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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 DEPOSITION OF: JENNA ELLIS

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Tuesday, March 8, 2022

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Washington, D.C.

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The deposition in the above matter was held via Webex, commencing at 10:03

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a.m.

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Present: Representatives Aguilar, Raskin, and Kinzinger.

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Appearances:

For the SELECT COMMITTEE TO INVESTIGATE
THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

- ████████████████████, INVESTIGATIVE COUNSEL
- ████████████████████ SENIOR ADMINISTRATIVE ASSISTANT
- ████████████████████, PROFESSIONAL STAFF MEMBER
- ████████████████████, SENIOR INVESTIGATIVE COUNSEL
- ████████████████████, SENIOR INVESTIGATIVE COUNSEL
- ████████████████████, CHIEF INVESTIGATIVE COUNSEL
- ████████████████████, INVESTIGATIVE COUNSEL
- ████████████████████, CHIEF CLERK
- ████████████████████, PROFESSIONAL STAFF MEMBER

For JENNA ELLIS:

MICHAEL MELITO

1

2 [REDACTED] Good morning.

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

6 Good morning, Ms. Ellis. Could you please state your full name and spell your
7 last name for the record?

8 The Witness. My name is Jenna Lynn Ellis. Last name, E-I-I-i-s.

9 [REDACTED] Thank you.

10 This will be a staff-led deposition, and members of the select committee, of
11 course, may choose also to join us and ask questions.

12 As I mentioned, my name is [REDACTED]. I am an investigative counsel for the
13 select committee. And also here in the room or participating virtually on staff of the
14 select committee are [REDACTED], our chief investigative counsel. Here in the room
15 with me is [REDACTED], a senior investigative counsel for the select committee.

16 [REDACTED] Good morning.

17 [REDACTED] Also [REDACTED], a member of our professional staff, [REDACTED]
18 [REDACTED], investigative counsel for the committee. And I see also that Representative
19 Raskin has joined us as well.

20 So before we begin, I'd like to cover a few ground rules.

21 We will follow the House deposition rules that we provided to your counsel
22 previously and that were included with your subpoena. Under the House deposition
23 rules, counsel for other persons or government agencies may not attend, and you are
24 permitted to have your attorney present.

25 Under the House rules, neither committee members, nor staff, may discuss the

1 substance of testimony you provide today, unless the committee approves release.

2 You and your counsel will have an opportunity to review the transcript.

3 At this time, Counsel, could you state your appearance for the record?

4 Mr. Melito. Yes. Michael Melito on behalf of Jenna Ellis.

5 [REDACTED] Thank you.

6 So, Ms. Ellis, there is an official reporter transcribing the record of this deposition.

7 So for that reason, please wait until each question is completed before you begin your

8 response, and we will try to wait until your responses are complete to ask our next

9 question.

10 The stenographer cannot record nonverbal responses, such as shaking your head,

11 so it is important that you answer each question with an audible verbal response.

12 We ask that you provide complete answers based on your best recollection. If

13 the question is not clear, please ask for clarification and we'll be happy to clarify. And if

14 you do not know the answer, please simply say so.

15 You may only refuse to answer a question to preserve a privilege recognized by

16 the select committee. If you refuse to answer a question based on a privilege, staff may

17 either proceed with the deposition or seek a ruling from the chair on the objection. If

18 the chair overrules such an objection, you will be required to answer the question.

19 So, again, please don't hesitate to ask us to repeat a question if it's not clear, and

20 if you need to consult with your counsel at any time during this deposition that's no

21 problem. We can go off the record and you can mute and close your video to have a

22 sidebar conversation in this virtual format.

23 If you need a break at any time during this deposition, please just let us know, and

24 we will try to take a break at a reasonable time, so that everyone doesn't get too tired

25 here, too.

1 I also want to remind you that it is unlawful to deliberately provide false
2 information to Congress. And since this deposition will be under oath, providing false
3 information could result in criminal penalties for perjury and/or for providing false
4 statements.

5 Ms. Ellis, do you understand that?

6 The Witness. I do. Thank you.

7 [REDACTED]. Okay. Could you please stand and raise your right hand to be
8 sworn by the court reporter?

9 The Reporter. Do you solemnly swear and affirm under the penalty of perjury
10 that the testimony you are about to give will be the truth, the whole truth, and nothing
11 but the truth?

12 The Witness. I do so swear.

13 The Reporter. Thank you.

14 [REDACTED]. Okay. Great.

15 So, again, logistically please let us know if you need any breaks as we go through
16 the process this morning.

17 Any questions or anything to address before we get started?

18 The Witness. No, thank you.

19 [REDACTED]. Okay. Great.

20 EXAMINATION

21 BY [REDACTED]

22 Q Ms. Ellis, we have some documents, exhibits to the deposition, that we're
23 going to show you today. So I'll ask Mr. Saunders, when he has a moment here, to put
24 up exhibit 1 on the screen so you can see it.

25 Ms. Ellis, can you see the shared screen there?

1 A I can.

2 Q Okay. Great.

3 So you understand that you are appearing pursuant to this subpoena issued to
4 you by the select committee. Is that correct?

5 A Yes.

6 Q Okay. A part of the subpoena required you to produce documents and
7 information, including electronically stored information. Do you understand that
8 obligation?

9 A Yes.

10 Q Have you reviewed the schedule of requests that were attached to the
11 subpoena?

12 A Yes.

13 Q And did you search for records that are responsive to the subpoena as
14 reflected in that schedule?

15 A Yes.

16 Q Have you produced to the select committee all documents and
17 communications in your possession, custody, or control that are responsive to the
18 requests in the subpoena?

19 A I have an ongoing obligation to continue to produce and have made best
20 efforts to comply, yes.

21 Q Okay.

22 Could we also put up exhibit 2, please?

23 Ms. Ellis, do you recognize this document?

24 A Yes.

25 Q Okay. This is a form of certification of compliance to the subpoena that

1 you produced to the select committee. In this letter, you noted that there are many
2 additional documents that may be responsive to the subpoena request that are no longer
3 in your possession, custody, or control. Can you please describe those documents for
4 us?

5 A Upon advice of counsel, I am invoking my constitutionally protected right to
6 assert the Fifth Amendment.

7 Q Right. Just to clarify, the question is directed only to the statements that
8 you made in the certification previously provided to the committee. So are you invoking
9 your Fifth Amendment right to refuse to answer questions regarding documents that you
10 identified in the certification as no longer being in your possession, custody, or control?

11 A No. My certification is correct.

12 Q Okay. Can you describe for us the efforts that you made to determine
13 what documents you -- the location of documents that you remembered being responsive
14 to the request in the subpoena but no longer being in your possession, custody, or
15 control?

16 A I searched my personal emails accounts that are still in my possession,
17 custody, or control, I searched my physical documents that are still in my possession,
18 custody, or control, and made every effort to locate any documents, either electronic,
19 also in my phone, for text messages, any other threads that may be contained in my
20 personal phone.

21 Q Okay. Great. Thank you. I'm going to ask you a few follow-up questions
22 just to understand those categories of documents a little bit better.

23 So you said you identified some hard copy documents, or places where you knew
24 hard copy documents may be stored. Can you describe to us with a little bit more
25 specificity for us, what types of hard copy documents did you search?

1 A I searched any of my case file that I maintained after the conclusion of
2 representation.

3 Q Okay. And did that include boxes of documents, binders? In what format
4 were they stored?

5 A In binders, in boxes.

6 Q Okay. What about handwritten notes? Do you maintain any notebooks
7 or other sort of repositories of handwritten notes from this time period?

8 A I had a couple of legal pads that contained notes that I also produced on my
9 privilege log. That would've been labeled handwritten notes.

10 Q Okay. So all of the legal pads or handwritten notes that you searched for
11 potentially responsive materials, those are all reflected on your privilege log, rather than
12 documents that we received in your production? Is that correct?

13 A Handwritten notes are all on my privilege log, that is correct.

14 Q Okay. What about other types of electronically stored or, like, stand-alone
15 electronic documents, things maintained in Microsoft Word or Excel, those type of files,
16 did you search any locations where those documents might be stored?

17 A I did, yes. That would've been on my personal laptop hard drive that was
18 also searched as well and would've been produced if responsive.

19 Q Okay. And is this the same computer that you used during the relevant
20 time period of the subpoena, which, just to refresh your recollection, was November 3rd,
21 2020, through January 21st, 2021?

22 A It is.

23 Q Okay. Did you have another computer during that time?

24 A I did not.

25 Q Okay. Did you ever -- were you ever issued a computer by the Trump

1 campaign?

2 A No, I was not.

3 Q Okay. You mentioned that you searched some email accounts for
4 documents that would potentially be responsive to the subpoena. Can you tell us with
5 more specificity which email accounts you searched?

6 A My Gmail email account and also my Thomas More Society account. Both
7 of those are tied electronically to a repository that would be online for my own access.

8 Q Okay. Did you have any other email accounts during this relevant time
9 period, other than the two that you've just identified for us?

10 A I did. I had an @DonaldTrump.com account that I no longer have access to
11 and is outside of my possession, custody, or control.

12 Q Okay. Can you describe for us any efforts that you undertook to gain
13 access to your emails from your @DonaldTrump email address?

14 A Those are outside of my possession, custody, or control, and, as mentioned
15 in my certification to the committee, I identified where those would be located, as well as
16 the point of contact that would be best able to produce those.

17 Q Okay. So that portion of your certification -- maybe, [REDACTED], could you scroll
18 down that document a little bit more? There we go. The first sentence in the third
19 paragraph ends that you are aware that there are many additional documents that may
20 be responsive to the select committee's request and are no longer in your possession,
21 custody, or control.

22 Was this the -- when you added that to your certification, were you referring to
23 your emails contained in your Donald Trump email account?

24 A Well, as the certification continues, the next sentence -- well, about two
25 sentences later, says, "The potentially responsive additional documents of which I speak

1 are likely currently in the possession of my former client, Donald J. Trump for President,
2 Inc."

3 Q Okay. In addition to your emails in the Donald Trump email account, are
4 there other documents that you're referring to here that you know might have responsive
5 materials but are no longer in your possession, custody, or control?

6 A I'm not aware of any documents that would have been outside of my
7 possession, custody, or control that would've been responsive to my subpoena other than
8 my email account.

9 Q Okay. Thank you.

10 You also mentioned earlier that you had searched for potentially responsive text
11 messages. Can you identify any devices that you searched for text messages?

12 A My personal iPhone.

13 Q Okay. And is that the same phone that you used during the relevant time
14 period for the subpoena?

15 A It is.

16 Q Did you have another phone during that time period?

17 A I did not.

18 Q Did you search any other messaging applications where there might be
19 responsive information?

20 A I searched the Signal application.

21 Q Okay. Did you use any other messaging applications during this time
22 period, like WhatsApp, Telegram, any others?

23 A Not that I recall, no.

24 Q Okay. In the Signal application, did you locate any responsive information
25 through your searches of that app?

1 A Any responsive materials that would've been located were either provided
2 to the committee or mentioned in my privilege log.

3 Q Okay. Any other potentially responsive information that you recalled being
4 stored in the Signal app but that was no longer available when you went to search it?

5 A I'm not sure I understand the question.

6 Q Sure. I'm aware that Signal often has a process whereby one or more of
7 the recipients can set a time after which an email -- or a message rather -- is deleted from
8 the app.

9 So my question is really specific to Signal. When you went to search Signal, were
10 there any potentially responsive communications that you recalled existing on the app
11 but that were no longer available at the time that you searched it?

12 A Not that I specifically recall. I searched the Signal app as well as my
13 iMessage app for anything within the relevant time periods. I'm sure that there were
14 some Signal messages that, as you said, were deleted due to the auto delete, but nothing
15 that I specifically recall searching for that was no longer available.

16 Q Okay. And just generally speaking, can you describe for us your -- the
17 purpose of using Signal?

18 A Generally speaking, it's more secure. And I've been advised by colleagues
19 that the message end-to-end encryption is potentially more secure than iMessage. So
20 that was my purpose for using it.

21 Q Okay. Did you primarily use one app versus the other for communications
22 related to your work during this time period, whether it's iMessage or Signal?

23 A Probably I used iMessage more frequently, but I don't -- I wouldn't have a
24 percentage guess.

25 Q Okay. Did you also search for any social media messaging that might have

1 responsive information?

2 A I looked on my Twitter account and Facebook page, and since those are
3 publicly available did not include those as responsive, but do have a list of my Twitter
4 posts, for example, and Facebook as well.

5 Q Oh, great. So you mentioned a list. Is that something that you compiled
6 of potentially responsive tweets?

7 A Not necessarily as potentially responsive, but just for my own information as
8 to what I communicated to the public during that time. I didn't necessarily believe, in
9 consultation with my attorney, that those were specifically responsive to the subpoena,
10 since they're publicly available.

11 Q Okay. That's helpful to know, to gather everything in one place.

12 What about in the direct messaging feature of either of those apps or any other
13 social media applications, did you have any responsive material there?

14 A Not that I came across, no.

15 Q Did you search for Twitter or Facebook direct messages?

16 A I looked through some Twitter DMs, and those, as far as I'm aware at this
17 time, don't have anything responsive that I haven't already provided either on my
18 production or in the privilege log.

19 Q Okay. And what about any other social media applications? Do you use
20 Instagram or Parler?

21 A I use Parler some, I haven't recently, and I do use Instagram for some posts,
22 yes.

23 Q Okay. Did you search either of those applications?

24 A I did not search Parler and I did not search the DM of Instagram. I don't
25 generally use that very frequently.

1 Q Okay. Thank you.

2 So other than what we've discussed so far, have you destroyed, deleted, or
3 otherwise manipulated any documents responsive to the request described in the
4 subpoena?

5 A No.

6 Q Okay.

7 ██████, could you please bring up exhibit 6?

8 Ms. Ellis, this is the privilege log that your counsel produced to the select
9 committee. It can be a little bit hard to read in this process. So we can scroll to the
10 appropriate locations if necessary. But there are a few questions we wanted to ask you
11 about materials that are reflected on this privilege log.

12 So there are several individuals that were listed on the privilege log who are not
13 attorneys and/or for whom there's no apparent confidential or attorney-client agent
14 relationship. So we'd just like to ask you some questions to understand a little bit better
15 the circumstances of the connection to these individuals as well as your claims of
16 privilege or attorney work product protection.

17 So I'm going to ask you a few -- whether each of these individuals have an
18 attorney-client relationship with the campaign, or whether they were performing work in
19 anticipation of litigation at the direction of an attorney for the campaign.

20 So the first name that I'd like to identify for you is Maria Ryan. Are you familiar
21 with that name?

22 A I am.

23 Q Okay. Was Ms. Ryan -- did Ms. Ryan have an attorney-client relationship
24 with the Trump campaign?

25 A Pursuant to advice of my counsel, I'll invoke my constitutionally protected

1 right to assert the Fifth Amendment.

2 Q What about Mark Meadows, who's reflected on this privilege log?

3 Mr. Meadows was not an attorney. He was acting at -- he was at the time the White
4 House chief of staff. Was Mr. Meadows performing work in anticipation of litigation at
5 the direction of an attorney for the Trump campaign?

6 A Pursuant to advice of counsel, I'll invoke my constitutionally protected right
7 to assert the Fifth Amendment.

8 Q Okay. One more. What about Steve Bannon, who's a name that is
9 reflected on this privilege log? Was Mr. Bannon performing work at the direction of a
10 lawyer for the Trump campaign?

11 A Pursuant to advice of counsel, I will invoke my constitutionally protected
12 right to assert the Fifth Amendment.

13 Q Ms. Ellis, there's a name on this privilege log, the document identifier is
14 number 7612 -- or, forgive me, 7614. The name is reflected on the log as just Ali, A-I-i.
15 Can you identify for us who that individual is?

16 A Pursuant to advice of counsel, I will invoke my constitutionally protected
17 right to assert the Fifth Amendment.

18 [REDACTED] Ms. Ellis, is that person Ali Alexander?

19 The Witness. Pursuant to advice of counsel, I will invoke my constitutionally
20 protected right to assert the Fifth Amendment.

21 [REDACTED] Did you have communications with Ali Alexander during the time
22 period of November of 2020?

23 The Witness. Pursuant to advice of counsel, I will assert my constitutionally
24 protected right to the Fifth Amendment.

25 BY [REDACTED]:

1 Q A little bit farther down this privilege log, for example, the document that is
2 identified by number 7790, there's a name that appears, Doug Mastriano.

3 Is Mr. Mastriano a lawyer or otherwise acting at the direction of a lawyer for the
4 Trump campaign?

5 A Pursuant to advice of counsel, I will invoke my constitutionally protected
6 right to assert the Fifth Amendment.

7 Q Ms. Ellis, is the Doug Mastriano that you're referring to in this privilege log
8 the same individual that is a State senator in the State of Pennsylvania?

9 A Pursuant to advice of counsel, I will invoke my constitutionally protected
10 right to assert the Fifth Amendment.

11 Q Just below that entry, a document with the identifier number 7834, there is
12 a text message communication between yourself and Eric Trump. It has been withheld
13 from production not only under the work product doctrine but also as a privileged
14 attorney-client communication.

15 Was Eric Trump a client of yours during this time period?

16 A Pursuant to advice of counsel, I will invoke my constitutionally protected
17 right to assert the Fifth Amendment.

18 BY [REDACTED]:

19 Q Ms. Ellis, I want to go back to the Doug Mastriano references. I see there's
20 a few of them on the privilege log.

21 Was Mr. Mastriano a client of yours at any time?

22 A Pursuant to advice of counsel, I'll invoke my constitutionally protected right
23 to assert the Fifth Amendment.

24 Q I can see that, according to the privilege log, there's a text message on
25 November 25th saying that -- and the entry says that it was discussing internal legal

1 strategy for possible pending litigation.

2 What litigation strategy were you discussing with Mr. Mastriano on November
3 25th, 2020?

4 A Pursuant to advice of counsel, I will invoke my constitutionally protected
5 right to assert the Fifth Amendment.

6 Q I can see on November 27th, Mr. Mastriano was part of a group text
7 discussion, it appears, with Bill Bock and Mike Jones and yourself, also to discuss internal
8 legal strategy.

9 What legal strategy were you discussing with Mr. Mastriano on November 27th,
10 2020?

11 A Pursuant to advice of counsel, I will invoke my constitutionally protected
12 right to assert the Fifth Amendment.

13 Q There's also a text message, apparently on November -- also on November
14 27th, involving you, Mr. Mastriano, and someone with the telephone number
15 [REDACTED], also to discuss legal strategy.

16 What legal strategy were you discussing with those two individuals on November
17 27th?

18 A Pursuant to advice of counsel, I'll invoke my constitutionally protected right
19 to assert the Fifth Amendment.

20 [REDACTED]. Great. I'd just like to note for the record, that Representative
21 Kinzinger has joined us as well.

22 Ms. Ellis, and a couple more questions about this privilege log. There's an entry
23 with, for example, a document number that begins 9 -- 7981. This is a text -- described
24 as a text message discussion of internal legal strategy for possible pending litigation.
25 Included in that group text message, in addition to yourself, are two individuals, Jay

1 Sekulow and Eric Herschmann.

2 Can you tell us what role Mr. Sekulow and Mr. Herschmann played for the Trump
3 campaign?

4 The Witness. Pursuant to advice of counsel, I'll invoke my constitutionally
5 protected right to assert the Fifth Amendment.

6 BY [REDACTED]:

7 Q Ms. Ellis, on November 24th there's a, looks like, a group text between you,
8 Boris Epshtyn, and Alex Bruesewitz involving legal strategy for Wisconsin.

9 Can you tell us what -- whether you had an attorney-client relationship with Alex
10 Bruesewitz?

11 A Pursuant to advice of counsel, I will invoke my constitutionally protected
12 right to assert the Fifth Amendment.

13 Q Is he a lawyer?

14 A Pursuant to advice of counsel, I will assert my constitutionally protected
15 right to invoke the Fifth Amendment.

16 Q What discussions were you having with Mr. Epshtyn and Mr. Bruesewitz
17 regarding legal strategy on November 24th, 2020?

18 A Pursuant to advice of counsel, I will invoke my constitutionally protected
19 right to assert the Fifth Amendment.

20 [REDACTED]. Ms. Ellis, there's another text message communication on your log
21 with the identifier 7847. It's a group text message from November 21st, 2020. The
22 participants in that text message, as reflected on your privilege log are yourself, Andrew
23 Giuliani, Peter Navarro, and Joanna Miller.

24 What relationship did Andrew Giuliani, Peter Navarro, and Joanna Miller have
25 with the Trump campaign?

1 The Witness. Pursuant to advice of counsel, I will invoke my constitutionally
2 protected right to assert the Fifth Amendment.

3 ██████████. Were Mr. Giuliani, Mr. Navarro, or Ms. Miller acting as attorneys for
4 the Trump campaign or at the direction of attorneys for the Trump campaign at this time?

5 The Witness. Pursuant to advice of counsel, I will invoke my constitutionally
6 protected right to assert the Fifth Amendment.

7 ██████████. I'll pause here to see if anyone else has any other questions about
8 the privilege log before we move on.

9 ██████████. Ms. Ellis, actually, I think -- if you can just tell us, are you -- do you
10 intend to assert your Fifth Amendment rights to any questions that we ask you about
11 details of this privilege log that you've produced?

12 The Witness. Pursuant to advice of counsel, yes, I do intend to invoke my
13 constitutionally protected right to the Fifth Amendment to any substantive questions.

14 ██████████. Thank you.

15 BY ██████████:

16 Q Okay. Ms. Ellis, did you communicate by text message during the relevant
17 time period for the subpoena with Mark Meadows, the White House chief of staff?

18 A Pursuant to advice of counsel, I will invoke my constitutionally protected
19 right to assert the Fifth Amendment.

20 Q Earlier, when we were discussing the locations where you searched for
21 material potentially responsive to the subpoena, you identified a personal iPhone, I
22 believe it was, that cell phone that you used during this time period and that you still
23 have access to. I won't identify the whole number, but is that the phone number with
24 the last four digits ██████████?

25 A Yes, it is.

1 Q Okay. And is that the same phone number associated with the iMessage
2 account that you told us a few minutes ago that you searched for material responsive to
3 the subpoena?

4 A Yes, it is.

5 Q So we're aware of at least 350 text messages between you and
6 Mr. Meadows between November 3rd, 2020, and January 13th, 2021. However, it looks
7 like your privilege log reflects only 35 of those text messages. Can you explain why that
8 might be?

9 A Pursuant to advice of counsel, I will invoke my constitutionally protected
10 right to assert the Fifth Amendment.

11 Q Did you not produce these text messages with Mark Meadows because you
12 determined that every text message between you and Mark Meadows was either an
13 attorney-client privilege communication or a confidential communication prepared in
14 anticipation of litigation?

15 A Pursuant to advice of counsel, I will invoke my constitutionally protected
16 right to assert the Fifth Amendment.

17 Q To which of your attorney-client relationships was Mr. Meadows a party?

18 A Pursuant to advice of counsel, I'll invoke my constitutionally protected right
19 to assert the Fifth Amendment.

20 Q Ms. Ellis, are you going to assert your Fifth Amendment privilege to any
21 questions I would ask you about your interactions with and text messages with the White
22 House chief of staff, Mark Meadows?

23 A Yes.

24 Q Is that because you believe the answer to these questions may tend to
25 incriminate you?

1 A Pursuant to advice of counsel, I will invoke my constitutionally protected
2 right to assert the Fifth Amendment.

3 Q Ms. Ellis, let's talk a little bit about your professional background.
4 You graduated from Colorado State University. Is that correct?

5 A Yes, that's correct.

6 Q Okay. And where did you attend law school?

7 A The University of Richmond, T.C. Williams School of Law after transferring
8 from Liberty University where I began my law school career.

9 Q Okay. And in what year did you graduate from law school?

10 A 2011.

11 Q And when were you first admitted to the bar?

12 A In October of 2011.

13 Q Which State bars have you been a member of since that time period?

14 A The State of Colorado.

15 Q So at the time of the 2020 Presidential election, you had been practicing law
16 for approximately 9 years. Is that correct?

17 A Approximately, yes.

18 Q Can you describe for us a little bit your experience as a lawyer since
19 graduating? I understand that you worked in government service for a time period.
20 Can you tell us about that?

21 A Pursuant to advice of counsel, I'll invoke my constitutionally protected right
22 to assert the Fifth Amendment.

23 Q Okay. Ms. Ellis, did you serve as a deputy district attorney at some time
24 period after graduating from law school?

25 A Pursuant to advice of counsel, I'll invoke my constitutionally protected right

1 to assert the Fifth Amendment.

2 Q Did you also serve as a law professor at any time since graduating from law
3 school?

4 A Pursuant to advice of counsel, I will invoke my constitutionally protected
5 right to assert the Fifth Amendment.

6 Q Ms. Ellis, have you been affiliated with the Thomas More Society since your
7 graduating from law school?

8 A Pursuant to advice of counsel, I will invoke my constitutionally protected
9 right to assert the Fifth Amendment.

10 Q Is the Thomas More Society a 501(c)(3) charitable organization?

11 A Pursuant to advice of counsel, I will invoke my constitutionally protected
12 right to assert the Fifth Amendment.

13 Q Have you ever been associated with or employed by the Amistad Project?

14 A Pursuant to advice of counsel, I will invoke my constitutionally protected
15 right to assert the Fifth Amendment.

16 Q Do you have an attorney-client relationship with the Amistad Project?

17 A Pursuant to advice of counsel, I will invoke my constitutionally protected
18 right to assert the Fifth Amendment.

19 Q Were you employed or affiliated with the Amistad Project at any point
20 between November 3rd, 2020, and January 20th, 2021?

21 A Pursuant to advice of counsel, I will invoke my constitutionally protected
22 right to assert the Fifth Amendment.

23 Q Ms. Ellis, how long have you known Phill Kline?

24 A Pursuant to advice of counsel, I will invoke my constitutionally protected
25 right to assert the Fifth Amendment.

1 Q Ms. Ellis, what types of legal training did you have regarding constitutional
2 law?

3 A Pursuant to advice of counsel, I will invoke my constitutionally protected
4 right to assert the Fifth Amendment.

5 Q What prior experience before November 3rd, 2020, did you have regarding
6 the 12th Amendment or the Electoral Count Act?

7 A Pursuant to advice of counsel, I will invoke my constitutionally protected
8 right to assert the Fifth Amendment.

9 Q Ms. Ellis, what is your current occupation?

10 A Pursuant to advice of counsel, I will invoke my constitutionally protected
11 right to assert the Fifth Amendment.

12 Q I'll pause there to see if anyone has any other questions about the
13 professional background here.

14 Okay.

15 Ms. Ellis, let's talk a little bit about your role with the Trump campaign beginning
16 in the pre-election time period.

17 So what role did you have with the Trump campaign before election day,
18 November 3rd, 2020?

19 A Pursuant to advice of counsel, I will invoke my constitutionally protected
20 right to assert the Fifth Amendment.

21 Q Did you work as a surrogate, a media surrogate for the Trump campaign?

22 A Pursuant to advice of counsel, I will invoke my constitutionally protected
23 right to assert the Fifth Amendment.

24 Q Ms. Ellis, when were you first retained as an attorney for the Trump
25 campaign?

1 A Pursuant to advice of counsel, I will invoke my constitutionally protected
2 right to assert the Fifth Amendment.

3 Q Who contacted you about representing the Trump campaign?

4 A Pursuant to advice of counsel, I will invoke my constitutionally protected
5 right to assert the Fifth Amendment.

6 Q Ms. Ellis, can you describe for us, please, the scope of your retention or
7 engagement with the Trump campaign?

8 A Pursuant to advice of counsel, I will invoke my constitutionally protected
9 right to assert the Fifth Amendment.

10 Q Ms. Ellis, did you receive a signed engagement or retention letter from the
11 campaign?

12 A Pursuant to advice of counsel, I will invoke my constitutionally protected
13 right to assert the Fifth Amendment.

14 [REDACTED] Ms. Ellis, will your answer be the same with respect to any questions
15 we ask of you regarding your retention by the Trump campaign?

16 The Witness. Yes.

17 [REDACTED] [REDACTED], could you please pull up exhibit No. 3?

18 BY [REDACTED]:

19 Q Ms. Ellis, do you see this document?

20 A Yes.

21 Q Do you recognize it?

22 A Yes.

23 Q Okay. This looks to be a document that you produced in response to the
24 subpoena that appears to be an invoice submitted by you, Jenna Ellis, to your client,
25 Donald J. Trump for President, Inc., reflecting services performed in December 2020 and

1 January 2021, an invoice for a total of \$22,500.

2 Were you -- did you receive payment on this invoice from the Trump campaign?

3 A Pursuant to advice of counsel, I will invoke my constitutionally protected
4 right to assert the Fifth Amendment.

5 Q Ms. Ellis, can you describe for us the services that you performed that are
6 reflected on this invoice?

7 A Pursuant to advice of counsel, I will invoke my constitutionally protected
8 right to assert the Fifth Amendment.

9 Q [REDACTED], could you please bring up exhibit No. 4?
10 Ms. Ellis, do you recognize this document?

11 A Yes.

12 Q Okay. What is it?

13 A Pursuant to advice of counsel, I will invoke my constitutionally protected
14 right to assert the Fifth Amendment.

15 Q Okay. I'll describe this document generally as it came from your
16 production, it is an invoice for October 2020 and November 2020 services for a total of
17 \$30,000.

18 Did you receive payment on this invoice from the Trump campaign?

19 A Pursuant to advice of counsel, I will invoke my constitutionally protected
20 right to assert the Fifth Amendment.

21 Q According to public FEC reports on disbursements by the Trump campaign or
22 an associated political action committee, you received a total of \$138,259 for the 2020
23 election cycle. Is that correct?

24 A Pursuant to advice of counsel, I will invoke my constitutionally protected
25 right to assert the Fifth Amendment.

1 Q Okay. Ms. Ellis, will your answer be the same to all of our questions about
2 payments you received from the Trump campaign?

3 A Yes.

4 Q So I have a few questions for you about the legal team representing the
5 Trump campaign, and in particular in the post-election time period that's the subject of
6 the subpoena.

7 Who was on the legal team?

8 A Pursuant to advice of counsel, I will invoke my constitutionally protected
9 right to assert the Fifth Amendment.

10 Q How long have you worked with Mr. Giuliani?

11 A Pursuant to advice of counsel, I will invoke my constitutionally protected
12 right to assert the Fifth Amendment.

13 Q I want to ask you about a few members of the Trump campaign staff to see if
14 they were involved, in your view, as the legal efforts.

15 Did you work with Justin Clark?

16 A Pursuant to advice of counsel, I will invoke my constitutionally protected
17 right to assert the Fifth Amendment.

18 Q Did you work with Boris Epshtyn?

19 A Pursuant to advice of counsel, I will invoke my constitutionally protected
20 right to assert the Fifth Amendment.

21 Q We've seen several documents that reflect Mr. Epshtyn's employment by the
22 Trump campaign as a strategic adviser. Was he working as in a legal role for the
23 campaign at any time?

24 A Pursuant to advice of counsel, I will invoke my constitutionally protected
25 right to assert the Fifth Amendment.

1 Q Did Mr. Epshtyn have an attorney-client relationship with the Trump
2 campaign?

3 A Pursuant to advice of counsel, I will invoke my constitutionally protected
4 right to assert the Fifth Amendment.

5 Q Ms. Ellis, will your answers be the same for other staff members of the
6 Trump campaign?

7 A Yes.

8 Q I'm going to ask you about a few outside lawyers, and our questions will be
9 directed to their connections with the Trump campaign as well.

10 Did Rudy Giuliani have an attorney-client relationship with the Trump campaign?

11 A Pursuant to advice of counsel, I will invoke my constitutionally protected
12 right to assert the Fifth Amendment.

13 Q Did Sidney Powell have an attorney-client relationship with the Trump
14 campaign?

15 A Pursuant to advice of counsel, I will invoke my constitutionally protected
16 right to assert the Fifth Amendment.

17 Q Was Sidney Powell performing work in anticipation of litigation at the
18 direction of an attorney for the Trump campaign?

19 A Pursuant to advice of counsel, I will invoke my constitutionally protected
20 right to assert the Fifth Amendment.

21 Q Did Bernard Kerik have an attorney-client relationship with the Trump
22 campaign?

23 A Pursuant to advice of counsel, I will invoke my constitutionally protected
24 right to assert the Fifth Amendment.

25 Q Was Mr. Kerik performing work in anticipation of litigation at the direction of

1 an attorney for the Trump campaign?

2 A Pursuant to advice of counsel, I will invoke my constitutionally protected
3 right to assert the Fifth Amendment.

4 Q Did Christina Bobb have an attorney-client relationship with the Trump
5 campaign?

6 A Pursuant to advice of counsel, I will invoke my constitutionally protected
7 right to assert the Fifth Amendment.

8 Q Was Ms. Bobb performing work in anticipation of litigation at the direction
9 of an attorney for the Trump campaign?

10 A Pursuant to advice of counsel, I will invoke my constitutionally protected
11 right to assert the Fifth Amendment.

12 Q Did Katherine Friess have an attorney-client relationship with the Trump
13 campaign?

14 A Pursuant to advice of counsel, I will invoke my constitutionally protected
15 right to assert the Fifth Amendment.

16 Q Was Ms. Friess performing work in anticipation of litigation at the direction
17 of an attorney for the Trump campaign?

18 A Pursuant to advice of counsel, I will invoke my constitutionally protected
19 right to assert the Fifth Amendment.

20 Q Did Phil Waldron have an attorney-client relationship with the Trump
21 campaign?

22 A Pursuant to advice of counsel, I will invoke my constitutionally protected
23 right to assert the Fifth Amendment.

24 Q Was Phil Waldron performing work in anticipation of litigation at the
25 direction of an attorney for the Trump campaign?

1 A Pursuant to advice of counsel, I will invoke my constitutionally protected
2 right to assert the Fifth Amendment.

3 Q Did Jay Sekulow have an attorney-client relationship with the Trump
4 campaign?

5 A Pursuant to advice of counsel, I will invoke my constitutionally protected
6 right to assert the Fifth Amendment.

7 Q Was Mr. Sekulow performing work in anticipation of litigation at the
8 direction of an attorney for the Trump campaign?

9 A Pursuant to advice of counsel, I will invoke my constitutionally protected
10 right to assert the Fifth Amendment.

11 Q Did John Eastman have an attorney-client relationship with the Trump
12 campaign?

13 A Pursuant to advice of counsel, I will invoke my constitutionally protected
14 right to assert the Fifth Amendment.

15 Q Was Mr. Eastman performing work in anticipation of litigation at the
16 direction of an attorney for the Trump campaign?

17 A Pursuant to advice of counsel, I will invoke my constitutionally protected
18 right to assert the Fifth Amendment.

19 Q Was Kenneth Chesebro have an -- did Kenneth Chesebro have an
20 attorney-client relationship with the Trump campaign?

21 A Pursuant to advice of counsel, I will invoke my constitutionally protected
22 right to assert the Fifth Amendment.

23 Q Was Mr. Cheseboro performing work in anticipation of litigation at the
24 direction of an attorney for the Trump campaign?

25 A Pursuant to advice of counsel, I will invoke my constitutionally protected

1 right to assert the Fifth Amendment.

2 Q Would your answer be the same for any other outside lawyers who
3 purported to represent the Trump campaign?

4 A Yes, my answer would be the same.

5 Q Ms. Ellis, did you appear in court after the election on behalf of the Trump
6 campaign?

7 A Pursuant to advice of counsel, I will invoke my constitutionally protected
8 right to assert the Fifth Amendment.

9 Q During the time period between the November 3rd, 2020, Presidential
10 election and January 6th, 2021, did you represent other clients?

11 A Pursuant to advice of counsel, I will invoke my constitutionally protected
12 right to assert the Fifth Amendment.

13 Q Let me pause here to see if anyone has any other questions.
14 Ms. Ellis, where were you on election day, November 3rd, 2020?

15 A Pursuant to advice of counsel, I will invoke my constitutionally protected
16 right to assert the Fifth Amendment.

17 Q What responsibilities did you have for the Trump campaign between
18 election day and November 7th, 2020, when the television networks called the
19 Presidential race?

20 A Pursuant to advice of counsel, I will invoke my constitutionally protected
21 right to assert the Fifth Amendment.

22 Q What investigation did the Trump campaign do into allegations of election
23 fraud that arose following the Presidential election?

24 A Pursuant to advice of counsel, I will invoke my constitutionally protected
25 right to assert the Fifth Amendment.

1 Q Ms. Ellis, what was your role in those efforts to investigate any allegations of
2 election fraud?

3 A Pursuant to advice of counsel, I will invoke my constitutionally protected
4 right to assert the Fifth Amendment.

5 Q In your document production in response to the subpoena, you produced a
6 large number of affidavits and declarations relating to possible irregularities or allegations
7 of fraud in connection with the 2020 Presidential election.

8 What was your role in gathering this information?

9 A Pursuant to advice of counsel, I will invoke my constitutionally protected
10 right to assert the Fifth Amendment.

11 Q Is what you produced a comprehensive set of the affidavits and declarations
12 regarding election fraud or irregularities that you are aware of related to the 2020
13 Presidential election?

14 A Pursuant to advice of counsel, I will invoke my constitutionally protected
15 right to assert the Fifth Amendment.

16 Q Where else could such evidence of allegations of election fraud or other
17 irregularities be found?

18 A Pursuant to advice of counsel, I will invoke my constitutionally protected
19 right to assert the Fifth Amendment.

20 Q Ms. Ellis, did you or anyone on the Trump -- affiliated with the Trump
21 campaign do anything to investigate the claims of fraud that people made in these
22 affidavits or declarations or speak to the people who submitted the affidavits or
23 declarations?

24 A Pursuant to advice of counsel, I will invoke my constitutionally protected
25 right to assert the Fifth Amendment.

1 Q Grant, could you please bring up exhibit No. 7?

2 Ms. Ellis, do you recognize this document?

3 A Pursuant to advice of counsel, I will invoke my constitutionally protected
4 right to assert the Fifth Amendment.

5 Q Okay. This is a document that was -- that you produced to the select
6 committee in response to your subpoena. It has the Bates number J.000181.

7 The way that it was scanned means that the way it was produced is, the first page
8 was last and the last page first, but we reorganized it so that it should reflect the way it
9 originally existed in hard copy. It's titled "Overview."

10 And if you could scroll down to the third page, please, [REDACTED].

11 Ms. Ellis, there are a series of handwritten notes at the end of this document. Is
12 that your handwriting?

13 A Pursuant to advice of counsel, I will invoke my constitutionally protected
14 right to assert the Fifth Amendment.

15 Q Ms. Ellis, if I -- will your answer be the same to any of my questions about
16 the content of this document?

17 A Yes.

18 Q [REDACTED], could you please bring up exhibit 1, the subpoena, again. If you
19 scroll down to, I think it's the third or fourth page, the schedule.

20 [REDACTED] One second.

21 [REDACTED] Yes.

22 [REDACTED] Let's go off the record for one moment.

23 [Discussion off the record.]

24 [REDACTED]. We can go back on the record.

25 [REDACTED]. All right. Thanks for your patience, Ms. Ellis, with our little

1 technical difficulties.

2 [REDACTED]:

3 Q So I wanted to direct your attention again -- and I'll give [REDACTED] a minute to
4 get it back up there -- to the schedule that was attached to the subpoena you received
5 from the select committee. There we are. Can you see that document?

6 A Yes.

7 Q So beginning on the first page of the schedule under the header "Election
8 fraud claims," I wanted to ask you a few questions about these.

9 Are you aware of evidence supporting the claim that votes were sent to Spain or
10 Germany to be counted in connection with the November 2020 election?

11 A Pursuant to advice of counsel, I will invoke my constitutionally protected
12 right to assert the Fifth Amendment.

13 Q Are you aware of evidence supporting the claim that Dominion voting
14 machines flipped or switched votes from one candidate to another in the November 2020
15 election?

16 A Pursuant to advice of counsel, I will invoke my constitutionally protected
17 right to assert the Fifth Amendment.

18 Q Ms. Ellis, will your answer be the same to a similar question regarding each
19 of the other allegations of election fraud listed on this schedule?

20 A Yes.

21 Q Ms. Ellis, are you going to assert your Fifth Amendment privilege to any
22 questions I would ask you about your knowledge of evidence supporting or contradicting
23 the various allegations of election fraud that were raised by you and other members of
24 the Trump legal team following the 2020 Presidential election?

25 A Pursuant to advice of counsel, yes.

1 Q Is that because you believe the answers to those questions may tend to
2 incriminate you?

3 A Pursuant to advice of counsel, I will invoke my constitutionally protected
4 right to assert the Fifth Amendment.

5 Q Ms. Ellis, did you appear at a press conference on November 19th, 2020?

6 A Pursuant to advice of counsel, I will invoke my constitutionally protected
7 right to assert the Fifth Amendment.

8 Q In what capacity did Sidney Powell appear at that press conference?

9 A Pursuant to advice of counsel, I will invoke my constitutionally protected
10 right to assert the Fifth Amendment.

11 Q During that press conference, Ms. Powell made many claims regarding
12 purported election fraud in the 2020 election and the Dominion Voting Systems
13 machines, including claims that the Dominion machines were created in Venezuela at the
14 direction of Hugo Chavez, the former President of Venezuela, who died in 2013, to rig
15 elections by flipping votes using Smartmatic software.

16 She went on to claim that these Dominion machines used Smartmatic software
17 that flipped Trump votes to Biden votes across the country.

18 Do you recall her making those statements?

19 A Pursuant to advice of counsel, I will invoke my constitutionally protected
20 right to assert the Fifth Amendment.

21 Q Did you have any concerns about Ms. Ellis speaking at this press
22 conference --

23 [REDACTED] Ms. Powell.

24 BY [REDACTED]:

25 Q Forgive me, I'm sorry. Ms. Ellis, did you have any concerns about

1 Ms. Powell speaking at the press conference or the claims that she made therein?

2 A Pursuant to advice of counsel, I will invoke my constitutionally protected
3 right to assert the Fifth Amendment.

4 Q Are you aware that Ms. Powell has since been sued, and as part of her
5 defense she told the court that, quote, "No reasonable person would conclude that those
6 were truly statements of fact"?

7 A Pursuant to advice of counsel, I will invoke my constitutionally protected
8 right to assert the Fifth Amendment.

9 Q Ms. Ellis, did you issue a press release or a statement on November 22nd,
10 2020, stating that Sidney Powell was practicing law on her own and stating that she is not
11 a member of the Trump legal team and also not a lawyer for the President in his personal
12 capacity?

13 A Pursuant to advice of counsel, I will invoke my constitutionally protected
14 right to assert the Fifth Amendment.

15 Q Would your answer be the same to any other questions about that press
16 conference or about the purported representation of the Trump campaign by Ms. Powell?

17 A Yes.

18 Q Ms. Ellis, did you assist members of President Trump's campaign staff or
19 White House officials in gathering evidence of election fraud?

20 A Pursuant to advice of counsel, I will invoke my constitutionally protected
21 right to assert the Fifth Amendment.

22 Q Did you assist President Trump's speechwriting team in preparing his draft
23 remarks regarding allegations of election fraud?

24 A Pursuant to advice of counsel, I will invoke my constitutionally protected
25 right to assert the Fifth Amendment.

1 Q Would your answer be the same to any questions about your contributions
2 to any speeches or remarks by President Trump regarding election fraud?

3 A Pursuant to advice of counsel, yes.

4 Q And is that because you believe the answers to those questions may tend to
5 incriminate you?

6 A Pursuant to advice of counsel, I will invoke my constitutionally protected
7 right to assert the Fifth Amendment.

8 Q Ms. Ellis, were you involved in any discussions about efforts to rerun the
9 2020 Presidential election?

10 A Pursuant to advice of counsel, I will invoke my constitutionally protected
11 right to assert the Fifth Amendment.

12 Q ██████, could you please bring up exhibit No. 13?

13 Ms. Ellis, do you recognize this document?

14 A Pursuant to advice of counsel, I will invoke my constitutionally protected
15 right to assert the Fifth Amendment.

16 Q This is a document that you produced to the select committee with a Bates
17 number ending 271. It appears to be a memo from Don Brown to several individuals,
18 Lynda McLaughlin, Lauren McLaughlin, Jay Sekulow, and other legal team members. It's
19 dated November 8th, 2020.

20 In this memo -- sorry.

21 Did the Trump campaign consider a proposal like the one Mr. Brown articulates in
22 this document that you produced to, quote, "request that the United States Supreme
23 Court order new elections in all or some of the eight States still outstanding to ensure
24 electoral integrity"?

25 A Pursuant to advice of counsel, I will invoke my constitutionally protected

1 right to assert the Fifth Amendment.

2 [REDACTED]. If you could scroll down to the end for me, please, [REDACTED].

3 [REDACTED]. The final page?

4 [REDACTED]. Yes, please.

5 BY [REDACTED]:

6 Q Ms. Ellis, at the end of this document under the header "Conclusion,"
7 Mr. Brown writes, quote, "I see nothing to lose by making the request for a new election
8 under the Court's constitutional equity powers," and then later continues, "Whatever it
9 takes to win."

10 Ms. Ellis, did you agree with this assessment of -- that Mr. Brown attributed about
11 his proposal?

12 A Pursuant to advice of counsel, I will invoke my constitutionally protected
13 right to assert the Fifth Amendment.

14 Q I'd like to just note for the record that Representative Aguilar has joined us.

15 Ms. Ellis, were you involved in any discussions regarding the seizure of voting
16 machines?

17 A Pursuant to advice of counsel, I will invoke my constitutionally protected
18 right to assert the Fifth Amendment.

19 BY [REDACTED]:

20 Q Ms. Ellis, before we leave the last document, the one that's still on the
21 screen, I have a couple additional questions for you.

22 Who is Lynda McLaughlin?

23 A Pursuant to advice of counsel, I will invoke my constitutionally protected
24 right to assert the Fifth Amendment.

25 Q Is she someone that you consulted with regarding efforts to rerun the

1 election or to overturn the outcome of the 2020 election?

2 A Pursuant to advice of counsel, I will invoke my constitutionally protected
3 right to assert the Fifth Amendment.

4 Q Is she a producer of the Sean Hannity show?

5 A Pursuant to advice of counsel, I will invoke my constitutionally protected
6 right to assert the Fifth Amendment.

7 Q Did you ever talk with Mr. Hannity off air about issues regarding the 2020
8 election?

9 A Pursuant to advice of counsel, I will invoke my constitutionally protected
10 right to assert the Fifth Amendment.

11 Q Would that be your answer to any questions I ask you about your
12 communications with FOX hosts or others who work at FOX producing their shows?

13 A Pursuant to advice of counsel, yes.

14 BY [REDACTED]:

15 Q Ms. Ellis, I asked you previously whether you were involved in any
16 discussions regarding the seizure of voting machines, and you invoked your Fifth
17 Amendment right in response to that question.

18 If I ask you further questions about similar communications with any individuals
19 including, but not limited to, Mr. Giuliani, Ms. Powell, General Flynn, would your answer
20 be the same?

21 A Pursuant to advice of counsel, yes.

22 Q Ms. Ellis, were you involved in any discussions about imposing martial law
23 related to the 2020 Presidential election?

24 A Pursuant to advice of counsel, I will invoke my constitutionally protected
25 right to assert the Fifth Amendment.

1 Q Were you involved in any calls to local law enforcement or prosecutors
2 regarding voting machines or the outcome of the 2020 Presidential election?

3 A Pursuant to advice of counsel, I will invoke my constitutionally protected
4 right to assert the Fifth Amendment.

5 Q Did you contact an individual named James Rossiter, the prosecutor in
6 Antrim County, Michigan, following the November 2020 election?

7 A Pursuant to advice of counsel, I will invoke my constitutionally protected
8 right to assert the Fifth Amendment.

9 Q Did you contact any other law enforcement in contested States, including
10 Pennsylvania, Michigan, Arizona, following the 2020 election?

11 A Pursuant to advice of counsel, I will invoke my constitutionally protected
12 right to assert the Fifth Amendment.

13 Q Ms. Ellis, were you involved in any efforts to gain access to Dominion voting
14 machines following the Presidential election?

15 A Pursuant to advice of counsel, I will invoke my constitutionally protected
16 right to assert the Fifth Amendment.

17 Q [REDACTED], could you please bring up exhibit No. 14? Also look at exhibit 15
18 next.

19 Ms. Ellis, do you recognize the document on the screen, exhibit 14?

20 A Pursuant to advice of counsel, I will invoke my constitutionally protected
21 right to assert the Fifth Amendment.

1

2 [11:02 a.m.]

3 BY ██████████:

4 Q This is a document that you produced to the select committee with a Bates
5 number ending 7467. It's an email exchange between yourself and several others.

6 In this email Pennsylvania Senator Mastriano writes to yourself, Katherine Friess,
7 and Mr. Giuliani asking, "Any success with reaching out to friendly clerks to get ballot
8 images and/or access to the Dominion Systems?"

9 Do you recall this discussion?

10 A Pursuant to advice of counsel, I will invoke my constitutionally protected
11 right to assert the Fifth Amendment.

12 Q ██████████, could you please bring up No. 15 now?

13 Ms. Ellis, do you recognize this document?

14 A Pursuant to advice of counsel, I will invoke my constitutionally protected
15 right to assert the Fifth Amendment.

16 Q This is also a document that you produced in response to your subpoena.
17 It has a Bates number ending 7465 and appears to be a continuation of an email among
18 the same participants on a different thread.

19 ██████████, could you scroll down a little bit, please?

20 I'd like to direct your attention, Ms. Ellis, to the email there that's dated Monday,
21 December 28th. In this email, Senator Doug Mastriano responds to the question I
22 referred to earlier, saying, quote, "We made good headway convincing (hopefully) two
23 counties with Dominion machines in Pennsylvania."

24 Why was Pennsylvania Senator Mastriano working on getting access to either
25 ballot images and/or dominion voting machines?

1 A Pursuant to advice of counsel, I will invoke my constitutionally protected
2 right to assert the Fifth Amendment.

3 Q Could you please bring up exhibit 16 next?

4 Do you recognize this document?

5 A Pursuant to advice of counsel, I will invoke my constitutionally protected
6 right to assert the Fifth Amendment.

7 Q Okay. This is also a document that you produced to the select committee
8 with a Bates number ending 7473.

9 I'd like to direct your attention to that email.

10 If you can just scroll down a little bit, [REDACTED]. There we go.

11 This another email written by Senator Mastriano on December 29th, 2020. This
12 email indicates that he's provided a letter as an attachment that he also indicates he had
13 just emailed to the President of the United States, quote, "as an FYI."

14 His email also indicates that this letter related to, quote, "securing voluntary
15 access for Dominion forensics."

16 Do you have a copy of the document that was attached to Senator Mastriano's
17 email?

18 A Pursuant to advice of counsel, I will invoke my constitutionally protected
19 right to assert the Fifth Amendment.

20 Q Ms. Ellis, is there a reason why you withheld production of this document
21 that was attached to Mr. Mastriano's email?

22 A Pursuant to advice of counsel, I will invoke my constitutionally protected
23 right to assert the Fifth Amendment.

24 Q Ms. Ellis, was President Trump aware of or involved in efforts to secure
25 access to Dominion voting machines?

1 A Pursuant to advice of counsel, I will invoke my constitutionally protected
2 right to assert the Fifth Amendment.

3 Q [REDACTED], could you please bring up exhibit 17?

4 Ms. Ellis, do you recognize this document?

5 A Pursuant to advice of counsel, I will invoke my constitutionally protected
6 right to assert the Fifth Amendment.

7 Q Although the actual email addresses are redacted from this, it appears that
8 this email was shared among several colleagues with whom you appear to have worked
9 closely during the time period. Specifically, Mr. Kerik, Ms. Friess, and it also appears to
10 have been included, on the "to" line, General Mike Flynn.

11 Have you ever seen this document before? And do you have any understanding
12 of the circumstances that led to drafting it?

13 A Pursuant to advice of counsel, I will invoke my constitutionally protected
14 right to assert the Fifth Amendment.

15 Q [REDACTED], could you please bring up exhibit 18?

16 Ms. Ellis, do you recognize this document?

17 A Pursuant to advice of counsel, I will invoke my constitutionally protected
18 right to assert the Fifth Amendment.

19 Q This document appears to be an email exchange between yourself and Mark
20 Meadows, then the White House chief of staff. It begins with an email -- if you can scroll
21 down a little bit to the bottom of the first page. Perfect.

22 It begins with an email from Dave Ellis to yourself. And then you forward the
23 email on to Mr. Meadows on November 29th, 2020.

24 Why did you send this email to Mr. Meadows?

25 A Pursuant to advice of counsel, I will invoke my constitutionally protected

1 right to assert the Fifth Amendment.

2 Q Is there a reason, Ms. Ellis, why this document wasn't included in your
3 document production in response to the subpoena?

4 A Pursuant to advice of counsel, I will invoke my constitutionally protected
5 right to assert the Fifth Amendment.

6 Q In the body of the email, at the top of the first page -- if you don't mind
7 scrolling up, [REDACTED]. Thank you.

8 This is your email to Mark Meadows with an email address that in the "to" line
9 reflects that it is associated with Mr. Giuliani.

10 You write, "My dad is a TS-SCI with CI and DOD TS. He sent me this as a
11 recommendation for POTUS EO as a national security issue. I have some ideas on the
12 constitutionality if POTUS issues an EO that states cannot use voting equipment unless it
13 complied with 'Trusted Software Development.' He is a rocket scientist and IEEE, and I
14 think would be very valuable on this issue."

15 Did you have any communications with Meadows about recommendations for
16 executive orders to be issued by the President of the United States?

17 A Pursuant to advice of counsel, I will invoke my constitutionally protected
18 right to assert the Fifth Amendment.

19 Q Can you explain to us what your ideas were on the constitutionality of a
20 potential executive order for the President to issue regarding voting machines to be used
21 by States?

22 A Pursuant to advice of counsel, I will invoke my constitutionally protected
23 right to assert the Fifth Amendment.

24 Q Did you have any other communications with anyone else about potential
25 executive orders regarding the administration or outcome of the 2020 Presidential

1 election?

2 A Pursuant to advice of counsel, I will invoke my constitutionally protected
3 right to assert the Fifth Amendment.

4 Q Ms. Ellis, would your answer be the same to any other questions we ask you
5 about your communications with others related -- in the campaign -- related to potential
6 executive orders?

7 A Yes.

8 Q Ms. Ellis, I'm going to ask you a few questions about the role of the State
9 legislature and your interactions with members of the State legislatures in the time
10 period following the election.

11 So before November 2020, what was your understanding of the role of State
12 legislatures in the process of electing the President of the United States?

13 A Pursuant to advice of counsel, I will invoke my constitutionally protected
14 right to assert the Fifth Amendment.

15 Q Did you ever speak or publish on this topic?

16 A Pursuant to advice of counsel, I will invoke my constitutionally protected
17 right to assert the Fifth Amendment.

18 Q Was there a plan in place within the Trump campaign as early as
19 September 2020 that involved appointing alternate electors in battleground States?

20 A Pursuant to advice of counsel, I will invoke my constitutionally protected
21 right to assert the Fifth Amendment.

22 Q Who was involved in these discussions?

23 A Pursuant to advice of counsel, I will invoke my constitutionally protected
24 right to assert the Fifth Amendment.

25 Q [REDACTED], could you please bring up exhibit No. 19?

1 Ms. Ellis, are you familiar with this document?

2 A Pursuant to advice of counsel, I will invoke my constitutionally protected
3 right to assert the Fifth Amendment.

4 Q This document, exhibit 19, is a news article -- an op-ed, rather -- that was
5 published by the Centre Daily Times in Pennsylvania on October 19th, 2020. It was
6 written by Pennsylvania Senator Jake Corman and Pennsylvania Representative Kerry
7 Benninghoff. And the title of the piece says, "Pennsylvania Lawmakers Have No Role to
8 Play in Deciding the Presidential Election."

9 Ms. Ellis, were you aware of this op-ed published by these legislative leaders in
10 Pennsylvania regarding the role of the State legislature in the election of the President?

11 A Pursuant to advice of counsel, I will invoke my constitutionally protected
12 right to assert the Fifth Amendment.

13 Q [REDACTED], could you please bring up exhibit 20 next?

14 Ms. Ellis, do you recognize this document?

15 A Pursuant to advice of counsel, I will invoke my constitutionally protected
16 right to assert the Fifth Amendment.

17 Q This is a statement by the Trump legal team on State certifications that was
18 issued on November 23rd, 2020, and it contains a quote that is attributed to you. It
19 states, quote, "Certification by State officials is simply a procedural step," unquote.

20 Did you make that statement?

21 A Pursuant to advice of counsel, I will invoke my constitutionally protected
22 right to assert the Fifth Amendment.

23 Q What was the legal basis for your statement that certification by State
24 officials was merely a procedural step?

25 A Pursuant to advice of counsel, I will invoke my constitutionally protected

1 right to assert the Fifth Amendment.

2 Q This statement continues to indicate that the Trump campaign will continue
3 to, quote, "fight to count all the legal votes," unquote.

4 Were you referring to litigation or other efforts?

5 A Pursuant to advice of counsel, I will invoke my constitutionally protected
6 right to assert the Fifth Amendment.

7 Q Ms. Ellis, would your answer be the same to any other questions that I asked
8 you about your communications with other Trump campaign officials regarding the role
9 of State legislatures in electing the President?

10 A Yes.

11 Q [REDACTED], could you please bring up exhibit 21?

12 Ms. Ellis, do you recognize this document?

13 A Pursuant to advice of counsel, I will invoke my constitutionally protected
14 right to assert the Fifth Amendment.

15 Q Ms. Ellis, this is a document that you produced to the select committee. It
16 has a Bates number ending 7497. It is an email from yourself to Molly Michael.

17 Who is Molly Michael?

18 A Pursuant to advice of counsel, I will assert my constitutionally protected
19 right to invoke the Fifth Amendment.

20 Q I would like to state for the record that Representative Raskin has joined us.

21 In this email you've also copied Mark Meadows, the White House chief of staff.

22 And the text of this email contains only your statement for POTUS. The attachment to

23 the document -- I think if you scroll down, you should see it, [REDACTED]. Great. That's

24 perfect.

25 So the attachment to this document is a paper titled "The Constitutional Authority

1 of State Legislatures to Choose Electors," written by John C. Eastman.

2 Why did you send this document to Molly Michael?

3 A Pursuant to advice of counsel, I will invoke my constitutionally protected
4 right to assert the Fifth Amendment.

5 Q Ms. Ellis, how did you know Dr. Eastman?

6 A Pursuant to advice of counsel, I will invoke my constitutionally protected
7 right to assert the Fifth Amendment.

8 Q Your email reflects that you were sending this to Ms. Michael for President
9 Trump. Had you had any communications with President Trump in this time period
10 about the role of State legislatures in choosing electors?

11 A Pursuant to advice of counsel, I will invoke my constitutionally protected
12 right to assert the Fifth Amendment.

13 [REDACTED] I'll pause here to see if anyone has any questions.

14 [REDACTED] Mr. Raskin?

15 [REDACTED] Okay.

16 BY [REDACTED]:

17 Q Ms. Ellis, will your answer be the same asserting your Fifth Amendment
18 privileges to any questions I would ask you about your interactions with Dr. Eastman or
19 about his analysis regarding the role of State legislatures?

20 A Pursuant to advice of counsel, yes.

21 Q Is that because you believe the answer to those questions may tend to
22 incriminate you?

23 A Pursuant to advice of counsel, I will invoke my constitutionally protected
24 right to assert the Fifth Amendment.

25 Q [REDACTED], I'd like to look at exhibit 22 now. That's great.

1 Ms. Ellis, do you recognize this document?

2 A Pursuant to advice of counsel, I will invoke my constitutionally protected
3 right to assert the Fifth Amendment.

4 Q This is a document that is sent by email from a person named Sonny Joy
5 Nelson. The date is December 1st, 2020. And the subject line is "Surrogate Briefing
6 Call -- 11 a.m. Eastern -- today."

7 The content, the body of the email reflects a note that says, "Here are notes from
8 the call." And it reflects that the statements made on the call were made by yourself,
9 described as senior legal advisor, and by Jason Miller, senior advisor.

10 So the first few bullet points listed here read, quote, "Our legal and recount
11 efforts are proceeding on two separate tracks: One is through the judicial branch, and
12 the other is through State legislatures. Both of these tracks will provide the relief that
13 we are seeking -- that no illegal vote is counted."

14 Ms. Ellis, did you make those statements on a briefing call for Trump campaign
15 surrogates?

16 A Pursuant to advice of counsel, I will invoke my constitutionally protected
17 right to assert the Fifth Amendment.

18 Q Ms. Ellis, how often did you appear on calls for Trump campaign surrogates
19 during the post-election time period?

20 A Pursuant to advice of counsel, I will invoke my constitutionally protected
21 right to assert the Fifth Amendment.

22 Q Ms. Ellis, what was the purpose of these calls? Was it to provide talking
23 points for campaign representatives who may make public statements in support of the
24 campaign?

25 A Pursuant to advice of counsel, I will invoke my constitutionally protected

1 right to assert the Fifth Amendment.

2 Q And those first few bullet points that I read into the record a few minutes
3 ago describes the Trump campaign's effort to change the outcome of the Presidential
4 election through the State legislature track.

5 What was your involvement in those efforts?

6 A Pursuant to advice of counsel, I will invoke my constitutionally protected
7 right to assert the Fifth Amendment.

8 Q Under the -- towards the bottom of this first page that's being shown on the
9 screen right now, there is a bullet point that begins "Under Article II." It states, quote,
10 "Under Article II, Section 1.2, the state legislature is the only authority under the
11 Constitution to select their State" -- "their slate of delegates to the Electoral College."

12 Did you make that statement on this briefing call for Trump campaign surrogates?

13 A Pursuant to advice of counsel, I will invoke my constitutionally protected
14 right to assert the Fifth Amendment.

15 Q Ms. Ellis, what was your legal basis for any assertion that the State
16 legislature is the only authority under the Constitution that can select a slate of delegates
17 to the electoral college?

18 A Pursuant to advice of counsel, I will invoke my constitutionally protected
19 right to assert the Fifth Amendment.

20 Q Let's scroll down a little bit further to the top of the next page, please, [REDACTED].
21 Okay. Great.

22 Ms. Ellis, there's also a statement quoted in these notes from this briefing call with
23 campaign surrogates that says, quote, "We are encouraging state legislatures to run a
24 resolution through their state House and Senate so that by majority vote they can" -- and
25 then it continues -- "choose their own slate of delegates or not participate in the Electoral

1 College."

2 Ms. Ellis, did you make those statements on this briefing call for Trump campaign
3 surrogates?

4 A Pursuant to advice of counsel, I will invoke my constitutionally protected
5 right to assert the Fifth Amendment.

6 Q Were you at any other time involved in efforts to encourage State
7 legislatures to take some action that by majority vote would change the electors sent to
8 the electoral college?

9 A Pursuant to advice of counsel, I will invoke my constitutionally protected
10 right to assert the Fifth Amendment.

11 [REDACTED] Ms. Ellis, what was the legal basis for the claim that a State
12 legislature after an election could by majority vote decide which electors to send to the
13 electoral college?

14 The Witness. Pursuant to advice of counsel, I will invoke my constitutionally
15 protected right to assert the Fifth Amendment.

16 [REDACTED]. Is that something that you told State legislatures that they could
17 do -- or State legislators, excuse me, that they could do?

18 The Witness. Pursuant to advice of counsel, I will invoke my constitutionally
19 protected right to assert the Fifth Amendment.

20 [REDACTED]

21 Q Ms. Ellis, would your answer be the same to any other questions that we ask
22 you about the legal basis for a theory that -- of the role of the State legislature in selecting
23 electors?

24 A Yes.

25 Q Ms. Ellis, were you involved in organizing and did you appear at hearings in

1 several contested States towards the end of November and beginning of December 2020?

2 A Pursuant to advice of counsel, I will invoke my constitutionally protected
3 right to assert the Fifth Amendment.

4 Q Did you appear at a hearing in Gettysburg, Pennsylvania, on November 25th,
5 2020?

6 A Pursuant to advice of counsel, I will invoke my constitutionally protected
7 right to assert the Fifth Amendment.

8 Q Ms. Ellis, it's been publicly reported that President Trump planned to attend
9 the Gettysburg hearing in person. What did he plan to say when he attended?

10 A Pursuant to advice of counsel, I will invoke my constitutionally protected
11 right to assert the Fifth Amendment.

12 Q Ms. Ellis, do you have any knowledge of the circumstances surrounding a
13 visit to the White House by Pennsylvania Senator Doug Mastriano and other Pennsylvania
14 legislators following the Gettysburg hearing?

15 A Pursuant to advice of counsel, I will invoke my constitutionally protected
16 right to assert the Fifth Amendment.

17 Q Ms. Ellis, did you appear at a hearing in Phoenix, Arizona, on November 30th,
18 2020?

19 A Pursuant to advice of counsel, I will invoke my constitutionally protected
20 right to assert the Fifth Amendment.

21 Q You produced the CV of an individual named Lyle Rapacki. Who is Lyle
22 Rapacki, and what role did he play in the Trump campaign's legal work?

23 A Pursuant to advice of counsel, I will invoke my constitutionally protected
24 right to assert the Fifth Amendment.

25 Q Ms. Ellis, did you meet with State legislative leadership, including State

1 House Speaker Rusty Bowers and Senate President Karen Fann, in Arizona the day after
2 the hearing in Phoenix?

3 A Pursuant to advice of counsel, I will invoke my constitutionally protected
4 right to assert the Fifth Amendment.

5 Q Did you or any other members of the Trump legal team that were present in
6 that meeting with State legislative leadership in Arizona make any specific
7 recommendations about actions the legislature should take to affect the outcome of the
8 2020 election?

9 A Pursuant to advice of counsel, I will invoke my constitutionally protected
10 right to assert the Fifth Amendment.

11 Q Did you appear at a hearing in Michigan on December 2nd, 2020?

12 A Pursuant to advice of counsel, I will invoke my constitutionally protected
13 right to assert the Fifth Amendment.

14 Q Were you asked to testify at the hearing in Michigan?

15 A Pursuant to advice of counsel, I will invoke my constitutionally protected
16 right to assert the Fifth Amendment.

17 Q Why didn't Mr. Giuliani agree to be sworn in by a Michigan State
18 representative at the beginning of the hearing?

19 A Pursuant to advice of counsel, I will invoke my constitutionally protected
20 right to assert the Fifth Amendment.

21 Q Did you appear at a hearing in Atlanta, Georgia, on December 3rd, 2020?

22 A Pursuant to advice of counsel, I will invoke my constitutionally protected
23 right to assert the Fifth Amendment.

24 Q Ms. Ellis, are you going to assert your Fifth Amendment right to any
25 questions I would ask you about hearings convened in contested States following the

1 2020 Presidential election?

2 A Pursuant to advice of counsel, yes.

3 Q Is that because you believe the answers to those questions may tend to
4 incriminate you?

5 A Pursuant to advice of counsel, I will invoke my constitutionally protected
6 right to assert the Fifth Amendment.

7 Q Ms. Ellis, did you appear at a State legislative hearing in Colorado on
8 December 15th?

9 A Pursuant to advice of counsel, I will invoke my constitutionally protected
10 right to assert the Fifth Amendment.

11 Q I'd like to direct your attention to exhibit No. 23, please.

12 Do you recognize this document?

13 A Pursuant to advice of counsel, I will invoke my constitutionally protected
14 right to assert the Fifth Amendment.

15 Q Ms. Ellis, this document appears to be an email from you to Mark Meadows
16 at a Gmail address. It's dated Sunday, January 3rd, 2021. The content of your portion
17 of the email is "FYSA", and it forwards an email from an individual named Kevin Lundberg.
18 His email address is also a Gmail address, indicates he may be a member of the Colorado
19 Legislature. It was emailed to you on the same day, January 3rd, 2021. The subject
20 line is "Transcript From Colorado Audit Committee."

21 Ms. Ellis, did you email the transcript of your remarks before a committee of the
22 Colorado Legislature to Mark Meadows?

23 A Pursuant to advice of counsel, I will invoke my constitutionally protected
24 right to assert the Fifth Amendment.

25 Q Does this email correspond to any entries on your privilege log that you

1 provided in response to the select committee subpoena?

2 A Pursuant to my constitutionally protected right to assert the Fifth
3 Amendment, on advice of counsel, I will assert the Fifth Amendment.

4 Q Ms. Ellis, were you involved in arranging or coordinating phone calls or
5 in-person meetings between President Trump and State legislative leaders?

6 A Pursuant to advice of counsel, I will invoke my constitutionally protected
7 right to assert the Fifth Amendment.

8 Q Did you make any phone calls directly to State legislative leaders following
9 the 2020 election?

10 A Pursuant to advice of counsel, I will invoke my constitutionally protected
11 right to assert the Fifth Amendment.

12 Q Did you either independently or together with Mr. Giuliani call Pennsylvania
13 State House Speaker Bryan Cutler?

14 A Pursuant to advice of counsel, I will invoke my constitutionally protected
15 right to assert the Fifth Amendment.

16 Q Did you either independently or together with Mr. Giuliani call Pennsylvania
17 State Senate President Pro Tem Jake Corman or his lawyers?

18 A Pursuant to advice of counsel, I will invoke my constitutionally protected
19 right to assert the Fifth Amendment.

20 Q I'd like to direct your attention to exhibit 24, please.

21 Ms. Ellis, do you recognize this document?

22 A Pursuant to advice of counsel, I will invoke my constitutionally protected
23 right to assert the Fifth Amendment.

24 Q This is a letter from Pennsylvania General Assembly leaders. I can
25 represent to you that it was dated December 3rd, 2020.

1 And if we can scroll down to the last page, please, [REDACTED], you can see the
2 signatories to the letter.

3 So this reflects on page 3 of exhibit 24 that this letter was sent by -- or issued, I
4 guess, this is a public letter -- by Pennsylvania State Senators Jake Corman and Kim Ward
5 and Pennsylvania Representatives Bryan Cutler and Kerry Benninghoff.

6 Were you aware of this letter, Ms. Ellis, when you called Pennsylvania legislative
7 leaders?

8 A Pursuant to advice of counsel, I will invoke my constitutionally protected
9 right to assert the Fifth Amendment.

10 Q I'd like to direct your attention to the -- let's see, it's the third to the last
11 paragraph on page 2, [REDACTED]. It begins, "Further, the General Assembly." Okay.
12 Perfect.

13 Ms. Ellis, in this letter these leaders of the Pennsylvania General Assembly state,
14 "The General Assembly lacks the authority to take action to overturn the popular vote
15 and appoint our own slate of presidential electors."

16 It then goes on to identify specific provisions of Pennsylvania law that directs that
17 the manner of appointing electors in Pennsylvania is by popular vote.

18 And then it concludes by stating, quote, "We cannot take steps to appoint electors
19 for this election given these provisions in the Election Code. Doing so would violate our
20 Election Code and Constitution, particularly a provision that prohibits us from changing
21 the rules for election contests of the President after the election. It would also set a
22 precedent that a simple majority of the General Assembly can override the will of the
23 people as evidenced by the popular vote."

24 Ms. Ellis, did you make recommendations to Pennsylvania legislative leaders that
25 they take some steps to appoint electors in contravention of these provisions of the

1 Pennsylvania Election Code?

2 A Pursuant to advice of counsel, I will invoke my constitutionally protected
3 right to assert the Fifth Amendment.

4 Q Ms. Ellis, did you have any other communications with legislative leaders in
5 other States requesting or directing that they take steps to appoint electors following the
6 Presidential election?

7 A Pursuant to advice of counsel, I will invoke my constitutionally protected
8 right to assert the Fifth Amendment.

9 Q Would your answer be the same to any other questions I ask you about
10 requests of State legislators to appoint electors?

11 A Yes.

12 Q Ms. Ellis, did you participate in or help to organize a briefing conducted by
13 Zoom with several hundred State legislators on January 2nd, 2021?

14 A Pursuant to advice of counsel, I will invoke my constitutionally protected
15 right to assert the Fifth Amendment.

16 Q Have you ever been affiliated with an entity called Got Freedom? -- I believe
17 the question mark is in the name, Got Freedom? -- which is a 501(c)(4) nonprofit election
18 integrity watchdog group?

19 A Pursuant to advice of counsel, I will invoke my constitutionally protected
20 right to assert the Fifth Amendment.

21 Q During this call, did the speakers call for State legislators to decertify the
22 Presidential election results?

23 A Pursuant to advice of counsel, I will invoke my constitutionally protected
24 right to assert the Fifth Amendment.

25 Q What did President Trump say to State legislators when he called in to this

1 Zoom briefing call?

2 A Pursuant to advice of counsel, I will invoke my constitutionally protected
3 right to assert the Fifth Amendment.

4 Q Would your question be the same to -- would your answer be the same to
5 any other questions about other speakers on this call, which included Dr. John Eastman
6 and Phill Kline?

7 A My answer would be the same, yes.

8 BY [REDACTED]:

9 Q Do you know Mr. Kline?

10 A Pursuant to advice of counsel, I will invoke my constitutionally protected
11 right to assert the Fifth Amendment.

12 Q Do you know Ian Northon?

13 A I'm sorry, I didn't hear the question.

14 Q Do you know a gentleman by the name of Ian Northon?

15 A Pursuant to advice of counsel, I will invoke my constitutionally protected
16 right to assert the Fifth Amendment.

17 Q Do you know a woman by the name of Jacqueline Timmer?

18 A Pursuant to advice of counsel, I will invoke my constitutionally protected
19 right to assert the Fifth Amendment.

20 Q Was Mr. Northon involved with the Amistad Project?

21 A Pursuant to advice of counsel, I will invoke my constitutionally protected
22 right to assert the Fifth Amendment.

23 Q Is Ms. Timmer his daughter?

24 A Pursuant to advice of counsel, I will invoke my constitutionally protected
25 right to assert the Fifth Amendment.

1 BY [REDACTED]:

2 Q Ms. Ellis, did you know about the Trump campaign's plan to convene
3 alternate slates of Trump-Pence electors in certain contested States and send purported
4 slates of Trump-Pence electoral votes to Federal authority?

5 A Pursuant to advice of counsel, I will invoke my constitutionally protected
6 right to assert the Fifth Amendment.

7 Q Did you provide or review any illegal analysis related to this effort?

8 A Pursuant to advice of counsel, I will invoke my constitutionally protected
9 right to assert the Fifth Amendment.

10 Q Did President Trump want alternate electors to submit electoral college
11 votes in States that he had lost so that the Vice President could choose them during the
12 joint session of Congress on January 6th?

13 A Pursuant to advice of counsel, I will invoke my constitutionally protected
14 right to assert the Fifth Amendment.

15 Q Are you going to assert your Fifth Amendment right to any questions I would
16 ask you about the alternate slates of electors and the submission of their electoral votes
17 to Federal authorities, including the National Archives and the Vice President in his
18 capacity as President of the Senate?

19 A Pursuant to advice of counsel, yes.

20 Q Is that because you believe the answers to those questions may tend to
21 incriminate you?

22 A Pursuant to advice of counsel, I will invoke my constitutionally protected
23 right to assert the Fifth Amendment.

24 Q Ms. Ellis, we've been going for a while, but we're almost done. So if you
25 you're doing okay, I think we can push through.

1 A I'm doing fine. Thank you for asking.

2 Q Okay. I'd like to direct your attention to exhibit 26, please.

3 Ms. Ellis, do you recognize this document?

4 A Pursuant to advice of counsel, I will invoke my constitutionally protected
5 right to assert the Fifth Amendment.

6 Q This is a document that you produced to the select committee. It has a
7 Bates number ending 7276. It's an email from Senator Doug Mastriano to yourself, Ms.
8 Friess, and Mr. Giuliani on December 31st. It attaches two letters.

9 [REDACTED], if you don't mind just scrolling down.

10 They are substantially similar, but directed to -- one each to Senator McConnell
11 and Leader McCarthy.

12 Did Senator Doug Mastriano prepare these letters, which in his email he describes
13 as having been signed by many of his colleagues in the Pennsylvania Legislature?

14 A Pursuant to advice of counsel, I will invoke my constitutionally protected
15 right to assert the Fifth Amendment.

16 Q Were you or anyone else affiliated with the Trump campaign involved in
17 drafting or preparing these letters?

18 A Pursuant to advice of counsel, I will invoke my constitutionally protected
19 right to assert the Fifth Amendment.

20 Q Each of these letters ends with an "ask." It states, "We the undersigned ask
21 that you dispute the certification until an investigation is completed."

22 Ms. Ellis, was the intended effect of these letters to interfere with the counting of
23 the electoral votes on December 6th?

24 A Pursuant to advice of counsel, I will invoke my constitutionally protected
25 right to assert the Fifth Amendment.

1 Q What was the legal basis for asking for a disputed certification until an
2 investigation could be completed?

3 A Pursuant to advice of counsel, I will invoke my constitutionally protected
4 right to assert the Fifth Amendment.

5 Q Ms. Ellis, did you discuss the electoral count on January 6th with any of the
6 other State legislative representatives or senators that are signatories to these letters?

7 A Pursuant to advice of counsel, I will invoke my constitutionally protected
8 right to assert the Fifth Amendment.

9 Q I'd like to direct your attention next to exhibit 27, please.
10 Ms. Ellis, do you recognize this document?

11 A Pursuant to advice of counsel, I will invoke my constitutionally protected
12 right to assert the Fifth Amendment.

13 Q Let's scroll down a little bit to the bottom of that first page please. Yeah.
14 That's great.

15 Ms. Ellis, the first in time email in this document, in exhibit 27, is an email from
16 you at your Gmail account to Mark Meadows at his Gmail account dated December 31st,
17 2020, at 2:56 p.m. The body of the email just merely reflects that there's an attachment
18 added.

19 Mr. Meadows goes on to forward your attachment to Marc Short, then the chief
20 of staff to the Vice President, on January 1st, 2021, at 3 o'clock eastern time.

21 Mr. Meadows writes, "Marc, this is an idea that Jenna Ellis wanted to put before
22 the VP."

23 Ms. Ellis, did you ask Mr. Meadows to forward your legal memorandum to the
24 Vice President?

25 A Pursuant to advice of counsel, I will invoke my constitutionally protected

1 right to assert the Fifth Amendment.

2 Q [REDACTED], if you could please go to page 2 of this document. Perfect.

3 So the attachment to this email, it states at the top that it is a -- purports to be an
4 attorney-client privileged communication to President Donald J. Trump from yourself,
5 Jenna Ellis, with a date December 31st, 2020. The subject line or header of the
6 document, the body of the memo, says, "Memorandum Regarding Constitutional Analysis
7 of Vice President Authority for January 6, 2021 Electoral College Vote Count."

8 Ms. Ellis, did you write this memo?

9 A Pursuant to advice of counsel, I will invoke my constitutionally protected
10 right to assert the Fifth Amendment.

11 Q Who asked you to prepare this memorandum?

12 A Pursuant to advice of counsel, I will invoke my constitutionally protected
13 right to assert the Fifth Amendment.

14 Q Ms. Ellis, this email -- or the memo, forgive me -- reflects that it is directed to
15 President Donald J. Trump. Did you provide this memo to him?

16 A Pursuant to advice of counsel, I will invoke my constitutionally protected
17 right to assert the Fifth Amendment.

18 Q Did you discuss this memorandum or any of the legal theories that make up
19 the body of it with President Trump either before or after sending it to Mark Meadows?

20 A Pursuant to advice of counsel, I will invoke my constitutionally protected
21 right to assert the Fifth Amendment.

22 Q The first sentence of the body of this memo states, "Six states currently have
23 electoral delegates in dispute."

24 Did you write that because of the alternate slates of electors organized by the
25 Trump campaign?

1 A Pursuant to advice of counsel, I will invoke my constitutionally protected
2 right to assert the Fifth Amendment.

3 Q Did you believe that the submission of alternate slates of electors by
4 Trump-Pence electors in certain contested States meant that the electoral college votes
5 of certain States was in dispute?

6 A Pursuant to advice of counsel, I will invoke my constitutionally protected
7 right to assert the Fifth Amendment.

8 Q Ms. Ellis, did you recommend that the Vice President, quote, "not open any
9 of the votes from these six states"?

10 A Pursuant to advice of counsel, I will invoke my constitutionally protected
11 right to assert the Fifth Amendment.

12 Q Ms. Ellis, did you at any time recommend, as is reflected in this memo, that
13 the Vice President instead should, quote, "direct a question to the legislatures of each of
14 those states," it goes on later to say, "asking them to confirm which of the two slates of
15 electors have, in fact, been chosen in the manner the legislature has provided for."

16 A Pursuant to advice of counsel, I will invoke my constitutionally protected
17 right to assert the Fifth Amendment.

18 Q I would like to direct your attention to exhibit 28, please.

19 Do you recognize this document?

20 A Pursuant to advice of counsel, I will invoke my constitutionally protected
21 right to assert the Fifth Amendment.

22 Q Ms. Ellis, this is a document that you produced to us. It has a Bates number
23 ending 7206. It is an email from yourself to Jeanine Pirro at a Gmail account on
24 January 1st, 2021. The substance of the email appears to be the same or similar to the
25 body of the memo that we were just reviewing. And the subject line states,

1 "Constitutional option."

2 Did you also send your analysis of the option for the Vice President at the
3 January 6th joint session of Congress to Ms. Pirro?

4 A Pursuant to my advice of counsel, I will invoke my constitutionally protected
5 right to assert the Fifth Amendment.

6 Q Who is Jeanine Pirro?

7 A Pursuant to advice of counsel, I will invoke my constitutionally protected
8 right to assert the Fifth Amendment.

9 Q I believe Ms. Pirro is a FOX News host or was at the time.
10 Why were you sending this analysis to a FOX News host?

11 A Pursuant to advice of counsel, I will invoke my constitutionally protected
12 right to assert the Fifth Amendment.

13 Q I'll direct your attention to exhibit 29, please.

14 Do you recognize this document?

15 A Pursuant to advice of counsel, I will invoke my constitutionally protected
16 right to assert the Fifth Amendment.

17 Q Ms. Ellis, this is a document that you produced to us, has a Bates number
18 ending 7472. And it is also an email from you to John Solomon at solomonmediallc.com,
19 the email address.

20 Would your answers to my questions about the content and purpose of this
21 analysis under the subject line "Pence option" be the same as those in the previous
22 message to Ms. Pirro?

23 A Pursuant to advice of counsel, yes.

24 Q I will direct your attention to exhibit 30, please.

25 Thank you.

1 Ms. Ellis, do you recognize this document?

2 A Pursuant to advice of counsel, I will invoke my constitutionally protected
3 right to assert the Fifth Amendment.

4 Q This is also a memo that has an attorney-client privileged header at the top.
5 It reflects that was it prepared by you and sent to Jay Sekulow. It's dated January 5th,
6 2020. And the subject line is "Regarding Vice President Authority in Counting Electors
7 Pursuant to U.S. Constitution and 3 U.S. Code, Sections 5 and 15."

8 Ms. Ellis, did you prepare this memorandum?

9 A Pursuant to advice of counsel, I will invoke my constitutionally protected
10 right to assert the Fifth Amendment.

11 Q This memorandum discusses the Vice President's authority in counting
12 electors and recommends that the Vice President should not open the electoral votes of
13 certain States, starting with Arizona, and stop the count at that juncture in the joint
14 session.

15 Why did you advise that?

16 A Pursuant to advice of counsel, I will invoke my constitutionally protected
17 right to assert the Fifth Amendment.

18 Q What was the legal basis for recommending that the Vice President not
19 count electoral votes from certain States?

20 A Pursuant to advice of counsel, I will invoke my constitutionally protected
21 right to assert the Fifth Amendment.

22 Q Let me pause here to see if anyone else has any questions on this.

23 Ms. Ellis, are you going to assert your Fifth Amendment privileges to any questions
24 I would ask you about the role of the Vice President during the joint session of Congress
25 on January 6th and the pressure placed on Vice President Mike Pence to take action to

1 affect the outcome of the 2020 election?

2 A Pursuant to advice of counsel, yes.

3 Q Is that because you believe the answers to those questions may tend to
4 incriminate you?

5 A Pursuant to advice of counsel, I will invoke my constitutionally protected
6 right to assert the Fifth Amendment.

7 Q Ms. Ellis, do you have any information about the planning of the rally on the
8 Ellipse or any other rally to be held in Washington, D.C., on January 6th, 2021?

9 A Pursuant to advice of counsel, I will invoke my constitutionally protected
10 right to assert the Fifth Amendment.

11 Q Were you asked to speak at one or more of those rallies?

12 A Pursuant to advice of counsel, I will invoke my constitutionally protected
13 right to assert the Fifth Amendment.

14 Q Did you have any information before the rally on the Ellipse on January 6th
15 that the crowd could become violent?

16 A Pursuant to advice of counsel, I will invoke my constitutionally protected
17 right to assert the Fifth Amendment.

18 Q Ms. Ellis, were you at the Willard Hotel on January 6th, 2021?

19 A Pursuant to advice of counsel, I will invoke my constitutionally protected
20 right to assert the Fifth Amendment.

21 Q Ms. Ellis, are you going to assert your Fifth Amendment rights in response to
22 any questions I would you about the events of January 6th, 2021, including the attack on
23 the Capitol?

24 A Pursuant to advice of counsel, yes.

25 Q Is that because you believe the answers to those questions may tend to

1 incriminate you?

2 A Pursuant to advice of counsel, I will invoke my constitutionally protected
3 right to assert the Fifth Amendment.

4 [REDACTED] Do you have any other questions?

5 [REDACTED] No.

6 [REDACTED]. Okay. Let me pause to see if there's anyone else on the line who
7 has any other questions.

8 Okay.

9 [REDACTED] Thank you, Ms. Ellis.

10 [REDACTED]. Thank you very much, Ms. Ellis, for your time today. We appreciate
11 it and your patience.

12 At this time, because we have some open questions regarding the document
13 production and privilege log, we will not be concluding this deposition, but rather
14 recessing it subject to the call of the chair.

15 Okay. At this point, we can go off the record.

16 [Whereupon, at 11:51 a.m., the deposition was recessed, pursuant to the call of
17 the chair.]

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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