

OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA

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

The transcript of the proceedings before
Administrative Law Judge Charles Beaudrot, reported by
Mary K. McMahan, Certified Court Reporter, on the 22nd
day of April, 2022, commencing at approximately
9:30 a.m., at 225 Peachtree Street NE, Suite 400,
South Tower, Atlanta, Georgia 30303.



05/05/2022

A handwritten signature in blue ink.

Devin Hamilton, Legal Assistant

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Transcript Legend

(sic) - Exactly as said.

-- Break in speech continuity.

... Indicates halting speech, unfinished sentence
or omission of word(s) when reading.

Quoted material is typed as spoken.

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P R O C E E D I N G S

THE ADMINISTRATIVE LAW JUDGE: Please be seated. Good morning, everybody. I'm Judge Beaudrot with the Office of State Administrative Hearings. I have -- let me go over just a couple things.

I'm sorry? They can't hear me?

Okay. Is this the mic? So I need to talk into this mic? Mic 7? Can everybody hear me? Raise --

UNIDENTIFIED SPEAKERS: No.

THE ADMINISTRATIVE LAW JUDGE: No? Okay.

(Technical issue addressed.)

UNIDENTIFIED SPEAKERS: No.

THE ADMINISTRATIVE LAW JUDGE: Gosh. Still not? I don't know. Do I have to use my loud voice?

UNIDENTIFIED SPEAKER: There you go.

THE ADMINISTRATIVE LAW JUDGE: Michael, can you hear me back there?

(Technical issue addressed.)

THE ADMINISTRATIVE LAW JUDGE: Testing, one, two, three. That sounds a lot louder.

Everybody's good. Okay, thanks. Thank you. Again, I don't want to overdo it. Can you

1 hear me okay? Good. Thank you. All right. We
2 don't normally have this many people in this
3 courtroom.

4 Okay, let's see here. Some obvious things
5 that bear repeating: That this is an important
6 hearing, these are important things. We need to
7 ask everybody to respect the proceeding. This is
8 our big courtroom but it's quite full, so please
9 be quiet and -- again, you have phones and
10 computers and the like, just be very careful with
11 them. Please turn off your -- any alarms or
12 anything like that, you know. This is not
13 federal court where I would -- well, first, you
14 wouldn't have them in federal court. I would
15 lock you up if you do.

16 Computers and phones, noise to a minimum,
17 moving around to a minimum, just don't be
18 disruptive. No comments. This is not -- this is
19 not a public forum. No comments.

20 Let's talk about the schedule for the day so
21 everybody will be sort of prepared. I plan to go
22 till 10:45 for the first break. We'll take
23 fifteen minutes. Then we plan to go until --
24 from eleven till 12:30 with a thirty-minute lunch
25 break. Again we'll resume at 1:00, structured

1 break at 2:30, and then break again at 2:45.
2 Obviously if something needs to be done, counsel
3 needs the opportunity for whatever reason, just
4 let me know. We will consider that.

5 Yesterday we had in this case -- this case
6 has been proceeding at a very rapid rate. It has
7 to because it's an -- it's an election case. And
8 we had a conference on evidentiary matters. And
9 we -- I have reached a number of preliminary
10 conclusions about documents that have been
11 proffered. And I'm going to -- this is going to
12 be rather tedious but I'm going to read these
13 into the record and then I'll hear from counsel
14 if you want to discuss anything in particular.

15 And I'm going to read the documents which I
16 have -- I'm admitting at this point --

17 **MR. BOPP:** Your Honor?

18 **THE ADMINISTRATIVE LAW JUDGE:** Yes, sir.

19 **MR. BOPP:** Sorry. I have a preliminary
20 matter. I'd like to invoke the separation of the
21 witnesses, please.

22 **THE ADMINISTRATIVE LAW JUDGE:** Oh, do we --
23 we only have -- who do we have here? There's --
24 there's Representative Greene and the professor?

25 **MR. CELLI:** Mr. Maglio -- Dr. Magliocca --

1 **THE ADMINISTRATIVE LAW JUDGE:** The
2 professor.

3 **MR. CELLI:** -- is here. Right.

4 **THE ADMINISTRATIVE LAW JUDGE:** You can step
5 out. Step out. That'll be fine. Thank you.

6 **MR. BOPP:** Thank you.

7 **THE ADMINISTRATIVE LAW JUDGE:** Certainly,
8 Mr. Bopp.

9 Okay. All right, here's what's in at this
10 point: Exhibit P-2(g), as in George, the video;
11 P-21, the video only; P-2(n), as in Nancy, the
12 video; P-6, the video; P-10 from the
13 Congressional Record is in; P-11 is in; P-12,
14 which is a video; P-13(a) is in; P-14, the video
15 only; P-16; P-17; P-18; P-19; P-21; P-22; P-24;
16 P-27; P-29; P-36; P -- P-41; P-44; P-45; P-48;
17 P-49; P-51; P-52; P-53; P-54; P-55; P-57; P-59;
18 P-61.

19 On -- on P-62 -- we had a discussion about
20 this yesterday -- there's a reference to a Senate
21 report. The Senate report was not ten --
22 tendered. If -- if somebody wants to tender it,
23 I will -- I will admit it. But I'm not -- not
24 P -- P-62 itself is not coming in.

25 P-63; P-64; P-65; P-66; P-68; 69; P-72;

1 P-73; P-74; and P-75; P-76; P-80; and P-81.

2 Now, let me -- and then on Respondent's
3 list -- on Respondent's list the following are
4 admitted: R-1, R-2, R-3, R-4, R-5, R-6, and
5 R-14. Those are all in.

6 I will -- if Counsel want to perfect
7 objections at this point or raise them for the
8 record, I'll start with Mr. Celli.

9 Do y'all have any objections that you want
10 to raise at this time?

11 **MR. CELLI:** Your Honor, I don't have my list
12 handy, but are these the prelim -- preliminary
13 rulings that you gave yesterday?

14 **THE ADMINISTRATIVE LAW JUDGE:** Yeah. I
15 mean, I -- I believe. I mean, I believe this is
16 what I went through yesterday. There were a
17 couple of items that I did not have a chance to
18 review until today.

19 **MR. CELLI:** One second, Your Honor.

20 **THE ADMINISTRATIVE LAW JUDGE:** Sure. Take a
21 second.

22 **MR. CELLI:** Your Honor, if I --

23 **UNIDENTIFIED SPEAKER:** They're actually
24 still having a hard time hearing you in the back.

25 **THE ADMINISTRATIVE LAW JUDGE:** Okay. Y'all

1 are still having a hard time --
2 Judge Malihi, can y'all hear me?
3 **JUDGE MALIHI:** Not well. Not well.
4 **THE ADMINISTRATIVE LAW JUDGE:** Okay. Okay.
5 I'll try to speak to it more directly.
6 Thank you. Thank you, officer.
7 Go ahead.
8 **MR. SHAPIRO:** Sorry, Your Honor. I thought
9 yesterday you admitted P-15 as well. I didn't
10 hear that on the list --
11 **THE ADMINISTRATIVE LAW JUDGE:** Let me look.
12 **MR. SHAPIRO:** -- a video.
13 **THE ADMINISTRATIVE LAW JUDGE:** Let me see.
14 Hold on. Oh, I couldn't find it. I couldn't
15 find it. I mean, I -- the link wouldn't work for
16 me. That was my problem.
17 **MR. SHAPIRO:** Okay.
18 **THE ADMINISTRATIVE LAW JUDGE:** If you want
19 to submit it -- I mean, if I could review it,
20 I'll be happy to look at it.
21 **MR. SHAPIRO:** Okay.
22 **THE ADMINISTRATIVE LAW JUDGE:** That -- that
23 was the only -- I went looking for it today and I
24 couldn't find it.
25 **MR. SHAPIRO:** And then P-50, five zero, I

1 thought Your Honor admitted as well.

2 **THE ADMINISTRATIVE LAW JUDGE:** Let's see.
3 P-55.

4 **MR. SHAPIRO:** Five zero. Sorry. Fifty.

5 **THE ADMINISTRATIVE LAW JUDGE:** Five zero.
6 Well, I thought so too. I'm sorry, yes. That
7 was my oversight. Yes.

8 **MR. SHAPIRO:** And then we had submitted to
9 Your Honor three additional exhibits -- P-82, 83,
10 and 84 -- yesterday afternoon.

11 **THE ADMINISTRATIVE LAW JUDGE:** Oh, I'm
12 sorry. Yes. Wait a minute. Let me see. Hold
13 on. Oh, yes. Let me look at these. Yes. I'm
14 sorry, yes. Those are -- those are -- what --
15 it's 80, 81, and eighty -- 80, 81, and 83?

16 **MR. SHAPIRO:** 82, 83, and 84.

17 **THE ADMINISTRATIVE LAW JUDGE:** What was 82?

18 **MR. SHAPIRO:** 82 was a -- a video, the House
19 impeachment video.

20 **THE ADMINISTRATIVE LAW JUDGE:** Yes. Yes.
21 Yes.

22 **MR. SHAPIRO:** And --

23 **THE ADMINISTRATIVE LAW JUDGE:** Yeah. The
24 House impeachment video is admissible. Yes.

25 **MR. SHAPIRO:** 83 was a -- the January 6th

1 letter from Vice President Pence.

2 **THE ADMINISTRATIVE LAW JUDGE:** Yes. Yes,
3 that's admissible. Yes.

4 **MR. SHAPIRO:** And then 84 was a video of the
5 congresswoman.

6 **THE ADMINISTRATIVE LAW JUDGE:** These are
7 videos -- oh, of Representative Greene, yes.
8 Yes. Yes, that one is admissible.

9 **MR. SHAPIRO:** And then just one more, Your
10 Honor. I think on the respondent's exhibits, I
11 thought you had admitted R-7 which was a
12 statute --

13 **THE ADMINISTRATIVE LAW JUDGE:** I did.
14 That's right.

15 **MR. SHAPIRO:** And then R -- I believe you
16 had said you admitted R-6, but that was a -- an
17 article, and I thought --

18 **THE ADMINISTRATIVE LAW JUDGE:** You are
19 correct. Thank you for the correction. You're
20 absolutely correct.

21 **MR. SHAPIRO:** Thank you.

22 **THE ADMINISTRATIVE LAW JUDGE:** That's the
23 wrong item. Yep.

24 Mr. Bopp?

25 **MR. BOPP:** Nothing, Your Honor.

1 **THE ADMINISTRATIVE LAW JUDGE:** You're good?
2 Thank you so much.

3 Okay. Appreciate everybody's indulgence on
4 that. I -- the lawyers in this -- this case have
5 been doing an excellent job and they are under
6 great pressure. So I appreciate everybody
7 staying on task.

8 So with that said -- what did I do with my
9 pad? I just had it. You know, there's a black
10 hole sometimes that -- there it is.

11 Okay. We're ready to begin then. So as we
12 discussed -- as we discussed, we're going to
13 proceed. I'm going to -- I'd like to begin with
14 opening statements.

15 Well, we -- before we begin, anything --
16 Mr. Bopp, anything that you want to discuss
17 before we start with opening statements?

18 **MR. BOPP:** No, Your Honor. I'm prepared for
19 argument.

20 **THE ADMINISTRATIVE LAW JUDGE:** Great.
21 Mr. Celli?

22 **MR. CELLI:** We're ready, Your Honor.

23 **THE ADMINISTRATIVE LAW JUDGE:** All right,
24 good.

25 So what we're going to do is we'll start

1 with opening statements. I like to have both of
2 them at the same time. The burden in this case
3 is on the petitioners by preponderance of the
4 evidence, so they will get to go first. We will
5 pro -- and then we'll proceed with their case in
6 chief.

7 Mr. -- who's going to present? Mr. Fein?
8 Okay.

9 **MR. FEIN:** Thank you, Your Honor. May it
10 please the Court?

11 **THE ADMINISTRATIVE LAW JUDGE:** Yes, sir.

12 **MR. FEIN:** Ron Fein on behalf of the voters
13 in Georgia's 14th congressional district who
14 filed this challenge. With me, of course, are
15 Andrew Celli, Sam Shapiro, Dymond Wells, Bryan
16 Sells, and, of course, our co-counsel watching
17 remotely.

18 Your Honor, this is a solemn occasion. This
19 is not politics. This is not theater. This is a
20 serious case that the voters who we represent
21 have brought in order to offer proof that their
22 United States representative, seeking reelection,
23 Marjorie Taylor Greene, having taken the oath to
24 support the Constitution, then broke that oath
25 and engaged in insurrection. And in order to

1 understand that case, it's important to set the
2 stage with some history.

3 There have been past insurrections in this
4 country. We're going to hear about some of them.
5 The most important of which was the Civil War, or
6 as it was called at the time: the insurrection.
7 And Professor Gerard Magliocca, who is one of the
8 nation's foremost constitutional historians of
9 that era, specializing in Reconstruction and the
10 Fourteenth Amendment, will talk about some of
11 that history.

12 What was interesting about some of the
13 differences between these past insurrections is
14 that the Civil War involved states raising
15 armies. They equipped them with uniforms,
16 insignia, state-of-the-art military equipment.
17 They marched in columns. They occupied huge
18 tracts of land. That is not the only type of
19 insurrection that this country's seen.

20 Professor Magliocca will also talk about
21 some of the previous insurrections that were on
22 the minds of nineteenth-century Americans. Those
23 include Shay's Rebellion, also known as Shay's
24 Insurrection, the Whiskey Rebellion. These
25 insurrections were of a different character.

1 They were not quite as organized as the Civil
2 War. The foot soldiers of those insurrections
3 didn't march in armies, they didn't conquer vast
4 swaths of territory, and they certainly didn't
5 wear uniforms. That is the kind of insurrection
6 that occurred on January 6th.

7 The evidence will show a violent assault on
8 the United States Capitol that the law
9 enforcement and ordinary authorities were unable
10 to control, that this violent assault had
11 multiple purposes. Those included capturing and
12 executing the Speaker of the House of the United
13 States Representatives, the vice president of the
14 United States, other members of Congress. Those
15 purposes also included, and for a time achieved,
16 preventing the certification of the electoral
17 votes for the president, incoming, Joseph R.
18 Biden and the disruption of the peaceful transfer
19 of power.

20 This attack on the sacred temple of our
21 democracy, the United States Capitol, was
22 unprecedented. And to be sure, it was less
23 organized than some of those past insurrections.
24 This was not a case where the leaders were on
25 horseback, leading the charge. This was not the

1 type of insurrection where the leaders were
2 standing in Richmond, Virginia, giving
3 long-winded speeches to justify the mayhem.
4 Rather, the leaders of this insurrection, of whom
5 there were a number, were among us on Facebook,
6 on Twitter, on corners of social media that would
7 make your stomach hurt.

8 The evidence will show that Marjorie Taylor
9 Greene was one of them. In order to understand
10 that, January 6th has to be set in context. It
11 didn't arise out of nowhere. Even before
12 January 6th, as December, 2020, turned into
13 January of 2021, there were multiple shifting
14 tactics used by different groups -- some violent
15 extremists groups, some nonviolent groups -- all
16 loosely coordinating, all with a shared central
17 aim of preventing the certification of Joseph
18 Biden as president. The tactics shifted. The
19 different leaders jockeyed for position. Some
20 were in violent extremists groups. Some were
21 elected officials. Some were influencers of
22 various types. You'll hear about them.

23 You'll also hear about these different
24 figures, some of whom isolated themselves from --
25 from some of the action with layers of

1 deniability, some more plausible than others.
2 There'll be direct evidence. There'll be
3 inferential evidence, and that inferential
4 evidence includes coded language.

5 And let me explain what I mean by that. The
6 evidence today does not include surveillance
7 tapes, purporting to show that Marjorie Taylor
8 Greene was directing the plotting of the attack.
9 That's not going to happen today. The witness
10 list today does not include a turncoat witness
11 who's going to come and risk their own exposure
12 by testifying that here she was ordered by
13 Marjorie Taylor Greene to take certain actions
14 and in secret. That's not the type of evidence
15 that we are going to present today.

16 Rather the way that insurrections are
17 organized nowadays is less in uniforms with
18 military hierarchies and chains of command, less
19 with detailed military plans of battle, and more
20 through social media and the mass media. That's
21 the era that we're living in. In many cases, the
22 communications have multiple layers. And anyone
23 who knows a teenager, is a teenager, or knows
24 anyone in their twenties knows that hashtags and
25 memes and ways of communicating among Internet

1 subcultures can mean that words that could have
2 one meaning, a benign meaning or even a baffling
3 meaning to large portions of the American public
4 can carry a very different significance to the
5 people swimming in that particular subculture.

6 So the most important witness today, after
7 Professor Magliocca testifies, the most powerful
8 witness against Marjorie Taylor Greene's
9 candidacy, the most powerful witness in
10 establishing that she crossed the line into
11 engagement of insurrection is Marjorie Taylor
12 Greene herself.

13 You'll hear her words, of course, on the
14 stand, what she says and what she doesn't say.
15 You'll also hear what she's said in the past.
16 Again, some of that will be in somewhat coded or
17 veiled language. But you'll also hear in some
18 cases the mask falls and she shows us exactly
19 what she intended.

20 Now, she was not on the Capitol steps,
21 urging the attackers to -- to breach police lines
22 and smash through the doors on January 6th. That
23 was not the role that she played. Different
24 figures within this larger effort had different
25 roles. But what became clear as December turned

1 into January; as lawful means of preventing the
2 certification of Joe Biden were exhausted; as
3 nonviolent, even if unlawful, means were
4 exhausted is that Marjorie Taylor Greene
5 nonetheless played an important role.

6 And her role -- even after she took the oath
7 on January 3rd to uphold the Constitution and
8 defend it against all enemies, foreign and
9 domestic -- was severalfold: to bring people to
10 D.C., again, not by providing trains and buses
11 that would transport them directly, but rather
12 through other means; to contribute in the plan;
13 and to signal that January 6th would be, as she
14 said herself on January 5th, "our 1776 moment," a
15 coded phrase with great significance.

16 In fact, it turned out to be an 1861 moment.
17 Instead of violence against a foreign empire, as
18 we saw in 1776, she urged and encouraged and
19 helped facilitate violent resistance to our own
20 government, our democracy, and our Constitution.
21 And in doing so, she engaged in exactly the type
22 of conduct that triggers disqualification under
23 Section 3 of the Fourteenth Amendment which is to
24 say she engaged in insurrection.

25 Thank you.

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THE ADMINISTRATIVE LAW JUDGE: Thank you.

Mr. Bopp.

MR. BOPP: Thank you, Your Honor. May it please the Court. I represent Marjorie Taylor Greene, a member of Congress of the United States in this hearing.

And, Your Honor, this is a court of law. This is not a political candidate debate. This is not a place for political hyperbole. It is not a place for political smears. It's a court of law.

And what we just heard, it was not a word about the law. What does the thirteenth -- Section 3 of the -- of the Fourteenth Amendment mean? What does the word "insurrection" mean? What does the word "engaged" mean?

Not a word. There was not a word about the First Amendment that prevents normal political speech and hyperbole from being used against someone. Not a word. They think they're in the wrong place. Well, I plan to talk about the law.

What does this mean, this very serious charge that has very broad ramifications to the rights of Representative Greene, the voters in his -- her district, and our democracy?

1 First, the right to vote is at stake right
2 here, right now because they want to deny the
3 right to vote to the thousands of people in the
4 14th district of Georgia by having Greene removed
5 from the ballot. Those voters have a right to
6 vote for the candidate of their choosing and they
7 have a right to have their vote counted.

8 Now, the primary is May 24. Absentee
9 ballots have already been printed. They will be
10 mailed on May the 2nd and early voting starts on
11 May the 7th. And what is their hope is that
12 there'll be a decision by the secretary of state
13 right before the primary where she is immediately
14 struck from the ballot.

15 And those people that go into the polling
16 place cannot vote for the candidate of their
17 choice because by utilizing this procedure, the
18 substantial constitutional and federal law
19 violations that this candidacy challenge presents
20 cannot be decided by this court, unlike civil
21 court or criminal court which will always
22 prioritize deciding issues of that magnitude
23 before being subject to a trial, before being
24 penalized by disqualification, and before the
25 irreparable harm that will occur if that occurs.

1 But that's the nature of the procedure.

2 When can Representative Greene raise her
3 constitutional defenses, like the evidence you
4 are presenting violates the First Amendment to
5 the Constitution? When -- when are we going to
6 be able to litigate that question? In state
7 court, after she is disqualified, after she's
8 stripped from the ballot? Maybe after the
9 primary occurs and she loses -- well, nobody can
10 vote for her and obviously loses it.

11 Well, whoopty ding, okay? How do we recover
12 from that? How do we go back from that? There
13 are irr -- there are irrevocable -- this is
14 irr -- harm to the voters and to the candidate.

15 Now, second, our democracy is at stake. It
16 should not be -- it should be the voters, not
17 government employees, public officials, judges,
18 and lawyers who decide our elections. Voters
19 have a right to vote for the candidate of their
20 choice unless there is very compellingly legal,
21 not rhetorical, justification for that. Third --
22 and which is not present here.

23 Third, fundamentally, First Amendment rights
24 are at stake. Not only the right to vote, as
25 I've mentioned, or the right to run for office,

1 but also the challengers will try to use the
2 First Amendment protected political speech of
3 Representative Greene as evidence of, quote,
4 engaging in an insurrection or rebellion. That's
5 unconstitutional and should not be allowed.

6 And, finally, the charge not only triggers
7 disqualification but is a serious federal
8 criminal offense that she is being charged with.
9 Now, this is a very serious matter and the
10 decision should be based on admissible evidence
11 under the rules. We are -- we recognize that you
12 have greater latitude than that, but the -- the
13 charges, the seriousness of the charges, we think
14 warrant that adherence and faithful application
15 of the law. And we expect you -- that you will
16 do that.

17 Now, procedure. Georgia law -- and here I
18 am, talking about the law. Georgia law, 21-2-5,
19 permits a candidate challenge under two
20 circumstances. One, a candidate is not qualified
21 to be a candidate, all right? And number two is
22 a candidate is not qualified to take office. Of
23 course, these are different -- different
24 conceptually and different in their application.

25 So a claim under Section 3 of the Fourteenth

1 Amendment has to do with your -- your ability to
2 take office because not -- it doesn't address
3 candidacy in any way. It's the ability of a
4 representative in this case to take office
5 because she has sworn the oath of office, engaged
6 in insurrection or rebellion, Congress has not
7 given her amnesty, and, finally, she -- when she
8 presents herself to take the oath of office, she
9 could be challenged which we think is the
10 exclusive constitutional right of Congress, not
11 state officials, to decide whether or not she is
12 eligible at that time to take office. So we're
13 not dealing with a candidacy disqualification,
14 we're dealing with a alleged take-office
15 qualification.

16 Now, unfortunately as I've mentioned, many
17 of these issues cannot be decided by this court,
18 even though you might make recommendations to the
19 secretary of state on the matter. And we have
20 fully briefed this already in our motion to
21 dismiss and to stay the proceedings: the
22 constitutional claims, the federal law claims,
23 the protections of the First Amendment, speech
24 and debate, and what these words in Section 3
25 mean.

1 So let's look at that. We have -- we have
2 submitted evidence as R-2, which is the
3 Fourteenth Amendment. And it includes, of
4 course, Section 3. And Section 3 provides that
5 (reading): No person shall be a senator or
6 representative in Congress, et cetera, et cetera,
7 et cetera, who, having previously taken an oath
8 as a member of Congress or an officer of the
9 United States legislature to support the
10 Constitution shall have engaged in insurrection
11 or rebellion against the same or given aid and
12 comfort to the enemies thereof.

13 So there's a sequence. You have to have
14 originally taken the oath. You have to then
15 engage, and then you can -- you are disqualified
16 and Congress can determine that you're
17 disqualified for having done that, from taking a
18 subsequent oath, and therefore cannot assume
19 your -- your position as a member of Congress.

20 And then furthermore (reading): But
21 Congress may, by a vote of two-thirds of each
22 House, remove such disability.

23 And, of course, that's the various amnesty
24 acts that have been adopted or could be adopted
25 by -- by Congress.

1 Now, this provision, as I mentioned, makes
2 it clear this is about eligibility on January 3,
3 2023. Not today, not tomorrow, but eligibility
4 when she presents herself as a reelected member
5 of Congress. She could be excluded under the
6 exclusive power of Congress to judge the
7 qualifications of its members. That's where
8 these people should be: in Congress, explaining
9 why she, once she is reelected, is disqualified
10 from taking her seat.

11 Now, the second thing that makes -- the
12 sequence makes clear is that in her case she took
13 the office first -- for the first time -- and
14 these are in our stipulated facts.

15 **THE ADMINISTRATIVE LAW JUDGE:** Correct.

16 **MR. BOPP:** -- on January the 3rd. That's
17 the first time. And so she would have had to
18 engage in insurrection or rebellion after
19 January 3rd. In other words, under the -- the
20 Constitution, prior to January 3rd, she could've
21 done -- done it, under the law. Now, it's
22 preposterous that she would even consider it.
23 She -- she reveres the United States
24 Constitution. But the way the statute -- or the
25 Constitutional provision is set up, she would

1 have to have engaged after.

2 So evidence of anything she did prior to
3 January 3rd is just completely irrelevant to the
4 Section 3 unless it is direct -- a direct
5 admission of her intention to engage in
6 insurrection or rebellion after January 3rd.
7 Anything else she says is not only -- it should
8 be excluded because it doesn't fit the charge,
9 right? But, as I will soon demonstrate, it is
10 protected by the First Amendment.

11 Now, here words matter. And at every turn
12 the challengers mistake what the law is in their
13 complaint. Obviously, they didn't discuss it
14 here but in their complaint. And calling
15 something something doesn't make it something.
16 Calling a orange an apple does not make the
17 orange an apple. An orange has characteristics
18 that are preestablished and are applied to
19 determine whether the word "apple" applies.
20 Here, the key phrases in Section 3 are themselves
21 defined by the law.

22 Now, they start off in misstating the law by
23 saying that Representative Greene should be
24 disqualified under Section 3 -- this is also
25 called, by the way, the Disqualification

1 Clause -- because she is someone who, quote,
2 aided and engaged in an insurrection, end of
3 quote. Complaint, page 1, aided and engaged,
4 where is that in Section 3? It says (reading):
5 Engaged in insurrection or rebellion or gave aid
6 or comfort to the enemies thereof. There's no
7 aided and engaged in this -- in this -- in this
8 statute.

9 Now, each of those phrases, "engaged in
10 insurrection or rebellion," that phrase, and
11 the -- and it's or-accompanying phrase, "gives
12 aid or comfort to the enemies thereof," each of
13 those has special meaning. "Engage" is an act.
14 It is a direct and overt act at -- of
15 insurrection. It is about, as one commentator
16 said, domestic war. That's what engaged in
17 insurrection or rebellion is -- is about.

18 The "or" -- giving aid or comfort to the
19 enemies thereof, as the same commentator said, is
20 about foreign wars. Each of these phrases have
21 been used several times in federal law and have
22 come to gain particular meaning. They're words
23 of art.

24 So you can't take aid out of the second part
25 about foreign wars and add it to the first part

1 that is about domestic wars. That defies the
2 rules of construction. It flaunts the technical
3 and meaning of those phrases, of those words.

4 So what is "engage" and what does it mean?
5 Well, "engage" connotes conduct, a direct overt
6 act of insurrection to overthrow the United
7 States government. It is about things like --
8 which the people who drafted this
9 well-understood. Many of them were part of the
10 victorious -- thank the Lord -- Union Army, and
11 they -- they knew what an insurrection or a
12 rebellion was.

13 So it was taking up arms, you know,
14 voluntarily joining the Confederate Army. It was
15 about working in the war department for the
16 Confederate government. It was about providing
17 supplies and equipment and material for the
18 people who were conducting the war. So these
19 were direct overt acts of insurrection.

20 Now, instead of looking to that, what we
21 have already heard described as their evidence --
22 and, of course, is well-revealed in their
23 complaint -- they want us -- they want to hold
24 against her First Amendment protected speech.
25 And here's a few examples. On page 19, quote:

1 The people will remember the Patriots who stood
2 for election integrity, end of quote. That is
3 supposed to be about an insurrection or engaging
4 in an insurrection. Or they said she said --
5 she's alleged to have said, quote, Congress is
6 the last line of defense from a stolen election,
7 end of quote, on page 21. Isn't that
8 quintessential political speech? Isn't that
9 recognizing the role of Congress in certifying
10 the electors? How could that be interpreted
11 as -- as an overt act to engage in insurrection
12 or rebellion? Well, it can't be.

13 And, now, the question of voter fraud in the
14 2020 election, it was a -- is a quintessential
15 example of political speech, legitimate political
16 disagreements about what happened. You know, the
17 Supreme Court in *Republican Party of Minnesota*
18 *versus White* -- actually the first one I argued
19 in the court -- said that announcing views on
20 disputed legal or political issues is at the core
21 of the First Amendment. At the core.

22 Now, this is disputed, no question. But to
23 say that is an act of insurrection, it is a
24 direct overt act of insurrection against the
25 United States when Representative Greene was an

1 elected member of Congress who on January 6th had
2 a constitutional duty and responsibility to be on
3 the Floor, where she was, to determine whether or
4 not certain votes -- electoral votes from the
5 states were to be certified.

6 Now, the First Amendment demands a very
7 narrow test. I've already said and argued that
8 "engage" is -- connotes conduct, right? But we
9 can look to a much broader term that actually
10 allows speech to be considered. And that is the
11 Brandenburg case and the NAACP case which we saw.
12 And that is the word "incitement."

13 Now, incitement and engage are different
14 words with different meanings. And, in fact, you
15 know that for sure because there are federal
16 statutes that -- that say in -- "incite" and then
17 say "engage" in certain conduct. I mean, they're
18 used as different words, all right? Incitement,
19 the Supreme Court has said, is speech. But the
20 Supreme Court, because of First Amendment
21 concerns so that normal everyday political speech
22 will not be punished as they want to do, says
23 that it -- that that speech must be, quote,
24 directed to inciting or producing -- producing
25 imminent lawless action and that it is likely to

1 incite or produce such action, end of quote.
2 That's on page 30 of our motion to dismiss. That
3 is very restrictive, right? But we know how
4 restrictive it really is when we point out the
5 statements that are made where people are
6 claiming that is incitement and the Supreme Court
7 says, no, that's protected by the First
8 Amendment.

9 For instance, a Ku Klux Klan leader, quote,
10 advocated the duty, necessity, and propriety of
11 crime, sabotage, violence, or other unlawful
12 methods of terrorism as a means of accomplishing
13 industrial or political reform, end of quote.
14 And the Supreme Court said that is protected
15 First Amendment speech. That is not cite --
16 incitement.

17 There was also was a statement by an NAACP
18 official where he said, quote, If we catch any of
19 you going in any of them racist stores, we're
20 going to break your damn neck, end of quote.
21 That was not incitement under the Brandenburg
22 test.

23 And we also have seen where a Vietnam War
24 protester said: We are taking the F (sound made)
25 street again, end of quote. And that was not

1 incitement under the Brandenburg test. There is
2 absolutely nothing that Representative Greene
3 ever said that passes the Brandenburg test of
4 incitement, and she can't even be held into
5 account for incitement because this is "engaged"
6 which requires conduct.

7 Look, they knew what the words meant. And
8 they chose the words that they were going to use.
9 This was going to be a very narrow
10 disqualification.

11 Now, then they claim that Representative
12 Greene promoted or organized the January 6th
13 rally away from the Capitol -- Right? -- near the
14 White House at -- where some of the people at
15 that rally went to Capitol and some of those
16 attacked the Capitol. And I call it an attack.
17 It was despicable for these people to do this, to
18 attack the Capitol of the United States.

19 Over seven hundred have been charged with
20 crimes. If they are guilty, they should be
21 convicted of those crimes. But, you know, not a
22 single one of them has been charged with engaging
23 in insurrection or rebellion which is a federal
24 criminal offense. Not one. Not a one of the
25 people that actually attacked the Capitol,

1 assaulted police officers, broke in, and were
2 there unlawfully.

3 Well, the First Amendment right to assemble
4 means that the right to assemble does not lose
5 all constitutional protections merely because
6 some members of that group may have participated
7 in conduct or advocated a doctrine that itself is
8 not protected. So this was the quintessentially
9 protected First Amendment right of assembly and
10 that some people left and went to the Capitol.
11 Some people attacked the Capitol. You can't hold
12 the people who -- who organized the peaceful and
13 constitutionally protected rally -- you cannot
14 hold that -- that against them because that's
15 what they did.

16 Now, second, the challengers misstate the
17 law regarding what is an insurrection or
18 rebellion. They say it is, quote, to overthrow
19 the government or -- or obstruct it's core
20 functions, period, end of quote. That's on
21 page 32. Nowhere in any case does it say that
22 insurrection includes "obstruct its core
23 function." It certainly says overthrow the
24 government and, you know, certainly in for -- you
25 know, if that would occur, all of the functions

1 would transfer to someone else, right? But they
2 want to expand this so that, for instance, when a
3 heckler in the House gallery stands up and
4 heckles the Congress -- you know, the House, and
5 they have to suspend, that that person is guilty
6 of insurrection or rebellion because a core
7 function has been obstructed.

8 Look, this word is way more serious and
9 narrow than what they say. Let me give you
10 examples of what the -- either statutes or the
11 courts, et cetera has said. A domestic war --
12 that is on page 20 of our submission, motion to
13 dismiss. A domestic war. Second -- and that was
14 the attorney general in 1867.

15 Two, combinations too powerful to be
16 suppressed by ordinary course of judicial
17 proceedings or by the marshal. That was
18 temporarily -- so apparently, I don't know, but
19 even if it were, it wasn't -- you know, it was
20 temporary and short-lived.

21 Third, a rising so formidable as for the
22 time being to defy the authority of the United
23 States in such force that civil authorities are
24 inadequate to put them down and a considerable
25 military force is needed to accomplish the

1 result. Shay's Rebellion. Collapse when the
2 U.S. military showed up. And the military wasn't
3 required here, even for the temporary attack. An
4 armed insurrection too strong to be controlled by
5 civil authorities.

6 And then finally, the court in Allegheny
7 City juxtaposed what an insurrection is and what
8 an insurrection isn't. It says an insurrection
9 is an organized and armed uprising against
10 authority or operation of government. It is not:
11 While crimes, growing out of mob violence --
12 which we certainly had on January 6th -- however
13 serious they may be or however numerous the
14 participants are simply unlawful acts in
15 disturbance of the peace which do not threaten
16 the stability of the government or the existence
17 of political society.

18 They're different, dramatically different.

19 Now, we have stipulated that a group of
20 people that did not include Representative Greene
21 unlawfully entered the United States Capitol on
22 January 6th. And they did. I mean, I say more
23 about -- I say more than that about what happened
24 as I just have before your court, Your Honor, on
25 behalf of Representative Greene.

1 **THE ADMINISTRATIVE LAW JUDGE:** Excuse me.
2 **MR. BOPP:** Yeah.
3 **THE ADMINISTRATIVE LAW JUDGE:** I apologize,
4 Mr. Bopp.
5 Mr. Hamilton?
6 **MR. BOPP:** Sorry?
7 **THE ADMINISTRATIVE LAW JUDGE:** That's our --
8 my guy who needs to help us with the sound.
9 Excuse me just a second.
10 **MR. BOPP:** I hope he helps with the
11 temperature. He is the man.
12 (Sound adjustment made.)
13 **THE ADMINISTRATIVE LAW JUDGE:** Thank you.
14 Apologize for interrupting.
15 **MR. BOPP:** Thank you. No that's --
16 **THE ADMINISTRATIVE LAW JUDGE:** You know, if
17 you're not under -- we're far too old to deal
18 with these issues. Far too old.
19 **MR. BOPP:** Yeah. And -- so we -- we have
20 willingly stipulated that people entered the
21 Capitol unlawfully. And I say more than that,
22 more than just unlawfully. But significantly,
23 they are willing to agree that those people that
24 entered unlawfully did not include Representative
25 Greene.

1 So she did not engage in the attack on the
2 Capitol. That -- if there was conduct that meets
3 the term "engage" -- I mean that if there was
4 conduct that would ever meet the term "engage,"
5 it would be breaking into the Capitol. That
6 would be an engagement certainly, an overt --
7 direct overt act.

8 And, however, I think describing that as
9 insurrection or rebellion is just political
10 hyperbole and not under the Constitution. And
11 that's what you have to engage in.

12 Now, what you will see is pertinent evidence
13 about what she did from -- from us from
14 January 3rd until the end of the day on
15 January 6th. And, you know, you will see that on
16 January 3rd -- and we've stipulated she was sworn
17 in -- she met with President Trump about making
18 objections to certain states' electoral votes
19 based upon evidence that she believed and others
20 believed constituted sufficient voter fraud to
21 overturn the election in those particular states.

22 You will see that on January 6th -- and of
23 all the tweets and all the videos, we -- we are
24 presenting this video. This is during the moment
25 when the attack on the Capitol was occurring.

1 And she is in the Capitol in a dark hallway and
2 she says -- first, in the tweet accompanying the
3 video, which they do quote in their complaint --
4 "Be safe, be smart, stay peaceful, obey the laws.
5 This is not a time for violence. This is a time
6 to support President Trump and support election
7 integrity," which they believed they were doing
8 on the Floor of the United States Congress.

9 And then the video: I -- so I urge you to
10 remain calm. I urge you to have a peaceful
11 protest. Make sure that everyone is safe and
12 protected. And let's do this in a peaceful
13 manner. This is -- this is not a time for
14 violence. This is a time to support President
15 Trump, support election integrity, and support
16 this important process that we're going through
17 in Congress where we're allowed to object. So
18 this -- this is very important: So I urge you to
19 stay calm. Be the great American people that I
20 know you are and just know that you're -- that
21 we're in the fight for you. God bless everyone.
22 Be careful. Be safe. Be smart. And obey the
23 laws.

24 A few days later, after the attack occurred,
25 she said: We -- meaning members of Congress --

1 did not plan, cause, and denounce the January 6th
2 attack. And then FBI Director Wray testifies
3 before a committee of Congress -- this is R-5: I
4 was appalled, like you -- he's addressing members
5 of Congress -- at the violence and destruction
6 that we saw that day. I was appalled that you,
7 members of Congress, our country's elected
8 leaders were victimized right here in the very
9 halls of Congress.

10 Representative Greene was a victim of this
11 attack. Her life was in danger, she thought.
12 She was scared and confused. Her children were
13 frantic about what was going on and feared for
14 her safety. That is not what a person who
15 planned the attack would react. And you will see
16 her reaction and you will then hear her
17 testimony.

18 So the attack on the U.S. Capitol, as
19 despicable as it was, was not an insurrection or
20 rebellion and she certainly did not engage in it
21 as understood under the law. That is what the
22 evidence will prove and why she should remain --
23 among multiple other reasons remain on the
24 ballot.

25 Thank you, Your Honor.

1 **THE ADMINISTRATIVE LAW JUDGE:** Thank you,
2 Mr. Bopp.
3 All right. Start with Professor Magliocca?
4 **MR. CELLI:** Well, Your Honor --
5 **THE ADMINISTRATIVE LAW JUDGE:** Pronounce his
6 name again. I'm sorry.
7 **MR. FEIN:** Magliocca.
8 **MR. CELLI:** Magliocca.
9 **MR. FEIN:** Magliocca.
10 **THE ADMINISTRATIVE LAW JUDGE:** I apologize.
11 I mean, I struggle with names. I apologize.
12 **MR. CELLI:** Your Honor, we want to start
13 just by reading into the record the stipulated
14 facts. It'll take a moment.
15 **THE ADMINISTRATIVE LAW JUDGE:** If you want
16 to read them, that's fine. They're in. I mean,
17 they're admitted. But you can read them.
18 **MR. CELLI:** The parties to the
19 above-captioned proceedings, through their
20 undersigned counsel, stipulate that the following
21 facts are true: That the respondent is over the
22 age of 25, the respondent has been a United
23 States citizen for more than seven years, the
24 respondent is an inhabitant of Georgia.
25 Petitioners are all registered voters in

1 Georgia's 14th congressional district.

2 On January 3, 2021, the respondent took the
3 oath of office to be a member of the U.S. House
4 of Representatives for the first time.

5 The joint session of Congress was called to
6 order at or around 1 p.m. on January 6, 2021, for
7 the purposes of opening, counting, and resolving
8 any objections to the electoral college vote of
9 the 2020 U.S. presidential election and
10 certifying the results of the electoral college
11 vote.

12 A group of people that did not include the
13 respondent unlawfully entered the United States
14 Capitol on January 6, 2021. On January 26(sic),
15 2021, joint session of Congress was suspended
16 while people were unlawfully inside the U.S.
17 Capitol.

18 Congress certified the results of the
19 electoral college vote at or about 3:40 a.m. on
20 January 7, 2021. And Respondent filed her
21 candidacy for the upcoming midterm elections for
22 Georgia's 14th congressional district on March 7,
23 2022, and filed an amended notice of candidacy on
24 March 10, 2022.

25 We'd like to call Professor Magliocca.

1 **THE ADMINISTRATIVE LAW JUDGE:** Okay.
2 Professor, you get to go over here
3 (indicating).
4 (The witness took the stand.)
5 **THE ADMINISTRATIVE LAW JUDGE:** Good morning.
6 **MR. MAGLIOCCA:** Good morning.
7 **THE ADMINISTRATIVE LAW JUDGE:** If you'd
8 raise your right hand. Do you solemnly swear or
9 affirm the testimony you give in this hearing is
10 the truth, the whole truth, and nothing but the
11 truth, so help you God?
12 **THE WITNESS:** I do.
13 **THE ADMINISTRATIVE LAW JUDGE:** Okay.
14 Please proceed. Proceed, Mr. Fein.
15 GERARD MAGLIOCCA,
16 having been duly sworn, was examined and testified as
17 follows:
18 V O I R D I R E E X A M I N A T I O N
19 **BY MR. FEIN:**
20 **Q** Good morning, Professor Magliocca. Could
21 you just repeat your full name for the record?
22 **A** Gerard Magliocca.
23 **Q** And what's your profession?
24 **A** I am the Samuel R. Rosen professor at the
25 Indiana University Robert H. McKinney School of Law.

1 **Q** What's your educational background?

2 **A** I received my college degree at Stanford and
3 my law degree from Yale.

4 **Q** And could you summarize your professional
5 experience since then.

6 **A** Yes. I was a law clerk for one year, and
7 then I was an associate at a law firm for two years,
8 and I've been a teacher for the past twenty-one years.

9 (Petitioners' Exhibit 61 identified.)

10 **MR. FEIN:** And, Your Honor, I believe
11 Exhibit P-61, his résumé, has already been
12 admitted into evidence --

13 **THE ADMINISTRATIVE LAW JUDGE:** That's
14 correct.

15 **MR. FEIN:** -- so we don't need to retread
16 it.

17 **BY MR. FEIN:**

18 **Q** Professor Magliocca, what are your areas of
19 research?

20 **A** My main area of research is American
21 constitutional history.

22 **Q** And you don't have a PhD in history, though;
23 do you?

24 **A** I do not.

25 **Q** So what is your experience working with

1 historical materials?

2 **A** Well, I do work at archives around the
3 United States on books that I write. So, for example,
4 I've worked at the Library of Congress, Mount Vernon,
5 the Chicago History Museum, the National Archives, and
6 as well as other facilities that hold documents.

7 **Q** And how much of your work has been original
8 historical research using original historical
9 materials?

10 **A** Well, more than half. I -- I mean,
11 obviously I use secondary sources, read other books
12 and articles to do my research.

13 **THE ADMINISTRATIVE LAW JUDGE:** Excuse me
14 just a second. I think -- are they having
15 difficulty hearing?

16 (Staff conferred with the witness.)

17 **THE WITNESS:** Oh, okay. Sorry.

18 **THE ADMINISTRATIVE LAW JUDGE:** Yes. You
19 have to get -- you have -- unfortunately have to
20 talk to the stupid thing.

21 **MR. FEIN:** Did you need to finish that
22 question?

23 **THE WITNESS:** Would you like me to repeat my
24 answer?

25 **THE ADMINISTRATIVE LAW JUDGE:** Please.

1 **THE WITNESS:** Yes. I would say I do more
2 than half of my work on primary sources and then
3 the remainder consists of reading other books or
4 articles written about the subjects that I'm
5 studying.

6 **BY MR. FEIN:**

7 **Q** What methods do you use when you're
8 conducting this original historical research?

9 **A** Well, I use the same methods that a
10 historian would use. So, for example, I try to
11 identify documents and make sure they are authentic.
12 I try to understand the documents based on what was
13 going on at the time and also to make sure that I'm
14 quoting them in context rather than out of context,
15 for example.

16 **Q** Have you ever heard the phrase "law office
17 history"?

18 **A** Yes, I have.

19 **Q** What do you understand that phrase to mean?

20 **A** It means reaching a conclusion and then
21 trying to find historical materials to justify the
22 conclusion that you've already reached.

23 **Q** And how is your research the same or
24 different from law office history?

25 **A** Well, I don't have any particular

1 conclusion. When I begin a project, I do the research
2 with the materials and then I gradually reach a
3 conclusion based on what I read and what I see.

4 **Q** Now, I'm not going to ask you to repeat your
5 entire bibliography. But specifically with respect to
6 your historical research on the nineteenth century,
7 how many, if any, books have you published?

8 **A** Five.

9 **Q** And what subjects were they about?

10 **A** Well, the first one was about Andrew Jackson
11 and the period in which he was president. The second
12 was the period at the end of the nineteenth century
13 when William Jennings Bryan was running for president
14 multiple times. The third was a biography of
15 Congressman John Bingham who was one of the principal
16 framers of the Fourteenth Amendment. The fourth is a
17 book on the Bill of Rights that covers the entire
18 history of the Bill of Rights, including the
19 nineteenth-century portion. And the one that I've
20 just written is about George Washington's nephew who
21 was Bushrod Washington who was a justice of the
22 Supreme Court for thirty years in the early nineteenth
23 century.

24 **Q** In addition to these books, have you
25 published academic articles and academic journals

1 about nineteenth-century constitutional history?

2 **A** Yes. I've published about ten articles that
3 relate to nineteenth-century constitutional history in
4 various journals.

5 **Q** And in the past, let's say, three years,
6 have you been asked to give any academic lectures or
7 speeches outside your university on nineteenth-century
8 constitutional history?

9 **A** Well, of course they were virtual because of
10 the pandemic, but -- but, yes. I just -- I gave a
11 talk at Mount Vernon in 2021 about the -- well, the
12 Bushrod Washington book, and I've been doing some
13 other things related to that. That's been the main
14 source of lecture that I've done.

15 **Q** And have you received any fellowships or
16 professional recognition for this work?

17 **A** Yes. I was a fellow at Mount Vernon from
18 2019 to 2021 where I worked in the archives there on
19 the Bushrod Washington project, looking at his letters
20 and other correspondence that was related to my
21 research.

22 **Q** And then, turning to the Fourteenth
23 Amendment and Section 3 in particular, have you
24 conducted any research on this?

25 **A** Yes, I have.

1 **Q** And can you describe in broad terms that
2 research.

3 **A** Yes. In the fall of 2020, I researched and
4 wrote a paper on Section 3 of the Fourteenth
5 Amendment. The paper was completed in December and
6 made available to researchers and anyone to see on the
7 Social Science Research Network. That happened around
8 December 10, 2020.

9 **Q** And what perspectives do you use to address
10 questions about the Fourteenth Amendment?

11 **A** Well, primarily I look to what was said in
12 Congress about the amendment proposal because that's
13 sort of, well, the most important initial source.
14 Then I also look to secondary sources outside of
15 Congress. For example, what did newspapers have to
16 say about the pending proposal, what was said in the
17 states to the extent that we can find out about the
18 ratification of the Fourteenth Amendment.

19 So it's primarily looking to the discussion
20 or conversation that Americans had about the
21 Fourteenth Amendment when it was proposed and under
22 discussion for ratification.

23 **Q** And how are these approaches similar or
24 different from the types of ordinary legal analysis
25 that lawyers and judges ordinarily do?

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

10 **MR. FEIN:** Your Honor, at this time I move
11 to tender Professor Magliocca as an expert
12 witness in nineteenth-century American
13 constitutional history.

14 **MR. BOPP:** I object, Your Honor.

15 Number one, he was not tendered as an expert
16 in the -- in the specification of witnesses.

17 Number two, they have provided us no expert
18 report, which is required for such an expert, so
19 that we can prepare for his testimony.

20 Number three, he has not produced to us the
21 documents that he relied upon in order to reach
22 whatever conclusions the expert report reveals.

23 So we -- under civil rules in Georgia,
24 that's all required. None of that occurred here.
25 And it is fundamentally unfair for us to show up

1 at the hearing with no preparation other than his
2 résumé, which we got a couple days ago, and --
3 and cross-examine him without an adequate
4 opportunity to prepare -- prepare. That is
5 always provided for a expert witness.

6 **THE ADMINISTRATIVE LAW JUDGE:** As I have
7 said before, I'm unclear what the role is for the
8 -- for the professor. He's indicated that he has
9 an -- is he going to testify essentially to the
10 contents of his article that he wrote?

11 **MR. FEIN:** No, Your Honor. The subject
12 matter of the questioning would address matters
13 that were not entirely embraced within the
14 context of his law degree article.

15 **MR. BOPP:** Your Honor, I -- I apologize. I
16 had one other comment.

17 **THE ADMINISTRATIVE LAW JUDGE:** Yes, sir.

18 **MR. BOPP:** And I was going back and forth
19 whether or not this was proper when he starts
20 answer -- asking questions or now, but I want to
21 raise it. What he has described is his
22 expertise, expertise, and what he has -- that he
23 said he will testify about are quintessential
24 legal questions.

25 If a statute is vague, you look to the

1 legislative history. That's what he wants to
2 testify about. That a legal question, what the
3 legislative history is and what it provides. It
4 is not for a person to testify about. These are
5 about facts about what happened on January 6th,
6 before, and not on legal matters. This is
7 quintess -- legislative history is
8 quintessentially what us lawyers do and judges
9 decide.

10 So I would object generally on that ground
11 also.

12 **THE ADMINISTRATIVE LAW JUDGE:** I'm
13 struggling because I'm trying to -- it -- you
14 know, we don't -- I don't know what the testimony
15 is going to be. I mean, it's a circular
16 question.

17 But the issue of the history of the
18 Fourteenth Amendment, if -- if the petitioners
19 want to spent their time with a history of the
20 enactment of the Fourteenth Amendment, I will
21 listen.

22 But I concur with you that I will not permit
23 and will not entertain testimony regarding the
24 meaning of statutes or anything that would be
25 properly the subject of briefing. So what I -- I

1 will let you start but -- and I would also
2 suggest -- I mean, to me, this all sounds like
3 the sort of stuff that would be coming in
4 appropriately in the briefing. And if you have
5 articles and authorities and original documents
6 that you wish to cite, I'm happy to read them.
7 But I don't know that it makes sense for us to be
8 dealing with a series of objections on things
9 which are historical in nature.

10 So I will let you start, but I may stop you,
11 okay? And I will entertain objections when and
12 as appropriate.

13 Go ahead, Mr. Fein.

14 **MR. FEIN:** Thank you, Your Honor.

15 D I R E C T E X A M I N A T I O N

16 **BY MR. FEIN:**

17 **Q** Professor, can you just briefly summarize
18 the historical context for Section 3 of the Fourteenth
19 Amendment.

20 **A** Yes. So after the Civil War, elections were
21 held across the South for Congress and for the Senate.
22 And some of the people who won had been leaders in the
23 Confederacy. They arrived in Washington, seeking to
24 take their seats. Northern public opinion was
25 outraged at this because these were some of the same

1 people who had led secession.

2 So those members were excluded from Congress
3 and then consideration was given to some formal
4 proposal that would exclude them for some period of
5 time afterwards.

6 **Q** And who were the primary framers of this
7 provision?

8 **A** Section 3 of the Fourteenth Amendment was
9 drafted by Senator Jacob Howard of Michigan. And it
10 was narrower than the original proposal that had been
11 put forward in the House of Representatives. So the
12 House proposal for Section 3 would have prohibited all
13 former Confederates from voting in federal elections
14 until 1870.

15 So the senators considered that too broad
16 and unfair. So the substitute, drafted by Senator
17 Howard, focused instead on officeholding rather than
18 voting and did not apply to anyone who had been
19 engaged in insurrection. Instead, it applied only to
20 officials, either current or former and civil or
21 military, on the thought that it was the leaders of
22 the insurrection who should be held accountable rather
23 than ordinary followers.

24 **Q** And in developing Section 3 of the
25 Fourteenth Amendment, did the framers look to any

1 historical examples of insurrections other than the
2 Civil War?

3 **A** There were other examples, but there was
4 nothing cited specifically in the debates in Congress
5 about that provision.

6 **Q** What, if any, historical insurrections were
7 well known to reasonably educated
8 mid-nineteenth-century Americans?

9 **A** Well, there were two. One was Shay's
10 Rebellion which was also referred to as Shay's
11 Insurrection. And the other was the Whiskey Rebellion
12 which was also referred to as Whiskey -- Whiskey
13 Insurrection.

14 **Q** So let's start with Shay's Insurrection or
15 Shay's Rebellion. When and where did that occur?

16 **A** So Shay's Rebellion occurred in
17 Massachusetts at the end of 1786 and early 1787. It
18 was a tax protest by farmers who were upset about high
19 land taxes and that had led to many foreclosures of
20 farms. So what started happening was that groups of
21 farmers would arm themselves and go to local courts to
22 basically stop the courts from operating so that
23 foreclosure sales could not happen.

24 This built up to a point where the state
25 militia was called in to sort of deal with the

1 suspension of the normal operation of the courts by
2 armed people. And that led to a clash at an armory
3 when some of the sort of insurrectionists decided to
4 try to take some weapons. Four people were killed and
5 after that the rebellion or insurrection ended.

6 **Q** You said that their goal was to stop the
7 courts from operating; is that --

8 **A** That's correct. To prevent foreclosure
9 sales on farms.

10 **Q** All right. And from a historical
11 perspective, what were the key features of Shay's
12 Rebellion that would be remembered in the
13 mid-nineteenth century by reasonably educated
14 Americans?

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

23 **Q** And was it considered an insurrection or a
24 rebellion or both?

25 **A** Well, so in Federalist Number 10, James

1 Madison -- the subtitle of Federalist Number 10 was
2 *The Union as a Safeguard Against Domestic Faction and*
3 *Insurrection*. So -- and he was referring to Shay's
4 Insurrection as well as some other upheavals that had
5 happened in the states prior to that.

6 And then in the nineteenth century, a
7 well-known book by Justice Joseph Story referred to
8 the insurrection in Massachusetts. Story was from
9 Massachusetts. So that probably explains why he
10 emphasized that point in his book.

11 **Q** Thank you. Let's talk about the other one
12 you mentioned: the Whiskey Rebellion or Whiskey
13 Insurrection. What was that?

14 **A** So the Whiskey Insurrection was another tax
15 protest by farmers. This time on a federal tax on
16 whiskey and other spirits. So farmers in Pennsylvania
17 were upset about this and they decided to start
18 getting armed and trying to prevent tax collection.
19 They did this in various ways.

20 Sometimes they would -- well, in one case
21 they tarred and feathered a tax collector. Also they
22 would basically attack places where the tax collectors
23 were known to be. And they also shut down courts
24 because, again, to some degree, the courts were
25 necessary to further the collection of the taxes

1 because sometimes there were foreclosures that were
2 required to, you know, pay the taxes that were owed.

3 Q How many casualties were there in the
4 Whiskey Rebellion?

5 A There were -- four or five people were
6 killed in some skirmishes. Eventually George
7 Washington called in a large force of more than 10,000
8 troops to go into that portion of Pennsylvania and
9 basically, for the most part, the insurrection was
10 ended because of the sight of this large force led by
11 George Washington. But four or five people were
12 killed.

13 Q How well organized was the Whiskey
14 Rebellion?

15 A Well, it was a loosely organized thing.
16 There were mostly local groups doing different things.
17 There wasn't really a single leader at all that --
18 that we know of.

19 Q And by the time of the 1860s, how well
20 known was the Whiskey Rebellion to ordinary educated
21 nineteenth-century Americans?

22 A It would've been --

23 MR. BOPP: I object. We're now beyond even
24 legislative history. We're -- he's already
25 conceded that in the debates they were talking

1 about the Civil War, not what these were
2 colloquially called insurrections, not the legal
3 definition under Section -- Section 3.

4 **THE ADMINISTRATIVE LAW JUDGE:** Sustained.

5 Next question.

6 **MR. FEIN:** Your Honor.

7 **BY MR. FEIN:**

8 **Q** If I recall your earlier testimony
9 correctly, you said that four people died in Shay's
10 Rebellion and four or five in the Whiskey Rebellion.

11 **MR. BOPP:** I object. I mean, he's --
12 he's -- going on with this is to talk about
13 something that was irrelevant as even legislative
14 history, regarding Title 3. These were never
15 cited.

16 **THE ADMINISTRATIVE LAW JUDGE:** Overruled.

17 Go ahead.

18 **BY MR. FEIN:**

19 **Q** Did -- did I have those numbers right? You
20 said four -- four or five people died in each of those
21 insurrections?

22 **A** Correct.

23 **Q** So to the extent that nineteenth-century
24 Americans thought of these as insurrections, in
25 addition to, of course, the Civil War, how would

1 nineteenth-century Americans have understood what
2 level of violence or bloodshed was needed before the
3 word "insurrection" would be used?

4 **A** Well, some violence was required because
5 there would -- there was no thought really that you
6 could have a peaceful protest and that would be
7 considered an insurrection. But there was no
8 particular thought about how much was required.

9 **Q** And how would they distinguish between -- or
10 would they distinguish between a riot versus an
11 insurrection?

12 **MR. BOPP:** I object. He's going --

13 **THE ADMINISTRATIVE LAW JUDGE:** Sustained.

14 **MR. BOPP:** -- into mind-reading --

15 **THE ADMINISTRATIVE LAW JUDGE:** Sustained.

16 Sustained. Next.

17 **MR. FEIN:** All right.

18 **BY MR. FEIN:**

19 **Q** What sources did nineteenth-century
20 Americans use to understand the meanings of words?

21 **MR. BOPP:** I object. He -- no foundation's
22 been laid for that question.

23 **THE ADMINISTRATIVE LAW JUDGE:** Sustained.

24 **MR. FEIN:** All right. Let me rephrase.

25 Your Honor, I'd like to display an exhibit

1 that's already been admitted into evidence, which
2 is --

3 **THE ADMINISTRATIVE LAW JUDGE:** Okay.

4 **MR. FEIN:** -- P-81.

5 (Petitioners' Exhibit 81 identified.)

6 **THE ADMINISTRATIVE LAW JUDGE:** P-81, okay.

7 (Image displayed on screen.)

8 **BY MR. FEIN:**

9 **Q** Can you see that, Professor Magliocca?

10 **A** Yes, I can.

11 **Q** What are we looking at?

12 **A** You're looking at an 1830 edition of
13 Webster's dictionary.

14 **Q** How was that dictionary used in 1830 and
15 afterwards?

16 **A** Well, it was the leading dictionary in the
17 United States during this period.

18 **THE ADMINISTRATIVE LAW JUDGE:** Excuse me.

19 What -- what period are we talking about?

20 **THE WITNESS:** 1830.

21 **THE ADMINISTRATIVE LAW JUDGE:** Okay, 1830.

22 Okay.

23 **BY MR. FEIN:**

24 **Q** Was the dictionary updated on a semiregular
25 or a regular basis after that?

1 **A** Yes. Much like modern dictionaries, they
2 would do a new edition every so many years.

3 **Q** But this is the 1830 edition.

4 **A** Yes.

5 **Q** Okay. You're familiar with this dictionary.
6 You've seen it before.

7 **A** Yes, I am.

8 **Q** To what extent does it inform, if at all,
9 your understanding of how words were used in the
10 mid-nineteenth century?

11 **MR. BOPP:** I -- I object as I --

12 **THE ADMINISTRATIVE LAW JUDGE:** Sustained.

13 **MR. FEIN:** Let's turn to page -- the next
14 page. And if we could zoom in on the left column
15 at the top.

16 **BY MR. FEIN:**

17 **Q** Can you read that, Professor Magliocca?
18 It's a little dicey.

19 **A** Oh boy, okay.

20 **MR. FEIN:** Can you zoom it even more,
21 Dymond.

22 **THE WITNESS:** I will do my best.

23 **MR. FEIN:** Okay. Can you --

24 **THE WITNESS:** Yes, I think I can.

25 **MR. FEIN:** Can you read a couple of entries

1 down -- and I'm not going to ask you to -- to
2 read it aloud, but do you see there the -- can
3 you read the definitions there?

4 **THE WITNESS:** Yes, I can.

5 **BY MR. FEIN:**

6 **Q** Are you familiar with if this dictionary has
7 a definition for insurrection?

8 **A** Yes, it does.

9 **Q** And what -- what can you -- without reading
10 from that -- that definition, is that -- in your
11 experience as a historian, is that typical of a
12 nineteenth-century understanding of the word
13 "insurrection"?

14 **MR. BOPP:** I --

15 **THE ADMINISTRATIVE LAW JUDGE:** Sustained.
16 Sustained. Don't even stand up. The document
17 speaks for itself, counsel. Next.

18 **MR. FEIN:** Fair enough, Your Honor.

19 **BY MR. FEIN:**

20 **Q** How do you use these dictionaries in your
21 own work?

22 **A** Well, they're helpful in putting terms into
23 context, for example, if I'm reading a letter and I'm
24 trying to understand what somebody meant. You know,
25 sometimes the definition that people used back then

1 isn't the same as the definition that we use now. So
2 it's -- you have to check.

3 (Petitioners' Exhibit 80 identified.)

4 **MR. FEIN:** Let's go to Exhibit P-80 if we
5 may. This has also been admitted into evidence.

6 **THE ADMINISTRATIVE LAW JUDGE:** P-80?

7 **MR. FEIN:** Yes.

8 **BY MR. FEIN:**

9 **Q** And what are we looking at here?

10 **A** This is a statute, Georgia statute, enacted
11 in 1866.

12 **Q** And why did -- what is the statute about?

13 **A** Insurrection.

14 **Q** And do you know why Georgia enacted this
15 statute?

16 **A** I believe it was because of the -- it was in
17 response, basically, to what had occurred during the
18 Civil War.

19 **Q** And --

20 **MR. BOPP:** (standing)

21 **MR. FEIN:** Your Honor, I haven't asked the
22 question yet.

23 **MR. BOPP:** I haven't objected yet.

24 **THE ADMINISTRATIVE LAW JUDGE:** You may ask
25 your question, counsel.

1 **MR. BOPP:** But maybe I should just stand,
2 okay?

3 **THE ADMINISTRATIVE LAW JUDGE:** I'm sorry.
4 This is very serious stuff. But what concerns
5 me, Mr. Fein, is this is what I would expect to
6 be reading in briefs. This is not what I expect
7 to hear testimony on. This is historical data
8 that can be reviewed and commented on and
9 proffered and so forth.

10 I -- I'm indulging you because of the
11 importance of this hearing, but ...

12 You may ask the question and I will -- if I
13 hear an objection, I will rule.

14 **MR. FEIN:** Thank you, Your Honor.

15 When -- Your Honor, may I briefly confer?

16 **THE ADMINISTRATIVE LAW JUDGE:** Sure. Sure.

17 In fact, we're actually past my 10:45 break.
18 So let's take our break. We'll reconvene --

19 (Clapping)

20 **THE ADMINISTRATIVE LAW JUDGE:** No. No, no,
21 no. Stop that. This is not a show. Do not do
22 that.

23 We will stop now. We'll reconvene at 11:00.
24 Thanks.

25 (Break taken from 10:51 until 11:07 a.m.)

1 **THE ADMINISTRATIVE LAW JUDGE:** All right,
2 Mr. Fein. We're back on the record now.

3 **MR. FEIN:** Thank you, Your Honor.

4 Just a few more minutes, Professor
5 Magliocca.

6 **BY MR. FEIN:**

7 **Q** Professor Magliocca, how were the southern
8 states governed after Lee's surrender?

9 **A** Well, there were temporary civil governments
10 put in place by President Johnson. But then in 1867
11 Congress passed the Military Reconstruction Acts to
12 impose, essentially, martial law on almost the entire
13 former Confederacy.

14 **Q** So, for example, who was governing Virginia
15 during that period of time?

16 **A** A Union Army general.

17 **Q** And when was the Fourteenth Amendment
18 Section 3 first implemented?

19 **A** So it was first implemented in the Military
20 Reconstruction Acts because those acts said that there
21 had to be new elections throughout the South to elect
22 conventions that could ratify the Fourteenth Amendment
23 and write new state constitutions.

24 And so the acts provided that people who
25 were covered by what he described as Section 3 of the

1 pending amendment were not going to be able to vote in
2 the elections for those conventions. And then there
3 had to be some means of determining whether people
4 could or could not vote under that standard.

5 (Petitioners' Exhibit 48 identified.)

6 **MR. FEIN:** Can we please put up Exhibit
7 P-48, which has been admitted into evidence
8 already. And, Dymond, if you zoom to the, like,
9 upper left so he can see it.

10 **BY MR. FEIN:**

11 **Q** Professor Magliocca, I know this is small
12 print, but can you see what that is.

13 **A** Yes. This is an opinion of Attorney General
14 Stanbery, interpreting the first and second Military
15 Reconstruction Acts.

16 **Q** When was that issued?

17 **A** This opinion is May 1867.

18 **Q** When was the Fourteenth Amendment ratified?

19 **A** In 1868.

20 **Q** And where was this printed?

21 **A** This was in the *New York Times*. It would've
22 been widely reprinted in newspapers across the
23 country.

24 **Q** Okay, great. We can put that down.

25 How widely was Section 3 applied in the

1 years after the ratification of the Fourteenth
2 Amendment, Professor?

3 **A** Well, between 1868 and 1872, it was
4 implemented many times. Mostly to remove state and
5 local officials who had been part of the Confederacy,
6 but also in a couple instances to exclude people
7 from -- from office.

8 **Q** And what led to it not being implemented as
9 much?

10 **A** So in 1872, Congress exercised its power
11 under Section 3 to grant an amnesty to many of the
12 former Confederates. Basically in part that was
13 because there had been private bills that had been
14 giving amnesty to individuals. But largely that was
15 simply "did you know a member of Congress" and then if
16 you did, they would pass a bill for you.

17 **MR. BOPP:** Your Honor, I move to strike his
18 first statement. It was a legal opinion. And
19 that is whether the Amnesty Act of 1872
20 removed -- gave amnesty to former -- only, if you
21 will, former officers. It's a legal question.

22 **THE ADMINISTRATIVE LAW JUDGE:** I
23 understand -- I understand you raised the issue.
24 I'm going to let it stand, but thank you. I
25 mean, I understand the point. Believe me, I

1 understand the point.

2 **MR. BOPP:** Yeah.

3 **BY MR. FEIN:**

4 **Q** What did the debates around amnesty in
5 public, in the streets, or in Congress center on?

6 **A** Well, the answer to your question was --

7 **THE ADMINISTRATIVE LAW JUDGE:** A lack --
8 wait a minute. Wait a minute. Wait a minute.

9 **MR. BOPP:** Objection.

10 **THE ADMINISTRATIVE LAW JUDGE:** There's a
11 lack of foundation to what he's about to --

12 **MR. FEIN:** Fair enough.

13 **THE ADMINISTRATIVE LAW JUDGE:** -- testify
14 to.

15 **MR. BOPP:** And (indiscernible).

16 **THE ADMINISTRATIVE LAW JUDGE:** We've got to
17 have a little foundation on this.

18 **MR. FEIN:** Right.

19 **BY MR. FEIN:**

20 **Q** How familiar are you with the debates that
21 led to the 1872 Amnesty Act?

22 **A** I'm quite familiar with them. I read all of
23 them.

24 **Q** And what did they focus on?

25 **A** Well, they focused on whether people

1 deserved amnesty, first of all, and, second, if so,
2 who should be excluded from that. And, basically,
3 would it be good for sectional reconciliation or not.
4 So those were the big questions.

5 **Q** And how much of those debates centered
6 around ex-confederates as compared to anyone else who
7 might become subject to Section 3?

8 **A** Well, it was basically about ex-confederates
9 because those were the people who were petitioning
10 Congress for amnesty.

11 **Q** Just a few more questions. During the Civil
12 War itself, how did Washington D.C. fare?

13 **A** Well, it was a fortified city and for good
14 reason because there was a Confederate attack by Jubal
15 Early on the Capitol in 1864 that was repulsed at Fort
16 Monroe.

17 **Q** And were there -- or how many, if any,
18 presidential elections occurred during the Civil War?

19 **A** One. In 1864.

20 **Q** How orderly was that, if you know?

21 **A** It was very orderly.

22 **Q** And how did the counting of the electoral
23 votes proceed?

24 **A** There was no problem with it at all.

25 **Q** When, if ever, did the Confederate

1 insurrectionists seize control of the United States
2 Capitol?

3 **A** They did not.

4 **Q** And in your opinion, if in 1864 or 1868 a
5 violent mass of people had seized control of the U.S.
6 Capitol during the certification of presidential
7 electoral votes and disrupted the peaceful transfer of
8 power --

9 **THE ADMINISTRATIVE LAW JUDGE:** Sustained.

10 **MR. FEIN:** -- wouldn't eighteenth-century
11 Americans have --

12 **THE ADMINISTRATIVE LAW JUDGE:** Sustained.

13 **MR. FEIN:** -- understood --

14 **THE ADMINISTRATIVE LAW JUDGE:** You can stop
15 that question. Next.

16 **MR. FEIN:** Thank you, Your Honor. I have no
17 further questions.

18 **THE ADMINISTRATIVE LAW JUDGE:** Okay.

19 Anything, Mr. Bopp?

20 **MR. BOPP:** No. No, Your Honor, not other
21 than to welcome a -- a fellow Hoosier and --

22 **THE ADMINISTRATIVE LAW JUDGE:** The thought
23 crossed my mind.

24 **THE WITNESS:** Mine too.

25 **MR. BOPP:** Yeah. And I was a history major.

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THE ADMINISTRATIVE LAW JUDGE: Thank you.

MR. BOPP: So maybe I can swear myself in.

THE ADMINISTRATIVE LAW JUDGE: Thank you very much, Professor.

THE WITNESS: Thank you.

THE ADMINISTRATIVE LAW JUDGE: Please step down.

(The witness left the stand.)

MR. CELLI: Your Honor, the petitioners call Marjorie Taylor Greene to the stand.

THE ADMINISTRATIVE LAW JUDGE: Representative Greene, would you please come over here, please, ma'am.

(The witness took the stand.)

THE ADMINISTRATIVE LAW JUDGE: Raise your right hand, please. Do you solemnly swear or affirm the testimony you give in this hearing is the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I swear.

THE ADMINISTRATIVE LAW JUDGE: Please be seated.

Mr. Celli, go ahead.

MR. CELLI: May I proceed? Thank you.

Good morning, Representative Greene. I'm

1 Andy Celli. I represent the plaintiffs in this
2 matter.

3 MARJORIE TAYLOR GREENE,
4 having been duly sworn, was examined and testified as
5 follows:

6 C R O S S - E X A M I N A T I O N

7 **BY MR. CELLI:**

8 **Q** Ms. Greene, you were elected to Congress in
9 November of 2020, right?

10 **A** Yes.

11 **Q** And you became a member of Congress on
12 January 3, 2021; is that correct?

13 **A** Yes.

14 **Q** And when you became a member of Congress,
15 you became a member of Congress by virtue of having
16 taken an oath of office, right?

17 **A** I became a member of Congress by being
18 elected by the people of the 14th district.

19 **Q** Okay. But you actually were permitted to
20 take your seat in the House of Representatives because
21 you took an oath of office; isn't that correct?

22 **A** I sworn an oath on January 3rd.

23 **Q** And that oath required you to swear that you
24 would support and defend the Constitution of the
25 United States; right?

1 **A** Yes.

2 **Q** And it required you to swear an oath that
3 you would support and defend the Constitution of the
4 United States against all enemies, right?

5 **A** Yes.

6 **Q** And part of the oath you took says that you
7 were going to undertake that obligation to defend the
8 Constitution against all enemies freely, without any
9 mental reservation or purpose of evasion. Do you
10 recall that part?

11 **A** I think so.

12 (Petitioners' Exhibit 63 identified.)

13 **BY MR. CELLI:**

14 **Q** Okay. Well, let's have a look at it. This
15 will be Plaintiff's Exhibit 63. I just want to make
16 sure you get a chance to see it.

17 **A** Uh-huh.

18 (Image displayed on screen.)

19 **THE ADMINISTRATIVE LAW JUDGE:** This is the
20 excerpt from the Congressional Record?

21 **MR. CELLI:** No, Your Honor. This is --

22 **THE ADMINISTRATIVE LAW JUDGE:** Which one?

23 **MR. CELLI:** This is Exhibit PX-63.

24 **THE ADMINISTRATIVE LAW JUDGE:** Okay.

25 **MR. CELLI:** This is a federal statute,

1 5 U.S.C. 3331, which sets forth the oath of
2 office for federal officers, including members of
3 Congress.

4 **THE ADMINISTRATIVE LAW JUDGE:** Okay.

5 **MR. CELLI:** And, Ms. Wells, if you can make
6 that a little bit bigger, I want to make sure the
7 representative can see it. The highlighted
8 portion, please.

9 **BY MR. CELLI:**

10 **Q** So if you see about a third of the way,
11 two-thirds of the way down, it says that (reading): I
12 will -- I will take this obligation -- I take this
13 obligation freely, without any mental reservation or
14 purpose of evasion. See that?

15 **A** Uh-huh.

16 **Q** And you now recall that was part of the
17 oath, right?

18 **A** Yes.

19 **Q** And what did that mean to you, Congresswoman
20 Greene?

21 **A** About taking it freely, without reservation?

22 **Q** Yes.

23 **A** It -- it means I'm swearing the oath and I
24 have no reservation.

25 **Q** Right. Now, one part of the Constitution,

1 Representative Greene, is the Twelfth Amendment,
2 right?

3 **A** Yes.

4 **Q** You're familiar with the Twelfth Amendment.

5 **A** Yes.

6 **Q** That's the one that provides for the
7 constitutional process for counting electoral votes in
8 a presidential election, right?

9 **MR. BOPP:** Your Honor, I -- I object. Under
10 the speech and debate clause, she cannot be
11 questioned about what she does on the Floor of
12 Congress pursuant to her legislative
13 responsibilities.

14 **MR. CELLI:** And I don't intend to ask any
15 questions of that sort, Your Honor. I just want
16 to under -- have her understanding of the
17 Constitution. This is a case about
18 Representative Greene's state of mind, including
19 her understanding of the oath and the
20 Constitution.

21 **MR. BOPP:** Then I further object because
22 this case is not about her state of mind. It's
23 whether or not she engaged in insurrection or
24 rebellion. "Engaged" connotes conduct --

25 **THE ADMINISTRATIVE LAW JUDGE:** I concur. I

1 concur.

2 **MR. BOPP:** And to --

3 **THE ADMINISTRATIVE LAW JUDGE:** Sustained.

4 Next question, Mr. Celli.

5 **BY MR. CELLI:**

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

10 **A** Does it define that way? Is it defined that
11 way?

12 **Q** I'm asking for your understanding. If
13 somebody broke the law in a way designed to interfere
14 with the process of counting the electoral count
15 college votes, that person would be an enemy of the
16 Constitution.

17 **A** You mean interrupting Congress? Is that
18 what you're referring to?

19 **Q** Doing anything unlawfully to interfere with
20 the process of counting the electoral votes.

21 **A** Interrupting Congress, like when the
22 Democrats interrupted Congress and had a sit-in on the
23 House Floor and stopped Congress?

24 **THE ADMINISTRATIVE LAW JUDGE:** Let -- excuse
25 me. Excuse me, Representatives Greene.

1 **THE WITNESS:** Yeah.

2 **THE ADMINISTRATIVE LAW JUDGE:** Could you
3 rephrase your question, Counsel.

4 **MR. CELLI:** I'm -- I'm entitled to ask my
5 questions in the way I'd like to ask them, Your
6 Honor. I'd ask that she listen to my question
7 and simply respond.

8 May I -- may I proceed?

9 **THE ADMINISTRATIVE LAW JUDGE:** Yes.

10 **BY MR. CELLI:**

11 **Q** So if someone broke the law in an effort to
12 interfere with the counting of the electoral votes,
13 that person would be an enemy of the Constitution. Am
14 I right about that?

15 **A** Breaking the law is unlawful. There's been
16 over 700 people charged for what happened on
17 January 6th.

18 **Q** Right. And those people were trying to
19 interfere with the lawful process of counting the
20 votes for the electoral college, right?

21 **A** I -- I -- I would assume yes, they -- they
22 did. They stopped the electoral count, yes.

23 **Q** Right. And so those people would be enemies
24 of the Constitution. You would agree with that,
25 right?

1 **A** I don't know if it -- I don't know. I don't
2 know if it defines it that way.

3 **Q** Well, having taken the oath that we saw on
4 the screen, if you were aware that someone was going
5 to lawfully -- unlawfully, excuse me -- unlawfully
6 interfere with the constitutional process of counting
7 the electoral votes, you'd be obliged by your oath to
8 try to stop it, right?

9 **MR. BOPP:** Your Honor, I -- I object.
10 The -- the claim is not she violated her oath.
11 The claim is under Section 3 of the Fourteenth
12 Amendment. And so her opinion on words like
13 "enemies" could -- are words of art often in --
14 in the law. It's just irrelevant to -- to the
15 matter, to whether or not she engaged, did a
16 direct and overt act of insurrection.

17 **MR. CELLI:** Your Honor, we -- we had a
18 one-hour presentation on the law from Mr. Bopp.
19 We did not object to that.

20 **THE ADMINISTRATIVE LAW JUDGE:** I will let
21 you answer the question.

22 I've forgotten what it is. Can you repeat
23 it.

24 **MR. CELLI:** Can we ask for it to be read
25 back?

1 (The court reporter read the question.)

2 **MR. CELLI:** You may answer.

3 **THE ADMINISTRATIVE LAW JUDGE:** You may
4 answer the question to the best of your ability.

5 **THE WITNESS:** Of any attempt. And so if --
6 that's a question that I can't answer.

7 **MR. CELLI:** Well, I'm ...

8 **THE WITNESS:** I can't answer that question.

9 **MR. CELLI:** I -- I take your representation
10 that you have no knowledge. But for the time
11 being, I'm asking it as a hypothetical question
12 just to understand --

13 **THE WITNESS:** I can't answer a hypothetical
14 question.

15 **MR. CELLI:** Well, I'm permitted to ask you
16 one. So I'm going to ask you again. If you had
17 knowledge in advance that someone was going to
18 unlawfully interfere with the counting of the
19 electoral votes in the presidential election,
20 under your oath, you'd be obliged to do something
21 to stop that, right?

22 **MR. BOPP:** I -- I object. She's not being
23 charged for violating her oath. There's no
24 foundation laid that she had any knowledge about
25 anything like that.

1 **MR. CELLI:** Well, we'll come back to that.

2 **MR. BOPP:** And -- and so these hypothetical --

3 **THE ADMINISTRATIVE LAW JUDGE:** Sustained.

4 Sustained.

5 **BY MR. CELLI:**

6 **Q** Let me try it a different way, Ms. Greene.
7 You remember the part in the oath where you talked
8 about taking on the obligations of the oath freely and
9 without mental reservation or purpose of evasion? You
10 recall that from a few minutes ago, right?

11 **A** Yes.

12 **Q** Okay. If you knew that people were planning
13 to interfere with the constitutional process of
14 counting the electoral votes, you knew that before you
15 took the oath and you took the oath anyway and decided
16 not to do anything about those plans, that would be a
17 mental reservation.

18 **MR. BOPP:** Object --

19 **MR. CELLI:** Don't you agree?

20 **MR. BOPP:** I object. She's not -- she is
21 not being charged with violating the oath. The
22 question is did she engage in insurrection or
23 rebellion.

24 **MR. CELLI:** Her state of mind is relevant,
25 Your Honor. We think it's very important to have

1 her understanding --

2 **THE ADMINISTRATIVE LAW JUDGE:** It's relevant
3 to what, Mr. Celli?

4 **MR. CELLI:** It's relevant to whether she
5 engaged in insurrection during the time period
6 from January 3rd to January 6th.

7 **THE ADMINISTRATIVE LAW JUDGE:** Well --

8 **MR. CELLI:** And we're going to be talking
9 about her state of mind --

10 **THE ADMINISTRATIVE LAW JUDGE:** -- why don't
11 we --

12 **MR. CELLI:** -- all day.

13 **THE ADMINISTRATIVE LAW JUDGE:** You may come
14 back to that question after you have laid a
15 foundation for why it ties into her -- her
16 activities from and after the administration of
17 the oath.

18 **MR. CELLI:** Fair enough. Fair enough, Your
19 Honor.

20 **BY MR. CELLI:**

21 **Q** Ms. Greene, you're familiar with social
22 media, right?

23 **A** Yes.

24 **Q** And that's a form of communication, right?

25 **A** Yes.

1 **Q** You know what Facebook is and Twitter,
2 right?

3 **A** Yes.

4 **Q** You use those as an important form of
5 communication in your work.

6 **A** Yes.

7 **Q** You post messages on Facebook, right?

8 **A** I post statements, messages. Yes.

9 **Q** Videos also, right?

10 **A** Yes.

11 **Q** And you also re -- respond and react to
12 other people's comments when they're posted on
13 Facebook or Twitter, right?

14 **A** Yes.

15 **Q** And you do that as a way to get your
16 political views out into the world.

17 **A** It's my freedom of speech to do so.

18 **Q** I agree. And you've been very successful at
19 using social media to get your -- your views out into
20 the world, right?

21 **A** I would say that's an opinion.

22 **Q** Well, I'm asking your opinion. You've got
23 hundreds of thousands of people who follow you on
24 Twitter and Facebook, right?

25 **A** No, not really because my Twitter -- my

1 personal Twitter account doesn't exist anymore.

2 **Q** Before it was suspended by Twitter, you had
3 hundreds of thousands of people following you on
4 Facebook and Twitter, right?

5 **A** Yes.

6 **Q** And by the way, the way Facebook and Twitter
7 work is -- my understanding is they don't have to
8 necessarily follow you to read what you have to say,
9 right?

10 **A** I guess so.

11 **Q** So it could be millions of people who have
12 read the things that you have said on Facebook and
13 Twitter over the years.

14 **A** I don't know that.

15 **Q** But it could be. You would agree with that,
16 right?

17 **A** No. I don't know that. I don't know how
18 many people read or see what I post on social media.

19 **Q** But what you post on social media is what
20 you want people to know about your political beliefs;
21 correct?

22 **A** Sure.

23 **Q** You're not putting stuff up there as a joke,
24 are you?

25 **A** Sometimes, yes.

1 **Q** Well, we'll come back to that. And you use
2 Facebook and Twitter to communicate with your
3 constituents in the 14th congressional district here
4 in Georgia, right?

5 **A** Yes.

6 **Q** So immediately after the 2020 election and
7 through January 6th, even beyond that, you've issued a
8 number of tweets and made statements on Twitter and
9 Facebook about the election, right?

10 **A** Yes.

11 **Q** You tweeted a whole lot of material about
12 your views of what happened in the 2020 election.

13 **A** Yes.

14 **Q** And the thrust of those tweets were that you
15 felt that the election was stolen from the sitting
16 president.

17 **MR. BOPP:** I -- I object. That is --

18 **THE ADMINISTRATIVE LAW JUDGE:** You can ask
19 the question, "What is your opinion?"

20 **MR. CELLI:** What is -- well, I also want to
21 ask whether she communicated that opinion through
22 --

23 **THE ADMINISTRATIVE LAW JUDGE:** Well ...

24 **MR. CELLI:** Well, let's do it that way, Your
25 Honor. I -- I take your point.

1 **THE ADMINISTRATIVE LAW JUDGE:** Where are you
2 going with this, counsel?

3 **MR. CELLI:** I'm going to show the witness a
4 number of her tweets and I wanted to make sure
5 that I understand the context of them. That's
6 all.

7 **THE ADMINISTRATIVE LAW JUDGE:** Well, she
8 said she posted on Twitter.

9 **MR. CELLI:** Right. And my question is
10 whether she posted material that reflect the
11 opinion that you have -- strike that.

12 Ms. Greene, you have the -- you had the
13 opinion between November, 2020, when the election
14 happened, and January 6, 2021, that the election
15 was stolen from President Trump.

16 **MR. BOPP:** I -- I object.

17 **MR. CELLI:** Am I right about that?

18 **THE ADMINISTRATIVE LAW JUDGE:** I'm going to
19 sustain it. Ask -- if you've got questions about
20 specific documents --

21 **MR. CELLI:** Okay.

22 **THE ADMINISTRATIVE LAW JUDGE:** -- or
23 specific things, go ahead. Let's not -- let's
24 not bandy around.

25 **MR. CELLI:** Let's -- let's go to PX-2(a),

1 Ms. Wells, please.

2 **THE ADMINISTRATIVE LAW JUDGE:** I'm sorry,
3 which one is this?

4 **MR. CELLI:** 2(a), Your Honor.

5 (Image displayed on screen.)

6 **MR. CELLI:** Do you see that, Ms. Greene?

7 **THE WITNESS:** Uh-huh.

8 (Petitioners' Exhibit 2(a) identified.)

9 **BY MR. CELLI:**

10 **Q** And what we have here in 2(a) is a
11 document -- well, I'll ask you. Can you tell us, is
12 this a statement that you posted on Twitter on
13 December 3, 2020?

14 **MR. BOPP:** (standing) Go ahead. Go ahead.

15 **MR. CELLI:** Sure.

16 **MR. BOPP:** I'm sorry.

17 **MR. CELLI:** Yes, ma'am?

18 **THE WITNESS:** Yes.

19 **MR. CELLI:** Yeah.

20 **BY MR. CELLI:**

21 **Q** And this is a statement where you talk about
22 that you were looking for a senator to join yourself
23 and Representative Mo Brooks to reject the fraudulent
24 votes for Joe Biden to keep the real Donald Trump in
25 the White House. Is that right?

1 **MR. BOPP:** I object, Your Honor, to the --
2 you can hear my objection.

3 **MR. CELLI:** I'm waiting. I'm waiting with
4 bated breath, Jim.

5 **MR. BOPP:** All right. Is that this violates
6 her right of free speech. There's nothing in
7 this statement that meets the Brandenburg test.
8 Even if speech could be considered would -- since
9 it can't when we're dealing with "engages" which
10 is conduct, not speech.

11 And -- and it does not provide -- does not
12 even meet the incitement test which requires
13 "directed to inciting or producing imminent
14 lawless action --

15 **MR. CELLI:** Your Honor --

16 **MR. BOPP:** -- "that is likely to" --

17 **MR. CELLI:** -- we heard an hour of argument
18 this morning on this.

19 **THE ADMINISTRATIVE LAW JUDGE:** Hold on.
20 Hold on.

21 Go ahead, Mr. Bopp.

22 **MR. BOPP:** Thank you, Your Honor. -- "that
23 is likely to incite or produce action," end of
24 quote.

25 So it's objectionable. And to call her into

1 account for her First Amendment free speech is
2 unconstitutional. And irrel --

3 **THE ADMINISTRATIVE LAW JUDGE:** Mr. Bopp, I
4 appreciate your argument but that's argument.
5 I'm going to allow the question.

6 Go ahead, Mr. Celli.

7 **BY MR. CELLI:**

8 **Q** When you sent out this -- strike that. Did
9 you send out this tweet, Ms. Greene?

10 **MR. CELLI:** Ms. Wells, could you put it back
11 up.

12 (Image displayed on screen.)

13 **THE WITNESS:** Yes.

14 **BY MR. CELLI:**

15 **Q** And when you sent out this tweet, you wanted
16 the people who read the tweet to know that it was your
17 view that the votes for Mr. Biden for president were
18 fraudulent or some of them were, right?

19 **A** That really wasn't the purpose of that
20 tweet.

21 **Q** I'm just asking whether when you sent this
22 you were communicating to your -- the people who read
23 your Twitter account that you believe that there were
24 fraudulent votes for Mr. Biden and that your goal was
25 to keep President Trump in the White House.

1 **A** I was communicating that we were looking for
2 a senator to join our objection which is very much
3 part of the responsibilities and duties that I can do
4 as a member of Congress.

5 **Q** I agree with that. But the purpose of that
6 was because you believed that the votes for Mr. Biden
7 were fraudulent, right? Or at least some of them.

8 **A** We had -- we had been spending a vast amount
9 of time reading and researching and talking to people
10 and had seen tremendous evidence of voter fraud.

11 I don't know if you're aware because I know
12 you're not from Georgia. We currently have -- our
13 secretary of state has an investigation --

14 **MR. CELLI:** Your Honor, I would move to
15 strike this. I'm entitled to get answers --

16 **THE WITNESS:** -- going on into election
17 fraud right now.

18 **MR. CELLI:** -- to my questions, Your Honor.

19 **THE ADMINISTRATIVE LAW JUDGE:** Yeah.

20 Thank you. Thank you, Representative
21 Greene.

22 All right. Let's back up. What was the
23 quest --

24 **MR. CELLI:** By the way -- Your Honor, I'm
25 sorry to interrupt but we -- we missed something

1 very important. Can the representative be sworn?

2 **THE ADMINISTRATIVE LAW JUDGE:** Oh, thank
3 you. No, I swore her in. I swore her in. I
4 swore her in.

5 **MR. CELLI:** Oh, you did? I didn't see that.
6 Okay.

7 **THE ADMINISTRATIVE LAW JUDGE:** I thought I'd
8 forgotten. Sorry. Thank you.

9 **MR. CELLI:** All right.

10 **THE ADMINISTRATIVE LAW JUDGE:** Yeah. No.
11 She's under oath, I think.

12 **MR. CELLI:** And can I ask the court to
13 acknowledge that this is a adverse wit --

14 **THE ADMINISTRATIVE LAW JUDGE:** Yes.

15 **MR. CELLI:** -- witness, a hostile witness?

16 **THE ADMINISTRATIVE LAW JUDGE:** Yeah. I
17 acknowledge that she's an adverse witness and you
18 can therefore cross-examine her.

19 **MR. CELLI:** Right.

20 **THE ADMINISTRATIVE LAW JUDGE:** Even though
21 she is on your case in chief. Yes, I acknowledge
22 that.

23 **MR. CELLI:** And I would ask the court to
24 remind the witness that in this posture, she has
25 to answer my questions. She can't give speeches.

1 Is that fair?

2 **MR. BOPP:** Well, she's -- she's entitled --
3 you're entitled to an answer to the question that
4 is asked.

5 **THE ADMINISTRATIVE LAW JUDGE:** She's also
6 entitled to explain her answer.

7 **MR. BOPP:** You're not entitled to answers
8 that are -- that require her to answer when the
9 question is objectionable, violates her First
10 Amendment rights, is irrelevant to the charges
11 that are being made. Just to what? Fishing
12 expedition, political theater, what is this?

13 **MR. CELLI:** This is -- this is
14 cross-examination.

15 **THE ADMINISTRATIVE LAW JUDGE:** No. This is
16 cross-exam. I mean, let's -- let's --

17 **MR. CELLI:** I'm entitled to a "yes, no, or I
18 can't answer" response.

19 **THE ADMINISTRATIVE LAW JUDGE:** Let's go
20 ahead.

21 **MR. BOPP:** Unless it's objectionable.

22 **MR. CELLI:** You have a standing objection,
23 Mr. Bopp, to everything in the world. I want to
24 question your witness. Let her testify.

25 **THE ADMINISTRATIVE LAW JUDGE:** Okay,

1 gentlemen. Wait a minute. Wait a minute. Wait
2 a minute. Wait a minute.

3 **MR. CELLI:** She's doing fine.

4 **MR. BOPP:** He's instructing --

5 **THE ADMINISTRATIVE LAW JUDGE:** That's
6 enough.

7 **MR. CELLI:** He's obstructing --

8 **THE ADMINISTRATIVE LAW JUDGE:** Stop.

9 Mr. Bopp, please sit down.

10 Next question, Mr. Celli.

11 This is not theater. This is not an
12 argument in front of the Supreme Court. This is
13 an evidentiary hearing. So let's get going.

14 Go ahead, Mr. Celli.

15 (Petitioners' Exhibit 2(c) identified.)

16 **MR. CELLI:** Ms. Wells, can you pull up
17 Plaintiff's Exhibit 2(c), please.

18 (Image displayed on screen.)

19 **THE ADMINISTRATIVE LAW JUDGE:** I'm sorry,
20 what was -- which number? Two --

21 **MR. CELLI:** 2(c).

22 **THE ADMINISTRATIVE LAW JUDGE:** Okay.

23 **BY MR. CELLI:**

24 **Q** Ms. Greene, is this a tweet that you sent
25 out from your account on December 19, 2020?

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A Yes.

Q And in this tweet --

MR. CELLI: Let me go back a second.

Your Honor, I would just ask that the previous exhibit, which I think was 2(d) be admitted into evidence.

THE ADMINISTRATIVE LAW JUDGE: What was the number?

MR. CELLI: 2(d).

MS. WELLS: 2(a).

MR. CELLI: I'm sorry, 2(a).

THE ADMINISTRATIVE LAW JUDGE: All right. So 2(a) is in. Yes, I will admit it. Go ahead. (Petitioners' Exhibit 2(a) admitted.)

MR. CELLI: And ask that 2(c) be admitted into evidence.

THE ADMINISTRATIVE LAW JUDGE: 2(c)? All right. Say that again. I was distracted. Go through it again.

MR. CELLI: Sure. I asked the witness if this was her tweet. She said it was.

THE ADMINISTRATIVE LAW JUDGE: This is your tweet?

THE WITNESS: Yes.

THE ADMINISTRATIVE LAW JUDGE: Okay.

1 **MR. CELLI:** I ask that it be admitted into
2 evidence.

3 **MR. BOPP:** I object. It's not probative.
4 It violates her First Amendment rights.

5 **THE ADMINISTRATIVE LAW JUDGE:** Well ...

6 **MR. BOPP:** It has nothing to do with
7 "engage." It doesn't -- it was before
8 January 3rd.

9 **THE ADMINISTRATIVE LAW JUDGE:** It's in for
10 what it's worth, Mr. Bopp.

11 (Petitioners' Exhibit 2(c) admitted)

12 **MR. BOPP:** Okay.

13 **THE ADMINISTRATIVE LAW JUDGE:** I mean, I
14 don't know that it's worth anything but it's in.
15 Go ahead.

16 **MR. BOPP:** Well, I -- and I apologize, Your
17 Honor.

18 **THE ADMINISTRATIVE LAW JUDGE:** It's okay.

19 **MR. BOPP:** I do -- I do think it's my
20 responsibility to make pertinent objections.

21 **THE ADMINISTRATIVE LAW JUDGE:** I -- I
22 respect you for it, Mr. Bopp. I respect you.
23 Go ahead. Go ahead, Mr. Celli.

24 **MR. CELLI:** Thank you.

25 **BY MR. CELLI:**

1 **Q** Representative Greene, in your tweet on
2 December 19, 2020, that we've marked as Plaintiff's
3 Exhibit 2(c), one of the things you're communicating
4 to the people who would read this tweet was that you
5 want them to come to Washington on January 6th for a
6 demonstration. Is that right?

7 **A** For a march for Trump.

8 **Q** Right. March for -- fight for Trump -- the
9 phrase that you used there is hashtag "Fight for
10 Trump," right? That's what the words say.

11 **A** That's what it says on my tweet.

12 **Q** Okay. And you posted that because you, in
13 fact, wanted people to show up on January 6, 2021, in
14 D.C. in order to help you stop the theft of the 2020
15 election from your point of view.

16 **A** No.

17 **Q** Okay. Well, I'm not sure we got a clear
18 answer on this. You -- you did believe at this time
19 that the 2020 election had been stolen by the
20 Democrats from Mr. Trump, right?

21 **A** I was asking people to come for a peaceful
22 march, which is what everyone is entitled to do under
23 their First Amendment. But I was not asking them to
24 actively engage in violence or any type of action.

25 **Q** My question is really simple. It's about

1 your opinion. When this tweet came out in this
2 period, it was your opinion that the election had been
3 stolen from Mr. Trump or was about to be stolen,
4 right?

5 **A** Under my opinion, there was a tremendous
6 amount of fraudulent things that happened in the
7 election, and under my opinion, I want to do anything
8 I can to protect election integrity and to protect the
9 people of my district in Georgia, people's votes.
10 They should count.

11 **Q** Is it fair to say, Representative Green,
12 that from election night of 2020 until January 6,
13 2021, your personal opinion and your wish was that
14 Congress not certify Joe Biden as the winner of the
15 2020 election?

16 **A** No, that's not accurate.

17 **Q** You believed that Joe Biden had lost the
18 election to Mr. Trump, right?

19 **A** Well, yes. We saw a tremendous amount of
20 voter fraud. We have investigations going on right
21 now in the state of Georgia. There's investigations
22 going on in multiple states. My own husband showed up
23 to vote in the general election and when he went in to
24 vote in person, he was told that he had already voted
25 by absentee ballot when in fact he had never even

1 requested an absentee ballot. There's many instances.

2 **MR. CELLI:** Let's -- let's -- oh. Your
3 Honor, we can do this now. I understand there's
4 an I.T. issue that requires a pause.

5 **THE ADMINISTRATIVE LAW JUDGE:** Okay.

6 Well --

7 **MR. CELLI:** Should we take --

8 **THE ADMINISTRATIVE LAW JUDGE:** How long do
9 we need? Two minutes? All right. Well, we're
10 not -- everybody just be patient. Appreciate
11 your patience.

12 **THE WITNESS:** Yes.

13 (Technical issue addressed.)

14 **THE ADMINISTRATIVE LAW JUDGE:** Oh, I see
15 what it was.

16 Representative Greene, your camera was off.
17 That's why they -- your camera was off. That's
18 why they wanted to stop.

19 **THE WITNESS:** Oh, okay.

20 (Pause in proceedings.)

21 **THE ADMINISTRATIVE LAW JUDGE:** Do you want
22 to -- I mean, I hate to make everybody just sit
23 around. Let's take ten.

24 I mean, Representative, you may step down.
25 Take ten minutes. We don't need to stay

1 here and (indiscernible).

2 **MR. CELLI:** Okay.

3 **THE ADMINISTRATIVE LAW JUDGE:** Let's just
4 take ten.

5 (The witness left the stand and a break was
6 taken from 11:36 a.m. until 12:02 p.m.,
7 after which the witness returned to the
8 stand.)

9 **THE ADMINISTRATIVE LAW JUDGE:**

10 Ms. Greene, appreciate your patience with
11 the disruption.

12 Appreciate everybody's cooperation while
13 they dealt with the technology, one of the banes
14 of human existence. All right.

15 **MR. CELLI:** May I proceed, Your Honor?

16 **THE ADMINISTRATIVE LAW JUDGE:** Go ahead,
17 Mr. Celli. Thank you.

18 **MR. CELLI:** Your Honor, I would just ask
19 that Mr. Bopp not consult with his client in the
20 break period while I'm examining her because
21 that's generally not permitted in my experience.

22 **THE ADMINISTRATIVE LAW JUDGE:** Go ahead.

23 **MR. CELLI:** Can we see Plaintiffs' Exhibit
24 2(c), please, Ms. Wells.

25 **THE ADMINISTRATIVE LAW JUDGE:** I'm sorry,

1 we're on 2(c)?

2 **MR. CELLI:** 2(c).

3 (Image displayed on screen.)

4 **BY MR. CELLI:**

5 **Q** Ms. Greene, this is a tweet that we talked
6 about a little bit earlier. Just a quick question on
7 it. You issued this on December 19, 2020; correct?

8 **A** I -- I can't see real well, but I think
9 that's the date.

10 **Q** Maybe -- maybe we can make it a little
11 larger.

12 **A** That's what it says.

13 **Q** And what you were doing in this tweet was
14 you were tweeting out a story from the *Epoch Times*
15 about President Trump saying that the protests that
16 were planned for January 6th were going to be, quote,
17 wild, right?

18 **MR. BOPP:** I object. We don't have the --
19 where's the article?

20 **MR. CELLI:** Right there, under the pic --
21 under the picture of President Trump.

22 **MR. BOPP:** Does it quote that?

23 **MR. CELLI:** Yes. It says (reading):
24 Trump -- Trump called in supporters should join
25 wild protest in D.C. on Jan 6th.

1 **MR. BOPP:** Okay. I'll withdraw my
2 objection. I can't see that. I can't see what
3 the --

4 **MR. CELLI:** If you could make it a little
5 larger, Ms. Wells?

6 You can answer the question, Representative
7 Greene.

8 **THE WITNESS:** What was your question?

9 **MR. CELLI:** My question is what you were
10 doing in this tweet is you were tweeting out a
11 story from the *Epoch Times* about President Trump
12 making a statement that the protest on
13 January 6th would be wild, right?

14 **THE WITNESS:** I tweeted an article that had
15 the details of the dates and times.

16 **MR. CELLI:** Right. And also included
17 President Trump's statements that he expected the
18 demonstrations on January 6th to be wild, right?

19 **THE WITNESS:** I don't think that's what my
20 tweet was about.

21 **MR. CELLI:** Okay. Well, but you see that
22 the article says: Trump, colon, supporters
23 should join, quote, wild protests in D.C. on Jan
24 6th.

25 **THE WITNESS:** I don't remember tweeting that

1 specifically for what you're saying. Those are
2 your words.

3 **MR. CELLI:** No. I'm --

4 **THE WITNESS:** Those aren't mine.

5 **MR. CELLI:** -- actually reading from what's
6 on the --

7 **THE WITNESS:** You're speculating on why I
8 tweeted that, but I don't remember tweeting it
9 for that specific reason.

10 **MR. CELLI:** Ms. Greene, I'm just asking
11 questions.

12 **THE WITNESS:** I'm just answering.

13 **BY MR. CELLI:**

14 **Q** And in your tweet, you mentioned earlier
15 that your words -- "Join, hashtag, March for Trump in
16 D.C. on January 6th. Fight for Trump" -- that you
17 were urging people to come to Washington for a
18 peaceful demonstration, right?

19 **A** Peaceful demonstration, absolutely.

20 **Q** Yeah. That word, "peaceful," is nowhere in
21 this tweet, right?

22 **A** Pardon me?

23 **Q** That word, "peaceful," is not in this --

24 **A** I can't read it. There's only half of it
25 there.

1 Q Let's -- let's give the representative a
2 paper copy of that. I want to make sure --

3 A No, I can see it now. It was scrolled up
4 just a second ago.

5 Q Okay. "Peaceful" is not in there, is it?

6 A Well, you know, like --

7 Q Is the word "peaceful" in there, Ms. Greene?

8 A It does not say peaceful right there.

9 Q That's my question. Thank you.

10 A But you're asking me, and I said for a
11 peaceful demonstration just like people have the right
12 to do in their First Amendment.

13 Q I'm asking, you didn't -- there's not a
14 secret code in there that's supposed to be peaceful,
15 right?

16 A Well, I never mean anything for violence. I
17 don't support violence of any kind and I've said it
18 over and over again. So I -- I'm telling you that --

19 Q You just didn't say it on this occasion, did
20 you?

21 A I never mean anything for violence. All of
22 my words never ever mean anything for violence.

23 Q Well, we'll examine that question.

24 (Petitioners' Exhibit 2(f) identified.)

25 **MR. CELLI:** Put up Plaintiffs' Exhibit 2(f),

1 please.

2 **THE ADMINISTRATIVE LAW JUDGE:** Two ...

3 **MR. CELLI:** F.

4 **THE ADMINISTRATIVE LAW JUDGE:** F as in
5 Frank?

6 **MR. CELLI:** Yes.

7 (Image displayed on screen.)

8 **BY MR. CELLI:**

9 **Q** And I'm looking at -- yes -- this top half
10 of the exhibit.

11 Ms. Greene, this is a tweet that you sent
12 out on January 2, 2021; correct?

13 **A** I'm not sure.

14 **Q** Okay. You don't recall this?

15 **A** I -- I don't recall tweeting that. No.

16 **Q** Okay. We'll set that one side.

17 Well, let me ask this question. Does
18 anybody tweet things on your Twitter account -- strike
19 that. Did anybody in January of 2021 tweet things on
20 your Twitter account without your permission?

21 **A** On what day?

22 **Q** At any time from November of 2020 to
23 January 6th.

24 **A** I don't remember. That's difficult to
25 answer.

1 **Q** Okay. Would -- you'd be surprised if
2 somebody got into your Twitter account and tweeted
3 something without your permission, wouldn't you?

4 **A** Well, no one tweeted anything without my
5 permission. I just don't remember who tweeted what.

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

10 **A** I -- I'm sorry, I -- I don't know.

11 **Q** Okay.

12 **MR. CELLI:** You can take that down.

13 **Q** Ms. Greene, you've had your disagreements
14 with Speaker Pelosi, isn't that right?

15 **A** I'm not sure what you mean.

16 **Q** You've had political disagreements with her.
17 You don't agree with some of the things she's done in
18 her career, right?

19 **A** Politically speaking, that would be correct.

20 **Q** Right. You don't agree with a lot of things
21 she's done, right?

22 **A** Politically speaking, that would be correct.

23 **Q** In fact, you think that Speaker Pelosi is a
24 traitor to the country, right?

25 **A** You're -- I'm not answering that question.

1 It's speculation.

2 Q You've --

3 A It's hypothetical.

4 Q You've said that -- Haven't you, Ms. Greene?
5 -- that she's a traitor to the country?

6 A No, I haven't said that.

7 Q Okay.

8 MR. CELLI: Put up Plaintiff's Exhibit 5,
9 please.

10 THE WITNESS: Oh, no, wait. Hold on now. I
11 believe by not upholding the -- securing the
12 border that that violates her oath of office.

13 MR. CELLI: Fair enough. I'm -- I'm not
14 interested in her oath of office. I'm interested
15 that you said that she's a traitor to our
16 country, right?

17 MR. BOPP: I object, Your Honor. She is
18 not -- this is quintessential --

19 THE ADMINISTRATIVE LAW JUDGE: I don't see
20 the relevance of that, Mr. Celli. Next.

21 MR. CELLI: Your Honor, can we give Mr. Bopp
22 a standing objection on the First Amendment
23 grounds because --

24 MR. BOPP: No.

25 MR. CELLI: -- this -- this is -- this is --

1 this is an effort to interrupt my examination of
2 the witness. I am attempting to establish the --
3 the witness's desire to engage in insurrection
4 during the period January 3rd to January 6th.

5 Now, it's true that some of the things that
6 she said are relevant if they were -- even though
7 they occurred before January 3rd. But there's no
8 First Amendment objection to the evidence, Your
9 Honor. She -- she said what she said.

10 **MR. BOPP:** There is First Amendment
11 objections.

12 **MR. CELLI:** We don't agree.

13 **THE ADMINISTRATIVE LAW JUDGE:** Well, I --

14 **MR. BOPP:** Fine, but I get to make my
15 objection.

16 **THE ADMINISTRATIVE LAW JUDGE:** You can make
17 the objection. You can have a standing objection
18 to the First Amendment --

19 **MR. BOPP:** I don't want a standing, Judge.

20 **THE ADMINISTRATIVE LAW JUDGE:** All right.

21 **MR. CELLI:** Because he wants to interrupt my
22 flow, Your Honor.

23 **MR. BOPP:** I just --

24 **MR. CELLI:** That's -- that's not
25 appropriate.

1 **MR. BOPP:** I don't object to everything.

2 **THE ADMINISTRATIVE LAW JUDGE:** Okay.

3 That's --

4 **MR. BOPP:** I have specific things that I
5 think are -- I object to, and I -- I should be
6 extended the courtesy to do that.

7 **THE ADMINISTRATIVE LAW JUDGE:** You may --
8 you may object then. I -- but ...

9 **MR. BOPP:** Thank you.

10 (Petitioners' Exhibit 5 identified.)

11 **MR. CELLI:** Plaintiff's Exhibit 5, please.

12 **THE ADMINISTRATIVE LAW JUDGE:** We're on five
13 now?

14 **MR. CELLI:** Uh-huh.

15 **THE ADMINISTRATIVE LAW JUDGE:** Five, okay.

16 (Image displayed on screen.)

17 **BY MR. CELLI:**

18 **Q** So I'm placing before you what we premarked
19 as Plaintiff's Exhibit 5 which is an article that
20 appeared in CNN on January 26, 2021.

21 **THE ADMINISTRATIVE LAW JUDGE:** Do you have a
22 hard copy of this labeled?

23 **MR. CELLI:** Should be in the book.

24 **THE ADMINISTRATIVE LAW JUDGE:** I mean does
25 she have a hard copy? I mean, she can't read it

1 off the screen.

2 **MR. CELLI:** We -- we have one for her.

3 **THE ADMINISTRATIVE LAW JUDGE:** Good. Well,
4 let's -- let's start using hard copies. This --
5 you can't read stuff like this on a screen.

6 **MR. CELLI:** May I approach the witness, Your
7 Honor?

8 **THE ADMINISTRATIVE LAW JUDGE:** Yes, sir, you
9 may. You have standing permission to approach
10 the witness to deliver copies of documents as to
11 which you're going to ask her questions.

12 **MR. CELLI:** Thank you.

13 Ms. Wells, if you could scroll down a bit.

14 One second.

15 **BY MR. CELLI:**

16 **Q** Ms. Greene, I want to direct your attention
17 to the bottom of the fourth page of the exhibit.

18 **A** Uh-huh.

19 **Q** This is -- this is a paragraph that starts
20 out: She's a traitor to our country. Do you see
21 that?

22 **MR. BOPP:** I object, Your Honor. What
23 possible relevance could it be that they -- she
24 had political disagreements that resulted in
25 hyperbole. It is commonly used.

1 **MR. CELLI:** Your Honor, this --

2 **THE ADMINISTRATIVE LAW JUDGE:** Overruled.

3 **MR. CELLI:** -- is argument.

4 **THE ADMINISTRATIVE LAW JUDGE:** Overruled.

5 Next.

6 **MR. CELLI:** Thank you.

7 **BY MR. CELLI:**

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

19 **A** I said -- this is what I was telling you is
20 I -- she doesn't uphold our laws. She allows --

21 **Q** It's a simple yes-or-no question, ma'am.

22 **A** I'm answering your question.

23 **Q** Did you say that?

24 **MR. BOPP:** She can answer without being
25 instructed by him to say yes or no.

1 **MR. CELLI:** I don't agree, Your Honor. This
2 is cross-examination.

3 **MR. BOPP:** This is all why --

4 **MR. CELLI:** I'm entitled to an answer to my
5 questions.

6 **THE ADMINISTRATIVE LAW JUDGE:**
7 Representative Greene, did you say these words
8 that are quoted on the bottom? Did you say that?

9 **THE WITNESS:** According to the CNN article,
10 I did. I don't remember.

11 **THE ADMINISTRATIVE LAW JUDGE:** Do you recall
12 saying it?

13 **THE WITNESS:** I don't recall saying all of
14 this, but I do -- I do recall having said this
15 about the -- I totally disagree with the border
16 issues.

17 **THE ADMINISTRATIVE LAW JUDGE:** Okay.

18 **THE WITNESS:** And -- and I believe --

19 **THE ADMINISTRATIVE LAW JUDGE:** Asked and
20 answered. Next question.

21 **THE WITNESS:** Okay.

22 **BY MR. CELLI:**

23 **Q** Representative Greene, you -- you have
24 advocated the use of physical violence against people
25 you disagree with politically, right?

1 **MR. BOPP:** I object. Without context,
2 without anything --

3 **THE ADMINISTRATIVE LAW JUDGE:** Overruled.
4 Go ahead. What's the question again, Mr. Celli?

5 **MR. CELLI:** You've advocated the use of
6 physical violence against people that you
7 disagree with politically.

8 **THE ADMINISTRATIVE LAW JUDGE:** That's a
9 question?

10 **MR. CELLI:** Yes.

11 **THE ADMINISTRATIVE LAW JUDGE:** Is that true?

12 **THE WITNESS:** I don't think so. I don't
13 know how to answer that.

14 **THE ADMINISTRATIVE LAW JUDGE:** Next
15 question.

16 **BY MR. CELLI:**

17 **Q** Well, have a look at what we've marked as
18 Plaintiffs' Exhibit 5.

19 **THE ADMINISTRATIVE LAW JUDGE:** P-5?

20 **MR. CELLI:** P-5.

21 **THE ADMINISTRATIVE LAW JUDGE:** Okay.

22 That's -- that's the same -- the same one --

23 **MR. CELLI:** It's the same one.

24 **THE ADMINISTRATIVE LAW JUDGE:** -- correct?
25 Okay. Thank you.

1 You've got a copy of this, Representative?

2 **THE WITNESS:** Oh, is it the same one?

3 **THE ADMINISTRATIVE LAW JUDGE:** Yes, the
4 same.

5 **THE WITNESS:** Okay.

6 **BY MR. CELLI:**

7 **Q** And let me ask a foundational question. You
8 understand that on social media posts like Facebook
9 and Twitter, one of the things -- well, I guess on
10 Facebook one of the things you can do is you can like
11 someone's post, right?

12 **A** You can like people's post.

13 **Q** And when you like someone's post, that's a
14 way of signifying that you agree with or admire or
15 think it's -- it's correct, the post is correct,
16 right?

17 **A** I don't know. I don't agree with your
18 phrase of questioning.

19 **Q** Well, I'm asking you. Isn't it true that
20 when you like -- when you, personally, Ms. Greene,
21 like someone's post, you're signifying your approval
22 for what the post said?

23 **A** No. I don't agree with the -- how you're
24 phrasing that question. No, I don't agree with that.

25 **Q** So it's true, though, that you liked a post

1 that suggested that, quote, a bullet to the head of
2 Nancy Pelosi would be a quicker way to remove her as
3 Speaker of the House than impeachment, right?

4 **A** Now, you're using a CNN article, which
5 has -- CNN has lied about me multiple times, and
6 you're using a CNN article --

7 **Q** I'm asking you to answer my question. Did
8 you like a post that said it's quicker -- that a
9 bullet to the head would be a quicker way to remove
10 Nancy Pelosi from the role of Speaker?

11 **A** I have had many people manage my social
12 media account over the years. I have no idea who
13 liked that.

14 **Q** Okay. You're -- are you testifying under
15 oath it wasn't you? I just want to be clear on that.

16 **A** I am testifying I have no idea who liked
17 that comment.

18 **Q** Fair enough. It could've been you, right?

19 **THE ADMINISTRATIVE LAW JUDGE:** She's test --

20 **THE WITNESS:** I'm telling you I --

21 **THE ADMINISTRATIVE LAW JUDGE:** She's

22 answered the question.

23 **THE WITNESS:** -- do not know.

24 **THE ADMINISTRATIVE LAW JUDGE:** She's

25 answered the question. Go ahead. Next -- next

1 question. She answered.

2 **BY MR. CELLI:**

3 **Q** Okay. By the way, you know, Ms. Greene,
4 that one of the places inside the United States
5 Capitol building that was invaded by people who were
6 doing violence was Ms. Pelosi's office, right?

7 **A** I was inside the chamber during -- on
8 January 6th. So I do not know all of the places that
9 those people went. I only know where I was.

10 **Q** Are you telling us that in the more than a
11 year since these events occurred you have not become
12 aware that one of the offices that was invaded by
13 people who were illegally in the Capitol was Nancy
14 Pelosi's office?

15 **A** I've seen that on the news.

16 **Q** Okay.

17 **A** But I don't know for sure. I haven't -- I
18 haven't investigated all of that.

19 **Q** Now, you mentioned earlier in response to
20 some of my questions that there was a demonstration
21 that was being planned for January 6, 2021, called the
22 "March for Trump," right?

23 **A** We talked about it on one of my Twitter
24 posts.

25 **Q** Right. And -- and that demonstration was

1 being organized in part by an organization called
2 "Women for America," right?

3 **A** I don't remember who organized it.

4 **Q** Okay.

5 (Petitioners' Exhibit 2(d) identified.)

6 **MR. CELLI:** Ms. Wells, can you pull up
7 Plaintiffs' Exhibit 2(d).

8 **THE ADMINISTRATIVE LAW JUDGE:** I'm sorry,
9 which one, Mr. Celli?

10 **MR. CELLI:** I'm sorry, 2(d), Your Honor.

11 **THE ADMINISTRATIVE LAW JUDGE:** D or B?

12 **MR. CELLI:** D.

13 **THE ADMINISTRATIVE LAW JUDGE:** B as in boy.

14 **MR. CELLI:** No, no. D as in dog. I'm
15 sorry.

16 **THE ADMINISTRATIVE LAW JUDGE:** D as in dog.
17 Thank you.

18 **MR. CELLI:** And I -- we're going to do this
19 on paper as well. I've got ...

20 **BY MR. CELLI:**

21 **Q** I placed in front of you what's a document
22 that's been premarked as Plaintiffs' Exhibit 2(d).
23 Just begin by asking, one of the things that you can
24 do on Twitter, Ms. Greene, is you can retweet or send
25 out again somebody else's Tweet, right?

1 **A** Yes.

2 **Q** Okay. And on Plaintiffs' 2(d), which I
3 placed in front of you, you are retweeting a tweet
4 sent by Kylie Jane Kremer on December 19, 2020, right?

5 **A** I don't know if I retweeted it.

6 **Q** Well, if you look carefully, it says
7 Marjorie Taylor Greene with American flag and it says
8 re -- retweeted.

9 **A** I don't know --

10 **Q** Is your testimony --

11 **A** -- if I retweeted it.

12 **Q** You don't -- you don't recall one way or the
13 other.

14 **A** I don't recall.

15 **Q** And it's your testimony that if this got
16 retweeted from your account, that would've been done
17 with your permission, right?

18 **A** I don't -- I don't recall retweeting it.

19 **Q** That's not my question. You don't deny that
20 Kylie Jane Kremer's message was retweeted from your
21 account in the form set forth as Plaintiffs' 2(d)
22 in -- on December 20, 2020. I'm sorry, December 19th.
23 You don't deny that, do you?

24 **A** This is what your picture has, this paper
25 has. I don't have this Twitter account anymore. So I

1 don't recall -- I don't remember retweeting this.

2 **Q** Okay. But you do remember that there was
3 this thing called the "March for Trump." It was going
4 to be on January 6th, right?

5 **A** Yes.

6 **Q** And that "Women for America" were one of the
7 organizers, right?

8 **A** I don't remember, but that's what this says.

9 **Q** Okay. And one of the other hashtags for the
10 demonstrations that were planned on January 6, 2021,
11 in Washington D.C. was a hashtag, "Stop the Steal"
12 hashtag, "Stop the Steal," right?

13 **A** Stop -- yes.

14 **Q** Yes. And another hashtag that got used at
15 the time was -- or I'm sorry, a website that was being
16 used to organize people to come to Washington was
17 something called "WildProtest.com," right?

18 **A** I don't know.

19 (Petitioners' Exhibit 33 identified.)

20 **MR. CELLI:** Okay. Let's have a look at
21 PX-33, please.

22 **THE ADMINISTRATIVE LAW JUDGE:** I'm sorry
23 again, Mr. Celli, P ...

24 **MR. CELLI:** PX-33.

25 **THE ADMINISTRATIVE LAW JUDGE:** X? PX?

1 **MR. CELLI:** I call it PX. P-33, Your Honor.

2 **THE ADMINISTRATIVE LAW JUDGE:** P-33, okay.

3 **MR. CELLI:** Plaintiffs' exhibit.

4 **THE ADMINISTRATIVE LAW JUDGE:** Oh, I got
5 you, sorry.

6 **BY MR. CELLI:**

7 **Q** I placed before you, Ms. Greene, a document
8 that was marked as Plaintiffs' Exhibit -- or
9 Petitioners' Exhibit 33. I'm just going to ask a
10 couple questions about it.

11 Does this refresh your recollection that
12 there was a website known as "WildProtest.com" that
13 was encouraging people to come to Washington for a
14 pro -- a protest on January 6th?

15 **A** I don't remember the website, but I'm seeing
16 it here in this -- on your paper.

17 **Q** Okay. And "wild" was the term that
18 President Trump used to describe what he thought was
19 going to happen on January 6th, right?

20 **A** Wild is also a term that high schoolers use
21 when they talk about spring break.

22 **Q** Fair enough. But whatever the title of the
23 demonstration or the name or the hashtag that was
24 used, you would agree that you were aware in -- after
25 the election and before January 6th that people were

1 being asked to come to D.C. for a large demonstration
2 to object to the certification of Joe Biden as
3 President of the United States, right?

4 **A** I was aware people were coming to support
5 our objection in Congress and on January 6th. The
6 only thing I was preparing for was objecting.

7 **Q** When did you first become aware that there
8 were going to be large demonstrations in D.C. on the
9 sixth?

10 **A** I don't recall.

11 **Q** Did you consider at any point participating
12 in any of those demonstrations?

13 **A** It -- it was put on my calendar, but then I
14 never went. It -- it -- we were too busy. We were,
15 you know, looking at all of the evidence and preparing
16 for our debates and preparing to object.

17 **Q** And who put it on your calendar?

18 **A** I don't know.

19 **Q** Somebody on your staff, I take it?

20 **A** I have no idea.

21 **Q** Well, it wasn't a complete stranger, right?
22 It was somebody from your congressional staff, right?

23 **A** Probably so, but I have no idea.

24 **Q** And as you sit here, can you tell us why it
25 is that a -- an appearance for you at that

1 demonstration was placed on your calendar?

2 **A** Can you rephrase that question?

3 **Q** Sure. How did it come to pass that it was
4 put on your calendar that you were going to appear at
5 a demonstration. I understand you said you were too
6 busy, but --

7 **A** I don't -- don't know. I was so busy just
8 preparing to object. I don't know.

9 **Q** You were going to go to one of these
10 demonstrations as a speaker, right?

11 **A** I don't think so. I was always preparing to
12 object. We were very busy.

13 **Q** Well, have a look at what we've marked as
14 33. If you go about three pages in, at the bottom of
15 that page, and then over to the next page, it says
16 invited speakers and featured guests, right?

17 **A** I'm assuming -- I guess I was on there
18 because I was invited.

19 **Q** Right. And --

20 **A** But I don't -- I don't know who made this
21 website. I -- I'm sorry, I can't answer --

22 **Q** Okay. Well, if you say --

23 **A** -- anything about it.

24 **Q** Well, you can answer that that's your name
25 and face, right?

1 **A** That is my name and face, but I -- again, I
2 don't run that website. I have no idea who does.

3 **Q** My question to you, Representative Greene,
4 is did some -- did you or someone under your authority
5 at your congressional office authorize you to be
6 placed as a speaker or guest of the Wild Protest
7 demonstration?

8 **A** I get many invitations as a member of
9 Congress, to many events and -- and all kinds of
10 speaking engagements. And most of the time those go
11 on my calendar, but they have no relevance as to
12 whether I attend or not.

13 **Q** So would it be fair to say, Ms. Greene, that
14 through your office you authorized your name and your
15 likeness to be associated with the wildprotest.com
16 demonstration?

17 **A** No, you cannot say that or assume that.
18 That would be whoever organized this.

19 **Q** Well, let's talk about that. Going back to
20 33, you know Ali Alexander, don't you?

21 **A** No, I don't really know him. No.

22 **Q** When you say you don't really know him,
23 you've met him, right?

24 **A** I've seen him before, but I don't know him.
25 I --

1 **Q** How many times have you been in his physical
2 presence to your knowledge?

3 **A** I cannot even guess. Hardly any.

4 **Q** Ten? Twenty?

5 **A** No.

6 **Q** Have you shaken his hand?

7 **A** I've shaken his hand before, yes.

8 **Q** All right.

9 **A** I shake hands with pretty much everyone I
10 meet.

11 **Q** Lots of people, right? And he's a friend of
12 yours, right?

13 **A** No.

14 **Q** Okay. We'll come back to that.

15 Did you discuss with Mr. Alexander the idea
16 of you coming to appear at a demonstration on
17 January 6th?

18 **A** I do not recall that, no.

19 **Q** You're not denying that happened. You just
20 don't recall one way or the other.

21 **A** I do not recall that, no.

22 **Q** Well, did you discuss with anybody attending
23 the Wild Protest demonstration that was planned for
24 January 6th?

25 **A** I do not recall ever talking about

1 attending.

2 **Q** Other than people on your congressional
3 staff or your campaign staff, list for me all of the
4 people who you spoke to about the demonstrations on
5 January 6th.

6 **A** I -- I'm sorry, I -- I have no idea.

7 **Q** Okay. You don't remember any of them?

8 **A** I do not remember.

9 **Q** Not any of them?

10 **A** No.

11 **Q** Okay. And you spoke to some people about
12 those demonstrations prior to being sworn in as a
13 representative from the 14th district, right?

14 **A** I -- I don't remember.

15 **Q** And you spoke to some of those people after
16 you took the oath on January 3rd and before the 6th,
17 right?

18 **A** I don't remember.

19 **Q** Did you speak to anybody in government about
20 the fact that there were going to be demonstrations in
21 Washington on January 6th?

22 **A** I don't remember. We were mostly reading
23 information about election fraud and people signed
24 affidavits about what they witnessed with voter fraud
25 and preparing to object. That was pretty much all I

1 remember doing.

2 **Q** Right. Pretty much, but your testimony as
3 you sit here today under oath is that you didn't talk
4 to anybody in government about the fact that there
5 were going to be large protests in Washington on
6 January 6th.

7 **A** I don't remember.

8 **Q** You spoke to Representative Biggs or his
9 staff about that fact, didn't you?

10 **A** I do not remember.

11 **Q** How about Representative Gosar?

12 **A** I'm sorry, I don't remember.

13 **Q** Did you talk to people at the White House
14 about the fact that there were going to be large
15 demonstrations on -- on January 6th in Washington?

16 **A** I don't remember.

17 **Q** Prior to January 6th, Representative Greene,
18 did anyone ever mention to you the possibility that
19 there might be violence in Washington on January 6,
20 2021?

21 **A** I don't remember.

22 **Q** So it's possible that folks told you things
23 could get violent in Washington on January 6th, right?

24 **A** I was a brand-new member of Congress. If I
25 -- I don't remember those conversations but I would

1 hope Nancy Pelosi and those in charge of the Capitol
2 were taking the Capitol security very seriously.

3 **Q** My question is just about whether anybody at
4 all ever mentioned to you the possibility of violence.

5 **A** I don't remember.

6 **Q** Okay. So you're not denying it. You're
7 just saying you don't recall.

8 **A** I don't recall.

9 **Q** And you don't recall that people said, you
10 know, We're having these big demonstrations in
11 Washington and some of the people who come to those
12 demonstrations might become violent. That never
13 happened.

14 **A** The only violence I'd ever seen was the
15 antifa and BLM riots. And I've been to so many Trump
16 rallies and I've never once seen violence out of Trump
17 people. I don't recall any talk of violence.

18 **Q** And you knew that the people who were coming
19 for the demonstrations on January 6th, those were
20 Trump people, right?

21 **A** I knew there were many people coming to
22 support President Trump and our objection on
23 January 6th.

24 **Q** Right. And at least some of them were
25 coming because you asked them to come, right?

1 **A** I didn't pers -- I don't recall personally
2 asking people to come, but evidently I tweeted about
3 January 6th.

4 **Q** Did anybody -- strike that. Did you have
5 any conversations with anybody in government --
6 representatives, senators, White House staff, the
7 President of the United States at the time, any
8 government official or government employee -- about
9 the fact -- this is now prior to January 6th, about
10 the fact that there was a risk that people coming to
11 Washington for January 6th demonstrations might become
12 violent?

13 **MR. BOPP:** I object. That's the fourth time
14 he's asked the same question. She's
15 repeatedly saying --

16 **MR. CELLI:** It's not the same question.

17 **THE ADMINISTRATIVE LAW JUDGE:** This is the
18 last time.

19 **MR. BOPP:** This really is the same question.

20 **THE ADMINISTRATIVE LAW JUDGE:** I will let
21 it -- well, you can answer the question.

22 This is the last time, Mr. Celli.

23 **THE WITNESS:** I don't -- I don't recall.

24 **BY MR. CELLI:**

25 **Q** Ms. Greene, did you ever hear that -- from

1 any source prior to January 6th that some folks were
2 planning to come to Washington on January 6th and the
3 idea was that they were going to flood the Capitol
4 with people?

5 **A** No. I don't remember ever hearing that.

6 **Q** Okay. You never discussed that with
7 anybody.

8 **A** No, I do not remember that.

9 **Q** But you supported the idea of people coming
10 to Washington on January 6th and flooding the Capitol,
11 right?

12 **A** No. I support people's First Amendment to
13 have a peaceful protest, use their freedom of speech.

14 **Q** Well, previously you've publicly said that
15 one way for people to express their displeasure with
16 their government would be to flood the Capitol
17 building with people, right?

18 **A** The Capitol belongs to the people. They --
19 that's where you come and speak to your senators, your
20 representatives. You -- you come to express your
21 views. You come to talk about how you want your tax
22 dollars spent. You come to talk about how you want
23 senators or representatives to vote.

24 **Q** My -- my question is a bit more narrow than
25 that. You publicly expressed support for the idea

1 that people should come to Washington to express their
2 displeasure with their government by flooding the
3 Capitol.

4 **A** I don't remember.

5 **MR. BOPP:** I object, Your Honor.

6 **THE ADMINISTRATIVE LAW JUDGE:** She's
7 answered the question. Next. Move on.

8 **MR. CELLI:** Can we have PX-23, please.

9 (Petitioners' Exhibit 23 identified)

10 **BY MR. CELLI:**

11 **Q** Ms. Greene, I've placed in front of you what
12 we've previously marked as Petitioners' Exhibit 23
13 which is a CNN article entitled "In 2019, Marjorie
14 Taylor Greene Told Protesters to Flood the Capitol and
15 Feel Free to Use Violence."

16 **MR. BOPP:** Your Honor, I object. This is
17 2019. How many years back? High school? Do we
18 have to be treated with statements that -- like
19 "Flood the Capitol?" Flood the Capitol --

20 **MR. CELLI:** Your Honor, this is a speaking
21 objection --

22 **MR. BOPP:** There are at --

23 **MR. CELLI:** -- it's not appropriate.

24 **THE ADMINISTRATIVE LAW JUDGE:** Go ahead.
25 You may -- if you can figure out how you're going

1 to lay a foundation for this, you may proceed.
2 Go ahead, Mr. Celli.

3 **MR. CELLI:** Okay. Thank you.

4 **BY MR. CELLI:**

5 **Q** I want to direct your attention,
6 Representative Greene, to the second page of this
7 exhibit.

8 **THE ADMINISTRATIVE LAW JUDGE:** Mr. Celli,
9 could you -- could you please go through the
10 proper things to -- so she knows what she's
11 looking at.

12 **MR. CELLI:** Yes. Well, I thought I did,
13 but --

14 **THE ADMINISTRATIVE LAW JUDGE:** I -- I didn't
15 hear it. I'm sorry.

16 **MR. CELLI:** Okay.

17 **BY MR. CELLI:**

18 **Q** Ms. Greene, this is an article that
19 appeared, we believe, on CNN in the wake of
20 January 6th and ask if you've seen this document
21 before.

22 **A** No, I haven't seen it.

23 **THE ADMINISTRATIVE LAW JUDGE:** Okay. Now.

24 **BY MR. CELLI:**

25 **Q** Well, I'm going to ask some questions about

1 statements that are attributed to you in this article
2 and you can tell me whether you made them or not,
3 okay?

4 The second page of the document has a
5 quotation that reads, quote: All of us together, when
6 we rise up, we can end of this. We can end it. We
7 can do it peacefully. We can. I hope we don't have
8 to do it the other way. I hope not. But we should
9 feel like we will if we have to because we are the
10 American people.

11 Do you recall making that statement in 2019
12 in connection with a protest around "Fund the Wall"?

13 **A** No --

14 **MR. BOPP:** I object.

15 **THE WITNESS:** -- I don't recall.

16 **THE ADMINISTRATIVE LAW JUDGE:** Asked and
17 answered. Go ahead.

18 **MR. BOPP:** I object.

19 **THE ADMINISTRATIVE LAW JUDGE:** Next.

20 **MR. CELLI:** Are you denying --

21 **THE ADMINISTRATIVE LAW JUDGE:** Objection
22 noted.

23 **MR. CELLI:** -- that you made that statement?

24 **THE ADMINISTRATIVE LAW JUDGE:** Objection
25 noted.

1 **MR. CELLI:** Are you denying that you made
2 that statement?

3 **THE WITNESS:** I'm saying I don't -- I don't
4 recall.

5 **MR. CELLI:** Okay. You're --

6 **THE WITNESS:** This is --

7 **MR. CELLI:** -- not denying it. You just
8 don't recall.

9 **THE WITNESS:** It's a CNN article.

10 **THE ADMINISTRATIVE LAW JUDGE:** She said she
11 does not recall.

12 **MR. CELLI:** Okay.

13 **THE ADMINISTRATIVE LAW JUDGE:** That is the
14 answer. Let's move on.

15 (Petitioners' counsel conferred with
16 cocounsel.)

17 **MR. CELLI:** I'm sorry, Judge. I think I'm
18 missing a page in my copy of the exhibit.

19 **THE ADMINISTRATIVE LAW JUDGE:** Okay.

20 (Petitioners' counsel conferred with
21 cocounsel.)

22 **BY MR. CELLI:**

23 **Q** A little further along in the article, I'm
24 just going to ask you whether you made these -- this
25 comment (reading): If we have a sea of people, we

1 will shut down the streets. If we shut down
2 everything, if we flood the Capitol building, go
3 inside, these are public buildings, we own them. We
4 own these buildings. Do you understand that? We own
5 the buildings and we pay all the people that work in
6 the buildings.

7 Did you say that in connection with the
8 "Fund the Wall" demonstration in February of 2019?

9 **MR. BOPP:** And because it's about the "Fund
10 the Wall" demonstration and not -- not after she
11 was sworn in as a member of Congress and taken an
12 oath --

13 **THE ADMINISTRATIVE LAW JUDGE:** It's
14 irrelevant.

15 **MR. BOPP:** Completely irrelevant to what she
16 --

17 **THE ADMINISTRATIVE LAW JUDGE:** It -- I'm
18 inclined to agree.

19 Let's go on.

20 **MR. BOPP:** Thank you.

21 **THE ADMINISTRATIVE LAW JUDGE:** Move on.

22 **MR. CELLI:** Did you say that?

23 **THE WITNESS:** I don't recall. You're using
24 CNN and they've chopped up my words so many
25 times. I mean, you sound like you have as many

1 conspiracy theories as QAnon at this point.

2 **MR. CELLI:** Well, you believe in QAnon,
3 right?

4 **THE WITNESS:** I -- no. I didn't -- I did
5 not say I believe in QAnon.

6 **THE ADMINISTRATIVE LAW JUDGE:** Let's move
7 on.

8 **MR. CELLI:** You don't believe in QAnon?

9 **THE ADMINISTRATIVE LAW JUDGE:** This is not
10 relevant. Let's move on.

11 **MR. CELLI:** She brought it up, Your Honor.
12 (Petitioners' Exhibit 84 identified.)

13 **MR. CELLI:** Can we get PX-84, please,
14 Ms. Wells.

15 **THE ADMINISTRATIVE LAW JUDGE:** Which one?

16 **MR. CELLI:** 84.

17 **THE ADMINISTRATIVE LAW JUDGE:** 84?
18 (Image displayed on screen.)

19 **BY MR. CELLI:**

20 **Q** Is that your face, Ms. Greene?

21 **A** It appears to be.

22 **Q** Okay. So this is a video clip. I'm going
23 to ask that we play it -- it's about a minute and
24 fifty seconds -- and simply ask if that's you making
25 those statements.

1 **MR. BOPP:** Your Honor, before he starts
2 running this, I want -- I object unless he
3 assures us that this is the complete clip, not
4 selected out pieces --

5 **THE ADMINISTRATIVE LAW JUDGE:** Right.

6 **MR. BOPP:** -- that it's the entire --

7 **MR. CELLI:** We haven't touched it, Your
8 Honor.

9 **MR. BOPP:** Okay, well, I'm not saying you
10 touched it.

11 **THE ADMINISTRATIVE LAW JUDGE:** Right. Well
12 --

13 **MR. BOPP:** This is on -- you're prepared to
14 play this. I think your responsibility -- and
15 I'm asking the court to require this or I
16 object -- is to make sure that this is not taken
17 out of context. You want to present it as
18 evidence. I think you should be required to
19 explain that this is the entire statement that
20 was made, not some selected piece out of context.

21 **MR. CELLI:** May -- may I be heard on this,
22 Your Honor?

23 **THE ADMINISTRATIVE LAW JUDGE:** Sure. Go --
24 go ahead, Mr. Celli.

25 **MR. CELLI:** Your Honor, we have been denied

1 the opportunity to conduct discovery in this
2 case, as Your Honor knows, given the speed with
3 which this proceeding had to go forward. We have
4 been denied the opportunity to issue subpoenas to
5 get records to do precisely what Mr. Bopp would
6 like me to do. In fact, Mr. Bopp objected to all
7 of those things and said: We don't want them to
8 do those things.

9 So the idea, now, that he is objecting to us
10 playing a portion of his own client's words ...
11 she can defend herself quite ably. She will tell
12 us if it's out of context or if it's QAnon or
13 something else.

14 **THE ADMINISTRATIVE LAW JUDGE:** Let's back
15 up. First of all, what is this again?

16 **MR. CELLI:** This is a video, we believe, of
17 the congresswoman making a statement.

18 **THE ADMINISTRATIVE LAW JUDGE:** And where did
19 it come from?

20 **MR. CELLI:** It came from -- the CNN article
21 links to it from Facebook.

22 **THE ADMINISTRATIVE LAW JUDGE:** So this is --
23 but this was pulled off of what? The Internet?

24 **MR. CELLI:** Well, it was -- it was connected
25 through CNN, I believe. No? Through the --

1 from -- from a tweet.

2 **THE ADMINISTRATIVE LAW JUDGE:** Next
3 question: This is the complete -- what was
4 there?

5 **MR. CELLI:** That's what was there, yes.

6 **THE ADMINISTRATIVE LAW JUDGE:** Okay. Have
7 you made any alterations?

8 **MR. CELLI:** No, sir.

9 **THE ADMINISTRATIVE LAW JUDGE:** Are you aware
10 of any alterations?

11 **MR. CELLI:** No, sir.

12 **THE ADMINISTRATIVE LAW JUDGE:** Okay. Do we
13 know when it was made?

14 **MR. CELLI:** We believe it was made in
15 February of 2019, but --

16 **THE ADMINISTRATIVE LAW JUDGE:** All right.
17 You can ask the witness about it.

18 **MR. CELLI:** Can we -- can we play the video,
19 please.

20 (Recording played from 12:41 to 12:43 p.m.)

21 **BY MR. CELLI:**

22 **Q** Ms. Greene, that's you, right?

23 **A** That's me.

24 **Q** And -- and in that clip, you were urging
25 people to come to Washington and flood the Capitol,

1 right?

2 **A** What year was that?

3 **Q** You tell me, Ms. Greene.

4 **A** I believe it was for February 23, 2019.

5 **Q** Right.

6 **A** There was no violence that day. We
7 peacefully protested.

8 **Q** Fair enough. But my point is to ask you the
9 question, you were urging people for that
10 demonstration to flood the Capitol.

11 **A** To peacefully protest with me and enter the
12 Capitol and -- and ask our lawmakers to serve the
13 American people.

14 **Q** So now you remember giving that statement,
15 right?

16 **A** Now that we've watched the video, I remember
17 that.

18 **Q** Now that your memory has been jogged a
19 little bit, do you remember talking about that
20 demonstration being done on a peaceful basis?

21 **A** That demonstration was peaceful.

22 **Q** Right. And you remember that you said, "We
23 can do it peacefully," right?

24 **A** Of course. I only believe in peaceful
25 demonstration. I do not support violence.

1 **Q** In fact, what you said is: We can do it
2 peacefully. We can. I hope we don't have to do it
3 the other way. I hope not. But we should feel like
4 we will if we have to because we are the American
5 people.

6 That was an another statement that you made
7 in the same presentation, right?

8 **A** That was in your CNN article, and I don't
9 trust CNN as a source. They've lied about me multiple
10 times.

11 **Q** Are you denying that under oath, that you
12 made that statement?

13 **A** I'm not. I just don't recall -- I'm not
14 recalling saying specifically that. The demonstration
15 was peaceful. History shows that.

16 **THE ADMINISTRATIVE LAW JUDGE:** What year was
17 this again?

18 **THE WITNESS:** 2019. It has nothing to do
19 with January 6th.

20 **THE ADMINISTRATIVE LAW JUDGE:** Okay. At
21 this -- I'm --

22 **MR. CELLI:** I'll move on, Your Honor.

23 **THE ADMINISTRATIVE LAW JUDGE:** You're
24 pushing the envelope, Mr. Celli.

25 **MR. BOPP:** I thought he'd already fallen off

1 the cliff.

2 **THE ADMINISTRATIVE LAW JUDGE:** No comments.

3 No comments, Mr. Bopp.

4 **MR. CELLI:** Yeah. I -- I'd appreciate if
5 Mr. Bopp --

6 **THE ADMINISTRATIVE LAW JUDGE:** No comments.

7 **MR. CELLI:** -- would keep his humor to
8 himself for the moment. He can do that on the
9 cameras outside when the time comes.

10 **THE ADMINISTRATIVE LAW JUDGE:** Gentleman,
11 now, I'm serious. We need to -- we need to -- we
12 need to get back to task.

13 **BY MR. CELLI:**

14 **Q** Ms. Greene, did you or any member of your
15 government or campaign staff communicate with Anthony
16 Aguero about the events of January 6th prior to
17 January 6th?

18 **A** I don't recall.

19 **Q** Did you or any member of your staff, either
20 congressional staff or campaign staff, communicate
21 with somebody named Dustin Stockton --

22 **A** I don't --

23 **Q** -- prior to January 6th?

24 **A** I don't think I know who that is.

25 **Q** Okay. How about Jennifer Lawrence? Not the

1 actress but a Jennifer Lawrence who's involved in
2 conservative politics. Did you or any member of your
3 congressional or campaign staff communicate with
4 Ms. Lawrence prior to January 6th about the
5 demonstrations that were planned for that day?

6 **A** I don't recall. I don't think I know who
7 that is.

8 **Q** Did you or any member of your campaign or
9 congressional staff, Ms. Greene, provide any support
10 for any demonstrations that occurred on January 6,
11 2021?

12 **A** I -- I have no idea. I don't think so. I
13 don't recall.

14 **Q** Did you or any member of your staff provide
15 information, advice, funds, printed material, the
16 promise of a public statement, to withhold a public
17 statement, anything along those lines in connection
18 with the demonstrations that were planned for
19 January 6th?

20 **A** I don't remember. I don't think so.

21 **Q** And if somebody were to come in here and
22 say, Oh, yeah, she gave us support for our
23 demonstrations, you'd say, I don't remember that.
24 That didn't happen.

25 **A** I -- I'm not sure what you're saying. I

1 think you're speculating and it's hypothetical.

2 **Q** Prior to January 6, 2021, you heard that
3 people were planning to enter the Capitol on
4 January 6th and engage in violence, right?

5 **A** No.

6 **MR. BOPP:** I object. I think that's the
7 fifth time he's asked that question.

8 **THE ADMINISTRATIVE LAW JUDGE:** Well, no, she
9 answered the question. No.

10 Next.

11 **MR. CELLI:** Never heard that from anybody?

12 **THE WITNESS:** No.

13 **MR. CELLI:** Okay.

14 **BY MR. CELLI:**

15 **Q** And prior to January 6, 2021, you were aware
16 that people were going to make noise outside the
17 Capitol as a means to disrupt the proceedings inside
18 the Capitol. Is that fair?

19 **A** No. I have no idea what you're talking
20 about.

21 **Q** Okay. And prior to January 6, 2021, had you
22 heard that people were planning to enter the Capitol
23 building illegally in order to disrupt the electoral
24 count process?

25 **A** No, absolutely not. I don't know anything

1 about that.

2 **Q** Okay.

3 **MR. CELLI:** Your Honor, it's -- I think
4 12:45 is ...

5 **THE ADMINISTRATIVE LAW JUDGE:** Well, let's
6 talk about that. How much longer do you think
7 you need, Mr. Celli?

8 **MR. CELLI:** Probably an hour.

9 **THE ADMINISTRATIVE LAW JUDGE:** All right.
10 Well, why don't we take a -- I'm going to change.
11 Let's take an hour. And let's be back here at --
12 it's 12:45 so that's 1:45, right? Did I do that
13 right?

14 **MR. CELLI:** Can I respectfully ask for -- to
15 make it forty-five minutes only?

16 **THE ADMINISTRATIVE LAW JUDGE:** Forty-five
17 minutes. You want to make it 12:30? I mean
18 1:30, I'm sorry. I'm challenged on the clock.

19 1:30. Forty-five minutes, is that adequate
20 for you, Mr. Bopp?

21 **MR. BOPP:** (nodding)

22 Is that okay with you, congresswoman?

23 **THE WITNESS:** To continue in --

24 **THE ADMINISTRATIVE LAW JUDGE:** We've got
25 forty-five minutes for lunch. Is that okay?

1 **THE WITNESS:** Oh, sure.

2 **THE ADMINISTRATIVE LAW JUDGE:** Okay. All
3 right. Well, let's -- we'll reconvene in
4 forty-five minutes which will be 1:30.

5 (Recessed for lunch from 12:51 to 1:34 p.m.)

6 **THE ADMINISTRATIVE LAW JUDGE:** Everybody
7 please be seated.

8 Representative.

9 **THE WITNESS:** Thank you.

10 (The witness returned to the stand.)

11 **THE ADMINISTRATIVE LAW JUDGE:** Thank you.
12 Okay, Mr. Celli.

13 **MR. CELLI:** Yes, sir.

14 Representative Greene, good afternoon.

15 **BY MR. CELLI:**

16 **Q** I want to go back and ask you a couple
17 narrower questions. Then we'll move to another topic.

18 The Twitter handle, @MTGreene, that's your
19 twittle -- Twitter handle -- or it was before your
20 account was suspended.

21 **A** Before my account was permanently banned.

22 **Q** Got it. And during the period from
23 January 3rd to January 6th, did you or anybody in your
24 office, your congressional office, provide tours,
25 either formally or informally to people, of the U.S.

1 Capitol?

2 **A** No. The only people that were with me was
3 my husband and my children.

4 **Q** That would be on the third; is that right?

5 **A** They were -- I don't recall the exact days.
6 I believe they went back to Georgia on the fourth.

7 **Q** Okay. I'm -- I'm trying to capture the
8 period from January 3rd, when you were sworn in, to
9 January 6th. At any time during that period, did
10 anybody in your office provide tours to anybody --

11 **A** No.

12 **Q** -- of the U.S. Capitol?

13 **A** No.

14 **Q** Okay. During that period, did anybody on
15 your campaign staff or did you authorize provision of
16 funds, money, to people who were planning a
17 demonstration on January 6th?

18 **A** I don't think so. I don't recall that at
19 all.

20 **Q** If you wanted to know the answer to that
21 question, who would you ask?

22 **A** I would have to talk to people in my
23 campaign, but I don't think we did anything -- how
24 would we have done that? We didn't do anything like
25 that.

1 **Q** During that same period of January 3rd to
2 January 6th, did you or anybody on your campaign or
3 congressional staff provide any information of any
4 sort to anyone in connection with January 6th
5 demonstrations?

6 **A** I don't think so. I have no idea. I don't
7 think so.

8 **Q** And did you have members of the public visit
9 your congressional office between January 3rd and
10 January 6th?

11 **A** No.

12 **Q** And during that period of January 3rd and
13 January 6th, did anyone from your congressional office
14 or your campaign provide maps for the location of
15 offices within the Capitol?

16 **A** No. No. We got our keys to my office on
17 January 3rd. I -- I couldn't even find where the
18 bathroom was most of the time.

19 **Q** You know why I'm asking these questions,
20 don't you, Representative Greene?

21 **A** I have no idea why you're asking these
22 questions.

23 **Q** Representative Greene, you're familiar with
24 the significance of the year 1776 in U.S. history,
25 right?

1 **A** Yes.

2 **Q** 1776 is the year that the Declaration of
3 Independence was signed, right?

4 **A** Uh-huh.

5 **Q** And that was a statement by representatives
6 of the thirteen colonies that they were no longer
7 subject to the authority to the British Crown, right?

8 **A** They were declare -- it was the declaration
9 of independence from the British Crown.

10 **Q** Right. And, in fact, you may recall this
11 from your studies, the Declaration of Independence
12 refers to King George as a tyrant, right?

13 **A** It -- I'm -- I'm -- I'm sure it may say that
14 somewhere in the history books. I don't have the
15 history books in front of me and I don't know which
16 one you're referring to, but ...

17 **Q** Well, I'm referring to the Declaration of
18 Independence. That's the one that says that King
19 George was a tyrant, unfit to be a ruler of free
20 people.

21 **A** Are you quoting the Declaration --

22 **Q** Yes.

23 **A** Okay.

24 **Q** Will you -- you'll accept that from me,
25 won't you?

1 **A** If you're quoting it.

2 **Q** Okay. And you would agree that when a
3 government acts tyrannically, then it's unfit to be
4 the ruler of a free people.

5 **A** We're typically against tyrannical
6 governments here.

7 **Q** And the people who wrote the Declaration of
8 Independence, they were working with other people in
9 the colonies to express their independence from
10 Britain, right?

11 **A** I wasn't alive back then, but there's the
12 history. I'm not a -- I'm not a history expert,
13 but --

14 **Q** Well --

15 **A** -- as you say.

16 **Q** -- you've heard of the American Revolution,
17 haven't you?

18 **A** Of course I have, yes.

19 **Q** Okay. And you know that the American
20 Revolution was a violent rebellion against British
21 rule in the colonies.

22 **A** Yes.

23 **Q** And they were trying to overthrow the
24 government in Britain that was ruling the colonies,
25 right?

1 **A** America was trying to start our own
2 government.

3 **Q** Right. And to do that, they had to get rid
4 of the British colonial officials who were here in
5 America and throw them out.

6 **A** They -- yes.

7 **Q** And they viewed the British officials here
8 and the Crown in Britain as a tyrannical government.

9 **A** Yes.

10 **Q** And that was an insurrection, wouldn't you
11 agree? The American Revolution was an insurrection
12 against the government?

13 **A** I don't believe it -- I don't know where it
14 said that.

15 **Q** Well, I'm asking you whether or not you
16 agree that the American Revolution was an insurrection
17 against the British government.

18 **A** I believe it was -- the American Revolution
19 was -- is part of our history where we separated
20 from -- from the Crown and started our own government
21 here.

22 **Q** Right. And the separation was brought about
23 by violence, right?

24 **A** There was a revolutionary war, yes.

25 **Q** And the violence -- the colonists were

1 justified in using violence to get rid of the
2 tyrannical government of Britain, their officials
3 in -- in America, right?

4 **A** Is that your opinion? I assume so.

5 **Q** I'm asking you.

6 **A** It was a revolutionary war. It was violent.

7 **Q** Now, you've actually talked publicly about
8 the Declaration of Independence, calling for the
9 overthrow of tyrannical governments, right? That's
10 something you've discussed publicly.

11 **A** Are you referencing to something I've said
12 somewhere?

13 **Q** Well, do you recall talking about that
14 topic?

15 **A** I've talked about the Declaration of
16 Independence, but I don't know what occasion you're
17 referring to.

18 **Q** Well, one of the occasions where you talked
19 about the Declaration of Independence was in
20 connection with January 6th, right?

21 **A** I don't know.

22 **Q** Okay.

23 **MR. CELLI:** Let's go to Plaintiffs' 15,
24 please.

25 **THE ADMINISTRATIVE LAW JUDGE:** Which one is

1 this, Mr. Celli?

2 **MR. CELLI:** Plaintiffs' 15.

3 **THE ADMINISTRATIVE LAW JUDGE:** P-15. Thank
4 you.

5 **MR. CELLI:** P-15, yes.

6 (Image displayed on screen.)

7 **BY MR. CELLI:**

8 **Q** Ms. Greene, I'm going to play a short clip
9 and ask if that's you speaking on -- on the video,
10 okay?

11 **MR. BOPP:** What -- what's the date on this?

12 I can't read it from here. Do you know?

13 (Petitioners' counsel conferred with
14 cocounsel.)

15 **MR. CELLI:** October 26, 2021.

16 If you could play the clip, please.

17 (Recording played from 1:42 to 1:42 p.m.)

18 **BY MR. CELLI:**

19 **Q** That's your statement, right?

20 **A** I don't believe it was finished, but that
21 was me. I don't -- I don't recall -- I don't know
22 what the rest of what I was saying because it was cut
23 off.

24 **Q** But in that statement that we looked at, you
25 were comparing the overthrow of the British Crown in

1 America in 1776 to January 6th.

2 **A** I don't know what my statement was because
3 it was cut off.

4 **Q** Now, you talked about the need for people to
5 have guns in order to secure their rights against a
6 tyrannical government, right?

7 **A** That's -- yes. We have a Second Amendment
8 for a good reason.

9 **Q** Right. And a good reason is in case they
10 need to overthrow their government, they can use their
11 guns to do that.

12 **A** We -- we have a -- well, you're -- you're
13 twisting things around. Could you rephrase your
14 question, please?

15 **Q** Well, I'm -- I'm reacting to your answer.
16 You said we have a Second Amendment -- Amendment. And
17 that's a good thing.

18 **A** Uh-huh.

19 **Q** And I said the reason from your point of
20 view that there is a Second Amendment is so that
21 people can overthrow their government by violent means
22 with guns.

23 **A** That's not the exact purpose. We defend
24 ourselves. Say if -- you know, if you're being
25 attacked, you know, a gun is a tool to defend

1 yourself.

2 **Q** Right. And -- but one of the things it
3 could be used for -- strike that. Let's -- let's go
4 to PX-6.

5 (Petitioners' Exhibit 6 identified.)

6 **BY MR. CELLI:**

7 **Q** I'm going to play a video here and ask a
8 couple questions about it.

9 **A** Uh-huh.

10 **Q** Well, first, let me just ask you. Do you
11 recall giving an interview as reflected on PX-6 in
12 October of 2020, just about a week before the
13 election, at something called "The Relic Hunter
14 Firearms Shop"?

15 **A** Uh-huh. I vaguely remember.

16 **Q** Okay. And that's you on the left, and the
17 gentleman on the right is the owner of the shop. Am I
18 right about that?

19 **A** No.

20 **Q** Okay. Who -- who's that? Just so I know.

21 **A** Mr. Dorr.

22 **Q** Who's Mr. Dorr?

23 **A** He's a -- he's a gun rights activist and --
24 and just someone I know.

25 **Q** Got it. And it's backwards because of the

1 video, but Mr. Dorr's T-shirt says: I am 1776 percent
2 sure that no one is taking my guns.

3 Do you agree that that's what it says?

4 **A** Yes.

5 **Q** Okay.

6 **MR. CELLI:** So let's play the video.

7 **MR. BOPP:** I -- I object to playing this. I
8 have watched this. Right in the middle there is
9 a section cut off, right in the middle.

10 **THE ADMINISTRATIVE LAW JUDGE:** Okay. Well,
11 let's see --

12 **MR. BOPP:** So it has been edited.

13 And who's the source of this?

14 **MR. CELLI:** The source of this is Marjorie
15 Taylor Greene, "It's Earned With the Price of
16 Blood." That's -- that's what we're going to be
17 talking about.

18 **MR. BOPP:** No. Who's the source of the
19 video? Who -- who --

20 **MR. CELLI:** Where did we get this from?

21 **MR. SHAPIRO:** It was on YouTube.

22 **MR. CELLI:** YouTube.

23 **MR. BOPP:** Huh?

24 **MR. CELLI:** YouTube.

25 **MR. BOPP:** YouTube, okay.

1 **THE WITNESS:** It says Mother Jones.

2 **MR. BOPP:** Well, I, you know -- I know

3 you'll need to see it, but ...

4 **THE ADMINISTRATIVE LAW JUDGE:** We'll see it.

5 **MR. BOPP:** Okay.

6 **THE ADMINISTRATIVE LAW JUDGE:** You can

7 make -- obviously that's -- it's difficult to

8 cross-examine a video but it's certainly possible

9 to say what's defective about it.

10 **MR. CELLI:** I'm going to ask a lot about it,

11 Judge, and she can tell us if it's --

12 **THE ADMINISTRATIVE LAW JUDGE:** Yeah, you --

13 as best she can, you know. Go ahead.

14 (Recording started.)

15 **THE ADMINISTRATIVE LAW JUDGE:** Let me stop

16 you. We're not watching the whole thing. We're

17 picking up in the middle of it; is that correct?

18 **MR. CELLI:** It's a minute and nine seconds,

19 Your Honor.

20 **THE ADMINISTRATIVE LAW JUDGE:** No, no. What

21 I'm asking is -- never mind. Oh, I see. It's

22 his shirt. It looked like we were halfway

23 through the video. That's why I was asking. I

24 was confused.

25 **MR. CELLI:** No. No. The red part.

1 **THE ADMINISTRATIVE LAW JUDGE:** You're
2 starting at the beginning.

3 **MR. CELLI:** Yeah.

4 **THE ADMINISTRATIVE LAW JUDGE:** You're
5 playing the whole thing.

6 **MR. CELLI:** Can we go back, Ms. Wells, to
7 just the very beginning.

8 **THE ADMINISTRATIVE LAW JUDGE:** Yeah. Let's
9 start it over again, please.

10 (Recording played from 1:46 to 1:47 p.m.)

11 **MR. BOPP:** Oh, okay. Mother Jones.

12 Let me -- it started off with a cut sentence
13 when she said: But --

14 **THE ADMINISTRATIVE LAW JUDGE:** It's clearly
15 edited.

16 **MR. BOPP:** Okay. So whatever she said
17 before is wiped out. And then you saw three
18 times when it was cut --

19 **THE ADMINISTRATIVE LAW JUDGE:** Yeah.

20 **MR. BOPP:** -- okay?

21 **THE ADMINISTRATIVE LAW JUDGE:** Yeah.

22 **MR. BOPP:** And Mother Jones? I'm sorry, I
23 am not going to rely upon them to give an
24 accurate depiction --

25 **THE ADMINISTRATIVE LAW JUDGE:** Well, but she

1 could --

2 **MR. BOPP:** -- of the tape.

3 **THE ADMINISTRATIVE LAW JUDGE:** We can
4 proceed with the questioning and the witness can
5 respond. I mean, it is -- it is the witness's
6 statements she made and she can respond.

7 So go ahead.

8 **MR. CELLI:** Well, let's estab --

9 **THE ADMINISTRATIVE LAW JUDGE:** Overruled.
10 Thank you.

11 **MR. CELLI:** Let's establish that.

12 **BY MR. CELLI:**

13 **Q** Representative Greene, this is a statement
14 that you made in an interview with Mr. Dorr in October
15 of 2020, right?

16 **A** That is a very partial cut off and pasted
17 statement. That is me speaking, but my sentences are
18 cut off. My full message is not there.

19 **THE ADMINISTRATIVE LAW JUDGE:** Okay.

20 **BY MR. CELLI:**

21 **Q** And in that statement, what you say is if
22 you can defend yourself, you can stop a tyrannical
23 government. However, if they take away your guns, you
24 can never stop a tyrannical government, right?

25 **A** Correct.

1 **Q** And you believe that.

2 **A** Absolutely.

3 **Q** Okay. And, in fact, what was done in 1776
4 was to stop a tyrannical government with guns, fair?

5 **A** Sure. Yeah.

6 **Q** And that was to use violence against the
7 tyrannical government, to get that clear.

8 **A** No. They were -- they were trying to get
9 rid of a tyrannical government. They were -- there
10 was a lot of -- I mean, there was a big process.
11 There was a big build-up there before the
12 Revolutionary War.

13 **Q** What did you --

14 **A** The whole purpose was not to use guns for
15 violence --

16 **Q** What did you --

17 **A** -- is the narrative that you're trying to
18 push here.

19 **Q** What did you mean when you said that once
20 you lose your freedom, it has to be earned with the
21 price of blood?

22 **A** Well, once -- I -- I've always said I'm
23 against violence. And I've said I never want to see a
24 war in this country. Never. I've said that over and
25 over again in many speeches. And the reason why I say

1 that is because I don't want to see war here on
2 American soil. I have three children that are young
3 adults and I never want to see my children fighting a
4 war, earning back our freedoms. And I've said that.
5 That's what I'm talking about.

6 Q Earned with the price of blood is a
7 reference to violence, isn't it?

8 A The price of blood is the unfortunate and
9 tragic cost of war. And that's what happened in the
10 Revolutionary War. And -- and that's what I'm talking
11 about.

12 Q And you know that the term 1776 is actually
13 a term that's sometimes used in politics today.

14 A I don't know if you've noticed our state
15 seal here in Georgia. I know you're not from Georgia.
16 But as you can see, we -- we enjoy our history and --
17 and we're proud of our freedoms. 1776 is on our state
18 seal.

19 Q Great. And it's also a term that's used in
20 political discourse in America today.

21 A I don't use it as a term of violence.

22 Q But you use it as a term, right?

23 A I have used it as a term, but I do not use
24 it as a term of violence --

25 Q We're --

1 **A** -- as you're trying to push.

2 **Q** We're not -- we're not up to that yet.

3 I'll -- you'll have your chance --

4 **A** I understand.

5 **Q** -- to answer the question that you want to
6 answer, but you have to start by answering my
7 question, okay?

8 **A** Sure.

9 **Q** You acknowledge that 1776 is a term that's
10 used in political discourse today, right?

11 **A** Yes.

12 **Q** And, in fact, one of the examples of 1776
13 being used in political discourse today is the T-shirt
14 that Mr. Dorr was wearing in the interview that we
15 just saw, right?

16 **A** We saw 1776 backwards on his T-shirt on that
17 cut-up video.

18 **Q** Right.

19 **A** Yes.

20 **Q** And you understood that T-shirt to mean that
21 people need to possess firearms in order to oppose a
22 tyrannical government.

23 **A** I don't recall even re -- I don't remember
24 seeing his T-shirt that day when I saw him. The only
25 time I'm paying attention to it is now because you're

1 drawing the reference.

2 **Q** Okay. But as you sit here today, you
3 understand that what the T-shirt is conveying as a
4 political message is that people needed to -- need to
5 possess firearms in order to oppose a tyrannical
6 government.

7 **A** I don't necessarily understand what you're
8 trying to say.

9 **Q** I'm just asking whether you have an
10 understanding or not.

11 **A** I think you're more trying to push a
12 narrative and push words in my mouth and I don't agree
13 with what you're saying necessarily.

14 **Q** As you sit here today, Representative
15 Greene, you know that that term, 1776, has been used
16 in connection with events of January 6, 2001 (sic).

17 **A** I -- I guess it -- I guess so. I don't
18 know.

19 **Q** Well, you yourself have used the term 1776
20 to describe the events of January 6, 2021.

21 **A** I don't recall, but if you say.

22 **MR. CELLI:** Let's go to PX-27, please,
23 Ms. Wells.

24 (Petitioners' Exhibit 27 identified)

25 **MR. CELLI:** By the way, this video, Your

1 Honor, has been admitted into evidence.

2 (Image displayed on screen.)

3 **THE ADMINISTRATIVE LAW JUDGE:** Right.

4 **MR. CELLI:** Ms. Wells.

5 (Recording played from 1:54 to 1:55 p.m.)

6 **BY MR. CELLI:**

7 **Q** That's your statement on January 5, 2021;
8 correct?

9 **A** Uh-huh. I don't know the date. I -- again
10 I don't recall. But now that I've seen it, what --
11 what was the date of the video?

12 **Q** January 5, 2021.

13 **A** Okay.

14 **Q** You don't have to take my word for it. We
15 can play it back and you'll see what you're talking
16 about, that tomorrow is the sixth.

17 **A** Okay. Yes.

18 **Q** Okay. And this is two days after you took
19 the oath of office to be a representative from the
20 14th congressional district; correct?

21 **A** Yes.

22 **Q** And you used the term, 1776, to describe --
23 in response to a question from the Newsmax broadcast,
24 right?

25 **A** I was speaking about objecting.

1 **Q** Well, you -- he asked you: What is your
2 plan? What are you prepared to have go down tomorrow,
3 on January 6th? And your response was: Tomorrow is
4 our 1776 moment. Right?

5 **A** I was talking about the courage to object.

6 **Q** And you said you were echoing the words of
7 your Republican colleagues. Was the term 1776 used by
8 your Republican colleagues?

9 **A** I don't recall. That was the video, but I
10 don't recall.

11 **Q** In fact, Representative Boebert has used the
12 term 1776 to describe the events of January 6th,
13 hasn't she?

14 **A** I don't recall. I have no idea.

15 **MR. CELLI:** Let's go to PX-9(e), please.

16 (Image displayed on screen.)

17 **THE ADMINISTRATIVE LAW JUDGE:** PX-99?

18 **MR. CELLI:** 9(e).

19 **THE ADMINISTRATIVE LAW JUDGE:** 9(e), thank
20 you.

21 (Petitioners' Exhibit 9(e) identified.)

22 **BY MR. CELLI:**

23 **Q** Do you recall seeing a tweet from
24 Representative Boebert in Colorado on -- at 8:30 in
25 the morning on January 6, 2001 (sic): Today is 1776?

1 **A** I don't remember seeing this. I see it now

2 --

3 **Q** Okay.

4 **A** -- if -- if that's her tweet.

5 **Q** Do you have any doubt that Representative
6 Boebert used the term 1776 to describe the events of
7 January 6th?

8 **A** I don't know.

9 **MR. CELLI:** Let's go back to PX-27, please.

10 (Image displayed on screen.)

11 **BY MR. CELLI:**

12 **Q** So that was an interview that you gave to
13 Newsmax, right?

14 **A** That's what it said on the screen: Newsmax.

15 **Q** Okay. Well, you're not denying that, right?

16 **A** No. I -- just saying I -- I don't even
17 remember the interview until we've seen it.

18 **Q** Okay. And that interview was posted that
19 day on your Facebook page.

20 **A** I don't remember.

21 (Petitioners' counsel conferred with
22 cocounsel.)

23 **Q** Now, when you said, This is our 1776 moment,
24 you knew that some of the people who felt that Donald
25 Trump was the rightful winner of the 2020 election

1 used that term to refer to the possibility of violence
2 on January 6, 2021.

3 **A** No. I never heard anyone talking about
4 violence for January 6th.

5 **Q** You've never heard any --

6 **A** Absolutely not.

7 **Q** You never heard about anyone using the term
8 1776 to refer to the possibility of --

9 **A** I would never use --

10 **Q** Let me finish my question, Representative
11 Greene.

12 **A** Okay. Excuse me. Sorry.

13 **Q** I don't mean to cut you off --

14 **A** No, I apologize.

15 **Q** -- and please don't cut me off.

16 **A** Yes.

17 **Q** You've never heard anybody say: Use the
18 term 1776 as a code word for violence to occur on
19 January 6, 2021.

20 **A** No, absolutely not.

21 **Q** Are you -- you're familiar with a group
22 called the Proud Boys?

23 **A** I've heard of them.

24 **Q** And you know that the Proud Boys -- it has
25 developed -- had a written plan for conduct on

1 January 6, 2021, right?

2 **A** No, I did not know that.

3 **Q** The Proud Boys are an extremist violent
4 group. You would agree with that.

5 **A** I don't know much about the Proud Boys.

6 **Q** You've never heard that they're a violent
7 extremist group?

8 **A** I've heard about them. I don't know what
9 they do. I -- I don't know much about the Proud Boys.

10 **Q** And you haven't heard that the written plan
11 attributed to the Proud Boys for January 6th was
12 called "1776 Returns"?

13 **A** No. I have no idea of anything about that.

14 **Q** Never heard of it, okay.

15 **A** Uh-uh.

16 **MR. CELLI:** Let's pull up PX-39.

17 (Petitioners' Exhibit 39 identified and
18 displayed on screen.)

19 **BY MR. CELLI:**

20 **Q** This is an article that appeared in the *New*
21 *York Times* on March 14, 2020, entitled "Document in
22 Jan 6th case shows plans to storm government
23 buildings." Do you see this document?

24 **A** I have never seen it, no.

25 **Q** Let me -- let me get you a copy so you can

1 have a look.

2 Ms. Greene, did you see a story in the *New*
3 *York Times* or any other publication or media outlet in
4 March of '22 -- 2022, about Proud Boys having a
5 written plan to storm government buildings on
6 January 6th?

7 **A** No. I've -- I've never -- I don't recall.
8 I never heard anything about it.

9 **Q** Never heard about it.

10 **A** Uh-uh.

11 **Q** Never heard that that was called "1776
12 Returns," that plan that the government alleges Proud
13 Boys had to storm government buildings.

14 **A** No, I've never heard of it.

15 **Q** You were aware prior to January 6th that
16 1776 referred to an idea or a plan for people who were
17 opposed to the certification of the electoral college
18 vote to infiltrate and occupy buildings in D.C.

19 **A** No, never --

20 **Q** You never heard that.

21 **A** No.

22 **Q** And you were aware prior to January 6, 2021
23 that 1776 was a term that people were using to
24 describe a plan or an idea to physically interfere and
25 prevent the electoral college vote.

1 **A** No. I don't know anything about that.

2 **Q** Okay. You can put that to one side.

3 We talked a little bit about a person named
4 Ali Alexander this morning. Do you remember that
5 testimony?

6 **A** Uh-huh.

7 **Q** And you said it's somebody you've met on a
8 number of occasions. Is that fair?

9 **A** I -- I've seen him a couple times. I -- I
10 don't remember when and it's not someone I know.

11 **Q** Okay.

12 **MR. CELLI:** Let's put up 67, please. PX-67,
13 Ms. Wells.

14 (Petitioners' Exhibit 67 identified and
15 displayed on screen.)

16 **BY MR. CELLI:**

17 **Q** Okay. Let's just start -- I'm going to ask
18 you to have a look at just the first ten seconds of
19 the video -- it's -- it's just a person not even
20 speaking -- and tell me if you can identify that
21 person, okay?

22 (Recording played from 2:04 to 2:04 p.m.)

23 **BY MR. CELLI:**

24 **Q** Do you know that person?

25 **A** That's Ali Alexander.

1 **Q** Let's -- thank you. Let's go to minute
2 eleven twenty. This is a -- this is a rather long
3 clip and I'm going to take you to the middle of it,
4 around eleven minutes and twenty seconds.

5 (Recording played from 2:04 to 2:05 p.m.)

6 **MR. CELLI:** You can stop it there.

7 **BY MR. CELLI:**

8 **Q** You see that Mr. Alexander describes you as
9 his favorite, right? You heard him say that.

10 **A** That's what he said. I just saw it.

11 **Q** Okay. Do you have any explanation for why
12 he would feel that way?

13 **A** Maybe he -- he likes the work I do? I don't
14 know. I don't really know him that well. I've only
15 met him a couple of times.

16 **Q** He describes himself as -- you as a friend
17 of his, right? That's what he said on --

18 **A** Those were his words.

19 **Q** Right. That's what he said on the video.
20 Is he lying when he describes himself as a friend of
21 yours?

22 **A** I don't -- I wouldn't call him a friend. I
23 do not know him. I've only met him a couple of times.

24 **Q** Okay. So if he says he was a friend of
25 yours, he would be lying.

1 **A** Sometimes people say things on videos for
2 their followers or to maybe -- I don't know. It's --
3 that's what he said. I don't know him. I've only met
4 him a couple of times.

5 **Q** In fact, Mr. Alexander was very active on
6 Twitter in the postelection 2020 period up until
7 January 6th; isn't that right?

8 **A** I don't know. I don't follow his account.

9 **Q** Okay. Let's go to -- well, I think we've
10 established that during that postelection period, from
11 November, when you were elected, till January 6th, one
12 of the things you were doing was organizing people in
13 Congress to file objections to the electoral college
14 count, right?

15 **A** Yes, working very hard on objecting.

16 **Q** Okay.

17 **MR. CELLI:** Let's go to PX-3, please.

18 (Petitioners' Exhibit 3 identified.)

19 **MR. CELLI:** Ms. Wells, if you could scroll
20 up so we can see the bottom half first. Yeah.
21 Go down, please.

22 (Image displayed on screen.)

23 **MR. CELLI:** I'll get you a paper copy.

24 **BY MR. CELLI:**

25 **Q** Ms. Greene, I want to focus your attention

1 on the box in the middle of the page. It says:
2 Marjorie Taylor G-r-e dot, dot, dot, 12/30/2020.

3 Do you see that?

4 **A** Yes.

5 **Q** And that's a Twitter comment that you made
6 on December 30, 2020, right?

7 **A** I don't recall making that tweet, but that's
8 what this piece of paper says.

9 **Q** Do you have any doubt that a tweet from your
10 account was issued on December 30, 2020 that said,
11 quote: Word on the Hill is that Mitch McConnell and
12 Nancy Pelosi could be working together on a rules
13 change deal to block our electoral college
14 certification objection?

15 **A** I don't recall this tweet.

16 **Q** My question is a little bit different. Do
17 you have any doubt that this is a tweet from your
18 account?

19 **A** I don't know.

20 **Q** Do you recall in late December of 2020
21 hearing a rumor on Capitol Hill about a deal between
22 Mitch McConnell and Nancy Pelosi to create a rules
23 change so as to block the objections to the electoral
24 college count?

25 **A** I can't really remember. It's been sixteen

1 months or so ago.

2 **Q** That would be pretty important -- wouldn't
3 it? -- if they changed the rule so that you couldn't
4 object to the electoral college count, right?

5 **A** It would've been, but there was no rule
6 change. We -- we were still able to object. Or at
7 least we tried anyways.

8 **Q** But by this point, in December of 2020, your
9 focus was on objecting to the electoral college count
10 in Congress, right?

11 **A** Yes. Finding evidence of voter fraud and
12 planning to object. Yes.

13 **Q** And if there had been rumors of a rule
14 change, that would be something that would be
15 important for you to tweet out and talk about
16 publicly.

17 **A** It -- it possibly would have been. I just
18 don't remember this tweet. I don't remember it.

19 **Q** You know that Ali Alexander has responded to
20 tweets that you've sent out over the years, right?

21 **A** I don't know. I don't -- I don't all -- I
22 have no idea who retweets and who responds. That's
23 not something that I spend much time at all looking
24 at.

25 **Q** You -- you spend some time looking at it,

1 though, don't you, Representative Greene? Who
2 responds to your tweets?

3 **A** Occasionally I have some time and I look at
4 who responds. But I do not know what he has
5 responded, what he has tweeted or retweeted.

6 **Q** And the reason that you look at responses to
7 your tweets is you want to see how what you've said is
8 being taken on board by other people. Is that fair?

9 **A** Actually, I don't really look at comments on
10 Twitter because they're filled with a lot of bots and
11 a lot of hateful people. And I don't like to read
12 things like that. So I really -- I don't read many
13 comments. Hardly ever.

14 **Q** Well, you read Mr. Alexander's response to
15 your December 30th retweet that's shown in Exhibit 3,
16 right? And just to read it out loud, what he writes
17 is: If they do this, everyone can guess what we and
18 500,000 others would do to that building. 1776 is
19 always an option.

20 You read that, didn't you?

21 **A** I'm -- if this is his Twitter, I see it on
22 the screen. I have no idea. Those -- those are his
23 words, I guess. I have no idea.

24 **Q** Well, as you sit here today, you understand
25 that what Mr. Alexander was referring was not legal

1 objections on the Floor of the Congress, right?

2 **A** No. I don't know what he's referring to.

3 **Q** And you knew back then that what
4 Mr. Alexander was responding to your tweet was to say
5 "if they make a rules change and Congresswoman Taylor
6 Greene can't object, we're going to go into the
7 Capitol and do violence."

8 **A** I have no idea. I don't know anything about
9 this.

10 **Q** And that term, 1776, is the way
11 Mr. Alexander was conveying that to his listeners or
12 his readers.

13 **A** I have no idea. Again, I don't know
14 anything about this. I've never seen it before.

15 **Q** Between January 3rd and January 6, 2021,
16 Ms. Greene, you viewed the electoral college
17 certification of Joe Biden as a blow to freedom. Is
18 that fair?

19 **A** I -- I viewed it as we needed to object
20 because there was so much evidence and so many people
21 had signed their name -- thousands of people had
22 signed their name on affidavits saying they witnessed
23 voter fraud. And that meant something to me because I
24 care about the people and I care about their votes and
25 I care about our election integrity.

1 **Q** But my question is whether you viewed it as
2 a blow to freedom if the electoral college
3 certification of Joe Biden were completed.

4 **A** I don't agree with your wording.

5 **Q** Okay. Because once freedom is gone, it
6 doesn't come back by itself, right?

7 **A** I don't agree with your wording.

8 **Q** The only way you can get freedom back is
9 when it's earned with the price of blood. That's --
10 those are your words, right?

11 **A** You're twisting my words and creating a
12 narrative that you're trying to make. That's not my
13 narrative. That's not what I said.

14 **Q** Well, on --

15 **A** That's not what I meant with that.

16 **Q** -- October 27, 2020, that's what you said
17 and that's what you meant, right?

18 **A** I -- I'm sorry.

19 **Q** Yeah. On October 27, 2020, when you did the
20 interview with Mr. Dorr, when you said the only way to
21 get freedoms back is when it's earned with blood,
22 that's what you meant, right?

23 **A** Well, you showed a video that's chopped up,
24 that doesn't show my full -- even my full sentences.
25 So, no, I don't agree with what you're saying.

1 **Q** Do you have any explanation, Representative
2 Greene, for why it is that on January 5th, the day
3 before January 6th, you described January 6th as "our
4 1776 moment"?

5 **A** I don't remember. This is -- seeing this
6 interview is the first time I've seen it in a long
7 time. I don't remember.

8 **Q** Now, prior to January 6, 2021, you spoke
9 publicly on your Facebook page about the transfer of
10 power that would occur on January 6th. Do you recall
11 that?

12 **A** I don't recall.

13 **Q** Okay. You said on the video on your
14 Facebook page that the peaceful transfer of power
15 ought not be allowed to occur.

16 **A** I don't recall.

17 **Q** You said that the peaceful transfer of power
18 cannot be allowed to occur because Joe Biden didn't
19 win the 2020 election, right?

20 **A** I don't recall.

21 **MR. CELLI:** Let's go to the videotape. Can
22 we start with -- so let me -- 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 are -- they have been
2 chopped up. That's true. But you can tell me
3 whether you were misinterpreted, okay?

4 (Petitioners' Exhibit 66 identified and
5 image displayed on screen.)

6 **MR. CELLI:** The first one is PX-66.

7 **MR. BOPP:** Okay. Just a second. What's the
8 date and the source of the video?

9 **MR. CELLI:** The source is -- it was
10 something -- Ms. Greene's Facebook page is not
11 available. This is something that was captured
12 by someone else and posted on another Facebook
13 page.

14 **MR. BOPP:** Where -- where it says it's from
15 her Facebook page?

16 **MR. CELLI:** Yes, I believe it does.

17 66 has been admitted, Your Honor, though.

18 **THE ADMINISTRATIVE LAW JUDGE:** Yeah. It's
19 been admitted for what it's worth.

20 **MR. BOPP:** And what is the date?

21 **MR. CELLI:** We're going to ask your client
22 that, Mr. Bopp.

23 **MR. BOPP:** Okay. You don't know. Okay.

24 (Recording played from 2:17 to 2:17 p.m.)

25 **BY MR. CELLI:**

1 Q Okay. So that's you, right, Ms. Greene?

2 A Yes, that's me.

3 Q And when you say "We can't allow it; we
4 can't just let it go," the "it" in that phrase is to
5 have Joe Biden declared the winner of the 2020
6 presidential election.

7 A You are showing a video where it doesn't
8 give us any reference beforehand and it doesn't give
9 us any reference afterwards, so it's not really my
10 complete -- it's hard to get an understanding of what
11 I was saying.

12 Q Okay. So you -- your answer is you don't
13 know what you were referring to.

14 A I -- I don't. We're -- we are watching a
15 partial video and a partial statement of -- of clearly
16 an interview I was doing. I don't know what date it
17 was on, and it's definitely off someone else's Twitter
18 or Facebook. I can't see it from here.

19 Q Well, that's you saying you can't allow it
20 to transfer power peacefully like Joe Biden wants and
21 allow him to become our president because he did not
22 win this election. That's you saying that, right?

23 A That's the partial statement of -- on that
24 video.

25 Q Okay.

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MR. CELLI: Can -- can we pull up --

THE ADMINISTRATIVE LAW JUDGE: Did we see the whole thing?

MR. CELLI: We can run the rest of it if you like.

THE ADMINISTRATIVE LAW JUDGE: Let's see the whole thing.

MR. CELLI: Sure. And there's another one on top of it. So we'll watch two.

THE ADMINISTRATIVE LAW JUDGE: Well, you said they're different. I want to be sure that we -- she has an opportunity to see what the difference is.

MR. CELLI: Can I make a suggestion, Your Honor?

THE ADMINISTRATIVE LAW JUDGE: Yes.

MR. CELLI: Let's go back to the beginning of this one.

THE ADMINISTRATIVE LAW JUDGE: Yeah.

MR. CELLI: And then we'll play it all the way through.

THE ADMINISTRATIVE LAW JUDGE: That'll be a good -- I agree. Let's do that.

(Recording played from 2:19 to 2:20 p.m.)

MR. CELLI: Is that where it ended? It just

1 sort of cut off there?

2 **MS. WELLS:** Yeah, it is.

3 **MR. CELLI:** Okay. Let's -- let's show the
4 witness PX-12.

5 (Petitioners' Exhibit 12 identified.)

6 **MR. CELLI:** Let me -- hold off on that for
7 one second.

8 **BY MR. CELLI:**

9 **Q** This video that we just saw, which we've
10 marked as Plaintiffs' 66, that's a video that you made
11 in anticipation of objecting to the electoral college
12 count in favor of Joe Biden, right?

13 **A** I don't know. It -- I don't see a date.
14 It's not from my specific Facebook page. It appears
15 to be on someone else's.

16 **MR. CELLI:** Let's see the other video.
17 Twelve.

18 (Image displayed on screen.)

19 **THE ADMINISTRATIVE LAW JUDGE:** And where's
20 this one from?

21 **MR. CELLI:** This is also -- it's the same
22 thing. It was taken, I believe, off of the --
23 the video -- off the Facebook page of the
24 client -- of the congresswoman, but let's ask
25 her.

1 **THE ADMINISTRATIVE LAW JUDGE:** But where'd
2 -- where did y'all get it?

3 **MR. CELLI:** Where did we get this, Sam?

4 **MR. SHAPIRO:** It's -- it's off the
5 Facebook -- of the Republican Accountability
6 Project.

7 **THE ADMINISTRATIVE LAW JUDGE:** Okay. So
8 this is a secondary source?

9 **MR. CELLI:** Yes.

10 **THE ADMINISTRATIVE LAW JUDGE:** It was copied
11 and -- but that's where you got it from.

12 **MR. CELLI:** Yes.

13 **THE ADMINISTRATIVE LAW JUDGE:** So this is a
14 different version.

15 **MR. CELLI:** Correct.

16 **THE ADMINISTRATIVE LAW JUDGE:** Okay. Do you
17 want to go ahead and play it?

18 **MR. CELLI:** Hold on one second. This one is
19 also admitted into evidence, Your Honor.

20 **THE ADMINISTRATIVE LAW JUDGE:** For what it's
21 worth.

22 **MR. CELLI:** For what it's worth.

23 (Recording played from 2:21 to 2:22 p.m.)

24 **BY MR. CELLI:**

25 **Q** Now that you've seen that clip,

1 Representative Greene, do you agree that this is a
2 video that you created in anticipation of objecting to
3 the electoral college vote on January 6th?

4 **A** This video on the Democrat leftist PAC
5 Republican Accountability Group that looks to be
6 chopped up and spliced? That video? That's not my
7 full video.

8 **Q** Listen to my question.

9 **A** It's -- yes.

10 **Q** The words that are shown, you -- that you're
11 speaking on the screen --

12 **A** Uh-huh.

13 **Q** -- those are things that you were talking
14 about in anticipation of objecting to the electoral
15 college count vote on the Floor of Congress, right?

16 **A** The only thing I was working on was
17 objecting. But, again, that's a cut-and-spliced
18 video.

19 **Q** And when you said, "We're organizing an
20 effort to object to the college -- electoral college
21 votes," on video, the "we" were members of Congress,
22 right?

23 **A** Well, members of Congress are the only ones
24 that can object. That's -- that's part of our
25 ability. That's what we're allowed to do lawfully.

1 **Q** Right. Exactly. And making objections is,
2 in fact -- by members of Congress is part of the
3 lawful transfer of power, right?

4 **A** Objecting is part of the electoral count
5 process. Democrats did it. With the past three
6 Republican presidents that were elected, they
7 objected. And I'm -- I'm sure there was a lot of
8 planning that went into that and discussion. We put a
9 lot of planning, a lot of work into it. And, as you
10 can see, we talked about it.

11 **Q** So when you were talking about "We can't
12 allow it to happen, we can't just let it go, you can't
13 allow it to transfer power peacefully like Joe Biden
14 wants and allow him to become our president because he
15 didn't win," you weren't talking about objections on
16 the Floor of Congress, were you?

17 **A** What I -- I believe what I was referencing
18 is we can't allow the -- the electoral count to happen
19 without objecting, that I felt it was our dutiful
20 responsibility to object on behalf of the large amount
21 of voter fraud and the people who truly felt like that
22 there was big problems in our elections.

23 **Q** And you test -- you're testifying under oath
24 that that's what you meant when you said, "You can't
25 allow it to transfer power peacefully like Joe Biden

1 wants and allow him to become our president," that
2 that was in reference to --

3 **A** Without objecting.

4 **Q** -- debates on the Floor.

5 **A** Without objecting.

6 **Q** Of course, you don't say anything in that
7 part of the video about objections on the Floor of the
8 Congress, right? Would you like to see it again?

9 **A** I believe the video -- I said objecting.

10 **Q** But in the sentence where you said, "You
11 can't allow it to transfer power peacefully like Joe
12 Biden wants and allow him to become our president
13 because he didn't win the election," you don't say
14 anything in that sentence about objections on the
15 Floor of Congress.

16 **A** Sir, we just saw two videos that are cut and
17 clipped and they don't -- my sentences aren't even
18 completed. I think the first video started with me
19 saying "and," meaning it was starting into partially
20 something I was already saying. What I was -- from
21 the video and my recollection from watching them just
22 then, it was talking about objecting.

23 **Q** One of the things that you say in these
24 videos is that you -- you call upon people to come to
25 Washington on January 6th, right?

1 **A** I don't -- did I in -- I -- I don't remember
2 every single word that we just watched.

3 **Q** Let's -- let's look at it again. I think
4 P-12 is the one that includes that.

5 (Recording played from 2:26 to 2:26 p.m.)

6 **MR. CELLI:** Stop it.

7 **BY MR. CELLI:**

8 **Q** So in that segment, Representative Greene,
9 you're asking people to come to Washington on
10 January 6th.

11 **A** In this video which I saw jump three times,
12 which means it's been cut and spliced, yes, I did talk
13 about people coming there to support our objection
14 peacefully, support our objection, support President
15 Trump.

16 **Q** How did you know that there might be a
17 million or more people coming to Washington on
18 January 6th? Did you just make that up or did
19 somebody tell you that?

20 **A** I believe those were the numbers being
21 talked about at the time.

22 **Q** By whom?

23 **A** The media, just different --

24 **Q** People who were --

25 **A** -- sources.

1 Q -- planning the demonstrations?

2 A I have no idea. I think I saw that on the
3 news.

4 Q And what you said is it's critical for
5 everyone to show up, right? That's what we saw.

6 A Supporting -- yeah, peacefully supporting
7 our objection. That's the only thing I was interested
8 in doing and planning is objecting.

9 Q Now, the last thing you say on the video is:
10 We aren't a people that are going to go quietly into
11 the night. Do you recall that part?

12 A Yes.

13 Q Now, that phrase, "We aren't a people that
14 are going to go quietly into the night," that's not
15 something that you came up with on your own, is it?

16 A I have no idea what you mean.

17 Q Well, that's something that you borrowed
18 from a movie script, right?

19 A I don't know what you're talking about.

20 Q You borrowed that line from the movie,
21 *Independence Day*, right?

22 A No.

23 MR. CELLI: Let's go to the videotape,
24 Ms. Wells.

25 THE WITNESS: Oh my goodness.

1 **UNIDENTIFIED SPEAKER:** Andy, we need the
2 time stamp.

3 **MR. CELLI:** Oh, the time stamp is one oh
4 eight to one forty-four. Hold on, one second.

5 **BY MR. CELLI:**

6 **Q** You've seen the movie, *Independence Day*,
7 right?

8 **A** I've seen it before, yes.

9 **Q** It's a great movie, right?

10 **A** I think it's probably a great movie. I
11 haven't watched movies in a long time, but from what I
12 remember, it's a great movie.

13 **Q** This is the one about the aliens who come to
14 the world and then there's a big battle on July 4th to
15 ward them off, right?

16 **A** You are giving us quite the entertainment
17 today. Thank you.

18 **Q** Okay. And there's a scene in that movie
19 where the president -- the guy who's playing the
20 president of the United States -- addresses the
21 fighter pilots who are about to go into battle against
22 the aliens. Remember that scene?

23 **A** I do not remember, no --

24 **Q** Well, we're going to have a look at it.

25 **A** -- but I'm sure you're going to show us.

1 Q Yeah.

2 MR. BOPP: Can we see the whole thing?

3 THE WITNESS: Yeah, can we watch the whole
4 movie?

5 MR. BOPP: Great movie.

6 (Recording played from 2:28 to 2:28 p.m.)

7 BY MR. CELLI:

8 Q Great -- great scene, right?

9 A Yeah, that was a great scene.

10 Q And the phrase the actor uses there is "We
11 will not go quietly into the night." You heard that.

12 A Heard it just now, yes.

13 Q And that's the exact phrase that you use in
14 the video that we saw that was the previous exhibit:
15 We aren't the people that are going to go quietly into
16 the night.

17 A I don't view courtrooms and politics as
18 Hollywood like you do. That is not the first person,
19 I'm sure, that said that and won't be the last. And I
20 don't recall getting any inspiration from this
21 Hollywood movie like you're suggesting.

22 Q So you were not communicating in referencing
23 that film that January 6th was going to be a new kind
24 of independence day.

25 A All I was talking about is objecting and

1 standing up for people's votes in our elections.

2 **Q** By the way, Independence Day is July 4th,
3 right?

4 **A** Yes.

5 **Q** It's July 4th of 1776, right?

6 **A** That's right.

7 **MR. CELLI:** Your Honor, this might be a good
8 time to break if you -- if we're on schedule.

9 **THE ADMINISTRATIVE LAW JUDGE:** How -- well
10 --

11 **MR. CELLI:** I've got a pretty short piece
12 left, but it's up to you.

13 **THE WITNESS:** I don't need a break.

14 **THE ADMINISTRATIVE LAW JUDGE:** Let's keep
15 going.

16 **MR. CELLI:** Great.

17 **THE ADMINISTRATIVE LAW JUDGE:** I mean,
18 again, I mean, if we're talking, you know, thirty
19 minutes. If we're talking two hours ...

20 **MR. CELLI:** Yeah. No, I don't think it's
21 two hours.

22 **BY MR. CELLI:**

23 **Q** Ms. Greene, did you advocate to President
24 Trump to impose martial law as a way to remain in
25 power?

1 **A** I don't recall.

2 **Q** So you're not denying you did it. You just
3 don't remember.

4 **A** I don't remember.

5 **Q** And do you agree that the storming of the
6 Capitol on January 6th is something that you're --
7 that's despicable?

8 **A** Yes.

9 **Q** Okay.

10 **A** I was very unhappy about it.

11 **Q** Now, we talked earlier about a fellow named
12 Anthony Aguero, right?

13 **A** You brought up Anthony Aguero earlier, yes.

14 **Q** Right. And he's somebody who you know, yes?

15 **A** Yes.

16 **Q** And he's somebody who you've spent a fair
17 amount of time with. Is that fair?

18 **A** Not much time, no.

19 **Q** He's a friend of yours.

20 **A** Someone that I do know, yes.

21 **Q** And you consider him a friend.

22 **A** Someone I hardly ever talk to, but someone I
23 have known for a few years.

24 **Q** Okay. And he is a friend of yours, right?

25 **A** A distant friend. Someone I know.

1 **Q** Okay. He refers to you as one of his
2 closest friends. You've heard that, right?

3 **A** I have not.

4 **Q** Okay. And you refer to him as amazing,
5 right?

6 **A** He does a lot of great work down at the
7 border, showing the illegal invasion constantly
8 happening at our southern border. I think that's
9 amazing, the footage that he shows and exposes.

10 **Q** Okay. And you know that Mr. Aguero entered
11 the Capitol, the U.S. Capitol, on January 6,
12 2001(sic), right?

13 **A** I had heard that sometime after January 6th.

14 **Q** And you've seen a picture of him in the
15 middle of the crowd in the Capitol Rotunda on
16 January 6, 2021.

17 **A** No, I have not seen that picture.

18 (Petitioners' Exhibit 13(b) identified.)

19 **MR. CELLI:** Let's have a look at PX-13(b),
20 please.

21 (Image displayed on screen.)

22 **MR. CELLI:** Can you make that a little bit
23 bigger?

24 **BY MR. CELLI:**

25 **Q** Representative Greene, is that man in the

1 red circle on the left of our exhibit, 13(b), is that
2 Mr. Aguero?

3 **A** I don't know. I can't really tell.

4 **Q** If I told you that it was reported that that
5 was Mr. Aguero and he acknowledged that publicly,
6 would that help you discern that that's who that is?

7 **A** I -- I don't really buy a whole lot of what
8 you say. You've been using CNN and Mother Jones and
9 other terrible sources as your sources and showing
10 Hollywood movies. So ... but that's what you're
11 trying to say now. But I -- I don't know if that's
12 him or not.

13 **Q** I'm just asking whether if I suggested to
14 you that he's acknowledged publicly that that's him in
15 the Capitol Rotunda, would that help you identify him
16 as your friend Mr. Aguero?

17 **A** I don't see your evidence of him
18 acknowledging that that's him.

19 **Q** Okay. I think we can probably do something
20 with that.

21 **MR. CELLI:** Can I see 13, please.

22 (Image displayed on screen.)

23 **BY MR. CELLI:**

24 **Q** I think I have it here. If I showed you
25 something from CNN, you probably wouldn't accept it as

1 authentic, would you?

2 **A** (nonverbal response)

3 **Q** I think we've established that today. We'll
4 move on.

5 Have you spoken to Mr. Aguero since
6 January 6th?

7 **A** I don't recall speaking to him, no.

8 **Q** Or communicate with him in any way? Text?
9 E-mail?

10 **A** No, I don't recall. No.

11 **Q** And did you communicate with Mr. Aguero at
12 any point prior to January 6th about the plans for a
13 demonstration in Washington on January 6th?

14 **A** No, I didn't. Now, did he have press
15 credentials? I know -- I mean, there was a lot of
16 press in there. And that's the job that he does with
17 a -- a border media company that he -- he works with.
18 So I -- I have no idea about what -- I have no clue
19 about it.

20 **Q** Okay. Were you aware that he was going to
21 be in his capacity, I guess, as a member of the press
22 present on January 6th in Washington for the
23 demonstrations that were planned?

24 **A** No, I was not aware.

25 **Q** Okay. Did he communicate with any member of

1 your staff in any way -- by text or e-mail, cell
2 phone -- about the fact that he may be coming to
3 Washington on the sixth?

4 **A** Uh-uh. Not to my knowledge, no.

5 **Q** Did you ever discuss with Mr. Aguero the
6 idea that on January 6th as part of the demonstration
7 the U.S. Capitol was going to be flooded by people?

8 **A** No. Because the only thing -- I was working
9 on objecting and had no expectation of anything that
10 happened on January 6th.

11 **Q** Well, you knew there were going to be
12 demonstrations, right?

13 **A** I knew there was a peaceful march planned.

14 **Q** On January 6th itself, were you in contact
15 with anyone who was involved in what you've described
16 as the peaceful march that occurred that day?

17 **A** No.

18 **Q** Was anybody from your staff, congressional
19 staff or your campaign staff, in touch by cell phone,
20 text, e-mail with anybody who was involved in the
21 day's demonstrations?

22 **A** Not of my knowledge.

23 **Q** At any time on January 6th, did you disclose
24 to anyone outside the Capitol your location in the
25 Capitol during that day's events?

1 **A** I texted my family and told them I was safe.

2 **Q** Anybody other than family?

3 **A** No.

4 **Q** When on January 6th did you first learn that
5 people were entering the United States Capitol
6 unlawfully that day?

7 **A** When we were in the House Chamber. We were
8 starting the electoral count and we went on lockdown.
9 And -- and that's when I first learned of it. I was
10 shocked.

11 **Q** And do you know what time of day that was?

12 **A** I don't know the exact time.

13 **Q** And when you went on lockdown, as you
14 describe it, why don't -- why don't you tell us what
15 that meant, what you were -- what you mean by that.

16 **A** They had to lock all the doors and the House
17 Chamber. And they told us that -- that it was on
18 lockdown and that we could choose to leave or stay
19 inside, and it would be safer inside. And so I stayed
20 inside.

21 **Q** And when you say "stayed inside," where did
22 you stay?

23 **A** Inside the House Chamber.

24 **Q** And during that time that you were on -- in
25 lockdown, as you put it, on the House Floor, you said

1 you were in touch with your family to tell them you
2 were safe?

3 **A** Not at that time, no.

4 **Q** Okay. When did that happen in the day?

5 **A** Sometime later, after we were evacuated.

6 **Q** And where were you evacuated to?

7 **A** I can't disclose that location.

8 **Q** Some -- somewhere in the Capitol?

9 **A** Uh-huh.

10 **Q** And when you were in that other location in
11 the Capitol, I presume that would be a secure
12 location; is that right?

13 **A** Yes.

14 **Q** Did you have any communication -- either by
15 phone, by text, some other way -- with anybody who was
16 outside the room, outside the secure location you were
17 in --

18 **A** Not --

19 **Q** -- other than your family?

20 **A** Not that I recall, no.

21 **Q** And when you were notified that people had
22 entered the Capitol illegally, did you also understand
23 at that point that there had been violence at the
24 Capitol?

25 **A** I only knew what I was told. I'd heard --

1 I'd heard a gunshot. We all heard it. And we were so
2 confused. We thought antifa was breaking in or BLM
3 because of -- those were the riots that had gone on
4 and on all throughout 2020, day in and day out, just
5 horrible riots all over the country. And that was the
6 only thing that made sense to most of us.

7 **Q** What do you mean by "BLM"?

8 **A** BLM rioters.

9 **Q** Is that an acronym for something?

10 **A** Black Lives Matter rioters. The rioters
11 that were attending the Black Lives Matter protest.

12 **Q** To your knowledge has anybody connected with
13 the Black Lives Matter movement or the antifa
14 movement, as you say, been subject to arrest or
15 charged in connection with the January 6th events?

16 **A** I don't -- I don't know actually. I know
17 they were arrested all over the country, much through
18 2020, and over 95 percent of them had their charges
19 dropped, unlike January 6th rioters that are still in
20 jail. Some of them. Pretrial.

21 **MR. CELLI:** Could I have a few moments to
22 consult and then I think I may be done.

23 **THE ADMINISTRATIVE LAW JUDGE:** Sure.
24 Just -- yeah. We don't -- we don't need a break,
25 do we?

1 **MR. FEIN:** Five minutes.

2 **MR. CELLI:** Five minutes would be great.

3 **THE ADMINISTRATIVE LAW JUDGE:** Okay. You
4 want a five-minute break. We'll -- if y'all want
5 to step out, that might be easier for everybody
6 else.

7 **MR. CELLI:** Yeah, (indiscernible).

8 **THE ADMINISTRATIVE LAW JUDGE:** I think
9 there's a room next door you can probably duck
10 into. That spares everybody having to go and
11 come.

12 (Pause in proceedings as Petitioners'
13 counsel left the courtroom from 2:42 to 2:47
14 p.m.)

15 **MR. CELLI:** Your Honor, can we approach for
16 a moment?

17 **THE ADMINISTRATIVE LAW JUDGE:** Certainly.
18 Mr. Bopp?

19 Now, this is hot. Do we need to go
20 somewhere we can't be heard?

21 (Bench conference held at the bench out of
22 the presence of the court reporter.)

23 **MR. CELLI:** Thank you for your patience,
24 Representative Greene, Your Honor.

25 **BY MR. CELLI:**

1 **Q** In the previous discussion, I had asked
2 about what we've marked as Plaintiffs' Exhibit 27,
3 which is the Newsmax clip, you recall, that we showed
4 you. You remember that, right?

5 **A** The one we've already watched?

6 **Q** The one we've already watched. And I asked
7 you whether you recall that you posted that Newsmax
8 clip on your Facebook page.

9 **A** I don't recall what was posted on my
10 Facebook page. I don't make all of my Facebook posts.

11 **Q** Fair enough. Let's -- let's --
12 (Image displayed on screen.)

13 **THE ADMINISTRATIVE LAW JUDGE:** Explain what
14 this is.

15 **MR. CELLI:** Yeah.

16 I'd like to -- I'd like to show you this.
17 This is a live version of your congressional
18 campaign Facebook page as it sits there today.
19 And what we have is the clip that we had
20 separated in the previous testimony.

21 And I'd like to play that for you just to
22 see if you will acknowledge that that clip is now
23 available on your Facebook page.

24 (Recording played from 2:53 to 2:53 p.m.)

25 **BY MR. CELLI:**

1 **Q** Ms. Greene, that's up on your Facebook page
2 today, right?

3 **A** If it's -- if that's there, then, yes, it's
4 on there.

5 **Q** Right. And that's been posted since
6 January 5, 2021; correct?

7 **A** I don't -- I didn't post it, but if that's
8 when, then that's when it was posted.

9 **Q** Things that are posted on your Facebook page
10 are posted with your authorization and permission,
11 right?

12 **A** I do not view things that are posted before
13 they're posted.

14 **Q** That wasn't my question. My question was if
15 it was posted on your page, that's something that you
16 authorized and permitted whether you viewed it in
17 advance or not.

18 **A** I -- I think if I'm authorizing, I would
19 view it in advance before it's posted.

20 **Q** Well, no one -- no one put that up on your
21 Facebook page without authorization from you in some
22 sense, right?

23 **A** I don't recall authorizing, but you have to
24 understand as a member of Congress we have staff and
25 many people that post interviews and so forth on our

1 social media for us.

2 Q If we could make it a little bit larger, if
3 you look in the top right, you'll see there's a
4 message, Ms. Greene. If we can make that larger.

5 January 5, 2021 -- that's a comment that you
6 posted on your own Facebook page -- this is our 1776
7 moment, right?

8 A That is my campaign Facebook page.

9 Q Right. And that was posted, as it says, on
10 January 5, 2021; correct?

11 A That's what it says.

12 Q Okay. I'm going to ask about a couple of
13 other things. Prior to the inauguration in 2021, did
14 you advocate for martial law with the President of the
15 United States --

16 A I don't recall.

17 Q -- President Trump?

18 A I don't recall.

19 Q You know President Trump, right?

20 A Yes.

21 Q Yeah. He's supported you politically,
22 right?

23 A Yes.

24 Q And obviously a very important person in
25 general, right?

1 **A** Yes. The forty-fifth president of the
2 United States --

3 **Q** And you -- you had --

4 **A** -- I'd consider that very important.

5 **Q** -- a number of meetings with him, right?

6 **A** Yes.

7 **Q** And you had meetings with him between the
8 election in 2020 and January 20th of 2021, right?

9 **A** Yes.

10 **Q** And in those meetings, you discussed with
11 him your advocacy for the idea that there should be
12 martial law declared in the United States.

13 **A** No, I don't recall ever discussing that.

14 **Q** Are you saying it didn't happen, or you're
15 saying you don't know one way or the other?

16 **A** I don't recall ever discussing that.

17 **Q** Did you discuss that topic? The idea that
18 there should be martial law declared in the United
19 States prior to the inauguration of President Biden --

20 **MR. HILBERT:** Your Honor, I'm going to have
21 to object. I actually represent the president of
22 the United States and that's covered by executive
23 privilege. She can't get into any of his
24 conversations.

25 **MR. CELLI:** Executive privilege? She's not

1 a member of the executive.

2 And this counsel is here on her behalf, not
3 on Mr. Trump's behalf unless there's something I
4 missed.

5 It's not a proper objection, Your Honor.

6 **THE ADMINISTRATIVE LAW JUDGE:** Excuse me.
7 Go -- I'm sorry, I got flustered. What was the
8 question again?

9 **MR. CELLI:** The question was whether prior
10 to the inauguration of Joe Biden, Ms. Greene,
11 whether you ever advocated for martial law to be
12 imposed in a conversation with the chief of staff
13 of then-President of the United States Mr. Trump.

14 **THE ADMINISTRATIVE LAW JUDGE:** You can
15 answer the question.

16 **THE WITNESS:** I don't recall.

17 **THE ADMINISTRATIVE LAW JUDGE:** Thank you.

18 **BY MR. CELLI:**

19 **Q** Did you ever advocate for martial law prior
20 to the inauguration of Mr. Biden with any member of
21 the White House staff that was part of the Trump
22 Administration?

23 **A** I don't recall.

24 **Q** Are you aware of any other congressional --
25 elected congressional representatives advocating for

1 martial law to stop the peaceful transfer of power
2 before the inauguration of Mr. Biden?

3 **A** I don't remember.

4 **Q** Do you regard the people who were arrested
5 and charged in connection with the January 6th events
6 as Patriots?

7 **A** I -- I don't -- I don't think them being
8 arrested and charged on January 6th affects the fact
9 that they're Patriots or not.

10 **Q** Right. So you do regard them as Patriots.

11 **A** Yeah. Some of them are veterans. Yes, some
12 of them definitely are Patriots.

13 **Q** Okay.

14 **MR. CELLI:** Can we have PX-60 and PX-40.
15 (Petitioners' exhibits 60 and 40
16 identified.)

17 **THE ADMINISTRATIVE LAW JUDGE:** Which one is
18 this? PX-60?

19 **MR. CELLI:** Yes, this is Plaintiff's 60.
20 (Image displayed on screen.)

21 **BY MR. CELLI:**

22 **Q** Ms. Greene, I've placed in front of you what
23 we've marked as Petitioners' Exhibit 60 which is a
24 story that appeared in the *Washington Post* on
25 January 5, 2021. Did you read that story in the

1 *Washington Post*?

2 **A** I don't think I've read this one.

3 **Q** Do you recall hearing that the *Washington* --
4 prior to January 6th, did you recall hearing the
5 *Washington Post* was reporting that there were concerns
6 that there were going to be violence in -- there was
7 going to be violence in Washington on January 6th?

8 **A** I -- I -- I had not heard that. I heard no
9 threats of violence that I remember at all for
10 January 6th.

11 **Q** Okay.

12 **MR. CELLI:** Can we also look at PX-40.

13 (Image displayed on screen.)

14 **BY MR. CELLI:**

15 **Q** Ms. Greene, I'm going to show you this.
16 Ms. Greene, I placed before you a January 5, 2021
17 article entitled "Violent Threats Ripple Through Far
18 Right Internet Forums Ahead of Protest." This is a
19 article that appeared in NBC News on the 5th.

20 Do you recall reading that NBC was reporting
21 that there were violent threats that were expected to
22 occur on January 6th and that they reported that on
23 the 5th of January?

24 **A** Sir, we were really busy just preparing to
25 object on the sixth. I -- I don't recall that news

1 report.

2 Q Have you read this news report before?

3 A Not until you placed it in my hand.

4 Q Okay. Probably didn't have much time to
5 read it.

6 A No.

7 MR. CELLI: Let me consult for one minute.

8 (Counsel conferred with cocounsel.)

9 BY MR. CELLI:

10 Q One last thing, Ms. Greene. You told us
11 early in the day that you were suspended from your
12 Twitter account or permanently taken off Twitter; is
13 that right?

14 A Permanently banned.

15 Q Banned. You're not banned from Facebook,
16 though, right?

17 A No.

18 Q We saw your live Facebook page just a couple
19 of minutes ago, right?

20 A You pulled that up. Yes, you did.

21 Q And on your Facebook page, you have directed
22 that certain videos be removed from the Facebook page,
23 right?

24 A I don't recall.

25 Q One of the videos that you had removed was

1 the one from February of 2019 where it talked about a
2 sea of people and flooding the Capitol and violence in
3 the Capitol in connection with the "Fund the Wall"
4 matter, right?

5 **A** I don't know what you're referring to.

6 **Q** You had your staff take that one down,
7 didn't you?

8 **A** I don't refer -- I don't know what you're
9 referring to.

10 **Q** Facebook never ordered you to take any video
11 off your Facebook page, did they?

12 **A** I don't recall.

13 **MR. CELLI:** I have nothing further, Your
14 Honor?

15 **THE ADMINISTRATIVE LAW JUDGE:** Do you want
16 to proceed?

17 **MR. CELLI:** Sure.

18 **THE ADMINISTRATIVE LAW JUDGE:** I mean, do
19 you need a break? Are y'all okay?

20 **THE WITNESS:** Oh, no. I'm doing great.

21 **THE ADMINISTRATIVE LAW JUDGE:** Okay. I
22 mean, again, I don't -- I don't -- if you're
23 ready ...

24 **MR. BOPP:** We will not take long and I
25 assume we can have a break to get ready for our

1 final argument.

2 **THE ADMINISTRATIVE LAW JUDGE:** Yeah.

3 That'll be great. That'll be perfect. Thank
4 you.

5 R E D I R E C T E X A M I N A T I O N

6 **BY MR. BOPP:**

7 **Q** Representative Greene, I want to take you
8 back to January 6th. You've already testified that --
9 that you were in lockdown in the House Chambers.
10 And --

11 (The court reporter requested that counsel
12 speak louder.)

13 **THE ADMINISTRATIVE LAW JUDGE:** Oh, I'm
14 sorry. Oh, you need him to speak up. Sorry.

15 **BY MR. BOPP:**

16 **Q** You've already testified that you were in
17 lockdown in the House Chambers.

18 **A** Yes.

19 **Q** And did you have an opportunity to do a
20 video?

21 **A** Yes, I did.

22 **Q** And a tweet accompanying that video?

23 **A** Yes.

24 **Q** And about what time did that occur on
25 January 6th?

1 **A** I believe it was around 2:30 in the
2 afternoon.

3 **Q** And where were you when the video was --
4 when you took the video?

5 **A** I was inside the House Chamber and we had
6 gone on lockdown. And it was after I had learned that
7 there had been some violence outside the Capitol and
8 someone had been shot. And there was just pe -- we
9 were only told there were people inside the Capitol.

10 And I got very concerned because at that
11 time I was confused. I was so confused. I was
12 shocked. I'd never been in anything violent before or
13 any kind of situation like that and I was really
14 scared. And I went inside the cloakroom, inside the
15 House Chamber in the Republican cloakroom, into one of
16 the phone booths where you can go to make a phone call
17 or anything. I went inside there and I made a video
18 telling people to be peaceful, not to be violent,
19 and -- and just giving out a message. And I tweeted
20 that video from the Republican cloakroom.

21 **Q** Did you know at that time who was attacking
22 the Capitol?

23 **A** No, I didn't know. There were -- there
24 was -- people were saying different things. We mostly
25 thought that it was antifa dressed up as Trump

1 supporters. That was the first thing we were told.
2 We -- we had no idea. I was in the cloak room.
3 Couldn't see the news. I just knew that we were on
4 lockdown and -- and they said -- by that point, they
5 said: You cannot leave. You have to stay in here.

6 (Respondent's Exhibit 1 identified.)

7 **BY MR. BOPP:**

8 **Q** I'm going to show you what's marked as R-1.
9 It's the tweet. And I don't know if that -- I think
10 we just have the video on -- electronically. So ...

11 **THE ADMINISTRATIVE LAW JUDGE:** This has
12 already been admitted?

13 **MR. BOPP:** Yes.

14 **THE ADMINISTRATIVE LAW JUDGE:** All right.

15 (Counsel hands document to the witness.)

16 **BY MR. BOPP:**

17 **Q** Is this your tweet? Is this your face?

18 **A** Yes.

19 **Q** And for -- did you say in this tweet: A
20 message from the capitol: Be safe, be smart, be
21 peaceful, obey the laws. This is not a time for
22 violence. This is a time to support President Trump
23 and support election integrity. God bless.

24 **A** Yes.

25 **MR. BOPP:** Would you show the video, please?

1 R-1.

2 **THE ADMINISTRATIVE LAW JUDGE:** Somebody got
3 that set up?

4 **MR. BOPP:** I don't see Devin. He was
5 setting it up yesterday.

6 **THE ADMINISTRATIVE LAW JUDGE:** Oh.

7 **MR. CAPRARO:** Mr. Hamilton said he would
8 play it here today.

9 **THE ADMINISTRATIVE LAW JUDGE:** Dominic -- we
10 have to wait a sec, sorry. I don't see him here
11 in the courtroom.

12 **MR. BOPP:** Yeah, Devin was -- set it up
13 yesterday or maybe the day before. I'm sorry I
14 didn't give you -- him warning.

15 **THE ADMINISTRATIVE LAW JUDGE:** Of course.
16 Everybody's here until you need them. I think
17 that's a universal rule of life.

18 **MR. BOPP:** We had a thumb drive delivered,
19 Your Honor, yesterday or the day before.

20 **THE ADMINISTRATIVE LAW JUDGE:** I know. I
21 apolo -- technology.

22 **MR. BOPP:** Yeah.

23 **THE ADMINISTRATIVE LAW JUDGE:** I mean, I
24 have -- this may be it. I have ...

25 **MR. CAPRARO:** That's it.

1 **THE ADMINISTRATIVE LAW JUDGE:** Is that it?
2 I mean, I guess it's safe. It's been in my
3 custody.

4 You know -- again, I don't know where he is.
5 And you do not want to be touching a computer. I
6 can assure you of that.

7 I think this is -- I think this is it.

8 (The Court conferred with I.T.)

9 **THE ADMINISTRATIVE LAW JUDGE:** Well, we'll
10 take five minutes.

11 **MR. BOPP:** Okay.

12 **THE ADMINISTRATIVE LAW JUDGE:** I mean, you
13 know, people are not going to leave and come back
14 in five minutes.

15 It's going to take a minute to set it up.
16 Sorry.

17 **MR. BOPP:** Okay. I thought it was already.

18 **THE ADMINISTRATIVE LAW JUDGE:** It's all
19 right.

20 (Pause in proceedings from 3:07 to 3:13
21 p.m.)

22 **THE DEPUTY:** Quiet in the courtroom.

23 **MR. BOPP:** Can you start it over?

24 **THE ADMINISTRATIVE LAW JUDGE:** We can start
25 it over, yeah.

1 (Recording played from 3:16 to 3:17 p.m.)

2 **BY MR. BOPP:**

3 **Q** Representative Greene, is that you?

4 **A** Yes.

5 **Q** As I look at your face and hear your voice,
6 I think you're scared.

7 **MR. CELLI:** Objection. This is -- this is
8 not for Mr. Bopp to testify about his feelings.

9 **BY MR. BOPP:**

10 **Q** What was your feelings at that time?

11 **A** I -- I was scared. I was very scared. I
12 was concerned. I was shocked, shocked, absolutely
13 shocked. Every time I said we're going to fight,
14 we're -- it was all about objecting and, to me, that
15 was the most important process of the day.

16 And I -- I had no idea what was going on.
17 And I just didn't want anyone to get hurt. I didn't
18 want to see anything terrible happen. And it was --
19 it was very upsetting. I was very, very upset when I
20 made that video.

21 **Q** And you've been on the stand for several
22 hours here, during direct examination, and they showed
23 you multiple tweets and multiple videos. Did they
24 show you that video?

25 **A** No, they didn't. They didn't show that one

1 or -- or all the other social media posts that is --
2 have been made on my accounts that I have made or
3 videos I have made where I've always denounced
4 violence and all the videos I've said and speeches
5 I've said of how upset I was about the riot on
6 January 6th and how much I didn't like it and how much
7 I was against it.

8 And even when I went and visited the
9 January 6th defendants -- pretrial defendants in the
10 D.C. jail and I went there to see their conditions
11 because we had heard horrible things about their
12 treatment --

13 **MR. CELLI:** Your Honor, I don't know what
14 this is relevant to. I object.

15 **THE ADMINISTRATIVE LAW JUDGE:** I -- it is
16 not relevant, but -- so I sustain, yes.

17 **MR. BOPP:** In other words, cutting you off
18 is going to be on the question. Thank you.

19 (Respondent's Exhibit 4 identified.)

20 **BY MR. BOPP:**

21 **Q** Now, let me show you what's been admitted as
22 R-4. So this is a transcript of the video. It's been
23 admitted into evidence. And I want you to turn to
24 page 2.

25 And you -- did you say these words: So I

1 urge you to remain calm. I urge you to have a
2 peaceful protest. Make sure everyone is safe and
3 protected. And let's do this in a peaceful manner.
4 This is -- this is not the time for violence. This is
5 a time to support President Trump, support our
6 election integrity, and support our important process
7 that we're going through in Congress where we're
8 allowed to object. So this is -- this is very
9 important. So I urge you to stay calm. Be the great
10 American people that I know you are and just know that
11 we're -- we're in here fighting for you. So God
12 bless, be careful, be safe, and be smart, and obey the
13 law. Thank you.

14 **A** Yes.

15 (Petitioners' Exhibit 1(p) identified.)

16 **BY MR. BOPP:**

17 **Q** I think there's a subsequent tweet that you
18 did, referring to the violence that occurred on
19 January 6th. And it's P-1(p), and I am actually not
20 certain whether that has been admitted or not
21 admitted.

22 **THE ADMINISTRATIVE LAW JUDGE:** Let me look.

23 P-1.

24 **MR. BOPP:** P-1(p).

25 **THE ADMINISTRATIVE LAW JUDGE:** I didn't -- I

1 do not believe it's been admitted.

2 **BY MR. BOPP:**

3 **Q** So, Representative Greene, did you tweet
4 this tweet, if I know what I'm talking about?

5 **A** I don't remember but I see it's my --
6 @MTGreene Twitter account.

7 **Q** Okay. So it went out from your Twitter
8 account, but you don't know if you did it or another
9 member of your staff or another person?

10 **A** I can't recall exactly, but I think I
11 tweeted this one.

12 **Q** Now, this says -- and this -- well, the date
13 is January 12th; is that correct?

14 **A** Yes.

15 **Q** Okay. This tweet says: I proudly stand
16 with Representative Mo Brooks and everything in his
17 statement -- which you've linked to later on.
18 (reading): The unhinged left is out of control and
19 their witch hunt is full of hypocrisy. Democrats are
20 on record for support of violence all year. We did
21 not plan, cause, and denounce -- and that's capital
22 letters, isn't it? -- denounce the January 6th attack.
23 I defend my honor and reputation.

24 So was that the message you sent out on your
25 Twitter account?

1 **A** Yes. It's the same message I've said over
2 and over again about January 6th.

3 **Q** Now, representative -- or excuse me, FBI
4 director Christopher Wray testified before Congress
5 soon after the attack. It was before the Senate on
6 March 2, 2021.

7 And this is R-5, which has been admitted
8 into evidence. And let me show you this.

9 (Respondent's Exhibit 5 identified)

10 **THE ADMINISTRATIVE LAW JUDGE:** Are you
11 moving for the admission of this?

12 **MR. BOPP:** Yeah. I wasn't sure if it had
13 been admitted or not.

14 **THE ADMINISTRATIVE LAW JUDGE:** I don't -- it
15 hasn't. I don't believe this has been admitted.
16 So are you moving to admit it?

17 **MR. BOPP:** Oh, all right. Yes, I am.

18 **THE ADMINISTRATIVE LAW JUDGE:** Any
19 objection?

20 **MR. BOPP:** I move --

21 **MR. CELLI:** No objection, Your Honor.

22 **THE ADMINISTRATIVE LAW JUDGE:** It's in.

23 **MR. BOPP:** -- 1(p).

24 **THE ADMINISTRATIVE LAW JUDGE:** Admitted.
25 (Petitioners' Exhibit 1(p) admitted.)

1 **MR. BOPP:** Thank you.

2 **THE ADMINISTRATIVE LAW JUDGE:** Thank you.

3 **BY MR. BOPP:**

4 **Q** Now, when he testified before Congress on
5 March 2nd, of course, you were a member of Congress,
6 right?

7 **A** Yes.

8 **Q** And he said: I was appalled, like you, at
9 the violence and destruction that we saw that day.
10 He's referring to January 6th.

11 **A** Yes.

12 **Q** (reading) I -- I was appalled that you --
13 he's testifying before Congress, looking at members of
14 Congress -- (reading) our country's elected leaders,
15 were victimized right there in these very halls.

16 Were you a victim of the attack?

17 **A** Yes, I was. I was in the House Chamber when
18 it happened. I had to be evacuated to safety. We
19 were held for hours in a secret location, protected by
20 Capitol police, military members for hours until they
21 cleared the Capitol. Yes, I was a victim of the riot
22 that day.

23 **MR. BOPP:** No further questions.

24 **MR. CELLI:** Your Honor, I believe the
25 testimony has opened the door on the issue of

1 text messages that Representative Greene sent on
2 January 6th during the insurrection.

3 We would call for their immediate production
4 and the ability to have a moment to look at them
5 so that we can examine her on them.

6 **THE ADMINISTRATIVE LAW JUDGE:** I thought
7 she -- I thought the testimony was she did not
8 send any other messages.

9 **MR. CELLI:** No. She's testified that she
10 sent messages to her children and her family.

11 **MR. BOPP:** Those were text messages. Those
12 were not tweets.

13 **THE ADMINISTRATIVE LAW JUDGE:** Oh.

14 **MR. BOPP:** We did not talk about any text
15 messages. That was the controversy over the
16 admission of the text messages which we have not
17 referred to --

18 **THE ADMINISTRATIVE LAW JUDGE:** Right.

19 **MR. BOPP:** -- at all.

20 **MR. CELLI:** Except that Representative
21 Greene referred to it when I asked her if she was
22 in touch with anybody from the -- from that day
23 from the Floor. And she said that she texted her
24 family.

25 **MR. BOPP:** You can't open the door.

1 **THE ADMINISTRATIVE LAW JUDGE:** Hold on.

2 Hold on.

3 **MR. BOPP:** Only I could open the door --

4 **MR. CELLI:** Well -- well ...

5 **THE ADMINISTRATIVE LAW JUDGE:** Let's --

6 **MR. BOPP:** -- okay?

7 **THE ADMINISTRATIVE LAW JUDGE:** Let's --

8 first of all, do you have any questions other
9 than on that topic?

10 **MR. CELLI:** I do and I'm going to preserve
11 that position but I'll move on.

12 **THE ADMINISTRATIVE LAW JUDGE:** I understand.
13 We're going to take a break. It's been a little
14 chaotic for the last few minutes. So --

15 **MR. CELLI:** Representative --

16 **THE ADMINISTRATIVE LAW JUDGE:** -- let's --

17 R E C R O S S - E X A M I N A T I O N

18 **BY MR. CELLI:**

19 **Q** Representative Greene, you -- you mentioned
20 a number of statements that you made after January 6th
21 when you talked about being upset about the fact that
22 there was violence, right?

23 **A** Yes.

24 **Q** Can you point to one press release, tweet,
25 or comment on Facebook prior to January 6th where you

1 use the word "peacefully" in -- in terms of urging
2 people to behave peacefully at the demonstrations that
3 were expected to occur?

4 **A** I would have to look all through my social
5 media, but I'm sure that it's there. I've -- and I've
6 always denounced violence. I denounced those antifa,
7 BLM riots all over the country, over and over, just
8 like I denounced the January 6th riot. Over and over,
9 even --

10 **Q** So -- so you recall that.

11 **A** -- even to the people in jail.

12 **MR. BOPP:** Your Honor, objection.

13 **THE WITNESS:** I told them that it was wrong.
14 I told them in the D.C. jail I did not like what
15 they did but that I'm there because I support
16 their due process rights which is being violated.

17 **BY MR. CELLI:**

18 **Q** Can you point to one video prior to
19 January 6th where you urged people to behave
20 peacefully on January 6th? One time in public that's
21 on video where you said those words?

22 **A** I don't have a computer. I don't have my
23 social media. I didn't -- I didn't remember many of
24 the social media posts that you pulled up and
25 introduced.

1 **Q** I was interested that you answered some
2 questions about FBI director Wray's testimony in -- in
3 Congress. Do you believe the FBI was behind the
4 January 6th violence at the Capitol?

5 **A** I don't know. I certainly think there's a
6 lot to be investigated. We don't know who Ray Epps
7 is, the scaffolding commander. We don't -- the --
8 Governor Whitmer's plot certainly leads to questions
9 about things that happened on January 6th. I think
10 there's a lot of investigations that need to happen.

11 **Q** You -- you've referred to January 6th as a
12 "fedsurrection," right?

13 **A** I'm -- I'm not sure.

14 **MR. CELLI:** Nothing further.

15 **THE ADMINISTRATIVE LAW JUDGE:** Okay.
16 Anything else, Mr. Bopp, before we take our
17 break?

18 **MR. BOPP:** No.

19 **THE ADMINISTRATIVE LAW JUDGE:** Anything
20 else?

21 **MR. CELLI:** No, sir.

22 **THE ADMINISTRATIVE LAW JUDGE:** Okay.

23 **MR. BOPP:** Do they -- do they rest or
24 what --

25 **THE ADMINISTRATIVE LAW JUDGE:** Do you rest?

1 **MR. CELLI:** No. We have -- well, we have an
2 issue that we want to --

3 **THE ADMINISTRATIVE LAW JUDGE:** Oh.

4 **MR. CELLI:** -- consult on, but either we're
5 going to put in the video or we're going to move
6 to closing statements. But the video's been
7 admitted. So it's a timing issue we want to talk
8 about.

9 **THE ADMINISTRATIVE LAW JUDGE:** Okay. All
10 right. All right. So you don't need the
11 witness. She's excused.

12 **MR. CELLI:** That's right. Thank you.

13 **THE ADMINISTRATIVE LAW JUDGE:** Thank you.
14 Thank you, Representative. You are excused.
15 You may step down.

16 (The witness left the stand.)

17 **THE ADMINISTRATIVE LAW JUDGE:** All right.
18 Now, I believe we discussed we would take a break
19 before we go -- what do you want to do,
20 Mr. Celli? I mean, do you want to take a break?
21 I don't know what -- I don't know what you're
22 contemplating. Five minutes or an hour?

23 **MR. CELLI:** Yeah. I think a -- Your Honor,
24 we would appreciate a very short break.

25 **THE ADMINISTRATIVE LAW JUDGE:** Well, let's

1 take fifteen and be back at -- let's be back at a
2 quarter till.

3 **MR. CELLI:** Your Honor, may I ask a
4 question?

5 **THE ADMINISTRATIVE LAW JUDGE:** Yes.

6 **MR. CELLI:** Are we absolutely dedicated to
7 stopping at 4:30? If it went a little longer
8 than that, would that be --

9 **THE ADMINISTRATIVE LAW JUDGE:** I will have
10 to consult with the -- the real powers.

11 **MR. CELLI:** Okay. Only because we want --
12 we're trying to figure out our presentation, the
13 last piece of our presentation. Do we want to
14 close or do we have one more thing. And so it'd
15 be nice to know --

16 **THE ADMINISTRATIVE LAW JUDGE:** Well, we
17 will -- I will consult with Judge Malihi and we
18 will respond when we reconvene.

19 **MR. CELLI:** Thank you.

20 **THE ADMINISTRATIVE LAW JUDGE:** Okay. We're
21 off duty for fifteen minutes.

22 (Break taken from 3:30 to 3:47 p.m.)

23 **THE ADMINISTRATIVE LAW JUDGE:** So,
24 Mr. Celli, before we start, I trust the message
25 got to you --

1 **MR. CELLI:** It did. Thank you.

2 **THE ADMINISTRATIVE LAW JUDGE:** We can -- we
3 can go as long as you need to go.

4 **MR. CELLI:** Very much appreciated. Very
5 much appreciated, Your Honor. Appreciate counsel
6 on the other side as well.

7 **THE ADMINISTRATIVE LAW JUDGE:** Okay. So
8 let's see. Where did we -- you --

9 **MR. CELLI:** So, Your Honor, there are two --
10 two last matters of evidence --

11 **THE ADMINISTRATIVE LAW JUDGE:** Okay.

12 **MR. CELLI:** -- before we rest. We -- we
13 would apply for the -- the entirety of P-1 and
14 P-2, which are the tweets reflected in the
15 ProPublica report and the Lofgren report to be
16 admitted.

17 We believe that Representative Greene's
18 testimony about how her Twitter account was
19 operated, that she authorized tweets to be
20 issued, is -- is sufficient foundation for them
21 to be admitted.

22 And so we would ask that those two sets of
23 the plaintiffs' exhibits be admitted.

24 **THE ADMINISTRATIVE LAW JUDGE:** Mr. Bopp?

25 **MR. BOPP:** Yeah. If they -- well, there's

1 been a lot -- oh my goodness, sorry (standing).

2 It'd have made a lot more sense if we -- if
3 that'd have happened at the time -- at each time
4 because just because it's authenticated doesn't
5 mean it's admissible.

6 **THE ADMINISTRATIVE LAW JUDGE:** Well, that's
7 why I'm asking. What's --

8 **MR. BOPP:** Right.

9 **THE ADMINISTRATIVE LAW JUDGE:** What's your
10 position on this? There were a number of them
11 that we went over and then there were some that I
12 don't believe we went over. And I think there
13 was one you requested to be admitted. So ...

14 **MR. BOPP:** And -- and it was.

15 **THE ADMINISTRATIVE LAW JUDGE:** And it was.

16 **MR. BOPP:** Yes.

17 **THE ADMINISTRATIVE LAW JUDGE:** It was.

18 **MR. BOPP:** I have no objection.

19 **THE ADMINISTRATIVE LAW JUDGE:** All right.
20 The P-1 -- so we're talking about -- so we're now
21 going to -- we're going to take all of the --
22 and, again, just to be -- so I make sure I've got
23 it right, we're looking at basically everything
24 in P-1; is that correct, Mr. Celli?

25 **MR. CELLI:** Yes, that's correct.

1 **THE ADMINISTRATIVE LAW JUDGE:** Okay.
2 They're in.
3 (Petitioners' Exhibit 1 admitted.)
4 **MR. CELLI:** Great.
5 **THE ADMINISTRATIVE LAW JUDGE:** They're in.
6 They're in.
7 **MR. CELLI:** Thank you.
8 And P-2 as well, which --
9 **THE ADMINISTRATIVE LAW JUDGE:** And P-2.
10 **MR. CELLI:** -- is the Lofgren.
11 **THE ADMINISTRATIVE LAW JUDGE:** Now, wait a
12 minute.
13 **MR. BOPP:** The Lofgren?
14 **THE ADMINISTRATIVE LAW JUDGE:** That's a
15 different kettle of fish. What are we talking
16 about? Are you talking about the whole thing?
17 **MR. CELLI:** Yes. These are her social media
18 posts.
19 **MR. BOPP:** I do not object to a social media
20 post. I --
21 **MR. CELLI:** That's all they are.
22 **MR. BOPP:** Well, but there's also -- isn't
23 P-2 the entire report?
24 **MR. CELLI:** Actually --
25 **THE ADMINISTRATIVE LAW JUDGE:** All right.

1 Well -- all right.

2 **MR. CELLI:** Yeah.

3 **THE ADMINISTRATIVE LAW JUDGE:** It looks like
4 this is -- again, let's -- you might want to take
5 a second look at it.

6 **MR. BOPP:** Well, and I -- I have looked
7 at -- at the --

8 **THE ADMINISTRATIVE LAW JUDGE:** Yeah. It
9 looks to me like these -- everything that's in
10 P-2 looks like it is -- there's a cover page.

11 **MR. CELLI:** We're happy to exclude that,
12 Your Honor, if it's easier.

13 **THE ADMINISTRATIVE LAW JUDGE:** Okay.
14 That -- that was my question, what about the
15 cover page.

16 **MR. CELLI:** We'll exclude that from the --

17 **THE ADMINISTRATIVE LAW JUDGE:** All right.
18 So you basically are going to pick up from
19 page 22 of 128 to 128. So 22 --

20 **MR. CELLI:** That's right, Your Honor.

21 **THE ADMINISTRATIVE LAW JUDGE:** Which is just
22 the texts and the tweets and the enclosures.

23 **MR. CELLI:** Exactly, Your Honor.

24 **THE ADMINISTRATIVE LAW JUDGE:** All right.
25 I'm going to admit it unless -- going once, going

1 twice --

2 **MR. BOPP:** And you've -- you've reserved --
3 yes, and I know you reserved ruling on this,
4 whether or not it was authenticated, and, of
5 course, we have made our individual objections --

6 **THE ADMINISTRATIVE LAW JUDGE:** Right.

7 **MR. BOPP:** -- yesterday.

8 **THE ADMINISTRATIVE LAW JUDGE:** All right.

9 **MR. BOPP:** And if that --

10 **THE ADMINISTRATIVE LAW JUDGE:** And they're
11 preserved --

12 **MR. BOPP:** -- satisfies you --

13 **THE ADMINISTRATIVE LAW JUDGE:** And they're
14 preserved.

15 **MR. BOPP:** Yeah.

16 **THE ADMINISTRATIVE LAW JUDGE:** If you
17 want -- you're preserving those. There's no --

18 **MR. BOPP:** Yes, please.

19 **THE ADMINISTRATIVE LAW JUDGE:** -- re -- all
20 right. We're going to preserve the objections.
21 I'm going to admit it.

22 **MR. BOPP:** Thank you.

23 (Petitioners' Exhibit 2, pages 22-128
24 admitted.)

25 **MR. CELLI:** Before we rest, Your Honor, we

1 have one piece -- last piece of evidence which is
2 Plaintiffs' -- I'm sorry, P-73 which is a video.
3 It's fourteen minutes long, Your Honor.

4 (Petitioners' Exhibit 73 identified.)

5 **THE ADMINISTRATIVE LAW JUDGE:** Which one is
6 this?

7 **MR. CELLI:** This is the *Washington Post*
8 video.

9 **THE ADMINISTRATIVE LAW JUDGE:** Didn't I
10 already admit it?

11 **MR. CELLI:** It shows the events of
12 January 6th.

13 **THE ADMINISTRATIVE LAW JUDGE:** Did I not
14 already admit this?

15 **MR. CELLI:** Yes. I think -- it's been
16 admitted.

17 **THE ADMINISTRATIVE LAW JUDGE:** Then why does
18 the audience need to watch that? I can watch it.

19 **MR. CELLI:** That's -- that's fine. We -- we
20 though that --

21 **THE ADMINISTRATIVE LAW JUDGE:** I've already
22 watched it a couple of times.

23 **MR. CELLI:** Okay.

24 **THE ADMINISTRATIVE LAW JUDGE:** And, again, I
25 mean, one of these things about --

1 **MR. CELLI:** It's only seventeen minutes.

2 **THE ADMINISTRATIVE LAW JUDGE:** There's a lot
3 of material in the record which, obviously, is
4 not the subject of today's hearing, which I'm
5 perfectly happy to refer -- refer to and review
6 in connection with the briefs.

7 So -- but I don't know that we need to play
8 the video. This *Washington Post* video, it's
9 available on public sources, right?

10 **MR. CELLI:** As you wish, Your Honor.

11 **THE ADMINISTRATIVE LAW JUDGE:** All right,
12 great.

13 Okay. Any -- anything else, Mr. Celli --

14 **MR. CELLI:** No. The --

15 **THE ADMINISTRATIVE LAW JUDGE:** -- before we
16 do closing?

17 **MR. CELLI:** The petitioners rest.

18 **THE ADMINISTRATIVE LAW JUDGE:** You rest.
19 Anything else, Mr. Bopp?

20 **MR. BOPP:** We rest.

21 **THE ADMINISTRATIVE LAW JUDGE:** Very well.

22 All right. Well, I'll hear closing.
23 Petitioners get the last word.

24 Mr. Bopp, you get the -- you get to go
25 first.

1 **MR. BOPP:** Oh, okay. Thank you -- thank
2 you, Your Honor.

3 I, again, want to talk about the law, and
4 then I'll talk about the evidence that has been
5 submitted and whether or not that evidence meets
6 the correct legal standards that we believe are
7 applicable here.

8 Of course, we enter procedure under North
9 Carolina state law 22-1-5 which permits the
10 secretary of state to remove someone as a
11 candidate for office if, one, they do not qualify
12 as a candidate for office, or, number two, if
13 they are not eligible to take office, and in this
14 case on January 3, 2023.

15 Now, they assert a disqualification under
16 Section 3 is that Representative Greene engaged
17 in insurrection or rebellion after taking the
18 oath of office on January 3rd. And I -- and I
19 assume, even though they're not clear on
20 January 6th, Section 3 also provides that Con --
21 that, quote, Congress may, by a vote of
22 two-thirds of each House, remove such disability.
23 In other words, remove the political disability
24 of not being able to take office by taking the
25 oath, which is the trigger. And -- and they can

1 do that at any time.

2 You can see the wording of the last sentence
3 is not time limited. In other words, it could
4 clearly have been done last week. It could be
5 done next -- next month. It could be done on
6 January 3, 2023, when Representative Greene
7 presents herself.

8 And before she's sworn in, Congress could
9 pass a statute under Section 3, the last
10 sentence, and she would then be qualified to take
11 office. How in the world do we know right now
12 that she will not be qualified on January 3,
13 2023, when Congress at any time, either for her
14 in particular or for a class of people as Con --
15 as Congress has done?

16 In fact, there were thousands of individual
17 amnesties granted and then two general amnesties
18 granted by -- by the Congress. They could do
19 that at any time. It is impossible for this
20 court to know at this time that she is not
21 eligible to take office because of that
22 contingency that could be exercised by Congress
23 at any time in the future up until January 3rd.
24 That means this is nothing.

25 She cannot be viewed as disqualified today

1 because it's in -- it cannot be determined that
2 she is ineligible for office on January 3, 2023.
3 That should end this.

4 Now, second, this has already happened. The
5 amnesty has already been granted. The simple
6 argument about this is the 1872 Amnesty Act
7 relieved the disability under Section 3 to,
8 quote, all persons, whomsoever. Representative
9 Greene is a -- all persons, whomsoever.

10 And it relieved the political disability
11 that Section 3 imposed. And by the way, the word
12 "imposed" here is a past participle, meaning that
13 phrase "imposed by Section 3" is an adjective
14 on -- regarding what political disabilities are
15 we talking about. Because absent that modifier
16 of that -- of political disability, it could be
17 you're a felon, you lost your civil rights, and
18 we're giving you amnesty from the political
19 disability that you cannot take office as a
20 convicted felon. So the only way to know what
21 political disabilities we're talking to is the
22 past participle -- I didn't know this at the
23 beginning, Your Honor -- the past participle
24 imposed by the -- by Section 3.

25 Now, we also know that Section 3 is both

1 retrospective because it affected anyone in the
2 past that had engaged in insurrection or
3 rebellion after taking the oath and disqualified
4 them from office, but it also had a prospective
5 effect because why would we be here? If it
6 didn't have a prospective effect, what would
7 be -- what would be the basis to apply this to
8 Representative Greene?

9 So we know it has both prospective and
10 retrospective. And in the Amnesty Act of 1872,
11 it was removed. That -- that retrospective or
12 prospective political disability under Section 3
13 was removed for all persons, whosoever.

14 And the court -- district court in North
15 Carolina agreed with that analysis. That case is
16 now on appeal. The -- the district court here in
17 Atlanta did not and that case is also on appeal.
18 So you get to be the tiebreaker, all right?

19 Now, we also know that when they use -- when
20 the 1872 Amnesty Act was adopted that they did
21 intend to be -- to it to be both retrospective
22 and prospective because of the wording of the
23 1898 Amnesty Act.

24 The 1898 Amnesty Act, after the phrase
25 "disabilities imposed by the third section of the

1 Fourteenth Amendment of -- article of amendments
2 to the Constitution of the United States"
3 inserted the words "heretofore incur." That is
4 not in the '72 version. So Congress knew very
5 well how to do a retrospective amnesty if they
6 chose to do it because in 1889, that's exactly
7 what they did, a retrospective only amnesty based
8 on the words "heretofore incurred."

9 So in accordance with the English language
10 in terms of construction, we can't treat
11 "heretofore incurred" as like, you know, sur --
12 surplusage or something. It -- it is -- it
13 comports with the understanding of Section 3
14 that -- that political disabilities were both
15 retroactive and prospective. In 1872, the
16 wording of that amendment of that act encompassed
17 both. The 1898 wording only referred to
18 retrospective.

19 Now, you know, we -- we heard some, you
20 know, interesting things, you know, about the
21 history of our country from my fellow Hoosier law
22 professor. He -- but he admitted that when
23 Congress considered the -- the Fourteen Amendment
24 in Section 3, there was not a word about any
25 other insurrection or rebellion other than the

1 Civil War. And that means that history about
2 Shay's and about -- about the Whiskey Rebellion,
3 as interesting as they are, simply played no
4 role.

5 In other words, that that -- it was a
6 historical occurrence. There is no evidence --
7 even if we need to look at legislative history,
8 no evidence that Congress considered that at all.

9 So I will soon be talking to you about what
10 we do know about what they thought in 1867, but
11 ...

12 Now, so let's get to the meaning of the
13 words in -- in Section 3. Engage in insurrection
14 or rebellion was one. And giving aid or comfort
15 to the enemy thereof is number two. Well, that
16 number two is about foreign wars, as I will soon
17 explain. Number one is about domestic wars as
18 has been de -- and was -- which were described at
19 the time by authorities when they talked about
20 those phrases.

21 So what is engagement? What is engage? It
22 connotes conduct, and you will see -- hear the
23 authority for the proposition that that is,
24 quote, direct -- a direct overt act, such as
25 voluntarily joining the armed forces of the

1 Confederacy, giving them food, giving the army
2 food, you know, cash, whatever, shelter, the
3 people in the war department prosecuting the war,
4 et cetera.

5 Now, there is not a single piece of evidence
6 that any of those things occurred here with
7 respect to Representative Greene. There were
8 certainly some seven hundred people involved --
9 at least they have been charged to have been
10 involved in the attack on the Capitol. Greene
11 wasn't one of them. They agree with that. And
12 there's no other act of -- direct overt act of an
13 insurrection nature that she has engaged in, not
14 a single one.

15 Now, of course, they're not satisfied with
16 that. They want to use her -- political speech.
17 And -- and when they use their political speech,
18 they want to use the nuances or the vagueness or
19 wait a second, you didn't use the word "peaceful"
20 in this one sentence. Even though you said it
21 over here, you didn't use it in this one sentence
22 right here.

23 And code words for goodness sakes, right
24 there (indicating). This state is an
25 insurrection -- it is -- are insurrectionists.

1 Right -- says it right there: 1876 (sic).

2 Now, if you're going to use speech, which
3 you can't use here because they didn't use the
4 word "incite violence," they said, "engage," or
5 "incite an insurrection or rebellion," they said,
6 "engage in an insurrection or rebellion" -- but
7 it is instructive.

8 And it's different because you can see, for
9 instance, in the act of 1862 where it was a
10 felony to, quote, incite, set on foot -- whatever
11 that means -- assist, or engage in any rebellion
12 or insurrection, end of quote. That's codified
13 at *18 U.S.C. 2383*.

14 Those two words are used in the same lift.
15 Rules of construction tell you that they have to
16 be different or they're surplusage and you -- you
17 never assume Congress is -- is just throwing
18 words out there as surplus. So they -- they
19 necessarily mean a different thing.

20 Brandenburg defined incitement as requiring
21 speech that, quote, directed or inciting or
22 producing imminent lawless action that is likely
23 to incite or produce such -- or that is likely to
24 produce such action. Producing imminent lawless
25 action, now, that's very restrictive. That's

1 very limiting. And, of course, the reason is the
2 protection of the First Amendment which we have
3 now seen on full display here, full display the
4 danger of construing words way beyond their
5 meaning to allow political opponents to smear
6 their -- their opposition in a court of law.

7 I know your -- you've got -- you know, I --
8 I understand the constraints Your Honor is under
9 in -- in the role that you play, and they have
10 exploited that to the max.

11 Well, what are the words that do not amount
12 to insurrection? Well, we -- we know there are
13 words like that or statements like that: Ku Klux
14 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 reform. And the court said: That's advocacy.
19 That's not incitement of violence.

20 The -- a representative of the NAACP said:
21 If we catch any of you going in any of them
22 racist stores, we're going to break your damn
23 neck, end of quote. That's the -- in the NAACP
24 case. That is advocacy, not incitement for
25 violence. And a Vietnam war protester: We're

1 taking the f'ing street again, end of quote. Not
2 incitement for violence, but advocacy protected
3 by the First Amendment.

4 So we know the kind of words that will be
5 considered that. So what do we have from them?
6 We have a rally -- there is no evidence that
7 there was anything but -- that that was anything
8 but a peaceful rally -- and at a -- a accusation
9 that she organized it, which she didn't. And --
10 and while she, on a few occasions, urged people
11 to go to it, she didn't even go to it herself and
12 speak. And there was zero evidence that anything
13 unlawful happened there.

14 These kind of rallies happen in the Capitol
15 of the United States numerous times every single
16 year on the Ellipse. I attend one of them
17 every -- every year. And -- and, you know, guess
18 what -- what was one of the things they always
19 say? And, of course, these are "left wing, right
20 wing" Democrats, Republicans, whatever. What do
21 they always say? Well, once we're done here, go
22 to the Capitol. Tell your representative, you
23 know, to vote for our issue, okay?

24 That, in their world, is vi -- is calling
25 for violence when it is absolutely appropriate

1 for people to go to the Capitol of the United
2 States to enter into it. It is absolutely lawful
3 to do that, to go talk to their congressman,
4 watch the House and Senate, whatever, whatever
5 they might do.

6 "Flood the Capitol" was a code word, I
7 guess. "Flood the Capitol." Then -- well, what
8 about this, Representative Green: Did your staff
9 take anyone on a tour of the Capitol between
10 January 3rd and January 5th? Did any of you give
11 any maps of the Capitol to anybody?

12 What are they talking about? Congressmen do
13 that every single day for their constituents. Is
14 giving a tour or giving out a map some sort of
15 code word or to be viewed as what? Participating
16 in a lawless riot? Oh, but 1776. Or what about
17 Independence Day? Or how about talking about the
18 Declaration of Independence? Or what about
19 talking about the Revolutionary War for our
20 independence?

21 These are now code words for advocating a
22 violent overthrow of the government of the United
23 States. What an outrage. They want to hijack
24 and cancel words like "1776, the Declaration of
25 Independence, Independence Day," and the

1 "American Revolution."

2 What about -- oh, no -- defense of the
3 Second Amendment? If you advocate for defense of
4 the Second Amendment, you're in favor and in fact
5 are engaging in the -- the violent overthrow the
6 government of the United States. That's --
7 that's the implication, isn't it? Right?

8 Of course, the Second Amendment says at the
9 very first part of it, you know, a well-regulated
10 militia, you know, necessary for, you know, a
11 free republic or whatever -- I don't remember
12 exactly -- then citizens have the right to keep
13 and bear arms.

14 So, yes, there's a military application, if
15 you will, the mil -- the militia. I mean, the
16 militia won the -- you know, was a major factor
17 in winning our Revolutionary War. Many people
18 who were in the Indiana militia fought in the
19 Civil War. And so -- and they were able to do
20 that because of the Second Amendment in many
21 cases.

22 So advocating for the Second Amendment is
23 now a code word for engaging in an insurrection
24 and rebellion against the United States. How
25 about get our freedoms back, getting our freedoms

1 back? She said those words.

2 Oh my word, I mean, yes, people on the
3 conservative side are concerned that the Biden
4 Administration is eroding our freedom. I mean,
5 we just got one back as a result of a federal
6 judge, just like, what, two to three days ago.

7 And -- so, yeah, that is a concern about
8 what will happen with the election of Biden and
9 has proven to be the case. We have lost our
10 freedoms, some of them. And to be concerned
11 about that is quintessential political speech.

12 Well, what about -- they keep saying this:
13 Events of January 6th. So what we're going to do
14 is just mush them all together, right? They're
15 all one thing, just mush them all together.
16 Well, the First Amendment doesn't allow you to do
17 that.

18 What the First Amendment provides with
19 respect to freedom of association, which is what
20 a rally is, or under the First Amendment as an
21 assembly protected by the First Amendment is is
22 that if you have a peaceful rally, which they
23 had -- there's no evidence otherwise -- some
24 people leave, as some people did and went to the
25 Capitol, and some of them committed an illegal

1 act. This rally does not lose its First
2 Amendment protection. Because the actions of a
3 few that show up in that situation are not --
4 cannot be attributed to the organization itself
5 or who never had -- who could ever have a rally?

6 I mean, nobody can guarantee that somebody
7 might show up, whether they be supporters of what
8 their -- what the rallies about or agent
9 provocateurs or whatever, and cause illegal acts
10 to occur or violence. You can't -- I mean, I've
11 been to a rally where there's 500,000 people on
12 the Ellipse of the Capitol. And how do you
13 guarantee that?

14 And the -- and -- and so what -- what --
15 there's a two-step analysis. First, was the
16 rally peaceful and nonviolent? Unquestionably so
17 under -- under what we know and what the evidence
18 is. Well, can the rally be held into account for
19 what the few did that left the rally, went to the
20 Capitol, and the few there, some 700 who attacked
21 the Capitol?

22 And this is what the Supreme Court said in
23 the NAACP case: The right to association does
24 not lose all constitutional protection merely
25 because some members of the group may have

1 participated in conduct or advocated doctrines
2 that itself is not protected.

3 The NAACP is particularly instructive here
4 in that -- and that was end quote. The NAACP is
5 particularly instructive here as there were
6 constitutionally protected speech, association,
7 and petition designed to influence government
8 action, i.e., support the constitutional right of
9 members of Congress to object in the two votes on
10 the -- regarding the electoral college.

11 Along with the illegal actions by a few, but
12 the acts of the latter don't strip the others of
13 their First Amendment rights where the government
14 failed to prove that, quote: The NAACP
15 authorized either actually or apparently the
16 unlawful conduct -- either authorized it or
17 ratified it, actually or apparently. There's no
18 evidence of that. There's not a single word
19 about that.

20 So we have different events, some that are
21 subject to First Amendment protection. Others,
22 the attack on the Capitol, that are not. And to
23 drag her into "Well, did you promote the rally?
24 Did you -- you know, did you put it on your
25 calendar? Did you -- were you invited to speak?

1 Joe Blow said you were invited to speak" is to
2 strip her of her First Amendment Rights. All of
3 these are First Amendment protected activities,
4 every single one of them. And none of them
5 constitute even incitement, much less constitute
6 engaging in unlawful conduct.

7 Now, of course, the question of the -- of
8 the in -- of the, quote, insurrection. The
9 insurrection is narrowly defined. I quoted
10 cases, some from 1898 or some from 1842, some
11 from the 1795 Militia Act that all said basically
12 the same thing, which is it has to be a armed
13 uprising that is so formidable as to defy the
14 authority of the United States in order to
15 suppress it.

16 And -- and, of course, we have a case --
17 what *CJS* says about riot is that you can have mob
18 violence and it's not an insurrection unless it
19 is so serious that a -- actually military force
20 is required to suppress it.

21 Now, I mean, how do we know all this? Okay?
22 Well, in 1867 -- and it came up, went up on the
23 screen. P-48 that has been admitted was put up
24 on the screen for a moment and I have that and
25 I'd like to give you a copy.

1 (Respondent's counsel handed document to the
2 Court and Petitioners' counsel.)

3 **MR. BOPP:** Now, I don't know who can read
4 the exhibit.

5 **THE ADMINISTRATIVE LAW JUDGE:** I was getting
6 ready to say ...

7 **MR. CELLI:** Yeah.

8 **MR. BOPP:** Okay.

9 **THE ADMINISTRATIVE LAW JUDGE:** The page --

10 **MR. BOPP:** I confess I cannot.

11 **THE ADMINISTRATIVE LAW JUDGE:** Okay.

12 **MR. BOPP:** However, therefore, what I have
13 done is at 3:00 in the morning, Thursday morning,
14 I figured out how to not only, you know, zoom
15 it -- Okay? -- to make it larger, the applicable
16 sections, but copy them. So I did that. And
17 those are the attachments, all right?

18 Now, because it was two -- you know, 3:00 in
19 the morning, I kind of screwed up on my
20 numbering. So it's 1(a) and 1(b) and then I go
21 two through fourteen or so. And this takes you
22 step-by-step through the analysis of the Attorney
23 General of the United States in 1867 that was
24 mentioned on -- on the stand -- Okay? -- and --
25 and shown to you what the words "engage" and

1 "insurrection or rebellion" and "giving aid or
2 comfort to the enemy thereof" mean and meant in
3 1867. Because those words were not just used in
4 1868 in the Fourteenth Amendment, but they were
5 used -- and this is what the attorney general is
6 addressing, it was used in a reconstruction act
7 because they were going to open up voting to the
8 people who lived in the Confederacy, old
9 Confederacy.

10 And they were required to take an oath. And
11 that oath -- in order to register to vote, one of
12 its sections was that they have to swear that
13 they did not, quote: Engage in insurrection or
14 rebellion or give aid and comfort to the enemies
15 of the United States. Those are the exact words,
16 okay?

17 So the first, 1(a), starts about in the --
18 in the middle column. We're going to go down the
19 middle column for a while, all right? And it --
20 it starts with: Considering -- I now come to
21 consider the meaning of the disqualification
22 arising from this point of the oath. It requires
23 a person to state that he is, quote, not engaged
24 in an insurrection or rebellion against the
25 United States or giving aid and comfort. Each of

1 these are separately considered according to the
2 attorney general.

3 The next page, now it's on the left a little
4 bit: My duty here is one of simple construction.

5 And I thought this was important. He was
6 not applying constitutional concepts to his
7 construction, which, of course, under modern
8 First Amendment jurisprudence, I mean, you
9 absolutely have to do that and as has happened in
10 the NAACP case, et cetera, as we have discussed.

11 And even at that, he viewed the oath --
12 because you couldn't vote -- as depriving you of
13 a right. And -- and that was -- that was
14 important to his analysis.

15 On page 2, he goes to: That the requirement
16 of the oath and the disqualification must be
17 viewed as a punishment for that conduct. And as
18 a result, it made the oath even more
19 objectionable than -- than the fact that it was
20 also a violation of a right and a right to vote.

21 Now, then on page three, he said any doubts
22 must be resolved in the, you know, favor of the
23 voter, all right? And then said: What acts,
24 then, are within the meaning of this provision?
25 Well, at the bottom he says: Well, the first

1 sentence, Engage in insurrection or rebellion,
2 covers the case of domestic war. And the second
3 phrase, Aid or comfort to the enemy, applies to
4 foreign wars. So in this context, we need to be
5 looking at engaging in insurrection or rebellion.
6 He continues on on page 4 on that analysis. Page
7 5 is not -- I'm sure interesting, but not
8 relevant.

9 And then we go to page 6: We are now to
10 inquire what is meant by "engaging in
11 insurrection or rebellion against the United
12 States." He said, first, the force of the term
13 "to engage" carries the idea of active rather
14 than passive and voluntary rather than
15 compulsory.

16 And he, then, analyzes the voluntary part --
17 All right? -- that conscripts cannot be charged
18 with engaging because it's involuntary. But
19 somebody who voluntary joined can be.

20 On page 7, he take -- he begins to consider,
21 you know, the question of whether persons may
22 have engaged in rebellion with -- without having
23 actually levied war or taking up arms. And he
24 finds in that regard that, for instance, people
25 in the war department of the Confederacy did

1 engage even though they didn't literally take up
2 arms.

3 We then go to why civil officers are not
4 covered, you know, people that just run the
5 government, you know, maintain the peace. You
6 know, they do perform civil functions, they're
7 simply not covered.

8 So -- and he continues that discussion on
9 page 9, that it -- that: I now concur what
10 amounts to individual participation in the
11 rebellion. And, of course, he -- he agrees
12 that -- that it isn't only the Civil War that is
13 to be considered, but that the Civil War provides
14 much instruction on what is meant by rebellion or
15 insurrection.

16 Again, page 11 is continuing with discussion
17 of voluntary participation. And then on page 12,
18 at the top, he says: For what is engaged? He
19 says, quote: I am of the opinion that some
20 direct overt act, done with the intent to further
21 the rebellion, is necessary to bring a party
22 within the purview of engage. A direct overt act
23 done with the intent to further the rebellion.
24 That is where I get the phrase "direct overt
25 act."

1 And -- and then he says: Mere disloyal
2 sentiments -- think of their evidence: Mere
3 disloyal sentiments or expressions are not
4 sufficient because they're not acts, they're
5 taught.

6 And so that is where we find out surely -- I
7 mean, by one of the most authoritative sources,
8 the Attorney General of the United States at the
9 very time this -- these phrases are used in
10 several constitutional provisions, one, and
11 statutes, several, about what it means. It does
12 not mean nuance. It does not mean innuendo. It
13 does not mean code words. It does not mean First
14 Amendment protected speech.

15 A direct overt act is conduct and it has to
16 be with the intent to further not some political
17 agenda or whatever but the actual insurrection
18 that has occurred, the domestic war as they
19 described it, he described it, that was
20 occurring.

21 Anything short of that -- and every
22 political disagreement is going to be
23 characterized by bold well-funded lawyers and
24 interest groups into "you're going to have to
25 fight for your life, you're going to be

1 disqualified from Congress." You're going to be
2 whatever they can do and maybe, in the worst
3 possible situation, charged with a federal
4 offense.

5 Those -- those same words are used in a
6 federal crime of a felony. I mean ...

7 And that's why I said at the beginning two
8 things. This is not about hyperbole, political
9 smear. At least in my opinion, it has never been
10 about that. It has to be about the law and what
11 the law provides, understanding that if this line
12 is breached so that the political hyperbole of
13 calling people insurrectionists turns into
14 lawsuits brought by interest groups in order to
15 abort our democracy, destroy the rights of voters
16 to vote for the candidacy of their choice and
17 preclude individual members from running for
18 reelection.

19 Our -- our democracy, Your Honor, can't
20 survive that. We -- we cannot survive these
21 trials right here. This was never designed to do
22 what -- what they have employed it to do. We are
23 stripped of our rights, okay? We can't do
24 discovery. We can't move to dismiss their
25 complaint before trial. And certainly there's no

1 time even to try, but no time to do it, right?

2 And -- and we come into a hearing, all these
3 cameras and all of these live-streaming and all
4 this, why are they interested in this? Because
5 Representative Greene's on the ballot? Oh,
6 please. No. This is a political agenda. And
7 this has been a political show trial. Not
8 because of your fault but because of their
9 exploitation of what we have done here -- what
10 had been done here.

11 I mean, this -- this procedure is for
12 "you're not twenty-five, Representative Greene,"
13 and she comes in with a birth certificate. This
14 is not for a major trial that -- of intense
15 factual and legal consequences and elements, part
16 of which constitutional claims, federal claims
17 cannot even be -- be heard by you in terms of
18 decisions.

19 We have got to put a stop to this and this
20 is where it should happen. Thank you.

21 **THE ADMINISTRATIVE LAW JUDGE:** Mr. Celli.

22 **MR. CELLI:** Thank you, Your Honor.

23 Your Honor, Mr. Bopp talked a lot about the
24 law, a little bit about the history, not much
25 about the facts. I'm going to try to confine my

1 remarks to the facts. And we're going to submit
2 a brief, as Your Honor knows, next week with
3 responses to all the interesting legal issues
4 that Mr. Bopp has raised.

5 But it's been a long day. And it's been a
6 difficult day. And it's been a solemn day. And
7 we find ourselves back where we started, with the
8 Disqualification Clause of the Fourteenth
9 Amendment. And it's three very simple
10 requirements: that the candidate for federal
11 office had taken the oath to the Constitution,
12 that an insurrection occurred, and that the
13 candidate, having taken that oath, engaged in
14 insurrection, promoted it, supported it, assisted
15 it, helped bring it into fruition.

16 Those are the three elements we came here
17 today prepared to prove. And those are the three
18 elements that we have proved. Let's talk about
19 each of the three.

20 Marjorie Taylor Greene took the oath of
21 office on January 3, 2021. She became a member
22 of the United States House of Representatives,
23 the body that represents not the states, but the
24 people of the country in general. We, the
25 people.

1 Now, Mr. Bopp said this morning "words
2 matter" and we agree with that. Our proof today
3 started with the oath because in taking the oath,
4 Ms. Greene understood a very -- undertook a very
5 solemn and very specific obligation to uphold the
6 Constitution, to defend the Constitution against
7 all enemies, foreign and domestic.

8 Now, taking that oath was an honor, but it
9 was also an obligation. Ms. Greene was no longer
10 a simple citizen of the great state of Georgia.
11 She wasn't just another person with opinions and
12 a Twitter account. She became a part of our
13 government. And she took on an affirmative
14 obligation as part of our government to protect
15 the Constitution, to protect its processes from
16 anyone who would seek to block or impede them.
17 That is what the Disqualification Clause is all
18 about, that special status that is conferred upon
19 a person when she takes the oath of office.

20 Now, we'll argue in our brief to this court
21 that that status means that Ms. Greene can't just
22 say anything she wants that she could have said
23 as a private citizen. And our brief will also
24 point out that there are lots of things that
25 people say that are words that matter and that

1 also have legal consequences.

2 But that -- all of that is for another day.
3 Today the evidence has proven factually that not
4 only did Marjorie Taylor Greene engage in the
5 ceremony of taking the Oath of the Constitution,
6 we've proven that the Oath has meaning, that it
7 has teeth, that it has consequences.

8 Insurrection. What happened at the U.S.
9 Capitol building on January 6, 2021 was an
10 insurrection. It's as clear as day. And even
11 Mr. Bopp doesn't really deny it. And how do we
12 know that? Because he keeps talking about the
13 rally. It's the rally. It's the Ellipse. It's
14 the rally. We're not talking about the rally.
15 We're talking about what happened at the Capitol.

16 Now, there are lots of words and phrases
17 that can be used to describe what's on that
18 *Washington Post* video that Your Honor has viewed
19 a couple of times: lawlessness, disturbance, a
20 riot. And Ms. Greene and her counsel have used
21 some of those words today in their briefs. But
22 the word they really avoid using is insurrection.

23 A riot can be an insurrection. We've
24 learned that today from Professor Magliocca.
25 Insurrections can be disturbances. They are

1 lawless, they are unrest. But when it's used in
2 the Disqualification Clause, an insurrection is
3 more than these things. It is something where
4 the purpose of it is to block, impede, disrupt a
5 constitutional process or to overthrow the very
6 existence of the government itself.

7 Professor Magliocca explained all of this
8 and how American history has faced many
9 insurrections in the past and how all of them
10 share the same features: violence aimed at the
11 processes or the legitimacy of the government,
12 sometimes they're aimed at courts. In this case,
13 they were aimed at the legislature and the
14 violence that cannot be quelled by ordinary law
15 enforcement means.

16 Judge Beaudrot, you saw and heard with your
17 own eyes not just the violence, horrific and
18 sickening as it is, but it's goal which was to
19 stop the certification of the electoral college
20 vote in favor of Joe Biden. It's goal was to
21 stop the constitutional process of the Twelfth
22 Amendment: the peaceful process of transferring
23 power between presidents. It's goal was to
24 physically prevent Congress from meeting to do
25 the essential work of our democracy.

1 Here's the worst of it. It worked. For a
2 time, the insurrection worked. It succeeded only
3 briefly but it worked. The joint session of
4 Congress adjourned for several hours into the
5 next morning and ceased carrying out its Twelfth
6 Amendment all because of the insurrection,
7 because people violently flooded the Capitol with
8 the goal of striking fear in the hearts of the
9 people who work there and to use violence.

10 Fear, violence, flooding the Capitol, these
11 are words that came out of Marjorie Taylor
12 Greene's mouth.

13 Now, many people were responsible for this
14 attack on our democracy, most of -- most of all,
15 of course, the individuals that you saw on a
16 *Washington Post* video and many other places.
17 They defiled the People's House, but they're not
18 the only ones.

19 There were others as well -- the leaders,
20 the people who justified, who promoted, who
21 supported, who assisted -- who encouraged this in
22 the days and weeks leading up to January 6th.
23 Marjorie Taylor Greene is one of those people.

24 How do we know this? We know this from the
25 evidence. Let's start by talking about what

1 we're talking about. As a legal matter, in order
2 to be disqualified from federal office,
3 Ms. Greene has to have engaged in insurrection
4 sometime after January 3, 2021, when she took the
5 Oath. Your Honor, you said it yourself. It's a
6 narrow window: January 3rd to January 6,
7 2001(sic).

8 And the evidence is very clear that, in
9 fact, Marjorie Taylor Greene justified, assisted,
10 supported, and promoted the insurrection in that
11 window. That's what the term "engaging in
12 insurrection" means under the law. And we will
13 lay that out in great detail in our brief next
14 week. It's a legal point, but it's a common
15 sense point as well.

16 Jefferson Davis didn't take up the musket
17 and fire on Union troops, at least as far as I
18 remember my history, but he was just as much an
19 insurrectionist as the tens of thousands of
20 soldiers for the Confederacy who did.

21 Now, the January 3 to January 6 window can
22 really only be understood by looking at the facts
23 of what happened before that window and before
24 the Oath. There's really no dispute about this
25 either. We have proven that Marjorie Taylor

1 Greene was an advocate for violence against
2 government officials. In fact, she advocated
3 violence against the Speaker of the House, the
4 highest ranking member of the House, Mrs. Pelosi,
5 the very House that was attacked on January 6,
6 2021. She admitted it. She kind of wiggled
7 there for a second and then she admitted it.

8 And you saw that with your eyes. Treason,
9 the death penalty, a bullet in the head, that's
10 what she said about Nancy Pelosi.

11 And we have proven that she saw the invasion
12 of the Capitol building and creating fear -- fear
13 is the word that she used -- in the hearts of
14 public officials, that she saw that as a
15 legitimate political tactic. And when she told
16 people, when she was discussing this tactic, she
17 told them they should feel like they can act in a
18 violent way. She denied it, not really. She
19 said: I don't remember. That's not -- that's
20 CNN. That's fake news.

21 Don't buy that. You don't have to accept
22 that. You saw the videos and you saw the
23 testimony. We have proven that Marjorie Taylor
24 Greene was very clear on certain occasions with
25 her supporters about her support for political

1 violence. She said it on tape. The price of
2 blood would need to be paid if the government
3 took away her freedoms. She wouldn't even admit
4 that that was a call for violence. She said
5 something about the First Amendment, the Second
6 Amendment, a bunch of other amendments. The
7 price of blood could not be more clear.

8 Now, this didn't happen in high school as
9 Mr. Bopp suggested in one of his objections.
10 This happened in late October of 2020 when she
11 was interviewed by Mr. Dorr and she was talking
12 about how her freedoms and the freedoms of
13 Americans could be taken away by a tyrannical
14 government. It doesn't just come back on its
15 own, these freedoms, she said. It has to be
16 taken back with the price of blood.

17 These are things that Marjorie Taylor Greene
18 said as a private citizen, candidate for federal
19 office, but a private citizen nonetheless before
20 the 2020 election. And maybe she has the right
21 to say those things or had the right before she
22 took the oath.

23 But let's keep going. Let's keep moving
24 down the timeline to the period after the
25 election. And in that period you saw and heard

1 Ms. Taylor Greene speaking out consistently and
2 claiming that the 2020 election was stolen by the
3 Democrats. I disagree with that point of view,
4 but I respect that people can have that point of
5 view and it's a perfectly -- it's an acceptable
6 part of our political discourse, for better or
7 for worse.

8 But then she said this. Not just that the
9 election was stolen, not just that there were
10 ballots that were fraudulent, not just that it's
11 time to make objections, perfectly legitimate
12 thing to do -- we have no problem with her
13 objections on the Floor of the House.

14 Then she said something else. That mask
15 that Mr. Fein spoke about this morning came down
16 for just a minute: We can't allow power to
17 transfer peacefully like Joe Biden wants because
18 he didn't win the election. We can't allow power
19 to transfer peacefully.

20 You saw and heard it with your own eyes,
21 Judge. She said the quiet part out loud. She
22 spoke her truth in a video that she made that she
23 posted on her own Facebook page and that she
24 wanted her hundreds of thousands of Facebook
25 followers and the untold millions of other people

1 to whom it would be available to know that her
2 point of view was that you can't allow -- we
3 cannot allow poverty -- the power to transfer
4 peacefully.

5 Marjorie Taylor Greene said this when she
6 was a federal official or right about to be.
7 It's not clear. But what we can tell from the
8 context of that tape is that she stated her
9 opposition to the peaceful transfer of power, and
10 it was a stunning statement.

11 This is not Internet dribble. This is not
12 the dark corners of Parlor. This is a person
13 who's a federal official, a member of government.
14 And this wasn't even a rhetorical flourish on the
15 back of a campaign truck after a long day. This
16 is somebody who sat down in a camera and calmly
17 and carefully told her viewers: We will not
18 accept the peaceful transfer of power. We can't
19 allow it. And then she said: We will not go
20 quietly into the night.

21 She framed this as an existential battle, a
22 new Fourth of July, a new Fourth of July, 1776.

23 This brings us right up to and into that
24 critical window, that critical phase of time:
25 January 3rd to January 6th. Marjorie Taylor

1 Greene's rallying cry for violence at the Capitol
2 on January 6th were the words "1776."

3 Now, I think we all know that those words
4 have a lot of meaning. They mean a lot to me.
5 They are on the -- on the seal of the great state
6 of Georgia and I -- and I venerate that. But
7 that's not what Marjorie Taylor Greene was
8 talking about.

9 Here's how we know this because here's what
10 we've proved. Marjorie Taylor Greene organized
11 objections on the Floor of the House and this was
12 not an insurrection. This actually was part of
13 the constitutional process and we have no -- no
14 issue with it. But then Marjorie Taylor Greene
15 promoted, encouraged, and supported the idea of
16 large demonstrations in Washington on
17 January 6th.

18 Now, there's nothing wrong with large
19 demonstrations either. And this is Mr. Bopp's
20 point about the rally on the Ellipse, not the
21 insurrection at the Capitol. He says: Well, you
22 now, who cares. It's a good thing.

23 I agree. People do these things all the
24 time. I've done them as well. And
25 demonstrations are an important and venerated

1 part of our democratic tradition.

2 She worked with organizers and made calls
3 for people to come, and that's not a problem out
4 of context. Out of context it's not a problem.
5 In context, this support was part of a scheme, a
6 scheme where lawful demonstrations were Plan A,
7 the first step, and there was also Plan B. What
8 was going to happen when all of the lawful
9 demonstrations happened and all of the objections
10 on the Floor of the House were heard? And as
11 everyone knew, they were futile. The votes were
12 there to certify the election of Joe Biden.

13 There was a Plan B. And Plan B was violence
14 at the Capitol. Plan B was to physically enter
15 the Capitol illegally -- not on a tour or a
16 tourist tour, busting in the windows and doors as
17 you saw on that video, injuring and ultimately
18 causing the deaths of law enforcement -- to block
19 the certification of Joe Biden as the winner of
20 the 2020 election. That's what Plan B was. And
21 Plan B had a name. It had a code name: 1776.

22 Now, how do we know that? Well, the clues
23 are everywhere. On December 30th, Marjorie
24 Taylor Greene, tweets out a rumor that their
25 lawful objections on the Floor of the House may

1 be blocked by a rule change.

2 And Ali Alexander, who she acknowledges
3 knowing, says she's a friend, he's an organizer
4 of a major demonstration. He tweets in response
5 to that: 1776 is always an option. And he
6 refers to what 500,000 people will do to that
7 building if the objections are suppressed by a
8 rule change. That's what that tweet exchange was
9 about.

10 I don't believe that Marjorie Taylor Greene
11 doesn't read every response to her tweets and
12 care about them. I think she acknowledged it
13 in -- in truth. And she knew exactly what 1776
14 meant in that context. She denied it: Sort of,
15 not really, I can't remember.

16 Don't buy it. She knows exactly what
17 Mr. Alexander was referring to. By the way, when
18 that tweet came out and that reference came out
19 to 1776, we don't see a response of "What? What?
20 What is this? I -- I don't know what this is
21 about," or "Gee, if you're talking about doing
22 violence in the Capitol, 500,000 people doing
23 something to that building, I want no part of
24 that."

25 And we heard a lot about Ms. Greene's saying

1 that she's always peaceful and she put out
2 comments about peacefulness. Never one before
3 January 6th, only after. That video, after.
4 Those press releases, after. You've got to ask
5 yourself, why is that? Well, obviously, the
6 insurrection succeeded for only a few hours, and
7 then the tide turned. People saw it for what it
8 was and she needed a cover story.

9 Marjorie Taylor Greene knew perfectly well
10 what 1776 meant, that it meant violence against
11 the government, overthrowing a tyrannical
12 government, and that that was Plan B of
13 January 6, 2021. She embraced it and she
14 promoted it.

15 And probably the most important piece of
16 evidence from our point of view in this case is
17 Plaintiffs' Exhibit -- or Petitioners'
18 Exhibit 27. This is the short clip of Marjorie
19 Taylor Greene on Newsmax. It's the night before
20 January 6th. She's asked a number of questions
21 about the objections that she and others are
22 going to lawfully file on the Floor. And then
23 the broadcaster asks her: So what's your plan?
24 How do you think this is going to play out and
25 roll out tomorrow? And her answer is one

1 sentence: This is our 1776 moment.

2 It's a stunning statement. It has no
3 meaning unless you know the code. It has no
4 meaning unless you're in the club. It's 1776.
5 It's Plan B. It's "block the certification."
6 It's "flood the Capitol." It's "use violence if
7 you have to."

8 This is a message posted, stated on
9 January 5th, in the middle of that window, posted
10 on Facebook to her hundreds of thousands of
11 followers and anybody else who wanted to see it
12 on January 5th from a sitting member of the
13 United States Congress.

14 It was her clarion call. People knew what
15 she meant. They knew exactly what she meant.
16 "Tomorrow is our 1776 moment."

17 Now, it's interesting that the examination
18 that Mr. Bopp did of his client never asked her
19 about that. Never asked her about providing
20 support to people who were planning the
21 demonstrations or providing support for people
22 who ultimately broke into and trashed the
23 People's Temple. Never asked her any of those
24 questions. She never addressed it. When I asked
25 her, she said: I don't remember, I'm not sure, I

1 don't think so.

2 So what you have before you, Your Honor, at
3 this point, you have her own words in context
4 against nothing. Not even a real denial.

5 Judge Beaudrot, Marjorie Taylor Greene comes
6 to this court and this nation and she asks to be
7 a candidate for federal office. She comes with
8 unclean hands. With her hands, her words, her
9 actions, she was one of several leaders who
10 gathered the kindling, who created the
11 conditions, who made it possible for there to be
12 an explosion of violence at the Capitol on
13 January 6th. And then she dropped the match.

14 Now she comes into this courtroom and she
15 says she's surprised and appalled that a fire
16 occurred. Sticks of wood and dry leaves are
17 harmless in and of themselves. In fact, they're
18 natural, they're healthy for the environment.
19 Rallies, protestations, objections on the Floor,
20 these are all things that are good for the
21 republic. They're part of our tradition.

22 But when the conditions are dangerous, some
23 people capitalize on -- on those conditions and
24 they add a spark, a flame that causes all of
25 those things to -- to explode into a fire of

1 violence and death.

2 That flame can be in the form of actual
3 assistance, given to an equal for performing acts
4 of violence, like the quartermaster in the
5 Confederate Army who passes out the muskets and
6 the balls and the rations. But that flame can
7 also be a spark by words, by signals, by signs,
8 by code, by promotion, by justification, by
9 support, by assistance, and that is what Marjorie
10 Taylor Greene did. That's why we're here.

11 Your Honor, we urge you to find that
12 Marjorie Taylor Greene is disqualified from the
13 ballot under Section 3 of the Fourteenth
14 Amendment of the one of the greatest political
15 documents in the history of the world, the United
16 States Constitution.

17 **THE ADMINISTRATIVE LAW JUDGE:** Thank you,
18 Mr. Celli.

19 It's quite late, but I'd like to take a
20 couple of minutes just to talk about the briefing
21 and a couple of things.

22 First of all, I would greatly appreciate it
23 if someone would get us a copy of this, this --
24 you know, a blown-up version or something that's
25 easier to read.

1 And I appreciate what you did, Mr. Bopp, but
2 I -- if somebody can do a better job of it,
3 that'd be great. No offense.

4 **MR. BOPP:** It's beyond my capacity --

5 **THE ADMINISTRATIVE LAW JUDGE:** But I'm sure
6 you have folks that can do that. And that gets
7 into a couple of things about the briefing.

8 You know, the briefing's due by the -- you
9 know, midnight on Thursday. So a couple of
10 things. I want to be sure that -- Mr. Bopp, one
11 of your objections, the first one, I think, in
12 the motion to dismiss was about the -- the fact
13 that this procedure -- and I know I can't
14 determine it's unconstitutional but I'm talking
15 about findings, about related to the belief
16 and -- and the concern -- some of which you
17 voiced in your closing argument. I would like to
18 hear what you would like for me to think about
19 finding.

20 I mean, I -- I mean, we haven't really
21 talked about that very much because it's not
22 const -- it's not something I can decide but it's
23 something I need to consider. In particular, I
24 think, the question of the word "belief," but I
25 think I mentioned in the footnote "reasonable."

1 I mean, there's -- there's issues there.

2 I would appreciate both sides do it, to
3 comment on that. You don't need to write forty
4 pages, but I'd like to understand your views on
5 that and I'm sure a few in court will.

6 We mentioned this is some -- we're dealing
7 with very ancient histor -- ancient, not ancient,
8 I mean, you know, but two hundred years old. You
9 know, Europeans laugh at us. They live in houses
10 older than our country.

11 But in all seriousness, some of these --
12 some of these authorities are pretty obscure. As
13 long as we can find them and pull them up, that's
14 great, particularly, like, if there's a link and
15 it's public, you know, somewhere, that's great.
16 If it's something that's really obscure, that's
17 not readily available on the Internet and you
18 can't point us to it -- first of all, our first
19 preference is just show it, you know, tell us
20 where it is on the Internet, where we can find it
21 or, you know, if it's readily available, it's not
22 a problem.

23 If that's not available, please supplement
24 your briefs with copies of anything arcana like
25 that so that we don't have to spend time chasing

1 stuff down because we don't have time -- a lot of
2 time either.

3 Obviously, I've got to leave it to y'all how
4 you want to organize your respective briefs.
5 We -- at this point the record has gotten a
6 little bit chaotic because we've had so much back
7 and forth and we've had a number of orders and
8 some ...

9 And I know, Mr. Bopp, that in your -- you've
10 got your original motion to dismiss. A lot of
11 those arguments which you made in your closing,
12 it might help -- if you don't mind doing it,
13 maybe put them together again in light of this
14 hearing and it would be to focus them and
15 streamline them so I just don't have to wallow
16 around, trying to look at multiple documents.
17 I'm sure Mr. Celli will do the same thing.

18 Brevity is always better. You know -- What
19 is it? -- write it like you think I'm going to
20 sign it because we do need to get this done. I
21 mean, the Georgia courts move very fast. We will
22 be very fast. I hope to have it out within a
23 week of y'all getting it to us. So this is --
24 this is extraordinarily important stuff.

25 **MR. BOPP:** Your Honor, thank you. And thank

1 you for the directions --

2 **THE ADMINISTRATIVE LAW JUDGE:** Yeah.

3 **MR. BOPP:** -- on the briefing.

4 **THE ADMINISTRATIVE LAW JUDGE:** It -- yeah.

5 **MR. BOPP:** And fortunately my associate,
6 Melena Siebert, who's done a really fine job is
7 listening --

8 **THE ADMINISTRATIVE LAW JUDGE:** Yeah.

9 **MR. BOPP:** -- and I'm sure taking notes. So
10 we'll do the best we can.

11 **THE ADMINISTRATIVE LAW JUDGE:** Right. And
12 again I know -- again, I know -- I know
13 everybody's running and gunning and I know you've
14 -- I've got to get this done, an appeal filed to
15 the Eleventh Circuit. So I don't know what your
16 briefing schedule is on that. I know there's --
17 there's a briefing schedule in the Fourth Circuit
18 case. I'm sure you have a lot of fires to put
19 out and I'm fully cognizant of that.

20 But -- so just do -- I'm sure you'll do the
21 work -- by the way, y'all've done great work. I
22 mean everything -- everybody's working under
23 exigent circumstances very quickly and
24 everybody's taking it seriously the way it's
25 being taken. So I'm sure it will be very helpful

1 and we look forward to getting it and finishing
2 this stage of the matter.

3 Is there -- before we close, is there
4 anything else?

5 **MR. CELLI:** Nothing from Petitioners, Your
6 Honor.

7 **THE ADMINISTRATIVE LAW JUDGE:** Thank you.

8 **MR. BOPP:** No. Other than, Your Honor,
9 you've really done a fine job and very
10 extraordinarily --

11 **THE ADMINISTRATIVE LAW JUDGE:** Thank you.
12 Thank you. Flattery is always appreciated.

13 **MR. CELLI:** Put us down for flatter too,
14 Judge.

15 **THE ADMINISTRATIVE LAW JUDGE:** No, no,
16 that's good.

17 **MR. BOPP:** Well, I think when -- when it's
18 merited, it ought to be provided.

19 **THE ADMINISTRATIVE LAW JUDGE:** Well, you're
20 very kind.

21 **MR. BOPP:** You know, that's the way --

22 **THE ADMINISTRATIVE LAW JUDGE:** And I
23 appreciate everybody's conduct and discipline and
24 (indiscernible). Appreciate everybody scrambling
25 to be here. So with that, I think that concludes

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the hearing.

(Concluded at 5:03 p.m.)

CERTIFICATE

STATE OF GEORGIA)

I, Mary K. McMahan, Certified Court Reporter in and for the State of Georgia at large, certify that the foregoing pages, 9 through 283, constitute, to the best of my ability, a complete and accurate transcription of the proceedings of the court and were accurately reported and transcribed by me or under my direction.

I further certify that I am neither related to or counsel to any of the parties herein; nor have any interest in the outcome of the above-styled proceedings.

This certification is expressly denied upon the disassembly and/or photocopying of the foregoing transcript, or any portion thereof, unless such disassembly/photocopying is done by the undersigned and original signature and official seal are attached thereon.

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Mary K McMahan

Mary K. McMahan
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OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA

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

The transcript of the proceedings before
 Administrative Law Judge Charles Beaudrot, reported by
 Mary K. McMahan, Certified Court Reporter, on the 22nd
 day of April, 2022, commencing at approximately
 9:30 a.m., at 225 Peachtree Street NE, Suite 400,
 South Tower, Atlanta, Georgia 30303.

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Transcript Legend

(sic) - Exactly as said.
 -- Break in speech continuity.
 ... Indicates halting speech, unfinished sentence
 or omission of word(s) when reading.
 Quoted material is typed as spoken.

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1 PROCEEDINGS

2 **THE ADMINISTRATIVE LAW JUDGE:** Please be

3 seated. Good morning, everybody. I'm Judge

4 Beaudrot with the Office of State Administrative

5 Hearings. I have -- let me go over just a couple

6 things.

7 I'm sorry? They can't hear me?

8 Okay. Is this the mic? So I need to talk

9 into this mic? Mic 7? Can everybody hear me?

10 Raise --

11 **UNIDENTIFIED SPEAKERS:** No.

12 **THE ADMINISTRATIVE LAW JUDGE:** No? Okay.

13 (Technical issue addressed.)

14 **UNIDENTIFIED SPEAKERS:** No.

15 **THE ADMINISTRATIVE LAW JUDGE:** Gosh. Still

16 not? I don't know. Do I have to use my loud

17 voice?

18 **UNIDENTIFIED SPEAKER:** There you go.

19 **THE ADMINISTRATIVE LAW JUDGE:** Michael, can

20 you hear me back there?

21 (Technical issue addressed.)

22 **THE ADMINISTRATIVE LAW JUDGE:** Testing, one,

23 two, three. That sounds a lot louder.

24 Everybody's good. Okay, thanks. Thank you.

25 Again, I don't want to overdo it. Can you

Page 11

1 break at 2:30, and then break again at 2:45.

2 Obviously if something needs to be done, counsel

3 needs the opportunity for whatever reason, just

4 let me know. We will consider that.

5 Yesterday we had in this case -- this case

6 has been proceeding at a very rapid rate. It has

7 to because it's an -- it's an election case. And

8 we had a conference on evidentiary matters. And

9 we -- I have reached a number of preliminary

10 conclusions about documents that have been

11 proffered. And I'm going to -- this is going to

12 be rather tedious but I'm going to read these

13 into the record and then I'll hear from counsel

14 if you want to discuss anything in particular.

15 And I'm going to read the documents which I

16 have -- I'm admitting at this point --

17 **MR. BOPP:** Your Honor?

18 **THE ADMINISTRATIVE LAW JUDGE:** Yes, sir.

19 **MR. BOPP:** Sorry. I have a preliminary

20 matter. I'd like to invoke the separation of the

21 witnesses, please.

22 **THE ADMINISTRATIVE LAW JUDGE:** Oh, do we --

23 we only have -- who do we have here? There's --

24 there's Representative Greene and the professor?

25 **MR. CELLI:** Mr. Maglio -- Dr. Magliocca --

Page 10

1 hear me okay? Good. Thank you. All right. We

2 don't normally have this many people in this

3 courtroom.

4 Okay, let's see here. Some obvious things

5 that bear repeating: That this is an important

6 hearing, these are important things. We need to

7 ask everybody to respect the proceeding. This is

8 our big courtroom but it's quite full, so please

9 be quiet and -- again, you have phones and

10 computers and the like, just be very careful with

11 them. Please turn off your -- any alarms or

12 anything like that, you know. This is not

13 federal court where I would -- well, first, you

14 wouldn't have them in federal court. I would

15 lock you up if you do.

16 Computers and phones, noise to a minimum,

17 moving around to a minimum, just don't be

18 disruptive. No comments. This is not -- this is

19 not a public forum. No comments.

20 Let's talk about the schedule for the day so

21 everybody will be sort of prepared. I plan to go

22 till 10:45 for the first break. We'll take

23 fifteen minutes. Then we plan to go until --

24 from eleven till 12:30 with a thirty-minute lunch

25 break. Again we'll resume at 1:00, structured

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1 **THE ADMINISTRATIVE LAW JUDGE:** The

2 professor.

3 **MR. CELLI:** -- is here. Right.

4 **THE ADMINISTRATIVE LAW JUDGE:** You can step

5 out. Step out. That'll be fine. Thank you.

6 **MR. BOPP:** Thank you.

7 **THE ADMINISTRATIVE LAW JUDGE:** Certainly,

8 Mr. Bopp.

9 Okay. All right, here's what's in at this

10 point: Exhibit P-2(g), as in George, the video;

11 P-21, the video only; P-2(n), as in Nancy, the

12 video; P-6, the video; P-10 from the

13 Congressional Record is in; P-11 is in; P-12,

14 which is a video; P-13(a) is in; P-14, the video

15 only; P-16; P-17; P-18; P-19; P-21; P-22; P-24;

16 P-27; P-29; P-36; P -- P-41; P-44; P-45; P-48;

17 P-49; P-51; P-52; P-53; P-54; P-55; P-57; P-59;

18 P-61.

19 On -- on P-62 -- we had a discussion about

20 this yesterday -- there's a reference to a Senate

21 report. The Senate report was not ten --

22 tendered. If -- if somebody wants to tender it,

23 I will -- I will admit it. But I'm not -- not

24 P -- P-62 itself is not coming in.

25 P-63; P-64; P-65; P-66; P-68; 69; P-72;

Page 13

1 P-73; P-74; and P-75; P-76; P-80; and P-81.
 2 Now, let me -- and then on Respondent's
 3 list -- on Respondent's list the following are
 4 admitted: R-1, R-2, R-3, R-4, R-5, R-6, and
 5 R-14. Those are all in.
 6 I will -- if Counsel want to perfect
 7 objections at this point or raise them for the
 8 record, I'll start with Mr. Celli.
 9 Do y'all have any objections that you want
 10 to raise at this time?
 11 **MR. CELLI:** Your Honor, I don't have my list
 12 handy, but are these the prelim -- preliminary
 13 rulings that you gave yesterday?
 14 **THE ADMINISTRATIVE LAW JUDGE:** Yeah. I
 15 mean, I -- I believe. I mean, I believe this is
 16 what I went through yesterday. There were a
 17 couple of items that I did not have a chance to
 18 review until today.
 19 **MR. CELLI:** One second, Your Honor.
 20 **THE ADMINISTRATIVE LAW JUDGE:** Sure. Take a
 21 second.
 22 **MR. CELLI:** Your Honor, if I --
 23 **UNIDENTIFIED SPEAKER:** They're actually
 24 still having a hard time hearing you in the back.
 25 **THE ADMINISTRATIVE LAW JUDGE:** Okay. Y'all

Page 15

1 thought Your Honor admitted as well.
 2 **THE ADMINISTRATIVE LAW JUDGE:** Let's see.
 3 P-55.
 4 **MR. SHAPIRO:** Five zero. Sorry. Fifty.
 5 **THE ADMINISTRATIVE LAW JUDGE:** Five zero.
 6 Well, I thought so too. I'm sorry, yes. That
 7 was my oversight. Yes.
 8 **MR. SHAPIRO:** And then we had submitted to
 9 Your Honor three additional exhibits -- P-82, 83,
 10 and 84 -- yesterday afternoon.
 11 **THE ADMINISTRATIVE LAW JUDGE:** Oh, I'm
 12 sorry. Yes. Wait a minute. Let me see. Hold
 13 on. Oh, yes. Let me look at these. Yes. I'm
 14 sorry, yes. Those are -- those are -- what --
 15 it's 80, 81, and eighty -- 80, 81, and 83?
 16 **MR. SHAPIRO:** 82, 83, and 84.
 17 **THE ADMINISTRATIVE LAW JUDGE:** What was 82?
 18 **MR. SHAPIRO:** 82 was a -- a video, the House
 19 impeachment video.
 20 **THE ADMINISTRATIVE LAW JUDGE:** Yes. Yes.
 21 Yes.
 22 **MR. SHAPIRO:** And --
 23 **THE ADMINISTRATIVE LAW JUDGE:** Yeah. The
 24 House impeachment video is admissible. Yes.
 25 **MR. SHAPIRO:** 83 was a -- the January 6th

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1 are still having a hard time --
 2 Judge Malihi, can y'all hear me?
 3 **JUDGE MALIHI:** Not well. Not well.
 4 **THE ADMINISTRATIVE LAW JUDGE:** Okay. Okay.
 5 I'll try to speak to it more directly.
 6 Thank you. Thank you, officer.
 7 Go ahead.
 8 **MR. SHAPIRO:** Sorry, Your Honor. I thought
 9 yesterday you admitted P-15 as well. I didn't
 10 hear that on the list --
 11 **THE ADMINISTRATIVE LAW JUDGE:** Let me look.
 12 **MR. SHAPIRO:** -- a video.
 13 **THE ADMINISTRATIVE LAW JUDGE:** Let me see.
 14 Hold on. Oh, I couldn't find it. I couldn't
 15 find it. I mean, I -- the link wouldn't work for
 16 me. That was my problem.
 17 **MR. SHAPIRO:** Okay.
 18 **THE ADMINISTRATIVE LAW JUDGE:** If you want
 19 to submit it -- I mean, if I could review it,
 20 I'll be happy to look at it.
 21 **MR. SHAPIRO:** Okay.
 22 **THE ADMINISTRATIVE LAW JUDGE:** That -- that
 23 was the only -- I went looking for it today and I
 24 couldn't find it.
 25 **MR. SHAPIRO:** And then P-50, five zero, I

Page 16

1 letter from Vice President Pence.
 2 **THE ADMINISTRATIVE LAW JUDGE:** Yes. Yes,
 3 that's admissible. Yes.
 4 **MR. SHAPIRO:** And then 84 was a video of the
 5 congresswoman.
 6 **THE ADMINISTRATIVE LAW JUDGE:** These are
 7 videos -- oh, of Representative Greene, yes.
 8 Yes. Yes, that one is admissible.
 9 **MR. SHAPIRO:** And then just one more, Your
 10 Honor. I think on the respondent's exhibits, I
 11 thought you had admitted R-7 which was a
 12 statute --
 13 **THE ADMINISTRATIVE LAW JUDGE:** I did.
 14 That's right.
 15 **MR. SHAPIRO:** And then R -- I believe you
 16 had said you admitted R-6, but that was a -- an
 17 article, and I thought --
 18 **THE ADMINISTRATIVE LAW JUDGE:** You are
 19 correct. Thank you for the correction. You're
 20 absolutely correct.
 21 **MR. SHAPIRO:** Thank you.
 22 **THE ADMINISTRATIVE LAW JUDGE:** That's the
 23 wrong item. Yep.
 24 Mr. Bopp?
 25 **MR. BOPP:** Nothing, Your Honor.

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1 **THE ADMINISTRATIVE LAW JUDGE:** You're good?

2 Thank you so much.

3 Okay. Appreciate everybody's indulgence on

4 that. I -- the lawyers in this -- this case have

5 been doing an excellent job and they are under

6 great pressure. So I appreciate everybody

7 staying on task.

8 So with that said -- what did I do with my

9 pad? I just had it. You know, there's a black

10 hole sometimes that -- there it is.

11 Okay. We're ready to begin then. So as we

12 discussed -- as we discussed, we're going to

13 proceed. I'm going to -- I'd like to begin with

14 opening statements.

15 Well, we -- before we begin, anything --

16 Mr. Bopp, anything that you want to discuss

17 before we start with opening statements?

18 **MR. BOPP:** No, Your Honor. I'm prepared for

19 argument.

20 **THE ADMINISTRATIVE LAW JUDGE:** Great.

21 Mr. Celli?

22 **MR. CELLI:** We're ready, Your Honor.

23 **THE ADMINISTRATIVE LAW JUDGE:** All right,

24 good.

25 So what we're going to do is we'll start

Page 19

1 understand that case, it's important to set the

2 stage with some history.

3 There have been past insurrections in this

4 country. We're going to hear about some of them.

5 The most important of which was the Civil War, or

6 as it was called at the time: the insurrection.

7 And Professor Gerard Magliocca, who is one of the

8 nation's foremost constitutional historians of

9 that era, specializing in Reconstruction and the

10 Fourteenth Amendment, will talk about some of

11 that history.

12 What was interesting about some of the

13 differences between these past insurrections is

14 that the Civil War involved states raising

15 armies. They equipped them with uniforms,

16 insignia, state-of-the-art military equipment.

17 They marched in columns. They occupied huge

18 tracts of land. That is not the only type of

19 insurrection that this country's seen.

20 Professor Magliocca will also talk about

21 some of the previous insurrections that were on

22 the minds of nineteenth-century Americans. Those

23 include Shay's Rebellion, also known as Shay's

24 Insurrection, the Whiskey Rebellion. These

25 insurrections were of a different character.

Page 18

1 with opening statements. I like to have both of

2 them at the same time. The burden in this case

3 is on the petitioners by preponderance of the

4 evidence, so they will get to go first. We will

5 pro -- and then we'll proceed with their case in

6 chief.

7 Mr. -- who's going to present? Mr. Fein?

8 Okay.

9 **MR. FEIN:** Thank you, Your Honor. May it

10 please the Court?

11 **THE ADMINISTRATIVE LAW JUDGE:** Yes, sir.

12 **MR. FEIN:** Ron Fein on behalf of the voters

13 in Georgia's 14th congressional district who

14 filed this challenge. With me, of course, are

15 Andrew Celli, Sam Shapiro, Dymond Wells, Bryan

16 Sells, and, of course, our co-counsel watching

17 remotely.

18 Your Honor, this is a solemn occasion. This

19 is not politics. This is not theater. This is a

20 serious case that the voters who we represent

21 have brought in order to offer proof that their

22 United States representative, seeking reelection,

23 Marjorie Taylor Greene, having taken the oath to

24 support the Constitution, then broke that oath

25 and engaged in insurrection. And in order to

Page 20

1 They were not quite as organized as the Civil

2 War. The foot soldiers of those insurrections

3 didn't march in armies, they didn't conquer vast

4 swaths of territory, and they certainly didn't

5 wear uniforms. That is the kind of insurrection

6 that occurred on January 6th.

7 The evidence will show a violent assault on

8 the United States Capitol that the law

9 enforcement and ordinary authorities were unable

10 to control, that this violent assault had

11 multiple purposes. Those included capturing and

12 executing the Speaker of the House of the United

13 States Representatives, the vice president of the

14 United States, other members of Congress. Those

15 purposes also included, and for a time achieved,

16 preventing the certification of the electoral

17 votes for the president, incoming, Joseph R.

18 Biden and the disruption of the peaceful transfer

19 of power.

20 This attack on the sacred temple of our

21 democracy, the United States Capitol, was

22 unprecedented. And to be sure, it was less

23 organized than some of those past insurrections.

24 This was not a case where the leaders were on

25 horseback, leading the charge. This was not the

Page 21

1 type of insurrection where the leaders were
 2 standing in Richmond, Virginia, giving
 3 long-winded speeches to justify the mayhem.
 4 Rather, the leaders of this insurrection, of whom
 5 there were a number, were among us on Facebook,
 6 on Twitter, on corners of social media that would
 7 make your stomach hurt.

8 The evidence will show that Marjorie Taylor
 9 Greene was one of them. In order to understand
 10 that, January 6th has to be set in context. It
 11 didn't arise out of nowhere. Even before
 12 January 6th, as December, 2020, turned into
 13 January of 2021, there were multiple shifting
 14 tactics used by different groups -- some violent
 15 extremists groups, some nonviolent groups -- all
 16 loosely coordinating, all with a shared central
 17 aim of preventing the certification of Joseph
 18 Biden as president. The tactics shifted. The
 19 different leaders jockeyed for position. Some
 20 were in violent extremists groups. Some were
 21 elected officials. Some were influencers of
 22 various types. You'll hear about them.

23 You'll also hear about these different
 24 figures, some of whom isolated themselves from --
 25 from some of the action with layers of

Page 23

1 subcultures can mean that words that could have
 2 one meaning, a benign meaning or even a baffling
 3 meaning to large portions of the American public
 4 can carry a very different significance to the
 5 people swimming in that particular subculture.

6 So the most important witness today, after
 7 Professor Magliocca testifies, the most powerful
 8 witness against Marjorie Taylor Greene's
 9 candidacy, the most powerful witness in
 10 establishing that she crossed the line into
 11 engagement of insurrection is Marjorie Taylor
 12 Greene herself.

13 You'll hear her words, of course, on the
 14 stand, what she says and what she doesn't say.
 15 You'll also hear what she's said in the past.
 16 Again, some of that will be in somewhat coded or
 17 veiled language. But you'll also hear in some
 18 cases the mask falls and she shows us exactly
 19 what she intended.

20 Now, she was not on the Capitol steps,
 21 urging the attackers to -- to breach police lines
 22 and smash through the doors on January 6th. That
 23 was not the role that she played. Different
 24 figures within this larger effort had different
 25 roles. But what became clear as December turned

Page 22

1 deniability, some more plausible than others.
 2 There'll be direct evidence. There'll be
 3 inferential evidence, and that inferential
 4 evidence includes coded language.

5 And let me explain what I mean by that. The
 6 evidence today does not include surveillance
 7 tapes, purporting to show that Marjorie Taylor
 8 Greene was directing the plotting of the attack.
 9 That's not going to happen today. The witness
 10 list today does not include a turncoat witness
 11 who's going to come and risk their own exposure
 12 by testifying that here she was ordered by
 13 Marjorie Taylor Greene to take certain actions
 14 and in secret. That's not the type of evidence
 15 that we are going to present today.

16 Rather the way that insurrections are
 17 organized nowadays is less in uniforms with
 18 military hierarchies and chains of command, less
 19 with detailed military plans of battle, and more
 20 through social media and the mass media. That's
 21 the era that we're living in. In many cases, the
 22 communications have multiple layers. And anyone
 23 who knows a teenager, is a teenager, or knows
 24 anyone in their twenties knows that hashtags and
 25 memes and ways of communicating among Internet

Page 24

1 into January; as lawful means of preventing the
 2 certification of Joe Biden were exhausted; as
 3 nonviolent, even if unlawful, means were
 4 exhausted is that Marjorie Taylor Greene
 5 nonetheless played an important role.

6 And her role -- even after she took the oath
 7 on January 3rd to uphold the Constitution and
 8 defend it against all enemies, foreign and
 9 domestic -- was severalfold: to bring people to
 10 D.C., again, not by providing trains and buses
 11 that would transport them directly, but rather
 12 through other means; to contribute in the plan;
 13 and to signal that January 6th would be, as she
 14 said herself on January 5th, "our 1776 moment," a
 15 coded phrase with great significance.

16 In fact, it turned out to be an 1861 moment.
 17 Instead of violence against a foreign empire, as
 18 we saw in 1776, she urged and encouraged and
 19 helped facilitate violent resistance to our own
 20 government, our democracy, and our Constitution.
 21 And in doing so, she engaged in exactly the type
 22 of conduct that triggers disqualification under
 23 Section 3 of the Fourteenth Amendment which is to
 24 say she engaged in insurrection.

25 Thank you.

April 22, 2022

Page 25

1 **THE ADMINISTRATIVE LAW JUDGE:** Thank you.

2 Mr. Bopp.

3 **MR. BOPP:** Thank you, Your Honor. May it

4 please the Court. I represent Marjorie Taylor

5 Greene, a member of Congress of the United States

6 in this hearing.

7 And, Your Honor, this is a court of law.

8 This is not a political candidate debate. This

9 is not a place for political hyperbole. It is

10 not a place for political smears. It's a court

11 of law.

12 And what we just heard, it was not a word

13 about the law. What does the thirteenth --

14 Section 3 of the -- of the Fourteenth Amendment

15 mean? What does the word "insurrection" mean?

16 What does the word "engaged" mean?

17 Not a word. There was not a word about the

18 First Amendment that prevents normal political

19 speech and hyperbole from being used against

20 someone. Not a word. They think they're in the

21 wrong place. Well, I plan to talk about the law.

22 What does this mean, this very serious

23 charge that has very broad ramifications to the

24 rights of Representative Greene, the voters in

25 his -- her district, and our democracy?

Page 27

1 But that's the nature of the procedure.

2 When can Representative Greene raise her

3 constitutional defenses, like the evidence you

4 are presenting violates the First Amendment to

5 the Constitution? When -- when are we going to

6 be able to litigate that question? In state

7 court, after she is disqualified, after she's

8 stripped from the ballot? Maybe after the

9 primary occurs and she loses -- well, nobody can

10 vote for her and obviously loses it.

11 Well, whoopity ding, okay? How do we recover

12 from that? How do we go back from that? There

13 are irr -- there are irrevocable -- this is

14 irr -- harm to the voters and to the candidate.

15 Now, second, our democracy is at stake. It

16 should not be -- it should be the voters, not

17 government employees, public officials, judges,

18 and lawyers who decide our elections. Voters

19 have a right to vote for the candidate of their

20 choice unless there is very compellingly legal,

21 not rhetorical, justification for that. Third --

22 and which is not present here.

23 Third, fundamentally, First Amendment rights

24 are at stake. Not only the right to vote, as

25 I've mentioned, or the right to run for office,

Page 26

1 First, the right to vote is at stake right

2 here, right now because they want to deny the

3 right to vote to the thousands of people in the

4 14th district of Georgia by having Greene removed

5 from the ballot. Those voters have a right to

6 vote for the candidate of their choosing and they

7 have a right to have their vote counted.

8 Now, the primary is May 24. Absentee

9 ballots have already been printed. They will be

10 mailed on May the 2nd and early voting starts on

11 May the 7th. And what is their hope is that

12 there'll be a decision by the secretary of state

13 right before the primary where she is immediately

14 struck from the ballot.

15 And those people that go into the polling

16 place cannot vote for the candidate of their

17 choice because by utilizing this procedure, the

18 substantial constitutional and federal law

19 violations that this candidacy challenge presents

20 cannot be decided by this court, unlike civil

21 court or criminal court which will always

22 prioritize deciding issues of that magnitude

23 before being subject to a trial, before being

24 penalized by disqualification, and before the

25 irreparable harm that will occur if that occurs.

Page 28

1 but also the challengers will try to use the

2 First Amendment protected political speech of

3 Representative Greene as evidence of, quote,

4 engaging in an insurrection or rebellion. That's

5 unconstitutional and should not be allowed.

6 And, finally, the charge not only triggers

7 disqualification but is a serious federal

8 criminal offense that she is being charged with.

9 Now, this is a very serious matter and the

10 decision should be based on admissible evidence

11 under the rules. We are -- we recognize that you

12 have greater latitude than that, but the -- the

13 charges, the seriousness of the charges, we think

14 warrant that adherence and faithful application

15 of the law. And we expect you -- that you will

16 do that.

17 Now, procedure. Georgia law -- and here I

18 am, talking about the law. Georgia law, 21-2-5,

19 permits a candidate challenge under two

20 circumstances. One, a candidate is not qualified

21 to be a candidate, all right? And number two is

22 a candidate is not qualified to take office. Of

23 course, these are different -- different

24 conceptually and different in their application.

25 So a claim under Section 3 of the Fourteenth

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1 Amendment has to do with your -- your ability to
 2 take office because not -- it doesn't address
 3 candidacy in any way. It's the ability of a
 4 representative in this case to take office
 5 because she has sworn the oath of office, engaged
 6 in insurrection or rebellion, Congress has not
 7 given her amnesty, and, finally, she -- when she
 8 presents herself to take the oath of office, she
 9 could be challenged which we think is the
 10 exclusive constitutional right of Congress, not
 11 state officials, to decide whether or not she is
 12 eligible at that time to take office. So we're
 13 not dealing with a candidacy disqualification,
 14 we're dealing with a alleged take-office
 15 qualification.

16 Now, unfortunately as I've mentioned, many
 17 of these issues cannot be decided by this court,
 18 even though you might make recommendations to the
 19 secretary of state on the matter. And we have
 20 fully briefed this already in our motion to
 21 dismiss and to stay the proceedings: the
 22 constitutional claims, the federal law claims,
 23 the protections of the First Amendment, speech
 24 and debate, and what these words in Section 3
 25 mean.

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1 Now, this provision, as I mentioned, makes
 2 it clear this is about eligibility on January 3,
 3 2023. Not today, not tomorrow, but eligibility
 4 when she presents herself as a reelected member
 5 of Congress. She could be excluded under the
 6 exclusive power of Congress to judge the
 7 qualifications of its members. That's where
 8 these people should be: in Congress, explaining
 9 why she, once she is reelected, is disqualified
 10 from taking her seat.

11 Now, the second thing that makes -- the
 12 sequence makes clear is that in her case she took
 13 the office first -- for the first time -- and
 14 these are in our stipulated facts.

15 **THE ADMINISTRATIVE LAW JUDGE:** Correct.

16 **MR. BOPP:** -- on January the 3rd. That's
 17 the first time. And so she would have had to
 18 engage in insurrection or rebellion after
 19 January 3rd. In other words, under the -- the
 20 Constitution, prior to January 3rd, she could've
 21 done -- done it, under the law. Now, it's
 22 preposterous that she would even consider it.
 23 She -- she reveres the United States
 24 Constitution. But the way the statute -- or the
 25 Constitutional provision is set up, she would

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1 So let's look at that. We have -- we have
 2 submitted evidence as R-2, which is the
 3 Fourteenth Amendment. And it includes, of
 4 course, Section 3. And Section 3 provides that
 5 (reading): No person shall be a senator or
 6 representative in Congress, et cetera, et cetera,
 7 et cetera, who, having previously taken an oath
 8 as a member of Congress or an officer of the
 9 United States legislature to support the
 10 Constitution shall have engaged in insurrection
 11 or rebellion against the same or given aid and
 12 comfort to the enemies thereof.

13 So there's a sequence. You have to have
 14 originally taken the oath. You have to then
 15 engage, and then you can -- you are disqualified
 16 and Congress can determine that you're
 17 disqualified for having done that, from taking a
 18 subsequent oath, and therefore cannot assume
 19 your -- your position as a member of Congress.

20 And then furthermore (reading): But
 21 Congress may, by a vote of two-thirds of each
 22 House, remove such disability.

23 And, of course, that's the various amnesty
 24 acts that have been adopted or could be adopted
 25 by -- by Congress.

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1 have to have engaged after.

2 So evidence of anything she did prior to
 3 January 3rd is just completely irrelevant to the
 4 Section 3 unless it is direct -- a direct
 5 admission of her intention to engage in
 6 insurrection or rebellion after January 3rd.
 7 Anything else she says is not only -- it should
 8 be excluded because it doesn't fit the charge,
 9 right? But, as I will soon demonstrate, it is
 10 protected by the First Amendment.

11 Now, here words matter. And at every turn
 12 the challengers mistake what the law is in their
 13 complaint. Obviously, they didn't discuss it
 14 here but in their complaint. And calling
 15 something something doesn't make it something.
 16 Calling an orange an apple does not make the
 17 orange an apple. An orange has characteristics
 18 that are preestablished and are applied to
 19 determine whether the word "apple" applies.
 20 Here, the key phrases in Section 3 are themselves
 21 defined by the law.

22 Now, they start off in misstating the law by
 23 saying that Representative Greene should be
 24 disqualified under Section 3 -- this is also
 25 called, by the way, the Disqualification

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1 Clause -- because she is someone who, quote,
 2 aided and engaged in an insurrection, end of
 3 quote. Complaint, page 1, aided and engaged,
 4 where is that in Section 3? It says (reading):
 5 Engaged in insurrection or rebellion or gave aid
 6 or comfort to the enemies thereof. There's no
 7 aided and engaged in this -- in this -- in this
 8 statute.

9 Now, each of those phrases, "engaged in
 10 insurrection or rebellion," that phrase, and
 11 the -- and it's or-accompanying phrase, "gives
 12 aid or comfort to the enemies thereof," each of
 13 those has special meaning. "Engage" is an act.
 14 It is a direct and overt act at -- of
 15 insurrection. It is about, as one commentator
 16 said, domestic war. That's what engaged in
 17 insurrection or rebellion is -- is about.

18 The "or" -- giving aid or comfort to the
 19 enemies thereof, as the same commentator said, is
 20 about foreign wars. Each of these phrases have
 21 been used several times in federal law and have
 22 come to gain particular meaning. They're words
 23 of art.

24 So you can't take aid out of the second part
 25 about foreign wars and add it to the first part

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1 The people will remember the Patriots who stood
 2 for election integrity, end of quote. That is
 3 supposed to be about an insurrection or engaging
 4 in an insurrection. Or they said she said --
 5 she's alleged to have said, quote, Congress is
 6 the last line of defense from a stolen election,
 7 end of quote, on page 21. Isn't that
 8 quintessential political speech? Isn't that
 9 recognizing the role of Congress in certifying
 10 the electors? How could that be interpreted
 11 as -- as an overt act to engage in insurrection
 12 or rebellion? Well, it can't be.

13 And, now, the question of voter fraud in the
 14 2020 election, it was a -- is a quintessential
 15 example of political speech, legitimate political
 16 disagreements about what happened. You know, the
 17 Supreme Court in *Republican Party of Minnesota*
 18 *versus White* -- actually the first one I argued
 19 in the court -- said that announcing views on
 20 disputed legal or political issues is at the core
 21 of the First Amendment. At the core.

22 Now, this is disputed, no question. But to
 23 say that is an act of insurrection, it is a
 24 direct overt act of insurrection against the
 25 United States when Representative Greene was an

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1 that is about domestic wars. That defies the
 2 rules of construction. It flaunts the technical
 3 and meaning of those phrases, of those words.

4 So what is "engage" and what does it mean?
 5 Well, "engage" connotes conduct, a direct overt
 6 act of insurrection to overthrow the United
 7 States government. It is about things like --
 8 which the people who drafted this
 9 well-understood. Many of them were part of the
 10 victorious -- thank the Lord -- Union Army, and
 11 they -- they knew what an insurrection or a
 12 rebellion was.

13 So it was taking up arms, you know,
 14 voluntarily joining the Confederate Army. It was
 15 about working in the war department for the
 16 Confederate government. It was about providing
 17 supplies and equipment and material for the
 18 people who were conducting the war. So these
 19 were direct overt acts of insurrection.

20 Now, instead of looking to that, what we
 21 have already heard described as their evidence --
 22 and, of course, is well-revealed in their
 23 complaint -- they want us -- they want to hold
 24 against her First Amendment protected speech.
 25 And here's a few examples. On page 19, quote:

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1 elected member of Congress who on January 6th had
 2 a constitutional duty and responsibility to be on
 3 the Floor, where she was, to determine whether or
 4 not certain votes -- electoral votes from the
 5 states were to be certified.

6 Now, the First Amendment demands a very
 7 narrow test. I've already said and argued that
 8 "engage" is -- connotes conduct, right? But we
 9 can look to a much broader term that actually
 10 allows speech to be considered. And that is the
 11 Brandenburg case and the NAACP case which we saw.
 12 And that is the word "incitement."

13 Now, incitement and engage are different
 14 words with different meanings. And, in fact, you
 15 know that for sure because there are federal
 16 statutes that -- that say in -- "incite" and then
 17 say "engage" in certain conduct. I mean, they're
 18 used as different words, all right? Incitement,
 19 the Supreme Court has said, is speech. But the
 20 Supreme Court, because of First Amendment
 21 concerns so that normal everyday political speech
 22 will not be punished as they want to do, says
 23 that it -- that that speech must be, quote,
 24 directed to inciting or producing -- producing
 25 imminent lawless action and that it is likely to

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<p style="text-align: right;">Page 37</p> <p>1 incite or produce such action, end of quote. 2 That's on page 30 of our motion to dismiss. That 3 is very restrictive, right? But we know how 4 restrictive it really is when we point out the 5 statements that are made where people are 6 claiming that is incitement and the Supreme Court 7 says, no, that's protected by the First 8 Amendment. 9 For instance, a Ku Klux Klan leader, quote, 10 advocated the duty, necessity, and propriety of 11 crime, sabotage, violence, or other unlawful 12 methods of terrorism as a means of accomplishing 13 industrial or political reform, end of quote. 14 And the Supreme Court said that is protected 15 First Amendment speech. That is not cite -- 16 incitement. 17 There was also was a statement by an NAACP 18 official where he said, quote, If we catch any of 19 you going in any of them racist stores, we're 20 going to break your damn neck, end of quote. 21 That was not incitement under the Brandenburg 22 test. 23 And we also have seen where a Vietnam War 24 protester said: We are taking the F (sound made) 25 street again, end of quote. And that was not</p>	<p style="text-align: right;">Page 38</p> <p>1 incitement under the Brandenburg test. There is 2 absolutely nothing that Representative Greene 3 ever said that passes the Brandenburg test of 4 incitement, and she can't even be held into 5 account for incitement because this is "engaged" 6 which requires conduct. 7 Look, they knew what the words meant. And 8 they chose the words that they were going to use. 9 This was going to be a very narrow 10 disqualification. 11 Now, then they claim that Representative 12 Greene promoted or organized the January 6th 13 rally away from the Capitol -- Right? -- near the 14 White House at -- where some of the people at 15 that rally went to Capitol and some of those 16 attacked the Capitol. And I call it an attack. 17 It was despicable for these people to do this, to 18 attack the Capitol of the United States. 19 Over seven hundred have been charged with 20 crimes. If they are guilty, they should be 21 convicted of those crimes. But, you know, not a 22 single one of them has been charged with engaging 23 in insurrection or rebellion which is a federal 24 criminal offense. Not one. Not a one of the 25 people that actually attacked the Capitol,</p>
<p style="text-align: right;">Page 39</p> <p>1 assaulted police officers, broke in, and were 2 there unlawfully. 3 Well, the First Amendment right to assemble 4 means that the right to assemble does not lose 5 all constitutional protections merely because 6 some members of that group may have participated 7 in conduct or advocated a doctrine that itself is 8 not protected. So this was the quintessentially 9 protected First Amendment right of assembly and 10 that some people left and went to the Capitol. 11 Some people attacked the Capitol. You can't hold 12 the people who -- who organized the peaceful and 13 constitutionally protected rally -- you cannot 14 hold that -- that against them because that's 15 what they did. 16 Now, second, the challengers misstate the 17 law regarding what is an insurrection or 18 rebellion. They say it is, quote, to overthrow 19 the government or -- or obstruct it's core 20 functions, period, end of quote. That's on 21 page 32. Nowhere in any case does it say that 22 insurrection includes "obstruct its core 23 function." It certainly says overthrow the 24 government and, you know, certainly in for -- you 25 know, if that would occur, all of the functions</p>	<p style="text-align: right;">Page 40</p> <p>1 would transfer to someone else, right? But they 2 want to expand this so that, for instance, when a 3 heckler in the House gallery stands up and 4 heckles the Congress -- you know, the House, and 5 they have to suspend, that that person is guilty 6 of insurrection or rebellion because a core 7 function has been obstructed. 8 Look, this word is way more serious and 9 narrow than what they say. Let me give you 10 examples of what the -- either statutes or the 11 courts, et cetera has said. A domestic war -- 12 that is on page 20 of our submission, motion to 13 dismiss. A domestic war. Second -- and that was 14 the attorney general in 1867. 15 Two, combinations too powerful to be 16 suppressed by ordinary course of judicial 17 proceedings or by the marshal. That was 18 temporarily -- so apparently, I don't know, but 19 even if it were, it wasn't -- you know, it was 20 temporary and short-lived. 21 Third, a rising so formidable as for the 22 time being to defy the authority of the United 23 States in such force that civil authorities are 24 inadequate to put them down and a considerable 25 military force is needed to accomplish the</p>

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1 result. Shay's Rebellion. Collapse when the
 2 U.S. military showed up. And the military wasn't
 3 required here, even for the temporary attack. An
 4 armed insurrection too strong to be controlled by
 5 civil authorities.

6 And then finally, the court in Allegheny
 7 City juxtaposed what an insurrection is and what
 8 an insurrection isn't. It says an insurrection
 9 is an organized and armed uprising against
 10 authority or operation of government. It is not:
 11 While crimes, growing out of mob violence --
 12 which we certainly had on January 6th -- however
 13 serious they may be or however numerous the
 14 participants are simply unlawful acts in
 15 disturbance of the peace which do not threaten
 16 the stability of the government or the existence
 17 of political society.

18 They're different, dramatically different.

19 Now, we have stipulated that a group of
 20 people that did not include Representative Greene
 21 unlawfully entered the United States Capitol on
 22 January 6th. And they did. I mean, I say more
 23 about -- I say more than that about what happened
 24 as I just have before your court, Your Honor, on
 25 behalf of Representative Greene.

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1 So she did not engage in the attack on the
 2 Capitol. That -- if there was conduct that meets
 3 the term "engage" -- I mean that if there was
 4 conduct that would ever meet the term "engage,"
 5 it would be breaking into the Capitol. That
 6 would be an engagement certainly, an overt --
 7 direct overt act.

8 And, however, I think describing that as
 9 insurrection or rebellion is just political
 10 hyperbole and not under the Constitution. And
 11 that's what you have to engage in.

12 Now, what you will see is pertinent evidence
 13 about what she did from -- from us from
 14 January 3rd until the end of the day on
 15 January 6th. And, you know, you will see that on
 16 January 3rd -- and we've stipulated she was sworn
 17 in -- she met with President Trump about making
 18 objections to certain states' electoral votes
 19 based upon evidence that she believed and others
 20 believed constituted sufficient voter fraud to
 21 overturn the election in those particular states.

22 You will see that on January 6th -- and of
 23 all the tweets and all the videos, we -- we are
 24 presenting this video. This is during the moment
 25 when the attack on the Capitol was occurring.

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1 **THE ADMINISTRATIVE LAW JUDGE:** Excuse me.
 2 **MR. BOPP:** Yeah.
 3 **THE ADMINISTRATIVE LAW JUDGE:** I apologize,
 4 Mr. Bopp.
 5 Mr. Hamilton?
 6 **MR. BOPP:** Sorry?
 7 **THE ADMINISTRATIVE LAW JUDGE:** That's our --
 8 my guy who needs to help us with the sound.
 9 Excuse me just a second.
 10 **MR. BOPP:** I hope he helps with the
 11 temperature. He is the man.
 12 (Sound adjustment made.)
 13 **THE ADMINISTRATIVE LAW JUDGE:** Thank you.
 14 Apologize for interrupting.
 15 **MR. BOPP:** Thank you. No that's --
 16 **THE ADMINISTRATIVE LAW JUDGE:** You know, if
 17 you're not under -- we're far too old to deal
 18 with these issues. Far too old.
 19 **MR. BOPP:** Yeah. And -- so we -- we have
 20 willingly stipulated that people entered the
 21 Capitol unlawfully. And I say more than that,
 22 more than just unlawfully. But significantly,
 23 they are willing to agree that those people that
 24 entered unlawfully did not include Representative
 25 Greene.

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1 And she is in the Capitol in a dark hallway and
 2 she says -- first, in the tweet accompanying the
 3 video, which they do quote in their complaint --
 4 "Be safe, be smart, stay peaceful, obey the laws.
 5 This is not a time for violence. This is a time
 6 to support President Trump and support election
 7 integrity," which they believed they were doing
 8 on the Floor of the United States Congress.

9 And then the video: I -- so I urge you to
 10 remain calm. I urge you to have a peaceful
 11 protest. Make sure that everyone is safe and
 12 protected. And let's do this in a peaceful
 13 manner. This is -- this is not a time for
 14 violence. This is a time to support President
 15 Trump, support election integrity, and support
 16 this important process that we're going through
 17 in Congress where we're allowed to object. So
 18 this -- this is very important: So I urge you to
 19 stay calm. Be the great American people that I
 20 know you are and just know that you're -- that
 21 we're in the fight for you. God bless everyone.
 22 Be careful. Be safe. Be smart. And obey the
 23 laws.

24 A few days later, after the attack occurred,
 25 she said: We -- meaning members of Congress --

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1 did not plan, cause, and denounce the January 6th
 2 attack. And then FBI Director Wray testifies
 3 before a committee of Congress -- this is R-5: I
 4 was appalled, like you -- he's addressing members
 5 of Congress -- at the violence and destruction
 6 that we saw that day. I was appalled that you,
 7 members of Congress, our country's elected
 8 leaders were victimized right here in the very
 9 halls of Congress.

10 Representative Greene was a victim of this
 11 attack. Her life was in danger, she thought.
 12 She was scared and confused. Her children were
 13 frantic about what was going on and feared for
 14 her safety. That is not what a person who
 15 planned the attack would react. And you will see
 16 her reaction and you will then hear her
 17 testimony.

18 So the attack on the U.S. Capitol, as
 19 despicable as it was, was not an insurrection or
 20 rebellion and she certainly did not engage in it
 21 as understood under the law. That is what the
 22 evidence will prove and why she should remain --
 23 among multiple other reasons remain on the
 24 ballot.

25 Thank you, Your Honor.

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1 Georgia's 14th congressional district.

2 On January 3, 2021, the respondent took the
 3 oath of office to be a member of the U.S. House
 4 of Representatives for the first time.

5 The joint session of Congress was called to
 6 order at or around 1 p.m. on January 6, 2021, for
 7 the purposes of opening, counting, and resolving
 8 any objections to the electoral college vote of
 9 the 2020 U.S. presidential election and
 10 certifying the results of the electoral college
 11 vote.

12 A group of people that did not include the
 13 respondent unlawfully entered the United States
 14 Capitol on January 6, 2021. On January 26(sic),
 15 2021, joint session of Congress was suspended
 16 while people were unlawfully inside the U.S.
 17 Capitol.

18 Congress certified the results of the
 19 electoral college vote at or about 3:40 a.m. on
 20 January 7, 2021. And Respondent filed her
 21 candidacy for the upcoming midterm elections for
 22 Georgia's 14th congressional district on March 7,
 23 2022, and filed an amended notice of candidacy on
 24 March 10, 2022.

25 We'd like to call Professor Magliocca.

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1 **THE ADMINISTRATIVE LAW JUDGE:** Thank you,
 2 Mr. Bopp.

3 All right. Start with Professor Magliocca?
 4 **MR. CELLI:** Well, Your Honor --
 5 **THE ADMINISTRATIVE LAW JUDGE:** Pronounce his
 6 name again. I'm sorry.

7 **MR. FEIN:** Magliocca.
 8 **MR. CELLI:** Magliocca.
 9 **MR. FEIN:** Magliocca.

10 **THE ADMINISTRATIVE LAW JUDGE:** I apologize.
 11 I mean, I struggle with names. I apologize.

12 **MR. CELLI:** Your Honor, we want to start
 13 just by reading into the record the stipulated
 14 facts. It'll take a moment.

15 **THE ADMINISTRATIVE LAW JUDGE:** If you want
 16 to read them, that's fine. They're in. I mean,
 17 they're admitted. But you can read them.

18 **MR. CELLI:** The parties to the
 19 above-captioned proceedings, through their
 20 undersigned counsel, stipulate that the following
 21 facts are true: That the respondent is over the
 22 age of 25, the respondent has been a United
 23 States citizen for more than seven years, the
 24 respondent is an inhabitant of Georgia.

25 Petitioners are all registered voters in

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1 **THE ADMINISTRATIVE LAW JUDGE:** Okay.
 2 Professor, you get to go over here
 3 (indicating).
 4 (The witness took the stand.)

5 **THE ADMINISTRATIVE LAW JUDGE:** Good morning.
 6 **MR. MAGLIOCCA:** Good morning.

7 **THE ADMINISTRATIVE LAW JUDGE:** If you'd
 8 raise your right hand. Do you solemnly swear or
 9 affirm the testimony you give in this hearing is
 10 the truth, the whole truth, and nothing but the
 11 truth, so help you God?

12 **THE WITNESS:** I do.

13 **THE ADMINISTRATIVE LAW JUDGE:** Okay.
 14 Please proceed. Proceed, Mr. Fein.

15 GERARD MAGLIOCCA,
 16 having been duly sworn, was examined and testified as
 17 follows:
 18 V O I R D I R E E X A M I N A T I O N

19 **BY MR. FEIN:**

20 **Q** Good morning, Professor Magliocca. Could
 21 you just repeat your full name for the record?

22 **A** Gerard Magliocca.

23 **Q** And what's your profession?

24 **A** I am the Samuel R. Rosen professor at the
 25 Indiana University Robert H. McKinney School of Law.

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1 Q What's your educational background?

2 A I received my college degree at Stanford and

3 my law degree from Yale.

4 Q And could you summarize your professional

5 experience since then.

6 A Yes. I was a law clerk for one year, and

7 then I was an associate at a law firm for two years,

8 and I've been a teacher for the past twenty-one years.

9 (Petitioners' Exhibit 61 identified.)

10 MR. FEIN: And, Your Honor, I believe

11 Exhibit P-61, his résumé, has already been

12 admitted into evidence --

13 THE ADMINISTRATIVE LAW JUDGE: That's

14 correct.

15 MR. FEIN: -- so we don't need to reread

16 it.

17 BY MR. FEIN:

18 Q Professor Magliocca, what are your areas of

19 research?

20 A My main area of research is American

21 constitutional history.

22 Q And you don't have a PhD in history, though;

23 do you?

24 A I do not.

25 Q So what is your experience working with

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1 THE WITNESS: Yes. I would say I do more

2 than half of my work on primary sources and then

3 the remainder consists of reading other books or

4 articles written about the subjects that I'm

5 studying.

6 BY MR. FEIN:

7 Q What methods do you use when you're

8 conducting this original historical research?

9 A Well, I use the same methods that a

10 historian would use. So, for example, I try to

11 identify documents and make sure they are authentic.

12 I try to understand the documents based on what was

13 going on at the time and also to make sure that I'm

14 quoting them in context rather than out of context,

15 for example.

16 Q Have you ever heard the phrase "law office

17 history"?

18 A Yes, I have.

19 Q What do you understand that phrase to mean?

20 A It means reaching a conclusion and then

21 trying to find historical materials to justify the

22 conclusion that you've already reached.

23 Q And how is your research the same or

24 different from law office history?

25 A Well, I don't have any particular

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1 historical materials?

2 A Well, I do work at archives around the

3 United States on books that I write. So, for example,

4 I've worked at the Library of Congress, Mount Vernon,

5 the Chicago History Museum, the National Archives, and

6 as well as other facilities that hold documents.

7 Q And how much of your work has been original

8 historical research using original historical

9 materials?

10 A Well, more than half. I -- I mean,

11 obviously I use secondary sources, read other books

12 and articles to do my research.

13 THE ADMINISTRATIVE LAW JUDGE: Excuse me

14 just a second. I think -- are they having

15 difficulty hearing?

16 (Staff conferred with the witness.)

17 THE WITNESS: Oh, okay. Sorry.

18 THE ADMINISTRATIVE LAW JUDGE: Yes. You

19 have to get -- you have -- unfortunately have to

20 talk to the stupid thing.

21 MR. FEIN: Did you need to finish that

22 question?

23 THE WITNESS: Would you like me to repeat my

24 answer?

25 THE ADMINISTRATIVE LAW JUDGE: Please.

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1 conclusion. When I begin a project, I do the research

2 with the materials and then I gradually reach a

3 conclusion based on what I read and what I see.

4 Q Now, I'm not going to ask you to repeat your

5 entire bibliography. But specifically with respect to

6 your historical research on the nineteenth century,

7 how many, if any, books have you published?

8 A Five.

9 Q And what subjects were they about?

10 A Well, the first one was about Andrew Jackson

11 and the period in which he was president. The second

12 was the period at the end of the nineteenth century

13 when William Jennings Bryan was running for president

14 multiple times. The third was a biography of

15 Congressman John Bingham who was one of the principal

16 framers of the Fourteenth Amendment. The fourth is a

17 book on the Bill of Rights that covers the entire

18 history of the Bill of Rights, including the

19 nineteenth-century portion. And the one that I've

20 just written is about George Washington's nephew who

21 was Bushrod Washington who was a justice of the

22 Supreme Court for thirty years in the early nineteenth

23 century.

24 Q In addition to these books, have you

25 published academic articles and academic journals

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1 about nineteenth-century constitutional history?

2 **A** Yes. I've published about ten articles that

3 relate to nineteenth-century constitutional history in

4 various journals.

5 **Q** And in the past, let's say, three years,

6 have you been asked to give any academic lectures or

7 speeches outside your university on nineteenth-century

8 constitutional history?

9 **A** Well, of course they were virtual because of

10 the pandemic, but -- but, yes. I just -- I gave a

11 talk at Mount Vernon in 2021 about the -- well, the

12 Bushrod Washington book, and I've been doing some

13 other things related to that. That's been the main

14 source of lecture that I've done.

15 **Q** And have you received any fellowships or

16 professional recognition for this work?

17 **A** Yes. I was a fellow at Mount Vernon from

18 2019 to 2021 where I worked in the archives there on

19 the Bushrod Washington project, looking at his letters

20 and other correspondence that was related to my

21 research.

22 **Q** And then, turning to the Fourteenth

23 Amendment and Section 3 in particular, have you

24 conducted any research on this?

25 **A** Yes, I have.

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1 **A** Well, I mean, there's some overlap, of

2 course. But the -- I focus much more in my work on

3 the surrounding politics or social aspects of what's

4 going on at these particular times with these

5 particular constitutional issues, rather than focusing

6 more on the text or the cases. So, obviously, you

7 have to do some of both, but I'm more of a -- a -- you

8 know, more of a historian than a -- than a lawyer in

9 that respect.

10 **MR. FEIN:** Your Honor, at this time I move

11 to tender Professor Magliocca as an expert

12 witness in nineteenth-century American

13 constitutional history.

14 **MR. BOPP:** I object, Your Honor.

15 Number one, he was not tendered as an expert

16 in the -- in the specification of witnesses.

17 Number two, they have provided us no expert

18 report, which is required for such an expert, so

19 that we can prepare for his testimony.

20 Number three, he has not produced to us the

21 documents that he relied upon in order to reach

22 whatever conclusions the expert report reveals.

23 So we -- under civil rules in Georgia,

24 that's all required. None of that occurred here.

25 And it is fundamentally unfair for us to show up

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1 **Q** And can you describe in broad terms that

2 research.

3 **A** Yes. In the fall of 2020, I researched and

4 wrote a paper on Section 3 of the Fourteenth

5 Amendment. The paper was completed in December and

6 made available to researchers and anyone to see on the

7 Social Science Research Network. That happened around

8 December 10, 2020.

9 **Q** And what perspectives do you use to address

10 questions about the Fourteenth Amendment?

11 **A** Well, primarily I look to what was said in

12 Congress about the amendment proposal because that's

13 sort of, well, the most important initial source.

14 Then I also look to secondary sources outside of

15 Congress. For example, what did newspapers have to

16 say about the pending proposal, what was said in the

17 states to the extent that we can find out about the

18 ratification of the Fourteenth Amendment.

19 So it's primarily looking to the discussion

20 or conversation that Americans had about the

21 Fourteenth Amendment when it was proposed and under

22 discussion for ratification.

23 **Q** And how are these approaches similar or

24 different from the types of ordinary legal analysis

25 that lawyers and judges ordinarily do?

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1 at the hearing with no preparation other than his

2 résumé, which we got a couple days ago, and --

3 and cross-examine him without an adequate

4 opportunity to prepare -- prepare. That is

5 always provided for an expert witness.

6 **THE ADMINISTRATIVE LAW JUDGE:** As I have

7 said before, I'm unclear what the role is for the

8 -- for the professor. He's indicated that he has

9 an -- is he going to testify essentially to the

10 contents of his article that he wrote?

11 **MR. FEIN:** No, Your Honor. The subject

12 matter of the questioning would address matters

13 that were not entirely embraced within the

14 context of his law degree article.

15 **MR. BOPP:** Your Honor, I -- I apologize. I

16 had one other comment.

17 **THE ADMINISTRATIVE LAW JUDGE:** Yes, sir.

18 **MR. BOPP:** And I was going back and forth

19 whether or not this was proper when he starts

20 answer -- asking questions or now, but I want to

21 raise it. What he has described is his

22 expertise, expertise, and what he has -- that he

23 said he will testify about are quintessential

24 legal questions.

25 If a statute is vague, you look to the

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1 legislative history. That's what he wants to
2 testify about. That a legal question, what the
3 legislative history is and what it provides. It
4 is not for a person to testify about. These are
5 about facts about what happened on January 6th,
6 before, and not on legal matters. This is
7 quintess -- legislative history is
8 quintessentially what us lawyers do and judges
9 decide.

10 So I would object generally on that ground
11 also.

12 **THE ADMINISTRATIVE LAW JUDGE:** I'm
13 struggling because I'm trying to -- it -- you
14 know, we don't -- I don't know what the testimony
15 is going to be. I mean, it's a circular
16 question.

17 But the issue of the history of the
18 Fourteenth Amendment, if -- if the petitioners
19 want to spent their time with a history of the
20 enactment of the Fourteenth Amendment, I will
21 listen.

22 But I concur with you that I will not permit
23 and will not entertain testimony regarding the
24 meaning of statutes or anything that would be
25 properly the subject of briefing. So what I -- I

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1 people who had led secession.

2 So those members were excluded from Congress
3 and then consideration was given to some formal
4 proposal that would exclude them for some period of
5 time afterwards.

6 **Q** And who were the primary framers of this
7 provision?

8 **A** Section 3 of the Fourteenth Amendment was
9 drafted by Senator Jacob Howard of Michigan. And it
10 was narrower than the original proposal that had been
11 put forward in the House of Representatives. So the
12 House proposal for Section 3 would have prohibited all
13 former Confederates from voting in federal elections
14 until 1870.

15 So the senators considered that too broad
16 and unfair. So the substitute, drafted by Senator
17 Howard, focused instead on officeholding rather than
18 voting and did not apply to anyone who had been
19 engaged in insurrection. Instead, it applied only to
20 officials, either current or former and civil or
21 military, on the thought that it was the leaders of
22 the insurrection who should be held accountable rather
23 than ordinary followers.

24 **Q** And in developing Section 3 of the
25 Fourteenth Amendment, did the framers look to any

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1 will let you start but -- and I would also
2 suggest -- I mean, to me, this all sounds like
3 the sort of stuff that would be coming in
4 appropriately in the briefing. And if you have
5 articles and authorities and original documents
6 that you wish to cite, I'm happy to read them.
7 But I don't know that it makes sense for us to be
8 dealing with a series of objections on things
9 which are historical in nature.

10 So I will let you start, but I may stop you,
11 okay? And I will entertain objections when and
12 as appropriate.

13 Go ahead, Mr. Fein.

14 **MR. FEIN:** Thank you, Your Honor.

15 D I R E C T E X A M I N A T I O N

16 **BY MR. FEIN:**

17 **Q** Professor, can you just briefly summarize
18 the historical context for Section 3 of the Fourteenth
19 Amendment.

20 **A** Yes. So after the Civil War, elections were
21 held across the South for Congress and for the Senate.
22 And some of the people who won had been leaders in the
23 Confederacy. They arrived in Washington, seeking to
24 take their seats. Northern public opinion was
25 outraged at this because these were some of the same

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1 historical examples of insurrections other than the
2 Civil War?

3 **A** There were other examples, but there was
4 nothing cited specifically in the debates in Congress
5 about that provision.

6 **Q** What, if any, historical insurrections were
7 well known to reasonably educated
8 mid-nineteenth-century Americans?

9 **A** Well, there were two. One was Shay's
10 Rebellion which was also referred to as Shay's
11 Insurrection. And the other was the Whiskey Rebellion
12 which was also referred to as Whiskey -- Whiskey
13 Insurrection.

14 **Q** So let's start with Shay's Insurrection or
15 Shay's Rebellion. When and where did that occur?

16 **A** So Shay's Rebellion occurred in
17 Massachusetts at the end of 1786 and early 1787. It
18 was a tax protest by farmers who were upset about high
19 land taxes and that had led to many foreclosures of
20 farms. So what started happening was that groups of
21 farmers would arm themselves and go to local courts to
22 basically stop the courts from operating so that
23 foreclosure sales could not happen.

24 This built up to a point where the state
25 militia was called in to sort of deal with the

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1 suspension of the normal operation of the courts by
 2 armed people. And that led to a clash at an armory
 3 when some of the sort of insurrectionists decided to
 4 try to take some weapons. Four people were killed and
 5 after that the rebellion or insurrection ended.

6 **Q** You said that their goal was to stop the
 7 courts from operating; is that --

8 **A** That's correct. To prevent foreclosure
 9 sales on farms.

10 **Q** All right. And from a historical
 11 perspective, what were the key features of Shay's
 12 Rebellion that would be remembered in the
 13 mid-nineteenth century by reasonably educated
 14 Americans?

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

23 **Q** And was it considered an insurrection or a
 24 rebellion or both?

25 **A** Well, so in Federalist Number 10, James

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1 because sometimes there were foreclosures that were
 2 required to, you know, pay the taxes that were owed.

3 **Q** How many casualties were there in the
 4 Whiskey Rebellion?

5 **A** There were -- four or five people were
 6 killed in some skirmishes. Eventually George
 7 Washington called in a large force of more than 10,000
 8 troops to go into that portion of Pennsylvania and
 9 basically, for the most part, the insurrection was
 10 ended because of the sight of this large force led by
 11 George Washington. But four or five people were
 12 killed.

13 **Q** How well organized was the Whiskey
 14 Rebellion?

15 **A** Well, it was a loosely organized thing.
 16 There were mostly local groups doing different things.
 17 There wasn't really a single leader at all that --
 18 that we know of.

19 **Q** And by the time of the 1860s, how well
 20 known was the Whiskey Rebellion to ordinary educated
 21 nineteenth-century Americans?

22 **A** It would've been --

23 **MR. BOPP:** I object. We're now beyond even
 24 legislative history. We're -- he's already
 25 conceded that in the debates they were talking

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1 Madison -- the subtitle of Federalist Number 10 was
 2 *The Union as a Safeguard Against Domestic Faction and*
 3 *Insurrection*. So -- and he was referring to Shay's
 4 Insurrection as well as some other upheavals that had
 5 happened in the states prior to that.

6 And then in the nineteenth century, a
 7 well-known book by Justice Joseph Story referred to
 8 the insurrection in Massachusetts. Story was from
 9 Massachusetts. So that probably explains why he
 10 emphasized that point in his book.

11 **Q** Thank you. Let's talk about the other one
 12 you mentioned: the Whiskey Rebellion or Whiskey
 13 Insurrection. What was that?

14 **A** So the Whiskey Insurrection was another tax
 15 protest by farmers. This time on a federal tax on
 16 whiskey and other spirits. So farmers in Pennsylvania
 17 were upset about this and they decided to start
 18 getting armed and trying to prevent tax collection.
 19 They did this in various ways.

20 Sometimes they would -- well, in one case
 21 they tarred and feathered a tax collector. Also they
 22 would basically attack places where the tax collectors
 23 were known to be. And they also shut down courts
 24 because, again, to some degree, the courts were
 25 necessary to further the collection of the taxes

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1 about the Civil War, not what these were
 2 colloquially called insurrections, not the legal
 3 definition under Section -- Section 3.

4 **THE ADMINISTRATIVE LAW JUDGE:** Sustained.
 5 Next question.

6 **MR. FEIN:** Your Honor.

7 **BY MR. FEIN:**

8 **Q** If I recall your earlier testimony
 9 correctly, you said that four people died in Shay's
 10 Rebellion and four or five in the Whiskey Rebellion.

11 **MR. BOPP:** I object. I mean, he's --
 12 he's -- going on with this is to talk about
 13 something that was irrelevant as even legislative
 14 history, regarding Title 3. These were never
 15 cited.

16 **THE ADMINISTRATIVE LAW JUDGE:** Overruled.
 17 Go ahead.

18 **BY MR. FEIN:**

19 **Q** Did -- did I have those numbers right? You
 20 said four -- four or five people died in each of those
 21 insurrections?

22 **A** Correct.

23 **Q** So to the extent that nineteenth-century
 24 Americans thought of these as insurrections, in
 25 addition to, of course, the Civil War, how would

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1 nineteenth-century Americans have understood what
2 level of violence or bloodshed was needed before the
3 word "insurrection" would be used?
4 **A** Well, some violence was required because
5 there would -- there was no thought really that you
6 could have a peaceful protest and that would be
7 considered an insurrection. But there was no
8 particular thought about how much was required.
9 **Q** And how would they distinguish between -- or
10 would they distinguish between a riot versus an
11 insurrection?
12 **MR. BOPP:** I object. He's going --
13 **THE ADMINISTRATIVE LAW JUDGE:** Sustained.
14 **MR. BOPP:** -- into mind-reading --
15 **THE ADMINISTRATIVE LAW JUDGE:** Sustained.
16 Sustained. Next.
17 **MR. FEIN:** All right.
18 **BY MR. FEIN:**
19 **Q** What sources did nineteenth-century
20 Americans use to understand the meanings of words?
21 **MR. BOPP:** I object. He -- no foundation's
22 been laid for that question.
23 **THE ADMINISTRATIVE LAW JUDGE:** Sustained.
24 **MR. FEIN:** All right. Let me rephrase.
25 Your Honor, I'd like to display an exhibit

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1 **A** Yes. Much like modern dictionaries, they
2 would do a new edition every so many years.
3 **Q** But this is the 1830 edition.
4 **A** Yes.
5 **Q** Okay. You're familiar with this dictionary.
6 You've seen it before.
7 **A** Yes, I am.
8 **Q** To what extent does it inform, if at all,
9 your understanding of how words were used in the
10 mid-nineteenth century?
11 **MR. BOPP:** I -- I object as I --
12 **THE ADMINISTRATIVE LAW JUDGE:** Sustained.
13 **MR. FEIN:** Let's turn to page -- the next
14 page. And if we could zoom in on the left column
15 at the top.
16 **BY MR. FEIN:**
17 **Q** Can you read that, Professor Magliocca?
18 It's a little dicey.
19 **A** Oh boy, okay.
20 **MR. FEIN:** Can you zoom it even more,
21 Dymond.
22 **THE WITNESS:** I will do my best.
23 **MR. FEIN:** Okay. Can you --
24 **THE WITNESS:** Yes, I think I can.
25 **MR. FEIN:** Can you read a couple of entries

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1 that's already been admitted into evidence, which
2 is --
3 **THE ADMINISTRATIVE LAW JUDGE:** Okay.
4 **MR. FEIN:** -- P-81.
5 (Petitioners' Exhibit 81 identified.)
6 **THE ADMINISTRATIVE LAW JUDGE:** P-81, okay.
7 (Image displayed on screen.)
8 **BY MR. FEIN:**
9 **Q** Can you see that, Professor Magliocca?
10 **A** Yes, I can.
11 **Q** What are we looking at?
12 **A** You're looking at an 1830 edition of
13 Webster's dictionary.
14 **Q** How was that dictionary used in 1830 and
15 afterwards?
16 **A** Well, it was the leading dictionary in the
17 United States during this period.
18 **THE ADMINISTRATIVE LAW JUDGE:** Excuse me.
19 What -- what period are we talking about?
20 **THE WITNESS:** 1830.
21 **THE ADMINISTRATIVE LAW JUDGE:** Okay, 1830.
22 Okay.
23 **BY MR. FEIN:**
24 **Q** Was the dictionary updated on a semiregular
25 or a regular basis after that?

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1 down -- and I'm not going to ask you to -- to
2 read it aloud, but do you see there the -- can
3 you read the definitions there?
4 **THE WITNESS:** Yes, I can.
5 **BY MR. FEIN:**
6 **Q** Are you familiar with if this dictionary has
7 a definition for insurrection?
8 **A** Yes, it does.
9 **Q** And what -- what can you -- without reading
10 from that -- that definition, is that -- in your
11 experience as a historian, is that typical of a
12 nineteenth-century understanding of the word
13 "insurrection"?
14 **MR. BOPP:** I --
15 **THE ADMINISTRATIVE LAW JUDGE:** Sustained.
16 Sustained. Don't even stand up. The document
17 speaks for itself, counsel. Next.
18 **MR. FEIN:** Fair enough, Your Honor.
19 **BY MR. FEIN:**
20 **Q** How do you use these dictionaries in your
21 own work?
22 **A** Well, they're helpful in putting terms into
23 context, for example, if I'm reading a letter and I'm
24 trying to understand what somebody meant. You know,
25 sometimes the definition that people used back then

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1 isn't the same as the definition that we use now. So
 2 it's -- you have to check.
 3 (Petitioners' Exhibit 80 identified.)
 4 **MR. FEIN:** Let's go to Exhibit P-80 if we
 5 may. This has also been admitted into evidence.
 6 **THE ADMINISTRATIVE LAW JUDGE:** P-80?
 7 **MR. FEIN:** Yes.
 8 **BY MR. FEIN:**
 9 **Q** And what are we looking at here?
 10 **A** This is a statute, Georgia statute, enacted
 11 in 1866.
 12 **Q** And why did -- what is the statute about?
 13 **A** Insurrection.
 14 **Q** And do you know why Georgia enacted this
 15 statute?
 16 **A** I believe it was because of the -- it was in
 17 response, basically, to what had occurred during the
 18 Civil War.
 19 **Q** And --
 20 **MR. BOPP:** (standing)
 21 **MR. FEIN:** Your Honor, I haven't asked the
 22 question yet.
 23 **MR. BOPP:** I haven't objected yet.
 24 **THE ADMINISTRATIVE LAW JUDGE:** You may ask
 25 your question, counsel.

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1 **THE ADMINISTRATIVE LAW JUDGE:** All right,
 2 Mr. Fein. We're back on the record now.
 3 **MR. FEIN:** Thank you, Your Honor.
 4 Just a few more minutes, Professor
 5 Magliocca.
 6 **BY MR. FEIN:**
 7 **Q** Professor Magliocca, how were the southern
 8 states governed after Lee's surrender?
 9 **A** Well, there were temporary civil governments
 10 put in place by President Johnson. But then in 1867
 11 Congress passed the Military Reconstruction Acts to
 12 impose, essentially, martial law on almost the entire
 13 former Confederacy.
 14 **Q** So, for example, who was governing Virginia
 15 during that period of time?
 16 **A** A Union Army general.
 17 **Q** And when was the Fourteenth Amendment
 18 Section 3 first implemented?
 19 **A** So it was first implemented in the Military
 20 Reconstruction Acts because those acts said that there
 21 had to be new elections throughout the South to elect
 22 conventions that could ratify the Fourteenth Amendment
 23 and write new state constitutions.
 24 And so the acts provided that people who
 25 were covered by what he described as Section 3 of the

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1 **MR. BOPP:** But maybe I should just stand,
 2 okay?
 3 **THE ADMINISTRATIVE LAW JUDGE:** I'm sorry.
 4 This is very serious stuff. But what concerns
 5 me, Mr. Fein, is this is what I would expect to
 6 be reading in briefs. This is not what I expect
 7 to hear testimony on. This is historical data
 8 that can be reviewed and commented on and
 9 proffered and so forth.
 10 I -- I'm indulging you because of the
 11 importance of this hearing, but ...
 12 You may ask the question and I will -- if I
 13 hear an objection, I will rule.
 14 **MR. FEIN:** Thank you, Your Honor.
 15 When -- Your Honor, may I briefly confer?
 16 **THE ADMINISTRATIVE LAW JUDGE:** Sure. Sure.
 17 In fact, we're actually past my 10:45 break.
 18 So let's take our break. We'll reconvene --
 19 (Clapping)
 20 **THE ADMINISTRATIVE LAW JUDGE:** No. No, no,
 21 no. Stop that. This is not a show. Do not do
 22 that.
 23 We will stop now. We'll reconvene at 11:00.
 24 Thanks.
 25 (Break taken from 10:51 until 11:07 a.m.)

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1 pending amendment were not going to be able to vote in
 2 the elections for those conventions. And then there
 3 had to be some means of determining whether people
 4 could or could not vote under that standard.
 5 (Petitioners' Exhibit 48 identified.)
 6 **MR. FEIN:** Can we please put up Exhibit
 7 P-48, which has been admitted into evidence
 8 already. And, Dymond, if you zoom to the, like,
 9 upper left so he can see it.
 10 **BY MR. FEIN:**
 11 **Q** Professor Magliocca, I know this is small
 12 print, but can you see what that is.
 13 **A** Yes. This is an opinion of Attorney General
 14 Stanbery, interpreting the first and second Military
 15 Reconstruction Acts.
 16 **Q** When was that issued?
 17 **A** This opinion is May 1867.
 18 **Q** When was the Fourteenth Amendment ratified?
 19 **A** In 1868.
 20 **Q** And where was this printed?
 21 **A** This was in the *New York Times*. It would've
 22 been widely reprinted in newspapers across the
 23 country.
 24 **Q** Okay, great. We can put that down.
 25 How widely was Section 3 applied in the

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1 years after the ratification of the Fourteenth
2 Amendment, Professor?

3 **A** Well, between 1868 and 1872, it was
4 implemented many times. Mostly to remove state and
5 local officials who had been part of the Confederacy,
6 but also in a couple instances to exclude people
7 from -- from office.

8 **Q** And what led to it not being implemented as
9 much?

10 **A** So in 1872, Congress exercised its power
11 under Section 3 to grant an amnesty to many of the
12 former Confederates. Basically in part that was
13 because there had been private bills that had been
14 giving amnesty to individuals. But largely that was
15 simply "did you know a member of Congress" and then if
16 you did, they would pass a bill for you.

17 **MR. BOPP:** Your Honor, I move to strike his
18 first statement. It was a legal opinion. And
19 that is whether the Amnesty Act of 1872
20 removed -- gave amnesty to former -- only, if you
21 will, former officers. It's a legal question.

22 **THE ADMINISTRATIVE LAW JUDGE:** I
23 understand -- I understand you raised the issue.
24 I'm going to let it stand, but thank you. I
25 mean, I understand the point. Believe me, I

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1 deserved amnesty, first of all, and, second, if so,
2 who should be excluded from that. And, basically,
3 would it be good for sectional reconciliation or not.
4 So those were the big questions.

5 **Q** And how much of those debates centered
6 around ex-confederates as compared to anyone else who
7 might become subject to Section 3?

8 **A** Well, it was basically about ex-confederates
9 because those were the people who were petitioning
10 Congress for amnesty.

11 **Q** Just a few more questions. During the Civil
12 War itself, how did Washington D.C. fare?

13 **A** Well, it was a fortified city and for good
14 reason because there was a Confederate attack by Jubal
15 Early on the Capitol in 1864 that was repulsed at Fort
16 Monroe.

17 **Q** And were there -- or how many, if any,
18 presidential elections occurred during the Civil War?

19 **A** One. In 1864.

20 **Q** How orderly was that, if you know?

21 **A** It was very orderly.

22 **Q** And how did the counting of the electoral
23 votes proceed?

24 **A** There was no problem with it at all.

25 **Q** When, if ever, did the Confederate

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1 understand the point.

2 **MR. BOPP:** Yeah.

3 **BY MR. FEIN:**

4 **Q** What did the debates around amnesty in
5 public, in the streets, or in Congress center on?

6 **A** Well, the answer to your question was --

7 **THE ADMINISTRATIVE LAW JUDGE:** A lack --
8 wait a minute. Wait a minute. Wait a minute.

9 **MR. BOPP:** Objection.

10 **THE ADMINISTRATIVE LAW JUDGE:** There's a
11 lack of foundation to what he's about to --

12 **MR. FEIN:** Fair enough.

13 **THE ADMINISTRATIVE LAW JUDGE:** -- testify
14 to.

15 **MR. BOPP:** And (indiscernible).

16 **THE ADMINISTRATIVE LAW JUDGE:** We've got to
17 have a little foundation on this.

18 **MR. FEIN:** Right.

19 **BY MR. FEIN:**

20 **Q** How familiar are you with the debates that
21 led to the 1872 Amnesty Act?

22 **A** I'm quite familiar with them. I read all of
23 them.

24 **Q** And what did they focus on?

25 **A** Well, they focused on whether people

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1 insurrectionists seize control of the United States
2 Capitol?

3 **A** They did not.

4 **Q** And in your opinion, if in 1864 or 1868 a
5 violent mass of people had seized control of the U.S.
6 Capitol during the certification of presidential
7 electoral votes and disrupted the peaceful transfer of
8 power --

9 **THE ADMINISTRATIVE LAW JUDGE:** Sustained.

10 **MR. FEIN:** -- wouldn't eighteenth-century
11 Americans have --

12 **THE ADMINISTRATIVE LAW JUDGE:** Sustained.

13 **MR. FEIN:** -- understood --

14 **THE ADMINISTRATIVE LAW JUDGE:** You can stop
15 that question. Next.

16 **MR. FEIN:** Thank you, Your Honor. I have no
17 further questions.

18 **THE ADMINISTRATIVE LAW JUDGE:** Okay.
19 Anything, Mr. Bopp?

20 **MR. BOPP:** No. No, Your Honor, not other
21 than to welcome a -- a fellow Hoosier and --

22 **THE ADMINISTRATIVE LAW JUDGE:** The thought
23 crossed my mind.

24 **THE WITNESS:** Mine too.

25 **MR. BOPP:** Yeah. And I was a history major.

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1 **THE ADMINISTRATIVE LAW JUDGE:** Thank you.

2 **MR. BOPP:** So maybe I can swear myself in.

3 **THE ADMINISTRATIVE LAW JUDGE:** Thank you

4 very much, Professor.

5 **THE WITNESS:** Thank you.

6 **THE ADMINISTRATIVE LAW JUDGE:** Please step

7 down.

8 (The witness left the stand.)

9 **MR. CELLI:** Your Honor, the petitioners call

10 Marjorie Taylor Greene to the stand.

11 **THE ADMINISTRATIVE LAW JUDGE:**

12 Representative Greene, would you please come over

13 here, please, ma'am.

14 (The witness took the stand.)

15 **THE ADMINISTRATIVE LAW JUDGE:** Raise your

16 right hand, please. Do you solemnly swear or

17 affirm the testimony you give in this hearing is

18 the truth, the whole truth, and nothing but the

19 truth, so help you God?

20 **THE WITNESS:** I swear.

21 **THE ADMINISTRATIVE LAW JUDGE:** Please be

22 seated.

23 Mr. Celli, go ahead.

24 **MR. CELLI:** May I proceed? Thank you.

25 Good morning, Representative Greene. I'm

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1 **A** Yes.

2 **Q** And it required you to swear an oath that

3 you would support and defend the Constitution of the

4 United States against all enemies, right?

5 **A** Yes.

6 **Q** And part of the oath you took says that you

7 were going to undertake that obligation to defend the

8 Constitution against all enemies freely, without any

9 mental reservation or purpose of evasion. Do you

10 recall that part?

11 **A** I think so.

12 (Petitioners' Exhibit 63 identified.)

13 **BY MR. CELLI:**

14 **Q** Okay. Well, let's have a look at it. This

15 will be Plaintiff's Exhibit 63. I just want to make

16 sure you get a chance to see it.

17 **A** Uh-huh.

18 (Image displayed on screen.)

19 **THE ADMINISTRATIVE LAW JUDGE:** This is the

20 excerpt from the Congressional Record?

21 **MR. CELLI:** No, Your Honor. This is --

22 **THE ADMINISTRATIVE LAW JUDGE:** Which one?

23 **MR. CELLI:** This is Exhibit PX-63.

24 **THE ADMINISTRATIVE LAW JUDGE:** Okay.

25 **MR. CELLI:** This is a federal statute,

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1 Andy Celli. I represent the plaintiffs in this

2 matter.

3 MARJORIE TAYLOR GREENE,

4 having been duly sworn, was examined and testified as

5 follows:

6 C R O S S - E X A M I N A T I O N

7 **BY MR. CELLI:**

8 **Q** Ms. Greene, you were elected to Congress in

9 November of 2020, right?

10 **A** Yes.

11 **Q** And you became a member of Congress on

12 January 3, 2021; is that correct?

13 **A** Yes.

14 **Q** And when you became a member of Congress,

15 you became a member of Congress by virtue of having

16 taken an oath of office, right?

17 **A** I became a member of Congress by being

18 elected by the people of the 14th district.

19 **Q** Okay. But you actually were permitted to

20 take your seat in the House of Representatives because

21 you took an oath of office; isn't that correct?

22 **A** I sworn an oath on January 3rd.

23 **Q** And that oath required you to swear that you

24 would support and defend the Constitution of the

25 United States; right?

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1 5 U.S.C. 3331, which sets forth the oath of

2 office for federal officers, including members of

3 Congress.

4 **THE ADMINISTRATIVE LAW JUDGE:** Okay.

5 **MR. CELLI:** And, Ms. Wells, if you can make

6 that a little bit bigger, I want to make sure the

7 representative can see it. The highlighted

8 portion, please.

9 **BY MR. CELLI:**

10 **Q** So if you see about a third of the way,

11 two-thirds of the way down, it says that (reading): I

12 will -- I will take this obligation -- I take this

13 obligation freely, without any mental reservation or

14 purpose of evasion. See that?

15 **A** Uh-huh.

16 **Q** And you now recall that was part of the

17 oath, right?

18 **A** Yes.

19 **Q** And what did that mean to you, Congresswoman

20 Greene?

21 **A** About taking it freely, without reservation?

22 **Q** Yes.

23 **A** It -- it means I'm swearing the oath and I

24 have no reservation.

25 **Q** Right. Now, one part of the Constitution,

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1 Representative Greene, is the Twelfth Amendment,
2 right?

3 **A** Yes.

4 **Q** You're familiar with the Twelfth Amendment.

5 **A** Yes.

6 **Q** That's the one that provides for the
7 constitutional process for counting electoral votes in
8 a presidential election, right?

9 **MR. BOPP:** Your Honor, I -- I object. Under
10 the speech and debate clause, she cannot be
11 questioned about what she does on the Floor of
12 Congress pursuant to her legislative
13 responsibilities.

14 **MR. CELLI:** And I don't intend to ask any
15 questions of that sort, Your Honor. I just want
16 to under -- have her understanding of the
17 Constitution. This is a case about
18 Representative Greene's state of mind, including
19 her understanding of the oath and the
20 Constitution.

21 **MR. BOPP:** Then I further object because
22 this case is not about her state of mind. It's
23 whether or not she engaged in insurrection or
24 rebellion. "Engaged" connotes conduct --

25 **THE ADMINISTRATIVE LAW JUDGE:** I concur. I

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1 **THE WITNESS:** Yeah.

2 **THE ADMINISTRATIVE LAW JUDGE:** Could you
3 rephrase your question, Counsel.

4 **MR. CELLI:** I'm -- I'm entitled to ask my
5 questions in the way I'd like to ask them, Your
6 Honor. I'd ask that she listen to my question
7 and simply respond.

8 May I -- may I proceed?

9 **THE ADMINISTRATIVE LAW JUDGE:** Yes.

10 **BY MR. CELLI:**

11 **Q** So if someone broke the law in an effort to
12 interfere with the counting of the electoral votes,
13 that person would be an enemy of the Constitution. Am
14 I right about that?

15 **A** Breaking the law is unlawful. There's been
16 over 700 people charged for what happened on
17 January 6th.

18 **Q** Right. And those people were trying to
19 interfere with the lawful process of counting the
20 votes for the electoral college, right?

21 **A** I -- I -- I would assume yes, they -- they
22 did. They stopped the electoral count, yes.

23 **Q** Right. And so those people would be enemies
24 of the Constitution. You would agree with that,
25 right?

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1 concur.

2 **MR. BOPP:** And to --

3 **THE ADMINISTRATIVE LAW JUDGE:** Sustained.

4 Next question, Mr. Celli.

5 **BY MR. CELLI:**

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

10 **A** Does it define that way? Is it defined that
11 way?

12 **Q** I'm asking for your understanding. If
13 somebody broke the law in a way designed to interfere
14 with the process of counting the electoral count
15 college votes, that person would be an enemy of the
16 Constitution.

17 **A** You mean interrupting Congress? Is that
18 what you're referring to?

19 **Q** Doing anything unlawfully to interfere with
20 the process of counting the electoral votes.

21 **A** Interrupting Congress, like when the
22 Democrats interrupted Congress and had a sit-in on the
23 House Floor and stopped Congress?

24 **THE ADMINISTRATIVE LAW JUDGE:** Let -- excuse
25 me. Excuse me, Representatives Greene.

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1 **A** I don't know if it -- I don't know. I don't
2 know if it defines it that way.

3 **Q** Well, having taken the oath that we saw on
4 the screen, if you were aware that someone was going
5 to lawfully -- unlawfully, excuse me -- unlawfully
6 interfere with the constitutional process of counting
7 the electoral votes, you'd be obliged by your oath to
8 try to stop it, right?

9 **MR. BOPP:** Your Honor, I -- I object.

10 The -- the claim is not she violated her oath.
11 The claim is under Section 3 of the Fourteenth
12 Amendment. And so her opinion on words like
13 "enemies" could -- are words of art often in --
14 in the law. It's just irrelevant to -- to the
15 matter, to whether or not she engaged, did a
16 direct and overt act of insurrection.

17 **MR. CELLI:** Your Honor, we -- we had a
18 one-hour presentation on the law from Mr. Bopp.
19 We did not object to that.

20 **THE ADMINISTRATIVE LAW JUDGE:** I will let
21 you answer the question.

22 I've forgotten what it is. Can you repeat
23 it.

24 **MR. CELLI:** Can we ask for it to be read
25 back?

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1 (The court reporter read the question.)
 2 **MR. CELLI:** You may answer.
 3 **THE ADMINISTRATIVE LAW JUDGE:** You may
 4 answer the question to the best of your ability.
 5 **THE WITNESS:** Of any attempt. And so if --
 6 that's a question that I can't answer.
 7 **MR. CELLI:** Well, I'm ...
 8 **THE WITNESS:** I can't answer that question.
 9 **MR. CELLI:** I -- I take your representation
 10 that you have no knowledge. But for the time
 11 being, I'm asking it as a hypothetical question
 12 just to understand --
 13 **THE WITNESS:** I can't answer a hypothetical
 14 question.
 15 **MR. CELLI:** Well, I'm permitted to ask you
 16 one. So I'm going to ask you again. If you had
 17 knowledge in advance that someone was going to
 18 unlawfully interfere with the counting of the
 19 electoral votes in the presidential election,
 20 under your oath, you'd be obliged to do something
 21 to stop that, right?
 22 **MR. BOPP:** I -- I object. She's not being
 23 charged for violating her oath. There's no
 24 foundation laid that she had any knowledge about
 25 anything like that.

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1 her understanding --
 2 **THE ADMINISTRATIVE LAW JUDGE:** It's relevant
 3 to what, Mr. Celli?
 4 **MR. CELLI:** It's relevant to whether she
 5 engaged in insurrection during the time period
 6 from January 3rd to January 6th.
 7 **THE ADMINISTRATIVE LAW JUDGE:** Well --
 8 **MR. CELLI:** And we're going to be talking
 9 about her state of mind --
 10 **THE ADMINISTRATIVE LAW JUDGE:** -- why don't
 11 we --
 12 **MR. CELLI:** -- all day.
 13 **THE ADMINISTRATIVE LAW JUDGE:** You may come
 14 back to that question after you have laid a
 15 foundation for why it ties into her -- her
 16 activities from and after the administration of
 17 the oath.
 18 **MR. CELLI:** Fair enough. Fair enough, Your
 19 Honor.
 20 **BY MR. CELLI:**
 21 **Q** Ms. Greene, you're familiar with social
 22 media, right?
 23 **A** Yes.
 24 **Q** And that's a form of communication, right?
 25 **A** Yes.

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1 **MR. CELLI:** Well, we'll come back to that.
 2 **MR. BOPP:** And -- and so these hypothetical --
 3 **THE ADMINISTRATIVE LAW JUDGE:** Sustained.
 4 Sustained.
 5 **BY MR. CELLI:**
 6 **Q** Let me try it a different way, Ms. Greene.
 7 You remember the part in the oath where you talked
 8 about taking on the obligations of the oath freely and
 9 without mental reservation or purpose of evasion? You
 10 recall that from a few minutes ago, right?
 11 **A** Yes.
 12 **Q** Okay. If you knew that people were planning
 13 to interfere with the constitutional process of
 14 counting the electoral votes, you knew that before you
 15 took the oath and you took the oath anyway and decided
 16 not to do anything about those plans, that would be a
 17 mental reservation.
 18 **MR. BOPP:** Object --
 19 **MR. CELLI:** Don't you agree?
 20 **MR. BOPP:** I object. She's not -- she is
 21 not being charged with violating the oath. The
 22 question is did she engage in insurrection or
 23 rebellion.
 24 **MR. CELLI:** Her state of mind is relevant,
 25 Your Honor. We think it's very important to have

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1 **Q** You know what Facebook is and Twitter,
 2 right?
 3 **A** Yes.
 4 **Q** You use those as an important form of
 5 communication in your work.
 6 **A** Yes.
 7 **Q** You post messages on Facebook, right?
 8 **A** I post statements, messages. Yes.
 9 **Q** Videos also, right?
 10 **A** Yes.
 11 **Q** And you also re -- respond and react to
 12 other people's comments when they're posted on
 13 Facebook or Twitter, right?
 14 **A** Yes.
 15 **Q** And you do that as a way to get your
 16 political views out into the world.
 17 **A** It's my freedom of speech to do so.
 18 **Q** I agree. And you've been very successful at
 19 using social media to get your -- your views out into
 20 the world, right?
 21 **A** I would say that's an opinion.
 22 **Q** Well, I'm asking your opinion. You've got
 23 hundreds of thousands of people who follow you on
 24 Twitter and Facebook, right?
 25 **A** No, not really because my Twitter -- my

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1 personal Twitter account doesn't exist anymore.

2 Q Before it was suspended by Twitter, you had

3 hundreds of thousands of people following you on

4 Facebook and Twitter, right?

5 A Yes.

6 Q And by the way, the way Facebook and Twitter

7 work is -- my understanding is they don't have to

8 necessarily follow you to read what you have to say,

9 right?

10 A I guess so.

11 Q So it could be millions of people who have

12 read the things that you have said on Facebook and

13 Twitter over the years.

14 A I don't know that.

15 Q But it could be. You would agree with that,

16 right?

17 A No. I don't know that. I don't know how

18 many people read or see what I post on social media.

19 Q But what you post on social media is what

20 you want people to know about your political beliefs;

21 correct?

22 A Sure.

23 Q You're not putting stuff up there as a joke,

24 are you?

25 A Sometimes, yes.

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1 THE ADMINISTRATIVE LAW JUDGE: Where are you

2 going with this, counsel?

3 MR. CELLI: I'm going to show the witness a

4 number of her tweets and I wanted to make sure

5 that I understand the context of them. That's

6 all.

7 THE ADMINISTRATIVE LAW JUDGE: Well, she

8 said she posted on Twitter.

9 MR. CELLI: Right. And my question is

10 whether she posted material that reflect the

11 opinion that you have -- strike that.

12 Ms. Greene, you have the -- you had the

13 opinion between November, 2020, when the election

14 happened, and January 6, 2021, that the election

15 was stolen from President Trump.

16 MR. BOPP: I -- I object.

17 MR. CELLI: Am I right about that?

18 THE ADMINISTRATIVE LAW JUDGE: I'm going to

19 sustain it. Ask -- if you've got questions about

20 specific documents --

21 MR. CELLI: Okay.

22 THE ADMINISTRATIVE LAW JUDGE: -- or

23 specific things, go ahead. Let's not -- let's

24 not bandy around.

25 MR. CELLI: Let's -- let's go to PX-2(a),

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1 Q Well, we'll come back to that. And you use

2 Facebook and Twitter to communicate with your

3 constituents in the 14th congressional district here

4 in Georgia, right?

5 A Yes.

6 Q So immediately after the 2020 election and

7 through January 6th, even beyond that, you've issued a

8 number of tweets and made statements on Twitter and

9 Facebook about the election, right?

10 A Yes.

11 Q You tweeted a whole lot of material about

12 your views of what happened in the 2020 election.

13 A Yes.

14 Q And the thrust of those tweets were that you

15 felt that the election was stolen from the sitting

16 president.

17 MR. BOPP: I -- I object. That is --

18 THE ADMINISTRATIVE LAW JUDGE: You can ask

19 the question, "What is your opinion?"

20 MR. CELLI: What is -- well, I also want to

21 ask whether she communicated that opinion through

22 --

23 THE ADMINISTRATIVE LAW JUDGE: Well ...

24 MR. CELLI: Well, let's do it that way, Your

25 Honor. I -- I take your point.

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1 Ms. Wells, please.

2 THE ADMINISTRATIVE LAW JUDGE: I'm sorry,

3 which one is this?

4 MR. CELLI: 2(a), Your Honor.

5 (Image displayed on screen.)

6 MR. CELLI: Do you see that, Ms. Greene?

7 THE WITNESS: Uh-huh.

8 (Petitioners' Exhibit 2(a) identified.)

9 BY MR. CELLI:

10 Q And what we have here in 2(a) is a

11 document -- well, I'll ask you. Can you tell us, is

12 this a statement that you posted on Twitter on

13 December 3, 2020?

14 MR. BOPP: (standing) Go ahead. Go ahead.

15 MR. CELLI: Sure.

16 MR. BOPP: I'm sorry.

17 MR. CELLI: Yes, ma'am?

18 THE WITNESS: Yes.

19 MR. CELLI: Yeah.

20 BY MR. CELLI:

21 Q And this is a statement where you talk about

22 that you were looking for a senator to join yourself

23 and Representative Mo Brooks to reject the fraudulent

24 votes for Joe Biden to keep the real Donald Trump in

25 the White House. Is that right?

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1 **MR. BOPP:** I object, Your Honor, to the --
2 you can hear my objection.

3 **MR. CELLI:** I'm waiting. I'm waiting with
4 bated breath, Jim.

5 **MR. BOPP:** All right. Is that this violates
6 her right of free speech. There's nothing in
7 this statement that meets the Brandenburg test.
8 Even if speech could be considered would -- since
9 it can't when we're dealing with "engages" which
10 is conduct, not speech.

11 And -- and it does not provide -- does not
12 even meet the incitement test which requires
13 "directed to inciting or producing imminent
14 lawless action --

15 **MR. CELLI:** Your Honor --

16 **MR. BOPP:** -- "that is likely to" --

17 **MR. CELLI:** -- we heard an hour of argument
18 this morning on this.

19 **THE ADMINISTRATIVE LAW JUDGE:** Hold on.
20 Hold on.

21 Go ahead, Mr. Bopp.

22 **MR. BOPP:** Thank you, Your Honor. -- "that
23 is likely to incite or produce action," end of
24 quote.

25 So it's objectionable. And to call her into

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1 **A** I was communicating that we were looking for
2 a senator to join our objection which is very much
3 part of the responsibilities and duties that I can do
4 as a member of Congress.

5 **Q** I agree with that. But the purpose of that
6 was because you believed that the votes for Mr. Biden
7 were fraudulent, right? Or at least some of them.

8 **A** We had -- we had been spending a vast amount
9 of time reading and researching and talking to people
10 and had seen tremendous evidence of voter fraud.

11 I don't know if you're aware because I know
12 you're not from Georgia. We currently have -- our
13 secretary of state has an investigation --

14 **MR. CELLI:** Your Honor, I would move to
15 strike this. I'm entitled to get answers --

16 **THE WITNESS:** -- going on into election
17 fraud right now.

18 **MR. CELLI:** -- to my questions, Your Honor.

19 **THE ADMINISTRATIVE LAW JUDGE:** Yeah.
20 Thank you. Thank you, Representative
21 Greene.

22 All right. Let's back up. What was the
23 quest --

24 **MR. CELLI:** By the way -- Your Honor, I'm
25 sorry to interrupt but we -- we missed something

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1 account for her First Amendment free speech is
2 unconstitutional. And irrel --

3 **THE ADMINISTRATIVE LAW JUDGE:** Mr. Bopp, I
4 appreciate your argument but that's argument.
5 I'm going to allow the question.
6 Go ahead, Mr. Celli.

7 **BY MR. CELLI:**

8 **Q** When you sent out this -- strike that. Did
9 you send out this tweet, Ms. Greene?

10 **MR. CELLI:** Ms. Wells, could you put it back
11 up.
12 (Image displayed on screen.)

13 **THE WITNESS:** Yes.

14 **BY MR. CELLI:**

15 **Q** And when you sent out this tweet, you wanted
16 the people who read the tweet to know that it was your
17 view that the votes for Mr. Biden for president were
18 fraudulent or some of them were, right?

19 **A** That really wasn't the purpose of that
20 tweet.

21 **Q** I'm just asking whether when you sent this
22 you were communicating to your -- the people who read
23 your Twitter account that you believe that there were
24 fraudulent votes for Mr. Biden and that your goal was
25 to keep President Trump in the White House.

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1 very important. Can the representative be sworn?

2 **THE ADMINISTRATIVE LAW JUDGE:** Oh, thank
3 you. No, I swore her in. I swore her in. I
4 swore her in.

5 **MR. CELLI:** Oh, you did? I didn't see that.
6 Okay.

7 **THE ADMINISTRATIVE LAW JUDGE:** I thought I'd
8 forgotten. Sorry. Thank you.

9 **MR. CELLI:** All right.

10 **THE ADMINISTRATIVE LAW JUDGE:** Yeah. No.
11 She's under oath, I think.

12 **MR. CELLI:** And can I ask the court to
13 acknowledge that this is an adverse witness --

14 **THE ADMINISTRATIVE LAW JUDGE:** Yes.

15 **MR. CELLI:** -- witness, a hostile witness?

16 **THE ADMINISTRATIVE LAW JUDGE:** Yeah. I
17 acknowledge that she's an adverse witness and you
18 can therefore cross-examine her.

19 **MR. CELLI:** Right.

20 **THE ADMINISTRATIVE LAW JUDGE:** Even though
21 she is on your case in chief. Yes, I acknowledge
22 that.

23 **MR. CELLI:** And I would ask the court to
24 remind the witness that in this posture, she has
25 to answer my questions. She can't give speeches.

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1 Is that fair?

2 **MR. BOPP:** Well, she's -- she's entitled --

3 you're entitled to an answer to the question that

4 is asked.

5 **THE ADMINISTRATIVE LAW JUDGE:** She's also

6 entitled to explain her answer.

7 **MR. BOPP:** You're not entitled to answers

8 that are -- that require her to answer when the

9 question is objectionable, violates her First

10 Amendment rights, is irrelevant to the charges

11 that are being made. Just to what? Fishing

12 expedition, political theater, what is this?

13 **MR. CELLI:** This is -- this is

14 cross-examination.

15 **THE ADMINISTRATIVE LAW JUDGE:** No. This is

16 cross-exam. I mean, let's -- let's --

17 **MR. CELLI:** I'm entitled to a "yes, no, or I

18 can't answer" response.

19 **THE ADMINISTRATIVE LAW JUDGE:** Let's go

20 ahead.

21 **MR. BOPP:** Unless it's objectionable.

22 **MR. CELLI:** You have a standing objection,

23 Mr. Bopp, to everything in the world. I want to

24 question your witness. Let her testify.

25 **THE ADMINISTRATIVE LAW JUDGE:** Okay,

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1 **A** Yes.

2 **Q** And in this tweet --

3 **MR. CELLI:** Let me go back a second.

4 Your Honor, I would just ask that the

5 previous exhibit, which I think was 2(d) be

6 admitted into evidence.

7 **THE ADMINISTRATIVE LAW JUDGE:** What was the

8 number?

9 **MR. CELLI:** 2(d).

10 **MS. WELLS:** 2(a).

11 **MR. CELLI:** I'm sorry, 2(a).

12 **THE ADMINISTRATIVE LAW JUDGE:** All right.

13 So 2(a) is in. Yes, I will admit it. Go ahead.

14 (Petitioners' Exhibit 2(a) admitted.)

15 **MR. CELLI:** And ask that 2(c) be admitted

16 into evidence.

17 **THE ADMINISTRATIVE LAW JUDGE:** 2(c)? All

18 right. Say that again. I was distracted. Go

19 through it again.

20 **MR. CELLI:** Sure. I asked the witness if

21 this was her tweet. She said it was.

22 **THE ADMINISTRATIVE LAW JUDGE:** This is your

23 tweet?

24 **THE WITNESS:** Yes.

25 **THE ADMINISTRATIVE LAW JUDGE:** Okay.

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1 gentlemen. Wait a minute. Wait a minute. Wait

2 a minute. Wait a minute.

3 **MR. CELLI:** She's doing fine.

4 **MR. BOPP:** He's instructing --

5 **THE ADMINISTRATIVE LAW JUDGE:** That's

6 enough.

7 **MR. CELLI:** He's obstructing --

8 **THE ADMINISTRATIVE LAW JUDGE:** Stop.

9 Mr. Bopp, please sit down.

10 Next question, Mr. Celli.

11 This is not theater. This is not an

12 argument in front of the Supreme Court. This is

13 an evidentiary hearing. So let's get going.

14 Go ahead, Mr. Celli.

15 (Petitioners' Exhibit 2(c) identified.)

16 **MR. CELLI:** Ms. Wells, can you pull up

17 Plaintiff's Exhibit 2(c), please.

18 (Image displayed on screen.)

19 **THE ADMINISTRATIVE LAW JUDGE:** I'm sorry,

20 what was -- which number? Two --

21 **MR. CELLI:** 2(c).

22 **THE ADMINISTRATIVE LAW JUDGE:** Okay.

23 **BY MR. CELLI:**

24 **Q** Ms. Greene, is this a tweet that you sent

25 out from your account on December 19, 2020?

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1 **MR. CELLI:** I ask that it be admitted into

2 evidence.

3 **MR. BOPP:** I object. It's not probative.

4 It violates her First Amendment rights.

5 **THE ADMINISTRATIVE LAW JUDGE:** Well ...

6 **MR. BOPP:** It has nothing to do with

7 "engage." It doesn't -- it was before

8 January 3rd.

9 **THE ADMINISTRATIVE LAW JUDGE:** It's in for

10 what it's worth, Mr. Bopp.

11 (Petitioners' Exhibit 2(c) admitted)

12 **MR. BOPP:** Okay.

13 **THE ADMINISTRATIVE LAW JUDGE:** I mean, I

14 don't know that it's worth anything but it's in.

15 Go ahead.

16 **MR. BOPP:** Well, I -- and I apologize, Your

17 Honor.

18 **THE ADMINISTRATIVE LAW JUDGE:** It's okay.

19 **MR. BOPP:** I do -- I do think it's my

20 responsibility to make pertinent objections.

21 **THE ADMINISTRATIVE LAW JUDGE:** I -- I

22 respect you for it, Mr. Bopp. I respect you.

23 Go ahead. Go ahead, Mr. Celli.

24 **MR. CELLI:** Thank you.

25 **BY MR. CELLI:**

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1 **Q** Representative Greene, in your tweet on
 2 December 19, 2020, that we've marked as Plaintiff's
 3 Exhibit 2(c), one of the things you're communicating
 4 to the people who would read this tweet was that you
 5 want them to come to Washington on January 6th for a
 6 demonstration. Is that right?
 7 **A** For a march for Trump.
 8 **Q** Right. March for -- fight for Trump -- the
 9 phrase that you used there is hashtag "Fight for
 10 Trump," right? That's what the words say.
 11 **A** That's what it says on my tweet.
 12 **Q** Okay. And you posted that because you, in
 13 fact, wanted people to show up on January 6, 2021, in
 14 D.C. in order to help you stop the theft of the 2020
 15 election from your point of view.
 16 **A** No.
 17 **Q** Okay. Well, I'm not sure we got a clear
 18 answer on this. You -- you did believe at this time
 19 that the 2020 election had been stolen by the
 20 Democrats from Mr. Trump, right?
 21 **A** I was asking people to come for a peaceful
 22 march, which is what everyone is entitled to do under
 23 their First Amendment. But I was not asking them to
 24 actively engage in violence or any type of action.
 25 **Q** My question is really simple. It's about

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1 requested an absentee ballot. There's many instances.
 2 **MR. CELLI:** Let's -- let's -- oh. Your
 3 Honor, we can do this now. I understand there's
 4 an I.T. issue that requires a pause.
 5 **THE ADMINISTRATIVE LAW JUDGE:** Okay.
 6 Well --
 7 **MR. CELLI:** Should we take --
 8 **THE ADMINISTRATIVE LAW JUDGE:** How long do
 9 we need? Two minutes? All right. Well, we're
 10 not -- everybody just be patient. Appreciate
 11 your patience.
 12 **THE WITNESS:** Yes.
 13 (Technical issue addressed.)
 14 **THE ADMINISTRATIVE LAW JUDGE:** Oh, I see
 15 what it was.
 16 Representative Greene, your camera was off.
 17 That's why they -- your camera was off. That's
 18 why they wanted to stop.
 19 **THE WITNESS:** Oh, okay.
 20 (Pause in proceedings.)
 21 **THE ADMINISTRATIVE LAW JUDGE:** Do you want
 22 to -- I mean, I hate to make everybody just sit
 23 around. Let's take ten.
 24 I mean, Representative, you may step down.
 25 Take ten minutes. We don't need to stay

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1 your opinion. When this tweet came out in this
 2 period, it was your opinion that the election had been
 3 stolen from Mr. Trump or was about to be stolen,
 4 right?
 5 **A** Under my opinion, there was a tremendous
 6 amount of fraudulent things that happened in the
 7 election, and under my opinion, I want to do anything
 8 I can to protect election integrity and to protect the
 9 people of my district in Georgia, people's votes.
 10 They should count.
 11 **Q** Is it fair to say, Representative Green,
 12 that from election night of 2020 until January 6,
 13 2021, your personal opinion and your wish was that
 14 Congress not certify Joe Biden as the winner of the
 15 2020 election?
 16 **A** No, that's not accurate.
 17 **Q** You believed that Joe Biden had lost the
 18 election to Mr. Trump, right?
 19 **A** Well, yes. We saw a tremendous amount of
 20 voter fraud. We have investigations going on right
 21 now in the state of Georgia. There's investigations
 22 going on in multiple states. My own husband showed up
 23 to vote in the general election and when he went in to
 24 vote in person, he was told that he had already voted
 25 by absentee ballot when in fact he had never even

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1 here and (indiscernible).
 2 **MR. CELLI:** Okay.
 3 **THE ADMINISTRATIVE LAW JUDGE:** Let's just
 4 take ten.
 5 (The witness left the stand and a break was
 6 taken from 11:36 a.m. until 12:02 p.m.,
 7 after which the witness returned to the
 8 stand.)
 9 **THE ADMINISTRATIVE LAW JUDGE:**
 10 Ms. Greene, appreciate your patience with
 11 the disruption.
 12 Appreciate everybody's cooperation while
 13 they dealt with the technology, one of the banes
 14 of human existence. All right.
 15 **MR. CELLI:** May I proceed, Your Honor?
 16 **THE ADMINISTRATIVE LAW JUDGE:** Go ahead,
 17 Mr. Celli. Thank you.
 18 **MR. CELLI:** Your Honor, I would just ask
 19 that Mr. Bopp not consult with his client in the
 20 break period while I'm examining her because
 21 that's generally not permitted in my experience.
 22 **THE ADMINISTRATIVE LAW JUDGE:** Go ahead.
 23 **MR. CELLI:** Can we see Plaintiffs' Exhibit
 24 2(c), please, Ms. Wells.
 25 **THE ADMINISTRATIVE LAW JUDGE:** I'm sorry,

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1 we're on 2(c)?

2 **MR. CELLI:** 2(c).

3 (Image displayed on screen.)

4 **BY MR. CELLI:**

5 **Q** Ms. Greene, this is a tweet that we talked

6 about a little bit earlier. Just a quick question on

7 it. You issued this on December 19, 2020; correct?

8 **A** I -- I can't see real well, but I think

9 that's the date.

10 **Q** Maybe -- maybe we can make it a little

11 larger.

12 **A** That's what it says.

13 **Q** And what you were doing in this tweet was

14 you were tweeting out a story from the *Epoch Times*

15 about President Trump saying that the protests that

16 were planned for January 6th were going to be, quote,

17 wild, right?

18 **MR. BOPP:** I object. We don't have the --

19 where's the article?

20 **MR. CELLI:** Right there, under the pic --

21 under the picture of President Trump.

22 **MR. BOPP:** Does it quote that?

23 **MR. CELLI:** Yes. It says (reading):

24 Trump -- Trump called in supporters should join

25 wild protest in D.C. on Jan 6th.

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1 specifically for what you're saying. Those are

2 your words.

3 **MR. CELLI:** No. I'm --

4 **THE WITNESS:** Those aren't mine.

5 **MR. CELLI:** -- actually reading from what's

6 on the --

7 **THE WITNESS:** You're speculating on why I

8 tweeted that, but I don't remember tweeting it

9 for that specific reason.

10 **MR. CELLI:** Ms. Greene, I'm just asking

11 questions.

12 **THE WITNESS:** I'm just answering.

13 **BY MR. CELLI:**

14 **Q** And in your tweet, you mentioned earlier

15 that your words -- "Join, hashtag, March for Trump in

16 D.C. on January 6th. Fight for Trump" -- that you

17 were urging people to come to Washington for a

18 peaceful demonstration, right?

19 **A** Peaceful demonstration, absolutely.

20 **Q** Yeah. That word, "peaceful," is nowhere in

21 this tweet, right?

22 **A** Pardon me?

23 **Q** That word, "peaceful," is not in this --

24 **A** I can't read it. There's only half of it

25 there.

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1 **MR. BOPP:** Okay. I'll withdraw my

2 objection. I can't see that. I can't see what

3 the --

4 **MR. CELLI:** If you could make it a little

5 larger, Ms. Wells?

6 You can answer the question, Representative

7 Greene.

8 **THE WITNESS:** What was your question?

9 **MR. CELLI:** My question is what you were

10 doing in this tweet is you were tweeting out a

11 story from the *Epoch Times* about President Trump

12 making a statement that the protest on

13 January 6th would be wild, right?

14 **THE WITNESS:** I tweeted an article that had

15 the details of the dates and times.

16 **MR. CELLI:** Right. And also included

17 President Trump's statements that he expected the

18 demonstrations on January 6th to be wild, right?

19 **THE WITNESS:** I don't think that's what my

20 tweet was about.

21 **MR. CELLI:** Okay. Well, but you see that

22 the article says: Trump, colon, supporters

23 should join, quote, wild protests in D.C. on Jan

24 6th.

25 **THE WITNESS:** I don't remember tweeting that

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1 **Q** Let's -- let's give the representative a

2 paper copy of that. I want to make sure --

3 **A** No, I can see it now. It was scrolled up

4 just a second ago.

5 **Q** Okay. "Peaceful" is not in there, is it?

6 **A** Well, you know, like --

7 **Q** Is the word "peaceful" in there, Ms. Greene?

8 **A** It does not say peaceful right there.

9 **Q** That's my question. Thank you.

10 **A** But you're asking me, and I said for a

11 peaceful demonstration just like people have the right

12 to do in their First Amendment.

13 **Q** I'm asking, you didn't -- there's not a

14 secret code in there that's supposed to be peaceful,

15 right?

16 **A** Well, I never mean anything for violence. I

17 don't support violence of any kind and I've said it

18 over and over again. So I -- I'm telling you that --

19 **Q** You just didn't say it on this occasion, did

20 you?

21 **A** I never mean anything for violence. All of

22 my words never ever mean anything for violence.

23 **Q** Well, we'll examine that question.

24 (Petitioners' Exhibit 2(f) identified.)

25 **MR. CELLI:** Put up Plaintiffs' Exhibit 2(f),

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<p style="text-align: right;">Page 109</p> <p>1 please.</p> <p>2 THE ADMINISTRATIVE LAW JUDGE: Two ...</p> <p>3 MR. CELLI: F.</p> <p>4 THE ADMINISTRATIVE LAW JUDGE: F as in</p> <p>5 Frank?</p> <p>6 MR. CELLI: Yes.</p> <p>7 (Image displayed on screen.)</p> <p>8 BY MR. CELLI:</p> <p>9 Q And I'm looking at -- yes -- this top half</p> <p>10 of the exhibit.</p> <p>11 Ms. Greene, this is a tweet that you sent</p> <p>12 out on January 2, 2021; correct?</p> <p>13 A I'm not sure.</p> <p>14 Q Okay. You don't recall this?</p> <p>15 A I -- I don't recall tweeting that. No.</p> <p>16 Q Okay. We'll set that one side.</p> <p>17 Well, let me ask this question. Does</p> <p>18 anybody tweet things on your Twitter account -- strike</p> <p>19 that. Did anybody in January of 2021 tweet things on</p> <p>20 your Twitter account without your permission?</p> <p>21 A On what day?</p> <p>22 Q At any time from November of 2020 to</p> <p>23 January 6th.</p> <p>24 A I don't remember. That's difficult to</p> <p>25 answer.</p>	<p style="text-align: right;">Page 110</p> <p>1 Q Okay. Would -- you'd be surprised if</p> <p>2 somebody got into your Twitter account and tweeted</p> <p>3 something without your permission, wouldn't you?</p> <p>4 A Well, no one tweeted anything without my</p> <p>5 permission. I just don't remember who tweeted what.</p> <p>6 Q Fair enough. Now, would you agree,</p> <p>7 Ms. Greene, that this tweet from January 2, 2021 is</p> <p>8 something that we can fairly attribute to you, being</p> <p>9 that it was tweeted on your Twitter account?</p> <p>10 A I -- I'm sorry, I -- I don't know.</p> <p>11 Q Okay.</p> <p>12 MR. CELLI: You can take that down.</p> <p>13 Q Ms. Greene, you've had your disagreements</p> <p>14 with Speaker Pelosi, isn't that right?</p> <p>15 A I'm not sure what you mean.</p> <p>16 Q You've had political disagreements with her.</p> <p>17 You don't agree with some of the things she's done in</p> <p>18 her career, right?</p> <p>19 A Politically speaking, that would be correct.</p> <p>20 Q Right. You don't agree with a lot of things</p> <p>21 she's done, right?</p> <p>22 A Politically speaking, that would be correct.</p> <p>23 Q In fact, you think that Speaker Pelosi is a</p> <p>24 traitor to the country, right?</p> <p>25 A You're -- I'm not answering that question.</p>
<p style="text-align: right;">Page 111</p> <p>1 It's speculation.</p> <p>2 Q You've --</p> <p>3 A It's hypothetical.</p> <p>4 Q You've said that -- Haven't you, Ms. Greene?</p> <p>5 -- that she's a traitor to the country?</p> <p>6 A No, I haven't said that.</p> <p>7 Q Okay.</p> <p>8 MR. CELLI: Put up Plaintiff's Exhibit 5,</p> <p>9 please.</p> <p>10 THE WITNESS: Oh, no, wait. Hold on now. I</p> <p>11 believe by not upholding the -- securing the</p> <p>12 border that that violates her oath of office.</p> <p>13 MR. CELLI: Fair enough. I'm -- I'm not</p> <p>14 interested in her oath of office. I'm interested</p> <p>15 that you said that she's a traitor to our</p> <p>16 country, right?</p> <p>17 MR. BOPP: I object, Your Honor. She is</p> <p>18 not -- this is quintessential --</p> <p>19 THE ADMINISTRATIVE LAW JUDGE: I don't see</p> <p>20 the relevance of that, Mr. Celli. Next.</p> <p>21 MR. CELLI: Your Honor, can we give Mr. Bopp</p> <p>22 a standing objection on the First Amendment</p> <p>23 grounds because --</p> <p>24 MR. BOPP: No.</p> <p>25 MR. CELLI: -- this -- this is -- this is --</p>	<p style="text-align: right;">Page 112</p> <p>1 this is an effort to interrupt my examination of</p> <p>2 the witness. I am attempting to establish the --</p> <p>3 the witness's desire to engage in insurrection</p> <p>4 during the period January 3rd to January 6th.</p> <p>5 Now, it's true that some of the things that</p> <p>6 she said are relevant if they were -- even though</p> <p>7 they occurred before January 3rd. But there's no</p> <p>8 First Amendment objection to the evidence, Your</p> <p>9 Honor. She -- she said what she said.</p> <p>10 MR. BOPP: There is First Amendment</p> <p>11 objections.</p> <p>12 MR. CELLI: We don't agree.</p> <p>13 THE ADMINISTRATIVE LAW JUDGE: Well, I --</p> <p>14 MR. BOPP: Fine, but I get to make my</p> <p>15 objection.</p> <p>16 THE ADMINISTRATIVE LAW JUDGE: You can make</p> <p>17 the objection. You can have a standing objection</p> <p>18 to the First Amendment --</p> <p>19 MR. BOPP: I don't want a standing, Judge.</p> <p>20 THE ADMINISTRATIVE LAW JUDGE: All right.</p> <p>21 MR. CELLI: Because he wants to interrupt my</p> <p>22 flow, Your Honor.</p> <p>23 MR. BOPP: I just --</p> <p>24 MR. CELLI: That's -- that's not</p> <p>25 appropriate.</p>

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1 **MR. BOPP:** I don't object to everything.

2 **THE ADMINISTRATIVE LAW JUDGE:** Okay.

3 That's --

4 **MR. BOPP:** I have specific things that I

5 think are -- I object to, and I -- I should be

6 extended the courtesy to do that.

7 **THE ADMINISTRATIVE LAW JUDGE:** You may --

8 you may object then. I -- but ...

9 **MR. BOPP:** Thank you.

10 (Petitioners' Exhibit 5 identified.)

11 **MR. CELLI:** Plaintiff's Exhibit 5, please.

12 **THE ADMINISTRATIVE LAW JUDGE:** We're on five

13 now?

14 **MR. CELLI:** Uh-huh.

15 **THE ADMINISTRATIVE LAW JUDGE:** Five, okay.

16 (Image displayed on screen.)

17 **BY MR. CELLI:**

18 **Q** So I'm placing before you what we premarked

19 as Plaintiff's Exhibit 5 which is an article that

20 appeared in CNN on January 26, 2021.

21 **THE ADMINISTRATIVE LAW JUDGE:** Do you have a

22 hard copy of this labeled?

23 **MR. CELLI:** Should be in the book.

24 **THE ADMINISTRATIVE LAW JUDGE:** I mean does

25 she have a hard copy? I mean, she can't read it

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1 **MR. CELLI:** Your Honor, this --

2 **THE ADMINISTRATIVE LAW JUDGE:** Overruled.

3 **MR. CELLI:** -- is argument.

4 **THE ADMINISTRATIVE LAW JUDGE:** Overruled.

5 Next.

6 **MR. CELLI:** Thank you.

7 **BY MR. CELLI:**

8 **Q** I just want to ask a narrow question,

9 Representative Greene. Did you say, referring to

10 Speaker Pelosi: She's a traitor to our country.

11 She's guilty of treason. She took an oath to protect

12 the American citizens. She gives aid and comfort to

13 our enemies who illegally invade our land. That's

14 what treason is and our law representatives and

15 senators can be kicked out and no longer serve in our

16 government. And it's a crime punishable by death is

17 what treason is. Nancy Pelosi is guilty of treason.

18 Did you say those words?

19 **A** I said -- this is what I was telling you is

20 I -- she doesn't uphold our laws. She allows --

21 **Q** It's a simple yes-or-no question, ma'am.

22 **A** I'm answering your question.

23 **Q** Did you say that?

24 **MR. BOPP:** She can answer without being

25 instructed by him to say yes or no.

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1 off the screen.

2 **MR. CELLI:** We -- we have one for her.

3 **THE ADMINISTRATIVE LAW JUDGE:** Good. Well,

4 let's -- let's start using hard copies. This --

5 you can't read stuff like this on a screen.

6 **MR. CELLI:** May I approach the witness, Your

7 Honor?

8 **THE ADMINISTRATIVE LAW JUDGE:** Yes, sir, you

9 may. You have standing permission to approach

10 the witness to deliver copies of documents as to

11 which you're going to ask her questions.

12 **MR. CELLI:** Thank you.

13 Ms. Wells, if you could scroll down a bit.

14 One second.

15 **BY MR. CELLI:**

16 **Q** Ms. Greene, I want to direct your attention

17 to the bottom of the fourth page of the exhibit.

18 **A** Uh-huh.

19 **Q** This is -- this is a paragraph that starts

20 out: She's a traitor to our country. Do you see

21 that?

22 **MR. BOPP:** I object, Your Honor. What

23 possible relevance could it be that they -- she

24 had political disagreements that resulted in

25 hyperbole. It is commonly used.

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1 **MR. CELLI:** I don't agree, Your Honor. This

2 is cross-examination.

3 **MR. BOPP:** This is all why --

4 **MR. CELLI:** I'm entitled to an answer to my

5 questions.

6 **THE ADMINISTRATIVE LAW JUDGE:**

7 Representative Greene, did you say these words

8 that are quoted on the bottom? Did you say that?

9 **THE WITNESS:** According to the CNN article,

10 I did. I don't remember.

11 **THE ADMINISTRATIVE LAW JUDGE:** Do you recall

12 saying it?

13 **THE WITNESS:** I don't recall saying all of

14 this, but I do -- I do recall having said this

15 about the -- I totally disagree with the border

16 issues.

17 **THE ADMINISTRATIVE LAW JUDGE:** Okay.

18 **THE WITNESS:** And -- and I believe --

19 **THE ADMINISTRATIVE LAW JUDGE:** Asked and

20 answered. Next question.

21 **THE WITNESS:** Okay.

22 **BY MR. CELLI:**

23 **Q** Representative Greene, you -- you have

24 advocated the use of physical violence against people

25 you disagree with politically, right?

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1 **MR. BOPP:** I object. Without context,
 2 without anything --
 3 **THE ADMINISTRATIVE LAW JUDGE:** Overruled.
 4 Go ahead. What's the question again, Mr. Celli?
 5 **MR. CELLI:** You've advocated the use of
 6 physical violence against people that you
 7 disagree with politically.
 8 **THE ADMINISTRATIVE LAW JUDGE:** That's a
 9 question?
 10 **MR. CELLI:** Yes.
 11 **THE ADMINISTRATIVE LAW JUDGE:** Is that true?
 12 **THE WITNESS:** I don't think so. I don't
 13 know how to answer that.
 14 **THE ADMINISTRATIVE LAW JUDGE:** Next
 15 question.
 16 **BY MR. CELLI:**
 17 **Q** Well, have a look at what we've marked as
 18 Plaintiffs' Exhibit 5.
 19 **THE ADMINISTRATIVE LAW JUDGE:** P-5?
 20 **MR. CELLI:** P-5.
 21 **THE ADMINISTRATIVE LAW JUDGE:** Okay.
 22 That's -- that's the same -- the same one --
 23 **MR. CELLI:** It's the same one.
 24 **THE ADMINISTRATIVE LAW JUDGE:** -- correct?
 25 Okay. Thank you.

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1 that suggested that, quote, a bullet to the head of
 2 Nancy Pelosi would be a quicker way to remove her as
 3 Speaker of the House than impeachment, right?
 4 **A** Now, you're using a CNN article, which
 5 has -- CNN has lied about me multiple times, and
 6 you're using a CNN article --
 7 **Q** I'm asking you to answer my question. Did
 8 you like a post that said it's quicker -- that a
 9 bullet to the head would be a quicker way to remove
 10 Nancy Pelosi from the role of Speaker?
 11 **A** I have had many people manage my social
 12 media account over the years. I have no idea who
 13 liked that.
 14 **Q** Okay. You're -- are you testifying under
 15 oath it wasn't you? I just want to be clear on that.
 16 **A** I am testifying I have no idea who liked
 17 that comment.
 18 **Q** Fair enough. It could've been you, right?
 19 **THE ADMINISTRATIVE LAW JUDGE:** She's test --
 20 **THE WITNESS:** I'm telling you I --
 21 **THE ADMINISTRATIVE LAW JUDGE:** She's
 22 answered the question.
 23 **THE WITNESS:** -- do not know.
 24 **THE ADMINISTRATIVE LAW JUDGE:** She's
 25 answered the question. Go ahead. Next -- next

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1 You've got a copy of this, Representative?
 2 **THE WITNESS:** Oh, is it the same one?
 3 **THE ADMINISTRATIVE LAW JUDGE:** Yes, the
 4 same.
 5 **THE WITNESS:** Okay.
 6 **BY MR. CELLI:**
 7 **Q** And let me ask a foundational question. You
 8 understand that on social media posts like Facebook
 9 and Twitter, one of the things -- well, I guess on
 10 Facebook one of the things you can do is you can like
 11 someone's post, right?
 12 **A** You can like people's post.
 13 **Q** And when you like someone's post, that's a
 14 way of signifying that you agree with or admire or
 15 think it's -- it's correct, the post is correct,
 16 right?
 17 **A** I don't know. I don't agree with your
 18 phrase of questioning.
 19 **Q** Well, I'm asking you. Isn't it true that
 20 when you like -- when you, personally, Ms. Greene,
 21 like someone's post, you're signifying your approval
 22 for what the post said?
 23 **A** No. I don't agree with the -- how you're
 24 phrasing that question. No, I don't agree with that.
 25 **Q** So it's true, though, that you liked a post

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1 question. She answered.
 2 **BY MR. CELLI:**
 3 **Q** Okay. By the way, you know, Ms. Greene,
 4 that one of the places inside the United States
 5 Capitol building that was invaded by people who were
 6 doing violence was Ms. Pelosi's office, right?
 7 **A** I was inside the chamber during -- on
 8 January 6th. So I do not know all of the places that
 9 those people went. I only know where I was.
 10 **Q** Are you telling us that in the more than a
 11 year since these events occurred you have not become
 12 aware that one of the offices that was invaded by
 13 people who were illegally in the Capitol was Nancy
 14 Pelosi's office?
 15 **A** I've seen that on the news.
 16 **Q** Okay.
 17 **A** But I don't know for sure. I haven't -- I
 18 haven't investigated all of that.
 19 **Q** Now, you mentioned earlier in response to
 20 some of my questions that there was a demonstration
 21 that was being planned for January 6, 2021, called the
 22 "March for Trump," right?
 23 **A** We talked about it on one of my Twitter
 24 posts.
 25 **Q** Right. And -- and that demonstration was

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1 being organized in part by an organization called
 2 "Women for America," right?
 3 **A** I don't remember who organized it.
 4 **Q** Okay.
 5 (Petitioners' Exhibit 2(d) identified.)
 6 **MR. CELLI:** Ms. Wells, can you pull up
 7 Plaintiffs' Exhibit 2(d).
 8 **THE ADMINISTRATIVE LAW JUDGE:** I'm sorry,
 9 which one, Mr. Celli?
 10 **MR. CELLI:** I'm sorry, 2(d), Your Honor.
 11 **THE ADMINISTRATIVE LAW JUDGE:** D or B?
 12 **MR. CELLI:** D.
 13 **THE ADMINISTRATIVE LAW JUDGE:** B as in boy.
 14 **MR. CELLI:** No, no. D as in dog. I'm
 15 sorry.
 16 **THE ADMINISTRATIVE LAW JUDGE:** D as in dog.
 17 Thank you.
 18 **MR. CELLI:** And I -- we're going to do this
 19 on paper as well. I've got ...
 20 **BY MR. CELLI:**
 21 **Q** I placed in front of you what's a document
 22 that's been premarked as Plaintiffs' Exhibit 2(d).
 23 Just begin by asking, one of the things that you can
 24 do on Twitter, Ms. Greene, is you can retweet or send
 25 out again somebody else's Tweet, right?

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1 don't recall -- I don't remember retweeting this.
 2 **Q** Okay. But you do remember that there was
 3 this thing called the "March for Trump." It was going
 4 to be on January 6th, right?
 5 **A** Yes.
 6 **Q** And that "Women for America" were one of the
 7 organizers, right?
 8 **A** I don't remember, but that's what this says.
 9 **Q** Okay. And one of the other hashtags for the
 10 demonstrations that were planned on January 6, 2021,
 11 in Washington D.C. was a hashtag, "Stop the Steal"
 12 hashtag, "Stop the Steal," right?
 13 **A** Stop -- yes.
 14 **Q** Yes. And another hashtag that got used at
 15 the time was -- or I'm sorry, a website that was being
 16 used to organize people to come to Washington was
 17 something called "WildProtest.com," right?
 18 **A** I don't know.
 19 (Petitioners' Exhibit 33 identified.)
 20 **MR. CELLI:** Okay. Let's have a look at
 21 PX-33, please.
 22 **THE ADMINISTRATIVE LAW JUDGE:** I'm sorry
 23 again, Mr. Celli, P ...
 24 **MR. CELLI:** PX-33.
 25 **THE ADMINISTRATIVE LAW JUDGE:** X? PX?

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1 **A** Yes.
 2 **Q** Okay. And on Plaintiffs' 2(d), which I
 3 placed in front of you, you are retweeting a tweet
 4 sent by Kylie Jane Kremer on December 19, 2020, right?
 5 **A** I don't know if I retweeted it.
 6 **Q** Well, if you look carefully, it says
 7 Marjorie Taylor Greene with American flag and it says
 8 re -- retweeted.
 9 **A** I don't know --
 10 **Q** Is your testimony --
 11 **A** -- if I retweeted it.
 12 **Q** You don't -- you don't recall one way or the
 13 other.
 14 **A** I don't recall.
 15 **Q** And it's your testimony that if this got
 16 retweeted from your account, that would've been done
 17 with your permission, right?
 18 **A** I don't -- I don't recall retweeting it.
 19 **Q** That's not my question. You don't deny that
 20 Kylie Jane Kremer's message was retweeted from your
 21 account in the form set forth as Plaintiffs' 2(d)
 22 in -- on December 20, 2020. I'm sorry, December 19th.
 23 You don't deny that, do you?
 24 **A** This is what your picture has, this paper
 25 has. I don't have this Twitter account anymore. So I

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1 **MR. CELLI:** I call it PX. P-33, Your Honor.
 2 **THE ADMINISTRATIVE LAW JUDGE:** P-33, okay.
 3 **MR. CELLI:** Plaintiffs' exhibit.
 4 **THE ADMINISTRATIVE LAW JUDGE:** Oh, I got
 5 you, sorry.
 6 **BY MR. CELLI:**
 7 **Q** I placed before you, Ms. Greene, a document
 8 that was marked as Plaintiffs' Exhibit -- or
 9 Petitioners' Exhibit 33. I'm just going to ask a
 10 couple questions about it.
 11 Does this refresh your recollection that
 12 there was a website known as "WildProtest.com" that
 13 was encouraging people to come to Washington for a
 14 pro -- a protest on January 6th?
 15 **A** I don't remember the website, but I'm seeing
 16 it here in this -- on your paper.
 17 **Q** Okay. And "wild" was the term that
 18 President Trump used to describe what he thought was
 19 going to happen on January 6th, right?
 20 **A** Wild is also a term that high schoolers use
 21 when they talk about spring break.
 22 **Q** Fair enough. But whatever the title of the
 23 demonstration or the name or the hashtag that was
 24 used, you would agree that you were aware in -- after
 25 the election and before January 6th that people were

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1 being asked to come to D.C. for a large demonstration
2 to object to the certification of Joe Biden as
3 President of the United States, right?
4 **A** I was aware people were coming to support
5 our objection in Congress and on January 6th. The
6 only thing I was preparing for was objecting.
7 **Q** When did you first become aware that there
8 were going to be large demonstrations in D.C. on the
9 sixth?
10 **A** I don't recall.
11 **Q** Did you consider at any point participating
12 in any of those demonstrations?
13 **A** It -- it was put on my calendar, but then I
14 never went. It -- it -- we were too busy. We were,
15 you know, looking at all of the evidence and preparing
16 for our debates and preparing to object.
17 **Q** And who put it on your calendar?
18 **A** I don't know.
19 **Q** Somebody on your staff, I take it?
20 **A** I have no idea.
21 **Q** Well, it wasn't a complete stranger, right?
22 It was somebody from your congressional staff, right?
23 **A** Probably so, but I have no idea.
24 **Q** And as you sit here, can you tell us why it
25 is that a -- an appearance for you at that

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1 **A** That is my name and face, but I -- again, I
2 don't run that website. I have no idea who does.
3 **Q** My question to you, Representative Greene,
4 is did some -- did you or someone under your authority
5 at your congressional office authorize you to be
6 placed as a speaker or guest of the Wild Protest
7 demonstration?
8 **A** I get many invitations as a member of
9 Congress, to many events and -- and all kinds of
10 speaking engagements. And most of the time those go
11 on my calendar, but they have no relevance as to
12 whether I attend or not.
13 **Q** So would it be fair to say, Ms. Greene, that
14 through your office you authorized your name and your
15 likeness to be associated with the wildprotest.com
16 demonstration?
17 **A** No, you cannot say that or assume that.
18 That would be whoever organized this.
19 **Q** Well, let's talk about that. Going back to
20 33, you know Ali Alexander, don't you?
21 **A** No, I don't really know him. No.
22 **Q** When you say you don't really know him,
23 you've met him, right?
24 **A** I've seen him before, but I don't know him.
25 I --

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1 demonstration was placed on your calendar?
2 **A** Can you rephrase that question?
3 **Q** Sure. How did it come to pass that it was
4 put on your calendar that you were going to appear at
5 a demonstration. I understand you said you were too
6 busy, but --
7 **A** I don't -- don't know. I was so busy just
8 preparing to object. I don't know.
9 **Q** You were going to go to one of these
10 demonstrations as a speaker, right?
11 **A** I don't think so. I was always preparing to
12 object. We were very busy.
13 **Q** Well, have a look at what we've marked as
14 33. If you go about three pages in, at the bottom of
15 that page, and then over to the next page, it says
16 invited speakers and featured guests, right?
17 **A** I'm assuming -- I guess I was on there
18 because I was invited.
19 **Q** Right. And --
20 **A** But I don't -- I don't know who made this
21 website. I -- I'm sorry, I can't answer --
22 **Q** Okay. Well, if you say --
23 **A** -- anything about it.
24 **Q** Well, you can answer that that's your name
25 and face, right?

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1 **Q** How many times have you been in his physical
2 presence to your knowledge?
3 **A** I cannot even guess. Hardly any.
4 **Q** Ten? Twenty?
5 **A** No.
6 **Q** Have you shaken his hand?
7 **A** I've shaken his hand before, yes.
8 **Q** All right.
9 **A** I shake hands with pretty much everyone I
10 meet.
11 **Q** Lots of people, right? And he's a friend of
12 yours, right?
13 **A** No.
14 **Q** Okay. We'll come back to that.
15 Did you discuss with Mr. Alexander the idea
16 of you coming to appear at a demonstration on
17 January 6th?
18 **A** I do not recall that, no.
19 **Q** You're not denying that happened. You just
20 don't recall one way or the other.
21 **A** I do not recall that, no.
22 **Q** Well, did you discuss with anybody attending
23 the Wild Protest demonstration that was planned for
24 January 6th?
25 **A** I do not recall ever talking about

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<p style="text-align: right;">Page 129</p> <p>1 attending.</p> <p>2 Q Other than people on your congressional</p> <p>3 staff or your campaign staff, list for me all of the</p> <p>4 people who you spoke to about the demonstrations on</p> <p>5 January 6th.</p> <p>6 A I -- I'm sorry, I -- I have no idea.</p> <p>7 Q Okay. You don't remember any of them?</p> <p>8 A I do not remember.</p> <p>9 Q Not any of them?</p> <p>10 A No.</p> <p>11 Q Okay. And you spoke to some people about</p> <p>12 those demonstrations prior to being sworn in as a</p> <p>13 representative from the 14th district, right?</p> <p>14 A I -- I don't remember.</p> <p>15 Q And you spoke to some of those people after</p> <p>16 you took the oath on January 3rd and before the 6th,</p> <p>17 right?</p> <p>18 A I don't remember.</p> <p>19 Q Did you speak to anybody in government about</p> <p>20 the fact that there were going to be demonstrations in</p> <p>21 Washington on January 6th?</p> <p>22 A I don't remember. We were mostly reading</p> <p>23 information about election fraud and people signed</p> <p>24 affidavits about what they witnessed with voter fraud</p> <p>25 and preparing to object. That was pretty much all I</p>	<p style="text-align: right;">Page 130</p> <p>1 remember doing.</p> <p>2 Q Right. Pretty much, but your testimony as</p> <p>3 you sit here today under oath is that you didn't talk</p> <p>4 to anybody in government about the fact that there</p> <p>5 were going to be large protests in Washington on</p> <p>6 January 6th.</p> <p>7 A I don't remember.</p> <p>8 Q You spoke to Representative Biggs or his</p> <p>9 staff about that fact, didn't you?</p> <p>10 A I do not remember.</p> <p>11 Q How about Representative Gosar?</p> <p>12 A I'm sorry, I don't remember.</p> <p>13 Q Did you talk to people at the White House</p> <p>14 about the fact that there were going to be large</p> <p>15 demonstrations on -- on January 6th in Washington?</p> <p>16 A I don't remember.</p> <p>17 Q Prior to January 6th, Representative Greene,</p> <p>18 did anyone ever mention to you the possibility that</p> <p>19 there might be violence in Washington on January 6,</p> <p>20 2021?</p> <p>21 A I don't remember.</p> <p>22 Q So it's possible that folks told you things</p> <p>23 could get violent in Washington on January 6th, right?</p> <p>24 A I was a brand-new member of Congress. If I</p> <p>25 -- I don't remember those conversations but I would</p>
<p style="text-align: right;">Page 131</p> <p>1 hope Nancy Pelosi and those in charge of the Capitol</p> <p>2 were taking the Capitol security very seriously.</p> <p>3 Q My question is just about whether anybody at</p> <p>4 all ever mentioned to you the possibility of violence.</p> <p>5 A I don't remember.</p> <p>6 Q Okay. So you're not denying it. You're</p> <p>7 just saying you don't recall.</p> <p>8 A I don't recall.</p> <p>9 Q And you don't recall that people said, you</p> <p>10 know, We're having these big demonstrations in</p> <p>11 Washington and some of the people who come to those</p> <p>12 demonstrations might become violent. That never</p> <p>13 happened.</p> <p>14 A The only violence I'd ever seen was the</p> <p>15 antifa and BLM riots. And I've been to so many Trump</p> <p>16 rallies and I've never once seen violence out of Trump</p> <p>17 people. I don't recall any talk of violence.</p> <p>18 Q And you knew that the people who were coming</p> <p>19 for the demonstrations on January 6th, those were</p> <p>20 Trump people, right?</p> <p>21 A I knew there were many people coming to</p> <p>22 support President Trump and our objection on</p> <p>23 January 6th.</p> <p>24 Q Right. And at least some of them were</p> <p>25 coming because you asked them to come, right?</p>	<p style="text-align: right;">Page 132</p> <p>1 A I didn't pers -- I don't recall personally</p> <p>2 asking people to come, but evidently I tweeted about</p> <p>3 January 6th.</p> <p>4 Q Did anybody -- strike that. Did you have</p> <p>5 any conversations with anybody in government --</p> <p>6 representatives, senators, White House staff, the</p> <p>7 President of the United States at the time, any</p> <p>8 government official or government employee -- about</p> <p>9 the fact -- this is now prior to January 6th, about</p> <p>10 the fact that there was a risk that people coming to</p> <p>11 Washington for January 6th demonstrations might become</p> <p>12 violent?</p> <p>13 MR. BOPP: I object. That's the fourth time</p> <p>14 he's asked the same question. She's</p> <p>15 repeatedly saying --</p> <p>16 MR. CELLI: It's not the same question.</p> <p>17 THE ADMINISTRATIVE LAW JUDGE: This is the</p> <p>18 last time.</p> <p>19 MR. BOPP: This really is the same question.</p> <p>20 THE ADMINISTRATIVE LAW JUDGE: I will let</p> <p>21 it -- well, you can answer the question.</p> <p>22 This is the last time, Mr. Celli.</p> <p>23 THE WITNESS: I don't -- I don't recall.</p> <p>24 BY MR. CELLI:</p> <p>25 Q Ms. Greene, did you ever hear that -- from</p>

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1 any source prior to January 6th that some folks were
 2 planning to come to Washington on January 6th and the
 3 idea was that they were going to flood the Capitol
 4 with people?
 5 **A** No. I don't remember ever hearing that.
 6 **Q** Okay. You never discussed that with
 7 anybody.
 8 **A** No, I do not remember that.
 9 **Q** But you supported the idea of people coming
 10 to Washington on January 6th and flooding the Capitol,
 11 right?
 12 **A** No. I support people's First Amendment to
 13 have a peaceful protest, use their freedom of speech.
 14 **Q** Well, previously you've publicly said that
 15 one way for people to express their displeasure with
 16 their government would be to flood the Capitol
 17 building with people, right?
 18 **A** The Capitol belongs to the people. They --
 19 that's where you come and speak to your senators, your
 20 representatives. You -- you come to express your
 21 views. You come to talk about how you want your tax
 22 dollars spent. You come to talk about how you want
 23 senators or representatives to vote.
 24 **Q** My -- my question is a bit more narrow than
 25 that. You publicly expressed support for the idea

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1 to lay a foundation for this, you may proceed.
 2 Go ahead, Mr. Celli.
 3 **MR. CELLI:** Okay. Thank you.
 4 **BY MR. CELLI:**
 5 **Q** I want to direct your attention,
 6 Representative Greene, to the second page of this
 7 exhibit.
 8 **THE ADMINISTRATIVE LAW JUDGE:** Mr. Celli,
 9 could you -- could you please go through the
 10 proper things to -- so she knows what she's
 11 looking at.
 12 **MR. CELLI:** Yes. Well, I thought I did,
 13 but --
 14 **THE ADMINISTRATIVE LAW JUDGE:** I -- I didn't
 15 hear it. I'm sorry.
 16 **MR. CELLI:** Okay.
 17 **BY MR. CELLI:**
 18 **Q** Ms. Greene, this is an article that
 19 appeared, we believe, on CNN in the wake of
 20 January 6th and ask if you've seen this document
 21 before.
 22 **A** No, I haven't seen it.
 23 **THE ADMINISTRATIVE LAW JUDGE:** Okay. Now.
 24 **BY MR. CELLI:**
 25 **Q** Well, I'm going to ask some questions about

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1 that people should come to Washington to express their
 2 displeasure with their government by flooding the
 3 Capitol.
 4 **A** I don't remember.
 5 **MR. BOPP:** I object, Your Honor.
 6 **THE ADMINISTRATIVE LAW JUDGE:** She's
 7 answered the question. Next. Move on.
 8 **MR. CELLI:** Can we have PX-23, please.
 9 (Petitioners' Exhibit 23 identified)
 10 **BY MR. CELLI:**
 11 **Q** Ms. Greene, I've placed in front of you what
 12 we've previously marked as Petitioners' Exhibit 23
 13 which is a CNN article entitled "In 2019, Marjorie
 14 Taylor Greene Told Protesters to Flood the Capitol and
 15 Feel Free to Use Violence."
 16 **MR. BOPP:** Your Honor, I object. This is
 17 2019. How many years back? High school? Do we
 18 have to be treated with statements that -- like
 19 "Flood the Capitol?" Flood the Capitol --
 20 **MR. CELLI:** Your Honor, this is a speaking
 21 objection --
 22 **MR. BOPP:** There are at --
 23 **MR. CELLI:** -- it's not appropriate.
 24 **THE ADMINISTRATIVE LAW JUDGE:** Go ahead.
 25 You may -- if you can figure out how you're going

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1 statements that are attributed to you in this article
 2 and you can tell me whether you made them or not,
 3 okay?
 4 The second page of the document has a
 5 quotation that reads, quote: All of us together, when
 6 we rise up, we can end of this. We can end it. We
 7 can do it peacefully. We can. I hope we don't have
 8 to do it the other way. I hope not. But we should
 9 feel like we will if we have to because we are the
 10 American people.
 11 Do you recall making that statement in 2019
 12 in connection with a protest around "Fund the Wall"?
 13 **A** No --
 14 **MR. BOPP:** I object.
 15 **THE WITNESS:** -- I don't recall.
 16 **THE ADMINISTRATIVE LAW JUDGE:** Asked and
 17 answered. Go ahead.
 18 **MR. BOPP:** I object.
 19 **THE ADMINISTRATIVE LAW JUDGE:** Next.
 20 **MR. CELLI:** Are you denying --
 21 **THE ADMINISTRATIVE LAW JUDGE:** Objection
 22 noted.
 23 **MR. CELLI:** -- that you made that statement?
 24 **THE ADMINISTRATIVE LAW JUDGE:** Objection
 25 noted.

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1 MR. CELLI: Are you denying that you made
2 that statement?
3 THE WITNESS: I'm saying I don't -- I don't
4 recall.
5 MR. CELLI: Okay. You're --
6 THE WITNESS: This is --
7 MR. CELLI: -- not denying it. You just
8 don't recall.
9 THE WITNESS: It's a CNN article.
10 THE ADMINISTRATIVE LAW JUDGE: She said she
11 does not recall.
12 MR. CELLI: Okay.
13 THE ADMINISTRATIVE LAW JUDGE: That is the
14 answer. Let's move on.
15 (Petitioners' counsel conferred with
16 cocounsel.)
17 MR. CELLI: I'm sorry, Judge. I think I'm
18 missing a page in my copy of the exhibit.
19 THE ADMINISTRATIVE LAW JUDGE: Okay.
20 (Petitioners' counsel conferred with
21 cocounsel.)
22 BY MR. CELLI:
23 Q A little further along in the article, I'm
24 just going to ask you whether you made these -- this
25 comment (reading): If we have a sea of people, we

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1 conspiracy theories as QAnon at this point.
2 MR. CELLI: Well, you believe in QAnon,
3 right?
4 THE WITNESS: I -- no. I didn't -- I did
5 not say I believe in QAnon.
6 THE ADMINISTRATIVE LAW JUDGE: Let's move
7 on.
8 MR. CELLI: You don't believe in QAnon?
9 THE ADMINISTRATIVE LAW JUDGE: This is not
10 relevant. Let's move on.
11 MR. CELLI: She brought it up, Your Honor.
12 (Petitioners' Exhibit 84 identified.)
13 MR. CELLI: Can we get PX-84, please,
14 Ms. Wells.
15 THE ADMINISTRATIVE LAW JUDGE: Which one?
16 MR. CELLI: 84.
17 THE ADMINISTRATIVE LAW JUDGE: 84?
18 (Image displayed on screen.)
19 BY MR. CELLI:
20 Q Is that your face, Ms. Greene?
21 A It appears to be.
22 Q Okay. So this is a video clip. I'm going
23 to ask that we play it -- it's about a minute and
24 fifty seconds -- and simply ask if that's you making
25 those statements.

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1 will shut down the streets. If we shut down
2 everything, if we flood the Capitol building, go
3 inside, these are public buildings, we own them. We
4 own these buildings. Do you understand that? We own
5 the buildings and we pay all the people that work in
6 the buildings.
7 Did you say that in connection with the
8 "Fund the Wall" demonstration in February of 2019?
9 MR. BOPP: And because it's about the "Fund
10 the Wall" demonstration and not -- not after she
11 was sworn in as a member of Congress and taken an
12 oath --
13 THE ADMINISTRATIVE LAW JUDGE: It's
14 irrelevant.
15 MR. BOPP: Completely irrelevant to what she
16 --
17 THE ADMINISTRATIVE LAW JUDGE: It -- I'm
18 inclined to agree.
19 Let's go on.
20 MR. BOPP: Thank you.
21 THE ADMINISTRATIVE LAW JUDGE: Move on.
22 MR. CELLI: Did you say that?
23 THE WITNESS: I don't recall. You're using
24 CNN and they've chopped up my words so many
25 times. I mean, you sound like you have as many

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1 MR. BOPP: Your Honor, before he starts
2 running this, I want -- I object unless he
3 assures us that this is the complete clip, not
4 selected out pieces --
5 THE ADMINISTRATIVE LAW JUDGE: Right.
6 MR. BOPP: -- that it's the entire --
7 MR. CELLI: We haven't touched it, Your
8 Honor.
9 MR. BOPP: Okay, well, I'm not saying you
10 touched it.
11 THE ADMINISTRATIVE LAW JUDGE: Right. Well
12 --
13 MR. BOPP: This is on -- you're prepared to
14 play this. I think your responsibility -- and
15 I'm asking the court to require this or I
16 object -- is to make sure that this is not taken
17 out of context. You want to present it as
18 evidence. I think you should be required to
19 explain that this is the entire statement that
20 was made, not some selected piece out of context.
21 MR. CELLI: May -- may I be heard on this,
22 Your Honor?
23 THE ADMINISTRATIVE LAW JUDGE: Sure. Go --
24 go ahead, Mr. Celli.
25 MR. CELLI: Your Honor, we have been denied

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1 the opportunity to conduct discovery in this
 2 case, as Your Honor knows, given the speed with
 3 which this proceeding had to go forward. We have
 4 been denied the opportunity to issue subpoenas to
 5 get records to do precisely what Mr. Bopp would
 6 like me to do. In fact, Mr. Bopp objected to all
 7 of those things and said: We don't want them to
 8 do those things.

9 So the idea, now, that he is objecting to us
 10 playing a portion of his own client's words ...
 11 she can defend herself quite ably. She will tell
 12 us if it's out of context or if it's QAnon or
 13 something else.

14 **THE ADMINISTRATIVE LAW JUDGE:** Let's back
 15 up. First of all, what is this again?

16 **MR. CELLI:** This is a video, we believe, of
 17 the congresswoman making a statement.

18 **THE ADMINISTRATIVE LAW JUDGE:** And where did
 19 it come from?

20 **MR. CELLI:** It came from -- the CNN article
 21 links to it from Facebook.

22 **THE ADMINISTRATIVE LAW JUDGE:** So this is --
 23 but this was pulled off of what? The Internet?

24 **MR. CELLI:** Well, it was -- it was connected
 25 through CNN, I believe. No? Through the --

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1 right?

2 **A** What year was that?

3 **Q** You tell me, Ms. Greene.

4 **A** I believe it was for February 23, 2019.

5 **Q** Right.

6 **A** There was no violence that day. We
 7 peacefully protested.

8 **Q** Fair enough. But my point is to ask you the
 9 question, you were urging people for that
 10 demonstration to flood the Capitol.

11 **A** To peacefully protest with me and enter the
 12 Capitol and -- and ask our lawmakers to serve the
 13 American people.

14 **Q** So now you remember giving that statement,
 15 right?

16 **A** Now that we've watched the video, I remember
 17 that.

18 **Q** Now that your memory has been jogged a
 19 little bit, do you remember talking about that
 20 demonstration being done on a peaceful basis?

21 **A** That demonstration was peaceful.

22 **Q** Right. And you remember that you said, "We
 23 can do it peacefully," right?

24 **A** Of course. I only believe in peaceful
 25 demonstration. I do not support violence.

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1 from -- from a tweet.

2 **THE ADMINISTRATIVE LAW JUDGE:** Next
 3 question: This is the complete -- what was
 4 there?

5 **MR. CELLI:** That's what was there, yes.

6 **THE ADMINISTRATIVE LAW JUDGE:** Okay. Have
 7 you made any alterations?

8 **MR. CELLI:** No, sir.

9 **THE ADMINISTRATIVE LAW JUDGE:** Are you aware
 10 of any alterations?

11 **MR. CELLI:** No, sir.

12 **THE ADMINISTRATIVE LAW JUDGE:** Okay. Do we
 13 know when it was made?

14 **MR. CELLI:** We believe it was made in
 15 February of 2019, but --

16 **THE ADMINISTRATIVE LAW JUDGE:** All right.
 17 You can ask the witness about it.

18 **MR. CELLI:** Can we -- can we play the video,
 19 please.

20 (Recording played from 12:41 to 12:43 p.m.)

21 **BY MR. CELLI:**

22 **Q** Ms. Greene, that's you, right?

23 **A** That's me.

24 **Q** And -- and in that clip, you were urging
 25 people to come to Washington and flood the Capitol,

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1 **Q** In fact, what you said is: We can do it
 2 peacefully. We can. I hope we don't have to do it
 3 the other way. I hope not. But we should feel like
 4 we will if we have to because we are the American
 5 people.

6 That was an another statement that you made
 7 in the same presentation, right?

8 **A** That was in your CNN article, and I don't
 9 trust CNN as a source. They've lied about me multiple
 10 times.

11 **Q** Are you denying that under oath, that you
 12 made that statement?

13 **A** I'm not. I just don't recall -- I'm not
 14 recalling saying specifically that. The demonstration
 15 was peaceful. History shows that.

16 **THE ADMINISTRATIVE LAW JUDGE:** What year was
 17 this again?

18 **THE WITNESS:** 2019. It has nothing to do
 19 with January 6th.

20 **THE ADMINISTRATIVE LAW JUDGE:** Okay. At
 21 this -- I'm --

22 **MR. CELLI:** I'll move on, Your Honor.

23 **THE ADMINISTRATIVE LAW JUDGE:** You're
 24 pushing the envelope, Mr. Celli.

25 **MR. BOPP:** I thought he'd already fallen off

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1 the cliff.

2 **THE ADMINISTRATIVE LAW JUDGE:** No comments.

3 No comments, Mr. Bopp.

4 **MR. CELLI:** Yeah. I -- I'd appreciate if

5 Mr. Bopp --

6 **THE ADMINISTRATIVE LAW JUDGE:** No comments.

7 **MR. CELLI:** -- would keep his humor to

8 himself for the moment. He can do that on the

9 cameras outside when the time comes.

10 **THE ADMINISTRATIVE LAW JUDGE:** Gentleman,

11 now, I'm serious. We need to -- we need to -- we

12 need to get back to task.

13 **BY MR. CELLI:**

14 **Q** Ms. Greene, did you or any member of your

15 government or campaign staff communicate with Anthony

16 Aguero about the events of January 6th prior to

17 January 6th?

18 **A** I don't recall.

19 **Q** Did you or any member of your staff, either

20 congressional staff or campaign staff, communicate

21 with somebody named Dustin Stockton --

22 **A** I don't --

23 **Q** -- prior to January 6th?

24 **A** I don't think I know who that is.

25 **Q** Okay. How about Jennifer Lawrence? Not the

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1 think you're speculating and it's hypothetical.

2 **Q** Prior to January 6, 2021, you heard that

3 people were planning to enter the Capitol on

4 January 6th and engage in violence, right?

5 **A** No.

6 **MR. BOPP:** I object. I think that's the

7 fifth time he's asked that question.

8 **THE ADMINISTRATIVE LAW JUDGE:** Well, no, she

9 answered the question. No.

10 Next.

11 **MR. CELLI:** Never heard that from anybody?

12 **THE WITNESS:** No.

13 **MR. CELLI:** Okay.

14 **BY MR. CELLI:**

15 **Q** And prior to January 6, 2021, you were aware

16 that people were going to make noise outside the

17 Capitol as a means to disrupt the proceedings inside

18 the Capitol. Is that fair?

19 **A** No. I have no idea what you're talking

20 about.

21 **Q** Okay. And prior to January 6, 2021, had you

22 heard that people were planning to enter the Capitol

23 building illegally in order to disrupt the electoral

24 count process?

25 **A** No, absolutely not. I don't know anything

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1 actress but a Jennifer Lawrence who's involved in

2 conservative politics. Did you or any member of your

3 congressional or campaign staff communicate with

4 Ms. Lawrence prior to January 6th about the

5 demonstrations that were planned for that day?

6 **A** I don't recall. I don't think I know who

7 that is.

8 **Q** Did you or any member of your campaign or

9 congressional staff, Ms. Greene, provide any support

10 for any demonstrations that occurred on January 6,

11 2021?

12 **A** I -- I have no idea. I don't think so. I

13 don't recall.

14 **Q** Did you or any member of your staff provide

15 information, advice, funds, printed material, the

16 promise of a public statement, to withhold a public

17 statement, anything along those lines in connection

18 with the demonstrations that were planned for

19 January 6th?

20 **A** I don't remember. I don't think so.

21 **Q** And if somebody were to come in here and

22 say, Oh, yeah, she gave us support for our

23 demonstrations, you'd say, I don't remember that.

24 That didn't happen.

25 **A** I -- I'm not sure what you're saying. I

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1 about that.

2 **Q** Okay.

3 **MR. CELLI:** Your Honor, it's -- I think

4 12:45 is ...

5 **THE ADMINISTRATIVE LAW JUDGE:** Well, let's

6 talk about that. How much longer do you think

7 you need, Mr. Celli?

8 **MR. CELLI:** Probably an hour.

9 **THE ADMINISTRATIVE LAW JUDGE:** All right.

10 Well, why don't we take a -- I'm going to change.

11 Let's take an hour. And let's be back here at --

12 it's 12:45 so that's 1:45, right? Did I do that

13 right?

14 **MR. CELLI:** Can I respectfully ask for -- to

15 make it forty-five minutes only?

16 **THE ADMINISTRATIVE LAW JUDGE:** Forty-five

17 minutes. You want to make it 12:30? I mean

18 1:30, I'm sorry. I'm challenged on the clock.

19 1:30. Forty-five minutes, is that adequate

20 for you, Mr. Bopp?

21 **MR. BOPP:** (nodding)

22 Is that okay with you, congresswoman?

23 **THE WITNESS:** To continue in --

24 **THE ADMINISTRATIVE LAW JUDGE:** We've got

25 forty-five minutes for lunch. Is that okay?

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1 **THE WITNESS:** Oh, sure.

2 **THE ADMINISTRATIVE LAW JUDGE:** Okay. All

3 right. Well, let's -- we'll reconvene in

4 forty-five minutes which will be 1:30.

5 (Recessed for lunch from 12:51 to 1:34 p.m.)

6 **THE ADMINISTRATIVE LAW JUDGE:** Everybody

7 please be seated.

8 Representative.

9 **THE WITNESS:** Thank you.

10 (The witness returned to the stand.)

11 **THE ADMINISTRATIVE LAW JUDGE:** Thank you.

12 Okay, Mr. Celli.

13 **MR. CELLI:** Yes, sir.

14 Representative Greene, good afternoon.

15 **BY MR. CELLI:**

16 **Q** I want to go back and ask you a couple

17 narrower questions. Then we'll move to another topic.

18 The Twitter handle, @MTGreene, that's your

19 twittle -- Twitter handle -- or it was before your

20 account was suspended.

21 **A** Before my account was permanently banned.

22 **Q** Got it. And during the period from

23 January 3rd to January 6th, did you or anybody in your

24 office, your congressional office, provide tours,

25 either formally or informally to people, of the U.S.

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1 **Q** During that same period of January 3rd to

2 January 6th, did you or anybody on your campaign or

3 congressional staff provide any information of any

4 sort to anyone in connection with January 6th

5 demonstrations?

6 **A** I don't think so. I have no idea. I don't

7 think so.

8 **Q** And did you have members of the public visit

9 your congressional office between January 3rd and

10 January 6th?

11 **A** No.

12 **Q** And during that period of January 3rd and

13 January 6th, did anyone from your congressional office

14 or your campaign provide maps for the location of

15 offices within the Capitol?

16 **A** No. No. We got our keys to my office on

17 January 3rd. I -- I couldn't even find where the

18 bathroom was most of the time.

19 **Q** You know why I'm asking these questions,

20 don't you, Representative Greene?

21 **A** I have no idea why you're asking these

22 questions.

23 **Q** Representative Greene, you're familiar with

24 the significance of the year 1776 in U.S. history,

25 right?

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1 Capitol?

2 **A** No. The only people that were with me was

3 my husband and my children.

4 **Q** That would be on the third; is that right?

5 **A** They were -- I don't recall the exact days.

6 I believe they went back to Georgia on the fourth.

7 **Q** Okay. I'm -- I'm trying to capture the

8 period from January 3rd, when you were sworn in, to

9 January 6th. At any time during that period, did

10 anybody in your office provide tours to anybody --

11 **A** No.

12 **Q** -- of the U.S. Capitol?

13 **A** No.

14 **Q** Okay. During that period, did anybody on

15 your campaign staff or did you authorize provision of

16 funds, money, to people who were planning a

17 demonstration on January 6th?

18 **A** I don't think so. I don't recall that at

19 all.

20 **Q** If you wanted to know the answer to that

21 question, who would you ask?

22 **A** I would have to talk to people in my

23 campaign, but I don't think we did anything -- how

24 would we have done that? We didn't do anything like

25 that.

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1 **A** Yes.

2 **Q** 1776 is the year that the Declaration of

3 Independence was signed, right?

4 **A** Uh-huh.

5 **Q** And that was a statement by representatives

6 of the thirteen colonies that they were no longer

7 subject to the authority to the British Crown, right?

8 **A** They were declare -- it was the declaration

9 of independence from the British Crown.

10 **Q** Right. And, in fact, you may recall this

11 from your studies, the Declaration of Independence

12 refers to King George as a tyrant, right?

13 **A** It -- I'm -- I'm -- I'm sure it may say that

14 somewhere in the history books. I don't have the

15 history books in front of me and I don't know which

16 one you're referring to, but ...

17 **Q** Well, I'm referring to the Declaration of

18 Independence. That's the one that says that King

19 George was a tyrant, unfit to be a ruler of free

20 people.

21 **A** Are you quoting the Declaration --

22 **Q** Yes.

23 **A** Okay.

24 **Q** Will you -- you'll accept that from me,

25 won't you?

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1 **A** If you're quoting it.

2 **Q** Okay. And you would agree that when a

3 government acts tyrannically, then it's unfit to be

4 the ruler of a free people.

5 **A** We're typically against tyrannical

6 governments here.

7 **Q** And the people who wrote the Declaration of

8 Independence, they were working with other people in

9 the colonies to express their independence from

10 Britain, right?

11 **A** I wasn't alive back then, but there's the

12 history. I'm not a -- I'm not a history expert,

13 but --

14 **Q** Well --

15 **A** -- as you say.

16 **Q** -- you've heard of the American Revolution,

17 haven't you?

18 **A** Of course I have, yes.

19 **Q** Okay. And you know that the American

20 Revolution was a violent rebellion against British

21 rule in the colonies.

22 **A** Yes.

23 **Q** And they were trying to overthrow the

24 government in Britain that was ruling the colonies,

25 right?

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1 justified in using violence to get rid of the

2 tyrannical government of Britain, their officials

3 in -- in America, right?

4 **A** Is that your opinion? I assume so.

5 **Q** I'm asking you.

6 **A** It was a revolutionary war. It was violent.

7 **Q** Now, you've actually talked publicly about

8 the Declaration of Independence, calling for the

9 overthrow of tyrannical governments, right? That's

10 something you've discussed publicly.

11 **A** Are you referencing to something I've said

12 somewhere?

13 **Q** Well, do you recall talking about that

14 topic?

15 **A** I've talked about the Declaration of

16 Independence, but I don't know what occasion you're

17 referring to.

18 **Q** Well, one of the occasions where you talked

19 about the Declaration of Independence was in

20 connection with January 6th, right?

21 **A** I don't know.

22 **Q** Okay.

23 **MR. CELLI:** Let's go to Plaintiffs' 15,

24 please.

25 **THE ADMINISTRATIVE LAW JUDGE:** Which one is

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1 **A** America was trying to start our own

2 government.

3 **Q** Right. And to do that, they had to get rid

4 of the British colonial officials who were here in

5 America and throw them out.

6 **A** They -- yes.

7 **Q** And they viewed the British officials here

8 and the Crown in Britain as a tyrannical government.

9 **A** Yes.

10 **Q** And that was an insurrection, wouldn't you

11 agree? The American Revolution was an insurrection

12 against the government?

13 **A** I don't believe it -- I don't know where it

14 said that.

15 **Q** Well, I'm asking you whether or not you

16 agree that the American Revolution was an insurrection

17 against the British government.

18 **A** I believe it was -- the American Revolution

19 was -- is part of our history where we separated

20 from -- from the Crown and started our own government

21 here.

22 **Q** Right. And the separation was brought about

23 by violence, right?

24 **A** There was a revolutionary war, yes.

25 **Q** And the violence -- the colonists were

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1 this, Mr. Celli?

2 **MR. CELLI:** Plaintiffs' 15.

3 **THE ADMINISTRATIVE LAW JUDGE:** P-15. Thank

4 you.

5 **MR. CELLI:** P-15, yes.

6 (Image displayed on screen.)

7 **BY MR. CELLI:**

8 **Q** Ms. Greene, I'm going to play a short clip

9 and ask if that's you speaking on -- on the video,

10 okay?

11 **MR. BOPP:** What -- what's the date on this?

12 I can't read it from here. Do you know?

13 (Petitioners' counsel conferred with

14 cocounsel.)

15 **MR. CELLI:** October 26, 2021.

16 If you could play the clip, please.

17 (Recording played from 1:42 to 1:42 p.m.)

18 **BY MR. CELLI:**

19 **Q** That's your statement, right?

20 **A** I don't believe it was finished, but that

21 was me. I don't -- I don't recall -- I don't know

22 what the rest of what I was saying because it was cut

23 off.

24 **Q** But in that statement that we looked at, you

25 were comparing the overthrow of the British Crown in

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1 America in 1776 to January 6th.

2 **A** I don't know what my statement was because

3 it was cut off.

4 **Q** Now, you talked about the need for people to

5 have guns in order to secure their rights against a

6 tyrannical government, right?

7 **A** That's -- yes. We have a Second Amendment

8 for a good reason.

9 **Q** Right. And a good reason is in case they

10 need to overthrow their government, they can use their

11 guns to do that.

12 **A** We -- we have a -- well, you're -- you're

13 twisting things around. Could you rephrase your

14 question, please?

15 **Q** Well, I'm -- I'm reacting to your answer.

16 You said we have a Second Amendment -- Amendment. And

17 that's a good thing.

18 **A** Uh-huh.

19 **Q** And I said the reason from your point of

20 view that there is a Second Amendment is so that

21 people can overthrow their government by violent means

22 with guns.

23 **A** That's not the exact purpose. We defend

24 ourselves. Say if -- you know, if you're being

25 attacked, you know, a gun is a tool to defend

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1 video, but Mr. Dorr's T-shirt says: I am 1776 percent

2 sure that no one is taking my guns.

3 Do you agree that that's what it says?

4 **A** Yes.

5 **Q** Okay.

6 **MR. CELLI:** So let's play the video.

7 **MR. BOPP:** I -- I object to playing this. I

8 have watched this. Right in the middle there is

9 a section cut off, right in the middle.

10 **THE ADMINISTRATIVE LAW JUDGE:** Okay. Well,

11 let's see --

12 **MR. BOPP:** So it has been edited.

13 And who's the source of this?

14 **MR. CELLI:** The source of this is Marjorie

15 Taylor Greene, "It's Earned With the Price of

16 Blood." That's -- that's what we're going to be

17 talking about.

18 **MR. BOPP:** No. Who's the source of the

19 video? Who -- who --

20 **MR. CELLI:** Where did we get this from?

21 **MR. SHAPIRO:** It was on YouTube.

22 **MR. CELLI:** YouTube.

23 **MR. BOPP:** Huh?

24 **MR. CELLI:** YouTube.

25 **MR. BOPP:** YouTube, okay.

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1 yourself.

2 **Q** Right. And -- but one of the things it

3 could be used for -- strike that. Let's -- let's go

4 to PX-6.

5 (Petitioners' Exhibit 6 identified.)

6 **BY MR. CELLI:**

7 **Q** I'm going to play a video here and ask a

8 couple questions about it.

9 **A** Uh-huh.

10 **Q** Well, first, let me just ask you. Do you

11 recall giving an interview as reflected on PX-6 in

12 October of 2020, just about a week before the

13 election, at something called "The Relic Hunter

14 Firearms Shop"?

15 **A** Uh-huh. I vaguely remember.

16 **Q** Okay. And that's you on the left, and the

17 gentleman on the right is the owner of the shop. Am I

18 right about that?

19 **A** No.

20 **Q** Okay. Who -- who's that? Just so I know.

21 **A** Mr. Dorr.

22 **Q** Who's Mr. Dorr?

23 **A** He's a -- he's a gun rights activist and --

24 and just someone I know.

25 **Q** Got it. And it's backwards because of the

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1 **THE WITNESS:** It says Mother Jones.

2 **MR. BOPP:** Well, I, you know -- I know

3 you'll need to see it, but ...

4 **THE ADMINISTRATIVE LAW JUDGE:** We'll see it.

5 **MR. BOPP:** Okay.

6 **THE ADMINISTRATIVE LAW JUDGE:** You can

7 make -- obviously that's -- it's difficult to

8 cross-examine a video but it's certainly possible

9 to say what's defective about it.

10 **MR. CELLI:** I'm going to ask a lot about it,

11 Judge, and she can tell us if it's --

12 **THE ADMINISTRATIVE LAW JUDGE:** Yeah, you --

13 as best she can, you know. Go ahead.

14 (Recording started.)

15 **THE ADMINISTRATIVE LAW JUDGE:** Let me stop

16 you. We're not watching the whole thing. We're

17 picking up in the middle of it; is that correct?

18 **MR. CELLI:** It's a minute and nine seconds,

19 Your Honor.

20 **THE ADMINISTRATIVE LAW JUDGE:** No, no. What

21 I'm asking is -- never mind. Oh, I see. It's

22 his shirt. It looked like we were halfway

23 through the video. That's why I was asking. I

24 was confused.

25 **MR. CELLI:** No. No. The red part.

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1 **THE ADMINISTRATIVE LAW JUDGE:** You're
2 starting at the beginning.
3 **MR. CELLI:** Yeah.
4 **THE ADMINISTRATIVE LAW JUDGE:** You're
5 playing the whole thing.
6 **MR. CELLI:** Can we go back, Ms. Wells, to
7 just the very beginning.
8 **THE ADMINISTRATIVE LAW JUDGE:** Yeah. Let's
9 start it over again, please.
10 (Recording played from 1:46 to 1:47 p.m.)
11 **MR. BOPP:** Oh, okay. Mother Jones.
12 Let me -- it started off with a cut sentence
13 when she said: But --
14 **THE ADMINISTRATIVE LAW JUDGE:** It's clearly
15 edited.
16 **MR. BOPP:** Okay. So whatever she said
17 before is wiped out. And then you saw three
18 times when it was cut --
19 **THE ADMINISTRATIVE LAW JUDGE:** Yeah.
20 **MR. BOPP:** -- okay?
21 **THE ADMINISTRATIVE LAW JUDGE:** Yeah.
22 **MR. BOPP:** And Mother Jones? I'm sorry, I
23 am not going to rely upon them to give an
24 accurate depiction --
25 **THE ADMINISTRATIVE LAW JUDGE:** Well, but she

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1 **Q** And you believe that.
2 **A** Absolutely.
3 **Q** Okay. And, in fact, what was done in 1776
4 was to stop a tyrannical government with guns, fair?
5 **A** Sure. Yeah.
6 **Q** And that was to use violence against the
7 tyrannical government, to get that clear.
8 **A** No. They were -- they were trying to get
9 rid of a tyrannical government. They were -- there
10 was a lot of -- I mean, there was a big process.
11 There was a big build-up there before the
12 Revolutionary War.
13 **Q** What did you --
14 **A** The whole purpose was not to use guns for
15 violence --
16 **Q** What did you --
17 **A** -- is the narrative that you're trying to
18 push here.
19 **Q** What did you mean when you said that once
20 you lose your freedom, it has to be earned with the
21 price of blood?
22 **A** Well, once -- I -- I've always said I'm
23 against violence. And I've said I never want to see a
24 war in this country. Never. I've said that over and
25 over again in many speeches. And the reason why I say

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1 could --
2 **MR. BOPP:** -- of the tape.
3 **THE ADMINISTRATIVE LAW JUDGE:** We can
4 proceed with the questioning and the witness can
5 respond. I mean, it is -- it is the witness's
6 statements she made and she can respond.
7 So go ahead.
8 **MR. CELLI:** Well, let's estab --
9 **THE ADMINISTRATIVE LAW JUDGE:** Overruled.
10 Thank you.
11 **MR. CELLI:** Let's establish that.
12 **BY MR. CELLI:**
13 **Q** Representative Greene, this is a statement
14 that you made in an interview with Mr. Dorr in October
15 of 2020, right?
16 **A** That is a very partial cut off and pasted
17 statement. That is me speaking, but my sentences are
18 cut off. My full message is not there.
19 **THE ADMINISTRATIVE LAW JUDGE:** Okay.
20 **BY MR. CELLI:**
21 **Q** And in that statement, what you say is if
22 you can defend yourself, you can stop a tyrannical
23 government. However, if they take away your guns, you
24 can never stop a tyrannical government, right?
25 **A** Correct.

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1 that is because I don't want to see war here on
2 American soil. I have three children that are young
3 adults and I never want to see my children fighting a
4 war, earning back our freedoms. And I've said that.
5 That's what I'm talking about.
6 **Q** Earned with the price of blood is a
7 reference to violence, isn't it?
8 **A** The price of blood is the unfortunate and
9 tragic cost of war. And that's what happened in the
10 Revolutionary War. And -- and that's what I'm talking
11 about.
12 **Q** And you know that the term 1776 is actually
13 a term that's sometimes used in politics today.
14 **A** I don't know if you've noticed our state
15 seal here in Georgia. I know you're not from Georgia.
16 But as you can see, we -- we enjoy our history and --
17 and we're proud of our freedoms. 1776 is on our state
18 seal.
19 **Q** Great. And it's also a term that's used in
20 political discourse in America today.
21 **A** I don't use it as a term of violence.
22 **Q** But you use it as a term, right?
23 **A** I have used it as a term, but I do not use
24 it as a term of violence --
25 **Q** We're --

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1 **A** -- as you're trying to push.

2 **Q** We're not -- we're not up to that yet.

3 I'll -- you'll have your chance --

4 **A** I understand.

5 **Q** -- to answer the question that you want to

6 answer, but you have to start by answering my

7 question, okay?

8 **A** Sure.

9 **Q** You acknowledge that 1776 is a term that's

10 used in political discourse today, right?

11 **A** Yes.

12 **Q** And, in fact, one of the examples of 1776

13 being used in political discourse today is the T-shirt

14 that Mr. Dorr was wearing in the interview that we

15 just saw, right?

16 **A** We saw 1776 backwards on his T-shirt on that

17 cut-up video.

18 **Q** Right.

19 **A** Yes.

20 **Q** And you understood that T-shirt to mean that

21 people need to possess firearms in order to oppose a

22 tyrannical government.

23 **A** I don't recall even re -- I don't remember

24 seeing his T-shirt that day when I saw him. The only

25 time I'm paying attention to it is now because you're

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1 Honor, has been admitted into evidence.

2 (Image displayed on screen.)

3 **THE ADMINISTRATIVE LAW JUDGE:** Right.

4 **MR. CELLI:** Ms. Wells.

5 (Recording played from 1:54 to 1:55 p.m.)

6 **BY MR. CELLI:**

7 **Q** That's your statement on January 5, 2021;

8 correct?

9 **A** Uh-huh. I don't know the date. I -- again

10 I don't recall. But now that I've seen it, what --

11 what was the date of the video?

12 **Q** January 5, 2021.

13 **A** Okay.

14 **Q** You don't have to take my word for it. We

15 can play it back and you'll see what you're talking

16 about, that tomorrow is the sixth.

17 **A** Okay. Yes.

18 **Q** Okay. And this is two days after you took

19 the oath of office to be a representative from the

20 14th congressional district; correct?

21 **A** Yes.

22 **Q** And you used the term, 1776, to describe --

23 in response to a question from the Newsmax broadcast,

24 right?

25 **A** I was speaking about objecting.

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1 drawing the reference.

2 **Q** Okay. But as you sit here today, you

3 understand that what the T-shirt is conveying as a

4 political message is that people needed to -- need to

5 possess firearms in order to oppose a tyrannical

6 government.

7 **A** I don't necessarily understand what you're

8 trying to say.

9 **Q** I'm just asking whether you have an

10 understanding or not.

11 **A** I think you're more trying to push a

12 narrative and push words in my mouth and I don't agree

13 with what you're saying necessarily.

14 **Q** As you sit here today, Representative

15 Greene, you know that that term, 1776, has been used

16 in connection with events of January 6, 2001 (sic).

17 **A** I -- I guess it -- I guess so. I don't

18 know.

19 **Q** Well, you yourself have used the term 1776

20 to describe the events of January 6, 2021.

21 **A** I don't recall, but if you say.

22 **MR. CELLI:** Let's go to PX-27, please,

23 Ms. Wells.

24 (Petitioners' Exhibit 27 identified)

25 **MR. CELLI:** By the way, this video, Your

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1 **Q** Well, you -- he asked you: What is your

2 plan? What are you prepared to have go down tomorrow,

3 on January 6th? And your response was: Tomorrow is

4 our 1776 moment. Right?

5 **A** I was talking about the courage to object.

6 **Q** And you said you were echoing the words of

7 your Republican colleagues. Was the term 1776 used by

8 your Republican colleagues?

9 **A** I don't recall. That was the video, but I

10 don't recall.

11 **Q** In fact, Representative Boebert has used the

12 term 1776 to describe the events of January 6th,

13 hasn't she?

14 **A** I don't recall. I have no idea.

15 **MR. CELLI:** Let's go to PX-9(e), please.

16 (Image displayed on screen.)

17 **THE ADMINISTRATIVE LAW JUDGE:** PX-99?

18 **MR. CELLI:** 9(e).

19 **THE ADMINISTRATIVE LAW JUDGE:** 9(e), thank

20 you.

21 (Petitioners' Exhibit 9(e) identified.)

22 **BY MR. CELLI:**

23 **Q** Do you recall seeing a tweet from

24 Representative Boebert in Colorado on -- at 8:30 in

25 the morning on January 6, 2001 (sic): Today is 1776?

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1 **A** I don't remember seeing this. I see it now
 2 --
 3 **Q** Okay.
 4 **A** -- if -- if that's her tweet.
 5 **Q** Do you have any doubt that Representative
 6 Boebert used the term 1776 to describe the events of
 7 January 6th?
 8 **A** I don't know.
 9 **MR. CELLI:** Let's go back to PX-27, please.
 10 (Image displayed on screen.)
 11 **BY MR. CELLI:**
 12 **Q** So that was an interview that you gave to
 13 Newsmax, right?
 14 **A** That's what it said on the screen: Newsmax.
 15 **Q** Okay. Well, you're not denying that, right?
 16 **A** No. I -- just saying I -- I don't even
 17 remember the interview until we've seen it.
 18 **Q** Okay. And that interview was posted that
 19 day on your Facebook page.
 20 **A** I don't remember.
 21 (Petitioners' counsel conferred with
 22 cocounsel.)
 23 **Q** Now, when you said, This is our 1776 moment,
 24 you knew that some of the people who felt that Donald
 25 Trump was the rightful winner of the 2020 election

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1 January 6, 2021, right?
 2 **A** No, I did not know that.
 3 **Q** The Proud Boys are an extremist violent
 4 group. You would agree with that.
 5 **A** I don't know much about the Proud Boys.
 6 **Q** You've never heard that they're a violent
 7 extremist group?
 8 **A** I've heard about them. I don't know what
 9 they do. I -- I don't know much about the Proud Boys.
 10 **Q** And you haven't heard that the written plan
 11 attributed to the Proud Boys for January 6th was
 12 called "1776 Returns"?
 13 **A** No. I have no idea of anything about that.
 14 **Q** Never heard of it, okay.
 15 **A** Uh-uh.
 16 **MR. CELLI:** Let's pull up PX-39.
 17 (Petitioners' Exhibit 39 identified and
 18 displayed on screen.)
 19 **BY MR. CELLI:**
 20 **Q** This is an article that appeared in the *New*
 21 *York Times* on March 14, 2020, entitled "Document in
 22 Jan 6th case shows plans to storm government
 23 buildings." Do you see this document?
 24 **A** I have never seen it, no.
 25 **Q** Let me -- let me get you a copy so you can

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1 used that term to refer to the possibility of violence
 2 on January 6, 2021.
 3 **A** No. I never heard anyone talking about
 4 violence for January 6th.
 5 **Q** You've never heard any --
 6 **A** Absolutely not.
 7 **Q** You never heard about anyone using the term
 8 1776 to refer to the possibility of --
 9 **A** I would never use --
 10 **Q** Let me finish my question, Representative
 11 Greene.
 12 **A** Okay. Excuse me. Sorry.
 13 **Q** I don't mean to cut you off --
 14 **A** No, I apologize.
 15 **Q** -- and please don't cut me off.
 16 **A** Yes.
 17 **Q** You've never heard anybody say: Use the
 18 term 1776 as a code word for violence to occur on
 19 January 6, 2021.
 20 **A** No, absolutely not.
 21 **Q** Are you -- you're familiar with a group
 22 called the Proud Boys?
 23 **A** I've heard of them.
 24 **Q** And you know that the Proud Boys -- it has
 25 developed -- had a written plan for conduct on

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1 have a look.
 2 Ms. Greene, did you see a story in the *New*
 3 *York Times* or any other publication or media outlet in
 4 March of '22 -- 2022, about Proud Boys having a
 5 written plan to storm government buildings on
 6 January 6th?
 7 **A** No. I've -- I've never -- I don't recall.
 8 I never heard anything about it.
 9 **Q** Never heard about it.
 10 **A** Uh-uh.
 11 **Q** Never heard that that was called "1776
 12 Returns," that plan that the government alleges Proud
 13 Boys had to storm government buildings.
 14 **A** No, I've never heard of it.
 15 **Q** You were aware prior to January 6th that
 16 1776 referred to an idea or a plan for people who were
 17 opposed to the certification of the electoral college
 18 vote to infiltrate and occupy buildings in D.C.
 19 **A** No, never --
 20 **Q** You never heard that.
 21 **A** No.
 22 **Q** And you were aware prior to January 6, 2021
 23 that 1776 was a term that people were using to
 24 describe a plan or an idea to physically interfere and
 25 prevent the electoral college vote.

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1 **A** No. I don't know anything about that.

2 **Q** Okay. You can put that to one side.

3 We talked a little bit about a person named

4 Ali Alexander this morning. Do you remember that

5 testimony?

6 **A** Uh-huh.

7 **Q** And you said it's somebody you've met on a

8 number of occasions. Is that fair?

9 **A** I -- I've seen him a couple times. I -- I

10 don't remember when and it's not someone I know.

11 **Q** Okay.

12 **MR. CELLI:** Let's put up 67, please. PX-67,

13 Ms. Wells.

14 (Petitioners' Exhibit 67 identified and

15 displayed on screen.)

16 **BY MR. CELLI:**

17 **Q** Okay. Let's just start -- I'm going to ask

18 you to have a look at just the first ten seconds of

19 the video -- it's -- it's just a person not even

20 speaking -- and tell me if you can identify that

21 person, okay?

22 (Recording played from 2:04 to 2:04 p.m.)

23 **BY MR. CELLI:**

24 **Q** Do you know that person?

25 **A** That's Ali Alexander.

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1 **A** Sometimes people say things on videos for

2 their followers or to maybe -- I don't know. It's --

3 that's what he said. I don't know him. I've only met

4 him a couple of times.

5 **Q** In fact, Mr. Alexander was very active on

6 Twitter in the postelection 2020 period up until

7 January 6th; isn't that right?

8 **A** I don't know. I don't follow his account.

9 **Q** Okay. Let's go to -- well, I think we've

10 established that during that postelection period, from

11 November, when you were elected, till January 6th, one

12 of the things you were doing was organizing people in

13 Congress to file objections to the electoral college

14 count, right?

15 **A** Yes, working very hard on objecting.

16 **Q** Okay.

17 **MR. CELLI:** Let's go to PX-3, please.

18 (Petitioners' Exhibit 3 identified.)

19 **MR. CELLI:** Ms. Wells, if you could scroll

20 up so we can see the bottom half first. Yeah.

21 Go down, please.

22 (Image displayed on screen.)

23 **MR. CELLI:** I'll get you a paper copy.

24 **BY MR. CELLI:**

25 **Q** Ms. Greene, I want to focus your attention

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1 **Q** Let's -- thank you. Let's go to minute

2 eleven twenty. This is a -- this is a rather long

3 clip and I'm going to take you to the middle of it,

4 around eleven minutes and twenty seconds.

5 (Recording played from 2:04 to 2:05 p.m.)

6 **MR. CELLI:** You can stop it there.

7 **BY MR. CELLI:**

8 **Q** You see that Mr. Alexander describes you as

9 his favorite, right? You heard him say that.

10 **A** That's what he said. I just saw it.

11 **Q** Okay. Do you have any explanation for why

12 he would feel that way?

13 **A** Maybe he -- he likes the work I do? I don't

14 know. I don't really know him that well. I've only

15 met him a couple of times.

16 **Q** He describes himself as -- you as a friend

17 of his, right? That's what he said on --

18 **A** Those were his words.

19 **Q** Right. That's what he said on the video.

20 Is he lying when he describes himself as a friend of

21 yours?

22 **A** I don't -- I wouldn't call him a friend. I

23 do not know him. I've only met him a couple of times.

24 **Q** Okay. So if he says he was a friend of

25 yours, he would be lying.

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1 on the box in the middle of the page. It says:

2 Marjorie Taylor G-r-r-e dot, dot, dot, 12/30/2020.

3 Do you see that?

4 **A** Yes.

5 **Q** And that's a Twitter comment that you made

6 on December 30, 2020, right?

7 **A** I don't recall making that tweet, but that's

8 what this piece of paper says.

9 **Q** Do you have any doubt that a tweet from your

10 account was issued on December 30, 2020 that said,

11 quote: Word on the Hill is that Mitch McConnell and

12 Nancy Pelosi could be working together on a rules

13 change deal to block our electoral college

14 certification objection?

15 **A** I don't recall this tweet.

16 **Q** My question is a little bit different. Do

17 you have any doubt that this is a tweet from your

18 account?

19 **A** I don't know.

20 **Q** Do you recall in late December of 2020

21 hearing a rumor on Capitol Hill about a deal between

22 Mitch McConnell and Nancy Pelosi to create a rules

23 change so as to block the objections to the electoral

24 college count?

25 **A** I can't really remember. It's been sixteen

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1 months or so ago.

2 Q That would be pretty important -- wouldn't

3 it? -- if they changed the rule so that you couldn't

4 object to the electoral college count, right?

5 A It would've been, but there was no rule

6 change. We -- we were still able to object. Or at

7 least we tried anyways.

8 Q But by this point, in December of 2020, your

9 focus was on objecting to the electoral college count

10 in Congress, right?

11 A Yes. Finding evidence of voter fraud and

12 planning to object. Yes.

13 Q And if there had been rumors of a rule

14 change, that would be something that would be

15 important for you to tweet out and talk about

16 publicly.

17 A It -- it possibly would have been. I just

18 don't remember this tweet. I don't remember it.

19 Q You know that Ali Alexander has responded to

20 tweets that you've sent out over the years, right?

21 A I don't know. I don't -- I don't all -- I

22 have no idea who retweets and who responds. That's

23 not something that I spend much time at all looking

24 at.

25 Q You -- you spend some time looking at it,

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1 objections on the Floor of the Congress, right?

2 A No. I don't know what he's referring to.

3 Q And you knew back then that what

4 Mr. Alexander was responding to your tweet was to say

5 "if they make a rules change and Congresswoman Taylor

6 Greene can't object, we're going to go into the

7 Capitol and do violence."

8 A I have no idea. I don't know anything about

9 this.

10 Q And that term, 1776, is the way

11 Mr. Alexander was conveying that to his listeners or

12 his readers.

13 A I have no idea. Again, I don't know

14 anything about this. I've never seen it before.

15 Q Between January 3rd and January 6, 2021,

16 Ms. Greene, you viewed the electoral college

17 certification of Joe Biden as a blow to freedom. Is

18 that fair?

19 A I -- I viewed it as we needed to object

20 because there was so much evidence and so many people

21 had signed their name -- thousands of people had

22 signed their name on affidavits saying they witnessed

23 voter fraud. And that meant something to me because I

24 care about the people and I care about their votes and

25 I care about our election integrity.

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1 though, don't you, Representative Greene? Who

2 responds to your tweets?

3 A Occasionally I have some time and I look at

4 who responds. But I do not know what he has

5 responded, what he has tweeted or retweeted.

6 Q And the reason that you look at responses to

7 your tweets is you want to see how what you've said is

8 being taken on board by other people. Is that fair?

9 A Actually, I don't really look at comments on

10 Twitter because they're filled with a lot of bots and

11 a lot of hateful people. And I don't like to read

12 things like that. So I really -- I don't read many

13 comments. Hardly ever.

14 Q Well, you read Mr. Alexander's response to

15 your December 30th retweet that's shown in Exhibit 3,

16 right? And just to read it out loud, what he writes

17 is: If they do this, everyone can guess what we and

18 500,000 others would do to that building. 1776 is

19 always an option.

20 You read that, didn't you?

21 A I'm -- if this is his Twitter, I see it on

22 the screen. I have no idea. Those -- those are his

23 words, I guess. I have no idea.

24 Q Well, as you sit here today, you understand

25 that what Mr. Alexander was referring was not legal

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1 Q But my question is whether you viewed it as

2 a blow to freedom if the electoral college

3 certification of Joe Biden were completed.

4 A I don't agree with your wording.

5 Q Okay. Because once freedom is gone, it

6 doesn't come back by itself, right?

7 A I don't agree with your wording.

8 Q The only way you can get freedom back is

9 when it's earned with the price of blood. That's --

10 those are your words, right?

11 A You're twisting my words and creating a

12 narrative that you're trying to make. That's not my

13 narrative. That's not what I said.

14 Q Well, on --

15 A That's not what I meant with that.

16 Q -- October 27, 2020, that's what you said

17 and that's what you meant, right?

18 A I -- I'm sorry.

19 Q Yeah. On October 27, 2020, when you did the

20 interview with Mr. Dorr, when you said the only way to

21 get freedoms back is when it's earned with blood,

22 that's what you meant, right?

23 A Well, you showed a video that's chopped up,

24 that doesn't show my full -- even my full sentences.

25 So, no, I don't agree with what you're saying.

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1 Q Do you have any explanation, Representative
2 Greene, for why it is that on January 5th, the day
3 before January 6th, you described January 6th as "our
4 1776 moment"?

5 A I don't remember. This is -- seeing this
6 interview is the first time I've seen it in a long
7 time. I don't remember.

8 Q Now, prior to January 6, 2021, you spoke
9 publicly on your Facebook page about the transfer of
10 power that would occur on January 6th. Do you recall
11 that?

12 A I don't recall.

13 Q Okay. You said on the video on your
14 Facebook page that the peaceful transfer of power
15 ought not be allowed to occur.

16 A I don't recall.

17 Q You said that the peaceful transfer of power
18 cannot be allowed to occur because Joe Biden didn't
19 win the 2020 election, right?

20 A I don't recall.

21 MR. CELLI: Let's go to the videotape. Can
22 we start with -- so let me -- 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

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1 Q Okay. So that's you, right, Ms. Greene?

2 A Yes, that's me.

3 Q And when you say "We can't allow it; we
4 can't just let it go," the "it" in that phrase is to
5 have Joe Biden declared the winner of the 2020
6 presidential election.

7 A You are showing a video where it doesn't
8 give us any reference beforehand and it doesn't give
9 us any reference afterwards, so it's not really my
10 complete -- it's hard to get an understanding of what
11 I was saying.

12 Q Okay. So you -- your answer is you don't
13 know what you were referring to.

14 A I -- I don't. We're -- we are watching a
15 partial video and a partial statement of -- of clearly
16 an interview I was doing. I don't know what date it
17 was on, and it's definitely off someone else's Twitter
18 or Facebook. I can't see it from here.

19 Q Well, that's you saying you can't allow it
20 to transfer power peacefully like Joe Biden wants and
21 allow him to become our president because he did not
22 win this election. That's you saying that, right?

23 A That's the partial statement of -- on that
24 video.

25 Q Okay.

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1 up in any way. They are -- they have been
2 chopped up. That's true. But you can tell me
3 whether you were misinterpreted, okay?

4 (Petitioners' Exhibit 66 identified and
5 image displayed on screen.)

6 MR. CELLI: The first one is PX-66.

7 MR. BOPP: Okay. Just a second. What's the
8 date and the source of the video?

9 MR. CELLI: The source is -- it was
10 something -- Ms. Greene's Facebook page is not
11 available. This is something that was captured
12 by someone else and posted on another Facebook
13 page.

14 MR. BOPP: Where -- where it says it's from
15 her Facebook page?

16 MR. CELLI: Yes, I believe it does.
17 66 has been admitted, Your Honor, though.

18 THE ADMINISTRATIVE LAW JUDGE: Yeah. It's
19 been admitted for what it's worth.

20 MR. BOPP: And what is the date?

21 MR. CELLI: We're going to ask your client
22 that, Mr. Bopp.

23 MR. BOPP: Okay. You don't know. Okay.
24 (Recording played from 2:17 to 2:17 p.m.)
25 BY MR. CELLI:

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1 MR. CELLI: Can -- can we pull up --

2 THE ADMINISTRATIVE LAW JUDGE: Did we see
3 the whole thing?

4 MR. CELLI: We can run the rest of it if you
5 like.

6 THE ADMINISTRATIVE LAW JUDGE: Let's see the
7 whole thing.

8 MR. CELLI: Sure. And there's another one
9 on top of it. So we'll watch two.

10 THE ADMINISTRATIVE LAW JUDGE: Well, you
11 said they're different. I want to be sure that
12 we -- she has an opportunity to see what the
13 difference is.

14 MR. CELLI: Can I make a suggestion, Your
15 Honor?

16 THE ADMINISTRATIVE LAW JUDGE: Yes.

17 MR. CELLI: Let's go back to the beginning
18 of this one.

19 THE ADMINISTRATIVE LAW JUDGE: Yeah.

20 MR. CELLI: And then we'll play it all the
21 way through.

22 THE ADMINISTRATIVE LAW JUDGE: That'll be a
23 good -- I agree. Let's do that.
24 (Recording played from 2:19 to 2:20 p.m.)
25 MR. CELLI: Is that where it ended? It just

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1 sort of cut off there?

2 **MS. WELLS:** Yeah, it is.

3 **MR. CELLI:** Okay. Let's -- let's show the

4 witness PX-12.

5 (Petitioners' Exhibit 12 identified.)

6 **MR. CELLI:** Let me -- hold off on that for

7 one second.

8 **BY MR. CELLI:**

9 **Q** This video that we just saw, which we've

10 marked as Plaintiffs' 66, that's a video that you made

11 in anticipation of objecting to the electoral college

12 count in favor of Joe Biden, right?

13 **A** I don't know. It -- I don't see a date.

14 It's not from my specific Facebook page. It appears

15 to be on someone else's.

16 **MR. CELLI:** Let's see the other video.

17 Twelve.

18 (Image displayed on screen.)

19 **THE ADMINISTRATIVE LAW JUDGE:** And where's

20 this one from?

21 **MR. CELLI:** This is also -- it's the same

22 thing. It was taken, I believe, off of the --

23 the video -- off the Facebook page of the

24 client -- of the congresswoman, but let's ask

25 her.

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1 Representative Greene, do you agree that this is a

2 video that you created in anticipation of objecting to

3 the electoral college vote on January 6th?

4 **A** This video on the Democrat leftist PAC

5 Republican Accountability Group that looks to be

6 chopped up and spliced? That video? That's not my

7 full video.

8 **Q** Listen to my question.

9 **A** It's -- yes.

10 **Q** The words that are shown, you -- that you're

11 speaking on the screen --

12 **A** Uh-huh.

13 **Q** -- those are things that you were talking

14 about in anticipation of objecting to the electoral

15 college count vote on the Floor of Congress, right?

16 **A** The only thing I was working on was

17 objecting. But, again, that's a cut-and-spliced

18 video.

19 **Q** And when you said, "We're organizing an

20 effort to object to the college -- electoral college

21 votes," on video, the "we" were members of Congress,

22 right?

23 **A** Well, members of Congress are the only ones

24 that can object. That's -- that's part of our

25 ability. That's what we're allowed to do lawfully.

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1 **THE ADMINISTRATIVE LAW JUDGE:** But where'd

2 -- where did y'all get it?

3 **MR. CELLI:** Where did we get this, Sam?

4 **MR. SHAPIRO:** It's -- it's off the

5 Facebook -- of the Republican Accountability

6 Project.

7 **THE ADMINISTRATIVE LAW JUDGE:** Okay. So

8 this is a secondary source?

9 **MR. CELLI:** Yes.

10 **THE ADMINISTRATIVE LAW JUDGE:** It was copied

11 and -- but that's where you got it from.

12 **MR. CELLI:** Yes.

13 **THE ADMINISTRATIVE LAW JUDGE:** So this is a

14 different version.

15 **MR. CELLI:** Correct.

16 **THE ADMINISTRATIVE LAW JUDGE:** Okay. Do you

17 want to go ahead and play it?

18 **MR. CELLI:** Hold on one second. This one is

19 also admitted into evidence, Your Honor.

20 **THE ADMINISTRATIVE LAW JUDGE:** For what it's

21 worth.

22 **MR. CELLI:** For what it's worth.

23 (Recording played from 2:21 to 2:22 p.m.)

24 **BY MR. CELLI:**

25 **Q** Now that you've seen that clip,

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1 **Q** Right. Exactly. And making objections is,

2 in fact -- by members of Congress is part of the

3 lawful transfer of power, right?

4 **A** Objecting is part of the electoral count

5 process. Democrats did it. With the past three

6 Republican presidents that were elected, they

7 objected. And I'm -- I'm sure there was a lot of

8 planning that went into that and discussion. We put a

9 lot of planning, a lot of work into it. And, as you

10 can see, we talked about it.

11 **Q** So when you were talking about "We can't

12 allow it to happen, we can't just let it go, you can't

13 allow it to transfer power peacefully like Joe Biden

14 wants and allow him to become our president because he

15 didn't win," you weren't talking about objections on

16 the Floor of Congress, were you?

17 **A** What I -- I believe what I was referencing

18 is we can't allow the -- the electoral count to happen

19 without objecting, that I felt it was our dutiful

20 responsibility to object on behalf of the large amount

21 of voter fraud and the people who truly felt like that

22 there was big problems in our elections.

23 **Q** And you test -- you're testifying under oath

24 that that's what you meant when you said, "You can't

25 allow it to transfer power peacefully like Joe Biden

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1 wants and allow him to become our president," that
2 that was in reference to --
3 **A** Without objecting.
4 **Q** -- debates on the Floor.
5 **A** Without objecting.
6 **Q** Of course, you don't say anything in that
7 part of the video about objections on the Floor of the
8 Congress, right? Would you like to see it again?
9 **A** I believe the video -- I said objecting.
10 **Q** But in the sentence where you said, "You
11 can't allow it to transfer power peacefully like Joe
12 Biden wants and allow him to become our president
13 because he didn't win the election," you don't say
14 anything in that sentence about objections on the
15 Floor of Congress.
16 **A** Sir, we just saw two videos that are cut and
17 clipped and they don't -- my sentences aren't even
18 completed. I think the first video started with me
19 saying "and," meaning it was starting into partially
20 something I was already saying. What I was -- from
21 the video and my recollection from watching them just
22 then, it was talking about objecting.
23 **Q** One of the things that you say in these
24 videos is that you -- you call upon people to come to
25 Washington on January 6th, right?

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1 **Q** -- planning the demonstrations?
2 **A** I have no idea. I think I saw that on the
3 news.
4 **Q** And what you said is it's critical for
5 everyone to show up, right? That's what we saw.
6 **A** Supporting -- yeah, peacefully supporting
7 our objection. That's the only thing I was interested
8 in doing and planning is objecting.
9 **Q** Now, the last thing you say on the video is:
10 We aren't a people that are going to go quietly into
11 the night. Do you recall that part?
12 **A** Yes.
13 **Q** Now, that phrase, "We aren't a people that
14 are going to go quietly into the night," that's not
15 something that you came up with on your own, is it?
16 **A** I have no idea what you mean.
17 **Q** Well, that's something that you borrowed
18 from a movie script, right?
19 **A** I don't know what you're talking about.
20 **Q** You borrowed that line from the movie,
21 *Independence Day*, right?
22 **A** No.
23 **MR. CELLI:** Let's go to the videotape,
24 Ms. Wells.
25 **THE WITNESS:** Oh my goodness.

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1 **A** I don't -- did I in -- I -- I don't remember
2 every single word that we just watched.
3 **Q** Let's -- let's look at it again. I think
4 P-12 is the one that includes that.
5 (Recording played from 2:26 to 2:26 p.m.)
6 **MR. CELLI:** Stop it.
7 **BY MR. CELLI:**
8 **Q** So in that segment, Representative Greene,
9 you're asking people to come to Washington on
10 January 6th.
11 **A** In this video which I saw jump three times,
12 which means it's been cut and spliced, yes, I did talk
13 about people coming there to support our objection
14 peacefully, support our objection, support President
15 Trump.
16 **Q** How did you know that there might be a
17 million or more people coming to Washington on
18 January 6th? Did you just make that up or did
19 somebody tell you that?
20 **A** I believe those were the numbers being
21 talked about at the time.
22 **Q** By whom?
23 **A** The media, just different --
24 **Q** People who were --
25 **A** -- sources.

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1 **UNIDENTIFIED SPEAKER:** Andy, we need the
2 time stamp.
3 **MR. CELLI:** Oh, the time stamp is one oh
4 eight to one forty-four. Hold on, one second.
5 **BY MR. CELLI:**
6 **Q** You've seen the movie, *Independence Day*,
7 right?
8 **A** I've seen it before, yes.
9 **Q** It's a great movie, right?
10 **A** I think it's probably a great movie. I
11 haven't watched movies in a long time, but from what I
12 remember, it's a great movie.
13 **Q** This is the one about the aliens who come to
14 the world and then there's a big battle on July 4th to
15 ward them off, right?
16 **A** You are giving us quite the entertainment
17 today. Thank you.
18 **Q** Okay. And there's a scene in that movie
19 where the president -- the guy who's playing the
20 president of the United States -- addresses the
21 fighter pilots who are about to go into battle against
22 the aliens. Remember that scene?
23 **A** I do not remember, no --
24 **Q** Well, we're going to have a look at it.
25 **A** -- but I'm sure you're going to show us.

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1 Q Yeah.

2 MR. BOPP: Can we see the whole thing?

3 THE WITNESS: Yeah, can we watch the whole

4 movie?

5 MR. BOPP: Great movie.

6 (Recording played from 2:28 to 2:28 p.m.)

7 BY MR. CELLI:

8 Q Great -- great scene, right?

9 A Yeah, that was a great scene.

10 Q And the phrase the actor uses there is "We

11 will not go quietly into the night." You heard that.

12 A Heard it just now, yes.

13 Q And that's the exact phrase that you use in

14 the video that we saw that was the previous exhibit:

15 We aren't the people that are going to go quietly into

16 the night.

17 A I don't view courtrooms and politics as

18 Hollywood like you do. That is not the first person,

19 I'm sure, that said that and won't be the last. And I

20 don't recall getting any inspiration from this

21 Hollywood movie like you're suggesting.

22 Q So you were not communicating in referencing

23 that film that January 6th was going to be a new kind

24 of independence day.

25 A All I was talking about is objecting and

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1 A I don't recall.

2 Q So you're not denying you did it. You just

3 don't remember.

4 A I don't remember.

5 Q And do you agree that the storming of the

6 Capitol on January 6th is something that you're --

7 that's despicable?

8 A Yes.

9 Q Okay.

10 A I was very unhappy about it.

11 Q Now, we talked earlier about a fellow named

12 Anthony Aguero, right?

13 A You brought up Anthony Aguero earlier, yes.

14 Q Right. And he's somebody who you know, yes?

15 A Yes.

16 Q And he's somebody who you've spent a fair

17 amount of time with. Is that fair?

18 A Not much time, no.

19 Q He's a friend of yours.

20 A Someone that I do know, yes.

21 Q And you consider him a friend.

22 A Someone I hardly ever talk to, but someone I

23 have known for a few years.

24 Q Okay. And he is a friend of yours, right?

25 A A distant friend. Someone I know.

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1 standing up for people's votes in our elections.

2 Q By the way, Independence Day is July 4th,

3 right?

4 A Yes.

5 Q It's July 4th of 1776, right?

6 A That's right.

7 MR. CELLI: Your Honor, this might be a good

8 time to break if you -- if we're on schedule.

9 THE ADMINISTRATIVE LAW JUDGE: How -- well

10 --

11 MR. CELLI: I've got a pretty short piece

12 left, but it's up to you.

13 THE WITNESS: I don't need a break.

14 THE ADMINISTRATIVE LAW JUDGE: Let's keep

15 going.

16 MR. CELLI: Great.

17 THE ADMINISTRATIVE LAW JUDGE: I mean,

18 again, I mean, if we're talking, you know, thirty

19 minutes. If we're talking two hours ...

20 MR. CELLI: Yeah. No, I don't think it's

21 two hours.

22 BY MR. CELLI:

23 Q Ms. Greene, did you advocate to President

24 Trump to impose martial law as a way to remain in

25 power?

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1 Q Okay. He refers to you as one of his

2 closest friends. You've heard that, right?

3 A I have not.

4 Q Okay. And you refer to him as amazing,

5 right?

6 A He does a lot of great work down at the

7 border, showing the illegal invasion constantly

8 happening at our southern border. I think that's

9 amazing, the footage that he shows and exposes.

10 Q Okay. And you know that Mr. Aguero entered

11 the Capitol, the U.S. Capitol, on January 6,

12 2001(sic), right?

13 A I had heard that sometime after January 6th.

14 Q And you've seen a picture of him in the

15 middle of the crowd in the Capitol Rotunda on

16 January 6, 2021.

17 A No, I have not seen that picture.

18 (Petitioners' Exhibit 13(b) identified.)

19 MR. CELLI: Let's have a look at PX-13(b),

20 please.

21 (Image displayed on screen.)

22 MR. CELLI: Can you make that a little bit

23 bigger?

24 BY MR. CELLI:

25 Q Representative Greene, is that man in the

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1 red circle on the left of our exhibit, 13(b), is that
 2 Mr. Aguero?

3 **A** I don't know. I can't really tell.

4 **Q** If I told you that it was reported that that
 5 was Mr. Aguero and he acknowledged that publicly,
 6 would that help you discern that that's who that is?

7 **A** I -- I don't really buy a whole lot of what
 8 you say. You've been using CNN and Mother Jones and
 9 other terrible sources as your sources and showing
 10 Hollywood movies. So ... but that's what you're
 11 trying to say now. But I -- I don't know if that's
 12 him or not.

13 **Q** I'm just asking whether if I suggested to
 14 you that he's acknowledged publicly that that's him in
 15 the Capitol Rotunda, would that help you identify him
 16 as your friend Mr. Aguero?

17 **A** I don't see your evidence of him
 18 acknowledging that that's him.

19 **Q** Okay. I think we can probably do something
 20 with that.

21 **MR. CELLI:** Can I see 13, please.
 22 (Image displayed on screen.)

23 **BY MR. CELLI:**

24 **Q** I think I have it here. If I showed you
 25 something from CNN, you probably wouldn't accept it as

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1 your staff in any way -- by text or e-mail, cell
 2 phone -- about the fact that he may be coming to
 3 Washington on the sixth?

4 **A** Uh-uh. Not to my knowledge, no.

5 **Q** Did you ever discuss with Mr. Aguero the
 6 idea that on January 6th as part of the demonstration
 7 the U.S. Capitol was going to be flooded by people?

8 **A** No. Because the only thing -- I was working
 9 on objecting and had no expectation of anything that
 10 happened on January 6th.

11 **Q** Well, you knew there were going to be
 12 demonstrations, right?

13 **A** I knew there was a peaceful march planned.

14 **Q** On January 6th itself, were you in contact
 15 with anyone who was involved in what you've described
 16 as the peaceful march that occurred that day?

17 **A** No.

18 **Q** Was anybody from your staff, congressional
 19 staff or your campaign staff, in touch by cell phone,
 20 text, e-mail with anybody who was involved in the
 21 day's demonstrations?

22 **A** Not of my knowledge.

23 **Q** At any time on January 6th, did you disclose
 24 to anyone outside the Capitol your location in the
 25 Capitol during that day's events?

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1 authentic, would you?

2 **A** (nonverbal response)

3 **Q** I think we've established that today. We'll
 4 move on.

5 Have you spoken to Mr. Aguero since
 6 January 6th?

7 **A** I don't recall speaking to him, no.

8 **Q** Or communicate with him in any way? Text?
 9 E-mail?

10 **A** No, I don't recall. No.

11 **Q** And did you communicate with Mr. Aguero at
 12 any point prior to January 6th about the plans for a
 13 demonstration in Washington on January 6th?

14 **A** No, I didn't. Now, did he have press
 15 credentials? I know -- I mean, there was a lot of
 16 press in there. And that's the job that he does with
 17 a -- a border media company that he -- he works with.
 18 So I -- I have no idea about what -- I have no clue
 19 about it.

20 **Q** Okay. Were you aware that he was going to
 21 be in his capacity, I guess, as a member of the press
 22 present on January 6th in Washington for the
 23 demonstrations that were planned?

24 **A** No, I was not aware.

25 **Q** Okay. Did he communicate with any member of

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1 **A** I texted my family and told them I was safe.

2 **Q** Anybody other than family?

3 **A** No.

4 **Q** When on January 6th did you first learn that
 5 people were entering the United States Capitol
 6 unlawfully that day?

7 **A** When we were in the House Chamber. We were
 8 starting the electoral count and we went on lockdown.
 9 And -- and that's when I first learned of it. I was
 10 shocked.

11 **Q** And do you know what time of day that was?

12 **A** I don't know the exact time.

13 **Q** And when you went on lockdown, as you
 14 describe it, why don't -- why don't you tell us what
 15 that meant, what you were -- what you mean by that.

16 **A** They had to lock all the doors and the House
 17 Chamber. And they told us that -- that it was on
 18 lockdown and that we could choose to leave or stay
 19 inside, and it would be safer inside. And so I stayed
 20 inside.

21 **Q** And when you say "stayed inside," where did
 22 you stay?

23 **A** Inside the House Chamber.

24 **Q** And during that time that you were on -- in
 25 lockdown, as you put it, on the House Floor, you said

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1 you were in touch with your family to tell them you
2 were safe?

3 **A** Not at that time, no.

4 **Q** Okay. When did that happen in the day?

5 **A** Sometime later, after we were evacuated.

6 **Q** And where were you evacuated to?

7 **A** I can't disclose that location.

8 **Q** Some -- somewhere in the Capitol?

9 **A** Uh-huh.

10 **Q** And when you were in that other location in
11 the Capitol, I presume that would be a secure
12 location; is that right?

13 **A** Yes.

14 **Q** Did you have any communication -- either by
15 phone, by text, some other way -- with anybody who was
16 outside the room, outside the secure location you were
17 in --

18 **A** Not --

19 **Q** -- other than your family?

20 **A** Not that I recall, no.

21 **Q** And when you were notified that people had
22 entered the Capitol illegally, did you also understand
23 at that point that there had been violence at the
24 Capitol?

25 **A** I only knew what I was told. I'd heard --

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1 **MR. FEIN:** Five minutes.

2 **MR. CELLI:** Five minutes would be great.

3 **THE ADMINISTRATIVE LAW JUDGE:** Okay. You
4 want a five-minute break. We'll -- if y'all want
5 to step out, that might be easier for everybody
6 else.

7 **MR. CELLI:** Yeah, (indiscernible).

8 **THE ADMINISTRATIVE LAW JUDGE:** I think
9 there's a room next door you can probably duck
10 into. That spares everybody having to go and
11 come.

12 (Pause in proceedings as Petitioners'
13 counsel left the courtroom from 2:42 to 2:47
14 p.m.)

15 **MR. CELLI:** Your Honor, can we approach for
16 a moment?

17 **THE ADMINISTRATIVE LAW JUDGE:** Certainly.
18 Mr. Bopp?

19 Now, this is hot. Do we need to go
20 somewhere we can't be heard?

21 (Bench conference held at the bench out of
22 the presence of the court reporter.)

23 **MR. CELLI:** Thank you for your patience,
24 Representative Greene, Your Honor.

25 **BY MR. CELLI:**

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1 I'd heard a gunshot. We all heard it. And we were so
2 confused. We thought antifa was breaking in or BLM
3 because of -- those were the riots that had gone on
4 and on all throughout 2020, day in and day out, just
5 horrible riots all over the country. And that was the
6 only thing that made sense to most of us.

7 **Q** What do you mean by "BLM"?

8 **A** BLM rioters.

9 **Q** Is that an acronym for something?

10 **A** Black Lives Matter rioters. The rioters
11 that were attending the Black Lives Matter protest.

12 **Q** To your knowledge has anybody connected with
13 the Black Lives Matter movement or the antifa
14 movement, as you say, been subject to arrest or
15 charged in connection with the January 6th events?

16 **A** I don't -- I don't know actually. I know
17 they were arrested all over the country, much through
18 2020, and over 95 percent of them had their charges
19 dropped, unlike January 6th rioters that are still in
20 jail. Some of them. Pretrial.

21 **MR. CELLI:** Could I have a few moments to
22 consult and then I think I may be done.

23 **THE ADMINISTRATIVE LAW JUDGE:** Sure.
24 Just -- yeah. We don't -- we don't need a break,
25 do we?

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1 **Q** In the previous discussion, I had asked
2 about what we've marked as Plaintiffs' Exhibit 27,
3 which is the Newsmax clip, you recall, that we showed
4 you. You remember that, right?

5 **A** The one we've already watched?

6 **Q** The one we've already watched. And I asked
7 you whether you recall that you posted that Newsmax
8 clip on your Facebook page.

9 **A** I don't recall what was posted on my
10 Facebook page. I don't make all of my Facebook posts.

11 **Q** Fair enough. Let's -- let's --
12 (Image displayed on screen.)

13 **THE ADMINISTRATIVE LAW JUDGE:** Explain what
14 this is.

15 **MR. CELLI:** Yeah.
16 I'd like to -- I'd like to show you this.
17 This is a live version of your congressional
18 campaign Facebook page as it sits there today.
19 And what we have is the clip that we had
20 separated in the previous testimony.

21 And I'd like to play that for you just to
22 see if you will acknowledge that that clip is now
23 available on your Facebook page.

24 (Recording played from 2:53 to 2:53 p.m.)

25 **BY MR. CELLI:**

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1 Q Ms. Greene, that's up on your Facebook page
2 today, right?

3 A If it's -- if that's there, then, yes, it's
4 on there.

5 Q Right. And that's been posted since
6 January 5, 2021; correct?

7 A I don't -- I didn't post it, but if that's
8 when, then that's when it was posted.

9 Q Things that are posted on your Facebook page
10 are posted with your authorization and permission,
11 right?

12 A I do not view things that are posted before
13 they're posted.

14 Q That wasn't my question. My question was if
15 it was posted on your page, that's something that you
16 authorized and permitted whether you viewed it in
17 advance or not.

18 A I -- I think if I'm authorizing, I would
19 view it in advance before it's posted.

20 Q Well, no one -- no one put that up on your
21 Facebook page without authorization from you in some
22 sense, right?

23 A I don't recall authorizing, but you have to
24 understand as a member of Congress we have staff and
25 many people that post interviews and so forth on our

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1 A Yes. The forty-fifth president of the
2 United States --

3 Q And you -- you had --

4 A -- I'd consider that very important.

5 Q -- a number of meetings with him, right?

6 A Yes.

7 Q And you had meetings with him between the
8 election in 2020 and January 20th of 2021, right?

9 A Yes.

10 Q And in those meetings, you discussed with
11 him your advocacy for the idea that there should be
12 martial law declared in the United States.

13 A No, I don't recall ever discussing that.

14 Q Are you saying it didn't happen, or you're
15 saying you don't know one way or the other?

16 A I don't recall ever discussing that.

17 Q Did you discuss that topic? The idea that
18 there should be martial law declared in the United
19 States prior to the inauguration of President Biden --

20 MR. HILBERT: Your Honor, I'm going to have
21 to object. I actually represent the president of
22 the United States and that's covered by executive
23 privilege. She can't get into any of his
24 conversations.

25 MR. CELLI: Executive privilege? She's not

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1 social media for us.

2 Q If we could make it a little bit larger, if
3 you look in the top right, you'll see there's a
4 message, Ms. Greene. If we can make that larger.
5 January 5, 2021 -- that's a comment that you
6 posted on your own Facebook page -- this is our 1776
7 moment, right?

8 A That is my campaign Facebook page.

9 Q Right. And that was posted, as it says, on
10 January 5, 2021; correct?

11 A That's what it says.

12 Q Okay. I'm going to ask about a couple of
13 other things. Prior to the inauguration in 2021, did
14 you advocate for martial law with the President of the
15 United States --

16 A I don't recall.

17 Q -- President Trump?

18 A I don't recall.

19 Q You know President Trump, right?

20 A Yes.

21 Q Yeah. He's supported you politically,
22 right?

23 A Yes.

24 Q And obviously a very important person in
25 general, right?

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1 a member of the executive.

2 And this counsel is here on her behalf, not
3 on Mr. Trump's behalf unless there's something I
4 missed.

5 It's not a proper objection, Your Honor.

6 THE ADMINISTRATIVE LAW JUDGE: Excuse me.

7 Go -- I'm sorry, I got flustered. What was the
8 question again?

9 MR. CELLI: The question was whether prior
10 to the inauguration of Joe Biden, Ms. Greene,
11 whether you ever advocated for martial law to be
12 imposed in a conversation with the chief of staff
13 of then-President of the United States Mr. Trump.

14 THE ADMINISTRATIVE LAW JUDGE: You can
15 answer the question.

16 THE WITNESS: I don't recall.

17 THE ADMINISTRATIVE LAW JUDGE: Thank you.

18 BY MR. CELLI:

19 Q Did you ever advocate for martial law prior
20 to the inauguration of Mr. Biden with any member of
21 the White House staff that was part of the Trump
22 Administration?

23 A I don't recall.

24 Q Are you aware of any other congressional --
25 elected congressional representatives advocating for

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1 martial law to stop the peaceful transfer of power
 2 before the inauguration of Mr. Biden?
 3 **A** I don't remember.
 4 **Q** Do you regard the people who were arrested
 5 and charged in connection with the January 6th events
 6 as Patriots?
 7 **A** I -- I don't -- I don't think them being
 8 arrested and charged on January 6th affects the fact
 9 that they're Patriots or not.
 10 **Q** Right. So you do regard them as Patriots.
 11 **A** Yeah. Some of them are veterans. Yes, some
 12 of them definitely are Patriots.
 13 **Q** Okay.
 14 **MR. CELLI:** Can we have PX-60 and PX-40.
 15 (Petitioners' exhibits 60 and 40
 16 identified.)
 17 **THE ADMINISTRATIVE LAW JUDGE:** Which one is
 18 this? PX-60?
 19 **MR. CELLI:** Yes, this is Plaintiff's 60.
 20 (Image displayed on screen.)
 21 **BY MR. CELLI:**
 22 **Q** Ms. Greene, I've placed in front of you what
 23 we've marked as Petitioners' Exhibit 60 which is a
 24 story that appeared in the *Washington Post* on
 25 January 5, 2021. Did you read that story in the

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1 report.
 2 **Q** Have you read this news report before?
 3 **A** Not until you placed it in my hand.
 4 **Q** Okay. Probably didn't have much time to
 5 read it.
 6 **A** No.
 7 **MR. CELLI:** Let me consult for one minute.
 8 (Counsel conferred with cocounsel.)
 9 **BY MR. CELLI:**
 10 **Q** One last thing, Ms. Greene. You told us
 11 early in the day that you were suspended from your
 12 Twitter account or permanently taken off Twitter; is
 13 that right?
 14 **A** Permanently banned.
 15 **Q** Banned. You're not banned from Facebook,
 16 though, right?
 17 **A** No.
 18 **Q** We saw your live Facebook page just a couple
 19 of minutes ago, right?
 20 **A** You pulled that up. Yes, you did.
 21 **Q** And on your Facebook page, you have directed
 22 that certain videos be removed from the Facebook page,
 23 right?
 24 **A** I don't recall.
 25 **Q** One of the videos that you had removed was

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1 *Washington Post*?
 2 **A** I don't think I've read this one.
 3 **Q** Do you recall hearing that the *Washington* --
 4 prior to January 6th, did you recall hearing the
 5 *Washington Post* was reporting that there were concerns
 6 that there were going to be violence in -- there was
 7 going to be violence in Washington on January 6th?
 8 **A** I -- I -- I had not heard that. I heard no
 9 threats of violence that I remember at all for
 10 January 6th.
 11 **Q** Okay.
 12 **MR. CELLI:** Can we also look at PX-40.
 13 (Image displayed on screen.)
 14 **BY MR. CELLI:**
 15 **Q** Ms. Greene, I'm going to show you this.
 16 Ms. Greene, I placed before you a January 5, 2021
 17 article entitled "Violent Threats Ripple Through Far
 18 Right Internet Forums Ahead of Protest." This is a
 19 article that appeared in NBC News on the 5th.
 20 Do you recall reading that NBC was reporting
 21 that there were violent threats that were expected to
 22 occur on January 6th and that they reported that on
 23 the 5th of January?
 24 **A** Sir, we were really busy just preparing to
 25 object on the sixth. I -- I don't recall that news

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1 the one from February of 2019 where it talked about a
 2 sea of people and flooding the Capitol and violence in
 3 the Capitol in connection with the "Fund the Wall"
 4 matter, right?
 5 **A** I don't know what you're referring to.
 6 **Q** You had your staff take that one down,
 7 didn't you?
 8 **A** I don't refer -- I don't know what you're
 9 referring to.
 10 **Q** Facebook never ordered you to take any video
 11 off your Facebook page, did they?
 12 **A** I don't recall.
 13 **MR. CELLI:** I have nothing further, Your
 14 Honor?
 15 **THE ADMINISTRATIVE LAW JUDGE:** Do you want
 16 to proceed?
 17 **MR. CELLI:** Sure.
 18 **THE ADMINISTRATIVE LAW JUDGE:** I mean, do
 19 you need a break? Are y'all okay?
 20 **THE WITNESS:** Oh, no. I'm doing great.
 21 **THE ADMINISTRATIVE LAW JUDGE:** Okay. I
 22 mean, again, I don't -- I don't -- if you're
 23 ready ...
 24 **MR. BOPP:** We will not take long and I
 25 assume we can have a break to get ready for our

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1 final argument.

2 **THE ADMINISTRATIVE LAW JUDGE:** Yeah.

3 That'll be great. That'll be perfect. Thank

4 you.

5 R E D I R E C T E X A M I N A T I O N

6 **BY MR. BOPP:**

7 **Q** Representative Greene, I want to take you

8 back to January 6th. You've already testified that --

9 that you were in lockdown in the House Chambers.

10 And --

11 (The court reporter requested that counsel

12 speak louder.)

13 **THE ADMINISTRATIVE LAW JUDGE:** Oh, I'm

14 sorry. Oh, you need him to speak up. Sorry.

15 **BY MR. BOPP:**

16 **Q** You've already testified that you were in

17 lockdown in the House Chambers.

18 **A** Yes.

19 **Q** And did you have an opportunity to do a

20 video?

21 **A** Yes, I did.

22 **Q** And a tweet accompanying that video?

23 **A** Yes.

24 **Q** And about what time did that occur on

25 January 6th?

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1 supporters. That was the first thing we were told.

2 We -- we had no idea. I was in the cloak room.

3 Couldn't see the news. I just knew that we were on

4 lockdown and -- and they said -- by that point, they

5 said: You cannot leave. You have to stay in here.

6 (Respondent's Exhibit 1 identified.)

7 **BY MR. BOPP:**

8 **Q** I'm going to show you what's marked as R-1.

9 It's the tweet. And I don't know if that -- I think

10 we just have the video on -- electronically. So ...

11 **THE ADMINISTRATIVE LAW JUDGE:** This has

12 already been admitted?

13 **MR. BOPP:** Yes.

14 **THE ADMINISTRATIVE LAW JUDGE:** All right.

15 (Counsel hands document to the witness.)

16 **BY MR. BOPP:**

17 **Q** Is this your tweet? Is this your face?

18 **A** Yes.

19 **Q** And for -- did you say in this tweet: A

20 message from the capitol: Be safe, be smart, be

21 peaceful, obey the laws. This is not a time for

22 violence. This is a time to support President Trump

23 and support election integrity. God bless.

24 **A** Yes.

25 **MR. BOPP:** Would you show the video, please?

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1 **A** I believe it was around 2:30 in the

2 afternoon.

3 **Q** And where were you when the video was --

4 when you took the video?

5 **A** I was inside the House Chamber and we had

6 gone on lockdown. And it was after I had learned that

7 there had been some violence outside the Capitol and

8 someone had been shot. And there was just pe -- we

9 were only told there were people inside the Capitol.

10 And I got very concerned because at that

11 time I was confused. I was so confused. I was

12 shocked. I'd never been in anything violent before or

13 any kind of situation like that and I was really

14 scared. And I went inside the cloakroom, inside the

15 House Chamber in the Republican cloakroom, into one of

16 the phone booths where you can go to make a phone call

17 or anything. I went inside there and I made a video

18 telling people to be peaceful, not to be violent,

19 and -- and just giving out a message. And I tweeted

20 that video from the Republican cloakroom.

21 **Q** Did you know at that time who was attacking

22 the Capitol?

23 **A** No, I didn't know. There were -- there

24 was -- people were saying different things. We mostly

25 thought that it was antifa dressed up as Trump

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1 R-1.

2 **THE ADMINISTRATIVE LAW JUDGE:** Somebody got

3 that set up?

4 **MR. BOPP:** I don't see Devin. He was

5 setting it up yesterday.

6 **THE ADMINISTRATIVE LAW JUDGE:** Oh.

7 **MR. CAPRARO:** Mr. Hamilton said he would

8 play it here today.

9 **THE ADMINISTRATIVE LAW JUDGE:** Dominic -- we

10 have to wait a sec, sorry. I don't see him here

11 in the courtroom.

12 **MR. BOPP:** Yeah, Devin was -- set it up

13 yesterday or maybe the day before. I'm sorry I

14 didn't give you -- him warning.

15 **THE ADMINISTRATIVE LAW JUDGE:** Of course.

16 Everybody's here until you need them. I think

17 that's a universal rule of life.

18 **MR. BOPP:** We had a thumb drive delivered,

19 Your Honor, yesterday or the day before.

20 **THE ADMINISTRATIVE LAW JUDGE:** I know. I

21 apolo -- technology.

22 **MR. BOPP:** Yeah.

23 **THE ADMINISTRATIVE LAW JUDGE:** I mean, I

24 have -- this may be it. I have ...

25 **MR. CAPRARO:** That's it.

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1 **THE ADMINISTRATIVE LAW JUDGE:** Is that it?

2 I mean, I guess it's safe. It's been in my

3 custody.

4 You know -- again, I don't know where he is.

5 And you do not want to be touching a computer. I

6 can assure you of that.

7 I think this is -- I think this is it.

8 (The Court conferred with I.T.)

9 **THE ADMINISTRATIVE LAW JUDGE:** Well, we'll

10 take five minutes.

11 **MR. BOPP:** Okay.

12 **THE ADMINISTRATIVE LAW JUDGE:** I mean, you

13 know, people are not going to leave and come back

14 in five minutes.

15 It's going to take a minute to set it up.

16 Sorry.

17 **MR. BOPP:** Okay. I thought it was already.

18 **THE ADMINISTRATIVE LAW JUDGE:** It's all

19 right.

20 (Pause in proceedings from 3:07 to 3:13

21 p.m.)

22 **THE DEPUTY:** Quiet in the courtroom.

23 **MR. BOPP:** Can you start it over?

24 **THE ADMINISTRATIVE LAW JUDGE:** We can start

25 it over, yeah.

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1 or -- or all the other social media posts that is --

2 have been made on my accounts that I have made or

3 videos I have made where I've always denounced

4 violence and all the videos I've said and speeches

5 I've said of how upset I was about the riot on

6 January 6th and how much I didn't like it and how much

7 I was against it.

8 And even when I went and visited the

9 January 6th defendants -- pretrial defendants in the

10 D.C. jail and I went there to see their conditions

11 because we had heard horrible things about their

12 treatment --

13 **MR. CELLI:** Your Honor, I don't know what

14 this is relevant to. I object.

15 **THE ADMINISTRATIVE LAW JUDGE:** I -- it is

16 not relevant, but -- so I sustain, yes.

17 **MR. BOPP:** In other words, cutting you off

18 is going to be on the question. Thank you.

19 (Respondent's Exhibit 4 identified.)

20 **BY MR. BOPP:**

21 **Q** Now, let me show you what's been admitted as

22 R-4. So this is a transcript of the video. It's been

23 admitted into evidence. And I want you to turn to

24 page 2.

25 And you -- did you say these words: So I

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1 (Recording played from 3:16 to 3:17 p.m.)

2 **BY MR. BOPP:**

3 **Q** Representative Greene, is that you?

4 **A** Yes.

5 **Q** As I look at your face and hear your voice,

6 I think you're scared.

7 **MR. CELLI:** Objection. This is -- this is

8 not for Mr. Bopp to testify about his feelings.

9 **BY MR. BOPP:**

10 **Q** What was your feelings at that time?

11 **A** I -- I was scared. I was very scared. I

12 was concerned. I was shocked, shocked, absolutely

13 shocked. Every time I said we're going to fight,

14 we're -- it was all about objecting and, to me, that

15 was the most important process of the day.

16 And I -- I had no idea what was going on.

17 And I just didn't want anyone to get hurt. I didn't

18 want to see anything terrible happen. And it was --

19 it was very upsetting. I was very, very upset when I

20 made that video.

21 **Q** And you've been on the stand for several

22 hours here, during direct examination, and they showed

23 you multiple tweets and multiple videos. Did they

24 show you that video?

25 **A** No, they didn't. They didn't show that one

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1 urge you to remain calm. I urge you to have a

2 peaceful protest. Make sure everyone is safe and

3 protected. And let's do this in a peaceful manner.

4 This is -- this is not the time for violence. This is

5 a time to support President Trump, support our

6 election integrity, and support our important process

7 that we're going through in Congress where we're

8 allowed to object. So this is -- this is very

9 important. So I urge you to stay calm. Be the great

10 American people that I know you are and just know that

11 we're -- we're in here fighting for you. So God

12 bless, be careful, be safe, and be smart, and obey the

13 law. Thank you.

14 **A** Yes.

15 (Petitioners' Exhibit 1(p) identified.)

16 **BY MR. BOPP:**

17 **Q** I think there's a subsequent tweet that you

18 did, referring to the violence that occurred on

19 January 6th. And it's P-1(p), and I am actually not

20 certain whether that has been admitted or not

21 admitted.

22 **THE ADMINISTRATIVE LAW JUDGE:** Let me look.

23 P-1.

24 **MR. BOPP:** P-1(p).

25 **THE ADMINISTRATIVE LAW JUDGE:** I didn't -- I

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1 do not believe it's been admitted.

2 **BY MR. BOPP:**

3 **Q** So, Representative Greene, did you tweet

4 this tweet, if I know what I'm talking about?

5 **A** I don't remember but I see it's my --

6 @MTGreene Twitter account.

7 **Q** Okay. So it went out from your Twitter

8 account, but you don't know if you did it or another

9 member of your staff or another person?

10 **A** I can't recall exactly, but I think I

11 tweeted this one.

12 **Q** Now, this says -- and this -- well, the date

13 is January 12th; is that correct?

14 **A** Yes.

15 **Q** Okay. This tweet says: I proudly stand

16 with Representative Mo Brooks and everything in his

17 statement -- which you've linked to later on.

18 (reading): The unhinged left is out of control and

19 their witch hunt is full of hypocrisy. Democrats are

20 on record for support of violence all year. We did

21 not plan, cause, and denounce -- and that's capital

22 letters, isn't it? -- denounce the January 6th attack.

23 I defend my honor and reputation.

24 So was that the message you sent out on your

25 Twitter account?

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1 **MR. BOPP:** Thank you.

2 **THE ADMINISTRATIVE LAW JUDGE:** Thank you.

3 **BY MR. BOPP:**

4 **Q** Now, when he testified before Congress on

5 March 2nd, of course, you were a member of Congress,

6 right?

7 **A** Yes.

8 **Q** And he said: I was appalled, like you, at

9 the violence and destruction that we saw that day.

10 He's referring to January 6th.

11 **A** Yes.

12 **Q** (reading) I -- I was appalled that you --

13 he's testifying before Congress, looking at members of

14 Congress -- (reading) our country's elected leaders,

15 were victimized right there in these very halls.

16 Were you a victim of the attack?

17 **A** Yes, I was. I was in the House Chamber when

18 it happened. I had to be evacuated to safety. We

19 were held for hours in a secret location, protected by

20 Capitol police, military members for hours until they

21 cleared the Capitol. Yes, I was a victim of the riot

22 that day.

23 **MR. BOPP:** No further questions.

24 **MR. CELLI:** Your Honor, I believe the

25 testimony has opened the door on the issue of

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1 **A** Yes. It's the same message I've said over

2 and over again about January 6th.

3 **Q** Now, representative -- or excuse me, FBI

4 director Christopher Wray testified before Congress

5 soon after the attack. It was before the Senate on

6 March 2, 2021.

7 And this is R-5, which has been admitted

8 into evidence. And let me show you this.

9 (Respondent's Exhibit 5 identified)

10 **THE ADMINISTRATIVE LAW JUDGE:** Are you

11 moving for the admission of this?

12 **MR. BOPP:** Yeah. I wasn't sure if it had

13 been admitted or not.

14 **THE ADMINISTRATIVE LAW JUDGE:** I don't -- it

15 hasn't. I don't believe this has been admitted.

16 So are you moving to admit it?

17 **MR. BOPP:** Oh, all right. Yes, I am.

18 **THE ADMINISTRATIVE LAW JUDGE:** Any

19 objection?

20 **MR. BOPP:** I move --

21 **MR. CELLI:** No objection, Your Honor.

22 **THE ADMINISTRATIVE LAW JUDGE:** It's in.

23 **MR. BOPP:** -- 1(p).

24 **THE ADMINISTRATIVE LAW JUDGE:** Admitted.

25 (Petitioners' Exhibit 1(p) admitted.)

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1 text messages that Representative Greene sent on

2 January 6th during the insurrection.

3 We would call for their immediate production

4 and the ability to have a moment to look at them

5 so that we can examine her on them.

6 **THE ADMINISTRATIVE LAW JUDGE:** I thought

7 she -- I thought the testimony was she did not

8 send any other messages.

9 **MR. CELLI:** No. She's testified that she

10 sent messages to her children and her family.

11 **MR. BOPP:** Those were text messages. Those

12 were not tweets.

13 **THE ADMINISTRATIVE LAW JUDGE:** Oh.

14 **MR. BOPP:** We did not talk about any text

15 messages. That was the controversy over the

16 admission of the text messages which we have not

17 referred to --

18 **THE ADMINISTRATIVE LAW JUDGE:** Right.

19 **MR. BOPP:** -- at all.

20 **MR. CELLI:** Except that Representative

21 Greene referred to it when I asked her if she was

22 in touch with anybody from the -- from that day

23 from the Floor. And she said that she texted her

24 family.

25 **MR. BOPP:** You can't open the door.

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1 **THE ADMINISTRATIVE LAW JUDGE:** Hold on.

2 Hold on.

3 **MR. BOPP:** Only I could open the door --

4 **MR. CELLI:** Well -- well ...

5 **THE ADMINISTRATIVE LAW JUDGE:** Let's --

6 **MR. BOPP:** -- okay?

7 **THE ADMINISTRATIVE LAW JUDGE:** Let's --

8 first of all, do you have any questions other

9 than on that topic?

10 **MR. CELLI:** I do and I'm going to preserve

11 that position but I'll move on.

12 **THE ADMINISTRATIVE LAW JUDGE:** I understand.

13 We're going to take a break. It's been a little

14 chaotic for the last few minutes. So --

15 **MR. CELLI:** Representative --

16 **THE ADMINISTRATIVE LAW JUDGE:** -- let's --

17 R E C R O S S - E X A M I N A T I O N

18 **BY MR. CELLI:**

19 **Q** Representative Greene, you -- you mentioned

20 a number of statements that you made after January 6th

21 when you talked about being upset about the fact that

22 there was violence, right?

23 **A** Yes.

24 **Q** Can you point to one press release, tweet,

25 or comment on Facebook prior to January 6th where you

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1 **Q** I was interested that you answered some

2 questions about FBI director Wray's testimony in -- in

3 Congress. Do you believe the FBI was behind the

4 January 6th violence at the Capitol?

5 **A** I don't know. I certainly think there's a

6 lot to be investigated. We don't know who Ray Epps

7 is, the scaffolding commander. We don't -- the --

8 Governor Whitmer's plot certainly leads to questions

9 about things that happened on January 6th. I think

10 there's a lot of investigations that need to happen.

11 **Q** You -- you've referred to January 6th as a

12 "fedsurrection," right?

13 **A** I'm -- I'm not sure.

14 **MR. CELLI:** Nothing further.

15 **THE ADMINISTRATIVE LAW JUDGE:** Okay.

16 Anything else, Mr. Bopp, before we take our

17 break?

18 **MR. BOPP:** No.

19 **THE ADMINISTRATIVE LAW JUDGE:** Anything

20 else?

21 **MR. CELLI:** No, sir.

22 **THE ADMINISTRATIVE LAW JUDGE:** Okay.

23 **MR. BOPP:** Do they -- do they rest or

24 what --

25 **THE ADMINISTRATIVE LAW JUDGE:** Do you rest?

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1 use the word "peacefully" in -- in terms of urging

2 people to behave peacefully at the demonstrations that

3 were expected to occur?

4 **A** I would have to look all through my social

5 media, but I'm sure that it's there. I've -- and I've

6 always denounced violence. I denounced those antifa,

7 BLM riots all over the country, over and over, just

8 like I denounced the January 6th riot. Over and over,

9 even --

10 **Q** So -- so you recall that.

11 **A** -- even to the people in jail.

12 **MR. BOPP:** Your Honor, objection.

13 **THE WITNESS:** I told them that it was wrong.

14 I told them in the D.C. jail I did not like what

15 they did but that I'm there because I support

16 their due process rights which is being violated.

17 **BY MR. CELLI:**

18 **Q** Can you point to one video prior to

19 January 6th where you urged people to behave

20 peacefully on January 6th? One time in public that's

21 on video where you said those words?

22 **A** I don't have a computer. I don't have my

23 social media. I didn't -- I didn't remember many of

24 the social media posts that you pulled up and

25 introduced.

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1 **MR. CELLI:** No. We have -- well, we have an

2 issue that we want to --

3 **THE ADMINISTRATIVE LAW JUDGE:** Oh.

4 **MR. CELLI:** -- consult on, but either we're

5 going to put in the video or we're going to move

6 to closing statements. But the video's been

7 admitted. So it's a timing issue we want to talk

8 about.

9 **THE ADMINISTRATIVE LAW JUDGE:** Okay. All

10 right. All right. So you don't need the

11 witness. She's excused.

12 **MR. CELLI:** That's right. Thank you.

13 **THE ADMINISTRATIVE LAW JUDGE:** Thank you.

14 Thank you, Representative. You are excused.

15 You may step down.

16 (The witness left the stand.)

17 **THE ADMINISTRATIVE LAW JUDGE:** All right.

18 Now, I believe we discussed we would take a break

19 before we go -- what do you want to do,

20 Mr. Celli? I mean, do you want to take a break?

21 I don't know what -- I don't know what you're

22 contemplating. Five minutes or an hour?

23 **MR. CELLI:** Yeah. I think a -- Your Honor,

24 we would appreciate a very short break.

25 **THE ADMINISTRATIVE LAW JUDGE:** Well, let's

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1 take fifteen and be back at -- let's be back at a
2 quarter till.

3 **MR. CELLI:** Your Honor, may I ask a
4 question?

5 **THE ADMINISTRATIVE LAW JUDGE:** Yes.

6 **MR. CELLI:** Are we absolutely dedicated to
7 stopping at 4:30? If it went a little longer
8 than that, would that be --

9 **THE ADMINISTRATIVE LAW JUDGE:** I will have
10 to consult with the -- the real powers.

11 **MR. CELLI:** Okay. Only because we want --
12 we're trying to figure out our presentation, the
13 last piece of our presentation. Do we want to
14 close or do we have one more thing. And so it'd
15 be nice to know --

16 **THE ADMINISTRATIVE LAW JUDGE:** Well, we
17 will -- I will consult with Judge Malihi and we
18 will respond when we reconvene.

19 **MR. CELLI:** Thank you.

20 **THE ADMINISTRATIVE LAW JUDGE:** Okay. We're
21 off duty for fifteen minutes.

22 (Break taken from 3:30 to 3:47 p.m.)

23 **THE ADMINISTRATIVE LAW JUDGE:** So,
24 Mr. Celli, before we start, I trust the message
25 got to you --

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1 been a lot -- oh my goodness, sorry (standing).
2 It'd have made a lot more sense if we -- if
3 that'd have happened at the time -- at each time
4 because just because it's authenticated doesn't
5 mean it's admissible.

6 **THE ADMINISTRATIVE LAW JUDGE:** Well, that's
7 why I'm asking. What's --

8 **MR. BOPP:** Right.

9 **THE ADMINISTRATIVE LAW JUDGE:** What's your
10 position on this? There were a number of them
11 that we went over and then there were some that I
12 don't believe we went over. And I think there
13 was one you requested to be admitted. So ...

14 **MR. BOPP:** And -- and it was.

15 **THE ADMINISTRATIVE LAW JUDGE:** And it was.

16 **MR. BOPP:** Yes.

17 **THE ADMINISTRATIVE LAW JUDGE:** It was.

18 **MR. BOPP:** I have no objection.

19 **THE ADMINISTRATIVE LAW JUDGE:** All right.
20 The P-1 -- so we're talking about -- so we're now
21 going to -- we're going to take all of the --
22 and, again, just to be -- so I make sure I've got
23 it right, we're looking at basically everything
24 in P-1; is that correct, Mr. Celli?
25 **MR. CELLI:** Yes, that's correct.

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1 **MR. CELLI:** It did. Thank you.

2 **THE ADMINISTRATIVE LAW JUDGE:** We can -- we
3 can go as long as you need to go.

4 **MR. CELLI:** Very much appreciated. Very
5 much appreciated, Your Honor. Appreciate counsel
6 on the other side as well.

7 **THE ADMINISTRATIVE LAW JUDGE:** Okay. So
8 let's see. Where did we -- you --

9 **MR. CELLI:** So, Your Honor, there are two --
10 two last matters of evidence --

11 **THE ADMINISTRATIVE LAW JUDGE:** Okay.

12 **MR. CELLI:** -- before we rest. We -- we
13 would apply for the -- the entirety of P-1 and
14 P-2, which are the tweets reflected in the
15 ProPublica report and the Lofgren report to be
16 admitted.

17 We believe that Representative Greene's
18 testimony about how her Twitter account was
19 operated, that she authorized tweets to be
20 issued, is -- is sufficient foundation for them
21 to be admitted.

22 And so we would ask that those two sets of
23 the plaintiffs' exhibits be admitted.

24 **THE ADMINISTRATIVE LAW JUDGE:** Mr. Bopp?
25 **MR. BOPP:** Yeah. If they -- well, there's

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1 **THE ADMINISTRATIVE LAW JUDGE:** Okay.
2 They're in.
3 (Petitioners' Exhibit 1 admitted.)
4 **MR. CELLI:** Great.
5 **THE ADMINISTRATIVE LAW JUDGE:** They're in.
6 They're in.

7 **MR. CELLI:** Thank you.
8 And P-2 as well, which --

9 **THE ADMINISTRATIVE LAW JUDGE:** And P-2.
10 **MR. CELLI:** -- is the Lofgren.
11 **THE ADMINISTRATIVE LAW JUDGE:** Now, wait a
12 minute.

13 **MR. BOPP:** The Lofgren?
14 **THE ADMINISTRATIVE LAW JUDGE:** That's a
15 different kettle of fish. What are we talking
16 about? Are you talking about the whole thing?
17 **MR. CELLI:** Yes. These are her social media
18 posts.
19 **MR. BOPP:** I do not object to a social media
20 post. I --
21 **MR. CELLI:** That's all they are.
22 **MR. BOPP:** Well, but there's also -- isn't
23 P-2 the entire report?
24 **MR. CELLI:** Actually --
25 **THE ADMINISTRATIVE LAW JUDGE:** All right.

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1 Well -- all right.

2 **MR. CELLI:** Yeah.

3 **THE ADMINISTRATIVE LAW JUDGE:** It looks like

4 this is -- again, let's -- you might want to take

5 a second look at it.

6 **MR. BOPP:** Well, and I -- I have looked

7 at -- at the --

8 **THE ADMINISTRATIVE LAW JUDGE:** Yeah. It

9 looks to me like these -- everything that's in

10 P-2 looks like it is -- there's a cover page.

11 **MR. CELLI:** We're happy to exclude that,

12 Your Honor, if it's easier.

13 **THE ADMINISTRATIVE LAW JUDGE:** Okay.

14 That -- that was my question, what about the

15 cover page.

16 **MR. CELLI:** We'll exclude that from the --

17 **THE ADMINISTRATIVE LAW JUDGE:** All right.

18 So you basically are going to pick up from

19 page 22 of 128 to 128. So 22 --

20 **MR. CELLI:** That's right, Your Honor.

21 **THE ADMINISTRATIVE LAW JUDGE:** Which is just

22 the texts and the tweets and the enclosures.

23 **MR. CELLI:** Exactly, Your Honor.

24 **THE ADMINISTRATIVE LAW JUDGE:** All right.

25 I'm going to admit it unless -- going once, going

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1 have one piece -- last piece of evidence which is

2 Plaintiffs' -- I'm sorry, P-73 which is a video.

3 It's fourteen minutes long, Your Honor.

4 (Petitioners' Exhibit 73 identified.)

5 **THE ADMINISTRATIVE LAW JUDGE:** Which one is

6 this?

7 **MR. CELLI:** This is the *Washington Post*

8 video.

9 **THE ADMINISTRATIVE LAW JUDGE:** Didn't I

10 already admit it?

11 **MR. CELLI:** It shows the events of

12 January 6th.

13 **THE ADMINISTRATIVE LAW JUDGE:** Did I not

14 already admit this?

15 **MR. CELLI:** Yes. I think -- it's been

16 admitted.

17 **THE ADMINISTRATIVE LAW JUDGE:** Then why does

18 the audience need to watch that? I can watch it.

19 **MR. CELLI:** That's -- that's fine. We -- we

20 though that --

21 **THE ADMINISTRATIVE LAW JUDGE:** I've already

22 watched it a couple of times.

23 **MR. CELLI:** Okay.

24 **THE ADMINISTRATIVE LAW JUDGE:** And, again, I

25 mean, one of these things about --

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1 twice --

2 **MR. BOPP:** And you've -- you've reserved --

3 yes, and I know you reserved ruling on this,

4 whether or not it was authenticated, and, of

5 course, we have made our individual objections --

6 **THE ADMINISTRATIVE LAW JUDGE:** Right.

7 **MR. BOPP:** -- yesterday.

8 **THE ADMINISTRATIVE LAW JUDGE:** All right.

9 **MR. BOPP:** And if that --

10 **THE ADMINISTRATIVE LAW JUDGE:** And they're

11 preserved --

12 **MR. BOPP:** -- satisfies you --

13 **THE ADMINISTRATIVE LAW JUDGE:** And they're

14 preserved.

15 **MR. BOPP:** Yeah.

16 **THE ADMINISTRATIVE LAW JUDGE:** If you

17 want -- you're preserving those. There's no --

18 **MR. BOPP:** Yes, please.

19 **THE ADMINISTRATIVE LAW JUDGE:** -- re -- all

20 right. We're going to preserve the objections.

21 I'm going to admit it.

22 **MR. BOPP:** Thank you.

23 (Petitioners' Exhibit 2, pages 22-128

24 admitted.)

25 **MR. CELLI:** Before we rest, Your Honor, we

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1 **MR. CELLI:** It's only seventeen minutes.

2 **THE ADMINISTRATIVE LAW JUDGE:** There's a lot

3 of material in the record which, obviously, is

4 not the subject of today's hearing, which I'm

5 perfectly happy to refer -- refer to and review

6 in connection with the briefs.

7 So -- but I don't know that we need to play

8 the video. This *Washington Post* video, it's

9 available on public sources, right?

10 **MR. CELLI:** As you wish, Your Honor.

11 **THE ADMINISTRATIVE LAW JUDGE:** All right,

12 great.

13 Okay. Any -- anything else, Mr. Celli --

14 **MR. CELLI:** No. The --

15 **THE ADMINISTRATIVE LAW JUDGE:** -- before we

16 do closing?

17 **MR. CELLI:** The petitioners rest.

18 **THE ADMINISTRATIVE LAW JUDGE:** You rest.

19 Anything else, Mr. Bopp?

20 **MR. BOPP:** We rest.

21 **THE ADMINISTRATIVE LAW JUDGE:** Very well.

22 All right. Well, I'll hear closing.

23 Petitioners get the last word.

24 Mr. Bopp, you get the -- you get to go

25 first.

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1 **MR. BOPP:** Oh, okay. Thank you -- thank
2 you, Your Honor.

3 I, again, want to talk about the law, and
4 then I'll talk about the evidence that has been
5 submitted and whether or not that evidence meets
6 the correct legal standards that we believe are
7 applicable here.

8 Of course, we enter procedure under North
9 Carolina state law 22-1-5 which permits the
10 secretary of state to remove someone as a
11 candidate for office if, one, they do not qualify
12 as a candidate for office, or, number two, if
13 they are not eligible to take office, and in this
14 case on January 3, 2023.

15 Now, they assert a disqualification under
16 Section 3 is that Representative Greene engaged
17 in insurrection or rebellion after taking the
18 oath of office on January 3rd. And I -- and I
19 assume, even though they're not clear on
20 January 6th, Section 3 also provides that Con --
21 that, quote, Congress may, by a vote of
22 two-thirds of each House, remove such disability.
23 In other words, remove the political disability
24 of not being able to take office by taking the
25 oath, which is the trigger. And -- and they can

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1 because it's in -- it cannot be determined that
2 she is ineligible for office on January 3, 2023.
3 That should end this.

4 Now, second, this has already happened. The
5 amnesty has already been granted. The simple
6 argument about this is the 1872 Amnesty Act
7 relieved the disability under Section 3 to,
8 quote, all persons, whomsoever. Representative
9 Greene is a -- all persons, whomsoever.

10 And it relieved the political disability
11 that Section 3 imposed. And by the way, the word
12 "imposed" here is a past participle, meaning that
13 phrase "imposed by Section 3" is an adjective
14 on -- regarding what political disabilities are
15 we talking about. Because absent that modifier
16 of that -- of political disability, it could be
17 you're a felon, you lost your civil rights, and
18 we're giving you amnesty from the political
19 disability that you cannot take office as a
20 convicted felon. So the only way to know what
21 political disabilities we're talking to is the
22 past participle -- I didn't know this at the
23 beginning, Your Honor -- the past participle
24 imposed by the -- by Section 3.

25 Now, we also know that Section 3 is both

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1 do that at any time.

2 You can see the wording of the last sentence
3 is not time limited. In other words, it could
4 clearly have been done last week. It could be
5 done next -- next month. It could be done on
6 January 3, 2023, when Representative Greene
7 presents herself.

8 And before she's sworn in, Congress could
9 pass a statute under Section 3, the last
10 sentence, and she would then be qualified to take
11 office. How in the world do we know right now
12 that she will not be qualified on January 3,
13 2023, when Congress at any time, either for her
14 in particular or for a class of people as Con --
15 as Congress has done?

16 In fact, there were thousands of individual
17 amnesties granted and then two general amnesties
18 granted by -- by the Congress. They could do
19 that at any time. It is impossible for this
20 court to know at this time that she is not
21 eligible to take office because of that
22 contingency that could be exercised by Congress
23 at any time in the future up until January 3rd.
24 That means this is nothing.

25 She cannot be viewed as disqualified today

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1 retrospective because it affected anyone in the
2 past that had engaged in insurrection or
3 rebellion after taking the oath and disqualified
4 them from office, but it also had a prospective
5 effect because why would we be here? If it
6 didn't have a prospective effect, what would
7 be -- what would be the basis to apply this to
8 Representative Greene?

9 So we know it has both prospective and
10 retrospective. And in the Amnesty Act of 1872,
11 it was removed. That -- that retrospective or
12 prospective political disability under Section 3
13 was removed for all persons, whosoever.

14 And the court -- district court in North
15 Carolina agreed with that analysis. That case is
16 now on appeal. The -- the district court here in
17 Atlanta did not and that case is also on appeal.
18 So you get to be the tiebreaker, all right?

19 Now, we also know that when they use -- when
20 the 1872 Amnesty Act was adopted that they did
21 intend to be -- to it to be both retrospective
22 and prospective because of the wording of the
23 1898 Amnesty Act.

24 The 1898 Amnesty Act, after the phrase
25 "disabilities imposed by the third section of the

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<p style="text-align: right;">Page 241</p> <p>1 Fourteenth Amendment of -- article of amendments 2 to the Constitution of the United States" 3 inserted the words "heretofore incur." That is 4 not in the '72 version. So Congress knew very 5 well how to do a retrospective amnesty if they 6 chose to do it because in 1889, that's exactly 7 what they did, a retrospective only amnesty based 8 on the words "heretofore incurred." 9 So in accordance with the English language 10 in terms of construction, we can't treat 11 "heretofore incurred" as like, you know, sur -- 12 surplusage or something. It -- it is -- it 13 comports with the understanding of Section 3 14 that -- that political disabilities were both 15 retroactive and prospective. In 1872, the 16 wording of that amendment of that act encompassed 17 both. The 1898 wording only referred to 18 retrospective. 19 Now, you know, we -- we heard some, you 20 know, interesting things, you know, about the 21 history of our country from my fellow Hoosier law 22 professor. He -- but he admitted that when 23 Congress considered the -- the Fourteen Amendment 24 in Section 3, there was not a word about any 25 other insurrection or rebellion other than the</p>	<p style="text-align: right;">Page 242</p> <p>1 Civil War. And that means that history about 2 Shay's and about -- about the Whiskey Rebellion, 3 as interesting as they are, simply played no 4 role. 5 In other words, that that -- it was a 6 historical occurrence. There is no evidence -- 7 even if we need to look at legislative history, 8 no evidence that Congress considered that at all. 9 So I will soon be talking to you about what 10 we do know about what they thought in 1867, but 11 ... 12 Now, so let's get to the meaning of the 13 words in -- in Section 3. Engage in insurrection 14 or rebellion was one. And giving aid or comfort 15 to the enemy thereof is number two. Well, that 16 number two is about foreign wars, as I will soon 17 explain. Number one is about domestic wars as 18 has been de -- and was -- which were described at 19 the time by authorities when they talked about 20 those phrases. 21 So what is engagement? What is engage? It 22 connotes conduct, and you will see -- hear the 23 authority for the proposition that that is, 24 quote, direct -- a direct overt act, such as 25 voluntarily joining the armed forces of the</p>
<p style="text-align: right;">Page 243</p> <p>1 Confederacy, giving them food, giving the army 2 food, you know, cash, whatever, shelter, the 3 people in the war department prosecuting the war, 4 et cetera. 5 Now, there is not a single piece of evidence 6 that any of those things occurred here with 7 respect to Representative Greene. There were 8 certainly some seven hundred people involved -- 9 at least they have been charged to have been 10 involved in the attack on the Capitol. Greene 11 wasn't one of them. They agree with that. And 12 there's no other act of -- direct overt act of an 13 insurrection nature that she has engaged in, not 14 a single one. 15 Now, of course, they're not satisfied with 16 that. They want to use her -- political speech. 17 And -- and when they use their political speech, 18 they want to use the nuances or the vagueness or 19 wait a second, you didn't use the word "peaceful" 20 in this one sentence. Even though you said it 21 over here, you didn't use it in this one sentence 22 right here. 23 And code words for goodness sakes, right 24 there (indicating). This state is an 25 insurrection -- it is -- are insurrectionists.</p>	<p style="text-align: right;">Page 244</p> <p>1 Right -- says it right there: 1876 (sic). 2 Now, if you're going to use speech, which 3 you can't use here because they didn't use the 4 word "incite violence," they said, "engage," or 5 "incite an insurrection or rebellion," they said, 6 "engage in an insurrection or rebellion" -- but 7 it is instructive. 8 And it's different because you can see, for 9 instance, in the act of 1862 where it was a 10 felony to, quote, incite, set on foot -- whatever 11 that means -- assist, or engage in any rebellion 12 or insurrection, end of quote. That's codified 13 at 18 U.S.C. 2383. 14 Those two words are used in the same lift. 15 Rules of construction tell you that they have to 16 be different or they're surplusage and you -- you 17 never assume Congress is -- is just throwing 18 words out there as surplus. So they -- they 19 necessarily mean a different thing. 20 Brandenburg defined incitement as requiring 21 speech that, quote, directed or inciting or 22 producing imminent lawless action that is likely 23 to incite or produce such -- or that is likely to 24 produce such action. Producing imminent lawless 25 action, now, that's very restrictive. That's</p>

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1 very limiting. And, of course, the reason is the
 2 protection of the First Amendment which we have
 3 now seen on full display here, full display the
 4 danger of construing words way beyond their
 5 meaning to allow political opponents to smear
 6 their -- their opposition in a court of law.
 7 I know your -- you've got -- you know, I --
 8 I understand the constraints Your Honor is under
 9 in -- in the role that you play, and they have
 10 exploited that to the max.
 11 Well, what are the words that do not amount
 12 to insurrection? Well, we -- we know there are
 13 words like that or statements like that: Ku Klux
 14 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 reform. And the court said: That's advocacy.
 19 That's not incitement of violence.
 20 The -- a representative of the NAACP said:
 21 If we catch any of you going in any of them
 22 racist stores, we're going to break your damn
 23 neck, end of quote. That's the -- in the NAACP
 24 case. That is advocacy, not incitement for
 25 violence. And a Vietnam war protester: We're

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1 for people to go to the Capitol of the United
 2 States to enter into it. It is absolutely lawful
 3 to do that, to go talk to their congressman,
 4 watch the House and Senate, whatever, whatever
 5 they might do.
 6 "Flood the Capitol" was a code word, I
 7 guess. "Flood the Capitol." Then -- well, what
 8 about this, Representative Green: Did your staff
 9 take anyone on a tour of the Capitol between
 10 January 3rd and January 5th? Did any of you give
 11 any maps of the Capitol to anybody?
 12 What are they talking about? Congressmen do
 13 that every single day for their constituents. Is
 14 giving a tour or giving out a map some sort of
 15 code word or to be viewed as what? Participating
 16 in a lawless riot? Oh, but 1776. Or what about
 17 Independence Day? Or how about talking about the
 18 Declaration of Independence? Or what about
 19 talking about the Revolutionary War for our
 20 independence?
 21 These are now code words for advocating a
 22 violent overthrow of the government of the United
 23 States. What an outrage. They want to hijack
 24 and cancel words like "1776, the Declaration of
 25 Independence, Independence Day," and the

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1 taking the f'ing street again, end of quote. Not
 2 incitement for violence, but advocacy protected
 3 by the First Amendment.
 4 So we know the kind of words that will be
 5 considered that. So what do we have from them?
 6 We have a rally -- there is no evidence that
 7 there was anything but -- that that was anything
 8 but a peaceful rally -- and at a -- a accusation
 9 that she organized it, which she didn't. And --
 10 and while she, on a few occasions, urged people
 11 to go to it, she didn't even go to it herself and
 12 speak. And there was zero evidence that anything
 13 unlawful happened there.
 14 These kind of rallies happen in the Capitol
 15 of the United States numerous times every single
 16 year on the Ellipse. I attend one of them
 17 every -- every year. And -- and, you know, guess
 18 what -- what was one of the things they always
 19 say? And, of course, these are "left wing, right
 20 wing" Democrats, Republicans, whatever. What do
 21 they always say? Well, once we're done here, go
 22 to the Capitol. Tell your representative, you
 23 know, to vote for our issue, okay?
 24 That, in their world, is vi -- is calling
 25 for violence when it is absolutely appropriate

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1 "American Revolution."
 2 What about -- oh, no -- defense of the
 3 Second Amendment? If you advocate for defense of
 4 the Second Amendment, you're in favor and in fact
 5 are engaging in the -- the violent overthrow the
 6 government of the United States. That's --
 7 that's the implication, isn't it? Right?
 8 Of course, the Second Amendment says at the
 9 very first part of it, you know, a well-regulated
 10 militia, you know, necessary for, you know, a
 11 free republic or whatever -- I don't remember
 12 exactly -- then citizens have the right to keep
 13 and bear arms.
 14 So, yes, there's a military application, if
 15 you will, the mil -- the militia. I mean, the
 16 militia won the -- you know, was a major factor
 17 in winning our Revolutionary War. Many people
 18 who were in the Indiana militia fought in the
 19 Civil War. And so -- and they were able to do
 20 that because of the Second Amendment in many
 21 cases.
 22 So advocating for the Second Amendment is
 23 now a code word for engaging in an insurrection
 24 and rebellion against the United States. How
 25 about get our freedoms back, getting our freedoms

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1 back? She said those words.
 2 Oh my word, I mean, yes, people on the
 3 conservative side are concerned that the Biden
 4 Administration is eroding our freedom. I mean,
 5 we just got one back as a result of a federal
 6 judge, just like, what, two to three days ago.
 7 And -- so, yeah, that is a concern about
 8 what will happen with the election of Biden and
 9 has proven to be the case. We have lost our
 10 freedoms, some of them. And to be concerned
 11 about that is quintessential political speech.
 12 Well, what about -- they keep saying this:
 13 Events of January 6th. So what we're going to do
 14 is just mush them all together, right? They're
 15 all one thing, just mush them all together.
 16 Well, the First Amendment doesn't allow you to do
 17 that.
 18 What the First Amendment provides with
 19 respect to freedom of association, which is what
 20 a rally is, or under the First Amendment as an
 21 assembly protected by the First Amendment is is
 22 that if you have a peaceful rally, which they
 23 had -- there's no evidence otherwise -- some
 24 people leave, as some people did and went to the
 25 Capitol, and some of them committed an illegal

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1 participated in conduct or advocated doctrines
 2 that itself is not protected.
 3 The NAACP is particularly instructive here
 4 in that -- and that was end quote. The NAACP is
 5 particularly instructive here as there were
 6 constitutionally protected speech, association,
 7 and petition designed to influence government
 8 action, i.e., support the constitutional right of
 9 members of Congress to object in the two votes on
 10 the -- regarding the electoral college.
 11 Along with the illegal actions by a few, but
 12 the acts of the latter don't strip the others of
 13 their First Amendment rights where the government
 14 failed to prove that, quote: The NAACP
 15 authorized either actually or apparently the
 16 unlawful conduct -- either authorized it or
 17 ratified it, actually or apparently. There's no
 18 evidence of that. There's not a single word
 19 about that.
 20 So we have different events, some that are
 21 subject to First Amendment protection. Others,
 22 the attack on the Capitol, that are not. And to
 23 drag her into "Well, did you promote the rally?
 24 Did you -- you know, did you put it on your
 25 calendar? Did you -- were you invited to speak?

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1 act. This rally does not lose its First
 2 Amendment protection. Because the actions of a
 3 few that show up in that situation are not --
 4 cannot be attributed to the organization itself
 5 or who never had -- who could ever have a rally?
 6 I mean, nobody can guarantee that somebody
 7 might show up, whether they be supporters of what
 8 their -- what the rallies about or agent
 9 provocateurs or whatever, and cause illegal acts
 10 to occur or violence. You can't -- I mean, I've
 11 been to a rally where there's 500,000 people on
 12 the Ellipse of the Capitol. And how do you
 13 guarantee that?
 14 And the -- and -- and so what -- what --
 15 there's a two-step analysis. First, was the
 16 rally peaceful and nonviolent? Unquestionably so
 17 under -- under what we know and what the evidence
 18 is. Well, can the rally be held into account for
 19 what the few did that left the rally, went to the
 20 Capitol, and the few there, some 700 who attacked
 21 the Capitol?
 22 And this is what the Supreme Court said in
 23 the NAACP case: The right to association does
 24 not lose all constitutional protection merely
 25 because some members of the group may have

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1 Joe Blow said you were invited to speak" is to
 2 strip her of her First Amendment Rights. All of
 3 these are First Amendment protected activities,
 4 every single one of them. And none of them
 5 constitute even incitement, much less constitute
 6 engaging in unlawful conduct.
 7 Now, of course, the question of the -- of
 8 the in -- of the, quote, insurrection. The
 9 insurrection is narrowly defined. I quoted
 10 cases, some from 1898 or some from 1842, some
 11 from the 1795 Militia Act that all said basically
 12 the same thing, which is it has to be a armed
 13 uprising that is so formidable as to defy the
 14 authority of the United States in order to
 15 suppress it.
 16 And -- and, of course, we have a case --
 17 what *CJS* says about riot is that you can have mob
 18 violence and it's not an insurrection unless it
 19 is so serious that a -- actually military force
 20 is required to suppress it.
 21 Now, I mean, how do we know all this? Okay?
 22 Well, in 1867 -- and it came up, went up on the
 23 screen. P-48 that has been admitted was put up
 24 on the screen for a moment and I have that and
 25 I'd like to give you a copy.

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1 (Respondent's counsel handed document to the
2 Court and Petitioners' counsel.)
3 **MR. BOPP:** Now, I don't know who can read
4 the exhibit.
5 **THE ADMINISTRATIVE LAW JUDGE:** I was getting
6 ready to say ...
7 **MR. CELLI:** Yeah.
8 **MR. BOPP:** Okay.
9 **THE ADMINISTRATIVE LAW JUDGE:** The page --
10 **MR. BOPP:** I confess I cannot.
11 **THE ADMINISTRATIVE LAW JUDGE:** Okay.
12 **MR. BOPP:** However, therefore, what I have
13 done is at 3:00 in the morning, Thursday morning,
14 I figured out how to not only, you know, zoom
15 it -- Okay? -- to make it larger, the applicable
16 sections, but copy them. So I did that. And
17 those are the attachments, all right?
18 Now, because it was two -- you know, 3:00 in
19 the morning, I kind of screwed up on my
20 numbering. So it's 1(a) and 1(b) and then I go
21 two through fourteen or so. And this takes you
22 step-by-step through the analysis of the Attorney
23 General of the United States in 1867 that was
24 mentioned on -- on the stand -- Okay? -- and --
25 and shown to you what the words "engage" and

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1 these are separately considered according to the
2 attorney general.
3 The next page, now it's on the left a little
4 bit: My duty here is one of simple construction.
5 And I thought this was important. He was
6 not applying constitutional concepts to his
7 construction, which, of course, under modern
8 First Amendment jurisprudence, I mean, you
9 absolutely have to do that and as has happened in
10 the NAACP case, et cetera, as we have discussed.
11 And even at that, he viewed the oath --
12 because you couldn't vote -- as depriving you of
13 a right. And -- and that was -- that was
14 important to his analysis.
15 On page 2, he goes to: That the requirement
16 of the oath and the disqualification must be
17 viewed as a punishment for that conduct. And as
18 a result, it made the oath even more
19 objectionable than -- than the fact that it was
20 also a violation of a right and a right to vote.
21 Now, then on page three, he said any doubts
22 must be resolved in the, you know, favor of the
23 voter, all right? And then said: What acts,
24 then, are within the meaning of this provision?
25 Well, at the bottom he says: Well, the first

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1 "insurrection or rebellion" and "giving aid or
2 comfort to the enemy thereof" mean and meant in
3 1867. Because those words were not just used in
4 1868 in the Fourteenth Amendment, but they were
5 used -- and this is what the attorney general is
6 addressing, it was used in a reconstruction act
7 because they were going to open up voting to the
8 people who lived in the Confederacy, old
9 Confederacy.
10 And they were required to take an oath. And
11 that oath -- in order to register to vote, one of
12 its sections was that they have to swear that
13 they did not, quote: Engage in insurrection or
14 rebellion or give aid and comfort to the enemies
15 of the United States. Those are the exact words,
16 okay?
17 So the first, 1(a), starts about in the --
18 in the middle column. We're going to go down the
19 middle column for a while, all right? And it --
20 it starts with: Considering -- I now come to
21 consider the meaning of the disqualification
22 arising from this point of the oath. It requires
23 a person to state that he is, quote, not engaged
24 in an insurrection or rebellion against the
25 United States or giving aid and comfort. Each of

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1 sentence, Engage in insurrection or rebellion,
2 covers the case of domestic war. And the second
3 phrase, Aid or comfort to the enemy, applies to
4 foreign wars. So in this context, we need to be
5 looking at engaging in insurrection or rebellion.
6 He continues on on page 4 on that analysis. Page
7 5 is not -- I'm sure interesting, but not
8 relevant.
9 And then we go to page 6: We are now to
10 inquire what is meant by "engaging in
11 insurrection or rebellion against the United
12 States." He said, first, the force of the term
13 "to engage" carries the idea of active rather
14 than passive and voluntary rather than
15 compulsory.
16 And he, then, analyzes the voluntary part --
17 All right? -- that conscripts cannot be charged
18 with engaging because it's involuntary. But
19 somebody who voluntary joined can be.
20 On page 7, he take -- he begins to consider,
21 you know, the question of whether persons may
22 have engaged in rebellion with -- without having
23 actually levied war or taking up arms. And he
24 finds in that regard that, for instance, people
25 in the war department of the Confederacy did

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1 engage even though they didn't literally take up
 2 arms.
 3 We then go to why civil officers are not
 4 covered, you know, people that just run the
 5 government, you know, maintain the peace. You
 6 know, they do perform civil functions, they're
 7 simply not covered.
 8 So -- and he continues that discussion on
 9 page 9, that it -- that: I now concur what
 10 amounts to individual participation in the
 11 rebellion. And, of course, he -- he agrees
 12 that -- that it isn't only the Civil War that is
 13 to be considered, but that the Civil War provides
 14 much instruction on what is meant by rebellion or
 15 insurrection.
 16 Again, page 11 is continuing with discussion
 17 of voluntary participation. And then on page 12,
 18 at the top, he says: For what is engaged? He
 19 says, quote: I am of the opinion that some
 20 direct overt act, done with the intent to further
 21 the rebellion, is necessary to bring a party
 22 within the purview of engage. A direct overt act
 23 done with the intent to further the rebellion.
 24 That is where I get the phrase "direct overt
 25 act."

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1 disqualified from Congress." You're going to be
 2 whatever they can do and maybe, in the worst
 3 possible situation, charged with a federal
 4 offense.
 5 Those -- those same words are used in a
 6 federal crime of a felony. I mean ...
 7 And that's why I said at the beginning two
 8 things. This is not about hyperbole, political
 9 smear. At least in my opinion, it has never been
 10 about that. It has to be about the law and what
 11 the law provides, understanding that if this line
 12 is breached so that the political hyperbole of
 13 calling people insurrectionists turns into
 14 lawsuits brought by interest groups in order to
 15 abort our democracy, destroy the rights of voters
 16 to vote for the candidacy of their choice and
 17 preclude individual members from running for
 18 reelection.
 19 Our -- our democracy, Your Honor, can't
 20 survive that. We -- we cannot survive these
 21 trials right here. This was never designed to do
 22 what -- what they have employed it to do. We are
 23 stripped of our rights, okay? We can't do
 24 discovery. We can't move to dismiss their
 25 complaint before trial. And certainly there's no

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1 And -- and then he says: Mere disloyal
 2 sentiments -- think of their evidence: Mere
 3 disloyal sentiments or expressions are not
 4 sufficient because they're not acts, they're
 5 taught.
 6 And so that is where we find out surely -- I
 7 mean, by one of the most authoritative sources,
 8 the Attorney General of the United States at the
 9 very time this -- these phrases are used in
 10 several constitutional provisions, one, and
 11 statutes, several, about what it means. It does
 12 not mean nuance. It does not mean innuendo. It
 13 does not mean code words. It does not mean First
 14 Amendment protected speech.
 15 A direct overt act is conduct and it has to
 16 be with the intent to further not some political
 17 agenda or whatever but the actual insurrection
 18 that has occurred, the domestic war as they
 19 described it, he described it, that was
 20 occurring.
 21 Anything short of that -- and every
 22 political disagreement is going to be
 23 characterized by bold well-funded lawyers and
 24 interest groups into "you're going to have to
 25 fight for your life, you're going to be

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1 time even to try, but no time to do it, right?
 2 And -- and we come into a hearing, all these
 3 cameras and all of these live-streaming and all
 4 this, why are they interested in this? Because
 5 Representative Greene's on the ballot? Oh,
 6 please. No. This is a political agenda. And
 7 this has been a political show trial. Not
 8 because of your fault but because of their
 9 exploitation of what we have done here -- what
 10 had been done here.
 11 I mean, this -- this procedure is for
 12 "you're not twenty-five, Representative Greene,"
 13 and she comes in with a birth certificate. This
 14 is not for a major trial that -- of intense
 15 factual and legal consequences and elements, part
 16 of which constitutional claims, federal claims
 17 cannot even be -- be heard by you in terms of
 18 decisions.
 19 We have got to put a stop to this and this
 20 is where it should happen. Thank you.
 21 **THE ADMINISTRATIVE LAW JUDGE:** Mr. Celli.
 22 **MR. CELLI:** Thank you, Your Honor.
 23 Your Honor, Mr. Bopp talked a lot about the
 24 law, a little bit about the history, not much
 25 about the facts. I'm going to try to confine my

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1 remarks to the facts. And we're going to submit
 2 a brief, as Your Honor knows, next week with
 3 responses to all the interesting legal issues
 4 that Mr. Bopp has raised.

5 But it's been a long day. And it's been a
 6 difficult day. And it's been a solemn day. And
 7 we find ourselves back where we started, with the
 8 Disqualification Clause of the Fourteenth
 9 Amendment. And it's three very simple
 10 requirements: that the candidate for federal
 11 office had taken the oath to the Constitution,
 12 that an insurrection occurred, and that the
 13 candidate, having taken that oath, engaged in
 14 insurrection, promoted it, supported it, assisted
 15 it, helped bring it into fruition.

16 Those are the three elements we came here
 17 today prepared to prove. And those are the three
 18 elements that we have proved. Let's talk about
 19 each of the three.

20 Marjorie Taylor Greene took the oath of
 21 office on January 3, 2021. She became a member
 22 of the United States House of Representatives,
 23 the body that represents not the states, but the
 24 people of the country in general. We, the
 25 people.

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1 also have legal consequences.

2 But that -- all of that is for another day.
 3 Today the evidence has proven factually that not
 4 only did Marjorie Taylor Greene engage in the
 5 ceremony of taking the Oath of the Constitution,
 6 we've proven that the Oath has meaning, that it
 7 has teeth, that it has consequences.

8 Insurrection. What happened at the U.S.
 9 Capitol building on January 6, 2021 was an
 10 insurrection. It's as clear as day. And even
 11 Mr. Bopp doesn't really deny it. And how do we
 12 know that? Because he keeps talking about the
 13 rally. It's the rally. It's the Ellipse. It's
 14 the rally. We're not talking about the rally.
 15 We're talking about what happened at the Capitol.

16 Now, there are lots of words and phrases
 17 that can be used to describe what's on that
 18 *Washington Post* video that Your Honor has viewed
 19 a couple of times: lawlessness, disturbance, a
 20 riot. And Ms. Greene and her counsel have used
 21 some of those words today in their briefs. But
 22 the word they really avoid using is insurrection.

23 A riot can be an insurrection. We've
 24 learned that today from Professor Magliocca.
 25 Insurrections can be disturbances. They are

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1 Now, Mr. Bopp said this morning "words
 2 matter" and we agree with that. Our proof today
 3 started with the oath because in taking the oath,
 4 Ms. Greene understood a very -- undertook a very
 5 solemn and very specific obligation to uphold the
 6 Constitution, to defend the Constitution against
 7 all enemies, foreign and domestic.

8 Now, taking that oath was an honor, but it
 9 was also an obligation. Ms. Greene was no longer
 10 a simple citizen of the great state of Georgia.
 11 She wasn't just another person with opinions and
 12 a Twitter account. She became a part of our
 13 government. And she took on an affirmative
 14 obligation as part of our government to protect
 15 the Constitution, to protect its processes from
 16 anyone who would seek to block or impede them.
 17 That is what the Disqualification Clause is all
 18 about, that special status that is conferred upon
 19 a person when she takes the oath of office.

20 Now, we'll argue in our brief to this court
 21 that that status means that Ms. Greene can't just
 22 say anything she wants that she could have said
 23 as a private citizen. And our brief will also
 24 point out that there are lots of things that
 25 people say that are words that matter and that

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1 lawless, they are unrest. But when it's used in
 2 the Disqualification Clause, an insurrection is
 3 more than these things. It is something where
 4 the purpose of it is to block, impede, disrupt a
 5 constitutional process or to overthrow the very
 6 existence of the government itself.

7 Professor Magliocca explained all of this
 8 and how American history has faced many
 9 insurrections in the past and how all of them
 10 share the same features: violence aimed at the
 11 processes or the legitimacy of the government,
 12 sometimes they're aimed at courts. In this case,
 13 they were aimed at the legislature and the
 14 violence that cannot be quelled by ordinary law
 15 enforcement means.

16 Judge Beaudrot, you saw and heard with your
 17 own eyes not just the violence, horrific and
 18 sickening as it is, but it's goal which was to
 19 stop the certification of the electoral college
 20 vote in favor of Joe Biden. It's goal was to
 21 stop the constitutional process of the Twelfth
 22 Amendment: the peaceful process of transferring
 23 power between presidents. It's goal was to
 24 physically prevent Congress from meeting to do
 25 the essential work of our democracy.

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<p style="text-align: right;">Page 265</p> <p>1 Here's the worst of it. It worked. For a 2 time, the insurrection worked. It succeeded only 3 briefly but it worked. The joint session of 4 Congress adjourned for several hours into the 5 next morning and ceased carrying out its Twelfth 6 Amendment all because of the insurrection, 7 because people violently flooded the Capitol with 8 the goal of striking fear in the hearts of the 9 people who work there and to use violence.</p> <p>10 Fear, violence, flooding the Capitol, these 11 are words that came out of Marjorie Taylor 12 Greene's mouth.</p> <p>13 Now, many people were responsible for this 14 attack on our democracy, most of -- most of all, 15 of course, the individuals that you saw on a 16 <i>Washington Post</i> video and many other places. 17 They defiled the People's House, but they're not 18 the only ones.</p> <p>19 There were others as well -- the leaders, 20 the people who justified, who promoted, who 21 supported, who assisted -- who encouraged this in 22 the days and weeks leading up to January 6th. 23 Marjorie Taylor Greene is one of those people.</p> <p>24 How do we know this? We know this from the 25 evidence. Let's start by talking about what</p>	<p style="text-align: right;">Page 266</p> <p>1 we're talking about. As a legal matter, in order 2 to be disqualified from federal office, 3 Ms. Greene has to have engaged in insurrection 4 sometime after January 3, 2021, when she took the 5 Oath. Your Honor, you said it yourself. It's a 6 narrow window: January 3rd to January 6, 7 2001(sic).</p> <p>8 And the evidence is very clear that, in 9 fact, Marjorie Taylor Greene justified, assisted, 10 supported, and promoted the insurrection in that 11 window. That's what the term "engaging in 12 insurrection" means under the law. And we will 13 lay that out in great detail in our brief next 14 week. It's a legal point, but it's a common 15 sense point as well.</p> <p>16 Jefferson Davis didn't take up the musket 17 and fire on Union troops, at least as far as I 18 remember my history, but he was just as much an 19 insurrectionist as the tens of thousands of 20 soldiers for the Confederacy who did.</p> <p>21 Now, the January 3 to January 6 window can 22 really only be understood by looking at the facts 23 of what happened before that window and before 24 the Oath. There's really no dispute about this 25 either. We have proven that Marjorie Taylor</p>
<p style="text-align: right;">Page 267</p> <p>1 Greene was an advocate for violence against 2 government officials. In fact, she advocated 3 violence against the Speaker of the House, the 4 highest ranking member of the House, Mrs. Pelosi, 5 the very House that was attacked on January 6, 6 2021. She admitted it. She kind of wiggled 7 there for a second and then she admitted it.</p> <p>8 And you saw that with your eyes. Treason, 9 the death penalty, a bullet in the head, that's 10 what she said about Nancy Pelosi.</p> <p>11 And we have proven that she saw the invasion 12 of the Capitol building and creating fear -- fear 13 is the word that she used -- in the hearts of 14 public officials, that she saw that as a 15 legitimate political tactic. And when she told 16 people, when she was discussing this tactic, she 17 told them they should feel like they can act in a 18 violent way. She denied it, not really. She 19 said: I don't remember. That's not -- that's 20 CNN. That's fake news.</p> <p>21 Don't buy that. You don't have to accept 22 that. You saw the videos and you saw the 23 testimony. We have proven that Marjorie Taylor 24 Greene was very clear on certain occasions with 25 her supporters about her support for political</p>	<p style="text-align: right;">Page 268</p> <p>1 violence. She said it on tape. The price of 2 blood would need to be paid if the government 3 took away her freedoms. She wouldn't even admit 4 that that was a call for violence. She said 5 something about the First Amendment, the Second 6 Amendment, a bunch of other amendments. The 7 price of blood could not be more clear.</p> <p>8 Now, this didn't happen in high school as 9 Mr. Bopp suggested in one of his objections. 10 This happened in late October of 2020 when she 11 was interviewed by Mr. Dorr and she was talking 12 about how her freedoms and the freedoms of 13 Americans could be taken away by a tyrannical 14 government. It doesn't just come back on its 15 own, these freedoms, she said. It has to be 16 taken back with the price of blood.</p> <p>17 These are things that Marjorie Taylor Greene 18 said as a private citizen, candidate for federal 19 office, but a private citizen nonetheless before 20 the 2020 election. And maybe she has the right 21 to say those things or had the right before she 22 took the oath.</p> <p>23 But let's keep going. Let's keep moving 24 down the timeline to the period after the 25 election. And in that period you saw and heard</p>

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1 Ms. Taylor Greene speaking out consistently and
 2 claiming that the 2020 election was stolen by the
 3 Democrats. I disagree with that point of view,
 4 but I respect that people can have that point of
 5 view and it's a perfectly -- it's an acceptable
 6 part of our political discourse, for better or
 7 for worse.

8 But then she said this. Not just that the
 9 election was stolen, not just that there were
 10 ballots that were fraudulent, not just that it's
 11 time to make objections, perfectly legitimate
 12 thing to do -- we have no problem with her
 13 objections on the Floor of the House.

14 Then she said something else. That mask
 15 that Mr. Fein spoke about this morning came down
 16 for just a minute: We can't allow power to
 17 transfer peacefully like Joe Biden wants because
 18 he didn't win the election. We can't allow power
 19 to transfer peacefully.

20 You saw and heard it with your own eyes,
 21 Judge. She said the quiet part out loud. She
 22 spoke her truth in a video that she made that she
 23 posted on her own Facebook page and that she
 24 wanted her hundreds of thousands of Facebook
 25 followers and the untold millions of other people

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1 Greene's rallying cry for violence at the Capitol
 2 on January 6th were the words "1776."

3 Now, I think we all know that those words
 4 have a lot of meaning. They mean a lot to me.
 5 They are on the -- on the seal of the great state
 6 of Georgia and I -- and I venerate that. But
 7 that's not what Marjorie Taylor Greene was
 8 talking about.

9 Here's how we know this because here's what
 10 we've proved. Marjorie Taylor Greene organized
 11 objections on the Floor of the House and this was
 12 not an insurrection. This actually was part of
 13 the constitutional process and we have no -- no
 14 issue with it. But then Marjorie Taylor Greene
 15 promoted, encouraged, and supported the idea of
 16 large demonstrations in Washington on
 17 January 6th.

18 Now, there's nothing wrong with large
 19 demonstrations either. And this is Mr. Bopp's
 20 point about the rally on the Ellipse, not the
 21 insurrection at the Capitol. He says: Well, you
 22 now, who cares. It's a good thing.

23 I agree. People do these things all the
 24 time. I've done them as well. And
 25 demonstrations are an important and venerated

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1 to whom it would be available to know that her
 2 point of view was that you can't allow -- we
 3 cannot allow poverty -- the power to transfer
 4 peacefully.

5 Marjorie Taylor Greene said this when she
 6 was a federal official or right about to be.
 7 It's not clear. But what we can tell from the
 8 context of that tape is that she stated her
 9 opposition to the peaceful transfer of power, and
 10 it was a stunning statement.

11 This is not Internet dribble. This is not
 12 the dark corners of Parlor. This is a person
 13 who's a federal official, a member of government.
 14 And this wasn't even a rhetorical flourish on the
 15 back of a campaign truck after a long day. This
 16 is somebody who sat down in a camera and calmly
 17 and carefully told her viewers: We will not
 18 accept the peaceful transfer of power. We can't
 19 allow it. And then she said: We will not go
 20 quietly into the night.

21 She framed this as an existential battle, a
 22 new Fourth of July, a new Fourth of July, 1776.

23 This brings us right up to and into that
 24 critical window, that critical phase of time:
 25 January 3rd to January 6th. Marjorie Taylor

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1 part of our democratic tradition.

2 She worked with organizers and made calls
 3 for people to come, and that's not a problem out
 4 of context. Out of context it's not a problem.
 5 In context, this support was part of a scheme, a
 6 scheme where lawful demonstrations were Plan A,
 7 the first step, and there was also Plan B. What
 8 was going to happen when all of the lawful
 9 demonstrations happened and all of the objections
 10 on the Floor of the House were heard? And as
 11 everyone knew, they were futile. The votes were
 12 there to certify the election of Joe Biden.

13 There was a Plan B. And Plan B was violence
 14 at the Capitol. Plan B was to physically enter
 15 the Capitol illegally -- not on a tour or a
 16 tourist tour, busting in the windows and doors as
 17 you saw on that video, injuring and ultimately
 18 causing the deaths of law enforcement -- to block
 19 the certification of Joe Biden as the winner of
 20 the 2020 election. That's what Plan B was. And
 21 Plan B had a name. It had a code name: 1776.

22 Now, how do we know that? Well, the clues
 23 are everywhere. On December 30th, Marjorie
 24 Taylor Greene, tweets out a rumor that their
 25 lawful objections on the Floor of the House may

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1 be blocked by a rule change.

2 And Ali Alexander, who she acknowledges

3 knowing, says she's a friend, he's an organizer

4 of a major demonstration. He tweets in response

5 to that: 1776 is always an option. And he

6 refers to what 500,000 people will do to that

7 building if the objections are suppressed by a

8 rule change. That's what that tweet exchange was

9 about.

10 I don't believe that Marjorie Taylor Greene

11 doesn't read every response to her tweets and

12 care about them. I think she acknowledged it

13 in -- in truth. And she knew exactly what 1776

14 meant in that context. She denied it: Sort of,

15 not really, I can't remember.

16 Don't buy it. She knows exactly what

17 Mr. Alexander was referring to. By the way, when

18 that tweet came out and that reference came out

19 to 1776, we don't see a response of "What? What?

20 What is this? I -- I don't know what this is

21 about," or "Gee, if you're talking about doing

22 violence in the Capitol, 500,000 people doing

23 something to that building, I want no part of

24 that."

25 And we heard a lot about Ms. Greene's saying

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1 sentence: This is our 1776 moment.

2 It's a stunning statement. It has no

3 meaning unless you know the code. It has no

4 meaning unless you're in the club. It's 1776.

5 It's Plan B. It's "block the certification."

6 It's "flood the Capitol." It's "use violence if

7 you have to."

8 This is a message posted, stated on

9 January 5th, in the middle of that window, posted

10 on Facebook to her hundreds of thousands of

11 followers and anybody else who wanted to see it

12 on January 5th from a sitting member of the

13 United States Congress.

14 It was her clarion call. People knew what

15 she meant. They knew exactly what she meant.

16 "Tomorrow is our 1776 moment."

17 Now, it's interesting that the examination

18 that Mr. Bopp did of his client never asked her

19 about that. Never asked her about providing

20 support to people who were planning the

21 demonstrations or providing support for people

22 who ultimately broke into and trashed the

23 People's Temple. Never asked her any of those

24 questions. She never addressed it. When I asked

25 her, she said: I don't remember, I'm not sure, I

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1 that she's always peaceful and she put out

2 comments about peacefulness. Never one before

3 January 6th, only after. That video, after.

4 Those press releases, after. You've got to ask

5 yourself, why is that? Well, obviously, the

6 insurrection succeeded for only a few hours, and

7 then the tide turned. People saw it for what it

8 was and she needed a cover story.

9 Marjorie Taylor Greene knew perfectly well

10 what 1776 meant, that it meant violence against

11 the government, overthrowing a tyrannical

12 government, and that that was Plan B of

13 January 6, 2021. She embraced it and she

14 promoted it.

15 And probably the most important piece of

16 evidence from our point of view in this case is

17 Plaintiffs' Exhibit -- or Petitioners'

18 Exhibit 27. This is the short clip of Marjorie

19 Taylor Greene on Newsmax. It's the night before

20 January 6th. She's asked a number of questions

21 about the objections that she and others are

22 going to lawfully file on the Floor. And then

23 the broadcaster asks her: So what's your plan?

24 How do you think this is going to play out and

25 roll out tomorrow? And her answer is one

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1 don't think so.

2 So what you have before you, Your Honor, at

3 this point, you have her own words in context

4 against nothing. Not even a real denial.

5 Judge Beaudrot, Marjorie Taylor Greene comes

6 to this court and this nation and she asks to be

7 a candidate for federal office. She comes with

8 unclean hands. With her hands, her words, her

9 actions, she was one of several leaders who

10 gathered the kindling, who created the

11 conditions, who made it possible for there to be

12 an explosion of violence at the Capitol on

13 January 6th. And then she dropped the match.

14 Now she comes into this courtroom and she

15 says she's surprised and appalled that a fire

16 occurred. Sticks of wood and dry leaves are

17 harmless in and of themselves. In fact, they're

18 natural, they're healthy for the environment.

19 Rallies, protestations, objections on the Floor,

20 these are all things that are good for the

21 republic. They're part of our tradition.

22 But when the conditions are dangerous, some

23 people capitalize on -- on those conditions and

24 they add a spark, a flame that causes all of

25 those things to -- to explode into a fire of

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1 violence and death.

2 That flame can be in the form of actual

3 assistance, given to an equal for performing acts

4 of violence, like the quartermaster in the

5 Confederate Army who passes out the muskets and

6 the balls and the rations. But that flame can

7 also be a spark by words, by signals, by signs,

8 by code, by promotion, by justification, by

9 support, by assistance, and that is what Marjorie

10 Taylor Greene did. That's why we're here.

11 Your Honor, we urge you to find that

12 Marjorie Taylor Greene is disqualified from the

13 ballot under Section 3 of the Fourteenth

14 Amendment of the one of the greatest political

15 documents in the history of the world, the United

16 States Constitution.

17 **THE ADMINISTRATIVE LAW JUDGE:** Thank you,

18 Mr. Celli.

19 It's quite late, but I'd like to take a

20 couple of minutes just to talk about the briefing

21 and a couple of things.

22 First of all, I would greatly appreciate it

23 if someone would get us a copy of this, this --

24 you know, a blown-up version or something that's

25 easier to read.

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1 I mean, there's -- there's issues there.

2 I would appreciate both sides do it, to

3 comment on that. You don't need to write forty

4 pages, but I'd like to understand your views on

5 that and I'm sure a few in court will.

6 We mentioned this is some -- we're dealing

7 with very ancient histor -- ancient, not ancient,

8 I mean, you know, but two hundred years old. You

9 know, Europeans laugh at us. They live in houses

10 older than our country.

11 But in all seriousness, some of these --

12 some of these authorities are pretty obscure. As

13 long as we can find them and pull them up, that's

14 great, particularly, like, if there's a link and

15 it's public, you know, somewhere, that's great.

16 If it's something that's really obscure, that's

17 not readily available on the Internet and you

18 can't point us to it -- first of all, our first

19 preference is just show it, you know, tell us

20 where it is on the Internet, where we can find it

21 or, you know, if it's readily available, it's not

22 a problem.

23 If that's not available, please supplement

24 your briefs with copies of anything arcana like

25 that so that we don't have to spend time chasing

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1 And I appreciate what you did, Mr. Bopp, but

2 I -- if somebody can do a better job of it,

3 that'd be great. No offense.

4 **MR. BOPP:** It's beyond my capacity --

5 **THE ADMINISTRATIVE LAW JUDGE:** But I'm sure

6 you have folks that can do that. And that gets

7 into a couple of things about the briefing.

8 You know, the briefing's due by the -- you

9 know, midnight on Thursday. So a couple of

10 things. I want to be sure that -- Mr. Bopp, one

11 of your objections, the first one, I think, in

12 the motion to dismiss was about the -- the fact

13 that this procedure -- and I know I can't

14 determine it's unconstitutional but I'm talking

15 about findings, about related to the belief

16 and -- and the concern -- some of which you

17 voiced in your closing argument. I would like to

18 hear what you would like for me to think about

19 finding.

20 I mean, I -- I mean, we haven't really

21 talked about that very much because it's not

22 const -- it's not something I can decide but it's

23 something I need to consider. In particular, I

24 think, the question of the word "belief," but I

25 think I mentioned in the footnote "reasonable."

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1 stuff down because we don't have time -- a lot of

2 time either.

3 Obviously, I've got to leave it to y'all how

4 you want to organize your respective briefs.

5 We -- at this point the record has gotten a

6 little bit chaotic because we've had so much back

7 and forth and we've had a number of orders and

8 some ...

9 And I know, Mr. Bopp, that in your -- you've

10 got your original motion to dismiss. A lot of

11 those arguments which you made in your closing,

12 it might help -- if you don't mind doing it,

13 maybe put them together again in light of this

14 hearing and it would be to focus them and

15 streamline them so I just don't have to wallow

16 around, trying to look at multiple documents.

17 I'm sure Mr. Celli will do the same thing.

18 Brevity is always better. You know -- What

19 is it? -- write it like you think I'm going to

20 sign it because we do need to get this done. I

21 mean, the Georgia courts move very fast. We will

22 be very fast. I hope to have it out within a

23 week of y'all getting it to us. So this is --

24 this is extraordinarily important stuff.

25 **MR. BOPP:** Your Honor, thank you. And thank

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1 you for the directions --

2 **THE ADMINISTRATIVE LAW JUDGE:** Yeah.

3 **MR. BOPP:** -- on the briefing.

4 **THE ADMINISTRATIVE LAW JUDGE:** It -- yeah.

5 **MR. BOPP:** And fortunately my associate,

6 Melena Siebert, who's done a really fine job is

7 listening --

8 **THE ADMINISTRATIVE LAW JUDGE:** Yeah.

9 **MR. BOPP:** -- and I'm sure taking notes. So

10 we'll do the best we can.

11 **THE ADMINISTRATIVE LAW JUDGE:** Right. And

12 again I know -- again, I know -- I know

13 everybody's running and gunning and I know you've

14 -- I've got to get this done, an appeal filed to

15 the Eleventh Circuit. So I don't know what your

16 briefing schedule is on that. I know there's --

17 there's a briefing schedule in the Fourth Circuit

18 case. I'm sure you have a lot of fires to put

19 out and I'm fully cognizant of that.

20 But -- so just do -- I'm sure you'll do the

21 work -- by the way, y'all've done great work. I

22 mean everything -- everybody's working under

23 exigent circumstances very quickly and

24 everybody's taking it seriously the way it's

25 being taken. So I'm sure it will be very helpful

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1 the hearing.

2 (Concluded at 5:03 p.m.)

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1 and we look forward to getting it and finishing

2 this stage of the matter.

3 Is there -- before we close, is there

4 anything else?

5 **MR. CELLI:** Nothing from Petitioners, Your

6 Honor.

7 **THE ADMINISTRATIVE LAW JUDGE:** Thank you.

8 **MR. BOPP:** No. Other than, Your Honor,

9 you've really done a fine job and very

10 extraordinarily --

11 **THE ADMINISTRATIVE LAW JUDGE:** Thank you.

12 Thank you. Flattery is always appreciated.

13 **MR. CELLI:** Put us down for flatter too,

14 Judge.

15 **THE ADMINISTRATIVE LAW JUDGE:** No, no,

16 that's good.

17 **MR. BOPP:** Well, I think when -- when it's

18 merited, it ought to be provided.

19 **THE ADMINISTRATIVE LAW JUDGE:** Well, you're

20 very kind.

21 **MR. BOPP:** You know, that's the way --

22 **THE ADMINISTRATIVE LAW JUDGE:** And I

23 appreciate everybody's conduct and discipline and

24 (indiscernible). Appreciate everybody scrambling

25 to be here. So with that, I think that concludes

CERTIFICATE

STATE OF GEORGIA)

I, Mary K. McMahan, Certified Court Reporter in and for the State of Georgia at large, certify that the foregoing pages, 9 through 283, constitute, to the best of my ability, a complete and accurate transcription of the proceedings of the court and were accurately reported and transcribed by me or under my direction.

I further certify that I am neither related to or counsel to any of the parties herein; nor have any interest in the outcome of the above-styled proceedings.

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119/9	199/2	238/12	270/1	61/18
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123/4	199/11	238/25	273/1	62/24 63/1
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127/13	202/22	240/5	277/2	70/10
127/15	203/2	240/7	277/7	71/20
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130/5	207/11	240/21	280/14	78/20
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202/3	132/11	177/17	17/15	230/12
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219/11	188/14	182/1	21/11	236/15
226/15	189/1	182/17	26/13	238/8
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268/2	278/3	104/10	181/2	272/24
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193/9	45/10	149/14	263/4	21/15
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136/4	266/3	30/13	91/12	150/22
143/18	268/15	30/13	92/10	150/24
144/18	268/20	30/14	95/12	151/6
159/12	275/2	30/24	97/22	151/8
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165/6	211/2	250/25	111/6	106/17
166/9	211/4	251/20	120/17	112/21
166/19	211/21	252/16	120/18	124/18
167/14	212/13	252/17	135/22	140/1
168/2	212/25	252/24	140/7	140/2
168/14	213/19	253/12	153/17	141/9
169/5	215/5	254/12	171/10	145/8
171/13	215/10	255/9	192/11	168/1
171/24	216/10	255/10	278/20	174/10
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178/3	224/16	263/1	78/15 84/3	174/20
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178/23	226/4	266/3	131/10	174/24
179/8	226/22	266/25	172/4	174/25
179/13	226/22	267/11	203/10	175/3
181/1	228/1	267/21	256/22	178/4
182/1	228/1	267/23	261/13	178/5
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191/16	231/2	271/4	42/10	188/14
192/24	231/3	271/13	42/11	189/13
195/23	231/18	275/7	52/11	195/24
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217/4	158/23	153/16	210/4	45/12
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135/23	248/23	225/20	115/11	85/22
141/9	252/7	231/10	119/15	86/18
143/14	252/21	237/12	129/16	86/20
143/16	253/3	242/15	130/3	90/17
143/18	253/18	242/16	138/12	91/16 93/1
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212/11	239/19	50/17	72/24	129/7
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229/21	261/11	96/5 103/2	78/19	131/6
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162/19	206/12	163/19	123/6	225/24
163/3	209/13	163/22	123/9	226/18
165/7	210/11	180/5	126/9	226/20
166/2	211/4	233/25	128/20	229/14
167/13	212/19	246/21	133/15	231/13
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169/15	221/7	19/7 21/9	155/18	237/11
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170/12	225/6	33/15	158/2	242/17
171/14	227/15	35/18	159/2	243/11
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174/11	230/7	52/15	184/8	246/18
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191/7	72/17	26/21	61/23	136/2
199/8	73/18 76/4	27/25 28/4	61/24	140/15
201/25	84/12	29/6 29/11	62/12 63/5	141/12
202/6	88/21	30/5 30/8	63/11	141/12
214/9	88/22	30/11	64/10	145/14
225/3	90/19	30/11	64/20 65/2	145/15
229/11	90/21	30/24	65/9 66/25	145/19
236/1	91/11	31/18	72/4 74/5	145/20
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241/7	102/1	33/5 33/5	76/4 77/16	146/3
241/17	102/2	33/6 33/10	79/9 80/13	146/8
253/14	102/5	33/11	81/23	146/8
257/12	102/7	33/12	81/23	146/14
263/4	102/13	33/17	84/15 86/9	149/19
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208/24	95/2 95/12	220/5	41/11	272/4
219/1	111/15	220/6	51/14	272/24
219/17	114/20	223/14	54/17	273/18
224/8	115/10	227/16	88/16	273/18
225/8	115/13	229/12	88/19 94/8	274/1
230/6	115/13	229/13	94/9 94/15	274/24
237/23	115/14	234/5	98/25	274/25
238/3	115/15	241/21	102/1	277/5
241/25	115/20	246/23	105/14	280/22
241/25	125/5	247/19	106/10	281/19
242/5	125/16	248/17	109/12	outcome [1]
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123/11	262/11	174/12	233/16	220/7
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263/14	238/4	100/5	157/15	246/21
263/15	261/2	100/16	158/10	247/7
266/1	266/14	101/17	159/10	248/9
277/10	280/23	102/19	160/2	249/12
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126/13	14/3 14/9	108/23	174/14	258/23
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143/16	17/15	110/4	178/14	266/15
148/24	25/21 27/9	112/13	178/24	271/21
169/17	27/11 34/5	114/3	180/14	271/24
175/9	34/9 34/22	117/17	180/23	272/22
185/9	35/12 39/3	118/9	183/19	274/5
198/3	46/4 50/2	118/19	184/10	274/9
204/2	50/6 50/10	121/19	187/23	282/17
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tood [1]	19/21	95/7	150/5	201/2
34/9	19/25 20/1	105/13	150/8	201/5
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2/21 18/15	21/1 21/5	105/16	152/6	201/10
80/5 92/1	21/5 21/13	105/16	152/8	201/16
94/10	21/20	106/9	153/8	201/21
98/16	21/20	106/10	153/23	202/1
104/24	21/21 24/2	107/17	154/4	202/3
106/5	24/3 34/9	112/6	154/25	202/11
114/13	34/18	120/5	156/25	202/17
121/6	34/19 36/5	120/13	160/22	209/4
139/14	38/8 39/1	123/6	163/8	210/5
161/6	40/19 44/7	123/10	163/8	210/6
166/23	45/8 45/12	124/24	163/9	210/21
167/4	47/16 52/9	124/25	168/6	210/21
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175/19	58/20	125/8	172/16	211/11
191/24	58/25 59/2	125/14	172/22	213/9
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38/15	61/11	126/9	175/12	214/9
39/10	62/17	126/12	177/6	214/23
102/23	62/23	129/20	180/3	214/24
120/9	62/24 63/1	129/22	182/3	215/1
125/14	63/1 63/2	130/5	183/13	215/3
150/6	63/3 63/5	130/14	187/13	223/5
188/8	63/5 63/11	131/2	187/21	223/15
200/8	63/16	131/18	188/6	223/16
200/13	63/25 64/1	131/19	188/11	223/19
214/14	64/14 67/9	131/21	188/16	224/11
214/17	71/7 71/9	131/24	190/20	224/12
219/8	71/25 72/1	133/1	190/24	226/3
219/10	75/4 75/9	133/3	193/22	231/10
221/7	75/9 75/17	142/24	198/20	231/11
229/7	78/8 78/19	143/9	198/23	238/16
231/11	79/7 83/18	146/5	199/11	241/14
231/12	84/4 86/12	146/18	199/14	242/18
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252/1	243/2	145/9	243/17	186/11
254/3	244/10	150/8	246/25	189/10
254/4	246/20	153/2	262/19	192/19
254/7	247/4	161/13	264/1	200/21
254/10	247/4	161/18	266/4	201/6
264/13	248/11	163/19	267/15	212/1
265/13	250/9	165/24	267/16	214/3
265/19	258/17	169/23	268/10	214/16
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272/6	27/5 27/5	180/9	275/24	225/25
272/10	29/7 31/4	180/19	276/22	226/19
272/11	35/25 37/4	180/20	282/17	226/21
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12/9	72/16	201/4	53/18	279/20
48/23 49/1	72/18	201/10	60/15	279/20
55/3 107/5	75/25	201/21	60/24	where'd [1]
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160/9	91/13 93/9	214/4	120/9	185/19
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215/8	94/21 97/8	219/8	141/18	[31]
219/21	102/1	223/4	151/17	29/11
231/7	102/23	223/17	154/13	32/19 36/3
231/9	102/25	224/21	154/19	56/19 72/3
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74/25	95/2 98/20	264/18	45/14	188/21
81/23	99/5	278/16	52/15	190/24
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94/21	114/11	47/16	59/6 59/18	195/16
127/12	119/4	104/12	59/22	197/6
131/3	121/9	104/20	60/18	199/15
136/2	122/2	246/10	71/14	199/20
137/24	134/13	254/19	71/24 73/5	201/15
154/15	139/15	whiskey	75/2 75/6	209/4
166/9	141/3	[13]	75/9 88/23	214/21
180/1	149/4	19/24	89/11	227/6
182/3	152/15	60/11	94/16	248/18
197/13	155/25	60/12	94/22	250/5
204/7	185/9	60/12	101/4	250/5
205/16	190/11	62/12	110/5	250/20
208/9	190/12	62/12	115/13	253/3
208/11	204/3	62/14	119/12	254/8
220/20	209/17	62/16 63/4	119/16	256/19
234/4	209/23	63/13	120/5	262/16
237/5	221/17	63/20	120/13	265/9
250/7	222/7	64/10	121/3	265/20
256/21	224/16	242/2	125/17	265/20
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12/14	232/8	38/14	129/4	265/21
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24/23	235/1	94/25	131/18	270/16
26/21	235/2	130/13	145/24	271/22
27/22 29/9	235/5	132/6	146/6	273/2
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159/13	125/24	19/10	242/9	183/5
159/18	148/10	19/20 20/7	242/16	272/19
192/19	151/19	21/8 23/16	242/22	winning [1]
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160/16	235/17	45/16	279/5	96/13
161/5	240/5	45/22	280/17	witch [1]
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87/25 88/3	165/11	221/14	146/23	147/1
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88/14 89/5	167/21	223/7	21/23	151/23
89/25 90/5	170/16	223/11	23/13	152/16
90/10	175/15	223/17	23/15	153/1
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92/17	177/11	225/23	152/24	157/12
92/18	177/12	229/5	160/3	157/12
94/13	182/16	231/16	165/3	157/24
96/14	183/2	231/25	167/15	161/1
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97/17 99/1	186/9	234/3	281/20	163/17
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