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

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13 DEPOSITION OF: MARK MEADOWS (NO-SHOW)

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Wednesday, December 8, 2021

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Washington, D.C.

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The deposition in the above matter was held in Room 4480, O'Neill House Office
24 Building, commencing at 10:00 a.m.

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Present: Representatives Schiff and Lofgren.

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27 **Appearances:**

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31 For the SELECT COMMITTEE TO INVESTIGATE

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

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34 ██████████, CHIEF INVESTIGATIVE COUNSEL

35 ██████████, SENIOR INVESTIGATIVE COUNSEL

36 ██████████, CHIEF CLERK

37 ██████████, PARLIAMENTARIAN

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39 [REDACTED] All right. It's 10 a.m. So we'll go ahead and get started going on
40 the record.

41 This is a deposition of Mark Meadows, conducted by the House Select Committee
42 to Investigate the January 6th Attack on the United States Capitol, pursuant to House
43 Resolution 503.

44 My name is [REDACTED]. That's [REDACTED], and I'm the chief investigative
45 counsel to the select committee. With me today are [REDACTED], who is a senior
46 investigative counsel, and Ms. Zoe Lofgren, who is a member of the select committee, is
47 also participating remotely.

48 Based on an agreement with counsel to Mr. Meadows, this deposition was to
49 begin at 10 a.m. It is now 10 a.m., and Mr. Meadows has not appeared.

50 Mr. Meadows received a subpoena, dated September 23rd, 2021, requiring him to
51 produce documents to the select committee and appear for a deposition. Staff engaged
52 in several discussions with Mr. Meadows' counsel regarding the scope of his production
53 and the subject matters to be developed at his deposition.

54 Staff provided Mr. Meadows' counsel with specific areas in which it is interested
55 and asked Mr. Meadows to identify those that would trigger a privilege assertion.
56 Rather than engage with the select committee, Mr. Meadows asserted that, as a former
57 White House chief of staff, he cannot be compelled to provide information to Congress.
58 He communicated his blanket assertion of immunity, in addition to claims of executive
59 privilege, in writing to Chairman Thompson.

60 On November 12th, 2021, the select committee convened the scheduled
61 deposition of Mr. Meadows after the current White House indicated, in writing, that
62 President Biden would not assert any immunity or privilege that would prevent Mr.

63 Meadows from appearing and answering the committee's questions.

64 Mr. Meadows did not appear for that deposition on November 12th, as indicated
65 in his prior correspondence.

66 He also failed to produce any documents responsive to the select committee's
67 subpoena or a privilege log asserting claims of privilege for specific documents.

68 After Mr. Meadows failed to appear for his deposition or produce documents,
69 select committee staff engaged in further discussions with Mr. Meadows' counsel
70 regarding the status of his noncooperation.

71 Mr. Meadows ultimately agreed to produce some documents and to appear for a
72 deposition today, December 8th, 2021, at 10 a.m., an offer which the chairman extended
73 to him as a good-faith effort to enable Mr. Meadows to cure his failure to comply with
74 the September 23rd subpoena and provide information relevant to the select
75 committee's investigation.

76 Mr. Meadows has now produced documents. Counsel made clear that Mr.
77 Meadows intended to withhold some responsive information due to a claim of executive
78 privilege. He agreed to produce documents he believes are not covered by that or any
79 other privilege and to produce a privilege log identifying responsive documents withheld
80 due to such privilege assertions.

81 He also agreed to appear for a deposition, at which he would be asked questions
82 on subject matters relevant to the select committee's inquiry, as identified in our prior
83 correspondence, and either answer the questions or articulate a claimed privilege.

84 We agreed with Mr. Meadows' counsel that this production and deposition would
85 clarify Mr. Meadows' position on the application of various privileges and create a record
86 for further discussion and consideration of possible enforcement by the select
87 committee.

88 Consistent with that agreement, Mr. Meadows did produce documents and
89 privilege logs. More specifically, he produced approximately 6,600 pages of records
90 taken from personal email accounts he used to conduct official business, as well as a
91 privilege log describing other emails over which he claims privilege protection. He also
92 produced approximately 2,000 text messages, which Mr. Meadows sent or received using
93 a personal device which he used for official business, in addition to a privilege log, in
94 which he describes privilege claims over other withheld text messages.

95 Mr. Meadows was scheduled to appear today, December 8th, 2021, for a
96 deposition. However, he has not appeared and is not present today. We received
97 correspondence from Mr. Meadows' attorney yesterday indicating that, despite his prior
98 agreement to appear today, his position has changed and he would not appear.

99 We are disappointed in Mr. Meadows' failure to appear as planned, as it deprives
100 the select committee of an opportunity to develop relevant information in Mr. Meadows'
101 possession and to, more specifically, understand the contours of his executive privilege
102 claim.

103 Again, the purpose of today's proceeding was to ask Mr. Meadows questions that
104 we believe would be outside of any cognizable claim of executive, attorney client, Fifth
105 Amendment, or other potentially applicable privilege.

106 Our hope is that he would answer those questions, which would materially
107 advance the select committee's investigation, given Mr. Meadows' service as White
108 House chief of staff. We expected that he would assert privileges in response to various
109 questions, articulating the specific privilege he believes is implicated and how it applies to
110 the question asked. We planned to evaluate Mr. Meadows' privilege assertions after
111 today's proceeding, engage in further discussions with Mr. Meadows' counsel, and
112 consider whether enforcement steps were appropriate and necessary.

113 Mr. Meadows' failure to appear for today's deposition deprives us of the
114 opportunity to engage in that process. Instead, we are left with Mr. Meadows'
115 complete refusal to appear for his deposition or cure his willful noncompliance with the
116 select committee's subpoena.

117 Had Mr. Meadows appeared for his deposition today, we would have asked him a
118 series of questions about subjects that we believe are well outside of any claim of
119 executive privilege. More specifically, we would have asked Mr. Meadows questions
120 about his use of personal email and cellular phones.

121 Mr. Meadows' document production includes documents taken from two Gmail
122 accounts. We would've asked him how and for what purpose he used those Gmail
123 accounts and when he used one of them as opposed to his official White House email
124 account. We would've similarly asked him about his use of a personal cellular
125 telephone.

126 We would have sought to develop information about when Mr. Meadows used his
127 personal cell phone for calls and text messages and when he used his official White House
128 cell phone for those purposes.

129 Mr. Meadows' production of documents shows that he used the Gmail accounts
130 and his personal cellular phone for official business related to his service as White House
131 chief of staff. Given that fact, we would ask Mr. Meadows about his efforts to preserve
132 those documents and provide them to the National Archives, as required by the
133 Presidential Records Act. Finally, we would have asked Mr. Meadows about his use of a
134 signal account, which is reflected in the text messages he produced.

135 In addition, we would have asked Mr. Meadows about particular emails that he
136 produced to the select committee. We do not believe these emails implicate any valid
137 claim of executive or other privilege, given that Mr. Meadows has produced the emails to

138 the select committee.

139 Specifically, we would've asked Mr. Meadows about emails about the Electoral
140 Count Act and the prospect of State legislators sending alternate slates of electors to
141 Congress, including a November 7th, 2020, email with attachments. We would've asked
142 him about emails reflecting the Trump campaign's effort to challenge election results,
143 including a December 23rd email from Mr. Meadows indicating that, quote, "Rudy was
144 put in charge. That was the President's decision," end quote, that reflects a direct
145 communication between Mr. Meadows and the President.

146 We would've asked him about emails from Mr. Meadows to leadership at the
147 Department of Justice on December 29th and 30th, 2020, and January 1st, 2021,
148 encouraging investigations of suspected voter fraud, including claims that had been
149 previously rebutted by State and Federal investigators and rejected by Federal courts.

150 We would have asked Mr. Meadows about emails regarding the deployment of
151 the National Guard on January 6th, including a January 5th email from Mr. Meadows in
152 which he indicates that the Guard would be present at the Capitol to, quote, "protect
153 pro-Trump people," end quote.

154 In addition, we would have asked Mr. Meadows about specific text messages he
155 sent or received that he has produced to the select committee. Given Mr. Meadows'
156 production of these text messages to the select committee, they do not, in our view,
157 implicate any valid claim of executive or other privilege.

158 We would've specifically asked Mr. Meadows about text messages regarding
159 efforts to encourage Republican legislators in certain States to send alternate slates of
160 electors to Congress, including a message sent by Mr. Meadows on December 8th, 2020,
161 in which Mr. Meadows said, quote, "We are," end quote, and another text from Mr.
162 Meadows to someone else in which he said that, quote, "We have a team on it," end

163 quote.

164 We would have asked Mr. Meadows about text messages sent to and from
165 Members of Congress, including text messages received from a Member of Congress in
166 November of 2020 regarding efforts to contact State legislators because, as Mr. Meadows
167 indicates in his text messages, quote, "POTUS wants to chat with them," end quote,
168 which reflects a direct communication with the President, as well as texts in December of
169 2020 regarding the prospect of the President's appointment of Jeffrey Clark as Acting
170 Attorney General.

171 We would've asked Mr. Meadows about text messages sent to and from another
172 Member of Congress in November of 2020, in which the member indicates that, quote,
173 the President asked him to call Governor Ducey, end quote, and in which Mr. Meadows
174 asks for contact information for the attorney general of Arizona to discuss allegations of
175 election fraud.

176 We would've asked Mr. Meadows about text messages sent to and received from
177 Members of the House of Representatives and the Senate about objections to the
178 certification of electors in certain States on January 6th. We would have asked him
179 about text messages sent to and received from a Senator regarding the Vice President's
180 power to reject electors, including a text in which Mr. Meadows recounts a direct
181 communication with President Trump who, according to Mr. Meadows in his text
182 messages, quote, "thinks the legislators have the power, but the VP has power too," end
183 quote.

184 We would have asked Mr. Meadows about text messages sent to and received
185 from a media personality on December 12th, 2021, regarding the negative impact of
186 President Trump's election challenges on the Senate runoff elections in Georgia,
187 President Trump's prospects for election in 2024, and Mr. Meadows possible employment

188 by a news channel.

189 We would've asked Mr. Meadows about text messages sent to and received from
190 an organizer of the January 6th events on the Ellipse about planning the event, including
191 details about who would speak at the event and where certain individuals would be
192 located.

193 We'd ask Mr. Meadows about text messages regarding President Trump's
194 January 2nd, 2021, phone call with Georgia Secretary of State Brad Raffensperger,
195 including texts to and from participants in the call as it took place, as well as text
196 messages to and received from Members of Congress after the call took place regarding
197 strategy for dealing with criticism of the call.

198 We would've asked Mr. Meadows about text messages exchanged with various
199 individuals, including Members of Congress, on January 6th, both before, during, and
200 after the attack on the United States Capitol, including text messages encouraging Mr.
201 Meadows to facilitate a statement by President Trump discouraging violence at the
202 Capitol on January 6th, including a text exchange with a media personality who had
203 encouraged the Presidential statement asking people to, quote, "peacefully leave the
204 Capitol," end quote, as well as a text sent to one of -- by one of the President's family
205 members indicating that Mr. Meadows is, quote, "pushing hard," end quote, for a
206 statement from President Trump to, quote, "condemn this shit," end quote, happening at
207 the Capitol.

208 Text messages: We would ask Mr. Meadows questions about text messages
209 reflecting Mr. Meadows' skepticism about public statements regarding allegations of
210 election fraud put forth by Sidney Powell and his skepticism about the veracity of claims
211 of tampering with Dominion voting machines.

212 In addition, we would've asked Mr. Meadows questions about specific

213 representations in a book he has authored, "The Chief's Chief," in which he recounts
214 various facts relevant to the select committee's investigation and directly describes
215 communications with the President, including on page 259, quote, "A few sentences later,
216 President Trump ad libbed a line that no one had seen before, saying, 'Now it is up to
217 Congress to confront this egregious assault on our democracy. After this, we're going to
218 walk down -- and I'll be there with you -- we're going to walk down to the Capitol and
219 we're going to cheer on our brave Senators and Congressmen and women. We're
220 probably not going to be cheering so much for some of them because you'll never take
221 back our country with weakness. You have to show strength. You have to be strong.'
222 When he got off stage, President Trump let me know that he had been speaking
223 metaphorically about the walk to the Capitol. He knew as well as anyone that we
224 wouldn't organize a trip like that on such short notice," end quote.

225 We would've asked Mr. Meadows about another passage in his book that appears
226 on page 261. Quote, "In the aftermath of the attack, President Trump was mortified.
227 He knew the media would take this terrible incident and twist it around. He also knew
228 his days on Twitter were probably numbered," end quote.

229 We would've asked Mr. Meadows about another passage on page 261 in his book.
230 Quote, "'Mark,' Trump would say to me, 'Look, if I lost, I'd have no problem admitting it.
231 I would sit back and retire and probably have a much easier life, but I didn't lose. People
232 need me to get back to work. We're not done yet,'" end quote.

233 We would've asked Mr. Meadows about another passage in his book on page 264
234 that reflects, quote, "On January 20th, with less than 5 hours left in his historic
235 Presidency, at a time when most outgoing Presidents would be quietly making notes for
236 their memoirs and taking stock of their time in the White House, President Trump was
237 being forced to defend his legacy yet again. 'How do we look in Congress,' President

238 Trump asked? "I've heard that there are some Republicans who might be turning
239 against us. That would be a very unwise thing for them to do," end quote.

240 We would've asked him about another passage on page 265 of his book. Quote,
241 "But I assured President Trump, once again, that all would be well with the impeachment
242 trial, and we discussed what my role in the proceedings would be after we left the White
243 House," end quote.

244 We would've asked him about the passage on page 266 in his book where he
245 recounts, quote, "On the phone on January 20th, President Trump spoke as if he wasn't
246 planning to go anywhere. He mentioned the long list of pardons we hadn't been able to
247 complete largely due to the slowness on the part of various attorneys in the Federal
248 Government. He wondered again about the precise details of the impeachment trial,
249 including how much money the new lawyers would charge and how we could best defend
250 him against the Democrats' attacks," end quote.

251 These passages reflect direct communications between Mr. Meadows and
252 President Trump directly impacting his claims of executive privilege.

253 Finally, we would ask Mr. Meadows questions about statements in his book about
254 his interactions with the Department of Justice. Specifically, he addresses such
255 interactions with the Department of Justice on pages 257 and 258 of his book, in which he
256 says, quote, "It didn't surprise me that our many referrals to the Department of Justice
257 were not seriously investigated. I never believed they would, given the track record of
258 that Department in President Trump's first term," end quote.

259 Again, statements in Mr. Meadows' book directly reflect subject matters that the
260 select committee seeks to develop, and his public statements directly impact his claims of
261 executive privilege.

262 But, as of the current time, which is now 10:17, Mr. Meadows still has not

263 appeared to cure his earlier noncompliance with the select committee's September 23rd,
264 2021, subpoena. So we will not be able to ask any of those questions about the
265 documents and messages that he apparently agrees are relevant to the select committee
266 and not protected by any protective privilege.

267 I'd also note for the record that Congressman Adam Schiff, a member of the select
268 committee, has joined and, again, that member of the committee, Representative
269 Lofgren, has joined.

270 Before we close the record, Mr. Schiff or Ms. Lofgren, do either of you have any
271 comments to make for the record?

272 Mr. Schiff. I do not. Thank you.

273 . Ms. Lofgren, anything?

274 Ms. Lofgren. I'm good.

275 . Okay. Thank you.

276 Accordingly, the record of this deposition of Mark Meadows, now at 10:18 a.m., is
277 closed.

278 [Whereupon, at 10:18 a.m., the deposition was concluded.]