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

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11 INTERVIEW OF: WILLIAM BARR

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Thursday, June 2, 2022

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Washington, D.C.

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20 The interview in the above matter was held in Room 5480, O'Neill House Office
21 Building, commencing at 10:02 a.m.

22

Present: Representatives Thompson, Aguilar, Schiff, Lofgren, and Cheney.

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2 Appearances:

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5 For the SELECT COMMITTEE TO INVESTIGATE

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

7

8 [REDACTED] STAFF ASSOCIATE

9 [REDACTED] SENIOR INVESTIGATIVE COUNSEL

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21 For the U.S. DEPARTMENT OF JUSTICE:

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23 BRADLEY WEINSHEIMER, ASSOCIATE DEPUTY ATTORNEY GENERAL

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2 For WILLIAM BARR:
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4 ERIC SNYDER
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2 [REDACTED] Good morning, everyone.

3 This is a transcribed interview of former Attorney General William Barr, conducted
4 by the House Select Committee to Investigate the January 6th Attack on the United States
5 Capitol pursuant to House Resolution 503.

6 General Barr, could you please state your full name and spell your last name for
7 the record?

8 Mr. Barr. William P. Barr, B-a-r-r.

9 [REDACTED] I understand you are represented by counsel today.
10 Counsel, if you could introduce yourselves for the record as well.

11 Mr. Snyder. Sure. Eric Snyder, S-n-y-d-e-r, from Jones Day. Present with
12 me --

13 Mr. Francisco. Noel Francisco, F-r-a-n-c-i-s-c-o, from Jones Day.

14 Ms. Burnham. And James Burnham, B-u-r-n-h-a-m, also from Jones Day.

15 Ms. Vakulenko. And Darya Vakulenko, V-a-k-u-l-e-n-k-o.

16 [REDACTED] Great. Welcome. My name is [REDACTED] I'm
17 the chief investigative counsel to the select committee.

18 In the room with me today are [REDACTED] and [REDACTED], also counsel to the
19 select committee. And I believe a couple of our lawyers, [REDACTED] and [REDACTED]
20 [REDACTED] and [REDACTED] are participating remotely.

21 We have three members of the select committee present with us
22 today -- Chairman Thompson, Vice Chairwoman Cheney, and Representative Lofgren -- all
23 of whom will participate in the questioning.

24 And we have three lawyers from the Department of Justice here today.

25 Mr. Weinsheimer, do you want to introduce yourself and your two colleagues?

1 Mr. Weinsheimer. Brad Weinsheimer, W-e-i-n-s-h-e-i-m-e-r, from the
2 Department of Justice.

3 Ms. Antell. Kira Antell, A-n-t-e-l-l, from Department of Justice.

4 Ms. Loeb. Emily Loeb, L-o-e-b, from the Department of Justice.

5 ██████████ So this will largely, Attorney General Barr, be a staff-led interview,
6 but members, as I said, will ask questions. Because it's a virtual interview, if members
7 decide to join via Webex, they'll turn on their cameras if they have questions, and I'll try
8 to make sure you're aware if any of them join.

9 There's an official reporter who is transcribing the record of the interview.
10 Please wait until each question is completed before you begin your response, and we will
11 try to wait until your response is complete before we ask our next question. The
12 stenographer obviously cannot record nonverbal responses, such as the shaking of your
13 head, so it's important to answer each question with an audible, verbal response.

14 We ask that you provide complete answers based on your recollection. If the
15 question isn't clear, just ask for clarification. And if you don't know the answer, just
16 simply say so.

17 And I also have to remind you, as we do with every witness, that it is unlawful to
18 deliberately provide false information to Congress. Doing so could be a violation of
19 18 U.S. Code section 1001 or otherwise.

20 Any questions? If you need a break at any time or need to consult with counsel,
21 just ask and we can accommodate that.

22 Mr. Snyder. Great. Thank you.

23 ██████████ All right. So, before we begin with the questioning, Attorney
24 General Barr, I'd love to give you the opportunity to make any opening statement that
25 you wish.

1 Mr. Barr. As you know, I tendered my resignation from the Department on
2 December 14, 2020, effective December 23, 2020. But before I left, I had made it clear,
3 publicly, that I did not believe the outcome of the election -- or, I could find no evidence
4 indicating that the outcome of the election was caused by voting fraud.

5 And I made -- the Department, in fact, when we received specific and credible
6 allegations of fraud, made an effort to look into these to satisfy ourselves that they were
7 without merit.

8 And I repeatedly told the President in no uncertain terms that I did not see
9 evidence of fraud, you know, that would have affected the outcome of the election.
10 And, frankly, a year and a half later, I haven't seen anything to change my mind on that.

11 I think it's important that people understand the role of the Department in
12 elections, because I think a lot of the confusion has resulted from people not
13 understanding -- well, people mashing together various different kinds of assertions
14 about the election and failing to understand the specific role of the Department.

15 And if it would be helpful, because I think it might set the context not only for my
16 subsequent discussions with the President but also how we treated various specific
17 allegations that were flipped our way, if you want me to embark on that now, I could, or I
18 could --

19 [REDACTED] Sure.

20 Mr. Barr. Okay.

21 Elections are controlled by the States, and the States are responsible for policing
22 and enforcing the election rules in the first instance. The Department's role, at least my
23 view of the Department's role, is that it is limited to investigating and prosecuting actual
24 fraud, voting fraud, which is different than just complaints about the fairness of the
25 process or that the rules were not followed.

1 And there was this basic dichotomy that appeared very early on where the
2 allegations that were actually being raised were more in the nature of people violating
3 election rules, not specific allegations of fraud -- so, for example, saying, you know, "our
4 observers were excluded" or "there was harvesting going on."

5 And those are things -- and I go into this because I had to educate the President
6 about this on at least three occasions -- that those kinds of issues are issues for the
7 campaign lawyers to raise with the State and they're to be dealt with in the courts and
8 through the State process. They're not the business of the Department of Justice. And
9 they are -- they might increase the opportunity for fraud, but they are not allegations of
10 fraud.

11 And, in order for us to take something seriously, we needed to get a specific and
12 credible allegation of actual fraud -- meaning, in my mind, that people who were not
13 eligible to vote, such as dead people and so forth, their votes were being cast and
14 counted; or that legitimate votes were not being counted, some scheme whereby that
15 was occurring.

16 And my understanding of the Department's approach prior to the 2020 election
17 was in the Justice Manual, which I understood to say that U.S. attorneys had discretion to
18 conduct preliminary assessments of claims of voting fraud, but if they were going to
19 embark on a full-fledged investigation, they should consult with the Public Integrity
20 Section. And, over time, that had sort of hardened into many offices feeling that the
21 Public Integrity had to specifically approve the investigation, but that's not what the
22 Justice Manual said, in my understanding of it.

23 And a longtime career employee in the Public Integrity Section had adopted this
24 notion that all investigations should be deferred until after an election is certified. I
25 disagreed with that approach. I thought it should be a case-by-case decision depending

1 on the particular circumstances.

2 And the way it worked out with the 2020 election, given all the rule changes, the
3 whole, sort of, storm of allegations about irregularities and fraud and so forth, that it was
4 appropriate, especially after the election was held, to look into some of these things. I
5 thought most of the things would not require a full-fledged investigation but just sort of
6 getting our bearings as to what this involved.

7 And so that's how we proceeded. And on November 8th I put out a
8 memorandum, so I wouldn't be making ad-hoc decisions every time one of these things
9 came up.

10 Voice. November 9th.

11 Mr. Barr. Oh, was it November 9th? Okay.

12 November 9th, I put out a memorandum basically saying that U.S. attorneys had
13 the discretion to conduct investigations of these things, which normally should be a
14 limited preliminary assessment and then, if something more was needed, to proceed with
15 that.

16 So, right out of the box on election night, the President claimed that there was
17 major fraud underway. I mean, this happened, as far as I could tell, before there was
18 actually any potential of looking at evidence. He claimed there was major fraud. And
19 it seemed to be based on the dynamic that, at the end of the evening, a lot of Democratic
20 votes came in which changed the vote counts in certain States, and that seemed to be the
21 basis for this broad claim that there was major fraud.

22 And I didn't think much of that, because people had been talking for weeks and
23 everyone understood for weeks that that was going to be what happened on election
24 night, because not only in many of the battleground States are some of the Democratic
25 cities that tend to come in at the end of the night and therefore there is usually a drop of

1 a lot of Democratic votes at the end of the cycle, but you had that exacerbated here
2 because a number of these States didn't count the absentee votes until election day, and
3 since those votes were overwhelmingly Democratic votes, that magnified this issue of a
4 lot of Democratic votes coming in at the end.

5 So everyone understood that the dynamic of election night in many States would
6 be whether or not the Democratic votes at the end of the day would overcome the
7 election day votes. So that didn't -- it didn't impress me much, or disturb me, that
8 particular pattern.

9 And I was in the posture of trying to figure out -- there was an avalanche of all
10 these allegations of fraud that built up over a number of days, and it was like playing
11 whack-a-mole, because something would come out one day and the next day it would be
12 another issue. And I was trying to filter out, what are the big instances of fraud that
13 people are relying on to claim that the election was stolen by fraud? And then I tried to
14 get my arms around those, what I considered the big-ticket items that were being relied
15 upon.

16 And I thought it was very important that I do that under these circumstances,
17 because I felt I couldn't intelligently engage with the President or Congress unless I
18 understood what the claims were. And I think, if we were in a situation where no one
19 was looking -- there were so many specific claims being made, in very confident tones,
20 you know, about the Dominion voting machines and so forth. If the Department had
21 been in the posture of throwing up our hands and saying, "We don't have a view, and
22 we're not even going to look at anything until after the election is certified," I don't know
23 where we would be today, frankly. And I think, for the Department and for me to play a
24 constructive role in this, it was important that I get my bearings as to these various
25 allegations that were being made.

1 And it wasn't too long after the election -- I would say, within 2 weeks, I had a very
2 skeptical view of the claim that fraud was involved and would affect the outcome of the
3 election. First, there was a big gap. At least three States had to be flipped, and the
4 gaps were such that had never been really made up before.

5 Also, I was influenced by the fact that all the early claims that I understood were
6 completely bogus and silly and usually based on complete misinformation. And so I
7 didn't consider the quality of claims right out of the box to give me any, you know, feeling
8 that there was really substance here.

9 I was also influenced by the fact that, at the end of the day, Trump's lawyers did
10 not go into court and actually claim fraud. They were claiming violation of the rules.
11 And there might be some cases where some fraud claims slipped in, but, generally
12 speaking, the public rhetoric did not match what they were saying in court.

13 And, finally, you know, as I looked over the numbers myself, you know, it just
14 didn't look to me like the results of the election were the result of fraud. It looked to
15 me that the difference in the vote were in the suburbs, where everyone expected the
16 President to be hurt, and that's what happened, in my mind. And I didn't see in cities
17 like Philadelphia some, you know, unexpected upsurge in votes.

18 And so, you know, there were five or six things that came up that I particularly
19 focused on because they were the issues du jour. There were a few other ones, minor
20 ones, that came up. I can't remember all the things we looked into.

21 But, basically, I tried to make sure that we had the infrastructure in place. The
22 U.S. attorneys, they had, you know, their election office lawyers. The FBI had a
23 command center. And they had linked up with the DAs and the States attorneys general
24 who had the laboring law on most claims. And I trusted the U.S. attorneys to sift
25 through things and make sure that they were followed up on.

1 And, you know, the big ones that I got personally involved in were the Dominion
2 voting machines, the Fulton County video, you know, the President's feeling that these
3 votes were dumped at the end of the night in Milwaukee and Detroit and couldn't be
4 explained or were impossible, that there was thousands of non-residents who voted in
5 Nevada, that Pennsylvania absentee ballots exceeded the ballots that had been
6 requested, the absentee ballots, and that there had been a truck that took hundreds of
7 thousands of ballots down from Bethpage, Long Island, to Pennsylvania.

8 And there were some other ones. I remember there was one in Erie County,
9 Pennsylvania, relating to a postal worker that made a claim. And then there was
10 something in Delaware County, Pennsylvania, where, you know, someone had filed an
11 affidavit suggesting that jump drives were missing and so forth. And those are the sort
12 of bigger-ticket items I remember.

13 So I started to collect my thoughts on making a public statement to explain to
14 people, sort out the differences between the various claims and what Justice was
15 responsible for and what we were seeing. And I started that in mid-November and
16 ultimately made a statement on December 1st.

17 I also asked Chris Wray and I explained to Chris Wray that I would need some help
18 tracking down some of this information, such as the truck driver case and the Fulton
19 County video thing. And I said, you know, I knew there'd be some concern, you know, of
20 what's the agenda being pursued here in getting some FBI agents to support these
21 investigations, and I assured him that this was a good-faith effort to get to the truth and
22 assess these things, and I thought it was important we do that, and also the Dominion
23 voting machine thing. And he agreed and provided that support.

24 So, with that, I'll stop and -- you know, I can continue, but --

25 ██████████ Yeah.

1 Mr. Barr. -- I'll stop and --

2 [REDACTED] Well, we'll ask you to continue and to go back over some of that
3 and move to some of the direct communications you had with the President. I
4 appreciate that.

5 EXAMINATION

6 BY [REDACTED]

7 Q It sounds like, sum and substance, Attorney General Barr, you and others in
8 the Department of Justice looked closely at any credible allegation that was brought
9 forth, and you ultimately never, at any point, found substantial evidence of fraud
10 sufficient to undermine the outcome in any particular State. Is that right?

11 A That's right.

12 Q And you also had more of an explanation for the election loss, and that was
13 the lack of support for the President in the suburban areas.

14 A Right. It looked to me that that's where the margins had really changed.

15 And, you know, the idea -- the President has repeatedly suggested that there was
16 some kind of outpouring of unexpected votes in inner-city areas, like Philadelphia, as
17 recently as January 13th, when he walked off the NPR set.

18 He was asked by the interviewer, you know, what's your evidence of fraud? And
19 he said, more people voted in Philadelphia than there were voters. And that was
20 absolute rubbish. The turnout in Philadelphia was in line with the State's turnout, and,
21 in fact, it was not as impressive as many suburban counties. And there was nothing
22 strange about the Philadelphia turnout. It wasn't like there was all these unexpected
23 votes that came out in Philadelphia.

24 So, you know, I think once you actually look at the votes and then -- there's an
25 obvious explanation. You know, for example, in Pennsylvania, Trump ran weaker than

1 the Republican ticket generally. He ran weaker than two of the State candidates. He
2 ran weaker than the congressional delegate -- delegation running for Federal Congress.
3 And he ran weaker than the -- I think. I haven't looked at this recently. But he
4 generally was, you know, a weak element on the Republican ticket. So that does not
5 suggest that the election was stolen by fraud, to me. At least, that was not consistent --

6 Q He underperformed other Republican candidates that --

7 A Yes. Yes.

8 Q Okay.

9 Let me actually ask you to go back to that November 9th memo. I think
10 Mr. Chairman is going to start with some questions about the policy positions of the
11 Department in the post-election period.

12 Mr. Chairman, let me turn it over to you to focus on those issues.

13 Chairman Thompson. Thank you very much.

14 I appreciate your opening statements, Mr. Barr. Obviously, a lot of what I will go
15 over, you kind of said some of it in your opening remarks.

16 But that November 9th memo to U.S. attorneys, why did you feel the need to
17 issue that memo?

18 Mr. Barr. Because I think -- because of the prior position taken by a lawyer in the
19 Public Integrity Section, I think some offices in the Department thought that the practice
20 was to -- and that the rule was to wait until after an election had been certified to look
21 into allegations of fraud. And I didn't think that that was right, and I disagreed with it as
22 a matter of policy, especially in the circumstances that we were confronted with in 2020.

23 So, especially -- one of the rationales for that is the concern that an election not
24 affect -- itself affect the outcome of an election. And I felt that that is a stronger
25 consideration prior to the election than it is after an election has been concluded.

1 And so I thought, given all the allegations that were being made and the fact that
2 many of these, in my mind, could be rather easily disposed of by sort of a preliminary
3 assessment, not a full-fledged extended investigation, that, you know, I needed to get
4 people to respond and quickly get on top of some of these things.

5 And I wanted to address it systematically and not do it on an ad-hoc basis. So,
6 when a U.S. attorney called up and said, you know, I have this allegation of this, what
7 should I do, I wanted a general guidance for the Department.

8 Chairman Thompson. Thank you. So that guidance was shared with every
9 U.S. attorney's office in the country?

10 Mr. Barr. Yes.

11 Chairman Thompson. So how was it received by the Public Integrity Section
12 people? Did anyone disagree with it?

13 Mr. Barr. I think a number of people in Public Integrity disagreed with it. I
14 think Pilger stepped down from his leadership post. He was the guy who felt everything
15 should be delayed until after the election -- I mean, after the certification.

16 And I believe a number of the -- I think they're called "DEOs," I'm not 100 percent
17 sure -- the designated election officers and the different --

18 ██████████ District election officers.

19 Mr. Barr. Yeah, district election -- a number of them wrote a letter complaining
20 about it.

21 I think the media and some people in the Department were looking at it through a
22 prism that attributed partisan motives to me, as if my purpose here was to try to dig up
23 things to support overturning the election. And that was not the case. I just felt the
24 responsible thing to do was to be in a position to have a view as to whether or not there
25 was fraud.

1 And, frankly, I think the fact that I put myself in the position that I could say that
2 we had looked at this and didn't think there was fraud was really important to moving
3 things forward. And I sort of shudder to think what the situation would have been if the
4 position of the Department was, "We're not even looking at this until after Biden's in
5 office." I'm not sure we would've had a transition at all.

6 So that's why I did it.

7 Now, I will point -- you know, in mid-November -- I think it was November 16th
8 and November 20th, but you can go back and check my emails -- but I had actually started
9 ruminating about, how do I explain to people the difference between allegations that the
10 rules weren't followed and allegations of fraud and also explain that we, as to date, have
11 not seen the fraud that would've affected the outcome of the election? And I started
12 doodling out, you know, a framework for how I might articulate that. And I emailed
13 myself on November -- I think it was November 16th, but -- and then on November 20th.

14 So, even by the middle of the month, I was trying -- you know, at that point, I
15 didn't think there was evidence of fraud, sufficient fraud, and I was already thinking in
16 terms of how could I explain this to the public.

17 Chairman Thompson. Well, thank you.

18 So were you concerned about White House contacts with DOJ officials after the
19 election?

20 Mr. Barr. At some point -- I can't remember if it was after or right before, but
21 sometime I put out a -- I think it might be in the documents, actually.

22 When did I --

23 Mr. Burnham. November 11th.

24 ██████████ November 11th.

25 Mr. Barr. Yeah. I mean, I thought it was good, with all these conspiracy

1 theories and so forth floating around on social media and, you know, politicians around
2 the country phoning in, you know, their latest theory or concerns and a number of people
3 at the White House potentially getting stirred up, I felt it was good to clamp down on the
4 contacts policy, because I wanted to try to maintain control of the flow of information.

5 Now, I will say, I was not concerned about, you know, Meadows, who was the
6 chief of staff -- I wasn't concerned about his role.

7 And I can't remember any particular incident that triggered -- and it might've been
8 a particular incident that triggered me wanting to put out more guidance. But I think it
9 may also just have been I thought it was a smart thing to do given all the turmoil. And
10 so I wanted to make sure that we had better control over communications, or had good
11 control over communications.

12 Chairman Thompson. So I would say, did anyone, I'll assume other than the
13 President, contact you directly about any election issues?

14 Mr. Barr. From the White House?

15 Chairman Thompson. Yes.

16 Mr. Barr. I mean, there could -- I mean, I think I probably talked to Cipollone,
17 who was the counsel. That would be appropriate. I talked to Meadows. That would
18 be appropriate.

19 You know, I did not talk to the President -- I only talked to him -- the last time I
20 talked to him before the election was in, sort of, the mid- to latter part of October, when
21 in my book I discuss how he tried to raise Hunter Biden and I yelled at him and we got off
22 the phone precipitously. And I next talked to him on November 23rd.

23 So the President wasn't talking to me, but, you know, there could've been some
24 people at the White House. I just can't remember any that I thought were in the
25 program.

1 But I just thought -- you know, I didn't want people picking up the phone and
2 talking to the FBI. I didn't want them talking to, you know, people that I wasn't aware
3 of, that the conversations were going on.

4 Chairman Thompson. I see.

5 Mr. Barr. Oh, yeah. So, I mean, then -- as I've also discussed, I talked to Jared
6 Kushner on November 23rd to tell him I was worried about how -- I wondered how far the
7 President was going to take this "stolen election" stuff.

8 And I'd also talked to another lawyer over at the White House, Eric Herschmann,
9 who, you know, was very good and a straight shooter and I thought played a very
10 constructive role. And I was worried about where the President was getting all of this
11 misinformation from, and we discussed that topic.

12 But I can't remember whether -- you know, nothing stands out to me as
13 something that was really bad or inappropriate.

14 Chairman Thompson. Okay.

15 Well, thank you very much. That's the questions that I have for you.

16 [REDACTED]?

17 [REDACTED] Yeah, thanks, Mr. Chairman. I appreciate that.

18 Let me ask you now, if I can, Attorney General Barr, about some of the specific
19 allegations that you described in --

20 Ms. Cheney. [REDACTED]?

21 [REDACTED] Oh, yeah, sorry. Ms. Cheney, please.

22 Ms. Cheney. I'm sorry. Yeah, before you go on to that, I just wanted to follow
23 up on something the Attorney General just mentioned and ask if you could tell us a little
24 bit more about your discussions, first, with Mr. Kushner with respect to, you know, your
25 question about how far is the President going to take this "stolen election" stuff.

1 Mr. Barr. Right.

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

7 And the President -- and this is leading up to this conversation with Kushner. The
8 President said there had been major fraud and that, as soon as the facts were out, the
9 results of the election would be reversed. And he went on on this for quite a while, as
10 he was prone to do. And then he got to something that I was expecting, which is to say
11 that, apparently, the Department of Justice doesn't think that it has a role of looking into
12 these fraud claims.

13 And I'd been expecting this because, during November, Giuliani had been talking
14 publicly about fraud. They can't come up with evidence of fraud. And he was basically
15 starting to say, well, the reason there's no evidence of fraud is because the Department
16 isn't finding the fraud, and they should be looking for it. And so I was expecting this.

17 And I told the President, no, that, in fact, I did believe it was the role of the
18 Department, if there are specific and credible allegations of fraud, to look into them.
19 But I drew out for him the distinction between the claims that were actually being made,
20 which were more in the nature of people not following the rules, and I said, you know,
21 that has to be the campaign that raises that with the State. The Department doesn't
22 take sides in elections, and the Department is not an extension of your legal team. And
23 our role is to investigate fraud, and we'll look at something if it's specific, credible, and
24 could've affected the outcome of the election. And we're doing that, and it's just
25 not -- they're just not meritorious. They're not panning out.

1 And I specifically raised the Dominion voting machines, which I found to be one of
2 the most disturbing allegations -- "disturbing" in the sense that I saw absolutely zero basis
3 for the allegations, but they were made in such a sensational way that they obviously
4 were influencing a lot of people, members of the public, that there was this systemic
5 corruption in the system and that their votes didn't count and that these machines,
6 controlled by somebody else, were actually determining it, which was complete
7 nonsense. And it was being laid out there. And I told him that it was crazy stuff and
8 they were wasting their time on that and it was doing great, great disservice to the
9 country.

10 He then pulled out two sheets of paper and said that these graphs showed that
11 there were all these Democratic votes that came in in the early morning hours and
12 swamped them in Detroit and in Milwaukee. And he wanted me -- he said, this is
13 statistically impossible, and he wanted me to look into it. And I accepted the sheets of
14 paper. And I thought to myself that I thought I knew the answer to this, which turned
15 out to be correct, and I alluded to it earlier.

16 And then I told the President I thought he should preserve his legacy by fighting
17 hard for the Republican candidates in the Georgia runoff and by educating the American
18 people about the accomplishments of his administration.

19 And, at that point, I left. And as I walked out of the Oval Office, Jared was there
20 with Dan Scavino, who ran the President's social media and who I thought was a
21 reasonable guy and believe is a reasonable guy. And I said, how long is he going to carry
22 on with this "stolen election" stuff? Where is this going to go?

23 And, by that time, Meadows had caught up with me and -- leaving the office and
24 caught up with me and said that -- he said, look, I think that he's becoming more realistic
25 and knows that there's a limit to how far he can take this. And then Jared said, you

1 know, yeah, we're working on this, we're working on it.

2 And then, that evening -- that gave me a little hope that this -- you know, that we
3 were going to see some move toward the transition and some recognition that he lost the
4 election.

5 And, that evening, the President authorized engagement with the
6 transition -- evening after I met with him -- the evening of the day I met with him. And
7 he agreed that he was going to engage with the transition. So I thought, well, that's a
8 positive step; you know, maybe things are going to get back on track. But, in the
9 ensuing days, I saw they were not getting back on track.

10 That's a long answer, but that puts in context my discussion with Jared.

11 Ms. Cheney. Thank you.

12 And I think that Ms. Lofgren is going to have additional questions about this, but I
13 just wanted to also ask you about Eric Herschmann. You mentioned having a similar
14 discussion with him. Was that at the same time, in the same meeting?

15 Mr. Barr. No, that was a little bit later. I think that was after I had a
16 conversation with McConnell.

17 But I was -- it seemed -- although I was hopeful on November 23rd that the
18 President was becoming more realistic, it seemed to be going the other way. And I
19 wanted to understand better where all this -- what the dynamic was over there.

20 Eric Herschmann was somebody I had met a couple years earlier, and he had been
21 a partner at Kasowitz. He had been very successful in business, so he was very
22 independent-minded. He was a former prosecutor. I felt he was extremely ethical.
23 And I actually worked to get him put over at the White House, because Trump seemed to
24 listen to him, and he also seemed willing to be very blunt with Trump, and I thought it
25 would be good to have him over there. And I think that proved to be correct.

1 In any event, I called Eric, and I said, look, you know, what the hell is going on
2 here? And he said, the trouble is that all these people on the outside, not just Giuliani
3 but others too, are filling the President's ear with all this stuff about fraud, and they're
4 being very authoritative, and they know how to push the President's buttons, and they're
5 telling him what he wants to hear, and he seems inclined to believe it or go along with it.

6 And, you know, that -- that is my conversation with Herschmann.

7 Ms. Cheney. Thank you very much. I appreciate it.

8 And I'd also like to say hello to Mr. Francisco, who graduated ahead of me at the
9 University of Chicago.

10 ██████████ Ahead academically or ahead chronologically?

11 Ms. Cheney. Academically, not chronologically.

12 Thank you.

13 ██████████ I want to turn, Ms. Lofgren, to you. I know you wanted to ask
14 some questions about that November 23rd and perhaps some other meetings. So let
15 me give you a chance now to jump in and ask those questions.

16 Ms. Lofgren. Thank you so much.

17 And thanks, Mr. Barr, for your recounting of these events.

18 Just a quick followup on the November 23rd meeting. You mentioned that the
19 fraud allegations were not correct. Did you go through the specifics with the President
20 in the various States at that meeting?

21 Mr. Barr. I don't think I attempted to go through all of them. The one I
22 specifically remember addressing was -- were the Dominion machines.

23 Ms. Lofgren. Okay.

24 Mr. Barr. And I made the point that it was crazy for them to be wasting their
25 time on this, because they can be easily checked, because they're tabulation machines,

1 and all you have to do is compare the ballots with the tabulation, and I just thought it was
2 crazy.

3 And I may have raised other ones with him, but I don't -- I can't really say that I
4 remember doing that. But I think I probably alluded to some of the other ones.

5 Ms. Lofgren. Okay.

6 In your book, you talk about a December 1st meeting with the President. Can
7 you tell us about that meeting, who was there and what you said and what others said?

8 Mr. Barr. Right.

9 So, I mean, part of the context of that meeting was, after the November 23rd
10 meeting, I took -- I had talked to some Members on the Hill, Senators and -- more than
11 one Member, and a lot of people were asking, what do you make of -- you know, what's
12 going on? Is there going to be a transition? What do you make of these fraud claims?

13 And one of those calls -- I talked a couple of times, at least, with Senator
14 McConnell and other Senators too. But McConnell expressed concern about where
15 things were headed, and he said, you know, when I look around, it seems to me that
16 you're the best person to inject some reality into this situation; I hope you consider
17 speaking up. And I said that I was planning to do that but I wanted to make sure both as
18 to the timing and also I wanted to pin down a few more facts.

19 I felt that, number one, if the President after the 23rd was going to become more
20 realistic, that would affect the timing of when I said something. But, also, I wanted to
21 make sure that, you know, I didn't say something about that I didn't see any evidence of
22 fraud and then have something dropped on me that was fairly significant. So I wanted
23 to do some more due diligence.

24 So, with that as background, you know, I felt that things continued to deteriorate
25 between the 23rd and the weekend of the 29th. The President started meeting with

1 delegations, and it looked to me there was maneuvering going on. And, you know, I
2 have no problem with going through the appropriate process to challenge an election
3 and, you know, through the processes of the courts or the regular processes of the State
4 government, but I was worried that I didn't have any transpar- -- you know, I didn't have
5 any visibility into what was going on, but it looked to me that the President was digging
6 in.

7 And then, on November 29th, he appeared on the Maria Bartiromo show, "Sunday
8 Futures" I believe it was, and he said that the Department was missing in action. And,
9 you know, I will admit that I was annoyed by a basic dynamic which I actually told my staff
10 very soon after the election, which is, I didn't think the President would ever admit that
11 he lost the election, and he would blame it on fraud, and then he would blame the
12 actions and evidence on the Department of Justice.

13 So I felt all along that people were going to be attacking the Department, saying
14 that, you know, we had ignored evidence of fraud. And so this got under my skin, but I
15 also felt it was time for me to say something.

16 So I set up a lunch with the AP reporter Mike Balsamo. And I told him at lunch,
17 made the statement that, to date, we have not seen fraud on a scale that could've
18 effected a different outcome in the election. And I realized, when I said that, that that
19 was going to be in the news and go national.

20 So I had a later meeting scheduled at the White House at 3 o'clock with Meadows;
21 this was previously scheduled. So I knew this was going to come up. And I went over
22 there, and I told my secretary that I thought I would probably be fired and told not to -- to
23 go home -- I mean, not go back to my office. So I said, you might have to pack up for
24 me.

25 And so, when I got over there, I met with the chief of staff. He said the President

1 was angry. He didn't really get into the issue of the fraud.

2 And then I went up to Pat Cipollone's office, and we were talking with each other.
3 And word came down that he wanted us both to go to the Oval. So Cipollone went
4 ahead of me, while I sort of checked what the news coverage was on my discussion with
5 Balsamo.

6 And then I went down to the Oval Office. And the President was back -- I don't
7 know if you want me to go into all the details like this.

8 Ms. Lofgren. It's very helpful. Very helpful. Thank you.

9 Mr. Barr. So the President was in the small dining area that's back from the Oval
10 Office. A little hallway connects the Oval Office to it. And he was sitting at the head of
11 the table, and across from him was a TV on the wall playing the OAN channel. And my
12 recollection is that it was a Michigan legislative hearing or some kind of group in Michigan
13 connected to the legislature that was having a hearing about fraud claims in Michigan.
14 And he had been watching it, and he had the remote control.

15 And in the room were the chief of staff; Pat Cipollone, the counsel to the
16 President; Pat Philbin, the deputy counsel to the President; and Eric Herschmann. And I
17 walked in with my chief of staff, Will Levi. And the President was as mad as I've ever
18 seen him, and he was trying to control himself.

19 And he wasn't looking at me initially. And finally he shoved a newspaper in my
20 face that was quoting the AP sentence I gave to Mike Balsamo. He said, "Did you say
21 this?" And I said, "Yes, I did say it." And he said, "Why?" I said, "Well, because it's
22 true."

23 He asked me what -- I told him I had been looking at the various allegations, and
24 he said, "What have you found?" And the President said, "Well, this is, you know, killing
25 me. You didn't have to say this. You must've said this because you hate Trump -- you

1 hate Trump." And I said, "No, I don't hate you, Mr. President. You know, I came in at a
2 low time in your administration. I've tried to help your administration. I certainly
3 don't hate you."

4 And then I went in, very methodically, to many of the points I made right at the
5 opening of this interview, which is, you know, I explained the difference -- you know, that
6 the role of the Department is not part of his election team, we don't take sides, that
7 virtually all these claims that are being made are things that his lawyers have
8 responsibility to bring to a State and have resolved in the State. The State is the one
9 that has jurisdiction. As a practical matter, he only has 5 or 6 weeks in a Presidential
10 election to, you know, score his points, and the Department's not part of that process.

11 And I told him that, when we got allegations of fraud, we're looking into them.
12 And, in fact, most of the -- virtually all of their claims had to do with violations of rules,
13 were not specific allegations of fraud in the court system anyway.

14 And I told him that the stuff that his people were shoveling out to the public was
15 bullshit, I mean, that the claims of fraud were bullshit. And, you know, he was indignant
16 about that. And I reiterated that they wasted a whole month on these claims on the
17 Dominion voting machines and they were idiotic claims.

18 Then he raised the "big vote dump," as he called it, in Detroit. And, you know,
19 he said, people saw boxes coming into the counting station at all hours of the morning
20 and so forth. And I explained to him that -- at that point, I knew the exact number of
21 precincts in Detroit. I think it was 630-something. I said, "Mr. President, there are 630
22 precincts in Detroit, and, unlike elsewhere in the State, they centralize the counting
23 process, so they're not counted in each precinct, they're moved to counting stations, and
24 so the normal process would involve boxes coming in at all different hours."

25 And I said, "Did anyone point out to you -- did all the people complaining about it

1 point out to you you actually did better in Detroit than you did last time? I mean,
2 there's no indication of fraud in Detroit."

3 And then he shifted off -- there may have been some other ones I went over. I
4 think I actually mentioned -- but I wasn't 100 percent sure of this, but I think, you know,
5 at some point in his presence, and I think it was on December 1st, I said the thing about
6 the truck driver is complete, you know, nonsense. And he didn't press me on that -- the
7 truck driver that allegedly brought ballots down into Pennsylvania. And I wasn't going
8 to get into the details of why I knew it to be nonsense, because that involved, you know,
9 interviews being done by the Department.

10 And then he shifted the topic completely to areas that he felt I let him down on,
11 which -- mainly that I hadn't indicted Comey based on an IG report, and, you know, went
12 into his usual tattoo on that, you know, that he had read all 80 pages and it was an
13 iron-clad case. And I told him, no, it wasn't, and, you know, couldn't justify prosecuting
14 Comey for that. And then he complained that Durham had not made more progress.

15 And I said, "Look, I know that you're dissatisfied with me, and I'm glad to offer my
16 resignation." And he pounded the table very hard. Everyone sort of jumped. And he
17 said, "Accepted." And then he repeated, "Accepted." And I said, "Okay," and I left.

18 And he sent two people -- he sent Pat Cipollone and Eric Herschmann to retrieve
19 me from the parking lot, and I said, no, that I wasn't going to go back in. But they say,
20 "Well, he's not firing you. He wants you to stay." And I said, "Well, we can talk about
21 it tomorrow."

22 So that was the December 1st encounter with the President.

23 Ms. Lofgren. Very interesting.

24 Did you, during that meeting, give an evaluation of the cases that were being
25 brought by his legal team or discuss how those court cases were going with him?

1 Mr. Barr. Not on a case-by-case or particular case. I made the point that the
2 cases were largely complaining that the rules weren't followed and that's not the
3 Department's area, and he's losing the cases, and, you know, the relief in these cases
4 would not have involved -- in my opinion, would not involve shifting votes anyway. You
5 still have to show that there were illegal votes. And so there was a disconnect, I
6 thought, between the cases and any relief that could actually be achieved.

7 So I then said that the reason he was in the place he was was he
8 would've -- Presidential elections, the calendar is dictated by a constitutional deadline for
9 the electoral college. So we don't do do-overs. There's no do-over Presidential
10 election. And so he needed to have a crackerjack legal team in place, ready to make his
11 best case. And instead he had this -- I think I said it was a -- you know, he'd wheeled out
12 a clown car, meaning Giuliani and his sidekicks. And I said, you know, they've screwed it
13 up. I mean, they've wasted a lot of time on these ridiculous claims, and no responsible
14 or reputable lawyer is going to go anywhere near that effort. So that's why, you know,
15 he's not having any success in the courts.

16 But I tried to emphasize that that's where the action is, in the State courts system,
17 and if there is fraud -- real, serious, you know, credible allegations of fraud -- we will take
18 a look at them, but so far they just, you know, have no merit.

19 And the ones I remember talking about specifically were Detroit and the
20 machines. I went over the machine thing in detail with him. I explained, I said, look, if
21 you have a machine and it counts 500 votes for Biden and 500 votes for Trump, and then
22 you go back later and you have a -- you will have the 1,000 pieces of paper put through
23 that machine, and you can see if there's any discrepancy. And I said, as far as I know,
24 every time this has been looked at, there has been no discrepancy. And I'll say, to this
25 day, I'm not aware of any discrepancy.

1 Ms. Lofgren. Right.

2 According to your book, the next time you communicated with Mr. Trump about
3 the election fraud was on December 14th at a meeting at the White House.

4 Can you talk to us about that? What happened? Who was there?

5 Mr. Barr. Right.

6 So, after the 1st, when the President hit the table and had this abortive firing me,
7 Meadows called me the next day and said, "I think we have a way of dealing with this.
8 We just don't want you to blind-side us by just walking out the door and quitting." And I
9 said, "I'm not going to blind-side anybody. You'll know exactly what I'm thinking."

10 And he said, "Well, will you agree to stay on through, you know, January 20th?"
11 And I gave him an answer, something like, you know, "I'll stay on as long as I'm needed.
12 I'm not going to blind-side you. I'm not going to do anything, you know, intentionally to
13 embarrass anybody."

14 So I decided after that, fairly shortly after that, that I was going to resign. And, to
15 tell you the truth, you know, shortly after the election, my feeling was, there was no
16 reason to stick around beyond Christmas, frankly. So I was looking for an opportunity to
17 leave before Christmas.

18 And so I went over -- I composed a letter of resignation. I went over to meet
19 with the President. Meadows was in the Oval when I got there.

20 And when I walked in and sat down, he went off on a monologue, saying that
21 there was now definitive evidence involving fraud through the Dominion machines, and a
22 report had been prepared by a very reputable cybersecurity firm, which he identified as
23 Allied Security Operations Group. And he held up the report, and then he asked that a
24 copy of it be made for me. And while a copy was being made, he said, you know, "This
25 is absolute proof the Dominion machines were rigged. The report means that I'm going

1 to have a second term." And then he gave me a copy of the report.

2 And as he talked more and more about it, I sat there flipping through the report
3 and looking through it. And, to be frank, it looked very amateurish to me. You know,
4 in my years at Verizon, I was used to going through consulting reports, you know, on
5 cyber matters and similar type matters, and this looked very amateurish.

6 It didn't have the credentials of the people involved. I think it was -- the head of
7 this firm that was identified was a former Republican candidate for Congress, but I didn't
8 see any real qualifications.

9 And the statements were made very conclusory, like, you know, these machines
10 were designed to, you know, engage in fraud, or something to the effect, but I didn't see
11 any supporting information for it.

12 I had actually been briefed -- the report dealt with the Dominion machines in
13 Antrim County. And I had been briefed on the matter in Antrim County by the DHS and
14 the FBI, and we were very familiar with the episode there. And I was assured and
15 believed that we had a good understanding of what happened in Antrim County and that
16 it was a human error and it was not a problem with the machine and was not replicated
17 in any way outside Antrim County. And, in fact, the person who made the error was a
18 Republican clerk, and Antrim was a Republican county that Trump won handily.

19 And so I knew that the problem in Antrim was not a problem with the Dominion
20 machines. At least, I thought I knew that at the time. And the President kept on going
21 on about how this meant a second term for him. And I was somewhat demoralized,
22 because I thought, boy, if he really believes this stuff, he has, you know, lost contact
23 with -- he's become detached from reality if he really believes this stuff.

24 He asked me to look into it, and I said that I would but that I wanted him to
25 understand that we thought we understood what happened there, we thought it was

1 human error, and, furthermore, there was a hand recount going on that would be done in
2 a couple of days and that would show definitively whether there was any problem with
3 the machine.

4 So I think what I did was, I think I -- and this is what I did with -- you know, this was
5 my practice, basically, with something like that -- I would flip it to somebody to look into.
6 And I think this went to the FBI. And the FBI may have brought in DHS, because I was
7 subsequently briefed on this.

8 And, in any event, I should say that, after he gave me this and after I said I would
9 look into it, I told him I had come for a different reason and I'd like to talk to him
10 privately. And Meadows left, and that's when I resigned. And if you want to get into
11 that, I can get into that.

12 But, to follow through on the Antrim County thing, a few days later, I was briefed
13 on the consultancy report on a certain cybersecurity firm, and it was a very damning
14 report, because they went through over a dozen clear, sort of obvious flaws in the report.

15 And I passed -- I can't remember if it was Meadows or Cipollone or both of them,
16 but I talked to somebody at the White House, not the President. I said, "By the way, the
17 President asked me to look into this. Here are the problems with that consultancy
18 report. This is why it's garbage." And I went through.

19 And the big-ticket item was, one of the main points made in the consultant report
20 was that something called the adjudication file in the system was empty; there was
21 nothing in the adjudication file. And I explained to them, that's because the machine
22 has an option of either using the machine to do the adjudication -- that is, if it's unclear
23 whether, you know, a mark is in this box or that box and someone has to make a
24 judgment of the voter intent. And there are two ways of making that adjudication.
25 One is to have the machine do it. And when that happens, it goes to the adjudication

1 file. The other option is to have it done by a human panel. And Antrim County used
2 the human panel. Therefore, there was nothing in the adjudication files, because the
3 adjudication files were not used. And I said, you know, the records of the adjudication
4 are the ballots themselves that were adjudicated.

5 And then, you know, I gave him another example, which was that the generation,
6 or the version, of the machine upon which the consultant based his report was a later
7 version of the Dominion machines, and the Dominion machines used in Antrim didn't
8 have some of the functionality that they were complaining or concerned about.

9 So those were just two examples of why this report, in my mind, was nonsense.

10 So that's that meeting.

1

2 [11:04 a.m.]

3 Ms. Lofgren. At the meeting, after Meadows and Cipollone left and it was just
4 you and the President, are you comfortable discussing what happened then?

5 Mr. Barr. Yeah. So I -- I told the President that it was clear that he was
6 dissatisfied with me and that I thought it would be, you know, wise for us to part
7 company while we can do so in a dignified way, you know. And he didn't put up much
8 of a fight.

9 And he asked me who would be my successors. And I said that I would
10 recommend Jeff Rosen, and that Jeff was backed up by Rich Donoghue.

11 I'll just say as an aside that Rich Donoghue was just an outstanding U.S. Attorney
12 in Brooklyn who was very, I mean, he was just a very strong leader. And he had high
13 integrity. He'd been in the 2nd Airborne Division. He was a no-nonsense guy. I very
14 impressed with him, and I felt that I would need his help going into the last months of the
15 election.

16 So over the summer I asked him to come down to work in Main Justice, and he
17 was Rosen's right-hand man. And so, I said that Donoghue would be there, too. The
18 two of them, I felt, would do a good job running the Department. I also knew that there
19 was no daylight between me and Rosen and me and Donoghue, and that they would be
20 good stewards of the Department. So I was very confident of that.

21 So the President didn't say anything about that. And then -- and then, you know,
22 we shook hands and I left and that was the last time I spoke to him. I haven't spoken to
23 him since December 14th.

24 And he tweeted out, you know, something like, you know, Bill Barr's done a great
25 job and he's decided to spend Christmas -- spend Christmas with his family or something

1 to that effect.

2 So that's -- that's what happened.

3 Ms. Lofgren. Okay. This has been very enlightening.

4 Other than the descriptions that you shared with us about your communication to
5 President Trump about election fraud, were there other conversations or instances that
6 we haven't asked about where you had discussions with him about election fraud?

7 Mr. Barr. No, not with the President.

8 And, again, you know, basically, each one was almost like a tutorial where I tried
9 to explain the difference between fraud and other kinds of objections and concerns you
10 know, the election being unfair or people not following the rules. I tried to explain to
11 him what the Department's role was. I tried to assure him that if there were actual
12 claims of fraud that, you know, I was getting my arms around them and, you know,
13 getting confidence as to whether they had merit or not.

14 And it always came back to the same thing, that I had not -- that we had not found
15 anything so far that we thought had any merit. And I -- so then, from then, other than
16 the times I actually met with the President and talked to him, I did occasionally talk to
17 Cipollone and Meadows on the telephone, you know, sometimes reacting to some article
18 or something like that where I would reiterate to them that we're not seeing it. We're
19 not seeing it.

20 You will see from the documents that Meadows got into the -- and I think it was
21 perfectly appropriate for him. I kept on stressing that if people in various States think
22 there's a problem, they should report it to the U.S. Attorney and the FBI and to the State
23 officials. I didn't want everything to be coming to me from the White House.

24 So actually, you know, I have to say I thought it was fairly sparing. But when
25 something came to him, he flipped it over to me. Then I would flip it to somebody to

1 look into.

2 And he wasn't -- and the thing about that was I have to say he was not grinding
3 me on it or pushing on it and saying, you know, You got to look at this. They would just
4 sort of send it over and, you know, we tried to -- some of them were, I think, laughable.
5 And I -- you know, he wasn't necessarily suggesting otherwise. But, you know, if there
6 was anything that required a look, we would take a look at it. I'd send it to the
7 U.S. Attorney or the appropriate person and take a look at it.

8 But I consistently told both Meadows and Cipollone, when we were talking, that,
9 you know, this stuff about fraud was, you know, just not there, not there.

10 Ms. Lofgren. All right. So every allegation you had looked into, and every
11 allegation appeared to be false.

12 Mr. Barr. I would say -- and I can't say here that everything, every allegation we
13 looked into, but I did my best. You know, this was playing Whack-a-mole. And the
14 whole ether -- internet was just filled with all these different things.

15 I tried to identify what people were hanging their hat on, what were they saying
16 was the fraud that could affect the outcome of the election. And when I identified
17 something like that, you know, we tried to sort of assess it and see if it was really
18 something we had to dig into.

19 The ones that I dug into relatively deeply myself and kept abreast of was the
20 Fulton County video which the President kept on making a big deal about, and it was all
21 over the internet and the news and the truck driver thing which, you know, sounded so
22 sinister. And I wanted to make sure that we interviewed the truck driver, we
23 interviewed other witnesses, and formed a judgment as to that. And, you know, I was
24 completely satisfied that was a bogus allegation.

25 And I asked the U.S. Attorney in Atlanta, because the GBI, the Georgia Bureau of

1 Investigation, was looking into the Fulton County video thing. And I said -- and I called
2 up BJay Pak, who was the U.S. Attorney in Atlanta, and, in my experience, a very
3 honorable guy and a good lawyer.

4 And I said, Look, make sure that the Bureau itself interviews some of the key
5 witnesses. Don't just piggyback on GBI, because I want to be in a position to say that we
6 formed our independent -- our own independent judgment on this. We're just not
7 echoing what GBI -- although I have total respect for GBI, I wanted to be able to say, You
8 know, we're just not echoing GBI. We took a look, hard look at this ourselves. And
9 based on our review of it, including the interviews of the key witnesses, the Fulton County
10 allegations were -- had no merit.

11 The ballots under the table were legitimate ballots. They weren't in a suitcase.
12 They had been pre-opened for eventually feeding into the machine. All the stuff about
13 the water leak and that there was some subterfuge involved, we felt there was some
14 confusion, but there was no evidence of a subterfuge to create an opportunity to feed
15 things into the count. And so, we didn't see any evidence of fraud in the Fulton County
16 episode.

17 And, you know, that's -- that was a judgment not only of the State officials, but of,
18 you know, our own judgment based on BJay's look at it. I was very saddened to see that
19 he was pushed out of the Department. He actually was planning on resigning anyway.
20 But he -- it was something that, you know, I think someone precipitously suggested he
21 leave.

22 Ms. Lofgren. All right. Let me -- you mentioned talking to Senator McConnell.
23 Can you relay that conversation to us?

24 Mr. Barr. So, you know, he -- I had a couple, at least, conversations with
25 McConnell. I mean, he and I actually, while I was AG, would talk on a regular basis.

1 But after the election, there was a call where, you know, he basically said how far
2 is the President going to take this?

3 And I think he was getting worried about a constitutional crisis, and he wanted to
4 know my views on these fraud claims. And I told him I think we're looking into them.

5 And he -- he said, You're in a unique position. When I look around, I mean,
6 you're the best person to be speaking out on this and I would be thinking about and
7 injecting some reality into this thing, because we were getting overwhelmed with all
8 these rumors and conspiracy theories. And it was clear, a big portion of the population
9 was thinking that there was rampant fraud, and he was encouraging me to speak up.

10 Ms. Lofgren. You mentioned that other legislators had been in communication.
11 Can you share who you discussed fraud or other aspects of the election with and the
12 nature of those conversations?

13 Mr. Barr. Well, some of them were -- I mean, there was one call I think I had
14 with McConnell where there were multiple Senators on the line. And I can remember at
15 least two different representatives talking to me, but I'd rather not get into those. But
16 there was -- it was just basically, you know, what do you make of this, how far is it going
17 to take, this kind of thing.

18 And I think there was genuine concern as to where the country was headed. I
19 mean, this was -- you know, this is a case of an incumbent administration staying, you
20 know, basically asserting that it could stay in place and hadn't been down this road
21 before.

22 Ms. Lofgren. Right. So maybe this would be speculation. But why do you
23 think the President did what he did in this matter?

24 Mr. Barr. I mean, that would be speculation on my part. All I can say is that he
25 never said anything to me to -- that indicated that he really didn't believe this and he was

1 doing this just as a political ploy. So I can't say, you know, that he had acknowledged he
2 didn't believe this stuff.

3 On the other hand, you know, when I went into this and would, you know, tell him
4 how crazy some of these allegations were and how ridiculous some of them were -- I'm
5 talking about some of the ones like, you know, more votes -- more absentee votes were
6 cast in Pennsylvania than there were absentee ballots requested, you know, stuff like
7 that, it was just easy to blow up, there was never -- there was never an indication of
8 interest in what the actual facts were.

9 Ms. Lofgren. Uh-huh. What else do you think we or the American people
10 might want to know about the claims of fraud in the 2020 presidential election?
11 Anything we haven't asked or that you haven't said that should be made known?

12 Mr. Barr. No. I think the bottom line is that it was my judgment that it was
13 important to assess what I perceived as the key claims of fraud on which people were
14 basing their fraud, you know, the stolen election theory on, and that in good faith, we
15 took a look at those and did not find any merit in those claims.

16 And my opinion then, and my opinion now, is that the election was not stolen by
17 fraud. And I haven't seen anything since the election that changes my mind on that
18 including, the 2000 Mules movie.

19 [REDACTED] Familiar with the 2000 Mules movie.

20 Ms. Lofgren. Well, maybe you can assess the 2000 Mules if people are talking
21 about that.

22 Mr. Barr. Well, I mean, just in a nutshell, you know, I just think that the GBI was
23 unimpressed with it. And I was similarly unimpressed with it because I think if
24 you -- because I was holding my fire on that to see what the photographic evidence was,
25 because I -- well, hell, if they have a lot of photographs of the same person dumping a lot

1 of ballots in different boxes, you know, that's hard to explain. So I wanted to see what
2 the photographic evidence was.

3 But the cell phone data is singularly unimpressive. I mean, it basically, if you take
4 2 million cell phones and figure out where they are physically in a big city like Atlanta or
5 wherever, just by definition you're going to find many hundreds of them have passed by
6 and spent time in the vicinity of these boxes.

7 And the premise that if, you know, if you go by the box, you know, five boxes or
8 whatever it was, you know, that that's a mule is just indefensible. By definition, you're
9 going to have hundreds of this. I mean, I saw one contractor said we figured out that
10 our truck alone would account for six cell phone signals. This was a, you know, a -- like
11 some kind of contractor. And, you know, our route would take us by these things on a
12 regular basis.

13 So I -- but then, when the movie came out, you know, I think the photographic
14 evidence in it was completely lacking. I mean, it was a little bit of it. But it was lacking.
15 It didn't establish widespread, illegal harvesting.

16 The other thing is people don't understand is that it's not clear that, even if you
17 can show harvesting, that that changes the results of the election. You're not -- courts
18 are not going to throw out votes and figure out, you know, what votes were harvested
19 and throw them out. There's still the burden on the challenging party to show that
20 illegal votes were cast, votes were the result of undue influence or bribes, or there was
21 really, you know, the person was non compos mentis.

22 But absent that evidence, I just didn't see courts throwing out votes anyway.

23 Ms. Lofgren. Well, I thank you, Mr. Barr.

24 And I guess your view that the election was not stolen and that the President of
25 the United States is Mr. Biden.

1 Mr. Barr. Yeah, well, I think the President of the United States is Mr. Biden.

2 And I've, you know, just in my public comments on this, I try to draw three
3 different -- I think part of the debate is that everything's being lumped together under the
4 rubric of fraud. And I say there are really three different kinds of claims that are being
5 made.

6 One is that the rule changes skewed the playing field and it was unfair. Well, the
7 answer to that is you have to fight for those rules at the time. And once the rules are
8 adopted, you have to engage in the election under the rules in place. And if you have a
9 problem with them and you think they were illegal, that's to be litigated in the States.

10 The second set of allegations are the ones that were dominant here which were,
11 you know, violations of the rules. The States didn't follow their own rules. They
12 passed out ballots without requiring applications. They didn't -- they blocked
13 Republican observers from coming in. Again, that is addressed to the State. That's
14 something you have to litigate through, and in most of those cases, it's unclear what the
15 relief would be. It wouldn't necessarily be throwing out the votes.

16 And then finally is the issue of fraud. And that has to be looked -- you know,
17 fraud is a specific thing and that is what the Department has jurisdiction over. And
18 I -- and, you know, there was fraud in the sense that, you know, onesies and twosies
19 around the country of people engaged in fraud. But I did not see broad-gauge fraud
20 that would affect the outcome.

21 Now, you know, when people say, did you look at everything, no, I was trying to
22 triage and look at stuff that could have affected the outcome of the election. If
23 someone came in and said I saw fraud in California or New York, that wasn't high on my
24 list to look at simply because that wouldn't have affected the outcome of the election.

25 Ms. Lofgren. Correct.

1 Mr. Barr. So, you know, some common sense had to be used here.

2 Ms. Lofgren. Thank you, Mr. Barr, for this testimony. It's very enlightening,
3 and I think I've asked all the questions I have. And I will turn this back to [REDACTED].

4 [REDACTED] Thank you very much, Ms. Lofgren.

5 Mr. Chairman or Madam Vice Chair, do you have any follow-ups on the issues
6 we've discussed thus far?

7 Ms. Cheney. I don't, [REDACTED]. Thank you.

8 Mr. Thompson. I don't have any, [REDACTED].

9 [REDACTED] I also note that Mr. Aguilar and Mr. Schiff have joined.

10 Mr. Aguilar, Mr. Schiff, do you have any follow-ups on these questions we've
11 asked so far?

12 Mr. Schiff. I do not. Thank you, [REDACTED]

13 Chairman Thompson. Thanks, Mr. Schiff.

14 Mr. Aguilar. No.

15 [REDACTED] Okay.

16 BY [REDACTED]

17 Q Mr. Barr, I just have a couple of other things. You've covered so much.

18 And we appreciate, again, as Ms. Lofgren said, your ample description of these issues.

19 Do you ever recall any discussion of the seizure of voting machines being
20 discussed?

21 A Yes. Actually -- and I can't remember when this discussion occurred. But
22 my best recollection is that it related to Michigan machines.

23 Q Okay.

24 A I can't say that with 100 percent assurance, but I don't think it was a general
25 countrywide seizure. And I think it could have been -- it could have been either at the

1 meeting on the 23rd when I raised the Dominion machines, or it could have been on
2 December 14th, when he was discussing Antrim County.

3 Q So the discussion was with the President himself?

4 A Yes. And my recollection is the President said something like, Well, we
5 could get to the bottom -- you know, some people said we could get to the bottom of this
6 if the Department seizes machines. It was a typical way of raising a point. And I said
7 absolutely not. There's no probable cause and we're not going to seize any machines
8 and that was that.

9 Q Yeah. Never came up again after that conversation?

10 A No, there was no -- I didn't get any pushback on that. And I was very
11 definitive on it, and but I heard later it came back up. But I tried to remember whether
12 it -- I, you know, I didn't hear anything. I don't think I heard anything about the military.
13 I think I would have remembered that, but I don't remember that.

14 Q Okay. How about discussion of other agencies' authority to seize the
15 machines, DHS or DOD?

16 A I don't remember that either.

17 Q Okay. How about the possible appointment --

18 A No. That -- it's -- you know, if someone had raised the military, I think I
19 would have remembered that. It's possible someone asked about DHS --

20 Q Yeah, I understand.

21 A -- as a law enforcement agency.

22 Q Yeah.

23 A But they --

24 Q Were you present --

25 A Also, you know, the requirement for probable cause doesn't disappear.

1 Q No, regardless of the agency. Exactly.

2 How about discussions, General Barr, about the possible appointment of special
3 counsel to investigate the allegations of election fraud? Do you recall any of that?

4 A Yes. I remember there were some discussions about special counsel and I
5 forgot how this came out -- came up. But I didn't feel there was any predicate or basis
6 for naming a special counsel, and I was opposed to it.

7 And I think there was a proposal made. I remember a proposal being made to a
8 State attorney general being appointed. And I wanted to find out -- you know, I thought
9 there might be a way of addressing that without just saying no and it turned out that
10 State law preclude it.

11 Q Yeah. Was that Louisiana? Do you recall?

12 A I think it was Louisiana. I think it was Jeff Landry maybe.

13 Q Exactly. Did you ask Steve Engel at OLC to look into, under Louisiana law,
14 whether it was possible for the State attorney general to get that special counsel
15 appointment?

16 A So, I don't remember doing that. But that is what I would have done.

17 Q Yeah. Did that discussion happen with the President, the possible
18 appointment of special counsel?

19 A I think -- I actually think that was either with Meadows or Cipollone,
20 probably Meadows. I can't remember who it was with. But, you know, I made it clear
21 that I didn't want to have a special counsel. And I was then asked this question, and
22 there was an easy legal answer as to where that wouldn't fly.

23 Q I see. You talked about a number of specific allegations with which you
24 were personally involved or familiar. You mentioned Georgia and the Fulton County
25 issue with BJay Pak. How about Nevada? Do you recall talking to the U.S. Attorney

1 there?

2 A Yeah, that was one of the -- my recollection is that was one of the early
3 ones. And as I recall, there was some number thrown out, maybe initially 3,000, then
4 went up to 9,000, I think. You know, within a few weeks it was up to 13,000. But the
5 allegation was all these out-of-State people had voted, thousands of out-of-State people
6 had voted who were not qualified.

7 And I called Nick Trutanich who was the U.S. Attorney out there. And he said
8 that the -- and I -- and he said, I think it was the State's secretary's office, I believe, had
9 taken a sample of -- hadn't looked at all, you know, 9- or 13,000, but had taken a sample
10 and gone through them and found that a de minimis number raised questions, and most
11 of them were clearly appropriate, that, you know, it was things like military people or
12 people absent for medical treatment, things like that, that they were legitimate votes.

13 And the rate, the percentage that were raised questions was de minimus. And
14 so, if you extrapolate it from that, it was a nonissue. So --

15 Q Yeah. How about Pennsylvania and Bill McSwain? Do you remember
16 talking to the U.S. Attorney in Philadelphia about an alleged discrepancy between the
17 number of absentee ballots issued and the number of ballots cast?

18 A Right. So that was one of the big ones for a period of time. I think that
19 was raised in Gettysburg by Giuliani or something like that, but it kept on being repeated.
20 And I found it annoying because, you know, it didn't seem that it was right.

21 So I called -- I called McSwain, and he got back to me. He said, no, the problem is
22 that Mastriano threw out a -- threw out this number. And what he did was he mixed
23 apples and oranges. He took the number of applications for the Republican primary,
24 and he compared it to the number of absentee votes cast in the general election. But
25 once you actually go and look and compare apples to apples, there's no discrepancy.

1 And, you know, that's where he -- I think at some point I covered that with the President.

2 Q Yeah. Okay. Let me show you and ask [REDACTED] to pull up exhibit 5. This is
3 a text exchange that you had with Rich Donoghue. And I just wanted to ask you about
4 what -- I think have you a book in front of you, General Barr --

5 A Yeah, yeah.

6 Q -- that has these. I believe it's printed. But just for the benefit of those
7 participating remotely, let's just pull up exhibit 5.

8 So it looks like this is a text exchange. This comes from documents provided by
9 the Department, and I think pulled off of your Department phone. And it looks like a
10 text message, General Barr, from you to Rich.

11 Rich, I talked to the guy at T.M. Society and put McSwain in touch. Called me for
12 update.

13 And if you scroll down, [REDACTED] it actually has Mr. Donoghue's response.

14 A Yeah.

15 Q Tell me if this is --

16 A Yeah, I remember that vividly. So this is the truck driver.

17 Q Okay.

18 A And so I wanted people to interview the truck driver, and look into this
19 whole thing because it was being given a lot of --

20 Q Is this the Bethpage?

21 A Yes. And the allegation that was this huge 18-wheeler, I think, was driven
22 down from -- it went to a printing shop in Bethpage, Pennsylvania.

23 Mr. Snyder. Long Island.

24 Mr. Barr. I mean Long Island. And drove it down to Harris -- I think it was
25 directly to Harrisburg and then sent somewhere else or -- but, anyway, drove it down into

1 Pennsylvania.

2 And the idea that was this truck driver had said that there were hundreds of
3 thousands of premade out ballots on that truck. And, you know, they had stuff like, you
4 know, he went to this place in Harrisburg. Then he went here. It was very detailed
5 kind of stuff.

6 And I wanted to make sure that was tracked down. I had a feeling it was BS.
7 And I thought it was important that, if you could show some of these things were being
8 thrown out there, you know, it was sort of explains what the lay of the land is.

9 So anyway, they couldn't -- we couldn't find the truck driver and this thing was
10 getting legs and it turned out that this group, the Thomas More Society -- there are many
11 Thomas Moore Societies. So I'm only talking about this particular Thomas More Society.
12 But, anyway, they had actually spirited this guy to a hotel in northern Virginia. And
13 I -- and somehow I get connected with it. I can't remember if they called -- I think they
14 call and said they had the guy. And I was livid, because I considered this interfering in
15 our investigation.

16 Q Right.

17 A And this guy had the temerity to be saying things like, you know, We had a
18 red team and we've tried to poke holes. This is ironclad and all this stuff. But he's
19 ready to -- and he was trying to negotiate under what terms this guy would be
20 interviewed. And I told him get out of the way or we were coming after him for getting
21 in the way of our investigation.

22 To make a long story short, I believe it was -- this thing in the exhibits was a more
23 favorable description of this guy that we ultimately included --

24 Q I see.

25 A -- because after he was thoroughly interviewed, and after other people were

1 interviewed, it was -- it was a -- it was quite clearly, you know, a nonsense story.

2 Q Uh-huh.

3 A And I don't want to get into the details.

4 Q Bottom line. This is an example of the allegation the Department pursued.

5 Actually --

6 A Right.

7 Q -- spoke to the truck driver and found no evidence that these were -- this
8 was evidence of voter fraud.

9 A Right. And I talked to DeJoy, the guy who was at the Postal Service.

10 Q Yeah.

11 A Now they had been accused of intimidating another so-called whistleblower
12 in Erie County about their IG somebody, somehow.

13 And I said, Look, because the Postal Service was also looking at this, I said, You
14 know, put other people on this that are above reproach and that can't be accused of
15 trying to -- you know, not the same group that's being accused of being heavy-handed
16 with the Erie whistleblower.

17 Q Uh-huh.

18 A So the Postal Service and the FBI conducted the interviews. And, you
19 know, and I read some of the interviews --

20 Q Yeah.

21 A -- myself.

22 Q And rebutted the allegation.

23 A Yes.

24 Q Okay. I want to go back to something you --

25 A Definitely.

1 Q Right. Something that you said, I believe, Mr. Herschmann said about the
2 President is getting lots of advice from these outside lawyers, did the President himself to
3 you ever acknowledge that maybe these lawyers weren't credible, were a clown car, to
4 use your term? Did he ever say anything to you that suggested awareness of that?

5 A Well, it wasn't just lawyers, by the way.

6 Q Okay.

7 A When Herschmann talked to me he, he said it's not just Giuliani, it's others
8 as well.

9 And the only time I would say that could have occurred is on December 1st when,
10 you know, he lost his temper with me is that when I said that, you know, he needed a
11 crackerjack legal team and he wheeled out a clown car and he said maybe. Maybe.
12 But that's the only time he equivocated.

13 Q Yeah.

14 A He never suggested to me -- what he'd always say about Rudy was that
15 Rudy's fighting for me. At least he fights for me.

16 Q Uh-huh.

17 A But he never said, you know, I'm taking what they say with a grain of salt.

18 Q Yeah. When you think about the clown car or the outside voices, lawyers
19 or otherwise, that were advising the President, who do you put in the car? Mr. Giuliani
20 obviously seems to be the driver. But who else was riding with him in that -- those
21 voices pumping these meritless theories of election fraud to the President?

22 A Well, obviously, in terms of the election, it was Giuliani, Sidney Powell, Jenna
23 Ellis, and -- but there were others. I think, you know, somebody who makes some
24 cameo appearances every once in a while is Mr. Eastman --

25 Q Uh-huh.

1 A -- and on other issues.

2 Q Yeah.

3 A But he would -- there were also some people I'd rather not mention who,
4 you know have, positions in Washington, in the private sector, who would weigh in and
5 usually give him bad advice.

6 Q Did have you any interaction with Mr. Giuliani or any of those others that
7 you named during this postelection period?

8 A During -- no.

9 Q Engaged with them on claims they were making publicly versus what the
10 results of your investigations were showing?

11 A Nope.

12 Q Okay. Who was on the other side, besides you, telling the President the
13 truth? Who else would you say were voices of reason or accurate information to the
14 President on these specific election issues?

15 A I would say Cipollone and Pat Philbin.

16 Q Uh-huh.

17 A I would say Herschmann over at the -- and by omitting people, I don't mean
18 to say they were not there.

19 Q Yeah.

20 A I just don't have information about it.

21 Q Uh-huh.

22 A You know, my sense of it was Robert O'Brien, you know, was a reasonable
23 guy, a good lawyer. And I'm sure there were others that I'm not remembering.

24 You know, I think at the end of the day, you know, my view was that Chad Wolf,
25 you know, when the chips -- you know, I mean, whatever the expression is, you know,

1 when it was important to stand up, he would stand up. That was my experience with
2 him.

3 Q Yeah. Were any of those people, General Barr, present with the President
4 and you, conversations in which they echoed your advice or your assessment of the
5 evidence, Mr. Cipollone, or Meadows, or others who would --

6 A Yeah, I mean, Cipollone --

7 Q -- chime in?

8 A I think Cipollone told the President -- I think it was -- which one was it?
9 There was some meeting. I think this is in my book, and I can't remember which
10 meeting it is.

11 But at one meeting I said, Look, we are, Mr. President, we are looking into these
12 things and they're -- and he said, Mr. President, the Department is, you know, doing its
13 job. It's looking into --

14 Q I see. So Mr. Cipollone to the President in your presence --

15 A In my presence. And I believe he did offline as well.

16 Q Yeah. You mentioned Chad Wolf and DHS. Did you get some personal
17 briefings from them, from CISA or from DHS personnel?

18 A So, you know, early on, because this was coming out of the box pretty
19 quickly, I asked -- I called -- I called Chris Wray, and I said, You know, we got to get on top
20 of this Dominion thing because this thing is getting legs.

21 Q Uh-huh.

22 A And we have to figure this thing out. He agreed, and he set up two
23 briefings --

24 Q Yeah.

25 A -- one after the other. I mean, it was in two different dates --

1 Q Right.

2 A -- with DHS and FBI people --

3 Q Yeah.

4 A -- to education both of us.

5 Q Uh-huh. And is that where you got your information about, Hey, these are
6 just tabulation machines, paper ballots are passed through?

7 A Yeah. I mean, they gave me a lot of comfort that this was nonsense.

8 Q Got it. And, again, was that part of the basis of what you conveyed to the
9 President --

10 A Yes.

11 Q -- about the security?

12 A Yes, definitely.

13 Q All right.

14 A I was particularly, as I said, I was particularly disturbed by these allegations
15 being made about the machines because that goes -- I mean, that's pretty fundamental.
16 And people seemed to be, you know, seemed to be believing it. And so I was focused,
17 you know, every time I was with the President, I raised the machines as sort of exhibit A
18 of how irresponsible this was.

19 Q Yeah. I won't show them to you. But we, I think, provided you some text
20 message you received from Mark Meadows that were passing along --

21 A Uh-huh.

22 Q -- links --

23 A Right.

24 Q -- or allegations. I think you said before that he never leaned on you, or he
25 never weighed either way with respect to the allegations. Tell us more about

1 information you received from Meadows and his personal sort of position on them?

2 A Well, I tried to explain to Meadows, you know, at the very beginning that he
3 should be careful about, you know, what people are telling him out in the field because
4 there are a lot of excitable, inexperienced people out there. And, you know, the
5 Department is appropriately vigilant. And there's an infrastructure in place to deal with
6 it. And we have good U.S. Attorneys. And, you know, stuff will be, if something merits
7 following up the, it will be followed up and either by the appropriate State people or by
8 us.

9 Q Uh-huh.

10 A And -- and he seemed to take that to heart. And, you know, the stuff he
11 sent over, he just sort of sent it, you know.

12 Q Yeah.

13 A As I said, you know, one of the main things I was also doing is not relying on
14 what he sent me, but just, you know, by reading the press, what the President was saying,
15 what other -- what his, you know, what other Republican leaders were saying is to see
16 what people were focused in on, the evidence of fraud.

17 Q Yeah.

18 A But, to me, it was quite simple which is, you know, to try to set aside an
19 election and for an incumbent administration to say it has not been dislodged, that
20 requires some specific evidence --

21 Q Right.

22 A -- at the end of the day.

23 Q Yeah.

24 A And, you know, other than thrashing out at the Department of Justice, that
25 was never provided.

1 Q Yeah, let me just show you one specific example, exhibit 9. Okay. If you
2 can -- and, again, it's in your book at 9.

3 And for the benefit of those participating remotely, we'll put it up on the screen.

4 This is also produced by the Department, it looks like, from your DOJ cell phone.
5 It's a text exchange with Mark Meadows. If you keep scrolling down, some of it's
6 redacted. But the first actually unredacted portion, it's from November 4th, just the day
7 after the election. Mr. Meadows sends you a link from a Twitter post of James O'Keefe
8 and then says:

9 I don't know how valid or who would be the best person to investigate, but I
10 thought you should be aware of this.

11 A little bit further down, you know, later --

12 A Yeah.

13 Q -- there's the Carone affidavit, another link to an O'Keefe Twitter post. And
14 then farther down at the bottom of the page, he says:

15 Dale Harrison in Colorado, there may be manipulation but worth review.

16 A Yeah, those are the kinds of things that --

17 Q Yeah.

18 A -- would be flipping over to me. And basically, I would, as a matter of
19 course, send them or have Will Levi, my Chief of Staff, send them to follow up on that.
20 My recollection is that Colorado thing was to me on its face it was a joke.

21 Q Yeah.

22 A I mean, it was a guy looking into, I'm going to now rip up this Trump ballot
23 but --

24 Q And he says clearly not sure.

25 A Yeah.

1 Q Maybe.

2 A Right.

3 Q Not pressured.

4 A I was actually, you know, to -- I had the feeling that Meadows was -- he
5 wasn't pushing or, you know, running around with his hair on fire. It was quite
6 measured --

7 Q Yeah.

8 A -- when they send something over. And he never, you know -- and he just
9 said, I'm not sure.

10 Q Understood.

11 A You know, sometimes -- there was one there I saw over, it just sort of said,
12 you know, Tom Fitton --

13 Q Uh-huh.

14 A -- had sent something and it might be getting some attention.

15 Q Yeah.

16 A My own feeling was that the President was giving him this stuff and he was
17 keeping his desk clean by sending it over to over to me and saying to the President the
18 right people have this.

19 Q Got it. A little far thorough down, Grant.

20 He texted you Ken Starr's CV. Do you recall any discussion with him why he was
21 sending you Judge Starr's CV?

22 A You know, I looked at that, and I can't remember that. I don't know why.

23 Q Yeah.

24 A When was that?

25 Q That was Saturday, December the 5th, and just a CV without any text. And

1 then a couple of days later you respond: Please call when you get the chance.

2 A Where was that?

3 Q That's just a little further down in the same text.

4 Mr. Snyder. Is that 18 or 8?

5 BY [REDACTED]

6 Q Oh, I'm sorry. That might be 18, yes.

7 A That might not even relate --

8 Q Yeah, it could be different.

9 A Yeah, but I can't remember why Starr came up.

10 Q Yeah, okay. Okay. Okay.

11 Let me now --

12 Ms. Cheney. [REDACTED] I've got a question.

13 [REDACTED] Yeah, please, Ms. Cheney. Go ahead.

14 Ms. Cheney. Thank you.

15 General Barr, that text on the 18th, that's the same day that there was a meeting,
16 a long meeting, as you probably may be aware, with Sidney Powell and Mike Flynn in the
17 Oval Office. Did you have any discussions with anyone in the White House about that
18 meeting?

19 Mr. Barr. So which one was that?

20 Ms. Cheney. This was on December 18th. General Powell or -- sorry -- Sidney
21 Powell, General Flynn, Patrick Byrne, a number of individuals.

22 [REDACTED] It's a Friday night at the White House.

23 Mr. Barr. No, I didn't hear -- I didn't hear about that meeting until after I left.

24 That's my best recollection. It sounded like crazy stuff. People were yelling. I think
25 that's one where Hersch -- I think as it was described to me, you know, Herschmann was

1 very pointed in his remarks and I think Meadows came into that meeting and actually
2 pushed hard back on it.

3 Was that the meeting?

4 [REDACTED] Yes, that's exactly right.

5 Mr. Barr. So that's how it was described to me, that Meadows sort of showed up
6 and strongly pushed back on some of the crazy stuff that was being thrown out there by
7 those people.

8 Ms. Cheney. And --

9 Mr. Barr. But I don't recall -- I don't recall hearing about that until after I left.

10 Ms. Cheney. And do you -- and who did you -- from whom did you hear it?

11 Mr. Barr. There was a period of time where people were very guarded. But I
12 think over time, I mean, I'm talking about well after I left, people would make comments
13 like, you know, you don't know the half of it of how surreal some of this stuff was. And I
14 really can't remember who gave me the blow by blow.

15 Ms. Cheney. Um --

16 Mr. Barr. It was somebody who was there.

17 Ms. Cheney. Okay. Was it Mr. Herschmann?

18 Mr. Barr. I can't remember.

19 Ms. Cheney. Did you have any discussions about -- with Mr. Eastman?

20 Mr. Barr. Did I have discussions with Eastman?

21 Ms. Cheney. Yes.

22 Mr. Barr. Yes, but not about the theory he had of how the Vice President had
23 unilateral authority to pick the next President, but it was about birthright citizenship.
24 The President cited that, him to me, as, you know, someone who had this great idea
25 about how you could eliminate birthright citizenship by executive order, and I told him I

1 thought that was wrong. And he kept on invoking Eastman. So I asked Eastman to
2 come over to my office and explain this to me, and I think he did a very good job of it.

3 And when he left, he said, you know, I think you're right. That would be the
4 wrong thing to do. And, you know, it wouldn't really work legally and practically.

5 And I said, well, be sure and tell that to the President. And that was my last
6 discussion with Eastman.

7 Ms. Cheney. Did you -- you mentioned -- I'm sorry -- just a minute ago when you
8 said that someone had given you sort of the blow by blow of the December 18th meeting,
9 what was the blow by blow that they gave you?

10 A Well, blow by blow, I guess, might be an exaggeration. It was more like
11 that, as I recall -- and there were a number of meetings that happened after I left and
12 they sort of lumped together. But I think there was this meeting where Flynn was there,
13 Byrne, the former CEO of Overstock, I think Sidney Powell.

14 And Flynn was being particularly assertive about something. I think he may have
15 been talking about using military -- is that -- I don't know. But, anyway, people got
16 into -- I think Meadows and Herschmann got into it with him. That's what I was told.

17 Ms. Cheney. And did you --

18 Mr. Barr. I heard, you know, I think one of them -- I think it was Herschmann
19 dressed down Flynn. And I think Meadows did, too. So, but that's the level of
20 discussion. I don't really -- wasn't told deep, you know, then he said this, then he said
21 that.

22 Ms. Cheney. Did -- were you told anything about whether or not Sidney Powell
23 was appointed as special counsel?

24 Mr. Barr. After I left, I heard something about how the President considered
25 appointing Sidney Powell as special counsel.

1 Ms. Cheney. And what is -- did you hear about that during the administration
2 itself or after the 20th?

3 Mr. Barr. I think it was after I left. So what happened was, on December 14th I
4 tendered my resignation -- my resignation and the President immediately went to start
5 dealing with Rosen and Donoghue. And, you know, they would keep me generally
6 advised. But they knew I was on the way out, and so I wasn't necessarily involved day to
7 day on that kind of stuff with the White House.

8 And but I knew that Rosen and Donoghue were, you know, holding the line. And
9 it's hard for me to say whether I heard about this before or after I left. My impression is
10 it was after I left, which was the 23rd, but there was this period where I was sort of in
11 limbo. I wasn't, you know, handling the White House stuff.

12 Ms. Cheney. Okay. And about an hour after the meeting ended on the 18th,
13 and it ended close to midnight, President Trump sent out a tweet, urging people to come
14 to Washington on January 6th and said, you know, it will be wild. So that was early in
15 the morning of December 19th. Do you recall hearing about that tweet?

16 Mr. Barr. I don't recall that it was a tweet. But I remember hearing about
17 some kind of event on January 6th, and I remember the President talking about an event
18 on January 6th. And I remember thinking to myself, What's that all about? And in my
19 mind's eye at that stage, I thought it was going to be, like, one of his campaign rallies.
20 You know, he had a big crowd and he's up there, talking. That's how I thought about it
21 when I first heard about it. But that's -- I just heard it in passing that there was -- there
22 would be something on January 6th.

23 Ms. Cheney. So was this in a meeting with the President?

24 Mr. Barr. I don't think so. I can't remember if I heard it -- I don't think I heard it
25 from the President. I think someone else mentioned it or I read about it or something

1 like that.

2 Ms. Cheney. So you don't -- you don't recall the time --

3 Mr. Barr. I remember either reading about the President talking about
4 January 6th, about something on January 6th. And I'm just sort of wondering about
5 that.

6 Ms. Cheney. Do you recall if you had any discussions with Mr. Cipollone about
7 January 6th?

8 Mr. Barr. Before I left?

9 Ms. Cheney. Either before you left or after you left.

10 Mr. Barr. I can't remember anything before I left. And after I left, he hasn't
11 discussed with me, you know, his knowledge of it or his participation. But he's simply,
12 like, you know, this has become a big deal. And, obviously, there's no question of that.

13 Ms. Cheney. And did you have any -- did any cabinet officials contact you -- and I
14 realize you were gone already. But did any cabinet officials contact you after the 6th to
15 discuss the 25th Amendment?

16 Mr. Barr. No.

17 Ms. Cheney. Have any cabinet officials contacted you since then or any Trump
18 cabinet officials discussed with you since then arrangements inside the White House after
19 the 6th?

20 Mr. Barr. So I think one person who called me while I was still there, I think, was
21 Gene Scalia. This is after I announced -- I think it was after I announced I was leaving.
22 And he was asking my advice about what he should do and what my perceptions were.

23 And I don't, you know, I don't recall him raising the 25th Amendment. I don't
24 recall a discussion about the 25th Amendment. But I think the only Cabinet secretary I
25 can actually remember talking to, other than Pompeo, when I had dinner with him on the

1 1st, and I think some of them called me to say goodbye. But I don't recall discussing
2 ongoing business with them.

3 Ms. Cheney. But you did have a discussion with Secretary Scalia?

4 Mr. Barr. Yes.

5 Ms. Cheney. About -- give us some information, some details about that
6 discussion.

7 Mr. Barr. He just wondered what his -- you know, what I thought he should think
8 about doing. I mean, the choices basically were to leave or to stay and try to help and
9 he wanted to talk that through.

10 Ms. Cheney. And you think this was around the time that your resignation
11 became public?

12 Mr. Barr. Yeah, I think this -- my best recollection is it was sometime after I
13 resigned, before I left. It could have been after I left, you know. I just can't remember.

14 Ms. Cheney. Do you think that it was in conjunction with January 6th or it was
15 concerns before January 6th.

16 Mr. Barr. That's a good question. I think it was after January 6th. Yeah, I
17 think that was after January 6th because I think the thing that could have precipitated
18 it -- let me put it this way: My best recollection now, having -- you having raised
19 January 6th, is it was after January 6th. But --

20 Ms. Cheney. And -- I'm sorry. Go ahead.

21 Mr. Barr. You know, I don't have a clear recollection of it, other than he and I
22 have been friends for a long time. He used to work for -- I was his first job in
23 Washington. He and I have been friends for a long time. He just wanted to know what
24 I thought he should do.

25 Ms. Cheney. And any specific details about that?

1 Mr. Barr. I can't rule out. You know, I -- the fact is I just don't recall whether
2 the 25th Amendment was discussed. It could have been. I can't recall that. And if I
3 remember it, I wouldn't hesitate to say I remember it. It's not a big deal to me.

4 Ms. Cheney. No, I appreciate that.

5 Mr. Barr. I'm not trying to avoid talking about the 25th Amendment. I just
6 don't remember it.

7 Ms. Cheney. Did -- in terms of that phone call, do you recall if it was -- you
8 mentioned that it was about what he should do. Did he ask you about what members of
9 the cabinet should do, whether or not it involved the 25th Amendment?

10 Mr. Barr. The way I remember it, it was mainly what he should do, and did I
11 have any advice about how to sort of handle things constructively going forward. And I
12 had -- I had a -- my basic view on the thing was that he wasn't listening to his cabinet.
13 He was listening to people, you know, to the people who told him what he wanted to
14 hear.

15 Can you hear me okay? I guess I'm leaning away.

16 ██████████ The closer you are to the mic, the better.

17 Mr. Barr. But I felt he was in the mode of just hanging out with sycophants and
18 people who told him, were telling him what he wanted to hear, and that it was a waste of
19 time for Cabinet secretaries to hang around.

20 Ms. Cheney. What -- what is -- what was your view about the 25th Amendment
21 and its applicability here?

22 Mr. Barr. I had -- you know, I haven't studied the 25th Amendment. And I
23 probably will not -- I probably would have felt this, too, will pass very shortly, and I'm not
24 sure it's necessary to invoke it, but I hadn't really thought about it.

25 Ms. Cheney. And what about your conversation with Secretary Pompeo?

1 Mr. Barr. Excuse me?

2 Ms. Cheney. What about your conversation with Secretary Pompeo? You
3 mentioned that you and he had dinner together on the 1st.

4 Mr. Barr. Yeah, it was after the President's aborted firing of me and we had a
5 dinner. And he -- I didn't tell him about the meeting, but he had read about what I had
6 said to the AP reporter.

7 And he said, Look -- something to the effect of, You look like you still have your
8 job.

9 And I told him that, you know, that I felt that before the election, it was possible
10 to talk sense to the President. And while you sometimes had to engage in, you know, a
11 big wrestling match with him, that it was possible to keep things on track. But I
12 was -- felt that after the election he didn't seem to be listening. And I didn't think it
13 was -- you know, that I was inclined not to stay around if he wasn't listening to advice
14 from me or the Cabinet secretaries.

15 He did not react to that, as I recall. But he raised the Defense Department and
16 the fact -- he said did you know that after Esper left, that he's appointed Chris Miller and
17 Kash Patel is gone over there. And he said he was concerned about the lack of gray hair.
18 He thought that our adversaries could take advantage of the situation. And because of
19 the -- what he felt was a suboptimal civilian leadership or a thinness of civilian leadership
20 over at the Department, he was trying to stay on top of it.

21 And he was having regular phone calls with Milley, Gina Haspel, and Mark
22 Meadows. And he said he's having regular calls about that and I think, you know, maybe
23 Ambassador Robert -- O'Brien was also involved.

24 Ms. Cheney. And was this discussion -- was this on December 1st or January 1st?

25 Mr. Barr. December 1st.

1 Ms. Cheney. Okay. And in the period of time after the election, when, you
2 know, you describe the President's not listening and then especially after the 6th, were
3 you concerned about a situation in which the President of the United States is not
4 listening to his Cabinet in the way that you've described?

5 Mr. Barr. Well, you know, part of the reason, you know, December 14th was the
6 day that the State certified their votes, and sent them to Congress. And my view, that
7 was the end of the matter. I didn't see -- you know, I thought that this would lead
8 inexorably to a new administration. I was not aware at that time of any theory, you
9 know, why this could be reversed.

10 And so I felt that the die was cast, and I didn't think that it was really going to be
11 any damage done. I thought, you know, the leadership, the legal leadership, the legal
12 terrain, you know, Justice Department, DHS, and then the military, you know, I thought
13 particularly General Milley, after Esper left, that there was not going to be any mischief.
14 No one was going to go along with anything crazy.

15 Ms. Cheney. Were you aware of any discussions about the President appointing
16 Jeff Clark as Attorney General?

17 Mr. Barr. No, not until after, you know, after I left.

18 Ms. Cheney. And tell us about the discussions after you left.

19 Mr. Barr. All I heard was people were sandbagged, that I think Rosen was called
20 over a meeting or, you know, found out about some meeting where the President had
21 made some tentative decision, or at least was entertaining the idea of appointing Clark
22 Acting Attorney General, because Clark was more sympathetic to actions the President
23 wanted to take and believed that there might have been fraud in the election.

24 So, you know, and that people forcefully pushed back, particularly, you know, Pat
25 and Pak from the counsel's office and Rosen and Donoghue.

1

2 [12:03 p.m.]

3 Ms. Cheney. And did you hear about this as it was happening?

4 Mr. Barr. No. No. Later. I was aghast. I never thought Clark, you
5 know -- he didn't strike me as the type of person to do that type of thing, so I was --

6 Ms. Cheney. Thank you.

7 [REDACTED] So, General Barr, I know we promised you 2 hours. I have about
8 10 or 15 minutes left. I'm hopeful we can press on and just finish?

9 Mr. Barr. Yeah. I'd just as soon finish.

10 [REDACTED] Okay. Great. Thank you.

11 Mr. Schiff. [REDACTED] I've got a few questions, as well, when you get a chance.

12 [REDACTED] Go ahead, Mr. Schiff. You can jump in here.

13 Mr. Schiff. And, [REDACTED] please tell me -- I'm trying to turn my camera on. Sorry.

14 And, [REDACTED] please tell me if you've covered this ground, and I'll get the transcript.

15 My flight was delayed, so I apologize, I wasn't here at the beginning.

16 [REDACTED] Okay. Sure.

17 Mr. Schiff. Mr. Attorney General, did allegations about irregularities or fraud in
18 Georgia come to your attention at some point?

19 [REDACTED] We have covered a lot of this already, Mr. Schiff, the allegations in
20 Georgia.

21 Mr. Barr. I went into detail on the Fulton County video, which I spent a lot of
22 time on, ensuring, you know, that we had a view on that, in addition to GBI's
23 investigation. And I asked the U.S. attorney to have some interviews conducted. And,
24 you know, he concluded, I concluded, there was nothing to it. And I went over that.

25 Mr. Schiff. Thank you.

1 ██████████ General Barr, if you can pull the microphone just a little closer.

2 Mr. Schiff. And, Mr. Attorney General, did you also discuss already -- and if you
3 did, again, I'll get the transcript -- the circumstances under which the U.S. attorney
4 curtailed his service?

5 Mr. Barr. I heard about that after I left, and I was very upset by it, because I
6 thought he was an excellent U.S. attorney. You're talking about BJay Pak in Atlanta?

7 Mr. Schiff. Yes.

8 Mr. Barr. And I never got an explanation for what happened there, other
9 than -- you know, I don't think Rosen and Donoghue wanted him to leave; I think it was
10 the White House that was -- he had already told me, even before I left the Department,
11 that he was going to be leaving shortly.

12 So he was planning on leaving and going to a firm, but I think he was sort
13 of -- maybe that was accelerated by somebody in the White House. I don't know who it
14 was.

15 Mr. Schiff. And you mention that you were upset by how he was treated. Was
16 it your understanding that he was forced out prematurely because he looked at the
17 allegations of fraud in Georgia and found them to be without any merit?

18 Mr. Barr. That's what I believe. I believe that because of his conclusion and my
19 conclusion that they were without merit, you know, someone struck out at him by trying
20 to have him leave prematurely.

21 Mr. Schiff. And how did you come to form that opinion? Did someone discuss
22 that with you?

23 Mr. Barr. Well, no. I mean, there was no other -- number one, there was no
24 reason for him to leave when he did since he was going to be leaving anyway. And it
25 wasn't his choice to leave. And I knew that Rosen and Donoghue thought highly of him

1 and were not in for sacking him. So I figured it must have been the President or
2 someone carrying out the President's wishes.

3 Mr. Schiff. Mr. Attorney General, tell me if you've covered this already, and,
4 again, I'll go back over the record. Was it ever brought to your attention that, as a result
5 of the President, Rudy Giuliani, and others making these claims about the election
6 workers in Fulton County, that they were receiving death threats and their lives may be
7 put at risk?

8 Mr. Barr. I don't recall that being brought to my attention. It could've been,
9 but, I mean -- that, as a result of his allegations, that those death threats were being
10 made? Is that what you're saying?

11 Mr. Schiff. Yeah, that the repetition of these false claims about what happened
12 in Georgia were putting people at risk. Did that ever come to your attention?

13 Mr. Barr. I don't recall that being brought to my attention, but it doesn't surprise
14 me, and it may have been brought to my attention. I mean, I felt -- generally speaking, I
15 felt making casual claims of fraud was irresponsible for a host of reasons.

16 Mr. Schiff. And I don't know the parameters of our discussion today, but are you
17 able to share with us any conversations you had with the President about the effect of
18 these false claims of fraud -- the effect on risk to people, the effect on people's
19 confidence in our election system?

20 Mr. Barr. No, just what I've -- I've been through -- I had three discussions with
21 the President that I can recall. One was on November 23rd, one was on December 1st,
22 and one was on December 14th. And I've been through, sort of, the give-and-take of
23 those discussions.

24 And, in that context, I made clear I did not agree with the idea of saying the
25 election was stolen and putting out this stuff which I told the President was bullshit.

1 And, you know, I didn't want to be a part of it. And that's one of the reasons that went
2 into me deciding to leave when I did.

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

6 Voice. You said it was wrong.

7 Mr. Barr. What?

8 Voice. You said it was wrong.

9 Mr. Barr. Yeah.

10 People are reminding me, earlier in the transcript, I told the President I thought it
11 was wrong for them to be shoveling out this stuff.

12 Mr. Schiff. Thank you, Mr. Attorney General. I appreciate your covering that
13 ground with me.

14 Back to you, [REDACTED]

15 [REDACTED] Yeah. Thanks, Mr. Schiff.

16 Okay. Any other members have questions before I kind of finish up?

17 No? Okay.

18 BY [REDACTED]

19 Q Attorney General Barr, I just have a couple questions about the summer of
20 2020. I wanted to ask you if you were involved in discussions with the President during
21 the summer of 2020, particularly the protest in Washington, D.C., regarding the possible
22 invocation of the Insurrection Act.

23 A Yes.

24 Q Did the President raise the prospect of deploying Active Duty military to the
25 streets of Washington and other cities in the U.S. as a means to quell violent protests in

1 the wake of the murder of George Floyd?

2 A Yes.

3 Q Tell us about the discussions you had with the --

4 A You know, that's -- that's in my book.

5 Q I knew the answer to the question before I asked it.

6 A So it was on the morning of June 1st; I was called over to a meeting at 10:30
7 in the Oval Office. It was supposed to be a prep meeting. Initially, it was scheduled as
8 a prep meeting for an 11 o'clock conference call the President was going to have with
9 Governors about all the unrest, which in Washington had been pretty severe on the 29th,
10 30th, and I think the 31st --

11 Q Right.

12 A -- there were three nights in a row -- and was also elsewhere in the country
13 the same pattern generally.

14 And when I came to the meeting, which was already underway or had just gotten
15 started, a lot of people were there, people were standing up in the corners, a lot of law
16 enforcement -- I mean, people from the White House staff and some of the law
17 enforcement agencies. And he waved me up to sit in front of his desk along with Esper
18 and Milley and I think -- Chad, I think, was there.

19 Q This is in the Oval Office?

20 A Yes.

21 Q Uh-huh.

22 A And he was very upset at the news that had come out that he had been
23 taken down to the bunker in the preceding days, you know, when some of the rioting
24 right by the White House was at its worst. He was very upset by this, and, as I recall, he
25 bellowed at everyone sitting in front of him in a semicircle and he waved his finger

1 around the semicircle saying we were losers, we were losers, we were all fucking losers.
2 And I could see that the guys from DOD didn't like that, and I didn't like it particularly
3 either.

4 And then he said, you know, for this rioting to be going on right by the White
5 House and fires right across the street from the White House -- you know, there had been
6 some fires -- and, can you imagine the impact this has on the world when they see this
7 right by the White House, and, you know, we have to get this under control, and so forth.

8 So --

9 Q Let me stop you there. Was he upset about the fires and the rioting, or
10 was he upset about the coverage that he had personally been taken to the bunker?

11 A Well, I think the thing that had gotten him -- you know, maybe this is
12 speculative -- the thing that seemed to be under his skin was that he was taken to the
13 bunker, but what he articulated after calling us all losers was that he was worried about
14 the impact that these visuals would have on the world.

15 And so, you know, in the course of that -- so people started talking about what the
16 plans were. And there was a discussion of moving the perimeter and building a fence up
17 near Lafayette and H Street. And then there was a discussion of -- well, he then
18 raised -- you know, he talked about whether he should invoke the Insurrection Act --

19 Q Yeah.

20 A -- to get regular military in. And then there was a discussion of the
21 Insurrection Act.

22 And, you know, my position was that the Insurrection Act should only be invoked
23 when you really need to invoke it as a last resort, when you don't really have other assets
24 that can deal with civil unrest.

25 And the military guys were very outspoken. Milley, you know, said, that's for

1 real insurrection, I mean, you know, like Lincoln had. I think that was at that meeting.

2 And so I walked the President through the Insurrection Act, because the last few
3 times it had been used I had been intimately involved in it. And I explained the act and
4 explained what the predicates are. And the President does have discretion.

5 I said, look, Mr. President, if people's life and property are depending on it and,
6 you know, we had to use military force to protect the function of the Federal Government
7 or to protect life and property because there wasn't another way to do it, you know, I
8 wouldn't hesitate. You know, I mean, I did it twice. I was involved in --

9 Q When you were Attorney General the first time.

10 A -- recommending it twice -- yeah, yeah -- in St. Croix, Virgin Islands, and in
11 Los Angeles, where there were 7,000 fires, you know, set in Los Angeles and dozens of
12 people killed. So -- and, you know, the National Guard could not get deployed quickly
13 enough.

14 Q Uh-huh.

15 A So, you know, I think the military guys and me and Chad, we all agreed that
16 we had enough without using the military.

17 And, furthermore, the other thing is that D.C. is unique because the Secretary of
18 the Army can deploy National Guard, is treated like the Governor of the State for
19 purposes of D.C.

20 And Milley explained that -- first, D.C. has, like, 1,200 military police units -- I
21 mean, individuals in the National Guard. So they're the best people to be used for this,
22 military police, because they're trained to deal with this kind of stuff. I think it's roughly
23 1,200 in the D.C. National Guard -- and that they would be coming in and that there were
24 arrangements to bring in National Guard from other States. So there was a reservoir of
25 National Guard military police units that would be available.

1 And I said, you know, that I can muster over 2,000 civilian law enforcement and
2 we felt we had adequate resources and didn't need -- but, you know, if he wanted to have
3 them on standby, that's okay. You know, in case we really need them, they'd be there.
4 But it was not a good idea to deploy them, and we didn't think it was necessary.

5 You know, the background rule, the general rule, is Posse Comitatus, which is, you
6 know, the prohibition on using military for law enforcement in the United States. And
7 the reason for that is, you don't want your military to be in conflict with your civilian
8 population, you know, the civilians. You don't want conflict between them. You don't
9 want the civilians thinking of the military as an occupying force, essentially.

10 Q Yeah.

11 A And so that's the general rule, and there's an exception where you really
12 need to use the military to restore order. And our basic point was, you don't really need
13 it.

14 Q Yeah. How did he react when you explained to him --

15 A He had to be persuaded, but everybody he was facing -- you know, he was
16 facing DOD, DOJ, and DHS. And he eventually said, okay, well, just have them -- he
17 agreed to have the military standing by.

18 Q Uh-huh.

19 A So they had -- I forget if they had already put it in motion or they said they
20 would, but they had military police units, I think, from the 10th Mountain Division and the
21 82nd Airborne, you know, would be standing by. And they also pointed out there was a
22 whole regiment up at Fort Myer if needed.

23 Q Uh-huh.

24 Did that discussion, General Barr, continue to come up over the course of the
25 summer when there were protests in other --

1 A You know, as I said in the book, the President seemed to want to make a
2 statement by using the military. And that's what was resisted by both DOD and by me
3 and by -- you know, I think Chad Wolf agreed with that too.

4 And, you know, the strange thing was, he then went from -- so, in that meeting, in
5 the 10:30 meeting, he pointed at Milley and he said, you know, "You're going to be in
6 charge, I want to you lead this thing," talking about dealing with civil unrest. And --

7 Q In Washington or across the country?

8 A I think it was across the country, but could've been just Washington. I think
9 it was certainly in Washington and maybe even broader. He said, "You're in charge. I
10 want you to be out there. You're going to take charge of this." And that's when I think
11 Milley said, "Look, this is not a military mission, and the military isn't going to be in charge
12 of it."

13 And I said something like, look, you know, it's one thing to put the military in
14 charge when you're faced with a civil war, you know, an actual armed insurrection, okay,
15 but something like this, it doesn't make sense. And the President said, okay, okay.

16 And Milley said, well, there should be a civilian agency that should take the lead,
17 and we can provide support to the civilian agency. And the President then pointed to
18 me and said, "Okay, you take the lead. You tell Milley what you need. And you
19 provide support to the Attorney General."

20 Q Uh-huh.

21 A And that's how we left the meeting.

22 Q With the understanding that you, meaning DOJ, was sort of the lead
23 agency --

24 A Yeah, whatever he meant by that, but the point was, Defense Department
25 was no longer going to be in charge.

1 Q Uh-huh.

2 A So then we go walking into the Governors meeting, and the President says, "I
3 have with me General Milley. I'm putting him in charge." I mean, the transcript speaks
4 for itself; I'm --

5 Q Yeah.

6 A -- just going by recollection, but -- and, you know, "He's never lost a battle,
7 and he doesn't like what he's seeing out there," and -- you know. And he kept -- and
8 he's talking about Milley being in charge. Esper and Milley looked at each other like,
9 "What did we get from the last meeting?"

10 But, anyway, that's not how it went down. And, later, you know, I met with
11 Milley and Esper and we agreed on, you know, what National Guard units would be
12 coming in and what their general assignments would be. And so that was all on June the
13 1st.

14 Then, during the summer, he raised using the military in Portland
15 and -- particularly in Portland, and, you know, he made sounds about the need to deal
16 with the remaining violence. And I said, it's really limited to Portland and some in
17 Seattle, and it's contained. It's ebbed in the rest of --

18 Q Right.

19 A -- the country. And I think if you send the regular military in to
20 Portland -- you know, I went through all the problems with doing it, not just the legal
21 issues -- because I said, you know, I'm not sure -- you know, if you want us to protect the
22 courthouse, we have the courthouse protected, okay? I said, if you want to, you know,
23 restore order to the entire city and pacify this city, you know, I think we're going to run
24 into all kinds of legal problems, and judges are not going to support the detention of
25 people by the military.

1 Q Uh-huh.

2 A And, you know, you're just going to be putting our military in a position
3 where they're going to have bricks thrown at them, you know, by these rioters, and we're
4 just going to look more impotent.

5 And I said, but even the worse thing would be if -- I guarantee you that if you send
6 regular military into Portland, there will be sympathy demonstrations in every city in the
7 country --

8 Q Uh-huh.

9 A -- that will turn into riots. And then, you know, a lot of the Governors and
10 mayors are going to say, you broke it, you fix it. And I said, we don't have enough in the
11 Federal Government to deal with that across the country.

12 Q Yeah.

13 A So I had to talk him out of it a few times, but he kept on saying that we
14 looked weak, and, you know, he obviously had an itch to use the military.

15 Q You say in your book: "Throughout the summer, using the military was one
16 of the President's fixations that had to be batted down on a regular basis. That mission
17 frequently fell to me. I had no problem using the military to restore law and order, but I
18 felt it should be a last resort. I argued instead that State and local governments had the
19 wherewithal to deal with the rioting. We should press them to act and, where
20 necessary, call up their own National Guard to provide whatever additional manpower
21 was needed."

22 A That's right.

23 Q Fair summary of it. It was, it sounds like, a repeated conversation --

24 A Yeah, I mean, I got called in on Portland two or three times at least.

25 Q Yeah.

1 You also mentioned that he wanted to look tough or send a tough message.
2 Were you ever present when he talked about things like shooting protesters in the legs or
3 very specific things that he thought would send a message of toughness?

4 A I don't recall that. It's possible he said something like that. I was in a
5 number of meetings with the DOD guys and me.

6 Q Yeah.

7 A It's possible he said something like that. I --

8 Q Secretary Esper, in his book, talks about this notion of shooting protesters --

9 A Yeah.

10 Q -- in the leg.

11 A But I can't remember when he said that conversation occurred.

12 Q Okay.

13 A I think they had some conversations the day before the 1st. If it occurred
14 then, I wasn't around. If it occurred when I was around, I didn't give it any -- you know, I
15 dismissed it as --

16 Q Yeah.

17 A -- you know, idle babble.

18 Q Okay. I understand.

19 Do you recall -- last question on this Insurrection Act topic -- that that issue was
20 raised again in any way in connection with the election, either before the election or after
21 the election, the use of troops at polling stations or the use of military troops in any way?

22 And you're gone by January 6th, but, specifically, whether that discussion was
23 repeated in preparation for January 6th?

24 A In preparation for the 6th or the election?

25 Q Well, either. Whether it came up again beyond the protests in the

1 summer.

2 A I can't -- you know, I honestly can't remember a discussion of using the
3 military either for the election and certainly not for January 6th.

4 Q Okay.

5 A I mean, if someone had said to me, you know, let's put the military at polling
6 stations, I said, "That is a nonstarter, forget about that," you know.

7 Q But you don't recall any such conversation?

8 A No.

9 Q Okay.

10 A But I don't recall that coming up.

11 I heard later that there was some draft executive order -- after I left, I heard there
12 was a draft executive order.

13 Q Yeah.

14 A But I don't recall -- I don't think that came through the Department of
15 Justice.

16 Q Okay.

17 A The normal process would have been for that to be reviewed by OLC.

18 Q Right.

19 A I never was told it was being reviewed. I doubt it came over. And I think
20 that would've been not approved by DOJ, certainly not by me.

21 Q Yeah.

22 A couple more things you say in your book that I just wanted to ask you about.

23 You say that the President at one point said, "Do you know what the secret is of a
24 really good tweet? Just the right amount of crazy."

25 I was wondering the context for that and your interpretation of what he meant.

1 A Well, just before the IG's report was going to be published on Crossfire
2 Hurricane, I went over to brief the President generally on what the report would be so he
3 wasn't completely blind-sided by it when it came out. And it was actually, generally,
4 something the President would view as favorable.

5 Q Sure.

6 A And so, after I described Horowitz's findings, you know, the meeting was
7 breaking up, and he said playfully -- this was an occasion where, even though this was
8 while the impeachment stuff was going on, he was in a playful mood. And he said,
9 "Well, I think I'm going to go out and tweet about this."

10 And then he looked over and he saw my look of discomfort, and he said, "You
11 know what makes for a good tweet?" And I said, "What?" He said, "Just the right
12 amount of crazy." And he smiled and laughed, and I laughed.

13 Q Uh-huh.

14 A I took it as a joke.

15 Q I see.

16 You also say in your book: "Trump didn't care if my decisions were right, so
17 much as whether they helped him. He had trouble distinguishing between the two."

18 A Yeah, I think that's self- --

19 Q What was the context of that?

20 A I forgot where I put that in the book.

21 Q Page 324.

22 A What was I discussing?

23 Q I don't remember.

24 A Oh, okay.

25 Q Just as an example of that, or what, sort of, informed that line in your book,

1 that he was more concerned about you helping him or your decisions helping him than
2 what was right.

3 A I mean, I think that came up -- uh --

4 Mr. Burnham. Here it is, if you want to see it.

5 [REDACTED] Thank you, [REDACTED].

6 Mr. Barr. Oh, yeah. Because that's actually, you know -- that was one I was
7 going to say. You know, he -- I made the decision about Comey during the summer of
8 2019. That was an IG report.

9 BY [REDACTED]

10 Q Uh-huh.

11 A It was about him taking his memos for the record and giving a number of
12 them, not all of them, to his lawyer, to a guy named Richman.

13 And I made the decision, based on all the recommendations up the whole chain,
14 that that was not going to be prosecuted. But that decision was delayed until after the
15 report -- that wouldn't be known until the report was published. I think the report was
16 published maybe at the end of the summer of 2019.

17 And the President was extremely mad at me. And he was not asking, you know,
18 that I change it; he realized, once it was published, that that decision had been made,
19 that was it. But he, you know, excoriated me for it and said he couldn't fathom it,
20 because he claimed he had read the report and it was a slam dunk.

21 And so, you know, that's an example.

22 Q Yeah.

23 A And, you know, I kept on explaining, you know, on things -- you know, he
24 wanted -- he never asked me for details of Durham or anything, which was actually sort of
25 surprising. I mean, he behaved himself fairly well. But he obviously, through his

1 tweets and everything else, was very impatient for --

2 Q Yeah.

3 A -- action to be taken.

4 Q Because it would somehow be perceived to be beneficial to him?

5 A Right.

6 And I said, look, we have to trust in our process there, you know. We hold the
7 power of prosecution. We don't wield it against people unless we feel there is an
8 adequate basis for it, which means we feel we have to have proof beyond a reasonable
9 doubt and could prove to a non-biased jury that a crime was committed, and I'm not
10 going to change that standard.

11 And, you know, I had had these conversations with him, that, you know, I was not
12 going to engage in tit-for-tat. I did feel that there was a double standard, but I said, the
13 way out of it is not to, you know, double-down on, you know, the double standard. It's
14 to, you know, try to handle everything the same.

15 Q Yeah.

16 A And, you know --

17 Q Yeah.

18 Similarly, you write: "In the final months of his administration, Trump cared
19 about only one thing: himself. Country and principle took second place."

20 A Well, I think I said that mainly in relation to, you know, the way he handled
21 the end game, but also his, you know, pouting in his tent during the Georgia thing. You
22 know, that was all about him.

23 Q Right.

24 A It was all about himself personally.

25 Q Not helping the two Senate candidates.

1 A And then he has the temerity to go around and call people RINOs, while he
2 was willing to essentially give up control of the Senate because he was pouting.

3 Q Yeah.

4 Last passage that I want to ask you about, page 459: "One thing Trump is
5 incapable of is nuance. His rhetorical skills, while potent within a very narrow range, are
6 hopelessly ineffective on questions requiring subtle distinctions. His main tools are
7 hyperbole and ridicule. Those aren't suitable when the task is to steer a sensitive course
8 between two opposing poles, tacking to move closer to one than the other."

9 Can you elaborate on that? Tell us more about your assessment of the President
10 with respect to complicated issues. It's 459.

11 Thanks, [REDACTED].

12 A Yeah, so I said that in relation to COVID, you know. And, I mean, I just think
13 that that sums up one of his difficulties as a -- you know, he has certain strengths as a
14 leader, and I think that's one of his weak points.

15 Q Uh-huh.

16 A And, I mean, I'm not sure I -- the point I'm making there is that handling a
17 matter like COVID, especially when you have to work with 50 Governors by the nature of
18 our system, it's going to take a lot of patience and some nuance, and especially
19 something like COVID, where everyone is dealing from a position of ignorance really,
20 right? And, you know, he just didn't have those tools.

21 Q Understood.

22 [REDACTED] All right. Well, I have no more questions. Let me see if anyone
23 on the video, Ms. Cheney or Mr. Chairman or anyone else, have anything on which you
24 want to follow up?

25 Ms. Cheney. I don't have any additional questions. I just wanted to say thank

1 you again, General Barr, for being here with us today. Appreciate it.

2 Mr. Barr. Thank you.

3 Ms. Lofgren. Certainly I'd like to thank you, General Barr, for your recounting of
4 these events. It's very helpful.

5 Mr. Barr. Thank you, Congresswoman.

6 [REDACTED] All right. With that, General Barr, I think --

7 Mr. Schiff. [REDACTED]

8 [REDACTED] Yes, Mr. Schiff. Go ahead.

9 Mr. Schiff. I don't have anything further. Once again, Mr. Attorney General,
10 thank you for coming in.

11 Mr. Barr. Thank you, Congressman.

12 [REDACTED] And let me just make clear, on the subject of you coming in,
13 General Barr, that there's an exhibit No. 1 -- we'll just put it in for the record. That's the
14 letter from the Department of Justice which indicated that, on the topics we've discussed,
15 it would not, in the current Department's view, be appropriate to assert an executive
16 privilege, and you have not asserted any executive privilege today. You're here
17 voluntarily, no subpoena.

18 On behalf of the committee, I just want to say thank you. We cannot do our
19 work to dive into the causes of January 6th and what happened without the cooperation
20 of folks like you who were present for relevant events. So we very much appreciate
21 your willingness to cooperate voluntarily and provide this helpful information.

22 Mr. Barr. Thank you.

23 [REDACTED] And, with that, we'll go off the record.

24 [Whereupon, at 12:34 p.m., the interview was concluded.]

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Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date