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“JUST CALL IT CORRUPT AND LEAVE THE REST TO ME”

4.1 THE DOJ FOUND NO SIGNIFICANT EVIDENCE OF FRAUD

U.S. Attorney General William Barr knew there would be trouble before all the votes had been counted. “So, right out of the box on election night, the President claimed that there was major fraud underway,” Barr explained. “I mean, this happened, as far as I could tell, before there was actually any potential of looking at evidence.”¹ President Trump was quick to claim, “there was major fraud” based solely on the phenomenon known as the “Red Mirage.”²

As explained elsewhere in this report, Democrats were more inclined to vote via mail-in ballot during the 2020 Presidential election than Republicans, who were more likely to vote in-person on election day. This was widely known, and partly a result of, President Trump’s own public statements criticizing mail-in balloting. It also created a gap in the timing of how votes were tallied. The early vote tally favored Republicans on election night because the mail-in ballots, which skewed toward Democrats, were not yet fully counted. This occurred not just in 2020, but also in previous elections.³ The President knew of this phenomenon but exploited it on election night, nonetheless, as he and his allies had planned to do.⁴

President Trump exploited this timing gap and used it as “the basis for this broad claim that there was major fraud,” Barr said.⁵ But the Attorney General “didn’t think much of that.” People “had been talking for weeks and everyone understood for weeks that that was going to be what happened on election night,” Barr explained.⁶ Cities with Democratic majorities in the battleground States wouldn’t have their votes fully counted until “the end of the cycle,” with “a lot of Democratic votes coming in at the end.”⁷ This was not some well-guarded secret, as “everyone understood

that the dynamic of election night in many States would be whether or not the Democratic votes at the end of the day would overcome the election day votes.”⁸

Within days of the election, the President made an “avalanche” of fraud allegations. It “was like playing Whac-A-Mole,” Barr explained, “because something would come out one day and the next day it would be another issue.”⁹ Barr told his “staff very soon after the election” that he “didn’t think the President would ever admit that he lost the election, and he would blame it on fraud, and then he would blame the actions and evidence on the Department of Justice.”¹⁰

Barr soon took steps to investigate claims of fraud in the 2020 Presidential election, even in the absence of evidence. The Department of Justice’s (DOJ) longstanding policy had been to avoid any substantive investigations until after the election’s results were certified.¹¹ As the country’s premier Federal law enforcement agency, DOJ is justifiably concerned that its substantial power can influence the outcome of an election, and it has enacted policies to mitigate this possibility.¹²

On November 7, 2020, the media declared former Vice President Biden the winner of the Presidential election. Two days later, on November 9th, Attorney General Barr authorized wider investigations into claims of election fraud.¹³ Barr instructed DOJ and FBI personnel “to pursue substantial allegations of voting and vote tabulation irregularities prior to the certification of elections in your jurisdictions in certain cases.”¹⁴ Barr noted that nothing in his memo “should be taken as any indication that the Department has concluded that voting irregularities have impacted the outcome of any election.”¹⁵

4.2 NOVEMBER 23, 2020: BARR CHALLENGES PRESIDENT TRUMP’S ELECTION LIES

As Barr predicted, the President did call on him for information about alleged election fraud. Trump challenged him with a blizzard of conspiracy theories in three face-to-face meetings after the election. The first such meeting occurred on November 23, 2020.

On November 23rd, the Attorney General spoke with White House Counsel Pat Cipollone, who said that it was important for him come to the White House and speak to President Trump.¹⁶ Barr had not seen the President since before the election in late October, and the White House counsel believed that it was important that the Attorney General explain what the Department of Justice was doing related to claims of election fraud.¹⁷

“The President said there had been major fraud and that, as soon as the facts were out, the results of the election would be reversed,” Barr recalled.



U.S. Attorney General William Barr at the Department of Justice on December 21, 2020.

(Photo by Michael Reynolds-Pool/Getty Images)

Trump continued “for quite a while,” and Barr was “expecting” what came next.¹⁸ President Trump alleged that “the Department of Justice doesn’t think it has a role looking into these fraud claims.”¹⁹ Barr anticipated this line of attack because the President’s counsel, Rudolph Giuliani, was making all sorts of wild, unsubstantiated claims.²⁰ And Giuliani wanted to blame DOJ for the fact that no one had come up with any real evidence of fraud.²¹ Of course, by the time of this meeting, U.S. Attorneys’ Offices had been explicitly authorized to investigate substantial claims for 2 weeks and had yet to find any evidence of significant voter fraud.²²

Barr explained to the President why he was wrong. DOJ, was willing to investigate any “specific and credible allegations of fraud.”²³ The fact of the matter was that the claims being made were “just not meritorious” and were “not panning out.”²⁴ Barr emphasized to the President that DOJ “doesn’t take sides in elections” and “is not an extension of your legal team.”²⁵

During the November 23rd meeting, Barr also challenged one of President Trump’s central lies. He “specifically raised the Dominion voting machines, which I found to be one of the most disturbing allegations.”²⁶ “Disturbing,” Barr explained, because there was “absolutely zero basis for the allegations,” which were being “made in such a sensational way that

they obviously were influencing a lot of people, members of the public.”²⁷ Americans were being deceived into thinking “that there was this systematic corruption in the system and that their votes didn’t count and that these machines, controlled by somebody else, were actually determining it, which was complete nonsense.”²⁸ Barr stressed to the President that this was “crazy stuff,” arguing that not only was the conspiracy theory a waste of time, but it was also “doing [a] great, great disservice to the country.”²⁹

As Attorney General Barr left the meeting, he talked with Mark Meadows, the White House Chief of Staff, and Jared Kushner, President Trump’s son-in-law.³⁰ “I think he’s become more realistic and knows that there’s a limit to how far he can take this,” Meadows said, according to Barr.³¹ Kushner reassured Barr, “we’re working on this, we’re working on it.”³² Barr was hopeful that the President was beginning to accept reality.³³ The opposite happened.

“I felt that things continued to deteriorate between the 23rd and the weekend of the 29th,” Barr recalled.³⁴ Barr was concerned because President Trump began meeting with delegations of State legislators, and it appeared to him that “there was maneuvering going on.”³⁵ Barr had “no problem” with challenging an election “through the appropriate process,” but “worried” that he “didn’t have any visibility into what was going on” and that the “President was digging in.”³⁶

4.3 DECEMBER 1, 2020: PRESIDENT TRUMP IS IRATE AFTER BARR SAYS THERE IS NO SIGNIFICANT FRAUD

Attorney General Barr had been clear that DOJ was investigating claims of fraud. The Department simply was not turning up any real evidence of malfeasance, and certainly nothing that would overturn the election. Just as Barr feared, the President turned on DOJ anyway.

On November 29, 2020, Fox News’s Maria Bartiromo interviewed President Trump. It was his first TV interview since he lost his bid for reelection. The President claimed the election was “rigged” and rife with “fraud.”³⁷ President Trump repeated various conspiracy theories, leading with the claim that Dominion’s voting machines had “glitches,” which moved “thousands of votes from my account to Biden’s account.”³⁸ President Trump pointed to “dumps of votes,” a reference to the batches of mail-in ballots that had been tabulated later in the counting process.³⁹ He rambled off various other, spurious allegations, including that dead people voted in significant numbers.⁴⁰

“This is total fraud,” the President said.⁴¹ “And how the FBI and Department of Justice—I don’t know—maybe they’re involved, but how

people are getting away with this stuff—it's unbelievable. This election was rigged. This election was a total fraud.”⁴²

“Where is the DOJ and the FBI in all of this, Mr. President?” Bartiromo asked.⁴³ “You have laid out some serious charges here. Shouldn't this be something that the FBI is investigating? Are they? Is the DOJ investigating?” Bartiromo asked incredulously.⁴⁴

“Missing in action,” the President replied, “can't tell you where they are.”⁴⁵ He conceded that when he asked if DOJ and FBI were investigating, “everyone says yes, they're looking at it.”⁴⁶ But he didn't leave it there. “You would think if you're in the FBI or Department of Justice, this is, this is the biggest thing you could be looking at,” President Trump said. “Where are they? I've not seen anything. I mean, just keep moving along. They go onto the next President.”⁴⁷ He claimed the FBI was not even investigating Dominion, adding that votes processed in its machines “are counted in foreign countries.”⁴⁸

None of this was true. Just 6 days earlier, Attorney General Barr had explained to President Trump how DOJ and FBI were investigating fraud claims. Barr also made it a point to emphasize that the Dominion claims were nonsense. The President simply lied. The “crazy stuff,” as Barr put it, was all Trump could cite.

Attorney General Barr then decided to speak out. He invited Michael Balsamo, an *Associated Press* (AP) reporter, to lunch on December 1st. Barr told the journalist that “to date, we have not seen fraud on a scale that could have effected a different outcome in the election.”⁴⁹

That made the President irate.

Later that evening, Attorney General Barr met with President Trump at the White House. It was their second face-to-face meeting after the November election.⁵⁰ At first, President Trump didn't even look at Attorney General Barr.⁵¹ The President “was as mad as I've ever seen him, and he was trying to control himself,” Barr said.⁵² The President finally “shoved a newspaper” with the AP quote in Barr's face.⁵³

“Well, this is, you know, killing me. You didn't have to say this. You must've said this because you hate Trump—you hate Trump,” Barr remembered him saying.⁵⁴ “No, I don't hate you, Mr. President,” Barr replied. “You know, I came in at a low time in your administration. I've tried to help your administration. I certainly don't hate you.”⁵⁵

President Trump peppered him with unsupported conspiracy theories.⁵⁶ Because he had authorized DOJ and FBI to investigate fraud claims, Attorney General Barr was familiar with the conspiracy theories raised by the President. The “big ones” he investigated included claims such as: Dominion voting machines switched votes, votes had been “dumped at the end of

the night in Milwaukee and Detroit,” non-residents voted in Nevada, the number of ballots counted in Pennsylvania exceeded the number of votes cast, as well as a story about a truck driver supposedly driving thousands of pre-filled ballots from New York to Pennsylvania, among others.⁵⁷ Under Attorney General Barr, DOJ would also investigate a false claim that a video feed in Fulton County captured multiple runs of ballots for former Vice President Biden. As explained in detail in Chapter 1 of this report, there was no truth to any of these allegations, but that didn’t stop President Trump from repeatedly citing these fictional accounts.

“And I told him that the stuff that his people were shoveling out to the public was bullshit, I mean, that the claims of fraud were bullshit,” Barr recalled about the December 1st meeting.⁵⁸ “And, you know, he was indignant about that. And I reiterated that they wasted a whole month of these claims on the Dominion voting machines and they were idiotic claims.”⁵⁹

President Trump repeated that there had been a “big vote dump” in Detroit.⁶⁰ But Attorney General Barr quickly parried this claim.⁶¹ There was nothing suspicious in how the votes flowed into a central location, Barr explained, because that is how votes are always counted in Wayne County.⁶² Moreover, Barr pointed out that the President performed *better* in Detroit in 2020 than he had in 2016. “I mean, there’s no indication of fraud in Detroit,” Barr said.⁶³ Barr explained that the “thing about the truck driver is complete, you know, nonsense.”⁶⁴ DOJ and FBI had investigated the matter, including by interviewing the relevant witnesses.⁶⁵ There was no truck filled with ballots.

Nothing that Attorney General Barr said during that meeting could satisfy President Trump. So, the President shifted the focus to Barr. He complained that the Attorney General hadn’t indicted former FBI Director James Comey and that U.S. Attorney John Durham’s investigation into the origins of the FBI’s Crossfire Hurricane investigation hadn’t made more progress.⁶⁶ “Look, I know that you’re dissatisfied with me,” Barr said, “and I’m glad to offer my resignation.”⁶⁷ President Trump pounded the table in front of him with his fist and said, “Accepted.”⁶⁸

White House lawyers Pat Cipollone and Eric Herschmann tracked Barr down in the parking lot after he left.⁶⁹ They convinced Barr to stay in the administration.⁷⁰ But his days as Attorney General were numbered. President Trump was not going to stop spreading conspiracy theories. Nor would the President cease in his effort to co-opt DOJ for his own corrupt political purposes.

President Trump released a video on Facebook the very next day.⁷¹ He repeated many of the same lies, including the conspiracy theory about Dominion voting machines switching votes. The President also offered

charts, falsely claiming that fraudulent “vote dumps” had swung the election against him.⁷² Among the examples he cited was the supposed “vote dump” in Detroit, Michigan.⁷³ In fact, Barr had already debunked this and other claims.

On December 3, 2020, Rudolph Giuliani appeared before the Georgia Senate Government Oversight Committee to allege that massive cheating had occurred during the election.⁷⁴ Giuliani offered a video recorded on election night at the State Farm Arena in Atlanta, Georgia, as a key piece of evidence.⁷⁵ Giuliani alleged that the video showed a secret suitcase of ballots being double- and triple-counted after Republican poll watchers had been inappropriately dismissed.⁷⁶ The video was selectively edited and showed nothing of the sort. The Georgia Secretary of State’s Office investigated and immediately debunked the claim, finding that the secret suitcase was just a secure box and nothing nefarious had occurred.⁷⁷ President Trump, Giuliani and others continued to push the lie anyway.

On December 4th, Attorney General Barr asked Byung J. (“BJay”) Pak, who was then the U.S. Attorney for the Northern District of Georgia, to independently investigate the State Farm claim. Barr told Pak that this was a “priority,” because “he was going to go to the White House for a meeting” and the “issue might come up.” Barr asked Pak to “try to substantiate the allegation made by Mr. Giuliani.”⁷⁸

Pak watched the video from State Farm Arena and asked the FBI to investigate the matter further. Pak told the Select Committee that FBI agents “interviewed the individuals” shown in the video who were supposedly “double, triple counting” the ballots, and “determined that nothing irregular happened in the counting and the allegations made by Mr. Giuliani were false.”⁷⁹ And, as noted above, the supposed “suitcase” was a secure storage container used to store ballots. With this evidence in hand, Pak told Attorney General Barr that there was no substance to the allegations.⁸⁰

4.4 DECEMBER 14, 2020: BARR SUBMITS HIS RESIGNATION

Finally, Attorney General Barr had had enough. He submitted his resignation on December 14, 2020.⁸¹ During an interview with the Select Committee, former Attorney General Barr reflected on his face-to-face encounters with President Trump in November and December 2020:

And, in that context, I made clear I did not agree with the idea of saying the election was stolen and putting out this stuff which I told the President was bullshit. And, you know, I didn’t want to be part of it. And that’s one of the reasons that went into me deciding to leave when I did.



Former Acting Attorney General Jeffrey Rosen testifies before the Select Committee on June 23, 2022.

(Photo by House Creative Services)

I observed, I think it was on December 1st, that—you know, I believe you can't live in a world where the incumbent administration stays in power based on its view, unsupported by specific evidence, that the election—that there was fraud in the election.⁸²

Around mid-day on December 14th, Attorney General Barr met with President Trump and Meadows in the Oval Office to discuss his resignation.⁸³ When he arrived, and even before Barr could mention his resignation, President Trump began speaking at length about the recently released Allied Security Operations Group (ASOG) report on Dominion voting machines in Antrim County, Michigan.⁸⁴ While the Attorney General had been briefed on the allegations in Antrim County and did not find them credible, he promised the President that he would have DOJ investigate them.⁸⁵ The Attorney General then told President Trump that he had come for a separate reason and wished to speak to the President privately, so Meadows left.⁸⁶

Barr told President Trump that it was clear the President was dissatisfied with him as Attorney General and that he had decided to resign.⁸⁷ President Trump accepted his resignation and asked Barr who would

replace him; Attorney General Barr recommended Jeffrey A. Rosen as Acting Attorney General and Richard Donoghue as his deputy.⁸⁸ Although President Trump called Donoghue to discuss the possibility of appointing him Acting Attorney General, Donoghue advised that normal procedures be followed and Rosen be named Acting Attorney General.⁸⁹ President Trump followed this advice, and upon Barr's departure, Rosen became Acting Attorney General while Donoghue would function as his deputy.

4.5 ACTING ATTORNEY GENERAL JEFFREY ROSEN AND ACTING DEPUTY ATTORNEY GENERAL RICHARD DONOGHUE HOLD THE LINE

Barr felt that he was leaving the Department in the hands of two trusted lieutenants. But President Trump immediately began to pressure Rosen and Donoghue, just as he had Barr.

On December 14, 2020, the day Barr resigned, Molly Michael, Special Assistant to the President and Oval Office Coordinator, sent an email to Acting Attorney General Jeffrey Rosen. The email had two documents attached, both of which were labeled "From POTUS."⁹⁰ The first was a set of talking points focused on false allegations of voter fraud in Antrim County, Michigan. The second document was the same ASOG report the President had given Barr.⁹¹

The next day, President Trump held a meeting in the White House with Acting Attorney General Rosen, Acting Deputy Attorney Donoghue, Ciplone, Meadows, Acting Deputy Secretary of Homeland Security Ken Cucinelli, and Acting General Counsel of the Department of Homeland Security Chad Mizelle.⁹² Barr did not attend, even though he was not scheduled to leave DOJ until the following week. The timing of the meeting was notable, as the previous day the electoral college had met and cast their votes in favor of former Vice President Biden.

During testimony before the Select Committee, Donoghue explained that the December 15th, meeting "was largely focused on" the ASOG report.⁹³ According to Donoghue, the President "was adamant that the report must be accurate, that it proved that the election was defective, that he in fact won the election, and the [D]epartment should be using that report to basically tell the American people that the results were not trustworthy."⁹⁴ President Trump discussed "other theories as well," including erroneous allegations of voter fraud in Georgia and Pennsylvania, but "the bulk of that conversation on December 15th focused on Antrim County, Michigan."⁹⁵ President Trump asked why DOJ wasn't "doing more to look at this" and whether the Department was "going to do its job."⁹⁶



Former Acting Deputy Attorney General Richard Donoghue testifies before the Select Committee on June 23, 2022.

(Photo by House Creative Services)

The Department of Justice was doing its job. In fact, Attorney General Barr had ordered unprecedented investigations into the many specious claims of voter fraud. The President simply didn't want to hear the truth—that DOJ found that not one of the bogus claims was true. As explained in Chapter 1, the original vote totals in Antrim County were the result of a human error that had since been corrected, not the result of any problem with Dominion machines or software. There was no evidence of fraud.

4.6 PRESIDENT TRUMP IS INTRODUCED TO JEFFREY CLARK

On December 21, 2020, 11 House Republicans met with President Trump at the White House to discuss their plans for objecting to the certification of the electoral college vote on January 6th.⁹⁷ After the meeting, Mark Meadows tweeted: “Several members of Congress just finished a meeting in the Oval Office with @realDonaldTrump preparing to fight back against mounting evidence of voter fraud. Stay tuned.”⁹⁸ Among those in attendance was Congressman Scott Perry, a Republican from Pennsylvania.⁹⁹

By the next day, Representative Perry had introduced a little-known DOJ official named Jeffrey Clark to the President.¹⁰⁰ At the time, Clark was



Former Assistant Attorney General Jeffrey Clark appears on a screen during a Select Committee hearing on June 23, 2022.

(Photo by Mandel Ngan-Pool/Getty Images)

the Acting Head of the Civil Division and Head of the Environmental and Natural Resources Division at the Department of Justice.¹⁰¹ Clark had no experience in, or responsibilities related to, investigating allegations of election fraud.

President Trump called Acting Attorney General Rosen “virtually every day” between December 23rd and January 3rd.¹⁰² The President usually discussed his “dissatisfaction” with DOJ, claiming the Department was not doing enough to investigate election fraud.¹⁰³ On Christmas Eve, Trump brought up Jeffrey Clark’s name. Rosen found it “peculiar,” telling the Select Committee: “I was quizzical as to how does the President even know Mr. Clark?”¹⁰⁴

Rosen then spoke directly with Clark on December 26th.¹⁰⁵ Clark revealed that he had met with the President in the Oval Office several days prior.¹⁰⁶ Clark had told the President that if he were to change the leadership at the Department of Justice, “then the Department might be able to do more” to support the President’s claims that the election had been stolen from him.¹⁰⁷

In his discussion with Acting Attorney General Rosen, Clark was “defensive” and “apologetic,” claiming that the meeting with President

Trump was “inadvertent and it would not happen again, and that if anyone asked him to go to such a meeting, he would notify Rich Donoghue and me [Rosen].”¹⁰⁸ Of course, Clark had good reasons to be defensive. His meeting with President Trump and Representative Perry on December 22nd was a clear violation of Department policy, which limits interactions between the White House and the Department’s staff. As Steven Engel, former Assistant Attorney General for the Office of Legal Counsel, explained to the Select Committee, “it’s critical that the Department of Justice conducts its criminal investigations free from either the reality or any appearance of political interference.”¹⁰⁹ For that reason, the Department has longstanding policies in place, across administrations, to “keep these communications as infrequent and at the highest levels as possible, just to make sure that people who are less careful about it, who don’t really understand these implications, such as Mr. Clark, don’t run afoul of the of those contact policies.”¹¹⁰ Rosen added that only the Attorney General or Deputy Attorney General “can have conversations about criminal matters with the White House,” or they can “authorize” someone from within DOJ to do so.¹¹¹ Clark had no such authorization.

Representative Perry continued to advocate on Clark’s behalf. The Congressman texted Meadows on December 26th, writing: “Mark, just checking in as time continues to count down. 11 days to 1/6 and 25 days to inauguration. We gotta get going!”¹¹² Representative Perry followed up: “Mark, you should call Jeff. I just got off the phone with him and he explained to me why the principal deputy [position] won’t work especially with the FBI. They will view it as not having the authority to enforce what needs to be done.”¹¹³ Meadows responded: “I got it. I think I understand. Let me work on the deputy position.”¹¹⁴ Representative Perry then sent additional texts: “Roger. Just sent you something on Signal”, “Just sent you an updated file”, and “Did you call Jeff Clark?”¹¹⁵

4.7 DECEMBER 27TH PHONE CALL

On December 27, 2020, President Trump called Acting Attorney General Rosen once again. At some point during the lengthy call, Rosen asked that Acting Deputy Attorney General Donoghue be conferenced in.¹¹⁶ According to Donoghue’s contemporaneous notes, Trump referenced three Republican politicians, all of whom had supported the President’s election lies and the “Stop the Steal” campaign.¹¹⁷ One was Representative Scott Perry. Another was Doug Mastriano, a State senator from Pennsylvania who would later be on the grounds of the U.S. Capitol during the January 6th attack.¹¹⁸ President Trump also referenced Representative Jim Jordan from Ohio, praising

him as a “fighter.”¹¹⁹ Representatives Perry and Jordan had often teamed up to spread lies about the election. The two spoke at a “Stop the Steal” rally in front of the Pennsylvania State capitol in Harrisburg, just days after the November election.¹²⁰ The pair also pressed their conspiratorial case during interviews with friendly media outlets.¹²¹

President Trump made a “stream of allegations” during the December 27th call.¹²² As reflected in his notes, Donoghue considered the call to be an “escalation of the earlier conversations,” with the President becoming more adamant that “we weren’t doing our job.”¹²³ President Trump trafficked in “conspiracy theories” he had heard from others, and Donoghue sought to “make it clear to the President these allegations were simply not true.”¹²⁴ Donoghue sought to “correct” President Trump “in a serial fashion as he moved from one theory to another.”¹²⁵

The President returned to the discredited ASOG report, which former Attorney General Barr had already dismissed as complete nonsense. ASOG had claimed—based on no evidence—that the Dominion voting machines in Antrim County, Michigan had suffered from a 68 percent error rate. As noted above and in Chapter 1, that was not close to being true.

Bipartisan election officials in Antrim County completed a hand recount of all machine-processed ballots on December 17, 2020, which should have ended the lies about Dominion’s voting machines.¹²⁶ The net difference between the machine count and the hand recount was only 12 out of 15,718 total votes.¹²⁷ The machines counted just one vote more for former Vice President Biden than was tallied during the hand recount.¹²⁸ Donoghue informed the President that he “cannot and should not be relying on” ASOG’s claim, because it was “simply not true.”¹²⁹ This did not stop the President from later repeating the debunked allegation multiple times, including during his January 6th speech at the Ellipse.¹³⁰

Acting Deputy Attorney General Donoghue debunked a “series” of other conspiracy theories offered by President Trump during the December 27th call as well. One story involved a truck driver “who claimed to have moved an entire tractor trailer of ballots from New York to Pennsylvania.”¹³¹ There was no truth to the story. The FBI “interviewed witnesses at the front end and the back end of” the truck’s transit route, “looked at loading manifests,” questioned the truck driver, and concluded that there were no ballots in the truck.¹³²

President Trump then returned to the conspiracy theory about voting in Detroit. Former Attorney General Barr had already debunked the claim that a massive number of illegal votes had been dumped during the middle of the night, but the President would not let it go. President Trump alleged that someone “threw the poll watchers out,” and “you don’t even need to

look at the illegal aliens voting—don't need to. It's so obvious.”¹³³ The President complained that the “FBI will always say there's nothing there,” because while the Special Agents (“the line guys”) supported him, the Bureau's leadership supposedly did not.¹³⁴ This was inconsistent with Donoghue's view.¹³⁵ But President Trump complained that he had “made some bad decisions on leadership” at the FBI.¹³⁶

President Trump also “wanted to talk a great deal about Georgia, [and] the State Farm Arena video,” claiming it was “fraud staring you right in the face.”¹³⁷ President Trump smeared Ruby Freeman, a Georgia election worker who was merely doing her job, as a “Huckster” and an “Election scammer.”¹³⁸ President Trump said the “networks,” meaning the television networks, had “magnified the tape and saw them running them [ballots] through repeatedly.”¹³⁹ The President repeated the lie that Democrats had “[c]losed the facility and then came back with hidden ballots under the table.”¹⁴⁰ He suggested that both Rosen and Donoghue “go to Fulton County and do a signature verification.” They would “see how illegal it is” and “find tens of thousands” of illegal ballots.¹⁴¹

President Trump “kept fixating” on the supposed suitcase in the video.¹⁴² But Acting Deputy Attorney General Donoghue debunked the President's obsession. “There is no suitcase,” Donoghue made clear.¹⁴³ Donoghue explained that the DOJ had looked at the video and interviewed multiple witnesses. The “suitcase” was an official lock box filled with genuine votes.¹⁴⁴ And election workers simply did not scan ballots for former Vice President Biden multiple times.¹⁴⁵ All of this was recorded by security cameras.¹⁴⁶

In response to what President Trump was saying during the conversation, Rosen and Donoghue tried to make clear that the claims the President made weren't supported by the evidence. “You guys must not be following the internet the way I do,” the President remarked.¹⁴⁷ But President Trump was not finished peddling wild conspiracy theories.

The President pushed the claim that Pennsylvania had reported 205,000 more votes than there were voters in the state.¹⁴⁸ “We'll look at whether we have more ballots in Pennsylvania than registered voters,” Acting Attorney General Rosen replied, according to Donoghue. They “[s]hould be able to check that out quickly.”¹⁴⁹ But Rosen wanted President Trump to “understand that the DOJ can't and won't snap its fingers and change the outcome of the election. It doesn't work that way.”¹⁵⁰

“I don't expect you to do that,” President Trump responded. “Just say the election was corrupt and leave the rest to me and the Republican Congressmen.”¹⁵¹

Donoghue explained this “is an exact quote from the President.”¹⁵²

“We have an obligation to tell people that this was an illegal, corrupt election,” President Trump told the DOJ team at another point in the call.¹⁵³ President Trump insisted this was DOJ’s “obligation,” even though Rosen and Donoghue kept telling him there was no evidence of fraud sufficient to overturn the outcome of the election. “We are doing our job,” Donoghue informed the President. “Much of the info you’re getting is false.”¹⁵⁴

The call on December 27th was contentious for additional reasons. President Trump did not want to accept that the Department of Justice was not an arm of his election campaign. He wanted to know why the Department did not assist in his campaign’s civil suits against States. There was a simple answer: There was no evidence to support the campaign’s claims of fraud.¹⁵⁵

Donoghue and Rosen also “tried to explain to the President on this occasion and on several other occasions that the Justice Department has a very important, very specific, but very limited role in these elections.”¹⁵⁶ The States “run their elections” and DOJ is not “quality control for the States.”¹⁵⁷ DOJ has “a mission that relates to criminal conduct in relation to federal elections” and also has “related civil rights responsibilities.”¹⁵⁸ But DOJ cannot simply intervene to alter the outcome of an election or support a civil suit.¹⁵⁹

When President Trump made these demands on December 27th, it was already crystal clear that the Department of Justice had found no evidence of systemic fraud.¹⁶⁰ The Department simply had no reason to assert that the 2020 Presidential contest was “an illegal corrupt election.”¹⁶¹

“People tell me Jeff Clark is great” and that “I should put him in,” President Trump said on the call. “People want me to replace the DOJ leadership.”¹⁶² Donoghue responded “[S]ir, that’s fine, you should have the leadership you want, but understand, changing the leadership in the Department won’t change anything.”¹⁶³

The President did not really care what facts had been uncovered by the Department of Justice. President Trump just wanted the Department to say the election was corrupt, so he and the Republican Congressmen could exploit the statement in the days to come, including on January 6th. And when Rosen and Donoghue resisted the President’s entreaties, he openly mused about replacing Rosen with someone who would do the President’s bidding.

4.8 CONGRESSMAN SCOTT PERRY CALLS DONOGHUE

Toward the end of the December 27th call, President Trump asked Donoghue for his cell number.¹⁶⁴ Later that day, Representative Perry called



Representative Scott Perry, November 14, 2022.

(Photo by Anna Moneymaker/Getty Images)

Donoghue to press the President's case.¹⁶⁵ Representative Perry was one of President Trump's key congressional allies in the effort to overturn the election's results. Representative Perry was an early supporter of the "Stop the Steal" campaign and, as noted above, addressed the crowd at one such event outside the Pennsylvania State capitol in Harrisburg on November 5, 2020.¹⁶⁶ Representative Perry was also one of 27 Republican Congressmen who signed a letter requesting that President Trump "direct Attorney General Barr to appoint a Special Counsel to investigate irregularities in the 2020 election." The letter was dated December 9, 2020—more than 1 week after Barr told the press there was no evidence of significant fraud.¹⁶⁷ There was no reason to think that a Special Counsel was warranted. Representative Perry and the other congressmen advocated for one to be appointed anyway.

Representative Perry attended the December 21st Oval Office meeting along with at least 10 other congressional Republicans to discuss the strategy for objecting to the electoral college votes on January 6th. Along with 125 other Republican Members of Congress. Representative Perry also supported Texas's lawsuit against Pennsylvania and three other states.¹⁶⁸ That is, Representative Perry supported Texas's effort to nullify the certified electoral college vote from four states, including his own home state.

Donoghue took notes during his conversation with Representative Perry and provided those notes to the Select Committee.¹⁶⁹ The notes reflect that when Representative Perry called Donoghue on December 27th, Representative Perry explained that President Trump asked him to call and that he, Representative Perry, did not think DOJ had been doing its job on the election.¹⁷⁰ Representative Perry brought up other, unrelated matters and argued that the “FBI doesn’t always do the right thing in all instances.”¹⁷¹ Representative Perry also brought up Jeff Clark. He said he liked him and thought that Clark “would do something about this,” meaning the election fraud allegations.¹⁷²

On the evening of December 27th, Representative Perry emailed Donoghue a set of documents alleging significant voting fraud had occurred in Pennsylvania.¹⁷³ One document asserted that election authorities had counted 205,000 more votes than had been cast.¹⁷⁴ Representative Perry also shared this same claim on Twitter the following day.¹⁷⁵ President Trump kept raising the same claim. Sometimes there was an alleged discrepancy of 205,000 votes, other times it was supposedly 250,000 votes.¹⁷⁶ Either way, it was not true.

Acting Deputy Attorney General Donoghue forwarded Representative Perry’s email to Scott Brady, who was the U.S. Attorney for the Western District of Pennsylvania at the time.¹⁷⁷ As Brady soon discovered, there was no discrepancy.¹⁷⁸ President Trump’s supporters came up with the claim by comparing the Pennsylvania Secretary of State’s website, which reported the total number of votes as 5.25 million, to a separate State election registry, which showed only 5 million votes cast.¹⁷⁹ The problem was simple: Pennsylvania’s election site had not been updated.¹⁸⁰ The totals for four counties had not yet been reported on the election site. Once those votes were counted on the site, the totals matched. This was simply not an example of fraud, as President Trump, Representative Perry and others would have it.

4.9 DECEMBER 28, 2020: THE CLARK LETTER

On December 28, 2020, Clark sent a 5-page draft letter to Donoghue and Rosen.¹⁸¹ The letter was addressed to three Georgia State officials: Governor Brian Kemp, Speaker of the House David Ralston, and President *Pro Tempore* of the Senate Butch Miller. It contained places for Rosen and Donoghue to affix their signatures, which they steadfastly refused to do.¹⁸² The letter, if signed and sent, may very well have provoked a constitutional crisis.¹⁸³

The letter was attached to an email from Clark, in which he requested authorization to attend a classified briefing by the Office of the Director of

National Intelligence (ODNI) “led by DNI Ratcliffe on foreign election interference issues.”¹⁸⁴ ODNI did not find any foreign interference in the voting process or counting,¹⁸⁵ but Clark apparently believed some of the conspiracy theories that had been floated. Specifically, Clark claimed that “hackers have evidence (in the public domain) that a Dominion machine accessed the internet through a smart thermostat with a net connection trail leading back to China.” Clark added: “ODNI may have additional classified evidence.”¹⁸⁶ This crackpot claim had been shared by other Trump officials and associates as well.¹⁸⁷ Ultimately, after Clark received the ODNI briefing, “he acknowledged [to Donoghue] that there was nothing in that briefing that would have supported his earlier suspicion about foreign involvement.”¹⁸⁸

Clark intended to send the letter to officials in Georgia and several other contested States that President Trump needed to flip if he was going to overturn the election results. “The Department of Justice is investigating various irregularities in the 2020 election for President of the United States,” Clark wrote.¹⁸⁹ Clark continued: “The Department will update you as we are able on investigatory progress, but at this time we have identified significant concerns that may have impacted the outcome of the election in multiple States, including the State of Georgia.”¹⁹⁰

Clark continued by arguing that Georgia’s State legislature should call a special session. “In light of these developments, the Department recommends that the Georgia General Assembly should convene in special session so that its legislators are in a special position to take additional testimony, receive new evidence, and deliberate on the matter consistent with its duties under the U.S. Constitution,” Clark wrote.¹⁹¹ Clark referenced the fake electors that the President and his campaign organized and argued that there were two competing slates of electors, both of which were legitimate.¹⁹² “The Department believes that in Georgia and several other States, both a slate of electors supporting Joseph R. Biden, Jr., and a separate slate of electors supporting Donald J. Trump, gathered on [December 14, 2020] at the proper location to cast their ballots, and that both sets of those ballots have been transmitted to Washington, D.C., to be opened by Vice President Pence,” Clark wrote.¹⁹³

The letter was a lie. Senior DOJ officials—Barr, Rosen and Donoghue—had repeatedly stated the opposite. They found no evidence of fraud that would have impacted the election’s results—none. But since mid-November, the Trump Campaign’s legal team under Giuliani attempted to execute its dual-track strategy of both filing lawsuits and convincing state legislatures in contested states to appoint separate slates of Presidential electors for President Trump.¹⁹⁴ By late December, however, the dual-track

approach had largely failed, and no legislatures had sent a second lawful slate of electors for Trump to Congress. Clearly, President Trump and his campaign team could not get the job done. So, the President and those around him sought to use the hefty imprimatur of the U.S. Department of Justice to achieve the same thing. No doubt, a letter coming from the Department of Justice is different from a meandering call from Giuliani or one of his associates. And, because it was December 28th and there was little more than a week until the January 6th joint session of Congress, President Trump needed more, and soon. Clark's letter, which laid out a plan that was almost identical to what President Trump and his team had pressured State officials to carry out virtually since election day, could have been just what President Trump needed.

Several examples demonstrate the parallels between President Trump's and Rudolph Giuliani's approach to overturning the election in November and December, and what Clark proposed in this letter. First, the letter sought to have the Georgia State legislature convene a special session to focus on allegations of fraud in the election.¹⁹⁵ Giuliani and his team had been making calls to State legislatures and telling them in both official and unofficial State legislature committee hearings that State legislatures should convene in special sessions.¹⁹⁶ They also argued that State legislatures had the authority to convene a special session themselves, despite limitations in State law requiring such a session to be convened by the governor.¹⁹⁷ Clark included the same argument in his draft letter.¹⁹⁸

Additionally, the draft letter recommended that the Georgia legislature consider choosing the alternate—fake—slate of electoral college electors that sent fake electoral college votes to Congress and Vice President Pence.¹⁹⁹ Having State legislatures choose Trump electors in States where President Trump lost was one of the Trump team's early goals immediately after the election, but it didn't work.²⁰⁰ When no State legislature appointed its own set of electors before December 14th, the Trump Campaign arranged for electors to meet in contested States anyway and cast fake electoral college votes.²⁰¹ This letter, with the Department of Justice seal at the top, was just one more way that President Trump and those close to him could pressure State officials to send competing electoral college votes to Congress for consideration during the joint session, despite former Vice President Biden's certified victory in each of the contested States.

Despite the similarities between the requests in Clark's proposed letter and the requests that President Trump and his team made to State officials for nearly 2 months, the extent to which Clark directly coordinated his actions with the Trump Campaign and its outside advisors is unclear. Clark asserted his Fifth Amendment rights and various other privileges to avoid

answering the Select Committee's questions about these and other topics.²⁰² When Giuliani was asked during his Select Committee deposition whether he remembered discussing DOJ issuing a letter like Clark's, Giuliani refused to answer because it implicated attorney-client privilege with President Trump, but when asked if he recalled ever recommending that Clark be given election-related responsibilities at DOJ, Giuliani said, "I do recall saying to people that somebody should be put in charge of the Justice Department who isn't frightened of what's going to be done to their reputation, because the Justice Department was filled with people like that."²⁰³ And the investigation has also revealed that Clark and John Eastman were in communication throughout this period.²⁰⁴

One person who had worked with Eastman and others in his circle was a lawyer installed to work with Clark at the Department of Justice in mid-December—the final weeks of the Trump administration—named Ken Klukowski.²⁰⁵ Klukowski was a Trump administration political appointee serving as a senior counsel under Clark in DOJ's Civil Division.²⁰⁶ After serving as a lawyer in the Office of Management and Budget (OMB) for more than a year and volunteering as a lawyer for the Trump Campaign after election day, Klukowski only joined the Department when the administration's personnel staff "expedite[d]" his appointment because the White House's Presidential Personnel Office "want[ed] him in soon."²⁰⁷

On the morning of December 28th, Clark asked Klukowski to draft the Georgia letter for him.²⁰⁸ Clark dictated the substantive key points of the letter to Klukowski and told him exactly what to include.²⁰⁹ After several meetings with Clark throughout the day to update him on progress, Klukowski turned in his assignment and gave the letter to Clark, which Clark sent along to Acting Attorney General Rosen and Acting Deputy Attorney General Donoghue, as described above.²¹⁰

Donoghue quickly responded to Clark's email, stating "there is no chance that I would sign this letter or anything remotely like this."²¹¹ The plan set forth by Clark was "not even within the realm of possibility."²¹² Donoghue warned that if they sent Clark's letter, it "would be a grave step for the Department to take and it could have tremendous Constitutional, political and social ramifications for the country."²¹³ Contrary to President Trump's and Clark's wild claims about the election, Donoghue stressed that DOJ's ongoing investigations related to matters of such a "small scale that they simply would not impact the outcome of the Presidential Election."²¹⁴ Clark's assertion to the contrary was baseless.

Donoghue and Rosen reaffirmed their strong opposition to the draft letter in a "contentious" meeting with Clark on December 28th.²¹⁵ "What you are doing is nothing less than the United States Justice Department

meddling in the outcome of a presidential election,” Donoghue admonished Clark, to which Clark indignantly responded, “I think a lot of people have meddled in this election.”²¹⁶

Under questioning by Rosen and Donoghue, Clark eventually also revealed that he had been in a meeting in the Oval Office with President Trump. Donoghue demanded to know, “Why the hell are we hearing your name from the President of the United States and a Congressman?”²¹⁷ When Clark was reminded that meeting the President without authorization or informing his superiors was a clear violation of the White House contacts policy, he retorted, “It’s a policy, there’s a lot more at stake here than a policy.”²¹⁸ In fact, the contacts policy was designed for situations just like this where political figures might try to influence criminal investigations or legal actions taken by the Department of Justice, as President Trump attempting to do.²¹⁹

In the days that followed, Clark called witnesses, got a briefing from ODNI and pursued his own investigations. Acting Deputy Attorney General Donoghue was “shocked” to learn that Clark did not cease his efforts even after learning there was “no foreign interference.”²²⁰ Instead of adhering to the facts, Clark “doubled down.” During a follow-up meeting on January 2nd, Clark acknowledged he had received the ODNI briefing, and he acknowledged that there was nothing in the briefing that would have supported his earlier suspicion about foreign involvement, but he nevertheless “spewed out some of these theories, some of which we’d heard from the President, but others which were floating around the internet and media, and just kept insisting that the Department needed to act and needed to send those letters.”²²¹

4.10 DECEMBER 29TH MEETING

The next day, Rosen, Donoghue, and Engel had a meeting with Mark Meadows, Pat Cipollone, and Cipollone’s deputy, Pat Philbin, in the White House Chief of Staff’s office.²²² While the meeting dealt primarily with the Presidential transition, the group discussed a draft civil complaint modeled after *Texas v. Pennsylvania* that the President wanted the Department of Justice to file challenging the results of the Presidential election, tentatively called *United States v. Pennsylvania*.²²³ The DOJ officials said that they had not had time to thoroughly review the proposed suit, but initially indicated that it appeared to be flawed and did not seem “viable” for DOJ to file.²²⁴ Meadows suggested that the DOJ leadership meet with William Olson and Kurt Olsen,

the two attorneys affiliated with the Trump Campaign that had been working on the proposed suit, and added that Eastman and a retired judge from North Carolina named Mark Martin both had views about the lawsuit.²²⁵

In this meeting, Meadows also raised a new and outrageous allegation of election fraud: that an Italian company had been involved in changing votes in the Presidential election.²²⁶ According to Meadows, there was a man, whom Donoghue later learned was in an Italian prison, who claimed to have information supporting the allegation and that CIA officers stationed in Rome were either aware of the plot to interfere in the election or had participated in it.²²⁷ Donoghue described how it was apparent that Meadows was not clear on the specifics of the allegation but passed them along to DOJ to investigate, nonetheless.²²⁸ Following the meeting Donoghue provided the information to the FBI, which quickly determined that the allegations were not credible.²²⁹ Meadows and other senior officials in the Trump administration, however, pressed DOJ to investigate every allegation of fraud regardless of how absurd or specious.

In the days after the December 29th meeting with Meadows, the senior DOJ officials more closely examined the proposed *United States v. Pennsylvania* lawsuit and determined that DOJ could not file it.²³⁰ Engel was principally tasked with examining the veracity of the suit and summarized his analysis in a series of talking points that he provided to Donoghue on December 31st.²³¹ Engel concluded that for multiple reasons, the proposed lawsuit lacked merit. First, the U.S. Government did not have standing to challenge how a State administered its election.²³² Such a challenge could only be brought by President Trump as a candidate and his campaign, or, possibly, an aggrieved electoral college elector.²³³ Second, there was no identified precedent in the history of the Supreme Court establishing that such a lawsuit could be filed by the U.S. Government.²³⁴ Third, by late December, States had already certified the results of their elections and the electoral college had met, so suing States by this point would not impact the results of the election.²³⁵ Finally, unlike *Texas v. Pennsylvania*, which was one State suing another State, this lawsuit would not automatically be heard by the Supreme Court, so it should have been filed in a Federal district court months prior—if at all—to have any possibility of impacting the outcome of the election.²³⁶

When asked about it during his interview with the Select Committee, Engel described *United States v. Pennsylvania* as “a meritless lawsuit” and said, “there was never a question” about whether “the Department was going to file” it.²³⁷ As senior DOJ officials had already explained to President Trump multiple times in November and December 2020, the Department of Justice was strictly limited in what election-related actions it could



Steven Engel testifies before the Select Committee on June 23, 2022.

(Photo by House Creative Services)

take. It could not oversee States' actions in administering their elections, and it could not support litigation filed by President Trump's campaign.²³⁸ Nonetheless, President Trump continued to push DOJ to file this lawsuit over the following days and essentially act as an arm of his political campaign.

4.11 ROSEN'S DECEMBER 30TH CALL WITH PRESIDENT TRUMP

Even after the December 29th meeting, President Trump and those working on his behalf still wanted DOJ leadership to file *United States v. Pennsylvania*. On December 30th, Acting Attorney General Rosen had a phone call with President Trump that included a discussion about the lawsuit.²³⁹ During the call, Rosen clearly explained to the President that DOJ could not file the lawsuit.²⁴⁰ Rosen said, "This doesn't work. There's multiple problems with it. And the Department of Justice is not going to be able to do it."²⁴¹ According to Rosen, President Trump accepted what he said without argument.²⁴² Yet President Trump and his allies continued pressuring the Department to file the lawsuit.

4.12 DECEMBER 31ST MEETING

On December 31st, 2020, President Trump suddenly returned to Washington, DC, from Florida, where he had been celebrating Christmas. Shortly after Air Force One landed, Rosen and Donoghue were summoned to the Oval Office once again. They met with the President that afternoon. President Trump “was a little more agitated than he had been in the meeting on the 15th,” according to Donoghue.²⁴³ The President remained “adamant that the election has been stolen, that he won, that the American people were being harmed by fraud, and that he believed the Justice Department should be doing something about it.”²⁴⁴

The President once again raised the prospect of naming Clark the Acting Attorney General.²⁴⁵ Donoghue and Rosen repeated what they had told the President previously—that he “should have the leaders that” he wanted, “but it’s really not going to change anything.”²⁴⁶

President Trump again asked why DOJ would not file a complaint with the Supreme Court, alleging that the election was fraudulent. Rosen and Donoghue explained, once more, that the DOJ did not have standing.²⁴⁷ DOJ represents the Federal government, not the American people. President Trump was incredulous and became “very animated.”²⁴⁸ The President kept repeating the same questions, “How is that possible? How can that possibly be?”²⁴⁹

President Trump also floated the prospect of naming a special counsel, suggesting Ken Cuccinelli from the Department of Homeland Security as a possible candidate.²⁵⁰ “This sounds like the kind of thing that would warrant appointment of a special counsel,” Donoghue recalled the President saying.²⁵¹ The President did not order the DOJ to name a special counsel, but he was clearly still thinking about it. Donoghue and Rosen “didn’t say a lot” in response, but simply pointed out that there was no evidence to support the many individual allegations that had been made, so there was “no evidence that would warrant appointing a special counsel.”²⁵²

President Trump again raised the Antrim County, Michigan allegations.²⁵³ As mentioned above, bipartisan election officials in Antrim County completed a hand recount of all ballots on December 17th.²⁵⁴ This should have resolved the matter once and for all. There was simply no evidence that Dominion’s machines had manipulated the result. But President Trump would not accept this reality.

During the December 31st meeting, the President also raised the prospect of seizing the voting machines. “Why don’t you guys seize machines?” he asked.²⁵⁵ “You guys should seize machines because there will be evidence,” Donoghue recalled President Trump saying.²⁵⁶ Rosen pushed back, saying the DOJ had no basis to seize voting machines from the States. They

needed a search warrant, but there was no evidence to justify one.²⁵⁷ Rosen explained to President Trump again that the DOJ has no responsibility for oversight, as the States conduct the elections. Rosen added that to the extent that any Federal agency is involved, it is the Department of Homeland Security, which ensures “software selection and quality control.”²⁵⁸ At that point, the President called Ken Cuccinelli.²⁵⁹ Donoghue recalled the President saying something along the lines of, “Ken, the Acting Attorney General is telling me it’s your job to seize machines.”²⁶⁰ Rosen had said nothing of the sort, but Cuccinelli quickly shot down the President’s line of inquiry, making it clear that the Department of Homeland Security had no such authority.²⁶¹ White House Counsel Pat Cipollone was also in attendance and supported the DOJ leadership throughout the meeting.²⁶²

When Rosen spoke to Clark by phone on December 31st or January 1st, Clark revealed that he had spoken to the President again, despite previously promising Rosen and Donoghue that he would inform them of any other contact that he received from the White House.²⁶³ Clark told Rosen that President Trump had offered Clark the position of Acting Attorney General and asked him to respond by Monday, January 4th. Clark, however, said that he needed to do some “due diligence” related to claims of election fraud before deciding whether he would accept the President’s offer.²⁶⁴

4.13 JANUARY 2, 2021: ROSEN AND DONOGHUE CONFRONT CLARK AGAIN

On Saturday, January 2nd, Rosen and Donoghue attempted, once again, to persuade Clark to stand down. The two reiterated that Clark should stop meeting with the President.²⁶⁵ Donoghue reprimanded Clark, emphasizing that he was the boss and that Clark’s ongoing contacts with the President were a violation of DOJ’s White House contact policy.²⁶⁶ Clark acknowledged that he had been briefed by the ODNI, as he had requested, and “that there was nothing in that briefing that would have supported his earlier suspicion about foreign involvement.”²⁶⁷ Nevertheless, Clark still wanted to send his letter to Georgia and other contested States alleging voter fraud.²⁶⁸

During the conversation, Clark confirmed President Trump had offered him the position of Acting Attorney General.²⁶⁹ Clark told Rosen that he would decline the offer—if Rosen and Donoghue signed his dishonest letter to officials in Georgia.²⁷⁰ The two refused once again, making it clear “that there was no way we were going to sign that letter.”²⁷¹ Rosen reiterated his decision in an email on the night of January 2nd, writing: “I confirmed again today that I am not prepared to sign such a letter.”²⁷²

That same day, President Trump attempted to coerce Georgia Secretary of State Brad Raffensperger into manufacturing enough votes to steal the election in that State. That call is discussed in Chapter 2 of this report. But one part of it deserves mention here. During that same call, President Trump brought up BJay Pak, whom President Trump had appointed as the U.S. Attorney for the Northern District of Georgia. President Trump referred to Pak as “your never-Trumper U.S. attorney there.”²⁷³ The implication was that Pak was not doing enough to validate President Trump’s fictitious claims of voter fraud. President Trump’s mention of Pak proved to be ominous.

4.14 JANUARY 3, 2021: CLARK INFORMS DOJ LEADERSHIP THAT HE WILL ACCEPT PRESIDENT TRUMP’S OFFER

On January 3rd, Clark informed Rosen that he had decided to accept the President’s offer to serve as the Acting Attorney General. Clark offered Rosen the position of his deputy.²⁷⁴ Rosen thought that Clark’s offer was “preposterous” and “nonsensical.”²⁷⁵ Rosen told the Select Committee that “there was no universe where I was going to do that to stay on and support someone else doing things that were not consistent with what I thought should be done.”²⁷⁶ Donoghue believed it was a done deal, and Clark would become the head of DOJ. But Pat Cipollone told Rosen that it was “not a done deal and that we should fight this out at the White House.”²⁷⁷

White House call logs from January 3rd show that President Trump and Clark spoke four times that day starting at 6:59 a.m.²⁷⁸ The first three calls of the day, two in the morning and one in the early afternoon, show that the President spoke with “Mr. Jeffrey Clark.”²⁷⁹ The final call between the two of them, from 4:19 to 4:22 p.m., however, shows that President Trump spoke to “Acting Attorney General Jeffrey Clark,” suggesting that Clark had, in fact, accepted the President’s offer.²⁸⁰

Acting Attorney General Rosen told the Select Committee that he would have felt comfortable being replaced by either Donoghue or Engel, but he did not “want for the Department of Justice to be put in a posture where it would be doing things that were not consistent with the truth, were not consistent with its own appropriate role, or were not consistent with the Constitution.”²⁸¹

As a result, Rosen took four immediate steps to try and prevent Clark’s ascension to Attorney General. First, he called Meadows and asked him to set up a meeting for that evening with President Trump.²⁸² Second, he



Select Committee graphic

spoke to Cipollone, who told Rosen that Clark's appointment was not inevitable and that he would also be at the meeting that evening to support Rosen and Donoghue.²⁸³ Third, Rosen called Engel and asked him to come to DOJ headquarters so he could attend the White House meeting.²⁸⁴ Finally, Rosen asked Donoghue and another senior Department attorney named Patrick Hovakimian to convene a meeting of the rest of the Department's leadership to describe the situation to them and hear how they would react to Clark's appointment.²⁸⁵

Hovakimian set up a conference call. Although some of the Assistant Attorneys General were not able to participate in the call, all of those who did agreed that they would resign if Rosen were removed from office.²⁸⁶ Pat Hovakimian drafted a resignation letter that read:

This evening, after Acting Attorney General Jeff Rosen over the course of the last week repeatedly refused the President's direct instructions to utilize the Department of Justice's law enforcement powers for improper ends, the President removed Jeff from the Department. PADAG Rich Donoghue and I resign from the Department, effectively immediately.²⁸⁷

Hovakimian never sent the letter because the threat of mass resignations dissuaded President Trump from replacing Rosen. Regardless, the letter stated a plain truth: President Trump was trying to use DOJ for his own "improper ends."

THE JANUARY 3, 2021, OVAL OFFICE MEETING

At Rosen's request, White House Chief of Staff Mark Meadows arranged a meeting with the President at 6:15 p.m. that evening.²⁸⁸

We should pause to reflect on the timing and purpose of the meeting. Congress was set to meet in a joint session in less than 72 hours. The States had already certified their electors. Former Vice President Biden was going to be certified as the winner of the 2020 Presidential election. There was no material dispute over Biden's victory. Trump and his lawyers had not produced any evidence of significant fraud. Instead, they presented one non-sensical conspiracy theory after another. The DOJ and FBI were forced to debunk these claims—and they did.

None of this stopped President Trump's effort to subvert DOJ. Quite the opposite. The President pushed forward with a plan to install Jeff Clark as the Acting Attorney General, apparently to attempt to interfere with the certification of the electoral college vote on January 6th. It is for this reason Rosen requested an emergency meeting on January 3rd.

Before heading into the Oval Office, Rosen and Donoghue discussed the possible leadership change with Cipollone and Pat Philbin. "They were completely opposed to it," Donoghue explained.²⁸⁹ In fact, no one who attended the Oval Office meeting supported the leadership change—other than Jeff Clark.²⁹⁰ Donoghue didn't initially join the meeting, but the President soon called him in.²⁹¹

During the meeting, Clark attempted to defend the last-minute move to make him Acting Attorney General. Clark said he would "conduct real investigations that would, in his view, uncover widespread fraud."²⁹² Clark declared that this was the "last opportunity to sort of set things straight with this defective election," and he had the "intelligence," the "will," and "desire" to "pursue these matters in the way that the President thought most appropriate."²⁹³ Everyone else quickly disagreed.²⁹⁴

President Trump asked Donoghue and Engel what they would do, and both confirmed they would resign.²⁹⁵ Donoghue added that theirs would not be the only resignations. "You should understand that your entire Department leadership will resign," Donoghue recalled saying.²⁹⁶ This included every Assistant Attorney General. "Mr. President, these aren't bureaucratic leftovers from another administration," Donoghue continued.²⁹⁷ "You picked them. This is your leadership team. You sent every one of them to the Senate; you got them confirmed."²⁹⁸ Donoghue argued that the President would look bad in the wake of the mass resignations. "What is that going to say about you, when we all walk out at the same time?"²⁹⁹ Donoghue recalled asking the President. "And what happens if, within 48 hours, we have hundreds of resignations from your Justice Department because of

your actions? What does that say about your leadership?”³⁰⁰ Steve Engel reinforced Donoghue’s point, saying that Clark would be leading a “graveyard.”³⁰¹

White House Counsel Pat Cipollone threatened to resign as well, describing Clark’s letter as a “murder-suicide pact.”³⁰² Cipollone warned that the letter would “damage everyone who touches it” and no one should have anything to do with it.³⁰³

Some of the participants in the meeting argued that Clark was the wrong person for the job of Attorney General. Clark attempted to defend his credentials, arguing that he had been involved in complicated civil and environmental litigation.³⁰⁴ “That’s right. You’re an environmental lawyer,” Donoghue fired back.³⁰⁵ “How about you go back to your office, and we’ll call you when there’s an oil spill.”³⁰⁶

The meeting lasted approximately 3 hours.³⁰⁷ Only toward the end of the contentious affair did President Trump decide to reverse his earlier decision to make Clark the Acting Assistant Attorney General. Donoghue recalled President Trump addressing Clark along the following lines:

I appreciate your willingness to do it. I appreciate you being willing to suffer the abuse. But the reality is, you’re not going to get anything done. These guys are going to quit. Everyone else is going to resign. It’s going to be a disaster. The bureaucracy will eat you alive. And no matter how you want to get things done in the next few weeks, you won’t be able to get it done, and it’s not going to be worth the breakage.³⁰⁸

Clark tried to change President Trump’s mind, saying “history is calling, this our opportunity” and “we can get this done.”³⁰⁹ But the President was clearly rattled by the threat of mass defections and reiterated that the change would not happen. President Trump then wondered what would happen to Clark, and if Donoghue was going to fire him. Donoghue explained that only the President had that authority. That was the end of the matter. “And we all got up and walked out of the Oval Office,” Donoghue recalled.³¹⁰

But for one DOJ employee, the matter was not entirely settled. During the January 3rd meeting in the Oval Office, President Trump complained bitterly about BJay Pak, the U.S. Attorney for the Northern District of Georgia.³¹¹ Barr had tasked Pak with investigating the State Farm Arena video in early December 2020. Like the FBI and Georgia State officials, Pak concluded that nothing nefarious had occurred. President Trump was dissatisfied.³¹²

“No wonder nothing’s been found in Atlanta, because the U.S. attorney there is a Never Trumper,” Donoghue recalled the President saying.³¹³

Donoghue objected, saying Pak had “been doing his job.”³¹⁴ But the President insisted, pointing out that Pak criticized him years earlier. “This guy is a Never Trumper,” the President reiterated.³¹⁵ “He should never have been in my administration to begin with. How did this guy end up in my administration?”³¹⁶ The President threatened to fire Pak.³¹⁷ When Donoghue pointed out that Pak was already planning to resign the next day, a Monday, President Trump insisted that it be Pak’s last day on the job.³¹⁸ Pak later confirmed to Donoghue that he would be leaving the next day.³¹⁹

President Trump asked if those in attendance at the Oval Office meeting knew Bobby Christine, who was the U.S. Attorney for the Southern District of Georgia.³²⁰ Even though Pak had a first assistant, who was next in line for Pak’s job upon his resignation, President Trump wanted Christine to take the role.³²¹ Christine did take over for Pak, but he did not find any evidence of fraud either. It was Donoghue’s impression that Christine “concluded that the election matters . . . were handled appropriately.”³²²

Later in the evening of January 3rd, President Trump called Donoghue to pass along yet another conspiracy theory.³²³ The President had heard that an ICE agent outside of Atlanta was in custody of a truck filled with shredded ballots.³²⁴ Donoghue explained that ICE agents are part of the Department of Homeland Security, so the matter would be under that Department’s purview. President Trump asked Donoghue to inform Ken Cuccinelli.³²⁵ That story—like all the others—turned out to be fiction when DOJ investigators evaluated the claim. The truck was carrying shredded ballots, but they were from a *previous* election. The old ballots had been shredded to make room for storing ballots from the 2020 election.³²⁶

4.15 PRESIDENT TRUMP’S UNPRECEDENTED ATTEMPT TO SUBVERT THE DOJ

The most senior DOJ officials at the end of President Trump’s term stopped him from co-opting America’s leading law enforcement agency for his own corrupt purposes. Recall that Attorney General Barr commented “you can’t live in a world where the incumbent administration stays in power based on its view, unsupported by specific evidence, that the election—that there was fraud in the election.”³²⁷

Richard Donoghue concluded that Jeffrey Clark’s letter “may very well have spiraled us into a constitutional crisis.”³²⁸

Jeffrey Rosen summed up his short time as the Acting Attorney General like this:

[D]uring my tenure, we appointed no special prosecutors, we sent no letters to States or State legislators disputing the election outcome; we made no public statements saying the election was corrupt and should be overturned; we initiated no Supreme Court actions, nor filed or joined any other lawsuits calling into question the legitimacy of our election and institutions.³²⁹

President Trump attempted to get DOJ to do each of those things.

ENDNOTES

1. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 8. The Select Committee recognizes and appreciates the investigation conducted by the Senate Committee on the Judiciary and the report it issued about this Chapter's topic. See Senate Committee on the Judiciary, 117th Cong. 1st sess., *Subverting Justice: How the Former President and His Allies Pressured DOJ to Overturn the 2020 Election*, (Oct. 7, 2021), available at <https://www.judiciary.senate.gov/imo/media/doc/Interim%20Staff%20Report%20FINAL.pdf>.
2. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 8; See Margaret Talev, "Exclusive: Dem Group Warns of Apparent Trump Election Day Landslide," *Axios*, (Sept. 1, 2020), available at <https://www.axios.com/2020/09/01/bloomberg-group-trump-election-night-scenarios>.
3. See Chapter 1.
4. See Chapter 1.
5. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), pp. 8-9.
6. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), pp. 8-9.
7. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), pp. 8-9.
8. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), pp. 8-9.
9. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 9.
10. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 23.
11. Richard C. Pilger, ed., "Federal Prosecution of Election Offenses: Eighth Edition," Department of Justice (December 2017), p. 84, available at <https://www.justice.gov/criminal/file/1029066/download>.
12. Richard C. Pilger, ed., "Federal Prosecution of Election Offenses: Eighth Edition," Department of Justice (December 2017), p. 84 available at <https://www.justice.gov/criminal/file/1029066/download>. The DOJ further advises that "federal law enforcement personnel should carefully evaluate whether an investigative step under consideration has the potential to affect the election itself." The department's concern is that "[s]tarting a public criminal investigation of alleged election fraud before the election to which the allegations pertain has been concluded runs the obvious risk of chilling legitimate voting and campaign activities." Moreover, "[i]t also runs the significant risk of interjecting the investigation itself as an issue, both in the campaign and in the adjudication of any ensuing election contest." *Id.*

13. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HouseSelect-Jan6-PartII-01132022-000616-617 (November 9, 2020, memorandum from Attorney General Barr).
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15. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HouseSelect-Jan6-PartII-01132022-000616-617 (November 9, 2020, memorandum from Attorney General Barr).
16. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 18.
17. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 18.
18. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 18.
19. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 18.
20. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 18.
21. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 18.
22. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), pp. 18-19.
23. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 18.
24. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 18.
25. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 18.
26. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 19.
27. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 19.
28. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 19.
29. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 19.
30. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 19.
31. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 19.
32. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), pp. 19-20.
33. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 20.
34. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 22.
35. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), pp. 22-23.

36. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), pp. 22-23.
37. Factba.se, "Interview: Maria Bartiromo Interviews Donald Trump on Fox News - November 29, 2020," Vimeo, Nov. 29, 2020, available at <https://vimeo.com/485180163>; Fox News, "Trump Asks, 'Where's Durham?' During First Interview Since the Election," YouTube, Nov. 29, 2020, available at <https://www.youtube.com/watch?v=szStcNBIL68>; see also Alexis Benveniste, "Fox News' Maria Bartiromo Gave Trump His First TV Interview Since the Election. It Was Filled with Lies," CNN (Nov. 29, 2020), available at <https://www.cnn.com/2020/11/29/media/bartiromo-trump-interview>.
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39. Factba.se, "Interview: Maria Bartiromo Interviews Donald Trump on Fox News - November 29, 2020," Vimeo, Nov. 29, 2020, available at <https://vimeo.com/485180163>; Fox News, "Trump Asks, 'Where's Durham?' During First Interview Since the Election," YouTube, Nov. 29, 2020, available at <https://www.youtube.com/watch?v=szStcNBIL68>; see also Alexis Benveniste, "Fox News' Maria Bartiromo Gave Trump His First TV Interview Since the Election. It Was Filled with Lies," CNN (Nov. 29, 2020), available at <https://www.cnn.com/2020/11/29/media/bartiromo-trump-interview>.
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41. Factba.se, "Interview: Maria Bartiromo Interviews Donald Trump on Fox News - November 29, 2020," Vimeo, at 4:20, Nov. 29, 2020, available at <https://vimeo.com/485180163>; Fox News, "Trump Asks, 'Where's Durham?' During First Interview Since the Election," YouTube, Nov. 29, 2020, available at <https://www.youtube.com/watch?v=szStcNBIL68>; see also Alexis Benveniste, "Fox News' Maria Bartiromo Gave Trump His First TV Interview Since the Election. It Was Filled with Lies," CNN (Nov. 29, 2020), available at <https://www.cnn.com/2020/11/29/media/bartiromo-trump-interview>.
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- 29, 2020, available at <https://www.youtube.com/watch?v=szStcNBIL68>; see also Alexis Benveniste, "Fox News' Maria Bartiromo Gave Trump His First TV Interview Since the Election. It Was Filled with Lies," CNN (Nov. 29, 2020), available at <https://www.cnn.com/2020/11/29/media/bartiromo-trump-interview>.
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 49. Michael Balsamo, "Disputing Trump, Barr Says No Widespread Election Fraud," *Associated Press*, (Dec. 1, 2020, updated June 28, 2022), available at <https://apnews.com/article/barr-no-widespread-election-fraud-b1f1488796c9a98c4b1a9061a6c7f49d>.
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 51. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), pp. 23-24.
 52. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), pp. 23-24.
 53. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), pp. 23-24.
 54. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), pp. 23-24.
 55. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), pp. 24-25.

56. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), pp. 25-26.
57. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), pp. 11, 25-26.
58. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 25.
59. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 25.
60. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 25.
61. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 25.
62. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 25.
63. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), pp. 25-26.
64. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), pp. 25-26.
65. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 26.
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67. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 26.
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69. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 26.
70. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), pp. 26-28.
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73. "Campaign 2020: President Trump Statement on 2020 Election Results," C-SPAN, Dec. 2, 2020, available at <https://www.c-span.org/video/?506975-1/president-trump-statement-2020-election-results>; "Donald Trump Speech on Election Fraud Claims Transcript December 2," Rev, (Dec. 2, 2020), available at <https://www.rev.com/blog/transcripts/donald-trump-speech-on-election-fraud-claims-transcript-december-2>. Trump said: "Here's an example. This is Michigan. At 6:31 in the morning, a vote dump of 149,772 votes came in unexpectedly. We were winning by a lot. That batch was received in horror. We have a company that's very suspect. Its name is Dominion. With the turn of a dial or the change of a chip, you can press a button for Trump and the vote goes to Biden. What kind of a system is this?" *Id.*

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77. Gabriel Sterling (@GabrielSterling), Twitter, Dec. 4, 2020 6:41 a.m. ET, available at https://twitter.com/GabrielSterling/status/1334825233610633217?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtterm%5E1334825233610633217%7Ctwtgr%5E%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.gpb.org%2Fnews%2F2020%2F12%2F04%2Ffact-checking-rudy-giulianis-grandiose-georgia-election-fraud-claim. At the time, Gabe Sterling was the Chief Operating Officer in the Georgia Secretary of State's Office.
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83. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 28.
84. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 28.
85. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), pp. 28-30.
86. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 30.
87. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 32.
88. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 32.
89. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 39-40.
90. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-06032021-000425, HCOR-Pre-CertificationEvents-06032021-000426, HCOR-Pre-CertificationEvents-06032021-000429 (December 14, 2020, email from Molly Michael to Jeffrey Rosen subject "From POTUS" with two attachments).

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92. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 32-33.
93. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
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95. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
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101. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jeffrey Rosen, (Oct. 13, 2021), pp. 52-53.
102. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
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104. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 117th sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.

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106. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jeffrey Rosen, (Oct. 13, 2021), pp. 55-56.
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113. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM0140100 (December 26, 2020, text message from Rep. Perry to Mark Meadows).
114. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014101 (December 26, 2020, text message from Mark Meadows to Rep. Perry).
115. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM014102-014103, MM014178.
116. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 47-48.
117. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-Certification-Events-07282021-000735.
118. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-Certification-Events-07282021-000735; Ryan Deto, "Sen. Mastriano and Former State Rep. Saccone among Trump Supporters who Occupied U.S. Capitol," *Pittsburgh City Paper*, (Jan. 6, 2021), available at <https://www.pghcitypaper.com/pittsburgh/sen-mastriano-and-former-state-rep-saccone-among-trump-supporters-who-occupied-us-capitol/Content?oid=18690728>; Erin Bamer, "Mastriano Defends Protest Appearance; Other GOP Lawmakers Say Little," *York Dispatch*, (Jan. 7, 2021), available at <https://www.yorkdispatch.com/story/news/2021/01/07/mastriano-at-no-point-did-he-storm-us-capitol/6579049002/>.
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121. See, e.g., Scott Perry for Congress, "#StopTheSteal," Facebook, November 6, 2020, available at <https://www.facebook.com/watch/?v=406418637058079>.
122. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 47-48, 53.
123. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6thSelect>; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-Certification-Events-07282021-000739 (December 27, 2020, handwritten notes from Richard Donoghue about call with President Trump).
124. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6thSelect>; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-Certification-Events-07282021-000739 (December 27, 2020, handwritten notes from Richard Donoghue about call with President Trump).
125. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6thSelect>; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-Certification-Events-07282021-000739 (December 27, 2020, handwritten notes from Richard Donoghue about call with President Trump).
126. "Hand Audit of All Presidential Election Votes in Antrim County Confirms Previously Certified Results, Voting Machines Were Accurate," Michigan Secretary of State, (Dec. 17, 2020), available at <https://www.michigan.gov/sos/resources/news/2020/12/17/hand-audit-of-all-presidential-election-votes-in-antrim-county-confirms-previously-certified-result>.
127. "Hand Audit of All Presidential Election Votes in Antrim County Confirms Previously Certified Results, Voting Machines Were Accurate," Michigan Secretary of State, (Dec. 17, 2020), available at <https://www.michigan.gov/sos/resources/news/2020/12/17/hand-audit-of-all-presidential-election-votes-in-antrim-county-confirms-previously-certified-result>.
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129. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6thSelect>; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 60; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-Certification-Events-07282021-000739 (December 27, 2020, handwritten notes from Richard Donoghue about call with President Trump).
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131. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at

- <https://www.govinfo.gov/committee/house-january6thSelect>; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 60.
132. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6thSelect>; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 60; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-Certification-Events-07282021-000739 (December 27, 2020, handwritten notes from Richard Donoghue about call with President Trump).
 133. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 55; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-Certification-Events-07282021-000737 (December 27, 2020, handwritten notes from Richard Donoghue about call with President Trump).
 134. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 55; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-Certification-Events-07282021-000737 (December 27, 2020, handwritten notes from Richard Donoghue about call with President Trump).
 135. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 55.
 136. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 55-56; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-Certification-Events-07282021-000739 (December 27, 2020, handwritten notes from Richard Donoghue about call with President Trump).
 137. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6thSelect>.
 138. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 54; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-Certification-Events-07282021-000739 (December 27, 2020, handwritten notes from Richard Donoghue about call with President Trump).
 139. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 54; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-Certification-Events-07282021-000739 (December 27, 2020, handwritten notes from Richard Donoghue about call with President Trump).
 140. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 54; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-Certification-Events-07282021-000739 (December 27, 2020, handwritten notes from Richard Donoghue about call with President Trump).

141. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 64; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-Certification-Events-07282021-000741 (December 27, 2020, handwritten notes from Richard Donoghue about call with President Trump).
142. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 60.
143. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 60.
144. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 60-61.
145. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 60-61.
146. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 60-61.
147. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 54-55; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-Certification-Events-07282021-000737 (December 27, 2020, handwritten notes from Richard Donoghue about call with President Trump).
148. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 54, 58; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-Certification-Events-07282021-000737, HCOR-Pre-Certification-Events-07282021-000738 (December 27, 2020, handwritten notes from Richard Donoghue about call with President Trump).
149. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 54, 58; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-Certification-Events-07282021-000737, HCOR-Pre-Certification-Events-07282021-000738 (December 27, 2020, handwritten notes from Richard Donoghue about call with President Trump).
150. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 54, 58; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-Certification-Events-07282021-000737, HCOR-Pre-Certification-Events-07282021-000738 (December 27, 2020, handwritten notes from Richard Donoghue about call with President Trump).
151. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 58; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-Certification-Events-07282021-000738, HCOR-Pre-Certification-Events-07282021-000739 (December 27, 2020, handwritten notes from Richard Donoghue about call with President Trump).
152. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 58. Trump also mentioned the possibility of the DOJ saying the “election is corrupt or suspect or not reliable” during a public press conference. “We told him we were not going to do that,” Donoghue explained. *Id.* at p. 59.

153. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 62; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-Certification-Events-07282021-000740 (December 27, 2020, handwritten notes from Richard Donoghue about call with President Trump).
154. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 60; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-Certification-Events-07282021-000739, HCOR-Pre-Certification-Events-07282021-000740 (December 27, 2020, handwritten notes from Richard Donoghue about call with President Trump).
155. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 61.
156. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6thSelect>.
157. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6thSelect>.
158. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6thSelect>.
159. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6thSelect>.
160. Donoghue testified before the Select Committee: "There were isolated instances of fraud. None of them came close to calling into question the outcome of the election in any individual state." Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6thSelect>.
161. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 62; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-Certification-Events-07282021-000740 (December 27, 2020, handwritten notes from Richard Donoghue about call with President Trump).
162. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 62.
163. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 62.
164. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 65.
165. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 72-75.
166. Dan Gleiter, "Rally to 'Stop the Steal' of the 2020 Election," *Penn Live*, (Nov. 5, 2020), available at <https://www.pennlive.com/galleries/J3FJ24LCKVCT5OW3U2TJ6BV4RE/>.
167. Letter from the Office of Rep. Lance Gooden and Signed by 26 other Members of Congress to the President of the United States, Dec. 9, 2020, available at <https://www.politico.com/f/?id=00000176-4701-d52c-ad7e-d7fdbfe50000>.

168. Motion for Leave to File Amicus Brief by U.S. Representative Mike Johnson and 125 other Members, *Texas v. Pennsylvania*, 592 U.S. ____ (Dec. 10, 2020) (No. 155, Orig.), available at https://www.supremecourt.gov/DocketPDF/22/220155/163550/20201211132250339_Texas%20v.%20Pennsylvania%20Amicus%20Brief%20of%201216%20Representatives%20--%20corrected.pdf.
169. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 72-73; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000705, HCOR-Pre-CertificationEvents-07262021-000706, (Dec. 27, 2020, handwritten notes). Donoghue's handwritten notes from the call are dated Dec. 28, 2020, but he confirmed the call took place on Dec. 27.
170. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 72-73; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000705, HCOR-Pre-CertificationEvents-07262021-000706, (Dec. 27, 2020, handwritten notes).
171. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 72-73; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000705, HCOR-Pre-CertificationEvents-07262021-000705, (Dec. 27, 2020, handwritten notes).
172. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 73; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000705, HCOR-Pre-CertificationEvents-07262021-000706, (Dec. 27, 2020, handwritten notes).
173. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-06032021-000001 - HCOR-Pre-CertificationEvents-06032021-000018.
174. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-06032021-000008.
175. RepScottPerry (@RepScotPerry), Twitter, Dec. 28, 2020 6:01 p.m. ET, available at <https://twitter.com/RepScottPerry/status/1343693703664308225>.
176. See Chapter 1.
177. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 74-75.
178. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 75-76.
179. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 75-76.
180. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 75-76.
181. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000697 - HCOR-Pre-CertificationEvents-07262021-000702.
182. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000697 - HCOR-Pre-CertificationEvents-07262021-000702.; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol

- (Department of Justice Production), HCOR-Pre-CertificationEvents-06032021-000200 (December 28, 2020, email from Richard Donoghue to Jeffrey Clark, cc'ing Jeffrey Rosen, including Rosen's reply to Donoghue; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
183. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
 184. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000697 – HCOR-Pre-CertificationEvents-07262021-000702.
 185. See National Intelligence Council, *Intelligence Community Assessment: Foreign Threats to the 2020 US Federal Elections*, (Mar. 10, 2021), available at <https://www.dni.gov/index.php/newsroom/reports-publications/reports-publications-2021/item/2192-intelligence-community-assessment-on-foreign-threats-to-the-2020-u-s-federal-elections> (declassified version of a January 7, 2021, report to President Trump, senior Executive Branch officials, and Congressional leadership). The report concluded, among other things, "We have no indications that any foreign actor attempted to alter any technical aspect of the voting process in the 2020 US elections, including voter registration, casting ballots, vote tabulation, or reporting results."
 186. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000697 – HCOR-Pre-CertificationEvents-07262021-000702.
 187. Zachary Cohen & Sara Murray, "New Details Shed Light on Ways Mark Meadows Pushed Federal Agencies to Pursue Dubious Election Claims," CNN, (Dec. 2, 2021), available at <https://www.cnn.com/2021/12/02/politics/mark-meadows-election-fraud-liason/index.html>; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022) at pp. 168-69.
 188. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 113.
 189. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000697 – HCOR-Pre-CertificationEvents-07262021-000702.
 190. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000697 – HCOR-Pre-CertificationEvents-07262021-000702.
 191. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000697 – HCOR-Pre-CertificationEvents-07262021-000702.
 192. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000697 – HCOR-Pre-CertificationEvents-07262021-000702.
 193. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000697 – HCOR-Pre-CertificationEvents-07262021-000702.
 194. See Chapters 2 and 3 regarding the Trump Campaign's efforts to overturn the results of the election in contested states and have fake Electoral College electors submit fake votes to Congress.
 195. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000697 – HCOR-Pre-CertificationEvents-07262021-000702.

196. See Chapter 2 for additional information on these hearings.
197. See Chapter 2; see also Ga. Const., art. V, § 2, ¶ VII.
198. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000697 – HCOR-Pre-CertificationEvents-07262021-000702.
199. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000698 – HCOR-Pre-CertificationEvents-07262021-000702.
200. See Chapter 2.
201. See Chapter 3.
202. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jeffrey Clark, (Feb 2, 2022), pp. 24-27.
203. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Rudolph Giuliani, (May 20, 2022), pp. 101-03.
204. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman production), Chapman061893 (January 1, 2021, emails between Jeffrey Clark and John Eastman); see Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Verizon Production, July 1, 2022) (showing five calls between John Eastman and Jeffrey Clark from January 1, 2021, through January 8, 2021)
205. See, e.g., Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kenneth Klukowski (Dec. 15, 2021), p. 182. The Select Committee questioned, and sought documents from, Klukowski about his interactions with Eastman and others related to the 2020 election and the January 6th joint session of Congress. Klukowski, however, objected to certain questions, and withheld a number of relevant communications, on the basis of attorney-client privilege, work product, or the First Amendment, including communications that he had with Eastman. For example, on December 9th, before Klukowski joined the Department of Justice, he sent an email to Eastman with an attachment of draft talking points arguing that state legislators in states where Biden won could disregard the election results and appoint electors for Trump. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman028219, Chapman028220 (December 9, 2020, email from Klukowski to Eastman, attaching memo). Those same talking points were circulated the same day among Ken Blackwell, Ed Meese, John Eastman, Jason Miller, Alan Dershowitz, and Chief of Staff Mark Meadows with Blackwell's comment, "A constitutional road map to victory and DJT's reelection! It's a matter of political will and courage to do the right thing." See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman027943, Chapman027944 (Klukowski was not included on the email from Blackwell, but his talking points were attached). During his deposition with the Select Committee, Klukowski said that the document containing the talking points looked like a document he had drafted, but asserted attorney-client privilege when asked certain questions asked about the document. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Deposition of Kenneth Klukowski, (June 10, 2022), pp. 27-29. The Select Committee also obtained from a source other than Klukowski an email sent to him, Eastman, Rep. Louis Gohmert's Chief of Staff, and others on December 28th with the subject line "VP Briefing on 1/6/21 Meeting" and a message from Edward Corrigan that said, "I believe the VP and his staff would benefit greatly from a briefing by John and Ken" but cautioned to "make sure we don't overexpose Ken given his new position." See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Chapman University Production), Chapman056164 (December 28, 2020, email to Klukowski and others). Klukowski said he never participated in such a briefing, but Eastman did in the days leading up to January 6th and encouraged

the Vice President to prevent or delay the certification of the presidential election during the joint session of Congress. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kenneth Klukowski, (June 10, 2022), pp. 50-57; see also Chapter 5 about Eastman and his communications with the Vice President. As described here, Klukowski drafted the letter for Clark that included discussions about state legislatures, Electoral College electors, and the joint session of Congress.

206. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kenneth Klukowski (Dec. 15, 2021), p. 17.
207. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kenneth Klukowski, (Dec. 15, 2021), p. 23; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HouseSelect-Jan6-PartII-12142021-000104. Klukowski's first day on the job was December 15th. When asked why he would be willing to start a job on December 15th that would end by January 20th, Klukowski said that he had been trying to get to the Department of Justice for several months, he was "hopeful" that he could "get as many medals on my chest as possible during that short period of time," and "given that it was going to cross the New Year's dateline, [he] figured [his] resume would say Department of Justice 2020 and 2021," enabling him to get into an interview for future jobs before a future employer "would find out how few of days in each of those calendar years we were actually talking about." Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kenneth Klukowski, (Dec. 15, 2021), pp. 30, 41.
208. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kenneth Klukowski, (Dec. 15, 2021), pp. 65-66.
209. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kenneth Klukowski, (Dec. 15, 2021), pp. 71-73.
210. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Kenneth Klukowski, (Dec. 15, 2021), pp. 66, 75-76.
211. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-06032021-000200 (December 28, 2020, email from Richard Donoghue to Jeffrey Clark, cc'ing Jeffrey Rosen, including Rosen's reply to Donoghue).
212. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-06032021-000200 (December 28, 2020, email from Richard Donoghue to Jeffrey Clark, cc'ing Jeffrey Rosen, including Rosen's reply to Donoghue).
213. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-06032021-000200 (December 28, 2020, email from Richard Donoghue to Jeffrey Clark, cc'ing Jeffrey Rosen, including Rosen's reply to Donoghue).
214. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-06032021-000200 (December 28, 2020, email from Richard Donoghue to Jeffrey Clark, cc'ing Jeffrey Rosen, including Rosen's reply to Donoghue).
215. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 81-82.
216. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 82.
217. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 83.
218. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 82.

219. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000681 (Department of Justice policy), HCOR-Pre-CertificationEvents-07262021-000685 (White House policy).
220. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
221. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
222. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Engel, (Jan. 13, 2022), pp. 27-28.
223. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 86-87; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jeffrey Rosen, (Oct. 13, 2021), pp. 79-80, 91-92, 132-33.
224. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jeffrey Rosen, (Oct. 13, 2021), pp. 91-93, 132-33.
225. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 87; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jeffrey Rosen, (Oct. 13, 2021), pp. 91-93, 132-33.
226. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 88-89; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-06032021-000678 (January 1, 2021, email from Mark Meadows to Jeffrey Rosen with link to YouTube video); Brad Johnson, "Rome, Satellites, Servers: an Update," YouTube, available at <https://web.archive.org/web/20210102201919/https://www.youtube.com/watch?v=YwtbK5XXAMk&feature=youtu.be> (archived) (showing the conspiracy Meadows asked DOJ to investigate).
227. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 88-90.
228. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 89.
229. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 90-91.
230. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 87, 91-92; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000708 (December 31, 2020, email from Steven Engel to Richard Donoghue attaching "U.S. v. Penn OJ suit").
231. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000708 - HCOR-Pre-CertificationEvents-07262021-000709 (December 31, 2020, email from Steven Engel to Richard Donoghue attaching "U.S. v. Penn OJ suit" re: one pager, with document titled "Evaluation of Potential Original-Jurisdiction Suit in the Supreme Court"); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 91-92.

232. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000709 (Document titled "Evaluation of Potential Original-Jurisdiction Suit in the Supreme Court").
233. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000709 (Document titled "Evaluation of Potential Original-Jurisdiction Suit in the Supreme Court").
234. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000709 (Document titled "Evaluation of Potential Original-Jurisdiction Suit in the Supreme Court").
235. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-Certificationevents-07262021-000709 (Document titled "Evaluation of Potential Original-Jurisdiction Suit in the Supreme Court").
236. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-Certificationevents-07262021-000709 (Document titled "Evaluation of Potential Original-Jurisdiction Suit in the Supreme Court"). The memo cites "*United States v. Texas*" although it likely refers to the case filed by Texas and rejected by the Supreme Court, *Texas v. Pennsylvania*. See Order Dismissing Bill of Complaint and Denying Certiorari, *Texas v. Pennsylvania*, 592 U.S. ___, (Dec. 11, 2020) (No. 155, Orig.), available at https://www.supremecourt.gov/orders/courtorders/121120zr_p860.pdf.
237. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Engel, (Jan. 13, 2022), p. 33.
238. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 87, 91-92 (noting the Department's limited authority relative to *United States v. Pennsylvania*); Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th> (summarizing the many times Department officials told the President about the limited authority to take actions related to the election).
239. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jeffrey Rosen, (Oct. 13, 2021), pp. 96-97.
240. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jeffrey Rosen, (Oct. 13, 2021), pp. 96-97.
241. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jeffrey Rosen, (Oct. 13, 2021), pp. 96-97.
242. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jeffrey Rosen, (Oct. 13, 2021), pp. 96-97.
243. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 106.
244. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 106.
245. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 107.
246. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 107.

247. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 107-08.
248. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 108.
249. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 108.
250. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 108.
251. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 108.
252. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 108-09.
253. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 108-09.
254. "Hand Audit of All Presidential Election Votes in Antrim County Confirms Previously Certified Results, Voting Machines Were Accurate," Michigan Secretary of State, (Dec. 17, 2020), available at <https://www.michigan.gov/sos/resources/news/2020/12/17/hand-audit-of-all-presidential-election-votes-in-antrim-county-confirms-previously-certified-result>.
255. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 109.
256. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 109.
257. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 109.
258. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 109-10.
259. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 110.
260. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 110.
261. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 109-10.
262. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 109-11.
263. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jeffrey Rosen, (Oct. 13, 2021), pp. 72-73.
264. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jeffrey Rosen, (Oct. 13, 2021), pp. 72-73.
265. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 114.
266. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 113-14.

267. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 113.
268. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 113.
269. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 111-15.
270. Rosen confirmed this during testimony before the Select Committee. "ADAM KINZINGER: So in that meeting did Mr. Clark say he would turn down the President's offer if you reversed your position and signed the letter? JEFFREY A. ROSEN: Yes." Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>
271. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
272. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-06032021-000200 (January 2, 2021, email from Jeffrey Rosen to Richard Donoghue re: Two Urgent Action Items).
273. Brad Raffensperger, *Integrity Counts* (New York: Simon & Schuster, 2021), p. 191 (reproducing the call transcript); Amy Gardner and Paulina Firozi, "Here's the Full Transcript and Audio of the Call between Trump and Raffensperger," *Washington Post*, (Jan. 5, 2021), available at https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356_story.html.
274. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 117-18; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
275. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 117-18; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
276. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 117-18; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
277. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 118.
278. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R000007891_0001 - 076P-R000007891_0009 (January 3, 2021, White House Presidential Call Log).
279. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R000007891_0001 - 076P-R000007891_0009 (January 3, 2021, White House Presidential Call Log).
280. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (National Archives Production), 076P-R000007891_0001 - 076P-R000007891_0009 (January 3, 2021, White House Presidential Call Log).

281. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
282. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
283. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 118; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
284. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
285. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
286. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th> (“And so it was unanimous; everyone was going to resign if Jeff Rosen was removed from the seat,” Donoghue explained). The only exception was John Demers, the Assistant Attorney General for the National Security Division. Donoghue encouraged Demers to stay on because he didn’t want to further jeopardize national security. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 119-20.
287. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production), HCOR-Pre-CertificationEvents-07262021-000729 (January 3, 2021, Resignation Letter by Patrick Hovakimian).
288. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 121-22; Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
289. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 122.
290. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 127. “It was definitely a consensus. We were all on the same page except for Jeff Clark,” Donoghue said. *Id.* The Oval Office meeting attendees include Jeffrey Rosen, Richard Donoghue, Pat Cipollone, Pat Philbin, Eric Herschmann, Steve Engel, Jeff Clark and President Trump. See *id.*, at 123.
291. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 122.
292. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 124.
293. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 124.
294. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 124-25.
295. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 125.

320. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 130.
321. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 130.
322. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 135-36.
323. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 133-34.
324. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 133-34.
325. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), p. 134.
326. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 134-37.
327. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 66.
328. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
329. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jeffrey Rosen, (Oct. 13, 2021), pp. 8-9.