

# HOW TO READ THE IMMUNITY APPENDIX

I'm still working through a deeper dive of the appendix to his immunity brief that Jack Smith released on Friday.

But I thought I'd share how I'm reading it, as I'll need to refer back to that when I write up some of the interesting things I've found.

The appendix was released in four volumes:

Volume I: GA 1 through GA 722

Volume II: GA 723 through GA 965

Volume III: GA 968 through GA 1503

Volume IV: GA 1503 through GA 1885

There are also a bunch of GA 1900 references in the immunity brief; those are to video and other multimedia, but we don't get them.

But what we've got may be better understood in sections:

**GA 1 through at least GA 653:** Most of Volume I consists of interview transcripts arranged in alphabetical order, Barr to Wren, in what is visible. Once you understand that that section is in alpha order, it helps to substantiate whether citations in the immunity brief are to one or another person. For example, it seems highly likely that the GA 97 to 102 range is Kenneth Chesebro, because citations to those pages describe stuff he was involved with, and those pages appear between the visible Rusty Bowers and Justin Clark sections, and after material that must be from Georgia Attorney General Christopher Carr and former MI House Speaker Lee Chatfield. I'll return to both Chesebro and Chatfield tomorrow.

These transcripts are generally truncated, including just the pages necessary to substantiate the material in the brief – though there are transcripts in there, such as that of

Ronna Not-Romney McDaniel in the GA 323 to GA 342 range, that cover the full range of activities in which she played a part.

There are people, like former MI Senate Majority Leader Mike Shirkey, whose only citations are to January 6 transcripts (and so are visible). There are far more people (like Chatfield, Chesebro, and McDaniel) whose only citations are to DOJ interviews, so are sealed. But some people, starting from Bill Barr, have citations to both J6C and DOJ transcripts. In general, the DOJ transcripts appear to come after the J6C ones (though I'm not sure that's the case with Jason Miller).

**GA 654 through GA 722:** The balance of the first volume may also be transcripts, but it's not in obvious order. Although one or several Eric Herschmann interviews appear from around GA 190 through GA 238 in the alpha order section, a great deal of GA 654 through GA 722 is also Herschmann-related material (including the blacked out pages starting at GA 709). There's a lot of Herschmann in this brief, and I thought prosecutors did a less compelling job of explaining why those were unofficial than the Mike Pence material.

I had considered whether this section consists of more sensitive files, and it may. But it's not the sensitivity I first considered: that of Executive Privilege (or grand jury versus interview transcripts). Mike Pence's interviews appear starting at least by GA 413, between the visible Jason Miller and Katrina Pierson transcripts.

**GA 723 through GA 771:** The first 50 pages of Volume II are from the President's Daily Diary, which documents all of the President's calls and meetings. That the section tracked calls involving Trump was already evident from this footnote, which substantiates Steve Bannon's near-daily phone calls with Trump resuming in mid-December:

<sup>313</sup> See, e.g., GA 744 ( ); GA 749 ( ); GA 750 ( ); GA 751 ( ); GA 753 ( ); GA 754 ( ); GA 755 ( ); GA 756 ( ); GA 758-759 ( ); GA 763 ( ); GA 765 ( ); GA 768, 770 ( ); GA 771 ( ).

And footnote 546 identifies GA 742 as PDD explicitly.

**GA 772 to GA 965:** The rest of that volume is Tweets and other social media, by Trump and by others. One interesting aspect of this volume is the *type* of Tweet. For example, it appears prosecutors attempted to include *both* the legal process version and the screen cap of all of Trump's Tweets, but they don't always do that. Trump's RTs, in particular, appear to have been difficult to reproduce; remember that, because Trump's account was suspended, there were some difficulties in reconstituting parts of it. There's a bunch obtained from the Trump Twitter archive, suggesting they may not have been preserved at Twitter. There's also just the text of the Mike Pence courage Tweet and his "sacred landslide" Tweet, which may come from a dump of the phone (and serve to substantiate that it was written with that phone). And there are a bunch of what appear to be text versions of Trump's Tweets or Team Trump disseminations of them, the latter of which prosecutors point to to substantiate their argument that these are campaign, as opposed to Presidential, Tweets. If this ever goes to trial, *how* these got used will often say as much as the actual content included.

T h e o t h e r w o v o l u m e s p r o v i d e	Section	Brief Pages	Appendix Start Page
I. Factual Proffer		What	Volume III
C. Deceit at Targeted States		happened	
Arizona	17-21	GA 1000 -	
Georgia	21-31	GA 1144	
Michigan	31-35	GA 1175	
Nevada	35-37	GA 1193	
Pennsylvania	37-40	GA 1203	
Wisconsin	41	GA 1224	
Multiple states	42-47	GA 1236	
D. Fake Electors	47-59	GA 1245	
E. Pressure Pence	59-72	GA 1503	
F. January 6	72-85	GA 1664	
III. Not Immune			Volume IV
Pence	89-101	GA 1685	
State officials	101-112	GA 1712	
Fake electors	112-114	GA 1716	
Public speeches	115-126	GA 1718	
Tweets	126-144	GA 1866	
Other public statements	144-146		Get it admitted
White House staff	147-158		
Other government officials	158-161		
Use of Twitter on Jan 6	161-162	GA 1869	
Post-Administration statements	162		

all the other kinds of backup to the immunity brief, largely documentary evidence.

This documentation *generally* follows the structure of the immunity brief itself, though obviously there's a lot of overlap, particularly between Trump's pressure on state parties and his fake elector plot. That may explain why prosecutors broke the Volumes where they did.

In addition to some random stuff (not included in my table), Volume III has the state-focused evidence.

**GA 966 to GA 999:** Forming the conspiracy

**GA 1000 to GA 1236:** Pressuring states to help deceive

**GA 1245 to GA 1502:** Fake Electors plot

Volume IV picks up from the effort to pressure Pence to throw out the votes and includes January 6. But it also includes a bunch of

things – like campaign advertising and funding records – in there to substantiate an argument that Trump was acting in his role as a candidate, not as President.

**GA 1503 to GA1663:** Pressure Pence

**GA 1664 to GA 1684:** January 6

**GA 1685 to GA 1869:** Prove this is Unofficial

So Volume III and IV both have the same *type* of evidence: documentary backup. But rather than showing what happened, there's a part of Volume IV that aspires to show that what happened amounted to campaign activity.

With that as a framework, one can figure out almost all of what is in the appendix in sealed form, based off the footnotes. And while none of the good stuff – the dickish comments Mike Roman made while on a conference call trying to tamp down a revolt from Pennsylvania's fake electors, for example – are unsealed in the appendix, those two pages of text messages that appear at GA 1407 and 1408 do appear in the text itself.

We can't see most of what's in the appendix. But understanding how it works does provide some insight about the investigation.

Update: Corrected post to reflect beginning of Volume II as entries from the Presidential Daily Diary.

## Witnesses

Update: Here's a list of my best guesses for the interviews included in Volume I. I'm fairly certain about the identity of the people listed here; I'm fair less certain about where they begin and end. I've bolded the people I'm pretty certain have both sealed and unsealed content. I've italicized the people who, I think, have only unsealed content. The rest have just sealed content.

*This is very rough!!!*

GA 2-6: A cop who will testify about the riot.

GA 7-13: **Bill Barr**, sealed and unsealed.

GA 15: A Chapman/Shirkey related witness.

GA 20: *Rusty Bowers*.

GA 55-56: A lawyer who worked with Chesebro to deliver fake certificates.

GA 58-59: Probably Alex Cannon, testifying to the quasi campaign role Herschmann had.

GA 62-67: GA Attorney General Christopher Carr.

GA 70-82: Former MI Speaker of the House Lee Chatfield.

GA 97-103: Kenneth Chesebro.

GA 105-122: Pat Cipollone, testifying about things he wasn't involved in, as well as efforts to get Trump to do something on January 6.

GA 126-?: **Justin Clark** has both sealed and sealed content. His testimony *may* extend to where Kellyanne Conway's begins.

GA 160: Kellyanne Conway. [May be an unsealed only.]

GA 164-5: A fake elector.

GA 166: *White House valet*.

GA 170: *Ruby Freeman*.

GA 173: Details of the targeting of PA electors.

GA 175: Details of the riot; possibly Pence's Secret Service.

GA 180: *Stephanie Grisham*.

GA 184-189: WI Supreme Court Judge Hagedorn.

GA 190: *Vincent Haley*, testifying about adding attacks on Pence back into speech.

GA 194 – ???: Where Eric Herschmann begins and ends is tough to tell, but it's roughly from GA 194 through GA 238.

GA 246-259: **Hope Hicks**.

GA 261: *Chris Hodgson*.

GA 266: **Greg Jacob**. It's unclear how much of this is Jacob, but at least through 283.

GA 295-296: Chris Krebs.

GA 297: *Amy Kremer*.

GA 310-319: Nick Luna.

GA 320: Tom Marino (he dropped off as a fake elector in PA).

GA 323 through 359: It's unclear how much of this is Ronna McDaniel, but her testimony covers a range of topics.

GA 361 to 368: Mark Meadows. This may go further.

GA 374 until around 397: **Jason Miller**.

GA 399-406: The then SAC of the Washington Field Office Secret Service office.

GA 405-406: This may be Stephen Miller (in which case the SAC's last name is Miller too).

GA 411-467: It's unclear where Mike Pence begins and ends (and where Pat Philbin begins, but something like this).

GA 476: Pat Philbin.

GA 481: *Katrina Pierson*.

GA 488-495: Fake elector.

GA 497-501: I *think* this is Reince Priebus.

GA 513: *Brad Raffensperger*.

GA 517-523: Fake electors.

GA 525-541: Dan Scavino.

GA 550-551: Al Schmidt.

GA 553-578: *Mike Shirkey*.

GA 578-588: Marc Short.

GA 600: There may be a senior campaign advisor besides Bill Stepien in here.

GA 609: Bill Stepien. [If there is sealed testimony, it may only be a page.]

GA 616-633: Larry Tabas.

GA 634-642: *Ross Worthington*.

GA 643: *Caroline Wren*.

After Wren, there may be someone who was involved in calls to Doug Ducey.