

**Statement of Steven A. Engel
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**Before the Select Committee to Investigate the January 6th Attack on the
United States Capitol
United States House of Representatives**

Hearing on June 15, 2022

Good morning, Chairman Thompson, Vice Chairwoman Cheney, and members of the Committee. I appear this morning at the Committee's request, and I thank you for the opportunity to make an opening statement.

Although the topics to be discussed involve presidential communications and the deliberative processes within the Executive Branch, the U.S. Department of Justice has authorized me to provide testimony on the particular subjects identified by the Committee, and former President Trump previously authorized Department officials to discuss these matters with the committees of Congress. I will therefore seek to answer the Committee's questions to the best of my ability.

I was privileged to serve as the Assistant Attorney General of the Office of Legal Counsel from November 2017 through January 2021. In that role, I served as the chief counsel to the Attorney General and the principal legal adviser to the Executive Branch. During that period, we sought to ensure that our legal advice would assist the President and his cabinet secretaries in discharging their responsibilities within the boundaries of the Constitution and laws of the United

States, and in the interest of the people of the United States. Our commitment to that work remained the same both before and after the election of November 2020.

Following the November 2020 election, in an effort to promote confidence in the election results, Attorney General Barr authorized the Department to review and, where appropriate, to investigate reports of fraud and irregularities as they came in. The Department's senior officials ultimately concluded that there was no evidence of widespread voter fraud on a scale sufficient to change the outcome of the election, and Attorney General Barr reported that publicly in early December.

Although I was not personally responsible for these investigations, I did not doubt the judgment of the Attorney General and the Department's senior leadership. As a presidential candidate, President Trump and his campaign had every right to pursue litigation in contesting the election results in the various federal and state courts. But absent credible evidence of a violation of federal law, the Department did not have any role to play in these election contests.

This view was widely shared among the Department's senior leadership, including by Acting Attorney General Rosen. Yet we discovered in late December that one of the Assistant Attorneys General, Jeff Clark, took a different view. Mr. Clark believed that the Department should publicly assert that the election results had been marred by fraud and should urge several of the States to replace their previously certified electors. Mr. Clark's views came to the attention of President

Trump, who considered whether Mr. Clark should replace the Acting Attorney General at the helm of the Department of Justice.

The Department's senior leadership, as well as the White House Counsel, believed that Mr. Clark's plan lacked any factual or legal basis. On January 3, we met with the President and with Mr. Clark to explain why the Clark plan should not be pursued. We also made clear that the Department's leadership could not remain if the President chose to pursue that course. Following that discussion, President Trump agreed with us, and he retained Acting Attorney General Rosen through the end of his Administration.

It was a great honor to serve at the Department of Justice, and I was privileged during my time to work with many lawyers of integrity and honor, including those sitting beside me today. The Department's leadership clearly understood our responsibility to ensure the neutral enforcement of the law, to protect our Constitution, and to assist in the peaceful transfer of power.

Thank you for the opportunity to make this statement, and I will seek to answer the Committee's questions today to the best of my ability.