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

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12     DEPOSITION OF: MAX MILLER  
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16                              Thursday, January 20, 2022

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18                              Washington, D.C.  
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21                              The interview in the above matter was held via Webex, commencing at 10:01 a.m.  
22                              Members Present: Representatives Schiff, Lofgren, Raskin, Aquilar, Cheney, and  
23                              Kinzinger.

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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], CHIEF INVESTIGATIVE COUNSEL

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14      [REDACTED], STAFF ASSOCIATE

15      [REDACTED], ADMINISTRATIVE ASSISTANT AND SCHEDULER

16      [REDACTED], RESEARCHER

17      [REDACTED], RESEARCHER

18

19       For THE WITNESS:

20

21       LARRY ZUKERMAN, MANAGING PARTNER

22       ADAM BROWN

23       ZUKERMAN LAW

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1

2 [REDACTED] Good morning. This is a deposition of Max Miller conducted by  
3 the House Select Committee to Investigate the January 6th Attack on the United States  
4 Capitol pursuant to House Resolution 503. It is being conducted remotely through the  
5 Webex platform.

6 Mr. Miller, could -- for the benefit of the record, could you please introduce  
7 yourself and spell your last name.

8 The Witness. Sure. My name is Max Miller. My last name is spelled  
9 M-i-l-l-e-r.

10 [REDACTED] Thank you. This will be a staff-led deposition, and members, of  
11 course, may choose to join and also ask questions. My name is [REDACTED] I'm a  
12 senior investigative counsel on the staff. Joining me by in person is [REDACTED], another  
13 senior investigative counsel, and by Webex is [REDACTED] an investigative counsel, and  
14 other professional staff with the committee.

15 Now, we'll follow the House deposition rules that we've provided to your counsel,  
16 Mr. Miller, previously. And, under those rules, you're permitted, as you have here  
17 today, to have your attorneys with you, but counsel for other persons or other  
18 government agencies are not permitted.

19 Mr. Miller, at this time and for the benefit of the record, could your attorneys  
20 please just state their names and spell them for the record.

21 Mr. Zukerman. Good morning. Larry Zukerman on behalf of Mr. Miller,  
22 Z-u-k-e-r-m-a-n. My first name is Larry not Lawrence.

23 And I just wanted to ask for courtesy, gentlemen, so I had sent -- we received the  
24 December 13th subpoena, and I responded to [REDACTED] on December 23, 2021, via  
25 letter outlining the several reasons why we believe that the deposition should not

1 proceed, how we believed it was outside the scope of the committee's power, and the  
2 different objections that we had with regard to the production and our attendance of the  
3 deposition.

4 As opposed to reading this lengthy letter, I would ask if, by reference, we could  
5 incorporate this as an exhibit into the deposition. If not, then I would like an  
6 opportunity to read the letter in its entirety.

7 [REDACTED] Mr. Zukerman, thank you for that. We are happy to make that an  
8 exhibit for the deposition. For the record, we'll mark it as exhibit 39, only because  
9 we've already marked exhibits with those earlier numbers, but we'll make it a part.

10 [Miller Exhibit No. 39]

11 [REDACTED] Was marked for identification.]

12 [REDACTED] And for the record, but rather than to belabor the point, you know,  
13 the select committee obviously does not -- takes a different view of matters than you do,  
14 but we appreciate that you're making your objections for the record. And I'll ask, is it  
15 still Mr. Miller's intention to proceed today and answer questions?

16 Mr. Zukerman. Absolutely. You know, without waiving any of the objections,  
17 we do intend to proceed with the deposition. And, also for the record, we believe that  
18 we've been compliant with the production aspect of the subpoena. We, as of yesterday,  
19 have sent additional documents to you and the subcommittee and also have received as  
20 early as this morning additional documents from you that you intend to use in the  
21 deposition.

22 So I just wanted the record to reflect that we were still maintaining our objections.  
23 We want them incorporated by reference through the letter being admitted as an exhibit  
24 as opposed to us having to read it. But, nonetheless, we do intend to comply.

25 [REDACTED] Thank you.

1           Now, under the House deposition rules, neither committee members nor staff  
2 may discuss the substance of your testimony, Mr. Miller, unless the committee approves  
3 release. You, of course, are free to tell anyone you would like or no one about your  
4 testimony today.

5           You -- as we mentioned off the record before but I'll say for the benefit, you and  
6 your attorney will have an opportunity to review the transcript, and we'll provide that to  
7 you. Before we begin --

8           Mr. Zukerman. I'm sorry.

9           ████████ Yes, Mr. Zukerman.

10          Mr. Zukerman. Adam Brown is also here on behalf of Mr. Miller.

11          ████████ Ah, you got -- it got away from me because of your -- of what you  
12 were talking about. Mr. Brown, if you could introduce yourself, I'd appreciate it.

13          Mr. Brown. Thank you. No problem. Adam Brown, spelled B-r-o-w-n,  
14 counsel for Mr. Miller.

15          ████████ Okay.

16          Mr. Brown. Sorry to interrupt.

17          ████████ No, not at all.

18          So, back to the ground rules, Mr. Miller, and this is just standard procedure, as you  
19 know, there's an official reporter or reporters recording the deposition today, transcribing  
20 it. They're also joining us by Webex. Please wait until each question is completed  
21 before you begin your response, and we'll wait for you to complete your response before  
22 we ask the next question. That's just for the benefit of clarity on the record.

23          The reporter can't record nonverbal responses like shaking your head. So it's  
24 important that you answer each question with an audible, verbal response. And, also,  
25 for the benefit of the reporter, there may be times when I spell a name or a term for the

1 benefit of the record, or I may ask you to do the same. Again, that's just so we're all  
2 clear about the words we're using and the people we're talking about.

3 We ask that you provide complete answers based on your best recollection. If  
4 the question is not clear, just ask, and we'll clarify it as best we can. If you don't know  
5 the answer, just say so.

6 Logistically, if you need breaks, whether for comfort or to confer with your  
7 attorneys, we're happy to accommodate those. Just let us know. You can turn your  
8 camera off, go on mute. We'll do the same that way you can talk in confidence without  
9 us hearing.

10 Prior to today, as we discussed or referenced a few moments ago, we provided  
11 Mr. Zukerman and Mr. Brown with access to the exhibits that we expect to use today,  
12 maybe not all of them but the ones we may use. Those have been respectively  
13 numbered as exhibits 1 to 38. Most but not all of those were ones that you produced,  
14 as Mr. Zukerman referenced earlier, or are publicly available documents.

15 Throughout the deposition, we'll direct your attention to certain of these or all of  
16 these documents, depending on the case. A colleague of ours will display them on the  
17 screen so that you can see them. You take the time, whatever time you need, to review  
18 them again to refresh your recollection or familiarity with them, but then we'll move  
19 around the documents to particular pages or sections and ask you questions about those.

20 Now, at this time, if I could ask to have exhibit 1 put on the screen.

21 Mr. Zukerman. Were you going to have the oath administered?

22 The Witness. Yeah, am I going to take the oath or --

23 [REDACTED] We will. Yeah, we will get there in a second, but thanks for asking.

24 Are you able to see that, Mr. Miller, up on the screen, exhibit 1?

25 The Witness. I am, yes.

1 [REDACTED] Okay. Great. So that's the subpoena that was issued that  
2 Mr. Zukerman referenced today, and just for the benefit of the record, it's pursuant to  
3 this subpoena that you produce documents and are appearing today.

4 Now, if at any time during the questions, Mr. Miller, you refuse to answer a  
5 question to preserve a privilege recognized by the select committee, we ask that you put  
6 that on the record, and we may either proceed with the deposition and put that question  
7 to the side for the time being or seek a ruling from the chairman on the objection. If the  
8 chairman were to overrule such an objection, you'd be required to answer.

9 I also remind you, as we do with any witness who appears, and it is standard in  
10 any deposition, that it is unlawful to deliberately provide false information to Congress.  
11 And, since this deposition is under oath, providing false information could result in  
12 criminal penalties, to include for perjury or providing false statements.

13 Do you understand all that?

14 The Witness. I understand, yes.

15 [REDACTED] Okay. So, to your question earlier, if you would please stand and  
16 raise your right hand, the oath will be administered.

17           The Reporter. Do you solemnly declare and affirm under the penalty of perjury  
18       that the testimony you are about to give will be the truth, the whole truth, and nothing  
19       but the truth?

20 The Witness. Absolutely.

21 EXAMINATION

22 BY [REDACTED]

23 Q Okay. Mr. Miller, in what year and in what capacity did you first join the  
24 administration of President Trump?

25 A As I recall, it was late January of 2021. Excuse me, it would be 2016.

1           Q    2016, okay. And what was your role when you joined in 2016?

2           A    I was hired on as lead advance.

3           Q    And how many years did you serve in that role?

4           A    In the actual administration, in the White House --

5           Q    Yes.

6           A    -- I served in that capacity for roughly a year.

7           Q    And did there come a time when you left the White House, or did you  
8 change roles?

9           A    Yes, I changed roles. I was then moved to the Presidential Personnel  
10 Office, where I was then appointed as the special assistant to the President to hand over  
11 the national security portfolio in the IC community, yes.

12          Q    And, when you say "IC," for the benefit of the record, what do you mean?

13          A    Intelligence community.

14          Q    And how long did you hold that role, until roughly when?

15          A    I held that role for about a year and -- to my recollection, I held that role for  
16 about a year and a half, and then I was asked by the President to take over the role as  
17 director of advance.

18          Q    So roughly 2018. Is that about right?

19          A    2018 to '19, yes, right around that timeframe.

20          Q    And did you stay in that role, Mr. Miller, until you left to join the President's  
21 reelection campaign?

22          A    I did, yes.

23          Q    Okay. And, when you left -- you know, we've seen reports, but tell us if this  
24 is right -- was it roughly July of 2020 when you joined the reelection campaign?

25          A    Yes, that's accurate.

1           Q     Okay. And what role did you take on the campaign?

2           A     I was then appointed to the deputy campaign manager of Presidential  
3     operations.

4           Q     In the role that you had just at a high level, what was it there for the  
5     campaign in terms of what you did?

6           A     Chain of command, I was the number three on the campaign. At that point  
7     in time, Bill Stepien was there, who was the number one, and then Justin Clark, who was  
8     the deputy campaign manager who handled mostly legal. But my main role on the  
9     campaign is I oversaw every event from a surrogate level, and what I mean by that is bus  
10    tours, little, you know, mom-and-pop shops heading in with surrogates to help the  
11    President in his reelection campaign, but I also oversaw every single event the Vice  
12    President did and the President of the United States at my time at the campaign.

13          Q     And well prepared for that role having done the advance for the  
14    White House in the several years prior, I imagine?

15          A     That's correct. I mean, it did give me a huge leg up being the director of  
16    advance and then, you know, kind of doing a lateral move into that role, yes.

17          Q     All right. Now, is it right that you left the campaign after the election in  
18    roughly mid -- middle of November of 2020? Is that about right?

19          A     That's correct, yes.

20          Q     And where did you transition to at that point?

21          A     I was asked to come back as a senior adviser.

22          Q     And when did you come -- when you say "come back," you mean to the  
23    White House to serve President Trump?

24          A     That's correct.

25          Q     What time did you or when did you join the White House, in November or

1 later?

2 A To the best of my recollection, I believe it was in November.

3 Q And were you physically in D.C. when you came back to serve in the  
4 White House?

5 A Yes, I was.

6 Q And what was within your portfolio as a senior adviser at that time?

7 Mr. Zukerman. Objection. Are you talking about his financial portfolio? I  
8 mean, what -- what's --

9 BY [REDACTED]

10 Q Oh, no, not at all, just asking about your portfolio of responsibility. Sorry if  
11 it wasn't clear. But what was your responsibility as a senior adviser, Mr. Miller, at that  
12 time?

13 A Yes. So, when I was brought back to the White House as a senior adviser,  
14 my job was to advise the President on my opinions and my thoughts, and ultimately the  
15 decision was on him because he's the President of the United States. We provide him  
16 with the best, accurate intelligence that we possibly can in briefings, and ultimately he  
17 makes a decision.

18 Q Were there particular issues or areas of focus, Mr. Miller, that you were  
19 providing advice on, as a general matter?

20 A Can you say it again, sir? What do you mean by --

21 Q So people have different areas of expertise. In your role as senior adviser,  
22 in that time period, between November of 2020 and January of 2021, were there  
23 particular areas that you were focused on? And not asking for specifics, but were there  
24 areas that were in your portfolio, not financial?

25 A I would still say that people still leaned on me for advice when it came to the

1 production of his events and operations of logistics, working with WHCA, Secret Service,  
2 and WHMO, as well as WHIT, which is the White House Intelligence Technology.

3 Q You throw out a few acronyms. I just have to ask you, I think you said  
4 WHCA?

5 A So that's the White House -- it's not correspondence agency, it's  
6 Communications Agency. So I know they have the same acronyms, but WHCA is the  
7 military component to the President of the United States that always makes sure that his  
8 microphone is operating correctly, that they do checks on the lights to make sure that the  
9 staging is sound and safe for the President to be on, things like that, of that nature,  
10 running wires, cables, also making sure that if he had to do a SVTC or a VTC -- and a SVTC  
11 is a secure video teleconference call, VTC is what you and I are on right now, which is safe  
12 and somewhat secure, probably not the best. So we should probably use a different  
13 system, with that being said.

14 But that primarily, you know, is what I did. I gave advice on, you know,  
15 production operations and logistics. You know, if the President had to, you know, use a  
16 landing zone -- there's a great example: He came here for a fundraiser in Bratenahl a  
17 couple years ago. Well, from my office as director of advance, I had to work with the  
18 White House Military Office, the White House Communications Agency, and Secret  
19 Service in identifying a landing zone, and then working with Secret Service and the  
20 White House Military Office and WHCA and a motorcade route that would get him in and  
21 out, and also planning contingency routes with Secret Service if anything were to go  
22 wrong.

23 Q A few things, again, just to clarify the record, but that's very helpful, when  
24 you say "WHCA," W-H-C-A?

25 A Yes, that's correct.

1           Q     All right. And you mentioned WHMO as well. How -- what is that  
2 acronym, and what does that mean?

3           A     That is the White House Military Office.

4           Q     Okay.

5           A     So the White House Military Office provides an insurmountable amount of  
6 support to the White House infrastructure all together, whether it's on 18 acres, which is  
7 the White House, or if it's somewhere else domestically within the United States or  
8 OCONUS.

9           Q     The town that you mentioned as an example that the President visited, what  
10 town was that again?

11          A     That was Bratenahl. It's out here in Cleveland. It's a nice suburb, and it's  
12 an affluent area where people are known. And other candidates -- look, I'm sure Joe  
13 Biden will probably come here and do a fundraiser in Bratenahl.

14          Q     Okay. How do you spell that though? Do you see where I'm coming from  
15 on most of these? Just making sure we're clear.

16          A     Bratenahl, to my best knowledge, is spelled B-r-a-t-e-n-h-a-l, Bratenahl.

17          Mr. Zukerman. A-h-l.

18          The Witness. A-h-l.

19          BY [REDACTED]

20          Q     Okay, thank you.

21          So, as senior adviser, Mr. Miller, did you have a reporting chain both up and down,  
22 and if so, what was that?

23          A     It was a unique -- it was -- I mean, I kind of object to that to some extent. I  
24 mean, yes, I was brought in as a senior adviser, but I only kind of reported up at that  
25 point. I didn't have anyone below me.

1           Q     Understood. And when you say you object, again, just trying to understand  
2     your role, so the person that you reported to, was it just direct to the President or was  
3     there someone in between the two of you, just from a chain of command perspective?

4           A     Chain of command perspective, Mark Meadows, Chief Mark Meadows and  
5     the President of the United States.

6           Q     Bobby Peede, that's P-e-e-d-e, as we understand it, he took -- when you  
7     moved to the reelection campaign, he took your role as director of advance. Is that  
8     right?

9           A     That's correct.

10          Q     And was he still in that role when you came back as senior adviser?

11          A     That's correct.

12          Q     And I imagine for what you said, you were providing a lot of advice and  
13     guidance on to the President for his events; you had to work closely with Mr. Peede and  
14     his team once you came back to the White House?

15          A     Absolutely.

16          Q     Anthony Ornato, as we understand, was the deputy chief of staff. Is that  
17     right?

18          A     That's correct.

19          Q     Did you have to work with Mr. Ornato just in the general course of your  
20     duties and responsibilities?

21          A     Yes.

22          Q     But you didn't report directly to him, or did you, up through Chief Meadows?

23          A     Yes and no. Yes, my direct report was Mr. Ornato, but, also, I mean, I saw  
24     Chief Meadows almost on a daily basis. So, you know, I had kind of carte blanche  
25     authority to go to either one to get what I needed to accomplish for the President.

1           Q     Understood. Where was your office physically located, in the West Wing,  
2 or were you in the Executive Office Building?

3           A     When I was back it was the Executive Office Building.

4           Q     Were you on the same floor as Mr. Peede?

5           A     I was, yes.

6           Q     Now, at that time, between November and January, were you coming to  
7 work daily in person for the most part?

8           A     Yes.

9           Q     And in terms of with your role and how important it was and being a senior  
10 adviser, are you able to, just as a general matter, describe for us the frequency of your  
11 contact with the President during that 3-month window? Would you see him daily,  
12 every other day, or what was that like?

13          A     Well, I mean --

14          Mr. Zukerman. I'm going to object. It's an overly broad question. You're  
15 asking for my client to speculate and guess. If you have a specific date on which you  
16 want to ask him, if there's a specific meeting and/or phone conversation, that's fine.

17          But I don't -- I'm -- you know, my client is an officer of the United States Marine  
18 Corps. He swore an oath to tell the truth today, and you're asking him to guess. So, if  
19 you have a specific question, ask it; otherwise, I'm going to tell my client to move on.

20          Mr. [REDACTED] I'm not asking for a guess. I'm just asking for how often, as a  
21 general matter, you would see him in person. That's all.

22          Mr. Zukerman. It's -- really I'm just going to ask you to formulate and articulate a  
23 specific question.

24          Mr. [REDACTED] I did.

25          Mr. Zukerman. You're asking him to guess, and I find it highly objectionable

1 considering, under the United States Code, he would be subject to perjury should you  
2 deem his guess to be wrong. And, after seeing how the committee has been, you know,  
3 going after the former Trump administration kind of like a witch hunt, I'm not going to  
4 subject my client to that type of scrutiny. So, if you have a specific question, ask the  
5 specific question. I'm not going to allow my client to guess and subject himself to  
6 indictment. It's not happening.

7 Mr. [REDACTED] Mr. Zukerman, there's a lot that could be said about that, but  
8 obviously we take strong exception to your characterization. It's a simple question.  
9 No one is trying to do a perjury trap. I think that's the accusation. But regardless --

10 Mr. Zukerman. It's the --

11 Mr. [REDACTED] I think we can move on, Mr. Zukerman.

12 So the high-level overview of the -- it would be helpful, Mr. Miller, of the event on  
13 the Ellipse on January 6th of 2021, are you familiar with that event?

14 Mr. Zukerman. What -- again, you're editorializing in your question: a high-level  
15 overview. You're assuming, what, that my client has the high-level overview? I mean,  
16 I just -- listen, you're a former prosecutor. You're a smart man. Please articulate a  
17 specific question so that my client can answer your specific question.

18 [REDACTED] Right. So are you familiar with the January 6th Ellipse event,  
19 Mr. Miller?

20 Mr. Zukerman. One more time, please.

21 BY [REDACTED]

22 Q Are you familiar with the January 6th event that was held on the Ellipse at  
23 which the President spoke in 2021?

24 A Familiar, yes.

25 Q Okay. And what was your role with regard to that event, if any?

1           A     Is there a specific thing you're -- do you have more of a pointed question?

2           Q     Did you work on the event?

3           Mr. Zukerman.   What does that mean?   Did he park cars?   Did he --

4           Mr. [REDACTED]   Well, see, Mr. Zukerman, that's the point of a deposition.   We ask  
5       questions to find out answers.   If we knew all the answers, there wouldn't be a point of  
6       this.

7           And so my question is, Mr. Miller, did you work on the January 6th event, and if  
8       so, in what capacity?

9           The Witness.   I don't want to speculate.

10          Mr. Zukerman.   What do you mean by "work on"?

11          The Witness.   Yeah, if you have a specific question, I'm happy to answer it, but  
12       you are going and saying something that is so broad, you're leading me into a trap.   If  
13       you want to ask me specific things that you laid out and to -- in the exhibits that we've  
14       reviewed, into the several you've dumped on us this morning, which I haven't had a  
15       chance to review, I would entertain that, and I would happily comply.   But that's not  
16       what you're doing.

17           BY [REDACTED]

18          Q     Okay.   Happy to get into the exhibits.   That's fine.   So the -- I think it  
19       would be helpful though at the front end though to understand your working relationship  
20       with certain folks that will come up as we go through the exhibits just so we know who  
21       they are at the time.   Okay?

22          A     Yes.

23          Q     So the -- we've already described Mr. Peede and Mr. Ornato.   The person  
24       Jared Small, do you know who he is and what role he had at the time you were in the  
25       White House?

1           A    I believe, to my recollection, Jared Small was an advance lead that worked  
2 under Bobby Peede.

3           Q    Did he, to your knowledge, work on the January 6th event on the Ellipse?

4           A    Yes.

5           Q    Alexandra Stone, are you familiar with Ms. Stone?

6           A    I am.

7           Q    And what role, if any, did she have in the White House at the time you were  
8 there as senior adviser?

9           A    Alex Stone ran room one, which is management administration, so that --

10          Q    And -- go ahead.

11          A    And I won't elaborate too much, but that is an all-encompassing role; that is  
12 to make sure that everything on the property of 18 acres of the White House is always  
13 working and being maintained. That could go from, you know, an AC unit being broken  
14 into my office and that needs to be fixed by GSA, whom she would be the main facilitator  
15 to get that accomplished. And there's another scenario where she would waive people  
16 in for guest parking on a daily basis. But, in terms of actually having anything to do with  
17 the event itself, I don't want to speculate.

18          Q    That's fine.

19          A    To the best of my knowledge, I've given you what I can.

20          Q    That's understood.

21          [REDACTED] So, just for the record, Ms. Lofgren has joined us by Webex.

22          BY [REDACTED]

23          Q    Mr. Miller, do you know a gentleman by the name of Brian Jack?

24          A    I do.

25          Q    Okay. And what role did he have just generally within the White House at

1 the time you were there as senior adviser?

2 A He was the director of political affairs.

3 Q Did he have any role with January 6th, the Ellipse event, to your knowledge?

4 A I don't want to speculate.

5 Q Ross Worthington, do you know Mr. Worthington?

6 A I do.

7 Q And what role did he have in the White House at the time we're talking  
8 about?

9 A Ross never talked about it. It's in one of my exhibits. There's a text  
10 exchange between him and I. And I --

11 Q Right.

12 Mr. Zukerman. Well, so, here, again, respectfully, we've started with a time that  
13 we've talked about from the beginning of the Trump election in 2016 through the  
14 January 6th event. So are you asking Mr. Worthington's job -- again, I'm not going to  
15 allow my client to be going down -- you know, being put down a rabbit hole.

16 [REDACTED] Sure. Not a rabbit role. We're focused on the time when  
17 Mr. Miller is serving as senior adviser. Is it right Mr. Worthington was in a  
18 speech-writing capacity?

19 The Witness. That's right.

20 [REDACTED] Okay. And then --

21 Mr. Zukerman. Between November of 2021 and January of 2022 -- excuse me,  
22 November 2020 and January 2022 -- '21.

23 [REDACTED] Right. As I understand, your client has said that's what he was a  
24 senior adviser.

25 So, Mr. Miller, if there's any confusion on that point, that's all we're talking about

1 is that timeframe.

2 Mr. Zukerman. Okay.

3 The Witness. Got it.

4 BY [REDACTED]

5 Q Nick Luna, that's L-u-n-a?

6 A Yes.

7 Q Okay. And what was his role at the time that we're talking about?

8 A He was -- I believe he was the director of Oval Office operations.

9 Q All right. Justin Caporale, C-a-p-o-r-a-l-e, do you know Mr. Caporale?

10 A I do.

11 Q And when had you first met him, whenever that was, not just in this  
12 timeframe?

13 A Late 2015, early 2016, to my best recollection.

14 Q And did he also serve with you at some point within the White House?

15 A He did. And Justin's a very close friend of mine.

16 Q Do you know Tim Unes, his colleague? And the last name is U-n-e-s.

17 A I do. I mean, all -- both of those guys are some of my best friends.

18 Q Understood. Megan Powers?

19 A Also a very close friend of mine.

20 Q And Katrina Pierson, do you -- when did you first meet Ms. Pierson and  
21 what -- or how long have you known her for, is the best way to put it?

22 A She was more of an acquaintance until, you know, this whole entire thing.

23 So I didn't talk intimately with her, never called her all that much during the campaign. I  
24 had zero interaction with her up until, you know, right into the 6th.

25 Q Okay. Carolyn Wren, W-r-e -- excuse me, W-r-e-n, when did you first meet

1 Ms. Wren, if you remember?

2 A I met Ms. Wren the first time was in South -- I believe South Dakota at the  
3 Mount Rushmore event on July 4th.

4 Q Was that 2020?

5 A I believe so, yes. It was the last -- in terms of the year, sir, but it was the  
6 last event that the President did at Mount Rushmore for July 4th.

7 Q Understood. And do you know a gentleman by the name of Taylor  
8 Budowich, B-u-d-o-w-i-c-h?

9 A I do.

10 Q And do you remember when you first met Mr. Budowich?

11 A I do. I first met Taylor when I got moved to the campaign that July.

12 Q And then Amy and Kylie Kremer, K-r-e-m-e-r, of Women for America First, do  
13 you know either or both of them?

14 A No.

15 Q Ali Alexander, also known as Ali Akbar, do you know him personally?

16 A No.

17 Q Do you know of him -- there's things in your messages we'll get to, but it  
18 sounds like you know at least who he is. Is that fair?

19 A No.

20 Q You're not aware, okay. Alex Jones, the host of Infowars, do you know him  
21 personally?

22 A No.

23 Q Roger Stone, do you know him personally?

24 A No.

25 Q And Vernon Jones, do you know him personally?

1           A     No.

2           Q     So, before we kind of get to the exhibits you've talked about, Mr. Miller, and  
3     we'll be there soon, stepping back about the document production you made that  
4     Mr. Zukerman has referred to, starting first, understanding you're no longer in the  
5     government, at the time you were a senior adviser, so, from November 2020 to  
6     January 2021 to the present, did you have a work cell phone that you used?

7           A     I did.

8           Q     All right. And I imagine you turned that back in when you left the  
9     administration?

10          A     I -- it was mandatory, yes.

11          Q     And obviously you don't have access to your email account from when you  
12     were in the White House, so you don't have any of those documents, right?

13          A     Correct. Everything that I have provided to the committee has been in  
14     good faith, and I have searched all of my records to the best of my ability.

15          Q     Okay. And, to that point, as Mr. Zukerman referenced, we received  
16     productions on December 23rd and yesterday, January 19th, from your attorneys. It's  
17     roughly -- it's 203 pages, a combination of text and emails. Does that sound about right  
18     to you, Mr. Miller?

19          A     I don't know how many pages, but I know that they submitted documents to  
20     the committee, yes.

21          Q     Okay. And, in terms of the process for looking for documents -- and this is  
22     standard questions -- did you yourself search through your emails and text messages to  
23     look for responsive documents?

24          A     Yes.

25          Mr. Zukerman. I'm going to object. This is attorney/client privilege. I think

1 you're now invading upon a province of what we did with our client to secure these  
2 documents. So I'm going to instruct him not to answer any questions that deal with our  
3 interactions with him.

4 [REDACTED] I'm not asking for him to discuss, and I understand the bounds of  
5 attorney/client privilege. This is just simply about the process that Mr. Miller himself  
6 undertook.

7 Mr. Zukerman. You know, I'm -- I -- I'm the process, so everything that dealt with  
8 the production deals with me and Mr. Brown. We certified to you that these were the  
9 documents; these are the documents.

10 BY [REDACTED]

11 Q Okay. And so it was the one Gmail account, Mr. Miller, is that right, your  
12 personal Gmail account?

13 A Yep.

14 Q And the phone number, the text that you shared, it came from your phone  
15 number ending in the last four digits, [REDACTED]?

16 A That's correct.

17 Q All right. And the format of the texts that we received appear to be iPhone  
18 texts. Is that right?

19 A Yes.

20 Q All right. Now, did you at the time that we're talking about, that would be  
21 covered by the subpoena, so, you know, the time that you were senior adviser,  
22 November of 2020 to January of 2021, were you using any other messaging apps on your  
23 personal phone, Signal, WhatsApp, Telegram, anything of that sort?

24 A I don't recall.

25 Q So, as best you remember, you were using the iPhone text to --

1           A    Yes.

2           Q    -- exchange text messages?

3           A    Yes.

4           Q    Okay. That's all. Now, leading into January 6th, are you familiar with  
5       the --

6           Mr. Zukerman. That's not all, because he also used his White House phone.

7       So --

8                      [REDACTED] No, no, Mr. Zukerman, we're talking about his personal phone, and  
9       we already covered that. That was just the point.

10          Mr. Zukerman. All right.

11                  BY [REDACTED]

12          Q    So the -- before January 6th, Mr. Miller, there were two rallies or protests,  
13       whatever you want to call them, that were held in D.C. in part by Women for America  
14       First, the Kremers that we talked about earlier. So I want to focus on the first. There  
15       was one on November 14th of 2020 held at Freedom Plaza by the Kremers, but others.  
16       At that time, were you familiar with the -- did you know the event was occurring? Do  
17       you remember it?

18          A    No.

19          Q    So I take that also to mean you had no role in assisting or otherwise, you  
20       know, coordinating with the White House on that event?

21          A    No.

22          Q    Now, President Trump drove by Freedom Plaza during the event in a  
23       motorcade. Are you aware that he did that?

24          A    I am, yes.

25          Q    Were you involved in helping coordinate that at all, to the best of your

1 memory?

2 A No.

3 Q On December 12th of 2020, Women for America First but other folks, also  
4 held another rally in Washington, D.C. Were you familiar at that time that that was  
5 happening?

6 A What date was that again, sir?

7 Q It was December 12th of 2020, a Saturday.

8 A No.

9 Q Now, during that event, President Trump flew over downtown D.C. in  
10 Marine One. Are you aware of that?

11 A I don't recall.

12 Q So I take it also to mean you had no involvement, to the best of your  
13 memory, with whether that decision to fly over had anything to do with the rally itself?

14 A Correct.

15 Q Now, do you remember, as you sit there today, how you first learned that  
16 there were going to be rallies in D.C. on January 6th of 2021, when it first came on your  
17 radar?

18 A Could you just restate the question.

19 Q Sure. Do you remember when you first learned that there were going to be  
20 rallies in D.C. on January 6th?

21 A The first time I heard about a rally was on December 28th, and at that point  
22 in time -- at that point in time, the President was not supposed to go.

23 Q All right. Well, we'll get there in a moment, but that helps frame. But I'll  
24 put up on the screen exhibit 2. Just wait for a second. And if we could just go to the  
25 December 19th tweet. Do you see that there in front of you, Mr. Miller? This -- what

1 exhibit 2 is, and you had it since yesterday, are an archive of President Trump's tweets.

2 And this tweet that we're looking at is from December 19th of 2020 at 1:42 in the  
3 morning. I'll read it for the record. It says: Peter Navarro releases 36-page report  
4 alleging election fraud, quote, more than sufficient, closed quote, to swing victory to  
5 Trump.

6 And then there's a link.

7 It continues: A great report by Peter. Statistically impossible to have lost the  
8 2020 election. Big protest in D.C. on January 6th. Be there, will be wild.

9 Were you aware of that tweet when it came out at that time?

10 A No.

11 Q Okay. Did you follow the President on Twitter either on your personal cell  
12 phone or otherwise?

13 A Yes.

14 Q So you have no -- do you have any knowledge of why he sent this tweet out  
15 and what protest in particular at that time that he was referring to, at the time he was --

16 A At 1:42 a.m. I was sleeping.

17 Q The next day, do you recall talking to him or anyone else within the  
18 White House about this tweet and what he was referring to?

19 A This is the first time I'm seeing this tweet, so no.

20 Q Well, then, just taking from December 19th until January 6th, so the  
21 December 19th of 2020 through January 26th of 2021, were you physically in D.C. that  
22 entire time, to the best of your memory?

23 A To the best of my -- I don't recall.

24 Q You don't recall. Now, it's been reported that President Trump was in  
25 Mar-a-Lago starting December 23rd of 2020 for the holiday break. Are you aware of

1           that, that he was down there at that time for Christmas?

2           A     I am, yes.

3           Q     Were you with him, do you remember?

4           A     I was not with him, no.

5           Q     And it's been reported that he intended to stay in Mar-a-Lago through  
6     January 3rd, so until after the New Year into 2021.   Were you aware at the time that he  
7     was going to stay for 10 days?

8           A     That was the original game plan, to my best understanding.

9           Q     It's also been reported that he returned to D.C. on New Year's Eve, so that  
10    would've been December 31st of 2020, you know, cutting his trip short.   Were you  
11    aware at the time that he returned a few days early?

12          A     Yes.

13          Q     And was it right that, at least before he left, he was -- he had a New Year's  
14    Eve party scheduled at Mar-a-Lago which various people had come to be there with him.  
15    Did you know that?

16          A     He throws that same party every year since Mar-a-Lago has been  
17    established, yes.

18          Q     Do you know why he returned early then before the party to come back to  
19    D.C. on the 31st?

20          A     It is my understanding that the First Lady of the United States wanted to  
21    return home and that she wanted to spend time and to help pack her things before the  
22    20th of January.

23          Q     Now, if we can look at exhibit 2 again but go to page 10.

24          Mr. Miller, do you see this tweet on December 27, 2020, by the President at  
25    5:51 p.m. that says: See you in Washington, D.C., on January 6th.   Don't miss it.

1       Information to follow.

2                  Do you see that?

3                  A      I do.

4                  Q      I'm going to go through just a few documents just to orient us. I know you  
5        said December 28th was when you first learned of it, but I think it's helpful just to go  
6        through, and then we'll ask questions, okay. But starting with that tweet, I think it's  
7        helpful to look at exhibit 15 next, page 1.

8                  And, for the benefit of the record, this is a text chain between Caroline Wren and  
9        Justin Caporale, produced by Ms. Wren. And so the comments in -- or the texts in blue  
10       are Ms. Wren's. The ones not in blue, or in white, are Mr. Caporale's.

11                 Okay. So, if you see there at the top, I'll just read --

12                 Mr. Zukerman. Can I just object? There's no foundation to even establish that  
13        my client has any knowledge with regard to these, that he's ever seen them, that he's  
14        able to answer any questions with regard to them. I'm going to object. I think it's a  
15        waste of time, but if you want to go ahead, go ahead.

16                 BY [REDACTED]

17                 Q      I will. Thank you, Mr. Zukerman.

18                 So you see there, at December 26th, at 11:14 a.m., that Ms. Wren asked  
19        Mr. Caporale: Do you know who is organizing the January 6th rally?

20                 And he responds in sum and substance that he thinks it's Women for America  
21        First, which is the Kremers' organization. And then he responds later that day that it is  
22        Women for America First.

23                 Now, if you turn to page 2 of that exhibit, you see that Mr. Caporale sends  
24        Ms. Wren a screen capture of the tweet that we just reviewed in exhibit 2 that the  
25        President sent at 5:51 on December 27th of 2020. And, again, for context, if we look at

1 exhibit 35 next, the first page, and if we could zoom out a little bit further. So this is a  
2 text of Mr. Caporale, produced by him, so he's in blue, with family members.

3 And, on December 20th, at that time -- and I'll explain the time in a second -- he  
4 sends, again, a screen capture of the President's tweet. I should say for the record, this  
5 is December 27th, 2020, as reflected on his text at 5:07 p.m., a reflection of the fact that  
6 his lawyers are in the Midwest and, when they collected it, put the time in Midwest time.

7 But then below that, Mr. Caporale says: WH called me and asked if ESI was  
8 producing the rally on the 6th, then said, quote, good, closed quote, and 10 minutes later  
9 this tweet came out. Looks like the 6th just got very large.

10 Now, the term "ESI," Mr. Miller, do you know that Mr. Caporale's firm is Event  
11 Strategies, Incorporated?

12 A Yes, I do.

13 Q Have you heard it referred to as ESI previously?

14 A Yes.

15 Q And the acronym "WH," have you heard that used by people to refer to the  
16 White House before?

17 A Yes.

18 Q When Mr. Caporale says that the White House called him on December 27th,  
19 was that you? Do you know?

20 A I don't recall. The first time I found out about this was on December 28th.

21 Q Okay. Again, for further context, if we can look at exhibit 32, if you can  
22 zoom out a bit, these are text messages between Katrina Pierson and others, and on this  
23 first page, it's with Mark Meadows, the chief of staff to President Trump. And, if you see  
24 there toward the bottom of the page, the messages in blue will be Ms. Pierson's, and for  
25 the record, that's P-i-e-r-s-o-n.

1           And at -- on December 27th at 2020, 6:16 p.m., she sends to Mr. Meadows, an  
2 update on the March for Trump tour that you can see various dates.

3           And, if you go to the next page, the last date is January 6th on that list in  
4 Washington, D.C. So I imagine, based on that, you don't recall talking to Mr. Meadows  
5 on December 27th about the event?

6           A     On the 27th, no.

7           Q     Okay. All right. And now if we turn to exhibit 11, and these are phone  
8 records, Mr. Miller, for your phone. And just so I can explain the terminology at the top,  
9 it's an extract, but there are four columns of information that you see at the top on page  
10 1. On the left most, you see that -- the date and time.

11           The next column is the call number, so the -- either you or the other person who  
12 received the call or text, as it were. The next column is CPN, which means  
13 called -- calling party number, so the person placing the call. And the last column is  
14 SOU; that's the length of the call in seconds.

15           And, if we look in the very first row, again, see a phone number that ends in the  
16 four digit [REDACTED]. That's the phone number you referred to earlier that's yours?

17           A     Correct.

18           Q     Okay. So, if we go to page 5, or rather page 3, excuse me, and we go down  
19 the page, what we've done is we've provided your attorneys and you also in exhibit 12,  
20 which we don't need to show, but a collection of subscriber information that establishes  
21 various numbers you communicated with that we then annotated on the phone records  
22 to say who they are.

23           So the first number you see highlighted is Robert Peede. Is that the Mr. Peede  
24 we referred to earlier as the director of advance?

25           A     Yes.

1           Q     Okay. And you see that, on December 27th, in that first row that is  
2 highlighted at 5:16 p.m., that Mr. Peede calls you for what amounts to about an  
3 11-minute call. And I say all this for context around the tweets you've seen in other  
4 texts now.

5           And we've seen the President's tweet comes out at 5:51 p.m., so after Mr. Peede  
6 calls you. But then, at 6:16 p.m., Mr. Peede calls you again for roughly a 3-minute call,  
7 after which you call Justin Caporale at 6:23 p.m., and you have approximately a  
8 10-minute call, and then, after which, you call Mr. Peede back for a roughly 2-minute call,  
9 and then right after that you call Anthony Ornato.

10          In seeing those phone records and seeing the President's tweet, Mr. Miller, does  
11 that lead you to believe that you might have started discussing the Ellipse event on  
12 December 27th in the evening?

13          A     No.

14          Q     So what is it about the 28th that you remember when you first learned of  
15 the event? How did that happen?

16          A     I was looking at my records. I was looking at the emails and all the texts  
17 and everything that I had provided to you all, and the first date that I can see where the  
18 January 6th event was brought up in anything that I have, I believe, is on the 28th.

19          Q     To be fair -- understood. So, in other words, the hard documents that you  
20 have, the first one you see is the 28th. But, as we've shown you in exhibit 11, you know,  
21 phone calls you're not going to have a recording of. So, again, just trying to ask  
22 if -- given the way the phone calls went here, the timing of the tweet, Mr. Caporale's --

23          A     That doesn't mean anything out of the ordinary. I mean, these were my  
24 best friends, and they were my colleagues. And I -- if you were to pull my phone records  
25 from months before, you would see the same phone calls probably in that order.

1 Q Sure.

2 A I mean, that is no different than a standard operating procedure of what I  
3 would have done or even just for a friendly phone call. But I don't recall those  
4 conversations.

5 Q All right. And no one is saying, and please understand, that anything is out  
6 of the ordinary, but in terms of talking about your phone records, it's a great point. If  
7 you look back on page one of this exhibit, exhibit 11, and you go down until you see the  
8 first highlighted row, see there December 21st at 2020 is a call that you had with  
9 Mr. Caporale; as you said, you're friends. But there's no calls between the two of you  
10 recorded on your phone between that time and when you speak to him on  
11 December 27th. So we only bring that up by way of context for when you first started  
12 hearing about the event.

13 Who's the first person you recall talking to about the event, Mr. Miller?

14 A The first person that I talked to about the event that I recall was Justin.

15 Q All right. And what did he tell you at that time about the event?

16 A That they were looking to put on an event in Washington, D.C.

17 Q Who is "they"?

18 A As you have already seen and to what you have shown me, Women for  
19 America First.

20 Q And what role did Mr. Caporale say he was playing or serving for Women for  
21 America First for that event?

22 A I don't want to speculate. You'd have to ask him.

23 Q What did you understand ESI, his company, to do?

24 A ESI is a production company. They set up stages. They set up chairs.

25 They make sure the microphone works, and they make sure the lights are the right temp

1 and hue for the President of the United States, which is a very important job. It's the  
2 same thing for President Biden. It was the same thing for President Obama and  
3 President Bush and everyone before him.

4 When -- the President of the United States, in any forum, whether it's domestic or  
5 it's OCONUS, should always look like a Commander in Chief. And Justin did one heck of  
6 a job in doing that for probably, you know, several hundred events that he's done for the  
7 President.

8 Q And, at the time he first told you about January 6th, Mr. Miller, why was he  
9 talking to you about this? Was -- had the President already decided to speak, or what  
10 was the point of the phone call?

11 A No, it's a great question. So I'm going to give you a hypothetical. Say the  
12 President of the United States was traveling to Oklahoma, and we had an inclination, but  
13 he hadn't committed to going to Oklahoma; we, the White House, would still send a full  
14 team of White House staff, Secret Service, WHCA, and WHMO there just to make sure  
15 that everything would be set if he were to go for the last second.

16 As you know, Secret Service and the White House Military Office and WHCA go  
17 there; they sweep the area. It takes several hours, or it could take a number of days,  
18 depending on how big the site is. Regardless, we would still send a team. So you  
19 always had to be ready. This was a normal function of the job.

20 Q Understanding that's from the White House perspective. I'm asking why  
21 Mr. Caporale called you. He wasn't working for the White House but for Women for  
22 America First.

23 A Right. And this happens all the time. We did it with convention. Look, I  
24 was on the campaign, and I had a White House counterpart at the time that I had to work  
25 through to facilitate getting vehicles and production vehicles swept through RDS and the

1       United States Secret Service to make sure that we were above board.

2           Q     Again, understood. That's on behalf of the President's campaign. But, at  
3     this time, when Mr. Caporale calls you, it's on behalf of Women for America First. So is  
4     he asking you to see if the White House will be involved with this event, or why is he  
5     speaking to you?

6           A     At that point, I believe -- I -- as I told you before, I don't recall the specific  
7     conversations. So I'm not going to speculate.

8           Q     Okay. Where did he tell you the location of the event was going to be at  
9     that time when he first speaks to you?

10          A     Freedom Plaza.

11          Q     And did he ask you if the President would speak or would be interested in  
12     speaking?

13          A     At that point, I can't recall.

14          Q     Now, at what point -- you said -- I think you said earlier that it was not  
15     certain whether the President would speak at the event, but there certainly came a time  
16     when it was certain. Do you remember when that was, as best as you can recall?

17          A     Yes, January 2nd, late afternoon.

18          Q     And so, from that point forward, I think as you've described, you  
19     would've -- you know, whatever it is you did, and we'll go through your documents, again,  
20     not trying to trap you; just trying to ask -- we'll get to the questions. But you had some  
21     role with regard to the event. Were there people working underneath you or on a team  
22     with you within the White House on the event?

23          A     No.

24          Q     All right. And I'll note for the record that Vice Chair Cheney has joined us as  
25     well.

1           Ms. Cheney. Good morning.

2           ██████████ Thank you for joining.

3           The Witness. Good morning, Congresswoman.

4           BY ██████████

5           Q     And, Mr. Miller, who within the White House were the principals in charge of  
6     the -- you know, working on the Ellipse event that you recall? You know, you've  
7     mentioned Mr. Peede. Was he involved in working on the Ellipse event? You've  
8     mentioned Mr. Ornato. Just your perspective, what you remember about the key  
9     people working on the event between early January up through the 6th.

10          A     That's the main crux of the issue for me is that no one in the White House  
11     directly -- I mean, yes, people helped, but directly put the event on and was in charge,  
12     nobody.

13          Q     Okay. So, from a functioning standpoint, was it handled just like any  
14     function the President would appear at in terms of just people doing their regular roles to  
15     make sure it goes off as you've described earlier?

16          A     That is correct.

17          Q     All right. Now, we're going to walk through as best we can day by day -- it's  
18     a short window of time -- between December 28th, when you remember, up through the  
19     6th, okay. And so we'll walk through documents to get your best memory as it goes  
20     along.

21          So, focusing on the 28th and the 29th, you know, Mr. Caporale tells you initially  
22     the event is at Freedom Plaza. Did you have any reaction or do you recall having a  
23     reaction to whether that was a good location or not?

24          A     To be honest, I didn't care at the time because the President wasn't  
25     attending.

1           Q     Okay. Did there come a time when you did care and so you had to discuss  
2 whether to hold it somewhere else?

3           A     I don't recall.

4           Q     Are you aware -- obviously the event moved to the Ellipse.

5           A     Yes.

6           Q     Do you know how that happened?

7           A     I -- to the best of my knowledge and to the best of my recollection, I  
8 remember that Secret Service had stated that, you know, this was a much secure location  
9 in terms of the President and the logistics and operations. You know, Freedom Plaza is  
10 much closer to the heart of the city than the White House and the Ellipse.

11           And, when you look at the Ellipse and how you're able to get flow of traffic and  
12 work with the MPD and the National Park Police and shutting down the streets to making  
13 sure that there was only pedestrian foot traffic and no vehicular traffic, that it was  
14 actually, in their assessment, the safest space for them to hold something like this.

15           Q     Understood. So, from a security perspective, the Ellipse is better than  
16 Freedom Plaza, as you understood it?

17           A     As I understood it, and that's how it was briefed to me, yes.

18           Q     Now, were you aware at the time, Mr. Miller, from Mr. Caporale that there  
19 was ongoing discussion about which group in particular should be sponsoring the event  
20 when it was moved to the Ellipse, whether it was Women for America First or another  
21 grassroots organization? Did he share that with you?

22           A     No.

23           Q     All right. So were you a part of the decisionmaking process for having  
24 Women for America First submit the application for the permit on the Ellipse?

25           A     Absolutely not.

1           Q     Do you know whether anyone within the White House, any of your  
2     colleagues, were involved in that decisionmaking, to the best of your knowledge?

3           A     I can't recall.

4           Q     So, in terms of timing, if we look at exhibit 15, which are text messages  
5     between you and Mr. Caporale that you produced, and we look at the first page -- or  
6     rather -- is that the right one? Let me check. I think it's actually 14. Hold on. Yes,  
7     14, apologize. And not 14A but 14. There we go. If you can zoom out.

8                 Okay. We see there, on December 29th, Mr. Miller, at 2:09 p.m. that  
9     Mr. Caporale tells you Women for America First's lawyer is submitting the permit in  
10    person right now. And he puts in all caps: HOLD. Don't call yet.

11                 And you respond, you know: Oh, you duck. I just did.

12                 What call was Mr. Caporale referring to and that you apparently had placed  
13    before he could stop you?

14                 A     I don't recall.

15                 Q     Now, if we look at exhibit 11, on page 3, and we see that the phone calls,  
16    these start on the 28th, and if we carry over to the 28th on the next page, page 4, all  
17    right.

18                 Mr. Miller, we have several rows highlighted there, and I'm going to focus your  
19    attention starting at 3:56 p.m. You see a call from Mr. Caporale to you for about a  
20    minute, and he had had a couple other calls with you prior to that, as you see on the  
21    exhibit. After that, we see two incoming communications from a Katharine MacGregor  
22    reflected on your records. Do you know Katharine MacGregor?

23                 A     I do very well. She's a great person.

24                 Q     And is it right, at the time, she was the Deputy Secretary of the Interior?

25                 A     Yes, that's correct.

1           Q    And approximately for how long had you known her by this point in time?  
2           A    I worked intimately with the Deputy Secretary for, to my recollection,  
3        2 years.

4           Q    So not surprising that she had your personal cell phone in the normal course  
5        you'd need to talk to her?

6           A    Not whatsoever. And I just want to state for the record that I worked with  
7        Deputy Secretary MacGregor and National Park Service on other events on National Park  
8        Service grounds. Mount Rushmore is another example; Fort McHenry for the  
9        convention that was in Baltimore is another example. And I can go on and on. But this  
10      was standard operating procedure in terms of, you know, anything being done on DOI  
11      land or NPS territory.

12          Q    Understood. And you end up calling her back, you see there at 4:30 p.m.  
13      and have, you know, what appears to be a 3-minute long conversation. As best you can  
14      remember, a year later, Mr. Miller, why were you speaking to Ms. MacGregor at this time  
15      and about what?

16          A    You -- I'm sorry, can you recall the date for me.

17          Q    Yes, it's right there in the row. It's December 28th, so I think that's the day  
18      you said you first learned about the event.

19          A    Yes.

20          Q    All right. So do you recall why you were speaking to Ms. MacGregor at the  
21      time?

22          A    At that specific time, I don't recall.

23          Q    Is it fair that, on this day and the few days after, you did discuss with her the  
24      event on the Ellipse on January 6th?

25          A    Yes.

1           Q     All right. And what were those conversations about in particular, to the  
2 best of your memory?

3           A     I believe it was a brief conversation about having an event on the Ellipse and  
4 going through the proper legal channels to seek permission and then to obtain permission  
5 to put the stage in the city vista sight line.

6           Q     And was it your understanding that the career employees of the National  
7 Park Service had denied Mr. Caporale's request to put the stage for the January 6th event  
8 in the middle of the Ellipse?

9           A     I don't want to speculate, but I also would like to note for the record that the  
10 Department of Interior placed a menorah halfway inside the city vista sight line, to which  
11 the Department of Interior and National Park Service had to apply for the same  
12 permission that we applied for in order to move the stage 50 feet to the left to be in the  
13 city vista sight line.

14          Q     Understood. We'll go through the documents. So, naturally, though, as  
15 you see in the phone records, if you're talking to Ms. MacGregor about the Ellipse event,  
16 that you would talk to Mr. Caporale in the normal courses, as working for Event  
17 Strategies; is that fair, when you see the records there and you update him on what the  
18 conversations were like with her?

19          A     That's a mischaracterization. He's a good buddy of mine.

20          Q     I'm not trying to mischaracterize. I imagine, if your conversation with  
21 Ms. MacGregor about the event, you would naturally update him about the event and  
22 what she said?

23          A     I don't recall, and I'm not going to speculate.

24          Q     All right. So, if we look at exhibit 17, it is an email from Mr. Caporale from  
25 his Event Strategies account to you and Mr. Peede on December 29 of 2020. And it's

1 reflected, at 6:10 p.m., central standard time. As I mentioned earlier, Mr. Caporale's  
2 documents are in central time. And the subject is NPS Ellipse rules.

3 I believe you produced a copy of this email as well but not until yesterday, so we  
4 used this. And here, if you focus your attention on the third sentence of the first  
5 paragraph, and it's: My largest concerns right now is that NPS will not allow us to build  
6 out in the, quote, vista line of sight, closed quote, which runs directly down the center of  
7 the Ellipse.

8 Do you know or did Mr. Caporale tell you why that was a concern about being in  
9 the center of the Ellipse?

10 A Yes, there was a massive Christmas tree with a bunch of fencing around it  
11 that was probably 3 to 4 feet tall around the tree itself. It was massive and took up a  
12 huge portion of the area.

1

2 [11:02 a.m.]

3 BY [REDACTED]

4 Q I'm sorry, but what did that have to do with the center of the Ellipse, just to  
5 be more particular about it, to your understanding?

6 A I -- I'm also somewhat confused as to why a stage placement 50 feet to the  
7 left or to the right leads you to ask these questions when we sought to obtain legal  
8 permission through proper channels of the Department of the Interior. And I've seen  
9 emails, as well as you, that they granted that permission.

10 Q Understood. Just asking why it was a concern for him. And so you're  
11 saying it was because of a tree? Was it the national Christmas tree?

12 A Yeah. I -- look, sir, if I was doing President Joe Biden's advance -- or, you  
13 know, if I were to be doing his, I wouldn't stick him next to a giant Christmas tree either in  
14 January.

15 Q Was the tree there on January 6th, to your knowledge?

16 A As I recall, yes.

17 Q Now, if we look at -- let's see here -- exhibit 15, page 7, and again, sticking in  
18 chronological order, Mr. Miller. And looking at December 29th, do you see there in the  
19 middle, my colleague will zoom out for us. If you recall, this is between Ms. Wren and  
20 Mr. Caporale, and this is only for context. So, at 2:07 p.m. on the 29th, Ms. Wren asked  
21 Mr. Caporale: Any updates from WH, or White House, on your end.

22 And if you go down below, at 10:50 p.m. Mr. Caporale responds: Schedule  
23 proposal will work its way around tomorrow. Noon seems to be a good time. Then  
24 maybe a call to action to march to Capitol and make noise.

25 To your knowledge, were you the person discussing these things with

1       Mr. Caporale about the schedule, time, and what would happen after the event was over,  
2       the march to the Capitol?

3           A     In terms of the line by line, and if you're asking about production, loading in  
4       and loading out of the Ellipse, yes.   But anything about what he said in that last  
5       paragraph, you're going to have to ask Mr. Caporale.   I've never seen this text message.  
6       I have no idea.

7           Q     No, I'm asking you if you had a conversation with Mr. Caporale about what  
8       was to happen after the event ended in terms of a march to the Capitol.

9           A     No.

10          Q     Did there come a time when you became aware that the President was going  
11       to tell people to march to the Capitol after his speech ended?

12          A     I mean, look, he had been sending out tweets.   The title of the rally was  
13       Save America March.   There are thousands of marches in Washington, D.C.   I mean, he  
14       literally -- they had sent out the invite, and it said Save America March.   It's -- I'm not  
15       trying to sound how I'm sounding, but it's more than implied within the title of the rally.

16          Q     Right.   We can look at the President's tweets, but, to your knowledge, did  
17       he ever say in his tweets before the event that he was going to tell people to march to the  
18       Capitol?

19          A     Not to my knowledge.

20          Q     And so I'm asking, do you remember when you first learned that he was  
21       going to tell people that at the rally?

22          A     No, I didn't rehearse his speech.   I mean, you guys, I didn't rehearse his  
23       speech.   I didn't go through it with him.   I'm not a speech writer.   I'm not Mark  
24       Meadows.   What you're driving at, there's no smoking gun here.   These are ridiculous  
25       questions.   I'm sorry.   No, I've never even rehearsed one of the President's speeches

1 with him, nor does he care about my advice for it because I'm not a speech writer.

2 Q Okay. Put the speech aside. Did you become aware before he gave the  
3 speech that he'd be telling people to march to the Capitol when it ended?

4 A Once again, no, I didn't know what was in his speech. And it's not like he  
5 sat me down and said: I'm going to say this.

6 So no.

7 Q Putting the President aside, to your knowledge, and given your role, before  
8 January 6th, did anyone within the White House tell Secret Service that the President  
9 would be telling people to march to the Capitol?

10 A No.

11 Q How about the United States Capitol Police, to your knowledge, did anyone  
12 within the White House, before January 6th, tell the Capitol Police that the President  
13 would direct people to march to the Capitol?

14 A No.

15 Q Same question for the National Park Service and Park Police, were they  
16 informed, to your knowledge?

17 A No.

18 Q And the Metropolitan Police Department, to your knowledge, were they  
19 informed?

20 A No. But I wouldn't be privy to any of that information.

21 Q That's why I asked to your knowledge, but thank you for the clarification.

22 So, if we can move -- and Mr. Miller, looking through your documents, didn't see  
23 anything of particular note on December 30th, so we'll move beyond that day, but we'll  
24 move to New Year's Eve.

25 Mr. Zukerman. This might be a good time to take a short, a comfort break.

1                    [REDACTED] That's great, Mr. Zukerman. So I see that it's 11:07, do you want  
2 to come back on at 11:15? Is that enough time.

3                    Mr. Zukerman. That's perfect.

4                    [REDACTED] Okay. Great.

5                    [Recess.]

1

2 [11:16 a.m.]

3 [REDACTED] All right, so, it is 11:16 a.m. and we're back on the record after a  
4 short break. Mr. Miller is here with Mr. Brown and Mr. Zukerman. Thank you. I'll  
5 just note for the record that Mr. Kinzinger is joined has well.

6 And so, Mr. Miller, when we left, we had gotten through roughly December 30th,  
7 2020, and I neglected to stop and ask up to this point if any of the members or any of my  
8 colleagues had any followup questions. So I'll stop here and see if they do.

9 [REDACTED] I don't, [REDACTED] thank you.

10 Voice. None here, [REDACTED]

11 [REDACTED] Thank you.

12 BY [REDACTED]

13 Q So, Mr. Miller, turning to New Year's Eve 2020, do you remember if you were  
14 in D.C. that day?

15 A I don't recall.

16 Q Okay. If you'll look at exhibit 33 that we'll put up on the screen, and just  
17 have to go down to the bottom, the first email in the chain. So I'll just read it out loud  
18 and we'll work through it, Mr. Miller. It's on December 31st at 9 a.m. This is produced  
19 by the Department of Homeland Security, so they redact certain names for privacy. It's  
20 written and addressed to you AND Mr. Peede: Bobby, Max, hope you guys are both  
21 good. Happy New Year's Eve. We are getting hit up from some of our counterparts, in  
22 parentheses, Park Police, et cetera, close parentheses, regarding a possible event on the  
23 Ellipse on 1/6. We haven't heard anything about this. Can you please let us know  
24 what is being looked at regarding this event?

25 So, Mr. Miller, does this reflect that the first time at least you started engaging

1 with the Secret Service was on New Year's Eve of 2020, about the January 6th event?

2 A Yes. Seeing as they reached out to me, yes.

3 Q Okay. Now, earlier -- and this is just to clarify -- you have seen that Women  
4 for America First had already applied for the permit on the Ellipse on December 29th, and  
5 you had talked about security considerations for holding the event there.

6 But, as the email reflects here, it looks like the Secret Service doesn't get involved  
7 until 2 days after that permit is put in place. So, just stepping back, does that refresh  
8 your recollection about what input, if any, and why the White House -- why the event was  
9 on the Ellipse?

10 A You would have to ask the Secret Service that question.

11 Q Okay. But, again, here, on December 31st, it's the first time they are  
12 coming in, as you said, but the permit was put in 2 days prior. I'm just asking about  
13 what you know about why the Ellipse was picked 2 days before this.

14 A I don't recall, but what I can tell you is that I've received, shoot, probably  
15 several dozen emails that looked just like that when I was director of Advance at the  
16 White House because soon as Secret -- if you talk to anybody in ops, they will tell you, as  
17 soon as they catch wind of a possible event or a trip that's within Washington, D.C., or  
18 domestic or OCONUS, they will send you an email that looks like that, trying to confirm.

19 Because you have to understand, Secret Service also has manpower numbers that  
20 they are responsible for to make sure that the President is safe no matter where he  
21 travels.

22 Q In particular, over the holidays. It makes total sense. And also here  
23 where the President was supposed to still be in Florida but then ends up coming home  
24 early, right?

25 A Right.

1           Q     But, to that point and exactly what you're saying, Mr. Miller, as soon as the  
2     Secret Service gets wind, they're going to want to know the details.   But the permit had  
3     been put in 2 days before this.   And so, again, just asking, from what you know, why was  
4     the Ellipse selected before the Secret Service was even involved?

5           A     I don't know the answer to that question.

6           Q     Now, I think, as you said, it's not for certain that the President is going to  
7     speak, so far as you know, until January 2nd.   Is that right?

8           A     That's correct.

9           Q     All right.   But still part of the normal operating procedure, if there's a  
10    chance he'll speak or appear, the Secret Service needs to be prepared.   So that's why  
11    they would reach out even a few days before, I imagine?

12          A     Yes.   And this was also common with the White House Communications  
13    Agency, as well as the White House Military Office.   We would get emails like this all the  
14    time.   You know, the schedule is always in flux.

15          Q     Understood.   And why in particular would Secret Service reach out to  
16    Mr. Peede and you about the event?   It's a basic question but just help us understand  
17    why you're the two.

18          A     Sure.   We would be the only ones who would have any type of  
19    understanding of event production.   They relied on us heavily.   That was our job.

20          Q     And Bobby Peede responds, as you can see above, at 9:26 a.m., telling Justin  
21    Caporale, can you reach out to -- and again the name's redacted for privacy of the  
22    particular Secret Service personnel -- but about setting up a meeting.   Do you see that?

23          A     I do, yes.

24          Q     And is that standard, Justin was the event production person for him to  
25    coordinate with the Secret Service?

1           A    That's correct.

2           Q    And it's about setting up a meeting. Just in your experience, or if you know  
3 particularly about this, what would that meeting be about, or what would the purpose  
4 be?

5           A    I'm more than happy to answer. These meetings are extremely frequent.  
6 I'll take you back to the 2020 convention that was done in Washington, D.C. You know,  
7 we tried to label it an NSSE to get approved. So instead everyone came together in the  
8 city. We had the chief -- I believe the chief of MPD there. We had National Park  
9 Service. We had DHS law enforcement. We had Secret Service, and as well as any  
10 other entity within Washington, D.C., to sit down to go over security protocols and to look  
11 at flow of traffic.

12                 This was a very common procedure that we've done, even at Fort McHenry, for  
13 the convention as well, that was just in Baltimore. But this is -- this is standard  
14 operating procedure, yes.

15           Q    Okay. Now, did you participate, specific to January 6th, in any meetings  
16 with the Secret Service about that event, that you remember?

17           A    I don't recall.

18           Q    All right. Would it have been normal course for you to participate in a  
19 meeting such as that, given your role?

20           A    Yes.

21           Q    And, specific to January 6th, we've touched on it a bit, but do you recall any  
22 discussions with the Secret Service about security concerns about the event on the 6th or  
23 events generally in Washington that day?

24           A    No overt concerns were expressed to me at the time.

25           Q    So, if we go back to -- let's go to exhibit 18, Mr. Miller. Again, as your

1       counsel acknowledged -- and we appreciate -- you produced more exhibits -- more  
2       documents yesterday as you continued your search -- this is an email that Mr. Caporale  
3       produced, and I think you produced the same one, but we used this because we had it  
4       before you did.

5                 You'll see it's an email chain from New Year's Eve, so December 31st of 2020, and  
6       Mr. Caporale forwards you an email he sent to Amy Dailey at the National Park Service  
7       earlier that day. Do you see that -- that email that Mr. Caporale sent to Ms. Dailey?

8                 A      Yes.

9                 Q      Okay. And it's -- the subject is request for consideration. It's fair to say,  
10       from reading this email, at least at this point, it was still an open question whether the  
11       stage for the 6th would be allowed to be placed in the center of the Ellipse?

12                A      Yes.

13                Q      Okay. Do you know Ms. Dailey, had you interacted with her before in your  
14       role?

15                A      The only time, yeah -- the only time I actually interacted with Ms. Dailey was  
16       on the Presidential Inaugural Committee way back when, when I was responsible for the  
17       Presidential review stand and the White House area at that time. So, yeah, actually, I  
18       worked pretty intimately with her, but for this specific instance and on this day, no.

19                Q      No.

20                A      Or leading up to it.

21                Q      All right. And Ms. Dailey is a career employee who handles permitting, is  
22       that right, and issues of that sort?

23                A      I don't know exactly what her job entails.

24                Q      All right. So you see there what Mr. Caporale says to Ms. Dailey. Says:  
25       Hi Amy, following up on our phone call to request consideration and approval for the

1 following.

2           And the first point he makes, it speaks to an issue you raised earlier, is: The 2019  
3 menorah lighting with the National Menorah Council had a site layout that looks as if it  
4 was justified inside the sight line vista. I'm seeking approval for a waiver to build out our  
5 stage within the vista.

6           And then the second is: Would also like to request consideration to adjust the  
7 placements of the chain link fencing that is placed around the Christmas tree. This will  
8 be helpful in stage placement and back room access. And, if movement of this fence is  
9 an issue with resources, ESI would be happy to absorb the cost.

10          So you -- Mr. Caporale then appears to forward you in quotes a response in that  
11 top email from Ms. Dailey. Do you see that?

12          A     Can you read it to me? Sir, I can't.

13          Q     No, happy to. I know where you're seated, you might not be able to see  
14 the small type. So we'll also zoom in, but I'll read it.

15          If you can zoom in a bit. Thank you.

16          And so this is at 2:20 p.m. central, so 3:20 p.m. eastern. He quotes: We can  
17 offer the group the same position that was afforded to the rabbi in 2019 with the  
18 easternmost portion of their stage just touching the western edge of the vista site line.

19          So I'll stop there. You had mentioned earlier that you thought the Menorah was  
20 placed in the center. Reading this, do you still think that's the case?

21          A     That's a mischaracterization of my statement. I never said it was in the  
22 center. You should go back to your court reporter and look at what I said. I said  
23 verbatim that the menorah was partially in the city vista sight line. I never said it was in  
24 the middle.

25          Q     Oh, okay. Just clarifying. So, as far as -- the email continues on: As far

1 as the fencing goes, our NPS staff does not have sufficient time to reposition the fencing  
2 according to the event timeline, and we cannot allow another party to move our fencing  
3 as it would present a host of liability concerns. I also agree with your concerns  
4 regarding the possible damage to the steam lines should large vehicles drive over them  
5 without sufficient grade matting material in place.

6 All right. So that appears to speak to the Christmas tree issue but not so much  
7 the placement in the center of the Ellipse. But is that right, did you understand the  
8 Christmas tree to affect the center placement, or was that something else, as best you  
9 remember?

10 A It affected all placement. This wasn't a Christmas tree you're putting in  
11 your house, sir. This was probably 50 or 60 feet tall. I mean, it's "the" White House  
12 Christmas tree that they put up every year. It's quite sizeable.

13 Q I think someone might not be on mute if we could -- not you, Mr. Miller, but  
14 we're getting some feedback.

15 Okay, I think it's been taken care of. All right.

16 So, if we look at exhibit 14, after Mr. Caporale had sent this to you, you all  
17 exchanged some text messages about it. And, looking at page 3 of exhibit 14, you write  
18 to Mr. Caporale: So it's a resources issue with the fence, offer to pay and reposition it.  
19 That was her lame excuse.

20 When you say "her," who are you referring to?

21 A I'd be referring to Amy Dailey because you saw that Justin sent me that  
22 email.

23 Q Just making sure. Okay. And then he responds: I did -- she said no,  
24 quote, we cannot allow another part to move our fencing as it would present a host of  
25 liability concerns, close quote.

1           And then you say: Just saw your email. I'll fix it.

2           And then, continuing on to the next day -- well, actually, we can -- do you  
3       remember, before that day ends on December 31st, if you do, what if anything you did to  
4       fix this issue?

5           A     By fix it, yes, I sought permission and obtained permission by the  
6       Department of Interior through the proper legal channel.

7           Q     Understood. Did you call, was it Ms. MacGregor that you were speaking  
8       with?

9           A     That's correct, yes.

10          Q     All right. Did you ever talk, or do you remember speaking with Margaret  
11       Everson, E-v-e-r-s-o-n, the Acting Director of the National Park Service, about this issue as  
12       well?

13          A     I don't recall.

14          Q     Do you know Ms. Everson?

15          A     I do. She's a great woman. She helped me out on Fort McHenry, and she  
16       helped out at Mount Rushmore for those events, working with DOI and NPS.

17          Q     As you said earlier, those were events that were before the January 6th  
18       Ellipse event. So you knew her before then. Is that right?

19          A     Correct. That's correct.

20          Q     So, if she said that she spoke to you about the Ellipse event, even though  
21       you don't remember it, that wouldn't strike you as wrong on its face, Ms. Everson, that is?

22          A     That's a correct statement.

23          Q     All right. And what was the perspective that Ms. MacGregor -- we'll focus  
24       on her -- was sharing with you when you talked to her about these issues?

25          A     Other than they had made an exception in reference to 2019 menorah being

1 partly within the city vista sight line, they, you know, drew a waiver and that was  
2 approved. And so I asked her, you know, what was the best course of action for me to  
3 go ahead and do that?

4 Q And what did she say was the best course of action?

5 A I can't recall. To the best of my knowledge, you know, she was  
6 helping -- you know, helping us with a memo that would help us obtain the Ellipse in the  
7 city vista sight line through proper legal channels. In terms of exactly what was said and  
8 the nuances, I can't recall.

9 Q If you look at exhibit 14, right there, if you go down lower, at 7:29 p.m. on  
10 January 1st, so New Year's Day, Mr. Caporale tells you that he sent another draft, and you  
11 respond: Launch it.

12 Do you know that to refer to an email to the National Park Service?

13 A Yes.

14 Q Okay. And so we'll look at -- do I have it right -- exhibit 19, which is an  
15 email you produced from Mr. Caporale to you at your [REDACTED] account on January 1st of  
16 2021 at 7:21 p.m. It appears from your text to him to launch it, that you reviewed this  
17 email before he sent it. Is that right?

18 A Yes.

19 Q All right. And, just as a matter of housekeeping, do you know why  
20 Mr. Caporale was writing to you on your personal email address as opposed to your work  
21 email address at the time?

22 A No. But it's pretty common. I mean, I've known Justin for 6 or 7 years.  
23 Things used to go, gosh, to my campaign account, to my White House account and my  
24 personal, so no.

25 Q So no particular reason you're aware of? It could have just been auto

1 populate, whatever that is?

2 A I don't want to speculate.

3 Q Okay. All right. So this email that he sends, if you look at, let's see, if you  
4 look at paragraph 4, and I'll read it because I know it's small for you: In addition to the  
5 production concerns, we feel it is important to use the vista sight line to properly display  
6 the majestic views of the White House in the way it was intended to be viewed. The  
7 permit holder has hosted multiple events around the district, highlighting locations that  
8 are essential to democracy. The White House represents the pinnacle of democracy.  
9 Typically, it would provide an unprecedented backdrop for a monumental event.

10 Did you agree with those, the way that Mr. Caporale articulated that as at least  
11 some of the reasons for wanting to be in the center of the Ellipse?

12 A I don't want to speculate. I didn't write that, nor did I help him write that.

13 Q But you reviewed and told him to launch it?

14 A I -- yes, I thought it was a well written email, for justification for moving the  
15 stage.

16 Q And the last -- the last sentence before -- in the fifth paragraph: Allowing  
17 us to set up in the vista sight line will provide memorable and impressive photos and  
18 videos that will be worthy of the White House and President's Park. So part of this  
19 being, as you understood from Mr. Caporale's perspective, the imagery and the power of  
20 where the stage would be placed for that event?

21 A Yes. But, once again, we would do that for any event. If we thought that  
22 it would benefit the President and the optics, just as I would do if I worked for President  
23 Biden. You always want to make your principal look the best that you possibly can.  
24 That is one of the functions of, you know, Advance.

25 Q Okay. If we go to exhibit 20, you'll see there that Mr. Caporale forwards

1 you the email that he sends, that you told him to launch, that he sends on New Year's Day  
2 at 8:10 p.m. to John Stanwich, Marisa Richardson, and Amy Dailey of the National Park  
3 Service. You've already mentioned Ms. Dailey. Do you know Marisa Richardson?

4 A No.

5 Q Do you know who John Stanwich is?

6 A Yes.

7 Q And who did you understand him to be?

8 A I just always saw John around the White House.

9 Q Did you know that he was the superintendent of President's Park? Does  
10 that sound right to you, or you don't know?

11 [REDACTED] Mr. Miller, Mr. Zukerman, can you still hear us?

12 Can anybody still hear us?

13 Voice. I can hear you.

14 Voice. I can hear you, [REDACTED]

15 [REDACTED] Okay.

16 Ms. Cheney. I can hear you too, [REDACTED].

17 Voice. I'll call him.

18 [REDACTED] Yeah. So we'll go off the record -- well, rather for the record, it  
19 appears that Mr. Miller and Mr. Zukerman's feed, it's flashing a, you know, a warning sign  
20 up in the corner. So it appears they have low bandwidth, and for whatever reason, their  
21 video has stopped working. So I'm going to go off the record for the moment and try to  
22 reach them to see if we can reestablish contact. So it is 11:36 a.m.

23 [Recess.]

24 [REDACTED] All right. So we'll go back on the record. It's 11:41. Mr. Miller  
25 and his counsel just had a technical issue where they dropped off for a moment but were

1 now back on, and just let us know if anything else pops you up, and we'll try to resolve it.

2           But where we left, Mr. Miller, was on New Year's Day and Mr. Caporale having  
3 forwarded you his email to the various National Park Service folks.

4           And so, if we turn to exhibit 14, your text chain with Mr. Caporale, and we look at  
5 page 3 and at the bottom. Okay. So, at 10 o'clock that night on the 1st, Mr. Caporale  
6 tells you: Permission has been officially granted. I just sent you the correspondence to  
7 your Gmail.

8           So, between the time when Mr. Caporale wrote to the National Park Service  
9 employees, that email that we just showed you, did you have to speak with  
10 Ms. MacGregor or Ms. Everson or anyone else before the decision was made to grant the  
11 request to put the stage in the sight line, just that night of New Year's Day? Do you  
12 remember?

13           A     Excuse me. That evening I don't recall, but as I had already said, I did talk  
14 to -- excuse me -- Kate MacGregor, about seeking permission and obtaining permission  
15 for the permit to be approved.

16           Q     Yeah. No, we heard you. Just wondered between the time you sent the  
17 email and when he tells you that permission was granted if you remember talking to  
18 anyone. That's all. So it sounds like you don't, but you know you talked with  
19 Ms. MacGregor at some point? Understood.

20           A     That's correct.

21           Q     Okay. And, if we turn to the next page, page 4, look, you guys laughed  
22 about it; not going to focus on that.

23           I just want to focus in the middle of that page, on page 4, where you say, you  
24 know: God, I'm going to miss this. And Mr. Caporale says: Same.

25           You know, at that time on January 1st of 2021, Mr. Miller, did you expect that the

1       Trump administration was going to end on January 20th?

2           A     Yes.

3           Q     And had you already made plans -- we don't need to know the  
4        specifics -- but personal plans to move on once the inauguration took place on January  
5        20th?

6           A     I was -- yeah. I was going to move back home.

7           Q     So, if we -- let me see. Look here. Just give me one moment.

8           If we go back to exhibit 11, the phone records, and we go to page 5, towards the  
9        bottom. Okay. So there's various communications going on, calls back and forth to  
10      folks that we've talked about, Mr. Miller, that's reflected from your records. And, again,  
11      understanding it's been a year, just trying to get a sense of if you recall what these calls  
12      would have been about or just in the normal course. Okay?

13           So this is January 1st of 2021, so around the same time you're talking with  
14      Mr. Caporale and Ms. MacGregor about the Ellipse placement. And the day before I  
15      think you say that the President, it's firm that he's going to appear. Is that right?

16           A     On January 2nd, correct.

17           Q     Right. So this is the day before. And so you see a succession of calls on  
18      order, for instance, with Mr. Ornato, Mr. Caporale, Alexandra Stone, Mr. Ornato,  
19      continuing on until you have calls with Mr. Luna, and then ending up by 4:40 p.m. with  
20      Mr. Peede, all in a tight timeframe.

21           Do you remember what any of these conversations were about in particular,  
22      about whether the President should appear, if everything was in place? Just what do  
23      you remember?

24           A     All right. Just for my edification, the dates?

25           Q     Oh, you can't see because it's too small. It's all January 1st. All of the

1 calls are January 1st.

2 A Alex Stone, I know what I called her about, and that was to process vehicles  
3 getting WAVEd in and also going through RPS and the United States Secret Service to be  
4 swept. That one -- that one I vividly remember. Ornato and Luna, I mean, they're my  
5 friends.

6 Q Understand. You're going to have friends that you work with as well, but at  
7 least with regard to Mr. Ornato again, were you keeping him in the loop about, as the  
8 work progressed on this event and whether the President would appear on the 2nd?

9 A No. The only correspondence I had, and even when you -- I'm sure you've  
10 all reviewed the materials and that I submitted, is that Ornato, in terms of the language  
11 that would -- wanted to be put out, I showed it to him, and he was like, fine. And that  
12 was for the event on the 6th itself.

13 But, in terms of Ornato's involvement in any of this, he's got nothing.

14 Q Understood. When you say "language," just so we're clear, what are you  
15 talking about?

16 A I mean, the language had been ever evolving, right? In the President  
17 changed the title of the rally a few times, and the times were changing. You showed me  
18 tweets, I believe, that said, you know, one time -- or I saw tweets that you had sent.  
19 You know, the President had sent out a tweet that I first saw in the documents, said:  
20 Rally's at 11. And then the rally's at 11:30, and so on and so forth.

21 Q All right. So you're just keeping him updated about those points, but  
22 beyond that, to your knowledge, Mr. Ornato was not involved in the specifics of the 6th?

23 A Not to my knowledge.

24 Q All right. And then Mr. Luna, understanding you're friends, but did he have  
25 a -- was there work to be done by him that you know took place in relation to the 6th, the

1 event on the Ellipse?

2 A No. But I would call Nick -- I'd call Nick Luna all the time if I had to go in to  
3 see the President in the oval, just as I think everyone else would do, you know, just to see  
4 what the mood and the temperament is before you go in there.

5 Q Is there any particular reason why in this case for all these calls with White  
6 House personnel, you're using your personal cell as opposed to your work cell phone?

7 A No. It was pretty common.

8 Q Let's see.

9 Ms. Cheney. [REDACTED] I've got a question.

10 [REDACTED] Yes, Ms. Cheney.

11 Ms. Cheney. Mr. Miller, you mentioned the President changed the title of the  
12 rally several times. Could you elaborate on that a little bit?

13 The Witness. All that I know, Congresswoman, is at first I saw it was Stop the  
14 Steal, and then I found out that it was Save America March. So I exaggerated when I  
15 said several times. Those are the only two instances that I know about it.

16 Ms. Cheney. And so, each time, when the President would change the title of it,  
17 it was your responsibility to notify Mr. Ornato?

18 The Witness. It was my responsibility, yes, to notify him, and everybody else,  
19 and the chief as well.

20 Ms. Cheney. All right. Thank you.

21 BY [REDACTED]

22 Q And when you say "chief," for our benefit, Mr. Miller, do you mean  
23 Mr. Meadows?

24 A Yes.

25 Q And that raises a good point for Ms. Cheney as well to follow on. Did

1 you -- since you were calling Mr. Luna, that day on January 1st, and as we've established,  
2 the President had arrived back in D.C. on December 31st -- did you meet with the  
3 President on January 1st to discuss the event, that you remember?

4 A No.

5 Q When's the first time you remember talking about the January 6th event  
6 with the President?

7 A January 4th.

8 Q And that's the meeting in the dining room?

9 A Yes.

10 Q Okay. All right. We'll get there momentarily, but that helps frame things.  
11 So, if you weren't speaking to the President personally about the event before January  
12 4th, who did you understand was within the White House?

13 A Nobody.

14 Q How do you know nobody was?

15 A Look, I don't, and I shouldn't have said that as an answer, and I retract that.  
16 I'll speak for myself. I wasn't involved, but I will say, from my knowledge, I know of  
17 no -- me, personally -- of anyone else coordinating with outside entities.

18 Q Okay.

19 A And that's just -- that's from me to you to God's ears, so.

20 Q If we look at exhibit 16, this is a text chain that you produced, Mr. Miller, so  
21 I'll tell you who it is, to orient you. And up at the top you see the initials J, J, and  
22 B -- Justin Caporale, Jared Small, and Bobby Peede. Okay? And the first text you see in  
23 this chain is Friday, January 1st at 1:17 p.m., and Justin sends a screen capture of the  
24 President's tweet -- excuse me -- of Kylie Kremer's tweet, saying that: The calvary is  
25 coming, Mr. President. January 6th.

1           And down below, what appears to be, you know, an ad for the March for Trump  
2 coming to town.

3           And then, below that, Mr. Caporale says: Boss tweeted the registration link.  
4 We held all location info.

5           And so is the boss that he's referring to there, do you know, is that the Kremers or  
6 the President?

7           A     The President.

8           Q     Okay. And do you know why he said they were holding all location info at  
9 that time?

10          A     No.

11          Q     Okay. And then, at 2:43 p.m., Mr. Caporale sends a screen capture, and if  
12 we continue on to the next page, you can see the entirety of it. It's the President  
13 tweeting on the 1st at 2:23 p.m.: The big protest rally in Washington, D.C. will take  
14 place at 11 a.m. on January 6th. Locational details to follow. Stop the steal.

15          Do you see that?

16          A     Yes, I do.

17          Q     Okay. So clear from his tweet that someone was talking to him about this  
18 event by January 1st in the afternoon because he's tweeting about these details. Is that  
19 a fair assumption?

20          A     From what you're presenting to me, yes. It's a fair assumption.

21          Q     All right. You just don't know who it was?

22          A     Correct.

23          Q     The -- now, you say -- you respond to that: Great, he changed the time  
24 again, ahahaha. The laugh.

25          The "he" is referring to President Trump there?

1           A    Yeah.

2           Q    Okay. Now, what had you understood the time to be for his speech when  
3       you say he changed it again? Here he says 11. Did you understand it to have been at  
4       noon?

5           A    Yes. It was supposed to be later, from my recollection.

6           Q    But, before Congress met at 1 p.m. to certify the election of Joe Biden?

7           A    Can you state that again and maybe --

8           Q    His speech was to occur before 1 p.m. when Congress went in session, to  
9       your knowledge?

10          A    That's correct. Yes.

11          Q    So you had no involvement with the tweets the President was sending out  
12       about the event, at least through this time, on January 1st? You hadn't talked to him or  
13       consulted with him about them?

14          A    No.

15          Q    Now, he, the President, at the end of that tweet says: Stop the steal. Did  
16       you ever talk to him about what -- you know, that's a term that had been thrown  
17       around -- did you ever talk to the President himself about what he meant by using that  
18       language, "stop the steal"?

19          A    No.

20          Q    What did you -- what do you interpret that to mean at that time and given  
21       the context?

22          A    You'd have to ask him. I mean, I understand you're asking my opinion and  
23       my answer, but I'm not him, and I don't want to speculate.

24          Q    Of course. His first -- the tweet says: The big protest rally.

25          Did you understand that the point of the rally was to protest the certification of

1 the Presidential election by Congress and the Vice President on January 6th?

2 A In terms of a protest, yes. From that -- yes.

3 Q We'll come back to that later, but continuing on with your text chain, you  
4 know, Bobby Peede, you know, with details, which seems natural, says: Sweeps and  
5 mags are going to be early.

6 I imagine that's a reflection of needing to be positioned early if it's going to be an  
7 11 a.m. start time. Is that fair?

8 A So, yes. If you bump an event back, it's -- there are a lot of moving pieces  
9 with WHMO, WHCA, and Service, in terms of sweep times, magnetometer, securing the  
10 area, establishing bike rack. I could go on and on and on, but yeah.

11 Q Sure, sure. And you say: Oh, yeah. Because she could've gone on, but  
12 you know what he's saying. And then Justin Caporale responds: Can you prep service  
13 for 20,000 people?

14 And when he says "service" there, did you understand that to mean the Secret  
15 Service?

16 A Yes.

17 Q And he continues on: And for the love of God, don't let boss tweet a  
18 number, LOL.

19 And you respond: They already promised him 100K people.

20 All right. Now, I guess there the two of you are talking about crowd size?

21 A That's correct.

22 Q And do you understand why Mr. Caporale was concerned about the  
23 President tweeting about the crowd size?

24 A Yes.

25 Q And what was that concern?

1           A     He did it frequently throughout his administration with rallies. It was  
2     always a concern. I mean, every time you set up an event -- say you had 50,000 people  
3     coming to a rally in Cleveland, Ohio, for President Trump. You always -- we would  
4     always factor in 50 percent attrition. That's just the name of the game. You have to.  
5     And you always want to make sure that the event, you know, were to look full.

6                 Now, I know people had been telling him that, you know, tens of thousands of  
7     people were going to go, but in our estimation, and as you can see there, you know,  
8     Justin wanted me to prep service and Bobby as well, for 20,000 individuals.

9                 And one single magnetometer processes about 350 people per hour. Now, that  
10    is an accurate number if it's summer or spring and individuals aren't wearing a lot of  
11    clothing. I mean, you're all familiar with going through the airport and TSA. So, when  
12    it's colder out, people are wearing more clothes which means that the magnetometers  
13    get bogged down, which means that general attendance can't get into the event. So  
14    that's what we were working out with Secret Service to make sure that we had a nice flow  
15    of even traffic getting into the event itself, which, you know, is a standard part of my job.

16           Q     And I understand it's part of your job, and as one would expect, if you're  
17    going to set an expectation for an event, you don't want to miss it. So you want to  
18    calibrate whatever you're saying the potential crowd size is going to be. Is that fair?

19           A     Absolutely.

20           Q     All right. And when you say, "they already promised him 100k people," the  
21    "him" in your response is the President. Is that right?

22           A     That's correct.

23           Q     Who is the "they"?

24           A     I don't recall.

25           Q     Okay. And, again, I'm just trying to understand, but is it possible, given

1 what you're saying there, that you had already had conversations with people in the  
2 White House who were talking to the President about the event by this time?

3 A I don't want to speculate. I don't know the answer to that question.

4 Q Given your experience -- well, I mean, given the role you have played on the  
5 election campaign and prior to that in the White House and the good job you had done in  
6 the estimation of the President for bringing you back in November, it just seems  
7 natural -- just trying to understand timing -- that he would have consulted you about  
8 whether to come to the event or not before he decides to January 2nd. You just don't  
9 remember that happening?

10 A Can you state that again?

11 Q Yeah. It was a long run-on to say you were good at your job, you'd done it  
12 for years.

13 Mr. Zukerman. What's the question?

14 The Witness. Yeah.

15 Mr. Zukerman. I mean, we appreciate the flattery.

16 [REDACTED] No, no. It's just to --

17 Mr. Zukerman. What's the question?

18 [REDACTED] I know you don't. I'm just trying to -- to nail down --

19 Mr. Zukerman. Just articulate a simple question. Are you saying, did President  
20 Trump consult with you about whether he should attend the January 6th event?

21 [REDACTED] Before -- before January 4th.

22 Mr. Zukerman. So -- so articulate a simple question and -- so that Mr. Miller can  
23 answer that simple question correctly.

24 [REDACTED] Sure.

25 BY [REDACTED]

1           Q     As Mr. Zukerman put, did the President consult you about whether to attend  
2     the January 6th event before January 4th?

3           A     No.

4           Q     Now, if we look at that -- if we continue on with that text thread through to  
5     the end, again, it appears to be -- can you see that, Mr. Miller?   Is it zoomed in enough  
6     that you can see it, so I don't have to read it, or would you like me to?

7           A     I'd like you to read it, please.

8           Q     Sure.   Okay.   So, in response to your -- in response to your comment  
9     about the 100,000, Mr. Caporale says:   STFU.

10          I think we know what the acronym means.

11          And Mr. Peede responds:   So is it 20 or 100?

12          And you laugh in response.

13          And then, continuing on, you talk about an event in Georgia.   But here at the  
14     bottom is what I want to focus on.   On January 1st at 3:01 p.m., it looks like  
15     Mr. Caporale, according to the text, added Jared Small to the conversation, and then  
16     Mr. Caporale shares an image of what appears to be a prior event in support of President  
17     Trump.   Do you see that?

18          A     I do, yes.

19          Q     All right.   And, again, you've gone through documents, whatever process  
20     that is, but do you know why nothing further in this chain was produced, given that all of  
21     you were working on the event for January 6th?

22          A     No.

23          Q     Okay.   Now, when did you first become aware that Katrina Pierson was  
24     working on the event with Women for America First?   Do you remember?

25          A     I don't recall.

1           Q     Now, if we look at exhibit 21 and we zoom out --

2           A     I mean, that would make sense, would be January 4th.

3           Q     All right. So we're looking at a text chain that you produced between  
4     yourself and Ms. Pierson, that starts with a text on January 4th at 4:08 p.m. Mr. Miller,  
5     best as you can remember, was the January 4th the first day you knew that Ms. Pierson  
6     was involved?

7           A     From my recollection, yes.

8           Q     Okay. And is this the first text message she exchanged with you then about  
9     the event at the Ellipse on the 6th, the emoji she sends there at the start?

10          A     Yes.

11          Q     And is it right that this emoji she sends is after you all had had the meeting in  
12     the dining room with the President about the event?

13          A     That's correct.

14          Q     So we talked earlier about whether you knew if anyone else within the  
15     White House was talking to the President about the Ellipse event. For context, we'll  
16     look at exhibit 32. And we've looked at this previously, but if you'll remember, this is  
17     a -- these are text exchanges that Ms. Pierson had with certain people, and the first part is  
18     with Mr. Meadows.

19           And, if we turn to page 2, you see, starting at 8:22 a.m. -- and I'll read them so you  
20     can hear them. You said --

21          Mr. Zukerman. Well, I object. I just don't see the purpose here. I mean, don't  
22     you have to at least have to lay a foundation? Again, you're an experienced prosecutor,  
23     a very accomplished lawyer. Wouldn't you want to lay a foundation to see if Mr. Miller  
24     knows anything about these conversations, has seen any of these text messages before,  
25     discussed them with Ms. Pierson and/or the chief of staff? I mean, lay a foundation,

1 please. Otherwise, let's move on.

2 [REDACTED] Mr. Zukerman, we're not in court, and we're not going to --

3 Mr. Zukerman. I know -- I know you're putting on a show.

4 [REDACTED] Excuse me -- hold on, hold on 1 second. Hold on one --

5 Mr. Zukerman. I know you're putting on a show for the Congresswoman and the  
6 Congressman. I get it. You know, this is all pomp and circumstance here that will  
7 eventually lead to nothing, but I just don't see the point of wasting time on things for  
8 which there's absolutely no factual and/or legal foundation. So, if you can lay a  
9 foundation, do so. Otherwise, let's move on.

10 [REDACTED] I'm going to continue on.

11 So, at 4:16 p.m., Ms. Pierson says --

12 Voice. -- I object --

13 Mr. Zukerman. -- I'm going -- I'm going to instruct my client, let's take this to the  
14 chairman then. I'm going to object.

15 The Witness. I've never seen this text -- these text messages in my life.

16 BY [REDACTED]

17 Q Understood --

18 A -- going to be asked questions about it, I actually agree with my lawyer.

19 This committee is already unconstitutional because the minority leader didn't get to  
20 appoint his people on the committee, number one.

21 Number two, okay, I've never seen this thing in my life. So how do you have the  
22 right to infer or to get information? You have no foundation. He's absolutely right.  
23 Give me a pointed question about it. I mean, I've never even seen this. You produced  
24 this document this morning. It's, like, you know, I've never even seen this before, but go  
25 on with this charade, and I'll answer your question.

1           Q     Okay. So, as you see here reflected in the text chain, that Ms. Pierson  
2     brings up with Mr. Meadows on January 2nd, that things have gotten crazy and that she  
3     desperately needs some direction and asks him to call her. And they do talk. And so  
4     I'm going to ask, as of January 2nd, Mr. Miller, were you aware of tension, or however  
5     you want to call it, between Ms. Pierson and others planning the event about who would  
6     speak in addition to the President?

7           Mr. Zukerman. Who -- who are the others? If you can articulate a specific --

8                         [REDACTED] One person in particular would be Caroline --

9           Mr. Zukerman. -- answer the question or attempt to answer the question --

10                  [REDACTED] Right.

11           Mr. Zukerman. -- but if you're just going to others, I mean, could it be her  
12     mother? Could it be her husband? Her children? Her godmother? I mean, who are  
13     the others? Could it be Liz Cheney? Is she calling Liz Cheney and saying that she's  
14     frustrated with us? Who are the others? Who are these others?

15           Mr. Kinzinger. -- Can I just jump in? It appears only, you know, the defense  
16     lawyer is trying to put on the show here. We're just trying to ask questions.

17           Mr. Zukerman. Oh, please.

18           Mr. Kinzinger. I think allow the prosecution to -- or the --

19           The Witness. The prosecution.

20           Mr. Zukerman. Exactly, Congressman, the prosecution, exactly.

21           Voice. This is a --

22           Voice. Charade

23           Mr. Kinzinger. Hold on. You know what I mean. The deposition --

24           Mr. Zukerman. Yeah, we do know what you mean.

25           Voice. You're putting on a show.

1           The Witness. You know who came on here --

2           Voice. You know --

3           The Witness. Anthony Gonzalez and Liz Cheney trying to intimidate me because  
4 I knocked your buddy off the block. That's why.

5           Mr. Zukerman. Listen --

6           Mr. Kinzinger. What?

7           Mr. Zukerman. -- you hit the nail on the head. This prosecution --

8           Mr. Kinzinger. You guys don't know what you're saying now.

9           Mr. Zukerman. This is a charade, and I'm glad it's on the record. I'm glad it's on  
10 the record.

11          And I hope you, Ms. Cheney, leak this to the press, about this prosecution.

12          Mr. Kinzinger. So are you going to put on a show, or are you going to -- I mean,  
13 literally, we just want to get these questions asked. The longer --

14          Mr. Zukerman. Well, then ask a question.

15          Mr. Kinzinger. -- you put on a show, the longer it's going to take.

16          Mr. Zukerman. Ask a proper question. "Or others," what does that mean?

17          The Witness. I've been complying --

18          Mr. Zukerman. Excuse me. There is no judge that would ever permit that  
19 question to be tendered to a witness, especially since you have administered an oath for  
20 the person to tell the truth.

21          [REDACTED] Okay. I think we're past this. So, in terms of Ms. Pierson --

22          Mr. Zukerman. Can me move on?

23          [REDACTED] -- and the discussion of who would be speaking at the event, were  
24 you aware, as of January 2nd, that she was concerned about who might speak with the  
25 President on January 6th?

1           Mr. Zukerman. Again, again, I'm not going to permit my client to answer this  
2 question. It's not a proper question. There's no way you -- anybody could answer that  
3 question, except for Ms. Pierson. Go ask her.

4                                  [REDACTED] That's the point of asking, "were you aware," so. All right. We  
5 can continue on and -- well, Mr. Miller, go ahead.

6           The Witness. No, I was not aware. There's a private text message. No. The  
7 answer is no.

8                                  BY [REDACTED]

9           Q     Fair enough. So, then, if we look at, on the January 4th meeting in the  
10 dining room, do you remember how that came to be scheduled and why you were there?

11           A     I don't know how it got scheduled, but, yes, I was asked to attend by Mark  
12 Meadows.

13           Q     Okay. Did he tell you why he wanted you to attend and what it was about?

14           A     No.

15           Q     So did he tell you to bring anything to prepare to be able to speak to the  
16 President about this?

17           A     No. But this was somewhat normal.

18           Q     What was somewhat normal?

19           A     To go in for a meeting with the President. I mean, it happened somewhat  
20 frequently.

21           Q     But to not know what was going to be discussed beforehand?

22           A     Yes.

23           Q     So, again, to Mr. Zukerman's point, in showing these texts between  
24 Ms. Pierson and Mr. Meadows, you don't recall whether he told you that the discussion  
25 would be about who would speak on January 6th?

1           A     No. The only time I ever saw the speakers list is when Mr. Caporale sent it  
2 to me and then when Ms. Pierson walked in with the speakers list.

3           Q     All right. Well, give me one moment.

4           Okay. So, then, on exhibit 14, if we can turn to that, and we'll look at page 6.  
5 All right. We'll go down to where -- okay. So this is January 3rd at 7:50 p.m. This is a  
6 text chain again that you produced.

7           And so Mr. Caporale sends a screen shot of a conversation or a text chain  
8 involving Katrina Pierson, and the conversation was titled "Jan 6" if you can see that. It's  
9 a message that he's showing you from Ms. Pierson, saying: I'll be meeting with POTUS  
10 tomorrow before the leaves -- I think she meant he -- for GA, or Georgia, to over potential  
11 speakers at the Ellipse. Please let everyone know that speaking at the Ellipse is no  
12 guarantee. So, if people are under the impression they are speaking on the 6th, we  
13 should make sure there's an alternative stage available.

14           And then below that, you laugh and you do JFC. I think we know what the  
15 acronym means.

16           And then you say: She can die on the sword, I'm out. So what did you mean by  
17 that at that time, do you remember?

18           A     Can you scroll back up?

19           Q     Sure.

20           A     Please. And that is a text message to -- who's on that text message thread?  
21 Sorry.

22           Q     Mr. Caporale shared it with you, and it's Ms. Pierson writing to apparently  
23 Mr. Caporale and others, but he shared it with you on January 3rd at 7:50 p.m.

24           A     Right. And what were the --

25           Q     Saying that she'd be meeting with the President tomorrow, January 4 --

1           A    Right.

2           Q    -- to cover potential speakers at the Ellipse.

3           A    Yeah. That's correct.

4           Q    And your response was: She can die on the sword, I'm out, exclamation  
5 point.

6           What did you mean by that?

7           A    From my recollection, I mean, I wasn't going to help her at all with the  
8 speakers list. That's not my job. If she wanted to go in there for the meeting, then  
9 that was on her.

10          To my recollection, this meeting was scheduled between Katrina Pierson and the  
11 President of the United States, and I was a late addition, as well as Mr. Peede. We were  
12 not supposed to be in that meeting.

13          Q    Okay. Do you know why Ms. Pierson had to meet personally with the  
14 President to discuss this?

15          A    It seems as if -- I mean, you'd have to ask Ms. Pierson, but it seems as if, with  
16 what you've laid out, that she was working with Women for America First and the  
17 speakers to get on the stage.

18          Q    Now you said: She can die on the sword.

19          What did you mean by that?

20          A    I mean, that's her -- that's her job to take up. That's not my battle. I'm  
21 not the speakers guy.

22          Q    Right. "Battle" is a good word. Why was it a battle?

23          A    Why was it a battle? So President Donald J. Trump is a showman. You all  
24 know this. I'm not saying anything that's not public knowledge. He enjoys his rallies.  
25 He enjoys the theatrics of it, the music, the lights, the environment. That's something

1       that I did not want to mess with, and her and the speakers list. Ultimately, the only  
2       people who get on that stage, the only person who makes that decision is the man  
3       himself.

4           Q     Sure thing. But your expertise was in events and had worked with him  
5       closely in the White House and the campaign. And so why was this particular event, to  
6       your knowledge, a battle?

7           A     It wasn't a battle. Maybe that was the wrong choice of words. I just  
8       wasn't going to enter into that fray. In terms of the speakers list, until, you know, the  
9       President asked me my opinion in the room.

10          Q     Okay. And about the fray, that means that your -- or battle, that you're up  
11       against somebody else. Who was the somebody else, if you know, that Ms. Pierson was  
12       in the fray with?

13          A     I mean, yeah, look, I just didn't want to go over speakers with the President.  
14       That's not my job. I mean, that's why I just said she can die on the sword, because I  
15       didn't want to go back and forth with them. I mean, it could -- I mean, you know, when  
16       you talk to the President, maybe he likes somebody; maybe he doesn't. And maybe,  
17       you know, someone advocated for someone or didn't advocate for somebody. But  
18       ultimately the decision was his to make.

19          Q     Sure.

20          A     And ultimately that's not my job, about speakers. I don't get to pick or  
21       choose speakers or rehearse speeches with them. I don't even have any of the -- I don't  
22       believe I have any of the contact information for anybody who even spoke on that day,  
23       nor did I go retrieve them or coordinate anything with them.

24          Q     So you see here that, at the evening of January 3rd, that Ms. Pierson will be  
25       meeting with the President the next day on the 4th. At this time, did you know you

1        were going to be joining that meeting?

2            A     No.   Not to my recollection.

3            Q     So, as best you can remember, when did the meeting on January 4th take  
4 place with the President and Ms. Pierson?

5            A     I don't recall the specific time.

6            Q     Was it morning or afternoon?

7            A     I don't recall, sir.

8            Q     And from everything you're saying, you were there in person.   Is that right?

9            A     Yes, that's correct.

10          Q     Okay.   Now, if we turn the page on this exhibit that we're looking at, 14  
11 still, to page 8, at 8:50 a.m., you write to Mr. Caporale:   Can you shoot me over the  
12 speakers list?   I know chief is still going to ask me.

13          When you say "chief," who are you talking about?

14          A     Mark Meadows.

15          Q     And why are you saying he was going to ask you about speakers if that's not  
16 something you do?

17          A     Because, when you brief the President before every event, whether it is the  
18 White House event or another entity, I still have to do my job and brief the President.   I  
19 still have to make sure that he knows about his surroundings and the people that he's  
20 going to meet upon arrival and the people that have spoken before him because if I didn't  
21 do that, then I wouldn't be serving the President in a great capacity, and I would  
22 essentially be failing at my job.

23          Q     And what about the people that would be speaking before him would you  
24 share with the President, what sorts of things as a general matter?

25          A     I would just run through the list.   I'd memorize it and be, like:   All right,

1       Mr. President, right before, you had X, Y, and Z, and the stage is clear, and you're ready to  
2       go on to OSA whenever you'd like.

3           Q     Did you end up speaking with Mr. Meadows on January 4th before you met  
4       with the President about the speakers list?

5           A     Not to my knowledge, no.

6           Q     Did Mr. Meadows ever share with you, before the event on the 6th, any  
7       concerns he had about the speakers or proposed speakers for the rally on the 6th?

8           A     I do not recall.

9           Q     The meeting with the President on the 4th, you mentioned it earlier, but  
10      where did it take place physically?

11          A     It was in the Oval Office dining room.

12          Q     And who else was the present for the meeting in addition to Ms. Pierson and  
13      the President?

14          A     Mr. Peede.

15          Q     Excuse me.

16          And what, if any, materials did you bring with you to the meeting, if you  
17      remember?

18          A     None. Maybe a legal pad and a pen.

19          Q     How about Mr. Peede, did you come with him to the meeting, or was he  
20      already there when you got there, do you remember?

21          A     Bobby and I came together. Our offices were right next to each other.

22          Q     Had Mr. Meadows also asked Mr. Peede to attend the meeting with you?

23          A     I don't know the answer to that question.

1

2 [12:12 p.m.]

3

BY [REDACTED]

4 Q Had Mr. Meadows also asked Mr. Peede to attend the meeting with you?

5 A I don't know the answer to that question.

6 Q Did you know what Mr. Peede's role was in the meeting, what he was to  
7 speak on?

8 A I would assume that it was the same things that I was there to speak on,  
9 which was the logistics and operations of the event itself.

10 Q Had you spoken with Ms. Pierson at all about the event on the 6th before  
11 you walked into the dining room on the 4th?

12 A No.

13 Q Was she already there when you got there?

14 A I don't recall.

15 Q Can you describe for us the dining room, the layout? I mean, were you still  
16 standing? Was there someplace you were sitting?

17 A Yeah, it's very similar kind of to the area I'm in now. The President was  
18 sitting in this seat right here, where I'm at. Katrina Pierson was sitting right here where  
19 Adam Brown is. I sat a -- there was an empty seat. I sat a seat over, and then Bobby  
20 sat at the end of the table pretty much because we were White House staffers, and we  
21 still had COVID protocols. So we weren't going to get nice and close.

22 Q Okay. And, just so I understand, Mr. Miller, since the transcript is in words,  
23 I have to describe what you just did with words. Okay. And so you're -- where we're  
24 looking at you now, you're at the head of the table. Is that right?

25 A That's correct.

1           Q    All right. And so what you're saying is that the table in the dining room is  
2 where President Trump was sitting during this meeting?

3           A    Yes.

4           Q    All right. And then you pointed to Mr. Brown, your counsel, and he is to  
5 your right. Is that right?

6           A    That's correct.

7           Q    So Ms. Pierson was sitting to the President's right, next to him. Is that  
8 correct?

9           A    Yes, it is.

10          Q    And then there was a seat in between you and Ms. Pierson, but you were on  
11 the same side of the table as she was?

12          A    That's also correct.

13          Q    And then Mr. Peede was sitting opposite the President at the other end of  
14 the table?

15          A    Yes.

16          Q    And can you estimate, or do you know approximately how long that table is?  
17 I mean, is it -- only because I've never been there. I mean, do you have a sense of how  
18 large it is?

19          A    I mean, if -- you guys pulled that -- you guys have a picture of it with  
20 President Obama and Vice President Biden at it. I mean, I -- it's roughly 10 feet.

21          Q    Okay. And did anybody come in and out of the meeting while the four of  
22 you were in there that you remember?

23          A    No, and it was a pretty quick meeting.

24          Q    How long do you think it lasted?

25          A    My guesstimation, 10 to 12 minutes.

1           Q     What was the President's mood during the meeting, if you could tell just  
2 from how he was behaving and speaking?

3           A     Fine. He was in a good mood.

4           Q     Were there any distractions in the room? Was the TV on or was anything  
5 else going on, or you all were focused together and speaking?

6           A     The TV was on, but we were focused together and speaking, from what I can  
7 recall.

8           Q     All right. Did Ms. Pierson hand out any materials either to the President or  
9 all of you to go over while you were in that meeting?

10          A     All I recall is she had the speaker list sheet that she was annotating notes on.

11          Q     And you're referring to it, but maybe you've seen it, as something we gave to  
12 you all. If we look at exhibit 22, if we can zoom out very quickly. On page 1, there's a  
13 typewritten one-page agenda that Ms. Pierson drafted. Do you ever recall seeing this,  
14 Mr. Miller? Did you get a copy of this, you know, on the 4th or before?

15          A     Never -- I've never seen that.

16          Q     I can read it out.

17          A     Well, I'm just --

18          Q     Do you want to zoom in?

19          A     This is what you guys presented to us, right?

20          Q     Yes, sir.

21          A     Yeah. So that was the first time that I had seen that document, which was  
22 yesterday.

23          Q     Okay. And, if you see at the top -- and, again, I'll represent to you this is an  
24 agenda by Ms. Pierson, and this is just to set the stage -- she writes: Meeting with  
25 POTUS, January 4, 2021, at 3:30 p.m. ET, Eastern, and attendees are the POTUS, COS, or

1 Chief of Staff Meadows, Katrina Pierson, and Dan Scavino.

2           When Mr. Meadows asked you to attend this meeting, did he tell you that he,  
3           Mr. Meadows, would also be there?

4           A     No, but this just goes to -- this just goes to show you that Mr. Peede and  
5           myself really weren't supposed to be there. I've never seen this document before.

6           Q     Did Mr. Meadows explain why he was asking you to effectively, as you're  
7           describing it, to show up without having had much advance knowledge of it, why it was  
8           necessary for you two to go?

9           A     No. I didn't question it. He's the chief of staff, and I had a great  
10          relationship with Mark and I trusted him. And it was a meeting with the President, and  
11          I've had dozens and dozens of those, so I was comfortable doing it.

12          Q     How about Mr. Scavino, did you know that he was -- at least was believed to  
13          have -- supposed to have been there by Ms. Pierson? Did you know that?

14          A     This is news to me.

15          Q     All right. Did you ever talk to Mr. Scavino up until January 4th, that time  
16          when you're in the room with the President, had you spoken to Mr. Scavino about the  
17          event at the Ellipse to the best of your memory?

18          A     I don't believe so, but I do not want to speculate.

19          Q     So the 10- to 12-minute conversation that you -- that takes place in that  
20          room, as best you can recall, what was the discussion about?

21          A     Katrina did 90 percent of the talking while Bobby and I, you know, handled  
22          our part of the deal, which was motorcade route from the White House to the Ellipse, you  
23          know, working just with the event production itself, and that was pretty much it. I  
24          mean, I was there to make sure that we got enough magnetometers to process the  
25          people to make sure that Secret Service was okay with the event on the Ellipse, same

1 with WHCA and the White House Military Office.

2                 The only other thing that I can remember is that when Katrina was going over the  
3 list of speakers, I mean, yeah, I -- you know, I wasn't really paying attention because I  
4 had -- it's not my purview; it's not my responsibility. But what ended up happening was,  
5 as she was going through the list of speakers, the President then looked at me, and this is  
6 common, and he said: Well, Max, what do you think about this person? And what do  
7 you think about that person?

8                 And I gave him my advice.

9                 Q     And, if we look at page 2 of exhibit 22, and we can move to that in a second,  
10 what you see here is a schedule for the 6th with some handwritten notes on it with  
11 speakers leading up to the President. Do you see that schedule?

12               A     I do, yes.

13               Q     And you referred earlier to having seen Ms. Pierson with the schedule that  
14 she was making notes on. Is -- does this look to be or is consistent with what you  
15 observed in that room that day?

16               A     That's correct.

17               Q     All right. Did you have a copy yourself of the list so you could look at the  
18 names?

19               A     I had a copy via text message and email, but I didn't bring it with me, which I  
20 have already provided to you all.

21               Q     To be sure, and that's exhibit 14A. We can flash that up. And you can see  
22 there a bit of a different format. Do you see that, Mr. Miller, on the screen, 14A?

23               A     I do, yes.

24               Q     Okay. All right. So we can go back though to exhibit 22, page 2. And so  
25 do you remember what it was that Ms. Pierson -- did she have -- was she asking the

1 President to approve or not approve? What opinions was she sharing, and what  
2 feedback was she seeking from the President about this list?

3 A So I wasn't paying attention at all to their conversation until the President  
4 looked at me and he was like: What do you think about this guy?

5 Q Which guy?

6 A And then that's when I got involved in the conversation. Rudy Giuliani,  
7 John Eastman, Sidney Powell, and I believe General Flynn.

8 Q Okay. Now, if you look at the list in front of you, none of the names you  
9 just mentioned are on there.

10 A That's not true. Rudy Giuliani is handwritten down at the bottom, crossed  
11 out.

12 Q Handwritten at the bottom. I meant in the typewritten agenda. So do  
13 you know how those names came --

14 A No.

15 Q -- up, Rudy Giuliani, Ms. Powell? You don't?

16 A No. And I no -- I have no idea about where it came from or how it was  
17 originated or who put together that list.

18 Q So the President, you remember him first turning to you and asking about  
19 whether Rudy Giuliani should participate?

20 A That's correct.

21 Q And what advice did you give?

22 A My advice was to not put him on stage.

23 Q Why is that?

24 A My concern with Rudy Giuliani is that he makes a lot of claims about  
25 irregularities in the election, and he's already involved in active litigation. I didn't want

1 to embarrass the President by putting him up on that stage and exposing him to other  
2 litigation if he decided to piggyback off of a talking point that Rudy may have said.

3 Q And I think we can come back to some of those issues. But with regard to, I  
4 think you mentioned next John Eastman, did you know Mr. Eastman by that point?

5 A No, I never met him.

6 Q Okay. So was it your recommendation to have him on stage or not?

7 A It was to not.

8 Q And did Ms. Pierson express agreement with you about Mr. Giuliani and  
9 Mr. Eastman?

10 A She did.

11 Q And what did the President say about those two men?

12 A He was fine with it. At that time, on January 4th, those speakers were  
13 removed from the list, and they were not taken into consideration.

14 Q I think you at least mentioned also Sidney Powell. Is that right?

15 A That's correct.

16 Q All right. Did you give the same advice about her as you did about  
17 Mr. Giuliani and Mr. Eastman?

18 A 1,000 percent.

19 Q You mentioned another name, and I apologize I don't remember who you  
20 said.

21 A General Flynn was a name that was thrown around, not by me.

22 Q And just so we're clear on first names, which General Flynn are we talking  
23 about?

24 A Michael.

25 Q All right. And what was your recommendation about him?

1           A    It was the same as it was for the other three.

2           Q    All right. Did Ms. Pierson agree with you as to Ms. Powell and General  
3         Flynn?

4           A    Yes.

5           Q    And what was the President's perspective on those two?

6           A    Did not push back, said okay.

7           Q    So, if you look at the list, I'll just see whether or not these names came up  
8         while you were paying attention. You can see at the top this that there are lines drawn  
9         through in the top blue segment: Sebastian Gorka, Mike Lindell, and Diamond and Silk.  
10      Did you participate in conversation about those folks?

11         A    For those, no.

12         Q    Do you remember hearing what Ms. Pierson and the President were saying  
13      about those people?

14         A    No, I don't recall.

15         Q    Next, in segment two, are State officials and there are two people listed,  
16      State Senator Doug Mastriano, which is M-a-s-t-r-i-a-n-o, and Texas AG Ken Paxton. And  
17      both of their names have lines through them. Do you recall the conversation between  
18      Ms. Pierson and the President about those two State officials?

19         A    No. The only thing I remember about -- and this is -- I won't jump ahead,  
20      so no.

21         Q    I think you're going to talk about whether Mr. Paxton would speak, is that  
22      fair, when we get to that?

23         A    No, we should --

24         Q    Okay.

25         A    We'll get -- I'm sure you will address it in the end.

1           Q     Sure. Segment three, it's Members of Congress and it's all TBD; that is to  
2     be determined. Did you engage in a conversation with the President and Ms. Pierson  
3     about which Members of Congress, if any, to invite to speak on the 6th?

4           A     The only ones that I can remember would've been Mo Brooks and Ronny  
5     Jackson, off the top of my head. But for the rest, I do not recall.

6           Q     Who came up with the idea of Congressman Brooks, do you remember?  
7     Because he's not -- he's not listed here. He's handwritten in as one of the names.

8           A     I -- I don't recall. I didn't -- as I'd stated, I didn't originate the speakers list  
9     nor was I sitting in the room lobbying ideas to him about who should speak. I was just  
10    trying to remove a few people who I thought shouldn't be on that stage on that day.

11          Q     Okay. And those are the four people you mentioned earlier?

12          A     That's correct.

13          Q     And did you understand that anyone was advocating to have Rudy Giuliani,  
14    John Eastman, Sidney Powell, or General Flynn speak on the 6th?

15          A     No, not to my knowledge.

16          Q     Because, again, none of their names are typewritten on this agenda that  
17    Ms. Pierson brought in. So do you know how their names came up?

18          A     They were brought up in the meeting. I believe the President brought  
19    them up or Katrina brought them up, but I don't want to speculate on who actually said it.

20          Q     Okay. Congressman Jackson you brought up. Do you know who brought  
21    up his name and whether he would participate?

22          A     I don't recall. I -- what I do know is that none of the elected officials came  
23    to speak. I believe, to my best recollection, except for Mo Brooks, that's correct.

24          Q     And just for the record, Mr. Aguilar has joined us, Mr. Miller.

25          A     Okay.

1           Q     So there -- in addition to Congressman Brooks, who was handwritten on the  
2 schedule, do you see that in the middle of the page?   We could zoom in.

3           A     If you read it to me, sir, then I trust you and I believe you.   Yes, that says  
4 Mo, yeah, Mo Brooks.

5           Q     Okay.   All right.   And I'll represent to you that the two names above that  
6 are Congressman Nunes and then Congressman Jordan.   Do you remember their names  
7 coming up during the conversation?

8           A     No.

9           Q     Were you taking notes during this?

10          A     No, because when it comes to -- I don't mean to give that type of reaction,  
11 but when it comes to speakers, I don't -- no.   I mean, I don't care who speaks.   It's not  
12 my job.   Someone else decides who gets to speak and then, like I had said, I brief the  
13 President if I'm there, you know, on who would be speaking at that moment in time.

14          Q     Was Mr. Peede taking notes, do you know, during this meeting from what  
15 you saw?

16          A     No.   [Inaudible].

17          Q     I apologize.   Was the President taking notes that you saw?

18          A     No.

19          The Reporter.   I didn't get your last answer.

20          The Witness.   The answer is no to Bobby Peede taking notes and no to  
21 President Trump taking notes.

22                 BY [REDACTED]

23          Q     Did Mr. Peede participate in any of the discussion of speakers that you  
24 remember, provide an opinion of his own?

25          A     No.

1           Q    Was he asked?

2           A    No.

3           Q    Now, below, if we tab down just a little bit on that exhibit 22, I see you've  
4         written in the blue section segment four, what I'll tell you are three names of Senators:  
5         Senator Cruz, Senator Hawley, and Senator Blackburn. Do you remember those names  
6         coming up during the meeting in the dining room?

7           A    I don't remember their names coming up in the meeting of the dining room,  
8         but I do remember that they were supposed to come and speak.

9           Q    And then, down below to the left, if we can just zoom out a little bit to look  
10       at segment four again, you see down in the middle, continue on down, and zoom in right  
11       above the word handwritten, it looks to be "Stone." Do you remember Roger Stone  
12       coming up as a name in the discussion?

13          A    No.

14          Q    How about Alex Jones?

15          A    No.

16          Q    How about Ali Alexander?

17          A    No.

18          Q    Was there anyone that the President, that you heard, that he advocated for  
19       to speak with him that you or Ms. Pierson told him would not be a good idea to speak?

20          A    Other than the individuals that I already gave you, no, because he -- look, if  
21       he wouldn't have asked me for my advice or opinion, I wouldn't have said a word about  
22       anybody or the speakers or anything like that, just to be clear. But the four individuals I  
23       referenced were the only four that I advocated for to be removed.

24          Q    Just so we have a sense of the room, I know you said you weren't paying  
25       attention, but as you've described, you know, you're sitting at the table, what were you

1 doing if you weren't paying attention to the other part of the -- earlier part of the  
2 conversation about the speakers? What had your attention?

3 A I mean, when you're in these meetings -- I mean, look, I've been brought into  
4 meetings with Cabinet Secretaries on a very high level and been -- and have been read  
5 into some programs, I try to zone out on purpose. And I truly do mean that. There are  
6 some things that you sit in on in these meetings -- and I'm sure the Congressman can  
7 confirm that -- there's some things you just don't want to know and don't need to know.  
8 And that's how I trained myself over the years in these conversations because I -- because  
9 look where we are today, you know. I try not to pay attention for information that is  
10 not directly regarding myself or my job.

11 Q Okay. If we flip back to page 1 of exhibit 22, and this is just for context, but  
12 Ms. Pierson had made a note to herself to bring up to explain to the President that there  
13 is a stop -- if you see in the middle, and I'll read it: Note, there is a Stop the Steal  
14 coalition and a Stop the Steal organization that participate in the coalition, which are very  
15 different. Do you remember that coming up as a topic during the meeting with the  
16 President?

17 A No.

18 Q Do you know what she means, or do you have a sense of what the Stop the  
19 Steal coalition is versus the Stop the Steal organization?

20 A I don't even know what either of those entities are.

21 Q Handwritten underneath that note, the firsthand written comment when  
22 you go left to right, is 11 a.m. Do you remember talking about the start time for the  
23 event on the 6th?

24 A That would make sense, yes, I would agree with that.

25 Q And at least, to your knowledge, was it supposed to start at 11 going into the

1       6th even if it maybe ran a little late?

2           A     Yes.

3           Q     And then, if you go down under the recommendations that Ms. Pierson had  
4     to make, I'm just going to ask you whether you remember these coming up. The first is  
5     to keep the Ellipse portion intimate and official to control the narrative.

6       Did that topic come up?

7           A     No, and I don't know what she even means by that.

8           Q     The next one is to limit to 2016 surrogates, and in parentheses, vetted and  
9     on your team not their own. Do you know what that refers to, what she means by that?

10          A     No.

11          Q     The next is to eliminate convicted felons that could damage the other  
12     speakers. Did you have any sense at that time, or did you know her to bring that up in  
13     that meeting with the President?

14          A     She didn't -- if she's saying -- I'm sorry; if she's saying this, this did not  
15     happen, and the answer is no. And this is frightening if -- I'll shut up, but the answer is  
16     no.

17          Q     Okay. In the last one as a topic point, and, again, asking if you heard this,  
18     that for her agenda it was to keep the fringe on the fringe. We have at alterative  
19     states -- I think it's a typo; it means stages -- available. Do you remember that coming  
20     up, the concept of the fringe and keeping them on the fringe?

21          A     No. I think this is a woman who got one meeting with the President and  
22     got very over excited and exaggerated a lot, in my opinion, from what I understand from  
23     that meeting. I'm sorry.

24          Q     Did you understand -- while you were in the meeting, did you understand  
25     her to be acting in an exaggerated fashion or an unprofessional manner?

1           A     No, no. The -- no. But these notes, they -- this isn't computing with the  
2 meeting. That's why I'm kind of confounded. I mean, I remember the meeting. I'm  
3 talking to you. I'm fully complying. That's, to my knowledge, not accurate  
4 information, but okay.

5           Q     All right. Did you have an understanding coming out of the meeting who, if  
6 anyone, within the White House or anyone, whoever, would be reaching out to these  
7 Members of Congress to see if they would participate in the rally?

8           A     I -- no. I had -- I didn't know who would be reaching out to those  
9 individuals.

10          Q     Give me one moment. Okay. If we look at exhibit 2, page 2, if you  
11 remember, Mr. Miller, these are the President's tweets in a certain timeframe. And  
12 we'll look at -- rather, page -- I mean, page 11. Sorry about that. And, if you go down  
13 and stop right there, there's a tweet there on December 26th of 2020 at 7:51 a.m., and I'll  
14 read it for you so you see it.

15          It's a retweet, and it's retweeting someone with the handle @ali -- A-l-i -- and it  
16 says: Our friend, Congressman @andybiggs4az -- his Twitter handle -- has this video  
17 message for our Arizona #StopTheSteal rally, #DoNotCertify, #JAN6. It continues, but  
18 this doesn't capture it all. @ali is Ali Alexander, and you will see that the President's  
19 tweet was deleted after he posted it. Did you have any knowledge at the time when  
20 this tweet was sent or why it was deleted?

21          A     No.

22          Q     Okay. Did you understand coming out of the dining room meeting that the  
23 President asked Ms. Pierson to follow up with Dan Scavino about Ali Alexander and him  
24 participating at the event on the Ellipse on the 6th?

25          A     I don't know about that.

1           Q     Did you understand there to be any asks from the President coming out of  
2     that meeting for people to take care of when they left?

3           A     Can you be more specific?

4           Q     I wasn't there, Mr. Miller. I'm asking you. Did you understand the  
5     President to have made any asks of you, Ms. Pierson, or Mr. Peede, as best you  
6     remember, coming out of that meeting?

7           A     The only -- no, there wasn't a -- there wasn't a direct ask. The only thing he  
8     actually asked me, my advice and opinion on, were those speakers, and that was it. And  
9     then Bobby, and I had discussed the logistics of the event itself and how we were going to  
10    get him there and then get him back to the White House after.

11          Q     Did you and Mr. Peede stay until the end of the meeting, or was Ms. Pierson  
12    still in the room when you left?

13          A     I think Bobby and I hightailed it out of there. She stayed behind for maybe  
14    a couple seconds, but she followed very shortly after. I don't believe there -- to my  
15    knowledge, there was a -- I don't believe there was a private meeting, to my knowledge.

16          [REDACTED]   And I'll note for the record that Mr. Schiff has joined us. Good  
17    afternoon, and thank you for being here.

18               BY [REDACTED]

19          Q     Now, did the -- during the meeting in the dining room, did the idea of the  
20    President proceeding or walking to the Capitol on the 6th after his speech come up?

21          A     Walking to the Capitol, no.

22          Q     Driving to the Capitol?

23          A     It came up.

24          Q     Okay. How did it come up, and what was discussed?

25          A     He brought it up. He said: I want to go down to the Capitol.

1           And I said: No.

2           And then Secret Service said no, and then that was it. And there was --

3           Q     So, when you say "he," who do you mean brought it up?

4           A     The President did.

5           Q     So that was in the dining room meeting?

6           A     Very briefly, yes.

7           Q     All right. Why did he say he wanted to go to the Capitol?

8           A     You'd have to ask him.

9           Q     I'm asking you. Did he say why he wanted to go?

10          A     Not to me, no, he didn't express why. That's why I answered in that  
11         fashion.

12          Q     Did he say when he wanted to go to the Capitol in relation to the Ellipse rally  
13         before --

14          A     No.

15          Q     -- or after?

16          A     We never got that far in the conversation, sir.

17          Q     Why not?

18          A     He had the idea, and then I shot it down immediately.

19          Q     Why?

20          A     I'll tell you why: Because you would never take a sitting President of the  
21         United States, any single one of them, and drive them through thousands of people, and I  
22         mean thousands of people. Number one, that is not safe for the sitting President of the  
23         United States; but, number two, it is also not safe for general attendants out there.

24           What happens if somebody had an IED or a pipe bomb or anything could go  
25         wrong, and then not only can you not extract the President out, and you can't because if

1       they're going to be bottlenecked surrounded by people, that's a scary situation. It  
2       just -- it would never happen. It was never -- we never even got that far. It was a  
3       simple: There's no chance that this is happening.

4           And then Secret Service immediately said: He's right; we're not driving you  
5       down there. And that's where it started, and that's where it ended.

6       Q     So there was someone else in the room with you, there was Secret Service?

7       A     No. To clarify, after he must have talked to Secret Service, because I've  
8       read statements from the President saying: Secret Service wouldn't let me go.

9       Q     Okay. But you weren't personally a part of those conversations if they took  
10      place?

11      A     Correct, I was not present for those.

12      Q     Okay. Now, I mean, to state the obvious, it is done to move the President  
13      between crowds of thousands of people, at least on inauguration, from the Capitol to the  
14      White House, right? So it was at least not something to discuss --

15      A     Yeah, but you're talking about an NSSE, and I know you know what that is,  
16      and I know you know how many law enforcement that's brought in from outside of the  
17      D.C. to come in as well as the National Guard would be implemented. If it was an NSSE,  
18      sure, then we could've done it. But that's impossible, and you know that. That's a silly  
19      question.

20      Q     What is an "NSSE," for the record?

21      A     Oh, my God. My full understanding of the acronym it's national  
22      security -- ah, God, I forget the rest, but it's -- and I apologize for my ignorance about  
23      that. But we do it for every Super Bowl that happens in this country. We do it for any  
24      major national security event, including the World Series, and all conventions politically.

25           It is the safest way that you can produce an event to that size to make sure

1 anybody who is in that designated area is safe, as well as designating first aid kits -- sorry,  
2 zones, First Amendment zones, X, Y, and Z. It is an entire overhaul of a process that  
3 actually needs to be approved by both, I believe, DHS and the Department of Justice  
4 congruently.

5 Q Okay. Couple followups on that. Did you understand by that point in the  
6 dining room meeting, Mr. Miller, that there would be thousands of people moving from  
7 the Ellipse to the Capitol at the end of the event?

8 A We had estimated 20,000 people to come. I mean, they had -- they had  
9 been promoting the Save America March. I mean, there are dozens of marches that  
10 happen all the time. It was implicated. I put two and two together and would assume  
11 that they would peacefully march down to the Capitol.

12 Q And, again, that's -- we have to ask because we don't know your answer, and  
13 that's when you say the President would have to proceed through thousands of people,  
14 that makes sense, because if they were moving, he'd have to move through them. Is  
15 that what you're talking about, about why it was a bad idea?

16 A Well, yes. And if you've ever been in a hectic situation, if you're in a vehicle  
17 and thousands of people are surrounding the vehicle, you're not even going to be able to  
18 move forward or laterally, and there's no magic helicopter coming down from the sky to  
19 extract the President, so yes.

20 Q Now, as we talked about earlier, the President did, in fact, drive past the  
21 rally on November 14th of 2020 in his motorcade where there were tens of thousands of  
22 people. Do you remember that?

23 A No, and I wasn't involved in that.

24 Q Okay. Are you aware that it did, in fact, happen though safely?

25 A From reading about it in the news.

1           Q     Okay. You mentioned earlier, when you were talking about the NSSE  
2 event, that you need a lot of troops, a lot of bodies to make it safe. And did it actually  
3 come up in this dining room meeting whether and how many troops or law enforcement  
4 the President thought should be in the city on the 6th?

5           A     No.

6           Q     He didn't talk -- did he bring up the National Guard?

7           A     Not to my knowledge.

8           Q     All right. If we can look at exhibit 21.

9           A     Yeah, you're going to show me the text message about the National Guard  
10 and the procession. I'm aware.

11          Q     Okay. So we're going to start -- on this first page of exhibit 21, it's  
12 January 4th. As you've said earlier, this text exchange is after the meeting in the dining  
13 room with Ms. Pierson, right?

14          A     Right.

15          Q     Okay. And so the first thing she sends is an emoji of her popping a  
16 champagne bottle. Did you understand that to be an expression of celebrating how the  
17 meeting went?

18          A     Like -- as I said, if you've never, you know, had exposure to the President of  
19 the United States frequently and you've just seen him, yeah, I think she was probably  
20 really riding high.

21          Q     Did you understand Ms. Pierson not to have been around the President  
22 many times in her career up until that point?

23          A     Over the course of the past 4 years, frequently, no.

24          Q     And so you respond to her: You did a great job killing some of those  
25 speakers.

1           So which of the speakers were you referring to?

2           A     The same ones that I mentioned beforehand.

3           Q     None of whom are actually on her proposed agenda that she had typed up  
4     beforehand, right?

5           A     I suppose so.

6           Q     Okay. And she responds: Hallelujah, praise the Lord Jesus. Amen.

7           And you say: Crushed it, but, man, he thinks a million people are coming,  
8     oomph. That's "he" being the President?

9           A     That's correct.

10          Q     You got that impression based on what he was saying about the crowd?

11          A     Yeah. I mean, look, you don't want to -- look, you care about somebody.  
12         They expect a million people. You know, I thought he was only going to get 20,000.  
13         That's embarrassing. It's embarrassing for him, and, you know, you always try to protect  
14     your principal to the best of your ability.

15          Q     And she writes: I tried to help manage expectations.

16          And you said: You did.

17          Do you remember what Ms. Pierson was telling the President to manage his  
18     expectations on this point?

19          A     That she's referencing crowd size as the -- right above.

20          Q     And your next comment is: Just glad we killed the National Guard and a  
21     procession, which she hearts, you know, to say she likes or loves. Do you see that?

22          A     I do, yes.

23          Q     All right. So you've already talked about the procession idea. What was  
24     the reference to the National Guard?

25          A     The reference to the National Guard, it came up and it was gone, so that was

1 it. When I saw the document that you guys provided with Katrina's  
2 handwritten -- annotated notes about 10,000 National Guard, to my recollection, I don't  
3 remember him ever saying this specific number or really bringing the Guard up.

4 I mean, you have to understand, this is why I'm a little confounded. Me, Max  
5 Miller, Bobby Peede, and someone who doesn't even work in the government, why that  
6 conversation for the most part would even be taking place; I wouldn't even know what to  
7 do, and neither would Bobby, in order to activate the National Guard. That is a chief of  
8 staff matter.

9 Q So he works for the chief of staff. You could've told him, right?

10 A Yes, I could've told him, but I didn't, and, I mean, there it is.

11 Q What did the President say about the National Guard?

12 A He said: Do you think we need National Guard?

13 Q Why did he ask -- did he say why he was asking?

14 A No.

15 Q And what was your response?

16 A From everything that I had seen, he didn't need National Guard. I mean,  
17 look, the threat assessment level that I was told on a very low level, and I didn't get read  
18 in as high as probably some of the people on this call, was that it was a relatively low  
19 threat level. I mean, we were -- you know, from what I understand from MPD and  
20 Secret Service, as well as CPD is, you know, the threat level wasn't going to be that high.

21 Now, I will tell you one thing, which I do find interesting. The White House did  
22 have anti-scaling fence up while the Capitol did not. And I don't know what  
23 conversations took place from this communication in order for that to happen, but, I  
24 mean, the White House had anti-scaling fencing up, the Capitol didn't.

25 Q Thanks for that. You mentioned CPD. Was that Capitol Police

1       Department you're referring?

2           A    That's correct.

3           Q    Okay. Now, if you continue on to page 2 of your text exchange with  
4       Ms. Pierson, you got -- exchange friendlies. And you go down to January 4th at 8:09  
5       p.m., she sends -- Ms. Pierson sends you a link to an article on Politico about "D.C.  
6       National Guard activated to respond to pro-Trump protests." Do you see that?

7           A    Yes, I do.

8           Q    Okay. And if we look at exhibit 7, you will see a copy of that article. So,  
9       again, it's the political article from January 4th, "D.C. National Guard Activated to  
10      Respond to Pro-Trump Protests." And if you turn to page 2, you see the first full  
11      paragraph, that D.C. Mayor Muriel Bowser requested the city's National Guard support  
12      local police in handling the influx of people expected in D.C. on Tuesday and Wednesday.

13     Do you remember reading this article, Mr. Miller?

14           A    No, I have never seen it before.

15           Q    Well, I mean, Ms. Pierson texted it to you. I guess, you didn't click the link?

16           A    Well, I mean -- sorry, yeah, I didn't click the link. I didn't read it.

17           Q    On page 3, and this is just for context, if you look in the second full  
18      paragraph that starts "Protests coming," it says: Four rallies are planned throughout the  
19      city on Wednesday, Wednesday the 6th, and online chatter has indicated that the  
20      protests could turn violent, NPR reported.

21     Were you aware as of January 4th that there were reports and concerns about  
22      violence on the 6th?

23           A    No.

24           Q    So, when you told the President there was no National Guard necessary, it  
25      was based on not know -- your belief there was no risk of violence that you were aware of

1 at the time?

2 A Correct. Also, I'm not the one who makes that decision. He asked me my  
3 opinion. If you think that I carried that much weight in the White House, thank you.  
4 That's awesome. But that's certainly not the case.

5 Q Okay. So, if we go back to exhibit 21, and we'll go back to where -- page 2.  
6 Now, Ms. Pierson follows that up with -- I think that's an emoji showing that she's  
7 laughing so hard she's crying. And then you go to page 3, and you respond, you know:  
8 Haha, I know. I fucked myself, but chief already had said no for days. The man is never  
9 wrong.

10 Do you see that?

11 A Yes, I do.

12 Q All right. Now, earlier you said -- when you referred to the chief, you said  
13 that was Mark Meadows. Is that who you're referring to here?

14 A Yes.

15 Q Okay. And you said -- that's in response to Ms. Pierson sharing the article  
16 about the National Guard. So had you had conversations with Mark Meadows about  
17 the deployment of the National Guard for days before January 4th?

18 A No. I've heard -- I heard Mark talk about it, and it was also brought up in  
19 our daily ops meetings.

20 Q What had he been saying about it, that is Mr. Meadows, about the National  
21 Guard and whether to have them deployed in D.C. on the 6th?

22 A I didn't have intimate conversations about it. I just knew surface-level  
23 material. So we would sit in meetings Monday, Wednesday, Friday in the Roosevelt  
24 Room in the White House. They were operations meetings. We would then, you  
25 know, try to get information from every, you know, kind of department that was

1 underneath the Deputy Chief of Staff's Office.

2 Those offices included the director of advance. It included the White House IT.  
3 It included O&A -- or sorry, Office of Administration, as well as Management  
4 Administration. It included the SAIC from the Secret Service and the director of the  
5 White House Military Office, as well as his counterpart, and the President's physician as  
6 well. So this is where I found out about that he had been saying no for days and people  
7 were echoing that sentiment.

8 Q Why was it a point of discussion if everyone was echoing it and  
9 Mr. Meadows was saying no? Was someone advocating for the National Guard to be  
10 deployed?

11 A The only person that I remember lobbying for the National Guard was the  
12 President.

13 Q Now, you said the chief had already said no for days. You're saying this on  
14 January 4th.

15 A Right.

16 Q So you've been aware several days before that that the President had been  
17 saying that the National Guard should be there?

18 A No, you're inferring that I know some type of private conversation that  
19 happened between Chief Meadows and the President of the United States. That's not a  
20 fair thing to lay out, to know. I don't know what they talked about. I'm telling you the  
21 truth, which is I knew it on a surface level and was able to respond with that.

22 Q So, when you told the President no, you were echoing what you had heard  
23 from Mark Meadows and others in meetings you had had on this topic?

24 A That is correct. Thank you.

25 Q Now, you follow up that comment to say: The man is never wrong.

1                   Presumably you're referring to the President?

2                   A     Yep.

3                   Q     Okay. And in response to the article saying that Muriel Bowser had asked  
4     for National Guard troops to be deployed. Is that right?

5                   A     That's correct.

6                   Q     All right. So, to your knowledge, Mr. Miller, and given that you would be in  
7     meetings with the chief of staff, Mr. Meadows, and others, as you just described, was  
8     that request from the President to have National Guard ever escalated outside of the  
9     White House?

10                  A     I would not know anything about that.

11                  Q     Well, you said it was a topic of conversation at the meetings you'd have.

12                  A     Well, yeah.

13                  Q     Hold up. I'll ask, did it ever come up again after this that you heard that a  
14     request was made by the White House to have National Guard deployed on the 6th?

15                  Mr. Zukerman. Wait, wait, wait. Wait, wait. Could the court reporter please  
16     read that question back?

17                  [The reporter read back the record as requested.]

18                  Mr. Zukerman. If you could, please, articulate an understandable,  
19     comprehensible question, I would appreciate that.

20                  ██████████ Sure.

21                  Mr. Zukerman. I can't even understand the question.

22                  BY ██████████

23                  Q     Okay. So you make this comment in the text, Mr. Miller, about the man,  
24     that is the President, never being wrong on the evening of January 4, 2021, to be precise.  
25     Between then and when the event on the Ellipse happens on January 6th, 2 days later, to

1 your knowledge, was a request from the White House made to have National Guard  
2 troops deployed in the city on the 6th?

3 A I don't know that. I don't know. I don't know the answer to that.

4 Q Now, the number 10,000 National Guard troops is reflected in Ms. Pierson's  
5 handwritten notes. Do you remember that number coming up --

6 A No.

7 Q -- in the meeting in the dining room?

8 A I don't remember that number at all.

9 Q Okay. If we go to page 37 of this exhibit, which, again, are your text  
10 messages with Ms. Pierson, if you go down to February 9th at 1:06 p.m., Ms. Pierson texts  
11 you a link to an article in The Epic Times that is titled in her text: Trump offered to  
12 deploy 10,000 National Guard troops in D.C. ahead of January 6th, colon, Mark Meadows.

13 And you respond: That's true. He did want more there.

14 So what was that based on, Mr. Miller, when you said that?

15 A The same conversation, that the President said he wanted the National  
16 Guard.

17 Q And --

18 A In terms of quantifying how many people, he never brought up a number.

19 Q But the number in that article, 10,000, is the same as reflected in  
20 Ms. Pierson's notes, you do see that, right --

21 A I do.

22 Q -- in the dining room meeting? Okay.

23 All right. Going back to earlier in your exchange with Ms. Pierson on page 4,  
24 okay, so, on January 5th of 2021, at 10:28 in the morning, Ms. Pierson sends you a picture  
25 that, based on the signage, is in the D.C. area. Do you see their references to Reston

1 and Herndon and Dulles Airport?

2 A Yes.

3 Q Okay. And you see that it's a picture of a vehicle, appears to be a truck,  
4 with signs on the back and American flags. And the signs say: Stop the Steal, Trump  
5 won, arrest the deep state traitors.

6 Do you see that?

7 A I do.

8 Q And your response was the: Haha, love it.

9 A Yes.

10 Q What about this did you love?

11 A Nothing. If you look at the rest of my text messages with Katrina, they're  
12 very short. I mean, keep on going, in all seriousness. I mean, I was literally just  
13 responding not to respond. I mean, look, you can keep on looking. I mean, you will  
14 see it. They're very short. But in terms of what I meant by that on that day, I don't  
15 remember.

16 Q Did the comment "arrest the deep state traitors," did that give you any  
17 concern about the sentiment coming into the 6th of the people who were coming to  
18 town?

19 A No. I mean, you guys have to remember, in 2015, on the campaign, Donald  
20 J. Trump was chanting: Lock her up, lock her up, lock her up, right.

21 I mean, like it was -- that was -- his entire 2015, '16 campaign was predicated off  
22 of that. We've seen a lot of this rhetoric on both sides. I've seen it from Republicans,  
23 and I've seen it from Democrats, especially at some of Trump's rallies with our First  
24 Amendment zones for Democrats. So I see this, and great, move on.

25 Q Now, were you aware, Mr. Miller, at this time that there had been violent

1       protests at State capitols in the country, to include at -- in Oregon and in Michigan?   Had  
2       that been something that you'd been aware of?

3           A     I knew that protests were going on in this country for the last year and a  
4       half.

5           Q     But particularly at State capitol buildings, were you aware of those?

6           A     No.

7           Q     Were you aware in November -- on November 18th of 2020 that Ali  
8       Alexander, Alex Jones, and Vernon Jones with many protesters went into the Georgia  
9       capitol building?

10          A     I was not, but can I ask a question, sir?   What are you driving at?   I don't  
11       know any of these people.   I don't even have their phone numbers.   I've never talked  
12       to them in my life.   So I'm -- for my own edification, I'm not trying to be rude; I'm trying  
13       to understand your line of questioning here and where you're going with this.   Just get  
14       to the point.

15          Q     That was the point.   So we'll keep going.   So page 21 to page 37 is -- well,  
16       we already covered that.

17          So, in terms of the reach out to the Members of Congress that you discussed that  
18       came up in the dining room meeting, if you look at page -- exhibit 23, and that will come  
19       up in a moment.   So, if you back out, now these are text messages that you produced, I  
20       believe, with Megan Powers.   Is that right?

21          A     Correct.

22          Mr. Zukerman.   [REDACTED] this might be a natural time for a break.

23          [REDACTED]   Sure thing.   That's great, Larry.   That's fine.   How much time do  
24       you need?

25          Mr. Zukerman.   I just -- I have a medical condition that [REDACTED].   I'm

1 [REDACTED]. So, if we could just have a 15-minute break, I'd appreciate it.

2 [REDACTED] Sure.

3 Mr. Zukerman. All right.

4 [REDACTED] Okay. Well, we'll get back on the record around 1:15. Thanks,

5 Larry.

6 Mr. Zukerman. All right. Thank you.

7 [REDACTED] And we're off the record at 1:02 p.m.

8 [Recess.]

9 [REDACTED] Back on the record. It's 1:21 p.m. All right. Mr. Raskin has  
10 joined, as you might be able to see.

11 Mr. Miller, can you hear me, just so we're clear?

12 The Witness. Yes, I can hear you.

13 Mr. Brown. Just letting you know, gentlemen, if our -- if this computer dies, we  
14 will need to switch over to another one.

15 [REDACTED] Understood. Understood.

16 Mr. Brown. I know that happened earlier, but it might again. Okay?

17 BY [REDACTED]

18 Q All right. So, you know, as I said, Mr. Miller, we've been proceeding  
19 through chronologically. Can you hear us?

20 A I can, yes.

21 Q Okay. Great. All right. And Mr. Brown is now seated.

22 So, just rounding out January 4th, Mr. Miller, just on the National Guard points  
23 and when you expressed to Ms. Pierson that you were happy that the idea of the National  
24 Guard that the President brought up was killed, why were you glad or happy that that  
25 idea was killed, particularly to the National Guard?

1           A     From everything that I was told, it wasn't necessary.

2           Q     And I'll say for the benefit of everyone who's on, we'll get through  
3     January 5th, and it will be a natural stopping point for other people if they have questions  
4     up until then, and then we'll cover the day of January 6th, okay. But very -- we can go  
5     quickly through January 5th, Mr. Miller.

6                 I directed your attention and I'll ask to bring it up again to exhibit 23, a text  
7     exchange with Megan Powers that you produced. And we're on page 2 of that text.  
8     Do you see that?

9                 [REDACTED]     Oh, no. Did they drop off? All right. For the record, it appears  
10    that Mr. Miller and his counsel's computer or their network has gone down and they're  
11    no longer participating. It's 1:23 p.m. I'm going to go off the record and try to  
12    coordinate to get them back on.

13                 [Recess.]

14                 [REDACTED]     We're going to go back on the record at 1:25 p.m. Mr. Miller,  
15    Mr. Zukerman, Mr. Brown, we've resolved the technical issues. Thanks for joining us  
16    again. And, as I said earlier, Mr. Raskin is -- has joined us, so thank you.

17                 BY [REDACTED]

18           Q     Sticking on January 5th and with Ms. Powers -- and, Mr. Miller, if you can't  
19    read it, I'll read it to you.

20           A     I can.

21           Q     Okay. So the morning of January 5th, Ms. Powers reaches out to you to ask  
22    and says: This was the list from meeting yesterday, right, and lists the six Members of  
23    Congress, you know, the three Representatives, the three Senators we discussed earlier  
24    that were handwritten on Ms. Pierson's notes.

25                 Do you see those names?

1           A    I do, yes.

2           Q    Okay. And you respond to her: Yeah, but none of them, to my  
3         knowledge, have been reached out to.

4           Now, I know this is the next morning after the meeting, and you said you didn't  
5         take notes. Did you have some sort of list or was something generated that you could  
6         refer to to know those were the six people the President had talked about, or you're just  
7         working from memory? Do you know?

8           A    No, working from memory.

9           Q    All right. And her response is, Brian is doing it. He just wanted me to  
10        confirm with you that you heard the same list, and you respond, yeah. Stopping there,  
11        did you understand her to be referring to Brian Jack?

12          A    That's correct.

13          Q    All right. Did you yourself have any involvement in reaching out to any of  
14        those six Members of Congress?

15          A    No, zero.

16          Q    All right. Did you ever talk to Brian about his reach out, whether he did or  
17        not, to these folks?

18          A    I don't recall.

19          Q    All right. You follow up in responding to Ms. Powers: But POTUS also  
20        said, quote, if they need time to defend their position, they should do that instead, closed  
21        quote, but he, the President, approved them. Do you see that?

22          A    I do, yes.

23          Q    All right. So it sounds like, at least at this time you had, when you're  
24        sending this text, you had some memory of the discussion of these particular Members or  
25        them joining. So can you provide more of what you remember if anything more beyond

1       this about the discussion around Member participation?

2           A     I don't -- I don't recall. I mean, I confirm that I -- you know, I gave you the  
3     certain names of elected officials, and you saw the list, but there's nothing more that I  
4     can add other than what I have already stated within the text message.

5           Q     Sure. So, in terms of defend their position, were you referring to them  
6     preparing to participate in the session of Congress on January 6th about the certification  
7     of the election?

8           A     You would have to ask President Trump about that. I quoted him there. I  
9     don't want to speculate exactly what he meant.

10          Q     All right. And how are you able to quote him there if you weren't -- if you  
11    didn't take notes or memorialize it?

12          A     I mean, I did tell you that I memorialized the meeting, and there are things  
13    that I remember, which I have complied fully with, and there's some things I told you in  
14    full honesty that I don't remember.

15          Q     Okay. All right. If we continue on to the next page of that same exhibit,  
16    you see, later on the 5th, if we go down to the -- at 10:05 p.m., Ms. Powers writes to you:  
17    Were you in the meeting when Ken Paxton came up?

18          And you respond: Yeah.

19          And she asks: What did the boss say?

20          You respond: No.

21          And so, number one, this is Ken Paxton, the attorney general of Texas we're  
22    talking about?

23          A     Yes, that's correct.

24          Q     All right. And so when you respond, it sounds like, at least at this time, you  
25    had remembered hearing what the President said about Mr. Paxton and whether he

1 could participate?

2 A That's correct.

3 Q All right. And, if you remember, Ms. Pierson had drawn a line through his  
4 name to indicate, I think, that he was not going to participate. Do you remember that?

5 A Yes.

6 Q All right. Did the President, to your memory, say anything in particular  
7 about Mr. Paxton and why he would not speak?

8 A Not to my knowledge.

9 Q All right. Now, that same evening, Megan Powers sends an email to you  
10 and several other people, about the ROS, the run of show, and I think that's at exhibit 25.  
11 Do you see that it's at January 5th at 10:45 p.m. from Megan Powers to various people,  
12 including Jared Small, Mr. Peede, and yourself?

13 A That's correct.

14 Q Okay. Standard operating procedure, let the folks who need to know what  
15 the run of show is going to be for the event, I imagine?

16 A Completely. We did this before every single event.

17 Q Okay. And the names that are on there, I'm just going to go through a few  
18 of them briefly. If you go -- if you scroll down a bit so that we can see the bottom of  
19 that page, now you see at 8:45 a.m. to 8:50 that Mr. Scavino is listed as a speaker. Now,  
20 he obviously did not speak. Do you know why he did or did not on the 6th actually end  
21 up speaking?

22 A I do not know why.

23 Q By this point, Mr. -- Representative Brooks is listed as speaking, and then, in  
24 italics, Senator Hawley is listed. By that point, to your knowledge, did you know that  
25 Representative Brooks had confirmed he would, in fact, be speaking by the night before?

1           A    To my knowledge, no.

2           Q    Okay. Did you have any conversations with Representative Brooks or his  
3        staff about him participating?

4           A    Zero.

5           Q    And Senator Hawley, did you have any interactions with him or his staff  
6        about whether he would participate?

7           A    Zero.

8           Q    Now, if we go back to your text exchange with Ms. Pierson, so it's exhibit 21,  
9        and specifically page 7. For reference, if you want to see the date, I apologize, if you  
10      look at page 5, you will see that you all are texting on January 5th. I'll just show you at  
11      the top. So do you see there at the top it's January 5th, the evening of there?

12         A    Yes.

13         Q    And it looks like Ms. Pierson sends you a display -- a picture of what the  
14      grounds look like as setting up, and you can see the White House in the back of the stage,  
15      and I think you respond, you know: Looks great. The WH, or the White House, in the  
16      tight shot is money.

17         That was just to show you the date.

18         And then, if you go back -- you continue on to the next page, you'll see it's all in  
19      the same date. It doesn't carry on to the 6th. And then, on page 7, she says to you,  
20      that is Ms. Pierson: I'm really struggling with Alex Jones being there.

21         And you respond: He's not speaking tho, right, question mark. He's got a huge  
22      following but he's -- and it's an emoji of nuts.

23         Do you see that?

24         A    I do, yeah.

25         Q    And she responds, in all caps: NOT SPEAKING.

1           And then, down below, you say: Hahaha, he's a scary dude.

2           Is that in reference to Alex Jones?

3           A     It sure is.

4           Q     All right. And, again, just coming back to it because you all are talking  
5     about him, do you remember whether he came up as a point of conversation in the  
6     dining room meeting, that is Alex Jones?

7           A     For Alex Jones, I don't.

8           Q     Okay. Had you talked with Ms. Pierson separately about Mr. Jones or  
9     others outside of the dining room about whether they would speak on the 6th?

10          A     No. The only conversations I had about Alex Jones would've been through  
11     the text messages of which we're reviewing right now.

12          Q     All right. And when you say he's a scary dude, what did you mean by that?

13          A     He's incendiary, and you know what I mean by that.

14          Q     So there's a text exchange, we don't have to see it, Mr. Miller, where I think  
15     it's a gentleman named, at least last name is Palmisano, I think I have that right.

16          A     Yeah.

17          Q     So that's P as in Paul, a-l-m-i-s-a-n-o. Was he an assistant or some or the of  
18     adviser to the First Lady?

19          A     Yeah, he was the director of advance for the First Lady.

20          Q     All right. And he text you to let you know, I think the morning of the 6th,  
21     that she would not be attending the event on the Ellipse?

22          A     That's correct.

23          Q     All right. Do you know why she was not attending?

24          A     No.

25          Q     Okay. And you do have -- you referenced it earlier an exchange of texts

1 you had with Ross Worthington, one of the speech writers about the President's remarks.  
2 Beyond the text exchange, did you have any involvement in the drafting of the speech for  
3 the President for the Ellipse event on the 6th?

4 A No.

5 Q And you've said you didn't see a draft in advance so you didn't know what he  
6 was going to say on the morning of the 6th?

7 A In the 6 -- in the 5 and a half years that I have worked for then Mr. Trump  
8 and President Donald J. Trump, I have never seen one of his speeches or reviewed them  
9 with him in all of my time.

10 Q Okay. And you make -- you bring up just a small point that a colleague  
11 asked me to clarify. I think way back at the beginning when you said when you started  
12 with the Trump administration, I think you referenced starting in January of 2016, and I  
13 didn't catch it at the time but that was when the election season was going on. Did you  
14 start working with Mr. Trump when he was a candidate? I'm only asking just --

15 A I conflated the dates. I started working for him in early 2016 and then was  
16 in the administration in 2017. [Inaudible] thank you for clarifying.

17 Q Yeah. Sure. All right. So I'll take a break here, Mr. Miller, and see if  
18 anybody has any questions for the topics we've covered up through January 5th, so the  
19 day before the event.

20 A Sure.

21 Q Okay. I don't see anybody going off mute so we'll keep going. Okay. So  
22 the -- on January 6th, were you in Washington, D.C., that day?

23 A I was, yes.

24 Q Did you end up going to the Ellipse event at any point?

25 A I did.

1           Q     Do you remember about when you arrived?

2           A     Yes, I arrived about 30 minutes before the President arrived.

3           Q     So, if -- do you remember when the President arrived, roughly the time?

4           A     I know it was pushed back, from my recollection, I'd want to say around

5     11:15 or 11:30, but don't hold me to that. I'm just guessing here.

6           Q     I know, it's been a year. We get it. I think your text with Justin or

7     Mr. Caporale could help on that, and so we'll just go there because you also exchanged

8     with him some other information. If we look at exhibit 14 and we go to page 12, okay,

9     just to what you were saying. You tell Mr. Caporale: Pushing him back to around

10    11:30.

11           I imagine "him" is the President?

12           A     That's correct.

13           Q     All right. And you say: If it changes, you'll let him know.

14           And then, down at the bottom of that page, you confirm that it's, in fact, 11:30.

15     Is that right?

16           A     Yes.

17           Q     All right. Did you walk over to the Ellipse?

18           A     I did, yes.

19           Q     All right. Where did you walk from?

20           A     I probably left lower West Wing lobby and cut through the Ellipse, right

21     where the Ellipse parking is, and I have a hard PIN and credentials, so I was able to access

22     it.

23           Q     Now, what time had you arrived that morning at the West Wing, if you

24     remember?

25           A     My guess, 8 a.m., 8:30 a.m.

1           Q     Was there any reason to report to the West Wing that morning as opposed  
2     to the Executive Office Building where your office was?

3           A     No, I didn't report to the West Wing. That's where I parked. I parked on  
4     west exec.

5           Q     I see.

6           A     I mean, yeah. And I would frequently go -- I mean, I had privileges to use  
7     the Navy Mess. I'd be in there all the time, so there -- you know --

8           Q     But, when you left to walk over, you'd been in the West Wing?

9           A     Yeah.

10          Q     Okay. Now, had you seen -- had you been in -- had you talked to the  
11     President that morning before you left to go to the Ellipse?

12          A     No.

13          Q     Okay. Had you seen the chief, Mark Meadows, that morning before you  
14     left to go to the Ellipse?

15          A     Briefly, like walking past each other in the hallway.

16          Q     Did you have any substantive conversation or just a hi/bye, sort of thing?

17          A     Pretty much, hi/bye.

18          Q     All right. How about Mr. Scavino? Did you see him that morning before  
19     you left?

20          A     I did.

21          Q     You did. And what did -- what, if anything, did you talk about?

22          A     Nothing work related. Dan's a close friend of mine. I don't recall the  
23     conversation.

24          Q     Now, if we look at the exhibit that's still on the screen but go back to the  
25     prior page, which is page 11, and we go down to the -- yeah, that's better. If we can go

1 down to the bottom. Now, obviously, there's some changes in who speaks actually on  
2 the 6th as opposed to what Ms. Powers sent the night before.

3 A Correct.

4 Q And so we're just going to talk through that. But, before we get that, look,  
5 is it -- and I'm just trying to ask so we don't have to spend much time on it -- was there  
6 some drama between Ms. Wren and then Ms. Pierson in the morning that you helped  
7 with just to clear some stuff up at the Ellipse talking them through?

8 A I mean, I know what you're seeing in text messages. I didn't get involved in  
9 any of their little skirmish. So I don't know the details as to why they got in an argument  
10 with one another. All I know is that, at the time, I wasn't the biggest fan of Caroline  
11 Wren. Katrina said she had an issue with her. It was hers to take care of. I was in my  
12 office at the White House.

1

2 [1:38 p.m.]

3

BY [REDACTED]

4 Q And, specific to Ms. Wren, did Ms. Pierson ever share with you that she was  
5 having a disagreement with Ms. Wren about the run of show and who would speak at the  
6 Ellipse?

7 A I don't recall. I know there's text message exchanges, and I'm sure if I say I  
8 don't recall, you're going to bring up anyway to refresh my memory, but, yeah, so. I  
9 don't know what it was about.

10 Q Do you recall a Breitbart article that ran on January 3rd that Ms. Wren was  
11 the anonymous source for about who would speak with the President on the 6th? Does  
12 that ring a bell at all?

13 A No. And I wouldn't even know that she was an anonymous source in an  
14 article because they're usually not.

15 Q Okay. All right. So you say in this -- in this text message on January 6th at  
16 10:03 in the morning, to Mr. Caporale: Rudy is a go.

17 Is that Rudy Giuliani?

18 A Yes.

19 Q And so what did you mean by that? He's someone you advised the  
20 President not have speak, so why is he coming up here?

21 A That's correct. Well, I was in the White House, and Mark Meadows said:  
22 Go get Rudy Giuliani.

23 So then I texted Justin: Rudy's a go, go get him. Or if you could scroll down to  
24 see whatever I said next.

25 Q Sure.

1           A     And then, let's see, yep. And also for John Eastman and Vernon, those  
2 both came from Mark. There was a call at 10:34 a.m. -- Mark Meadows called me -- that  
3 you have on call logs -- to make sure that those speakers were taken care of, to which  
4 that they were.

5           Q     Why did Mr. Meadows say that Mr. Giuliani was going to be speaking?  
6 Who made that decision?

7           A     You're going to have to ask Mark Meadows.

8           Q     How about with regard to Mr. Eastman?

9           A     It goes for all of the above, sir.

10          Q     Okay. And Vernon, is that Vernon Jones from Georgia?

11          A     Yes.

12          But just to state for the record, as you can see, with the majority of the speakers, I  
13 had nothing to do with them, at all, so.

14          Q     Now, when you got to the Ellipse at 11, or roughly 11, whenever it is you  
15 arrived, what did you do when you got there?

16          A     When I got there, I went into the off stage announce area. I went to  
17 WHCA, to make sure that the mike was working and that the sound was where it should  
18 be, using [inaudible] arrays, those things you have to play with EQ levels or you'll get a  
19 nasty screech nobody likes. So -- and that's what I did.

20          And then, when he got there, I briefed him and -- I briefed-- sorry -- I briefed the  
21 President of who was there to greet him on arrival. And then, after that, I just was  
22 there, and then I left 20 minutes into the speech.

23          Q     Okay. And we're just going to break that down so we understand. Did  
24 you do anything about walking the perimeter to see how the Service was doing or get any  
25 sense from them about the posture of attendees getting in and out of the Ellipse?

1           A     I talked to the counter assault team, and I also talked to the detail leader at  
2     the time, yes.

3           Q     Okay. And what did --

4           A     -- walk the perimeter. Look, I was in the Marine Corps. I'm not in the  
5     Marine Corps now. So I don't have a weapon, and I don't have Kevlar, so, I mean, that's  
6     their job, not mine.

7           Q     Okay. Fair enough. What did you hear from them when you talked to  
8     them about how, from their perspective, the event was going to that point?

9           A     I mean, everything was -- was fine, to my understanding. I mean, look, the  
10   conversations that the Secret Service have, in terms of a threat assessment level, are kept  
11   extremely internal, except for a very high level. And I -- I don't meet that prerequisite.  
12   I mean, I was a deputy assistant to the President. I wasn't an assistant to the President.  
13   So, you know, when it comes to continuity of government and things like that, I'm not  
14   who you go to. So I wouldn't be privy to that information.

15          Q     Did they show you particulars about any things they were confiscating from  
16   people who were attending or had confiscated that morning in terms of weapons and  
17   that sort?

18          A     I didn't hear about weapons, but I heard about body armor, that individuals  
19   had body armor out in the crowd.

20          Q     And did the Secret Service tell you what they had done about that?

21          A     No.

22          Q     Had you heard that people were leaving backpacks outside the gates to the  
23   event? Is that something that came up?

24          A     That's -- I don't want to speculate. I don't know.

25          Q     Okay. That's fine. So the backstage, just the setup, physically, of how it

1 was back there, so we understand the kind of in-and-out with the President, do you  
2 remember what the set-up was? Were there different rooms or under tents?

3 A It was just one long tent. The President's limo pulled up. He walked  
4 probably around 60 feet, and there was one connecting tent with a chute to another tent,  
5 and that was the off-stage announce area.

6 Q At what point did you brief him when he arrived, right when he got out of  
7 the car?

8 A Yes.

9 Q And what information did you relay to him?

10 A All I relayed is here are these three people.

11 Q Well, who are the three people? I'm sorry. We don't know.

12 A I know, I know. But, to my recollection, it was Amy Kremer, Justin  
13 Caporale, and I believe Julie Fancelli.

14 Q Okay. And it's essentially to say thank you, to have the President say thank  
15 you to them, as I imagine, for helping to put on the event?

16 A Correct. This is, once again, standard operating procedure for anywhere  
17 that the President goes.

18 Q It's a common courtesy.

19 A Correct.

20 Q Did -- what was the President's mood? Was this -- this is the first day you'd  
21 seen him that day, the 6th. Is that right?

22 A Correct.

23 Q And what was his mood as best you could tell?

24 A His mood -- I mean, I don't recall. I don't want to speculate.

25 Q But anything out -- nothing out of the ordinary stands out to you from what

1 you remember about that day about his mood?

2 A In terms of his interaction with me, no.

3 Q Okay. After you tell -- you brief him, did he meet, in fact, the three people  
4 that you believe were there?

5 A Yes.

6 Q Okay. And then what happened with the President, so far as you could  
7 observe?

8 A That interaction took more -- I mean, sorry, took less than probably 5  
9 seconds, and then he went to the off-stage announce area to go review his speech.

10 Q Did you follow with him to help him with that?

11 A There's nothing for me to help, so no. I mean, I was back there, but I don't  
12 review his speech with him.

13 Q What did -- what was your perception of the crowd size, given your  
14 experience and seeing prior rallies and looking out in the crowd? Was it less than you  
15 had expected? More?

16 A I would -- for a Trump rally, I would say it's about average.

17 Q So, when the President got up to speak, you said you stayed for about 20  
18 minutes during his speech?

19 A That's correct.

20 Q And what did you do at that 20-minute mark?

21 A I went back to the White House, and the first stop that I made is I went to  
22 Tony Ornato's office, who is my direct report, and I said: Hey, boss, I'm going home.  
23 And he looked at me, and he was like: All right, drive safe, I'll see you tomorrow.

24 And that was it.

25 Q All right. Why did you decide to go home in the middle of the speech and

1 call it a day, so to speak?

2 A Well, let's see. I'm going to be out of a job in roughly, what, 14 days from  
3 that point. It was about 30 degrees outside. I was cold, and I was tired, and I had just  
4 worked my butt off on an election as hard as I possibly could without any sleep. Being  
5 there, for me, I got no -- there was nothing for it. I just wanted to go home, and I did.  
6 And I told my boss, and I have witnesses who can attest to that. And that's that.

7 Q All right. And I imagine you stayed home through the rest of the day?

8 A I went to the gym to go work out, and then I came home.

9 Q If we can go -- well, let me put it this way. When did you first become  
10 aware that -- of the violence at the Capitol on the 6th?

11 A After I got back from the gym.

12 Q Do you remember roughly what time that was?

13 A I'd like if you guys could pull up my call log so you can see the time.

14 Q Would that help? Sure. So if we look at exhibit 11 --

15 A Because I want you to pull up the time from when I left the White House,  
16 there's a period of time, there was about 4 or 5 hours, of no phone calls.

17 Q And I think what you're referring to is, if we look here, I don't know if it's too  
18 small but at January 6th, 2021, you have a call from Mr. Caporale at 10:40 a.m.

19 A Uh-huh.

20 Q And the next call that's reflected on your records is 6:40 p.m. on January 6th,  
21 so, as you said.

22 A So why I wanted you to bring that up is to show you, look, no one called me,  
23 right, when things were going wrong -- or whatever happened on that day. I'm trying to  
24 put this into perspective for you all, that if I was actually a power player for this event  
25 itself, Mark Meadows would have been calling me. Tony Ornato would have been

1 calling me. Dan Scavino would have been calling me.

2 I mean, I just wanted to bring that up, just to share with everyone who's listening  
3 and on the committee, it's -- I mean, you have to understand, if I was truly integral into  
4 this whole event, you better believe that I would have been getting a million fricking  
5 phone calls, and my butt would have been at the White House in .2 seconds, but --

6 Q Yeah.

7 A -- we can move on from there. So thank you.

8 Q No, I appreciate your perspective, and actually my colleague just corrected  
9 me. I need to point something out about the phone records is --

10 A -- it's 5 minutes, isn't it?

11 Q No, no, no, no. So what that is, is a sign of Greenwich Mean Time. I don't  
12 know if in the military you know what that is. So --

13 A [Inaudible.]

14 Q -- each line reflects whether the time is either at Greenwich Mean Time or  
15 off of Greenwich Mean Time by some amount. And, at that time of year, the East Coast  
16 is 5 hours off Greenwich Mean Time. So, when you see the 6:40 calls on January 6th,  
17 the one after Mr. Caporale, you have to take 5 hours off. So that would be 3; that's  
18 1:40 p.m.

19 A Well, why don't we put the -- why don't we put the time to the side. Look  
20 at -- what I want you to look at, is, look at who called me. Did anyone important actually  
21 call me? Seriously, did anyone important in the White House structure call me? The  
22 answer is no. Forget the time. Time is not important. I just, you know, whatever.

23 So I'm telling you, I'm trying to comply and be as truthful as I possibly can, guys.  
24 What happened on that day is horrific. People who broke the law and breached the  
25 Capitol should be held responsible and accountable.

1           But when you, you know, you want to subpoena people like me, you know, you're  
2 fishing, and there's not much here, and it's upsetting. And I hope you're doing this in  
3 the correct fashion for the rest of the American civilians you're doing this to, is what I just  
4 want to say. I mean, it's pretty clear cut. I know -- I've looked at documents you have  
5 from Katrina Pierson that says she is responsible for the speakers.

6           I mean, she has taken full responsibility for it in an email -- or in a text message  
7 thread, and you guys continuously ask me about my involvement when I told you I was  
8 involved with four speakers because the President asked my advice and opinion.

9           This is something I had nothing to do with in terms of the speakers or the lineup.  
10 I mean, you guys are kind of beating a dead horse here. That's --

11          Q     Okay. I appreciate your perspective.

12          A     Look, look, Counsel, I'm just trying to be helpful, man. I'm really just trying  
13 to break it down to you on a human level that you guys are fishing really hard.

14          Q     All right. So, if we look at exhibit 21 at page 19 with Ms. Pierson --

15          [REDACTED] I'm sorry, [REDACTED] Can you repeat the exhibit number?

16          [REDACTED] Sure. It's exhibit 21 at page 19. And if you could zoom out.

17          BY [REDACTED]

18          Q     Okay. And so these are messages exchanged between you and Ms. Pierson  
19 on January 6th. She writes you at, I guess that's 3:04 p.m., and Mr. Miller, I imagine you  
20 know that's while the attack on the Capitol is still going on.

21          Are you -- I can't see if they're still on. Are they still there?

22          A     Yeah, we're here.

23          Q     Okay. All right. Thanks.

24          And she writes to you: I hear shots. I live at [REDACTED]

25          I imagine you understand [REDACTED] is in downtown D.C.?

1           A    Yes, I know exactly where.

2           Q    All right. And you say: Fuck, this is really bad.

3           And she says: Yes, expected as much.

4           And you said: Haha, this bad, question mark.

5           Now, I imagine, probably home from the gym by this point, you're able to see at  
6           least news reporting about what's going on.

7           A    Yeah, as well as, you know, I don't know, a bunch of harassment notes in my  
8           building that people said that I was responsible for the lives that were lost on that day,  
9           also threatening my life, but yes, continue.

10          Q    Right. That's after the attack was through, though, right? In terms of  
11          focusing on when the attack happened, were you watching TV or monitoring it on your  
12          phone?

13          A    No. When I went home, I turned on the TV, and I was shocked.

14          Q    Okay. And -- and it's reflected. And we turn to the next page, and you  
15          had asked Ms. Pierson whether, you know, she -- she said she expected as much.

16          And you said: This bad?

17          And she said: Yes.

18          And your response is, as you've said: Well, this is really --

19          A    I don't mean to cut you off. As I told you, I'm a United States Marine. I  
20          took an oath to protect this country both foreign and domestic. What you're seeing  
21          here is a reflection that, yes, I was disgusted. I mean, we don't need to keep on going  
22          over it. Whatever happened on that day was awful. People who breached the Capitol  
23          and committed crimes should be held accountable and punished.

24          So, yes, what you're reading is true. I mean, there's nothing more to go over  
25          here. I -- it's an awful thing what happened on that day, and unfortunately we will have

1 to relive it every year and then teach our kids this day in history so they never forget it.

2 Q Right. To that point, at the bottom of that exhibit on page 20, in response  
3 to your comments just like you said, or similar, Ms. Pierson says, in all caps: And  
4 THIS -- you can go down further, please -- is why I fought so hard to keep certain people  
5 off that damn stage. Do you understand what she was saying there and what she  
6 meant?

7 A Look, she lost control of that stage. People -- remember, and go back to  
8 your text thread with Mark Meadows and her where she takes full responsibility for the  
9 speakers. So stop shifting it my way. But, yes, when it says, "This is why I fought so  
10 hard to keep certain people off the damn stage," she lost control of the stage. That  
11 entire event was chaos. People got on that stage and spoke that I didn't even know  
12 about until weeks later. Okay? I mean, there was no command presence there, and it  
13 was not organized, and it was not structured in such a way as a normal Trump event  
14 around it.

15 Q Understood. And to that point, on the next page of the text message, she  
16 tells you -- I think you referred to Mr. Meadows, but some are to you -- she says: Good  
17 news is that I was able to keep the crazies off the stage. I stripped all branding of those  
18 nuts and remove videos of all of Caroline's psychos so nothing could touch POTUS  
19 directly.

20 To which you respond: Thank God.

21 When she says "Caroline," did you understand that to be Caroline Wren?

22 A Yes.

23 Q And when she said "so nothing could touch POTUS directly," and refers to  
24 nuts and psychos, what did you understand her to be saying?

25 A I don't want to speculate.

1           Q     Well, you said, "Thank God," so you must have had an understanding at the  
2 time about what you believe she meant.

3           A     Yeah. I could also think about people a year ago who I may have been  
4 thinking about and other people right now a year later. I'm trying to be as honest as I  
5 can be with you. I do not specifically recall.

6           Q     Did you understand this to be, she's referring to the types of people, the  
7 nuts and psychos, who could incite people to do the kind of violence that happened at  
8 the Capitol?

9           A     And, once again, I don't want to speculate. Look, if this was a year ago and  
10 you interviewed me, boom. It's over a year. So I'm really trying here. I don't know.  
11 I don't recall.

12          Q     If you continue on, she comments at the bottom of the page: This would  
13 have been worse that's a fuck up. This would have been Trump planned it. I didn't  
14 know what was going to happen at the capital. I knew it wouldn't be good -- if you  
15 continue to the next page, it carries on -- and that's why I could not be flexible at all on  
16 this one.

17          So, again, just consistent with the message, she's saying about keeping the nuts  
18 and psychos off the stage.

19          A     One -- one could infer that, which you are, and I would agree.

20          Q     Okay. You know, later that day, Mr. Miller, or the next day -- it's at page  
21 27. It's the afternoon of January 7th. Again, you see Ms. Pierson just asking what you  
22 understand her to be saying, if you do. She says: Let me know if you guys need  
23 anything. If he wants to lead the modern revolution, quote, peacefully, I'm down.  
24 There has to be a strategy. I'm going to lean in regardless once the dust settles. He  
25 should declassify the swamp.

1           And you respond: We've got to figure something out.

2           And, again, Ms. Pierson continues: It would make his life a lot easier if he would  
3 just declassify all the corruption in D.C. Then people would understand the seriousness.  
4 Draining the swamp is something he should have done the moment he stepped into the  
5 building.

6           Now, the "he" she's referring to is President Trump?

7           A     Yeah.

8           Q     Do you know what she's talking about here, when she talks about  
9 declassifying all the corruption or -- or declassifying the swamp?

10          A     I don't know what she meant by declassification, but in terms of the deep  
11 state, I have an understanding, yeah.

12          Q     So what was your understanding of what she was referring to that way?

13          A     Well, I'll give you my own personal story, and hopefully the analogy will  
14 make sense. I was overseas, and I was using a Foreign Service officer as an interpreter in  
15 a meeting in the West Bank. That FSO told me that they didn't like President Trump  
16 and -- you know, so I then looked at that career Federal bureaucrat and said, "I cannot  
17 trust you to use you as my interpreter in this meeting," to which that individual got  
18 mouthy with me, and then I got rid of that individual and brought a political in who knew  
19 how to speak the language.

20          So, when you have career officials who work in the Federal Government who  
21 aren't willing to support the current administration, that is what I would classify as the  
22 deep state. Not only does that affect the President, but it affects every American  
23 civilian, including yourself, for the betterment of the country.

24          Q     So did you interpret her to be saying that it was someone within the deep  
25 state or a government employee who had helped to stage January 6th at this time?

1           A     I don't know what she was inferring by that. I'm just telling you that I do  
2 believe that there's some corrupt Federal career bureaucrats in our government who  
3 have been tenured and have been there way too long, just like a bunch of career  
4 politicians.

5           Q     All right. And understanding that, you know, we don't have with us the  
6 records of any calls you would have made on your work cell phone issued from the White  
7 House, do you recall having any calls with Mark Meadows on January 6th after the attack  
8 occurred?

9           A     I don't recall.

10          Q     How about with Mr. Ornato?

11          A     I don't recall.

12          Q     I think that we can take a -- for the day of -- is that -- okay. I'll stop there to  
13 see, Mr. Miller, if anybody has any questions further to the day of January 6th.

14          A     Sure.

15               [REDACTED]     Okay. No one's going off mute, so I think we're good there.

16               [REDACTED]     For me, you've met [REDACTED]. He has some questions to ask, but I'll step back.  
17               And, Larry, did you need to take a break now? I don't know how much longer we  
18 might have, but I don't think too much longer.

19          Mr. Zukerman. No, no, no. Let's just -- I got my -- my sugar.

20               [REDACTED]     Okay. All right.

21          Mr. Zukerman. Some glucose.

22               [REDACTED]     And, candidly, I shouldn't be too long.

23               BY [REDACTED]

24          Q     Mr. Miller, I appreciate it. As [REDACTED] mentioned, my name is [REDACTED]  
25               [REDACTED]. I'm a senior investigative counsel with the select committee as well, and I do

1 want to -- it's going to jump around a little bit, but it's all basically stuff that we touched  
2 upon. But I'd just like to drill down a little bit more.

3 So you mentioned earlier that you left the administration around July or  
4 summertime of 2020 and went to the campaign, right?

5 A Yes.

6 Q Why did you go to the campaign for those few months?

7 A President Trump asked me to go.

8 Q Why?

9 A Because he trusted me and what happened after that the Tulsa, Oklahoma,  
10 rally. It was the main consensus in the White House that I could oversee that entire  
11 operation on a larger scale to make sure something like that never happened again.

12 Q Okay. So -- so going over there, the purpose was still largely event  
13 planning, coordination, advance work on the campaign side. Is that fair?

14 A Just on steroids, yeah.

15 Q Okay. Fair enough. And, when you were over there, did you hear  
16 anybody at the campaign talking about alternative electors? And I'll use that term, but  
17 let me define it for you really quickly just so everybody's on the same page.

18 A I can already tell you, no. You can define the term and waste our time, but  
19 the answer is no.

20 Q Okay. Sure. Let me just do that really quickly. It's about having electors  
21 from the various States use their electoral college votes on President Trump as opposed  
22 to President Biden. Does that make sense to you?

23 A I know what you're saying. The answer is no; I've never heard any  
24 conversation like that.

25 Q Okay. And, just to be clear, the question I asked was whether you heard it

1 at the campaign. Did you ever hear it from the White House either, once you returned  
2 to the White House?

3 A The first time I'm hearing it is from you.

4 Q All right. Very good. I appreciate that. Thank you for clarifying there.

5 In the meeting on January the 4th, you talked about how you were interested or  
6 at least recommended that the President not have Mr. Giuliani, Mr. Eastman, General  
7 Flynn, and Ms. Powell speak at the event on January 6th. Is that right?

8 A That's correct.

9 Q Okay. With respect to Mr. Eastman in particular, I know you mentioned  
10 that you had never met him, but what about him did you not like? And let me rephrase  
11 that. What about him made you not recommend him as a speaker?

12 A For the same situation as Rudy Giuliani. Look what all of them have in  
13 common, all four of them. All four of them are still active in litigation up until this day.  
14 So, you know, once again, my job is that I'll never put a -- you know, someone on the  
15 stage with the President of the United States that may embarrass him.

16 Q And when you say "active in litigation," can you just clarify what you mean  
17 by that?

18 A Yeah. I mean, I think you guys know that Rudy Giuliani and Sidney Powell  
19 and a lot of these guys are stuck in active litigation with Dominion and things like that and  
20 with these voting machines and their election claims and what not. And there are  
21 irregularities that they claim.

22 Q And so was it your concern -- I understand that you're concerned that they  
23 were involved in litigation, but were you concerned that they were going to make similar  
24 comments like they had made that resulted in the litigation?

25 A I think you know what I'm saying.

1           Q     I don't, Mr. Miller, and that's what I'm asking.

2           A     Come on, man. You're asking me the same question that he asked me in  
3 just a different way. I told you, I did my very best to remove four of those speakers. If  
4 anything, you two should be looking at me and saying thank you, instead of just grilling  
5 me. All right? Now, on that day, I got overruled by Mark Meadows, who wanted Rudy  
6 Giuliani to speak. Go talk about -- go talk with Mark about how that happened. I don't  
7 know. But, you know, I already answered this question seven times. Move on, let's  
8 go.

9           Q     So, no, I'm just going to drill down on that a little bit because, you know, I'm  
10 asking for a purpose. And so was it your concern that those speakers were going to  
11 raise the types of claims that resulted in them being dragged into litigation?

12          A     Didn't I literally just say to you that irregularities, claims that they have made  
13 in terms of the election fraud claim, that is one of the specific reasons that I cited not to  
14 put him on stage? I've said that several times.

15          Q     So what you said, Mr. Miller -- Mr. Miller, what you just said is that you were  
16 concerned because they had been dragged into litigation, and I was wondering if it was  
17 the same topics that you were concerned about them raising. So you can just say yes or  
18 no if it's something else.

19          A     Great.

20          Q     So I'll ask it again just to -- I mean, I don't want to delay this --

21          A     Move on, move on. Yes. Let's go.

22          Q     Mr. Miller, I'm going to ask this until you answer.

23          A     I just said yes.

24          Mr. Zukerman. You can keep -- you can keep asking. He answered the  
25 question.

1           The Witness. I just said yes.

2           Mr. Zukerman. If you want to just continue this, that's fine. Go talk to the  
3 chairman and certify the question.

4                                  [REDACTED] So, Mr. Miller, I --

5           Mr. Zukerman. If you feel -- listen, [REDACTED], if you feel he hasn't answered  
6 the question, certify it and take it to the chairman. Move on.

7                                  [REDACTED] And while you were speak- -- while you were speaking,  
8 Mr. Zukerman, I think Mr. Miller said yes to my previous question so I'm happy to move  
9 on, and I appreciate it.

10           Mr. Zukerman. He said it before I started -- he said it before I started speaking if  
11 you check the record with madam court reporter.

12                                  [REDACTED] I'd be happy to, and I thank you for the clarification on the answer  
13 there.

14                                  BY [REDACTED]

15           Q     In that meeting -- and I'm going based on the exhibit involving Ms. Wren,  
16 your text messages with Ms. Wren, I believe, where you quoted the President --

17           A     I don't have any text messages with Caroline Wren.

18           Q     I'm sorry. If you give me just one moment, Mr. Miller.

19           A     Do you even know what you're doing with your job? You just accused me  
20 of having text messages with Caroline Wren. You need to get your crap in order, man.

21           Mr. Zukerman. Well, they just discontinued it, I guess.

22           The Witness. No, they didn't. They're right there. They just put us on mute.

23                                  [REDACTED] And, Mr. Miller, I apologize. Let me --

24           The Witness. Look, look, look, look, let me say something, and then I'll give you  
25 the time to talk, all right? I understand that you guys are doing your job, and I'm

1 complying with you, but you've had a year, okay, and not only that, you just accused me,  
2 as Mr. Kinzinger did before about this "I'm being prosecuted," which, by the way, I will  
3 notify people, as well as you just said Caroline Wren's text message from me.

4 All that I expect from you two, who are professionals within our United States  
5 Government, is that you know how to do your fricking jobs. And I'm not seeing it. So  
6 accuse me of something else again like that and you're wrong and we read it back from  
7 the court reporter, I'm not going to stand for this. This is an abuse of power. But go  
8 on.

9 [REDACTED] Sure, Mr. Miller. And I misspoke. It was Ms. Powers that you  
10 were exchanging text messages with and that were up on the screen. So I apologize  
11 that I made I mistake.

12 But it was Ms. Powers and you said on January 5th that the President said, quote:  
13 If they need time to defend their position, they should do that instead.

14 I know you spoke to [REDACTED] about that, but just to be clear, did that occur in  
15 the January 4th meeting that you had with Ms. Pierson?

16 Mr. Zukerman. You know what, Madam Court Reporter, please repeat that  
17 question. It makes zero sense. Nobody could possibly answer it, but please read it  
18 back.

19 Is there no court reporter?

20 [REDACTED] There is. I think she's on mute. Mr. Zukerman, would it be okay  
21 if I just rephrase it for you?

22 Mr. Zukerman. Is it possible?

23 [REDACTED] Sure.

24 Mr. Zukerman. -- that makes no sense.

25 [REDACTED] I'm going to read you a quote that you texted to Ms. Powers. It

1 said: POTUS also said, quote, if they need time to defend their position, they should do  
2 that instead, end quote.

3 Mr. Zukerman. So, once again, what's the question?

4 [REDACTED] The question is, did the President, in your --

5 Mr. Zukerman. He texted? Yes, he texted it. Okay, what's the next question?

6 The Witness. You know, your counterpart already brought this up before, and I  
7 asked him -- so he asked me, and he read -- he quoted the same thing as you just read  
8 verbatim for the text message, and my answer to him was that you'd have to go ask  
9 Donald Trump because I'm not Donald Trump and I'm not going to speculate.

10 You're -- you're asking the same question, and you're just phrasing it differently.

11 It's word salad. It's like Biden talking at a press conference. It's awful.

12 BY [REDACTED]

13 Q Mr. Miller -- Mr. Miller, my question is this, if you let me ask it. Did the  
14 President say that during your meeting on January the 4th with Ms. Pierson?

15 A I don't recall.

16 Q Okay. Thank you. That was my only question. I wasn't asking you to  
17 speculate at all. I appreciate that.

18 A Yeah, but you guys are taking the same question, and you're just phrasing it  
19 differently. I'm not an idiot.

20 Q So one of the things that you said with [REDACTED] was that you had heard  
21 reports that people showed up at the January 6th rally with body armor, Kevlar, I believe,  
22 were your words. Is that fair?

23 A Yeah.

24 Q Are you aware of any other events where people showed up -- excuse me.  
25 Are you aware of any other rallies that the President put on where people showed up in

1       Kevlar or body armor?

2           A     No. I mean, we can go to the 2015 convention -- or sorry -- 2016  
3       convention in Cleveland.

4           Q     People showed up there?

5           A     Well, I saw a bunch of Democrat protesters with body armor on East Fourth.  
6       And if you were down there too, you would have saw the same thing. This is not,  
7       unfortunately, in our society, it's somewhat common. You see it on both sides.

8           Q     Are you aware of any others? And I'm just asking what you're aware of as  
9       well.

10          A     Yeah. I mean, if you're going to call it out on our side, then I'll call it out on  
11       the others. But, I mean, yes, at these rallies, I mean, yeah. If you would've gone to  
12       Trump rallies throughout the administration and when he was campaigning, you would  
13       always see a First Amendment zone. And those First Amendment zones would be full of  
14       people who dislike the President -- the sitting President at the time, and yes, some of  
15       those individuals would even have body armor on. And -- it's been around.

16          Q     Okay. Now, when you showed up to work on the 6th, I know you parked  
17       on West Exec Drive, and you went into the Oval Office. At that time, there was  
18       also -- it's been reported that there was a meeting with the President in the Oval Office  
19       where he went over his speech, and folks like Ivanka Trump, I think, General Kellogg were  
20       there. Were you a part of that meeting?

21          A     No.

22          Q     Are you aware of what happened at that meeting?

23          A     No.

24          Q     Now, you said that you exchanged some brief words with Mark Meadows,  
25       and I believe some of the text messages about Mr. Giuliani and others being added to the

1 speaker list came up. What else do you remember about your conversation with  
2 Mr. Meadows that morning on January 6th?

3 A That was pretty much it.

4 Q Just adding speakers?

5 A I mean -- not adding speakers -- I mean, you got to remember, as I've stated  
6 now for the seventh time, you know, the only reason why I was invoked in this entire  
7 speakers mess is because the President asked me my advice and opinion on four  
8 individuals out of, you know, a couple dozen that you guys have provided, that you have.

9 So, in terms of that, no. I mean, Mark asked me to go get Rudy. You see phone  
10 calls. You see the text messages to Justin saying to go get him, and that was it.

11 Q Okay. Later that day, I understand you went home -- you went to the gym  
12 and then went home, excuse me -- are you aware of a video that the President put out  
13 that afternoon; essentially it's a message to what was going on at the Capitol?

14 A The first time I saw that video is when we were going through the  
15 documents the other day -- or yesterday.

16 Q Fair enough. So nobody called you or asked you about it or asked for your  
17 suggestions about this video at the time?

18 A I wasn't even at the White House.

19 Q Okay. And nobody reached out to you about it either?

20 A No. I'm -- I mean, I know it's a weird nuance. Advance is not  
21 videography. It's a separate department within the White House.

22 Q Now, I do want to ask you about another meeting. So that January 4th  
23 meeting you had, I know Mr. Eastman, Mr. Giuliani, all of that came up. I'm not going to  
24 ask you about that again. But were you aware that Mr. Eastman was actually in the  
25 White House that same day, on January the 4th?

1           A     No.

2           Q     Okay. Do you know anything about a meeting between the President, the  
3     Vice President, and others that day, January the 4th?

4           A     No.

5           Q     Are you aware of any meetings, either that you were a witness to or heard  
6     about, involving the President and the Vice President, with respect to the Vice President's  
7     role on January the 6th?

8           A     No. I wasn't even -- to my recollection, I wasn't even in the Oval Office on  
9     the 6th.

10          Q     And I apologize, I can't remember if you said this. Did you go back on the  
11        7th?

12          A     No. I stayed home.

13          Q     All right.

14          A     As I believe the majority of people did.

15          [REDACTED]     Okay. That's all I have. Thank you, Mr. Miller.

16          [REDACTED]     I just want to stop here, and we'll see if anybody else has any  
17     questions before we end for the day.

18          No?

19          All right. I don't see anybody else coming off mute to ask questions. So,  
20     Mr. Miller, thank you. I hope you're able to correct the -- the issue with your computer,  
21     but we appreciate you taking the time, and we're done for the day. And we can go off  
22     the record. It's 2:13 p.m.

23          [Whereupon, at 2:13 p.m., the deposition was concluded.]

## 1                   Certificate of Deponent/Interviewee

2

3

4       I have read the foregoing \_\_\_\_ pages, which contain the correct transcript of the  
5       answers made by me to the questions therein recorded.

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10                  Witness Name

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14                  Date

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