

**IN THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA**

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DONALD GUYATT,	:	2222582-OSAH-SECSTATE-CE-57-Beaudrot
ROBERT RASBURY	:	
RUTH DEMETER,	:	Agency Reference No.: 2222582
DANIEL COOPER,	:	
Petitioners,	:	
v.	:	
	:	
MARJORIE TAYLOR GREENE,	:	
	:	
Respondent.	:	

**POST-HEARING MEMORANDUM OF LAW IN SUPPORT OF PETITIONERS'
CANDIDACY CHALLENGE TO RESPONDENT MARJORIE TAYLOR GREENE**

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Petitioners DAVID ROWAN, DONALD GUYATT, ROBERT RASBURY, RUTH DEMETER, and DANIEL COOPER (“Petitioners”) respectfully submit this post-hearing memorandum in support of their candidacy challenge to Respondent Marjorie Taylor Greene.

PRELIMINARY STATEMENT

The oath to support and defend the United States Constitution against all enemies imposes great responsibility. The architects of the Fourteenth Amendment understood this well. They witnessed the carnage that results when the People’s representatives abdicate their responsibilities, abandon their oaths, and try to abolish the system of government they swore to defend. They enacted Section Three of the Fourteenth Amendment to prevent those who betray their oaths of office in this manner from holding positions of power ever again. Like other constitutional qualifications for federal office—citizenship or age—Section Three limits who may attain power and whom voters may choose to represent them. In the wake of the greatest insurrection our country has ever seen, the nation determined that voters should choose their representatives from among only those who have never betrayed their oaths to support and defend the Constitution.

Respondent Marjorie Taylor Greene does not meet that qualification. Even before she swore the oath, she advocated violence against the government. She accused the Speaker of the House of treason and condoned the suggestion that she should be shot in the head. She sought to instill “fear” in the hearts of political officials. And she told people that the government was trying to take away their freedoms and that they would have to defend those freedoms with “the price of blood.”

After she was elected to Congress in November 2020, Greene became fixated on false claims of election fraud, railing against what she claimed was a stolen election. To be sure, she had the right to those beliefs and to lawfully advocate for them. But as the new year

approached and allegations of voter fraud were being disproved across the country, Greene became more desperate, and she turned back to her preferred method for stopping governmental action with which she disagrees: violence. In tweet after tweet, video after video, she told her supporters that their government was being taken from them and implored them to “fight”—a term that Greene’s audience did not understand purely figuratively—to win it back. In one stark example, she told her supporters, “You can’t allow it to just transfer power ‘peacefully’ like Joe Biden wants and allow him to become our president because he did not win this election.” She framed the rapidly approaching, Constitutionally mandated, peaceful transition of power as an existential battle, a new independence day from the “oppression” of our constitutional system, a new July 4th, 1776. She rallied her supporters, promising them: “We will not go quietly into the night.”

Greene’s words and actions—her efforts to delegitimize the very government she was about to join, her violent imagery—were the kindling from which the January 6 insurrection exploded. When Greene took the oath on January 3, she swore to protect the government, not destroy it; she swore to let all that kindling rot. But she broke her oath. She dropped a match on the kindling she had amassed. Invoking a phrase that had been used repeatedly among her supporters and friends, she told her followers that January 6 was their “1776 moment”—the time to stop the government from carrying out its functions, to flood the Capitol, and to use violence if necessary. In the context of Greene’s prior violent rhetoric, Greene’s supporters understood her reference to “1776” for what it was: a call for revolution.

The resulting fire was catastrophic. January 6 was the most significant breach of our Capitol in more than 200 years. It was, unquestionably, an insurrection: Thousands of people stormed the seat of our national legislature in an effort to stop it from performing its duties; they used violence to achieve their means; and they were so numerous and persistent that

they could not be stopped by ordinary law enforcement. People died; hundreds of law enforcement officers were injured; the Capitol was severely damaged; and the peaceful transfer of power that Greene was so committed to preventing was temporarily suspended.

Greene now stands among the ashes claiming ignorance and innocence. She purports not to recall any of her incendiary words, even though they are preserved and are part of the record. She hides behind the First Amendment, without acknowledging that she is no longer a private citizen, that Section Three appropriately limits the rights of Congressmembers to engage in insurrection, or that she accepted a solemn duty when she “freely” took the oath of office. Her defenses demonstrate her unwillingness and inability to accept the responsibility that comes with being a member of the federal government.

The Court should find that Greene is disqualified from federal office under Section Three of the Fourteenth Amendment and is therefore not “qualified to seek and hold the public office for which [she] is offering” under O.C.G.A. § 21-2-5(c).

I. FACTUAL SUMMARY

The following facts are derived from the testimony and evidence presented at the April 22, 2022 hearing.

A. Violent Insurrectionists Storm the Capitol and Prevent Congress from Counting Electoral Votes

1. History of Insurrections in the United States

The Civil War, which lasted from 1861 to 1865, is the most well-known insurrection in American history. The Fourteenth Amendment was ratified in the wake of the Civil War and Section Three was designed in large part to prevent the leaders of that insurrection from holding federal office. *See* Tr. of Apr. 22, 2022 Hr’g, (attached as Ex. A, and hereinafter referred to as “Tr.”) 47:7-48:15. But the Civil War is not the only insurrection the United

States has endured. At the time the Fourteenth Amendment was ratified, two other insurrections of relatively recent vintage were well known to Americans: Shays' Insurrection and the Whiskey Insurrection. *See id.* at 49:1-49:8.

Shays' Insurrection occurred in Massachusetts at the end of 1786 and early 1787. *Id.* at 49:12-14. Groups of farmers who were upset about high land taxes armed themselves and went to local courts to stop them from holding foreclosure sales. *Id.* at 49:16-20. Eventually, the state militia was called in to quell the uprising and to restore the operations of the courts. *Id.* at 49:20-24. State militia clashed with the armed farmers at an armory, resulting in four deaths. *Id.* at 49:24-50:3.

The Whiskey Insurrection was another tax protest by farmers. *Id.* at 51:17-20. This time, farmers in Pennsylvania rebelled against a federal tax on whiskey and other spirits. *Id.* The farmers were "loosely organized" with no single leader. *Id.* at 52:19-22. The farmers armed themselves and tried to prevent tax collection by attacking places where tax collectors worked and trying to shut down the courts. *Id.* at 51:25-52:6. George Washington eventually called in more than 10,000 troops to end the insurrection, but not before four or five people were killed. *Id.* at 52:7-16.

2. January 6, 2021 Insurrection

a. Congress' Constitutional Duty to Count and Certify the Electoral College Votes

On "the sixth day of January succeeding every meeting of the electors" of the Electoral College, Congress meets for the purposes of opening, counting, and resolving any objections to the Electoral College vote and certifying the results. 3 U.S.C § 15; Apr. 19, 2022 Stipulated Facts ("Stipulated Facts") ¶ 6. These congressional duties are prescribed by the Twelfth Amendment to the U.S. Constitution. *See* U.S. Const., amend. XII ("The

President of the Senate shall, in the presence of the Senate and the House of Representatives, open all the certificates and the votes shall then be counted.”). On January 6, 2021, this constitutionally mandated joint session of Congress was convened at approximately 1:00 p.m. in the House chamber. *See Stipulated Facts* ¶ 6; P-36 (Congressional Record, Jan. 6, 2021) at H76.

In the hours that followed, the “most significant breach of the Capitol in over 200 years” took place, P-19 (Congressional Report) at 21, forcing Congress to suspend its counting and certification of the Electoral College votes.

b. Setting the Stage for the Insurrection

For weeks before January 6, 2021, certain supporters of then-President Trump developed various plans to try to prevent Congress from certifying the results of the 2020 election. Some of those plans turned entirely on lawsuits, or on lawful parliamentary maneuvers within the House floor; they are not at issue here. Other plans involved fraudulent “alternate” slates of electors,¹ or envisioned unconstitutional action by Vice President Pence to unilaterally reject electoral votes. P-18.

As January 6 approached, these options narrowed. *See, e.g.*, P-83 (letter from Pence stating refusal to unilaterally reject votes). By January 5, when it was publicly revealed that Pence would not unilaterally reject votes,² it was evident that no lawful parliamentary maneuvers could prevent certification of the 2020 election.

On the morning of January 6, 2021, long before the joint session of Congress began, thousands of people began gathering around Washington, D.C. Many of these people headed

¹ *See* Katie Benner, *Justice Dept. Is Reviewing Role of Fake Trump Electors, Top Official Says*, N.Y. Times, Jan. 25, 2022, available at <https://nyti.ms/3EZ3mfK>.

² *See* Jeff Mason, *Despite Trump pressure, Pence will not block Biden's election certification: advisers*, Reuters, Jan 5, 2021, available at <https://www.reuters.com/article/us-usa-election-pence/despite-trump-pressure-pence-will-not-block-bidens-election-certification-advisers-idUSKBN29A2J0>.

to the Ellipse, near the White House, where then-President Trump and others were scheduled to speak. P-19 at 22. Others headed directly to the Capitol building. By 11:00 a.m. the United States Capitol Police (“USCP”) reported “large crowds around the Capitol building.” P-19 at 22 (cleaned up). Some of the people gathering in Washington were “equipped with communication devices and donning reinforced vests, helmets, and goggles.” P-44 at 4.

Mr. Trump began his address just before noon. *Id.* In his remarks, he perpetuated false claims of voter fraud and encouraged his supporters to march on the Capitol. *See* P-54 (Transcript of Trump speech) at 8-9. Before he finished his address, “crowds began leaving the Ellipse for the Capitol.” *See* P-19 at 22.

c. Insurrectionists Breach the Capitol While Congress Attempts to Count and Certify the Electoral College Votes

By 12:45 p.m., significant and increasingly violent crowds were forming around the Capitol. P-19 at 22. At 12:53 p.m., the mob breached the outer security perimeter the USCP had established around the Capitol. *Id.* at 23. Individuals “picked up one of the metal bike racks that demarcated USCP’s security perimeter and shoved it into the USCP officers standing guard.” *Id.* Following this initial breach, crowds flooded into the Capitol’s West Front grounds. *Id.* People “pressed towards the Capitol building—climbing the inaugural platform and scaling walls. The only remaining security perimeter consisted of the USCP officers positioned around the grounds, who were overwhelmed and outnumbered.” *Id.*

While violence and chaos raged outside the Capitol, inside the building, most Members of Congress were trying to perform their duties under the Twelfth Amendment. At approximately 1:15 p.m., the House and the Senate separated to debate objections to the certification of Arizona’s Electoral College votes. *See* P-36 at H77.

By 2:06 p.m., insurrectionists had reached the Rotunda steps, and by 2:08 p.m., they were at the House Plaza. P-19 at 24. At 2:10 p.m. the final barricades on the West Front and northwest side of the Capitol were breached. *Id.* People smashed through first-floor windows on the Capitol's south side, making a hole big enough to climb through, and a stream of people entered, with two individuals kicking open a nearby door to let others into the Capitol. *Id.* at 24-25. On the east side of the Capitol, individuals "weaved through the restricted area in a military 'stack' formation with hands on shoulders and gear," and ultimately ascended the stairs on the Capitol's east side. P-16 ¶ 30-32. Some of these individuals were armed with bear spray and tactical gear and accompanied by an 82-pound German Shepherd. P-44 at 5.

At 2:13 p.m., the Senate was forced to go into recess. *See* P-36 at S18. At 2:29 p.m., the House was forced to follow suit. *See id.* at H85. One floor below the Senate chamber, just as the Senate was beginning its recess, insurrectionists chased a USCP officer up the stairs to the second floor, passing within 100 feet of Vice President Pence and his family. *See* P-73 at 3:08-3:50. Outside the Capitol, someone announced that Senators "just ran out of the session," and the sea of people who were unlawfully on the Capitol grounds cheered. *Id.* at 4:15-4:31.

At 2:25 p.m., a mob of people overran USCP officers in the crypt just below the Rotunda. *Id.* at 6:35-6:45. At the same time, another mob entered the Rotunda above from doors on the east side of the building. *Id.* at 6:45-7:10. At 2:43 p.m., insurrectionists "broke the glass of a door to the Speaker's Lobby," a hallway that would have given them direct access to the House chamber. P-19 at 25. When they tried to lift Ashli Babbitt through the opening, "a USCP officer fatally shot her." *Id.* Less than ten minutes later, insurrectionists breached the Senate chamber. *Id.* at 26. "In the House chamber, USCP officers barricaded the

door with furniture and drew their weapons,” trying to fend off people who were trying to enter the chamber. *Id.*

Inside and outside of the Capitol, insurrectionists announced their desire to find and kill lawmakers and to stop Congress from certifying the Electoral College votes. Statements captured on video include: “We’re here for you, Nancy,” P-73 at 1:46; “Drag ‘em out. Hang ‘em out,” P-73 at 8:07-8:10; “Can I speak to Pelosi? Yeah, we’re coming bitch. Oh, Mike Pence? Yeah, we’re coming for you, too, you fucking traitor,” P-72 at 4:27-4:32; “Hang Mike Pence! Hang Mike Pence!” P-72 at 4:32-4:36; “Start making a list and put all the names down and we start hunting them down one-by-one,” P-72 at 4:47-4:55. The insurrectionists also set up gallows outside the Capitol building. *See* P-72 at 4:40-4:45.

Insurrectionists attacked police officers as they made their way through the Capitol. In one police radio transmission, an officer desperately sought help as he announced that he was “taking metal, sharpened objects, missiles, to include bottles and rocks and hand-thrown chemical grade fireworks.” P-72 at 0:58-1:05. Video shows a mob trying to force their way into the Capitol through a barrage of police officers in riot gear. P-72 at 3:50-4:14. At one point, a member of the mob forcibly tries to remove a police officer’s gas mask. *Id.*

d. Military and Other Reinforcements Are Needed to Quell the Insurrection

The insurrectionists proved too numerous and violent for the USCP to control. The Mayor of Washington, D.C. was forced to call the Secretary of the Army to seek National Guard support. P-19 at 24. The USCP called the Commanding General of the D.C. National Guard as well. *Id.* An announcement also went out over police radio asking for “all military and sworn officers” to come to the Capitol. P-73 at 9:18-9:39. Ultimately, a number of agencies and entities were needed to repel the insurrectionists, “including DHS; the FBI; the

Bureau of Alcohol, Tobacco, Firearms and Explosives; the Montgomery County Police Department; the Arlington County Police Department; the Fairfax Police Department; and Virginia State Troopers.” P-19 at 26. Members of the House were held in a secret location, guarded by the military. Tr. 231:12-15.

The Senate did not reconvene until 8:06 p.m. *See* P-36 at S18. The House reconvened at 9:02 p.m. *See id.* at H85. Congress did not certify the Electoral College votes until 3:40 a.m. on January 7, 2021. *See* Stipulated Facts ¶ 9.

e. The Insurrection Causes Injuries, Damage, and Death

Around 140 law enforcement officers reported injuries suffered during the attack. P-19 at 29. Some of the more serious injuries included brain injuries, cracked ribs, and smashed spinal discs. *Id.* One officer was stabbed with a metal fence stake; another officer lost an eye. *Id.* Another officer suffered a heart attack after being attacked several times with a stun gun. *Id.* Three officers lost their lives following the attack. USCP Officer Brian Sicknick was attacked with bear spray and passed away on January 7, 2021; Officer Howard Liebengood died on January 9; Officer Jeffrey Smith died on January 15. *Id.*

Besides the injuries and loss of life, the insurrection causes substantial property damage, “requiring the expenditure of more than \$1.4 million dollars for repairs.” Ex. 16 ¶ 40.

f. A Seditious Conspiracy

Hundreds of people have been arrested in connection with the January 6, 2021 insurrection. Immediately after the attack, the U.S. Department of Justice characterized January 6 as an insurrection. *United States v. Chansley*, No. 21-cr-00003 (D. Ariz. filed Jan. 14, 2021), ECF No. 5, at 1, <https://bit.ly/3FJ1LdM> (describing “a violent insurrection that attempted to overthrow the United States Government on January 6, 2021”).

More recently, over ten people—including some who never entered the Capitol—have been charged with seditious conspiracy under 18 U.S.C. § 2384, the elements of which track almost exactly the federal criminal offense of insurrection under 18 U.S.C. § 2383. *See* P-16; U.S. Dep’t of Justice, Capitol Breach Cases, *available at* <https://www.justice.gov/usao-dc/capitol-breach-cases>. While many of those cases are still proceeding to trial, some individuals have pleaded guilty to committing crimes and signed Statements of Offense, in which they have stipulated to facts they conceded the United States would be able to prove beyond a reasonable doubt.

Joshua James, for example, stipulated that he “entered the Capitol in part to hinder or delay the certification of President-Elect Joseph R. Biden as President of the United States.” P-36 ¶ 32. He further stipulated that he “intended to use force and did, in fact, use force in the Capitol and when engaging in physical altercations with law enforcement, in order to prevent, hinder, and delay the execution of the laws governing the transfer of power.” *Id.* ¶ 36. Similarly, Charles Donohoe stipulated that he “intended to use force and did, in fact, use force to obstruct, impede, or interfere with the certification of the Electoral College vote, and did forcibly assault, resist, oppose, impede, intimidate, or interfere with, officers or employees of the United States.” P-17 ¶ 42.

g. Calling January 6 What It Was: An Insurrection

In the wake of January 6, lawmakers and Congress itself have labeled the events of that day an insurrection. For example, in Public Law 117-32—which the House passed by an overwhelming 406-21 majority, and the Senate passed unanimously³—Congress declared, “On January 6, 2021, a mob of *insurrectionists* forced its way into the U.S. Capitol building

³ 167 Cong. Rec. H2800 (daily ed. June 15, 2021), S5685 (daily ed. Aug. 3, 2021).

and congressional office buildings and engaged in acts of vandalism, looting, and violently attacked Capitol Police officers.” P-22 § 1(2) (emphasis added).

On February 13, 2021, Senator McConnell stated on the floor of the Senate that the people who entered the capitol on January 6 had “attacked their own government.” P-55 at S735. “They used terrorism to try to stop a specific piece of domestic business they did not like,” he continued. *Id.* “Fellow Americans beat and bloodied our own police. They stormed the Senate floor. They tried to hunt down the Speaker of the House. They built a gallows and chanted about murdering the Vice President.” *Id.* None of these statements was or could be disputed.

B. Marjorie Taylor Greene Engages in Insurrection

Respondent Marjorie Taylor Greene spent the years and months before she was sworn in as a Member of Congress developing a common vernacular with her national supporters and acclimating them to the idea that they would one day be called upon to storm the Capitol and attack their own government. She normalized political violence and pushed a false narrative of stolen elections, so that when it came time to call for a “1776 moment” on January 5, 2021, her supporters knew exactly what to do.

1. Before the 2020 Election: Greene Advocates Political Violence

In the run-up to her election to Congress in 2020, Greene advocated for and celebrated violence as a means for her and her supporters to accomplish their political goals.

In early 2019, Greene recruited her supporters to join her in doing exactly what the insurrectionists did on January 6, 2021. She implored them to come with her to Washington, D.C. because “[i]f we have a sea of people, if we shut down the streets, if we shut down everything, if we *flood the Capitol Building*,” then they could go *inside* the U.S. Capitol building and demand that the federal government employees address their grievances. P-84.

Although only a portion of her self-made video is publicly available—and Greene refused to produce any documents in discovery—Greene also stated in the video that she wanted to make federal officials “cower[] in fear,” and that if her supporters showed up with “big numbers on Feb. 23, oh I promise you, I promise you, they’ll be struck with fear on the inside.”⁴

Nor did Greene deny that she referred to Speaker of the House of Representatives Nancy Pelosi as a “traitor.” Tr. 109:9-110:24. Greene admitted she believes Pelosi violated her oath of office and could not deny that she said Pelosi committed treason and that treason is a “crime punishable by death.” *Id*; *see also id.* at 105:5-21.⁵ News reports indicated that Greene “Liked” a January 2019 Facebook post suggesting that a “bullet to the head would be quicker” to remove Speaker Pelosi from office.⁶ Once again, Greene could not deny that she personally liked that post. Tr. 113:18-114:5.

In October 2020, Greene made clear how far she was willing to go if she felt slighted by the political system. Just before she was elected to be a member of the United States Congress, Greene told a gun rights activist—who was wearing a t-shirt referencing “1776” during the recorded interview—that if anyone takes away your “freedoms,” the only way to get them back is “with the price of blood.” P-6. Remarkably, Greene denied in her testimony that suggesting freedoms should be obtained “with the price of blood” was a call for violence. Tr. 162:3-16.

⁴ *See also* Roger Sollenberger, *In 2019, Marjorie Taylor Greene told protesters to “flood the Capitol,” feel free to use violence*, Salon, Feb. 2, 2021, available at <https://www.salon.com/2021/02/02/in-2019-marjorie-taylor-greene-told-protesters-to-flood-the-capitol-feel-free-to-use-violence/> (marked as Exhibit P-23).

⁵ *See also* Em Steck and Andrew Kaczynski, *Marjorie Taylor Greene indicated support for executing prominent Democrats in 2018 and 2019 before running for Congress*, CNN, Jan. 26, 2021, available at <https://www.cnn.com/2021/01/26/politics/marjorie-taylor-greene-democrats-violence/index.html> (marked as Exhibit P-5).

⁶ *Id.*

2. November 3, 2020 to January 3, 2021: Greene Advances False Claims Election Was Stolen and Lays the Groundwork for Insurrection

After she was elected to Congress in November 2020, Greene inflamed the passions of her supporters by attacking the results of the Presidential election. Her efforts were not confined to merely making baseless allegations of “widespread voter fraud.” P-2B. Rather, during this period, Greene amplified her violent rhetoric, increasingly borrowing terms used in battle and war, *see* P-1C (using word “battle”); P-1E (vowing to “hold the line”), and setting the foundation for her ultimate call to invade the Capitol through a code word, “1776,” an obvious reference to the Revolutionary War, the armed rebellion to overthrow British rule in the colonies. But Greene used “1776” not with reference to any foreign state, but to the United States government, effectively calling for a rebellion against our own government—in other words, an insurrection.

Greene also began rallying her supporters for a “wild” day on January 6. On Twitter, she circulated a Fox News article with the headline, “Trump promises ‘wild’ protest in Washington DC on Jan. 6,” and commented that she was “planning a little something on January 6th as well.” P-2K. She retweeted a promise from Ellipse Rally organizer Kylie Kremer to Mr. Trump that “[the] calvary [*sic*] is coming, Mr. President,” while circulating promotional material for the January 6 protest. P-2D. She told her supporters, “I will #FightForTrump on Jan. 6” because “This #FightForAmerica is exploding!” P-2F.

In her most explosive pronouncement of all, Greene stated: “**You can’t allow it to just transfer power ‘peacefully’** like Joe Biden wants and allow him to become our president.” P-12; P-66. She used her fingers to make “air quotes” around the word “peacefully.” Greene told her hundreds of thousands of Facebook followers—and the millions of others who would have access to her Facebook page—that she intended to disrupt

the peaceful transfer of power on January 6. She invited anyone who was “able” to join her on January 6 because it was “critical for everyone to show up and show the nation who we are. We are not a people that are going to go quietly into the night. We are not a people who are going to be thrust into socialism without stopping it.” *Id.*

3. January 3 to January 6, 2021: Greene Calls on Her Supporters to Use Political Violence to Stop the Counting of Electoral Votes

On January 5, 2021—the day before the insurrection—Greene called on her supporters to commit violent rebellion. When a broadcaster asked her, “What is your plan tomorrow? What are you prepared for,” Greene answered, “This is our 1776 moment.” P-27. This unambiguous reference to the armed rebellion by which the United States forged its freedom from the British Empire had a particular meaning to Greene’s followers who were familiar with the modern usage of the term as a reference to violent resistance against perceived government tyranny. It was a statement designed to ignite Greene’s supporters, to invite them to flood the Capitol, to block the certification at all costs, and to use violence if necessary. Greene proudly posted the video of that exchange to her Facebook page, where it remains today. Tr. 212:5-213:9. In tweets on January 4 and 5, Greene again invoked the concepts of rebellion, war, and revolution. She told her supporters that “the people will remember the Patriots who stood for election integrity” and implored them to “#FightForTrump,” P-2H; *see also* P-1K (using the term “Surrender”).

Greene’s public calls for violence during the three days after she took the oath of office on January 3 stand in stark contrast to her post hoc testimony claiming her primary focus was on preparing objections to the count of electoral votes. *See e.g.*, Tr. 120:4-7; 191:13-15. She and her colleagues had a backup plan in the event that their objections were unsuccessful—which by January 5, she knew they would be. In the event that Vice President

Pence ignored their calls to overturn the results of a free and fair election, Greene would call on her supporters to illegally enter the Capitol Building and use threats and intimidation to stop the House and Senate from certifying the results of the 2020 presidential election. And that backup plan had a name: “1776.”

Greene knew exactly what she was saying when she said, “This is our 1776 moment.” She knew that her supporters and political allies saw themselves as “Patriots” who were trying to free the country from a tyrannical government and used “1776” as a call for violent insurrection. For example, in response to a Tweet from Greene that the leaders of the House and Senate may work out a rules change to block the electoral certification objections, Ali Alexander, a leader in the “Stop the Steal” organization, stated that, if such a tactic were employed, “1776 is **always** an option.”⁷ He not-so-subtly hinted that he “and 500,000 others” would invade the Capitol building.⁸ Greene never responded to Mr. Alexander as though she were confused by his reference to “1776” or to ask him and his 500,000 supporters *not* to do anything to the Capitol building. In another example, the term was even used as a title for a written plan to surveil and storm the Capitol on January 6: “1776 Returns.”⁹

Finally, and most obviously, Greene knew that the Declaration of Independence, signed in 1776, was a document that ignited a revolution that seized political power through violence and force. Tr. 149:17-153:14. She even invoked the Declaration of Independence when she later apologized for the insurrectionists and attempted to justify their conduct,

⁷ See Jan. 7, 2021 1:12PM tweet from @RighteousBabe4 capturing tweets from Ali Alexander, available at <https://twitter.com/RighteousBabe4/status/1347244659446321156> (marked as Exhibit P-3).

⁸ *Id.*

⁹ See Alan Feuer, *Document in Jan. 6 Case Shows Plan to Storm Government Buildings*, N.Y. Times, Mar. 14, 2022, available at, <https://www.nytimes.com/2022/03/14/us/politics/enrique-tarrio-jan-6-document.html> (marked as Exhibit P-39).

stating: “January 6th was just a riot at the Capitol. And if you think about our Declaration of Independence says, it says to overthrow tyrants.” P-15.

4. Post-January 6, 2021: Greene Continues to Call for Violent Rebellion

In the weeks and months after Greene’s supporters heeded her call to invade the Capitol, she belatedly and insincerely attempted to cast herself as an advocate for peace. But the record includes no evidence of her calling for peaceful protest prior to the insurrection on January 6, 2021—and, under oath, Greene could not identify a single instance in which Greene urged her supporters to be peaceful *before* the insurrection. Tr. 233:7-15, 233:24-234:8. And Greene has never offered an unequivocal condemnation of the people who violently invaded the Capitol on January 6. Instead, she has advanced false claims that the federal government *invited* the insurrectionists in, *see* P-75 (referring to the insurrection as a “fedsurrection”), and she visited those who have been arrested for their role in the insurrection in what she has called the “patriot wing” of the jail where they are held. Tr. 227:18-22.¹⁰ Indeed, even during her hearing testimony, she continued to defend the insurrectionists as “patriots.” *Id.* at 217:15-25.

Conspicuously, during the hearing, Greene’s counsel asked her no questions about providing support to people who were planning the demonstrations; he asked her no questions about her conversations with the people who broke into the Capitol; he asked her no questions about her activities between January 3 and January 6. In response to Petitioners’ questions on these topics, Greene could not *deny* offering support to those who planned to invade the Capitol, *id.* at 143:6-11, she could not *deny* speaking with White House staff about

¹⁰ See also Alia Shoaib, *Marjorie Taylor Greene visited accused Jan. 6 rioters in jail and told Steve Bannon the prisoners cry while singing the national anthem every night*, Business Insider, Nov. 6, 2021, available at <https://www.businessinsider.com/marjorie-taylor-greene-visited-jan-6-rioters-jailed-patriot-wing-2021-11> (marked as Exhibit P-25).

plans for demonstrations on January 6, *id.* at 126:22-127:1, she could not *deny* liking a Facebook post about murdering a political leader. *Id.* at 143:6-11, 126:22-127:1, 113:19-25. Instead, she hid behind her purported lack of memory, incredibly claiming during her testimony she could not answer at least 80 of Petitioners’ questions because she did not “recall” or could not “remember.” *See, e.g.*, Tr. 100:10-16, 113:18-25, 127:15-20, 129:13-23, 132:11-24, 155:3-8, 183:23-184:2, 200:20-201:3.

There is another effort to prevent the peaceful transfer of power that Greene ostensibly does not remember: asking the White House Chief of Staff to convey to the President her colleagues’ suggestion to declare martial law to prevent the inauguration of President-elect Biden. On January 17, 2021, she reportedly sent a text message to then President Trump’s Chief of Staff: “In our private chat with only Members, several are saying the only way to save our Republic is for Trump to call for Marshall [*sic*] law. I don't know on those things. I just wanted you to tell him.” Pet. Mot. to Supp. Record (Apr. 26, 2022). Whatever Greene may have meant by “I don’t know on those things,” she made clear that she “wanted [the Chief of Staff] to tell [the President]” this idea. At the hearing, she claimed not to remember any such requests. *See* Tr. 200:20-201:3; 216:19-217:14. But her failure to recall this last gasp of insurrection is no more credible than her other lost memories.

II. ARGUMENT

Respondent Marjorie Taylor Greene is disqualified to serve as a Member of Congress because she engaged in insurrection after taking the oath of office. The arguments she advances to mischaracterize the evidence and evade the inevitable legal conclusion it commands are without merit.

A. Greene Is Disqualified from Serving in Congress

Section 3 of the Fourteenth Amendment prohibits any person “who, having previously taken an oath, as a member of Congress . . . shall have engaged in insurrection or rebellion against the [Constitution]” from serving as a United States Representative in Congress. The evidence in this case shows: (i) Respondent Marjorie Taylor Greene took the oath of Congressional office on January 3, 2021; (ii) an insurrection occurred on January 6, 2021; and (iii) Marjorie Taylor Greene engaged in that insurrection by promoting, supporting, and assisting it.

1. Greene Takes the Oath of Office

The parties stipulated that, “[o]n January 3, 2021, Respondent [Greene] took the oath of office to be a Member of the U.S. House of Representatives for the first time.” *See* Stipulated Facts ¶ 5.

2. The Violent Attack on the U.S. Capitol on January 6, 2021 Was an Insurrection Under the Disqualification Clause

The January 6, 2021 attack on the U.S. Capitol was an “insurrection” under all conceivably applicable definitions of the word.

An “insurrection” is a “combined resistance” to “lawful authority,” with the intent to deny the exercise of that authority. *See* P-80 (Webster’s Dictionary, 1830) (“combined resistance to . . . lawful authority . . ., with intent to the denial thereof”); P-81 (Georgia insurrection statute, 1866) (“[a] rising against civil or political authority”); *Allegheny Cty. v. Gibson*, 90 Pa. 397, 417 (1879) (nearly identical definition). To qualify as an insurrection, the resistance must be formidable enough to temporarily defy the authority of the government. *See In re Charge to Grand Jury*, 62 F. 828, 830 (N.D. Ill. 1894) (an uprising “so formidable as *for the time being* to defy the authority of the United States”) (emphasis

added). It must be so significant that it cannot be addressed by ordinary law enforcement, *cf. Luther v. Borden*, 48 U.S. (7 How.) 1, 2 (1849); *In re Charge to Grand Jury*, 62 F. at 830, but no minimum threshold of violence is required, *id.* at 830 (“It is not necessary that there should be bloodshed”).

The January 6 insurrection satisfies all these criteria. It was an uprising against the United States that sought to stop the peaceful transfer of power and thereby prevent the government from functioning. *See supra* §§ I.B.2.c, I.B.2.f. It succeeded, temporarily, in defying the authority of the United States by seizing a protected federal building to prevent Congress from fulfilling its constitutional duty to certify the results of a presidential election. The success of the attack may have been short-lived, but even a failed attack with no chance of success can qualify as an insurrection. *See Home Ins. Co. of N.Y. v. Davila*, 212 F.2d 731, 736 (1st Cir. 1954) (an insurrection “is no less an insurrection because the chances of success are forlorn.”); *In re Charge to Grand Jury*, 62 F. at 830 (“It is not necessary that its dimensions should be so portentous as to insure probable success.”). In fact, the January 6 insurrection can claim something many past insurrections could not: their violent seizure of the Capitol did, in fact, obstruct and delay an essential constitutional procedure. *See supra* § I.B.2.c. And it can claim a victory the Confederates never enjoyed: they never attacked the heart of the nation’s capital, prevented a peaceful and orderly presidential transition of power, or took the U.S. Capitol. Tr. 65:20-66:17.

The attack was also violent. Multiple people died and 140 law enforcement officers were injured, some severely. *See supra* § I.B.2.e. The January 6 attack was as violent as at least two previous insurrections against the United States to which the Disqualification Clause was understood to apply: the Whiskey and Shays’ Insurrections. *See* Tr. 53:11-25; 69 Cong. Globe, 39 Cong. 1st Sess. 2534 (Rep. Eckley) (during debates over clause, arguing

that “[b]y following the precedents of our past history will we find the path of safety,” then discussing approvingly the expulsions and investigations of representatives who supported the “small in comparison” Whiskey Rebellion); *see also* P-48 (12 U.S. Op. Atty. Gen. 141, 160 (1867)) (opining that, in similarly-worded statute, “[t]he language here comprehends not only the late rebellion, but every past rebellion or insurrection which has happened in the United States”). The violence was so significant that civil authorities were unable to resist the attack and military and other federal agencies had to be called in. *See supra* § I.B.2.d.

Finally, Congress itself has characterized the January 6 attack as an insurrection. *See supra* § I.B.2.g. The Senate unanimously characterized the January 6 attackers as “insurrectionists” in awarding a Congressional Gold Medal for Capitol Police Officer Eugene Goodman. P-10. Congress separately voted to award Congressional Gold Medals to other Capitol Police for their conduct in the face of “insurrectionists” on January 6, 2021. P-11. Obviously, “insurrectionists” presuppose an “insurrection.” Similarly, bipartisan majorities of the House and Senate voted for articles of impeachment describing the attack as an “insurrection.” 167 Cong. Rec. H191 (daily ed. Jan. 13, 2021); 167 Cong. Rec. S733 (daily ed. Feb. 13, 2021). During the impeachment trial, former President Trump’s defense lawyer stated that “the question before us is not whether there was a violent insurrection of [*sic*] the Capitol. *On that point, everyone agrees.*” 167 Cong. Rec. S729 (daily ed. Feb. 13, 2021) (emphasis added).

The January 6 attack is no less an insurrection just because some participants envisioned slightly different versions of the day’s events. Plans were fluid and overlapped substantially with what a federal court has found to be a conspiracy to obstruct the Joint Session of Congress on January 6, 2021. *See* P-18. Like the Whiskey and Shays’ Insurrections, the January 6 insurrection was loosely organized. Tr. 52:19-22. Whether some

participants may have gone further than others would have preferred or other participants were dismayed by some of the particular consequences is irrelevant; the events that actually unfolded constituted an insurrection. Greene offered no evidence otherwise.

3. Greene Engaged in the January 6 Insurrection

Two judicial opinions have considered the meaning of the word “engage” as used in the Disqualification Clause. *See United States v. Powell*, 65 N.C. 709 (C.C.D.N.C. 1871) (defining “engage” as “a voluntary effort to assist the Insurrection . . . and to bring it to a successful [from insurrectionists’ perspective] termination”); *Worthy v. Barrett*, 63 N.C. 199, 203 (1869) (defining “engage” as “[v]oluntarily aiding the rebellion, by personal service, or by contributions, other than charitable, of any thing that was useful or necessary”).¹¹

An individual need not personally commit an act of violence to have “engaged” in insurrection. *See Powell*, 65 N.C. at 709 (defendant paid to *avoid* serving in Confederate Army); *Worthy*, 63 N.C. at 203 (defendant simply served as county sheriff). Nor does “engagement” require previous conviction of a criminal offense. *See, e.g., Powell*, 65 N.C. at 709 (defendant not charged with any prior crime); *Worthy*, 63 N.C. at 203 (defendant not charged with any crime); *In re Tate*, 63 N.C. 308 (1869) (defendant not charged with any crime); Gerard N. Magliocca, *Amnesty and Section Three of the Fourteenth Amendment*, 36 *Const. Comment.* 87, 98-99 (2021) (in special congressional action in 1868 to enforce Section Three and remove Georgia legislators, none of whom had been charged criminally).¹²

¹¹ The *Worthy-Powell* standard provides the only judicial construction of “engage” under the Disqualification Clause. *See also In re Tate*, 63 N.C. 308 (1869) (applying *Worthy*). In a similarly-worded 1867 statute with more severe consequences (disenfranchisement) than the Disqualification Clause, the Attorney General construed the statute to require “some direct overt act, done with the intent to further the rebellion.” Ex. 48, col. 4 (12 U.S. Op. Atty. Gen. 141, 164 (1867)).

¹² Rather than require a criminal conviction as a prerequisite to a civil action to disqualify an officeholder, Congress did the reverse and imposed criminal penalties for those who held office in defiance of the Disqualification Clause. *See Act of May 31, 1870, ch. 114, § 15, 16 Stat. 140, 143.*

No evidence or authority suggests that a prior criminal conviction was *ever* considered necessary to trigger the Disqualification Clause.

“Engage” includes both words and actions. Confederate leaders (from Jefferson Davis down) used words to tell subordinates what to do. Although “merely disloyal *sentiments or expressions*” may not be sufficient, P-48, col. 4 (12 U.S. Op. Atty. Gen. 141, 164 (1867)) (emphasis added), marching orders or instructions to capture a particular objective, or to disrupt or obstruct a particular government proceeding, constitute “engagement” under the *Worthy-Powell* standard.¹³

Greene acted as a leader of the loosely organized insurrection. As a Member-elect of Congress, known to have close ties to then-President Trump, Greene instructed her followers to converge on the Capitol on January 6, 2021. P-2C, P-2D. She told them, “*You can’t allow it to just transfer power ‘peacefully’ like Joe Biden wants and allow him to become our president.*” P-12 (emphasis added); P-66; *see also supra* § I.C.2. It was her followers—not parliamentary procedure—that would prevent the certification of the Electoral College votes.

After taking the oath of office, she told her followers on January 5, 2021 that “this is our 1776 moment.” P-27. While “1776” refers to one of our nation’s proudest and defining historical moments, it unambiguously refers to an armed and violent rebellion. *See supra* § I.C.3. The American Revolution was fought against a foreign empire, but Greene used the phrase in reference to our own nation, and an armed rebellion against our own nation is, by definition, an insurrection. Indeed, “1776” accrued a particular and violent meaning among

¹³ To the extent (if any) that an “overt act” may be needed, *see* Ex. 48 (col. 4), words can constitute an “overt act,” just as words may constitute an “overt act” under the Treason Clause, *e.g.*, *Chandler v. United States*, 171 F.2d 921, 938 (1st Cir. 1948) (enumerating examples, such as conveying military intelligence to the enemy), or for purposes of conspiracy law, *e.g.*, *United States v. Donner*, 497 F.2d 184, 192 (7th Cir. 1974) (even “constitutionally protected speech may nevertheless be an overt act in a conspiracy charge”).

Greene’s allies and contemporaries. To them, her “1776” reference signaled violent resistance to perceived government tyranny.¹⁴

Greene’s long and unbroken history of advocating that her followers should “flood the Capitol” (P-84) and commit political violence (including executing Speaker Pelosi) sets critical context for her remarks. No matter how a hypothetical “average” American may have understood superficially ambiguous statements such as “this is our 1776 moment,” Greene’s associates such as Anthony Aguero, Ali Alexander, and others in the violent vanguard understood them as signals to storm the Capitol. In this way, her communications resemble a Cold War “number station” broadcasting coded messages on open radio waves. The message was to flood the Capitol to prevent the certification of votes (whether by intimidating the Vice President into illegally rejecting electoral votes, by preventing Congress from functioning, or other means) because, as she had already told them, “[y]ou can’t allow it to just transfer power ‘peacefully.’” To deny the obvious meaning of her communications to her intended audience would allow political leaders to evade accountability by sheathing their messages in wink-and-nod layers of implausible deniability.

Greene’s actions—all of which were voluntary—substantially aided the insurrection toward its goals through personal service and by useful contributions, satisfying the *Worthy-Powell* standard. As a Member of Congress, she signaled to supporters to initiate a mass uprising on a specific day, in a specific place, to defy the lawful authority of the United States and prevent the peaceful transfer of power. Greene’s actions were far more concrete than, for example, the communications upon which the House relied in 1868 to exclude John

¹⁴ See, e.g., P-6; see also See Jan. 7, 2021 1:12PM tweet from @RighteousBabe4 capturing tweets from Ali Alexander, available at <https://twitter.com/RighteousBabe4/status/1347244659446321156> (marked as Exhibit P-3); Alan Feuer, *Document in Jan. 6 Case Shows Plan to Storm Government Buildings*, N.Y. Times, Mar. 14, 2022, available at, <https://www.nytimes.com/2022/03/14/us/politics/enrique-tarrio-jan-6-document.html> (marked as Exhibit P-39).

Young Brown for disloyalty. 1 Asher C. Hinds, *Precedents of the United States House of Representatives*, ch. 14, § 449, at 445, <https://bit.ly/JohnYBrown> (excluding Member for urging, in a general manner, attacks on Union Army volunteers). Her marching orders not only specified a time and place, but also gave the insurrection a veneer of false legitimacy and the understanding that those in power would help carry the plan to its fruition.

The question is not whether Greene *subjectively* envisioned or specifically desired that the storming of the Capitol unfold as violently as it did. Whatever her subjective desires for January 6 may have been, in the context of her well-known history of advocating political violence (including the execution of Speaker Pelosi), and amidst widespread reports of planned violence on the Capitol,¹⁵ her communiques had a reasonably foreseeable effect: a violent assault on the Capitol to prevent a peaceful transfer of power to the president-elect, in defiance of the Constitution.¹⁶

Greene relies on the fact that, *after* people heeded her calls to prevent the peaceful transfer of power and execute Speaker Pelosi overran the Capitol, she released a video asking them to stand down. Ex. R-1. But having urged her followers to burn down the house, it is no defense that as the nation watched the fire in horror and the flames got too close to her, she half-heartedly asked them to back off. Her single, belated message does not negate her responsibility for urging the rebellion in the first place.¹⁷

¹⁵ See P-40, P-60 (marked but not admitted into evidence).

¹⁶ The only “intent” requirement in the *Worthy-Powell* standard is voluntariness, but to the extent that “intent” may be relevant, “a person of sound mind and discretion is presumed to intend the natural and probable consequences of his acts.” *Adams v. State*, 246 Ga. 119, 121 (1980). Greene’s instructions had the natural and probable consequence of causing her followers to flood the Capitol and prevent the peaceful transfer of power.

¹⁷ She did not release a stand-down video during the window of time when she purportedly believed that “antifa” or “BLM” had stormed the building. Presumably she understood who might follow her instructions and who would not.

4. **Greene Fails to Rebut Petitioners' Proof that She Engaged in Insurrection**

Greene did not present any evidence or testimony at the hearing to rebut Petitioners' proof that she engaged in insurrection. She never explained what she meant when she told her followers that January 6 would be their "1776 moment," she never denied providing support to the people who violently invaded the Capitol, and she never denied coordinating with White House staff to plan the demonstrations. *See supra* § I.B.3. In this action, where the Court departed from the presumption that Greene bore the burden of proof and denied Petitioners the opportunity to obtain documents from Greene and to probe her knowledge through deposition testimony, only Greene is in possession of the documents and information necessary to rebut Petitioners' proof. But she never provided it to the Court.

Any purportedly innocent interpretations that Greene propounded as a cover story after the insurrection (e.g., that she was referring solely to parliamentary maneuvers on the House floor) are not credible. By January 5, it was publicly evident that there were no viable options for using only lawful means (such as objections by Members combined with peaceful nonviolent protest *outside* the Capitol) to block certification. The only possible options for preventing certification required either intimidating the Vice President into illegal action, *cf.* P-18, or obstructing Congress from voting, creating time and space for other unlawful maneuvers such as presentation of "alternate" electors, or the declaration of martial law, *see* Pet. Mot. to Supp. Record (Apr. 26, 2022). She also testified, after the fact, that she had only ever desired "peaceful" actions. *See, e.g.,* Tr. 91:16-17, 101:7-8. But she didn't use the word "peaceful" *before* January 6, 2021. *See* Tr. 101:21-102:4. Rather, during the long lead-up to January 6, 2021, the *only* time that Greene ever used the word "peaceful" in her

communiques was when she told her troops that they could *not* allow the government to “just transfer power ‘peacefully.’”

The Court can, and should, reject Greene’s attempts to justify her words and actions based on her demonstrably false testimony and her repeated and incredible feigned lack of memory. It is bedrock law that “[i]f a witness is impeached or discredited in some legal manner . . . a trial judge in [a] nonjury case may disbelieve [her] altogether.” *Mustang Transp., Inc. v. W. W. Lowe & Sons, Inc.*, 123 Ga. App. 350, 352 (1971). When Petitioners’ counsel asked if Greene ever said that Speaker Pelosi was “a traitor to the country,” she responded, “No, I haven’t said that.” Tr. 105:11-15. That was a lie. When Petitioners’ counsel began to put up an exhibit to rebut Greene’s lie, she quickly backtracked: “Oh, no, wait, hold on now.” *Id.* at 105:16-19. Moreover, under Georgia’s “self-contradictory testimony rule,” which “has been firmly entrenched in Georgia law for well over a century,” Greene’s equivocation and vague answers to Petitioners’ questions counsel against giving any weight to her testimony at all. *See Thompson v. Ezor*, 272 Ga. 849, 851 (2000) (under the rule, “the testimony of a party who testifies on their own behalf at trial is construed against them whenever it is self-contradictory, vague, or equivocal”).

Finally, Greene’s defense rests almost entirely on her claimed lack of memory. She answered “I don’t recall” or some version thereof more than 80 times during the hearing. Where, as here, Petitioners have proven the statements and events Greene claimed not to recall, her testimony that she did not “recall” those statements or events can be—and should be—deemed not credible. *Wyckoff v. State*, 309 Ga. App. 627, 629 (2011) (affirming trial court determination that criminal defendant’s testimony that he did not remember plea hearing was not credible).

Greene’s half-hearted post-hoc attempts to distance herself from the violence that resulted from her actions are too little, too late. Those who sow the wind can hardly profess surprise when America reaps the whirlwind.

B. Greene’s Defenses Are Meritless

In Greene’s motion to dismiss, she raised four “General Objections” based on federal law: (1) that Georgia’s challenge statute puts an unjustified burden on her First Amendment and Fourteenth Amendment right to run for office; (2) that Georgia’s challenge procedures violate due process; (3) that Georgia’s challenge statute violates Article I, Section 5, Clause 1 of the United States Constitution, which empowers the House to judge the qualifications of its own members; and (4) that the Amnesty Act of 1872 granted her prospective amnesty under the Disqualification Clause for the insurrection of January 6, 2021. Greene may also argue that the Disqualification Clause requires congressional action, e.g., a federal cause of action, to be enforceable in this proceeding.

Greene’s motion also raised two “Privilege Objections,” also based on federal law: (1) that protected First Amendment activity and hearsay cannot be used to establish that she engaged in an insurrection, and (2) that her alleged involvement in the insurrection is privileged under the Speech and Debate Clause of the United States Constitution.

None of Greene’s defenses has any merit.

1. First and Fourteenth Amendments

Petitioners’ opposition to Greene’s Motion to Dismiss fully briefed the question of whether Georgia’s challenge statute violates the First and Fourteenth Amendments to the United States Constitution; that argument is incorporated in full by reference here. Furthermore, the U.S. District Court for the Northern District of Georgia held that the statute likely does not violate the First and Fourteenth Amendments and denied

Greene’s request to enjoin this proceeding. *Greene v. Raffensperger*, No. 22 Civ. 1294, 2022 WL 1136729, at *15–*22 (N.D. Ga. Apr. 18, 2022).

2. Due Process

Any argument that the challenge statute provides constitutionally inadequate process because it requires Greene to affirmatively establish her eligibility for office is moot because this Court has already exercised its authority under OSAH Rule 616-1-2-.07(2) to shift the burden of proof to the petitioners.¹⁸ (Corrected Prehearing Order at 4-5.) The federal court so held, noting that very fact. *Greene v. Raffensperger*, No. 22 Civ. 1294, 2022 WL 1136729, at *15–*22 (N.D. Ga. Apr. 18, 2022).

3. Article I, Section 5, Clause 1

Greene’s third argument involves Article I, Section 5, Clause 1 of the United States Constitution, which provides that “Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members.” Greene argues that this clause gives Congress “an exclusive role” in judging the qualifications of its own members and that states may not scrutinize the qualifications of House or Senate candidates. (Mot. Dismiss at 12.) But that is not the law.

The Constitution’s Elections Clause gives the states broad authority to regulate congressional elections:

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

U.S. Const. art. I, § 4, cl. 1; *see also Roudebush v. Hartke*, 405 U.S. 15, 25 (1972) (holding that Indiana’s recount procedure was a valid exercise of state authority and did not usurp the

¹⁸ The petitioners reserve the right to appeal this Court’s ruling on the burden of proof.

Senate’s power to judge elections). With this authority, states may enact “numerous requirements as to procedure and safeguards which experience shows are necessary in order to enforce the fundamental right involved.” *U.S. Term Limits v. Thornton*, 514 U.S. 779, 834 (1995) (quoting *Smiley v. Holm*, 285 U.S. 355, 366 (1932)); see also *Storer v. Brown*, 415 U.S. 724, 730 (1974) (“[A]s a practical matter, there must be a substantial regulation of elections if they are to be fair and honest and if some sort of order, rather than chaos is to accompany the democratic processes.”); *United States v. Classic*, 313 U.S. 299, 311 (1941) (“[T]he states are given, and in fact exercise, a wide discretion in the formulation of a system for the choice by the people of representatives in Congress.”).

In *Roudebush*, the Supreme Court upheld an Indiana recount procedure in a close Senate election as a valid exercise of the State’s broad powers under the Elections Clause and rejected a claim that the process usurped a power that only the Senate could exercise. 405 U.S. at 24-26. The Court reasoned that “a recount can be said to ‘usurp’ the Senate’s function only if it frustrates the Senate’s ability to make an independent final judgment.” *Id.* at 25. Indiana’s procedure did not frustrate the Senate’s function, the Court explained, because the Senate remained “free to accept or reject the apparent winner in either count, and, if it so chooses, to conduct its own recount.” *Id.* at 25-26 (footnotes omitted). As a result, the recount process did not violate Article 1, Section 5, Clause 1. *See id.* at 26.

So too here. The House remains free to accept or reject Georgia’s determination of Greene’s qualifications and can, if it so chooses, void the election and require a new one if it disagrees with a determination that Greene is disqualified. Georgia’s challenge process therefore does not usurp the House’s power any more than Indiana’s recount process usurped the Senate’s.

Greene nonetheless argues that Georgia violates the Constitution simply by making an “independent evaluation” of her qualifications. (Mot. Dismiss at 13.) But such a rule would be absurd. Georgia would not, for example, violate the Constitution if it made an independent evaluation of a non-citizen or underage candidate’s qualifications. Congress also has the final say in a similar setting—the counting of votes from the Electoral College, *see* 3 U.S.C. § 15—and yet courts have held that states retain the ability to disqualify constitutionally ineligible presidential candidates under these circumstances. *See, e.g., Hassan*, 495 F. App’x at 948-49 (candidate not a natural-born citizen); *Lindsay*, 750 F.3d at 1065 (underage candidate). Indeed, the federal court held as much in denying Greene’s request to enjoin this proceeding. *Greene*, 2022 WL 1136729, at *26–*28.

Greene therefore has not established that this Court lacks jurisdiction to hear challenges to federal candidates.

4. The Amnesty Act of 1872

Greene next argues that, because the Amnesty Act of 1872 granted prospective amnesty to all future insurrectionists, the Disqualification Clause simply does not apply to her. (Mot. Dismiss at 14-16.) But Greene’s reading of both provisions is at odds with their text and history.

The Disqualification Clause provides in full as follows:

No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

U.S. Const. amend. XIV, § 3. Congress does not have the power to repeal the Disqualifications Clause by statute, but it does have the power to “remove” a disqualification under this Clause.

Congress did just that by private legislation in the years immediately following the 1868 ratification of the Fourteenth Amendment. *See, e.g.*, Private Act of December 14, 1869, Ch. 1, 16 Stat. 607, 607-13. Then, in 1872, Congress adopted the Amnesty Act, which provides in part that

all political disabilities imposed by the third section of the fourteenth article of amendments of the Constitution of the United States are hereby removed from all persons whomsoever, except Senators and Representatives of the thirty-sixth and thirty-seventh Congresses, officers in the judicial, military, and naval service of the United States, heads of departments, and foreign ministers of the United States.

Act of May 22, 1872, ch. 193, 17 Stat. 142 (1872) (the “Amnesty Act of 1872”). The issues here are whether Congress could, and did, remove disqualifications prospectively.

The word “remove” means to “take away or off”; “to get rid of”; or to “eliminate.” *ACLU of Fla. v. Miami-Dade Cnty. Sch. Bd.*, 557 F.3d 1177, 1219 (11th Cir. 2009); *Vurv Techn. LLC v. Kenexa Corp.*, 2009 WL 2171042, at * 5 (N.D. Ga. Jul. 20, 2009). It means to take away something already present. The plain meaning of the text of the Disqualification Clause therefore suggests that it does not empower Congress to grant prospective amnesty.

Congress confirmed this understanding of its power under the Disqualification Clause in 1919 when it rejected a similar argument, based on the Amnesty Act of 1898, from a Representative-elect who had been convicted of espionage. After acknowledging that the Clause authorizes Congress to remove disqualifications, the House concluded that “manifestly it could only remove disabilities incurred previously to the passage of the [1898 Amnesty] act, and Congress in the very nature of things would not have the power to remove

any future disabilities.” 6 Clarence Cannon, *Cannon’s Precedents of the House of Representatives of the United States*, ch. 157, § 56-59 (1936).¹⁹ Thus, the history of the Clause also suggests that it does not give Congress the power to grant prospective amnesty. Greene’s interpretation, moreover, would mean that Congress effectively repealed the Disqualification Clause without the constitutionally required ratification by three fourths of the states. If the drafters of the Fourteenth Amendment had meant the Disqualification Clause to amend Article V, the process by which the Constitution is amended, they would have said so explicitly.

But even if Congress had the *power* to grant prospective amnesty, the text and history of the Amnesty Act of 1872 suggest that Congress did *not* intend to grant prospective amnesty. The Act uses the past tense “imposed” rather than “which may be imposed,” suggesting that it only applies to disqualifications that have already been imposed. *See Gundy v. United States*, 139 S. Ct. 2116, 2127 (2019) (noting that the use of past tense indicates that a statute applies to pre-enactment conduct); *Carr v. United States*, 560 U.S. 438, 448 (2010) (observing that the Supreme Court has “frequently looked to Congress’ choice of verb tense to ascertain a statute’s temporal reach”).

And the history of the statute confirms the plain meaning of the text. *See generally*, Magliocca, *supra*, at 111-20. Before the Act, Congress had been passing private bills to remove disqualifications from former Confederates. *See id.* at 112. That soon became cumbersome, with thousands of names in each bill. *Id.*

One of the last private bills that the House considered originally contained some “sixteen or seventeen thousand names,” and was then amended to include “some twenty-five

¹⁹ Available at <https://www.govinfo.gov/content/pkg/GPO-HPREC-CANNONS-V6/pdf/GPO-HPREC-CANNONS-V6.pdf#page=75>.

more pages of additional names.” Cong. Globe, 42nd Cong., 2nd Sess. 3381-82 (1872) (Rep. Butler). As members kept adding names to the list, one member proposed adding the words “and all other persons” to the bill. *Id.* at 3382 (Rep. Perry). The sponsor of the bill rejected that proposal out-of-hand precisely because it suggested that amnesty would be extended to those who had not yet incurred disqualification under the Fourteenth Amendment, joking that he “did not want to be amnestied” himself. *Id.* at 3382 (Rep. Butler). That remark elicited laughter on the House floor, *see id.*, underscoring the fact that Greene’s preferred interpretation—that Congress could grant Section Three amnesty prospectively—was the punchline of a joke at the time of the 1872 Act’s passage.

Still, rather than pass another statute with a long list of names, Congress chose to use a general phrase to identify those former Confederates it was relieving of disqualification, with a few exceptions for some of the most prominent Confederate leaders. Magliocca, *supra*, at 116-20. Crucially, *all* of the discussion leading to the Amnesty Act of 1872 centered on ex-Confederates, rather than any other insurrectionists to whom the Disqualification Clause might apply. Tr. 65:13-19. It was not designed to grant amnesty to potential *future* insurrectionists.

Greene’s argument to the contrary is exceedingly simple: “By the plain language of this Act, the political disability was removed from any Representative other than those of the two enumerated Congresses.” (Mot. Dismiss at 15.) But this merely assumes that one can “remove” something which does not already exist. And it ignores the plain meaning and history of the provisions at issue. As authority, Greene cites only a district court case from North Carolina which recently adopted this textual argument (Mot. Dismiss at 16), but that case is neither binding nor persuasive, and it remains pending on appeal. To the contrary, the federal court considering Greene’s arguments to enjoin *this* proceeding carefully evaluated

both her arguments and the North Carolina decision, and concluded that the Amnesty Act of 1872 does *not* apply to future insurrections. *See Greene v. Raffensperger*, 2022 WL 1136729 at *23-*25 (N.D. Ga. Apr. 18, 2022),

Greene therefore has not established that the Amnesty Act of 1872 granted her prospective amnesty for engaging in the insurrection of January 6, 2021.

5. State law administrative proceedings do not require a federal cause of action.

Greene may argue that this Court cannot decide whether she has engaged in insurrection within the meaning of the Disqualification Clause because Congress has not enacted a federal cause of action to enforce the Disqualification Clause. If so, that argument would be a non sequitur. Challengers did not file a federal lawsuit, and do not require a federal cause of action. In the context of a state administrative proceeding, it makes no more sense to inquire whether Congress has conferred a private right of action to enforce the U.S. Constitution than for any other state or local proceeding (e.g., a zoning appeal) that might turn on an embedded federal ingredient.

In re Griffin is not to the contrary. That case noted in dicta that procedures for enforcing the Disqualification Clause “can only be provided for by congress.” 11 F. Cas. 7, 26 (C.C.D. Va. 1869). But *Griffin* was decided when Virginia had no state government, and was under direct federal rule; much like Washington, D.C. today, all its laws could “only be provided for by congress.” *See Magliocca, supra* at 130 & n.91 (noting *Griffin* “was not denying states the power to enforce Section Three on their own”).²⁰

²⁰ The contrary decision of an Arizona state trial court fails to identify this critical fact. *Hansen v. Finchem*, No. CV 2022-004321, slip. op. (Ariz. Maricopa Cty. Superior Ct. Apr. 21, 2022), appeal filed, No. CV-22-0099-AP/EL (Ariz. Sup. Ct. filed Apr. 22, 2022).

Finally, Congress did pass legislation requiring Georgia to apply the Disqualification Clause. 40 Cong. Ch. 70, 15 Stat. 73 (1868) (“no person prohibited from holding office under the United States . . . by section three of the proposed amendment to the Constitution of the United States, known as article fourteen, shall be deemed eligible to any office in [any] of said States, unless relieved from disability as provided by said amendment”). That provision has never been repealed.

6. The First Amendment and Hearsay

Greene’s first “Privilege Objection” is that First Amendment activity and hearsay cannot be used to support insurrection claims. (Mot. Dismiss at 29-33.) This argument misses its mark for at least two reasons.

First, hearsay is not a bar to admissibility in this Court. Under OSAH rules, an ALJ may consider certain hearsay evidence when “it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.” OSAH Rule 616-1-2-.18(1). This Court excluded proposed evidence that it deemed inadmissible hearsay, and the central evidence in the record (admitted exhibits and Greene’s testimony) is not hearsay.

Second, the First Amendment does not preclude disqualifying someone from Congress based on what might otherwise be First Amendment-protected speech. The Disqualification Clause is not a mere statute, subject to First Amendment review; it is a co-equal provision of the Constitution. For example, while all Americans have a First Amendment right to refuse to swear an oath to protect the Constitution, the Constitution itself requires federal and state legislators and officers to take an oath to protect the Constitution before they can serve—a requirement the Supreme Court has had no difficulty upholding. *See* U.S. Const. art. VI; *Bond v. Floyd*, 385 U.S. 116, 132 (1966). First Amendment “compelled speech” analysis, which protects private citizens from compelled oaths, simply

does not apply to an incoming member who refuses the oath. By the same token, there is no First Amendment right to serve in Congress for someone who, after taking the oath, engages in insurrection, even if the engagement included speech that would be protected under the First Amendment if made by a private citizen.

Greene nonetheless argues that speech cannot constitute engagement in an insurrection unless the speech meets the two-part test set out in *Brandenburg v. Ohio*, 395 U.S. 444 (1969). In that case, the Supreme Court held that the First Amendment prohibits the government from imposing penalties via legislation, regulation, or common law on private citizens for advocating violence to achieve political ends, unless the advocacy was (i) intended to and (ii) likely to incite “imminent lawless action.” *Id.* at 447. Greene cites no authority as to why *Brandenburg* should apply to a separate constitutional provision; her argument would gut the Disqualification Clause and defeat its intended purpose. If distributing open or veiled signals, marching orders, and other instructions in support of an insurrection cannot count as engaging in insurrection, then only the foot soldiers would face possible disqualification. But the framers of the Fourteenth Amendment were not primarily concerned with disqualifying Confederate soldiers; rather, they were primarily concerned with disqualifying Confederate *leaders*. Magliocca, *supra* at 91-93. The primary way that leaders engage in insurrection is through their speech—their commands and their advocacy. Under Greene’s theory, the vast majority of Confederate political leaders (including Jefferson Davis) were not disqualified by Section Three—most never fired a shot *or* gave a speech that met the *Brandenburg* definition of inciting “imminent lawless action.” That Greene’s engagement in the insurrection included oral advocacy does not immunize her from disqualification; to the contrary, it makes her exactly the sort of insurrectionist that the Disqualification Clause was intended for.

Moreover, even if the First Amendment did serve as a limitation on the Disqualification Clause, *Brandenburg* still would not apply. Government actors like Greene are not subject to precisely the same First Amendment analysis as private citizens. *See, e.g., Garcetti v. Ceballos*, 547 U.S. 410, 419 (2006) (Public employees “often occupy trusted positions in society. When they speak out, they can express views that contravene governmental policies or impair the proper performance of governmental functions.”); *Snepp v. United States*, 444 U.S. 507 (1980) (requiring CIA employees not to divulge classified information, or to publish information about agency without prior agency approval, does not violate First Amendment); *U.S. Civ. Serv. Comm’n v. Nat’l Ass’n of Letter Carriers*, 413 U.S. 548, 564 (1973) (holding Hatch Act constitutional). And the Supreme Court has held that restrictions on elected officials, even ones that may force them to resign, should be viewed with less skepticism than restrictions on civil servants. *Clements v. Fashing*, 457 U.S. 957, 972 (1982). Having sworn an oath to support the Constitution, they are held to a higher standard than individual private citizens who may, e.g., advocate to forcefully prevent a peaceful transfer of power.

But even if *Brandenburg* did somehow apply as a limit on the Disqualification Clause, the record here establishes Greene’s marching orders would satisfy the *Brandenburg* standard. Greene’s statements urging supporters to reject a peaceful transition of power and to come to the Capitol on January 6 for “our 1776 moment” were not an abstract advocacy of violence—a declaration in the woods that, at some undetermined point, “there might have to be some revengeance taken.” *Brandenburg*, 395 U.S. at 446. They were a call to reject the peaceful transition of power *at a particular time and place*. Furthermore (and unlike in *Brandenburg*), her instructions *in fact* led to lawless action at that very time and place. “It remains fundamental that while the state may not criminalize the expression of views—even

including the view that violent overthrow of the government is desirable—it may nonetheless outlaw encouragement, inducement, or conspiracy to take violent action.” *United States v. Rahman*, 189 F.3d 88, 115 (2d Cir. 1999).

7. The Speech and Debate Clause

Greene’s second “Privilege Objection” is that the Petitioners’ claims are based on activity that is protected under the Speech and Debate Clause in Article 1, Section 6 of the United States Constitution. (Mot. Dismiss at 33-36.) This argument also lacks merit.

The Speech and Debate Clause “prohibits inquiry only into those things generally said or done in the House or the Senate in the performance of official duties and into the motivation for those acts.” *United States v. Brewster*, 408 U.S. 501, 512 (1972). It “enures only to legislators engaging in actions considered an integral part of the deliberative and communicative processes by which legislators participate in proceedings with respect to the consideration and passage or rejection of proposed legislation.” *Bryant v. Jones*, 575 F.3d 1281, 1304–05 (11th Cir. 2009) (cleaned up).

Neither the allegations of the Complaint nor the evidence presented at the hearing pertain to legislative activity protected by the Speech and Debate Clause.

CONCLUSION

For the reasons set forth herein, the Court should find that Respondent Greene is disqualified under Section Three of the Fourteenth Amendment and is not “qualified to seek and hold the public office for which [she] is offering” under O.C.G.A. § 21-2-5(c).

This 29th day of April, 2022.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on April 29, 2022, I served the foregoing document on the respondent by electronic mail at the following addresses: dfg@guldenschuhlaw.com, khilbert@hilbertlaw.com, cgardner@hilbertlaw.com, msiebert@bopplaw.com, and jboppjr@aol.com.

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Attorneys for Petitioners

Exhibit A

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BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA

DAVID ROWAN, DONALD) Docket No.: 2222582
GUYATT, ROBERT RASBURY,) 2222582-OSAH-SECSTATE-CE-
RUTH DEMETER, and DANIEL) 57-Beaudrot
COOPER,)
Petitioners,)
v.)
MARJORIE TAYLOR GREENE,)
Respondents.)

April 22, 2022

1 [00:35:30]
2 JUDGE CHARLES R. BEAUDROT: All right. We
3 don't normally have many people in this
4 courtroom. Okay, let's see here. Some obvious
5 things that may bear repeating. This is an
6 important hearing. These are important things.
7 We need to ask everybody to respect the
8 proceeding. This is our big courtroom, but it's
9 quite full. So, please be, you know, quiet, and
10 again, you know have phones and computers and the
11 like. Just be very careful with them. Please
12 turn off your, any alarms or anything, that, you
13 know. This is not federal court, where I would,
14 of course, you wouldn't have it in federal court.
15 I would lock you up if you did. Computers and
16 phones, noise to minimum, moving around to
17 minimum, just don't be disruptive. No comments.
18 This is not a public forum. No comments. Let's
19 talk about the schedule for the day, so everybody
20 will be sort of prepared. I plan to go until
21 10:45. The first break, we'll take 15 minutes.
22 Then we plan to go from 11:00 to 12:30 with a 30-
23 minute lunch break. We'll resume at 1:00
24 o'clock, and a structured break at 2:30, and then
25 reconvene at 2:45. Obviously, if something needs

1 to be done, or council need the opportunity for
2 whatever reason, just let me know, and we will
3 consider that. Yesterday, we had, you know, this
4 case been proceeding at a very rapid rate. It
5 has to. It's an election case, and we had a
6 conference on evidentiary matters, and I have
7 reached a number of preliminary conclusions about
8 documents that have been proffered, and I'm going
9 to, it's going to be rather tedious, but I need
10 to read these into the record, and so, and then,
11 I want to hear from counsel to let you ask any of
12 questions that you want to discuss in particular,
13 and I'm only going to read the documents, which
14 I'm admitting at this point.

15 JAMES BOPP: Your honor?

16 JUDGE CHARLES R. BEAUDROT: Yes.

17 JAMES BOPP: Sorry, I had a preliminary
18 matter. I'd like to vote separation of
19 witnesses, please.

20 JUDGE CHARLES R. BEAUDROT: Oh, we only
21 have, who do we have? There's Representative
22 Greenee and professor...

23 ANDREW G. CELLI JR.: I think Mr. [PH
24 00:37:50] Magliocca, Dr. Magliocca is here.

25

1 JUDGE CHARLES R. BEAUDROT: The professor
2 can step out. That will be fine, thank you.

3 JAMES BOPP: All right, thank you, your
4 honor.

5 JUDGE CHARLES R. BEAUDROT: Certainly, thank
6 you, Mr. Bopp. Okay. All right. So, here's
7 what's in at this point: exhibit P2G, as in
8 George, the video, P21, the video only, P2N, as
9 in Nancy, the video, P6, the video, P10 from the
10 congressional record is in, P11 is in, P12, which
11 is a video, P13A is in, P14, the video only, P16,
12 P17, P18, P19, P21, P22, P24, P27, P29, P36, P41,
13 P44, P45, P48, P49, P51, P52, P53, P54, P55, P57,
14 P59, P61. On P62, we had a discussion about this
15 yesterday, there's a reference to a Senate
16 report. The Senate report was not tendered. If
17 somebody wants to tender it, I will admit that,
18 but I'm not, P62 itself is not coming in. P63,
19 P64, P65, P66, P68, 69, P72, P73, P74 and P75,
20 P76, P80, and P81. Now, and then on respondent's
21 list, the following are admitted: R1, R2, R3, R4,
22 R5, R6, and R14. Those are all I have. I will,
23 if council want to [PH 00:41:13] perfect
24 objections at this point and raise it for the
25 record, I'll start with Mr. Celli, if you all

1 have any objections that you want to raise at
2 this time.

3 ANDREW G. CELLI JR.: Your honor, I don't
4 have my list handy, but are these the preliminary
5 rulings that you gave yesterday?

6 JUDGE CHARLES R. BEAUDROT: Yeah, I mean, I
7 believe. I mean, I believe this is what I went
8 through yesterday. There were a couple of items
9 that I did not have chance to review until today.

10 ANDREW G. CELLI JR.: One second, your
11 honor.

12 JUDGE CHARLES R. BEAUDROT: Sure, take a
13 second.

14 SAM SHAPIRO: Your honor, if actually...

15 JUDGE CHARLES R. BEAUDROT: Okay, I'll
16 [INDISCERNIBLE 00:41:41], Judge [INDISCERNIBLE
17 00:41:43], can you all hear me?

18 SAM SHAPIRO: Not well.

19 MARJORIE TAYLOR GREENE: No.

20 SAM SHAPIRO: Not well.

21 JUDGE CHARLES R. BEAUDROT: Okay. Okay.
22 I'll try to speak to it more directly. Thank
23 you. Thank you, officer. Go ahead.

24

25

1 SAM SHAPIRO: Sorry, your honor. I thought
2 yesterday you admitted P15 as well. I didn't
3 [INDISCERNIBLE 00:41:57].

4 JUDGE CHARLES R. BEAUDROT: Let me look
5 again. Hold on. Oh, I couldn't find it. I
6 mean, [INDISCERNIBLE 00:42:18] wouldn't work,
7 that was my problem. If you want to submit it, I
8 mean, if I could review it, I would be happy to
9 oblige. That was the only, I went looking for
10 it, and I couldn't find it.

11 SAM SHAPIRO: And then P50, I thought your
12 honor [INDISCERNIBLE 00:42:34] as well.

13 JUDGE CHARLES R. BEAUDROT: Let's see, P55.

14 SAM SHAPIRO: 50, sorry.

15 JUDGE CHARLES R. BEAUDROT: 50, well, I
16 thought so too. I'm sorry. Yes, that was my
17 other [INDISCERNIBLE 00:42:44], yes.

18 SAM SHAPIRO: And then we had submitted to
19 your honor three additional exhibits: P82, 83,
20 and 84 yesterday afternoon.

21 JUDGE CHARLES R. BEAUDROT: Oh, I'm sorry,
22 yes. Wait a minute. Let me see. Hold on. Oh,
23 yes. Let me look at these. Yes, I'm sorry.
24 Yes, those are, what was 80, 81, and 83?

25 SAM SHAPIRO: 82, 83, and 84.

1 JUDGE CHARLES R. BEAUDROT: What was 82?

2 SAM SHAPIRO: 82 is a video, the House
3 impeachment video.

4 JUDGE CHARLES R. BEAUDROT: Yes, yes. Yeah,
5 I did not... Yeah, the House impeachment videos
6 [INDISCERNIBLE 00:43:27], yes.

7 SAM SHAPIRO: 83 was the January 6th letter
8 from Vice President Pence.

9 JUDGE CHARLES R. BEAUDROT: Yes. Yes,
10 that's in this, yes.

11 SAM SHAPIRO: And then 84 was a video of the
12 Congresswoman.

13 JUDGE CHARLES R. BEAUDROT: Video? Oh, of
14 Representative Greenee, yes. Yes, yes, that
15 one's in this.

16 SAM SHAPIRO: And then just one more, your
17 honor, I think, on the respondent's exhibits, I
18 thought you had admitted R7, which is a statute.

19 JUDGE CHARLES R. BEAUDROT: I did. That's
20 right.

21 SAM SHAPIRO: I believe you had said you
22 admitted R6, but that was an article, and I
23 thought...

24

25

1 JUDGE CHARLES R. BEAUDROT: You are correct.
2 Thank you for the correction. You're absolutely
3 correct. [INDISCERNIBLE 00:44:04]. Mr. Bopp?

4 JAMES BOPP: Nothing, your honor.

5 JUDGE CHARLES R. BEAUDROT: You're good?
6 Thank you so much. Okay. Appreciate everybody's
7 indulgence on that. Now, the lawyers in this
8 case are doing an excellent job, and they're
9 under great pressure. So, I appreciate everybody
10 staying on task. So, with that said, you know,
11 it's a black hole sometimes, [INDISCERNIBLE
12 00:44:38]. Okay. We're ready to begin then.
13 So, as we've discussed, we're going to proceed.
14 I'd like begin with opening statements. Well,
15 before we begin anything, Mr. Bopp,, anything
16 that you discuss before we start with opening
17 statements?

18 JAMES BOPP: No, your honor, I'm prepared
19 for argument.

20 JUDGE CHARLES R. BEAUDROT: Right. Mr.
21 Celli?

22 ANDREW G. CELLI JR.: We're ready, your
23 honor.

24 JUDGE CHARLES R. BEAUDROT: All right, good.
25 So, what we're going to do is we'll start with

1 opening statements. I'd like to get both of them
2 at the same time. The burden in this case is on
3 the petitioners by preponderance of the evidence.
4 So, they will get to go first, and then we'll
5 proceed with their case [INDISCERNIBLE 00:45:18].
6 Who's going to present, Mr. Fein?

7 RON FEIN: Thank you, your honor. May it
8 please the court?

9 JUDGE CHARLES R. BEAUDROT: Yes, sir.

10 RON FEIN: Ron Fein on behalf of the voters
11 in Georgia's 14th congressional district who
12 filed this challenge, with me, of course, are
13 Andrew Celli, Sam Shapiro, Dymond Wells, [PH
14 00:45:39] Ryan Sells, and of course, our co-
15 counsel watching remotely. Your honor, this is a
16 solemn occasion. This is not politics. This is
17 not theater. This is a serious case that the
18 voters who we represent have brought in order to
19 offer proof that their United States
20 representative seeking reelection, Marjorie
21 Taylor Greene, having taken the oath to support
22 the Constitution, then broke that oath and
23 engaged in insurrection, and in order to
24 understand that case, it's important to set the
25 stage with some history. There have been past

1 insurrections in this country, and we're going to
2 hear about some of them, the most important of
3 which was the Civil War, or as it was called at
4 the time, The Insurrection. and Professor Gerard
5 Magliocca, who is one of the nation's foremost
6 Constitutional historians of that era,
7 specializing in reconstruction in the 14th
8 Amendment, will talk about some of that history.
9 What was interesting about some of the
10 differences between these past interactions is
11 that the Civil War involved states raising
12 armies. They equipped them with uniforms,
13 insignia, and state-of-the-art military
14 equipment. They marched the columns. They
15 occupied huge tracks of land. That is not the
16 only type of insurrection that this country has
17 seen. Professor Magliocca will also talk about
18 some of the previous insurrections that were on
19 the minds of 19th century Americans. Those
20 include Shays' Rebellion, also known as Shays'
21 insurrections, and the Whiskey Rebellion. These
22 insurrections were of a different character.
23 They were not quite as organized as the Civil
24 War. The foot soldiers of those insurrections
25 didn't march in armies. They didn't conquer vast

1 swaths of territory, and they certainly didn't
2 wear uniforms. That is the kind of insurrection
3 that occurred on January 6th. The evidence will
4 show a violent assault on the United States
5 Capital that the law enforcement and ordinary
6 authorities were unable to control, that this
7 violent assault had multiple purposes. Those
8 included capturing and executing the Speaker of
9 the House of the United States representatives,
10 the Vice President of the United States, other
11 members of Congress. Those purposes also
12 included, and for a time, achieved preventing the
13 certification of the electoral votes for the
14 President incoming: Joseph R. Biden, and the
15 disruption of the peaceful transfer of power.
16 This attack on the sacred temple of our
17 democracy, the United States Capital, was
18 unprecedented, and to be sure, it was less
19 organized than some of those past interactions.
20 This was not a case where the leaders were on
21 horseback, leading the charge. This was not the
22 type of insurrection where the leaders were
23 standing in Richmond, Virginia, giving long-
24 winded speeches to justify the man. Rather, the
25 leaders of this insurrection, of whom there were

1 a number, were among us on Facebook, on Twitter,
2 on corners of social media that would make your
3 stomach curdle. The evidence will show that
4 Marjorie Taylor Greene was one of them. In order
5 to understand that, January 6th has to be set in
6 context. It didn't arise out of nowhere. Even
7 before January 6th, as December 2020 turned into
8 January of 2021, there were multiple shifting
9 tactics used by different groups, some violent
10 extremist groups, some nonviolent groups, all
11 loosely coordinating, all with a shared central
12 aim of preventing the certification of Joseph
13 Biden as president. The tactics shifted. The
14 different leaders jockeyed for position. Some
15 were in violent extremist groups. Some were
16 elected officials. Some were influencers of
17 various types. You'll hear about them. You'll
18 hear about these different figures, some of whom
19 isolated themselves from some of the action with
20 layers of deniability, some more plausible than
21 others. There'll be direct evidence. There'll
22 also be inferential evidence, and that
23 inferential evidence includes coded language.
24 Let me explain what I mean by that. The evidence
25 today does not include surveillance tapes

1 purporting to show that Marjorie Taylor Greene
2 was directing the plotting of the attack. That's
3 not going to happen today. The witness list
4 today does not include a turncoat witness, who's
5 going to come and risk their own exposure by
6 testifying that he or she was ordered by Marjorie
7 Taylor Greene to take certain actions in secret.
8 That's not the type of evidence that we are going
9 to present today. Rather, the way that
10 insurrections are organized nowadays is less in
11 uniforms with military hierarchies and chains of
12 command, less with detailed military plans of
13 battle, and more through social media and the
14 mass media. That's the era that we're living in.
15 In many cases, the communications have multiple
16 layers, and anyone who knows a teenager, is a
17 teenager, or knows anyone in their 20's knows
18 that hashtags and memes and ways of communicating
19 among internet subcultures can mean that words
20 that could have one meaning, a benign meaning or
21 even a baffling meaning to large portion of the
22 American public, can carry a very different
23 significance to the people swimming in that
24 particular subculture. So, the most important
25 witness today, after Professor Magliocca

1 testifies, the most powerful witness against
2 Marjorie Taylor Greene's candidacy, the most
3 powerful witness in establishing that she crossed
4 the line into engagement of insurrection is
5 Marjorie Taylor Greene herself. You'll hear her
6 words, of course, on the stand, what she says and
7 what she doesn't say. You'll also hear what she
8 said in the past. Again, some of that will be in
9 somewhat coded or veiled language, but you'll
10 also hear, in some cases, the mask falls, and she
11 shows us exactly what she intended. Now, she was
12 not on the Capital steps, urging the attackers to
13 breach police lines and smash through the doors
14 on January 6th. That was no not the role that
15 she played. Different figures within this larger
16 effort had different roles, but what became
17 clear, as December turned into January, as lawful
18 means of preventing the certification of Joe
19 Biden were exhausted, as nonviolent, even if
20 unlawful, means were exhausted, is that Marjorie
21 Taylor Greene nonetheless played an important
22 role, and her role, even after she took the oath
23 on January 3rd to uphold the Constitution and
24 defend it against all enemies, foreign and
25 domestic, was several-fold: to bring people to

1 DC, again, not by providing trains and buses that
2 would transport them directly, but rather,
3 through other means, to contribute in the
4 planning, and to signal that January 6th would
5 be, as she said, herself, on January 5th, our
6 1776 moment, a coded phrase with great
7 significance. In fact, it turned out to be an
8 1861 moment. Instead of violence against a
9 foreign empire, as we saw in 1776, she urged and
10 encouraged and helped facilitate violent
11 resistance to our own government, our democracy,
12 and our Constitution, and in doing so, she
13 engaged in exactly the type of conduct that
14 triggers disqualification under section three of
15 the 14th Amendment, which is to say, she engaged
16 in insurrection. Thank you.

17 JUDGE CHARLES R. BEAUDROT: Thank you. Mr.
18 Bopp?

19 JAMES BOPP: Thank you, your honor. May it
20 please the court, represent Mark Taylor Greene,
21 member Congress of the United States, in this
22 hearing, and your honor, this is a court of law.
23 This is not a political candidate debate. This
24 is not a place for political hyperbole. It is
25 not a place for political smears. It's a court

1 of law. In what we just heard, there was not a
2 word about the law. What does the section three
3 of the 14th Amendment mean? What does the word
4 'insurrection' mean? What does the word 'engage'
5 mean? Not a word. There was not a word about
6 the 1st Amendment that prevents normal political
7 speech and a hyperbole from being used against
8 someone, not a word. They think they're in the
9 wrong place. Well, I plan to talk about the law.
10 What does this mean, this very serious charge
11 that has very broad ramifications to the rights
12 of Representative Greenee, the voters in her
13 district, and our democracy? First, the right to
14 vote is at stake, right here, right now, because
15 they want to deny the right to vote to the
16 thousands of people in the 14th district of
17 Georgia by having Greene removed from the ballot.
18 Those voters have a right to vote for the
19 candidate of their choosing, and they have right
20 to have their vote counted. Now, the primary is
21 May 24. Absentee ballots have already been
22 printed. They'll be mailed on May the second,
23 and early voting starts on May the seventh, and
24 what is their hope is that there'll be a decision
25 by the Secretary of State, right before the

1 primary, where she is immediately struck from the
2 ballot, and those people that go into the polling
3 place cannot vote for their candidate of their
4 choice, because by utilizing this procedure, the
5 substantial Constitutional and federal law
6 violations that this candidacy challenge presents
7 cannot be decided by this court, unlike civil
8 court or criminal court, which will always
9 prioritize deciding issues of that magnitude
10 before being subject to a trial, before being
11 penalized by disqualification, and before the
12 irreparable harm that will occur, if that occurs,
13 but that's the nature of the procedure. When can
14 Representative Greenee raise her Constitutional
15 defenses, like the evidence you are presenting
16 violates the 1st Amendment to the Constitution?
17 When are we going to be able to litigate that
18 question? In state court, after she's
19 disqualified, after she's stripped from the
20 ballot, maybe after the primary occurs, and she
21 loses, well, nobody can vote for her, and
22 obviously, loses it. Well, whoopty-dee, okay?
23 How do we recover from that? How do we go back
24 from that? These are irrevocable harm to voters
25 and to the candidate. Now, second, our democracy

1 is at stake. It should be the voters, not
2 government employees, public officials, judges,
3 and lawyers who decide our elections. Voters
4 have a right to vote for the candidate of their
5 choice, unless there's very compelling, legal,
6 not rhetorical, justification for that, and which
7 is not present here. Third, fundamentally, 1st
8 Amendment rights are at stake, not only the right
9 to vote, as I've mentioned, or the right to run
10 for office, but also, the challengers will try to
11 use the 1st Amendment protected political speech
12 of Representative Greenee as evidence of, quote,
13 'engaging in an insurrection or rebellion'.
14 That's unConstitutional and should not be
15 allowed, and finally, the charge not only
16 triggers disqualification, but is a serious
17 federal criminal offense that she is being
18 charged with. Now, this is a very serious
19 matter, and the decision should be based on
20 admissible evidence under the rules. We
21 recognize that you have greater latitude than
22 that, but the charges, the seriousness of the
23 charges, we think, warrant that adherence and
24 faithful application of the law, and we expect
25 that you will do that. Now, procedure, Georgia

1 law, and here, I am talking about the law.
2 Georgia law 21-2-5 permits a candidate challenge
3 under two circumstances: one, a candidate is not
4 qualified to be a candidate, all right, and
5 number two is a candidate is not qualified to
6 take office. Of course, these are different,
7 different conceptually and different in their
8 application. So, a claim under section three of
9 the 14th Amendment has to do with your ability to
10 take office, because it doesn't address candidacy
11 in any way. It's the ability of a
12 representative, in this case, to take office,
13 because she has sworn the oath of office, engaged
14 in insurrection or rebellion, Congress has not
15 given her amnesty, and finally, when she presents
16 herself to take the oath of office, she could be
17 challenged, which we think is the exclusive
18 Constitutional right of Congress, not state
19 officials, to decide whether or not she is
20 eligible, at that time, to take office. So,
21 we're not dealing with a candidacy
22 disqualification. We're dealing with an alleged
23 take office qualification. Now, unfortunately,
24 as I've mentioned, many of these issues cannot be
25 decided by this court, even though you might make

1 recommendations to the Secretary of State on the
2 matter, and we have fully briefed this already in
3 our motion to dismiss and to stay the
4 proceedings, the Constitutional claims, the
5 federal law claims, the protections of the 1st
6 Amendment, speech and debate, and what these
7 words in section three mean. So, let's look at
8 that. We have our, admitted evidence is R2,
9 which is the 14th Amendment, and it includes, of
10 course, section three, and section three provides
11 that no person shall be a Senator or
12 Representative in Congress, etc., etc., etc.,
13 who, having previously taken an oath and as a
14 member of Congress or an officer of the United
15 States, etc., to support the Constitution, shall
16 have engaged in insurrection or rebellion against
17 the same, or given aid and comfort to the enemies
18 thereof. So, there's a sequence. You have to
19 have originally taken the oath. You have to then
20 engage, and then you are disqualified, and
21 Congress can determine that you're disqualified
22 for having done that, from taking a subsequent
23 oath, and therefore, cannot assume your position
24 as a member of Congress, and then furthermore,
25 that Congress may, by a vote of two-thirds of

1 each house remove such disability, and of course,
2 that's the various Amnesty Acts that have been
3 adopted, or could be adopted by Congress. Now,
4 this provision, as I mentioned, makes it clear,
5 this is about eligibility on January 3rd, 2023,
6 not today, not tomorrow, but eligibility when she
7 presents herself as a reelected member of
8 Congress. She could be excluded under the
9 exclusive power of Congress to judge the
10 qualifications of its members. That's where
11 these people should be: in Congress, explaining
12 why she, once she is reelected, is disqualified
13 from taking her seat. Now, the second thing that
14 this sequence makes clear is that, in her case,
15 she took the office first, for first time, and
16 these are in our stipulated facts, right, on
17 January the third. Right? So, that's the first
18 time, and so, she would have had to engage in
19 insurrection or rebellion after January 3rd. In
20 other words, under the Constitution, prior to
21 January 3rd, she could have done it under the
22 law. Now, it's preposterous that she would even
23 consider it. She reveres the United States
24 Constitution, but the way the Constitutional
25 provision is set up, she would have to have

1 engaged after. So, evidence of anything she did
2 prior to January 3rd is just completely
3 irrelevant to the section three, unless it is a
4 direct admission of her intention to engage in
5 insurrection or rebellion after January 3rd.
6 Anything else she says is, not only, it should be
7 excluded, because it doesn't fit the charge,
8 right, but as I will soon demonstrate, it is
9 protected by the 1st Amendment. Now, here, words
10 matter, and at every turn, the challengers
11 mistake what the law is in their complaint.
12 Obviously, they didn't discuss it here, but in
13 their complaint, and calling something,
14 something, doesn't make it something. Calling an
15 orange an apple does not make the orange an
16 apple. An orange has characteristics that are
17 preestablished and are applied to determine
18 whether the word 'apple' applies. Here, the key
19 phrases in section three are themselves defined
20 by the law. Now, they start off in misstating
21 the law by saying that Representative Greenee
22 should be disqualified under section three. This
23 is also called, by the way, the disqualification
24 clause, because she is someone who, quote, 'aided
25 and engaged in an insurrection', end of quote,

1 complaint page one, aided and engaged. Where is
2 that in section three? It says engaged in
3 insurrection or rebellion or gave aid or comfort
4 to the enemies thereof. There's no aided and
5 engaged in this statute. Now, each of those
6 phrases, 'engaged in insurrection or rebellion',
7 that phrase, or the accompanying phrase, 'gives
8 aid or comfort to the enemies thereof', each of
9 those have special meaning. Engage is an act.
10 It is a direct and overt act of insurrection. It
11 is about, as one commentator said, domestic war.
12 That's what 'engaged in insurrection or
13 rebellion' is about. The, or 'giving aid or
14 comfort to the enemies thereof', as the same
15 commentator, said is about foreign wars. Each of
16 these phrases have been used several times in
17 federal law and have come to gain particular
18 meaning. They're words [PH 01:09:34] of art.
19 So, you can't take 'aid' out of the second part
20 about foreign wars and add it to the first part
21 that is about domestic wars. That defies the
22 rules of construction. It flaunts the technical
23 and meaning of those phrases, of those words.
24 So, what is engaged, and what does it mean?
25 Well, engage connotes conduct, a direct, overt

1 act of insurrection to overthrow the United
2 States government. It is about things like,
3 which the people who drafted this well
4 understood. many of them were part of the
5 victorious, thank the Lord, Union army, and they
6 knew what an insurrection or rebellion was. So,
7 it was taking up arms, you know, voluntarily
8 joining the Confederate army. It was about
9 working in the war department for the Confederate
10 government. It was about providing supplies and
11 equipment and material for the people who were
12 conducting the war. So, these were direct, overt
13 acts of insurrection. Now, instead of looking to
14 that, what we have already heard, described as
15 their evidence, and of course, is well revealed
16 in their complaint, they want to hold against her
17 1st Amendment-protected speech, and here's a few
18 examples. On page 19, quote, "The people will
19 remember the patriots who stood for election
20 integrity", end of quote. That is supposed to be
21 about an insurrection or engaging in an
22 insurrection, or they said she said, she's
23 alleged to have said, quote, "Congress is the
24 last line of defense from a stolen election", end
25 of quote, on page 21. Isn't that quintessential

1 political speech? Isn't that recognizing in the
2 role of Congress in certifying the electors? How
3 could that be interpreted as an overt act to
4 engage in insurrection or rebellion? Well, it
5 can't be, and now, the question of voter fraud in
6 the 2020 election was is a quintessential example
7 of political speech: legitimate political
8 disagreements about what happened. Yet, you
9 know, the Supreme Court in Republican Party of
10 Minnesota versus White, actually the first one I
11 argued in the court, said that announcing views
12 on disputed legal or political issues is at the
13 core of the 1st Amendment, at the core. Now,
14 this is disputed, no question, but to say they is
15 an act of insurrection, it is direct, overt act
16 of insurrection against the United States, when
17 Representative Greene was an elected member of
18 Congress, who on January 6th, had a
19 constitutional duty and responsibility to be on
20 the floor where she was, to determine whether or
21 not electoral votes from the states would be
22 certified. Now 1st Amendment demands a very
23 narrow test. I've already said and argued that
24 'engage' connotes conduct, right, but we can look
25 to a much broader term that actually allows

1 speech to be considered, and that is the
2 Brandenburg case and the NAACP case, which we
3 saw, and that is the word 'incitement'. Now,
4 'incitement' and 'engage' are different words
5 with different meanings, and in fact, you know,
6 that for sure, because there are federal statutes
7 that say 'incite' and then say 'engage in certain
8 conduct'. I mean, they're used as different
9 words, right? Incitement, the Supreme Court has
10 said, is speech, but the Supreme Court, because
11 of 1st Amendment concerns, so that normal,
12 everyday political speech will not be punished,
13 as they want to do, says that that speech must
14 be. quote, "Directed to inciting or producing
15 imminent lawless action, and that it is likely to
16 incite or produce such action", end of quote.
17 That's on page 30 of our motion to dismiss. That
18 is very restrictive, right, but we know how
19 restrictive it is, when we point out the
20 statements that are made, where people are
21 claiming that is incitement, and the Supreme
22 Court says, no, that's protected by the 1st
23 Amendment. For instance, A Klu Klux Klan leader,
24 quote, Advocated the duty, necessity, and
25 propriety of crime, sabotage, violence, or other

1 unlawful methods of terrorism as a means of
2 accomplishing industrial or political reform",
3 end of quote, and the Supreme Court said that is
4 protected 1st Amendment speech. That is not site
5 incitement. There was also a statement by an
6 NAACP official, where he said, quote, "If we
7 catch any of you going in any of them racist
8 stores, we're going to break your damn neck", end
9 of quote. That was not incitement under the
10 Brandenburg test, and we also have seen where a
11 Vietnam War protestor said, "0We are taking the
12 F*** street again", end of quote, and that was
13 not incitement under the Brandenburg test. There
14 is absolutely nothing that Representative Greenee
15 ever said that passes the Brandenburg test of
16 incitement, and she can't even be held into
17 account for incitement, because this is 'engage',
18 which requires conduct. Look, they knew what the
19 words meant, and they chose the words that they
20 were going to use. This was going to be a very
21 narrow disqualification. Now, then they claim
22 that Representative Greenee promoted or organized
23 the January 6th rally away from the Capital,
24 right, near the White House, and where some of
25 the people at that rally went to the Capital, and

1 some of those attacked the Capital, and I call it
2 an attack. It was despicable for these people to
3 do this, to attack the Capital of the United
4 States. So, over 700 have been charged with
5 crimes. If they're guilty, they should be
6 convicted of those crimes, but, you know, not a
7 single one of them has been charged with engaging
8 in insurrection or rebelling, which is a federal
9 criminal offense, not one, not a one of the
10 people that actually attacked the Capital,
11 assaulted police officers, broke in, and were
12 there unlawfully. Well, the 1st Amendment right
13 to assemble means that the right to assemble does
14 not lose all Constitutional protections merely
15 because some members of that group may have
16 participated in conduct or advocated doctrine
17 that itself is not protected. So, this was a
18 quintessentially protected 1st Amendment right of
19 assembly, and that some people left and went to
20 the Capital. Some people attacked the Capital.
21 You can't hold the people who organized a
22 peaceful and constitutionally protected rally,
23 you cannot hold that against them, because that's
24 what they did. Now, second, the challengers
25 misstate the law regarding what is an

1 insurrection or rebellion. They say it is,
2 quote, "To overthrow the government or obstruct
3 its core functions", period, end of quote.
4 That's on page 32. Nowhere, in any case, does it
5 say that insurrection includes 'obstruct its core
6 functions'. It certainly says 'overthrow the
7 government', and, you know, certainly, you know,
8 if that would occur, all of the functions would
9 transfer to someone else, right, but they want to
10 expand this, so that, for instance, when a
11 heckler in the House gallery stands up and
12 heckles the Congress, you know, the House, and
13 they have to suspend, that that person is guilty
14 of insurrection or rebellion, because a core
15 function has been obstructed. Look, this word is
16 way more serious and narrow than what they say.
17 Let me give you examples of what the, either
18 statutes the courts, etc., have said. A domestic
19 war, that is on page 20 of our submission motion
20 to dismiss, a domestic war. Second, and that was
21 the attorney general in 1867, two, "Combinations
22 too powerful to be suppressed by ordinary course
23 of judicial proceedings or by the marshalls".
24 That was temporarily so, apparently. I don't
25 know, but even if it were, it wasn't, you know,

1 it was temporary, and short-lived. Third, "A
2 rising so formidable as, for the time being, to
3 defy the authority of the United States in such
4 force that civil authorities are inadequate to
5 put them down, and a considerable military force
6 is needed to accomplish the result", Shays'
7 Rebellion collapsed when the U.S. military showed
8 up, and the military wasn't required here, even
9 for the temporary attack, and "Armed insurrection
10 too strong to be controlled by civil
11 authorities", and then, finally, the court in
12 Allegheny City juxtaposed what an insurrection is
13 and what an insurrection isn't. It says, "An
14 insurrection is an organized and armed uprising
15 against authority or operation of government. It
16 is not, while crimes growing out of mob
17 violence", which we certainly had on January 6th,
18 "However serious they may be, or however numerous
19 the participants, are simply unlawful acts in
20 disturbance of the peace, which do not threaten
21 the stability of the government or the existence
22 of political society". They're different,
23 dramatically different. Now, we have stipulated
24 that a group of people that did not include
25 Representative Greenlee unlawfully entered the

1 United States Capital on January 6th, and they
2 did. I mean, I say more than that about what
3 happened, as I just have before your court, your
4 honor, on behalf of Representative Greenee.
5 Excuse me, Judge.

6 JUDGE CHARLES R. BEAUDROT: Yeah, I
7 apologize, Mr. Bopp.

8 JAMES BOPP: Sorry?

9 JUDGE CHARLES R. BEAUDROT: My guy needs to
10 help with the sound. Give me just a second.

11 JAMES BOPP: Hope he helps with the
12 temperature. [INDISCERNIBLE 01:24:05].

13 JUDGE CHARLES R. BEAUDROT: [INDISCERNIBLE
14 01:24:08], thank you very much. I apologize. I
15 didn't mean to interrupt.

16 JAMES BOPP: No, that's, you know..

17 JUDGE CHARLES R. BEAUDROT: You know, if
18 you're not under, we're far too old to be dealing
19 with these issues, far too old.

20 JAMES BOPP: Anyway, yeah, and so, we have
21 willingly stipulated that people entered the
22 Capital unlawfully, and I say more than that,
23 more than just unlawfully, but significantly,
24 they are willing to that those people that
25 entered unlawfully did not include Representative

1 Greenee. So, she did not engage on the attack on
2 the Capital. If there is conduct that meets the
3 term 'engage', I mean that, if there is conduct
4 that would ever meet the term 'engage', it would
5 be breaking into the Capital. That would be an
6 engagement, certainly, a direct, overt act, and,
7 however, I think describing that as insurrection
8 or rebellion is just political hyperbole and not
9 under the Constitution, and that's what you have
10 to engage. Now, what you see is pertinent
11 evidence about what she did, from us, from
12 January 3rd until the end of the day on January
13 6th, and, you know, you will see that, on January
14 3rd, and we stipulate was sworn in, she met with
15 President Trump about making objections to
16 certain states' electoral votes, based upon
17 evidence that she believed, and others believed,
18 constituted sufficient voter fraud to overturn
19 the election. In those particular states, you
20 will see that, on January 6th, and of all the
21 tweets and all the videos, we are presenting this
22 video. This is during the moment when the attack
23 on the Capital was occurring, and she is in the
24 Capital, in a dark hallway, and she says, first,
25 in the tweet accompanying the video, which they

1 do quote in their complaint, "Be safe, be smart,
2 stay peaceful, obey the laws. This is not a time
3 for violence. This is a time to support
4 President Trump and support election integrity",
5 which they believed they were doing on the floor
6 of the United States Congress, and then the vide,
7 "So, I urge you to remain calm. I urge you to
8 have a peace peaceful protest. Make sure that
9 everyone is safe and protected, and let's do this
10 in a peaceful manner. This is not a time for
11 violence. This is a time to support President
12 Trump, support election integrity, and support
13 this important process that we're going through
14 in Congress, where we're allowed to object." So,
15 this is very important. "So, I urge you to stay
16 calm, be the great American people that I know
17 you are, and just know that we're in the fight
18 for you. God bless everyone. Be careful, be
19 safe, be smart, and obey the laws." A few days
20 later, after the attack occurred, she said "We",
21 meaning members of Congress, "Did not plan,
22 cause, and denounce the January 6th attack", and
23 then FBI director, Ray, testifies before a
24 committee of Congress, this is R5, "I was
25 appalled, like you", he's addressing members of

1 Congress, "At the violence and destruction we saw
2 that day. I was appalled that you, members of
3 Congress, our country's elected leaders were
4 victimized right here in the very halls of
5 Congress." Representative Greenee was a victim
6 of this attack. Her life was in danger, she
7 thought. She was scared and confused. Her
8 children were frantic about what was going on and
9 feared for her safety. That is not what a person
10 who planned the attack would react, and you will
11 see her reaction, and you will then hear her
12 testimony. So, the attack on the U.S. Capital,
13 as despicable as it was, was not insurrection or
14 rebellion, and she certainly did not engage in it
15 as understood under the law. That is what the
16 evidence will prove and why she should remain,
17 among multiple other reasons, remain on the
18 ballot. Thank you, your honor.

19 JUDGE CHARLES R. BEAUDROT: Thank you, Mr.
20 Bopp. Let's start with Mr. Magliocca.

21 ANDREW G. CELLI JR.: Well, [INDISCERNIBLE
22 01:29:54] your honor sorry, Magliocca, Magliocca.
23 [CROSSTALK 01:29:58]

24 JUDGE CHARLES R. BEAUDROT: [CROSSTALK
25 01:29:58] I struggle

1 [INDISCERNIBLE 01:30:00].

2 ANDREW G. CELLI JR.: Your honor, we wanted
3 to start just by reading into the record the
4 stipulated facts. It will take a moment.

5 JUDGE CHARLES R. BEAUDROT: If you want to
6 read them, that's fine. They're in
7 [INDISCERNIBLE 01:30:10], but you can read them.

8 ANDREW G. CELLI JR.: The parties to the
9 above [PH 01:30:15] captured proceedings, through
10 their undersigned counsel, stipulates that the
11 following facts are true: that the respondent is
12 over the age of 25, the respondent has been a
13 United States citizen for more than seven years,
14 the respondent is inhabitant of Georgia.
15 Petitioners are all registered voters in
16 Georgia's 14th congressional district. On
17 January 3, 2021, the respondent took the oath of
18 office to be a member of the U.S. House of
19 Representatives for the first time. A joint
20 session of Congress was called to order at or
21 around 1:00 PM on January 6th, 2021, for the
22 purposes of opening, counting, and resolving any
23 objections to the electoral college vote of the
24 2020 U.S. presidential election and certifying
25 the results of the electoral college vote. A

1 group of people that did not include the
2 respondent unlawfully entered the United States
3 Capital on January 6th, 2021. On January 26th,
4 2021, a joint session of Congress was suspended
5 while people were unlawfully inside the U.S.
6 Capital. Congress certified the results of the
7 electoral college vote at or about 3:40 AM on
8 January 7th, 2021, and the respondent filed her
9 candidacy for the upcoming midterm elections for
10 Georgia's 14th congressional district on March
11 7th, 2022, and filed an amended notice of
12 candidacy on March 10th, 2022. We'd like to call
13 professor Magliocca.

14 JUDGE CHARLES R. BEAUDROT: Okay.
15 Professor, you [INDISCERNIBLE 01:31:47].
16 [INDISCERNIBLE 01:31:49] raise your right hand?

17 RON FEIN: Yes.

18 JUDGE CHARLES R. BEAUDROT: Do you solemnly
19 swear or affirm the testimony given at this
20 hearing is the truth, the whole truth, and
21 nothing but the truth, so help you God?

22 GERARD N. MAGLIOCCA: I do.

23 JUDGE CHARLES R. BEAUDROT: Okay, please
24 proceed. Proceed, Mr. Fein.

25

1 RON FEIN: Good morning, Professor
2 Magliocca. Could you just repeat your full name
3 for the record?

4 GERARD N. MAGLIOCCA: Gerard Magliocca.

5 RON FEIN: And what's your profession?

6 GERARD N. MAGLIOCCA: I am the Samuel R.
7 Rosen professor at the Indiana University, Robert
8 H. McKinney School of Law.

9 RON FEIN: What's your educational
10 background?

11 GERARD N. MAGLIOCCA: I received my college
12 degree at Stanford and my law degree from Yale.

13 RON FEIN: And could you summarize your
14 professional experience since then?

15 GERARD N. MAGLIOCCA: Yes, I was a law clerk
16 for one year, and then I was an associate at a
17 law firm for two years, and I've been a teacher
18 for the past 21 years.

19 RON FEIN: And, your honor, I believe
20 exhibit P61, his resume, has already been
21 admitted to evidence.

22 JUDGE CHARLES R. BEAUDROT: That's correct.

23 RON FEIN: So, we don't need to retread it.
24 Professor Magliocca, what are your areas of
25 research?

1 GERARD N. MAGLIOCCA: My main area of
2 research is American Constitutional history.

3 RON FEIN: And you don't have a PhD in
4 history though, do you?

5 GERARD N. MAGLIOCCA: I do not.

6 RON FEIN: So, what is your experience
7 working with historical materials?

8 GERARD N. MAGLIOCCA: Well, I do work at
9 archives around the United States on books that I
10 write. So, for example, I've worked at the
11 Library of Congress, Mount Vernon, the Chicago
12 History Museum, the National Archives, as well
13 other facilities that hold documents.

14 RON FEIN: And how much of your work has
15 been original historical research using original
16 historical materials?

17 GERARD N. MAGLIOCCA: Well, more than half.
18 I mean, obviously, I use secondary sources, read
19 other books and articles to do my research.

20 JUDGE CHARLES R. BEAUDROT: Excuse me just a
21 second. I think they're have difficulty hearing.
22 [INDISCERNIBLE 01:33:23].

23 GERARD N. MAGLIOCCA: Oh, okay, sorry.

24
25

1 JUDGE CHARLES R. BEAUDROT: Yes,
2 [INDISCERNIBLE 01:33:28] you unfortunately have
3 to talk to the stupid thing.

4 RON FEIN: Did you need to finish that
5 question?

6 GERARD N. MAGLIOCCA: Would you like me to
7 repeat my answer?

8 JUDGE CHARLES R. BEAUDROT: Please.

9 GERARD N. MAGLIOCCA: Yes, I would say I do
10 more than half of my work on primary sources, and
11 then the remainder consists of reading the other
12 books or articles written about the subjects that
13 I'm studying.

14 RON FEIN: And what methods do you use when
15 you're conducting this original historical
16 research?

17 GERARD N. MAGLIOCCA: Well, I use the same
18 methods that a historian would use. So, for
19 example, I try to identify documents and make
20 sure they are authentic. I try to understand the
21 documents, based on what was going on at the
22 time, and also, to make sure that I'm quoting
23 them in context rather than out of context, for
24 example,

25

1 RON FEIN: Have you ever heard the phrase
2 'law office history'?

3 GERARD N. MAGLIOCCA: Yes, I have.

4 RON FEIN: What do you understand that
5 phrase to mean?

6 GERARD N. MAGLIOCCA: It means reaching a
7 conclusion and then trying to find historical
8 materials to justify the conclusion that you've
9 already reached.

10 RON FEIN: And how is your research the same
11 or different from law office history?

12 GERARD N. MAGLIOCCA: Well, I don't have any
13 particular conclusion when I begin a project. I
14 do the research with the materials, and then I
15 gradually reach a conclusion based on what I read
16 and what I see.

17 RON FEIN: Now, I'm not going to ask you to
18 repeat your entire bibliography, but specifically
19 with respect to your historical research on the
20 19th century, how many, if any, books have you
21 published?

22 GERARD N. MAGLIOCCA: Five.

23 RON FEIN: And what subjects were they
24 about?

25

1 GERARD N. MAGLIOCCA: Well, the first one
2 was about Andrew Jackson and the period in which
3 he was president. The second was the period at
4 the end of the 19th century, when William
5 Jennings Brian was running for president multiple
6 times. The third was a biography of Congressman
7 John Bingham, who was one of the principal
8 framers of the 14th Amendment. The fourth is a
9 book on the Bill of Rights, that covers the
10 entire history of the bill of rights, including
11 the 19th century portion, and the one that I've
12 just written is about George Washington's nephew,
13 who was Bushrod Washington, who was a justice of
14 the Supreme Court for 30 years in the early 19th
15 century.

16 RON FEIN: In addition to these books, have
17 you published academic articles and academic
18 journals about 19th century Constitutional
19 history?

20 GERARD N. MAGLIOCCA: Yes, I've published
21 about ten articles that relate to 19th century
22 Constitutional history in various journals.

23 RON FEIN: And in the past, let's say, three
24 years, have you been asked to give any academic
25

1 lectures or speeches outside your university on
2 19th century Constitutional history?

3 GERARD N. MAGLIOCCA: Well, of course, they
4 were virtual cause of the pandemic, but yes. I
5 just gave a talk at Mount Vernon in 2021 about
6 the, well, the Bushrod Washington book, and I've
7 been doing some other things related to that.
8 That's been the main source of lectures that I've
9 done.

10 RON FEIN: And have you received any
11 fellowships or professional recognition for this
12 work?

13 GERARD N. MAGLIOCCA: Yes, I was a fellow at
14 Mount Vernon from 2019 to 2021, where I worked in
15 the archives there on the Bushrod Washington
16 project, looking at his letters and other
17 correspondence that was related to my research.

18 RON FEIN: And then turning to the 14th
19 Amendment, and section three in particular, have
20 you conducted any search on this?

21 GERARD N. MAGLIOCCA: Yes, I have.

22 RON FEIN: And can you describe in broad
23 terms that research?

24 GERARD N. MAGLIOCCA: Yes. In the fall of
25 2020, I researched and wrote a paper on section

1 three of the 14th Amendment. The paper was
2 completed in December and made available to
3 researchers and anyone to see on the Social
4 Science Research Network. That happened around
5 December 10th, 2020.

6 RON FEIN: And what perspectives do you use
7 to address questions about the 14th Amendment?

8 GERARD N. MAGLIOCCA: Well, primarily, I
9 look to what was said in Congress about the
10 Amendment proposal, because that's sort of, well,
11 the most important initial source. Then I also
12 look to secondary sources outside of Congress,
13 for example, what did newspapers have to say
14 about the pending proposal, what was said in the
15 states to the, extent that we can find out about
16 the ratification of the 14th Amendment. So, it's
17 primarily looking to the discussion or
18 conversation that Americans had about the 14th
19 Amendment when it was proposed and under
20 discussion for ratification.

21 RON FEIN: And how are these approaches
22 similar or different from the types of ordinary
23 legal analysis that lawyers and judges ordinarily
24 do?

25

1 GERARD N. MAGLIOCCA: Well, I mean, there's
2 some overlap, of course, but I focus much more,
3 in my work, on the surrounding politics or social
4 aspects of what's going on at these particular
5 times, with these particular Constitutional
6 issues, rather than focusing more on the text or
7 the cases. So, obviously, you have to do some of
8 both, but I'm more of a, you know, more of a
9 historian than a lawyer in that respect.

10 RON FEIN: Your honor, at this time, I move
11 to tender Professor Magliocca as an expert
12 witness in 19th century American Constitutional
13 history.

14 JAMES BOPP: I object, your honor. Number
15 one, he was not tendered as an expert in in the
16 specification of witnesses. Number two, they
17 have provided us no expert report, which is
18 required for such an expert, so that we can
19 prepare for his testimony. Number three, he has
20 not produced, to us, the documents that he relied
21 upon in order to reach whatever conclusion the
22 expert report reveals. So, we, under civil rules
23 in Georgia, that's all required. None of that
24 occurred here, and it is fundamentally unfair for
25 us to show up at a hearing with no preparation

1 other than his resume, which we got a couple days
2 ago, and cross-examine him without adequate
3 opportunity to prepare that is always provided
4 for an expert witness.

5 JUDGE CHARLES R. BEAUDROT: As I have said
6 before, it's unclear what the role is of the
7 [INDISCERNIBLE 01:39:44]. He's indicated it's a...
8 Is he going to testify, essentially, the contents
9 of his article that he's wrote?

10 RON FEIN: No, your honor. The subject
11 matter of the questioning would address matters
12 that were not entirely embraced within the
13 context of his law review article.

14 JAMES BOPP: Your honor, I apologize. I
15 have one other comment, and I was going back and
16 forth, whether or not this is proper, when he
17 starts asking questions right now, but I want to
18 raise it. [INDISCERNIBLE 01:40:19] is described
19 is his expertise, his expertise, and what he has,
20 they said he will testify about are
21 quintessential legal questions. If a statute is
22 there, you look to the legislative history.
23 That's what he wants to testify about. That
24 that's a legal question, what the legislative
25 history is, and what it provides. It is not for

1 a person to testify about. These are about
2 facts, about what happened on January 6th,
3 before, and not on legal matters. This is
4 quintessential, legislative [INDISCERNIBLE
5 01:41:04] is quintessentially what us lawyers do
6 and judges decide. So, I would object generally
7 on that ground.

8 JUDGE CHARLES R. BEAUDROT: I'm struggling,
9 because I'm trying to, you know, I don't know
10 what the testimony's going to be. I mean, it's a
11 circular question, but the issue of the history
12 of the 14th Amendment, if the petitioners want to
13 spend their time with a history of the enactment
14 of 14th Amendment, I will listen, but I concur
15 with you, that I will not permit and will not
16 entertain testimony regarding the meaning of
17 statutes or anything that would be properly the
18 subject of briefing. So, what I, I will let you
19 start, but, and I would also suggest, I mean, to
20 me, this all sounds like the sort of stuff that
21 would be coming in appropriately, in the
22 briefing, and if you have articles and
23 authorities and original documents that you wish
24 to cite, I'm happy to read them, but I don't know
25 that it makes sense for us to be dealing with a

1 series of objections on things which are
2 historical in nature. So, I will let you start,
3 but I may stop you. Okay? I will entertain
4 objections when, and as appropriate. Go ahead,
5 Mr. Fein.

6 RON FEIN: Thank you, your honor.
7 Professor, can you just briefly summarize the
8 historical context for section three of the 14th
9 Amendment?

10 GERARD N. MAGLIOCCA: Yes. So, after the
11 Civil War, elections were held across the south
12 for Congress and for the Senate, and some of the
13 people who won had been leaders in the
14 Confederacy. They arrived in Washington, seeking
15 to take their seats. Northern public opinion was
16 outraged at this, because these were some of the
17 same people who had led secession. So, those
18 members were excluded from Congress, and then
19 consideration was given to some formal proposal
20 that would exclude them for some period of time
21 afterwards.

22 RON FEIN: And who were the primary framers
23 of this, of the [INDISCERNIBLE 01:43:26]?

24 GERARD N. MAGLIOCCA: So, section three of
25 the 14th Amendment was drafted by Senator Jacob

1 Howard of Michigan, and it was narrower than the
2 original proposal that had been put forward in
3 the house of representatives. So, the house
4 proposal for section three would have prohibited
5 all former Confederates from voting in federal
6 elections until 1870. So, the senators
7 considered that too broad and unfair. So, the
8 substitute drafted by Senator Howard focused
9 instead on office holding, rather than voting,
10 and did not apply to anyone who had been engaged
11 in insurrection. Instead, it applied only to
12 officials, either current or former and civil or
13 military, on the thought that it was the leaders
14 of the insurrection who should be held
15 accountable, rather than ordinary followers.

16 RON FEIN: And in developing section three
17 of the 14th Amendment, did the framers look to
18 any historical examples of insurrections other
19 than the Civil War?

20 GERARD N. MAGLIOCCA: There were other
21 examples, but there was nothing cited
22 specifically in the debates in Congress about
23 that provision.

24
25

1 RON FEIN: What, if any, historical
2 insurrections were well known to reasonably
3 educated mid-19th century Americans?

4 GERARD N. MAGLIOCCA: Well, there were two.
5 One was Shays' Rebellion, which was also referred
6 to as Shays' Insurrection, and the other was the
7 Whiskey Rebellion, which was also referred to as
8 the Whiskey Insurrection, .

9 RON FEIN: So, let's start with Shays'
10 Insurrection, or Shays' Rebellion. When and where
11 did that occur?

12 GERARD N. MAGLIOCCA: So, Shays' Rebellion
13 occurred in Massachusetts at the end of 1786 and
14 early 1787. It was a tax protest by farmers who
15 were upset about high land taxes, and that had
16 led to many closures of farms. So, what started
17 happening was that groups of farmers would arm
18 themselves and go to local courts to basically
19 stop the courts from operating, so that
20 foreclosure sales would not happen. This built
21 up to a point where the state militia was called
22 in to sort of deal with this suspension of the
23 normal operation of the courts by the armed
24 people, and that led to a clash at an armory when
25 some of the sort of insurrections decided to try

1 to take some weapons. Four people were killed,
2 and after that, the rebellion or insurrection
3 ended.

4 RON FEIN: And you said that their goal was
5 to stop the courts from operating. Is that
6 correct?

7 GERARD N. MAGLIOCCA: That's correct, to
8 prevent foreclosure sales on farms.

9 RON FEIN: And from a historical
10 perspective, what were the key features of Shays'
11 Rebellion that would be remembered in the mid-
12 19th century by reasonably educated Americans?

13 GERARD N. MAGLIOCCA: Well, that it was an
14 effort by armed people to suspend the civil
15 authority of government for a period of time, and
16 it was considered a significant event, because it
17 seemed to have an influence on the framers when
18 they gathered in Philadelphia for the
19 Constitutional convention, because they saw it as
20 an example of why we needed to replace the
21 Articles of Confederation with a new
22 Constitution.

23 RON FEIN: And was it considered an
24 insurrection or rebellion, or both?

25

1 GERARD N. MAGLIOCCA: Well, so, in
2 Federalist Number Ten, James Madison, the
3 subtitle of Federalist Number Ten was, The Union
4 as a Safeguard Against Domestic Faction and
5 Insurrection. So, and he was referring to Shays'
6 Insurrection as well as some other upheavals that
7 had happened in the states, prior to that, and
8 then in the 19th century, a well-known book by
9 Justice Joseph Story referred to the insurrection
10 in Massachusetts. Story was from Massachusetts.
11 So, it probably explains why he emphasized that
12 point in his book.

13 RON FEIN: All right. Thank you. Let's
14 talk about the other one you mentioned, the
15 Whiskey Rebellion, or Whiskey Insurrection. What
16 was that?

17 GERARD N. MAGLIOCCA: So, the Whiskey
18 Insurrection was another tax protest by farmers,
19 this time on a federal tax on whiskey and other
20 spirits. So, farmers in Pennsylvania were upset
21 about this, and they decided to start getting
22 armed and trying to prevent tax collection. They
23 did this in various ways. Sometimes, they would,
24 well, in one case they tarred and feathered a tax
25 collector. Also, they would basically attack

1 places where the tax collectors were known to be,
2 and they also shut down courts, because again, to
3 some degree, the courts were necessary to further
4 the collection of the taxes, because, sometimes,
5 there were foreclosures that were required to,
6 you know, pay the taxes that were owed.

7 RON FEIN: How many casualties were there in
8 the Whiskey Rebellion?

9 GERARD N. MAGLIOCCA: There were four or
10 five. People were killed in some skirmishes.
11 Eventually, George Washington called in a large
12 force, more than 10,000 troops, to go into that
13 portion of Pennsylvania, and basically, for the
14 most part, the insurrection just ended, because
15 of the sight of this large force led by George
16 Washington, but four or five people were killed.

17 RON FEIN: How well organized was the
18 Whiskey Rebellion?

19 GERARD N. MAGLIOCCA: Well, it was a loosely
20 organized thing. There were mostly local groups
21 doing different things. So, there wasn't really
22 a single leader at all, that we know of.

23 RON FEIN: And by the time of the 1860's,
24 how well known was the Whiskey Rebellion to
25 ordinary, educated 19th century Americans?

1 GERARD N. MAGLIOCCA: It would've been very...

2 JAMES BOPP: I object. We're now beyond
3 even legislative history. He's already conceded
4 that, in the debates, they were talking about the
5 Civil War, not what these were colloquially
6 called insurrections, not the legal definition
7 under...

8 JUDGE CHARLES R. BEAUDROT: Sustained.

9 JAMES BOPP: ...Section two.

10 JUDGE CHARLES R. BEAUDROT: Next question.

11 RON FEIN: Your honor. I recall your
12 earlier testimony correctly, you said that four
13 people died in Shays' Rebellion and four or five
14 in the Whiskey Rebellion. Am I correct?

15 JAMES BOPP: Your honor, I object. I mean,
16 he's going on with this is to talk about
17 something that was irrelevant as [PH 01:49:45]
18 what, even legislative district, regarding title
19 three. These were never signed.

20 JUDGE CHARLES R. BEAUDROT: Overruled, go
21 ahead.

22 RON FEIN: Did I have those numbers, right,
23 that you said four or five people died in each of
24 those insurrections?

25 GERARD N. MAGLIOCCA: Correct.

1 RON FEIN: So, to the extent
2 that 19th century Americans thought of these
3 as insurrections, in addition to, of course, the
4 Civil War, how would 19th century Americans have
5 understood what level of violence or bloodshed
6 was needed before the word insurrection would be
7 used?

8 GERARD N. MAGLIOCCA: Well, some violence
9 was required, because there was no thought,
10 really, that you could have a peaceful protest,
11 and that would be considered an insurrection, but
12 there was no particular thought about how much
13 violence was required.

14 RON FEIN: And how would they distinguish
15 between, or would they distinguish between a riot
16 versus an insurrection?

17 JAMES BOPP: I object. He's going into mind
18 reading.

19 JUDGE CHARLES R. BEAUDROT: Sustained.
20 Sustained. Next.

21 RON FEIN: All right. What sources did 19th
22 century Americans use to understand the meanings
23 of the words?

24 JAMES BOPP: I object. Again, no
25 foundations related to that point.

1 JUDGE CHARLES R. BEAUDROT: Sustained.

2 RON FEIN: All right. Let me rephrase.
3 Your honor, I'd like to display an exhibit that's
4 already been admitted into evidence, which is
5 P81.

6 JUDGE CHARLES R. BEAUDROT: P81.

7 RON FEIN: Look at the, yeah, one more page
8 after that. After that one. Can you see that,
9 Professor Magliocca?

10 GERARD N. MAGLIOCCA: Yes, I can.

11 RON FEIN: What are we looking at?

12 GERARD N. MAGLIOCCA: You are looking at an
13 1830 edition of Webster's Dictionary.

14 RON FEIN: How was that dictionary used in
15 1830 and afterwards?

16 GERARD N. MAGLIOCCA: Well, it was the
17 leading dictionary in the United States during
18 this period.

19 RON FEIN: And...

20 JUDGE CHARLES R. BEAUDROT: Excuse me, what
21 period are we talking about?

22 GERARD N. MAGLIOCCA: 1830.

23 JUDGE CHARLES R. BEAUDROT: Okay, 1830.
24 Okay.

25

1 RON FEIN: Was the dictionary updated on a
2 semi-regular or regular basis after that?

3 GERARD N. MAGLIOCCA: Yes, much like modern
4 dictionaries, they would do a new edition every
5 so many years.

6 RON FEIN: Okay, but this is the 1830
7 edition.

8 GERARD N. MAGLIOCCA: Yes.

9 RON FEIN: And you're familiar with this
10 dictionary, you've seen it before?

11 GERARD N. MAGLIOCCA: Yes, I am.

12 RON FEIN: To what extent does it inform, if
13 at all, your understanding of how words were used
14 in the mid-19th century?

15 JAMES BOPP: I object, because I...

16 JUDGE CHARLES R. BEAUDROT: Sustained.

17 RON FEIN: Let's turn to page, the next
18 page, and if we could zoom in on the left column,
19 in the top. Can you read that, Professor
20 Magliocca? That's a little dicey?

21 GERARD N. MAGLIOCCA: Oh boy, okay.

22 RON FEIN: Can you zoom in even more then?

23 GERARD N. MAGLIOCCA: I will do my best.

24 RON FEIN: Okay. Can you...?

25 GERARD N. MAGLIOCCA: Yes, I think I can.

1 RON FEIN: Can you read a couple entries
2 down, and I'm not going to ask you to read it
3 aloud, but do you see there, can you read the
4 definitions there?

5 GERARD N. MAGLIOCCA: Yes, I can.

6 RON FEIN: Are you familiar with if this
7 dictionary has a definition for insurrection?

8 GERARD N. MAGLIOCCA: Yes, it does.

9 RON FEIN: And what can you, without reading
10 from that definition, is that, in your experience
11 as a historian, is that typical of a 19th century
12 understanding of the word 'insurrection'?

13 JAMES BOPP: Objection.

14 JUDGE CHARLES R. BEAUDROT: Sustained. You
15 don't even need to stand up. The document speaks
16 for itself, counsel. Next.

17 RON FEIN: Fair enough, your honor. How do
18 you use these dictionaries in your own work?

19 GERARD N. MAGLIOCCA: Well, they're helpful
20 in putting terms into context. For example, if
21 I'm reading a letter, and I'm trying to
22 understand what somebody meant, you know,
23 sometimes the definition that people used back
24 then isn't the same as the definition that we
25 used now. So, it's, you have to check.

1 RON FEIN: Right. Let's go to exhibit P80,
2 if we may. This has also been into evidence.

3 JUDGE CHARLES R. BEAUDROT: P80?

4 RON FEIN: Yes. And what are we looking at
5 here?

6 GERARD N. MAGLIOCCA: This is a statute, a
7 Georgia statute enacted in 1866.

8 RON FEIN: And why did, what is this statute
9 about?

10 GERARD N. MAGLIOCCA: Insurrection.

11 RON FEIN: And do you know why Georgia
12 enacted this statute?

13 GERARD N. MAGLIOCCA: I believe it was
14 because of the, it was in response, basically, to
15 what had occurred during the Civil War.

16 RON FEIN: And, your honor, I haven't asked
17 the question yet.

18 JAMES BOPP: I haven't objected yet.

19 JUDGE CHARLES R. BEAUDROT: You may answer
20 the question.

21 SAM SHAPIRO: But maybe I should just stand.

22 RON FEIN: All right.

23 JUDGE CHARLES R. BEAUDROT: I'm sorry. This
24 is very serious stuff, but what concerns me, Mr.
25 Fein, is this is what I would expect to be

1 reading in the briefs. This is not what I
2 expected your testimony on. This is historical
3 data that can be reviewed and commented on and
4 proffered and [INDISCERNIBLE 01:55:43]. I've
5 indulged you because of the importance of this
6 hearing, but, you may ask the question. Now, if
7 I hear an objection, I will rule.

8 RON FEIN: Thank you, your honor. When,
9 your honor, may I have briefly confer?

10 JUDGE CHARLES R. BEAUDROT: Sure. Sure.

11 JUDGE CHARLES R. BEAUDROT: We're back. We
12 are actually past my 10:45 five break. So, let's
13 take our break. We'll reconvene in..

14 [INDISCERNIBLE 01:56:15]. This is not a show.
15 Do not do that. We will stop now. We'll
16 reconvene at 11:00 o'clock. [INDISCERNIBLE
17 01:56:24]

18 MARJORIE TAYLOR GREENE: [INDISCERNIBLE
19 01:56:28].

20 SAM SHAPIRO: Yes, how you doing? Is it
21 something that [INDISCERNIBLE 01:56:30] helpful
22 or historically [INDISCERNIBLE 01:56:31]?

23 MARJORIE TAYLOR GREENE: No, I thought it,
24 actually, [INDISCERNIBLE 01:56:33], but I guess
25 they [INDISCERNIBLE 01:56:34].

1 SAM SHAPIRO: [INDISCERNIBLE 01:56:36] it's
2 okay now.

3 [BACKGROUND CONVERSATION]

4 JUDGE CHARLES R. BEAUDROT: All right,
5 [INDISCERNIBLE 02:07:00] you had to wait five
6 minutes.

7 RON FEIN: We're good. I just needed to
8 talk him.

9 JUDGE CHARLES R. BEAUDROT: [INDISCERNIBLE
10 02:07:03]

11 [BACKGROUND CONVERSATION]

12 RON FEIN: Is that going to go louder? Is
13 that going to pick up the speakers more?

14 MALE 5: This is just for the Zoom meeting.

15 RON FEIN: Oh, I got you, okay.

16 [BACKGROUND CONVERSATION/CROSSTALK/OFF-MIC
17 CONVERSATION 02:07:24-

18 02:11:20]

19 JUDGE CHARLES R. BEAUDROT: Okay. I think
20 Mr. [INDISCERNIBLE 02:11:22] had something to
21 say.

22 MALE 5: Yeah, I just wanted to give a
23 gentle reminder about photography. All the
24 individual media equipment today [INDISCERNIBLE
25 02:11:31] special permission, [INDISCERNIBLE

1 02:11:34] take pictures and video. So, if you
2 weren't granted that permission, please ask. If
3 not, please take pictures, and secondly, please
4 try to refrain the [PH 02:11:41] clapping each
5 time. Thank you so much.

6 JUDGE CHARLES R. BEAUDROT: And that second,
7 I will not, that will not happen again. If that
8 happens again, you will be escorted out. This is
9 not a performance. This is a deadly, deadly
10 serious trial. So, I appreciate everybody
11 treating it appropriately. So, all right, Mr.
12 Fein, we're back on the record now.

13 RON FEIN: Thank you, your honor. Just a
14 few more minutes, with Professor Magliocca.
15 Professor Magliocca, how were the southern states
16 governed after the surrender?

17 GERARD N. MAGLIOCCA: Well, there were
18 temporary civil governments put in place by
19 President Johnson, but then, in 1867, Congress
20 passed the Military Reconstruction Act to impose,
21 essentially, marital law on almost the entire
22 former Confederacy.

23 RON FEIN: So, for example, who was
24 governing Virginia during that period?

25 GERARD N. MAGLIOCCA: A union army general.

1 RON FEIN: And when was 14th Amendment
2 section three first implemented.

3 GERARD N. MAGLIOCCA: So, it was first
4 implemented in the Military Reconstruction Acts,
5 because those acts said that there had to be new
6 elections throughout the South to elect
7 conventions that could ratify the 14th Amendment
8 and write new state Constitutions, and so, the
9 acts provided that people who were covered by
10 what it described as section three of the pending
11 Amendment were not going to be able to vote in
12 the elections for those conventions, and then
13 there had to be some means of determining whether
14 people could or could not vote under that
15 standard.

16 RON FEIN: Okay. Can we please put up
17 exhibit P48, which has been admitted into
18 evidence already, and Dymond, if you can zoom
19 into the, like, upper left? So, we can see it.
20 Professor Magliocca. I know this is a small
21 print, but can you see what that is?

22 GERARD N. MAGLIOCCA: Yes. This is an
23 opinion of the Attorney General Stanbury
24 interpreting the first and second Military
25 Reconstruction Acts.

1 RON FEIN: And when was that issued?

2 GERARD N. MAGLIOCCA: This opinion is May
3 1867.

4 RON FEIN: When was the 14th Amendment
5 ratified?

6 GERARD N. MAGLIOCCA: In 1868.

7 RON FEIN: And where was this printed?

8 GERARD N. MAGLIOCCA: This was in the New
9 York Times. It would've been widely reprinted in
10 newspapers across the country.

11 RON FEIN: Okay, great. We can put that
12 down. How widely was section three applied in
13 the years after the ratification of the 14th
14 Amendment?

15 GERARD N. MAGLIOCCA: Well, between 1868 and
16 1872, it was implemented many times, mostly to
17 remove state and local officials who had been
18 part of the Confederacy, but also, in a couple
19 instances, to exclude people from office.

20 RON FEIN: And what led to it not being
21 implemented as much?

22 GERARD N. MAGLIOCCA: So, in 1872, Congress
23 exercised its power under section three to grant
24 an amnesty to many of the former Confederates.
25 Basically, in part, that was because there had

1 been private bills that had been giving amnesty
2 to individuals, but largely, that was simply, did
3 you know a member of Congress, and then if you
4 did, they would pass a bill for you.

5 JAMES BOPP: Your honor, I move to strike
6 his first statement. It was a legal opinion, and
7 that is whether the amnesty act of 1872

8 removed, gave amnesty to former, only, to
9 former officers. It's a legal question that we...

10 JUDGE CHARLES R. BEAUDROT: I understand you
11 raised the issue. I'm going to let it stand but
12 thank you. I mean, I understand the point.
13 Believe me, your point.

14 RON FEIN: What did the debates around
15 amnesty in public and the streets or in Congress
16 center on?

17 GERARD N. MAGLIOCCA: Well, I'll answer the
18 question with what...

19 JUDGE CHARLES R. BEAUDROT: Actually, wait a
20 minute. Wait a minute. There's a lack of
21 foundation [CROSSTALK 02:15:32].

22 RON FEIN: Fair enough. I understand.

23 JUDGE CHARLES R. BEAUDROT: We've got to
24 have a little foundation.

25

1 RON FEIN: All right. How familiar are you
2 with the debates that led to the 1872
3 [INDISCERNIBLE 02:15:37]?

4 GERARD N. MAGLIOCCA: I'm quite familiar
5 with them. I read all of them.

6 RON FEIN: And what did they focus on?

7 GERARD N. MAGLIOCCA: Well, they focused on
8 whether people deserved amnesty, first of all,
9 and second, if so, who should be excluded from
10 that, and basically, would it be good for
11 sectional reconciliation or not. So those are
12 the big questions.

13 RON FEIN: And how much of those debates
14 centered around ex-Confederates as compared to
15 anyone else who might become subject to section
16 three?

17 GERARD N. MAGLIOCCA: Well, it was basically
18 about ex-Confederates, because those were the
19 people who were petitioning Congress for amnesty.

20 RON FEIN: Great. Just a few more
21 questions. During the Civil War itself, how did
22 Washington D.C. fare?

23 GERARD N. MAGLIOCCA: Well, it was a
24 fortified city, and for good reason, because
25 there was a Confederate attack by Jubal Early on

1 the Capital in 1864, that was repulsed at Fort
2 Monroe.

3 RON FEIN: And were there, or how many, if
4 any, presidential elections occurred during the
5 Civil War?

6 GERARD N. MAGLIOCCA: One in 1864.

7 RON FEIN: How orderly was that, if you
8 know?

9 GERARD N. MAGLIOCCA: It was very orderly.

10 RON FEIN: And how did the counting of the
11 electoral votes proceed?

12 GERARD N. MAGLIOCCA: There was no problem
13 with it at all.

14 RON FEIN: When, if ever, did the
15 Confederate insurrectionists seize controlled the
16 United States Capital?

17 GERARD N. MAGLIOCCA: They did not.

18 RON FEIN: And in your opinion, if in 1864
19 or 1868, a violent mass of people had seized
20 controlled the us Capital during certification of
21 presidential electoral votes and disrupted the
22 peaceful transfer of power, wouldn't
23 [INDISCERNIBLE 02:17:10] Americans..

24 JUDGE CHARLES R. BEAUDROT: Sustained.
25 Sustained. You stop that question. Next

1 RON FEIN: Thank you, your honor. I have no
2 further question.

3 JUDGE CHARLES R. BEAUDROT: Okay. Anything,
4 Mr. Bopp?

5 JAMES BOPP: No, your honor, not other than
6 [PH 02:17:27] do locally, a fellow Hoosier, and...

7 JUDGE CHARLES R. BEAUDROT: The thought
8 crossed my mind.\

9 RON FEIN: Mine too.

10 JAMES BOPP: And I was a history major. So,
11 maybe I can sort of [INDISCERNIBLE 02:17:38] let
12 myself in.

13 JUDGE CHARLES R. BEAUDROT: Thank you very
14 much.

15 GERARD N. MAGLIOCCA: Thank you.

16 JUDGE CHARLES R. BEAUDROT: You may step
17 down.

18 RON FEIN: Your honor, the petitioners call
19 Marjorie Taylor Greene to the stand.

20 JUDGE CHARLES R. BEAUDROT: Representative
21 Greenee, if you could come take the stand.
22 [INDISCERNIBLE 02:18:00]. Do you swear or affirm
23 that the testimony you'll give in this hearing is
24 the truth, the whole truth, and nothing but the
25 truth, so help you God?

1 MARJORIE TAYLOR GREENE: I swear.

2 JUDGE CHARLES R. BEAUDROT: Please be
3 seated. Mr. Celli, [PH 02:18:10] your witness.

4 ANDREW G. CELLI JR.: May I proceed? Thank
5 you. Good morning, Representative Greenee. I'm
6 Andy Celli. I represent the plaintiffs in this
7 matter. Ms. Green, you were elected to Congress
8 in November of 2020, right?

9 MARJORIE TAYLOR GREENE: Yes.

10 ANDREW G. CELLI JR.: And you became a
11 member of Congress on January 3rd, 2021, is that
12 correct?

13 MARJORIE TAYLOR GREENE: Yes.

14 ANDREW G. CELLI JR.: And when you became a
15 member of Congress, you became a member of
16 Congress by virtue of having taken an oath of
17 office, right?

18 MARJORIE TAYLOR GREENE: I became a member
19 of Congress by being elected by the people of the
20 14th district.

21 ANDREW G. CELLI JR.: Okay, but you actually
22 were permitted to take your seat in the House of
23 Representatives because you took an oath of
24 office, isn't that correct?

25

1 MARJORIE TAYLOR GREENE: I swore an oath on
2 January 3rd.

3 ANDREW G. CELLI JR.: And that oath required
4 you to swear that you would support and defend
5 the Constitution of the United States, right?

6 MARJORIE TAYLOR GREENE: Yes.

7 ANDREW G. CELLI JR.: And it required you to
8 swear an oath that you would support and defend
9 the Constitution of the United States against all
10 enemies, right?

11 MARJORIE TAYLOR GREENE: Yes.

12 ANDREW G. CELLI JR.: And part of the oath
13 that you took says that you were going to
14 undertake that obligation: to defend the
15 Constitution against all enemies, freely, without
16 any mental reservation or purpose of evasion. Do
17 you recall that part?

18 MARJORIE TAYLOR GREENE: I think so.

19 ANDREW G. CELLI JR.: Okay, well, let's have
20 a look at it. This will be plaintiff's exhibit
21 63. I just want to make sure you get a chance to
22 see it.

23 JUDGE CHARLES R. BEAUDROT: And this is the
24 [INDISCERNIBLE 02:19:46] congressional record, is
25 it?

1 ANDREW G. CELLI JR.: No, your honor. This
2 is... Which one? This is exhibit DX 63. This is
3 a federal statute, 5USC3331, which sets forth the
4 oath of office for federal officers, including
5 members of Congress, and Ms. Wells, if you could
6 make that a little bit bigger. I want to make
7 sure the representative can see it, the
8 highlighted portion [INDISCERNIBLE 02:20:10].
9 So, if you see about a third of the way, two-
10 thirds of the way down, it says that I will take
11 this obligation, I take this obligation freely,
12 without any mental reservation or purpose of
13 evasion. See that?

14 MARJORIE TAYLOR GREENE: Mhm.

15 ANDREW G. CELLI JR.: And you now recall
16 that was part the oath, right?

17 MARJORIE TAYLOR GREENE: Yes.

18 ANDREW G. CELLI JR.: And what did that mean
19 to you, Congresswoman Greene?

20 MARJORIE TAYLOR GREENE: About taking it
21 freely without reservation?

22 ANDREW G. CELLI JR.: Yes.

23 MARJORIE TAYLOR GREENE: It means I'm
24 swearing the oath, and I have no reservation.

25

1 ANDREW G. CELLI JR.: Great. Now, one part
2 of the Constitution, Representative Greene, is
3 the 12th Amendment, right?

4 MARJORIE TAYLOR GREENE: Yes.

5 ANDREW G. CELLI JR.: You're familiar with
6 the 12th Amendment?

7 MARJORIE TAYLOR GREENE: Yes.

8 ANDREW G. CELLI JR.: That's the one that
9 provides for the Constitutional process for
10 counting electoral votes in a presidential
11 election, right?

12 JAMES BOPP: You honor, I object. Under the
13 speech and debate clause, she cannot be
14 questioned about what she does on the floor of
15 Congress pursuant to her legislative
16 responsibility.

17 ANDREW G. CELLI JR.: Responsibility. And I
18 don't intend to ask any question of that sort,
19 your honor. I just want to have her
20 understanding of the Constitution. This is a
21 case about Representative Greene's state of mind,
22 including her understanding of the oath and the
23 Constitution.

24 JAMES BOPP: Then I further object, because
25 this case is not about her state of mind. It's

1 whether or not she engaged in insurrection of
2 rebellion, engaged in [INDISCERNIBLE 02:21:29]
3 conduct in a direct...

4 JUDGE CHARLES R. BEAUDROT: I concur. I
5 concur. Sustained. Next question.

6 ANDREW G. CELLI JR.: Ms. Greene, if
7 somebody tried to unlawfully interfere with the
8 process of counting the electoral votes,
9 unlawfully, that person would be an enemy of the
10 Constitution. Wouldn't you agree?

11 MARJORIE TAYLOR GREENE: Does it define that
12 way? Is it defined that way?

13 ANDREW G. CELLI JR.: No, I'm asking for
14 your understanding. If somebody broke the law in
15 a way designed to interfere with the process of
16 counting the electoral count college folks, that
17 person would be the enemy of the Constitution.

18 MARJORIE TAYLOR GREENE: You mean
19 interrupting Congress, is that what you're
20 referring to?

21 ANDREW G. CELLI JR.: Doing anything
22 unlawfully to interfere with the process of
23 counting the electoral votes.

24 MARJORIE TAYLOR GREENE: Interrupting
25 Congress, like when the Democrats interrupted

1 Congress and had a sit-in on the House floor and
2 stopped Congress?

3 JUDGE CHARLES R. BEAUDROT: Excuse me.
4 Excuse me for interrupting, Ms. Greene. Could
5 you rephrase your question, please?

6 ANDREW G. CELLI JR.: I'm entitled to ask my
7 questions in the way I'd like to ask them, your
8 honor. I ask that she listen to my question and
9 simply respond. May I proceed?

10 JUDGE CHARLES R. BEAUDROT: Yes.

11 ANDREW G. CELLI JR.: So, if someone broke
12 the law in an effort to interfere with the
13 counting of the electoral votes, that person
14 would be an enemy of the Constitution, am I right
15 about that?

16 MARJORIE TAYLOR GREENE: Breaking the law is
17 unlawful. There's been over 700 people charged
18 for what happened on January 6th.

19 ANDREW G. CELLI JR.: Right, and those
20 people were trying to interfere with the lawful
21 process of counting the votes for the electoral
22 college, right?

23 MARJORIE TAYLOR GREENE: I would assume,
24 yes, they did. They stopped the electoral count,
25 yes.

1 ANDREW G. CELLI JR.: Right, and so, those
2 people would be enemies of the Constitution. You
3 would agree with that, right?

4 MARJORIE TAYLOR GREENE: I don't know if it...
5 I don't know. I don't know if it defines it that
6 way.

7 ANDREW G. CELLI JR.: Well, having taken the
8 oath that we saw on the screen, if you were aware
9 that someone was going to lawfully, unlawfully,
10 excuse me, unlawfully interfere with the
11 Constitutional process of counting the electoral
12 votes, you'd be obliged by your oath to try to
13 stop it. Right?

14 JAMES BOPP: Your honor, I object. The
15 claim is not she violated her oath. The claim is
16 under section three of the 14th Amendment, and
17 so, her opinion on words like 'enemies' could,
18 [PH 02:24:03] are words of art, often, in the
19 law, is just irrelevant to the matter to whether
20 or not she engaged, did a direct and overt act of
21 insurrection.

22 ANDREW G. CELLI JR.: Your honor, we had a
23 one-hour presentation on the law from Mr. Bopp.
24 We did not object to that.

25

1 JUDGE CHARLES R. BEAUDROT: I will let you
2 answer question. I've forgotten what it is.
3 Could you repeat it?

4 ANDREW G. CELLI JR.: Can we ask that it be
5 read back?

6 DYMOND WELLS: Question: if you were aware
7 that somebody was going to unlawfully interfere
8 with the Constitutional process of counting
9 electoral votes, you would be obliged to have
10 them arrested or stopped, right?

11 ANDREW G. CELLI JR.: You may answer.

12 ANDREW G. CELLI JR.: You may answer the
13 question to the best of your ability.

14 MARJORIE TAYLOR GREENE: I had no knowledge
15 of any attempt, and so, that's a question that I
16 can't answer.

17 ANDREW G. CELLI JR.: Well, I'm...

18 MARJORIE TAYLOR GREENE: I can't answer that
19 question.

20 ANDREW G. CELLI JR.: I take your
21 representation that you have no knowledge for the
22 time being. I'm asking it as a hypothetical,
23 just to understand your..

24 MARJORIE TAYLOR GREENE: I can't answer a
25 hypothetical question.

1 ANDREW G. CELLI JR.: Well, I'm permitted to
2 ask you one. So, I'm going to ask you again. If
3 you had knowledge in advance that someone was
4 going to unlawfully interfere with the counting
5 of the electoral votes in a presidential
6 election, under your oath, you'd be obliged to do
7 something to stop that, right?

8 JAMES BOPP: I object. She's not being
9 charged for violating her oath. There is no
10 foundation laid that she had any knowledge about
11 anything like that.

12 ANDREW G. CELLI JR.: We'll to that.

13 JAMES BOPP: And so, these, I consider..

14 JUDGE CHARLES R. BEAUDROT: Sustained.
15 Sustained.

16 ANDREW G. CELLI JR.: Let me try it a
17 different way on the screen. Remember the part
18 of the oath where you talked about taking on the
19 obligations of the oath freely and without mental
20 reservation or purpose of evasion? You recall
21 that from a few minutes ago, right?

22 MARJORIE TAYLOR GREENE: Yes.

23 ANDREW G. CELLI JR.: Okay. If you knew
24 that people were planning to interfere with the
25 Constitutional process of counting the electoral

1 votes, you knew that before you took the oath,
2 and you took the oath anyway and decided not to
3 do anything about those plans, that would be a
4 mental reservation. Don't you agree?

5 JAMES BOPP: I object. I object. She is not
6 being charged with violating the oath. The
7 question is, did she engage in insurrection or
8 rebellion.

9 ANDREW G. CELLI JR.: Her state of mind is
10 relevant, your honor. We think it's very
11 important to have her understanding.

12 JUDGE CHARLES R. BEAUDROT: It's relevant to
13 what, Mr. Celli?

14 ANDREW G. CELLI JR.: It's relevant to
15 whether she engaged in insurrection during the
16 time period from January 3rd to January 6th.
17 We're going to be talking about her state of mind
18 all day.

19 JUDGE CHARLES R. BEAUDROT: Well, you may
20 come back to that question after you have laid a
21 foundation for why it ties into her activities
22 [INDISCERNIBLE 02:27:30] and after the
23 [INDISCERNIBLE 02:27:32].

24
25

1 ANDREW G. CELLI JR.: Fair enough. Fair
2 enough, your honor. Ms. Green, you're familiar
3 with social media, right?

4 MARJORIE TAYLOR GREENE: Yes.

5 ANDREW G. CELLI JR.: And that's a form of
6 communication, right?

7 MARJORIE TAYLOR GREENE: Yes.

8 ANDREW G. CELLI JR.: You know what Facebook
9 is and Twitter, right

10 MARJORIE TAYLOR GREENE: Yes.

11 ANDREW G. CELLI JR.: Do you use those as an
12 important form of communication in your work?

13 MARJORIE TAYLOR GREENE: Yes.

14 ANDREW G. CELLI JR.: You post messages on
15 Facebook, right?

16 MARJORIE TAYLOR GREENE: I post statements,
17 messages, yes.

18 ANDREW G. CELLI JR.: Videos also, right?

19 MARJORIE TAYLOR GREENE: Yes.

20 ANDREW G. CELLI JR.: And you also respond
21 and react to other people's comments when they're
22 posted on Facebook or Twitter, right?

23 MARJORIE TAYLOR GREENE: Yes.

24

25

1 ANDREW G. CELLI JR.: And you do that as a
2 way to get your political views out into the
3 world.

4 MARJORIE TAYLOR GREENE: It's my freedom of
5 speech to do so.

6 ANDREW G. CELLI JR.: I agree, and you've
7 been very successful at using social media to get
8 your views out of the world, right?

9 MARJORIE TAYLOR GREENE: I would say that's
10 an opinion.

11 ANDREW G. CELLI JR.: Well, I'm asking your
12 opinion You've got hundreds of thousands of
13 people who follow you on Twitter and Facebook,
14 right?

15 MARJORIE TAYLOR GREENE: No, not really,
16 because my Twitter, my personal Twitter account
17 doesn't exist anymore.

18 ANDREW G. CELLI JR.: Before it was
19 suspended by Twitter, you had hundreds of
20 thousands of people following you on Facebook and
21 Twitter, right?

22 MARJORIE TAYLOR GREENE: Yes.

23 ANDREW G. CELLI JR.: And by the way, the
24 way Facebook and Twitter work is, to my
25

1 understanding, is they don't have to necessarily
2 follow you to read what you have to say, right?

3 MARJORIE TAYLOR GREENE: I guess so.

4 ANDREW G. CELLI JR.: So, it could be
5 millions of people who have read the things that
6 you have said on Facebook and Twitter over the
7 years.

8 MARJORIE TAYLOR GREENE: I don't know that.

9 ANDREW G. CELLI JR.: But it could, you
10 would agree with that, right?

11 MARJORIE TAYLOR GREENE: No, I don't know
12 that. I don't know how many people read or see
13 what I post on social media.

14 ANDREW G. CELLI JR.: But what you post on
15 social media is what you want people to know
16 about your political beliefs, correct?

17 MARJORIE TAYLOR GREENE: Sure.

18 ANDREW G. CELLI JR.: Okay. You're not
19 putting stuff up there as a joke, are you?

20 MARJORIE TAYLOR GREENE: Sometimes, yes.

21 ANDREW G. CELLI JR.: Well, we'll come back
22 to that, and you used Facebook and Twitter to
23 communicate with your constituents in the 14th
24 congressional district here in Georgia, right?

25 MARJORIE TAYLOR GREENE: Yes.

1 ANDREW G. CELLI JR.: So, immediately after
2 the 2020 election and through January 6th, even
3 beyond that, you issued a number of tweets and
4 made statements on Twitter and Facebook about the
5 election, right?

6 MARJORIE TAYLOR GREENE: Yes.

7 ANDREW G. CELLI JR.: You tweeted a whole
8 lot of material about your views of what happened
9 in the 2020 election.

10 MARJORIE TAYLOR GREENE: Yes.

11 ANDREW G. CELLI JR.: the thrust of those
12 tweets were that you felt that the election was
13 stolen from the sitting president.

14 JAMES BOPP: I object. That is...

15 JUDGE CHARLES R. BEAUDROT: You can ask the
16 question, what is your opinion?

17 ANDREW G. CELLI JR.: What, I also want to
18 ask whether she communicated that opinion
19 through...

20 JUDGE CHARLES R. BEAUDROT: Well...

21 ANDREW G. CELLI JR.: Well, let's do it that
22 way, your honor. I take your point.

23 JUDGE CHARLES R. BEAUDROT: Where are you
24 going with this, counsel?

25

1 ANDREW G. CELLI JR.: I'm going to show the
2 witness a number of tweets, and I wanted to make
3 sure that I understand the context of them.
4 That's all.

5 JUDGE CHARLES R. BEAUDROT: Well, she said
6 she posts on Twitter.

7 ANDREW G. CELLI JR.: Rightm and my question
8 is whether she posts material that reflects the
9 opinion that you have, strike that. Ms. Greene,
10 you had the opinion between November, 2020, when
11 the election happened, and January 6th, 2021,
12 that the election was stolen from President
13 Trump.

14 JAMES BOPP: I object.

15 JUDGE CHARLES R. BEAUDROT: I'm going to
16 sustain it. Ask her, if you've got questions
17 about specific documents or specific things, go
18 ahead. Let's not, let's not bandy around.

19 ANDREW G. CELLI JR.: Okay. Let let's,
20 let's go to PX2A, Ms. Wells, please.

21 JUDGE CHARLES R. BEAUDROT: Sorry, which one
22 is this?

23 ANDREW G. CELLI JR.: 2A, your honor. Can
24 you see that, Ms. Greene?

25 MARJORIE TAYLOR GREENE: Mhm.

1 ANDREW G. CELLI JR.: And what we have here
2 in 2A a is a document, well, I'll ask you. Can
3 you tell us, is this a statement that you posted
4 on Twitter on December 3rd, 2020?

5 JAMES BOPP: Go ahead, Mr. Celli, I'm sorry.

6 ANDREW G. CELLI JR.: Sure. Yes, ma'am?

7 MARJORIE TAYLOR GREENE: Yes.

8 ANDREW G. CELLI JR.: Yeah, and this is a
9 statement where you talk about that you were
10 looking for a Senator to join yourself and
11 Representative Mo Brooks to reject the fraudulent
12 votes for Joe Biden and to keep the real Donald
13 Trump in the white house, right?

14 JAMES BOPP: I object, your honor, to the,
15 you can hear my objection in [INDISCERNIBLE
16 02:32:34].

17 ANDREW G. CELLI JR.: I'm waiting. I'm
18 waiting with bated breath, Jim.

19 JAMES BOPP: All right, is this violates her
20 right of free speech. There's nothing in this
21 statement that meets the Brandenburg test, even
22 if speech could be considered, which, since it
23 can't, when we're dealing with 'engages', which
24 is conduct, not speech, and it does not provide,
25 does not even meet the incitement test, which

1 requires directed to inciting or producing
2 imminent lawless action, [INDISCERNIBLE 02:33:10]
3 likely to..

4 ANDREW G. CELLI JR.: Your honor, we've
5 heard an hour of argument this morning on this.

6 JUDGE CHARLES R. BEAUDROT: Hold on. Hold
7 on. Go ahead, Mr. Bopp.

8 JAMES BOPP: Thank you, your honor, that is
9 likely to incite or produce action in
10 [INDISCERNIBLE 02:33:20]. So, it's objectable,
11 and to call her into account for her 1st
12 Amendment free speech is unconstitutional and
13 [INDISCERNIBLE 02:33:28].

14 JUDGE CHARLES R. BEAUDROT: Mr. Bopp, I
15 appreciate your argument, but that's argument.
16 I'm going to allow the question. Go ahead, Mr.
17 Celli.

18 ANDREW G. CELLI JR.: When you sent out
19 this, strike that. Did you send out this tweet,
20 Ms. Greene? Ms. Wells, could you put it back up?

21 MARJORIE TAYLOR GREENE: Yes.

22 ANDREW G. CELLI JR.: And when you sent out
23 this tweet, you wanted the people who read the
24 tweet to know that it was your view that the

25

1 votes for Mr. Biden for president were
2 fraudulent, or some of them were, right?

3 MARJORIE TAYLOR GREENE: That really wasn't
4 the purpose of that tweet.

5 ANDREW G. CELLI JR.: I'm just asking
6 whether, when you sent this, you were
7 communicating to your, the people who read your
8 Twitter account, that you believe that there were
9 fraudulent votes for Mr. Biden, and that your
10 goal was to keep President Trump in the White
11 House.

12 MARJORIE TAYLOR GREENE: I was communicating
13 that we were looking for a senator to join our
14 objection, which is very much part of the
15 responsibilities and duties that I can do as a
16 member of Congress.

17 ANDREW G. CELLI JR.: I agree with that, but
18 the purpose of that was because you believed that
19 the votes for Mr. Biden were fraudulent, right,
20 or at least some were?

21 MARJORIE TAYLOR GREENE: We had been
22 spending a vast amount of time reading and
23 researching and talking to people and had seen
24 tremendous evidence of voter fraud. I don't know
25 if you're aware, because I know you're not from

1 Georgia. We currently have, our secretary of
2 state has an investigation going on into election
3 fraud right now.

4 ANDREW G. CELLI JR.: Your honor, I would
5 move to strike this. I'm entitled to get answers
6 to my questions, your honor.

7 JUDGE CHARLES R. BEAUDROT: [INDISCERNIBLE
8 02:35:08], but thank you. Thank you,
9 Representative Greene. All right, let's back up.
10 What...

11 ANDREW G. CELLI JR.: By the way, your
12 honor, I'm sorry to interrupt. We missed
13 something very important. Can the representative
14 be sworn?

15 JUDGE CHARLES R. BEAUDROT: Oh, thank you.
16 No, I sworn her in.

17 ANDREW G. CELLI JR.: Oh, you did? Oh,
18 okay, I didn't see that. I'm sorry. I'm sorry.

19 JAMES BOPP: She was sworn in.

20 JUDGE CHARLES R. BEAUDROT: [INDISCERNIBLE
21 02:35:23] thank you [INDISCERNIBLE 02:35:24].

22 ANDREW G. CELLI JR.: All right, and can I
23 ask the court to acknowledge that this is an
24 adverse witness, a hostile witness?

25

1 JUDGE CHARLES R. BEAUDROT: Yes, I
2 acknowledge that she's an adverse witness, and
3 you may therefore cross-examine her, even though
4 she'd make some of your case in [INDISCERNIBLE
5 02:35:37], yes, I acknowledge that.

6 ANDREW G. CELLI JR.: And I would ask the
7 court to remind the witness that, in this
8 posture, she has to answer my questions. She
9 can't give speeches. Is that fair?

10 JAMES BOPP: Well, you're entitled to an
11 answer to the question that is asked.

12 JUDGE CHARLES R. BEAUDROT: She's not
13 entitled to [INDISCERNIBLE 02:35:53] her answers.

14 JAMES BOPP: You're not entitled to answers
15 that require her to answer, when the question is
16 objectionable, violates her 1st Amendment rights,
17 is irrelevant to the charges that are being made.
18 Now, just to, what fishing expedition, political
19 theater? What is this?

20 ANDREW G. CELLI JR.: This is cross-
21 examination.

22 JUDGE CHARLES R. BEAUDROT: This is cross
23 examining.

24 ANDREW G. CELLI JR.: I'm entitled to a yes,
25 no, or I can't answer response.

1 JUDGE CHARLES R. BEAUDROT: Yes. Let's go
2 ahead.

3 JAMES BOPP: Unless its objectionable.

4 ANDREW G. CELLI JR.: You have a standing
5 objection, Mr. Bopp, to everything in the world.
6 I want to question your witness. Let me question
7 your witness. [CROSSTALK 02:36:28].

8 JUDGE CHARLES R. BEAUDROT: Okay, gentlemen,
9 wait a minute. Wait a minute. Wait a minute.
10 Wait a minute.

11 JAMES BOPP: [INDISCERNIBLE 02:36:32].

12 ANDREW G. CELLI JR.: That's enough. Stop.
13 Mr. Bopp, please, sit down. Next question, Mr.
14 Celli. This is not theater. This is not an
15 argument from Supreme Court. This is an
16 evidentiary hearing. So, let's get going. Go
17 ahead, Mr. Celli.

18 ANDREW G. CELLI JR.: Ms. Wells, can you
19 pull up the plaintiff's exhibit 2C, please?

20 JUDGE CHARLES R. BEAUDROT: Sorry, which
21 number?

22 ANDREW G. CELLI JR.: 2C. Ms. Greene, is
23 this a tweet that you sent out from your account
24 on December 19th, 2020?

25 MARJORIE TAYLOR GREENE: Yes.

1 ANDREW G. CELLI JR.: And in this tweet...
2 Let me go back a second. Your honor. I would
3 just ask that the previous exhibit, which I think
4 is 2D be admitted into evidence.

5 JUDGE CHARLES R. BEAUDROT: What was the
6 number?

7 ANDREW G. CELLI JR.: 2D.

8 DYMOND WELLS: 2A.

9 ANDREW G. CELLI JR.: I'm sorry, 2A.

10 JUDGE CHARLES R. BEAUDROT: All right. So,
11 2A is in. Yeah is that what it is?

12 ANDREW G. CELLI JR.: And I'd ask that 2C be
13 admitted into evidence.

14 JUDGE CHARLES R. BEAUDROT: 2C, all right,
15 [INDISCERNIBLE 02:37:42] distracted. Go through
16 it.

17 ANDREW G. CELLI JR.: Sure, I asked the
18 witness that this was her tweet, and she said it
19 was.

20 JUDGE CHARLES R. BEAUDROT: This is your
21 tweet?

22 MARJORIE TAYLOR GREENE: Yes.

23 JUDGE CHARLES R. BEAUDROT: Okay.

24 ANDREW G. CELLI JR.: I ask that it be
25 admitted into evidence.

1 JAMES BOPP: I object. If it's not
2 probative, then it violates her 1st Amendment
3 rights. It has nothing to do with engage it. It
4 doesn't, it's before January 3rd.

5 JUDGE CHARLES R. BEAUDROT: It's in for what
6 it's worth, Mr. Bopp, which is, I mean, I don't
7 know it's worth anything, but it's in.

8 JAMES BOPP: And I apologize, your honor. I
9 sincerely, I do think it's my responsibility to
10 make pertinent objections.

11 JUDGE CHARLES R. BEAUDROT: I respect
12 [INDISCERNIBLE 02:38:14], Mr. Bopp.
13 [INDISCERNIBLE 02:38:16]. Go ahead. Go ahead,
14 Mr. Celli.

15 ANDREW G. CELLI JR.: Thank you.
16 Representative Greene, in your tweet on December
17 19th, 2020, that we marked as plaintiff's exhibit
18 2C, one of the things you're communicating to the
19 people who would read this tweet was that you
20 want them to come to Washington on January 6th
21 for a demonstration. Is that right?

22 MARJORIE TAYLOR GREENE: For a March for
23 Trump.

24 ANDREW G. CELLI JR.: Right. March for,
25 fight for Trump, the phrase that you use there is

1 #fight for Trump. Right? That's what the words
2 say.

3 MARJORIE TAYLOR GREENE: That's what it says
4 on my tweet.

5 ANDREW G. CELLI JR.: Okay, and you posted
6 that because you, in fact, wanted people to show
7 up on January 6th, 2021, in DC, in order to help
8 you stop the theft of the 2020 election, from
9 your point of view.

10 MARJORIE TAYLOR GREENE: No.

11 ANDREW G. CELLI JR.: Okay. Well, I'm not
12 sure we got a clear answer on this. You did
13 believe, at this time, that the 2020 election had
14 been stolen by the Democrats from Mr. Trump,
15 right?

16 MARJORIE TAYLOR GREENE: I was asking people
17 to come for a peaceful March, which is what
18 everyone is entitled to do under their 1st
19 Amendment, but I was not asking them to actively
20 engage in violence or any type of action.

21 ANDREW G. CELLI JR.: My question is really
22 simple. It's about your opinion. When this
23 tweet came out, in this period, it was your
24 opinion that the election had been stolen from
25 Mr. Trump, or was about to be stolen, right?

1 MARJORIE TAYLOR GREENE: Under my opinion,
2 there was a tremendous amount of fraudulent
3 things that happened in the election, and under
4 my opinion, I want to do anything I can to
5 protect election integrity and to protect the
6 people of my district in Georgia, people's votes.
7 They should count.

8 ANDREW G. CELLI JR.: Is it fair to say,
9 Representative Greene, that from election night
10 of 2020 until January 6th, 2021, your personal
11 opinion and your wish was that Congress not
12 certify Joe Biden as the winner of the 2020
13 election?

14 MARJORIE TAYLOR GREENE: No, that's not
15 accurate.

16 ANDREW G. CELLI JR.: You believed that Joe
17 Biden had lost the election to Mr. Trump, right?

18 MARJORIE TAYLOR GREENE: Well, yes. We saw
19 a tremendous amount of voter fraud. We have
20 investigations going on right now in the state of
21 Georgia. There's investigations going on in
22 multiple states. My own husband showed up to
23 vote in the general election, and when he went in
24 to vote in person, he was told that he had
25 already voted by absentee ballot, when, in fact,

1 he had never even requested an absentee ballot.
2 There's many instances.

3 ANDREW G. CELLI JR.: Your honor, we could
4 do this now. I understand there's an IT issue
5 that requires a pause. Should we take...?

6 JUDGE CHARLES R. BEAUDROT: Okay, well, how
7 long do we need? Two minutes? All right. Well,
8 [INDISCERNIBLE 02:41:34] everybody be patient
9 [INDISCERNIBLE 02:41:36]. I appreciate your
10 patience. Oh, I see what the problem is.

11 MALE 5: Representative Greene's
12 [INDISCERNIBLE 02:41:55] camera wasn't on.
13 [INDISCERNIBLE 02:41:55].

14 JUDGE CHARLES R. BEAUDROT: Your camera was
15 off. That's why the recording stopped.

16 MARJORIE TAYLOR GREENE: Oh, okay.

17 MALE 5: Good?

18 [BACKGROUND/OFF-MIC CONVERSATION]

19 JUDGE CHARLES R. BEAUDROT: You want to, I
20 mean, I hate to make everybody just sit around,
21 but...

22 ANDREW G. CELLI JR.: [INDISCERNIBLE
23 02:43:18].

24 JUDGE CHARLES R. BEAUDROT: Let's take ten.
25 Let's come back. I mean, Representative, you

1 step down. Let's take ten minutes. We don't
2 need to sit here while they [INDISCERNIBLE
3 02:43:24]. Let's just take ten minutes.

4 MALE 4: Everybody, remain seated, please.

5 JUDGE CHARLES R. BEAUDROT: No, I said they
6 could leave. I'm going to let them go.

7 MALE 4: [INDISCERNIBLE 02:43:31]?

8 JUDGE CHARLES R. BEAUDROT: Huh?

9 MALE 4: We were looking at the
10 [INDISCERNIBLE 02:43:34].

11 JUDGE CHARLES R. BEAUDROT: Oh, okay,
12 however you do it, thank you.

13 MALE 5: Yeah, just remain seated until the
14 parties exit the corridor [INDISCERNIBLE
15 02:43:39].

16 [BACKGROUND CONVERSATION]

17 JUDGE CHARLES R. BEAUDROT: We'll come back.
18 Let's take ten. No, let's come back 12:00.
19 [INDISCERNIBLE 02:44:01] time we get out of here.
20 Let's come back at 12:00.

21 MALE 4: [INDISCERNIBLE 02:44:04] let the
22 parties out, and you can come back at 12:00.

23 [BACKGROUND CONVERSATION]

24 MALE 4: You want us to let everybody else
25 out first?

1 JUDGE CHARLES R. BEAUDROT: No, no, you can
2 go.

3 [BACKGROUND CONVERSATION]

4 MARJORIE TAYLOR GREENE: 22 minutes?

5 [INDISCERNIBLE 02:44:43]. Sorry. Sorry, I can't
6 reach down there. I apologize.

7 [BACKGROUND/OFF-MIC CONVERSATION/CROSSTALK]

8 MARJORIE TAYLOR GREENE: Yeah. You had me
9 wondering for a minute there, because it all
10 starts [INDISCERNIBLE 02:48:11]. I didn't hear
11 that. It just [INDISCERNIBLE 02:48:15].

12 [BACKGROUND/OFF-MIC CONVERSATION/CROSSTALK]

13 ANDREW G. CELLI JR.: Yes, I remember him.
14 He wasn't in the senior year. He was there like
15 [INDISCERNIBLE 02:53:10].

16 [BACKGROUND/OFF-MIC CONVERSATION/CROSSTALK]

17 FEMALE 3: He might have one over here.

18 [BACKGROUND/OFF-MIC CONVERSATION/CROSSTALK]

19 FEMALE 3: Let me, I can take him to the
20 front desk and [INDISCERNIBLE 02:54:04].

21 JUDGE CHARLES R. BEAUDROT: [INDISCERNIBLE
22 02:54:05], I'll be a minute [INDISCERNIBLE
23 02:54:09].

24 [BACKGROUND/OFF-MIC CONVERSATION/CROSSTALK]

25

1 ANDREW G. CELLI JR.: Oh, that's great.
2 Well, at least I'm [INDISCERNIBLE 02:55:16].

3 [BACKGROUND/OFF-MIC CONVERSATION/CROSSTALK]

4 ANDREW G. CELLI JR.: Yeah, I didn't know
5 her well or anything, but she, you know, but I
6 [INDISCERNIBLE 02:55:34].

7 [BACKGROUND/OFF-MIC CONVERSATION/CROSSTALK]

8 MALE 2: Can you do a quick interview with
9 the two of us right now [INDISCERNIBLE 02:56:53]?
10 Yeah, if that's all right with your people.
11 You've got to ask them.

12 ANDREW G. CELLI JR.: I have to ask them.

13 MALE 2: That's right. Otherwise, we'll...

14 ANDREW G. CELLI JR.: I could do a Facebook
15 live with my phone. I have [PH 02:57:05] Our
16 Revolutions.

17 MALE 2: Yeah, you could it just in Our
18 Revolutions. That's fine. [INDISCERNIBLE
19 02:57:09]. You good?

20 MARJORIE TAYLOR GREENE: Yeah, thank you.

21 [BACKGROUND/OFF-MIC CONVERSATION/CROSSTALK]

22 MALE 4: Here you go, [INDISCERNIBLE
23 02:59:24]. I may come back for it.

24

25

1 MARJORIE TAYLOR GREENE: Okay, let's see if
2 wee can find a purse for. This is always a good
3 place for it.

4 MALE 4: That's exactly where I
5 [INDISCERNIBLE 02:59:37].

6 MARJORIE TAYLOR GREENE: You never know when
7 [INDISCERNIBLE 02:59:38] is going to crying
8 [INDISCERNIBLE 02:59:40] don't know.

9 [BACKGROUND/OFF-MIC CONVERSATION/CROSSTALK]

10 MALE 4: Ladies and gentlemen, Judge
11 Beaudrot will be back in shortly. If
12 [INDISCERNIBLE 03:02:41], take your seat.

13 [BACKGROUND/OFF-MIC CONVERSATION/CROSSTALK]

14 JUDGE CHARLES R. BEAUDROT: Representative
15 Greene, I think we're ready. Come on back, guys.
16 Everybody ready? Are we good? Okay. We're back
17 on the record. Representative Greene, appreciate
18 your patience [INDISCERNIBLE 03:07:54]
19 disruption. Appreciate everybody's cooperation
20 while they dealt with the technology. It's one
21 of the banes of human existence. All right.

22 ANDREW G. CELLI JR.: May I proceed, your
23 honor?

24 JUDGE CHARLES R. BEAUDROT: Go ahead, Mr.
25 Celli, thank you.

1 ANDREW G. CELLI JR.: Your honor, I would
2 just ask that Mr. Bopp not consult with this
3 client in the break period while I'm examining
4 her. That's generally not permitted, in my
5 experience.

6 JUDGE CHARLES R. BEAUDROT: Go ahead.

7 ANDREW G. CELLI JR.: Can we see plaintiff's
8 exhibit 2C please. Ms. Wells

9 JUDGE CHARLES R. BEAUDROT: So, we're on 2C?

10 ANDREW G. CELLI JR.: 2C.

11 JUDGE CHARLES R. BEAUDROT: Okay, thank you.

12 ANDREW G. CELLI JR.: Ms. Greene, this is
13 the tweet that we talked about a little bit
14 earlier, just a quick question. You issued this
15 on December 19th, 2020, correct?

16 MARJORIE TAYLOR GREENE: I can't see real
17 well, but I think that's the day.

18 ANDREW G. CELLI JR.: Maybe we can make it a
19 little larger?

20 SAM SHAPIRO: That's what it says.

21 ANDREW G. CELLI JR.: And what you were
22 doing in this tweet was you were tweeting out a
23 story from the Epic Times about president Trump
24 saying that the protests that were planned for
25

1 January 6th were going to be, quote, "wild",
2 right?

3 JAMES BOPP: I object. We don't have the,
4 where is the article?

5 ANDREW G. CELLI JR.: Right there, under the
6 picture of President Trump.

7 JAMES BOPP: Does it quote that?

8 ANDREW G. CELLI JR.: Yes, it says, "Trump:
9 supporters should join wild protest in DC on Jan
10 6th".

11 JAMES BOPP: Okay. I withdraw my objection.
12 I can't see that. I can't see what's on the
13 screen.

14 ANDREW G. CELLI JR.: Can you make it a
15 little larger, Ms. Well? You can answer the
16 question, Representative Greene.

17 MARJORIE TAYLOR GREENE: What was your
18 question?

19 ANDREW G. CELLI JR.: My question is, what
20 you were doing in the tweet is you were tweeting
21 out a story from the Epic Times about President
22 Trump making a statement that the protest on
23 January 6th would be wild. Right?

24
25

1 MARJORIE TAYLOR GREENE: I tweeted an
2 article that had the details of the dates and
3 times.

4 ANDREW G. CELLI JR.: Right, and also,
5 included President Trump's statements that he
6 expected the demonstrations on January 6th to be
7 wild. Right?

8 MARJORIE TAYLOR GREENE: I don't think
9 that's what my tweet was about.

10 ANDREW G. CELLI JR.: Okay. Well, but you
11 see that the article says Trump: supporters
12 should join, quote, wild protests in DC on Jan
13 6th.

14 MARJORIE TAYLOR GREENE: I don't remember
15 tweeting that specifically for what you're
16 saying. Those are your words.

17 ANDREW G. CELLI JR.: No, I'm reading..

18 MARJORIE TAYLOR GREENE: Those aren't mine.

19 ANDREW G. CELLI JR.: I'm actually reading
20 from what's on the..

21 MARJORIE TAYLOR GREENE: You're speculating
22 on why I tweeted that, but I don't remember
23 tweeting it for that specific reason.

24 ANDREW G. CELLI JR.: Ms. Greene, I'm just
25 asking questions.

1 MARJORIE TAYLOR GREENE: I'm just answering.

2 ANDREW G. CELLI JR.: And in your tweet, you
3 mentioned earlier that, your words, join hashtag
4 March for Trump in DC, January 6th, fight for
5 Trump, that you were urging people to come to
6 Washington for a peaceful demonstration, right?

7 MARJORIE TAYLOR GREENE: Peaceful
8 demonstration, absolutely.

9 ANDREW G. CELLI JR.: Right, yeah. That
10 word 'peaceful' is nowhere in this tweet, right?

11 MARJORIE TAYLOR GREENE: Pardon me?

12 ANDREW G. CELLI JR.: That word peaceful is
13 not in this tweet.

14 MARJORIE TAYLOR GREENE: I can't read it.
15 There's only half of it there.

16 ANDREW G. CELLI JR.: Let's give the
17 representative a paper copy of that. I just want
18 to make sure I'm not missing anything.

19 MARJORIE TAYLOR GREENE: No, I can see it
20 now. It was scrolled up just a second ago.

21 ANDREW G. CELLI JR.: Okay. 'Peaceful' is
22 not in there, is it?

23 MARJORIE TAYLOR GREENE: Well, you know,
24 like...

25

1 ANDREW G. CELLI JR.: Is the word 'peaceful'
2 in there, Ms. Greene?

3 MARJORIE TAYLOR GREENE: It does not say
4 peaceful right there.

5 ANDREW G. CELLI JR.: That's my question.
6 Thank you.

7 MARJORIE TAYLOR GREENE: But you're asking
8 me, and I said for peaceful demonstration, just
9 like people have the right to do in their 1st
10 Amendment.

11 ANDREW G. CELLI JR.: I'm asking, you didn't
12 there's not a secret code in there, that's
13 supposed to be peaceful, right?

14 MARJORIE TAYLOR GREENE: Well, I never mean
15 anything for violence. I don't support violence
16 of any kind, and I've said it over and over
17 again. So, I'm telling you.

18 ANDREW G. CELLI JR.: You just didn't say it
19 on this occasion, did you?

20 MARJORIE TAYLOR GREENE: I never mean
21 anything for violence, ever. All of my words
22 never ever mean anything for violence.

23 ANDREW G. CELLI JR.: Well, we'll, examine
24 that question. Go to plaintiff's exhibit 2F,
25 please.

1 JUDGE CHARLES R. BEAUDROT: 2F, F as in
2 Frank?

3 ANDREW G. CELLI JR.: Yes, and I'm looking
4 at the, yes, this top half of the exhibit. Ms.
5 Greene, this is a tweet that you sent out on
6 January 2nd, 2021, correct?

7 MARJORIE TAYLOR GREENE: I'm not sure.

8 ANDREW G. CELLI JR.: Okay, you don't recall
9 this?

10 MARJORIE TAYLOR GREENE: I don't recall
11 tweeting that, no.

12 ANDREW G. CELLI JR.: Okay. You can set
13 that to one side. Well, let me ask this
14 question. Does anybody tweet things on your
15 Twitter account? Strike that. Did anybody in
16 January of 2021 tweet things on your Twitter
17 account without your permission?

18 MARJORIE TAYLOR GREENE: On what day?

19 ANDREW G. CELLI JR.: At any time from
20 November of 2020 to January 6th.

21 MARJORIE TAYLOR GREENE: I don't remember.
22 That's difficult to answer.

23 ANDREW G. CELLI JR.: Okay, which, you you'd
24 be surprised if somebody got into your Twitter
25

1 account and tweeted something without your
2 permission, wouldn't you?

3 MARJORIE TAYLOR GREENE: Well, no one
4 tweeted anything without my permission. I just
5 don't remember who tweeted what.

6 ANDREW G. CELLI JR.: Fair enough. Now,
7 would you agree, Ms. Greene, that this tweet from
8 January 2nd, 2021, is something that we can
9 fairly attribute to you, being that it was
10 tweeted on your Twitter account?

11 MARJORIE TAYLOR GREENE: I'm sorry, I don't
12 know.

13 ANDREW G. CELLI JR.: Right. You can take
14 that down. Ms. Greene, you've had your
15 disagreements with Speaker Pelosi, isn't that
16 right?

17 MARJORIE TAYLOR GREENE: I'm not sure what
18 you mean.

19 ANDREW G. CELLI JR.: You've had political
20 disagreements with her. You don't agree with
21 some of the things she's done in her career,
22 right?

23 MARJORIE TAYLOR GREENE: Politically
24 speaking, that would be correct.

25

1 ANDREW G. CELLI JR.: Right. You don't
2 agree with a lot of things she's done, right?

3 MARJORIE TAYLOR GREENE: Politically
4 speaking, that would be correct.

5 ANDREW G. CELLI JR.: In fact, you think
6 that speaker Pelosi is a traitor to the country,
7 right?

8 MARJORIE TAYLOR GREENE: I'm not answering
9 that question. It's speculation and it's
10 hypothetical.

11 ANDREW G. CELLI JR.: You've said that,
12 haven't you, Ms. Greene, that she's a traitor to
13 the country?

14 MARJORIE TAYLOR GREENE: No, I haven't said
15 that.

16 ANDREW G. CELLI JR.: Okay. Put up
17 plaintiff's exhibit 5, please.

18 MARJORIE TAYLOR GREENE: Oh, no, wait, hold
19 on now. I believe, by not upholding the,
20 securing the border, that that violates her oath
21 of office.

22 ANDREW G. CELLI JR.: Fair enough. I'm not
23 interested in her oath of office. I'm interested
24 in that you said that she's a traitor to our
25 country. Right?

1 JAMES BOPP: I object, your honor. She did
2 not, this is [INDISCERNIBLE 03:14:45].

3 JUDGE CHARLES R. BEAUDROT: [INDISCERNIBLE
4 03:14:45] the relevance to that, Mr. Celli.
5 Next.

6 ANDREW G. CELLI JR.: Your honor. Can we
7 give Mr. Bopp standing objection on the 1st
8 Amendment grounds?

9 JUDGE CHARLES R. BEAUDROT: No.

10 ANDREW G. CELLI JR.: This is an effort to
11 interrupt my examination of the witness. I am
12 attempting to establish the witness's desire to
13 engage in insurrection during the period of
14 January 3rd to January 6th. Now, it's true that
15 some of the things that she said are relevant, if
16 they were, even though they occurred before
17 January 3rd, but there's no 1st Amendment
18 objection to evidence, your honor. She said what
19 she said.

20 JAMES BOPP: There is 1st Amendment
21 objections.

22 ANDREW G. CELLI JR.: We don't agree.

23 JAMES BOPP: Fine, but I get to make my
24 objection.

25

1 JUDGE CHARLES R. BEAUDROT: You can make the
2 objection. You can have a standing objection.

3 JAMES BOPP: I don't want a standing
4 objection.

5 ANDREW G. CELLI JR.: [INDISCERNIBLE
6 03:15:30] Because he wants to interrupt my flow,
7 your honor. That's not appropriate.

8 JAMES BOPP: I don't object to everything.
9 Okay? I have specific things that I think are I
10 object to, and I should be extended the courtesy
11 to do that.

12 JUDGE CHARLES R. BEAUDROT: You may. You
13 may object. Thank you.

14 ANDREW G. CELLI JR.: [INDISCERNIBLE
15 03:15:45].

16 ANDREW G. CELLI JR.: Plaintiff's exhibit
17 five, please.

18 JUDGE CHARLES R. BEAUDROT: We're on five
19 now? Okay.

20 ANDREW G. CELLI JR.: So, I'm placing before
21 you what we've pre-marked as plaintiff's exhibit
22 five, which is an article that appeared in CNN on
23 January 26th, 2021.

24 JUDGE CHARLES R. BEAUDROT: Do you have a
25 hard copy of this available?

1 ANDREW G. CELLI JR.: It should be in the
2 book.

3 JUDGE CHARLES R. BEAUDROT: Does she have a
4 hard copy, I mean? She can't read it off the
5 screen.

6 ANDREW G. CELLI JR.: We have one for her.

7 JUDGE CHARLES R. BEAUDROT: Good. Well,
8 let's start using hard copies. You can't read
9 stuff like this on the screen

10 ANDREW G. CELLI JR.: May I approach the
11 witness, your honor.

12
13 JUDGE CHARLES R. BEAUDROT: Yes. You have a
14 standing permission to approach the witness to
15 deliver copies of documents [PH 03:16:27] as to
16 which you're going to ask your questions.

17 ANDREW G. CELLI JR.: Thank you. Ms. Wells,
18 if you could scroll down a bit. Ms. Greene, I
19 want to, direct your attention to the bottom of
20 the fourth page of the exhibit.

21 MARJORIE TAYLOR GREENE: Mhm.

22 ANDREW G. CELLI JR.: This is a paragraph
23 that starts out, "She's a traitor to our
24 country". You see that?

25

1 JAMES BOPP: I object, your honor. What
2 possible relevance could it be, that she had
3 political disagreements that results in hyperbole
4 that commonly used?

5 ANDREW G. CELLI JR.: Your honor, this is
6 unreasonable.

7 JUDGE CHARLES R. BEAUDROT: [CROSSTALK
8 03:17:41] overruled. Next.

9 ANDREW G. CELLI JR.: Thank you. I just
10 want to ask a narrow question, representative
11 Greene. Did you say, referring to speaker
12 Pelosi, "She's a traitor to our country. She's
13 guilty of treason. She took an oath to protect
14 the American citizens. She gives aid and comfort
15 to our enemies who would illegally invade our
16 land. That's what treason is, and our law
17 representatives and senators can be kicked out
18 and no longer serve in our government, and it's a
19 crime punishable by death, is what treason is.
20 Nancy Pelosi is guilty of treason." Did you say
21 those words?

22 MARJORIE TAYLOR GREENE: I said, this is
23 what I was telling you is she doesn't uphold our
24 laws. She allows illegal...

25

1 ANDREW G. CELLI JR.: It's a simple yes or
2 no question, ma'am.

3 MARJORIE TAYLOR GREENE: I mean
4 [INDISCERNIBLE 03:18:29].

5 ANDREW G. CELLI JR.: Did you say those
6 words?

7 JAMES BOPP: [INDISCERNIBLE 03:18:32] answer
8 without being instructed by him to say yes or no.

9 ANDREW G. CELLI JR.: I don't agree, your
10 honor. This is cross examination.

11 JAMES BOPP: [PH 03:18:39] So what?

12 ANDREW G. CELLI JR.: I'm entitled to an
13 answer to my question, not a speech.

14 JUDGE CHARLES R. BEAUDROT: Representative
15 Greene, did you say these words that are quoted
16 on the bottom? Did you say that?

17 MARJORIE TAYLOR GREENE: According to the
18 CNN article, I did. I don't remember.

19 JUDGE CHARLES R. BEAUDROT: Do you recall
20 saying it?

21 MARJORIE TAYLOR GREENE: I don't recall
22 saying all of this, but I do recall having said
23 this about the, I totally disagree with the
24 border issues and I believe...

25

1 JUDGE CHARLES R. BEAUDROT: Okay. It's been
2 answered. Next question.

3 MARJORIE TAYLOR GREENE: Okay.

4 ANDREW G. CELLI JR.: Representative Greene,
5 you have advocated the use of physical violence
6 against people you disagree with politically,
7 right?

8 JAMES BOPP: I object. Without context,
9 without anything..

10 JUDGE CHARLES R. BEAUDROT: Overruled, go
11 ahead. What's the question again, Mr. Celli?

12 ANDREW G. CELLI JR.: You've advocated the
13 use of physical violence against people that you
14 disagree with politically.

15 JUDGE CHARLES R. BEAUDROT: That's a
16 question?

17 ANDREW G. CELLI JR.: Yes.

18 JUDGE CHARLES R. BEAUDROT: Is that true?

19 MARJORIE TAYLOR GREENE: I don't think so.
20 I don't know how to answer that.

21 JUDGE CHARLES R. BEAUDROT: Next question.

22 ANDREW G. CELLI JR.: Well, have a look at
23 what we've marked as plaintiff's exhibit 5.

24 DYMOND WELLS: P5.

25 ANDREW G. CELLI JR.: P5, thanks.

1 JUDGE CHARLES R. BEAUDROT: That's the same
2 one, is that correct?

3 ANDREW G. CELLI JR.: It's the same one.

4 JUDGE CHARLES R. BEAUDROT: Okay, thank you.
5 You've got a copy of this, Representative?

6 MARJORIE TAYLOR GREENE: Oh, is it the same
7 one?

8 JUDGE CHARLES R. BEAUDROT: Yes, it's the
9 same one.

10 MARJORIE TAYLOR GREENE: Okay.

11 ANDREW G. CELLI JR.: Well, let me ask a
12 foundational question. You understand that, on
13 social media posts like Facebook and Twitter, one
14 of the things, well, I guess on Facebook, one of
15 the things you can do is you can like, someone's
16 post, right?

17 MARJORIE TAYLOR GREENE: You can like
18 people's post, right.

19 ANDREW G. CELLI JR.: And when you like,
20 someone's post, that's a way of signifying that
21 you agree with or admire or think is it's
22 correct, that the post is correct. Right?

23 MARJORIE TAYLOR GREENE: I don't know. I
24 don't agree with your phrase of questioning.

25

1 ANDREW G. CELLI JR.: Well, I'm asking you.
2 Isn't it true that, when you like, when you
3 personally, Ms. Greene, like someone's post
4 you're signifying your approval for what the post
5 says?

6 MARJORIE TAYLOR GREENE: No, I don't agree
7 with this, how you're phrasing that question.
8 No, I don't agree with that.

9 ANDREW G. CELLI JR.: So, it's true, though,
10 that you liked a post that suggested that, quote,
11 "A bullet to the head of Nancy Pelosi would be a
12 quicker way to remove her as speaker of the house
13 than impeachment". Right?

14 MARJORIE TAYLOR GREENE: Now you're using a
15 CNN article, which CNN has lied about me multiple
16 times, and you're using a CNN article as your
17 evidence.

18 ANDREW G. CELLI JR.: I'm asking you to
19 answer my question. Did you like a post that
20 said it's quicker, that a bullet to the head
21 would be a quicker way to remove Nancy Pelosi
22 from the role of Speaker?

23 MARJORIE TAYLOR GREENE: I have had many
24 people manage my social media account over the
25 years. I have no idea who liked that.

1 ANDREW G. CELLI JR.: Okay. Are you
2 testifying under oath it wasn't you? I just want
3 to be clear on that.

4 MARJORIE TAYLOR GREENE: I am testifying
5 that I have no idea who liked that comment.

6 ANDREW G. CELLI JR.: Fair enough. It could
7 have been you. Right?

8 JUDGE CHARLES R. BEAUDROT: She's answered
9 the question.

10 MARJORIE TAYLOR GREENE: I'm telling you I
11 do not know.

12 JUDGE CHARLES R. BEAUDROT: She's answered
13 the question. Go ahead. Next question.

14 ANDREW G. CELLI JR.: By the way, you know,
15 Ms. Greene, that one of the places inside the
16 United States' Capital building that was invaded
17 by people who were doing violence was Ms.
18 Pelosi's office, right?

19 MARJORIE TAYLOR GREENE: I was inside the
20 chamber during, on January 6th. So, I do not
21 know all the places that those people went. I
22 only know where I was.

23 ANDREW G. CELLI JR.: Are you telling us
24 that, in the more than a year since these events
25 occurred, you have not become aware that one of

1 the offices that was invaded by people who were
2 illegally in the Capital was Nancy Pelosi's
3 office?

4 MARJORIE TAYLOR GREENE: I've seen that on
5 the news, but I don't know for sure. I haven't
6 investigated all of that.

7 ANDREW G. CELLI JR.: Now, you mentioned
8 earlier, in response to some of my questions,
9 that there was a demonstration that was being
10 planned for January 6th, 2021, called the March
11 for Trump, right?

12 MARJORIE TAYLOR GREENE: We talked about it
13 on one of my Twitter posts.

14 ANDREW G. CELLI JR.: Right, and that
15 demonstration was being organized in part by an
16 organization called Women for America, right?

17 MARJORIE TAYLOR GREENE: I don't remember
18 who organized it.

19 ANDREW G. CELLI JR.: Okay. Ms. Wells, can
20 you pull up claimant's exhibit 2D?

21 JUDGE CHARLES R. BEAUDROT: I'm sorry.
22 Which one did you say?

23 ANDREW G. CELLI JR.: I'm sorry, 2D, your
24 honor.

25 JUDGE CHARLES R. BEAUDROT: D or B?

1 ANDREW G. CELLI JR.: D.

2 JUDGE CHARLES R. BEAUDROT: B as in boy?

3 ANDREW G. CELLI JR.: No, no, D as in dog,
4 sorry.

5 JUDGE CHARLES R. BEAUDROT: D as in dog.

6 ANDREW G. CELLI JR.: [PH 03:23:53] I
7 printed this on paper, so [INDISCERNIBLE
8 03:23:56]. I placed in front of you what's a
9 document that's been pre-marked as plaintiff's
10 exhibit 2D. I'll begin by asking, one of the
11 things that you can do on Twitter, Ms. Greene, is
12 you can retweet, or send out again, somebody
13 else's tweet, right?

14 MARJORIE TAYLOR GREENE: Yes.

15 ANDREW G. CELLI JR.: Okay, and on
16 plaintiff's 2D, which I placed in front of you,
17 you are retweeting a tweet sent by [PH 03:24:46]
18 Kylie Jane Kramer on December 19th, 2020. Right?

19 MARJORIE TAYLOR GREENE: I don't know if I
20 retweeted it.

21 ANDREW G. CELLI JR.: Well, if you look
22 carefully, it says, "Marjorie Taylor Greene green
23 is an American flag", and it says retweeted.

24 [INDISCERNIBLE 03:24:59]

25

1 MARJORIE TAYLOR GREENE: I don't know if I
2 retweeted it.

3 ANDREW G. CELLI JR.: You don't recall one
4 way or the other?

5 MARJORIE TAYLOR GREENE: I don't recall.

6 ANDREW G. CELLI JR.: And it's your
7 testimony that, if this got retweeted from your
8 account, that would've been done with your
9 permission, right?

10 MARJORIE TAYLOR GREENE: I don't recall
11 retweeting it.

12 ANDREW G. CELLI JR.: That's not my
13 question. You don't deny that Kylie Jane
14 Kramer's message was retweeted from your account,
15 in the form set forth as plaintiff's 2D, on
16 December 20th, 2020, I'm sorry, December 19th.
17 You don't deny that, do you?

18 MARJORIE TAYLOR GREENE: This is what your
19 picture has, this paper has. I don't have this
20 Twitter account anymore. So, I don't recall. I
21 don't remember retweeting this.

22 ANDREW G. CELLI JR.: Okay, but you do
23 remember that there was this thing called the
24 March for Trump that was going to be on January
25 6th, right?

1 MARJORIE TAYLOR GREENE: Yes.

2 ANDREW G. CELLI JR.: And that Women for
3 America were one of organizers, right?

4 MARJORIE TAYLOR GREENE: No. I don't
5 remember, but that's what this says.

6 ANDREW G. CELLI JR.: Okay, and one of the
7 other hashtags for the demonstrations that were
8 planned on January 6th, 2021, in Washington D.C.
9 was a hashtag 'stop the steal, #stopthesteal,
10 right?

11 MARJORIE TAYLOR GREENE: Stop, yes.

12 ANDREW G. CELLI JR.: Yes, and another
13 hashtag that got used at the time was, or I'm
14 sorry, a website that was being used to organize
15 people to come to Washington was something called
16 wildprotest.com, right?

17 MARJORIE TAYLOR GREENE: I don't know.

18 ANDREW G. CELLI JR.: Okay.

19 ANDREW G. CELLI JR.: Have a look at PX 33,
20 please.

21 JUDGE CHARLES R. BEAUDROT: Mr. Celli, P...?

22 ANDREW G. CELLI JR.: PX33.

23 JUDGE CHARLES R. BEAUDROT: X, P-X?

24 ANDREW G. CELLI JR.: I called it PX, P33

25

1 JUDGE CHARLES R. BEAUDROT: P33, okay. Oh,
2 I got it. Sorry.

3 ANDREW G. CELLI JR.: I've placed before
4 you, Ms. Greene, the document that we marked as
5 plaintiff's exhibit or petitioner's exhibit 33.
6 I'm just ask a couple questions about it. Does
7 this refresh your recollection that there was a
8 website known as wildprotest.com, that was
9 encouraging people to come to Washington for a
10 protest on January 6th?

11 MARJORIE TAYLOR GREENE: I don't remember
12 the website, but I'm seeing it here on this, on
13 your paper.

14 ANDREW G. CELLI JR.: Okay, and 'wild' was
15 the term that President Trump used to describe
16 what he thought was going to happen on January
17 6th, right?

18 MARJORIE TAYLOR GREENE: Wild is also a term
19 that high schoolers when they talk about spring
20 break.

21 ANDREW G. CELLI JR.: Fair enough, but
22 whatever the title of the demonstration or the
23 name or the hashtag that was used, you would
24 agree that you were aware, after the election and
25 before January 6th, that people being asked to

1 come to D.C. for a large demonstration to object
2 the certification of Joe Biden as President of
3 the United States. Right?

4 MARJORIE TAYLOR GREENE: I was aware people
5 were coming to support our objection in Congress,
6 and on January 6th, the only thing I was
7 preparing for was objecting.

8 ANDREW G. CELLI JR.: When did you first
9 become aware that there were going to be large
10 demonstrations in D.C. on the 6th?

11 MARJORIE TAYLOR GREENE: I don't recall.

12 ANDREW G. CELLI JR.: Did you consider, at
13 any point, participating in any of those
14 demonstrations?

15 MARJORIE TAYLOR GREENE: It was put on my
16 calendar, but then I never went. We were too
17 busy. We were, you know, looking at all the
18 evidence and preparing for our debates and
19 preparing to object.

20 ANDREW G. CELLI JR.: And who put it on your
21 calendar?

22 MARJORIE TAYLOR GREENE: I don't know.

23 ANDREW G. CELLI JR.: Somebody on your
24 staff, I take it?

25 MARJORIE TAYLOR GREENE: I have no idea.

1 ANDREW G. CELLI JR.: Well, it wasn't a
2 complete stranger, right? It was somebody from
3 your congressional staff, right?

4 MARJORIE TAYLOR GREENE: Probably so, but I
5 have no idea.

6 ANDREW G. CELLI JR.: And as you sit here,
7 can you tell us why it is that an appearance for
8 you at that demonstration was placed on your
9 calendar?

10 MARJORIE TAYLOR GREENE: Can you rephrase
11 that question?

12 ANDREW G. CELLI JR.: How did it come to
13 pass that it was put on your calendar that you
14 were going to appear at a demonstration? I
15 understand you said you were too busy.

16 MARJORIE TAYLOR GREENE: I don't know. I
17 was so busy just preparing to object. I don't
18 know.

19 ANDREW G. CELLI JR.: You were going to go
20 to one of these demonstrations as a speaker,
21 right?

22 MARJORIE TAYLOR GREENE: I don't think so.
23 I was always preparing to object. We were
24 very busy.

25

1 ANDREW G. CELLI JR.: Well, have a look at
2 what we've marked as, what number are we on, 33,
3 and if you go about three pages in, at the bottom
4 of that page, and then over to the next page, it
5 says invited speakers and featured guests.
6 Right?

7 MARJORIE TAYLOR GREENE: I'm assuming it, I
8 guess I was on there because I was invited, but I
9 don't know who made this website. I'm sorry. I
10 can't answer essentially anything about it.

11 ANDREW G. CELLI JR.: Well, you can answer
12 that that's your name and face, right?

13 MARJORIE TAYLOR GREENE: That is my name and
14 face, but I, again, I don't run that website. I
15 have no idea who does, so...

16 ANDREW G. CELLI JR.: My question to you,
17 Representative Greene, is you or someone under
18 your authority at your congressional office
19 authorized you to be placed as a speaker or guest
20 of the Wild Protest demonstration.

21 MARJORIE TAYLOR GREENE: I get many
22 invitations as a member of Congress to many
23 events and all kinds of speaking engagements, and
24 most of the time, those go on my calendar, but
25

1 they have no relevance as to whether I attend or
2 not.

3 ANDREW G. CELLI JR.: So, would it be fair
4 to say, Ms. Greene, that, through your office,
5 you authorized your name and your likeness to be
6 associated with the wild protest.com
7 demonstration?

8 MARJORIE TAYLOR GREENE: No, you cannot say
9 that or assume that. That would be whoever
10 organized this.

11 ANDREW G. CELLI JR.: Well, let's talk about
12 that. Going back to 33. You know Ali Alexander,
13 don't you?

14 MARJORIE TAYLOR GREENE: No, I don't really
15 know him, no.

16 ANDREW G. CELLI JR.: When you say you don't
17 really know him, you've met him, right?

18 MARJORIE TAYLOR GREENE: I've seen him
19 before, but I don't know him.

20 ANDREW G. CELLI JR.: Yeah, how many times
21 have you been in his physical presence, to your
22 knowledge?

23 MARJORIE TAYLOR GREENE: I cannot even,
24 guess hardly any.

25 ANDREW G. CELLI JR.: Ten? Twenty?

1 MARJORIE TAYLOR GREENE: No.

2 ANDREW G. CELLI JR.: Have you shaken his
3 hand?

4 MARJORIE TAYLOR GREENE: I've shaken his
5 hand before, yes. I shake hands with pretty much
6 everyone I meet.

7 ANDREW G. CELLI JR.: Lots of people, right,
8 and he's a friend of yours, right?

9 MARJORIE TAYLOR GREENE: No.

10 ANDREW G. CELLI JR.: Okay. We'll come back
11 for that. Did you discuss, with Mr. Alexander,
12 the idea of you coming to appear at a
13 demonstration on January 6th?

14 MARJORIE TAYLOR GREENE: I do not recall
15 that, no.

16 ANDREW G. CELLI JR.: You're not denying
17 that happened. You just don't recall one way or
18 the other.

19 MARJORIE TAYLOR GREENE: I do not recall
20 that, no.

21 ANDREW G. CELLI JR.: Well, did you discuss,
22 with anybody, attending the Wild Protest
23 demonstration that was planned for January 6th?

24 MARJORIE TAYLOR GREENE: I do not recall
25 ever talking about attending.

1 ANDREW G. CELLI JR.: Other than people on
2 your congressional staff or your campaign staff,
3 list for me all the people who you spoke to about
4 the demonstrations on January 6th.

5 MARJORIE TAYLOR GREENE: That would... I'm
6 sorry, I have no idea.

7 ANDREW G. CELLI JR.: Okay. You don't
8 remember any of them?

9 MARJORIE TAYLOR GREENE: I do not remember.

10 ANDREW G. CELLI JR.: Not any of them?

11 MARJORIE TAYLOR GREENE: No.

12 ANDREW G. CELLI JR.: Okay, and you spoke to
13 some people about those demonstrations prior to
14 being sworn in as a representative from the 14th
15 district, right?

16 MARJORIE TAYLOR GREENE: I don't remember.

17 ANDREW G. CELLI JR.: And you spoke to some
18 of those people after you took the oath on
19 January 3rd and before the sixth, right?

20 MARJORIE TAYLOR GREENE: I don't remember.

21 ANDREW G. CELLI JR.: Did you speak to
22 anybody in government about the fact that there
23 were going to be demonstrations in Washington on
24 January 6th?

25

1 MARJORIE TAYLOR GREENE: I don't remember.
2 We were mostly reading information about election
3 fraud, and people signed affidavits about what
4 they'd witnessed with voter fraud and preparing
5 to object. That was pretty much all I remember
6 doing.

7 ANDREW G. CELLI JR.: Right, pretty much,
8 but your testimony, as you sit here today under
9 oath, is that you didn't talk to anybody in
10 government about the fact that there were going
11 to be large protests in Washington on January
12 6th.

13 MARJORIE TAYLOR GREENE: I don't remember.

14 ANDREW G. CELLI JR.: You spoke to
15 Representative Biggs or his staff about that
16 fact, didn't you?

17 MARJORIE TAYLOR GREENE: I do not remember.

18 ANDREW G. CELLI JR.: How about
19 Representative Gosar?

20 MARJORIE TAYLOR GREENE: I'm sorry, I don't
21 remember.

22 ANDREW G. CELLI JR.: Did you talk to people
23 at the White House about the fact there were
24 going to be large demonstrations on January 6th
25 in Washington?

1 MARJORIE TAYLOR GREENE: I don't remember.

2 ANDREW G. CELLI JR.: Prior to January 6th,
3 Representative Greene, did anyone ever mention to
4 you the possibility that there might be violence
5 in Washington on January 6th, 2021?

6 MARJORIE TAYLOR GREENE: I don't remember.

7 ANDREW G. CELLI JR.: So, it's possible that
8 folks told you things could get violent in
9 Washington on January 6th, right?

10 MARJORIE TAYLOR GREENE: I was a brand-new
11 member of Congress, if, I don't remember those
12 conversations, but I would hope Nancy Pelosi and
13 those in charge of the Capital were taking the
14 Capital security very seriously.

15 ANDREW G. CELLI JR.: My question was just
16 about whether anybody at all ever mentioned to
17 you the possibility of violence.

18 MARJORIE TAYLOR GREENE: I don't remember.

19 ANDREW G. CELLI JR.: So, you're not denying
20 it. You're just saying you don't recall.

21 MARJORIE TAYLOR GREENE: I don't recall.

22 ANDREW G. CELLI JR.: And you don't recall
23 that people said we're having these big
24 demonstrations in Washington and some of the

25

1 people who come to those demonstrations might
2 become violent. That never happened?

3 MARJORIE TAYLOR GREENE: The only violence I
4 ever seen was the Antifa and BLM riots and I've
5 been to so many Trump rallies, have never once
6 seen violence out of Trump people. I don't
7 recall any talk of violence.

8 ANDREW G. CELLI JR.: And you knew that the
9 people who were coming for the demonstrations on
10 January 6 those were Trump people, right?

11 MARJORIE TAYLOR GREENE: I knew there were
12 many people coming to support President Trump and
13 our objection on January 6.

14 ANDREW G. CELLI JR.: Right. And at least
15 some of them were coming because you asked them
16 to come, right?

17 MARJORIE TAYLOR GREENE: I didn't per -- I
18 don't recall personally asking people to come but
19 evidently I Tweeted about January 6.

20 ANDREW G. CELLI JR.: Anybody -- strike
21 that. Did you have any conversations with
22 anybody in Government, representatives, senators,
23 White House staff, the President of the United
24 States at the time, any government official or
25 government employee about the fact -- this is now

1 prior to January 6 about the fact that there was
2 a risk of people coming to Washington for January
3 6 demonstrations might become violent?

4 JAMES BOPP: I object. That's the fourth
5 time he's asked the same questions. She's
6 repeatedly saying--.

7 ANDREW G. CELLI JR.: It's not the same
8 question.

9 JAMES BOPP: It really is the last question.

10 ANDREW G. CELLI JR.: Why didn't you ask
11 questions the last time?

12 MARJORIE TAYLOR GREENE: I don't recall.

13 ANDREW G. CELLI JR.: Ms. Greene, did you
14 ever hear that from any source prior to January 6
15 that some folks were planning to come to
16 Washington on January 6 and the idea was that
17 they were going to flood the Capitol with people.

18 MARJORIE TAYLOR GREENE: No. I don't
19 remember ever hearing that.

20 ANDREW G. CELLI JR.: And you never
21 discussed that with anybody?

22 MARJORIE TAYLOR GREENE: No, I do not
23 remember that.

24
25

1 ANDREW G. CELLI JR.: But you supported the
2 idea of people coming to Washington on January 6
3 and flooding the Capitol, right?

4 MARJORIE TAYLOR GREENE: No. I support
5 people's first amendment to have a peaceful
6 protest, use their freedom of speech.

7 ANDREW G. CELLI JR.: Well previously you
8 publicly said that one way for people to express
9 their displeasure with their government would be
10 to flood the Capitol building with people, right?

11 MARJORIE TAYLOR GREENE: The Capitol belongs
12 to the people. That's where you come and speak
13 to your senators, your representatives. You come
14 to express your views. You come to talk about
15 how you want your tax dollars spent. You come to
16 talk about how you want senators or
17 representatives to vote.

18 ANDREW G. CELLI JR.: My question is a bit
19 more narrow than that. You publicly expressed
20 support for the idea that people should come to
21 Washington to express their displeasure with
22 their government by flooding the Capitol.

23 MARJORIE TAYLOR GREENE: I don't remember.

24 JAMES BOPP: Your Honor--.

25

1 JUDGE CHARLES R. BEAUDROT: Amend the
2 question actually and move on.

3 ANDREW G. CELLI JR.: Can we have the
4 exhibit 23, please? I placed in front of you
5 what was previously marked as Petitioner's
6 Exhibit 23 which is a CNN article entitled 2019
7 Marjorie Taylor Greene told protestors to flood
8 the Capitol and feel free to use violence.

9 JAMES BOPP: Your Honor, I object. This is
10 2019. How many years back? High school? Do we
11 have to be treated with statements that like
12 flood the Capitol, flood the Capitol--.

13
14 ANDREW G. CELLI JR.: Your Honor, this is a
15 speaking objection. It's not appropriate.

16 JUDGE CHARLES R. BEAUDROT: Go ahead. You
17 may -- if you can figure out how you can lay the
18 foundation for this you may proceed.

19 ANDREW G. CELLI JR.: Thank you. I want to
20 direct your attention to Representative Greene to
21 the second page of this exhibit.

22 JUDGE CHARLES R. BEAUDROT: Could you please
23 go through the top so she knows what she's
24 looking for?

25

1 ANDREW G. CELLI JR.: Yes. I thought I did
2 but--.

3 JUDGE CHARLES R. BEAUDROT: I didn't hear
4 it. I'm sorry.

5 ANDREW G. CELLI JR.: Okay. Ms. Greene,
6 this is an article that appeared we believe in
7 CNN late January 6. Can I ask if you've seen
8 this document before?

9 MARJORIE TAYLOR GREENE: Nope I haven't seen
10 it.

11 ANDREW G. CELLI JR.: Yeah. I'm going to
12 ask some questions about statements that are
13 attributed to you in this article and tell me if
14 you made them or not. Okay? Second page of the
15 document has a quotation that reads, quote, "All
16 of us together when we rise up we can end all of
17 this. We can end it. We can do it peacefully.
18 We can. I hope we don't have to do it the other
19 way. I hope not. But we should feel like we
20 will if we have to because we are the American
21 people." Do you recall making that statement in
22 2019 in connection with a protest around Fund the
23 Wall?

24 MARJORIE TAYLOR GREENE: No, I don't recall.

25 JAMES BOPP: Asked and answered. I object.

1 ANDREW G. CELLI JR.: Are you denying that
2 you made that statement?

3 JUDGE CHARLES R. BEAUDROT: Objection noted.

4 M : Do you deny that you made that
5 statement?

6 MARJORIE TAYLOR GREENE: I'm saying I don't
7 recall. This is--.

8 ANDREW G. CELLI JR.: You're not denying it.
9 You just don't recall.

10 MARJORIE TAYLOR GREENE: It said CNN
11 article.

12 JAMES BOPP: She said she does not recall.
13 That is the answer.

14 ANDREW G. CELLI JR.: Further out please.
15 Keep going. I'm sorry, Judge. I'm missing a
16 page in my copy of the exhibit.

17 JUDGE CHARLES R. BEAUDROT: Okay.

18 ANDREW G. CELLI JR.: Go on. I'm sorry.
19 Bottom of the - yeah down a little bit. Thank
20 you. You can stop right there. A little further
21 along in the article I'm just going to ask you
22 whether you made this comment. "If we have a sea
23 of people we will shut down the streets. If we
24 shut down everything, if we flood the Capitol
25 building, go inside, these are public buildings.

1 We own them. We own these buildings. Do you
2 understand that? We own the buildings and we pay
3 all the people that work in the buildings." Did
4 you say that in connection with the Fund the Wall
5 demonstration in February of 2019?

6 JAMES BOPP: And because it's about the Fund
7 the Wall demonstration I'm not after she was
8 sworn in as a member of Congress and taken as--.

9 ANDREW G. CELLI JR.: It's irrelevant.

10 JAMES BOPP: Completely irrelevant to what
11 she--.

12 JUDGE CHARLES R. BEAUDROT: [INDISCERNIBLE
13 03:43:23].

14 ANDREW G. CELLI JR.: Did you say that?

15
16 MARJORIE TAYLOR GREENE: I don't recall.
17 You're using CNN and they've chopped up my words
18 so many times. They've lied about me so many
19 times. I mean you sound like you have as many
20 conspiracy theories as QAnon at this point.

21 ANDREW G. CELLI JR.: Well you believe in
22 QAnon, right?

23
24 MARJORIE TAYLOR GREENE: No. I did not say
25 I believe in QAnon.

1 ANDREW G. CELLI JR.: You don't believe in
2 QAnon?

3 JUDGE CHARLES R. BEAUDROT: This is not
4 relevant. Let's move on.

5 ANDREW G. CELLI JR.: She brought it up,
6 Your Honor. Can we go to PX 84 please as well?

7 JUDGE CHARLES R. BEAUDROT: Which one?

8

9 ANDREW G. CELLI JR.: 84.

10 JUDGE CHARLES R. BEAUDROT: 84.

11 ANDREW G. CELLI JR.: Is that your face, Ms.
12 Greene?

13 MARJORIE TAYLOR GREENE: It appears to be.

14 ANDREW G. CELLI JR.: So, this is a video
15 but I'm going to ask that we play it and stop at
16 a minute and 50 seconds. And simply ask if
17 that's you making those statements.

18 JAMES BOPP: Your Honor, before he starts
19 running this, I want -- I object unless he
20 ensures us that this is the complete clip not
21 selected pieces. That it's the entire--.

22 ANDREW G. CELLI JR.: We haven't touched it,
23 Your Honor.

24 JAMES BOPP: Okay. I'm not saying you
25 touched it. This is on -- you're prepared to

1 play this I think your responsibility and I've
2 asked the court to require this or object is to
3 make sure that this is not taken out of context.
4 You want to present it as evidence. I think you
5 should be required to explain that this is the
6 entire statement that was made not some selected
7 piece out of context.

8 ANDREW G. CELLI JR.: May I have your ear on
9 this, Your Honor?

10 JUDGE CHARLES R. BEAUDROT: Sure of course.
11 Go ahead.

12 ANDREW G. CELLI JR.: Your Honor, we've been
13 denied the opportunity to conduct discovery in
14 this case as Your Honor knows. Given the speed
15 with which this proceeding had to go forward. We
16 have been denied the opportunity to issue
17 subpoenas to get records to do precisely what Mr.
18 Bopp would like me to do. In fact, Mr. Bopp
19 objected to all of those things and said we don't
20 want them to do those things. So, the idea now
21 that he is objecting to us playing a portion of
22 his own client's words, she can defend herself
23 quite ably. She will tell us if it's out of
24 context or if it's QAnon or something else.

25

1 JUDGE CHARLES R. BEAUDROT: Let's back up.
2 First of all, what is this again?

3 ANDREW G. CELLI JR.: This is a video we
4 believe of the Congresswoman making a statement.

5 JUDGE CHARLES R. BEAUDROT: And where did it
6 come from?

7
8 ANDREW G. CELLI JR.: It came from the CNN
9 article linked to it from Facebook.

10 JUDGE CHARLES R. BEAUDROT: But this was
11 pulled off of what? The internet?

12 ANDREW G. CELLI JR.: Well, it was connected
13 through CNN I believe. No? From a Tweet.

14 JUDGE CHARLES R. BEAUDROT: Next question.
15 This is the complete what was there? Is that
16 what was there?

17 ANDREW G. CELLI JR.: That's what was there,
18 yes.

19 JUDGE CHARLES R. BEAUDROT: Okay. If you
20 made any alterations?

21 ANDREW G. CELLI JR.: No, sir.

22 JUDGE CHARLES R. BEAUDROT: Are you aware of
23 any alterations?

24
25 ANDREW G. CELLI JR.: No, sir.

1 JUDGE CHARLES R. BEAUDROT: Okay. Do we
2 know when it was made?

3 ANDREW G. CELLI JR.: We believe it was made
4 in February of 2019 but I think--.

5 JUDGE CHARLES R. BEAUDROT: Now I ask the
6 witness this about it.

7 ANDREW G. CELLI JR.: Can we play the video
8 please?

9 VIDEO: In Washington D.C on February 23 and
10 protest and march with me at 8 AM. Please. I'm
11 begging you. If we have -- okay, if we have a
12 sea of people, if we shut down the streets, if we
13 shut down everything, if we flood the Capitol
14 building, flood all the government buildings, go
15 inside, these are public buildings. We own them.
16 We own these buildings. Do you understand that?
17 We own the buildings and we pay all the people
18 that work in the buildings. You know what?
19 February 23 may be kind of cold. We're going to
20 go inside. We're going to be warmer. And then
21 we're going to demand that our Federal Government
22 serve we the people. Because we're sick and
23 tired of their ways. We're sick and tired of the
24 crap show. See, here's the issue. Here's the
25 issue, America. They think that we're stupid.

1 And they treat us like we're stupid. And we
2 allow it. We allow it. Well no more. We're not
3 going to allow it any more. We want solutions to
4 the problems. We want to take care of America.
5 America is first. Americans come first with
6 Americans tax payer dollars. We're done. We're
7 done. And we have a massive list of grievances.
8 Okay? We have a huge list of grievances. And
9 that's why on February 23 in Washington D.C. at 8
10 AM we're going to march and protest and I am
11 telling you to get your butt there. I'm begging
12 all of you to be there. Be there. Let's make
13 this huge. There's a lot of really, really great
14 people organizing this. You don't even know.

15 ANDREW G. CELLI JR.: Ms. Greene, that's
16 you, right?

17 MARJORIE TAYLOR GREENE: That's me.

18 ANDREW G. CELLI JR.: And in that clip you
19 refer to people to come to Washington and flood
20 the Capitol, right?

21 MARJORIE TAYLOR GREENE: What year was that?

22 ANDREW G. CELLI JR.: You tell me, Ms.
23 Greene.

24 MARJORIE TAYLOR GREENE: I believe it was
25 for February 23, 2019.

1 ANDREW G. CELLI JR.: Right.

2 MARJORIE TAYLOR GREENE: There was no
3 violence that day. We peacefully protested.

4 ANDREW G. CELLI JR.: Fair enough but my
5 point is ask you the question you were urging
6 people for that demonstration to flood the
7 Capitol.

8 MARJORIE TAYLOR GREENE: To peacefully
9 protest with me. And enter the Capitol and ask
10 our lawmakers to serve the American people.

11 ANDREW G. CELLI JR.: So, now you remember
12 giving that statement, right?

13 MARJORIE TAYLOR GREENE: Now that we've
14 watched the video I remember that.

15 ANDREW G. CELLI JR.: Now that your memory
16 has been jogged a little bit, do you remember
17 talking about that demonstration being done on a
18 peaceful basis?

19 MARJORIE TAYLOR GREENE: That demonstration
20 was peaceful.

21 ANDREW G. CELLI JR.: And you remember that
22 you said we can do it peacefully, right?

23 MARJORIE TAYLOR GREENE: Of course I only
24 believe in peaceful demonstration. I do not
25 support violence.

1 ANDREW G. CELLI JR.: In fact, what you said
2 is we can do it peacefully. We can. I hope we
3 don't have to do it the other way. I hope not.
4 But we should feel like we will if we have to.
5 Because we are the American people. That was
6 another statement that you made in the same
7 presentation, correct?

8 MARJORIE TAYLOR GREENE: That was in your
9 CNN article and I don't trust CNN as a source.
10 They've lied about me in it multiple times.

11 ANDREW G. CELLI JR.: Are you denying that
12 under oath that you made that statement?

13 MARJORIE TAYLOR GREENE: I'm not. I just
14 don't recall -- I'm not recalling saying
15 specifically that. The demonstration was
16 peaceful. History shows that.

17 JUDGE CHARLES R. BEAUDROT: What year was
18 this again?

19 MARJORIE TAYLOR GREENE: 2019. It has
20 nothing to do with January 6.

21 ANDREW G. CELLI JR.: I'll move on, Your
22 Honor.

23 JUDGE CHARLES R. BEAUDROT: You're pushing
24 the envelope.

25

1 JAMES BOPP: I thought you already fall off
2 the cliff.

3 ANDREW G. CELLI JR.: NO comments. I'd
4 appreciate to keep his comments to himself at the
5 moment. He can do that with the cameras outside
6 when the time comes.

7 JAMES BOPP: I'm serious. We need to get
8 back to task.

9 ANDREW G. CELLI JR.: Ms. Greene, did you or
10 any member of your government or campaign staff
11 communicate with Anthony Aguero about the events
12 of January 6 prior to January 6?

13 MARJORIE TAYLOR GREENE: I don't recall.

14 ANDREW G. CELLI JR.: Did you or any member
15 of your staff -- Congressional staff, campaign
16 staff communicate with somebody named Dustin
17 Stockton prior to January 6?

18 MARJORIE TAYLOR GREENE: I don't think I
19 know who that is.

20 ANDREW G. CELLI JR.: Okay. How about
21 Jennifer Lawrence, not the actress but a Jennifer
22 Lawrence involved in conservative politics with
23 you or any member of your congressional or
24 campaign staff communicate with Ms. Lawrence

25

1 prior to January 6 about the demonstrations that
2 were planned for that day?

3

4 MARJORIE TAYLOR GREENE: I don't recall. I
5 don't think I know who that is.

6 ANDREW G. CELLI JR.: Did you or any member
7 of your campaign or congressional staff, Ms.
8 Greene, provide any support for any
9 demonstrations that occurred on January 6, 2021?

10 MARJORIE TAYLOR GREENE: I have no idea. I
11 don't think so. I don't recall.

12 ANDREW G. CELLI JR.: Did you or any member
13 of your staff provide information, advice, funds,
14 printed material, promise of a public statement,
15 to withhold a public statement, anything along
16 those lines in connection with the demonstrations
17 that were planned for January 6?

18 MARJORIE TAYLOR GREENE: I don't remember.
19 I don't think so.

20 ANDREW G. CELLI JR.: And if somebody were
21 to come in here and say, oh yeah, she gave us
22 support for our demonstrations you'd say I don't
23 remember that. That didn't happen.

24

25

1 MARJORIE TAYLOR GREENE: I'm not sure what
2 you're saying. I think you're speculating that
3 hypothetical.

4 ANDREW G. CELLI JR.: Prior to January 6,
5 2021 you heard that people were planning to enter
6 the Capitol on January 6 and engage in violence,
7 right?

8 MARJORIE TAYLOR GREENE: No.

9 JAMES BOPP: I object that. I think that's
10 the fifth time you've said that.

11 JUDGE CHARLES R. BEAUDROT: No, she answered
12 the question.

13 ANDREW G. CELLI JR.: Never heard that from
14 anybody?

15 MARJORIE TAYLOR GREENE: No.

16 ANDREW G. CELLI JR.: And prior to January
17 6, 2021, you were aware that people were going to
18 make noise outside the Capitol as a means to
19 disrupt the proceedings inside the Capitol. Is
20 that fair?

21 MARJORIE TAYLOR GREENE: No, I have no idea
22 what you're talking about.

23 ANDREW G. CELLI JR.: Prior to January 6,
24 2021, have you heard that people were planning to
25

1 enter the Capitol building illegally in order to
2 disrupt the electoral counting process?

3 MARJORIE TAYLOR GREENE: No. Absolutely
4 not. I don't know anything about that.

5 ANDREW G. CELLI JR.: Your Honor, I think
6 it's 12:45.

7 JUDGE CHARLES R. BEAUDROT: Well, let's talk
8 about that. How much longer do you think you
9 need?

10 ANDREW G. CELLI JR.: I don't know.
11 Probably an hour.

12 JUDGE CHARLES R. BEAUDROT: Well, why don't
13 we take an -- I'm going to change. Let's take an
14 hour and let's be back here at 40 minutes so
15 that's 1:45.

16 ANDREW G. CELLI JR.: Can I respectfully ask
17 to make it 45 minutes.

18 JUDGE CHARLES R. BEAUDROT: 1:45 minutes.
19 You want to make it 12:30? I mean 1:30. I'm
20 sorry. I'm challenged with the clock. 1:30, 45
21 minutes, Mr. Bopp?

22 ANDREW G. CELLI JR.: Is that okay with you,
23 Congresswoman?

24
25 MARJORIE TAYLOR GREENE: To continue?

1 JUDGE CHARLES R. BEAUDROT: We got 45
2 minutes for lunch. Is that okay?

3 MARJORIE TAYLOR GREENE: Oh sure.

4 JUDGE CHARLES R. BEAUDROT: O kay. Well,
5 let's -- we'll reconvene in 45 minutes which will
6 be 1:30.

7 ANDREW G. CELLI JR.: Thank you, sir.

8 JAMES BOPP: Your Honor, do we need to clear
9 the table off or?

10 JUDGE CHARLES R. BEAUDROT: I believe it's
11 your right.

12 (OVERLAY)

13 JUDGE CHARLES R. BEAUDROT: We'll see
14 everybody back at 1:30.

15 (LUNCH)

16 (OVERLAY)

17 JUDGE CHARLES R. BEAUDROT: Please be
18 seated.

19 ANDREW G. CELLI JR.: Thank you, sir.

20 JUDGE CHARLES R. BEAUDROT: I was going to
21 bring it up.

22 ANDREW G. CELLI JR.: I want to go back and
23 ask just a couple narrow questions and then we'll
24 move to another topic. The Twitter handle

25

1 @mtgreene, that's your Twitter handle, right or
2 it was before your account was suspended.

3 MARJORIE TAYLOR GREENE: Before my account
4 was permanently banned.

5 ANDREW G. CELLI JR.: Got it. And during
6 the period from January 3, to January 6 did you
7 or anybody in your office, your congressional
8 office provide tours either formally or
9 informally people of the U.S. Capitol?

10 MARJORIE TAYLOR GREENE: No. The only
11 people that were with me was my husband and my
12 children.

13 ANDREW G. CELLI JR.: That would be on the
14 third. Is that right?

15

16 MARJORIE TAYLOR GREENE: They were -- I
17 don't recall the exact days. I believe they went
18 back to Georgia on the 4th.

19 ANDREW G. CELLI JR.: Okay. I'm trying to
20 capture the period January 3 when you were sworn
21 in until January 6. At any time during that
22 period did anybody in your office provide tours
23 to anybody of the U.S. Capitol?

24 MARJORIE TAYLOR GREENE: No.

25

1 ANDREW G. CELLI JR.: Okay. And during that
2 period, did anybody on your campaign staff or did
3 you authorize provision of funds, money to people
4 who were planning a demonstration on January 6?

5 MARJORIE TAYLOR GREENE: I don't think so.
6 I don't recall that at all.

7 ANDREW G. CELLI JR.: If you wanted to know
8 the answer to that question, who would you ask?

9
10 MARJORIE TAYLOR GREENE: I would have to
11 talk to people on my campaign but I don't think
12 we did any -- how would we have done that? We
13 didn't do anything like that?

14 ANDREW G. CELLI JR.: During that same
15 period of January 3 to January 6, did you or
16 anybody on your campaign or congressional staff
17 provide any information, any sort to anyone in
18 connection with January 6 demonstrations?

19 MARJORIE TAYLOR GREENE: I don't think so.
20 I have no idea. I don't think so.

21 ANDREW G. CELLI JR.: And did you have
22 members of the public visit your congressional
23 office between January 3 or January 6?

24 MARJORIE TAYLOR GREENE: No.

25

1 ANDREW G. CELLI JR.: And during that period
2 from January 3 to January 6 did anyone from your
3 congressional office or you campaign provide maps
4 for the location of offices within the Capitol--?

5 MARJORIE TAYLOR GREENE: No. We got our
6 keys to my office on January 3. I couldn't even
7 find where the bathroom was most of the time.

8 ANDREW G. CELLI JR.: You know why I'm
9 asking these questions, don't you, Representative
10 Greene?

11 MARJORIE TAYLOR GREENE: I have no idea why
12 you're asking these questions.

13 ANDREW G. CELLI JR.: Representative Greene,
14 you're familiar with the significance of the year
15 1776 in U.S. history, right?

16 MARJORIE TAYLOR GREENE: Yes.

17 ANDREW G. CELLI JR.: 1776 is the year that
18 the Declaration of Independence was signed,
19 right?

20 MARJORIE TAYLOR GREENE: Mm-hm.

21 ANDREW G. CELLI JR.: And that was a
22 statement by representatives of the 13 colonies
23 that they were no longer subject to the authority
24 of British crown, right?

25

1 MARJORIE TAYLOR GREENE: They were -- there
2 was a declaration of independence from the
3 British crown.

4 ANDREW G. CELLI JR.: Right. And in fact,
5 you may recall this from your studies the
6 Declaration of Independence refers to King George
7 tyrant, right?

8 MARJORIE TAYLOR GREENE: I'm sure it may say
9 that somewhere in the history. I don't have the
10 history books in front of me and I don't know
11 which one you're referring to but.

12 ANDREW G. CELLI JR.: Well, I'm referring to
13 the Declaration of Independence. That's the one
14 that says that King George was a tyrant unfit to
15 be ruler of free people.

16 MARJORIE TAYLOR GREENE: Are you quoting the
17 Declaration--?

18 ANDREW G. CELLI JR.: Yes.

19 MARJORIE TAYLOR GREENE: Okay.

20 ANDREW G. CELLI JR.: You will accept that,
21 won't you?

22 MARJORIE TAYLOR GREENE: If you're quoting
23 it.

24
25

1 ANDREW G. CELLI JR.: Okay. And you would
2 agree that when a government acts tyrannically
3 then it's unfit to be the ruler of a free people.

4 MARJORIE TAYLOR GREENE: Typically against
5 tyrannical governments here.

6 ANDREW G. CELLI JR.: And the people who
7 wrote the Declaration of Independence they were
8 working with other people in the colonies to
9 express their independence from Britain, right?

10 MARJORIE TAYLOR GREENE: I wasn't alive back
11 then but there's the history. I'm not a history
12 expert but as you said.

13 ANDREW G. CELLI JR.: Well, you've heard of
14 the American Revolution, haven't you?

15 MARJORIE TAYLOR GREENE: Of course I have,
16 yes.

17 ANDREW G. CELLI JR.: Okay and you know that
18 the American Revolution was a violent rebellion
19 against British rule in the colonies.

20 MARJORIE TAYLOR GREENE: Yes.

21 ANDREW G. CELLI JR.: And they were trying
22 to overthrow the government in Britain that was
23 ruling the colonies, right?

24 MARJORIE TAYLOR GREENE: America was trying
25 to start our own government.

1 ANDREW G. CELLI JR.: Right. And to do that
2 they had to get rid of the British colonial
3 officials who were here in America and throw them
4 out.

5 MARJORIE TAYLOR GREENE: Yes.

6 ANDREW G. CELLI JR.: And they viewed the
7 British officials here on the ground in Britain
8 as a tyrannical government, right?

9
10 MARJORIE TAYLOR GREENE: Yes.

11 ANDREW G. CELLI JR.: Okay. That was an
12 insurrection. Wouldn't you agree? The American
13 Revolution was an insurrection against the
14 government?

15 MARJORIE TAYLOR GREENE: I don't believe it
16 -- I don't know where it said that.

17 ANDREW G. CELLI JR.: Well, I'm asking you
18 whether or not you agree that the American
19 Revolution was an insurrection against the
20 British government.

21 MARJORIE TAYLOR GREENE: I believe it was
22 the American Revolution is part of our history
23 where we separated from the crown and started our
24 own government here.

25

1 ANDREW G. CELLI JR.: Right. And the
2 separation was brought about by violence, right?

3 MARJORIE TAYLOR GREENE: There was a
4 revolutionary war, yes.

5 ANDREW G. CELLI JR.: Yeah. And the
6 violence of -- the colonists were justified in
7 using violence to get rid of the tyrannical
8 government of Britain their officials in America.
9 Right?

10 MARJORIE TAYLOR GREENE: Is that your
11 opinion? I assume so.

12 ANDREW G. CELLI JR.: I'm asking you.

13 MARJORIE TAYLOR GREENE: It was a
14 revolutionary war. It was violent.

15 ANDREW G. CELLI JR.: Okay. Now, you've
16 actually talked publicly about the Declaration of
17 Independence calling for the overthrow of
18 tyrannical governments, right? That's something
19 you discussed publicly?

20 MARJORIE TAYLOR GREENE: Are you referencing
21 something I've said somewhere?

22

23 ANDREW G. CELLI JR.: Well, do you recall
24 talking about that topic?

25

1 MARJORIE TAYLOR GREENE: I've talked about
2 the Declaration of Independence but I don't know
3 what occasion you're referring to.

4 ANDREW G. CELLI JR.: Okay. Well, one of
5 the occasions where you talked about the
6 Declaration of Independence was in connection
7 with January 6, right?

8 MARJORIE TAYLOR GREENE: I don't know.

9 ANDREW G. CELLI JR.: Okay. Let's go to
10 Plaintiff's 15 please. Plaintiff's 15. Hang on
11 one second as well. Ms. Greene, I'm going to
12 play the short clip and ask if that's you
13 speaking on video, okay?

14 JAMES BOPP: What's the date on this? I
15 can't read it from here.

16 ANDREW G. CELLI JR.: Sorry. October 26,
17 2021. If you can play the clip please?

18 VIDEO: The riot at the Capitol and if you
19 think about what our Declaration of Independence
20 says, it says to overthrow tyrants.

21 ANDREW G. CELLI JR.: That's your statement,
22 right?

23 MARJORIE TAYLOR GREENE: I don't believe it
24 was finished but that was me. I don't recall --

25

1 I don't know what the rest of what I was saying
2 because it was cut off.

3 ANDREW G. CELLI JR.: But in that statement
4 that we looked at, you're comparing the overthrow
5 of the British crown in America 1776 to January
6 6.

7 MARJORIE TAYLOR GREENE: I don't know what
8 my statement was because it was cut off.

9 ANDREW G. CELLI JR.: Now you've talked
10 about the need for people to have guns in order
11 to secure their rights against the tyrannical
12 government, right?

13 MARJORIE TAYLOR GREENE: Yes, we have a
14 second amendment for a good reason.

15 ANDREW G. CELLI JR.: Right. And the good
16 reason is in case they need to overthrow their
17 government they can use their guns to do that.

18 MARJORIE TAYLOR GREENE: We have -- well,
19 you're twisting things around. Could you
20 rephrase your question please?

21 ANDREW G. CELLI JR.: Well, I'm reaching to
22 your answer. You said that we have a second
23 amendment and that's a good thing and I said that
24 the reason from your point of view that there is
25 a second amendment is so that people can

1 overthrow their government by violent means with
2 guns.

3 MARJORIE TAYLOR GREENE: That's not the
4 exact purpose. We defend ourselves. Say if you
5 know if you're being attacked you know a gun is a
6 tool to defend yourself.

7 ANDREW G. CELLI JR.: Right and but one of
8 the things it could be used for -- strike that.
9 Let's go to PX6. I'm going to play a video here
10 and ask a couple questions about it. Well, first
11 let me just ask you do you recall giving an
12 interview as reflected on PX6 in October of 2020
13 just about a week before the election at
14 something called the Relic Hunter Firearm Shop?

15 MARJORIE TAYLOR GREENE: Mm-hm, I vaguely
16 remember.

17 ANDREW G. CELLI JR.: Okay. And that's you
18 on the left and the gentleman on the right is the
19 owner of the shop. Am I right about that?

20

21 MARJORIE TAYLOR GREENE: No.

22 ANDREW G. CELLI JR.: Okay. Who's that just
23 so I know?

24

25 MARJORIE TAYLOR GREENE: Mr. Door.

1 ANDREW G. CELLI JR.: Who's Mr. Door?

2

3 MARJORIE TAYLOR GREENE: He's a gun rights
4 activist and just someone I know.

5 ANDREW G. CELLI JR.: Got it. And it's
6 backwards because of the video but Mr. Door's t-
7 shirt says I am 1776 Percent sure that no one is
8 taking my guns. You agree that that's what it
9 says?

10

11 MARJORIE TAYLOR GREENE: Yes.

12 ANDREW G. CELLI JR.: Okay. So, let's play
13 the video.

14 JAMES BOPP: I object to playing this. I
15 have watched this. Right in the middle there was
16 a section cut off right in the middle. So, it
17 has been edited and who's the source of this?

18 ANDREW G. CELLI JR.: The source of this is
19 Marjorie Taylor Greene, it's owned with the price
20 of blood. That's what we're going to be talking
21 about.

22 JAMES BOPP: No. Who's the source of the
23 video? Who--.

24 ANDREW G. CELLI JR.: Where did we get this
25 from? YouTube.

1 JAMES BOPP: YouTube. Okay. Well, I know
2 you'll need to see it but.

3 JUDGE CHARLES R. BEAUDROT: We'll see it and
4 then you can make -- obviously that's difficult
5 to cross examine a video but it's certainly
6 possible to say what's--.

7 ANDREW G. CELLI JR.: I'm going to ask a lot
8 of questions about it, Judge, and she can tell us
9 if it's--.

10 JUDGE CHARLES R. BEAUDROT: Yeah. That she
11 can. Go ahead.

12 VIDEO: But--.

13 JUDGE CHARLES R. BEAUDROT: Stop. We're not
14 watching the whole thing. Pick it up at 11 is
15 that correct?

16 ANDREW G. CELLI JR.: It's a minute and nine
17 seconds, Your Honor.

18 JUDGE CHARLES R. BEAUDROT: No, what I'm
19 asking is -- oh I see it's sure -- it looked like
20 we were halfway that's why I was saying--.

21 ANDREW G. CELLI JR.: No, no.

22 JUDGE CHARLES R. BEAUDROT: It wasn't the
23 whole thing.

24 ANDREW G. CELLI JR.: Can you go back, Ms.
25 Wells, to just to the very beginning?

1 JUDGE CHARLES R. BEAUDROT: Yeah let's start
2 it over.

3 VIDEO: But here's the deal. If this
4 generation doesn't stand up and defend freedom,
5 it's gone. And once it's gone, freedom doesn't
6 come back by itself. The only way you get your
7 freedoms back is the price of blood. We can't
8 [INDISCERNIBLE 04:19:50] too worried about
9 offending someone anymore. This is it. November
10 3, freedom is on the ballot. You have a choice
11 of either voting for freedom by voting for Donald
12 J. Trump for President again four more years,
13 voting Republican straight down your ballot or
14 you're going to vote for socialism and vote to
15 completely end America as we know it. This is no
16 joke. They do not want you to be able to defend
17 yourself. Because if you can defend yourself,
18 guess what? Then you stop the tyrannical
19 government. However, if they take away your guns
20 and you can't -- not only can you never stop a
21 tyrannical government you never even defend
22 yourself if someone is breaking into your home.
23 And that's the reality. Its' where we are today
24 in 2020.

25

1 JAMES BOPP: Let me start it off with the
2 cut sentence which is a--.

3 JUDGE CHARLES R. BEAUDROT: Fill me in.

4 JAMES BOPP: Okay. So, whatever she said
5 before is wiped out and then you saw three times
6 when it was cut, okay, and mother Jones I'm sorry
7 I am not going to rely upon them to give an
8 accurate depiction of the [INDISCERNIBLE
9 04:21:08].

10 JUDGE CHARLES R. BEAUDROT: Well we can
11 proceed with questioning. Witness can respond.
12 I mean it is the witness and the statement she
13 made. And she can respond. So--.

14 ANDREW G. CELLI JR.: Look let's establish
15 that. Representative Greene, this is a statement
16 that you made in an interview with Mr. Door in
17 October of 2020, right?

18
19 MARJORIE TAYLOR GREENE: That is a very
20 partial cut off and pasted statement. That is me
21 speaking but my sentences are cut off. My full
22 message is not there.

23 ANDREW G. CELLI JR.: Okay. And in that
24 statement what you say is if you can defend
25 yourself you can stop a tyrannical government.

1 However, if they take away your guns, you can
2 never stop tyrannical government. Right?

3 MARJORIE TAYLOR GREENE: Correct.

4 ANDREW G. CELLI JR.: Okay. And you believe
5 that?

6
7 MARJORIE TAYLOR GREENE: Absolutely.

8 ANDREW G. CELLI JR.: Okay. And in fact,
9 what was done in 1776 was to stop a tyrannical
10 government with guns. Fair?

11
12 MARJORIE TAYLOR GREENE: Sure, yeah.

13 ANDREW G. CELLI JR.: And that was to use
14 violence against the tyrannical government
15 [INDISCERNIBLE 04:22:17]?

16 MARJORIE TAYLOR GREENE: No, they were
17 trying to get rid of a tyrannical government.
18 There was a lot of -- I mean there was a big
19 process. There was big build up there before the
20 revolutionary war.

21 ANDREW G. CELLI JR.: What--.

22 MARJORIE TAYLOR GREENE: The whole purpose
23 was not to use guns for violence.

24 ANDREW G. CELLI JR.: What did you mean--?

25

1 MARJORIE TAYLOR GREENE: As the narrative
2 that you're trying to push here.

3 ANDREW G. CELLI JR.: What did you mean when
4 you said that once you lose your freedom it has
5 to be earned with the price of blood?

6
7 MARJORIE TAYLOR GREENE: Well, once -- I've
8 always said I'm against violence and I've always
9 said I never want to see a war in this country.
10 Never. I've said that over and over again in
11 many speeches and the reason why I say that is
12 because I don't want to see war here on American
13 soil. I have three children that are young
14 adults and I never want to see my children
15 fighting a war, earning back our freedoms. And
16 I've said that. That's what I'm talking about.

17 ANDREW G. CELLI JR.: Earned with the price
18 of blood is a reference to violence, isn't it?

19
20 MARJORIE TAYLOR GREENE: The price of blood
21 is the unfortunate and tragic cost of war. And
22 that's what happened in the Revolutionary War.
23 And that's what I'm talking about.

24
25

1 ANDREW G. CELLI JR.: And you know that the
2 term 1776 is actually a term that's sometimes
3 used in politics today.

4 MARJORIE TAYLOR GREENE: I don't know if
5 you've noticed our state seal here in Georgia. I
6 know you're not from Georgia. But as you can
7 see, we enjoy our history and we're proud of our
8 freedoms. 1776 is on our state seal.

9 ANDREW G. CELLI JR.: Right. And it's also
10 a term that's used in political discourse in
11 America today.

12 MARJORIE TAYLOR GREENE: I don't use it as a
13 term of violence.

14 ANDREW G. CELLI JR.: But you use it as a
15 term, right?

16
17 MARJORIE TAYLOR GREENE: I have used it as a
18 term but I do not use it as a term of violence as
19 you're trying to push.

20
21 ANDREW G. CELLI JR.: We're not up to that
22 yet. You'll have your chance to answer the
23 question you want to answer.

24 MARJORIE TAYLOR GREENE: I understand.

25

1 ANDREW G. CELLI JR.: But you have to start
2 by answering my question, okay?

3

4 MARJORIE TAYLOR GREENE: Sure.

5 ANDREW G. CELLI JR.: You acknowledge that
6 1776 is a term that's used in political discourse
7 today, right?

8 MARJORIE TAYLOR GREENE: Yes.

9 ANDREW G. CELLI JR.: And in fact, one of
10 the examples of 1776 being used in political
11 discourse today is the t shirt that Mr. Door was
12 wearing in the interview that we just saw, right?

13

14 MARJORIE TAYLOR GREENE: We saw a 1776
15 backwards on his t shirt on that cut up day, yes.

16 ANDREW G. CELLI JR.: Right. And you
17 understood that t shirt to mean that people need
18 to possess firearms in order to oppose a
19 tyrannical government?

20

21 MARJORIE TAYLOR GREENE: I don't recall even
22 -- I don't remember seeing his t shirt that day
23 when I saw him. The only time I'm paying
24 attention to it is now because you're drawing the
25 reference.

1 ANDREW G. CELLI JR.: Okay but as you sit
2 here today you understand that what that t shirt
3 is conveying it's a political message is that
4 people needed to -- need to possess firearms in
5 order to oppose the tyrannical government?

6 MARJORIE TAYLOR GREENE: I don't necessarily
7 understand what you're trying to say.

8 ANDREW G. CELLI JR.: I'm just asking
9 whether you have that understanding or not.

10 MARJORIE TAYLOR GREENE: I think you're more
11 trying to push a narrative and push words in my
12 mouth and I don't agree with what you're saying
13 necessarily.

14 ANDREW G. CELLI JR.: As you sit here today,
15 Representative Greene, you know that that term
16 1776 has been used in connection with the events
17 of January 6, 2021.

18 MARJORIE TAYLOR GREENE: I guess so. I
19 don't know.

20 ANDREW G. CELLI JR.: Well, you yourself
21 have used the term 1776 to describe the events of
22 January 6, 2021.

23 MARJORIE TAYLOR GREENE: I don't recall but
24 if you say.

25

1 ANDREW G. CELLI JR.: Let's go to PX27
2 please Ms. [INDISCERNIBLE 04:26:04]. Alright.
3 This video, Your Honor, has been admitted into
4 evidence.

5 JUDGE CHARLES R. BEAUDROT: Right.

6 ANDREW G. CELLI JR.: Ms. Wells, you can
7 play that.

8 VIDEO: I know it wasn't actually planned
9 but President Trump knows how much I support him.
10 He knows how much I support our district,
11 Georgia's 14th District and so I was happy to go
12 up there and encourage our voters to get out and
13 vote. We can't allow our two Republican Senators
14 to lose their seats to two radical socialist
15 Democrats. So, I was excited to get out there
16 and also cheer on Senator Kelly [INDISCERNIBLE
17 04:27:02] for announcing last night that she'll
18 be objecting to this fraudulent stolen election
19 tomorrow on January 6 and I'm very excited that
20 both of us women representing Georgia will be
21 fighting for President Trump and fighting for the
22 integrity of our elections tomorrow. What is
23 your plan tomorrow? How do you plan to handle
24 what could possibly go down in the Joint Session
25 of Congress tomorrow? What are you prepared for?

1 Well, you know, I'll echo the words of many of my
2 colleagues as we were just meeting together in
3 our GOP conference meeting this morning. This is
4 our 1776 moment.

5 ANDREW G. CELLI JR.: That's your statement
6 on January 5, 2021. Correct?

7
8 MARJORIE TAYLOR GREENE: I don't know the
9 date. Again, I don't recall but now that I've
10 seen it what was the date of the video?

11
12 ANDREW G. CELLI JR.: January 5, 2021 but
13 you can't take my word for it we can play it back
14 and you'll see that you're talking about tomorrow
15 is the 6th.

16 MARJORIE TAYLOR GREENE: O kay, yes.

17 ANDREW G. CELLI JR.: Okay. And this is two
18 days after you took the oath of office to be a
19 representative from the 14th Congressional
20 District, correct?

21

22 MARJORIE TAYLOR GREENE: Yes.

23

24

25

1 ANDREW G. CELLI JR.: And you used the term
2 1776 to describe in response to a question from
3 the Newsmax broadcast, right?

4

5 MARJORIE TAYLOR GREENE: I was speaking
6 about objecting.

7 ANDREW G. CELLI JR.: Well, he asked you
8 what is your plan, what are you prepared to have
9 go down tomorrow on January 6 and your response
10 was tomorrow is our 1776 moment. Right?

11 MARJORIE TAYLOR GREENE: I was talking about
12 the courage to object.

13 ANDREW G. CELLI JR.: And you said you were
14 echoing the words of your Republican colleagues.
15 Was the term 1776 used by your Republican
16 colleagues?

17

18 MARJORIE TAYLOR GREENE: I don't recall that
19 was the video but I don't recall.

20 ANDREW G. CELLI JR.: In fact,
21 Representative Bober has used the term 1776 to
22 describe the events of January 6, hasn't she?

23

24 MARJORIE TAYLOR GREENE: I don't recall. I
25 have no idea.

1 ANDREW G. CELLI JR.: L et's go to PX9E
2 please.

3 JUDGE CHARLES R. BEAUDROT: 9?

4 ANDREW G. CELLI JR.: 9E.

5 JUDGE CHARLES R. BEAUDROT: 9E, thank you.

6 ANDREW G. CELLI JR.: Do you recall seeing a
7 Tweet from Representative Bobert from Colorado at
8 8:30 in the morning on January 6, 2001? Today is
9 1776.

10 MARJORIE TAYLOR GREENE: I don't remember
11 seeing this. I see it now. If that's her Tweet.

12 ANDREW G. CELLI JR.: DO you have any doubt
13 that Representative Bobert used the term 1776 to
14 describe the events of January 6?

15
16 MARJORIE TAYLOR GREENE: I don't know.

17 ANDREW G. CELLI JR.: Let's go back to PX27
18 please. So, that was an interview that you gave
19 to News Max, right?

20
21 MARJORIE TAYLOR GREENE: That's what it said
22 on the screen News Max.

23 ANDREW G. CELLI JR.: Okay. You're not
24 denying that, right?

25

1 MARJORIE TAYLOR GREENE: NO, I'm just saying
2 I don't even remember the interview until we seen
3 it.

4 ANDREW G. CELLI JR.: Okay. And that
5 interview was posted that day on your Facebook
6 page.

7 MARJORIE TAYLOR GREENE: I don't remember.

8 ANDREW G. CELLI JR.: We have that? Yeah.
9 Come back to that. Now when you said this is our
10 1776 moment, you knew that some of the people who
11 felt that Donald Trump was the rightful winner of
12 the 2020 election used that term to refer to the
13 possibility of violence on January 6, 2021.

14
15 MARJORIE TAYLOR GREENE: No I never heard
16 anyone talking about violence for January 6.
17 Absolutely not.

18 ANDREW G. CELLI JR.: You never heard about
19 anyone using the term 1776 to refer to the
20 possibility--?

21 MARJORIE TAYLOR GREENE: I would never use--
22 .

23 ANDREW G. CELLI JR.: Let me finish my
24 question, Representative.

25

1 MARJORIE TAYLOR GREENE: Okay, excuse me.
2 Sorry.

3 ANDREW G. CELLI JR.: I don't mean to cut
4 you off.

5 MARJORIE TAYLOR GREENE: No I apologize.

6 ANDREW G. CELLI JR.: You've never heard
7 anybody say use the term 1776 as a code word for
8 violence to occur on January 6, 2021?

9
10 MARJORIE TAYLOR GREENE: No. Absolutely
11 not.

12 ANDREW G. CELLI JR.: You're familiar with
13 the group called The Proud Boys?

14
15 MARJORIE TAYLOR GREENE: I've heard of them.

16 ANDREW G. CELLI JR.: And you know that The
17 Proud Boys it has developed at a written plan for
18 conduct on January 6, 2021, right?

19 MARJORIE TAYLOR GREENE: No I did not know
20 that.

21 ANDREW G. CELLI JR.: Okay. The Proud Boys
22 are an extremist violent group, you would agree
23 with that?

24
25

1 MARJORIE TAYLOR GREENE: I don't know much
2 about The Proud Boys.

3 ANDREW G. CELLI JR.: Never heard that
4 they're a violent extremist group?

5
6 MARJORIE TAYLOR GREENE: I have heard about
7 them. I don't know what they do. I don't know
8 much about The Proud Boys.

9 ANDREW G. CELLI JR.: you haven't heard that
10 the written plan attributed to The Proud Boys for
11 January 6 was called 1776 returns?

12 MARJORIE TAYLOR GREENE: No I have no idea
13 anything about that.

14 ANDREW G. CELLI JR.: Never heard that.
15 Okay. That's pull up PX39. This is an article
16 that appeared in the New York Times on March 14,
17 2020 entitled document [INDISCERNIBLE 04:33:03]
18 case shows plan to storm government buildings.
19 Have you seen this document?

20
21 MARJORIE TAYLOR GREENE: I've never seen it,
22 no.

23 ANDREW G. CELLI JR.: Let me get you a copy
24 so you can have a look. There you go. Ms.
25 Greene, did you see a story in the New York Times

1 or in any other publication or media outlet in
2 March of '22, 2022 about The Proud Boys having a
3 written plan to storm government buildings on
4 January 6?

5 MARJORIE TAYLOR GREENE: No I've never -- I
6 don't recall never heard anything about it.

7 ANDREW G. CELLI JR.: Never heard of that?
8 Never heard that that was called 1776 returns,
9 that plan that the government alleges Proud Boys
10 has to storm government buildings?

11 MARJORIE TAYLOR GREENE: No. I've never
12 heard of it.

13 ANDREW G. CELLI JR.: You were aware prior
14 to January 6 that 1776 referred to an idea or a
15 plan for people who were opposed to the
16 certification of the electoral college vote to
17 infiltrate and occupy buildings in DC?

18 MARJORIE TAYLOR GREENE: No. Never.

19 ANDREW G. CELLI JR.: Never heard of that?

20

21 MARJORIE TAYLOR GREENE: No.

22 ANDREW G. CELLI JR.: And you were aware
23 prior to January 6, 2021 that 1776 was a term
24 that people were using to describe a plan or an
25

1 idea to physically interfere and prevent the
2 electoral college vote.

3 MARJORIE TAYLOR GREENE: No. I don't know
4 anything about that.

5 ANDREW G. CELLI JR.: Okay. You can put
6 that to one side. We talked a little bit about a
7 person named Ali Alexander this morning. Do you
8 remember that testimony?

9 MARJORIE TAYLOR GREENE: Mm-hm.

10 ANDREW G. CELLI JR.: And you said somebody
11 you met on a number of occasions is that fair?

12
13 MARJORIE TAYLOR GREENE: I've seen him a
14 couple times. I don't remember when and it's not
15 someone I know.

16 ANDREW G. CELLI JR.: Let's pull up 67
17 please, PX67 as well. I'm going to ask you to
18 have a look at just the first ten seconds of the
19 video and just a person not even speaking and
20 tell me if you can identify that person, okay?

21 [VIDEO - MUSIC]

22 ANDREW G. CELLI JR.: Do you know that
23 person?

24
25

1 MARJORIE TAYLOR GREENE: That's Ali
2 Alexander.

3 ANDREW G. CELLI JR.: Thank you. Let's go
4 to minute 11:20. This is a rather long clip and
5 I'm going to take you to the middle of it around
6 11 minutes and 20 seconds.

7 VIDEO: There is Congress on a committee.
8 Congressman Steve King was the only one
9 [INDISCERNIBLE 04:38:01] but so that's not true.
10 So, avoided this information, avoid the division.
11 We are here to continue pressing forward. Yet
12 Congresswoman Marjorie Greene, my favorite, she's
13 coming in, a friend of mine. She's coming in.
14 she'll be whatever. Someone was trying to tell
15 me--.

16 ANDREW G. CELLI JR.: You can stop it there.
17 You see that Mr. Alexander describes you as his
18 favorite. Right? You heard him say that.

19 MARJORIE TAYLOR GREENE: That's what he
20 said. I just saw it.

21 ANDREW G. CELLI JR.: Okay. Do you have any
22 explanation for why he would feel that way?

23
24
25

1 MARJORIE TAYLOR GREENE: Maybe he likes the
2 work I do. I don't know. I don't really know him
3 that well. I only met him a couple of times.

4 ANDREW G. CELLI JR.: Describes himself as -
5 - you as a friend of his. Right?

6
7 MARJORIE TAYLOR GREENE: Those were his
8 words.

9 ANDREW G. CELLI JR.: Right. That's what he
10 said in the video. Is he lying when he describes
11 himself as a friend of yours?

12
13 MARJORIE TAYLOR GREENE: I don't -- I
14 wouldn't call him a friend. I do not know him.
15 I've only met him a couple of times.

16 ANDREW G. CELLI JR.: Okay. So, if he says
17 he was a friend of yours he would be lying.

18 MARJORIE TAYLOR GREENE: Sometimes people
19 say things on videos for their followers or to
20 maybe I don't know that's what he said. I don't
21 know him. I've only met him a couple of times.

22 ANDREW G. CELLI JR.: IN fact, Mr. Alexander
23 was very active on Twitter post election 2020
24 period up until January 6 isn't that right?

25

1 MARJORIE TAYLOR GREENE: I don't know. I
2 don't follow his account.

3 ANDREW G. CELLI JR.: Okay. Let's go to --
4 I think we've established that during that post
5 election period from November when you were
6 elected until January 6 one of the things that
7 you were doing was organizing people in Congress
8 to file objections to the electoral college
9 count. Right?

10 MARJORIE TAYLOR GREENE: Yes, working very
11 hard on objecting.

12 ANDREW G. CELLI JR.: Okay. Let's go to
13 PX3, please. If you could scroll it up so that
14 we can see the bottom half first. Yeah. Further
15 down please. I'll get you a paper copy. Ms.
16 Greene, I want to focus your attention on the box
17 in the middle of the page that says Marjorie
18 Taylor G-R-E...E...123020. Do you see that?

19
20 MARJORIE TAYLOR GREENE: Yes.

21 ANDREW G. CELLI JR.: And that's a Twitter
22 comment that you made on December 30, 2020,
23 right?

24
25

1 MARJORIE TAYLOR GREENE: I don't recall
2 making that Tweet. But that's what this piece of
3 paper says.

4 ANDREW G. CELLI JR.: Okay. Do you have any
5 doubt that a Tweet from your account was issued
6 on December 30, 2020 that said, quote, word on
7 the Hill is that Mitch McConnell and Nancy Pelosi
8 could be working together on a rules change deal
9 to block our electoral college certification
10 objection.

11 MARJORIE TAYLOR GREENE: I don't recall this
12 Tweet.

13 ANDREW G. CELLI JR.: My question is a
14 little bit different. Do you have any doubt that
15 this is a Tweet from your account?

16
17 MARJORIE TAYLOR GREENE: I don't know.

18 ANDREW G. CELLI JR.: Do you recall in late
19 December of 2020 hearing rumor on Capitol Hill
20 about a deal between Mitch McConnell and Nancy
21 Pelosi to create a rules change so as to block
22 the objections to the electoral college account?

23 MARJORIE TAYLOR GREENE: I can't really
24 remember. It's been 16 months or so ago.

25

1 ANDREW G. CELLI JR.: That would be pretty
2 important wouldn't it if they changed the rules
3 so that you couldn't object to the electoral
4 college account, right?

5
6 MARJORIE TAYLOR GREENE: It would have been
7 but there was no rule change. We were still able
8 to object or at least we tried anyways.

9 ANDREW G. CELLI JR.: But by this point in
10 December 2020 your focus was on objecting to the
11 electoral college account in Congress, right?

12
13 MARJORIE TAYLOR GREENE: Yes. Finding
14 evidence of voter fraud and coming in to object,
15 yes.

16 ANDREW G. CELLI JR.: And if there had been
17 rumors of a rule change, that would be something
18 that would be important for you to Tweet out and
19 talk about publicly.

20 MARJORIE TAYLOR GREENE: IT possibly would
21 have been. I just don't remember this Tweet. I
22 don't remember it.

23 ANDREW G. CELLI JR.: You know that Ali
24 Alexander has responded to Tweets that you've
25 sent out over the years, right?

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MARJORIE TAYLOR GREENE: I don't know. I don't always -- I have no idea who re Tweets and who responds. That's not something that I spend much time at all looking at.

ANDREW G. CELLI JR.: You spend some time looking at it though don't you, Representative Greene? Who responds to your Tweets.

MARJORIE TAYLOR GREENE: Occasionally I have some time and I look at who responds but I do not know what he has responded, what he has Tweeted or re Tweeted.

ANDREW G. CELLI JR.: Okay and the reason that you look at responses to your Tweets is you want to see how what you've said is being taken on board by other people. Is that fair?

MARJORIE TAYLOR GREENE: Actually I don't really look at comments on Twitter because they're filled with a lot of bots and a lot of hateful people and I don't like to read things like that so I really don't read many comments. Hardly ever.

ANDREW G. CELLI JR.: Well, you read Mr. Alexander's response to your December 30 Tweet

1 that's shown in Exhibit 3, right? And just to
2 read it out loud, when he writes this, if they do
3 this, everyone can guess what me and 500,000
4 other will do to that building. 1776 is always
5 an option. You read that, didn't you?

6 MARJORIE TAYLOR GREENE: If this is his
7 Twitter I see it on the screen I have no idea
8 those are his words I guess. I have no idea.

9 ANDREW G. CELLI JR.: Well as you sit here
10 today, you understand that Mr. Alexander was
11 referring to was not legal objections on the
12 floor of the Congress, right?

13 MARJORIE TAYLOR GREENE: NO, I don't know
14 what he's referring to.

15 ANDREW G. CELLI JR.: And you knew back then
16 that what Mr. Alexander was responding to your
17 Tweet was to say if they make a rules change and
18 Congresswoman Taylor Greene can't object, we're
19 going to go into the Capitol and do violence.

20 MARJORIE TAYLOR GREENE: I have no idea. I
21 don't know anything about this.

22 ANDREW G. CELLI JR.: And that term 1776 is
23 the way Mr. Alexander was conveying that to his
24 listeners or his readers.

25

1 MARJORIE TAYLOR GREENE: I have no idea.
2 Again, I don't know anything about this. Never
3 seen it before.

4 ANDREW G. CELLI JR.: Between January 3 and
5 January 6, 2021, Ms. Greene, you viewed the
6 electoral college certification of Joe Biden as a
7 blow to freedom. Is that fair?

8
9 MARJORIE TAYLOR GREENE: I viewed it as we
10 needed to object because there was so much
11 evidence and so many people had signed their
12 names, thousands of people had signed their name
13 on affidavits saying they witnessed voter fraud
14 and that meant something to me because I care
15 about the people and I care about their votes and
16 I care about our election integrity.

17 ANDREW G. CELLI JR.: My question is whether
18 you viewed it as a blow to freedom if the
19 electoral college certification of Joe Biden were
20 completed.

21 MARJORIE TAYLOR GREENE: I don't agree with
22 your wording.

23 ANDREW G. CELLI JR.: Okay. Because once
24 freedom is gone, it doesn't come back by itself,
25 right?

1 MARJORIE TAYLOR GREENE: I don't agree with
2 your wording.

3 ANDREW G. CELLI JR.: The only way you can
4 get freedom back is when it's earned with the
5 price of blood. Those are your words, right?

6 MARJORIE TAYLOR GREENE: You're twisting my
7 words and creating a narrative that you're trying
8 to make. That's not my narrative. That's not
9 what I said. That's not what I meant with that.

10 ANDREW G. CELLI JR.: But on October 27,
11 2020 that's what you said and that's what you
12 meant, right?

13 MARJORIE TAYLOR GREENE: I'm sorry.

14 ANDREW G. CELLI JR.: Yeah on October 27,
15 2020 when you did the interview with Mr. Door
16 when you said the only way to get freedoms back
17 is when it's earned with blood. That's what you
18 meant, right?

19 MARJORIE TAYLOR GREENE: Well you showed a
20 video that's chopped up, that doesn't show my --
21 even my full sentences so no I don't agree with
22 what you are saying.

23 ANDREW G. CELLI JR.: Do you have any
24 explanation, Representative Greene for why it is

25

1 that on January 5 the day before January 6 you
2 described January 6 as our 1776 moment.

3 MARJORIE TAYLOR GREENE: I don't remember.
4 Seeing this interview is the first time I've seen
5 it in a long time. I don't remember.

6 ANDREW G. CELLI JR.: Now, prior to January
7 6, 2021 you spoke publicly on your Facebook page
8 about the transfer of power that would occur on
9 January 6. Do you recall that?

10

11 MARJORIE TAYLOR GREENE: I don't recall.

12 ANDREW G. CELLI JR.: Okay. You said on a
13 video on your Facebook page that the peaceful
14 transfer of power ought not be allowed to occur.

15 MARJORIE TAYLOR GREENE: I don't recall.

16 ANDREW G. CELLI JR.: You said that the
17 peaceful transfer of power cannot be allowed to
18 occur because Joe Biden didn't win the 2020
19 election, right?

20 MARJORIE TAYLOR GREENE: I don't recall.

21 ANDREW G. CELLI JR.: Let's go to the video
22 tape. Can we start with -- so it's probably best
23 if I explain this. There are two versions of
24 this and I'm going to ask about both of them.
25 You can tell me if you think they've been chopped

1 up in any way. They have been chopped up. that's
2 true. But tell me whether you were
3 misinterpreted, okay? The first one is PX66.
4 Play that one.

5 JUDGE CHARLES R. BEAUDROT: Okay, just a
6 second. What's the date and the source of the
7 video?

8 ANDREW G. CELLI JR.: The source is -- it
9 was something Ms. Greene's Facebook page is not
10 available. This is something that was captured by
11 someone else and posted on another Facebook page.

12 JUDGE CHARLES R. BEAUDROT: Where it says
13 it's from her Facebook page?

14 ANDREW G. CELLI JR.: Yes. I believe it
15 does. 66 has been admitted, Your Honor.

16 JUDGE CHARLES R. BEAUDROT: And what is the
17 date?

18 ANDREW G. CELLI JR.: We're going to ask her
19 about that, your Honor.

20 JUDGE CHARLES R. BEAUDROT: Okay you don't
21 know. Okay.

22 VIDEO: And this is an important time in
23 our history. We can't allow this just to be --
24 just to let it go. You can't allow it to just
25 transfer power peacefully like Joe Biden wants

1 and allow him to become our President. Because
2 he did not win this election. It's being stolen
3 and the evidence is there.

4 ANDREW G. CELLI JR.: So, that's you, right,
5 Ms. Greene?

6 MARJORIE TAYLOR GREENE: Yes, that's me.

7 ANDREW G. CELLI JR.: Okay and when you say
8 we can't allow it, we can't just let it go, the
9 it in that phrase is to have Joe Biden declare
10 the winner of the 2020 Presidential election.

11 MARJORIE TAYLOR GREENE: You are showing a
12 video where it doesn't give us any reference
13 before hand and it doesn't give us any reference
14 afterwards so it's not really my complete -- it's
15 hard to get an understanding of what I was
16 saying.

17 ANDREW G. CELLI JR.: Okay so your answer is
18 you don't know what you're referring to.

19 MARJORIE TAYLOR GREENE: I don't. We're
20 watching a partial video and a partial statement
21 of clearly an interview I was doing. I don't
22 know what date it was on and it's definitely off
23 someone else's Twitter or Facebook. I can't see
24 it form here.

25

1 ANDREW G. CELLI JR.: Well, that's you
2 saying you can't allow it to transfer power
3 peacefully like Joe Biden wants and allow him to
4 become our President because he did not win this
5 election. That's you saying that, right?

6 MARJORIE TAYLOR GREENE: That's a partial
7 statement of on that video.

8 ANDREW G. CELLI JR.: Okay. Can we pull up-
9 -.

10 JUDGE CHARLES R. BEAUDROT: Did we see the
11 whole thing?

12
13 ANDREW G. CELLI JR.: WE can run the rest of
14 it if you'd like.

15 JUDGE CHARLES R. BEAUDROT: Let's see the
16 whole thing.

17 ANDREW G. CELLI JR.: Sure and there's
18 another one on top of it so we'll watch two.

19 JUDGE CHARLES R. BEAUDROT: We've said there
20 are two. I want to be sure that she has an
21 opportunity to see what we're doing.

22 ANDREW G. CELLI JR.: Can I make a
23 suggestion, your Honor?

24 JUDGE CHARLES R. BEAUDROT: Yes.

25

1 ANDREW G. CELLI JR.: Let's go back to the
2 beginning of this one and then we'll play it all
3 the way through.

4 JUDGE CHARLES R. BEAUDROT: That would be
5 good idea. Let's do that.

6 VIDEO: And this is an important time in our
7 history. We can't allow this just to be -- just
8 to let it go. You can't allow it to just
9 transfer power peacefully like Joe Biden wants
10 and allow him to become our President. Because
11 he did not win this election. It's being stolen
12 and the evidence is there. The mainstream media
13 for four years talked about Russian collusion
14 conspiracy theories and lies and demanded
15 investigations nonstop into Russian collusion
16 nonstop but yet they refuse to -- and this is an
17 important time in our history.

18 ANDREW G. CELLI JR.: Is that where it
19 ended? It just sort of cut off there? Okay
20 let's show the witness PX12. Let me -- hold off
21 on that for one second. This video that we just
22 saw which we marked as Plaintiff's 66, that's a
23 video that you made in anticipation of objecting
24 to the electoral college account in favor of Joe
25 Biden, right?

1 MARJORIE TAYLOR GREENE: I don't know. I
2 don't see a date. It's not from my specific
3 Facebook page. It appears to be on someone
4 else's.

5 ANDREW G. CELLI JR.: Let's see the other
6 video, 12. This is also it's the same thing. It
7 was taken I believe off of the video off of
8 Facebook page the client of Congresswoman but
9 let's ask her.

10 JUDGE CHARLES R. BEAUDROT: Where did you
11 all get it? Off the Facebook off the Republican
12 [INDISCERNIBLE 04:53:44]. Okay so this secondary
13 source is copied and that's where you got it
14 from.

15 ANDREW G. CELLI JR.: Yes.

16 JUDGE CHARLES R. BEAUDROT: So this is a
17 different version? Want to play it?

18
19 ANDREW G. CELLI JR.: Hold on one second.
20 This one is also admitted into evidence, Your
21 Honor.

22 JUDGE CHARLES R. BEAUDROT: For what it's
23 worth.

24 ANDREW G. CELLI JR.: For what it's worth.

25

1 VIDEO: America reelected Donald J. Trump
2 for four more years. You can't allow it to just
3 transfer power peacefully like Joe Biden wants
4 and allow him to become our President. Because
5 he did not win this election. It's being stolen
6 and the evidence is there. There is a large
7 group of us we're organizing an effort to object
8 to the electoral college votes for Joe Biden and
9 key states where there's real evidence that this
10 election has been stolen. I am very convicted in
11 what we're going to be doing on January 6 and
12 it's historic and I feel it's very, very
13 important. On January 6 if you're able, there
14 are going to be possibly a million or more people
15 coming to Washington to be there for this
16 historic event. It's critical for everyone to
17 show up and show the nation who we are. We
18 aren't a people that are going to go quietly into
19 the night. We are not a people that are going to
20 be thrust into socialism without stopping it.

21 ANDREW G. CELLI JR.: Now that you've seen
22 that, Representative Greene, do you agree that
23 this is a video that you created in anticipation
24 of objecting to the electoral college vote on
25 January 6?

1 MARJORIE TAYLOR GREENE: This video on the
2 Democrat leftist Pac Republican accountability
3 group that looks to be chopped up and sliced,
4 that video? That's not my full video.

5 ANDREW G. CELLI JR.: Listen to my question.

6 MARJORIE TAYLOR GREENE: Yes.

7 ANDREW G. CELLI JR.: The words that are
8 shown that you're speaking on those are things
9 that you were talking about in anticipation of
10 objecting to the electoral college account vote
11 on the floor of the Congress, right?

12
13 MARJORIE TAYLOR GREENE: The only thing I
14 was working on was objecting but again that's a
15 cut and sliced video.

16 ANDREW G. CELLI JR.: And when you said
17 we're organizing an effort to object the college
18 electoral college votes on the video the we were
19 members of Congress, right?

20 MARJORIE TAYLOR GREENE: Well, members of
21 Congress are the only ones that can object.
22 That's part of our ability. That's what we're
23 allowed to do lawfully.

24 ANDREW G. CELLI JR.: Right. And exactly
25 and making objections is in fact by members of

1 Congress is part of the lawful transfer of power,
2 right?

3 MARJORIE TAYLOR GREENE: Objecting is part
4 of the electoral count process. Democrats did it
5 with the past three Republican presidents that
6 were elected. They objected and I'm sure there
7 was a lot of planning that went into that and
8 discussion. We put a lot of planning, a lot of
9 work into it and as you can see, we talked about
10 it.

11 ANDREW G. CELLI JR.: So when you were
12 talking about we can't allow it to happen, you
13 can't just let it go, you can't allow it to
14 transfer power peacefully like Joe Biden wants
15 and allow him to become our President because he
16 didn't win, you weren't talking about objections
17 on the floor of the Congress, were you?

18 MARJORIE TAYLOR GREENE: What I believe what
19 I was referencing is we can't allow the electoral
20 count to happen without objecting. I felt it was
21 our dutiful responsibility to object on behalf of
22 the large amount of voter fraud and the people
23 who truly felt like that there was big problems
24 in our elections.

25

1 ANDREW G. CELLI JR.: And you're testifying
2 under oath that that's what you meant when you
3 said you can't allow it to transfer power
4 peacefully like Joe Biden wants and allow him to
5 become our President. That was as reference to--
6 .

7 MARJORIE TAYLOR GREENE: Without objecting.

8 ANDREW G. CELLI JR.: Of course, you don't
9 say anything at that part of the video about
10 objections on the floor of the Congress, right?
11 Would you like to see it again?

12 MARJORIE TAYLOR GREENE: I believe the video
13 I said objecting.

14 ANDREW G. CELLI JR.: But in the sentence
15 where you said you can't allow it to transfer
16 power peacefully like Joe Biden wants and allow
17 him to become our President because he didn't win
18 the election. You don't say anything in that
19 sentence about objections on the floor of the
20 Congress.

21 MARJORIE TAYLOR GREENE: Sir, we just saw
22 two videos that are cut and clipped and they
23 don't -- my sentences aren't even completed. I
24 think the first video started with me saying and
25 meaning it was starting into partially something

1 I was already saying. What I was -- from the
2 video and my recollection from watching them just
3 then it was purely talking about objecting.

4 ANDREW G. CELLI JR.: One of the things that
5 you say in these videos is that you call upon
6 people to come to Washington on January 6, right?

7 MARJORIE TAYLOR GREENE: I don't -- did I --
8 I don't remember every single word that we just
9 watched.

10 ANDREW G. CELLI JR.: Let's look at it
11 again. I think the P12 is the one that includes
12 that.

13 VIDEO: America re elected Donald J. Trump
14 for four more years. You can't allow it to just
15 transfer power peacefully like Joe Biden wants
16 and allow him to become our President. Because
17 he did not win this election. It's being stolen
18 and the evidence is there. There's a large group
19 of us we're organizing an effort to object to the
20 electoral college votes for Joe Biden in key
21 states where there's real evidence that this
22 election has been stolen. I am very convicted in
23 what we're going to be doing on January 6 and
24 it's historic and I feel it's a very, very
25 important. On January 6 if you're able, there

1 are going to be possibly a million or more people
2 coming to Washington to be there for this
3 historic event. It's critical for everyone to
4 show up and show...

5 ANDREW G. CELLI JR.: So, in that segment,
6 Representative Greene, you're asking people to
7 come to Washington on January 6.

8 MARJORIE TAYLOR GREENE: In this video which
9 I saw jump three times which means it's been cut
10 and spliced yes I did talk about people coming
11 there to support our objection peacefully,
12 support our objection, support President Trump.

13 ANDREW G. CELLI JR.: How did you know that
14 there might be a million or more people coming to
15 Washington on January 6? Did you just make that
16 up or somebody tell you that?

17
18 MARJORIE TAYLOR GREENE: I believe those
19 were the numbers being talked about at the time.

20 ANDREW G. CELLI JR.: By who?

21
22 MARJORIE TAYLOR GREENE: The media and just
23 different sources.

24 ANDREW G. CELLI JR.: People who were
25 planning the demonstration?

1 MARJORIE TAYLOR GREENE: I have no idea. I
2 think I saw that on the news.

3 ANDREW G. CELLI JR.: And what you said is
4 it's critical for everyone to show up, right?
5 That's what we saw.

6 MARJORIE TAYLOR GREENE: Supporting -- y
7 eah, peacefully supporting our objection. That's
8 the only thing I was interested in doing and
9 planning was objecting.

10 ANDREW G. CELLI JR.: Now the last thing you
11 say on the video is we aren't a people that are
12 going to go quietly into the night. Do you
13 recall that part?

14
15 MARJORIE TAYLOR GREENE: Yes.

16 ANDREW G. CELLI JR.: Now that phrase we
17 aren't a people that are going to go quietly
18 into the night, that's not something that you
19 came up with on your own, is it?

20
21 MARJORIE TAYLOR GREENE: I have no idea what
22 you mean.

23 ANDREW G. CELLI JR.: Well that's something
24 that you borrowed from a movie script, right?

25

1 MARJORIE TAYLOR GREENE: I don't know what
2 you're talking about.

3

4 ANDREW G. CELLI JR.: You borrowed that line
5 from the movie Independence Day, right?

6 MARJORIE TAYLOR GREENE: No.

7 ANDREW G. CELLI JR.: Let's go to the video
8 tape as well. The time stamp is 1:08 to 1:44.
9 Hold on one second. You've seen the movie
10 Independence Day, right?

11

12 MARJORIE TAYLOR GREENE: I've seen it
13 before.

14 ANDREW G. CELLI JR.: It's a great movie,
15 right?

16 MARJORIE TAYLOR GREENE: I think it's
17 probably a great movie. I don't watch movies in
18 a long time but from what I remember it's a great
19 movie.

20 ANDREW G. CELLI JR.: This is the one about
21 the aliens who come to the world and then there's
22 a big battle on July 4 to war them off, right?

23 MARJORIE TAYLOR GREENE: You are giving us
24 quite the entertainment today. Thank you.

25

1 ANDREW G. CELLI JR.: Okay. And there's a
2 scene in that movie where the President, the guy
3 who's playing the President of the United States
4 addresses the fighter pilots who are about to go
5 into battle against the aliens. Remember that
6 scene?

7 MARJORIE TAYLOR GREENE: I do not remember
8 no but I'm sure you're going to show us.

9 ANDREW G. CELLI JR.: Yeah.

10 JAMES BOPP: Can we see the whole thing?

11 MARJORIE TAYLOR GREENE: Yeah can we watch
12 the whole movie?

13 VIDEO: We're fighting for our right to
14 live. Resist. Should we win the day, 4th of
15 July will no longer be known as an American
16 holiday but as the day when the world declared in
17 one voice we will not go quietly into the night.
18 We will not vanish without a fight. We're going
19 to live on. We're going to survive. Today we
20 celebrate our Independence Day.

21 ANDREW G. CELLI JR.: Great scene, right?

22 MARJORIE TAYLOR GREENE: Yeah that was a
23 great scene.

24

25

1 ANDREW G. CELLI JR.: And the phrase that
2 the actor uses there is we will not go quietly
3 into the night. You heard that.

4 MARJORIE TAYLOR GREENE: I heard it just
5 now, yes.

6 ANDREW G. CELLI JR.: And that's the exact
7 phrase that you use in the video that we saw that
8 was previous exhibit. We aren't a people that
9 are going to go quietly into the night.

10 MARJORIE TAYLOR GREENE: I don't view court
11 rooms and politics as Hollywood like you do.
12 That is not the first person who said that and it
13 wont be the last and I don't recall getting any
14 inspiration from this Hollywood movie like you're
15 suggesting.

16 ANDREW G. CELLI JR.: So, you were not
17 communicating in referencing that film that
18 January 6 was going to be a new kind of
19 Independence Day?

20

21 MARJORIE TAYLOR GREENE: All I was talking
22 about is objecting and standing up for people's
23 votes and our elections.

24 ANDREW G. CELLI JR.: By the way, January --
25 Independence Day is July 4, right?

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MARJORIE TAYLOR GREENE: Yes.

ANDREW G. CELLI JR.: It's July 6 of 1776,
right?

MARJORIE TAYLOR GREENE: That's right.

ANDREW G. CELLI JR.: Your Honor, this might
be a good time to break if you're -- if we're on
schedule.

JUDGE CHARLES R. BEAUDROT: Well--.

ANDREW G. CELLI JR.: I've got pretty short
piece left but it's up to you.

MARJORIE TAYLOR GREENE: I don't need a
break.

JUDGE CHARLES R. BEAUDROT: Let's keep
going.

ANDREW G. CELLI JR.: Great.

JUDGE CHARLES R. BEAUDROT: If we're talking
you know 30 minutes, we're talking two hours.

ANDREW G. CELLI JR.: No I wont take two
hours. Ms. Greene, did you advocate to President
Trump to impose martial law as a way to remain in
power?

MARJORIE TAYLOR GREENE: I don't recall.

1 ANDREW G. CELLI JR.: So, you're not denying
2 you did it you just don't remember.

3 MARJORIE TAYLOR GREENE: I don't remember.

4 ANDREW G. CELLI JR.: Okay. And you agree
5 that the storming of the Capitol on January 6 is
6 something that you're is despicable?

7 MARJORIE TAYLOR GREENE: Yes. I was very
8 unhappy about it.

9 ANDREW G. CELLI JR.: Now, I talked earlier
10 about a fellow named Anthony Aguero, right?

11 MARJORIE TAYLOR GREENE: You brought up
12 Anthony Aguero earlier, yes.

13 ANDREW G. CELLI JR.: And he's somebody who
14 you know, yes?

15

16 MARJORIE TAYLOR GREENE: Yes.

17 ANDREW G. CELLI JR.: and he's somebody who
18 you spent a fair amount o time with, is that
19 fair?

20 MARJORIE TAYLOR GREENE: Not much time, no.

21 ANDREW G. CELLI JR.: He's a friend of
22 yours?

23

24 MARJORIE TAYLOR GREENE: Someone that I do
25 know, yes.

1 ANDREW G. CELLI JR.: And you consider him a
2 friend?

3 MARJORIE TAYLOR GREENE: Someone I hardly
4 ever talk to but someone I have known for a few
5 years.

6 ANDREW G. CELLI JR.: Okay and he is a
7 friend of yours, right?

8 MARJORIE TAYLOR GREENE: A distant friend.
9 Someone I know.

10 ANDREW G. CELLI JR.: He refers to you as
11 one of his closest friends. You've heard that,
12 right?

13 MARJORIE TAYLOR GREENE: I have not.

14 ANDREW G. CELLI JR.: Okay. And you
15 referred to him as amazing, right?

16 MARJORIE TAYLOR GREENE: He does a lot of
17 great work down at the border showing the illegal
18 invasion constantly happening in our southern
19 border. I think that's amazing, the footage that
20 he shows and exposes.

21 ANDREW G. CELLI JR.: Okay and you know that
22 Mr. Aguero entered the Capitol on the U.S.
23 Capitol on January 6, 2001, right?

24 MARJORIE TAYLOR GREENE: I had heard that
25 sometime after January 6.

1 ANDREW G. CELLI JR.: And you seen a picture
2 of him in the middle of the crowd when the
3 Capitol Rotunda on January 6, 20--.

4 MARJORIE TAYLOR GREENE: No I have not seen
5 that picture.

6 ANDREW G. CELLI JR.: Let's have a look at
7 PX13B, please. A little bit bigger.
8 Representative Greene, is that man in the red
9 circle on the left of our exhibit 13B is that Mr.
10 Aguero?

11
12 MARJORIE TAYLOR GREENE: I don't know I
13 can't really tell.

14 ANDREW G. CELLI JR.: If I told you that it
15 was reported that that was Mr. Aguero and that he
16 acknowledged that publicly would that help you
17 discern that's who that is?

18 MARJORIE TAYLOR GREENE: I don't really buy
19 a whole lot of what you say. You've been using
20 CNN and Mother Jones and other terrible sources
21 as your sources and showing Hollywood movies so
22 but that's what you're trying to say now that I
23 don't know if that's him or not.

24 ANDREW G. CELLI JR.: I'm just asking
25 whether it if I suggested to you that he's

1 acknowledged publicly that that's him in the
2 Capitol Rotunda would that help you identify him
3 as your friend Mr. Aguero?

4 MARJORIE TAYLOR GREENE: I don't see your
5 evidence of him acknowledging that that's him.

6 ANDREW G. CELLI JR.: Okay. I think we can
7 probably do something with that. Can I see 13
8 please? I show you something from CNN probably
9 wouldn't accept it as authentic, would you? I
10 think we established that today. We'll move on.
11 Have you spoken to Mr. Aguero since January 6?

12 MARJORIE TAYLOR GREENE: I don't recall
13 speaking to him no.

14 ANDREW G. CELLI JR.: Or communicate with
15 him in any way, text, email?

16 MARJORIE TAYLOR GREENE: No, I don't recall
17 no.

18 ANDREW G. CELLI JR.: And did you
19 communicate with Mr. Aguero at any point prior to
20 January 6 about the plans for a demonstration in
21 Washington on January 6?

22 MARJORIE TAYLOR GREENE: NO, I didn't. Now,
23 did he have press credentials? I mean there was
24 a lot of press in there and that's the job that
25 he does with a border media company that he works

1 with. I have no idea about what I have not clue
2 about it.

3 ANDREW G. CELLI JR.: Okay. Were you aware
4 that he was going to be in this capacity I guess
5 as a member of the press present on January 6 in
6 Washington for the demonstrations that were
7 planned?

8 MARJORIE TAYLOR GREENE: No. I was not
9 aware.

10

11 ANDREW G. CELLI JR.: Did he communicate
12 with any member of your staff in any way like
13 text or email, cellphone about the fact that he'd
14 be coming to Washington on the 6th?

15 MARJORIE TAYLOR GREENE: Not to my knowledge
16 no.

17 ANDREW G. CELLI JR.: Did you ever discuss
18 with Mr. Aguero the idea that on January 6 as
19 part of the demonstration that the U.S. Capitol
20 was going to be flooded by people?

21 MARJORIE TAYLOR GREENE: No. Because the
22 only thing I was working on objecting and had no
23 expectation of anything could happen on January
24 6.

25

1 ANDREW G. CELLI JR.: Well, you knew there
2 was going to be demonstrations, right?

3 MARJORIE TAYLOR GREENE: I knew there was a
4 peaceful march planned.

5 ANDREW G. CELLI JR.: On January 6 itself
6 are you in contact with anyone who was involved
7 in what you described as a peaceful march that
8 occurred that day?

9 MARJORIE TAYLOR GREENE: No.

10 ANDREW G. CELLI JR.: Does anybody from your
11 staff, Congressional staff or your campaign staff
12 in touch by cell phone, text, email with anybody
13 who was involved in the days demonstrations?

14 MARJORIE TAYLOR GREENE: Not of my
15 knowledge.

16 ANDREW G. CELLI JR.: At any time on January
17 6 did you disclose to anyone outside the Capitol
18 your location in the Capitol during that days'
19 events?

20 MARJORIE TAYLOR GREENE: I texted my family
21 and told them I was safe.

22 ANDREW G. CELLI JR.: Anybody other than
23 family?

24 MARJORIE TAYLOR GREENE: No.

25

1 ANDREW G. CELLI JR.: When on January 6 did
2 you first learn that people were entering the
3 United States Capitol unlawfully that day?

4 MARJORIE TAYLOR GREENE: When we were in the
5 House Chamber we were starting the electoral
6 count and we went on lockdown and that's when I
7 first learned that I was shocked.

8 ANDREW G. CELLI JR.: Did you know what time
9 of day that was?

10

11 MARJORIE TAYLOR GREENE: I don't know the
12 exact time.

13 ANDREW G. CELLI JR.: And when you went on
14 lockdown as you describe, why don't you tell us
15 about that then what you mean by that?

16 MARJORIE TAYLOR GREENE: They had to lock
17 all the doors in the House Chamber and they told
18 us that it was on lockdown and that we could
19 choose to leave or stay inside and it would be
20 safer inside and so I stayed inside.

21 ANDREW G. CELLI JR.: Okay. And when you
22 say you stayed inside, where did you stay?

23 MARJORIE TAYLOR GREENE: Inside the House
24 Chamber.

25

1 ANDREW G. CELLI JR.: Okay and during that
2 time that you were on the -- in lockdown as you
3 put it on the House floor, you said you were in
4 touch with your family to tell them you were
5 safe?

6 MARJORIE TAYLOR GREENE: Not at that time,
7 no.

8 ANDREW G. CELLI JR.: When did that happen
9 in the day?

10

11 MARJORIE TAYLOR GREENE: Sometime later
12 after we were evacuated.

13 ANDREW G. CELLI JR.: Where were you
14 evacuated to?

15 MARJORIE TAYLOR GREENE: I can't disclose
16 that location.

17 ANDREW G. CELLI JR.: Somewhere in the
18 Capitol?

19

20 MARJORIE TAYLOR GREENE: Mm-hm.

21 ANDREW G. CELLI JR.: And when you were in
22 that other location in the Capitol I presume that
23 would be a secure location, is that right?

24

25 MARJORIE TAYLOR GREENE: Yes.

1 ANDREW G. CELLI JR.: Did you have any
2 communication either by phone, by text, some
3 other way with anybody who was outside the room,
4 outside the secure location you were in other
5 than your family?

6 MARJORIE TAYLOR GREENE: Not that I recall,
7 no.

8 ANDREW G. CELLI JR.: And when you were
9 notified that people had entered the Capitol
10 illegally, did you also understand that point
11 that there had been violence at the Capitol?

12 MARJORIE TAYLOR GREENE: I only knew what I
13 was told. I had heard a gun shot. We all heard
14 it. And we were so confused. We thought Antifa
15 was breaking in or BLM because of those were the
16 riots that had gone on and on all throughout 2020
17 day in and day out. Just horrible riots all over
18 the country and that was the only thing that made
19 sense to most of us.

20 ANDREW G. CELLI JR.: What do you mean by
21 BLM?

22 MARJORIE TAYLOR GREENE: BLM rioters.

23 ANDREW G. CELLI JR.: Is that an acronym for
24 something?

25

1 MARJORIE TAYLOR GREENE: Black Lives Matter
2 rioters that rioters that were attending the
3 Black Lives Matter protest.

4 ANDREW G. CELLI JR.: To your knowledge, has
5 anybody connected with Black Lives Matter
6 movement or the Antifa movement as you say been
7 subject to arrest or charged in connection with
8 the January 6 events?

9 MARJORIE TAYLOR GREENE: I don't know
10 actually. I know they were arrested all over the
11 country much through 2020 and over 95 percent of
12 them had their charges dropped unlike January 6
13 rioters that are still in jail. Some of them.
14 Pretrial.

15 ANDREW G. CELLI JR.: Could I have a few
16 moments to consult and then I think I may be
17 done?

18 JUDGE CHARLES R. BEAUDROT: Sure. We don't
19 need a break do we?

20 ANDREW G. CELLI JR.: Five minutes would be
21 great.

22 JUDGE CHARLES R. BEAUDROT: One five minutes
23 break. You all want to step out that might be.

24 ANDREW G. CELLI JR.: Yeah that would be
25 great.

1 (BREAK)

2 (OVERLAY)

3 ANDREW G. CELLI JR.: Your Honor, may we
4 approach for a moment, sir?

5 JUDGE CHARLES R. BEAUDROT: About?

6 ANDREW G. CELLI JR.: I need to get my notes
7 on that. Thank you for your patience,
8 Representative Greene. Your Honor. In the
9 previous discussion I had asked about what we
10 marked as Plaintiff's exhibit 27 which is the
11 News Max clip you recall that we showed you. You
12 remember that, right?

13 MARJORIE TAYLOR GREENE: The one we've
14 already watched?

15 ANDREW G. CELLI JR.: The one we've already
16 watched, yes. And I asked you whether you recall
17 that you posted that News Max clip on your
18 Facebook page.

19 MARJORIE TAYLOR GREENE: I don't recall what
20 was posted on my Facebook page. I don't make all
21 of my Facebook posts.

22 ANDREW G. CELLI JR.: Fair enough. Let's --
23 I'd like to show you this. This is a live
24 version of your Congressional campaign Facebook
25 page since there today. And what we have is the

1 clip that we had separated in the previous
2 testimony and I'd like to play that for you just
3 to see if you will acknowledge that that clip is
4 now available on your Facebook page.

5 VIDEO: No it wasn't actually planned but
6 President Trump knows how much I support him. He
7 knows how much I support our District, Georgia's
8 14th District and so I was happy to go up there
9 and encourage our voters to get out and vote. We
10 can't allow our two Republican senators lose
11 their seats to two radical socialist Democrats.
12 So, I was excited to get up there and also cheer
13 on Senator Kelly Lenhart for announcing last
14 night that she'll be objecting to this fraudulent
15 stolen election tomorrow on January 6 and I'm
16 very excited that both of us women representing
17 Georgia will be fighting for President Trump and
18 fighting for the integrity of our elections
19 tomorrow. What is your plan tomorrow? How do you
20 plan to handle what could possibly go down in the
21 joint session of Congress tomorrow or what are
22 you prepared for? Well you know I'll echo the
23 words of many of my colleagues as we were just
24 meeting together in our GOP conference meeting
25 this morning. This is our 1776 moment.

1 ANDREW G. CELLI JR.: Ms. Greene, that's up
2 on your Facebook page today, right?

3 MARJORIE TAYLOR GREENE: If it's if that's'
4 there then yes it's on there.

5 ANDREW G. CELLI JR.: Right and that's been
6 posted since January 5, 2021, correct?

7 MARJORIE TAYLOR GREENE: I didn't post it
8 but if that's' when it was posted then that's
9 when it was posted.

10 ANDREW G. CELLI JR.: And the things that
11 are posted on your Facebook page are posted with
12 your authorization and permission, right?

13 MARJORIE TAYLOR GREENE: I do not view
14 things that are posted before they're posted.

15 ANDREW G. CELLI JR.: That wasn't my
16 question. My question was it was posted on your
17 page that's something that you authorized and
18 permitted whether you viewed it in advance or
19 not.

20 MARJORIE TAYLOR GREENE: I think if I'm
21 authorizing I would view it in advance before
22 it's posted.

23 ANDREW G. CELLI JR.: Well no one put that
24 up on your Facebook page without authorization
25 from you in some sense, right?

1 MARJORIE TAYLOR GREENE: I don't recall
2 authorizing but you have to understand as a
3 member of Congress we have staff and many people
4 that post interviews and so forth on our social
5 media for us.

6 ANDREW G. CELLI JR.: if we can make it a
7 little bit larger, if you look in the top right
8 you'll see there's a message, Ms. Greene. Make
9 that larger. January 5, 2021. That's a comment
10 that you posted on your own Facebook page. This
11 is our 1776 moment. Right?

12 MARJORIE TAYLOR GREENE: That is my campaign
13 Facebook page.

14 ANDREW G. CELLI JR.: Right. And that was
15 posted as it says on January 5, 2021. Correct?

16 MARJORIE TAYLOR GREENE: That's what it
17 says.

18 ANDREW G. CELLI JR.: Okay. I asked about a
19 couple of other things. Prior to the
20 inauguration in 2021, did you advocate for
21 marital law with the President of the United
22 States?

23 MARJORIE TAYLOR GREENE: I don't recall.

24 ANDREW G. CELLI JR.: You know President
25 Trump, right?

1 MARJORIE TAYLOR GREENE: Yes.

2 ANDREW G. CELLI JR.: He's supported you
3 politically, right?

4 MARJORIE TAYLOR GREENE: Yes.

5 ANDREW G. CELLI JR.: And obviously very
6 important person in general, right?

7 MARJORIE TAYLOR GREENE: Yes. 45th
8 President of the United States.

9 ANDREW G. CELLI JR.: You've had a number of
10 meetings with him, right?

11 MARJORIE TAYLOR GREENE: Yes.

12 ANDREW G. CELLI JR.: And you had meetings
13 with him between the election in 2020 and January
14 20 of 2021, right?

15 MARJORIE TAYLOR GREENE: Yes.

16 ANDREW G. CELLI JR.: And in those meetings
17 you discussed with him your advocacy for the idea
18 that there should be marital law declared in the
19 United States.

20 MARJORIE TAYLOR GREENE: No, I don't recall
21 ever discussing that.

22 ANDREW G. CELLI JR.: Are you saying it
23 didn't happen or you're saying you don't know one
24 way or the other?

25

1 MARJORIE TAYLOR GREENE: I don't recall ever
2 discussing that.

3 ANDREW G. CELLI JR.: Did you discuss that
4 topic, the idea that there should be marital law
5 declared in the United States prior to the
6 inauguration of President Biden?

7 JAMES BOPP: Your Honor, I'm going to have
8 to object. I actually [INDISCERNIBLE 05:29:55]
9 President of the United States and that's covered
10 by executive privilege. She can't get into this
11 conversation.

12 ANDREW G. CELLI JR.: Executive privilege?
13 She's not a member of the executive and this
14 counsel is here on her behalf not on Mr. Trump's
15 behalf unless there's something I've missed. Not
16 a proper objection, Your Honor.

17 JUDGE CHARLES R. BEAUDROT: I'm sorry. What
18 was the question again?

19 ANDREW G. CELLI JR.: The question was
20 whether prior to the inauguration of Joe Biden
21 Ms. Greene whether you ever advocated for marital
22 law to be imposed in a conversation with the
23 Chief of Staff of then President of the United
24 States Mr. Trump.

25

1 JUDGE CHARLES R. BEAUDROT: Answer the
2 question.

3 MARJORIE TAYLOR GREENE: I don't recall.

4 ANDREW G. CELLI JR.: Did you ever advocate
5 for martial law prior to the inauguration of Mr.
6 Biden with any member of the White House staff
7 that was part of the Trump Administration?

8 MARJORIE TAYLOR GREENE: I don't recall.

9 ANDREW G. CELLI JR.: Are you aware of any
10 other congressional elected congressional
11 representatives advocating for martial law to
12 stop the peaceful transfer of power before the
13 inauguration of Mr. Biden?

14 MARJORIE TAYLOR GREENE: I don't remember.

15 ANDREW G. CELLI JR.: Do you regard the
16 people who were arrested and charged in
17 connection with the January 6 events as Patriots?

18 MARJORIE TAYLOR GREENE: I don't think them
19 being arrested and charged on January 6 effects
20 the fact that they're Patriots or not.

21 ANDREW G. CELLI JR.: Right. So, you do
22 regard them as Patriots?

23 MARJORIE TAYLOR GREENE: Yes, some of them
24 are veterans, yes. Some of them definitely are
25 Patriots.

1 ANDREW G. CELLI JR.: Okay. Can we have
2 PX60? This is PX60. The screen I've placed in
3 front of you what we marked as Petitioner's
4 Exhibit 60 which is the story that appeared in
5 the Washington Post on January 5, 2021. Did you
6 read that story in the Washington Post?

7 MARJORIE TAYLOR GREENE: I don't think I've
8 read this one.

9 ANDREW G. CELLI JR.: Okay. Do you recall
10 hearing that the -- prior to January 6 did you
11 recall hearing that the Washington Post was
12 reporting that there were concerns that there
13 were going to be violence in Washington on
14 January 6?

15 MARJORIE TAYLOR GREENE: I had not heard
16 that. I heard no threats of violence that I
17 remember at all for January 6.

18 ANDREW G. CELLI JR.: Okay. Can we also
19 look at the export? The screen should be this
20 one. The screen I've placed before you a January
21 5, 2021 article titled, Violent threats ripple
22 through far right internet forums ahead of
23 protests. This is a article that appeared in NBC
24 News on the fifth. Do you recall reading the NBC
25 was reporting that there were violent threats

1 that were expected to occur on January 6 and that
2 they reported that on the fifth of January?

3

4 MARJORIE TAYLOR GREENE: Sir, we were really
5 busy just preparing to object on the sixth. I
6 don't recall that news report.

7 ANDREW G. CELLI JR.: Have you read this
8 news report before?

9

10 MARJORIE TAYLOR GREENE: Not until you placed
11 it in my hand.

12 ANDREW G. CELLI JR.: Probably didn't have
13 much time to read it.

14 MARJORIE TAYLOR GREENE: No.

15 ANDREW G. CELLI JR.: Let me consult for one
16 minute. One last thing, Ms. Greene. You told us
17 early in the day that you were suspended from
18 your Twitter account or permanently taken off
19 Twitter, is that right?

20

21 MARJORIE TAYLOR GREENE: Permanently banned.

22 ANDREW G. CELLI JR.: Banned. You're not
23 banned from Facebook though, right?

24

25 MARJORIE TAYLOR GREENE: No.

1 ANDREW G. CELLI JR.: We saw your live
2 Facebook page just a couple of minutes ago,
3 right?

4 MARJORIE TAYLOR GREENE: You pulled that up,
5 yes you did.

6 ANDREW G. CELLI JR.: And on your Facebook
7 page you have directed that certain videos be
8 removed from the Facebook page, right?

9 MARJORIE TAYLOR GREENE: I don't recall.

10 ANDREW G. CELLI JR.: One of the videos that
11 you had removed was the one from February of 2019
12 where it talked about a sea of people and
13 flooding the capitol and violence in the Capitol
14 in connection with the Fund the Wall matter,
15 right?

16 MARJORIE TAYLOR GREENE: I don't know what
17 you're implying.

18 ANDREW G. CELLI JR.: You have your staff
19 take that one down, didn't you?

20 MARJORIE TAYLOR GREENE: I don't refer -- I
21 don't know what you're referring to.

22 ANDREW G. CELLI JR.: Facebook never ordered
23 you to take any video off your Facebook page, did
24 they?

25 MARJORIE TAYLOR GREENE: I don't recall.

1 ANDREW G. CELLI JR.: I have nothing
2 further, Your Honor.

3 JUDGE CHARLES R. BEAUDROT: You want to
4 proceed or do you need a break?

5 MARJORIE TAYLOR GREENE: Oh no I'm doing
6 great.

7 (OVERLAY)

8 JAMES BOPP: Representative Greene, I want
9 to take you back to January 6. You've already
10 testified that you were on lockdown in the House
11 Chamber.

12 MARJORIE TAYLOR GREENE: I'm sorry, Judge.
13 I just need Mr. Bopp to speak up a little bit.
14 I'm having a hard time hearing him. Thank you.

15 JAMES BOPP: You've already testified that
16 you were on lockdown in the House Chambers.

17

18 MARJORIE TAYLOR GREENE: Yes.

19 JAMES BOPP: And did you have an opportunity
20 to do a video?

21 MARJORIE TAYLOR GREENE: Yes.

22 JAMES BOPP: And a Tweet accompanying that
23 video?

24

25 MARJORIE TAYLOR GREENE: Yes.

1 JAMES BOPP: And about what time did that
2 occur on January 6?

3 MARJORIE TAYLOR GREENE: I believe it was
4 around 2:30 in the afternoon.

5 JAMES BOPP: And where were you when the
6 video was completed when you took the video?

7 MARJORIE TAYLOR GREENE: I was inside the
8 House Chamber and we had gone on lockdown and it
9 was after I had learned that there had been some
10 violence outside the Capitol and someone had been
11 shot and there was just -- we were only told
12 there were people inside the Capitol and I got
13 very concerned because at that time I was
14 confused -- I was so confused I was shocked. I
15 never been in anything violent before or any kind
16 of situation like that and I was really scared.
17 and I went inside the cloak room inside the House
18 Chamber in the Republican cloak room into one of
19 the phone booths where you can go to make a phone
20 call or anything. I went inside there and I made
21 a video telling people to be peaceful not to be
22 violent and just getting out a message and I
23 Tweeted that video from the Republican cloak
24 room.

25

1 JAMES BOPP: Did you know at that time who
2 was attacking the Capitol?

3

4 MARJORIE TAYLOR GREENE: No. I didn't know.
5 There was people were saying different things.
6 We mostly thought that it was Antifa dressed up
7 as Trump supporters. That was the first thing we
8 were told. We had no idea. I was in the cloak
9 room, couldn't see the news. I just knew that we
10 were on lockdown and they said by that point they
11 said you cannot leave. You have to stay in here.

12 JAMES BOPP: I'll show you what's marked as
13 R1. It's the Tweet and I don't know -- I think we
14 just had the [INDISCERNIBLE 05:38:27] in the
15 electronically. Is this your Tweet and is this
16 your face?

17

18 MARJORIE TAYLOR GREENE: Yes.

19 JAMES BOPP: And for -- did you say in this
20 Tweet a message from the Capitol, be safe, be
21 smart, be peaceful, obey the law, this is not a
22 time for violence, this is a time to support
23 President Trump and support election integrity,
24 God bless.

25 MARJORIE TAYLOR GREENE: Yes.

1 JAMES BOPP: Can you show the video, please,
2 R1? I don't see Devan. He was setting it up.
3 Devan was -- set it up yesterday. Maybe the day
4 before. I'm sorry. [INDISCERNIBLE 05:39:40].

5 ANDREW G. CELLI JR.: Everybody is here. I
6 think that's a universal rule of life.

7 JAMES BOPP: We have a thumb drive
8 delivered, Your Honor, on the list.

9 M2: I know. I scanned that. I apologize.
10 Technology.

11 JAMES BOPP: Yeah.

12 M2: This may be it. Is that it?
13 [INDISCERNIBLE 05:40:39].

14 JUDGE CHARLES R. BEAUDROT: We'll take five
15 minutes so we have enough people I think we can
16 come back in ten minutes. Sorry.

17 (BREAK)

18 ANDREW G. CELLI JR.: Your Honor?

19 JUDGE CHARLES R. BEAUDROT: Yes.

20 ANDREW G. CELLI JR.: If you want to use my
21 laptop.

22 JUDGE CHARLES R. BEAUDROT: Well again let's
23 -- [INDISCERNIBLE 05:46:02] here's an actual box
24 if you want.

25

1 ANDREW G. CELLI JR.: Not it's in evidence.
2 You're right.

3 JAMES BOPP: As I remember it, at the very
4 beginning a little low and it came up in sound.

5 ANDREW G. CELLI JR.: It sounds like
6 [INDISCERNIBLE 05:48:11]

7 JAMES BOPP: Is it ready? Okay. Let's go.

8 JUDGE CHARLES R. BEAUDROT: Let's go.

9 (OVERLAY)

10 JAMES BOPP: You'll need to turn that up.
11 Can you turn the sound up to maximum, please?

12 VIDEO: [INDISCERNIBLE 05:48:50] wonderful
13 Americans present from that are here in
14 Washington D.C today. It was time to support
15 your President and just note..

16 JAMES BOPP: Would you start it over please?

17 VIDEO: Just a message to you all just
18 letting you know for all the great people,
19 wonderful Americans who support President Trump
20 that are here in Washington D.C today. Today is
21 a time to support your President and just know
22 that we're fighting for you here in the Capitol
23 in Congress fighting for your vote and fighting
24 for President Trump. So, I urge you to remain
25 calm. I urge you to have a peaceful protest.

1 Make sure that everyone is safe and protected and
2 let's do this in a peaceful manner. This is not
3 a time for violence. This is a time to support
4 President Trump, support our election integrity
5 and purport this important process that we're
6 going through in Congress where we'll allowed to
7 object. So, this is very important. So, I urge
8 you to stay calm, be the great American people
9 that I know you are and just know that we're in
10 here fighting for you. So, God bless everyone.
11 And be careful. Be safe and be smart and obey
12 the laws. Thank you very much.

13 JAMES BOPP: Representative Greene, is that
14 you?

15 MARJORIE TAYLOR GREENE: Yes.

16 JAMES BOPP: As I look at your face and hear
17 your voice, I think you're scared.

18 ANDREW G. CELLI JR.: Objection. This is
19 not for Mr. Bopp to testify about his feelings.

20 JAMES BOPP: What was your feelings at the
21 time?

22 MARJORIE TAYLOR GREENE: I was scared. I
23 was very scared. I was concerned. I was
24 shocked, shocked, absolutely shocked. Every time
25 I said we're going to fight, it was all about

1 objecting and to me that was the most important
2 process of the day and I had no idea what was
3 going on and I just didn't want anyone to get
4 hurt. I didn't want to see anything terrible
5 happen and it was very upsetting. I was very,
6 very upset when I made that video.

7 JAMES BOPP: And you've been on a stand for
8 several hours here during direct examination and
9 they showed you multiple Tweets and multiple
10 videos. Did they show you that video?

11 MARJORIE TAYLOR GREENE: No, they didn't
12 show that one or all the other social media posts
13 that have been made on my accounts that I have
14 made or videos I have made where I've always
15 denounced violence and all the videos I've said
16 and speeches I've said of how upset I was about
17 the riot on January 6 and how much I didn't like
18 it and how much I was against it and even when I
19 went and visited the January 6 defendants --
20 pretrial defendants in the BC Jail and I went
21 there to see their conditions because we had
22 heard horrible things about their treatment--.

23 ANDREW G. CELLI JR.: Your Honor, I don't
24 know what this is relevant to. I object.

25

1 JUDGE CHARLES R. BEAUDROT: It's not
2 relevant. Sustained.

3 JAMES BOPP: Cutting you off is going to be
4 on the question. Thank you. Now let me show you
5 what's been admitted as R4. Now this is a
6 transcript of the video that's been admitted into
7 evidence. And I want you to turn to page two and
8 did you say these words? "So, I urge you to
9 remain calm. I urge you to have a peaceful
10 protest. Make sure everyone is safe and
11 protected. And let's do this in a peaceful
12 manner. This is not a time for violence. This is
13 a time to support President Trump, support our
14 election integrity and support our important
15 process that we're going through in Congress
16 where we're allowed to object. So, this is very
17 important. So I urge you to stay calm. Be the
18 great American people that I know you are and
19 just know that we're in here fighting for you.
20 So, God bless, be careful, be safe and be smart
21 and obey the law. Thank you."

22
23 MARJORIE TAYLOR GREENE: Yes.

24 JAMES BOPP: I think there was a subsequent
25 Tweet that you did referring to the violence that

1 occurred on January 6 and it's P1P and I am
2 actually not certain whether that has been
3 admitted or not admitted. P1P. So,
4 Representative Greene, did you Tweet this Tweet -
5 - you know what I'm talking about?

6 MARJORIE TAYLOR GREENE: I don't remember
7 but I see it's my @mtgreene Twitter account.

8 JAMES BOPP: So, it went out from your
9 Twitter account but you don't know if you did it
10 or another member of your staff or another?

11 MARJORIE TAYLOR GREENE: I can't recall
12 exactly but I think I actually did this one.

13 JAMES BOPP: Now, this says and this day is
14 January 12. Is that correct?

15
16 MARJORIE TAYLOR GREENE: Yes.

17 JAMES BOPP: Okay. This Tweet says, "I
18 proudly stand with Representative Mel Brookes and
19 everything in his statement" which you link to
20 later on. "The unhinged left is out of control
21 and their disgusting witch hunt is full of
22 hypocrisy. Democrats are on record for support
23 of violence all year. We did not plan, cause and
24 denounce" and that's capital letters, "denounce
25 the January 6 attacks. I defend my honor and

1 reputation." So, was that the message sent out
2 on your Twitter account?

3 MARJORIE TAYLOR GREENE: Yes, it's the same
4 message I've sent over and over again about
5 January 6.

6 JAMES BOPP: Now, Representative -- oh
7 excuse me -- Kathy [INDISCERIBLE 05:56:42] or
8 Christopher Ray testified before Congress that
9 soon after the attack it was before the senate on
10 March 2, 2021 ad that's is R5 which has been
11 admitted into evidence. Let me show you this.
12 It has. I don't believe this has been submitted.

13 JUDGE CHARLES R. BEAUDROT: Alright are you
14 moving to admit?

15 JAMES BOPP: Yes, I am.

16 JUDGE CHARLES R. BEAUDROT: Any objection?

17 ANDREW G. CELLI JR.: No objection, Your
18 Honor.

19 JAMES BOPP: T1P. Thank you.

20 ANDREW G. CELLI JR.: Thank you.

21 JAMES BOPP: Now when he testified before
22 Congress on March 2 of course you were a member
23 of Congress, right?

24 MARJORIE TAYLOR GREENE: Yes.

25

1 JAMES BOPP: And he said, "I was appalled
2 like you at the violence and destruction that we
3 saw that day." He's referring to January 6.

4 MARJORIE TAYLOR GREENE: Yes.

5 JAMES BOPP: "I was appalled that you" --
6 he's testifying before the Congress looking at
7 members of Congress -- "our country's elected
8 leaders were victimized right there in these very
9 halls." Were you a victim of the attack?

10 MARJORIE TAYLOR GREENE: Yes, I was. I was
11 in the house Chamber when it happened. I had to
12 be evacuated to safety. We were held for hours
13 in a secret location protected by Capitol Police,
14 military members for hours until they cleared the
15 Capitol. Yes, I was a victim of the riot that
16 day.

17 JAMES BOPP: No further questions.

18 JUDGE CHARLES R. BEAUDROT: Okay.

19 ANDREW G. CELLI JR.: Your Honor, I believe
20 the testimony is opened the door on the issue of
21 text messages that Representative Greene sent on
22 January 6 during the insurrection. We would call
23 for their immediate production and the ability to
24 have a moment to look at them so that we can
25 examine around them.

1 JUDGE CHARLES R. BEAUDROT: I thought the
2 testimony was she had not seen any text messages.

3 ANDREW G. CELLI JR.: No she's testified
4 that she sent them. Messages to her children and
5 her family.

6 JAMES BOPP: Those were text messages.
7 Those were not Tweets. We did not talk about any
8 text messages. That was the controversy over the
9 admission of the text messages which we have not
10 referred to at all.

11
12 ANDREW G. CELLI JR.: Except that
13 Representative Greene referred to it when I asked
14 her if she was in touch with anybody from the --
15 from that date from the floor and she said she
16 texted her family.

17 JAMES BOPP: You can't open the door. Only
18 I could open the door.

19 JUDGE CHARLES R. BEAUDROT: First of all, do
20 you have any questions other than?

21 ANDREW G. CELLI JR.: I do and I'm going to
22 preserve that position but--.

23 JUDGE CHARLES R. BEAUDROT: I understand. A
24 little chaotic.

25

1 ANDREW G. CELLI JR.: Representative Greene,
2 you mentioned a number of statements that you
3 made after January 6 when you talk about being
4 upset about the fact that there was violence,
5 right?

6 MARJORIE TAYLOR GREENE: Yes.

7 ANDREW G. CELLI JR.: Can you point to one
8 press release or Tweet or comment on Facebook
9 prior to January 6 where you used the word
10 peacefully and in terms of urging people to
11 behave peacefully at the demonstrations that were
12 expected to occur?

13 MARJORIE TAYLOR GREENE: I would have to
14 look all through my social media but I'm sure
15 that it's there. And I've always denounced
16 violence. I denounced those Antifa BLM riots all
17 over the country over and over just like I
18 denounced that January 6 riot over and over.
19 Even to the people in jail. I told them that it
20 was wrong. I told them in the DC jail I did not
21 like what they did but that I'm there because I
22 support their due process rights which is being
23 violated.

24 ANDREW G. CELLI JR.: Can you point to one
25 video prior to January 6 where you urged people

1 to behave peacefully on January 6? One time in
2 public that's on video where you said those
3 words?

4
5 MARJORIE TAYLOR GREENE: I don't have a
6 computer. I don't have my social media. I
7 didn't remember many of the social media posts
8 that you pled up and interviews.

9 ANDREW G. CELLI JR.: I was interested that
10 you answered some questions about FBI Director
11 Reyes testimony in Congress. Do you believe the
12 FBI was behind the January 6 violence in the
13 Capitol?

14 MARJORIE TAYLOR GREENE: I don't know. I
15 certainly think there's a lot to be investigated.
16 We don't know who Reyes is, the scaffolding
17 commander. We don't -- the Governor Witmer
18 certainly leads to questions about things that
19 happened on January 6. I think there's a lot of
20 investigations that need to happen.

21 ANDREW G. CELLI JR.: You've referred to
22 January 6 as the Fed selection right?

23 MARJORIE TAYLOR GREENE: I'm not sure.

24 ANDREW G. CELLI JR.: Nothing further.

25

1 JUDGE CHARLES R. BEAUDROT: Mr. Bopp,
2 [INDISCERNIBLE 06:01:58]. Anything else?

3

4 ANDREW G. CELLI JR.: No, sir.

5 JAMES BOPP: Do they rest or what?

6 JUDGE CHARLES R. BEAUDROT: Do you rest?

7

8 ANDREW G. CELLI JR.: No we have -- well we
9 have an issue that we want to consult on but
10 either we're going to put in a video or we're
11 going to move to closing statements but the video
12 has been admitted. So, it's a timing issue that
13 we want to talk about.

14 JUDGE CHARLES R. BEAUDROT: Okay. So you
15 don't need -- she's excused?

16 ANDREW G. CELLI JR.: That's right. Thank
17 you.

18 JUDGE CHARLES R. BEAUDROT: Thank you. You
19 are excused. And may step down. Alright. Now, I
20 believe we discussed we would take a break.

21 [INDISCERNIBLE 06:02:32] Take a break. I don't
22 know what you got. Five minutes or an hour?

23 ANDREW G. CELLI JR.: Yeah I think -- Your
24 Honor, we would appreciate a very short break.

25

1 JUDGE CHARLES R. BEAUDROT: Well, let's take
2 fifteen and be back at quarter to.

3 ANDREW G. CELLI JR.: Your Honor, can I ask
4 a question? Are we absolutely dedicated to
5 stopping at 4:30 if we went a little longer than
6 that with that piece?

7 JUDGE CHARLES R. BEAUDROT: I will have to
8 consult the real powers.

9 ANDREW G. CELLI JR.: Only because we're
10 trying to figure out our presentation, the last
11 piece of our presentation that we want to close
12 or do we have some one more thing and so it would
13 be nice to know how much--.

14 JUDGE CHARLES R. BEAUDROT: We will set our
15 consultant. He will respond [INDISCERNIBLE
16 06:03:10].

17 ANDREW G. CELLI JR.: Thank you.

18 (BREAK)

19 JUDGE CHARLES R. BEAUDROT: Let's take our
20 seats. Is that ready to go? Mr. Celli, before
21 you start, I trust the message got to you.

22 ANDREW G. CELLI JR.: It did. Thank you.
23 Very much appreciated, Your Honor. I appreciate
24 Counsel on the other side as well.

25

1 JUDGE CHARLES R. BEAUDROT: So, where did we
2 leave?

3
4 ANDREW G. CELLI JR.: So, Your Honor, there
5 are two last matters before we rest. We would
6 apply for the entirety of P1 and P2 which are the
7 Tweets reflected in the pro public report and the
8 law firm report to be admitted. We believe the
9 Representative Greene's testimony about how her
10 Twitter account was operated, that she authorized
11 Tweets to be issued is sufficient foundation for
12 them to be admitted. So, we would ask that those
13 two sets of plaintiff's exhibits be admitted.

14 JUDGE CHARLES R. BEAUDROT: Mr. Bopp?

15
16 JAMES BOPP: Yeah if they -- well, oh my
17 goodness sorry. It made a lot more sense if we
18 had them at the time because just because its
19 authenticated doesn't mean it's admissible.

20 JUDGE CHARLES R. BEAUDROT: Well that's why
21 I'm asking. What's your position on it. There
22 were a number of that we went over and then there
23 were some that I don't think we went over. And I
24 think there was one you requested.

25 JAMES BOPP: And it was.

1 JUDGE CHARLES R. BEAUDROT: And it was.

2 JAMES BOPP: yeah it was. I have no
3 objection.

4

5 JUDGE CHARLES R. BEAUDROT: Alright. We're
6 talking about -- so we're going to take all of
7 the authenticity to make sure I got it right
8 basically everything [INDISCERNIBLE 06:22:00].

9 ANDREW G. CELLI JR.: Yes. That's correct.

10 JUDGE CHARLES R. BEAUDROT: They're in--.

11 ANDREW G. CELLI JR.: Right. MP2 as well
12 which is the law firm.

13 JUDGE CHARLES R. BEAUDROT: Now wait a
14 minute. That's [INDISCERNIBLE 06:22:11]. What
15 are we talking about? Are you talking about a
16 whole thing?

17

18 ANDREW G. CELLI JR.: Yes. These are her
19 social media posts.

20 JAMES BOPP: I do not object to the social
21 media post.

22 ANDREW G. CELLI JR.: That's all they are.

23 JAMES BOPP: Well but there's also it isn't
24 too the entire report.

25 ANDREW G. CELLI JR.: Actually--.

1 JUDGE CHARLES R. BEAUDROT: It looks like
2 this is -- again you might want to [INDISCERNIBLE
3 06:22:37.

4 JAMES BOPP: Well and I have looked at--.

5 JUDGE CHARLES R. BEAUDROT: Yeah looks to me
6 like everything that's in P2 looks like it is --
7 there's a cover page.

8 ANDREW G. CELLI JR.: We're happy to exclude
9 that, Your Honor.

10 JUDGE CHARLES R. BEAUDROT: that was my
11 question. What about the cover page.

12 ANDREW G. CELLI JR.: We'll exclude that
13 from--.

14 JUDGE CHARLES R. BEAUDROT: Okay so you
15 basically are going to pick up page 22, 128 to
16 128, 22.

17 ANDREW G. CELLI JR.: That's right, Your
18 Honor. Thank you.

19 JUDGE CHARLES R. BEAUDROT: Which is just
20 the text and the Tweets and the enclosures.

21 ANDREW G. CELLI JR.: Exactly, your Honor.

22 JUDGE CHARLES R. BEAUDROT: I'm going to
23 admit it unless--.

24 JAMES BOPP: : You've reserved -- yes and I
25 know you reserved ruling on this whether or not

1 it was authenticated and of course we have made
2 our individual objections yesterday. And if
3 that's--.

4 JUDGE CHARLES R. BEAUDROT: And they're
5 preserved. If you want to -- you're preserving
6 those notices.

7 JAMES BOPP: Yes please.

8 JUDGE CHARLES R. BEAUDROT: alright. We're
9 going to preserve the objection. Okay.

10 ANDREW G. CELLI JR.: Before we rest, Your
11 Honor, we have one last piece of evidence which
12 is Plaintiff's -- I'm sorry -- P73 which is a
13 video. It's 14 minutes long, Your Honor. This
14 is the Washington Post. It shows the events of
15 January 6.

16 JUDGE CHARLES R. BEAUDROT: Is that not
17 already admitted?

18 ANDREW G. CELLI JR.: yes I think it--.

19 JUDGE CHARLES R. BEAUDROT: Then why does
20 the audience need to watch that?

21 ANDREW G. CELLI JR.: That's fine. We
22 thought that--.

23 JUDGE CHARLES R. BEAUDROT: I've already
24 watched it a couple of times.

25 ANDREW G. CELLI JR.: Okay.

1 JUDGE CHARLES R. BEAUDROT: One of these
2 things about the--.

3 ANDREW G. CELLI JR.: It's only 17 minutes.

4 JUDGE CHARLES R. BEAUDROT: There's a lot of
5 material in the record which obviously was not
6 the subject of today's hearing. Which I'm
7 perfectly happy to refer to with you and you
8 actually -- so but I don't know if we need to
9 play the video. Washington Post video they are a
10 public source.

11 ANDREW G. CELLI JR.: AS you wish, Your
12 Honor.

13 JUDGE CHARLES R. BEAUDROT: alright great .
14 Okay. Any thing else?

15
16 ANDREW G. CELLI JR.: No. The petitioner's
17 rest.

18 JUDGE CHARLES R. BEAUDROT: Rest. Anything
19 else, Mr. Bopp?

20
21 JAMES BOPP: We rest.

22 JUDGE CHARLES R. BEAUDROT: Very well.
23 Alright. I'll hear closing. [INDISCERNIBLE
24 06:24:36] get the last word. Mr. Bopp, you get
25 to go first.

1 JAMES BOPP: Okay. Thank you, your Honor.
2 I didn't want to talk about the law and then I'll
3 talk about the evidence that has [INDISCERNIBLE
4 06:24:58] about that evidence meets the correct
5 legal standard that we believe are applicable.
6 Of course we end our procedure [INDISCERNIBLE
7 06:25:08] North Carolina State law 22-1-5 which
8 permits Secretary of State to remove someone as a
9 candidate for office if, one, they do not qualify
10 as a candidate for office or, number two, if they
11 are not eligible to take office and in this case
12 on January 3, 2023. Now, they assert a
13 disqualification under session three is that
14 Representative Greene engaged in insurrection on
15 rebellion after taking the [INDISCERNIBLE
16 06:25:48] of office on January 3 and I assume
17 enough though they're not clear on January 6.
18 Section three also provides that, quote, Congress
19 made by a vote of two thirds of each House remove
20 such disability. In other words remove the
21 political disability of not being able to take
22 office by taking the oath which is the truth.
23 And they can do that at any time. You can see
24 the wording of the last sentence is not time
25 limited. In other words, it could have been done

1 last week. It could be done next month. It
2 could be done on January 3, 2023 when
3 Representative Greene presents herself and before
4 she's sworn in Congress could pass a statute
5 under section 3 the lats sentence and she would
6 then be qualified to take office. How in the
7 world do we know right now that she will not be
8 qualified on January 3, 2023. When congress at
9 any time either for her in particular or for her
10 class of people as Congress has done. In fact,
11 there were thousands of individual amnesties
12 granted and then two general amnesties granted by
13 the Congress. They can do that at any time. It
14 is impossible for this court to know at this time
15 that she is not eligible to take office because
16 of that contingency. They can be exercised by
17 Congress at any time in the future. Up until
18 January 3. That means this is nothing. She
19 cannot be viewed as disqualified today because it
20 cannot be determined that she is ineligible for
21 office on January 3, 2023. That should end this.
22 Now, second, this has already happened. The
23 amnesty has already been granted. The simple
24 argument about this is the 1872 amnesty act
25 relieved the disability under Section 3, to

1 quote, all persons whomsoever. Representative
2 Greene is an all persons whosoever. And it
3 relieved the political disability that Section 3
4 imposed and by the way the word imposed here is a
5 past participle meaning that phrase imposed by
6 Section 3 is an adjective on regarding what
7 political disabilities are we talking about.
8 Because absent that modifier of political
9 disability it could be you're a felon, you lost
10 your civil rights and we're giving you amnesty
11 from that political disability that you cannot
12 take office as a convicted felon. So, the only
13 way to know what political disabilities we're
14 talking to is the past participle. I didn't know
15 this at the beginning, Your Honor. The past
16 participle imposed by Section 3. Now we also
17 know that Section 3 is both retrospective because
18 it affected anyone in the past that had engaged
19 in insurrection or rebellion after taking the
20 oath and disqualified them from office. But tie
21 also had a prospective effect because why would
22 we be here? If it didn't have a prospective
23 effect what would be the basis to apply this to
24 Representative Greene. So, we know it has both
25 prospective and retrospective and in the Amnesty

1 Act of 1872 it was removed. That retrospective
2 or prospective political disability under Section
3 3 was removed for all persons whosoever. And the
4 court -- District Court in North Carolina agreed
5 with that analysis. That case is now in appeal.
6 The district court here in Atlanta did not and
7 that case is on appeal. So you get to be the tie
8 breaker. Now, we also know that when they use --
9 in 1872 Amnesty Act was adopted that they did
10 intend it to be both retrospective and
11 prospective. Because of the wording of the 1898
12 Amnesty Act the 1898 Amnesty Act after the phrase
13 disabilities imposed by the third section of the
14 14th Amendment -- Articles of Amendments to the
15 Constitution of the United States, inserted the
16 words, heretofore encouraged. That is not in the
17 '72 version. So, Congress knew very well how to
18 do a retrospective amnesty if they chose to do
19 it. Because in 1889 that's exactly what they
20 did. They retrospective only amnesty based on
21 the words heretofore incurred. So, in accordance
22 with the English language and the terms of
23 construction we can't treat heretofore incurred
24 as like [INDISCERNIBLE 06:32:27] or something.
25 It is comports with the understanding of Section

1 3 that the political disabilities were both
2 retroactive and prospective. In 1872 the wording
3 of that amendment -- of that act encompassed
4 both. The 1898 wording only referred to
5 retrospect. Now, you know, we heard some you
6 know interesting things about the history of our
7 country from my fellow Hoosier law professor. He
8 -- but he admitted that when Congress first
9 considered the 14th Amendment in Section 3 there
10 was not a word about any other insurrection
11 [INDISCERNIBLE 06:33:32] other than the Civil
12 War. And that means that history about
13 [INDISCERNIBLE 06:33:43] and about the Whiskey
14 Rebellions as interesting as they are simply
15 played no role. In other words, it was a
16 historical occurrence there is no evidence even
17 if we need to look at legislative history no
18 evidence that Congress considered that at all.
19 So, I will soon be talking to you about what we
20 do know about what they thought in 1867. But
21 now, so let's get to the meaning of the words in
22 Section 3. Engage in insurrection or rebellion
23 is one and giving aid or comfort to the enemies
24 thereof is number two. Well, that number two is
25 about foreign wars as I will soon explain.

1 Number one is about domestic wars and was --
2 which were described at the time by authorities
3 when they talked about those phrases. So, what
4 is engagement? What is engage? It denotes
5 conduct and you will soon see here are the
6 authority for the proposition that that is,
7 quote, direct and a direct overact such as
8 voluntarily joining the armed forces, the
9 Confederacy, giving them food, giving the army
10 food, you know, cash, whatever, shelter, the
11 people in the war department prosecuting the war,
12 etc. Now, there is not a single piece of
13 evidence that any of those things occurred here
14 with respect to Representative Greene. There
15 were certainly some 700 people involved at least
16 they have been charged to have been involved in
17 the attack on the Capitol. Greene wasn't one of
18 them. They agree with that. And there's no other
19 act of direct overact of an insurrection nature
20 that she has engaged in. not a single one. Now,
21 of course, they're not satisfied with that. They
22 want to use political speech. And when they use
23 their political speech they want to use the
24 nuances or the fragments or wait a second you
25 didn't use the word peaceful in this one sentence

1 even though you said it over here. You didn't
2 use it in this one sentence right here. In code
3 words for goodness sakes. Right there this state
4 is an insurrection -- are insurrections. It says
5 it right there. 1876. Now, if you're going to
6 use speech which you can't use here because they
7 didn't use the word insight violence. They said
8 engaged or insight and insurrection. They said
9 engaged in insurrection. But it is instructed
10 and it's different because you can see for
11 instance in the act of 1862 where it was a felony
12 to, quote, insight, set on foot, whatever that
13 means, assist or engage in any rebellion or
14 insurrection and [INDISCERNIBLE 06:37:55].
15 That's codified at 18USC Section 23 and 3. Those
16 two words are used in the same list. Rules of
17 construction telling you that they have to be
18 different. Or they're spuriously -- we never
19 assume that Congress is just throwing words out
20 there at surplus. So, they necessarily mean a
21 different thing. Brandenburg defined incitement
22 as requiring speech that, quote, directed or
23 inciting or producing imminent, lawless action
24 that is likely to incite or produce such or that
25 is likely to produce such action. Producing

1 imminent lawless action. Now that's very
2 restrictive. That's very limiting. And of
3 course the reason is the protection of the First
4 Amendment which we have now seen on full display
5 here, full display. The danger of construing
6 words way beyond their meaning to allow political
7 opponents to smear their opposition in a court of
8 law. I know you got -- I understand the
9 constraints, Your Honor, as I do and the role
10 that you play and they have exploited that to the
11 max. Well, what are the words that do not amount
12 to insurrection? Well, we know there are words
13 like that. There are statements like that. Klu
14 Klux Klan leader, quote, advocating the duty,
15 necessity or propriety of crime, sabotage,
16 violence or unlawful methods of terrorism as a
17 means to accomplish industrial or political
18 report. The court said that's advocacy. That's
19 not incitement for violence. Representative in
20 the NAACP said if we catch any of you going in
21 any of them racist stores, we're going to break
22 your damn neck, end of quote. In the NAACP case.
23 That is advocacy not incitement for violence.
24 And a Vietnam War protestor, we're taking the
25 F'ing streets again. End of quote. Not

1 incitement for violence but advocacy, protected
2 by the First Amendment. So, we know the kind of
3 words that will be considered that. So what do
4 we have from then? We have a rally. There is no
5 evidence that there was anything but that that
6 was anything but a peaceful rally. And an
7 accusation she organized it which she didn't and
8 while she on a few occasions urged people to go
9 to it, she didn't even go to it herself and speak
10 and there was zero evidence that anything
11 unlawful happened there. These kind of rallies
12 happen in the Capitol of the United States
13 numerous times every single year on the
14 [INDISCERNIBLE 06:41:44]. I attend one of them
15 every year. And you know guess what is one of
16 the things they always say and of course these
17 are left wing, right wing, Democrats,
18 Republicans, whatever, what do they always say?
19 Well, once we're done here go to the Capitol.
20 Tell your Representative to vote for our issue.
21 Okay? That in their world is calling for
22 violence. When it is absolutely appropriate for
23 people to go to the Capitol of the United States
24 to enter into it is absolutely lawful to do that,
25 to go talk to their Congressman. Watch the House

1 and Senate, whatever. Whatever they might do.
2 Flood the Capitol. It was a code word I guess.
3 Flood the Capitol. Then, well what about this,
4 Representative Greene? Did your staff take
5 anyone on a tour of the Capitol between January 3
6 and January 6? Did any of you give any maps of
7 the Capitol to anybody? What are they talking
8 about? Congressmen do that every single day for
9 their constituents. Is giving a tour or giving
10 out a map some kind of code word or to be viewed
11 as what participating in a lawless riot? Oh but
12 1776. Or what about Independence Day? Or how
13 about talking bout the Declaration of
14 Independence? Or what about talking about the
15 Revolutionary War for our independence? These
16 are now code words for advocating a violent
17 overthrow of the Government of the United States.
18 What an outrage. They want to hijack and cancel
19 words like 1776, the Declaration of Independence,
20 Independence Day and the American Revolution.
21 What about oh no defense of the Second Amendment?
22 If you advocate for defense of the Second
23 Amendment you are in favor and in fact are
24 engaging in the violent overthrow of the
25 Government of the United States. That's the

1 implication isn't it? Right? And of course the
2 Second Amendment says that the first part of it a
3 well regulated militia necessary for free
4 republic or whatever. I don't remember exactly.
5 Then citizens have the right to keep and bear
6 arms. So, yes, there is a military application,
7 if you will, the militia. I mean the militia was
8 a major factor in winning our Revolutionary War.
9 Many people who are in the Indiana Militia fought
10 in the Civil War. And so, and they were able to
11 do that because of the Second Amendment in many
12 cases. So, advocating for the Second Amendment
13 is now a code word for engaging in insurrection
14 and rebellion in the United States. How about
15 get our freedoms back? Getting our freedoms
16 back. She said those words. Oh my word. I mean
17 yes people on the conservative side are concerned
18 that the Biden Administration is eroding our
19 freedoms. I mean we've just got one back as a
20 result of a Federal Judge just like what two or
21 three days ago and so yeah tha tis a concern
22 about what will happen with the election of Biden
23 and has proven to be the case. We have lost our
24 freedoms. Some of them. And to be concerned
25 about that is quintessential political speech.

1 Well what about they keep saying this. Evens of
2 January 6. So, what we're going to do is just
3 mush them all together, right? They're all one
4 thing. Just mush them all together. Well the
5 first amendment then allow you to do that. Like
6 the Frist Amendment provides with respect to
7 freedom of association which is what a rally is
8 or under the First Amendment as an assembly
9 protected by the First Amendment is that if you
10 have a peaceful rally which they had. There's no
11 evidence otherwise. Some people leave as some
12 people did over the Capitol and some of them
13 committed an illegal act. This rally does not
14 lose its First Amendment protection. Because the
15 actions of a few that show up in that situation
16 are not -- cannot be attributed to the
17 organization itself or who could ever have a
18 rally? I mean nobody can guarantee that somebody
19 might show up whether they be supporters of what
20 the rally is about or agent provocateur or
21 whatever and cause illegal acts to occur or
22 violence. You can't -- I mean I've been to a
23 rally that 500,000 people on the lips of the
24 Capitol. And how do you do that and so what --
25 there's a two step analysis. First, was the

1 rally peaceful? And not violent? Unquestionably
2 so. Under what we know and what the evidence is.
3 Well, can the rally be held into account for what
4 the few did that left the rally, went to the
5 Capitol and the few there, some 700, who attacked
6 the Capitol? And this is what the Supreme Court
7 said in the NAACP case. The right to association
8 does not lose all constitutional protection
9 merely because some members of the group may have
10 participated in conduct or advocated doctrines
11 that itself is not protected. The NAACP is
12 particularly instructed here in that -- and that
13 was end quote -- the NAACP is particularly
14 instructed here as there were constitutionally
15 protected speech, association and [INDISCERNIBLE
16 06:49:12] designed to influence Government
17 actions, i.e. support the constitutional right of
18 member of Congress to object in the two votes on
19 the regrading the electoral college. Along with
20 the illegal actions by a few but the acts of the
21 latter don't strip the others of their First
22 Amendment rights where the Government failed to
23 prove that, quote, the NAACP authorized either
24 actually or apparently the unlawful conduct,
25 either authorized it or ratified it. Actually or

1 apparently. There is no evidence of that.
2 There's not a single word about that. So, we
3 have different events, some that are subject to
4 Frist Amendment protection, others the attack on
5 the Capitol that are not. And to drag her into
6 well did you promote the rally, did you put it on
7 your calendar, did you -- were you invited to
8 speak, Joe Blow said you were invited to speak,
9 is to strip her of her First Amendment right.
10 All of these are First Amendment protected
11 activities. Every single one of them and none of
12 them constitute even incitement much less
13 constitute engaging in unlawful conduct. Now, of
14 course, the question of the quote insurrection.
15 The insurrection is narrowly defined. I quoted
16 cases, some from 1894, some from 1842, some from
17 the 1795 Militia Act that all said basically the
18 same thing which is it has to be an armed
19 uprising that is so formidable as to defy the
20 authority of the United States in order to
21 suppress it. And of course, we have a case --
22 CJS says about riot is that you can have mob
23 violence and it's not an insurrection. Unless it
24 is so serious that actually military force is
25 required to suppress it. Now, I mean how do we

1 know all this? Well, in 1867 and it came up --
2 went up on the screen, P48 that has been admitted
3 was put up on the screen for a moment and I have
4 that and I'd like to give you a copy. Now I
5 don't know who can read the exhibit.

6 JUDGE CHARLES R. BEAUDROT: I was getting
7 ready to say.

8 JAMES BOPP: Okay. I confess I cannot.
9 However, therefore, what I have done is at 3:00
10 in the morning Thursday morning I figured out how
11 to not only zoom it to make it larger, the
12 applicable section but copied them so I did that
13 and those are the attachments. Now because it
14 was 3:00 in the morning I kind of screwed up on
15 my numbering so it's 1A and 1B and then I go
16 through 14 or so. And this takes you step by
17 step through the analysis of the Attorney General
18 of the United States in 1867 that was mentioned
19 on the stand and shown to you. What the words
20 engage in insurrection and rebellion and giving
21 aid or comfort to the enemies mean and meant. IN
22 1867 because those words were not just used in
23 1868 in the 14th Amendment. But they were used
24 and this is what the Attorney General was
25 addressing, it was used in Reconstruction Act

1 because they were going to open up voting to the
2 people who lived in the Confederacy. Old
3 Confederacy. And they were required to take an
4 oath and that oath In order to register to vote
5 one of its sections was that they have to swear
6 that they did not, quote, engage in insurrection
7 or rebellion or gave aid and comfort to the
8 enemies of the United States. Exact words. So,
9 the first 1A starts about in the middle column
10 and we're going to go down the middle column for
11 a while and it starts with considering I now come
12 to consider the meaning of the disqualification
13 arising from this point for the oath that
14 requires a person to state that he is, quote, not
15 engaged in an insurrection or rebellion against
16 the United States or given aid and comfort. Each
17 of these are separately considered according to
18 the Attorney General. The next page now it's on
19 the left a little bit. My duty here is one of
20 simple construction. And I thought that was
21 important. He was not applying constitutional
22 concepts to his construction. Which of course
23 under modern First Amendment jurisprudence I mean
24 you absolutely have to do that and has happened
25 in the NAACP case, etc. as we have discussed.

1 And even at that give you the oath because you
2 couldn't vote as depriving you of a right. And
3 that was important to his analysis. On page two
4 he goes to that the requirement of the oath and
5 the disqualification must be viewed as a
6 punishment for that conduct and as a result it
7 made the oath even more objectionable than the
8 fact that it was also a violation of a right and
9 a right to them. Now, then on page three he said
10 any doubts must be resolved in the favor of the
11 voter and then said what acts then are within the
12 meaning of this provision? Well, at the bottom
13 he says, well the first sentence, engage in
14 insurrection or rebellion covers the case of
15 domestic war and the second phrase, aid or
16 comfort to the enemy, applies to foreign war.
17 So, in this context we need to be looking at
18 engaging in insurrection or rebellion. Continues
19 on on page four on that analysis. Page five is
20 not I'm sure interesting but not relevant. And
21 then we go to page six. We are now to inquire
22 what is meant by engaging in insurrection or
23 rebellion against the United States. He said
24 first the force of the term to engage carries the
25 idea of active rather than passive. And

1 voluntary rather than compulsory. And analyzes
2 the voluntary part that conscripts cannot be
3 charged with engaging because it's involuntary.
4 But somebody who voluntarily joined can be. On
5 page seven he takes -- begins to consider the
6 question of whether persons may have engaged in
7 the rebellion without having actually levied war
8 or taking up arms and he finds in that regard
9 that for instance people in the war department of
10 the Confederacy did engage even though they
11 didn't' literally take up arms. We then go to
12 why civil officers are not covered. People that
13 just run the government, maintain the peace, do
14 perform civil functions are simply not covered.
15 So, and he continues that discussion on page 9.
16 That I now concur what amounts to individual
17 participation in the rebellion. And of course,
18 he agrees that it isn't only the Civil War that
19 is to be considered but that the Civil War
20 provides much instruction on what is meant by
21 rebellion or insurrection. Then page 11 is
22 continuing the discussion of voluntary
23 participation and then on page 12 at the top he
24 says what is engaged. It says, quote, " I am of
25 the opinion that some direct overt act done with

1 the intent to further the rebellion is necessary
2 to bring a party within the purview of engaged".
3 A direct over act done with the intent to further
4 the rebellion. That is where I get the phrase
5 direct over act and then he says, "Mere disloyal
6 sentiment" think of their evidence "mere disloyal
7 sentiments or expressions are not sufficient"
8 because they're not acts. They're talk . And so
9 that is where we find out surely -- I mean by one
10 of the most authoritative sources, the Attorney
11 General of the United States at the very time
12 these phrases are used in several constitutional
13 provisions, one, and statutes, several, about
14 what it means. It does not mean nuance. It does
15 not mean inuendo. It does not mean code words.
16 It does not mean First Amendment protected
17 speech. A direct overt act is conduct and it has
18 to be with the intent to further not some
19 political agenda or whatever but the actual
20 insurrection that is occurring, the domestic war
21 as he described it. That was occurring.
22 Anything short of that and every political
23 disagreement is going to be characterized by bold
24 well funded lawyers and [INDISCERNIBLE 07:02:35]
25 into you're going to have to fight for your

1 right. You're going to be disqualified from
2 Congress, you're going to be whatever they can do
3 to you. Maybe in the worst possible situation
4 charged with a Federal offense. Those are the
5 same words they used in a federal crime with a
6 felony. I mean and that's why I said at the
7 beginning two things. This is not about
8 hyperbole, political smears, at least in my
9 opinion. It has never been about that. It has
10 to be about the law. And what the law provides.
11 Understanding that if this line is breached so
12 that the political hyperbole of calling people
13 insurrectionists turns into lawsuits brought by
14 interest groups in order to abort our democracy,
15 destroy the rights of voters to vote for
16 candidates for the other choice and preclude
17 individual members from running for reelection.
18 Our democracy, your Honor, can't survive that.
19 We can't survive these trials right here. This
20 was never designed to do what they have employed
21 it to do. We are stripped of our rights. We
22 can't do discovery. We can't move to dismiss
23 their complaint before a trial and certainly
24 there's no time -- I can give it a try but no
25 time to do it, right? And we come into a hearing

1 all these cameras and all these live streaming
2 and all this, why are they interested in this?
3 Because Representative Greene's on the ballot.
4 Oh please. No. this is a political agenda. And
5 this has been a political show trial. Not because
6 of your fault but because of their exploitation
7 of what we have done here. I mean this procedure
8 is for you're not 25, Representative Greene and
9 she comes in with a birth certificate. This is
10 not for a major trial that intents, factual and
11 legal consequences. And elements part of which
12 constitutional claims, Federal claim can be heard
13 by you in terms of decisions. We have got to put
14 a stop to this and this is where it should
15 happen. Thank you.

16
17 ANDREW G. CELLI JR.: Thank you, Your Honor.
18 Your Honor, Mr. Bopp talked a lot about the law,
19 a little bit about the history, not much about
20 the facts. I'm going to try to confine my
21 remarks to the facts. We're going to submit a
22 brief, as your Honor knows, next week with
23 responses to all the interesting legal issues
24 that Mr. Bopp has raised. But it's been a long
25 day and it's been a difficult day and it's been a

1 solemn day and we find ourselves back where we
2 started with the disqualification clause of 14th
3 Amendment and it's three very simple
4 requirements. That the candidate for Federal
5 office had taken the oath of the constitution
6 that an insurrection occurred and that the
7 candidate having taken that oath engaged in
8 insurrection ,promoted it, supported it, assisted
9 it, helped bring it into fruition. Those are the
10 three elements we came here today prepared to
11 prove and those are the three elements that had
12 proved. Let's talk about each of the three.
13 Marjorie Taylor Greene took the oath of office on
14 January 3 of 2021. She became a member of the
15 United States House of Representatives. The body
16 that represents not the states but the people of
17 the country in general, we the people. And Mr.
18 Bopp said this morning words matter. We agree
19 with that. Our proof today started with the oath
20 because in taking the oath Ms. Greene understood
21 a very -- undertook a very solemn and very
22 specific obligation. To uphold the Constitution,
23 to defend the Constitution against all enemies
24 foreign and domestic. Now, taking that oath was
25 an honor. But it was also an obligation. Ms.

1 Greene was no longer a simple citizen of the
2 great state of Georgia. She wasn't just another
3 person with opinions and a Twitter account. She
4 became part of our Government. And she took on
5 an affirmative obligation as part of our
6 Government to protect the Constitution, to
7 protect its processes from anyone who would seek
8 to block or impede that. That is what the
9 disqualification clause is all about. That
10 special status that is conferred upon a person
11 when she takes the oath of office. Now we'll
12 argue in our brief to this court that that status
13 means that Ms. Greene can't just say anything she
14 wants that she could have said as a private
15 citizen and our brief will also point out that
16 there are lots of things that people say that are
17 words that matter and that also have legal
18 consequences. But all of that is for another
19 day. Today the evidence has proven factually
20 that not only did Marjorie Greene engage in the
21 ceremony of taking the oath for the Constitution,
22 we've proven that the oath has meaning, that it
23 has teeth, that it has consequences.
24 Insurrection. What happened at the U.S. Capitol
25 building on January 6, 2021 was an insurrection.

1 It's as clear as day. Even Mr. Bopp doesn't
2 really deny it. And how do we know that?
3 Because he keeps talking about the rally. It's
4 the rally. It's the ellipse. It's the rally.
5 We're not talking about the rally. We're talking
6 about what happened at the Capitol. Now there
7 are lots of words and phrases that can be used to
8 describe what's on that Washington Post video
9 that Your Honor has viewed a couple of times.
10 Lawlessness, disturbance, a riot and Ms. Greene
11 and her counsel have used some of those words
12 today in their briefs. But the word they really
13 avoid using is insurrection. A riot can be an
14 insurrection. We learned that today from
15 Professor Magliocca. Insurrections can be
16 disturbances. They are lawless. They are
17 unrest. But when it's used in the
18 disqualification clause, an insurrection is more
19 than these things. It is something where the
20 purpose of it is to block, impede, disrupt a
21 Constitutional process or to overthrow the very
22 existence of the Government itself. Professor
23 Magliocca explained all of this and how American
24 history has faced many insurrections in the past
25 and how all of them share the same features.

1 Violence. Aimed at the processes or the
2 legitimacy of Government. Sometimes they're
3 aimed at the courts. In this case they were
4 aimed at the legislature. And the violence that
5 cannot be quelled by ordinary law enforcement
6 needs. Judge Beaudrot, you saw and heard with
7 your own eyes not just violence, horrific and
8 sickening as it is but its goal which was to stop
9 the certification of the electoral college vote
10 in favor of Joe Biden. It's goal was to stop the
11 Constitutional process of the 12th Amendment.
12 The peaceful process of transferring power
13 between presidents. Its goal was to physically
14 prevent Congress from meeting to do the essential
15 work of our democracy. Here's the worse thing.
16 It worked. For a time the insurrection worked.
17 It succeeded only briefly but it worked. The
18 joint session of Congress adjourned for several
19 hours into the next morning and ceased carrying
20 out its 12th Amendment function all because of
21 the insurrection. Because people violently
22 flooded the Capitol with the goal of striking
23 fear in the hearts of the people who work there
24 and to use violence. Fear, violence, flooding
25 the Capitol, these are words that came out of

1 Marjorie Taylor Greene's mouth. Now many people
2 were responsible for this attack on our
3 democracy. Most of all of course the individuals
4 that you saw on the Washington Post video and
5 many other places. They defiled the people's
6 house. But they're not the only ones. There
7 were others as well, the leaders, the people who
8 justified, who promoted, who supported, who
9 assisted, who encouraged this in the days and
10 weeks leading up to January 6. Margorie Taylor
11 Greene is one of those people. And how do we
12 know this? We know this from the evidence.
13 Let's start by talking about what we're talking
14 about. As a legal matter, in order to be
15 disqualified from Federal office, Ms. Greene had
16 to have engaged in insurrection sometime after
17 January 3, 2021 when she took the oath. Your
18 Honor, you've said it yourself, it's a narrow
19 window. January 3 to January 6, 2001. And the
20 evidence is very clear that in fact Marjorie
21 Taylor Greene justified, assisted, supported, and
22 promoted the insurrection in that window. That's
23 what the term engaging in insurrection means
24 under the law and we will lay that out in great
25 detail in our brief next week. Its' a legal

1 point but it's a common sense point as well.
2 Jefferson David didn't take up the musket and
3 fire on Union troops, at least as far as I
4 remember my history, but he was just as much an
5 insurrectionist as the tens of thousands of
6 soldiers to the Confederacy who did. Now, the
7 January 3 to January 6 window can really only be
8 understood by looking at the facts of what
9 happened before that window and before the oath.
10 There's really no dispute about this either. We
11 have proven that Marjorie Taylor Greene was an
12 advocate for violence against government
13 officials. In fact, she advocated violence
14 against the speaker of the House, the highest
15 ranking member of the House Mrs. Pelosi the very
16 House that was attacked on January 6, 2021. She
17 admitted it. She kind of wiggled there for a
18 second and then she admitted it and you saw that
19 with your eyes. Treason. The death penalty. A
20 bullet in the head. That's what she said about
21 Nancy Pelosi. And we have proven that she saw
22 the invasion of the Capitol building and creating
23 fear, fear is the word that she used, in the
24 hearts of public officials that she saw that as a
25 legitimate political tactic. And when she told

1 people when she was discussing this tactic that
2 she told them they should feel like they can act
3 in a violent way. She denied it not really. She
4 said I don't remember. That's not -- that's CNN.
5 That's fake news. Don't buy that. You don't
6 have to accept that. You saw the videos and you
7 saw the testimony. WE have proven that Marjorie
8 Taylor Greene was very clear on certain occasions
9 with her supporters about her support for
10 political violence. She said it on tape. The
11 price of blood would need to be paid if the
12 government took away her freedoms. She wouldn't
13 even admit that that was a call for violence.
14 She said something about the First Amendment, the
15 Second Amendment, a bunch of other amendments.
16 The price of blood could not be more clear. Now,
17 this didn't happen in high school as Mr. Bopp
18 suggested in one of his objections. This
19 happened in late October of 2020 when she was
20 interviewed by Mr. Door and she was talking about
21 how her freedoms and the freedoms of Americans
22 could be taken away by a tyrannical government.
23 It doesn't just come back on its own these
24 freedoms, she said, it has to be taken back with
25 the price of blood. These are things that

1 Marjorie Taylor Greene said as a private citizen,
2 candidate for Federal office but a private
3 citizen nonetheless before the 2020 election.
4 And maybe she has the right to say those things
5 or had the right before she took the oath but
6 let's keep going. Let's keep moving down the
7 timeline to the period after the election. And
8 in that period you saw and heard Ms. Taylor
9 Greene speaking out consistently in claiming that
10 the 2020 election was stolen by the Democrats. I
11 disagree with that point of view. But I respect
12 that people can have that point of view and it's
13 a perfectly acceptable part of our political
14 discourse for better or for worse. But then she
15 said this. Not just that the election was
16 stolen. Not just that there were ballots that
17 were fraudulent. Not just that its time to make
18 objections, perfectly legitimate thing to do. We
19 have no problem with her objections on the floor
20 of the House. Then she said something else.
21 That mask that Mr. Fein spoke about this morning
22 came down from just a minute. We can't allow
23 power to transfer peacefully like Joe Biden wants
24 because he didn't win the election. We can't
25 allow power to transfer peacefully. You saw and

1 heard it with your own eyes, Judge. She said the
2 quiet part out loud. She spoke her truth in a
3 video that she made, that she posted on her own
4 Facebook page and that she wanted her hundreds of
5 thousands of Facebook followers and the untold
6 millions of other people who knew it would be
7 available to know that her point of view was that
8 you can't allow -- we can't allow poverty the
9 power to transfer peacefully. Marjorie Taylor
10 Greene said this when she was a Federal official
11 or right about to be. It's not clear. But what
12 we can tell from the context of that tape is that
13 she stated her opposition to the peaceful
14 transfer of power. And it was a stunning
15 statement. This is not internet dribble. This
16 is not the dark corners of parlor. This is a
17 person who's a federal official, am member of
18 Government and this wasn't even a rhetorical
19 flourish on the back of a campaign truck after a
20 long day. This is somebody who sat down in front
21 of the camera and calmly and carefully told her
22 viewers we will not accept the peaceful transfer
23 of power. We can't allow it. And then she said
24 we will not go quietly into the night. She
25 framed this as an existential battle. New fourth

1 of July. A new fourth of July 1776. This brings
2 us right up to an into that critical window that
3 critical phase of time, January 3, to January 6.
4 Marjorie Taylor Greene's rallying cry for
5 violence at the Capitol on January 6 were the
6 words 1776. Now I think we all know that those
7 words have a lot of meanings. They mean a lot to
8 me. They are on the seal of the great state of
9 Georgia and I venerate that. That's not what
10 Marjorie Taylor Greene was talking about. Here's
11 how we know this. Because here's what we proved.
12 Marjorie Taylor Greene organized objections on
13 the floor of the House and this was not an
14 insurrection. This actually was part of the
15 Constitutional process and we have no issue with
16 it. But then Marjorie Taylor Greene promoted,
17 encouraged and supported the idea of large
18 demonstrations in Washington on January 6. Now
19 there's nothing wrong with large demonstrations
20 either and this is Mr. Bopp's point about a rally
21 on the ellipse. Not the insurrection at the
22 Capitol. He says well you know who cares. It's a
23 good thing. I agree. People do these things all
24 the time. I've done them as well. And
25 demonstrations are an important and venerated

1 part of our democratic tradition. She worked
2 with organizers and made calls for people to come
3 and that's not a problem. Out of context. Out
4 of context it's not a problem. In context this
5 support was part of a scheme. A scheme where
6 lawful demonstrations were plan A the first step
7 and there was also plan B. what was going to
8 happen when all the lawful demonstrations
9 happened and all the objections on the floor of
10 the House were heard and as everyone knew they
11 were futile. The votes were there to certify the
12 election of Joe Biden. There was a plan B. and
13 Plan B was violence at the Capitol. Plan B was
14 to physically enter the Capitol illegally, not on
15 a tour, tourist tour busting in the windows and
16 doors as you saw on that video, insuring and
17 ultimately causing the deaths of law enforcement
18 to block the certification of Joe Biden as the
19 winner of the 2020 election. That's' what plan B
20 was. Plan B had a name. it had a code name.
21 1776. And how do we know that? Well, the clues
22 are everywhere. December 30 Marjorie Taylor
23 Greene Tweets out a rumor that there are lawful
24 objections on the floor of the House may be
25 blocked by a rule change. And Ali Alexander who

1 she acknowledges knowing who says she's a friend,
2 he's an organizer of a major demonstration. He
3 Tweets in response to that 1776 is always an
4 option and he refers to what 500,000 people will
5 do to that building if the objections are
6 suppressed by a rule change. That's what that
7 Tweet exchange is about. I don't believe that
8 Marjorie Taylor Greene doesn't read every
9 response to her Tweets and care about them. I
10 think she acknowledged it in truth. And she knew
11 exactly what 1776 meant in that context. She
12 denied it sort of not really, I can't remember,
13 don't buy it. She knows exactly what Mr.
14 Alexander was referring to. By the way, when
15 that Tweet came out and that reference came out
16 to 1776 we don't see a response -- what is this?
17 I don't know what this is about. Or gee if
18 you're talking about doing violence in the
19 Capitol 500,000 people doing something to that
20 building, I don't want no part of that. And we
21 heard a lot about Ms. Greene saying that she's
22 always peaceful and she put out comments about
23 peacefulness. Never one before January 6. Only
24 after. That video, after. Those press releases,
25 after. You got to ask yourself, why is that?

1 Well obviously the insurrection succeeded for
2 only a few hours and then the tide turned. And
3 people saw it for what it was and she needed to
4 help her story. Marjorie Taylor Greene new
5 perfectly well what 1776 meant, that it meant
6 violence against the Government overthrowing a
7 tyrannical government and that that was plan B of
8 January 6, 2021. She embraced it and she
9 promoted it. And probably the most important
10 piece of evidence our point of view in this case
11 is Plaintiff's exhibit or Petitioner's exhibit
12 27. This is the short clip of Marjorie Taylor
13 Greene on News Max. it's the night before January
14 6. She's asked a number of questions about the
15 objections that she and others are going to
16 lawfully file on the floor. And then the
17 broadcaster asks her so what's your plan? How do
18 you think this is going to play out and role out
19 tomorrow? And her answer is one sentence. this
20 is our 1776 moment. It's a stunning statement.
21 It has no meaning unless you know the code. It
22 has no meaning unless you're in the club. It's
23 1776. It's plan B. it's block the certification.
24 It's flood the Capitol. It's use violence if you
25 have to. This is a message posted, stated on

1 January 5 in the middle of that window posted on
2 Facebook where there are hundreds of thousands of
3 followers and anybody else who wanted to see it
4 on January 5 from a sitting member of the United
5 States Congress. It was her clarion call.
6 People knew what she meant. They knew exactly
7 what she meant. Tomorrow is our 1776 moment.
8 Now it's interesting the examination that Mr.
9 Bopp did of his client. Never asked her about
10 that. Never asked her about providing support to
11 people who were planning to demonstrations. Or
12 providing support for people who ultimately broke
13 into and trashed the People's Temple. Never asked
14 her any of those questions. She never addressed
15 it. When I asked her she said I don't remember,
16 I'm not sure, I don't think so. So what do you
17 have before, Your Honor, at this point? You have
18 her own words in context against nothing. Not
19 even a real denial. Judge Beaudrot, Marjorie
20 Taylor Greene comes to this court and this nation
21 and she asks to be a candidate for Federal
22 office. She comes with [INDISCERNIBLE 07:29:52].
23 With her hands, her words, her actions she was
24 one of several leaders who gathered the kindling,
25 who created the conditions , who made it possible

1 for there to be an explosion of violence at the
2 Capitol on January 6. And then, she dropped the
3 match. Now she comes into this courtroom and she
4 says she's surprised and appalled that a fire
5 burned. Sticks of wood and dry leaves are
6 harmless in and of themselves. In fact, they're
7 natural, they're healthy for the environment.
8 Rallies, protestations, objections on the floor,
9 these are all things that are good for the
10 Republic. They're part of our tradition. But
11 when the conditions are dangerous, some people
12 capitalize on those conditions and they add a
13 spark. A flame. That cause all of those things
14 to explode into a fire of violence and death.
15 That flame can be in the form of actually
16 assistance given to people who perform the acts
17 of violence like the quarter master in the
18 Confederate army who passes out the muskets and
19 the balls and the rations but that flame can also
20 be a spark by words, by signals, by signs, by
21 code, by promotion, by justification, by support,
22 by assistance and that is what Marjorie Taylor
23 Greene did. That's why we're here. Your Honor,
24 we urge you to find that Marjorie Taylor Greene
25 is disqualified from the ballot under Section 3

1 of the 14th Amendment of one of the greatest
2 political documents in the history of the world.
3 The United States Constitution.

4 JUDGE CHARLES R. BEAUDROT: Thank you, Mr.
5 Celli. It's quite late. I'd like to take a
6 couple minutes just to talk about the briefing
7 and a couple things. First of all, I would
8 greatly appreciate it if someone give us a copy
9 of this blown up version or something easier to
10 read. And I appreciate what you did, Mr. Bopp
11 but somebody can do a better job of it. No
12 offense.

13 JAMES BOPP: It was my capacity--.

14 JUDGE CHARLES R. BEAUDROT: But I'm sure you
15 had folks that could do that. And that gets into
16 a couple things about the brief. And briefings
17 do midnight on Thursday. A couple of things. I
18 want to be sure that Mr. Bopp one of your
19 objections in the first one I think in the motion
20 was about the fact that this procedure -- and I
21 know I can't determine it's on the constitution
22 but I'm talking about [INDISCERNIBLE 07:32:54].
23 About related to the belief and the concerns some
24 which you voiced in your closing argument. I
25 would like to hear what you'd like for me to

1 think about finding. I mean we haven't talked
2 about that very much because it's not
3 constitution -- it's not. It's something I can
4 decide but it's something I need to consider in
5 particular I think the question for the word
6 belief, I think I mentioned reasonable. I mean
7 there is issues there. I would appreciate both
8 sides [INDISCERNIBLE 07:33:24] but I'd like to
9 understand your views of that I'm sure
10 [INDISCERNIBLE 07:33:28]. I want to mention
11 this. Something we're reviewing that's very
12 ancient, historical ancient 200 years old
13 [INDISCERNIBLE 07:33:40] than our country. But
14 in all seriousness, some of these authorities are
15 pretty obscure. As long as we can find them and
16 pull them up that's great particularly like
17 there's a link and it's public somewhere that's
18 great if it's something that's really obscure
19 that's not really made available on the internet,
20 first of all our first preference is just showing
21 -- tell us where it is on the internet, where we
22 can find it or really that's not a problem. If
23 that's not available, please [INDISCERNIBLE
24 07:34:08] copies like that so we don't have to
25 spend time chasing this stuff down because we

1 don't have time. Obviously I got to
2 [INDISCERNIBLE 07:34:20] organize briefs, at this
3 point the record is gotten a little bit chaotic
4 because we've had so much back and forth and had
5 a number of quarters and stuff and I know Mr.
6 Bopp you got your original motion to dismiss. A
7 lot of those arguments which were made in
8 closing. It might help if you don't mind doing it
9 to maybe put them together again in light of this
10 hearing and be focused and streamlined so I just
11 don't have to wallow around find legal documents.
12 I'm sure Mr. Celli the same way. Brevity is
13 always better. [INDISCERNIBLE 07:34:57]. Because
14 we do need to get this done. I mean the Georgia
15 courts have been very fast. [INDISCERNIBLE
16 07:35:04] very fast. I hope to have it out
17 within a week if you all get it. This is
18 extraordinary stuff.

19 JAMES BOPP: Your honor, thank you for the
20 directions on the briefing. And fortunately my
21 associate Melina Seibert who's done a really fine
22 job is listening and I'm sure taking notes. So
23 we'll do the best we can.

24 JUDGE CHARLES R. BEAUDROT: Right and again
25 I know everybody is running and gunning and I

1 know there's been an appeal filed to the 11th
2 circuit so I don't know what your brief schedule
3 is on that. I know there's a briefing schedule
4 in the fourth circuit case. I'm sur you have a
5 lot of fires to put out and I'm fully cognizant
6 of that but so just do -- I'm sure you'll do the
7 work by the way [INDISCERNIBLE 07:35:54]
8 everybody is working under excellent
9 circumstances, very quick and everybody is taking
10 seriously I'm sure it will be very helpful and we
11 look forward to getting it and finishing this
12 state -- the matter. Before we close, is there
13 anything else?

14 ANDREW G. CELLI JR.: Nothing from
15 Petitioner, Your Honor.

16 JAMES BOPP: No other than, Your Honor, you
17 really done a fine job out there. Extraordinary.

18 JUDGE CHARLES R. BEAUDROT: Thank you.
19 Flattery is always [INDISCERNIBLE 07:36:21].

20 ANDREW G. CELLI JR.: Put us down for
21 flattery too, Judge.

22 JAMES BOPP: I think when this narrative it
23 ought to be provided in the best way--.

24 JUDGE CHARLES R. BEAUDROT: And I appreciate
25 your guys time. Appreciate everybody's

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scrambling to be here so with that I think that concludes the hearing. That's it.

ANDREW G. CELLI JR.: Thank you, Judge.

(OVERLAY)

JUDGE CHARLES R. BEAUDROT: The record is now closed.



I, Anders Nelson, certify that the foregoing transcript of proceedings before the office of State Administrative hearings, state of Georgia, of, File No: 220196, David Rowan, Donald Guyatt, Robert Rasbury, Ruth Demeter, and Daniel Cooper v. Marjorie Taylor Green, Docket No.: 2222582 2222582-OSAH-SECSTATE-CE-57-Beaudrot, was prepared using the required transcription equipment and is, to the best of my knowledge and belief, a true and accurate record of the proceedings.

Anders Nelson
Project Manager

April 28, 2022