

BENNIE G. THOMPSON, MISSISSIPPI
CHAIRMAN

ZOE LOFGREN, CALIFORNIA
ADAM B. SCHIFF, CALIFORNIA
PETE AGUILAR, CALIFORNIA
STEPHANIE N. MURPHY, FLORIDA
JAMIE RASKIN, MARYLAND
ELAINE G. LURIA, VIRGINIA
LIZ CHENEY, WYOMING
ADAM KINZINGER, ILLINOIS



U.S. House of Representatives
Washington, DC 20515

january6th.house.gov
(202) 225-7800

One Hundred Seventeenth Congress

Select Committee to Investigate the January 6th Attack on the United States Capitol

October 21, 2022

President Donald J. Trump



Dear President Trump:

United States House of Representatives Resolution 503 instructs the Select Committee to Investigate the January 6th Attack on the United States Capitol (“Select Committee”) to investigate the facts, circumstances, and causes of the January 6th attack and issues relating to the peaceful transfer of power. Pursuant to that directive, we have interviewed more than a thousand witnesses, reviewed over a million documents, conducted public hearings, and vindicated our rights in court against those who have tried to keep relevant information from the Select Committee. As demonstrated in our hearings, we have assembled overwhelming evidence, including from dozens of your former appointees and staff, that you personally orchestrated and oversaw a multi-part effort to overturn the 2020 presidential election and to obstruct the peaceful transition of power.

This multi-part effort included, but was not limited to:

- Purposely and maliciously disseminating false allegations of fraud related to the 2020 presidential election in order to aid your effort to overturn the election and for purposes of soliciting contributions;
- Attempting to corrupt the Department of Justice, including by soliciting and enlisting Department officials to make false statements and aid your effort to overturn the presidential election;
- Without any evidentiary basis, illegally pressuring state officials and legislators to change the results of the election in their states;
- Orchestrating and overseeing an effort to obtain and transmit false electoral certificates to Congress and the National Archives;
- Despite knowing specifically that it was illegal, corruptly pressuring your own Vice President to unilaterally refuse to count electoral votes during Congress’s joint session on January 6th;

- Pressuring Members of Congress to object to valid slates of electors from several states;
- Filing false information, under oath, in federal court;
- Summoning tens of thousands of supporters to Washington and, knowing they were angry and some were armed, sending them to the Capitol;
- Sending a social media message to the nation at 2:24 p.m.—while knowing full well that the violent attack on the Capitol was occurring—in which you incited further violence by publicly condemning your Vice President; and
- Refusing for hours to disband your rioting supporters by instructing them to leave the Capitol, while you watched the attack unfold on television.

You took all of these actions despite the rulings of more than 60 courts rejecting your election fraud claims and other challenges to the legality of the 2020 presidential election, despite having specific and detailed information from the Justice Department and your senior campaign staff informing you that your election claims were false, and despite your obligation as President to ensure that the laws of our nation are faithfully executed. In short, you were at the center of the first and only effort by any U.S. President to overturn an election and obstruct the peaceful transition of power, ultimately culminating in a bloody attack on our own Capitol and on the Congress itself. The evidence demonstrates that you knew this activity was illegal and unconstitutional, and also knew that your assertions of fraud were false. But, to be clear, even if you now claim that you actually believed your own false election claims, that is not a defense; your subjective belief could not render this conduct justified, excusable, or legal.

Because of your central role in each element of these actions, the Select Committee unanimously directed the issuance of a subpoena seeking your testimony and relevant documents in your possession on these and related topics. This subpoena calls for testimony regarding your dealings with multiple individuals who have now themselves invoked their Fifth Amendment privilege against self-incrimination regarding their communications with you, including Roger Stone, Lt. Gen. Michael Flynn, U.S. Army (Retired), John Eastman, Jeffrey Clark, and Kelli Ward. These Fifth Amendment assertions—made by persons with whom you interacted—related directly to you and your conduct. They provide specific examples where your truthful testimony under oath will be important.

In addition, as is likely obvious from the topics identified in the bullets above, we are considering multiple legislative recommendations intended to provide further assurance that no future President could succeed at anything even remotely similar to the unlawful steps you took to overturn the election. Your testimony and documentary evidence would further inform the Select Committee's ongoing work.

We recognize that a subpoena to a former President is a significant and historic action. We do not take this action lightly. But as you likely know, you would not be the first former president to testify before Congress or to receive a congressional subpoena. Former Presidents John Quincy Adams, John Tyler, Theodore Roosevelt, William Howard Taft, Herbert Hoover, Harry Truman, and Gerald Ford each testified before Congress after they left office. President Roosevelt explained during his congressional testimony, “an ex-President is merely a citizen of the United States, like any other citizen, and it is his plain duty to try to help this committee or respond to its invitation.”¹ Even sitting Presidents, including Abraham Lincoln and Gerald Ford, also testified before Congress. Further, both former and sitting presidents including Presidents Nixon,² Tyler,³ and Quincy Adams,⁴ have provided evidence in response to congressional subpoenas.

This subpoena hereby orders the production of relevant documentary material as set forth on the attached schedule by November 4, 2022, followed by your participation in one or more days of deposition testimony, beginning on or about November 14, 2022, and continuing on subsequent days as necessary. The deposition will be under oath and will be led by the professional staff of the Select Committee—including multiple former federal prosecutors—as well as Members. As with all witnesses who are required to appear before the Select Committee, you may raise any relevant privilege objections to specific questions asked during your deposition. If, like other witnesses identified above, you intend to invoke your Fifth Amendment rights against self-incrimination for your testimony, please so inform the Select Committee promptly.

Likewise, for any document described in the schedule, you may make relevant objections in a privilege log, which shall be produced to the Select Committee by the subpoena return date. Any privilege assertions should be made with accompanying information sufficient to allow an informed assessment of the validity of the asserted privilege. We recognize that the Supreme Court has ruled that former Presidents retain the limited ability to assert executive privilege. But any such privilege is qualified, and, as the D.C. Circuit explained in the case involving a request for your official presidential records, the Select Committee has a “uniquely compelling need” for the requested information. *Trump v. Thompson*, 20 F.4th 10, 37 (D.C. Cir. 2021), *request for stay denied*, 142 S. Ct. 680, 680 (2022), *petition for certiorari denied*, 142 S. Ct. 130 (2022).

The attached schedule is narrowly focused on records in your custody and control that you are uniquely positioned to provide to the Select Committee in light of your central role in the multi-

¹ See Ronald Rotunda, *Presidents and Ex-Presidents as Witnesses: A Brief Historical Footnote*, 1975 U. Ill. L.F. 1, 4 (1975) (citing U.S. House Special Committee on the Investigation of the United States Steel Corporation, 62d Cong., 1st Sess., at p. 1392).

² U.S. House Judiciary Committee, Report on Impeachment of Richard M. Nixon, President of the United States, 93d Cong., 2d Sess., at p.196.

³ See Rotunda, *supra* at p. 7 (citing H.R. Rep. No. 684, 29th Cong., 1st Sess., at 8 – 11 (1846) and H.R. Rep. No. 686, 29th Cong., 1st Sess., at 22-25 (1846)); Stephen W. Stathis, “Former Presidents as Congressional Witnesses,” *Presidential Studies Quarterly*, Vol. 13, No. 3, (Summer, 1983), at pp. 458-459.

⁴ See Rotunda, *supra*, at p. 7 (citing H.R. Rep. No. 686, 29th Cong., 1st Sess., at pp. 22 – 25 (1846)).

President Donald J. Trump
Page 4

part effort to overturn the results of the 2020 presidential election and interfere with the peaceful transfer of power.

The Select Committee looks forward to your cooperation with this subpoena.

Sincerely,

A handwritten signature in blue ink that reads "Bennie G. Thompson". The signature is fluid and cursive, with the first name being the most prominent.

Bennie G. Thompson
Chairman

A handwritten signature in black ink that reads "Liz Cheney". The signature is cursive and elegant, with the last name being the most prominent.

Liz Cheney
Vice Chair

Enclosures.

SCHEDULE

In accordance with the attached definitions and instructions, you, Donald J. Trump, are hereby required to produce all documents and communications in your possession, custody, or control—including any such documents or communications stored or located in personal accounts, on personal devices (e.g., personal computers, cellular phones, tablets, etc.), and/or on personal applications (e.g., email accounts, contact lists, calendar entries, etc.); and excluding copies of public media accounts unless you have altered such copies to reflect your thoughts and impressions—relating or referring in any way to the following items:

1. All records of any telephone calls, text messages, or communications sent through Signal or any other means, placed or received by you or at your direction on January 6, 2021, including records of any calls you joined as an active or passive participant.
2. All records of any telephone calls, text messages, or communications sent through Signal or any other means, placed or received by you or at your direction with any Member of Congress from December 18, 2020, to January 6, 2021,⁵ relating or referring in any way to the 2020 presidential election, including records of any calls you joined as an active or passive participant.
3. All photographs and video recordings taken on January 6, 2021, relating or referring in any way to the January 6, 2021, rally on the Ellipse, the joint session of Congress on January 6, 2021, or the riot⁶ that occurred at the United States Capitol on January 6, 2021.
4. All records of any telephone calls, text messages, or communications through Signal or any other means, placed or received by you or at your direction, including records of any calls you joined as an active or passive participant, from November 3, 2020, to January 5, 2021, relating or referring in any way to the 2020 presidential election or the joint session of Congress on January 6, 2021.
5. For the period from November 3, 2020, to the present, all notes (including electronic and hand-written notes), summaries, memoranda of conversation, readouts, or other documents containing or memorializing communications you made or received and relating or referring in any way to the joint session of Congress on January 6, 2021, or to the riot that occurred at the United States Capitol on January 6, 2021, including, but not limited to, any information about your possible travel to the Capitol on that day.
6. For the period from September 1, 2020, to the present, all documents, including communications sent or received through Signal or any other means, relating or referring in any way to the Oath Keepers or any members, the Proud Boys or any members, any

⁵ All date ranges in this schedule should be interpreted to include both the beginning and end dates.

⁶ On January 6, 2021, law enforcement declared a riot at the United States Capitol. As used in this document schedule, the term “riot” refers to actual or attempted violence and trespassing, and preparations for or aftermath of such violence and trespassing, that made up the riot.

other similar militia group or its members; or anyone who assembled in Washington, D.C., on January 6th for purposes related to the 2020 presidential election, the joint session of Congress, or the rally on the Ellipse.

7. For the period from September 1, 2020, to January 20, 2021, any communications, sent or received through Signal or any other means, including but not limited to memoranda to you, referring or relating in any way to plans or efforts to: (1) encourage state legislatures, state legislators, or other state or local officials to take any measure to delay or change the certification of the presidential election; or (2) have electors pledged to Donald J. Trump meet and cast Electoral College votes in any state that, at any time before or after such a meeting, certified Joseph R. Biden, Jr. as the winner of the state's popular vote.
8. All documents, including communications sent or received through Signal or any other means, relating or referring in any way to any speech, public statement, tweet, or other social media post from November 3, 2020, to January 6, 2021, regarding the Vice President, the joint session of Congress, or the January 6, 2021, Ellipse rally in Washington, D.C.
9. All documents, including communications sent or received through Signal or any other means, concerning both the Department of Justice and actions, statements, or correspondence relating to the 2020 presidential election.
10. For the period from November 3, 2020, to the present, all documents, including communications sent or received through Signal or any other means, relating or referring in any way to Vice President Michael Pence's role, or any actions he might take, during the joint session of Congress on January 6, 2021.
11. For the period from November 3, 2020, to January 6, 2021, all documents, including communications sent or received through Signal or any other means, relating or referring in any way to Representative Scott Perry or any other Member of Congress and regarding presidential electoral votes; planning for January 6, 2021, or the joint session on that day; changes of personnel at the Department of Justice; or any other topic related to an effort to alter the results of the November 3, 2020, presidential election.
12. For the period from November 3, 2020, to January 6, 2021, all documents, including communications sent or received through Signal or any other means, relating or referring in any way to efforts to encourage or summon individuals to travel to Washington, D.C. on January 6, 2021, for events related to the 2020 presidential election, the joint session, or the rally on the Ellipse.
13. For the period from November 3, 2020, to the present, all documents, including communications sent or received through Signal or any other means, relating or referring in any way to filing or the potential for filing any lawsuit, petition, motion, or other court filing that may have had the effect of delaying or disrupting the joint session of Congress

on January 6, 2021, including any material relating to the email communications identified and ordered disclosed by Judge Carter's Order of October 19, 2022, in *Eastman v. Thompson*, Case No. 8:22-cv-00099-DOC-DFM (C.D. Cal.).

14. To the extent not already called for by other paragraphs of this schedule, any communications sent or received through Signal or any other means, for the period from November 3, 2020, to January 20, 2021, including but not limited to memoranda provided to you, involving any of the following individuals:

- Roger Stone,
- Stephen Bannon,
- Lt. Gen. Michael Flynn, U.S. Army (Retired),
- Jeffrey Clark,
- John Eastman,
- Rudolph Giuliani,
- Jenna Ellis,
- Sidney Powell,
- Kenneth Chesebro,
- Boris Epshteyn,
- Christina Bobb,
- Cleta Mitchell, or
- Patrick Byrne.

15. All documents, including communications sent or received through Signal or any other means, from November 3, 2020, to January 6, 2021, relating or referring in any way to litigation losses related to the 2020 presidential election.
16. All documents, including communications sent or received through Signal or any other means, from July 1, 2021, to the present, relating or referring in any way to the investigation by the Select Committee and involving contacts with, or efforts to contact: (1) witnesses who appeared or who were or might be expected to appear before the Select Committee, including witnesses who served as White House staff during your administration, who served as staff for your 2020 campaign, and who served or currently serve in the United States Secret Service; or (2) counsel who represented such witnesses. The documents referenced in (1) and (2) include but are not limited to any communications regarding directly or indirectly paying the legal fees for any such witnesses, or finding, offering, or discussing employment for any such witnesses, and any communications with your former Deputy Chief of Staff Anthony Ornato or any employee of the Secret Service with whom you interacted on January 6, 2021.
17. All documents, including communications sent or received through Signal or any other means, from November 3, 2020, to January 6, 2021, relating or referring in any way to fundraising efforts based on claims of election fraud or a stolen election.
18. All documents, including communications sent or received through Signal or any other means, relating or referring in any way to the destruction of materials that previously

existed and that would have been covered by any part of this subpoena, or any other subpoena issued by the Select Committee to other individuals.

19. Information sufficient to identify every telephone or other communications device you used from November 3, 2020, to January 20, 2021.

SUBPOENA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To Donald J. Trump, 45th President of the United States

You are hereby commanded to be and appear before the

Select Committee to Investigate the January 6th Attack on the United States Capitol

of the House of Representatives of the United States at the place, date, and time specified below.

- ☒ **to produce the things identified on the attached schedule** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: 1540A Longworth House Office Building, Washington, DC 20515

Date: November 4, 2022

Time: 10:00 AM

- ☒ **to testify at a deposition** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: US Capitol Building, Washington, DC 20515, or by videoconference

Date: November 14, 2022

Time: 10:00 AM

- ☐ **to testify at a hearing** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____

Date: _____

Time: _____

To any authorized staff member or the United States Marshals Service

_____ to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at

the city of Washington, D.C. this 21st day of October, 2022.

Attest:

[Signature]
Clerk

[Signature]
Chairman or Authorized Member

117TH CONGRESS
2D SESSION

COMMITTEE RESOLUTION 1

Directing the Chairman to issue a subpoena to Donald J. Trump.

IN THE SELECT COMMITTEE TO INVESTIGATE THE
JANUARY 6TH ATTACK ON THE UNITED STATES CAPITOL

OCTOBER 13, 2022

Ms. CHENEY submitted the following resolution

COMMITTEE RESOLUTION

Directing the Chairman to issue a subpoena to Donald J.
Trump.

1 *Resolved*, That the Chairman be, and is hereby, di-
2 rected to subpoena Donald J. Trump for documents and
3 testimony in connection with the January 6th attack on
4 the United States Capitol pursuant to section 5(c)(4) of
5 House Resolution 503 and clause 2(m) of rule XI of the
6 Rules of the House of Representatives.

○