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

INTERVIEW OF: IAN NORTHON

Wednesday, April 27, 2022

Washington, D.C.

The interview in the above matter was held via Webex, commencing at 10:02 a.m.

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Appearances:

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

[redacted], STAFF ASSOCIATE
[redacted], PROFESSIONAL STAFF MEMBER
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[redacted], PROFESSIONAL STAFF MEMBER

For IAN NORTHON:

CHARLES "CHIP" CHAMBERLAIN

[redacted] It's 10:02 a.m. eastern on April the 27th, and this is a transcribed interview of Mr. Ian Northon conducted by the House Select Committee to Investigate the January 6th Attack on the United States Capitol pursuant to House Resolution 503.

At this time, [redacted], I'd like to ask you to please state your name and spell your last name for the record.

[redacted]. Good morning. My name is Ian Northon. That's N-o-r-t-h-o-n.

[redacted]. Perfect.

And, counsel, if you don't mind identifying yourself and spelling your name for the record, please.

Mr. Chamberlain. Sure. Charles Chamberlain. Chamberlain is C-h-a-m-b-e-r-l-a-i-n.

[redacted]. Thank you both.

This will be a staff-led interview. If members decide to join, which they certainly have the right to do, they may, and they may also ask questions. If that happens, Mr. Northon, Mr. Chamberlain, I will try to let you know so you know that they're on. And you'll also be able to see them in the participants list on the side of the Webex platform there.

Mr. Chamberlain. Okay.

[redacted]. So my name -- introduce myself -- is [redacted] I'm a senior investigative counsel for the select committee. As I mentioned before, I know you've been working with [redacted], and she may be joining us at some point today, as might other select committee staff.

Right now, we have [redacted], who is a professional staff member for the committee -- you'll see him listed there in the Webex platform -- as well as our chief

clerk, [redacted].

Also on the Webex platform are two official reporters. They are going to be the ones who are making the official record of this interview. You may have noticed that we're also recording from the platform, but the official record is what they take down as stenographers. So please wait until each question is completed before you begin your response. That will make their life much easier. And we, in turn, will try to wait for you to finish your answers before asking any further questions.

Just also a note, I know I don't need to tell either of you this, but, for the record, the reporters can't take down nonverbal responses, such as shaking your head. So please answer each question with an audible, verbal response.

Mr. Northon, we do ask that you provide complete answers based on your best recollection. I understand that some of these events took place over a year ago, and that's perfectly okay if you don't recall something. But, if you do recall something, then we ask you to let us know that.

Also, if the question is not clear, please ask me to rephrase it. Happy to do so. I'd much rather you have or -- excuse me -- answer a question that you understand than try to answer one that you don't.

Also, although this interview is just that -- it's an interview; it's not under oath -- I do want to remind you that you are speaking to the United States Congress. The select committee is part of that, and so it is unlawful to deliberately provide false information to Congress.

Does everything we've just gone through make sense?

Mr. Northon. It does. Thank you.

[redacted] Okay. And do you understand that, have any questions?

Mr. Northon. I understand. It -- I've taken a few depositions myself, and I'll do

my very best to take good care of your transcriptionists, your court reporters there. And, if I talk too fast or if I start to trail off, I'm getting used to this audio equipment here, so please just let me know if for whatever reason you can't hear me or understand me.

[redacted]. Okay. Will do. Great.

And can you -- the only people in the room are you, Mr. Chamberlain and Mr. Northon? That's right?

Mr. Chamberlain. Correct.

[redacted]. Okay. And, on your end, you're not recording it or otherwise transmitting it?

Mr. Chamberlain. No, I'm -- no, I'm not. We're in my office conference room, and I'm not so sure I'd now how to record it if I -- so --

[redacted]. Fair enough. All right. And, just logistically, please let us know if at any point you need any breaks, either for food, comfort breaks, or otherwise, or if you want to have an off-the-record discussion with your attorney. If you do want to have a discussion with your attorney, I find -- I won't tell you how to do this, but I find it's been best using this platform hitting mute, turning off the video. That way, there is no chance that we might overhear any conversations that you have privately.

Any questions before we begin?

Mr. Northon. No, thank you.

[redacted]. Okay. Great.

EXAMINATION

BY [redacted]:

Q So why don't -- Mr. Northon, if you can please give us a background, where you're from, where you went to school, and more or less your professional history getting to today.

A Okay. I'm -- I'm -- I live here in the Grand Rapids area in west Michigan. I grew up a couple hours north of here in a little town called Evart, Michigan. That's E-v-a-r-t. I lived there my whole life until I went off to college.

I went to college on a baseball and academic scholarship at a little school called Hillsdale College in southern Michigan. After -- after I was there -- I studied biology and chemistry; I have a science degree -- I bounced around a little bit. I was a minor league baseball player, a professional baseball player. And, after I got released enough times -- that's the polite way of saying fired -- I found something else to do.

So I did that for parts of three seasons, and then I went to -- went to law school. That would have been -- let's see. I graduated high school in 1996. I graduated college in 2000. And then I went to -- it would have been one academic year, so two baseball seasons off, and then I started law school in the fall of 2001 in Ann Arbor, Michigan.

I graduated from Ave Maria Law School, Ave Maria School of Law, when it was in Ann Arbor. I was part of its second class or one of the early graduates. It's -- it was a brand new law school at the time. It actually set the record for how fast they got their ABA accreditation back in the day. It's not quite the same caliber, in my opinion, as what it was back then, but it's -- at the time, it was a good spot to go to law school.

While in law school, I had my first legal jobs. I was the first person in my family -- first guy in my family to graduate from college and first one to get a professional degree, so I didn't know any lawyers really, and so my first legal jobs were in law school.

I worked for -- let's see. After my first year, I worked for a Federal judge in Cleveland during my second year. I worked for two Michigan Supreme Court justices. One was at the Court of Appeals at the time. He's now on the Michigan Supreme Court, Brian Zahra. The other one was Bob Young. The Federal judge that I worked for was Magistrate Judge William Baughman in the Federal court in Cleveland.

After my second year of law school, I took a, you know, summer clerkship with a law firm in Detroit called Butzel Long -- that's B-u-t-z-e-l, L-o-n-g. It's about a 150-year- old law firm in Detroit. I was telling Chip earlier they had about 250 lawyers at the time and have since -- they got down to about 90, and I think they're back up to about 150 or 200. But thankfully I wasn't there during that drama. I worked for them as a summer associate, and then received an offer to join them after I graduated from Ave Maria in 2004.

I did primarily labor and employment work, union management on the management side, including ERISA disputes, pension disputes, and ERISA disputes.

I did that for about 4 or 5 years, and then lateraled to Reed Smith in Pittsburgh. Reed Smith in Pittsburgh, at the time, had about 16 or 1,700 lawyers, and I was part of their ERISA litigation and labor group.

I was there about 2 years. This would have been 2007-2008. And then, right at the end of 2008, at the start of 2009, I moved with my wife and family down to Florida, where I rejoined Ave Maria School of Law, but this time as its in-house counsel instead of as a graduate.

So it just so happened that the law school had been a client of mine when I was at Butzel Long, and they were getting ready to move across the country, [redacted]. And the dye was cast, and then they needed a little help with the move.

So it's hard to tell your alma mater no. My wife and I both graduated from Ave Maria, and that's where we met. And so I went in-house with the law school. I was actually the first person down in Florida for them full time in early 2009. They moved there in the fall of 2009, and they've been down there ever since.

I stayed in-house with them about 2, almost 3 years, I think, if memory serves.

That pushes me out to about 2012. And then I just missed the courtroom, and so I -- I went back into private practice. But, at that point, I think we had had three or four kids, and didn't want to do another cross- country move, so I stayed in Florida.

At that time, I lost my in-house exemption. You know, when you're an in-house lawyer, you don't have to sit for the Florida bar exam. And so I had to then sit for the Florida bar exam. So I sat for that in 2012 and joined the law firm Roetzel & Andress, R-o-e-t-z-e-l, and Andress, out of Akron and Cleveland, Columbus area. They're an Ohio-based firm, but I joined their Fort Myers and Naples offices down in south Florida.

I continued to do the same type of work, primarily labor and employment work. There were very few unions to fight in south Florida, but I continued to do labor and employment work, and then some litigation, including antifraud and -- and some of those types of things, which is what I did primarily in the ERISA arena, was dealing with fraud and embezzlement or employment-related thefts and crimes.

I did that until -- until about 2017. And then, at that point, my wife and I had five kids. Our oldest was getting a bit older, and we wanted to move back to the Midwest, so I came back to Michigan in 2017 and joined the firm Rhoades McKee -- R-h-o-a-d-e-s, M-c-k-e-e -- as a partner, and I moved my wife and kids back. We live in Jenison, Michigan, and my office is downtown Grand Rapids.

Still the same type of work, primarily labor and employment litigation. Still do some ERISA work. And then, on the plaintiff side, I take a few plaintiffs' cases if I like the equities. I had a wrongful death case, a few antifraud cases, you know, representing either disabled people or paralyzed people, or -- and a couple of cases, little old ladies who had money stolen from them. So I'll do that on the plaintiffs' side, but primarily a defense side management, labor and employment lawyer. I've been practicing there since.

And then, over the last couple of months, I've been transitioning to an in-house position with a fintech company called Inveniam, I-n-v-e-n-i-a-m. It's a Latin word. And I've now joined them as deputy general counsel, effective around the first of this month, April the 1st.

I still have a relationship with Rhoades McKee. It's basically a referral arrangement. And I still have a few pending matters. As you may know, you're not off of a case until the judge says you're off of the case, and so I still have a few cases that I'm the lead counsel or active. But, in many cases, I've either cocounselled or transitioned the files and done substitutions entirely.

That brings you to 2022. And, like I said, I practiced without interruption with Rhoades McKee from 2017 to now.

So professionally, that's it. I've been, you know, primarily a trial lawyer on the labor and employment side, and then -- except for the short stint in-house with Ave Maria Law School in Florida, and then -- and then now my most recent in-house position, which I just started.

Q One of the reasons that we're talking to you today is related to the election.

When did you first get into election law work?

A I don't know that I ever got into election law work, per se. You know, I -- it certainly wasn't a specialty of mine. You know, it's something that is too infrequent, for me at least, to specialize in. It only comes around every 4 years. But many of my cases -- I've always --

But at the same time, I've always, you know, followed constitutional law issues, and I've also followed, you know, statutory issues. As you may know, ERISA is code-based. Title VII on the employment side is code- based.

So I would say my entire career, I've been following constitutional issues or

code-based statutes as a civil litigator, primarily in the Federal courts. So I've done that my entire career.

But election law in particular, I think I've helped some nonprofits over the years, so first -- you know, when I was in private practice back with Butzel Long and Reed Smith, we would represent nonprofits from time to time, 501(c)(3)s or 501(c)(4)s, typically with their, you know, retirement plans. But, at the same time, there were rules onto -- for political activity for the charities and the nonprofits. So I had some exposure then to election law, only because electioneering is normally prohibited for 501(c)(3)s, whereas 501(c)(4)s can do some direct lobbying and some other things.

So I had some exposure to it probably as early as 2006 and 2007. But, in terms of ever representing any clients or cases during an election dispute, 2020 would have been, I think, the first time I've done that.

Although, like I said, there were some -- once I went back into private practice after Ave Maria, so from 2012 to now, I've represented more charities and more nonprofits than before. And many of them had election-related questions, but it was usually about how to avoid -- how to avoid compliance issues.

I did help private clients file and obtain their 501(c)(3) status. I did that for a handful of clients down in Florida. So it's really just a compliance issue on the election side. 2020 would have been the first time I filed litigation related to any elections.

Q Okay. And, in that background, did you ever do any teaching?

A Well, to their credit, Ave Maria knew better than to let me into a classroom, and so -- so I did fill in a couple of times as an adjunct when professors were sick or ill or had leaves of absences. I did help -- help train in some one-off -- not just some monitoring, but some small group sessions as it relates to passing the bar exam. I've taken and passed the Michigan bar exam, the Pennsylvania bar exam, and the Florida bar

exam.

When Ave Maria first graduated its first two classes, the bar exam passage rates were 95 percent the first year, 100 percent my year, and 93 percent the third year. When I was an employee at Ave Maria, when I was their in-house counsel, they had numbers that were bouncing around around 50 percent. And so I -- I did teach some bar prep and did some monitoring related to that.

Other than that, a couple of one-off classes for labor and employment, and I believe I taught an ERISA seminar, but it was not for credit. It was for extra credit at Ave Maria. And that was the only teaching that I've done.

I worked as a school teacher for a brief time. After I graduated from Hillsdale, I had a science degree, and I worked as a substitute school teacher to get some money while I was trying to be a professional baseball player.

And then I've -- but, other than that, just a couple of one-off situations. I'm trying to think if there was anything else.

Q Let me ask you: Any teaching, did any of it have to do with election law, Federal or State?

A No. I don't believe I've ever taught any election law related anything, State or Federal. I've given a couple of seminars on constitutional law, I think, to civic groups, and I've done some speaking on that, but never anything election specific, and never to a -- to a law school or a college.

Q And those constitutional law seminars you said, the civic groups, was that related at all to the 2020 election?

A No. I haven't done that since probably the mid -- well, since the market crash around 2008. You know, there are different -- once I moved down to Florida, part of my duties for Ave Maria was to give talks to judges, give talks to lawyers.

And I also gave talks to groups of, like, moot court students or other things. They were typically high school aged. And I'm trying to remember the name of the group that it was affiliated with, but it wasn't like Boys Club or anything. But it was similar to that. It was just these civic groups. But that was -- that was a much younger audience, like high school age, around 2008 through about 2012 when I was with the law school.

Q I see. And was any of that -- I assume not, given the age, and the nature of the groups you were talking to, but I don't want to assume -- was any of those, or -- excuse me -- were any of those speeches constitutional law speeches or seminars about election-related issues?

A No, not that I can call. I mean, all those kids were under 18, so none of them could vote, but -- but anytime you talk about the Constitution to a group of teenagers, you talk about the basics, like separation of powers, civic duty, your civic duty to vote, things like that. So there might have been a few footnotes here or there.

But I don't remember anything specifically about election law to those teenagers, and certainly none of the stuff that I filled in for in law school. Like I said, it would have been a class here or there. None of that was election related. It was, like, labor and ERISA related.

BY [redacted]:

Q Got it. Okay.

So I understand you're associated with a group, at least -- I shouldn't say associated. Maybe that's the wrong word. Linked to a group, familiar with a group named Amistad, or the Amistad Project. Is that right?

A Yeah. They were a client, and, until recently, they were -- they were still a client.

Q Okay. And I don't want to get into any attorney- client privileged

communications or work product that you have done, but, just generally, can you tell us when that relationship -- that attorney-client relationship with Amistad started.

A Yeah. So I was -- I had cocounselled with a case with a guy who had apparently -- this would have been early 2020. Sorry. To give you a more direct answer, early 2020, I was contacted from a lawyer that I had worked with on other matters unrelated to Amistad or election cases, and he asked if I would be interested. And then, around that time -- it would have been -- I don't remember -- I don't remember when we did the engagement letter, but it would have been spring or summer of 2020.

Q And was the relationship related to anticipated issues with the 2020 election or preelection litigation?

A Yeah. So this Amistad group had actually already filed several lawsuits in other States. Off the top of my head, I don't know if they filed anything in 2019, but I know that they certainly were doing research and preparing for some concerns that they had seen in 2019, maybe even 2018.

But, in 2020, they had filed a lawsuit, I believe, in Pennsylvania and maybe Minnesota already. And then they reached out to me through a friend of a friend or another lawyer that I had worked with and asked if I would be interested in helping them file some cases in Michigan.

They had a grassroots group in Michigan called the Election Integrity Fund that had been working and meeting, and -- and they were seeing the same irregularities or statutory violations that they saw in other States, or similar, I should say. Each State law is a little different. And so it was, like I said, late spring, early summer that they contacted me about filing something in Michigan.

Q Did you have any role with the Amistad Project other than being an outside lawyer for them? For example, did you sit on a board? Were you an informal adviser?

Were you a member?

A The answer is no. I've -- I'm their outside lawyer. I've been their outside lawyer since, you know, probably second quarter 2020. But I'm not -- I'm not a board member. I'm not -- I don't know that they -- they don't have dues-paying members that I can tell. It's not a dues-based organization. So I'm not a member in that sense.

But I'm familiar with them by being their lawyer, and I certainly, you know, give them advice. But I bill for that advice, like -- so it's -- you know, I don't know how -- I like to think that I've made friends with many of the people there. I worked mostly with the lawyers, but -- but, no, no other relationship other than being their hired lawyer.

Q Who is the person who introduced you to the Amistad Project?

A Well, I was introduced to the head of the Amistad Project, which is Phill Kline. That was -- that's kind of who I view as my primary client contact. But the attorney that introduced me to them was a lawyer out of Kansas City named Eddie Greim.

Q Okay.

A Eddie and I had been cocounsel on a litigation project out in St. Louis, Missouri. This is a Federal lawsuit, a trademark case out in St. Louis, where I represented the late Phyllis Schlafly and her estate and several of her trusts trying to protect her intellectual property after she passed away in 2016.

So that's actually one of the lawsuits I'm still involved in. That case is still pending. It's a 6-year-old case. Eddie had been counsel on that case or cocounsel on the case for a short time.

And then -- and then he worked with a group called the Thomas Moore Center out of Chicago. And we had some mutual friends at the Thomas Moore Center out of Chicago, including its president, Thomas Brejcha. That's a group that used to do fundraising down in Florida, down in south Florida.

So, when I was with the law school, you know, the patron saint of Ave Maria School of Law is Thomas Moore, and this is a group called the Thomas Moore Society, or Thomas Moore Center. And so there were some synergies there. And there are a couple of professors that do legal work for the Thomas Moore Center.

So, when Eddie called me and said he had a project for Amistad and Thomas Moore, I knew several of the attorneys that did work for them, and so it was kind of a known quantity at that point. I don't know that I interacted with them much, but I've known some of those guys since about 2009 or 2010.

Q Thomas Moore is separate from the Amistad Project, correct?

A It is, I think, technically. I think at the time, in, you know, 2018 and 2019, the Thomas Moore Society was a 501(c)(3) and was running lots of different litigation projects around the country, primarily pro-life stuff. They do some military stuff. They do some election stuff. But they do a little bit of everything that fits into kind of their -- their priorities.

Amistad was something that Phill Kline had been working with Thomas Moore for -- on other cases, or other matters, including pro-life things, for many years. And so, in 2020, when I was contacted, that's how they were described to me. In other words, Amistad was described as a project or -- of the Thomas Moore Society. And my sense was that the Thomas Moore Society was devoting some of its litigation resources toward Amistad.

Q You mentioned Thomas Moore and their tax status. Did you say a 501(c)(3)?

A I believe they've got a 501(c)(3). They might also have a 501(c)(4). It's a little different. You know, there is -- I couldn't tell you exactly where the lines are drawn. I didn't represent them directly, but -- but I believe they've got a 501(c)(3).

They might also have a PAC or a (c)(4).

You know, it's kind of like -- it's not terribly uncommon with charities to have kind of the education arm, the (c)(3), and then the political arm, the (c)(4). But this was their -- one of their litigation projects. I think Amistad anticipated litigation at that time, had already filed some litigation, and so they were a payor. They were funding part of that litigation, or helping to support it.

Q No for-profit arm of Thomas Moore that you're aware of?

A Not that I'm aware of. I'll just -- I'll just mention to clarify, there is a Thomas Moore Law Center in Ann Arbor, Michigan, as well, that also had some affiliations with Ave Maria, and I know some of the people there. But it's completely separate. They are a different Thomas Moore. So this isn't the Thomas Moore in Ann Arbor or England, as the case may be. This is the Thomas Moore in Chicago.

Q I appreciate you being specific with that. Thank you, Mr. Northon.

What about the Amistad Project? What's your understanding of their tax status? Are they a (c)(3)?

A You know, that starts to get into some of the legal work I did for them, but I can tell you, as a practical matter, I did help Phill Kline and the Amistad Project file for a 501(c)(3) tax status. My understanding is that it's pending.

Q When did that -- I assume that filing is public?

A Tax filings typically are not public.

Q Oh, not public. Okay. Well, I'll ask this, and let me know if you have any objections.

A No, but the fact that they filed is public. Charities want that to be known, because then, as soon as you file under the 501(c)(3) rules, under the IRS regs, you can start raising money and giving charitable deductions for that even while it's pending.

But I can't remember the exact date that that was done. I would say late 2020, early 2021 maybe. But I don't remember the exact date. I'd have to check the filing.

Q The Election Integrity Fund, what's your understanding of their status?

A That's a Michigan entity. I wasn't retained yet. I didn't file that paperwork. But, if you look up on the Michigan Department of Corporations website -- it's called LARA, L-A-R-A -- they were already in place when I was retained. So they would have filed something sometime before -- before, you know, May or June of 2020. I just don't know when, and I'm not sure who did it.

Q You mentioned Phill Kline being your primary client contact with respect to Amistad.

How long have you known Phill Kline?

A I was introduced to him in 2020 by the -- by Eddie and the Thomas Moore people.

Q No preexisting relationship with him?

A Nope. I had never met him before. I met him in person for the first time when he came to Michigan during the summer of 2020. He came to make some announcements about the election integrity stuff he was working on. I met him in person then, although I had been working with him by phone and email for a few weeks or maybe a couple of months by that point.

Q Okay. And I'm going to ask you about a number of people just to see if you had any interactions with them. And, when I ask you about that, it will primarily be the post-election period, so November 3rd through January 20, 2021, but I'll just refer to it as post election. If you need me to say those dates again, though, at any time, just let me know.

So, in that period, did you talk to anybody associated with Mr. Giuliani -- Rudy

Giuliani or his legal team?

A I never spoke with Mr. Giuliani, and I'm not sure who his legal team was. So I think the answer to that is no. But -- but I don't know -- I don't know who you're talking about.

Q Let me go through some of the names. So how about Sidney Powell?

A I did receive a phone call from Sidney Powell in the post-election period.

Q Okay. Tell me about that phone call.

A She called me and asked me if I would be local counsel on a case that she was preparing for the Federal court. I think she was going to file in the Eastern District of Michigan.

It was a short phone call. I don't know how she got my number. You know, I've got a public profile on my website, but she called my cell phone. And -- and she -- she asked me if I would be local counsel. And, by then, I had already filed, you know, two or three preelection cases. I had filed a couple of post-election cases, I think, by then, and she asked me if I would be local counsel.

Q Okay.

A I asked what kind of case she was filing. She said a due process case. And I asked her when she wanted to file it. She said, later that day. And I politely told her no.

I don't remember if I gave her the names of other lawyers who might be interested. I don't think I did at the time, because I don't know anybody in my Rolodex that would take a case like that on such short notice.

Q Roughly when did that call occur?

A It would have been sometime in November. It was certainly --

Q Which year?

A November of 2020. I'm sorry. It was after the election, but before -- I think I got -- I think I filed my main Michigan Supreme Court case around Thanksgiving.

Well, you know what? I don't know. It could have been after that. It could have been December, but it was certainly in November or December of 2020. Like I said, it was in the afternoon. It was the daytime, and she wanted to have something on file by midnight, so on less than 12 hours' notice. I told her, No, thanks.

Q Did you ever talk to her again after that?

A No. I never talked to her again, had no reason to.

Q You mentioned your main Michigan Supreme Court case. What was that case?

A That case was Johnson -- Angelic Johnson and Dr. Linda Lee Tarver v. Secretary of State Benson, et al. I filed that in the Michigan Supreme Court. It was a direct action, largely on Bush v. Gore due process grounds. But I filed that around Thanksgiving.

Q All right. What about Jenna Ellis? Did you ever talk to Jenna Ellis?

A No. I recognize the name. She was on TV quite a bit, but -- but I never spoke with her.

Q Do you know of any affiliation that she had with Amistad Project or the Thomas Moore Society?

A Yeah. So I know she's never been affiliated with the Amistad Project. My understanding is that she did some pro-life work for Thomas Moore several years before.

And, by pro-life work, I can't be more specific than that. You know, Thomas Moore did lots of either pro-life or anti-abortion cases around the country. But I want to say she had done something with them before she joined the Trump administration. I don't know what role she had, but I think she joined the Trump administration, like, in

2016, 2017. And this would have been work with Thomas Moore before then.

And I think they were pretty proud of that. They viewed her as kind of somebody who had arrived, and, hey, volunteer for us, and you're going places type thing. But I never worked with her on any Thomas Moore projects. I know she wasn't -- I know she wasn't affiliated with them once she joined the administration.

Q When you say joined the administration, are you talking about the campaign?

A I don't know exactly what -- what she did, but I think around 2016, she either joined the campaign -- this is 2016 -- or the administration in some formal capacity, and then she stopped doing the work for the 501(c)(3).

Q Okay.

A They weren't -- now, to their credit, Thomas Moore is careful about -- about affiliating with people once they're, you know -- you know, so they had a guy, for example, Peter Breen, who ran for office, I want to say like Chicago assemblyman. And, as soon as he ran for office, he stopped doing work for Thomas Moore.

That was their policy or position that, if you were in a campaign or running a candidate, you couldn't be -- you couldn't have active files with them. And so I think he lost, maybe won -- I don't know -- but -- and I think he's rejoined them in some fashion.

But that was an example where he had took a hiatus from Thomas Moore because of his politics. And I think Jenna Ellis was the same way. She had done a couple of one-off projects. They were pretty proud of her. I think they even put her on their website. But, once she was affiliated with the campaign, they couldn't do active projects with her.

Q Okay. Yeah, because my understanding is that she was listed on the website for the Thomas Moore Society as special counsel up through at least part of the

period that she was also doing work with the Trump campaign. But your understanding is that she was not affiliated during that period, or taken a leave of absence?

A I certainly had no interaction with her. I don't know what their formal status was. I wasn't giving Thomas Moore advice about that, but I know they were very prickly or sensitive to those things with me. And so -- you know, and so I think they took that seriously.

But everyone on their board is a lawyer, so I think they were giving -- you know, they had their own outside counsel and their own legal advice, but -- I know, as a practical matter, just because they had somebody on their website as somebody they're proud of or proud of the work they did, that doesn't mean that they were active or doing things in real time. I think that would be misconstruing that.

Q Okay. And, without getting into any legal advice you may have given, do you recall any concerns that were raised about her being on the website as special counsel to Thomas Moore while also doing any work for the Trump administration or the Trump campaign?

A I didn't give legal advice to Thomas Moore. My only legal advice was to Phill Kline, and Phill Kline is a former -- I think he was the former attorney general of Kansas, so he shared some of those concerns. In other words, he was sensitive to that as well. And so he was concerned that it might look bad if she was on the website along with him or others as part of the Amistad Project. He didn't want to be unfairly or falsely accused of trading on Trump's name when he was trying to do his project separately.

Now, that's not me getting into legal advice, what I told him about it. That's -- you know, that's concerns he expressed, I believe, privately and publicly.

Q How about Cleta Mitchell? Do you know that name?

A I know the name. She was at a large firm called Foley & Lardner, which is a white-shoe firm out of Chicago. She has a good reputation among The Federalist Society or other conservative legal circles. But I've never met her. I've never done any legal work with her.

Q Did you ever have any conversations with her in that post-election period?

A No. Never spoken with her, and I've never met her.

Q How about Katherine Friess, Friess? I don't know exactly how to say her last name, but do you know that name?

A Yeah. That name -- I didn't remember that name. That was one of the names that Chip asked me about, and -- I think, and I didn't recognize it. But I went back through my emails, and there was an email in which she was copied on it. I think she was somehow affiliated with the Trump campaign, and so I had a little bit of interaction with a guy named Mark Foster, and she was on one of the emails with Mark Foster.

Q And can you tell us about that, having now looked over it?

A Yeah. I've never -- I've never met her. I've never spoken with her. But she was copied on an email with Mark Foster. Mark Foster was somebody that I had run into. He was -- he was in -- at the TCF Arena in Detroit on election day. And so, from my Michigan Supreme Court case, he was a witness. He swore out an affidavit and -- of what he observed on election day and the day after in Detroit in Wayne County.

So that was my initial interaction with him. And I didn't have -- I didn't know him at the time. I didn't have direct interaction with him at the time, but one of the other Amistad attorneys who was also in TCF Arena during election day, he -- his -- he had introduced me to him and saying, Hey, you should follow up with him. He might -- and I believe he gave an affidavit to my case, and then he gave an affidavit to a similar case that was filed in the Court of Claims in Michigan by another law firm.

Q Other than that one email, do you recall ever communicating or meeting with Ms. Friess in the post-election period?

A I never -- yeah, I never met with her. I never spoke with her. And I don't -- I don't remember any interaction with her except to see that, when I searched my emails and saw Mark Foster -- and there was one other name. One of the other names that you had asked Chip about -- my counsel, Chip Chamberlain, was Shawn Flynn, and so I ran those searches for their names. That was when she showed up.

Q And we'll get to him in just a moment.

What about Boris Epshteyn? Do you know that name?

A I've heard the name, and I -- but I don't know -- I don't know what his official role or title was. I think he was affiliated with the Trump campaign in some fashion, but I don't know. And I've had no interaction with him, no emails, no calls. That one's not ringing a bell.

Q Okay. Mike Roman? How about him?

A Yeah. Mike Roman, I've heard that name. That was somebody that Mark Foster said -- said worked for the Trump campaign, and so I've heard the name, but I've -- I've never spoken with him on the telephone, never interacted with him. I don't believe I've -- boy, I don't think I've got any emails with Roman on it. I certainly don't recall -- recall any off the top of my head.

Q Did you understand what his role was with the campaign?

A My understanding was that he hired Mark Foster to be in Michigan. So Mark said, you know, he's the guy that hires -- hired him in Michigan and would have hired Shawn Flynn or the other Trump attorneys.

Q And you may have mentioned this, but what was your understanding of Mark Foster's role at the campaign?

A Mark Foster, at least the way I understood it, was that he was hired by the Trump campaign to be an observer at TCF Arena in Detroit on election day. And he was, in fact, at TCF Arena on election day. But I don't know what his official capacity was.

He told me he was from California, and I think his background was more -- I think he had been like a trade ambassador or something to Japan. Like -- he didn't strike me as somebody who actually practiced law.

Q All right. You mentioned Shawn Flynn. Tell us who you knew Shawn Flynn to be.

A I didn't remember the name at first. But, when I searched my emails, I saw an email with Mark Foster and Shawn Flynn. Shawn Flynn is somebody I met -- somebody I met in person in December for the first time when I was up at the capital in Lansing, the State capital, Lansing, Michigan. And he and Mark Foster were there on behalf of the Trump campaign and, I believe, the State party, the State GOP, to prepare an alternate slate of electors.

And so I met him in person in Lansing briefly after -- after they did their work in Lansing. Mark Foster was there. Shawn Flynn was there.

Q Was that on December 14th, the day that the electoral college met?

A That's right.

Q Was that the only time you've met with either of them?

A That's the only time I met with Shawn Flynn. He was a young guy, and I had never seen him before. You know, I've only been back in Michigan since 2017, but, you know, from my limited Rolodex here in Michigan, I had not seen or heard from him before or since. He was new to me. And that was the only time I met with him or spoke with him.

And then, like I said, there was a follow-up -- follow-up email a few days later, but

that was -- that was the only thing that I recall.

Now, Mark Foster, is a little different. I had met with him before. I had met with him maybe -- boy, I don't know -- a couple of weeks earlier, maybe a month earlier, to go over his affidavit for the Michigan Supreme Court case. And -- and then I had had -- I had spoken with him on the telephone at least once, maybe twice before, between doing the affidavit for the supreme court case I got filed around Thanksgiving, and then that time I met with him in person in -- in Lansing.

Q And, in your meetings or communications with him, did he relay any requests from the Trump campaign?

A No, not that I recall. I mean, I didn't get the sense that he had access to Trump or the campaign. I got the sense that he was -- I mean, not to call Michigan Siberia, but I got the sense that he was kind of a low man on the totem pole and had been kind of delegated to -- to kind of menial tasks.

Q How about Mike Brown? Do you know that name?

A I mean, I'm not trying to be rude to the guy. I'm just saying, you know, he didn't ask me for anything specific, and I didn't get the sense that, even if he did, he could do anything about it.

Q What about Mike Brown? Do you know that name with respect to the Trump campaign?

A No. Never heard of it.

Q All right. Jesse Law?

A I'm sorry. Could you say that again, please?

Q Sure. Jesse Law. Do you know that name?

A No, I've never heard of it.

Q How about Jesse Binnall?

A I'm sorry. Never heard of it.

Q Okay. And I'll spell that last name in case I'm mispronouncing it, but it's B-i-n-n-a-l-l, I believe.

A No. Those names aren't familiar to me. Nobody I've run across as a lawyer or -- and certainly nobody I've had any interaction with after the post-election period.

Q Christina Bobb? Are you familiar with that name?

A Bobb, B-o-b-b?

Q That's correct.

A No.

Q I'll represent to you that she was a former One America News anchor who was also working with Mr. Giuliani on some legal-related efforts with the Trump campaign in the post-election period. I don't know if that helps at all.

A No. I'm sorry. It doesn't ring a bell. I mean, I remember -- I remember giving some news interviews for One America News, but I don't remember the name Christina Bobb. And I'd be embarrassed if she was, like, the host of the show that I was on, but -- but I don't remember that name. Sorry.

Q Okay. Do you remember anybody from One America News also being associated with the Trump campaign so far as you interacted with One America News?

A No. No one held themselves out as being with the Trump campaign. I know, when I was working with Amistad, Amistad had a PR group that was helping them -- helping them do newspaper articles and op-eds and things like that. And so, anytime I got a request to be on TV or in the newspaper or something, it was -- it was usually through those people.

So I didn't have a lot of interaction with the news people directly. It was usually

just like show up at this time. You're going to be on for 3 minutes, or you're going to be on for a minute, and that was it. So I didn't really -- no one from One America News represented to me that they were affiliated with Trump.

Q What about Matt Morgan? I believe he was general counsel for the Trump campaign. Did you ever interact with him or communicate with him in the post-election period?

A No. That name doesn't ring a bell. I actually didn't know he was the general counsel for the Trump campaign. The only Matt Morgan I know is an entirely different Matt Morgan, which is he's at the law firm Morgan & Morgan, which is the largest plaintiffs' firm in Florida. And you can actually hit star law, and they will call you within seconds.

And so, as a defense lawyer in south Florida, I had some interactions with both Matt Morgan and then the mom and the dad are both lawyers as well. So I've -- but that's the only Matt Morgan that I know, and he's about as far to the other side of the political spectrum as Trump could possibly be.

Q Different Matt Morgan indeed. How about Justin Clark?

A I'm sorry. I don't know a Justin Clark.

Q Kenneth Chesebro or Chesebro, C-h-e-s-e-b-r-o? Do you know that name?

A Yeah, that name didn't ring a bell, but that's somebody Chip had asked me about earlier, and so I ran -- I ran his name through my archives, my email archives. And I found an email that he had forwarded to one of the lawyers in Pennsylvania that was working with the Amistad Project, and then he, in turn, forwarded that to me. And it included a memo, like an election memo about the -- I forget what it was called, but it was an attachment to the email, and it was basically on the Electoral Count Act.

Q Did you produce that to us? And forgive me if I missed it.

A I don't know. I'd have to check with my counsel here, if you give me a second. You know, I don't think that I did. You know, I -- like I said, it was an email that he forwarded to one of the other attorneys on the Amistad Project, who forwarded it to me. So I don't think that I produced that.

Q Based off of privilege?

Mr. Chamberlain. [redacted], you can -- you can proceed without me. I'm going to go in my office to look at my notes. If we didn't produce it, there may have been -- it may have been inadvertent that we didn't produce it.

[redacted]. Okay. I'm happy to wait, Mr. Chamberlain, until you can get back. I defer to you.

Mr. Chamberlain. All right.

Mr. Northon. We've been going about an hour. Do you mind if we go off the record just real briefly while we wait for him, I'll get some more coffee and then hop back into it?

[redacted]. Yep. Why don't we do that. Let's go off the record. Maybe say 5 minutes or so.

[Recess.]

[redacted]. Let's go back on the record. It's 10:58, and we're resuming the interview of Mr. Ian Northon.

BY [redacted]:

Q We stopped at Mr. Chesebro. You mentioned one email, and we spoke off the record with your counsel about that.

Do you remember any interactions, either in-person or otherwise, communications via email, phone, text messages, with Mr. Chesebro?

A Yeah. So I never spoke with him, and I actually didn't recognize the name

when you and Casey had asked Chip about him ahead of time. I had to go looking for him. And that's when I found the one email that he had sent or was forwarded to one of our Pennsylvania lawyers who, in turn, sent it to me.

The attachment was a memo, but I don't remember actually having read the memo. It was at a time when we had kind of formulated our strategy already, or what we were doing in our lawsuit. So I don't remember having read it. And, having gone back now and I looked at it briefly, nothing jumped off the page at me as being interesting, at least not in real time back in 2020.

Q Okay.

A I had never met the guy. I hadn't heard of the guy ahead of time. You know, we were working pretty hard to try and find commentators, law reviews, lawsuits, cases that had interpreted the Electoral Count Act, but we weren't really finding very much. There was just a handful of things that we found. And I think that's how we came across this Chesebro guy. I don't know how to say his name either, but --

Q Okay. Was that sent to you or through anybody that we've talked about this morning, the list of lawyers or list of individuals we've talked about?

A No. It wasn't sent from any of those Trump people you were talking about. This was sent to me by one of the other Amistad lawyers. His name is Tom King. He's a lawyer in Pennsylvania.

Tom King was doing what I was doing in Michigan, but he was doing it in Pennsylvania. And so this was an email that he sent to me, to Phill Kline, and a few others that were in that -- all the Amistad lawyers that -- if memory serves, although I don't remember the off the top of my head if it was all of them. But it was at least he sent it to me, because he knew I was doing something in Michigan. I had my case still pending in Michigan at the time.

Q I may be thinking of somebody else, but my understanding is Mr. King is a lawyer for the State GOP in Pennsylvania? Is that right?

A Yeah. So Tom -- Tom King was one of the rarities in the Amistad in that he also represented a party, but he did that through -- he and his firm did that and had done that for many years, and so the lawsuits he filed with Amistad were separate from that. But, yeah, he represented both the official party in Pennsylvania and Amistad in Pennsylvania.

And it's -- I primarily worked with him, Tom King, and then another lawyer at his firm named, Tom Breth, B-r-e-t-h. But those two Toms were kind of my counterparts in Pennsylvania, or I should say -- they usually went first, so I was their counterpart in Michigan.

But I've traded notes with them on other things as well. I'm a Pennsylvania lawyer, too, and so -- and they had some school cases, some -- and mask mandate cases that they had filed. So I was trading notes with them also about those issues because we had a -- some similar cases going here in Michigan.

Q But Mr. King was not an employee of Amistad, right? He was outside -- an outside attorney who also represented Amistad, like you?

A That's correct. So he's an outside lawyer, outside firm representing Amistad in Pennsylvania. I was outside lawyer representing Amistad in Michigan, and he flipped me an email that -- you know, with this memo attached to it. And I don't even remember if there was any commentary with it, but he -- you know, presumably because he thought it might help me in my cases in Michigan. But, in hindsight, I don't even remember having read the memo, so I don't know how helpful it was.

Q What about a person named James Troupis, I believe a former judge in Wisconsin. Do you know who that is?

A I had never heard of the guy. But that was another person Casey had asked Chip about, and so I searched for his name. It did not come up in my emails. I didn't see anything from him -- no phone calls, no emails. But I believe the memo from Chesebro was to that guy you just mentioned in Wisconsin.

Q And I think we will look at that memo in just a bit.

What about John Eastman? Do you know who that is?

A Yeah. I know -- I know that name. He's a law professor out in California.

Q Did you ever have any communications, whether in person, email, text message, phone calls, with him in the post-election period?

A Yeah, so I never met with him in person, but I remember him -- I remember having some interaction with him, and I'm trying to remember the context. I believe he -- I believe he spoke to a group of Michigan legislators that I represented, and I sat in on the phone call. It was like a conference call type thing.

Q When was that?

A That would have been in the post-election period.

Q Okay.

A I don't know exactly. Maybe -- you know, maybe -- I don't want to guess, but I want to say early December.

Q All right. And was it -- who was on the call? Obviously you, Mr. Eastman. What about from the Michigan legislators? Who was there?

A Well, during my work for Amistad, you know, we represented Amistad. We represented its grassroots organization, the Election Integrity Fund. And then we represented individual members of the Election Integrity Fund when they filed lawsuits. So, depending on standing rules -- depending on standing rules, we represented individuals.

And some of those individuals were also State reps, so I had some State reps who were clients during that same timeframe, and they were either -- they either came to me because they saw what we were doing in Amistad and wanted to be a part of it, or they were already members of Amistad or knew about them or affiliated, and then they -- they agreed to sign up and join the lawsuit.

So, off the top of my head, I don't remember who was on that call, but I remember the State reps that I represented through Amistad were Daire Rendon, R-e-n-d-o-n, out of Lake City. She was part of that group. Beth -- Elizabeth, Beth Griffin, G-r-i-f-f-i-n. She's from the Jackson area, a farmer. And Julie Alexander, common spelling, A-l-e-x-a-n-d-e-r.

Those three were kind of the main ones that I interacted with for Amistad. And they helped organize that call. In other words, they were people who wanted their -- they were people who wanted their colleagues in the House to do more, and so they were asking for Amistad to speak to them, me to speak to them. I think that was the impetus of the Eastman call, is they asked Eastman, from a constitutional law standpoint, to speak to them.

And I'm sure they had other members of their caucus or other friends on the call, but I don't remember -- I don't remember who.

Q Was it Michigan specific? In other words, there was nobody from outside or other legislatures?

A Yeah, I don't remember. I think there was a Michigan call, and there may have been others. But that's -- the only one I remember is the Michigan one off the top of my head.

Q Were there any representatives from the Trump campaign there, or Mr. Giuliani and his legal team?

A No, I don't believe he spoke. I don't believe Giuliani spoke. I remember -- I remember a different call that wasn't organized through Amistad, just a grassroots call, that -- that I was asked to be a part of at one point early, like, you know, like mid-November, before Thanksgiving. And there were some State reps there.

I don't know that those three State reps were there, but -- but some State reps were there, and Giuliani did like a conference call to them. But I don't remember the specifics. That was -- that wasn't something I was doing, like, in my legal capacity.

That was just something that I got invited to this grassroots meeting, and these State reps were trying to figure out what they were going to do and what their role was. And -- and I think Giuliani called in for it, but I don't remember who got him on the phone or how that came about.

Q Okay. And we'll get back to that one in just a second, but just to continue on this call with Professor Eastman, you said you didn't remember Mr. Giuliani speaking. Do you remember if he was on the call at all?

A No, I don't think so. I think I would have remembered that.

Q Okay. And you said that your -- the colleague, or -- excuse me -- the House Members that were on the call or the legislators who were on the call were interested in having their colleagues do more.

What do you mean by that?

A Well, I believe, at the time, the House had gone out of session. In other words, they had closed for the term, and many of them felt like there were too many irregularities or statutory violations in which their laws, the laws that the house had passed, were not being followed.

And so they wanted to go back into session at the State House -- the people's House, they kept calling it -- and get them to do more, meaning, you know, start an

investigation, hold hearings, and start asking questions of people, not all together dissimilar from what you're doing here, which is, you know, the U.S. Congress asking questions of people after they have concerns.

That was what they were talking about. They were trying to get their colleagues to go back into session. And, if memory serves -- I'm not a parliamentarian, but, if memory serves, they needed a majority of either a caucus or the body in order to go back into session, because they were -- the House leader was on vacation.

[11:10 a.m.]

BY [redacted]:

Q How did they or you learn about Mr. Eastman to set up this call?

A I got a call from -- I think I mentioned earlier, I am a graduate of Hillsdale College, and so Hillsdale is also a client of mine. And so this was nothing that I was doing in their -- this wasn't anything they were doing in their official capacity, but they have a lot of researchers and historians and people who are interested in politics.

And I think it was one of the professors had reached out to me and said I might be interested in this. They knew about the case -- or cases, I should say. And so that is how it came about, somebody at Hillsdale reached out to me, said they are going to have this little meeting.

I went to it. There were a handful of reps there, and then Giuliani called in. This would've been in early November. So this would've been before Thanksgiving.

Q Just so we are not confusing calls here. I am talking about the Eastman call in December.

A Okay.

Q That is how you learned about Mr. Eastman, from a professor at Hillsdale College?

A Yeah, I'm sorry. So the answer to that is both/and. In other words, the first call, that grassroots call that I sat in on, was set up by some Hillsdale people, and it is the same people who introduced me or helped arrange the next call with Eastman. He's a professor. Professors talk to each other all the time. I think he's -- I don't want to speak out of school, but I think -- what's the name of the institute? There is some sort of constitutional law institute in Southern California that some of the professors had --

Q Claremont?

A Yes. That's it, Claremont. And so they knew him from Claremont, I believe.

Q Do you know who the professor was from Hillsdale, who set you up with Mr. Eastman?

A Well, and that's it. I don't remember the order of it. There were more than one. In other words, one -- one of the professors was doing research, their general counsel was doing stuff in his personal capacity, and the President of Hillsdale is a former Claremont scholar. Now, he's a Winston Churchill scholar, and he's an expert in British Parliament, not American Parliament, but I think that's where the name came from.

Q I may have the name incorrect, but is there somebody at Hillsdale named Kennedy, last name Kennedy, that assisted with this?

A Boy, that name doesn't ring a bell. There might be some people there. Now that you have mentioned it or it's occurred to me, the professor that was doing some of the research was Spaulding, S-p-a-u-l -- S-p-a-u-l-d-i-n-g, Spalding like the baseball. And the guy at Claremont is the President, Larry Arnn.

Q I'm sorry. I may have mistaken Mr. Kennedy -- Brian Kennedy as a Claremont person. Does that name ring a bell, though, Brian Kennedy?

A It doesn't to me, it might to some of those professors, but it doesn't to me.

Q Okay. What do you remember Professor Eastman saying on that call? What was the nature of it?

A I think it was pretty vanilla. In other words, he said, State legislators, and in Michigan, we have a House and a Senate. So, you know, State legislators, it's their duty under the Constitution to conduct and -- conduct Federal elections, and they have plenary power -- that's p-l-e-n-a-r-y -- plenary power in order to get it right.

And so anytime they think that something has gone wrong, it's their responsibility or their duty to do something about it. I don't think it got more granular than that. He's certainly not a Michigan lawyer, that memory serves.

I don't think he was talking about any specific Michigan statutes, but I think he gave a general civics lesson that State Houses or State Senates have plenary power, it's their duty to conduct elections, and if somebody's going to do something about it, it's them. And I think that's perfectly agreeable. I think that's accurate.

Q Did the legislators who were on the call do anything after that? I mean, did they come away with a plan to reach out to other legislators and look into this issue of the legislature exercising its plenary power with respect to electors or otherwise?

A You know, I don't know what they did as a body, you know. I know -- and I am loathe to say, you know, what my individual clients did, those three that I mentioned, but I do know as a practical matter that they joined a couple of the lawsuits. They joined an amicus brief.

So those are some actions -- or concrete actions that they took, but they also understood that -- that joining legal briefs, to them, wasn't going to be fruitful. To them, this was something that unless the legislature acted as a whole, as a body, a court didn't have any more authority to do anything about it.

It was, you know, again, getting back to kind of the coequal branches, this is the branch -- the legislature is the only one that can do anything about it.

So they talked about going back into session. They talked about having committees and having hearings. They talked about putting some of the known bad actors under oath. Those are all things that they talked about doing.

I'm not -- I'm not sure, as we sit here, how successful they were. I know as a practical matter, that they were locked out of the State Capitol for months -- or at least

weeks, and -- and had a difficult time getting done the things that they had kind of -- not made a list, but, you know, the thing that I just rattled off were things that they talked about, but I don't know that any of those things actually got done.

But they knew that they had to act as a body if they wanted to do anything about what they saw as irregularities or statutory violations.

Q So just from a timing perspective, there are already hearings that took place -- or a hearing, I suppose. I don't know if it's official legislative action or not -- I don't think it was -- but that hearing took place on December 3rd, where Mr. Giuliani came and testified before at least some part of the Michigan legislature. Are you familiar with that?

A I did not attend that. I'm not really that familiar with it. It made the local and national news, I think, but I -- I know the -- I'm not sure when this Eastman meeting was, if it was just before that or just after that. But I got the sense that, for example, having Giuliani talk about stuff was -- was in my mind, not very relevant or effective because he didn't have any personal knowledge of the statutory or legal violations that happened in Michigan.

Now, I understand that he was an advocate for the Trump campaign, and certainly if you are a candidate and you feel like you have been aggrieved or affected, you might have a position to advocate for them, but you advocate in court.

To me, Congress or the legislature had a fact-finding mission, and he didn't have any facts.

So the legislatures I spoke with said, they needed to get the people who were there into chambers under oath, ask them questions, you know. And they were frustrated, I think, because people like Secretary of State Benson, head of elections Jonathan Brater, some of the people that were running the elections locally, none of

them appeared -- or to the extent they did appear, they didn't actually answer questions, and they certainly didn't answer questions under oath.

Q Well, at that point, I think both the House and Senate in Michigan were having hearings, taking testimony. I believe there was a hearing in November. There was a Senate hearing in December.

So I guess I'm trying to understand what the point of, I guess, this Eastman call is in December, once the legislature is doing that and looking at some of the purported issues related to the November election.

A Yeah. I -- I can't speak to it, but I think what I can speak to is maybe a difference in understanding in what those hearings actually were or what they weren't, you know.

Having a hearing but not actually hearing evidence strikes me as being somewhat superficial or empty, and I think these legislatures wanted to -- you know, they were hearing their constituents raise concerns about specific statutory violations in Michigan. And nobody was asking the people, who are responsible for making sure that those were done accurately, questions under oath about whether or not they followed the statutes or followed the laws. Or in some cases, regulations. They weren't always statutes. Sometimes they were just regulations or guidance.

And so that's what they were frustrated about, meaning, the legislatures. They were frustrated that nobody was asking those hard questions. In other words, they were letting people like Giuliani have a stage and pontificate, and they were letting people on the other end of the political spectrum pontificate about how it was the fairest and best election the country ever had or Michigan had ever had.

And these legislatures were kind of pissed off at both sides because they didn't think that was true.

Michigan had just written into its Constitution a couple years ago an accuracy requirement, giving everybody in Michigan a constitutional right to accuracy in elections and transparency. And they were upset that it wasn't accurate and that it wasn't transparent.

So that's from memory. That's what they were upset about, and, you know, again, I'm not sure what the, you know, different caucuses were or who had what investigatory authority. I didn't pay any attention to that. I listened to my clients who said that they were upset for the reasons I just mentioned, and, you know, what can they do about it.

And I said, well, if you get a majority of your colleagues, you've got plenary power to do whatever you want in terms of holding hearings. If you didn't like the way someone else held a hearing, then you conduct your own.

But you've got to do it -- you've got to do it through the legislatures because the courts or the executive branch are not going to give you satisfaction.

Q And so this Eastman call -- I don't want to put words in your mouth, but the Eastman call was a way to address some of the -- or get ideas to address some of what they thought were shortcomings with the earlier hearings that had taken place in Michigan. Is that fair?

A No. I don't know that any specifics were discussed with Eastman. I think it was just the general concept of whose job is it to run elections and whose job is it to fix elections if you think something went wrong.

And about the closest analogy I can get, is, how many bad apples does it take to spoil the bunch? If you think 10 percent of the vote's bad or 1 percent of the vote's bad or .1 percent of the vote's bad, whose job is it to do anything about it?

I was telling my clients, the legislatures, that it's their job. Professor Eastman

said as much, but no specifics were discussed because he didn't know Michigan law, and he didn't know what had happened in Michigan, as far as I can tell.

Q Were any of the people on that call who were also legislators on any committees that dealt with election-related issues so far as you know?

A I don't know. I know that there was -- I don't know which -- you know, I'm not sure who was handling the elections. And truth be told, my understanding was that they were not in session and that the hearings and committee hearings that they were doing were just kind of window dressing, that nobody was actually rolling up their sleeves and doing something about it in terms of actually asking evidence -- or asking questions about what happened.

And so some of the materials that we provided to you, for example, were a list of sample questions that you might ask somebody if they were responsible under a statute or a regulation to conduct an election. And none of those questions got asked because they were never back in session long enough to do it.

Q Did you watch those hearings that the Michigan legislature did either in the House or Senate separately or together in a joint hearing?

A No, not really. I saw some reporting on them. I did not attend those in person. And I relied on my clients, and I believe some of them were there for parts or all of those hearings.

I was relying on their reporting to me about what happened, and it was their frustration about what didn't happen that led me to say, look, then it's up to you to do more, you know, to push it back onto them, that they would -- they would have to do more.

Q And do you remember at all if Mr. Giuliani -- excuse me -- Professor Eastman -- sorry for mixing these two calls up in my mind. Let me start over.

In the call with Professor Eastman, do you remember if he raised the idea or a plan to have the Trump electors meet in Michigan on December 14th?

A No, I don't believe so. You know, that's certainly something that -- that I had contemplated, and it's certainly something that others had contemplated, but I don't remember any mention of that in the call with the legislators. It was simply about whose job is it to, you know, address fair elections in Michigan.

And his advice -- it was, you know, a short call -- his advice to them was, it's the Michigan's legislature's job to do it, and you're part of that, so get to work.

Q Did you have any other communications with Professor Eastman?

A I believe so. I believe I also sat in on a call with him later. I want to say late December, maybe early January, I don't remember the exact date or the exact details. But there was a much larger call with him on it in which not just the Michigan legislatures but others were on the call as well -- other legislators from other States.

Q Okay. And I think we are going to get to that. There was a call on January 2nd organized by Got Freedom, I believe. Is that what you're referring to, you think?

A Boy, that might be it. I don't know -- I don't know who organized that call, if memory serves, but, yeah, that sounds right. That timeline sounds right.

Q Okay. And do you have any records that would help, like a calendar entry or otherwise, that would help date the call that you had with Professor Eastman and those Michigan legislators?

A You know, I don't think so. I mean, I've got -- you know, I'm trying to think. You know, it's certainly -- you know, I might have time entries from that time frame. You know, this was work I was doing for clients, and so I would have time entries.

I don't remember off the top of my head whether or not, you know, I said conference call with Professor Eastman or anything like that, but -- I didn't know him to

be important at the time, right? You know, he's certainly much more notorious now than he was then. But I would have time entries that are dated, kind of timestamped.

But at the same time, during that timeframe, those were some of my busiest months ever, professionally, and so I did not -- you know, in some cases, you bill your time in 6-minute increments, you know, .1 hour at a time. Others you bill in 15-minute increments, and others you would do kind of block-billing for the client in the timeframe.

So I may have one entry for the day, and it would be, you know, 3 hours, and it would be all the different things I did for them on the day. This is just an example. But that call wouldn't have been necessarily 3 hours. It might've been, you know, 15 minutes, so --

Q Okay.

A -- I could check.

Q Yeah. If you don't mind, that'd be great, and I can follow-up with Mr. Chamberlain on that. That would be helpful for us.

Other than those two calls that you just mentioned, the one in maybe early January and the one you described with the Michigan legislators, any other communications with Professor Eastman, email, text, phone calls, or otherwise?

A I certainly had no texts with him. I had no -- I don't remember having any direct calls with him. I'm trying to remember if I would've been forwarded any emails from him. It's possible, but I don't remember any.

That's another name that I searched to see, but I had nothing kind of that I remember to or from Mr. Eastman -- or Professor Eastman.

Q How about the White House, did you have any communications with anybody who worked in the White House, including President Trump in the post election period?

A No.

Q All right. I will stop there just to see -- [redacted], senior investigative counsel, has joined us as well -- see if he has any questions.

I don't think he does.

All right. So my understanding --

[redacted]. Sorry, [redacted]. I'm sorry. There's no questions. I apologize. There was something up on my screen and I couldn't find the mute button.

[redacted]. Quite all right. Thank you.

BY [redacted]:

Q I understand you got involved in post election litigation almost immediately after the election occurred -- or I believe on November 4th, you were part of the team that filed Stoddard vs. City of Detroit. Is that right?

A That is correct. I had already been involved in preelection lawsuits. We had filed several before the election, and so the very things that my clients were complaining of before the election seemingly came to pass during the election. And so we filed the Stoddard case to try and stop the -- the fraud or -- or for lack of a better word, the illegalities from being sealed in.

We wanted to preserve the records and protect the chain of custody before they went from the City of Detroit to Wayne County Canvassing Board. So in Michigan, each election is done at the precinct level, and then in some instances, they're done at the Absent Voting Counting Board level.

And then after that's done at the local level, it's sealed up, and they have some chain of custody rules, and then that's transmitted to the counties.

And then eventually it goes from the counties to the State Board of Canvassers, and then there's some statutes that address it from there. So we were trying to stop

the Detroit -- the Detroit AV Counting Board, the Absent Voter Counting Board from Detroit from sending their certifications to Wayne County until we could get the statutory violations addressed.

Those were the -- there were some additional statutory violations that we found during the election, but it was primarily the ones that we had identified before the election that we did not get an injunction on to try and stop ahead of time.

And the judge allowed those to go forward, and those same illegalities continued during the election on election day. And I filed that case with Eddie Brime, the same guy who introduced me to Amistad some 6 or 8 months earlier.

Q Okay. And in broad strokes, my understanding of that case, it had to deal with poll workers not necessarily being able to observe the counting at the TCF Center, as well as purported issues with duplication of ballots. Is that right?

A No. I think that might be a mischaracterization of the case. That case was primarily designed to protect the chain of custody and stop the illegalities. Now -- and by illegalities, I mean, there are statutory requirements. For example, whenever a ballot is changed, you're supposed to have a signature from a Democrat and a Republican that goes in the official poll book, and then that official poll book is then sealed and then sent to the county at the end.

We had instances in which there was not the two-signature requirement, and so we wanted that evidence to be preserved and those statutory violations sorted out before that was transmitted to the county.

Because once you get to the county, there's an agreement that at that point it's a ministerial function rather than a factual function. So we wanted the facts resolved before they became a ministerial function, just a rubber-stamp.

So that was one of the violations. There were others. One of them involved,

you know, observation. There was also a statute that required that anytime a ballot was changed in Michigan, that there be two or more observers -- at least two -- one from each major political party, I think, is the way the statute reads.

And there were -- of the 200 -- or excuse me -- of the 130-some Absent Voting Counting Boards, there were not that many observers, and so ballots were being changed and votes were being changed without following the statute.

So we asked for injunctive relief to lock that down, secure the pollbooks, and make sure that the -- that they have safety measures. They have countermeasures in place. But we weren't confident that they were being followed because the actual statutes weren't being followed. And that was our experience.

So that was the thrust of it. There were other things too, but that was the main thing, is, we wanted to stop -- we wanted to give the factual process a chance to work, and those safety measures that are in place, a chance to work before whatever mistakes or errors were made were sealed in.

Q The absentee ballot counting issues, that was related to TCF Center, correct, or is that taking place somewhere else?

A No. TCF, it's Cobo -- the old Cobo Hall, the old hockey arena in Detroit. Instead of an Absent Voter Counting Board, which is a statutory thing, instead of that being done at the precinct level, before COVID -- so before COVID that was done at the precinct level. That was consolidated for the first time in 2020 and put in TCF Arena.

So all 134 Absent Voting Counting Boards for Wayne County were placed in one spot. So it struck us as odd that if you are trying to social distance because of COVID that you would actually put everybody in one spot and then not follow the statutory guidance about how to handle the ballots once things got there.

But that was for the entire county, I believe, and not just for -- not just for the City

of Detroit. So we named the county as well. Janet, [inaudible] I think, was the county regulator who was responsible for that, so we named her as well and tried to make sure that the statute was followed for the rest of the time.

Q Judge Kennedy denied the preliminary injunction, right, just a couple days later on November 6th if my dates are right. Does that sound right to you?

A He did deny the injunction hearing. That sounds too soon, but I don't -- that might be right. You know, he denied it as moot because in the 3 or 4 days, the intervening days, the city of Detroit packaged everything up and transmitted it to the county, the very thing that we asked them not to do. We believe they -- it was a spoliation issue, they spoiled the evidence which then made our injunction moot.

Q So I hear you saying moot. My understanding of reading Judge Kennedy's opinion though -- I mean, this is a quote from it -- that at least one election inspector from each major political party must be present at the absent voter counting place, not at each table, and that there were no affidavits to establish, from the plaintiff's side, that that was actually what happened, while there was an affidavit from the other side. It seemed like that was not a mootness. Are you suggesting that those are the same?

A No. I don't want to get into a legal debate with you. I don't have the opinion in front of me. He disagreed with our conclusions. We certainly had -- we certainly were in the process of preparing affidavits that showed that very issue. He disagreed with us over the interpretation of what the statute required, which was, the statute said you had to have one person from each major political party at each Absent Voting Counting Board. Detroit --

Q So did you appeal?

A I'm sorry. I don't want to speak over you.

Q No, no.

A Detroit at the time did not have a single Absent Voting Counting Board. It had 134 Absent Voting Counting Boards. His rationale was because there was a single Republican somewhere at TCF Arena, that met the statutory requirement for all 134 Absent Voting Counting Boards.

Now, I obviously disagreed with that. I believed that each one under the statute required at least two or more observers by statute. He denied the injunction and disagreed.

I'm saying that after he denied that injunction, the issue for us was moot because the votes themselves and the chain of custody and the evidence had already been transmitted to the county.

In other words, Detroit no longer had any of the stuff. Wayne County now had all of the stuff. So our focus immediately was moot as to the City of Detroit, and our focus turned then to the county to try and address the concerns, to the extent we could, there.

Q Okay. No, I appreciate that distinction. Obviously, I don't want to get into an agreement with you about any of this. The opinion speaks for itself, but that's helpful to understand, you know, what you meant by mootness there.

Did you end up appealing Judge Kennedy's order, or did you not because of what you just said, the issue became moot?

A Yeah. So we went into court on a very narrow or very limited purpose. It was really designed to protect the process and the integrity of that. When we lost that issue -- my client was a nonprofit. They funded this litigation through fundraising. It seemed like a poor use of resources at that point once the evidentiary issue was lost. So we did not appeal that.

We would've appealed that, if at all, to the Court of Appeals, and instead we took

those arguments that we made before the election, the arguments we made in that lawsuit against the city of Detroit, and put those all together in the Michigan Supreme Court case, which is what we filed around Thanksgiving.

So we made all of those arguments and then a few more, including a Federal due process argument, directly to the Michigan Supreme Court, because in Michigan, they had a statute, a procedural statute, that allowed us to file a direct action.

So rather than twist and turn through the Court of Appeals, we went directly to the Michigan Supreme Court with a separate filing.

Q And that was the Johnson versus Benson case?

A Correct.

Q There was also a Johnson versus Benson case, I believe, in the Western District of Michigan Federal court that was voluntarily dismissed on November 18th. Is that right?

A That is correct.

Q Okay. And then you filed -- after that voluntary dismissal, you filed the case in the Michigan Supreme Court, Johnson versus Benson?

A That's correct. So when we filed the Michigan -- the City of Detroit case right after the election -- that was a State court action -- we felt that there were some strong constitutional -- U.S. constitutional arguments, the Bush v. Gore argument or equal protection. That was the Johnson case that we filed in the Western District.

Around the same time that we filed that case, several other groups filed similar lawsuits in the Western District of Michigan. And at that point, again, being a -- representing a nonprofit with limited resources, we decided to voluntarily dismiss. We didn't want to duplicate efforts.

We felt like if those three or four other cases couldn't make the argument, then

there was no reason for us to try to do it. And at the same time, we also reevaluated our strategy and felt like our best chance, if at all, was going to be in the Michigan Supreme Court because the arguments we were making needed -- needed to kind of -- what is the word I'm looking for -- needed to pull not just the constitutional argument at the Federal level but needed to address the evidentiary issue and needed to address the State's plenary power to do anything about the election. So that really had to be done in the State court.

Otherwise, in Federal court as you may know, if you touch on concerns of State law, it's a very common thing for the Federal judge to engage in some abstention, like Pullman abstention or other things, and then defer to the Michigan Supreme Court anyway.

I had just been through that issue on the -- on the OSHA mandates from the year before. So I didn't want -- we actually drew the same judge, and so I didn't want that judge to defer to the Supreme Court and slow down the process, so we went to the Supreme Court directly.

Q Did you coordinate with the Trump campaign at all, either what was left over of the campaign, recognizing that this is now in the post election period, or the legal folks associated with the campaign, on any of those cases that we've just discussed?

A No. But I have a suspicion that after we filed our case, I think -- you know, we filed a pretty good lawsuit in my mind, and I have a sneaking suspicion that large portions of it were co-opted or cut and pasted into -- into subsequent filings. But I had no coordination and no cooperation with the Trump campaign on any of their filings or frankly any of my filings.

Q My understanding -- and I think you mentioned this, Mr. Northon, that part of the relief requested was to delay, or at least immediately prevent certification in

Michigan until some of the issues that you raised could be addressed. Is that right?

A Not exactly. I wanted the City of Detroit to protect the chain of custody before the county was going to certify, but the county at that point actually had several weeks to do that. So I didn't view that delay as being a permanent delay. I viewed it as a very short-term or temporary delay.

Q Did you have any outreach to State officials, whether at the local, county, or State level, about the certification of the vote in Michigan?

A I mean, I will say the answer is, kind of. Let me be clearer though. So when I filed the City of Detroit case and we named the county, I could not reach out to any of those officials, because they were opposing parties in a lawsuit. So I had no interaction with anybody there.

For the Michigan Supreme Court case, we did have county and local officials from throughout the State sign affidavits for us in support of the Michigan Supreme Court case. But I did not have any contact either directly or indirectly with any opposing officials.

So I was careful not to do that because even -- even in December and November of 2020, the attorney general of Michigan was very publicly saying that anybody who filed a lawsuit against the election was going to be grieved or was going to risk losing their license. So I was very careful to toe the line there and made great pains not to do anything untoward.

Later in the process, we did send a letter to the State Board of Canvassers. I think I mentioned earlier, but after precincts and city certified votes, then the county would do that, depending on the county.

And then at some point the State Board of Canvassers was to do that. I did send a letter to the State Board of Canvassers on behalf of my clients, Angelic Johnson and Dr. Tarver, with the evidence we had gathered so far, and asked them to consider that

evidence before they certified their vote.

That was part of the open-comment period that the State Board of Canvassers has at every election. So I did have communication, there's a letter -- I think we produced it -- you know, a couple of pages long of the statutory violations we saw and the affidavits and evidence in support of that, and we asked them to consider that before they made their decision.

Q Did you ever reach out to Monica Palmer or William Hartmann before the Wayne County certification on or about November 18th?

A No. Those were two of the Wayne County Canvassing Board members. I didn't have any contact with them beforehand. But those are both people who prepared affidavits for us after they certified.

And after they certified, we took their affidavits and included that with our Michigan Supreme Court case.

Q What about Aaron Van Langevelde, part of the State Certification Board which certified on or about November 23rd, did you ever talk to him?

A I'm sorry. Could you say that name again?

Q Sure. Aaron Van Langevelde. He's one of, I believe, two GOP members of the State Certification Board.

A Yeah, I never had any communications with him that I remember. I know that he would've received my letter because I sent it to the entire State Canvassing Board. So if he was on the Canvassing Board, they had a special email and a comment email that you could send it to, to ensure that the entire Canvassing Board got it. So he would've received my letter, but I had no direct communications with him.

Q So I understand that you may have been involved early on in circulating this idea that we've already hit upon, that the State legislature could have a role in the

election and the plenary authority to do a number of things, including appoint their own slate of electors. Is that right? We understand that this came up as early as the week of the election.

A I'm sorry. Could you say that again, please.

Q Yeah. And I see --[redacted], you just turned your camera on. Let me ask this question, and then I will turn it over to you.

We understand that this idea, of the Michigan legislature appointing its own set of electors in the post election period, came up very early and that you were involved in that, in raising this idea, circulating this notion. Is that accurate, were you active raising this issue?

A Well, I don't -- I don't know if that -- I don't remember when I came to the conclusion that if the election was in dispute that an alternate slate would be needed. I don't remember when.

But I certainly know in coming across my research that that was something that I had seen historically, and it's something that I probably -- but early? No, I think it was -- I don't know -- I don't know what you mean by early.

Was it after the election? I think it was after the election, not before the election. Although I may have come across some of the research beforehand.

And did I come to that conclusion? Yeah, I think that is the proper way to do it in Michigan, is to have an alternate slate if the election is in dispute. I think that's the only way you can do it and allow that process to run its course.

But I don't -- I didn't like the way you characterized that to say that this was, like, my idea or to say that I came to it early. I was representing clients, including legislators, and I did not represent any electors.

Q Okay. Fair enough. And I appreciate you offering that perspective on it.

Didn't mean to characterize it one way or another, and it may have been an inartful question.

[redacted]. But [redacted], I'll turn it over to you.

BY [redacted]:

Q Yeah. If you don't mind, I want to jump in on that, your last answer, Mr. Northon, then maybe go back to some of the stuff you mentioned regarding the other litigation.

On this issue of discussing alternate electors, we have heard from witnesses that you were in, literally, the days after the election, so within 1 or 2 days after the election, talking about the concept of a legislature appointing alternate electors. Does that not sound -- does that sound inaccurate to you?

A Well, I'd be -- you know, I'm trying to remember. You know, I'd be curious to who remembered that, but I don't think it's inaccurate to say that I think the legislature is the group that should have appointed an alternate slate.

I think they're the ones with plenary power, that if they think the original slate is somehow sullied or invalid, that only the legislature, acting as a body, was the group that could do something about it.

But they never -- it never came to that because they never got back into session. They never passed any resolutions, you know. And so I don't disagree with that, I think that's accurate.

But, you know, for example, if we go back to that timeframe, Angelic Johnson and Linda Marie -- or Linda Lee Tarver, they were up in Lansing, talking to legislatures, asking me to talk to legislatures, and they -- I helped them put together, like, a -- like, a petition, like, you know, in other words, in the same breath as their lawsuit in the Michigan Supreme Court, they put together a petition for the legislatures. I helped them deliver

that to the capital.

Now, I don't remember the exact date we produced that, and it has a date that the Senate leader, Mike Shirkey's office signed a hand-delivered copy that we dropped off. And it talked about the legislature doing stuff like that -- get back into session, investigate this, make sure my vote counts.

They even harken back -- I mean, both of my clients for that case were African American, and they harkened back to Martin Luther King Jr., saying, give me the vote, or, give me the ballot.

And they were concerned that the ballots were being tampered with or destroyed, the laws weren't being followed. So, yes, I was involved that entire time, months leading up to the election and right after the election on behalf of these clients.

And I think it's accurate to say that an alternate slate of electors was one of the remedies, because I didn't think, at some point, courts could do much unless you had a legislature acting in a majority of both Houses doing something about what they perceived their own laws not being followed.

So I'm with you on that, I agree with that, I think that's fair.

Q So just to make sure I'm understanding you correctly, would you say that within, say, 48 hours of the election, you personally were of the view that the legislatures should appoint alternate electors that would make the -- different than the winner of the popular vote?

Mr. Chamberlain. Come on, that --

Mr. Northon. No, that's not what I said, and you're trying to --

BY [redacted]:

Q Well, let me ask you that -- let me ask you that in that way. Did you believe, within 48 hours of the election, that it was appropriate for the legislature for the

State of Michigan to appoint alternate electors?

A No.

Q When did you come to the belief that that was appropriate?

A I don't know exactly, but it's only appropriate when the election is in dispute. And certainly within 48 hours of the election, I was still gathering evidence of what happened during the election.

I'm not even sure by 48 hours' time, that we had a full understanding of what transpired at the alternate counting boards -- or the Absentee Voting Counting Boards.

So we were in the process of preparing the City of Detroit, Wayne County lawsuit 48 hours after the election.

Now, do I think, in the abstract, that if the election is in dispute, what do you do about it? You have to have an alternate slate, but that's -- even that's only a temporary solution.

Ultimately, the State legislatures pick who represents them for the U.S. President. That's been the case since the beginning of our country's history. So they have delegated that function to the executive branch and the head of elections. There are statutes that they've delegated it to and that they follow.

When those statutes aren't followed, who decides? It's a complicated question, but in the response of it, within 48 hours had I reached that conclusion? No, I don't think that's the case. I think it was much later.

I thought that the dispute could be resolved. I thought these were, you know, things that could be resolved quickly and efficiently if you went through the proper channels.

Q Got it. And that's really what I was getting at, is sort of the timing of when you came to that view and whether you had come to a conclusion regarding the election

and concerns about it within a short period of time and that -- and I picked 48 hours as a timeframe, but I think you've answered my question that you did not have those concerns at that -- within that period of time. You were still looking into issues. Is that fair?

A Well, I think within 48 hours, I knew statutes weren't being followed. I knew that before the election, right? Statutes weren't being followed, but I didn't know how bad it was, you know -- you know, and that's something we may never know.

But the point is, is that in order for an alternate slate to be a viable theory, the election has to be in dispute. And I think that only becomes relevant much later in the timeline, you know, well into November, well into December, that because the disputes were not resolved at that time, you know, then that becomes a potential issue.

But, you know, there's really no plan there. There's -- you know, there's efforts that have been made over the years to try and create uniformity and try to create, so you do not have disputes.

One of those is the Federal Electoral Count Act, but even that only creates, you know, some safe harbors and some deadlines. It's not a panacea. It's just one more layer or one more statute on top of, you know, this dilemma, which is, what do you do when your laws aren't being followed?

And in my mind, the only thing you can do, is, the legislature has to get back to work and figure it out.

Q Understood. If I can go back to -- just before [redacted] moves on to other issues, I had a couple questions following up on the other litigation that you were just talking about.

You talked about portions of certain of your filings being cut and pasted, maybe by the Trump campaign, or borrowed by the Trump campaign. What, in particular, did you

have in mind on that?

A So I'm guessing here, but there was a lawyer -- there was a lawyer out of Missouri, who had been affiliated with Thomas More and the Amistad folks. His name was Thor, T-h-o-r, like the Norse god. I forget his last name.

And Thor broke off from Amistad. So before the election -- you know, before the election, Amistad was following two major issues -- statutory violations and what they viewed as improper funding of local officials in violation of HAVA, H-A-V-A, the Help Americans Vote Act. Those were the two main things that Amistad was following before the election.

Now, I can talk about each one, each one was distinct, but those were the lawsuits I was filing before the election. Thor was working on that somewhere out West. Once the election came, he hopped ship, and I believe he started working directly for the Trump campaign.

Now, I didn't have any contact with this guy, this St. Louis, Missouri lawyer, but he filed the Western District of Michigan case on behalf of the Trump campaign a few days after I did.

And I have a sneaking suspicion, since it was, like, the same due process argument with the same, like, you know, headings and -- you know, it was almost identical -- that he lifted it, he cut and pasted.

Now, he had a different standing. He was representing an actual candidate, which I didn't have. I was representing a grassroots group. So my biggest concern for a due process case was standing.

So as soon as I saw that a candidate hopped into the mix, I said, let them carry their own water. They have their own money, they were well funded. I'm representing individual -- this little small mom-and-pop grassroots group in Michigan.

So we pulled out and then focused on our due process case which I thought was better which was on behalf of the Black voters who felt their votes were watered down by unlawful votes.

Q Got it.

A So that's me guessing, that's me surmising, but I didn't fall off of a turnip truck. I mean, you know, there were three or four other lawsuits that were similar.

Look, I did similar things. I went back to 2016 cases from the Hillary Clinton campaign, and I looked at their arguments. You know, that's part of doing legal research. But the timing was so close and the verbiage was so similar that I thought maybe they lifted some of it.

Q Well, imitation is the sincerest form of flattery, right?

A Well, I guess. I don't know. He didn't win his case either, so maybe -- maybe we're both suckers, right, so.

Q I was sort of more interested if you were referring to -- I mean, that's interesting as well, but I was sort of thinking you might be referring to factual evidence -- affidavits and so forth. Do you know if those were borrowed in other pleadings, affidavits that you gathered, witnesses you talked to whose affidavits were then tacked on to other folks' pleadings?

A Sure. So I don't know the exact details of all of that. So I was gathering affidavits for the Detroit case and the Michigan Supreme Court case. I was doing that manually, you know, and I was using some staff to do some of it. But I also had my cocounsel on that case.

Now, the cocounsel I had on the Michigan Supreme Court case, now, these lawyers did not help me with the preelection lawsuits but helped me with the post election lawsuit. I was simply too busy to do all of the work myself.

So I called into my Rolodex, two people that I knew that were trustworthy and reliable, and they helped me file that case. So between the three of us --

Mr. Chamberlain. Which case?

Mr. Northon. Oh, I'm sorry. The Michigan Supreme Court case, the Johnson versus Benson case.

So those attorneys were Erin Mersino. Now, she also, in addition to helping me as cocounsel on the Amistad case, she works for a nonprofit called the Great Lakes Justice Center.

The Great Lakes Justice Center had also filed some preelection lawsuits and some post election lawsuits. The one that immediately comes to mind is the Konstantino -- or Konstantinov case.

They took a route similar in that they filed a case against Detroit, but then they also filed, if memory serves, one to the Court of Claims. So Michigan has a special docket whenever you sue government officials. So you can sue them in circuit court, or you can sue them in the Court of Claims. They filed a Court of Claims case.

She was working on both of those, and so some of those affidavits overlap, and so we used some of those affidavits in both cases.

Now, in addition to that, my understanding is that Rudy Giuliani, at some point, flew into Michigan and, you know, drove up to the Capitol and gave all this testimony.

Where he got those affidavits, I do not know. He did not get them from me. But in talking with my clients or friends in the legislature, some of the things he submitted were some of the things that we filed in those cases.

And he trotted out some of these witnesses and took them up to the Capitol with him. Now, I did not coordinate that. I did not have any interaction with that.

But to me, it was problematic, because I had an affidavit from somebody that I'm

getting ready to file in court, and now they're saying something, either similar or different, in open court.

Well, in affidavit, you can focus on just the issues at hand. Here's the statute, what did you observe, was it followed? Was it violated? Personal knowledge, yes or no? It's very discrete. It's narrow.

I was making technical arguments, right? I wasn't focused on who the winner was or who the winner wasn't. You know, even if I won my lawsuit, that doesn't necessarily tell you the answer to that. I was focused on the process not being followed and statutory violations not being met -- or I should say statutes not being met, and those violations being ignored.

They were trying to do something entirely different. They were trying to make sure their guy won, and I, frankly -- that wasn't what I was doing, and it wasn't what I was being paid to do. I was focused on these technical violations, either HAVA or the election lawsuits.

So I know, as I sit here, that a lot of those affidavits ended up in more than one case, and I know that a lot of the witnesses, you know, jumped at the chance to be on TV or jumped at the chance to go work with the Trump people.

But those weren't -- that's not what I filed, that's not what I was doing.

Q Got it. Got it. And, again, not to -- I don't want to miss characterize your answers to [redacted], but I think I understood, you walked through sort of the general nature of the allegations, and I took them down in my notes as, sort of absentee voting, counting issues, observer issues, votes being changed without, you know, following the statute and so forth. So sort of -- is that fair to say, that they were statutory, regulatory issues regarding the tabulation, counting, inspection of ballots?

A That's right. And probably the best -- the best articulation of those is in my

Michigan Supreme Court case.

Q Okay. Were you focused at all on allegations, or did you raise allegations of fake ballots, fraudulent ballots being brought into the TCF and otherwise?

A You know, that was certainly a concern. You know, you've got an issue where these anti-fraud provisions in Michigan had not been really rewritten for the modern computer tabulators. Most of the anti-fraud statutes in Michigan were from the 1950s.

And again, not to go down memory lane here, I was not on the scene in the 1950s, all right? I have a few gray hairs, but not that many.

But the reason why those got passed in Michigan and some 30 other States -- 33, I think, exactly -- is because in the 1940s, then Senator Lyndon Johnson was alleged to have stolen the Texas Senate race by stuffing the ballots with fraudulent votes.

So 33-some States passed anti-fraud statutes, including the ones we have in Michigan that were designed to limit that. It's not the best protection, but it's something, and it requires one person from each party to observe anytime you change a ballot.

And there's any number of reasons why you might reasonably do so. You feed it into the machine and the machine eats it up like a bad printer. Or you put it into the machine and the machine doesn't read it correctly.

You know, any number of reasons why a ballot might not work, what do you have? You have two people filling out the ballot, they're casting a vote for somebody, and the statute requires that one from each major political party be there to do it.

The best practice, according to the secretary of state guidelines, is to have three people, one person filling it out and two people -- one from each party -- observing. That statute was not followed.

So is it sensible to say that if you don't follow the anti-fraud statutes, fraud can happen? Yeah, it is. But that doesn't prove there's fraud. It's just a badge of fraud, right? It's -- it's a recipe for fraud, but that doesn't prove that there's fraud.

Q Understood. And that's what I understood your testimony to be earlier, and my question may have been inartful. I'm talking about these allegations, maybe you've heard them raised by others, of tens of thousands, or hundreds of thousands of fraudulent ballots being brought into the TCF Center while other ballots were being counted.

A I've heard --

Q These are not disputed ballots in the situation that you're describing, but these are fake, made-up ballots being brought into the TCF Center.

A So as part of the Amistad Project, we saw instances of that in other locations. So if we go to Pennsylvania, for example, we have a whistleblower [inaudible] and delivered some 20,000 ballots that were prepared in the State of New York, top of the ticket only, and delivered to counting centers in Philadelphia.

Now, they have different statutes, but it's the similar problem, right, that ballots are prepared in advance, and you go in with little or no supervision and stuff them into the tabulation booths and they get counted. So with Amistad, I have seen evidence of that in New York and Pennsylvania.

Now, in Michigan, there were allegations of that. We had people coming forward that documented irregularities, things like -- you know, I forget the exact date. I forget if it was 7 or 8:00, but at 7 or 8:00, you're not supposed to add anybody to the voter rolls in Michigan.

You can register the same day, but as of a certain time -- you know, it's not midnight, but I think it's 7 or 8:00 -- you have to stop adding people to that. There is an

allegation in Michigan that after that deadline people were added to the qualified voter file in Michigan.

How was it done? By not following the statute that required any additions to be made through a certain process. So that's an example where there's an accusation of somebody stuffing the voter rolls.

Now, that's not of a particular vote, but that's of a voter. Well, what goes with that?

Then, you know, we've also got evidence in Michigan of missing ballots. Now, let me be clear. We had people come forward that said in preparation for the election, they print test ballots, and I don't want to get too far afield here, but these test ballots are just like a regular ballot. They run through the machine and the machine counts them.

And in order to test the machines in every location, each jurisdiction does a number of test ballots. These are done at the printer, they're given to the people in advance. You run them through the machine, make sure everything works. You throw them out, in a sense. You keep track of them, right? You're supposed to turn them back in to be destroyed.

But you've got, say, 1 through a thousand test ballots, then the day of the election, you push through actual ballots, and that could be 1 through whatever number. And they're all numbered, consecutively numbered.

There is an allegation that there are some 50,000 missing test ballots from Washtenaw County. Washtenaw County is in Ann Arbor. It's 30 minutes down the road from the TCF Arena. And there's allegations that after hours, in the middle of the night, a van showed up in TCF with loads of ballots. Do I know that those are the same ballots? No, I don't.

But I've got accusations of missing ballots, and I've got accusations of ballots that were unaccounted for showing up after hours.

Now, do I know that that proves fraud? Absolutely not. But that's the kind of thing that I thought at the time, back in December and November of 2020, the legislatures should get their -- excuse the expression -- but their hinders, their backsides, back into session and ask the people what they were doing, ask the people who are responsible for the ballots why they had 50,000 missing, ask the people who were driving those vans what they were doing at 2 in the morning and so forth. Those questions never got asked.

So I don't mean to go off on a rant, but there was evidence of statutes not being followed. Do I know that that proved fraud? No, absolutely not. I've never proven a fraud case in 2 years, let alone, 2 weeks.

[12:10 p.m.]

BY [redacted]:

Q Okay. So I think at the end there, you got to the piece that I was asking you about, which is the idea of fake ballots being delivered. And I think there is some affiants -- and what triggered my memory on this was you referencing some affiants who had been hauled into the hearings and were testifying at hearings, and I can remember one in particular, Melissa Carone, who I think did prepare an affidavit and also became a witness at that hearing.

Do you recall her?

A Yeah. So I didn't have much interaction with her. That was one that my cocounsel, Erin Mersino, got her affidavit. But she had a little different testimony. She had --

Q She had a few different -- she had a few different things she mentioned, including running ballots through several times. She had issues about Dominion. But there is also an issue --

A Yeah, that's something different, though. What I'm talking about is something that, you know, ballots missing from one jurisdiction and ballots showing up after hours or after deadlines. I don't think -- if memory serves, that's what -- she was talking about being off site at some other facility, which was problematic because, you know, most of the election is supposed to be done transparently at the precinct. That wasn't done. That was done at an off-site location where they were curing or testing ballots. But that was a little different than what -- than what we -- what I was just talking about.

Q Yeah. And just -- I'm going to -- I'm going to move on or let[redacted] move on,

but just to sort of clarify where I was going with it, she did say as part of her testimony that there were ballots being run through multiple times. She said that, at 4:30 in the morning, what looked like a food truck showed up, but no one ever brought food, so she thought there were ballots in there.

There is another witness, Mr. Sitto, or Sitto, who said that he suspected that there might have been fake ballots delivered in trucks.

That's the stuff I'm talking about, and whether you had ever credited that or pursued that or believed that, that that particular claim had merit? I'll be very specific. At 4:30 in the morning, a truck arrived with 100,000 ballots, all for Biden, all top -- you know, ticket -- no down-ticket votes, just Biden, and that those votes were processed at TCF. Is that an allegation you've heard?

A Boy, I don't know if that all came in one spot. If that did, that -- that's inconsistent with my memory. I wouldn't expect any of these witnesses to be able to give you what you just said. In other words, that the votes came in after hours -- yeah, we had a couple of affidavits that said they observed trucks at 2:00 a.m., 4:00 a.m., whatever.

But that's not the same as saying that it had 100,000 ballots in it. I don't know how you would know that unless you were responsible for counting them. You could guess or estimate.

That's also different from saying who the people voted for, because, if the ballot comes in and it's legitimate, it's supposed to be in a privacy sleeve, so you shouldn't be able to tell who voted, right? But there were also allegations from other affiants that said, We saw stacks of ballots without the privacy sleeve.

So, you know, no one of those things on its own came, in my mind, from a single person. And, if it did, then they're telling stories. On the other hand, if it -- if you take

each one of those accusations on its own or, you know -- and, look, I witnessed testimony that's notoriously unreliable, but if you add all of those things up in the aggregate, the question is: Were statutes being violated? The answer in my mind, definitively, was yes.

Does that prove fraud or prove who folks voted for? No, it doesn't. That's different.

Q Okay. And I -- I pursued this, and I apologize for taking time with it, but it -- that specific claim that I raised with you has been made, not by you, but I just wanted to get your input as to whether the evidence that you had gathered, you had come across either a witness who said that or a group of witnesses from which you drew that same conclusion? And I think you've answered the question, but --

A I think it's near adjacent to a lot of the things that I said. I don't remember one -- one specific person who said all of those things, but I think -- I think there were people who said any number of those -- those things, or at least things similar or nearby, near adjacent to those. But -- but, again, that doesn't necessarily get you to the conclusion that others were making.

Q Got it. Last -- different question, but last question on affidavits. You mentioned that Monica Palmer and William Hartmann did submit affidavits or prepared affidavits in connection with a piece of litigation that you were involved in.

Did you play a part in procuring those affidavits?

A Yeah, I played a part. I reviewed them before I submitted them to the court. I was -- It was a part of that team of me, Bob Muise or Robert Muise, and Erin Mersino. I think she's the one that spoke to them. I'm trying to remember. I don't think I ever spoke with William Hartmann directly. I may have.

I do think I spoke with Monica Palmer briefly, only to confirm that she was who

she said she was and that she intended to file that affidavit in my case. In other words, I wanted to make sure -- and we tried to -- we did that, in my mind, with all of the affiants. But, at the same time, I didn't speak to all -- I think we ended up with maybe 40 or so things that we submitted, give or take.

And so I didn't speak with all 40 of them personally, but I spoke with as many of them -- I kind of took, like, a chunk and spoke with them, and then she was one of the people I spoke with to confirm that she meant what she said she meant.

Q Got it. And is the affidavit the same one that I'm thinking of that relates to the circumstances under which she agreed to vote to certify in Wayne County?

A So there were some -- there was some concerns over that. In other words, she said originally that she wasn't going to certify, and then got talked into certifying by the county attorney. And I believe there were elements of that in the affidavit we submitted.

So she had done one earlier, I think, with the Constantino case -- that's the Erin Mersino, Great Lakes Justice Center case -- and then some of those newer accusations that she was kind of tricked or duped into certifying in exchange for kind of the promise by the county attorney that they would look into the fraud, and the promise by the Secretary of State that she would do an audit. My understanding is that those things never happened, and she felt -- she felt like she had been duped or tricked.

Q Okay. So that is the affidavit I was thinking of.

A Yep.

Q Do I understand you correctly that she had already done an affidavit generally on the subject in the Constantino case, and then your affidavit was sort of a supplement or different from the first affidavit?

A Yeah. I thought that was important for two reasons. The main thing that

she said -- and this is from memory, and I apologize, but the main thing that she said was that the number of votes did not match the number of ballots in Wayne County. And so -- and they had those numbers on an AV counting board basis.

So, in the past, when you had a precinct, as part of the chain of custody, one of the checks you do is you count the number of ballots and you count the number of votes, and they should match. And, if they don't match, you do an audit at the precinct level before you transmit them to the next step.

Q Right. So-called out-of-balance precincts?

A Correct. That didn't happen in Detroit, because they didn't do the counting at the precinct level because they consolidated it and did it at the AV counting board level. So, now, instead of having -- I forget the number -- 800 precincts or something that you can check at the granular level, now you're limited to checking at the 134 or AV counting board level.

They were also out of balance there. But now they couldn't tell where they were out of balance because they didn't have proper chain of custody from the precinct to the AV counting board. That was a spot where the statute was not followed.

So she, at the county commission level, complained that some 70 or 71 percent of the AV counting boards were out of balance.

Q Right.

A Now, that doesn't tell you whether they're off by one or off by 5,000. But 71 percent didn't match, and she was upset about that.

Now, that's not a new problem. That's a problem that the State of Michigan's audit 2 years ago said was a problem in Detroit. But it's a pretty big number of -- and it's a pretty big number that shows the statutes weren't being followed.

So that was one of my accusations, that, if you don't follow the statutes, that

violates the due process rights of the plaintiffs, Angelique Johnson, or Angelic Johnson -- excuse me -- and Dr. Tarver. And she filed an affidavit to that effect.

Now, the response to that is, well, but she signed off on it. She approved it ultimately. And so I thought it was important for her to say why she approved it, which her life was being threatened. She was receiving death threats. She was promised by the county attorney and the State that an audit would be conducted. And so she felt like she could get herself out of the hot seat, make this someone else's problem, and that was the reason why she certified.

I thought that was important to say that, in some ways, it was under duress or coercion that she agreed to do that.

Q Got it. Did she ever tell you that she talked to the President after the Wayne County vote?

A No. My call with her was very short. We just went over our affidavit quickly. I don't know that she had talked to the President. She certainly didn't mention it at that point. She might have afterward, or she may have and just not told me.

Q Understood. Okay. Thank you, sir.

[redacted]?

BY [redacted]:

Q Just to follow up on that very briefly, Mr. Northon, you discussed with [redacted] a number of violations of law or procedures related to the election.

Did you ever refer any of those allegations to law enforcement?

A The answer is kind of. I sued the executive branch, including the Attorney General, I believe, who is responsible for enforcing those laws. I sued the executive branch, which is law enforcement, the Secretary of State, and I sued the head of

elections, Jonathan Brater.

So I sued them, which put them on notice that I believe that they were not following or enforcing the law properly. So did I call a county prosecutor? Not that I remember. And did I call any Federal law enforcement officials? Not that I recall. I wasn't -- you know, I didn't view myself as -- you know, as my job to clean up Michigan's mess. My job was to represent my clients zealously and accurately.

Q All right. If we could pull up exhibit No. 1. You mentioned a couple documents, including a draft resolution, I believe, that you had produced to us. I'd like to just bring that up.

Mr. Chamberlain. And, [redacted], could we take another break before --

Mr. Northon. Yeah, we've been going about an hour and a half. Do you mind? I just could use a bathroom break.

Mr. Chamberlain. Yeah.

[redacted]. Of course. Yeah. How long would you like? Let's go off the record first.

[Recess.]

[redacted]. Let's go back on the record. It's 12:32 eastern, and we're resuming the transcribed interview of Mr. Ian Northon. And, before we were leaving, we were about to pull up exhibit -- I believe exhibit No. 1.

BY [redacted]:

Q You mentioned, Mr. Northon, some draft resolutions or resolutions that were presented to Senator Shirkey and maybe others in the Michigan State Legislature.

Do you recognize the document we were looking at as exhibit 1?

A Yeah. That looks like one of the -- one of the things that I prepared.

Q Okay. So, if you scroll down, [redacted], this is a shorter one. There is two

versions you produced to us, one with some specifics about purported fraud irregularities, and a more general one.

You can keep scrolling, [redacted].

Mr. Chamberlain. I wonder if I can enlarge our screen somehow. Do you want to sit closer? Can you read it?

Mr. Northon. I can read it. It's all right.

BY [redacted]:

Q And if you pull up exhibit No. 2, [redacted].

This is the longer version that you produced.

If you keep scrolling, scrolling. Yeah. --

A There was no exhibit number at the top, correct? I don't remember that being on the document I prepared.

Q No. That's something that we added.

Okay. All right. So what's your recollection of these documents?

A Well, taking them one at a time, I think the first one that you put on the screen was one that I prepared for the -- those legislator clients of mine. And I believe -- I believe that they were going to present that to House leadership -- House and Senate leadership to see if that's something that Senator Shirkey, who at the time was the senate leader, and then Lee Chatfield, who was the house leader, would sign onto.

But these are -- these are kind of a later-stage version of what I had done with my clients -- my other clients, Dr. Tarver and Angelic Johnson earlier, which was a petition. But it was similar. They were basically three or four versions of the same document that we just kind of -- I kept tweaking to -- to the audience, depending on who -- who the audience was.

Q And did the call with Professor Eastman that we discussed earlier in early

December have any effect on the decision to draft or submit these documents -- these resolutions?

A No. I don't think this was something that Professor Eastman talked about. This was something that I was doing to try and get the leadership to listen to my clients, who were members, and to listen to constituents, my other clients. Again, their frustration was growing that the leadership wasn't doing anything or doing much, and so these were efforts to try and get them, in our mind, to do the right thing by -- by continuing their work and then their investigation instead of just kind of stopping.

Q Did anybody help you draft these documents that we're looking at, from outside of Amistad or your law firm?

A Not that I recall. I'm trying to remember. You know, I -- certainly my clients helped me. You know, in other words, Dr. Tarver, Angelic -- Ms. Johnson, Angelic Johnson, they helped me. The legislators themselves helped me. But -- but I don't remember anybody else.

I'm wondering now -- I just don't -- I just don't remember anybody else. I may have circulated this to -- not this later one, but an earlier version, I may have sent to -- well, that's not exhibit 1 and 2, but there is an earlier version that Dr. Tarver and Ms. Johnson signed that we -- that I hand-delivered to Senator Shirkey's office, and that version, I had sent to the folks at Hillsdale. And I think I got some comments from them afterward.

Q Who did you send it to at Hillsdale?

A Well, my -- I represented Hillsdale and all this -- although this wasn't something I was doing for them, I thought they should be aware of it, that it was happening. I thought it was important for them. And I sent it to their general counsel, Bob Norton, N-o-r-t-o-n -- similar to my last name, but no H -- Bob Norton, their general

counsel, and -- and their PR people. The head of their PR department -- oh, Emily. Emily Davis, I think is her name.

Q Why was it relevant to send it to them? I understand that you were doing work for them at the same time, but is there subject matter crossover that you needed to advise them about or let them know about?

A Two reasons. The main reason was that their -- well, Bob Norton is a really smart lawyer who follows these issues. He's a former Chrysler attorney. So, as somebody that I had worked with in the past, I wanted his input. So I'm reaching out to another colleague for his input.

The other reason is that Emily Davis, the PR person, she and Bob live in -- in the legislator's district that I represented. And -- and Shirkey -- Senator Shirkey is their Senator. He's in the -- just north of -- just north of Jonesville, Michigan. If you look on a map, Jonesville, Michigan is just north of Hillsdale and Hillsdale College. So this was their senator that I was trying to convince, and I wanted them to know what I was doing, because I was reaching out in their backyard.

Q Now, you can take that down. Thank you, [redacted].

Earlier, you know, we talked about this idea throughout the day, the morning, about State legislatures and their authority to potentially step into an election and choose their own slate of electors in a Presidential election.

I want to -- a related subject, but is having the alternate electors that -- for Trump in the 2020 election meet and cast votes for Trump without the State legislature or courts doing anything at all.

And are you familiar with the Trump electors meeting in Michigan on December 14th to cast electoral votes for Trump?

A Yes. I knew that they were going to do it.

Q When did you first find out that this was going to be happening?

A I don't know for sure. Probably -- probably the day before, maybe -- maybe 2 days before. I'm trying to remember what day of the week December 14th was. The date comes from the statute in Michigan. There is two statutes in play. One's the Federal statute, one's the State statute. Those work together. That's where the date comes from.

But I don't know that I knew more than a day or so ahead of time that it was going to happen. I was trying to get the legislature to work -- to do its work, but -- but that didn't happen by then. And so -- but I knew -- I knew that it was going to happen.

Q And what was your role with respect to the Trump electors meeting and casting votes in Michigan?

A I didn't have a role. I had no formal role at all or informal. I knew it was going to happen.

Q Who did you learn this from?

A So one of the legislators that I represented -- and I forget which one -- I think the three of us were talking together -- told me about it. And some of the other legislators that, by that time, had joined or were planning to join one of the other lawsuits with the amicus brief, one of their spouses was an elector, and they said that they had been called to the capitol. They had, like, been told to come to Lansing on this date at this time, and I found out from the legislator, who told my clients, with me there, that they were coming.

Q Who was that spouse that was an elector?

A The -- the spouse is -- her name is Meshawn Maddock. She's the current GOP chair in Michigan. At the time, she wasn't, but she was an elector, I believe. And her husband, Mike -- Matt -- Matt Maddock, I think is his name. Matt was one of the

house members who joined onto one of the Amistad amicus briefs.

Q Was Mr. Maddock, the member, was he on that call with John Eastman in December?

A I don't remember. It's certainly possible, but I don't remember if he was involved yet or not. I know he was involved later. He was part of that -- maybe a group of -- you know, maybe a group of about 19 or 20 joined on to one of the lawsuits, and a group of about six or eight joined onto the other. And so he would have been a part of both of those groups.

Q All right.

A I don't know if he was on any calls.

Q And, when you learned about it, were you asked to do anything with respect to the meeting and casting votes of the Trump electors?

A No. I was up at the capitol speaking with my legislator clients trying to get them to -- you know, they were still trying to pursue this joint resolution concept, trying to get the leadership to kind of get back into the swing of things. And so I was -- I was in Lansing meeting with the legislators, but I was prohibited from or kept out of the elector process. That was something that the State party and the -- kept pretty close to the vest, and they didn't let me or anyone else be involved.

Q Did you ever learn why they kept it close to the vest?

A No. I was never given a reason.

Q Were you allowed in when the electors met and cast their votes?

A No. I was kept out.

Q Do you know where?

A Yeah. I was there. It was at the Michigan GOP headquarters.

Q The Michigan GOP headquarters being down the street, but not at the

Michigan Capitol Building. Is that correct?

A I don't remember what street it's on, but, yeah, it's only a few blocks from the capitol. You know, the capitol is where most of the legislators have offices, and the legislators I was meeting with were -- were locked out or kept out of the capitol, so they were meeting nearby. And then, when they heard about the -- the electors meeting at the headquarters, we went over there together and asked if we could be a part of the process and were kept out.

Q And, just for clarity sake, the GOP headquarters, though, is not on capitol grounds in Lansing, correct?

A I don't know.

Q Okay.

A I think it's a couple blocks away. I don't know --

Q Is it part of the Capitol Building?

A What's that?

Q Is it part of the Capitol Building?

A I don't believe so. I think it's a couple blocks away. But, if you're asking me whose grounds it's on, I don't know who owns it. I mean, I'm not trying to be cute here. I just -- I don't know.

Q Yeah. Fair enough. I'm just trying to get your perspective, your understanding.

What -- did you ever learn what the justification or the purpose for the Trump electors meeting to cast votes in Michigan was?

A Well, they did a press release, I think, later that day. I mean, they said that the -- they thought the election was in dispute, and they were casting their slate of electors for President Trump -- then-President Trump, and -- which is the only thing in my

mind an elector can do.

Q Did you ever hear why? I mean, is it dependent on a court, a State legislature, Congress, the United States Congress?

A I was never given a reason. I didn't have -- I didn't have any interaction with those Trump people. And, when I did talk with Mark Foster, who I spoke with afterwards, which I can get to, but when I spoke with him afterwards, he didn't give me a reason as to why they were doing it. Just the fact that it happened.

Q Okay. So tell me about that, your conversation with Mark Foster about this issue of Trump votes or -- excuse me -- Trump electors voting for Trump in Michigan.

A Right. Well, again, I was trying to do something similar, because I thought -- I thought, under the Electoral Count Act, which is a Federal statute -- and I don't even think it's probably constitutional, but it's a Federal statute. It creates some safe harbors and some deadlines.

And so my goal was to get the State legislature to do its work before those deadlines had passed, but, if it couldn't do that, then at least declare the election in dispute to give it enough time to resolve the election issues before the constitutional deadline, which, in my mind, was January 20th, which is when the new President is sworn in.

Because, after you go past that date, you get into a weird area of the law called quo warranto, in which you're then trying to pull out a candidate after they've already taken office, which had never happened in the United States before, and I thought was a nonstarter.

Q And that -- so you talked about those issues with Mr. Foster?

A No. I wasn't able to talk with Mr. Foster beforehand. These electors were being shown in. They kept people out.

And then, afterwards, meaning after the day was over, I did speak with Mark Foster. He didn't give me a reason as to why they were doing it, but I think except to say that they were trying to comply with the State and Federal statute. There is a State statute that said they had to do their work by the 14th, and then the Federal statute talks about -- the Electoral Count Act talks about doing it in enough time for -- I think the Congressional Record says enough time for a horse to go from anyplace in the United States to Washington, D.C.

Q Now, at that point, I think on the same day the Trump electors met, as did the Biden electors, Senator Shirkey released a statement essentially saying that the Michigan Senate -- there was nothing for them to do. They couldn't take on this issue, that Michigan law is clear.

Do you remember Senator Shirkey putting out a statement like that?

A Yeah. I read that statement later that day. I don't remember hearing it right when he put it out, but up until that point, I was having conversations with Senator Shirkey, including in his office a few days before, back and forth by phone and text, on behalf of my clients, again, trying to get him to do more.

And then that's inconsistent with what he was telling me, but -- but then he issued that press release. And I don't know why he did that. I haven't spoken with him about why he did that, but I did see that press release, which is somewhat a little different than my earlier conversations with him.

Q Do you know if that statement had any effect on the meeting of the Trump electors on December 14th?

A I don't remember when that statement came out. I think it maybe came out afterwards. I don't know. If it came out before, I didn't read it before, I don't think. I don't think I saw it until afterwards. So I don't know that it would have had an

effect, but I couldn't be -- I couldn't be sure.

Q Okay. Did you know that this was happening in other States as well?

A What was happening? I'm sorry.

Q Yeah. No. Fair enough. That alternate slates of electors were meeting to cast votes for Trump even though the State had not certified Trump as the victor?

A No. I don't know that I knew it was happening in other places. I found out later that I think it happened in six or seven States.

Q But you don't think you knew that at the time of the electoral college meeting, December 14th?

A Well, I knew that my counterpart, Tom King, and the folks in Pennsylvania had prepared an alternate slate of electors, but -- but I don't know -- I don't -- I was so busy with what was going on in Michigan, I don't know -- I didn't know at the time whether or not that that was going to happen.

I don't know if that makes sense. I certainly knew that there was an effort by different groups and different people in different States, mostly disjointed. The only one I knew about was Tom King in Pennsylvania, but I didn't know if it was going to happen or not. And I found out later that it happened in Pennsylvania and it happened in some six or seven other States.

Q Did Mr. King ever talk to you about why it wouldn't happen in Pennsylvania?

A Well, the same challenges we were having in Michigan, which was, if you don't have a consensus, or you don't have a majority, then it's not going to happen. In other words, I viewed the alternate slate as a placeholder or as a backup plan for the legislative action. But, if the legislature had already decided or had already made up its mind, then -- then there would be no need for an alternate slate, and, likewise, you know -- so -- so there is lots of reasons that were going into that.

They were talking about votes and different things in Pennsylvania. I think maybe they -- they have a two-party system there, or not two party, but two-house system there, too, and I forget what it's called, but I think they had the votes in one house, but not the other. And so, if it wasn't going to happen, it was because they didn't have the votes.

Q You said just a backup plan, or that's how you viewed it, and if the legislature had made a decision, then these wouldn't be necessary. What do you mean by that, if the legislature had made a decision?

A Well, I think the legislature had plenary power, which means that, if it felt like its laws were being violated, it could have invalidated the Michigan election.

Q So, had the legislature done that, then they could adopt their own slate of electors? Is that what you're saying?

A Well, there is any number of options there. Not to get too cute, but they could have thrown out the Biden votes. They could have voted their own candidate. They could have said, you know what? Our election was corrupt or tainted in some way, and Michigan could have gone without electors that year.

That's what happened to Wisconsin in 1860. It didn't get its electors in on time. It missed the deadlines. And so Wisconsin's votes did not count. Lincoln won anyway, but Wisconsin's votes did not count in 1860.

So there were any number of scenarios that could have happened, but -- but at some point, they're academic. They're speculative.

Q So what was your understanding then as to what effect, if any, these alternate votes would have absent some State legislative action or presumably court action?

A Well, without more, they would have had no effect. In other words, if you

have an alternate slate of electors, that doesn't mean that that's who the legislature picks. All it means is that it's an alternate slate. It gives the legislature two options.

It would have still been incumbent upon the legislature to say, yes, take the Biden votes or, yes, take the Trump votes, or, you know, do something else. Only the legislature, I think, can do that. And it would have been required of the legislature.

The point with the alternate slate is that the statutes are delegated in such a way that, if they do nothing -- if the legislature takes no further action, then it's the default. It's the safe harbor.

In other words, they've delegated this function to the Secretary of State and head of elections. Each State is a little different, but Michigan had these canvassing boards. It's ministerial. If you do nothing, whoever those ministers pick will be your slate. That's deemed your legislative intent, because the legislature previously delegated that to them. The only way for them to change their intent by default would be to take some sort of affirmative step.

But, to me, the alternate slate concept was a design to comply with the State and Federal statute to give the legislature time to make up its mind.

Q So what about courts? What role did they have, based on your understanding at the time, around December 14th, in choosing among these now two slates of electors -- the Biden electors and now the Trump electors that met and cast their votes?

A Well, the courts would have a limited role. The Federal courts are of limited jurisdiction. The State courts would have a limited role. But I don't think the courts could pick a slate of electors, because, under the U.S. Constitution, the judicial branch does not pick electors. Only the State legislatures do that.

So the courts had no role in picking the outcome or picking which slate was

proper. But they could help clarify what the legislatures' roles were, and certainly they could say that, under their reading of the Constitution, it was for the legislature to make up its mind. I believe that's what the Michigan Supreme Court did in my case. It said that the legislature had to exercise its plenary power. That's what Justice Viviano said in his concurrence.

So I believe they did what they were supposed to. But the courts have other roles, like preserving evidence or adjudicating guilt or fault of statutory violations. There is lots of things that the courts could have done. But they had no role in picking which set of electors was the authentic one, so to speak.

Q And I appreciate your precision there, because I'll just represent to you that -- and this has been stated publicly by numerous people -- that some of the electors who participated in casting votes for Trump in States that he had lost said they did so because they would be contingent on a court case. They thought that, if a court said, Look, there is all these issues and that Trump won, then, in some fashion, those electoral votes would become the operative ones. Is that a different understanding than the one you had?

A Yeah, I can't speak to what, you know, the 15 electors in Michigan thought or what all six or seven States thought. I can tell you that's probably a misunderstanding of what I thought the law said or would say.

Certainly the courts have a role in clarifying things. The most recent example is 1960, where three slates of electors got sent to Washington, D.C. from Hawaii. Brand new State at the time. They sent three different slates, two for Nixon -- excuse me -- two for Kennedy and one for Nixon, and there was a court case.

And the court case, although I haven't seen the opinion -- I've seen the synopsis of the opinion. It said that that was the proper thing to do. In other words, have an

alternate slate. But it was ultimately the legislature's whose preferred slate is the one that got picked.

And so the courts have a role, especially in helping clarify who is responsible. And I think lay people can misstate that. I think a lot of lawyers get that wrong. I don't think anybody understands this. I think most of the people that were flying around filing lawsuits hadn't read the Constitution, let alone the statutes. I had read both. So I don't think the courts could pick which slate of electors. So, if a elector said that, I think they would be mistaken.

Q Okay. Well, yeah. Well, let's -- just using that as an example, the 1960 example, I mean, that -- those electors met after a court had already started a recount. There was no recount in Michigan, right, in the 2020 election?

A Well, I think you're mistaken about 1960. You know, those electors -- there were three different slates, one by -- you know, one by the outgoing administration, one by the incoming administration, and one by a third group. And, yes, there were court cases, but the court didn't pick which slate of electors was the authentic one. It just said that it's -- you know, it just commented that the alternate slate was the proper process, to give it a chance to run its course. That was an election in dispute.

Now, who is to decide that an election is in dispute? I think it's the legislature to decide. But a court can certainly say that.

Q And that's your understanding of the 1960 case, correct, in Hawaii, what you just explained?

A Yeah. Vice President Nixon opened up three slates and picked the one for his opponent for Kennedy, and Kennedy became President. The rest is history.

Q Okay. So, just to get back to my question, are you aware of any recount happening in Michigan in the 2020 Presidential election?

A Yeah. There were several recounts, but I don't believe that -- I don't believe for the top of the ticket. I don't think the Trump campaign filed a proper recount challenge.

Q Right. Okay. And that's my understanding as well.

A There were recounts all over the State, and they all involved these very issues. You know, proper counting of ballots. I mean, there was a judge that's sitting in Wayne County right now that lost the election -- I use air quotes over it -- and he made the same arguments about the absent voter counting boards, and he's now the judge because they flipped the count. So that's an example of a recount that was pending in Michigan at the time. But that has very little to do with the top of the tickets.

Q Right. Yeah. No, my question was about a recount for the Presidential election, and there was no recount in Michigan in 2020 for the Presidential election.

Are you aware of any concerns that anybody raised about these alternate -- excuse me -- electors meeting and casting votes for Donald Trump?

A I'm sorry. Am I aware of any concerns raised about them doing this?

Q Yes.

A I don't know what -- I don't know what that means. Raised by whom?

Q Well, just anybody. Did anybody say, hey, guys, we shouldn't be doing this, or we need to -- we need to do this in such a way that meets the statutes that apply to the meeting of the electors, for example?

A You know, I -- I don't know. You know, I'm sure, if --

Q You don't recall anything like that?

A I'm sure you could go back through the tweets of the attorney general at the time or the Governor at the time and -- and, you know, they were certainly making public comments about alternate slates right around that time. I think they expressed some

concerns. But I think --

Q Just to you. Not public statements, but just any concerns raised to you that you heard about among the electors who met, or otherwise?

A I didn't meet with the electors before they did this. I didn't --

Q What about afterwards?

A I didn't meet with them personally. I didn't have any interactions with them, so the answer is no.

Q You did walk to the Capitol with some of them, correct, after they met and cast their votes?

A No. That's not quite right either. I met with them afterwards, after they were turned away at the Capitol. That's true. I'd be happy to discuss that. But, no, I did not meet with any of these people ahead of time.

Q Okay. So not ahead of time. What about just afterwards, when you did meet with them, when they were at the Capitol trying to get in? And there is a video of it. We can show it to you, but I don't know that it's necessary. Did anybody express any concerns about the votes that they had cast for Donald Trump?

A Nobody expressed any concerns to me about the votes that they had cast for Donald Trump. I got a call from -- I don't think it was Daire Rendon. I think it was either Julie Alexander or -- I got a call from one of my clients who had gone --

Mr. Chamberlain. Don't talk about what your client --

Mr. Northon. Yeah. I mean, but I had got a call from them that said they had been locked out of their offices and they had been turned away. And they were up at the Capitol with the electors. Then I went up and met with my clients.

BY [redacted]:

Q And we don't want to get into any privileged conversations you may have

had about legal issues with your clients. That's -- totally understand that.

Were you aware of any expectation that these electors had or anybody else had that, on or after December 14th, the votes cast by the Trump electors would, in fact, become the operative votes during the joint session of Congress on January 6th?

A I'm sorry. Could you say that again?

Q Yeah. Were you aware of any belief by these electors or otherwise that these Trump votes would become the operative electoral votes during the joint session of Congress on January 6th?

A You know, I don't know. I don't remember having any conversations with them about it afterward. I think the thought was that -- I think the thought was that they would comply with the State and Federal statute by casting these Trump electors, and that it would get sorted out by the legislature.

Now, did they think that that was going to happen? I think probably. Otherwise, they wouldn't have gone through the effort, although some of them -- you know, I don't know. You'd have to ask them, I guess. But no, I don't -- I think they were trying to comply with the State and Federal statute.

Q Are you aware of any concerns -- I mean, I understand that Michigan law says that the electors shall convene in the Senate chamber at the capitol at 2:00 p.m.

Any concerns about not being able to meet that requirement in Michigan law?

A Yeah. I expected -- I expected that -- that, if the Trump slate was somehow endorsed or supported by the legislature, that it would be challenged on that technicality, because they were kept out of the Capitol. In other words, they were -- they were outdoors on the steps of the Capitol, or the side door of the Capitol, but they weren't inside the Senate chamber at 2:00 p.m.

So, I think, if the legislature had voted the Trump slate, then one of the challenges

would have been that that slate is no good because it didn't meet the technical requirements of the State and Federal statutes.

Q What about -- there is another law that says that -- in Michigan that says a person is not actually an elector -- and I'm summarizing here, but not actually an elector until the Governor sends a certificate to that person bearing the seal of the State identifying them as having been elected by the popular vote -- a certificate of ascertainment issue?

A Yeah, I'm not -- I'm not quite sure that that's what the statute says. I think all of these electors had been picked some months in advance and were on the official Governor's certificate of ascertainment. They pick them for the Democrat Party, the Republican Party, the Green Party. All of these people were named in advance. I don't think any of them felt like they were rogue agents or doing something untoward, but I don't know that.

Q Okay. And I don't want to mischaracterize that -- that law. Obviously the law speaks for itself.

You made an appearance after -- maybe before, actually -- with, I believe, Phill Kline's daughter, and her name is escaping me right now. I believe it might be Jacqueline Timmer. Do you remember that?

A What about her? I'm sorry. What about her?

Q Do you remember making an appearance -- a -- I believe you filmed a video about the meeting of the electors on that same date, December the 14th?

A Yeah. So Jacqueline Timmer is also a client, or I should say not her personally, but her entity, Got Freedom, is also a client. And I did meet with her. She was in the Capitol that day making documentaries. That's what she primarily does, is she makes documentaries.

Q And was she there to also film the meeting of the electors, if possible?

A Yeah. I think she thought that this was -- I think she thought this was a -- you know, kind of interesting historically. It's not something that had happened in Michigan before, and it's only happened nine or ten times in the country's history. So I think she thought it was interesting to get a record of it on film if she could.

Q And who kept her out of the meeting at the GOP headquarters?

A I don't know. The same people that kept me out. I mean, you know, neither of us were let inside.

Q Do you know who it was?

A No. I didn't recognize the person. And, to be --

Q Was it a manager --

A You know, to be fair, I don't know the -- you know, I didn't know the GOP party officials at the time. Like, I don't know who these people are, but somebody -- we went to the door. I went with her, and we were kept out. They said, You can't come inside unless you're an elector. And neither of us were on the certificate of ascertainment, which they had and were looking at the list, and neither of us were on it, so we were kept outside.

Q What was your understanding of the Trump campaign's role in that meeting of these electors, if any?

A I have no idea. I know they were inside. I know I wasn't. I think they were probably doing the paperwork. That's the sense I got afterwards.

Q When you say they were inside, do you know who was inside?

A Mark Foster and Shawn Flynn.

Q If we could pull up exhibit No. 10.

This is a document you provided to us. This is an email you sent to Mr. Foster

and Mr. Flynn 2 days later on Wednesday, the 16th. Regarding follow up. Can you see that down on the screen?

A Yep, I see it.

Q All right. So, on that, you say, Shawn and Mark, thanks again for your help on Monday and for what you're doing for the Constitution. Please send me a copy of the green card, registered mail receipt, when you get a minute. I expect challenges, and that's the best evidence of mailing. And I summarized the last sentence there.

So had you been in touch with either Mr. Foster or Mr. Flynn before the meeting of the electors on the 14th about this issue?

A No, I don't believe so. This was the only email that I found when I searched my records about this. And I didn't know who Shawn Flynn was until I met him that day, later in the day at the GOP headquarters.

Q You say that day. You're talking about December 14th?

A That's right. I'm sorry if I was unclear. I met Shawn Flynn on December 14th, and I saw Mark Foster again -- if you recall, he had been a witness for me earlier, but I saw them in person at the -- at the GOP headquarters after I had gone up to the Capitol and was turned away.

Q And did you talk to either of them -- aside from this email, again about the meeting of the Trump electors in order to get paperwork or just chat about it generally?

A Yeah, I asked them what they were doing. And you had asked me earlier if they told me, and I don't remember them telling me or having a real concerted plan or really a very good idea of what they were doing, except that they said they were trying to comply with the State and Federal statute. And that made sense to me, because that's what I thought any elector should try and do.

Q If we could pull up exhibit No. 5, please.

Earlier, we discussed Mr. Ken Chesebro, Chesebro, C-h-e-s-e-b-r-o. And you identified that you found an email with a memo attached to Judge James Troupis.

We have two memos. One is dated December 9th, and it has statutory requirements for the December 14th electoral vote meeting that walks through Federal law and then various State laws. If you scroll down, [redacted], we can show Mr. Northon. Keep going.

Mr. Chamberlain. [redacted], is this something we produced, or --

Mr. Northon. I don't recognize it.

[redacted]. Nope, this is not.

Mr. Chamberlain. Okay. I was just thinking --

[redacted]. If you keep scrolling down, [redacted], to page 4.

BY [redacted]:

Q This talks about -- among the other States, it talks about Michigan in particular.

Is this the memo that you recalled finding in your email that we discussed earlier?

A No. I'm not sure. It looks like it could be. It's to and from the same people. I didn't know that that guy in Wisconsin was a judge, but I don't remember having read it in detail, so I couldn't be sure that this is the one that I got forwarded to me.

Q Okay. And, [redacted], if you could pull up exhibit No. 4, please.

This is another memo, a very similar to and from line. I'll ask if you recognize this one. This one is called The Real Deadline for Setting a State's Electoral Votes, another memo produced by Mr. Chesebro. And this talks a little bit more generally about the various deadlines in law and the Constitution. So --

A Okay.

Q We can scroll through it, but does this one look like the one that you found in your email?

A I think -- again, I couldn't tell you.

Q Okay.

A I don't think -- I don't think this is the one, because it says judge in the top line, and I didn't know that guy, James Troupis, was a judge, but maybe I'm just misremembering. And it's from the same guy, so I just remember glancing at the to and from line.

So I couldn't tell you for sure if one of those two was the one I got forwarded to me, or if it's something different, but -- I mean, I can tell you I disagree with the very first thing that he says, January 6th is the deadline. I don't think that's right. But, again, it's of no moment. I didn't rely on this or act on this at the time.

Q All right. If we can pull up exhibit No. 12.

A And if you would share -- I mean, frankly, if you would share those with us or with my counsel, I'd be happy to check to see if that's what I received.

Mr. Chamberlain. I tell you what, [redacted]. Let me suggest this. I'm going to go get my laptop. I'll try to pull up what it is we did not produce, and maybe we can, you know, resolve this yet today.

Mr. Northon. Okay.

Mr. Chamberlain. My memory is there was a huge font at the top of -- [redacted]. And this is something I'd be happy to address after as well, but --

Mr. Chamberlain. Okay. Just give me 2 seconds. I'll get my laptop.

[redacted]. Sure. That's fine.

Mr. Northon, if you want to keep going while Chip is getting it, I'm certainly happy to. I'm also happy to wait until he's back.

Mr. Northon. All right. I guess in the interest of time, we can continue.

[redacted]:

Q Okay. All right.

So this is a document that we've located. It's called Set in Stone, written by the Amistad Project, I believe, and Thomas Moore Society.

Do you -- have you ever seen this document?

A It -- can you -- can you scroll through the whole thing?

Q Sure.

A Go ahead, please. Keep going.

You can continue, please.

Go ahead.

Thank you. You can continue.

Go ahead, please.

Thank you. Continue.

Go ahead.

Go ahead, please.

You can continue, thank you.

Continue.

Go ahead.

Go ahead, please.

Go ahead, please.

Is there any more?

Q I think that's the end.

A Okay.

Q Do you --

A Go ahead. I recognize that generally. I don't -- that's something that my client would have prepared, and it's something that -- I've seen drafts of that. I don't know if the one you've got on the screen is the final version, but I know that I've seen that in its draft form and in its final form.

Q And, without asking about any attorney-client privilege information, if you can answer this, did you have any role in drafting it?

A I don't recall any role in drafting it, but I do recall that I would have -- you know, for example, the memo cites some of the activity that was occurring in Michigan, and I would have been the source of that information for Phill Kline and the folks at Amistad that were drafting it.

In other words, it cites some of the Michigan court cases. It cites some of the things that we saw in Michigan. It cites the Michigan statutes. I would have been the one looking those up or providing those to the folks at Amistad before they prepared that. So I would have had a research role, but I don't remember drafting this one.

Q Okay. If you go up just a little bit, [redacted]. It's part of the conclusion. And just a little bit more. Actually, right there. I'm sorry.

At the top of that page, it says, Election officials in urban Democrat strongholds are behaving similar to a football team which gained an advantage from a questionable play and are now running up to the line of scrimmage to begin the next play before America can throw the red flag on the field to demand a closer look.

Do you agree with that, Mr. Northon?

A Do I agree with that analogy? You know, I'm -- I think I mentioned at the start of the call, I'm more of a baseball player, but it's -- I think that sounds -- you know, sounds accurate.

If you start the next play before the last play can be overturned or challenged,

then, in many ways, there is nothing you can do about it. The game goes on. The game continues.

And I think Phill Kline and others got the sense that there were people trying to call the next play before -- before you could take a close look at the last one.

Q Okay. The reason I'm asking is because, you know, by the time the electoral college met on December 14th, by my count, roughly 86 judges across the United States, including nine Supreme Court Justices in Texas v. Pennsylvania, had thrown out election challenges.

So I guess I'm trying to understand any basis for suggesting that there hasn't been a closer look. These cases have been brought. They failed, I think except one generally. So why isn't that litigation enough, I suppose?

A Why isn't that litigation enough for what?

Q Yeah. I mean, for this closer look? It looks like this document is asking for a closer look. There have been ample time for lawsuits, and many had been brought. Many had failed. Why isn't that a closer look?

A All right. I don't want to quarrel with you, sir. And I certainly don't want to be adversarial in this hearing. I am here cooperatively, and I'm trying to cooperate. But I think I mentioned anecdotally earlier I had been involved in fraud cases. I had been involved in pension fraud cases. I had been in individual fraud cases.

I've never seen one proved in less than 2 years, in fewer than 2 years. The average Federal lawsuit is about 2 years. That was before COVID. It's a little longer now.

To suggest that a closer look had happened in the 2 weeks or 3 weeks after the election, I think, is conclusory and unserious. Respectfully, the case that I filed in the Michigan Supreme Court, which had stacks of evidence, affidavits, witness testimony, and

expert testimony did not get looked at substantively by the court. It got ruled on procedurally.

So that's not quite the same thing. But I think people can disagree about that. But I don't know that your characterization that 80-some courts had looked at things and not found anything -- I don't know that that's accurate or true. I just know that this was the opinion of my client at that time, and I think it was probably fairly held.

[1:20 p.m.]

BY [redacted]:

Q Okay. Yeah. And just asking for your perspective on that, which you provided, so I appreciate that.

Now I think that some of the -- you can take this down, [redacted]. Thank you.

Some of the documents you provided, if I'm not mistaken, they were Texas versus Pennsylvania pleadings, Supreme Court case, original jurisdiction, ultimately filed by Ken Paxton. Are you familiar with the documents I'm talking about?

A Yeah. So that was another one of the cases that was going on around this time. That was filed by several States against the State of Michigan and other States.

So in other words, States that claimed that they had followed their laws, but they sued States that they claimed didn't follow their laws, Michigan being an example.

Michigan, the State of Michigan, was a defendant in that case. So I did not have a role in filing that case directly, but some of my legislative -- legislator clients, and I'm trying to remember, but I believe many of them joined that lawsuit with, like, an amicus brief.

I wasn't directly involved in that, but I know I helped coordinate that on behalf of Amistad, because Amistad was filing an amicus brief, and I believe several of the legislatures in Michigan joined it.

Although personally, I didn't write the brief or join that particular lawsuit. I had plenty of my own lawsuits to deal with at that time.

Q Fair enough. It sounded like a very busy time. I think you answered this question, but just to be precise, did you have any role in drafting or consulting on the bill of complaints, so the original complaint filed at the Supreme Court, as opposed to the

amicus?

A No, none.

Q I want to go back to a call you mentioned earlier with Mr. Giuliani. I believe you said it happened in early November -- or sometime in November. I'm sorry if I -- it wasn't early. But can you tell us again about that call and what you remember being discussed on that call? I don't think we got into that.

A Yeah. I don't -- I don't remember the exact date. I got a call from some folks at Hillsdale that said, hey, we're having a meeting, we're trying to get some people together to take a closer look at this issue, and it was -- they were going to be legislators there.

And some of those legislators were friends of Amistad or members of, like, its grassroots efforts, and they ultimately became my clients, the ones I mentioned earlier -- Beth and Julie.

But they called and invited me to that meeting, and it was a group of some legislators. I'm trying to remember. You know, I think we met -- I want to say we met in Jonesville, Michigan, which is a small town on U.S. 12, and there were a handful, maybe 6 or 8 people there.

And there were a couple of people on the phone, I don't remember who, and at some point, Mayor Giuliani joined the call and spoke with the people that had gathered.

Q And you said at the beginning of your answer that it was a meeting to look at this issue. What was the issue that the meeting was going to look at?

A Well, it was pretty early, and so, you know, I had filed the preelection lawsuits over the statutory violations, and then I had filed the post election lawsuit over the statutory violations. So it was looking at the statutory violations.

Nobody, I don't think, had a clear sense of how bad they were. You know, in

other words, was this a small fraction of statutory violations, or was it a large number? Like, this was -- this was at a spot where nobody knew if it was outcome determinative, right?

So there was a narrative that said, well, don't bother to look unless it's outcome determinative. And no one knew whether or not it was because nobody had done the hard work to look to see how many statutory violations there really were.

Q Do you remember anything specifically, even if not his exact words, but anything specifically that Mr. Giuliani brought up or discussed?

A No. I think it was -- it was kind of one of those, hey, you know, we think -- we think this hasn't been fair. We don't think that the laws have been followed, but we don't know. You know, it's really important for you and the people in your State to look.

And I think they invited people to let them know, right, if they said, you know, let us know if you find statutory violations and -- but I don't -- I don't remember the details.

He was not on the call for very long, and I don't know if he knew that he was speaking to a group of legislators and lawyers in Michigan or if he was, you know -- or if he was -- you know, I got the sense that he was making a lot of calls around that time.

Q Okay. And roughly when do you place this call, date wise?

A It would've been after I filed the post election lawsuit but before I filed the Michigan Supreme Court case, so sometime in early to mid November.

Q Okay. And did you ever follow-up with Mr. Giuliani or anybody on his team about what you were finding?

A No. I had no interaction with him directly or anybody on his team. I don't even know who was on his team.

[redacted]. Mr. Chamberlain, I think this is a good time. I don't know if you

were able to pull up what you had from Mr. Chesebro or if we should wait to address that later.

Mr. Chamberlain. No, I haven't been able to find it. It's partly because the digital file name differs, you know, so I'm going to keep -- keep looking.

[redacted] Okay. Fair enough. And we can follow-up on that.

BY [redacted]:

Q One quick follow-up too, the video that you recorded with Mr. Kline's daughter on December 14th, sometime around the meeting of the electors, you mentioned Dominion voting machines and a 60 percent error rate.

Did you have any role in looking into Dominion voting machines, either by a forensic audit, analysis, or otherwise?

A I don't remember exactly what I said on that -- that call with Jacqueline, but right around that time, maybe even that day, there's a case pending up in the Grand Traverse County, Northern Michigan, that had been filed by an attorney named Matt DePerno.

Matt DePerno had brought a case on behalf of a candidate or a company challenging a bill, and I forget the exact details, but I believe it was over the outcome of the election on whether or not a local municipality would legalize marijuana or something to that effect.

I did have some interaction with Mr. DePerno when he had filed that lawsuit. I don't know how he found me, but I've got quite a bit of experience filing for injunctions, mostly trade secret and noncompete cases. And then I had to file for a few in the election context already, and so I spoke with him before his injunction hearing.

And I was generally aware of what was going on, but I -- the court had issued an order earlier that day or maybe the day before, over the objections of the attorney

general's office and the Secretary of State's office, to release a report.

And the report, the expert report, showed an error rate of 60 percent overall, and 80 percent over adjudicated ballots. To me, that was rather shocking because I think the statutory error rate under HAVA has got to be a fraction of a percent.

So to have an error rate that high was rather shocking, and the fact that the attorney general's office and the Secretary of State's office had been fighting the release of that report tooth and nail, for lack of a better word, was inconsistent with Michigan's constitutional requirement to have a transparent and accurate election.

Q So was the information that you had about Dominion voting machines and these error rates all based on that report that resulted from the litigation you just described?

A It was public record at that point. That's where I saw it for the first time.

Q Okay. And did you do any of your own, independent analysis or investigation into those machines?

A Not those particular machines up in Antrim County, up in the Grand Traverse court up there. I just saw that report that was reported publicly.

However, Amistad had experts on staff. Amistad paid for analysis, including of voting machines and -- but not those specific voting machines. So while I knew that there were vulnerabilities, I could not point to any specific examples of vote-changing or fraud.

But Dominion was one of the types of voting machines. There were several. I don't remember them all off the top of my head, but Amistad had paid for experts and had some of those people on staff, looking at whether or not the voting machines themselves were being manipulated.

Q Did Amistad reach any conclusions, to your knowledge, that voting machines

had, in fact, been manipulated and changed the outcome -- or changed votes in the election?

A Yeah, I can't speak to that broadly. I can tell you that it wasn't an issue in my Michigan case. That was an issue that I felt like I had enough other statutory violations, that the voting machines were a distraction.

Q All right. So on January 2nd -- I believe you mentioned this call earlier -- but there's a call, organized, I understand, by Got Freedom, involving State legislators from multiple different States, as well as Professor Eastman, John Lott Jr., I believe Peter Navarro was on it, and Phill Kline, as well as the President. Are you familiar with that call?

A Yeah. I don't -- I don't remember -- I don't remember everything that was on the call, but I think it was -- it was a longer call. I want to say more than half an hour, and I was on for most of it if not all of it.

Q What do you remember happening? And specifically I'll ask you first, what do you remember the President saying during that call?

A I don't remember anything specific that he said except, you know -- I'll just leave it at that. I don't remember anything specific that he said.

I think that, you know, some of my legislative clients were there on the call -- that was the purpose -- and it was a client, Got Freedom, that was hosting the call. They have a grassroots organization.

But I think this was like an invite-only. I don't think they invited their grassroots. I think they only invited the legislators that they were working with, if memory serves. And I was allowed to be on the call because I was one of the attorneys, but it wasn't open to the public.

Q It's been reported that the President said something to the effect of you,

meaning State legislators, are the ones with the real power here, and referring to the election and the outcome of the election. Do you remember the President saying anything like that?

A That sounds to me like the general theme. I don't know that he ever used the word "plenary" but -- but I think that's accurate. I think that's true.

Q What was your understanding of what he was asking the State legislators on the call to do, if anything?

A I think he was asking them to do their own investigations in their various States. I think there were -- there were different things going on in different States, and there was no one-size-fits-all approach.

But he was asking the State legislatures to ensure that he got a fair shake, and I felt like he felt, it seemed, that he didn't feel like he was getting a fair shake in these various States, especially by the States that weren't following their own laws.

Q Did the President mention the joint session of Congress that was going to take place just 4 days later, during this call?

A I don't remember that. I don't remember anything specific like that. I think --

Q What about just generally, like, time running out?

A No. I think -- you know, I think there was a general consensus, that, you know, the safe harbor deadlines, the 12th, the electoral slate deadlines, the 14th, Congress was going to meet the 6th, inauguration day is the 20th, I think people were aware of that.

And I'm trying to remember who, but I think one of the speakers walked through that and said, you know -- I know Phill Kline at the time, said, hey, everyone, you know, you've got to -- you have got to get your act together, and you've got to do your job by

the 20th, because after the 20th it's really hard to undo something if it's a mistake. But I don't remember anything specific by the President like that.

Q After that call, there's a letter that Mr. Kline -- well, I shouldn't say he put out, but -- the Amistad Project at least released, I believe, with another report. It was signed by a number of State legislators.

Do you remember the President, or anybody on that call, encouraging State legislators to write a letter and send it to the Vice President or Members of Congress?

A I don't remember anything on that call specifically. I remember one of the things that Amistad was pursuing was to contact -- was to contact the Vice President and say that the Electoral Count Act, which is where the date comes from, January 6th, for that joint session -- suggesting that that was unconstitutional and that they really had more time, that the real deadline was the 20th, and that they had until the 20th to do their work.

I remembered that concept being pushed around internally and externally. I don't remember if that's what ended up in the letter to Vice President Pence.

And I'm not sure that I saw it before it went to him. If you put something on the screen, I'm happy to speak to it if I remember it, but nothing immediately comes to mind.

Q Okay. And I'll show you that in just a second. It's also been reported that during call the President said something to the effect of, you know that we won the election, and, you, meaning the State legislators, were given false numbers to certify. Do you remember the President making comments like that?

A No. Again, I don't remember any specific comments.

Q Yeah. And just comments like that. I mean, even generally based on your recollection. I understand you don't remember specific words but just that idea, that the State legislatures were given false -- or the States were given false numbers to certify.

A Yeah, I don't know. I mean, I don't think -- at that time, I don't think there was any State legislator that hadn't delegated this role to somebody else. Like in Michigan, it was the State Canvassing Board, but in other States, it was other things.

I don't think any State legislature met to go over the outcome of the election. That's the way it used to be back in the day. They would have a joint session, meaning, the States would have a joint session, and they would pick their winner.

Nothing like that happened in Michigan. So if President Trump was complaining about it, I don't know that that would've been accurate because I don't know that the legislatures were doing that. I think they had completely delegated that function to other people.

Q Do you remember the President being critical of Mr. Biden and critical of the potential that he would assume the Presidency on January the 20th?

A No, I don't remember that. And, again, I apologize, I don't have, you know, a recollection of that -- that call very well, but, no, I don't remember anything specific about President Biden.

I think it was all about whether or not the election was fair and whether or not Trump had won, not the fact that you liked or disliked, you know, then candidate now President Biden.

Q Okay. And those things you don't remember that we've been talking about, do you just not remember whether they happened at all, as opposed to them not happening? I don't know if that was a good question, but do you understand what I'm asking?

A Yeah, it's not a very good question, but -- you know, but, yeah, I don't remember whether or not they happened. I can't say that they did not happen, and I cannot say that they did happen. I don't remember what the President said on that call.

Q Your answer cleaned up my question. I appreciate that.

A I'm sorry that I'm being a bit obtuse, but, yeah, I don't remember. Sorry.

Q Okay. If you could pull up exhibit number 11, [redacted]. So this is a letter -- can you hear me okay?

A I can hear you just fine, thank you.

Now I can't hear you if you're still speaking. I can see the letter though.

Q There we go. Okay. I'm sorry. I had a moment where I couldn't hear you. So you can see the letter?

A I can, thank you.

Q Very good. This is dated January the 5th -- excuse me -- and if you scroll down, [redacted], it talks about State legislatures, has you looking into certain issues related to the election. It talks about January 6th. And if you keep scrolling, and it ends generally with a request that the Vice President delay the joint session to give more time for State legislatures to do something. And it's signed by -- I may have this count wrong, but approximately 120 legislators from different States. Are you familiar with this letter?

A You know, I was familiar generally that Amistad and Got Freedom were trying to put together a consensus of their legislative clients. I see, for example, Julie Alexander on the top alphabetically there, from Michigan.

I'm looking down the list. I see another Michigan rep, Ken Borton, that I don't remember interacting with him.

And then I see down on the bottom right Beth Griffith -- Griffin, excuse me. Those were my clients, I remember them. And I think there was some back and forth on who would join a letter, who wouldn't, who would be willing to sign, who wouldn't.

But I don't remember seeing the final version of the letter, just remembering that

I went back and forth a bit with some of these folks. We wanted to make sure that no one stuck their neck out, so to speak, or no one signed on to something that they didn't agree with. So I remember this happening but don't remember the specifics.

Q Do you know whether this was at all related to this call that we've been talking about on January the 2nd?

A I don't remember that there was a takeaway from the call that said, hey, following the call we're going to send a letter. I don't remember that. It may have happened, but I don't think so. I think they're separate.

Q Okay. All right. You can take this down, [redacted]. Thank you.

All right, very briefly, just a few wrap-ups. January 6th, where were you?

A January 6th, 2020?

Q 2021. I'm sorry.

A Oh, yeah. So I was at home in Michigan -- in West Michigan.

Q I understand that Meshawn Maddock, someone who's come up earlier today, helped to organize several busloads of people to go to Washington on or before January the 6th. Do you know anything about that?

A No. I didn't have any interaction with her about going to D.C. I found out after -- afterwards that she had gone to D.C., but I didn't know about it ahead of time.

Q Did you talk to Ms. Maddock about her purpose for being in D.C. on the 6th?

A No. I didn't talk to her about it ahead of time. I didn't even know that she was going, but I saw it reported, both locally and nationally, that she had been there afterwards.

Q And did you talk to her afterwards at any point?

A I've talked with her. I'm trying to remember the circumstances. I think I saw her at an event in, maybe, Jackson County, like a Jackson County GOP, like, meet the

candidate-type thing. I went over for that, also with my Hillsdale clients, and met with some of the candidates that were running for -- were going to be running for office.

This would've been, like, last summer or last fall. So this would've been, you know, 6 or 12 months after her going to Washington, D.C. So I talked to her --

Q Did she say --

A -- I saw her at that event, but I don't remember talking with her about it or saying anything about being there or why she was there.

Q Were you aware of any plans, before the 6th, for people to travel to Washington, whether it was a part of the buses that went or otherwise related to the joint session of Congress?

A No.

Q Had you heard anything about people protesting or entering the Capitol on January the 6th in D.C.?

A Before it happened?

Q Correct.

A No. I was watching. I thought it was interesting. I was -- I was curious as to what would happen in that I've never been alive for a joint session like this, that wasn't a formality. And I was -- I was interested to see what Vice President Pence was going to do with these alternate slates. I was curious.

I was watching some of it on C-SPAN. I had it on C-SPAN in the morning, going on in the background as I was working on other things. But that was the only -- only, I guess, knowledge I had about what was going on at the Capitol before -- beforehand.

Q And were you curious from, like, an academic perspective of what's going to happen, how is this going to play out, or was it from a, you know, "The situation could get volatile, there could be problems in D.C." perspective?

A No. I thought it was -- I thought it was interesting to see what was going to happen academically. I didn't know whether or not Vice President Pence was going to walk away from the podium or, you know, count the slates, or what he was going to do. I had no idea.

I did not expect any violence, and, frankly, for the first several hours, there wasn't any. There were people kind of parading around the Capitol rotunda. That's what was being shown on C-SPAN, you know, a bunch of people in -- you know, with their flags and their -- you know, kind of marching around the rotunda.

But that went on for hours before -- before there was anything -- anything that even resembled violence.

Q Based on what you were seeing that day?

A What I was watching on C-SPAN.

Q Right. Okay. Is there anything that -- I guess I'll open it up to you -- is there anything that we haven't talked about that you think would be helpful for the Select Committee as it moves forward and tries to understand the events of January 6th and what may have led up to January 6th?

Mr. Chamberlain. Come on, [redacted], be fair.

[redacted]. Yeah, no, I just wanted to give him the opportunity, if he thinks there's something we haven't touched on. I mean, he knows what he experienced more than I do.

Mr. Chamberlain. Yeah.

Mr. Northon. Well, I mean, I can tell you that I was as disappointed, I think, as anybody to see what happened on January 6th at the Capitol. I don't condone violence. I think I said as much a month earlier at the State Capitol.

I had nothing to do with anything that went there or went down there, absolutely

nothing to do with it. And to the extent I represented clients who took positions that they filed in courts or other things, I think they did it the right way, and they did it fairly and accurately. And I think Michigan is still a mess, and it's going to be cleaning up its electoral mess for years, if not decades, unless it starts following the laws that it writes on its books.

But my efforts in representing these private clients were to get people to follow the law, not to encourage people to break it. And so, you know, that's -- I guess that's what I would say.

And the fact that I filed these cases before, during, and after the election, have been entirely consistent the entire time and -- you know, I can also say -- and this isn't a social critique, but if people follow the law, then other people are less likely to violate the law.

And that goes for everybody, regardless of what side of the political aisle they are on. So when you abuse a power or authority or violate statutes with some impunity, it encourages others to do the same.

As I'm sitting here in grand rapids, we had riots in Grand Rapids last summer -- excuse me -- the summer of 2020. Just this past month, businesses and hotels downtown Grand Rapids were boarding themselves up in anticipation of riots or other unrest.

So I'm not some -- you know, I'm from a rural area and I'm from a small town in Michigan, but at the same time, I'm not so unwise to think that riots can't happen. But I have seen enough riots. The work I was trying to do was trying to prevent future riots, not stoke them or foment insurrection or revolution or anything else.

I'm happy to cooperate further if you've got any specific questions, but, no, I don't have anything else.

[redacted]. Okay. I appreciate that.

And, Mr. Chamberlain, is there anything you'd like to put on the record before we go off?

Mr. Chamberlain. None. We'll look for that one email.

[redacted]. Okay.

Mr. Chamberlain. It's from Tom King to Mr. Northon --

[redacted]. Okay.

Mr. Chamberlain. -- and forwarding a Chesebro memo. And I know we both have seen it, I just haven't been able to pull it up.

[redacted]. Okay. That's great, and we'll follow-up with you, but at this point, we can go off the record.

Mr. Chamberlain. Okay.

[Whereupon, at 1:49 p.m., the interview was concluded.]

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