess., (May 12, 2021), Statement of Christopher C. Miller, p. 4.
73. U.S. House Committee on Oversight and Reform, *Hearing on Unexplained Delays and Unanswered Questions*, 117th Cong., 1st sess., (May 12, 2021), Statement of Christopher C. Miller, p. 4.
74. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 133.
75. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 73.
76. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 73.
77. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 51.
78. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD 00005855–DoD 00005886 (December 18, 2021, email from General James C. McConville to Curtis Kellogg re: HOT MEDIA FOX NEWS & POLITICO MEDIA QUERY: Response to MG (R) Flynn's remarks.).
79. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 51.
80. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), pp. 54-55 (“Q: Were you ever told you would be fired if you ever made such a statement again? A: It was implied. It was implied that I was, you know, not to do that again, . . .”).
81. Lara Seligman (@laraseligman), Twitter, Dec. 18, 2021 11:27 a.m. ET, available at <https://twitter.com/laraseligman/status/1339985580785086466>.
82. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 68.
83. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD 00003488.
84. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD 00003488.
85. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 73.
86. Ashton Carter, Dick Cheney, William Cohen, Mark Esper, Robert Gates, Chuck Hagel, James Mattis, Leon Panetta, William Perry, and Donald Rumsfeld, “All 10 living former defense secretaries: Involving the military in election disputes would cross into dangerous territory,” *Washington Post*, (Jan. 3, 2021), available at [https://www.washingtonpost.com/opinions/10-former-defense-secretaries-military-peaceful-transfer-of-power/2021/01/03/2a23d52e-4c4d-11eb-a9f4-0e668b9772ba\\_story.html](https://www.washingtonpost.com/opinions/10-former-defense-secretaries-military-peaceful-transfer-of-power/2021/01/03/2a23d52e-4c4d-11eb-a9f4-0e668b9772ba_story.html).
87. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 71.

88. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 71.
89. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 71.
90. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 148.
91. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 84.
92. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), p. 247.
93. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD 00000006 (January 4, 2021, Memorandum from the Secretary of Defense Christopher Miller to the Secretary of the Army Ryan McCarthy).
94. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD 00000006 (January 4, 2021, Memorandum from the Secretary of Defense Christopher Miller to the Secretary of the Army Ryan McCarthy); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 56.
95. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 56.
96. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD 00000006 (January 4, 2021, Memorandum from the Secretary of Defense Christopher Miller to the Secretary of the Army Ryan McCarthy); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD #2/000633, (January 5, 2021, Colonel John Lubas email to Major General William Walker with the subject, "Final Signed Memo to DCNG," at 7:54 a.m. ET).
97. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Lt. Col. David Reinke, (Jan. 6, 2022).
98. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 68.
99. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 68.
100. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 89.
101. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 92.
102. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 93.
103. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 90.
104. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), pp. 93–94.
105. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 42.
106. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 50.
107. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 50.

108. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 133 (“Q: It doesn’t sound to me, like, really, you’re pushing for it when you raised the National Guard with Sergeant At Arms Irving or Stenger? It would have been nice, but not essential for you to be ready. Is that a fair characterization of your personal position on that? A: Yes.”).
109. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), pp. 116-17.
110. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 124.
111. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000001766, CTRL0000001766.0001 (Document from January 3, 2021, titled: “Special Event Assessment: Joint Session of Congress—Electoral College Vote Certification”); see also, Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Julie Farnam, (Dec. 15, 2021), pp. 51-52.
112. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 125.
113. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 114.
114. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 116.
115. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 119.
116. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 128.
117. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 128.
118. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), pp. 9-10.
119. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), p. 35.
120. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), p. 10.
121. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), p. 12.
122. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), p. 35.
123. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), p. 10.
124. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), p. 41.
125. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), pp. 7-8, 45.
126. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), pp. 52-53.
127. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), pp. 131-32.
128. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), pp. 19, 26.



129. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), pp. 19, 26.
130. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), pp. 19, 26.
131. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Stewart Tarp, (Jan. 6, 2022).
132. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 26.
133. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 26.
134. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Robert Ryan, (Dec. 9, 2022).
135. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of David Reinke, (Dec. 9, 2022).
136. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of David Reinke, (Dec. 9, 2022).
137. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 116.
138. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 117.
139. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Charles Anthony Flynn, (Oct. 28, 2022), p. 31.
140. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 23.
141. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 25, 27-28.
142. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Stewart Tarp, (Jan. 6, 2022).
143. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 130.
144. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 26.
145. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 45.
146. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 107.
147. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 107.
148. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 109.
149. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Apr. 21, 2022), p. 29.
150. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD 00003050 (January 5, 2021, email from John Lubas to William Walker and Earl Matthews re: Final Signed Memo to DCNG).
151. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Stewart Tarp, (Jan. 6, 2022).

152. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Charles Anthony Flynn, (Oct. 28, 2022), p. 33.
153. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 49.
154. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 65.
155. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 22.
156. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 26.
157. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 31.
158. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 31.
159. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), pp. 31-32.
160. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), pp. 31-32.
161. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 32.
162. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 32.
163. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 34.
164. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 32.
165. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 35.
166. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 34.
167. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 34.
168. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 37.
169. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 34.
170. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 41.
171. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 41.
172. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), pp. 41-42.
173. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), pp. 38-39. Text messages show that Lieutenant Colonel Reinke texted Colonel Hunter, "Loading buses now. Meeting police escort. Do you have destination. Contact info?" at 2:43 PM. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Davie Reinke Production), CTRL0000930918 (January 6, 2021, text messages).

174. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), pp. 44-45. (He called his direct supervisor, Brigadier General Robert Ryan: “The first conversation with him, I first informed him, hey, sir, this is where I am, this is who I've talked to, and they both asked for assistance. And I asked for release of the QRF now. And I asked for, basically send all the additional forces, you know, that you have now. And his response to me was, we are working on it. So he said he was going to coordinate with General Dean and Major General Walker, but they were working on it.”).
175. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Robert J. Contee III, (Dec. 16, 2021).
176. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 78.
177. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 78.
178. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), pp. 75-76.
179. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 148.
180. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), p. 18.
181. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), pp. 7-8, 19.
182. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), pp. 19, 53 (“[Q: T]he Speaker's office isn't part of that process in terms of requesting the National Guard, correct? A[:] Correct. It would just be on the notification side.”).
183. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Terri McCullough, (Apr. 18, 2022).
184. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Terri McCullough, (Apr. 18, 2022).
185. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Terri McCullough, (Apr. 18, 2022).
186. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Terri McCullough, (Apr. 18, 2022).
187. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), p. 21.
188. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), pp. 148-50.
189. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 152.
190. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 57 (“I wasn't speaking, but I was there.”).
191. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 64.
192. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Timothy Nick, (Dec. 8, 2021).
193. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 99.

194. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), pp. 98–99.
195. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2022), p. 54.
196. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 99.
197. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 99; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2022), p. 56 (“And he immediately says, ‘I’m going to get approval. Get me a plan,’ is what he tells me”).
198. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 84.
199. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 99. The Army at first denied that General Flynn was present for the call at all. *See* Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 98 (“I think there was just confusion—I know some people are trying, you know, to make it something else, but I think there was just confusion. There were a whole bunch of meetings going on because, you know, I didn’t think he was there, because when I was there, he wasn’t there.”). General McConville said: “And there was no intent to deceive anybody, or there’s no conspiracy because of who Charlie Flynn’s brother is,” General Michael Flynn. *Id.*, at 99. General Flynn said he did not speak on the call. *See* Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Charles Anthony Flynn, (Oct. 28, 2021), p. 41 (“A [:] I did not speak on that call. Q [:] Did you identify yourself as being on the call? A [:] I did not. Now, if I said anything, if I—my recollection, if I said anything, I may have tugged on General Piatt’s sleeve and asked and said, ‘What’s going on here?’ like, ‘What’s the situation?’ you know.” But others, like Colonel Matthews listening in from the National Guard end of the call, said both Generals Piatt and Flynn were the main interlocutors. *See* Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Earl Matthews, (Dec. 20, 2021). On Lt. Nick’s notes, at 2:35 p.m., General Flynn’s title is written down. *See* Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), CTRL0000930917 (January 6, 2021, handwritten notes taken by Lt. Timothy Nick). Lt. Nick said, “I was just trying to jot down who was on the call.” *See* Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Timothy Nick, (Dec. 8, 2021). General Flynn ultimately said he was there for a short time. *See* Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Charles Anthony Flynn, (Oct. 28, 2021), pp. 40, 42 (“It was—I was literally there—the total time that I’m talking about was about 4 to 5 minutes. I was really around that phone call, rough order of magnitude, for maybe a minute of that;” “it became clear to me that I was in the wrong place. And so I made the decision to leave because General Piatt had a handle on the situation.”).
200. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Charles Anthony Flynn, (Oct. 28, 2021), p. 37.
201. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Charles Anthony Flynn, (Oct. 28, 2021), p. 37.
202. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Charles Anthony Flynn, (Oct. 28, 2021), p. 39.
203. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee, III, (Jan. 11, 2022), pp. 79–80.
204. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Earl Matthews, (Dec. 20, 2021).

205. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee, III, (Jan. 11, 2022), p. 83.
206. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee, III, (Jan. 11, 2022), p. 81.
207. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee, III, (Jan. 11, 2022), p. 85.
208. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 70.
209. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 70.
210. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Charles Anthony Flynn, (Oct. 28, 2021), p. 40.
211. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), pp. 81-82.
212. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 113.
213. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 115.
214. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 162.
215. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 161.
216. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 160.
217. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee, III, (Jan. 11, 2022), p. 80.
218. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee, III, (Jan. 11, 2022), p. 80.
219. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 65.
220. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 65.
221. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 116.
222. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 116.
223. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), pp. 156-57.
224. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 156.
225. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 156.
226. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 61.
227. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 59.
228. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 57.

229. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 58.
230. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 99.
231. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 105.
232. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 105.
233. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee, III, (Jan. 11, 2022), pp. 81-82.
234. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 59.
235. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 61.
236. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 59.
237. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee, III, (Jan. 11, 2022), p. 82.
238. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee, III, (Jan. 11, 2022), p. 82.
239. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee, III, (Jan. 11, 2022), p. 82.
240. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 157.
241. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 59.
242. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 63.
243. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 63.
244. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 116.
245. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 116.
246. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), pp. 116-17.
247. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee, III, (Jan. 11, 2022), p. 85.
248. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 59.
249. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 65.
250. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 65.
251. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 160.
252. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 60.



253. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 39.
254. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 118.
255. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 118.
256. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 141.
257. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), pp. 141-42.
258. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Earl Matthews, (Dec. 20, 2021).
259. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Earl Matthews, (Dec. 20, 2021).
260. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Earl Matthews, (Dec. 20, 2021).
261. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 141.
262. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), p. 83.
263. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), p. 83.
264. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), p. 288.
265. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 125.
266. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), p. 296.
267. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 124.
268. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 143.
269. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), p. 82 (“So at no time did I and I am not aware of anyone in the Pentagon having a conversation with President Trump on the day of the 6th.”).
270. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), p. 285.
271. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), p. 268.
272. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), p. 285.
273. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), pp. 95-96.
274. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 96.
275. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 96.

276. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), pp. 97-98.
277. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), pp. 100-01.
278. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 98.
279. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 98.
280. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 98.
281. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 102.
282. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM000789 (January 5, 2021, emails between Mark Meadows and John Aycoth, "Re: DC mayor activates National Guard ahead of pro-Trump demonstrations, The Hill").
283. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), pp. 99-100.
284. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), pp. 99-101. (Q: "[D]id you take that as a request for you or an order to you to deploy 10,000 troops? A[:] No, absolutely not. I interpreted it as a bit of presidential banter or President Trump banter that you all are familiar with, and in no way, shape, or form did I interpret that as an order or direction."); ("Q[:] So I want to be clear here that—since then, in February 2021, Mark Meadows said on Fox News that, quote: Even in January, that was a given as many as 10,000 National Guard troops were told to be on the ready by the Secretary of Defense. Is there any accuracy to that statement? A[:] I'm not—not from my perspective. I was never given any direction or order or knew of any plans of that nature."); (Q: "To be crystal clear, there was no direct order from President Trump to put 10,000 troops to be on the ready for January 6th, correct? A[:] No. Yeah. That's correct. There was no direct—there was no order from the President.").
285. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 13.
286. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), pp. 78-79.
287. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), pp. 252-53.
288. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), p. 253.
289. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 102.
290. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 102.
291. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 102.
292. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 113 ("So, at 3 o'clock, I gave the order to mobilize the entire District of Columbia National Guard, however, big they are . . . everybody show up at the [Armory and], . . . move them to the Capitol immediately to support local law enforcement.").
293. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 122.

294. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 124 (emphasis added).
295. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 120.
296. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 120.
297. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Earl Matthews, (Dec. 20, 2021).
298. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Timothy Nick, (Dec. 8, 2021).
299. The two letters referenced include Secretary Miller's January 4 memorandum setting restrictions on the Guard and a follow-up letter from Secretary McCarthy on January 5 expounding on those limitations. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD 00000006 (January 4, 2021, memorandum), DoD Production DoD 00003493 (January 5, 2021 follow-up letter).
300. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Apr. 21, 2022), p. 45.
301. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 104.
302. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 122.
303. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 123.
304. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 104.
305. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Apr. 21, 2022), p. 47; Earl Matthews, "The Harder Right: An Analysis of a Recent DoD Inspector General Investigation and Other Matters," (Dec. 1, 2021), available at <https://www.justsecurity.org/wp-content/uploads/2021/12/january-6-clearinghouse-Colonel-Earl-G.-Matthews-An-Analysis-of-a-Recent-DoD-Inspector-General-Investigation-and-Other-Matters-December-1-2021.pdf>.
306. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Apr. 21, 2022), p. 55.
307. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Apr. 21, 2022), p. 52.
308. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 125.
309. Aaron C. Davis (@byaarondavis), Twitter, Jan. 6, 2021 2:55 p.m. ET, available at <https://twitter.com/byaarondavis/status/1346908166030766080>.
310. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4 2022), p. 109, 127, 129.
311. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4 2022), p. 130.
312. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 49. ("I mentioned that to Chief Carroll. I said, hey, Chief, you know, I may just pull everyone back. And he told me, he said, well, right now I may need your Guardsmen who are on the traffic control points, because all of my officers are here at the Capitol, so I don't have officers out there in the city right now, so I may need to re-mission those guys for other things. Can you just send me the personnel from the Armory here? You know, so it was almost like we were talking about splitting.

We'll use that 90 to support MPD on anything they needed in the city, but I can still get, you know, another 200, 250 from the Armory to come to the Capitol now.”). But Assistant Chief Carroll didn't recall such a conversation. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Jeffrey Carroll, (Nov. 18, 2022) (“I don't think it happened. It doesn't sound like something that would've happened.”) Sergeant Major Brooks said it was him who made the recommendation to hold the first shift at their posts. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Michael F. Brooks, (Dec. 13, 2021).

313. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Stewart Tarp, (Jan. 6, 2022).
314. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Ken Ryan, (Dec. 9, 2021) (“Those that were on the TCPs on the 6th did not go to the Capitol on the night of the 6th.”); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 81; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of James Charles McConville, (Nov. 4, 2021), pp.88-89 (“Well, what I would think was happening during that hour and a half is they're . . . leaving their check points, the traffic control points, the 30 traffic control points so that all of those vehicles, they're hopping in their cars and they're driving back in traffic through the [A]rmory and getting set.”); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 50 (“They were out on traffic control points. They were doing another job. The QRF was across the river. We brought them over to the Armory. But they had to reconfigure, reorganize now to go into a civil disturbance operation.”).
315. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of David Reinke, (Jan. 6, 2022).
316. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of David Reinke, (Jan. 6, 2022).
317. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Stewart Tarp, (Jan. 6, 2022).
318. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Stewart Tarp, (Jan. 6, 2022).
319. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Stewart Tarp, (Jan. 6, 2022).
320. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Business Meeting on the January 6th Investigation*, 117th Cong., 2d sess., (Oct. 13, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
321. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Business Meeting on the January 6th Investigation*, 117th Cong., 2d sess., (Oct. 13, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
322. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 109; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 86.
323. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 129.
324. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), pp. 121-22.
325. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 108.
326. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 108.

327. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of James Charles McConville, (Nov. 4, 2021), pp. 91-92.
328. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 107.
329. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 123.
330. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 141.
331. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 121.
332. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 122 (emphasis added).
333. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 67.
334. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), pp. 65, 70.
335. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 65.
336. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 121.
337. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 66.
338. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of David Reinke, (Jan. 6, 2022).
339. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Stewart Tarp, (Jan. 6, 2022); Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of David Reinke, (Jan. 6, 2022).
340. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 134.
341. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 131.
342. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 131.
343. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 15.
344. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Chris LaNeve, (Feb. 25, 2022).
345. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Chris LaNeve, (Feb. 25, 2022).
346. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Chris LaNeve, (Feb. 25, 2022).
347. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 133.
348. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Chris LaNeve, (Feb. 25, 2022).
349. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Chris LaNeve, (Feb. 25, 2022); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 91 ("General LaNeve provided the link up location and the lead.").

350. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Chris LaNeve, (Feb. 25, 2022).
351. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Chris LaNeve, (Feb. 25, 2022).
352. Earl Matthews, "The Harder Right: An Analysis of a Recent DoD Inspector General Investigation and Other Matters," (Dec. 1, 2021), available at <https://www.justsecurity.org/wp-content/uploads/2021/12/january-6-clearinghouse-Colonel-Earl-G.-Matthews-An-Analysis-of-a-Recent-DoD-Inspector-General-Investigation-and-Other-Matters-December-1-2021.pdf> ("MG Walker denies that LaNeve called him at 4:25PM, or that he spoke to LaNeve at any time between the phone call from Chief Sund at 1:49PM and the eventual DCNG deployment to the Capitol at 5:08PM.").
353. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 139.
354. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of William Walker, (Apr. 21, 2022), p. 60.
355. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of William Walker, (Apr. 21, 2022), p. 65-66.
356. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Earl Matthews, (Dec. 20, 2021) ("One reason I know that there is no 4:30 call—is that I was sitting next to Gen. Walker").
357. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Michael F. Brooks, (Dec. 13, 2021).
358. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), CTRL0000930917 (January 6, 2021, handwritten notes taken by Lt. Timothy Nick).
359. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of William Walker, (Apr. 21, 2022), p. 60.
360. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of William Walker, (Apr. 21, 2022), pp. 60-61.
361. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Timothy Nick, (Dec. 8, 2021).
362. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of James Charles McConville, (Nov. 4, 2021), pp. 90-92.
363. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 140.
364. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of David Reinke, (Jan. 6, 2022).
365. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of David Reinke, (Jan. 6, 2022).
366. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of David Reinke, (Jan. 6, 2022).
367. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD 00001196 (January 8, 2021, Memorandum for Record from Office of the Secretary of Defense re: Timeline for December 31, 2020–January 6, 2021), DoD 00001090 (January 7, 2021, Memorandum for Record from the Secretary of the Army re: Timeline For 31 December–7 January 2021), 00000490 (January 7, 2021, Memorandum for Record from Joint Force Headquarters re: Timeline for Request for Assistance during Civil Unrest on 6 January 2021 and DC National Guard Authorization to Respond).
368. Text message from David Reinke to Colonel Hunter on January 6, 2021.



369. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of David Reinke, (Jan. 6, 2022).
370. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Stewart Tarp, (Jan. 6, 2022).
371. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Stewart Tarp, (Jan. 6, 2022).
372. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), pp. 50-51.
373. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 51.
374. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 53.
375. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 120.
376. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), pp. 111-12.
377. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert Glover, (May 2, 2022), p. 72.
378. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert Glover, (May 2, 2022), p. 72.
379. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert Glover, (May 2, 2022), p. 72.
380. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert Glover, (May 2, 2022), pp. 67-68.
381. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert Glover, (May 2, 2022), p. 72.
382. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert Glover, (May 2, 2022), p. 73.
383. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 144.
384. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 111.
385. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 130.
386. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), p. 83.
387. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of William Walker, (Apr. 21, 2022), p.71.
388. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of William Walker, (Apr. 21, 2022), p. 72.

## THE BIG RIP-OFF: FOLLOW THE MONEY

### INTRODUCTION

This appendix will consider the extent to which President Trump's Campaign and related entities raised an unprecedented amount of political donations using inflammatory messaging alleging that the 2020 U.S. Presidential election was fraudulent or stolen. It will review what tools and methods were used to produce, transmit and optimize these fundraising solicitations; who drafted and approved the messaging and what they knew about the accuracy of the messaging; who ultimately benefitted from these donations; and the impact of these messages on their recipients.

The Select Committee's investigation demonstrates that President Trump's baseless claims of election fraud—the Big Lie—served a dual purpose, forming the foundation of his attempts to overturn the 2020 Presidential election and launching a fundraising effort to fund the former President's other endeavors and to enrich his associates—the Big Rip-off.

The false election fraud narrative embedded in fundraising emails and text messages amplified the Big Lie by perpetuating a belief that the 2020 election was stolen from President Trump and effectuated the Big Rip-off by misleading donors into thinking their donations could alter the election results.

At the same time, the Big Lie helped President Trump and the Republican National Committee (RNC) raise more than \$250 million after the election, much of it from small-dollar donors who were promised their money would "Stop the Steal."

Despite what they told their supporters, however, most of their money was not used to stop any purported steal—it was diverted to accomplish the Big Rip-off. Millions of dollars that were raised ostensibly for "election defense" and "fighting voter fraud" were not spent that way at all.

Moreover, the Select Committee's investigation shows that the RNC *knew* that President Trump's claims about winning the election were baseless and that post-election donations would not help him secure an additional term in office. Yet, both the Trump Campaign and the RNC decided to continue fundraising after the election, *a decision that would have come from President Trump himself*.

In short, President Trump and his Campaign ripped off supporters by raising more than \$250 million by claiming they wanted to fight fraud they knew did not exist and to challenge an election they knew he lost.

## DISCUSSION

### THE TRUMP CAMPAIGN FUNDRAISING TEAM

As detailed below, the Trump Campaign misled the American public and President Trump's donors on how they planned to use, and did use, the donated funds while bombarding supporters with hundreds of emails, as many as twenty-five emails per day, stating the election had been stolen. In those emails, they used inflammatory language accusing Democrats of trying to "steal the election," encouraged supporters to join the "Trump army"; "Defend" the election; and to "fight back" over, and over, and over again.<sup>1</sup> They sent these emails out because they knew they were effective at raising money.<sup>2</sup> This was made possible by the creation of a fundraising machine powered jointly by the Trump Campaign and the RNC.

#### A. The TMAGAC Fundraising Machine

During the 2020 election cycle, President Trump operated a structure under which the Trump reelection campaign and the RNC merged programs and raised money jointly through the Trump Make America Great Again Committee (internally referred to by its acronym TMAGAC, which RNC officials pronounced "T-Magic").<sup>3</sup> TMAGAC was focused on raising money online through small-dollar donations.<sup>4</sup> Tim Murtaugh, the Trump Campaign's communications director, described the TMAGAC fundraising operation as "an entity unto itself within the campaign."<sup>5</sup>

The individual charged with leading the digital operation in 2020 was Gary Coby.<sup>6</sup> Coby first started working with the RNC in 2016 even before President Trump became the nominee.<sup>7</sup> Coby explained that, as digital director, his role during the 2020 Presidential election cycle was to "oversee the digital operation."<sup>8</sup> Similarly, senior staffers at the Trump Campaign and the RNC all made clear that Coby was the individual in charge of the TMAGAC digital team.<sup>9</sup> Both high-level staffers at the Trump Campaign and at the RNC confirmed that Coby had the trust of Jared Kushner, the President's son-in-law.<sup>10</sup>

Coby explained that during the 2020 Presidential election cycle, the TMAGAC digital team was a "big team with multiple organizations and vendor teams all working together as one, that include[d] RNC staff, [Donald J. Trump for President] staff, [and] maybe a half dozen vendor teams."<sup>11</sup> The RNC digital team, a subset of the TMAGAC digital team, was led operationally by Kevin Zambrano, Chief Digital Officer at the RNC. In 2020, members of the digital staff of both the RNC and Trump Campaign merged in an office building in Arlington, Virginia, with some suites jointly hosting RNC and Trump Campaign staff on the digital team, and other suites hosting third-party companies, such as Opn Sesame and Direct Persuasion.<sup>12</sup> Thereafter, Zambrano assisted Coby in managing the TMAGAC

digital team.<sup>13</sup> Zambrano explained, “The majority of the staff was at the RNC doing both RNC and TMAGAC work.”<sup>14</sup> This work was focused squarely on fundraising.<sup>15</sup>

The RNC digital team included Austin Boedigheimer, who, starting in January 2019, was the RNC’s digital deputy director<sup>16</sup> and technically served as Zambrano’s deputy.<sup>17</sup> In reality, Boedigheimer reported to both Zambrano and Coby.<sup>18</sup> Boedigheimer also led the TMAGAC digital fundraising team, which was comprised of all online fundraising efforts, including fundraising emails and text messages.<sup>19</sup> At the end of the 2020 cycle, that team had 20 or 30 people within smaller teams, such as the copy team, the text message team, the data team, the advertising team, and the graphics team.<sup>20</sup>

The RNC digital team also included a team of copywriters, who were responsible for writing the fundraising emails and text messages to solicit small-dollar donations through TMAGAC.<sup>21</sup> These copywriters reported to Hanna Allred, the RNC’s Chief Copywriter.<sup>22</sup> By mid-2020, there were three copywriters who reported to Allred: Alex Murglin,<sup>23</sup> Ethan Katz,<sup>24</sup> and Alex Blinkoff.<sup>25</sup> Blinkoff and Katz worked in that role from June 2020 until they were fired approximately three weeks after the 2020 election, while Murglin remains a copywriter at the RNC.

Although the TMAGAC team consisted of both Trump Campaign and RNC staffers, TMAGAC operated as one entity working towards one goal—raising as much money as possible.<sup>26</sup>

### **B. The Fundraising Assembly Line**

The copywriting process worked like an assembly line, where different individuals performed a task and passed on the work product to someone else, including for internal approval.<sup>27</sup> To generate content for fundraising communications, Allred explained, the copywriting fundraising team was “watching the messaging coming out of the committee [RNC] and the campaign and from the President himself and what his family was talking about.”<sup>28</sup> For example, in a November 2020 email, Boedigheimer stated to Allred, “Good to include lines like [‘]we need the resources to make sure they don’t try to steal this election. We saw what happened on election night, we can’t let them take the senate too.[’]”<sup>29</sup>

It was evident that the copywriters “would draft a lot of the content based on... what the President was saying.”<sup>30</sup> And there was no mistaking it, President Trump “was providing us [the copywriters] with a lot of content online.”<sup>31</sup> Allred said Boedigheimer was encouraging her to use this language because it would cause President Trump’s supporters to donate by “giving a purpose to their donation”<sup>32</sup> and that they used this repeatedly because it worked.<sup>33</sup> Boedigheimer did not dispute this, and reaffirmed that such language had been successful at fundraising.<sup>34</sup>

Further, the emails that were signed by President Trump or “Team Trump” were intentionally drafted to capture President Trump’s voice, tone and messaging.<sup>35</sup> Boedigheimer explained, “[President Trump] obviously has a very aggressive[,] excitable tone, and we would try to incorporate that in our messaging as well.”<sup>36</sup> The goal was to make the millions of recipients of aggressive, hyperbolic fundraising emails believe that the emails were coming from President Trump himself. In Zambrano’s words, the purpose was to give recipients “red meat.”<sup>37</sup>

### C. The Approvals Process

**The Structure.** Draft emails were submitted for approval to a designated group that handled approvals of all TMAGAC fundraising copy (the “Approvals Group”).<sup>38</sup> Boedigheimer retained responsibility for ensuring that TMAGAC’s fundraising copy was approved before being sent to the public.<sup>39</sup>

The Approvals Group consisted of three sets of stakeholders from the RNC and the Trump Campaign,<sup>40</sup> and included a variety of other interested staffers, including Zambrano, Boedigheimer, and Allred.<sup>41</sup> TMAGAC’s fundraising copy could not be sent without approval from the legal, communications and research departments.<sup>42</sup>

**Perceived Responsibilities.** After election day, a small group of staffers in the Approvals Group actively reviewed and approved the numerous fundraising emails and text messages that spread false election fraud claims. These staffers included:

- **RNC Legal:** Justin Reimer, RNC Chief Counsel<sup>43</sup> and Jenna Kirsch, RNC Associate Counsel<sup>44</sup>
- **RNC Communications:** Cassie Docksey, Deputy Communications Director<sup>45</sup>
- **RNC Research:** Michael Reed, Deputy Chief of Staff for Communications<sup>46</sup>
- **Trump Campaign Legal:** Alex Cannon, Deputy General Counsel<sup>47</sup>
- **Trump Campaign Communications and Research:** Zach Parkinson, Deputy Director of Communications and Director of Research<sup>48</sup>

Boedigheimer, as head of the fundraising team handling the drafting and propagation of fundraising messaging, told the Select Committee his understanding of the role the three components of the Approvals Group (legal, communications, and research) performed when reviewing emails and text messages.

Regarding legal, Boedigheimer explained that he understood Alex Cannon’s role, as the Trump Campaign’s Deputy General Counsel, was to

review the emails from a “legal perspective” by “essentially making sure that there’s no legal issues with the content.”<sup>49</sup>

Regarding communications, Boedigheimer stated that the communications staffers in the Approvals Group were reviewing the content and “[m]aking sure that it’s on message and good from a comms perspective.”<sup>50</sup>

Lastly, Boedigheimer explained that the research team was “looking for . . . things that are inaccurate.”<sup>51</sup>

Although Boedigheimer provided only a vague explanation of the role of the Approvals Group, he emphasized that he had to “trust that the research, the comms, and the legal team are going to do their processes to make sure it’s [the TMAGAC fundraising copy was] accurate.”<sup>52</sup> He further noted, “[I]t was the approval chain’s job to see what the accuracy of the email is and whether it’s true or not. . . . We were sending information and then leaning on our approval chain to make sure that it’s accurate.”<sup>53</sup>

The Select Committee’s investigation revealed that the Approvals Group did not operate that way, however. The Select Committee interviewed members of the Approvals Group handling the communications, research, and legal functions and confirmed that members of the Approvals Group typically engaged only in cursory reviews of the fundraising messages and did not review substantive claims of election fraud for accuracy.

Zach Parkinson, the Trump Campaign’s Deputy Director of Communications and Research Director, represented the Trump Campaign’s communications and research functions in the Approvals Group. Parkinson made clear, “Generally, our role when it came to fundraising emails and texts was to approve them for the communications team.”<sup>54</sup> Parkinson noted that that he was typically the person who weighed in on behalf of the Trump Campaign’s communications and research team.<sup>55</sup> He added, “we would review them for messaging consistency, sometimes we would review them for factual accuracy, and then we would provide the communications approval for those.”<sup>56</sup>

Parkinson clarified that the scope of review for “factual accuracy” was limited. Specifically, his review of fundraising emails and text messages for accuracy was limited to questions concerning items such as time and location.<sup>57</sup>

Critically, Parkinson did not review statements regarding election fraud in the fundraising copy for accuracy because “most political text messages and fundraising emails are political rhetoric, and so a lot of them don’t necessarily require fact checking.”<sup>58</sup> He added that “political rhetoric,” such as “Democrats are trying to steal the election,” was not something he and his team were “necessarily tasked to say no to.”<sup>59</sup> Parkinson made clear that he thought the legal department, namely Alex Cannon, would



handle reviewing for accuracy, noting “I deferred to the legal team on the legitimacy and the ability to substantiate claims that were made that were put through these approvals and whether or not we could, again, substantiate them or they were in line with our legal efforts.”<sup>60</sup> Parkinson, as the head of the research team, the very campaign team meant to fact-check and ensure accuracy in the Trump Campaign’s statements, said he was “simply looking for messaging consistency.”<sup>61</sup> Whether Democrats were engaged in fraud to steal the election was a “political argument” to Parkinson, which he did not review for accuracy.<sup>62</sup>

Like Parkinson, Michael Reed, then the RNC’s Deputy Chief of Staff for Communications, was not reviewing the TMAGAC emails about election fraud for broader accuracy. Notably, Reed could not recall a single email that he researched to do a fact-check or follow up on to see if claims contained in the email were, in fact, true.<sup>63</sup>

Boedigheimer and the copywriters believed the research staffers were looking for messages that they believed were inaccurate, but they were doing no such thing.

Alex Cannon, the Trump Campaign’s legal representative in the Approvals Group, was no different—the TMAGAC fundraisers thought he was doing far more than he was in fact doing. The Select Committee received a November 4, 2020, email from Nathan Groth, counsel for the Trump Campaign, to Alex Cannon. This email reflected that Cannon was not tasked with substantively reviewing fundraising emails like Boedigheimer thought. Groth wrote to Cannon, “Matt [Morgan, Trump Campaign’s General Counsel] has instructed me to hand off all compliance matters, including approvals, to you.”<sup>64</sup> Cannon confirmed, “I saw myself as doing exactly what I was instructed to do here, which is do what Nathan had previously been doing. So it’s this. It’s compliance issues like disclaimers and typos.”<sup>65</sup> Therefore, when Cannon received emails that included claims such as “the Democrats are trying to steal the election,” he viewed reviewing the veracity of this statement as “outside the purview of what [he] was tasked.”<sup>66</sup> When asked, Cannon stated that he did not know who was tasked with ensuring that fundraising emails were true and accurate.<sup>67</sup>

Boedigheimer, and other members of the digital fundraising team he led, claimed to see the Approvals Group as a guardrail of sorts in the fundraising effort to protect from the dissemination of false messaging about the election, but the Approvals Group served no such role. The very staffers in the Approvals Group repeatedly told the Select Committee that they did not review the claims about election fraud to confirm whether they were even true.

When all was said and done, no one in the Trump Campaign claimed to be responsible for confirming the accuracy of President Trump's words, or other allegations of election fraud, before they were blasted to millions of Americans.<sup>68</sup>

Thus, after the election, the TMAGAC team drafted emails filled with inflammatory and unfounded claims, and the members of the Approvals Group tasked with fact checking these claims did no such thing—effectively, President Trump's claims were treated as true and blasted to millions of people with little to no scrutiny by those tasked with ensuring accuracy. This process was a fertile ground for the Big Lie to spread through hundreds of emails and text messages.

#### **D. Focus on Fundraising Metrics**

Boedigheimer spoke with Coby and Zambrano often about how much money TMAGAC was raising, and they provided feedback regarding fundraising goals.<sup>69</sup> Trump Campaign leadership was fully aware of post-election fundraising totals. According to Coby, President Trump's son-in-law and senior advisor Jared Kushner "had the most interest in the digital program" and "would just check in on [fundraising] results," and routinely received updates regarding fundraising from Coby.<sup>70</sup> Coby also made clear that Kushner was heavily involved in the Campaign's budget process<sup>71</sup> and that he updated Kushner on TMAGAC's post-election fundraising totals.<sup>72</sup>

The Select Committee received documents confirming Kushner's involvement. For example, on November 8, 2020, Kushner requested that a daily tracker be created showing the Trump Campaign's financial position from election day forward.<sup>73</sup> In an email, Kushner noted that the tracker would allow the Campaign to consider its cash flow ahead of the creation of "a new entity for POTUS[']s other political activities."<sup>74</sup> Just days after the election, and after the Campaign had three of its four best fundraising days ever on November 4th, 5th, and 6th,<sup>75</sup> Kushner was preparing for the launch of President Trump's new leadership PAC, Save America. Kushner stated that he needed this new daily tracker because the Trump Campaign was going to continue fundraising post-election.<sup>76</sup> Kushner continued to receive these detailed daily trackers, which included Save America's fundraising hauls, through at least December 2020.<sup>77</sup>

### **2020 ELECTION: THE ROLE OF ELECTION FRAUD MESSAGING**

#### **A. The Decision to Continue Fundraising after Election Day**

Heading into election night of the 2020 Presidential race, as Americans across the country waited in line to vote on election day, the Trump Campaign and the RNC were planning what they would tell the American public about the results in the upcoming days. On election day, Boedigheimer and

Darren Centinello, a Trump Campaign staffer, discussed the three message options that the Trump Campaign had on the table.<sup>78</sup>

The first option was to send out copy claiming President Trump had won the 2020 election. But the Campaign knew this message was false, and Boedigheimer told Centinello that he could not get this messaging approved yet.<sup>79</sup> The Trump Campaign's second option was an email stating they were still waiting on the election results. This message would have been *the truth*. The Campaign rejected this option.

Instead, the Trump Campaign chose a third option. Boedigheimer confirmed that TMAGAC fundraisers had received approval for copy claiming that the Democrats are going to “try to steal the election” *before* election night.<sup>80</sup>

Zambrano confirmed that it would not surprise him that TMAGAC was immediately claiming that Democrats were trying to steal the election, because President Trump has been pushing that message.<sup>81</sup> Zambrano added, “That was the President’s phrasing in the messaging that the team was sourcing from.”<sup>82</sup> Importantly, Boedigheimer confirmed that the TMAGAC copywriting team did *not* base its use of the “trying to steal” language on any awareness of actual fraud.<sup>83</sup>

### **B. Post-Election Fundraising Off the Big Lie**

Both the Trump Campaign and the RNC directed TMAGAC to continue fundraising after the election.<sup>84</sup> Justin Clark, the deputy campaign manager, explained that the decision to continue fundraising after the election would have come from President Trump himself.<sup>85</sup>

Starting after the election and until January 6th, the Trump Campaign, along with the RNC, sent millions of emails to their supporters, with messaging such as claiming that the election was “RIGGED.”<sup>86</sup> The Trump Campaign viewed the TMAGAC emails as another avenue to get out President Trump’s post-election messaging about the alleged fraud.<sup>87</sup> These emails used false claims of voter fraud to create a sense of urgency that the election was being stolen. The Trump Campaign and the RNC told their supporters that their donations could stop Democrats from “trying to steal the election.” They consistently encouraged donors to give money to continue “uncovering” fraud that had not occurred. These emails were sent out after being reviewed and approved by the Approvals Group.<sup>88</sup>

The TMAGAC fundraisers used inflammatory language and false election fraud claims after the election because it was both effective at fundraising and accurately captured President Trump’s ongoing tone and messaging.<sup>89</sup> When the digital fundraising team drafted emails claiming, for example, that “Democrats are trying to steal the election,” they did not bother to confirm whether or not those inflammatory statements were true,

and instead they merely took President Trump's words and made an effective fundraising email.<sup>90</sup> As Zambrano stated, "the President issuing statements or tweets would be the genesis of the copy that would then go into the approval process for edits, for checks. That is why the approval process worked."<sup>91</sup> President Trump was the source of the lies. Not only was President Trump's fundraising driven by his daily deluge of lies about the election, but these lies were also able to go unchallenged before being spread because TMAGAC had an ineffective process when it came to scrutinizing and correcting those lies.

The TMAGAC fundraising machine continued to churn out hundreds of fundraising emails and text messages regardless of external developments. For example, Zambrano said that, after former Vice President Biden was widely declared the winner of the election, TMAGAC's fundraising efforts moved ahead the same way they had previously,<sup>92</sup> even though he "would say it wasn't looking good" as soon as one week after the election.<sup>93</sup>

### ALARMS RAISED ABOUT TMAGAC FUNDRAISING CONTENT

A number of individuals and entities associated with the TMAGAC fundraising campaign raised concerns about the dangerous and inflammatory language used in the emails issued for this campaign.

#### Concerns Raised in Internal RNC Review

Evidence obtained by the Select Committee shows that the RNC knew that President Trump's claims about winning the election were baseless and that additional donations would not help him secure an additional term in office. They walked as close to the line as they dared—making several changes to fundraising copy that seemingly protected the RNC from legal exposure while still spreading and relying on President Trump's known lies and misrepresentations.

The Select Committee did not interview a member of the RNC legal team due to concerns surrounding attorney-client privilege, but the Select Committee nonetheless got insight into their role from documents produced by Campaign and RNC staff, as well as interviews with staffers. As detailed below, the RNC lawyers were the only individuals who even attempted to walk back the fundraising emails.

Allred and Katz both received direction from the RNC's lawyers shortly after the election to not say "steal the election" and instead were told to use "try to steal the election."<sup>94</sup> Allred also recalled that, at some point, the RNC legal team directed the copywriters not to use the term "rigged."<sup>95</sup>

After the media called the election for former Vice President Joe Biden on Saturday, November 7, 2020, the RNC began to quietly pull back from definitive language about President Trump having won the election and

instead used language of insinuation. For example, on November 10, 2020, Justin Reimer, RNC's then-chief counsel, revised a fundraising email sent to the Approvals Group to remove the sentence that "Joe Biden should not wrongfully claim the office of the President."<sup>96</sup> Instead, Reimer indicated the email should read, "Joe Biden does not get to decide when this election ends. Only LEGAL ballots must be counted and verified."<sup>97</sup> Both Alex Cannon and Zach Parkinson signed off on Reimer's edits.<sup>98</sup>

On November 11, 2020, Reimer again revised a fundraising email sent to the Approvals Group. This time, he revised a claim that "President Trump won this election by a lot" to instead state that "President Trump got 71 MILLION LEGAL votes."<sup>99</sup> Once again Cannon and Parkinson signed off on Reimer's edits.<sup>100</sup>

Also on November 11, 2020, Jenna Kirsch, associate counsel at the RNC, revised a fundraising email sent to the Approvals Group to, among other things, remove the request "to step up and contribute to our critical **Election Defense Fund** so that we can DEFEND the Election and secure FOUR MORE YEARS."<sup>101</sup> Instead of "secure FOUR MORE YEARS," Kirsch's revised version stated a contribution would "finish the fight."<sup>102</sup> Once again Cannon and Parkinson signed off on these edits for the Trump Campaign.<sup>103</sup> Regarding the change to finish the fight, Zambrano conceded, "I would say this a substantive change from the legal department."<sup>104</sup> Kirsch made numerous edits like this, in which she removed assertions about "four more years."<sup>105</sup> Such edits continued into late November 2020.

Further, Boedigheimer stated that he took questions to RNC legal in the post-election period about TMAGAC fundraisers using the "steal the election" language.<sup>106</sup> The RNC was clearly aware that President Trump's claims regarding the election were not true and tried to have it both ways.

The private split between the RNC and the Trump Campaign became even more pronounced when President Trump decided to double down on his false election fraud claims and chose Rudolph Giuliani to lead his legal efforts to overturn the election.<sup>107</sup> On November 19, 2020, Giuliani held a press conference at the RNC's headquarters in which he falsely suggested that the Biden Campaign orchestrated an elaborate nationwide voter-fraud scheme.<sup>108</sup> Cassie Docksey, a senior RNC staffer at the time, recalled that she spoke that day with Michael Ahrens, then the RNC's communications director, about the diverging from the Trump Campaign.<sup>109</sup> Ahrens told her that the RNC would no longer automatically amplify or replicate statements from the Trump Campaign or President Trump's legal team.<sup>110</sup> Docksey understood Ahrens to be relaying a decision made at the most senior levels of the RNC.<sup>111</sup>

Ahrens asserted that the RNC was unwilling to adopt the wide-ranging, baseless assertions President Trump's legal team was making and quietly

decided to focus its communication strategy elsewhere.<sup>112</sup> Distancing the RNC from President Trump's false statements was a "regular course of the job before the election," and it "carried through after the election" in relation to President Trump's false claims about the election.<sup>113</sup> Starting at or before the November 19, 2020, press conference, the RNC senior leadership was in agreement that they would not claim that President Trump had won the election,<sup>114</sup> although the RNC "frequently" had to have internal discussions about President Trump's false statements about the election.<sup>115</sup>

According to Michael Reed, then the RNC's deputy chief of staff for communications, "there were conversations amongst [RNC] legal and comms and digital to ensure that anything that was being written by the digital team based off of something President Trump or the Campaign said was something we all were more comfortable with."<sup>116</sup> RNC Chairwoman McDaniel was a part of these conversations.<sup>117</sup>

RNC leadership knew that President Trump was lying to the American people. Yet, they did nothing to publicly distance themselves from his efforts to overturn the election. The RNC's response was merely to tinker around the edges of the fundraising copy but never to fundamentally challenge the one message that remained present in TMAGAC's post-election fundraising copy—President Trump's Big Lie.

In the end, multiple senior RNC staffers approved fundraising emails raising questions about the election results even though they did not know of any evidence about fraud impacting the winner of the 2020 Presidential election. For example, Cassie Docksey stated that she was not aware of any fraud that impacted the results of the Presidential election.<sup>118</sup> Ahrens conceded that "there was not evidence that we [the RNC] had seen that he [President Trump] won the election, that Biden had not won the election."<sup>119</sup>

Similarly, Justin Clark was "not aware of [fraudulent activity . . . to like defraud voters] by an individual or an entity that would have [changed the outcome of an election]."<sup>120</sup> Alex Cannon "did not find or see, in [his] limited ability as one individual . . . evidence that would be sufficient within the time period to change any sort of election results in any of the States."<sup>121</sup>

Nonetheless, the RNC and the Trump Campaign continued to send out hundreds of emails, spreading the Big Lie to and fundraising off of millions of supporters. Even though the RNC had closely held reservations about repeating the most extreme and unsupportable claims of fraud, the RNC stayed the course with a coordinated, single fundraising plan with the Trump Campaign. The RNC privately and quietly softened the most blatantly egregious claims written by its own copywriters but publicly stood shoulder to shoulder with President Trump and his Big Lie.



This is clearly evidenced by multiple TMAGAC emails in late December 2020 that asserted that former Vice President Joe Biden would be an “illegitimate President” when he took office.<sup>122</sup> These emails came after December 14, 2020, the day electors from each State met to cast their votes for President and Vice President. These emails came after Senate Majority Leader Mitch McConnell made it clear that he accepted the electoral college’s certification of Biden’s victory. These emails came after President Trump and his allies had lost all but one lawsuit challenging the election.<sup>123</sup> None of this made a difference to TMAGAC. When asked why TMAGAC would repeatedly send these emails stating that former Vice President Biden would be an illegitimate President, Hanna Allred, the chief copywriter, stated that it would be because the emails were “effective” for fundraising.<sup>124</sup>

### Trump Campaign Discussions

Alex Cannon was so bothered by the emails he was reviewing as a member of the Approvals Group that he took his concerns to Justin Clark, the campaign’s deputy campaign manager. Cannon explained that he had discussions with Clark about the problematic tone of the post-election TMAGAC emails and noted to Clark that the emails “seemed a little over the top to [him].”<sup>125</sup> Cannon raised those concerns because, after spending weeks researching which fraud claims were verifiable and which were not, Cannon saw that the TMAGAC emails were inconsistent with the fact that systemic fraud did not exist.<sup>126</sup> Cannon also recalled that he may have expressed concern to Matt Morgan, the campaign’s general counsel, regarding the difference between claims of election fraud made in the TMAGAC fundraising emails and his conclusion that there was not fraud that impacted the election results.<sup>127</sup> Cannon was not aware of any actions taken to address the concerns he had with this inconsistency.<sup>128</sup>

Justin Clark could not recall whether he looked at any fundraising emails after Cannon raised these concerns or whether Cannon spoke to Gary Coby about the substance of the fundraising emails.<sup>129</sup>

### Challenges From Within the Digital Team

In the days after the election, one junior copywriter presented senior Campaign staffers with a template for a more honest approach. Shortly after election night, Coby led a meeting of the entire Trump digital team, which included individuals from the Campaign, the RNC, Opn Sesame, Direct Persuasion, and others. In that meeting, as Coby addressed the staff and expressed that the digital team would continue to work, Ethan Katz, an RNC staffer in his early twenties, rose to ask a question:<sup>130</sup> How were staffers supposed to tell voters that the Trump Campaign wanted to keep counting votes in Arizona but stop counting votes in other States (like Pennsylvania, Georgia, and Michigan)?<sup>131</sup>

Katz said that Coby provided an answer without substance, which caused Katz to reiterate his question. His question made clear that the Campaign's position was wildly inconsistent.<sup>132</sup> Allred and Boedigheimer corroborated that Katz confronted leadership.<sup>133</sup>

Katz also recalled that, shortly after the election, Allred directed him to write an email declaring that President Trump had won the State of Pennsylvania before anyone had called Pennsylvania for either party.<sup>134</sup> Katz believed the Trump Campaign wanted to send this email out to preempt a potential call that was likely to be in former Vice President Biden's favor.<sup>135</sup> He refused to write the email. Allred was stunned, and instead assigned it to another copywriter.<sup>136</sup> Allred confirmed that Katz expressed discomfort at writing such an email and that she relied on another copywriter.<sup>137</sup> On November 4, 2020, the Trump Campaign sent out an email preemptively and falsely declaring that President Trump won Pennsylvania.<sup>138</sup>

Katz was fired approximately three weeks after the election.<sup>139</sup> In an interview with the Select Committee, when Allred was asked why Katz, her direct report, was fired, she explained that she was not sure why because TMAGAC was raising more money than ever after the election, but that the decision was not hers to make.<sup>140</sup>

### **Concerns Raised by Trump Campaign Vendor Iterable**

The Trump Campaign knew that emails that the Approvals Group had blessed were being rejected by another email service provider. After the election, the Trump Campaign attempted to expand the reach of their false voter fraud emails. The Trump Campaign formed a company named DataPier, owned by Cannon and Sean Dollman.<sup>141</sup> DataPier hired an outside company named Iterable to deliver its emails.<sup>142</sup> Cannon tried to send "toned-down RNC emails," through Iterable, but they still had to be "further toned [] down through [an] iterative process[.]"<sup>143</sup> For example, on November 7, 2020, Seth Charles, who was then Iterable's principal email deliverability and industry relations manager, said that there was an issue with the TMAGAC copy and offered line edits.<sup>144</sup> Two days later, Charles recommended to the Trump Campaign staffers that they look for "modified copy there [from TMAGAC emails] to be a little less threatening."<sup>145</sup> Charles claimed that some TMAGAC copy "obviously insinuates the so far unsubstantiated theory of voter fraud, as well as contributions and legal actions will result in some sort of different outcome."<sup>146</sup>

But Salesforce, TMAGAC's original email service provider, continued sending millions of Trump Campaign emails up until January 6th.

### **Internal Complaints at Salesforce**

The Trump Campaign knew that emails that the Approvals Group had blessed were being rejected by Iterable. However, the RNC continued to

send millions of Trump Campaign emails through Salesforce, TMAGAC's original email service provider, up until January 6th. Evidence uncovered by the Select Committee shows that there were internal concerns at Salesforce regarding the content of the TMAGAC emails.

The Select Committee interviewed an individual ("J. Doe") who worked at Salesforce during the post-election period during which TMAGAC was sending out the fundraising emails concerning false election fraud claims.<sup>147</sup> Doe worked for Salesforce's privacy and abuse management team, colloquially known as the abuse desk.<sup>148</sup> An abuse desk is responsible for preventing fraud and abuse emanating from the provider's user or subscriber network.

Doe indicated to the Select Committee that, as soon as early 2020, they recalled issues arising with the RNC's use of Salesforce's services and that a "deluge of abuse would've started in June-ish."<sup>149</sup> Doe noted that Salesforce received a high number of complaints regarding the RNC's actions, which would have been primarily the fundraising efforts of TMAGAC.<sup>150</sup> In the latter half of 2020, Doe noticed that the emails coming from the RNC's account included more and more violent and inflammatory rhetoric in violation of Salesforce's Master Service Agreement ("MSA") with the RNC, which prohibited the use of violent content.<sup>151</sup> Doe stated that, near the time of the election, they contacted senior individuals at Salesforce to highlight the "increasingly concerning" emails coming from the RNC's account.<sup>152</sup> Doe explained that senior individuals at Salesforce effectively ignored their emails about TMAGAC's inflammatory emails<sup>153</sup> and Salesforce ignored the terms of the MSA and permitted the RNC to continue to use its account in this problematic manner.<sup>154</sup> Doe said, "Salesforce very obviously didn't care about anti-abuse."<sup>155</sup>

Ultimately, the Trump Campaign and the RNC let the Big Lie spread because they were making hundreds of millions of dollars from President Trump's supporters who believed that lie. The Big Rip-off needed the Big Lie to motivate unsuspecting individuals to donate their money to a lost cause, and it worked.

### WHERE DID THE MONEY GO?

The Trump Campaign and the RNC had three of their largest fundraising days of the 2020 election cycle immediately after the election.<sup>156</sup> Together, the Trump Campaign and the RNC raised more than one hundred million dollars in three days, telling people they were raising the money for the "Official Election Defense Fund." According to the TMAGAC fundraising pitches, the Trump Campaign and RNC team had created a so-called "Official Election Defense Fund" to help pay for legal challenges to the election

results.<sup>157</sup> But there was no “Official Election Defense Fund”—it was simply “a marketing tactic.”<sup>158</sup> The TMAGAC fundraisers did not know where the donated money was actually going.<sup>159</sup> The TMAGAC copywriting team simply took the lies that President Trump told them about the need to raise money to overturn the election results and put them into emails to his supporters.

The false claims of election fraud and the “Official Election Defense Fund” were so successful President Trump and his allies raised more than \$250 million *after* the election.<sup>160</sup> However, the Trump Campaign was raising too much money to spend solely on their legal efforts to overturn the results of the 2020 election. The Trump Campaign continued to publicly state the election had been stolen by “the Left,” while behind closed doors they prepared a new plan to spend their supporters’ money.

#### **A. The Creation of the Save America PAC**

On November 9, 2020, President Trump created a separate leadership PAC called Save America that allowed him to keep millions of dollars raised after the election and spend it with very few restrictions in the future. Jared Kushner worked with Alex Cannon, Deputy General Counsel for the Trump Campaign, in creating the entity.<sup>161</sup> Prior to the formation of Save America, any money raised by the Trump Campaign could effectively only be spent on recount and election-contest related expenses, and to pay off campaign debt.<sup>162</sup> But now the money raised into Save America could allow President Trump to pay for his personal expenses, such as travel or hotel stays. After Save America was formed, it was added to the TMAGAC joint fundraising agreement with the RNC, and the percentage of the proceeds allocated to the Trump Campaign began to flow to Save America.<sup>163</sup>

Importantly, Save America, as a leadership PAC, was not even legally permitted to pay for recount and election-contest related expenses in excess of the Federal Election Campaign Act (“FECA”) limit of \$5,000.<sup>164</sup> Save America never hit that limit in 2020, as it spent no money on recount and election-contest related expenses.<sup>165</sup>

Several reporters noticed the switch and contacted the Campaign asking about the “bait and switch” and the “misleading” nature of the emails. One reporter said directly: “it’s misleading to raise money for a committee marked on the website as an ‘election defense fund’ if it’s going to a leadership PAC.”<sup>166</sup> Another reporter asked, “Why is the campaign telling its supporters they are contributing toward an ‘Election Defense Fund’ if only a small percentage of those funds are actually going toward funding legal efforts?” and “How can the campaign justify directing 75% of contributions intended for a 2020 legal fund toward the President’s political action committee?”<sup>167</sup>

The Trump Campaign came up with a messaging plan about this tactic, which President Trump personally approved.<sup>168</sup> Tim Murtaugh, the Trump Campaign’s communications director, repeatedly asked Justin Clark, the deputy campaign manager, whether they should respond to the reporters.<sup>169</sup> When Murtaugh flagged that the communications team was not responding to the reporters, Justin Clark said, “Good. Don’t.”<sup>170</sup>

### **B. Outlays to Trump-Associated Individuals and Companies**

The Trump Campaign spent the money on President Trump, giving donations to his associates, and keeping it for himself in Save America. Hundreds of millions of dollars that were raised to go towards “election defense” and “fighting voter fraud” were not spent that way at all. To the contrary, most of the funds remain unspent, and millions have been paid to companies that are known affiliates of President Trump, or payments to entities associated with former Trump administration officials. Since the election, former Trump officials who are still working for President Trump’s PACs, and are publicly receiving salaries as FEC-reported “payroll,” are also associated with these companies.

For example, from July 2021 to the present, Save America has been paying approximately \$9,700 per month to Dan Scavino,<sup>171</sup> a political adviser who served in the Trump administration as White House Deputy Chief of Staff.<sup>172</sup> Save America was also paying \$20,000 per month to an entity called Hudson Digital LLC. Hudson Digital LLC was registered in Delaware twenty days after the attack on the Capitol, on January 26, 2021,<sup>173</sup> and began receiving payments from Save America on the day it was registered.<sup>174</sup> Hudson Digital LLC has received payments totaling over \$420,000, all described as “Digital consulting.”<sup>175</sup> No website or any other information or mention of Hudson Digital LLC could be found online.<sup>176</sup> Though Hudson Digital LLC is registered as a Delaware company, the FEC Schedule B listing traces back to an address belonging to Dan and Catherine Scavino.<sup>177</sup>

Nick Luna, President Trump’s former personal assistant and “body man,” was being paid from April 2021 to December 2021 approximately \$12,000 per month by Save America for “payroll.”<sup>178</sup> The Make America Great Again PAC (MAGA PAC)—formerly the authorized committee of President Trump’s reelection campaign, Donald J. Trump for President—paid \$20,000 per month to a limited liability corporation called Red State Partners LLC from April 2021 through October 2021, and Save America paid Red State Partners LLC \$20,000 in February 2022.<sup>179</sup> The company was registered in Delaware on March 11, 2021<sup>180</sup> and has received a total of \$170,000.<sup>181</sup> Though it is registered in Delaware, disclosures filed with the

Federal Election Committee (FEC) list Red State Partners at an address in Miami, Florida, that is an address for Nick Luna and his wife, Cassidy Dumbauld.<sup>182</sup>

Further, Vince Haley, Taylor Swindle, and Ross Worthington are corporate officers of a company known as Pericles LLC.<sup>183</sup> Haley is a former policy advisor to President Trump,<sup>184</sup> Swindle is the Chief Financial Officer for Gingrich 360,<sup>185</sup> and Ross Worthington is the former White House speechwriter<sup>186</sup> who wrote the speech President Trump delivered on the Ellipse on January 6th.<sup>187</sup> Pericles LLC was registered on January 27, 2021,<sup>188</sup> the day after Scavino's Hudson Digital LLC, and, since then, has received payments from Save America totaling at least \$352,700.<sup>189</sup>

Another former speechwriter for President Trump, Robert Gabriel, Jr., has also been receiving payments from Save America. Gabriel was involved in writing the speech President Trump delivered on the White House Ellipse on January 6th, and specifically told the speechwriters, including Worthington, to reinsert previously removed incendiary lines about Vice President Pence into the speech.<sup>190</sup> This direction came after Vice President Pence told President Trump that he would not try to change the outcome of the election.<sup>191</sup> In September 2021, Gabriel formed called Gabriel Strategies LLC,<sup>192</sup> which began receiving payments from Save America the following month.<sup>193</sup> Since October 2021, Save America has paid Gabriel Strategies LLC at least \$167,674.00.<sup>194</sup> For both Pericles and Gabriel Strategies, the description of the payments is always for "consulting" in political strategy or communications, and some payments are purported to include travel expenses.

Through October 2022, Save America has paid nearly \$100,000 in "strategy consulting" payments to Herve Pierre Braillard,<sup>195</sup> a fashion designer who has been dressing Melania Trump for years.<sup>196</sup>

From January 2021 to June 2022, Save America has also reported over \$2.1 million in "legal consulting." Many firms perform different kinds of practice, but more than 67% of those funds went to law firms that are representing witnesses involved in the Select Committee's investigation who were subpoenaed or invited to testify.

Additionally, Save America has reported other expenditures, like:

- \$1,000,000 donation to America First Policy Institute, home to several former Trump officials and witnesses subpoenaed to testify before the Committee.<sup>197</sup>
- \$1,000,000 donation to Conservative Partnership Institute, a conservative nonprofit organization where Mark Meadows is a senior partner.<sup>198</sup>
- More than \$10.6 million to Event Strategies, Inc., the preferred staging company for President Trump that staged the January 6th rally.<sup>199</sup>



- More than \$327,000 in payments to the Trump Hotel Collection and Mar-A-Lago Club since the 2020 election.<sup>200</sup>
- An “event sponsorship fee” of \$165,937.50 to American Conservative Union,<sup>201</sup> the Chairman of which is Matt Schlapp. Schlapp and his wife have offered to pay the legal fees of witnesses called to testify before the January 6th Committee and have extensive ties with former President Trump.
- A little over \$140,000 to National Public Affairs, LLC,<sup>202</sup> a consulting company started by former Trump Campaign Manager Bill Stepien and Deputy Campaign Manager Justin Clark.<sup>203</sup> Stepien testified that he knew the claims of voter fraud were false, that he didn’t think what was happening was necessarily honest, and that he was stepping away from the Trump Campaign.<sup>204</sup> However, he continues to work and receive hundreds of thousands of dollars consulting for President Trump and several other congressional candidates who continue to spread false voter fraud claims related to the 2020 election.<sup>205</sup>

### C. Payments to 2M Management LLC

As described above, the Trump Campaign, after paying off its general election debt, raised millions of dollars that flowed into a segregated recount account (“Recount Account”) by encouraging donors to help pay for legal challenges to the election results. Pursuant to the FECA, the Trump Campaign could only spend these funds on a few limited purposes (e.g., for actual recounts and election-contest expenses or, in the case of surplus funds, donations to charitable organizations or transferring the funds to a national party committee’s separate, segregated account for election recounts).<sup>206</sup>

Justin Clark told the Select Committee that he understood that, “[a]fter election day, . . . you can raise money for a recount and to pay off debt,”<sup>207</sup> and that “[t]he money going into the campaign, principal campaign committee, at that point, [after the election] was dead money. It couldn’t be spent on things.”<sup>208</sup> Alex Cannon agreed.<sup>209</sup> That’s why, after the election, the Trump Campaign set up the Recount Account—“a segregated restricted account [held] by the campaign”<sup>210</sup>—and raised money for the Recount Account through TMAGAC.<sup>211</sup>

In February 2021, the Trump Campaign was converted into MAGA PAC.<sup>212</sup> In March 2021, MAGA PAC began disclosing on required FEC forms that it was paying millions of dollars to an eDiscovery vendor called 2M Document Management & Imaging LLC (“2M Management”) for what MAGA PAC described as “recount” and “Recount: Research Consulting.”<sup>213</sup>

Although the MAGA PAC reported that 2M Management was being paid for recount-related expenses, 2M Management was primarily processing and reviewing documents slated to be produced by the National Archives

and Records Administration in response to subpoenas from (1) the House Select Subcommittee on the Coronavirus Crisis (“Covid Subcommittee”) and (2) the Select Committee to Investigate the January 6th Attack.<sup>214</sup>

From just March 2021 to May 2021, MAGA PAC paid 2M Management almost \$1 million from the Recount Account to review documents related solely to the Covid Subcommittee.<sup>215</sup> Alex Cannon confirmed that he understood these payments to 2M Management came from the Recount Account.<sup>216</sup> Federal campaign finance law requires committees to accurately report information related to expenditures, including the purpose of payments. FEC regulations provide that the “purpose” be described in relevant reports through a brief statement of why the disbursement was made and must be sufficiently specific to make the purpose of the disbursement clear.<sup>217</sup>

### IMPACT OF THE TRUMP CAMPAIGN’S FALSE CLAIMS

Between the election and January 6th, the Trump Campaign sent out hundreds of emails urging President Trump’s supporters to “fight the Liberal MOB” and “join the Trump army.” Users on the same extreme social media platforms used to plan the attack on the Capitol repeatedly shared the “Official Election Defense Fund” donation links in the week following election day.<sup>218</sup> Links to donate were often accompanied by mentions of voter fraud and calls to save the country, mirroring the language of the fundraising emails and the countless discussions being held by the President’s supporters of coming to Washington, DC, on January 6th to “Stop the steal.”<sup>219</sup>

On January 6th, while President Trump was speaking at the Ellipse rally and directing his supporters to march to the Capitol, his Campaign was also sending fundraising emails inflaming people to “fight back.” One email stated, “100 Members of Congress. . . . Join them in the FIGHT to DEFEND the Election. . . . *This is our last line of defense.*”<sup>220</sup> Another email stated, “TODAY will be a historic day in our Nation’s history. Congress will either certify, or object to, the Election results. Every single Patriot from across the Country must step up RIGHT NOW if we’re going to successfully DEFEND the integrity of this Election.”<sup>221</sup> A third email stated, “TODAY. This is our LAST CHANCE . . . The stakes have NEVER been higher. President Trump needs YOU to make a statement and publicly stand with him and FIGHT BACK.”<sup>222</sup>

Thirty minutes after the last fundraising email was sent, the Capitol was breached. It was then and only then that TMAGAC fundraisers decided to stop sending emails containing baseless claims of election fraud.<sup>223</sup> Boedigheimer explained, “And at some point during that time, I don’t know if it was right then, if it was a little after, maybe a little before, but either

Gary or Kevin kind of directed us to stop sending fundraising messages out.”<sup>224</sup> Cannon stated, “[O]n January 6th, Gary called me and said, [‘]are you seeing what’s happening? I’m obviously turning everything off.[’]”<sup>225</sup>

After raising \$250 million dollars on false voter fraud claims, mostly from small-dollar donors, President Trump did not spend it on fighting an election he knew he lost. Instead, a significant portion of the money was deposited into the Save America account and not used for the purposes the Campaign claimed it would be. President Trump got a war chest with millions of dollars, and the American people were left with the U.S. Capitol under attack.

There is evidence suggesting that numerous defendants charged with violations related to the January 6th attack on the U.S. Capitol and others present on the Capitol grounds that day were motivated by false claims about the election.<sup>226</sup>

Further, J. Doe, the Salesforce employee interviewed by the Select Committee, provided insight into the action that Salesforce took after the attack. Doe explained that after they became aware of the ongoing attack, they (Doe) took unilateral action to block the RNC’s ability to send emails through Salesforce’s platform.<sup>227</sup> Doe noted that the shutdown lasted until January 11, 2021, when senior Salesforce leadership directed Doe to remove the block from RNC’s Salesforce account.<sup>228</sup> Doe stated that Salesforce leadership told Doe that Salesforce would now begin reviewing RNC’s email campaigns to “make sure this doesn’t happen again.”<sup>229</sup>

## CONCLUSION

In the weeks after the 2020 election leading up to January 6, 2021, President Trump’s Campaign and his allies sent his supporters a barrage of emails and text messages pushing lies about a stolen election and asking for contributions to challenge the outcome of the election. In reality, the funds raised went primarily towards paying down the Trump Campaign’s outstanding 2020 debt, financing President Trump’s newly created Save America PAC, and raising money for the RNC.

Overall, only a small amount of the contributions ever went to President Trump’s recount account or were otherwise obviously used in connection with post-election recounts or litigation. As President Trump used the Big Lie as a weapon to attack the legitimacy of the 2020 election, his Campaign used that same Big Lie to raise millions of dollars based on false claims and unkept promises.

Not only did President Trump lie to his supporters about the election, but he also ripped them off.

## ENDNOTES

1. Trump Fundraising Emails (@TrumpEmail), Twitter, Nov. 21, 2020, 5:30 a.m. ET, available at <https://twitter.com/TrumpEmail/status/1330277503160741888> (“Democrats are attempting to STEAL this Election and the White House. This Election is far from over as long as we have YOU on our team to FIGHT BACK.”); Trump Fundraising Emails (@TrumpEmail), Twitter, Nov. 21, 2020, 7:16 a.m. ET, available at <https://twitter.com/TrumpEmail/status/1330122927958859777> (“With your help, we will DEFEND the Election and keep America America.”).
2. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Hanna Allred, (Mar. 30, 2022), p. 104 (“I do think those words are effective, because people were upset and they wanted their donation to go towards an effort to—the legal effort.”).
3. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Walters, (May 25, 2022), pp. 15-16; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Austin Boedigheimer, (Apr. 20, 2022), p. 9.
4. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Gary Coby, (Feb. 23, 2022), p. 28; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Hanna Allred, (Mar. 30, 2022), p. 13.
5. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Timothy Murtaugh, (May 19, 2022), p. 95.
6. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Gary Coby, (Feb. 23, 2022), p. 10. (noting that as digital director he oversaw the digital operation).
7. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Gary Coby, (Feb. 23, 2022), pp. 6-7; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Kevin Zambrano, (Apr. 27, 2022), p. 11.
8. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Gary Coby, (Feb. 23, 2022), p. 10.
9. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Stepien, (Feb. 10, 2022), p. 187 (naming Coby as person controlling fundraising operation); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Austin Boedigheimer, (Apr. 20, 2022), p. 9 (“And then Gary Colby would have been the kind of the lead of the entire digital team for the Joint Fundraising Committee”); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of A. Zachary Parkinson, (May 18, 2022), p. 81 (“Gary ran the campaign’s digital team”).
10. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Kevin Zambrano, (Dec. 16, 2021), p. 3 (Zambrano stated that Coby expressed that he spoke with “the family,” meaning the Trumps, and Zambrano believed that Kushner was the family member to whom Coby spoke most frequently.); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Stepien, (Feb. 10, 2022), p. 190; Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Cole Blocker, (Dec. 29, 2021), p. 2 (Blocker stated that he knew Coby talked to Jared Kushner a lot, and that their relationship was common knowledge.).
11. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Gary Coby, (Feb. 23, 2022), p. 13.
12. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Kevin Zambrano, (Apr. 27, 2022), p. 11; Select Committee to Investigate

- the January 6th Attack on the United States Capitol, Transcribed Interview of Hanna Allred, (Mar. 30, 2022), p. 12; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Austin Boedigheimer, (Apr. 20, 2022), p. 9.
13. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Kevin Zambrano, (Apr. 27, 2022), pp. 11-13.
  14. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Kevin Zambrano, (Apr. 27, 2022), p. 11.
  15. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Kevin Zambrano, (Apr. 27, 2022), p. 15.
  16. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Austin Boedigheimer, (Apr. 20, 2022), p. 7.
  17. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Austin Boedigheimer, (Apr. 20, 2022), p. 10 (“I think that’s fair to say. I think my direct report was Kevin but then we also viewed Gary as a leader of kind of the digital JFC team”); Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Ethan Katz, (Nov. 3, 2021), p. 2 (indicating Boedigheimer reported to Coby but that there may have been additional people between Boedigheimer and Coby).
  18. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Austin Boedigheimer, (Apr. 20, 2022), p. 10.
  19. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Austin Boedigheimer, (Apr. 20, 2022), p. 7; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Hanna Allred, (Mar. 30, 2022), p. 9; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Gary Coby, (Feb. 23, 2022), pp. 16-17 (“Austin led the fundraising team . . . [and] [o]versaw the variety of fundraising channels and led that team.”).
  20. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Hanna Allred, (Mar. 30, 2022), pp. 9-10.
  21. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Kevin Zambrano, (Apr. 27, 2022), p. 14 (Committee Staff: “Now, the emails that Austin and Hannah and folks were working on, those are primarily drafting emails for TMAGAC, correct?” Zambrano: “Yes, I believe so.”).
  22. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Hanna Allred, (Mar. 30, 2022), p. 12; Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Ethan Katz, (Nov. 3, 2021); Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Ethan Katz, (Jan. 21, 2022), p. 2; Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Alex Murglin, (Mar. 17, 2022), p. 2; Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Alex Blinkoff, (Feb. 7, 2022), p. 2; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Austin Boedigheimer, (Apr. 20, 2022), p. 10.
  23. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Hanna Allred, (Mar. 30, 2022), p. 11 (“Alex Murglin joined I believe in March of 2020 . . . That summer, Ethan Katz and Alex Blinkoff both joined.”); Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Alex Murglin (Mar. 17, 2022), p. 2.
  24. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Ethan Katz, (Nov. 3, 2021), p. 2.
  25. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Kevin Zambrano, (Apr. 27, 2022), p. 12.

26. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Austin Boedigheimer, (Apr. 20, 2022), p. 9 (“So, we, as in the RNC digital employees and then campaign employees and vendors as well, came to work together on the JFC. And the general structure was all working together on that goal.”); Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Hanna Allred, (Dec. 1, 2021), p. 3 (“ALLRED said that on the 5th floor, the RNC and Campaign employees all worked together for joint fundraising committee, and exactly who worked for which entity kind of didn’t matter. . . . Rather, everyone just referred to everything as TMAGAC.”).
27. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Ethan Katz, (Nov. 3, 2021), p. 2 (“He explained that the copywriting process worked like a Henry Ford style assembly line, where different individuals performed a task and passed on the work product to someone else.”).
28. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Hanna Allred, (Mar. 30, 2022), pp. 15-16.
29. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Austin Boedigheimer Production), BA-0003821, (Nov. 30, 2020 email from Austin Boedigheimer to Hanna Allred, “Fwd: It’s happening again, Austin.”).
30. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Kevin Zambrano, (Apr. 27, 2022), p. 20.
31. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Hanna Allred, (Mar. 30, 2022), p. 30.
32. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Hanna Allred, (Mar. 30, 2022), pp. 103-104.
33. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Hanna Allred, (Mar. 30, 2022), pp. 112-113 (“On average, yes, you repeat things that do well.”); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Austin Boedigheimer, (Apr. 20, 2022), p. 21 (“[I]f you were sending it repeatedly[,] it’s the understanding that it’s doing well so you want to keep sending e-mails like that.”).
34. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Austin Boedigheimer, (Apr. 20, 2022), pp. 107-108 (“President Trump’s saying it, surrogates are saying it, everybody’s saying it. So my, you know, I don’t remember exactly this but it seems like it was, you know, we should do something like that since it’s been working.”).
35. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Kevin Zambrano, (Apr. 27, 2022), p. 23; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Hanna Allred, (Mar. 30, 2022), p. 28; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Michael Reed, (July 20, 2022), p. 8 (agreeing that copywriters sought to capture the voice and tone of President Trump in its messaging); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Michael Reed, (July 20, 2022), p. 9 (agreeing that President Trump was focused on a particular issue, copywriters they would also tend to focus on similar issues).
36. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Austin Boedigheimer, (Apr. 20, 2022), p. 12; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Austin Boedigheimer, (Apr. 20, 2022), p. 45 (“I think we’ve determined that it’s aggressive language. We would want to use that for this.”).
37. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Kevin Zambrano, (Apr. 27, 2022), pp. 25-29.
38. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Austin Boedigheimer, (Apr. 20, 2022), pp. 23-24.



39. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Kevin Zambrano, (Apr. 27, 2022), pp. 14, 49 (“Austin would have reviewed all the content before it would go up to the approval chains or Hannah.”). Zambrano stated that, on a day-to-day basis, he was not very involved in overseeing Boedigheimer’s handling of the copywriting process. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Kevin Zambrano, (Apr. 27, 2022), p. 16.
40. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Kevin Zambrano, (Apr. 27, 2022), p. 43.
41. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Hanna Allred, (Mar. 30, 2022), p. 44.
42. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Kevin Zambrano, (Apr. 27, 2022), pp. 63-64.
43. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Cassie Docksey, (Aug. 25, 2022), p. 10; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Michael Ahrens, (Sep. 1, 2022), pp. 9-10.
44. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Cassie Docksey, (Aug. 25, 2022), p. 10.
45. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Cassie Docksey, (Aug. 25, 2022), p. 6 (“And then that’s also where I started doing some of the approval for the fundraising emails, the small-dollar fundraising emails.”); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Michael Ahrens, (Sep. 1, 2022), p. 8 (“To the best of my recollection, that was primarily Cassie Docksey, Mike Reed, who handled approvals on that content.”).
46. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Michael Reed, (July 20, 2022), p. 7 (“I had a role in approv[ing] them [the TMAGAC fundraising emails], yes.”).
47. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Alexander Cannon, (Apr. 13, 2022), p. 138.
48. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of A. Zachary Parkinson, (May 18, 2022), p. 80 (“There would be—I don’t know if my team members were routinely getting those emails as well or if they were just being directed to me, but we were participants in them.”); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Hanna Allred, (Mar. 30, 2022), pp. 45-46 (“I know from the Trump Campaign, I remember Zach Parkinson was someone who responded. I was never sure if he was from research or comms, or maybe he did both, I’m not entirely sure, but he would typically, if something was wrong, like, inaccurate, he would flag it.”).
49. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Austin Boedigheimer, (Apr. 20, 2022), p. 51.
50. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Austin Boedigheimer, (Apr. 20, 2022), p. 51.
51. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Austin Boedigheimer, (Apr. 20, 2022), p. 51.
52. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Austin Boedigheimer, (Apr. 20, 2022), p. 58.
53. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Austin Boedigheimer, (Apr. 20, 2022), pp. 60, 75-76 (“I think what I said earlier was, at the time the election wasn’t over, President Trump was saying those things. I didn’t have a reason to believe it was false. So as far as the accuracy of that in the approval chain, that was up to them to decide.”).

54. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of A. Zachary Parkinson, (May 18, 2022), p. 77.
55. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of A. Zachary Parkinson, (May 18, 2022), p. 78.
56. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of A. Zachary Parkinson, (May 18, 2022), p. 77.
57. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of A. Zachary Parkinson, (May 18, 2022), pp. 77-78.
58. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of A. Zachary Parkinson, (May 18, 2022), p. 77.
59. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of A. Zachary Parkinson, (May 18, 2022), pp. 86-87.
60. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of A. Zachary Parkinson, (May 18, 2022), pp. 88-89 (“I, as best I recall, that is who I assumed would be doing that type of review [about whether it was true that Democrats were trying to steal the election].”).
61. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of A. Zachary Parkinson, (May 18, 2022), p. 91.
62. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of A. Zachary Parkinson, (May 18, 2022), p. 96.
63. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Michael Reed, (July 20, 2022), pp. 54-55.
64. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (Alexander Cannon production), AC-0001631, (Nov. 4, 2020, “Re: Hand-off on Compliance Review”).
65. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Alexander Cannon, (Apr. 13, 2022), p. 138.
66. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Alexander Cannon, (Apr. 13, 2022), p. 140.
67. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Alexander Cannon, (Apr. 13, 2022), p. 140.
68. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of A. Zachary Parkinson, (May 18, 2022), p. 89.
69. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Austin Boedigheimer, (Apr. 20, 2022), p. 17.
70. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Gary Coby, (Feb. 23, 2022), pp. 19-20.
71. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Gary Coby, (Feb. 23, 2022), p. 26.
72. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Gary Coby, (Feb. 23, 2022), p. 116.
73. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Jared Kushner Production), JK\_00367, (Nov. 8, 2020, email from Jared Kushner to Sean Dollman, Gary Coby, Bill Stepien, Justin Clark, and Eric Trump, at 5:51 pm, and Nov. 7, 2020 email from Sean Dollman to Jared Kushner at 2:54 pm).
74. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Jared Kushner Production), JK\_00367, (Nov. 8, 2020, email from Jared Kushner to Sean Dollman, Gary Coby, Bill Stepien, Justin Clark, and Eric Trump, at 5:51 pm, and Nov. 7, 2020 email from Sean Dollman to Jared Kushner at 2:54 pm).

75. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Jared Kushner Production), JK\_00416, (Nov. 7, 2020, text messages between Jared Kushner and Gary Coby).
76. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jared Kushner, (Mar. 31, 2022), p. 200.
77. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Sean Dollman Production), DOLLMAN-0003821, (Dec. 23, 2020, emails between Jared Kushner, Sean Dolman, Gary Coby, Justin Clark, and Cassie Dumbauld “Re: [EXTERNAL]Re: 12/22/20 Cash Position Update”). Despite email communications showing his involvement in the Campaign’s finances through late December 2020, Kushner claimed that, from around November 13 onward, he was only “nominally involved” with the Campaign’s budgeting and fundraising. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jared Kushner, (Mar. 31, 2022), p. 205.
78. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Austin Boedigheimer Production), BA-0006823, (Nov. 3, 2020, Signal chat between Austin Boedigheimer and Darren Centinello); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Kevin Zambrano, (Apr. 27, 2022), p. 54 (“Austin could have. I'm not sure if people on the campaign instructed anyone else on the campaign or anything, but I wouldn't be surprised if there were a couple different scenarios floating around most people's heads on that.”); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Kevin Zambrano, (Apr. 27, 2022), p. 54 (“I don't recall specific—I don't recall conversations around it, other than there may have just been general [“]we need to be ready for whatever may come[“].”).
79. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Austin Boedigheimer Production), BA-0006823, (Nov. 3, 2020, Signal chat between Austin Boedigheimer and Darren Centinello).
80. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Austin Boedigheimer Production), BA-0006823 (Nov. 3, 2020, Signal chat between Austin Boedigheimer and Darren Centinello); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Austin Boedigheimer, (Apr. 20, 2022), p. 39 (“I’m basically saying on the victory topic, which is the first one that he covered. We’re waiting until closer to election results are coming in to be able to get that approved and then I’m giving him some copy about how they are trying to steal the election that has already been approved.”).
81. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Kevin Zambrano, (Apr. 27, 2022), p. 55.
82. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Kevin Zambrano, (Apr. 27, 2022), p. 55; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Kevin Zambrano, (Apr. 27, 2022), p. 56 (“But, again, this was the President’s messaging and his phrasing”).
83. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Austin Boedigheimer, (Apr. 20, 2022), p. 44 (“I didn’t have a great understanding of what was going to happen or what happened on the ground. I wouldn’t have really any knowledge into that.”).
84. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Kevin Zambrano, (Apr. 27, 2022), pp. 52-53; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Hanna Allred, (Mar. 30, 2022), p. 55; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Hanna Allred, (Mar. 30, 2022), p. 66 (“... reported to Austin, so I would've received direction from him”); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Gary Coby, (Feb. 23, 2022), pp. 52-54.

85. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Justin Clark, (May. 17, 2022), p. 146 (“Well, it would have been approval by the principal. So Mr. Trump would have had to do that.”).
86. Trump Fundraising Emails (@TrumpEmail), Twitter, Nov. 20, 2020 7:24 a.m. ET, available at <https://twitter.com/TrumpEmail/status/1329762574494298112>.
87. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Gary Coby, (Feb. 23, 2022), p. 104 (“Yeah, I think they [the Trump Campaign] viewed that as helping to get the message out, especially, you know, that’s the base, right?”).
88. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Hanna Allred, (Mar. 30, 2022), p. 57.
89. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Kevin Zambrano, (Apr. 27, 2022), pp. 56-57.
90. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Kevin Zambrano, (Apr. 27, 2022), p. 57.
91. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Kevin Zambrano, (Apr. 27, 2022), p. 67.
92. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Kevin Zambrano, (Apr. 27, 2022), p. 86.
93. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Kevin Zambrano, (Apr. 27, 2022), pp. 86-87.
94. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Hanna Allred, (Dec. 1, 2021), p. 4 (“Similarly, they could say the Democrats were trying or tried to steal the election, but not state that they were or had.”); Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Ethan Katz, (Nov. 3, 2021), p. 2 (“KATZ recalled that Allred told him to say the Democrats were “trying to” steal the elections. He added that he did not have any discussions about why “trying to” was important, but his impression was that it was used to give some legal wiggle room and make the statement about stealing the election to be ‘less false.’”).
95. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Hanna Allred, (Mar. 30, 2022), p. 75, (“I do remember at some point we were told we could no longer use the word ‘rigged.’”).
96. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Alexander Cannon Production), AC-0013714, (Nov. 3, 2020, Fundraising email approval chain, “Re: FOR APPROVAL: Pennsylvania & Election Poll”).
97. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Alexander Cannon Production), AC-0013714 (Nov. 3, 2020, Fundraising email approval chain, “Re: FOR APPROVAL: Pennsylvania & Election Poll”).
98. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Alexander Cannon Production), AC-0013714 (Nov. 3, 2020, Fundraising email approval chain, “Re: FOR APPROVAL: Pennsylvania & Election Poll”).
99. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Alexander Cannon Production), AC-0013757 (Nov. 10, 2020, Fundraising email approval chain, “Re: [External]Re: FOR APPROVAL: Defend the Election & Vaccine”); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Kevin Zambrano, (Apr. 27, 2022), p. 106 (Zambrano concedes that the revision “creates a new sentence” that means something different.); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of A. Zachary Parkinson, (May 18, 2022), p. 109 (In response to whether fair to say that that this was a substantive change, Parkinson states, “You could characterize it as that, I guess, yeah.”).

100. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Alexander Cannon Production), AC-0013757 (Nov. 10, 2020, Fundraising email approval chain, “Re: [External]Re: FOR APPROVAL: Defend the Election & Vaccine”).
101. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Alexander Cannon Production), AC-0013863 (Nov. 11, 2020, Fundraising email approval chain, “Re: [External]Re: FOR APPROVAL: Alaska & Election Defense”) (emphasis in original).
102. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Alexander Cannon Production), AC-0013863 (Nov. 11, 2020, Fundraising email approval chain, “Re: [External]Re: FOR APPROVAL: Alaska & Election Defense”).
103. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Alexander Cannon Production), AC-0013863 (Nov. 11, 2020, Fundraising email approval chain, “Re: [External]Re: FOR APPROVAL: Alaska & Election Defense”).
104. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Kevin Zambrano, (Apr. 27, 2022), p. 101.
105. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Alexander Cannon Production), AC-0013891 (Nov. 12, 2020, Fundraising email approval chain, “Re: FOR APPROVAL: NC, GA Election Defense” at 3:08 a.m.); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Alexander Cannon Production), AC-0013928 (Nov. 12, 2020, Fundraising email approval chain, “Re: FOR APPROVAL: NC, GA Election Defense” at 4:49 a.m.); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Alexander Cannon Production), AC-0014006 (Nov. 13, 2020, Fundraising email approval chain, “Re: [External]Re: FOR APPROVAL: Defense Fund & GA/NC Victory”).
106. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Austin Boedigheimer, (Apr. 20, 2022), pp. 84, 137.
107. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Michael Ahrens, (Sep. 1, 2022), pp. 14-15.
108. Jane C. Timm, “Rudy Giuliani baselessly alleges ‘centralized’ voter fraud at free-wheeling news conference,” NBC News (Nov. 19, 2020), available at <https://www.nbcnews.com/politics/donald-trump/rudy-giuliani-baselessly-alleges-centralized-voter-fraud-free-wheeling-news-n1248273>.
109. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Cassie Docksey, (Aug. 25, 2022), p. 37.
110. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Cassie Docksey, (Aug. 25, 2022), p. 37 (“So on that press conference day, which I think is November 19th, Michael and I talked after that where he was generally telling me, ‘Hey, we don’t need to be out there. It’s not automatic that we’re just going to go out there and parallel or mimic what the campaign or what Rudy Giuliani or that legal team might be saying. Don’t feel the need to put that through on the GOP social channels.”).
111. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Cassie Docksey, (Aug. 25, 2022), p. 38.
112. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Michael Ahrens, (Sep. 1, 2022), pp. 15-16. Ahrens thought this press conference was “embarrassing” and that other members of the RNC leadership team shared his view. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Michael Ahrens, (Sep. 1, 2022), pp. 28-29.
113. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Michael Ahrens, (Sep. 1, 2022), pp. 19-20.

114. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Michael Ahrens, (Sep. 1, 2022), pp. 21-22.
115. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Michael Ahrens, (Sep. 1, 2022), pp. 25-27.
116. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Michael Reed, (July 20, 2022), pp. 56, 58 (“[T]here was a conversation at some point in November, December with either colleagues of mine or the legal team at the RNC” about the messaging that was coming out of TMAGAC.”); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Michael Reed, (July 20, 2022), p. 65, Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Michael Reed, (July 20, 2022), p. 66 (recalling “that there were conversations at some point that the RNC was more comfortable with more toned-down emails”).
117. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Michael Reed, (July 20, 2022), pp. 85, 86 (“I generally remember in regards to these emails in the post-election period conversations to make sure that the legal team and the chairman’s office or whatever else was comfortable with the language that was going out of the JFC.”).
118. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Cassie Docksey, (Aug. 25, 2022), p. 45.
119. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Michael Ahrens, (Sep. 1, 2022), p. 22.
120. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Justin Clark, (May 17, 2022), p. 202.
121. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Alexander Cannon, (Apr. 13, 2022), p. 183.
122. Trump Fundraising Emails (@TrumpEmail), Twitter, Dec. 20, 2020 12:20 p.m. ET, available at <https://twitter.com/TrumpEmail/status/1341433522331017217>; Trump Fundraising Emails (@TrumpEmail), Twitter, Dec. 27, 2020 3:23 p.m. ET, available at <https://twitter.com/TrumpEmail/status/1343291529943781378>.
123. William Cummings, Joey Garrison and Jim Sergeant, “By the numbers: President Donald Trump’s failed efforts to overturn the election,” *USA Today*, (Jan. 6, 2021), available at <https://www.usatoday.com/in-depth/news/politics/elections/2021/01/06/trumps-failed-efforts-overturn-election-numbers/4130307001/>.
124. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Hanna Allred, (Mar. 30, 2022), pp. 117-118.
125. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Alexander Cannon, (Apr. 13, 2022), p. 144; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Justin Clark, (May. 17, 2022), pp. 177-178 (“[I]n terms of people raising concerns about it, Alexander Cannon, at one point, came into my office and said something to the effect—and he was just doing legal reviews. It was like, I can’t believe we’re sending this stuff out, or something to that effect. I said—I told him he should go talk to Gary and speak to him about it, and I told him you don’t need to do legal reviews on these anymore. . . . It was just about information that he knew wasn’t correct.”).
126. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Alexander Cannon, (Apr. 13, 2022), p. 178.
127. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Alexander Cannon, (Apr. 13, 2022), p. 180.
128. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Alexander Cannon, (Apr. 13, 2022), p. 180.



129. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Justin Clark, (May. 17, 2022), p. 178.
130. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Ethan Katz, (Nov. 3, 2021), p. 2; Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Ethan Katz, (Jan. 21, 2022), p. 1.
131. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Ethan Katz, (Nov. 3, 2021), p. 2; Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Ethan Katz, (Jan. 21, 2022), p. 1.
132. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Ethan Katz, (Nov. 3, 2021), p. 2; Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Ethan Katz, (Jan. 21, 2022), p. 1.
133. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Hanna Allred, (Mar. 30, 2022), p. 69; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Austin Boedigheimer, (Apr. 20, 2022), p. 89.
134. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Ethan Katz, (Nov. 3, 2021), p. 2; Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Ethan Katz, (Jan. 21, 2022), p. 1.
135. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Ethan Katz, (Nov. 3, 2021), p. 2; Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Ethan Katz, (Jan. 21, 2022), p. 1.
136. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Ethan Katz, (Nov. 3, 2021).
137. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Hanna Allred, (Mar. 30, 2022), pp. 83-86. (Allred confirmed that Boedigheimer would have given the directive to draft this email); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Hanna Allred, (Mar. 30, 2022), p. 86.
138. Trump Fundraising Emails (@TrumpEmail), Twitter, Nov. 4, 2020, 9:42 a.m. available at <https://twitter.com/TrumpEmail/status/1324180321676546050>.
139. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Ethan Katz, (Nov. 3, 2021), p. 3.
140. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Hanna Allred, (Dec. 1, 2021), p. 7.
141. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Alexander Cannon, (Apr. 13, 2022), p. 176.
142. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Alexander Cannon, (Apr. 13, 2022), pp. 116-117.
143. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Alexander Cannon, (Apr. 13, 2022), p. 137. Similarly, on January 6th, DataPier stopped sending emails, and the list went cold, and, therefore, DataPier is now defunct; see Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Alexander Cannon, (Apr. 13, 2022), p. 122.
144. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Alexander Cannon Production), AC-0002048 (Nov. 7, 2020, email from Seth Charles to Darren Centinello, Alexander Cannon, Sean Dollman, and Sarah Grounder,

“FW: [PROOF] Michael – increase your impact NOW”). (“Again this comes in chorus with less inflammatory language that could be misleading as accusatory or assuming intent upon a particular population.”).

145. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Alexander Cannon Production), AC-0004724 (Nov. 9, 2020, email from Seth Charles to Darren Centinello, Alexander Cannon, Sean Dollman, and Sarah Grounder, “Re: FW: [PROOF] Hanna—I need you.”).
146. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Alexander Cannon Production), AC-0013741 (Nov. 11, 2020, email from Seth Charles to Darren Centinello, Alexander Cannon, Sean Dollman, and Sarah Grounder, “Re: FW: [PROOF] BIG NEWS”).
147. J. Doe expressed safety concerns and a fear of retaliation for cooperating with the Select Committee. Accordingly, the Select Committee has not revealed their identity.
148. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of J. Doe, (May 20, 2022), pp. 7-8.
149. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of J. Doe, (May 20, 2022), p. 30.
150. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of J. Doe, (May 20, 2022), pp. 30-31.
151. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of J. Doe, (May 20, 2022), pp. 42-43.
152. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of J. Doe, (May 20, 2022), p. 46.
153. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of J. Doe, (May 20, 2022), p. 47.
154. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of J. Doe, (May 20, 2022), pp. 49-50.
155. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of J. Doe, (May 20, 2022), p. 25.
156. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Gary Coby, (Feb. 23, 2022), p. 49 (noting that the Trump Campaign had “three of our best four fundraising days occur immediately after the election”).
157. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Hanna Allred, (Mar. 30, 2022), p. 86.
158. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Hanna Allred, (Mar. 30, 2022), p. 86 (“We frequently use funds as a marketing tactic. . . So I don’t believe there is actually a fund called the ‘Election Defense Fund,’ not that I’m aware of.”); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Austin Boedigheimer, (Apr. 20, 2022), pp. 91-92.
159. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Hanna Allred, (Mar. 30, 2022), p. 87; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Hanna Allred, (Mar. 30, 2022), pp. 96-97 (Allred noting that she only became aware of Save America in February 2021); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Austin Boedigheimer, (Apr. 20, 2022), p. 92 (“From my understanding, the money was going towards, I believe this is a TMAGAC e-mail. So it was going to TMAGAC. And then how the money was spent from there, you know, that’s not something that I would do or have knowledge to.”); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Austin Boedigheimer, (Apr. 20, 2022), p. 94 (“I’m not sure how the funds went or how they were allocated. I don’t know precisely.”).

160. Shane Goldmacher and Rachel Shorey, "Trump Raised \$255.4 Million in 8 Weeks as He Sought to overturn Election Result," *New York Times*, (Jan. 31, 2021), available at <https://www.nytimes.com/2021/01/31/us/politics/trump-voter-fraud-fundraising.html> ("President Donald J. Trump and the Republican Party raised \$255.4 million in the eight-plus weeks following the Nov. 3 election, new federal filings show, as he sought to undermine and overturn the results with unfounded accusations of fraud.").
161. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Alexander Cannon, (Apr. 13, 2022), p. 153.
162. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Justin Clark, (May. 17, 2022), p. 143 ("After election day . . . you can raise money for a recount and to pay off debt.").
163. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Gary Coby, (Feb. 23, 2022), p. 125; Jarrett Renshaw and Joseph Tanfani, "Donations under \$8K to Trump 'election defense' instead go to president, RNC," Reuters, (Nov. 11, 2020), available at <https://www.reuters.com/article/us-usa-election-trump-fundraising-insigh/donations-under-8k-to-trump-election-defense-instead-go-to-president-rnc-idUSKBN27R309> ("The emailed solicitations send supporters to an 'Official Election Defense Fund' website that asks them to sign up for recurring donations to 'protect the results and keep fighting even after Election Day.' The fine print makes clear most of the money will go to other priorities. A large portion of the money goes to 'Save America,' a Trump leadership PAC, or political action committee, set up on Monday, and the Republican National Committee (RNC).").
164. Federal Election Commission, Advisory Opinion 2006-24, (Oct. 5, 2006), p. 6, available at <https://www.fec.gov/files/legal/aos/2006-24/2006-24.pdf> (The Act "prohibits Federal officeholders and candidates, their agents, and entities directly or indirectly established, financed, maintained or controlled by or acting on behalf of one or more Federal officeholders or candidates, from soliciting, receiving, directing, transferring, or spending funds for expenses related to a recount of the votes cast in a Federal election, including the recount activities described above, unless those funds are subject to the limitations, prohibitions, and reporting requirements of the Act. . . . [A] Federal candidate's recount fund must not receive or solicit donations in excess of the Act's amount limitations. . . . [A]ny recount fund established by a Federal candidate may not receive donations that in the aggregate exceed . . . \$5,000 per multicandidate political committee.").
165. FEC Reported Disbursements in 2020 by Save America, (last accessed on Nov. 18, 2022), available at [https://www.fec.gov/data/disbursements/?committee\\_id=C00762591&two\\_year\\_transaction\\_period=2020&data\\_type=processed](https://www.fec.gov/data/disbursements/?committee_id=C00762591&two_year_transaction_period=2020&data_type=processed).
166. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Timothy Murtaugh Production), XXM-0011244, (Nov. 11, 2020, emails between Timothy Murtaugh and Justin Clark, "Re: [EXTERNAL]Trump legal defense and leadership PAC").
167. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Timothy Murtaugh Production), XXM-0013276, (Nov. 24, 2020, emails between Timothy Murtaugh and Justin Clark, "Re: [EXTERNAL]Re: Fundraising questions").
168. When the Trump Campaign learned that reporters were going to write about their misleading fundraising, Murtaugh advised further comment from the Campaign would "serve to highlight the argument that the fundraising pitch is misleading." Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Timothy Murtaugh Production), XXM-0018627, (Dec. 1, 2020, emails between Timothy Murtaugh, Jason Miller, Sean Dollman, Justin Clark, and Bill Stepien, "Re: [EXTERNAL]\$\$\$\$\$"). Murtaugh further noted that "POTUS is on board with how it will be described." Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Timothy Murtaugh Production), XXM-0018627, (Dec. 1, 2020, emails between Timothy Murtaugh, Jason Miller, Sean Dollman, Justin Clark, and Bill Stepien, "Re: [EXTERNAL]\$\$\$\$\$").

169. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Timothy Murtaugh Production), XXM-0011244, (Nov. 11, 2020, emails between Timothy Murtaugh and Justin Clark, “Re: [EXTERNAL]Trump legal defense and leadership PAC”), (Murtaugh asking Justin Clark, “Still ignoring?”); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Timothy Murtaugh Production), XXM-0013276, (Nov. 24, 2020, emails between Timothy Murtaugh and Justin Clark, “Re: [EXTERNAL]Re: Fundraising questions”), (Murtaugh telling Justin Clark, “FYI – Still not answering.”).
170. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Timothy Murtaugh Production), XXM-0013276, (Nov. 24, 2020, emails between Timothy Murtaugh and Justin Clark, “Re: [EXTERNAL]Re: Fundraising questions”).
171. FEC Reported Disbursements to Daniel Scavino by Save America, (last accessed on Nov. 10, 2022), available at [https://www.fec.gov/data/disbursements/?data\\_type=processed&committee\\_id=C00762591&recipient\\_name=scavino%2C+dan](https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00762591&recipient_name=scavino%2C+dan).
172. Katelyn Polantz and Ryan Nobles, “Trump’s former deputy chief of staff, Dan Scavino, not ready to cooperate with January 6 committee, attorney says,” CNN, (Oct. 21, 2021), available at <https://www.cnn.com/2021/10/20/politics/dan-scavino-january-6-committee/index.html>.
173. “Hudson Digital LLC,” State of Delaware Division of Corporations, (last accessed on Dec. 9, 2022), available at <https://icis.corp.delaware.gov/Ecorp/EntitySearch/NameSearch.aspx> (search “Hudson Digital LLC” in the “Entity Name” field).
174. Schedule B (FEC Form 3x) Itemized Disbursements by Save America, (July 31, 2021), available at <https://docquery.fec.gov/cgi-bin/fecimg/?202107319465699743>.
175. FEC Reported Disbursements to Hudson Digital LLC, (last accessed on Nov. 10, 2022) available at [https://www.fec.gov/data/disbursements/?data\\_type=processed&recipient\\_name=hudson+digital+llc](https://www.fec.gov/data/disbursements/?data_type=processed&recipient_name=hudson+digital+llc).
176. An unrelated company, Hudson Digital, has operated for approximately 10 years in Hudson, NY, over 80 miles from the addresses associated with Hudson Digital LLC.
177. Schedule B (FEC Form 3x) Itemized Disbursements by Save America, (July 31, 2021), available at <https://docquery.fec.gov/cgi-bin/fecimg/?202107319465699743>.
178. FEC Reported Disbursements to Nicholas Luna by Save America, (last accessed on Nov. 10, 2022), available at [https://www.fec.gov/data/disbursements/?data\\_type=processed&committee\\_id=C00762591&recipient\\_name=luna%2C+nicholas](https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00762591&recipient_name=luna%2C+nicholas).
179. FEC Reported Disbursements to Red State Partners LLC, (last accessed on Nov. 10, 2022) available at [https://www.fec.gov/data/disbursements/?data\\_type=processed&recipient\\_name=red+state+partners](https://www.fec.gov/data/disbursements/?data_type=processed&recipient_name=red+state+partners).
180. “Red State Partners LLC,” State of Delaware Division of Corporations, (last accessed on Dec. 9, 2022), available at <https://icis.corp.delaware.gov/Ecorp/EntitySearch/NameSearch.aspx> (search “Red State Partners LLC” in the “Entity Name” field).
181. FEC Reported Disbursements to Red State Partners LLC, (last accessed on Nov. 10, 2022) available at [https://www.fec.gov/data/disbursements/?data\\_type=processed&recipient\\_name=red+state+partners](https://www.fec.gov/data/disbursements/?data_type=processed&recipient_name=red+state+partners).
182. Schedule B (FEC Form 3x) Itemized Disbursements by Make America Great Again PAC, (Dec. 2, 2021), available at <https://docquery.fec.gov/cgi-bin/fecimg/?202112029469645374>.
183. “Pericles, LLC,” District of Columbia Department of Business Licensing Division, (last accessed on Dec. 9, 2022), available at <https://corponline.dca.dc.gov/BizEntity.aspx/ViewEntityData?entityId=4292880>.
184. “Vincent M. Haley,” ProPublica: Trump Town, (last accessed on Nov. 10, 2022), available at <https://projects.propublica.org/trump-town/staffers/vincent-m-haley>.
185. “Taylor Swindle,” Gingrich360, (last accessed on Nov. 10, 2022), available at <https://www.gingrich360.com/about/gingrich-360-team/taylor-swindle/>.

186. "Ross Worthington," ProPublica: Trump Town, (last accessed on Nov. 10, 2022), available at <https://projects.propublica.org/trump-town/staffers/ross-worthington>.
187. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (National Archives Production), 076P-R000007531\_0001, (January 6, 2021, emails between Ross Worthington, Robert Gabriel, Jr., Vincent Haley, and others).
188. "Pericles, LLC," District of Columbia Department of Business Licensing Division, (last accessed on Dec. 9, 2022), available at <https://corponline.dcr.dc.gov/BizEntity.aspx/ViewEntityData?entityId=4292880>.
189. FEC Reported Disbursements to Pericles LLC by Save America, (last accessed on Nov. 10, 2022) available at [https://www.fec.gov/data/disbursements/?data\\_type=processed&committee\\_id=C00762591&recipient\\_name=pericles+llc](https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00762591&recipient_name=pericles+llc).
190. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (National Archives Production), 076P-R000007531\_0001, (January 6, 2021, emails between Ross Worthington, Robert Gabriel, Jr., Vincent Haley, and others).
191. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (National Archives Production), 076P-R000007531\_0001, (January 6, 2021, emails between Ross Worthington, Robert Gabriel, Jr., Vincent Haley, and others).
192. The organization was originally formed as Believe in America LLC, then changed its name the following day to Gabriel Strategies LLC. See "Gabriel Strategies LLC", State of New Jersey Division of Revenue and Enterprise Search, (last accessed on Dec. 9, 2022), available at <https://www.njportal.com/DOR/BusinessNameSearch/Search/BusinessName> (search "Gabriel Strategies LLC" in the "Business Name" field).
193. Schedule B (FEC Form 3x) Itemized Disbursements by Save America, (May 5, 2022), available at <https://docquery.fec.gov/cgi-bin/fecimg/?202205059502664518>.
194. FEC Reported Disbursements to Red State Partners LLC by Save America, (last accessed on Nov. 10, 2022) available at [https://www.fec.gov/data/disbursements/?data\\_type=processed&committee\\_id=C00762591&recipient\\_name=gabriel+strategies](https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00762591&recipient_name=gabriel+strategies).
195. FEC Reported Disbursements to Herve Pierre Brillard by Save America, (last accessed on Nov. 10, 2022) available at [https://www.fec.gov/data/disbursements/?data\\_type=processed&committee\\_id=C00762591&recipient\\_name=Herve+Pierre+Brillard](https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00762591&recipient_name=Herve+Pierre+Brillard).
196. Suzy Menkes, "Herve Pierre: Dressing the First Lady," *Vogue*, (Apr. 12, 2017), available at <https://www.vogue.pt/herve-pierre-dressing-the-first-lady>; Rosemary Feitelberg, "Melania Trump's Former Stylist Addresses \$60,000 Save America Payment," *Women's Wear Daily*, (Aug. 8, 2022), available at <https://wwd.com/fashion-news/designer-luxury/melania-trump-herve-pierre-60000-save-america-payment-1235294733/>.
197. Schedule B (FEC Form 3x) Itemized Disbursements by Save America, (July 31, 2021), available at <https://docquery.fec.gov/cgi-bin/fecimg/?202107319465699856>.
198. Schedule B (FEC Form 3x) Itemized Disbursements by Save America, (May 5, 2022), available at <https://docquery.fec.gov/cgi-bin/fecimg/?202205059502664847>.
199. FEC Reported Disbursements to Event Strategies Inc by Save America, (last accessed on Nov. 10, 2022) available at [https://www.fec.gov/data/disbursements/?data\\_type=processed&committee\\_id=C00762591&recipient\\_name=event+strategies+inc](https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00762591&recipient_name=event+strategies+inc).
200. FEC Reported Disbursements to Trump Hotel and Mar-A-Lago by Save America, (last accessed on Nov. 10, 2022) available at [https://www.fec.gov/data/disbursements/?data\\_type=processed&committee\\_id=C00762591&recipient\\_name=mar-a-lago&recipient\\_name=trump+hotel](https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00762591&recipient_name=mar-a-lago&recipient_name=trump+hotel).
201. Schedule B (FEC Form 3x) Itemized Disbursements by Save America, (June 15, 2022), available at <https://docquery.fec.gov/cgi-bin/fecimg/?202206159514906341>.
202. FEC Reported Disbursements to National Public Affairs by Save America, (last accessed on Nov. 10, 2022) available at [https://www.fec.gov/data/disbursements/?data\\_type=processed&committee\\_id=C00762591&recipient\\_name=National+Public+Affairs](https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00762591&recipient_name=National+Public+Affairs).

203. "Meet Our Team," National Public Affairs, (last accessed on Nov. 10, 2022), available at <https://natpublicaffairs.com/>.
204. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Stepien, (Feb. 10, 2022), p. 174.
205. FEC disclosures show that other than Save America, National Public Affairs LLC received payments from only three other organizations since 2021. All three are campaigns for election deniers, Kelly Tshibaka (AK-Senate), Jason Smith (MO-08), and Harriet Hageman (WY-AL). See FEC Reported Disbursements to National Public Affairs LLC since 2021, (last accessed on Nov. 10, 2022), available at [https://www.fec.gov/data/disbursements/?data\\_type=processed&recipient\\_name=national+public+affairs+llc&min\\_date=01%2F01%2F2021](https://www.fec.gov/data/disbursements/?data_type=processed&recipient_name=national+public+affairs+llc&min_date=01%2F01%2F2021).
206. Federal Election Commission, Advisory Opinion 2019-02, (Mar. 28, 2019), available at <https://www.fec.gov/files/legal/aos/2019-02/2019-02.pdf>.
207. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Justin Clark, (May. 17, 2022), p. 143.
208. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Justin Clark, (May. 17, 2022), p. 145.
209. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Alexander Cannon, (Apr. 13, 2022), p. 156 ("[G]enerally after an election, you can raise money for debt retirement, and you can raise money for recount.").
210. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Alexander Cannon Production), AC-0013889 (Nov. 12, 2020, emails between Alexander Cannon and Clea Mitchell, "Re: [External]Legal defense fund").
211. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Alexander Cannon Production), AC-0013889 (Nov. 12, 2020, emails between Alexander Cannon and Clea Mitchell, "Re: [External]Legal defense fund").
212. Statement of Organization FEC Form 1, filed by Make America Great Again PAC, (Feb. 27, 2021), available at <https://docquery.fec.gov/pdf/093/202102279429078093/202102279429078093.pdf#navpanes=0>.
213. FEC Reported Disbursements to 2M Document Management and Imaging, LLC by Make America Great Again PAC, (last accessed on Nov. 10, 2022) available at [https://www.fec.gov/data/disbursements/?data\\_type=processed&committee\\_id=C00580100&recipient\\_name=2m+document&two\\_year\\_transaction\\_period=2022](https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00580100&recipient_name=2m+document&two_year_transaction_period=2022).
214. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Matthew Clarke (Aug. 4, 2022), p. 28 (agreeing that "the vast majority of the work that 2M has done to date that has been paid for by MAGA PAC relates to January 6th documents or COVID-related documents coming from NARA"); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Alexander Cannon, (Aug. 18, 2022), p. 31 ("There was a House Oversight investigation into the administration's COVID response, and there were a large number of documents that were coming through that needed to be processed.").
215. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Matthew Clarke, (Aug. 4, 2022), pp. 31-32 ("During that time, I believe all we were doing was work related to the White House—the Trump administration's response to COVID.").
216. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Alexander Cannon, (Aug. 18, 2022), pp. 15-16 (noting his understanding that "if the funds were raised to DJTFP and they were not spent on debt retirement, any remaining funds that were not spent on debt retirement would have gone to this segregated, restricted account for recounts for MAGA PA?"); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Alexander Cannon, (Aug. 18, 2022), p. 16; Select Committee to Investigate the January 6th Attack on the



- United States Capitol, Transcribed Interview of Alexander Cannon, (Aug. 18, 2022), pp. 37-38 (agreeing that if funds paid to 2M are labeled recount then he would assume they came from Recount Account).
217. See Statement of Policy: “Purpose of Disbursement” Entries for Filings with the Commission, 72 Fed. Reg. 887 (Jan. 9, 2007) (citing 11 C.F.R. § § 104.3(b)(3)(i)(b), (4)(i)(A)).
  218. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Aug. 21, 2022, Memorandum regarding Fundraising communication rhetoric’s influence on social media).
  219. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Aug. 21, 2022, Memorandum regarding Fundraising communication rhetoric’s influence on social media).
  220. Trump Fundraising Emails (@TrumpEmail), Twitter, Jan. 6, 2021, 12:20 p.m. ET, available at <https://twitter.com/TrumpEmail/status/1346794824591093763>.
  221. Trump Fundraising Emails, (@TrumpEmail), Twitter, Jan. 6, 2021, 1:31 p.m. ET, available at <https://twitter.com/TrumpEmail/status/1346887173438636032>.
  222. Trump Fundraising Emails (@TrumpEmail), Twitter, Jan. 6, 2021, 11:29 a.m. ET, available at <https://twitter.com/TrumpEmail/status/1346856536338030601>.
  223. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Austin Boedigheimer, (Apr. 20, 2022), p. 42 (noting “yes, we stopped sending emails on January 6”); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Hanna Allred, (Mar. 30, 2022), p. 128 (“I believe we got some sort of message, either on Microsoft Teams or Signal from Austin, saying pause everything.”).
  224. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Austin Boedigheimer, (Apr. 20, 2022), p. 140.
  225. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Alexander Cannon, (Apr. 13, 2022), p. 124.
  226. See Criminal Complaint, *United States v. Grayson*, No. 1:21-mj-00163 (D.D.C. Jan. 25, 2021); Criminal Complaint, *United States v. Fitzsimmons*, No. 1:21-cr-00158-RC (D.D.C. Feb. 1, 2021); (noting that the defendant in that case “believed voter fraud occurred” and that “[c]onvinced that the election results had been fraudulently reported, he was moved by the words of then-President Trump to travel to the District of Columbia for the ‘Save America Rally.’”).
  227. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of J. Doe, (May 20, 2022), pp. 64-65.
  228. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of J. Doe, (May 20, 2022), pp. 68-69.
  229. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of J. Doe, (May 20, 2022), p. 72.

## MALIGN FOREIGN INFLUENCE

### INTRODUCTION

In the wake of the 2020 U.S. Presidential election, President Donald J. Trump and his apologists attempted to blame his loss on foreign interference. They falsely claimed that foreign-manufactured voting machines had been manipulated so that votes cast for Trump were instead recorded as votes for Joseph R. Biden, Jr.<sup>1</sup> No one has ever, either at the time or since, offered any evidence to support Trump's assertion. On the contrary, ample evidence collected by the Intelligence Community (IC) and reviewed by the Select Committee disproves those claims.

That is not to say foreign actors made no attempt to influence the American political climate during and after the 2020 Presidential election. This appendix evaluates the role foreign influence played in the circumstances surrounding the insurrection.<sup>2</sup>

### DISCUSSION

#### ELECTION MEDDLING IN 2020:

#### FOREIGN INTERFERENCE? NO. FOREIGN INFLUENCE? YES.

In its postmortem assessment of the 2020 U.S. Presidential election, the Intelligence Community comprehensively examined two types of foreign meddling: interference and influence. The distinction between the two is critical in evaluating President Trump's repeated public assertions that there had been massive and widespread "fraud" that had the effect of "stealing" the election for then-candidate Biden.

For its analytic purposes, the Intelligence Community defines election *interference* as "a subset of election influence activities targeted at the technical aspects of the election, including voter registration, casting and counting ballots, or reporting results."<sup>3</sup> That definition notes that election interference is a subset of election *influence*, which the Intelligence Community defines to include "overt and covert efforts by foreign governments or actors acting as agents of, or on behalf of, foreign governments intended to affect directly or indirectly a US election—including candidates, political parties, voters or their preferences, or political processes."<sup>4</sup>

The Intelligence Community's Assessment (ICA) found no factual basis for any allegation of technical interference with the 2020 U.S. election: "We have no indications that any foreign actor attempted to interfere in the 2020 US elections by altering any technical aspect of the voting process, including voter registration, ballot casting, vote tabulation, or reporting

results.”<sup>5</sup> Put simply, allegations that foreign powers rigged voting machines and swapped ballots were false and unsupported.

Although there is no evidence of foreign technical interference in the 2020 election, there is evidence of foreign influence. Specifically, the Intelligence Community’s Assessment concluded that “Russian President Putin authorized, and a range of Russian government organizations conducted, influence operations aimed at denigrating President Biden’s candidacy and the Democratic Party, supporting former President Trump, undermining public confidence in the electoral process, and exacerbating sociopolitical divisions in the US.”<sup>6</sup> The two Intelligence Community analytic conclusions about the 2020 U.S. Presidential election—that there was evidence of foreign influence, but not foreign interference—are completely consistent.

#### **MALIGN FOREIGN EFFORTS TO INFLUENCE THE 2020 U.S. ELECTIONS**

The 2020 U.S. elections saw an increase in the number of foreign state and non-state entities that attempted to influence the U.S. electorate. The U.S. Intelligence Community suggests, as a possible explanation, that more such foreign entities “may view influence operations as important tools for projecting power abroad.”<sup>7</sup> More ascertainably, “[t]he growth of internet and social media use means foreign actors are more able to reach US audiences directly, while the tools for doing so are becoming more accessible.”<sup>8</sup>

The United States’ principal foreign adversaries—Russia, China, and Iran—all of them autocracies, engage, to varying degrees, in disguised efforts to influence U.S. public opinion.<sup>9</sup> In the context of these overarching efforts,<sup>10</sup> U.S. elections offer special opportunities.

For Russia, “[e]lections . . . often serve as an opportune target. But attacks on elections are typically just one part of ongoing, multi-pronged operations.”<sup>11</sup> The U.S. Intelligence Community’s definitive post-election assessment of foreign influence activities during the 2020 Presidential election concluded that Russia was deeply engaged in disinformation activities intended to influence the outcome by supporting President Trump while disparaging then-candidate Biden; Iran also engaged in efforts to influence the election’s outcome, but unlike Russia, did not actively promote any candidate; and that China considered opportunities to influence the election’s outcome, but ultimately decided that potential costs outweighed any foreseeable benefits.<sup>12</sup> Both Russia and Iran worked to undermine the American public’s confidence in U.S. democratic processes and to deepen socio-political divisions in the United States.<sup>13</sup>

#### **RUSSIA’S MALIGN INFLUENCE EFFORTS TARGETING THE UNITED STATES**

Russian malign disinformation efforts are both strategic in scope and opportunistic in nature. They aim to corrode the power and appeal of the U.S. democratic processes, worsen U.S. domestic divisions, and weaken America at home and abroad. The Intelligence Community’s February 2022

unclassified “Annual Threat Assessment” puts this sustained Russian threat in a nutshell:

Russia presents one of the most serious foreign influence threats to the United States, using its intelligence services, proxies, and wide-ranging influence tools to try to divide Western alliances, and increase its sway around the world, while attempting to undermine U.S. global standing, amplify discord inside the United States, and influence U.S. voters and decisionmaking.<sup>14</sup>

#### **RUSSIAN DISINFORMATION AND THE 2020 PRESIDENTIAL ELECTION**

Foreign adversaries’ influence campaigns routinely push disinformation to U.S. audiences. Elections offer an important forum for Russia and other U.S. adversaries to seek to deepen divisions within American society through disinformation campaigns.<sup>15</sup> The Intelligence Community projects that both Russia and China will, for the foreseeable future, continue to press their disinformation campaigns attempting to undermine the U.S. population’s confidence in their government and society.<sup>16</sup> Russia certainly did so in the period following the election and preceding the January 6th attack.

The disinformation spread by Russia and its messengers during that time was not, however, entirely original. The Intelligence Community Assessment found that Russia’s disinformation engine borrowed President Trump’s own words to achieve its goals:

Russian online influence actors generally promoted former President Trump and his commentary, including repeating his political messaging on the election results; the presidential campaign; debates; the impeachment inquiry; and, as the election neared, US domestic crises.<sup>17</sup>

Indeed, President Trump’s messaging during and after the 2020 election was reflected in Russian influence efforts at the time. In September of 2020, the Department of Homeland Security’s Office of Intelligence and Analysis warned that Russia was engaged in pre-election activity targeting the U.S. democratic process.<sup>18</sup> The bulletin advised that “Russia is likely to continue amplifying criticisms of vote-by-mail and shifting voting processes amidst the COVID-19 pandemic to undermine public trust in the electoral process.”<sup>19</sup>

Deliberately spreading disinformation to discredit a U.S. election was not new to Russia’s influence arsenal. In the judgment of the U.S. Intelligence Community, it is a tactic Russia was prepared to deploy after the 2016 U.S. Presidential election:

Even after the [2020] election, Russian online influence actors continued to promote narratives questioning the election results and disparaging President Biden and the Democratic Party. These efforts parallel plans Moscow had in place in 2016 to discredit a potential incoming Clinton administration, but which it scrapped after former President Trump's victory.<sup>20</sup>

Russian influence efforts in the 2016 and 2020 elections, while distinct in their particulars, shared some similarities. Historically, Russia has engaged in near-industrial scale online influence efforts.<sup>21</sup> The Intelligence Community Assessment states that in 2020, Russia again relied on internet trolls to amplify divisive content aimed at American audiences:

The Kremlin-linked influence organization Project Lakhta and its Lakhta Internet Research (LIR) troll farm—commonly referred to by its former moniker Internet Research Agency (IRA)—amplified controversial domestic issues. LIR used social media personas, news websites, and US persons to deliver tailored content to subsets of the US population. LIR established short-lived troll farms that used unwitting third-country nationals in Ghana, Mexico, and Nigeria to propagate these US-focused narratives....<sup>22</sup>

The threats posed by Russia's influence efforts are not new, nor are they diminishing. The latest unclassified Intelligence Community Annual Threat Assessment throws this into sharp relief:

Moscow has conducted influence operations against U.S. elections for decades, including as recently as the 2020 presidential election. We assess that it probably will try to strengthen ties to U.S. persons in the media and politics in hopes of developing vectors for future influence operations.<sup>23</sup>

#### **PROXIES AMONG US: MALIGN FOREIGN INFLUENCE AND U.S. AUDIENCES**

Tech-enabled or not, if ever there was a “people business,” foreign influence is it. People working on behalf of a foreign government—foreign government officials, their agents, and proxies—work to influence, directly or indirectly, a target audience in another country—its officials and citizens at large. Most who are engaged in those efforts act overtly: ambassadors, consuls general, government delegations and so forth. Their foreign influence efforts are not, however, focused on philanthropy or foreign aid. Moreover, the perspectives they seek to embed in their target audiences may be intentionally and materially inaccurate, propagandistic, or driven by unstated motives. In such instances, foreign influence may amount to injecting foreign disinformation into the U.S. media ecosystem for re-branding and onward transmission to an American audience.<sup>24</sup>

Foreign state adversaries of the United States generally disguise their efforts to influence U.S. audiences, particularly when they seek to influence U.S. voters' views in the run-up to an election. Among the many ways of concealing the foreign-state origin or sponsorship of such a message is to use unattributable proxies—"cut-outs"—or fully independent ideological allies in the United States as messaging organs. A cooperative American messenger—a proxy for the foreign government itself—may be needed to make the foreign-origin message congenial to the target American audience.

Malign foreign influencers, including foreign governments, used an additional such masking tool during the Trump administration: amplifying U.S.-originated messages so that they reached a broader audience. These influencers often took advantage of the algorithms by which social media platforms bring congenial messages and other information to users whose views are likely to be similar or compatible.

Shortly after the January 6th attack, the National Intelligence Council summarized the scope and significance of Russia's use of proxies in the 2020 U.S. Presidential election:

A key element of Moscow's strategy this election cycle was its use of proxies linked to Russian intelligence to push influence narratives—including misleading or unsubstantiated allegations against President Biden—to US media organizations, US officials, and prominent US individuals, including some close to former President Trump and his administration.<sup>25</sup>

The success of the proxy depends on shielding its foreign sponsorship. For that reason, it can be difficult or impossible to determine conclusively whether someone parroting a foreign government adversary's point of view to a U.S. audience is that government's controlled proxy or a volunteer taking full advantage of U.S. First Amendment freedoms.

#### **ANTI-U.S. FOREIGN STATE PROPAGANDA AND THE JANUARY 6TH ATTACK**

U.S. adversaries use anti-American propaganda and disinformation to advance their strategic foreign policy objectives. They aim to corrode U.S. influence abroad while diluting U.S. citizens' trust in their democratic institutions and processes. They hope to deepen and sharpen the sociopolitical divisions in American society.<sup>26</sup> In doing so, foreign adversaries hope not only to limit U.S. ability to influence the policy choices of other foreign states, but also to help immunize their own populations against the attractions of American-style democracy.

That matters, as Russia and other adversaries of the United States well know. If the United States has long demonstrated such a globally effective cultural power to attract, its corrosion must be a primary strategic objective



of Russia or any other of the United States' principal adversaries. Accordingly, over the next 20 years, the Intelligence Community expects that "China and Russia probably will try to continue targeting domestic audiences in the United States and Europe, promoting narratives about Western decline and overreach."<sup>27</sup> The January 6th attack played into their hands.

### **PRESIDENT TRUMP AND THE 2020 ELECTION AS AN OPPORTUNITY FOR FOREIGN INFLUENCE**

With President Trump in the White House, Russia benefited from a powerful American messenger creating and spreading damaging disinformation it could amplify. The Intelligence Community's comprehensive March 2021 assessment noted that throughout the 2020 Federal election cycle, "Russian online influence actors generally promoted former President Trump and his commentary..."<sup>28</sup>

President Trump's relentless propagation of the Big Lie damaged American democracy from within and made it more vulnerable to attack from abroad. His actions did not go unnoticed by America's adversaries, who seized on the opportunity to damage the United States. According to the Intelligence Community's March 2021 assessment, "[e]ven after the election, Russian online influence actors continued to promote narratives questioning the election results..."<sup>29</sup> What President Trump was saying was, in sum, exactly what the Russian government wanted said—but he was doing it on his own initiative and from the trappings of the Oval Office.

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### **ENDNOTES**

1. Taking the Trump conspiracy theory of manipulated Venezuelan voting machines head-on in an overarching assessment, the Intelligence Community's definitive post-election assessment stated: "We have no information suggesting that the current or former Venezuelan regimes were involved in attempts to compromise US election infrastructure." National Intelligence Council, "Intelligence Community Assessment: Foreign Threats to the 2020 US Federal Elections," ICA 2020-00078D, (Mar. 10, 2021), p. 8, available at <https://www.dni.gov/files/ODNI/documents/assessments/ICA-declass-16MAR21.pdf> (archived).
2. For case studies illustrating how such efforts may have manifested at the Capitol on January 6th, see Staff Memo, "Case Studies on Malign Foreign Influence," (Dec. 19, 2022).
3. National Intelligence Council, "Intelligence Community Assessment: Foreign Threats to the 2020 US Federal Elections," ICA 2020-00078D, (Mar. 10, 2021), Definitions, available at <https://www.dni.gov/files/ODNI/documents/assessments/ICA-declass-16MAR21.pdf> (archived).
4. National Intelligence Council, "Intelligence Community Assessment: Foreign Threats to the 2020 US Federal Elections," ICA 2020-00078D, (Mar. 10, 2021), Definitions, available at <https://www.dni.gov/files/ODNI/documents/assessments/ICA-declass-16MAR21.pdf> (archived).
5. National Intelligence Council, "Intelligence Community Assessment: Foreign Threats to the 2020 US Federal Elections," ICA 2020-00078D, (Mar. 10, 2021), pp. i, 1, available at <https://www.dni.gov/files/ODNI/documents/assessments/ICA-declass-16MAR21.pdf> (archived) (emphasis removed).

6. National Intelligence Council, "Intelligence Community Assessment: Foreign Threats to the 2020 US Federal Elections," ICA 2020-00078D, (Mar. 10, 2021), p. i, available at <https://www.dni.gov/files/ODNI/documents/assessments/ICA-declass-16MAR21.pdf> (archived) (emphasis removed).
7. National Intelligence Council, "Intelligence Community Assessment: Foreign Threats to the 2020 US Federal Elections," ICA 2020-00078D, (Mar. 10, 2021), p. 1, available at <https://www.dni.gov/files/ODNI/documents/assessments/ICA-declass-16MAR21.pdf> (archived).
8. National Intelligence Council, "Intelligence Community Assessment: Foreign Threats to the 2020 US Federal Elections," ICA 2020-00078D, (Mar. 10, 2021), p. 1, available at <https://www.dni.gov/files/ODNI/documents/assessments/ICA-declass-16MAR21.pdf> (archived).
9. The U.S. Intelligence Community is well aware of these foreign influence campaigns, including in the context of elections. See, e.g., National Intelligence Council, "Intelligence Community Assessment: Foreign Threats to the 2020 US Federal Elections," ICA 2020-00078D, (Mar. 10, 2021), pp. 4-5, 7, available at <https://www.dni.gov/files/ODNI/documents/assessments/ICA-declass-16MAR21.pdf> (archived) ("Russian state media, trolls, and online proxies, including those directed by Russian intelligence, published disparaging content about President Biden, his family, and the Democratic Party, and heavily amplified related content circulating in US media ...", p. 4; "Iran's election influence efforts were primarily focused on sowing discord in the United States and exacerbating societal tensions ...", p. 5; "China has long sought to influence US policies by shaping political and social environments to press US officials to support China's positions and perspectives." p. 7). Over the next 20 years, the Intelligence Community assesses that "China and Russia probably will try to continue targeting domestic audiences in the United States and Europe, promoting narratives about Western decline and overreach." National Intelligence Council, "Global Trends 2040: A More Contested World," (March 2021), p. 94, available at [https://www.dni.gov/files/images/globalTrends/GT2040/GlobalTrends\\_2040\\_for\\_web1.pdf](https://www.dni.gov/files/images/globalTrends/GT2040/GlobalTrends_2040_for_web1.pdf) (archived).
10. The National Intelligence Council notes that "some foreign actors may perceive influence activities around US elections as continuations of broad, ongoing efforts rather than specially demarcated campaigns." National Intelligence Council, "Intelligence Community Assessment: Foreign Threats to the 2020 US Federal Elections," ICA 2020-00078D, (Mar. 10, 2021), p. 1, available at <https://www.dni.gov/files/ODNI/documents/assessments/ICA-declass-16MAR21.pdf> (archived).
11. House Committee on Foreign Affairs, Subcommittee on Europe, Eurasia, Energy and the Environment, *Hearing on Undermining Democracy: Kremlin Tools of Malign Political Influence*, Testimony of Laura Rosenberger, 116th Cong., 1st sess., (May 21, 2019), p. 1, available at <https://docs.house.gov/meetings/FA/FA14/20190521/109537/HHRG-116-FA14-Wstate-RosenbergerL-20190521.pdf>. Ms. Rosenberger was, at the time, Director of the Alliance for Securing Democracy and Senior Fellow at the German Marshall Fund of the United States. In an August 2018 briefing for the Senate Select Committee on Intelligence, Dr. John Kelly, the chief executive officer of Graphika, an analytics firm that studies online information flows, stated: "The data now available make it clear that Russian efforts are not directed against one election, one party, or even one country. We are facing a sustained campaign of organized manipulation, a coordinated attack on the trust we place in our institutions and in our media—both social and traditional." Senate Select Committee on Intelligence, *Open Hearing on Foreign Influence Operations' Use of Social Media Platforms*, Statement of Dr. John W. Kelly, 115th Cong., 2d sess., (Aug. 1, 2018), p. 1, available at <https://nsarchive.gwu.edu/document/17963-john-w-kelly-chief-executive-officer-graphika>.
12. National Intelligence Council, "Intelligence Community Assessment: Foreign Threats to the 2020 US Federal Elections," ICA 2020-00078D, (Mar. 10, 2021), p. i, available at <https://www.dni.gov/files/ODNI/documents/assessments/ICA-declass-16MAR21.pdf> (archived). But see, John Ratcliffe, Director of National Intelligence, "Views on Intelligence Community Election Security Analysis," (Jan. 7, 2021), available at <https://context-cdn.washingtonpost.com/notes/prod/default/documents/6d274110-a84b-4694-96cd-6a902207d2bd/note/733364cf-0afb-412d-a5b4-ab797a8ba154> (archived). In this

memorandum, DNI Ratcliffe, who had been in office seven months and lacked any prior intelligence experience, said he felt the need to “lead by example and offer my analytic assessment.” He argued that the ICA majority’s “high confidence” view that “China considered but did not deploy influence efforts intended to change the outcome of the US presidential election” did not “fully and accurately reflect[ ] the scope of the Chinese government’s efforts to influence the 2020 U.S. federal elections.” Aside from the DNI’s very willingness to conclude, in conformity with then-President Trump’s contention but without reference to any supporting data, that the IC’s combined analytic judgment on China was wrong, this seems a very odd document for the DNI to have chosen to issue the day after the January 6th attack on the U.S. Capitol.

13. National Intelligence Council, “Intelligence Community Assessment: Foreign Threats to the 2020 US Federal Elections,” ICA 2020–00078D, (Mar. 10, 2021), p. i, available at <https://www.dni.gov/files/ODNI/documents/assessments/ICA-declass-16MAR21.pdf> (archived).
14. Office of the Director of Central Intelligence, “Annual Threat Assessment of the U.S. Intelligence Community,” (Feb. 2022), at p. 12, available at <https://www.dni.gov/files/ODNI/documents/assessments/ATA-2022-Unclassified-Report.pdf> (emphasis removed).
15. The National Intelligence Council’s comprehensive post-election assessment covers the spectrum, including not only Russia, but also China, Iran, and others, as well as certain non-state actors. See generally, National Intelligence Council, “Intelligence Community Assessment: Foreign Threats to the 2020 US Federal Elections,” ICA 2020–00078D, (Mar. 10, 2021), available at <https://www.dni.gov/files/ODNI/documents/assessments/ICA-declass-16MAR21.pdf> (archived). See also, “Dual U.S. / Russian National Charged With Acting Illegally As A Russian Agent In The United States,” Department of Justice, U.S. Attorney’s Office, S. Dist. N.Y., (Mar. 8, 2022), available at <https://www.justice.gov/usao-sdny/pr/dual-us-russian-national-charged-acting-illegally-russian-agent-united-states> (archived); “Russian National Charged with Conspiring to Have U.S. Citizens Act as Illegal Agents of the Russian Government,” Department of Justice, Office of Public Affairs, (July 29, 2022), available at <https://www.justice.gov/opa/pr/russian-national-charged-conspiring-have-us-citizens-act-illegal-agents-russian-government> (archived).
16. National Intelligence Council, “Intelligence Community Assessment: Foreign Threats to the 2020 US Federal Elections,” ICA 2020–00078D, (Mar. 10, 2021), p. i, available at <https://www.dni.gov/files/ODNI/documents/assessments/ICA-declass-16MAR21.pdf>.
17. National Intelligence Council, “Intelligence Community Assessment: Foreign Threats to the 2020 US Federal Elections,” ICA 2020–00078D, (Mar. 10, 2021), p. 4, available at <https://www.dni.gov/files/ODNI/documents/assessments/ICA-declass-16MAR21.pdf>.
18. Department of Homeland Security, “Russia Likely to Continue to Undermine Faith in U.S. Electoral Process,” Intelligence in Focus, (Sept. 3, 2020), at p. 1, available at <https://publicintelligence.net/dhs-russia-undermining-election/>.
19. Department of Homeland Security, “Russia Likely to Continue to Undermine Faith in U.S. Electoral Process,” Intelligence in Focus, (Sept. 3, 2020), at p. 1, available at <https://publicintelligence.net/dhs-russia-undermining-election/> (emphasis removed).
20. National Intelligence Council, “Intelligence Community Assessment: Foreign Threats to the 2020 US Federal Elections,” ICA 2020–00078D, (Mar. 10, 2021), pp. 4–5, available at <https://www.dni.gov/files/ODNI/documents/assessments/ICA-declass-16MAR21.pdf>.
21. Senate Select Committee on Intelligence, “Russian Active Measures Campaigns And Interference In The 2016 U.S. Election,” Volume 2, (Nov. 10, 2020), pp. 18–19, available at <https://www.intelligence.senate.gov/publications/report-select-committee-intelligence-united-states-senate-russian-active-measures>.
22. National Intelligence Council, “Intelligence Community Assessment: Foreign Threats to the 2020 US Federal Elections,” ICA 2020–00078D, (Mar. 10, 2021), p. 4, available at <https://www.dni.gov/files/ODNI/documents/assessments/ICA-declass-16MAR21.pdf>.

23. Office of the Director of Central Intelligence, "Annual Threat Assessment of the U.S. Intelligence Community," p. 12, (Feb. 7, 2022), available at <https://www.dni.gov/files/ODNI/documents/assessments/ATA-2022-Unclassified-Report.pdf>.
24. National Intelligence Council, "Intelligence Community Assessment: Foreign Threats to the 2020 US Federal Elections," ICA 2020-00078D, (Mar. 10, 2021), at p. 1, available at <https://www.dni.gov/files/ODNI/documents/assessments/ICA-declass-16MAR21.pdf>.
25. National Intelligence Council, "Intelligence Community Assessment: Foreign Threats to the 2020 US Federal Elections," ICA 2020-00078D, (Mar. 10, 2021), at p. i, Key Judgment 2, available at <https://www.dni.gov/files/ODNI/documents/assessments/ICA-declass-16MAR21.pdf> (emphasis removed).
26. National Intelligence Council, "Emerging Dynamics – International: More Contested, Uncertain, and Conflict Prone – Contested and Transforming International Order – Increasing Ideological Competition," Global Trends 2040, 7th ed., (Mar. 2021), p. 95, available at [https://www.dni.gov/files/images/globalTrends/GT2040/GlobalTrends\\_2040\\_for\\_web1.pdf](https://www.dni.gov/files/images/globalTrends/GT2040/GlobalTrends_2040_for_web1.pdf).
27. National Intelligence Council, "Emerging Dynamics – International: More Contested, Uncertain, and Conflict Prone – Contested and Transforming International Order – Increasing Ideological Competition," Global Trends 2040, 7th ed., (Mar. 2021), p. 94, available at [https://www.dni.gov/files/images/globalTrends/GT2040/GlobalTrends\\_2040\\_for\\_web1.pdf](https://www.dni.gov/files/images/globalTrends/GT2040/GlobalTrends_2040_for_web1.pdf).
28. National Intelligence Council, "Intelligence Community Assessment: Foreign Threats to the 2020 US Federal Elections," ICA 2020-00078D, (Mar. 10, 2021), p. 4, available at <https://www.dni.gov/files/ODNI/documents/assessments/ICA-declass-16MAR21.pdf>.
29. National Intelligence Council, "Intelligence Community Assessment: Foreign Threats to the 2020 US Federal Elections," ICA 2020-00078D, (Mar. 10, 2021), p. 4, available at <https://www.dni.gov/files/ODNI/documents/assessments/ICA-declass-16MAR21.pdf>.

