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4 SELECT COMMITTEE TO INVESTIGATE THE
5 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
6 U.S. HOUSE OF REPRESENTATIVES,
7 WASHINGTON, D.C.

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11 DEPOSITION OF: ELMER STEWART RHODES

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Wednesday, February 2, 2022

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The deposition in the above matter was held via Zoom, commencing at 10:02 a.m.

21 Present: Representatives Luria, Aguilar, Schiff, Lofgren, and Raskin.

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2 Appearances:

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5 For the SELECT COMMITTEE TO INVESTIGATE

6 THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

7

8 [REDACTED] ADMIN ASSISTANT AND SCHEDULER

9 [REDACTED] INVESTIGATIVE COUNSEL

10 [REDACTED], PROFESSIONAL STAFF

11 [REDACTED] INVESTIGATIVE COUNSEL

12 [REDACTED], CHIEF INVESTIGATIVE COUNSEL

13 [REDACTED], CHIEF CLERK

14 [REDACTED], SENIOR COUNSEL

15 [REDACTED], INVESTIGATIVE COUNSEL

16

17

18 For ELMER STEWART RHODES:

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20 JONATHAN MOSELEY

21 PHILLIP LINDER

22 JAMES BRIGHT

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2 [REDACTED] We are on the record at 10:02 a.m. eastern.

3 Good morning, everyone. This is a deposition of Elmer Stewart Rhodes
4 conducted by the House Select Committee to Investigate the January 6th Attack on the
5 United States Capitol pursuant to House Resolution 503. This will be a staff-led
6 deposition, though members may choose to ask questions.

7 At this time, I'd ask the witness to please state your full name and spell your last
8 name for the record.

9 The Witness. Yes. Elmer Stewart Rhodes, III. And my last name is spelled
10 R-h-o-d-e-s.

11 [REDACTED] Thank you, Mr. Rhodes.

12 My name is [REDACTED] and I'm an investigative counsel with the select
13 committee. With me from the select committee staff are [REDACTED], chief
14 investigative counsel; [REDACTED], senior counsel and senior advisor; [REDACTED],
15 investigative counsel; [REDACTED], professional staff member; [REDACTED]
16 investigative counsel; and [REDACTED], chief clerk. There are currently no members
17 present.

18 Under House deposition rules, neither committee members nor staff may discuss
19 the substance of the testimony today unless the committee approves release. You and
20 your counsel will have the opportunity to review the transcript.

21 I'll note for the record that Mr. Adam Schiff has joined the meeting.

22 I would also like to note for the record that what has been previously marked as
23 exhibit 1 is the select committee's December 9th, 2021, subpoena for Mr. Elmer Stewart
24 Rhodes in both his individual capacity and in his capacity as president of the organization
25 known as the Oath Keepers. The House deposition rules are included in this exhibit.

1 At this time, could counsel please state their name for the record, starting with
2 Mr. Moseley?

3 Mr. Moseley. Jonathan Moseley, senior attorney and in D.C.

4 Mr. Linder. Phillip Linder, criminal attorney for Stewart Rhodes.

5 Mr. Bright. James Lee Bright, criminal defense attorney, also co-counsel to
6 Stewart Rhodes.

7 [REDACTED] Thanks, gentlemen.

8 I will also note for the record that we are in receipt of the recent correspondence
9 from Mr. Moseley dated January 31st, 2022, and February 1st, 2022, in which he notes
10 that while Mr. Rhodes, you will be asserting your Fifth Amendment right regarding some
11 of the topics identified in exhibit 1, there are other questions that fall outside those
12 bounds. It's our primary objective today to focus on the latter.

13 There is an official reporter transcribing the record of this deposition. Please
14 wait until each question is completed before you begin your response, and we'll try to
15 wait until your response is complete before we ask our next question.

16 The stenographer can't record nonverbal responses, such as shaking your head.
17 So it's important that you answer each question with an audible verbal response.

18 Do you understand?

19 The Witness. Yes.

20 [REDACTED] We ask that you provide complete answers based on the best of
21 your recollection. If a question is not clear, please ask for clarification. If you don't
22 know the answer, please simply say so.

23 You may only refuse to answer a question to preserve a privilege recognized by
24 the select committee. Such privileges include the Fifth Amendment privilege against
25 compulsory self-incrimination.

1 If you refuse to answer a question based on a privilege, staff may either proceed
2 with the deposition or seek a ruling from the chairman on the objection. If the chairman
3 overrules such an objection, you are required to answer the question.

4 I also want to remind you that it's unlawful to deliberately provide false
5 information to Congress. Providing false information could result in criminal penalties
6 for perjury and/or providing false statements, including under 18 U.S.C. Section 1001,
7 which makes it illegal to provide a false statement in a congressional investigation.

8 That being said, to be clear, this is indeed a congressional investigation, not a
9 criminal investigation. This proceeding is separate and distinct from any current
10 criminal proceeding by the United States Department of Justice.

11 Do you understand?

12 The Witness. Yes.

13 [REDACTED] Just please let us know if you need any breaks. I would simply
14 ask that if you need a break, you answer the question that's pending before we take a
15 break.

16 If you don't understand a question, please simply ask me to repeat or clarify it.
17 We aren't trying to trick you here, so if there is a question you don't understand, we're
18 more than happy to clarify it for you.

19 Does that make sense?

20 The Witness. Yes, that's fine.

21 [REDACTED] Finally, I'll note that, while I'll be leading the conversation,
22 occasionally other staff members or even a member may join the discussion.

23 At this time, because the deposition is under oath, would you please raise your
24 right hand to be sworn?

25 The Reporter. Do you solemnly declare and affirm under the penalty of perjury

1 that the testimony you are about to give will be the truth, the whole truth, and nothing
2 but the truth?

3 The Witness. I do.

4 The Reporter. Thank you.

5 [REDACTED] Thank you, Mr. Rhodes.

6 I'll also note for the record that Ms. Zoe Lofgren has joined the meeting.

7 Okay. We'll get started.

8 Could we please pull up exhibit 1?

9 Mr. Moseley. Could I make a little bit of an opening statement because of the
10 circumstances and he may not be able to testify to everything? I just want --

11 [REDACTED] Mr. Moseley, you can make a brief statement.

12 Mr. Moseley. For example, he -- Mr. Stewart Rhodes is joining us from Cimarron
13 County, Oklahoma, Federal Detention Center. He would, of course, much rather be able
14 to cooperate with the committee without being indicted and facing prosecution if he had
15 his druthers. But this is the difficult situation we're in.

16 He was asked to testify in the underlying criminal prosecution and eagerly agreed
17 to be a witness. And then I found out that he didn't have a lawyer and was concerned
18 about what to do with this appearance, and we negotiated a delay until today.

19 Again, for the record, [REDACTED] and staff have been very gentlemanly and
20 professional and always polite. He has been, though, persistent and dogged.

21 So in between that time, actually the original date, January 13th, of course, when I
22 called to find, okay, what are we going to do about this and not wait till the last minute,
23 he was arrested with me on the phone. So we face a great deal of complications that
24 we wish we didn't have, you know, not least of all Stewart Rhodes would rather not be
25 facing those situations.

1 In terms of the completeness of his answers, of course, he's not -- doesn't have
2 access to his records or ability to review them being incarcerated. I heard from local
3 media that there was a helicopter flying over the place where he was staying for a
4 number of hours. So I thought, well, there go our documents. And so many of those
5 are in the hands of the FBI.

6 So we're going to try to do our best. But Phil Linder, of course, came on board.
7 I wasn't his criminal defense lawyer, but Phil Linder and James Bright came on from
8 Dallas. And so I am deferring a great deal to their judgment about their handling of the
9 upcoming criminal trial, which we think will be in July. And some of the inability to
10 answer may be temporary until that trial is over.

11 So I just wanted to explain that. We didn't start out with these problems, but
12 we've got them now. So we wish that were otherwise.

13 Thank you, Mr. Moseley.

14 Okay. Mr. Rhodes, we can get started.

15 could we please pull up exhibit 1?

16 Thank you.

17 EXAMINATION

18 BY [REDACTED]

19 Q Mr. Rhodes, this is the subpoena issued by the select committee to you on
20 December 9th, 2021. I'll note for the record that the exhibit contains the subpoena
21 itself, a cover letter from the chairman, a document schedule with production
22 instructions, and a copy of the House rules and regulations regarding conducting
23 depositions.

24 Mr. Rhodes, could you please confirm that the subpoena is addressed to you?

25 A I don't see my name on it. Where is it at? Oh, yeah, yes, I confirm that.

1 Q Thank you.

2 You understand that it is directed to you both in your individual personal capacity
3 and in your capacity as the president of the Oath Keepers, correct?

4 A I don't see where it says that.

5 Q Could we zoom in and scroll down to the cover letter?

6 A Oh, yeah, on the cover letter. So --

7 Q Great. And you understand that you're appearing here today pursuant to
8 the subpoena, correct?

9 A Yes.

10 Q Great. Thank you.

11 We can take the exhibit down.

12 Mr. Rhodes, I'd like to start with just some basic questions for the record.

13 Where is your current permanent residence?

14 A In Granbury, Texas.

15 Q Can you provide the address?

16 A Is this a public record? I don't want to give the address out because people
17 live at that address.

18 Mr. Moseley. Would you allow him to -- us to provide that to you or at the end
19 of the transcript perhaps?

20 [REDACTED] Yes. We can do that.

21 Mr. Moseley. Is it anyone else -- do you want to do that now and just have it at
22 the end of the transcript, confidentially, or is anyone else listening to this?

23 [REDACTED] The transcripts will not be released until the committee approves
24 release. If you want to transmit his address to us separately over email, that's fine.

25 Mr. Moseley. Whatever you prefer.

1 [REDACTED] Okay. Thank you.

2 BY [REDACTED]:

3 Q Is that address your home, Mr. Rhodes?

4 A No, it's not. It's where I.

5 Q What is it?

6 A Pardon?

7 Q What is it?

8 A What is it? It's a house. I was staying there. It's a friend's house. But I
9 am no longer -- I'm no longer living there, obviously.

10 Q Do you currently own or rent any home?

11 A No.

12 Q How long had you lived at that address in Granbury?

13 A It's been a year and a half.

14 Q Okay. Where did you live prior to that?

15 A Prior to that, I lived in another residence in Granbury.

16 Q Okay. And how long was that for?

17 A I think about 7 months.

18 Q Okay.

19 A From March 2020 till November of 2020 I lived at a prior address in
20 Granbury. But after that, I lived at the first one I told you about.

21 Mr. Moseley. You want me -- you want to handle the actual address the same
22 way?

23 The Witness. Pardon?

24 Mr. Moseley. I'm objecting to [REDACTED].

25 Do you want to handle that address the same way?

1 [REDACTED] Sure. I can follow up with you afterwards. Thanks, Mr.
2 Moseley.

3 BY [REDACTED]:

4 Q Mr. Rhodes, can you give us a sense of where you grew up, places you lived
5 prior to moving to Granbury?

6 A Sure. I grew up on the -- my mom's side of the family were migrant
7 Mexican-American farmworkers from California. So I bounced around, going to schools,
8 spending time with my grandparents while my mother was working.

9 And then I lived in Oklahoma City for about 5 years when we were children. And
10 then we moved to Las Vegas. Went to high school in Las Vegas and then college in Las
11 Vegas after I got out of the Army.

12 Q Great. And after you left Las Vegas, is that when you moved to Granbury?

13 A No. That's when I went to Yale Law School. I worked for Congressman
14 Ron Paul on his D.C. staff for a year, and then I attended Yale Law School in 2001,
15 graduated 2004. And then after that, I clerked for the Arizona Supreme Court for a year.
16 And then after that I moved to Montana where I practiced criminal defense.

17 Q Great. Thank you, Mr. Rhodes.

18 I think you answered part of this, but what is your educational background in
19 addition to Yale Law School?

20 A Yes. College, graduated summa cum laude from UNLV. I went on a VA
21 scholarship, I was a disabled veteran. And then after that, like I said, I worked for
22 Congressman Paul, and then I attended Yale Law School and graduated.

23 Q Thank you, Mr. Rhodes.

24 I understand you served in the military. Can you tell me about your military
25 service?

1 A Yes, I served as a paratrooper in the Army in long-range reconnaissance, and
2 I was permanently disabled in a training parachuting accident. I have a fused spine and
3 two steel rods in my back.

4 Q Thank you. And thank you for your service.

5 What were the years of that service?

6 A 1983 to 1986 Active. And then I had my accident. I took a couple of years
7 on medical holds. I'm not really quite sure what year it was, '87, '88, when I was finally
8 released from medical hold and sent to the VA for rating. I'm rated at 50 percent
9 disabled.

10 Q Understood. And did you join right out of high school?

11 A Yes. I joined a delayed entry program at age 17.

12 Q That must have been tough to join right outside of high school?

13 A Family tradition. We all did.

14 Q What did it mean to you to serve?

15 A My family has always served in the military, both sides of my family. On
16 both sides, my grandparents, my grandfathers who fought in World War II. And I have
17 uncles and cousins who fought in World War II. And then also Korea and Vietnam. So
18 a long tradition of military service on both sides. My father was a marine. I joined the
19 Army.

20 Q Hopefully, that wasn't a source of family tension.

21 A No, we have military -- we have Army and Marine Corps in the family. We
22 go way back.

23 Q I imagine that's a source of pride for you, right?

24 A Pardon? Oh, yeah.

25 Q I imagine that's a source of pride?

1 A Absolutely. Yes.

2 Q Are you employed?

3 A Yes. I'm employed by the Oath Keepers.

4 Q Okay. How long have you held the role that you have at the Oath Keepers,
5 and what is that role?

6 A I founded Oath Keepers in 2009, and I'm the national president. I've been
7 the national president since the founding, and that was so now almost 13 years.

8 Q Do you take a salary for that work?

9 A Yes, on paper. But things have been rough the last year. We've been
10 deplatformed and demonetized in fact. So it's been very difficult to raise funds or to
11 collect even dues. So even today I can't collect online dues because we lost the ability
12 to take online credit cards.

13 Q Well, I'd like to return to that topic in a minute. But prior to founding the
14 Oath Keepers, were you previously employed?

15 A Yes.

16 Q As?

17 A As an attorney. Actually, for Oath Keepers, I was writing, and I was in
18 Nevada. My mother came down with breast cancer. It was 2007. And I moved back
19 from Montana, back to Las Vegas, to take care of her before she passed away. She died
20 in 2010.

21 So that brief time I wrote appellate briefs for other attorneys. So that was my
22 employment right before Oath Keepers. And then I founded Oath Keepers.

23 Q Thank you. While you were employed by the Oath Keepers, did you hold
24 any other employment during that time?

25 A I worked as a private attorney for a brief time. I actually have sued a few

1 police departments for wrongful arrest. One of the clients was one of the producers for
2 Alex Jones. We won a settlement. He was arrested in Pittsburgh, along with other
3 journalists, in a big sweep of the park, and he was caught up in it.

4 Q What year was that?

5 A Good question. I can't recall what year it was. It was pretty early on, but I
6 can't recall the exact year.

7 Q That's okay.

8 Are you currently a practicing attorney?

9 A No, I'm not.

10 Q Are you currently barred in any State or jurisdiction?

11 A No.

12 Q Okay. Have you been disbarred?

13 A Yes, from Montana.

14 Q Okay. When did that happen?

15 A I'm not sure what year that was. That was -- it's been at least 7 years. It's
16 been a while. I can't recall exactly what year it was.

17 Q Understood.

18 Do you recall the circumstances?

19 I think Mr. Rhodes might be frozen.

20 Mr. Moseley. And if -- I think that I might object to anything about that beyond
21 what is maybe publicly stated. So could you maybe rephrase it in terms of what
22 the -- what any public, you know, public issues were in terms of just any circumstances
23 that he might know? What was the official --

24 [REDACTED] Sure.

1

2 BY [REDACTED]

3 Q Mr. Rhodes, I'm sorry. I think we lost you for a little bit there. But I had
4 asked, do you recall the circumstances under which you were disbarred?

5 A Yeah, failure to appear at the Supreme -- I went to one disciplinary hearing
6 at the Supreme Court, but then the complainant came back again. And the second time
7 I failed to appear, and they disbarred me for that.

8 Q Understood. Thank you.

9 Have you ever worked for an office of Federal, State, or local government?

10 A I worked for the Arizona Supreme Court as a law clerk for a year, Justice
11 Michael D. Ryan, right after law school. So that was 2004-2005.

12 Q Great. And I think you also mentioned that you worked for Congressman
13 Ron Paul?

14 A Yes, sir. That's correct.

15 Q What did you do for Ron Paul?

16 A I was on his legislative staff in Washington, D.C., I was a legislative
17 correspondent. So lowest on the totem pole.

18 Q I've been there, Mr. Rhodes.

19 A And I also worked as a -- I'm sorry, I didn't mean to cut you off -- I also
20 worked as a volunteer firefighter in Montana.

21 Q Okay. Great.

22 Have you ever held elected or appointed office in government?

23 A No. I was on the platform committee for the GOP national -- or State
24 convention in Nevada back in 2009. So that's about as close as I ever got to holding any
25 kind of an office. So I was a delegate.

1 Q Do you have any relatives who currently or previously held office?

2 A Not to my knowledge.

3 Q Okay. In the course of your career, have you ever received grant money or
4 contracts from any office of government?

5 A No. While I was at Yale, though, right after I got out of Yale, I received a
6 research grant. I was planning on writing a paper on the topic of enemy combatant
7 status applied to U.S. citizens. I won an award at Yale for my paper on that topic, and
8 they gave me a grant to continue my studies on that. That was as close as I got to -- I'm
9 not sure that counts as a government grant.

10 Q Well, that sounds like an impressive award.

11 So I'd like to return to the structure and organization of the Oath Keepers.

12 You mentioned that you have been the president since founding, correct?

13 A That's correct.

14 Q What are the duties and responsibilities of the president?

15 A You know, as Mr. Moseley had said earlier, this would be a
16 different -- different deposition if I hadn't been indicted. But because I've been indicted,
17 on advice of counsel, in preparing for today's questioning, I respectfully decline to answer
18 pursuant to my rights under the Fifth Amendment, my right to receive due process at
19 trial, which means I cannot answer, even when my answers will be positive for me, at the
20 risk of waiving those rights. I am going to assert my Fifth Amendment privileges on that
21 one.

22 Q I understand, Mr. Rhodes.

23 If I could just get clarification on the basis of your objection, because our
24 understanding from corresponding with your counsel was that you wouldn't raise
25 objections to questions regarding basic details about the Oath Keepers. So, for example,

1 what the president does seems like a basic detail about the organization.

2 A I'm still going to object unless my counsel lets me know that they advise me
3 to answer.

4 [REDACTED] Mr. Moseley?

5 Mr. Moseley. Well, I think he would -- since I don't know what the answer would
6 be, I don't know that I can say. But I think that he would be in a better position to know
7 what might be included in that answer.

8 So I think, out of an abundance of caution, that would be his -- in terms of what
9 we've instructed about the concerns about the trial and how things may be taken.

10 If he understands in what his answers would be that there could be a potential
11 risk, then we would assert that privilege, even though I'm not prepared to argue exactly
12 what the factual details would be at this time.

13 But it could be, you know, who knows how things could be construed in a trial, I
14 think would be our thinking, if Mr. Linder agrees with that.

15 Mr. Linder. I do agree. I don't know exactly what his answer would be. But
16 he is indicted on a Federal trial along with other Oath Keepers to be tried in July. So I
17 believe he would have Fifth Amendment protection to this question of what his role is
18 potentially as president of that organization.

19 Mr. Moseley. And I may have omitted something I might have stated in the
20 opening, is that the charges involve at least two conspiracies and are fairly abstract. So
21 what he is alleged to involve, you know, would involve things not like direct action so
22 much as, you know, who he may have worked with and various things like, are really kind
23 of in the heart of what the indictment is.

24 So there are a lot of things that in your usual case might not seem to be a
25 problem. Here, they're kind of in the middle of what the conspiracy allegations are.

1 So I think that the -- and again, Mr. Linder, has the problem with going into court
2 in his criminal defense. I don't. But I think that would be sort of the considerations.

3 It's not like someone who is charged with robbing a jewelry store, and there's the
4 jewels in the passenger seat. It's more about conspiracy and things like that. So that's
5 the position we take.

6 [REDACTED] Thank you, Mr. Moseley.

7 Let me rephrase it and go back in time.

8 At the time that you founded the Oath Keepers, what were the envisioned duties
9 of the president of the organization?

10 The Witness. I'm still going to -- apologize -- I'm still going to invoke my Fifth
11 Amendment rights and my right to due process. My concern is the free -- the wide-open
12 accusations against me could sweep in almost anything. So that's like I'm in jeopardy
13 matter no matter what you're asking me to say about that.

14 [REDACTED]. Okay.

15 The Witness. Unless my counsel advises otherwise.

16 [REDACTED] Mr. Moseley?

17 Mr. Moseley. I'd make the same argument. Again, if it's -- well, I don't know.
18 I mean, there might be a way to rephrase the question to narrow it just to the running of
19 the Oath Keepers. But there is also, I think, a lot of cautious, you know, trying to be
20 conservator cautious about these things at this point.

21 And so I'll defer to the discussions I had with his criminal defense attorneys, which
22 really I have to do. And I think -- so we'll just take it -- we'll just have to take that for
23 now.

24 As I have said, I think the Fifth Amendment rights are a temporary delay until the
25 criminal case is resolved. That would be our position.

1 [REDACTED] And just to be clear on this particular question, you're objecting
2 to the question of what the duties of the president of the Oath Keepers are?

3 Mr. Moseley. Well, I mean, I can imagine that there may be issues with regards
4 purely internally in terms of running an organization, but I can also imagine that there
5 may be broader things than that in terms of networking or working with other people or
6 such things like that that may be used in some form, and I don't know what those
7 answers would be.

8 But that's where I think I might agree that those things will be quoted or used in
9 some form like that.

10 So I think in any kind of civic organization or political organization there is a lot
11 more external networking than just like running a typing pool or something like that in a
12 typical business. So I'm guessing that there are things that could be used against him at
13 trial as far as I can tell you.

14 [REDACTED] Okay. Well, Mr. Moseley, you referenced purely internal duties,
15 so maybe we can start there.

16 Mr. Rhodes, what were the internal duties of the Oath Keepers' president.

17 The Witness. Same objection. I mean, I gave a 3-hour interview to the FBI, I
18 was very forthright back in May, trying to clear things up, and it did me no good.

19 And legal counsel at the time, my criminal defense counsel at the time, Ed
20 McMahon, had told me don't even say a word to the FBI. He was pretty upset with me
21 for even doing that.

22 But I wanted to clear things up and hopefully clear up any misunderstanding about
23 what we were doing there and what we weren't doing there, and it did me absolutely
24 zero good. And this is where I am now.

25 Now I have been indicted. You know, I wish I could be as freewheeling with you,

1 that would be fantastic, help to clear the air, but I can't because I have been indicted, and
2 I have to take that into -- take that seriously.

3 So I have Fifth Amendment concerns about answering any of these questions,
4 frankly, because they could be used against me.

5 [REDACTED] Okay. And to be clear, you're asserting that Fifth Amendment
6 privilege because you have a good faith belief that the answer could damage your ability
7 to defend against pending or potential criminal charges?

8 The Witness. Yes, sir. Also, I'm concerned about being charged with contempt
9 of Congress -- or, yeah, not contempt of Congress, perjury, if my answer is incomplete
10 because I don't have -- I mean, our bylaws are online. You can find the bylaws. The
11 bylaws state what the office of the president does. You can go look the bylaws up.
12 But I don't have it in front of me. So those are public information.

13 Mr. Moseley. Mr. Linder, do you want -- I'm really kind of split roles on this. Do
14 you want to help?

15 Mr. Linder. Well, and you guys cut out on me a little bit, so I'll try to address the
16 last things I heard.

17 I believe Mr. Rhodes answering a question about his role as president of the Oath
18 Keepers goes directly at issues we may have at trial. As Mr. Rhodes said, he tried to
19 clear this up in May and gave a 2-hour voluntary interview [audio malfunction].

20 Mr. Moseley. Oh, no, technical.

21 Mr. Linder. As he mentioned, it did him no good. He still ended up being
22 indicted. And so -- and the nature of the indictment with the conspiracy counts and all,
23 this goes directly at what we're going to have to defend against.

24 So particular questions about Mr. Rhodes' role in Oath Keepers or anything about
25 that, we would assert the Fifth Amendment privilege.

1 I mean, the background questions you asked are perfectly permissible. And, hey,
2 we'll cooperate. As Mr. Moseley said, we would cooperate later, after the criminal
3 proceedings are over. He wanted to cooperate before he was indicted.

4 But at this point, we're in kind of a tough position, so I don't think he can answer
5 those questions.

6 [REDACTED] Mr. Linder, could you clarify for us whether the scope of your Fifth
7 Amendment assertion spans the entire 13 years of the existence of the Oath Keepers?

8 I think [REDACTED] did ask about the roles and responsibilities at the founding,
9 which was 2009. So could you just explain a little bit more how that -- an answer to
10 that -- would potentially incriminate him for something that happened in 2021?

11 Mr. Linder. Yes, [REDACTED]. That's a great question.

12 The fact is, I don't know. Oath Keepers have been indicted, as you know, 17 or
13 18 of them. We don't know the full scope. We know that the indictment focuses on
14 January 6th, but it also focuses on things leading up to January 6th. And so we don't
15 know how that -- how far back the government will try to go with that. So I think
16 anything along those lines at this point would be protected.

17 [REDACTED] - [REDACTED] do you have another question? Okay.

18 Well, I'd like to ask about some of those internal questions, and, hopefully, we can
19 get to a place where we can get answers on those.

20 Are you currently a corporate officer of the Oath Keepers organization?

21 The Witness. I am listed as the president. I'm listed as a board member and
22 the president.

23 [REDACTED] Are there other --

24 Mr. Moseley. Let me just clarify, if it helps any at all. [Inaudible] people have
25 disputes about who -- it's not unusual -- about who is or isn't [inaudible]. But to the

1 extent that this is public information, you know, that it would be listed on the secretary of
2 state's website, or something like that, that would be --

3 The Witness. That's correct. You can go to the secretary of state and look at
4 his website, and it'll list all of the board members and the officers.

5 BY [REDACTED]

6 Q Are there board members of the Oath Keepers organization who are not
7 corporate officers?

8 A Pardon?

9 Q Are there board members of the Oath Keepers organization who are not
10 corporate officers?

11 A Yes, because the State of Nevada requires only president, secretary, and
12 treasurer.

13 Q Who are those other board members?

14 A Who are what?

15 Q Well, we just established that there are board members who are not
16 corporate officers. Can you provide their names?

17 A I don't know exactly who is currently on the board because there are some
18 people, I think, who have withdrawn, so I can't give you a complete answer.

19 But you can go on the secretary -- I can't do it myself, I would do it for you -- but
20 you go on the secretary of state's website and look up who is listed as the current board
21 members right now.

22 Q Well, Mr. Rhodes, you just said that the list that's on the Nevada secretary of
23 state's -- and their records would be incomplete because --

24 A No, I didn't say that. I said I don't know what the current list is. So I
25 would have to go to the secretary of state's website myself to see. So I'm just

1 recommending that you do that instead of [inaudible].

2 Q Are there individuals who recently served on the board whose names you
3 can share with us?

4 A Sure. So one was Greg McWhirter. He was my vice president until this
5 last -- this summer, 2021. So he was my vice -- he's a cop in Montana. He's a reserve
6 deputy in Montana.

7 But he is -- he withdrew because he's concerned for his firearms business,
8 concerned about losing his FFL because of the harassment he's been subjected to himself.

9 Q Great. Thank you.

10 A Uh-huh.

11 Q Anyone else you can provide?

12 A Who were recently board members but no longer are? Is that what you're
13 asking me? Or who are still board members?

14 Q Any past or current board members who you can remember.

15 A Well, sure. But I'm not sure what the relevance of that is.

16 Mr. Moseley, should I answer this question?

17 Mr. Moseley. Well, again, if it would be public information, I think that you could
18 do that. And I understand what he is saying is, is that because of all the controversy, it's
19 not, you know, people resigning, it may not be public information as to whosoever.

20 And, again, may I -- for example, the gentleman where -- whose house Mr. Rhodes
21 was arrested at was fired almost immediately after having CBS helicopters over his head.

22 So I guess one issue would be to have -- make sure that this is not -- that their
23 privacy is respected to the extent that they may be harassed or something.

24 So maybe Mr. Linder has suggested, but the difference between whether you get
25 that information and whether their privacy is also respected in the environment may be

1 the answer.

2 I don't know if that's what you -- again, I'm not talking about private things
3 necessarily, but I think who the board of directors are would probably be public
4 information if it wasn't fluid and changing.

5 Is that -- can you help me here, Mr. Linder?

6 Mr. Linder. I think we can provide later, I think we can go on the secretary of
7 state's website and get that information and provide it to this committee.

8 I think a little bit of privacy would be great because his friend did lose his job, he's
9 got a family to support, and that could happen here if these names get out.

10 But we will be happy to go on the website, get that information, and provide you
11 with it after the hearing today.

12 The Witness. That is a big concern of mine. He lost a \$130,000 job because
13 CNN called his boss and said, you know, why is the FBI outside this man's house? And
14 he was immediately fired. And Texas is a right to work State, he has no recourse. So
15 there are prior board members who could be doxxed and harassed like McWhirter was.

16 I only mention McWhirter because he was publicly harassed by a reporter who
17 tried to call him and get him fired from the sheriff's job. And the sheriff told him to go
18 pound sand.

19 So I know Greg's okay with me mentioning his name, but other people, you know,
20 they have jobs and careers, and they're being harassed. So I really -- I do have concerns
21 for their privacy.

22 [REDACTED] Okay. I understand the point that you and your counsel are
23 making regarding the other individuals.

24 Mr. Moseley and Mr. Linder, I'd like to follow up with you after the deposition to --

25 Mr. Moseley. Sure.

1 Mr. Linder. We can do that.

2 ██████████ But I want to be clear that, you know, we have established that
3 there are board members who are not corporate officers on record with the Nevada
4 secretary of state. So to the extent that the names of past board members are
5 available, we'd like those, and I can follow up with you afterwards.

6 Mr. Linder. We can do that.

7 ██████████ Thank you.

8 BY ████████

9 Q Mr. Rhodes, do you know Kelly SoRelle?

10 A Yes, I do.

11 Q Who is she?

12 A She is the Texas attorney who served as our general counsel for Oath
13 Keepers.

14 Q How long have you known Ms. SoRelle?

15 A Since May of 2020.

16 Q Thank you.

17 A I believe. If that's correct.

18 Q Ms. SoRelle has represented to the select committee that she is currently
19 acting as president of the Oath Keepers while you're incarcerated. Is that correct?

20 A That's incorrect. She's mistaken. I had initially given her power of
21 attorney so she could pick up our mail and make deposits, but I have since withdrawn
22 that, and I am going to give power of attorney to another individual in Texas who's going
23 to take care of that for me. So she was mistaken when she said that, she misspoke.

24 Q Okay. Are you able to provide the name of the person who is acting as
25 president?

1 A I'm the president. My vice president is -- our bylaws state that the vice
2 president will act when the president cannot. So I'm still the president of Oath Keepers,
3 but he is my vice president, and he is taking care of the organization while I'm here
4 incapacitated, at least partially incapacitated.

5 Q Okay. And can you provide us that name?

6 A Actually, I have the same concern with him because he could lose his job.

7 Mr. Moseley. Can we handle that the same way?

8 Mr. Linder. We'll provide it to you.

9 ██████████ Can I ask a question here just to clarify?

10 You are not making a legal objection to providing the information that we're
11 requesting because that is what Congress would normally defer to, a legal objection for
12 privilege reasons. And you are not asserting a privilege, this is a preference. Is that
13 accurate?

14 Mr. Linder. Correct. We can provide the names. We will have to do it off the
15 record.

16 Mr. Moseley. And it has to do with a third party. So, I mean, I understand the
17 relevance to the committee, but it's in the context of -- like, for example, we have
18 documents, including Steward Rhodes' FBI interview, where we can't release that
19 because of third parties that are mentioned. So that we're asking for that, yes.

20 ██████████ Well, just to clarify, my understanding from your prior
21 correspondence was that you were not -- that DOJ did not give you permission to share
22 that because of a nondisclosure order, but it wasn't about third party privacy.

23 Mr. Moseley. Well, they've told us in the past that if third parties are redacted, it
24 depends on what the document is. But if the basis under the protective order is third
25 party privacy, which it often is, that a redaction is okay. They gave you a more blanket

1 denial than they have dealt with in the past.

2 So, I mean, these documents aren't like national security. They're mostly about
3 third party confidentiality. And that can be cured, but they didn't seem to be
4 cooperative with you, which surprises me. But that's where we are.

5 [REDACTED] I think the questions that we're asking are separate and apart from
6 documents you may have provided to DOJ, the actual items that exist, whether or not
7 there was a prosecution or a 302 with DOJ. We're talking about who is currently the
8 vice president of the Oath Keepers. That's just a fact. And that's not something you're
9 going to share here?

10 Mr. Moseley. We will share it, and we're asking to do that, like I have seen
11 oftentimes, it will be at end of the transcript in a more confidential section. I mean, I
12 think our agreement with Mr. Linder, as you heard him say, we will provide that, but
13 we're just asking that it not be waved around to needless harm another person.

14 [REDACTED] Okay. And the person that Mr. Rhodes is going to give power of
15 attorney to, is that the same person as the vice president, or is that someone different?

16 The Witness. We're still -- actually, one power of attorney will be given to the
17 gentleman who lost his job because they called his -- because CNN called his work. He
18 will be one of my power of attorneys. The other one is going to be possibly my vice
19 president. So we're still trying to figure that out.

20 [REDACTED] Okay. And is the power of attorney going to be on behalf of the
21 organization or on behalf of you as an individual?

22 The Witness. I believe it will be this individual, but also the organization as far as
23 my role as the president. I'm still -- I can still talk to them over the phone, but it's
24 difficult. I can't go to the bank. You know, I can't refile our secretary of state filing for
25 officers. You know, I can't amend our list of corporate officers or work numbers. I

1 can't do that from jail. So those are the logistical things that they'll be doing for me in
2 my stead.

3 [REDACTED] Okay. Understood. Thank you.

4 Turning it back to you, [REDACTED]

5 BY [REDACTED]:

6 Q Thanks, [REDACTED]

7 Mr. Rhodes, earlier in our conversation, you mentioned that you have taken a
8 salary for your work with the Oath Keepers since the founding. How much has that
9 salary been?

10 A It's take-home 1,600 per week. I don't -- I think it started at 96,000. I
11 think it's 100,000 now. But like I said, that's really on paper because this last year we
12 were so demonetized I really haven't drawn a paycheck.

13 Q Understood. And that number has remained relatively consistent with
14 the --

15 A Yes, 96,000, and then it went up to 100,000, and it stayed there. But like I
16 said, I'd have to go back. It turned into 1,600 a week take-home it turned into.

17 Q Okay.

18 A The exact amount I can't recall.

19 Q Has any real property ever been purchased with Oath Keepers funds?

20 A Define real property.

21 Q Land. Buildings.

22 A No.

23 Q Are there other assets that have been purchased with Oath Keepers funds?

24 A Sorry, I'm going to have to invoke my Fifth Amendment privilege again and
25 my due process rights privileges on this.

1 Q Okay.

2 A Unless my counsel advises otherwise.

3 Q Okay. Hearing none.

4 Have you held other roles within the Oath Keepers organization?

5 A No. I mean, I wrote, of course, but that's within my purview of my
6 obligations as president. So, no, no other roles.

7 Q And have you ever represented the Oath Keepers organization as an
8 attorney?

9 A No.

10 Q Okay. Great. Thank you, Mr. Rhodes.

11 I'd like to ask some questions about the history of the organization, starting with
12 the founding, which you mentioned was in spring 2009, correct?

13 A Correct.

14 Q Can you walk me through why you started the organization at the time?

15 A Unless my legal counsel has any other input on that, I'm willing to answer
16 that.

17 I worked for Congressman Paul, who I consider to be the most consistent
18 constitutionalist in Congress. And then I worked on his campaign for President in 2009.
19 Like I said, I worked on the platform committee for the GOP in Nevada.

20 And when he didn't get the nomination, I realized that we were in trouble. We
21 had John McCain, I considered to be a snake and an oath breaker, and I thought we were
22 in serious trouble in this country regardless of who became the President. At the time
23 we didn't even know whether the Democratic nominee was going to be Barack Obama or
24 Hillary Clinton. But it didn't make a difference to me. Both of them I considered had a
25 bad track record.

1 So I was very concerned about the seriousness of where our country was and the
2 lack of concern for the Constitution by both parties. And I wrote that paper at Yale Law
3 School sharply criticizing the Bush administration for all of the excesses in the name of
4 the war or terror, the growth of the executive power. The application of the laws of war
5 to American citizens Yasser Hamdi and Jose Padilla I found was shocking and we had
6 crossed the Rubicon.

7 So I really was very concerned about where our country was going and I wanted to
8 do what I could to get the focus back on the Constitution, especially among those of us
9 who have taken the oath who are military, police, fire, EMS, and search and rescue
10 personnel.

11 We saw what happened in Hurricane Katrina. You had gross violations of civil
12 rights. You had police officers executing people because they considered them looters,
13 just shooting them on sight. Some of them were later on indicted, properly indicted for
14 murder. You had people confined to the Super Bowl, to the Super stadium there, and
15 not allowed to leave, were killed inside of it.

16 So you had massive gun confiscation in New Orleans in direct violation of the
17 Constitution, which was later ruled unconstitutional, but no one did on the ground
18 because police officers were following unconstitutional orders.

19 So it was a big wake-up call. So I wanted to make sure that we reached out to
20 our current serving brothers, military and law enforcement, and remind them of their
21 oath.

22 We saw stop and frisk in New York City. I thought it was a gross violation of the
23 Fourth Amendment.

24 So all of these things led to me starting the Oath Keepers. And my orientation is
25 very constitutionalist and very libertarian. And most of all, my vice president,

1 McWhirter until last summer, he is also a staunch libertarian, very much opposed to -- he
2 is not a Trump supporter at all, very much opposed to any stop and frisk or violation of
3 the Fourth Amendment, as am I.

4 So those were the motivations for starting the Oath Keepers, was to outreach to
5 the current serving and remind them of their oath, they need to come and take it
6 seriously, and remind them that the Nuremberg defense doesn't work. Just following
7 orders does not work. It didn't work for the Nazis at Nuremberg, it doesn't work now.
8 Okay?

9 It didn't work for the My Lai Massacre. Lieutenant Calley violated his oath. He
10 tried to defend himself by saying that he was just following orders, but he was properly
11 indicted and put in prison.

12 So we wanted to make sure that people understood the seriousness of their oath,
13 that they're on the hook. And like I told them from the start, you're on the hook either
14 way. If you're in the military, you were taught the laws of wars, if you violate them,
15 you're on the hook, you could end up in Leavenworth.

16 If you follow unlawful orders, you have a duty and obligation to refuse them. If
17 you follow unlawful orders, you can go to prison.

18 If you refuse to follow lawful orders, you can also end up being court-martialed
19 and go to prison, too. You're just on the hook either way.

20 And the same goes for a law enforcement officer, you know. We have seen this
21 in the last couple of years with the televised incidences of police abuse.

22 So I think there is an obligation and duty of police officers to seriously consider
23 what they're being told to do and they have to make a decision on the spot that, "No, I'm
24 not going to do that if it's going to violate someone's rights."

25 Like the people standing around and watching when the cops [inaudible] -- I forgot

1 his name -- was on his neck for 15 minutes. They should have intervened. They should
2 have stepped in and pulled them off. That's what they should have done. They didn't
3 do that. They failed.

4 Q Thank you, Mr. Rhodes. You know, you very helpfully laid out the
5 motivation and founding ideas of the Oath Keepers.

6 At the time of founding, what did that mean in practice, you know, reminding
7 people of the importance of their oath? How did that manifest?

8 A Well, a lot of my founding members were Las Vegas Metropolitan Police
9 Department retired cops. We were, obviously, at least 20 percent -- even today,
10 20 percent law enforcement officers.

11 So a big part of it was, like I said, Katrina. And in Katrina, you had current serving
12 law enforcement officers who were violating people's rights. You had National
13 Guardsmen who had been federalized, brought to New Orleans also participating and
14 violating people's rights.

15 So it cut across military and law enforcement. So it was our mission, is outreach
16 to the current serving to get them to learn more about the Constitution they swore an
17 oath to defend.

18 And especially for the military, we understand when you're in the military you're
19 taught the laws of war, you're taught [inaudible]. When I came through in the early '80s
20 we were taught, here is the My Lai Massacre, here is an example of egregious violations
21 of rights.

22 You know, a more updated version was the abuse of the Iraqi prisoners. They
23 were taught about that.

24 So we're taught in the laws of war not to do these things, but then when they're
25 used domestically, like happened in Katrina, a lot of these soldiers had never had that

1 same education about the rights of the American people under the Constitution, like
2 Fourth Amendment rights, Fifth Amendment rights, Second Amendment rights.

3 So we needed to fill that gap and educate them about the Constitution because
4 they're being used domestically. And, of course, with law enforcement they're always
5 being used domestically.

6 So outreach and education. We call it reach, teach, and inspire. Reach out to
7 those who have taken the same oath, teach them more about the constitutionally sworn
8 oath to defend, and then inspire them to do the right thing under pressure, which is hard
9 to do, but it's the right thing to do.

10 Q That's really helpful. Thanks, Mr. Rhodes.

11 A A good example, if you want a really good example, is when the Ferguson
12 riots started happening, I believe it was 2014, out of the gate we saw a curfew being
13 imposed we thought was unconstitutional.

14 We saw the pepper spraying, journalists and bystanders, peaceful protesters
15 being pepper sprayed en masse, not just the people who were causing trouble. We saw
16 SWAT teams pointing rifles at the protesters, you know, using the optics on their rifles,
17 rather than using binoculars, which is the right thing do.

18 And so we wrote a scathing open letter to the Governor of Missouri saying, "This
19 is where you're doing everything wrong. You're violating people's rights." And then I
20 had my police officers in my leadership write their recommendations for how to do it
21 right.

22 And Greg McWhirter was part of that, my prior vice president. And he had
23 grown up in inner city Indianapolis. He's a six-foot-eight Black guy who grew up in inner
24 city Indianapolis, coached football, understands, you know, the culture there. And he
25 said, look, the advice -- he had been on fugitive task forces and drug task forces and

1 anti-riot teams also.

2 So he said the way to do it right is for the police only to put undercover officers in
3 the crowd, look for the people who are actually throwing bricks or actually throwing
4 Molotov cocktails or are about to, and those are the ones you arrest.

5 You go in, snatch them out, and you leave everybody else alone. You don't tear
6 gas the whole crowd. You don't cancel the whole demonstration and you don't impose
7 a curfew that violates the rights of peaceful assembly and protest.

8 So we wrote this scathing letter dressing down not just the Governor, but also the
9 police. And then we said, well, here's how you do it right and here's our advice on how
10 to do it correctly that respects people's rights and still gets the job done. Stops the
11 rioters. Stops the arsonists. Because there were arsonists who were burning buildings
12 down.

13 So you do want to stop that. You need to. But you do it in a way that respects
14 people's rights.

15 And we wrote that letter, and I would encourage you to go look that one up.
16 That's a good example of what we do.

17 Q Thanks, Mr. Rhodes.

18 So did the Oath Keepers go as a group to Ferguson at that time?

19 A Yes, we did.

20 Q What was the goal?

21 A We -- a local Oath Keeper had gone down after the first night of riots and
22 talked to Natalie, I don't know her last name, but she owns Natalie's Cakes and More, a
23 bakery shop, and her windows were smashed in. And she asked us to protect her.

24 This was disturbing to us because this is a Black woman, and here is a riot, you
25 know, a protest for Black Lives Matter, and they told her when she was out there

1 patching up her window, and I was talking to her, she said some of them just came by
2 here, some of the rioters, and told her, "We're gonna burn this bitch down tonight."

3 And above her shop -- there's a series of shops. Above them were apartments
4 who live there, families lived there. And so she asked for our protection. We went in
5 that night. Our guys were on the rooftops with rifles and stopped the arsonists. They
6 would come by and flip them off and tell them to move back. They even tried to put
7 incendiary devices on the rooftop.

8 But our guys had buckets of water to try to put them out. And we prevented
9 that building and those apartments from being burned to the ground.

10 We were there for -- I think we were there for like 2 weeks, guys were on the
11 rooftop through Thanksgiving.

12 So that was our first big mission like that, was protecting that bakery and all of her
13 neighbors. There was an Asian restaurant next door, a Korean-owned beauty supply
14 store.

15 And we established it was absolutely offensive that people were claiming to be
16 standing up for the rights of minorities when you're trying to burn down businesses
17 owned by minorities and then murder people, you know, mixed-race people living above.
18 It was just disgusting.

19 And so we went there and stopped it, peaceably. We never used force. Never
20 had to. In fact, everything we've done, we've never had to discharge a weapon or use
21 force of any kind. We used our presence and our deterrence. And our guys
22 are -- most of us are prior military or law enforcement, so they're very skilled at doing
23 that.

24 There is a picture, you can find a picture online, we can provide it to you, of
25 Natalie. She had a -- there was a Facebook post she did, and she's got a young marine

1 next to her, a MARSOC veteran, special force, special warfare marine, and she's hugging
2 him and thanking him. And she says, "Thank you to these wonderful men who
3 protected me and my bakery." So it was really -- it was really awesome to be able to do
4 that. That was great.

5 Q Thanks, Mr. Rhodes. I can tell that you feel very strongly about this, and I
6 appreciate that account.

7 How would you decide, you know, where to go and what to do in places like
8 Ferguson? It sounds like Natalie reached out to you for help. Is that something that's
9 typical, or would you be somewhere that --

10 A Yes, it's very typical. Another good example is when Hurricane Harvey hit
11 in Texas. There was an owner of a very large warehouse in an industrial area who
12 volunteered the use of his warehouse for disaster relief. Became a hub for disaster
13 relief supplies; trucks coming in and going, delivering supplies, and people coming in and
14 coordinating and picking up things they needed.

15 And he asked us -- it was in a gang-infested area. He had two rival gangs on
16 either side of his warehouse and asked us to come in and secure the warehouse, and we
17 did.

18 Mr. Moseley, did you have a question? I'm sorry.

1

2 [11:00 a.m.]

3 Mr. Moseley. No, I was thinking about clarifying the time period you were
4 talking about.

5 The Witness. Oh, this was Hurricane Harvey. I believe that was 2017, but I'm
6 not sure. I would have to go back and look. It was our first hurricane relief mission.
7 We've done 14 altogether.

8 But that's an example where we're invited in by the warehouse owner. We
9 always get invited to be inside and agree with the host that we're here and, yes, I want
10 them to do the following, and we -- same thing, we're out protecting this warehouse.

11 But we also escort doctors and nurses who were afraid to go, and there were
12 some of the barrios in the area that were, like, immigrant -- Mexican immigrants who had
13 been completely ignored by any other first responder agencies. They ignored them.
14 But we went in there and delivered supplies, food, medicine, did wellness checks. A lot
15 of our guys are combat medics. They would go in and do wellness checks.

16 And, of course, we have our built-in security because all of the guys are military or
17 law enforcement. So we would go places that many disaster relief agencies will not go.
18 Like, Red Cross was afraid to go in some of these barrios.

19 The same thing happened in Puerto Rico, there were barrios we went into, like,
20 3 weeks after the storm hit that no one had been to. No relief had gone in there at all.
21 And when asked why, well, because it's dangerous. It's a gang-infested barrio. I'm,
22 like, okay, we'll go in. We go in there and they have no problems whatsoever.

23 So that's what we do.

24 [REDACTED] Great.

25 I'll note for the record that Congressman Pete Aguilar just joined.

1 BY [REDACTED]

2 Q Mr. Rhodes, you know, you mentioned you were going to Hurricane Harvey,
3 going to Ferguson. How would you decide how to prioritize where to go and ask people
4 to come?

5 A Well, based on need. It's like when Natalie said they threatened to burn
6 her business down and that there were apartments above, it wasn't just about property,
7 but about life too, so we made that a priority. So we went in.

8 We had Hurricane Harvey, requests from the warehouse in Illinois that branched
9 out into all of these escorts we were doing. There were truck gangs happening. Part
10 of them were robbing trucks at gunpoint. So we started doing escorts for trucks.

11 We ended up actually in Mauriceville, down towards the coast. We ended up
12 doing Rattle Bombs with local strip deputies who needed backup, and we even ended up
13 protecting the Louisiana National Guard, who had come into Louisiana, but they were not
14 allowed to be armed at all. They were unarmed. So they were defenseless at night,
15 and we protected them while they slept.

16 Q Got it. Thank you.

17 And you've mentioned things all around the country, and I understand that there
18 are regional chapters of the Oath Keepers, correct?

19 A There are State chapters. We like to have State chapters with good
20 leadership and then also local by county chapters.

21 Q What's the relationship of the national chapter and the regional chapters?

22 A I'll wait and see if my counsel advises me to answer that or not or decline
23 based on my Fifth Amendment grounds.

24 Q Mr. Moseley. I'm muted. Excuse me.

25 I just wonder as to form before we get to that. If you could be a little more

1 precise about what you mean by relationship.

2 [REDACTED] Sure.

3 Mr. Moseley. It's a common word, but exactly what are you getting at?

4 [REDACTED] Sure. I'm happy to clarify.

5 BY [REDACTED]:

6 Q I understand the national chapter collects dues. Are those dues funneled
7 to regional chapters, county chapters? Are you engaged in the events hosted by these
8 regional chapters? Do you communicate on a regular basis with the heads of those
9 organizations?

10 And I'm talking just in general, and we can go back to the Ferguson time if you'd
11 like.

12 A Well, in general, we have bylaws that they're required to adhere to. We
13 prohibit membership to anyone who discriminates on racial grounds, or by religion, or
14 country of origin. So we track with U.S. military requirements on that.

15 And I want to make something very clear. We are not a White supremacist
16 organization. It's absolutely absurd defamation that Bennie Thompson has leveled
17 against us. Maybe out of ignorance, I don't know, but absolutely not. White
18 supremacists hate us. They hate me in particular because I will not associate with them.
19 And we do all we can to thwart their efforts to gain traction on the political right, and
20 they hate our guts.

21 So the bylaws are very clear, and I enforce those very strictly. And when it
22 comes to wrath, it's definitely my way or the highway.

23 Other than that, we give our local chapters wide latitude to, as long as they stay
24 within the law, to work our mission of reach, teach, and inspire the current serving
25 disaster relief, for protection against unlawful violence, like arson. All of those things,

1 we give them wide-open latitude. They will do my mission to go do that.

2 If I see a problem, I'll step in because it is considered leadership by exception in
3 the military. If you know your mission, you'll do the mission. I'm not going to
4 micromanage you. But if I see a problem, I'll step in. That's been my ethos from the
5 beginning.

6 Q Thank you.

7 Going back to what you were just talking about when you said White supremacists
8 hate you and hate the organization, can you expand on that?

9 A Badge of honor. Sure. At Berkeley -- one of the first missions we did in
10 the Trump administration was to -- we were actually in D.C. for Trump's inauguration
11 protecting people against antifa on the street because antifa was trying to destruct the
12 inauguration by attacking people. We were on the ground.

13 And then the very next one was in Berkeley. We were there at the Martin Luther
14 King Park in downtown Berkeley, California, twice, because we had seen on video of a
15 free speech event in March 2017 being attacked by antifa and women being beaten. So
16 not having it, stepped in.

17 But there were White nationalists who were trying to worm their way in, and one
18 of my motivations for going to Berkeley -- and this was interesting because Greg actually,
19 at first, opposed us going there, but then he understood my reasoning and he agreed,
20 because I wanted to steal their thunder because I know, because of history or what
21 happened in Germany, when you've got communists or anti-fascists, communists on one
22 side and you've got actual Nazis and fascists on the other battling in the streets, that's
23 what led to -- or helped lead to what happened in Germany with the Nazi regime. And
24 just as the brown shirts gained street traction by defending people against the
25 communists in the streets. I knew that the White supremacists would try to gain street

1 traction and credibility on the right by showing up and protecting people. That's what
2 was starting to happen. So we wanted to step in, and we did and stole their thunder.

3 We took over the protection of the two Berkeley events, two in a row; one in
4 March of 2017, one in April of 2017. And we took that over and filled that vacuum. So
5 when the White supremacists showed up, we're, like, nope, don't need you. Take a
6 hike.

7 And they were on the outside of our perimeter waving their stupid Nazi signs and
8 all that crap. We couldn't do anything about that, but they did not come inside of our
9 perimeter and did not take part in any of that. And I liked that result, and that's the
10 result I wanted. And that's we did after that.

11 We were in two missions. One was to stop the violence that antifa was trying to
12 shut down. People were trying to use their rights to peacefully assemble and express
13 themselves. And we did that successfully.

14 And, once again, unlike the Proud Boys, we don't ground the street brawl. We
15 just stand there and use our presence and protect people and escort them. And antifa,
16 to date, has never attacked anyone we were protecting, never even tried because we
17 deter them because they know that our guys are well-trained -- well, we're experts,
18 ex-law enforcement.

19 So we're effective on that front. But on the other side, stealing the thunder of
20 the White nationalists was also a major part of my motivation for doing all of these trips
21 across the country, all the way through the Trump administration. And I believe we
22 were successful in that too. We would not let them in. They couldn't get their
23 moment of fame. They couldn't get the street cred of being protectors. We stole their
24 thunder, and it was fantastic.

25 Q Okay. Thank you.

1 Mr. Moseley. Can I just clarify that your question, the timing was -- I believe it
2 was the beginning and getting close to the 2020 elections. I think Mr. Linder would
3 object to things that might affect his trial if we get any further forward in time
4 towards -- you know, into the latter half of 2020, but I don't think that was the question
5 or the answer.

6 Mr. Linder. That is correct. As long as we stay away from 2020 and things
7 working their way up towards that time frame.

8 [REDACTED] Thank you both.

9 And thank you, Mr. Rhodes.

10 I'll also note for the record that Mr. Jamie Raskin has joined the meeting.

11 BY [REDACTED]:

12 Q Mr. Rhodes, you know, when you talk about White supremacists, are there
13 particular groups that you have in mind?

14 A Well, of course, Richard Spencer is the notorious, you know, poster boy for
15 White supremacy. All the knuckleheads who showed up down there in
16 Charlottesville -- we did not go to Charlottesville, because we knew it was going to be a
17 Nazi-fest, and we stayed completely away from that. Even though some news media
18 outlets erroneously reported that people standing there in camouflaged were Oath
19 Keepers, we were not there, and I prevented any of our guys from going.

20 Another one was a group called The American Guard, who claimed to be ex-White
21 nationalists. And Patriot Prayer was holding an event in Portland, and prior to that, we
22 had gone and participated in Patriot Prayer events. And also, we had actually worked
23 with the Proud Boys on prior events. They'd fall under command in Berkeley, for
24 example.

25 But at this Portland rally, I withdrew from the rally when I heard that they were

1 bringing people from The American Guard, that they were allowing them to come in
2 because I looked at The American Guard leader, and he was a notorious ex-Nazi. He had
3 been, like, an enforcer, accused of murdering people. And he claimed to be an ex-White
4 nationalist, but I watched video that he made for his current American Guard members
5 where he said, Well, you know, we're not White nationalists anymore, but we still have
6 friends in the movement that will only come to our events and you, American Guard, are
7 welcome to go to their events.

8 And I was just, like, this guy is full of crap. He's not an ex-White nationalist.
9 He's still a White nationalist. He's trying to worm his way into the political life, which is
10 what I've seen over the years.

11 And so we withdrew from that event, and I said I'm not going to associate with
12 people that I think are White nationalists. I'm just not going to do it. I did a very public
13 condemnation of it when we were trying to withdraw, which caused a lot of grief
14 between us and Proud Boys, you know, so -- but I felt it was necessary to be very clear
15 that this is why we are withdrawing. We're not going to associate with known White
16 nationalists, just can't do it. I don't want to do it. I can't stand them.

17 Q Going back to the topic of regional and State chapters, did you ever
18 encounter any issues related to what you were just talking about, White nationalists, with
19 regard to membership in the regional chapters?

20 A We have, thankfully, only had a couple of people that we discovered
21 were -- based on the bylaws it's very clear that you're not allowed to be a member if you
22 are someone who discriminates across racial lines, or national origin or religion. We
23 track with U.S. military exactly because we had current-serving military in our
24 organization as well.

25 But some would still worm their way in and lie and say that they're not White

1 nationalists, and when we found them, we would kick them out. But, thankfully, it's
2 only been a few, and we're pretty good about that.

3 White nationalists hate us. They hate Oath Keepers because they know that
4 we're not on their team and they know that we oppose them and they know that we
5 screw with them all the time we can, so they absolutely hate us. But every now and
6 then again, one will try to worm his way in; but as soon as he's identified, he's gone,
7 bounced down the road.

8 Q Thanks, Mr. Rhodes.

9 And just to wrap up the questions on the regional and State chapters, you know, it
10 sounds like you gave them quite a bit of latitude to do events that they wanted to do or
11 trainings that they wanted to do. Is that correct?

12 A As long as it was lawful, per lawful defense of themselves and defense of
13 others, yes, and as long as what they were doing at public events respected the
14 rights -- like, when we go to a protest, we're protecting people's rights to free speech and
15 assembly. Counter protestors also have a right to free speech and assembly. As long
16 as you understand where the lines are, you're not going to violate anyone's rights, period.
17 You're just there to defend only against unlawful violence.

18 We don't engage in yelling. We touched on you don't -- you know, you see other
19 groups. I'm not trying to pick on Proud Boys, but, you know, them and other groups will
20 yell back and forth with antifa, and we just don't do that. We're stone-cold silent.
21 That's what all my men do, quiet professionals. They're not supposed to be yelling, not
22 supposed to take part in any kind of fisticuffs. They're only to be there to -- no mutual
23 combat, supposed to meet in the street, none of that kind of nonsense, but just there
24 protecting forward and use their presence, and then they deter through their presence.
25 That's it.

1 And we've been very successful. Like I said earlier, in all of the years we've done
2 that, we've never had to use force or had to use force against anybody because we deter
3 that.

4 Q Were there particular State chapters whose events you intended to attend?

5 A I'm not sure I understand that question.

6 Q Were there particular chapters with whom you had a particularly close
7 relationship, or who were active in putting on events that you attended?

8 A Well, over the years it depends. It depends on which -- because they're all
9 volunteers. Nobody is being paid. It depends on which chapters have, you know,
10 people that are on the ball, and well-organized, and going out there and doing it. So it
11 just depends on the year. It depends on the year and what's happening, and, of course,
12 it also depends on what's going on.

13 In the place where there were hurricanes, then, of course, it becomes a focused
14 effort. I would fly in and bring the national leadership, and we would use our local
15 volunteers, but also try to get people from around the country. There were people from
16 around the country down in Houston for Hurricane Harvey. There were people from
17 around the country that went with us to Puerto Rico for three weeks too. They were
18 from all over the country.

19 And there were guys from all over the country in Ferguson on the rooftops
20 protecting that Black Hickory owner place. You know, they were there from all over the
21 country. The guy she was hugging, the young marine, was from Nebraska. So, you
22 know, it just depends on where we're needed. That becomes the focus of our effort.

23 Q Sure. So ahead of events like responding to Hurricane Harvey or going to
24 Ferguson, were there trainings that either the national chapter would put on or the
25 regional chapter?

1 A No. Most of our men, because they're prior -- those that paratrooped in
2 the Army, I have that skill set. Other guys were medics, they've got that skill set.
3 Everyone had an MOS. Or if they're prior law enforcement, they have a particular skill
4 set or on a SWAT team or might have been on drug interdiction, of course, they have got
5 a particular skill set. And a lot of guys were firefighters. I was a volunteer firefighter
6 myself for a time. A lot of us are EMS. A lot are search and rescue.

7 They bring the skills they already have to bear in a situation, which is fantastic.
8 So, like, in Puerto Rico, we had -- I had an ex-Ranger with me. We ended up scouting for
9 business -- scouting for the U.S. military about where did you do helicopter drops from
10 police reports because, as I said earlier, you had other -- Red Cross. We didn't see the
11 Red Cross the entire time we were there. Up in the mountains or up in the more
12 serious -- more dangerous barrios, they were nowhere to be seen. But our guys bring
13 their skill sets, and we've got built-in medics usually. We've got guys that are, you know,
14 prior combat arms. They were security built in. We've got prior law enforcement with
15 gang experience, understand gangs, understand how to deal with that, and we dealt with
16 it just fine.

17 The local gang bangers, once they realized we weren't there only to give peace
18 and quiet down, to hand out food and water and do bed checks, they left us alone.

19 So that's what we bring to bear is the skill sets we already have is our military, law
20 enforcement, EMS, fire, et cetera, experience.

21 Q Understood. So there weren't trainings?

22 A Well, I mean, we -- local chapters were -- of course, I encouraged, just like in
23 the military, I encouraged all of our veterans to cross-train. And we've got a guy who
24 does radios, he trains the guy like me who does not do radios, how to use the radio.
25 And then we have brothers that are common engineers, who'll teach about generators or

1 teach you how to do, you know, emergency lighting.

2 So we cross-train among ourselves, but then also, we encourage them in their
3 neighborhoods and communities to train their neighbors in, like, CERT-type emergency
4 response and self-rescue. Because the reality is this is what FEMA -- that's why FEMA
5 created CERT is they realized the first 72 hours of any disaster, you're on your own.

6 You've got to self-rescue.

7 And so we do believe very strongly that Americans need to be trained to
8 self-rescue and CERT. We do believe in establishing neighborhood watches. Like in
9 North Carolina, with the hurricane relief mission, there were neighborhoods that were
10 being looted. They were flooded. They had looters coming in, like redneck looters
11 coming in by boat, and looting these houses, a bunch of meth heads.

12 So we went in and established neighborhood watch. We stood up our veterans,
13 retired police and military at the perimeters, but then we just took the locals -- one of
14 them were locals that retired from New York. Some of them were law enforcement.
15 And we helped organize them on their neighborhood watch to protect their own
16 neighborhood against the looters. And then once they were organized, we left. We
17 didn't really have time to train them. We just organized them, here's how we do it;
18 here's how we do patrols; here's how you, you know, do it sanely and safely so you're not
19 violating people's rights once again; and here's what we want you to do. And then they
20 took over once they were ready to take over.

21 Q Did the Oath Keepers provide equipment for those missions, or did members
22 provide their own equipment?

23 A It depends. Most of the time we ask them to bring their own. We don't
24 have the money to provide everything for everybody. But if a guy comes to a hurricane
25 relief mission without a radio, and we have extra radios, we'll hand them out, absolutely.

1 Q Did the Oath Keepers ever provide weapons to members?

2 A I'm going to decline to answer that on Fifth Amendment grounds and due
3 process grounds because I'm being charged with what I'm being charged with.

4 Q Understood. Were there firearms trainings among the trainings that the
5 Oath Keepers provided?

6 A Over the years, yes. We had, like, Greg McWhirter owns a firearms training
7 company in Montana. That's what he does professionally, in addition to his gun shop.
8 And many of our guys are -- I was certified as out-of-state security firearms instructor. I
9 was training all of the security guards in the hotels back then when I was going through
10 college. And I was also State certified concealed carry instructors. A lot of our guys
11 are firearm instructors, as you will learn, and so, of course, they'll give occasionally free
12 classes to our members to make sure that they're safe and effective and lawful in their
13 use of firearms.

14 [REDACTED] Understood. I'm going to take a pause for a minute and see
15 whether any other staff or members have any questions related to what we were
16 discussing.

17 Ms. Lofgren. I don't at this time.

18 [REDACTED]. Thank you, Ms. Lofgren.

19 [REDACTED] No thanks.

20 [REDACTED] Thank you, [REDACTED]

21 BY [REDACTED]

22 Q So we've talked a little bit about the membership makeup, and you have
23 talked about the importance of getting either current or former law enforcement or
24 military members into the Oath Keepers.

25 Do you have a sense of how many members the Oath Keepers have?

1 A I don't think I talked about the importance of getting them into it. I talked
2 about the importance of our mission to outreach to our brothers about what their
3 responsibilities are and as to serving.

4 Q Okay. I'm sorry if I misstated it.

5 A Actually, we are. I mean, I don't have to go out there and actually try to
6 find law enforcement and military to join the Oath Keepers. They come to us because
7 we're all brothers.

8 Q Do you have a sense of how many members the Oath Keepers has now?

9 A I don't know right now. I can tell you at our peak I believe we had 40,000.

10 Q And were those dues-paying members or people who just applied?

11 A Yes, dues-paying members.

12 Q Okay.

13 A That was years ago though, quite a few years back.

14 Q Got it.

15 And do you have a sense of what the last year has done to the membership
16 numbers?

17 A Um, I mean, normally it would have spiked. This is the problem with
18 Americans. They're so polarized that whenever a Republican is in office, everyone on
19 the left goes and joins the ACLU and other groups because, you know, the country is
20 turning into a dictatorship. And then the right feels about the same way about any
21 Democrat who is in office. So, of course, when Obama was in office, you know, we had
22 a large spike in membership of people on the political right. We had some people from
23 the left, though. There were some civil Libertarians and liberal Libertarians. But it just
24 tends to be that way.

25 So when you've got a conservative in office, your membership goes down for a

1 conservative group. It goes up if you're a liberal group, and vice versa. So when
2 Trump was elected, our numbers went back down because a lot of people on the political
3 right thought that, Oh, we won, everything is good now. We don't have to worry about
4 anything now. So the membership goes down.

5 Then the natural course of events for it to go back up is with a Democrat is in
6 office because more people on the political right would have been concerned and join the
7 Oath Keepers. But because of deplatforming and the demonetization, our bank
8 accounts were canceled without notice. We were canceled off of Stripe. We were
9 canceled off of Mailchimp. Spring Tee won't make T-shirts for us anymore, all because
10 of what they saw on January 6th of some Oath Keepers going into the building. So they
11 just started deplatforming us, so it hit us pretty hard.

12 Q Do you have a sense of generally where the members are located?

13 A All over the country.

14 Q And you were just talking about how, during times when there is a
15 Republican in office, membership might go down. Do you see the Oath Keepers as a
16 political organization?

17 A I see us -- like I said earlier about myself, I'm a constitutionalist, and if you
18 had to stick a label on me, it would be Libertarian. So I'm a Ron Paul Republican. I've
19 always been in the Republican Party or Libertarian Party, but I'm definitely a Ron Paul
20 Republican, very much a constitutionalist. And I think our membership is pretty much
21 the same. They're very similar, very much Constitution-oriented, not party-oriented.
22 And we have had some Democrats in Oath Keepers, you know, because they stand on the
23 common ground of the Constitution.

24 So I wouldn't consider it a political organization, although we do speak out. This
25 is why, you know, from the outset, we speak out in opposition to legislation we think

1 violates the Constitution, and we speak in favor of legislation that we think respects it and
2 protects rights. Like the prison reform that Trump signed into law, I think that was a
3 very good thing. But, of course, then you talk about red flag laws and, you know, take
4 the guns first and worry about due process later, we find that very offensive, and we
5 oppose it adamantly. That's a due-process situation there.

6 Q Are there other examples of legislation that you supported or have spoken
7 against?

8 A Definitely spoken against the NDAA of 2012 where John McCain had inserted
9 his detention provisions for U.S. citizens. That was horribly destructive. That codified
10 what Bush had done, the executive action that Bush had done, but codified by Congress
11 into law that allowed the President on his own say-so to detain any American on
12 his -- based on his own judgment and declare them an unlawful combatant. It was
13 incredibly destructive of our constitutional system, very dangerous. So I absolutely
14 opposed that, and so did the membership as well.

15 Q So going back to the membership of the organization, is there a percentage
16 that you would say are military or former military?

17 A The majority are military. The next largest group is law enforcement. We
18 definitely have a large number of law enforcement officers than any other group like us in
19 the country.

20 Q Can you give us a ballpark of percentages?

21 A I would have to guess. This is just a guess, because we never really laid this
22 out on spreadsheets or anything. I would have to guess, probably about 20 percent law
23 enforcement, and then about 70 percent military, and the rest are firefighters, EMS,
24 search and rescue. And then we also allow citizens to come in. We call them associate
25 members, even if they're not in prior service. And to become a full member, I

1 encourage them to join the local officers, fire department, local law enforcement, or EMS,
2 do something in the community to become an actual first responder.

3 Q What are the differences in what a full member can do versus an associate
4 member?

5 A It's not really that big a deal. It's just basically a title. So we treat them all
6 the same. If they want to volunteer for a mission, we put them to work within a skill set
7 they have. So if they're an IT guy, we'll put them in work with IT. If they're clerical, we
8 do that. But we don't -- like in Ferguson, we're not putting anybody on rooftops that's
9 not prior military or law enforcement, you know. That goes for any other high-profile
10 event like that. We're very careful about that.

11 Q For the law enforcement and military, do you have a sense, a ballpark sense
12 of who is Active Duty or currently employed versus retired or veterans?

13 A Mostly veterans are retired. We do have some current serving. We have
14 some current serving. Like, for example, in November in D.C., we had current-serving
15 Texas constable John Shirley, who's from Hood County, Texas. He was with us in D.C.
16 That's an example of a current-serving law enforcement officer. And over the years
17 we've done that with other law enforcement officers, sometimes current serving or
18 Reserve.

19 I'm sorry. I should apologize to my legal counsel if we're getting into D.C. at all.
20 My apologies.

21 Mr. Moseley. Yeah, I think at the trial -- it would be difficult for trial to get into
22 that time period.

23 The Witness. Yeah. You can see my inclination is to talk freely. I really wish I
24 could.

25 BY [REDACTED]:

1 Q I appreciate that, Mr. Rhodes.

2 A But with the implications of this indictment, you know, I can't be with you
3 like I was with the two FBI agents on the sidewalk in Lubbock. I was very forthcoming.
4 I just can't do that now. I'm sorry.

5 Q Sure, I understand. And we appreciate the information that you have
6 shared with us so far.

7 Maybe I can back up a little bit. And you have mentioned a couple of times the
8 demonetization and the deplatforming of the organization. Did the Oath Keepers have a
9 master bank account?

10 A I will wait on legal counsel. I'm not sure if I should answer that or not.

11 Mr. Moseley. Maybe just as to form. Can you describe what master bank
12 account means?

13 [REDACTED]. Did the organization have a bank account into which, for
14 example, dues were deposited or donations were deposited and expenses were paid?

15 Mr. Linder. And I've got a tough time with the definition of expenses there. I
16 mean, I think this is a much more loosely run organization than you might think. It's got
17 no corporate building, no corporate headquarters. It's a loose affiliation with
18 membership. So there's some definition problems there. I would object at this point.

19 [REDACTED] Let me try to rephrase it.

20 BY [REDACTED]

21 Q Has the Oath Keepers historically had a bank account?

22 The Witness. Does my attorney advise me to answer that?

23 Mr. Moseley. I think you can answer that historically.

24 The Witness. Yes. Yes, we did.

25 BY [REDACTED]

1 Q Where?

2 A Like I said, that was cancelled abruptly just 2 months ago.

3 Where? Should I answer that question, gentlemen?

4 Mr. Linder. Historically, yes.

5 The Witness. Yes, with Bank of America. I've banked with them for many years
6 ago from when they were Valley Bank in Nevada. So when Bank of America bought
7 Valley Bank, I banked there personally. So when we did Oath Keepers, I went to Bank of
8 America.

9 Q Understood. Did the Oath Keepers have an account with Prosperity Bank?

10 A I'm waiting on legal counsel.

11 Mr. Moseley. I think that's okay.

12 The Witness. Yes. After Bank of America abruptly terminated our accounts, I
13 opened an account with a local Texas bank. Oh, actually, no, not Prosperity. That's my
14 personal account. I'm sorry. That's my personal account in Texas after the Bank of
15 America terminated not just the Oath Keepers account, but also my personal account,
16 too.

17 BY [REDACTED]

18 Q Did you open another Oath Keepers account after the Bank of America
19 account was closed?

20 A Yes.

21 Q Was that also at Prosperity Bank?

22 A No, it wasn't.

23 Q Where was it?

24 Mr. Linder. I'm going to object at this point unless we get some kind of time
25 frame. It's getting up near the 2020 time frame, and things that may be included in that

1 investigation. I would advise him not to answer.

2 BY [REDACTED]

3 Q Well, then I would ask, when was the Bank of America account closed, to
4 establish the time frame?

5 A Like I said, that was closed a few months ago. It happened in 2021.

6 Q Okay. Understood.

7 A In the summertime. I think it was summertime. I'm not quite sure
8 though. It's been a few months.

9 Mr. Moseley. Okay. So if I understand that, the new bank now would be
10 substantially after the events of interest here. So I would suggest that it may not be
11 relevant to what was happening leading up to or during the 2020 election or January 6th.

12 Mr. Linder. Mr. Moseley, I would disagree. At this point, I respectfully
13 disagree. Based on the hearings we've had so far, the government is making -- or DOJ is
14 making allegations that go from early 2020 all the way up until January of 2021, calling
15 him a danger. So I think anything in this time frame is objectionable at this point.

16 [REDACTED] Mr. Linder, it sounds like we're talking about considerably after
17 that time period if the Bank of America account was closed just a few months ago.

18 Mr. Linder. No, the -- excuse me, [REDACTED]. At our hearing that we had a
19 couple of weeks ago, DOJ came in and claimed even up until January of this year, 2022 -- I
20 mean, events all the way through 2021, they're claiming Mr. Rhodes was still a danger
21 and a flight risk. So that's going to get into some of the stuff that we're going to deal
22 with at our next detention hearing and at our trial. So anything from early 2020, all the
23 way up to current, I would advise him not to answer.

24 [REDACTED] Okay. Just so I understand the basis of the objection, Mr.

25 Linder --

1 Mr. Bright. On behalf of Mr. Rhodes, I would like to extend that to any
2 generalized banking questions and the banking nature of from the time of the election
3 through the beginning of this year. It's been alleged through the indictment by the DOJ,
4 as well as included in their formal statement in support of detention, regarding the
5 movement of monies and the expenditure of monies on items that were purchased on
6 the way to D.C., as well as on the way back. They've included that as part of the
7 allegations of future danger.

8 And, so, I think we would ask Mr. Rhodes to object on his Fifth Amendment
9 grounds based on anything related to that entire time period.

10 Mr. Linder. Correct.

11 [REDACTED] Thank you, Mr. Bright.

12 BY [REDACTED]:

13 Q Mr. Rhodes, are you raising that objection?

14 A Yes, sir, I am.

15 Q Okay. Let me back up then.

16 We were talking about different levels of membership, and I saw on the Oath
17 Keepers website that there were different types of membership that you could sign up for
18 that had different costs associated with it. You could be a lifetime member, for
19 example.

20 Do you have a sense of the breakdown roughly of that, of those different types of
21 numbers?

22 A I really don't. I don't have that.

23 Q Do you have a sense of how much the Oath Keepers were bringing in on an
24 annual basis from dues?

25 A Once again, I'm going to decline to answer that on Fifth Amendment

1 grounds.

2 Q Let me rephrase that.

3 Historically, do you have an average number in terms of the streams of income
4 into the Oath Keepers?

5 A I really don't. I can't -- there's no way I could possibly answer that where
6 I'm at right now, just no way.

7 Mr. Moseley. I think -- if I understand it, I think part of his objection is his ability
8 to access information in incarceration. And, again, normally, as I said in my opening
9 statement, witnesses ought to review their information before they come in, and I note
10 that he couldn't do that under these circumstances.

11 I think that may be part of the response.

12 The Witness. That's correct, but also Fifth Amendment due process concerns
13 too.

14 BY [REDACTED]:

15 Q Sure, I understand.

16 And just to be clear, you know, to the best of your recollection, I'm looking for a
17 ballpark number. Is that something that you're able to provide?

18 A A ballpark number of what? Annually? Is that what you're trying to ask
19 me?

20 Q Annual amount of money that the Oath Keepers would get from dues.

21 Mr. Bright. Again, I would instruct Mr. Rhodes to object based on Fifth
22 Amendment grounds if it's anything that is post-election of 2020 due to the allegations
23 being made by the Department of Justice.

24 BY [REDACTED]:

25 Q I'm asking historically.

1 A It depends on the year. It's hard to say. Like I was saying earlier, it goes
2 up and down depending on who's in office, goes up and down depending on what's
3 happening, how much money he we get. After Ferguson we got a massive spike. So
4 after big events like that and we got a lot of news coverage, we'd get a large spike in
5 membership, and then it goes back down. It's hard to say.

6 I just don't have the ability to give you an annual estimate. I just can't do that
7 right now.

8 Q Okay. I saw on the Oath Keepers website that there's a gear store that's
9 linked to the website, oathkeepersgearstore.com.

10 Did the Oath Keepers partner with any gear manufacturers or companies to sell
11 equipment?

12 A I want to see if my legal counsel --

13 Mr. Bright. I don't at this time see any legal objection to that so long as it does
14 not go past, again, the election date.

15 The Witness. Yes. I partnered with Greg McWhirter, his store in Montana.
16 He ran the gear store, and he also went -- sent out emails to our members when he had
17 things on sale that we would want to buy. And it ran the gamut from, you know,
18 first-aid packs, you know, ice packs, to clothing, to body armor, to clothing, to patches,
19 you know, both military patches and just other cool patches. It just ran the gamut of
20 everything that he sells that's legal to sell in the mail from his gun shop.

21 BY [REDACTED]:

22 Q Did the Oath Keepers make a profit off of those sales?

23 A Of course. He made a profit and so did we. That's, you know, why you
24 sell T-shirts. That's why every organization sells T-shirts, for example.

25 Q Did the Oath Keepers sell firearms?

1 A No.

2 Q You have mentioned --

3 A Greg McWhirter did because he had a gun shop. I don't know if any Oath
4 Keeper members went and purchased one from him, but did not purchase them for the
5 organization.

6 Q Okay. You have mentioned that after January 6th there have been financial
7 issues related to members leaving the organization. Can you describe what those issues
8 have been?

9 A No. What I said was -- that's not what I said actually. What I said was
10 there were financial issues linked through our deplatforming and demonetization. For
11 example, Tee Spring canceling us. How can I sell T-shirts if I don't have a T-shirt supplier
12 that will allow us to drop ship them? So we have to try to fill those holes now. That's
13 what I said.

14 And when our bank account was terminated didn't help, and actually being kicked
15 off of Stripe and not being able to process credit cards didn't help. So listening to the
16 course -- what's the best footprint design I can do, right. This is Chinese socialist credit
17 store coming to America. It's what's happening all over the country to all kinds of
18 people. It's happening to us too.

19 Q Got it.

20 You know, historically, what was the reason that you instituted a dues-based
21 membership system? What did you intend the money to be used for?

22 A Well, every organization, ACLU, NRA, you name it, has dues because that's
23 what funds the organization, part of it, along with donations. So it's the same thing any
24 nonprofit does.

25 Q Well, what were the operations of the Oath Keepers that needed to be

1 funded historically?

2 A Well, as I said, natural disaster relief, outreach, education, the security
3 missions we have done over the years which included, you know, 12 Trump rallies, doing
4 escorts outside of the rallies because, again, antifa knows that a person goes into a Trump
5 rally, they're going to be going through Secret Service. And then when they come back
6 out, they'll have nothing on them to defend themselves with. They'll be completely
7 unarmed. And that's who antifa likes to attack.

8 And so we would wait outside and provide armed escorts outside the venue
9 according to the Secret Service about where we can and can't be, and we stay within the
10 law and wait for those folks to come out, whether they're disabled veterans, women,
11 families with kids, elderly people, the vulnerables who antifa likes to attack, and we
12 would escort them back to their vehicles.

13 And so, of course, things like that take money. You've got to pay for travel and
14 you've got to pay for radios. You've got to, you know, pay for hotel rooms. You've got
15 to pay for food for your guys. It just takes money to do these things.

16 And disaster relief, same thing. When you're going to spend 3 weeks in Puerto
17 Rico, I've got to feed the men. It takes money, you know, to do that.

18 Q Understood.

19 Have the Oath Keepers historically accepted cryptocurrency donations?

20 A Waiting for counsel whether I should answer that or not.

21 Mr. Moseley. I'm not -- well, I'm not sure what "historically" would mean in this
22 context, and maybe if you could just be more specific before we can figure -- I mean, it
23 sounds like -- are you talking about periodically or, you know, all the time, or something
24 like that? And I don't know the answer. I'm not suggesting there's an answer, but
25 could you rephrase it?

1 [REDACTED] Sure.

2 BY [REDACTED]:

3 Q I'll start with, have the Oath Keepers ever accepted cryptocurrency
4 donations?

5 A Yes, but only recently, after we were deplatformed and demonetized, unable
6 to take online credit card processing. It's the only way at this time that I can take any
7 kind of online donation or payment of dues is through, you know, one of the
8 cryptocurrency -- what do they call them?

9 Mr. Bright. Again, I would assert for Mr. Rhodes that anything regarding the
10 banking and the allegations that are made in the indictment, as well as the government's
11 motion for detainment in support that go into that post the election of 2020, he would
12 plead the Fifth on that, Mr. Rhodes.

13 The Witness. Thank you, sir. And I will do that.

14 Primarily to counsel, I'm going to object unless you give me a thumbs up.
15 Sometimes I can't hear what you're saying, so I'll wait for you to give me a thumbs up if I
16 can answer the question before I answer if your advice is not to answer.

17 Mr. Moseley. It sounds like, if I can piece it together, that it is into the time
18 period -- well, I don't know. But it sounds like it's subsequent to January 6th, over the
19 summer of last year perhaps. So I think it would implicate not just the trial, but perhaps,
20 other proceedings, like bail hearings.

21 Mr. Bright. I would agree implicitly with what Mr. Moseley just said, so anything
22 post-election 2020 falls within the purview of that question. We would object on Mr.
23 Rhodes' Fifth Amendment grounds.

24 [REDACTED] Okay. Thank you both.

25 BY [REDACTED]:

1 Q Did the Oath Keepers use any fundraising platforms.

2 Mr. Linder. I would object to the time frame. We need a time frame and some
3 perimeters.

4 Mr. Moseley. And if you can answer, if you understand what fundraising
5 platforms means, but I think outside of the problematic time period, I think you could
6 answer if you understand.

7 Mr. Bright. [REDACTED], if I may make one comment that might streamline
8 this. If you could tailor the questions in each one of these veins regarding the historical
9 nature; i.e., what would end and stop November 6, 2020, you know, I hate to make a
10 running objection if I will, but it makes sense kind of to do that. But for the sake of
11 clarification, there will be a running objection for anything regarding any finances,
12 banking, and all of that that would stop at the January 6th election due to the nature of
13 the indictment and the pending legal proceedings against Mr. Rhodes.

14 So I think, you know, to clarify, if you want to make it anything before that date,
15 you know, it gives a lot more leeway for you to just ask those questions without the
16 continued objections.

17 [REDACTED] Understood. Thank you, Mr. Bright.

18 Just so I understand the scope and the particular objection, you are objecting to
19 questions about the finances related to the time period from the 2020 election through
20 January 6th?

21 Mr. Bright. No, sir. I'm objecting in kind of a running objection, if you will, to
22 the financing, the funding, the platforming from the election of 2020, November 6th,
23 through the date of our detention hearing. The government has made an allegation of
24 ongoing danger, flight risk, et cetera, et cetera, and they've made that in light of
25 purchases that they say that he's made and conduct.

1 So, that falls well within the purview of the criminal trial and the indictment that
2 the DOJ has brought down. So it's really not going to be through January 6th. It's
3 ongoing to present.

4 [REDACTED] Thank you for clarifying, Mr. Bright.

5 I'll also note for the record that Mrs. Elaine Luria has joined the meeting. I can --

6 [REDACTED] Let me try and make this clear for the record. I think we can
7 stipulate for the purposes of this questioning that if we're asking a question about
8 financials, we are talking about the period before November 6, 2020.

9 And I think we'll also stipulate for the record that we would ask all these same
10 questions for a period after that, but that we understand that you're going to assert the
11 Fifth, and so we won't go through the exercise of asking each and every one of those
12 questions. We'll just state for the record that you're going to assert the Fifth for those
13 questions post 11-6-2020.

14 Does that make sense?

15 Mr. Bright. [REDACTED], I think that encapsulates exactly the running objection
16 that we would continue to be making. If we do that, I think your suggestion and the
17 manner in which you articulate is absolutely correct.

18 Mr. Linder. Agreed.

19 [REDACTED] So we'll assume moving forward that that's the time period we're
20 talking about, and we'll also have on the record that we would ask those other questions,
21 but we understand that you're objecting so we're not going to waste everybody's time to
22 ask those here.

23 Mr. Bright. Thank you, [REDACTED] I appreciate that.

24 [REDACTED] Turn it back over to you, [REDACTED]

25 [REDACTED] Thanks, [REDACTED]

1 BY [REDACTED]

2 Q So under that stipulation, did the Oath Keepers use fundraising platforms?

3 Mr. Moseley. Again, if you understand what platforms --

4 A Yeah. I mean, we would do a call-in action, one for Hurricane Harvey. We
5 would do a call-in action. We'd say, Here's the mission. We give a list of the
6 equipment for the volunteers, how to volunteer, how they will be vetted, who to -- you
7 know, where to show up to volunteer, et cetera.

8 And then we would let people know that, Hey, this takes money to do this.

9 We've got to pay for gas. You know, we give reimbursement for gas. We're going to
10 pay for their food, et cetera. So you can donate here, and we had our own link through
11 Stripe to donate to us that would go right through our bank account.

12 So, you know, we didn't use a third party, like Ready Set Go or, you know -- what's
13 the other one now? Yeah, Ready Set Go. No, we didn't use those early on, I don't
14 think; but I can't recall exactly. I don't want to be pinned down. I don't want to be
15 accused of lying to Congress. So I don't know if over the years -- this is 13 years' of
16 activity. I don't know if we ever used a third-party fundraising site back then. But for
17 the most part, we used our own link that went right into our bank account.

18 Q Thank you, Mr. Rhodes.

19 Have the Oath Keepers had an individual who is responsible for the finances of the
20 group?

21 A Yes. We've had treasurers over the years.

22 Q And would you or your counsels be able to provide us with that name?

23 Mr. Moseley. I think if you -- I think the practice would be to handle them the
24 way that we talked about other third parties, is that if we can provide that to you. I
25 don't know what he has, like, in the jail cell with him in terms of information. But would

1 you request that we have -- that we can submit that to you possibly respecting third-party
2 privacy?

3 [REDACTED] Yes. I would like to just establish that, to the extent that Mr.
4 Rhodes knows the name, that he will provide that to us through you.

5 Mr. Moseley. I believe so, unless other counsel have -- who have to actually bear
6 the burden of going into court, you know, have any other thoughts. But that would be
7 my understanding.

8 [REDACTED] Thank you, Mr. Moseley.

9 Let me take a pause here and see whether any other staff or Members have
10 questions.

11 Mr. Raskin. Forgive me, because I missed the beginning of it just because of
12 another hearing. But when I entered, Mr. Rhodes was describing his rejection of White
13 nationalists who wanted to join the Oath Keepers, and I was wondering whether that was
14 part of a general elaboration of what his political philosophy or theory is.

15 I don't want to make him repeat the whole thing, but I would be interested just to
16 hear him describe why he rejects White nationalism and what is the political philosophy
17 that led to their participation in the assault on the Capitol on January 6th?

18 The Witness. I'm sorry, I don't understand your question.

19 Mr. Raskin. What is the -- is there a political ideology identified with the Oath
20 Keepers?

21 The Witness. Well, I said earlier, I'm a constitutionalist, and also very much a
22 Libertarian. So I used to work for Congressman Ron Paul of Texas, and I consider myself
23 a Ron Paul Republican.

24 But as for our objection to White nationalism, I'm a poor Mexican. I come from a
25 family of Mexican-American migrant farmers on my mother's side. I can't stand racists,

1 and we are adamantly anti -- militantly anti-racist, and our bylaws track directly with U.S.
2 military rules and regulations on who can be a servicemember. Our bylaws make it very
3 clear that no one can be a member of Oath Keepers who's a known White nationalist or
4 discriminates, any kind -- a black nationalist, any kind of racist.

5 Anyone who discriminates along racial lines, nation of origin, based on their
6 religion, we will not let them be members. That's been my rule from day one, and I'm,
7 you know, extremely militant about that. I have zero tolerance policy for White
8 nationalists.

9 Mr. Raskin. Okay. So --

10 The Witness. And a handful have wormed their way in. When we identify
11 them, they are kicked out. They should never have joined in the first place.

12 Mr. Raskin. Thank you for that.

13 [REDACTED] you will tell me if this is out of order because, again, I missed the
14 beginning, but I was curious what would lead a self-proclaimed constitutionalist to lead
15 an attack or participate in an attack on the constitutional order, and on the peaceful
16 transfer of power.

17 Mr. Bright. Your Honor, obviously, there's a Fifth Amendment objection to that
18 question. It speaks to the absolute heart of the Department of Justice's indictment of
19 this case.

20 Instruct Mr. Rhodes immediately not to answer that question based on Fifth
21 Amendment grounds. If the Congressman was here originally, he would have heard that
22 from the beginning.

23 Mr. Raskin. Okay. I yield back to you, [REDACTED]

24 [REDACTED] Thank you, Mr. Raskin.

25 The Witness. I will say I find that actually offensive. You're not even asking me

1 a question --

2 Mr. Moseley. Hold on, hold on. The problem with the Fifth Amendment, of
3 course, is you can't say anything good or bad. It's one of the problems we have with
4 that area of the law, so --

5 The Witness. Sorry.

6 Mr. Moseley. So you kind of stop with just the objection.

7 The Witness. Got it.

8 I invoke my Fifth Amendment right and my due process right.

9 [REDACTED] Thank you all.

10 Are there other staff or members who have questions?

11 Mrs. Luria?

12 Mrs. Luria. Thank you.

13 And this may have been discussed earlier before I was able to join. But what was
14 the nature of the organization? I mean, you're collecting money. Are you officially
15 established as a nonprofit, incorporated as a business? I mean, you mentioned bylaws
16 that you have. So can you describe the nature of the organization, and then, also,
17 provide the documents to the committee that establish this organization and its structure
18 and the rules of the different -- essentially it sounds like officers within the organization?

19 Mr. Moseley. I think you can answer that.

20 The Witness. Yeah, we went over this earlier, but I can give it to you in a
21 nutshell.

22 Yes, we're a nonprofit. We're a nonprofit registered in the State of Nevada as a
23 State nonprofit. But we, of course, do activities all over the country. And we have a
24 board of directors and officers and bylaws. The bylaws should be on our website,
25 although we had to do a new website because our service provider deplatformed us as

1 well. So I'm not sure the bylaws are up there, but my legal counsel can provide them for
2 you.

3 Mrs. Luria. Thank you.

4 The Witness. You're welcome.

5 ██████████ Thank you, Mrs. Luria.

6 Are there other staff or members who have questions?

7 ██████████

8 BY ██████████:

9 Q Yes, I do have a few follow-up questions from the things that ██████████
10 asked you earlier.

11 I know you were talking about annual revenue, and I believe you said that you
12 couldn't recall the annual revenue because it changed from year to year.

13 A Uh-huh.

14 Q Are you able to characterize what the average was from year to year?

15 A No way I can possibly do that from where I'm at right now. I just can't do it.
16 You know, I --

17 Q Are there any years in particular that you do recall the figures for?

18 A No, I don't. You know, like I said, at our peak, we had about 40,000
19 members, but I can't even tell you what year that was. That's been -- you know, I'm
20 getting old. My memory is getting bad.

21 So, you know, certainly after Ferguson, we got our biggest spike, I believe,
22 because of all the -- we were on the network news all over, and it was horrible. We
23 were on the rooftops protecting a Black bakery owner's place, and it caught the news,
24 you know. So we were -- that's why there was a spike. I can't recall, though, even
25 then, how many members came in at that time. We got a big spike, and we got a big

1 spike in donations and membership.

2 Q That's fair.

3 Do you remember ballpark what the annual revenue was for that year when it was
4 it was the highest?

5 A I really don't.

6 Q Okay.

7 A I'm an ideas guy. I'm, you know, a speaker and an ideas guy. I'm a
8 horrible bean counter. I suck at red tape. I suck at bookkeeping. I'm horrible at it.

9 Q Don't worry, so am I.

10 A You know, I used to be a lawyer. You know how us lawyers are, we're not
11 mathematicians, we're not accountants. It bored me to tears to do any of that kind of
12 stuff.

13 Q Most of us went to law school because we hate math, so I get that.

14 A Yes, exactly.

15 Q So in terms of the -- sticking with the numbers for just a moment, in terms of
16 your salary, I know earlier, [REDACTED] asked you if you took a salary, and you said
17 usually but this past year it's been harder.

18 A Uh-huh.

19 Q I just wanted to follow up on that a little bit and first get a sense of what
20 your salary was before this past year.

21 A Yeah. Again, if I recall correctly, it was 96,000. I think we bumped it to
22 100,000 because of -- you know, because of inflation. But my take-home was
23 consistently \$1,600 per week was my take-home. So I think it was 1,800 gross, you
24 know, and the take-home was 1,600, something like that. I can't tell you exactly what it
25 is.

1 I would have to go look back at bank records, but, you know, frankly, I don't know
2 if I can ever find it again because the bank cut us off. So I don't know, you know.

3 Q And when you said consistently about 1,600, over what period are we talking
4 about? Is that the entire 10 years before this past year?

5 A Yeah. I think it -- yeah, certainly from, like, 2014 through -- through the
6 beginning of the Trump administration, we started having some money problems back
7 then because of fewer membership because people on the political right didn't feel like
8 they needed to be in an organization like Oath Keepers anymore. They thought that
9 Trump was going to fix everything in their heads. So they had -- it's just a natural slump
10 you're going to get.

11 Liberals have a slump like that when liberals are in office and conservatives have
12 slump like that when conservatives are in office. It's just the way it goes.

13 Q I understand.

14 So for the past year when the revenue has been down, how have you been
15 supporting yourself?

16 The Witness. Gentlemen, should I answer that question?

17 Mr. Bright. Again, going back, [REDACTED] to the original agreement that we
18 had regarding ongoing financial questions that are after January 6th to the present, we
19 would still have the ongoing Fifth Amendment objection as asserted by Mr. Stewart
20 earlier.

21 Mr. Moseley. And I guess I would clarify that there are hearings in court
22 about -- you know, about the bail hearing in terms of -- well, I don't want to characterize
23 it too much but that might affect what's going on currently, may not affect the trial, but it
24 may affect court hearings that are ongoing.

25 [REDACTED] Well, can I ask a little bit more directly?

1 BY [REDACTED]

2 Q Did you have any other employments in the past year that provided you a
3 salary?

4 A No.

5 Q Okay. You also talked with [REDACTED] about the merchandise sales that
6 you did with -- I can't remember your friend's name, but you identified him by name, and
7 [REDACTED] asked you if you made a profit off of those merchandise sales. I just
8 wanted to get a little bit more information on that.

9 How much profit would you say the Oath Keepers made off of that
10 merchandising?

11 A I have no idea. Once again, I'm not a bean counter. I just don't know.
12 So I left that in Greg's hands. He would process the orders through his business, and he
13 would then wire us or transfer to us whatever our percentage was. I just have no idea.

14 Q Got it.

15 Do you recall over roughly what time period you were working with Greg on
16 merchandising?

17 A Well, he's my vice president from 2020 until just December of this year -- or
18 2021. I guess he resigned because he was concerned about losing his FFL because of
19 harassment that he's getting. So in that time period, so between 2020 and 2021.

20 Q Understood.

21 A I can't -- you would have to ask him exactly when he took over running the
22 gift store and was doing the online sales through his business.

23 Q And were you selling merchandise before he took that over?

24 A Yes. We used to sell T-shirts -- through Tee Spring like I was saying earlier,
25 until Tee Spring cancelled us as part of cancel culture. And before that, we had other

1 T-shirt manufacturers, really T-shirts and hats and, you know, typical things that any
2 organization does to raise revenue.

1

2 [12:00 p.m.]

3 BY [REDACTED]:

4 Q And were those tee shirts and hats, were they mostly just the Oath Keepers
5 logo, or did you have any slogans or anything of that nature that were on that
6 merchandise?

7 A Oh, both. Mostly the Oath Keepers logo, but occasionally we'd have some
8 other fun slogan or logo that we would sell over the years.

9 Q Do you recall -- do any of them, in particular, stand out to you, which logos
10 or slogans that you used?

11 A We had a couple that were like pro-Second Amendment. We had a couple
12 that we sold on Teespring, that the people who were running our Teespring account prior
13 to Greg taking over, they put up some Pro-Trump tee shirts, like something about 45, and,
14 of course, [inaudible] 45.

15 So, you know, things like that. So pro-Second Amendment, pro-Trump usually.
16 And we're selling [inaudible] orders to make revenue.

17 Q Understood. I think those are all the questions I have for now. Thank
18 you, Mr. Rhodes.

19 I did see Representative Lofgren come on to the camera.

20 I don't know if you have any questions that you want to jump in with now?

21 Ms. Lofgren. No.

22 [REDACTED] Okay. Thank you.

23 Then, I think, [REDACTED] you had a few questions.

24 [REDACTED] Yes. Thank you.

25 BY [REDACTED]:

1 Q I just had a follow-up for you, Mr. Rhodes.

2 You mentioned earlier that, depending on an individual's MOS or their job in the
3 military, that would dictate the types of personal security details or details you would
4 send them out on. Is that correct?

5 A That's correct.

6 Q So as part of the application process, did you all collect DD214s to verify
7 individuals' MOS while they were on Active Duty?

8 A We started to later. Initially we relied on the honor concept. But then we
9 did have a few people that were stolen valor. Thankfully, only a few. But that caused
10 us later to, yes, insist on DD214s to prove prior service.

11 Q And where were these DD214s stored? Were they stored as a --

12 A We would ask them just to bring them with them. They would volunteer
13 for our operation. I didn't mean to cut you off. They would bring them to the
14 operation. But then they would just show it to us.

15 Or if they didn't have a DD214, if they claimed they were a marine, we would have
16 a marine talk to them -- you know, "Where did you serve?" -- and confirm. If they claim
17 to be ex-law enforcement, we'd ask them to verify that. And, you know, usually, they'd
18 have an ID card or something. So to just show it to our leadership before they were sent
19 out on a mission.

20 Q Do these DD214s, do they have to be mailed as part of the application later
21 on?

22 A No. We would -- someone could join without submitting those. But then
23 we let them know that eventually our local leaders are expected to vet them. And at
24 that point, we rely on our local leaders throughout the country to do the vetting, to
25 confirm their service, either through documentation or through talking to them in an

1 interview.

2 Like I say, a match up -- if a guy claimed to be a seabee, let him talk to one of our
3 seabees, make sure he's legit. You know, especially special warfare. We had a couple
4 of posers that claimed to be ex-rangers, but they were not Army rangers.

5 And so after that, especially if someone claims to be a SEAL or a ranger, or special
6 forces, or anything like that, we'd have them talk to someone that is in that background
7 and confirm who they are.

8 Q Were there certain MOS's or job codes that you all found more attractive in
9 prospective members?

10 A Because we're doing a lot of disaster relief, of course, we would like combat
11 engineers, EMS, combat medics were invaluable. Our combat medics would do wellness
12 checks. They would go in, you know, right along with the rest of us. Whatever we're
13 doing, we had medics with us. If we could help people, we did it.

14 So those were two critical ones. Communication is always very important. So
15 the most critical are medical and communications. Those are two big, huge deficiencies,
16 you know.

17 Q I guess with the nondisaster relief type missions, were there other MOS's
18 that you found particularly helpful or attractive for your organization?

19 A Well, certainly. I mean, you've got a guy who used to be a -- he's search
20 and rescue trained, the way the military does, yeah, of course. You have some rescue
21 divers, search and rescue guys were fantastic. Infantry is fantastic. They know how to
22 work through, you know, rough terrain with their, you know -- and we were able to go
23 places that others couldn't go. We were up in the mountains in Puerto Rico. And like I
24 said, I had a ranger veteran with me, legit, who he and I -- I used to do reconnaissance
25 when I was in the Army.

1 So we went scouting for the U.S. military. Informal. You can go in the U.S.
2 military, of course, they might deny it. But we were letting the local commander know,
3 here is where the relief should be done. We can do some helicopter drops and drop in
4 some bottled water and food and medicine. So we did a lot of that because of our prior
5 backgrounds.

6 And then we were going to gang-infested barrios like we did in Puerto Rico, or
7 Houston. Having law enforcement with us who are, you know, used to be in gang units
8 and understand how to deal with that environment is invaluable as well.

9 Q Let's take the Ferguson example that you mentioned earlier. I guess what
10 MOS would you look for for that? I mean, you talked about, for example, Katrina and
11 maybe Puerto Rico and those type of relief missions, but what about --

12 A I'm sorry, we were not actually -- we didn't do relief in Katrina. That was
13 before our time.

14 Q Okay. So what about Ferguson? Let's talk about where a diver, for
15 example, wouldn't be used, I'm assuming in Ferguson. What type of MOS would be
16 attractive for you when providing help in Ferguson?

17 A Well, certainly infantry, obviously. But then also law enforcement.
18 Because infantry, that's a different world than here domestically in the United States.
19 We have to make sure we have law enforcement.

20 I would like to have, especially in an operation, I like to have leadership that's
21 both. I'd like to have a prior law enforcement who can talk to the local police
22 employees and keep things smooth with them, who understands use of force
23 domestically, so he can make sure that our infantry guys, you know, don't just act like
24 they're in Mosul. You know, they obviously can't do that here.

25 Q Do you prefer infantry rather than security forces-type individuals?

1 A Oh, no. I will take a security guy. Absolutely.

2 So the highest priority, I would say, law enforcement, definitely MPs, and like Air
3 Force security. There are a couple of those guys that are in the organization right now.

4 And so anyone who has law enforcement training is definitely preferred. But
5 then below that, absolutely infantry would be useful.

6 And we would just make sure to have law enforcement tell them: Here is your
7 rules of engagement, you must stay within the law, it must be lawful defense of yourself
8 or others, and make sure they understand the rules.

9 Q And let's take that Ferguson example a little further. Would your security
10 forces or former law enforcement guys coordinate with the local law enforcement on
11 these type of missions?

12 A Absolutely. Every time. And their primary job was, when they first hit the
13 ground, was go talk to the local law enforcement, whatever jurisdiction they're in, any
14 law enforcement on the ground, and liaison with them.

15 Let them know who they are. That's why I always have, you know, our cops talk
16 to their cops, talk and question the cops. Like in Ferguson, we had very good relations
17 with Ferguson PD. We only had an issue with the sheriff because the sheriff wanted to
18 try to tell us we couldn't be up there even though we just volunteered.

19 And, eventually, we had to hire an attorney to argue that point and show him that
20 the law was actually on our side. You don't need to be licensed security in Missouri if
21 we're unpaid volunteers. We prevailed on that legal fight.

22 [REDACTED] Thank you.

23 That's all I have, [REDACTED]

24 [REDACTED] Thank you, [REDACTED]

25 BY [REDACTED]:

1 Q Mr. Rhodes, if you don't mind, I would like to stay on that point about the
2 relationships that you worked to cultivate with law enforcement.

3 Was there kind of a philosophy behind the Oath Keepers' engagement with police
4 departments or other law enforcement?

5 A A philosophy?

6 Q A general approach or a strategy.

7 A Well, we let them know why we're there. Like in Ferguson, we're there to
8 protect lives because arson is deadly force. There were apartments above the shops.
9 We were there to protect lives.

10 And we let them know why we're there. We let them know that we want to
11 have an open communication between our law enforcement leadership and them. And
12 here is who to contact. You know, let's make sure that they know exactly who we are,
13 why we're there, where we're going to be, who's the leadership, how to find them, and
14 how to identify them.

15 We've done that -- we did that in Berkeley when we were in downtown Berkeley
16 twice for those free speech events there. Always had very good relations with local law
17 enforcement because we do that. We go and meet them ahead of time.

18 Hopefully, like in Berkeley, we met the night before. We met the commander
19 who was going to be the commander on the ground the next day in Berkeley, we had met
20 him the night before. I had with me two law enforcement, one was a retired D.C. Metro
21 police officer and the other one was retired from Missouri.

22 So we went and talked to the chief or the commander for the next day and made
23 sure we understood the rules, they understood what we were going to be doing. We
24 had good relations with them.

25 And they, you know, let us know the bad news that in Berkeley the town council

1 had passed an emergency ordinance that no one in the park would be allowed to have,
2 you know, any shields, any batons, or anything like that. So we had to adjust to -- you
3 know, I had purchased a bunch of riot shields for us to use, and we could no longer use
4 the shields.

5 But we just rolled with the punches and dealt with that. And things were
6 still -- went very well. Like I said before, we were able to secure that park for both those
7 events with zero incidents whatsoever.

8 Q Was that engagement the night before, talking to the police department,
9 typical for events when the Oath Keepers were going to be present?

10 A Yes. Any time we had the ability to meet in advance of an event starting,
11 we would definitely do that all the time.

12 And that goes also for Secret Service for Donald Trump rallies we were outside
13 doing escorts. And we just, you know, contacted them, let them know we're coming
14 and where we're going to be. And they told us where the line was that we could not go
15 beyond.

16 We couldn't -- at some venues we were not allowed to be in a parking lot while
17 armed. Other venues didn't care about the parking lot, they only cared about the actual
18 venue. So the rules change with each different venue. We always communicated with
19 them in advance to find out exactly what they wanted us to do and not do.

20 Q And which rallies were those that you're talking about?

21 A Well, we did 12, I believe, 12 Trump rallies, starting with New Mexico in the
22 last election cycle, and then across the country, Dallas, Tupelo, Mississippi, Monroe,
23 Louisiana, all over the country, did 12 of them. We can provide you with a list, if you
24 would like.

25 Q That would be great. Thank you.

1 A You're welcome.

2 Q Were the Oath Keepers paid for that security?

3 A Absolutely not. We were volunteer, unpaid volunteer security. And like I
4 said, nothing, no contract with a venue. No contract with Secret Service. Just we're
5 going to be out in the streets, because we have a right to be in the streets, it's a free
6 country, and we're going to escort people back to their vehicles after they get out of
7 Trump rallies because antifa knows they will be unarmed and they're going to attack
8 people. And they do.

9 So we protected people. And like I was saying earlier, we would provide armed
10 escorts back to their vehicles. And in all that time never had a use of force incident.
11 Never had to.

12 Q In jurisdictions where people are permitted to carry weapon in public places,
13 what does security look like for the Oath Keepers?

14 A We would have like in, for example, in Dallas we had -- one was a retired
15 Houston police detective who was carrying. Then it was a retired marine officer who
16 was carrying. And we have had retired Federal officers who were carrying as well in our
17 leadership.

18 And so, of course, they're all legally licensed to carry in Texas at the time and
19 could carry and did carry concealed. For those details, we prefer that men keep their
20 weapons concealed and, you know, of a lower profile. No rifles or things like that, which
21 wasn't necessary.

22 In Ferguson, we had to have a high profile because you're dealing with, you know,
23 you're dealing with gang bangers, you're dealing with pretty wild people [inaudible]
24 people. And a high profile like that is a good deterrent in that situation.

25 Other situations that's not justifiable. So like, for example, walking through the

1 streets, we wouldn't do that, not in Dallas, for example.

2 Q Got it. And in order to be an effective security detail, I imagine you would
3 need to do some research beforehand, right?

4 A Well, of course.

5 Q To know what the threats are?

6 A Yes. Yes, we have talked to the locals. We have talked to law
7 enforcement. If we thought there was an increased threat of IEDs, then we would, you
8 know, or pipe bombs, we would be on more of a lookout for anyone with backpacks, that
9 left their backpack and walked away. Things like that. We're always watching for that.
10 It depends on where we were.

11 In Portland, we did security. We did an escort for the Multnomah County GOP
12 chair who wanted to go attend the Patriot Prayer rally in downtown Portland at the
13 courthouse, the Federal courthouse. They had got permission to use the Federal
14 courthouse grounds for the rally.

15 He was afraid to go to the rally unless he had an escort. So I escorted him in. I
16 was unarmed because I wasn't licensed to carry in Oregon. So we had locals who were
17 licensed to carry in Oregon who were carrying. And we escorted him in successfully, he
18 spoke, and then we escorted him right back out, you know, right through -- not right
19 through the middle of antifa, but they saw us. But they did not engage us.

20 So low key, but we have to do what we have to do. We escorted the man out
21 and had no incidents whatsoever.

22 Q And those are still volunteer unpaid efforts?

23 A That's correct. Unpaid volunteers, right.

24 Q Are there other groups, you know, are there other groups at these events
25 who attempt to perform some of the same services as the Oath Keepers you coordinate

1 with?

2 A Yes. Like, for example, in downtown Berkeley, there were Proud Boys
3 there. There were some Three Percenter groups there. There were different bikers
4 that were there, different clubs.

5 And in both the situations, they fell under -- because we had senior law
6 enforcement leadership. And we said, "If you are going to come in here, you have got to
7 follow our leadership," and they did.

8 Now, that's inside of the park. Outside of the park, Proud Boys and others
9 engaged in street brawling. I'm sure you saw the video. We did not take part in any of
10 that. We said in the park our only focus was on the event itself. And what they did
11 outside of that, we had no control over that, unfortunately.

12 Q Has there historically been a relationship between the Oath Keepers and the
13 Proud Boys?

14 A Only informally like that. They show up. And like, "Guys, we are in charge
15 of this venue, we're in charge of the security here. If you are going to be inside of our
16 perimeter, you're going to follow our rules, otherwise you can't be inside the perimeter."
17 And of course if you're a White nationalist, GFO, get out of our perimeter. You're not
18 going to come in our perimeter.

19 Q So would you say it's accurate to say it was on an ad hoc basis that you
20 would engage with Proud Boys?

21 A Yes, because you're showing up at an event, you've agreed with the event
22 organizer you're going to be taking security on hand for the event. And then you don't
23 know who else is going to show up. It could be all kinds of people showing up. And in
24 Berkeley, you know, we put them to good use, because when antifa came charging into
25 the park at about 10 o'clock in the morning they didn't obey any of the rules that the

1 town council had set. They came in with clubs and poles and shields and all kinds of
2 stuff.

3 And so we lined up veterans, bikers, Three Percenters, the Proud Boys, and our
4 police officers. Now, the police officers were carrying, they were carrying, because the
5 local Berkeley PD told them, "We're not going to try to tell a brother officer he can't
6 carry." So they were carrying.

7 But, thankfully, antifa did not attack. They stopped 15 yards away and just stood
8 there. And then the police finally got in between us and they pushed antifa, took away
9 their clubs and whatnot, and put them back on outside the park. So they did a good job
10 on that.

11 But, initially, they got caught by surprise. Antifa was in the park before the
12 police had put any kind of tape between the two groups. So, thankfully, though, antifa
13 did not attack. I think we were -- because they knew that there were professional police
14 officers in our ranks. I think that deterred them.

15 Q Thank you, Mr. Rhodes.

16 A You're welcome.

17 Q I just asked about the Proud Boys and the relationship between the Oath
18 Keepers and Proud Boys, and you mentioned Three Percenters as well.

19 So I have the same questions with them. What was the nature of engagement?
20 Was it ad hoc or something more?

21 A Ad hoc. We never had alliances with any other organization, no official
22 alliances whatsoever. I wouldn't engage in entangling alliances with anybody else. We
23 just had friendly relations. And if they were there, we were there.

24 Sometimes, like in the Patriot Prayer rally, there was a local Three Percenter group
25 that took primary for security over that. They had associated with Patriot Prayer. And

1 so they were primary on that one.

2 We were mainly there to protect the Multnomah County GOP chairman. And
3 then while we were there at the event, my guys, of course, kept an eye on the audience.
4 And like I said, we had a retired D.C. Metro police officer with us who also had been a
5 special warfare veteran and he was very good in picking out potential bad guys in the
6 crowd who might try something.

7 So we just kept our eyes open. And if we saw something that looked suspicious,
8 we let the guy in charge of security know who was a Three Percenter leader at the time.

9 Q When you talk about Three Percenters, are you talking about particular
10 groups affiliated with kind of the ideology of the Three Percenters? Because I know
11 there are some people who kind of believe in the idea of the Three Percenters, but may
12 not be part of an organization.

13 A That's correct. Both. I mean, I was good friends with Mike Vanderboegh,
14 the founder of the Three Percenter ideology. And his way of doing things was not to
15 form an official organization, in sharp contrast to myself. He didn't believe that that
16 should be done. And so he never did that. It was a mindset to him.

17 But there were other people, especially after his death -- he died of cancer a few
18 years ago -- there were other people that then took the name and did start organizations
19 that they called themselves, like the Original Three Percent, which is ludicrous. So there
20 were different groups across the country who used that name. So it just depended. It
21 could be guys who had that mindset, but it could be also an organized group.

22 Q Got it. And would you say in terms of people who have that mindset, are
23 there Oath Keepers who have that mindset?

24 A Well, of course. I consider myself a Three Percenter as far as ideology or
25 mindset, I agree.

1 Q Understood. That's helpful.

2 So kind of going back to what we were just talking about --

3 A And I got a tattoo that has Three Percent to life on it [inaudible] about that.

4 It's on my arm.

5 The Reporter. Please repeat your answer.

6 The Witness. No, I was just making a bit of a joke. And so I have a tattoo on my
7 arm that says Three Percent to life in the center of the tattoo, it's an Oath Keeper tattoo.
8 Within the center, I told the tattoo artist, "Hey, put an address on there." So I wanted
9 to show that to Mike Vanderboegh.

10 BY [REDACTED]:

11 Q What did he say?

12 A I can't remember. Actually, you know what? I'm not sure if that was
13 before or after he passed away. But, yeah, I think he would have liked it.

14 Q Going back to events at which the Oath Keepers provide security, how do
15 you kind of prioritize whom to protect, or how do you make those decisions?

16 A Well, it depends on the event. If we're asked to protect a venue, like we
17 were in Martin Luther King Park, the venue itself, the speakers, of course, and we would
18 escort the speakers from their vehicles to the event and then back to their vehicles.
19 They had to walk through the streets of Berkeley, vulnerable to attack.

20 And then in the park itself protected the people who were attending. And
21 afterwards, after the event was over, if someone requested an escort, we provided escort
22 for the attendees.

23 We prioritize them as women, families with children, elderly, and disabled
24 veterans. We have priorities. And that's true also at all the Trump rallies.

25 We did the security for the ACT for America's March Against Sharia, which was an

1 event or events. I believe it was 2017, December 2017, all across the country.
2 Hundreds of events. We tasked Oath Keepers across the country to link up with them
3 and provide security, and they did.

4 So, for example, I was protecting a lady in Dallas who had been a Muslim, who had
5 converted to Christianity, who had death threats. And, of course, I'm not saying that all
6 Muslims are bad at all, but there were radical Muslims who were threatening her because
7 she converted to Christianity.

8 And so I was part of the personal detail for her to escort her to the venue. She
9 spoke on a street corner in public. And then escorted her back to her vehicle and back
10 to her hotel. So that's an example. That was a personal security too.

11 Q Got it. I understand.

12 So in terms of providing security at political events, I think when we were talking
13 earlier and I asked you whether you thought the Oath Keepers were a political
14 organization, I don't want to mischaracterize what you said, but I think you said no. Is
15 that correct?

16 A That's correct. And like I said, that's why I brought up the open letter to
17 the Missouri Governor. We criticized his treatment of the Black Lives Matter protestors
18 in Ferguson. That's nonpartisan. In fact, a lot of our membership, you know, see
19 themselves as opposed to those people that they saw on the ground there. But it
20 doesn't matter. They have a right to free speech and assembly.

21 And so we spoke out and condemned his violations of the rights of free speech
22 and assembly. The curfew was unconstitutional in our eyes. The police officers tear
23 gassing peaceful protestors and journalists was also wrong.

24 And I had prevailed in a lawsuit against the police department in Philadelphia for
25 arresting a journalist who was one of my clients. So we were very serious about that.

1 But the reality is, is in the Trump administration years, it was the radical left
2 predominantly that were attacking Trump supporters in the street. That's what we saw
3 on TV that made us go to Berkeley. We saw the first one in March, downtown MLK Park
4 in Berkeley, a video of antifa beating women up and just assaulting old people. We're
5 just not going to put up with that. So we came in and protected the next events.

6 And that was the pattern throughout the Trump administration, was antifa on the
7 streets, sometimes Black Lives Matter, or people who would show up at a Black Lives
8 Matter -- I'm not trying to say all Black Lives Matter protestors are violent. That's not
9 the case at all. But there were people who did show up and threaten to burn down, you
10 know, a bakery.

11 Q Did you see that kind of violence in person?

12 A We saw it at a distance in person. In Ferguson, some of our guys on the
13 rooftop, actually, thwarted an abduction. There were two -- there was an alleyway in
14 our line of sight where a woman was being drug towards a car. And they opened the
15 trunk of the car, were going to throw her in the trunk of the car.

16 And that's when our guys, you know, lit them up with their bright lights and said,
17 "That's not a healthy course of action," let them know that, and the guys let her go.

18 So we saw, you know, buildings burning all around us. There were buildings
19 burning to the ground all around us in Ferguson. But that one block that we were
20 protecting was secure, and it did not happen [inaudible].

21 ██████████ I see Mrs. Luria has come on to camera.

22 Mrs. Luria, do you have a question?

23 Mrs. Luria. I do. Thank you.

24 And I know that some of these questions have been an attempt to characterize
25 the organization of the Oath Keepers.

1 Did you view the Oath Keepers as a militia?

2 The Witness. That's a complicated question. I'll have to refer to counsel if I
3 should answer that one or not.

4 Mr. Bright. You know, I would respectfully suggest that on this issue, with all due
5 respect to Mrs. Luria, I would instruct my client on this one to plead the Fifth.

6 It's an important question, obviously, but due to some of the organizational
7 aspects of what's been alleged and in the indictment, it speaks a little close to some of
8 the information held there and in some of the allegations being made.

9 So I think at this time, as the original statement made by Mr. Rhodes that there
10 are going to be times that he would like to comment even when his comment would be
11 fundamentally in a favorable light to him, that on this singular subject we would have him
12 plead the Fifth on this one due to his constitutional rights and the indictment that's
13 pending by the DOJ.

14 Mrs. Luria. Well, thank you.

15 And then just sort of a more broad question then, not necessarily applying it to
16 the Oath Keepers. But, Mr. Rhodes, are you aware of what constitutes a militia under
17 the law?

18 The Witness. Yes, I'm aware that under the law, historically, there have been
19 state-sanctioned State militias that could be subject to be called up into Federal service.
20 And I believe there's still the statutes on the Federal books.

21 Now, the caveat is that there is the unorganized militia in Federal statutes and the
22 organized militia. And the organized militia are the National Guard, Reserves, et cetera.

23 And the unorganized militia is [inaudible] by able-bodied males between 17 and
24 45, I believe, under Federal statute. But also it states that veterans are subject to being
25 called into Federal service until age 65. Those are the unorganized militia.

1 So unless and until they are called into service by the President of the United
2 States, they would fall back to the States, and under State constitutions they are defined
3 [inaudible] in lockstep with Federal -- with Federal regulations. But they've changed it
4 to unorganized and organized.

5 Many of the States do much the same thing, they recognize the organized militia,
6 the National Guard, et cetera, and then the unorganized militia as everybody else out
7 there who is, you know, a pool of potential people who can be called up.

8 But most -- I don't think any State has actually organized those people into
9 militias. You have some State defense forces, but those aren't the same thing. So
10 those State defense forces cannot be called into Federal service. And that's been by
11 grant of Congress, allowing the States to do that.

12 So in most of the States, in all the States, the actual militia now, the organized
13 militia still doesn't, but the National Guard and the Reserves. And then we are -- the
14 rest of us are a pool to be called up by the Governor of a State too.

15 So at a moment's notice, you could be called into service by your State executive,
16 your State commander in chief, the Governor, or you could be called into Federal service
17 by the President of the United States. I think that's accurate.

18 Mrs. Luria. Okay. So I do note that you're speaking in the first person, the rest
19 of us, we could --

20 The Witness. Well, all of us. I mean, all of you. I mean, [REDACTED], I
21 presume, is under 45. He certainly could be called into the militia himself. He's part of
22 the unorganized militia.

23 And all of us veterans, I mean all veterans, let me be clear about this, every
24 able-bodied man who is 17 to 45 is in the unorganized militia by Federal statute. All
25 veterans are subject to being called up until age 65 because of our prior training and

1 experience.

2 Mrs. Luria. Okay. No, I appreciate your insight on that and interpretation of it.

3 So then, you know, I know that you did plead the Fifth on the previous question, but you
4 just stated that --

5 The Witness. Well, Oath Keepers.

6 Mrs. Luria. All people that meet these characteristics are part of an unorganized
7 militia.

8 The Witness. Pardon?

9 Mrs. Luria. You just stated that in accordance with the law, all people who meet
10 those characteristics, males between 17 and 45 and veterans, are, in fact, part of the
11 unorganized militia just by virtue of the law.

12 The Witness. That's correct. Federal statute I believe states from 17 to
13 45 -- and with the caveat that those with prior military service it goes to age 65 -- are
14 considered part of the unorganized militia.

15 Mr. Bright. A point of clarification, [REDACTED] I believe the original
16 question had to do with whether or not Mr. Rhodes considered the Oath Keepers
17 themselves as a group, as an entity, a militia. And what he has done on the most recent
18 question, he has given the law and the history of those who can be considered such.

19 I don't want that to be construed in a misleading fashion as to whether or not by
20 implication and explanation of the law that he now considers the Oath Keepers proper an
21 organization to be a militia. There is a distinct difference between the first answer that
22 he gave and then his pleading the Fifth as to the direct question. I just want that
23 clarified.

24 [REDACTED] Understood. Thank you, Mr. Bright.

25 Mrs. Luria, did you have a follow-up question?

1 Mrs. Luria. No further questions right now. Thank you.

2 [REDACTED] Thank you.

3 BY [REDACTED]:

4 Q I'd like to pull up an exhibit at this time, exhibit 9. So this is a screenshot of
5 the "Declaration of Orders We Will Not Obey" from the Oath Keepers website.

6 Is this document familiar to you, Mr. Rhodes?

7 You're on mute.

8 A Yes. I wrote this document.

9 Q Great. Can you tell me about the history of this document, how did it come
10 about?

11 A Yes. When we first started Oath Keepers, like I said, our backdrop was
12 what we saw in Hurricane Katrina, which was gross violations of people's rights, including
13 being confined to the Superdome there and not allowed to leave. I forgot the name of
14 the Black reporter who was standing on the bridge saying: They've been told to go
15 there and get help, and now they're not allowed to leave. They can't even walk across
16 the bridge to come over here and get more help. They're being left there with no food,
17 no water, no medical services. And people are dying inside. I forgot the guy's name,
18 the pretty boy from FOX News. His name escapes me.

19 But that was -- we put that in the video we did that was linked to this declaration.
20 We did a promotional video. Like here, this is what we believe, here's why. And, of
21 course, when we saw the combatant status being applied to American citizens, that's why
22 that's in here too.

23 So what I ready did is here is the Bill of Rights, but now we're going to add in our
24 experiences in the 20th century, our horrific experiences from Nazi Germany that we
25 don't want to see happen here, and also our experiences in the war on terror, we had

1 erosion of civil rights in the name of fighting the war on terror.

2 So that's what we did. We just kind of said here we're going to add in current
3 events to the Bill of Rights. So it's basically a restatement of the Bill of Rights but also is
4 a little bit of reflection of current history and recent history.

5 Q Understood. That's helpful. Thank you.

6 A You're welcome.

7 Q Since you drafted this document or since the Oath Keepers were founded,
8 have you seen orders such as the ones contemplated in this declaration being
9 implemented by a government?

10 A Well, yeah. Like, for example, what was done in Ferguson was a gross
11 violation of the rights of freedom of speech and assembly, you know, unconstitutional
12 curfew, tear gassing the entire crowd, pointing sniper rifles at the entire crowd. All of
13 that are considered to be right on point with why we wrote this.

14 Q Sure. And then the last thing --

15 A I'm sorry. I didn't mean to cut you off.

16 Q Go ahead.

17 A You know, also, there was the SWAT killing the marine veteran Jose Guerena
18 in Tucson. We protested against that. I lost more members because of that. There
19 were law enforcement officers who didn't like us protesting against police officers.

20 I had to tell them, "What do you think this organization is for?" We're not going
21 to call out -- I mean, we're going to call out the military when they 'eff up, when we
22 should, you know, like Abu Ghraib, that was horrible. We've got to call out law
23 enforcement, too.

24 And so we went down and protested because there was gross excessive force, did
25 a SWAT raid at 11 o'clock in the morning. He worked graveyard at the local mine.

1 They could have just gone to him at the local mine at like 6 a.m. and said, "Hey, sit tight in
2 the office here, we're going to go search your house." They waited until he got home,
3 got in bed after working graveyard and then they kicked down his door, rolled up, rock
4 music playing [inaudible] you know, getting all pumped up, and they assaulted his front
5 door.

6 And as any veteran would have done, as I would have done, you've got unknown
7 men coming through your front door, your wife is screaming there's men with guns
8 outside, you live in a cartel area in Tucson, you're going to grab your rifle until you figure
9 out what's going on. That's what he did. He died with the safety on.

10 Q Got it. Very helpful. Thank you.

11 A So we protested against that. I take this seriously. We have an obligation
12 and duty to speak out when any level of government is violating people's rights. We
13 have an obligation and duty.

14 Q Beyond protests, how does the obligation to not obey an order
15 contemplated under this document manifest itself?

16 A Well, I would hope that, like I said earlier, when I was in the military, we
17 were taught about a violent massacre. That was the example they used when teaching
18 us the laws of war and our obligation and duty to refuse unlawful orders. That was the
19 example they used.

20 And of course, more recently they used Abu Ghraib because of the excesses there.
21 It would have been great in both situations if no one had followed those orders and if
22 they had simply stood down and refused to shoot people, like shooting women and
23 children, in the My Lai Massacre.

24 It's something you want them to do. They have a duty and obligation. It's not
25 anything new. I am not making this up. It's part of the obligation in the military to

1 refuse unlawful orders.

2 The problem we saw is when they're used domestically like in Katrina. A lot of
3 times National Guard and their soldiers don't understand where the lines are
4 domestically.

5 And then we saw law enforcement that were federalized and brought in from all
6 over the country into Katrina, who also didn't understand where the lines were and were
7 obeying orders to disarm people, who were just simply trying to protect their own
8 property.

9 And we saw a horrific video of a cop from California tackling a little old lady in her
10 house because she had an open revolver in her hand, just empty. She said, "Look, I got
11 protection. I don't need to leave." They made her leave her house.

12 They didn't need to tackle her. If he tackles her to the ground and injures her,
13 that was excessive force. We want law enforcement and military, and now EMS and
14 fire, too, as well, to think about what they're being told to do and does this comport with
15 the Constitution or not, with the rights of the people.

16 If the answer is no, then their answer must be no, too. They must refuse to
17 follow those orders and then deal with the aftermath. If they're brought to disciplinary
18 proceedings later or fired, so be it. They have a duty to say no. Just like the cops
19 around -- gosh, what was his name?

20 What was the name of the cop that was kneeling on his neck? I can't remember
21 his name. Someone help me out.

22 Q I don't remember the cop's name, but I think you're talking about George
23 Floyd. Is that correct?

24 A Yes. That police officer. I mean, there was a bystander standing by. He
25 said, "Hey, man, I train jujitsu. You're cutting off his blood, you're gonna kill him," you

1 know. And I was watching that video. I used to train in Brazilian jujitsu, too, and I was
2 like, yeah, he's cutting off the blood to his neck, he's going to kill him.

3 And so the other officers around him should have tackled, should have pulled him
4 off, and said, "Hey, man, we got this." Because these two -- I asked Greg McWhirter
5 afterwards, [inaudible] the proper way to handle that, because you've got an officer
6 amped up and angry, becoming personal for him, is to pull him off, "We got this."
7 There's like four other officers there. "We got it."

8 And you roll the guy to his side so he's not having what they call positional
9 asphyxia, you're not having that. You kneel on, especially a large guy like that, if you
10 kneel on his back, you can kill him just by kneeling on his back because he can't breathe
11 because he's so -- his own weight is hurting his ability to breathe.

12 So the right course of action would be for the officers to pull him off and take
13 over, roll him onto his side, maybe shackle his feet, and then put him back in the car with
14 the shackled feet. That's the way to handle that. That's what our police officers told
15 me.

16 So that's what we try to do. It's like, hey, man, you can't just go to a hundred
17 miles per hour in every situation. You have to make sure that you're within the bounds
18 of the people's rights and you're doing it with the minimal force necessary. And the
19 officers around you have a duty and obligation to step in and stop if they have to.

20 Q What are the obligations for people who are not currently Active-Duty
21 military or employed law enforcement?

22 A First, to reach out to those who are. Like we have our police officers in
23 Oath Keepers reach out to the current serving and just say, "Hey, man, I've been there. I
24 know what it's like. I know what it's like to be under the pressure of losing your job.
25 But you swore that oath. That's got to come first."

1 So if you're in the lines -- if I go to as an infantry veteran and go tell a cop, "Well,
2 here's how you should do your job," they're not going to listen to me. "You don't know
3 what it's like, man."

4 So I'll go get a retired police officer, like Greg or the other police officers in our
5 organization who are retired, and let them go talk to him. And like, Hey, man, I did this
6 for 25 years. I know what it's like. But here's what you need to do. You need to
7 think about what you're being told to do. And if it's not right, you can't do it. And if
8 it's not right and someone else is doing it, you've got to stop them, like you should have
9 pulled that officer off and took over. "I got this, man. Go chill out. We got it."
10 That's the right thing to do. Don't stand there and just watch. It was horrific.

11 Hey, buddy. Oh, thank you. I appreciate it.

12 Q Great. Thank you, Mr. Rhodes.

13 We can take this exhibit down.

14 Earlier we were talking about some of the threats that you've seen at various
15 events, and you've mentioned antifa. And I was hoping you could describe the threat
16 from antifa and what you see as their motivations.

17 A Well, the two are entwined. Their claim is they're stopping fascists, that
18 they are out to stop White supremacists from terrorizing communities.

19 Thank you, appreciate it. Thanks.

20 But, of course, like in Berkeley, we watched a video from early March, they were
21 attacking anyone that went -- a lot of them were libertarians. It was actually a
22 libertarian event. They were attacking anyone who was there, just beating on them,
23 and trying to prevent them from even speaking. And they always say, you know, we're
24 not going to let them even come to our community.

25 You can't do that. Everyone has freedom of speech, even detestable White

1 nationalists have freedom of speech. The ACLU defended a Klan march right through
2 the town of a bunch of Holocaust survivors. It was horrific, disgusting, but they had a
3 First Amendment right to do it.

4 And so while I would never protect a Klan rally, I got things I won't do, I will
5 protect people who are, like, just trying to extend their free speech and assembly who are
6 not White nationalists. Like an average Trump supporter, they're not White nationalists.
7 It's ridiculous. It's a horrible smear, a political smear that they call them that, and
8 they're just not that.

9 And so that's who we were protecting. It's people who are out there to express
10 their support for the President or other political opinions. So they have a right to free
11 speech and assembly.

12 Antifa, their MO is to attack people and silence them with their fists, with bike
13 locks, with clubs, with bags of urine or bleach or pepper spray or whatever else they use
14 to disrupt events.

15 Like there was a Back the Blue rally in Denver, Michelle Malkin spoke at it. I
16 think it was in 2020. It was shut down because a massive mob of leftists attacked the
17 people there physically. And there was a stand down order given to the police
18 department, and only one lieutenant and his squad actually helped people. The rest of
19 the police just stood by and watched, as we saw before too.

20 You would get stand down orders from Democrat-dominated police chiefs who
21 work for Democrat politicians. It happened in Berkeley, also, they just stood back and
22 let them brawl. They just stood back and watched antifa attack women and children
23 and older people.

24 And that's when we stepped in. So we're not going to put up with this. We're
25 going to go and defend these people.

1 And like, for example, that Back the Blue rally in Denver, it was bad. The rally
2 ended up being shut down because of the violence. It was attacked from the leftists.

3 And so this last year, our guys went out there and participated to help protect the
4 next Back the Blue rally. We've done a bunch of those across the country.

5 Q What do you believe motivates antifa?

6 A That's hard to say. I mean, we talked to one -- we were in Boston at a free
7 speech event, and one of them talked -- actually came over and talked to us. A young
8 man came over. And the rally participants had taken off on a march, and most of antifa
9 chased after them. Some of us were standing back behind them guarding the
10 equipment, like our backpacks and the sound equipment. And he came over and talked
11 to us.

12 I had a retired New York detective talking to us. He was an Oath Keeper. He
13 was talking to this kid. Like, you know, what motivates you? He says, "Well, I'm here
14 because I don't like Nazis." He said, "We don't like Nazis either. We're not Nazis."
15 And he was like, "Well, those guys are Nazis." There were some on the periphery
16 standing there, some White nationalists. I said, "Yeah, those are like, what, two of
17 them?" There were two of them there. Everybody else here is not a Nazi.

18 And then we started talking to him. "And what do you believe in?" "I believe in
19 freedom. I believe in indivisible rights." "So do we."

20 By at the end of the conversation my retired detective said, "You're pretty
21 libertarian, man. You should be over here with us." Because the kid was like, "I don't
22 feel comfortable with them flying the Soviet flag. That's not what I'm about. I just
23 don't like Nazis."

24 And so it's a weird situation when you have got these two polar opposites of
25 extremists. You have got the actual communists who hate this country and want to

1 destroy it. You know, "No borders, no wall, no USA at all," and all that kind of stuff.
2 And then you have got the actual White nationalists who also want to destroy this
3 country, don't believe in the Constitution. They can get something in their way and
4 want to destroy it. They worship Adolf Hitler.

5 So you've got these two polar opposites of fascists, real fascists and real
6 communists, who I think are trying to manipulate the middle of the population to get
7 them onto their side. And so you've got the communists infiltrating on the left trying to
8 get and radicalize more people that are calling themselves Democrats or identified as
9 leftist. And you've got the White nationalists trying to infiltrate on the right, trying to
10 radicalize and turn racist people who are not racist, who are the political right. And
11 both of them are trying to do this.

12 And so to me, it's a battle. We're trying to keep those two extremes from
13 dominating and gaining more traction. So my intent was to take the steam out of the
14 White nationalists by occupying the vacuum and protecting people and denying them the
15 chance to gain credibility and street traction among Trump supporters.

16 We exclude them from all our events. We took care of everybody. The White
17 nationalists now had nothing to do but stand around and wave flags and make slogans
18 and stuff about a block away. That's what we want to see. And the same for the
19 radical communists and antifa.

20 We're there to protect people. If we have a chance, I'll tell people, look, these
21 people are not what you think they are. We talked to that kid. When you have a
22 dialogue, you can break down those artificial barriers. You're not going to do it by
23 looking at mainstream media, because mainstream media feeds that polarization and
24 that divide and conquer. It's terrible.

25 Q Have the Oath Keepers provided security to events that were threatened by,

1 say, White nationalists?

2 A Yes. We had some Oath Keepers in Texas, in Tyler, Texas, that's a good
3 example, who protected a Black Lives Matter march because some actual White
4 nationalists showed up and were trying to shut down their free speech and assembly,
5 trying to use violence against them.

6 So our local leaders there, one was a retired corrections officer, he had also been
7 101st Airborne, another was the 10th Mountain Division, a recent Afghan veteran, and
8 they put a stop to it. They personally escorted -- a young lady, yeah, young Black lady
9 was the local organizer for Black Lives Matter. They protected her and protected her
10 through the streets, yeah.

11 Q You mentioned Black Lives Matter in other contexts in terms of potential
12 threats to, say, Trump campaign events. Can you elaborate?

13 A I am sorry, I was thinking, I didn't mean to cut you off. But, no, we didn't
14 really have an issue with Black Lives Matter at most Trump events. It was antifa for the
15 most part.

16 Black Lives Matter, we dealt with them in Ferguson, in Louisville in 2020, before
17 the election. I am happy to talk about that. We were there the same thing, protecting
18 a gas station that local activists had threatened to burn to the ground, or local people,
19 two pawn shops, and also a restaurant that had residents above it, which does not want
20 to be named because they're afraid of retribution. And we protected all of those.

21 And in there we did have an altercation with Black Lives Matter in the parking lots.
22 We were getting ready to go and we get our night of protecting those buildings.

23 So they rushed into the parking lot and got in our faces and yelled. Some of
24 them were carrying pistols in their belts. We just dealt with them coolly and calmly and
25 where it would deescalate. They yelled and screamed in our face and made their point,

1 I guess, and then they left. It was not much of a physical altercation at all.

2 So that was our only really negative experience with Black Lives Matter in our
3 face. In Ferguson, during the Black Lives Matter -- this is the problem with these big
4 events: How do you know who's what?

5 So I wouldn't say that all the arsonists are Black Lives Matter, I have no way to
6 know that. All I know is that you have situations where you have crimes being
7 committed, assaults, murders, arsonists, lethal force, all that's being done in cities that
8 were erupting because of the protests after the death of George Floyd, but also before
9 that, going back to Ferguson.

10 So I think that this is before we stood up for the rights of the first protesters who
11 were peaceful, but we opposed the attempted arson and assault to anybody who wanted
12 to cross the line beyond protected speech. And that's what we do.

13 Q How do you identify someone as affiliated with Black Lives Matter?

14 A Like I said, it's hard to do, right? If they still identify, like in the parking lot,
15 they came rushing into the parking lot, and the first guy was like, "Black Lives Matter,
16 right?" I said, "All lives matter." He's like, "Well, fuck you," and he got in my face. I
17 didn't cuss back. I let him yell.

18 I consider him a Black Lives Matter, at least a Black Lives Matter protester. Now,
19 if he's an official member or not, I have no idea. But if they self-identify, that's one way
20 to know. But, you know, it's like Whip was saying. Our team leader on the ground
21 there in Ferguson was Whip. You know, you guys know him as Mr. Greene.

22 But as he would say, he supports the Black Lives Matter movement, there is an
23 issue, there's a legitimate issue of there are some racist cops out there, and there is some
24 racist bias going on that needs to be purged out of police departments. I think that's
25 legit. And like he says, he supports the movement, doesn't support the organization.

1 Black Lives Matter came out later and was putting out statements that were
2 anti-family, you know, and he saw that as an assault on the Black male, trying to get rid of
3 Black males and their primacy in their homes.

4 So I won't speak for him. But I would say that I agree with him. I think the
5 movement has a point, but I think that a lot of the official organization has gone
6 sideways. I think some of their leaders are self-avowed communists. And their
7 motivation, I believe, is not just to get equity and fair treatment but to destroy this
8 country.

9 Q So just to clarify on that point, you were talking about Michael Greene,
10 Whip?

11 A Yeah, yeah, he was our team leader in Louisville. That's right.

13 [REDACTED] did you have a question?

1

2 BY [REDACTED]:

3 Q Just speaking of Mr. Greene, how did you all -- how did you come to meet
4 Mr. Greene?

5 A He's a good friend of Greg McWhirter, my vice president. And we met at
6 the Hurricane Harvey relief mission. So they have been good friends since they were
7 both in Indianapolis. And Greg invited Mr. Greene to come out, come out with us and
8 help us with disaster relief in Hurricane Harvey. And he did so. That's where I met
9 him. We became friends.

10 Q And is Mr. Greene, is he an Oath Keeper?

11 A No, he never did join, and that's fine. We've had nonmembers. We have
12 always opened our call of action to nonmembers. As long as they're legit and you vet
13 them, or someone knows them, they're squared away.

14 Like I went off of Greg's reference. And I know Whip's background is military,
15 and he's been a private contractor, a personal bodyguard for many rap artists. He is
16 very skilled, very good at what he does. And so, of course, we'd be happy to have
17 someone like that participate.

18 Q When did you meet him, I guess? What did this --

19 A That was Hurricane Harvey in, I believe, it was 2017. In August 2017? I'm
20 not sure exactly what the day was. So the hurricane relief mission in Houston was
21 where I met him at the warehouse we were protecting.

22 Q Did you do any other work with Mr. Greene after Hurricane Harvey, or was it
23 just disaster relief type stuff?

24 A Well, no. Like I said, Louisville, he was our team leader on the ground in
25 Louisville in 2020, in the summer in 2020. There was the Breonna Taylor case. The

1 verdict was coming down. And we had a local gas station owner was the first person
2 who requested our assistance because she had had a clerk -- it was a lady-owned gas
3 station -- she had had a clerk who had shot by an attempted armed robber. And
4 because of that, one of the locals were threatening to burn the gas station to the ground.
5 And so she asked us to protect her gas station. So we came in for that purpose. And
6 then also two pawnshops asked us to protect them as well.

7 Q I understand what you all went to Louisville to do, but what was Mr.
8 Greene's role there?

9 A Pardon?

10 Q What was Mr. Greene's role with Louisville?

11 A He was the team leader on the ground.

12 Q What is the team leader? What does that consist of?

13 A He's the head MF'er in charge. He's the guy in charge. He's the overall
14 operational team leader.

15 Q When you say in charge, though, and you're just saying operational in
16 charge, what is he doing?

17 A He is coordinating the protection of the security for the gas station, for the
18 two pawnshops, and for the restaurant that had residents over the top of it. And he is
19 assigning who is going to be on what team. He designated team leaders.

20 He communicated with law enforcement because he used to be a police officer as
21 well in Indianapolis. And so he would communicate with law enforcement as any leader
22 does, you know.

23 Make sure the men know the rules of engagement, make sure they know what the
24 lines are, do what you're going to be doing, what you're not going to be doing. You
25 know, here is what we're here to do and here's what I want you to do.

1 And then, of course, you know, monitoring their work the whole time and making
2 sure they do the right thing.

3 Q Did Mr. Greene do any other -- or, actually, did Mr. -- was he like paid for
4 this or was he doing it out of the goodness of his heart?

5 A He was not paid for Hurricane Harvey, but for Louisville --

6 Q I asked about Louisville, yes.

7 A For Louisville he was paid, but vastly reduced from what he normally gets
8 paid. But the man's got a family. He's got a child to feed. So we went ahead and
9 paid him for his time because he was coming in --

10 Q Yeah, I get that. I get it. So who paid him?

11 A We did. Oath Keepers did.

12 Q So it came from the Oath Keepers account when you paid Mr. Greene for
13 Louisville?

14 A Yes, sir. We did.

15 Q Did he do any other operational leads for you, like any other cities or any
16 other events?

17 A Yes, but this is after -- after the Members election. So, I mean, it's --

18 Mr. Bright. And as agreed, [REDACTED], I don't know if you were on the line.

19 [REDACTED] I didn't ask an open-ended question. So if it was after
20 November --

21 Mr. Bright. No, no, it's okay. I just didn't know if you were on the line earlier
22 when [REDACTED] brought up the running objection we fundamentally have regarding
23 any conduct that would have occurred after the January 6th, 2020, election.

24 I didn't know if you had -- we were all here. With respect to you, I didn't see you
25 on at the time. So that's something that, you know, Mr. Rhodes can answer before

1 January 6th. Fifth Amendment has been invoked for anything after that, just to clarify.

2 [REDACTED] And I totally appreciate that. I'm going to ask the question
3 again. He can invoke his Fifth Amendment if it's appropriate.

4 Mr. Bright. Understood, sir.

5 . So Mr. Greene providing --

Hi, [REDACTED], I just wanted to clarify for the record.

7 I think the stipulation that we outlined earlier was with regards to finances.

8 Now, if you're making a broader objection or asking for a broader stipulation, like we
9 could have that conversation. But the stipulation that we agreed to put on the record
10 was for financial information.

11 Mr. Bright. Thank you for the clarification, ██████████. I would confer with
12 you that your understanding of it was better than what I just articulated.

13 I am instructing my client that even outside of the finances, that we are going to
14 have him read his statement regarding the Fifth Amendment for any and all matters that
15 are post-January -- December -- November 6th, 2020,

16 [REDACTED] Understood. I just still want to be clear on the record that we
17 have not --

18 Mr. Bright. You froze there for a minute, but I would recognize that -- I would
19 agree you have not stipulated as to such, and thank you for the clarification.

20 BY

21 Q So I guess going back, I'll get back to the question I asked that I think
22 prompted the Fifth Amendment objection.

23 Going back to the Louisville, if Mr. Greene was the tactical leader, which I think we
24 understand from the military, a tactical leader, an ops leader, they get their mission from
25 someone else. Who was he getting his mission from for Louisville?

1 A Well, that's not quite accurate.

2 So we were asked by the lady who owned the gas station, et cetera, and then I
3 called Whip and said, "Hey, man, we're being asked to go into Louisville. Do you want to
4 serve as our leader on the ground?" He said, yes.

5 And so he went -- actually he had done a risk assessment. He had gone in prior
6 and done a risk assessment for a Cuban restaurant down the road that had been a
7 concern. And he had gone and done a free risk assessment, A, here is what you -- your
8 security risk. You know, you need to make more locks on this door, et cetera.

9 He had done that, and he had scouted around and reported back, you know,
10 talked to law enforcement and reported back what he saw. And then when he got the
11 go-ahead from the gas station, then he went and talked to her directly and arranged
12 everything. Because he was not too far away, Indianapolis was pretty close, he drove
13 down. And so he took charge from the very beginning. It was his operation.

14 Q To be clear, the owner of the gas station made contact with you first,
15 correct?

16 A The owner of the gas station made contact with some local Oath Keepers in
17 Louisville and then Whip went and talked to her.

18 Q Okay. So made contact with local Oath Keepers. And then did that get to
19 you after the local Oath Keepers received the request?

20 A To both of us. We were all on the same chat. We always had a Signal
21 chat we set up for any operation we did. It just made it easy.

22 Q Was Mr. Greene in the Signal chat when the request was routed up?

23 A Yes.

24 Q And then did you ask Mr. Greene to go to Louisville, or did he just volunteer
25 to go on his own?

1 A Well, he had already -- he already agreed, because, like I said, we knew that
2 the Breonna Taylor decision was coming down and we knew there were concerns about
3 rioting and arson.

4 And so we had gone in -- some locals, our local guys had gone in and begun talking
5 to locals about, "Hey, do you need protection?" offering it to them. And then one
6 Cuban restaurant had asked us to do an assessment of their security. And so Mr.
7 Greene went in to do that.

8 Q I am just trying to understand the length of when Mr. Greene gets looped in
9 from Louisville. Explain that to us. How does he get looped in?

10 A I just did. It started -- okay. I thought I just did. It started when we
11 knew that the decision was coming down. We knew that there was going to be riots
12 most likely. And our local guys expressed concern for the residents and business owners
13 in Louisville.

14 And that's when Mr. Greene jumped in. And like I said, he went down there, did
15 a risk assessment, talked to locals, talked to local law enforcement. And from that point
16 on, it was his ballgame.

17 Q Did he jump and just say, "I'm going to do it out of the goodness of my
18 heart?" Or how was the payment negotiated by the Oath Keepers to Mr. Greene?

19 A He went and did a risk assessment. I believe that was for free. I'm not
20 quite sure.

21 Q I'm talking about the actual job, though. Like, how did the negotiation for
22 how much you would pay, how did that get negotiated?

23 A I just asked him what he needed. I forgot what he agreed to, but, like I
24 said, it was a fraction of what he normally gets paid.

25 Basically, he's turning down other contracts with like rap artists or working at a

1 club he works at in Indianapolis, or doing, you know -- he used to work in [inaudible].
2 He's worked for a lot of the higher profile defense contractors.
3 And so he's turning down other work to come do this for however long it's going
4 to take. So it's like, "Hey, man," you know, he's like, "I got to pay some bills." I said,
5 "What do you need?" He told me, "At least this much." I said, "Okay, we'll take care of
6 you."

1

2 [1:00 p.m.]

3 BY [REDACTED]:

4 Q So he came down after negotiating how much you would pay him?

5 A I wouldn't call it negotiations. I was like, Hey, man, what do you need? I
6 want to make sure that you can pay to keep a roof over your family's head and feed your
7 kids, you know. What do you need? And he told me, and we were all good.

8 Q Okay. So you all established what you would pay him, correct?

9 A Yes.

10 Q And then he went to Louisville as the obsolete --

11 A I don't remember if he -- I guess I can't recall. You would have to ask him.
12 I can't recall if we paid him to go and do the initial -- I don't think we did. I think he went
13 down there for free and did his initial assessment and the security assessment for the
14 Cuban restaurant. Usually that costs thousands of dollars. He would charge, you
15 know, \$4,000 to do a security assessment for a business like that. He didn't charge
16 them at all. He charged them nothing.

17 Q Then after Louisville, did you hire Mr. Green for any personal security details
18 or any event security of any sort?

19 A That goes back to post-election again. So prior to the election, I don't think
20 so. I don't think so.

21 Q Okay. I'm going to ask the question then. You answer it however you
22 need to.

23 Did you hire him after Louisville? And if you have to invoke the Fifth, that's fine.
24 But did you hire Mr. Green after Louisville for personal security detail or event security?

25 A Yes, for both.

1 Q Okay. And when did this occur?

2 A Well, it occurred post-election.

3 Q When post-election?

4 Mr. Bright. Stewart, again -- Stewart.

5 ████████ I understand your line of questioning. I appreciate it. I'm
6 instructing Mr. Rhodes again for anything post-election, we will be invoking the Fifth. If
7 you need him to read his original statement in an ongoing fashion, happy for that; but
8 that's where that line of questioning is going to stop and end.

9 ████████ Thank you.

10 No further questions from me, ██████████

11 ████████ Thanks, ██████████

12 I'll take a quick pause and see if members or staff have questions.

13 Mrs. Luria.

14 The Witness. I wanted to add one thing. That's not the first time we've
15 compensated professionals like that. So I believe that there were other of other
16 occasions, too, over the years that we had people that were professionals, security
17 professionals that otherwise couldn't participate because they just needed to feed their
18 families. So we would compensate them for it. It's what you have to do sometimes to
19 get really good leadership where you need them to be.

20 ████████ Did that happen in 2020 before the election?

21 The Witness. No, I think it was prior to that. It was a few years back. But like
22 I said, I can't remember who it was, but I know we certainly were willing to do so, and I
23 think we did actually a couple of times for a couple other guys who were, you know, like
24 Mr. Green, extremely skilled professionals, experienced professionals.

25 ████████ Thanks, Mr. Rhodes.

1 Mrs. Luria again?

2 Mrs. Luria. Yes. I really wanted to go sort of to the foundation of the Oath
3 Keepers again. I know we put up some slides a little while ago that talked about that,
4 and even in the name of the Oath Keepers, you highlight the significance of the oath that
5 one takes when serving in the military or similar oath when serving in the police. And I
6 kind of wanted to ask a few questions about membership in the Oath Keepers.

7 So is there an oath that members take in order to be a member of the Oath
8 Keepers? And if so, can you recite that?

9 The Witness. No, absolutely not. The only oath that matters is the one we
10 took when we were in the Service. It's the same oath. We just want men to honor the
11 oath they took, whether they served in military or law enforcement, currently serving or
12 retired. That's it. The same oath you took when -- I imagine you were an attorney, the
13 first oath you took, or as a Member of Congress, same thing.

14 Mrs. Luria. Yes. Well, I served in the military for 24 years.

15 The Witness. Oh, did you? Excellent. Then you know what I'm talking about,
16 right?

17 Mrs. Luria. And then what is required for someone to become a member? Do
18 they submit a membership form? Do they pay a fee or dues?

19 The Witness. Yes. They submit an application, they pay dues, and then, like I
20 said earlier, we delegate the vettings from -- the local chapters are expected to vet this
21 person, make sure that they're legit, because we did have someone valid come in
22 claiming to be prior military that were not, or claimed to be, you now, some kind of
23 specialized special operations guy, and it turns out they were not.

24 So we ask our local leadership to vet them. And if they need assistance with
25 that, we'll run a background check. Everyone goes through a background check. We

1 don't want any felons. We don't want anybody that's got any sexual offenses. We just
2 don't want that in our organization. So they're required to go through a background
3 check.

4 By the way, when they initially join, they send in their application and their dues,
5 that's the initial first step. After that comes the vetting process. That takes more time.

6 Mrs. Luria. Thank you.

7 The Witness. You're welcome.

8 [REDACTED] Thanks, Mrs. Luria.

9 [REDACTED]?

10 [REDACTED] Yes.

11 BY [REDACTED]

12 Q Mr. Rhodes, I've heard you mention a few times today that, you know, we
13 took our oath as military members or as law enforcement or Members of Congress.
14 Who determines what's a lawful order in your mind? Is it you?

15 A Well, here's the rub. I mean, the man on the ground has to determine that.
16 Like, the My Lai massacre, Lieutenant Calley defended himself by saying he was just
17 following orders. And, of course, the answer from the military court was that's not a
18 valid defense. You followed unlawful orders. You committed war crimes. You're
19 going to go to Leavenworth --

20 Q I get it from the historical standpoint of military issue. But let's go to the
21 Trump presidency. Who would determine what the lawful order is from the Oath
22 Keeper perspective?

23 A Well, it's the same thing. In any order you're being given -- if you're a
24 currently serving law enforcement officer or soldier, in the Navy or whatever, every order
25 you're given in your chain of command, you have a duty to decide whether it's lawful or

1 not. And if it's blatantly unlawful, you have a duty to refuse to obey it.

2 Q Give me an example from, let's go 2016 through 2020 before the election, of
3 an unlawful order that came from the President.

4 A From which President?

5 Q From the Commander in Chief. Give me one from --

6 A Okay. I would say the orders to arrest and detain Jose Padilla or Yaser
7 Hamdi in military detention, American citizens in military detention in the South Carolina
8 brig for months and months, with no access to counsel, were unlawful orders that should
9 have been refused.

10 President Bush issued an unlawful order that the military should have refused to
11 comply with. And, horribly, they did not. They entered all the black bagging and
12 torture that went on in the Bush administration, people being black bagged, flown to, you
13 know, dark sides around the world and tortured should have also been refused.

14 Those are all examples of egregious violations of civil rights.

15 Q Did you ever --

16 A Abu Ghraib itself, another glaring example of horrible unlawful orders of
17 violating laws of war, and they tortured people and killed people.

18 So, yes, those are all during the Bush administration. Those are all wrong.

19 ██████████ Thank you.

20 The Witness. And that carried over to the Obama administration, Obama, you
21 know, doing a drone strike against Anwar al-Awlaki and his teenage son, who was an
22 American citizen, was also unlawful orders that should have been refused.

23 BY ██████████ :

24 Q Did President Trump issue any unlawful orders?

25 Mr. Bright. I'm going to object to the line and -- have Mr. Rhodes object to the

1 line of questioning. We understand the rational basis of what they're trying to establish,
2 but we believe that it speaks to -- not even impartially, but in a grand manner, what is
3 going to be presented during the criminal trial and some of the lines of questioning that
4 they will establish there.

5 And, therefore, I would ask Mr. Rhodes at this time to invoke his Fifth regarding
6 his belief systems as to arguing Mr. -- former President Trump.

7 The Witness. If you could rephrase it and make it about prior to the election, I
8 might be willing to answer it, if my counsel is okay with that?

9 BY [REDACTED]:

10 Q Let's do that.

11 Prior to the election, did President Trump issue any unlawful orders?

12 A Well, when he said, when it came to red flag legislation, Let's take the guns
13 first and worry about due process later, I think that's a gross, you know, spectacular
14 violation of due process under the Constitution. So if that's construed as an order, I
15 would say yes, if he was directing his staff to advocate for -- and which they did actually
16 advocate for a red flag legislation around the country. You had Vice President Pence
17 doing a tour, speaking on behalf of red flag legislation, I think that was -- yes, those are
18 advocating unconstitutional legislation, let's put it that way, absolutely. And I would
19 oppose it absolutely, just as I opposed stop-and-frisk in New York City, the same reasons,
20 violation of the Fourth Amendment.

21 [REDACTED] Got it. Thank you.

22 Mr. Rhodes, we've been going for about 3 hours, and I wanted to see if you
23 needed a break.

24 The Witness. Yeah. If you don't mind, I could use a bathroom break real quick.

25 [REDACTED]. If I could make one clarification on the record. During this

1 deposition, I believe Mr. Moseley has been speaking to Politico about the content of
2 these conversations. There was an article that was just published about this, and there
3 is a quote in here that I do not believe is accurate, and this goes back to our prior
4 conversations about the stipulation. The quote says that we have worked out an
5 understanding, for now at least, to leave out the time period from November 3, 2020,
6 through today under the Fifth Amendment.

7 And I just want to be very clear for the record, since that is now published in a
8 Politico article citing Mr. Moseley, that our stipulation is that for the purposes of the
9 financial questions that we were asking, we understand -- we wanted you all to assume
10 that the period we were asking for those questions was up to November 6, 2020, and that
11 we understood you would object under the Fifth Amendment for any questions after that
12 period.

13 So, for the record, we want to say that we asked all of those questions about 11/6
14 forward, and you all objected to all of them without us having to go through every last
15 question, and it was only about the financial records.

16 So I just want to clarify that on the record. If there is a misunderstanding about
17 that, please confirm that -- please raise that now so we can be very clear about what we
18 agreed to do.

19 Mr. Bright. If I may address that, [REDACTED]

20 I'm not aware of any communications that are ongoing. I'm sorry if there are
21 any. I would stipulate that what you have just detailed is a very narrowly and correct
22 definition and explanation of the stipulation that we entered into, and it was, indeed,
23 regarding the financials. So that much I would agree with you.

24 We did not have that agreement and stipulation with you regarding any other
25 matters. Obviously, we've made it clear any questions pertaining to anything

1 post-election we will be continuing to make separate ongoing Fifth Amendment
2 objections, and Mr. Stewart will continue to invoke.

3 But for clarification, I was not aware of any communications ongoing, and your
4 relation to the deposition and everyone on here is accurate that it had to do exclusively in
5 the ongoing sense regarding the financials.

6 [REDACTED] Thank you, Mr. Bright. I appreciate that, and I certainly
7 understand you'll make Fifth Amendment objections to other questions, and we'll handle
8 those as they come up. But I appreciate that clarification on the record.

9 I will turn the record over to [REDACTED]

10 Thank you.

11 [REDACTED] Thanks, [REDACTED] and Mr. Bright.

12 Mr. Rhodes, is 10 minutes sufficient, 15 minutes?

13 The Witness. Let me ask the staff here.

14 They're giving me a restroom break, to let you know I need to use the restroom.

15 Is 10 minutes sufficient?

16 She's checking.

17 [REDACTED]. We can go off the record at 1:11.

18 The Witness. Oh, please, yes. Logistics.

19 [Recess.]

20 [REDACTED]. And now we are back on the record at 1:31 p.m., and I'm going to
21 turn it back over to [REDACTED].

22 [REDACTED]. Thank you, [REDACTED]

23 BY [REDACTED]:

24 Q Mr. Rhodes, I wanted to go back to 2020 and rewind a little bit to the
25 beginning of the year.

1 Did you participate in protests related to COVID-related restrictions?

2 A Yes, I did. And we also did protective details in Dallas, for example, for
3 Shelley Luther's salon, that she had opened her salon in defiance of Governor Abbott's
4 shutdown order. She was arrested for that. We protested outside the jail and also
5 outside the judge's house actually, because he had essentially told her, You must confess
6 that you were wrong and you must it admit you were wrong, and if you won't do that,
7 we'll hold you in contempt of court and put you in jail. And she refused to be coerced
8 like that.

9 That was a horrific example of trying to coerce her into admitting she committed a
10 crime. And so, she was put in jail, held in contempt of court, and we protested outside
11 his house and also outside the jail. So yes.

12 And then later on we protected her salon when rioters in Dallas threatened to
13 burn it down to the ground.

14 Q Can he elaborate on why COVID-related protests were a cause that the Oath
15 Keepers took up?

16 A It goes back to our mission, the Constitution. Like for her, free speech and
17 assembly, you know. Like I said, she was put in jail because she wouldn't admit she had
18 been wrong. And also executive overreach. You had governors across the country,
19 you know, issuing decrees by executive fiat that were nowhere in the State legislatures'
20 past laws. There's no statute. There's just relying on their loose -- or loosely defined
21 powers as Commander in Chief during emergency in imposing all of these edicts, which
22 tended to -- well, didn't intend to. They did it. They destroyed Main Street America
23 and small shop owners, told them to shut down while the big box store next door,
24 Walmart or Home Depot, was wide open, even selling the same items, but Ma and Pa
25 were going out of business and Walmart and Home Depot had a bonanza year.

1 I think that was an example of corruption and executive overreach that served
2 corruption.

3 Q Did Oath Keepers, in general, protest, join in these protests?

4 A Um, yeah, I think across the country most of us -- you know, it's one thing to
5 say we have, you know, a situation we need to address. It's another thing to step
6 outside the constitutional boundaries, whether it's Federal or State, either one. The
7 Constitution applies to all men at all times and all places, you know.

8 It's like the Supreme Court held in the Ex Parte Milligan case, 1866. No more
9 pernicious doctrine has ever existed than that protections of the Constitution can be set
10 aside in times of emergency.

11 And we've seen that throughout our history, internment of Japanese Americans,
12 just some horrific examples of emergencies being used to justify violation of people's
13 rights. And so, yes, we believed it was essential for our mission to speak out against
14 that.

15 Q I understand that Kellye SoRelle was connected with the Oath Keepers
16 around the same time during a COVID-related protest. Is that correct?

17 A That's how we met. Yes, that's how I met her is that I was up at a protest in
18 Granbury because you had county courts and -- county judges, which is basically a
19 portable office in Texas, but you had county commissioners and county judges issuing
20 decrees once again outside of their actual purview, just trying to tell them what they can
21 and can't do in their own homes and their own businesses, all the while, like I said,
22 Walmart and Home Depot are wide open. Made no logical sense, no scientific sense
23 whatsoever. It was just power plays. So we were protesting against that.

24 I met another attorney from Dallas, he was there, and he said, Hey, you should
25 meet my friend that lives here. So he introduced us. That's how I met Kellye.

1 Q That's helpful.

2 Were these events opportunities to grow the membership of the Oath Keepers?

3 A Um, only peripherally. I mean, we weren't focused on that. We were just
4 focused on the issues at hand. So we did, in the summer of 2020, when you had
5 more -- after the George Floyd killing, murder, you had more, of course, protests against
6 that across the country, including Texas, and the same thing. We ended up protecting
7 the small business owners against arsonists. You know, like Shelley Luther's place, we
8 had, you know, antifa -- I presume their antifa going through the parking lot, checking the
9 place out, but they never tried to burn her place down, because we were standing
10 outside with rifles. They couldn't do it, and on the rooftop, too. So we did that
11 across --

12 Q So were these summer of 2020 activities of the Oath Keepers opportunities
13 to recruit more members?

14 A Look, any time any organization does something, it's an opportunity to
15 recruit more members I suppose. But that's not what my motivation was. Our
16 motivation was protecting people. Like down in El Paso, we had Oath Keepers
17 protecting a lady who owns -- her son was a cop. She owned a Mexican restaurant,
18 Mexican-American lady, and she flew, you know, a Blue Lives Matter flag or a Blue Line
19 flag in her restaurant and outside, too. She was targeted. They threatened to burn
20 her restaurant to the ground because she had pro law enforcement flag. Why?
21 Because her son was a cop. So we protected her restaurant, and then antifa and other
22 rioters went right by the restaurant right down to the police station about two blocks
23 away and did the big protest, but they left her restaurant alone.

24 So that's another example. And that was the guys in El Paso. They decided on
25 their own to go do that. I didn't tell them to do that. They just did it on their own.

1 Q Sure. I understand that you said that recruitment was not a motivation for
2 participating at these events, but I'm curious about the effect of the events on
3 recruitment.

4 A I don't know. It's hard to say. I mean, you know, like I said, things have
5 been kind of stagnant. In the Trump years, our membership definitely dropped. And
6 that's just, like I said, the political cycle you get when there's a conservative in office as
7 opposed to a liberal, and vice versa if you have a liberal.

8 So I really don't know. I don't track that kind of stuff. I don't do that kind of
9 stuff. I don't look at graphs, did we get more members today? I don't look at that kind
10 of stuff. But the mission comes first, then my men, and then me, and the membership
11 and all that is a distant fourth, you know.

12 Q Got it.

13 Did you travel around the country to go to any of these protests?

14 A I have been traveling around the country the entire time I have been the
15 president of Oath Keepers. That's all I ever do. So, yes, we did. I did travel quite a
16 bit. We did Trump rallies. We did one in Minneapolis in the middle of all of this going
17 on, and there was a lot of violence there, but not -- we didn't have enough guys. We
18 only had two teams of 12, only 24 men on the ground to escort people, and no one we
19 escorted was hurt. There were other people that were escorting that did get beaten
20 and injured. Yeah, that did happen.

21 So we were doing a lot of Trump rallies around the country if something was going
22 on, and disaster relief, too. We had hurricanes going on in 2020 as well.

23 Q So I'm curious because I heard -- and correct me if I'm wrong -- that you're
24 not a fan of flying. Is that correct?

25 A During the Obama administration, I can't remember when it happened, but I

1 think it's after I made a comment about John McCain, how he was violating his oath by
2 promoting detention of American citizens under laws of war. I made a comment about
3 him at an event in Arizona, and after that, I was on the no-fly permission list, quad S's,
4 SSSS, secret squirrel security, whatever, and so forth.

5 And I would be -- when I would go to the desk, I could never -- I couldn't even get
6 a ticket. They couldn't even check my bag unless they called DHS and got permission for
7 me to fly every single time I flew. And then I would go to the security, and, of course, I
8 got completely searched top to bottom.

9 Then I would go to the gate, and it got worse and worse as the administration
10 went on. Toward the end of the Obama administration, I would go to a gate, they
11 would search me again, and then I would go fly to another airport and transfer to another
12 plane, and I'm still in the airport, and they would search me all over again. Every time I
13 would go to a gate, they would search me and bring a whole team of five guys would
14 come and search me.

15 So after a while, I said this is political harassment and I got tired of it, so I
16 stopped flying. I didn't fly again until after Trump was elected, and then it went away.

17 So that's why I was not a fan of flying during almost the entire Obama
18 administration because I was being harassed by them every time I flew. It got so bad
19 that I was in the Atlanta airport and went from Atlanta to Seattle after going through all
20 of this nonsense every day, and they told me I had to go down to the main entrance at
21 the Seattle airport and act like I just walked in off the street and go back through security
22 all over again, and I missed my flight, because they did that to me. That's the last time I
23 flew during the Obama administration. Not until Trump was elected did I fly again.

24 Q Got it.

25 And was it explained to you why your flight privileges were restored?

1 A Oh, restored? No. No explaining -- this is what happens with all of this
2 stuff. No one ever explains why you've been put on this list. This has happened to
3 many other Americans too. You know, I mean, you probably know the abuses during
4 the Bush administration were as bad as well. You know, it might have been a
5 name -- somebody used somebody else's name, boom, you're on the list. No
6 explanation for why you're on the list. I never got an explanation from anybody. And
7 then I never got any explanation for why I was taken off. I can only assume it was
8 because of the political change. Nothing to do with safety, just the policy change.

9 So I was a bad guy under the Obama administration, but now under the Trump
10 administration, I'm not seen as a bad guy. You know, that's just the way it is, politics.

11 Q How did you find out that you were no longer on the quadruple S list?

12 A I flew. I took a shot at flying, and it wasn't there. It was the very first time
13 I flew -- when we flew into D.C. to protect people against antifa at Trump's inauguration
14 on January 20, 2017, we were in D.C. on the ground. That was our very first security
15 operation during the Trump administration going to D.C. So I did fly for that, and I had
16 to go through the same rigmarole, but then after -- I flew again after that and it was gone.

17 Q Got it.

18 And you said with the change in administration, you were no longer perceived as
19 a, quote/unquote, bad guy --

20 A I'm just guessing. I mean, I was able to fly without being harassed for the
21 first time in 4 years. So yeah, I'll take an educated guess that someone made a
22 determination that this is bullshit, you shouldn't even be on this list at all, and we'll stop
23 harassing this guy, so --

24 Q Sure. Were there --

25 A Whoever did, I appreciate it.

1 Q Were there other indications that the way you were treated, or the way the
2 Oath Keepers were treated changed with the changes in administration?

3 A No. That was pretty much it. I mean, we've always had excellent
4 relationships with law enforcement on the ground, except for that one sheriff in Missouri.
5 That was it. Every other interaction with law enforcement across the country has been
6 100 percent positive. I mean, a lot of my guys are cops, you know, or ex-cops, so we get
7 along great with them.

8 And they know we're there for the right reasons. They know we won't be back
9 as long as they obey the Constitution. If they violate it, we're going to speak out and
10 oppose it if they do, but they know otherwise we're on their side. And they routinely
11 would have their backs to us faced out towards the antifa, because they're not worried
12 about us because they've got brother cops among the veterans with them. And, of
13 course, a lot of cops are veterans too, so we're just brothers. We see each other as
14 brothers, no separation between us and law enforcement. We're one and the same.
15 We are law enforcement, most of us are -- or a lot of us are, or we're military, a lot of
16 them are. So we're on the same side. We're on the same side of Constitution and law
17 and order, period.

18 Q Uh-huh.

19 A That never changed. It didn't change during the Obama
20 administration -- you get political, like that one sheriff in Missouri, or maybe a [inaudible]
21 police chief, but rank and file, they loved us.

22 Q So going back to COVID -- I know we were talking about that a little while
23 ago -- did -- I want to make sure I understand, because I don't know if I remember.

24 Did the Oath Keepers provide security at any of those protests?

25 A Yes, absolutely. We did it when either they were under threat -- and that

1 really didn't happen -- most of the time, a COVID protest wasn't under threat, not in
2 Texas anyway. Now, you get to someplace like Portland, anytime anybody that antifa
3 sees as the right wing comes out to protest against something, they're going to be
4 attacked by antifa. That's just the way it is.

5 So, yes, around the country, there were instances like that. I never saw it myself
6 until after the riot started after the murder of Mr. Floyd.

7 Q How do you identify someone as antifa?

8 A It's hard to say. Like I said before, they're dressed head to toe in black and
9 carrying a Communist flag or a big A, or with a big A symbol. That's a pretty good hint
10 that's the black flag of antifa. They all dress the same for a very good reason. They are
11 trying to hide in that big black block. And so their MO is the guys in front are there just
12 to distract you, and then the guy who is going to use violence like two or three people
13 deep, that's the guy that throws the brick. That's the guy that reaches through with a
14 pipe and hits someone on the head. That's the guy that lobs like a bag of balloons filled
15 with bleach or urine or blood, or whatever. That's when it happens. That's what they
16 do. And then they melt back into that block of everyone dressed identical. How do
17 you know who it is? I mean, that's why they do it, so there you go.

18 Q Is there a way to identify them if they're not wearing black clothing?

19 A If they self-identify. Like most of the antifa there in Portland, Oregon, they
20 have their own hangout where they go, kind of like their clubhouse. You know, they
21 self-identify who they are. I believe the name is Louis. He's one of the leaders.
22 When you see him, you know he's antifa because he's a self-proclaimed antifa leader.
23 That's one of the most prominent, influential chapters of antifa in the country.

24 Q Uh-huh.

25 A They train people from all over the country, and they go travel the country

1 and take part in other acts of direct action, they call it.

2 Q And you mentioned earlier the term "radical leftists." How do you identify
3 that term?

4 A Well, I mean, anybody who is going to use violence to suppress anyone's free
5 speech and silence them through force or assault, I would consider radical.

6 And there are also those who are hoping for a claim that they're Communists who
7 seek destruction of the United States, that want to see our borders erased and our
8 national sovereignty destroyed, our Constitution destroyed, and they want to impose a
9 Communist dictatorship. I mean, they're also -- there was some self-described malice,
10 for example, to -- on Twitter engaged us after we were protecting Natalie's Bakery Shop,
11 and they were throwing out the normal tropes. Well, I said, you know, we're just
12 protecting this bakery owner's shop and the apartments above it. And they're, like,
13 Well, you shouldn't be protecting her. And I said, Why not? And he was, like, Well,
14 because it was the small shop owners that supported Hitler in Germany. I was, like, Are
15 you trying to say she's a Nazi supporter? This makes no sense.

16 So there are -- you know, there are avowed self-identified radical Communists,
17 whether Leinists or Maoists on the left. And they're the ones that show up and a lot of
18 times lead these actions.

19 We saw in Ferguson locals telling us that we don't know who these people are.
20 They're not from the community. We had Black locals telling us there were White
21 people coming from outside the community who were, like, ideological Communists who
22 were the ones handing out Molotov cocktails and encouraging them to throw them.
23 And we saw this with our own eyes. I saw it. We saw, like, a group of White people
24 walking through the streets, and then they would have bags and backpacks and then
25 started pulling stuff out of them and assembling Molotov cocktails right there in front of

1 us and then handing them out to people and encouraging them to throw them. So I
2 would call them provocateur instigators.

3 Q So help me understand the Venn diagram, if there is one, between radical
4 leftists and antifa?

5 A I don't know. Good question. I mean, so I'm not an expert on antifa. All
6 I know is what I see in the streets. What I see in the streets is people clad in black who
7 declare they're going to shut down a free speech event, and then they do it. Like, they
8 will be seen on video assaulting speakers, breaking and trashing the sound equipment,
9 throwing it into the river. Not too long ago I saw a video like that out in Portland, you
10 know, and just assaulting people and stopping their free speech with violence. I would
11 consider that very radical.

12 So that's -- you know, if you want the junction between radical leftists and antifa,
13 there it is right there in your face in the street.

14 Q Are there national politicians who you would consider radical leftists?

15 A I mean, AOC describes herself as a socialist. I think Recispas (ph) does too.
16 They self-identify as being socialists, don't consider them Communists. I don't see the
17 difference between socialists and Communists. They're all followers of the Marxist
18 ideology, their world view.

19 Aside from that, of course, Bernie Sanders, another self-identified socialist, the
20 same thing as a communist. But he has free speech and -- you know, has the important
21 right to free speech and assembly and can run for political office.

22 But when people were -- I mean, look at Maxine Waters when she was
23 telling -- encouraging people to go confront people that were in the Trump administration
24 wherever they are and confront them and let them know you're not welcome here.
25 That, to me, is incitement to commit violence, and I think that didn't help.

1 So the people that did go out there and harass people, beat on Trump supporters
2 who they perceived as Trump supporters, I mean, obviously, they've stepped up across
3 the line and they're not engaging in any kind of protest. That's not protected speech at
4 all. That's just criminal assault.

5 Q Understood.

6 A I mean, you know, I went to college and law school. And some of my
7 students -- fellow students at the Yale Law School, for example, were self-avowed
8 Marxists. They were proud of it. And I was still cordial with them. In fact, I talked to
9 them at the shoot. One that had never shot a gun in their entire life, I took them to the
10 gun range and showed them how to shoot, and one of them I changed his mind about the
11 Second Amendment. He was anti-gun, and he definitely was a self-described Marxist
12 and, of course, against -- opposed to Bush, and because I was opposed to what Bush was
13 doing as unconstitutional, quite a few of them liked me because I was, you know, a
14 Libertarian and was on their side. When the Bush administration -- when the Federal
15 Society got completely fascist at Yale, it was just horrible, I couldn't take part in their
16 meetings anymore because, no matter what Bush did, they had a defense for it. They
17 thought, you know, John Woo and his horrible defense of almost anything, including
18 crushing a child's testicles, was obscene.

19 So I got a lot of friends at Yale who were leftists, you know, and we go hang out
20 together and we could talk to each other because I couldn't hang out with a lot of them,
21 sort of the ones who were just so far over the line and being fascist, so -- I mean, real legit
22 fascists, not racists, but just executive power like fan boys because no whatever the
23 President did or how unfair, they were fine with it, even if it violated the Bill of Rights.
24 And I just couldn't stomach it anymore.

25 So, you know, I -- you have a belief system, okay. If I disagree with it, I think it's

1 wrong, I'll try to convince you otherwise, and I think I did that at Yale. I think I did
2 convince some people to start thinking beyond what their ideology was at the time and
3 helped them find that middle ground.

4 Q During the summer of 2020 protests, President Trump made a comment,
5 quote, "When the looting starts, the shooting starts," end quote.

6 A Are you familiar with that?

7 Q Yeah, I remember him saying that.

8 A What was your reaction at the time to that?

9 A Trump has a habit of just saying things. I don't think his constitutional
10 understanding is very deep, so -- I really don't. And going back to what I said initially,
11 like looking back to Hurricane Katrina, there were law enforcement officers who went to
12 prison because they shot people that were looting. You can't shoot people for stealing a
13 TV. You can only use lethal force if a life is in danger, like when we were protecting
14 people against arsonists and burning their apartments above the shops.

15 So I think it's very sloppy and irresponsible to just throw things like that out there
16 because you just can't do that. Anybody that does that, they're going to go to prison.
17 So I don't -- maybe he didn't know that, maybe he didn't understand that. I don't think
18 he understands the law well enough to make a coherent statement like -- you know, that
19 would actually apply.

20 Now, when the looting starts, people are going to step out, and we did see that
21 across the country people defending their communities. That did happen. But even
22 there, they have to comply with the laws of use of force, reasonable force. You know,
23 they have to use reasonable force in the situation. And I don't think President Trump's
24 comment of that law is accurate.

25 Q Do you think a comment like that would have an impact on somebody's

1 actions?

2 Mr. Moseley. Hold on, hold on, hold on. I'll object. You're calling for
3 speculation. I'll let him speculate, but I just want to, as to the form of the question, note
4 that he is speculating.

5 [REDACTED] Well, I'll make it -- well, let me rephrase.

6 Mr. Moseley. I'm saying he can answer. I'm just saying -- just noting for the
7 record.

8 [REDACTED] Sure.

9 BY [REDACTED]:

10 Q Mr. Rhodes?

11 A Yes.

12 Q Do you think a comment like -- do you think the comment from the
13 President, like, "When the looting starts, the shooting starts," impacted people's
14 behavior?

15 A I have no way to know that. It could. I think it's possible, which is why I
16 think it's irresponsible. I think you have a duty to be as accurate as you can be in
17 anything you're going to say, and we're all human. I've made mistakes. I've said things
18 when I was upset, like what I said about John McCain. So I've said things that were later
19 on taken out of context or [inaudible] banned. I get it, but I think it's important for a
20 leader like that to be very careful about what he says because you can't shoot people for
21 stealing stuff. You just can't do that. You can't gun people down because they're
22 breaking into a store and stealing whatever, T-shirts or sneakers. It's just unlawful.
23 You can't do it. And a lot of people were not influenced by that because they
24 understand that, so --

25 Q There was an incident also in the summer of 2020 where Federal law

1 enforcement used tear gas to disperse a crowd in Lafayette Park across the street from
2 the White House, and then President Trump came and stood in front of the church at the
3 edge of Lafayette Park.

4 Are you familiar with that incident?

5 A Somewhat. I don't have all of the details about what happened, but I'm
6 familiar generally with it, yes.

7 Q Sure. Do you remember a particular reaction you or any other Oath
8 Keepers had at the time to that?

9 A Because I didn't know what was going on in the park, I didn't know
10 if -- because we've seen antifa across the country engage in such levels of violence that
11 police declared an unlawful assembly and ordered them to disperse. This happened
12 many, many times in many different places, including D.C.

13 And so, if it was a situation like that and they did not listen to the command to
14 disperse, that's when the rubber balls start flying, you know, whether they're shot out of
15 paint ball guns or less lethal or whether they're full ball grenades. That's when that
16 starts to happen, and that's when tear gas is used, or pepper spray.

17 So, yeah, I just don't know enough to know whether that was justified or not. If
18 that's what you're asking me, if it was justified, I don't know.

19 Q That's fair.

20 A I will say this: I think -- again, I think that the right to peaceable assembly
21 and protest is sacrosanct and must be protected, and I err on the side of you let the
22 people protest. You don't suppress their right to protest for any political purpose
23 whatsoever. That's my opinion on that.

24 Q The Federal Government in the late summer of 2020 sent Federal law
25 enforcement and Federal troops into Portland, Oregon. Did you have a reaction at the

1 time to that decision?

2 A Yes. I thought that was appropriate, and I think the actions that the U.S.
3 Marshals took of grabbing up people who were the actual instigators of violence was
4 appropriate.

5 Going back to the advice we gave the Governor and the law enforcement in
6 Missouri, that's the right response. You don't use force against the entire crowd. You
7 don't tell them all they must go home. Their right to protest -- you only target the ones
8 that are actually using violence, and then you grab them and arrest them. That's what
9 they did, and I think that was appropriate.

10 Q Understood.

11 Did the President's actions, or the Federal Government's during the summer of
12 2020, the couple of episodes I just outlined, did they impact your sense that whether, you
13 know, President Trump was an ally in your efforts to, you know, keep people safe?

14 A I don't think he did enough, frankly. I think he should have declared an
15 insurrection and invoked the Insurrection Act in the summer of 2020 because of the
16 widespread violence and murder that was going on. Arson is lethal force. And you
17 have blocks of buildings being burned down, including residences. People burned to
18 death. They just recently sentenced an antifa -- it was in Missouri -- in Minneapolis for a
19 guy who had burned down a pawn shop, and he killed someone. They found a dead
20 body inside. So I think that was going on across the country.

21 Taking on precincts, you had declaring the CHAZ in Seattle or the sovereign or
22 independent territory involved inside of the United States. That is open insurrection
23 against the United States.

24 It also happened in Atlanta. A little girl was killed because her mother was just
25 trying to drive home, and then she was blocked by a bunch of protestors. When she

1 tried to U-turn, one lit her up and shot her daughter and killed her because they declared
2 that area no longer part of the United States.

3 That is an insurrection. I think you should invoke the Insurrection Act and
4 suppress it.

5 Q What would the impact of invoking the Insurrection Act be?

6 A It would have hopefully deployed National Guard troops. I think that's the
7 most appropriate because they are the militia, and potentially, also call up veterans who
8 also said, Hey, we'll go. I mean, this is what we've been doing anyway. If the President
9 called us up as the militia during the summer of 2020 to suppress the open insurrection
10 across the country, we would have done it, absolutely. But we would have done it on
11 the same protocols we've always done it; respecting free speech and assembly, because a
12 deadly insurrection does not suppress the First Amendment if they're trying to set it
13 aside. It can't. So they can only stop violence. That's the only point. That's what
14 we would be doing. And if any orders came down to do anything else, we would
15 disobey those orders. We would refuse to obey them.

16 There was widespread violence across the country. It was bad. There were
17 people who were afraid to walk outside their doors. They were being terrorized in their
18 own homes. It was not good. It was a bad thing.

19 Q I'm sorry. I missed what you just said about orders you wouldn't obey in
20 this context.

21 A Sure.

22 Q Do you mind repeating that?

23 A We're getting into a hypothetical. I'm not sure if counsel wants me to do
24 this. But if we were called up as the militia if the President had invoked the Insurrection
25 Act and done all of the things he has to do under the Insurrection Act, and then called us

1 up as the militia, of course, we would have gone and suppressed the violence, the arson,
2 the murder, the assaults that were happening across the country, which is something
3 we've already been doing as volunteers, absolutely.

4 And if, in the context of that, we were ever given any orders that were unlawful,
5 we would have refused them. For example, any orders to -- you know, like no more
6 protests will be allowed in this town, that's an unlawful order, you know, or confine the
7 people of that town, that they must stay in that town. That's also an unlawful order,
8 and we wouldn't comply with it.

9 Q What would an order from the President look like?

10 A I'm not sure what you mean.

11 Q Well, if you -- let's say in this situation where you were prepared to be called
12 up, what would the President have to do or say for --

13 A You would have to invoke the Insurrection Act. I believe he has to give
14 notice to the State officials who are failing -- the Insurrection Act has many different
15 provisions in it, and one of them is when local law enforcement or State officials are
16 failing to protect people's civil liberties, which is what was happening in Portland, for
17 example, catastrophically, and Minneapolis as well. You had, basically, stand-down
18 orders being given by politicians to the police department to not interfere, and to let the
19 rioters riot, let the arsonists burn, let's this all happen.

20 So you have a failure of officials to protect people's civil rights. The President
21 then, at that point, can protect their civil rights by bringing in the National Guard,
22 invoking the Insurrection Act.

23 This has been done throughout U.S. history actually. The L.A. riots, you know,
24 President Bush, the first President Bush, I believe brought in the U.S. Marines to stop the
25 rioting. So it's happened throughout our history for many good reasons, you know,

1 escorting young Black kids going to school.

2 So that's part of what presidents can do and have done throughout our history,
3 and I think he should have done it in this context. Like I said, it should be confined to
4 stopping violence only, not interfere with anyone's right to free speech or assembly.

5 Q Does invoking the Insurrection Act empower militias other than the National
6 Guard?

7 A Only if the President calls us up as the unorganized militia he calls into
8 Federal service. You can go back and read the -- I forget which one it is, but under the
9 U.S. Federal Code, there is the unorganized militia that is subject to being called into
10 national service if the President calls them up. And like I said, with us veterans, it goes
11 to age 65 who have prior military experience and training.

12 So, yes, he would have lawful authority to call us up to suppress an insurrection as
13 long as it was for a lawful purpose.

14 Q Understood. That's really helpful.

15 Thank you, Mr. Rhodes.

16 A You're welcome.

17 [REDACTED] Let me just pause there and see if any of my colleagues have
18 questions.

19 BY [REDACTED]:

20 Q Okay. Hearing none, leading up to the election, did you have concerns
21 about election integrity?

22 A Yes, we did. I did, yes.

23 Q Why is that?

24 A Because I had seen already where because of COVID, they were setting aside
25 State election laws, which is unconstitutional, actually. So, yes, it concerned me very

1 gravely that we were violating the Constitution grossly across the country by setting aside
2 the election laws for the past State legislatures and instead by legislative fiat, very similar
3 with the executive fiat of the shutdown orders, you had governors, and also local election
4 officials telling them -- announcing they're going to set aside the election clause.

5 Go ahead, Mr. Moseley. I'm sorry.

6 Mr. Moseley. Well, it's already been asked and answered, but I do think if you
7 go any further on the election, you know, concerns about the elections laws, even though
8 you might like to -- I don't think we should go any further on this because it's going to be
9 in the core of the general prosecution. Even if there are things you would like -- you
10 know, one would want to say, I think it will be -- it is within some of the allegations in the
11 indictment as to relationships and motivations of things in the indictment, which I'm not
12 sure matter that much, but the grand -- the prosecution seemed to think to us it did
13 matter as to the motivations for things on January 6th.

14 ██████████ Well, I'm trying to keep the timeline to well before
15 November 3rd.

16 Mr. Moseley. Okay.

17 ██████████ So, you know, if we --

18 Mr. Moseley. I'm not sure I would have objected to the question you asked.
19 I'm just trying to before the toothpaste is out of the tube if we get too far into what the
20 prosecutors argue is why things happened, and I -- you know, I may not agree that that
21 matters, and Stewart Rhodes may want to discuss his views, but I think the prosecutors
22 have put at issue motivation. So I'm maybe --

23 Mr. Bright. I would join in with Mr. Moseley on this one. I think we would be
24 having Mr. Rhodes plead the Fifth again for any line of questioning that leads down the
25 road regarding motivation, opinions, the veracity, the legality of the elections themselves,

1 because I agree with Mr. Moseley that moving forward into our trial in July, that part of
2 what the government will be arguing is motivation and intent, the mens rea underlying
3 what they will be alleging. And I think that, while not the heart of it per se, it certainly
4 has to do with everything surrounding the heart of it in terms of what might be alleged as
5 motivation for the underlying sedition allegation.

6 The Witness. Personally, I would like to answer the question, but I'll defer to my
7 counsel.

8 Mr. Bright. Would you be so kind, [REDACTED] before I advise Mr. Rhodes, to
9 rephrase the question?

10 [REDACTED] Sure. I think my previous question had been answered.

11 Mr. Moseley. Yeah. I was kind of being a little bit proactive in terms of sliding
12 into more on that topic. So I guess it's your next question that I think we have to --

13 The Witness. Could I make a general statement? If I could make a general
14 statement? As I said before, whether it's the Japanese internment, whether it's Lincoln
15 violating the Constitution, we tried Mr. Milligan by military tribunal. The court there
16 found it constitutional.

17 Throughout our history there have been excuses given, whether it's the post 9/11,
18 first violations of civil liberties in the name of the war on terror, always excuses,
19 emergencies justify doing these things. And that's just not constitutional. There's no
20 escape clause in the Constitution.

21 So I don't think COVID is one either, so you have to follow the Constitution at all
22 times, period.

23 [REDACTED] Could I ask a general question --

24 [REDACTED] My -- sorry, [REDACTED]

25 My understanding of Mr. Moseley's objection was that he wanted to jump in

1 before the toothpaste got squeezed out of the tube and we weren't quite there yet. So
2 if I could suggest that we continue down the line of questioning that [REDACTED]
3 wanted to ask, and if we're squeezing the toothpaste tube, you all feel free to jump in.

4 Thanks.

5 Mr. Bright. Yes, [REDACTED] Thank you.

6 [REDACTED] Thanks, [REDACTED]

7 BY [REDACTED]

8 Q Well, let me just back up because, you know, Mr. Rhodes, what you were
9 just saying rang a bell for me. And I was just hoping to get your thoughts on the state of
10 American democracy today, and you can offer your thoughts on the health of our
11 country.

12 A Wow. This is asking me for my current opinion or my pre-election opinion?

13 Q Will you object to your current -- to the question about your current
14 opinion?

15 Mr. Moseley. Could you actually repeat that, if you don't mind? And that
16 might help everybody, not to be a pain.

17 [REDACTED] No problem.

18 BY [REDACTED]

19 Q What, in your opinion, is the state of the health of our country?

20 Mr. Moseley. If he can answer that -- it's open-ended, but if he thinks it's not too
21 open-ended, then I guess -- I mean, I don't see the harm.

22 [REDACTED] Well, if I could clarify, I think the original question, [REDACTED],
23 was the state of our democracy, not just the general health of the country.

24 [REDACTED] I'm not asking about COVID.

25 Mr. Moseley. Right.

1 The Witness. No, I think we're in pretty bad trouble. The vision of this country
2 is bad, and is being perpetually fueled by the mainstream media and, frankly, by this
3 committee, I think, running these proceedings has not helped. So it has not led to any
4 reconciliation. It's led to more division and less trust. So, you know, people have
5 grave concerns that we're going down the road that we've seen throughout history.

6 You know, you got -- what's that one MAA fighter, the lady who was on The
7 Mandalorian Show? She said that Republicans now are like Jews in Germany, and she
8 was fired from the show. It's exactly what the dissidents used in Germany, and their
9 own view platform was demonetized as well. So I think she's right. I think that this is
10 what's happening.

11 And the same thing can be done by the other side. The Bush administration was
12 full of excesses, the endless national security and, you know, it was horrific. Like I said, I
13 couldn't even hang out with those socialist guys anymore, because they were just so far
14 right now. And we see this cycle. Emergencies are always used as an excuse to
15 suppress people and to rally and riots.

16 And I think that's what's happening right now. I think it's been happening in this
17 country, the cycle is -- there's one way to ratchet. It always goes up, never comes all the
18 way back down. It might come down a little bit. But the excesses of the Bush
19 administration, one of them was retained by Obama, and then the Obama administration
20 became the drone czar, joining people all over the world and ratcheted it up some more,
21 you know, violative of the Constitution entirely. And then you had the Trump
22 administration has -- this keeps going. And now I see the same pattern again. And I
23 feel like I'm back -- you know, history is repeating itself.

24 I feel like a Jew in Germany, frankly. I'm guilty, period, because I'm the bad guy.
25 They've labeled me the bad guy. And now, like this one secret police officer in the

1 Soviet Union, his famous saying was, You show me the man, I'll show you the crime.

2 That's what we're going through now. That's how I feel about it.

3 Mr. Bright. I believe that was Lenin.

4 The Witness. I'm sorry, you're right, during Lenin's period --

5 Mr. Bright. That's correct, as he turned on Trotsky, that was Lenin.

6 The Witness. Yeah. Show me the man, I'll show you the crime. That's how it

7 was in Nazi Germany. Whether it was Communist or fascist, it was the same thing.

8 Authoritarians around the world do the same thing.

9 So I think we're in danger in this country of the demonization of the other to the
10 point of dehumanizing people and persecuting them for their political beliefs. That's
11 where we're at.

12 BY [REDACTED]

13 Q What do you think is causing these divisions?

14 A Well, the mainstream media is not helping. It really is not.

15 You know, I attended a Buddhist retreat back in 2018, which was really helpful,
16 but the leading instructor for the retreat, at the end there was a lady -- because they
17 were talking about having love and compassion, which we don't like, pretty much the
18 same as Christians are given, love your enemies, right. And this one lady said, I
19 can't -- I'm having hard time having compassion for Trump. I can't stand him.

20 Of course, none of them knew who I was, so that was kind of funny. But the
21 instructor said to her, Well, imagine him as a child, what his upbringing must have been
22 like, what his father must have been like making him this way. And then you can have
23 compassion for him.

24 And then he said something interesting. He said, What you see on TV is not real
25 life. You need to understand that. That's not real. That's fake. What you see on

1 television is fake. Real life is you, your family, your friends, your local neighborhood,
2 your community. That's real. Everything else is fake.

3 And I think he's right. The media has been -- and mainstream media and also
4 social media has fed this turmoil of hatred, mutual hatred and polarization of Americans,
5 and we need to get away from that. It's very dangerous.

6 Q What are the media sources that you think are doing a responsible job?

7 A I think Tucker has been pretty fair. Of course, he has his biases, and that's
8 the problem, right? So, you know, the person on the left will think that CNN is being
9 fair, and the person on the right will tend to think that Fox is being fair. But I think
10 Tucker has been pretty fair when it comes to treatment of us. I think he's been the most
11 fair.

12 That hasn't been consistent with the political rife that -- all the political rife that
13 have disdained me grossly, accused me of being a Fed. That's absolutely absurd that I
14 was some kind of Fed informant and the folks would just swarm around me. The FBI ran
15 the operation from the very beginning as to kind of lies just like that, complete garbage.
16 This is irresponsible journalism on the right too.

17 I have been the brunt at both ends. I have seen it from both ends, irresponsible
18 journalism and a lot of times without any good faith whatsoever. I'll do an interview
19 and -- oh, like my vice president, Greg McWhirter, you know, Black, cop, he interviewed
20 with The New York Times, lengthy interview, disappeared, never made print. Nothing
21 he said ever made print because it doesn't fit the mold, doesn't fit the agenda. The
22 agenda is to divide people along racial lines in this country, and the agenda, of course, is
23 to portray the Oath Keepers as being a White supremacist organization. There's the
24 constant drum beat from Southern Poverty Law Center, from ADL, and now, sadly, ADL has
25 gone way off the map of what they originally started off to be. So now it's just a political

1 propaganda mill, and major news the same way, and it goes for both sides. It's not a
2 good thing.

3 Q I guess I'm struggling to understand. You mentioned what the agenda is
4 and that the mainstream media is helping to advance certain messages, but where are
5 those messages coming from? What was the ultimate source of those divisions?

6 A Well, I just said, I think the loudest part is artificial. Like the Buddhist
7 instructor said, that's not real life. You know, when I interacted with people at college
8 and law school, I never had issues talking to someone at this group. You know, it could
9 be pretty far left. But I think the culture is dead. And I know the culture on college
10 campus has definitely changed now. I went to college in the '90s, and I went to law
11 school in the early 2000s. It's a different world now. You do see suppression of free
12 speech on college campuses. You do see violence on college campuses, a lot of it
13 cheered on by some of the instructors. I think it's incredibly toxic and dangerous, so I
14 think academia has a lot of responsibility for that.

15 There's also quotes from mainstream media and from the politicians too, you
16 know, demonization of the other, calling somebody -- labeling them -- you know, basically
17 I feel like this is post Reichstag fire in, like, 1933 Germans, I feel, that's what's being done
18 right now.

19 Q Do you have fears about what comes after that?

20 A Well, I think what is being done to me right now is what comes after that.
21 I'm being -- I'm a political prisoner. That's how I feel.

22 Q And how --

23 [REDACTED] Mr. Moseley, were you going to say something?

24 Mr. Moseley. I was thinking out loud. Never mind.

25 BY [REDACTED]:

1 Q Can you expand on what you said about being a political prisoner?

2 A Yes. I've never broken a law in my life, and here I sit being treated like I'm
3 enemy number one of the republic. I take my oath very seriously.

4 Q Why do you think you're being targeted?

5 A Politics.

6 Q Can you be more specific?

7 A Demonize Trump, demonize his followers, demonize everybody on the right
8 as a way to demonize Trump and justify charging him or preventing him from running for
9 office again. It's political.

10 Q So is it your sense that the primary motivation is opposition to Trump?

11 Mr. Bright. Could you [REDACTED] define when you said the opposition -- you
12 said the primary motivation is the opposition to Trump. Can you define, are you
13 referring to the criminal prosecution, or the whole purpose of the committee in which
14 you are doing the investigation? Can you clarify?

15 [REDACTED] Well, I can open it up to both, you know, both the criminal
16 prosecution and the committee's efforts.

17 Mr. Bright. I would instruct my client regarding the criminal prosecution to make
18 no statement regarding that, being that it has to do with the criminal prosecution. I
19 certainly think that he should feel free to speculate and offer conjecture regarding your
20 committee since that is not specifically aimed at him and doesn't have anything to do
21 with the direct nature of his criminal prosecution.

22 Mr. Moseley. Or maybe outside of either. But you're saying that you don't
23 want him to comment on the motives pending criminal prosecution?

24 Mr. Bright. That would be correct, Mr. Moseley. We are in agreement on that,
25 yes, sir, regarding the criminal prosecution, that is. But, Mr. Stewart, feel free if you

1 wish to comment, being that it's a bifurcated question, your opinion and speculation as to
2 the motivation behind the January 6th Select Committee.

3 The Witness. I can't get inside someone's heart, inside their head, but from what
4 I see on the outside, as I said and what's been mentioned about neutrality post-Reichstag
5 fire, that's when the Germans get to the Nazis, use the Reichstag fire -- I'm not talking
6 about being Nazi, by the way. I'm speaking of an analogy. That's when the Nazis used
7 the Reichstag fire to justify what became of concentration camps and mass internment,
8 like our government is the canary in the coal mine is how I feel.

1

2 [2:19 p.m.]

3 BY [REDACTED]

4 Q Are there any aspects of the events of January 6th that you think are worth
5 investigation by the select committee?

6 The Witness. Yes, I do. I think that an honest good will investigation should be
7 conducted. But I don't feel -- no offense to you, I think you're good to go -- but I think
8 that there are people who are very higher up above you that do not have good will and
9 do not have that intention in mind.

10 And, like I said, show me the man, I'll show you the crime. That seems to be the
11 mindset. I think the brief exchange I had with a Member of Congress earlier
12 demonstrated that in spades, frankly.

13 [REDACTED] Let me just pause there and see if my colleagues have any
14 questions?

15 Okay.

16 BY [REDACTED]

17 Q Just following up on what you just said, what are the things that should be
18 investigated?

19 A Well, certainly, anybody who assaulted police officers, anybody committing
20 acts of violence most definitely. But to me, that's really about it.

21 Q Understood. Thank you for sharing your thoughts.

22 A Yeah. I look forward to my own personal testimony at my trial. Then I
23 can go into everything in detail and let it all out with both barrels. Look forward to that,
24 frankly.

25 Q Great.

1 So I'd like to still stay in the period before the election. And on October 27th,
2 2020, you appeared on the Alex Jones show "Infowars." And I have a couple of videos
3 that I'd like to show you and ask you about.

4 These are exhibits 24 through 28. And bear with me there. There are a couple
5 of them. And I apologize in advance if they're not in order.

6 But, [REDACTED] could we please play a few seconds of the first video, exhibit 24, and
7 then take a pause and see whether everyone can see and hear the video properly?

8 [Video shown.]

9 The Witness. Can't hear anything.

10 [REDACTED] Can you hear the first few seconds?

11 [REDACTED] No, we couldn't hear any audio.

12 [Video shown.]

13 [REDACTED] Can you hear that, sir?

14 The Witness. Yes, I can hear it. Go ahead.

15 [Video shown.]

16 Mr. Moseley. Well, there is not a question pending.

17 [REDACTED]. I will ask a question.

18 So you said that you wouldn't consider a Biden win legitimate. And at that point
19 the election hadn't happened yet. What were you concerned about that made you
20 think that a Biden win wouldn't be legitimate?

21 Mr. Moseley. Can I check with criminal defense counsel? I texted him offline.
22 But unless you want to -- here, I'll mute.

23 Mr. Bright. Could we have a 2-minute break, everyone, please?

24 [REDACTED] Sure.

25 Mr. Bright. Thank you.

1 [REDACTED] I will pause the recording, and then I'll put you in a breakout room.

2 Mr. Bright. Thank you, [REDACTED] I really appreciate your help.

3 [REDACTED] We are going to go temporarily off the record here at 2:25. So
4 I'm stopping the recording right now and putting you all in the breakout room, or at least
5 opening it up to you.

6 [Recess.]

7 [REDACTED] On the record. I'll turn it back over to [REDACTED]

8 [REDACTED] Thank you, [REDACTED]

9 BY [REDACTED] :

10 Q So, Mr. Rhodes, prior to our break, I had asked what led to your assertion
11 that a Biden win would not be legitimate even before the election?

12 A Well, as I said earlier, we saw across the country very publicly announced
13 decisions to set aside the normal election laws in every State and instead you had
14 executive officers at the State level and local level announcing they were going to do
15 other things instead of the normal way they do elections, and that's just unconstitutional.

16 Both Article I and Article II mandate that it's pursuant to the methods established
17 by the State legislature for congressional elections or for the selection of electors for
18 President, it's mandated by Article II on that point that it will be done in a manner
19 imposed by the State legislature. It doesn't leave any purview at all for the executive
20 branch of a State to do anything, and they grossly violated that across the country.

21 So you wind up with an unconstitutional election out the gate. And that
22 facilitates -- or that causes an erosion of trust right there -- but it also facilitates gross
23 fraud. And you had Federal law also violated. The HAVA, Help America Vote Act, was
24 not followed either, all in the name of COVID. And like I said before, emergencies don't
25 justify setting aside the constitutional order, and you can't do it.

1 So out of the gate it was an unconstitutional election. And I do think it was used
2 to facilitate vote fraud. We saw that.

3 But leading up to it, my concern was is that they stepped outside the Constitution,
4 grossly. This is going to cause irregularities that inherently are going to cause people to
5 question the results.

6 And that was true for both sides. And let me be clear that even if Trump had
7 won, you would have had the left, of course, would have renounced it, and rightly so,
8 because it was an unconstitutional election. He would have been invalidly elected as
9 well, Trump would have, if he'd have won, if he were declared the winner.

10 So I think they would have had a pretty good argument. I'm surprised and
11 shocked that that hasn't been litigated yet, the constitutional questions haven't been
12 litigated, even though it's the plain text of the Constitution. It's right there.

13 You know, States could select their electors, the legislatures could select them
14 directly, but they have instead tied the electors to the popular vote that's done through
15 elections, that's done pursuant to State election laws. And all of those were set aside,
16 spectacularly.

17 How could you call it anything remotely valid? That was my position, you know.
18 And then you have got politicians on the left, Stacey Abrams, who is still to this day
19 protesting the results of her election she declared was stolen.

20 And you have an erosion of trust on both sides, and I think that's still there.
21 That's not going away. No matter who wins, one side is going to believe it was not valid.
22 That's what happens when you step outside the Constitution.

23 Q So it's your view that if Trump had won the 2020 election, that also would
24 not have been legitimate?

25 A No, because it wasn't constitutional, because they had set aside the normal

1 election laws in every State. Article II says the electors will be selected in the manner
2 established by the State legislatures, not the executive branch, not your local county clerk
3 or election official, the State legislatures.

4 The answer would have been special sessions to change the election laws if they
5 needed to for COVID. It wasn't done. Instead, it's by executive fiat, same way the
6 governors did with shutdown orders, by executive fiat.

7 They could have called special legislature sessions, they should have, but instead
8 they said, "Oh, we're just going to do it on our own." So by doing that they made the
9 election unconstitutional.

10 Q So in the same "Infowars" interview, and for the sake of time, I'm not going
11 to play the video, but you called on President Trump to invoke the Insurrection Act before
12 the election. And we talked about the Insurrection Act earlier in our conversation.
13 What would that do in the context of the election?

14 A Well, I penned, along with Kellye SoRelle, two open letters to the President,
15 and in those the main thing I encouraged him to do was, one, they should enforce the
16 actual laws, the State laws for elections, but then also to do a massive declassification and
17 data dump of any intelligence information held by the CIA or NSA of corrupt politicians
18 who have been blackmailed or are taking bribes. And I wanted to expose the
19 corruption. [Inaudible] everyone says.

20 They have, just like JFK -- or not JFK. Just like J. Edgar Hoover had files on
21 everybody in the country, and that's why he was in office for life as the head of the FBI,
22 it's even more so nowadays that they have got records about everyone's dirt, all the dirty
23 laundry. So that's the corruption in our government on both political parties, both
24 Republicans and Democrats.

25 And, frankly, I think that the Occupy Wall Street people were correct. You've got

1 the 1 percent at the very, very top, and then you've got the rest of us. But in America
2 the 1 percent at the very, very top have tricked all the rest of us into hating each other
3 over artificial political divisions rather than focusing on them and their corruption.

4 Why is it you have so many millionaires in Congress? How did that happen?

5 So I think that he should have done a mass declassification of data that would
6 have in particular exposed all the corruption. That's one thing he could have done to
7 right the ship and fix this country -- on both sides, Republicans or Democrats.

8 Q Related to that, in the same interview you reference members of the
9 so-called deep state. What do you mean by the deep state?

10 A Well, the CIA and the NSA. And you can look at the repeat players in the
11 military-industrial complex. This is what Eisenhower warned us against, right, in his
12 farewell address, the growth of the military-industrial complex. And you can also add
13 the prison-industrial complex, which I'm enjoying right now.

14 There are people that benefit, and they have a personal stake in pitting Americans
15 against each other, and also not having the best interests of the American people at
16 heart. And it benefits them personally, and I think they should be exposed and stopped.

17 Q Earlier, when we were talking about the state of American democracy, I
18 asked if you had thoughts on who was behind, you know, a particular agenda or messages
19 that the mainstream media was pushing out. Is that the deep state?

20 A Well, I would say, I mean, how many different media outlets are all owned
21 by the same people at the very, very top? I think that should raise alarm bells.

22 And like I said, I think the Occupy Wall Street people had a point about who the
23 bad guys are. I think it is the political and financial elites at the very top who pit the rest
24 of us against each other. I just don't agree with the solutions, the solutions of socialism,
25 which just leads from the frying pan into the fire.

1 So you can get more corruption actually under a socialist administration. Look at
2 China. Look at the tyranny the people of China are subjected to.

3 So I think it's not -- this country is supposed to be of, by, and for the people, and
4 it's just not anymore. And I think the CIA should be disbanded. I think FDR -- not FDR.
5 I think JFK was correct when he said he was going to disband the CIA. He should have.
6 They have been off the books, running black ops, running drugs all over the world.
7 They're the largest drug cartel on the planet, the CIA, you know.

8 I had a guy who was a prior narcotics officer who used to work with the DEA on
9 the joint task forces, and that's what he said. He said he retired when he realized that
10 the CIA is the biggest drug cartel in the world, so they get this black market -- or this black
11 budget funding. That's a large part of it, all the secret funding for all the operations.
12 That's not a democracy.

13 Q One thing that you said in the interview was that you wanted to take
14 members of the deep state and, quote, "do what we have" -- you would take them into
15 custody and then, quote, "do what we have to do." What did you mean by that?

16 A Under the context of that. What was the context?

17 [REDACTED] [REDACTED], could we pull up exhibit 27. [REDACTED] are you able to
18 pull up exhibit 27?

19 Thank you.

20 [Video shown.]

21 The Witness. That has the context. I was talking about taking them into
22 custody. You know, as I said earlier, that if the President were to invoke the
23 Insurrection Act, do a massive data dump, and then call us veterans up as the militia, we
24 would go and arrest the people that were identified as being, like I said, compromised by
25 foreign governments or blackmail. But then, of course, they would get due process.

1 That's what I meant.

2 Q Would you identify those people?

3 A If he had to do that, use us veterans to go do that.

4 Q How would you identify those people?

5 A Well, it would be identified by the data dump, right? And, hopefully, the
6 President of the United States, when exposing that data dump, hopefully, he would have
7 some allies left inside the Federal law enforcement sphere that could do the right thing
8 and actually arrest these people.

9 So I'm not sure exactly whether he would retire -- whether he would rely on
10 special prosecutors or what he would do. That's probably the first step, is to get special
11 prosecutors.

12 So the main thing is, is for the American people to know here's the dirt, here's
13 who has taken bribes, who is on video, you know, having sex with children, that controls
14 them.

15 This is why Epstein was killed in custody, was to not have him roll over on all the
16 people that he had blackmailed, because he was running a blackmail operation. He had
17 cameras in every room in his house, including the bathrooms. That's all well known.
18 It's a tip of the iceberg.

19 Mr. Moseley. Off the China, maybe I missed it, it might be my fault, but try to
20 make sure there is a question pending, too, when you answer. Maybe I overlooked that,
21 but so you can focus there.

22 The Witness. Yeah, could you restate your question?

23 BY [REDACTED]:

24 Q Well, I think you answered it, so we can move on to the next one.

25 A Just to be clear, it was about taking them into custody. I said we'll take

1 them into custody. That's what I said. We will do what we have to do to take them
2 into custody. I'm not talking about taking the law into our own hands and being judge,
3 jury, and executioner. Take them into custody. They deserve a right to a jury trial just
4 like everybody else.

5 Q So it's your sense that the President invoking the Insurrection Act and
6 empowering a militia to act would give that militia the ability to take people into custody?

7 A Yes, just as National Guardsmen when they're suppressing a riot take people
8 into custody, but they turn them right over to civil law enforcement for prosecution.
9 That's what happens. Any time the National Guard is called out for any civil disturbance,
10 that's how it goes, not military tribunal.

11 I mean, I wrote a paper about this at Yale that won a Judge William Miller Prize for
12 best paper on the Bill of Rights for saying that you cannot use military jurisdiction or a
13 military trial against American citizens. They have a right to a jury trial, even if they're
14 accused of treason.

15 In fact, more so. Article III, section 3 mandates it must be a trial in open court or
16 a confession in open court, or the -- with two witnesses to the same overt act you could
17 prosecute them or find them guilty.

18 So I'd never stand for setting aside the constitutional rights of any American. No
19 matter how egregious they are, no matter how horrible they are, they have a right to a
20 jury trial, period. So it would be civilian law enforcement and civilian courts that would
21 hold them to account, not military.

22 Q Thanks, Mr. Rhodes.

23 A You're welcome.

24 Q In October 2020, I think this was October 10th, the Los Angeles Times
25 reported you as suggesting that the Oath Keepers were preparing to monitor the election

1 undercover.

2 Were you sending Oath Keepers to the polls?

3 A Yes. We did the same thing in 2016, too, because we were concerned
4 about ballot stuffing or people going from one poll to another, voting multiple times.
5 These are things that have happened in U.S. history.

6 And so we sent -- and mainly it was, you know, pardon my language, what we
7 called a mind fuck against anybody who would try to do that. "Look, hey, we got
8 undercover retired cops watching for the fraud." And we hoped that would deter
9 anyone from trying to do things that would be that obvious and egregious. Like, you
10 know, a bus full of people going from one place to another to vote. So, yes, we did that.

11 But we had no overt presence. We had, you know, we told all our guys you have
12 got to be undercover only. You are going to obey local election laws strictly. And your
13 only purpose is to spot and report possible illegal activity and report it to law
14 enforcement. That's it.

15 But we did want it to be a deterrent against unlawful activities, like vote fraud, let
16 them know we have retired cops out watching and looking for vote fraud.

17 Q Were these people armed?

18 A That's up to them. It depends on their State laws. That's not the point of
19 it. The point wasn't to go armed. The point was to go and look for potential crimes.
20 But, hey, if you're in Texas, for example, and they were carrying a gun, they could do so
21 lawfully, they were a law enforcement officer off duty, then by all means. But that
22 wasn't the mission.

23 Q Got it. So some of them were?

24 A I don't know. That's a good question. Don't know.

25 Q Did you go to the polls undercover?

1 A No, I did not. No, because I tasked mostly our law enforcement veterans
2 with doing that, guys that would know what to look for. Or people who had been
3 election observers or trained election judges and things like that. Those were the ones
4 that went and did the poll watching.

5 Like, for example, there was one in Texas, one retired Federal law enforcement
6 officer who had also been an election judge and been involved, an election official for
7 many years. He went and observed the polls, I believe.

8 So that's what I asked for, for guys like that, that had that kind of skill set, to go to
9 them.

10 Q Did these poll watchers find any voter fraud?

11 A No, I don't think they did. Like I said, it was mainly a deterrent. So it's
12 very similar to deterring antifa: How do you prove a negative?

13 So, you know, antifa didn't attack. Is that because they didn't want to get -- they
14 didn't want to dance with Oath Keepers? Probably. [Inaudible.] Same goes for
15 [inaudible] they didn't see any antifa. I'm talking 2016.

16 In 2020, different story, but that's getting into territory we can't go down because
17 of the charges against me.

18 Q So just to be clear, what you were just describing was only related to 2016?

19 A Yes, yes. 2020 is a different animal. There was, I believe, widespread
20 incidents all over the country.

21 Q Why was 2020 a different animal?

22 A Because they had set aside the constitutional order and violated the
23 Constitution and suspended all the State election laws to do whatever they wanted to do,
24 that's why.

25 Q And so did the Oath Keepers poll watchers find any voter fraud in 2020?

1 Mr. Bright. I am going to ask at this time, being that it relates directly to the
2 election that is the basis of the ongoing allegations in the indictment, that Mr. Stewart
3 not speculate on that question and plead the Fifth regarding anything to do with the
4 election and the year thereafter.

5 [REDACTED] Thank you, Mr. Bright.

6 BY [REDACTED] :

7 Q Let me back up a little bit.

8 Very early on in the conversation we were talking about the Proud Boys. Do you
9 recall President Trump's comment during his first debate with then candidate Biden that
10 the Proud Boys should, quote, "stand back and stand by," end quote?

11 A Yes, I do recall that.

12 Q How did you react to that comment at the time?

13 A What was the context? I can't remember the context. What was he
14 asked? Can you refresh my memory on that?

15 Q I believe, and I don't know the exact quote, but I believe President Trump
16 was asked to condemn White supremacists, and then the moderator specifically asked
17 him to condemn the Proud Boys.

18 A Uh-huh. And his comment was stand by and -- stand down or stand by?
19 It doesn't make any sense.

20 Q Stand back and stand by?

21 A You sure that was the question posed to him?

22 Q I am -- I don't have the exact quote in front of me but --

23 A Okay.

24 [REDACTED] This is [REDACTED] I will State that the moderator and candidate
25 Biden asked him to denounce these groups and White nationalists. And he asked, who,

1 specifically? I believe it was President Biden who said the Proud Boys. And then Mr.
2 Trump said, the Proud Boys, stand back and stand by.

3 Mr. Moseley. Okay. And if I may, I understand the question is his reaction, and
4 understanding that, you know, what was -- I mean, I -- what was said in the debate, you
5 know, I understand is not the question, it's his reaction to it, right?

6 [REDACTED] That's correct.

7 The Witness. Well, my reaction to it is we have worked with the Proud Boys in
8 the streets. I will say the vast majority of them are not White nationalists at all.

9 But, as I said earlier, they have been a bit sloppy about keeping White nationalists
10 out. So that's where we parted ways.

11 I disagree, because when they allowed the American Guard to go with them in
12 Portland, that's when I said we can no longer work with them going forward. And, you
13 know.

14 Mr. Bright. And just to be clear, real quick, because reading the transcript of it
15 now, Chris Wallace specifically asked him if he would tell them to, quote, "stand down."
16 And Trump's response was, "Who would you like me to condemn? The Proud Boys?"
17 And his then response was, "Stand back and stand by." But then he quickly turned the
18 conversation to antifa. So that's just for the clarification of the transcript.

19 The Witness. Yeah. So he basically agreed with Mr. Wallace, right? I thought
20 it was a big nothing burger.

21 Look, I don't believe Proud Boys are White nationalists. I think they've been
22 sloppy and let White nationalists infiltrate their group. That's all I'll say. I mean, in
23 fairness to them, I don't think Proud Boys as an organization is a White nationalist
24 organization at all. I don't think the vast majority are of that mindset either. But they
25 have been sloppy about not excluding White nationalists who infiltrate. That's what I'll

1 say.

2 And that's why in [inaudible] one of them. And post that, we've actually, you
3 know -- that caused a rift. I did it very publicly and I shouldn't have done that. But I
4 felt it was necessary to make it very clear why we dropped them from the event.

5 But since then, we have kind of patched up a little bit. And I think, for the most
6 part, most of them have the best interest of -- the best intent at heart. But there are
7 some among that group that take things too far. That's all I will say to that.

8 [REDACTED] Mr. Bright, thank you for reading that for the record. I appreciate
9 it.

10 [REDACTED]:

11 Q Mr. Rhodes, you said you that you thought he was basically agreeing with
12 the moderator.

13 A Well, if the moderator --

14 Q Sorry. Go ahead.

15 A If the moderator said, "Will you tell them to stand down?" he did, right?
16 He said, "Oh, yeah, stand back and stand by." What's the difference?

17 Q Actually, that was my question. Do you think there's any difference
18 between stand down and stand back -- stand back and stand by?

19 A Oh, not really, you know, because, look, like I said, they have been
20 demonized almost as bad as we have. And, of course, the demonization against the
21 Oath Keepers is grossly inaccurate.

22 With Proud Boys, I think it's also grossly inaccurate to label them White
23 supremacists or argue that they're somehow, you know, a violent, unlawful, terrorist
24 organization. I don't think they are. I think they're pretty much like us, motivated out
25 of their interest in defending people.

1 You don't get groups like the Proud Boys pop up unless you have groups like antifa
2 on the street beating people up. That's how you grow groups like that. That's the way
3 it is.

4 Q Were you aware that many folks in Proud Boys online forums took "stand
5 back and stand by" as a call to arms in a defense of their organization?

6 A Oh, not really. I just hadn't really been following them that much. So,
7 you know.

8 Q Were you aware that some Proud Boys started selling Proud Boys
9 merchandise with the slogan "stand back and stand by" on the merchandise?

10 A No, I was not aware about that. Like I said, after we had our split, a little
11 bit of a falling out -- I want to make it clear that, you know, like I said, I've got no hard
12 feelings against the rank and file. But I think at the time the leadership made a bad
13 decision by letting American Guard take part in that event. That's when we just could
14 not associate.

15 We do not associate with White nationalists, no White nationalists, just won't do
16 it. And that caused a rift. And after that, we no longer really paid attention to them
17 for a long time.

18 Q Based on your experience with and your knowledge of the Proud Boys,
19 would it surprise you if some of them saw "stand back and stand by" as a call to arms?

20 A Is that what they said, this is a call to arms?

21 Q There were plenty -- I don't want to quote specifically what they are. So I
22 don't want to say that that was the words that they used, but there were several posts
23 right after that debate that interpreted -- where the Proud Boys themselves were
24 interpreting Mr. Trump's statement as an endorsement of the group, telling them to
25 literally stand by for his orders.

1 A I don't know. I mean, I'm not an expert on the Proud Boys. You should
2 ask them, frankly.

3 Q Okay. Thank you.

4 I'll turn it back to [REDACTED]

5 [REDACTED] Thank you.

6 BY [REDACTED]

7 Q Kind of on a similar note, do you think President Trump has supported the
8 Oath Keepers?

9 A Has he supported us?

10 Q Yes.

11 A I don't think so. I don't think there have been any statements about us at
12 all. That's as far as I know. If there is anything different, let me know.

13 Q Have you -- and I -- let me time this to before the election. Have you been
14 in contact with anyone in the Trump White House or in the Trump family or the Trump
15 campaign?

16 A Nope. Nope. Not at all. The only peripheral contact would be at Trump
17 rallies when we were outside, and like the one in New Mexico, when we first arrived at
18 the venue, a campaign worker was standing outside talking to the campaign volunteers.
19 And then they asked, "Well, who are these guys?" And they said, "Oh, we're with the
20 Oath Keepers." And she was just dismissive. Because we weren't -- we don't
21 coordinate with the campaign at all. We only coordinate with Secret Service.

22 We're there to protect the people that are attending the rally. We're not
23 there -- the Secret Service has it covered when it comes to the President or his staff or his
24 family. We have no desire to -- we have no desire to try to do that, do anything with
25 that, because they don't need us. It's the people who are out in the street who attend

1 the event and are walking unescorted -- there's no cops, no Secret Service to escort them
2 back to their car. Those are the folks who were being attacked by antifa or other
3 radicals in the street. That's who we were there to protect. So that's why we had no
4 communication with the campaign. We didn't need to.

5 Q Has there been a formalized relationship between the Oath Keepers and the
6 Secret Service?

7 A No, not a formal one at all. Just they give us a point of contact and let us
8 know: Please give us the courtesy of letting us know which event you're going to be at
9 so we can let you know like where the blue line is around on the outside. You can't be
10 armed past this point.

11 And every venue is different. Some venues it was the periphery out here, you
12 know, the entire parking lot, like there was [inaudible] like that. And then other places,
13 it was the building itself. You could be in the parking lot, but not in the building. And
14 so whatever the line was they told us, we adhere to that line. We stay on the outside of
15 it.

16 [Inaudible] leadership, and we also communicate with local law enforcement, too,
17 sheriff's deputies and police, working with Secret Service on the exterior of the buildings,
18 and also out in the community.

19 So they would know. We put armbands on. You can look at our website and
20 see guys wearing a bright orange vest or an armband, you would know, this identified an
21 Oath Keeper escort team who have one, you know, Houston PD, retired police detective
22 standing there with an orange vest on, and a helmet and goggles, because antifa likes to
23 hit you on the head with bricks, or likes to throw, you know, things in your, like, fluids in
24 your eyes. So all the times our guys would wear helmets and goggles all through those
25 Trump rallies when they were escorting people outside.

1 Q So I'd like to go farther back in time and ask about Sheriff Richard Mack and
2 the Constitutional Sheriffs and Peace Officers Association.

3 A Uh-huh.

4 Q What was the role of Sheriff Mack in the formation of the Oath Keepers, and
5 do you have a relationship now?

6 A He did not take part in the founding of it. I founded it. And then later he
7 came on and became a board member of the Oath Keepers. I advised him to submit his
8 name to the board and they voted to let him in. He became a board member for a few
9 years.

10 But he did not found the Oath Keepers, I founded them.

11 Q Understood.

12 Is he currently a board member?

13 A No, he's not.

14 Q And do the Oath Keepers have a relationship with the organization CSPLA?

15 A We've been friendly. We're not, as I said before, no formal alliances.

16 We've been friendly over the years.

17 I think his core mission of teaching sheriffs about their oath obligations is sound
18 and worthy. I've been to and spoken at CSPLA conventions out in Las Vegas where he
19 had multiple sheriffs from all over the country coming in. I spoke with them. Other
20 sheriffs have become friends. They're good people.

21 So, yeah, so it's a righteous mission. I think that's a good mission.

22 Q I'd like to ask about something else. And I apologize if it seems like I'm
23 jumping around topics here.

24 But are you familiar with the QAnon theory?

25 A Yes, so I'm familiar with QAnon, in general. It's kind of like antifa. How

1 do you know what's Q, what's QAnon, who knows, you know?

2 So it's kind of like Anonymous, the videos you see on YouTube by Anonymous,

3 anyone can claim to be Anonymous. That's the problem with Q, too [inaudible] right?

4 But, yeah, in general [inaudible].

5 Voice. [Inaudible.]

6 The Witness. Sorry [REDACTED] I'm sorry.

7 I'll restate that. Yes, I am familiar with QAnon in general. Yes.

8 [REDACTED] Understood.

9 And have you been tracking QAnon-associated theories?

10 The Witness. I only hear about them from people that sometimes post them in
11 our chats. But I'm not a Q follower. I'm not a Q-tard -- sorry if I give away my opinion
12 about Q in that.

13 But, no, I'm not a follower of Q at all.

14 [REDACTED] Understood.

15 The Witness. I think it was a, frankly, a psyops campaign, to be honest with you.
16 I think it was meant to just cause Americans to chase all kinds of rabbit holes that were
17 not --

18 Mr. Bright. What kind of campaign did you call it? You cut out.

19 The Witness. A psyops. I think it was some way --

20 Mr. Bright. Okay. Got you.

21 The Witness. I expect it was a psyops designed to get people chasing down all
22 kinds of weird rabbit holes and believing things that are just ridiculous. So --

23 BY [REDACTED]

24 Q You mentioned that people would post QAnon-related theories in Oath

25 Keepers chats?

1 A Thankfully not that often, but once in a while. I tell them, "Hey, get that
2 stuff outta here." And in particular all these crazy ideas that there are arrested
3 politicians who we've got in Guantanamo. You know, John McCain is still alive and being
4 put on trial at Guantanamo. You know, Bush, Sr., is still alive being put on trial in
5 Guantanamo. Just nonsense like that.

6 But I have an ideological aversion and disagreement with any notion of using
7 military tribunals on Americans. And I think the whole Q phenomenon was way down
8 that rabbit hole. "Oh, we're going to hold them into account in a military trial." This is
9 unconstitutional. You can't do it.

10 That's what I tell people. I say: Wait a minute, as a threshold matter, this is
11 unconstitutional. So if you're going to be an Oath Keeper, and you're going to be
12 adhering to the Constitution, you can't be advocating a grossly unconstitutional trial, a
13 military tribunal in Guantanamo. I don't care what you think the person has done.

14 So that's why I have pretty much a zero-tolerance policy towards QAnon on our
15 chats.

16 Q Understood.

17 So I'd like to move on to -- I'd actually like to revisit one topic and conversation we
18 had earlier about finances. And I recognize that we have our stipulation in place, but
19 we're keeping the time period to prior to the election in 2020.

20 But I wanted to return to the question of cryptocurrency. And were the Oath
21 Keepers using cryptocurrency during that time period?

22 A No, not at all.

23 Q Okay.

24 A I'm not a cryptocurrency guy. I'm not a geek. I'm not a, you know, a tech
25 guy. It's not my world. So, no, it was just donations through our website through

1 Stripe period.

2 Q Got it. Thank you.

3 A Uh-huh.

4 Q And then as a general matter, and we can cabin this to the time period prior
5 to the election in 2020, how do you communicate with Oath Keepers' members? What
6 are the apps or platforms that you have used?

7 A Well, we use Signal for all of our operations. Of course when we're on
8 operations we use radios too. But Signal was useful because, like, for example, in
9 Berkeley, we were trying to use our radios to communicate. And antifa would jump on
10 our channel. Because we're using both wide open source and radios. They would
11 jump on with a MURS channel later on and then start playing Mariachi music, or
12 whatever, just to drown us out.

13 And so that's when we started using apps like Zello, which is an encrypted chat
14 app. You can use it like a walkie-talkie. It's useful for that. You can use it like a radio.
15 And it's secure. You can't be jammed by your political opposition on the ground.

16 And the same goes for Signal. We use a Signal chat with a backup. We use
17 Zello. We work on a PACE, Primary Alternate Contingency and Emergency for
18 communications.

19 Like in Louisville, I believe it was, if I'm correct on this, primary was a Zello
20 channel. Alternate was our radios, open voice radios. Contingency was chat
21 [inaudible]. And then emergency would be a letter. So this goes, give the message
22 person to person, if someone is not responding. That's what we used, and we do that
23 for every operation we're on.

24 Q And outside of operations, how would you communicate with?

25 A On chat forums. But, of course, you know, we had -- we tried to use

1 private chat forms, like Discord was one, and we thought it was going to be a free
2 speech-respecting platform. And we invested a lot of time and money setting that up.
3 And then they arbitrarily just canceled this with no due process whatsoever, no notice.

4 And so we learned our lesson there. Like, well, if we don't own it we're not going
5 to use it. So we only use platforms that we think are going to be either owned by us,
6 like our own personal chats, whatever, Signal machines with an average chat board. Or
7 like our operations, we can create either a Signal, a Telegram, a chat that's just for an
8 operation.

9 But we have in more recent years used -- because we've been deplatformed so
10 many times and demonetized -- we have begun to use Signal and Telegram for
11 communication only because we can trust that it's not going to go away. You know, it's
12 not going to disappear on us. And so far neither platform has ever, as far as I can tell,
13 ever purged anybody for political reasons.

14 Q Have you been banned from a social media platform before?

15 A Well, of course, yeah, we were banned off of Facebook. At one time we
16 had half a million followers on our main Facebook page, and then also literally thousands
17 of local chapter pages all over the country. And in one fell swoop they all disappeared
18 into the night, and so did my personal account. And anybody who was an administrator
19 in any those accounts, their personal accounts were wiped out as well. So --

20 Q When did that happen?

21 A You know, I'm not sure. It was sometime in, I believe, sometime in 2020.
22 Early -- I think it was early '20 -- you know, I'm not really sure. Early 2020, I believe. So
23 that was before --

24 Q Were you provided with a reason?

25 A No. Not at all. They just did the same thing they all do: You violated

1 our terms of services. I said, well, like what, exactly what? Nothing. No response.
2 No warning. No, hey, this post here crossed the line, if you do that again you'll be
3 banned. Nothing like that. Just wiped us out. And then the same thing happened on
4 Twitter as well later on.

5 Q What impact did it have on recruitment or communication to be kicked off
6 of those platforms?

7 A Well, of course, it was the differences that I can do, was to suppress our
8 engagement with the community. That's the whole point of this, as these deplatforming
9 operations go along.

10 But like I said, we never actually violated any of those terms of service. They
11 never articulated any violation of terms of service. They just destroyed our platform
12 that we had worked for years.

13 I consider it fraud, fraud and inducement. Fraud in the, you know, after the fact.
14 We relied on them.

15 You know, it's not like they said, hey, your terms of use are, if you're a
16 conservative or a libertarian or a constitutionalist, at any point we can just wipe you out.
17 If that's what I agreed to, that would be one thing, but that's not what the terms of
18 service said. You know, no incitement of violence, no illegal acts, you know, no child
19 pornography, things like that. Who wouldn't agree with that? We always adhere to
20 those things.

21 But they never articulated anything that were violated. Instead, they just killed
22 all our websites across the entire spectrum. Half a million followers, plus thousands of
23 pages gone in one day, and personal pages too. No explanation.

24 So this is the world we live in now. This is what's being done to Americans across
25 the country, not for criminal activity, but because of political ideology, just like why I'm

1 sitting right here.

2 Q Well, Mr. Rhodes, you've -- we've covered a bunch of topics in terms of
3 general background of the Oath Keepers and structure, and I appreciate the time that
4 you've spent with us.

5 I am going to move into questions related to events between the election and
6 January 6th. But before I do that, I want to see if staff or Mr. Raskin have questions
7 about any of the topics that we just covered?

8 Okay.

9 [REDACTED] So, [REDACTED], could we please pull up exhibit 4?

10 Mr. Linder. [REDACTED], if I may on behalf of Mr. Rhodes. You said these
11 questions are going to be geared toward the timeframe between the election and
12 January 6th?

13 [REDACTED] Yes.

14 Mr. Linder. I think these are the line of questioning that maybe you intend for us
15 to do this that we would be asking our client to invoke his right under the Fifth
16 Amendment not to answer. Do we want to -- do you want to ask him individually and
17 have him go through all that and take all that time, or how do we want to handle that?

18 [REDACTED] I think in order for us to understand each objection to particular
19 questions, I'd like to get through these questions and have Mr. Rhodes object to
20 questions that he would not like to answer.

21 Mr. Bright. [REDACTED] for the sake of expediency moving forward and,
22 obviously, as you would expect, we are going to be objecting to probably a grand amount
23 and percentage of the questions you ask that have to do with the election writ large
24 moving forward.

25 Instead of having Mr. Rhodes read his statement each time, may we have him

1 upon assertion of that Fifth Amendment right read it once, and then each time he objects
2 merely just, instead of reading a full statement, just say, again, I refer to the statement I
3 made on my Fifth Amendment right to not testify and just leave it at that and make it
4 quick?

5 [REDACTED] That's fine.

6 Mr. Bright. Thank you.

7 [REDACTED] I think saying Fifth Amendment is also acceptable.

8 Mr. Bright. Perfect. Thank you.

9 [REDACTED] But, Mr. Rhodes, if you wouldn't mind reading it the first time you
10 assert the privilege?

11 The Witness. Yes, I will. Absolutely.

12 [REDACTED] Thank you.

13 [REDACTED] could we please pull up exhibit 4. And could you please scroll down to I
14 think page -- yeah, we can stop there.

15 So, Mr. Rhodes, on November 10th, 2020, you posted a call to action on the Oath
16 Keepers website, calling on your followers to, quote, "refuse to ever recognize this as a
17 legitimate election and refuse to recognize Biden as a legitimate winner," end quote.

18 The Witness. I would also like -- I'm sorry, I don't see it on the screen.

19 [REDACTED] | [REDACTED] can you zoom in? Scroll down. Continue scrolling
20 down. Right there. And the last paragraph on that page.

21 So, well, there is no question associated with that. I just wanted to note that
22 quote.

23 But, [REDACTED], if you could please scroll down to page 5.

24 I'd like to ask you about one additional section here.

25 Keep scrolling please. Right there.

1 Under a subsection entitled, quote, "What We the People Must Do," end quote,
2 you quoted, quote, "a patriot from Serbia who also loves America," end quote, describing
3 political violence in his own country.

4 And the quote -- if you scroll down a little bit further -- quote, "Millions gathered
5 in our capital. There were no barricades strong enough to stop them, nor the police
6 determined enough to stop them. Police and military aligned with the people after a
7 few hours of fist fights. We stormed the parliament and burned down fake state
8 television. We won," end quote.

9 Mr. Rhodes, can you tell me about the significance of that quote and what it
10 meant to you?

11 The Witness. Can you scroll down a little bit below that?

12 Mr. Moseley. Who said that?

13 The Witness. It was a guy from Serbia. This is all of his language, not mine.

14 Mr. Bright. For the sake of the record, this was a YouTuber from Serbia
15 referencing the 1990 revolution against Milosodan Slobovic -- Milosevic, excuse me,
16 Slobodan Milosevic -- who is a war criminal in the Hague currently. And we would
17 instruct Mr. Rhodes at this time regarding his Fifth Amendment right to not testify as this
18 has already been presented into evidence as part of his detainer hearing.

19 The Witness. I would like to read below that. Can I make a comment about
20 that? I'm just trying to see it.

21 Mr. Moseley. Well, it depends on what it is. It depends on what the question
22 is. I would note that the question is --

23 The Witness. I'm going to read what I said. I'm just going to read it to myself
24 real quick.

25 Mr. Moseley. Okay.

1 The Witness. I have a copy of this. All right.

2 Mr. Moseley. Hold on. I think the question pending was, what is the
3 significance of that maybe to you? I do know that that is one of the factual allegations
4 in the indictment that came out January 12th and 13th. But the question is, what is the
5 significance of that? So I don't know what the defense attorneys may feel about that?

6 Mr. Bright. Stewart, I respectfully understand that you wish for greater context
7 to be given to this. In light of the fact that it's in the indictment itself and it has been
8 presented as exhibit 1 in your original detainer hearing a week and a half ago here in
9 north Texas, it is advice of counsel that we invoke the Fifth at this time and allow that to
10 play out in the court in July.

11 Mr. Linder. I concur.

12 The Witness. I'm going to agree with my counsel. And like I said, I would have
13 been happy, actually enthusiastic to discuss this with you, if I hadn't been indicted, if we
14 had done this without the indictment.

15 But given that I have been indicted, on the advice of counsel, even preparing for
16 today's questioning, I respectfully decline to answer pursuant to my rights under the Fifth
17 Amendment, my right to receive due process at trial, which means I cannot answer, even
18 when my answers would be positive for me, at the risk of waiving those rights. That
19 applies in spades to this one.

20 [REDACTED] Thank you, Mr. Rhodes.

21 Did you believe that the police and military in this country would also align with
22 your efforts?

23 The Witness. What efforts?

24 [REDACTED] The efforts that were, you know, the efforts that were hinted at
25 with the quote from the Serbian YouTuber.

1 Mr. Bright. Again, Stewart, I appreciate your desire to elucidate this. And it's
2 the instruction of counsel to invoke the Fifth Amendment at this time.

3 The Witness. I do invoke my Fifth Amendment right.

4 [REDACTED] Have you had any conversations with Active-Duty military or law
5 enforcement that would lead you to think that police and military would align with your
6 efforts?

7 The Witness. What efforts?

8 [REDACTED] The efforts that were hinted at in --

9 Mr. Bright. Again, we respect the question. It's instruction of counsel for the
10 client to invoke the Fifth at this time being that it deals with the allegations made in the
11 underlying indictment.

12 BY [REDACTED] :

13 Q And just to be clear, you're asserting that Fifth Amendment privilege in
14 response to these questions because you have a good faith belief that the answer could
15 damage your ability to defend against any pending or potential criminal charges?

16 A Or be construed I waived my Fifth Amendment protection even if the answer
17 would be actually positive. I think my answer would be actually positive, but I'm going
18 to follow counsel's advice that it could be construed as waiving my Fifth Amendment
19 privileges.

20 Q Okay. We can take down this exhibit. Thank you.

21 A I will say that consistent throughout our history, we always followed the law,
22 always, without exception, every time. Period.

23 Q Thank you, Mr. Rhodes.

24 On November 12th, 2020, you appeared on "Infowars" and you stated, quote,
25 "We have men already stationed outside D.C. as a nuclear option. In case they attempt

1 to remove the President illegally, we will step in and stop it," end quote. And you stated
2 that armed men were, quote, "prepared to go in if the President calls us up," end quote.

3 This was over 2 months before President Trump's term would end. Did you
4 believe that there would be an attempt to forcibly remove President Trump from office
5 before January 20th?

6 Mr. Bright. We would re-urge the defendant, despite his desire to answer this
7 question, to invoke the Fifth Amendment at this time due to the fact that it's part of the
8 indictment of this case.

9 The Witness. I'll take the advice -- it's frustrating, but I'll take the advice of my
10 counsel.

11 Mr. Bright. [REDACTED] if I may address my client, and I know this is hard.
12 Normally in court we'd lean over and whisper in their ear.

13 Stewart, I deeply respect your stance on this. After meeting you, getting to know
14 you, I understand implicitly where you're coming from.

15 I also, sir, understand, as does co-counsel, your desire to speak out and address
16 this. You've made it clear from the day we met you that there is, you know, hell and
17 high water, we can't stand in your way later of speaking. This is not the time or the
18 place.

19 And so, respectfully speaking, I appreciate you taking advice of counsel and doing
20 this at some point against your wishes.

21 Mr. Linder. And, [REDACTED], if I may, when we spoke yesterday you gave us
22 an estimate of a couple of hours. We're now five and a half hours into this. We have a
23 severe winter storm that's hit Dallas. It is sleet ing outside of my office. I've got a wife
24 and four kids that are going to be stranded. They can't fully drive in this weather.

25 So we kind of need to -- and he's not going to answer any of these questions. So

1 you've been extremely polite through this whole process, but we kind of need to get to
2 the end.

3 [REDACTED] I am sorry you're experiencing severe weather conditions.

4 Mr. Linder. Well, but you also told us it would be two hours and we're five and a
5 half in. So we've tried to comply, but it's been a long day.

6 [REDACTED] Well, Mr. Linder, we've been fortunate to be able to hear from
7 your client for probably longer than any of us expected.

8 Mr. Linder. That's true.

9 Mr. Bright. That's the gift of what we've given.

10 Okay. See, we work together. It's symbiotic.

11 But I would confer with counsel, if we could, knowing that any questions moving
12 forward that have anything to deal with mindset, intent, knowledge, behavior, planning,
13 anything that speaks to anything post-election, my client will invoke the Fifth, per my
14 instructions. He will get his day in court.

15 He would have done this had the DOJ not indicted him, because he was in
16 compliance beforehand. At this time, though, that being said, and you knowing that,
17 other than merely having the theater of having him invoke it, we do have a weather event
18 moving in. We did anticipate per conference 2 hours. We're five and a half in.

19 That being said, in a collegial fashion, let's wind it up, if we could, at your
20 convenience, sir. Expediency being requested.

21 [REDACTED] I appreciate where you're coming from. I think it's not for the
22 purpose of theater, it's for the purpose of getting our questions on the record. And if
23 each time your client invokes the Fifth but takes one minute to do that, which it has been,
24 I think that's adding to the time.

25 So if you'd like, we can get through these questions. I offered the option of if

1 your client were to raise the Fifth Amendment, just stating Fifth Amendment.

2 Mr. Bright. Perfect.

3 So, Stewart, moving forward, just say Fifth. Done. Please.

4 The Witness. Okay.

5 Mr. Bright. And thank you, [REDACTED]. I was not trying to be tedious or
6 pedantic. But thank you. I appreciate it.

7 [REDACTED] And I understand that this process may seem repetitive, but for
8 the sake of getting the committee's questions on the record and Mr. Rhodes' response, I
9 would like to get through this.

10 Mr. Linder. Thank you.

11 [REDACTED] You -- okay. Just backing up, I was talking about the November
12 12th, 2020, "Infowars" appearance. You referenced men stationed outside D.C. as a,
13 quote, "nuclear option." Where were they stationed, and what were they prepared to
14 do?

15 The Witness. I think on advice of counsel, I'll invoke the Fifth Amendment on
16 that. It goes to what I'll be facing at trial.

17 Mr. Bright. Just say the Fifth.

18 [REDACTED] Did a situation ever arise where those men were necessary?

19 The Witness. Again, I'll invoke the Fifth. I mean, I wish I could answer this
20 because I have a very clear, succinct answer, but my counsel advised me not to answer,
21 so I'm going to invoke the Fifth.

1

2 [3:30 p.m.]

3

BY [REDACTED]

4 Q During the same InfoWars interview, you stated you had Oath Keepers
5 doing, quote, recon for the week prior to the planned November 14th rally in
6 Washington, D.C.

7 What did those people doing recon learn and what were they preparing for?

8 A I can answer in general, but all of our operations, I mean, always -- it's our
9 intent, and we always do. We always go in and look at the venue where we're going to
10 be protecting people, and talk to those we're going to be protecting and then coordinate
11 with law enforcement. But I'm speaking in general.

12 Q In what capacity --

13 A The other question, you can ask me a general question.

14 Q In what capacity did the Oath Keepers participate in the events on
15 November 14th in Washington, D.C.?

16 A I mean, if I could have a side bar with my client -- with my lawyers real quick,
17 if I could do that?

18 Mr. Bright. That's fine, Stewart.

19 I think we can expedite this if we can have 1 minute in a breakout room. Sorry
20 for the inconvenience.

21 [REDACTED] That's fine.

22 [REDACTED] Actually, Counsel, can I suggest we take a 10-minute break here.
23 I'm going to speak with [REDACTED] about how we can expedite the remainder of the
24 deposition.

25 Mr. Linder. Yes.

1 Mr. Bright. Can you put us in a breakout room while we take that 10 minutes?

2 [REDACTED] Will do.

3 Mr. Bright. Thank you so much. That you very much, ma'am. I really
4 appreciate that.

5 [REDACTED] I'm going to stop the recording now.

6 Mr. Bright. Thank you.

7 [Recess.]

8 [REDACTED] We are back on the record at 3:44 p.m.

9 Counsel on both sides have conferred as to how to expedite the remainder of this
10 deposition, recognizing the length that it has gone on so far and the needs for
11 Mr. Rhodes' counsel to get out of the office and get home as quickly as possible.

12 I think the path forward that we have is that Mr. Rhodes' counsel are going to
13 provide the archived version -- pages from the Oath Keepers website that has been
14 scrubbed from the internet and, hopefully, we'll get those to you all.

15 And we are going to -- for the purposes of the items between November 6, 2020,
16 and the present, instead of going through question by question, we are going to identify
17 the topic at a very high level and give you the opportunity to assert the Fifth Amendment.

18 I will state for the record that the committee is not waiving its right to ask more
19 detailed questions about that. We're doing this as an accommodation to try to move
20 this forward. But our sense is that anything within those topics is likely to go to be
21 something that you all are going to object to under the Fifth Amendment based on the
22 other objections.

23 Then we'll have two much smaller categories to go over near the end that we
24 hopefully can churn through quickly, and then you all go back about your days.

25 Does that work for everyone?

1 Mr. Bright. That is all fundamentally I understand in agreement.

2 One thing I want to clarify, there was nothing scrubbed from the internet just
3 because the use of the language and the inference that the sound of that word makes.
4 They were deplatformed. It was not by their choice that their website was removed,
5 and so that's why we're going to have to go back and get it for you. Had it been
6 scrubbed, we wouldn't be able to get it for you. So they were deplatformed.

7 Other than that verbiage, we're absolutely in agreement with everything you said,

8 [REDACTED]

9 Mr. Linder. Right.

10 [REDACTED] Got it. And apologies, just one follow-up question. I did not
11 realize they were deplatformed because the site is still live; it's just that there are certain
12 pages on this that are no longer available?

13 The Witness. I can address that.

14 Mr. Bright. Mr. Stewart can address that, but that is my basic understanding,
15 and I'm not a techy so --

16 The Witness. I can tell you exactly what happened. So just as all of our
17 deplatform and social media, the hosting service that we were with, again, without
18 warning, without even an opportunity to retrieve our own data, just deleted our website
19 and wouldn't even give us our own data. So all we had was the backup that one of our
20 IT volunteers had had of the website, and that's where we have our archive of all of these
21 articles. We have to go back to the backup to pull them out, so nothing we did. They
22 just shut down our website and turned it off.

23 Then we had to move to our new service provider to put a new website up, and
24 then we had to go back and find -- thankfully, had an archived copy, go and pull out these
25 PDF of the articles and post them on the new site. That's what we have to do.

1 [REDACTED] All right. That is a helpful explanation. Thank you for that, Mr.
2 Rhodes.

3 And I think we've established how we're going to move forward on this, and we're
4 going to try and keep it moving as quickly as possible.

5 So with that, I'm going to put myself back on mute and turn it over to
6 [REDACTED]. Thanks, folks.

7 [REDACTED] Thanks, [REDACTED] and thanks everyone.

8 BY [REDACTED]

9 Q So as [REDACTED] previewed, I'm going to name particular categories of
10 questions, and then ask whether it's Mr. Rhodes' intention to assert the Fifth Amendment
11 to every question the committee may ask under those categories, and we can proceed
12 like that.

13 First, Mr. Rhodes' and the Oath Keepers' participation in the November 14, 2020,
14 rally in Washington, D.C.

15 Is it Mr. Rhodes' intention to assert the Fifth Amendment privilege in response to
16 those questions?

17 A Yes, it is for now, until my trial.

18 Q Second, Mr. Rhodes' and the Oath Keepers' participation in the
19 December 12, 2020, rally in Washington, D.C.

20 Is it Mr. Rhodes' intention to assert the Fifth Amendment privilege in response to
21 questions under that category?

22 A Yes, on the same grounds, Fifth Amendment.

23 Q Third, preparation for January 6th, including training, purchasing equipment,
24 purchasing weapons, and coordination.

25 Is it Mr. Rhodes' intention to assert the Fifth Amendment privilege in response to

1 questions under this category?

2 A Yes, I'm invoking the Fifth Amendment and my due process rights.

3 Q Next, any coordination or communication with the following groups or
4 members of the following groups in relation to January 6th: The Proud Boys, 1st
5 Amendment Praetorian, Nick Fuentes and his America First Group, Three Percenters.

6 Is it Mr. Rhodes' intention to assert the Fifth Amendment privilege in response to
7 questions under this category?

8 A Yes, it is. We'll deal with that at trial.

9 Q Next, any coordination or communication with the following groups or
10 individuals related to January 6th: Women for America First, Ali Alexander, Roger Stone,
11 Alex Jones, Michael Flynn.

12 Is it Mr. Rhodes' intention to assert the Fifth Amendment privilege to every
13 question the committee would ask under that category?

14 A Yes, it is, with the caveat that the call to actions will answer a lot of
15 questions that you might have.

16 Mr. Bright. And we've clarified for the committee that we do intend to provide
17 those.

18 [REDACTED] Thank you.

19 BY [REDACTED]

20 Q Next, any communication with the Trump White House or the Trump
21 campaign related to January 6th.

22 Mr. Rhodes, is it your intention to assert the Fifth Amendment privilege in
23 response to questions under that category?

24 A Yes, it is, although I think I've actually answered that earlier. If you
25 remember, you asked me questions about any communication with the campaign, even

1 though there were none, but --

2 Q My understanding was that your answers were limited --

3 Mr. Bright. Yes. Stewart, remember -- if I may? I'm sorry, [REDACTED]. I
4 apologize.

5 Mr. Rhodes, this is the section that we previously agreed and had discussions off
6 the record regarding the Fifth being done, the reason that we're doing it in this fashion,
7 and then we'll move on to the non-fifth questions potentially.

8 The Witness. I've got it. No problem.

9 Mr. Bright. Thank you, my friend.

10 The Witness. Yes. Yes, I'm invoking the Fifth on that also.

11 Mr. Moseley. I think -- let me clarify. I think that the discussions were a
12 different time period as to contact with Trump.

13 The Witness. Yeah, yeah.

14 Mr. Bright. But we're still in the period of time that we're doing this in the
15 fashion explained by [REDACTED] So let's please move forward and do so.

16 [REDACTED] Thank you.

17 BY [REDACTED]

18 Q The next category, Mr. Rhodes' travel to and arrival in Virginia prior to
19 January 6th.

20 Mr. Rhodes, is it your intention to assert the Fifth Amendment privilege in
21 response to every question the committee would ask under that category?

22 A Yes. Yes, I will.

23 Q The next category, placement and coordination of Oath Keepers in
24 preparation for January 6th.

25 Mr. Rhodes, is it your intention to assert the Fifth Amendment privileges in

1 response to every question that the committee would ask under that category?

2 A Yes, it is.

3 Q Next, Mr. Rhodes' and the Oath Keepers' participation in the events of
4 January 5th in Washington, D.C.

5 Mr. Rhodes, is it your intention to assert the Fifth Amendment privilege in
6 response to every question that the committee would ask under that topic?

7 A Yes, it is.

8 Q Next, Mr. Rhodes' and the Oath Keepers' preparation -- sorry -- participation
9 in the events of January 6th in Washington, D.C.

10 Mr. Rhodes, is it your intention to assert the Fifth Amendment privilege in
11 response to every question the committee would ask under that category?

12 A Yes, I invoke my Fifth Amendment rights.

13 Q Next, communication with Members of Congress or other national
14 politicians in relation to January 6th.

15 Mr. Rhodes, is it your intention to assert the Fifth Amendment privilege in
16 response to every question the committee would ask under that topic?

17 A Yes.

18 Q Next, communications with other Oath Keepers on January 6th.

19 Mr. Rhodes, is it your intention to assert the Fifth Amendment privilege in
20 response to every question the committee would ask under that topic?

21 A Yes, it is.

22 Q Last, Mr. Rhodes' travel outside of D.C. after January 6th.

23 Mr. Rhodes, is it your intentions to invoke the Fifth Amendment privilege in
24 response to every question the committee would ask under that category?

25 A Yes, it is.

1 Q Okay. Thank you, Mr. Rhodes.

2 As [REDACTED] previewed, I have a few questions regarding the document
3 production.

4 After receiving the select committee's subpoena on December 14, 2021, what
5 efforts did you undertake to identify responsive documents to produce to the
6 committee?

7 A Well, the first thing I had to do was get legal counsel, and that's as far as we
8 got, and trying to find legal counsel that could properly assist me in determining whether
9 I should invoke the Fifth Amendment on those issues or how -- what the scope would be
10 and how it best to produce any documents.

11 The big problem now is we've been deplatformed, our bank account destroyed.
12 We've had all of our -- you know, the membership things, it's very difficult to produce any
13 documents under those conditions, and that's what we were trying to navigate through
14 when I was indicted.

15 So we really haven't done much of anything on that yet, not because I don't want
16 to; because I don't have the ability to and now I can't.

17 Q Did you, yourself, make any efforts to identify responsive documents?

18 A Like I said, we -- like for the banking, I have no access to the bank account.
19 I would have to go to Bank of America and see if they have any archive records. I was
20 still securing counsel to do that. We've lost our prior counsel, Kerry Morgan of
21 Michigan, because we couldn't afford to pay him. And then Ms. SoRelle didn't really
22 have the expertise. And then I finally got a hold of Mr. Moseley, and then that's what
23 we were.

24 We were on the phone talking about how to do that when I was arrested that day.
25 He was on the phone with me while we were hashing this out.

1 Q Mr. Rhodes, as I'm sure you're aware, the committee made several attempts
2 to communicate with you about the deadlines that were established by the subpoena and
3 didn't receive a response in time for the document production deadline that was
4 established for the subpoena, which was December 28, 2021.

5 Why did you fail to comply with that deadline or communicate with the
6 committee?

7 A Didn't see the emails. I don't hardly use my old email address anymore.
8 That's where you guys sent it. And I think -- I can't remember. That was the one, I
9 believe, you sent to our registered agent in Nevada. Is that correct? How did you
10 serve me that one?

11 Q The December 14 subpoena was served to you personally in Granbury.

12 A Okay. That one came to me in Granbury. Again, I didn't have -- I just
13 don't know how I could respond, and I was waiting to secure new counsel. So I'm not
14 quite sure -- what was the question again? I forgot.

15 Q I'm trying to understand why you didn't communicate with the committee --

16 A Didn't have a lawyer.

17 Q -- or make an attempt to comply with the deadline.

18 A Didn't have an attorney yet to actually take that on. So Ms. SoRelle was
19 doing what she could voluntarily. She's not being paid. I needed to secure competent
20 counsel in the D.C. area that can handle this, and that's when I finally got a hold of Mr.
21 Moseley. That's it. That's the only reason, man.

22 Q So your counsel represented that he inquired of the U.S. Attorney's office if
23 you could provide copies of the FBI interview of you from May of 2021. Barring any
24 objections to from the court or the Department of Justice, are you willing to share with
25 the select committee the transcript of that interview?

1 Mr. Linder. I believe that's been deemed sensitive I think at this point. I don't
2 know if we're able to.

3 Mr. Bright. No. We had a discussion with the Department of Justice yesterday.
4 That document, as well as a good number of other documents, have been deemed either
5 sensitive or, quote, "highly sensitive." There's a bifurcated manner in which, depending
6 on how they are defined, we are required to handle them and not disseminate them
7 based on the protective order agreements that we've entered into as his defense.

8 The FBI interview does, according to both our reading, as well as that of the AUSA
9 for the DOJ that is handling this, falls into this sensitive category, and we cannot hand
10 that over at this time, respectfully.

11 ██████████ Just to clarify for the record, I think our question is if we were to
12 pursue and get no objection from DOJ or the court, would you have an objection to
13 providing that to us?

14 Mr. Bright. That interview we would not have an objection to, no, ██████████

15 Mr. Linder. Yes.

16 ██████████ Thank you.

17 The Witness. I object to the summary that they printed out, which is a horrible
18 mischaracterization of what I said.

19 Mr. Linder. Correct.

20 Mr. Bright. And we would avoid the summary, Stewart. We would give them
21 the actual transcript of the full meeting, not the 302.

22 Mr. Linder. Right. It would be transcript.

23 The Witness. Good to go. Thank you.

24 ██████████ Great. Thank you.

25 The Witness. And just to clarify -- pardon. But just to clarify again, I also had

1 significant Fifth Amendment concerns, because I knew I was under investigation because
2 they had taken my phone with a subpoena, and they were running around the country
3 interviewing Oath Keepers and asking them about me. So I knew I was already under
4 criminal investigation.

5 I also had concerns, significant concerns, even prior to being indicted. I still lean
6 towards participating, again, hopefully to clear things up. But those were concerns in
7 my head at the time as well. Mr. Moseley and I were discussing that, and that's what
8 we were sorting through about whether I could and what I could respond with without
9 worrying about incriminating myself, and that's all of what we were doing before I was
10 indicted.

11 BY [REDACTED]

12 Q Similarly, barring any objections from the court or DOJ, are you willing to
13 share with the select committee copies of any records that you submitted to the
14 Department of Justice?

15 Mr. Bright. We would be, barring objections.

16 [REDACTED] You would be willing?

17 [REDACTED] And let me clarify for the record. I know that before Mr. Rhodes'
18 indictment, Mr. Moseley and I had spoken, and it was our understanding that there was
19 some category of documents that Mr. Rhodes had provided to the FBI that because of
20 that provision, Mr. Rhodes believed were no longer subject to a Fifth Amendment
21 objection.

22 And if you're willing to, we would like to understand what the general categories
23 of information were that were within those documents, and whether or not those
24 documents, because the information --

25 Mr. Linder. Hold on. She froze.

1 Jon, you're muted.

2 Mr. Moseley. Yeah. If I could explain or if you could explain, whichever takes
3 less time.

4 Mr. Linder. [REDACTED] are you still there? You're frozen on my screen.

5 [REDACTED] She is frozen.

6 Mr. Linder. I'm about to be frozen here in Dallas, but that's okay.

7 Mr. Bright. You might be not a bad stepmom. You just have bad internet.

8 Mr. Moseley. So I mean, Stewart, do you want to explain --

9 Mr. Linder. No, we'll do it.

10 Mr. Moseley. Recording stopped?

11 Okay. If you want to say what you gave them in May of 2021 just I think would
12 be helpful.

13 The Witness. Well, they -- go ahead, Mr. Linder.

14 Mr. Linder. Let me address that.

15 [REDACTED] I didn't -- you froze, so I don't know if I got all of your question.

16 [REDACTED] I apologize. My internet went out for about 60 seconds. I was
17 basically saying if you could describe the kinds of documents that Mr. Rhodes provided
18 and explain whether they are subject to the nondisclosure order, given that unlike the
19 transcripts, they would have existed independent from the investigation.

20 Mr. Linder. My understanding with Mr. Rhodes is that at the meeting in
21 May -- he had two meetings, one on May 3rd and one 3 weeks later. And the subject of
22 those meetings was to interview him, which they did for about 2 hours, which produced a
23 transcript which is part of this protective order, which if y'all can get it, we don't have any
24 objection to you having it.

25 The other part of the interview was for them to get his phone and download his

1 phone, and then 3 weeks later they returned it. We haven't been provided all of that
2 data yet, but the basis of that was to get instant messaging information, chats, things like
3 that. The FBI has that in their custody. They will produce it for pretrial discovery
4 upcoming, but that's also a subject of the protective order. But if y'all work something
5 out with DOJ, then let us know and we'll address that.

6 Mr. Moseley. All right. Most of the data on the Smartphone which he
7 surrendered for a period of time, got back, but then they've got it again now, so while it
8 would have existed without the investigation, we don't currently have it.

9 Now, we talked about -- I think the things we talked about, if I recall, were things
10 that you might be able to retrieve, and I think that that is something that we will look at
11 in terms of -- you know, some of which you already addressed, in terms of the
12 organization's bylaws and things like that, and some of the Snapchats to try to scare up
13 from different members who may have and that sort of thing.

14 So I don't -- I mean, I don't know that Mr. Rhodes provided any paper documents
15 or anything to the FBI, but we might be able to retrieve things in the name of the
16 organization.

17 The Witness. Just my phone. They took my phone, and then they interviewed
18 me, and that's it. Then, like Mr. Linder said, 3 weeks later the agent from Dallas called
19 me and said, Okay, we're done with your phone. You can come meet me, and I'll give it
20 back to you. That was it.

21 So there was no second meeting, other than just meeting in the parking lot and
22 getting my phone back, but that's --

23 [REDACTED] Got it. Are there other categories or documents that might be
24 responsive to our request that you would continue to have access to, like, your email or if
25 you have a Google drive or an iCloud or anything where you have an account that you can

1 log into online that's just yours or just the Oath Keepers? We've been communicating
2 with you at that [REDACTED] I don't know if you have a Gmail
3 account, for example, that might have responsive documents that you might --

4 The Witness. I don't even have access to that because I don't have my phone. I
5 have a two-step authorization that goes to my phone, and I don't have my phone back
6 yet. I mean, it would be a whole lot easier to comply with any document if I had my
7 phone back, so -- because everything we did was predominantly on my phone, you know
8 what I mean, so I don't really have any documents to give you.

9 [REDACTED] And is that the issue for any other documents that you might have
10 in the cloud?

11 The Witness. What cloud?

12 [REDACTED] Well, by that I mean --

13 Mr. Moseley. Or like --

14 The Witness. I'm sorry.

15 [REDACTED] Go ahead, Jon.

16 Mr. Moseley. I'm saying or like that I think she said previously.

17 The Witness. Yeah. I'm not a techy, so I mean --

18 [REDACTED] So by cloud, I mean -- I don't know if you're an Android user or an
19 iPhone user.

20 The Witness. iPhone.

21 [REDACTED] iPhone. So a lot of people have an iCloud account that is
22 associated with their iPhone that automatically backs up, you know, their texts or their
23 emails or things of that nature, and that lives in the cloud. And you could sign into it
24 from your account and get it even without your phone or, for example, with your Google
25 account, you might have a Google drive that stores documents, things like that.

1 The Witness. No, I don't think I used Google drive for anything. If I did, it was
2 something I set up and never used. I think for the cloud -- I don't think I ever backed up
3 my phone in quite a long time. So they took it back in May. Since I got it back, I only
4 used it -- that phone I only used just to talk to friends and family. I bought another
5 phone that I used for Oath Keeper business. They also took that phone when they came
6 and got me, you know, a month ago, so --

7 ██████████ Okay.

8 The Witness. Now there's two phones at issue. One is my old █████ number that
9 I was using for both personal and Oath Keepers that they took in May. When I got it
10 back, I no longer trusted that phone, frankly. So I got a new -- of course, law -- let me
11 put it this way: We picked another phone for me to use for business, and I separated
12 business and personal, and I kept an Oath Keeper phone, a new phone, which they also
13 took when they arrested me.

14 ██████████ Got it.

15 The Witness. So I wouldn't be in a capacity right now to get any documents of
16 any kind, period.

17 ██████████ Understood.

18 Mr. Moseley. And, █████ I think I said that I did get some chat
19 screenshots from one of the individual Oath Keepers, and I think the criminal defense
20 team would have to look at that.

21 The Witness. If I get my phone back, every chat I've ever been on is still on
22 there, but we just don't have access to it right now.

23 Mr. Linder. The issue is -- well, one, you don't have access to it. Two, until we
24 have some definition from DOJ, all of the electronic communications that were on your
25 phone, and that's even if you have a screenshot of something, Mr. Moseley, all of that is

1 subject to this protective order we're under, I believe.

2 Mr. Moseley. I don't know. I mean -- but she's asking -- I think they're asking
3 the question if DOJ signed off, this is -- I want to be honest about what, you know, we
4 have or can maybe get.

5 [REDACTED] Yeah. I mean, I think there's two separate questions. One is if
6 DOJ and the court signed off, would you object? And it sounds like the answer to that is
7 no.

8 But the other question from you is more are there documents that don't live on
9 your phone that you would have access to that are relevant? Because my
10 understanding is that what DOJ confiscated was the phone. Like, I know I've got all sorts
11 of things in my Gmail account that I could get to without my phone, that sort of thing.

12 But I think we understand in the record that Mr. Rhodes does not use any other
13 devices that would have those kinds of documents, and to the extent that he does, they
14 would require a dual factor authentication that's tied to his phone.

15 I believe that's an accurate recitation of what you said, Mr. Rhodes. Is that right?

16 The Witness. Yes, ma'am. And now we have a registered agent in Nevada that
17 receives documents like from the Secretary of State, et cetera, so he might have things
18 that he could produce that are not --

19 Mr. Moseley. And I'm going to look at that.

20 The Witness. Yeah.

21 [REDACTED]. No. That was actually my next question is whether or not there
22 were other folks that you would recommend we reach out to to get organizational
23 documents about Oath Keepers as an organization, not about you personally, who might
24 be able to facilitate that to make it easier on you and your counsel, not trying to have to
25 deal with it while you are in jail.

1 The Witness. Well, I still have -- even with all of that, because I'm being indicted,
2 I have serious Fifth Amendment concerns about that. So I'll let my counsel address it.

3 Mr. Linder. Another thing, those are things that we can look at, of course.

4 ██████████ Great.

5 Mr. Linder. And we did agree in the beginning to provide you a list, I
6 guess -- and, Mr. Moseley, correct me if I'm wrong -- of, I guess, board members or
7 officers, whoever it was once we were done with this. So that may help facilitate it.

8 I want y'all to understand, though, that my understanding -- and correct me if I'm
9 wrong, Stewart -- the Oath Keepers doesn't have, like, a home office with a file cabinet
10 and everything in it. Stuff kind of lives on your phone.

11 The Witness. Yes.

12 Mr. Linder. There's a P.O. Box in Granbury that we think the FBI raided because
13 they took all your guns, or whatever. They took all your property when they arrested
14 you and took your phone. So you don't really have anything anymore. And other than
15 some officers that kind of communicate for you or with you, there's not a home office per
16 se with a cache of documents.

17 The Witness. No.

18 ██████████ Yeah. And I was not expecting that, to be clear. But I know, for
19 example, archived versions of the web page direct people to send things sometimes to
20 that P.O. Box. I don't know what happens to documents that go there.

21 The Witness. They're not documents. They're donations or applications for
22 membership. I mean, do you consider -- do you want the applications for membership?
23 I wouldn't --

24 ██████████ If there is any information on there that's responsive to the
25 questions we asked, I think there was some questions about trying to understand the

1 breakdown of membership in terms of military folks or things of that nature, and if you've
2 got, you know, a stash of DD 214s, that might help explain some of that stuff.

3 The Witness. We don't. We don't -- they can send them in if they want to.
4 Some do; some don't. But like I said before, we usually defer that to our State leaders
5 and local leaders to do the vetting, and ask for the production of D 214s because a lot of
6 guys -- I couldn't get my D 214 right now.

7 [REDACTED] Right.

8 The Witness. You know, I'm going through a divorce and I don't know where it
9 is. It just disappeared down the memory hole. So --

10 [REDACTED] I understand.

11 The Witness. -- I would assume a lot of veterans, they just don't have them right
12 away, so we don't mandate them.

13 [REDACTED] Understood.

14 And with regards to -- Mr. Linder, you did say earlier that you would give us a list
15 of board members or officers. But if there are people who are not board members or
16 officers but might be able to help facilitate getting organizational documents, like, I don't
17 know, if there's someone who helps manage membership roles who's not technically an
18 officer, if there's anybody like that, we're open to talking about that to help relieve the
19 burden on Mr. Rhodes here.

20 And, finally, I would ask -- before I turn it back over to [REDACTED], I would ask if
21 your counsel could provide us with any phone numbers or emails addresses that you use
22 in your capacity as -- in your official capacity as president of the Oath Keepers. So you
23 talked about a phone number that was partially Oath Keepers and then partially personal
24 before you separated those.

25 Mr. Linder. This -- let me stop. That's a great question. I don't know if that's

1 protected under the protective order or not since they seized his electronic
2 communications. If you can get permission from -- we would have no objection to
3 providing that as long as DOJ permitted that. But since the electronic media is kind of
4 what they seized, I think that may be included in a protective order that we signed.

5 [REDACTED] Understood. But just like the phone number itself or the email
6 address itself?

7 Mr. Linder. I don't know. I just know that Kathryn Rakoczy got on the phone
8 with us yesterday, with Mr. Moseley and I, and said, Hey, look, y'all don't violate this
9 protective order when you're in there and this. So they're going to monitor this, so I
10 don't know what all she wants to include in that.

11 [REDACTED] Okay.

12 Mr. Linder. But if you want to reach out to her there in D.C., if you know her, or
13 DOJ and they give permission for the scope of this hearing, we don't have a problem with
14 that.

15 [REDACTED] Understood. I do not know her, but I appreciate the dilemma
16 you all are in.

17 And thank you so much for answering these questions, and I think we just have
18 one short category, hopefully, left for [REDACTED] to cover, and hopefully we can get
19 that done in the next 10 minutes or so and let you guys go.

20 Mr. Moseley. Can I just clarify that the screenshots that I was able to collect
21 from members are about the time period of the election and events, so I would like to run
22 them past Phil Linder. But other than that, I think everything you have said is as we said.

23 [REDACTED] Understood. And I think part of the reason we were asking about
24 documents that have already been turned over to the FBI was in the hopes that that
25 would not be something that would cause you Fifth Amendment concerns.

1 Mr. Moseley. Right.

2 [REDACTED] So with that, I'm going to turn it back over to [REDACTED].

3 Mr. Linder. Thank you, [REDACTED]

4 [REDACTED] Thank you, [REDACTED]

5 Can we pull up exhibit 23?

6 BY [REDACTED]

7 Q Mr. Rhodes, this was published on The Gateway Pundit yesterday, and the
8 description says that it's a letter submitted by your attorneys to The Gateway Pundit.

9 Do you recognize this?

10 A Pardon?

11 Q Do you recognize this letter?

12 A I haven't read it yet. It's kind of hard to recognize it. Let me see. Um --

13 Q So scroll down, please.

14 A Yes. We worked on this together, that's correct.

15 Q Okay. So you wrote it or authorized it?

16 A Yes, a little bit of both.

17 Q Okay.

18 A They edited after I wrote my statement, and then they edited and added
19 some of their thoughts. I haven't read the final product yet, though.

20 [REDACTED] Thank you. That's helpful.

21 Now, to the attorneys, we will be curious to hear how you all are analyzing the
22 Fifth Amendment privilege in light of the fact that Mr. Rhodes has written a letter
23 describing his actions on January 5th and 6th and in the lead-up.

24 Mr. Linder. Mr. Bright.

25 Mr. Bright. I'm going to leave that to you, Phillip.

1 Mr. Linder. Well, one, the main part of that is it is a non-sworn statement. It is
2 a letter. It is basically like an open letter. This is a sworn deposition that could be
3 used -- the testimony of which could be used in a trial. That letter could not be used as
4 a prior sworn statement. So there's a vast difference in someone just putting out a
5 letter versus giving sworn testimony.

6 [REDACTED] So it's your position that this doesn't affect the Fifth Amendment
7 privilege?

8 Mr. Linder. Correct.

9 [REDACTED] And testifying regarding the same topics?

10 Mr. Linder. Correct. Had that been a sworn affidavit for another proceeding,
11 then we would be in a different position. But it's basically an open letter to, you know, a
12 publication, and it's not sworn or anything else. So it is a different -- it's much different
13 than being under oath.

14 [REDACTED] Mr. Linder, if I could clarify there, you said a few times it's not
15 sworn, and I understand why you're saying that for the legal distinction. But are you
16 intending to imply that there's non-true information in that letter?

17 Mr. Linder. No, I'm not implying that at all. But there's a very different
18 situation. In a criminal court, they could -- they would not be able to impeach him with
19 that letter because it's a non-sworn letter. If it was a sworn affidavit, they could
20 impeach him if he tried to testify in a criminal case. They cannot do that with a letter.

21 And so it is a very different -- the point you're making is true that, Hey, it may be a
22 statement and there may not be any -- it may be all truths in there, but it's not a sworn
23 statement by him. It's a compilation of ideas. Part of it is his; part of it other people's
24 who edited it. But it's also a non-sworn statement of him. So it is different than if he
25 had given a sworn statement, in the legal sense.

1 [REDACTED] I think I know your answer to this based on what you just said, but
2 would you be willing to have Mr. Rhodes read this final version and confirm for us
3 whether it is a true understanding of his -- whether it's accurate to his understanding of
4 the events that are recapped in that letter?

5 Mr. Linder. I would object under the Fifth Amendment. This goes
6 directly -- because then he's under oath commenting on it, and I don't want that to be
7 used in our trial. We don't know if he'll testify at trial or not, and if he does, you know,
8 we would like him to be free to testify about stuff then without having a statement of this
9 being used to try to impeach him. So I would object under the Fifth Amendment.

10 [REDACTED] So a slightly different question. Would Mr. Rhodes -- would you
11 be willing to let Mr. Rhodes talk about these events or speak to this letter if we had an
12 off-the-record proceedings to talk about that?

13 Mr. Linder. Potentially. We would have to discuss the rules regarding that,
14 sure.

15 [REDACTED] Understood.

16 All right. Thank you. I believe that's all I have.

17 [REDACTED] back to you.

18 [REDACTED] Thank you.

19 We can take the exhibit down.

20 The Witness. Yeah, I started reading that final. I didn't read the final.

21 [REDACTED] Let me do one last check and see if there are other staff who have
22 questions at this point.

23 Mr. Bright. Looks like they're all gone.

24 [REDACTED] I would like to say, just for the record, to express our appreciation
25 for you all hanging in there with us today and testifying, to the extent of your ability and

1 being -- working with us on how to keep this going and be productive about this. And
2 I'm looking forward to working with you all more to see if there's other ways that we can
3 continue to work together on this.

4 Mr. Linder. [REDACTED] we appreciate y'all's, you know, politeness and all
5 today. Y'all have been great to work with. [REDACTED] has been great the last week
6 we've been dealing with him. So thank you very much for conducting in a very
7 professional and casual way. I appreciate it.

8 And like Mr. Rhodes said, he wanted to cooperate before until he got indicted,
9 and so it kind of puts him in a different position, but we will work with y'all in whichever
10 way we can make it work going forward.

11 Mr. Bright. I would like to reiterate, if I may, what Mr. Linder said. Thank you
12 for your time. Appreciate the professional courtesies. [REDACTED], thank you for
13 getting some ideas together to shorten up what would have been a bit longer. He's not
14 on here anymore, but I would say I'm sorry to Mr. Raskin for slapping him around earlier a
15 little bit. It's not -- it's my nature. I apologize. I was --

16 [REDACTED] Mr. Raskin loves a feisty conversation. Don't worry.

17 Mr. Bright. Hey, you know what, we're in the right room then because it's --

18 [REDACTED] [REDACTED] can I just jump in and say I, too, appreciate the way you
19 all have approached this. I understand the Fifth Amendment box that you're in.

20 I just want to be clear that we are not shoulder to shoulder with the Justice
21 Department. This is a fundamentally separate process. They do their thing, and we do
22 ours. They're focused on people. We're focused on a story and a narrative.

23 Mr. Linder. I understand.

24 [REDACTED] I wish there was more collaboration with them, but there just isn't.
25 So I don't want y'all to think that speaking to one is speaking to the other, or vice versa,

1 because they're just fundamentally separate.

2 Mr. Bright. No, we do understand that, and we appreciate the difference. I
3 lived up in D.C. for a while. I worked up on the Hill. I did some legislative hearings,
4 admittedly, in '91, so it's been a while.

5 But, no, thank you for the collegial forum that you have offered today. I really
6 appreciate you guys working with us. Please maintain contact with us if there's anything
7 further moving forward that you need.

8 Mr. Moseley. I want to agree with all that and just say that Kathryn Rakoczy, the
9 Assistant U.S. Attorney, she doesn't bite. She's very nice to talk to, and I have told many
10 people that scheduling this -- rescheduling this and postponing it to today, clearly, there
11 was no coordination. And, you know, I've made that point in your favor about how it's
12 been handled above board as far as that goes. So I appreciate that.

13 [REDACTED] Thank you so much.

14 I think [REDACTED] does have a few things to say on the record before we get
15 off, but I think it's only a couple of sentences.

16 So [REDACTED] off to you.

17 Mr. Linder. One thing before he does that, just as we get into these next few
18 days, we're having really bad weather here. [REDACTED] does have my cell phone
19 number. If something came up and someone wanted to reach me and we were
20 unresponsive to email, he would make my cell phone available for limited purposes. I
21 keep it with me all the time.

22 Mr. Bright. And, [REDACTED] do you have mine as well? Phillip and I
23 communicate constantly. If you want, I could give it to you right now.

24 [REDACTED] Why don't we --

25 Mr. Bright. Or off the record. We don't need -- it's on my business card, so all

1 my clients have it anyway. I think it's on my website, so --

2 [REDACTED] That's fair. I didn't think you wanted it in the Congressional
3 Record.

4 So why don't we wrap up with [REDACTED] statement, go off the record, and
5 then we can share that information.

6 Mr. Bright. Yes, ma'am.

7 [REDACTED] Thank you, everyone.

8 The magic words, so because Mr. Rhodes has asserted the Fifth Amendment as a
9 basis to answer some of the select committee's questions today, we will now close the
10 record on the deposition because the select committee has to determine the appropriate
11 course of action moving forward on those objections.

12 Mr. Rhodes, Mr. Moseley, and Mr. Linder, and Mr. Bright, thank you very much for
13 your time today.

14 And hearing no additional questions or concerns from staff or members, the
15 deposition will stand in recess, subject to the call of the chair.

16 And we will go off the record at 4:21 p.m. Eastern.

17 [Whereupon, at 4:21 p.m., the deposition was recessed, subject to the call of the
18 chair.]

2

3

4

4 I have read the foregoing ____ pages, which contain the correct transcript of the
5 answers made by me to the questions therein recorded.

6

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8

9

10 Witness Name

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14

15

Witness Name

Date