

## **Response of Ken Klukowski to January 6 Committee Hearing of June 23, 2022**

The January 6 Committee falsely accused me on Thursday of being a go-between in a conspiracy to overturn the 2020 election. That accusation is false both in its broad outlines and its details. Since the Committee first contacted me, I have cooperated without hesitation, provided it with hundreds of documents, and sat for many hours of recorded depositions. The information produced from those efforts fully contradicts the Committee's statements regarding my actions, yet the Committee has chosen to keep such information to itself rather than share it with the public. I would highlight several critical points of correction:

First, I was not sent to the Department of Justice (DOJ) to act as a link between Jeff Clark and John Eastman on election matters, or to otherwise seek to overturn the results of the 2020 election. Nor did I. My transfer to the Civil Division of DOJ was in the works since July 2020, long before Jeff Clark was the acting head of that Division. The transfer was for the purpose of gaining litigation experience, was preliminarily approved in September 2020, and had nothing to do with the election. All of this is contained in documents and testimony provided to the Committee.

Second, as I testified to the Committee, I disagreed with John Eastman's theory on the powers of the Vice President at the January 6 joint session of Congress. My view is—and has always been—that, because the Constitution specifies that Congress sets the date for the Electoral College to cast its votes, any election challenges in court, or any direct action by state legislatures to appoint electors, must happen by December 14, 2020, at the latest. The Committee has my sworn testimony, and documents reflecting my expression of such views, yet has chosen to ignore them and misrepresent me as advancing the opposite of my views.

Third, I never briefed or advised Vice President Pence, or his staff, regarding any matter, including the 2020 election or the January 6 joint session of Congress. Any outside suggestion that I do so was not made with my involvement. Moreover, had anyone, including the Vice President, asked, I would have expressed the views described above and contradicted any suggestion to the contrary. I made this clear in my testimony to the Committee, but the Committee chose to ignore this testimony as well.

Fourth, while it is correct that I "assisted" in the draft letter for which Jeff Clark later sought approval, that letter was Clark's idea, largely dictated or outlined by him, and my role as his subordinate was to commit his dictations and outline to writing and fill in legal citations at the direction of my then-boss over the course of a single day, December 28, 2020. Clark told me the letter was for joint signature by Acting Attorney General Rosen, Acting Deputy Attorney General Donoghue, and Clark. I had no knowledge at that time that neither General Rosen nor his deputy had any intention of signing such a letter. Moreover, I had no knowledge of any purported evidence uncovered in DOJ election investigations, nor did I communicate with anyone outside DOJ regarding the letter. Once again, I provided all of this information to the Committee during my depositions.

I have cooperated with the Committee because I understood its mission to be finding and disclosing the truth about events surrounding January 6. Yet its statements about me yesterday do no such thing and actively undermine that mission.

I call on the Committee to release in their entirety the transcripts of both of my Committee depositions, so that the American people can see an accurate and truthful account of my activities, not the distorted and demonstrably false narrative now being spun.