

MICHIGAN'S FAKE ELECTORS' TRANSCRIPTS LIMN BLACK HOLES INTO JANUARY 6

[NB: check the byline, thanks. /~Rayne]

Back in January this year I looked at Michigan's fake electors who signed a false certification of election claiming Trump won in November 2020.

All of the signatories were key members of the Michigan GOP. Two in particular were subpoenaed by the House January 6 Committee for documents and testimony: Kathy Berden, who at the time was MIGOP's national committee person to the Republican National Committee, and Mayra Rodriguez, then MIGOP's 14th District chair for Grosse Pointe Farms.

Among the documents the J6 Committee released earlier this week were the transcripts for these two individuals' testimony.

Rodriguez took the Fifth Amendment more than 20 times, refusing to answer questions put to her.

Berden pled the Fifth Amendment more than 70 times.

While pleading the Fifth Amendment means only that one does not wish to incriminate themselves, refusing to provide answers in any way related to rather simple questions which might be answered by others or by other evidence can only cast doubt on one's credibility.

The number of times each witness pled the Fifth may not be indicative of a specific problem with one witness over the other, but one might wonder if Rodriguez's earlier testimony affected questioning of Berden a few weeks later.

The transcript for Rodriguez's testimony was 31

pages. Berden's testimony came in at 28 pages.

Pleading the Fifth more often may have shortened the volume of material transcribed for Berden.

Here's a comparison of the two MIGOP fake electors' testimony – limited to and focusing on one question in particular – which may hint at directions in which the J6 Committee was headed.

Witness: Mayra Rodriguez	Witness: Kathy Berden
Subpoenaed January 28, 2022	Subpoenaed January 28, 2022
Testified February 22, 2022 – total 28 pages	Testified March 11, 2022 – total 31 pages

	<p><i>Question regarding compliance with subpoena for documents –</i></p> <p>Q: Okay. Part of the subpoena asks you to produce documents to the select committee that were responsive to a schedule, a number of requests that accompanied the subpoena. Did you search for documents or provide documents to your attorneys to search and produce to the select committee?</p> <p>A: Yes.</p> <p>Q: Okay. And did that include documents, if any, that would've come from your email accounts?</p> <p>A: Yes.</p> <p>Q: All right. I understand you have an email account that involves your name as well as RNC@gmail.com. Was that one of the email accounts you provided your attorneys with access or searched for responsive documents?</p> <p>A: Yes.</p> <p>Q: Okay. And I understand you have a phone number ending in [redacted]?</p> <p>A: I do.</p> <p>Q: Okay.</p> <p>A: I'm sorry.</p> <p>Q: Did you – that's quite all right. Nope. Thank you, Ms. Berden.</p> <p>Did you look at the phone that uses that number for any responsive documents or messages to provide to the select committee?</p> <p>A: Hmm?</p> <p>Mr. Columbo: May we take a moment for just a second, [redacted]</p> <p>[redacted] Yes, of course.</p> <p>Mr. Columbo: Ms. Berden is about to explain that, you know, we conducted a forensic examination on her behalf. So you can go ahead, but, you know, you're getting into maybe things that are technical that happened with her permission and on her behalf.</p> <p>BY [REDACTED]</p> <p>Q: Okay. Understood. Was the phone that uses that phone number, did you provide that or allow this examination that Mr. Columbo just mentioned?</p> <p>A: Yes.</p> <p>Q: Okay. Very well. And how about any hard copy documents? Did you review or look for any hard copy documents that may have that could be responsive to the select committee's subpoena?</p> <p>A: I can't think of what a hard copy is.</p> <p>Mr. Columbo: Thing like papers.</p> <p>The Witness: Oh, I – yes.</p> <p>Mr. Columbo: I guess, do you want to ask for clarification?</p> <p>The Witness: Clarification, please.</p> <p>[redacted] Yeah, of course.</p> <p>Mr. Columbo: She wants to know what you meant by hard copy.</p> <p>BY [REDACTED]</p> <p>Q: Yeah, sure. I guess, I'll – the best way to do this would be by providing an example. So we're going to be talking about several electoral college vote certificates that you signed. I imagine a hard copy of that, of actual paper, physical copy exists somewhere in the world. So did you look to see whether you had any physical copies of documents or physical documents that would be responsive to the select committee's subpoena?</p> <p>A: I provided whatever they asked.</p> <p>Q: Okay. Excellent. And we did receive one audio voicemail and one image of an address label from your attorneys, and I'll plan to go over those with you today.</p>
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There are two things in this brief partial comparison which stand out to me.

– Rodriguez was direct and concise; she is an attorney, which may have helped her form her responses. She was interviewed before Berden,

which may have shaped Berden's later interview, but not by much.

– Berden was far from direct and concise; it's not clear if she was deliberately waffling or if she was truly as unclear about the nature of the materials the subpoena requested. The format of the hearing over Webex may have contributed to the sense she wasn't responding directly. A lack of instruction and guidance by her attorney may have been another factor, as it makes no sense she did not understand what she was supposed have furnished since the attorney's office did the forensic examination of her devices and other materials for her.

– Rodriguez was asked about Berden specifically, where Berden was asked about Rodriguez in the aggregate along with other electors (transcript p. 10, 18). Rodriguez didn't take the Fifth in relation to questions asked about Berden, but did plead the Fifth about other persons.

The big takeaway for me from these transcripts was an email address. Rodriguez wasn't asked about a specific email address, understandably since she wasn't the MIGOP's national committee woman.

However, Berden had an RNC@gmail.com account based on the inquiry by the committee.

Why was Berden using a Gmail address instead of an RNC.com domain email address?

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One other topic which caught my eye was the difference in communications. Some of this difference could be related to their different roles in the MIGOP, could also be related to age and expectations of how they communicate, or it could reflect a difference in what investigators already knew about communications within the conspiracy and these fake electors.

The investigators asked Rodriguez about text messages.

Q: Okay. And did you look through text messages that you may have had to look for documents responsive to the subpoena?

A: I would not have received a text. So I did not look through my texts.

Q: Okay. Not even a text about, like, planning or organizing or showing up at a certain date or time?

A: I don't believe that I received a text.

Q: Okay. What about saved documents, hard copy documents, if you had any, did you look for those?

A: Yeah. I received nothing.

Q: All right. And as we go through this, I'll ask you certain planning or organizing that happened. And if you do think of anything, like you have an email or a text message that you can recall as we're going through this, I would just ask that you let us know about that. And then we can work with Mr. Blake to get any responsive documents that you end up having.

And I would ask, to the extent that you haven't already looked through your text messages for any responsive documents, that you do so there as well.

The certainty with which Rodriguez answers is odd and interesting since the investigators asked Berden about all documents but not about text messages in the way they did Rodriguez.

Further, there's an immaculate handoff of the fake election certificate.

Investigators didn't nail down in her deposition how Rodriguez was notified and by whom that a fake slate of electors would sign a fake certification. She had nothing in her documents,

nothing by text. She doesn't need plead the Fifth about how she came to be involved; she only pleads when it comes to the reason she was supposed to participate. She doesn't know any key persons and doesn't have to take the Fifth as to whether she knows them, but she was still somehow in the loop to participate in the fake slate.

Rodriguez knows there are no-shows for the fake elector slate, but knows nothing of *why* – we don't learn from her *why* two intended electors including the former secretary of state Terri Lynn Land aren't part of the fake slate. She does plead the Fifth when it comes to who arranged for their replacements though she knows nothing of who organized the December 14 meeting place and time for the meeting of fake electors.

Rodriguez pled the Fifth when asked if she had "any paperwork that you brought with you, namely electoral college vote certificates or affidavits?" The implication is that she has papers at this point, but she had nothing responsive later to the committee's subpoena whether hard copy or digital.

Again, this is an implication since she refused to confirm this, but it looks as if Rodriguez had documents at the signing on December 14. Was her problem with this question that she doesn't want to reveal she had them on arrival, or that she received them from others for her signature that day, or something else?

On page 14 Rodriguez says she didn't "didn't speak with anyone from out of state." Yet on page 15 she says she was told to leave her phone in her car on December 14, she says when asked who instructed her, "It would have been a MIGOP staff member." She volunteers the name Tony Zammit when asked which MIGOP staffer it might have been. This person may have been MIGOP's Communications Director at the time. (Their identity needs to be solidified because there is a Tony Zammit who ran for a Wisconsin state assembly seat in 2016.)*

Rodriguez then takes the Fifth when asked if Zammit had the documents for the fake electors' certification.

Okay, then.

There was a consciousness about phones in relation to the day the electors both fake and genuine signed their respective fake and real certification of election. As indicated above, Rodriguez had to leave her phone in the car.

Berden, however, isn't asked about her phone's location on December 14. She's asked instead about a photograph of a mailing address which was found on her phone, produced and submitted to the committee the day before her testimony; Berden takes the Fifth as to why she took the photo.

The context of this question about the photo followed questions about the fake certification mailed to the National Archivist with Berden's mailing address on it. She'd taken the Fifth about that as well.

Berden's memory goes fuzzy about a voicemail she received from her sister-in-law who'd called to say, "I have a couple that's very interested in going to the meeting in Washington, D.C., on January 6th." She doesn't recall what that was about but she recalls she didn't "didn't answer – re-answer her phone message." And of course she takes the Fifth as to whether she knew about anything going on in D.C. on January 6.

Berden's attorney mentions the investigators have the information as to when Berden received that call from her sister-in-law because they'd furnished metadata to the committee "via the electronic vendor."

It felt like Berden's attorney was trying to dig his client out of a hole at that point. It was pretty deep after she knew so little, pled the Fifth so much, with the little nits like the voicemail and photo proving she knew far more.

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In spite of the immaculate handoff and all the stringent avoidance of self incrimination, these two witnesses and likely targets did offer up some details about the conspiracy, while the transcript gives us a peek at a bread crumb trail to find and follow the documents.

Does an RNC@gmail.com account explain consistencies and inconsistencies between the states which attempted to field fake electors, and why there are few responsive documents in hard or digital copy?

Does the same RNC@gmail.com account suggest communications between conspirators may have been conducted through foldering in a shared account?

Did the MIGOP's office itself play a larger role – in other words this was not a rogue program run by crackpot party members but the entirety of the state party was involved in some way with only a few lone holdouts?

** Sentence in parentheses added after publication; it had been dropped during editing.*