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

INTERVIEW OF: PASQUALE ANTHONY "PAT" CIPOLLONE

Friday, July 8, 2022

Washington, D.C.

The interview in the above matter was held in Room 5480, O'Neill House Office Building, commencing at 9:06 a.m.

Present: Representatives Thompson, Luria, Aguilar, Schiff, Lofgren, Murphy, Raskin, Cheney, and Kinzinger.

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Appearances:

For the SELECT COMMITTEE TO INVESTIGATE
THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

- ██████████ DEPUTY STAFF DIRECTOR
- ██████████ SENIOR COUNSEL
- ██████████ PROFESSIONAL STAFF MEMBER
- ██████████ SENIOR INVESTIGATIVE COUNSEL
- ██████████ CHIEF INVESTIGATIVE COUNSEL
- ██████████ CONTRACTOR
- ██████████ INVESTIGATIVE COUNSEL
- ██████████ SENIOR COUNSELOR TO THE VICE CHAIR
- ██████████ CHIEF CLERK
- ██████████ CONTRACTOR
- ██████████ PARLIAMENTARIAN
- ██████████ INVESTIGATIVE COUNSEL
- ██████████ PROFESSIONAL STAFF MEMBER

For the COMMITTEE ON HOUSE ADMINISTRATION:

- ██████████ COUNSEL

1

2 For PASQUALE ANTHONY "PAT" CIPOLLONE:

3

4 MICHAEL PURPURA, HUESTON HENNIGAN

5 TARA HELFMAN, ELLIS GEORGE CIPOLLONE O'BRIEN ANNAGUEY LLP

1

2 [REDACTED] Good morning.

3 Mr. Cipollone. Good morning.4 [REDACTED] This is a transcribed interview of former White House Counsel
5 Pasquale Cipollone conducted by the House Select Committee to Investigate the January
6 6th Attack on the United States Capitol pursuant to House Resolution 503.7 Mr. Cipollone, could you please state your full name, spell your last name for the
8 record?9 Mr. Cipollone. Pasquale Anthony Cipollone, C-i-p-o-l-l-o-n-e.10 [REDACTED] Counsel for Mr. Cipollone, could you please identify yourself and
11 spell your last name for the record?12 Mr. Purpura. Yes. Michael Purpura from the law firm of Hueston Hennigan.
13 Michael Purpura, P-u-r-p-u-r-a.

14 [REDACTED] And you are joined by Tara.

15 Mr. Purpura. Tara Helfman.16 Ms. Helfman. Tara Helfman.

17 [REDACTED] Got it. Great.

18 My name is [REDACTED]. I'm the chief investigative counsel for the select
19 committee.20 In the room with me today from the select committee are [REDACTED], our
21 chief counsel; [REDACTED], who is the senior counsel and counsel to the vice chair; [REDACTED]
22 [REDACTED], [REDACTED], who are investigative counsel; [REDACTED] and [REDACTED], also
23 staff to the select committee.24 Several members of the select committee I believe have joined us remotely. I
25 think the vice chair, Ms. Cheney, is present. Ms. Luria and Ms. Lofgren are also present

1 and will participate remotely.

2 This will be a staff-led interview. Members of the committee may also
3 participate and may choose to ask questions. While the interview is taking place in
4 person, we have established a link for the virtual participation via Webex. I'll try my
5 best, Mr. Cipollone, to indicate when members of the committee join remotely.

6 Mr. Cipollone. Okay.

7 [REDACTED] There is an official reporter who is transcribing the record of the
8 interview. Please wait until each question is complete before you begin your response,
9 and we will try to wait until your response is complete before we ask the next question.

10 The stenographer cannot record nonverbal responses, such as shaking your head,
11 so it's important that you answer each question with an audible verbal response. I'm
12 sure your experienced counsel has given you the same direction.

13 Mr. Purpura. And Mr. Cipollone himself is experienced counsel.

14 [Laughter.]

15 [REDACTED] Exactly.

16 Mr. Cipollone. I will give audible verbal responses.

17 [REDACTED] Thank you.

18 We ask that you provide complete answers based on your best recollection. If
19 the question isn't clear, then please just ask for clarification. If you don't know the
20 answer, obviously then just say so.

21 I want to remind you -- and this is an admonition that we give to all
22 witnesses -- that it is unlawful to deliberately provide false information to Congress and
23 doing so could be a violation of 18 U.S.C. 1001 or other statutes.

24 Do you understand all of that, Mr. Cipollone?

25 Mr. Cipollone. Yes, I do.

1 [REDACTED] Okay. I want to start by making clear on the record that your
2 appearance here is voluntary, that the select committee did issue originally a subpoena
3 for your testimony, though we are now withdrawing the subpoena given your willingness
4 to appear for the transcribed interview today which we appreciate.

5 I also want to make clear that the select committee has had discussions with the
6 White House Counsel's Office about your testimony, specifically to ascertain the current
7 White House position with respect to the possible application of an executive privilege.
8 We understand that you and your counsel have also had discussions with the White
9 House counsel.

10 Based on those discussions, the White House has indicated that given the
11 significance of the topics to be discussed and the importance of congressional oversight
12 into the January 6th attack on the Capitol, an assertion of executive privilege would not in
13 their view be appropriate.

14 I understand Mr. Raskin has now joined us as well.

15 Mr. Cipollone, we understand that you might have -- you and your counsel might
16 have a few opening remarks. We want to give you a chance to proceed with those at
17 this point.

18 Mr. Purpura. Yes. Thank you, [REDACTED] And thank you for the courtesies
19 you've shown to Mr. Cipollone throughout this process along with every member of your
20 committee, [REDACTED] and [REDACTED] in particular.

21 I appreciate your acknowledgment that we are here voluntarily, not under
22 compulsion. I also appreciate your acknowledgment of the discussions that each side
23 has had with the current White House counsel. We've also had discussions with counsel
24 for the former President.

25 The topics that Mr. Cipollone has been permitted to speak about are ones that

1 you well know and we've had multiple discussions about those. And we've gotten the
2 recent correspondence from the current White House as well. We understand that the
3 topics that you will be covering are within those areas.

4 We also acknowledge of course and hopefully you'll acknowledge for us that Mr.
5 Cipollone has been fully cooperative throughout the several months of discussions that
6 we've had with your staff, including an April informal interview which he provided to you
7 as an accommodation and part of this continuing process.

8 You also understand from our many discussions that Mr. Cipollone will not speak
9 about Presidential -- direct Presidential communications as those are privileged. And
10 that's of course important to the rule of law, important to the institutional separation of
11 powers, and of course very important to Mr. Cipollone as an attorney.

12 Finally, you mentioned about recollections. Of course everyone in this room
13 understands that these events occurred 18-plus months ago. You also understand the
14 pressures and stresses and activities that occur in a job as significant as counsel to the
15 President of the United States. Mr. Cipollone's recollections will be his very best, but
16 there may be areas where his recollections have diminished or he simply doesn't
17 remember.

18 But of course, as always, given who he is, the character he has, he will do his best
19 to speak truthfully and answer your questions to the best of his ability within those
20 bounds.

21 [REDACTED] I appreciate that.

22 Let me just repeat what you said, Mr. Purpura, about the previous cooperation
23 Mr. Cipollone has engaged with the select committee. Over time we did have an
24 informal interview. I think it was in April. And we've actually used a bit of that
25 information thus far in our public hearings, which we appreciate. We see this as a sort

1 of a continued next step in that cooperation.

2 And with respect to privilege, I understand the line that you have indicated in
3 advance you'll draw. Our intention today is to frame questions, complete record of
4 questions, and give you a chance to articulate that.

5 Given the line that you have indicated, I will not force repetitious assertions. I
6 understand that the line that you will draw with respect to privilege is direct Presidential
7 communications. But we need a record to make sure that we understand exactly which
8 questions generate that objection.

9 I think we also have now Mr. Schiff and Mr. Kinzinger, who have joined as
10 members of the select committee. You are drawing almost the entire committee at this
11 point. I think six or seven of them are on.

12 We will march through the topics today. And, again, I appreciate the preview of
13 that, and I think that will make the interview more expeditious, knowing that in advance.

14 Mr. Cipollone, do you have anything yourself that you wanted to say?

15 Mr. Cipollone. I don't have much to say. To start out with, I agree with
16 everything my counsel said obviously. I also would like to thank you, [REDACTED] and
17 [REDACTED] and [REDACTED] for the professional courtesy you've shown me for your
18 understanding of my view and others' view of the privilege.

19 Those privileges are important, in my view, to the effective functioning of the
20 executive branch, to the effective functioning of the Presidency, and also to my role as a
21 lawyer, and, frankly, as well, to my conscience.

22 And so, I appreciate your understanding that you -- they are not my privileges to
23 waive, they do not belong to me. And I also want to make that clear.

24 But with that said, I'm here to testify truthfully, consistent with those privileges,
25 and to continuing cooperation with the committee to the best of my recollection and

1 ability.

2 [REDACTED] All right. I appreciate that.

3 Mr. Cipollone. And also good morning to the members of the committee who
4 are on by Webex.

5 EXAMINATION

6 [REDACTED]

7 Q All right. Let's jump right into it then. I want to start with the election.

8 The select committee has developed evidence from numerous lawyers and other
9 experts regarding the results of the 2020 Presidential election. These witnesses have
10 indicated that over the course of the post-election period they evaluated claims and
11 allegations of election fraud and found no evidence of systemic fraud sufficient to
12 undermine the outcome of the election in any State.

13 In our public hearings thus far we have put on evidence from eight lawyers and
14 one former Federal judge: Matt Morgan, Bill Barr, Jeff Rosen, Rich Donoghue, Greg
15 Jacob, Ben Ginsberg, Eric Herschmann, Alex Cannon, and Judge Michael Luttig.

16 The evidence about these investigations of election fraud has come from the
17 President's campaign staff, including its general counsel, who looked closely at allegations
18 of fraud and irregularities in election processes, determined that there was insufficient
19 evidence of fraud to put any State's results into question. Matt Morgan in particular
20 indicated that it was everyone's assessment in the room that it was not -- none of that
21 evidence was sufficient to be outcome determinative.

22 This evidence has also come from the President's own appointees at the
23 Department of Justice who evaluated numerous claims of election fraud. Former
24 Attorney General Barr has said, "Before I left, I made it clear publicly that I did not believe
25 the outcome of the election or I could find no evidence indicating the outcome of the

1 election was caused by voting fraud. And I repeatedly told the President in no uncertain
2 terms that I did not see evidence of fraud."

3 I want to start by asking you if you agree, Mr. Cipollone, with the conclusions of
4 Matt Morgan, of Bill Barr, of all of the individuals who evaluated those claims that there
5 was no evidence of election fraud sufficient to undermine the outcome in any particular
6 State.

7 A Yes, I agree with that.

8 Q Did Donald Trump lose his campaign for reelection in 2020?

9 A Yes.

10 Q When did you determine -- when after the election did you sort of reach that
11 conclusion that there was no systemic --

12 A Well, I mean -- I'm sorry to interrupt.

13 Q No.

14 A Just to be clear, it wasn't really my role to investigate allegations of fraud as
15 the White House counsel. Obviously I became aware of them, these various allegations.
16 And clearly candidates have a right to litigate issues related to elections. That happens
17 every election season, before elections, after the elections. That's their right, to go to
18 court.

19 That wasn't my role, obviously. But to the extent that I was there and heard
20 about these claims, looked at them.

21 But I really was relied on for the most part and supported to the best of my ability
22 the Department of Justice. Attorney General Barr is a man of character. I think the
23 country was lucky to have Attorney General Barr in that role. I came to Washington as a
24 young man, as a young lawyer, to work for Attorney General Barr, and I've had a long
25 relationship with him. So I was in agreement with his conclusions.

1 But the investigation obviously was done at the Department of Justice. The
2 President's own counsel, outside counsel for the campaign, you know, various lawyers
3 were looking at all these issues.

4 When I made a conclusion, I can't really remember. You know, obviously as we
5 got along the time continuum and things were happening in terms of certification and
6 things like that then obviously, I would say -- the point is I don't remember when I
7 reached the conclusion. In a way, it wasn't my conclusion to reach.

8 But I agree wholeheartedly with the conclusion of Attorney General Barr and I also
9 agree wholeheartedly with conclusions of the very good lawyers that you referenced.

10 Q I see. Attorney General Barr made a public announcement on December
11 1st, less than a month after the election, that he had seen no systemic fraud sufficient to
12 undermine the outcome. Is it fair to say that by December 1st you had reached the
13 same conclusion?

14 A It's fair to say that I agreed with Attorney General Barr's conclusion on
15 December 1st. Yes, I did, and I supported that conclusion.

16 Q Okay. I see Ms. Murphy has now also joined us, another member of the
17 committee.

18 Mr. Cipollone. Good morning.

19 [REDACTED] Did you tell the President that he had lost the election?

20 Mr. Purpura. Objection.

21 BY [REDACTED]

22 Q Is it fair to say -- -

23 A And just so I can speak.

24 Q Go ahead.

25 A My understanding is, at least with respect to our agreement and your

1 understanding of our agreement, I'm not going to discuss any communications that I had
2 with the President or conversations that might reflect those communications. And
3 that's my current understanding of what the privilege assertions have been.

4 And consistent with that, I'll answer your questions as best I can. To the extent
5 my opinions reflect what I told the President, I will, you know, I will give you my opinion
6 in the best way that I can consistent with my view of the privileges that have been
7 asserted.

8 Q I understand.

9 A And the directions that I have been given.

10 Q Okay. Is it fair to say that the President knew of your belief that the
11 election had not been stolen?

12 Mr. Purpura. I think that's the same objection.

13 BY [REDACTED]

14 Q Did you believe, Mr. Cipollone, that the President should concede, once you
15 made a determination based on the investigations that you credited DOJ did, that the
16 campaign did, did you in your mind form a belief that the President should concede the
17 election loss at a certain point after the election?

18 A Well, again, I was the White House counsel. Some of those decisions are
19 political. So to the extent that -- but if your question is did I believe he should concede
20 the election at a point in time, yes, I did.

21 Q And, again, roughly when did you reach that conclusion?

22 A Again, looking back on it, I don't remember exactly when I reached the
23 conclusion. And my conclusion was kind of regardless of his personal beliefs in terms of,
24 you know, what I thought would be the appropriate --

25 Q Yeah. I see.

1 A -- action.

2 Q We presented in a recent hearing some testimony from Bill Stepien about a
3 meeting that he participated in with the President in which he and Leader McCarthy
4 represented to the President that he should encourage rather than discourage his
5 supporters to vote by mail in 2020. Mr. Stepien testified that the President's mind was
6 made up and the President continued to undermine public confidence in mail-in voting
7 during the campaign.

8 Did you have any discussions with Leader McCarthy or others about mail-in voting,
9 the reliability of mail-in voting, and what the President should say about that?

10 A Again, this was an issue that was primarily for the campaign and not for the
11 White House counsel. I probably did have conversations -- without getting into what I
12 talked to the President or who I talked about -- I probably did have conversations related
13 to that issue.

14 I think there were some issues, without regard to those conversations, obviously
15 one issue, one legal issue that was looked at I believe and litigated prior to the campaign
16 and I believe after the campaign. Of course I wasn't in charge of that litigation, but was
17 aware of some of it.

18 You know, one issue is who decides at the State level, you know, whether mail-in
19 voting can be used, is it the legislature, is it the executive, is it election officials? Those
20 issues are legitimate issues that ought to be litigated.

21 With respect to the political decision about whether to encourage or discourage
22 mail-in voting, again, not my lane.

23 Q Not your role.

24 A But I had a view. But my view -- I would just rely on the political advisers
25 on that.

1 Q Yes.

2 A Did I express a view? Yes, I did. But that view is irrelevant. I think it's
3 irrelevant to what you're asking me.

4 Q Yeah. You have told us before in the informal interviews that the President
5 after the election began to rely on a number of outside voices, lawyers and others.

6 Did you have frustration with the fact that the President was relying on lawyers
7 outside of you and your team on election-related issues?

8 A Well, the President wouldn't rely on the White House counsel on
9 election-related issues. The President would typically -- in other words, that were
10 unrelated to institutional issues. Could I, you know, understand those, be aware of
11 them, be involved in them, to the extent appropriate? Yes.

12 But those issues were handled by outside campaign lawyers. I thought that Matt
13 Morgan was a very able and good lawyer. I had worked with him when he was counsel
14 to the Vice President. He actually worked closely with the White House Counsel's Office
15 and the team that we had put together in the White House Counsel's Office. I had
16 confidence in Matt.

17 Justin Clark as well was counsel to the campaign. And I think there were other
18 lawyers involved with them. And then as time went on, other voices became involved
19 as outside lawyers and were litigating those cases, and I think that is publicly known.

20 Q Yeah, it is. And my question is, did you have concerns about those outside
21 lawyers that came in to litigate the cases and were providing the President advice?

22 A Yes.

23 Q Tell me more about those concerns. What were they?

24 A Well, again, I don't think the President, you know, particularly over time, was
25 well served by the advice he was receiving by some of those lawyers.

1 Q Which lawyers? And why was --

2 A And, again, without getting into naming, you know, all the names, and I may
3 forget some of the names because I'm looking back and thinking, obviously there were
4 lawyers like Sidney Powell, who I did not believe particularly over time in some of the
5 meetings I was involved in was serving the President well. And there were a number of
6 lawyers in that group.

7 Q Yeah. Mr. Giuliani, was he in that category that was not serving the
8 President well?

9 A Again, with respect to Mr. Giuliani, you know, I had had a lot of respect for
10 Mr. Giuliani as mayor of New York and as a very capable lawyer. I think some of the
11 things he was doing with that team of lawyers I did not agree with.

12 There were times where Mr. Giuliani did play a positive role, and I'm
13 thinking -- and while I don't think this is one of the topics that I'm approved to talk about,
14 I think in that meeting, I believe on December 18th, the 6-hour meeting--

15 Q Yes.

16 A -- I think on some of the issues that were being raised by others, Mr. Giuliani
17 played a positive role. So --

18 Q Yeah.

19 A There were other lawyers, like Jenna Ellis, who were involved.

20 But, look, I'm not here to be uncharitable or to besmirch other people in any way.
21 But, no, I did not agree whatsoever with the way they were conducting themselves.

22 And then with respect to the whole election fraud issue, okay, to me it's sort of if
23 you're going to make those kind of claims -- and people were open to them early on
24 because people were making all sorts of claims. And the real question is show the
25 evidence. Okay.

1 And over time people were making -- as time went on into December, into late
2 December, for example that meeting on December 18th, there was a real question in my
3 mind and a real concern, you know, particularly after the Attorney General had reached a
4 conclusion that there wasn't sufficient election fraud to change the outcome of the
5 election when other people kept suggesting that there was, the answer is, what is it?
6 And at some point you have to put up or shut up. That was my view.

7 Q A lot of the claims that continued to be made through December and
8 beyond, all the way up to the morning of January 6th, were specific claims the
9 Department of Justice had looked into and had rebutted. Did that cause you frustration
10 when those claims --

11 A I don't think frustration is the -- I don't view that -- obviously it caused me
12 concern. And, again, without suggesting or reflecting any conversations with the
13 President, you're asking my opinion?

14 Q Yes.

15 A My opinion is this: that the people at the Department of Justice were
16 extremely good and talented people. I had throughout my tenure worked as hard as I
17 can to support the Department of Justice, to protect their prerogatives as the counsel.

18 They obviously had a different role than the White House counsel. I had worked
19 very closely obviously with Bill Barr. Jeff Rosen I've known for a long time. We were
20 law partners together. He is a man of integrity. He is an incredibly talented lawyer.

21 Rich Donoghue, again, had a very good relationship with Mr. Donoghue. Mr.
22 Donoghue is a man of integrity.

23 Steve Engel I had worked with in the past as a lawyer again. And he was the
24 head of OLC, so he obviously was involved in working with us and working with Mike
25 when we needed legal advice and legal opinions, many of which are published. He is an

1 incredibly talented lawyer.

2 These are -- I'm leaving people out -- but these are all people of character. In my
3 own staff at that point Mike had gone on to a new job, but the lawyers on my staff same
4 thing.

5 Pat Philbin in particular who, you know, handled a lot of the legal questions sat
6 right next to me, very, very positive force in all this. Relied on him to look at legal issues
7 to the extent we needed to and he was involved.

8 So, yes, I trusted those people. I believed those people. I believe they looked
9 at claims to the extent they needed to be looked at claims -- they needed to look at them.

10 In fact, Attorney General Barr got criticized early on by saying -- because he said
11 that they were going to look at election fraud issues.

12 So he got -- and this is the one thing about Attorney General Barr. I mean he
13 gets criticized and he got criticized in his tenure from various -- and by the way, I'm not a
14 politician. Obviously, I'm a lawyer and I don't -- but from people on all sides of political
15 issues. Okay. And Bill Barr did the right thing time after time.

16 I think he did the right thing here. I think he looked at the issues. He had the
17 Department look at credible issues of fraud. And he made a determination that there
18 wasn't sufficient evidence of fraud. He told the American people that. I supported
19 that.

20 Q Okay. Bill Stepien, who was the campaign manager, testified before the
21 select committee that there were effectively two teams of lawyers. There was what he
22 called "team normal," and then that included Matt Morgan and Justin Clark and the
23 lawyers you mentioned before that were on the campaign team prior to the election; and
24 then there was another team, and that that other team sort of stepped in and took over
25 in the post-election period at the President's direction.

1 Is that a fair characterization of how you sort of saw the differential quality of
2 legal advice that was going to the President?

3 A Again, without getting into characterizations or, you know, nomenclature of
4 particular teams, there was a group of people, and I think a lot of people in the White
5 House agreed with this, that were not serving the President well. They were not serving
6 the President well. They were promoting ideas that were wrong. And, yes, there was
7 that group of people.

8 Q Yeah. And we're going to get into some of those specific ideas.

9 Last question on this. You mentioned Mr. Philbin, who was your deputy, your
10 principal deputy.

11 A He was deputy White House counsel. I mean, one thing that, you know,
12 when I was honored to have this job, you know, and I was very, very lucky to have people
13 like Mike Purpura, Pat Philbin, Kate Todd, just incredible lawyers, Tara Helfman, a large
14 group of lawyers who came in to help support my efforts.

15 And so, yes, Pat Philbin was one of them. I think he was the first one who sent
16 me an email when he heard publicly that I was being considered for the job.

17 As I told you in the interview, I recommended someone else for the job who was
18 already in the White House. But ultimately when the President asked me do the job, I
19 was honored to take it. And I was honored to work in the Trump administration with
20 the President and with a lot of talented people that I believe did a lot of good for
21 America. So I was honored do that. And Pat Philbin emailed me and he ended up
22 coming in.

23 Q Yeah.

24 A Pat Philbin is a very, very talented lawyer, clerked on the Supreme Court,
25 had worked in the Department of Justice, had been my partner at Kirkland & Ellis. So he

1 was there. And particularly through the end of the administration in those days he was
2 right there with me and he was very important to the process of the transition.

3 Q Pat Philbin, when we interviewed him informally, told the select committee
4 that he felt that the outside lawyers, including Rudy Giuliani, Sidney Powell, Jenna Ellis,
5 and John Eastman, were giving bad advice to the President and that had ramifications for
6 the whole country. Do you agree with that assessment?

7 A Yes.

8 Q Attorney General Barr, who has also interviewed with the select committee,
9 described the outside lawyers advising the President as a clown car. Do you agree with
10 that assessment?

11 A Again, without getting into pejorative statements, I don't disagree with that
12 characterization. Let's put it that way.

13 Q Yeah. Mr. Barr told us that the President -- when he confronted the
14 President with his opinion of the fact that these lawyers were a clown car, the President
15 indicated that "at least Rudy fights for me," and he referenced the willingness to fight as
16 sort of the criteria that made him trust them.

17 Did you sense anything with respect to the willingness to fight or the ability to
18 continue to press on with these claims as the reason why the President listened to that
19 advice?

20 A Again, I am not going to talk about conversations I had with the President or
21 speculate about what he may or may not have been thinking.

22 Q All right. Let me ask you a little bit more about Attorney General Barr and
23 the work that the Department of Justice were doing.

24 There were a lot of meetings that Attorney General Barr told us about where he
25 and other officials at the Department of Justice were explaining to the President that they

1 had looked into these election fraud issues and were not finding them to be meritorious.

2 Is it fair to say that you sort of supported and reinforced to everyone in the White
3 House faith in the Department of Justice, faith in Attorney General Barr, faith in the
4 conclusions that they had reached?

5 A Yes. And not just at this point in time, but throughout my tenure. I
6 reinforced faith in the Department of Justice and the importance of the work of the
7 Department of Justice and defending the prerogatives of the Department of Justice as
8 best I could.

9 Q Okay. And, Mr. Cipollone, were you vocal about that? Did you express
10 that faith, that belief, and essentially vouch for the process and the conclusions that
11 Attorney General Barr and Justice were reaching with respect to those investigations?

12 A Was I vocal?

13 Q Yes.

14 A Yes, I was quite vocal.

15 Q And, again, I understand you will not share with us your direct
16 communications with the President. But fair to say that the President and everyone
17 knew how you felt about the Department of Justice?

18 A Again, without talking about what I said to the President -- and let me put it
19 to you this way. Let me take it back to the beginning of things --

20 Q Yeah.

21 A -- from when I started as the counsel. Okay.

22 I felt that what the President wanted from me was my best advice and my
23 unvarnished opinion. He wanted that from everybody. He solicited different opinions.
24 Then he made decisions. And that's what I felt I owed him. And I owed him the best
25 opinion I could give him. I tried to give it directly for the most part, not in large groups

1 of people, but I gave it to him. And I think he appreciated it. And that was my job, and
2 that's what I did throughout my tenure.

3 Q Yeah. Attorney General Barr told us that on November the 23rd, you
4 actually suggested that he come to the White House, that he hadn't met with the
5 President since the election, and that there was a meeting with him in the White House
6 on November 23rd. Do you recall anything specific about that meeting?

7 A Can you give me -- you know, because there were so many meetings, and
8 Bill, Attorney General Barr, would come to my -- we had a weekly lunch. We were in
9 very regular communication. And so, I'm trying to remember. There were so many
10 meetings that have been talked about. Tell me what happened at this meeting and so I
11 can tell you if I was there. I probably was.

12 Q Sure. Let me just tell you -- read you what Attorney General Barr told the
13 select committee.

14 ■ "So on November 23rd, I hadn't spoken to the President since the election. And
15 in fact I said since the middle of October roughly and it was a little -- it was getting
16 awkward, because obviously he had lost the election and I hadn't said anything to him.
17 And so Cipollone said, 'You know, I think it's time you come over here.' So I came over
18 to meet with the President in the Oval Office and Meadows and Cipollone were there."

19 He went on to describe the discussion about various theories of election fraud and
20 what the Department of Justice was doing.

21 Do you recall that discussion?

22 A Yes.

23 Q Tell us what you recall about the meeting with Attorney General --

24 A Again, that's a meeting that was with the President, so that's not something
25 that I'm going talk about, because I haven't been authorized to talk about that.

1 Q Okay.

2 A I would say as a general matter, as I have said repeatedly already today, I
3 was very supportive of the Department of Justice in general and Attorney General Barr in
4 particular. I would say our thinking was quite aligned. We had reached conclusions
5 separately on many things, but certainly I was informed by the work that they were doing
6 to look at particular claims of election fraud.

7 Q Yeah.

8 A And, again, I think even Attorney General Barr would say that while there
9 may have been specific instances of fraud, there wasn't sufficient fraud to change the
10 outcome of the election.

11 Q Yeah. As early as that November 23rd meeting, we understand that there
12 was discussion about the President possibly conceding the election. And specifically, we
13 understand that Mark Meadows assured both you and Attorney General Barr that the
14 President would eventually agree to a graceful exit.

15 Do you remember Mr. Meadows making any such representation?

16 A Are you saying as part of that meeting or separately? Again, without
17 getting into that meeting, I would say that that is a statement and a sentiment that I
18 heard from Mark Meadows.

19 Q I see. And, again, do you know if it was on November 23rd or some point?

20 A Again, it was probably, you know, around that time.

21 Q Yeah.

22 A And it was probably subsequent to that time. It wasn't a one-time
23 statement.

24 Q Tell me more about that, of your discussions with Mark Meadows, separate
25 from the meeting with the President, about his views that it was time for the President to

1 concede or moving toward a graceful exit.

2 A Again, and I can only discuss, you know, my interaction with Mr. Meadows.

3 Q Yeah.

4 A My general interaction with Mr. Meadows prior to the election had been
5 very good. He had been supportive of the White House Counsel's Office. We had
6 worked together on things, in particular the nomination of a Supreme Court Justice.

7 And so, I had a -- what I thought to be a good relationship with Mr. Meadows. I
8 could be candid with him. And I think that sentiment was expressed to me by
9 Mr. Meadows, the President would ultimately concede the election or at least recognize
10 that the election was over and that Joe Biden was going to be the President and leave
11 gracefully.

12 Q Okay. And did Mr. Meadows maintain that view at least in conversations
13 with you all the way through the end of the administration or did that evolve over time?

14 A Look, I don't remember all of the conversations, that Mr. Meadows, you
15 know, was having conversations with a lot of people, you know, some of which I'm finding
16 out about now, or recently.

17 So, you know, again. But whenever -- you know, and obviously sentiments can
18 change over time. But I think as a general matter, without getting into specifics because
19 I can't recall a lot of the specifics, but directionally if what you're saying, was Mr.
20 Meadows hopeful that at the end of the day, after all of the challenges were adjudicated
21 appropriately after the election was certified that things -- that there would be a graceful
22 transition, I believe he continued to believe that based on what he told me.

23 Q Okay. And, again, I understand you can only talk about the conversations
24 you had with Meadows, not everything else that he did.

25 A Now, was he, you know, supportive of looking into claims of election fraud?

1 Yes, he was.

2 Q Yeah. I guess my question is, did his perspective on Trump would
3 eventually concede and agree to a graceful exit change over time or did you hear him
4 express contrary views after those initial discussions?

5 A That he should?

6 Q Yes.

7 A Or that he --

8 Q Well, either. Could or --

9 A I don't think again -- and I'm trying to think back because we have had lots of
10 conversations with Mark Meadows, and so I want to be obviously to the best of my
11 recollection, you know.

12 Did he think that -- did his hope -- was his hope that that would happen
13 consistent? Yes. Did he think he should ultimately do that? Yes. And I think he
14 thought, although there was a lot of activity that I assume you're going to get into, but I
15 think -- I think he thought -- and, again, you're asking me what I thought he -- was in his
16 mind. I can't say that.

17 Q I'm just asking about your interaction with him.

18 A My general sense was that he thought that at the end of the day there
19 would be a transition.

20 Q Okay. The next time that you met with Attorney General Barr was
21 December 1st. That was the day on which he made the public statement to AP about
22 the belief that there was no widespread fraud.

23 Do you remember seeing Attorney General Barr, meeting with him in the White
24 House after that statement was reported?

25 A I'm not sure if that was the next time I met with Attorney General Barr. I

1 may have met with him between those times. I certainly spoke to him.

2 Q Okay.

3 A I remember that day. I remember -- I think he was just coming over to
4 meet with me and we were going to talk, you know. We may have been meeting with
5 Mark Meadows. But, yeah, I remember he was in my office.

6 Q Yeah. I believe Chairman Thompson has now joined us as well.

7 Mr. Cipollone. Good morning, Chairman Thompson.

1

2

BY [REDACTED]

3

Q Tell us what you remember, Mr. Cipollone, about your interactions with

4

Attorney General Barr on December 1st.

5

A Well, he had made the public statement. It had gotten -- you know, it was

6

public.

7

Q Yeah.

8

A And I remember we were in my office. We were talking. And I can't

9

remember if we were in my office or maybe walking to Mark's office. I know we spent a

10

little time in Mark's office as I recall. And I remember we got a call or one of -- I think

11

my assistant or someone, you know, they had heard that Attorney General Barr was

12

meeting with me and that they said the President wanted to see him.

13

Q Okay.

14

A So we walked down to the Oval Office together. I believe Mark Meadows

15

came with us. I don't know if we got that indication again in Mark's office or on the way

16

to Mark's office or in my office.

17

Somehow it became known that Attorney General Barr was in the White House

18

meeting with me. And that was the day that he had made the public statement and the

19

President asked to see him.

20

Q Yeah. Attorney General Barr has told us about that meeting, about the

21

discussion with the President where the President was angry at him about his public

22

statement. Do you recall that discussion?

23

A I recall that meeting. I believe that's a meeting that falls within the

24

category that I'm not -- I've not been directed or, again, that the privilege has been

25

invoked with respect to me.

1 Q Yes.

2 A So, you know, to the extent that you're asking me questions about what the
3 President said or did during that meeting, I'm not in a position to talk about that at this
4 time.

5 Q I understand that. I guess I'm just asking you whether or not the President
6 was angry.

7 Mr. Purpura. I think, you know, that reflects a communication. We want to be
8 very careful with that spoken or unspoken communication.

9 I think maybe, [REDACTED] certainly Mr. Barr's talked about that meeting and
10 there may be ways to ask Mr. Cipollone questions about his statements and recollection
11 as to whether Mr. Cipollone agrees or disagrees with that.

12 [REDACTED] Okay.

13 Mr. Cipollone. Let me put it to you this way if I can.

14 BY [REDACTED]

15 Q Please.

16 A I cannot -- and, again, I feel it's a matter of conscience, I feel it's the effective
17 functioning of the government. I believe a President should have the ability to have
18 senior advisers, the counsel, the chief of staff, you know, the National Security Advisor
19 certainty and others give him frank advice. That's something that's been recognized and
20 supported by Presidents of both parties throughout our history. So I feel like that's
21 important.

22 Q Yeah.

23 A Consistent -- and as I said, it's not my privilege to waive or invoke. So it's
24 not my choice about what I can say consistent with my beliefs to the fact that as an
25 attorney I have to honor that privilege.

1 Having said that, do I generally agree with what I know about Attorney General
2 Barr's characterizations? Yes.

3 Q Attorney General Barr told us that during the meeting the President was
4 supremely unhappy with his interview and decision to announce that there was no
5 widespread election fraud and specifically was said to have pushed back during the
6 meeting on the President's baseless election allegations, telling him that they were
7 bullshit and that his legal team was a clown show. That no self-respecting lawyer is
8 going anywhere near it. It's just a joke. That's why are you are where you are.

9 And that at one point the President -- Attorney General Barr offered to resign, and
10 the President slammed his hand on the table and said, "accepted."

11 Is that a fair characterization, Attorney General Barr's, of the meeting?

12 A Again, without getting into who said what during that meeting or what I may
13 have said, I think those are the kinds of meetings that people typically give candid advice
14 and direct advice. And that's the kind of meeting that I would have given my candid
15 opinion and direct opinion.

16 And without getting into every detail, again, I don't have any reason to question
17 Attorney General Barr's characterization.

18 Q When the meeting ended, was it your understanding that Attorney General
19 Barr had resigned, that that was left open at the end of the meeting, his status as
20 Attorney General?

21 A Again, Attorney General Barr continued in his position after that meeting.

22 Q Yeah. Well, we understand that you and Mr. Herschmann may have
23 intervened to essentially keep him on or talked to him after the meeting about staying on
24 as Attorney General.

25 A I can tell you this. It's my opinion, without reflecting again. And I don't

1 want to have to keep saying that, but you understand my point.

2 Q Uh-huh.

3 A I didn't think it was good for the President or for the country or, frankly, for
4 Attorney General Barr for him to leave at that moment.

5 Q Yeah.

6 A And so he didn't. And how that came about, I think he has talked about
7 that. But I certainly was not of the view that it would be a good thing for the President
8 for Attorney General Barr to leave office. Sometimes tempers flare and sometimes
9 people say things maybe they don't mean. And sometimes with a little bit of time, those
10 things don't actually happen.

11 Q Yeah. Attorney General Barr and Eric Herschmann told us that you and
12 Mr. Herschmann actually went out to Mr. Barr's vehicle, it was on West Exec. He was
13 getting ready to leave and you essentially convinced him to stay on as Attorney General.
14 Is that accurate?

15 A He was out on West Exec. He was leaving. Someone called. I told
16 somebody -- I can't remember how, you know, I said, "Call Bill, tell him not to leave." I
17 went to his vehicle. I got in next to him. And we had a discussion and he didn't leave.

18 Q I see. You mentioned tempers --

19 A That was -- you know, again, like, people made his own -- people make their
20 own decisions and Bill made his. And I gave him my opinion. I don't want to suggest
21 anything beyond that. I think he respects my opinion. I think, you know, we have
22 known each other for a long time. And I think he made a determination to stay. But
23 actually, you know, at the end of the day it's the President's decision.

24 Q Understood. So the bottom line was at the end of the December 1st
25 interaction he didn't resign, he stayed for a little while longer as Attorney General?

1 A Yeah. And the President didn't ask for his resignation after that, in terms of
2 that day, that meeting.

3 Q Yeah. You mentioned in your prior answer tempers flare. Did you
4 frequently see the President's temper flare? Was he prone to outbursts?

5 A I'm not going to get into tempers flaring or anything like that. I don't -- I
6 have my own views about things like that. People have different perceptions of that.
7 Okay.

8 I mean, this is not relevant to what we're talking about here, but, you know, I'm an
9 Italian-American. I come from a big family. We do not suffer in silence. We say our
10 opinions. Sometimes we disagree. We get mad sometimes, then we hug each other
11 and we eat.

12 So my view about tempers flaring may be different than what others' perceptions
13 are. But people obviously have strong opinions. Sometimes they express those
14 opinions strongly. They feel passionately about that. That was never anything that I
15 took personally or certainly anything that would stop me from giving my opinion,
16 sometimes very, very forcefully.

17 But my overall relationship with the President, at least from my perspective,
18 certainly prior to the election, I viewed to be a good one. I believe that I was proud to
19 be working in the administration. I was proud to be working with the many, many
20 talented people that worked in the Trump administration. I was proud to be working
21 with the President.

22 He wanted my opinion. I gave it to him. We had many discussions.

23 And so I felt and I continue to feel that when I wanted to express myself to the
24 President, he welcomed that. Didn't always -- you know, again, without getting
25 into -- these are general points. Didn't always agree. He's the President. I didn't get

1 elected to anything. Okay. I was there to serve as his lawyer and I was honored do
2 that.

3 Q Yeah.

4 A To serve as the White House counsel, counsel to the President, counsel to
5 the Presidency.

6 [REDACTED] I see, Ms. Cheney, you've come off -- your camera is on. Please go
7 ahead if you have a question.

8 Ms. Cheney. Thank you very much.

9 And thanks, Pat.

10 I just wanted to ask if you take issue with Attorney General Barr's characterization
11 of these events or the President's response on December 1st to the Attorney General's
12 comments.

13 Mr. Cipollone. Good morning, Representative Cheney.

14 Again, as a general matter, without -- you know, a lot has been said about that
15 meeting in various news outlets and Attorney General Barr has spoken about it. I think I
16 already said I do not take issue, you know, without going through each and every fact or
17 what other people might say, I do not take issue with Attorney General Barr's
18 characterizations of things as a general matter. I may have my own views and additions
19 that I might add, but, no, as a general matter, I agree with Attorney General Barr.

20 Ms. Cheney. So you don't take issue with Attorney General Barr's
21 characterization of the President's response to the December 1st comments by the
22 Attorney General?

23 Mr. Cipollone. Again, when you say take issue, do I disagree with how Attorney
24 General Barr in his view described that? I don't take issue with that. Again, I may have
25 my own views, which I'm not here to express. But, no, I don't take issue with Attorney

1 General Barr.

2 Ms. Cheney. Thank you.

3

BY [REDACTED]

4

Q Yeah. And, Mr. Cipollone -- does anyone else -- this is a good place to

5

actually see if my other members have questions. No?

6

If not, Mr. Cipollone, I just wanted just to stay on this just for a minute. We have

7

had a lot of testimony about the President's temper, the President's outbursts. And I'm

8

just, without -- I'm not asking you for specific communications, I'm asking you if you

9

witnessed that, explosions of anger, of physical manifestations of anger, of extreme

10

frustration that he would express during your interaction with him?

11

A Again, I'm not going to get into those kinds of questions, because I believe

12

they might reflect my communications with the President. You know, people get angry,

13

a lot of people get angry.

14

In my case, if that ever happened in a meeting that I was in, I did not take it

15

personally. Okay. And it certainly did not dissuade me from giving my opinion. I

16

think he knew that about me and I think he respected that about me.

17

Q Yeah.

18

A So that's what I'm going to say about that. Lots of people have different

19

characterizations of how he acted, you know. I have my own. Okay. I never took

20

anything like that personally. And I believed as a general matter, while there were,

21

certainly after the election, there were times where, let's say, were a little choppy in

22

terms of the back and forth, I never took that personally.

23

Q Yeah.

24

A It didn't impact me and my ability to do my job. And that's what I'm going

25

say about that. Is that okay? I mean, I'm not quite sure, [REDACTED] and I want to

1 answer your questions, what you're trying to get with this question and why.

2 Q I'm just trying --

3 Ms. Cheney. [REDACTED] let's go ahead and move to exhibit 1, please.

4 [REDACTED] Okay. Let's move to exhibit 1.

5 Mr. Cipollone. I mean, [REDACTED] I am happy to answer your questions about that.

6 BY [REDACTED]

7 Q Yeah. Let's take a look at exhibit 1. [REDACTED] I don't know if you can pull it
8 up on the screen so everyone else can see it.

9 But exhibit 1 is a handwritten note that we received I believe from the Archives
10 that we have received information was crafted right after or on December 1st after this
11 meeting with Attorney General Barr.

12 Does it look familiar to you, Mr. Cipollone?

13 A It doesn't look -- I -- I may have -- I don't -- if you give me some more
14 information. I don't know what this -- I'm not sure I've seen this.

15 Q It looks like a draft statement that was proposed in response to Attorney
16 General Barr's statements that there was no systemic fraud in the election.

17 A Do you know who wrote this?

18 Q I'm asking if you recognize the document whose handwriting it is or if you
19 recall it at all.

20 A No. As I said here today, I do not recall this document.

21 Q Okay. Do you know whether you received this from Ms. Hutchinson or Mr.
22 Scavino or anyone handed it to you to review?

23 A I don't know. The counsel's office received all sorts of documents that
24 people would send up, and I don't know if this is one of them.

25 [REDACTED] Ms. Cheney, do you have a question about this?

1 Ms. Cheney. I do, sir.

2 I just wanted to ask, Mr. Cipollone, do you recognize Mark Meadows' handwriting.

3 Mr. Cipollone. Not really. I don't. I'm not a handwriting -- sometimes I don't
4 recognize my own handwriting to be honest with you.

5 Ms. Cheney. Thank you.

6 Mr. Cipollone. I don't think -- do you know who wrote this?

7 ██████████ Yeah. The testimony we received was from Ms. Hutchinson. She
8 said that Mr. Meadows handed her this handwritten note after the meeting in the Oval
9 Office on December 1st, after the President had learned of AG Barr's statement.

10 Mr. Cipollone. I don't think -- oh, I'm sorry. As I've told you many times, ██████████ in
11 our interaction, where I come from it's not rude to interrupt. So I apologize and I'll try
12 to stop interrupting.

13 ██████████ It's really more for the court reporter. You have to be careful of
14 that.

15 Mr. Cipollone. Then I apologize to you.

16 BY ██████████

17 Q Well, let me just finish. She indicated that at Meadows' direction she
18 brought the note to your office, handed it to you, and asked if it was okay for Dan Scavino
19 to push it out. And you responded, "God, no."

20 A Okay.

21 Q Does that prompt any recollection about whether you thought a
22 statement -- this statement or something like it would be appropriate --

23 A I don't have any reason to -- I don't have any recollection of that. So I don't
24 have as I sit here today a reason to dispute that characterization. Did something like this
25 ever go out? I don't remember anything like this going out.

1 Q No, it did not.

2 A I notice the second sentence, "Anybody that thinks there wasn't massive
3 fraud in 2020 election should be fired." Is that what it says?

4 Q That's what it says.

5 A Okay. Well, maybe that would apply to me. So I don't know.
6 But I don't have any recollection of this. And by the way, I wasn't fired.

7 Q Right.

8 A And so --

9 Q Okay. So no recollection of this or any --

10 A Regardless of -- the President obviously had the ability to fire me whenever
11 he wanted. I served at the pleasure of the President. And he never did that.

12 Q Okay. Attorney General Barr just a couple weeks later did resign,
13 December the 14th. Did you have any discussions with him about his decision ultimately
14 to resign on December the 14th?

15 A Yes. I'm sure I did.

16 Q Tell me about that. What do you recall?

17 A Well, look, what do I recall? I didn't want Bill to resign. We had had,
18 because we were -- we had worked together, we had had -- and I think he sort of -- my
19 understanding is he's talked about this. But we had had sort of an understanding that if
20 he was going to go, I was going to go with him. Not for any other reason that, you know,
21 we had worked together and there were people in my office who were quite capable of
22 doing my job.

23 And so -- and when we had talked about -- I think I don't know that I saw his
24 resignation letter, he may have talked about it. I don't remember. But I remember he
25 wrote a resignation letter that I then saw when he came to the White House. Actually, I

1 think it's one of the best and most concise recitation of the many accomplishments of
2 President Trump.

3 And, again, I didn't want Bill to go. I understood he wanted to move on.
4 Obviously Jeff Rosen was very capable and Rich Donoghue and all those people. So --

5 Q Did you have concerns, Mr. Cipollone, that Attorney General Barr's
6 resignation would make it harder for you to keep the President on track or keep him away
7 from the bad advice that he was getting from outside lawyers?

8 A I mean, I would put it this way. You know, Attorney General Barr is a force
9 of nature and he obviously was very, very helpful to me and to everybody in terms of
10 giving frank, candid advice. And so I didn't want him to leave. But I felt confident,
11 because I knew Jeff Rosen, that if Bill wanted to move on right before the holidays, that
12 Jeff would be a good acting Attorney General and that his team over there would remain
13 in place. And so I had full confidence in them as well.

14 Q Yeah. So Attorney General Barr's resignation submitted on the 14th takes
15 effect on the 23rd of December. And then Jeff Rosen, as you indicated, becomes acting
16 Attorney General.

17 On December the 29th there is -- again, we have developed evidence -- a meeting
18 at the White House with the new DOJ leadership, with Mr. Rosen and Mr. Donoghue and
19 Steve Engel. And there are, again, discussions at that meeting about election fraud.

20 Do you recall anything specific about that meeting?

21 A I assume I was in that meeting.

22 Q Uh-huh.

23 A Yeah. I don't recall anything specific about that meeting. And that's the
24 kind of meeting again with the President that I think falls outside what I'm authorized to
25 talk about.

1 Q Yeah. Let me ask you about a couple of things that we believe were
2 discussed at the meeting and ask about your view on those topics.

3 First was something called "Italygate" or the allegation that there were some
4 people in Italy that had information about satellites that may have impacted Dominion
5 voting machines. Do you remember the discussion, the issue?

6 A Do I remember the discussion about there were some people in Italy --

7 Q Yes.

8 A -- in the embassy, and there may have been somebody in a jail somewhere
9 in Italy with information?

10 Q What do you remember about that?

11 A What I do remember about that?

12 Q Yeah.

13 A I remember I thought it was ridiculous.

14 Q Did you express that view?

15 A I don't have a problem expressing my view.

16 Q Do you know whether anything was done --

17 A I was, like, Italy? Why Italy?

18 Q Do you remember whether anything was actually done to look into that
19 claim regardless of --

20 A I think -- I don't -- I don't remember specifically, but I'm sure, as with every
21 claim, if it was sent over, you know, some were more credible than others obviously.
22 And I think it was, at least as far as I know, was looked at in an appropriate way.

23 Q Okay.

24 A But I don't know the -- I don't remember details about that.

25 Q I see.

1 A I didn't -- again, I think I've clearly expressed my opinion about that.

2 Q Yes.

3 ██████████ Could I just clarify one thing, Mr. Cipollone, that may jog your
4 memory but also affect your, you know --

5 Mr. Cipollone. Sure. I would appreciate that.

6 ██████████ -- the bounds of your testimony. I believe this meeting took place
7 in Mr. Meadows' office with leadership from DOJ. I believe there was at least a portion
8 of it that occurred in Mr. Meadows' office without the President's participation.

9 Mr. Cipollone. Okay. Yeah, again, I don't quite remember that. I would
10 certainly defer to the recollections of Rich Donoghue or Jeff Rosen if he was -- they were
11 there at this meeting. Is that what you are telling me?

12 ██████████ Yes, they were.

13 ██████████ Yeah.

14 Mr. Cipollone. Look, again, there were these theories that would come up, all
15 right, on an ongoing basis. I don't know where they were coming from. Some people
16 took them seriously, okay, as far as I can tell and then would want them looked at.

17 From my view, if DOJ was looking at any claims of election fraud and was making a
18 determination -- again, it's not my determination, that was their call -- they could look at
19 it, determine from its face what investigation, if any, needed to be done with such claims.

20 But I don't know -- I can't recall much more about this. There were other things
21 like this that kept coming up, like beaming through thermostats and things like this, you
22 know.

1

2 [10:06 a.m.]

3

4 Q Do you remember any of these other specific claims that, in your view, were
5 ridiculous or meritless that came up for discussion over the course of this post-election --

6 A I don't as I sit here today. If you can remind me of some of them, I
7 think -- again, some people presented them as if they, you know, ought to be looked into
8 or were -- and you would -- it wasn't my job to sort through, you know, to actually
9 investigate these claims. My view would be, again, they're outside lawyers working for
10 the campaign, working for the President. If they had evidence, then let's have it, okay?
11 And if people thought that the claim was serious, they should refer to the Department of
12 Justice. I remember with some of this, I think Jeff's view was like bring it to the regional
13 FBI office, or bring it to the FBI, if you have something that you want to say.

14 Q Yeah. We also understand that at this meeting -- and again, [REDACTED]
15 correct, the President, I do not believe, was a participant in this meeting, it was in
16 Mr. Meadows' office -- that the subject of an original -- the Department of Justice filing a
17 lawsuit directly in the Supreme Court, an original jurisdiction case arose.

18 Do you recall discussion --

19 A In this meeting with the President?

20 Q Just generally about that setting?

21 A I remember that generally.

22 Q What do you recall?

23 A Well, I can't remember who was promoting that. You know -- and look,
24 lawyers were looking at all sorts of, kind of, options. And I mentioned some of the ones
25 that I thought -- you know, there were some legal issues that ought to be looked into, but

1 not by me, but by others representing the President. Go to court if you want to, and
2 they did.

3 You know, on this one -- I will say this, I generally support the Department of
4 Justice on these kinds of things. My sense was this is not something that they thought
5 was a thing that they could or should do. My recollection from the time or maybe things
6 like -- things I've heard since then in terms of testimony that you all have gotten, I think
7 Engel might have looked at this. I think Steve looked at this. Let me tell you, Steve is
8 gold standard, okay? Steve is an amazing lawyer. Very, very smart, but -- yeah. So I
9 would on these kind of things, if they wanted to look at it, that's their prerogative. I
10 would support their conclusions, and I would defend their conclusions.

11 Q I understand.

12 Mr. Engel provided information about this meeting to the Select Committee. He
13 said that the group -- and this is Rosen, Donoghue, you, Pat Philbin, and Mark Meadows,
14 not the President, discussed the President's wish to file an original jurisdiction lawsuit and
15 proposed that Cipollone reach out to John Eastman to help persuade the President that
16 the Department should not file such a case.

17 Do you remember the discussion, either with Engel or a subsequent call to John
18 Eastman, about the original jurisdiction case?

19 A And what time -- what time period?

20 Q This was December the 29th.

21 A I don't have a recollection of that. That Mark wanted me to call Eastman
22 and say is this is not a good idea?

23 Q Yes.

24 A Maybe that happened -- look, I didn't think it was a good idea, and primarily
25 because the Department of Justice didn't think it was a good idea. I think people were

1 looking at all sorts of creative things. This was December 29th. You know, this is the
2 end of December. So I don't think -- this obviously didn't happen.

3 Q It did not.

4 A No.

5 Q Do you remember any discussion with Professor Eastman about it?

6 A I don't really recall detailed discussions about this with Professor Eastman.

7 Q Anything else about the prospect of this original jurisdiction case that you do
8 recall?

9 A Not as I sit here. If you have specific questions -- it wasn't filed. And look,
10 you just said that the President wanted --

11 Q That was Engel's testimony.

12 A These are not ideas -- I think these are ideas that were coming from other
13 people that were raised with the President. I mean, I don't think that -- in my sense,
14 okay, from some of the people, maybe not serving him well.

15 Q Yeah.

16 A I mean, there was other original jurisdiction cases, you know? I mean, a
17 State can file an original jurisdiction case.

18 Q Right.

19 A But, look, again, I was trying to do my job as best I could. I wasn't a
20 campaign lawyer. I was defending the Department of Justice on this, you know, and on
21 everything.

22 Q Yeah. Another idea that came up is exhibit 4, if you could turn to that in
23 your binder.

24 This is a draft executive order with respect to election fraud.

25 Let me just ask you to --

1 A I haven't admitted to myself that I need bifocals.

2 Q This, for the record, is a December 16th, 2020 draft executive order that's
3 stamped President has seen, and it's titled, "Presidential findings to preserve, collect and
4 analyze national security information regarding the 2020 general election," and it would
5 authorize the seizure of voting machines.

6 Do you recall this draft executive order and any involvement in discussion of its
7 issuance?

8 A Well, I don't have a recollection right now of seeing this order at the time. I
9 may have. I mean, things like this would -- this is not -- this is something that came from
10 the outside is my understanding. This is certainly not something that my office -- I
11 mean, we drafted executive orders, you know, for the President on many, many things.
12 I don't know where this came from.

13 Do you know where -- I have a sense. I have an idea where it might come from.
14 You showed this to me at my interview. I know the idea contained in it. I mean, I can
15 read this right now if you want me to.

16 Q Well, no. Just look at the last page, the very last page. There's a -- when
17 we received this from the archives --

18 A The very last page?

19 Q Yeah. There's a -- if you turn all the way to the back, there's a note that
20 indicates "from the VP to Pat C."

21 A Okay. So then this must have come to my office at some point.

22 Q Do you recall your assessment of whether there was factual basis for the
23 issuance or legal rationale to enter this executive order?

24 A Again, without getting into my conversations with the President -- no, I think
25 this was a horrible idea. I don't think there was a legal basis for this, and without going

1 through each and every paragraph as a general matter, no.

2 Q Why was it a horrible idea?

3 A First of all, there is no legal basis, okay? Is this the one -- let me just take a
4 minute here.

5 Q Yeah.

6 A This is seizing of the voting machines?

7 Q Yeah.

8 A Yeah. No. That's not something that can be done. That's not something
9 the President ultimately did. So, no. My view of this was very clear, very strongly
10 communicated. Without getting into specific communications with the President, I
11 don't think there was any doubt what I thought of this on anybody's part. And I think
12 some of it may already be public because I think -- was this the one that was -- I think this
13 was an idea that was discussed at the December 18th meeting, the 6-hour deal?

14 Q Yes.

15 A Yeah. I remember that. And then there's also something here -- and
16 again, I'm happy to take time and go through each and every point. I'm sure I didn't
17 read this with care when I got it, and I just looked at what it was. I'm sure Philbin looked
18 at it. I'm not, you know -- and there's something in here about appointment of a special
19 counsel --

20 Q Yes.

21 A -- to investigate --

22 Q Well, there's discussion of that at the 18th meeting. It is in here, the very
23 last --

24 A Well, I just saw it at the last page.

25 Q Yeah. "The appointment of a special prosecutor to oversee this operation

1 and institute all criminal and civil proceedings as appropriate."

2 A No. I was not in favor of that. I thought that was not a good thing. In
3 particular, the person who was being suggested for that role would have been a disaster.

4 Q Tell us more about that. Who was being suggested?

5 A Well, my understanding is it was Sidney Powell, okay? So no.

6 And without getting into details about conversations with the President, you
7 know, there are regulations about who can appoint a special counsel, and then there
8 was -- I think there was some confusion even on the people who put this stuff together
9 on, was it a special counsel at the Department of Justice? There was some suggestion
10 that there would be a special counsel to investigate this in the White House. I
11 remember somebody, you know, suggesting this, or me, maybe even in my office, and
12 that was not gonna happen as far as I was concerned.

13 Q So let me just finish with the executive order. It sounds like this was not
14 something that was drafted in the White House Counsel's Office?

15 A Absolutely not.

16 Q Yeah. If you actually look at exhibit 31, all the way towards the back, this is
17 one of the new things that we sent over to you. Yeah. It's the same thing, but there's
18 some emails at page 5 of exhibit 31.

19 A Okay.

20 Q It looks like this came from General Flynn.

21 "I reviewed, fixed a spelling error in the title, ensure it gets legal review, but this is
22 ready to go from my standpoint. Thanks for getting the key points in."

23 Do you have any idea where General Flynn was involved in drafting or proposing
24 this executive order?

25 A I don't know who drafted this, or whether General Flynn drafted it. Was he

1 involved, as far as I know in promoting this idea? Yes, he was.

2 Q He was a participant in that December 18th meeting?

3 A Yes, he was.

4 Q Okay. How about Phil Waldron? Do you know whether he was --

5 A I don't -- you have to remind who is that is. Who is Phil Waldron?

6 Q He was a former military officer who was involved in working with the
7 Giuliani team on these various theories?

8 A I didn't have a lot of insight into who was working on that team. This is the
9 Kraken?

10 Q It's --

11 A Yeah.

12 Q Hard to tell what the Kraken is exactly.

13 A Okay.

14 Q If you turn the next page to page six of the exhibit, the same email chain that
15 forwards this draft order, this is sent from, we believe, Phil Waldron to Bernie Kerik.

16 Do you know whether or not Mr. Kerik or Mr. Giuliani were involved?

17 A I'm not the person to ask these questions. I don't know who was involved
18 in this. I was at the December 18th meeting. Just to be clear, the President ultimately
19 didn't do any of this.

20 Q But it sounds clear that your office had nothing to do with the crafting of and
21 didn't support the issuance of this order?

22 A No. Pat Philbin would draft executive orders. This is not something that
23 we did or supported. We opposed this vehemently.

24 Q Let's talk about the December 18th meeting.

25 There's lots of iterations of this. It starts out -- you didn't even --

1 Mr. Purpura. Hey [REDACTED] before we move there, why don't we take a break.

2 [REDACTED] Sure. No problem. We'll go off the record. We'll take 5
3 minutes.

4 [Discussion off the record.]

5

BY [REDACTED]

6 Q So Mr. Cipollone, before the break we were talking a little bit about
7 December the 18th, and there was a big series of conversations in the White House that
8 night that I'd like to ask you a little bit about.

9 First of all, did you participate in discussions with Sidney Powell, General Flynn
10 and Patrick Byrne in the White House on December the 18th?

11 A Yes.

12 Q How did you first become aware that they were even present in the White
13 House?

14 A I was actually leaving to go home to dinner -- I forget what time it was, but it
15 was later on in the evening. And then I got a call, either from Molly or from Eric
16 Herschmann that I need to get to the Oval Office. I remember I had my overcoat on,
17 and so I went to the Oval Office. I opened the door, and I walked in. I saw General
18 Flynn. I saw Sidney Powell sitting there. I saw someone I didn't know, and Eric was
19 there. Derek Lyons was also there. That was that Derek's last day in the White House,
20 so he was staying around after his last day. He had gotten a job and was moving on.
21 And I walked in. I was not happy to see the people who were in the Oval Office.

22 Q Explain why.

23 A Well, again, I don't think they were providing -- well, first of all, the
24 Overstock person, I never knew who this guy was. Actually, the first thing I did, I walked
25 in, I looked at him and I said, Who are you? And he told me. I don't think any of these

1 people were providing the President with good advice.

2 And so, I didn't understand how they had gotten in. I didn't understand why the
3 Overstock.com person -- is it Patrick Byrne? Is that his name?

4 Q Yes.

5 A Patrick Byrne, I didn't understand why he was there. I had never seen him
6 before. I saw Eric, you know, who --

7 Mr. Purpura. Herschmann.

8 Mr. Cipollone. Yeah. Eric Herschmann, I'm sorry.

9 Eric Herschmann, who was playing a very positive role generally, in my view.
10 Derek Lyons also -- you know, he was staff secretary, but he is a very talented lawyer,
11 good person, positive role in that meeting.

12 Then, I think there were other people on the phone. I think Mark Meadows was
13 on the phone at that point. And again, if you know -- I'm going by the best of my
14 recollection.

15

BY [REDACTED]

16 Q I appreciate that. Keep going.

17 A I think at some point -- I think Rudy Giuliani got on the phone at some point.
18 He later showed up for the second half of the meeting. So did Mark. I think Robert
19 O'Brien may have been on. I don't know who else was on the phone.

20 Q Yeah. Sidney Powell gave us information, testified before the Select
21 Committee, and she indicated, "Somebody had notified the world that we were there,
22 which caused massive consternation among the staff of the White House Counsel's Office,
23 and probably Mr. Meadows and Mr. Giuliani, too, to know that I had access to the
24 President without their supervision, so they all came running."

25 Is that generally accurate, that you were notified that Ms. Powell was already

1 present in a meeting with the President, and you came to sort of intervene and/or join
2 that discussion?

3 A I didn't know what was going on when they called me. They just told me
4 get to the White House. I didn't come running. But I did come -- I'm sorry, get to the
5 Oval Office. And I walked into the Oval Office, and then I saw who was in there.

6 Q All right. You testified, I believe before the break, that this executive order
7 that we had discussed previously, that that was one of the subjects discussed during the
8 meeting, the possibility --

9 A As I recall, yes. That was something that was being raised by General Flynn,
10 by, I think, Sidney. And they were just addressing the general view -- you know, they
11 were expressing the general view that there had been fraud in the election, and
12 something needed to be done. I don't think they were happy to see me, and it sounds
13 like that's what she said to somebody.

14 Q Fair to say that you pushed back strongly -- you, Mr. Herschmann, and
15 Mr. Lyons pushed back strongly against the idea of the issuance and this order and the
16 seizure of voting machines?

17 A Yes.

18 Q Okay. Do you remember any discussion about martial law or the
19 Insurrection Act?

20 A I don't remember that discussion. Was that something that could have
21 been discussed? Yes. But I don't recall whether or not that specific thing was
22 discussed. I can think about it. I mean, if you have information where someone says it
23 was, then I wouldn't contradict that. I remember that was something that I had heard
24 that General Flynn had suggested, but I did not -- I don't have a clear recollection of
25 whether that was discussed at the meeting.

1 Q Separate from the meeting, what was your view about things that General
2 Flynn had said, rerunning the election, the declaration of martial law as a possibility of
3 election-related remedy?

4 A All terrible. Shouldn't happen. Didn't happen.

5 Q Did you -- do you know whether or not at that meeting the possibility of a
6 rally or protest or march to the Capitol came up?

7 A That, I don't recall.

8 Q All right. January 6th, the joint session, do you recall any discussion of that
9 at that meeting?

10 A If people said that was discussed, I don't -- as I sit here today, I wouldn't
11 contradict that. But I don't have a clear recollection if that was a topic. The topics that
12 I have a clear recollection about -- and again, I'm not going to talk about my discussions
13 with the President --

14 Q I understand.

15 A -- or what the President said, but the topics that I recall generally are this
16 idea of this executive order, the idea of election fraud generally. I remember the three
17 of them were really sort of forcefully attacking me, verbally, Eric, Derek. And we were
18 pushing back. And we were asking one simple question as a general matter: Where is
19 the evidence?

20 Q What response did you get when you asked Ms. Powell and her colleagues
21 where's the evidence?

22 A A variety of responses based on my current recollection, including, you
23 know, I can't believe you would say something like -- you know, things like this like, what
24 do you mean where's the evidence, you know should now -- things like that, or you know,
25 a disregard I would say, a general disregard for the importance of actually backing up

1 what you say with facts.

2 Q And what was the basis of their criticism of you? You said they were
3 attacking you and Mr. Herschmann.

4 On what basis?

5 A They didn't think that we were, you know -- they didn't think we believed
6 this, you know, that there had been massive fraud in the election, and the reason they
7 didn't think we believed it is because we didn't.

8 Q And you articulated that forcefully to them during the meeting?

9 A I did, yeah. I had seen no evidence of massive fraud in the election. Did
10 other people believe there had been? Yes, okay, is my sense.

11 Q Yeah.

12 A Okay? Did they believe there had been? Seemed to be, that they really
13 believed it. And people are entitled to their opinion, but at some point, when you make
14 those kinds of claims, particularly if you're a lawyer, like Sidney Powell, you -- she
15 understands. And actually, she -- you know, early on my sense -- I didn't ever work with
16 her, but, you know, she was a skilled lawyer. At some point, you have to deliver with
17 the evidence.

18 And I -- again, I just go back to what Phil said, he had not seen and I was not aware
19 of any evidence of fraud to the extent that it would change the results of the election.
20 That was made clear to them, okay, over and over again. The meeting convened at one
21 point, or there was a -- and then it moved up to the residence, to the Yellow Oval. At
22 that point, Mr. Giuliani -- Mayor Giuliani came, Mark came.

23 Q So they had been on the phone early, and then they showed up in person?

24 A Correct.

25 Q Okay. And which side were they on?

1 A Well -- on some of this stuff?

2 Q Yeah.

3 A Yeah. Rudy didn't think this was a good idea.

4 Q This -- you're pointing --

5 A As far as I recall --

6 Q You mean the seizure of the voting machines?

7 A Yeah. He didn't this was -- no. Or that there was a legal basis for any of
8 this.

9 Q Yeah. Okay. How about Mr. Meadows?

10 A You know, my sense is that Mark also -- again, I'm going directionally, not
11 with every word that was said or who might interpret, you know -- no. I think Mark also
12 was sort of, you know, on this issue, my recollection is he was very direct, particularly
13 with -- I remember him getting up and walking towards the General. And so he was very
14 direct and animated about that.

15 Yeah. And, of course, you know, my view was clear, expressed repeatedly. Eric
16 Herschmann's view was clear and stated repeatedly. Derek's view, Derek Lyons,
17 forcefully and repeatedly. Again, he's a lawyer in addition, but he is serving as staff
18 secretary.

19 I remember at the break, because I had been there a while, when Mark came in,
20 he said, you know you can go -- you can leave if you want. I said, no, I'm not leaving.
21 So we all went up to the -- I can't remember the time of all this, but it was a long -- it was
22 a long haul at those two meetings. But again, at the end of the day, the President did
23 not do any of this.

24 Q Yeah. And it sounds like from what you're describing, everyone in the
25 room or the rooms -- there were two different conversations -- was against the idea of

1 seizing voting machines or appointing a special counsel, but for Sidney Powell, Patrick
2 Byrne, and Mr. Flynn. Is that right, General Flynn?

3 A That's my general sense. My recollection is people were more vocal about
4 the voting machines, this idea.

5 Q Yeah.

6 A With the appointment of a special counsel, I mean that came up. There
7 was some issue of -- there was an issue of, you know, do you need a security clearance in
8 order to work for the government and things like this. And there was some discussion
9 of that.

10 Q Did the President actually appoint her, or --

11 A I don't believe -- well, no. She did not become the special counsel. So the
12 President didn't actually appoint her.

13 Q Yeah.

14 Ms. Powell told us, "Well, the President asked Pat Cipollone if he had the authority
15 to name me special counsel. He said yes, then he asked him if he had the authority to
16 give me whatever security clearance I needed, and Pat Cipollone said yes. And then the
17 President said Okay, I'm naming her that. I'm giving her security clearance. Shortly
18 after that, we left, and it totally blew up. Cipollone and Herschmann or whomever the
19 other young man was said, you can name her whatever you name her, and no one's going
20 to pay attention to it."

21 A Again, without getting into -- that doesn't seem to be the whole story there.
22 I mean, in terms of the President's ability to grant a security clearance, the President has
23 that ability. Did I think that was a good idea, and did I express that very clearly, again, in
24 the room? Yeah, of course, I did. I don't think Sidney Powell would say I thought it was
25 a good idea to appoint her special counsel. I was vehemently opposed -- I didn't think

1 she should be appointed to anything.

2 Q Yeah. And she did not ultimately get appointed?

3 A She did not. And again, that was the President's decision.

4 Q A lot of people in this meeting have described discussion about sort of
5 fighting for me, fighting, strength versus quitters, weakling.

6 Was there discussion about, sort of, who's fighting and who's weak that you
7 recall?

8 A I don't know. Well, that I recall -- let me put it to you this way: Did the
9 three of those people when I first walked in kind of attack me on the point that I wasn't
10 doing enough, I wasn't the person to do this, et cetera, et cetera, I can't remember
11 exactly what they were saying? Yeah. Did it have any impact on me whatsoever?
12 No.

13 [REDACTED] Mr. Raskin, I see you've come off of -- you camera's on. Do you
14 have any questions about the December 18th meeting?

15 Mr. Raskin. Thank you very much. Yes. I just wanted to ask Mr. Cipollone
16 about some other people's characterizations of the meetings -- of that meeting.

17 It was described as unhinged by one witness, and another characterization I've
18 seen is it was the craziest White House meeting in the Trump Presidency.

19 What's your general sense of these characterizations of this 6-hour meeting?

20 Mr. Cipollone. Well, Representative Raskin, again, I'm not gonna -- as a general
21 matter, people have their own views and will characterize things the way they want.

22 If you want my view of the meeting is, the people that were in that meeting, the
23 three people who I discussed -- no. I mean, they weren't behaving in an inappropriate
24 manner in my view. I think they later went up -- you know, I tend to keep meetings with
25 the President that I'm involved in -- I keep my confidences, okay?

1 And that one, I think they all went out and started talking about it. They started
2 talking about me. They started, you know, saying that I was disrespectful because I was
3 speaking a lot. I don't know. Everybody has their own characterizations. It was not a
4 normal meeting --

5 Mr. Raskin. Okay.

6 Mr. Cipollone. In the sense of my, you know -- my time in the Trump
7 administration, and I don't know how they got into the White House even.

8 Mr. Raskin. If I could just follow up --

9 Mr. Cipollone. Sorry. If I could just say one more thing. I did not think that
10 they were serving the President well.

11 Mr. Raskin. Good. And when you were offered the opportunity to go, but you
12 said no, you would continue to stay -- although, I think you had probably determined to
13 go home maybe a couple hours before that, why did you decide to stay?

14 Mr. Cipollone. Well, because I wanted to do my job, and I didn't want to leave.
15 And I wanted to be there to support. I don't leave, okay, in a situation like that. Yeah.
16 I was determined to go home. I was going home. Not that it's relevant here, my
17 daughter was having my family over, my parents. I was trying -- it was the holidays. I
18 was leaving for that. And then I was like, Okay, I got called to the Oval Office. I'm not
19 going anywhere until it's done because I wanted to be supportive of my other colleagues.
20 And frankly, I wanted to be supportive of the President in giving him the best advice I
21 could.

22 Mr. Raskin. Okay. Thank you much. I'll yield back.

23 [REDACTED] Ms. Cheney, did you have something? I saw you also. Your
24 camera's on.

25 Ms. Cheney. I did. Thank you very much, [REDACTED] Thank you, Pat.

1 Pat, I just wanted to ask, you mentioned a few minutes ago -- Sidney Powell told
2 us that it was her view that she had, in fact, been appointed as special counsel, and I think
3 you said, Well, that's not the whole story.

4 I wonder if you could tell us what the rest of that story is?

5 Mr. Cipollone. Well, I just meant that she answered -- I was speaking,
6 Representative Cheney, of the questions that ██████████ was asking. She said did I say
7 that the President had authority to grant a security clearance. Well, the obvious answer
8 to that is yes. Did I think it was a good idea? No. And so, that's what I was talking
9 about in terms of her story that she's telling about that meeting.

10 I don't know what her understanding of whether she had been appointed, what
11 she had been appointed to, okay? In my view, she hadn't been appointed to anything.
12 And ultimately wasn't appointed to anything, because there had to be other steps taken.

13 So that was my view when I left the meeting. But she may have a different view
14 and others may have a different view and the President may have a different view. But
15 that was my -- when I left, I left with Eric Herschmann at the end of the meeting. And
16 when I left there, I left with the impression that certainly she hadn't been appointed at
17 that point. Did she want to be appointed? Yes. Were others thinking that she might
18 be appointed? I don't know. And that's -- was she ultimately appointed? No.
19 That's it.

20 Ms. Cheney. You mentioned that there were additional steps that would have
21 had to be taken.

22 So was there an initial step or a series of initial steps taken to appoint her?

23 Mr. Cipollone. After that meeting? No. I remember afterwards Mark-- I don't
24 think this was something Mark wanted to do either. And so, I think it was
25 something -- I'm sorry?

1 Ms. Cheney. Sorry, Pat. I didn't mean to interrupt you. It's okay in Wyoming.
2 I meant during the meeting. You know, she clearly had the impression she had
3 been appointed.

4 Were any steps taken, including the President himself telling her she'd been
5 appointed?

6 Mr. Cipollone. Again, I'm not going to get into the what the President said in the
7 meeting, you know? My recollection is you're not appointed -- you're not appointed
8 until steps are taken to, you know, get the paperwork done, get -- and when I left the
9 meeting, okay, did -- I guess what I'm trying to say is, I'm not going to get into what the
10 President said or said he wanted, okay? Was it my impression that that had been done
11 when I left the meeting? No. I didn't think it would get done. I didn't think it
12 was -- you know, it was like 2:30 -- I don't know, what time was that? Might have been
13 2, 3 o'clock.

14 ██████████ After midnight.

15 Mr. Cipollone. It was late at night. And you know, I was, like, okay, we're done.
16 Eric and I left. And I didn't leave thinking that, you know, Sidney Powell was the special
17 counsel, let's put it that way, or ever would be. I didn't think that was going to happen.

18 What was said in the meeting by people, you have to ask them. Did people say
19 things along those lines? They may have, but I didn't think it was a real thing that had
20 happened, or, you know, no. Did she want to be that? Yeah. Did other people want
21 her to be a special counsel? Yes, but it didn't happen. I didn't think it was a good idea.
22 I thought it was a terrible idea.

23 Ms. Cheney. And who were some of the other people who contemplated that
24 she would be special counsel?

25 Mr. Cipollone. I mean, I think General Flynn did. I think Patrick Byrne did. I

1 don't know who else may have.

2 Ms. Cheney. Did the President?

3 Mr. Cipollone. I'm not gonna get -- again, I understand the question, but that's
4 an area that I think I have to honor the privilege as I've been directed.

5 Ms. Cheney. Do you know, Pat, did this group meet with the President before
6 any attorneys from the White House showed up?

7 Mr. Cipollone. I don't know the answer to that question because when I got
8 there, they were already in there. Could be. I don't know. People were on the
9 phone. And look, you know, in terms of was it something -- people -- things get said
10 sometimes and then they're not really done. And things get said, you know, for reasons
11 that, you know, are unrelated to whether or not it was actually sort of going to get done.
12 So when I left -- it was a 6-hour meeting, something along those lines. It was late in the
13 morning. I didn't have the view that we had -- Sidney Powell had been appointed
14 special counsel, and she ultimately wasn't, obviously.

15 Ms. Cheney. Okay. Thank you.

16 [REDACTED] Thanks, Ms. Cheney.

17 [REDACTED] did you have something to follow up on on December 18th?

18 [REDACTED] Yeah.

19 BY [REDACTED]

20 Q Just a couple of follow-up clarifications.

21 Mr. Cipollone, did Sidney Powell make assertions in this meeting about foreign
22 actors interfering with the election, including manipulation of voting machines?

23 A Probably. Yeah. I don't have a specific -- I'm sure. I mean, there were a
24 lot of -- all of those kind of things were raised by the three of the people who were at the
25 meeting.

1 Q Okay. And you mentioned earlier some of Mr. Lyons' efforts to push back
2 during this meeting.

3 Do you recall whether he raised to Ms. Powell the fact that she and the campaign
4 had lost all of the 60 cases that they had brought in litigation?

5 A Yes, he raised that.

6 Q And what was the response?

7 A I don't remember what she said. I don't think it was a good response.

8 Q Generally, was the topic of the --

9 A If you can tell me what others have said about that response, I can tell you if
10 that's my recollection, but -- yeah. I mean, people were saying -- the point was you had
11 your chance, okay, and in terms of, you know, losing or whatever -- some of that was
12 procedural, some -- you know, but at the end of the day -- and again, it's fully within the
13 right of candidates to challenge things in court in appropriate ways. But I think what
14 Derek was thinking and certainly I was thinking and certainly Eric was thinking, was like,
15 Hey, you were the lawyers doing this on the outside, you did it, and here we are. So I
16 think Derek did say that, and I thought it was a good point.

17 Q We showed you a couple of versions of the proposed executive orders
18 earlier. One of the distinctions in the versions that we've seen is a change in the
19 relevant Federal agencies that they purport to direct to take some actions. Some
20 versions we've seen involve the Department of Homeland Security, and others involve the
21 Department of Defense.

22 Do you remember discussion in this lengthy meeting at any point about a role for
23 the Department of Defense in seizing voting machines?

24 A I'm sure there was such a discussion in terms of -- I think the general topic of
25 seizing voting machines was discussed in terms of the agency that actually did that. I

1 think there was some discussion of Homeland Security. I think there was some
2 discussion of Department of Defense. And again, there's no authority to do that, and
3 that's not a good thing to do, obviously. And it was a terrible idea. So did General
4 Flynn talk about that? Probably. But I don't have a specific recollection of that.

5 Q And I think you mentioned at the outset that you recalled that Robert
6 O'Brien may have participated in some portion of this meeting.

7 Do you remember when he -- what portion of the meeting, when he was added,
8 and if he left, when he did so?

9 A He was on the phone, I believe, during the early portion of the meeting in
10 the Oval Office because people were being patched into the phone. I don't know how
11 long he was on the call for.

12 Ms. Cheney. One other question on the executive orders; are you aware if the
13 President signed either of those documents?

14 Mr. Cipollone. I'm not aware of that. I don't believe that's the case, at least as
15 far as I know or can recall on that.

16 Ms. Cheney. But you're not aware either way?

17 Mr. Cipollone. No. If you have some information that could refresh my
18 recollection, let me know what it is. But, no, this didn't get done. I also remember -- I
19 can't remember where in time, but there was another conversation where Ken Cuccinelli
20 was brought in, and he also said, you know, there's no authority for this.

21 [REDACTED] To seize voting machines?

22 Mr. Cipollone. Yeah, I think so. Yeah. And no. I mean, this was not -- no
23 one that I'm aware of, in terms of government lawyers who were asked about this,
24 thought that this was a legal sort of option that had any legal authority or that it was a
25 good idea. It was a bad idea. It was being brought to the President by people who I

1 don't believe had his best interest in mind. And part of the reason I was angry at these
2 meetings, and I tried to, you know, be respectful as best I could was because I thought
3 they were doing the country and the President, both in his capacity as President and his
4 personal capacity, a disservice. And they were giving him very bad advice. He
5 ultimately did not take that advice, but they were giving him very bad advice.

6 Ms. Cheney. Pat, did the President have the authority to appoint Sidney Powell
7 as special counsel?

8 Mr. Cipollone. Again, we've -- I don't know that we ever really carefully
9 considered that. I mean, in terms of the Justice Department, I think the Attorney
10 General has an authority to appoint special counsel. I think this idea that you would put
11 investigative special counsel in the White House, that was not something that, you know,
12 I thought was either a good idea, or, you know, the best approach to a special counsel.
13 Look, the President is the President, and ultimately, there's executive authority, but I
14 think under the regulations at the Department of Justice, I would think that, you know, a
15 direct appointment of a special counsel I think normally would go through the Attorney
16 General in making a determination of appointment of a special counsel.

17 Ms. Cheney. But would the President have authority to appoint counsel at the
18 White House to undertake the activities that she had described?

19 Mr. Cipollone. Well, does the President have authority to appoint counsel at the
20 White House? Yes. A counsel at the White House that would, you know -- with
21 subpoena power or ability to do this kind of investigation? I don't believe so. I think it
22 would have to be done by the Department of Justice.

23 Ms. Cheney. But the question of the President's authority to make the
24 appointment in the same way that I think you told -- the President had the authority to
25 grant her security clearance, there doesn't seem to be a question about that?

1 Mr. Cipollone. I think it's a more complicated question. The security clearance
2 is very clear.

3 Ms. Cheney. And did he grant Sidney Powell security clearance?

4 Mr. Cipollone. I'm not going to talk about people may have said in the meeting.

5 Did Sidney Powell ultimately have a security clearance or work in any capacity for
6 the government? No, as far as I understand. Whether she has a security clearance,
7 you know, as an individual on the outside, I don't know. But I don't think so.

8 Ms. Cheney. And Pat, just one last question on this. Are you aware whether
9 the President signed this document during the period of time he was meeting with these
10 individuals without any government lawyers present?

11 Mr. Cipollone. I have no awareness of that as I sit here today, no. I mean,
12 based on my recollection.

13 Did he sign this document? I don't -- this document never was enacted by the
14 President as I understand it. So I don't know.

15 Ms. Cheney. Thank you.

16 Mr. Cipollone. If you have information that you'd like to give me, let me know
17 what it is, but based on my recollection, Representative Cheney, of that meeting, no. I
18 don't think this was something signed. But if you have one that's signed, let me know
19 what it is. I don't remember that.

20 Ms. Cheney. Thank you.

21 ██████████ Okay. Mr. Raskin, anything else?

22 Mr. Raskin. Yes. Just to follow up on Ms. Cheney's question. Did the
23 proponents of this idea of appointing Sidney Powell as special counsel offer any clarity
24 about whether they were talking about making her special counsel in the Department of
25 Justice or in the White House?

1 Mr. Cipollone. I think they were unclear about that. I think they wanted her to
2 be special counsel. But part of my understanding of what they were proposing is that
3 she be a special counsel or be a counsel in the White House to look at this, at least that's
4 my recollection. I don't think they were thinking through the procedure in any real way
5 of how this would get done if you were doing it in a normal way.

6 Mr. Raskin. I see. I don't know exactly where you are on the question of the
7 unitary executive, but did you feel the need in any way to countermand the assumption
8 after the meeting that she had been appointed special counsel?

9 Mr. Cipollone. To countermand -- I don't understand the use of that word. I'm
10 the White House counsel. The President is in charge of -- you know, obviously so I give
11 advice.

12 Mr. Raskin. Well, I guess --

13 Mr. Cipollone. Was there -- do I recall, sort of, an ongoing effort or question by
14 her to get herself appointed or get this thing done? Yeah. Did I work on that with
15 Mark Meadows and others? Yes. Was she appointed --

16 Mr. Raskin. How long?

17 Mr. Cipollone. How long?

18 Mr. Raskin. Forgive me. I think there's a delay in audio. That's why we keep
19 interrupting by accident.

20 Mr. Cipollone. I'll try to be -- that's my fault. I'll try to be better about that.

21 Mr. Raskin. How long you needed to pursue the question, how long did that go
22 on for?

23 Mr. Cipollone. Well, I don't have a specific recollection, Representative Raskin,
24 about the length of time. Like anything else in those days, these are things that you
25 thought were done, and then would come back around. And so, I don't remember on

1 this one in particular, but I do know it never happened.

2 Mr. Raskin. But in other words, it was something that you had to contend with
3 or push back on for several days, even after the meeting on the 18th?

4 Mr. Cipollone. I think that's correct, yeah. I think that's correct. I'm -- I
5 believe it kept coming back. I think Mark, you know, was dealing with it as well, Mark
6 Meadows. And so, based on what he was saying to me, it didn't seem like something he
7 was in favor of either. But that's what he was saying to me, and I had no reason to
8 doubt that. But then it -- at some point, it went away, you know.

9 Mr. Raskin. And did she -- did you ever see her again in that period? Did she
10 ever show up again at the White House?

11 Mr. Cipollone. I don't know if she showed up again at the White House. I don't
12 have any recollection of seeing her again. It's possible, but I don't have a recollection of
13 seeing her again at the White House.

14 Mr. Raskin. Okay. Thank you. I yield back.

15 [REDACTED] Thanks, Mr. Raskin.

16 BY [REDACTED]

17 Q Let me zoom out quickly?

18 Ms. Cheney. [REDACTED]

19 [REDACTED] Oh, yes. Sorry. Yeah. Ms. Cheney. Go ahead.

20 Ms. Cheney. First of all to say to Pat, we appreciate very much your role in this.

21 And when you talk about -- first of all, this issue that it kept coming back up again,
22 do you recall who kept bringing it back up again?

23 Mr. Cipollone. Well, Sidney Powell kept bringing it back up again. That would
24 be one person I recall. Mark was, you know, dealing with it. I can't remember whether
25 she tried to contact me or my office at some point. I don't know. But

1 primarily -- again, with the caveat that I'm not talking about conversations with the
2 President, I think the key proponent, as I remember it, the chief vocal proponent of -- one
3 of them of Sidney Powell becoming special counsel was Sidney Powell.

4 Ms. Cheney. Was she speaking to Peter Navarro?

5 Mr. Cipollone. I don't know. I don't know.

6 Ms. Cheney. So when you would hear that it kept coming back up again, how
7 were you getting that information?

8 Mr. Cipollone. Primarily through Mark Meadows.

9 Ms. Cheney. And then, just back on the meeting itself for just a minute, can you
10 tell us how the meeting finally ended?

11 Mr. Cipollone. Well, I think Eric Herschmann and I had expressed our opinion
12 over and over again, and I think at some point in the meeting, towards the end of it, we
13 left. I don't remember -- I think the meeting was essentially over. It was breaking up,
14 is my recollection. But Eric and I left, we left the residence is my recollection of things.
15 I think Derek stayed a little bit later, but I think that's what happened. And my sense is
16 the meeting broke up very shortly thereafter.

17 Ms. Cheney. Did you stay -- did you see the other people leave?

18 Mr. Cipollone. I don't remember if I saw the other people leave. I don't -- we
19 left -- my recollection, Representative Cheney, is that Eric and I left, okay, but I didn't -- I
20 think we might have been -- I think there were other people there still when we left.

21 Ms. Cheney. Thank you.

22 Mr. Raskin. [REDACTED] could I have one final follow-up?

23 [REDACTED] Sure. Yes.

24 Mr. Raskin. Mr. Cipollone, when the matter continued to flare up over the next
25 several days, was it your understanding that Sidney Powell was still seeking an

1 appointment, or that she was asserting that she had been appointed by the President at
2 the December 18th meeting?

3 Mr. Cipollone. You know, now that you mention it, probably both. You know,
4 in terms of like -- I think she was -- I think she may have been of the view that she had
5 been appointed and was seeking to, you know, get that done, and that she should be
6 appointed. In other words, she was taking the view, Hey, I have been, this is what I've
7 been told, and we need to get this done, because there's a formal process obviously of
8 getting on-boarded into the government.

9 Mr. Raskin. Is there anyone in the White House who has that title of special
10 counsel?

11 Mr. Cipollone. Well, I mean, there may be -- not in the sense of what she was
12 talking about. But yeah, Emmet Flood who -- when I joined, who's an excellent lawyer
13 and a good friend of mine, he was special counsel in the White House dealing with the
14 Mueller investigation on the part of the President. I believe President Biden has
15 appointed -- that's a title within the White House. You can be special counsel for an
16 activity. I believe President Biden has appointed special counsel to deal with
17 congressional oversight I read recently. But the idea that you appoint a special counsel
18 in the same way that the Justice Department, the Attorney General can appoint special
19 counsel to do an investigation, that's not something that I'm familiar with happening at
20 the White House. That's not what I think about when I think of a special counsel in the
21 White House.

22 Mr. Raskin. And they were contemplating she would be special counsel to
23 investigate the Presidential election of 2020?

24 Mr. Cipollone. That's my understanding, but you'll have to ask her what she was
25 contemplating.

1 Mr. Raskin. Gotcha. Thank you much, and I yield back.

2 [REDACTED] All right. Thanks, Mr. Raskin.

3 BY [REDACTED]

4 Q Last thing on this, I just want to go back to something you said a couple
5 minutes ago, Mr. Cipollone, that this is not only a bad idea on the merits, on the facts in
6 the law, but would be bad for the country and be bad for the President personally.

7 Talk more about that. Why was this on a broader scale a bad idea for the
8 country?

9 A To have the Federal Government seize voting machines, that's a terrible idea
10 for the country, you know? That's not how we do things in the United States. There's
11 no legal authority to do that. And there is a way to contest elections. You know, that
12 happens all the time. But the idea that the Federal Government could come in and seize
13 election machines, no. That's -- I don't understand why I would even have to tell you
14 why that's a bad idea for the country. That's a terrible idea.

15 Q Yeah. I understand. I want to move on to another idea that was
16 proposed, and that is fake electors.

17 Did you have some involvement in plans to convene slates of Trump/Pence
18 electors in States that Trump had lost in the popular vote?

19 A I don't recall having a lot of involvement in that. I think that was being
20 done -- obviously, again, that's something that would be done by outside campaign
21 lawyers. You know, that's something that -- I think there's a precertification, you know,
22 and post-certification and analysis that would need to be done there. But no, I don't
23 recall having a lot of involvement in that.

24 Q Let me point you to exhibit 24 in your binder. This is an email that was
25 sent, I believe --

1 Ms. Cheney. Hey, [REDACTED]

2 [REDACTED] Yes.

3 Ms. Cheney. Sorry about that. Just before we go to fake electors, if we're
4 completely leaving the 18th, I just wanted to ask: Pat, was there any discussion before
5 you and Eric left of the tweet that went out at 1 a.m. that morning of the 19th?

6 Mr. Cipollone. Can you remind me what that tweet was?

7 Ms. Cheney. Yeah. This was the tweet the President ended with, you know,
8 "be there, be wild," referencing January 6th.

9 Mr. Cipollone. I don't remember having a discussion about that tweet.

10 Ms. Cheney. So did you become aware of the tweet that evening, or, I guess, it
11 would be now the next morning?

12 Mr. Cipollone. I don't know when I became aware of that tweet. I don't have
13 Twitter. I don't have social media. So if it was discussed in that meeting, I'm not
14 having a recollection of that.

15 Ms. Cheney. Okay. Thank you.

16 Mr. Cipollone. If other people say it was -- I don't have a reason -- that's one
17 point I've made before, is I'm giving you the best recollection that I have of events that
18 took place a year and a half ago. Other people have their own recollections. I'm not
19 here to, you know, question anybody else's recollection. I'm just giving you the best.
20 And if you can give me something that refreshes, I'll talk more about it.

21 Ms. Cheney. Thank you.

22 [REDACTED] Okay. Thanks, Ms. Cheney.

23 BY [REDACTED]

24 Q Let me just point you again, Mr. Cipollone, to exhibit 24, this is an email that
25 came from Speaker Gingrich very early, November the 12th, to Meadows and to you,

1 about alternate slates of electors, indicates "Is someone in charge of coordinating all the
2 electors? Evans makes the point that all the contested electors have to meet on
3 December 14th, send in ballots to force contests, which the house would then have to
4 settle. Newt?"

5 First of all, do you recall receiving this message from Newt Gingrich back as early
6 as just a week or so after the election?

7 A I don't remember receiving this message, but obviously I received it so.

8 Q Yeah. What do you recall about the prospect of the needing these slates of
9 electors in States -- battleground States that the President had lost?

10 A Do you know who Evans is?

11 Q It's Ambassador Evans.

12 A Okay. That's what I thought. Speaker Gingrich had a friend who he
13 thought was a good lawyer who could help -- and by the way, early on, you know, there
14 was kind of a notion, let's get some, you know, good lawyers who can actually think about
15 these things and effectively go about them to represent the President on the outside and
16 by people in the White House, people in the campaign. He had Justin Clark and Matt
17 Morgan. And so, I think Mr. Evans was somebody who Mr. Gingrich, Speaker Gingrich
18 thought was a very effective lawyer. I don't recall this, but if I had to -- I mean, I guess
19 there was -- there was some suggestion -- I take it from this, that, you know, alternate
20 slates of electors for consideration by State houses that were considering this, and maybe
21 this is what that means. But I don't have any recollection.

22 Q Yeah. I guess, my question is exactly that, whether you and your office, the
23 White House Counsel, got involved in any way in assessing whether or not these alternate
24 slates were lawful, had a basis in fact or law, or if this was something being done by folks
25 on the outside?

1 A I think this was done primarily by people on the outside that we have
2 any -- like, there was a lot going on during that time period.

3 Q Yeah.

4 A People were, you know, coming in from the outside. There were lots of
5 meetings. Whether we were involved in meetings or had discussions, you know,
6 probably. But no. In terms of the principal people who were looking at this, this was
7 people on the outside.

8 Q Okay. Do you remember any discussions about alternate electors, fake
9 electors, with John Eastman?

10 A I don't. I don't. As I sit here, I don't have any recollection. Could that
11 have been a discussion? It might have been.

12 Q How about Rudy Giuliani or any other lawyers representing the campaign?

13 A I don't have a specific recollection. But did I have discussions with people,
14 you know, with lawyers at the campaign? Yeah, I did on occasion, or when they were in
15 the White House or they were meeting.

16 Q About this subject, or just --

17 A I don't remember about this subject. I'm not saying I didn't, but I just don't
18 have a specific recollection of a discussion about this.

19 Q This email from Newt Gingrich went to both Meadows and you.

20 Do you member talking to Mr. Meadows about alternate electors?

21 A No. I mean, I don't -- I might have, but I don't remember it.

22 Q Okay. We have received --

23 A Again, all of these things -- I viewed my role to be, I'm the counsel to the
24 President at the White House. I was a government lawyer. Obviously, you know,
25 senior government officials are allowed to interact with the campaign.

1 Q Sure.

2 A There's whole protocol for that, and there's a whole -- actually, the ethics
3 lawyers in my office, Scott Gast and his team had put out many, many emails how that
4 was supposed to work and all that. So, yeah, I mean -- but things like this, you know,
5 pursuing litigation and all that stuff, that was run by people on the outside.

6 Q I understand. Do you know whether or not, Mr. Cipollone, whether the
7 White House Counsel's Office provided a legal opinion on or other assessment of the
8 legality of convening these alternate or contingent electors?

9 A I don't. I don't recall. If we provide legal opinions, Pat Philbin would be
10 involved in that.

11 Q Okay. We have received testimony, White House Counsel's Office provided
12 a legal opinion about the legality of the slates.

13 A Okay. A written legal opinion?

14 Q Unclear if it's written or if it was conveyed orally to the President.

15 A Okay. I'm not going to discuss anything that may have -- particularly legal
16 advice.

17 Q I understand.

18 A But to the extent that I would be looking at anything like this, this is
19 something that Pat Philbin would look at, you know, so obviously you had a discussion
20 with him.

21 [REDACTED] Go ahead, Ms. Cheney.

22 Ms. Cheney. I want to just clarify, legal opinion has a particular meaning, and we
23 need to be careful about how we're asking the question. I'm not sure that we're asking
24 specifically about a legal opinion.

25 Mr. Cipollone. Okay. And you're right, Representative Cheney. If I'm asked

1 for a written legal opinion, what the normal process that would be done normally, we'd
2 go to OLC, we'd talk to Steve Engel, we'd get his advice. I'd talk to Pat Philbin. If there
3 was an agency involved, then we would talk to the agency's general counsel, and we
4 would render an opinion.

5 If President wanted to issue an executive order, for example, that was a very
6 detailed process. It went through all sorts of clearance at an agency, in my office, and at
7 OLC before it was issued. So we rendered legal clearance and legal opinions in that way.

8

BY [REDACTED]

9 Q That's a good point. I'm not talking about a formal opinion that was vetted
10 through OLC, but rather an assessment about the legality.

11 Let me just read you the testimony that we got. This is from Cassidy Hutchinson:
12 "To be clear, did you hear the White House Counsel's Office say that this plan to have
13 alternate electors meet and cast votes for Donald Trump in states that he had lost was
14 not legally sound?"

15 Answer, "Yes, sir.

16 "Do you remember approximately when that was?"

17 Answer, "Not sure. Not trying to be overly broad right now. I can recall at the
18 time, perhaps early to mid-December, could have been the end of November."

19 But the general testimony was that there -- the view of the White House Counsel's
20 Office, that it was not legally sound. Is that consistent with your recollection?

21 A Again, I'm not going to get into either my legal advice on matters, and the
22 other thing I don't want to do is, again, other witnesses have their own recollections of
23 things. So, you know, I may have a different recollection of things.

24 And in this case, do I recall rendering a formal legal opinion? I don't. I don't.
25 Did I often make -- I don't know about the Cassidy Hutchinson, but did I often say things

1 like, you know, this is not a good idea, and because I'm a lawyer, people took things
2 that -- well, the lawyers are saying nothing -- they might have. But as I sit here today, I
3 don't remember focusing on this issue that much. Maybe Pat Philbin focused on it a lot.
4 And as I sit here today, I'm not going to render a legal opinion now.

1

2 [11:12 a.m.]

3

BY [REDACTED]

4

Q Yeah.

5

Ms. Cheney, go ahead.

6

Ms. Cheney. Thanks.

7

Maybe we could ask it this way, Pat. Did you think it was a good idea to send

8

fake electors to Congress?

9

Mr. Cipollone. Well, again, without getting into the terminology, I thought it was

10

a good idea to, once things were certified and once the process was done, was to follow

11

that. That's what I thought.

12

Ms. Cheney. Thank you.

13

Mr. Cipollone. I believe Leader McConnell went onto the floor of the Senate, I

14

believe in mid-December, and basically said, you know, the process is done. You know,

15

that would be in line with my thinking on these things.

16

Ms. Cheney. Thank you.

17

[REDACTED] Yeah.

18

Mrs. Luria, I see you've turned your camera on. Go ahead.

19

Mrs. Luria. Yes. Well, thank you.

20

I would like to go back to a comment that Mr. Cipollone said a couple minutes ago

21

about the process for issuing an executive order.

22

Mr. Cipollone, is it your impression that the President understood there was a

23

lengthy process that required all of this review in order to issue an executive order,

24

irregardless of the topic, and just if that process was necessary [inaudible]?

25

Mr. Cipollone. I believe the President understood, you know, the general

1 process. And, you know, it can be done quickly, and was, on certain occasions, but I
2 think he understood that there was a process and then the executive order would be
3 brought to him. We would come sometimes, but a lot of the times this was done when
4 the final product was completed through Derek Lyons, the staff secretary, and he would
5 sign it.

6 Mrs. Luria. So he would expect that to come from certain people within his own
7 staff, if something was brought from the outside? Or --

8 Mr. Cipollone. Oh, no, if something -- well, I'm just talking about the normal
9 process for a government executive order for the President.

10 Often it started with, you know, the policy shop or with the President himself or
11 with others who wanted to do something by executive order. Counsel's Office would be
12 involved in that. If it impacted a particular agency, the agency policy people, the
13 Cabinet Secretary sometimes, and certainly their lawyers, the general counsel, would be
14 involved in that.

15 It would be sent through a process where everyone could chime in and give
16 comments, and it would get cleared through OLC, and then the President would sign that.

17 How much, you know, sort of -- I mean, the President understood that there was a
18 lot of work being done on these things. Whether he knew exactly who was doing it
19 or -- he knew the Counsel's Office was involved, he knew Steve Engel was involved. So I
20 think he had a good understanding of this.

21 Mrs. Luria. So, in the case of this executive order that we've been discussing at
22 length in this meeting, is it your impression that he would've viewed this as something
23 that had gone through that extensive process, in the way it was presented to him?

24 Mr. Cipollone. I don't know how he viewed this. And I don't want to speculate
25 about how he viewed it.

1 Mrs. Luria. Thank you.

2

BY [REDACTED]

3

Q All right, Mr. Cipollone, let me go back. You mentioned Mr. Philbin would've been asked to look at this. We interviewed Mr. Philbin. He described the effort to convene Trump electors in States that he lost as one of the bad theories that were like, he'd used the term "whack-a-mole," in the White House during this period.

7

Is that consistent with --

8

A That's consistent with -- yeah.

9

And, again, Pat and I were, you know, very closely aligned on these issues. I relied on Pat, to the extent we had to look at something, you know, to look at it in more detail.

12

I would come at things, you know -- and I had a lot of things going on, but, you know, if something needed a deep dive, sometimes I would get involved, but Philbin would look at it and other people would look at it. Then we'd have a meeting, and I'd, you know, ask a lot of questions --

16

Q Yeah.

17

A -- and get up to speed. But, yeah, no, Philbin --

18

Q Yeah.

19

A -- Philbin is somebody I would rely on.

20

Q It's my [REDACTED] Exactly. Right? Pat Philbin to Cipollone.

21

[REDACTED] I'll take that opportunity. Can I just ask one point of clarification?

22

BY [REDACTED]

23

Q Mr. Cipollone, earlier you said, when we first introduced this topic of fake electors or electors being sent from States that Trump lost, as a distinction between conversations that may have happened pre-certification versus post-certification.

25

1 Can you explain to us more what you meant by "certification" and what the
2 relevance is in the process?

3 A Well, for example, when a State meets and certifies the election results, I
4 think there was a thinking before that happened by some people that, you know, if there
5 was going to be proof of fraud and if there was going to be evidence of fraud -- and,
6 again, this is in part speculation, because I did not do a deep analysis of any of this. And
7 maybe I shouldn't even speculate about this. But I think there was an idea that, if that
8 happened and if they did find fraud, there had to be, you know, an alternate slate. But I
9 don't know.

10 But then once certification -- so you're using terms like "fake electors." I don't
11 know what you mean when you're saying that. Are you saying early in the process?
12 Are you saying after certification? Those kind of things.

13 Q Well, is it fair to say that, after the States had certified the election results,
14 you felt or it was your opinion that it was not appropriate for anyone to convene and
15 send slates of Trump electors from States in which Trump had lost?

16 A I don't know that I looked at that question in any detail specifically. Again, I
17 would rely on Mr. Philbin's testimony on that, to the extent he would certainly represent
18 the views of our office. And Pat Philbin and I were in agreement, you know, on these
19 kind of things 100 percent 99 percent of the time, I would say.

20 We would have discussions about -- but, again, this was not something that I have
21 a recollection of our office looking at in any detail. I was more looking at the general
22 issue from a positive view. I was like, okay, there's a process; the process -- there are
23 certain deadlines, and at some point that process is completed, as it normally is, litigation
24 is completed, and, you know, the election is certified.

25

BY [REDACTED]

1 Q Do you remember this topic coming up, the alternate electors, in
2 conversations --

3 Ms. Cheney. [REDACTED] could we --

4 [REDACTED] Yep. Sorry --

5 Ms. Cheney. -- just take a 5-minute break, please?

6 Mr. Cipollone. That would be great.

7 [REDACTED] Sure.

8 Ms. Cheney. Thanks.

9 [Recess.]

10 [REDACTED] All right. Going back on the record.

11 BY [REDACTED]

12 Q I want to move now, if I can, Mr. Cipollone, to the issue of the Vice
13 President's authority at the joint session and, first, just ask sort of generally if you recall
14 this being an issue that you and your team at the White House Counsel's Office looked
15 into, the authority of the Vice President with respect to the counting of the electoral
16 votes at the joint session.

17 A We looked into it. Pat Philbin looked at it. But primarily I think Greg
18 Jacob in the Vice President's office was looking, doing a detailed analysis of this for the
19 Vice President.

20 Q Uh-huh.

21 A I think also there was an issue of this would be in his capacity as president of
22 the Senate and all that. And so --

23 Q Right.

24 A -- he -- Greg is a very, very talented and skilled lawyer. I worked with him
25 closely when he became the Vice President's counsel.

1 So he was looking at it closely. Pat was also looking at it. And I was looking at
2 it, to some extent, but also working with those two.

3 Q Around when did that assessment begin?

4 A I don't know when it began. I remember when it sort of got, you know,
5 fully on my radar screen. And, as I recall it -- and I'm sure people were looking at it
6 before this time. But, as I recall it, it kind of came up to me, I think it was, right after
7 that Jeff Clark meeting --

8 Q Uh-huh.

9 A -- which I believe was the 3rd of January.

10 Q It was.

11 A And so I'm sure I was aware of it before that, I'm sure people were looking at
12 it before that, but when it became really sort of a pronounced issue in my mind, in terms
13 of -- would be after that time.

14 I mean, we were dealing with the whole Jeff Clark situation, you know, through
15 the new year, you know, into the first couple days of January, and I was primarily focused
16 on that.

17 Q Right. Right. It was exactly around that time -- I won't show you these,
18 but I think we sent you in advance a series of exhibits -- 8, 9, 10, and 11. These were
19 emails that Greg Jacob sent to you that had some Law Review articles and some
20 scholarship about this topic of --

21 A Right.

22 Q Do you recall receiving those and passing them along to Mr. Philbin?

23 A I'm sure I received them. I'm sure that if anybody read the Law Review
24 articles, that would've been Pat Philbin. I may have skimmed them, but I don't have a
25 recollection of going into detail about this myself. But Pat certainly looked at it. I had

1 discussions about it --

2 Q Yeah.

3 A -- with Pat Philbin, with Greg Jacob, with Marc Short and people like that.

4 Q And tell us your view, Mr. Cipollone, upon those discussions with Mr. Philbin,
5 with Greg Jacob, what was your assessment as to what the Vice President could or could
6 not do at the joint session?

7 A What was my assessment --

8 Q Yes.

9 A -- about what he could or couldn't do?

10 Q Yes, your view of the issue.

11 A My view was that the Vice President didn't have the legal authority to do
12 anything except what he did --

13 Q Yeah.

14 A -- in terms of, kind of, those issues.

15 Q Okay.

16 Mr. Philbin, who looked at this closely, told the select committee that you asked
17 him to look into the theory of the Vice President's unilateral power at the joint session.
18 He looked into it. He discussed with you his conclusions that any such theory -- that the
19 Vice President had authority to reject slates of electors -- was wrong and that he
20 conveyed that to you and to Mr. Jacob.

21 Is that, again, generally consistent with --

22 A Yes.

23 Q Okay.

24 And I know you will not share with us direct communications with the President,
25 but is it fair to say the President understood your and the White House Counsel's position

1 on --

2 A Again, I think that falls within the privilege.

3 Q Do you remember discussing this with any of the outside lawyers that we've
4 discussed -- Mr. Giuliani or any of his team?

5 A I don't remember discussing this with Mr. Giuliani.

6 Q How about Members of Congress, with Leader McConnell or Senator Lee or
7 any --

8 A I might've discussed it, yeah. Certainly Senator McConnell I had discussions
9 with generally. You know, I -- and Senator Lee, you know, who I know, who was also a
10 great lawyer, and so, yeah, I'm sure I might've had discussions with him.

11 But I can't remember specific -- I mean, again, just going back to it, there was sort
12 of, kind of, as I look at it chronologically, as I think back on it, you know, we got through
13 that December 18th meeting. You know, then we had the holidays, but around
14 the hol- -- I mean, the new year and the end of -- and, obviously, we were working
15 through that entire period, because we were also starting to, you know -- Pat and I were
16 working with Chris Liddell -- and I can't remember exactly when this started -- to have the
17 transition. Like, you know, there was a lot of work that needed to be done, and we
18 were working with Chris and his team.

19 Q Uh-huh.

20 A And then we had -- and we had Jeff Clark. And then this happens.

21 So, over that time, was I having discussions with people on the Hill about -- I
22 probably was, yeah.

23 Q And, in those discussions, were you conveying to Leader McConnell or
24 Senator Lee or others your view that the Vice President did not have the authority to
25 reject these slates of electors?

1 A Again, I'm sure I was conveying to people that that was my view, you know,
2 if they asked me that.

3 It was primarily a question that I was thinking about with the Vice President's
4 team --

5 Q Right.

6 A -- in terms of, you know, conveying my views.

7 Q Yeah. And it sounds like your views were aligned with theirs, that you
8 shared --

9 A Extremely aligned with theirs.

10 Q Yeah.

11 Let's talk about John Eastman. Were you familiar with Mr. Eastman,
12 Dr. Eastman, before the 2020 election? Did you have any relationship with him or
13 familiarity with him?

14 A I was familiar with John Eastman. I met him a long time ago when I was
15 working at Kirkland & Ellis, and he was, I believe, working in the Washington office there
16 at the time. So I met him back then. I think he went out to California; he became a law
17 professor.

18 Q Uh-huh.

19 A You know, I had a generally good opinion of John Eastman. You know, he
20 was a smart lawyer. He clerked on the Supreme Court, I believe.

21 Q Uh-huh.

22 A So I think the general view -- and then, in the administration, my interactions
23 before this time with John Eastman were related primarily to the whole issue of birthright
24 citizenship and whether or not there could be an executive order on birthright citizenship.
25 And John had done, I was told, a lot of work on this issue, had written scholarly opinions

1 about it, et cetera, et cetera. So I interacted with him on that, because I was asked to.
2 And he talked to Pat Philbin, he may have talked to people over at DOJ about that issue
3 and given his views.

4 Q Do you have any idea, Mr. Cipollone, how the President came to rely on his
5 advice with respect to the 2020 election, the Vice President's authority, all of the issues
6 we've been discussing?

7 A I don't know precisely how, but I know that the President had a generally
8 positive view of John Eastman and his, you know, legal analysis, primarily as a result of
9 what I just said --

10 Q Yeah.

11 A -- was my understanding.

12 Q Okay.

13 A I think that was sort of how he got to know John Eastman. I don't know
14 who introduced him to John Eastman. And that's how I had interacted with John prior
15 to this time.

16 Q Okay.

17 A There was some idea that there would be an executive order on -- you know,
18 we looked at it closely, and it turned out -- well, there was never an executive order on
19 that.

20 Q Yeah. Well, that was well before the --

21 A It was, but you asked me how did he --

22 Q Yeah.

23 A -- get to know him. I think that's how he got to know him.

24 Q Okay.

25 I want to talk about the post-election period and your interaction with

1 Dr. Eastman. We have received his phone records --

2 A Uh-huh.

3 Q -- and they reflect that there were three telephone conversations between
4 Eastman and you on December the 4th, relatively early in the post-election period.

5 Do you have any recollection about the subject matter of those conversations?

6 A I don't have a specific recollection of the subject matter. I would think the
7 general subject matter would be related to the election, but I don't have a specific
8 recollection.

9 Q Yeah. There was a 30-minute call, a 26-minute call. And this was just
10 before the filing of the Texas v. Pennsylvania Supreme Court case. Does that refresh
11 your recollection about the --

12 A That might've been what we talked about. I don't know if it was just me or
13 if I had my phone with, you know, Pat or who -- I don't -- I don't remember that call
14 specifically.

15 Q Okay.

16 A But if that's the timing of it, then maybe that's what it was about.

17 Q All right.

18 Did you at some point after that become aware of Dr. Eastman's view of what the
19 Vice President could do at the joint session and form an opinion of that view?

20 A At some point. But, again, I think it was well after that --

21 Q Okay.

22 A -- time period, at least in my recollection of things, that, you know, we -- I
23 think it was the time -- was I aware of it before the early part of January? Yes, I probably
24 was. Did I focus on it or think about it a lot prior to that? Well, there were other
25 things that were coming sort of one after the other that I was more focused on.

1 But I'm sure Pat Philbin -- and I don't know what he told you -- but I'm sure Pat
2 Philbin may have been looking at it. I know Greg was looking at it. I know Greg did a
3 lot of work on it --

4 Q Yeah.

5 A -- was my sense, and, you know, looked at it very seriously and analyzed it.
6 That's my sense.

7 Q And that's exactly right. They have both told us, Mr. Philbin and Mr. Jacob,
8 that they looked very closely at the Eastman memos, the Eastman theory, and thought
9 that it had no basis, that it was not a strategy that the President should pursue.

10 It sounds like that's consistent with your impression as well.

11 A My impression would've been informed, certainly, by them.

12 Q Yeah.

13 A But my impression also is, again, I -- you know, I definitely look at all that and
14 talk about it, but I also come to things, like, with a commonsense perspective of, okay,
15 what are you saying can happen here, and then just thinking about it and saying --

16 Q Yeah.

17 A -- it's not right but let's look at the law.

18 Q Let's talk about --

19 A And, obviously, other lawyers, I think John and others, had a different view --

20 Q Yeah.

21 A -- and I understand that, and I understand that they were talking to the
22 President about that.

23 Q Okay.

24 I want to talk about direct communications you had with Mr. Eastman,
25 Dr. Eastman, himself.

1 We believe that there was a meeting on January the 4th, the day after the Jeff
2 Clark meeting that we'll get to later, in Meadows' office where you had a direct
3 conversation with Dr. Eastman. Do you remember that discussion?

4 A I remember having a meeting. I don't remember, you know, whether it
5 was set up well in advance. I remember hearing that he was down there. Maybe Mark
6 called me down there.

7 Q Yeah. Do you remember talking with Dr. Eastman about his theory and
8 expressing your perspective?

9 A Yes. I mean, I'm sure in that meeting I expressed my perspective on things.

10 Q Tell us what you remember about the meeting.

11 A I don't have a very clear recollection about the specific conversation, but,
12 directionally, my view was, you know, this is not something that is consistent with the
13 appropriate reading of the law.

14 Q Uh-huh.

15 A And so I'm sure I conveyed that.

16 I think that -- there was -- was that the day -- I think there was a day that he was
17 having a meeting with the President --

18 Q Yes.

19 A -- and with the Vice President and with Greg Jacob, I believe Marc Short, and
20 Mark Meadows.

21 Q Exactly. It sounds -- we have learned that the meeting that you had with
22 him in Mr. Meadows' office immediately preceded that conversation.

23 A That's my recollection of that.

24 Q You didn't go to the meeting in the Oval Office where Eastman met with the
25 President and with the Vice President. Do you remember why you didn't personally

1 attend?

2 A I did walk to that meeting and I did go into the Oval Office with the idea of
3 attending that meeting, and then I ultimately did not attend that meeting.

4 Q Yeah. Why not?

5 A The reasons for that are privileged.

6 Q Okay. Were you asked to not attend the meeting, or did you make a
7 personal decision not to attend the meeting?

8 A Again, without getting into --

9 Mr. Purpura. Privileged.

10 BY [REDACTED]

11 Q Yeah. Okay.

12 After the meeting, did you remain -- or as the meeting was going on, did you
13 remain in the outer Oval Office and have another conversation with Eastman after?

14 A I don't remember. I may have. I don't know that I -- I think, once -- my
15 recollection is, once I left the Oval, I believe I went back to my office, but, again --

16 Q There's been reporting that you had sort of an angry confrontation with
17 Dr. Eastman, either before or after this meeting in the Oval Office. Do you remember
18 that?

19 A That could be. Yeah.

20 Q Tell us what --

21 A I don't have a specific recollection of having an angry confrontation, but, you
22 know -- I think -- I think he was aware of my views.

23 Q Uh-huh.

24 We have received testimony from various people about this. One was Jason
25 Miller, who was on the campaign. He said, "The way it was communicated to me was

1 that Pat Cipollone thought the idea was nutty and at one point confronted Eastman,
2 basically, with the same sentiment."

3 Does that --

4 A I don't have any reason to contradict what he said.

5 Q Okay.

6 A I don't have, again, a specific recollection.

7 Q Okay.

8 Did Dr. Eastman ever acknowledge to you that his theory was on uncertain legal
9 ground or was unlikely to work during your discussions with him?

10 A I don't remember specifically what he acknowledged. And, of course, like,
11 lawyers have different views of, you know, this is a legal theory, and then there's a
12 separate question of, you know, what is the likelihood of success even if some lawyer
13 thinks that this is inappropriate.

14 So I don't know if -- I can't -- could we have had a discussion like that? Yeah, we
15 could have. But I don't recall the specifics of my discussion with John Eastman on that
16 day. I think, directionally, I conveyed my views.

17 Q There's been some reporting that, when you asked Dr. Eastman whether his
18 theory that the Vice President could reject electors could actually happen, he responded,
19 "Theoretically maybe, but not likely."

20 Your response: "You just told the President of the United States this is a doable
21 thing."

22 And his response was, "Well, it's worth a shot."

23 Do you remember any exchange along those lines?

24 A I don't have a specific recollection of that exchange. Again, that sounds like
25 somebody who's doing an analysis of is this a reading of the law that he was proposing

1 versus a likelihood of success, and, you know, sometimes those are different things.

2 But I think, just to put it directly --

3 Q Yeah.

4 A -- people -- John, the Vice President's lawyer, who'd be Marc Short, the Vice
5 President himself -- they knew what I thought.

6 Q Yeah.

7 A Okay? I thought that the Vice President did not have the authority to do
8 what was being suggested under a proper reading of the law. I conveyed that, okay? I
9 think I actually told somebody, you know, in the Vice President's -- "Just blame me."
10 You know, this is -- I'm not a politician, you know. I don't -- but, you know, I just said,
11 "I'm a lawyer. This is my legal opinion."

12 But let me tell you this. Can I say a word about the Vice President?

13 Q Please.

14 A I think the Vice President did the right thing. I think he did the courageous
15 thing. I have a great deal of respect for Vice President Pence. I worked with him very
16 closely. I think he understood my opinion. I think he understood my opinion
17 afterwards as well. I think he did a great service to this country. And I think I -- I
18 suggested to somebody that he should be given the Presidential Medal of Freedom for his
19 actions.

20 Q Yeah.

21 Greg Jacob has shared with us an email that he sent to Dr. Eastman in which he
22 called him -- "You're the serpent in the ear of the President," essentially saying that he
23 was pushing the President to do something -- or Vice President to do something that he
24 knew was -- knew was unlawful, consistent with what I just asked you about.

25 Did he ever concede to you or did you get the sense that he knew that this advice

1 was specious or did not have a sound factual basis?

2 A I don't have a recollection of that. And, again, everybody has their own
3 views of what's in somebody's mind or their motives. I'm not here to express any of
4 that.

5 Q Yeah.

6 Were you aware at all, Mr. Cipollone, of any discussions directly between the
7 President and the Vice President about this issue, the Vice President's authority?

8 A Well, I was aware of the meeting on the 4th, so that was a discussion. But
9 there were -- I believe there was another meeting with just the Vice President and the
10 President in the Oval Office.

11 Q Yeah.

12 A And then I remember hearing reports of a phone call with the Vice President
13 on January 6th.

14 Q That's all --

15 A I wasn't present for any of that.

16 Q Okay. Do you have any information about what was discussed, about the
17 contents of those discussions?

18 A Again, I'm certainly not going to discuss matters that I may have learned, you
19 know, secondhand about conversations between the President and the Vice President of
20 the United States. That is at the heart of the privilege. I view that as sacrosanct. So
21 I'm not -- I'm not here to talk about that.

22 Q Okay.

23 Beyond Dr. Eastman's memos, there were some other materials prepared.
24 Johnny McEntee prepared -- I think you sent you this in advance -- a one-page document
25 about Thomas Jefferson using his position as Vice President to win the election.

1 Do you remember any discussion with him or seeing his assessment --

2 A All of the documents you sent me, the various documents --

3 Q Yeah.

4 A -- about this, I don't have a recollection of looking through that, reading, you
5 know, Johnny McEntee's views about this. I don't have a recollection. Did I know
6 about them at the time? Probably I did. Maybe I did. But, no, I don't have an
7 independent recollection today.

8 Q Do you have any idea why it is that Johnny McEntee, the director of, you
9 know, Presidential personnel, would be drafting things for the President about legal
10 issues like the Vice President's authority?

11 A Do I have any idea why?

12 Q Yeah.

13 A No.

14 Q Is that unusual?

15 A But do I -- well, Johnny McEntee had some people working for him who were
16 lawyers, who were not part of the White House Counsel's Office, who sometimes had
17 ideas about legal things. And sometimes that got to the President through Johnny
18 McEntee, is my recollection.

19 Q Yeah.

20 Did you have concerns, Mr. Cipollone, about the flow of information on legal
21 issues going to the President that you and your White House Counsel's Office were not
22 involved in?

23 A Yes.

24 Q Tell us about that.

25 A Although, you know, obviously, if the President's having interaction with his

1 personal counsel or with his campaign counsel, I didn't have a concern about that, you
2 know, as a general matter, because he's entitled to that.

3 Q Yeah.

4 A So, no.

5 Were documents being sent to the President, sent to Molly to give to the
6 President? As a general matter, that would happen.

7 You know, part of that, you know, prior to the election, is just part of the way
8 things worked, in the sense of, the President wanted to hear a lot of opinions and he
9 wanted to have a free-flowing discussion of these things, on policy matters, on lots of
10 matters. I think that's one of his strengths. I think he wants to hear different opinions,
11 he's open to different opinions.

12 He will push back and give his own views of things, and then he is the ultimate
13 decision-maker. And I think, as I've said before, I think he made a lot of great policy
14 decisions for the United States that worked well and came out of that process, okay?
15 Was it as formal as, you know, some other people who are President would've run
16 things? No, but I think, you know, that's a stylistic thing.

17 Q Uh-huh.

18 A Does that answer your question?

19 Q Well -- I see Ms. Cheney has come off of -- put her camera on.

20 Ms. Cheney, go ahead.

21 Ms. Cheney. Thanks, [REDACTED]

22 Pat, I just wanted to go back for a second, and in the context of what you're
23 describing now about how the President operates, were there other occasions where you
24 intended to attend a meeting in the Oval Office and then didn't, for privileged reasons?

25 Mr. Cipollone. I -- I don't know, you know.

1 Generally, if I wanted to attend a meeting in the -- I didn't attend meetings that,
2 you know, had nothing to do with me. I had an open invitation from the President to
3 attend any meeting I want to, as a general matter. And I didn't go to every meeting.
4 Sometimes if I wasn't at a meeting, he would call me down.

5 But, again, I think that's a very broad question over a long period of time, so I
6 don't --

7 Ms. Cheney. Well, I appreciate that.

8 In the specific case of this meeting, though, you wanted to attend and, in fact, did
9 attend, did go to the Oval Office. Is that correct?

10 Mr. Cipollone. I did go to the Oval Office, yeah, with the intention of attending.

11 Ms. Cheney. Okay.

12 And did you see Mr. Eastman after that meeting?

13 Mr. Cipollone. I can't remember if I did, but I might have. It sounds like
14 someone told you that I did after that meeting, but -- and I don't have an independent
15 recollection of when I saw him after that meeting.

16 Ms. Cheney. And --

17 Mr. Cipollone. I went back to my office, is my recollection. I didn't hover
18 around outside of that meeting, if that's what you're asking.

19 Ms. Cheney. In terms of the confrontation with Mr. Eastman, was the President
20 aware that you disagreed with Mr. Eastman?

21 Mr. Cipollone. Again, I think that falls within the privilege. I'm not here to
22 discuss any conversations about the President or that I may have had or, you know, in a
23 manner that would reflect advice given or his views or anything like that. I view that as
24 outside the scope of what we agreed on.

25 Ms. Cheney. And I appreciate that.

1 So, in terms of the President's policy about having an open door, and recognizing
2 where you're drawing privilege lines, were there other instances where you went to a
3 meeting with the intention of attending the meeting and then were asked not to attend
4 the meeting?

5 Mr. Cipollone. I'm sure there were other instances where I went to a
6 meeting -- you know, I don't have one in particular in mind. I'm sure there were other
7 instances where I went to a meeting and I was told, you're really not needed at this
8 meeting, or, we're good, you know, you can -- and so I'm sure that happened sometimes,
9 you know, if it was something that didn't fall squarely within what I needed to be talking
10 about.

11 But I was invited to attend any meeting I wanted to, is my sense. But, in the
12 normal give-and-take, would I sometimes go to meetings, be there for a while, and realize
13 that, you know, my time -- you know, that he didn't really need me in that meeting, and
14 leave? Yeah, I'm sure there were instances like that. Were there meetings where I
15 didn't think I was needed and he called me into the meeting, asked Molly to call me
16 down? Yeah, that happened with frequency.

17 Ms. Cheney. And in the case of this particular meeting, could you tell us what
18 happened?

19 Mr. Cipollone. I think I've said what I can say with respect to this particular
20 meeting.

21 Ms. Cheney. In the case of this meeting, did you make a determination that you
22 were not needed at the meeting?

23 Mr. Cipollone. Again, with -- I think I've said what I'm going to say about this
24 meeting.

25 Ms. Cheney. Thank you.

1 Mr. Cipollone. And I appreciate your questions. I don't mean to be
2 disrespectful at all. But you understand, you know, my views of the privilege and --

3 Ms. Cheney. I appreciate it.

4 Mr. Cipollone. Yeah.

5 Ms. Cheney. Thank you.

6

BY [REDACTED]

7

Q With your patience, Mr. Cipollone, one more question about this meeting.

8

I know you're not going to -- you've told us that you can't tell us the reason why

9

you didn't attend the meeting, but my question is just: Was the reason that you didn't

10

attend the meeting apparent to the Vice President and his staff?

11

A Actually, my recollection of this was that they hadn't arrived yet. That's my

12

recollection, that they hadn't arrived yet, but that John was there, I believe Mark was

13

there, and I was there. That's my recollection. I think they arrived shortly -- so that's

14

my recollection.

15

Q "Mark" meaning Mark Meadows, not Marc Short?

16

A Correct, Mark Meadows.

17

Q Okay.

18

A I apologize. I'll try my best to use last names.

19

Q No worries.

20

BY [REDACTED]

21

Q But, in summary, it sounds clear that everyone involved in that meeting was

22

aware of your strongly held view about this substantive issue.

23

A Again -- and I appreciate the questions, and I have a lot of respect for you as

24

a lawyer -- I've said what I'm going to say about that meeting.

25

Q Okay.

1 Let me just finish what I was asking before about the flow of paper into the Oval
2 Office. Did you and Mr. Herschmann at some point try to create some sort of rigor or
3 discipline about legal issues, paper going to the President needing to be seen by you or
4 Mr. Herschmann first?

5 A Well, the rigor that is already in the White House is: Pieces of paper come
6 through, for the most part, the staff secretary, okay? And Derek has a -- now, for lots of
7 different reasons, a lot of them fully appropriate reasons, a lot of them stylistic reasons,
8 you know, people would send things.

9 Q Yeah.

10 A And I think the President welcomed that, and I actually think, as a general
11 matter, that was one of his many strengths.

12 Now, there were people in the outer Oval, you know, who were all very, very
13 good, talented people who worked for the President, who would get things, and,
14 particularly as time went on, after the election, you know, with some of the people who I
15 have already told you were giving bad advice to the President, I think both Eric and I and
16 probably others told them that if something comes to the President that we need to be
17 aware of, to let us know before, if possible, that's provided to the President, if it has to do
18 with a legal issue. But, obviously, we didn't get in the way of the flow of information,
19 but we just wanted to put in a system of awareness.

20 And they were doing that anyway. So, you know, Molly Michael, who's, again,
21 a -- there were many, many good people who worked in the Trump White House --

22 Q Uh-huh.

23 A -- and Molly was one of them. And Molly was a very skilled professional.
24 Good judgment. Good person. She would call my office if something came that she
25 thought I needed to be aware of. She would call one of my assistants, she'd call Philbin,

1 she'd call me. And so -- and others there would do the same thing.

2 Q Yeah.

3 You told us in the informal interview, together with Eric Herschmann, you made
4 efforts to understand if materials were going into the Oval Office outside of the regular
5 process and enlisted outer Oval staff, Molly Michael and Nick Luna, to assist in the effort
6 to ensure that anything legal went through Counsel's Office first. Ultimately, you did
7 your best to make sure incorrect or inappropriate materials were intercepted before
8 getting to the President, but that was ultimately -- and these are your words -- "a losing
9 battle."

10 Is that accurate?

11 A Well, what I would say is that we tried, particularly at that time, because
12 things, like this executive order --

13 Q Yeah.

14 A -- you know, people were sending things directly to the President, and we
15 wanted to make sure we had an awareness of it and could weigh in. Yes.

16 But, yeah, obviously, the President has a right to whatever information he wants.
17 That's not up to me.

18 Q Yeah.

19 A But Eric and I and others wanted to make sure that if it's something like an
20 executive order or these type of things, that somebody from the outside was giving him
21 extremely bad advice, was putting it in front of him, that we were aware of it so that we
22 could weigh in on that.

23 Q Yeah.

24 And it sounds like, Mr. Cipollone, not to put words in your mouth, but that that
25 happened with some frequency in the post-election period. People were putting things

1 in front of the President that, in your view, were just bad advice. Is that right?

2 A Yes.

3 Q Okay.

4 I want to stop and see if anyone has any questions on the Vice President's
5 authority or any of the, sort of, post-election legal issues. I'm ready to move to
6 January 6th, but I want to stop here and see if any members have questions on these
7 topics we've covered.

8 Yeah, Mrs. Luria, I see you've come off. Go ahead.

9 Mrs. Luria. Thank you.

10 I wanted to go back to some testimony that came from General Milley. And I
11 didn't know if you had frequently sat in on meetings that included General Milley,
12 Secretary Pompeo, national-security-related meetings?

13 Mr. Cipollone. Is that a -- okay. Is that the end of the -- yes, I did. I was
14 involved in that. I worked closely with Robert O'Brien, obviously others, including all of
15 the people you mentioned. And --

16 [REDACTED] So --

17 Mr. Cipollone. -- Robert were primarily responsible, but I sat in on a lot of those
18 meetings, not all of them. I sat in on the daily briefing. Typically I was invited to that.
19 And, you know, the President, I think, wanted me involved in those things.

20 Mrs. Luria. So, in General Milley's testimony, he references two meetings that
21 he participated in, one on 12 November and one on 4 December.

22 And he recalled a comment made in one of these meetings -- he couldn't pin
23 down which of those two it was -- but there was a discussion about a
24 national-security-related issue that he doesn't go into because of the nature and the
25 classification of it.

1 But he says: "So we're in the Oval Office. There's a discussion going on. And
2 the President says words to the effect" -- he said, he thinks to Secretary
3 Pompeo -- "words to the effect, 'Yeah, we lost. We need to let the issue go to the next
4 guy,'" and -- General Milley's words -- "meaning President Biden."

5 Do you have any recollection of this meeting, and were you present?

6 Mr. Cipollone. I don't -- I don't recall being President -- sorry, present at that
7 meeting. I don't want to discuss anything where the President was -- well, let me take a
8 step back.

9 Anything that even -- and we talked about this. I'm not here to talk about
10 anything related to national security, anything related to anything that could remotely be
11 classified.

12 I don't have a recollection of being at that meeting. I may or may not have been
13 at that meeting. I don't have a recollection.

14 Mrs. Luria. Okay. Did you discuss the content of this particular meeting with
15 any of the people present?

16 Mr. Cipollone. I don't recall that. I think as time went on and I think, in
17 particular, you know -- I can talk about the Jeff Clark meeting because there was a waiver
18 as to the Jeff Clark meeting, and I think --

19 ██████████ Yeah. Which we're going to get to.

20 Mr. Cipollone. And I think -- well, I just mean, I wanted to tell the
21 Representative, I think the issue you're getting at I can probably talk about in the context
22 of the Jeff Clark meeting.

23 Mrs. Luria. Okay.

24 Mr. Cipollone. Not this specific issue, but the general issue.

25 Mrs. Luria. Okay.

1 And then, you know, another characterization that General Milley gives about
2 these two meetings and contrasts them to subsequent meetings, you know, he says that
3 this was a relatively normal meeting during the timeframe -- and this was getting up to
4 early December. And he says, but then in subsequent meetings -- he didn't know how to
5 characterize it -- there was a distinct change. He said it's anger, it's denial, that there
6 was sort of not this normal tone that he had experienced during all his previous
7 interactions in his role as Chairman of the Joint Chiefs.

8 Would you say that his characterization was accurate?

9 Mr. Cipollone. Again, these are the kinds of questions I -- I worked with General
10 Milley. I respect General Milley. He has his own views and characterizations, and I
11 don't really want to comment on that.

12 Mrs. Luria. Okay. Thank you.

13 [REDACTED] Ms. Cheney, I see you're also -- you're on camera. Go ahead.

14 Ms. Cheney. Thanks, Tim. Mr. Cipollone mentioned the Jeff Clark meeting,
15 and, just chronologically, I wanted to suggest we go to that before we go to January 6th.
16 I'm not sure what the plan was here.

17 [REDACTED] We can. I was going to do the 6th first, but we can switch to
18 the -- we can move to the Jeff Clark meeting. That's fine.

19 Ms. Cheney. Okay.

20 [REDACTED] All right. Any other questions before we leave the, sort of, legal
21 issues post-election?

22 Mr. Raskin? I see you're also on camera now.

23 Mr. Raskin. Yes. Thank you, [REDACTED] I just have one question about how the
24 former White House Counsel viewed all of these activities that were taking place.

25 Presumably you didn't get involved in [inaudible] legal issues. Did you

1 see -- about the succession of questions related to State legislatures, electoral slates, and
2 the authority of the Vice President to nullify electors, did you see all of these as an
3 extension of campaign activity or something that was also reasonably within your
4 jurisdiction to be rendering advice?

5 Mr. Cipollone. Well, again, it would depend on the issue. And, you know, as I
6 looked at my role and what I was being asked to do, you know, sometimes I would give
7 general advice that, you know, had nothing to do with legal issues but just kind of general
8 advice.

9 I think that to the extent that these issues had an institutional component, I would
10 think that that -- I believe that that was where we needed to clearly weigh in on things, as
11 a general matter.

12 And then, with respect to the rest, I mean, I was aware of things, I talked about
13 things, but I tried as best I could to maintain my role as, you know, the White House
14 Counsel, the government lawyer.

15 But I was involved in some of these things. And, you know, I worked with a lot of
16 these people, and some of the people who were in the White House and outside the
17 White House I knew. So I'm sure I had conversations with them.

18 Mr. Raskin. Okay.

19 Yield back. Thank you.

20 [REDACTED] All right. Anyone else?

21 Let's talk just briefly about schedule, and we can go off the record for a minute.

22 [Discussion off the record.]

23 [REDACTED] Let's take 20 minutes. It's 12:02. We'll be back at 12:22.

24 [Recess.]

1

2 [12:31 p.m.]

3 [REDACTED] All right. We'll go back on the record.

4 Welcome back, everyone.

5 BY [REDACTED]

6 Q Let's talk now, if we can, Mr. Cipollone, about the Department of Justice and,
7 I think you referenced earlier, the whole Jeff Clark situation.

8 First of all, do you know Jeff Clark?

9 A I do know Jeff Clark.

10 Q How?

11 A I've known him for a long time. I mean, we worked at the same law firm
12 for many years. He clerked for the same Court of Appeals judge that I clerked for. I
13 knew him in the context of, obviously, he was working over at the Department of Justice.
14 So I've known Jeff for some time.

15 Q Do you know how he came to be acquainted with Representative Perry?

16 A I have no idea.

17 Q All right. And do you know how Jeff Clark first got involved in discussions
18 with the President about the election?

19 A Did I know it at the time? No.

20 Q Do you know how it came about?

21 A My understanding is that Representative Perry introduced him to the
22 President, and then there were meetings at the White House, is my understanding -- or a
23 meeting.

24 Q Okay.

25 Let's talk about that. When you learned that Mr. Clark had met with the

1 President at the White House, what was your reaction?

2 A I was very unhappy about that.

3 Q Why?

4 A Well, I mean, he's a Department of Justice lawyer -- and just let me say that
5 all of my experience with Mr. Clark up to that point had been positive.

6 Q Yeah.

7 A I mean, he's a smart lawyer. He was mainly an environmental lawyer, an
8 administrative lawyer. He had been promoted to acting head of the Civil Division, I
9 think, at that point.

10 Q That's right.

11 A And, you know, good lawyer, generally good person, based on my
12 experience up to that point.

13 I believe I learned about this -- I'm trying to remember how I found out about this,
14 that he had been over in the White House meeting with the President. I believe I found
15 out about it from Jeff Rosen, who had found out about it, and he called me about it.

16 I was surprised to hear that. That was something that I wouldn't expect of Jeff.
17 That is not something that's normal. When a lawyer from the Department of Justice
18 comes to the White House, whether that be the Attorney General himself, he would
19 notify me.

20 And so, no, that was not a good thing, that Jeff Clark was meeting -- you know,
21 from my perspective --

22 Q Yeah.

23 A -- was meeting with the President. I don't think the leaders of the
24 Department of Justice at that time thought that was a good thing. I was surprised by it.

25 Q Yeah. As a matter of fact, there's a policy that governs both Department of

1 Justice personnel and a White House policy that sort of carefully circumscribes the people
2 in each, in the White House and the Department of Justice --

3 A Yeah. That's the contacts policy.

4 Q Right. And Mr. Clark, it sounds like, violated that --

5 A Well, without you drawing conclusions about whether it was -- it was
6 certainly not in keeping with the spirit of the contacts policy.

7 Q Yeah.

8 Was this of particular concern to you, Mr. Cipollone, during this time period,
9 because of the, sort of, bad ideas that you referenced before that were being discussed
10 with the President regarding overturning the election?

11 A I don't know if that -- because, to be honest with you, I didn't expect bad
12 ideas to come from Jeff Clark at this point in my life, okay? But when I found out, I was
13 confused. It wasn't reflective of the person that I had known. I mean, look, I didn't
14 know him extremely well, but I knew him and I had worked with him and I had respect for
15 him.

16 Q Yeah.

17 One of the first things that comes up in the discussion with Jeff Clark is a letter
18 that he was putting forth that he thought should be sent to the State legislatures. It's
19 exhibit 6 in your binder.

20 A Okay.

21 Q Let me ask you just to take a quick -- I don't need you to read the whole
22 thing, but take a quick look and tell me if you recognize this as the letter that Mr. Clark
23 was putting forth, something that the Department of Justice, under his maybe potential
24 leadership, should send.

25 A This looks like the letter.

1 Q Did you have a view as to whether or not it made sense for the Department
2 of Justice to send such a letter to State legislatures?

3 A Yes, I had a view.

4 Q What was that view?

5 A A horrible idea. This letter --

6 Q Yeah. Why?

7 A Well, for a number of reasons. First of all, I think I learned about the
8 existence of this letter from somebody at DOJ -- I think it was Jeff Rosen; it might've been
9 somebody else, but -- that this was even circulating.

10 Obviously, you know, I was in regular communication with Jeff Rosen, and
11 so -- and I wanted to make sure, obviously, as a general matter, that the Justice
12 Department -- you know, the prerogatives of the Justice Department were protected.
13 This didn't seem like something, based on when I first heard about it, that the Justice
14 Department should even or could even be involved in. Obviously I would rely on them
15 on those conclusions.

16 They were firmly of the view that this letter was not something that the Justice
17 Department could or should be involved in. I believe they've all testified to that fact,
18 and Steve Engel has as well.

19 So, yeah --

20 Q Yeah.

21 A -- no, this is -- this was not a good idea.

22 Q The Department of Justice officials that you just referenced indicated that
23 both the letter had no factual basis -- it cites existence of DOJ investigations that were
24 finding irregularities, which was not accurate -- and that, procedurally, it was
25 inappropriate for the Department of Justice to suggest to a State legislative body that it

1 should take some action. Again, consistent with your response to this letter.

2 A I agree with that.

3 Q All right.

4 Pat Philbin told the select committee that he reviewed this letter that Clark
5 wanted to send to senior officials in Georgia, considered it part of the crisis around the
6 possible Jeff Clark appointment.

7 Did this come up in the context that Jeff Clark would send this if he were
8 appointed?

9 A I think that's part of what he was intending to do, as I understood it, was to
10 get this letter sent out, or send this letter out, at the Department of Justice.

11 It appears from the letter, and my understanding is, that he presented it to Jeff
12 Rosen, Richard Donoghue, as signatories to this letter initially --

13 Q Yeah.

14 A -- and then -- and had his own name on it. Obviously, they reacted very
15 negatively to this and very firmly to this, as I did.

16 Q Exactly.

17 All right. Were you also aware that Mr. Clark had requested a briefing from the
18 Director of National Intelligence regarding some election fraud allegations?

19 A I became aware of that, yes.

20 Q All right. And did you help facilitate such a briefing?

21 A I don't know about -- I was involved in -- I think people determined that
22 that -- I think even, I believe, at DOJ that, fine, let him have a briefing. We thought it
23 would be a positive kind of step, given what -- and so I can't give the briefing, but I believe
24 the DNI, you know, gave approval for the briefing.

25 Q Yeah. And was your understanding that it would be a positive thing

1 because the briefing would essentially tell Mr. Clark that there was no evidence of fraud --

2 A I'm not going to go into anything that is classified --

3 Q Okay.

4 A -- or would talk about that briefing or what may or may not have been
5 contained in that.

6 Q Did you first speak to Mr. Clark on December the 31st and express your
7 displeasure with his direct communications with the President without your knowledge?

8 A Yes.

9 Q Tell us about that conversation.

10 A I remember it was New Year's Eve or the afternoon of New Year's Eve. I
11 can't remember if I called him or he called -- like, I reached out to him. I don't
12 remember all of the specifics of that conversation, but, directionally, you know, I
13 expressed my unhappiness about the fact that he had been over at the White House
14 without my knowledge, without the knowledge of anybody in the White House Counsel's
15 Office, meeting directly with the President without telling us.

16 And then -- and then I'm sure we discussed other matters related to some of his
17 theories, as I think through -- but I'm trying to remember all of the topics and thinking of
18 the chronology of that.

19 Q Yeah. Did he apologize or acknowledge that he had erred in talking directly
20 to President Trump?

21 A I can't remember if he apologized, but I think he understood -- I think he said
22 some things that indicated that he understood that that was not -- that he should've --

23 Q Yeah.

24 A -- told us.

25 Q Did he nonetheless continue to push for this letter, or --

1 A Yes. No, he was firmly -- he was firmly of the view, okay, as far as I could
2 determine, that there had been election fraud and that this letter was part of the
3 response that the Justice Department should take to election fraud. That was my
4 understanding.

5 Q So, despite the fact that Attorney General Barr and others in the Justice
6 Department had rebutted a lot of those theories, Mr. Clark, it was your impression,
7 continued to believe that there was election fraud.

8 A By my observation, yes, he thought that there was, and he thought that it
9 should continue to be investigated.

10 Q Yeah.

11 A And I think this letter was part of that idea.

12 Q Did you also ask Mr. Philbin to reach out to Clark directly?

13 A Well, that was the day -- you know, that was the day of January 3rd, I believe
14 is when that conversation took place. I mean, we were involved in, you know, the
15 lead-up to that meeting.

16 I'm trying to remember exactly the point in time that the idea that Jeff Clark
17 would become Acting Attorney General kind of got on my radar screen. I don't -- and I
18 would have to -- you know, I'm sure it was -- whenever Jeff Rosen found out about it, I'm
19 sure I found out about that shortly thereafter.

20 Q Yeah. Yeah. On January 3rd, we're going to get to, is the meeting at
21 which that is clearly in mind. It's the meeting where you're at liberty to talk about it
22 with the President, but --

23 A Yes.

24 Q -- how far before that did the idea of maybe Mr. Clark being appointed as
25 Acting Attorney General --

1 A It must have been a couple days before that, but I don't remember the exact
2 chronology. I would think whenever the DOJ people found out about it, found out about
3 that, is around the same time I found out about it. I believe I found out about it from
4 them. I may have also heard it from Mark Meadows. But I don't have a specific
5 recollection about when I found out or who I found out from. My best -- my best
6 recollection is Jeff Rosen.

7 Q Yeah. All right.

8 It looks like, from the DOJ officials that we've talked to, that there was a meeting
9 with the President on December the 31st, the same day that you had that conversation
10 with Clark, that Donoghue and Rosen, Meadows, you, and Mr. Philbin all attended, and
11 the discussion was about election fraud.

12 Do you recall that meeting?

13 A I recall that meeting, yes.

14 Q All right. And can you tell us about that meeting?

15 A No.

16 Mr. Purpura. No.

17 Mr. Cipollone. That's within the privilege.

18 ██████████ I see. January 3rd is the meeting --

19 Mr. Purpura. Yes.

20 ██████████ Okay.

21 BY ██████████

22 Q Well, just to -- Mr. Donoghue indicated that the President was a little bit
23 more agitated than he had been previously and continued to put forth these theories of
24 election fraud.

25 Again, not asking you about the communications, but is that a fair characterization

1 of the President's demeanor or mood, that he was --

2 A Again, I'm not going to characterize the President's demeanor. I will say
3 that Rich Donoghue is a man of integrity and, you know, a friend of mine and a great
4 public servant, and I don't have any reason to question his recollection of things.

5 Q Okay.

6 All right. Well, then, after that meeting, the idea of Jeff Clark serving as Acting
7 Attorney General is brought forth. And before the actual meeting on the 3rd, it looks
8 like Mr. Philbin has a couple of conversations with him.

9 Do you remember, again, asking --

10 A I remember talking to Pat, and I remember -- Pat had also worked with Jeff
11 at Kirkland, knew Jeff, you know, I think had generally the same opinion as I had.

12 This didn't seem like Jeff, which -- you know, it was like, well, where is this coming
13 from, was my question.

14 Q Yeah.

15 A It was out of character for him.

16 And, you know, I had spoken to him, as you said, on the 31st, and I said, Pat, call
17 this guy and talk him down, basically, you know.

18 Q Right.

19 A Figure out what's going on, see if you can talk to him, you know, and -- on
20 two points, I think, on that day, both the idea that he would become the Acting Attorney
21 General of the United States and also, my recollection, on sort of the issues generally
22 around election fraud and various theories of election fraud.

23 Q Yeah. Exactly what Mr. Philbin told us. He said that, upon your request,
24 he called Mr. Clark. He was unable to convince Clark that his theories of election fraud
25 were without merit. Clark's response was to claim that there's enough out there that

1 smells rotten and rings true enough of being rotten that the election would be stolen if
2 not properly examined.

3 Do you recall hearing about that conversation from Mr. Philbin?

4 A Yeah. Yes, I recall generally hearing about that conversation. I recall he
5 didn't get it done with -- despite the lack of valiant efforts with Mr. Clark.

6 And, in my mind, because I knew Mr. Clark and I had a respect for him as a lawyer
7 and as a person before this, I wanted to make sure that we were talking to him. And
8 Pat, in particular, and I tried and Jeff had tried to give him every opportunity to sort of
9 understand, like, this is not good, this is not a good thing, it's not good for you, it's not
10 good for the President, it's not good for the Department of Justice --

11 Q Right.

12 A -- and try to get it to -- you know, try to get it to end.

13 Q Yeah. So your first attempt --

14 A I didn't think it was good for him to have a meeting with -- you know, I didn't
15 think that meeting would be productive for Jeff, certainly not for the President.

16 Q Yeah.

17 A You know, I was -- I wanted to give him every opportunity to stop.

18 Q Uh-huh. So, upon hearing of the prospect of him being installed as Acting
19 Attorney General, your first thought is, "Let's just talk him out of it," "him" being Jeff
20 Clark.

21 A Let's figure out -- well, my first thought was, this is a terrible idea. Jeff Clark
22 cannot be installed as Acting Attorney General of the United States. I must be missing
23 something here, given what I know about Jeff Clark, so let's talk to him.

24 Jeff had talked to him. He had -- Jeff Rosen -- and he had relayed to me some of
25 those conversations, and I was confused by some of the conversations, in terms of how

1 Mr. Clark was reacting.

2 We all tried. Let's put it that way.

1

2 [12:46 p.m.]

3

BY [REDACTED]

4

Q Unsuccessfully.

5

A We still had the meeting, yes.

6

Q Yeah. Okay. Let's talk about the meeting. So before the meeting

7

occurred, did you give some advice to Mr. Rosen or Mr. Donoghue about the things they

8

should do in advance of the meeting, like talk about potential resignations?

9

A I think Pat also -- Pat and I -- well, a couple of things.

10

Q Yeah.

11

A I think we were all on the same page anyway. So I don't know if I could

12

classify it as advice or whatever. I told them Jeff called me or I called Jeff, or Jeff and I

13

were talking that day.

14

Q Yes, Jeff Rosen.

15

A Sorry, Jeff Rosen. Right there were right there were two Jeffs here. Jeff

16

Rosen called me. I may have spoken to other people from there. I may have spoken to

17

Steve Engel, I may have spoken to Rich. I can't remember who I spoke -- but here are

18

the things that I would have conveyed, two things: Number one, we need to have

19

people beyond, you know, it should be other people from the Justice Department coming

20

to this meeting in my view. They were in agreement with that. I thought it was

21

important that Steve Engel be at the meeting. I thought it was important that Rich

22

Donoghue be at the meeting.

23

Q Why?

24

A Why? A, those two people are -- you know, they had the respect of the

25

President in my view, as did Jeff Rosen, as a general matter. You know, based on my

1 interaction. And I respected them. And I wanted the -- you know, I wanted to make
2 sure, you know, in providing advice to the President, because, again, this was another
3 idea -- I don't think the President, you know -- I don't even know if he knew Jeff Clark,
4 okay? So I don't think the President in my sense without revealing any privileges on his
5 own came to the conclusion, Hey, there is this guy Jeff Clark at the Justice Department,
6 wouldn't be make a nice acting Attorney General. I think this was another idea that was
7 put in front of him, okay? Jeff unfortunately participated in that. And that is where we
8 got where we got, but I wanted to make sure in doing my job for the President that he
9 was aware, A, of all the facts, and B of the views of people he respected and had worked
10 closely with, and who, you know, thought a lot of him, thought a lot of the President.
11 They were proud to be in his administration.

12 Q Yeah.

13 A Okay? And I consider myself to be one of those people. So I wanted to be
14 at the meeting, Philbin was going to be at the meeting, Eric Herschmann was going to be
15 at the meeting. So I thought it was important that the meeting be broadened end to
16 include those people.

17 Q Okay.

18 A There was firm agreement, you know. And again, who thought -- but that
19 was my view.

20 Secondly, I thought it was important that the President know how people at the
21 Department of Justice would react to this and how strongly they felt about it. I think -- I
22 don't think that was information that had been provided to the President, okay, by either
23 Jeff Clark or the Representative
24 or whoever. I don't think the President fully understood at that point. Again, I can't
25 talk about privilege, but it was my personal assessment that if he really knew how people

1 felt about this and what this would mean, I think he would think differently about it and I
2 think he deserves that. We owe him that.

3 Q Uh-huh.

4 A So, I said to Jeff, or I think it was Jeff on that call, but again, I may have said it
5 to a couple of people. Philbin also kind of did the same thing. It was like you need to
6 figure out who is going to leave if this happens. I think there was already some thinking
7 going on at the Department of Justice about that, but you know, Jeff Clark is trying to
8 become the acting Attorney General. And the President has right to know, he deserves
9 to know what that going to mean for people who he trusts and who have done a good job
10 for him, in terms of how they are going to react to it. So I said, you know, You need to
11 bring that, you need to bring whoever the resignations are bring them to this meeting.

12 Q Before we get into to the meeting, I see Ms. Cheney and Mr. Raskin had their
13 cameras on.

14 Ms. Cheney, go ahead.

15 Ms. Cheney. Thanks very much.

16 Pat, the President had been meeting with Jeff Clark prior to January 3rd, and you
17 mentioned someone put Jeff Clark in front of them. Can you tell us specifically who you
18 think that was?

19 Mr. Cipollone. My understanding was it was Congressman -- yeah, Congressman
20 Perry.

21 [REDACTED] Congressman Perry from Pennsylvania.

22 Mr. Cipollone. Correct.

23 [REDACTED] Okay. And how did you form that view that it was Perry?

24 Mr. Cipollone. I was told by Rosen, and I think it was told ultimately by
25 Meadows, too.

1 [REDACTED] Okay.

2 Ms. Cheney, go ahead.

3 Ms. Cheney. And did you understand Mr. Meadows to be facilitating those
4 meetings?

5 Mr. Cipollone. I don't know what Mark was doing vis-à-vis those meetings. I
6 don't know if he, you know, facilitated them. I don't -- I don't know. I don't remember,
7 you know. If someone comes into the White House, typically the Chief of Staff would
8 know about that or be informed about that. But there had been some instances where
9 people -- like the December 18th meeting, I don't know who knew or how those people
10 got into the White House, but somebody WAVEd them in. So I don't have an answer on
11 that.

12 Ms. Cheney. Thank you.

13 [REDACTED] Mr. Raskin, did you have something on this. No? Okay.

14 BY [REDACTED]:

15 Q Let's talk about the meeting. Why don't I start with an open-ended
16 question about what you recall about the discussion in the Oval Office. First of all, who
17 was present?

18 A Okay, who was present. You know, obviously Jeff Clark was present. Jeff
19 Rosen was present, I was present, Pat Philbin was present. Steve Engel was present.

20 Q Eric Herschmann?

21 A Of course, Eric Herschmann was present. I don't think Rich -- Rich came
22 and he was not -- in his view, like, I was why isn't Rich in this meeting? He is outside,
23 you know. Rich is a former military guy. He is, you know, very much into protocol,
24 which he should be, obviously it is the Oval Office, but he was sitting outside. And then I
25 can't remember how he ultimately -- someone said the President found out, Hey, Rich is

1 outside. The President likes Rich Donoghue and respects him, and then Rich came in.
2 Those were the people who were there.

3 Q Okay, tell us what you recall about who was on what side when it came to
4 the prospect of Jeff Clark being appointed acting Attorney General?

5 A Who was on what side? Everybody in that room, the lawyers in that room
6 were on one side. And Jeff Clark was the man alone.

7 Q No one spoke up in Mr. Clark's -- in support of that?

8 A None of the lawyers did, no.

9 Q Tell us about the conversation. What were the specific arguments that you
10 and others put forth to the President that this was not a good idea?

11 A Well, and again a lot has been said about this and people have testified.
12 And I know Jeff Rosen and Rich Donoghue and Steve Engel have all testified. So I think
13 you have a pretty thorough understanding of what happened at that meeting. I came in.
14 I was -- I was seated at, you know, the chairs were like this. I was seated all the way on
15 to the President's left on the right-hand side, kind of in that chair where I kind of was
16 directly, you know, to the side of the President.

17 Q Did you take that seat purposefully?

18 A I took that seat because I would sit in that seat a lot of times. And, you
19 know -- I think the President sometimes would, you know, turn and look at me during the
20 course of the meeting, and I --

21 Q Yeah, yeah. This was a meeting where you, I think, are at liberty to talk
22 about what the President said. I am curious if you recall specific questions he asked and
23 specific things he said during the meeting?

24 A Again, I think that has been thoroughly testified to by others. I can tell you
25 what I remember --

1 Q Yes.

2 A Okay. So, I was very unhappy with Jeff Clark when I came into this meeting,
3 okay? And I think the meeting began -- I think this might have been before Rich got into
4 the meeting, but I just started, you know, and others did too. There was definitely a
5 very active questioning and participation of Jeff Clark by several of the attorneys in that
6 room. I was one of them. I kind of started out with just by pushing Jeff on some of the
7 theories that he was propounding on, or looking into, or suggesting might have some
8 merit on election fraud. In particular, as I recall, I had in my mind, you know, and again,
9 without getting into things, he had had briefings, so, you know, I was -- I was questioning
10 him related to these theories and, you know, basically you get -- he had gotten what he
11 had asked for, and we started talking along those lines. And Rich came in at some point.
12 I think the -- Jeff talked, Jeff Rosen talked initially, and so did Jeff Clark. And then I -- I
13 did a lot of talking, Rich Donoghue did a lot of talking, Eric Herschmann, Pat Philbin all
14 spoke up, and, of course, Steve Engel.

15 Q Yeah.

16 A I thought it was important in particular that, you know, Steve be there,
17 because Steve had, you know -- the President had a very, very positive view of Steve as he
18 should.

19 Q Right.

20 A And Steve, you know, I worked closely with Steve and the President on a
21 number of very important and key and good policies that the administration put into
22 effect, that the President put into effect. He was familiar with Steve's work.

23 Q Uh-huh.

24 A He was a fabulous lawyer. I wanted him to hear what Steve had to say.

25 Q Yeah. You told us in the informal interview that the President, during this

1 meeting, repeated a litany of election fraud allegations and concerns about DOJ
2 investigations that you told him that were without merit, that you and others continually
3 rebutted or pushed back on the specific can claims that he raised.

4 A He raised and as you know, others jumped in, too. I, you know I didn't -- I
5 kind of -- two generic things. I supported the Department of Justice's views, fully backed
6 them up them, and then presented my own opinion as to that, but you know, these
7 things have been looked at, they did not have merit.

8 Q Yeah.

9 A And there was no -- let me put it to you this way: Some of them just were
10 wholly without merit, some of them, there was not sufficient evidence to suggest that
11 there was, you know, significant fraud so that it would impact the result in the election.

12 Q Uh-huh. And did the President ever acknowledge that any such claims had
13 been rebutted or had been resolved during this meeting?

14 A My impression of the President in this meeting, okay, and as a general
15 matter is, he believed that he won the election, okay? Based on what -- again, this is my
16 determine --

17 Q Okay.

18 A -- can't get inside of head, that he believed that there had been massive
19 fraud in the election. You know, obviously he said that before that time, after that time
20 and since then. And that is what I think he -- my impression was he believed that.

21 Q Despite Attorney General Barr, his own campaign staff, numerous people
22 telling him otherwise?

23 A I think some people were telling him the opposite, okay?

24 Q Uh-huh.

25 A And I think Jeff Clark was one of them based on my assessment.

1 Q Yeah.

2 A And I think it wasn't really -- he would raise something, then Rich or
3 somebody else or Philbin would kind of give the facts of that, you know, and Rich
4 obviously walked through a lot of those. And then he would just move, Well, what
5 about this?

6 Q Yeah.

7 A And --

8 Q So rather than acknowledge the merits or lack of merit of an argument you
9 would just move onto the next allegation or the next argument?

10 A Well, I think again, this is my recollection. He wanted to talk about this and
11 Jeff Clark, you know -- I mean, Jeff Clark was there, kind of, also in my recollection,
12 responding to these things.

13 Q You ultimately told us that you described this meeting as a -- not this
14 meeting, the Georgia letter that was proposed as an F'ing murder suicide pact. Do you
15 remember using the term murder suicide pact?

16 A Yes.

17 Q What did you mean when you said that?

18 A Well, what I meant was, the letter, the whole thing the Jeff Clark becoming
19 attorney -- this letter, it was bad for the President. It was bad for the country. But it
20 was bad for the President himself personally. So I thought it was -- that was how
21 I -- that was the shorthand version that just came to me, and, you know, without
22 repeating the salty language, I said this is -- yeah, this is a murder suicide pact.

23 Q Yeah. You told us this letter is a murder suicide pact. It is going to kill
24 you, Clark, and you, President Trump with him. This thing is going to damage anyone
25 who touches it.

1 A And I think what I was trying to say is Jeff Clark is doing something bad to
2 you right now.

3 Q Yeah.

4 A Okay. I cared about the President. I went to work with him and I was
5 honored to work with him in that administration as I have said several times. So when
6 people like that were telling him things that were not only wrong, okay, for whatever
7 their own personal reasons might be, and I can't -- I don't want to speculate in Jeff's case.
8 I got upset about that too. I got upset about that, because I didn't think he was properly
9 serving President Trump.

10 Q I see. Did the subject of resignations potentially mass resignations arise
11 during the meeting?

12 A Yes.

13 Q Did you tell the President that you, Mr. Cipollone, would resign if he did this?

14 A I can't remember my exact words in that meeting. But, yeah, I think he
15 understood that would be it for me and that would be it for Pat Philbin.

16 Q And were you prepared to follow that through, if the President had
17 appointed Jeff Clark as Acting Attorney General, were you prepared to resign?

18 A I didn't think I would have to follow it through, because I didn't think he
19 would do it. I think once he saw what this really was, okay, and once he understood
20 that here are people that have worked hard for this administration, you know, that have
21 supported your policies, that have been honored to work in this administration and the
22 many people, the Cabinet Secretaries who we were able to work with, we think this is
23 bad. And I think -- I thought, my hope was, when he heard that, he would make the
24 right decision, and he did.

25 Q Did he say why he ultimately decided not to appoint Mr. Clark? Did he give

1 a reason?

2 A I -- I can't remember all the reasons. I mean, one of the reasons, you know,
3 he -- I don't if this was his reason, but he definitely said that these guys are, you know,
4 not having this, and I forget the word, the exact words. And you know, you can't -- they
5 are not going to -- it is not going to happen.

6 Q You told us something, like, it was not worth the breakage.

7 A I don't remember that word. I mean, I -- I don't remember that, you know,
8 that he -- I -- that is maybe my speculation about what he -- part of what he thought.
9 But I didn't think he would think at the end of the day, he thought it would be a good
10 decision.

11 Q And --

12 A And not just because for lots of reasons, including --

13 Q My question is, what were those reasons to the extent you could tell during
14 the meeting? It was the resignations, what's it the merits -- the lack of merit of the
15 steps that Mr. Clark proposed taking?

16 A I didn't have an extensive discussion. I know without getting into privilege
17 based on conversations and a conversation that took place after that meeting, he
18 understood it would not have been a good decision for him.

19 Q All right. After the meeting, Mr. -- in our informal discussion with
20 Mr. Philbin, he told us that the President said something along the lines of, you have to
21 understand there is a coup going on and you are complicit in it. Talking to both you and
22 Mr. Philbin. Do you recall the President talking about a coup going on?

23 A He said that. My recollection is he said that toward the end of the meeting.
24 I think he was -- I think he was expressing the fact that I said that he believed that there
25 was fraud in the election, that, you know. And he viewed that, I guess, as, you know, he

1 used the word "coup," and he pointed at us and said, And you are complicit and you are
2 complicit, and he said the same to Eric. I don't if he really, you know, I mean, meant
3 that, but that is what he said.

4 Q And he said that you were complicit in this coup or that you how had
5 somehow facilitated the election being stolen?

6 A No, no. I think what he meant was, you know, I think he understood what I
7 felt about the claims of election fraud in that meeting. I think he -- and we just
8 disagreed about that, but, you know.

9 Q I see.

10 [REDACTED] Ms. Cheney, I see you are on. Go ahead.

11 Ms. Cheney. Thank you.

12 Pat, did you ever hear the President cite any genuine evidence that the election
13 had been stolen by fraud?

14 Mr. Cipollone. I can't go into my conversations with the President. I think a lot
15 of people were providing the President with instances of what they believed to be fraud.
16 And I think the President, you know, was considering that. Some of that, a lot of that
17 went over to the Department of Justice. There were all sorts of claims early on,
18 because, you know, I think there have been some issues as I mentioned before some legal
19 issues about how mail-in ballots, you know, were authorized in certain States, how they
20 may have been used, all of these things. I think after we got through that, I think people
21 were, you know, there were various theories of dead people voting, and you have heard
22 many of them that people were putting in front of them -- in front him, Rich Donoghue
23 and Jeff Rosen talked about that in the public testimony, some of those issues. I don't
24 think I need to go through all of them.

25 Ms. Cheney. Well, I am actually asking you about in that meeting, Pat. In that

1 meeting, did you hear the President cite any genuine evidence that the election was
2 stolen through fraud?

3 Mr. Cipollone. I think he cited a number of things that he believed that he had
4 been told, based on my observations, he -- he believed were true, but I didn't -- it wasn't
5 as if he started providing detailed evidence of each claim, no.

6 Ms. Cheney. And as you told us earlier today, the Attorney General, the acting
7 Attorney General, the previous Attorney General, his own campaign lawyers all had told
8 him that there was no basis for these allegations, that there was sufficient fraud to
9 change the outcome of the election. And I think you said you agreed with that.

10 Mr. Cipollone. I did agree with that. Yes, when Bill Barr told him that, I agreed
11 with it.

12 Ms. Cheney. And this meeting happened after that?

13 Mr. Cipollone. Yes.

14 Ms. Cheney. And so, again, I ask you, did the President cite any genuine
15 evidence in this meeting of fraud sufficient to steal the election from him?

16 Mr. Cipollone. And again, you know, I will give you the same answer, in my view,
17 he was raising issues that had been raised. It wasn't a debate about specific evidence.
18 He would say, Well, what about this? And then Jeff or Jeff or Rich Donoghue would
19 respond. And that is how the meeting went.

20 Ms. Cheney. And these were all claims that Jeff and Rich Donoghue had told you
21 previously had no merit.

22 Mr. Cipollone. For the most part, yes. And that we assessed on our -- you
23 know, it wasn't our job to drill down on each one of these claims, but to the extent we
24 could and Pat Philbin and I also chimed in at this meeting in terms of our views of these
25 things. We supported DOJ, we gave our independent view, this was January 3rd at this

1 point, you know.

2 Ms. Cheney. Thank you.

3 Mr. Cipollone. To the extent -- but I did leave the meeting thinking that he -- he
4 believed this.

5 Ms. Cheney. Can we -- I don't know if we're done with this meeting, but this is
6 about the same period of time as the Raffensperger call, so I would like to move to that,
7 [REDACTED] if we are wrapping up this section.

8 [REDACTED] We are about to. Let me see if Mr. Raskin, if you have any
9 questions about the January 3rd meeting. If you do, please go ahead. No? Okay.

10 BY [REDACTED]

11 Q Just quickly to follow up before we leave the January 3rd meeting, on the
12 very question that Ms. Cheney was asking, we talked to Mr. Philbin this, and he indicated
13 in this meeting, President Trump would go on and on about the fraud that was taking
14 place and how no one was willing to drill down and find out about it, that he returned to
15 some of the same theories that had been brought up repeatedly, brought up and
16 rebutted by DOJ. And that Mr. Philbin assessed the lawyers had adequately rebutted
17 and responded to the President's claim, and that there could not be any confusion as to
18 the collective view that each of these things the President brought up, had been looked at
19 and rebutted. Is that consistent with your view of the discussion --

20 A I agree with what Pat said there.

21 Q Okay. Then let us go to the Raffensperger call. As Ms. Cheney
22 mentioned, just the day before this on January 2nd, President Trump has a phone call
23 with Georgia Secretary of State, Brad Raffensperger. First of all, are you familiar with
24 that call?

25 A At the time, I don't have any recollection of knowing about that call until I

1 heard about it later.

2 Q Okay. So before the call --

3 A Not based on my recollection. I, you know --

4 Q You didn't have any involvement in setting it up or talking to the President
5 about it at the time?

6 A No.

7 Q No? Okay.

8 A Not based on my recollection.

9 Q You heard about it in the media. Is that right?

10 A I think as I recall, look, those days there were a lot of things going on, and I
11 understood he was doing various things that I didn't have some insight into -- a lot of
12 insight into with the campaign team or with others and some of these lawyers. But my
13 recollection is, I was actually -- I can't remember when the story broke, but it was right
14 around that time.

15 Q It was.

16 A I remember being out on a walk in, like, in the Cabin John trail and hearing
17 about this.

18 Q Would --

19 A That is my recollection of how I found out about the details of that call. But
20 that is -- again, this was a time period where a lot was going on. I think that
21 was the -- did you say it was the day before?

22 Q The call itself took place on the 2nd, which was the day before the Jeff Clark
23 meeting, it then broke --

24 A I was mainly focused on the Jeff Clark issue.

25 Q Okay. When you heard about the call, and it was actually leaked, did you

1 have concerns about the words that were used on the call?

2 A I am not going to go into that, into my opinions about the call or, you know,
3 particularly to the extent it would reflect privileged information.

4 Q I am not asking about discussions with the President. I am asking whether
5 when you heard that call, you had legal concerns about the words that were used during
6 the conversation.

7 A Again, I would say that I didn't. At that point, I was focused on Jeff Clark,
8 you know. Did I -- did I think that call was a positive thing? No. Was it my role to do
9 a kind of -- sort of legal analysis of what had happened? I didn't do that, but Pat did, so
10 that is where -- that was my opinion.

11 Q Yeah. I understand that you didn't do a formal legal analysis. But when
12 you heard the President asking the Georgia Secretary of State to find 11,000-plus votes or
13 whatever it is, did you have concern about that sounding like a pressure campaign or
14 potentially creating legal exposure for the people --

15 A Again, without getting into questions of legal -- he had other lawyers on the
16 outside involved in, I assume, assessing that and looking at that no, in terms of those
17 activities. But I didn't -- I didn't have a positive view of call generally once I heard about
18 it.

19 Q Okay. Did you talk to Mark Meadows about that? He was a participant in
20 the call.

21 A I may have. I prob -- I probably did. But I don't -- I don't recall specific
22 conversations about that call afterwards. I -- I am sure I expressed my views to Mark
23 about kind of the overall some of activities that were going on at that point with it. And
24 more in view of, like, okay, we are at -- you know, this is January 3rd now.

25 Q Yeah. Did you express your displeasure of the fact of the call to

1 Mr. Meadows or others in the White House?

2 A Probably I did. I don't have specific recollections of those conversations.

3 [REDACTED] Okay. Ms. Cheney, anything else about the January 2nd meeting?

4 Ms. Cheney. I don't. Thank you.

5 [REDACTED] Okay.

6 [REDACTED], go ahead.

7 BY [REDACTED]

8 Q Just to clarify, Mr. Cipollone, did anyone from the White House Counsel's
9 Office participate in any portion of that call?

10 A I don't believe so based on my recollection.

11 [REDACTED] All right. I want to move now to January 6th unless anyone else
12 has any general questions before we go to the day of.

13 All right. Let us go ahead. Mike, do you need a minute?

14 Mr. Purpura. Yeah, give me a minute, guys.

15 [REDACTED] Sure.

16 Mr. Purpura. Can we take a 5-minute break?

17 [REDACTED] Take a 5-minute break. No problem.

18 [Recess.]

19 [REDACTED] I want to take you now to the day of January 6th itself.

20 Ms. Cheney. Tim, I am sorry please hold on for at least one second.

21 [REDACTED] Yeah, please, please.

22 Ms. Cheney. Thank you. Pat, I assume that you saw, and maybe you didn't, I
23 am happy to read it to you. Eric Herschmann's testimony before this committee that on
24 Jan 7th he told John Eastman he was going to need a good F'ing criminal defense
25 attorney.

1 Mr. Cipollone. I saw that testimony. Yeah.

2 Ms. Cheney. Do you agree with Mr. Herschmann?

3 Mr. Cipollone. I am not going to -- I am not going to give me legal assessment of
4 things, Representative Cheney.

5 Ms. Cheney. Let me go back to the chronology just for a minute. So we were
6 talking about the January 3rd meeting in the Oval Office. By that time on December
7 14th, the electoral college had met and voted. And also by that time, the President or
8 his associates had brought -- had lost 60 out of 61 cases they had brought to challenge
9 different aspects of the election in a number of States. They lost 60 out of 61 of those
10 cases. So by the time we get to January 3rd, that has been clear. I assume, Pat, that
11 you would agree the President obligated to abide by the rulings of the courts?

12 Mr. Cipollone. Of course.

13 Ms. Cheney. And I assume -

14 Mr. Cipollone. Everybody -- everybody is obligated to abide by rulings of courts.

15 Ms. Cheney. And I assume you also would agree the President has a particular
16 obligation to take care that the laws be faithfully executed?

17 Mr. Cipollone. That is one of the President's obligations, correct.

18 Ms. Cheney. Okay. So by the January 3rd meeting, the electoral college had
19 met and voted and the courts had ruled.

20 Mr. Cipollone. Correct.

21 Ms. Cheney. Thank you.

22 [REDACTED] Anything else before we go to January 6th?

23 BY [REDACTED]

24 Q Okay. Let's talk if we can, Mr. Cipollone, about your expectation of the day.
25 Did you have any intelligence, law enforcement or otherwise, regarding the possibility of

1 violence on January 6th?

2 A You mean prior to that day?

3 Q Prior to the day.

4 A No, not that I can recall.

5 Q Did you have --

6 A We had conversation, I think Pat Philbin and I had conversations with Jeff
7 and others at the Justice Department about what their assessments were.

8 Q Yes.

9 A And I believe Pat may have talked to you about that. I told you I didn't -- I
10 think they thought that if they had matters in hand, can set the date, we are going to be
11 involved in anything. And no, I did not -- I did not expect what happened.

12 Q Yeah. You told us actually that you expected large crowds, but that the
13 preparations were in place to manage, like --

14 A That was my understanding. Obviously, it is not -- none of that is my role in
15 terms of -- but I was aware of it from Jeff.

16 Q Yeah.

17 A And I -- actually, my recollection is that Jeff was of the view that the crowds
18 might be smaller than maybe anticipated. But, again, the bottom line is, we had a
19 couple conversations with them. I did not expect what happened on January 6th. I
20 had no indication that that would happen based on what I knew at the time.

21 Q Yeah. Did you also understand at the start of the day on January 6th that
22 the Vice President had made clear to the President that he would not exercise any
23 purported authority to affect the outcome of the election at the joint session.

24 A That was my understanding.

25 Q All right. In other words, the President had informed, at least the evening

1 of January 5th, if not earlier, that the Vice President would count the electoral votes and
2 would certify President Biden's victory in the election. Was that your expectation?

3 A That was my understanding. And then I remember the Vice President
4 issued a letter publicly. I don't recall the exact timing of that letter, but that also went
5 out from the Vice President's office.

6 Q Yeah. That happened the morning of the 6th.

7 Let's talk about the morning of the 6th. Did you hear any discussion that
8 morning about the President's desire to go to the Capitol?

9 A I got in a little later than normal on January 6th. I might have been there
10 late the night before. And so I am trying to remember the exact time I got in. I think it
11 might have been I don't know 10-ish or something, something like that. Anyway, do I
12 remember hearing -- I don't have a specific recollection, but I remember that there was
13 some talk of that. And I don't remember who I heard that from. But, yeah, the idea
14 that the President wanted to also go to the Capitol, I remember hearing that at some
15 point that day.

16 Q You heard it that day. But did you also hear discussions then the days
17 before January 6th?

18 A I might have. I don't -- look, I was not involved in obviously any of the
19 planning or the preparation for that rally. I am not in charge of Presidential movements,
20 so I don't --

21 Q What did --

22 A To the extent that I heard that anyone wanted the President to go to Capitol
23 Hill, my view is that was a bad idea. And, you know, I don't remember when I heard that
24 or who I heard it from.

25 Q Tell us more --

1 A I don't know focused I was anyway when I heard it.

2 Q Okay. Why was it a bad idea?

3 A Well, I mean, in my view, and again, people can -- people have a right to, you
4 know -- let me put it to you this way, okay? I didn't think any of this was a good idea. I
5 didn't think the rally at the Capitol on that day was a good idea, just from, you know, not
6 as a legal analysis but just as a person. And so, to the extent that there would also be a
7 movement to the Capitol, no, I wouldn't think that was a good idea.

8 Q Was that because the practical security reasons, legal concerns? Tell us
9 more what informed your view.

10 A I don't recall having sort of a legal analysis about that. That just struck me
11 as, that is not a good idea. I am sure Tony Ornato would be involved in security
12 concerns, Chiefs of Staff's office, and things like that. I just didn't think it would be, you
13 know, a good idea for the President to go up to the Capitol.

14 Q Did you express that view to people?

15 A I am sure I did.

16 Q Okay. What did you understand --

17 A He didn't go.

18 Q What did you understand the purpose of that movement to be when it was
19 discussed?

20 A I don't -- I don't know.

21 Q Do you have any sense of what the President intended to do once he arrived
22 at the Capitol?

23 A I don't recall any sense of what he intended to do. I am sure I don't.

24 Q Do you know whether anyone was recommending or advising or requesting
25 this movement or this possible trip to the Capitol?

1 A I don't -- I don't know who was recommending or requesting it.

2 Q All right. And again, did you have any concerns about the legal implications
3 of him going to the Capitol during the joint session?

4 A Again, when we were going into January 6th, and even the morning of
5 January 6th, what ended up happening was not something that I thought would happen,
6 anticipated happen, have any sense of that. I don't -- I didn't do -- I didn't think about it
7 in terms of legal at that point. I just didn't think it was good for the President to be
8 going up to the Capitol or having this event.

9 Q Were you aware, Mr. Cipollone, that the President persisted in his desire to
10 go to the Capitol, despite being advised that it was unwise?

11 A I -- I wasn't -- I didn't -- I wasn't there obviously. I don't -- I don't have any
12 information about whether he persisted in his desire or what. I know he came back to
13 the White House after speaking at the rally.

14 Q Yeah. My question was sort of, was this, like, the Jeff Clark idea that kept
15 coming up, despite the fact that you and others had argued against it?

16 A Again, this is not one that would be kind of in my lane, you know, whether
17 the President goes -- I don't remember when it first came up to my attention. I don't
18 know how often it came up. It certainly wasn't something that, you know, I was
19 involved in for any significant amount of time or consideration. I am sure I heard about
20 it and I expressed my opinion.

21 Q All right. During the speech, he actually talks about going to the Capitol, I
22 will go to the Capitol. I will be there with you. First of all, you didn't go to the speech,
23 correct?

24 A No, I did not go to the speech.

25 Q Do you remember hearing that?

1 A I don't know that I watched the speech. I remember going back to my
2 office. And I may have -- we had a television kind of in the outer portion of the office.
3 And sometimes, you know, we would watch TV out there. I may have been watching
4 some of it, but I don't recall that specific part of it, no.

5 Q And do you know whether or not upon the President's return that those
6 discussions continued whether or not he should go to the Capitol?

7 A I don't -- I don't know. I mean, I don't have any recollection. Whether he
8 should then go to the Capitol, no, I don't have a recollection of those discussions.

9 Q So you weren't involved in any such discussions upon completion of the
10 speech about the President continuing his desire to go to the Capitol?

11 A After he was already back?

12 Q Yes.

13 A Not that I can recall, you know. But a lot of things were happening that
14 day. But based on my current recollection, that is not something that sticks out as
15 something that I was hearing or being asked about after he returned.

16 ██████████ Okay.

17 Yes. Ms. Cheney, go ahead.

18 Ms. Cheney. Thank you. Pat, the committee has evidence which is not yet
19 public from a source who was in the President's motorcade about an altercation in the
20 presidential vehicle. I take it from your testimony that you are not aware of such an
21 altercation?

22 Mr. Cipollone. I am not, no. I don't recall being aware of it at the time. I was
23 surprised to hear it when I heard about it publicly. I don't -- there was -- I have heard
24 what people have said, or some witnesses have said happened, but I don't -- I don't have
25 any information about that. I don't -- I don't remember in the course of the day. That

1 wasn't something I was focused on. Again, a lot was going on that day. I mean, and
2 no, but I don't remember hearing about an altercation as I sit here today.

3 Ms. Cheney. And Kayleigh McEnany testified to the committee that the
4 President was determined to go to the Capitol after he returned from the Ellipse. Did
5 you talk to Kayleigh about this that day?

6 Mr. Cipollone. I don't -- I don't recall having a conversations with Kayleigh about
7 that. You know, I may have. I don't -- I don't remember.

8 Ms. Cheney. And were you aware of anybody else who had, or any other
9 discussions, did you have any other discussions about the President's determination to go
10 to the Capitol after he returned to the White House?

11 Mr. Cipollone. Not that I can recall as I sit here, no. I mean, I -- my recollection,
12 sort of, you know, begin once, you know, it became clear that people were entering the
13 Capitol and starting to enter the Capitol, and some violence was occurring. That is when
14 I -- that is when I sort of remember, you know -- I remember that clearly, that part clearly.

15 Ms. Cheney. And do you know if Pat Philbin was involved in any of these
16 requests by the President or demands by the President to go to the Capitol?

17 Mr. Cipollone. I don't. But Pat Philbin and I were sort of joined at the help that
18 day. I mean we did a lot of this together to the extent we went to the Oval Office, I
19 think, all, or almost all of that we did together. We got on various phone calls with DOJ,
20 with the Pentagon, with Homeland Security during the course of that day. And I would
21 say, for the most part, Pat Philbin and I were together.

22 Ms. Cheney. Thank you.

23

BY [REDACTED]

24 Q Just to summarize this, Mr. Cipollone, is it fair to say that whenever this idea
25 came up, the idea of the President going to the Capitol, you expressed your view, your

1 strongly held view that it was a bad idea.

2 A I am sure I did, yeah. I didn't think it was a good idea. But I don't
3 remember -- and I don't think I did start using legal terms or legal jargon to discuss it or
4 think about it from that sense.

5 Q Did it come up repeatedly over the course of the lead up to and the day of
6 January 6th?

7 A I have told you what I recall about that. Again not an area that I would be,
8 you know, kind of central in considering such a thing.

9 Q Okay. You said you got in around 10 --

10 A I don't remember the exact time I got in. I remember I started late in that
11 morning. I went to the church in the morning, and then went home for a little while.
12 And then I just had -- at that point, you know, I was -- well, anyway, then I went in. And I
13 don't -- I don't remember exactly the time. But it was -- normally I would get in a little
14 bit on the earlier side, but this was a little bit later than my normal day.

15 Q You told us that you had been at the White House late the evening before,
16 that you came in to work a little bit later than usual. After first going to your office, you
17 went down to the Oval Office to see what was going on, and you saw that the President
18 was meeting with some members of his family. Do you remember that?

19 A I do. I remember, and again, I don't remember what time I left the night
20 before, you know, but I got -- when I got to work, I went to my office, I dropped -- you
21 know, I checked in at my office, and then I walked down to the Oval Office. And I
22 walked into the outer Oval, and I walked into kind of the door of the Oval Office. I
23 looked in. I don't remember everybody who was in there. But I remember members
24 of his family being in there, primarily members of his family. I think Mark Meadows may
25 have been in there. I believe General Kellogg may have been in there, but I don't know.

1 And then I remember Eric Herschmann was standing there and came and my recollection
2 is he came to me as I was standing in the door and said, this is -- this is family -- just kind
3 of -- you don't need to be here. And I said, fine. And I believe I went back to my office
4 at that point.

5 Q So you never actually penetrated --

6 A Not in my recollection -- I mean, I may have walked in a little bit but yeah,
7 that is my recollection.

8 Q There has been a lot of discussion the committee's developed about an
9 angry or heated call between the President and the Vice President that took place that
10 morning. Were you present for that?

11 A No, no.

12 Q Did you hear anything about it after the fact?

13 A Well, I heard about it after the fact from people.

14 Q What did you hear about it?

15 A I didn't remember when I heard about it, I think there were news reports
16 about it at some point. And you know I remember -- I don't remember -- I don't any if
17 Eric was present for it or not, but I may have heard about it from Eric. I heard it was a
18 heated call. I don't -- I don't have any details and witnesses who were there for the call
19 would be in the best position to tell you what happened.

20 Q And I appreciate that. And I want to clarify with all these questions. I am
21 not looking for things you read about in the news, but things to the extent you can
22 untangle this that you heard from the people, your personal knowledge directly of people
23 in the White House. Did anybody describe for you who was present for this call, the
24 conversation?

25 A Not on that level of detail, no. I mean, maybe Eric told me about the call.

1 I think it was Eric, but I don't know. And I remember hearing about the call. I wouldn't
2 talk about a call between the President and the Vice President anyway, under, sort of, our
3 privilege analysis; but no, I remember hearing separately that the call took place that it
4 was heated.

5 Q Okay. Anything else that you recall about it?

6 A I mean, I am trying -- I am trying to parse what I knew at the time versus
7 what I subsequently learned and I just can't.

8 Q Okay.

9 A You know, I have heard about that call. And I have read about that call in
10 the resources.

11 Q You said a little while ago that you thought the whole thing was a bad idea,
12 meaning the President's -- the rally, the President's speech that he proposed to give at
13 the Ellipse. Tell us more why you thought that whole thing was a bad idea?

14 A Well, again, you know, and that was sort of, in my view, sort of a campaign
15 kind of event so it is not -- other people may have different views of that. I just thought
16 at that point, the best thing to do would be, you know, start the transition, or continue
17 the transition. And having rallies like that at that point, I didn't view as, you know, the
18 best thing to do.

19 Q Did you see a draft of the President's Ellipse speech sometime before it
20 occurred?

21 A I remember -- and I think it was the day of, I think the day of, you know,
22 speeches, even campaign speeches would sometimes get circulated through the process.
23 And I was not the one reviewing those speeches. I think Pat Philbin would normally
24 review those speeches. I don't know if it was when I got in, or on the way in, but maybe
25 when I got in I heard that they had circulated the speech to Pat. I believe they would

1 copy me on those things normally. I may have a copy of it in my email. I don't have a
2 recollection of doing a close review of the speech. I think Pat did some of that, but I
3 think my immediate reaction was, you know -- I think I told Pat that, to the extent there
4 are recitations of facts, you know, we are not -- it is not our role to review or sign off on
5 that. And I think I suggested he send some email to that effect. I know Eric sent an
6 email, at least I was told he did to that effect. But that is what I know about that.

7 Q They did. You are exactly right. Pat Philbin and Mr. Herschmann
8 expressed concern about factual statements the speech that were some of the very same
9 claims of election fraud that had been rebutted, discussed ad nauseam --

10 A And I told Pat, like, you know, make sure there is a -- a record of that, and he
11 did.

12 Q Why --

13 A And he agreed.

14 Q Why was it important that that that be --

15 A Well, I mean, this thing just dropped in our inbox, you know. I don't
16 remember how many -- maybe Pat saw a copy of it the night before, I don't know when.
17 But I remember the morning of thinking okay, what are we going -- it is not our role to
18 review this for factual accuracy, it would normally be, and I just told them make sure that
19 that is clear that, that is not what we are doing.

20 Q Okay. Were you concerned, Mr. Cipollone, about the inclusion of these
21 false assertions regarding the power of the Vice President or election fraud in the joint --

22 A I didn't have enough detail about the speech to suggest to me, you know, in
23 particular, things I would be concerned about, but I just wanted to make sure Pat aware
24 make sure that, you know, he told me -- we may have talked about particular concerns on
25 that day. I don't remember that. But I just wanted to make sure that to the extent

1 that there were factual assertions in that speech, that there wouldn't be some indication
2 that somehow they sent it to us and we signed off on that, because everybody
3 understood our view at the time. And I don't even know if they were sending us that for
4 that reason. But I just said, Pat, make sure you email something. But I don't
5 remember what he said in the email.

6 Q You said you didn't --

7 A I am not a big emailer. Pat would generally, you know, do the -- he would
8 do the review. He was very, very good at that.

9 Q Tell us more about your decision not to attend the rally on the Ellipse. Why
10 didn't you go?

11 A Why would I go? I am a government lawyer. I had been to rallies in the
12 past obviously as part of the campaign, you know, even during the administration. But
13 that day, it just didn't even occur to me that that would be something that I would go to.

14 Q Did you discuss with Mr. Herschmann or Mr. Philbin their potential
15 attendance at the --

16 A My recollection of that is that -- I don't think Pat Philbin had any, you know,
17 any inclination that he would be going to that rally. And I remember Eric ended up
18 going. I can't remember whether he might have asked Pat or not, you know.

19 Q Yeah.

20 A I don't know why Eric went. I don't know. I am sure he told you in his
21 testimony.

22 Q He did. He told us that he asked Pat Philbin to go to attend the rally
23 because he thought Philbin could be helpful, and that Philbin chose not to attend because
24 he knew that the rally would be about election fraud theories that he knew were false,
25 and which he knew the President had been told were false. And that is why he didn't

1 want to go.

2 A That is why Pat Philbin said he didn't go?

3 Q Yes.

4 A Okay.

5 Q Again, my question is, did you share that view?

6 A I shared the view that -- I share that view generally, yes. I didn't -- I don't
7 know sort of -- I didn't want to go to that rally. I didn't think it would be -- it would be
8 odd for the White House counsel show up at that rally. That is not something I would
9 do. I also agree with Pat Philbin that I didn't want to go there because theories that
10 were being propounded. And again, I didn't know exactly what was going to be said, but
11 it is not something that I would do.

12 Q I understand. Did you watch the speech?

13 A As I said, I don't -- I don't remember if I watched. I think I started out in my
14 office. And maybe at some point, I came in and out, watched the speech, you know. I
15 think I had a TV in my office, but I don't think I ever turned it on once, but I had a TV
16 outside. And I may have gone in and out or stood at my door and watched some of it.

17 Q Do you remember any specific reaction to any of the words the President
18 used in this speech?

19 A No.

20 [REDACTED] Ms. Luria first, and Ms. Cheney, you have come off the camera.
21 Ms. Cheney, why don't you go first, if you have a question and Ms. Luria we will come to
22 you.

23 Ms. Cheney. Thank you.

24 Pat, I didn't know if you saw in one of other hearings we presented some of the
25 radio traffic from some of the law enforcement sources on the morning of the 6th, it

1 included reports of weapons in the crowd, including AR-15s. Did you see that tape we
2 played in our hearing?

3 Mr. Cipollone. I don't think I saw that tape, no.

4 Ms. Cheney. Are you aware of the police reports that there were weapons in the
5 crowd, including AR-15, body armor, sort --

6 Mr. Cipollone. I don't believe I was aware of those things at the time. Of
7 course, that would be a law enforcement function and not my function. But I don't -- I
8 was not aware of that at the time. Am I aware now what you are saying that there were
9 weapons and things like this? Yeah. I am aware just from subsequent events.

10 Ms. Cheney. So did you hear on January 6th, or in the days before that, concerns
11 about weapons in the crowd?

12 Mr. Cipollone. No, not that I can recall. My primary conversation and I think
13 Pat Philbin's too, were with DOJ and making sure that, you know -- just finding out from
14 them where are you on this and -- but no, I did not -- I don't recall people telling me that
15 there would be weapons in the crowd, no.

16 Ms. Cheney. And did you hear reports on the 6th that Secret Service was
17 confiscating weapons?

18 Mr. Cipollone. I can't remember when I started hearing reports like that, you
19 know, about what was going on in the crowd. If I would have heard such a thing, I
20 would have heard it from Tony Ornato. I remember clearly, at one point in the
21 afternoon, hearing that someone had been shot in the Capitol and reacting to that. I
22 think I heard that from Tony. But I don't have a recollection of, you know, particularly
23 prior to the speeches. I said I was, you know, being aware that there were weapons in
24 the crowd, but somebody may have said that at some point, but I don't think so, not to
25 me.

1 Ms. Cheney. Thank you.

2 [REDACTED] Thank you, Ms. Cheney.

3 Mrs. Luria.

4 Mrs. Luria. Yes. So I want to go back to the review of the draft of the remarks
5 and your previous comments as well where you had alluded to the fact that there were
6 things that were being planned that were not factual, you were aware they were not
7 factual. I get the impression you voiced that opinion repeated times. And rather than
8 focusing on that particular set of remarks, that particular event, can you talk more
9 broadly as to what is the role of the White House counsel in this review process, the
10 speeches that are going to be given by the President to cite document, and then report
11 back directly to the President and people who are drafting the speech that there are
12 actually inaccuracies in the text of that document that she is about to go deliver --

13 Mr. Cipollone. Well, there is a process talking about a policy speech, for
14 example, where the policy people, the speech-writing team obviously put together a
15 speech and it typically goes through a number of different reviews, people comment on
16 it. It typically goes through -- you know, it gets reviewed by the counsel's office, you
17 know, sometimes for factual accuracy on things like that, if we have a question, or if
18 somebody else who maybe is a policy person with more detailed knowledge of facts, they
19 would get involved. But I, personally, in terms of my role, you know, I would not be the
20 person doing the detailed review of these speeches. You know, typically, Pat would do
21 it or somebody else in the counsel's office would do it, depending on what agency it
22 impacted. We have a large team -- well, I mean, 30-ish, 35 lawyers. Each agency had a
23 lawyer assigned to it for a policy perspective, also for an oversight, if oversight issues
24 came up. And so -- but if there were particular speeches or particular questions that Pat
25 would raise with me or I was involved in, then, yeah, I would review things, but that

1 review is typically done by other people on my staff.

2 Mrs. Luria. So going back to this particular speech the one that the President
3 was to deliver the morning of January 6th at the Ellipse. What review process did it go
4 through? Did you already say that --

5 Mr. Cipollone. The only thing I can recall, I don't know who else was looking at it
6 who on the campaign. I am sure people, you know, not in the White House and maybe
7 associated with the campaign of the event, I would expect that they would have looked at
8 it, but I don't know. I think that my only recollection is the speech came in, I found out
9 that the speech had come in, it had been copied in my mailbox. And I think I talked to
10 Philbin. And I said what is -- like, why are -- you know. And then I said, just make sure,
11 you know, we are not doing a review for facts. And we are not signing off on things that
12 are in there in terms of the facts. I mean, I remember saying that and I remember
13 Philbin documenting it. But it wasn't -- I didn't spend a lot of time on that. I just
14 remember seeing it and talking to Pat. I remember hearing Eric had done the same
15 thing, and Pat did it, and that was that.

16 Mrs. Luria. Thank you. Maybe in my context is obviously a little bit different in
17 my professional experience than the White House Counsel to the President, but thinking
18 as somebody who served 20 years in the Navy and having worked directly for flag officers
19 and their JAG [inaudible.] That is given, you know, relative to all aspects of their job.
20 And maybe this will be hard as we get more into the January 6th of what actions were
21 taken at the White House. But it seems as though throughout the day, and we are
22 looking really close at an 185-minute period, that there are a lot of actions that one
23 [inaudible.] taking as the Commander in Chief.

24 We heard from multiple people that calls were not made, Defense Department,
25 Justice, Mayor of Washington, D.C., all of these types of things. You know, am I off base

1 in saying is that, you know, as the legal adviser, that I would have anticipated you to have
2 been by his side in this kind of scenario advising on the legality of all kinds of decisions
3 that needed to be made, but that, in fact, didn't happen because of something such as
4 [inaudible.] conversations, decisions were not being litigated by the President during that
5 time.

6 Mr. Cipollone. Let me -- I can tell you what I did and what we did. And I think,
7 you know, there is the time period before the speech, during the speech, after the
8 speech, once kind of the protests and the start and then once people breached the
9 Capitol, what I did. And without, you know, getting into what would normally be done
10 in normal circumstances. Number one, I was very concerned about the safety of people,
11 the fact that we had enough -- make sure we had enough law enforcement resources up
12 there.

13 I believed very strongly that there needed to be an immediate -- and again, I am
14 not getting into what I said or didn't say to the President. I am telling about my personal
15 views. My personal view was that there once people were -- once things started
16 developing in a way near the Capitol, at the Capitol, and certainly once it was breached,
17 my very strong view was there needed to be an immediate strong direct call to people to
18 get out of the Capitol and to stop. That was my view.

19 [REDACTED] And we are going to march through a little bit of that once we keep
20 with the timeline.

21 Mr. Cipollone. With respect to -- if can I --

22 [REDACTED] Please.

23 Mr. Cipollone. Yeah. With respect to other issues, and I think probably other
24 people have testified to this, with respect to law enforcement issues, obviously other
25 people are responsible for the law enforcement aspects of it, but I was in communication

1 over that period of time with the people at the Pentagon. I was in communication, as
2 were others, you know. There was a group of people dealing with it, Justice
3 Department; Jeff Rosen; Rich Donoghue was involved, I believe he was at the command
4 center; Mr. Bowdich was from the FBI was there; Chris Miller at the Pentagon; the acting
5 Secretary of Defense, he was involved; General Milley was involved. DHS was involved.
6 And I was on a variety of calls, I don't remember how many, but a number of calls through
7 that process, you know, just sort of do whatever it was I could do to make sure that there
8 was a full and immediate response to what was going on.

1

2 [1:58 p.m.]

3 [REDACTED] All right. Thanks, Ms. Luria.

4 And I do want to come back for a little bit of your responses to Ms. Luria's
5 questions. But let me just go back to during the speech --6 Ms. Lofgren. [REDACTED] can I do a brief follow-up to Ms. Luria's question on reviewing
7 the speech.

8 [REDACTED] Of course, yes, Ms. Lofgren. Go ahead.

9 Ms. Lofgren. I understand that you wanted to make clear it was not the
10 counsel's office to ascertain the validity of factual associations -- assertions -- and that
11 that was accomplished.12 But what about legal assertions? Would it be the role of the counsel to correct
13 errors that were prepared by speechwriters as to matters of law? Would that be
14 something within your purview?15 Mr. Cipollone. Well, it would depend on the type of speech. Obviously, if it's a
16 government policy speech there was a little bit of a different review, but still a review on
17 campaign speeches and things of that kind.18 But, yeah, I mean, if there were misstatements of law in a policy speech, then
19 someone on my staff would normally address that and correct it.20 Ms. Lofgren. You had reached the conclusion, as I think all -- even Mr. Eastman
21 admitted that his proposal violated the Electoral Count Act -- that the idea that the Vice
22 President could simply choose the next President was not well grounded.23 Did your office see evidence in the proposed speech about directing the Vice
24 President to do that, that he had the authority? Did your lawyers correct that?25 Mr. Cipollone. Again, I did not -- I think that's a better question for Pat Philbin.

1 I don't know, you know -- here's what I thought about that. I thought that was done in
2 the sense that people understood our views. The Vice President was not going to do that,
3 and it wasn't going to happen.

4 So that's kind of my thinking of that, and that was clear certainly by the morning
5 of January 6th, but I believe probably before that.

6 Ms. Lofgren. Just quickly. It seems that the role of the counsel is to help the
7 President from making mistakes that you're aware of and looking out for him and his
8 office. So that's the origin of my question. Thank you.

9 Mr. Cipollone. I would say, Representative, that Pat Philbin and I and our entire
10 team worked extremely hard over the course of our tenure to achieve that goal.

11 Ms. Lofgren. Let me make clear, I don't dispute that. I was just inquiring as to
12 the speech review and the unfortunate comments made during the speech about the
13 Vice President.

14 Mr. Cipollone. Thank you.

15 [REDACTED] Thanks, Ms. Lofgren.

16 Ms. Cheney, do you have something else?

17 Ms. Cheney. Thank you, [REDACTED] I'd like to take a five-minute break, if we could.

18 [REDACTED] Sure we can.

19 Ms. Cheney. Thanks.

20 [Recess.]

21 [REDACTED] All right. Ms. Cheney, you were in the middle before we stopped.
22 Is there anything else before we resume?

23 Ms. Cheney. No, not now, [REDACTED] Thanks.

24 [REDACTED] Okay. All right.

25

BY [REDACTED]

1 Q Mr. Cipollone, I wanted to go back to during the speech Mr. Herschmann
2 returned to the White House and came sort of straight to the counsel's suite. You told
3 us in the informal interview that he was frustrated upon his return.

4 Do you remember that initial conversation with Mr. Herschmann?

5 A No, I don't remember whether he came back. I think he left during the
6 speech.

7 Q Yeah.

8 A And then he came back, and he came into our office. And, I mean,
9 whatever he said, he's testified to, I don't have any reason to disagree with.

10 Q What do you recall about the conversation with Herschmann, if anything?

11 A Well, I don't think he liked the event either. And I think, having been there,
12 he came back with that impression.

13 Q All right. When did you first realize that people from the Ellipse were
14 moving towards the Capitol? Do you have any recollection of how and when you knew
15 that?

16 A No.

17 Q When did you first realize that there was actual violence or rioting at the
18 Capitol?

19 A I first realized -- and it may have been on television or it may have been Tony
20 or it may have been Philbin -- but I found out that people were -- they weren't in the
21 Capitol yet, but they were -- and then I started watching it, and then I was aware of it.

22 Q Is there a TV in the counsel's suite or in your personal office?

23 A There's a TV in the counsel suite.

24 Q And did you see these images yourself?

25 A I'm sure I did, yeah.

1 Q All right. When you first realized that there was actual violence at the
2 Capitol, what did you do?

3 A Well, I went -- I got -- well, I first -- I think the first time -- I may have gone
4 down before this, but the first time I remember going downstairs was when people had
5 breached the Capitol, they had gotten into the Capitol, you know? And I may have gone
6 down another time before that.

7 But I went down with Pat, and I remember we were both very upset about what
8 was happening. And we both wanted, you know, action to be taken related to that.

9 Q When you say you went downstairs, are you talking about to the Oval Office
10 or to --

11 A I'm sure I may have stopped by Mark's office first. I normally would do
12 that. Sometimes I wouldn't. But we went down to the Oval Office, we went through
13 the Oval Office, and we went to the back where the President was.

14 Q Mr. Philbin said --

15 A And I believe Meadows was already there at that point or he came -- but I
16 don't remember where Mark got there.

17 Q All right. You and Mr. Philbin indicated that you first -- the two of you went
18 downstairs, first, to Mark Meadows' office, either found him in his office or then found
19 him in the President's dining room with the President.

20 A That's correct. Yeah. Yeah. I think he was already in the dining room.
21 I think we went to his office. He wasn't there. We both went into the dining room.

22 Q And what was your intention? I think you said something needed to be
23 done.

24 What specifically did you think needed to be done?

25 A Again, without -- and I think --

1 Mr. Purpura. We're not talking about the conversations.

2 Mr. Cipollone. I can't talk about conversations. I think I was pretty clear there
3 needed to be an immediate and forceful response, statement, public statement, that
4 people need to leave the Capitol now.

5 ██████████ Okay. And that was conveyed in your conversations in the dining
6 room?

7 Mr. Cipollone. Again --

8 Mr. Purpura. I think you said enough.

9 I think that really does reflect a Presidential communication, ██████████

10 BY ██████████

11 Q Okay. At some point, did you leave the dining room and go back to the Mr.
12 Meadows' office?

13 A I'm sure I did. I remember at one point the mil aide came and somebody
14 from -- I believe, Chris Miller or somebody from the Pentagon wanted to talk to someone.
15 And I think -- and I went with the mil aide. And I believe Mark came to the -- to Mark's
16 office and had a call with Chris Miller. I don't know if General Milley was on that call.
17 He may have been on that call.

18 You know, just to -- while I'm talking, I don't -- I want -- and I'm sure you know this
19 from talking to a lot of people. There were a lot of people in the White House that day.

20 Q Yep.

21 A Senior people who, you know, felt the same way that I did and who were
22 working very hard to achieve that result. There were -- I think Ivanka was one of them.
23 And Eric Herschmann was there, Pat Philbin was there, and a number of other people.

24 Q Yeah.

25 A Dan Scavino was in my view playing a positive role.

1 Q Okay. Do you remember any discussion with Mark Meadows with respect
2 to his view that the President didn't want to do anything or was somehow resistant to
3 wanting to say something along the lines that you suggested?

4 A Not just -- just to be clear, many people suggested it.

5 Q Yeah.

6 A Not just me. Many people felt the same way.

7 I'm sure I had conversations with Mark about this during the course of the day and
8 expressed my opinion very forcefully, that this needs to be done.

9 In the meantime, I was also going up with Pat and getting on these phone calls
10 with Jeff and the other agencies.

11 And I remember conveying there -- and I remember saying actually downstairs on
12 my way up -- my office was on the next floor up in the West Wing from where the Oval
13 Office is, and when I was going up there -- and I told -- I'm sure I told Mark this, I mean,
14 we need to get every available Federal resource, Federal law enforcement resource to the
15 Capitol now.

16 Now, that's not my job. There were lots of people working on that. But I
17 wanted to make sure that that was conveyed.

18 I got on the phone call. I don't know who had called. That was already
19 underway. And I communicated that as my sentiment.

20 I think Donoghue at some point left the command center and went up to the
21 Capitol. I remember there was one phone call where he wasn't on, and I believe I called
22 him on his cell, and I said, "Rich what's going on?" And then I relayed -- it may have
23 been one of the initial phone calls. And that may have been one where he went up to
24 the Hill -- before he went up to the Hill.

25 So I was on a few phone calls that day in that respect. And I was in

1 communication with Rosen, Jeff Rosen, during the day.

2 Q Before the phone calls start, at the onset of the violence when you first
3 notice on television or wherever that rioters have actually breached the Capitol, did you
4 have a conversation with Mark Meadows in which Meadows indicated he doesn't want to
5 do anything, "he" meaning the President?

6 A I don't -- I had a conversation I'm sure with Mark Meadows, I'm sure with
7 other people, of what I thought should be done. Did Mark say that to me? I don't have
8 a recollection of him saying that to me, but he may have said something along the lines.

9 Q What, if anything, do you remember Mr. Meadows saying at the very
10 beginning about the President's desire, the President's action or inaction?

11 Ms. Cheney. [REDACTED] I've got a question.

12 Pat, you said that you expressed your opinion forcefully. Could you tell us
13 exactly how you did that?

14 Mr. Cipollone. Well, that would -- I mean -- well, I mean, I think --

15 Mr. Purpura. Talking about the conversation with the President, same thing with
16 Meadows or others.

17 Mr. Cipollone. Yeah. I can't -- I don't have -- you know, I have to -- on the
18 privilege issue, I can't talk about conversations with the President, but I can generically
19 say that I said people need to be told, there needs to be a public announcement fast that
20 they need to leave the Capitol.

21 Ms. Cheney. And, Pat, could you let us know approximately when you said that?

22 Mr. Cipollone. Approximately when? Almost immediately after I found out
23 people were getting into the Capitol or approaching the Capitol in a way that was violent.

24 Ms. Cheney. Thank you.

25 [REDACTED] All right. Do you remember anything that Mr. Meadows said,

1 anything at all, during that conversation?

2 Mr. Cipollone. I think Mark was doing the best he could, you know, to -- under
3 the circumstances, was my view, you know. And others were. And I think Mark also
4 wanted to -- got -- I remember him getting Ivanka involved, because he's like get Ivanka
5 down here because he thought that would be important.

6 I don't think Jared was there in the morning, but I think he came later. I
7 remember thinking it was important to get him in there too.

8 And, of course, Pat Philbin was expressing the same things. I mean, Pat Philbin
9 was very -- as I said, I don't think there was one of these meetings where -- there might
10 have been -- but for the most part I remember the both of us going down together, going
11 back, getting on phone calls. He was also very clearly expressing this view.

12 [REDACTED] Ms. Cheney, go ahead.

13 Ms. Cheney. And so, Pat, at this point, you said you began almost immediately
14 as soon as you realized that there was violence underway.

15 Did you express this opinion forcefully to Mark Meadows?

16 Mr. Cipollone. Yes.

17 Ms. Cheney. Thank you.

18 [REDACTED] I understand that you were --

19 Mr. Cipollone. I remember at one point, and I can't remember when, when I
20 continued to express -- and this is not something -- I think this was outside of the -- I know
21 this was outside of the back -- the dining room.

22 I expressed to Mark Meadows this needs to be done now. And I expressed
23 if -- I'm trying to remember if there's a Presidential communication.

24 I expressed very clearly to Mark Meadows and others -- and it wasn't just me,
25 again, with this sentiment -- that something needed to be done, that this was not good,

1 that this was a violation of -- well, let me put it to you this way.

2 I thought what happened on January 6th was a national tragedy. And I did
3 everything I could do during that time to express my opinion that things needed to be
4 done, that statements needed to be made.

5 I wasn't the only one. There were a lot of people who were doing it forcefully.
6 You know who they are.

7 But, no, that was a terrible, terrible day for the United States and certainly for the
8 people who lost their lives and who were victims of violence.

9 At one point, I remember in one of these calls telling Jeff Rosen these people who
10 are doing this up there, who are engaging in these acts of violence, they need to be
11 arrested and they need to be prosecuted to the fullest extent of the law.

12 That was my view. Now, that's obviously up to the Department of Justice. But I
13 remember saying that on one of those calls.

14 I was also, I remember, in terms of the Vice President -- and I believe Pat may
15 have communicated with Greg on that, I believe, you know, but we were also obviously
16 concerned about that.

17 [REDACTED] Ms. Cheney, go ahead.

18 Ms. Cheney. Thank you.

19 Pat, is it fair to say that you were concerned about what the consequences could
20 be if action wasn't taken in terms of lives?

21 Mr. Cipollone. I actually I wasn't thinking of it in that way. I was thinking of it in
22 a human way, that we need to -- oh, in terms of lives? Okay.

23 Ms. Cheney. Yeah.

24 Mr. Cipollone. Yeah. Yeah. In terms of people's safety. I mean, that's how a
25 lot of people were thinking.

1 And, again, I was the White House counsel. I was doing what I could do. There
2 were very brave law enforcement officers and the Capitol Police and Federal law
3 enforcement officers, actually elected Representatives who were at risk.

4 And I just wanted to do everything that I could do from my position to make sure
5 that the response was swift and immediate, and I did everything I could do in that regard.

6 Ms. Cheney. And just to follow up on that, Pat, is it your view that the tweets
7 were not enough?

8 Mr. Cipollone. Again, I'm trying to give my answer consistent with privileges and
9 consistent with things that might have reflected my advice at the time. And you're
10 talking about the tweets, and there were different tweets.

11 ██████████ I think the question is, did you believe that the tweets were not
12 enough? Not anything about your advice to the President.

13 Mr. Cipollone. No, I believed more needed to be done. Okay. I believed that
14 a public statement needed to be made.

15 ██████████ Mr. Schiff, you've come off of -- your camera's on. Questions on
16 this?

17 Mr. Schiff. Yes. Thank you.

18 Mr. Cipollone, did you have a conversation that day at all with Mr. Meadows in
19 which you indicated that you were trying to persuade the President to do more, but the
20 President was unwilling?

21 Mr. Cipollone. I'm trying to remember precise conversations. I think as a
22 general matter, let me put it to you this way. I think all of us wanted more to be done as
23 quickly as possible. And did I have a conversation with Mr. Meadows about that? I'm
24 sure I did.

25 With respect to -- what I'm trying to -- I'm trying to answer your question as

1 directly and clearly as I possibly can without at the same time providing information that
2 might reflect what I may have heard or reflect statements by the President.

3 And I understand your -- the committee's view of that privilege, and all I'm doing is
4 trying to follow the direction that I've been given in terms of what I can say.

5 So I don't want to be unclear. I think I've been clear about what I thought and
6 what others thought should happen and should happen quickly.

7 Mr. Schiff. I appreciate that. I just want to see if I can get further clarity there.

8 Do you recall any conversation you had with Mr. Meadows where he indicated
9 that he's trying to follow your recommendation and trying to get the President to urge
10 people to leave the Capitol, but that the President wasn't willing to do what he was being
11 asked?

12 Mr. Purpura. Yeah. I think, [REDACTED] I think that reflects a direct communication
13 with the President, which is part of the line we've drawn.

14 [REDACTED]. It does not reflect a communication that Mr. Cipollone had with the
15 President. It's a conversation with Mr. Meadows.

16 I think Mr. Schiff's question is, did you have a conversation with Meadows in
17 which Meadows indicated he was trying to essentially follow your advice, provide similar
18 advice, and it was resisted?

19 Mr. Cipollone. And again, it wasn't just my advice. I don't want to give the
20 impression that I was --

21 [REDACTED] I understand.

22 Mr. Cipollone. There were a lot of people in there saying.

23 Yeah, I think Mark Meadows was doing what he could to get things to move
24 quickly.

25 Mr. Schiff. Well, Mr. Cipollone, what is the basis of that conclusion that you

1 believe Mr. Meadows was trying?

2 Did Mr. Meadows convey to you that he was trying to get the President to urge
3 people to leave the Capitol, but was doing so without success?

4 Mr. Purpura. I think it's the same -- I think we're at the same answer here, [REDACTED]
5 I mean, he's answered it. He's tried to come up as close to the line as we can on this.

6 [REDACTED] I think the confusion, or at least mine, I can't speak for Mr. Schiff, is
7 I understand the direct communications with the President, Mr. Cipollone, you have
8 asserted privilege.

9 Mr. Cipollone. Or --

10 Mr. Purpura. Conversations that reflect a direct communication with the
11 President.

12 [REDACTED] If you had a conversation with Mr. Meadows in which he expressed
13 anything, a fact or opinion, I don't see how that's covered by executive privilege.

14 Mr. Purpura. Well, I think we're putting words in the President's mouth. If it
15 was phrased in a way that talks about Mr. Meadows' opinion that doesn't reflect a direct
16 conversation of what Mr. Meadows believed, then maybe he could answer the question.

17 Mr. Cipollone. My understanding of -- and, again, I would defer to Mike on
18 this -- my understanding of what the instructions that I've received on the privilege is that
19 I'm not to discuss -- and this is our understanding -- direct communications with the
20 President or other communications that might reflect direct communications with the
21 President. And I'm trying to answer your question as best that I can, and I'm trying to do
22 it as directly as I can consistent with that.

23 Mr. Schiff. And, again, [REDACTED] is reflecting exactly what I was asking. Let
24 me try asking it a different way.

25 You said that you believe that Mr. Meadows was doing the best he can. And by

1 that I take it you mean he was doing the best he could to get the President to issue a
2 statement to leave the Capitol.

3 What is the basis for your saying you believe Meadows was trying?

4 Mr. Cipollone. Well, my own observations of what Mark was trying to do, both
5 inside, you know -- to the extent that I had observations of Mark. I mean, that was my
6 observation.

7 Mr. Schiff. Your observation of him with the President?

8 Mr. Purpura. If you saw him with the President, that's a Presidential
9 communication.

10 Mr. Cipollone. Again, I'm trying to remember. Let me take a step back and
11 think about -- you're asking a general question about every encounter that --

12 Mr. Schiff. Let me try to clarify.

13 Mr. Cipollone, you said that Mr. Meadows was doing the best he could, and that's
14 based on your observation.

15 That I assume would be on the basis of either you observing him interacting with
16 the President or him telling you about his interaction with the President.

17 So I'm asking you which was it, and if you can give us any clarity.

18 Mr. Cipollone. It was both.

19 Mr. Schiff. In terms of outside of the presence of the President, can you be any
20 more specific about what he related to you what he was trying to do?

21 Mr. Cipollone. Yeah. He related to me that he was trying to get a statement
22 out or a public statement. And I think at one point I said to Mr. Meadows -- I'm trying to
23 remember if this was in the room.

24 Can we -- you want to take a break?

25 Mr. Purpura. Let's go off the record for maybe two minutes.

1 [REDACTED] All right. Two minutes.

2 [Discussion off the record.]

3 [REDACTED] Let's go back on the record.

4 Go ahead, Mr. Cipollone.

5 Mr. Cipollone. At one point, I made a statement to Mr. Meadows. It was
6 outside the presence of the President. It was outside -- that something needed to be
7 done, that somebody needed to go make a public statement immediately, and that if the
8 President didn't do it, then Mr. Meadows should go out and do that, whoever. But that
9 was one statement that I made that day.

10 [REDACTED] Okay.

11 Mr. Schiff. One other question, if I could. In your conversations with Mr.
12 Meadows, did you discuss the threats on the Vice President's life and that something
13 needed to be done to protect the Vice President?

14 Mr. Cipollone. I'm sure I discussed the Vice President at some point in the day,
15 probably early on with Mr. Meadows and others, and certainly on the calls that I was
16 having with law enforcement and people who -- Federal law enforcement. Obviously,
17 there were other law enforcement officials, including the Capitol Police, who were
18 responding. I didn't have communications with them. But, yes.

19 Mr. Schiff. In your conversations with Mr. Meadows about the Vice President,
20 did he ever indicate his views or the views of others as to whether the Vice President
21 deserved the threat he was experiencing?

22 Mr. Cipollone. Well, I'm trying to remember specifically.

23 Look, on the Vice President my view was very clear that something needed to be
24 done for the Vice President, but for everybody at the Capitol who was threatened by the
25 violence. But, obviously, I was concerned about the Vice President. I indicated that.

1 I think Pat Philbin also took steps to at least get information. And I understand,
2 obviously, the Secret Service was involved, but I didn't have communication with the
3 Secret Service.

4 Mr. Schiff. With respect to your conversations with Mr. Meadows, though, did
5 you specifically raise a concern about the Vice President with him, and how did he
6 respond?

7 Mr. Cipollone. I believe I raised a concern about the Vice President. And
8 I -- again, the nature of his response, without recalling exactly, was people were doing all
9 that they could.

10 Mr. Schiff. And what about the President, did he indicate whether or not the
11 President was doing what needed to be done to protect the Vice President?

12 Mr. Purpura. That would be privilege. Privilege.

13 [REDACTED] You have to assert it. Go ahead.

14 Mr. Purpura. That calls for privilege.

15 Mr. Cipollone. I'm being instructed on the privilege.

16 [REDACTED] I see.

17 Ms. Cheney. Can I follow up on that, Adam?

18 Mr. Schiff. Yes. Please.

19 Ms. Cheney. Pat, what was your reaction to the 2:24 tweet about the Vice
20 President?

21 [REDACTED] That's the one that says, "Mike Pence didn't have the courage to do
22 what should have been done to protect our country and our Constitution."

23 Mr. Cipollone. I don't remember when exactly I heard about that tweet, but my
24 reaction to it is that's a terrible tweet, and I disagreed with the sentiment. And I
25 thought it was wrong.

1 Ms. Cheney. And when you talk about others on the staff thinking more should
2 be done or thinking that the President needed to tell people to go home, who would you
3 put in that category?

4 Mr. Cipollone. Well, I would put -- I think I went through them all or a large
5 number of them. I would put in that category -- not in terms of precisely what they said,
6 but in terms of a positive push to get -- a positive effort to get more done faster, Pat
7 Philbin, Eric Herschmann. Overall, Mark Meadows, Ivanka. Once Jared got there,
8 Jared, General Kellogg. I'm probably missing some, but those are -- Kayleigh I think was
9 there. But I don't -- Dan Scavino.

10 Ms. Cheney. And who on the staff did not want people to leave the Capitol?

11 Mr. Cipollone. On the staff?

12 Ms. Cheney. In the White House?

13 Mr. Cipollone. I can't think of anybody on that day who didn't want people to
14 get out of the Capitol once the -- particularly once the violence started. No. I mean --

15 Mr. Schiff. What about the President?

16 Ms. Cheney. Yeah.

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

18 Ms. Cheney. No. I said in the White House.

19 Mr. Cipollone. Oh, I'm sorry. I apologize. I thought you said who else on the
20 staff.

21 Yeah. I can't reveal communications. But obviously I think, you know -- yeah.

22 ██████████ Let me see if I can -- can I -- Ms. Cheney, anything else?

23 Ms. Cheney. Well, I would like to understand how we got to the 4:17 video.

24 ██████████ Yeah.

25 BY ██████████

1 Q My question's exactly that, that it sounds like you from the very onset of
2 violence at the Capitol right around 2 o'clock were pushing for a strong statement that
3 people should leave the Capitol.

4 Is that right?

5 A I was, and others were as well.

6 Q Okay. No such statement is issued directing or asking people to leave the
7 Capitol until 4:17 p.m. So there's a couple of hours in which your strong advice had not
8 been taken.

9 Is that right?

10 A I don't want to characterize in that way. I want to say that -- I know there
11 were tweets that were sent out, and in my view of the world and I think others more
12 needed to be done, and ultimately that video statement was made.

13 Q Yeah. So your advice was tell people to leave the Capitol, and that took
14 over 2 hours when there were subsequent statements made, tweets put forth, that in
15 your view were insufficient.

16 Did you continue, Mr. Cipollone, throughout the period of time, up until 4:17,
17 continue, you and others, to push for a stronger statement?

18 A Yes.

19 Q Were you joined in that effort by Ivanka Trump?

20 A Yes.

21 Q By Eric Herschmann?

22 A Yes.

23 Q By Mark Meadows?

24 A Yes.

25 Q Okay. And was it necessary for you to continue to push for a stronger

1 statement between 2 o'clock all the way until the statement was issued at 4:17?

2 A Restate that question.

3 Q Was it necessary for you to continue to push for a statement directing
4 people to leave all the way through that period of time until it was ultimately issued after
5 4 --

6 A I felt it was my obligation to continue to push for that, and others felt it was
7 their obligation as well.

8 Q Why was it necessary to continue to push for a statement over that period of
9 time?

10 Was it because one had not been issued, because your advice had been resisted?

11 A I mean, factually, what I can say is that there had been some statements
12 made, and that I continued to push because I thought more needed to be done.

13 Q Would it have been possible at any moment for the President to walk down
14 to the podium in the briefing room and talk to the nation at any time between when you
15 first gave him that advice at 2 o'clock and 4:17 when the video statement went out?
16 Would that have been possible?

17 A Would it have been possible?

18 Q Yes.

19 A Yes, it would have been possible.

20 Q Is it fair to say, Mr. Cipollone, that it took you and all the people you
21 mentioned persistently pushing for a statement directing people to leave for it to
22 ultimately happen?

23 A Repeat that one.

24 Q Was it necessary for all of you that you've named, all of the people that were
25 pushing for a stronger statement, did it take repeated pushing, repeated efforts of

1 persuasion to finally achieve the goal that you suggested back at 2 o'clock, a statement
2 telling people to go home?

3 A I think, again, what I would say is that a lot of people, including myself, were
4 pushing for more to be done. Some statements were issued. Some tweets were
5 issued. And my view was that we should do as much as we possibly can as quickly as
6 possible.

7 Q Yeah. You told the President or you advised at 2 o'clock that you should
8 tell people to go home. The first tweet says stay, stay peaceful.

9 In your view, was that insufficient?

10 A Again, I'm not going to get -- I'm not going to get into interpretations of
11 particular tweets.

12 Q Okay. Were you --

13 A I, obviously, thought, as I've said repeatedly, that more should be done as
14 quickly as possible, as much as possible should be done.

15 Q Yeah.

16 A And then, as I said, I was in and out of -- and others were there. I think
17 Ivanka was very effective in and positive in her advice. I think others were too.

18 But, again, I'm not going to get into the privileged communications or direct
19 communications. I was going back and forth to my office to get on these phone calls.

20 And I don't, as I said, I don't remember how many times I went down there. I
21 remember being down there when the statement was being recorded outside.

22 Q Yeah. Did you continue to push for that result, that tell people to go home,
23 all the way through the period until the statement was issued?

24 A Yes.

25 Q Okay.

1 [REDACTED] Ms. Cheney.

2 Ms. Cheney. Can you -- Pat, are you aware of an argument, a disagreement,
3 between Chad Gilmartin and Sarah Matthews on this day?

4 Mr. Purpura. Hold on a second.

5 Mr. Cipollone. Yeah. I can't -- I was trying to place the people you're
6 mentioning. I'm not --

7 [REDACTED] They're both on the press staff.

8 Mr. Cipollone. Okay. Mike just told me that.

9 I'm not aware of arguments between them. Yeah. I'm sorry.

10 Ms. Cheney. That's okay.

11 Can you tell us who contacted you that day? You said that you were back in your
12 office taking calls. Who called you?

13 Mr. Cipollone. Well, I got on call -- I remember the mil aide wanted me to talk to
14 Chris Miller at one point. And then Chris wanted to -- we got on a bunch -- I got on a
15 couple of -- at least two, maybe three conference calls with DOD, Homeland Security,
16 DOJ, people from the FBI. And so that -- I just got -- I dialed in or maybe the Sit Room
17 dialed me into those conference calls.

18 Ms. Cheney. Did you talk to anybody outside the executive branch?

19 Mr. Cipollone. Yeah.

20 Ms. Cheney. And who did you speak to --

21 Mr. Cipollone. Oh, I'm sorry. Oh, I'm sorry. Outside the executive branch. I
22 thought you meant outside the White House.

23 During the course of the day, I can't remember. I'm sure -- I would -- one thing
24 that would be helpful, I don't have my call logs. I haven't seen my call logs. And if you
25 have them and I could look at them then I could tell you.

1 Did I talk to people on the Hill at some point during the course of the day? I
2 probably did. But I don't recall specific conversations as I sit here. But I'm sure it's
3 all -- if we just look at the call logs of my office or my phone or whatever, my White House
4 cell phone, we would know that.

5 Ms. Cheney. Pat, did you use text messaging on your official phone?

6 Mr. Cipollone. I didn't have that activated on my phone. I'm not a big texter.
7 But I'm sure people from the Hill were communicating with me. I think -- I saw reports
8 that Lindsay Graham said he talked to me at some point, Senator Graham. That seems
9 right to me. I can't remember who else I talked to on the Hill.

10 Ms. Cheney. And what about outside government?

11 Mr. Cipollone. I mean, people -- everybody was calling. People were trying to
12 call. I was kind of -- I kind of knew what people would have to say, and I was just sort of
13 focused on doing what I could do inside the White House.

14 I remember Chris Christie called my office, but I didn't have the time to talk to him
15 at that point. I can't remember others outside of government.

16 I remember now seeing a lot of the texts that you have with various people
17 outside of government, including people who are media people making comments and
18 texts and things like that. Did I get a text like that? I don't know. Maybe I did.

19 I don't know if I was aware at the time that all of that was going on, but it didn't
20 surprise me people were calling in and texting.

21 Ms. Cheney. Did you talk to -- and we've seen the texts. We've seen texts from
22 Sean Hannity to Mark Meadows, for example. Did you hear from Sean that day?

23 Mr. Cipollone. I don't recall hearing from Sean that day. I might have heard
24 from Laura. I actually saw her -- I saw her in the morning because she was dropping her
25 kids off at school, and I was at home with Becky, my wife, and she had stopped by to have

1 coffee with Becky. So I saw her when I got back from church is my recollection.

2 And who else called me that day? I mean, obviously, as time -- as the Capitol
3 was secured, I probably got additional calls at that point from people, and I had the time
4 to take them. But, again, no one comes immediately to mind as someone who called
5 me.

6 I talked to Jeff Rosen a lot. I talked to -- I mean, a lot. I talked to him -- I
7 checked in with him. Probably talked to Rich Donoghue. I may have talked to Chris
8 Miller. I was talking to him throughout the day. General Milley, I talked to a couple
9 times. Again, as part of conference calls and so.

10 Ms. Cheney. Did you talk to Sean Hannity in the days leading up to the 6th?

11 Mr. Cipollone. I may have. I may have.

12 Ms. Cheney. One of the texts that you may have seen is from Sean to Mark on
13 January 5th where he says, "Pence pressure, White House counsel will leave."

14 Mr. Cipollone. Yeah. I may have talked to -- I may have. I don't remember if I
15 talked directly to Sean. I probably talked during that time with Jay Sekulow. Jay had
16 functioned -- you know, had been the President's outside lawyer, and Jay and I were
17 involved in trying the first impeachment case together. I knew him before that. I've
18 worked with him. I have a lot of respect for Jay. And so I'm sure I talked to him.

19 Probably talked to -- in the days leading up to it in terms of -- I would check in with
20 Bill Barr. Again, I'm just naming names of people who I would regularly talk to. I don't
21 have the chronology of when I talked to them.

22 Ms. Cheney. No. I appreciate that. I guess I'm specifically wondering about
23 discussions you might have had with Sean Hannity, with Jay Sekulow, with Laura
24 Ingraham on this issue of the plans for the 6th might be causing you to leave.

25 Mr. Cipollone. Well, again, are you asking me about whether I considered

1 leaving prior to the 6th?

2 Ms. Cheney. Yes.

3 Mr. Cipollone. Okay. So I'll give you my best recollection of that and my
4 thinking at the time.

5 First of all, I'm not a resigning type of person, okay? And I certainly don't -- I kind
6 of hang in, and I don't -- I don't threaten, go around threatening to resign. I might
7 inform people that if certain things would come to pass that I don't know -- I don't know if
8 I could stay. I think there might have been a couple instances of that.

9 I think it's fair to say that after Bill left -- and I said earlier that my plan had been to
10 stay on -- to sort of leave when Bill left under the circumstances, and having
11 conversations with Bill and others, I decided to stay on.

12 And then just various things that had occurred, I did consider leaving. Was I
13 considering leaving in -- during that week? Yes. I talked to Meadows about it.

14 But, again, I didn't have a lot of conversations about it. I talked to others. I got
15 advice from people.

16 I had a couple of concerns generally with respect to my doing that. First of all, I
17 could never ask people who worked for me if I'm leaving over a particular situation that I
18 feel like I need to leave over, I'm not the kind of person that would leave and then the
19 people, the good people working with me, no, expect them to stay.

20 So my assumption and my understanding, particularly among the deputies and
21 certainly among the younger lawyers, I wouldn't feel right about that, that if I had done
22 that at particular times, my expectation would be that a number of people in the
23 counsel's office would have gone with me.

24 So there was some of that before January 6th related to various things and the
25 culmination of various things. I didn't. I stayed for January 6th, obviously.

1 And then after that some people were resigning, obviously, over January 6th.
2 We know who they were. Did I consider it? Yes. Did I do it? No. And the reason
3 that I didn't do it was people contacted me -- and others too -- people were concerned
4 about people resigning, and informed me or informed people -- informed me through
5 other people that I should stay.

6 And, again, I'm just one person. So I'm not trying to self-aggrandize or anything
7 like that. A lot of people were getting these types of messages. Robert O'Brien, who
8 was in a similar circumstance and I think receiving similar messages.

9 And I didn't think it would serve the President for me to leave. One thing I was
10 concerned about is if people in the counsel's office left, who would replace me? And I
11 had some concerns that it might be somebody who had been giving bad advice and might
12 continue to give bad advice.

13 But I sort of didn't think about it that much after that. I may have had
14 conversations with some people on the Hill about it, some people in the Cabinet. But I
15 was more focused -- on the day of the 7th, there was the other speech that the President
16 gave.

17 Ms. Cheney. Pat, but let me just stop you before we go beyond the 6th.

18 When you're talking about the period before the 6th, what are the things that
19 you're referencing that made you consider resigning?

20 Mr. Cipollone. Well, I didn't like what was going on with the Vice President and
21 the way that was working. You know, again, I told you, I didn't like the continued the
22 event and the continued notion that we weren't at a point at that point that we were
23 going to have a transition of power. You know, there were probably other things.

24 But ultimately I didn't -- I ultimately concluded that I was going to stay. But I
25 don't want to give the impression that it was an ongoing -- there was a time during that

1 week, and, frankly, in the weeks earlier, that the thought occurred to me. Didn't talk to
2 a lot of about it, just people who I would typically get advice about -- or from. But I did
3 my job, and that's what I was more focused on during those days.

4 Ms. Cheney. Thank you.

5 [REDACTED] Ms. Murphy, I see your hand's raised.

6 Mrs. Murphy. Yes. Thank you.

7 I just wanted to take you back. You said that on the 6th you were trying to do
8 everything you could to get a response, and you included in that you were trying to get a
9 statement to be made.

10 Would you also include in there that you were trying to get responders to respond
11 to the Capitol, like DOD and DHS, law enforcement?

12 Mr. Cipollone. Well, let me put it to you this way. They were responding. It's
13 not that I have to tell them to respond. I just wanted to make sure that -- I got on these
14 calls, they asked us to get on these calls, and I wanted to make sure that people
15 understood that our view was get every available Federal resource up there.

16 I think that was already underway. Again, the people who actually do those
17 things were doing them. That was being run by that group of people. So I don't want
18 to suggest that anything other than I just added my voice to that. I think it was
19 underway.

20 I think there were some issues with, you know, issues around the National Guard
21 as well that came up that day.

22 So, again, there were others involved. Certainly others mainly outside the White
23 House that were doing everything they can do in my view, acting very bravely, the first
24 responders, the Capitol Police, all of those people.

25 I just was asked to get on phone calls, I wanted to get on phone calls when people

1 were asking.

2 Mrs. Murphy. So when you say "our view," who are you representing when you
3 say "our"? The White House counsel? Your view as an individual? Or the White
4 House's view? Or the President's view?

5 Mr. Cipollone. I think all of the above in my mind. I mean, that's all the -- yeah.
6 My personal view, certainly the view of -- but they don't -- they act on their own,
7 obviously, and they were acting.

8 Mrs. Murphy. Actually, DOD doesn't deploy --

9 Mr. Cipollone. Well, yeah, if you're talking about -- but I'm talking about, sort of,
10 Federal resources. I just wanted to do what I could do. And there are different Federal
11 resources. I think they had FBI, I think they had some Homeland, and just making sure
12 that we --

13 Mrs. Murphy. So you just represented to us that you considered "our view" to
14 be inclusive of the President's view that DOD assets and DHS assets be sent to the Capitol
15 to defend it?

16 Mr. Cipollone. That was my -- again, let me put it to you this way. My
17 understanding, and particularly with communications with Mark and my own
18 communications, that I got on these calls and I communicated what I thought to be the
19 view of everyone in the White House.

20 Mrs. Murphy. So --

21 Mr. Cipollone. There was a specific issue -- I'm sorry.

22 Mrs. Murphy. Well, just to be precise here, we don't deploy DOD assets
23 domestically without -- well, you tell me, who is the authorizer for deploying DOD
24 assets --

25 Mr. Cipollone. Well, again, it's not -- no. No. What I was --

1 Mrs. Murphy. [Inaudible.]

2 Mr. Cipollone. Pardon me?

3 Mrs. Murphy. Who has the authority to deploy DOD assets domestically
4 [inaudible]?

5 Mr. Cipollone. Again, I can give you my understanding of what happened that
6 day. I think there was -- there was -- there was some issue that I was called about,
7 about the National Guard and getting the National Guard. And I wasn't, obviously, the
8 one who was -- had been involved in that. But I remember getting a call.

9 I remember having a conversation with Meadows. He was -- I think he was
10 confused by any confusion that we would want DOD to do everything being with respect
11 to National Guard assets.

12 Again, there was -- there are various different scenarios for that, as you know, in
13 terms of the National Guard, other State National Guards, DOD.

14 But primarily what I was focused on at that time was just getting on calls with Pat
15 Philbin and talking about what we had as available Federal resources and what people
16 were doing, just for informational purpose to make sure we were communicating.
17 That's all.

18 Mrs. Murphy. So did you represent yourself on these calls as representing the
19 President's authority to deploy these assets?

20 Mr. Cipollone. I didn't. I didn't get into -- I didn't -- I got on the call. And in
21 terms of representing authority --

22 Mrs. Murphy. Did you have indications from the President that he was
23 deputizing you or anybody else from the White House to have -- to exercise that
24 authority?

25 I'm just trying to figure whether or not when you say "our view," and you included

1 the President and the White House, whether you were actually representing the
2 President's authority to deploy DOD assets in defense of the Capitol.

3 Mr. Cipollone. I think the answer to that is, I got specific direction because there
4 were some questions. Again, I wasn't -- and that's a DOD, and DOD I believe had the
5 authorities that they needed at that point.

6 And, again, I remember there was a question raised about that. And I remember
7 asking. And I remember -- without revealing communications with the President -- I
8 remember Meadows being a little bit agitated that that there was still some
9 misunderstanding or confusion about whether or not they had that authority, I guess,
10 that that authority had been granted. And so that was my understanding.

11 I think also there would --

12 Ms. Cheney. I want to just ask a question here, Pat.

13 Are you aware whether or not the chief of staff to the White House is in the chain
14 of command?

15 Mr. Cipollone. Well, again, on that day, I took --

16 Ms. Cheney. No. Is the chief of staff in the White House in the chain of
17 command?

18 Mr. Cipollone. I took the chief of staff acting on that day was giving me direction
19 from the President.

20 Ms. Cheney. Are you in the chain of command?

21 Mr. Cipollone. I think -- I understand what my role is.

22 Ms. Cheney. So you're aware, I'm sure, that the chain of command for
23 deployment of forces for the defense of the Capitol, for example, runs from the President
24 of the United States to the Secretary of Defense?

25 Mr. Cipollone. Yes.

1 Ms. Cheney. So the chief of staff to the President is not in the chain of
2 command?

3 Mr. Cipollone. I understand that. But often the chief of staff would
4 communicate with DOD and on behalf of --

5 Ms. Cheney. Not in the deployment of --

6 Mr. Cipollone. I understand that.

7 Ms. Cheney. So are you aware of any phone call by the President of the United
8 States to the Secretary of Defense that day?

9 Mr. Cipollone. Not that I'm aware of, no.

10 Ms. Cheney. Are you aware of any phone call by the President of United States
11 to the Attorney General of the United States that day?

12 Mr. Cipollone. No.

13 Ms. Cheney. Are you aware of any phone call by the President of the United
14 States to the Secretary of Homeland Security that day?

15 Mr. Cipollone. I'm not aware of that, no.

16 Ms. Cheney. Thank you.

17 Mrs. Murphy. That's all. I think Liz covered that.

18 ██████████ Thanks, Mrs. Murphy.

19 Ms. Lofgren, did you have something?

20 Ms. Lofgren. Yeah. I want to circle back to your consideration of resignation.

21 You mentioned the circumstance of the Vice President as being part of that
22 consideration.

23 Could you give us any other things that caused you to consider resigning?

24 Mr. Cipollone. Do you mind if we take a five-minute break now?

25 I could tell you one of the things that -- and I'm just trying to think about sort of

1 privilege issues here. But one of the things that I would consider in that regard would
2 be some pardons that were being proposed, some types of pardons that were being
3 proposed.

4 Ms. Lofgren. Can you be more specific as to those proposals?

5 Mr. Cipollone. How about we take a, if you don't mind, take a five-minute break.
6 I can consult with my counsel. We can talk about how much I can say in that regard.

7 Ms. Lofgren. Okay.

8 [REDACTED] We'll take a five-minute break.

9 [Recess.]

1

2 [3:17 p.m.]

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

4 Mrs. Luria, I see your hand is raised. Did you have -- or, I'm sorry, when we left
5 off, did -- I don't know, Ms. Lofgren, if you had more to go?6 Ms. Lofgren. Well, you know, I guess the question is, what are the pardons that
7 specifically were troubling? And then we'll see if there's a followup question.8 Mr. Cipollone. Okay.9 So, publicly, it had been reported that a number of different types of pardons
10 were being considered, including pardons -- and, again, without revealing
11 privilege -- pardons relating to -- you know, broad pardons for people involved in
12 January 6th, pardons for Members of Congress, et cetera, pardons -- there was a public
13 report of self-pardon for the President.14 And these things had -- some of these things, you know, were discussed before
15 and then also after, but primarily after January 6th. Pardons had been an ongoing
16 process, you know, toward the end of the administration, pardons and commutations.17 And so, to the extent that any of that type of thing would've happened, that
18 would be something that I would not be around for. Not that there's not, you know -- it
19 wasn't about an analysis of technical legal authority. The pardon power is broad. But
20 that was not something that I felt was a good idea, for lots of reasons. And none of that
21 happened, at the end of the day.22 Ms. Lofgren. Understanding that none of that happened, what was the basis of
23 your view that it would be a mistake?24 Mr. Cipollone. Well, I mean, the basis of my view -- you know, there were
25 numerous, sort of, legal and prudential reasons, you know, that would've gone into that,

1 and it would reflect communications with the President, but I didn't think any of that
2 should be done.

3 Ms. Lofgren. Would it be your view -- I'm not asking what you told the President,
4 but would it be your view that pardons offered to individuals in advance of the
5 January 6th events could be an inducement to misconduct?

6 Mr. Cipollone. I don't -- I don't have a view on that. I don't have a view on that.

7 Do you have a particular -- I'm wondering if you were thinking of a particular
8 instance of such a thing. I'm not aware of such a thing.

9 Ms. Lofgren. I'm just referencing public statements made and the reliance on
10 those statements.

11 So, at this point, I would yield back, [REDACTED]

12 [REDACTED] Thanks, Ms. Lofgren.

13 All right, Mrs. Luria, your hand is up.

14 Mrs. Luria, are you there?

15 Mrs. Luria. Yes. I think my video just came up.

16 So I wanted to go back to my previous question about the review of the remarks
17 that were given on January 6th and then more broadly about the role of the White House
18 Counsel's Office.

19 So, you know, can you confirm that I'm correct in saying that the White House
20 Counsel is not the President's personal lawyer? Is that correct?

21 Mr. Cipollone. Correct.

22 Mrs. Luria. So you have a role to the institution of the Presidency.

23 And can you describe, you know, broadly how you view your role in essentially
24 ensuring that statements the President makes are not just complete lies?

25 You know, it's been stated over and over again in testimony from multiple people

1 who worked with you in the White House that the President had been told over and over
2 again that these allegations of election fraud were incorrect, they had no basis. It had
3 been through court, and 60 of 61 cases had shown that they had no merit. Yet he was
4 planning to give remarks on January 6th to the American people that again stated things
5 that were known to be false. And your reaction to that was to have that noted and
6 documented.

7 And then I have a question for [REDACTED] Do we have a record of that? Is
8 that something the committee has, this document showing opposition to the content of
9 those remarks?

10 So I'll go to Mr. Cipollone first, and then if [REDACTED] could follow up on that.

11 Mr. Cipollone. Yeah. Again, with respect to those particular remarks and
12 remarks like that -- and there's a difference in the process with official remarks, you
13 know, policy remarks and things like that and then remarks that, let's say, are campaign
14 or political remarks.

15 What happened with that in particular is, those remarks are typically circulated by
16 the staff secretary, okay? And I am not typically, as I said, personally involved in
17 reviewing remarks. You know, there are lots of lawyers in the White House who do that.
18 Lawyers in agencies do that.

19 But with respect to this particular set of remarks, I found out that these remarks
20 had been sent through the staff secretary I believe on the day of January 6th. Pat
21 Philbin told me that we had gotten those remarks. And I think it was, you know -- I don't
22 remember the -- and, again, maybe they had been circulated the night before. I don't
23 know that. I remember learning about the circulation the day of, and I remember it
24 being relatively close in time to the event.

25 And, you know, Pat Philbin -- and, again, you have, I know, discussed that with Pat

1 Philbin, who did the review. I've told you already what I did.

2 [REDACTED] Yeah. And, Mrs. Luria, I'm happy to share with you more about
3 documents when we get another opportunity. I just want to make sure you get a
4 chance, in the limited time we have, to ask any more questions of Mr. Cipollone.

5 Mrs. Luria. Well, thank you.

6 So, I mean, we know publicly that this is not the only time, around this time of
7 January 6th or even after that, while he was still the sitting President, it's not the only
8 time that the President made these false allegations publicly through official remarks.

9 Was it your common practice that every time you were made aware of these
10 remarks in advance or even after the fact that you somehow documented and recorded
11 any comments, opinions --

12 Mr. Cipollone. Again, it wasn't --

13 Mrs. Luria. -- on the factual basis of those?

14 Mr. Cipollone. -- it wasn't my common practice to review remarks in detail.
15 That was done by other lawyers on the staff.

16 Mrs. Luria. But they worked for you in your office --

17 Mr. Cipollone. Yes.

18 Mrs. Luria. -- the White House Counsel's Office.

19 Mr. Cipollone. Yes. Yeah. I --

20 Mrs. Luria. And did you give them guidance to do that?

21 Mr. Cipollone. Well, it's the normal process of things that's established in the
22 White House. It was throughout not only my tenure; that's a standard, in my
23 understanding, standard practice.

24 Mrs. Luria. So, when a lawyer who worked for you in the White House Counsel's
25 Office objected to something, was there a process that would elevate it up, perhaps

1 totally to you, if it was, you know, something that was a statement being made by the
2 President that had an objection? It would seem like that would need to be within your
3 visibility.

4 Mr. Cipollone. Yeah. Sometimes that would get elevated, or sometimes there's
5 a policy dispute, or sometimes there was an issue, and that would get elevated through
6 the staff secretary process.

7 Mrs. Luria. And when --

8 Mr. Cipollone. This --

9 Mrs. Luria. -- these things --

10 Mr. Cipollone. I'm sorry.

11 Mrs. Luria. -- were known to be lies, the President was saying things that were
12 not factual, what did you do about that?

13 Mr. Cipollone. Again, I've testified throughout today about what I was doing in
14 terms of these issues, okay? In terms of reviewing campaign speeches or outside
15 speeches, that was a process that was different for campaign speeches. As I said, my
16 observation was, the President believed these things. But I think everyone understood
17 my view as to these things.

18 Mrs. Luria. So maybe I didn't hear all of the remarks you made today, but this is
19 the first time I recall you saying that the President believed these things. So you're
20 saying, in your assessment, the President believed that he had won the election?

21 Mr. Cipollone. In my assessment, again -- and I spoke about that in the context
22 of the Jeff Clark meeting -- that he believed, at least based on -- again, I can't get inside
23 his head, but based on my observation, I think he believed these allegations of fraud.
24 And he believed that -- yes, I mean, I think he -- again, without testifying as to what his
25 actual belief is, because I'm just reporting my observation in that meeting.

1 Ms. Cheney. So, just to be clear there, Pat, so you're saying he acted as if he
2 believed those things.

3 Mr. Cipollone. Thank you. Exactly.

4 Ms. Cheney. Thank you.

5 Mrs. Luria. Thank you.

6 I yield back.

7 ██████████ All right. Anything else before we resume?

8 Mr. Raskin, your hand is up. Go ahead.

9 Mr. Raskin, we can't hear you. You might be on mute.

10 I'm sorry, unable to hear you.

11 Yeah, I'm sorry, Mr. Raskin, I can see you talking, but I can't hear you. Maybe if
12 you want to jump off and jump back on again.

13 In the meantime, we'll -- unless there's anything else, we'll resume.

14 ██████████

15 Q All right, Mr. Cipollone, I don't want to spend a lot more time on the
16 afternoon of the 6th, but I did have a couple more questions.

17 When you were in the dining room where the television -- was there a television
18 on?

19 A Yes.

20 Q Was the television live, or was it on a delay, or do you know?

21 A I didn't know.

22 Q When you were in the dining room, in these discussions, was the violence at
23 the Capitol visible on the screen, on the television?

24 A Yes.

25 Q All right.

1 Do you remember any discussion at any point during the day about rioters at the
2 Capitol chanting "hang Mike Pence"?

3 A Yes. I remember -- I remember hearing that -- about that. Yes.

4 Q Yeah. And --

5 A I don't know if I observed that myself on TV. I don't remember.

6 Q I'm just curious, I understand the privilege line you've drawn, but do you
7 remember what you can share with us about the discussion about those chants, the
8 "hang Mike Pence" chants?

9 A I could tell you my view of that.

10 Q Yeah. Please.

11 A My view of that is that is outrageous.

12 Q Uh-huh.

13 A And for anyone to suggest such a thing as the Vice President of the United
14 States, for people in that crowd to be chanting that I thought was terrible. I thought it
15 was outrageous and wrong. And I expressed that very clearly to people.

16 Q Did anyone with whom you spoke that afternoon express a contrary view?

17 A Not that I can recall -- "a contrary view"? -- again, without getting into
18 privilege issues.

19 Q Well, is there anybody who expressed a contrary view that you can't share
20 with us because of a privilege objection?

21 A Again, that would reveal privilege. I don't have a recollection, a clear
22 recollection, of contrary views on that, personally.

23 Q Okay.

24 The New York Times reported that you hammered at Mr. Trump to understand
25 that he had potential legal exposure for what was taking place. Do you remember

1 discussion about the possible legal exposure as to what was taking place at the Capitol?

2 Mr. Purpura. That would be privileged, if he's talking to the President.

3

BY [REDACTED]

4 Q Again, I'm just asking whether or not you had concerns yourself,
5 Mr. Cipollone, about legal exposure.

6 A Again, in my own mind, looking back on it, I was more -- I was mainly
7 concerned about doing everything I can do to stop the situation. You know, assessing
8 legal -- it was more, sort of, what can I do as part of the overall team to make sure I was
9 doing what I could do in my role to stop what was going on.

10 Q Okay. So you don't remember, specifically during the afternoon, forming
11 any view about legal exposure.

12 A That's not what I was focused on at that moment in the afternoon.

13 Q I see.

14 You mentioned Ivanka Trump being involved. Did she have any unique role or
15 unique ability to, sort of, get through to the President or a relationship with him as a
16 family member that, sort of, was valuable or you thought was useful over the course of
17 that day?

18 A Yes.

19 Q Tell me more --

20 A I mean, not just the course of that day; throughout, you know, the time in
21 the administration. Ivanka is very effective, very intelligent. She's the President's
22 daughter.

23 Q Yeah.

24 A Obviously, I think he really respects and considers her opinion. And I think
25 he, you know, consistently would take advice from Ivanka.

1 Q Uh-huh.

2 A And I viewed her as a -- I was very proud to be working with her. I think
3 she worked effectively.

4 And, in particular, on that day, as I said earlier, Mark Meadows wanted to, you
5 know, make sure that Ivanka was involved in the situation. And she was, and she was
6 very effective.

7 Q Yeah. You're anticipating my question. Because of that special
8 relationship, was she, sort of, elicited or brought in to these discussions because she had
9 the unique ability to get through to her father?

10 A That's my belief, yes.

11 Q All right. And she shared your view that more needed to be said, that we
12 should tell the rioters to go home? That was your perception?

13 A Without revealing privilege, that's my recollection of how she -- it was her
14 clear view. But you've spoken to her, so --

15 Q Yeah.

16 A -- I'm sure she's expressed her views to you.

17 Q All right.

18 Ms. Cheney asked you some questions about the President not calling various
19 people. Was there any discussion about the President reaching out to the Vice
20 President that afternoon?

21 A I don't recall a discussion of -- I'm sure someone suggested that at some
22 point, but I don't have a specific recollection of that.

23 Q Yeah. The President didn't call the Vice President that afternoon. Is that
24 right?

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

1 Q Yeah. Okay.

2 Ms. Cheney?

3 Ms. Cheney. Pat, are you aware that the Vice President gave an order to
4 Mr. Miller?

5 Mr. Cipollone. Am I aware of that? I remember hearing about that, and I can't
6 remember when I became aware of that.

7 In terms of what I was talking about before, okay -- and I understand the chain of
8 command, and certainly clearly understand my role, as Counsel, I'm not in the chain of
9 command -- when Pat Philbin and I were being asked questions, you know, on some
10 issues related to the whole issue of the National Guard, we went, and Mark Meadows,
11 you know, made clear that the authority had been granted.

12 Now, the chief of staff, you know, saying that the President, you know -- I
13 understand who has the authority, but we were told that the authorities have already
14 been granted. The chief of staff, you know, while not formally being the chain of
15 command, as you well know, can communicate the directives of the President. And
16 what I was thinking is, we heard that from Mark, and then we can go back and relay that.

17 I believe they got that directly -- it sounds like, and it makes sense, that they got it
18 also directly from the Vice President that day.

19 Ms. Cheney. They certainly got it from the Vice President that -- and I want it to
20 be clear, I was not suggesting that you had given an illegal order or that you had
21 stepped --

22 Mr. Cipollone. Okay, yeah. I didn't think you were suggesting that, but I was
23 trying to understand exactly. I understand I'm not in the chain of command. All I was
24 trying to do was what I could do from my position and, you know, frankly, sometimes at
25 the request of people at DOD who are in the chain of command, what I could do to make

1 sure that there was clarity.

2 Ms. Cheney. Yeah. No, I understand that.

3 I think that it's just important, as we discussed earlier, to be clear that the
4 President of the United States is the one responsible for defending all three branches of
5 our government. And, as you confirmed before, as has every witness who's been asked
6 this question in front of the committee, the President of the United States made no
7 phone calls to any of the people who actually were in the chain of command that day to
8 deploy forces to the Capitol and issued no order that day or prior to that day to deploy
9 forces to defend the Capitol.

10 Mr. Cipollone. Well, again, on who he talked to that day, I'm going by what I
11 understand. You've gotten a lot of testimony from various people. I don't have any
12 reason to dispute that.

13 In terms of prior orders by the President, I think -- and I don't want to wade into
14 this myself at this point, but I understand that there may be a difference of opinion on
15 that, but I don't have an opinion on that, because I -- you know.

16 Ms. Cheney. No, I -- well, as Secretary Miller has testified publicly, that he
17 received no such order from the President to deploy forces.

18 So I appreciate that. Thank you.

19 Mr. Cipollone. Okay.

20 [REDACTED] Thanks, Ms. Cheney.

21 Ms. Lofgren -- I'm sorry, Mr. Cipollone. Did you have something else you wanted
22 to add to that before --

23 Mr. Cipollone. No. We can talk about it at some point. You know, there
24 obviously is the National Guard, and then there are forces. But we don't need to go into
25 the differences and all that.

1 [REDACTED] Ms. Lofgren?

2 Ms. Lofgren. I was wondering what --

3 Ms. Cheney. Sorry, Zoe, just to -- I don't mean to interrupt you, but I just want to
4 be clear: With respect to the National Guard, with respect to regular military forces,
5 there was no order given, and Secretary Miller has testified to that. So I don't want us
6 to try to create a situation about uncertainty here, because --

7 Mr. Cipollone. I'm not trying to create any situation of uncertainty,
8 Representative Cheney.

9 Ms. Cheney. I appreciate that.

10 Mr. Cipollone. And I don't want to characterize anybody else's testimony. I can
11 only --

12 Ms. Cheney. No, I actually didn't think that you were. Thank you very much,
13 Pat.

14 Mr. Cipollone. Okay.

15 Ms. Lofgren. Actually, that answered my question.

16 [REDACTED] All right.

17 Mr. Raskin, are you back on? Did you have something?

18 Mr. Raskin. Can you hear me now?

19 [REDACTED] Yes.

20 Mr. Raskin. Good.

21 Mr. Cipollone, you said that you don't like being threatened to resign, which I
22 appreciate, but you were seriously considering resigning because, you said, you didn't like
23 what was going on with the Vice President.

24 Can you be more specific about what it was that you didn't like about what was
25 taking place with the Vice President?

1 Mr. Cipollone. Well, the first time, just to be clear, that I've testified -- and then
2 I'll answer your question about that issue, Representative Raskin -- number one, the
3 whole Jeff Clark scenario, that's something that I testified to, that if that had happened,
4 that would've caused me and lots of people to leave. That didn't happen.

5 Second, during, you know, the weeks, you know, leading up, you know, I didn't -- I
6 didn't -- on that issue of the Vice President, you know, and the ultimate -- you know, the
7 ultimate resolution of that by the Vice President, in my view, was the correct one. And
8 so I just -- part of my thinking was, I assumed that would be the outcome, knowing the
9 Vice President, knowing his counsel. But during the course of that week, I did consider,
10 you know, whether it was time for me to move on. But that didn't happen.

11 Mr. Raskin. So, from my understanding --

12 Mr. Cipollone. And then, after January 6th, after the violence, many people
13 were, I'm sure, considering such a step, and I chose not to, for the reasons I've discussed.

14 Mr. Raskin. In the pre-January-6th period, when you were forced to consider it, I
15 want to be clear about why. Was that because of the pressure that was being brought
16 on the Vice President by people around the President?

17 Mr. Cipollone. Again, I wasn't forced to consider it. I was considering it, okay?
18 Number one.

19 Number two, there were a number of things in my mind, including things that had
20 built up with some of the events that we've discussed, and then, you know, again,
21 depending -- depending on, not so much pressure, but, you know, depending on outcome
22 in terms of that issue, that was weighing on my mind. But there were -- it wasn't one
23 particular thing, you know.

24 But during that week I definitely thought about it and talked to people, and it
25 didn't happen.

1 Mr. Raskin. Okay.

2 I had one other question. You said that you had expressed concern about Vice
3 President Pence. I think this was in connection with Mark Meadows, that you expressed
4 concern about Vice President Pence.

5 Mr. Cipollone. Well, again, I was -- as I think I said, I had concerns about
6 everybody who was, you know, up at the Capitol at that point. I was obviously
7 concerned about Vice President Pence. I don't have a recollection of spending a long
8 period of time talking to various people. I think that was being -- that was obviously
9 being handled by the Secret Service and by other people. But I just wanted to -- one
10 thing on my mind -- and Pat Philbin, I think, also looked into it -- was that Vice President
11 Pence, along with a lot of people, was okay.

12 Mr. Raskin. Gotcha.

13 And did you mention also specifically in passing Members of Congress or Capitol
14 officers and their safety --

15 Mr. Cipollone. I don't remember my specific -- who I specifically referenced, but,
16 obviously, you know, I was worried about what was going on inside the Capitol and the
17 threat to people and the threat to law enforcement and some of the activity. And then,
18 in particular, when I heard from Tony Ornato that someone had been shot, I would say
19 that my concern became even more elevated.

20 So, yeah, I had a general -- obviously, you know, as a human being, I had a lot of
21 concern about what was happening at the Capitol, as I told you, you know, and I felt very
22 strongly that what happened on that day in terms of, you know, violence, you know,
23 approaching and in the Capitol was wrong and it was a tragic thing and it was a tragedy.
24 It's not who we are in this country; it doesn't reflect that. And I was feeling that in the
25 strongest possible terms on that day and subsequent to that day.

1 Mr. Raskin. Thank you.

2 I yield back, [REDACTED]

3 [REDACTED] Thanks, Mr. Raskin.

4 BY [REDACTED]

5 Q I want to talk a little bit, Mr. Cipollone, about the 4:17, the video statement
6 that ultimately was put out. Tell us about your role, if any, in drafting the words that
7 were used in that.

8 A I don't -- I remember being there; I remember a group of people being there.
9 I don't remember who the primary drafter was. I remember looking at it and giving
10 comments.

11 I remember, you know, Pat -- I believe Pat Philbin was also around, that other
12 people were. And Jared was there at that point, I believe.

13 And I don't remember the primary drafter, but I think -- I think, you know, I
14 must've taken a look at that at some point during that process.

15 Q Were the remarks that ultimately the President made on video from a
16 written draft, or were they more extemporaneous, or some combination of the two?

17 A I don't have both in front of me, but basically I remember that there were
18 some differences from the written draft and what was added in the remarks.

19 Q Yeah.

20 Mr. Nick Luna testified before the select committee. He said, "Mr. Cipollone was
21 part of the discussion to set up a statement. It was my understanding at the time he
22 was interested in having a forceful statement that put an end to the day's events."

23 Does that accurately summarize your perspective?

24 A That is true. And I would also add that Nick Luna is another person who,
25 you know, is a, you know, very -- was a very, very positive force on that day and generally.

1 Q Yeah.

2 Were you present when the statement in the Rose Garden was actually filmed?

3 A As my recollection was, I was inside the outer Oval, and I was present for,
4 yeah, the -- I wasn't outside, is my recollection, but I was in the outer Oval with some
5 other people in that office there. And, you know, I saw some of the filming.

6 Q All right. So you were involved in discussions about what it should be, but
7 didn't go outside with the President and others to film the statement?

8 A No. I mean, that wouldn't be -- but I could see through the windows --

9 Q Yeah.

10 A -- outside of the --

11 Q I see.

12 So I won't read the whole statement to you, but at 4:17 the President does issue a
13 videotaped statement where he talks about, "I know your pain. I know you're hurt.
14 We had an election that was stolen from us. Go home. We love you. You're very
15 special. I know how you feel, but go home. Go home in peace."

16 What was your reaction to that video statement?

17 A Well, my reaction was, he did tell people to go home and to go home in
18 peace. You know, some of the extemporaneous comments I don't remember having a
19 strong reaction to. I was happy that something was said at that point in time. You
20 know, some of those extemporaneous remarks didn't reflect what I thought, obviously,
21 given what I've testified to.

22 Q You testified earlier that you thought some of the earlier tweets -- and I
23 won't go over them again -- didn't go far enough. Did you have a similar reaction to the
24 video statement that he made at 4:17?

25 A I remember having a reaction that it was a good thing that that was done at

1 that point in time. And I think subsequent statements were made the next day that I
2 had a role in --

3 Q Yeah.

4 A -- that I think went farther in terms of an express condemnation of the
5 violence, et cetera. But, again, I don't want to get into my thinking and how I provided
6 that thinking to the President.

7 Q And I understand that, and I'll get to the January 7th speech. I'm just
8 wondering again, on a gut level, when you heard the 4:17 statement finally telling people
9 to go home but with all of that other language, did you think it was positive or not?
10 Constructive? Destructive? What was your personal, not communications with the
11 President; your personal opinion?

12 A Well, my personal opinion was it was constructive in that it told people to go
13 home, is my recollection of it. But, you know, referencing some of the other things at
14 that point in time I didn't view as a constructive thing, but --

15 Q I understand.

16 At 6:01 p.m., almost 2 hours after that, there's another tweet that the President
17 issues. Similarly, "These are the things and events that happen when a sacred landslide
18 election victory is so unceremoniously & viciously stripped away from great patriots who
19 have been badly & unfairly treated for so long. Go home with love & in peace.
20 Remember this day forever!"

21 Did you have any involvement in crafting or issuing that message at 6:01 p.m.?

22 A I don't believe I did. I don't have -- I don't have a recollection of being
23 involved in crafting that, no.

24 Q Did you have a reaction to it when it was issued?

25 A I'm trying to remember my reaction when I learned about that. Again, I'm

1 sure my reaction was consistent with my beliefs about what was stated in there. So I
2 don't -- I'm sure I had a negative personal reaction to that.

3 But, again, as I said, based on my observations of the President's actions, that that
4 was something -- those sentiments about the election was something that he believed
5 and felt strongly about.

6 Q Sure. I guess my question is: In your view, Mr. Cipollone, was it
7 constructive or helpful for the President, even after the violence of the afternoon of
8 January 6th, to talk about a sacred landslide election victory being unceremoniously
9 stripped away from great patriots?

10 A No. I don't think that was helpful.

11 Q You had a conversation with the President that evening --

12 Ms. Cheney. Hey, [REDACTED] before you go to that, I wanted to talk more about the
13 tweet and also just, again, to confirm -- Mr. Cipollone, I think you just said that the
14 President believed it, after you told us you couldn't get into his mind.

15 Mr. Cipollone. I think what I tried to say -- and maybe they can read it back. I
16 said, based on my observations of his actions, you know, my conclusion at the time was
17 that he seemed to believe that.

18 I don't know how -- I don't know the best way to say that, but you said it earlier,
19 you know, in a way that I think was acceptable. And I don't need to keep saying that. I
20 think you understand what I thought was, based on my observation.

21 Ms. Cheney. Okay.

22 And I just -- on that tweet, the first sentence of it is, "These are the things and
23 events that happen." Do you agree that this was justified?

24 Mr. Cipollone. I'm sorry, what was justified?

25 Ms. Cheney. The attack of January 6th.

1 Mr. Cipollone. Of course not. I thought it was a terrible thing. It's not
2 justified. It can't be justified. It's wrong.

3 Ms. Cheney. I appreciate that.

4 Mr. Cipollone. It's a national tragedy. There's no -- and, again, without
5 characterizing your view of that statement and whether it does that, my view is, no,
6 that -- what happened at the Capitol cannot be justified in any form or fashion. It was
7 wrong, and it was tragic. And a lot -- and it was a terrible day. It was a terrible day for
8 this country.

9 Ms. Cheney. No, I appreciate that. And, again, it wasn't my characterization.
10 I was reading the President's words, that these are the things and events that happen
11 when a sacred landslide victory is stripped away.

12 Mr. Cipollone. Right.

13 Ms. Cheney. I appreciate your views on that.

14 Mr. Cipollone. And I think I've been clear, that's not my view in any sense.

15 Ms. Cheney. Thank you.

16 BY ██████████

17 Q And just to go back to something Ms. Cheney said earlier, I think you
18 indicated that the President acted as if he believed these -- it was your observation, based
19 on the way he acted, that he believed --

20 A Yeah. And I think I also said earlier that my sense, sort of, over time as
21 things, you know -- my observation is that that continued to solidify. In other words, I
22 think -- and without going into my conversations, you know, looking at things early on
23 and, you know, over time, it seemed to be getting more solidified in terms of at least, you
24 know, what he was saying about it and how he was --

25 Q How he was acting and what he was saying.

1 A Correct.

2 Q All right.

3 You had a call with him that evening. I believe the phone records reflect that
4 from 7:01 p.m. to 7:07 --

5 Ms. Cheney. I just want to -- I'm sorry. One more time. I just want to be clear
6 for the record, [REDACTED] and Pat: Mr. Cipollone, you're not saying to us, I mean, that you're
7 getting into the President's head.

8 Mr. Cipollone. Absolutely not.

9 Ms. Cheney. Is that correct?

10 Mr. Cipollone. No, I cannot. No. No, I'm not saying that, nor could anyone
11 say that about anyone.

12 Ms. Cheney. Thank you. I appreciate that.

13 BY [REDACTED]

14 Q Okay. Again, Mr. Cipollone, 7:01 to 7:07 p.m., the phone records reflect
15 that you had a call with the President.

16 A I did.

17 Q Do you recall the subject matter of that call?

18 A Yes.

19 Q All right. And are you able to share with us anything about the call?

20 Mr. Purpura. No. It's privileged.

21 BY [REDACTED]

22 Q I understand you can't share the communication, but even what prompted
23 you to reach out, what the subject matter was?

24 A Here's what I can say.

25 Q Please.

1 A And if I tread on the privilege, make sure, Mike --

2 Mr. Purpura. Okay.

3 Mr. Cipollone. And I can't remember the exact time, but that the Capitol was
4 secured again, and there was a period of time before everything went back into session.
5 And I don't know where that phone call --

6 BY [REDACTED]

7 Q Yeah. It was before the joint session resumed?

8 A It was, yeah.

9 And I remember -- and I don't want to get into the detail of this, but I remember
10 going to Mark Meadows -- and, again, this would reflect the communication that I
11 ultimately gave to the President in that call.

12 But I remember going to Mark and saying, I think that someone should tell the
13 President to take a certain action with respect to what was going to happen in the joint
14 session. And he said, if you think that, you know, then go right ahead and do that.

15 Q Uh-huh.

16 A And I remember -- I believe he had already gone up at a certain point in
17 time, so I couldn't go --

18 Q Up to the residence?

19 A Up to the residence. And I called the White House operator at some point.
20 As I recall, I didn't get him. And then he called me back, I think. And I think that's -- as I
21 looked at the White House call --

22 Q Yeah.

23 A -- he called me back, because I had a call pending. And I expressed what I
24 needed to express.

25 And that, I think, is --

1 Mr. Purpura. That's as far as you can go.

2 Mr. Cipollone. -- what I can say about that call.

3 BY [REDACTED]

4 Q And I appreciate it. Was the timing of that conversation, before the joint
5 session resumed, important and it had to do with something with respect to the joint
6 session and what he should or shouldn't do?

7 A Yes.

8 Q Okay.

9 All right. Let me turn -- yeah, go ahead, [REDACTED]

10 [REDACTED] Did what you recommended, whatever it was -- and I understand
11 that you're not telling us that today -- did it come to pass?

12 Mr. Cipollone. Again, I think questions like that would reveal --

13 Mr. Purpura. The discussion.

14 Mr. Cipollone. -- the discussion. So I appreciate the question. I think I've said
15 what I can say at this point about that.

16 BY [REDACTED]

17 Q All right. I want to move now to what you just referenced a bit ago about
18 the January 7th remarks that did go a bit further.

19 Did you have any role in preparing remarks --

20 Ms. Cheney. Hey, [REDACTED]

21 [REDACTED] Yeah, Ms. Cheney. Go ahead.

22 Ms. Cheney. Sorry. One more thing before we get to January 7th.

23 Pat, were you aware that even subsequent to that call that you made to the
24 President, Rudy Giuliani was calling Senators and urging them to continue to delay the
25 count?

1 Mr. Cipollone. I don't know what Rudy Giuliani was doing on that day. Did
2 someone tell me that was happening? It's possible. I don't have a recollection of that.
3 "After that," you mean after the Capitol was --

4 Ms. Cheney. After the violence, yeah.

5 Mr. Cipollone. I actually may -- I may have heard something about that, but
6 nothing immediately comes to mind.

7 Ms. Cheney. Did that inform your determination to talk with the President that
8 night?

9 Mr. Cipollone. I don't think that was the reason I wanted to talk to the President.
10 It was just my own determination that I wanted to talk to him about, in my view -- again,
11 because I felt like I owed him my best advice, that I wanted to give him that. And I did.

12 Ms. Cheney. Thank you.

13

BY [REDACTED]

14 Q All right. Let's talk about January 7th.

15 Were you involved in encouraging the President to give remarks on national
16 healing on January 7th?

17 A Many people were involved. I was one of them, yes.

18 Q All right. Who took the first draft or the first crack at drafting what the
19 President should say that day?

20 A Well, I remember -- I don't know who took the first craft at drafting the
21 larger speech that he did. I remember that both Pat Philbin and I felt that, you know,
22 something more should be done. And I remember Pat had drafted kind of a brief
23 statement, and I looked at it, and I said, yeah, this is -- generally, this is fine --

24 Q Yeah.

25 A -- this is good, I agree with this.

1 Q In your view, Mr. Cipollone, that morning, what were the general messages
2 that you thought it was important -- you thought was important for the President to
3 convey to the Nation? What were the themes he needed to hit?

4 A Again, in my view -- well --

5 Mr. Purpura. You can --

6 Mr. Cipollone. I can talk about my view?

7 BY [REDACTED]

8 Q Yeah.

9 A In my view, he needed to continue to condemn in forceful terms what
10 happened at the Capitol.

11 In my view, he needed to express very clearly that the people who committed
12 violent acts and went into the Capitol and did what they did should be prosecuted and
13 should be arrested.

14 And, number three, I think he needed to convey, in my view -- and, again, these
15 were just my views, how I felt --

16 Q Yeah.

17 A -- they did not reflect, the people who did that, anything about the
18 movement that had brought President Trump into office, that those are things that did
19 not reflect on who we are as Americans. And that needed to be stated forcefully --

20 Q Okay.

21 A -- that they did not represent him or his political views in any form or
22 fashion.

23 And then I think he needed to express that we're moving on with a transition at
24 this point and --

25 Q Uh-huh.

1 A So those are some of the themes that, you know -- I think some of that was
2 reflected in what Pat Philbin wrote.

3 Q Yeah.

4 A So that's --

5 Q Yeah. I understand.

6 Let's turn to exhibit 23. This is an actual draft of the "Remarks on National
7 Healing." And this was something that was, you know, obviously provided in advance.

8 And, [REDACTED] maybe you could call it up so that the members can take a look.

9 So it's just a one-page --

10 A This is not the one that -- this is not -- I don't think this is the one that Philbin
11 initially drafted, is it? I don't think it is.

12 Q Well, let me just ask you first if --

13 A No, there's a shorter version that -- okay. I'm sorry. Go ahead. You ask
14 the questions.

15 Q Do you recognize this document, this "Remarks on National Healing"? And
16 it may not have been the initial draft that Philbin did, but it was a draft?

17 A I can see that this document is a draft of the "Remarks on National Healing."

18 Q All right. And do you recognize the handwriting on the page?

19 A It appears to be the President's handwriting.

20 Q Black Sharpie, black letters --

21 A But --

22 Q -- that typically --

23 A -- again, I'm not here to identify handwriting.

24 Q All right. Do you have any --

25 A It may not be, but it -- you know. I don't know.

1 Q Do you have any insight into why the President crossed off or added any
2 particular language with respect to the draft remarks on national healing?

3 A I don't have any insight into that.

4 Q Do you remember any discussion about crossing out on directing the
5 "Department of Justice to ensure all lawbreakers are prosecuted to the fullest extent of
6 the law. We must send a clear message, not with mercy, but with justice"? That is
7 X'ed out and did not make it into the ultimate remarks.

8 Do you remember any discussion about that message and whether it was or
9 wasn't appropriate?

10 A I'm sure there was a discussion about the types of remarks that should be
11 made. I don't recall a specific discussion at this moment about, you know, these edits.

12 But, as I said to you, it was my view that was expressed directly to Jeff Rosen on
13 that day -- because it was just my opinion, but it was a strong opinion, and Jeff's a
14 friend -- that the people who were involved in breaching the Capitol and committing acts
15 of violence should be prosecuted to the fullest extent of the law.

16 Q Yeah. I understand that was your view, and you expressed that before, but
17 it's crossed out of the speech and doesn't make it into the speech. Do you know why?

18 A Do I know why?

19 Q Yeah.

20 A Probably not in a way that would not implicate privilege.

21 Q Okay.

22 Also crossed off: "I want to be very clear, you don't represent me. You don't
23 represent our movement." That is crossed off.

24 Do you remember any discussion about that language and why the President did
25 not want it included?

1 A Oh, I'm -- again, I'm trying to recall, like -- I'm sure Stephen Miller was also
2 involved in drafting this. Maybe you can tell -- I mean, again, I'm not the person to go
3 through line by line of this speech and give you answers as to my speculation about why
4 certain things weren't included.

5 Q And I appreciate that, Mr. Cipollone. I'm not looking for your --

6 A Do you have a copy of the final version that I could look at?

7 Q I do not.

8 A And I'm not looking for speculation. I'm just looking for your recollection as to
9 specific language, why it should or should not be included in the January 7th speech, to
10 the extent you can share with us those discussions.

11 A Yeah, I don't have a clear recollection of specifics, and particularly in a
12 manner that I think would -- I'm trying to remember if I spoke to other people outside of
13 the --

14 Q Right.

15 A -- you know, so --

16 Q Yeah.

17 A I don't -- I don't -- nothing comes immediately to mind on that issue.

18 [REDACTED] Go ahead.

19 BY [REDACTED]

20 Q Did you have conversations -- and just to elicit a privilege objection, if there
21 is one -- did you have conversations with the President about these two topics in the
22 speech that you identified as important to you and that [REDACTED] noted have been
23 struck from --

24 A I think these --

25 Q -- this draft?

1 A I'm sorry. I think these topics were important to a lot of people. So,
2 again, there were various other people and there were people inside the White House
3 who felt strongly about this, outside of the Counsel's Office. And so I'm sure those
4 conversations took place.

5 Mr. Purpura. You can't talk about conversations with the President.

6

BY [REDACTED]

7 Q Yeah. The question, though, is, were there such conversations with the
8 President that you can't talk about?

9 A Again, I'm trying to have a clear recollection of the process for this.

10 Q Yeah.

11 A And was I around, you know, the President when he was thinking about this
12 and others were around? I may have been. You know, that wouldn't be outside of the
13 ordinary.

14 Q Uh-huh.

15 A And so that's my answer on that.

16 Q Okay.

17 We have developed information that this speech took multiple takes and that the
18 President had difficulty ultimately getting through this and creating a speech that could
19 be released. Is that consistent with your recollection?

20 A I was there when they did this in the East Wing. I think there were
21 multiple -- that sounds correct.

22 Q Yeah.

23 A I don't know if that was because of specific words or because sometimes,
24 you know, there are multiple takes of things like that, given, you know, how things are
25 said or -- you know.

1 Q Yeah. What was --

2 A So I don't recall the specific reasons for the multiple takes. There were
3 multiple takes.

4 Q All right.

5 In your observation, was this a difficult speech for him to make?

6 A In what sense, difficult? Like, obviously, it was a national tragedy --

7 Q Sure.

8 A -- and giving a speech in those times -- but I think it was a speech at that
9 time that he was willing to make and wanted to make and made.

10 Q Yeah, I understand. I'm just --

11 A Level of difficulty? Again, I don't have any observations on that --

12 Q Okay.

13 A -- that I can recall.

14 Q Did you believe it was important for him to make the speech as potentially
15 cover for discussions that had started about the 25th Amendment or impeachment or any
16 other possible consequence of --

17 A Again, that's not -- those were not the primary things in my mind at the time.
18 The primary thing was, this is the right thing to do --

19 Q Yeah.

20 A -- and it's important for the country, and it's important that his supporters
21 hear that from him. He had a lot of supporters, obviously, out there.

22 And so I thought -- that's how I was thinking about it. Thinking about it in that
23 way certainly was not my primary thing. It wasn't at the forefront of my mind. I just
24 thought it was the right thing to do, to express that.

25 Q Were there discussions, though, as to the impact that this speech might have

1 on discussions of the 25th Amendment or other possible consequences of January 6th?

2 A Not that I can recall. The next day, the time -- no, that's not -- again, if
3 people are saying that, then --

4 Q I'm just asking what you --

5 A Again, people may have different --

6 Q -- what you --

7 A I don't have a recollection of that. And, certainly, for Pat Philbin and
8 myself, I remember we just thought this needed to be said because it was the right thing
9 to say.

10 [REDACTED] Ms. Cheney, go ahead.

11 Ms. Cheney. Pat, did you speak at all to Sean Hannity about this speech?

12 Mr. Cipollone. I -- I don't know. I don't -- I don't know. I -- I -- I would
13 generally more speak to Jay Sekulow, so -- that's who I would speak to. And so I can't
14 remember if I spoke to Sean Hannity about this speech in particular.

15 Ms. Cheney. Okay. We have a text between Sean and Kayleigh.

16 [REDACTED] It's exhibit 29, Ms. Cheney. We'll call it up.

17 Ms. Cheney. Yes. January 7th.

18 It says: One, no more "stolen election" talk. Yes, impeachment and the 25th
19 Amendment are real and many people will quit. Three, he was intrigued by the pardon
20 idea, Hunter. Four, resistant but listened to Pence's thoughts to make it right. And,
21 five, seemed to like attending the inauguration talk.

22 So I'm wondering whether or not you had any discussions with Jay Sekulow, as
23 you said, or potentially Sean Hannity that would reflect what he was apparently talking
24 with Kayleigh McEnany about.

25 Mr. Cipollone. My answer to that would be, I don't have a recollection that

1 somehow I talked to someone and then that resulted in this text. No. I think these
2 were ideas, my sense, that came from Sean Hannity. I don't -- if that happened, if I
3 talked to somebody and said something and then -- I'm not aware of that.

4 Ms. Cheney. No, and I appreciate that. I was asking more, generally speaking, I
5 think that you can see that this text reflects that Sean's perspective was that potential for
6 impeachment and for the 25th Amendment being invoked were real and also many
7 people will quit.

8 It said, Sean is also the source of a number of texts before this about how the
9 White House Counsel's Office will leave. And I wondered to what extent you may have
10 had conversations with him, whether they led to this text or not.

11 Mr. Cipollone. I mean, I know Sean Hannity. I respect Sean Hannity. I can't
12 remember -- I had had conversations with him during my time in the White House. I
13 can't remember if I had some around this time, or maybe I had conversations with
14 someone else who relayed to him what I was thinking. I don't know the answer to that.

15 Ms. Cheney. Okay.

16 Do you recall discussions with anybody at FOX News about impeachment or the
17 25th Amendment?

18 Mr. Cipollone. Impeachment or the 25th Amendment, do I -- no, I don't recall.

19 Ms. Cheney. Thank you.

20 Mr. Cipollone. You mean once the idea was being publicly talked about? I
21 mean, I --

22 Ms. Cheney. At any time between January 6th and January 20th.

23 Mr. Cipollone. Okay, I'm -- I don't have a specific recollection of a conversation
24 like that. The only reason I'm hesitating is, obviously I said, you know, Laura Ingraham is
25 a friend of my family's and she's a friend of mine, and, you know, if I had a conversation

1 with -- I don't consider that in the context of FOX News. I consider that as the context
2 of, you know, Laura, a friend of my family's who sometimes comes over to dinner with
3 her kids.

4 But I don't remember me reaching out to personalities on FOX News and having
5 conversations with them. That wouldn't have been typical for me. I talked to
6 reporters a lot during the first impeachment, but -- but that wouldn't --

7 Ms. Cheney. Yeah, no, and I understood that.

8 So do you recall a conversation with Laura Ingraham about either impeachment or
9 the 25th Amendment in this period?

10 Mr. Cipollone. Not specifically, no. And that's not something -- my general way
11 of operating, as a lawyer and as a person, is to keep my confidences, to keep them very
12 closely. So, to the extent that I was thinking or hearing things that were part of my
13 work, I wouldn't typically share that. To the extent that things were in the news and
14 people would raise that, raise things, I would also be typically very circumspect in my
15 answers.

16 Ms. Cheney. Did you talk to anybody after the 20th about this time period with
17 respect to either impeachment or 25th Amendment?

18 Mr. Cipollone. You mean since the 20th to now?

19 Ms. Cheney. Yes, but if you want to limit it to the time period immediately after
20 the 20th, you could do that as well. How about we do: To reporters?

21 Mr. Cipollone. To reporters about the -- my general -- again, my general work
22 with reporters, you know, whenever I interacted with reporters, for the most part, it was,
23 you know, authorized. I did not -- I was very, very careful about discussing things were
24 reporters, particularly, you know, in keeping my confidences and privileges.

25 Sometimes other people would talk about issues and things in this time period

1 and reporters would reach out to me, but I didn't normally talk directly. Sometimes I
2 did, but only in the context of, you know, not revealing privilege but giving guidance if I
3 thought something was -- they said you said this; did you do it, did you not? And I would
4 either give -- I would give guidance, typically, and say "I can't talk about that" or "doesn't
5 sound right to me" kind of thing.

6 Ms. Cheney. Do you remember which reporters?

7 Mr. Cipollone. I don't -- a lot of reporters, you know, were reaching out. I'm
8 not in a position to go through that right now.

9 Ms. Cheney. Thanks.

10 BY [REDACTED]

11 Q Let me go back to the speech, Mr. Cipollone. Do you remember there
12 being any discussion about whether the President in the "Remarks on National Healing"
13 should mention pardons for January-6th-related activity?

14 A I don't remember that, no.

15 Q Do you remember pushing back against the notion that he would mention
16 pardons in the speech?

17 A I don't remember a discussion -- if there was one, I don't have a recollection
18 that there would be pardons -- you mean related to January --

19 Q Yeah.

20 A -- mentioned in the speech?

21 Q Yes.

22 A I don't have a recollection of that. That would be kind of against everything
23 that was being said in the speech. But, again, this was a long time ago, so -- I've
24 expressed my view --

25 Q Yeah.

1 A -- to you clearly, without violating privilege, as to what my view as to such
2 pardons would be.

3 Q You did. I appreciate that.

4 I want to ask you a little bit about discussions with members of the Cabinet in the
5 wake of January 6th, specifically Secretary Scalia, who I know is a close friend of yours.

6 Do you recall any discussions with him about actions that the Cabinet would or
7 should take between January 6th and January 20th to ensure the peaceful, orderly
8 transition of power?

9 A Yes.

10 Q Talk to us -- tell us about what the discussions were.

11 A Well, Gene Scalia is a longtime friend of mine and colleague, and I have a lot
12 of respect for him. And he was another person in the Trump administration who was
13 extremely talented and did great work.

14 He called me -- I don't remember exactly when, but it was after January 6th -- and
15 expressed a number of things. The main thing he expressed was he thought there
16 should be a Cabinet meeting.

17 Q Uh-huh. For what purpose did he suggest a Cabinet meeting was
18 necessary?

19 A I think part of the purpose was so that people could express themselves and
20 the President could hear from the Cabinet in light of the events of January 6th.

21 Q Uh-huh.

22 A I remember Gene ultimately felt like he wanted to write a memo about that.
23 I think he did that. I think he emailed that to Mark Meadows, is my understanding. I
24 can't remember if he copied me on it or not. I don't know.

25 Gene thought that there should be a Cabinet meeting. Probably others thought

1 that there should be a Cabinet meeting.

2 Q Did you have a view as to whether --

3 A I thought there should be a Cabinet meeting, yeah.

4 Q It didn't happen. Do you know why not?

5 A I don't know all the reasons why not. My sense was that Mark did not feel
6 like it would be productive at that point in time.

7 Q Do you know why Mark thought it would not be productive?

8 A I don't remember why. I think it probably had something to do with Mark's
9 view of how the President might react in that meeting -- you know, things like that.

10 But Gene, you know, got Mark's reactions to that directly. You've told me you
11 spoke with him.

12 Q We have.

13 A And that's my recollection of that.

14 Q All right. Nothing else specifically about the Scalia idea of having a Cabinet
15 meeting, discussions with anyone about that?

16 A I probably had discussions with other people about that. Again, I
17 supported it.

18 Q Yeah.

19 A I thought we should do that. So I probably mentioned it to other people or
20 talked about it with other people.

21 Q Do you recall, Mr. Cipollone, any discussions with General Milley or others
22 about the need to reassure world leaders about the stability of American democracy, the
23 American Government after January 6th?

24 A Between myself and General Milley?

25 Q Well, first, yes, directly with General Milley.

1 A I remember being in communication with General Milley on occasion
2 on -- you know. And I can't remember if I had a one-on-one call with him or he called
3 me, but sometimes he did that.

4 Q Uh-huh.

5 A And I don't remember this as a one-on-one call. But I remember hearing
6 that that was a sentiment --

7 Q Yeah.

8 A -- from General --

9 Q Tell me more about that, what you heard about General Milley's or others'
10 desire to reassure world leaders.

11 A I heard that that was his desire, that he thought that that was a good thing
12 to do. That's what my recollection of it is.

13 Q Yeah. Did you share that view?

14 A Well, again, my view was, particularly in light of events of January 6th, that
15 we need to move forward and, you know, have the transition of power. Anything that
16 could be done, you know, to aid that and to assure people that, you know, that was
17 happening -- and I think this speech, I think, was part of that as well.

18 Q Yeah.

19 A And the President did that.

20 Q Some people, in the wake of January 6th, in the Cabinet did resign. Did you
21 talk, for example, to Secretary DeVos or Secretary Chao about their decisions to step
22 away from their positions on or after January 6th?

23 A I can't remember with respect to Secretary DeVos. I may have.

24 Secretary Chao, I believe I did speak to her at some point just to tell her that, you
25 know, it had been an honor to serve with her.

1 Q Yeah.

2 A You know, I thought she was -- you know, she's been a Cabinet member
3 before. She was an effective Cabinet member. I had a good working relationship with
4 her, and I have a very high regard for her. So I wanted to express that to her directly. I
5 believe I did that. I can't remember at what point in time I did that.

6 Q Did she articulate to you why she felt strongly enough to resign?

7 A I think that was obvious. I can't remember the details of what we talked
8 about.

9 Q Did you talk to others who didn't resign about whether they should, Cabinet
10 members or other government officials, after January 6th?

11 A Yes, I'm sure I did.

12 Q Who?

13 A I'm sure I had discussions with Robert O'Brien. Robert and I were very
14 close. We worked together; we spent time together.

15 Q Yeah.

16 A I think Robert also, as I said before, was getting calls that he needed to stay
17 there.

1

2 [4:18 p.m.]

3 [REDACTED] Is it fair to say that Mr. O'Brien thought about resigning but decided
4 not to?

5 Mr. Cipollone. That's fair.

6 [REDACTED] Okay. Who else was in that category?

7 Mr. Cipollone. Maybe would now be a good time to take a five-minute break?
8 We've been going for a while.

9 [REDACTED] We have, yeah.

10 Mr. Cipollone. It's getting late.

11 [REDACTED] Sure. And we are getting close, I promise.

12 Mr. Cipollone. I'm getting -- I'm a little tired.

13 [REDACTED] I know. We're close to the end.

14 We will take our last five-minute break.

15 [Recess.]

16 BY [REDACTED]

17 Q We're back on the record.

18 I think when we took a break, Mr. Cipollone, we were talking about whether or
19 not you had discussions with anyone else about the prospect of resignation. I'm just
20 wondering if you recall beyond Mr. O'Brien whether there were any such discussions?

21 A I'm sure there were such discussions. The other ones that I recall were
22 with members of my own staff, with -- and also with the deputies, Pat Philbin, Kate Todd,
23 other people who were working in the counsel's office.

24 Q Yeah. Do you recall talking to former Attorney General Barr during this
25 period? I know he had already left himself, but --

1 A I'm sure I talked to Bill during the period.

2 Q You indicated that you stayed in your position as White House counsel even
3 after General Barr resigned because you believed you had an important role to play and
4 you were concerned about who might be chosen to fill your job. Is that sort of accurate
5 in terms of why you personally decided to stay?

6 A Why I personally decided to stay was I thought that I could play a positive
7 role. I thought that I could serve the country and the President. I thought that -- I was
8 concerned about who might replace me. And those are the key reasons.

9 I felt like -- I didn't want to leave. I felt like I wanted to stay and I wanted to stay
10 with my team. I wanted to stay working with the President and making what -- the
11 contribution that I could make, along with many others, to the administration and to the
12 country until January 20th.

13 Q Yeah. You mentioned that you had conversations with your own team
14 about possible resignation. In his informal interview, Mr. Philbin told us that he
15 considered resigning every day from approximately November 15th to the end of the
16 administration. Does that comport with your understanding regarding Mr. Philbin and
17 did you feel the same?

18 A That's correct. I'm sure that Mr. Philbin felt that way. I think the reality
19 was, as I felt is, I don't know that I considered it every day. I went through each day and
20 then I came back the next day. But I talked to Pat Philbin and others on a daily basis
21 about these things.

22 Q Yeah. Mr. Philbin said that he considered resigning every day, quote,
23 "because the whole thing was descending into a clown car. There were interlopers
24 coming in and giving bad advice. There was no way to control and no way to prevent
25 bad advice from being given to the President. Things were being done that were not

1 smart. I had a role in preventing that."

2 A I agree wholeheartedly with what Pat said. I agree that he had a very big
3 role in preventing that. I'm grateful to him. I think the country should be grateful to
4 him. I think the President is and should be grateful to him in the role that he played.

5 And, yeah, I mean there were things that happened after that time. I remember
6 there was one thing in particular that jumps to mind where Mike Lindell, the pillow man,
7 was I think in the White House. He was going into the Oval Office.

8 And, again, I don't think this is something that the President wanted or maybe
9 even knew about until these things would happen in some instances. I think this was
10 probably one of them, because I think what happened was Robert O'Brien went down or
11 saw him or was around the Oval, and he basically told the President. And I think the
12 President, my sense based on my interactions with Robert, appreciated it.

13 But Robert said, "Look, we need to -- these are things you should talk to the White
14 House counsel about." I think he was just -- he didn't -- I think he was just doing that as
15 a way of getting him out of the Oval, and then they brought him up to my office.

16 Q Yeah, yeah. Were there other things like that, Mr. Cipollone, that between
17 January 6th and the end of the administration you felt like you needed to bat back, push
18 back against, prevent from happening?

19 A Again, nothing in particular comes to mind.

20 Q Okay.

21 A You know, we were focused on doing the pardons, doing the transition.
22 People were starting to off-board at that time and there was a whole schedule that had
23 been put into place where people were off-boarding. So as days went by, we were
24 working with a smaller and smaller legal staff. And we were working very, very hard,
25 long hours to get things done.

1 And so were there instances like that? I didn't end up talking for very long to
2 Mike Lindell. There was a piece of paper that he had. I recall one of things on there, at
3 least in my recollection, was that I should be fired.

4 I didn't like the way he treated my assistant. And in the course of my
5 conversation with him, I confronted him about that. I said, "I understand you're here to
6 have me fired." And he said, "Well," and he got a little flustered and said it was actually
7 a lawyer who wanted that. And I said, "What? Which lawyer?" And he forgot their
8 name or something like that.

9 And so I don't know, he ended up speaking to one of my colleagues for a little bit,
10 but that was that. Things like that might happen on occasion. I don't know who was
11 involved in causing those things to happen. I didn't get the sense that the President, at
12 least in that instance, was involved in that.

13 ██████████ Ms. Cheney, I see you have turned your camera on. Go ahead.
14 Ms. Cheney. Thank you.

15 Pat, so the -- Mr. Lindell was in the Oval Office? Is that what I understand?

16 Mr. Cipollone. I think this has all been publicly reported, is my understanding. I
17 didn't see him in the Oval Office, I wasn't there, I was told by Robert that he was --

18 ██████████ Robert O'Brien.

19 Mr. Cipollone. Robert O'Brien, that he was in or outside or seeking to get into
20 the Oval Office, is my understanding. And then Robert O'Brien did what I just said he
21 did. That's what he told me. He brought him up to my office.

22 I couldn't -- Robert came into my office. I couldn't see him, Mike Lindell, at that
23 point. Then he went downstairs into the waiting area of the White House, the reception
24 area.

25 And then my assistant, Kate, went down. I said, "You know, you need to tell him

1 I'm not going to" -- I had other meetings I had to go to and I wasn't able to see him. So
2 she reported that. I wasn't there for that.

3 But he got agitated with her in a way that I didn't appreciate. And when she
4 ultimately brought him up, I asked him to apologize to her, and then I talked to him for a
5 few minutes.

6 Ms. Cheney. Do you know who cleared him into the White House?

7 Mr. Cipollone. Have no idea.

8 Ms. Cheney. Thank you.

9 [REDACTED] We presented some public testimony here that I'm sure you've
10 seen, Mr. Cipollone, about Jared Kushner talking about the prospect of you resigning.

11 Specifically he was asked, "Are you aware of instances where Pat Cipollone
12 threatened to resign?"

13 He said, "I kind of, like I said, my interest at that time was on trying to get as many
14 pardons done. And I know that, you know, he was always -- him and his team were
15 always saying, 'Oh, we're going resign. We're not going to be here if this happens, if that
16 happens.' So I kind of took it up to be whining, to be honest with you."

17 Do you have any reaction or response to that?

18 Mr. Purpura. Actually, [REDACTED] I do, because he's not going to say it. That's
19 nonsense. Okay. I'll tell you as someone -- I'm not testifying here, but I'm just giving a
20 perspective as someone who worked for him 2 years in a very high stress, impactful
21 environment.

22 He behaved with a cool head, level thinking -- levelheaded thinking at all times.
23 And he didn't threaten things lightly, as he's already testified to. And he most certainly
24 did not whine about anything in the White House. He handled a very difficult job in very
25 difficult circumstances extraordinarily well.

1 [REDACTED] Yeah.

2 Mr. Purpura. And it is unfair for someone to cast that about Pat.

3 [REDACTED] Mike, I appreciate that perspective. I guess I just have to give
4 you --

5 Ms. Cheney. [REDACTED] I want to --

6 [REDACTED] Yeah. Go ahead.

7 Ms. Cheney. I want say something.

8 [REDACTED] Please.

9 Ms. Cheney. I not only appreciate that perspective, but I share it and am grateful
10 for the role that Pat played and for the job that Pat did. And his service deserves to be
11 recognized. So I want to associate myself with your comments.

12 Mr. Purpura. Thank you, Representative Cheney.

13 BY [REDACTED]

14 Q Anything at all, Mr. Cipollone, that you want to say about that?

15 A Well, I appreciate that, Mike.

16 And I appreciate that, Representative Cheney.

17 I'll give my perspective on it.

18 Q Yeah.

19 A I didn't really pay too much attention to that comment, you know. And my
20 general view of Jared is that he's a friend of mine. He's a very, very capable person.
21 He played a positive role in the White House. I worked closely with him on a lot of
22 things. I think highly of him.

23 I think, as I said, I think highly of Ivanka. I think they were great to work with.
24 They're incredibly talented. I consider them friends. I don't really think he meant that
25 at the time. But, again, that's what I have to say about that.

1 Q Yeah. Over the course -- I don't want to belabor what you answered in
2 response to earlier questions, but did you consider resigning after that -- during or after
3 that December 18th meeting where there were discussions of Sidney Powell as special
4 counsel and the seizure of voting machines? Was that one of the triggering incidents
5 that --

6 A I mean -- look, again, just to make the point hopefully one last time.
7 Considering and vocalizing, you know, are two different things. So did I vocalize to
8 anybody where it would matter in terms of, like, okay this is -- there were probably, you
9 know, three specific instances about that.

10 But, no, I mean -- I think I've talked about this.

11 Q You have.

12 A I didn't resign, I didn't want to resign.

13 Q Okay.

14 A I wanted to stay working with the President. He ultimately -- by the way,
15 he could have fired me at any moment and he didn't.

16 Q Yeah.

17 A Okay. And that's part I think that, you know, he wanted my advice. And I
18 continued. And he made the decisions, particularly during the pardon process. Okay.
19 At the end of the day, and I can say this publicly, it's the President's decision on who to
20 pardon.

21 Q Yes.

22 A He has broad pardon power. And he ultimately chose not to exercise this
23 broad pardon power in all -- in many of these instances that we've discussed. And that's
24 his decision.

25 Q Yeah.

1 A And I stayed till the last day. And, you know, actually on the night before
2 the last day, I expressed my thanks to the President. And he expressed to me his thanks.
3 And it was very cordial.

4 Q Yeah. I want to ask you a couple things about pardons. But just to recap,
5 I think you testified today that you considered resigning over the Jeff Clark appointment,
6 over the pressure placed upon the Vice President about January 6th, and over the
7 prospect of some pardons that you thought were unwise. Is that all? Am I accurately
8 characterizing --

9 A Well, I think -- again, I think this is enough discussion of resigning in my view,
10 you know, would be my submission to you.

11 I think some of the things you said just in that recitation weren't exactly the way I
12 said that, particularly the word "pressure" and things like this.

13 But I said what I said. I think you understand at this point. I didn't resign. I
14 stayed till the last day. I walked out.

15 You know, I was involved in the transition. I reached out to any successor, Dana
16 Remus. I had conversations with her. I told her to come to the White House, don't
17 wait till noon, come and get situated in the office. She did that. We had another good
18 conversation on that day. And then I left.

19 Q Yeah.

20 A I got in my car and went home.

21 Q In our informal discussion, moving to pardons, you said that you were
22 working on pardons, you were focused on pardons and commutations of, you said,
23 regular people who had been harmed in some way by the justice system, that you felt
24 very good about what the administration was able to do in that area. But there were
25 other requests for pardons that were reported on in the news about which you had

1 strong opinions.

2 If you could just sort of summarize for us what were those pardons about which
3 you had strong opinions, negative opinions, that they should not be --

4 A I believe I've already summarized those for you. Let me say with respect to
5 the first thing, yes, I mean the President, again, one of his accomplishments, great
6 accomplishments, was pardons and commutations for people who deserved them, for
7 regular people who had been in prison for a long time, had sentences that did not make
8 sense in my view. I believe that criminal justice reform that happened was a very good
9 thing.

10 So I was -- the pardon process in many ways, including my work with Jared in that
11 process, was very positive by and large and for the most part, and the President was very
12 interested in doing that.

13 So there were some pardons that were discussed publicly. And I'm not even
14 suggesting how often they were actually discussed privately. I'm not going to get into
15 that. Okay.

16 But some of the things that were -- or how seriously they were really taken
17 internally. Okay. I think sometimes what you read in the newspapers in terms of the
18 seriousness of consideration may not reflect the reality of how seriously certain things
19 were taken.

20 In my view, as I said, some of the pardons that were discussed in the media were
21 by some people outside the White House as well. Pardons related to January 6th, no
22 good. Didn't happen, President chose not to do that.

23 General pardons of people. I mean, in terms of broad pardons for large groups
24 of people, that was not done.

25 [REDACTED] Ms. Cheney, I thought you had come off. I'm sorry.

1 Ms. Cheney. I did. Thank you, [REDACTED]

2 [REDACTED] Okay.

3 Ms. Cheney. I just wanted to go back for just a minute.

4 Pat, during the attack itself, during the violence, was the President making calls to
5 people on the Hill to urge that they continue to delay the count.

6 Mr. Cipollone. I don't -- I don't know -- I don't know. I don't have a recollection
7 of that. There were a lot -- for example, I looked at the call log that you put -- that [REDACTED]
8 showed me. I wasn't aware of some of those calls, a lot of those calls that were
9 happening, I don't have a recollection about that.

10 Ms. Cheney. And are you aware whether or not during the violence the
11 President was in contact with Rudy Giuliani, who was in the war room at the Willard?

12 Mr. Cipollone. I didn't have a lot of insight into a war room at the Willard or any
13 of that. I've seen on the call log, I believe there is a call with Rudy Giuliani, but I'm not
14 the person to talk about what was happening over at the war room. And a lot of that
15 stuff I was not aware of or had any insight into as a general matter at the time.

16 Ms. Cheney. And beyond the meeting on the 18th, are you aware of other
17 contacts between the President and Mike Flynn?

18 Mr. Cipollone. I don't. If you have one in particular that you're asking about.
19 Nothing comes to mind, no.

20 Ms. Cheney. Did you express concerns about the activities of Mike Flynn in
21 conjunction with January 6th?

22 Mr. Cipollone. I don't -- I don't recall having a specific understanding of Mike
23 Flynn or what he was doing with respect to January 6th. I expect -- I expressed general
24 concern with Mike Flynn and some of the things he was saying, particularly at that
25 meeting on December 18th, and I was pretty direct about that.

1 So, yes, I expressed my concern about ideas being promoted at that meeting and
2 generally in my understanding related to Mike Flynn. As it relates to January 6th, I
3 don't have a specific recollection about that.

4 Ms. Cheney. Okay. Thank you.

5 And were you aware of discussions between the President and Roger Stone?

6 Mr. Cipollone. No, not that I can recall. I remember there were issues
7 surrounding pardons that Roger Stone had some involvement in. And I've subsequently
8 read in newspaper articles about that stuff. But I didn't really think about, you know,
9 the President communicating with Roger Stone or I wasn't really aware of that. Could it
10 have happened? Maybe it did. But the President talks to a lot of people, or did, you
11 know, still does.

12 Ms. Cheney. Has the President talked to you recently?

13 Mr. Cipollone. Not recently, no. But I did have communications and
14 conversations with the President since that time, particularly in the context of Mike and I
15 and Pat were designated as -- and others -- were designated on dealing with requests to
16 the Archives. So in that context and just other conversations.

17 But with respect to any -- I have not. Mike, obviously, my counsel, has had
18 communication with the President's counsel on these issues, particularly as it relates to
19 privilege. I had a communication with the President that's reflected in the email that we
20 have. I'm not sure if that --

21 Mr. Purpura. [Inaudible.]

22 Mr. Cipollone. No? Okay.

23 But basically what happened was when the committee was asking me to appear I
24 have -- again, as I said, the privilege is not mine. I would have to get the direction of the
25 President as to that privilege, the former President.

1 And I think you were dealing, we were dealing with was it Justin Clark at the time
2 and Alex Cannon. And then there was -- you were talking with Mike and we worked out
3 an agreement as to what I could say. Then I got approval of that from the President.

4 It first came from Justin Clark, but then I wanted to get on a call with the President
5 and with Mike and Pat Philbin and with his attorneys and just to raise these issues and
6 make sure that I was hearing it directly and then would later be reflected in a writing of
7 what exactly I am authorized to talk about and what I'm not.

8 The privilege, as I said, lawyer privilege doesn't belong to me. And I wanted to
9 make sure that there was a clear record and understanding of what I was authorized to
10 discuss and what I wasn't.

11 Ms. Cheney. And so in -- and I appreciate that. In the context of any of those
12 discussions, has the President talked to you about the substance of your testimony?

13 Mr. Cipollone. The substance of my testimony? Not that --

14 Ms. Cheney. Yes.

15 Mr. Cipollone. No, not that I can recall, no.

16 Ms. Cheney. And has the President's lawyers talked to your counsel about the
17 substance of your testimony?

18 Mr. Purpura. I can say, no, they have not.

19 Ms. Cheney. Thank you.

20 And has anybody else from Trump world reached out to you, Pat? And I know I
21 mentioned yesterday that we were going to ask you about this and just to remind you
22 that the committee's got evidence of outreach of concern that's happened in other
23 circumstances.

24 Mr. Cipollone. Can I answer -- here's how I would answer that question. I'm
25 here testifying truthfully. Okay. I don't feel personally as if anybody has attempted in

1 a way that would be inappropriate. My testimony, I'm testifying truthfully to what
2 you're saying, and my testimony belongs to me.

3 Ms. Cheney. And I have no question about that. I appreciate that. And I
4 suppose the question is not whether you have been susceptible to any pressure but
5 whether any pressure has been --

6 Mr. Cipollone. I don't feel like any pressure has been exerted. Now, after it
7 became public that, you know, you wanted -- the committee wanted to hear more from
8 me, obviously it became a big public issue. And then I started getting emails from
9 people I don't know and all sorts of stuff along those lines.

10 But none of that -- did they say what I should do and did people give me advice?
11 Yeah. But, no, I don't feel like anything that rises to the level of what you're talking
12 about was involved with me.

13 Ms. Cheney. Who's contacted you?

14 Mr. Cipollone. Well, what I was just talking about was just people, strangers that
15 I don't know emailing me and sending me multiple emails about what I should do.

16 Ms. Cheney. What about people that you know contacting you from within
17 Trump world.

18 Mr. Cipollone. I mean, again, I don't -- about my testimony in particular?
19 Again, I don't want to go through and -- there are people who I've talked to, my lawyers
20 and other advisers, you know, and things like that.

21 But, no, I don't -- contacted me directly? I don't -- I'm trying to think. Not in
22 the way that you're asking the question.

23 Ms. Cheney. How about at all? I'm asking you if anybody from The Trump
24 Organization has contacted you about your testimony?

25 Mr. Cipollone. Again, people from -- representing President Trump have

1 contacted Mike and we've discussed issues related to privilege and Mike had those
2 communications. And with respect to other people contacting parties like, you know,
3 who I know? Again, I don't think with respect to the substance of my testimony, that's
4 not how I understand that.

5 Ms. Cheney. And so, what has the contact been, beyond the privilege
6 discussions?

7 Mr. Cipollone. With me? There hasn't been a lot of direct contact about that
8 stuff. I mean, I think -- and, again, some of these people are my friends and I don't think
9 they were contacting me. I think Eric Herschmann probably contacted Mike or Jay or
10 something.

11 But other than that, you know, again, so much has happened in my life in the past
12 couple weeks in dealing with this. And all I can say is I think I've answered your
13 question. I'm not going to delineate all the contacts. I don't feel like I've been
14 contacted in a manner that was aimed at influencing the substance of my testimony.
15 That's my feeling. And so --

16 Ms. Cheney. Have you heard from Mark Meadows?

17 Mr. Cipollone. I heard from Mark Meadows before all this. He sent me -- he
18 called and left a voicemail on my phone related to overturning Roe v. Wade. And so I
19 think it was the day of or the day after.

20 I listened to the message. I got Kate Todd on the phone and we called Mark
21 back. And it was just a minute or two. I don't remember how long the phone call, but
22 it was a phone call related to that, not about the testimony.

23 Ms. Cheney. But you didn't discuss with him your appearance in front of the
24 committee?

25 Mr. Cipollone. No, no.

1 Ms. Cheney. What about --

2 Mr. Cipollone. He was happy -- he was happy about the results in the Supreme
3 Court and that's what he was calling to express an opinion about with me.

4 Ms. Cheney. And what about George Terwilliger?

5 Mr. Cipollone. Did I talk to George? No, not directly. I think George --

6 Mr. Purpura. I had a conversation with Mr. Terwilliger that was based solely on
7 privilege lines, nothing about any substance.

8 Ms. Cheney. And what was Mr. Terwilliger's role with respect to privilege lines?

9 Mr. Purpura. Well, I think he asked -- I think they have a pending lawsuit. And
10 so he asked where we were going to draw the privilege line.

11 Ms. Cheney. Did you consult with him about where it should be drawn in
12 conjunction with the lawsuit?

13 Mr. Purpura. No.

14 Ms. Cheney. Have you heard from any other counsel?

15 Mr. Purpura. Not in relation to this. I will say that Greg Jacobs' counsel
16 contacted me, again about privilege lines and where they go. And I had talked with him
17 previously.

18 Ms. Cheney. And what about Alex Cannon and Justin Clark?

19 Mr. Purpura. No.

20 Mr. Cipollone. I think in the context is my recollection of trying to get, you know,
21 again clarity on this testimony that I'm doing. Didn't --

22 Mr. Purpura. No, we didn't talk --

23 Mr. Cipollone. We tried to reach out to them and they told you that somebody
24 else represents the President now.

25 Ms. Cheney. And after that, that individual's the person you spoke to?

1 Mr. Purpura. Yes.

2 Ms. Cheney. And what about Pam Bondi?

3 Mr. Purpura. I've spoken -- did you speak with Pam?

4 Mr. Cipollone. Well, Pam Bondi is a friend of mine. Someone on my staff was
5 married recently in Ireland and I went to the wedding with my wife and Pam was there.
6 You know, Pam's a friend. I did not -- I haven't spoken directly with Pam Bondi and
7 certainly not about the substance of my testimony.

8 Ms. Cheney. What about Matt Schlapp or Mercedes Schlapp?

9 Mr. Cipollone. No, I haven't talked to Matt Schlapp in a long time or Mercedes.
10 They are friends of mine. Mercedes worked -- Mercy worked in the White House.

11 Try and remember. I think I saw Matt last time at a Notre Dame event here in
12 Washington at a dinner, I saw him there. I saw Representative Kinzinger speak at that
13 event. So that's the last time I believe I saw Matt.

14 Ms. Cheney. All right. Thank you.

15 [REDACTED] Thanks, Ms. Cheney.

16 Is there a joint defense agreement or common interest agreement that would
17 allow you to share information with other counsel within the privilege?

18 [Discussion off the record.]

19 Mr. Purpura. There is not.

20 [REDACTED] Okay. And have you received, Mr. Cipollone, any financial
21 assistance to pay the fees of your very able and experienced counsel?

22 Mr. Cipollone. No, but --

23 [Laughter.]

24 [REDACTED] Is there a fee or is this a pro bono arrangement?

25 Mr. Purpura. We will talk.

1 Mr. Cipollone. That remains to be seen. Mike has been a great friend to me
2 and is helping.

3 BY [REDACTED]

4 Q The relevant question, though, is you haven't received any financial
5 assistance from any entity to pay legal fees.

6 A For me?

7 Q You have not?

8 A No, I wouldn't -- no, I would pay my own legal fees.

9 Q Yeah. To put a finer point on Ms. Cheney's questions, it sounds like you
10 said no one has attempted to influence your testimony before the select committee in
11 any way. Is that right?

12 A Again, without going over everything I said or characterizing it, in my view -- I
13 don't know what's in somebody else's mind. I didn't have that sense. A lot of people
14 have attempted to tell me I should or shouldn't do, you know, but that's just the public
15 stuff.

16 Q Yeah. I understand. I'm not looking for the public stuff, I'm looking for
17 whether anybody tried to put any sort of pressure on you or --

18 A Pressure?

19 Q -- influence your testimony in any way, tell you what you should or shouldn't
20 say or do here before the select committee.

21 A No. No -- not-- no.

22 Q All right.

23 A I, you know, obviously thought through myself and I consult with advisers
24 and some of my lawyers and other people who I know whose opinion about what I should
25 do and kind of the issues that are at work in terms of me and some of my beliefs about

1 obviously commitment to the rule of law.

2 Q Yeah.

3 A But also the privilege and all that. But no.

4 Q Let me just go back to the pardons issue and just a couple of other things.

5 Do you remember any discussion about the President considering pardoning
6 Mr. Giuliani after January 6th?

7 A I think -- well, not with respect to discussions -- I'm not going to talk about
8 discussions with the President or what he was considering or not considering.

9 I remember that issue came up at some point. And I thought I heard from
10 somebody that Rudy Giuliani didn't want a pardon.

11 Q Okay.

12 A But I don't -- again, I wasn't tracking exactly who was talking to who about a
13 pardon for Rudy Giuliani.

14 Q You have testified that I think there were some sort of pardons that made
15 sense, pardons of -- I think you used the term "regular people" versus pardons that did
16 not make sense.

17 Would a possible pardon of Rudy Giuliani be on the latter side, a pardon that
18 would not have made sense, in your view?

19 A Again, I don't -- without going into -- I don't think this was -- it didn't happen,
20 it wasn't one that was --

21 Q Right.

22 A I told you what I thought I heard I think thirdhand from somebody that that
23 was Rudy's position, but I don't know. And I don't remember having any significant
24 consideration of such a thing through the formal -- I mean, we had a process, okay, where
25 people would submit petitions. Jared's team was working with our team. We were

1 working with DOJ pardon counsel to the extent that we needed. And we were working
2 with someone in Jeff Rosen's office. And there was a list and submissions, and I don't
3 recall that one being in that process.

4 Q Okay. Did Members of Congress seek pardons after January 6th?

5 A Again, I don't -- the only one that immediately comes to mind, because I
6 heard about it, was I think Pat and Eric had a conversation with Congressman Gaetz, I
7 think. And so I'm sure they've relayed that. I know that.

8 Did I hear about others? That wasn't something that I thought was a good idea,
9 not something that I viewed as being actively considered in any serious way.

10 Q Do you remember any other Members of Congress being discussed as
11 wanting pardons or potentially be considered for pardons, besides Representative Gaetz?

12 A I don't. Again, if you have a specific question, please. And, again, you
13 know I respect you. I'm getting to the point in the day where --

14 Q I know.

15 A -- I don't. If you have specific people who you want me to answer a
16 question about, I'll try. As I sit here, I'm not recalling. As a general matter I've said
17 repeatedly I didn't think that was a good idea, it didn't happen.

18 Q Okay. I think you also testified --

19 A Now, there were some, I believe, former Members of Congress that had
20 been involved in being charged or something, but that's not what you're talking about.

21 Q No. I think you testified that you didn't think it made sense for the
22 President to pardon himself or his family members. That would have been a bad idea.
23 Is that right?

24 A That's my view and I -- and the President didn't do that. That was also the
25 view of other people.

1 You know, you have to be a little bit careful, because, you know, I've obviously -- I
2 have to watch the privilege, so there's only so much I can say.

3 Q I know.

4 A But when you say people and people's pardon -- consideration of people,
5 you just said family members and things like this. I mean, just because something is out
6 in the paper or people are talking about it in the media or whatever, that doesn't mean
7 that people -- certain people -- and I'm not going to go point by point -- wanted pardons
8 or were receiving pardons. I think you just need to be -- not you, but everyone needs to
9 be careful about that.

10 Q I agree completely, Mr. Cipollone. And that's why I'm asking you whether
11 or not you remember discussions about certain pardons, not things that were reported,
12 but discussions that occurred that you were either --

13 A Again, on that one, I remember that that, you know, sort of like not just but
14 kind of more broadly. But those were discussed and the President ultimately, you know,
15 that's public, didn't do that. So that --

16 Q Yeah.

17 [REDACTED] Ms. Cheney, go ahead.

18 Ms. Cheney. Thank you.

19 I just wanted to ask about Eric Herschmann has told the committee, as have two
20 other witnesses, that Mr. Gaetz -- I think you mentioned that Mr. Gaetz was seeking a
21 pardon, potentially Mr. Biggs as well. I wonder if you had discussions with Mr.
22 Herschmann about those.

23 Mr. Cipollone. I'm sure I did. I know about -- definitely about Mr. Gaetz. I
24 think he wanted to talk to them. I did not get on that phone call. And I have no reason
25 to dispute what Mr. Herschmann said about that or about anybody else who he says.

1 He was involved in the pardon process. He was working with us in the pardon
2 process. He wasn't -- Eric wasn't technically in the White House Counsel's Office. He
3 was an adviser to the President, but he wasn't formerly part of the White House Counsel's
4 Office.

5 And with respect to Eric, I just remembered in terms of communications with him,
6 not related to your question, but just to put it out there, a while back before this
7 happened he invited me and some other people to a dinner at his house in New Jersey for
8 August and I called him and said, yeah, I would try my best to make it.

9 Ms. Cheney. Okay. Thank you.

10 [REDACTED] Last question on pardons. I just want to quote to you, we
11 interviewed, as you know, Secretary Scalia and he had some recollection of a discussion
12 with you, Mr. Cipollone, on December the -- oh, sorry, on January 14th, when he went to
13 your office after meeting with the President.

14 And he said that during the conversation he conveyed to you, Secretary Scalia
15 conveyed to you his understanding of President Trump was that we was not going to
16 proceed with widespread pardons, including pardons of family members.

17 You replied that you too believed that that was not the President's current
18 intention and that while it could change at the moment, you were hopeful that that's
19 where they were?

20 Do you recall that conversation with Secretary Scalia about the prospect of these
21 family or widespread --

22 A Now that you say it, yeah, I do recall that, and I think that accurately reflects
23 the conversation. I didn't believe that the President was going to do that. And that's
24 because he was going make the decision not to do it. Again, ultimately his decision.

25 [REDACTED] Okay. All right.

1 Anything, [REDACTED] from you?

2 [REDACTED] Nothing from me.

3 [REDACTED] Anyone else in the room?

4 [REDACTED]

5 [REDACTED] Just one question.

6 Did you at the time leading up to January 6th or after, did you ever have occasion
7 to advise other White House staff that they shouldn't engage with the President about
8 any particular topics out of concern for their own legal liability?

9 Mr. Cipollone. I don't -- I don't remember that. In the time leading up to
10 January 6th? I don't know. But there were times where I, you know, there were times
11 where, you know, there were younger people around in sort of -- in terms of the staff.
12 And could I have said, hey, you know, don't go in there or something like that? Maybe.
13 But I don't remember a particular occasion.

14 [REDACTED] And I'm talking about specific issues that you thought would put
15 them in legal jeopardy if they engaged with them on those topics.

16 Mr. Cipollone. I don't have a recollection of that, of something like that.

17 [REDACTED] Okay.

18 [REDACTED] Mr. Chairman, I see you're on. Do you have any questions or
19 anything you want to say before we stop?

20 Well, Ms. Cheney, I see you've come off once again. Anything else that you --

21 Ms. Cheney. Thank you, [REDACTED]

22 [REDACTED] Yeah.

23 Ms. Cheney. I just wanted to ask about there was another speech the President
24 gave on January 13th which was the day that he was impeached. And I wonder if you
25 had any discussions, Pat, with anybody on the Hill about that speech or the arrangements

1 for his trial?

2 Mr. Cipollone. I don't recall conversations. I had a lot of conversations with
3 people on the Hill over this time period and generally. I don't recall conversations about
4 preparing or the procedure for the impeachment trial.

5 I was not going -- I was not going to be -- I was obviously counsel in the first
6 impeachment. I wasn't going to be counsel in this impeachment.

7 And so, did I have a conversation or put somebody in contact or talk to people
8 about, you know, our experiences and procedural issues? I'm sure I did. But I was
9 not -- I was not representing the President in the second impeachment.

10 Ms. Cheney. And why was that?

11 Mr. Cipollone. I mean, for a lawyer, one impeachment is probably enough. But
12 also it was not -- it was -- look, my view was you know my views that I've expressed here
13 and I didn't think I was the right person to be representing the President in the second
14 impeachment trial, and I expressed that.

15 Ms. Cheney. Thank you, Pat. And do you know why the President decided to
16 make the speech on January 13th?

17 Mr. Cipollone. I'm even trying to remember -- which -- can you give me a clue as
18 to what the speech -- which --

19 Ms. Cheney. It was a speech essentially right in the aftermath of the vote to
20 impeach in the House. And he gave a speech about that and about what had happened
21 on January 6th.

22 Mr. Cipollone. Again, I, you know, I probably knew at the time. I probably, you
23 know -- look, I was involved obviously in advising the President and giving
24 my -- continuing to give my frank advice on these types of things. But I don't remember
25 this speech in particular. It sounds like it was the one right -- it was after the vote of

1 impeachment and he gave the speech?

2 Ms. Cheney. It was, yeah.

3 Mr. Cipollone. Yeah, I'm -- I wouldn't doubt that we were involved in at least
4 looking at that, but I don't have a specific recollection. If I got the speech and I looked at
5 things, I could probably remember.

6 Ms. Cheney. Great. Thank you. I appreciate it.

7 [REDACTED] Thank you, Ms. Cheney.

8 Mr. Raskin, if you have something, I see you also came off of mute.

9 Mr. Raskin. Yeah, thank you.

10 And, Mr. Cipollone, I'm sorry that you weren't at the second impeachment, I think
11 they could have used you there.

12 But I wanted to just ask you about one word that you used --

13 Mr. Cipollone. I think I was in Florida.

14 Mr. Raskin. Oh, lucky you.

15 You called this a national tragedy, which in some sense it certainly was. But
16 would you also call the events of January 6th a political crime?

17 Mr. Cipollone. I'm not -- again, I'm not here to choose those or assent to those
18 kinds of words. I said what I said. I gave my view.

19 Mr. Raskin. Fair enough.

20 Mr. Cipollone. I'm not even sure what -- well, anyway.

21 Mr. Raskin. Because you used that word and it just -- it caught my attention.

22 I'm wondering, well, what kind of tragedy you think it was. I mean, was it like a natural
23 tragedy or was it tragedy in the sense that it flowed from one person's tragic flaws?

24 Mr. Cipollone. Again, I'm not here to answer those types of questions in my
25 view. I appreciate why you're asking them. I understand that. But particularly at this

1 point in the day, Representative Raskin, I think it would be wise of me not to engage in
2 that kind of discussion or questioning from a talented lawyer like you.

3 Mr. Raskin. Fair enough. I bid you farewell. And I thank you for your focus
4 today.

5 I yield back.

6 [REDACTED] Any other questions? No?

7 All right. If not, then Mr. Cipollone I just want to echo the thanks. We
8 appreciate it. We could not do this work without people like you who were engaged in
9 the events that are the focus of the select committee's work coming forward.

10 And we appreciate your cooperation back in April through today. Very much
11 appreciate it. Thank you for your willingness to come and answer questions for
12 whatever it's been, 8 hours.

13 Mr. Cipollone. Has it been 8 hours?

14 [REDACTED] I think it has.

15 Mr. Purpura. Okay.

16 [REDACTED] All right. With that, I believe --

17 Mr. Cipollone. Thank you, [REDACTED] and thank you again for your
18 consideration and your entire team through this process.

19 [REDACTED] Thank you very much.

20 All right. With that, we'll go off the record.

21 [Whereupon, at 5:14 p.m., the interview was concluded.]

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Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date