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

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13 DEPOSITION OF: KEITH KELLOGG, JR.

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Tuesday, December 14, 2021

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Washington, D.C.

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22 The interview in the above matter was held in Room 4480, O'Neill House Office
23 Building, commencing at 10:02 a.m.

24

Present: Representatives Aguilar and Cheney.

1 Appearances:

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5 For the SELECT COMMITTEE TO INVESTIGATE

6 THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

7 ██████████, CHIEF INVESTIGATIVE COUNSEL

8 ██████████, SENIOR INVESTIGATIVE COUNSEL

9 ██████████, PROFESSIONAL STAFF

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14 AND OF COUNSEL TO THE VICE CHAIR

15

16

17 For KEITH KELLOGG, JR.:

18 JOHN COALE

1

2 Mr. [REDACTED]. All right. Good morning. It is 10:02, and we are on the record.

3 This is a deposition of retired General Keith Kellogg conducted by the House Select
4 Committee to Investigate the January 6th Attack on the United States Capitol pursuant to
5 House Resolution 503.

6 So at this time I'd like to ask the witness, General Kellogg, to please state your full
7 name and spell your last name for the record.

8 The Witness. Full name is Joseph Keith Kellogg, Jr. Last name, K-e-l-l-o-g-g.

9 Mr. [REDACTED]. Excellent. Thank you.

10 And this will be a staff-led interview -- or deposition, rather -- and members may
11 join. If they do, it'll likely be via Zoom here. Right now we have a few staff participants
12 over Zoom, including our chief clerk, as well as other members of the select committee.
13 If they do join, I will try to announce that so you know that they are here, and also they'd
14 be listed on the right-hand side.

15 Of course, if they do join, they may ask questions as well, and we'll give time for
16 members of the staff in this room, as well as those participating via Zoom, to ask those
17 questions.

18 Mr. Coale. I have a question.

19 Mr. [REDACTED]. Yes, sir.

20 Mr. Coale. How public is all this? I mean, is it closed to the public? Open?
21 What?

22 Mr. [REDACTED]. Mr. Coale, that's a great question. This is a House deposition, so
23 it's done pursuant to the House rules. This is all behind closed doors, so to speak. It's
24 private. It can be released if the committee and the chairman decide to release the
25 transcript. That's something that would have to go through official action of the

1 committee.

2 Mr. Coale. Okay.

3 Mr. [REDACTED]. This is an executive session of the select committee, which mean
4 it's confidential.

5 Mr. Coale. Okay. Thank you.

6 Mr. [REDACTED]. So in the room today, myself. I'm [REDACTED]. I'm a senior
7 investigative counsel to the select committee. On my left is [REDACTED], also senior
8 investigative counsel. [REDACTED] is on my right. He's the chief investigative counsel
9 for the select committee. We have [REDACTED], who is staff here with the select
10 committee.

11 And then, like I said, we may have others join either in person or via Zoom, and I'll
12 announce their presence if they come.

13 So to your question earlier, under the House deposition rules neither the
14 committee members nor staff can discuss the substance of the testimony you provide
15 today unless the committee approves its release. And you'll have an opportunity to
16 review the transcript after we're done.

17 Mr. Coale. Okay.

18 Mr. [REDACTED]. A few ground rules.

19 We're going to follow the House deposition rules that we provided with the
20 subpoena. Under the House deposition rules, counsel for other persons or government
21 agencies cannot attend, but you are allowed to have your attorney present.

22 And, Mr. Coale, you are here today.

23 There is an official reporter transcribing the record of this deposition, so we'd ask
24 that you please wait until each question is completed before you begin your response.

25 And we'll try to wait until your response is complete before we ask our next question.

1 The court reporter cannot record nonverbal answers, such as shaking your head.
2 So if you do have an answer, please respond using the correct language. We ask that
3 you provide complete answers based on your recollection of the events.

4 The Witness. Can I ask a follow-on?

5 Mr. [REDACTED]. Of course.

6 The Witness. Will you follow on, following an answer? If you want more, you'll
7 ask for more, or will you just assume the question is answered or --

8 Mr. [REDACTED]. That's correct. If we have more to ask in response to your
9 answers, we'll go ahead and do that.

10 The Witness. Okay.

11 Mr. [REDACTED]. So, like I said, we do ask that you provide answers based on the
12 best of your recollection. If the question that I'm asking you is not clear, please feel free
13 to ask for any kind of clarification.

14 If you don't know the answer, you can say so. That's completely fine. And you
15 can refuse to answer only to preserve a privilege that's recognized by the select
16 committee.

17 If you do assert a privilege, the staff will either proceed with the deposition or
18 seek a ruling from the chairman on the objection. And if the chairman overrules an
19 objection, you would be required to answer the question.

20 Does that all make sense? Do you understand that?

21 The Witness. Yes, it does.

22 Mr. [REDACTED]. Very good.

23 The Witness. I started with a nonverbal, so, yes, it does.

24 Mr. [REDACTED]. Thank you very much.

25 I also want to remind you that it's unlawful to deliberately provide false

1 information to Congress. And since this deposition is under oath, providing false
2 information could result in criminal penalties for perjury or providing false statements.

3 Do you understand that?

4 The Witness. I do.

5 Mr. [REDACTED]. Very good.

6 So at this time, I'd ask that you please stand and raise your right hand to be sworn.

7 The Reporter. Do you solemnly declare and affirm under the penalty of perjury
8 that the testimony you are about to give will be the truth, the whole truth, and nothing
9 but the truth.

10 The Witness. I do.

11 By the way, whatever happened to, "So help me God"? We don't do that
12 anymore?

13 [Laughter.]

14 Mr. [REDACTED]. All right. And just one logistical thing before.

15 The Witness. Yeah.

16 Mr. [REDACTED]. Please let us know if you do need any breaks at any point.

17 The Witness. Okay.

18 Mr. Coale. Don't worry.

19 Mr. [REDACTED]. Very good. And if you do need to discuss something with your
20 attorney, I'd just remind you that this is being recorded, so we'll just have you step to
21 another room if you need that privacy.

22 The Witness. Okay.

23 Mr. [REDACTED]. All right. Do you have any questions for us before we begin?

24 The Witness. I do not. No.

25 Mr. Coale. No.

1 Mr. [REDACTED]. Mr. Coale? No?

2 Mr. Coale. Nope.

3 Mr. [REDACTED]. Okay.

4 Then in front of you is a binder of exhibits. And we're going to be referring to
5 the exhibits --

6 Mr. Coale. Do you have an extra copy?

7 Mr. [REDACTED]. We have that one to share.

8 Mr. Coale. Okay.

9 Mr. [REDACTED]. He can take mine.

10 Mr. Coale. Thank you, sir.

11 Mr. [REDACTED]. Sure.

12 Mr. [REDACTED]. All right. And in this binder there are 16 exhibits. I did want to
13 introduce one more for the record, and that's in the front page of your -- or excuse
14 me -- the front flap of your binder, General Kellogg, just to make sure that you have this.

15 This is a letter from the White House dated December 13th, 2021, to Mr. Coale as
16 your attorney, discussing issues of executive privilege.

17 Mr. [REDACTED]. Mr. Coale, it's not in your binder.

18 Mr. Coale. Oh, okay. Yeah, I remember.

19 The Witness. Are we allowed to take these with us when we leave or do they
20 stay here?

21 Mr. [REDACTED]. This will stay here with the committee.

22 The Witness. Okay.

23 Mr. [REDACTED]. But they will be available as part of the review process if you come
24 back and choose to review the transcript.

25 Mr. Coale. Okay.

1 Q Excellent. And that's exactly what you explained to me before. I just
2 want to confirm that.

3 And nothing has changed since then, nothing in your personal accounts or
4 personal phone that you're aware of?

5 A No. I went back and looked through it and the answer was no. I didn't
6 see anything there. That was it.

7 Q All right. So I want to start with a little background --

8 A The reason why -- let me just explain.

9 Q Yes.

10 A The reason why is we were not allowed access in the White House or the
11 computers we -- that I used were not allowed. You couldn't cross load. You couldn't,
12 for example, go to a Gmail account or an AOL account. You had to strictly stick with
13 your government account. So there was no way that you could've, you know, crossed
14 ref'ed any of that stuff.

15 So that's the reason I said that. But I went back through and looked to, just in
16 case, the accounts and I didn't see anything on it.

17 Q Okay. Very good. All right.

18 So to start a little bit with your background.

19 Where did you grow up, General?

20 A I grew up in Long Beach, California. Born there. Went to college in Santa
21 Clara University because I was an alternate to West Point and did not get in the academy.
22 That was probably a smart move, probably helped me. It helped the guy that went.

23 And then from there went into the military. From the military, spent 30 -- almost
24 33 years in the military. Left the military in early 2000 -- 2003 -- and then went into the
25 business world. Spent about 10 years in the business world. And then got involved

1 with the Donald Trump campaign in 2015-16.

2 Q Okay. And you're currently at the America First Priorities Institute?

3 A No, America First Policy Institute.

4 Q Policy. I'm sorry. That's a typo on my --

5 Mr. Coale. I would like to add that when he was in the military, he was highly
6 decorated in Vietnam in combat, Silver Star.

7 Mr. [REDACTED]. Appreciate that.

8 Mr. Coale. Okay.

9 BY MR. [REDACTED]:

10 Q So you're at the America First Policy Institute. What do you do there?

11 A I'm the co-chair for the Center for American Security. And I co-chair that
12 with John Ratcliffe, former DNI.

13 Q And you said you served in the military for approximately 30 years?

14 A A little over, about 33 years.

15 Q Okay. And some of the roles I have you listed as, you were in the 101st
16 Airborne Division, Commander of Special Operations Command in Europe, Chief of Staff
17 and Assistant Division Commander for the 82nd Airborne, Chief Operating Officer of the
18 Coalition Provisional Authority in Baghdad. And then, like you said, retired in 2003.

19 A Add this one, for the record, because I also commanded the Army's 82nd
20 Airborne Division. So check that one.

21 And then when I was the Chief Operating Officer of the Coalition Provisional
22 Authority, I was not in the military at that time. I was actually retired from the military
23 and had been dragooned back into service by Secretary Rumsfeld and General Myers to
24 go to Baghdad and support Jerry Bremer.

25 Q And you joined -- you were talking about your transition into political life.

1 You joined as a Presidential adviser to then-candidate Trump in 2016. Is that right?

2 A Correct.

3 Q How did you end up doing that?

4 A Well, I had reached a point in the business world that I had said maybe
5 there's some other things I want to do. And I went to a gentleman by the name of Jack
6 Keane, who was retired four-star general, who's, I think, on FOX News as chief strategy
7 adviser, and sat with him at breakfast, and he said, "Have you ever wanted or thought
8 about advising in the national security space a Presidential candidate?" Because a
9 Presidential campaign had started.

10 And I said, "No, but it's kind of interesting." And he said, "Well, I know two, if
11 you want to." He said, "I know Jeb Bush and I know Hillary Clinton. If you want, I'll
12 go."

13 And I said, "I don't know either one of them. And the only one I'd prefer to work
14 with is this new candidate, Donald Trump." And he said, "I don't know that" -- "know
15 him."

16 So on my own I started reaching out through Jeff Sessions and through people in
17 his organization, calling up to Trump Tower, to actually make contact with Donald J.
18 Trump to see if I could help him out on the campaign. And eventually made contact
19 with him and through Jeff Sessions was able to make contact with Donald J. Trump.

20 And he brought me up on his national security team. And I think the reason he
21 did that, very simply, was when he asked how much it would cost him, I said it would cost
22 him nothing, I'd do it pro bono. And as a businessman he probably said that's probably
23 a pretty good deal and I'll do that.

24 So I ended up working with him as one of his first national security advisers.

25 Q Okay. And before we get to my next question, I just want to note for the

1 record and for your information that Representative Pete Aguilar, member of the select
2 committee, has joined via Zoom here remotely.

3 The Witness. Congressman.

4 Mr. Coale. I have a question. Are there just two Republicans on the
5 committee?

6 Mr. [REDACTED]. The committee makeup, yes, there's Ms. Cheney, who's vice chair,
7 as well as Mr. Kinzinger from Illinois.

8 Mr. Coale. Okay. Thank you.

9 BY MR. [REDACTED]:

10 Q All right. So you started advising.

11 Did you get close with the President during his campaign?

12 A Well, the answer is it's sort of a yes or no. Because the campaign was really
13 focused early on about getting the requisite number of delegates to become, you know,
14 the Presidential candidate.

15 So the focus of the campaign really wasn't on national security. Even though I
16 was the national security guy, I wasn't involved with the domestic side of the house or
17 gaining delegates to nominate him to be the Republican nomination to be President.

18 So it's a yes-or-no answer. The answer was, I probably spent more time talking
19 to Corey Lewandowski as his campaign manager than I did with, at that time, the
20 candidate, simply because it wasn't really their focus.

21 The only times we really got involved is we got involved in the debate preps, in the
22 internal Republican debate preps, and making sure there was anything in the national
23 security realm, if there was any questions that came up, I kind of give him a backstop.
24 Because at the time, the only two national security guys he had working it were me and
25 Mike Flynn.

1 So we were the first two on there that were really, for lack of a better term, the
2 go-to guys, you know, in the campaign.

3 Q Okay. And when Mr. Trump assumed the Presidency, what was your role,
4 at least initially?

5 A Well, what happened in -- before he took office, in early December, they
6 came to me and they said, "Would you become the Chief of Staff to the National Security
7 Council?" And he had already nominated Mike Flynn to be the National Security Advisor
8 and K.T. McFarland to be the Deputy National Security Advisor. And they said, "Would
9 you become the Chief of Staff to the National Security Council?"

10 And the guy -- the individual who told me that was Steve Bannon, and Reince
11 Priebus at the time said, "Would you do that?"

12 Then I was also part of the transition team. So I moved down on the transition
13 team where I was running the Defense Department, Homeland Security, the intelligence
14 beachhead teams, veterans beachhead teams, to move down to national security team,
15 and started acting as the Chief of Staff of the national security team.

16 And then when I came into the White House, I was one of -- I think the number
17 was 20, I can't be sure -- was one of those designated as APs, Assistants to the President.
18 There's three levels of commissioned officers in the White House. There's an Assistant
19 to the President, the Deputy Assistant to the President, and then the Special Assistant to
20 the President. The most highest level commission is the Assistant to the President.

21 So I was an AP and Chief of Staff to the National Security Council. Also, at the
22 same time, the Executive Secretary of the National Security Council, which is under the
23 National Security Act of 1947, I was the primary officer on the National Security Council.

24 Even though they have an NSA, I was kind of the guy responsible for running
25 the -- basically the National Security Council, all the meetings, all the events. And

1 because of that, I was basically involved in all the national security decisions and
2 discussions held at the White House.

3 So I was not assigned in December. That is not a Senate-confirmed position.
4 So just kind of roll in, became an AP, and picked up right away running those duties.

5 Q And I understand that you filled the role of acting National Security Advisor
6 after Michael Flynn resigned. Is that right?

7 A That is correct. I was asked at that time by Reince Priebus. The day that
8 Mike resigned, Reince came to me and said, "You are going to be the acting National
9 Security Advisor." And very candidly, [REDACTED], my first response was, "Why isn't K.T. going
10 to do that?"

11 You know, that would -- the normal progression is the National Security Advisor
12 leaves, the Deputy National Security Advisors takes over. And they basically said, "We
13 trust you, you've been with us a long time, we know who you are, we want you to elevate
14 to that position until either you become the National Security Advisor or somebody else
15 becomes the National Security Advisor and you revert to your position as Chief of Staff."
16 So --

17 Q Did the President value your counsel on these issues?

18 A Well, I assume he did. The reason I make the assumption is he -- you know,
19 very candidly, I'm the only national security guy that stayed for 1,461 days. Every day in
20 the White House I was there. I'm the only national security adviser, anybody involved in
21 the entire national security team with the assistant level, AP level, that stayed the entire
22 4 years.

23 Q And during --

24 A So I would assume, [REDACTED], he would say -- the assumption I will make is, yeah.

25 Q Sorry for jumping in there.

1 During that time in the White House, all of those days that you just mentioned,
2 you had a role in national security issues, correct?

3 A Every day. I was involved in every national security decision and discussion
4 through the 4 years.

5 And the reason, just to fully explain this, under the national security policy that
6 the Trump administration put out, I was required to sit on every National Security Council
7 meeting. So I sat through all of the meetings and the discussions that we had there.

8 So by law, as the executive secretary of the National Security Council, that was a
9 specified position. And then when I became the National Security Advisor to the Vice
10 President, he -- the President said to me that, "You will do exactly what you did for Pence
11 and stay with me," because they kept me as an Assistant to the President.

12 The reason why that's important, previously the National Security Advisor to the
13 Vice President was not an Assistant to the President. He dropped the position to Deputy
14 Assistant to the President. But the President was very clear when I was selected that
15 day, he said, "I want you to stay, maintain your position as an AP, so I would have the
16 ability to call on you at any time."

17 Q Okay. And when you say "selected that day," that was in April of 2018
18 when the --

19 A Yeah. Yeah, [REDACTED] Yeah, I wrote it down. It was April 28th.

20 Q 2018?

21 A Yeah. It was April 2018.

22 Q Okay. So you were fulfilling the role of both National Security Advisor to
23 the Vice President and you kept the role as Assistant to the President?

24 A Yes. So he could -- he did that so he could pull on me. In this White
25 House, in the Trump White House, the Assistant to the Presidents all had what we called

1 walk-in privileges. And walk-in privileges mean you could go into the Oval at any time as
2 long as the President didn't run you out. But you had to be an AP to be able to do that.

3 And I think he just wanted -- I think the -- in the pecking order of the White House
4 being a senior staff -- and that's what the APs were all called, senior staff -- you had the
5 ability to move in and make a comment.

6 So it freed you up from having to go through a chain of command or talk to
7 anybody, you had that ability -- and I'm assuming a lot of White Houses are like that -- you
8 had the ability to go in the Oval Office at any time.

9 Q Okay. And speaking of that, kind of related, where was your office?

10 A I had two offices. I had the West Wing office, which used to be Henry
11 Kissinger's office in the old days, what's called the lower suite. And the advantage is, it's
12 next to the Navy mess. So you could get coffee real quick. But it was -- if you were
13 really slow, you could get to the Oval Office within 45 seconds.

14 Q It's not the same level as the Oval?

15 A No. It's one level below. They call it lower suite. The upper suite is
16 where the Oval Office, the NSA's office is, the press secretary's office is, the Chief of
17 Staff's office is, Jared Kushner's office was there.

18 And then the third floor up, what we used to call the attic, because that's where
19 the White House Counsel was, that's where Ivanka was, and everybody else.

20 So I kept that office. And when I moved to the Office of the Vice President, then
21 I moved my offices over to the EOB where the primary -- the staff of the Vice President
22 was under John Bolton. But as soon as John Bolton left, they moved me right back to
23 the Oval Office. And so I moved back into the office I had started with, which was on
24 the lower suite.

25 However, I kept both offices. And the reason is, the office you had in the West

1 Wing had no windows, no walls, bad air conditioning, and the office in the Executive
2 Office of the President had windows. It was really nice. So I kept both offices.

3 But depending where I was at and what I was doing, if something was happening
4 I'd move the team -- it was a very small office -- over to the West Wing. So I had
5 offices -- I know it's a long answer -- but I had actually offices in both.

6 Q Okay. And just functionally, who did you report to other than the President
7 or Vice President? And I guess I'll just ask specifically, did you report to Mr. Meadows,
8 the Chief of Staff?

9 A No. I reported directly to the Vice President of the United States or the
10 President of the United States.

11 Q Okay. So you didn't report to Mr. Meadows or Marc Short?

12 A No. But as a courtesy, I'd talk to them. But that was one of the reasons
13 why, [REDACTED], earlier I said -- holding on to an AP position was critical, because that leveled
14 the playing field. Because as an AP, when you're an AP you're basically the same rank as
15 everybody.

16 And I had -- even though as a courtesy, and I would talk to Marc as the VP or, you
17 know, I talked to Mark Meadows, but it wasn't a requirement. You know, I made sure
18 they knew what was going on, and I did it as a simple courtesy.

19 Was it a requirement? No. Because if I had to play the AP card, I'd play the AP
20 card, which meant if I wanted to be in a meeting, I went into a meeting.

21 Q All right. So I want to talk to you briefly about communications and the
22 communication structure at the White House.

23 Who was in charge of communications, to your knowledge, towards the end of
24 the President's term?

25 A What do you mean?

1 Q Messaging.

2 A Who was responsible for it was the President. The messaging all came
3 from him.

4 Q Okay. So did he develop the messaging and pass it down to others in the
5 White House to send out?

6 A No. It was actually very collaborative, which a lot of people are probably
7 surprised by it. For example, most of the time if he would put out a tweet, it was a
8 collaborative effort.

9 Q Okay.

10 A Where he would say something like Dan -- for Dan Scavino, let's say. He'd
11 call Dan in and he'd say, "Dick and Jane ran up the hill." And he wouldn't like that.
12 And somebody would say, "No, they ran down the hill or this." And they'd do several
13 iterations of a tweet before it came out. But the messaging came from the President.

14 And then you always had -- many times, I wouldn't say all the time because I
15 wasn't there all the time, but you had an ability for people to come into the room and
16 say, "You don't want to say that," or, "Do you want to say this?" and, "This is what's
17 happening."

18 But we all took our key from the President because he was the -- when you ask
19 that question, the chief messenger, messenger, was the President. And then when we
20 went through this Socratic or collaborative method, you would always have a chance to
21 have input. You had an option. If you were in the room you were expected to speak.
22 And you would say, "No, this is what I think we should say."

23 Now, nobody would always take your advice. But on several occasions people in
24 the room were asked their opinion, and the implication was, well, if you don't have an
25 opinion, you shouldn't be in the room.

1 Q And we'll get to some examples of this later, but were you asked your
2 opinion, for example, about tweets that the President might send?

3 A On occasions when I was there he did. He'd say, "What do you think?"
4 And I didn't cross t's or dot i's. In other words, if I thought you were -- if you were in the
5 ballpark or you were in Yankee Stadium, I didn't have to say I was in seat 123. My
6 attitude was, okay, that's kind of like, okay, you're close enough for government work, let
7 it go.

8 So I wasn't one of those who did that. I'm sure there were people who did it, but
9 I didn't.

10 Q Okay. And do you know if the President ever sent tweets without going
11 through the collaborative process?

12 A I don't, [REDACTED]. I don't.

13 Q You do not know?

14 A I don't. I don't. I only know that when I was there for them, it was
15 collaborative. I don't know.

16 Mr. [REDACTED]. Got you. Okay.

17 I want to switch gears a little bit here, but give some time to -- I see that Mr.
18 Aguilar has dropped off.

19 But anybody else?

20 Mr. [REDACTED]?

21 BY MR. [REDACTED]:

22 Q Just quickly.

23 General Kellogg, your role as an AP in addition to being on the Vice President's
24 staff, was that unusual or did other members of the Vice President's staff have the same
25 AP status?

1 A No, [REDACTED]. The only one who had that status was Marc Short, the Chief of
2 Staff.

3 Q You're anticipating my question. My understanding is that Short -- Mr.
4 Short -- had a --

5 A Yeah, but that was unusual because I was the -- well, there was, normally
6 speaking -- and I have to go back to the transition days when we decided to break out
7 who were the APs and the DAPs and the SAPs. That the Vice President was
8 authorized -- not authorized -- was given one. And that was the Chief of Staff.

9 That's the reason why the President, when they made that decision to make me
10 the NSA to the VP, he was very specific --

11 Q I see.

12 A -- as was John Kelly, who was the Chief of Staff at the time, that I would
13 maintain the AP role. So there was two of us.

14 Q Got you. So the default is, the Office of the Vice President has one AP,
15 typically the Chief of Staff.

16 A Uh-huh. Yes.

17 Q Then you were the second on the OVP staff who also had AP designation?
18 And that was because of your prior relationship advising the President directly?

19 A That is correct.

20 Mr. [REDACTED] Got you. Okay. Thank you.

21 BY MR. [REDACTED]:

22 Q So for tweets you gave the example of --

23 A I'm sorry, [REDACTED]?

24 Q For tweets, you gave the example of Dan Scavino and others in a
25 collaborative process might work with the President. Do you know who would actually

1 then, you know, type up the tweet and send it out? Was that --

2 A Dan Scavino.

3 Q And would he use a device right there in the Oval Office with him or go back
4 and send it?

5 A [REDACTED] I don't know. I know how the collaborative processes work. He
6 would -- if we were there, they would print out on a piece of paper what the tweet would
7 look like and then everybody in the room would have it, okay? And then we'd say, "No,
8 you don't need 'and,' put a 'the,'" or whatever. You'd go around then. And then
9 Dan would make it. How he did that [REDACTED], I don't know.

10 Q To your knowledge, did the President himself ever use a cell phone or other
11 device to send out a tweet?

12 A I do not know, [REDACTED].

13 Mr. [REDACTED]. Okay. So switching gears a little bit, like I mentioned, General.
14 It's been reported that you were, quote, "pained to watch former President Trump
15 pressure Vice President Pence about the election." Is that accurate?

16 Mr. Coale. Excuse me. Where is that from?

17 Mr. [REDACTED]. That's from public reporting.

18 Mr. Coale. In the newspaper?

19 Mr. [REDACTED]. In a book.

20 Mr. Coale. Okay.

21 The Witness. I think I wouldn't use the word "pained" when you say that.

22 Mr. [REDACTED]. Okay.

23 The Witness. And the reason I would say that I was bothered by it is because the
24 incredibly close relationship both of them had over 4 years that I saw, that it was like a
25 mind meld.

1 Example. When the Vice President would come in every morning, if the
2 President was down from the residence, he would immediately go to the Oval Office and
3 talk with him. It was like almost like habit. And I was there a lot of times when he did
4 it.

5 So when I say "pained," I don't think I would have ever used the word "pained."
6 What was disappointing was I saw a relationship that had gone on for 4 years that was
7 incredibly close.

8 I mean, look, they would talk -- when we would fly on Air Force Two, they would
9 talk in a flight, if we went somewhere, three, four, five times a day on the airplane, you
10 know.

11 And I know that because, if I was in there, the Vice President had a term, which
12 was "Give me the room," which means get out, "to do that." And he said, "Please give
13 me the room to do this."

14 Or the President would call. And I would know that, because as his NSA I was
15 always on constant comms with the front of the airplane, who the Vice President was
16 talking to, just in case, because I didn't want somebody that -- if Vladimir Putin had called
17 him, I wanted to make sure that I had put the headset on. So I'd do that. So I knew he
18 called him a lot.

19 So the answer was, since I saw that close relationship, to fracture the relationship.

20 BY MR. ██████:

21 Q Okay. So I want to get into that to make sure we're talking about the same
22 thing. And the question I asked was the kind of pressure that the President was placing
23 on the Vice President. And I think you said it bothered you, not necessarily pained you.

24 A Well, the pressure didn't bother me because I saw that in a lot of times.

25 First of all, the White House is a very pressured-filled environment. And there

1 were several occasions, not necessarily this one, where they did not necessarily agree.
2 So -- and, by the way, that wasn't just the Vice President or the President; it was also
3 members of the Cabinet.

4 And the pressure, what I mean by that is, the applied pressure of the President
5 saying and the way he made decisions was he would pressure you, and he would pressure
6 you to find out what I -- that's the reason why I said Socratic -- how deep was your
7 conviction. Did you really believe what you were saying or are you just saying that to
8 make yourself feel good?

9 So he would always apply that. And if you knew that was coming, which I did,
10 you were always ready for it. Because I said, okay -- and I would always look around the
11 room and say -- or believe -- okay, you know, this is going to be an interesting event
12 because how deep does this person believe are his convictions.

13 So the President would do that routinely. So it didn't just happen here, but it
14 was one of those that if you weren't ready for it, it was always sometimes hard to see,
15 because there were people put on the hot seat -- to use a common term -- and they
16 would squirm in the hot seat. And --

17 Q And --

18 A I'm sorry.

19 Q Was it election-related issues that you said just now bothered you or that led
20 to this fracture that upset you?

21 A No. What bothered me, [REDACTED], was the personal relationship between the
22 two, because they were both -- you know, it was like they may have been the odd couple.

23 Q What did you see that was causing this fracture?

24 A Well, I think they just had two different views of what was happening
25 subsequent to 6 January and what -- or, correction, not 6 January -- what happened with

1 the counting of the electoral votes.

2 Q Okay. So what were those differing views that you --

3 A Well, the different views was the President was getting -- he was getting
4 advice from lawyers that was contrary to the advice that the Vice President was getting,
5 and you had battling lawyers.

6 And I'm telling you that, [REDACTED], as somebody who was watching it. And my legal
7 experience is I took constitutional law in college. That's it.

8 Q So seeing where you were -- or being where you were and seeing what you
9 saw, what was the Vice President's perspective on those issues?

10 A I don't -- we didn't -- on those issues we didn't really talk, because those
11 were issues that were not, quote, national security related, so he didn't talk to me about
12 them, and I didn't press him on it.

13 I saw it from a distance, a periphery. And if I've talk to Marc Short about it,
14 frankly, the guy that he on those issues he was talking to was Marc Short, and -- not Matt
15 Moore. I'm trying to remember -- he always had the -- his counsel.

16 Mr. [REDACTED] Was it Greg Jacob?

17 The Witness. Yeah. Yeah. Yes, it was Greg Jacobs.

18 BY MR. [REDACTED]

19 Q Another report related to this is that you attended a rocket launch in Florida
20 with the Vice President and his family and you talked about some of this election-related
21 pressure with the Vice President on the way there or on the way back. And I know
22 that's a general question, but is that accurate?

23 A No. I don't -- no, not at all. I don't remember talking at all about that on
24 the flight there to or from.

25 Q Let me read you this. So this is, again, a quote from the book. It says:

1 "On one trip on Air Force Two to watch a rocket launch, Kellogg pulled the Vice President
2 aside and said, 'Sir, you've got to end this and here's how you end it. Walk in there and
3 say: I ain't gonna do it. Not just that you can't do it, but you won't do it.'"

4 A No.

5 Q Do you remember saying anything like that?

6 A No. First of all, that's not how I talked to the Vice President. Even though
7 I do -- I would probably say "ain't" a lot. I would talk to him in very precise terms. [REDACTED],
8 that is not a quote.

9 Mr. Coale. Can you share with us who wrote this book?

10 Mr. [REDACTED]. This one is from "Peril" by Bob Woodward and Robert Costa.

11 The Witness. I -- I -- no.

12 BY MR. [REDACTED]:

13 Q Did you ever say anything like that --

14 A No.

15 Q -- to the Vice President?

16 A No.

17 Q Did you ever give him advice to kind of stay with his conviction and stand
18 strong in resisting efforts by the President to ask him to take some action?

19 A No, I don't, because that was not my lane, [REDACTED]. This thing goes back
20 probably to somebody like Marc Short or Greg Jacobs to do it.

21 I did tell him I admired his -- when you look at somebody in the political
22 environment and the pressures they're under, you admire their -- whoever it is -- their
23 political -- ability to withstand a lot of political pressures.

24 And I was -- you know, very candidly, [REDACTED], and I love both Donald J. Trump and
25 Michael Pence, and I was the -- probably the only person in the White House that had

1 that relationship with both of them. And I saw them both.

2 And that goes back to an earlier question. What disturbed me was knowing both
3 of them and saw that fracture, that I was one of the very few that was -- had been there
4 from 2016 -- '15, '16, on through the election, the whole time. I saw that. I saw the
5 personal relationship develop.

6 Mr. [REDACTED], [REDACTED] or [REDACTED] do you have any questions along this line?

7 BY MR. [REDACTED]:

8 Q Yeah. Just tell us, General Kellogg, what, if anything, you discussed with
9 the Vice President about his role with respect to the electoral college, what he should or
10 shouldn't do when it came to that joint session of Congress.

11 A [REDACTED] I didn't talk to him at all about it because that was not my lane.

12 Q Okay.

13 A And he had his lawyers with him. He had Marc Short with him. And it
14 was not something I got involved with, and I stayed away from it. And oh, by the way,
15 he didn't talk to me about it either, and neither did Marc Short.

16 Q Okay. So no discussions at any time, not just on the airplane, but ever,
17 about the election allegations that the election was somehow stolen?

18 A Not on the election allegations, not at all. I did make the comment, like I
19 said to [REDACTED], that I told him on a personal level that, you know, I said, you know, that any
20 political figure who stands like this, you know, has to be admired because so many of
21 them don't stand for what they believe in. And that's it.

22 Q I appreciate that.

23 You mentioned earlier that you were -- I think you used the word "disappointed"
24 in the breach or the tension between these two men, the President and the Vice
25 President?

1 A Yeah. [REDACTED] it wasn't disappointed.

2 Q You tell me the word then.

3 A Well, it wasn't disappointed. I think -- well, maybe it is disappointed or
4 unfortunate, the fact is, because, again, [REDACTED] what I saw for 4 years in the campaign
5 before that, how close they had gotten. I mean, it was an incredibly close relationship.
6 It was truly when there were hard decisions to be made, the last person to make the
7 comment in the room was the Vice President. Or they would move to the -- from the
8 Oval to the small Presidential dining room and talk about it.

9 So when I saw -- I saw that relationship, which was a -- became a fractured
10 relationship. And that was so disappointing to me, because they're both, to me, I told
11 you before, I love them both and served with them both.

12 Q Fractured, then, that's a better word than disappointed.

13 Tell me more what the basis of that was. What did you see that was sort of
14 manifestations of the fracture, the change in that relationship?

15 A Well, the fact that it was so -- that, you know, a personal relationship, you
16 see the fact that they're not talking like they should.

17 And, frankly, what I tried to do after what happened up in Capitol Hill is I tried to
18 in one way mend the relationship. And that's when I recommended to Jared Kushner,
19 to Ivanka, to Marc Short, and I think it may have been to Mark Meadows, but I don't
20 know, that the President award the Vice President the Presidential Medal of Freedom,
21 much like Obama did with Biden, to try to heal the rift. That was my contribution to
22 what I thought to heal it.

23 Mr. Coale. Could I interject here?

24 Mr. [REDACTED] Sure.

25 Mr. Coale. I just -- when was that in relationship to January 6th, when you

1 recommended the Medal of Freedom?

2 The Witness. Yeah, I think that was probably the following week is when I said --

3 Mr. [REDACTED] After. Okay.

4 BY MR. [REDACTED]:

5 Q Go back to the fracture. Just tell me more what you saw that
6 demonstrated the fracture or manifestations of that conflict between those two men?

7 A Well, they didn't just talk like they normally talked, [REDACTED]. That
8 was -- remember I said earlier that the Vice President would come in, he'd go right to the
9 Oval Office if the President was down? That was the first thing he would ask. Because
10 normally -- not normally. Sometimes I would meet him at the car, walk up to his office
11 with him, and he'd look at Sarah, his EA, and say, "Is the President down?" meaning from
12 the residence.

13 And if the President was down, he'd head out. So much for a lost opportunity to
14 tell him World War III had started. It just didn't work that way. And it was -- and that
15 didn't happen after that.

16 And so that's where I saw it, and I saw it because the day after 6 January he didn't
17 come into the Oval or didn't come into the office at all.

18 I believe, I can't make for sure, but Marc Short would probably know, he came in
19 the day after to work out of the Executive Office of the President -- of the ceremonial
20 office. It was like the third or fourth day he moved back, he actually went back into his
21 West Wing office.

22 Q Yeah. How long -- I'm sorry to cut in.

23 A No. I'm sorry, [REDACTED].

24 Q How long before January 6th did the fracture, in your observation, start or
25 the Vice President no longer was going into the Oval every morning?

1 A I think till 5 January they were there. They were talking all the time, I
2 mean. I wasn't privy to it, though. When it comes to these events -- because it wasn't
3 national security related, but we had national security events going on and we would
4 walk in the office and talk to him about it.

5 So the relationship was still --

6 Q So, in your observation, the relationship was close until the day before or
7 so?

8 A Probably the day of, because on the 5th -- you know, [REDACTED], I don't know. He
9 was still coming into his West Wing office.

10 Q Okay.

11 A I'm pretty sure. I cannot -- honestly, [REDACTED], I can't be sure.

12 Q Of course. And I should preface all these questions by saying, if you're not
13 sure, we understand. We're just looking for your best recollection.

14 A Yeah.

15 Q If you don't remember a specific date or time, that's totally fine.

16 You were aware, generally, of sort of a difference of opinion between them about
17 the Vice President's power with respect to the certification of the electoral college?

18 A Yeah. And I think -- yeah. And I've got -- and I think -- and I think it was a
19 push and pull between his staff, the Vice President's staff, and the President's staff. And
20 forces kind of align that way.

21 Q Yeah.

22 A Where Greg Jacobs would be telling the Vice President something and
23 maybe Pat -- and I don't know -- Pat
24 Cipollone would be saying something to the President, Marc Short would be saying
25 something to the Vice President, Mark Meadows would be saying something to the

1 President, and I was the national security guy -- and in the middle. Because at that time
2 Robert O'Brien, the National Security Advisor to the President, was what I affectionately
3 called on his farewell tour. He was out and about. And so I, by default, if Matt
4 Pottinger wasn't there, I was the national security adviser to both.

5 Q So you're aware of these discussions, or the staffs, that made providing
6 different advice to their --

7 A I wasn't aware. I knew -- I mean, when you say "aware," I didn't know what
8 was going on. But, I mean, it's -- you had to be a fool not to pick up on the fact that
9 there was, you know, competing looks at it.

10 Q Yeah. Any specific recollection you have of any meeting, any discussion
11 that you had with any of these individuals or anything more collective on that issue --

12 A No, not at all [REDACTED].

13 Q -- with respect to the election?

14 A I didn't -- when this was going on, I was -- I'm a big believer in staying in your
15 lane. And I was staying in my lane.

16 Mr. [REDACTED]. Yeah. I know [REDACTED] going to go through some of this with you.
17 I'm sorry, [REDACTED], to interrupt your flow.

18 Mr. [REDACTED]. That's fine.

19 Mr. [REDACTED]. That's all. Thank you.

20 Mr. [REDACTED]. [REDACTED]?

21 Mr. [REDACTED]. I got a couple questions, General.

22 My colleagues asked you some questions about whether you had conversations
23 with Vice President Pence about his role in certification of the election and related
24 matters.

25 A follow-up question to that is, were you ever present when Marc Short or Greg

1 Jacob or anybody else had such conversations with the Vice President.

2 The Witness. No, I was not. Not at all, [REDACTED].

3 Mr. [REDACTED]. You also said -- and I won't get the wording exactly right -- but
4 something to the effect of, the President was getting contrary advice from his lawyers
5 than the advice the Vice President was getting.

6 When you referred to the President's lawyers, are you referring to inside lawyers,
7 meaning White House Counsel/Deputy White House Counsel, or outside lawyers who
8 may have been involved?

9 The Witness. The one I'm referring to -- and if you give me the names I'd
10 probably get it -- in-house lawyers, not necessarily Pat Cipollone, because I didn't -- in
11 with Pat.

12 But example. The morning of 6 January, there was a White House lawyer in the
13 Oval Office sitting there.

14 Mr. [REDACTED]. Is that Eric Herschmann? Pat Philbin?

15 The Witness. It wasn't Pat. It may have been Eric. Gray-haired gentleman,
16 short hair. There was a lawyer sitting in the room. It was White House Counsel.

17 BY MR. [REDACTED]:

18 Q And do you know what they were discussing?

19 A He didn't say a word when I was in there.

20 Q He, the lawyer?

21 A Uh-huh. That's why you're shocked that the lawyer wouldn't say anything.

22 Yeah, he sat there and he -- but he didn't -- when I was in the Oval Office, he
23 didn't say a word. He just sat there.

24 Q So, to your knowledge, were there White House lawyers who were advising
25 President Trump that the Vice President had authority to reject electors from contested

1 States?

2 A I don't know what they were giving him because I wasn't a legal adviser
3 there. But I will tell you, the lawyer was in the room. And my experience, again, when
4 it goes back to the Oval, what I said earlier, if you have an opinion, you better speak up.
5 Because, you know, it goes back to an old military term: Silence is consent.

6 If you're not saying something, then you agree with what's being said. And he,
7 when I was in the Oval that morning, he didn't say a word.

8 Q And what was the President saying?

9 A He was talking to the Vice President on the phone.

10 Mr. [REDACTED]. Do you want to save this for later?

11 Mr. [REDACTED]. I think we're going to get to that.

12 Mr. [REDACTED]. Okay.

13 Mr. [REDACTED]. But we're interrupting you. I'm sorry.

14 Mr. [REDACTED]. That's okay.

15 Mr. [REDACTED]. Just to follow up then, when you said that the President was getting
16 different advice from his lawyers than what the Vice President was getting, how do you
17 know that?

18 The Witness. Well, I make an assumption, and I don't know it. And the
19 assumption is words to the effect -- and, [REDACTED], I can't be that precise -- but he implied
20 that his lawyers were telling him -- when I say his lawyers -- were telling him something
21 different, and that was on the telephone calls. So the assumption I made is somebody is
22 telling him legally that that's it.

23 I have a -- my brother is a judge, so I get this where he tells me, you get three
24 lawyers in the room, you get three opinions. So I don't know. I didn't -- but it wasn't
25 my lane. So it was one of those where I said, okay, I'll just -- I'm not going to say, "What

1 do you mean by that?" or anything else. I just -- I stayed in my lane.

2 Mr. [REDACTED]. Okay. So it's been widely reported in the media that there were
3 outside lawyers, such as Rudy Giuliani, Sidney Powell, John Eastman, Jenna Ellis, who
4 were advising the President on some of these issues. Is it possible that it was the
5 outside lawyers rather than White House lawyers who were giving them --

6 The Witness. [REDACTED], I don't know. [REDACTED] I don't know.

7 BY MR. [REDACTED]:

8 Q Okay. So [REDACTED] just asked you about John Eastman being one of the
9 lawyers. Do you know John Eastman?

10 A Do not.

11 Q Have you heard about John Eastman?

12 A Only from what I've read in the newspaper.

13 Q Okay. Did you know about him or his existence at any time while you were
14 working in the White House?

15 A Did not.

16 Q Okay. To your knowledge, did John Eastman ever work in the
17 administration?

18 A Not that I'm aware of.

19 Q To your knowledge, did he ever work for the campaign?

20 A Not that I'm aware of.

21 Q All right.

22 Now, it's been reported that you had a meeting with the President and Pat
23 Cipollone in early January in the President's private dining room where the President
24 talked about having Pence, Vice President Pence, send votes back to the States.

25 Do you recall a meeting with the President and Pat Cipollone --

1 A No.

2 Q -- about that?

3 A No.

4 Mr. Coale. Is that from the book?

5 Mr. [REDACTED]. That is from the book, yeah.

6 Mr. Coale. Okay. Thank you.

7 BY MR. [REDACTED]:

8 Q And when you say that, do you not remember it? Could it have happened
9 and you just don't remember it or do you think it actually did not happen?

10 A I don't -- I was -- if it was done, it was not done in my presence. And I don't
11 want to speak for Pat or the President, so I don't know if it was said or not.

12 Q Okay. So one of the reports about this is that the President told the people
13 in this meeting, allegedly you were one of them, according to this reporting,
14 understanding this is reporting, but the President said, "Tell the Vice President he needs
15 to send the votes back, he needs to do it," meaning sending them back to the States. To
16 which Pat Cipollone said, "You can't do that. It's not a constitutional role for him."

17 Do you remember any conversation like that?

18 A No. No, I don't.

19 Q Okay.

20 Mr. Coale. Excuse me. I didn't hear. Who said that, according to the
21 reporting?

22 Mr. [REDACTED]. That Pat Cipollone said that during this meeting.

23 Mr. Coale. He said that the Vice President could do that whatever?

24 Mr. [REDACTED]. The Vice President cannot do.

25 Mr. Coale. And who said he could?

1 Mr. ██████. The President.

2 Mr. Coale. Okay.

3 BY MR. ██████:

4 Q All right. And so this same reporting, understanding your answers to the
5 recent questions, but the same reporting says that walking out of this meeting, you told
6 Pat Cipollone that, "Pat, you need to go back in there, you need to keep pounding away at
7 it." And he said, "I'm not going back in there," on this issue about sending votes back to
8 the States.

9 A That was a different time. And I remember telling Pat -- and I can't
10 honestly, ██████, I'm trying to remember when it was -- but I was advising Pat at the time
11 that everybody needs to take a deep breath. And I think the term I used was "take a
12 knee."

13 In the military, taking a knee means take a deep breath, relax. And Pat was
14 upset, and I'm trying to remember what it was. I said, "Pat, everybody just needs to
15 calm down."

16 And that's when -- and, ██████, I cannot remember. But I do remember talking to
17 Cipollone about that in the Oval about something. Because my frustration at the time
18 was, at the time when cool heads are supposed to prevail, meaning when you're an
19 adviser, that's when you take a deep breath and give your best advice, is it was spinning.
20 And Pat was one of those I thought was spinning; meaning, that's when I would want Pat
21 Cipollone to put on his Chief White House Counsel hat and just deep breath and take the
22 emotion out of it and try to do the best he could.

23 Honestly, I'm trying to remember when it was, but I do remember that
24 conversation in the middle of the Oval with me and Pat.

25 Q Okay. And I'll give you a second if you want to see if you can remember,

1 because I'm interested to know what caused this conversation.

2 A It was something that happened in the Oval -- I'm sorry, in the back dining
3 room -- where -- and, [REDACTED], to the best of my knowledge, I don't remember, but he and
4 the President said something and Pat spun up.

5 And my -- again, what I tried to counsel all the advisers the best I could is, you get
6 paid a lot of money to give your best advice in a calm fashion in any situation, especially
7 in a crisis situation, bad situation, or contentious situation.

8 And, [REDACTED], I can't remember. But I do remember -- I do remember I said
9 something to Pat about it. I can't remember the exact conversation about it.

10 Q Okay. And so was it -- was Mr. Cipollone worked up?

11 A Yes.

12 Q I mean, was he angry?

13 A [REDACTED], he was worked up.

14 Q Who was he worked up at?

15 A About the -- whatever was discussed in the back office and --

16 Q Was he upset with the President?

17 A I don't know. And now thinking about it, and I'm really thinking hard, I
18 think maybe I wasn't in the back office, but I met Pat in the Oval. He was coming out; I
19 was going in. And he was -- words to the effect, basically, "What's up?"

20 Q What made you think he was upset?

21 A The way he was talking, you know. When you have an elevated voice,
22 you're talking loud, which is totally out of character. And that's when you say, well, wait
23 a second, you know, everybody take a deep breath, calm down.

24 Q What was it that he said?

25 A I don't -- it was just the way, his tone.

1 Q Okay. Don't remember his words?

2 A I don't remember his exact words. That's what I'd always, you know, try to
3 counsel people, is don't let your emotions get ahead of you.

4 Q And was this in the post-election period, meaning after November 3rd?

5 A Yeah, it was.

6 Q Do you think it was something related to the election?

7 A Honestly, [REDACTED], I don't remember. I really can't, [REDACTED]. I just don't
8 remember it all.

9 Q Just to put kind of a timing perspective on it, was it before the January 6th,
10 the events at the Capitol, or after, if you can recall?

11 A I don't remember.

12 Q Okay.

13 BY MR. [REDACTED]:

14 Q Was he leaving a conversation with the President --

15 A Uh-huh.

16 Q -- and you were going in?

17 A Yeah. That was I think -- the more I think about it, [REDACTED], that's when he was
18 coming out and I was going in, and he seemed irritated. And I've known Pat for, you
19 know, entire time. You know, the natural way I work is, "Hey, Pat, what's up?" you
20 know, and spun up. And I can't remember exactly why.

21 Q He's a pretty measured person?

22 A Very much so. And that's the reason why -- I mean, cause Pat Cipollone
23 was always there, be it a Presidential daily brief, if we were talking about a military
24 operation, or any type of thing. The White House Counsel was always there, as was
25 when it came to national security, so was the National Security Council lawyer.

1 So we always had -- national security, that's always two lawyers. Regardless, we
2 always had at least Pat was for the most part always there.

3 Q Okay. So I'm getting a sense that this was -- he was coming out of the
4 Oval --

5 A Yeah.

6 Q -- and you were going in?

7 A ██████, the best of my recollection, yeah.

8 Q And you were going in to see the President and he was leaving a
9 conversation.

10 A Yeah. Because what I would do is, you know, if you asked people in the
11 White House, I had that tendency to walk in and check morale. I just -- you know, you
12 kind of keep the temperatures cool. And sometimes I'd walk in on the President and
13 say, "Hey, Mr. President, how's it going?" and just say, "How's it going?" you know, and
14 be the heat shield if something bad was going on.

15 Q Yeah. Was there anyone else present at the time?

16 A In that conversation, it was just me and Pat. I don't remember anybody
17 being there.

18 Q Yeah. Was there anyone else back in the dining room or in the --

19 A I don't remember, ██████. I don't.

20 Mr. ██████. Okay. Okay. Thank you.

21 Mr. ██████. Do you have anything on that?

22 Mr. ██████. No.

23 BY MR. ██████:

24 Q I may know the answers to this or assume the answers, but I shouldn't do
25 that, so I'm going to ask them anyway, and they're related to Mr. Eastman.

1 So it's been recorded that John Eastman met with Vice President Pence, Marc
2 Short, and Greg Jacob between January 3rd and January 5th.

3 Are you aware of any of those meetings?

4 A No, I'm not.

5 Q Okay. Now, John Eastman had a legal theory, which it sounds like you've
6 heard about from the press after the events of January 6th. Do you remember anybody
7 in the White House talking about those legal theories before January 6th?

8 A I do not.

9 Q Okay. And those legal theories being that the Vice President had the
10 authority to delay the counting of the electoral votes on January 6th, for example?

11 A I don't -- I never remember that at all. I never heard of that at all.

12 Q Okay. Another part of the theory being that the Vice President had the
13 authority as President of the Senate to not count certain electoral votes from States that
14 arguably, allegedly, there was widespread fraud.

15 A Uh-huh.

16 Q Did you remember anybody talking about that --

17 A Nope. I did not.

18 Q Okay. Now, there are reports that John McEntee had a role in setting up
19 kind of an outside legal team related to the Vice President's authority.

20 Are you familiar with John McEntee?

21 A I know John very well.

22 Q Okay. Who is he?

23 A Well, he was originally -- when we started in 2016-17, he was the bagman,
24 basically, the personal assistant to the President of the United States. And he would
25 always carry the -- when he was called the bagman, he would always carry the suitcases

1 or the luggage that had the files, you know, if he wanted to do something on the airplane.

2 And then he left the administration, went somewhere, came back to the
3 administration, became the PPO, Presidential Personnel Officer.

4 Q Okay. Do you know if he participated in any discussions about the
5 election?

6 A I do not.

7 Q Did you ever talk to him about the election?

8 A I did not.

9 Q Do you remember him saying or hearing about conversations where he
10 talked about what the White House should do to change the outcome of the election?

11 A Not to me he didn't.

12 Q Okay. And you don't remember hearing others talking about this in the
13 White House?

14 A No.

15 Q Now, there are reports -- again, I can assume the answer, but I don't want to
16 do that -- reports indicate that he texted, John McEntee texted Vice President Pence's
17 team a memo outlining Vice President Pence's power to count only certain electoral
18 votes.

19 Are you aware of this memo that he sent around?

20 A No. And, honestly, you know, I don't -- no, I'm not. But I'm surprised he
21 would send a memo.

22 Q Why do you say that?

23 A I was just -- because any time you send a memo, it's Presidential records,
24 you know. And it's one of those things you send it out there and why -- you know, okay,
25 if he did it, he did. But no, I don't.

1 Q Okay. Do you know --

2 A I'm sure you can find it if you go in the Archives. It has to be there, because
3 you don't have your personal computers on board. So it had to be -- it's in the Archives
4 if it's there.

5 Q Do you know Jenna Ellis?

6 A I know who she is. I don't know her.

7 Q Who do you know her to be?

8 A Who do I what?

9 Q Who is she?

10 A I think she's an attorney.

11 Q Did you ever interact with her?

12 A Never did, no.

13 Q Okay. And so, again, this is reporting that Ms. Ellis counseled the Vice
14 President to reject certain electoral votes from six States and delay certification. Do you
15 know anything about that?

16 A I don't, no.

1 [11:02 p.m.]

2 BY MR. [REDACTED]:

3 Q And this may be a different way or -- excuse me -- of asking a similar
4 question, but did you ever talk to the Vice President about his authority in counting elect
5 votes as President of the Senate?

6 A No, that was not my lane. That's the reason why I say that was, to me, that
7 was Greg Jacobs' lane.

8 Q Okay. And earlier you had mentioned that sometimes in meetings, where
9 something wasn't your lane, you would just stay silent because it wasn't your lane.
10 Were you ever present in meetings where this was discussed?

11 A Never did, no, or I never was, no.

12 Mr. [REDACTED]: Anything?

13 Mr. [REDACTED]: No, thank you.

14 BY MR. [REDACTED]:

15 Q Okay. All right. So now we're going to talk more about the specifics of
16 getting towards January 6th as kind of an event on The Ellipse and then the events on
17 January 6th itself.

18 So in your binder is exhibit No. 7. And this was a December 2019 tweet from the
19 President, referencing Peter Navarro, and a report. And then it says, quote:
20 Statistically impossible to have lost the 2020 election. Big protest in D.C. on January 6th.
21 Be there. Will be wild.

22 Do you remember this tweet?

23 A No.

24 Q Is this a tweet that you would have discussed with the President or his
25 advisors in those planning sessions, for example, you talked about earlier?

1 A Well, I -- I don't remember the tweet. I wasn't part of this one at all. No, I
2 don't at all.

3 Q Do you remember discussions in December, middle of December, after the
4 votes had been certified in the States about January 6th being the next important date
5 coming up?

6 A No. I knew there was a rally on 6 January or -- yeah, 6 January. That's all.

7 Q How did you first learn about that?

8 A Through published reports and we -- there was a lot of people coming to it.
9 You know, since we're talking about the rallies, you know, when I drove in the
10 morning of 6th January, you know, there was a lot of people moving to the rally on The
11 Ellipse. And what I noticed right away was there's a very friendly, flag-waving group.

12 But, as I drove into the White House, you have to do the Secret Service things,
13 nobody was in enhanced security. Nobody had body armor on. What's called the
14 inaugural fence, that's a 20-foot fence, there was no 20-foot fence up. There was no
15 initial -- there was no additional Secret Service groups there like during the Black Lives
16 Matter riots in the summer. I mean, we had the horse patrols. We had everybody
17 else. Every was up in body armor, ready to go, fully, you know, ready for some type of
18 disturbance.

19 When I walked in there, it was business as normal. There was no additional
20 security at all. And so, I mean, to me, it was one of those, okay. It was another rally.
21 I had been probably -- wow --

22 Q And we're going to get to that --

23 A Okay.

24 Q -- specifically.

25 But, just in the lead-up to January 6th, I just want to understand what was going

1 on that you saw and that you knew or heard about.

2 A Just that there was a rally. That's all, [REDACTED].

3 Q And when did you learn, first learn, that there'd be a rally on January 6th?

4 A Oh, I can't remember exactly when. I just knew it was happening.

5 Q Okay.

6 Mr. Coale. A rally, we're talking about The Ellipse rally.

7 Mr. [REDACTED]. On the 6th of January. That is correct.

8 Mr. Coale. Okay.

9 Mr. [REDACTED]. Thank you for pointing that out, just so we're talking about the
10 same thing.

11 BY MR. [REDACTED]:

12 Q Do you remember ever discussing the January 6th rally or similar rallies with
13 people in the campaign?

14 A You mean after or before?

15 Q Before.

16 A No.

17 Q Okay. So, in, say, December when the President sent out this tweet,
18 December 19th, that's in exhibit No. 7, you didn't have any conversations with anybody at
19 the White House --

20 A No.

21 Q -- or in the campaign --

22 A No.

23 Q -- about January 6th.

24 A No. When we get into that, you'll understand why when I explain more
25 about it.

1 Q Okay. I'm going to flip through a few exhibits, but I'd like you to do it with
2 me. Exhibit No. 8 is a tweet from the President on December 27th, so roughly a week
3 after the one we just talked about.

4 A Uh-huh.

5 Q And he said: See you in Washington, D.C. on January 6th. Don't miss it.
6 Information to follow.

7 A Uh-huh.

8 Q And then, if you go to exhibit No. 9, this is December 30th, so 3 days after
9 that tweet when the President tweets in all caps: JANUARY 6TH. SEE YOU IN D.C.

10 A Uh-huh.

11 Q And then exhibit No. 10 is January 1st, tweet from the President. It says:
12 The big protest rally in Washington, D.C. will take place at 11 a.m. on January 6th.
13 Locational details to follow. Stop the steal, exclamation point.

14 So it seems like, from these tweets, there's a heavy focus on January 6th in late
15 December and early January.

16 A Uh-huh.

17 Q Were you aware of this focus based on your interactions with anybody in the
18 White House or the campaign?

19 A No, just that it was going on, [REDACTED].

20 Q What do you mean "just that it was going on"?

21 A Well, again, it was not my lane. And I've been to a lot of rallies. So rallies,
22 to me, it was like another rally. So I said, nope, not security-related, rally, okay, noted.

23 Q And, even if it was in your lane, you know, I'd be interested to know what
24 you heard about it. So what did you hear about it, even though it wasn't your lane?

25 A Just that it was a rally and a lot of people that came to that rally, there were

1 people that were mothers of people who worked in, you know, in the White House.
2 There were families that came. I mean, they were coming up to protest.

3 Q So something like this has to be planned in advance, and it sounds like the
4 President was focused on this for some period of time. Were you aware of any planning
5 that was going on in the White House?

6 A No.

7 Q Or the campaign.

8 A No.

9 Mr. Coale. But, again, this is The Ellipse.

10 Mr. [REDACTED]. The Ellipse. That's right.

11 BY MR. [REDACTED]:

12 Q And I'll broaden it to say any other rallies that were happening, any rallies in
13 November and December other than this one in Washington. Are you familiar with
14 anything related to those?

15 A No. But you said November. Remember the election was in November.
16 We went to rallies in November. So --

17 Q Sure.

18 A I think you mean election-related rallies.

19 Q Correct.

20 A Campaign rallies.

21 Q That's right.

22 A Yeah. No.

23 Q That's right. Or rallies in Washington in particular --

24 A No.

25 Q -- as opposed to Georgia or some of the other States.

1 A No. No.

2 Q Okay. Now we understand that Mark Meadows, Max Miller, and others
3 may have been discussing rallies with outside organizers and this rally on January 6th in
4 particular. Do you know anything about that?

5 A No.

6 Q Do you know who Katrina Pierson is?

7 A Yes, I do.

8 Q Who is that? Who is that?

9 A Well, I've known her from -- because I knew her from 2016 when she was
10 part of the campaign team. She was a spokesperson or contributor in communications
11 to the campaign. That's why. And, also before that, I think she'd been on Fox. But
12 that's where I knew her from.

13 Q Okay. And, in the period after the election, do you know if she had access
14 to the President still?

15 A Well, I'm sure she did. Did I know? No, I don't know. But I'm sure she
16 did because she was part of the people who had been with him for 4 or 5 years.

17 Q Did you ever see her at the White House?

18 A During the 4 years?

19 Q Sure. We can start there.

20 A Yeah, yeah.

21 Q Did you ever see her at the White House after the November 2020 election,
22 so November 3rd, 2020?

23 A She may have been there. But I wouldn't have -- it wouldn't have -- it
24 wouldn't have struck me, [REDACTED], because I would have seen her during the previous 4 years.
25 And so, you know, she was part of the environment. So I wouldn't have been surprised

1 by it. I don't remember seeing her, but it wouldn't have surprised me if she was there.

2 Q Did you ever communicate with her directly?

3 A Oh, yeah. When, I mean, communicate, I talk, said hi -- like would I say hi
4 to her and stuff?

5 Q Well, that but even more substantively.

6 A No, no, but I mean, if I saw her, I would say hi, you know, talk to her but, no,
7 not like would I correspond to her by email or talk, no.

8 Q Okay. Would she ever or did she ever mention the January 6th rally on The
9 Ellipse to you?

10 A Not to me.

11 Q So we understand that Mr. Meadows told Katrina Pierson that the President
12 wanted to march to the Capitol. This was before January 6th when he told her that.
13 Do you know why Mr. Meadows would have said that to Katrina Pierson?

14 A No.

15 Mr. Coale. Excuse me. Do you have a date?

16 Mr. [REDACTED]. Early January.

17 Mr. Coale. Okay.

18 The Witness. No.

19 BY MR. [REDACTED]:

20 Q You do not --

21 A I didn't even know -- I don't know that he said it. And I don't -- I -- and I
22 don't know when or where. But, no, the answer's no to all of it.

23 Q And do you know if Mr. Meadows was involved in planning any --

24 A I do not know. You know, he was the chief of the staff at the White House,
25 you know. He was much more involved in cross-events, meaning he had a much

1 broader brush than I did.

2 Q So we understand that Ms. Pierson may have met with President Trump and
3 Max Miller on January 4th at the White House where the President discussed the need
4 for 10,000 National Guard troops for the rally on January the 6th.

5 Are you familiar with that meeting?

6 A No.

7 Q Did you ever talk to the President about having National Guard troops
8 at -- on standby or available for January 6th?

9 A No. And the reason I say no is I was thinking rally hard, [REDACTED]. In the entire
10 5 years, we had never had a need for extra police or National Guard at any rallies we'd
11 had had in 5 years. We never had a single issue with a rally in 5 years. So there was no
12 reason for me to have said that because I had never seen that needed.

13 Q So, as somebody who works in the National Security space and with the
14 National Security Council, if there were going to be troops present or called up for a rally
15 in Washington, D.C., for example, is that something that you would have been aware of?

16 A Yeah, I would have.

17 Q But you weren't aware before January 6th about the need for any troops at
18 the Capitol.

19 A Well, I wouldn't have seen. And if I had been -- no. And if I had been
20 asked, then I would have said, what's the threat assessment? To me, as a national
21 security guy, before you do something like that, you make an assumption. Well, why
22 are you asking that question? Why do you need these troops? What's it for?

23 So that never came up because the first thing I would have thought of was, well,
24 why? We've never needed this before. The only time I saw us have a need for a
25 National Guard was during the Black Lives Matter riots.

1 Q So would it be odd, then, if the President did have this conversation about
2 having National Guard troops for you not to be involved in that conversation?

3 A I think the answer is -- it's both a yes and no answer. The answer is yes
4 because I would have heard about it through Mark Meadows -- through Mark Meadows,
5 Marc Short, the Vice President or -- and, no, because he would have been talking directly
6 to his National Security Advisor O'Brien or the DNSA Matt Pottinger because that was
7 their lane. And O'Brien would have been talking directly to the Acting Secretary of
8 Defense.

9 Q Okay. But you never heard about this through Mark Meadows, for
10 example.

11 A No, never did.

12 Q And you didn't hear about it through Mr. Pottinger.

13 A No.

14 Q Or anybody else at the National Security Council.

15 A Prior to 6 January?

16 Q Correct.

17 A No.

18 Q Okay. Did you learn after January 6th about the National Guard troops?

19 A Learned on 6th January.

20 Q Okay. And did you learn on January the 6th that the President had asked
21 for them to be available?

22 A Some assumptions. And the assumptions are that day, when Mark
23 Meadows -- and I have to paraphrase because I didn't write it down. He asked me,
24 coming out of the back room, where's the National Guard?

25 And it was one of those, like, "Excuse me? You talking to me?" Because I

1 hadn't been told that. But Matt Pottinger had just arrived in the White House. That
2 was about 1 or 2. And Matt had come in. And Matt had been aware of it, that there
3 had been a discussion on the need for National Guard troops. So Matt Pottinger was
4 aware of it, not me.

5 Q Okay. And so that first time you heard about it.

6 A Uh-huh, yeah.

7 Q Was that conversation with Mr. Meadows.

8 A Yeah.

9 Q Okay. All right. So you started talking about this a little --

10 Mr. [REDACTED]. Actually, before we get to that, [REDACTED], do you have any questions?

11 Mr. [REDACTED]. I don't, no. Thanks.

12 Mr. [REDACTED]. [REDACTED]?

13 Mr. [REDACTED]. [Nonverbal response.]

14 BY MR. [REDACTED]:

15 Q You started to talk about this a little bit. And, in your book, you wrote that
16 in your drive in to the White House on January 6th, the crowd didn't seem menacing.
17 And you said, quote: The Secret Service certainly expected no trouble. They were not
18 in riot gear, and there was no extra security around the White House or the Capitol.

19 A Uh-huh, yes.

20 Q Okay. That's accurately --

21 A Yeah.

22 Q That's your sentiment?

23 A Yeah.

24 Q All right. And you said you didn't see anyone in riot gear. Were you
25 referring, when you said you didn't see anyone in riot gear, to the Secret Service being in

1 riot gear or people who were attending the January 6th rally?

2 A Both. I mean, when -- when I drove in that morning, it was a day like every
3 other day. It was -- the security was normal. They weren't in -- you know, they
4 weren't in, you know, outside body armor. I'm sure they all wear internal body armor
5 like most police officers do. But waved through. Saw the crowds. Waved to them.
6 Jovial, going, everything seemed fine.

7 Q Do you remember what time you got to the White House?

8 A I normally got in about between 7 and 7:30 every day.

9 Q Okay. Any reason to think it was a different time on that day, January 6th?

10 A No. Just depends. Traffic in Washington, D.C.

11 Q Okay. Do you remember a lot of traffic on January 6th?

12 A Well, they -- not a lot because what they do is they alert everybody,
13 especially White House staff, that if there's a rally. I don't care if it's an environmental
14 rally, they block off certain access to the area around us. And they'll put that, and The
15 Washington Post will carry what blockages. And if you go on your Waze or anything else
16 like that, they'll tell you.

17 So, generally speaking, if there was a rally, regardless of what kind of rally it was,
18 people would generally tend to avoid the vicinity around the White House. I still do it to
19 this day try to avoid it. If they're going to light the Christmas tree, I go way out of my
20 way to get around it.

21 Q Understood. In your book you said this, you said, quote: On January 3rd
22 or -- excuse me -- 3 January, the President had asked the Defense Department to deploy
23 National Guard troops to protect the rally. He was worried that the counter protesters
24 might attempt to subvert his supporters' peaceful right of assembly. The Defense
25 Department, however, was worried however about the optics of a large deployment of

1 National Guard troops. So, instead, it had a quick reaction force 12 miles away."

2 Do you remember saying that?

3 A The quick reaction force was --

4 Q Let me just back up really quickly, because we are going to break it down a
5 little bit. But do you -- is that sentiment that you wrote in your book, is that still
6 accurate as you sit here today?

7 A Give it to me one more time.

8 Q Sure. Of course. And I'll just read it to you:

9 On 3 January, the President had asked the Defense Department to deploy the
10 National Guard troops to protect the rally. He was worried that --

11 A Did I -- is that my book?

12 Q Yes, sir.

13 Mr. Coale. Three?

14 The Witness. Okay. Go on.

15 BY MR. [REDACTED]:

16 Q He was worried that counter protestors might attempt to subvert his
17 supporters' peaceful right of assembly. The Defense Department, however, was worried
18 about the optics of a large deployment of --

19 A I -- you would have to show me the book where I wrote that.

20 Q Okay.

21 A I do not remember writing that.

22 Q I have it.

23 A Yeah.

24 Q If you give me just a moment?

25 A Yeah, sure.

1 Q We can do it at a break if you'd like to revisit it.

2 Mr. [REDACTED] Do you want to take a break? We'll go get the book.

3 The Witness. Yeah, I'd like to read how I wrote it. Absolutely.

4 Mr. [REDACTED]. Just a reminder that this will stay to record it, but we will go off the
5 record.

6 The Witness. Sure.

7 [Recess.]

8 Mr. [REDACTED]. All right. Let's go back on the record. It's 11:29. And we're
9 resuming the deposition of General Keith Kellogg with the select committee.

10 BY MR. [REDACTED]:

11 Q So where we left off, General Kellogg, was I asked you this question about a
12 statement in your book. And I'll read it again --

13 A Okay.

14 Q -- just so we're back. But I did want to say during the break I showed you
15 an electric copy of your book or by another means, and I pointed to you page 198. Is
16 that accurate?

17 A Correct.

18 Q So the quote I'm reading is: On 3 January, the President had asked the
19 Defense Department to deploy National Guard troops to protect the rally. He was
20 worried that counter protesters might attempt to subvert his supporters' peaceful right of
21 assembly. The Defense Department, however, was worried about the optics of a large
22 deployment of National Guard troops. So, instead, it had a quick reaction force 12 miles
23 away.

24 Now, given the break, seeing the book and the quote in the book, did I read that
25 accurately to the best of my recollection?

1 A Yeah you read it accurately.

2 Q Okay.

3 A But here's the nuance.

4 Q Sure.

5 A The nuance is that is -- that's from post-understanding of what happened
6 and through my discussions with, like, with Matt Pottinger, where we got to. So the
7 assumption, when you said 3 January, when I first heard this was on 6 January. But
8 subsequent to a discussion with Matt, I -- my understanding is that Miller, the Assistant
9 Secretary of Defense, had been told in advance 3rd of January to do that.

10 So, so I didn't -- so that book is a reflection post-6 January, what I assumed to have
11 happened after talking with Mark Meadows, Matt Pottinger, and the rest of them.

12 Q Okay.

13 A The first time I heard about it, going to, not the book, but was on the 6th of
14 January.

15 Q Okay. Very good. And that was actually going to be one of my questions.
16 What knowledge or what you had on January 6th, does this predate or postdate? So
17 this information that's written about in your book you're saying is from information you
18 learned after January 6th or on or after January 6th.

19 A Yeah, that's when we started talking, yeah.

20 Q Okay. And you said that you learned this information from talking to
21 Mr. Meadows and Mr. Pottinger?

22 A And Acting Secretary Miller and his chief of staff. I can't --

23 Mr. ██████████ Kash Patel.

24 The Witness. Yeah, his chief of staff, Kash Patel.

25 BY MR. ██████████:

1 Q Okay. And so in that quote: The President had asked the Defense
2 Department to deploy National Guard troops to protect the rally.

3 Can you explain what you meant by that?

4 A No, no, that was what I was told. That's not what I understood on the 6th
5 of January because that's -- subsequent to, following 6 January, that's what I understand
6 was being said from people I had talked to about that.

7 What I had heard on the January 6th about the National Guard, because the first
8 time I heard about the National Guard being deployed is when, I said earlier, is when
9 Chief of Staff Mark Meadows had come out and looked at me and said, "Where's the
10 Guard," and I had no idea what he was talking about.

11 Q Okay. So, aside from the National Guard, were you aware of any other
12 Department of Defense troops, for lack of a better term, or personnel that were going to
13 be needed for January 6th?

14 A On the day of 6 January?

15 Q Any time before January 6th.

16 A No, not at all.

17 Q Okay. How about the morning of January 6th? Were you aware of any --

18 A No, again, like I said, when I came in, it was just another rally.

19 Q What about law enforcement, like FBI agents or local police? Were you
20 aware of any need to have them on standby at the Capitol before January 6th?

21 A No, not before.

22 Q Okay. So, when did you first learn about the need for additional law
23 enforcement?

24 A The day of 6 January when we realized, when I think what was -- we all kind
25 of saw what was happening. And that was the first time in my life I realized that I think

1 it was Tony Ornado, former head of the Secret Service detail, he made the comment that
2 I think -- and I -- well, I'm not sure of the exact number; it was close -- like I could get like
3 3,000 marshals on the street really fast. And I had never known that, but apparently
4 you could pull in marshals faster than you can pull on defense assets.

5 Q Okay. And that's --

6 A But I do know that day, because it was said about the National Guard not
7 being there, subsequent to Mark Meadows asking me where the Guard was and we
8 located Matt Pottinger, Matt had made the comment to Meadows, words to the effect
9 that Miller was concerned about optics of having uniformed military on the street.

10 Q And so that conversation and the issue about optics, that happened on
11 January 6th?

12 A Uh-huh.

13 Q Were you aware of any optics-type conversations about the troops or about
14 law enforcement before January 6th?

15 A No.

16 Q And this --

17 A That day, no. Subsequently, when we started reassembling, the answer is,
18 yeah, probably.

19 Q Okay. So, just to break that down, you're saying your reassembling. Does
20 that mean, like, putting the pieces of what together of what had happened?

21 A Well, talking to people, talking, subsequently they tell you, like, when you try
22 to reconstruct what exactly had happened.

23 Q Okay.

24 A That's all the stuff I'm talking about.

25 Q Why did you do that? Why did you reconstruct stuff?

1 A Because I think it was important. It is important to know what happened.
2 It's like any -- I'm a big believer, from the military, doing after-action reviews, you know.

3 Q What did you -- doing after-action reviews? Is that what you said?

4 A Yeah, in the military, we do after-action reviews. And I'm a big believer in,
5 subsequent to any event, I don't care if it's a national security event, you go through the
6 events to see what you could have done differently or better. And I think that was part
7 of the process of, well, what could we have done differently or better? And, at that
8 time, it was, like, the discussion of the Insurrection Act had come up also at that time.

9 Q All right. And we're going talk about that. But did you do that
10 after-action review, to use your term, while you're still at the White House?

11 A Uh-huh. Yeah, it -- but it was me. It was me talking to people saying, how
12 did we get there, and how did this happen?

13 Q Okay. It wasn't an official thing --

14 A No.

15 Q -- that you were asked to --

16 A No, there's never been any -- I don't think there's ever been an official
17 after-action review.

18 Q Are there records of this, of your notes or anything else?

19 A Of me?

20 Q That you've put together for this?

21 A No, not at all. I was just -- there may have been. If they are, they're in
22 the archives.

23 Q Do you remember saving any documents electronically on your work
24 computer?

25 A No, no.

1 Q Okay. And how did you do this after-action review?

2 A Just talked to people. You know, how I would normally do it is, you know,
3 I'd say, you know, how did the -- let's just -- I'll use Kash Patel as a name but not as
4 the -- but how did this happen? How did we get there? You know, what caused this to
5 happen?

6 And I put in my intellectual bank for the future, just saying, okay, if this ever
7 comes up again, you have the intellectual memory of doing it instead of -- you know, and
8 that's kind of how I would do it to keep historically of doing it.

9 You know, it's unfortunate, [REDACTED], there weren't any after-action reviews. But
10 there haven't been any after-action reviews about the debacle in Afghanistan either.
11 The fact is we don't do them very well. We should. We don't.

12 Q Okay. Now one of the things in this quote, too, is talking about a quick
13 reaction force 12 miles away. What did you learn about that?

14 A What I learned through Matt Pottinger was Miller had apparently told
15 Pottinger that there was quick reaction force at Joint Base Andrews, and I don't know if
16 there was or not. The fact is you can call out the National Guard from D.C. faster than
17 you can call out anybody else. But that was a comment he had made when they said,
18 where's the National Guard?

19 Q Okay. So, just to clarify, Miller, Secretary Miller, told Mr. Pottinger that on
20 January 6th and you heard that? Or is this something --

21 A That's when I knew about it, because that's when he was talking to -- when
22 Meadows had come out of the Oval, Matt Pottinger was in the outer office. He was on
23 the phone, I believe, to Miller. And I was in proximity. So I had heard they were saying
24 that is there was a concern about optics.

25 Q Okay. Very good. And we'll go through, again, some of this in just a

1 minute. But that's very helpful for moving forward.

2 Just to back up and ask about some other people, are you familiar with somebody
3 named Amy Kremer?

4 A No.

5 Q Okay. How about the group Women for America First?

6 A No.

7 Q Are you familiar with Kylie Kremer?

8 A No.

9 Q All right. So have I'll have you turn to exhibit No. 11 in your binder. And
10 that is a series of tweets, two of them, one, first, from Kylie Kremer on January 2nd, at
11 8:14 p.m., and she says: Be a part of history January 6th. Arrive by 9 a.m. White
12 House Ellipse. RSVP at trumpmarch.com. And then a series of hashtags, including
13 stopthesteal and donotcertify.

14 And the President re-tweeted that on January 4th, so a couple of days later, says:
15 I will be there. Historic day.

16 Have you ever seen these tweets before?

17 A I have not.

18 Q Okay. Were you familiar that -- with the January 6th rally at The Ellipse,
19 being part of kind of the "stop the steal" or "do not certify" movement?

20 A Was I what again, [REDACTED]?

21 Q Were you familiar that the rally at The Ellipse that Ms. Kremer's talking
22 about was a part of the "stop the steal" or "do not certify" -- I'm saying movement -- but
23 messaging campaign, anything like that?

24 A No.

25 Q Okay. Did you know why the President said on January 4th he'll be there,

1 historic day?

2 A No.

3 Q Okay.

4 A But he was going to be at the rally.

5 Q Okay. And we talked about that a little bit. But do you know why the
6 President saw this rally on January 6th or January 6th, in general, as a historic day?

7 A No.

8 Q Did you ever have any conversations with him --

9 A No.

10 Q -- about January 6th?

11 A No.

12 Q The joint session?

13 A Rephrase that again.

14 Q Sure. Sure.

15 A Did I have any discussion about January 6th?

16 Q Yeah, January 6th.

17 A Well, I was in the Oval on January 6th.

18 Q Understood. And let me back up. That's a fair Pottinger. So any
19 discussions with the President before January 6th --

20 A No.

21 Q -- about this rally.

22 A Not at all, [REDACTED].

23 Q Okay. And were you aware that he viewed January 6th as a historic day?

24 A No.

25 Q Did you talk to anybody in the White House or the campaign about the

1 significance of January 6th before, and particularly the joint session, before January 6th?

2 A No. Because I -- I mean, because I didn't see it as a historic day. I saw it
3 as a day that is, when you say "historic," it was sort of enshrined in how they count the
4 electoral college votes. So it wasn't historic meaning an anomaly, one of a kind. It
5 was, okay, this is how it's done. This is how the business of counting the electoral
6 college vote is done.

7 Q And did you know if the President saw that day in particular as anything
8 different than what you just described?

9 A Well, it seems like he did. But, no, I didn't.

10 Q Okay. Why do you say that? Why do you say --

11 A Well, because what we're doing right now. To me, it was, like, it was a
12 normal progress of events that is to count the electoral college votes. It was just how
13 it's done.

14 Q Okay. Did you have any understanding that he viewed it other than that
15 from discussions within the White House, within the campaign?

16 A I don't know with him. I don't want to speak for him but no.

17 Q Okay. Did you ever talk to Mr. Meadows about this being --

18 A No.

19 Q -- something other than just straight counting of electoral votes?

20 A No.

21 Q Did you ever talk with anybody in the campaign about this being something
22 other than --

23 A No. By that time, the campaign was gone.

24 Q Okay. People who had worked for the campaign then.

25 A No.

1 Q Bill Stepien, Jason Miller.

2 A I think they were gone by that time.

3 Q Okay. And none of the lawyers that we had talked about before --

4 A No.

5 Q -- Jenna Ellis, Rudy Giuliani.

6 A No.

7 Q All right.

8 Mr. ██████. Anything else on that?

9 ██████?

10 Mr. ██████. [Nonverbal response.]

11 BY MR. ██████:

12 Mr. ██████. Did you ever learn in advance?

13 Mr. Coale. Excuse me. It's freezing in here.

14 Mr. ██████. I know that.

15 Mr. ██████. It is routinely, and I'm sorry about that.

16 Mr. Coale. If you don't mind, I'm going to use my coat.

17 Mr. ██████. Please, yeah, whatever you need.

18 Mr. ██████. We tried, Mr. Coale, to adjust it or fix it. You're not the first to
19 have needed a coat.

20 Mr. Coale. Okay. Thank you.

21 BY MR. ██████:

22 Q Did you ever hear before January 6th that people planned to march to the
23 Capitol that day?

24 A No.

25 Q Did you ever hear the President talking about the possibility of a march to

1 the Capitol on January 6th?

2 A The only time I heard that was on the 6th of January.

3 Q Okay. During the President's speech or some other time?

4 A During the President's speech.

5 Q All right. Did you hear from anybody who worked in the White House --

6 A No.

7 Q -- about potential plans to march?

8 A No, not a bit.

9 Q How about the Secret Service? Ever talk to them about a plan to march to
10 the Capitol?

11 A No.

12 Q Okay. Anybody else mention that?

13 A No.

14 Q Okay. There was a robocall that the Republican Attorneys General
15 Association sent out on January 6th that called on people to march the to the Capitol, and
16 I believe they said it was going happen at 1 p.m.

17 Do you know anything about that call?

18 A No.

19 Q Okay. Do you know if anybody at the White House participated in that call
20 or helped plan the call?

21 A I don't, no.

22 Q Are you familiar with that call at all?

23 A No.

24 Mr. [REDACTED]. All right. Do you have something, [REDACTED]?

25 Mr. [REDACTED]. Huh-uh.

1 Mr. [REDACTED]. I want to move to January 6th itself. We've been kind of inching
2 towards there. Now we're getting there.

3 I would ask you to turn to exhibit No. 12.

4 I'd just note for the record, while we're doing that, that Representative Cheney,
5 the vice chair, is joining us remotely.

6 Ms. Cheney, I don't know if you have any questions before we get to into the day
7 of January 6th, but we're about to jump into January 6th.

8 Ms. Cheney. No, thank you. That's fine. Thank you [REDACTED]. I don't, no.

9 BY MR. [REDACTED]:

10 Q Okay. All right. So exhibit No. 12, this is a letter from the Vice President,
11 released on January 6th.

12 Have you seen this before?

13 A I have.

14 Q When was the first time you saw this?

15 A Probably 6 or 7 January.

16 Q Not sure when?

17 A No. I mean, I know I saw it because I have seen this --

18 Q Okay.

19 A -- before.

20 Q Did you help in drafting this letter?

21 A No. But I'm sure Greg Jacobs did.

22 Q Why do you say that?

23 A Because it's so well written, and it's written with a lot of legalese.

24 Q Okay. So did you talk to the -- even if you didn't help draft it, did you talk
25 to the Vice President or anybody else on his staff about this letter?

1 A No.

2 Q About the idea of sending a letter?

3 A No.

4 Q And did you know, going into January 6th, that the Vice President would
5 resist pressure to do anything other than count electoral votes?

6 A Yes.

7 Q Explain.

8 A Well, we -- common knowledge the President was getting his legal advice,
9 and he wanted the Vice President to take actions as his legal advice is being given. I
10 mean, that was just not me. I mean, it was common all throughout Washington, D.C.

11 Q Okay. And what was your understanding of how the Vice President would
12 resist that?

13 A How he would resist it?

14 Q Yeah.

15 A I would assume he would do his constitutional duty as he saw it.

16 Q Did he tell you that?

17 A No, because not my lane. That was Marc Short, Marc Short's lane and
18 Greg's lane.

19 Q And, when you say "to do his constitutional duty as he saw it," is that the
20 sentiment that's laid out here that he would just count electoral votes as they were
21 presented to him?

22 A Because I don't really know, the answer was no.

23 One second.

24 [Discussion off the record.]

25 The Witness. Yeah. Because, subsequent to this, one of the things I had

1 said -- and I can't remember who I said it to. It may have been to Marc Short. What I
2 wish he would have done goes back to that early comment, talking about the fracture, is I
3 said I wish he would have turned to the Parliamentarian of the Senate and gotten her
4 opinion on what he could or could not have done.

5 That, I believe, was the same guidance that he received from a former Vice
6 President, Dan Quayle. And I think that would have solved the issue immediately,
7 because I think the Parliamentarian of the Senate would have said what he was allowed
8 or not allowed to do.

9 Q Okay. So I want to unpack that a little bit. You said "subsequent to this"
10 you told Mark Jacobs. What do you mean? When was subsequent to what?

11 A Well, it was one of those when you -- remember when I said earlier about
12 you kind do have a mental after-action review? How could you have prevented what
13 had happened, or what do you learn from going forward?

14 And I was thinking: How could we have not gotten to the situation we were in?
15 And one of the I thought about, I was -- and I can't remember if it was either Marc Short
16 or Mark Meadows or even to the Vice President. You know, I wish we had turned to the
17 Parliamentarian of the Senate and said, what is your ruling? And I believe that Vice
18 President Dan Quayle, unbeknownst to me, had said exactly the same thing to Pence later
19 on.

20 Q Okay. And this was all information that you learned after --

21 A Afterwards, yeah.

22 Q -- after January 6th?

23 A Afterwards.

24 Q Okay. So do you know whether the Vice President consulted with the
25 Parliamentarian?

1 A I do not know.

2 Q Okay. And let me just be more specific. Do you know whether he
3 consulted with the Parliamentarian before January 6th?

4 A I do not know.

5 Q Okay. Do you know whether he consulted on January 6th?

6 A I do not know.

7 Q All right. And, with respect to the Vice President, the former Vice President
8 Quayle, excuse me, do you know whether he consulted with Vice President Quayle?

9 A I know they talked and only through -- and, again, I can't remember who it
10 was I was talking to. But he and Dan Quayle are close. They're both from Indiana,
11 both Vice Presidents. And I know with -- I don't know who I talked to but with pretty
12 good -- with certitude that he, in fact, discussed this with Vice President Quayle.

13 Q Okay. Do you know that before he spoke with him before January 6th?

14 A He did talk to him, yeah.

15 Q And did you know that before January 6th?

16 A No, I did not.

17 Q This is all part of your after-action report --

18 A Yes, it is.

19 Q -- your work reflected.

20 A Yes.

21 Q Okay. Okay. And, I mean, this seems to be -- I'll just put my own color on
22 it a little bit. It seems to be a pretty significant letter to send out on January 6th.

23 A Uh-huh.

24 Q Do you know whether the Vice President or what motivated the Vice
25 President to send this out?

1 A It's an -- it's an assumption.

2 Q All right. What's the assumption?

3 A The Vice President was very aware of what was -- the constitutional issues
4 that were becoming present, he believes. And this is what he would do. It doesn't
5 surprise me he did it. I think it's very well written. But it's -- this is clearly Mike Pence
6 for historical purposes putting something in the record so he's got this marker on the
7 ground. This is not surprising to me. This is what Mike Pence, how he operates, would
8 do.

9 Q So January 6th happens every 4 years, and not every 4 years is there a letter
10 like this. So is there something that triggered him feeling like he had to do this?

11 A Yeah, [REDACTED] I think it was common knowledge. I mean, there was
12 disagreement with he and the President of the United States.

13 Q And that disagreement was over his role as --

14 A Uh-huh, I believe --

15 Q -- President of the Senate?

16 A Right.

17 Q What -- and is there anything in particular that makes you say that, that that
18 was the reason?

19 A I just think the fact that it was, you know, what you saw happening, common
20 knowledge. Everybody knew in Washington, D.C., there was this friction going on.

21 Q And did you see any of that play out behind the scenes?

22 A Meaning what, [REDACTED]?

23 Q Meaning before the Vice President sent this, did you see what you say is
24 common knowledge about the President urging the Vice President to do something other
25 than just count electoral votes?

1 A Well, I think I saw it because I know there was -- this is something to ask
2 Mark Meadows and Marc Short. Clearly the two chiefs of staff saw things differently.

3 Q So there's a disagreement between Mark Meadows and Marc Short?

4 A I would say that's an appropriate answer, yes.

5 Q Okay. You're kind of smirking when you say that. Why?

6 A Because I just -- you know, they didn't agree.

7 Q Can you tell me about the disagreement?

8 A Well, it was just that they didn't -- I mean, one was a very strong supporter
9 of the President of the United States and one is a very strong supporter of the Vice
10 President.

11 Q Did it ever come to a head in a meeting?

12 A No, I never saw it come to a head, no, not at all.

13 Q Were you ever on a call where the two of them were discussing this?

14 A No, but, you know, the West Wing, as you're probably aware, is a pretty
15 small place. And, you know, you can rub shoulders with everybody on a daily basis.

16 Q Okay. So what, I guess, what is it that makes you say that they disagreed,
17 if --

18 A From, you know, from everything from body language to, you know, words
19 to the effect or comments they don't do it. And sometimes you don't even have to say a
20 word. It's just the simple optics of the moment. You -- likely you're avoiding each
21 other.

22 Q Did you get the sense they were avoiding each other?

23 A Yeah.

24 Q Is there anything in particular that makes you say that?

25 A No.

1 Q Okay.

2 A Just that, you know, just being observant.

3 Q Okay. And do you get the sense they were avoiding each other because of
4 this issue, the Vice President --

5 A I think because of this issue.

6 Q Not --

7 A It goes back to the very -- very start. There was nobody else in the White
8 House, I believe, that had that relationship between the President and the Vice President
9 through 4 years. Remember Marc Short had come and gone. He had started as
10 domestic policy. Left the White House. Then he came back to the White House,
11 different position. So I had that continuity that nobody else had. So you kind of pick
12 up the body language of everybody walking around.

13 Mr. [REDACTED]. Anything else on this issue?

14 Mr. [REDACTED]. [Nonverbal response.]

15 Mr. [REDACTED]. No.

16 Mr. [REDACTED]. Ms. Cheney, do you have any questions on this issue? We're
17 about to get into the morning of January 6th.

18 Ms. Cheney. I do not. Thanks, [REDACTED].

19 Mr. [REDACTED]. Okay.

20 BY MR. [REDACTED]:

21 Q Okay. So January 6th comes. You've already told us. You typically
22 arrive at the White House between 7 and 7:30. Now where were you before the rally
23 that occurred on January 6th on The Ellipse?

24 A You want to go minute by minute or give you the general view?

25 Q We are going break it down as much as we can.

1 A Okay.

2 Q So, when you first get to the White House, what do you do?

3 A First, get to the White House, what I normally do, I went to the my office. I
4 would always get the President's Daily Brief, the intelligence brief. It would generally
5 take me an hour to an hour and a half read. I'd get a cup of coffee and sit down and just
6 tell everybody to leave me alone because I wanted to focus in on what was being read, so
7 I would be ready if and when the Vice President came in or the President called over for it
8 and went through that.

9 And then because -- because the Secretary or the National Security Advisor,
10 Robert O'Brien, was on his farewell tour; he was down in Miami. The
11 National -- different National Security Advisor, Matt Pottinger, had not come in. And he
12 had not planned to come in until about midday. I just did what I normally do. I walked
13 over to the West Wing and went into my other office. Checked in there. Then walked
14 around. Had a cup of coffee again and --

15 Q Okay.

16 A -- went back.

17 Q Were you the senior most national security official in the White House that
18 morning?

19 A Yeah, and because of that, you know, generally how we did it in the White
20 House if Robert or Matt wasn't there, I would cover down as the national security guy.

21 Q What does that mean just functionally? So to give us a sense.

22 A Well, what would happen is I would, by default, because of my position,
23 because I was, again, the three of us were all APs. I had received the PDB. I knew
24 what was going on. If they were there, and because the President's Daily Brief is
25 relatively restricted, I knew what was going on. So I would follow it and basically cover

1 Dan on as an Acting National Security Advisor. If Robert wasn't there or Matt wasn't
2 there, I'd stay close to the president.

3 Q Only. So would you be the Pottinger person, for lack of a better term, on
4 use of or the relationship with the Department of Defense?

5 A Yes.

6 Q Okay.

7 A Yeah. National Security Advisor is.

8 Q Okay. And related to national security issues, would you be the Pottinger
9 person with, like, the FBI and DHS?

10 A No, that would really be Mark Meadows.

11 Q Meadows. And why would those issues follow Meadows as opposed to
12 you?

13 A Just kind of the way it fell out. I mean, it was just kind of like, okay, you're
14 kind of the defense, but, you know, I'll handle the other agencies.

15 Q So Mark, a matter of just function --

16 A Yeah, it way just function. I can't tell you really why, [REDACTED]. But it was just
17 kind of the way it was done.

18 Q All right. So you have a couple of cups of coffee. You read your PDB.
19 When was the first time you saw the President on January 6th?

20 A I went over -- and I don't know the exact time but I went over there and to,
21 more than anything else, to check in, to let them know what. Remember like, O'Brien
22 does check in, in the morning. This is what's happening. The world is relatively safe.
23 There's no war going on. And at that time and it happened I walked, because remember
24 I said I had walk-in privileges, that's when they started to go over the speech.

25 Q All right. So let me stop you there. So when you say "walk-in," you mean

1 walk into the Oval?

2 A Uh-huh, yeah.

3 Q Okay. I understand that the White House wasn't entirely full that day.

4 Not everybody was there?

5 A That is correct.

6 Q Do you remember who, before you walked into the Oval, who you saw in

7 the --

8 A I saw, yeah, down in the lower suite, when I walked in, I saw Don, Jr. I

9 talked to him because he was going to speak at the rally. I saw Laura.

10 Q Laura?

11 A Trump.

12 Q Okay.

13 A And I saw Eric Trump, and I saw Kimberly. Those were the four. I said hi

14 to them, and then I went upstairs.

15 Q Okay. And upstairs, is that --

16 A The upstairs suite to the -- that's where the -- all the chiefs of staff office is,

17 the National Security Advisor suite is, because what I would do was, because Robert was

18 gone and Pottinger, I would check with his office to make sure, because sometimes it did

19 happen. They didn't -- were getting communications that the Vice President's Office

20 may not get. In other words, did some foreign leader call in that I would be not

21 normally aware of?

22 Q Okay.

23 A So I would talk to them. And then, from there, I went down to the oval.

24 Ms. Cheney. [REDACTED], I'm sorry. Can I just ask a question?

25 Mr. [REDACTED]. Of course.

1 Ms. Cheney. General Kellogg, just could you give a little more detail? When
2 you say "lower suite," are you talking about the West Wing lobby or -- exactly where do
3 you mean when you say "lower suite"?

4 The Witness. Yes, ma'am. Ma'am, when you come in the lower, the lower
5 level, that's are what we call the lower suite. The level that is where the Oval Office and
6 the NSA, we call that the upper suite. So it's in relation to.

7 Ms. Cheney. So, when you walked -- you walked across West Exec and saw Don,
8 Jr., and Laura and Eric there, in that, when you first walk in from West Exec?

9 The Witness. Yes, ma'am.

10 Ms. Cheney. That lobby area?

11 The Witness. Yes, ma'am. That regular, the area right outside, yes, ma'am.

12 Ms. Cheney. Okay. Thank you. That's all.

13 BY MR. [REDACTED]:

14 Q So, generally, you made reference to reading the PDB, or President's Daily
15 Briefing, in the morning. I'm going to ask you some questions. I want to be clear. I'm
16 only asking for things that are unclassified.

17 A Uh-huh.

18 Q So, to the extent it's classified, you can say so. And we won't have you
19 discuss it in this setting. But did the PDB say anything about the joint session of
20 Congress that was to occur that day?

21 A No.

22 Q Did it say anything about the rally on The Ellipse?

23 A No.

24 Q Did it say anything about the risk of violence?

25 A No.

1 Q If there had been an expectation that there was a risk of violence, is that the
2 kind of thing that normally would be included in the PDB?

3 A It's a yes-and-no answer.

4 Q Okay.

5 A It would not be the written portion, but what it would be is the -- you also
6 had a PDB briefer. And that was an intelligence individual who would be standing by if
7 you had any questions. I didn't -- I never took the verbal PDB. The reason is I didn't
8 want people telling me what they thought was important. I wanted to read what was
9 important. Then I would ask the questions.

10 If there was something like a law-enforcement sensitive issue that would come up,
11 let's say from the FBI or DHS, then he would be there. And he would generally have an
12 envelope which had that inside of it. And he would read it, and then I would hand it
13 back to him.

14 So, so that did not happen. He was not there that day to -- or he was there that
15 day, but he didn't have anything for me.

16 Q Do you recall his name?

17 A No.

18 Q Did you -- what's his position? Is he White House --

19 A Well, and very honestly I don't know if it's CIA or DIA.

20 Q Okay.

21 A But the PDB briefers are assigned, and my PDB is the same briefer that
22 would brief the Vice President and the chief of staff, Mark Meadows. And I would get in
23 early. I'd beat Marc Short in. I said Mark Meadows. I meant Marc Short. My
24 briefer was the same one who briefed me, Marc Short, and the Vice President. And I'm
25 not sure if it was a DIA. He was a man, DIA guy or CIA guy, one of the two.

1 Q And that would normally include both foreign threats and domestic law
2 enforcement issues?

3 A No. Because they generally would give you an alert if they had something
4 from DHS or the FBI. So they would -- that would be an addendum, for lack of a better
5 term, an addendum to the PDB.

6 Q And that did not occur on January 6th?

7 A Not that day it didn't, no.

8 Q Did it occur on any days leading up to January 6th with regard to what to
9 expect on January 6th?

10 A It happened subsequent to January 6th where he came in, and he showed
11 me reports from the FBI that there was no imminent threat on the Capitol, even though
12 we had a significant number of military troops in the Capitol region. It's something you
13 can find. I mean, it was there. It was the DHS either DHS threat report or an FBI report
14 or it was about -- I think it was an FBI report where the FBI said there was no imminent
15 threat to the Capitol.

16 Q Do you know where we would find that?

17 A It's a -- it's a -- I would -- it's either DHS or -- because the FBI would have
18 reported it but it was a written threat assessment report. It came out every day -- I
19 know subsequent to following the 6th of January, it came out every day. But I
20 remember reading one of them.

21 BY MR. [REDACTED]:

22 Q Before you get into the moment-to-moment account of January 6th, General
23 Kellogg, just tell at us this moment, the morning of January 6th, what was your
24 expectation as to whether or not the administration was ending? Was there going to be
25 a transfer of power to --

1 A Yeah, yeah, there was no doubt in my mind.

2 Q Okay. Was that the general sense?

3 A Yeah, [REDACTED] the general belief was that, on the 20th of January, there would
4 be a transference of authority from President Trump to President Biden.

5 Q Okay. Well, your boss, the President of the United States, was out there in
6 the days before this, saying something different, saying Stop the Steal and, Mike Pence,
7 you do the right thing.

8 Did that affect your personal belief as to whether or not, on January 20th, we
9 were going to have a new President?

10 A Well, [REDACTED], I think most of the people in the White House thought the same
11 thing and here's why. You know, it wasn't my first rodeo, meaning I had been through
12 the 2016 campaign and the 2020 campaign.

13 And my experience had been that, having -- after election day, overturning,
14 changing an election is virtually impossible. I don't care if they found there was
15 malfeasance in Wisconsin, Pennsylvania, Minnesota. I don't care where it was at. The
16 ability to change is that almost zero. Okay? And most people will tell you that have
17 been in long elections the reality of that is you just -- it doesn't happen. It's why it's so
18 difficult on a recount to have something happen.

19 And I had talked to people like Justin Clark, who Justin Clark had run elections
20 before I knew in 2016, 2020. And the ability to move an election, even if there was
21 massive irregularities, that's not going to happen. You have to kind of wait until the
22 next go-round.

23 So, from my study of history and my understanding of it, it was endgame. And I
24 think all of us also knew that, once those votes were counted on the 6th of January, it
25 was -- I'll use a sports term -- it was game over.

- 1 Q Did you ever talk to the President about that before January 6th, before --
- 2 A No, because that was, again, [REDACTED], not my lane.
- 3 Q Okay. You've been with him, General Kellogg, since the beginning.
- 4 A Uh-huh.
- 5 Q He's out there in the tweets that --
- 6 A Uh-huh.
- 7 Q -- [REDACTED] that showed you --
- 8 A Yeah.
- 9 Q -- talking about something different than that --
- 10 A Uh-huh.
- 11 Q -- when you, yourself, and it sounds like others in the White House staff
- 12 knew that it was over. Why not raise it with him? Why not --
- 13 A Those were conversations, very candidly, [REDACTED], if I had them, they were
- 14 private conversations between me and the President --
- 15 Q Yeah.
- 16 A -- where I would sit and talk to him because there were during the course of
- 17 4 years where I would sit and talk to him where, just a BS session, all right, just to sit and
- 18 talk, you know, just to say, hey, you know, this is what, you know, from COVID, this is
- 19 what we should be doing to this is what's going on.
- 20 Q Yeah.
- 21 A And those were just two guys talking.
- 22 Q Yeah. Look, advisors earn their pay by saying things that are hard to say.
- 23 Right?
- 24 A Uh-huh.
- 25 Q They're giving candid advice.

1 A I never had, [REDACTED], I never had a hard -- I never pulled a punch with the
2 President or Vice President ever.

3 Q So never, before that morning -- and [REDACTED]'s going to go through the day with
4 you -- but coming into work that morning, never had any discussion with the President
5 about, hey, sir, that's not accurate or we're leaving or you should start saying, you know,
6 facilitating a transfer?

7 A Yeah, I had personal conversations, [REDACTED]. To me they were one on one.

8 Q Okay. Well, that's what we're curious about. Share with us.

9 A But those were, to me, conversations I had with the President, and that's the
10 same with the Vice President. I just, those were personal comments I made that were
11 my personal feelings, not based on anything by fact because that wasn't my lane.

12 Q Okay.

13 A Those were -- in other words, I didn't say to him and I wouldn't say to him,
14 he or the Vice President, well, you know, sir, constitutionally you can do this or legally you
15 can do this because that's not my lane. It was all on a personal level.

16 Q You're not a lawyer, but I understand, and I know I'm pressing you on this,
17 but I want to.

18 A Uh-huh.

19 Q Tell me more what you said to him. What message generally, not the exact
20 words, but what did you convey to him about this issue in the days before January 6th?

21 [Discussion off the record.]

22 Mr. Coale. We believe --

23 Mr. [REDACTED] Do you need to take a minute to consult?

24 Mr. Coale. No. We believe that the personal conversations between his senior
25 advisor is privileged, no matter what, you know. There's a big to-do about that, but we

1 believe that that's privileged.

2 Mr. [REDACTED]. So, to be clear, are you asserting an executive privilege not to
3 answer that question?

4 [Discussion off the record.]

5 Mr. Coale. Let us have a minute.

6 Mr. [REDACTED]. Yeah. Let me just say, before you have a minute, that we
7 received a letter from the current White House indicating in their view it would not be
8 appropriate to assert executive privilege.

9 But take your time and have a discussion.

1 [12:22 p.m.]

2 Mr. [REDACTED]. So let's go back on the record. It's 12:22, and we're back on the
3 record with the deposition of General Kellogg.

4 Mr. Coale. Okay. General Kellogg will answer your questions. He's concerned
5 about two friends giving up what they were talking about, but it's -- I don't believe it's
6 privileged. The conversation itself is not privileged. But we do object to the letter just
7 for the record. It's meaningless at this point.

8 Mr. [REDACTED]. Okay. All right. I appreciate that.

9 I think we were talking, General Kellogg, about conversations that you had about
10 this issue of the election being stolen or not, the transfer of power. I think you indicated
11 you had the view that it was over before January 6th, "over" meaning was not going to be
12 overturned.

13 And I was asking about direct communications you had about that with President
14 Trump.

15 The Witness. Yeah, [REDACTED]. And, [REDACTED], to reinforce what John just said, look, these
16 were conversations between two people that were on a friends level, okay. And my
17 objection is the fact that you're sitting here talking about something as you're sitting
18 around talking to somebody, if you were talking to a friend of yours as well that you
19 didn't want to get out in the public domain, because that's not the way I operate. But I
20 understand and it's a subpoena that is [inaudible].

21 What I talked to the President about, I said, "You know, Mr. President, I'm now
22 worried about legacy, you know, what your legacy is going to be."

23 Mr. Coale. First of all, when was this?

24 The Witness. This was on the 7th of January. And I said, you know, we had
25 1,400 -- by the time it ended, 1,461 days in the White House and I thought 1,460 were

1 pretty damn good. And we did a lot of really great things for the Nation, especially
2 national security. And I didn't want this one day to change what had happened for the
3 legacy from the 45th President of the United States.

4 And I also knew from, historically, from talking to people -- that's why I made the
5 comment about Justin Clark -- that the ability to change this election, it had never
6 happened before and was never going to happen. It's just not the way our
7 constitutional process is set. It's not how the laws are set, you know, the legality of it.
8 The legality is irregardless because it's just not going to happen. I don't care if you had a
9 massive change in Michigan or Wisconsin. The process doesn't move that smoothly.

10 And my concern was about, you know, this is the future, going into the future.
11 And we were sitting there talking and we talked about that. And that's what I thought, I
12 wanted to let him know, you know, my views and this is the way it was going to be.

13 And I understand where he was coming from. But I also thought there was, you
14 know, as somebody who -- and I told you this and repeat it, he was someone I admired
15 very much, both he and the Vice President, and loved very much working for them. I
16 wanted to let him know how I felt about it and I told him that.

17 BY MR. [REDACTED]:

18 Q How did he respond?

19 A Didn't respond at all. That was normal. I knew from body language from
20 4 years when I was going against grain the kind of response I was going to get. With the
21 President, it was just, basically, one of those what I would call a noted answer, okay, and
22 not go anywhere.

23 You know, he would react differently with different people out there. It was the
24 same with the Vice President. I got the same kind of reaction from him. If I said
25 something to him, I would just get the, "Okay, I'm on the off switch right now," and just

1 leave.

2 Q So this sounds more like you conveying your perspective, not so much a
3 back-and-forth conversation.

4 A Yes. But that's what I owed him. I mean, that's what I owed all the
5 principals. You know, say the fact, this is how I felt, both not only as a person but
6 somebody I looked at that is -- and you never really -- when I say being friends with the
7 President, nobody ever is because you respect the role of the Presidency or the Vice
8 Presidency.

9 Q Right.

10 A But as somebody said, I owe it to you. The same way I would talk to Ivanka
11 or Jared or, you know, Vice President Pence, President Trump, Marc Short, anybody.

12 Q Right. If [REDACTED] or [REDACTED] think I'm doing something wrong, I want them to tell
13 me because I trust them.

14 A Yeah, but the -- my concern, [REDACTED], is the fact that you would say that, you
15 hope that it doesn't get out because that's not intended to get out. That is intended to
16 be between two people that have trust in each other that you know that's not going to
17 get out the door.

18 Q Yeah. That happened on January 7th, did you say?

19 A Uh-huh.

20 Q Was there any similar conversation before January 6th?

21 A No.

22 Q Okay. And, again, we're going to go through the day, but I just wanted to
23 sort of understand where your head was at the time, that morning, in terms of whether
24 you were going to be there for another 4 years or whether you were going to be there for
25 another 2 weeks. Your expectation was 2 weeks?

1 A Well, I mean, because I understand history. And the fact is, I understand
2 that the wheels of law and Congress move like glaciers. I mean, that doesn't take a real
3 constitutional expert or legal expert to see that. And that wasn't just -- it just wasn't
4 going to happen, you know. Because I think what you're -- and I don't -- [REDACTED], I'm not
5 going to put -- I apologize. I'm not trying to put words in anybody's mouth. The only
6 way you can change that is a coup.

7 That was never going to happen. No, nobody in the -- nobody in the White
8 House even for a minute ever thought of that or, you know, using the Insurrection Act or
9 anything like that. Nothing.

10 Q So last question before we get into the minute to minute. Was it your
11 perception, General Kellogg, that kind of everybody on the White House staff -- like
12 you -- understood, hey, the election's not going to be overturned, we got 2 more weeks
13 left?

14 A [REDACTED], I don't know. I didn't -- I mean, I tried to stay in my lane and what I
15 was going to do. I knew -- I just knew my personal belief on it. I didn't know what he
16 was being told by other people.

17 Mr. [REDACTED] Got it. Okay. I appreciate that. Thank you.

18 BY MR. [REDACTED]:

19 Q Just to follow up quickly before I leave this topic. Mr. [REDACTED] asked you if
20 you had similar conversations with the President before January 6th. I just want to
21 make sure we're talking apples to apples here.

22 So did you have conversations with the President about the election before
23 January 6th in these private one-on-ones?

24 A Well, he had conversations, and I was in their presence, when he would
25 make comments about it, you know. Of course he would, because it was -- it wasn't -- it

1 was something that was on his mind. But my point was I was kind of, for lack of a better
2 term, tuned out.

3 Q Did you ever tell him that he just needed to accept the loss --

4 A No, because I would never -- because my -- [REDACTED], any time I thought it was an
5 issue, I would relay that to him one-on-one. I would not do it in a group.

6 Q Okay. Did he ever tell you that he knew he lost --

7 A No.

8 Q -- the election?

9 A No.

10 Q Not in a one-on-one or otherwise?

11 A Nope.

12 Q You mentioned Justin Clark. Can you talk a little bit about why you
13 mentioned him in the context of --

14 A Well, because he -- because in this context, in 2016 he was also part of the
15 legal team, but he was also concerned about challenges to the election in 2016. And I
16 remember talking to him about that time if there were going to be challenges to the
17 election in the various States. He was an expert in that area.

18 So -- and this goes back -- in the 2016 election, I got -- he got -- I got very smart on
19 that by talking to him, because he was in Trump Tower and I'd say, "Is this going to
20 happen?" He said, "No, because the margin of error, this is what's going to happen, that
21 was going to happen."

22 And he kind of walked me through the ability to -- anybody's ability to challenge
23 an election, you know, by either percentage or -- he knew it by State by State by State.
24 So some States had this level of threshold, some didn't have this level of threshold.

25 So that's how I got it. And because to me, Justin was kind of one of those

1 experts on election procedures.

2 Q So is that how you learned that the election -- through those conversations
3 and maybe similar ones like them -- is that how you learned that the election -- the
4 results weren't going to change?

5 A No. It was my own personal belief.

6 Q Okay.

7 A Because I saw -- what I saw happen, I just knew by the process and what I
8 think, that wasn't going to happen at all.

9 Q Did you talk to Justin Clark after the November 2020 election about
10 challenges?

11 A No.

12 Mr. [REDACTED]. Okay. Ms. Cheney, I noted that you unmuted. Do you have any
13 questions on this topic?

14 Ms. Cheney. No. I wanted to make sure we were back on the day of the 6th
15 and going moment by moment through that.

16 Mr. [REDACTED]. That's exactly where we're headed now, Ms. Cheney.

17 Ms. Cheney. Great. Thank you.

18 BY MR. [REDACTED]:

19 Q All right. So you mentioned earlier that you walked in, you saw Don, Jr.,
20 Lara, Eric Trump, and Kimberly. And then it sounds like you went to the Oval?

21 A Uh-huh.

22 Q Is that right?

23 A Yes. That's correct.

24 Q Okay. All right. Approximately when was that, if you could guess?

25 A Maybe around 9.

1 Q Okay. And who was in there when you got there?

2 A Inside the Oval was -- I'm going left-to-right -- it was me, Ivanka, Stephen
3 Miller, Mark Meadows. There was a White House lawyer to my right. And remember I
4 said I can't remember who it was.

5 Mr. [REDACTED]. The gray-haired guy.

6 The Witness. The gray-haired guy, I guess. Don, Jr. --

7 Mr. Coale. That wasn't me.

8 The Witness. Yeah. Don, Jr., Kimberly, Eric. Lara Trump was not there. That
9 was who I remember being in the Oval.

10 BY MR. [REDACTED]:

11 Q Okay. And when you got in there, what was going on?

12 A Well, I walked in and started going over the speech. All of us had a copy of
13 the speech in our hand.

14 Q Who wrote that speech?

15 A I would -- I don't know, but I would assume it was somebody like Stephen
16 Miller.

17 Q Okay. Why would you assume that? It has been reported it was Stephen
18 Miller.

19 A Because he was there as going over the speech and you always have the
20 speechwriter in with you. So the assumption is he wrote it because he was there.

21 Q Was he taking notes on the speech as the President --

22 A Well, there was give and take on it. So he was taking notes. I wasn't.
23 He was probably taking notes as long as he was there.

24 Q Okay. So we're going to walk through some of the speech in just a second,
25 but it's been reported that Trump -- Mr. Trump talked about what might happen at the

1 Capitol that day. Do you remember that coming up?

2 A No, I don't.

3 Q Okay. Do you remember them talking about what might happen with the
4 joint session?

5 A No, I do not.

6 Q Or the counting of electoral votes?

7 A No.

8 Q Don't recall that at all?

9 A No.

10 Q All right.

11 A By the way, I think it's important the reason I was there. Remember, and
12 just for the record, normally I'd be with the Vice President. But because O'Brien was
13 gone, Pottinger wasn't there, we always keep a national security guy with the President
14 regardless for travel.

15 And that's the reason why later when I would travel with him to the rally, you'd
16 always have a national security guy run a package through convoy. When the package
17 moves, you always have a vehicle called control. And in that control vehicle is always
18 the national security rep, the comms rep, and the military aid carrying the nuclear
19 football. So that's the reason I was there.

20 Q You were that person that day?

21 A I was that person that day.

22 Q Okay. And so it's been reported that there was a phone call between the
23 President and the Vice President --

24 A Uh-huh.

25 Q -- this morning in the Oval, and you were there for that.

1 A I was.

2 Q Okay. Was that before or after you were going over the President's
3 speech?

4 A It happened about the same time.

5 Q Okay. So let's talk about that then first.

6 What do you remember about that phone call to the Vice President?

7 A First of all, that was a muted phone call. What I mean by that is, we
8 didn't -- I didn't hear the response -- nobody could hear the response of the Vice
9 President.

10 Q So you could only hear what the President said --

11 A You only hear the President speaking back and forth going there. And he
12 told the Vice President that, you know, he has legal authority to send these folks back to
13 the respective States.

14 And that's the reason I made a comment earlier -- I think I made it to you,
15 [REDACTED] -- that the White House Counsel was there and he didn't say anything.

16 Q The White House Counsel being the gray-haired guy?

17 A Yeah.

18 Q Okay.

19 A I wish I could remember his name. It was not Pat Cipollone.

20 Q Okay.

21 Mr. [REDACTED] Can I just interrupt?

22 If we found a photo --

23 The Witness. If you can give me his name, I'd remember the name.

24 Mr. [REDACTED] Well, Eric Herschmann was --

25 The Witness. I think it was Eric. I'm pretty sure it was Eric because -- I'm pretty

1 sure that's who it was.

2 Mr. [REDACTED]: He's a lawyer and he has gray hair.

3 The Witness. That's him. Pretty sure it was Eric.

4 Mr. [REDACTED]: If we found his photo and then showed it to you --

5 The Witness. I can show it to you, yeah, for sure.

6 Mr. [REDACTED]: I can do that if you want.

7 Mr. [REDACTED]: Yeah.

8 BY MR. [REDACTED]:

9 Q And while [REDACTED]'s pulling that up, so you said he told the Vice President that
10 he has the legal authority to reject certain votes. Is that what you said?

11 A That he had the constitutional authority to do that, yes.

12 Q Okay. As President of the Senate in his Vice President's role --

13 A I think -- I didn't -- I can't recall, [REDACTED], the exact words.

14 Q Okay.

15 A But words to the effect, in his role, what he was going to do that day, the
16 answer's yes.

17 Q What else did he say to the Vice President?

18 A That's it. He was just, you know, disappointed that he was not apparently
19 going to do that. But it was like that was kind of the conversation. And then by that
20 time, the President, the Vice President -- excuse me, [REDACTED].

21 Q Yeah. Of course.

22 A That's him.

23 Q Eric Herschmann?

24 Mr. [REDACTED]: Yes.

25 The Witness. Because the Vice President was en route to the Capitol. I think

1 he had -- at that time he had gotten there, the conversation was over.

2 BY MR. [REDACTED]:

3 Q Okay. So you said the President was disappointed.

4 A Uh-huh.

5 Q I would assume from that phone call that the Vice President probably
6 sounded like he told him he wasn't going to --

7 A I would, based on what has happened, I would probably assume that, yes.

8 Q Okay. Let me rephrase that for the record's benefit.

9 I would assume from that call, what the President said to the Vice President, that
10 the Vice President told the President he wasn't going to use that authority that the
11 President said he had to reject certain votes?

12 A Yeah. I would make the same assumption, [REDACTED], yeah.

13 Q Okay. It's also been reported that the President said to the Vice President
14 that something to the effect of, "You don't have the courage to make a hard decision."
15 And maybe not those exact words, but something like that.

16 Do you remember anything like that?

17 A Words -- and I don't remember exactly either, but something like that, yeah.
18 Like you're not tough enough to make the call.

19 Q Okay. Do you remember anything else along those lines?

20 A No, because it was a relatively short conversation.

21 Q What was the President's demeanor like during the call?

22 A Well, he was -- his demeanor, I would say, was frustrated. He hung up.
23 And after he hung up, we went right back to speech prep. He didn't get up, walk out,
24 yell, throw things. He just said okay and went back to the speech discussion.

25 Q Okay. And we're going to talk about that speech discussion, but it's been

1 reported that you encouraged Ivanka Trump to talk to her father, the President, following
2 this phone call. Is that accurate?

3 Mr. Coale. It's the wrong day.

4 The Witness. Yeah. The answer's yes and no. The answer's yes, but it was a
5 different day.

6 BY MR. [REDACTED]:

7 Q Different day. Okay. All right. Then we'll get to that.

8 So following the phone call, did you do anything related to the phone call?

9 A No, because we soon -- because right after the phone call, when we'd gone
10 into a little bit more of the speech, Nick Luna, who was the body man that replaced John
11 McEntee, came in and said we're late to the rally. And so the intent was to get to the
12 package, finish this up, get to the vehicles, and move to the rally site.

13 Q And you mentioned that the lawyer in the room didn't say anything during or
14 after that phone call. Did anybody push back on what the President had told the Vice
15 President during that phone call?

16 A No.

17 Q Is there anything else about that phone call that stands out to you or the
18 aftermath of that phone call?

19 A Well, I think that it was -- it goes back to what I'd said earlier, that it was
20 clearly friction between both of them and it was something I was disappointed in. I had
21 been through 4 years with both of them and had not seen friction like that in 4 years.

22 Q Okay.

23 A But, again, the conversation, [REDACTED], I didn't hear from the other way.

24 Q Understood. The Vice President's side?

25 A Yeah. I didn't hear that, so --

1 Q Okay.

2 Ms. Cheney. [REDACTED]?

3 Mr. [REDACTED]. Yes.

4 Ms. Cheney. One clarification on that.

5 Just General Kellogg, you walked through a few minutes ago who was in the room,
6 in the Oval, when you first walked in.

7 Can you just walk through for us who was in the Oval while that conversation was
8 taking place, if anybody had left, or sort of your recollection? Besides Eric Herschmann,
9 who else was in the room while that call was happening?

10 The Witness. Ma'am, it was the same people I mentioned earlier. Nobody left
11 the room and nobody had come into the room.

12 Ms. Cheney. Okay. Thanks.

13 Mr. [REDACTED]. And was the call on a cell phone or was it on a land line?

14 The Witness. No. It was on his desk phone.

15 Mr. [REDACTED]. Okay.

16 The Witness. I do know that there was -- somebody did make a comment.
17 Ivanka Trump turned to me. And we were, say, if you walk in the Oval, there's a big
18 standup big clock. We were standing side by side. And she looked at me and she said,
19 "Mike Pence is a good man." And I said, "Yes, he is."

20 BY MR. [REDACTED]:

21 Q That happened after the phone call?

22 A Yes.

23 Q Immediately after, like in --

24 A Yes.

25 Q -- like in relation to the phone call?

1 A No. Following the phone call.

2 Q I was actually just about to ask you that. Another report of this phone call
3 is that Trump said, "Mike, it's not right. You can do this. I'm counting on you to do it.
4 If you don't do it, I picked the wrong man 4 years ago. You're going to wimp out."

5 Do you remember anything like that?

6 A Words like that, yes. I can't -- I can't -- yeah.

7 Q Okay. Do you remember him saying something to the effect of, "I picked
8 the wrong man 4 years ago if you don't do this"?

9 A It was like that. [REDACTED], I can't remember the exact words, but I'll put it this
10 way: The words are close enough to be in the ballpark like that.

11 Q Okay.

12 A Again, there was clearly a give and take in the conversation. I mean, you
13 know, it wasn't a stream. It was comment, comment, comment, comment.

14 Q Okay. And you'd hear pauses?

15 A Yeah. So I knew there was a conversation going on.

16 Q Okay. And that indicated the Vice President was saying something in
17 response?

18 A Uh-huh. Yeah. Or whoever was on the other side of the line.

19 Q Sure. Which you believed to be the Vice President?

20 A I hope it was, yeah.

21 Q All right. So anything else on this phone call or what was going on in the
22 Oval related to the phone call?

23 Mr. [REDACTED]. Was there any other reaction in the room besides the comment
24 that you relayed that Ivanka made?

25 The Witness. No, because then we were getting ready to get out. But I was

1 standing next to her. And, you know, in full credit I thought, you know, what she did
2 subsequently, actually, I thought she was the hero of the day.

3 Mr. [REDACTED]. I think [REDACTED] is going to get into some of that.

4 Mr. [REDACTED]. Yep.

5 BY MR. [REDACTED]:

6 Q So you mentioned specifically that Eric Herschmann didn't say anything with
7 regard to what the President was saying to the Vice President. Do you know what Eric
8 Herschmann's view was with regard to the Vice President's role?

9 A [REDACTED], I do not. I don't at all.

10 Q You said it as though it's noteworthy that Eric Herschmann wouldn't speak
11 up. Why was that?

12 A Well, [REDACTED], because to me is if you think something -- my experience after 4
13 years -- being there 4 years, you were kind of expected, regardless, I don't care if it was a
14 national security issue, it was a health issue, if you were in the room and you disagreed
15 with something, it was kind of expected you would say that, make a comment.

16 The fact that he didn't make a comment, to me, was noteworthy because he
17 didn't say anything at all. I mean, where I came from you were expected to make a
18 comment, you know.

19 Q Was there anything about Mr. Herschmann's body language that suggested
20 he was uncomfortable with what was happening?

21 A No. He was sitting in -- if you look at the Oval Office, there's a fireplace.
22 He was sitting in one of the yellow chairs, sitting there. He was the only one sitting
23 there and I looked directly at him.

24 Mr. [REDACTED]. Okay. So I want to talk about the prepared remarks. Just big
25 picture, first, though, did anybody express concerns about the remarks that Mr. Miller

1 had prepared for --

2 The Witness. No. And I read the remarks. I'm sorry.

3 Ms. Cheney. [REDACTED], I'm sorry. Just before we get to the remarks for a second.

4 General, when you said you looked directly at Mr. Herschmann, were you looking
5 for a response to him? Was it because you thought there would be one?

6 The Witness. Ma'am, the reason I looked at him, I like to check body language in
7 a room, and he was the lawyer in the room. And when they were talking about
8 constitutional issues, there wasn't a person in the room that could talk, to me,
9 constitutional issues except the lawyer in the room.

10 So when they were talking, and I was looking to see was there any kind of reaction
11 from the lawyer, and I saw none.

12 Ms. Cheney. Okay. Thank you.

13 BY MR. [REDACTED]:

14 Q Okay. So nobody raised any concerns over the prepared remarks during
15 the Oval in that meeting on January 6th?

16 A No.

17 Q All right. I want to go through some of the comments that the President
18 made during his speech and ask you some questions about that.

19 A Wait a second. [REDACTED], made during the speech or the speech that was
20 written?

21 Q That's what we're going to try to get through. And I understand your point
22 and exactly why I'm asking you these questions.

23 A Okay.

24 Q So in his speech he said, "We will never give up. We will never concede.
25 It doesn't happen. You don't concede when there's theft involved. Our country has

1 had enough. We will not take it anymore."

2 Do you remember whether that was part of the written speech?

3 A I don't remember unless I had the written speech in front of me.

4 Q Do you remember anything like it, talking about the election being stolen?

5 A [REDACTED], I don't, because I don't have the speech in front of me.

6 Q Okay. Did anybody express concerns about Mr. Trump talking about the
7 election being stolen --

8 A No.

9 Q -- while you were going over prepared remarks?

10 A No.

11 Q And the answer to that was no?

12 A No.

13 Q Okay. In the speech he said, "We will never Stop the Steal because if Mike
14 Pence does the right thing, we win the election. All he has to do, all this is, this is from
15 the number one or certainly one of the top constitutional lawyers in our country, he has
16 the absolute right to do it. We're supposed to protect our country, support our country,
17 support our Constitution and protect our Constitution."

18 A Was that in his remarks or was that in the speech?

19 Q This was in his remarks and so --

20 A Okay. There's a huge difference. Okay.

21 Q Understood. And that's exactly why I'm asking. Do you remember that
22 being part of the prepared speech?

23 A I don't remember it being a part. I'd have to see it in front of me.

24 Because in 5 years -- and I will give you the story and the reason I don't want.

25 The first speech I was ever with him, there was always a teleprompter. And I

1 was in the back room with the teleprompter operator and he went off speech. And the
2 teleprompter operator was trying to find him and I stopped him. I put my hand on his
3 shoulder. And I said, "Go back to where he left you." And I said, "He will come back to
4 you."

5 And my experience in 5 years was that if you wrote a 45-minute speech, it
6 probably went 90 minutes.

7 Q Understood.

8 A Okay. So I would -- it was a blended speech. So I don't know, unless I saw
9 it in front of me, I couldn't tell you, [REDACTED].

10 Q Perfectly fair. So I guess what I'm asking you is, he's talking about Stop the
11 Steal and the election being stolen. Do you remember things like that being part of the
12 prepared speech?

13 A I don't.

14 Q Okay. Did anybody tell him that he shouldn't mention things like that --

15 A No.

16 Q -- during his speech? Okay.

17 Do you remember him --

18 A But -- and [REDACTED], it wouldn't have made a bit of difference.

19 Q Understood.

20 A Okay. What you say -- free flow, he'd do it.

21 Q Completely understood.

22 Do you remember him in the prepared remarks -- excuse me. Let me start that
23 question over.

24 Do you remember whether the prepared remarks talk about the Vice President's
25 role on January 6th?

1 A [REDACTED], I don't remember. I'd have to look at it and see it in front of me.

2 Q So in the speech, the President talked about marching to the Capitol.

3 A Uh-huh.

4 Q Was that part of the prepared remarks, do you remember, or something like
5 it?

6 A [REDACTED], I don't remember.

7 Q Did the President tell anybody in this preparation session that he was going
8 to use his speech at the rally to discuss his conversations with the Vice President? I say
9 that because during the speech he said he told Mike Pence, Vice President Pence, that
10 what takes courage is doing nothing in his role.

11 A I don't think that was in the speech. I don't remember -- that part, I don't
12 remember that in the speech.

13 Q Okay.

14 A I don't remember that part in it because I probably would've paid -- anything
15 that pertained to the Vice President, because I was on the Vice President's staff, I
16 would've probably picked up a little bit more. And I can't remember that.

17 Q Okay. So we've talked about a few things that you don't recall being in the
18 speech. What do you recall the speech being about?

19 A Well, I recall the speech being about --

20 Q Excuse me. The prepared speech. And I'm sorry.

21 A Yeah. On the prepared speech, going through it, I saw nothing in there that
22 was inflammatory.

23 Q Okay.

24 A To me it was his view of what he saw out there. But it wasn't, you know,
25 carry pitchforks down to the Capitol, you know, anything else like that. I just didn't see

1 that.

2 Q Nothing in -- you don't recall anything in the prepared remarks about, like,
3 taking back -- you can't take back our country with weakness?

4 Ms. Cheney. [Inaudible.]

5 The Witness. I'm sorry, ma'am?

6 Ms. Cheney. Sorry. General, I had a question back -- [REDACTED] asked you about the
7 President saying that he was going to march to the Capitol. And I wondered if, separate
8 and apart from the speech, you had heard discussion about the President marching to the
9 Capitol.

10 The Witness. Yeah, ma'am, I didn't hear that. And by experience I knew that
11 wasn't going to happen. And the reason I knew it wasn't going to happen is because
12 that day I was part of the package being in the control vehicle in the Secret Service setup
13 to go down to the Capitol.

14 If he wanted to do that, there would have been a different Secret Service setup to
15 move down towards the Capitol. They would've had enhanced -- more Secret Service or
16 there would have been ways to do it.

17 And there was no intent because I would always ask, because of my role where I
18 would be in the control, I would always ask the Secret Service, what's the plan? Where
19 are we going to and what are we going to do? And the intent by, according to the
20 Secret Service, we're going to the Ellipse and we're coming right back.

21 So that I would pick up that, even though it may have been said, I knew that it
22 wasn't going to happen. Well, you know nothing. I was pretty sure it wasn't going to
23 happen.

24 Ms. Cheney. Did you hear any discussion about it happening? I understand
25 you're saying that once you were in the motorcade and it was going it was clear. Had

1 you heard any discussion about the possibility either earlier that day or prior to that day?

2 The Witness. No, not at all, no, ma'am, I did not. And, again, it goes back to
3 talking to the Secret Service team that there was -- there may have been verbiage, but
4 there was no intent because they weren't postured to do it.

5 Ms. Cheney. But you didn't hear any verbiage?

6 The Witness. I think he said -- I think the President said that, in his remarks on
7 the Ellipse, that we're going to march to the Capitol. I think that's what he said, but I
8 don't remember in the speech.

9 Ms. Cheney. Yeah. No. I'm trying to -- I'm asking whether he had said that
10 before or anyone had said anything to you before the speech about the possibility that he
11 would be at the Capitol on the 6th.

12 The Witness. No. Nobody said to me a word before the speech or anybody
13 said anything about going down there at all.

14 Ms. Cheney. Okay. Thank you.

15 BY MR. [REDACTED]:

16 Q Okay. So in the speech, and some of this we talked about, but he said
17 things like, "You'll never take back our country with weakness. We fight. We fight like
18 hell. And if you don't fight like hell, you're not going to have a country anymore. And
19 we're going to go to the Capitol and walk down Pennsylvania Avenue."

20 If those had been part of the prepared remarks that you went over in the Oval
21 that morning, would you have said something about those types of comments?

22 A Read it to me again.

23 Q Sure. So the President talked about, "You can't take back our country with
24 weakness. We have to fight. Fight like hell. And if you don't fight like hell, you're not
25 going to have a country anymore." And he talked about walking down to the Capitol.

1 Those are just some of them.

2 Had those been written into the speech, is that something that --

3 A I would've taken it as hyperbole. He's talking, saying what he says.

4 Q Would you have counseled him against saying that?

5 A No.

6 Q If it was part of prepared remarks?

7 A A part of prepared remarks, no.

8 Q Do you think anybody who was in the Oval that morning would have taken a
9 different position?

10 A No.

11 Q So everybody in the Oval would have been fine with remarks like that,
12 planned remarks like that?

13 A In the context of the speech, no.

14 Q I'm sorry. Let me just be clear. You said no, but people in the Oval that
15 morning would have been fine with remarks like that?

16 A I believe so, yeah.

17 Q Okay.

18 Mr. Coale. It's very speculative.

19 The Witness. Yeah.

20 BY MR. [REDACTED]:

21 Q Sure, but we're asking about kind of his position as advising the President on
22 a speech about the election.

23 A No, because remember, no, [REDACTED], because that was not my role. That was
24 others in the room's role. My job was to be the national security representative for the
25 President because both the NSA and the DNSA were gone.

1 Q Understood.

2 A That was not my lane.

3 Q Understood. But I was just going back. And something you had
4 mentioned earlier and I just want to make sure I understand it is that people were in this
5 room going over the prepared remarks with the President, and Stephen Miller, the
6 speechwriter, was taking notes on the back and forth?

7 A Uh-huh.

8 Q Okay.

9 A Right.

10 Q All right. Now, in your book you say that you went to the rally -- let me
11 stop there.

12 Mr. [REDACTED]. Does anybody have any questions about the prepared remarks or
13 preparing for the rally?

14 Okay. All right.

15 BY MR. [REDACTED]:

16 Q So in your book you say you went to the rally in a motorcade with others.
17 Is that right?

18 A That's correct.

19 Q All right. And were you there to watch the President's speech?

20 A Well, yes and no. I mean, the fact is, remember, I said before, as the
21 National Security Advisor, there's always an NSA representative with him in control, that's
22 the name of the vehicle, with the military aid carrying the football, and a comms
23 specialist. Always. Always. Always.

24 The only one there, the senior guy, was me. So by default I was the NSA
25 representative for the President. So I went there as official duties because you always

1 have control regardless where you go.

2 Q Understood. So did you see the speech when you were there?

3 A Pardon?

4 Q Did you see or hear the --

5 A Yes. So I went into the tent with him when he was preparing for it and
6 then I walked outside the tent and walked around and looked at the crowd. And I was,
7 frankly, quite surprised by the size of the crowd, because the crowd went all the way back
8 to the Washington Monument, and then it was 17th, 19th Streets, I think it was, there
9 were crowds on both sides of those streets. And I was walking around.

10 Q So a lot of people.

11 A Yeah. A lot.

12 Q Did you see anybody leaving the speech while the President was talking?

13 A No. What I did see was a lot of people, lot of flags, but I saw the same
14 thing, and I mentioned this earlier, [REDACTED], that the people I approached, was close enough
15 to wave to them and talk to them, it was the same like every rally I had seen for 5 years.

16 Q Okay. You said you saw flags. Did you see Stop the Steal type flags?

17 A No, I saw the same flags I saw in 5 years, which was the Don't Tread on Me
18 flag, which was always there. I saw the American flag, which was always there. You
19 saw Trump flags, which were always there.

20 Q Okay.

21 A But those were the flags I was seeing.

22 Q Didn't see any Stop the Steal signs?

23 A No.

24 Q Posters?

25 A No.

1 Q Nothing related to the election?

2 A Nope.

3 Q Okay. All right. So in your book you wrote, "The President encouraged
4 the crowd, saying, 'If Mike Pence does the right thing, we win the election. States want
5 to revote. The States got defrauded.'"

6 And then you said, "His frustration was clear, as was his determination, we will
7 never give up, we will never concede."

8 What did you mean when you said the President encouraged the crowd?

9 A Well, it's like any time. The President -- again, this is in 4 years. It wasn't
10 unique to 6 January. The President was a very populist, rah-rah kind of speaker.

11 I'll use what John Kelly told me the first time he went to a rally. He said, this isn't
12 a rally; it's a revival session. He would always energize the crowd and it was the way he
13 talked.

14 And it was the same way that day. There was nothing unusual the way he spoke.
15 His verbal -- his verbal language, the verbal way he used the language, was no different
16 than I had seen in 5 years.

17 Q Okay. So the President knows he energizes the crowd?

18 A Yes.

19 Q Okay. And seemed to energize the crowd that day?

20 A Yes.

21 Q Okay. And you also wrote that before Trump had even finished his
22 remarks, there was conflict at the Capitol.

23 A I heard about --

24 Q You didn't know that until later?

25 A Yeah. I heard that later. I heard -- somebody had showed -- and I don't

1 know how accurate it is. But somebody had showed me a timeline that said that
2 violence had started to occur at the Capitol before he finished his speech.

3 Q Okay. You didn't see that that day.

4 A Oh, no. No.

5 Q Okay. Now, did you see the end of the speech where he said let's walk
6 down Pennsylvania Avenue?

7 A He made the comment.

8 Q Did you think he would do it?

9 A No, because the Secret Service wouldn't let him.

10 Q Okay. So, I guess, why would he say something that he knew wasn't going
11 to happen?

12 A Because that's how President Trump spoke in 4 years. It was the way he
13 used language.

14 Q All 4 years that you saw him he was like that?

15 A All 5 years.

16 Q Five years. I'm sorry. Okay.

17 Mr. [REDACTED]. So we're going to get to the post-rally, but anything else on the
18 events at the Ellipse or what we've just talked about?

19 BY MR. [REDACTED]:

20 Q Yeah. Just to be clear, General Kellogg. So when he said, "I'm going to be
21 there with you," did you -- was your understanding that that was hyperbole or that wasn't
22 literally he's going to walk down Pennsylvania Avenue?

23 A No. It was the former, not the latter. I mean, I've seen him use phrases
24 like that before. I am with you. I will stand with you. It's not an unusual comment
25 for him to make. I'll be with you, you know. I'm one of you. The deplorables. I'm

1 one of you. I'm one of your deplorables. It's a way -- it's hyperbole. That's how he
2 talked.

3 So when he says something like that, I don't take it in the literal fashion. I never
4 did. It was always like, okay, said again.

5 Q So when he said this, you were not thinking, "Oh, man, I guess, there's a
6 change of plans, he's going to walk to the Capitol." You were thinking it was more along
7 the lines of --

8 A [REDACTED], I really hope so, because I didn't have an overcoat that day and I was
9 freezing my butt off. All right? So the answer was, I was hoping he didn't want to walk
10 down, because I wasn't ready for it. And I just think it was his normal way of talking,

11 [REDACTED]

12 Q Your expectation was you're going to get back in the vehicles and drive
13 back to --

14 A My hope was yes. Yes.

15 Q That was your expectation going to the rally and that never changed?

16 A Yes. That is correct.

17 Mr. [REDACTED]. Okay. Thank you.

18 BY MR. [REDACTED]:

19 Q All right. So after the President finished his speech, he goes back to the
20 White House. Did you go back with him in the motorcade?

21 A Yes.

22 Q All right. Now, it's reported that he gets back around 1:10 or 1:19. Does
23 that sound right to you, roughly?

24 A Yeah, I did. And I got out right away and, frankly, went and got a sandwich.

25 Q Okay. Where did you get the sandwich?

1 A From the Navy mess.

2 Q Which is below the Oval, one level down.

3 A It's on what we call the lower suite.

4 Q All right. Now, in your book you say that, quote, "I was in President
5 Trump's proximity the entire day."

6 A Uh-huh.

7 Q What does that mean?

8 A Well, I was the national security guy until Matt Pottinger came in and he was
9 in now. So I stayed close to him. Because, again, O'Brien wasn't there. And
10 somebody -- you always have a national security rep there. So I stayed within distance
11 for him so I could react if something happened.

12 Q Okay. So you go get a sandwich. Where do you go after you --

13 A To my office.

14 Q Your office where?

15 A This was the office I wanted where I have windows. Two offices: West
16 Wing office, no windows. EOB office, windows, big TV. Watched TV, eating a
17 sandwich.

18 Q Your office in the West Wing?

19 A Yes. No. No. My office in the EOB.

20 Q Oh, EEOB, I'm sorry. And where did the President go? Do you know?

21 A I believe he -- well, I think he went back to the Oval like he normally does.

22 Q Okay. So there are reports that say that you were in the West Wing as the
23 riot unfolded and you saw the President watching in the private dining room next to the --

24 A Later.

25 Q Okay. What time did you --

1 A Well, what happened was --

2 [Crosstalk.]

3 BY MR. [REDACTED]:

4 Q Let me ask that again. So the reports are that you were in the West Wing
5 as the riot unfolded and saw the President watching in the private dining room next to
6 the Oval.

7 A Close.

8 Q Okay.

9 A I was in my office in EOB watching TV, and I saw the television reports of
10 what was happening down at the Capitol.

11 So I immediately got up and walked -- because I had -- remember, I had -- the Vice
12 President was down there, I knew that, and I went over to the President, to find out what
13 was going on, to see what was happening in the Oval, because I kind of had my foot in
14 both camps at that time going on. And so I went to the Oval Office to see what was
15 going on, to see what was happening.

16 Q Approximately what time --

17 BY MR. [REDACTED]:

18 Q I was going to ask a question that may help with that.

19 When you say you saw on TV what was going on, what had unfolded at that point?

20 A [REDACTED], the best -- as I recall, there was people trying to breach the Capitol at
21 that time.

22 Q So trying to breach, but --

23 A I don't -- [REDACTED], I don't remember exactly. I know there were people trying
24 to breach the Capitol.

25 Now, here's what's -- as a reflection, when that was happening, I knew it was

1 going to go bad. And the reason I knew it was going to go bad is, for 30 years in the
2 military -- and I was somebody who had been involved in the '68 riots in Detroit, involved
3 with the activities that happened in the L.A. riots in the '70s. Every quarter we went
4 through what were called Garden Plot exercises, which are domestic control, emergency
5 control, riot control in the military.

6 The units I was in always had to have [inaudible]. And I knew you had to have
7 overwhelming force. And if you didn't have overwhelming force in the face of a riot, a
8 mob, you were going to lose the fight immediately.

9 And seeing the pictures, I knew they were in trouble because you saw the
10 disparity in numbers. And I knew just from my military training I've seen, this was going
11 to go bad really fast, because they couldn't -- they didn't have the numbers to control it.

12 If you don't have the numbers to control, you're going to fail. And I knew that
13 from all of my experience. So I said, intuitively, I knew this was going to go bad.

14 Q You said that to yourself or did you say it --

15 A To myself. I knew right away. In fact, I may have talked to Kayleigh about
16 it that -- in fact, continuation of Black Lives Matter, the riots we had in the summer,
17 because I remember telling them at the time, this is how the military handles it.

18 And, by the way, full credit to the Secret Service around the White House. They
19 handled it exactly how the military did it during the summer, exactly how you handle
20 domestic disturbances, something the Capitol Police, I don't think, were either trained for
21 or didn't react to.

22 So where I'm going to, [REDACTED], is, when I saw this happening, I knew right away they
23 did not have the presence, meaning force, to be able to withstand that. I just knew it.

24 Q You say you may have talked to Kayleigh?

25 A I may have said something later to her. I said words to the effect -- I

1 probably said words to the effect, like, you remember I told you in the summer? This is
2 it. They didn't have the presence to be able to stop this.

3 Q And then that's Kayleigh McEnany?

4 A Yeah. I mean, and that was -- it would have been in conversation. I
5 remember we talked about it because I said this is -- when it was going on, it was kind of
6 like -- and I probably said it in passing. Because I knew, [REDACTED], from all of my experience
7 in going and handling this and being involved in riots, that this was going to go bad.
8 There was no way to stop it.

9 Q And did you have that conversation with Ms. McEnany between when you
10 ate the sandwich in your office and when you --

11 A It was subsequent to, when we were talking about subsequent happenings.

12 Q Like roughly when?

13 A Oh, shoot, [REDACTED]. I don't know, 1 o'clock, 2 o'clock. I don't know. I can't
14 remember. Very candidly, [REDACTED], I wasn't keeping track of time.

15 Q Okay. But was it before or after you went into the Oval Office?

16 A It was after.

17 Q Okay.

18 BY MR. [REDACTED]:

19 Q Okay. So I'm going to have you look at exhibit No. 13, and we're going to
20 use this -- I'm going to try to use this as a little bit of a guidepost.

21 This is a tweet that President Trump sent at 2:24 p.m. talking about Mike Pence
22 not having the courage to do what should have been done and that USA demands the
23 truth?

24 Do you remember this tweet?

25 A No.

1 Q You don't remember this? Okay.

2 A No.

3 Q I'll ask you to go to exhibit --

4 A Okay. Here's the other reason why, so you'll know. I'm sorry, ma'am.
5 I'll tell you why I didn't know.

6 Ms. Cheney. Go ahead.

7 Mr. [REDACTED]. Go ahead.

8 The Witness. Is because I did not carry personal devices into the West Wing. I
9 carried only a government phone. Government phones will not let you -- you cannot
10 use Twitter on a government phone. So I would not have been following this at all.

11 Mr. [REDACTED]. Okay. And that's fair. I know there was a lot of discussion that
12 day about having the President issue a tweet.

13 The Witness. Uh-huh.

14 Mr. [REDACTED]. Okay. When you got to the Oval Office, was that before the
15 President tweeted in response to the Capitol riots that you're aware of?

16 The Witness. I don't, [REDACTED] -- [REDACTED], I'm not sure.

17 Mr. [REDACTED]. Okay. Well, why don't we --

18 Ms. Cheney. General, could you just go back a minute and just walk -- I just want
19 to make sure we're absolutely clear on the timing.

20 So you said you ate your sandwich as you were watching the riots on television
21 begin.

22 The Witness. Uh-huh.

23 Ms. Cheney. And then you -- just walk us through exactly what you did. You
24 left your office in OEOB?

25 The Witness. Yes, ma'am. So when I saw what was happening on television, I

1 went over -- right over to the Oval -- to the West Wing and then into the Oval Office to
2 make sure everybody was tracking what was happening. Because you try as the
3 national security guy making sure everybody has situational awareness. Are you seeing
4 the same thing I'm seeing? Are your TVs on and you're seeing it to make sure?

5 So I was tracking that with the Secret Service. And I can't remember exactly the
6 time because, frankly, I wasn't paying attention to the time. It was more so making sure
7 that everybody was in the loop. Is this actually -- everybody tracking what's happening.

8 Ms. Cheney. And so tell us what happened. You said you went over to the
9 West Wing and walked through the lower lobby there?

10 The Witness. I went -- well, I went -- actually, went right upstairs, the stairs to
11 the left, right up there, checked the national security office to find out was O'Brien in the
12 loop. He was not. Where Matt Pottinger was. He was not in either. And then went
13 from there to the Oval Office.

14 Ms. Cheney. And when you went into the Oval Office, did you stop in the outer
15 Oval?

16 The Witness. I always -- I stopped in the Oval. Molly was there, Nick Luna was
17 there. And, frankly, by that time I wasn't worried about anybody being a palace guard.
18 I just walked in.

19 And I believe Mark -- I believe Mark Meadows was already in the back room in the
20 Presidential dining room. And I think I walked back in there and we were all watching
21 TV at the same -- we were all seeing the TV going on, seeing what's happening.

22 Ms. Cheney. So you and Mark Meadows and the President were back in his
23 private dining room watching TV. Is that what happened?

24 The Witness. I was there and then I walked out of there. The answer's yes and
25 no. I didn't stay the entire time. I walked out of there and walked back out. And I'm

1 not sure exactly the timing, but I think by that time Kayleigh McEnany had come in and I
2 met her in the outer Oval.

3 Ma'am?

4 I think -- because I think -- my point was -- my belief at the time was, based on
5 personal experience, this had gotten out of control. And there was -- and very candidly,
6 ma'am, by this time there was no way to control it. And then -- so you're looking at the
7 next steps going forward.

8 Ms. Cheney. So when you walked into the outer Oval and you saw Molly and
9 Nick Luna, did you say anything to them?

10 The Witness. I probably said I'm going to the back or words -- just to let them
11 know. Like, they obviously knew I was going to. But I didn't ask permission. I mean, I
12 had the walk-in privilege. I just went in.

13 Ms. Cheney. And then when you got back into the back, what did you say?

14 The Witness. Well, I saw the President watching TV. And Mark -- I'm pretty
15 sure, Congresswoman, that -- I'm pretty darn sure Mark was there. And I probably,
16 which I am prone to do, probably said something that was pretty -- like this is really
17 expletive deleted, and probably said something like that. And then at that time I was
18 trying to figure out where do you go to next.

19 Ms. Cheney. So this would have been -- but you don't know exactly what time
20 this was?

21 The Witness. Ma'am, ma'am, I really don't. I don't know at all. I'm not sure.

22 Ms. Cheney. But it's moments -- moments it sounds like after you first saw -- did
23 you -- was the TV on in your office when you sat down to eat your sandwich or you
24 turned it off and sat down?

25 The Witness. Did I see the what?

1 Mr. Coale. Was the TV on when you sat --

2 The Witness. Oh, yes, ma'am. The TV was on. It's always on.

3 Ms. Cheney. In your office? And you put it on when you got in there or it was
4 on?

5 Mr. Coale. She wants to know if the TV was on when you were eating your
6 sandwich in the Executive Office Building.

7 The Witness. Ma'am, I don't know if it was for sure, but I will tell you the TV
8 is -- the TVs are always on in the outer suite, the entrance to the Oval Office. And if he
9 isn't back in the -- the President was back in the Presidential -- the little Presidential
10 dining room -- that TV was always on. I don't know that for sure, but the assumption I
11 make is it would have been normal.

12 Ms. Cheney. I'm sorry. I was asking a different question, but --

13 The Witness. Oh, did I miss it?

14 Mr. Coale. Yeah. She wanted to know --

15 Ms. Cheney. I'm just trying to figure out the timing.

16 Mr. Coale. She wanted to know if --

17 The Witness. I'm sorry, ma'am. I'm hard of hearing.

18 Mr. Coale. -- when you were eating your sandwich in your other office, was the
19 TV on?

20 The Witness. In my office?

21 Mr. Coale. Correct.

22 The Witness. Yes. Yes, ma'am, it was.

23 Ms. Cheney. And so -- and just so we're clear on timing, you're saying that as
24 soon as you saw what was happening at the Capitol, you left your office and went to the
25 Oval Office?

1 The Witness. Yes, ma'am.

2 Ms. Cheney. Okay. And then you said when you got to the Oval Office, you
3 think Mark Meadows was in there with the President watching on television, but -- and
4 Kayleigh McEnany arrived shortly after?

5 The Witness. She didn't come into the back dining room. I met her. She
6 came into the outer Oval. Words to the effect of, basically, how do we get a handle on
7 this? How do we -- what do you do? Because then the debate that Kayleigh had, and
8 I'll have to be general about it, is do you do a news conference, do you do a tweet?
9 What do you do next to try to control the situation?

10 And I believed I said at the time -- and I cannot be sure -- I'm sure I said, based on
11 my experience, this was a situation now out of control. And only based on the
12 experience I had that when you get into a mob or a riot or anything like that that
13 happens, once you lose that first line of resistance, the control, you've lost it and it has to
14 burn itself out. And that was based on 30-plus years of experience doing this.

15 Ms. Cheney. Okay. That's all I have right now, [REDACTED]. Thanks.

16 Mr. [REDACTED]. Go ahead.

17 BY MR. [REDACTED]:

18 Q So what was said in response to what you told the President?

19 A On what, [REDACTED]?

20 Q I'm sorry. When you went into the Oval Office and you said something to
21 the effect of this is out of control, what was said in response?

22 A Nothing. I made the comment, and it was like one of those offhand
23 comments when you see something on TV and you say something to the TV set, you
24 know, I said words that this is really screwed up.

25 Q And you said that to the President?

1 A I said it to the room.

2 Q That included the President?

3 A He was in the room, Meadows was in the room. I just made a comment
4 this is bad.

5 Q And he didn't say anything in response?

6 A Nobody said a word. I think everybody was fixated on, John, everybody
7 was so fixated on the TV.

8 BY MR. [REDACTED]:

9 Q What did they say, Mr. Meadows or the President, at all during that brief
10 encounter that you were in the dining room? What do you recall?

11 A I think they were -- everybody was watching the TV. I mean, I don't think
12 anybody in that room had anything but surprise. I mean, you could talk about a
13 hyperbole and you could talk about speeches. Like I said earlier, [REDACTED] in 5 years we
14 never had a bad rally or speech, never.

15 So when you see something like this happening, the first thing is, the reaction that
16 I had was, like, what's going on? How's this happening? What's the response to it?
17 Because nobody thought -- nobody saw it coming. I didn't see it coming. Nobody saw
18 it coming.

19 So I think you're looking at something like a little bit of disbelief.

20 Q Yeah. I understand completely. When you're watching something unfold
21 and you're in disbelief, you have a tendency to mention that or to say that or -- I'm just
22 wondering what Mr. Meadows or the President said --

23 A I don't even know if they -- I don't even know if they heard me. I said it,
24 but they may have been so fixated on the television.

25 Q Did you hear them say anything?

1 A No.

2 Q How long were you back there in the dining room?

3 A Probably 5 minutes.

4 Q During the whole 5 minutes, do you remember anything?

5 A No. We were all fixated on the television set.

6 Q Do you remember what you said?

7 A Yes.

8 Q Some expletive about how out of control the situation was?

9 A Yeah. Because this was one that was -- you're looking at it, going, this is
10 the end of a horror movie. You know, you go, what the heck is going on?

11 Q Right, which I would think prompts conversation or exclamations or some
12 observations from the people in the room?

13 A Or you're incredulous that you're actually seeing what you're seeing. And I
14 think that was the attitude I had.

15 Q So to be clear, you don't remember anything that Mr. Meadows or the
16 President said?

17 A I do not, no.

18 Q Does that mean they didn't say anything or you just don't remember?

19 A No. That means I don't remember them saying anything when I was there.

20 Q Okay.

21 Mr. [REDACTED] You have extensive military training, so I would think you've been
22 trained that in a crisis situation you develop a plan of action.

23 Did you discuss anything with the President about what should be done in
24 response to the situation that was unfolding?

25 The Witness. Not really, [REDACTED], because, based on my experience, this thing had

1 reached a point where there was nothing you could do about it. I mean, you're now
2 reacting to events that you had no control over. And, very candidly, that's what they
3 teach you in what are called Garden Plot exercises, that if you don't control the situation
4 once the mob breaks into the jail house to hang the prisoner, you're done. I mean, you
5 can't get there. And simply events spin out of your control. And so there was nothing
6 you could do. So everything you tried to do subsequently was just a reaction to a bunch
7 of events.

8 And that's what the concern I had at the time -- yeah, I guess the concern is, okay,
9 how do you -- how do you basically do something to try to control the situation and what
10 is it that you would do to help control the situation?

11 Q And did you have a view at that point of what should be done to try to
12 control it?

13 A Well, my point was the President should make a statement.

14 Q Okay. Did you discuss that during --

15 A With Kayleigh.

16 Q You did not discuss it with the President --

17 A No. Because Kayleigh was the chief of communications. That was her
18 lane. I keep in lanes. That was not my lane. It was her lane and what she should go
19 to the President on, and the Chief's lane, Meadows' lane, and that's what she should be
20 deciding what should be the subsequent steps to how to control the situation.

21 Ms. Cheney. To ask another question. I just want to be clear, General Kellogg.
22 So what you're relaying to us, you're in a position still of basically being the main national
23 security person for the President because Mr. Pottinger and Mr. O'Brien are not there --

24 The Witness. Yeah.

25 Ms. Cheney. -- or out of the loop?

1 The Witness. Yeah.

2 Ms. Cheney. You go into the private dining room of the President of the United
3 States. The President of the United States himself is there, the Chief of Staff is there,
4 you're watching a violent attack on the Capitol of the United States, and the view or the
5 response was to sort of be bystanders, to sort of say, well, there's nothing we can do, we
6 got to let this thing burn out. Is that really what happened?

7 The Witness. No. I think -- no, ma'am. I think that was my knowledge what
8 would happen. I forgot to mention one thing that the President did say to me, either
9 where's Mike or how's Mike? And he was talking about Pence. And I said, I don't
10 know.

11 And the reason I left, now going through this, the reason I left the office was to go
12 find out from the Secret Service where the Vice President was. And I went back to my
13 office downstairs in the West Wing and sent an email -- and it's in the Archives -- to Marc
14 Short. And I said -- and I asked Marc Short, is the VP okay and where's the Vice
15 President? And he responded, we're okay.

16 And the Secret Service, which also has an office down, there through their liaison
17 with the Secret Service, they said, we have him under control, meaning they have
18 him -- later, I found out he was in the basement.

19 And I remember -- and, again, it's in the Archives -- I sent a note to Marc, "Marc,
20 don't leave the Capitol," meaning stay where you're at with Secret Service protection.
21 And the reason I said that was because I knew there's a tendency of the Secret Service to
22 get him away from the point of contest.

23 In other words, my concern was, they would pick him up and they'd take him to
24 Alabama or Joint Base Andrews to get him away from there. And I thought it was
25 important that he stay in the Capitol.

1 Marc responded on that, and I think the exact response was, that's the plan, to
2 stay there, that's the plan. And, again, that's --

3 Ms. Cheney. And so you're also telling us -- we've heard from a number of other
4 individuals that it was widely known in the White House when the President sent the
5 tweet accusing the Vice President of being a coward.

6 So I'm interested that you are saying you were not aware at all that day that that
7 tweet had been sent and you think the President -- what you're explaining, that the
8 President's concern in his private dining room, you think that was before or after he sent
9 the tweet accusing the Vice President of being a coward.

10 The Witness. Ma'am, I don't know. Because, again, I didn't -- with a
11 government phone, we don't have an ability to tweet at all.

12 Ms. Cheney. And nobody told you about the tweet that day --

13 The Witness. No, not at all.

14 Ms. Cheney. -- nobody told you about the tweet about the Vice President?

15 The Witness. No, not at all. I was -- I had duality there because when he asked
16 about that question about the Vice President, I wanted to touch base with Secret Service
17 to find out where he was at.

18 And I got through to -- and I can't remember the name -- their head of security,
19 through Tony Ornato, who's the Chief of Operations at the White House, that the Secret
20 Service had control of the VP, he was not leaving there, and then at the same time was
21 trying to get with Kayleigh and ask where are we going on next steps.

22 Because, again, ma'am, by the time they had breached the Capitol, to me it
23 was -- you can't do anything about it. It's, unfortunately, too late because they didn't
24 have force presence to be able to do anything.

25 Mr. [REDACTED]. So nothing could be done by that point perhaps to stop people from

1 getting in, but obviously at some point something had to be done to clear people out.
2 Was that something you were focused on at that time?

3 The Witness. Well, it's something I heard. That's when they were talking
4 about -- and the timeline is when, I mentioned that earlier, is when I had been in the -- I
5 think I was talking to Kayleigh, came back in the Oval, and that's when Mark Meadows
6 came out and said to me, "Where's the National Guard?" And I have no idea.

7 That's when Matt Pottinger came in. But that's also when -- it was about that
8 time that I found, for the first time I'd ever heard of it, that Tony Ornato, who was the
9 Chief of Operations, former Chief Agent for the Secret Service said, you know, "I can put
10 3,000 marshals on the streets immediately."

11 And I had no idea you could do that. I mean, I didn't know he had force capacity
12 to do that. So -- and I'm probably blurring a little bit, [REDACTED] probably blurring times, but,
13 very candidly, I wasn't paying attention to time at the time.

14 BY MR. [REDACTED]:

15 Q Yeah. Just for context, and I know we've been over this, but when you
16 walked into the dining room off the Oval --

17 A Uh-huh.

18 Q -- were rioters already in the Capitol, based on what you saw on TV?

19 A I don't know. I know they were trying to breach the Capitol at the time. I
20 know they were -- the pictures that I recall, they were climbing up the steps or walls or
21 whatever they were doing.

22 Q Okay.

23 A I don't know if they were physically at that time inside the Capitol.

24 Q And we've talked a little bit about what you said and asked questions about
25 what the President or Mr. Meadows said. But what was his demeanor, the President's

1 demeanor, when you were in the dining room?

2 A [REDACTED] -- [REDACTED] -- I think everybody had -- my looking at the room at the time,
3 and I'm talking about the entire West Wing, I think everybody was just stunned by it.

4 Look, I've said this repeatedly. We had never seen anything like this before in
5 5 years. In my lifetime, I've never seen an assault on the Capitol at all.

6 Q Did you hear the President ask, "What should I do? What do we do?"
7 anything like that?

8 A No. I think everybody was -- again, I don't think anybody's ever been in a
9 position like that historically. I don't care where you're at. It was all -- this was weird,
10 a brand-new ball game, something we had never seen or done before.

1 [1:23 p.m.]

2 BY MR. [REDACTED]:

3 Q Okay.

4 A So what you have to rely on is you have to rely on is you have to rely on your
5 experience, your training, and what could you do; what was in the realm of the possible?
6 That was what in the realm of the hopeful.

7 Q And so you stayed there roughly 5, 10 minutes.

8 Why did you leave?

9 A I think I went out there to try to, as I -- because he had asked the question
10 about Mike. I wanted to go find out because I didn't have direct information with him,
11 because for where the Vice President was.

12 Q And did you do that?

13 A Uh-huh. Went down and talked to the Secret Service. When you look at
14 the suites, there's the Oval. Below is the lower suite. There's the Secret Service room.
15 And you can find out. You know, kind of they control where everybody's at. So I did
16 that. Then went down to them and walked to my office, which is just near there. And
17 that's when I sent a text message -- not a text -- and email message to Mark --

18 Q Okay.

19 A -- to confirm where's the Vice President. And Mark did respond.

20 Q And, after you sent that message, what did you do after that?

21 A Went back up to the Oval and told the President Mike's under
22 control -- Mike -- the Vice President is under control of the Secret Service. He's
23 at -- they've got him under control. He's in the I think it's called the -- I'm not sure -- the
24 basement of the Capitol, which happened. And that was the extent of it.

25 Q Did the President react to that?

1 A He said okay.

2 Q And so you're in the Oval for this now, or is it the dining room again?

3 A No. I'm sorry. The -- we never really said it was in the Oval. It was
4 always done in the Presidential dining room.

5 Q And, after you went back to the dining room to relay this message, who else
6 was there? Was it still just Mark Meadows and the President?

7 A Yeah, I think it was just those two.

8 Q How long did you stay that time?

9 A Just a few minutes.

10 Q Okay. Did you say anything other than reporting on the condition of the
11 Vice President?

12 A No. We were still watching it. No. By that time, I walked back out, and
13 that's when I was standing in the middle of the Oval. And that's about the time Mark
14 Meadows came out. And around that time is when he said to me, said sort of, where's
15 the National Guard?

16 And it was, like, you're kind of -- excuse me -- bless you. You're asking me?
17 And, at that time, Matt Pottinger had come in. Now, Matt is the Deputy National
18 Security Advisor. So he had come in, and Mark looked at me. And then I saw Matt. I
19 said -- and apparently Matt was aware of this. I wasn't. And he went and talked to
20 Matt about it.

21 Q Okay.

22 A And that's when Matt -- I overheard Matt making comments about optics,
23 you know. Why wasn't Miller more responsive? And the concern was about optics,
24 having uniformed troops on the street in D.C.

25 Q So Meadows raises the National Guard. Did you ever hear the Vice

1 President -- or excuse me -- the President --

2 A No.

3 Q -- ask for National Guard?

4 A No.

5 Q Did you ever hear the President ask for a law enforcement response?

6 A No.

7 Q And so, when Meadows comes out and asks about the National Guard, what
8 happened operationally, if you know, as in your role as the national security person with
9 Mr. Pottinger?

10 A Well, he had picked up the phone. And he called. He was calling the
11 Department of Defense.

12 Q Mr. Pottinger picked up the phone?

13 A Again, he called up on Molly's desk. We were standing there to the
14 doorway to the Oval and he was calling Miller and he was asking him, you know, where's
15 the Guard or words to that effect. And I don't know the conversation because I was not
16 on it.

17 Q Okay. Did Mr. Pottinger then have a conversation with Miller, Secretary
18 Miller?

19 A I think that's who he was talking to. He was either talking to Miller or Kash
20 Patel, chief of staff, one of the two.

21 Q Okay. And what happened after that phone call? Did you talk to
22 Mr. Pottinger about it?

23 A It was about the same time that Tony had made the comment about putting
24 secret -- U.S. Marshals on the street, to get them over there. And it was one of those,
25 you know -- and now we're probably in a level of remembrance of about 5 out of 10.

1 But I remember, you know, just basically thinking, because it goes back to what I
2 had learned, I basically was telling either myself or telling Matt that this is, you know, this
3 is -- we're so far behind the curve; you almost have to let it burn itself out. My concern
4 was now, how do you slow it down, prevent it, change it out? And that's when the
5 messaging occurred.

6 Q Okay. So that call where Mr. Pottinger called presumably Secretary
7 Miller --

8 A Yeah.

9 Q -- occurred just outside the Oval.

10 A Uh-huh.

11 Q Did you stay around the Oval for the rest of the afternoon?

12 A No.

13 Q Where did you go after that?

14 A I went back to my Oval suite office to make sure that I could -- because
15 the -- and the reason for that is remember I explained earlier about the roles and
16 missions. As long as the National Security Advisor and the Deputy National Security
17 Advisor are not there, I became de facto National Security Advisor. When one of them
18 or the two of them showed up, then I reverted to my role as National Security Advisor to
19 the Vice President. When Matt Pottinger came in, I reverted to my other role, which was
20 to be the National Security Advisor to the Vice President.

21 Q Okay. In that role, did you participate in any calls with Secretary Miller?

22 A No.

23 Q Did you participate in any calls with the DOD generally --

24 A No.

25 Q -- about their response?

1 A No. Matt Pottinger did.

2 Q Did you participate in any calls with Homeland Security?

3 A No.

4 Q Did you participate in any calls with the FBI?

5 A No.

6 Q Okay. How about the Department of Justice?

7 A No and --

8 Q All right. And --

9 Mr. [REDACTED]. Did you have a question?

10 BY MR. [REDACTED]:

11 Q You were just about to talk about messaging and Kayleigh McEnany.

12 A Uh-huh.

13 Q Was the conversation that you mentioned with her occurring right after

14 Mr. Pottinger picked up the phone?

15 A Yeah, and part of the conversation was, to the best of my recollection, is,

16 what are you -- you get the President out there saying something.

17 Q Yeah.

18 A And the question was, do you do a press conference? I know I very

19 strongly recommended do not.

20 Q Stop for a minute. Who was involved in this conversation?

21 A It was me. It was me and Kayleigh.

22 Q Just the two of you.

23 A [REDACTED], there were other people in the outer Oval.

24 Q Uh-huh.

25 A And I don't know who was there.

1 Q Uh-huh.

2 A You know, there may have been -- Matt was there. Molly was there. Nick
3 Luna was there. Mark Meadows even may have been. And the reason I said that is
4 because press conferences tend to get out of control, and you want to control the
5 message.

6 So I said I didn't think -- I didn't think a tweet was appropriate. And the reason I
7 didn't think a tweet was appropriate, my experience that I had had in riots is most people
8 are not checking their offense. You know, they're trying to do something stupid.

9 So I said you probably ought to put something out that will hit on the news or
10 something that you can relay or people will pick up on there, saying what's happening,
11 going on.

12 Q Okay.

13 A So my point was it needs to be relatively quick. It needs to be visual to get
14 it out there. And then a fallback is always your tweets. But I remember saying very
15 distinctly, boy, I don't recommend a press conference --

16 Q Yeah.

17 A -- because they, are, my experience in 4 years, there wasn't a single clean
18 press conference we had.

19 Q Was Ms. McEnany asking your advice about --

20 A No, I was just making a comment to her because Kayleigh was a really very,
21 very effective and exceptional spokesman. She understood mass media --

22 Q Okay.

23 A -- because she came from mass media --

24 Q Uh-huh.

25 A -- with her time as CNN.

1 Q And you recall, just so I'm clear, General Kellogg, that you didn't think a press
2 conference was appropriate and you didn't think a tweet was enough.

3 A No. That's right.

4 Q And you conveyed both of those pieces of advice --

5 A I'm pretty -- yeah, I -- I -- yes, I did.

6 Q -- to Kayleigh.

7 A Yeah.

8 Q Okay.

9 A But, again, the thing, [REDACTED], is when you make, in events like that --

10 Q Yeah.

11 A -- and you've been in them, too. When you make comments like that, I
12 don't know what the reception was, because with what's going on, they may have been
13 listening. They may have been listening to me, but they weren't hearing me.

14 Q Yeah.

15 A So I can't tell you if there was a response. I can't remember back and forth,
16 but I wanted to at least say this is where you ought to go.

17 Q Yeah. What do you remember Ms. McEnany saying during that
18 conversation?

19 A She was just concerned with how to get a message out.

20 Q Uh-huh.

21 A That was her --

22 Q What did she say?

23 A I can't remember.

24 Q What were the options that she mentioned?

25 A I can't remember what she said at all.

1 Q Okay.

2 A I knew she wanted to -- I knew she was pulling to get something out to try to
3 get some type of control of the situation from the President.

4 Q Do you remember anything else about that conversation?

5 A No.

6 Q Either things that you said that she said or Mr. Meadows or anyone else?

7 A No, I don't.

8 Q Okay. About how long did that last, roughly?

9 A Probably was 5 to 10 minutes but only because we were -- we had TV
10 screens on in the outer Oval. And we were all watching the same thing. And it was
11 like everything else with the conversations: You make a comment. You know, look at
12 what's going on. You make a comment.

13 Q Yeah, okay. And, to be clear, this was not in the presence of the President.
14 He was still in the dining room.

15 A Correct.

16 Q So this was a conversation you and Ms. McEnany were having in the outer
17 Oval, separate from the President.

18 A Correct. And others were there, but I can't remember. I'm pretty sure
19 Molly was there --

20 Q Okay.

21 A -- because where her desk was. I'm pretty sure Nick Luna was there.

22 Q Okay.

23 A I'm not sure if Mark Meadows was there.

24 Q Okay.

25 A I'm not sure if Matt Pottinger was still on the phone or not.

1 Q Do you remember anything being discussed in that conversation with
2 Ms. McEnany about what the President wanted to do, what the President thought he
3 should -- how easy or hard it would be to get the President to do something?

4 A No.

5 Q Nothing about what the President's preference was or speculated to be?

6 A No. And, again, [REDACTED], and I say this because we were all in uncharted
7 territory and, because of that, each situation is different. And we had never been in the
8 situation like that. So I don't know what he would have said do.

9 Q Yeah.

10 A That's where you kind of -- you kind of revert back to form --

11 Q Uh-huh.

12 A -- what you think is the best solution in a bad situation.

13 Q Yeah. Sounds like at this point, General Kellogg, you had had two short
14 periods of time, 5 or 10 minutes, in the dining room with the President --

15 A Uh-huh.

16 Q -- by this -- before this conversation. Yes?

17 A Yes.

18 Q And, during either of those 5- or 10-minute periods, had the President said
19 anything himself about getting out a statement or needing to say something or anything
20 along those lines?

21 A Um, shoot. [REDACTED], I don't know. But I don't know what Mark Meadows said
22 to him. And I don't know what Mark -- I don't know.

23 Q Okay. You don't remember him in your presence ever saying anything
24 during those two 5- or 10-minute meetings in the dining room, "Hey, we got to get out a
25 statement" or "We better say something" or anything like that?

1 A No. But, again, and I know I'm repeating myself, [REDACTED]. But I think
2 everybody was so surprised by the moment that you're fixated. You're captured by
3 what you're seeing. I mean, I know I was. I mean, I had never seen anything like that.
4 So, I mean, I'm watching --

5 Ms. Cheney. I'd like to ask -- I'd like to ask another question.

6 Mr. [REDACTED]. Go ahead, Ms. Cheney.

7 Ms. Cheney. So, General Kellogg, just going back to that first time that you went
8 into the Oval Office, so what you've told us is that you went in. You went back into the
9 dining room. You were there for a brief period of time. And then you left, and your
10 mission really was to find out the condition of the Vice President.

11 So I just want to read you something to make sure I understand what you're
12 telling us. This is at 2:24 p.m. on January 6th. Donald Trump tweets: Mike Pence
13 didn't have the courage to do what should have been done to protect our country and
14 our Constitution, giving States a chance to certify a corrected set of facts, not the
15 fraudulent or inaccurate ones which they were asked to previously certify. USA
16 demands the truth.

17 So you're telling us -- and I just want to be clear. You are the National Security
18 Advisor to the Vice President. You've explained to us that you are in Pence world and
19 you are in Trump world. You are acting as the National Security Advisor essentially to
20 the President. You are in with the President as he's watching this on television. And
21 you had no idea that he tweeted out that the Vice President was a coward, and your
22 mission was to make sure the Vice President's condition was secure.

23 The Witness. Yes, ma'am. And the reason I'm saying that is because the only
24 phone I carried into the West Wing was the government phone. Government phones
25 are not allowed to pick up and do any type of tweeting --

1 Ms. Cheney. I understand that, but others in the West Wing were aware of this.
2 And so what I -- what I am also trying to get at is the notion that the President was
3 concerned about the condition of the Vice President, when the President himself was
4 sending out a tweet saying the Vice President was a coward.

5 The Witness. Ma'am, that's the President. I mean, we've all known him. And
6 that's the way. He'll tweet things out, but on a personal level, he'll say something else.
7 He knew that I was with Vice President Pence's team, and he looked at me. And first
8 thing -- I'm in assumption now -- registered that: Okay. Kellogg, you're with Pence.
9 You know where Pence is.

10 And I have seen him do that multiple, multiple times where he'll be tweeting
11 something and saying something that is 180 out. And so was I surprised by it? No.
12 Others may have been tracking the tweets. But I was not at my level at all.

13 Ms. Cheney. And you didn't think that there was any sense of responsibility or
14 duty as, you know, Commander in Chief? I understand your point that people were
15 shocked. But isn't it, in fact, the responsibility of the President to protect and defend
16 the Constitution and the Capitol?

17 The Witness. I don't know what he was thinking, and I'm not sure. I think it
18 would be all speculation on my part what he was saying or thinking about.

19 Ms. Cheney. No. I mean, I asked what his duty is.

20 The Witness. I mean, there's a constitutional duty. You know, what he has,
21 he's the Commander in Chief. That was my biggest issue with him as National Security
22 Advisor.

23 Ms. Cheney. And was Dan Scavino in the office, the Oval Office? Did you see
24 him that day?

25 The Witness. Dan was there that day, but I don't remember him being in the

1 Oval Office during the speech prep. I don't remember -- honestly, may be funny you
2 mentioned that. I don't remember seeing him that day. I mean, I -- look. I'll make an
3 assumption that he was there, but I don't even remember seeing him at the rally. I may
4 be wrong. I mean, I don't know why. But I just don't remember that.

5 Ms. Cheney. Okay. Thank you.

6 BY MR. [REDACTED]:

7 Q So, on this issue about getting a message out and controlling, potentially
8 controlling what was going on at the Capitol, it's reported that you said: Nobody's
9 carrying a TV on their shoulder. You need to get a tweet out real quick. Help control
10 the crowd up there. This is out of control. They're not going to be able to control this.
11 And, sir, they're not prepared for it?

12 Do you remember saying something like that?

13 A Yeah, that's exactly what I kind of implied with you earlier is they
14 were -- they were not prepared for it. They weren't. My concern was, if you do a
15 press conference, nobody's going to be watching the press conference. So you want to
16 do a visual but you -- as the secondary, you know, do something as a tweet. But the
17 biggest thing was the last thing you said. It was out of control.

18 Q Okay. So, on the tweet issue, though, did you say that before the President
19 issued tweets addressing the Capitol? I mean, we talked about the one --

20 A Yeah.

21 Q -- involving the Vice President and calling him a coward. But did you
22 recommend that before he actually addressed what was going on at the Capitol?

23 A [REDACTED], I made comments about that. But, again, I have no idea what was
24 tweeted that day. I did not have an ability. I did not carry a personal phone. So I
25 wouldn't -- I couldn't have told you if he wanted to start World War III by tweet that day.

1 I just didn't have the ability to look at it and didn't really pay attention to it.

2 Q Sir, I guess my question is just: If you had knew he had already tweeted bit,
3 would you have made that recommendation?

4 A That's a little bit speculative. I think what you're saying is --

5 Q The --

6 A I didn't know -- I didn't know he was tweeting.

7 Q Okay.

8 A So, when I say "speculative," I had no idea what had come before.

9 Q But is it fair to say you thought tweets would be a good way to get a
10 message to this crowd?

11 A No, I never think they're a good way.

12 Q Well, I mean, an effective way, perhaps?

13 A No. A rapid way.

14 Q A rapid way.

15 A Okay. Because what you're trying to do is expediency, speed.

16 Q And is that why you recommended it?

17 A Yeah.

18 Q Did you recommend that to the President himself or to somebody else?

19 A I talked to Kayleigh about it.

20 Q So, on this tweet, this 2:24 tweet --

21 A Uh-huh.

22 Q -- related to the Vice President, 2 minutes later, roughly, the President
23 placed a call to Senator Tommy Tuberville, looking for Senator Lee. Were you there for
24 that call?

25 A No. Not at all.

1 Q Did you ever learn about that call?

2 A No.

3 Q Okay. And I'm sorry if I may have reversed that. It may have been a call
4 to Senator Lee, looking for Senator Tuberville.

5 A Either way, no.

6 Q Either way, you don't know about that at all.

7 A No.

8 Q Okay.

9 Mr. Coale. Was Tuberville a Senator by then?

10 Mr. [REDACTED]. I believe the Congress had sworn in on the 3rd.

11 Mr. Coale. Oh, oh, okay. All right. Sorry.

12 BY MR. [REDACTED]:

13 Q All right. So it's also been reported that in this time in the West Wing, as
14 the riot is unfolding at the Capitol, that you encouraged Ivanka to say something to her
15 father about what was happening.

16 A No.

17 Q You did not.

18 A Happened on the 7th.

19 Q Okay. Did you talk to Ivanka on the 6th?

20 A Yeah. We were in the Oval together, and that's when she turned to me and
21 said: Mike Pence is a good man.

22 I said: Yes, he is.

23 Q How about after --

24 A Oh.

25 Q -- the speech?

1 A I'm sorry. Yes, I did. I'm sorry. I did talk to her on the 6th and the 7th,
2 and I talked to her both days.

3 Q All right. Let's focus on the 6th and not the early morning stuff but in the
4 afternoon.

5 A Yeah, and I said, my recommendation to her was to go back and talk to her
6 dad.

7 Q Why did you think that was necessary?

8 A Do you see how I phrased it? I didn't say go talk to the President. I said
9 go talk to your dad because -- and I have a daughter. My experience, when daughters
10 talk to dads, generally they listen to daughters more than they listen to their sons. And I
11 think she was very close to her dad.

12 My experience in 2016 during the campaign, when Ivanka Trump would say "the
13 candidate wanted this," you listened. But when she said "my dad wanted this," we
14 really listened.

15 So I knew there was a phrase that we use, and I think you had to make it personal.
16 And I recommended that she go talk to her dad about it.

17 Q What did you want her to talk to her dad about?

18 A Just the whole situation, to basically talk from daughter to father. And I
19 was not present for any of the conversations.

20 Q Understood. So you didn't participate in those conversations --

21 A No.

22 Q -- between Ivanka --

23 A No.

24 Q -- and the President.

25 But, I mean, for you to suggest she go talk to him, there had to have been a reason

1 why. What did you want the outcome of that to be?

2 A Well, the reason is because there's nobody closer to Donald J. Trump than
3 his daughter, Ivanka.

4 Q Understood. Did --

5 A It's daughter to father.

6 Q Did you think that she could help get him to a place where he would make a
7 statement to try to stop this?

8 A Yes.

9 Q And was it your concern that --

10 A No. [REDACTED] you -- there was no way for the President to stop it. This thing
11 was out of control. I don't care if you were God. You couldn't control it. To do
12 something about it is a different story.

13 Q Understood. So you thought that Ivanka could get her father to do
14 something about it.

15 A To take a course of action.

16 Q And what did you think that course of action --

17 A Whatever it was, to put some controls on it.

18 Q And would the course of action have the intended effect of -- I know you say
19 it can't be stopping what was going on but somehow --

20 A Calming the situation down.

21 Q Okay.

22 A You know, do it so -- do it so you don't lose the Capitol, you know. What I
23 mean by losing it, somebody being really stupid. You know, you got Chewbacca running
24 around out there, whatever his name was, you know, getting those guys out the Capitol.
25 You know, do something like that.

1 Q Did she go and talk to her father?

2 A Yes.

3 Q Did she tell you about that conversation?

4 A No. I didn't ask her either.

5 Q All right. How many times did she go talk to him?

6 A I think at least twice.

7 Q And understanding you don't know what was said necessarily, did that cause
8 the President to do anything?

9 A I don't know.

10 Mr. [REDACTED]. And did she say anything to you about what she said to her father?

11 The Witness. No. And I didn't ask.

12 Mr. [REDACTED]. So this is kind of --

13 Ms. Cheney. General Kellogg, what did you say to her?

14 The Witness. Ma'am, I said, when I talked to Ivanka, from my experience with
15 her, I knew she could talk to the President as her dad and say, you know, I think, you
16 know, words to the effect: You know, Ivanka, this is time to go in as a daughter to a dad
17 and go talk to him. That's about all I said.

18 And -- and what I thought was admirable is I know she did it because I saw her
19 walk right by me into the Oval. So I know she did it. And, later on, I know she
20 had -- she had done it again because, as I was wandering to the West Wing, she had come
21 out of the Oval again. So I noticed.

22 That's why I said she did it twice. She may have done it more than twice, but I
23 know she did it twice. And that's the reason -- that's when I think -- for everybody to
24 understand, I thought she was, you know, that day I thought she was -- did everything
25 that you would want somebody like -- something my daughter would do or somebody

1 that would -- had the best interest and everybody to do. I thought she did it.

2 Ms. Cheney. I was really struck by you said she was a hero that day, and I
3 wonder if you could explain that --

4 The Witness. Yeah.

5 Ms. Cheney. -- a little bit more.

6 The Witness. My experience was -- and this goes back to 4 years that, any time
7 you talked to the President, if it was a tough situation, and that you had to have the
8 ability and the courage to go forth and say what you believed to be, even if it went
9 against the grain of happening. You walked in there, and you say this is what's going on.

10 And I think she basically went in there, knowing she was talking to her dad and
11 talked as you would expect a daughter to do, which is talk very hard. And I think,
12 because of that and everything we were watching in the White House, I think she was
13 willing to go to the mat on more than one occasion and basically do a repeat attack. I
14 don't -- maybe that's a bad word to use -- repeat discussion with her father. And I give
15 her, as anybody, I would give people, credit for that.

16 Ms. Cheney. And go to the mat or do a repeat discussion about what? You
17 didn't say to her what you wanted her to go talk to him about?

18 The Witness. No, ma'am. Ma'am, I just said that, you know, I think
19 that -- words to the effect of talk to him about what was going on.

20 Ms. Cheney. And so presumably the first time she went in, it wasn't sufficient or
21 she wouldn't have had to go back at least one more time, I assume. Is that correct?

22 The Witness. Well, yes, ma'am. I think she went back there because Ivanka
23 Trump can be pretty tenacious. And I think she went back in on more than one occasion
24 to try to get a sense of -- sense of what was going on. And I think she just -- that's just,
25 my experience, that's her nature.

1 And, by the way, ma'am, I'm not -- I can only say she went in twice. She may
2 have gone in more, but I wasn't around all the time to watch the goings and comings.
3 That's something that maybe Molly would have seen or Nick Luna would have seen, but I
4 wouldn't have.

5 Ms. Cheney. Okay. Thank you.

6 BY MR. [REDACTED]:

7 Q So sounds like a trump card, like -- pardon the pun -- you don't play this card
8 unless it's really necessary or really important. Did you encourage Ivanka to go speak to
9 him because of some resistance that you had either observed yourself or perceived from
10 others about his inaction or what he should be doing on January 6th?

11 A No. I think it was one of those that Ivanka could bring raw truth to an
12 issue. And I thought if there was any advisor in the White House in 4 years that could
13 talk to her dad as a dad, it was Ivanka. It wasn't Jared. It wasn't me. It wasn't
14 anybody. It was a daughter to a dad. I saw it in the campaign --

15 Q Yeah.

16 A -- in 2016. So I knew she was the hold card.

17 Q Yeah, totally appreciate that and appreciate the fact that the daughter can
18 get through in some ways that others can't. But why was it necessary? Why was it
19 that Mark Meadows and Kayleigh McEnany and Keith Kellogg and everybody else who
20 was there, talking to him over the course of the day, weren't enough whereas you had to
21 play the hold card?

22 A We're not blood.

23 Q But what was he not doing, General Kellogg, that you wanted Ivanka to
24 convince him to do?

25 A Nobody -- when you say "not doing," look, we were in uncharted territory.

1 I don't know. I mean, none of us knew really. My only point was, based on what my
2 experience, was that this was a situation that was truly out of control and you couldn't do
3 anything about it, because all of my experience, once you breach security, once they got
4 inside the Capitol, you basically had to let it burn itself out to the most part because,
5 because the control, the police, the law enforcement had been overwhelmed. So
6 there's nothing you could do. So now you're going to mitigation. What do you do
7 next?

8 And what I'm saying by blood is nobody had that blood relationship. We were
9 advisors. Okay. We weren't family, and there's a huge difference.

10 Q Yeah, again, I completely understand. You mentioned that you would send
11 Ivanka in when you needed something against the grain or in a tough situation. Your
12 words 2 minutes ago.

13 A Uh-huh.

14 Q What were you looking for her to do in this situation that was against the
15 grain?

16 A Well, no, I said if -- she -- to go against the grain meaning if -- to develop the
17 situation, advise her father on maybe this is what you need to do going forward that
18 would resonate because she was the daughter.

19 For example, if I would have said, you know, "You need to do A," maybe that was
20 the recommendation as an advisor, nothing happened. Meadows would say, "Do A,"
21 nothing would happen as the chief of staff. She walks in the door and she says, "Dad,
22 you need to do A," it's a different tone. And I saw that in 5 years.

23 Q And is that what you were looking for here?

24 A Yes.

25 Q He didn't say yes to Mark Meadows or Kayleigh McEnany or Keith Kellogg,

1 but he might say yes to his daughter.

2 A Exactly right.

3 Q And what's the yes? What were you looking to get him to do?

4 A Well, to basically the next steps is, how do you control the situation? Calm
5 it down.

6 Q Right.

7 A Do you do it by, you know, a phone call? Do you do it by a tweet? Do you
8 do it by a TV appearance? What do you do to do it? But to do it.

9 Q Right. And it sounds to me --

10 A And, as I say, he did it.

11 Q I understand. I don't mean -- I don't mean to interrupt you.

12 A No.

13 Q But it sounds, General Kellogg, to me like you only need the hold card or the
14 trump card if he's resistant to doing the thing that you want him to do.

15 A But it's understandable because we were in uncharted territory. So the
16 question is: What do you do? And that was, you know, she was the -- when I say the
17 hold card, she was the one to do, move the next step.

18 Q Okay.

19 BY MR. [REDACTED]:

20 Q What was the President resistant to doing?

21 A I didn't say he was resistant.

22 Q I thought in response to my colleague --

23 A No, no, we were saying there was no -- we were in uncharted territory.

24 Nobody knew what was going on. I'm not saying there was resistance. It was, what
25 step do you take next to mitigate the situation?

1 Q And do you know whether Ivanka Trump made a recommendation as to
2 what the next step would be?

3 A I don't. I never talked to her about it.

4 Q But based on your description --

5 A I talked to her about it on the 7th but not on the 6th.

6 Mr. [REDACTED] Go ahead. Do you want to say?

7 BY MR. [REDACTED]:

8 Q Well, okay. What did she say to you on the 7th then?

9 A Yeah, I walked up to her on the 7th. And I went into her office on the third
10 deck, and I told her I appreciated what she did that day and by talking to her dad. And I
11 said: You know, I just thought what you did was to me pretty heroic.

12 And I said -- and she said: Well, my dad's stubborn.

13 And I said: Your whole family's stubborn.

14 Q You said to Ivanka Trump: I appreciate what you did.

15 What is it that she did?

16 A She went and talked to her dad.

17 Q And said what?

18 A I don't know.

19 Q So you -- you appreciated the mere fact that they spoke to each other
20 without any knowledge of what the content was that they discussed?

21 A Well, later, later, subsequently. Remember there was something that was
22 put out on a tweet or we had a -- I think it was a visual put out, the fact that she did. So
23 something happened.

24 Q So do you draw some inference --

25 A It's an inference, yeah.

1 Q -- that her conversation with the President may have contributed to the
2 President issuing a tweet?

3 A [REDACTED], it is an inference. The answer is yes.

4 Q Okay. Did anybody to your knowledge ask the President of the United
5 States to make any kind of statement, whether by tweet or otherwise, asking the rioters
6 to leave the Capitol?

7 A I think -- I think they did, [REDACTED]. I don't know. I think -- I would have -- that
8 would be something in Mark Meadows's lane or Kayleigh's lane and to them. It was not
9 in mine, and it was not made to me. But I would assume they did that because
10 something was done later on. There was a tweet, I believe a tweet, put out later. And
11 there was a video taken later that I think he did -- I think he did in the Rose Garden, I
12 think.

13 Ms. [REDACTED]. General Kellogg, you said just a few minutes ago that the President
14 was not resistant. But then you said that, when you thanked Ivanka the next day, she
15 said to you: My father's stubborn.

16 So could you explain to us what the difference is?

17 The Witness. Well, I think the big difference is it takes multiple times to convince
18 him to do something. And I think that's what I was getting at is when -- that was a
19 comment I -- it was -- the comment was I think when she made the comment stubborn is
20 to get him to do something. And that was my follow-on comment about the whole
21 family.

22 Ms. Cheney. So that's why she had to go in multiple times to get him to do
23 something.

24 The Witness. I would assume so, but she went in. I -- and I know she went in a
25 couple of times. I know that.

1 Mr. [REDACTED]. Why don't we take a break?

2 Mr. [REDACTED]. Yeah, this would be a good time. Can we take a small break, short
3 break, however you guys want?

4 Mr. Coale. Fine.

5 The Witness. Sure. You want to do that?

6 Mr. [REDACTED]. Do you want time to get something to eat?

7 The Witness. I'm good to keep powering through.

8 Mr. Coale. We'd like to plug through.

9 Mr. [REDACTED]. That's no problem. We don't need to take a break, but maybe
10 we'll take just 5 minutes then. I was wondering if you wanted, like, 30 minutes.

11 The Witness. No. I'd like to keep punching through.

12 Mr. [REDACTED]. That's fine then. Let's do that. We'll do a little restroom break.
13 We'll be back in 5 minutes.

14 [Recess.]

15 Mr. [REDACTED]. You guys ready?

16 The Witness. I'm ready. Yeah. Good, thanks, [REDACTED].

17 Mr. [REDACTED]. Let's go back on the record.

18 Mr. [REDACTED]. Usually it's the witness who needs to take a break, not the lawyers.

19 Mr. [REDACTED]. All right. It is 2:06, and we are resuming the deposition of General
20 Keith Kellogg with the Select Committee.

21 BY MR. [REDACTED]

22 Q So I believe where we left off -- I'd just note that Ms. Cheney rejoined as
23 well.

24 Where we left off, I believe, is that you had a conversation with Ms. Kayleigh
25 McEnany about a potential response to --

1 A Uh-huh.

2 Q -- what was happening at the Capitol.

3 A Yes.

4 Q So we still want to walk through the events of that day. What do you
5 remember happening after that conversation?

6 A I remember leaving the outer Oval and because, again, I was going to, you
7 know, check on the Vice President because, by that time, as I said earlier, [REDACTED], when Matt
8 Pottinger came up, my role then changed again. I now became the VP's NSA. Matt
9 was now the NSA.

10 And I think talk to her. And I think that I believe they went in and talked to
11 the -- I don't know. I believe they went in to the -- into the Presidential dining room.
12 She and Mark Meadows came up with the -- with the response to go forward. I believe.
13 I don't know.

14 Q Okay. And, when you say the "response to go forward," what are you
15 referring to?

16 A Well, meaning, you know, what are they going to do? And they must have
17 done something because I know that, soon after this -- and this is based on not what I had
18 but based on what I'm seeing here -- is basically some tweets came out right after that.
19 So and the -- and to me, reading today, the tones of the tweet rapidly -- the tone of the
20 tweet -- the tone of the tweets rapidly changed. So I assume. It's an assumption --

21 Q Okay.

22 A -- that Kayleigh had gone in and done something. I got to be honest with
23 you. The Congresswoman asked me a great question. I still don't -- I was trying to
24 think. I don't remember Dan being there. I can't believe he wasn't there, but I just
25 don't remember him.

1 Q You're referring to Dan Scavino?

2 A Yeah.

3 Q Okay.

4 A So anyway.

5 Q You just mentioned tweets and the tone of the tweets changing, you think,
6 after Ms. McEnany and Mr. Meadows went in and spoke to the President.

7 A And Ivanka.

8 Q And Ivanka. Okay.

9 So I want to turn your attention to exhibit 14, and that's the 2:38 tweet that says:
10 Please support our Capitol Police.

11 Is this what you're referring to when you say the tone of the tweets are changing?

12 A Sure. If you look at the tweets you showed me before this tweet, yeah.

13 Q Okay. All right. So that happens. There's one tweet then at 2:30. And
14 then the next one, exhibit 15, is at 3:13 p.m. where the President says: I'm asking for
15 everyone in the U.S. Capitol to remain peaceful. No violence. Remember we are the
16 party of law and order. Respect the law and our great men and women in blue. Thank
17 you.

18 A Uh-huh.

19 Q Why was there a need to -- let me rephrase that.

20 Why issue that one about a half an hour after the tone of the tweets changed for
21 the first time?

22 A I don't know.

23 Q You don't know? Do you have any idea of who was involved in making the
24 decision to send out that tweet?

25 A It's only an assumption. The assumption, if Dan Scavino was there, Dan

1 Scavino, Mark Meadows, Kayleigh.

2 Q Okay. And, after the tone of those tweets starts changing, are people in
3 the White House satisfied with the response?

4 A I don't know -- candidly, [REDACTED], I don't think anybody was satisfied that day
5 about anything. Okay?

6 Q And I just want to focus on being satisfied with the response, because the
7 White House is -- has a role in addressing this. And I think it's clear that Ivanka saw that
8 role as well.

9 A I think -- I think, based on what could be done, you know, there's a range of
10 options you can do as President of the United States. You know, you can do everything
11 from a nationalized Presidential address to picking up the phone and calling somebody.
12 So, in the range of options, I think, at the time of what was going on, that was probably
13 the best option to reach people, yeah.

14 Q To your knowledge, did Kayleigh McEnany think that more needed to be
15 done than just issuing these tweets?

16 A I don't know, [REDACTED].

17 Q Okay. To your knowledge, did Mark Meadows think that more needed to
18 be done?

19 A No.

20 Q Do you think that more needed to be done?

21 A Based on what they did in the situation at hand and at that moment of time,
22 they did everything they possibly could to do something, [REDACTED]. So the answer is -- what
23 you're asking, the question is, what could have been done like on mass media?

24 Q Well, let me be more specific. So this 2:38 tweet goes out. And it says:
25 Please support our Capitol Police and law enforcement. They are truly on the side of

1 our country. Stay peaceful, exclamation mark.

2 You've had a lot of experience dealing with uprisings, and it sounds like you're
3 familiar with how these things work.

4 A Uh-huh.

5 Q In your opinion, was that enough to address what was going on in the
6 Capitol?

7 A Is -- okay. You're asking -- you asked me a professional question.

8 Q Correct. As National Security Advisor and somebody who's dealt with
9 these types of issues before.

10 A No.

11 Q That was not enough.

12 A No. What would have been enough, we'd bring in the 82nd Airborne and
13 clean the halls.

14 Q Did you call the Department of Defense?

15 A No. That was Miller's job to do that. Is what you -- like I said before, [REDACTED],
16 the only way you prevent this is overwhelming force at the point of attack. Period. So
17 do I think it was enough? No. But it was never enough. But, based on the situation
18 at the time and what the messaging was trying to do, the answer's yes. So it's a mixed
19 answer.

20 Q Okay. Fair enough. I'm just kind of walking through this. So these
21 tweets happen. What in your mind happens next in the narrative of this day?

22 A The -- as I understand it, I'm going to -- I went back over to my other office,
23 the one in the EOB. And I checked in on the Vice President's security. And I said:
24 Where's the Vice? You know, we reached their Secret Service detail. You know: Is
25 the VP okay? And, by the way, until that time, I did not know that his daughter and his

1 wife were with him.

2 Mr. [REDACTED]. Was that Mr. Giebels, the head of the Vice President's detail?

3 The Witness. Who is it again?

4 Mr. [REDACTED]. Giebels I think was his name, G-i-e-b-e-l-s. Was it somebody on the
5 Vice President's detail you spoke with or --

6 The Witness. We were talking to the command center. Was he okay? And
7 the answer was yeah. I wasn't talking to -- I wasn't talking to the detail directly. I was
8 talking by text -- not text -- yeah, by email. Excuse me.

9 I think, at the time, that's when I said: Stay there. Don't move, you know,
10 where you're at. That's when Mark said they don't plan on going. And then I just
11 stayed there until they had certified the results.

12 BY MR. [REDACTED]:

13 Q You stayed in your office near the Mess?

14 A Uh-huh.

15 Q Until the certification later that --

16 A Uh-huh. And then went home, yeah.

17 Q Okay.

18 A And he did not -- the Vice President never came back in. And I never saw
19 anybody from the Vice President's office until the next day.

20 Q So I want to ask you something about that call where you said that the Vice
21 President needed to stay where was he as opposed to leaving. Right? And I think you
22 said earlier you were concerned about that they would take him off somewhere.

23 A Yeah, to Barbados or somewhere.

24 Q Okay. And is that because he had a job to do?

25 A Yes.

1 Q So you thought he should stay there to finish the job of counting electoral
2 votes?

3 A Yes, I think, when he was there, it was to fill his, what he believed to be his
4 constitutional duty and don't leave it.

5 Mr. [REDACTED]. Okay. I see, Ms. Cheney, you unmuted.
6 Did you have a question?

7 Ms. Cheney. Yeah, I just wanted -- you mentioned just a minute ago, General,
8 that you said you were emailing with Marc Short. I just wanted to make sure that we
9 understood exactly how that communication was working. Was it you were just
10 emailing him? Did you call him or text him?

11 The Witness. No. Because I -- I had no ability to text him. But I -- so I did it by
12 email that he picked up on, because we could email with either the official phones or
13 computers. So I would email him and get through to him that way. That's how I was
14 corresponding. You asked me on the comment I made to [REDACTED] earlier. That's -- all that
15 stuff's in the archives. So they can pull it up.

16 Ms. Cheney. So you didn't -- you didn't try to call him or anything?

17 The Witness. No.

18 Ms. Cheney. It was all just email.

19 The Witness. No, no, I didn't.

20 BY MR. [REDACTED]:

21 Q Okay. So you just said that you went back down to your office?

22 A Across the street now.

23 Q Across the street. Okay. That's helpful. So you went to the Executive
24 Office Building.

25 A Right.

1 Q You didn't come back to the White House at all after you left?

2 A No.

3 Q Were you still in touch with people in the White House?

4 A You know, [REDACTED], look, I can't say for sure I didn't go back over. I may have.
5 I don't remember doing it.

6 Q Okay.

7 A Was I still in contact with? I was in contact with Matt Pottinger, but that
8 was it.

9 Q Okay. So I want to ask you about some specific events, but we're going to
10 pick up where we just left off. There's a report that President Trump had a call with
11 Majority Leader Kevin McCarthy while watching the events unfold that day. Did you
12 hear that call?

13 A No.

14 Q Do you know anything about that call?

15 A No.

16 Q Were you told about that call?

17 A No.

18 Q And we know that -- it's been publicly reported -- that people were
19 contacting various individuals in the White House trying to get the President to do
20 something. People were calling and texting Mark Meadows. I believe Alyssa Farah
21 reached out to Mark Meadows and said something to the effect of: Unless the
22 President does something, people will die.

23 Were you getting any of that kind of --

24 A I was not.

25 Q Nobody contacted you about this.

1 A No.

2 Q Okay. Did you talk to Mark Meadows about that type of outreach he was
3 getting?

4 A To -- when you said with Mark to the outreach, the outreach to --

5 Q So Mark was getting a lot of messages saying the White House and the
6 President needed to do something.

7 A I didn't know there was outreach going on, and Mark didn't relay it to me
8 that there was outreach going on.

9 Q Okay. So you didn't talk to him about those types of requests.

10 A I was a one-man band.

11 Q All right.

12 A I didn't know anything about it.

13 Q Okay. Now --

14 Ms. Cheney. Did you -- I have another question along those lines. Did you hear
15 at all that day from General Jack Keane?

16 The Witness. I did not, no, ma'am.

17 Ms. Cheney. Did you hear from anybody on the outside who reached out to you
18 to say what's happening? What's -- and nobody from the outside, nobody outside the
19 White House reached out to you at all to ask about what was going on.

20 The Witness. My wife did. That was it outside the White House. Nobody else
21 did, ma'am.

22 Ms. Cheney. Okay. Thank you.

23 BY MR. [REDACTED]:

24 Q We've seen the tweets here. We've talked about them. It's been
25 reported that Jason Miller suggested that the President send other tweets. Were you

1 familiar at all with the process of what tweets the President was going to send that day
2 and what he had ultimately did decide to send.

3 A No.

4 Q Do you know that Jason Miller --

5 A No.

6 Q -- suggested?

7 A I do not know.

8 Q Okay. And approximately what time, if you can estimate, did you go back
9 to your office at the EOB?

10 A Probably around 4, 4:30, somewhere around there.

11 Q Okay. Around that time, 4 o'clock, now President Biden made a statement
12 to the country. Were you in the White House while that happened?

13 A Was I in the White House complex? The answer --

14 Q The White House itself.

15 A The West Wing?

16 Q Correct. Yes.

17 A No.

18 Q Okay. Where were you for that?

19 A In the EOB, in the White House complex but in the -- in my office in the EOB.

20 Q Do you know what people in the administration, what their reaction was to
21 President Biden doing that?

22 A No.

23 Q What was your reaction to it?

24 A I didn't hear it or didn't see it.

25 Q Oh, you didn't see it.

1 A Huh-uh.

2 Q Okay. Now the President issued a video around 4:17, so about --

3 A Uh-huh.

4 Q -- 15 minutes after --

5 A Uh-huh.

6 Q -- Mr. Biden went out. What do you know about that video?

7 A Just that what I know about the video, [REDACTED], is that it was probably the best
8 way to get the message out in the media, and it was done in a controlled environment. I
9 mean, I'm pretty sure it was done in the Rose Garden.

10 Q Were you there when it was filmed?

11 A I was not, no.

12 Q Did you participate in drafting the --

13 A No, I didn't.

14 Q -- script for it?

15 Did anybody ask you to review the script?

16 A No.

17 Q Did you see -- or let me back up. Understand that there were three or
18 more takes of the video. Did you see any of the earlier takes that were not published?

19 A No. But that doesn't surprise me. I mean, everybody does multiple takes
20 on something like that to make sure it's right.

21 Q Okay. And the language of the video is the President says: I know your
22 pain. I know your hurt. We had an election that was stolen from us. It was a
23 landslide election, and everyone knows it.

24 Sounds to me like he's talking to his supporters who are at the Capitol. Is that
25 what you understood this video to be?

1 A No. I think it was more than that. I think it was -- it's part and parcel. I
2 think part of it was to allay the concerns of the people that were physically in
3 Washington, D.C., but it was a broader message to what he thought to the people that
4 supported him during the election. That's the way he communicates. It wasn't -- that
5 was not just totally focused in on the people that are in the Capitol.

6 Q Okay. But the point of this video is it, was it not, to send a message
7 addressing what was happening at the Capitol?

8 A Well, part of it was absolutely yes, because it was to get somebody on the
9 news out there so, if they're listening or seeing this, to calm it down.

10 Q Okay. So let me, I guess, zoom out a little bit. If this message, this video
11 is -- or the President decides to send this video --

12 A Uh-huh.

13 Q -- presumably with the --

14 A Uh-huh.

15 Q -- advice --

16 A Yeah.

17 Q -- of his advisors.

18 A Yeah.

19 Q Was Kayleigh McEnany in support of this video?

20 A I assume she was probably in charge of putting it together. Look, ████,
21 everybody in that rally did not march to the Capitol. There were people that I know that
22 were at that rally had gotten on busses that afternoon and gone back to Topeka, Kansas.

23 So don't make the assumption that everybody at the rally, you know, took a right
24 turn and head to the Capitol. It wasn't. A lot of people just went home.

25 So I think that's the reason why, when I make the comment that earlier you said it

1 was designed to talk to the people there in the Capitol, it was also designed to those
2 people who maybe had been in the rally and didn't stay and went and also to the broader
3 audience. So I think you have to look at it in all three.

4 And Kayleigh would have done that because she was the chief communicator.

5 Q Okay. Let me read on in what was in this video. So it was the part I just
6 mentioned and then: We had an election that was stolen from us. It was a landslide
7 election. Everyone knows it, especially the other side. But you have to go home now.

8 A Uh-huh.

9 Q We have to have peace. We have to have law and order.

10 So that's a message directed to or -- excuse me -- addressing what was happening
11 at the Capitol.

12 A Not necessarily, [REDACTED].

13 Q So the "you have to go home now" is not --

14 A You do -- you have to go home now but remember all through the United
15 States, let's use Black Lives Matter. They had riots in a lot of different cities. That was
16 also, I think, a comment to be made to everybody out there who had seen what was
17 happening in Washington, D.C., and not to do something similar, be it Paducah, Kentucky,
18 or Los Angeles, California. I think it was a broader message. I think you have to look at
19 it in context of how I view it is that was a generalized and also a specific message at the
20 same time.

21 Q So, at the end there, he says: I know how you feel but go home and go
22 home in peace.

23 A Uh-huh.

24 Q This is in the middle of the attack on the United States Capitol.

25 And so you're saying that the President was focused on reaching other people?

1 Mr. Coale. What time was it? What time was it?

2 Mr. [REDACTED]. 4:17 p.m.

3 The Witness. I believe it was. I mean, I don't know for sure. But I believe,
4 knowing how he communicates, there's always a broader message inside the smaller
5 message.

6 BY MR. [REDACTED]:

7 Q Let me ask it this way. Did the President and the people advising the
8 President intend for this video reach the people at the Capitol?

9 A Of course, he did. Yeah. I believe they did. I -- you'd ask them. I'd ask
10 somebody like Kayleigh, but my assumption is of course.

11 Q Okay. And do you know if everybody was satisfied with this video and the
12 way it turned out in the White House?

13 A I don't know. I didn't talk to anybody about it afterwards. I mean, I was
14 over my side of the House then.

15 Q Did you see the video when it went out?

16 A No.

17 Q You did not. When did you first see it?

18 A Probably when it was played later on in the night, and that's when I really
19 saw it again. I always -- frankly, I had my head in the game. So I'm doing other stuff
20 though.

21 Q Okay. And you, as National Security Advisor, again, in your experience in
22 the military, do you think that this message was sufficient to address what was happening
23 in the Capitol?

24 A Like I said earlier, the answer's yes, because the only thing sufficient would
25 have been preparation before, which was not done, and rapid reaction by multiple -- by a

1 large majority of the force subsequent to it. That would have been the only way based
2 on my experience. But based on not having that and not having the law enforcement
3 present, that to me was the best you could have gone at the time based on the situation
4 which was going on.

5 Q Okay.

6 A And I -- and very candidly, [REDACTED], I -- nobody else -- nobody else can tell me
7 what else could have been done.

8 Q When you were back at the EEOB, did you ever talk to the President again
9 that night?

10 A No.

11 Q Did you talk to Mark Meadows again that night?

12 A No.

13 Q Did you talk to anybody in the West Wing that night, again, other than
14 Mr. Pottinger?

15 A No. But, again, we said this earlier. There weren't a whole lot of people
16 in the West Wing that day. It was a pretty sparse group. So the answer's no.

17 Q What were you doing at the time?

18 A When?

19 Q When you returned to your office?

20 A I was trying to catch up on national security affairs, making sure the Vice
21 President was okay, and kind of keep my hand on the normal day-to-day events of
22 keeping the national security apparatus running. I mean, you can't -- you don't put a
23 hold on the world when something like this goes on. So you have to make sure that
24 things are going on.

25 Q Okay. Did you stay in touch with the Vice President and the people who

1 were with him when you returned to your office?

2 A Not to the Vice President but with the people around him, the answer's
3 yeah.

4 Q Okay.

5 A The answer's yes.

6 Q So I want to talk about that. After you get back to your office, what was
7 your communications like with them?

8 A I think it was basically, like I said earlier, is the VP okay? And I said: Just
9 stay where you're at. And then let it rip, because I didn't know -- you know, one thing
10 I've noticed, when you're in the middle of something like that, they've got their hands full
11 with what they're doing. They don't need somebody like a gadfly. You know, you
12 okay? Everything's going on. Leave me alone. I'm doing fine.

13 And I just, I figured that he was under -- he, the Vice President -- was under the
14 control of the Secret Service, which I have tremendous confidence in. And Marc Short
15 was there. Marty Obst was there. Jacobs was there. So we had -- he had the right
16 team around him. I didn't need to interfere with it.

17 Q So I understand that, while the Vice President was there and waiting for the
18 joint session to resume, he had several calls including with Senator Schumer, Senator
19 McConnell, Chief of the Capitol Police. And there may be others. Did you participate
20 in any of those calls?

21 A No, I did not.

22 Q Were you told at the time --

23 A No.

24 Q -- about any of --

25 A I was not.

1 Q -- those calls?

2 Did the Vice President ask you to have any calls with anybody to address the
3 situation?

4 A No, not at all.

5 Q Did the President ask you to --

6 A No.

7 Q -- have any calls? And, just to be clear for the record, did the President ask
8 you to have any calls with anybody to address the situation at the Capitol?

9 A No.

10 Q Okay. At 6:01, and this is exhibit No. 16, and this is after the video goes
11 out. The President sends out another tweet and says: These are the things and events
12 that happen when a sacred landslide election victory is so unceremoniously and viciously
13 stripped away from great patriots who have been badly and unfairly treated for so long.
14 Go home with love and peace. Remember this day forever.

15 Were you at all involved in crafting this message or reviewing it before it went
16 out?

17 A No.

18 Q Do you know who was?

19 A No.

20 Q At 8:06 that night, the Senate --

21 Ms. Cheney. ■■■, can I ask a question about that message before you move on?

22 Mr. ■■■. Of course.

23 Ms. Cheney. The -- General, the first part of the message with the President says
24 these are the things and events that happened.

25 What do you think he's referring to?

1 The Witness. You know, I don't want to -- I don't know what he's thinking about
2 that. I can make an assumption. And the assumption I think he was talking about that
3 day, what was going on. But I don't know, since I was not part of it.

4 Congresswoman, I will tell you that, when he did write a speech, though, or -- I'm
5 sorry -- a tweet, that every word was written with a reason for it. So I -- I would say that
6 those who drafted the tweet or talked to tweet, that would best be asked whoever wrote
7 it, by them. I can only make an assumption, the assumption I'm making, which is that he
8 was talking about that day.

9 Ms. Cheney. So do you -- do you agree with that? Do you think the violence
10 was justified?

11 The Witness. I have no -- that, you're asking me an opinion. I don't want to go
12 there. I don't think any violence -- I don't think any violence in the Capitol, I don't care
13 when it is, is justified, much like I didn't think anybody that happened this summer with
14 Black Lives Matter was justified. I don't think violence anywhere against law and order
15 by anybody at any time is justified. Never.

16 Ms. Cheney. All right. Thank you.

17 BY MR. [REDACTED]:

18 Q I just want to be clear on something Ms. Cheney asked you about that we'd
19 have to talk to the person because every -- who drafted this because every word is
20 carefully --

21 A Uh-huh.

22 Q -- chosen.

23 But the President has ultimate editorial control over everything that goes out of
24 that account. Correct?

25 A Correct.

1 Q Okay. So, at 8:06 p.m., the Senate was gavelled back in. And Vice
2 President Pence told the Nation. He said: To those who wreaked havoc on our Capitol
3 today, you did not win. Violence never wins.

4 Do you know what the President's reaction to that was?

5 A I do not.

6 Q Have you heard about the President's reaction to that?

7 A I have not.

8 Q Okay. And you were not with him when the Senate --

9 A No, I was over at EOB.

10 Q Did you ever hear later about the President's reaction to the joint session
11 coming back that night?

12 A No. I -- no. And the reason, I'll expand a little bit on that.

13 Q Please.

14 A Is, the next day, the tone was markedly different in the West Wing. What I
15 mean by "tone" is it's almost like everybody breathed a big sigh of relief that things were
16 returning, you know, for some stability. So --

17 Q A sigh of relief from what?

18 A Well, the fact that that day was done. Remember I said earlier, I made the
19 comment and I stand by it, you know, was we had 1,461 days in the White House. 1,460
20 were pretty good. And I think everybody said, okay, that was the day -- I just got the
21 feeling the next day everybody was kind of -- now, the Vice President didn't come in that
22 day. He stayed -- he remained at the VPR, the Vice President's Residence, VPR. But I
23 just got the feeling. And I saw Marc the next day, Marc Short, and Marty Obst some of
24 the others.

25 Q Okay. And we can talk about your interactions with them, but you said the

1 relief is that the day was over. Was part of that relief that all of the issues and --

2 A It was --

3 Q -- questions about the election were over?

4 A It was done.

5 Q So transition was going to happen and January 6th attack --

6 A Transition always was going to happen. We were in the middle of
7 transition at the time. I mean, I was talking to my counterpart and everybody else. So
8 the transition was ongoing. It wasn't that it was going to, you know, occur. It was
9 happening.

10 It wasn't like the transition I went through in 2016, primarily because it was driven
11 by COVID. For example, my counterpart, I never talked to her. I never saw to her.
12 Talked to her one time, because she didn't want to come over because of COVID.

13 So the transition was ongoing. But the 6 January was, like, seal the deal.

14 Q Okay.

15 A The electoral votes were counted. Constitutionally, his job was done. So
16 it's almost like you crossed the Rubicon.

17 Q It was a done deal. No questioning anymore about that.

18 A No.

19 Q You mentioned talking to Mr. Short, mister --

20 A ■■■, from my perspective, from where I sat and the answer's no.

21 Q Of course, yeah, and that's all I can ask you.

22 You said that the next day, January the 7th, you spoke to Mr. Short and Mr. Jacob.

23 A Uh-huh.

24 Q What did you guys talk about?

1 [2:33 p.m.]

2 The Witness. It was Marc, Marc Short, and Marty Obst. I don't think it was --

3 BY MR. [REDACTED]:

4 Q Marty Obst. I'm sorry.

5 A I wasn't -- I don't think it was Greg was there.

6 Q Okay. So what did you talk to Mr. Short about?

7 A Well, there was still raw emotion, okay. And remember I told you early on
8 that I tried to hold the hands of both teams, because I was the only one who had been
9 part of both teams. And it was just clear to me that the emotion was pretty raw and
10 there wasn't -- candidly, I don't think they were very happy. I went to the rally the day
11 before, you know. It was almost like, you know, why, you know, why did you -- you
12 know, what happened? I thought they had lost balance.

13 Q Okay. So raw emotion. Emotion -- what kind of emotion?

14 A Personal emotion. Because Marc Short is very close to the Vice President.
15 Very close to him. And he saw what was happening in the Capitol. He was there, I
16 wasn't. But like I told you early on, part of the job of being a senior adviser is to back off
17 the emotion, and your job is to try to strip that out. And I don't think Marc did that.
18 And then, because of that, I think there was some friction there.

19 Because I was able to strip it out. To me, it was like -- I don't mean -- I do not
20 mean this to be flippant, okay, like another day at the office, okay. You've got to be like
21 that. You've got to go from one event to event to event. Despite what was happening,
22 you have to maintain that balance.

23 Q So Marc Short, being one of them, he was essentially angry at --

24 A Yes. Yeah.

25 Q -- the Trump team. Is that fair?

1 A Yeah. And I was trying to bring the team together, you know. My point
2 was to bring everybody back to harmony in the household as best we could.

3 I mean, look, [REDACTED], he was still the President of the United States, and Pence was
4 still the Vice President of the United States, the two most powerful people in the world.
5 Why would you not want to have the President and the Vice President of the United
6 States working in a collaborative environment again? Why would you not do that for
7 the good of the Nation? Anybody who would not want that to happen does not have
8 the good of the Nation at hand. And my point was that's our job.

9 Q Totally understand that. And you mentioned Marty Obst. Did he feel the
10 same way, kind of that raw emotion, anger at the President?

11 A Marty is the chief fundraiser for the Vice President.

12 Q Did you talk to the Vice President that day?

13 A He didn't come in.

14 Q Did you talk to him on the phone?

15 A No.

16 Q Okay. Did you talk to him the day after that, the 8th?

17 A When he came -- yes, because he came in.

18 Q And did you talk to him about the events of January the 6th?

19 A Yes.

20 Q And what did he say?

21 A I told him that he would have been a chapter in John Kennedy's book
22 "Profiles in Courage."

23 Q Why did you say that?

24 A Because what you look at is how an individual uprights in a real crisis
25 environment. And he believed what he did was correct constitutionally, and that's what

1 the book "Profiles in Courage" was all about. When John F. Kennedy wrote that book,
2 that was people who had made very hard decisions against what they were doing, even if
3 it was voting against an impeachment of the President of the United States, you know,
4 which was done in the 1860s. And my point to him was that.

5 So I talked to him a few times that day when he was in the EOB. I talked to Marc
6 Short, and that day and subsequent days I told him I think they ought to put their big boy
7 pants on, or words to that effect.

8 Q Okay. So getting back to the Vice President, when you said he should be a
9 chapter in "Profiles in Courage," I don't mean to put words in your mouth, but did you
10 agree with the position he took?

11 A I agreed with -- I agreed with the position he took as a person, and he
12 followed his beliefs. And in the face of that, in a very tough environment, he stood his
13 ground, and he stood what he was -- you know, tried to.

14 Candidly, I wish he had -- I wish he'd taken the advice, very candidly, of former
15 President -- Vice President Quayle, and it's something I'd said to Marc Short, and they did,
16 which I said, you should have asked the Parliamentarian of the Senate what to do.

17 Q But you don't know if he did that or not, right?

18 A No. I don't think he did.

19 Q When you spoke to the Vice President, we talked about emotions being raw,
20 was he angry about --

21 A No.

22 Q -- what happened on January 6th?

23 A No. Mike Pence never -- look. I gave them both -- they have -- his
24 nickname by the Secret Service was the Hoosier. Mogul was the President. I gave
25 them Fire and Ice. Fire was the President; Ice was Pence.

1 And the reason I gave them those nicknames is because in 4 years of being with
2 Vice President Pence, I never heard him utter a single swear word. Not once. I never
3 saw him get mad. Not once. His way of getting mad was saying, you know, "I'm kind
4 of disappointed you did that," or just silence.

5 So, no, it didn't surprise me. That was his DNA.

6 Q Okay. And other than you saying he should be a chapter in the book
7 "Profiles in Courage," did you talk about anything else with Vice President Pence on that
8 day, the 8th?

9 A Yeah. I talked to him about what was going on in the world.

10 Q Other than things unrelated to this?

11 A No, I didn't. That was it. And then I talked to him -- and that's when I
12 reverted to his national security adviser, and I would tell him what I saw in the PDB that
13 day, and I would ask him if he has any questions. And I would give him a -- generally,
14 what I would do, I would give him a rundown of the hot spots of the world, this was
15 happening. Because, regardless, he was still the Vice President. And if something
16 happened to the President, he became the President, and my job was to keep him ready.

17 Mr. ██████. Okay. Any questions along those lines?

18 Mr. ██████. I have other questions, but not along those lines.

19 Mr. ██████. Okay.

20 So I do want to get back, and I want to talk specifically about the response to the
21 Capitol.

22 Is this where you want to go?

23 Mr. ██████. No.

24 BY MR. ██████:

25 Q I just want to go back to the -- during the afternoon of January 6th. It

1 sounds to me, just to recap, that you and everybody came back from the Ellipse 1:10 to
2 1 --

3 A Yeah. About then.

4 Q -- or so. The President issues a statement. The video statement is
5 released at 4:17. So it's 187 minutes.

6 Did anybody, during that whole period of time, that you are aware of, encourage
7 the President to make a statement?

8 A Yeah, [REDACTED]. I think I did. I think Kayleigh did. I think Mark Meadows did.
9 I think during that timeframe --

10 Q The time between when you arrived back and when he ultimately --

11 A There were comments -- because one was made. So the comments were
12 somebody -- you know, people were making comments. I don't know who else would
13 have done it. I said a statement needs to be made. I can't remember who I said it to.
14 But I think a comment I made to the President was something -- words to the effect, I
15 don't say if it was a statement, there needs to be a response or something needs to be
16 put out to do that.

17 Q Okay.

18 A And I remember we got no pushback at all from the President. He
19 said -- he never said, "I'm not going to make a statement."

20 Q Did you convey that to him directly sometime in --

21 A It was in the room, in the room when Mark Meadows was there. And I
22 don't know, did I initiate it, did Mark initiate it, you know? But it was there.
23 Something needs to be said, something needs to be put out, words to that effect.

24 Q Okay. Do you know how long that was before the ultimate 4:17
25 statement?

1 A Not at all.

2 Q I got the impression from what you testified before, and I could be wrong,
3 that you were only with the President for a couple of 5- to 10-minute blocks. Is that
4 right, or was there a longer period?

5 A Well, I mean, it's hard to say exactly on time.

6 Q Yeah.

7 A But it was in and out.

8 Q Were you in and out of the Oval Office or the private dining room behind the
9 Oval Office more than twice over the course --

10 A You know, I may have been, [REDACTED], but I don't, you know, exactly remember.
11 I'm sorry. I remember specific events, but, I mean, I -- you know, kind of you wander in
12 and out. But others were kind of wandering in and out. I was just kind of part of a
13 flow.

14 Q What else do you remember him saying at any time during --

15 A I don't remember him saying anything. And so I don't remember the
16 conversation. For example, if somebody said, "We need to put something out," that
17 would have been Kayleigh. I don't remember him saying anything. I'm not sure I was
18 there when he actually said it.

19 Q I'm not asking you for specific words. I'm just asking for generally what the
20 President said that you remember any time --

21 A Well, other than it was directed at me, other than at one of the times when
22 he asked me about the Vice President, where he was at or what was his status.

23 Q Where or how is Mike?

24 A Yeah, where's -- when he said, where's Mike or how's Mike?

25 Q Okay.

1 A Other than that, I don't remember saying anything else.

2 Q Did he ever express any pleasure at how much support he had at the
3 Capitol --

4 A No.

5 Q -- or how many people were fighting for him or anything along those lines?

6 A I never heard that at all.

7 Q Did he ever say anything that demonstrated that he was satisfied or pleased
8 with what he was seeing on TV?

9 A I never heard that at all.

10 Q Did you ever hear from others that he expressed that he was satisfied?

11 A No, but I didn't ask either. I mean, nobody volunteered it and I didn't ask.

12 Q Was there any conflict between any -- the President and any of his advisers
13 or between advisers at any time during the afternoon of the 6th?

14 A Not, [REDACTED], not when I was there. I didn't -- I mean, the only time I saw
15 frustration was when Mark Meadows came out and asked where the National Guard was.
16 It was a little bit higher pitched tone to do it. I mean, he was mad about it. So when
17 you say friction between his advisers, I'm assuming when you say that, I'm extending it
18 between he and the Secretary of Defense as well.

19 Q I mean, between he and anyone.

20 A I'm sure he was frustrated with -- based on what Mark said, that he was
21 frustrated that somebody had not taken action to move the Guard.

22 Q Or between advisers, not necessarily with the President, but between
23 people that were advising him.

24 A No. But there, you know, [REDACTED], there weren't a lot of people there. I
25 mean, I can count on virtually one hand who was there. Jared wasn't there. He had

1 just come back from the Middle East. Ivanka was there. I was there. I keep going
2 back to it. I can't believe I can't remember if Dan was there. Miller was there.
3 Meadows. It wasn't that many. Most of the comm staff was gone. Again, O'Brien
4 was gone. There wasn't a lot there.

5 Q You mentioned that there were a bunch of people that were in the Oval with
6 you before the speech.

7 A Uh-huh.

8 Q I think you mentioned Stephen Miller.

9 A Uh-huh.

10 Q You mentioned a lot of the family, Don, Jr. and Eric and Kimberly Guilfoyle
11 and Lara.

12 A No, Lara was not in the Oval.

13 Q Lara was not there. Okay. And Ivanka.

14 Were any of those people also there in the afternoon that you saw?

15 A No. I -- no. I never saw -- well, Ivanka was there because she was part of
16 the White House staff.

17 Q I understand. Right. We went through that.

18 A But no, I never saw, after that, I never saw Don, Jr. or -- I never saw any of
19 the family at all.

20 Q Okay. How about Stephen Miller, did you see him?

21 A I don't remember seeing him the rest of the day.

22 Q After the --

23 A Yeah. I don't remember seeing him. I'm sure he was there, but I don't
24 remember.

25 Q And same thing you said with Scavino, you're not sure if he was there?

1 A Yeah. I mean, I, very candidly, [REDACTED], I'm really amazed. I can't remember,
2 [REDACTED], who was there. I mean, I almost have to say to you guys, was he there? I don't
3 remember him being there.

4 Q Okay.

5 A I mean, I don't know why he wouldn't have been there, but I don't
6 remember him being there.

7 Q And you don't remember any other conversations between the President
8 and the Vice President other --

9 A No.

10 Q -- or being present for or hearing about other than the one that you
11 recounted in the morning that you overheard?

12 A No. I don't at all.

13 Q Are you sure that the President never called the Vice President?

14 A No. I cannot be sure.

15 Q You just don't know?

16 A No, I can't.

17 Now, you can check that out because it's Presidential records, because all phone
18 calls are monitored -- not monitored, recorded.

19 Q Yeah. Well, we've sought the opportunity to do that, but the President has
20 prevented us.

21 A Okay. But, I mean, that's the only way -- that's the only way you can get to
22 that for sure.

23 Q No, I understand. I'm just asking for your best recollection.

24 A Yeah. I -- [REDACTED], I don't know.

25 Q Okay. And then after January 6th, did you ever talk to the President, friend

1 to friend, about what had occurred on the 6th? You made an effort to talk to the Vice
2 President, it sounds like, and Marc Short, to try to breach.

3 Did you ever have a similar conversation -- I'm sorry, not breach, but repair the
4 breach. Did you ever have a similar conversation with the President?

5 A Yes. The answer's yes. And it was, you know -- but it was almost small
6 talk. And I can't remember exactly because it wasn't one of those -- it was like, you
7 know, have you talked to the Vice President, have you reached -- have you said anything
8 to him. And he was like, no, I haven't talked to him. A little -- it was almost like small
9 talk, trying to break down what had happened, and you're trying to, you know, kind of
10 soften and break through out there more than anything else.

11 It's just -- but, again, I knew that Ivanka had come in and talked to him, and it was
12 almost like it was letting everything kind of take a deep breath.

13 But I was more, very candidly, [REDACTED], I was more concerned about feeling what I saw
14 was a fracture between the Vice President and the President.

15 Q Yeah. And I appreciate that. And you were close to both of them and,
16 frankly, worked for both of them and had been there from the beginning, right?

17 A Uh-huh. Yes.

18 Q And it sounds like you had very direct conversations with Marc Short and
19 others in the Vice President's office that -- I think you used the term, it's time to put on
20 your big boy pants and --

21 A Because I think -- and the reason I said that is because, knowing both of
22 them, the guy who could make the breakthrough was the Vice President, because the
23 breakthrough guy was based on personalities.

24 You know, the Vice President could go in there -- which he did, by the way, 3 days
25 later, 2 days later. He's the one who initiated contact by going into the Oval. And it

1 was one of those where, you know, we kind of cleared the hallways, except for the Secret
2 Service. And I know the Vice President went in and talked to the President for an
3 extended period of time. And nobody was there with him. It was one-on-one.

4 Q Talked to the President about January 6th?

5 A I don't know, [REDACTED] I don't know. I know they went in there --

6 Q For several days --

7 A -- and I know they had a very, very long talk.

8 Q Sorry. Several days after January 6th, you know --

9 A I think it was 2 days -- it was -- they had about 3 days, because he didn't
10 come in the next day. He came into the ceremonial office the day after that. And it
11 wasn't until the third day of work that he actually went back to his office in the West
12 Wing.

13 Q Okay. And did you ever get any readout about that meeting from either of
14 them, the President or the Vice President?

15 A No, and I didn't ask.

16 Q You talked about needing to have a conversation with the Vice President's
17 office, Marc Short, about putting on their big boy pants. Did you ever have a similar
18 conversation with the President or anybody on his direct staff --

19 A No.

20 Q -- on that similar issue?

21 A No.

22 Q Why not?

23 A I hadn't thought about it. Didn't really do it. Because I thought that the
24 friction was -- I thought there was more friction on the side of the Vice President's team
25 in that his team was trying to keep him away from the President. I thought Marc Short

1 was actively trying to keep them separated until the 20th of January, and I thought that
2 was wrong.

3 And that was, I said, you know, basically, it was -- my attitude was get over it.
4 You two are the most constitutionally appointed authorities as President and Vice
5 President, and the security of the Nation within the national security force. I
6 can't -- Kellogg is a national security guy. I don't think we could afford the schism. And
7 it's up to the -- and remember, [REDACTED], he was the Vice President, not the President.

8 Q Right.

9 A So he flights up, not flights down.

10 Q Right. But it would seem like the President, the boss, would have the
11 obligation to apologize or to reach out to his --

12 A He may have when they got together. I don't know.

13 Q Yeah.

14 A They may have talked. I don't know what they talked about.

15 Q Okay. But my question is, you never talked to the President at all about the
16 breach with the Vice President or counseled him to do what he could to repair that
17 breach?

18 A No. I talked to other advisers about what we could do.

19 Q Who?

20 A Jared. I talked to Jared. I talked to --

21 Q What did you talk with him about?

22 A I talked to -- talked to Jared. I talked to Jared. I talked to O'Brien. I
23 talked to Meadows. And I recommended that they -- I said, go to the President -- and I
24 talked to Ivanka, pretty sure it was Ivanka -- that let's get the President to award the Vice
25 President the Presidential Medal of Freedom, much like Obama did with Biden.

1 Q Yeah.

2 A Because, if anything, that will be a very public healing of the rift to do that.
3 And I made that recommendation to each one of them individually and collectively.

4 Q Yeah. And that never happened, right?

5 A No.

6 Q Why not?

7 A I don't know. I'm not sure -- and Marc Short wasn't necessarily for it. And
8 that's the reason I said put on your big boy pants, because I said, I don't know why it
9 didn't happen, but I wish it had happened. I don't know. I don't know if anybody ever
10 approached the President on it.

11 Q Did Mr. Meadows, Mr. Kushner, or anyone, Mr. O'Brien, tell you anything
12 about what the President's attitude was about the Vice President --

13 A No.

14 Q -- or his attitude --

15 A No.

16 Q -- toward the Vice President?

17 A Not at all.

18 Mr. [REDACTED]. Okay. Go ahead.

19 BY MR. [REDACTED]:

20 Q I had a question about the video message, and I'm going back, about the
21 video message that the President did on the afternoon of the 6th.

22 Did you have any conversations with anybody about why there were multiple
23 takes?

24 A No.

25 Q Even after January 6th?

1 A No. But, [REDACTED], it doesn't surprise me. I mean, when you do a set video,
2 not a live shot, which you can't, but you do multiple takes anyway on that to make sure
3 it's clean.

4 I mean, look, when I've gone on -- you know, my preference if I go on a TV
5 program is to do it, you know, delay program because then you can scrub it, you know.
6 You make sure if you say, uh, duh, or whatever, to make it as clean as you can. That's
7 not unusual to me. I wasn't surprised by it.

8 Q But did anybody say anything to you about how the earlier takes differed
9 from the final take?

10 A No, I didn't. And, in fact, the first time I've heard, [REDACTED], that there was
11 multiple takes was today.

12 Q When you said earlier in response to Mr. [REDACTED]'s question that the
13 President was encouraged -- at some time between 1:10 and 4:17 on the 6th -- he was
14 encouraged to make a statement --

15 A Uh-huh. Yes.

16 Q -- do you recall what the President's response was to that?

17 A No, but he clearly agreed with it because he made the statements. I don't
18 know. I wasn't in the room. But he clearly -- I mean, the statements came out.

19 Q Well, but I'm not sure that it's correct to say he clearly agreed at the time
20 that the recommendation was made because you said earlier that Ivanka Trump went in
21 multiple times to talk with him and he could be stubborn and had to be convinced.

22 A Yeah.

23 Mr. Coale. When he made the first statement.

24 The Witness. Yeah. You know, it was -- you know, the statement about Mike
25 Pence not having the courage was at 2:24. The positive statement came out at 2:38. I

1 mean, that's -- you know, we're talking about minutes, that's 14 minutes.

2 So the fact is that somebody clearly got it, so he got the message out there. And
3 then the following one was the 3:13.

4 So within the space of, you know, an hour and a half, he put out two positive
5 messages after the message that was not considered positive.

6 BY MR. [REDACTED]:

7 Q But the message to go home wasn't until around 4:17?

8 A Yeah.

9 Q So did anybody encourage the President to issue a message telling the
10 rioters to go home?

11 A No. And I wouldn't have done that. And the reason I wouldn't have done
12 it is because, like I've told you before, based on my experience, that what you tell them
13 and what actually happens with a riot, basically, you let the thing burn out. You can't do
14 anything about it. You have to have law enforcement take control. That's it. So I
15 don't know.

16 So at 3:13 he said, you know, some -- so I'm just looking at the time stamps, you
17 know.

18 Q When the President was encouraged to make a statement, did he in any way
19 indicate any reluctance to do that?

20 A No.

21 Q Okay.

22 BY MR. [REDACTED]:

23 Q Yeah. But to be clear, looking at the language of the tweets, the statement
24 that you, General Kellogg, indicate was positive essentially asks people to stay there but
25 to be peaceful. Please support our Capitol Police and law enforcement. They are truly

1 on the side of our country. Stay, not leave, stay peaceful. And then similarly --

2 A But that, [REDACTED], doesn't mean stay. I mean,
3 stay peaceful means, if you're there, don't go nuts.

4 Q Yeah, but he's not telling them to go anywhere. He's telling them, stay
5 peaceful, go ahead and rally, go ahead and protest.

6 A No. I think it -- I think -- well, that's an, I think, an assumption, [REDACTED], of what
7 he means to say. And I took it differently, I think, by being stay peaceful, don't do
8 something stupid --

9 Q Right.

10 A -- or continue to do something stupid.

11 Q To be clear, he's not asking anybody to leave or to go home in that tweet.

12 A Well, it's clear he didn't say leave. That's true.

13 Q And then very similarly at 3:13: I'm asking everyone at the U.S. Capitol to
14 remain peaceful.

15 A Right.

16 Q No violence. Remember, we're the party of law and order. Respect the
17 law and our great men and women in blue. Thank you.

18 Much like the one at 2:38, he's essentially encouraging people to stay but to be
19 peaceful.

20 A Yeah, I don't -- but I don't see it that way. I mean, I don't think he's
21 encouraging people to stay; I think he's just saying stay peaceful. And it's like I said
22 earlier, I don't think anything -- the only way you cure that issue in the Capitol was by law
23 enforcement.

24 Q Okay. But to be clear, in that tweet he's not asking anybody to leave.

25 A No, he's not.

1 Q He's asking them to stay peaceful. It's not, as Mr. [REDACTED] just went through
2 with you, it's at 4:17 when he finally says to people in the video statement go home.

3 A Right.

4 Q Leave.

5 A Right.

6 Q And that's 187 minutes after you arrived back at the White House?

7 A Yeah. I don't think, you know, very candidly, [REDACTED], I don't think it's an issue.
8 I got it. The flow of time, nobody was counting minutes. To me it's like I'm not -- said
9 okay.

10 You know, I don't think his statement "go home" there in the statement at 6:01,
11 my belief is that is not a statement to leave the Capitol at all. My belief and what I read
12 that is go home with love and in peace. Meaning, return to your home station. That's
13 not -- so you're looking at -- we're both looking at it a little bit differently.

14 Q And, again, it doesn't really matter what you think or what I think; what
15 matters is what was said and what was done.

16 A Uh-huh. Yeah.

17 Q And it sounds like you don't remember any discussion where the President
18 at any point in those 187 minutes resisted putting out a statement or telling people to go
19 home.

20 A I never saw him resist that at all. But because I wasn't there, I'm not his
21 chief comms person, that's a question to Kayleigh or to Mark Meadows.

22 Q Okay. And, again, I won't go through the Ivanka stuff again, but you
23 encouraged her several times, as the Trump card, as the hole card --

24 A As the daughter.

25 Q To the daughter, to go in and to encourage him to do something?

1 A Uh-huh.

2 Q And that happens before the 4:17 tweet, sometime during that
3 187 minutes?

4 A Sometime during that time she went in there at least a couple of times.

5 Q Okay. Okay. Thank you.

6 BY MR. [REDACTED]:

7 Q Okay. All right. So it's been reported -- I want to talk to you about the
8 response to what was happening at the Capitol.

9 A Uh-huh.

10 Q It's been reported that you called Kash Patel that day, had a conversation
11 with him, at least one.

12 A No.

13 Q You did not have any conversation with Kash Patel --

14 A Not that I recall with Kash. Whoa. Wait a second. Let me think.

15 Q Let me give you the context while you're thinking.

16 A Yeah.

17 Q So the report is that you said, "What" -- to Kash Patel -- "What the hell are
18 you guys doing? Meadows is furious that the Guard is not moving."

19 A No.

20 Q You don't remember anything like that?

21 A No. No.

22 Q Did you ever talk to anybody at DOD? I think you said earlier you had not.

23 A I don't remember talking to anybody at all.

24 Q Okay.

25 Mr. Coale. And where is that reported again?

1 Mr. [REDACTED]. That's in a book.

2 Mr. Coale. Which book?

3 Mr. [REDACTED]. I don't have the reference here, but that's why I'm asking him to
4 confirm if it's true.

5 The Witness. I don't remember talking to Kash at all.

6 BY MR. [REDACTED]:

7 Q Okay.

8 A And I wouldn't, by the way, just so you'll know --

9 Q Yes.

10 A -- I wouldn't have picked up the phone and called Kash. I would've called
11 Miller directly.

12 Q Why is that?

13 A Because he's the Secretary of Defense, Kash isn't.

14 Q Okay. And did you call Miller that day?

15 A No.

16 Q So in the -- just a general timeline here. It sounds like early on -- the times
17 don't necessarily matter unless they help you -- but around 1:49, Capitol Police Chief Sund
18 requests National Guard assistance.

19 Did you or anybody at the White House, to your knowledge, have conversations
20 with Chief Sund?

21 A I did not, no. And I don't know if anybody -- I would only make an
22 assumption. It was either Meadows or Tony Ornato. But I did not.

23 Q Okay. About 2:10, the House Sergeant at Arms reached out to Sund and
24 requested approval for the National Guard.

25 Did you or anybody at the White House that you're aware of speak with the House

1 Sergeant at Arms?

2 A No, but I think who would've would have been -- if anybody did, it would
3 have been either Mark Meadows or Matt Pottinger, one of the two.

4 Q But you don't know if that happened?

5 A No, I don't.

6 Q Okay. At 2:25, Army Secretary McCarthy ordered staff to prepare a
7 movement of a reactionary force.

8 Did you or anyone in the White House, to your knowledge, speak to Secretary
9 McCarthy?

10 A I did not, no. I don't know if anybody did, but I didn't, [REDACTED].

11 Q All right. At 2:26, it looks like there's a call with Mayor Bowser of
12 Washington, D.C., along with chiefs of the Capitol Police, MPD, D.C. National Guard,
13 Secretary of the Army.

14 Did you or anybody at the White House, to your knowledge, participate in that
15 call?

16 A To my -- I did not. I don't know if anybody in the White House did.

17 Q Okay. At around 2:30, Secretary Miller and General Milley discussed
18 requests related to responding to the Capitol.

19 Did you or anybody at the White House, to your knowledge, participate in a
20 conversation with General Milley?

21 A I did not, but if anybody did it would've been Matt Pottinger and/or Mark
22 Meadows.

23 Q But before Mr. Pottinger arrived that would be something --

24 A Would have been me. But he arrived about 1 -- somewhere around 1,
25 1:30. And, again, as soon as he did that, I reverted.

1 Q Okay. Do you know if the President spoke with any of those people?

2 A I do not.

3 Q You don't know or he did not?

4 A I don't know.

5 Q You don't know. Okay.

6 You didn't help coordinate any calls or communications with any of those people
7 and the President, correct?

8 A No, but it's easy to find out. All's you have to do is -- well, you already said
9 it, [REDACTED] -- is the records, that would have been out at Sit Room, and that's all -- it's
10 all -- every communications by the President of the United States that comes within the
11 official channels is -- the time/date stamp is there.

12 Q And I think you mentioned this earlier, but you had a conversation with
13 Secret Service Agent Tony Ornato.

14 A Uh-huh.

15 Q And he reminded you that they have 2,000 marshals --

16 A I think he said 3,000. Because the number stuck. I had no idea they had
17 that many marshals in D.C.

18 Q Okay. And is it fair to say that you said that would be a good idea?

19 A Yes. I would've said yes.

20 Q Okay.

21 A I said, yeah, I would've, because I know how slow the military through
22 multiple chains of command will work. And the Marshals Service, I don't know how it
23 works, but I think they're immediately responsive. Tony kind of indicated that to me.

24 Q And did they act based on your suggestion, approval, whatever you want to
25 call it?

1 A I don't know. I think Tony, because of his connections, probably did
2 through law enforcement channels, but I didn't know.

3 Q Do you know if that request went to anybody other than you or higher than
4 you?

5 A Request never came to me. He made the comment to me, you know, I can
6 put 3,000 marshals on the street immediately, and I think words to the effect make sure
7 Mark Meadows knows that, I mean, because I had no -- not my lane.

8 Q Okay. Do you know if Mark Meadows had any role in addressing the
9 violence happening at the Capitol?

10 A I don't know.

11 Q Did you ever talk to him about what he did or didn't do?

12 A No.

13 Q Not as a part of your after-action reconstruction?

14 A No, because mine was more important of what actually happened that day
15 and those were context he and the President were talking about, his role as Chief.

16 The only one I really know about is when he was a little bit exercised about the
17 lack of National Guard being on the streets when he made that comment to Pottinger.

18 Q And did you have a follow-up with Mr. Meadows about that, about him
19 being exercised about the lack of response by the National Guard?

20 A No. No.

21 Q It sounds like you didn't call Kash Patel and you didn't call Secretary Miller.
22 Did you call anybody about the National Guard?

23 A No. Again, [REDACTED], when that -- I followed the lane. That was not my lane.
24 You don't want to change in the middle of an incident or a crisis or anything going on like
25 that. You don't want to go out of lane. So that was not my lane. I said that's Matt's

1 job to do it and Matt is pretty capable. And that was Meadows' job and the Secretaries.
2 None of the Cabinet Secretaries work for me.

3 Q Okay. So this wasn't -- I mean, I guess I'm just thinking in a different work
4 environment. I've never worked at the White House. Don't know how it runs, don't
5 know what the lanes are necessarily. But when something happens that's urgent and
6 important sometimes it becomes kind of like an all-hands-on-deck, we need to address
7 this situation.

8 So you weren't called in to help out with other responsibilities?

9 A No.

10 Q It was just Pottinger who was responsible for dealing with all outreach to
11 DOD?

12 A No. In a way that's not bad, because what you want to do is -- the worst
13 thing you can have in a crisis situation is you can have multiple people telling multiple
14 people to do multiple things.

15 In other words, it wouldn't have been appropriate for me to be talking to Miller,
16 even though I know Miller, or Kash Patel, plus Pottinger talking to him, plus Meadows
17 talking to him.

18 Because they all know, for example, my personal relationship with the President.
19 So if I called -- there's an assumption if I called Kash Patel, are they now saying, "Well,
20 Kellogg's getting this directly from the President, we're going to respond this way, or is
21 Meadows getting this from anybody?"

22 So my experience was to stay in lane, let them do what they're supposed to be
23 doing, very capable people, do what they're doing. You just stay on the periphery of it
24 to not go there. Because multiple people -- multiple cooks will screw up the broth.
25 Same way. That's how I looked at it.

1 Q Totally understand. And I guess one question to follow up on that would
2 be that that makes perfect sense, but in a crisis situation you can have a new chain of
3 command, so to speak, set up. You could say, all right, you're going to be the guy
4 dealing with the Army, you're going to be the one dealing with Metropolitan Police,
5 you're going to be the one dealing with Secret Service. That didn't happen.

6 A That's a recipe for disaster. I would -- if somebody brought that up, I'd take
7 them in the backyard and shoot them. The answer is no.

8 Q Okay.

9 A You leave the lanes as clean as you can for responsibility and for later when
10 people talk about it, they don't say, "Well, I thought he did it or she did it, and they
11 looked like this." No, I'm a big believer in not doing something like that.

12 Q Had the President ordered something like that, would it have been followed,
13 that order?

14 A Multiple lanes? Depends on what it was.

15 Q Well, what I just explained.

16 A Well, no, because he's the Commander in Chief. I mean, if he had picked
17 up the phone and said as Commander in Chief, that's his constitutional role. And he
18 could have overridden obviously Meadows or anybody else to do that. But it wasn't
19 done. I never saw it done. I wouldn't have thought it was a good idea to do it either.

20 Mr. [REDACTED]. Follow up on that?

21 BY MR. [REDACTED]:

22 Q Okay. I want to switch gears almost entirely from January 6th. Do you
23 want to take a brief break?

24 A No, I'm good. Let's keep pounding.

25 You okay?

1 Q Okay. Give me just a moment.

2 So you were involved in the campaign in 2016?

3 A Uh-huh.

4 Q Were you involved at all in the campaign in 2020?

5 A Just on the periphery. And the reason I say on the periphery is, my
6 daughter was veterans' affairs for the campaign. So I would kind of advise my daughter
7 this is what you want to do with veterans. So the answer is, I guess it's not an absolute
8 no, but it's on the periphery.

9 Q Okay. Did you work with the campaign folks? And I'll just give you some
10 names.

11 Bill Stepian.

12 A No. Well, yes and no. I mean, I worked with Bill because I would get
13 aggravated if something happened primarily in the lane of veterans where if they didn't
14 do something I thought they should be doing with veterans, I'd tell Bill, "You're dumb.
15 Don't do it."

16 Q Okay. Aside from communications like that, I mean I'm talking about core
17 campaign functions --

18 A No. No. First of all, it's a violation of the Hatch Act, so the answer's no.

19 Q Okay. So you didn't have like a campaign email address?

20 A No.

21 Q All right. Did you travel with the President for campaign-related events?

22 A Occasionally I would, but it was always -- you had to be very, very specific
23 about what you could and couldn't do. Because, bottom line, it depended on who paid
24 for the trip.

25 So, in other words, if I went on Air Force One or even Air Force Two with the Vice

1 President, I did the same thing with the Vice President, you had to make sure it was either
2 campaign related or you had another stop that was not campaign related, you could do it.
3 The lawyers were pretty strict about that. So the answer is, it's a yes-or-no answer.

4 Q Very good. So on election night, I understand that there's an event at the
5 White House. Were you there?

6 A Yes. Uh-huh.

7 Q Were you with the President that night?

8 A Yes.

9 Q Was that in the residence or in the kind of grand gathering hall?

10 A Both.

11 Q Both. Okay.

12 What time did things go or did you go to the residence?

13 A I probably went over there 9, 9 or 10.

14 Q And did you see Mr. Giuliani there, Rudy Giuliani?

15 A I did not, but it was a pretty big crowd. I mean, if he was there, I don't
16 remember.

17 Q In the residence specifically?

18 A Yeah. Yeah. No.

19 Q Who do you remember being in the residence?

20 A Seema Verma, talked to her a lot. You know, I saw a lot of the West Wing
21 people there. We were just talking, you know. She was there.

22 But I would go there and then I'd go back to the West Wing because they
23 had -- the offices were all set up, they all had pizza and cheap food, I'd get there. So I'd
24 go back and forth.

25 Q Okay.

1 A And we were all tracking the war room. And there was a war room set up
2 in the EOB and you'd go across the war room. So I went from EOB, West Wing,
3 residence, residence, West Wing, EOB, back and forth.

4 Q What time did you leave for the night?

5 A I probably left around 2 in the morning. And specifically saying to my son
6 as I walked in the door at 2 in the morning that I'd rather be on our side than their side
7 because I thought what I saw was vote differences in Pennsylvania and Wisconsin that
8 were -- would carry us through. They were such enormous -- it was enormous vote
9 differences that I said we're going to win this over the long-term. Don't worry about it.

10 Q Okay. So when you said you'd rather be on our side than their side, you're
11 saying that you thought the President had a better shot of winning than the Democrat,
12 Mr. Biden?

13 A Yes, based on the numbers that were there and the numbers that were
14 outstanding, based on what I saw out of the war room, the answer was I went to bed
15 feeling very confident that we would wake -- I would wake up the next morning that we
16 were so far ahead that he couldn't catch us primarily in two key States of Pennsylvania
17 and I think it was Michigan.

18 Q Okay. Did you leave after the President spoke to the country?

19 A Yes.

20 Q All right.

21 We understand that people in the residence may have told the President before
22 he went on and spoke that he shouldn't say he won the election. Are you familiar with
23 that?

24 A No, but I don't know why you wouldn't say that. I mean, the fact of the
25 matter is any -- you know, that's what candidates do. They portray themselves as the

1 winner. I don't care where you go. That's not unusual to me they come out and say
2 that. It's nothing -- I don't care which party you're in.

3 When people say that I go, okay. And, again, I thought everybody in the West
4 Wing at that time of the night was pretty sure we were going to -- I was personally pretty
5 sure we were going to win.

6 Q But at that point, it hadn't been decided, right?

7 A No. It wasn't decided until Saturday.

8 Q Okay. Did you have any role in the speech that the President made that
9 night?

10 A No.

11 Q Didn't help draft it?

12 A No.

13 Q Okay. What was his mood before he gave that speech?

14 A He felt good. Felt like -- he felt like what I did. We felt very confident that
15 we were in a position to win the election based on the outstanding votes and by the leads
16 we had in certain key States. We thought those were -- I thought, and I'm sure he felt
17 the same way, those were insurmountable leads.

18 Q Okay. I don't know if you recall this or not, but during the speech the
19 President described fraud in the election and said that he'd be going to the Supreme
20 Court to stop the count. Do you remember that?

21 A I remember him saying it, but I don't -- okay.

22 Q Okay. I guess I want to talk to you about the fraud component. If he felt
23 like he was going to win the count, why have to talk about fraud?

24 A Because he always would talk about things regardless what he thought were
25 injustices in the system, regardless of whether or not. You can check every one of his

1 speeches. He would say roughly the same thing.

2 And we thought there were going into the election, all of us in the West Wing and
3 I'm sure the campaign thought there was anomalies in the election that were
4 unconstitutional where we thought that judges were making decisions that legislatures by
5 law and by the Constitution were supposed to be making and weren't making it.

6 All of us thought that. And we thought there was a legal approach that should
7 have been made because we thought they were extrajudicial to what was happening.
8 So it didn't surprise me.

9 Q Okay. So there's a difference in what you said between courts making
10 decisions about how an election is run and there being widespread fraud that actually
11 would change the outcome of an election.

12 A Uh-huh.

13 Q Was there a distinction in --

14 A I think it's a blended term. I think that's how he talks. What I mean by
15 blended terms, if a legislature -- if a court takes an action that the legislature
16 takes -- doesn't take -- I think he looks at that as fraud. Not this person voted and
17 shouldn't have voted.

18 Q Okay. Because a lot of those claims came up, too, dead people voting and
19 ballot stuffing and all of that.

20 When was the first time you remember election fraud and the Stop the Steal
21 messaging coming up?

22 A Election fraud, not Stop the Steal. Election fraud was -- oh, it probably
23 came up in September/October.

24 Q Okay.

25 A And that was based on things to include Hillary Clinton saying, whatever you

1 do, Joe Biden, don't concede the night of the election, let it play itself out. Remember,
2 that's what she said, too. So we all saw that as those comments were being made
3 exceptionally early.

4 Q Was anybody pushing back in the White House on the President making
5 these claims about --

6 A No. No. Because I happened to agree with it. I happened to think
7 that -- I thought there was some anomalies and irregularities.

8 Mike Pence said that in the letter that you have here as an enclosure. I think he
9 said there was irregularities, he believes there was irregularities. He said it, too.

10 Q So I'm really glad you raise that because we understand that Mike Pence
11 specifically decided he was not going to use the phrase Stop the Steal, for example.

12 A Okay.

13 Q Are you familiar with that?

14 A No. The phrase?

15 Q Correct.

16 A With the phrase, yeah, but his use of it, no. But, I mean, he did use -- and
17 that's what I've said. I've said irregularities in the election.

18 Q Okay. And just a minute ago you drew a distinction between -- or
19 seemingly drew a distinction between Stop the Steal and election fraud. What is that
20 distinction in your mind?

21 A I think there's -- I think there's -- there's a -- it's a blended approach, it's how
22 you say it. I think to me -- to me, because you're asking a personal opinion almost, if
23 you've got irregularities, that means there's some inadvertent activities, fraud, whatever
24 you want to call it, going on and somebody's trying to take an election.

25 So I think I can see, the way the President talks, it was a blended conversation. I

1 would have used -- I've never used Stop the Steal; I've always used irregularities or
2 anomalies. It's the same language that the Vice President of the United States used.

3 Q And on Stop the Steal messaging, I mean, who was pushing that?

4 A I don't know. I don't know where that came from. I don't know if that
5 was campaign related or came from him. I don't know -- or one of the advisers, other
6 advisers said it. I don't know if that came from Dan Scavino, Mark Meadows. I don't
7 know who made it.

8 Q You're unique because you're one of the few people who worked in the
9 West Wing -- and I say that relative to the rest of the world -- and so you get to see how
10 the West Wing is running and what the President is doing, even if you're not on the same
11 floor with him every day.

12 But when, in your experience, did this Stop the Steal messaging really take off,
13 because it became a big issue?

14 A Yeah. [REDACTED], that's a great question. I don't -- I can't remember. I mean, I
15 don't remember when it came. I remember it came up, but if you asked me to place a
16 date stamp on it, I can't.

17 Q Well, let me ask you this. Before the election, before November?

18 A I don't remember. I can't remember. I don't remember when that phrase
19 actually started to be used.

20 Q Do you remember the President talking about it in your interactions or just
21 being around the White House?

22 A No. I think somebody -- speculation -- I think somebody planted that
23 phrase in his lexicon because it's not something he would normally say. And once he
24 grabs on to something, he stays with it, either on nicknames he gives to people or
25 phrases.

1 And somebody had to have probably -- may have brought that up and he thought
2 it was a good idea. I don't know. That's something -- I don't know who came up with
3 it.

4 Q Okay. In the past, the President has stated -- I know you've been with him
5 since the 2016 election and now this one -- he stated that the only way he would lose is if
6 there's fraud in the election. Do you remember statements like that?

7 A I think, yeah, I think it was hyperbole, but I also think there was some merit
8 to what he said, ■■■, and I really -- and I'm saying this as candidly as I can, I know I'm
9 under oath -- I honestly thought we had won the election. I looked at the numbers. I
10 saw the numbers in the war room. The numbers to me the night of the election
11 indicated to me to do it.

12 I had reporters reaching out to me and telling me you're doing better than
13 anybody thought, congratulations on this. Everybody saw the same numbers I did.

14 So when I went home and went to bed that night, I thought that we had won it. I
15 thought the anomalies -- there was no way any anomaly would have statistically
16 prevented that from happening till the next day when I came in.

17 So I thought, to me, seeing the numbers I saw in the war room that day and that
18 night, we were going to win the election.

19 Q So at one point after the election, though, the message became Stop the
20 Count. That was, I believe, in a tweet, it was in --

21 A Stop the Count?

22 Q Correct. Stop counting votes.

23 A I don't remember hearing that.

24 Q Okay.

25 A I heard that in 2012. I heard that when Vice President Gore and Bush.

1 But I don't remember Stop the Count ever. I never heard that term.

2 Q Okay. So you never heard the President or anybody saying that, you know,
3 because of fraud we need to stop counting votes in Pennsylvania or other --

4 A No. I never heard that.

5 Q Okay. So part of this messaging about Stop the Steal and fraud seemed to
6 be coming from Rudy Giuliani, Sidney Powell, and other lawyers related to the election.

7 Did you ever have any interactions with Rudy Giuliani about --

8 A I saw him in the White House, I mean, after the 6 January, and said hi to him,
9 because I had known Rudy from 2016. I had never met Sidney Powell. I saw her there
10 by picturing who she was.

11 Q Did you ever talk --

12 A Who's the other one?

13 Q I'm sorry.

14 A East -- Eastman. I never saw him at all.

15 Q Did you ever talk to Rudy Giuliani about the November election?

16 A No.

17 Q Did you ever talk to Sidney Powell about the November election?

18 A No. Well, I remember her saying to me, you know, there was allegations in
19 the election, and I said -- I remember her making a comment -- she was out in the outer
20 lobby -- and I said, sure hope you can prove them, you know.

21 Q She was in the outer lobby of --

22 A Well, in the White House, when you come in the major reception area,
23 where the reception of the United States is, that's what I call the outer -- the upper lobby.

24 Q Okay. So there was a meeting that occurred on December the 18th, I
25 believe it was, with Sidney Powell, Michael Flynn, Patrick Byrne, and a number of White

1 House staff. Do you know anything about that?

2 A I do not.

3 Q Okay. Do you know if Sidney Powell was there to meet with the President
4 when you saw her?

5 A I don't know.

6 Q There was a lot of talk, as we've been sitting here talking today, there's a lot
7 of talk about fraud and issues related to the election. Did you have any role as national
8 security adviser in reviewing any of those issues?

9 A No.

10 Q And the reason I'm asking is because some of the allegations involved
11 foreign interference and hacking and other issues related to the security of voting
12 machines.

13 A Yeah, [REDACTED]. I'd tell you, probably, I would've turned it off. Because I went
14 through the 2016 campaign and I sat in front of the Mueller commission and told them
15 the same thing: Russian interference was garbage.

16 And if somebody had said to me Russian interference or Chinese interference or
17 Iranian interference, we had a really good team, led by Paul Nakasone in U.S. Cyber
18 Command, tracking that. And we knew -- we knew virtually what everybody was doing
19 in trying to, you know, do some type of voter influence. We picked up on it, and we
20 knew it was going on.

21 Because U.S. Cyber Command had a very good handle on it. The Vice President
22 even asked me that early on and I told him who is responsible for running that down.
23 And obviously the FBI was involved with it, too, but it was Cyber Command and Paul
24 Nakasone.

25 Q So just to follow up on that, the Vice President asked you to run down issues

1 related to securing the election?

2 A No, keep him aware of any. He didn't run it down. Like if something's
3 going on, make sure I'm aware of it.

4 Q Okay. And when was that, approximately? Before the election?

5 A Oh, yeah. Because we were talking about the integrity of the election even
6 in the summer. Foreign interference, when I talk about election integrity, we were
7 talking about that, because we had gone through the 2016, the garbage I had gone
8 through with that, and to make sure that we had a handle on it so we could respond to
9 people. And that task force was Cyber Command, it was the FBI, it was DHS. There
10 was actually a task force put together on election integrity.

11 Q Okay.

12 A And so he asked me to keep him in the loop on that.

13 Q Okay. Did you keep him in the loop on what you were learning?

14 A Uh-huh. Uh-huh. Yes.

15 Q All right. You said there was a task force with Cyber Command, FBI, DHS.
16 Was CISA a part of that, and that would be the Cyber Information Security --

17 A I don't think DISA -- I don't think -- well, it's yes or no, because a lot of the
18 situation room is run by DISA.

19 Q Okay.

20 A So if DISA was involved, it would have been because of the Sit Room. But
21 DISA as an organization is a subordinate organization, and I would've picked up on that.

22 Q And I'm sorry if I wasn't clear. It's CISA, C, as in Cyber, part of DHS --

23 A Oh. Oh. I thought you meant DISA, D-I-S-A.

24 Q No.

25 A I'm sure they were, sure.

1 Q Okay. Is it fair to say that there were meetings going on -- you just
2 mentioned the Situation Room -- about these issues, probably at a higher classification
3 level, related to foreign interference?

4 A Oh, yeah. I mean, it was a set task force.

5 Q Okay. And was there any reason that you had -- I'm going to back up and
6 put a caveat on it, we don't want classified information in this setting right now -- but is
7 there any information that you had that made you doubt the security of the election from
8 that perspective?

9 A No. No. No, I didn't think so. Because we always made the assumption
10 that they would've had to penetrate -- either get voter rolls and penetrate the voters that
11 way or hit the voting machines. And most of those voting machines are not connected,
12 in fact, almost -- I think all of them are not connected to the web. So the ability to
13 penetrate those, it always had to be an influence campaign.

14 And what I mean by an influence campaign, it was always what did you see on
15 YouTube, what did you see on Twitter, what did you see? That's where the influence
16 campaign was coming from. And it was up to those organizations to monitor.

17 And on several occasions, we would pick up that if there was a bot or something
18 going on, we would alert, you know, we would alert Facebook and we'd say, okay, we
19 know this is bogus, and we'd tell them why. And they were pretty good about scrubbing
20 it.

21 Q Okay. And just to follow up on my earlier question, did you learn anything
22 after the election that there had been any legitimate claims of foreign interference
23 related to voting machines in the 2020 election?

24 A No. And much like the 4 years before that, the answer was no. Except for
25 influence operations, which they tried to do through outside agencies, again, Facebook or

1 something else, the answer's no.

2 Q Okay. But not like Dominion voting machines were being hacked, nothing
3 about that?

4 A No. No.

5 Q Okay. Nothing about the Chinese hacking election results?

6 A No. Again, because we said they couldn't. Because I think -- and I don't
7 know for sure, but most of the election machines are not interconnected to the web.
8 You can't -- it's really -- unless you want to hack every individual machine, which is really
9 hard to do, you can't do it.

10 The question I think was on the voting machines was, is there double or triple
11 counting going on? And that is a human error, not an interference error from the
12 foreign entity.

13 So I didn't think any foreign entity, despite what people say, I think their ability to
14 influence -- except by influence operations other than things, again, like Facebook, the
15 answer's no.

16 Q Like social influence efforts is what --

17 A Social influence efforts, yeah. They do that.

18 Q Okay. Any follow-up on these issues?

19 Mr. [REDACTED]: No.

20 BY MR. [REDACTED]:

21 Q Okay. All right.

22 So I'm glad you referenced the double and triple counting issues. Have you
23 heard about issues related to Dominion voting machines kind of counting incorrectly?
24 And one of those in particular came out of Antrim County, Michigan.

25 A No.

1 Q All right. Bear with me for just a moment. I think we may have covered
2 this, but I want to be sure.

3 So in November some people started stepping down from the administration and
4 leaving. I believe Alyssa Farah -- I don't know if you know her.

5 A Very well.

6 Q You do. She was one of them.

7 A Uh-huh.

8 Q And we understand that she told people, including Mark Meadows, that it
9 was time for the White House to acknowledge that they -- that Trump had lost.

10 Are you familiar with conversations like that?

11 A No.

12 Q Okay.

13 A But I have personal reasons to believe that why she left the White House is
14 not what you think it is. I'm going to leave it at that. You talk to her.

15 Q Totally understand. And we will discuss any motivations, if we need to,
16 with Ms. Farah.

17 But do you know if Mr. Meadows ever acknowledged that, for example, the
18 President had lost and that he would accept it eventually?

19 A I never got involved in private conversations with Mark to talk about that. I
20 don't. Those conversations -- frankly, [REDACTED], once 6 January was over, I was more
21 concerned about making sure we had Afghanistan in the right frame going forward or
22 anything else going on. I just kept focusing on national security issues.

23 Q And I'm talking about now the November timeframe?

24 A Uh-huh.

25 Q And anything you had heard about the need to have the President accept

1 the results of the election that he --

2 A Well, I don't think -- I think -- I think people thought because -- and I, again,
3 very candidly, I thought there were anomalies in the -- anomalies in the election. And I
4 thought those irregularities -- I'll use Vice President Pence's term, I think those
5 irregularities should have been addressed, you know.

6 And I'll give you the example of frustration on my part, as part of the
7 administration, is when, the day after the election, when I saw a vote drop of around
8 160,000 votes drop in Pennsylvania at 6 o'clock in the morning and 90 percent of those
9 votes went to Joe Biden and 10 percent of those went to Donald Trump, I said,
10 statistically, that's an anomaly. Who's looking at that? And nobody was.

11 So those are my anomalies, that on a personal level I said I don't feel right about
12 this. Where did those numbers come from?

13 So did I talk to that about anybody? Sure. I'm sure I made some comments.
14 Who is checking out the anomalies of these huge vote drops? And we were able to
15 track in every single State, the war room would track hour by hour when the vote drops
16 would come in.

17 And, you know, you had a bar graph and you'd see some for President Biden,
18 some here, some for President Trump, and it would go like this. And somebody -- but
19 nobody could explain to me why in one State -- and I think it was Michigan -- and one
20 State, Pennsylvania, why at 3 o'clock in the morning and one at 6 o'clock in the morning
21 the bar looked like this. And nobody could explain to me a statistical anomaly.

22 And I said, shouldn't somebody be asking -- at least get the answer from people?
23 There may have been good reason, but just explain it to me. So I thought there was
24 irregularities or anomalies.

25 Q And that's fine. I mean, ultimately, of course, Pennsylvania certified their

1 electoral results.

2 A Of course they did.

3 Q And do you have any reason --

4 A But there's a different answer. You just gave me a different comment.

5 They certified the election, yes, they did. Nobody ever certified or questioned or
6 gave -- answered why was that huge anomaly, where did those votes come from?

7 Nobody has ever answered that question.

8 Q To your knowledge?

9 A Correct, to my knowledge.

10 Q Okay. And so just to get back to the original question, though, that
11 was -- were there conversations in the White House or among White House officials that
12 the President needed to accept the fact that he'd lost? And we're talking about in the
13 November/December --

14 A No. I think part of it was because the emotions were so raw by everybody.
15 I think that had to take the time that it went by. That election wasn't decided till
16 Saturday. So, I mean, if somebody says the day after the election it was lost, it wasn't
17 even certified by AP until 4 days later.

18 Q That's right. And, again, I'm talking about after that, after the election
19 result came in, after President Biden was declared the winner, after States were certifying
20 their electoral results, was there or were there people in the White House saying, really,
21 President Trump just needs to accept the fact --

22 A I don't know because I didn't talk to him about it.

23 Q Okay.

24 A I didn't -- I kept my personal opinions to myself and I didn't ask other people
25 about it.

1 Q Did you think he needed to accept it after it had been declared and certified?

2 A No. Because my point was, let the anomalies and irregularities work itself
3 out. Let the judicial system do what it's supposed to do. If you have any challenge to
4 an election, challenge it in the judiciary. I think that's appropriate and proper. So I
5 thought it was appropriate to do it.

6 Q Okay. And then the court cases, of course, ran themselves out eventually.

7 A Uh-huh.

8 Q And I believe in your book you said that January 6th was the President's last
9 constitutional card to play.

10 A Yeah. I think I said earlier, it was the end game, words to the effect. That
11 was it. That was the constitutionally. Because, at that time, they accepted the
12 electoral college vote, and I didn't see any way constitutionally of going back and let's do
13 a revote. I didn't -- I don't think constitutionally you can do it.

14 Q So what was the last constitutional card for the President to play on January
15 the 6th?

16 A Well, if the election -- if the electoral college votes had gone back to the
17 States, that had been determined to be appropriate by the Vice President, that was it.
18 But once the electoral college votes are counted, it is done.

19 Q Okay.

20 A I'm pretty sure I'm right on that constitutionally. I think I am.

21 Mr. Coale. Yeah, you are.

22 Mr. [REDACTED]. Any follow-up here?

23 Okay.

24 BY MR. [REDACTED]:

25 Q All right. This is reported, which is why I'm asking you about it, figure out

1 whether it's true, it's reported that in December, Mr. Meadows suggested replacing FBI
2 leadership with Kash Patel. Are you familiar with that?

3 A FBI leadership?

4 Q Correct.

5 A No.

6 Q Okay.

7 A CIA leadership, yes.

8 Q That was going to be my next thing. So it's been reported that after he
9 didn't get FBI leadership, he was in the consideration for CIA leadership?

10 A Yes. And the President asked me a very direct question on that.

11 Q Let's talk about that.

12 A And I said, Gina Haspel has killed a lot of bad guys for you, you know, and for
13 America the last 4 years, and she's a -- she's a really good CIA Director. And I said that,
14 and I think -- and I know Vice President Pence said that too.

15 Q Okay.

16 A And the President agreed with us. I said, no, my answer was no. I like
17 Gina Haspel. I thought Gina Haspel did things that will never be public knowledge in the
18 classified arena, and she actually prevented wars and got bad guys. And I know it's not a
19 classified room, but I mean, you're looking at somebody who's a fan of Gina Haspel. So I
20 told the President that.

1 [3:33 p.m.]

2 BY MR. [REDACTED]:

3 Q How did Kash Patel's name even get in the running for --

4 A I think because he was on -- you guys will have to help me with the rest. I
5 think he -- wasn't he on the Intelligence Committee for Devin Nunes or something like
6 that?

7 Q Okay. That's your understanding how his name came up?

8 A I think it is. I think it is, yeah.

9 Q And how did the President get his name?

10 A And I also told him Kash couldn't do it because Kash is not Senate confirmed.
11 You cannot replace a Senate-confirmed individual with a non-Senate-confirmed
12 individual.

13 Look, I was asked by Mark Meadows: Would you like to be the next Secretary of
14 Defense before Miller?

15 And I said: It can't be done. I'm not Senate-confirmed. Mark, you can't go
16 there.

17 You guys know that -- I don't -- better than I do.

18 Q So, two things. I'll follow up on the first one first with Kash Patel. Why
19 did his name even come up?

20 A I don't know.

21 Q You don't know.

22 A No. But the President liked Kash. I mean, Kash was known. I don't
23 know why, but it's not like it was Sam Smith. He knew who Kash was.

24 Q Okay. So you expressed your view that his current CI leadership or then
25 current should stay the same.

1 A Absolutely.

2 Q And did you think that Kash Patel was qualified for that type of job?

3 A Sure.

4 Q You just didn't think he was the right person then?

5 A No. I didn't think Gina Haspel should be replaced by anybody.

6 Q Okay.

7 A I don't care if it was George C. Marshall. I mean, to me, you know, Gina
8 was the right person.

9 Q And the President accepted --

10 A Absolutely. He right away, despite people around him saying that. I think
11 there were people uttering, be it the PPO or somebody else, to be done. I said no.

12 Q You also mentioned that Mark Meadows asked you if you wanted to be
13 Secretary of Defense.

14 A Uh-huh.

15 Q When was that?

16 A When they were getting rid of Mark Esper. And I told him -- he said:
17 Could you become Secretary of Defense? I said: Sure, I could become Secretary of
18 Defense, but it can't happen because I'm not Senate confirmed.

19 Q Did you have any substantive conversations about what the role would
20 entail?

21 A Me?

22 Q Yes.

23 A I knew what the role would entail as Secretary of Defense.

24 Q Understanding you have a lot of experience --

25 A Yeah.

1 Q -- and probably far more than probably most of the people in the White
2 House, if not all of them. But did you talk to Mark Meadows about what the job would
3 be for you in particular as Secretary of Defense?

4 A No. I just assumed they -- I mean, they wanted to replace Mark. And one
5 of those things I said, which you need to have, is you need to have somebody who's an
6 advocate for the administration.

7 I believe very strongly that if you are a Cabinet Secretary, that you are part of a
8 political organization and that you should be out there, running point for Presidential
9 programs, and that you need to be a spokesman. I don't think Mark Esper ever did that,
10 and I was very vocal about that.

11 And I said: Look, when things happen, that's not the President's job to run point.
12 It is the Secretary, be it Interior, HHS, or Defense, to run point. And then the President
13 can backfill that. I don't think Mark Esper ever did that. I don't think Mark Esper ever
14 should have been the Secretary of Defense.

15 Q Okay. So I assume then you agree with his firing?

16 A Yeah, he never should have been appointed. So get rid of him? The
17 answer's yeah, and part of it is that he never ran point for the President in critical
18 programs like Afghanistan.

19 Mr. [REDACTED]. Okay. Do you have any followup on that?

20 BY MR. [REDACTED]:

21 Q I do have a -- are you familiar with a memo that the President reportedly
22 signed on November 11th, 2020, ordering that troops be withdrawn from Afghanistan
23 and Somalia?

24 A Yes.

25 Q Do you know how that memo came about?

1 A Not for sure, but I was pretty sure how it happened, and I think it was an
2 iron hand memo. I think what happened is a guy name Doug Macgregor was assigned
3 as an advisor to the Secretary of Defense through PPO.

4 Doug Macgregor, you've probably seen him on TV. Doug Macgregor is an
5 adamant opponent -- wanted to get out. And I think there were people in the White
6 House that thought the President should get out of Afghanistan immediately, and I was
7 not one of them. And I said we have a plan in place. It's a good plan. It's not a great
8 plan, but it's a good plan. And stay on plan. Had to do it through the Doha agreement
9 of the year before, in 29 February. And stay on the plan.

10 I think what happened is that -- that Macgregor got something that
11 was -- somebody got an iron hand to the President. And that got over to Mark Milley.
12 The reason I know that was not properly done through channels is because, when you
13 have a Presidential decision memorandum, a PDM, a PDM has a set format. It's like a
14 term paper, and certain things are done. The signature block is in a certain place. It's
15 approved, disapproved, see me, signed by the President, very structured. That was a
16 memo. The President doesn't do memos. He does a PDM.

17 So, when I first saw that, I said this is BS. It's not -- this is wrong. And I went
18 right to -- because Mark Milley's the one who called me, Chairman of Joint Chiefs. I said:
19 Mark, bring that over right now. I said: It's bogus. Do not listen to it. He brought it
20 over to me. We went right to see Robert O'Brien, and O'Brien went to see the
21 President. The President said: No, that's not a good memo.

22 Q Meaning the President had not signed it?

23 A I don't believe he had. You know, [REDACTED], I can't say that. And the reason
24 I'm saying that is because that was not an informed Presidential decision memorandum at
25 all. And he would -- why would he sign something that was not a PDM or he had not

1 been brought in by his National Security Advisor? The only way stuff like that gets
2 signed is through NSA.

3 And I proceeded to tell the PPO and proceeded to tell Macgregor that, if I ever
4 saw anything like that, I would do something physical because I thought what that was
5 done was a tremendous disservice to the Nation. It was a tremendous disservice to the
6 President.

7 And the guy in the White House that was responsible for Afghan planning was me,
8 directed by the President of the United States, in front of the Vice President, the Chief of
9 Staff, the National Security Advisor, the DNSA, Gina Haspel. That was my lane. And,
10 when that came up, they had violated my lane, too. And I told the President, and the
11 President was listening to me every step of the way on Afghanistan.

12 So it's a long answer to a short question. But, [REDACTED], I'm telling you I think
13 somebody did something way out of line.

14 Q So was that memo cleared through the National Security Council process?

15 A No.

16 Q Okay. You referred to somebody at PPO. Who was that?

17 A Johnny McEntee.

18 Q Okay. Can you explain what Johnny McEntee's role was?

19 A I don't know because nobody explained it to me how that thing got there.

20 Q Well, there must be some reason why you bring up PPO. You must have
21 some reason --

22 A Because Johnny McEntee had appointed Macgregor over there to do that,
23 and Johnny wanted to get out of Afghanistan. I heard him say that to the President in
24 front of me. The President asked: What do you think, Kellogg?

25 And I said: No, we've got a plan. Stay with plan. It's a good plan, and the

1 plan will work if everybody follows through. And we will come out of it in a reasonable
2 manner.

3 And, by the way, that was a very, very contested issue. There were people who
4 did not agree with getting out of Afghanistan. I appreciate the concerns. We thought
5 we had a plan on how to do it, to disengage in a peaceful way. This was not a peaceful
6 way. An immediate departure that that memo said would have been a catastrophic.
7 It's the same thing what President Biden went through. It would have been a debacle.

8 Q Did that memo that you saw have what purported to be the President's
9 signature on it?

10 A Yes, it did.

11 Q Do you have any idea how that signature got there?

12 A The only thing I think it was an iron hand.

13 Q What do you mean by that?

14 A I'm sorry.

15 Mr. [REDACTED]. Autopen?

16 The Witness. Yeah, I call it an iron hand. Autopen, yeah.

17 BY MR. [REDACTED]:

18 Q Okay. Do you have any who might have used the autopen to sign?

19 A No, I don't know, not at all.

20 Q When the memo was presented to the President, to the best of your
21 recollection, what did he say?

22 A That was taken in to by Robert O'Brien.

23 Q Were you there?

24 A No.

25 Q Okay. Did Mr. O'Brien say anything to you afterward?

1 A Came back and said: This memo is OB, done. Came back out, because
2 Mark Milley brought it over.

3 Q Okay. So, as you sit here today, you don't know whether the President
4 actually signed it or not?

5 A No, but I don't -- but there's no reason. I mean, if he had signed it,
6 somebody had had to put it somewhere. He knew what a PDM looked like. He knew
7 what the policy was. We had talked about their policy. He knew who the lead dog in
8 trace for Afghan was. It was me. I had never been with him when, if Afghanistan came
9 up, he didn't call me into the office. Never.

10 So that's the reason I -- I mean, yeah, if I sound frustrated, [REDACTED], I really am,
11 because I think this was a -- it was an egregious move by somebody that was extra
12 constitutional and I think was wrong. Okay. And whoever did it was wrong. And,
13 again, that was -- they were in my lane. And I'm the one who worked closely with State
14 Department, with Zal Khalilzad, who was the special representative for us, to make sure
15 we had a good agreement.

16 Q Did you or anybody else look into how this came about that the memo --

17 A Once that memo, as I said, was done, I threw it away. But I -- I told Johnny
18 if this was through his lanes, don't brink Macgregor, don't -- I told Doug Macgregor:
19 Don't come over here. I said, if you had anything to do with this, and I know you did,
20 because you're the one who gave it to Mark Milley. I mean, he gave it personally to
21 Mark Milley.

22 Q He, Macgregor.

23 A Yeah. And Miller.

24 Mr. [REDACTED]: I'm sorry.

25 Mr. [REDACTED]: He gave it to Miller and Milley, the bogus memo.

1 Mr. [REDACTED]. Who did?

2 The Witness. Macgregor did.

3 Mr. [REDACTED]. That's it.

4 BY MR. [REDACTED]:

5 Q Can I ask, just to follow up on this: So this memo you're talking about,
6 General Kellogg, the one that's the iron hand, it comes out on November 11th, just 4 days
7 after the election had been called by the networks for President-elect Biden. Is there
8 any connection, in your view, to those two things, the fact that the election had been
9 declared for Biden, which means only 2 months left, and an extra -- an extra
10 constitutional wrong, egregious memo to withdraw troops from two separate theaters of
11 conflict?

12 A Do I think -- again, [REDACTED] --

13 Q Was there a connection between --

14 A Well, President Trump, it's sort of like a yes-and-no answer. President
15 Trump had always wanted to get out of Afghanistan because he thought it was a too-long
16 war. And we thought we were going to have a second administration to be able to do it.

17 Q Yeah.

18 A When we put together the plan, he saw the plan. He didn't necessarily like
19 the plan because, again, I was the guy that was responsible helping work the plan
20 together, of telling him. I gave him three options early on, and you remember. The
21 three options we gave him were: Have everybody out by election day, number one.
22 Have everybody out -- let me back up. Have everybody out by the election, have
23 everybody out by 20 January, and have everybody out by the date plan we stated. And
24 this was done in the summer.

25 Q Uh-huh.

1 A So this was done in April and May through discussions with CENTCOM,
2 Milley, the SecDef at the time. And I convinced him you couldn't do it by election day,
3 okay, because we would have -- it would have been too rushed. You can't do it by -- you
4 can't do it actually by the 20th of January, unless you start early on. So leave the
5 debt -- the set -- the date stay set.

6 Q Yeah.

7 A Pass that -- at the time, we thought we were going to be the administration.

8 Q Yeah.

9 A But pass that to a new administration, and the plan is solid. Is it a great
10 plan? No. Is it a good plan? Yes. And have them execute the plan. The Chairman
11 of the Joint Chiefs, Mark Milley, agreed with that. The director of the CIA, Gina Haspel,
12 agreed with that. And Secretary -- Acting Secretary Miller, agreed with it as well.

13 Q Uh-huh.

14 A So did the Secretary of State. So we had everybody in agreement.

15 His frustration was, early on, he kept asking me: Can I get out of there by 20
16 January?

17 And my answer was: Can you get all of the people out? Of course, you can.
18 Put them on an airplane and fly them home. But you're asking for a disaster, which we
19 found out actually the debacle happened later when that exact thing happened later on.

20 So he kept saying grudgingly: Okay, I hear you. And he did it.

21 Q Okay.

22 A And he listened to what we were telling him.

23 Q Because there was a process, a careful, thorough process informed by
24 experts --

25 A Yes.

1 Q -- about the issues.

2 A Yes. And he bought into it.

3 Q So, as of election day, the plan is it's May of '21, which is when the troop
4 withdrawal from Afghanistan will be complete.

5 A If the conditions were only --

6 Q If the --

7 A If the conditions were met, and the initial condition was never met.

8 Q Right.

9 A The initial condition was you had to have intergovernmental talks between
10 the Taliban, Baradar, and the Ghani government on a government of national
11 reconciliation. That was step number one, those talks to occur. The Taliban were
12 willing to do it. Ghani was not willing to do it. So the first condition was never met.

13 Q Yeah.

14 A The President was very clear. When he called Baradar 3 days after we
15 signed the memo and Baradar agreed, the Taliban agreed that if that the conditions were
16 met, then they would withdraw. But if the conditions were not met, no withdrawal
17 would take place.

18 Q Yeah. I completely understand that, and I'm really not --

19 A Yeah.

20 Q -- trying to get into the policy itself.

21 A Yeah.

22 Q I'm trying to get --

23 A Okay.

24 Q -- establish a timeline.

25 A Yeah.

1 Q So, on election day, the plan is just as you described --

2 A Uh-huh.

3 Q -- a more orderly withdrawal that is into 2021.

4 A Correct.

5 Q Then the election occurs on November the 3rd. November 7th, the
6 election Saturday is called for President Biden. Secretary Esper is fired on November the
7 9th. And this memo is issued, this iron hand memo, outside of the normal process.

8 A [REDACTED], I assume it's an iron hand. I mean --

9 Q Okay.

10 A -- I just -- I can't believe it.

11 Q But we know that it was not a thoughtful, reasoned change in policy because
12 you weren't aware of it; General Milley wasn't aware of it.

13 A And it didn't follow the standard procedure of any decision.

14 Q Yeah.

15 A I don't care if it was making lollipops. You went through a Presidential
16 decision memorandum process that was run by the staff secretary, and that memo was a
17 memo. It was not the PDM.

18 Q I understand. So my question is: Was it, in your view now, looking at that
19 timeline, connected to the fact that the administration was ending or as sort of an
20 acknowledgment that the administration was ending and wasn't going to be there --

21 A I --

22 Q -- through --

23 A I don't know.

24 Q -- May of 2021?

25 A I don't know because he was -- he had made a campaign promise to get out

1 of there, and he wanted to get out of there. And our perspective was always a
2 reasonable approach to do it a certain way, and he had always bought into that.

3 Q Yeah. But if I --

4 A He didn't like it, by the way, [REDACTED], but he always bought into it.

5 Q No, I appreciate that. But if he thinks he has 6 months, but he suddenly
6 realizes he only has 2 months, do you know whether that motivated this truncated
7 extraconstitutional process?

8 A I was never asked about it. And I would -- I probably would have said it's
9 the dumbest thing, and I did --

10 Q Yeah.

11 A -- that I had ever seen in my life, because what you're putting is Americans at
12 risk, national security at risk.

13 Q Yeah. Do you know whether or not the discussions about Gina Haspel
14 being replaced, Secretary Esper being replaced, were all -- were those discussed
15 personnel changes that took place after the election also a reflection of, hey, we got to do
16 a couple of things in the 2 months we have left and we need the right people in place to
17 do that?

18 A I think there was some personal pique, not by the President, because the
19 President kept Gina on, and he listened to us. As I said, that was a pretty good idea,
20 including the Vice President, who said to him, when I was in his presence in the Oval:
21 Don't do it.

22 And Esper, very candidly, [REDACTED], I had no problem with Esper being moved.

23 Q Yeah. There's just been some reporting that Johnny McEntee was
24 assembling sort of lists of who was loyal to the President and who was not, and there was
25 an effort to just to replace some of those people.

1 A Yeah, I think he did that early. I think he did that well over a year in
2 advance.

3 Q Yeah, and he was in that position after just a couple of months being the
4 body man, the guy that carries the bag and the TikToks and the comb, right?

5 A Uh-huh.

6 Q That was his prior job before he's head of Presidential personnel.

7 A Yeah, which, by the way, the implication is, would he do it? Look, the first
8 guy we had was an absolute klutz. All right? There was a data guy that came out of
9 the RNC and to this day was one of the problems we have in the new administration.
10 You put an HR expert in charge. That was me to Reince Priebus --

11 Q Not Johnny --

12 A -- me to everybody else that don't -- don't putting rookies in charge of
13 personnel.

14 Mr. ██████. Right. Okay. Thank you.

15 Go ahead.

16 BY MR. ██████:

17 Q Okay. So, switching gears a little bit, there's reports that some people,
18 including General Michael Flynn and Sidney Powell and others, were encouraging the
19 President to declare a national security emergency because of fraud in the election in
20 order to seize voting machines. Are you aware of that?

21 A No.

22 Q Are you aware of declaring a national security emergency for anything
23 related to the election?

24 A Nothing, no.

25 Q No talk of it at all?

1 A No. The only -- the only thing talking, wasn't because of the President, was
2 doing what other Presidents have done is invoking the Insurrection Act of 1807 to make
3 sure you put Federal troops on the ground to maintain law and order. That was done in
4 the L.A. riots. It was done in the Detroit riots. It was done elsewhere. But
5 nothing -- that was for a protection issue more than anything. And that, you know, that
6 went the way of the buffalo. That -- nothing happened.

7 Q Okay. So when did the talk of the Insurrection Act come up?

8 A That came up just in just discussions. And I was one of those who
9 said -- when people talked about it, I don't know if he understood it. I said, you know,
10 Bush did it. You know, Lyndon Johnson did it. It's been used 38 times in our history.
11 And if you have a problem with being able to put the Guard in place for civil servants,
12 you're authorized to do it. They did it -- most recently was the L.A. riots.

13 Q Was it raised because of election issues?

14 A No. No.

15 Q This was something else.

16 A It was security of the Capitol.

17 Q Okay. So was it -- it was raised in advance of January 6th.

18 A No, it was subsequent. I'm sorry. I think subsequent to it. But it was
19 just -- nobody -- it was just a discussion point. I mean, I had heard it. I said: You
20 know, you can do it. And there's a reason to do it. If you want to federalize troops to
21 be able to do it, you have precedence to do it.

22 Q Who raised it? Do you remember?

23 A I don't remember. It was kind of like a sidebar conversation. I probably
24 did it with O'Brien.

25 Q Was the President a participant --

1 A No.

2 Q -- in that conversation?

3 A No.

4 Q Was Mr. Meadows?

5 A I think Mark was part of that conversation. I think he was. [REDACTED], I can't be
6 exactly sure.

7 Q Do you remember if he expressed a view about the Insurrection Act?

8 A No, I don't think he did. I think he wasn't for it. My view was, if you want
9 to do it, you can do it. And I gave them historical precedent to do it. You know, a lot
10 of times when people say things, they don't have the historical precedence of why you
11 can do it and where's it's been done before and who did it before.

12 Q And, just to be clear in my own mind, did this come up on January 6th in
13 order to deal --

14 A No.

15 Q -- with the Capitol?

16 A Subsequent to that, can you do it? In case you have problems in the
17 Capitol, go ahead and do it.

18 Q When did --

19 A [REDACTED], because, remember, we never knew there was going to be a riot on the
20 6th of January. So you don't plan for, you know, having advanced it, invoke an
21 Insurrection Act when you don't see an insurrection coming.

22 Q So what did you see coming that was concerning?

23 A No. Later on, afterwards.

24 Q Well, what did you see coming?

25 A What you want to say is an option to have, do you want to bring in National

1 Guard troops to do this? And you can bring them and federalize them under the
2 Insurrection Act of 1807. It's allowed to do that. So bring the troops in, in a relatively
3 organized manner if you want to do it.

4 Q I guess what I'm asking -- I'm sorry if I'm not clear. What I'm asking is, what
5 event would trig -- warrant this? Was it the inauguration? Was it --

6 A No.

7 Q -- something else?

8 A I think just the security the Capitol, if you were so concerned about it, here's
9 how you can do it.

10 Q Okay. But nothing in particular.

11 A No, no, just --

12 Q Okay. And you said that went the way of the buffalo. I assume that
13 means --

14 A It means nobody listened to Kellogg and just said okay. Thank you.
15 They're not going to do it. Okay. Got it.

16 Q Okay. Did you suggest it should be done, or you just briefed them on it?

17 A No. I said you could do it if you wanted to do it. It was appropriate to do
18 it. Other Presidents have done it. Done it 38 times in history. The last President to
19 do it was President Bush because of the L.A. riots. And I was partially involved with that
20 in the sense I was in the 82nd Airborne Division, and we got the alert, and they sent
21 another unit to do it. So I'm aware of it that you can do it. You have Presidential
22 authority to do it.

23 Q You didn't say he should or should not.

24 A No, no, I never took a position.

25 Q All right. So, on the national security laws, other than that, though, one of

1 them referenced was IEEPA, which is the International Economic Emergency Powers Act,
2 and an executive order that deals with foreign interference in the election.

3 A Yeah.

4 Q Were you aware of any talk about using those?

5 A No.

6 Q No. Okay.

7 On -- I'm going to just jump around a few events here. But, on December 21st,
8 Mr. Meadows tweeted about a meeting in the Oval Office with Members of the House
9 and Senate to deal with fraud in the election. Were you aware of that meeting?

10 A No. I wouldn't have been involved in that meeting. That was --

11 Q Because?

12 A -- because that was a domestic issue.

13 Q Okay. Did you have any meetings with the President and members of the
14 Congress about the election?

15 A No.

16 Q Did you ever talk to any Members of Congress about the election?

17 A No.

18 Q Or the outcome?

19 A No.

20 Q Do you know who Scott Perry is, Representative?

21 A The name's familiar. I can't --

22 Q Have you ever had any meetings with him --

23 A No.

24 Q -- that you recall?

25 A No. No.

1 Q Okay. So, after the election, there's a big focus on States and the powers of
2 State legislatures --

3 A Uh-huh.

4 Q -- to step in and take some action related to fraud and potentially change the
5 outcome. Do you remember that being an issue that was discussed at the White
6 House?

7 A No. I think in the contents of the States, it was I think things that I had
8 heard talked about, the irregularities, were that State legislatures had voted to do
9 something and the supreme courts of the States had done the opposite. So that was the
10 anomaly. I know they talked about that. I don't -- I can't remember. I was going to
11 say Pennsylvania. I can't remember the States.

12 Q Okay. Let me ask you a little bit more specific question that's related,
13 though not the same. Do you remember talk about having alternate slates of electors
14 appointed in certain States?

15 A No.

16 Q Ever -- you never talked about with the campaign or anybody in the White
17 House?

18 A No.

19 Q And you never heard about people talking about that issue?

20 A No.

21 Q Okay. On January -- well, let me back up really quickly. Mark Meadows
22 went to Georgia in late December, mid to late December to look into election-related
23 issues. Do you know anything about that?

24 A No.

25 Q Do you even know he went to Georgia?

1 A No. I didn't keep his schedule.

2 Q Okay. Are you aware -- you also worked with the Vice President. You
3 straddled that line --

4 A Uh-huh.

5 Q -- of assistant to the President and National Security Advisor to the Vice
6 President. Are you aware of the Vice President calling State officials related to the
7 election --

8 A No.

9 Q -- and the outcome of the election?

10 A No.

11 Q Okay.

12 A Again, that would be -- that's more Marc Short would know that --

13 Q Okay.

14 A -- more than I would.

15 Q Okay. Now, at some point after the election --

16 A And, if he did call him, again, it goes back to what I said earlier. Those
17 would have all been recorded calls, "recorded" meaning scheduled calls.

18 Mr. [REDACTED]. Scheduled.

19 The Witness. There would have been -- there's a record of them.

20 BY MR. [REDACTED]:

21 Q Not like a tape recording of them.

22 A No, no, there's no tape, no. There are no tape recordings there.

23 Q After the election, Attorney General Barr came out and said publicly, very
24 publicly, that there was no evidence of widespread fraud that would change the results of
25 the election that they had seen --

1 A Uh-huh.

2 Q -- at the Department. Are you aware of the relationship between Attorney
3 General Barr and the President post-election?

4 A No. But I thought, you know, to me they, I mean, I like Bill Barr a lot. I
5 think they got along well. I mean, to me they were. I --

6 Q Okay.

7 A I just thought they were fine.

8 Q And did you see anything in your official capacity that would cast doubt on
9 Attorney General Barr's conclusion?

10 A Yeah, I talked about him. I said there were things I still have not, to this
11 day, those voting anomalies that I saw have never been answered to me. They may
12 have been by the States, but I've never seen those anomalies somebody said to me "this
13 is what happened."

14 Q And, to be clear, officially, were you presented with evidence --

15 A No.

16 Q -- as your role as White House?

17 A No, I wouldn't get that at all. [REDACTED], there was no reason they'd come and
18 see me on it.

19 Q And so what you saw was stuff that had been reported in the news --

20 A Yeah.

21 Q -- or TV.

22 A Yeah, yeah.

23 Q Okay. Now there were leadership changes at the Department
24 post-election, including Acting Attorney General Rosen becoming --

25 A Uh-huh.

1 Q -- Acting Attorney General. Do you know anything about those changes at
2 the Department?

3 A I do not, not in -- [REDACTED], they wouldn't have -- in the best of times, they
4 wouldn't have asked me about them.

5 Q Okay. Do you know if the Vice President had any role in leadership changes
6 at the Department?

7 A I don't know.

8 Q Okay. Do you know who Jeff Clark is, Jeffrey Clark, the Department of
9 Justice?

10 A No.

11 Mr. Coale. Is he the guy who wrote that letter?

12 Mr. [REDACTED]. We're going to move on.

13 BY MR. [REDACTED]:

14 Q On January 2nd --

15 A I don't know what he's talking about.

16 Q Fair enough.

17 On January 2nd, it's been reported there was a call with the President, John
18 Eastman, Members of the Congress, and a lot of people from State legislatures, meaning
19 State legislators. Are you aware of that call?

20 A I am not.

21 Q Okay. I'm assuming that means you didn't participate in the call.

22 A No, I did not, no.

23 Q It's also been reported that there was a -- it's been called a war room at the
24 Willard hotel with several people who are close to the President.

25 A [REDACTED], the first time I saw that was that in -- read that in the newspaper in The

1 Washington Post. I had no idea.

2 Q Very good.

3 A I didn't even know Steve Bannon was in town. So --

4 Mr. [REDACTED]: Any followup on the issues we've discussed?

5 Mr. [REDACTED]: Not on the issues we've discussed.

6 BY MR. [REDACTED]:

7 Q Okay. One -- I want to go back a little bit -- it's kind of related -- to the
8 Insurrection Act. But was there every any talk about declaring martial law related to the
9 election or the events of January --

10 A I, you know, [REDACTED], I heard that. And that is so much B.S. I never heard the
11 word even mentioned, martial law. I mean, and that's something I would have gotten
12 involved in. And, as a senior military guy, I would have said something. I never heard
13 that. I mean, I've read about it. That's where I picked up on it. I said, boy, that was
14 one of the dumber comments. Whoever -- if somebody did make that comment, that
15 was probably one of the dumber comments the person made. No.

16 Q Okay. You said, as the senior military advisor or a senior military person.
17 What would you have said if it came up in respect to invoking martial law related to
18 either the election or January 6th?

19 A Well, the first thing I would have said is: Why would you do that? Why
20 would you even consider thinking like that? And, two, you know, I don't -- it just would
21 make no sense to me. Why would you declare martial law? It makes no -- unless you
22 were talking -- if you're talking Washington, D.C., it's something that was done by
23 Roosevelt I think was last -- no, it was Hoover, when they did it at the Hooverville camps
24 for Washington, D.C., but there's no reason to do it. I would said say that it makes no
25 sense.

1 Q Okay. Have you heard General Flynn, Michael Flynn, propose any ideas
2 related to this?

3 A No. But it wouldn't -- no.

4 Q Have you stayed in touch with him since --

5 A No.

6 Q Was the last time you talked to him when you took over for him --

7 A Yes.

8 Q -- or thereabouts?

9 A Yes.

10 Q So one of the things that has also come up is a discussion about potentially
11 invoking the 25th Amendment --

12 A Yeah.

13 Q -- to replace the President with the Vice President.

14 A Uh-huh.

15 Q What can you tell us about that?

16 A I --

17 Mr. Coale. Which President?

18 Mr. [REDACTED]. President Trump.

19 The Witness. I have heard that talked about since 2017 to 2020. I've heard
20 them do it because he's not physically capable, mentally capable. I've heard that. So
21 you'd almost have to say the times I've heard it. I've heard it several times. And so the
22 answer is: Have I ever heard it discussed in the -- in the West Wing by any reputable
23 member of the administration? The answer's no.

24 BY MR. [REDACTED]:

25 Q Was it ever discussed by any nonreputable member of the administration?

1 A Only in the news. Okay? No, I've never -- I've heard it reported that
2 people said it. But I've never heard anybody say that at all in the West Wing.

3 Q Have you heard people say, aside from the media, have you heard people
4 say it outside the West Wing?

5 A Sure. I've heard reporters say it.

6 Q Okay.

7 A And I've heard commentators say it.

8 Q Have you ever heard anybody who worked in the Trump administration say
9 it?

10 A No. No, Unless they left the administration, were disgruntled about it, but
11 I've never heard that at all.

12 Mr. ██████. So I think this is clear from the question but just to be very clear:
13 After the events of January 6th, did you hear any member of the Cabinet or staff related
14 to them talk about invoking the 25th Amendment?

15 The Witness. Nobody -- I heard nobody, and nobody said it to me.

16 Mr. ██████. Okay.

17 BY MR. ██████:

18 Q Go back to Michael Flynn. I sensed that you wanted to say more about it
19 wouldn't surprise you or didn't surprise you when you heard him attributed to those
20 martial law comments. Tell us more about --

21 A I see Mike as a little bit to the right of the right.

22 Q What does that mean?

23 A His politics are very polarizing.

24 Q Uh-huh.

25 A And I think he's become more polarized ever since what happened to him

1 because of the Mueller investigation. He didn't -- he became much more -- and I
2 understand why. They destroyed the man's career, the Mueller investigation. They
3 basically made him bankrupt. They ruined basically his family. So the man is bitter,
4 and he moves to the right. The answer's yeah. So I don't -- I understand the personal
5 level of it.

6 Mike Flynn worked for me as a battalion commander. I know Mike Flynn
7 personally. I know him very, very well. I like Mike Flynn. But I think his politics
8 became very, very polarized.

9 Q Well, he is quoted on December 18th, I believe it is, in an interview with
10 Newsmax of advocating for calling martial law, having the military redo elections in
11 certain States, things that have no legal or constitutional basis.

12 A Well, I think that's what I said. He's become very -- I made the comment to
13 him he's become very polarizing. He's right of the right of the right, and I haven't talked
14 to Mike since he left the White House at all.

15 Q Okay.

16 A I just think he's become very extreme in his views.

17 Q Yeah.

18 A But at, the same time, as somebody who's known him for years, there are -- I
19 think I know there's reasons why, because I think what he did -- very candidly, I thought
20 he was entrapped by the FBI. He did things that he could -- he should have been able to
21 do and didn't do. And they ruined a man's life. And I take -- I mean, and I think I know
22 the man's a bitter man. I got it.

23 Q There's a difference between a policy dispute, being the right versus left.
24 Then there's advocating for things that, again, are --

25 A That's --

1 Q -- straight up unlawful.

2 A Bitterness will drive you that way.

3 Q To be -- to advocate things are unlawful.

4 A Sure.

5 Q Okay. Any other examples like that that you have --

6 A I don't -- I never saw -- I never saw that. And, you know, I don't -- I didn't
7 talk to Mike have, not talked to Mike.

8 Q So you've had no contact with him.

9 A It's one of those that, okay, I blew it off because I knew it was nonsense.

10 Q Yeah. And is it fair to say that that impression of Michael Flynn being -- I
11 don't know if you said polarizing or political -- has it decreased his credibility in your
12 world?

13 A To me?

14 Q No. Just sort of generally.

15 A Yeah, overall in the community of formal military officers, the answer is
16 absolutely.

17 Q Yeah. Okay.

18 A He doesn't -- Mike doesn't have the credibility he had years ago.

19 Mr. [REDACTED]. Right. Thank you.

20 BY MR. [REDACTED]:

21 Q Just as a followup, if we can, and very briefly, he was reported to be at this
22 December 18th or 19th meeting at the Oval Office with Sydney Powell where talks about
23 martial law and seizing voting machines and appointing Ms. Powell as a special counsel
24 came up. Did the President ever come to you and ask you questions about those issues,
25 the ones being advocated --

1 A No.

2 Q -- by Michael Flynn?

3 A No, never did.

4 Q Okay. So I think we're reaching the end here.

5 Mr. [REDACTED]: I just have a couple of other general things and not really little but
6 general things, and then we'll be finished.

7 BY MR. [REDACTED]:

8 Q I just want to go back to what we talked about earlier now, not tied to any
9 particular day, about conversations you had with President Trump --

10 A Uh-huh.

11 Q -- about the election. I appreciate the fact that there's friend to friend.
12 But were there ever any other conversations before or after January 6th at any time
13 about the election results, the fall 2020 election results?

14 A No. I mean, he would make -- there were times when, you know, in
15 general -- not with me, but in general conversation, he'd say something and said: Okay,
16 I've heard it.

17 But, no, he never -- he -- I think in a way he looked at me also as a purist. What I
18 mean by "purist" is, you know, I'm a national security guy.

19 Q Okay.

20 A You know, I'm not a domestic person, domestic policy. And I'm not an
21 election person. And he would have talked like that to people like Marc Short, Mark
22 Meadows, probably, you know, the others within his -- Dan Scavino, people like. But to
23 me, I was kind of the national security guy. I was the Afghan guy.

24 Q Okay.

25 A The NATO Alliance guy, the Japan guy. So --

1 Q But, General Kellogg, it's clear to me over listening to you for 6 hours that
2 you have a real affection for him, respect for him --

3 A Uh-huh.

4 Q -- and a desire to see his legacy protected.

5 A Uh-huh.

6 Q Did that ever motivate you to raise this with him, to raise with him your
7 personal views about the election and advise him as to what he should or shouldn't say or
8 do about that?

9 A Yeah. It's -- I made the -- there were times that I think I made the
10 comment about his legacy, that I was concerned about, as any President would. You
11 want to do that. You want to make sure that -- and I've said this multiple times. You
12 know, because I really do believe we had 1,461 days, and 1,460 were pretty good. We
13 had a bad day, and I didn't want that to tarnish that.

14 But, you know, also remember what I said about, you know, when I talked to
15 Ivanka, you know. He's stubborn. Well, you're all stubborn. And you look that way.
16 And I wasn't family, and there's still that distinction between the President and an
17 advisor.

18 And, frankly, [REDACTED], I want to make sure you understand that. And the reason I
19 have such deep affection for him, and I do, is because I thought did he some really good
20 things for the Nation. Okay? And my kids and my family and I thought what he tried
21 to do in a lot of areas that was resisted, like killing Soleimani, I thought that was one of
22 the better things that was done for the world. There were a lot of people that pushed
23 back on that.

24 And he did things like killing Baghdadi. And I met the parents of Kayla, who was
25 the woman, who was an American girl who was abused by him. And it was a good thing

1 we killed him. And when we reduced ISIS and things, when we went into Syria and
2 when we used weapons against Syrians, because he used Syrian nerve gas, a gas that was
3 developed by the Nazis and never used by the Nazis because it's so heinous.

4 And so these were the good things did he, and I kept telling him: These are the
5 things I want you to be remembered by when it comes to national security, which was my
6 lane.

7 Q Right.

8 A And I think that's important. You know, there were people who didn't
9 agree with what we did. I did. And I wanted to make sure that people, even today,
10 understood that. There was good things done. People may not have agreed with it,
11 which is fine, but from my perspective, I thought it was pretty good.

12 Q Right. But from November and to this day, the President's not talking
13 about Soleimani. The President's not talking about all the achievements of --

14 A I am.

15 Q -- the administration. He's talking about the fact that this election was, in
16 his view, stolen or was fraudulent.

17 A Well, I think what he's talking about, ■■■, is, in listening to people who have
18 talked to him, is I think where he's coming from is a lot of the anomalies have yet to be
19 addressed, you know. And what I mean by is that, okay, you know, why hasn't anybody
20 addressed the State legislatures being overridden by a supreme court of the State that
21 they're in when clearly that is not in their jurisdiction? Why haven't people addressed
22 that? That's what he continues to address.

23 And I think he uses, how he uses language, as I understand that, being with him,
24 sometimes he is imprecise in his language, you know. And I got that, and I know that.
25 So I -- it's a lot of people conflate the two, and I don't. So I just think that's where he's

1 approaching it, going forward. But I looked at the good sides of the national security
2 piece.

3 Q Okay.

4 A That's my lane. I don't get involved in the other lane.

5 Q So the answer is you never at any time have had a conversation with him
6 about the election, other than you hearing a few offhand comments.

7 A No.

8 Mr. Coale. Other than what he said earlier.

9 Mr. [REDACTED]. Other than what he said earlier.

10 BY MR. [REDACTED]:

11 Q How about your cooperation with the select committee? Have you talked
12 to anybody about that? And I don't want conversations with your lawyer. Those are
13 confidential.

14 A I haven't talk to anybody about it.

15 Q Have you talked to Vice President Pence --

16 A Talked to Dan.

17 Q Have you talked to Vice President Pence about it?

18 A No.

19 Q Or anybody with whom you used to work --

20 A No.

21 Q -- in the office of Vice President?

22 A No. Talked to my family about it.

23 Q Okay.

24 A Dan and I have had some good conversations.

25 Q How about President Trump or any of his representatives?

1 A No.

2 Q Have you shared your intention to cooperation with the select committee
3 with others?

4 A No.

5 Q With others --

6 A I just did it.

7 Q -- with whom you work? You said your family, but that's all.

8 A Pardon?

9 Q You've talked to your family about it, but have you talked to others --

10 A Oh, yeah, yeah, I talked to my family about it but --

11 Q Yeah.

12 A But, no, I mean, that's my -- it's a decision, a professional and personal
13 decision I made and, you know, and supported by John.

14 Mr. [REDACTED]. Yeah. Okay. Thank you.

15 BY MR. [REDACTED]:

16 Q Got a couple of questions. Going back to January 6th, I think you
17 mentioned that when you went into the Oval Office a few times, sitting right outside the
18 Oval Office was Mike, Molly, who I assume is Molly Michael --

19 A Yes, that is correct.

20 Q -- and Nick Luna.

21 Do you recall whether there was ever a time when somebody was sitting in Molly
22 Michael's place?

23 A I -- no, I can't. And Molly was so -- I trying to think of a reason she wasn't.
24 But Molly was just really good at what she did. I couldn't remember.

25 Q Okay.

1 A [REDACTED], I don't remember anybody doing that, no.

2 Q So, as far as you can recall, she was there all day?

3 A Yeah, I do. Yeah. Well, wait. Was she there all day? I'm sure she took
4 a lunch break or something like that. So --

5 Q Of course.

6 A -- she was there most of the day.

7 Q But you don't recall seeing a substitute --

8 A No.

9 Q -- fill in for her.

10 A No, I never seen that at all.

11 Q And did anybody else sit in that room right outside the Oval Office?

12 A Just -- there's only two desks there. And it was -- I've got -- I keep going
13 back because Dan Scavino had an office right off it. I really don't know. But, no, [REDACTED], I
14 only remember Nick Luna and Molly occupying those two desks.

15 Q As the events were playing out at the Capitol in the afternoon on
16 January 6th, were you concerned about how America's adversaries might be responding
17 to those events?

18 A Well, I wasn't concerned about it. But you keep an eye on it, about what
19 was happening. And primarily that's where I'd go in the Situation Room and say, what
20 are the nets doing, because there -- one thing about the Situation Room was they're
21 internetting with all the intelligence agencies and defense. And you pick up what we
22 call chatter, and you were seeing if there was any chatter on the net, chatter meaning
23 increased volumes of discussions going on. There was no extra chatter going on. We
24 didn't pick up on anything, and the CIA didn't either pick up on anything going on.

25 Q So you went into the Situation Room on January 6th in the afternoon?

1 A I would go -- I would go in there. Gees, [REDACTED], I'd go in there all the time. I
2 would go in and just say hi to the guys. I would do a morale check. How you guys
3 doing? You know, what's going on? Anything happening? No. Okay.

4 Q And on January 6th, was the Situation Room tracking what was going on in
5 terms of the domestic law enforcement response?

6 A Yeah and no. I think a lot of that would be through the -- they would do it
7 but only through a feed from DHS and the FBI. I'm trying to think of their op center but
8 most of those op centers, but they would have a feed into both of them.

9 Q Was there a representative from those agencies?

10 A No. They're not -- no, it's all done by phone.

11 Q Was there a Secret Service representative or liaison in the Situation Room?

12 A No. But they've got their -- their offices are probably 30 feet down the
13 road.

14 Q Did you take any contemporaneous notes on January 6th?

15 A Really? No, I was too busy. No, not at all.

16 Q Okay.

17 A I did take -- anything I did was logged on the computer and did it that way.

18 And that's what I keep going back to the fact, you know, you guys are welcome to go get
19 them out of archives but nothing else out there.

20 Q But no notepad or handwritten notes or --

21 A No.

22 Q -- anything like that.

23 A I never did. Nothing to take notes on to do that.

24 Q And I'm not asking about any communications with your attorney or
25 anything you did in preparation for this deposition, but can you tell us what the notebook

1 is in front of you.

2 A Sure. This notebook is a book I've had since I've been working at AFPI.
3 It's the -- I borrowed this from the Vice President's Office. And it allows me -- it's all my
4 AFPI notes right here. It's to -- it's my current notes I keep there, and I just keep a
5 notebook, and that's it.

6 Q So all the things that you wrote after you left the administration.

7 A Yeah, this is effective from, as a matter of fact, after 20 January. So that's
8 it.

9 Q And, when you were writing your book and describing the events of
10 January 6th, did you consult with any materials to refresh your recollection about the
11 events of that day?

12 A Most of them were on the stuff I remembered from there. A lot of that
13 stuff, they were very -- made sure, a lot of it to ensure I didn't cross any security lanes.
14 A lot of that is, you know, the clear things I remembered to the best of my recollection on
15 the comments that were made, you know, things that, you know, stuck out in my mind
16 that the President would say that reminded me.

17 Like his comment about Kim Jong-un that "Kim Jong-un, what do you want me to
18 do? Kim Jong-un," starts with an "F," "lunatic." I remember that one pretty well
19 because I was in the room when he said it.

20 Things when we talked about killing Soleimani, those things stay with you. It's
21 pretty easy to remember. Things when the Vice President said to me: You know,
22 we're not -- we're not going to get Soleimani.

23 I said: Yeah, we are. And he asked me why, and I told him why. The guy's
24 hubris was going to kill him. Those were the things I remember.

25 Q But, with regard to what you wrote in your book about January 6th, were

1 there any materials that you looked at in writing that?

2 A No.

3 Q Was there any people you talked to about the events of January 6th?

4 A No, not at all, no.

5 Yeah, I did talk to people about January 6th. I talked to -- what's his
6 name -- Woodward?

7 Q Bob Woodward.

8 A Yeah. And --

9 Q That's for his book.

10 A Yeah, but you asked I did talk to anybody.

11 Q Okay.

12 A The answer's yeah. And he would say: Well, I have sources tell me on the
13 6th of January this was said.

14 Well, I don't recall that, Bob, you know.

15 And I talked to reporters from the -- 'cause you asked who I've talked to -- a
16 reporter from The Washington Post. Can't remember what his book was.

17 Q Okay.

18 A That's it.

19 BY MR. ██████████:

20 Q Have you read the Woodward book?

21 A No.

22 Q Okay. But you did speak to him about it.

23 A Uh-huh. And told everybody I did.

24 Mr. ██████████. Anything else?

25 Mr. ██████████. Just the prospective question. You can ask that. Or should I?

1 Mr. [REDACTED]. Go ahead.

2 BY MR. [REDACTED]:

3 Q We ask every witness, General Kellogg, for thoughts about
4 recommendations that the select committee should issue. Part of the task of the select
5 committee is to look backward at what happened on January 6th and the context in
6 which it occurred, but we're also looking forward to try to make recommendations for
7 new policies or legislation or resources that might enhance our security or prevent the
8 kind of things that we saw at the Capitol from happening again.

9 I'm just wondering if you have any general thoughts about recommendations we
10 might consider.

11 A It's a fair question, [REDACTED].

12 And, you know, to me, like I said earlier, 6 January caught us all cold. We were
13 not -- Secret Service weren't ready for it. We weren't ready for it, everybody else.

14 But and what I would say is just, you know, something like that is be -- you need to
15 have a much more rapid response capacity or capability, if something like that was to
16 happen in the city again, to be able to respond it to. Because what happened is they
17 over -- they overwhelmed the Capitol Police --

18 Q Yeah.

19 A -- is the remarkable job that they did anyway. The fact is they were losing
20 that from the first minute.

21 And, no, other than that, I'd say let history make its call 10, 15 years down the
22 line.

23 Q Okay. But nothing specific about ways in which we can be more prepared
24 or --

25 A [REDACTED], honestly, I mean, to me that was -- I hope it was -- was an absolutely

1 anomaly.

2 Q Uh-huh.

3 A And it's one of those events that never gets repeated and you just hope it
4 doesn't, but it's almost like we didn't know it was -- I will tell you. I've said it repeatedly.
5 We didn't know that was going to happen. When it happened, we were -- you're
6 chasing the dog at that time.

7 Q Yeah.

8 A The dog's not chasing the car. You're chasing the dog and no. You know
9 what I would say is I would ask, if anybody asked my question, I'd say, look, just assure
10 the American people that elections are proper and do everything in your power, that's
11 Congress' power, to make sure that they're fair for both sides and that you don't become
12 very parochial and have an anomaly set up that you can pit one brother against one
13 brother or sister against sister.

14 And I -- that's, you know, to me that's not the role of Congress. That's the role of
15 the States. That's where I would hope in the future they go there and get rid of this
16 partisanship. That's just a, I don't know, a comment that Keith Kellogg made.

17 Q I asked. So I appreciate that.

18 We all hope that it was anomalous. Absolutely. That's part of the goal of our
19 process to just try to ensure that it is.

20 Mr. [REDACTED]. Last question I have is we've sat here for a long time, over 6 hours
21 now, and asked a lot of questions. Is there any classified information that comes to your
22 mind that would be responsive to our questions? And I don't want the answer to it right
23 now. We just want to know if we should be looking?

24 The Witness. Well, I think there is. I think there is. I think that's what I would
25 check. And I don't know, because you asked the question. I think there's records that

1 you find in the command centers of the FBI and DHS that, because those are, for the most
2 part, they may not be confidential but they're FOUO. So that's a kind of a classification.

3 And I think go and find out, because I do remember -- this is one I would ask you
4 to check. The FBI put out threat intelligence reports. I think I made this comment that
5 the days after the election, they were asked the question, is there a threat to the Capitol?
6 And said there's no known threat to the Capitol. That's in the FBI or the DHS report.

7 And I'm driving, it takes me -- what normally took me 15 minutes takes me 45
8 minutes to get to the White House, because I have to go through multiple checkpoints
9 and barbed wire and everything else. So I'd say look at those and find out. Ask
10 yourself: Why are we in this condition? Ask yourself and find out what do those
11 reports say. And do those reports, where do they go? What do they say? And who
12 was listening to them? That's what I would ask.

13 Mr. [REDACTED]. Anything else other than those?

14 The Witness. No, because I can't -- on the -- because on the national security
15 piece, not at all.

16 Mr. [REDACTED]. Anything else you think we should know that we haven't asked
17 you?

18 The Witness. I'm brain dead.

19 Mr. [REDACTED]. Fair enough.

20 Mr. [REDACTED]. Then all we can say is thank you.

21 Mr. [REDACTED]. Thank you for your time.

22 The Witness. Thank you. Thanks for having me over and appreciate it.

23 Mr. [REDACTED]. Go off the record.

24 Mr. [REDACTED]. Anything we need to say before we go off the record?

25 Mr. [REDACTED]. So, at this point, it's 4:24. We're going to go off the record, and

1 the record is closed.

2 [Whereupon, at 4:24 p.m., the deposition 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