

1 OFFICE OF GENERAL COUNSEL
2 U.S. HOUSE OF REPRESENTATIVES
3 5140 O'Neill House Office Building
4 Washington, D.C. 20515

5 SHER TREMONTE LLP
6 90 Broad Street, 23rd Floor
7 New York, New York 10004

8 ARNOLD & PORTER
9 601 Massachusetts Ave, NW
10 Washington, D.C. 20001

11 Counsel for the Congressional Defendants

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**
14 **SOUTHERN DIVISION**

15 JOHN C. EASTMAN

16 Plaintiff,

17 vs.

18 BENNIE G. THOMPSON, *et al.*,

19 Defendants.

Case No. 8:22-cv-00099-DOC-DFM

20
21
22
23
24
25 **Exhibit G**
26
27
28

1

2

3

4

5

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

10

11

12

13 DEPOSITION OF: KEITH KELLOGG, JR.

14

15

16

17

Tuesday, December 14, 2021

18

19

Washington, D.C.

20

21

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

24

Present: Representatives Aguilar and Cheney.

1 Appearances:

2

3

4

5 For the SELECT COMMITTEE TO INVESTIGATE

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

7 TIM HEAPHY, CHIEF INVESTIGATIVE COUNSEL

8 DAN GEORGE, SENIOR INVESTIGATIVE COUNSEL

9 JENNA HOPKINS, PROFESSIONAL STAFF

10 SAMANTHA STILES, CHIEF ADMINISTRATIVE OFFICER

11 SADALLAH FARAH, RESEARCHER

12 EVAN MAULDIN, CHIEF CLERK

13 JOHN WOOD, SENIOR INVESTIGATIVE COUNSEL

14 AND OF COUNSEL TO THE VICE CHAIR

15

16

17 For KEITH KELLOGG, JR.:

18 JOHN COALE

1 experts on election procedures.

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

5 A No. It was my own personal belief.

6 Q Okay.

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

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

11 A No.

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

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

16 Mr. George. That's exactly where we're headed now, Ms. Cheney.

17 Ms. Cheney. Great. Thank you.

18 BY MR. GEORGE:

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

21 A Uh-huh.

22 Q Is that right?

23 A Yes. That's correct.

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

25 A Maybe around 9.

1 A I was.

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

4 A It happened about the same time.

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

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

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

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

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

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

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

17 A Yeah.

18 Q Okay.

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

20 Q Okay.

21 Mr. Wood. Can I just interrupt?

22 If we found a photo --

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

24 Mr. Wood. Well, Eric Herschmann was --

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

1 sure that's who it was.

2 Mr. Heaphy. He's a lawyer and he has gray hair.

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

4 Mr. Wood. If we found his photo and then showed it to you --

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

6 Mr. Wood. I can do that if you want.

7 Mr. George. Yeah.

8 BY MR. GEORGE:

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

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

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

13 A I think -- I didn't -- I can't recall, Dan, the exact words.

14 Q Okay.

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

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

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

21 Q Yeah. Of course.

22 A That's him.

23 Q Eric Herschmann?

24 Mr. Wood. Yes.

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

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

2 BY MR. GEORGE:

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

4 A Uh-huh.

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

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

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

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

12 A Yeah. I would make the same assumption, Dan, yeah.

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

16 Do you remember anything like that?

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

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

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

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

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

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